



April 1, 2016

VIA Email: SGMPS@water.ca.gov

California Department of Water Resources
ATTN: Lauren Bisnett, Public Affairs Office
Sustainable Groundwater Management Section
P.O. Box 942836
Sacramento, CA 94236-0001

RE: Comments on Draft Groundwater Sustainability Plan Regulations

Dear Ms. Bisnett:

Golden State Water Company (“GSWC”) appreciates the opportunity to comment on the Draft Groundwater Sustainability Plan Regulations (“GSP Regulations”), which the Department will issue pursuant to the Sustainable Groundwater Management Act. GSWC submits the attached red-lined mark-up with comments of the Regulations for your consideration as you finalize these Regulations.

GSWC provides water service to approximately 258,000 service connections, representing a population of over 1.1 million, located within 75 communities throughout 10 counties in Northern, Coastal and Southern California. This includes basin management activities in 17 groundwater basins or subbasins where GSWC utilizes approximately 121,000 acre-feet of groundwater on an annual basis.

Golden State Water Company appreciates the opportunity to comment on the Draft GSP Regulations. If you have any questions, feel free to contact me (TobyMoore@gswater.com) or Robert Collar (Robert.Collar@gswater.com).

Respectfully Submitted,

Toby B. Moore, PhD, PG, CHG

Ms. Bisnett
April 1, 2016
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CC: Mark Cowin, Director, Department of Water Resources
David Gutierrez, Department of Water Resources
Trevor Joseph, Department of Water Resources
Rami Kahlon, California Public Utilities Commission
Jack Hawks, California Water Association

Attachment: GSWC Redline Markup of the Draft GSP Regulations

GROUNDWATER SUSTAINABILITY PLAN EMERGENCY REGULATIONS

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Comment [RC1]: Suggest inserting new subarticle to address how the plan will be implemented and how progress toward the sustainability goal will be evaluated by the Agency through self-evaluation and self-regulation. This subarticle will describe how, once the plan is approved, annual reports and 5-year assessments will be used by the Agency to document progress toward, or unanticipated deviation from, interim milestones and the sustainability goal. If sustainable management criteria described in Subarticle 3 are not being met or interim milestones are not reached, this subarticle will briefly describe how, consistent with the intent of DWR Topic Paper Nos. 2 and 10, plan amendments, contingency projects or actions, or other measures may be employed to ensure achievement of the sustainability goal. For example, an Agency might request extensions of 5 or 10 years per legislation Section 10727.2(b)(3)(A). Note that this proposed subarticle could possibly replace most of current Article 7 or instead could point to the more detailed regulations currently in Article 7. In the latter case, Article 7 could be moved before current Article 6, thereby emphasizing local control and management, consistent with a premise of the legislation. And, current Article 6 would follow, emphasizing DWR's subordinate role as a means of evaluating and ensuring compliance with the legislation. Furthermore, while DWR approval of the plan chronologically follows preparation and adoption of the plan by the Agency, this sequence does not need to be adhered to in these regulations. Please note that the suggested revisions are also intended to consolidate or reorganize current Articles 6 and 7, which overlap a fair bit, in that they both contain elements involving DWR evaluation of the adopted plan, as well as DWR evaluation of plan implementation and progress toward the sustainability goal, not to mention Agency evaluation of plan implementation and progress toward the sustainability goal. To the extent practicable, and for the sake of clarity, DWR evaluation of the plan and plan amendments should be separated from DWR evaluation of plan implementation and progress toward the sustainability goal. And, DWR evaluation of plan implementation and progress toward the sustainability goal, which could, appropriately, refer to corrective actions, should be separated from, and sequentially follow, Agency evaluation of plan implementation and progress toward the sustainability goal, which could, appropriately, involve (Agency self-) enforcement actions, consistent with legislation Section 10721(j). The suggested revisions are intended to yield a plan that becomes an all-encompassing stand-alone document an Agency can use to, in theory, achieve its sustainability goal. Note that if this new subarticle is inserted, other portions of the regulations may need to be revised, for example to include refer to the new subarticle.

TITLE 23. WATERS
DIVISION 2. DEPARTMENT OF WATER RESOURCES
CHAPTER 1.5. GROUNDWATER MANAGEMENT
SUBCHAPTER 2. GROUNDWATER SUSTAINABILITY PLANS

ARTICLE 1. Introductory Provisions

§ 350. Authority and Purpose

These regulations specify the components of groundwater sustainability plans, alternatives to groundwater sustainability plans, and coordination agreements prepared pursuant to the Sustainable Groundwater Management Act (Part 2.74 of Division 6 of the Water Code, beginning with Section 10720). Furthermore, the regulations specify, and the methods and criteria used by the Department of Water Resources (Department) to evaluate those plans, alternatives, and coordination agreements, and also describe information required by the Department to facilitate the these evaluations, including evaluation of plan implementation.

Note: Authority cited: Section 10733.2, Water Code.
Reference: Sections 10733.2, 10733.4. Water Code.

§ 350.2. General Principles

Consistent with the State's interest in achieving the promotion of groundwater sustainability through local management and the avoidance of undesirable results within groundwater basins, the following general principles shall guide the Department in the implementation of these regulations.

(a) The Plan must achieve the sustainability goal for the entire basin within 20 years of Plan implementation approval without adversely affecting the ability of an adjacent basin to implement their Plan or achieve their sustainability goal.

(b) The Plan shall describe a process for the collection, interpretation, and reporting of sufficient reliable information to permit the Department to evaluate the adequacy of the Plan and its implementation.

(c) The Department shall evaluate the adequacy of all Plans, including subsequent modifications to Plans, and reports and periodic evaluations, based on a substantial compliance standard as described in Article 6, provided that the goals of the Act are satisfied.

(d) The Department may determine that an initial Plan is adequate, notwithstanding identified deficiencies, provided that the Plan contains sufficient credible information to support reasonable interpretations about of basin conditions and describes all of the following:

(1) A process for prioritizing and filling data gaps throughout the course of Plan implementation.

(2) The specific actions and projects that will bring the Plan into compliance within minimum standards and best management practices on a reasonable schedule.

(3) A definite course to achieve the sustainability goal within 20 years of Plan implementation.

Comment [RC2]: Consider this change if it's more appropriate.

Comment [RC3]: There are several places in the regulations, including here, with grammatical mistakes related to achieving sustainability in a basin. For example, the Plan doesn't achieve a sustainability goal. Instead, implementation of the plan is used to help achieve the goal. Please clarify throughout the regulations where necessary.

Comment [RC4]: Notwithstanding what may be missing text in the legislation (see Section 10727.2(b)), the legislation seems to imply that sustainability might be achieved within as much as 25 or possibly 30 years (see Section 10727.2(b)(3)(A)), or as much as 10 years beyond the 20 year timeframe cited here. If this is correct, all references to 'within 20 years' in the regulations should be modified to account for potential time extensions granted by DWR.

Comment [RC5]: This should be clarified throughout the regulations. Although legislation Section 10727.2 mentions the word implementation, it seems logical that the sustainability goal should be achieved in a certain amount of time relative to when the plan is approved, as opposed to implemented, assuming that implementation means to act on the plan. The difference between the words approval and implementation is significant, because the legislation, not the regulations specified that basins need to start implementing a plan no later than 1/31/20 or 1/31/22, which implies that plans must be approved on or possibly before these dates. And, the legislation does not define a sustainability deadline date, but gives a timeframe. If plans are approved before these dates, one might assume implementation of the plan could start before these dates and the deadline for sustainability thus being tied to a date prior to 1/31/20 or 1/31/22. On the other hand, even if the plans are approved prior to 1/31/20 or 1/31/22, but implementation doesn't start until say 1/1/25, for example, one might construe this to mean that the sustainability goal deadline is tied to 2025, when plan implementation started.

Comment [RC6]: The intent of this is not clear, possibly because it attempts to address several things. Please consider revising, possibly by separating into 2 or more sentences.

(4) The institutional system that will maintain sustainability over the planning and implementation horizon.

(e) Adaptive management may be employed as a tool for improving local and regional management of the state's groundwater basins within 20 years of Plan implementation and over the planning and implementation horizon.

(f) The processes for an Agency to develop and submit a Plan for evaluation by the Department, and for Department evaluation, as described in these regulations, are ~~made~~ applicable to multiple Agencies developing multiple Plans and to Alternatives, as described in Article 9.

(g) The Department may evaluate a Plan at any time, for compliance with the Act and this Subchapter.

(h) Unless otherwise noted, all section references in these regulations refer to this Chapter.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 113, 10720.1, 10733, 10733.2, 10733.4, 10733.6, Water Code.

Comment [RC7]: The concept of adaptive management in the context of groundwater sustainability planning seems to be akin to the Observational Method used in the geotechnical engineering field in middle to latter part of the last century and used during characterization and remediation of Superfund sites in the latter part of the last century. This concept should be presented more prominently in the regulations, particularly because nearly an entire DWR Topic Paper (No. 10) was devoted to it. In fact, Topic Paper 10 describes how planning goals or objectives can be modified or replaced, which might be interpreted by some parties as an opportunity to revise the sustainability goal for a basin. This highlights the importance of providing clear guidance with respect to adaptive management approaches. Although DWR's Topic Papers (Nos. 2 and 10) somewhat incorrectly equate adaptive management to the concept of corrective actions, considering how corrective actions are typically discussed (i.e., they are often taken by one party at the behest of another; see for example "...corrective action taken by the violator" in Section 10700.2[b][3] of the legislation or see several examples in the regulations of corrective actions, which are recommended by the Department), adaptive management approaches could play a significant role in reaching a groundwater basin's sustainability goal.

ARTICLE 2. Definitions

§ 351. Definitions

In addition to terms defined in the Sustainable Groundwater Management Act and in Bulletin 118, and terms defined in Subchapter 1 of this Chapter, which definitions apply to these regulations, the following terms used in this Subchapter have the following meanings:

- (a) “Agency” refers to a groundwater sustainability agency as defined in the Act.
- (b) “Agricultural water management plan” refers to a plan adopted pursuant to the Agricultural Water Management Planning Act as described in Part 2.8 of Division 6 of the Water Code, commencing with Section 10800 et seq.
- (c) “Alternative” refers to any alternative to a Plan described in Water Code Section 10733.6.
- (d) “Annual report” refers to the report required by Water Code Section 10728.
- (e) “Baseline” or “baseline conditions” refer to historic information used to project future conditions for hydrology, water demand, and availability of surface water and to evaluate potential sustainable management practices ~~of~~ in a basin.
- (f) “Best available information” refers to information that is accurate, applicable, actionable, and accessible.
- (g) “Best available science” refers to the use of high-value information and data, specific to the decision being made and the time frame available for making that decision, that is consistent with scientific and engineering professional standards of practice.
- (h) “Best management practice” refers to a practice, or combination of practices, that are designed to achieve sustainable groundwater management and have been determined to be technologically and economically effective, practicable, and based on best available science.
- (i) “Coordinating agency” refers to a groundwater sustainability agency or other authorized entity that represents two or more Agencies or Plans for a basin and is the sole point of contact with the Department.
- (j) “Critical parameter” refers to chronic lowering of groundwater levels indicating a depletion of supply if continued over the planning and implementation horizon, reduction of groundwater storage, sea water intrusion, degraded water quality, land subsidence that substantially interferes with surface land uses, and depletions of surface water that have adverse impacts on beneficial uses of surface water that if significant and unreasonable, may lead to undesirable results, as described in Water Code Section 10721(~~x~~w).
- (k) “Groundwater flow” refers to the ~~volume rate~~ and direction of groundwater movement into, out of, or throughout a basin.
- (l) “Interested parties” refers to all persons and entities on the list of interested persons established by the Agency pursuant to Water Code § 10723.4.

Comment [RC8]: Most of the critical parameters listed do not seem to include a modifier. Consider removing the highlighted text, if, in the context of the legislation (see Section 10721[w][5]), “substantially interferes with surface land uses” is essentially “significant and unreasonable,” meaning that this text is an unnecessary modifier, especially in light of the following comment.

Comment [RC9]: Given that the term critical parameter was not in the legislation and that each critical parameter listed is linked to an undesirable result listed in the legislation (see Section 10721[w][5]), consider inserting this text to differentiate between a critical parameter and an undesirable result.

Comment [RC10]: Section 355.8 of these regulations refers to a groundwater sustainability program. In addition, a groundwater sustainability program is one of the terms defined in the legislation. Therefore, please consider including a definition here or removing the reference in these regulations to a groundwater sustainability program.

(m) “Interconnected surface water” refers to conditions where surface water and the underlying aquifer are hydraulically connected by a continuous saturated zone and the overlying surface water is not completely depleted.

(n) “Interim milestone” refers to a target value for management actions or measurable groundwater conditions set by an Agency as part of Plan implementation.

(o) “Management area” refers to areas within a basin where conditions such as water use sector, water source type, geology, aquifer characteristics, or critical parameters related to undesirable results are significantly different from basin conditions as a whole, and justify different minimum thresholds, measurable objectives, monitoring, and management actions.

(p) “Measurable objectives” refer to specific, quantifiable goals for the maintenance or improvement of specified groundwater conditions that have been included in an adopted Plan to achieve the sustainability goal in a basin.

