

Salinas Valley Water Coalition



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Transmitted Via Email
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Ms. Brennan, Chair
Board of Directors and Directors
Salinas Valley Basin Groundwater Sustainability Agency (SVBGSA) 8 October,
2025

Re: Board of Directors Agenda Packet for October 9, 2025 Meeting

Dear Chair Brennan,

This letter is submitted on behalf of the Salinas Valley Water Coalition to provide comments for your SVBGSA Board's consideration.

1. Agenda Item 6.a: Brackish Groundwater Restoration Project Feasibility Study Phase 1 (Study)

The Introduction Section of the Study states the SVBGSA "initiated a feasibility study of two projects, the Seawater Intrusion Extraction Barrier and Regional Municipal Supply projects, included in the 180/400-Foot Aquifer Subbasin (180/400 Subbasin) Groundwater Sustainability Plan (GSP)" to address "critical overdraft conditions and seawater intrusion."

It is our understanding, in part based on the above statements within the Study, that the Study is being done to address seawater intrusion and critically overdrafted areas; to which only the 180/400-Foot Aquifer Subbasin has been deemed critically overdrafted by the State. From this, one would conclude that the 180/400-Foot Aquifer GSP is the focus of the Study. However, on page 19 the Study expands its assumptions to include **potential limitations on groundwater pumping outside the 180/400 Subbasin**, based on the assertion that "The six Salinas Valley subbasins are interconnected." Specifically, it states:

"While seawater intrusion is an important sustainability indicator in the 180/400 subbasin, groundwater modeling shows that the **six Salinas Valley subbasins are interconnected**. Additional modeling is required to better understand each subbasin's interaction with the area of seawater intrusion. The proposed No

Mission Statement: The water resources of the Salinas River Basin should be managed properly in a manner that promotes fairness and equity to all landowners within the basin. The management of these resources should have a scientific basis, comply with all laws and regulations, and promote the accountability of the governing agencies.

Action Alternative (NAA) **assumes** that the State Water Board may also limit groundwater pumping outside of the 180/400 subbasin to address **seawater intrusion**. The NAA will apply a set of assumptions for the interconnected subbasins, to be refined as groundwater modeling improves the understanding of inter-basin flows.” [emphasis added]

We are concerned that the Study is either going down a rabbit hole or playing into the politics of outstanding issues, and neither is not constructive. The SVBGSA has always valued itself for being transparent and relying on the ‘best science available’. There is no scientific evidence to date that supports the **assumptions** stated to be included in the Study.

While there has been much discussion as to the interaction between/among subbasins, to date there has not been any scientific evidence provided that shows if, and how or to what extent, the various subbasins are interconnected. Further, there is no scientific evidence that limiting groundwater pumping in areas outside of the 180/400 subbasin will serve to reduce seawater intrusion, particularly in the Langley, Forebay and Upper Valley, and to ‘assume’ otherwise is just not appropriate. In fact, recent modeling presented by your Consultant showed that even reducing pumping in the 180/400 by 30% would not solve the seawater intrusion problem. That same modeling showed that pumping reductions in the Forebay and Upper Valley had negligible, if any, effect on solving seawater intrusion.

There is no evidence that the State Water Board would limit groundwater pumping outside of the 180/400. To our knowledge, DWR and/or the State Water Board has not acted on anything other than basin by basin. If they were to put the 180/400 on probation, and potentially limit groundwater pumping, it would be for the 180/400, not the 180/400 and other non-probationary subbasins. Moreover, to our knowledge, no precedent exists under SGMA for the State Water Board to impose probationary or enforcement actions across multiple subbasins collectively. Enforcement has consistently occurred on a basin-specific basis in accordance with SGMA’s structure. If there is a statutory or case authority suggesting otherwise, it should be identified within the Study before assuming such a regulatory approach.

It is difficult to understand how the State Water Board would ignore the statutes and water rights to force a ‘non-probationary’ basin to act when the solution is fully available within the “probationary” critically overdrafted, seawater intruded 180/400-Foot Aquifer basin as stated in the Study. To this end, the assumptions discussed above to be undertaken in the Study seem unrealistic, unreasonable and costly. We ask that the Study assumptions be based on facts, science and law, not what ‘may’ or ‘may not’ occur. Rather than utilize ‘assumptions’ that have no basis in science or law, the ‘assumptions’ should be based on known scientific facts and then if shown otherwise in the future through additional modeling or other data, the appropriate revisions could be made to the proposed project. To do otherwise is inappropriate and a disservice to the public, stakeholders, and does not allow you as decision makers to be fully informed based on existing facts, science and law in making your decisions.

