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***GAVIN NEWSOM, Governor***
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Via Electronic Mail

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**SUBJECT: CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE COMMENTS ON THE BUTTE VALLEY BASIN DRAFT GROUNDWATER SUSTAINABLITY PLAN**

Dear Matt Parker:

The California Department of Fish and Wildlife (Department) appreciates the opportunity to provide comments on the Draft Groundwater Sustainability Plan (GSP) for Butte Valley Basin (Basin) prepared by the Siskiyou County Flood Control and Water Conservation District, designated as the Groundwater Sustainability Agency (GSA).

Since the Basin is designated as medium priority under the Sustainable Groundwater Management Act (SGMA), the Basin must be managed under a GSP by January 31, 2022. Development and implementation of GSPs under SGMA represents a new era of California groundwater management. The Department has an interest in the sustainable management of groundwater, as many sensitive ecosystems and public trust resources depend on groundwater and interconnected surface waters (ISWs), including ecosystems on Department-owned and -managed lands within SGMA-regulated basins. In addition, it is important to note that the Department owns the Butte Valley Wildlife Area (BVWA), including Meiss Lake, which is within the Basin.

## Background

The GSA appointed an Advisory Committee, composed of members of the Basin community, to work with a group of consultants to develop the Draft GSP. The Advisory Committee requested comments from any stakeholder as it developed the Draft GSP. The Department previously provided comments during Advisory Committee meetings, and on certain draft Chapters as they

were made available. During Committee meetings, the Department provided comments on issues including the following: use of the best available science and information to develop the model; the water budget; identification and consideration of beneficial users and groundwater-dependent ecosystems (GDEs); well information as it relates to Department-owned and -managed properties; and sustainable management criteria. The Draft GSP does not fully address all comments the Department provided during the Advisory Committee meetings or comments provided on the previous draft chapters. After its review of the Draft GSP, the Department also has additional comments that it had not raised previously. Therefore, the Department is commenting again at this point in time to ensure all of these comments are fully considered in the development of the Draft GSP.

## Organization of Comments

The Department has organized its comments below into several key topic areas: (1) the Department's trustee agency role; (2) SGMA requirements relevant to beneficial users and GDEs; (3) SGMA hydrogeologic conceptual model requirements; (4) sustainable management criteria and water budget requirements; (5) monitoring network and well information; (6) data gaps and use of the best available science; and (7) Public Trust Doctrine and California Endangered Species Act (CESA) requirements. This letter highlights key comments and is not inclusive of all comments provided to the Advisory Committee during meetings and/or communication with County staff. The GSA reloaded Chapter 2 online on August 24, 2021. In addition, the model documentation and water budget information, including the Butte Valley Wildlife Area Water Budget, were not provided until September 13, 2021. Since the complete Draft GSP was not publicly available since the beginning of the public review period, limited time was available for review and comment of certain sections of the Draft GSP.

## Department's Trustee Role

As the trustee agency for the State's fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of such species. (Fish & G. Code, §§ 711.7 & 1802.) The Basin supports populations of bald eagle (CESA endangered), greater sandhill crane (CESA threatened), Swainson's hawk (CESA threatened), tricolored blackbird (CESA threatened), western pond turtle (State species of special concern), pronghorn, and other fish and wildlife species that rely on habitats supported and supplemented by groundwater and surface water.

The Draft GSP raises significant concerns about potential impacts of groundwater pumping on GDEs, interconnected surface waters (ISWs), and species within the Department's jurisdiction. The Department urges the GSA to plan for and engage in responsible groundwater management that minimizes or avoids these impacts to the maximum extent feasible as required under applicable provisions of SGMA and the Public Trust Doctrine. CDFW-001

**SGMA Requirements Relevant to Beneficial Users and GDEs**

In addition to other requirements that will be discussed later in this letter, SGMA and its implementing regulations afford beneficial users and GDEs specific consideration, including the following as pertinent to GSPs:

