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California Department of Water Resources
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RE: Comments on Draft Emergency Regulations for Groundwater Sustainability Plans and Alternatives

To Whom It May Concern:

Brownstein Hyatt Farber Schreck, LLP represents the Santa Ynez River Water Conservation District, Improvement District No. 1, ("District") and presents these comments on the District's behalf regarding the Department of Water Resources' ("DWR") Draft Emergency Regulations for Groundwater Sustainability Plans and Alternatives ("Draft Regulations"). The District appreciates the opportunity to submit comments on the Draft Regulations.

The District is a water conservation district formed and operating under the provisions of the California Water Code and has authority to exercise powers related to groundwater management. The District's territory overlies a portion of the unadjudicated Santa Ynez River Valley Groundwater Basin (designated basin number 3-15 in the California Department of Water Resources' CASGEM groundwater basin system) from which it extracts groundwater to meet a portion of the needs of its customers. The District is committed to sustainable management of its groundwater resources and is working cooperatively with other public agencies within the basin to determine the best structure and approach to comply with and meet the goals of the Sustainable Groundwater Management Act.

Below, we provide both general comments and comments on specific articles and sections included in the Draft Regulations. The District's comments are not all encompassing, but are illustrative of issues and suggestions to improve the Draft Regulations. Our comments are organized by the article and section numbers of the Draft Regulations.

I. GENERAL COMMENTS.

Local control and management is a fundamental principle of SGMA. However, the Draft Regulations are overreaching and seem to be structured to uniformly manage groundwater basins from a "top down" state level. Many of these prescriptive requirements appear to be intended to drive GSAs to prepare one Groundwater Sustainability Plan (GSP) per basin, although such a requirement was not a requirement of SGMA. While it is important to have

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consistent standards, the Draft Regulations should be revisited to ensure control is maintained at the local level, as intended by SGMA.

Overall, the Draft Regulations are too expansive, overly prescriptive, and would likely result in significant unnecessary costs and other significant and unnecessary burdens on GSAs in many basins. Substantial revisions are needed to bring the Draft Regulations into conformity with SGMA. If our suggested revisions are adopted by DWR, we believe these changes will bring the Draft Regulations into closer alignment with both the provisions and intent of SGMA.

In general, the Draft Regulations are overly detailed and burdensome on local agencies already tasked with bringing the state's groundwater basins into sustainable management over the next two decades. As an example, the Draft Regulations require many types of detailed data, analysis, interpretation, and reporting. In an effort to respond, the GSAs will need to increase their workforce and/or hire consultants. In turn, they will need to develop funding and finance plans to pay for the additional efforts, which will likely necessitate further rate increases that have already increased in most instances due to lost revenue from implementation of drought conservation measures. Many GSAs will have great difficulty complying with the Draft Regulations given their limited staff and financial resources. While DWR has provided some limited funding to certain counties, more funding is necessary to assist all GSAs in implementation of the Draft Regulations in order to achieve SGMA's goals of reaching sustainable groundwater management.

In addition to placing a further burden on DWR to undertake such specific review of the multiple detailed submissions, the Draft Regulations have the misguided incentive of forcing a GSA to focus its time and resources on complying with detailed reporting requirements, rather than investing those resources in implementing its Plan, developing projects, and working towards reaching the sustainability goal.

The Draft Regulations should be less detailed and rigid resulting in many of the requirements likely to be inapplicable in many basins, resulting in GSAs performing needless work simply to comply with the technical requirements of the Draft Regulations. Each GSA should be allowed the flexibility to develop a plan for its basin that is specifically tailored to that basin and most effectively and efficiently brings the basin into compliance with SGMA.

The Draft Regulations lack specificity regarding the scope of GSPs with regard to data collection and analysis regarding groundwater contamination sources, plumes and historic waste discharges. The Draft Regulations should be revised to allow GSAs to coordinate with water quality regulatory agencies and utilize information provided by those agencies. It should also be made clear that GSAs are not responsible for establishing minimum criteria for contaminated sites and groundwater plumes that fall under water quality laws and regulations and thus are not required to manage or remediate these sites. Similarly, the Draft Regulations should clarify that GSAs are not responsible for developing minimum thresholds for naturally occurring contaminants such as arsenic. While the Draft Regulations require development of minimum thresholds for depletions of interconnected surface water, as required by SGMA, it is unclear how to address situations where diverters with appropriative or riparian water rights (surface water or well diversions) are the cause of depletions of interconnected surface water but are not within the jurisdiction of SGMA.

