California Natural Resources Agency
Wade Crowfoot, Secretary

Department of Water Resources
Karla Nemeth, Director
Taryn Ravizzini, Deputy Director of Statewide Groundwater Management
Craig Altare, Supervising Engineering Geologist
Steven Springhorn, Senior Engineering Geologist
Keith Wallace, Project Manager

California Environmental Protection Agency
Kristin Peer, Deputy Secretary and Special Counsel for Water Policy

State Water Resources Control Board
E. Joaquin Esquivel, SWRCB Board Chair
Dorene D'Adamo, SWRCB Board Member
Tam M. Dudoc, SWRCB Board Member
Sean Maguire, SWRCB Board Member
Laurel Firestone, SWRCB Board Member
Eileen Sobeck, Executive Director
Natalie Stork, Chief of Groundwater Management Program
Andrew Altevogt, Program Coordinator of Safe and Affordable Drinking Water

February 10th, 2020

Re: Reviewing Groundwater Sustainability Plans In Accordance With State Agency Obligations to Consider the Human Right to Drinking Water

Our collective organizations write to express our concern regarding implementation thus far of the Sustainable Groundwater Management Act (SGMA), specifically with respect to its treatment of (or lack of consideration for) safe drinking water in many of the most vulnerable California communities -- and to urge the Department and Board to review Groundwater Sustainability Plans in accordance with state agency obligations to consider California's Human Right to Water law.

We have engaged in the SGMA implementation processes throughout the state because many of the communities with whom we work are dependent on groundwater for their drinking water supplies, and have already experienced groundwater quality and supply issues. We have participated in meetings, commented on dozens of groundwater plans, and supported engagement of residents from several

communities in the development of Groundwater Sustainability Plans (GSPs). But despite our engagement and the engagement of disadvantaged community residents, most GSPs do not adequately address threats to drinking water quality or reliability for disadvantaged communities.

Historically, many of the communities most impacted by depleted and tainted groundwater sources have been excluded from the decision-making tables that determined where water would flow and what infrastructure would be laid. But California took historic steps forward with the recognition of the Human Right to Water as a state-wide goal in 2012 and with the passage of SGMA in 2014 which included requirements for a transparent and inclusive process and consideration of vulnerable communities. Specifically, decision-making processes related to groundwater management must include disadvantaged communities, and groundwater management plans must respond to the unique vulnerabilities of disadvantaged communities,[1] consider their drinking water needs,[2] and avoid causing disproportionately negative impacts on low income communities of color.[3]

Unfortunately, many of the draft GSPs released to date pose a significant threat to safe drinking water access in low-income communities. Few account for drinking water impacts on local communities dependent on groundwater— the vast majority of small communities in the San Joaquin Valley. When implemented, these GSPs have the potential to threaten severe and irreparable harm to drinking water supplies and the communities dependent on those supplies. As such, many of the recently approved draft GSPs undermine Governor Newsom's vision of a California where everyone has safe drinking water and run counter to California's Human Right to Drinking Water (AB 685).

With these grave concerns in mind, we urge the state to abide by the mandate the Human Right to Water demands.

The Human Right to Drinking Water in GSP Evaluation and Approval

The human right to safe and affordable water for drinking and sanitation was codified by AB 685 in 2012, which modified Water Code section 106.3 to include: "it is...the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes."[4] The law obligates "all relevant state agencies" to "consider this state policy when revising, adopting, or establishing policies, regulations, and grant criteria...pertinent to" drinking water purposes.[5] The law specifically names the Department of Water Resources (DWR) and the State Water Resources Control Board (SWRCB).

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[1] Water Code § 10723.2

[2] Water Code § 106.3

[3] Gov. Code § 11135 ["No person in the State of California shall, on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state."]; Gov. Code § 65008 [Any discriminatory action taken "pursuant to this title by any city, county, city and county, or other local governmental agency in this state is null and void if it denies to any individual or group of individuals the enjoyment of residence, land ownership, tenancy, or any other land use in this state…"]; Government Code §§ 12955, subd. (l) [unlawful to discriminate through public or private land use practices, decisions or authorizations].

