County of Lassen

OFFICE OF COUNTY COUNSEL

ROBERT M. BURNS
Lassen County Counsel

221 SOUTH ROOP STREET, SUITE 2
SUSANVILLE, CA 96130-4339

☎ (530) 251-8334
FAX: (530) 251-2665

January 3, 2019

Trevor Joseph
Department of Water Resources
Sustainable Groundwater Management Office
P.O. Box 942836
Sacramento, CA 94236-0001

Re: 2018 SGMA Basin Prioritization Process and Results

Dear Mr. Joseph:

On August 8, 2018, a letter (attached) was sent to the Department of Water Resources (DWR) from both the Lassen County and Modoc County Board of Supervisors regarding the 2018 priority rankings for California groundwater basins. The letter was also submitted through the 2018 SGMA Basin Prioritization Public Comment Portal. The letter requested reconsideration of scores given to the Big Valley Groundwater Basin for Components 7 and 8, as well as further justification and clarification of the methodologies used.

In emails dated November 2, 2018 (attached), Ian Espinoza, DWR Engineering Geologist, informed Gaylon Norwood, Lassen County Assistant Planning Director, that all comments received would be considered and that he was not aware of any response to the Boards' comments prepared by DWR. Mr. Espinoza also informed Mr. Norwood that DWR is not obligated to respond to comments, but that an updated process will be applied to all basins if comments concerning the process used in the 2018 SGMA Basin Prioritization are determined to be appropriate.

If it has been determined as appropriate by DWR to apply any updated processes to basin rankings based on comments received, please inform Lassen County on how to obtain information on these changes and their results. However, regardless of any change to process, Lassen County is still requesting justification and/or clarification as to methods used to arrive at the priority rankings. As considerable time was spent evaluating the 2018 ranking system and preparing comments and questions for DWR, it is Lassen County's position that a response by DWR addressing said questions is warranted.

Therefore, in accordance with and pursuant to the California Public Records Act, please consider this letter as a request for all documents prepared by DWR related to the prioritization of the Big Valley Groundwater Basin as a medium priority basin, as well as any documents related to subsequent reconsideration or affirmation of this decision. We look forward to your response within the next ten days.

Sincerely,

Robert M. Burns
County Counsel

cc: Lassen County Board of Supervisors
Modoc County Board of Supervisors
Ian Espinoza, Department of Water Resources

County of Lassen
ADMINISTRATIVE SERVICES

CHRIS GALLAGHER
District 1
DAVID TEETER
District 2
JEFF HEMPHILL
District 3
AARON ALBAUGH
District 4
TOM HAMMOND
District 5

Richard Egan
County Administrative Officer
email:

Julie Morgan
Assistant to the CAO
email: jmorgan@co.lassen.ca.us

Regina Schaap
Executive Assistant to the CAO
email:

County Administration Office
221 S. Roop Street, Suite 4
Susanville, CA 96130
Phone: 530-251-8333
Fax: 530-251-2663

August 14, 2018

Trevor Joseph
Department of Water Resources
Sustainable Groundwater Management Office
P.O. Box 942836
Sacramento CA 94236-0001

Dear Mr. Joseph:

This letter is in regard to the proposed ranking of the Big Valley Groundwater Basin as a medium priority basin pursuant to the Sustainable Groundwater Management Act (Part 2.74 of the California Water Code). The Lassen County Board of Supervisors has elected to be the Groundwater Sustainability Agency for the Lassen County portion of the basin and the Modoc County Board of Supervisors has elected to be the Groundwater Sustainability Agency for the Modoc County portion of the basin pursuant to said Act and has been designated as such. Lassen and Modoc County are working in a coordinated effort to comply with the Sustainable Groundwater Management Act by retaining local control for the benefit of our constituents.

This letter is to provide comments regarding the above ranking and present justification for consideration to reduce the 2018 Big Valley Groundwater Basin prioritization score.

The 2018 ranking considered the following additional criteria that were not previously considered for the 2014 prioritization (2018 SGMA Basin Prioritization Process and Results):

- The updated SGMA provision in component 8 that requires consideration of *"...adverse impacts on local habitat and local stream flows"*;
- Other information from a sustainable groundwater management perspective in accordance with the provision *"Any other information determined to be relevant by the Department..."*;
- Use of updated datasets and information in accordance with the provision *"...to the extent data are available"*.

