

September 4, 2015

California Department of Water Resources  
Attn: Sustainable Groundwater Management Section  
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Sacramento, CA 94236

Via e-mail to: [sgmps@water.ca.gov](mailto:sgmps@water.ca.gov)

Subject: Comments on Basin Boundary Draft Regulations

The Santa Clara Valley Water District (District) appreciates the opportunity to comment on the Department of Water Resources (DWR) Draft Basin Boundary Regulations (Regulations). As the groundwater management agency for Santa Clara County, the District works to maintain a safe and reliable groundwater supply and has a significant interest in the successful implementation of the Sustainable Groundwater Management Act.

In general, the District supports the comments submitted by the Association of California Water Agencies on the draft Regulations. The District is providing the following comments and proposed edits on the draft Regulations for your consideration.

#### **Page 7, §343.2 Eligibility to Request Boundary Modification**

The basin boundaries define the jurisdictional boundaries for the groundwater sustainability agencies and exclusive local groundwater management agencies listed under Water Code Section 10723(c)(1). These agencies should have priority in requesting boundary revisions.

Recommendation:

Change §343.2 to read:

“A request for boundary modification may be initiated by a groundwater sustainability agency or an agency identified in Water Code Section 10723(c)(1) whose jurisdiction lies within or borders the existing or proposed basin or subbasin for which boundary modification is sought. Where no such agency exists, a local agency whose jurisdiction lies within or borders the existing or proposed basin or subbasin may initiate a request for boundary modification.”

#### **Page 8, §343.8 Review Periods**

The draft language unnecessarily conflates the process of local agency-driven boundary revision requests with planned updates of Bulletin 118. As a result, local agencies are provided with little clarity on when they will be provided with opportunities to submit requests.

Recommendation:

Strike language referring to Bulletin 118 and add language requiring at least annual review periods. Rewrite as follows: “Prior to updating or revising Bulletin 118, DWR shall establish at



least one review periods each calendar year during which boundary modification requests will be accepted and evaluated.”

### **Page 9, §343.12 Protests**

The draft lacks needed clarity concerning the scope of protests. The language needs to clarify that the content of the modification request remains under the control of the local agency, that protests should articulate objections to the proposal but are not a vehicle to propose a different boundary than that proposed by the requesting agency, and that the DWR role is to approve or disapprove this proposal.

Recommendation:

Change §343.12(d) to read:

“DWR shall give the requesting agency a reasonable opportunity to respond to protests, which may include, at the requesting agency’s discretion, providing additional information or changing the details of the request to address objections.”

### **Page 18, §345.4(a)(3) Criteria for Evaluating Supporting Information**

The District supports including these criteria, but recommends that it be expanded to allow for other relevant information to be considered.

Recommendation:

Change §345.4(a)(3) to read:

“Potentiometric surface maps, aquifer testing results, water quality data, and all other relevant information will be evaluated to determine the presence or absence of a groundwater flow boundary.”

### **Page 21, §346.2(d) Presentation of Draft Boundary Modifications and Page 22, §346.6 Subsequent Modifications by Department**

These sections allow DWR staff to modify basin boundaries without input from the affected agencies. Changes to the basin boundaries may have significant impacts on the groundwater sustainability agencies, exclusive local groundwater management agencies, and local agencies managing groundwater. DWR should consult with all affected agencies prior to making any boundary modifications.

Recommendation:

Change §346.2(d) to read:

“If the Department determines that substantial changes to a proposed boundary modification are necessary after presentation to the Commission, the requesting agency shall be entitled to modify the request and resubmit it for consideration.”

### **Summary**

The District believes the regulations provide a reasonable approach to requesting basin boundary revisions, but can be improved by strengthening collaboration between DWR,

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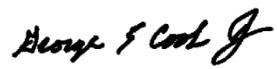
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groundwater sustainability agencies, and exclusive local groundwater management agencies during the basin boundary revision process.

Thank you for the opportunity to comment on the draft regulations. If you have any questions, please contact me at (408) 630-2788.

Sincerely,

 for

Vanessa De La Piedra, P.E.

Unit Manager

Groundwater Monitoring and Analysis Unit

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