Additionally, our previous conversations with DWR led us to believe that the Draft Regulations would address minimal fringe areas of a groundwater basin are outside of a GSA's jurisdictional boundary. The Draft Regulations, however, are silent on this issue. In light of the detailed requirements set forth in the Draft Regulations, we recommend that DWR develop provisions that provide additional flexibility to basins that may not present complicated management situations—both in terms of local agency coordination and controlling undesirable results.

II. COMMENTS ON SPECIFIC ARTICLES AND SECTIONS.

We also provide the following specific comments on each article in the Draft Regulations.

A. Comments on Article 1 (Introductory Provisions)

§ 350.2 General Principles. The statement in subsection (a) that a Plan must achieve sustainability for “the entire basin” is inconsistent with SGMA’s approval of multiple Plans covering single basin and with the “good actors” provision codified in section 10735.2(e) of the Water Code. SGMA specifically limits a local agency’s jurisdiction in forming a groundwater sustainability agency (“GSA”) and implementing a Plan; therefore, it cannot require a GSA to be responsible for areas beyond its jurisdiction. This approach appears in multiple sections throughout the Draft Regulations and should be revised to be consistent with SGMA.

Subsection (c) states that DWR “shall evaluate the adequacy of all Plans, including subsequent modifications to Plans, and report periodic evaluations based on a substantial compliance standard.” However, ambiguous terms such as “adequate” and “complete” are also used throughout the Draft Regulations. In order to provide clarity to these Draft Regulations, we recommend replacing these terms with the substantial compliance standard article in this section and in Article 6.

Subsection (g) provides that DWR “may evaluate a Plan at any time.” This authorization is inconsistent with both SGMA and other provisions of the Draft Regulations requiring DWR to make a determination of Plan sufficiency within two years. It is necessary to have some certainty that a Plan is adequate after a certain amount of time, otherwise it will be difficult to incentivize local agencies to invest additional time and resources (including significant amounts of public money) into implementing the Plan. This same comment is applicable to section 355.6.

We also recommend that in order to be consistent with SGMA’s legislative intent (and language) the substantial compliance standard be more broadly applied to all agency decisions and determinations made under the Draft Regulations, except where the Draft Regulations call for decisions to be supported by clear and convincing evidence.

Additional Comments on Article 1. We also recommend inclusion of an additional principle to this section that reflects the legislative intent of SGMA (see Water Code sections 113 10720.1(d), etc.) that groundwater management is best accomplished at the local level.

B. Comments on Article 2 (Definitions)

General Comment. The Draft Regulations should be amended to include a definition of “substantial compliance” in Article 2, and a new narrative description of this standard as an overriding General Principle in Article 1.

§ 351(e) Baseline or Baseline Conditions. This definition is inconsistent with the statement in section 10727.2(b)(4) of the Water Code, which provides that a “[P]lan may, but is not required to, address undesirable results that occurred before, and have not been corrected by, January 1, 2015.” Water Code section 10733.2(b)(2) also provides that, in the context of surface water supplies, “baseline . . . shall include the historic average reliability and deliveries.” We recommend that this definition be revised in order to be consistent with SGMA.

§ 351(j) Critical Parameter. We recommend that this definition is revised to include the “significant and unreasonable” standard in order to be consistent with section 10721(w) of the Water Code.

§ 351(m) Interconnected Surface Water. We recommend that this definition be revised to be consistent with California case law and existing provisions in the Water Code. There may be surface water source areas within a watershed where surface water is perennial, ephemeral, and/or has not been connected for years. All three conditions may occur; so it is unclear what is meant by “not completely depleted.”

§ 351(v) Plan Implementation. We recommend that this definition be revised so that the date of Plan Implementation is the date the Plan is adopted by the GSA. It is also unclear whether a Plan can be implemented before it is approved by DWR. We recommend that DWR clarify this ambiguity to allow a Plan to be implemented after submission to DWR, but before it is approved. Requiring a GSA to wait an additional two years undermines SGMA’s goal of sustainable management within 20 years of Plan Implementation (see Water Code § 10727.2(b)(1)).

Additional Comments on Article 1. We recommend adding the following definitions to Article 2:

Base Hydrological Period. Suggest adding a definition of a base hydrological period as it is already incorporated in SGMA for sustainable yield.