(q) “Minimum threshold” refers to the point at which groundwater conditions for a given critical parameter are significant and unreasonable.

(r) “NAD83” refers to the North American Datum of 1983 computed by the National Geodetic Survey.

(s) “NAVD88” refers to the North American Vertical Datum of 1988 computed by the National Geodetic Survey.

(t) “Plain Language” means language that the intended audience can readily understand and use because that language is concise, well-organized, uses simple vocabulary, avoids excessive acronyms and technical language, and follows other best practices of plain language writing.

(u) “Plan” refers to a groundwater sustainability plan as defined in the Act. The status of a Plan may change as follows:

(1) “Adopted Plan” refers to a Plan that has been ~~adopted~~ developed by an Agency pursuant to the requirements of the Act and this Subchapter, ~~but that has not been evaluated by the Department in accordance with Section 355.2.~~

(2) “Approved Plan” refers to an adopted Plan that has been evaluated by the Department and found to be adequate.

(3) “Initial Plan” refers to the first version of a Plan ~~developed~~ adopted by an Agency and evaluated by the Department.

(v) “Plan implementation” refers to the date when an Agency exercises any of the powers described in the Act after adopting and submitting to the Department a Plan or Alternative.

(w) “Plan manager” is an employee or authorized representative of a groundwater sustainability agency who has been delegated management authority for submitting the groundwater sustainability plan and serving as the point of contact between the groundwater sustainability agency and the Department.

Comment [RC11]: Please consider refining this definition to match a description in the legislation, which implies that interim milestones are at periodic or intermediate steps along the way towards the 20-year goal of basin sustainability, at 5-year increments. The definition here has no temporal aspect to it.

Comment [RC12]: The definition of threshold is somewhat ambiguous, in that it may represent a neutral value relative to values above or below it. Or, it may represent some minimum, or target value, relative to deleterious values above it. Thus, consider omitting the word minimum from this definition and throughout the regulations where the term appears. For example, undesirable results as measured by groundwater levels may be framed in terms of elevations, and specifically in terms of decreasing groundwater elevations. In this case, one could see a threshold defined as some value below which the groundwater elevation should not fall, for example. Is this a minimum threshold, in that the value represents the minimum allowable groundwater elevation in a basin? Perhaps. But, if the undesirable result is measured as TDS concentrations in groundwater increasing above a certain value, one might treat that threshold value as a maximum, not a minimum, allowable TDS concentration, at some distance from the seashore, for example.

Comment [RC13]: Section 355.2 of these regulations implies that an adopted plan is one that has yet to be reviewed and evaluated by the Department. Please consider including the suggested revision to ensure clarity.

Comment [RC14]: Because the regulations use the term plan implantation sort of as a noun (i.e., in this case as a finite point in time) and sort of like a verb (i.e., as an action over the course of many years – e.g., see item 350.2[d][1] above), please consider using a different definition to match the description presented here, particularly for the sake of clarity. See previous comment related to item 350.2(a) and see other comments related to proposed Subarticle 6.

(x) “Principal aquifers” refer to the main, major, or primary aquifers or aquifer systems that store, transmit, and yield significant or economic quantities of groundwater to the wells, springs, or surface water systems.

(y) “Reference point” refers to a permanent, stationary and readily identifiable mark or point on a well, such as the top of casing, from which groundwater level measurements are taken.

(z) “Reporting period” refers to the period covered by the annual report required by Water Code Section 10728, which shall consist of the previous water year.

(aa) “Representative monitoring” refers to the use of a monitoring site, or sites, within a broader system of sites, that act(s) as a proxy for or that typify(ies) one or more conditions within the basin or an area of the basin.

Comment [RC15]: Changes suggested primarily because some basins use a single, or key, well, while other basins may use a few or several key wells.

(ab) “Seasonal high” refers to the highest annual static groundwater elevation that is typically measured in the Spring and associated with stable aquifer conditions following a period of lowest annual groundwater demand.

(ac) “Seasonal low” refers to the lowest annual static groundwater elevation that is typically measured in the Summer or Fall, and associated with a period of stable aquifer conditions following a period of highest annual groundwater demand.

(ad) “Seawater intrusion” refers to the advancement of seawater into a groundwater supply that results in degradation of water quality in the basin, and includes seawater from any source.

Comment [RC16]: Please consider including a definition for the term Sustainability goal. These regulations use this term in many places and the legislation includes a definition, albeit somewhat confusing, of the term Sustainability goal. Given that the Sustainability goal is tied to certain objectives (see item p above) and that these objectives may vary from basin to basin, it seems like it would be good to clearly define this term.

(ae) “Urban water management plan” refers to a plan adopted pursuant to the Urban Water Management Planning Act as described in Part 2.6 of Division 6 of the Water Code, commencing with Section 10610 et seq.

(af) “Water source type” represents the source from which water is derived to meet the applied beneficial uses, including, but not limited to, groundwater, recycled water, reused water, and local or imported surface water sources identified as Central Valley Project, the State Water Project, the Colorado River Project, local supplies, and local imported supplies, for example.

(ag) “Water supply reliability” refers to the likelihood that the supply of water within the basin will satisfy reasonable demands for the beneficial uses and users of water.

(ah) “Water use sector” refers to categories of water demand based on the general land uses to which the water is applied. They include, but may not be limited to, urban, industrial, agricultural, managed wetlands, managed recharge, and native vegetation.

(ai) “Water year” refers to the period from October 1 through the following September 30, inclusive, as defined in the Act.

(aj) “Water year type” refers to the classification system index provided by the Department to assess the amount of precipitation in a basin.

Note: Authority cited: Section 10733.2, Water Code.
Reference: Section 10727.2, 10733.2, Water Code.

ARTICLE 3. Technical and Reporting Standard

§ 352. Introduction to Technical and Reporting Standards

This Article describes the use of best management practices and minimum standards for monitoring sites and other technical matters appropriate to develop or monitor the implementation of a Plan.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Section 10733.2, Water Code.

§ 352.4. Best Management Practices

(a) Each Plan shall include best management practices adopted by the Agency for management actions, data collection and analysis, and other necessary elements of the Plan. The Agency may rely on best management practices developed by the Department pursuant to Water Code Section 10729(d) or shall adopt their own best management practices.

(b) Best management practices shall be reviewed at least every five years as part of the periodic evaluation of the Plan and modified as necessary.

(c) If best management practices developed by the Department are subsequently modified by the Department, an Agency shall not be required to amend the Agency's best management practices until the next five-year review/assessment.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Section 10728.2, 10729, 10733.2, 10733.8, Water Code.

§ 352.6. Data and Reporting Standards

(a) The following reporting standards apply to all information required of a Plan, unless otherwise indicated:

- (1) Water volumes shall be reported in acre-feet.
- (2) Groundwater, surface water, and land surface elevations shall be measured and reported in feet relative to NAVD88, or as modified, to an accuracy of at least 0.1 feet.
- (3) Reference point elevations shall be measured and reported in feet relative to NAVD88, or as modified, to an accuracy of at least 0.5 feet or the best available information, and the method of measurement described.
- (4) Geographic locations shall be reported in GPS coordinates by latitude and longitude relative to NAD83, or as modified, in decimal degree to five decimal places, and a minimum accuracy of 30 feet.

(b) The following standards apply to wells and monitoring sites, unless otherwise indicated:

- (1) All monitoring sites shall include the following information, as appropriate:

Comment [RC17]: Please clarify whether this is directed at BMPs developed by DWR and used by an Agency, as opposed to BMPs developed and used by an Agency.

(A) A unique site identification number and narrative description of the site location.

(B) A description of the type of monitoring, type of measurement, and monitoring frequency.

(C) Location, elevation of the ground surface, and reference point, including a description of any reference point.

(D) A description of the standards used to install the monitoring site, and identification of any sites that do not conform to best management practices.

(2) Wells used as the source of basic geologic or other information, including data used to develop the hydrogeologic conceptual model, to determine the water budget, or establish the basin setting, shall provide the best available information. All available information about the wells shall be reported in the Plan, which shall include, at a minimum, well location, well construction, and well use

(3) Wells used to monitor groundwater conditions shall be constructed according to standards described in DWR Bulletin 74-90, as amended or updated, and shall include the following identifying information presented in both tabular and geodatabase-compatible shapefile form:

(A) CASGEM well identification number and, if available, a State well identification number and any local well identification.

(B) Well location, elevation of the ground surface, and reference point, including a description of the reference point.

(C) A description of the well use, such as public supply, irrigation, domestic, monitoring, or other type of well, whether the well is active or inactive, and whether the well is a single, cluster, or nested well.

(D) A list of all casing perforations, borehole depth, and total well depth.

(E) A copy of any well completion reports.

(F) Any geophysical logs, well construction diagrams, or other relevant information, if available.

(G) Identification of aquifers monitored.

(H) Any other relevant well construction information, such as well capacity, casing diameter, casing modifications, or other information as available.

(4) If an Agency relies on wells that lack casing perforations, borehole depth, and total well depth information to monitor groundwater conditions as part of an initial Plan, the Agency shall describe a schedule for acquiring monitoring wells with the necessary information, or demonstrate to the Department that such information is not necessary to understand and manage groundwater in the basin.

(c) Maps submitted to the Department shall meet the following requirements:

- (1) Each map, including all data layers, shapefiles, geodatabases, and other information used to create the map, shall be submitted electronically to the Department in accordance with Article 4.
- (2) Each map shall contain a level of detail and be clearly labeled to ensure that the map is informative and useful.
- (3) The datum shall be clearly identified on the maps or in an associated legend or table included in the Plan.

(d) Hydrographs submitted to the Department shall meet the following requirements:

- (1) Hydrographs shall be submitted electronically to the Department in accordance with Article 4.
- (2) Hydrographs shall include the state well number or CASGEM well identifier and any local well designation, and elevation of the ground surface, and reference point.
- (3) Hydrographs shall use the same datum and scaling to the greatest extent practical and contain a level of detail and be clearly labeled to ensure that they are informative and useful.

(e) Groundwater and surface water models developed or utilized as part of or in support of a Plan shall be consist of public domain open-source software that meets the following requirements:

- (1) Shall have publically available supporting documentation that establishes its ability to represent groundwater and surface water flow.
- (2) Shall be calibrated against site-specific field data.
- (3) Shall be based on actual field or laboratory measurements, or equivalent methods, that document the validity of chosen parameter values.

(f) The Agency shall provide a list of references and technical studies relied upon by the Agency in developing the Plan. The Agency shall provide electronic copies of all reports and other documents and materials that are not otherwise generally available to the public. Proprietary data and reports need not be disclosed unless requested by the Department to resolve interbasin disputes, as described in Section 355.12.

Note: Authority cited: Section 10733.2, Water Code.
Reference: Sections 10727.2, 10733.2, Water Code.

§ 352.8. Data Management and Recordkeeping

Each Agency shall develop and implement a coordinated data management system that is capable of storing, maintaining, and reporting all relevant information related to the

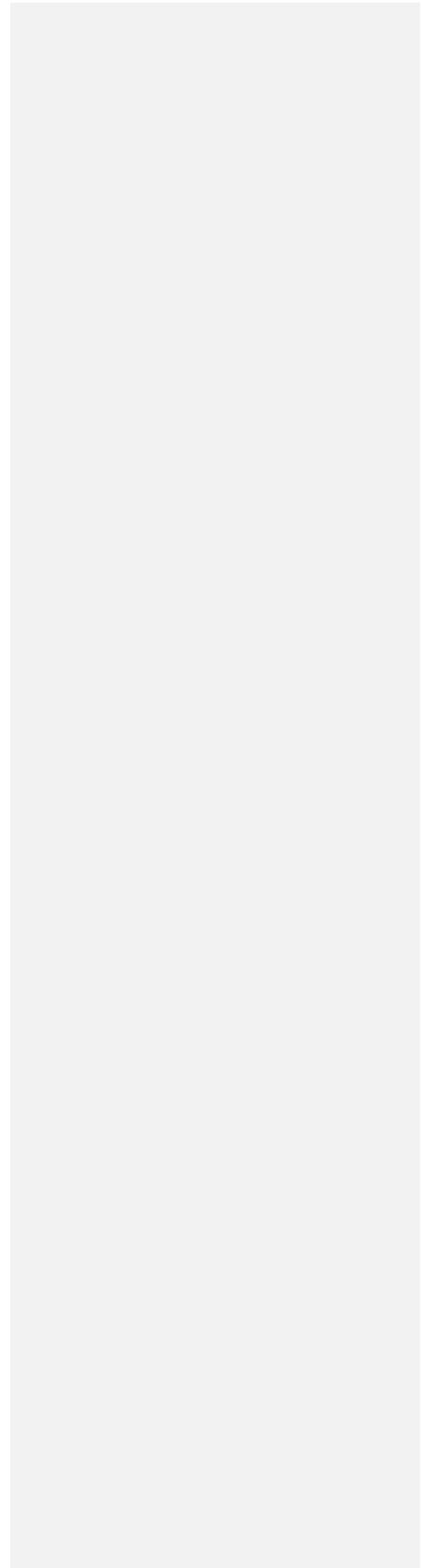
Comment [RC18]: The regulations use several different terms: model, groundwater model, flow model, groundwater-surface water model. Suggest using consistent terminology, to the extent practical, to clarify and avoid confusion. Consider introducing adjectives or modifiers (e.g., computer model, numerical model, analytical model, flow and transport model, etc.) if necessary to help clarify and differentiate, for example from a conceptual model or where surface water flow modeling will be a key component.

