



Action Item: Consideration of Final Agricultural Water Measurement Regulations

Background

On May 8, 2012, the California Water Commission approved the Department of Water Resources' (DWR) final Agricultural Water Measurement Regulation for submittal to the Office of Administrative Law (OAL). During the OAL's 30-day review period of the regulation, it was brought to DWR's attention that the Agricultural Aggregated Farm-Gate Delivery Reporting Form was inadvertently omitted from the rulemaking package sent to OAL. This form had been discussed publically throughout the development of the regulation with the intent of incorporating it by reference in the regulation.

Commission Counsel Spencer Kenner informed the Commission of this oversight at their June 20 meeting. He confirmed that DWR had the authority to make the necessary changes to the regulation - incorporating the form by reference as well as minor clarifying changes - and notice an additional 15-day public comment period.

DWR will review comments received during the public comment period held from June 20 to July 5. If no substantive changes result from the 15-day comment period, the Commission may vote in July to re-submit the final Agricultural Water Measurement Regulation to OAL.

If there are additional substantive changes or if the Commission does not approve the final Agricultural Water Measurement Regulation at this meeting, DWR would fail to meet OAL's one-year deadline to submit the final regulation. DWR would have to start the rulemaking process over with a new 45-day public comment period.

Should the Commission approve the final regulation, staff recommends giving DWR authority to complete the OAL approval process. If it is determined by the Department that additional processing time is required, staff recommends the Commission authorize DWR staff to withdraw the rule for an additional 10 days and then resubmit it to OAL for an expedited review.

Attachments

Agricultural Aggregated Farm-Gate Delivery Reporting Form
Draft Resolution 2012-27

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