Historical Conditions. Multiple sections throughout the Draft Regulations refer to “historical conditions.” (See, e.g., 23 CCR 354.16, 354.18.) Section 354.16 of these Draft Regulations appears to define Historical Conditions as “conditions that existed as of January 1, 2015.” This definition is consistent with SGMA and should be added to Article 2 and/or combined with the current definition of “Baseline” or “Baseline Conditions.” Changes should be made throughout the document to ensure consistency with use of defined terms.

Substantial Compliance. The standard of substantial compliance is referenced in multiple articles and sections throughout the Draft Regulations. We recommend adding a definition for substantial compliance consistent with California case law.

C. Comments on Article 3 (Technical and Reporting Standards)

§ 352.4 Best Management Practices. Remove all references to “Best Management Practices,” which is addressed in SGMA, but is inappropriately used in the Draft Regulations. This term should be replaced with “Agency Practices and Procedures.” SGMA is clear that Best Management Practices are not intended to be imposed as regulatory standards, and that methods and practices are to be selected and used at the discretion of the GSAs.

§ 352.6 Data and Reporting Requirements. There is a typo in subsection (e). The text currently states “[g]roundwater 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.” (emphasis added.) This error should be corrected. If some GSA’s are required to obtain new software to meet the open-source requirement then this possesses a significant burden on the GSA as staff will require training, creation of input files, model calibration, running the model for analysis including predictions of conditions under different scenarios.

The Draft Regulations should be clearer regarding necessary data quality with details included in BMPs. The level of accuracy and precision required for determining conditions and measuring sustainability should be established on a basin by basin basis recognizing variation and complexity in each basin.

D. Comments on Article 4 (Procedures)

§ 353.8 (b) Public Comment. The public comment period should have a maximum comment period otherwise plans could receive continual comments at any time for any reason, whether warranted or not.

E. Comments on Article 5 (Plan Contents)

§ 354.6 Agency Information. Subsection (d) requires a GSA to submit a copy of the legal authority under which it has the authority to implement the Plan. This requirement is both redundant and misplaced. Under SGMA, only a GSA is authorized to develop and implement a Plan. (Wat. Code § 10727(a).) Prior to becoming a GSA, a local agency (or multiple local agencies) submit their intent to DWR, which undertakes a completeness review of the documentation submitted to ensure that it is compliant with the requirements of SGMA. (Wat. Code § 10723.8.) Therefore, DWR already has all of the requested information.

Subsection (e) does not seem like a reasonable request, when the Agency is required to show, based on Measurable Objectives and interim milestones, what it is achieving. Each GSA should have the discretion to determine how to comply with the requirement of SGMA and fund those efforts.

§ 354.8 Description of Plan Area. Subsection (a)(5) requires that Plans include “[t]he density of wells per square mile . . . showing the distribution of all . . . water supply wells in the basin, including de minimis extractors.” Although requiring the registration of groundwater extraction facilities is a power provided to a GSA under SGMA, this authority is not triggered until after the GSA adopts and submits a Plan to DWR. (Wat. Code § 10725(a).) We recommend, therefore, that this requirement be revised to be consistent with SGMA.

Subsection (b) requires that Plans include “[a] written description of the Plan area, including a summary of jurisdictional areas.” “Jurisdictional areas” is not included as a defined term in the Article 2 (Definitions), nor is it clear what type of description is required. For example, do “jurisdictional areas” refer to the jurisdictional area of a GSA? Or was DWR intending to write “Management Areas,” which is defined in Article 2? We recommend that this ambiguity is clarified.

Subsection (d) is problematic as to predictions of how other programs and agencies could affect sustainability, the results seem highly speculative. The same is true for addressing potential effects.

Subsection (g) is inconsistent with SGMA and should be deleted. Water Code section 10726.8(f) provides that SGMA “shall not be interpreted as superseding the land use authority of cities and counties . . . overlying the basin.” It is inappropriate to require a GSA to interpret and speculate about land use issues that are not within its jurisdiction. It is also inappropriate to require a GSA to include these descriptions and summaries in its Plan, which DWR then evaluates for approval, when the GSA has no authority to impact these land use decisions.

§ 354.14. Hydrogeologic Conceptual Model. This may require a lot of detail that may not be available in all basins. There should simply be a requirement to depict geologic conditions that comprise a hydrogeologic conceptual model for the basin.

