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September 23, 2021

Ray Haupt, Chair
Siskiyou County Flood Control & Water Conservation District
P.O. Box 750
1312 Fairlane Road
Yreka Ca 96097

Re: Karuk Tribe Comments on Scott and Shasta Groundwater Sustainability Plans

Ayukîi Chairman Haupt:

The careful and sustainable management of our groundwater is critically important to ensuring Siskiyou County residents have ample water supplies to meet future drinking, agricultural, and environmental needs. For the Tribe, proper management of groundwater is a critical part of ensuring that the in-stream flow needs of fisheries are met today and into the future.

The Sustainable Groundwater Management Act (SGMA) was enacted to protect and sustainably manage California's groundwater resources. The Karuk Tribe continues to be disappointed and frustrated by the Siskiyou County's implementation of SGMA. Since 2017, requests to form a Groundwater Sustainability Agency that includes tribes have been ignored. Despite efforts to craft a Memorandum of Understanding to facilitate good faith communication and exchange of information, the County has largely ignored the Tribe's requests for government-to-government meetings and our input into the SGMA process.

This most recent comment period on the draft Groundwater Sustainability Plans for the Scott and Shasta are another example of the County's refusal to act in good faith with the Karuk Tribe or other entities. The County did not share all of the technical materials that support the documents to be reviewed in a timely manner. This resulted in Tribes, agencies, and others scrambling to perform a technical review on hundreds of pages of materials, draft comments, and get comments approved by governing councils or management in two weeks.

This process has been deeply flawed and mismanaged from the outset and does a disservice to the Tribes, non-tribal constituents, agricultural operators, fishermen, and others seeking certainty and resolution of the water resource conflicts in our region. In fact, because of the deep flaws in the process and the work product, its likely to create more uncertainty for everyone.

Comments on the Scott Groundwater Sustainability Plan

1. The GSP Fails to Properly Specify Undesirable Results, Minimum Thresholds and Measurable Objectives for the Interconnected Surface Waters Sustainability Goal

Despite the known impacts of low flows on protected species, the GSP fails to properly define undesirable results, minimum thresholds, and measurable objectives for the interconnected surface waters (ISW) sustainability indicator.

SGMA sets out a three-step process for defining these terms. The undesirable result is an "effect" caused by over pumping; here, the depletion of streamflow. (Wat. Code § 10721, def (x)(6); Cal. Code Regs. tit. 23, § 354.26.) The minimum threshold is the numeric value that determines when an effect becomes "undesirable," i.e. when it becomes "significant and unreasonable." (Wat. Code § 10721, def. (x); Cal. Code Regs. tit. 23, § 354. It must

> quantify groundwater conditions for each applicable sustainability indicator at each monitoring site or representative monitoring site established pursuant to Section 354.36. The numeric value used to define minimum thresholds shall represent a point in the basin that, if exceeded, may cause undesirable results....

(Cal. Code Regs., tit. 23, § 354.28, subd. (a).) With regard to depletions of interconnected surface water, the regulations require that the minimum threshold be defined as 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." (*Id.* § 354.28, subd. (c)(6).) And the measurable objective represents numeric targets to achieve sustainability; that is, to avoid undesirable results by keeping the basin above the minimum threshold. (Cal. Code Regs. tit. 23, § 354.30.)

The GSP defines these terms for interconnected surface waters in a way that fails, as the statute requires, to tie the results of over pumping to concrete effects in the basin. The GSP distinguishes between a "SGMA undesirable result" and an "aspirational 'watershed goal.'" (GSP at 3.57-59.) The former is defined as "stream depletion that can be attributed to groundwater pumping outside of the adjudicated zone to the degree it leads to significant and unreasonable impacts on beneficial uses of surface water." (GSP at 3.57.) The minimum threshold is defined as the "the amount of stream depletion reversal achieved by one or an equivalent set of multiple minimum required PMAs to meet the intent of SGMA (no additional undesirable results), and Porter Cologne and the PTD (some reversal of existing undesirable results)."[1] (GSP at 3.60.) And the measurable objectives are defined by percentages of streamflow depletion reversed by PMAs. (GSP at 3.63-64.)

