



# **BORREGO WATER DISTRICT**

June 19, 2018

Mark Wardlaw, Director  
Planning and Development Services  
County of San Diego  
1600 Pacific Highway  
San Diego, CA 92101

Re: Borrego Water District's Input Regarding PDS2012-3800-12-005, PDS2014-REZ-14-006; LOG NO. PDS2012-ER-12-00-003; SCH NO. 2015121012 (DS8 and DS24)

The Board of Directors of the Borrego Water District ("District") wishes to provide its input to the San Diego County ("County") Planning and Development Services staff, Planning Commission and Board of Supervisors regarding the County's proposed action on the DS8 and DS24 analysis areas. Those analysis areas are within the municipal service area of the District. As the "responsible agency", charged by law with providing water within the affected area, the District believes that its input should be afforded great weight by the County.

More specifically, the District is concerned that approval of the proposed project will further deplete the groundwater supply within the Borrego Basin and will seriously and adversely affect the ability of the District and County to achieve a sustainable groundwater supply as required under the Sustainable Groundwater Management Act (SGMA). The District Board of Directors believes that County approval of these types of upzoning requests simply creates "false hope" among the development community that actual "wet" water will materialize in the future to support their projects even though the local groundwater basin has extremely limited water available and is currently in a "critical" overdraft condition.

## **Project Description**

The specific portion of the proposed project that this letter addresses is the Desert Subregion, specifically within the Borrego Springs CPA, which is identified by the County as the two (2) property specific request (PSR) analysis areas --DS8 and DS24. The land that is affected by these analysis areas totals 338 acres. This proposed project would result in the re-designation of the County's General Plan Land Use designation within the affected areas. Specifically, this re-designation of the Land Use plan would allow for the development of an additional 542 dwelling units within the subject area, from the currently allowed dwelling unit count of 353.

## Applicable Law

As the local agency with land use authority, the County is required to consider the impact to groundwater supplies and recharge when making land use decisions. Specifically, the California Environmental Quality Act (CEQA) and interpreting case law requires the County to consider whether a proposed project will substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. (CEQA, Guidelines, Appendix G.) Additionally, both SB 610 (Water Code §§ 10910-10915) and SB 221 (Govt. Code § 66473.7) require the county to determine whether water supplies are sufficient to serve the project.

## Background

### Water Supply Sustainability and Recharge Ability

Obviously, adequate freshwater supply is the basis of human wellbeing and public health. Economic development and quality of life also depend on it. Freshwater is as essential to human life as air. Water shortages, if not timely addressed, deliver a severe hit to a community's economy and jobs. To avoid certain economic collapse, good water management policies are necessary.

The Borrego Springs Subbasin (Borrego Basin) of the Borrego Valley Groundwater Basin is the sole source of water for the Borrego Valley and all municipal use provided by the District. As the County is aware, the Borrego Basin has been designated by the California Department of Water Resources as being in "critical" overdraft (DWR Bulletin 118, Basin No. 7-24; General Plan Amendment and Rezone Subsequent Environmental Impact Report ("SEIR"), § 2.8.2.)

At this time, there are no plans to import water from outside the Borrego Valley due to the economic cost of a pipeline and the uncertainty of available and affordable imported supply from the Colorado River. (See *Southeast California Regional Basin Study Evaluates Water Supply and Demand in Borrego, Coachella and Imperial Valleys* by the US Bureau of Reclamation [2014].) Importation of new water supplies from nearby groundwater basins has also been ruled out due to availability of potential adequate supply and cost. (*Borrego Spring Pipeline Feasibility Study: Final Report* by the US Environmental Protection Agency p Region 9 [2012].)

At the current rate of use, the groundwater supply is simply not sustainable. (*Hydrogeology, Hydrologic Effects of Development, and Simulation of Groundwater Flow in the Borrego Valley, San Diego County* by US Geological Survey [2015].)

The District and the County have entered into a Memorandum of Understanding to act as the multi-agency Groundwater Sustainability Agency (GSA) for the Borrego Basin. In addition, the County has adopted its Groundwater Ordinance, in order to protect, preserve and maintain groundwater supplies with the County and, more specifically, in Borrego. (San Diego Code of Regulatory Ordinances § 67.701 et seq.)