§ 354.18 Water Budget. Subsection (b) requires that Plans include detailed water budget information. Although requiring groundwater extraction facilities to use water meters (and report their water use to the GSA) is a power provided to a GSA under SGMA, this authority is not triggered until after the GSA adopts and submits a Plan to DWR. (Wat. Code § 10725.8(a),(c).) Developing a water budget, therefore, may be better developed through implementation of a Plan. We recommend that this requirement be revised to be consistent with SGMA.

Subsection (b)(3)(C) is inconsistent with section 10733.2(b)(2) of the Water Code and should be revised accordingly. Water Code section 10733.2(b)(2) provides that “[t]he baseline for measuring unreliability and reductions [in surface water] shall include the historic average reliability and deliveries.” Subsection (b)(3)(C), on the other hand, requires the analysis of surface water and supply to include future water supply uncertainty and reliability. We recommend that this section is revised to be consistent with the requirements of SGMA.

Subsection (d)(1) requires that the water budget include “[h]istorical water budget information for mean annual temperature, mean annual precipitation, water type year, and central valley water use.” It is unclear what is meant by “central valley water use.” We request that DWR clarify this requirement.

Subsection (g) requires GSAs to defend the use of data in lieu of or in addition to the data provided by DWR. However, GSAs should not have to defend the “sufficiency” of their data (relative to DWR or other models) when there are many acknowledgments of uncertainties associated with models and differences between the results from such models.

§ 354.22 Introduction to Sustainable Management Criteria. The first paragraph on this section recites the definition of “critical parameter.” Consistent with our comment above, we recommend that this definition is revised to include the “significant and unreasonable” standard in order to be consistent with section 10721(w) of the Water Code. Further, the introduction is not consistent with the SGMA in terms of sustainability and conditions in the management area related to the basin or related to subareas/subzones in the basin.

§ 354.28 Minimum Thresholds. Subsection (b)(1) provides that the “rate of elevation of decline” for the minimum threshold for chronic lowering of groundwater levels shall be “based on historical trends.” Under SGMA, however, a “[P]lan may, but is not required to, address undesirable results that occurred before, and have not been corrected by, January 1, 2015.” (Wat. Code § 10727.2(b)(4).) In order to be consistent with SGMA, therefore, the calculation for this minimum threshold should only be based on trends dating back to January 1, 2015. We recommend revising this subsection accordingly.

Subsection (b)(1)(C) provides that “[m]inimum thresholds for chronic lowering of groundwater levels shall be supported by [among other things] [m]anagement of extractions and recharge.” Under SGMA, however, a GSA is not granted the authority to regulate “extractions from individual groundwater wells” until after adoption of a Plan and its submission to DWR. (Wat. Code §§ 10725(a), 10726.4(a)(2).) We recommend that this subsection be revised accordingly.

Subsection (b)(2) should be revised to be consistent with the definition of “undesirable result” in SGMA, which identifies an undesirable result as the “[s]ignificant and unreasonable reduction of groundwater storage.” (Wat. Code § 10721(x)(2).) We recommend that subsection (b)(2) of the Draft Regulations be revised to include the language “significant and unreasonable” in order to be consistent with the Water Code.

Subsection (b)(2)(A) provides that the “minimum thresholds for reduction of groundwater storage shall be supported by . . . [t]he annual sustainable yield of the basin, calculated based on historical trends.” Consistent with our comment on subsection (b)(2), this requirement should be revised to be consistent with SGMA, which only requires a “[P]lan . . . to address undesirable results that occurred before, and have not been corrected by, January 1, 2015.” (Wat. Code § 10727.2(b)(4).)

Subsection (b)(5) should be revised to be consistent with the definition of “undesirable result” in SGMA, which identifies an undesirable result as the “[s]ignificant and unreasonable land subsidence.” (Wat. Code § 10721(x)(5).) We recommend that subsection (b)(5) of the Draft Regulations be revised to include the language “significant and unreasonable” in order to be consistent with the Water Code.

§ 354.30. Measurable Objectives. Subsection (b) could use clarifying or replacing “Operational flexibility” since it is much more involved than operations under adverse conditions. Further, “Overdraft” is not a term for use during a period of drought since it is much more involved.

§ 354.34 Monitoring Network. We suggest making the monitoring topic more generic. Wells are a typical monitoring tool and are located at sites, however monitoring is not limited to wells and monitoring includes additional aspects such as the timing and frequency of monitoring, and changing the monitoring.