Consideration of Beneficial Uses and Users

GSPs must consider the interests of all beneficial uses and users of groundwater, including environmental users of groundwater. (Water Code § 10723.2.) GSPs must also **identify and consider potential effects on all beneficial uses and users of groundwater**. (23 CCR §§ 354.10(a), 354.26(b)(3), 354.28(b)(4), 354.34(b)(2), and 354.34(f)(3).) The Draft GSP does not adequately identify all the environmental users in the Basin, their locations, the groundwater dependent habitat they depend on at certain life stages, and how the Draft GSP will meet their needs. CDFW-002 The Draft GSP identifies a handful of species that are either Endangered Species Act (ESA) or CESA listed species found on BVWA, and does not take into account other special status or locally significant fish and wildlife species and habitats that benefit from or are dependent on groundwater. CDFW-003 In Table 1.7 of Chapter 2, the Draft GSP identifies species prioritized for management in the first column, and other species that depend on the same ecosystems as the species prioritized for management in the second column. CDFW-004 The Draft GSP species prioritized for management were identified as "riparian vegetation", which is a vegetation type, not an ecosystem or species. Many species, including special-status species, that are known to depend on or may be vulnerable to groundwater fluctuations were not identified in this column. Species identified in the Basin that are not included in the Draft GSP include, but are not limited to, short-eared owl, Swainson's hawk, tri-colored blackbird, Tule white-fronted goose, Vaux's swift, Wawona Riffle Beetle, western pond turtle, and white-faced ibis. CDFW-005 The Draft GSP does not indicate where these species were found in the Basin and how these species could be supported by the identified riparian vegetation and impacted by groundwater.

Identification and Consideration of GDEs

GSPs must **consider impacts to GDEs**. (Water Code § 10727.4(l); *see also* 23 CCR § 354.16(g).) The Department is uncertain whether the Draft GSP accurately identifies all GDEs in the Basin. Specifically, the Draft GSP does not provide sufficient detail when describing the methods used for GDE classification and mapping in the Draft GSP and the rationale for the methods used. The Draft GSP mentions desktop methods of using existing mapping tools, root depth to groundwater modeling, and other tools for identifying GDEs. The Draft GSP appears not to include Advisory Committee input, field verification, or any quality assurance/quality control measures to validate the resulting classification and mapping. Without these means of verification, the Department cannot evaluate or comment on the accuracy of the GSP's GDE classification or mapping. However, the Department recommends that GDE mapping be informed by science-based vegetation classification or similar methods, such as the Department's *Survey of California Vegetation Classification and Mapping Standards.*[1] The Draft GSP's GDE classification and mapping should be revised if necessary after utilizing these methods. Classification and mapping methods should be thoroughly described so that GDE classification and mapping can be verified by stakeholders or repeated during future GSP updates and effectiveness monitoring.

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The Draft GSP mentions certain GDEs, but does not provide consideration of those GDEs or assess potential impacts to those GDEs from groundwater pumping. The Draft GSP also fails to identify or appropriately consider certain GDEs, including Meiss Lake within the BVWA. Historically, Meiss Lake was a natural wetland that spanned the Butte Valley Basin and received natural inputs from both groundwater and surface water. Due to unsustainable groundwater management practices, Meiss Lake has been reduced in size to about 4,000 acres, but it continues to support a wide variety of species and habitats. Currently, Meiss Lake receives natural inputs from surface water tributaries and is occasionally supported by pumped groundwater as needed in dry years to support groundwater-dependent species. Thus, Meiss Lake qualifies as a GDE that must be identified and appropriately considered in the draft GSP because it is a historic natural wetland that continues to rely on groundwater inputs to sustain its species and habitat. In defining GDEs entitled to consideration in a GSP, SGMA statutes and regulations do not require features to rely on groundwater from a particular source in order to qualify as GDEs. (23 CCR § 354.16(g); Water Code § 10727.4(l).)

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[1] [1] https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=102342&inline

Alternatively, if the District were to nevertheless conclude that Meiss Lake is not a GDE, Meiss Lake must be considered a managed wetland, with its groundwater inputs appropriately accounted for in the Draft GSP's water budget. GSPs must account for groundwater extraction for all water use sectors including managed wetlands, managed recharge, and native vegetation. (23 CCR §§ 351(al) and 354.18(b)(3).)

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Chapter 2 of the Draft GSP contains a description of the BVWA's water management practices depending on the water year type or impacts to Meiss Lake, the lowest point in the basin. Many of the streams, including Butte Creek, have been "sufficiently appropriated" during the irrigation season, meaning that allocated water likely exceeds available supplies, leaving little to enter Meiss Lake. The Draft GSP's water budget must consider and account for the fact that Meiss Lake may go dry in certain years and may require inputs of pumped groundwater for wetland habitat restoration and to support groundwater-dependent species. By failing to account for groundwater inputs to Meiss Lake, the GSP has not adequately analyzed the groundwater-surface water relationship in the Basin or developed a complete water budget.

