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California Department of Water Resources  
Attn: Sustainable Groundwater Management Section  
P.O. Box 942836  
Sacramento, CA 94236

Re: Basin Boundary Emergency Regulations

The Butte County Department of Water and Resource Conservation appreciates the opportunity to provide comments on the draft Basin Boundary Emergency Regulations as part of the implementation of the Sustainable Groundwater Management Act (SGMA). Overall the regulations provide a logical and workable process for local agencies to request basin boundary modifications. It is evident that the Department of Water Resources (DWR) considered the input provided by stakeholders in the development of these regulations. There are a few areas of the regulations that should be modified for clarity, flexibility and efficiency. The suggested modifications are presented by regulatory section as follows:

### Article 3. Boundary Modification Categories

#### Section 342. Introduction to Boundary Modifications

Comment: The second paragraph of this section includes a description of the alluvial characteristics of groundwater basin. The description may create unnecessary confusion regarding which basins are applicable to the regulation. A concise approach would be to rely on the definition provided in Water Code for basins/subbasins that are subject to SGMA (§10721(b)).

#### Suggested Language:

*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 impeded groundwater flow, and a definable bottom characterized by rock or sediment of low permeability or the base of fresh water, as further described or a basin or subbasin defined in Bulletin 118 or as modified per this section.***

Article 4. Procedures for Modification Request or Protest  
Section 343.8. Review Periods

Comment: We support this section since it provides certainty.

Section 343.10. Status of Request

Comment: In Section 343.10(d), it is unclear why the local agency would be required to provide broad notification of DWR's determination that the request was complete rather than when it was approved. It appears that the initial consultation that local agencies are required to perform at the beginning of the process would provide interested parties with ample notice of the request. Requiring local agencies to provide notice of an interim step in the process seems unnecessary. A suggestion would be have local agencies provide notice to interested parties upon receiving approval of a boundary modification.

Suggested Language:

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

Article 5. Supporting Information

Section 344.6. Description of Proposed Boundary Modification

Comment: The information required in Section 344.6(b) for a jurisdictional boundary modification may be difficult to produce. Specifically, providing a comparative analysis of the likelihood of achieving sustainability under existing boundary conditions versus proposed boundaries may not be feasible or relevant. For example, a jurisdictional boundary modification may be proposed to reflect governance or considerations. Likewise, the requirement to address how the boundary modification would affect the ability of adjacent basins to sustainably manage groundwater would be difficult in the absence of their groundwater sustainability plan elements such as measureable objectives and targets. This provision should be addressed in the groundwater sustainability plan regulations and coordinated agreement regulations. A suggestion would be to modify the requirement to more closely reflect the process described in Water Code §10722.29(a) and (c).

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

(4)(3) A discussion of ~~potential impact~~ how the 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 344.8. Local Support

Comment: While I agree that boundary modifications should be widely supported by those affected, the prescriptive approach in the regulations is problematic. For example, obtaining resolutions from a majority of affected local agencies may be difficult due issues unrelated to support or opposition. There may be circumstances such as timing and logistics that may preclude obtaining a resolution. A reasonable expectation is that the regulations should require local agencies provide some evidence of support. Conversely if there is not support in a basin or adjoining basin, the regulations provide for a protest process. In the absence of a protest, DWR should not create unrealistic hurdles for requesting agencies to demonstrate support.

#### Suggested Language:

##### 344.8. Local Support

(a) A requesting agency shall consult with local stakeholders and demonstrate local support for a proposed jurisdictional boundary modification pursuant to Section 342.4 as follows:

(1) A request that involves an internal boundary modification shall provide evidence information demonstrating that the modification is of supported from by each affected local agencies and affected systems.

(2) A request that involves a basin consolidation or county basin consolidation shall provide information demonstrating that the requesting agency notified ~~each affected~~ other local agencies and stakeholders. The requesting agency may and affected system and that a majority of affected agencies and affected systems provide evidence of support for the boundary modification.

#### Section 344.12. Hydrogeologic Conceptual Model

Comment: Hydrogeologic conceptual models should be required for scientific boundary modifications and jurisdictional subdivisions. However, hydrogeologic conceptual models should not be required for basin consolidations, including county basin consolidation modifications. For the most part, the requests for basin consolidation will be pursued primarily for management purposes.

Although some requesting agencies may have a hydrogeologic conceptual model for their basin consolidation modification request, the same level of technical data to present a hydrogeologic conceptual model in all instances. The unnecessary technical hurdles for basin consolidation modification requests may be counter-productive to creating larger SGMA management areas. A suggestion would be to have hydrogeologic conceptual models be an optional requirement for basin consolidation requests. DWR could require that hydrogeologic conceptual models be included as part of a groundwater sustainability plan.

Suggested Language:

§ 344.12. Hydrogeologic Conceptual Model

*Each request for **basin subdivision** boundary modification, ~~except for an internal boundary modification~~ pursuant to Section 342.4(~~ca~~), shall include a clearly defined hydrogeologic conceptual model demonstrating the following:*

§ 345.4. Criteria for Evaluating Supporting Information

*(c) For jurisdiction modifications of ~~consolidation or county basin consolidation~~ or basin subdivision pursuant to Section 342.4(~~b~~) and (c), the Department will evaluate the adequacy of a hydrogeologic conceptual model. The evaluation will assess the degree to which the model aligns with the known geologic framework, the known direction and movement of groundwater flow, and the general understanding of water budget components for the basin or subbasin.*

The Butte County Department of Water and Resource Conservation appreciates the effort that has gone into drafting Basin Boundary Modification emergency regulations.

Regards,

A handwritten signature in black ink, appearing to read "Paul Gosselin". The signature is written in a cursive style with a large initial "P".

Paul Gosselin, Director