

Another Paso Basin Fail

The County gets it wrong again on the Paso Robles Groundwater Basin

In 2016, after several years of wrangling over the fate of the critically overdrafted Paso Robles Groundwater Basin, SLO County attempted to ram through a Paso Robles Groundwater Management District that would have given large agricultural interests total control of the water in the basin – over the objections of the Sierra Club, North County Watch, California Rural Legal Assistance Foundation, the Planning and Conservation League, California Teamsters Public Affairs Council, Defenders of Wildlife, Center for Biological Diversity, Clean Water Action, Food and Water Watch, Southern California Watershed Alliance, California Coastal Protection Network, and Community Water Impact Network.

As proposed, the majority of seats on the district's board would have been decided based on the number of acres owned. District board members with a large financial stake in irrigated agriculture would dominate the basin and all decisions regarding the disposition of its water in perpetuity; all others would be consigned to a perpetual minority. (See [“A Basin Too Far,”](#) Sept. 2014.)

In February of that year, the most elaborate and confusing ballots in the County's history were mailed out to myriad classifications of district voters. Big vineyards and their friends rolled out big money to persuade residents that an acreage-based water district was a great idea and constituted "local control."

The voters were not fooled, and a month later the Paso Robles Groundwater Management District sank into electoral oblivion.

Sue Harvey and Andrew Christie, respectively the Conservation Chair and Director of the Sierra Club's Santa Lucia Chapter, editorialized in the March 11, 2016, issue of The Tribune:

“Now that this hopelessly compromised and highly convoluted exercise is over, here's the best thing that could happen next: the State Water Resources Control Board steps in to implement the Sustainable Groundwater Management Act and immediately requires A) well metering and reporting of usage over the basin by the 12% of the basin's water users who use 90% of the water, and B) cutbacks from those users between 5 and 15%. If that happens, the basin will quickly start seeing signs of recovery, which will be felt first by the rural residents who have been watching their well levels fall.”

State governments not being known for fast action, that hasn't happened. But the fundamental requirements of the Sustainable Groundwater Management Act (SGMA) remained: To halt overdraft and bring groundwater basins into balanced levels of pumping and recharge; identify and consider impacts to groundwater dependent ecosystems; account for groundwater extraction for all water use sectors including managed wetlands, managed recharge, and native vegetation; and achieve sustainability within 20 years of implementing a sustainability plan.

With that clock ticking, four regional Groundwater Sustainability Agencies (GSAs) sprang up in Paso Robles, Shandon, San Miguel, and the County and submitted a draft Sustainability Plan to the California Department of Water Resources to meet the state's January 31, 2020, deadline.

Relevant agencies are now weighing in on the plan. The 14 pages of comments submitted by the California Department of Fish and Wildlife to the Department of Water Resources and SLO County Public Works are worth summarizing at length.

CDFW reminded all concerned of the Public Trust Doctrine – which imposes an “obligation to consider how groundwater management affects public trust resources, including navigable surface waters and fisheries” – and recommended that the Paso GSP “provide additional information and analysis that considers all environmental beneficial uses and users of groundwater and that better characterizes surface water-groundwater connectivity.”

Instead of this required level of detail, Fish and Wildlife noted, the GSP presented “ cursory” description of beneficial uses and “ stakeholder survey results,” and lumped rural residential and native vegetation water use sectors into the same category. CDFW recommended that the Plan make use of available resources “to help identify threatened and endangered species in any basin subject to SGMA and to help understand species relationships to groundwater.”

Also: “Interconnected surface waters (ISW) are not identified or characterized in the Plan, and the narrative describing ISW is inconsistent” and “conflicting.”

Also: “The number and distribution of shallow groundwater monitoring wells in the Plan Area and along the surface waters in the Plan Area are inadequate for analysis of shallow groundwater trends and groundwater-surface water interconnectivity.”

Also: “Sustainable Management Criteria (SMC)...consideration of effects on environmental beneficial uses and users of groundwater...is inadequate, and SMC do not reflect a ‘Critically Overdrafted Basin’ status.” Specifically, groundwater elevation Minimum Thresholds, which should “avoid long term declines in groundwater levels,” appeared to have been “defined without a physical basis” and “allow for sustained groundwater table decline, mirroring the historical trends that led to the sub-basin’s Critically Overdrafted status. Conceptually, there is a disconnect between the sub-basin’s ‘Critically Overdrafted’ designation and sustainable management criteria that allow for continued groundwater level decline.”

CDFW concluded that the Paso Robles Sub-basin Groundwater Sustainability Plan was insufficient in “addressing all required aspects of SGMA statutes and regulations for protecting environmental beneficial uses, users of groundwater, interconnected surface waters, and fish and wildlife habitats.”

And for anyone who still needed it spelled out:

“1. The assumptions, criteria, findings, and objectives, including the sustainability goal, undesirable results, minimum thresholds, measurable objectives, and interim milestones do not seem reasonable and/or not supported by the best available information and best available science.

2. The GSP does not identify reasonable measures and schedules to eliminate data gaps.

3. The sustainable management criteria and projects and management actions are not commensurate with the level of understanding of the basin setting.

4. The interests of the beneficial uses and users of groundwater in the basin, and the land uses and property interests potentially affected by the use of groundwater in the basin, have not been considered.

5. The GSP lacks a reasonable assessment of overdraft conditions and/or does not include reasonable means to mitigate overdraft, if present.”

The Department of Fish and Wildlife recommends that the Department of Water Resources “request that the responsible GSAs address the Department’s concerns before approving the final plan.”

Good idea.