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November 19, 2021

Santa Clara Valley Water District
Vanessa De La Piedra, Groundwater Management Unit Manager

RE: 2021 Draft Groundwater Management Plan for the Santa Clara and Llagas Subbasins

Dear Ms. De La Piedra,

On behalf of the Santa Clara Valley Open Space Authority (Authority), thank you for the opportunity to provide comment on Valley Water's Draft Groundwater Management Plan (Draft Plan).

The Open Space Authority is a public, independent special district created by the California State Legislature in 1993 to conserve the natural environment, support agriculture, and connect people to nature by protecting open spaces, natural areas, and working farms and ranches for future generations.

Valley Water serves a critical role as our Groundwater Sustainability Agency (GSA), where it is responsible for delivering sustainable groundwater conditions in Santa Clara County. The Draft Plan is proposed to serve as the Groundwater Sustainability Plan update for Santa Clara County, which requires Valley Water to outline specific sustainable groundwater management criteria that avoid the six undesirable results outlined by the Sustainable Groundwater Management Act (SGMA), including the avoidance of depleted interconnected surface waters that supply water to Groundwater Dependent Ecosystems (GDEs) like wetlands, wetted stream channels, and riparian corridors.

We applaud Valley Water for its work to map GDEs in the Draft Plan and we are grateful for Valley Water's ongoing groundwater management actions that help maintain our aquifers in long-term balance. Nevertheless, the Draft Plan fails to include sustainable management criteria that avoid the depletion of interconnected surface waters, the only SGMA undesirable result not addressed in the Draft Plan, and one that is critical for Valley's Water's responsibility as a GSA, its mission to "Provide Silicon Valley safe, clean water for a healthy life, environment, and economy", and its Ends Policy E-4 "Water resources stewardship protects and enhances ecosystem health". Despite the immense efforts of Valley Water, we continue to observe the depletion of interconnected surface waters in our GDEs due to declines in groundwater levels. One particularly notable example being Fisher Creek and the Laguna Seca wetland complex in Coyote Valley, which underwent significant periods of drying during the 2012-2016 drought and are currently nearly completely dry as groundwater levels decline in the Coyote Valley.

As you know, the Authority, its conservation partners, and funders, have invested over \$150million to date to permanently protect nearly 1,500 acres of land in Coyote Valley that encompass groundwater dependent ecosystems in and around Fisher Creek and the Laguna Seca wetland complex (**Exhibit A attached**). This includes more than \$32 million in state grants from the California Natural Resources Agency (CNRA), Department of Conservation, Strategic Growth Council, Wildlife Conservation Board, and the State Coastal Conservancy. These lands will be subject of the Coyote Valley Conservation Areas Master Plan, an integrated restoration master plan process, which will enable large-scale restoration actions to begin within the next 3-5 years. In restoring Coyote Valley's groundwater-dependent ponds, wetlands, and riparian channels, our aim is to protect surface and groundwater quality and promote habitat conditions favorable to the recovery of rare, threatened, and endangered species such as California red-legged frog, California tiger salamander, and tri-colored blackbird among others.

Valley Water is a key partner of the Authority where its groundwater management actions are essential for the protection and restoration of groundwater dependent ecosystems in Coyote Valley. Given Valley Water's unique role, commitment to environmental stewardship and responsibilities under SGMA, we respectfully provide the following comments on the Draft Plan:

1. Consider updating the Draft GSP's sustainability goal to specifically include sustainable supplies for all groundwater users (including the environment).

The Draft GSP identifies two sustainability goals: (1) "Manage groundwater to ensure sustainable supplies and avoid land subsidence", and (2) "Aggressively protect groundwater from the threat of contamination. While Valley Water has been able to provide long term balance of our aquifers, groundwater dependent ecosystems rely on groundwater supplies being maintained at or near the ground surface to sustain these ecosystems. Please consider updating Goal (1) to "Manage groundwater to ensure sustainable supplies for all groundwater users, including environmental users of groundwater, and avoid land subsidence".

2. Include a new outcome measure and outcome measure lower thresholds that, if met, would avoid the depletion of interconnected surface waters.

The Draft GSP currently lacks sustainability criteria that directly addresses the depletion of interconnected surface waters. The Department of Water Resources' Alternative Assessment Staff Report: Santa Clara Subbasin (2-009.02) sent on July 17, 2019 stated that "...sustainable management criteria have not been established to avoid significant and unreasonable depletion of interconnected surface water." and "GSP Regulations specify that the minimum threshold for depletions of interconnected surface water shall be the rate or volume of surface water depletions caused by groundwater use that has adverse impacts on beneficial uses of the surface water and may lead to undesirable results.". Please consider adding a sixth outcome measure and lower threshold that would avoid depletion of interconnected surface waters.

