

**STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES**

**STATEMENT OF FINDINGS REGARDING THE
APPROVAL OF
THE LIVERMORE VALLEY BASIN 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 Zone 7 Water Agency for the Livermore Valley Groundwater Basin (Basin No. 2-10). The Alternative was submitted under Water Code Section 10733.6(b)(3), which allows for the submittal of an analysis of basin conditions that demonstrates that the basin has operated within its sustainable yield over a period of at least 10 years.

Department management has reviewed the Department staff report, entitled Sustainable Groundwater Management Program Alternative Assessment Staff Report – Livermore Valley Basin (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 basin 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 Zone 7 Water Agency pursuant to Water Code Section 10733.6(b)(3) and included a report prepared by a registered professional geologist who is licensed by the state and was submitted to the Department under that geologist's seal. The data submitted in support of the Alternative included continuous data from the end of the 10-year period to current conditions. 23 CCR Section 358(c)(3).
4. The Zone 7 Water Agency 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 Alternative Elements Guide submitted by the Agency.

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 Basin 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 Zone 7 Water Agency 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 Zone 7 Water Agency had, prior to SGMA, established goals and implemented projects and management actions to address historical overdraft experienced in the early 1900s until the mid-1960s.
10. The Alternative demonstrates that the Zone 7 Water Agency has a sufficient and reasonable understanding of the groundwater conditions in the Livermore Valley Basin that would cause undesirable results and how to avoid those undesirable results by stabilizing groundwater levels through importing water, implementing groundwater management programs and artificial recharge.
11. The Zone 7 Water Agency developed a natural sustainable yield for the Basin, relying on sufficient and credible information and data, and developed groundwater pumping quotas based on the sustainable yield. The groundwater pumping quotas, in addition to artificial recharge and other management actions, has ensured the Basin has been operated within its sustainable yield for a period of at least 10 years.
12. The Zone 7 Water Agency will continue to implement its projects and management actions to ensure the Livermore Valley Basin will be operated within its sustainable yield.
13. In light of Paragraphs 1-12 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 Basin is being operated within its sustainable yield 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 Zone 7 Water Agency for the Livermore Valley Basin 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 Agency 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 Agency is authorized to continue to manage the basin 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.

Statement of Findings
Livermore Valley Basin (Basin No. 2-010)

Based on the above, the Alternative submitted by the Zone 7 Water Agency for the Livermore Valley Basin is approved. Recommended actions identified 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 Staff Report –
Livermore Valley Basin