2. Agenda Item 6.2 Demand Management Framework

The Coalition supports Mr. Tom Virsik's October 7, 2025 letter to your Board regarding this item. We share the concerns raised in his letter and ask your Board to give thoughtful consideration to the questions he has raised.

The Coalition opposed the inclusion of Demand Management (DM) during the development of the Groundwater Sustainability Plans (GSP). We were told at the time that DWR was requiring some form of Demand Management be included in the GSP's, and that DM was really just a "tool in the toolbox", and that the framework (i.e. the 'tools') would be developed by the individual Implementation Subbasin Committees at a later time.

We understand that it may be more internally efficient to adopt one DM Framework for all of the subbasins, but each differs hydrologically, operationally and legally and have different and varying needs that must be met. The DM Framework should be tailored to meet these individual GSP needs. For instance, the Forebay and Upper Valley GSP's include the establishment of the SMC Technical Advisory Committee (TAC) to evaluate hydrologic data and recommend management actions when thresholds are exceeded – in order to maintain their sustainability. The DM Framework fails to recognize/acknowledge the value and relationship of the Forebay/Upper Valley's SMC TAC or integrate the SMC TAC's role. This must be corrected.

While opposing the inclusion of Demand Management in the GSP's, we recognized that if DM was to be included in each GSP, then it needed to be implemented and managed by the individual subbasin committees to meet the needs of the individual subbasin's GSP – not a one-size-fits all DM program. Any DM program put in place should be done in conjunction with discussion/recommendation of the individual subbasin and should be implemented and managed by the subbasins within their individual subbasin. We acknowledge that there has been discussions with the individual subbasins, however this is the first roll-out of the DM Framework, and the subbasin committees must have the opportunity to review it, take input from their stakeholders and provide applicable comments to meet the needs as detailed in their GSP.

The schedule noted in your Agenda packet suggests that some, but not all, of the subbasin committees will meet before the planned November DM Framework adoption. As staff has explained to the subbasin committees, the Board has stated it wants the subbasin committees to act as conduits with the stakeholders. In order to adequately achieve this expectation, it will be important for the Forebay/Upper Valley SMC TAC to review the DM Framework and to inform their subbasin committees of their conclusions and/or recommendations. This would then allow the Forebay/Upper Valley subbasin committees to reach out to their stakeholders, collect input and provide comments to your Board when they take action to approve the DM Framework.

If the DM Framework is to be included in each of the subbasin GSP's, it is important that it is credible and enforceable, and most of all it would be important to have the support of the subbasin committees and stakeholders. While certain subbasin's may have a deadline as to when the DM Framework and program needs to be completed for their GSP, it is not necessary to adopt the DM Framework for all of the subbasins without getting their input and support first. It is important to take the time to get it right and the support you will need when, and if, you ever need to implement any of the DM actions.

We thank you for your consideration of our concerns.

Sincerely,

Nancy Isakson

Nancy Isakson, President
Salinas Valley Water Coalition

Attachment: T. Virsik letter of October 7, 2025



Via email: board@svbgsa.org

7 October 2025

To: Chair and Directors, Salinas Valley Basin Groundwater Sustainability Agency (GSA)

Re: Demand Management Framework
9 October 2025, Agenda Item 6.2

Chair Brennan:

The success or failure of the SVBGSA depends on its adherence to the twin pillars of transparency and process. The Framework document in the October 2025 BOD packet (Framework) fails under both. The SVBGSA is on the cusp of losing credibility and slipping into legal jeopardy if it continues on its proposed path, harkening back to the earlier near-disastrous proposal to craft a single comprehensive GSP that would make distinctions among the subbasins only “if necessary.” Of the personnel still working for or with the SVBGSA who may recollect the SVBGSA’s prior about-face, only Mr. Williams comes to mind.

The goal of this comment letter is to provide an opportunity for the GSA¹ – Board, staff, consultants, and its stakeholders – to pause and ask strategic questions such as “Why must the Framework apply to all subbasins right now?”; “What is lost if the Framework – when improved – applies to the subbasins in need of immediate attention and is made available for later use to others if and when warranted?”; and “Is the main purpose of the Framework to project dollars lost and gained, and if so, why is a Framework about profits or losses prioritized over a Framework to bring areas not within their sustainable yield into sustainable yield?” If the knee-jerk response to any of those queries includes administrative convenience or small “P” politics (loud local voices repeating well-worn refrains), the Framework fails the arbitrary and capricious test for legal viability.