2. The Undesirable Result Definition is Tautological and Fails to Achieve Basin-Wide Sustainability as SGMA Requires

As part of achieving a basin's "sustainability goal," a GSP must "identify" "undesirable result[s]." (Wat. Code §§ 10721 subds. (u)-(x); 10727.2, subd. (b).) An "undesirable result" means an "effect[] caused by groundwater conditions throughout the basin." (Id. § 10721, subd. (x).) Undesirable results include "[d]epletions of interconnected surface water that have significant and unreasonable adverse impacts on beneficial uses of the surface water." (Id. § 10721, subd. (x)(6).)

The GSP must define these "significant" and "unreasonable" effects. (Cal. Code Regs. tit. 23, § 354.26(a).) But the GSP's definition of "undesirable results" is a tautology. The GSP defines it as "significant and unreasonable stream depletion due to groundwater extraction from wells subject to SGMA (i.e., outside of the Adjudicated Zone)." (GSP at 3.59.) By including the terms "significant and unreasonable" in the definition, the GSP fails to provide a workable definition: an effect is defined as unreasonable if it is unreasonable. This is nonsensical and unworkable. In *Asociacion de Gente Unida por*

[1] The GSP finds that the ISW undesirable result existed prior to 2015 and thus the GSP need not address it under SGMA. (GSP at 3.55-56; Wat. Code § 10727.2.) This memo discusses this finding below.

el Agua v. Central Valley Regional Water Quality Control Board (2012) 210 Cal.App.4th 1255, 1280, the Court of Appeal disapproved a waste discharge requirement for dairy pollution where "the basis for concluding that any degradation of groundwater will be of maximum benefit to the people of California is that the Order states that it prohibits any further degradation of groundwater." The court found that this reasoning was "circular." (*Ibid.*) The same is true here.

What the GSP could have done, but did not do, is establish a streamflow target that is protective of beneficial uses in the Scott. It then could have determined the relative contributions of groundwater users inside and outside the adjudication along with surface users. It could then establish the needed reductions in use by all three categories of water users. Even though the GSA lacks authority over surface users and the adjudicated zone, the exercise would inform the amount that pumpers outside the zone need to reduce by to reach a satisfactory flow rate. And making these calculations would inform the County, the State Board, the Watermaster, and potentially the courts and other agencies about the scale and nature of needed actions. This approach would also comply with SGMA by quantifying the undesirable result and minimum threshold.

Starting with a streamflow target and working backwards is consistent with SGMA because the statute measures compliance at the basin scale. For instance, the "sustainability goal" means ensuring that the "applicable basin is operated within its sustainable yield." (Wat. Code § 10721, def. (u).) And an "undesirable result" means "one or more of the following effects caused by groundwater conditions occurring throughout the basin." (*Id.* def. (x).) And DWR evaluates GSPs to determine whether they are "likely to achieve the sustainability goal for the basin covered by the groundwater sustainability plan." (Wat. Code § 10733, subd. (b).) The regulations reiterate that undesirable results are "significant and unreasonable effects…occurring throughout the basin." (Cal. Code Regs. tit. 23, § 354.26(a).) Again, the regulations and the statute include the language "throughout the basin." If the legislature did not want to include consideration of effects in the adjudicated areas, it could have done so but did not. By focusing solely on pumping outside the adjudicated zone, the GSP fails to ensure, or even analyze what would be necessary to ensure that the basin as a whole reaches sustainability.

3. The Undesirable Result Is Not Quantified, in Violation of the SGMA Regulations

The SGMA regulations require the GSP to quantify the undesirable result:

> The criteria used to define when and where the effects of the groundwater conditions cause undesirable results for each applicable sustainability indicator. The criteria shall be based on a **quantitative description** of the combination of minimum threshold exceedances that cause significant and unreasonable effects in the basin.

(Cal. Code Regs., tit. 23, § 354.26, subd. (b)(2) (emphasis added).) The description in the GSP is inadequate because it is not a "quantitative description." The regulations are clear that the result must be in the form of numbers tying minimum threshold exceedances to the significant and unreasonable effects. The GSP's description is entirely qualitative. In addition, the description lacks "criteria" for "when and where" groundwater conditions cause significant and unreasonable depletions. Again, SGMA and the regulations make crystal clear that the undesirable results analysis must be tied to physical conditions and physical locations, not solely a model output.

This violates the regulations.

4. The Reasonableness Analysis Fails to Consider Costs to Beneficial Users of Surface Waters

The GSP is required to determine whether the depletions of surface waters have "unreasonable impacts on beneficial users of surface waters." But instead of focusing its discussion on the harms to beneficial users, it focuses solely on the costs to groundwater users. This violates SGMA.