3. Consider developing an estimate of a sustainable yield or sustainable recharge that avoids undesirable results

The Authority wishes to support the long-term viability of land uses that are compatible with groundwater sustainability, and do not contribute to the depletion of the aquifer. The Draft Plan states "Valley Water does not manage to a particular value for sustainable yield, but instead manages groundwater to maintain sustainable conditions through annual operations and long-term water supply planning.". If Valley Water does not wish to provide a sustainable yield, please consider providing an estimate of sustainable recharge levels so that land use agencies and water users know what amount of water extraction is possible in areas like the Coyote Valley management area without exceeding Valley Water's recharge capabilities.

4. Consider updating groundwater models to evaluate seasonal fluctuations in surface water groundwater interactions

The Draft GSP states "models are used to evaluate and forecast groundwater storage and water levels under various operational and hydrologic conditions. Maintaining calibrated models that can reasonably forecast groundwater conditions is an important part of Valley Water's comprehensive groundwater management strategy". It appears that some of Valley Water's groundwater models do not directly consider the interaction between groundwater and surface water and how that relates to the health of groundwater dependent ecosystems. Please consider updating your groundwater models to enable estimates of seasonal fluctuations in groundwater levels, since seasonal variability drives the health and sustainability of groundwater dependent ecosystems. The Authority is currently in the process of securing a consultant team for the Coyote Valley Conservation Areas Master Plan that will develop a SWAT-MODFLOW model of the Coyote Valley Management Area to better understand interconnected surface water behavior. We appreciate the Groundwater Unit's willingness to serve as a collaborator and technical adviser on this work and the Authority hopes this modeling could be useful for Valley Water's groundwater

condition forecasting and management activities that support groundwater dependent ecosystems.

5. **Consider opportunities to pilot or implement voluntary actions that address groundwater demand, especially when sustainability indicators are not being met.**

Piloting tools, frameworks, and programs that support voluntary reductions in pumping could be an essential first step in addressing groundwater overdraft conditions without requiring regulatory action. Please consider potential next steps or opportunities to explore or implement programs like groundwater trading programs, farmland fallowing programs, ag irrigation efficiency grants, or voluntary agreements with well users to reduce pumping when sustainability indicators are not being met. The Authority and Peninsula Open Space Trust hold a conservation easement over the City of San Jose's land in Coyote Valley that requires the City consider reducing groundwater extraction from its municipal wells when they contribute to unsustainable groundwater conditions in Coyote Valley. We are in the process of determining the tools and frameworks that will be required to do this and appreciate the Valley Water Groundwater Unit's willingness to partner with us on this work and hope to develop new tools and monitoring frameworks that will make it easier for well operators to voluntarily reduce pumping when groundwater levels are trending in an unsustainable direction.

6. **Add the Laguna Seca wetland complex and Fisher Creek as locations of known groundwater emergence.**

Figure 20 in the Draft GSP, "Likely Groundwater Emergent Areas in the Santa Clara Subbasin" does not include Fisher Creek or the Laguna Seca wetland complex, likely due to limitation in the resolution of GIS data that was used to identify those areas. However, the report recognizes Fisher Creek and Laguna Seca as locations of interconnected surface waters and groundwater dependent ecosystems. Please consider a manual update to Figure 20 to include Fisher Creek and Laguna Seca as groundwater emergent areas.

7. **Add acknowledgment that Coyote Valley is a resource of statewide significance.**

- a. AB-948 was approved by the Governor on September 27, 2019, authorizing the Authority to administer a newly created Coyote Valley Conservation Program, and declaring Coyote Valley is a resource of statewide significance. The bill requires that Coyote Valley to be acknowledged as an area of statewide significance in local planning documents developed or updated on or after January 1, 2020, affecting land use within Coyote Valley. Please add this acknowledgment given Coyote Valley land uses depend on groundwater, including the Authority's ongoing management and restoration of groundwater dependent ecosystems in and around Laguna Seca and Fisher Creek.

Thank you for your consideration.

Sincerely,



Andrea Mackenzie
General Manager

CC: Santa Clara Valley Open Space Authority Board of Directors

Exhibit A: Coyote Valley A Conserved Landscape- showing recently protected valley floor lands outlined in yellow