[4] Water Code sec. 106.3(a)

[5] Water Code sec. 106.3(b)

The Human Right to Water has catalyzed and facilitated several new state initiatives. The State Water Resources Control Board has created a Human Right to Water Portal on its website which shows drinking water quality in all public water systems in the state and passed a resolution aligning State Board priorities and values with the Human Right to Water. The human right to water has also been used as underpinning for two successful legislative campaigns: AB 401 (2015) and the Safe and Affordable Drinking Water Fund, or SB 200 (2019). The former mandated a state-wide study of the best mechanism for delivering affordable drinking water in all publicly regulated water systems; the latter created a state-wide fund for installing, operating and maintaining drinking water infrastructure for disadvantaged communities and schools suffering from water quality and water supply issues. Governor Newsom played a strong role in the passage of the Safe and Affordable Drinking Water Fund as part of his personal commitment to securing safe water for all Californians.

These initiatives represent clear steps forward towards achieving safe and affordable drinking water for all Californians, but the state remains far from achieving the law's goal of guaranteeing "safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes" to "every human being" in the state of California.[6] In the San Joaquin Valley alone, tens of thousands of vulnerable families, including those with whom we work, suffer from contaminated drinking water, unaffordable drinking water costs, and the impacts of inadequate water supply such as dry wells and water pressure problems. As many as 350,000 people lack access to potable water in the San Joaquin Valley alone, and Hispanic communities are disproportionately impacted: while Hispanics make up just under half, or 49 percent, of the total population of the San Joaquin Valley, they represent more than two-thirds of residents in these unincorporated communities and 57 percent of all residents served by out-of-compliance water systems.[7] This number does not account for those unincorporated communities on private domestic wells, many of which also have contaminated water which goes unmonitored and unregulated.

Groundwater management practices have historically aggravated drinking water issues in the San Joaquin Valley by allowing agribusiness and other actors to pump unrestricted amounts of groundwater, leaving local communities with dry wells, and unreliable drinking water supplies. Moreover, there has been limited regulation on agricultural impacts to groundwater quality, leading to contamination of drinking water for communities in the San Joaquin Valley. Low-income families living in disadvantaged communities do not have the financial means to replace or deepen wells, install costly treatment mechanisms, or transition to alternative water supplies such as surface water.

SGMA created both an unprecedented and quite possibly a last opportunity to avoid further encroachment on the basic human right to water, yet our review of GSPs in the San Joaquín, Salinas and Coachella Valleys indicates that GSAs have not leveraged this opportunity. Rather, the GSPs we have reviewed rarely account for impacts on local communities dependent on groundwater, and prioritize the continued economic viability of agriculture at the expense of drinking water for low income communities. For example, some Central Valley GSPs have established minimum thresholds—or failure points—that, if reached, would allow up to 85% of domestic wells to go fully or partially dry within the GSP area. Overall, a technical review that the Community Water Center and Self-Help Enterprises commissioned of drinking water impacts of 13 GSPs in the San Joaquin Valley shows more than 8,000 wells will be

[6] Water Code sec. 106.3(a)

[7] The Struggle for Water Justice in California's San Joaquin Valley: A Focus on Disadvantaged Unincorporated Communities, London & Fencl et al., University of California Davis, February 2018.

dewatered in the area covered by the GSPs. Draft GSPs allow continued groundwater quality degradation in excess of water quality objectives, violating the Porter-Cologne Water Quality Control Act (Water Code sec. 13000 et seq.), the antidegradation policy, and the non-point-source policy. Even worse, some GSPs ignore water quality impacts entirely.

DWR and the SWRCB are now tasked with evaluating and deciding whether to approve GSPs. The agencies must determine whether to approve policies in these documents that set out the level to which GSAs will allow groundwater levels to decline, the extent to which GSAs will protect local drinking water users from contamination resulting from groundwater management activities, and which projects and management actions the GSA will implement to impact local groundwater resources. All of these decisions have vast drinking water implications for communities within each GSP area. As such, evaluation and approval of GSPs falls squarely within the category of "revising, adopting, or establishing policies, regulations, and grant criteria...pertinent to" drinking water purposes.[8] DWR and the State Water Resources Control Board must therefore "consider this state policy"[9] "that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes"[10] in their review of each GSP. In order to comply with this obligation, the Department and Board must ensure that GSPs do not cause or allow further drinking water crises.