In the District's service area, there are presently approximately 3,000 existing County approved, legally buildable, but as yet unbuilt, Equivalent Dwelling Units (EDUs). (Dudek, *Theoretical Water Demand at Buildout of Present Unbuilt Lots Under County's Current Zoning in Borrego*

*Springs* [October 4, 2016].) Present County zoning for the District's service area may be unsupportable under SGMA constraints. Even with drastic reductions in residential EDUs, it is

uncertain that municipal demand can be met, given current competition with agriculture, recreation, and other water users of the basin, including potential water for Groundwater Dependent Ecosystems necessary to maintain the desert ecosystems of the Anza-Borrego Desert State Park and surrounding area.

Even if the Borrego Basin did have access to adequate supplies for all potential users, it is uncertain that Borrego, as a Severely Disadvantaged Community, would be able to afford the resultant water rates. (Financial Consultants, *Borrego Water District County Zoning and SGMA Impact Assessment* [November 17, 2016] and *Borrego Water District Water Rates Affordability Assessment* [October 4, 2017])

As the County's SEIR indicates, the implementation of the proposed project would result in an increased demand of 270.5 acre-feet per year. (SEIR, §2.8.3.2.) Further, the SEIR states,

“Based on the information from the 2015 USGS Groundwater Study, groundwater use reductions are anticipated to be significant and may necessitate reconsideration of the land use designations within Borrego Springs to properly align land use designations with reduced development potential given the anticipated groundwater use restrictions under the Sustainable Groundwater Management Act.

Future development of land uses consistent with the Proposed Project would increase groundwater demand and exacerbate the present unsustainable use of groundwater resources. **Therefore, the Proposed Project would result in a potentially significant impact to groundwater supplies and recharge (Impact HY-2).**” (emphasis in original.)

The SEIR also goes on to conclude that, even with mitigation measures, the effects on groundwater supplies and recharge within the District is significant and unavoidable. (SEIR, Table S-1.)

Under *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 434, the ultimate question under CEQA is whether the EIR adequately addresses the reasonably foreseeable impacts of water supply to the project. The SEIR addresses infeasible mitigation measures or alternatives, but should identify feasible alternatives.

### Water Quality

In addition to the above, the SEIR provides that the 2011 PEIR Groundwater Study determined implementation of the General Plan would result in potentially significant impacts to water quality from proposing land uses in groundwater dependent areas, which include DS8 and DS24. While groundwater quality issues in those areas are today somewhat isolated, future growth would potentially lead to contamination due to the introduction of contaminants associated with increased population and increased impervious surface. Also, water quality impacts would occur as decreased water levels would induce flow of high salinity, poor quality connate water found in deeper formational materials of the aquifer. As noted in the SEIR, if continuing unabated, this would eventually necessitate the additional costly treatment of groundwater to make the water suitable as a drinking water supply. (SEIR, § 2.8.3.1.)

The County Groundwater Study also determined there would be potentially significant impacts to water quality from proposing land uses in groundwater dependent areas that are currently experiencing groundwater contamination. Therefore, proposed land uses would have the potential to exacerbate

existing groundwater quality impacts. “The Proposed Project would result in a potentially significant impact to water quality standards and requirements (Impact HY-1).

Mitigation measures, which could potentially reduce impacts to groundwater quality, such as importing water from other sources, or placing a moratorium on building permits, were found to be infeasible. Thus, impacts to water quality within the District are significant and unavoidable. (SEIR, § 2.8.5.1.) The District is concerned that such additional stress on its already “critical” overdraft conditions will cause serious lasting harm to the groundwater quality in the District, affecting its service population.

The District also notes that developers are required to comply with the provisions of the District’s updated Policy for Water and Sewer Infrastructure for New Developments (2018).

**Conclusion**

For the above reasons, the District requests that the County Planning Commission and Board of Supervisors seriously consider the requests for the DS8 and DS24 analysis areas, on the basis of such actions’ impacts on water supply sustainability and recharge ability, as well as water quality, within the Borrego Springs Water District.

Should you have any questions or wish to discuss, please do not hesitate to contact me at your earliest convenience.

Sincerely,



Geoff Poole  
General Manager  
Borrego Water District

cc: Board of Directors, Borrego Water District Board  
of Supervisors, San Diego County Planning  
Commission, San Diego County