



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

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Bay Delta Region
2825 Cordelia Road, Suite 100
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October 13, 2026

Sierra Ryan, Water Resources Program Manager
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Subject: CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE COMMENTS ON THE SANTA MARGARITA BASIN DRAFT FIRST PERIODIC EVALUATION, SANTA CRUZ COUNTY

Dear Sierra Ryan:

The California Department of Fish and Wildlife (CDFW) Bay Delta Region (BDR) is providing comments on the Santa Margarita Groundwater Agency (GSA) Draft Santa Margarita Basin Groundwater Sustainability Plan (GSP) First Periodic Evaluation (Draft PE), made available for public review in September 2026. The Draft PE was prepared pursuant to the Sustainable Groundwater Management Act (SGMA). The Basin is designated as Medium Priority under SGMA.

CDFW is writing to support ecosystem preservation and enhancement in compliance with SGMA, and its implementing regulations based on CDFW expertise and best available information and science. CDFW has an interest in the sustainable management of groundwater, as many sensitive ecosystems, species, and public trust resources depend on groundwater and Interconnected Surface Water (ISW), including Groundwater-Dependent Ecosystems (GDEs). In the context of SGMA statutes and regulations, and Public Trust Doctrine considerations, groundwater planning should carefully consider and protect environmental beneficial uses and users of groundwater, including fish and wildlife and their habitats, GDEs, and ISW. CDFW has enclosed, for reference, a summary of GSP requirements and GSA obligations with respect to the protection of fish and wildlife and public trust resources (Attachment A).

COMMENTS AND RECOMMENDATIONS

CDFW recognizes the substantial progress the GSA has made to improve ISW monitoring and Sustainable Management Criteria (SMC). The GSA removed the provision that excluded drought years from the ISW undesirable result determination, expanded the ISW monitoring network by installing seven new monitoring wells, and revised the groundwater-level and extraction thresholds used to manage ISW depletion. However, additional information is needed to explain how the revised thresholds relate to streamflow and the target baseflows

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identified in the City of Santa Cruz Anadromous Salmonid Habitat Conservation Plan (HCP). Additionally, the Draft PE does not fully address CDFW's previous recommendation regarding the undesirable result definition:

COMMENT 1: CDFW's March 24, 2022, comment letter recommended the GSA explain how the ISW minimum thresholds prevent undesirable results, protect fish and wildlife and other environmental beneficial uses, and account for climatic and water-year variability.

Issue: The Draft PE responds to CDFW's previous comment by removing the drought-year exemption from the undesirable result definition and revising the SMC to account for water-year variability. The measurable objectives are now based on groundwater levels following a wet period, and groundwater extraction is evaluated using a five-year rolling average that allows for higher pumping during dry years if it is offset by lower pumping during wetter years. The revised ISW methodology also uses pre-SGMA conditions as a baseline because the GSA concludes that maintaining or improving those conditions would prevent additional pumping-induced ISW depletion and support target baseflows for juvenile salmonids identified in the City of Santa Cruz Anadromous Salmonid HCP. CDFW supports the GSA's approach of linking groundwater-level thresholds to the HCP target baseflows for juvenile salmonids and appreciates the GSA's consultation with CDFW during development of the methodology. However, the Draft PE does not clearly show how groundwater elevations relate to streamflow nor demonstrate that maintaining groundwater at the thresholds would support the HCP target baseflows.

Recommendation: CDFW recommends the GSA provide the numerical target baseflows from the City of Santa Cruz Anadromous Salmonid HCP and include a figure or other analysis showing the relationship between the groundwater-level thresholds and streamflow and demonstrating that maintaining groundwater levels at those thresholds would support the HCP target baseflows.

COMMENT 2: CDFW's March 24, 2022, comment letter recommended the GSA reconsider requiring two consecutive years of minimum-threshold exceedances before an undesirable result occurs and instead establish interim triggers and management actions to prevent significant impacts to environmental beneficial uses.

Issue: Although the GSA revised the undesirable result definition to remove the drought-year exemption, it still requires groundwater levels to remain below minimum thresholds for two consecutive years and requires exceedances at three or more wells within an aquifer group before an undesirable result is identified. The Draft PE proposes increased groundwater and streamflow monitoring when groundwater levels near interconnected streams approach a minimum threshold; however, it does not define what groundwater level would trigger that response nor identify management actions to address continued declines or impacts to environmental beneficial uses before an undesirable result occurs.

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Recommendation: CDFW recommends the GSA reconsider requiring groundwater levels to remain below minimum thresholds at three or more wells for two consecutive years before an undesirable result occurs. At a minimum, the GSA should define the groundwater level that would trigger increased monitoring and identify the management actions that would be taken to address declining groundwater levels and ISW depletion before significant impacts occur.