Implementing the Human Right to Drinking Water in GSP Evaluation and Approval

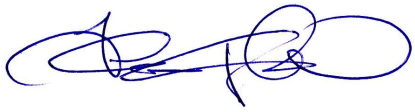
We have compiled and attached a "Human Right to Drinking Water GSP Scorecard" which identifies the elements that must exist in GSPs in order for GSPs to adequately protect the Human Right to Drinking Water. We urge the Department of Water Resources and the State Water Resources Control Board to integrate this analysis into their review of GSPs, and to require that each GSP contain these elements before it grants approval of the GSP. This scorecard could also be adapted to create a general evaluation rubric that is used by the two agencies as part of a drinking water review protocol for all drinking water-related activities. Additionally, we encourage DWR to use this letter and scorecard to develop a "Human Right to Water"/"Protecting Drinking Water" Best Management Practices guidance document for GSAs to consider when developing, updating and implementing GSPs. Additionally, the Scorecard references a framework that we have developed to show what an effective drinking water protection program would look like, which we have also attached.

We look forward to discussing this Human Right to Water Scorecard with you, and supporting implementation of such a scoring methodology in GSP evaluation and approval. Please do not hesitate to contact Amanda Monaco (amonaco@leadershipcounsel.org), Deborah Ores (deborah.ores@communitywatercenter.org), or Liesbet Olaerts (olaerts@selfhelpenterprises.org) with any follow-up questions or for more information.

Sincerely,

[8] Water Code § 106.3(b)
[9] Water Code § 106.3(b)
[10] Water Code § 106.3(a)

Amanda Monaco
Leadership Counsel for Justice and Accountability



Tom Collishaw
CEO
Self-Help Enterprises

Debi Ores
Senior Attorney
Community Water Center

Aysha Massell
Director, California Integrated Water Systems
American Rivers

Coreen Weintraub
Sr. Outreach and Campaign Coordinator
Union of Concerned Scientists

Jennifer Clary
Water Program Manager
Clean Water Action

Attachments:

Human Right To Water Scorecard for the Review of Groundwater Sustainability Plans

	Review Criteria *(All Indicators Must be Present in Order to Protect the Human Right to Water)*	**Yes/No**
A	**Plan Area**	
1	**Does the GSP identify, describe, and provide maps of all of the following beneficial users in the GSA area?**[11] a. Disadvantaged Communities (DACs). b. Tribes. c. Community water systems d. Private well communities.	
2	**Land use policies and practices:**[12] Does the GSP review all relevant policies and practices of land use agencies which could impact groundwater resources? These include but are not limited to the following: a. Water use policies General Plans and local land use and water planning documents b. Plans for development and rezoning c. Processes for permitting activities which will increase water consumption	
B	**Basin Setting (Groundwater Conditions and Water Budget)**	
1	Does the **groundwater level conditions** section include past and current drinking water supply issues of domestic well users, small community water systems, state small water systems, and disadvantaged communities?	
2	Does the **groundwater quality conditions** section include past and current drinking water quality issues of domestic well users, small community water systems, state small water systems, and disadvantaged communities, including public water wells that had or have MCLs exceedances?[13]	
3	Does the **groundwater quality conditions** section include a review of all contaminants with primary drinking water standards known to exist in the GSP area, as well as hexavalent chromium, and PFOs/PFOAs?[14]	
4	**Incorporating drinking water needs into the water budget:**[15] Does the Future/Projected Water Budget section explicitly include both the current and projected future drinking water needs of communities on domestic wells and community water systems (including but not limited to infill development and communities' plans for infill development,	

[11] 23 CCR § 354.8(a) and (b)
[12] 23 CCR § 354.8(f)
[13] 23 CCR § 354.16(d)
[14] 23 CCR § 354.16(d)
[15] 23 CCR § 354.18(c)(2)(b)