Subsection (a)(5) states that “monitoring network objectives shall be implemented to [among other things] [i]dentify impacts to the ability of adjacent basins to meet the sustainability goal.” Not all basins, however, will have the same sustainability goal. Therefore, it is not feasible to expect that managers in one basin will be familiar with (especially familiar enough to monitor for) the sustainability goals in all adjacent basins. We recommend deleting this requirement. This same comment is applicable to the requirement set forth in subsection (d)(3) of this same section, section 354.38(d)(4), section 355.4(b)(6), and section 355.6(b)(5)-(b)(6).

Subsection (e)(2) A GSA should not have to explain why BMPs are not necessarily consistent at each and every monitoring site since those sites in a basin could entail data collected and provided by others. A GSA’s understanding of basin conditions will evolve over time with improved datasets and will over time develop core networks that serve the purposes of the SGMA.

Subsection (h)(1)(A) is impractical and unreasonable to suggest that every GSA would need to meet this standard with dedicated monitoring wells by the next 5-year assessment or assessments afterwards. We suggest that the design of monitoring, including wells, be determined by each GSA to meet the intent of the Draft Regulations.

Subsection (h)(4) is unclear whether this calls for the GSA to establish and maintain its own network for water quality monitoring or if the GSA can collaborate/coordinate with other programs. While more certainty regarding well construction, aquifer-specific monitoring, and even better well location information are all desired, these data are generally very difficult to obtain for every well.

§ 354.38. Assessment and Improvement of Monitoring Network. In this section, the phrase “Data gaps” should be clarified as it may have many meanings. Further, rather than referring to “any” data gaps, the language should be changed to “significant” data gaps.

§ 354.44. Projects and Management Actions. In subsection (b)(1), contingency actions should be described generally as most will need to be developed to address specifics of a particular situation which may be unknown now; otherwise, a GSA could spend significant unnecessary time and effort to address situations that may never develop. Further, redundant “contingency actions and projects” may not be needed in all basins, could be highly speculative, and could undermine support for GSPs by diverting attention from the primary plan and projects. This should become a permissive element

F. Comments on Article 6 (Evaluation and Assessment)

§ 355.2 Department Review of Initial Adopted Plan. Subsection (e) notes that DWR has two years to evaluate a Plan and issue a written assessment. Although this timeline is consistent with SGMA, it raises the question of what a GSA is supposed to do in the interim period between Plan adoption and final approval by DWR. Under SGMA, a GSA receives additional powers upon Plan adoption, however, it is unclear whether the GSA can start implementing the Plan prior to DWR approval. (Wat. Code § 10725(a).) Not allowing a GSA to begin to implement its Plan until DWR approval could also jeopardize the ability of the GSA to meet its 20-year sustainability goal, which is triggered by Plan adoption. (Water Code § 10727.2(b)(1).)

§ 355.4 Criteria for Plan Evaluation. The requirement in subsection (a) that “[a]n initial Plan will be deemed inadequate unless it satisfies all of the following conditions,” does not include the substantial compliance standard set forth earlier in the same section. In order to be consistent with earlier statements, we recommend that DWR include the substantial compliance standard applicable to Plan evaluation in this subsection.

Subsection (a)(3) states that an “initial Plan will be deemed inadequate unless . . . [t]he Plan covers the entire basin.” This is inconsistent with SGMA and should be revised to recognize SGMA’s acceptance of multiple Plans covering a single basin. (Wat. Code § 10727(b)(3).)

Subsection (b)(6) appears to be beyond the responsibility of the GSA as the GSA would need to have intimate knowledge of conditions and plans in the adjacent basin/GSA. This assessment is appropriate for DWR to make as it can evaluate all the plans and associated basins.

Subsection (c)(1) requirements appear to be beyond the scope of the SGMA’s sustainable water conditions to avoid the defined undesirable results.

§ 355.10 Resolution of Conflicts by Department. This section sets forth vague statements regarding how DWR shall address both interbasin and intrabasin disputes between GSAs. We recommend that DWR delete this section from the Draft Regulations, as it is outside of their jurisdiction and outside of the authority granted to them pursuant to SGMA. Intrabasin dispute resolution procedures should be addressed in the mandatory coordination agreement between GSAs. Interbasin disputes properly fall within the jurisdiction of the courts unless there is a voluntary coordination agreement that contains dispute resolution procedures.