One patent process flaw² is the lack of consideration of any of the input provided at a series of public meetings that concluded last week. Packet at 78 (staff

¹ The administrative record for writ or other legal challenges to agency action tends to include “legal” letters filed with detailed references to staff’s words, written documents, time stamps, and other evidentiary content. As the October agenda reflects no action will be taken (other than staff direction, which is always available) on the Framework, this comment letter prioritizes the practical over the procedural. Opportunities remain to perfect the record should it be appropriate to do so.

² The Framework’s executive summary lists the component “parts” of the Framework, including the “process” for activating DM. Packet at 84. The Framework reflects all of those component “parts” in the same order as in the executive summary in its Table of Contents – but not the “process” for activating DM. Packet at 91-92. That miscue strongly suggests the

memo). A review of the Framework reveals the following flaws, all of which were flagged in public input to no avail:

- The reasonable and beneficial use requirement of the California Constitution – on which SGA is explicitly founded – is absent. Yet, a less fundamental aspect of the Constitution, Proposition 218, is discussed at some length, revealing the Framework’s bias in favor of the fiscal at the expense of the practical and hydrologic. The Framework suggests a subbasin’s pumping affecting the “inter-basin flows” to another may be cause for advancing triggers or stages of the sustainable subbasin. Absent from the implied analysis is whether one or the other subbasin is within or exceeds its sustainable yield. The Framework suggests the possibility of forced pumping reduction in a sustainable subbasin to “assist” a neighboring subbasin that has historically / still is exceeding its sustainable yield. The “inter-basin flows” component of the Framework appears to be solely math, bereft of any legal analysis if one or the other subbasin has a right to pump the amount on which the “inter-basin flow” is calculated. The Framework is not explicitly claiming to determine water rights, but as presented, its inter-basin flows component can readily be interpreted as defacto prioritization of the water rights of an over drafted subbasin against a sustainable subbasin pumping within its sustainable yield. The legal flaws of such an approach are many, but at a minimum would be a capricious exercise of the GSA’s authority.
- The Framework in no way, shape, or form “complements” the extant SMC TAC aka Management Action A1 of the two southern subbasins’ GSP’s. Staff assured the southern stakeholders in writing (slides) and in oral presentations that the Framework complements the SMC TAC process, but such assurances were apparently false. The Framework provides no role or gate-keeping function for the SMC TAC – one of the few fully successful Management Actions in any of the GSP’s under the purview of the SVBGSA. The failure to recognize, honor³, or even acknowledge the SMC TAC’s work and GSP-created responsibility is evident in the SMC TAC’s omission from the lists of terms and acronyms. The SMC TAC is, at best, an after-thought within the Framework and more realistically, irrelevant to the Framework as presently proposed.
- The Framework apparently assumes that DM in any of the subbasins can be effective. The SMC TAC at its April 2025 meeting, however, opined that reducing pumping in the Upper Valley would not be useful, noting the data

executive summary was crafted from a version of the Framework other than the one provided to the public.

³ During the SMC TAC and in the most recent southern stakeholder meetings, senior SVBGSA consultants and staff frequently complimented the SMC TAC and acknowledged its work as a precursor to the Framework’s “triggers” approach. But (1) “complimenting” the experts of the SMC TAC and (2) how the Framework “complements” the SMC TAC process are vastly different things.

and analyses suggested GW levels do not correlate to pumping. In recent public comments GM Harmon emphasized that she would not advocate to her Board actions that would not be effective, yet the present best available science reflects applying the Framework to the Upper Valley is at this time useless, i.e., reducing pumping (by whatever means) is expected to have little or no effect on groundwater levels. Whether one day, under changed analyses and circumstances, the then-current version of a Framework may be of value to one or another subbasin is not relevant to any near-term Framework adoption, rejection, or revisions. The Framework is to be adopted in November and as of October the best available science is that a Framework (any framework) for reducing pumping in the Upper Valley is not effective or useful. The Framework has value for those subbasins that need immediate attention and not for those for which it would be ineffective and/or displace the successful and continuing work of the SMC TAC.