	installation of additional services, and housing growth in disadvantaged communities), taking into account increased climate variability due to climate change ?	
C	**Sustainability Goal**	
1	Does the **sustainability goal** explicitly include considerations about the needs of drinking water users?[16]	
D	**Sustainable Management Criteria (SMC) for Groundwater Levels**	
1	**Evaluation of drinking water impact:** Does the GSP include an analysis of how many drinking water wells (municipal wells, community water system wells, and domestic wells) might go fully or partially dry if groundwater levels reach the Undesirable Results (URs),[17] Measurable Objectives (MOs) and Minimum Thresholds (MTs),[18] including a map of wells that will go fully and partially dry at the MOs and MTs? Does this include Does the GSP include estimates of the increased pumping costs from additional lift needed to pump water from lower elevations if the URs,[19] MOs and MTs[20] were to be reached?	
2	**Considering drinking water impacts in creating SMC:**[21] Does the GSP explicitly state how it considered drinking water impacts in shaping URs, MOs, and MTs for groundwater levels? For example, the GSP could state how its well impact analysis supported on setting stricter MTs and MOs near at risk communities.	
3	**Incorporating new drinking water data into SMC:**[22] Does the GSP include a description of how data gaps and uncertainties of its drinking water well impact assessment will be addressed and serve to reassess the sustainable management criteria, projects and management actions in accordance with new data?	
4	**Implementing DAC and drinking water user input into SMC:**[23] Does the GSP discuss how stakeholder input from DAC community members was considered in the development of URs, MOs, and MTs? For example, the GSP could state how they took the results of the well impact assessment to the public through meetings, workshops, or Advisory Committees, and together with stakeholders decided how to change SMC to protect drinking water, or other programs to implement to mitigate these impacts.	

[16] 23 CCR § 354.24: Sustainability goal must "culminate in the absence of undesirable results within 20 years."
[17] 23 CCR § 354.26(c)
[18] 23 CCR § 354.28(b)(4)
[19] 23 CCR § 354.26(c)
[20] 23 CCR § 354.28(b)(4)
[21] Water Code § 10723.2
[22] 23 CCR § 354.38(e)(3)
[23] 23 CCR § 354.10(d); DWR Guidance Document for Groundwater Sustainability Plans: Stakeholder Communication and Engagement, p.1.

5	**Avoiding a disparate impact:**[24] Are the MOs and MTs for groundwater levels established in such a way that prevents a disproportionately negative ("disparate") impact from occurring on communities of color in the GSP area? For example, the GSP should ensure that the same MT methodology across the GSP area will not lead to disproportionately more wells going dry for residents of color than for white residents.	
E	**Sustainable Management Criteria for Groundwater Quality**	
1	**Evaluation of drinking water impact:** Does the GSP include an analysis of how drinking water wells (municipal wells, community water system wells, and domestic wells) might be affected by the Undesirable Results (URs),[25] Measurable Objectives (MOs) and Minimum Thresholds (MTs)?[26]	
2	**Does the GSP set MOs and MTs at all representative monitoring wells for the following contaminants?**[27] a. Contaminants with primary drinking water standards, b. PFOs/PFOAs and chrome-6, which are contaminants known to be very harmful to human health, AND c. Contaminants like Uranium which are known to increase due to groundwater management practices.	
3	**Strive to remediate:** Does the GSP state that the GSA will strive to remediate groundwater quality wherever feasible, through projects, management actions and policies?	
4	**Description of when minimum threshold is triggered:** Does the GSP trigger a violation of a minimum threshold after *one* test shows that there has been an increase in contamination since January 1st, 2015?	
5	**Implementing DAC and drinking water user input into SMC:**[28] Does the GSP discuss how stakeholder input from DAC community members was considered in the development of URs, MOs, and MTs?	

[24] Gov. Code § 11135 ["No person in the State of California shall, on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state."]; Gov. Code § 65008 [Any discriminatory action taken "pursuant to this title by any city, county, city and county, or other local governmental agency in this state is null and void if it denies to any individual or group of individuals the enjoyment of residence, land ownership, tenancy, or any other land use in this state…"]; Government Code §§ 12955, subd. (l) [unlawful to discriminate through public or private land use practices, decisions or authorizations].

[25] 23 CCR § 354.26(c)

[26] 23 CCR § 354.28(b)(4)

[27] 23 CCR § 354.34(b)(2) and (f)(3)

[28] 23 CCR § 354.10(d); DWR Guidance Document for Groundwater Sustainability Plans: Stakeholder Communication and Engagement, p.1.