Based on the SGMA updates to component 8, the 2018 SGMA Basin Prioritization considered the following four new sub-components:

- Adverse impacts on local habitat and local streamflows

- Adjudicated areas
- Critically overdrafted basins
- Groundwater related transfers

Lassen and Modoc County have carefully evaluated the information and data provided to establish the 2018 SGMA Basin Prioritization results. The datasets, methodologies, and documentation provided for this process are an improvement over the previous prioritization, and DWR made efforts to standardize the datasets and criteria used for nearly all the components including Component 7: Impacts. However, DWR did not make adequate consideration of the severity of the impacts for Component 7 and did not apply consistent methodologies and justification for Component 8. Particular inadequacies related to Big Valley's prioritization include:

Component 7 Impacts: Declining Groundwater Levels

Groundwater levels in Big Valley have remained stable in some areas and declined in others over the last 10 years. Declines have been as much as 30 feet, but have been rising since 2016. Prioritization points for declining groundwater level are appropriate in this basin, however the identical score was given to all basins in the state with documented water level declines. This includes critically overdrafted basins where water levels have declined hundreds of feet, chronically over the course of many decades. Evaluating Big Valley's water level declines on par with these basins does not adequately represent Big Valley's priority in the state and therefore we would like to request DWR reconsider the points associated with this portion of the scoring criteria.

Component 7 Impacts: Water Quality

This scoring appears to be based on 14 measurements that exceeded the Secondary MCL (maximum contaminant level) for iron and manganese at the two wells used to supply water to the town of Bieber. Although secondary MCLs are enforceable standards in California, they are *not* due to public health concerns but, due to nuisance and aesthetics such as taste, color, and odor. Iron and manganese are not typically concerns for agricultural use, which is the primary beneficial use in Big Valley. Iron and manganese are naturally occurring minerals that are prevalent in volcanic areas such as Big Valley. These water quality issues are therefore not due to mismanagement of the resource and conversely cannot be substantially addressed through better management. Again, DWR did not make adequate consideration of the severity of this issue, with Big Valley receiving the same number of points as areas of the state that have significant issues with salinity, nitrate, and toxic metals that have a much greater impact on beneficial uses and human health and have the potential to be better managed under SGMA.

Further we ask that DWR consider methodologies for Component 7 to account for the severity of each impact. If those methodologies cannot be developed, we ask that DWR use their discretion to adjust points in consideration of the low level of severity of these impacts for Big Valley.

Component 8b: Other Information Deemed Relevant by the Department

While DWR did apply their methodologies consistently for Components 1 through 7, they were not consistent with Component 8 and provided little justification in applying five (5) points to Big Valley Basin for:

1. "Headwaters for Pit River/Central Valley Project - Lake Shasta"
2. "Extensive restoration project at Ash Creek State Wildlife Area has improved groundwater levels in immediate vicinity of project but declining groundwater levels over past 10 years persist outside of project area which includes numerous wetlands and tributaries to the Pit River."

This limited information about the application of DWR's discretion on these points begs numerous questions such as:

1. What headwaters does this refer to? Headwaters of the Pit River? Headwaters of the CVP? Headwaters of Lake Shasta?
2. What are DWR's concerns relative to Big Valley's position within the watershed?
3. What concerns does DWR have specific to Big Valley, given that there are numerous other groundwater basins within the Pit River, Lake Shasta, CVP and State Water Project watersheds that were not awarded these points?
4. Why are water levels in the vicinity of Ash Creek and other wetlands considered "other information deemed relevant"? Wasn't this information already considered in Component 7: Declining Groundwater Levels and Component 8a: Streamflow and Habitat?

Due to the need for further clarification on the preceeding questions regarding component 8b, both Lassen and Modoc GSAs would like to request the points associated with this portion of the scoring criteria be reconsidered.

Lassen and Modoc County understand the vast complexity of evaluating each basins data and information, however, we feel a further assessment of the 2018 SGMA Basin Prioritization score is desired by both GSAs. For the above reasons, Lassen and Modoc County GSAs would like to request an assessment of the questions regarding the basins data, detailed in this letter, to be reviewed for a potential lowering of the overall basin score. We appreciate the consideration of our comments and look forward to hearing from you.

