

Comment on the Draft Groundwater Sustainability Plan (GSP)  
Borrego Valley Groundwater Basin  
May 20, 2019

Regarding Integration of a possible negotiated settlement/stipulated agreement among major pumpers and the GSP

Information is hard to come by as current negotiations between attorneys of major pumpers, including the Borrego Water District (BWD), are not transparent to the public, but it seems water rights and more are currently being negotiated.

I and other members of the public sincerely hope that this agreement, if it is reached, will not negate the GSP work done to date but we do not know if the substantive GSP provisions will still be upheld if such an agreement with the pumpers is reached. As an AC representative to the GSA developing the GSP for the basin, I also sincerely hope that there will be a public comment period on such a negotiated agreement before it is submitted to a court for affirmation. Will the public have the option to comment on the provisions of such an agreement? Will there be any chance of a change as a result of public comments? Do we know what the process for decisions about this might be?

The intention of this comment letter is to point out that such private negotiations do not conform to the public participation aspects of SGMA, and that in such negotiations, the Borrego Water District is one pumper among others, instead of being acknowledged as the one pumper who represents thousands of residents and visitors, and who is responsible for delivering water that will make the town of Borrego Springs viable into the future. One voice for the town of Borrego Springs is not sufficient.

The Draft GSP leaves virtually all of the controversial decisions to be made in a future time. When the stakeholder GSP Advisory Committee meetings were occurring, we were advised by the GSA, that is by representatives of San Diego County and the Borrego Water District, that there would be a fully transparent public process to determine the Projects and Management Actions that would govern the parts of the GSP that are mentioned there but were left to be determined in the future, like the water reduction program, fallowing program, and water trading program.

Now we understand that key parts of these are being negotiated in private, along with water rights.

The GSP can address this. Now that we know that stipulated agreement negotiations are likely going to determine many aspects of the programs mentioned in the draft GSP, as well as water rights, ***the GSP can protect its validity and the intent of SGMA by specifying that the process for drafting the Projects and Management Actions and any agreements that will determine the content of these programs must be conducted in a transparent way with public participation.***

***There should be a representative of the town present at negotiations for a stipulated agreement, in addition to BWD, who isn't a representative of either the agriculture, golf or recreation sectors, because that voice for the well-being of the town wouldn't be restrained by the many responsibilities and matters BWD has to juggle in its many-faceted role.***

I request that the GSP include provisions to provide for the above italicized/bolded recommendations. We are all in new territory with the Borrego Valley GSP. The future of the town is being decided in great part right now. Public participation and broad stakeholder involvement have to be part of that decision-making process. Isn't that the strong message the legislature sent by passing SGMA, despite any overly cautious legal interpretations that tend to weaken that intent?

Sincerely,

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