

Via e-mail to: sgmps@water.ca.gov

Subject: San Joaquin County Comments - Draft Basin Boundary Regulations

DATE BASIN BOUNDARY
REGULATION COMMENT
RECEIVED BY DWR

9/03/2015

San Joaquin County is grateful for the opportunity to comment on the Draft Basin Boundary Regulations. The following comments reflect San Joaquin County's commitment to proactively engaging DWR in its development of regulations and the implementation of SGMA.

Section 344.4 Notice and Consultation (Page 10):

Comment: The requesting agency would be required to consult with "interested" local agencies and public water systems in the affected basins. There is no direction regarding the determination of "interested" parties creating an unrealistic hurdle for requesting agencies to identify potentially "interested" parties from a large universe of local agencies and public water systems in affected basins. The existing definitions of "affected agency" and "affected system" should be used as they already identify the entities for which notice and consultation is appropriate.

Recommendation: Replace "interested local agencies and public water systems" with "affected agency and affected system."

Section 344.5 Description of Proposed Boundary Modification (Page 11):

Comment: San Joaquin County concurs with other commenters that providing a comparative analysis of the likelihood of achieving sustainability under existing boundary conditions versus proposed boundaries may not be feasible or relevant. Similarly, the ability of basins adjacent to the proposed basin to sustainably manage groundwater may not be feasible at this early stage of SGMA implementation and is more appropriately addressed in the development of Groundwater Sustainability plans and coordination agreements.

Suggested Language:

(b) Each request for a jurisdictional boundary modification pursuant to Section 342.4 shall also include the following:

(1) An explanation of how sustainable groundwater management **would benefit from the proposed basin boundary modification, exists or could likely be achieved in the basin under the following circumstances:**

(A) Under the existing basin boundaries.

(B) Under the proposed boundary modification.

(2) An explanation of how the proposed boundary modification would affect the ability of adjacent basins to sustainably manage groundwater in those basins.

(3) A historical summary of the sustainable management of groundwater levels in the proposed basin, if applicable.

(43) A discussion of ~~how the potential impact to state programs resulting from the~~ proposed boundary modification may affect state programs, including, but not limited to the California Statewide Groundwater Elevation Monitoring (Water Code section 10920 et seq.), Groundwater Management Plans developed pursuant to AB 3030 (Water Code section 10750 et seq.), Groundwater Sustainability Plans developed pursuant to the Sustainable Groundwater Management Act (Water Code section 10720 et seq.), any applicable state or regional board plans, and other water management and land use programs.

Section 345.2 Basis for Denial of Request for Boundary Modification (Page 17):

Comment: DWR would be authorized to deny a boundary modification request if the requesting agency is unable to demonstrate a history of sustainable management of groundwater levels. Historical management measures should not be a basis for denying a boundary modification. SGMA and the accompanying DWR regulations should prioritize facilitating future sustainable management. Past management measures, or the lack of management, should not preclude a boundary modification that could facilitate sustainable management. In addition, should the requested basin boundary change be consistent with basin boundary delineations made by DWR in Bulletin 118-80, DWR would then have sufficient basis to approve the basin boundary change request.

Respectfully,

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