Comment [RC19]: This term is only mentioned in the regulations 2 times and should be expanded upon, particularly in the light of the topic of best management practices (BMP) referred to in this article. And, the use of a data management system or equivalent should be linked to data quality, which will be critical to successful implementation of the plan. While data quality is appropriately mentioned in Article 4, for example, in the context of monitoring data, it should be discussed more prominently in Article 7, Subarticle 2, where regulations are presented describing how the Agency will evaluate implementation of the plan, and progress towards the sustainability goal, which will be based to a large degree on significant amounts of data. The Department may want to consider referring to a data management and quality BMP in the regulations.

development or implementation of the Plan.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Section 10727.2, 10733.2, 10728, Water Code.



ARTICLE 4. Procedures

§ 353. Introduction to Procedures

This Article describes procedural and notification requirements related to the submission of Plans and public comment ~~to~~on those Plans.

Note: Authority cited: Section 10733.2, Water Code.
Reference: Section 10733.2, Water Code.

§ 353.2. Information Provided by the Department

- (a) The Department shall make forms and instructions for submitting Plans available on its Internet Web site.
- (b) Information provided by the Department pursuant to this Subchapter shall be provided on the Department's Internet Web site.

Note: Authority cited: Section 10733.2, Water Code.
Reference: Section 10729, 10733.2, Water Code

§ 353.4. Reporting Provisions

Plans, Plan amendments, annual reports, and five-year assessments shall be submitted by each Agency in accordance with the requirements of this section.

- (a) All materials shall be submitted electronically to the Department through an online reporting system, in a format provided by the Department as described in Section 353.2.
- (b) All materials shall be accompanied by a transmittal letter signed by a person duly authorized under California law to bind the party submitting the report, and including the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.”

- (c) All materials submitted to the Department shall be posted on the Department's Internet Web site.

Note: Authority cited: Section 10733.2, Water Code.
Reference: Sections 10728, 10728.2, 10733.2, 10733.4, 10733.6, Water Code.

§ 353.6. Initial Notification

- (a) Each Agency shall notify the Department, in writing, within 30 days of an Agency's decision to develop a Plan. The notification shall provide general information about the Agency's

process for developing the Plan, including the manner in which interested parties may contact the Agency and participate in the development and implementation of the plan. The Agency shall make the information publicly available by posting relevant information on the Agency's Internet Web site.

(b) The Department shall post the initial notification required by this Section, including Agency contact information, on the Department's Internet Web site within 20 days of receipt.

(c) Upon request, prior to adoption of a Plan, the Department shall provide reasonable assistance to an Agency regarding the elements of a Plan required by the Act and this Subchapter. Notwithstanding any advice provided by the Department, the Agency is solely responsible for the development and adoption of a plan that is capable of achieving sustainable groundwater management.

Note: Authority cited: Section 10733.2, Water Code.
Reference: Sections 10723.4, 10727.8, 10733.2, Water Code.

§ 353.8. Public Comment

Any person may provide comments to the Department regarding any proposed or adopted Plan.

(a) The Department shall accept public comment on any aspect of an Agency's decision to develop a Plan as described in Section 353.6, including all elements of the proposed Plan as it may be developed by the Agency.

(b) The Department shall establish a comment period of no less than 60 days on an adopted Plan that has been accepted by the Department for evaluation pursuant to Section 355.2.

(c) The following guidelines apply to all public comments:

(1) Public comment shall be submitted by written notice, and shall include the name, address, and electronic mail address of the person or entity providing the comments and information, ~~with and a duplicate~~ copy of the comment ~~shall be~~ provided to the Agency at the same time.

(2) Public comment should include a clear statement of relevant issues that are the subject of the comments and information.

(3) The level of detail provided by public comment need not be as comprehensive as that contained in the proposed or adopted Plan, but should rely on similar scientific and technical information, including the reliance upon the best available information and best available science.

(d) All comments and other information received shall be posted on the Department's Internet Web site.

(e) The Department is not required to respond to comments, but will consider comments as part of its evaluation of a Plan.

(f) The Department shall give the Agency a reasonable opportunity to respond to public

Comment [RC20]: If the intent of this is to comply with Section 10725.2(c) of the legislation, this should be clearer and there may need to be a reference to this section of the legislation in the "Reference" area at the end of this section, Section 353.6. In addition, if this is the case, please consider revising this item, (a), to make it consistent with the legislation, which includes a requirement regarding electronic notification.

comment, including the opportunity to modify the Plan consistent with Section 355.2.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Section 10727.8, 10733.2, 10733.4, Water Code.

§ 353.10. Withdrawal or Amendment of Plan

An Agency may withdraw a Plan at any time by providing written notice to the Department.

An Agency may amend a Plan at any time pursuant to the requirements of Section 356.12.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Section 10728.4, 10733.2, Water Code.

ARTICLE 5. Plan Contents

§ 354. Introduction to Plan Contents

This Article describes the required contents of Plans, including general information, a description of the basin setting and characteristics of the aquifer system, sustainable management criteria, and a description of the monitoring network, reports, and projects.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Section 10733.2, Water Code.

SUBARTICLE 1. Administrative Information

§ 354.2. Introduction to Administrative Information

This Subarticle describes administrative and other general information in the Plan relating to the Agency that has adopted the Plan, the area covered by the Plan, and other procedural matters.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Section 10733.2, Water Code.

§ 354.4. Executive Summary

Each Plan shall include an executive summary written in plain language that provides an overview of the Plan and description of groundwater conditions of the basin.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Section 10733.2, 10733.4, Water Code.

§ 354.6. Agency Information

When submitting an adopted Plan to the Department, the Agency shall include a copy of the information provided pursuant to Water Code Section 10723.8, with any updates, if necessary, along with the following information:

- (a) The name and mailing address of the Agency.
- (b) Documentation of the organization and management structure of the Agency. The documentation shall identify persons with management authority for implementation of the Plan.
- (c) The name and contact information, including phone number, mailing address and electronic mail address, of the plan manager.
- (d) The legal authority of the Agency with specific reference to citations setting forth the duties, powers, and responsibilities of the Agency, including information demonstrating that the Agency has the necessary legal authority to implement the Plan.

(e) A description of anticipated revenues and costs of implementing the Plan, including programs, projects, contracts, administrative expenses and other expected costs, and information demonstrating that the Agency has the necessary financial ability to implement the Plan.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10723.8, 10733.2, Water Code.

§ 354.8. Description of Plan Area

Each Plan shall include a description of the geographic areas covered, including the following information:

(a) One or more maps of the basin that depict the following:

(1) The area managed by the Plan and name and location of any adjacent basins.

(2) Jurisdictional boundaries of federal land, state land, tribal land, cities and counties and other land use agencies, and all general plans.

(3) Adjudicated areas, all Agencies within the basin, and areas governed by Plan alternatives.

(4) Designation of existing land uses and the identification of each water use sector and water source type.

(5) The density of wells per square mile, by dasymetric or similar mapping techniques, showing the distribution of all agricultural, industrial, and domestic water supply wells in the basin, including de minimis groundwater extractors, and the location and extent of communities dependent upon groundwater. Each Agency shall utilize data available from the Department, as specified in Section 353.2, or the best available information.

(b) A written description of the Plan area, including a summary of the jurisdictional areas and other features depicted on the map.

(c) A description of existing water resource monitoring programs including, but not limited to, agricultural water management plans, urban water management plans, the California Statewide Groundwater Elevation Monitoring Program (CASGEM), the Irrigated Lands Regulatory Program, the Surface Water Ambient Monitoring Program, ~~and~~ the Groundwater Ambient Monitoring Assessment (GAMA) Program, and Salt and Nutrient Management Plans. To the extent existing programs require information similar to that required by this Subchapter, the Plan may incorporate data from existing programs.

(d) How existing water resource monitoring and management programs and agencies with water management authority, could affect the ability of the Agency to achieve sustainable groundwater management, and how the Plan addresses potential effects.

(e) A description of coordination between the Plan, Integrated Regional Water Management Plans, and Flood Management Plans, if applicable.

Comment [RC21]: To be consistent with the emergency regulations for basin boundary modifications, please consider including a reference to the subject groundwater basin or subbasin by name and number, including an indication of whether the subject basin or subbasin is based on DWR's Bulletin 118 description or is the result of a basin boundary modification pursuant to the emergency regulations for basin boundary modifications.

Comment [RC22]: Consider inserting to be consistent with Section 354.34(c) of these regulations.

(f) A description of conjunctive use programs and infrastructure in the basin.

(g) A plain language description of the land use elements or topic categories of any applicable general plans that includes the following:

- (1) A summary of land use plans governing the basin.
- (2) A description of how implementation of existing land use plans are expected to change water demands within the basin.
- (3) An identification and assessment of proposed land use activities that may pose a risk to groundwater quality or quantity in the basin.
- (4) An assessment of how implementation of the Plan may affect applicable land use plans.
- (5) A summary of land use plans outside the basin, for any area the Agency determines to be linked to the hydrology of the basin governed by the Plan.
- (6) A summary of the process for permitting wells in the basin.
- (7) How implementation of existing land use plans may affect the ability of the Agency to achieve sustainable groundwater management, and how the Plan addresses potential effects.
- (8) How implementation of existing land use plans outside the basin, including a description of how implementation of those land use plans could affect the ability of the Agency to achieve sustainable groundwater management, for any area the Agency determines to be linked to the hydrology of the basin governed by the Plan.

(h) A description of any of the additional Plan elements included in Water Code Section 10727.4 that the Agency determines to be appropriate.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10720.3, 10727.2, 10727.4, 10733.2, Water Code.

§ 354.10. Notice and Communication

Each Plan shall include a summary of information relating to notification and communication by the Agency with other agencies and interested parties including the following:

- (a) The list of interested persons established and maintained by the Agency.
- (b) A description of the interests of beneficial uses and users of groundwater in the basin, and the persons or entities representing those interests, and the nature of consultation with those interests.
- (c) A summary of public meetings at which the Plan was discussed or considered by the Agency.
- (d) A copy of all comments regarding the Plan received by the Agency and a summary of any

Comment [RC23]: If the intent of this item is to comply with Section 10726.9 of the legislation, it should be clearer. If this is not the intent, please consider including text somewhere in these regulations to ensure compliance with Section 10726.9 of the legislation.

Comment [RC24]: This needs to mesh with sections 10723.4 10727.8 of the legislation to make sure that GSWC is notified and is able to play a role in the process. Need to revise this comment accordingly as necessary.

responses made by the Agency.

(e) A communication plan adopted by the Agency, including the following:

- (1) An explanation of the Agency's decision-making process and how stakeholder input and public response will be used.
- (2) Identification of opportunities for stakeholder engagement.
- (3) A description of how the Agency encourages the active involvement of diverse social, cultural, and economic elements of the population within the basin.
- (4) A schedule of milestones and scheduled dates for known projects or actions.
- (5) A description of the roles and responsibilities of local agencies and the public.

Comment [RC25]: Consider inserting the word interim before the word milestones to be consistent with the rest of these regulations.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10723.2, 10723.4, 10727.8, 10733.2, 10733.4, Water Code

SUBARTICLE 2. Basin Setting

§ 354.12. Introduction to Basin Setting

This Subarticle describes the information about the physical setting and characteristics of the basin and current conditions of the basin that shall be included with each Plan. Information provided pursuant to this Subarticle shall be prepared by or under the direction of a professional geologist or professional engineer.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Section 10733.2, Water Code.

§ 354.14. Hydrogeologic Conceptual Model

(a) Each Plan shall include a hydrogeologic conceptual model of the basin consisting of a written description, map, and cross-sections, based on technical studies or qualified maps. The written description shall include a discussion of the following:

- (1) Regional geologic and structural setting of the basin and surrounding area.
- (2) Lateral basin boundaries, including major geologic features that significantly impede or impact groundwater flow.
- (3) The definable bottom of the basin.
- (4) Principal aquifers and aquitards, including the following information:
 - (A) Formation names, if defined.
 - (B) The physical properties of aquifers and aquitards, including their lateral and vertical extent, hydraulic conductivity, and storativity, which information may be

based on existing technical studies or other sources of information.

(C) The structural properties of the basin that restrict groundwater flow within the principal aquifers, including information regarding stratigraphic changes, truncation of units, or other features.

(D) General water quality of the principal aquifers, which may be based on information derived from existing technical studies or regulatory programs.

(E) Identification of the aquifers used for domestic, irrigation, or municipal water supply.

(5) Other relevant information required by the Department as necessary to evaluate the Plan.

(b) The hydrogeologic conceptual model shall be represented graphically by at least two scaled cross-sections, approximately perpendicular to one another and extending the length and width of the basin, that display the information required by this section.

(c) Physical characteristics of the basin shall be represented on one or more maps that depict the following:

(1) Topographic information, of adequate scale, derived from the U.S. Geological Survey or another qualified source.

(2) Surficial geology derived from a qualified map including the locations of basin wide cross-sections required by this Subarticle.

(3) Soil characteristics such as hydraulic conductivity or other water transmitting properties as described by the appropriate Natural Resources Conservation Service (NRCS) soil survey or other applicable studies.