The Draft GSP does not identify projects and management actions (PMAs) or sustainable management criteria to protect GDEs in the basin. The Department will make best efforts to support PMAs anticipated to address both immediate- and long-term fish and wildlife resource needs. Not recognizing the role of the GSA to ensure sustainable management and nearly all PMAs through an "integrative and collaborative approach" will make it difficult to achieve sustainability by 2042 as contemplated under SGMA. As explained more fully below, the Department recommends revisiting the Draft GSP to address data gaps, ensure compliance with applicable SGMA statutory requirements, and appropriately consider and address impacts to GDEs and all beneficial users.

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CDFW-010

**Hydrogeologic Conceptual Model Requirements**

SGMA regulations require each GSP to include a descriptive hydrogeologic conceptual model (HCM) of the basin based on technical studies and qualified maps that characterizes the physical components and interaction of the surface water and groundwater systems in the basin. (23 CCR § 354.14.) The HCM must include a description of data gaps and uncertainty within the HCM. (*Id*. at § 354.14(b)(4)(5).)

While the Draft GSP includes an HCM, it is not clear that the HCM accurately characterizes the physical components and surface water-groundwater interactions in the Basin. For example, the HCM in the Draft GSP fails to identify a definable bottom of the basin as required by SGMA regulations. (23 CCR §354.14(b)(3).) As described in Chapter 2 of the Draft GSP, the HCM includes a description of the Western Cascades Subprovince geologic unit, which is the relatively older and less permeable volcanic bedrock that underlies Butte Valley. (p. 48.) Such description states that the Western Cascades unit "acts as a barrier to regional groundwater flow." As such, it is assumed that the Western Cascades unit surface is the bottom of the Basin. However, the description concludes that, "This formation has not been penetrated by Butte Valley wells (DOI 1980). The unknown depth to the Western Cascades Subprovince precludes its appearance in the cross-sections." No additional information was noted attempting to characterize the bottom of the Basin boundary.

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Several statements in the Draft GSP contribute to the uncertainty regarding the accuracy of the HCM's characterizations of the physical components and surface water-groundwater interactions. For example, the Draft GSP states Butte Valley basin has experienced a decrease in groundwater levels on the order of approximately 30-feet during the study period of spring 1979 to spring 2015 due primarily to decreased precipitation, increased pumping, and a commensurate decrease in the subsurface hydraulic gradient. Similarly, the Draft GSP concludes that, "There is significant long-term trend indicating some groundwater depletion." Conversely, the Draft GSP finds that the basin is not in overdraft due to significantly higher volumes of lateral groundwater inflow compared to volumes of groundwater extraction and does not exceed the sustainable yield of the Basin. The Draft GSP asserts that the sustainable yield will be a constantly changing value based on future climate conditions, future groundwater pumping needs, and future management actions. The Draft GSP should adequately quantify sustainable yield as required by SGMA regulations to explain this fluctuation for the approach to be acceptable. (23 CCR § 354.18 (b)(7).) Once the GSA clarifies its understanding of these issues, the water budget should be adjusted accordingly and the Draft GSP should identify sustainable management criteria that prevent adverse impacts to beneficial users, such as dewatering of GDEs, and strive for long term groundwater sustainability with PMAs. The GSA should consider developing PMAs that promote more efficient water use through water conservation where feasible.

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**<u>Sustainable Management Criteria and Water Budget Requirements</u>**

GSPs must **establish sustainable management criteria that avoid undesirable results** within 20 years of the applicable statutory deadline, including **depletions**

**of ISW that have significant and unreasonable adverse impacts on beneficial uses of the surface water**. (23 CCR § 354.22 et seq. and Water Code §§ 10721(x)(6) and 10727.2(b).) The Draft GSP concludes that sustainability will be achieved by 2042 and undesirable results will be avoided, but the underlying analysis and data do not fully support these conclusions. The goal of sustainability cannot be achieved by 2042 without an accurate water budget and clearly-defined sustainable management criteria, including minimum thresholds, that meet SGMA's requirements including the following:

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Minimum Thresholds for ISW Depletions

SGMA regulations require the GSP to include numeric minimum thresholds to define and avoid undesirable results, which must be explained and justified based on basin-specific information and other data or models as appropriate, with appropriate accounting for any uncertainty in the understanding of the basin setting. (23 CCR § 354.28(a)-(b).) The GSP must explain the relationship between the minimum thresholds and the relevant sustainability indicator, how the minimum thresholds will avoid causing undesirable results, how the minimum thresholds may affect the interests of beneficial uses and users of groundwater, and how each minimum threshold will be quantitatively measured consistent with SGMA monitoring network requirements. (*Id*.)

