

STATE OF CALIFORNIA
CALIFORNIA NATURAL RESOURCES AGENCY
CALIFORNIA WATER COMMISSION

RESOLUTION NUMBER: 2015-03

RESOLUTION TO ADOPT EMERGENCY REGULATIONS FOR BASIN BOUNDARY
MODIFICATIONS UNDER THE SUSTAINABLE GROUNDWATER MANAGEMENT
ACT

WHEREAS, on September 16, 2014, Governor Brown signed into law the Sustainable Groundwater Management Act (SGMA), which provides a framework for long-term, sustainable groundwater management throughout California; and

WHEREAS, the Department of Water Resources (Department) maintains and updates "California Groundwater: Bulletin 118," which identifies groundwater basins and subbasins in California. SGMA, specifically Water Code section 10722.2, authorizes local agencies to request that the Department revise boundaries of Bulletin 118 groundwater basins, including the establishment of new subbasins; and

WHEREAS, in addition to other responsibilities under SGMA, Water Code section 10722.2, subdivision (b) directs the Department, by January 1, 2016, to adopt emergency regulations that specify the information that local agencies must provide to support a basin-boundary modification and the methodology and criteria that the Department will use when evaluating requests for these modifications. Water Code section 10722.2 also provides that the adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health and safety, or general welfare; and

WHEREAS, Water Code section 161 provides that all regulations of the Department shall be presented to the California Water Commission and become effective only upon approval by the California Water Commission; and

WHEREAS, after conducting significant public outreach, the Department developed regulations that, in conformance with Water Code section 10722.2, establish: (a) The methodology and criteria that the Department will use to evaluate requests for basin boundary modifications; and (b) Specify the information that local agencies must provide the Department when requesting a basin boundary modification (Basin Boundary Regulations); and

WHEREAS, on July 17, 2015, the Department published the draft Basin Boundary Regulations on its Internet Web site. Thereafter, the Department conducted three public meetings to consider public comments as follows: August 31, 2015 –

Sacramento, September 2, 2015 – Bakersfield, September 3, 2015– Santa Ana. The Department accepted written public comments on the Basin Boundary Regulation through September 4, 2015; and

WHEREAS, after reviewing written comments and comments received at the public meetings and at California Water Commission meetings, the Department revised the draft Basin Boundary Regulations and they are hereby presented to the California Water Commission for consideration and approval; and

WHEREAS, the adoption of the Basin Boundary Regulations is exempt from the California Environmental Quality Act (CEQA) because adoption of these regulations is not a project under CEQA, and, even assuming that adoption of these regulations constitutes a project, it would be exempt because there is no possibility that the adoption of the Basin Boundary Regulations will have a significant effect on the environment. (Pub. Res. Code §21065, 14 CCR §§ 15061, 15378.) ; and

WHEREAS, immediately upon adoption by the California Water Commission, these Emergency Regulations may be submitted to the Office of Administrative law for inclusion in the California Code of Regulations , Title 23, Division 2, Chapter 1.5, Subchapter

NOW, THEREFORE, LET IT BE RESOLVED that the California Water Commission:

Adopts the Basin Boundary Regulations as approved at their meeting of October 21, 2015.

Signed:

Joseph Byrne, Chair
California Water Commission

Date

Attest:

Paula J. Landis, Executive Officer
California Water Commission

Date