

**STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES**

**STATEMENT OF FINDINGS REGARDING THE
APPROVAL OF
THE LLAGAS SUBBASIN ALTERNATIVE**

The Department of Water Resources (Department) is required to evaluate and assess whether submitted alternatives to groundwater sustainability plans satisfy the objectives of the Sustainable Groundwater Management Act (SGMA) pursuant to Water Code Section 10733.6. This Statement of Findings explains the Department's decision regarding the alternative (Alternative) submitted by the Santa Clara Valley Water District for the Llagas Subbasin (No. 3-003.01). The Alternative was submitted under Water Code Section 10733.6(b)(1), which allows for the submittal of alternate plans developed pursuant to Part 2.75 (commencing with Section Water Code Section 10750) or other law authorizing groundwater management.

Department management has reviewed the Department staff report, entitled Sustainable Groundwater Management Program Alternative Assessment Staff Report – Llagas Subbasin (Staff Report), attached as Exhibit A, recommending approval of the Alternative. Based on its review of the Staff Report, Department management is satisfied that staff have conducted a thorough evaluation and assessment of the Alternative and concurs with staff's recommendation and all the recommended actions, and thus hereby approves the Alternative on the following grounds:

1. The Alternative was submitted within the statutory deadline of January 1, 2017 (Water Code Section 10733.6(c)).
2. The Alternative is within a subbasin that is in compliance with Part 2.11 (commencing with Water Code Section 10920) as required by Water Code Section 10733.6(d).
3. The Alternative has been submitted by the Santa Clara Valley Water District pursuant to Water Code Section 10733.6(b)(1) and a copy of the documents making up the groundwater management plan were submitted as required by 23 CCR Section 358.2(c)(1).
4. The Santa Clara Valley Water District explained how the elements of the Alternative are functionally equivalent to the elements of a groundwater sustainability plan required by Articles 5 and 7 of the GSP Regulations, 23 CCR Section 350 et seq., in the Groundwater Management Plan Appendix B - Demonstration of Functional Equivalency of the Alternative submitted by the District.

5. Based on Paragraphs 3 and 4 above, the Alternative is considered complete and includes the information required by SGMA and the GSP Regulations, sufficient to warrant an evaluation by the Department. 23 CCR Section 358.4(a)(3).
6. The Alternative applies to and covers the entire subbasin as required by 23 CCR Section 358.2(a) and 358.4(a)(4), respectively, and as discussed in Section IV.D of the Staff Report.
7. The Santa Clara Valley Water District has the legal authority and financial resources necessary to implement the Alternative.
8. The Department has received public comments on the Alternative and has considered them in the evaluation of the Alternative as required by 23 CCR Section 358.2(f).

Department management makes the following specific findings based on the evaluation and assessment of the Alternative prepared by Department staff:

9. The Alternative demonstrated that the Santa Clara Valley Water District has established goals and implemented projects and management actions to maintain groundwater levels, manage the subbasin to maintain a quantified level of groundwater storage, and address historical water quality issues in the Subbasin.
10. The Alternative demonstrates that the Santa Clara Valley Water District has a sufficient and reasonable understanding of the current and historical groundwater conditions related to groundwater elevations, surface water and groundwater interactions, and water quality in the Llagas Subbasin that would cause undesirable results and have a well-developed program to avoid those undesirable results by maintaining a groundwater storage range in the Subbasin.
11. The Santa Clara Valley Water District has demonstrated a commitment to mitigating agricultural water quality issues and maintaining groundwater level conditions.
12. In light of Paragraphs 1-11 above, the Alternative satisfies the objectives of SGMA.

In addition to the grounds listed above, the Department also finds that:

1. The Alternative has demonstrated that the Subbasin will be operated within the range of historical data, sufficient to avoid undesirable results, and is consistent

with the state policy regarding the human right to water (Water Code Section 106.3) and the public trust doctrine.

2. The evaluation and assessment of whether the Alternative submitted by the Santa Clara Valley Water District for the Llagas Subbasin satisfies the objectives of SGMA is a project under CEQA, but that the project is exempt from CEQA under the common sense exemption for the following reasons.

No physical change to the environment is associated with the evaluation and assessment of the alternatives undertaken by the Department. The Alternative submitted by the District is based on a Groundwater Management Plan and projects and management actions that were previously adopted and the Agency has already begun implementing.

By finding that the Alternative satisfies the objectives of SGMA, the District is authorized to continue to manage the subbasin subject to that Alternative, without the need to develop a GSP. As a result, the evaluation and assessment of the Alternative undertaken by the Department creates no foreseeable indirect impacts, and any impacts that might occur would be difficult to predict with any accuracy and too speculative to allow the Department to provide for meaningful analysis and review.

Based on the above, the Alternative submitted by the Santa Clara Valley Water District for the Llagas Subbasin is approved. The recommended actions in the Staff Report will assist the Department's review of the Alternative's implementation for consistency with SGMA and are thus recommended to be included in the resubmitted Alternative, due on January 1, 2022, as required by Water Code Section 10733.6(c).

Signed:

A handwritten signature in black ink, appearing to read "Karla Nemeth", is written over a horizontal line.

Karla Nemeth, Director

Date: July 17, 2019

Exhibit A: Sustainable Groundwater Management Program Alternative Assessment
Staff Report – Llagas Subbasin