The GSP fails to properly consider the "unreasonableness" of stream depletions by failing to analyze not only of the costs of compliance but of the costs to the public, tribes, and commercial fisheries of the loss of fish populations—loss which may include the incalculable consequences of extinction or extirpation. For instance, courts have held that when setting water quality objectives under Water Code section 13241, the "Water Control Boards are charged with taking into account economic considerations, not merely costs of compliance with a permit. As noted, economic considerations also include, among other things, the costs of not addressing the problems of contaminated water." (*City of Duarte v. State Water Resources Control Board* (2021) 60 Cal.App.5th 258, 276.) The same is true here: determining whether an effect is reasonable requires looking at both costs to comply with any restrictions and also the costs to the public of over-extraction.

The GSP states: "In the context of assessing MTs for the ISW SMC, it is reasonable to only hold groundwater producers outside the adjudicated zone to a modest percentage of stream depletion reversal because any greater responsibility would unreasonably constrain groundwater users in the basin." (GSP at 3.58.) Later, the GSP purports to analyze "what is an "unreasonable" amount of stream depletion, which could be reframed as: what is a "reasonable" amount of avoided groundwater use?" (GSP at 3.59.) This is not the question the statute asks: SGMA requires the definition of significant and unreasonable effects to focus on the *results* of stream depletion, not the cost of avoiding it. (Wat. Code § 10721, def. (x); Cal. Code Regs. tit 23, § 354.26(a).) Any costs associated with any constraint on groundwater users has to be balanced against the effect of their actions on groundwater conditions. A reasonableness analysis that focuses entirely on costs to groundwater users is incomplete.

5. The Unreasonableness Analysis Ignores Legally Binding Streamflow Limits in the Scott River

The analysis also misses the fact that the State Board recently adopted emergency regulations setting flow levels (embodied in the CDFW drought minimum flows) below which extractions are deemed to be unreasonable. (See Wat. Code § 1058.5. (State Board authority to adopt emergency regulations to "prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water"); Cal. Code Regs. tit. 23, § 875 et seq.) Rather than focusing on the cost of compliance, the GSP must revisit its significant and unreasonable analysis in light of the State Board's determination of what is "reasonable." It is within the State Board's authority to determine which uses are reasonable. (*Stanford Vina Ranch Irrigation Company v. State* (2020) 50 Cal.App.5th 976, 1002–1003 ("[T]he Board is charged with acting to prevent unreasonable and wasteful uses of water, regardless of the claim of right under which the water is diverted.").)

Nor does the fact that extraction has been continuing at these levels for the last several decades (a fraction of the time that the Karuk Tribe has existed in the Klamath basin) make over-extraction of groundwater reasonable. (Wat. Code § 100.5 ("conformity of a use, method of use, or method of diversion of water with local custom shall not be solely determinative of its reasonableness.") The GSP must account for the fact the State Board has now declared flows below the CDFW drought minimum flows to be unreasonable.

6. Minimum Thresholds Inadequately Defined

The GSP defines the minimum threshold for interconnected surface waters as "the amount of stream depletion reversal achieved by one or an equivalent set of multiple minimum required PMAs to meet the intent of SGMA (no additional undesirable results), and Porter Cologne and the PTD (some reversal of

existing undesirable results)." (GSP at 3.60.) It goes on specify: "**average stream depletion reversal** of the implemented PMAs during September–November **must exceed 15% of the depletion caused by groundwater pumping from outside the adjudicated zone in 2042 and thereafter**..." (GSP at 3.60 (emphasis in original).) There are at least three problems with this. First, it is circular. Second, the 15% figure is arbitrary and unsupported by evidence. Last, it is not tied to a "monitoring site or representative monitoring site" as required by the regulations.

The minimum threshold is circular because it starts from the premise that the ILR/MAR scenario is all that need be done. The GSP states that Advisory Committee determined it was "reasonable" implement the MAR/ILR scenario of PMAs. (GSP at 3.60.) This involves flooding fields using excess flows in the winter and switching from groundwater to surface water irrigation using excess water in the spring. This scenario does not involve reducing pumping by groundwater users. Having determined the costs associated with the MAR/ILR scenario are reasonable, the GSP simply states that the streamflow associated with that scenario is the minimum threshold. (GSP at 3.61.) This depletion reduction figure is 15%.

By defining the minimum threshold as the results of simulated PMAs, the GSP creates a circle. It can define the undesirable result and achieve it without demonstrating any real-world impact on flows, fish, or the people that rely on them. This violates SGMA.