Sincerely,

Chris Gallagher, Chairman
Lassen County Board of Supervisors

Patricia Cullins, Chair
Modoc County Board of Supervisors

Gaylon Norwood

From: Espinoza, Ian@DWR <Ian.Espinoza@water.ca.gov>
Sent: Friday, November 02, 2018 1:58 PM
To: Gaylon Norwood
Cc: Boyt, Jessica@DWR; Ehorn, Bill@DWR
Subject: RE: comments on Big Valley prioritization

Hi Gaylon,

- DWR will consider all comments received, including comments submitted by Lassen County.
- I am not aware of a response from DWR regarding comments received on basin prioritization by Lassen County.

-Ian

From: Gaylon Norwood [mailto:GNorwood@co.lassen.ca.us]
Sent: Friday, November 2, 2018 1:13 PM
To: Espinoza, Ian@DWR <Ian.Espinoza@water.ca.gov>
Cc: Boyt, Jessica@DWR <Jessica.Boyt@water.ca.gov>; Ehorn, Bill@DWR <Bill.Ehorn@water.ca.gov>
Subject: RE: comments on Big Valley prioritization

Ian:

I want to confirm that I understand you correctly. I understand you to say that DWR did (is) consider(ing) all the comments, including the comments submitted by Lassen County. However, DWR is not obligated to respond to specific comments and did not prepare a specific written response to the comments submitted by Lassen County. Is this correct?

In simple language, I just need to know if there is a written response to our comments or not, I understand that you are not required to respond. If there is not a response, I will the Board know that. If there is a response, I would like to see it.

Thank you.

Sincerely,

Gaylon F. Norwood
Assistant Director of Planning
and Building Services
Lassen County
707 Nevada Street Suite 5
Susanville, CA 96130
(530) 251-8269
Fax: (530) 251-8373

From: Espinoza, Ian@DWR [mailto:Ian.Espinoza@water.ca.gov]
Sent: Friday, November 02, 2018 12:51 PM
To: Gaylon Norwood <GNorwood@co.lassen.ca.us>
Cc: Boyt, Jessica@DWR <Jessica.Boyt@water.ca.gov>; Ehorn, Bill@DWR <Bill.Ehorn@water.ca.gov>
Subject: RE: comments on Big Valley prioritization

Hello Gaylon,

DWR will consider comments received but is not obligated to respond to them. Please see the below excerpt from DWR's Basin Prioritization FAQ for more info on this process:

"DWR will consider all comments received during the public comment period while finalizing the 2018 SGMA Basin Prioritization results. DWR will evaluate any data provided during the public comment period to determine whether it is consistent with processes and datasets used in the evaluation, and may use the data received to enhance the prioritization analysis. Comments concerning the processes or scope of the datasets used in the 2018 SGMA Basin Prioritization will also be evaluated and if the suggested changes are determined to be appropriate, then the updated process or datasets will be applied to all basins."

Please let me know if you have any questions,

Best,
Ian

Ian Espinoza
Engineering Geologist
Groundwater & Geologic Investigations Section
Department of Water Resources
2440 Main St.
Red Bluff, CA 96080
Phone: (530) 529-7330
Email: ian.espinoza@water.ca.gov

From: Boyt, Jessica@DWR
Sent: Friday, November 2, 2018 11:36 AM
To: Gaylon Norwood <gnorwood@co.lassen.ca.us>
Cc: Espinoza, Ian@DWR <Ian.Espinoza@water.ca.gov>
Subject: Re: comments on Big Valley prioritization

Ian,

Can you direct or help Gaylon on this.

Thanks

Get Outlook for Android

From: Gaylon Norwood <GNorwood@co.lassen.ca.us>
Sent: Friday, November 2, 2018 10:46:04 AM
To: Boyt, Jessica@DWR
Subject: comments on Big Valley prioritization

Jessica:

I'm hoping that you can help me or direct me to the appropriate person. I am being asked about comments the Lassen County Board of Supervisors submitted on the recent basin prioritization for Big Valley (basically it was already and it stayed a medium priority basin). I am being asked if there has been a response from DWR to the comments that Lassen

County submitted on the ranking. It does not appear that DWR has commented. If DWR is not going to comment, I just need to confirm this so I can let the Board know.

Thanks you and I really appreciate it.

Sincerely,

Gaylon F. Norwood
Assistant Director of Planning
and Building Services
Lassen County
707 Nevada Street Suite 5
Susanville, CA 96130
(530) 251-8269
Fax: (530) 251-8373