

December 30, 2021

Via email

Members of the 180/400-Foot Aquifer Subbasin Committee  
Salinas Valley Basin Groundwater Sustainability Agency  
P.O. Box 1350  
Carmel Valley, CA 93924

Re: **Proposed change to storage reduction Sustainable Management Criteria**

Dear Committee Members:

I write on behalf of LandWatch Monterey County regarding the proposed change to the sustainable management criteria (SMC) for reduction in groundwater storage. LandWatch asks that the 180/400 GSP continue to specify the minimum threshold for reduction in groundwater storage in terms of extractions and be set at the “total volume of groundwater that can be withdrawn from the basin without causing conditions that may lead to undesirable results,” as is required by the SGMA regulations. (23 CCR, § 354.28(c)(2).)

**A. SGMA requires the groundwater storage SMC’s to be specified in terms of extractions. Staff have not clarified the intent of the proposed storage SMCs or explained how they would be used to manage the subbasin.**

Currently the minimum threshold (MT) and measurable objective (MO) are based on extractions and set at the level of 112,000 AFY. (180/400 GSP, p. 8-26.) An undesirable result would occur if extractions exceeded the MT/MO in an average hydrological year.

Staff has now proposed that the MT be based instead on groundwater level changes for the non-seawater-intruded area plus seawater intrusion for the seawater-intruded area.<sup>1</sup> Staff has not proposed actual numeric levels for the proposed thresholds other than that they be of “similar intent to original GSP.” Staff do not specify the intent of the existing SMCs except to note that the existing SMCs provide “a logical basis for managing extractions” and “direct implementation of regulations that state pumping is the metric to use.”<sup>2</sup> Again, the regulation in question is 23 CCR section 354.28(c)(2), which expressly provides that the MT must be specified as “a total volume of groundwater that can be withdrawn from the basin without causing conditions that may lead to undesirable

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<sup>1</sup> See Montgomery & Associates, Technical Memorandum, December 24, 2021, available at pdf pages 8-10 of <https://d3n9y02raazwpg.cloudfront.net/svbgsa/e2b432e9-634c-11ec-85e3-0050569183fa-ed9fe6eb-9410-446c-8e20-bb140a046169-1640737167.pdf>; see also or presentation slides at pdf pages 39-43.

<sup>2</sup> Id., pdf page 40.

results.” The obvious management intent of this regulation is to provide a basis for pumping allocations. Allocations remain a central part of the 180/400 GSP.

It is unclear how the GSA would use storage SMCs based on groundwater levels changes and seawater intrusion data to manage the subbasin or pumping volumes. Staff acknowledge that under the new method it is "almost impossible to show a significant correlation between groundwater elevations and 'a total volume that can be extracted.'"<sup>3</sup> As staff have acknowledged, the regulations “state pumping is the metric to be used.”<sup>4</sup> The regulations facilitate basin management by directly connecting allowed extractions to undesirable results. Before changing the existing storage SMC’s the GSA must explain how the proposed GSP would be used for subbasin management.

**B. The GSA should not set a groundwater reduction SMC that is based on groundwater levels below sea level.**

As LandWatch has previously objected, the 180/400 GSP improperly sets groundwater level SMCs below sea level, and thus at a value that fails to support attainment of the SMCs for seawater intrusion. i.e., halting intrusion at the 2017 line of advancement.

SGMA requires that each minimum threshold must avoid *each* undesirable result because it requires that “basin conditions at each minimum threshold will avoid undesirable results for each of the sustainability indicators.” (23 CCR § 354.28(b)(2), emphasis added.) For example, the groundwater level minimum threshold must be “supported by” the “[p]otential effects on other sustainability indicators.” (23 CCR § 354.28(c)(1)(B), emphasis added.) This means that each minimum threshold, especially the groundwater level minimum threshold, must be coordinated to ensure that all undesirable results are avoided.

The existing GSP acknowledges that its extraction-based SMC for storage reduction is based on its estimate of the long term sustainable yield of the subbasin and that, to halt seawater intrusion, “there may be a number of years when pumping might be held below the minimum threshold to achieve necessary rises in groundwater elevation.” (180/400 GSP, p. 8-26.) The GSP explains that the existing storage reduction SMC set at long-term sustainable yield would not hinder maintenance of the seawater intrusion SMC:

Pumping at or below the sustainable yield will maintain or raise average groundwater elevations in the Subbasin. Therefore, the minimum threshold for reduction in groundwater storage will not result in a significant or unreasonable increase in seawater intrusion.

(180/400 GSP, p. 8-27.)

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<sup>3</sup> Id., pdf page 42.

<sup>4</sup> Id., pdf page 40.

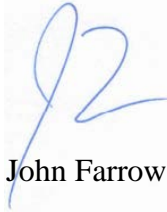
However, the proposed change to the groundwater storage SMCs that would rely on groundwater elevations instead of extractions may result in an SMC that would hinder attainment and maintenance of the seawater intrusion – if it permits groundwater levels below sea level. This would further commit the GSA to the proposed capital-intensive pumping barrier project, a project which the GSA has not yet found to be feasible technically or economically.

As LandWatch has objected, the GSP deferred the identification of the projects or management actions to halt seawater intrusion by equivocating between (1) the “temporary pumping reductions . . . necessary to achieve the higher groundwater elevations that help mitigate seawater intrusion” or (2) a \$102 million coastal pumping barrier requiring perpetual pumping with an annual \$9.8 million O&M budget to avoid these temporary pumping reductions. (180/400 GSP, pp. 8-26, 9-52 to 9-55, 9-87.) Under the barrier scenario, the GSP claims that sustainability can be attained with groundwater levels below sea level without the temporary pumping reductions needed to restore protective groundwater elevations. (180/400 GSP, response to comment 8-139.)

Staff’s current proposal to abandon the existing extraction-based SMCs appears to facilitate adoption of the pumping barrier project by effectively setting different MTs for storage reduction for the seawater-intruded area and the non-seawater-intruded area. If the storage reduction SMCs for the non-seawater intruded area were based on the existing groundwater levels SMCs, which are below sea-level, then the storage reduction SMC would also fail to support the protective elevation approach to attainment of the seawater intrusion SMC. Even if such a change were lawful, the GSA should not adopt it without understanding and justifying the GSA’s commitment to the potentially infeasible pumping barrier approach.

Yours sincerely,

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