(4) Delineation of existing recharge areas that substantially contribute to the replenishment of the basin, potential recharge areas, and discharge areas, including, to the extent available, historical and active springs, seeps, and wetlands within or adjacent to the basin.

(5) Surface water bodies with water supply diversions greater than 10 acre-feet per year; and storage facilities with a capacity of greater than 100 acre-feet.

(6) The source location, distribution system, and point of diversion for imported water supplies.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Section 10727.2, 10733.2, Water Code.

§ 354.16. Basin Conditions

The Plan shall characterize current and historical groundwater conditions in the basin. The Plan shall rely on the best available data to characterize historical conditions prior to January

1, 2015. The description of historical basin conditions shall specifically include conditions that existed as of January 1, 2015, and a comparison with present conditions. The description shall also contain all of the following:

(a) Groundwater elevation demonstrating flow directions, lateral and vertical gradients, and regional pumping patterns related to groundwater extraction, including:

(1) Groundwater elevation contour maps depicting the current seasonal high and seasonal low for each principal aquifer within the basin.

(2) Hydrographs depicting long-term groundwater elevations, historical highs and lows, and hydraulic gradients between principal aquifers.

(b) Groundwater storage data demonstrating the annual and cumulative change in storage based on seasonal high groundwater conditions, water use, and water year type.

(c) Seawater intrusion conditions in the basin that includes maps and cross-sections of the seawater intrusion front for each principal aquifer.

(d) Groundwater quality issues that may impact the supply and beneficial uses of groundwater, including a description and map of the following:

(1) The location of known groundwater contamination sites and plumes including current or historical waste discharge requirements, known historical or ongoing cleanup activities, and Superfund sites.

(2) Horizontal and vertical proximity of wells to known sources of groundwater contamination.

(e) The extent, cumulative total, and annual rate of land subsidence, including maps depicting total subsidence. Each Agency shall utilize data available from the Department, as specified in Section 353.2, or the best available information

(f) Identification of interconnected surface water systems and groundwater-dependent ecosystems within the basin. Each Agency shall utilize data available from the Department, as specified in Section 353.2, or the best available information

Note: Authority cited: Section 10733.2, Water Code.

Reference: Section 10727.2, 10733.2, Water Code.

§ 354.18. Water Budget

The Plan shall include a water budget for the basin that provides an accounting and assessment of the total annual amount-volume of groundwater and surface water entering and leaving the basin, including historical, current and projected water budget conditions, and the change in the amount-volume of water stored. Water budget information shall be reported in tabular and graphical form.

(a) The water budget shall quantify the following:

Comment [RC26]: DWR Topic Paper No. 1 covers a significant topic related to undesirable results that occurred before, and have not been corrected by, 1/1/15, in accordance with Section 10727.2(b)(4) of the legislation. However, it is not clear if this portion of the regulations is intended to address this aspect of the legislation, which deserves to be addressed more prominently in the regulations. Please clarify.

Comment [RC27]: References in this section to sea level rise and the Central Valley, as well as Central Valley-specific items, are not applicable to many groundwater basins in California. Therefore suggest revising relevant text to make regulations more generic, flexible, and clear.

(1) All water supplies, including but not limited to infiltration of precipitation, infiltration from applied water, infiltration from surface water systems, and subsurface groundwater inflow.

(2) All water demands, including but not limited to evapotranspiration, groundwater extraction, groundwater discharge to surface water ~~sources~~, and subsurface groundwater outflow.

(3) All water supplies by water source type.

(4) All water demands by water source type and water use sector.

(5) The change in the annual volume of groundwater in storage between seasonal high conditions.

(6) The water year type associated with the annual supply, demand, and change in groundwater stored.

(b) The Plan shall quantify the current, historical, and projected water budget for the basin as follows:

(1) Current water budget information shall quantify present-day supply and demand using the most recent hydrology and land use information.

(2) Historical water budget information shall be used to evaluate past surface water supply reliability and aquifer response to water supply and demand trends relative to water year type. The historical water budget shall include the following:

(A) A quantitative evaluation of the historical surface water supply reliability as a function of the historical planned versus actual annual surface water deliveries, by water year type, and based on the most recent ten years of surface water supply information

(B) A quantitative assessment of the historical water budget, starting with the most recently available information and extending back a minimum of 10 years, or as is sufficient to adequately calibrate and reduce the uncertainty of the tools and methods used to estimate and project future water budget information and future aquifer response to proposed sustainable groundwater management practices over the planning and implementation horizon.

(C) A description of how historical conditions concerning hydrology, water demand, and surface water supply reliability have impacted the ~~basins ability of the Agency to operate the basin within its to achieve~~ sustainable yield.

(3) Projected water budgets shall be used to estimate future supply, demand, and aquifer response to Plan implementation, and to identify the uncertainties of these projected water budget components. The projected water budget shall utilize the following methodologies and assumptions for historical baseline conditions concerning hydrology, water demand and surface water supply reliability:

Comment [RC28]: Consider making the suggested revisions to match similar language elsewhere in the regulations or to otherwise clarify the intent of this item.

(A) Hydrology: Projected hydrology shall utilize 50-years of historical precipitation, evapotranspiration, and streamflow information as the baseline hydrology over the planning and implementation horizon, while evaluating scenarios of future hydrologic uncertainty associated with projections of climate change and sea level rise.

(B) Water Demand: Projected water demand shall utilize the most recent land use, evapotranspiration, and crop coefficient information as the baseline water demand over the planning and implementation horizon, while evaluating scenarios of future water demand uncertainty associated with projections of local land use planning, future population growth, and climate change.

(C) Surface Water Supply and Reliability: Projected water supply shall utilize the most recent water supply information as the baseline surface water supply over the planning and implementation horizon, while evaluating scenarios of future water supply uncertainty associated with historical surface water supply reliability, and projections of future local land use planning, future population growth, and climate change.

(c) The Plan shall rely on the best available information and best available science to quantify the water budget for the basin in order to provide an adequate understanding of historical and projected hydrology, water demand, water supply, land use, population, climate change, sea level rise, groundwater-surface water interaction, and ~~subsurface~~-groundwater flow. If a groundwater-surface water model is not used to quantify and evaluate the projected water budget conditions and the potential impacts to beneficial uses and users of water, the Plan shall identify and describe an equally effective method or tool to evaluate projected water budget conditions, or identify provisions for developing a groundwater-surface water model capable of quantifying projected water budget conditions no later than the first five-year assessment.

(d) The following information shall be provided by the Department, to the extent available, and shall be used by Agencies in developing the water budget:

(1) Historical water budget information for mean annual temperature, mean annual precipitation, water year type, and ~~central valley~~-land use.

(2) Current water budget information for temperature, water year type, evapotranspiration, and ~~s~~Statewide land use.

(3) Projected water budget information for population, population growth, climate change, and sea level rise.

(e) The Department shall provide the California Central Valley Groundwater-Surface Water Simulation Model (C2VSIM) and the Integrated Water Flow Model (IWF) for use by Agencies in developing the water budget. Each Agency may choose to use a different flow model.

(f) Information provided by the Department pursuant to this Subchapter shall be provided on the Department's Internet Web site.

(g) The Agency may utilize other data in addition to or in lieu of information provided by the Department, if the Agency is able to demonstrate that the data ~~are~~ of sufficient quality.

Note: Authority cited: Section 10733.2, Water Code.
Reference: Section 10727.2, 10733.2, Water Code.

§ 354.20. Management Areas

Each Agency may define one or more management areas within a basin if local conditions for one or more critical parameters differ significantly from those of the greater basin-at large, and if the Agency has determined that subdivision into management areas will facilitate implementation of the Plan. Management areas may have different minimum thresholds and be operated to different measurable objectives than the greater basin-at large, provided that the goal of the Plan is to achieve sustainable management for the entire basin by the target date and that operation to different standards within a management area does not produce undesirable results elsewhere.

(a) Plans that include management areas shall describe the following:

- (1) The basis for the formation of each management area.
- (2) The minimum thresholds and measurable objectives appropriate to each management area.
- (3) The appropriate level of monitoring and analysis for each management area based on documented differences between the area and the greater basin-at large.

(b) If a Plan creates one or more management areas, the descriptions, maps, and cross-sections required by this Subarticle shall include information about those areas.

Note: Authority cited: Section 10733.2, Water Code.
Reference: Section 10733.2, 10733.4, Water Code.

SUBARTICLE 3. Sustainable Management Criteria

§ 354.22. Introduction to Sustainable Management Criteria

This Subarticle describes criteria for sustainable management of a basin, including the standards by which an Agency shall define undesirable results and minimum thresholds for each relevant critical parameter. Critical parameter refers to chronic lowering of groundwater levels indicating a depletion of supply if continued over the planning and implementation horizon, reduction of groundwater storage, sea water intrusion, degraded water quality, land subsidence that substantially interferes with surface land uses, and depletions of surface water that have adverse impacts on beneficial uses of surface water that may lead to undesirable results, as described in Water Code Section 10721(w*). This Subarticle describes the following:

- (a) The interrelationship between minimum thresholds, undesirable results, and measurable objectives.
- (b) The groundwater conditions for which critical parameters are significant and unreasonable, at a given location, which determines the minimum threshold.

Comment [RC29]: Consider removing this text, as it is redundant, and identical to, the definition in Article 2 of these regulations.

- (c) The process for determining the point at which exceeding minimum thresholds has the cumulative effect of causing undesirable results.
- (d) The operational range above the minimum threshold that defines the measurable objective.
- (e) The requirements for the Agency to establish measurable objectives and interim milestones necessary to achieve the sustainability goal in the basin within 20 years of Plan implementation and to maintain the sustainability goal over the planning and implementation horizon.

Note: Authority cited: Section 10733.2, Water Code.
 Reference: Sections 10733.2, Water Code.

§ 354.24 Sustainability Goal

Each Agency shall establish a sustainability goal for the basin. The Plan shall include a description of the sustainability goal, including a discussion of the measures meant to ensure that the basin will be operated within its sustainable yield, and an explanation of how the sustainability goal will be achieved within 20 years of Plan implementation. The Agency will show that it has achieved the sustainability goal by demonstrating that the management and use of groundwater in the basin can be maintained through the planning and implementation horizon without causing undesirable results.

Note: Authority cited: Section 10733.2, Water Code.
 Reference: Sections 10721, 10727, 10727.2, 10733.2, Water Code.

§ 354.26. Undesirable Results

Each Agency shall describe the processes and criteria relied upon to define undesirable results applicable to the basin. Undesirable results occur when significant and unreasonable effects for any of the critical parameters are caused by arising from groundwater conditions occurring throughout the basin.

(a) The description provided by the Agency shall include, but is not be limited to, the following:

- (1) The groundwater conditions under which the critical parameters are significant and unreasonable, which shall define minimum thresholds for that critical parameter as described in Section 354.28.
- (2) An explanation of the criteria used to define when and where the cumulative effects of such groundwater conditions create undesirable results.
- (3) A description of known or projected effects on the beneficial uses and users of groundwater, and other potential effects that would occur or are occurring.
- (4) A description of the cause of groundwater conditions that would lead to undesirable results based on information developed in the hydrogeologic conceptual model, basin conditions, water budget, and other data or models as appropriate.

(b) Each Agency may apply different criteria and establish different definitions of the groundwater conditions giving rise to undesirable effects-results in management areas,

Comment [RC30]: The term sustainability goal, which is not defined in Article 2 (see comment there), is used in many places in the regulations, but is somewhat vague at times. Although the term is linked to a basin's sustainable yield in the second sentence of paragraph of Section 345.24, the graphic at the bottom of page 4 of the Department's 3/2/16 Draft Guide to the regulations provides what appears to be a straightforward definition of the term sustainability goal: operating within (below) a basin's (annual) sustainable yield (value) without causing undesirable result(s). If this definition will be the same for each basin, with the exception of a different sustainable yield value (e.g., in acre-feet per year) and a different list of undesirable results, perhaps this can be made clearer, possibly with a definition in Article 2. Otherwise, the regulations may need to be more explicit with respect to how sustainability goals might vary in form and function from basin to basin.

Comment [RC31]: Please clarify the intent of this sentence, possibly by accepting the suggested revisions.

Comment [RC32]: Please consider accepting the suggested revisions to make this item sound less awkward and circular (i.e., cause of groundwater conditions.....based on.....basin conditions).

provided that the interests of beneficial uses and users of groundwater have been adequately considered and that the Agency demonstrates that the use of different criteria in management areas does not adversely affect the ability of the Agency to achieve the sustainability goal for the basin.

(c) The Agency may need to evaluate multiple minimum thresholds to determine whether an undesirable result is occurring in the basin. The determination that undesirable results are occurring may depend upon measurements from a network of instruments, rather than a single point or the measurement value of one instrument.

(d) An Agency that is able to demonstrate that one or more critical parameters would not ~~lead~~ devolve into an undesirable results in the basin shall not be required to conduct the analysis for those critical parameters described in this Section.

Note: Authority cited: Section 10733.2, Water Code.
Reference: Section 10721, 10727.2, 10733.2, Water Code.

§ 354.28. Minimum Thresholds

Each Agency shall establish minimum thresholds for each critical parameter based on the conditions under which the Agency determines that those critical parameters are significant and unreasonable, as described in Section 354.26. The minimum threshold refers to the point at which conditions for a given critical parameter are expected to be significant and unreasonable.

