



Via U.S. Mail and Electronic Mail  
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San Gabriel Basin Water Quality Authority

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Mojave Water Agency

**Toby B. Moore, Vice President**  
Golden State Water Company

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Association of Ground Water Agencies  
American Groundwater Trust

#### Legislative Advocates

Brownstein Hyatt Farber Schreck, LLP

Rosanna Carvacho  
Greg Wesley  
Chris Frahm

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December 18, 2013

Felicia Marcus, Chair  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

### Re: Comments on Groundwater Workplan Concept Paper

Dear Chairwoman Marcus:

On behalf of the California Groundwater Coalition (CGC), thank you very much for the opportunity to provide formal comments on the Groundwater Workplan Concept Paper Discussion Draft (Workplan). CGC members include public and private groundwater management entities located throughout California and consist of experts with technical, legal and professional groundwater and related expertise. Collectively, our members represent and serve nearly half of the State's population.

As mentioned in our previous, informal comments, a number of CGC members felt the draft represents a significant improvement over past State Water Resources Control Board (Board) perspectives on the importance of local groundwater management as opposed to centralized, state regulation. Not surprisingly, some felt that the draft still presented a somewhat negative connotation on this subject (e.g., item 2, paragraph 1: "...groundwater management has largely evolved on an as needed basis in a *decentralized* manner across the State. *In spite of this...*"). You may wish to consider revising the document to be very clear on the core perspective (as we understand it) that fundamentally different actions are needed in areas where groundwater managers are – or are not – actively working to protect groundwater. As you know, we strongly believe that comprehensive, effective management of groundwater is not only possible but enhanced, through local control.

We believe that the Workplan appropriately highlights the fact that local conditions are unique and that is one of the reasons why a "one-size-fits-all" approach to groundwater management or regulation will not work. The Workplan should acknowledge that local and regional groundwater management entities are the responsible agencies, and focus on how the Board can assist these agencies in accomplishing their mission. Additionally, it would provide clarity to define what is meant by "local" and "regional" management.

The Workplan states that "... the State Water Board has broad constitutional authority to prevent the waste and unreasonable use of the State's water resources (including groundwater)." While this

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statement is accurate it raises the question as to the intent behind the statement. Is the Board signaling its intent to exercise this authority to regulate the use of groundwater for specific types of uses it deems to be wasteful or unreasonable? Our members thought it would be useful to include a statement as to whether or not the Workplan is intended to expand the Board's existing jurisdiction and go into greater detail to provide a better understanding of what the Board's intentions are. CGC believes that the Workplan should focus on potential Board actions that will assist groundwater management entities in groundwater basins that would benefit most from State technical and financial assistance.

CGC members unanimously felt that the draft should also include a discussion of water rights and how that subject ties in to other key issues from a regulatory and public trust perspective.

It should be noted in the Workplan that groundwater historically has not received the same level of state funding that has been made available for export facilities. Indeed, one of the reasons that groundwater hasn't been developed or managed in some areas is because imported water is (or is believed to be) less expensive. More emphasis of this point might help new legislators understand why it is so important to support groundwater in new bond measures. We think it is also very important to emphasize that water customers/ratepayers pay the vast majority of costs associated with groundwater management – and that it is important that those investments and the burden they place on ratepayers be acknowledged. Additionally, many of our members serve disadvantaged communities.

The Board, in the Workplan, should prioritize actions it intends to undertake with an eye towards maximum return. Resources are and will remain limited, and other State priorities remain unfunded.

We think that it would be helpful to more clearly distinguish approaches and actions that the Board may take in cases where current management and control efforts are protecting groundwater resources and where they are not. We think this is necessary to allow the Board to work with progressive groundwater managers, many of which are CGC members, to protect and expand the use of groundwater resources.

The Board, along with other state agencies, needs to better integrate their separate programs by identifying overlaps, barriers and opportunities for leveraging resources and taking collaborative approaches to their efforts. To this point, the Workplan should integrate with the Clean Water Action Plan and the State Water Plan Update 2013, which has a groundwater volume. There are also a number of local, state and federal agencies that could be considered in collaboration on groundwater science as a foundation of management decisions.

Thank you for the opportunity to provide these comments; we look forward to working with you as this Workplan is further developed. Please do not hesitate to contact me if you have any questions.

Sincerely,



Ken Manning, President  
California Groundwater Coalition