



June 17, 2014

The Honorable Fran Pavley  
Chair, Senate Committee on Natural Resources and Water

The Honorable Roger Dickinson  
California State Assembly

The Honorable Anthony Rendon  
Chair Assembly Committee on Water, Parks and Wildlife

**RE: AB 1739, SB 1168 – Protecting and Restoring California’s Groundwater Basins**

**Dear Senator Pavley, and Assembly members Dickinson and Rendon,**

On behalf of Trout Unlimited (TU) and California Trout (CalTrout), non-profit organizations dedicated to conserving, protecting, and restoring trout and salmon fisheries, we are writing to convey the following comments on proposed legislation concerning statewide groundwater regulation. We generally support legislative efforts intended to produce more effective management of groundwater resources. Such legislation is particularly important as California increases its reliance on groundwater to confront the challenges presented by population growth, climate change and drought conditions. We are particularly interested in ensuring that groundwater and surface water resources are managed in a sustainable and integrated manner to avoid impacts to stream flow levels and the biological resources that depend upon the stream flows, such as cold-water fish.

Aquatic ecosystems are often supported or sustained by groundwater resources and pumping –related impacts can occur well before an aquifer is over-drafted or exhibiting other really visible signs of stress. Therefore, it is particularly important that groundwater-surface water interaction is studied, understood and accounted for in all groundwater management planning efforts. Unfortunately, the lack of sustainable management of groundwater resources to date and the resultant over-pumping of aquifers has resulted in significant impacts to ecosystems, fishery resources, and water users as stream flow has been permanently or seasonally loss with the severance of the connection between the ground and surface water. Statewide groundwater management reform that recognizes and effectively protects against these and other impacts is urgently needed.

We offer the following recommendations that emphasize several points also being made by other NGOs and tribes in a separate coalition letter.

**(1) Protect existing water right holders, in-stream beneficial uses of surface water, and the human right to water.**

Groundwater pumping can reduce the flow of water in connected streams and rivers to the detriment of surface water beneficial uses. Agriculture, cities, fisheries, and other resources are harmed as a result. Local groundwater management must limit groundwater pumping as necessary to prevent harm to surface water rights holders, in-stream beneficial uses of surface water and existing communities reliant on groundwater for basic needs. Additionally, groundwater management plans cannot rely on “paper water,” or water transfers that would compromise in-stream beneficial uses, cultural uses and public trust resources in other watersheds, or water made available by relaxing already inadequate standards to protect in-stream beneficial uses, cultural uses and public trust resources. The State should steer targeted resources, data collection and reporting, and enforcement priority toward identifying threats to in-stream beneficial uses, cultural uses and public trust resources, as well as threats to existing communities reliant on groundwater for their basic human needs, Cal. Water Code Sec. 106.3.

**(2) Empower adequate backstop and timeline for local management**

Groundwater Management Plans must encompass the full scope of sustainable groundwater management - including water quality challenges and ecosystem impacts. Clear timelines and interim benchmarks must be set and enforceable to ensure that local management is adequate to achieve sustainable groundwater management within 20 years. With regard to overdraft, plans must, at a minimum, set objectives that prevent any long-term decline beyond levels as of January 1, 2015; and further, should prevent and reverse adverse impacts to surface water right holders and in-stream beneficial uses of water.

To complement its existing authority to administer the Public Trust, prevent waste and unreasonable use and protect water quality, the SWRCB must have the authority to develop plans, adopt and enforce pumping limitations, and take other action to protect the groundwater when local management does not comply with the timelines and outcome benchmarks necessary to achieve sustainable groundwater management over a 20-year horizon.

**(3) Require Sufficient Data Collection & Transparency**

Transparent and accessible science-based data is a necessary component to groundwater management. Local groundwater management entities must collect and submit standardized groundwater data necessary for confirming conditions, management performance, and progress toward objectives. Data useful to ensuring or attaining sustainable water quality and groundwater levels must be publicly accessible and available so that objective third parties can evaluate and analyze local groundwater conditions and contribute to analysis, forecasts and scenarios. Necessary information includes data on extraction, as well as key information from Well Completion Reports, such as well location, screening levels and construction. Monitoring efforts should also include the interaction between surface and groundwater and the effects of groundwater pumping on surface water and the level of demand for water resources.

Additionally, local groundwater management entities should be required to publicly report their implementation metrics annually and review progress toward achievement of milestones every five years, in order to provide an opportunity for regular, mid-course corrections to achieving long-term goals.

**(4) Include all groundwater basins**

Groundwater management requirements should apply to all groundwater basins because it is imperative that all basins are protected and managed sustainably. Without implementation of proactive management measures, conditions in groundwater basins that are reasonably healthy will certainly erode, impacting groundwater uses, surface water supplies, and ecosystems. In the near term, focus for state agency actions should be on the top priority groundwater basins. However, attempting to prioritize basins based on level of vulnerability or impact can be complicated given lack of relevant information in all basins. Consistent with the recommendation of other NGOs, we recommend that priority be determined based on multiple criteria, including water volumes pumped and population, which are prominent in the prioritization developed by DWR pursuant to Water Code sections 10933 and 12924,<sup>1</sup> but also on potential impacts to in-stream flows or groundwater-dependent ecosystems and communities.

We look forward to continued discussions with you as the legislation moves forward. If you have any questions, please contact Chandra Ferrari at 916-214-9731 or [cferrari@tu.org](mailto:cferrari@tu.org) or Curtis Knight at 530-859-1872 or [cknight@caltrout.org](mailto:cknight@caltrout.org) .



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<sup>1</sup> [http://www.water.ca.gov/groundwater/casgem/pdfs/prioritization\\_brochure.pdf](http://www.water.ca.gov/groundwater/casgem/pdfs/prioritization_brochure.pdf)