6	**Incorporating new drinking water data into SMC:**[29] Does the GSP include a description of how data gaps and uncertainties of its drinking water well impact assessment will be addressed and serve to reassess the sustainable management criteria, projects and management actions in accordance with new data?	
7	**Avoiding a disparate impact:**[30] Are the minimum thresholds for groundwater quality established in such a way that prevents a disproportionately negative ("disparate") impact from occurring on communities of color in the GSP area? For example, the GSP should ensure that the same MT methodology across the GSP area will lead to disproportionately more wells go dry for residents of color than for white residents.	
F	**Monitoring Network for Groundwater Levels**	
1	**Accurately detecting impacts on drinking water users and DACs:**[31] Does the groundwater level monitoring network include *representative* monitoring wells *in or near DACs*, and placed in a way that detects impacts to the *vast majority* of drinking water users in the GSP area? If not, does the GSP contain a concrete plan to fund and implement new representative monitoring wells to ensure that vulnerable communities' drinking water resources are monitored? Such a plan could include testing of domestic wells in the interim.	
2	**Clearly showing representative monitoring well locations in relation to DACs:**[32] Are the representative monitoring wells (RMWs) for groundwater levels presented on maps and in tables that identify which set of MTs/MOs will be applied to which RMWs? Do these maps clearly identify the locations of DACs, small water systems and other sensitive users?	
3	**Identifying and addressing other drinking water data gaps:**[33] Does the GSP clearly identify any other gaps in data regarding impacts to drinking water users? Does the GSP contain a clear plan to fill data gaps regarding impacts to drinking water users?	
G	**Monitoring Network for Groundwater Quality**	
1	**Does the GSP plan to measure the following contaminants at all representative monitoring wells?**[34] a. Contaminants of concern with primary drinking water standards b. PFOs/PFOAs and chrome-6, which are contaminants known to be very harmful to human health c. Contaminants like Uranium which are known to increase due to groundwater management practices	
2	**Clear description of effective monitoring for drinking water impacts:** Does the GSP include a description of how the GSA(s) will monitor groundwater contamination that	

[29] 23 CCR § 354.38(e)(3)
[30] Gov. Code § 11135; Gov. Code § 65008; Government Code §§ 12955, subd. (l).
[31] 23 CCR § 354.34(b)(2) and (f)(3)
[32] 23 CCR § 354.34(b)(2) and (f)(3)
[33] 23 CCR § 354.38(e)(3)
[34] 23 CCR § 354.34(b)(2) and (f)(3)

	could affect drinking water in the GSA area? Are the representative monitoring wells (RMWs) for groundwater quality presented on maps and in tables, and do the maps of RMWs clearly identify the locations of DACs, small water systems and other sensitive users?	
3	**Accurately detecting impacts on drinking water users and DACs:**[35] Does the groundwater quality monitoring network include *representative* monitoring wells (RMWs) *in or near all DACs* AND placed in a way that detects impacts to the *vast majority* of drinking water users in the GSP area, including domestic well users? If not, does the GSP contain a concrete plan to fund and implement new representative monitoring wells to ensure that vulnerable communities' drinking water resources are monitored? This plan could include testing of domestic wells in the interim.	
4	**Baseline contaminant levels:** Does the GSP identify the current contaminant levels, MTs and MOs at each RMW, so that it is clear to the public how the contamination will change at each RMW site?	
5	**Frequent monitoring:** Does the groundwater quality monitoring network test for contaminants of concern frequently, in a way that avoids persistent drinking water contamination?	
6	**Collaboration with other agencies:**[36] Does the GSP explain how the GSA(s) will share data with and collaborate with other groundwater quality regulatory programs, such as ILRP, IRWM, and CV SALTS, in order to build better regional understanding of groundwater quality issues and better respond to groundwater quality impacts caused by groundwater management?	
H	**Projects and Management Actions**	
1	**Does the GSP describe the potential drinking water impacts of each project or management action?** Example of impacts are provided below: a. **Recharge and on-farm recharge projects:** Carefully designed and implemented recharge projects can simultaneously increase groundwater storage and levels, as well as dilute contaminant plumes and improve groundwater quality. However, if not properly designed, recharge projects, in particular on-farm recharge, may mobilize nitrates, pesticides, fertilizers, and naturally occurring contaminants, which can lead to the further degradation of groundwater quality, negatively impacting drinking water wells. Even relatively unpolluted water used for recharge, such as most purchased water or streamflow, may contain constituents of concern and/-or mobilize contaminants. Therefore GSAs must consider potential impacts to water quality when planning groundwater recharge projects.[37] b. **Groundwater market management action:** Groundwater markets are very likely to put drinking water resources at risk for communities and residents who do not	

