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VIA EMAIL

Dear Mr. Verboon and Mr. Hussain and Ms. Solis,

The El Rico GSA herein sets forth its comments in response to your inaccurate comments as published in at least Mavens Notebook, the Fresno Bee, and the Bakersfield Californian. Your inaccurate comments and lazy reporting have misrepresented El Rico GSA’s subsidence plan as it stands in the GSP. We insist that you correct the record with all of these publishers to clarify the record.

The El Rico GSA would also like to formally put the Mid-Kings GSA on notice that El Rico will be objecting to what Mid-Kings is calling “pumping limitations” as we understand them. El Rico GSA has previously verbally stated that the “pumping limitations” are not in fact limitations at all. Rather, they pump groundwater from the position upstream of El Rico and denude the natural flow before it can reach the El Rico GSA. This is unacceptable and in violation of SGMA law.

1. Inaccurate Statements By Mr. Verboon and Mr. Hussain and Ms. Solis

a. “Corcoran will sink 10 feet”

El Rico GSA’s subsidence plan does not allow the City of Corcoran to sink 10 feet. The City of Corcoran and nearby area is planned, in coordination with the Tule Subbasin, Kaweah Subbasin, and the GSAs in the Tulare Lake Subbasin to subside a maximum of 6 feet so that existing land surface gradients are maintained, which protects the City from floods. Additionally, existing land surface gradients depict a gradual slope from the City of Corcoran towards the bottom of the Tulare Lakebed, as has been the case for generations. Should any of you read the subsidence plan, these facts would be evident. Reporting on lies and disseminating misinformation is not what journalism should be about, despite all appearances in the legacy media. El Rico GSA expresses its disappointment with your misrepresentations and lazy reporting.

El Rico GSA’s subsidence plan does have Minimum Thresholds (MTs) that allow for up to 10 feet of subsidence in the lowest portions of the historic Tulare Lakebed. This portion of the Lakebed with the MT set at 10 feet is at least 4 miles away from the City of Corcoran and is not expected to negatively impact the City. Furthermore, there is no critical infrastructure in the Lakebed, and it is the bottom of a topographical bowl. An enhanced decrease in elevation relative to the rest of the Subbasin does not cause Unreasonable Results. In fact, allowing for more subsidence in the bottom of the Lakebed allows for increased use of licensed flood storage and increases the existing flood protection already afforded to nearby populated areas such as the City of Stratford and the City of Corcoran.

b. A “Native Yield” Study is Not What the Subbasin Needs. It Should Perform a “Sustainable Yield” Study

A “Native Yield” study is not needed. Rather, a study should be made of Sustainable Yield, as would be done in an adjudication. Native Yield is but one component of Sustainable Yield, and to conflate those terms does not lead to any positive resolution. Wasting money and consultants time on a native yield study does not serve the purposes of the subbasin and its water users. Rather, a “Sustainable Yield” determination should be made.

c. “El Rico GSA has not shared [subsidence] information with the rest of the group and its boundaries are blank on satellite maps”

The El Rico GSA, along with all of the GSAs in the Tulare Lake Subbasin and GSAs in other subbasins including the Kings, and Kaweah, have partnered with KRCD in the regional subsidence program, for which all GSA’s pay. We are flabbergasted by your misstatements here. There are numerous physical benchmarks that are surveyed annually by KRCD that lie throughout the El Rico GSA, including the area comprised of the historic Tulare Lakebed. El Rico’s subsidence plan significantly increases the existing KRCD benchmark density from the Subbasin annual reports to facilitate the implementation of El Rico’s subsidence plan.

It is evident, again, that the reporter and commenters have not read El Rico GSA’s plan, and they choose to invent stories. The subsidence plan contains detailed descriptions of subsidence management zones, sustainable management criteria of the subsidence zones, and benchmark information so the plan can be followed.

As to satellites, the El Rico GSA is not in control of satellite flyovers and measurements. While purely speculative, it would appear that the satellites take measurements where there is critical infrastructure including roads, towns, etc. Additionally, InSAR satellite data most likely cannot be used to measure land surface elevations that are covered by water, which helps to explain why portions of the El Rico GSA that operate as ponds, reservoirs, or lakes could be excluded from the InSAR subsidence maps. As mentioned above, there is no critical infrastructure in the bottom of the historic Tulare Lakebed, and many portions of the El Rico GSA can be covered by water from time to time. Lastly, the satellite readings are not cut off at the boundaries of the El Rico GSA. This is a plain untruth.

d. “I don’t know how we haven’t coordinated; we’re on our 11th year” – Doug Verboon

El Rico GSA was regularly meeting with all of the GSAs in Tulare Lake Subbasin. Unfortunately, the former manager of the Mid-Kings GSA had been deceiving the other GSA’s as to what plans were being prepared. In actuality, no plan was made by the Mid-Kings GSA. The Mid-Kings GSA is still trying to introduce pumping limits, well registration, metering, etc. These are all important components of SGMA compliance.

When the El Rico GSA discovered the deception and lack of planning by the Mid-Kings GSA, El Rico GSA went forth on its own plan in an effort to comply with SGMA. El Rico has had a successful Prop 218 election in 2019, implemented groundwater pumping reporting, mandated metering, instituted a 3 acre-foot per acre pumping limit (and dwindling to sustainable quantities until 2040), and implemented well registration. Those not in compliance have been fined. We suspect none of this is happening in Mid-Kings GSA and unalleviated pumping continues as if SGMA does not exist.

Should the El Rico GSA wait for the deception and slow planning of the Mid-Kings GSA to play out, there is virtually zero chance of SGMA compliance. Hiding one's head in the sand is not a strategy. As Mr. Verboon stated, it's been 11 years since the law was enacted, and the Mid-Kings GSA still has not implemented a plan toward successful compliance. Having lots of meetings is not an indicator of success if the meetings produce no results. At the end of the day, SGMA will require less pumping to achieve its aim, and proportionally, the El Rico GSA has already pumped significantly less groundwater than its peers in the Subbasin since SGMA was enacted.

In some defense of all the Tulare Lake Subbasin GSA's, furtherance of SGMA compliance has been ebbed by the position of SWRCB staff that they cannot so much as meet with the Tulare Lake GSAs due to the *Kings County Farm Bureau* lawsuit. The injunction in the case does not say that SWRCB staff cannot meet with the GSAs for discussion. Rather, it states that the SWRCB cannot take action. A lack of meetings with SWRCB staff has surely slowed down progress towards SGMA compliance for the Subbasin.

2. Mid-Kings GSA Does Not Propose Sufficient "Pumping Limitations" and Adversely Impacts El Rico GSA Downstream

El Rico GSA has been informed that 5-6 acre-feet per acre is being contemplated as a "limit" on pumping. This is not a limit. Given that the El Rico GSA is downstream from the Mid-Kings GSA, the El Rico GSA is concerned that the Mid-Kings GSA is taking the stand that it can pump all groundwater before it has a chance to course downstream. In an adjudication, limits would be imposed to prevent such over pumping. The surrounding GSA's upstream from the El Rico GSA in the Tule and Kaweah subbasins are taking a more restrictive approach on pumping limits so as to not pump all water before it reaches the El Rico GSA. The El Rico GSA has previously spoken with the current Mid-Kings GSA manager that this is an issue that will be commented upon when GSP's are next released.

In conclusion, we ask that you correct the record regarding your misstatements about the El Rico GSA to the publishers of the misleading article.

Very truly yours,

Jeof Wyrick
Chairman