

From: Malena Marvin [<mailto:malena@klamathriver.org>]

Sent: Tuesday, December 17, 2013 2:16 PM

To: commentletters

Subject: Groundwater Workplan should protect the environment, public health; address surface water impacts

Dear Ms. Marcus and members of the Board

I am in full support of the Board's work to develop a Groundwater Strategic Plan that will protect fish, wildlife, and public health. With dewatered streams becoming increasingly common in our state, I'm particularly concerned about the impacts of groundwater pumping on surface water and instream flows. Because fish need water, please make sure the Plan works to keep water in our rivers by incorporating the following requests into the Groundwater Workplan.

Specifically, I request that:

- throughout the document, you address not just groundwater overdraft, but seasonal drawdown of groundwater tables that reduce surface water flows. As a recent study* has demonstrated on the Scott River, groundwater drawdown reduces seasonal surface water flows even if the aquifer recharges every winter. (*S.S. Papadopoulos & Associates Inc., Groundwater Conditions in Scott Valley, California, Report prepared for the Karuk Tribe, Happy Camp, California, 2012).
- you revise the Workplan's five "key elements" of effective groundwater management so they address the need to protect instream flows from excessive groundwater withdrawals.
- the Water Board establish sustainable thresholds, which, if enforced, would limit groundwater withdrawals as necessary to protect surface water flows.
- the Water Board exercise its existing legal authority to limit groundwater withdrawals where local groundwater management entities fail to protect surface water flows or prevent waste or overdraft. Actions may include supporting the adjudication of groundwater basins pursuant to Water Code Section 2100, taking enforcement action to prevent waste and unreasonable use of groundwater pursuant to Article X, Section 2 of the California Constitution and Water Code Section 275, as well as taking enforcement action, pursuant to the Public Trust Doctrine, to prevent impacts to surface water flows caused by groundwater withdrawals.
- section 3.1.2 specifically stipulate that the definition of "sustainable groundwater management" precludes groundwater pumping that adversely impacts instream flows.
- section 3.2.2 include all basins where groundwater pumping impacts instream flows, not just basins that are subject to overdraft.
- language in Section 3.3.2 should "require," not "allow for" the establishment of Active Management Areas with requirements that groundwater pumping be curbed before it adversely impacts instream flows.

- recommend that the legislature enact legislation that establishes a framework of statutory authority for the Water Board to limit the quantity of groundwater withdrawals where local groundwater management entities fail to protect surface water flows and public trust resources or to prevent waste and overdraft.

Groundwater and surface waters are physically interconnected, and laws must be updated to accurately reflect the physical interconnection to protect instream flows from excessive groundwater withdrawals. Thank you for working to protect California's public trust resources for the benefit of all Californians and our state's great fish and wildlife.

Sincerely,

Malena Marvin
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