- The Framework provides no justification why all subbasins must be subject to it now. It lists the subbasins, to be sure, but omits any justification for including each/any within the Framework at this time. That certain basins in overdraft and with a history of UR may benefit from the Framework is hardly mysterious or needs to be explained. But an explanation why the subbasins without overdraft and with no UR must be subject to a DM Framework right now is absent from the Framework and staff memo. Does staff know something the public (or the Board) does not? In the most recent SMC TAC meeting the SVBGSA consultants explicitly stated certain subbasins need present attention and certain others do not. September SMC TAC meeting, Abby Ostovar and Derrik Williams (separately). To put it in stark terms, while certain northern subbasins require immediate efforts, the two southern ones did and do not and the SMC TAC's charge in the GSP's is to determine if, perhaps, some day in the future, one or the other southern subbasin may benefit from a management action or project, including perhaps DM. But of the array of licensed and/or highly credentialed professionals (more than half a dozen) at the recent SMC TAC meeting, none opined the southern basins require any immediate action, much less that the Framework (as presented via oral statements and slides, and not the deficient written document not yet seen by the SMC TAC) would be useful to them right now. The SMC TAC formally resolved that they would add the (not yet seen) Framework to their analyses and looked forward to seeing more detail. Why stop or veto their efforts, especially if only for administrative convenience or to meet a mysterious November deadline? In a word, that would be an arbitrary choice.
- The Framework has, for reasons that defy credulity, chosen to further confuse already confusing terminology. See its footnote 1 (re "Salinas Valley Basin"). At all of the subbasins meeting through last week Mr. Ceppos delivered a sort of introductory statement about how DM is poorly understood and confusing. Part of the confusion arises from SGMA's

terminology. In the SVBGSA jurisdiction, as a result of a single GSA with responsibilities for six subbasins, the use of “basin” contributes to misunderstandings around SGMA and DM. After repeated public reminders over multiple months that the GSA administers multiple subbasins rather than a single basin – as established by six GSP’s rather than just one – the Framework chooses to add to the confusion by referencing an already misunderstood term inconsistently with all prior (though inaccurate) definitions. When speaking about the Framework, the “Salinas Valley Basin” means the six subbasins plus more, but when addressing hydrology, any other aspect of SGMA, Proposition 218, the Constitution, or pretty much any other topic, “Salinas Valley Basin” is an undefined and unwarranted term capable of multiple false interpretations. See e.g., packet at 74 (staff memo’s vague reference to “basin”). In this era of instant global editing capabilities, to choose a purposely misleading term when a less confusing term could have been used is astounding and speaks poorly of the SVBGSA’s approach to transparency.

What the presentation slides and staff told the southern basins to expect from the Framework sounded broadly reasonable, and it sounded the same to the SMC TAC, but it was not truthful if one compares what staff (this includes Abby Ostovar and Derrik Williams) said at the FB/UV and SMC TAC meetings to what is in the draft Framework. Transparency gave way to obfuscation or even misdirection. The most obvious misrepresentation to the southern stakeholders was that the SMC TAC and Framework are complementary (e.g., Emily Gardner’s recent oral statement and a slide at the prior meeting) to the Framework. The Framework lacks any role or gatekeeping for the SMC TAC -- only one narrative paragraph that characterizes the SMC TAC efforts as unrelated to the Framework. Page 109 of the agenda packet. None of what the SMC TAC has concluded that relates to DM (e.g., its opinion the south is at Framework “stage 1” and the UV’s GW levels do not correlate to pumping) can be found or is even indirectly referenced in the Framework. The SMC TAC is individually and collectively orders of magnitude more qualified to opine about groundwater conditions of the south than any economic expert or political body, including any array past, present, or future of the GSA BOD. Ignoring the best available science for political or administrative convenience is the very essence of acting arbitrarily and capriciously. Only Mr. Williams remains among GSA personnel who may recollect how close the GSA came to a similar blunder years ago when its initial staff supported crafting a single “all subbasin” GSP.

How to proceed with the Framework:

When the Framework is improved and final – not yet – put it on a shelf with other tools for the SMC TAC to recommend or not, as Management Action A1 of the UV and FB GSP’s instruct/authorize the SMC TAC to do (and is doing). Proceed full speed ahead with the Framework for whatever other subbasins need it. But as the best available science does not presently support an “entire Valley”

Chair Brennan, SVBGSA
7 October 2025

approach, the SVBGSA risks legal jeopardy if it prioritizes small “P” politics or administrative convenience to enact a “all subbasin” Framework.

Moreover, if the SMC TAC is 100% successful, the southern basins will self-manage into a low priority status in a decade or two and the GSA can keep 100% of its DM efforts for any subbasins that remain in overdraft. There is no downside in letting something that works (SMC TAC) keep working as opposed to replacing the primacy of the SMC TAC with an unwieldy conceptual Framework that ignores the best presently available science.

All that is needed in the short term is a clear statement (be it in the Framework or in any Resolution put before the Board for voting) that the Framework does not apply to the south and depends on the outcomes of Management Action A1. Such a revision neither undermines anything with respect to any other subbasin nor affects how any hydrologic or economic analysis proceeds – whether for DM, some other management action, or projects for the over drafted subbasin(s).

Very truly yours,

Thomas S. Virsik
Thomas S. Virsik

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