Specifically, SGMA regulations require minimum thresholds related to depletions of interconnected surface water to 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." (23 CCR § 354.28(c)(6).) These minimum thresholds must be supported by the "location, quantity, and timing of depletions of interconnected surface water" and "a description of the groundwater and surface water model used to quantify surface water depletion." (*Id*. at § 354.28(c)(6).) If a numerical groundwater-surface water model is not used to quantify surface water depletion, the GSP must identify and describe an equally effective method, tool, or analytical model to be used for this purpose. The Draft GSP does not meet these requirements because it does not identify a sustainable management criteria for surface water depletions. As such, the Draft GSP does not set minimum thresholds for surface water depletions based on the rate or volume of surface water depletions caused by groundwater use, and it does not utilize a basin-wide groundwater-surface water model or equally effective method, tool, or model to quantify such depletions. The Department requests revisions to the Draft GSP to clarify how the sustainable management criteria were developed, how these criteria relate to the relevant sustainability indicators, and how the criteria may affect the interest of beneficial users.

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Water Budget Requirements

Per SGMA regulations, each GSP "shall rely on the best available information and best available science to quantify the water budget for the basin in order to provide an understanding of historical and projected hydrology, water demand, water supply, land use, population, climate change, sea level rise, groundwater and surface water interaction, and subsurface groundwater flow." (23 CCR § 354.18(e).) The water budget is a product of the Butte Valley Integrated Hydrologic Model (BVIHM), which is derived from the larger USGS groundwater model of the Upper Klamath Basin (Gannett et al., 2012, USGS Scientific Investigations Report 2012-5062). A key simplification is utilized by the Draft GSP authors in developing the water budget in that the surface water hydrologic subsystem is removed from the BVIHM. The Department appreciates the justifications for this simplification being few streams contribute perennial flow to the basin surface due, in part, to infiltration into highly permeable volcanic soils outside of the basin boundary. However, some of the Water Budget's information contradicts the information presented within the HCM discussion. For example, during the HCM discussion in Chapter 2, the GSA acknowledges that streamflow losses, canal seepage and percolation from wetlands (that receive periodic surface flows) all contribute to groundwater recharge. Similarly, the HCM mentions spring-fed creeks that drain into Meiss Lake (currently part of the BVWA). Ultimately, the Department is hesitant to support elimination of all surface water inputs for modeling purposes. The Department is especially concerned with the canal seepage when an economic, environmental, or other benefit may result from a more efficient use of water. The GSA should conduct further analysis of potential surface water input sources to fully comply with applicable SGMA regulations. (*see, e.g.*, 23 CCR §354.18(b)(1).)

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**Monitoring Network and Well Information**

GSPs must describe monitoring networks that can identify adverse impacts to beneficial uses of ISWs. (23 CCR § 354.34(c)(6)(D).) The Draft GSP lacks basin-wide groundwater monitoring, which is necessary to assess potential surface water depletions and impacts to beneficial surface water users, including fish and wildlife species. The GSA should identify how the GSA will achieve a robust monitoring system to capture accurate information on these portions of the basin or use existing data to accurately model these portions and assess impacts. If the GSA intends to rely on basin-specific data, the Draft GSP should elaborate on the description of developing a monitoring network capable of collecting sufficient data to demonstrate short-term, seasonal, and long-term trends in groundwater and related surface water conditions as required by

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SGMA regulations. (23 CCR §354.34.) The Draft GSP should clearly identify the wells used for monitoring including individual well information. This includes the well ID, ground surface elevation, reference point elevations for water level measurements, well completion depth, perforation intervals, and hydrograph information. For the hydrograph information, the Draft GSP should provide information on the aquifer unit.