CONCLUSION

CDFW recognizes the substantial progress the GSA has made to expand monitoring and revise the ISW SMC. CDFW supports the GSA's approach of relating groundwater elevations to streamflow conditions that support juvenile salmonids and recommends the Final PE clearly document this relationship. CDFW also recommends the GSA reconsider requiring groundwater levels to remain below minimum thresholds at three or more wells for two consecutive years before an undesirable result occurs and instead establish interim triggers and management actions to prevent significant impacts.

CDFW has included a summary of GSP regulatory requirements related to the protection of fish and wildlife (Attachment A) and CDFW's March 24, 2022, comment letter on the Santa Margarita Basin Final GSP (Attachment B) for reference.

CDFW appreciates the opportunity to provide comments on the Santa Margarita Basin Draft PE. If you have questions, please contact Shay Richardson, Water Rights Coordinator, at Shay.Richardson@wildlife.ca.gov; or Julie Lile, Senior Environmental Scientist (Supervisory), at Julie.Lile@wildlife.ca.gov.

Sincerely,

DocuSigned by:

B77E9A6211EF486...
Erin Chappell
Regional Manager
Bay Delta Region

Attachment: Attachments A: Summary of GSP Requirements and GSA Obligations
Attachment B: CDFW Comments on the Santa Margarita Basin Final
Groundwater Sustainability Plan, March 2022

ec: California Department of Fish and Wildlife

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ATTACHMENT A

Summary of GSP Requirements and GSA Obligations With Respect to the Protection of Fish and Wildlife and Public Trust Resources

As trustee agency for the State's fish and wildlife resources, CDFW 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 and 1802). SGMA and its implementing regulations afford ecosystems and species specific statutory and regulatory consideration, including the following:

- GSPs must consider impacts to GDEs (Water Code, § 10727.4, subd. (l); see also Cal. Code Regs., tit. 23, § 354.16, subd. (g)).
- GSPs must consider the interests of all beneficial uses and users of groundwater, including environmental users of groundwater (Water Code, § 10723.2), and must identify and consider potential effects on all beneficial uses and users (Cal. Code Regs., tit. 23, §§ 354.10, subd. (a), 354.26, subd. (b)(3), 354.28, subd. (b)(4), and 354.34, subds. (b)(2) and (f)(3)).
- GSPs must establish SMC 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 (Cal. Code Regs., tit. 23, § 354.22 et seq.; Water Code, §§ 10721, subd. (x)(6), and 10727.2, subd. (b)), and must describe monitoring networks capable of identifying adverse impacts to beneficial uses of ISW (Cal. Code Regs., tit. 23, § 354.34, subd. (c)(6)(D)).
- GSPs must account for groundwater extraction for all water-use sectors, including managed wetlands, managed recharge, and native vegetation (Cal. Code Regs., tit. 23, §§ 351, subds. (a) and (l), and 354.18, subd. (b)(3)).

Furthermore, the Public Trust Doctrine imposes a related but distinct obligation to consider how groundwater management affects public trust resources, including navigable surface waters and fisheries. Groundwater hydrologically connected to surface waters is also subject to the Public Trust Doctrine to the extent that groundwater extractions or diversions affect or may affect public trust uses. (*Environmental Law Foundation v. State Water Resources Control Board* (2018) 26 Cal.App.5th 844; *National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419.) The GSA has an affirmative duty to take the public trust into account in planning and allocating water resources and to protect public trust uses whenever feasible. (*National Audubon Society*, supra, 33 Cal.3d at p. 446.) Accordingly, groundwater plans should consider potential impacts to and appropriate protections for ISW and their tributaries, including the level of groundwater contribution to waters that support fisheries.



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ATTACHMENT B

March 24, 2022

Via Electronic Mail and Online Submission

Craig Altare
Supervising Engineering Geologist
California Department of Water Resources
Email: Craig.Altare@water.ca.gov
Portal Submission: <https://sgma.water.ca.gov/portal/#gsp>

Piret Harmon
Scotts Valley Water District
Email: pharmon@svwd.org

**Subject: CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE COMMENTS ON
THE SANTA MARGARITA BASIN FINAL GROUNDWATER
SUSTAINABILITY PLAN**

Dear Craig Altare and Piret Harmon:

The California Department of Fish and Wildlife (Department) is providing comments on the Santa Margarita Groundwater Sustainability Agency (GSA) Santa Margarita Basin Groundwater Sustainability Plan (Final GSP) prepared pursuant to the Sustainable Groundwater Management Act (SGMA) and submitted to the California Department of Water Resources (DWR) on January 3, 2022. The Basin is designated as medium priority under SGMA and must be managed under a GSP by January 31, 2022.

The Department is writing to support ecosystem preservation and enhancement in compliance with SGMA and its implementing regulations based on Department expertise and best available information and science. As 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 and 1802).

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, species, and public trust resources depend on groundwater and interconnected surface water (ISW), including ecosystems on Department-owned and managed lands within SGMA-regulated basins.

