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Mr. Bondy,

The Santa Clara River Estuary (Estuary) and immediate upstream portion of the Santa Clara River (River) are clearly identified as falling within the basin boundary of the Mound Basin Groundwater Sustainability Agency (MBGSA) management area. However, not once does the MBGSA Groundwater Sustainability Plan (MBGSP) even acknowledge the presence of federally listed Southern California Steelhead in these vital ecosystems.

This plan also fails to indicate that both of these groundwater dependent ecosystems (GDEs) are protected critical habitat for southern steelhead and essential habitat for other native species. Both the Estuary and River serve as important public resources with multiple beneficial uses and users and must be accounted for and protected from adverse impacts associated with groundwater pumping.

The MBGSP must meet the requirements of the California Sustainability Groundwater Management Act (SGMA), at this time CalTrout does not find this plan to meet the state specified standards. SMGA clearly specifies the requirement to identify and consider impacts to GDEs that have significant and unreasonable adverse impacts for all recognized beneficial uses and users of groundwater including aquatic ecosystems and species dependent on interconnected waters. If hydrologic connectivity exists between a terrestrial aquatic ecosystem and groundwater, then this habitat is a potential GDE and must be identified in a GSP. That this GSP does not identify a single GDE within its boundaries is illogical and not supported by data.

The MBGSP clearly acknowledges that they are not able to characterize the interconnection of the surface water and groundwater that fall within their basin boundary due to lack of data. This acknowledgement by the MBGSP establishes that the MBGSA does not have the information needed to make any determination on what is or isn't a GDE in their basin boundary. Without be able to fully characterize the nature and condition of these hydrologically connected systems, this MBGSP cannot ensure that significant and unreasonable adverse impacts from groundwater depletion are avoided.

The surface water diversion operations by United Water Conservation District (UWCD) at Vern Freeman Diversion (VFD) have drastically altered the natural stream flow conditions and groundwater recharge patterns in the lower Santa Clara River watershed. The diversion operations at VFD have adverse impacts on the aquatic environment and water-dependent species. These effects are longitudinally connected to the sections of the River and Estuary that fall within the MBGSA. This plan also does not address that UWCD has been federally mandated to provide for effective and efficient passage at VFD and the changes in regional groundwater management that will be a part of this project.

The Federal Courts has repeatedly reiterated that the restoration plan at VFD that most fully meets National Marine Fisheries Service and California Department of Fish and Game recommendations for passage restoration

is the harden ramp option. This option will significantly change UWCD operations within the Fox Canyon Groundwater Agency boundary. The MBGSP does not acknowledge this federally mandated change will need to be prepared for and actively managed by the MBGSA. The change at VFD will alter the MBGSA's proposed water budget and will have a profound effect on GDEs within their basin. The installation of a harden ramp at VFD will partially restore the natural flow regime of the lower River corridor to the benefit of the lower River reaches, Estuary, and community.

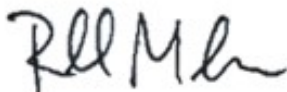
The MBGSA decision that the shallow surface aquifer is a groundwater resource that falls within their discretion are not connected to their "principal" aquifer is a failure to meet the requirements of SGMA. This decision again is not supported by the data they don't have and seems counter intuitive to the water budget they have presented. The MBGSA identifies significant inputs in their water budget from both areal recharge and stream channel recharge, both of which will pass through the shallow surface aquifer first before entering their "principal" aquifer. This signifies that groundwater level in the "principal" aquifer is partial dependent on the condition and management of the shallow water aquifer.

Additionally, management of a groundwater source is not contingent upon the current use, but potential for use in the time horizon established under SGMA. Sustainability as SGMA outlines it captures the need to address increasing impacts from climate crisis and the requirement to build in resiliency of groundwater processes to mitigate for adverse impacts for all beneficial uses and users. That the GSA does not want to account for the shallow water aquifer in the MBGSP would seem to be an expedient choice to dismiss the presence of GDEs and the potential for adverse impacts to these habitats. This choice is a serious harm to the public by failing to protect aquatic habitats, native species, and the long-term groundwater integrity.

CalTrout is focused on advancing process-based watershed restoration to support the recovery of southern steelhead through collaborated decision making. We find this plan fails to meet the requirement for ensuring groundwater sustainability or protecting groundwater dependent ecosystems.

We look forward to the next draft of the plan where the MBGSA outlines how they will collect the data needed to clearly understand inter-connected waters in their basin and what management actions they will take to protect vital GDEs in this basin.

To the record,



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