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**Data Gaps and Use of the Best Available Science**

Per SGMA regulations, the Draft GSP must identify reasonable measures and schedules to eliminate data gaps. (23 CCR § 355.4(b)(2).) As noted above, the Draft GSP does not set forth sustainable management criteria for surface water depletions, nor does it utilize a basin-wide groundwater-surface water model or equally effective method, tool, or model to quantify such depletions. The Draft GSP also lacks basin-wide groundwater monitoring, which is necessary to assess potential surface water depletions and impacts to beneficial surface water users. The Department acknowledges data gaps may initially exist and may make development of certain criteria more challenging. However, the Draft GSP must set forth a reasonable pathway and timeline for addressing these data gaps and developing sustainable management criteria as required under SGMA, supplementing with models and other data if needed to address uncertainties in basin-specific data.

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The Draft GSP also lacks quantitative criteria for interconnected surface water, which are needed to assess compliance with SGMA and avoid significant and unreasonable depletions of ISW. After conducting the necessary analysis and establishing appropriate criteria, the Draft GSP should be updated to consider and avoid any unreasonable adverse impacts to beneficial users anticipated to result from ISW depletions. The Draft GSP expanded its sustainability management criteria with additional monitoring points with "soft landing" triggers and "aspirational watershed goals". This characterization ignores SGMA, which clearly indicates the sustainability goal and sustainable management criteria must be developed to avoid undesirable results within the planning and implementation horizon. (23 CCR §§ 354.24, 354.26, and 354.28.)

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In addition, SGMA requires the assumptions, criteria, findings, and objectives of a GSP to be reasonable and supported by the best available information and best available science. (23 CCR § 355.4(b)(1).) The Department is aware of available information not being utilized to the fullest for the development of each sustainable management criteria, the water budget and BVIHM in the Draft GSP. Specifically, the Draft GSP lacks consideration of current versus historic surface water extractions, agriculture ditch losses and gains, and new or

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improved wells in the basin. These deficiencies in the analysis suggest BVIHM may not be considering all relevant groundwater pumping and related impacts in the basin. Since SGMA requires sustainable management of the entire basin, the sustainable management criteria and water budget must take a basin-wide approach. The GSA must identify reasonable measures and schedules to address these data gaps and set or revise basin-wide sustainable management criteria as its understanding of the Basin improves.

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**Public Trust Doctrine and California Endangered Species Act**

The Department urges the GSA to consider its duties under the Public Trust Doctrine while developing its Draft GSP. While the SGMA sustainability requirements must be met within the 20-year planning and implementation horizon, Public Trust Doctrine requirements apply independently of SGMA, are not preempted by SGMA, and are applicable at all times. Under the Public Trust Doctrine, the GSA has the responsibility to consider potential impacts of its groundwater planning decisions on navigable interconnected surface waters and their tributaries, and ISWs that support fisheries and ecological uses, including the level of groundwater contribution to those waters.[2] The GSA has "an affirmative duty to take the public trust into account in the planning and allocation of water resources, and to protect public trust uses whenever feasible." (*National Audubon Society v. Alpine County Superior Court* (1983) 33 Cal. 3d 419, 446.)

It is not clear that the GSA has undertaken the analysis and consideration required under the Public Trust Doctrine to support its proposed PMAs and management criteria. Under *Audubon* and *Environmental Law Foundation*, the GSA must conduct a robust analysis that considers the needs of public trust resources and impacts to those resources due to the proposed groundwater management practices, and that clearly explains why protection of public trust resources is infeasible due to inconsistency with the public interest. As explained above, the GSA has yet to resolve significant data gaps relevant to the surface water depletion rate, basin-wide groundwater levels, and the presence and needs of GDEs and beneficial users of interconnected surface waters. These issues must be addressed to ensure appropriate consideration of the needs of public trust resources as required under the Public Trust Doctrine.

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[2] *See, e.g., People v. Truckee Lumber Co.* (1897) 116 Cal. 397, *National Audubon Society v. Alpine County Superior Court* (1983) 33 Cal. 3d 419, and *Environmental Law Foundation v. State Water Resources Control Board* (2018) 26 Cal. App. 5th 844.

Based on an accurate understanding of public trust resource needs and impacts, the GSA will need to assess a range of potential protective measures to address impacts of groundwater extractions. These measures may need to go beyond the PMAs identified in the Draft GSP and may include pumping limits or alternative supply options to address existing, new, and expanded extractions. Given overallocation and ongoing drought, it is critical to plan for such eventualities in the Draft GSP. Before rejecting such measures, the GSA will need to engage in a balancing of competing interests that shows that protecting species and habitat though contingent pumping limits, use of supply alternatives, or equivalent protective measures would be infeasible.