SGMA and its implementing regulations afford ecosystems and species specific statutory and regulatory consideration, including the following as pertinent to GSPs:

Craig Altare, California Department of Water Resources
Piret Harmon, Scotts Valley Water District
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- GSPs must **consider impacts to groundwater dependent ecosystems** (GDEs) (Water Code § 10727.4(l); see also 23 CCR § 354.16(g));
- GSPs must consider the interests of all beneficial uses and users of groundwater, including environmental users of groundwater (Water Code § 10723.2) and GSPs must **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));
- 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)) and describe monitoring networks that can identify adverse impacts to beneficial uses of ISW (23 CCR § 354.34(c)(6)(D)); and,
- GSPs must **account for groundwater extraction for all water use sectors**, including managed wetlands, managed recharge, and native vegetation (23 CCR §§ 351(a) and 354.18(b)(3)).

In the context of SGMA statutes and regulations, and Public Trust Doctrine considerations, groundwater planning should carefully consider and protect environmental beneficial uses and users of groundwater, including fish and wildlife and their habitats, GDEs, and ISW.

Furthermore, the Public Trust Doctrine imposes a related but distinct obligation to consider how groundwater management affects public trust resources, including navigable surface waters and fisheries. Groundwater hydrologically connected to surface waters is also subject to the Public Trust Doctrine to the extent that groundwater extractions or diversions affect or may affect public trust uses. (*Environmental Law Foundation v. State Water Resources Control Board* (2018), 26 Cal. App. 5th 844; *National Audubon Society v. Superior Court* (1983), 33 Cal. 3d 419). 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, supra*, 33 Cal. 3d at 446). Accordingly, groundwater plans should consider potential impacts to and appropriate protections for ISW and their tributaries, and ISW that support fisheries, including the level of groundwater contribution to those waters.

The Department is providing the following comments and recommendations on the Santa Margarita Basin Final GSP:

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Piret Harmon, Scotts Valley Water District
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Sustainable Management Criteria

Comment: The Sustainability Management Criteria (SMC) for the Depletion of ISW in the GSP fails to explain how the proposed minimum threshold of “Average groundwater elevation of the 5 lowest measured values in each RMP” and measurable objective of “Seasonal low groundwater levels in each RMP from the fall of WY 2004” avoids the overall undesirable result of significant and unreasonable impacts to beneficial uses of surface water. Minimum Thresholds (MTs) and Measurable Objectives should ensure regional groundwater extractions do not lead to significant and adverse impacts on fish or wildlife resources by meeting plant and animal species temporal/spatial water needs including water availability especially for Threatened and Endangered species and Species of Special Concern. Where specific data are lacking, MTs should be conservative with respect to preserving fish and wildlife beneficial users of groundwater from undesirable results.

Recommendation: The Department recommends reconsidering this MT and revising it to address and describe:

- How MT prevents undesirable results;
- The effect the MT will have on environmental beneficial uses and users of groundwater, and what impact it will have on fish and wildlife; and
- How the MT accounts for climatic/water year type variability.

Comment: The undesirable result in the GSP for the SMC for the Depletion of ISW in the GSP is “The groundwater elevation in any RMP falls below the minimum threshold in 2 or more consecutive non-drought years and is not caused by emergency operational issues or extended droughts”. While environmental users are adapted to sustain short-term lowering of groundwater levels during dry periods, environmental users may not be able to sustain extended periods of reduced groundwater access that would result from allowing groundwater levels to fall to historic lows for two consecutive years.

Recommendation: The Department recommends the GSP reconsider the two consecutive years of groundwater levels below MTs required to constitute an undesirable result, recognizing that extended durations of groundwater inaccessibility for environmental users will likely lead to adverse impacts that cannot be easily reversed when groundwater levels recover. At a minimum, the Department recommends identifying physical triggers (e.g., declining Normalized Difference Vegetation Index signals) and associated management actions (e.g., demand reduction) to enable the GSAs to identify and mitigate localized patterns of lowering groundwater or depleted ISWs and associated negative impacts before the second year of MT exceedances yields more significant and undesirable impacts. These interim action triggers will help preempt irreversible losses and undesirable results for environmental users.

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The Department appreciates the opportunity to provide comments on Santa Margarita Basin Final GSP. While some concerns remain regarding the Sustainable Management Criteria, the Department recognizes that overall, the plan reflects a high level of collaboration and careful consideration of issues of concern to the Department. The Department looks forward to continued collaboration with the GSA as the plan is implemented. A firm commitment on the part of the GSA to update the plan based on additional data when it becomes available is critical to protect fish and wildlife beneficial uses, groundwater dependent ecosystems, and ISW in the basin.

If you have questions regarding these comments, please contact Ms. Jessie Maxfield, Water Rights Coordinator, at Jessica.Maxfield@wildlife.ca.gov or (707) 210-2807; or Julie Coombes, Senior Environmental Scientist (Supervisory), at Julie.Coombes@wildlife.ca.gov.

Sincerely,

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