



A Nonprofit Housing and Community Development Organization

September 16, 2019

Mid-Kaweah Groundwater Sustainability Agency
144 S. I Street, Suite N
Tulare, CA 93274

Submitted electronically to: midkaweah@gmail.com; jph@midkaweah.org

Re: Comments on the Draft Mid-Kaweah Groundwater Sustainability Plan (GSP)

Dear Mid-Kaweah Groundwater Sustainability Agency:

On behalf of Self-Help Enterprises (SHE), we would like to offer several comments and recommendations in response to the Mid-Kaweah Groundwater Sustainability Agency (MKGSA) draft Groundwater Sustainability Plan (GSP) that was released for a 45-day public comment period on July 31, 2019.

SHE is a nationally recognized housing and community development organization whose mission is to work together with low-income families to build and sustain healthy homes and communities. To date, SHE has supported SGMA implementation through hosting several technical capacity building workshops and assisting communities to participate in Groundwater Sustainability Agency (GSA) meetings.

Our comments and recommendations are provided in an effort to protect the drinking water sources of the vulnerable, and often underrepresented, groundwater users that SHE works with. These users of groundwater that then utilize it for beneficial purposes include: domestic well owners, community water systems, public water systems, schools, and severely disadvantaged (SDAC) or disadvantaged communities (DAC). The submitted comments are intended to assist MKGSA in developing a groundwater sustainability plan that accomplishes the following objectives:

1. Understands disadvantaged communities' unique vulnerabilities and adequately addresses their drinking water needs;
2. Avoids developing groundwater management actions that cause negative impacts to drinking water supplies or cause a disparate impact on low-income communities of color; and
3. Achieves the objectives required by the GSP regulations and California's Human Right to Drinking Water in order to ensure the Mid-Kaweah GSP adequately addresses the requirements necessary for GSP approval by the Department of Water Resources (DWR).

The Department of Water Resources (DWR) will be considering AB 685, which established the Human Right to Water as state law, when reviewing and approving GSPs. GSPs that do not support access to sufficient and affordable quantities of drinking water, or GSPs that impact access to safe drinking water, may require costly and time-consuming revisions prior to approval from DWR.

Detailed comments and recommendations for individual sections of the GSP are included below. SHE partnered with Leadership Counsel for Justice and Accountability (LCJA) to conduct a focused technical review of certain sections of the GSP. Findings of this review are included as "Focused Technical Review" and some of these findings are incorporated and/or referenced in this comment letter.

Here is a summary of a few key comments and recommendations:

Basin Setting

Appendix 2A of the draft GSP includes a discussion of the Basin Setting for the subbasin; however, it is not specific to the MKGSA area and it is difficult to readily understand what parts of this assessment are specifically applicable to the MKGSA. Moreover, the lack of a summary highlighting the main conditions affecting groundwater use and users within MKGSA boundaries challenges a more comprehensive understanding of the key messages and how the data will be further utilized in other sections of the GSP. It is therefore recommended that the GSP include a specific discussion of the Basin Setting and trends within the MKGSA area, particularly pertaining to the groundwater conditions in Section 2 of the GSP. The discussion of local challenges in a single section within the draft GSP would improve the ability of the public to evaluate the basin setting assumptions for reasonableness and completeness to prevent and mitigate undesirable results.

Sustainability Goal

The Kaweah Subbasin sustainability goal draft included in the Mid-Kaweah draft GSP focuses on protecting groundwater for industry uses over quality of water for human consumption, which is counter to the intent of SGMA, and does not reflect the collaborative stakeholder-driven process that took place over the course of several MKGSA Advisory Committee and Kaweah Subbasin Management Team meetings. Upon release of the draft GSP, SHE staff held a community GSP review session in Okieville. At the workshop, participants questioned if agricultural enterprises should be prioritized over human consumption. The proposed sustainability goal fails to meet the requirements of SGMA. SHE recommends ensuring that the sustainability goal includes language that demonstrates MKGSA's intent to support the protection of the Human Right to Water by "preserv[ing] the viability of cities and existing agricultural enterprises as well as the viability of school districts, smaller communities, and households relying on shallow domestic wells," as previous drafts of this statement indicated. Beginning in November 2018 and continuing over the course of several meetings, the MK Advisory Committee spent copious amounts of time discussing what should and should not be included in the Sustainability Goal statement. While perspectives varied, there was general support among committee members to set a Sustainability Goal that includes a protective stance toward groundwater quality, but this was not incorporated into the language. This is disappointing as SHE would like to see clear, proactive steps taken to improve groundwater quality including the requirement for drinking water supplies, which had been included previously in the final draft of the MKGSA, but that has been removed since then. This language has been replaced with a weaker stance for disadvantaged communities instead aiming to "maintain the viability of existing enterprises...both agricultural and urban." Additionally, there is no mention of water quality in the goal statement, and buried within the bullet points that follow is an inadequate note that the GSA will collaborate with other agencies to "decelerate ongoing water quality degradation where feasible."

