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**COUNTY OF INYO  
WATER DEPARTMENT**

May 3, 2016

California Water Commission  
P.O. Box 942836  
Sacramento, California 94236

Subject: April 20, 2016 meeting of the California Water Commission Meeting – Agenda Item #7, Comments and Discussion Concerning the Draft Regulations for Groundwater Sustainability Plans.

Dear Commissioners:

I watched the April 20, 2016 meeting of your Commission via webcast. The webcast enabled me and other interested parties in the more distant parts of the state to follow your proceedings, and I thank you and your staff for conducting such an accessible and public process. I heard much good discussion concerning the draft regulations for groundwater sustainability plans among your Commission members and numerous well-stated comments from the public that spoke at the meeting.

I am the director of the Inyo County Water Department, and have been assisting Inyo County's efforts to manage groundwater for eighteen years. Inyo County has within its borders two medium priority groundwater basins, Indian Wells Valley and Owens Valley. Both basins are shared with other counties and each basin has its own unique groundwater management challenges. I submitted comments on the draft regulations (see comments from "Inyo County Water Department") and will not reiterate those comments here, but I would like to provide you with these additional comments on some of the points discussed at your April 20 meeting.

I concur with many of the public commenters that expressed that the draft regulations are far too prescriptive in what they require of local agencies developing and implementing sustainability plans. Requirements such as locating all wells, using only open source software, using only an October-September annual unit, and a host of other components of the regulations should not be imposed. The regulations should spell out what needs to be done, but how it is achieved should be left to the implementing local agencies. SGMA's requirement is that these regulations "*shall identify the necessary plan components ... and other information that will assist local agencies in developing and implementing groundwater sustainability plans and coordination agreements.*" Commissioner Daniels asked how the precautionary principle played into the development of the

regulations. Since the purpose of these regulations is to “*assist local agencies*,” applying the precautionary principle requires that all components of the regulations should be of assistance to all of the local agencies forming sustainability agencies and developing sustainability plans in all 127 medium and high priority basins. No component of these regulations should be an impediment in any of the 127 basins. If there is uncertainty whether a particular requirement is of assistance in all medium and high priority basins, the precautionary principle holds that it should be left to the judgement of the local agencies. I believe that this is consistent with SGMA’s overall intent of enabling local agencies to manage groundwater. Listening to the public commenters, I sensed substantial concern and frustration among local agency representatives that the draft regulations will impose unnecessary burdens on the limited resources of local agencies; thereby injuring rather than assisting the agencies’ abilities to sustainably manage groundwater.

Commissioner Quintero discussed adaptive management. Adaptive management is a key strategy for the success of sustainability plans and should have greater emphasis in the regulations. It is likely that many (or most) sustainability plans will have flaws that are revealed as the plans are implemented, and more and better data are collected. In my opinion and experience, it is critically important to have a robust process for modifying minimum thresholds and measurable objectives so that as plans are implemented, they can be iteratively improved.

Thank you for your consideration of these comments. I wish your Commission success in fulfilling its role in overseeing the development of these regulations.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert Harrington". The signature is fluid and cursive, with a large initial "R" and "H".

Robert Harrington, PhD, PG

Cc: Inyo County Board of Supervisors  
Inyo County Water Commission