

DEPARTMENT OF WATER RESOURCES

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November 25, 2020

Mr. Eric Averett
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Governor's Office of Planning & Research

Nov 25 2020

STATE CLEARINGHOUSE

Re: SCH# 2020049019 Kern Fan Groundwater Storage Project Draft Environmental Impact Report (DEIR)

Dear Mr. Averett,

The California Department of Water Resources' (DWR) State Water Project Division of Operations and Maintenance (O&M), State Water Project Analysis Office (SWPAO), California Aqueduct Subsidence Program (CASP) staff, and Water Storage Investment Program (WSIP) staff have reviewed the proposed Kern Fan Groundwater Storage Project DEIR (the "Project"). O&M, SWPAO, CASP staff, and WSIP staff are providing these comments pursuant to DWR's regulatory responsibilities under Water Code section 12899.1, Cal. Code Regs. Tit. 23, §600 et seq. and Cal. Code Regs. Tit. 14 §15096.

Brief Project Description

The Groundwater Banking Joint Powers Authority (Authority) seeks to develop, construct, and operate a groundwater bank that would allow the Authority to manage sources of water supply available to Rosedale-Rio Bravo Water Storage District (Rosedale) and Irvine Ranch Water District (Irvine) by using available underground storage in the local San Joaquin Valley Groundwater Basin.

To accomplish this, the proposed Project would recharge, store, recover and deliver State Water Project (SWP) water, including Article 21 water; Central Valley Project water, Kern River water, and water from other sources, when available.

The proposed Project is being developed, in part, pursuant to funding available from the WSIP. The WSIP is administered by the California Water Commission; the Project is a WSIP project that has been selected for accelerated permitting in accordance with the Governor's Water Resilience Portfolio objectives.

The proposed Project would be implemented in two phases; each phase would construct recharge and recovery facilities on up to 640 acres of land within the project area. Water would be conveyed to and from the proposed recharge and recovery facilities in and around the Phase 1 and 2 areas through existing facilities and a new

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turnout and conveyance system (Kern Fan Conveyance Facilities) connecting to the California Aqueduct.

DWR has the following comments on the DEIR:

Preliminary Notices

DWR's Division of Safety of Dams (DSOD) is submitting a separate comment letter on this Project. Jurisdictional issues involving dams are handled exclusively by DSOD, separate from the divisions commenting herein. All responses to DSOD's comment letter should be directed to DSOD specifically and should exclude any of DWR's divisions and staff indicated herein. Likewise, all responses to this comment letter should exclude any comments intended for DSOD.

DWR's Sustainable Groundwater Management Office (SGMO) has regulatory authority for ensuring that local groundwater agencies comply with the Sustainable Groundwater Management Act. DWR is informing the Authority that SGMO has no participation in the drafting of this comment letter, nor was SGMO solicited for advice or comments before the preparation of this letter.

DWR is a Responsible Agency

The Project intends to make use of the SWP. In particular, the expected turn-out and turn-in proposed in the Project would require several agreements to be executed with DWR. Specifically, the Project would need, at minimum, a Turnout Agreement and an Operations Agreement between the Authority and DWR. Without these agreements and DWR approval, the Project cannot happen. Thus, DWR should have been included as a Responsible Agency from the outset of the Project, as well as after DWR notified the Authority in response to the Project's Notice of Preparation that DWR was likely a Responsible Agency (DWR letter dated 5/8/2020).

Inadequate Description of the Project

The DEIR mentions multiple times intent to construction a new turnout from the California Aqueduct, but the Project description includes insufficient information on this construction. The general construction schedule is adequately described (page 2-16), but does not consider potential impacts of ongoing or simultaneous construction activities in the vicinity involving the maintenance of the California Aqueduct. The DEIR does not provide a reasonably specific location (see 2-6, 2-12, and 2-15) of where exactly the turnout will be placed, nor does the analysis of construction activities adequately address potential impacts to the Aqueduct and other SWP facilities.

The turnout construction, as described, as well as the Project alternative, may not be responsive to the known and anticipated needs of the California Aqueduct's long-term maintenance. CASP's primary objective is addressing and preventing subsidence impacts to the Aqueduct through ongoing or proposed projects, including near-term

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rehabilitation projects under CASP necessary to continue deliveries of allocated SWP water. Among these projects are CASP's efforts to repair portions of the Aqueduct in the geographic area described, but not specified, in the proposed Project. The only mention of construction impacts to SWP refers to generalized use of cofferdams to prevent disruptions to SWP operations (pages 2-15, 3.11-19). Without specific details of the turnout construction location, the proposed Project may conflict with CASP projects by attempting to construct a turn-out in a location under rehabilitation by CASP.

3.7. Geology and Soils

DWR has been monitoring ground subsidence approximately two miles south of the general area of the proposed Project since 1994. Current monitoring shows that the Kern Water Bank Authority Water District has produced non-adverse fluctuation in the subsidence levels during extended periods of drought. The DEIR coverage of the existing land subsidence issues is sufficient (page 3.7-10, and 3.7-22, 23), but the Authority should include language in Impact 3.7-3 analysis (page 3.7-22) in the EIR that ensures that the Authority *will continue* to monitor potential land subsidence caused by aquifer compaction or consolidation due to groundwater pumping or overdraft, both in isolation as well as cumulatively (see 3.10-4, 5 for a list of other groundwater banking operations) in the basin, throughout the Project life. The DEIR should also specifically discuss any potential subsidence impacts the Project may have on SWP facilities or the California Aqueduct, particularly during construction and severe drought conditions.

3.10. Hydrology and Water Quality

The sources of water for the proposed Project are identified as: SWP, CVP, Kern River water, and other available resources (pages 2-1, 2-7). The Authority must ensure that Kern River water and "other available water" resources are of acceptable water quality, as set forth by the National Pollutant Discharge Elimination System program administered through the State Water Resources Control Board. According to the DEIR, the Authority will comply with any DWR water quality policy provisions for pumping groundwater into the Aqueduct (2-18). Assurances that the Project will comply with DWR water quality provisions should be articulated in section 3.10, within the State regulatory setting discussion beginning on page 3.10-19.

DWR's Requests and Additional Comments

DWR requests the following information be included in the EIR:

1. List DWR as a Responsible Agency.
2. Inclusion of more accurate and descriptive construction information, including specific locations of potential turnouts. Please include more additional construction window and timeline details, if possible.

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3. Additional language explaining that the Authority will have ongoing subsidence monitoring, and develop a subsidence monitoring program, if necessary.
4. Analysis specific to assessing potential subsidence impacts to the California Aqueduct and SWP facilities, as a result of either construction activities or operation of the Project.
5. Additional language in section 3.10 of the EIR explaining that the Authority will comply with DWR's water quality control provisions.

DWR requests the Authority include DWR within the review of construction documents and construction scheduling as soon as possible.

If you have any questions or need additional information, please contact David Gordon at david.gordon@water.ca.gov. Please provide DWR with notice of any future project documents, when available, by informing David Gordon.

Sincerely,

Casey Pancaro

Casey Pancaro
Attorney

cc: David Gordon
David Okita
David Sandino
Jagruti Maroney
Marianne Kirkland
Nicole Darby
Leroy Ellinghouse