In addition, the 15% figure is completely lacking in evidence. An agency's action is invalid if it is "arbitrary, capricious, or without evidentiary support." (E.g. *Association of Irritated Residents v. San Joaquin Valley Unified Air Pollution Control Dist.* (2008) 168 Cal.App.4th 535, 542.)

While the GSP implies that it was discussed at the Advisory Committee meetings, there is no justification for why 15% was chosen, and not 50%, 100%, or 5%. Indeed, although the key driver of the GSP's MT analysis is the cost of the MAR/ILR scenario, the GSP *does not consider the cost of the scenario!* (GSP at 3.60-61, 4.27 ("Costs and funding for [the ILR/MAR] project have not yet been explored.") Here, the failure to consider the costs of the ILR/MAR scenario—which is the only basis for the selection of the 15% reduction figure—is arbitrary and capricious because it is not based on any evidence in the record.

Moreover, there is no analysis of the impacts of the 15% depletion reduction on the stream itself. Without this analysis, there is no way to know whether this level of reduction is "significant" or "unreasonable," no matter how the terms are defined. And this illustrates the problem with defining the minimum threshold in terms of a modeled output rather than, as required by the regulations, a value at a monitored site.

The "minimum thresholds" must "quantify groundwater conditions for each applicable sustainability indicator *at each monitoring site or representative monitoring site.*" (Cal. Code Regs., tit. 23, § 354.28(a), emphasis added.) Therefore, the definition of the undesirable result must be "quantitative" and must be tied to minimum threshold exceedances at *particular monitoring sites.*[2] In other words, the SGMA regulations require a GSP to express an undesirable result in terms of a real-world impact to a directly measured value, in this case, streamflow.

The SVIHM model will doubtless be a useful tool and provides invaluable insights into those parameters that cannot be directly measured. But it is not a "monitoring site." The GSP must include minimum thresholds that inform the GSA and the public when physical conditions in the basin have reached the point of being "significant and unreasonable" impacts on interconnected surface waters.

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[2] Section 352.4 of the regulations makes clear that a monitoring site is a physical location, not a model output. (Cal. Code Regs., tit. 23, § 352.4.)

7. Measurable Objectives are not Properly Defined

The GSP attempts to avoid the requirement to define the minimum threshold and measurable objectives in terms of stream flow by referring to section 354.30, subdivision (b) of the regulations. The GSP states, "Choosing the aspirational watershed goal itself as MO would not meet the requirement that quantification/measurement of streamflow depletion that is used to establish the minimum threshold, Section 3.3.5.1, must also [be] used to quantify the MO."[3] But this is precisely backwards. As discussed above, the minimum threshold must be defined with reference to a measured value at a monitoring site. And there is no requirement that the measured value be identical, only that the metrics and monitoring sites be the same. Again, SGMA is clear that measurable objectives, like minimum thresholds and undesirable results, be defined in terms of measurable stream flow, not as a portfolio of PMAs or solely as a model output.

8. The GSP Does not Consider the 2021 Emergency Regulations or the CDFW Drought Flows

On June 15. 2021, CDFW transmitted Minimum Flow Recommendations for the Scott and Shasta Rivers to the State Board.[4] The minimum flow recommendation largely tracks the USFS water right at the Fort Jones Gage, with deviations in September (33 cfs), November (60 cfs), and December (150 cfs.)

Based on these recommendations, the 2017 CDFW flow recommendations, and a Petition for Emergency Rulemaking filed by ELF and the Karuk Tribe on July 1, 2021, the State Board adopted emergency regulations setting minimum flows on the Scott and Shasta River in August 2021. (See Cal. Code Regs. Tit. 23, § 875 et seq.)

The emergency regulations establish the CDFW Minimum Flow Recommendations as the minimum permissible flows in the Scott River. (Cal. Code Regs. tit. 23, § 875(c)(1).) State Board staff is authorized to curtail diversions—both surface waters and groundwater—that reduce river flow below those levels. Curtailment orders have now gone out to diverters.

The GSP does not acknowledge either of these events. Rather, it states "However, neither the ESA, TMDL, or PTD specify mandatory targets, minimum thresholds, or specific project requirements." (GSP at 3.57) This statement is not true. The emergency regulation now sets a minimum flow for the Scott River. Thus, the goal of restoring adequate flows in the Scott is no longer "aspirational"—a minimum flow is now the law. The GSP must be revised to account for this.

