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State Water Resources Control Board

Via E-Mail

SUBJECT: Comments on the State Water Resources Control Board Groundwater Work Plan Concept Paper

Klamath Forest Alliance (KFA) incorporates by reference comments of the North Coast Stream Flow Coalition dated November 21, 2013. The Klamath Forest Alliance is a member of the Coalition.

Here are our additional comments based on review of the document and the conference call with SWRCB conducted today.

1. As I noted on the call, the document is more of a concept paper than a work plan. Subsequent to adoption of the concept paper, the SWRCB should develop specific work plans which implements the concept paper. Since all objectives can not be accomplished in a single year, KFA recommends developing work plans for sequential 3 year periods. The public should have input into the work plans which should be as specific as possible. Work plans should stress addressing known problems over further assessment and study.

The initial work plan should focus on actions to correct problems where the SWRCB has clear and convincing evidence indicating what needs to be done and where local entities have not exercised delegated authority to address groundwater problems that have been scientifically documented and are well known. For example, there is substantial and clear scientific information¹ indicating that the failure of the Forest Service to secure adjudicated in-stream flows in the Scott River to protect anadromous fisheries is not only related to changes in climate and snowpack but is substantially related

1 . See, for example, August 8, 2013

letter from the Karuk Tribe and six other organizations to Mr. Howard/SWRCB and Mr. Bonham/CDFW titled "Request for emergency action to augment flows in Scott River"

to a vast increase in unregulated groundwater pumping since the Scott River Adjudication Decree was issued. Since the source of the problem and the failure of the local management entity to address the problem are well known, the SWRCB should prioritize direct action to address the problem.

2. The concept paper discusses "thresholds" for state intervention but does not define those thresholds. The paper should be revised to provide the detail of thresholds which will trigger state action. It is essential that the SWRCB clearly define thresholds and triggers that will result in "Oversight and enforcement in basins where ongoing management efforts are not protecting groundwater."

3. The concept paper contemplates collaborative work with other state, regional and local agencies but does not specifically call for working with federal agencies. However, the USGS has substantial information on groundwater conditions and impacts of groundwater pumping in several California basins. Similarly, NMFS has information on the in-stream flow needs of salmonids in various California basins and the impact of groundwater pumping on those in-stream flow needs. The concept paper should specifically call for collaboration with USGS, NMFS and other federal agencies with information and expertise relevant to groundwater management in California.

4. It is a well known matter of fact that some of the "local agencies" on which the concept paper relies for groundwater management have no interest in proper groundwater management but rather have undertaken formal groundwater management control in order to prevent state action on significant, known groundwater problems. The concept paper should call on the SWRCB (and/or the legislature or governor as appropriate) to require that local management agencies utilize the best available scientific information in their groundwater management plans and should make clear conditions under which the SWRCB will assume direct groundwater management.

5. SWRCB should establish standards for local and regional groundwater management plans and review those plans to assure that the standards are met.

6. The SWRCB should develop, adopt and enforce performance criteria for local/regional groundwater management that are designed to assure proper groundwater management using the best available information. For example, the SWRCB should require that local/regional management entities establish/adopt by date certain "sustainable thresholds for water level drawdown and water quality."

7. The Concept Paper should call for local/regional management entities to identify by date certain those areas where groundwater pumping is already negatively impacting stream flows and to prohibit new wells in those areas.

8. The Concept Paper should call on the legislature and governor to provide funding for a well buyback program targeted to areas where groundwater pumping is already known to be impacting stream flow in a manner that negatively impacts beneficial uses as well as in areas where groundwater pumping is negatively impacting recharge, where nuisance levels of land subsidence is occurring and/or where groundwater levels are declining over time.

Conclusion:

The Klamath Forest Alliance appreciates the opportunity to review and make recommendations on the concept paper. We encourage the SWRCB to bring California into the modern era with respect to groundwater management by establishing standards for groundwater plans, performance criteria for local/regional groundwater management entities and by direct state action where that action is necessary to protect and restore groundwater quality and recharge and especially where necessary to address negative impacts of groundwater pumping on stream flow and the beneficial uses of water.

Submitted via E-Mail by Felice Pace on behalf of Klamath Forest Alliance.