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September 4, 2015

California Department of Water Resources  
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To Whom It May Concern:

Subject: Draft Emergency Regulations for Basin Boundary Modification

The Alameda County Water District (ACWD) wishes to thank you for the opportunity to comment on the California Department of Water Resources (DWR) Draft Emergency Regulations for Basin Boundary Modification (Draft Basin Boundary Regulations). We appreciate DWR's ongoing efforts to assist ACWD in protecting the Niles Cone Groundwater Basin (Subbasin Number 2-9.01) in order to provide a reliable supply of high quality drinking water to the residents of Fremont, Newark, and Union City.

ACWD has reviewed the Draft Basin Boundary Regulations and would appreciate your consideration of the following comments:

1. §340.4 Basin Boundaries (page 1):

- a. This section states that "the unambiguous written description of a basin boundary in Bulletin 118 shall prevail over any inconsistent basin boundary as depicted on a map, in an electronic data file, or otherwise, except when modified pursuant to these regulations." Although ACWD supports the inclusion of a statement in the Draft Basin Boundary Regulations that the written description shall prevail over any inconsistent map or electronic file, the term "unambiguous" should not be included since it is not defined in the Draft Basin Boundary Regulations and as a result is subjective. Therefore, ACWD requests that the sentence be modified to the following:

*"The ~~unambiguous~~ written description of a basin boundary in Bulletin 118 shall prevail over any inconsistent basin boundary as depicted on a map, in an electronic data file, or otherwise, except when modified pursuant to these regulations."*

- b. As previously mentioned, ACWD supports the inclusion of a statement that recognizes the written description of a basin boundary prevailing over any

inconsistent basin boundary depicted on a map or electronic file. However, the Draft Basin Boundary Regulations do not address how or when errors between the written description and maps in the current Bulletin 118 (2003) will be corrected. For example, ACWD has been monitoring and managing the Niles Cone Groundwater Basin since its formation in 1914. The northern boundary of the Niles Cone Groundwater Basin is described in the narrative of Bulletin 118 (1980 and 2003) as being bounded by the northern boundary of ACWD. However, the digital map associated with Bulletin 118 (2003) fails to accurately reflect the text description and has caused much undue confusion, most recently when ACWD became a monitoring entity in the California Statewide Groundwater Elevation Monitoring Program.

Since the basin boundaries in Bulletin 118 (2003) will act as a baseline for future boundary changes and the management of California's groundwater basins, the base map should be as accurate as possible, and, at a minimum, be consistent with the original intent (and Bulletin 118 narrative documentation) of matching political and/or hydrological boundaries. For this reason, ACWD requests the Draft Basin Boundary Regulations include a provision that: 1) requires the correction of errors in the current version of Bulletin 118 (2003) be completed as an "Administrative Adjustment" prior to the adoption of the Draft Basin Boundary Regulations or, 2) requires corrections be completed by a specified time identified in the Draft Basin Boundary Regulations before the 2017 interim Bulletin 118 update (since Alternatives to a Groundwater Sustainability Plan are due by January 1, 2017) in order to avoid any further unnecessary confusion.

2. §341. Definitions, Part (b) "Administrative Adjustment" (page 2):

- a. Local agencies, such as ACWD, have legal agreements, resolutions, and ordinances (including those recognized by a County Local Agency Formation Commission) that pre-date the adoption of the Sustainable Groundwater Management Act regarding groundwater jurisdictional authority. Since the goal of the Sustainable Groundwater Management Act is to help local agencies manage groundwater resources, the Draft Basin Boundary Regulations should recognize existing groundwater jurisdictional authority as part of an "Administrative Adjustment" to any basin or subbasin boundary since coordination with other affected agencies has already occurred. Once again, the term "unambiguous" should not be included since it is not defined in the Draft Basin Boundary Regulations and as a result is subjective.

Therefore, ACWD requests that the definition of "Administrative Adjustment" be modified to the following:

*(b) "Administrative adjustment" means a basin or subbasin boundary adjustment by the Department that ~~either~~ (1) amends existing basin boundary data files to accurately reflect an ~~unambiguous~~ written basin boundary description as defined in Bulletin 118 or amended pursuant to this Part, ~~or~~ (2) restates the definition of a basin boundary definition to more precisely reflect a mapped basin boundary consistent*

September 4, 2015

*with the original definition, and/or (3) amends existing basin boundaries to reflect existing groundwater management jurisdictional authority as recognized through existing legal agreements, resolutions, or ordinance.*

- b. ACWD also requests that the Draft Basin Boundary Regulations include information on how the process of an Administration Adjustment will be implemented.
3. §342. Introduction to Boundary Modifications (page 5): This section states that: “For purposes of this Subchapter, a groundwater basin generally refers to an alluvial aquifer or stacked series of alluvial aquifers with a minimum thickness of 25 feet, with reasonably well defined boundaries in a lateral direction, based on features that significantly impede groundwater flow, and a definable bottom characterized by rock or sediment of low permeability or the base of fresh water, as further described or defined in Bulletin 118.” This reference follows the definition as set forth in Bulletin 118 (2003) with the exception of the addition of a minimum aquifer thickness of 25 feet. As identified in Bulletin 118-1, the lower production aquifers that make up the Niles Cone Groundwater Basin vary in thickness and have been documented as thin as 20 feet. Four recent studies of the Niles Cone Groundwater Basin, conducted in conjunction with the Department of Water Resources over the last 12 years, confirm that aquifer thicknesses vary greatly from location to location and are as thin as 10 feet. Based on the results of these studies, ACWD requests that the statement “with a minimum thickness of 25 feet” be removed from the sentence identified above.

Thank you for the opportunity to comment on the Draft Emergency Regulations for Basin Boundary Modification. We look forward to continuing our cooperative working relationship with DWR to achieve the mutual goal of protecting our community’s groundwater resources. If you have any questions, please do not hesitate to contact Michelle Myers, Groundwater Resources Manager, at (510) 668-4454.

Sincerely,



Steven D. Inn  
Manager of Water Resources

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By E-mail

cc: Michelle Myers, ACWD  
Eileen Chen, ACWD