(a) Minimum thresholds shall be numeric values that define conditions that, if exceeded, could lead to undesirable results. The description of minimum thresholds shall include the following:

- (1) The information and criteria relied upon in establishing minimum thresholds for each critical parameter. The justification for the minimum threshold shall be supported by information from the hydrogeologic conceptual model, basin conditions, water budget, and other data or models as appropriate.
- (2) The ~~inter~~relationship between critical parameters that explains how the minimum threshold for each critical parameter will not ~~cause~~ lead to undesirable results for any other critical parameter.
- (3) A discussion of how the minimum thresholds do not adversely affect the ability of adjacent basins to achieve sustainability goals.
- (4) How minimum thresholds will affect the interests of beneficial uses and users of groundwater.
- (5) State, federal, or local standards that relate to the critical parameter for which the minimum threshold has been established.
- (6) How each minimum threshold will be quantitatively measured throughout the basin, consistent with the monitoring network requirements described in Subarticle 4.

(b) Minimum thresholds for each critical parameter shall be defined based on the following:

Comment [RC33]: Consider revising this to clarify the intent. For example, the word instrument is not used anywhere else in the regulations. Is instrument synonymous with monitoring site? Does instrument refer to, for example, a water level sounder? Please clarify.

Comment [RC34]: The terms numeric value and quantitative value are used in different places in the regulations. It is not clear if these are intended to be the same thing. If so, suggest using a consistent term throughout, such as numeric value.

(1) Chronic Lowering of Groundwater Levels. The minimum threshold for chronic lowering of groundwater levels shall be the groundwater elevation that indicates a significant and unreasonable depletion of supply. Minimum thresholds for chronic lowering of groundwater levels shall be supported by the following:

(A) The rate of groundwater elevation decline, calculated based on historical trends and projected water use in the basin, based on water year type.

(B) Potential effects on other critical parameters, including land subsidence and reduction of groundwater storage ~~and land subsidence~~, and, where appropriate, sea water intrusion, surface water depletion, and degraded water quality.

(C) Management of groundwater extractions and recharge to ensure that chronic lowering of groundwater levels or depletion of supply during periods of drought is offset by increases in groundwater levels or storage during other periods.

(2) Reduction of Groundwater Storage. The minimum threshold for reduction of groundwater storage shall be a total volume of groundwater that can be ~~taken out~~ withdrawn from of storage a basin without causing undesirable results. Minimum thresholds for reduction of groundwater storage shall be supported by the following:

(A) The ~~annual~~-sustainable yield of the basin, calculated based on historical trends and projected water use in the basin, based on water year type.

(3) Seawater Intrusion. The minimum threshold for seawater intrusion shall be the ~~location~~ where the seawater intrusion front location is considered significant and unreasonable, and shall be defined by a numeric chloride concentration isocontour for each principal aquifer. Minimum thresholds for seawater intrusion shall be supported by the following:

(A) Maps and cross-sections of the chloride concentration isocontour that defines the minimum threshold, interim milestones, and measurable objective for seawater intrusion for each principal aquifer.

(B) A description of the consideration given to the effects of current and projected sea level rise on seawater intrusion of the following during development of the seawater intrusion minimum threshold.

(4) Degraded Water Quality. The minimum threshold for degraded water quality shall be the significant and unreasonable degradation of water quality, including the migration of contaminant plumes that impair water supplies, based on the number of supply wells affected, a volume of water degraded, or a location of an isocontour that exceeds concentrations of constituents determined by the Agency to be of concern for the basin.

(5) Land subsidence. The minimum threshold for land subsidence shall be the rate of subsidence that substantially interferes with surface land uses. Minimum thresholds for land subsidence shall be supported by the following:

Comment [RC35]: The term seawater intrusion front is used elsewhere in the regulations and is generally synonymous with a water quality parameter contour, such as chloride. Please consider the suggested revision.

Comment [RC36]: Please clarify this item, as there are either extra words included, words missing, some combination of the two, or sentence structure problems.

Comment [RC37]: Please determine whether words inserted clarify the intent of this item.

(A) Identification of land uses and property interests that have been affected or are likely to be affected by land subsidence in the basin, including an explanation of how those uses and interests were determined and considered, and the rationale for how minimum thresholds were established in light of those effects.

(B) Maps and graphs showing the extent and rate of land subsidence in the basin that defines the minimum threshold, interim milestones, and measurable objectives.

(6) Depletions of interconnected surface water. The minimum threshold for depletions of interconnected surface water shall be the volume of surface water depletions caused by groundwater use that has significant and unreasonable adverse impacts on beneficial uses of the surface water. The minimum threshold established for depletions of interconnected surface water shall be supported by the following:

(A) The location, quantity, and timing of depletions of interconnected surface water. If sufficient data to quantify depletions of interconnected surface water is not available, the Plan shall describe how the Agency will acquire sufficient information no later than the first five-year assessment.

(B) A description of the groundwater-surface water model used to quantify surface water depletion. If a groundwater-surface water model is not used to estimate quantify surface water depletion, the Plan shall identify and describe an equally effective method or tool to accomplish this requirement, or identify provisions for developing a groundwater-surface water model capable of quantifying surface water depletion no later than the first five-year assessment.

(d) An Agency, after consultation with the Department, may establish a representative minimum threshold for groundwater elevation to serve as the minimum threshold value for multiple critical parameters, as appropriate. The Agency shall demonstrate that the representative minimum threshold is a reasonable and effective surrogate for multiple individual minimum thresholds and is supported by clear and convincing evidence in the Plan.

Comment [RC38]: If the word surrogate is synonymous with proxy, which is used previously in the regulations, suggest using one term throughout.

(e) If the Agency determines that minimum thresholds are not required for seawater intrusion, land subsidence, depletions of interconnected surface water, or water quality, the Plan shall support this determination with clear and convincing evidence.

Note: Authority cited: Section 10733.2, Water Code.
Reference: Section 10721, 10727.2, 10733.2, Water Code.

§ 354.30. Measurable Objectives

Each Plan shall include one or more measurable objectives for each critical parameter that has an established minimum threshold. The measurable objectives shall ensure that the basin is managed to avoid undesirable results within 20 years of Plan implementation and that groundwater is sustainably managed over the planning and implementation horizon.

(a) Measurable objectives shall be represented by quantitative values using the same metrics as are used to define the minimum threshold for each measurable objective, and shall rely on the same monitoring sites as minimum thresholds.

Comment [RC39]: If this is synonymous with numeric, suggests using the latter and being consistent throughout the regulations.

(b) The measurable objective shall be above the minimum threshold to provide a reasonable margin of operational flexibility under adverse conditions, which shall take into consideration components such as historical water budgets, seasonal and long-term trends, and overdraft during a period of drought.

(c) Each Agency may establish measurable objectives that exceed the reasonable margin of operational flexibility for the purpose of improving overall conditions in the basin, but failure to achieve those objectives shall not be grounds for a finding of inadequacy of the Plan.

(d) Each Agency may use representative minimum thresholds for groundwater levels developed pursuant to Section 354.26(d), as the basis for defining a representative measurable objective that represents all critical parameters. The Agency must demonstrate that the representative measurable objective is a reasonable and effective surrogate for multiple individual measurable objectives supported by clear and convincing evidence in the Plan.

Comment [RC40]: If the word surrogate is synonymous with proxy, which is used previously in the regulations, suggest using one term throughout.

(e) Each Plan shall include interim milestones for each measurable objective, in increments of five years, which outline a reasonable path to attaining the measurable objectives within 20 years of Plan implementation. Interim milestones shall be expressed numerically in the same units as the measurable objective.

(f) Each Plan may include measurable objectives and interim milestones for additional Plan contents described in Water Code Section 10727.4, where the Agency determines such measures are appropriate for sustainable groundwater management in the basin.

Note: Authority cited: Section 10733.2, Water Code.
Reference: Section 10727.2, 10733.2, Water Code.

SUBARTICLE 4. Monitoring Networks

§ 354.32. Introduction to Monitoring Networks

This Subarticle describes the monitoring network that shall be developed for each basin, including monitoring network objectives, a monitoring site summary, monitoring frequency, monitoring protocols, and data reporting requirements. The monitoring network shall promote the collection of data of sufficient quality and frequency, and from sufficient locations, to adequately characterize surface water and groundwater conditions in the basin, evaluate management actions, and assess progress toward achieving the sustainability goal.

Note: Authority cited: Section 10733.2, Water Code.
Reference: Sections 10733.2, Water Code.

§ 354.34. Monitoring Network

Each Agency shall develop a monitoring network capable of collecting sufficient data to demonstrate short-term, seasonal, and long-term trends in surface and groundwater conditions and yields representative information about changes relative to the minimum thresholds and measurable objectives for the basin.

(a) Each Plan shall include a description of the monitoring network objectives for the basin,

including an explanation of how the network will be developed and implemented to monitor surface water and groundwater conditions, ~~and as well as~~ the interconnection of surface water and groundwater, with sufficient temporal frequency and spatial density to adequately evaluate the affects and effectiveness of Plan implementation. The monitoring network objectives shall be implemented to accomplish the following:

- (1) Demonstrate progress toward achieving measurable objectives described in the Plan.
- (2) Identify impacts to the beneficial uses or users of groundwater.
- (3) Identify changes in basin conditions relative to measurable objectives and minimum thresholds.
- (4) Quantify annual changes in water budget components.
- (5) Identify impacts to the ability of an Agency in an adjacent basins to meet the sustainability goal for that basin.

(b) The monitoring network shall be designed to ensure adequate coverage of critical parameters. If localized conditions warrant the formation of management areas, those areas shall be specifically monitored using monitoring sites of sufficient~~with a~~ quantity and ~~density~~spacing of monitoring sites sufficient to evaluate conditions in that area.

(c) A Plan may incorporate site information and monitoring data from existing sources into the monitoring network. Incorporated sources of data may include, but are not limited to, existing groundwater management plans, ~~California Statewide Groundwater Elevation Monitoring~~ data, or other Department programs, ~~Salt and Nutrient Management Plans~~, the Irrigated Lands Regulatory Program, the Surface Water Ambient Monitoring Program, the ~~Groundwater Ambient Monitoring Assessment~~ Program, ~~and the Salt Nutrient and Management Plans~~, as well as other relevant monitoring sites.

(d) The density of monitoring sites and frequency of measurements required to demonstrate short-term, seasonal, and long-term trends shall be determined based upon the following factors:

- (1) Level Amount of current and projected groundwater use.
- (2) Aquifer characteristics including, but not limited to, confined or unconfined aquifer conditions, or other physical characteristics that affect groundwater flow.
- (3) Impacts on beneficial uses and users of groundwater and the ability of adjacent basins to meet the sustainability goal.
- (4) Whether the Agency has adequate long-term existing monitoring results or other technical information that demonstrates an understanding of aquifer response.

(e) The Plan shall describe the following information about the monitoring network:

- (1) Scientific rationale used for the site selection process.

Comment [RC41]: Consider removing highlighted text as it is not necessary due to inclusion of the phrase, "but not limited to."

Comment [RC42]: Suggest avoiding the use of the word level, which is usually tied to depth to groundwater or groundwater elevation.

(2) Monitoring site compliance with best management practices. If a site is not consistent with best management practices, the Plan shall explain why the site is necessary to the monitoring network.

(3) For each critical parameter, the quantitative values for the minimum threshold, measurable objective, and interim milestones for each monitoring site.

Comment [RC43]: If this is synonymous with numeric, suggests using the latter and being consistent throughout the regulations.

(f) The location and type of each monitoring site within the basin shall be displayed on a map, and reported in tabular format, and shall include information regarding the monitoring site type, frequency of measurement, and the purposes for which the monitoring site is being monitored used.

(g) The best management practices developed by each Agency shall include a description of technical standards, data collection methods, and other procedures or protocols pursuant to Water Code Section 10727.2(f) for all monitoring sites or other data collection facilities to ensure that the monitoring network utilizes on the comparable data and methodologies. Best management practices related to construction and completion standards for wells or other monitoring sites developed for this purpose shall apply prospectively.

Comment [RC44]: This phrase is not clear. Please clarify.

Comment [RC45]: Please clarify the intent of this.

(h) The best management practices for monitoring developed by each Agency shall include the following minimum standards:

(1) Groundwater Elevations. The monitoring network shall be capable of demonstrating groundwater occurrence, flow directions, and hydraulic gradients between principal aquifers and surface water features that includes the following:

(A) A sufficient density of monitoring wells capable of collecting representative measurements through depth discrete perforated intervals to adequately characterize the potentiometric surface for each of the principal aquifer.

(B) Static groundwater elevation measurements shall be collected at least two times per year, to represent seasonal low and seasonal high groundwater conditions.

(2) Groundwater Storage. The monitoring network shall be capable of providing sufficient data to enable a reasonably accurate and detailed assessment of the change in annual groundwater storage.

(3) Seawater Intrusion. The network shall be capable of monitoring chloride concentrations, or other constituents approved by the Department, and be sufficiently dense to calculate the current and projected rate of seawater intrusion for each principal aquifer.

(4) Water Quality. The monitoring network shall be capable of collecting sufficient spatial and temporal data from each principal aquifer to determine groundwater quality trends for established constituents of concern.

