

**STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES**

**STATEMENT OF FINDINGS REGARDING THE
APPROVAL OF
THE TAHOE SOUTH 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 South Tahoe Public Utility District for the Tahoe South Groundwater Subbasin (Basin No. 6-005.01). 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 Water Code Section 10750) or other law authorizing groundwater management.

Department management has reviewed the Department staff report, Sustainable Groundwater Management Program Alternative Assessment Staff Report – Tahoe South 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 South Tahoe Public Utility District pursuant to Water Code Section 10733.6(b)(1) and a copy of the groundwater management plan was submitted as required by 23 CCR Section 358.2(c)(1).
4. The South Tahoe Public Utility 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 GWMP Functional Equivalency Matrix 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 South Tahoe Public Utility 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 includes a reasonable and sufficient assessment of the Subbasin's groundwater conditions, including the Subbasin's hydrology, historical and current groundwater elevations, historical and current groundwater production, and future water demand projections.
10. The District's operating criteria and projects and management actions designed to maintain groundwater levels within the range of historical data are commensurate with the level of understanding of the Subbasin setting, as reflected in the Alternative, and are likely to prevent undesirable results.
11. The Alternative demonstrates a commitment and reasonable plan to further evaluate the connection between groundwater pumping and surface water within the Subbasin.
12. The District also demonstrates a commitment to maintain and protect the groundwater quality in the Tahoe Valley South Subbasin.
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 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 South Tahoe Public Utility District for the Tahoe South 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 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 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 South Tahoe Public Utility District for the Tahoe Valley South Subbasin 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:



Karla Nemeth, Director

Date: July 17, 2019

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