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March 31, 2016

Lauren Bisnett, Public Affairs Office
California Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236-0001

Dear Ms. Bisnett:

Subject: Draft Groundwater Sustainability Plan Emergency Regulations

The Alameda County Water District (ACWD) wishes to thank you for the opportunity to comment on the California Department of Water Resources (DWR) Draft Groundwater Sustainability Plan Emergency Regulations (Draft Regulations). ACWD is identified within the Sustainable Groundwater Management Act (SGMA) Water Code Section 10723(c)(1)(B) as an agency created by statute to manage groundwater and deemed to be the exclusive local agency within its statutory boundaries to comply with SGMA by meeting the requirement of Water Code Section 10733.6 or by opting to become a Groundwater Sustainability Agency. ACWD has developed and implemented a number of comprehensive groundwater management programs in order to protect and sustainably manage the Niles Cone Groundwater Basin (Subbasin Number 2-09.01). We appreciate DWR's ongoing efforts to assist ACWD in protecting the Niles Cone Groundwater Basin in order to provide a reliable supply of high quality drinking water to the residents of Fremont, Newark, and Union City.

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

Alternatives to Groundwater Sustainability Plans

1. § 358.4. Alternatives to Groundwater Sustainability Plans, Part (c)(1): Alternative Submittals under Water Code Section 10733.6 (b)(1) states that an alternative is any of the following: "A plan developed pursuant to Part 2.75 (commencing with Section 10750) or other law authorizing groundwater management." The Draft Regulations do not include the provision "or other law authorizing groundwater management."

Therefore, in order to be consistent with the Water Code, ACWD requests the sentence be revised to the following:

*“An alternative submitted pursuant to Water Code Section 10733.6(b)(1) shall include a copy of the groundwater management plan **or a plan developed pursuant to other law authorizing groundwater management.**”*

2. § 358.4. Alternatives to Groundwater Sustainability Plans, Part (c)(2): ACWD believes it was DWR’s intent to include adjudicated areas within this part and therefore the word “not” should be removed. Please see suggested edit below:

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

3. § 358.4. Alternatives to Groundwater Sustainability Plans, Part (c)(3): This section is not consistent with what is written in Water Code Section 10733.6 (b)(3), which states “an analysis of a basin conditions that demonstrates that the basin has operated within its sustainable yield over a period of at least 10 years.” The proposed time period in the Draft Regulations is limiting and includes several years within a drought. Per SGMA, overdraft during a period of drought does not equate to an undesirable result if extractions and recharge are adequately managed during other periods. Therefore, in order to be consistent with the Water Code, ACWD requests the sentence be revised to the following:

“An alternative submitted pursuant to Water Code Section 10733.6(b)(3) shall demonstrate that no undesirable results are present in the basin or have occurred ~~between January 1, 2005, and January 1, 2015~~ over a period of at least 10 years. Each subsequent submission shall demonstrate that no undesirable results are present in the basin or have occurred for the preceding ten year period.”

Groundwater Sustainability Plan

The Groundwater Sustainability Plan sections of the Draft Regulations appear to be overly prescriptive and do not take into consideration what may be most effective locally. The Draft Regulations require a large amount of data to be submitted to DWR, such as all well data, monitoring data, data layers, shapefiles, and geodatabases. Providing hundreds (and possibly thousands) of records is burdensome and will divert resources away from implementation actions. In addition, providing professionally interpreted data based on hydrogeological principles and understandings of local basin conditions, such as geodatabases that include contour shapefiles that should only be viewed at specific scales, on DWR’s website may result in the data being taken out of context from the report in which they reside.

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

Sincerely,



Michelle Myers
Groundwater Resources Manager

mam/mh

By E-mail

cc: Steven D. Inn, ACWD