(5) Land subsidence. The monitoring network shall be capable of identifying the rate and spatial distribution of land subsidence, which may be measured by extensometers, GPS surveying, remote sensing technology, or other method approved by the

Department.

(6) Interconnected surface waters. The monitoring network shall be capable of monitoring surface and groundwater conditions where interconnected surface water exists. Monitoring of interconnected surface water systems shall be sufficient to characterize the spatial and temporal exchanges between surface water and groundwater, as necessary and appropriate, to adequately calibrate and apply the tools and methods selected to identify interconnected surface water systems. The interconnected surface water monitoring network shall be able to characterize the following:

(4A) Flow conditions including, but not limited to, surface water discharge, surface water head, and baseflow contribution.

(2B) Identifying the approximate date and location where ephemeral or intermittent flowing streams and rivers cease to flow, if applicable.

(3C) ~~Monitor the conditions to adequately characterize~~ Temporal changes in conditions with due to varying stream discharges and regional groundwater pumping conditions extraction.

(4D) Any other factor that is necessary to identify potential significant and unreasonable adverse impact on beneficial uses of the surface water.

Comment [RC46]: Revisions are suggested to clarify this item. Please revise accordingly to clarify this item.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10727.2, 10733.2, Water Code

§ 354.36. Representative Monitoring

Each Agency may designate a subset of monitoring sites as representative of conditions in the greater basin or an area of the basin for the purposes of establishing specific minimum thresholds, measurable objectives, and related interim milestones, as follows:

(a) Representative monitoring sites may be designated by the Agency as the point at which critical parameters are monitored, and for which quantitative values for the minimum threshold, measurable objective, and interim milestones are defined.

Comment [RC47]: If this is synonymous with numeric, suggests using the latter and being consistent throughout the regulations.

(b) Groundwater elevations may be used as a proxy for monitoring other critical parameters if the Agency demonstrates the following.

(1) A substantial correlation exists between groundwater elevations and the critical parameters for which groundwater elevation measurements serve as a substitute.

Comment [RC48]: If the word substitute is synonymous with proxy, which is used previously in the regulations, suggest using one term throughout.

(2) Measurable objectives established for groundwater elevation shall include a reasonable margin of operational flexibility taking into consideration the basin conditions required to avoid undesirable results for the critical parameters for which groundwater elevation measurements serve as a substitute.

Comment [RC49]: If the word substitute is synonymous with proxy, which is used previously in the regulations, suggest using one term throughout.

(c) The designation of a representative monitoring site shall be supported by technical evidence demonstrating that the site adequately reflects general conditions in the area.

Note: Authority cited: Section 10733.2, Water Code.
Reference: Sections 10727.2, 10733.2, Water Code

§ 354.38. ~~Evaluation~~Assessment and Improvement of Monitoring Network

Each Agency shall ~~evaluate~~ review the monitoring network and include an ~~assessment~~ evaluation in the initial Plan and each five-year ~~evaluation~~ assessment, including an ~~assessment~~ determination of whether there are data gaps that could affect the ability of the Plan to achieve the sustainability goal.

(a) Each Agency shall identify data gaps wherever the basin does not contain a sufficient number of monitoring sites, does not monitor sites ~~with~~ at a sufficient frequency, or utilizes monitoring sites that are unreliable, including those that do not satisfy best management practices adopted by the Agency.

(b) If the monitoring network contains data gaps, the Plan shall include a description of the following:

- (1) The location and reason for gaps in the monitoring network.
- (2) Local issues and circumstances that limit or prevent monitoring.

(c) Each Agency shall describe steps that will be taken to fill any data gaps within the first five years of implementation of the Plan or before the next five-year assessment, including the location and purpose of ~~newly added or installed~~ monitoring sites added since the initial Plan or five-year assessment.

(d) Each Agency shall adjust the monitoring frequency and density of monitoring sites to provide a greater level of detail about site-specific surface and groundwater conditions and the effectiveness of management actions under circumstances that include, but are not limited to the following:

- (1) If minimum thresholds are exceeded.
- (2) Highly variable conditions.
- (3) Adverse impacts to beneficial uses and users of groundwater.
- (4) Adversely affects the ability of an adjacent basin to implement their Plan or impedes achievement of sustainability goals in an adjacent basin.

Note: Authority cited: Section 10733.2, Water Code.
Reference: Sections 10727.2, 10733.2, Water Code

§ 354.40. Reporting Monitoring Data to the Department

All monitoring data shall be stored in the data management system developed pursuant to Section 352.8. A copy of ~~that~~ these data shall be submitted electronically on forms provided by the Department according to the Department's data standards, ~~in~~ using one of the following

methods/approaches:

- (a) Each Agency shall compile and include all monitoring data in each Annual Report and, or
- (b) The Agency shall make all monitoring data available to the Department throughout the year, as collected or measured by the Agency.

Note: Authority cited: Section 10733.2, Water Code.
Reference: Sections 10728, 10728.2, 10733.2, Water Code.

SUBARTICLE 5. Projects and Management Actions

§ 354.42. Introduction to Projects and Management Actions

This Subarticle describes the criteria for actions and projects to be included in a Plan to meet the sustainability goal of the basin.

Note: Authority cited: Section 10733.2, Water Code.
Reference: Section 10733.2, Water Code.

§ 354.44. Projects and Management Actions

(a) Each Plan shall include a description of the projects and management actions planned or adopted to meet measurable objectives and prevent undesirable results. The description shall include the following:

- (1) A list of all projects and management actions proposed in the Plan with a description of the measurable objective that is expected to benefit from the project or action.
- (2) A summary of the permitting and regulatory process required for each project and management action.
- (3) The status of each project and management action, including a time-table for expected initiation and completion, and the accrual of expected benefits.
- (4) An explanation of the benefits that are expected to be realized from the project or management action, and how those benefits will be evaluated and measured.
- (5) An explanation of how the project or management action will be completed or accomplished. If the Plan relies on water from outside the jurisdiction of the Agency, an explanation of the source and reliability of that water shall be included.
- (6) A description of the legal authority required for each project and management action, and the basis for that authority within the Agency.
- (7) A description of the financial requirement for each project and management action.

(b) Each Plan shall include contingency projects or actions as follows:

- (1) For each project or management action, and for each measurable objective, the Plan

Comment [RC50]: Please confirm whether the cited section of the legislation, 10733.2, is correct relative to providing authority for Section 354.42 of these regulations, as this is not obvious. Should Section 10727.4 be cited? Please clarify.

Comment [RC51]: The intent of this is not clear. Please clarify if possible.

shall describe contingency projects or actions that will be implemented in the event that groundwater conditions have not adequately responded to measures described in the Plan, or if the measures are no longer feasible.

(2) The Plan shall describe emergency contingency projects or actions that will be implemented in the event that groundwater conditions in the basin have passed a minimum threshold or that undesirable results have occurred or are imminent. Emergency contingency projects or actions shall be designed to achieve immediate results such that the Agency is able to demonstrate that the emergency has been abated by or before the next annual report.

Comment [RC52]: Given the relatively slow rate of response of a groundwater basin to stresses, consider using an alternative word compared to emergency. For example, instead use crucial, critical, immediate, imperative, or other word.

Comment [RC53]: This is too vague and may not be achievable, for example in the case where a lag time may occur. Please consider revising.

(3) Contingency projects or actions shall be supported by available scientific data, analytical methods, and groundwater models, if available, and quantify changes ~~to~~ in groundwater use or water supply required to achieve the measurable objectives of the Plan or to avoid undesirable results in the basin.

(4) The Plan shall describe the following:

(A) Criteria that would trigger implementation and termination of contingency projects or actions, and the process by which the Agency shall determine that conditions require implementation of contingency projects or actions have occurred.

(B) The process by which the Agency shall provide notice to the public and other agencies that the implementation of contingency projects or actions is being considered or has been ~~implemented~~ undertaken, including a summary of the anticipated consequences of those projects or actions.

(5) Implementation of a contingency project or action, if fully described in the approved Plan, shall not constitute an amendment to that Plan.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Section 10727.2, 10733.2, Water Code.

Comment [RC54]: Please confirm whether the cited section of the legislation, 10733.2, is correct relative to providing authority for Section 354.44 of these regulations, as this is not obvious. Should Section 10727.4 be cited? Please clarify.

ARTICLE 6. Evaluation and Assessment by the Department

§ 355. Introduction to Evaluation and Assessment

This Article describes the methodology and criteria for the evaluation and assessment of a Plan, which shall also be applied, as appropriate, to the periodic evaluation and assessment of Plans undertaken by the Agency or by the Department, as well as to any amendments to a Plan previously approved by the Department. Sections 355.4 and 355.6 in this Article may be utilized as part of the Agency self-evaluation process outlined in Article 7.

Note: Authority cited: Section 10733.2, Water Code.
Reference: Section 10733.2, Water Code.

§ 355.2. Department Review of Initial Adopted Plan

Upon adoption of a Plan the Agency shall submit a copy of the initial adopted-Plan to the Department for evaluation.

- (a) Upon receipt of an adopted Plan, the Department shall assign a submittal date to the Plan based on the day the Plan is received.
- (b) The Department shall post the adopted Plan, submittal date, and all materials submitted by the Agency on the Department's Internet Web site within 20 days of receipt.
- (c) The Department shall establish a period of no less than 60 days to receive public comments on the adopted plan, as described in Section 353.8.
- (d) If the State Water Resources Control Board (Board) has jurisdiction over the basin or a portion of the basin pursuant to section 10735.2, the Department, after consultation with the Board, may proceed with an evaluation of a Plan.
- (e) The Department shall evaluate a Plan within two years of its submittal date and issue a written assessment of the Plan that includes a description supporting the assessment, which will be posted on the Department's Internet Wweb site. The Department may include recommended corrective actions to address any deficiencies identified in the assessment. When Department review is final, the assessment will include a determination of whether the Plan as one the following:
 - (1) Adequate. The Department has determined that the Plan satisfies the goals of the Act and is in substantial compliance with this Subchapter.
 - (2) Conditionally adequate. The Department has determined that the Plan has minor deficiencies that preclude an adequacy determination, but that could be rectified by the Agency through corrective actions recommended by the Department as described in this Section.
 - (3) Inadequate. The Department has determined that the Plan as submitted is not complete and does not satisfy the requirements of Section 355.4(a), that the Plan contains significant deficiencies that preclude an adequacy determination, conditionally or otherwise, and those deficiencies cannot be rectified by the Agency in a timely

Comment [RC55]: This entire article seems to describe how the Department will initially or periodically evaluate a plan. However, the highlighted text implies that an Agency will evaluate its own plan. The reference to Agency evaluation is more appropriate for Section 356.10 of these regulations, which relates to Section 10728.2 of the legislation. Therefore, please consider removing the highlighted text or clarifying when and how an Agency will evaluate its own plan and how this evaluation differs from Department evaluation. One option is presented in the form of revisions to, and at the end of, this paragraph.

Comment [RC56]: Please consider this revision so that there is consistent terminology used throughout the regulations that matches definitions in Article 2.

manner, or that the Agency has failed to address deficiencies in a Plan previously classified as conditionally adequate through corrective actions recommended by the Department as described in this Section. If the Department makes any of the determinations described in this subsection, the Department shall seek consultation with the Board to determine whether the Plan is inadequate.

Comment [RC57]: Please clarify what this refers to. The only other place in the regulations referring to subsection includes a letter designation (see 355.4[b] below), which implies that the subsection reference here is aimed at 355.2(e). However, this doesn't seem to make sense, because 355.2(e) also includes the designation of a plan as Adequate, when the last word in 355.2(e)(3) is the word inadequate. Please clarify.

(f) For a Plan that is conditionally adequate, the Agency may modify a Plan based on a request for additional information from the Department or to include corrective actions to address any deficiencies identified by the Department and submit the modified adopted plan for further evaluation.

(1) The Department may consult with the Agency to determine the amount of time needed by the Agency to address any deficiencies.

(2) The Department may allow up to 180 days from the date the Department recommends corrective actions to address deficiencies in a Plan, unless a greater amount of time remains before the basin is required to be managed pursuant to a Plan established by Water Code Section 10720.7.

Comment [RC58]: The intent of this, which references the legislation section dealing with 1/31/20 and 1/32/22 deadlines for approval of plans, should be clarified, as it is not clear.

(3) No time limit shall apply to address deficiencies to Plans submitted for low or very low priority basins.

(g) If an Agency fails to address deficiencies in its Plan so that the Department is able to determine the Plan to be adequate, the Department shall issue an assessment of the Plan as inadequate and seek consultation with the Board.

Note: Authority cited: Section 10733.2, Water Code.
Reference: Section 10733.2, 10733.4, 10720.7 Water Code.

§ 355.4. Criteria for Plan Evaluation

The Department shall evaluate a Plan to determine whether the Plan ~~has the overall effect of achieving the sustainability goal for the basin,~~ complies with the Act, ~~and is in substantial compliance with this Subchapter, and has the overall effect of ensuring that the sustainability goal for the basin is achieved.~~ Substantial compliance means that the Agency has attempted to comply with these regulations in good faith, that the supporting information is sufficiently detailed and the analyses sufficiently thorough and reasonable, in the judgment of the Department, to permit evaluation of the Plan, and the Department determines that any discrepancy would not materially affect the ability of the Agency to achieve the sustainability goal or of the Department to evaluate the likelihood of the Plan to promote attainment of that goal.