Groundwater Levels

The current approach to setting Minimum Thresholds (MTs) and Undesirable Results (URs) for groundwater levels does not take into account the needs or potential impacts to public water systems and domestic well users. The draft GSP identifies an impact to 21% of rural/domestic wells. However, SHE's Focused Technical Review identified several data gaps and based on this evaluation, the actual impacts could be much higher with the usability of over 71% of domestic wells in the MKGSA area at risk of being significantly impacted if water levels reach the proposed MTs. MKGSA should set stricter minimum thresholds near vulnerable communities and areas with a high density of domestic wells to avoid disproportionate impacts on protected groups. We also recommend including a definition of a local undesirable result that clearly indicates how MKGSA will locally define and address an undesirable result within its service area and protect beneficial users of groundwater.

Groundwater Quality

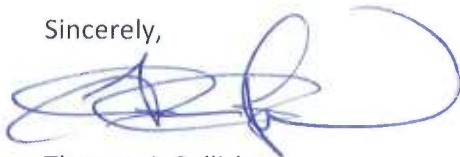
The draft GSP has utilized a good approach by establishing minimum thresholds and measurable objectives based on maximum contaminant levels (MCLs) for contaminants of concern for municipal use. However, the water quality monitoring network for municipal use is not spaced evenly across the area and the analysis presented does not clearly illustrate how the MOs/MTs will adequately ensure that significant impacts to the long-term viability of the groundwater resource will be avoided— particularly for domestic water well users and S/DACs. Please provide a more detailed explanation of how the proposed water quality MT approach and monitoring network will result in protection of groundwater for S/DACs and other drinking water beneficial users. We also recommend developing a warning system that informs MKGSA stakeholders when contaminants of concern have reached 80% of the MCL and expanding the groundwater quality monitoring network near the DACs of Okieville. As an example, the MKGSA could consider incorporating a Representative Monitoring Well (RMW) for both the confined aquifer below the Corcoran Clay and the unconfined aquifer above the Corcoran Clay. Data collected could help in determining if established water quality minimum thresholds and quantifiable measurements of sustainability are met in this SDAC.

Projects and Management Actions - Well Impact Prevention/Mitigation Program

A good partnership has been initiated between Okieville and Tulare Irrigation District (TID) in order to construct a recharge basin upgradient of the community that can bring mutual benefits. This type of partnership can enhance community engagement in projects, increase community awareness of the issues being addressed and establish a framework to support disadvantaged communities in their efforts to secure access to safe and reliable water. SHE also greatly appreciates MKGSA and stakeholder interests in providing assistance to small water systems and domestic well owners without the financial impacts to lower or replace their pump and well facilities. As the assistance measures described in the draft GSP have not yet been approved to be carried out, SHE would like to further express the importance in providing such an assistance program to prevent and mitigate potential impacts to drinking water users. As noted previously, residents that attended the Okieville GSP review workshop questioned if agricultural enterprises should be prioritized over human consumption, expressed concerns over potential impacts to shallow domestic wells and expressed support for the implementation of a mitigation program. Implementing an assistance program and having a robust plan to protect important drinking water sources for small water systems and domestic well owners is demanding of drinking water consumption as a priority. SHE looks forward to the opportunity to support MKGSA in developing a mitigation program that ensures the protection of important drinking water sources and is considerative of MKGSA constraints. Specific considerations for establishing this type of program are provided further in this letter.

Thank you for reviewing this letter and for the consideration of our comments on the draft GSP. We look forward to working with the MKGSA to ensure that the GSP is protective of the drinking water sources of vulnerable, and often underrepresented, groundwater stakeholders. Please do not hesitate to contact us with any questions or concerns, or if you would like to meet to further discuss these important sets of issues.

Sincerely,



Thomas J. Collishaw
President/CEO

Attachments