9. The GSP Fails to Consider Undesirable Effects that Have Occurred After 2015

Water Code section 10727.2, subdivision (b)(4) states that a GSP "may, but is not required to, address undesirable results that occurred before, and have not been corrected by, January 1, 2015. Notwithstanding paragraphs (1) to (3), inclusive, a groundwater sustainability agency has discretion as to whether to set measurable objectives and the timeframes for achieving any objectives for undesirable results that occurred before, and have not been corrected by, January 1, 2015."

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[3] GSP, Chapter 3, at p. 53. The cited regulation states: "measurable objectives shall be established for each sustainability indicator, based on quantitative values using the same metrics and monitoring sites as are used to define the minimum thresholds." (Cal. Code Regs., tit. 23, § 354.30, subd. (b).)

[4] Available at https://www.waterboards.ca.gov/drought/scott_shasta_rivers/docs/swb_2021_shasta_scott_drought_emergency_final.pdf, accessed September 15, 2021.

The GSP says, "In Scott Valley, undesirable results associated with depletion of interconnected surface water that have occurred since January 1, 2015, had already existed for over thirty years prior as of 2015. No additional undesirable results have occurred since January 1, 2015 (Section 2.2.1.6). Additional future surface water depletion due to groundwater pumping will be avoided by rigorous controls set on maintaining current water level conditions (Section 3.4.1) and by avoiding significant additional consumptive water use in Scott Valley (see chapter 4)." (GSP at 3.55.)

This misstates the facts. It is clear that there is sufficient water in the Scott River system to sustain fish populations in almost every year. This is evident from the pre-1980 record showing that the river could sustain the USFS flow right and the CDFW recommended flows prior to the adjudication and the expansion of groundwater pumping. And it is clear from the information contained in the GSP that almost every year, precipitation is sufficient to bring flows up to a level that would support those flows for most of the year, absent irrigation. (See GSP at App. 4-A, at pp. 73-75.)

Therefore, the effects of stream depletion did not "exist" prior to 2015. Indeed, on January 1, 2015, the Scott River flowed at over 500 cfs, well above the CDFW-recommended 362 cfs.[5] The "undesirable result" for the purposes of SGMA is the disconnection and low flow in the river. (Wat. Code § 10721, def. (x)(6).) In the summer of 2015, growers made a choice to withdraw water from a full aquifer. And in 2015, just as in every prior summer, the County, the State Board, and other responsible agencies allowed the depletions to occur.

This does not mean that the undesirable result "existed." Courts have "long settled that separate, recurring invasions of the same right can each trigger their own statute of limitations." (*Aryeh v. Canon Business Solutions* (2013) 55 Cal.4th 1185, 1198.) This a similar situation: the stream depletions are not a continuous problem that occurred long ago and has not been corrected, like seawater intrusion or permanent subsidence. Depletions are discrete events that recur anew each year, but the GSP treats them as permanent. Indeed, the GSP claims that there is no chronic lowering of groundwater levels in the Scott. (GSP at 3.32.)

The GSP should be revised to make clear that the stream depletions did not "exist" prior to 2015 because each year they are caused again.

10. The GSA's Baseline Analysis Must Include Consideration of Other Laws

SGMA also does not absolve the County or the GSA of its duty to comply with other environmental laws. SGMA contains at least four explicit savings clauses making explicit that SGMA's requirements are in addition to, and do not replace, the requirements of other laws, including the Clean Water Act, the public trust doctrine, the state and federal Endangered Species Acts, or Fish and Game Code 5937, to name just a few.

SGMA's savings clauses include:

- "Nothing in this part, or in any groundwater management plan adopted pursuant to this part, determines or alters surface water rights or groundwater rights under common law or any provision of law that determines or grants surface water rights." (§ 10720.5, subd. (b).)
- "A groundwater sustainability agency may exercise any of the powers described in this chapter in implementing this part, in addition to, and not as a limitation on, any existing authority . . . ." (§ 10725, subd. (a).)