G. Comments on Article 7 (Reports, Assessments, and Amendments)

§ 356.6 Department Review of Annual Reports. Subsection (b) authorizes DWR to treat a Plan as conditionally adequate if a GSA fails to comply with the detailed requirements for preparing and submitting an annual report. Such a result is not authorized under SGMA and places an overly heavy burden on GSAs. The Draft Regulations already specify that DWR has authority to evaluate a Plan at least every five years, as well as when it is amended. (23 CCR 355.6(a), 356.10.) Allowing DWR to determine that the Plan is inadequate on a yearly basis undermines a GSA's incentive to invest public money, time, and human resources in implementation of the Plan. We recommend that this authorization is deleted.

H. Comments on Article 8 (Coordination Agreements)

§ 357.2 Interbasin Agreements. The use of "shall" in (b)(4) is inconsistent with the earlier statement in the first paragraph of the section that interbasin agreements are voluntary and identifying information that participating GSAs may include. We recommend that this inconsistency be revised to reflect the voluntary nature of interbasin agreements. Further, the detailed list of the terms for an interbasin agreement should be deleted since it is a voluntary agreement. The terms should be determined by the GSAs entering into such an agreement.

§ 357.4 Intrabasin Coordination. Subsections (b),(c) and (d) propose to require identification of a Submitting Agency in basins where there are several GSAs. Beyond serving as the "sole point of contact" for DWR, this proposed entity is tasked with synthesizing and interpreting all basin plans and resolving all disputes among GSAs within the basin. This concept is not authorized or envisioned by SGMA. Each GSA must be able to independently manage and communicate with DWR. SGMA allows more than one groundwater sustainability agency to manage groundwater in each.

Subsection (j) provides that "[i]nteragency agreements shall be reviewed as part of the five-year assessment, revised as necessary, dated, and signed by all parties." Continual review of a final, executed agreement undermines parties' expectations and could greatly burden a GSA in terms of repeated negotiations on the same agreement. We recommend deleting this provision. If DWR identifies a deficiency in a Plan, the parties to that Plan should be trusted to have the ability to address how that deficiency is resolved, whether through renegotiation or amendment of the coordination agreement.

I. Comments on Article 9 (Alternatives and Adjudicated Areas)

§ 358.4 Alternatives to Groundwater Sustainability Plans. Subsection (a) of section 358.4 states that "[a] local agency that submits an alternative shall demonstrate that the alternative applies to the entire basin." This statement is confusing and requires clarification. For example, is the requirement that, in order to be eligible, the alternative must cover the entire basin as defined by the basin's DWR Bulletin 118 boundaries? Or is the requirement that the alternative apply to the entire portion of the basin for which it is being submitted? Based on the language and requirement in subsection (f), we assume

that DWR takes the latter interpretation. (See also 23 CCR 354.8(a)(3).) We agree with this latter interpretation and request that this ambiguity be clarified.

Subsection (c)(3) is inconsistent with section 10733.6 of the Water Code, which sets forth eligible alternatives. The Draft Regulations state that “[a]n 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.” (23 CCR 358.4(c)(3).) Section 10733.6(b)(3), however, only requires that the alternative include an “analysis of basin conditions that demonstrates that the basin has operated within its sustainable yield over a period of at least 10 years.” DWR appears to be requesting substantially more information than is authorized by the legislature under SGMA. We recommend that this section be revised to be consistent with SGMA.

Subsection (e) is unclear and should be revised to clarify the type of information that DWR is requesting with respect to an alternative.

§ 358.6 Department Evaluation of Plan Alternatives. This provision states that DWR “shall evaluate an alternative to a Plan consistent with Article 6” of the Draft Regulations. Article 6 sets forth very detailed requirements regarding DWR’s evaluation and assessment of Plans, many of which are not applicable or appropriate for the evaluation of alternatives. We recommend that this provision be revised to clarify that Article 6 shall only govern DWR’s review of alternatives to the extent that its required procedures and standards are applicable to the alternatives described in this section.

We appreciate your consideration of our comments and hope they lead to improved regulations. Please feel free to contact us if you have any questions regarding our comments or if you would like to discuss them in further detail.

Sincerely,



Gary M. Kvistad

cc: Chris Dahlstrom, General Manager
Santa Ynez River Water Conservation District, Improvement District No. 1