(a) An initial Plan will be deemed inadequate unless it satisfies all of the following conditions:

(1) The Plan was submitted within the statutory period established by Water Code Section 10720.7, if applicable.

(2) The Plan is complete and includes all information required by the Act and this Subchapter, including a legally adequate coordination agreement, if necessary.

(3) The Plan covers the entire basin.

(4) The Agency has taken corrective actions, within the period described in Section 355.2, to address deficiencies in the Plan identified by the Department.

(b) The Department shall evaluate a Plan that satisfies the requirements of Subsection (a) to determine whether the Plan is likely to achieve the sustainability goal for the basin. When evaluating whether a Plan is likely to achieve the sustainability goal, the Department shall consider the following:

(1) Whether the Plan substantially complies with the requirements of this Subchapter.

(2) The quality of information, data, monitoring, and scientific methods upon which the Plan relies.

(3) Whether the assumptions, criteria, findings, and objectives, including the sustainability goal, undesirable results, minimum thresholds, measurable objectives, and interim milestones, are reasonable and supported by the available evidence.

(4) Whether the interests of the beneficial uses and users of groundwater have been adequately considered.

(5) The feasibility of projects and management actions [pursuant to Subarticle 5 of Article 5](#), including contingency projects, and the likelihood that these actions will prevent undesirable results and ensure that the basin is operated within its sustainable yield.

(6) Whether the Plan will adversely affect the ability of an adjacent basin to implement their groundwater sustainability Plan or impede achievement of sustainability goals in an adjacent basin.

(7) Whether the coordination agreements ensure the Plans utilize the same data and methodologies specified in Water Code Section 10727.6.

(8) Whether the Agency has the legal authority and financing plan necessary to implement the Plan.

(9) Whether the best management practices adopted by the Agency cover the range of projects and management actions anticipated by the Plan or are consistent with the best management practices recommended by the Department or general industry standards.

(10) Public comments and other information indicating that impacts were not adequately considered in determining undesirable results or in developing the plan.

(11) Whether the Plan would impair the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 106.3, 10720.7, 10727, 10723.2, 10727.2, 10733.2, Water Code.

§ 355.6. Periodic Review of Plan by Department

The Department shall periodically review approved Plans to ensure the Plan, as implemented, remains in conformance with the Act and likely to promote achievement of the sustainability goal for the basin.

(a) The Department shall evaluate existing Plans at least every five years and whenever the Plan is amended. Department review shall be based on information provided in the annual reports and the periodic evaluation of the Plan prepared and submitted by the Agency.

(b) The Department may request from the Agency any information the Department deems necessary to evaluate the progress toward achieving the sustainability goal and the potential for adverse effects on adjacent basins.

(c) The Department shall consider the following in determining whether a Plan and its implementation ~~is~~ are adequate:

(1) The Plan satisfies the criteria for an initial Plan as described in Section 355.4. The Agency is meeting all of its interim milestones.

(2) The Agency is compliant with the annual reporting requirements and periodic evaluation requirements. The Agency is implementing actions and contingencies outlined in the Plan.

(3) The Agency is meeting all of its interim milestones. Amendments to the Plan are compatible with the measurable objectives and sustainability goal.

(4) The Agency is implementing actions and contingencies outlined in the Plan. The Agency is compliant with the annual reporting requirements and periodic evaluation requirements.

(5) Amendments to the Plan are compatible with the measurable objectives and sustainability goal. The Department concludes that the Plan and its implementation are likely to achieve the sustainability goal and not likely to adversely affect the sustainability goals of adjacent basins.

(6) The Department may request from the Agency any information the Department deems necessary to evaluate the progress toward achieving the sustainability goal and the potential for adverse effects on adjacent basins. The Department concludes that the Plan and its implementation are likely to promote achievement of the sustainability goal and not likely to adversely affect the sustainability goals of adjacent basins.

(7) The Department may identify deficiencies in a Plan or its implementation and coordinate with the Agency to correct deficiencies prior to the issuance of the assessment.

(8) The Plan satisfies the criteria for an initial Plan as described in Section 355.4.

Note: Authority cited: Section 10733.2, Water Code.
Reference: Sections 10728.2, 10733.2, Water Code.

Comment [RC59]: The order of items 1 to 8 below has been revised to list them in a more logical manner (e.g., new items 1 and 2 are sort of pass/fail metrics that would be evaluated first). In addition, item 6 has been moved to new item b in this section, because this does not seem like an evaluation criterion, but seems like more of a procedural aspect of the Department's evaluation.

Comment [RC60]: If the intent of this is to refer to projects or actions carried out pursuant to Section 354.44 of these regulations, suggest changing this from contingencies to contingency projects, to be consistent and to avoid confusion.

Comment [RC61]: If the intent of this is to refer to projects or actions carried out pursuant to Section 354.44 of these regulations, suggest changing this from contingencies to contingency projects, to be consistent and to avoid confusion.

Comment [RC62]: Please clarify the intent of this item, as it seems to be more of a procedural aspect of the Department's evaluation instead of an evaluation criterion. For example, depending on the intent of this item, it could be moved to a new item d in this section to indicate that, during its review and evaluation, the Department may communicate with the Agency to have something remedied, which would then be reflected in the Department's completed evaluation summary.

§ 355.8. Consultation with Board

The Department shall consult with the Board if any of the following occur:

- (a) The Department determines that a Plan may be inadequate.
- (b) The Department determines that a groundwater sustainability program is not being implemented in a manner that will likely achieve the sustainability goal for the basin.
- (c) The Agency has not taken actions to address any deficiencies in a Plan that had been identified by the Department.

Note: Authority cited: Section 10733.2, Water Code.
Reference: Sections 10733.2, 10735.2, 10735.4, Water Code.

§ 355.10. Resolution of Conflicts by Department

The Department shall address disputes between Agencies or other entities responsible for groundwater management as follows:

(a) Disputes within a basin shall be the responsibility of the Coordinating Agency or other entities responsible for managing Plans and alternatives within that basin.

(b) Disputes between basins which claim that the implementation of Plans or alternatives in one basin affects the ability of an adjacent basin to implement its Plan, or impedes its ability to achieve the sustainability goal, shall be resolved by the Department.

(c) In resolving disputes, the Department may require additional information from each basin, including any proprietary data used by the Agency. Information withheld will be presumed not to support the interpretations that rely on that data.

(d) If the parties are unable to resolve disputes that relate to fundamental issues of sustainable groundwater management, the Department may find the relevant Plan or Plans and alternatives to be inadequate.

Note: Authority cited: Section 10733.2, Water Code.
Reference: Sections 10727, 10727.6, 10733.2, Water Code.

Comment [RC63]: This seems to imply that the Department will only get involved in a basin with more than one GSA. If this is the case, it may be necessary to clarify that the Department will not get involved in disputes in a basin with only one GSA.

ARTICLE 7. ~~Reports, Evaluation and Assessment by the Agency, and Amendments~~

Comment [RC64]: Consider this type of revision to put the focus on the goal of this article, rather than on the tools (e.g., reports, 5-year review, amendments).

§ 356. Introduction to Reports, Assessments, and Amendments

This Article describes the procedural and substantive requirements for annual reports, ~~the Agency-led objective periodic~~ evaluation and assessments of Plans, and any proposed amendments to an approved Plan prepared by an Agency.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Section 10733.2, Water Code.

SUBARTICLE 1. Annual Reports

§ 356.2. Introduction to Reports

This Article describes the requirements for annual reports submitted by Agencies on or before April 1 of each year after the ~~adoption approval~~ of the Agency's Plan, including information required to demonstrate progress towards achieving the sustainability goal based on performance relative to measurable objectives described in the Plan, and Department review of those reports.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Section 10733.2, Water Code.

§ 356.4. Annual Report

Each Agency shall submit an annual report to the Department by April 1 of each year following the ~~adoption approval~~ of the Plan. The annual report shall include the following components:

(a) General information, including a title page, a transmittal letter, as described in Section 353.4, a table of contents, an executive summary, and a location map depicting the basin covered by the report.

(b) A detailed description and graphical representation of the following conditions of the basin ~~managed in~~ addressed by the Plan:

(1) Groundwater elevation data from all monitoring wells identified in the monitoring network shall be analyzed and displayed as follows:

(A) Groundwater elevation contour maps for each principal aquifer in the basin illustrating, at a minimum, the seasonal high and seasonal low groundwater conditions.

(B) Hydrographs of groundwater elevations and water year type using historical data to the greatest extent available, but at a minimum from January 1, 2015, to current reporting year.

(2) Annual aggregated data identifying groundwater extraction for the preceding water year. Data shall be collected from the best available measurement methods and shall

be presented in a table that summarizes groundwater extractions by water use sector, location of groundwater extractions, and identifies the method of measurement (direct or estimate) and accuracy of measurements, and a map that illustrates the general location and volume or rate of groundwater extractions.

(3) Surface water supply used or available for use, for groundwater recharge, or in-lieu use shall be reported based on quantitative data that describes the annual volume and sources for the preceding water year.

(4) Total water use shall be collected from the best available measurement methods and shall be reported in a table that summarizes total water use by water use sector, water source type, and identifies the method of measurement (direct or estimate) and accuracy of measurements. Existing water use data from the most recent Urban Water Management Plans or Agricultural Water Management Plans within the basin may be used, as long as the data are reported by water year.

(5) Change in groundwater storage shall include the following:

(A) Change in groundwater storage maps for each principal aquifer in the basin.

(B) A graph depicting water year type and cumulative change in groundwater storage for the basin based on historical data to the greatest extent available, but at a minimum from January 1, 2015, to the current reporting year.

(c) A synopsis of progress towards implementing elements of the Plan, the ability of the Agency to achieve interim milestones, and the implementation of any contingency measures.

Note: Authority cited: Section 10733.2, Water Code.
Reference: Section 10727.2, 10728, 10733.2, Water Code.

§ 356.6. Department Review of Annual Reports

(a) Pursuant to Department review and evaluation described in Section 355.6, The Department shall acknowledge the receipt of annual reports by written notice and post the report and all related materials on the Department's Internet Web site within 20 days of receipt. If the Department determines that the annual report is incomplete, the Department shall provide written notice to the requesting agency of the need for additional information.

(b) The Department may provide recommended corrective actions to address any deficiencies in the annual report or implementation of the Plan based on review of the annual report and shall treat the Plan as conditionally adequate, as described in Section 355.2, until the Agency takes appropriate actions to remediate any deficiencies.

Note: Authority cited: Section 10733.2, Water Code.
Reference: Section 10728, 10733.2, Water Code.

SUBARTICLE 2. Periodic Evaluation of Plan

§ 356.8. Introduction to Agency Evaluation and Assessment

Comment [RC65]: If the intent of this is to refer to projects or actions carried out pursuant to Section 354.44 of these regulations, suggest changing this from contingency measures to contingency projects or actions, to be consistent and to avoid confusion.

Comment [RC66]: Consider moving the highlighted text to Section 355.6 and possibly combining with item 7 in that section, as it fits better with the theme of Section 355.6.

Comment [RC67]: Consider deleting the highlighted text, as it's confusing because it seems like annual reports would only be prepared and submitted in conjunction with an approved plan, not a conditionally-adequate plan.

This Subarticle describes the requirements for periodic Plan evaluation and assessment undertaken by the Agency, including Department review of that assessment.

Note: Authority cited: Section 10733.2, Water Code.
Reference: Section 10733.2, Water Code.

§ 356.10. Agency Evaluation and Assessment

Each Agency shall evaluate and assess the Plan at least every five years and whenever the Plan is amended. The assessment shall be submitted to the Department together with the annual report for that year. The assessment shall describe basin conditions relative to the previous five-year period and the ~~long-term~~ sustainability goal for the basin. The Agency's assessment shall be based in part on the five associated annual reports, and shall include an objective evaluation of Plan implementation and management of groundwater in the basin, including the following:

Comment [RC68]: Consider removing, as long-term is implied when discussing the sustainability goal and is not used to modify the term sustainability goal elsewhere in the regulations.

(a) A description of each of the measurable objectives and current groundwater conditions for each critical parameter relative to interim milestones and minimum thresholds.

(b) A description of the implementation of any corrective actions identified by the Agency or recommended by the Department, and the effect on groundwater conditions resulting from those actions.

(c) A description of the implementation of any contingency projects or actions, and the effect on groundwater conditions resulting from those projects or actions.

(d) A description of new information that has been made available since ~~adoption approval~~ or amendment of the initial Plan, or since the last five-year ~~evaluation~~ assessment. The description shall also include whether new information warrants changes to any aspect of the Plan, including, but not limited to, the evaluation of basin conditions, minimum thresholds, or the criteria defining undesirable results.

Comment [RC69]: Consider including an item such as: A description of any actions taken by the Agency to enforce implementation of certain aspects of the plan.

(e) An evaluation of the hydrogeologic conceptual model, basin conditions, and the water budget in light of new information or changes in water use.

(f) A survey of the monitoring network within the basin, and evaluation of whether any areas within the basin are represented by less data or by data of insufficient quality ~~or control~~ than required by best management practices. The survey shall include the following:

Comment [RC70]: Please consider deleting this, as its intent is not clear.