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It is also unclear whether the GSA has appropriately considered potential impacts to *all* public trust resources in the basin, including those in Meiss Lake within the BVWA. Meiss Lake provides about 4,000 acres of aquatic wetland habitat that supports a variety of bird species, including migratory waterfowl, sandhill cranes, and other wetland-associated birds along the Pacific Flyway. (1996 Land Management Plan for BVWA.) Surveys since the Land Management Plan of 1996 have documented that in wet cycles, Meiss Lake contains thousands of nests of gull and tern species, including ring-billed gulls, California gulls, Caspian terns, and Forster's terns plus double crested cormorants and American white pelicans. (Novick 2011.) Species known to visit BVWA and use its habitat for nesting and/or foraging include the state endangered bald eagle, the state threatened greater sandhill crane, the state threatened Swainson's hawk, and the state threatened northern spotted owl. (*Id*.) Surveys of BVWA also document peak use of the wildlife area by hundreds of thousands of waterfowl, including nesting species (mallard, gadwall, cinnamon teal, Great Basin Canada goose, redhead, pintail and ruddy duck). (*Id*.) One of the key purposes for acquiring and maintaining the BVWA is to maintain and restore wetlands onsite, including Meiss Lake, to provide habitat and food for species. (1996 Land Management Plan for BVWA.) Failing to manage groundwater to ensure Meiss Lake receives adequate inputs to support these uses would undermine this goal.

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Many state policies and orders recognize the importance of wetlands, including the following:

- Executive Order W-59-93, California Wetlands Conservation Policy, commonly referred to as the "No Net Loss Policy" for wetlands, which aims to "[e]nsure no overall net loss and achieve a long-term net gain in the quantity, quality, and permanence of wetlands acreage and values in California in a manner that fosters creativity, stewardship and respect for private property";

- SWRCB Resolution No. 2019-0015 ("State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State"), which affirms the SWRCB and Regional Water Boards' commitment to increasing the quantity, quality, and diversity of wetlands in California; and
- The Fish and Game Commission's Wetlands Resources policy, which recognizes that wetlands "provide significant and essential habitat for a wide variety of important resident and migratory fish and wildlife species" and that the quality and quantity of wetlands habitat in California has been significantly reduced. The Commission's policy is to ensure that proposed projects will result in no net loss of wetland or riparian habitat or acreage, and to seek to provide for the protection, preservation, restoration, enhancement, and expansion of wetland habitat in California.

Case law recognizes that these ecological uses of Meiss Lake are subject to the Public Trust Doctrine. In *Marks v. Whitney* (1971) 6 Cal. 3d 251, 259-260, the California Supreme Court recognized that the Public Trust Doctrine extends to preservation of wetlands "…in their natural state, so that they may serve as ecological units for scientific study, as open space, and as environments which provide food and habitat for birds and marine life…" More recently, the same court in *Audubon* recognized applicability of the Public Trust Doctrine to non-navigable tributaries to Mono Lake that supported a variety of bird species. (33 Cal. 3d 419, 436-437.) In *Environmental Law Foundation*, *supra*, 26 Cal. App. 5th 859-860, the Court applied the Public Trust Doctrine to groundwater extractions from tributaries that adversely impact public trust uses in interconnected surface waters, noting that the key factor is not the nature of the activity, but whether the activity results in harm to public trust resources. Consistent with this case law, the GSA must, if feasible, manage groundwater use to ensure Meiss Lake continues to receive groundwater inputs necessary to support its habitat and ecological uses.

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Most critically, the GSA should consider the implications of its GSP development and implementation on species listed under the California Endangered Species Act (CESA). It is unclear whether the current Draft GSP will support all beneficial users, including CESA-listed bald eagle, greater sandhill crane, Swainson's hawk, and northern spotted owl, since its sustainable management criteria do not appear to account for the needs of these species and its PMAs are deferred to a future date. Actions may need to go beyond SGMA minimum requirements to meet Public Trust Doctrine requirements.

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The Department appreciates the opportunity to provide comments on the Draft GSP. For questions, please contact Region 1 SGMA Coordinator, Brad Henderson, at Brad.Henderson@wildlife.ca.gov . Additionally, you can contact the Klamath Watershed Coordinator, Janae Scruggs, at Janae.Scruggs@wildlife.ca.gov.

Sincerely,

DocuSigned by:
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