



CF/47-0-1 Water Supply Management -  
General (ID 2527)

September 4, 2015

California Department of Water Resources  
Attn: Sustainable Groundwater Management Section  
P.O. Box 942836  
Sacramento, CA 94236  
[sgmps@water.ca.gov](mailto:sgmps@water.ca.gov)

**Re: Basin Boundary Emergency Regulations**

Dear Sustainable Groundwater Management Section:

Thank you for the opportunity to comment on the draft Basin Boundary Emergency Regulations. Sonoma County Water Agency staff have reviewed the draft regulations and submit the following comments for your consideration.

**§ 341. Definitions**

Add definition for aquifer from Bulletin 118 – “A body of rock or sediment that is sufficiently porous and permeable to store, transmit, and yield significant or economic quantities of groundwater to wells and springs.”

**§ 342. Introduction to Boundary Modifications**

Vertical and bottom boundaries: The description of a groundwater basin should match that in Bulletin 118, such that the basin bottom is more clearly defined and clearly indicates that all aquifers (as defined in Bulletin 118) located beneath the surficial footprint of the basin are part of the groundwater basin.

Lateral boundaries: DWR should clearly state whether or not the surficial extent of groundwater basins can be modified through a basin boundary change request to include non-alluvial aquifer materials (e.g., volcanic deposits and consolidated sedimentary rocks that host local aquifer systems).

### § 343.10. Status of Request

Revise § 343.10(d) as follows:

*(d) The requesting agency shall, upon receiving notice that the request is complete, notify all interested local agencies and public water systems and any other person or entity who has made a written request for ~~expressed an interest in receiving~~ notification of the proposed modification to the requesting agency.*

Interest in receiving notification should be provided in writing to the requesting agency.

### § 343.12. Protests

Revise § 343.12(a)(1) as follows:

*(a)(1) Protests must be submitted electronically to the Department within 30 days of the date notice is provided pursuant to ~~after receiving the notice required by~~ Section 343.10(d), with a duplicate copy sent to the requesting agency the same day.*

The protest window should be based on the date notice is provided, rather than the date such notice is received, which can be difficult to determine.

Revise § 343.12(d) as follows:

*(d) The Department shall give the requesting agency at least 30 days ~~a reasonable opportunity~~ to respond to protests.*

DWR should specify the number of days requesting agencies will have to respond to protests (e.g., 30 days).

### § 344.6. Description of Proposed Boundary Modification

The requirements for data under 344.6 (b) seem premature. Basins may not have all of the data needed to demonstrate how sustainable management does or could exist under different scenarios.

Further, with respect to 344.6(b)(2) [*An explanation of how the proposed boundary modification would affect the ability of adjacent basins to sustainably manage groundwater in those basins.*], DWR should clarify whether this applies only to adjacent medium- and high-priority basins or any adjacent basin.

### **§ 344.18. CEQA**

This section should be deleted from the draft regulations because it inappropriately predetermines the need for CEQA compliance as well as future lead agency/responsible agency relationships. A local agency's request for a basin boundary adjustment may not meet the definition of "project" as set forth in the CEQA Guidelines (§15378). Further, a CEQA lead agency is normally the agency that carries out or approves a project. While a local agency may request a basin boundary adjustment, the decision to carry out and approve that revision rests with DWR, not local agencies.

### **§ 345.2. Basis for Denial of Request for Boundary Modification**

*The Department may deny a request for boundary modification if it identifies significant concerns or is unable to resolve significant issues with the request including, but not limited to, any of the following:*

*(b) The requesting agency is unable to demonstrate a history of sustainable management of groundwater levels in the existing or proposed basin.*

This seems like an overly restrictive basis for denial and would allow DWR to deny a basin boundary modification based on a history of declining groundwater levels within a basin. In some cases a basin boundary modification may actually be needed to reverse such declining trends.

Thank you for considering these comments. Please feel free to contact me with any questions.

Sincerely,



James Jasperse  
W.A. Chief Engineer/Director of Groundwater Management