(1) An assessment of monitoring network function with an analysis of data collected to date, identification of potential data gaps, and the actions necessary to improve the monitoring network.

(2) If the Agency identifies areas that require more or better data or other information, the Plan shall describe a program for the acquisition of such data ~~sources~~ and incorporation of newly obtained information into the overall Plan.

(3) Gaps in data or data quality shall be remediated no later than the first five-year assessment performed by the Department pursuant to Section 355.6.

(4) Elements of the Plan, including, but not limited to, the hydrogeological conceptual model, groundwater conditions, management areas, water budget, or the identification of undesirable results and the setting of minimum thresholds and measurable objectives, shall be reconsidered and revisions proposed, if necessary, for the second five-year assessment performed by the Department pursuant to Section 355.6.

(5) The Plan shall prioritize the installation of new data collection facilities and analysis of new data based on the needs of the basin.

(g) Information describing any legislative actions, including a summary of regulations or ordinances related to the Plan adopted by the Agency.

(h) Information describing any enforcement or legal actions taken by the Agency.

(i) A description of completed or proposed Plan amendments.

(j) A summary of coordination that occurred between Agencies in a single basin and Agencies in hydrologically connected basins, and land use agencies where applicable.

(k) Other information the agency deems appropriate, along with any information necessary to the Department to conduct a periodic review as required by Water Code Section 10733.

Comment [RC71]: Consider including an item equivalent to item 356.4(c).

Note: Authority cited: Section 10733.2, Water Code.

Reference: Section 10727.2, 10728.2, 10733.2, 10733.8, Water Code.

SUBARTICLE 3. Plan Amendments

§ 356.12. Amendments and Modifications to Plan

Any amendment to, or other modification ~~to~~ of, a Plan shall be evaluated by the Department for consistency with the requirements of the Act and of this Subchapter.

(a) An Agency may modify a Plan at any time, and submit the modified Plan to the Department for evaluation.

(1) Prior to modifying a Plan, the Agency may submit the proposed modifications to the Department for evaluation.

(2) If the Department determines the proposed modifications are not significant, the Department shall notify the Agency that no further review shall be required and that the Agency may adopt the proposed modifications without formally amending the Plan.

(3) If the Department determines that the proposed modifications are or may be significant, the Department shall notify the Agency that the proposed modifications may only be adopted as formal amendments to the Plan.

(b) Whenever a Plan is amended, the Agency shall submit a copy of the amended Plan to the Department for evaluation pursuant to the requirements of this Subchapter for submission of a Plan.

(c) The Department shall review and issue an assessment of the amended Plan that states whether the amended plan is adequate or inadequate.

Comment [RC72]: Please consider whether the following text needs to be inserted: , conditionally adequate,

(d) The Department's evaluation shall focus on the amended portions of the Plan and any new information that is relevant to the amendments or other Plan elements. The Department will not evaluate any part of the Plan that has not been amended unless the Department has reason to believe the proposed amendment may result in changed conditions to other areas or to other aspects of the Plan.

Comment [RC73]: Please consider whether this would should instead be portions, as in portions of the plan. If so, consider revising the term changed conditions in this sentence to provide better context.

Note: Authority cited: Section 10733.2, Water Code.
Reference: Sections 10727.2, 10728.4, 10733.2, Water Code.

ARTICLE 8. Coordination Agreements

§ 357. Introduction to Coordination Agreements

This Article describes the requirements for voluntary coordination agreements between agencies in different basins and mandatory coordination agreements between agencies within a basin developed pursuant to Water Code Section 10727.6.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10733.2, Water Code.

§ 357.2. Interbasin Coordination Agreements

Two or more Agencies may enter into an interbasin agreement to establish compatible goals and understandings regarding fundamental elements of the Plans of each Agency as they relate to sustainable groundwater management. Interbasin agreements should facilitate the exchange of technical information between Agencies and include a process to resolve disputes concerning the interpretation of that information. Interbasin agreements may include any information the participating Agencies deem appropriate, including the following:

(a) General information:

- (1) Identity of all basins participating in and covered by the terms of the agreement.
- (2) For each basin, a list of all Agencies or other public agencies or other entities with groundwater management responsibilities.
- (3) For each basin, a list of all Plan or alternatives or adjudicated areas.

(b) Technical information:

- (1) An estimate of groundwater flow across basin boundaries, including consistent and coordinated data, methods and assumptions.
- (2) An estimate of stream-aquifer interactions at boundaries.
- (3) Establish a common understanding of the geology and hydrology of the basins and their hydraulic connectivity as it applies to determining groundwater flow across basin boundaries, and describe the different assumptions utilized by different Plans and how the Agencies reconciled those differences.
- (4) Establish measurable criteria and a monitoring network regarding threshold values that would confirm that no adverse impacts are resulting from managing groundwater in any basin pursuant to terms of the agreement. If minimum thresholds or measurable objectives differ substantially between basins, the agreement will specify how the Agencies will reconcile those differences and manage the basins to avoid undesirable results. The Agreement shall identify all differences that the parties consider significant and include a plan and schedule to reduce the uncertainties so that over time, they collectively resolve those important uncertainties and differences.

Comment [RC74]: Consider changing to match Section 357.4 heading.

(c) A description of the process for identifying and resolving conflicts between Agencies that are party to the agreement.

(d) Interbasin agreements submitted to the Department shall be posted on the Department's Internet Web site.

Note: Authority cited: Section 10733.2, Water Code.
Reference: Sections 10733, and 10733.2, Water Code.

§ 357.4. Intrabasin Coordination

(a) Agencies intending to develop and implement Plans pursuant to Water Code Section 10727(b)(3) shall enter into a coordination agreement to ensure that the Plans are developed and implemented utilizing the same data and methodologies and that elements of the Plans necessary to achieve the sustainability goal are based upon consistent interpretations of basin conditions.

(b) Intrabasin coordination agreements shall establish or identify a Submitting Agency that shall be the single point of contact with the Department.

(c) Each Agency shall submit-provide to the Submitting Agency all Plans, Plan amendments, supporting information, all monitoring data and other pertinent information, along with annual reports and periodic evaluations.

(d) The Submitting Agency shall compile and rectify data and interpretations regarding basin conditions provided by the Agencies and produce a single report synthesizing and summarizing that information into a coherent and credible account of basin conditions. Reports produced by the Submitting Agency shall include the following:

(1) An explanation of how the Plans implemented together satisfy the requirements of the Act and are in substantial compliance with this Subchapter.

(2) An explanation of how the Plans have been integrated using the same data and methodologies to provide useful information regarding the following:

(A) Hydrogeologic conceptual models, as described in Section 354.142.

(B) State of the basin, as described in Section 354.164.

(C) Water budgets, as described in Section 354.186.

(D) Undesirable results, minimum thresholds, measurable objectives, as described in Subarticle 3 of Article 5.

(E) Monitoring networks, and monitoring network objectives, as described in Subarticle 4 of Article 5.

(F) Projects and management actions, as described in Subarticle 5 of Article 5.

(3) An explanation of how the integration of information and interpretations described

Comment [RC75]: Please double check all section, subsection, article, and other citations like this throughout the regulations just prior to finalizing.

in this section provides useful information regarding each of the assumptions described in Water Code Section 10727.6.

(4) Reports produced by the Submitting Agency shall accompany the initial Plan, any amendment to the Plan, annual reports, and the five-year assessment by each Agency within the basin.

(e) Intrabasin coordination agreements shall describe the responsibilities of each Agency for meeting the terms of the agreement, the procedures for the timely exchange of information between Agencies and with the Submitting Agency, and procedures for resolving conflicts between Agencies.

(f) Intrabasin coordination agreements shall identify adjudicated areas within the basin, and any local agencies that have adopted an alternative that has been accepted by the Department.

(g) The intrabasin coordination agreement shall be submitted to the Department together with the Plans for the basin and, if approved, shall become part of the Plan for each participating Agency.

(h) The Department shall evaluate the Agreement for compliance with the procedural and technical requirements of this section, to assure that the Agreement is binding on all parties, and that provisions of the Agreement are sufficient to address any disputes between or among Agencies that are party to the agreement.

(i) Plans subject to the requirement of this section shall not be deemed adequate without a legally binding agreement.

(j) Interagency agreements shall be reviewed as part of the five-year assessment, revised as necessary, dated, and signed by all parties.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10727.6, 10733, and 10733.2, Water Code.

ARTICLE 9. Alternatives and Adjudicated Areas

§ 358. Introduction to Alternatives and Adjudicated Areas

This Article describes the methodology and criteria for the submission and evaluation of alternatives to a Plan. This Article also describes the methodology and content for submissions to the Department for adjudicated areas.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Section 10733.2, Water Code.

§ 358.2. Adjudicated Areas Subject to Water Code Section 10720.8

The ~~W~~atermaster or a local agency shall submit the following to the Department for an adjudicated area described in Water Code Section 10720.8:

(a) By April 1, 2016, a copy of a governing final judgment, or other judicial order or decree, and any amendments entered before April 1, 2016.

(b) Within 90 days of entry by a court, a copy of any amendment made and entered by the court to the governing final judgment or other judicial order or decree on or after April 1, 2016.

(c) By April 1, 2016, and annually thereafter, a report containing the following information to the extent available for the portion of the basin subject to the adjudication:

(1) Groundwater elevation data unless otherwise submitted pursuant to Water Code Section 10932.

(2) Annual aggregated data identifying groundwater extraction for the preceding water year.

(3) Surface water supply used for or available for use for groundwater recharge or in-lieu use.

(4) Total water use.

(5) Change in groundwater storage.

(6) The annual report submitted to the court.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Section 10720.8, 10733.2, Water Code.

§ 358.4. Alternatives to Groundwater Sustainability Plans

(a) A local agency that submits an alternative shall demonstrate that the alternative applies to the entire basin and satisfies the eligibility requirements of Water Code Section 10733.6, including an assessment that the alternative satisfies the ~~objectives-goals~~ of the Act, and that the alternative is within a basin that is in compliance with Part 2.11 of the Water Code, ~~(commencing with Section 10920).~~

(b) An alternative shall be submitted to the Department by January 1, 2017, and every five years thereafter.

(c) A local agency shall include the following information based on the type of alternative submitted:

(1) An alternative submitted pursuant to Water Code Section 10733.6(b)(1) shall include a copy of the groundwater management plan.

(2) An alternative submitted pursuant to Water Code Section 10733.6(b)(2), and that is not an adjudicated area described in Water Code Section 10720.8, shall do the following:

(A) Demonstrate that the adjudication submitted to the Department as an alternative is a comprehensive adjudication as defined by Chapter 7 of Title 10 of Part 2 of the Code of Civil Procedure (commencing with Section 830).

(B) Provide the Department with a copy of the adjudication order and any annual report submitted to the court pursuant to the adjudication.

(C) A local agency submitting an alternative based on an adjudication action described in Water Code Section 10733.6 (b)(4)(B) may, notwithstanding Water Code Section 10733.6 (c), submit the adjudication action to the Department for evaluation after January 1, 2017.

(3) An alternative submitted pursuant to Water Code Section 10733.6(b)(3) shall demonstrate that the basin has operated within its sustainable yield over a period of at least ten years prior to no undesirable results are present in the basin or have occurred between January 1, 2005, and January 1, 2015. Each subsequent submission shall demonstrate that no undesirable results are present in the basin or have occurred for the preceding ten-year period.

Comment [RC76]: Please consider revising to be consistent with WC 10733.6(c) which states that an analysis should be made to demonstrate that the basin has operated within its sustainable yield over a ten year period that does not need to be 2005 to 2015.

(e) A local agency shall include an explanation of the functional equivalence of terms and concepts used in the alternative with the substantive and procedural requirements of the Act and this Subchapter.

(f) If a local agency submits an alternative for a basin that includes areas outside its jurisdiction or service area, the local agency shall enter into agreements with any local agency or other entity from which information will be required to comply with reporting requirements for the alternative and to demonstrate that basin satisfies ongoing requirements of the alternative. An agreement shall include a list and map of all local agencies or entities that are party to the agreement.

Comment [RC77]: Please consider revising and clarifying this, as an Agency, as opposed to a basin, may satisfy requirements. In addition, the intent of this phrase is not clear.

(g) After an alternative has been approved by the Department, if one or more Plans are adopted within the basin, the alternative and any agreements shall be revised, as necessary, to reflect any changes that may have resulted from adoption of the Plan. T, and the local agency responsible for the alternative and Agency responsible for the each Plan shall enter into an agreement that satisfies the requirements of Section 357.4.

(h) Any person may provide comments to the Department regarding an alternative in a manner

consistent with Section 353.8.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Section 10727, 10733.2, 10727.2, 10733, 10733.6, 10733.8, Water Code.

§ 358.6. Department Evaluation of Plan Alternatives

The Department shall evaluate an alternative to a Plan consistent with Article 6 of these regulations to determine whether the alternative satisfies the goals of the Act ~~to achieve groundwater sustainability through local management and avoid undesirable results, including to adjacent groundwater basins.~~

Note: Authority cited: Section 10733.2, Water Code.

Reference: Section 10733.2, 10733.6, Water Code.

Comment [RC78]: Consider deleting this, as it seems redundant.