[35] 23 CCR § 354.34(b)(2) and (f)(3)
[36] 23 CCR § 354.34(e)
[37] State Water Boards, Water Quality Frequently Asked Questions document: https://www.waterboards.ca.gov/water_issues/programs/gmp/docs/sgma/sgma_water_quality_faq.pdf

	have the financial, political and technical power to participate equally in a market. Groundwater markets have the potential to seriously aggravate existing lack of equity in access to critical groundwater resources. We therefore recommend that GSAs do not include groundwater markets as a potential management action. In particular, local groundwater markets are not a viable option where the potential impacts of trading are not well understood, where trading rules cannot sufficiently address negative externalities, or where the expected benefits of a market do not outweigh the burdens and uncertainties associated with designing and implementing it. If GSAs wish to consider groundwater markets, a well-designed trading program requires a fair and adequate allocation of groundwater for drinking water uses, an additional margin for future growth prior to allocating water for trading purposes, and trading rules that avoid undesirable results as well as avoid or mitigate potential impacts to communities and ecosystems dependent on groundwater. If these components are missing, the market can have significant negative impacts upon a community's drinking water supply and the environment. Some impacts include, but are not limited to: localized drying of community and domestic wells, increased contamination levels, or unaffordable water rates.[38] c. **Funding mechanisms/Delinquent fees management action:** Any fee and/or extraction penalties structure should take into consideration that small communities have fewer economic opportunities, have a small role in overall groundwater pumping percentage, and are burdened with lower technical, managerial, and financial capacity for operations and maintenance. Overall, small drinking water systems should be exempted from GSA's fees or financial penalties for over-use to support their efforts on providing affordable safe water according to AB 685. If exemption is not viable, the GSA should create special considerations such as discounts, reduced costs, rebates, or other to ensure drinking water affordability. Alternatively, small drinking water systems should receive warnings prior to financial penalties tied to an appeal process. Doing so may allow these communities to explain why the overuse occurred, providing mechanisms for transparency and support on addressing the problems. d. **Groundwater allocation management action:** Any groundwater allocation scheme must protect all current and future drinking water needs for disadvantaged communities.	
2	**Drinking water protection and mitigation program:** Does the GSP contain a drinking water protection program to prevent impacts to drinking water users and mitigate the drinking water impacts that occur? Such a program should also identify the following: a. How it will be funded. b. An estimate of how much it will cost. c. How program beneficiaries will be eligible to participate. d. How it will be designed in collaboration with impacted stakeholders. e. What type of mitigation measurements it will provide. f. Timeline for program implementation.	

[38] Community Water Center et al., *Groundwater Markets: Recommendations to Ensure Drinking Water Protection for Communities* (guidance document to be published soon)

	****Please refer to the **Framework for a Drinking Water Well Impact Mitigation Program** developed by our organizations for a more in-depth description of key elements and considerations for an effective drinking water mitigation program.*	
3	**Demand reduction:** Does the GSP contain robust demand reduction management actions? Plans that depend mainly on imported surface water (supply augmentation through recharge projects) do not clearly demonstrate a path towards sustainability, since climate variability puts these resources at risk.	
4	**Accurate measurement of groundwater extraction:** Does the GSP include management actions to measure groundwater extraction using the most scientifically accurate method?	
5	**Avoiding a disparate impact:**[39] Do the GSP's projects and management actions, taken as a whole, prevent a disproportionately negative ("disparate") impact from occurring on communities of color in the GSP area? Projects and management actions may not cause disproportionately more dry wells and contaminated water for residents of color than for white residents in the GSA area.	
I	**Public Participation and Transparency**	
1	Is a **Stakeholder Communication and Engagement Plan** included in the GSP?	
DAC and drinking water user engagement during GSP development[40]		
2	**Description of DAC engagement:** Does the GSP specifically identify how DAC beneficial users were engaged in the planning process?	
3	**Notice:**[41] Did the GSA provide clear notice to the public about GSA meetings to develop the GSP, posted in ways that all stakeholders were made aware of the meetings, and translated into all languages spoken by at least 5 percent of the public served by the agency, who do not speak English or are unable to effectively communicate in English?[42]	

