



Email: info@aquilogic.com
Telephone: +1.714.770.8040

Draft DWR Emergency Regulations: Groundwater Basin Boundaries

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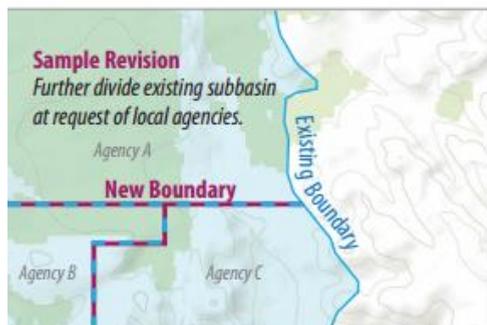
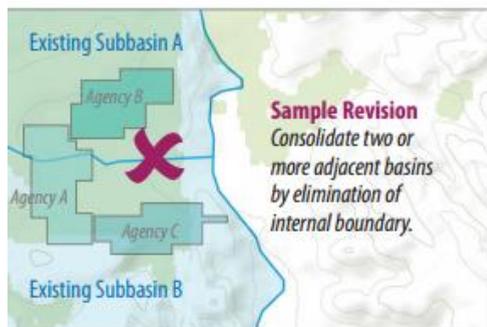
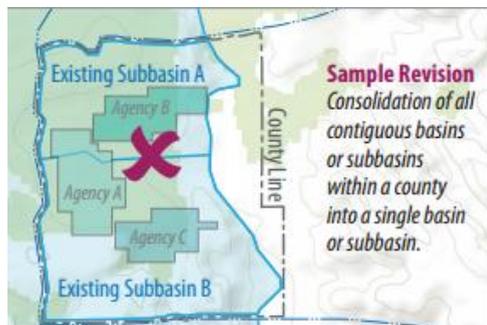
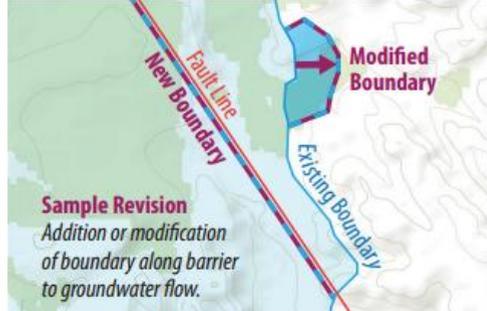


Basin Boundaries and the SGMA

In 2014, California enacted the Sustainable Groundwater Management Act (SGMA). The SGMA allows local agencies to establish a Groundwater Sustainability Agency (GSA) (Water Code 10723), or participate in a GSA with a group of other public agencies. Once formed, the GSA must then develop a Groundwater Sustainability Plan (GSP) (Water Code 10727). The SGMA further established a process for local agencies to request that the Department of Water Resources (DWR) revise the boundaries of a groundwater basin or sub-basin, including the establishment of new sub-basins. Groundwater basins and sub-basins are defined within the DWR's Bulletin 118 – California's Groundwater.

By January 1, 2016, DWR is required to adopt emergency regulations that specify the information required to comply with the California Water Code (CWC), which outlines the process that local agencies shall follow when requesting modifications to existing boundaries of groundwater basins and sub-basins. The proposed draft emergency regulations create a process that starts with the basin definitions of Bulletin 118 and proposes a mechanism to revise basin and sub-basin boundaries, or even create new sub-basins, in an effort to improve the transition to basin management under the terms of the SGMA.

As described in the draft regulations, boundary modifications are to be requested by a single local agency, identified as the Requesting Agency in the draft regulations, and anticipated to be analogous to the GSA as defined in the SGMA. The Requesting Agency, or GSA, will prepare the basin boundary modification request information in accordance with the requirements for the type of modification requested. The draft emergency regulations anticipate that basin modification requests will be based upon two general classifications: (1) scientific and (2) jurisdictional.



(1) Scientific based modifications are those that are directly attributed to the hydrogeologic definition of the groundwater basin. These modifications require technical geologic and/or hydrologic evidence to support a modification of a boundary from that currently defined by Bulletin 118. Scientific bases for basin boundary modification could vary from the presence of fault lines, or refined knowledge regarding the location and/or characteristics of previously known faults, a greater understanding of the local interaction of streams and rivers, or other surface water features, upon the characteristics of the basin, or additional studies defining the subsurface geologic controls as groundwater moves from one basin to the next. In any case, a scientific justification for basin boundary modification must demonstrate that such modification will increase the likelihood of sustainable management of the groundwater basin.

(2) Jurisdictional based modifications, as described in the draft regulations, fall into one of three categories: internal, consolidation (within basin boundaries or within county lines), and basin subdivision. Internal revisions are those modifications that would adjust the boundary between the shared boundary between basins and/or sub-basins. A basin consolidation would merge multiple contiguous basins into a single basin by eliminating any internal boundaries and without any modification to the extent of each consolidated basin. Similar to a basin consolidation, a county basin consolidation would create a single basin or sub-basin from all contiguous basins or sub-basins within a single county. Lastly, the basin subdivision would divide a single basin or sub-basin into multiple basins or sub-basins without any modification to the extent of the existing boundary.

Jurisdictional boundaries are largely administrative in nature and are not necessarily constrained by the actual hydrogeologic boundaries of any particular groundwater basin or sub-basin. However, jurisdictional basin boundary modification requests are required to increase the likelihood of successful groundwater management under the terms of the SGMA and are prohibited from limiting the ability of basins to be managed sustainably.

In addition to the technical information (either on a scientific or jurisdictional basis) required to support the requests for basin boundary modification, and the demonstrable compliance with the intent of the SGMA, each Requesting Agency, or GSA, is required to obtain broad local support for each basin boundary modification request. The basin boundary modification request, regardless of whether the request was made upon a scientific or jurisdictional basis, must demonstrate that all local agencies and public water systems were consulted regarding said request. Further, in the case of a boundary modification request made upon a jurisdictional basis, every local agency and public water system must support the modification in the case of internal boundary revisions or basin subdivisions and a majority of affected local agencies and public water systems within all basins and/or sub-basins must support any requested basin and/or sub-basin consolidation.

Schedule for the Adoption of Regulations for Basin Boundary Modification