[5] USGS Flow Meter Data available at https://nwis.waterdata.usgs.gov/ca/nwis/uv/?ts_id=16566&format=img_default&site_no=11519500&begin_date=20150101&end_date=20150101

- "This part is in addition to, and not a limitation on, the authority granted to a local agency under any other law." (§ 10726.8, subd. (a).)
- "Nothing in this part is a limitation on the authority of the [State Water Board], the [Department of Water Resources], or the State Department of Public Health." (§ 10726.8, subd. (c).)[6]

The GSP purports to consider other laws. But it does so in the context of doing as little as possible to comply with those laws. The GSP states that SGMA requires it to only not cause more undesirable results than "existed" in 2015 (e.g. GSP at 3.60). But it characterizes any "additional" reduction in pumping as in response to the public trust doctrine the Clean Water Act, not SGMA. As discussed above, the conclusion that SGMA does not require further reductions below the 2015 baseline is incorrect. The analysis of undesirable results and minimum thresholds needs to be revised to take into account the requirements of all other relevant laws.

For instance, the analysis of temperature impacts is insufficient. Groundwater extractions reduce cold-water inflows. (GSP at 2.25.) And this occurs not just in the August-November period, but throughout the year. And some of these cold pools may exist in tributaries that are not part of the adjudicated area, such as the East Fork.[7] These areas would thus be fully under the jurisdiction of SGMA. But the GSP does not model or account for cold water refugia, which are crucial for salmonid over-summering and rearing, especially for Coho. (GSP at 2.73.) The TMDL Action Plan reinforces that these thermal refugia are necessary for species recovery: "Where reaches of the Scott River and its tributaries are providing suitable freshwater salmonid habitat, including cold water refugia for coho and other salmonids, protection of these areas should be a priority for restoration efforts."[8]

The GSP's failure to model and consider impacts of groundwater extraction on this crucial habitat implicates the Clean Water Act, by failing to comply with the TMDL for temperature, and the Endangered Species Act, for failing to protect critical habitat. Moreover, temperature impacts are an "effect" that the GSP wholly fails to evaluate the significance and reasonableness of when defining the undesirable result and minimum thresholds for either water quality or interconnected surface waters.

The GSP should, at the very least, incorporate a plan to identify and protect these cold water refugia where they occur.

11. The GSP Fails to Consider Surface Water Quality

The GSP's identification of undesirable results for water quality is insufficient because it fails to consider groundwater extraction's impacts to surface water quality. SGMA provides that "[s]ignificant and unreasonable degraded water quality" is an undesirable effect required to be avoided (Wat. Code § 10721, subd. (x)(4), and SGMA does not limit this definition to degraded *groundwater* quality. But the GSP limits its discussion of the water quality undesirable result to groundwater quality. (GSP at 3.42) This limitation violates SGMA because it does not consider the significant effects that groundwater conditions have on surface water quality, namely, temperature—including cold water refugia. The GSP acknowledges that the Scott is listed as impaired for temperature under section 303(d) of the Clean Water Act. (GSP at 2.23) And extractions of groundwater affect flows and therefore temperature in the Scott. (GSP at 2.25.)

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[6] The "part" mentioned in each provision refers to Part 2.74 of the Water Code—that is, the entire Sustainable Groundwater Management Act. (§ 10720.)

[7] North Coast Regional Water Quality Control Board, Staff Report for the Action Plan for the Scott River Watershed Sediment and Temperature Total Maximum Daily Loads (2005) at p. 4-35.

[8] North Coast Regional Water Quality Control Board, Staff Report for the Action Plan for the Scott River Watershed Sediment and Temperature Total Maximum Daily Loads (2005) at p. 5-4.

The GSP must be revised to describe impacts to surface water temperature as an undesirable result and to develop minimum thresholds, measurable objectives, and projects and management actions to remedy the undesirable result.

12. Additional technical comments to be incorporated by reference

The Karuk Tribe supports and incorporates by reference the technical comments prepared by Riverbend Sciences on behalf of the Klamath Tribal Water Quality Consortium dated September 21, 2021 regarding review and comments on *Public Draft Scott Valley Groundwater Sustainability Plan.* These comments are attached.

Comments on the Shasta Groundwater Sustainability Plan

The Karuk Tribe supports and incorporates by reference the technical comments prepared by Riverbend Sciences on behalf of the Klamath Tribal Water Quality Consortium dated September 21, 2021 regarding review and comments on *Public Draft Shasta Valley Groundwater Sustainability Plan.* These comments are attached. Karuk-001

The Karuk Tribe hopes that the Groundwater Sustainability Agency/ Siskiyou County Flood Control & Water Conservation District will work to amend the draft plans based on the extensive feedback based on the legal and technical merits of the draft plans. The Karuk Tribes remains interested forging a collaborative relationship with the County despite the apparent lack of such interest by the County.

Yôotva,

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