[39] Gov. Code § 11135; Gov. Code § 65008; Government Code §§ 12955, subd. (l).
[40] Water Code § 10723.2; Water Code § 10727.8(a) The groundwater sustainability agency shall encourage the active involvement of diverse social, cultural, and economic elements of the population within the groundwater basin prior to and during the development and implementation of the groundwater sustainability plan.
[41] Government Code § 54954(a).
[42] Government Code sec. 7296.2: Dymally-Alatorre Bilingual Services Act, stating that local agencies providing services to the public must provide translated materials and interpretation when it serves a substantial number of non-English-speaking people. The law defines a "substantial number of non-English-speaking people" as "members of a group who either do not speak English, or who are unable to effectively communicate in English because it is not their native language, and who comprise 5 percent or more of the people served by the statewide or any local office or facility of a state agency." This is because "effective maintenance and development of a free and democratic society depends on the right and ability of its citizens and residents to communicate with their government and the right and ability of the government to communicate with them."

4	**Translation of materials:**[43] Did the GSA translate materials into all languages spoken by at least 5 percent of the public served by the agency, who do not speak English or are unable to effectively communicate in English?	
5	**Interpretation:**[44] Did the GSA(s) provide interpretation services at board meetings, committee meetings and workshops into all languages spoken by at least 5 percent of the public served by the agency, who do not speak English or are unable to effectively communicate in English?	
6	**Accessible workshops:** Did the GSA(s) host workshops held at accessible times and locations for disadvantaged community residents?	
7	**DAC representation on advisory committee:** Did the GSA(s) develop the GSP with an advisory committee that contained representatives from DACs?	
8	**DAC representation on GSA board:** Did the GSA(s) develop the GSP with a Board that contained representatives from DACs?	
9	**Partnership with local community based organizations:** Did the GSA partner with community based organizations and nonprofits on outreach and engagement?	
10	**Public Comment Period:** Did the GSA provide a robust public comment period of at least 60 days, with opportunity for the public to discuss comments and proposed agency responses with staff and the GSA before GSP approval?	
11	**Incorporation of stakeholder input:** Does the GSP explicitly describe how stakeholder input was incorporated into the GSP process and decisions?	
DAC and drinking water user engagement during GSP implementation		
12	**Description of DAC engagement:** Does the GSP describe how ongoing engagement will be conducted during GSP implementation, including but not limited to engagement regarding: decisions about projects, management actions, modifying sustainable management criteria, changes to monitoring networks, and conducting GSP updates?	
13	**Notice:**[45] Does the GSP state that ongoing engagement will include clear notices about GSA meetings and workshops that are posted in ways that all stakeholders were made aware of the meetings, and translated into all languages spoken by at least 5 percent of the public served by the agency, who do not speak English or are unable to effectively communicate in English?[46]	

[43] Government Code sec. 7296.2.
[44] Government Code sec. 7296.2.
[45] Government Code § 54954(a).
[46] Government Code sec. 7296.2.

14	**Translation of materials:**[47] Does the GSP state that ongoing engagement will include translation of materials into all languages spoken by at least 5 percent of the public served by the agency, who do not speak English or are unable to effectively communicate in English?	
15	**Interpretation:**[48] Does the GSP state that ongoing engagement will include interpretation services provided at board meetings, committee meetings and workshops into all languages spoken by at least 5 percent of the public served by the agency, who do not speak English or are unable to effectively communicate in English?	
16	**Accessible workshops:** Does the GSP state that ongoing engagement will include workshops held at accessible times and locations for disadvantaged community residents?	
17	**DAC representation on advisory committee and board:** Does the GSP state that ongoing engagement will include advisory committees and Boards containing representatives from DACs?	
18	**Partnership with local community based organizations:** Does the GSP state that ongoing engagement will include partnership between GSA and community based organizations and nonprofits?	
19	**Engagement on key decisions:** Does the GSP state that ongoing engagement will include strategies to keep the public informed and engaged during and prior to critical decisions about the GSP, including but not limited to the five year GSP review, modification of sustainable management criteria, design and adoption of any projects and management actions, and development and adoption of the programs to assist with impaired wells?	
20	**Engagement on financial issues:** Does the GSP state that it will conduct outreach to DACs before approving operating budgets and enacting groundwater fees?	

[47] Government Code sec. 7296.2.
[48] Government Code sec. 7296.2.