



Environmental Utilities
Administration
2005 Hilltop Circle
Roseville, California 95747

May 16, 2016

California Water Commission
P.O. Box 942836
Sacramento, CA 94236-0001

Transmitted via email

RE: COMMENT LETTER – SUSTAINABLE GROUNDWATER MANAGEMENT ACT DRAFT EMERGENCY REGULATIONS FOR GROUNDWATER SUSTAINABILITY PLANS AND ALTERNATIVES

Dear Chair Byrne and Commissioners Baker, Ball, Curtin, Daniels, Del Bosque, Herrera, Orth and Quintero:

Thank you for the opportunity to submit comments on the California Department of Water Resources' (DWR or the Department) Sustainable Groundwater Management Act draft Emergency Regulations for Groundwater Sustainability Plans and Alternatives (draft Regulations). I am writing to convey comments of the City of Roseville (City) on the May 10, 2016 version of the draft regulations which you will be considering at your meeting of May 18, 2016. We appreciate the effort the Department of Water Resource (DWR) staff has made in responding to past comments as reflected by the improvements to the February 18, 2016 draft regulations. Many of the major comments made by the City along with our local groundwater partners have been adequately addressed.

The City supports adoption of the Proposed GSP Regulations with one notable exception. Article 9, related to the evaluation of Alternatives, has been modified, but still extends beyond both the language and intent of the Sustainable Groundwater Management Act (SGMA). This overreach was pointed out by numerous comments provided on the draft regulations.

Water Code Section 10733.6(a), states, *"If a local agency believes that an alternative described in subdivision (b) satisfies the objectives of this part, the local agency may submit the alternative to the department for evaluation and assessment of whether the alternative satisfies the objectives of this part for the basin."* As such, SGMA envisioned the possibility of an alternative pathway to the objective of sustainable groundwater management.

The proposed regulations, however, presuppose that a Groundwater Sustainability Plan (even if called by a different name) is the only path to sustainability. Section 358.2 of the proposed regulations would require an explanation of how an Alternative is "functionally equivalent" to a GSP. Similarly, DWR's evaluation of an Alternative, described in Section 358.6, would be based on the identical requirements as the evaluation of a GSP. These concerns could be easily addressed by the following modifications to the proposed regulations.

§358.2 (d) The entity submitting an Alternative shall explain how the elements of the Alternative are functionally equivalent to the elements of a Plan required by Articles 5-

and 7 of this Subchapter and are sufficient to demonstrate the ability of the Alternative to achieve the objectives of the Act.

§358.6 (a) (3) The Alternative is complete and includes the information required by the Act and this Subchapter Article.

§358.6 (b) The Department shall evaluate an Alternative that satisfies the requirements of Subsection (a) ~~in accordance with Sections 355.2, 355.4(b), and Section 355.6, as applicable,~~ to determine whether the Alternative complies with the objectives of the Act. Compliance means that the Alternative is sufficiently detailed and the analyses demonstrate sustainable groundwater management has been or will be achieved for the basin.

Thank you for the opportunity to comment on the draft regulations and for your consideration of this important modification.

Sincerely,



Richard D. Plecker, P.E.
Environmental Utilities Director

cc: Roseville City Council