

Excerpts from SGMA pertaining to Basin Boundaries

Note: This is an excerpt from the 2014 Sustainable Groundwater Management Act and related statutory provisions; it includes 2015 amendments which are shown in underline and ~~strikeout~~.

Access the full legislation at this link: <https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Sustainable-Groundwater-Management/Files/2014-Sustainable-Groundwater-Management-Legislation-with-2015-amends-1-15-2016.pdf>

CHAPTER 3. Basin Boundaries

10722. USE OF BULLETIN 118 BASIN BOUNDARIES

Unless other basin boundaries are established pursuant to this chapter, a basin's boundaries shall be as identified in Bulletin 118.

10722.2. PROCESS FOR REQUESTING AND APPROVING BASIN BOUNDARY REVISIONS

(a) A local agency or an entity directed by the court in an adjudication action to file the request may request that the department revise the boundaries of a basin, including the establishment of new subbasins. A ~~local agency's~~ request shall be supported by the following information:

- (1) Information demonstrating that the proposed adjusted basin can be the subject of sustainable groundwater management.
- (2) Technical information regarding the boundaries of, and conditions in, the proposed adjusted basin.
- (3) Information demonstrating that the entity proposing the basin boundary adjustment consulted with interested local agencies and public water systems in the affected basins before filing the proposal with the department.
- (4) Other information the department deems necessary to justify revision of the basin's boundary.

(b) By January 1, 2016, the department shall adopt regulations regarding the information required to comply with subdivision (a), including the methodology and criteria to be used to evaluate the proposed revision. The department shall adopt the regulations, including any amendments thereto, authorized by this section as emergency regulations in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). 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. Notwithstanding the Administrative Procedure Act, emergency regulations adopted by the department pursuant to this section shall not be subject to review by the Office of Administrative Law and shall remain in effect until revised by the department.

(c) Methodology and criteria established pursuant to subdivision (b) shall address all of the following:

- (1) How to assess the likelihood that the proposed basin can be sustainably managed.
 - (2) How to assess whether the proposed basin would limit the sustainable management of adjacent basins.
 - (3) How to assess whether there is a history of sustainable management of groundwater levels in the proposed basin.
- (d) Prior to adopting ~~and finalizing~~ the regulations pursuant to subdivision (b), the department shall conduct three public meetings to consider public comments. The department shall publish the draft regulations on its Internet Web site at least 30 days before the public meetings. One meeting shall be conducted at a location in northern California, one meeting shall be conducted at a location in the central valley of California, and one meeting shall be conducted at a location in southern California.
- (e) The department shall provide a copy of its draft revision of a basin's boundaries to the California Water Commission. The California Water Commission shall hear and comment on the draft revision within 60 days after the department provides the draft revision to the commission.

10722.4. PRIORITIZATION OF BASINS

(a) Pursuant to Section 10933, for the purposes of this part the department shall categorize each basin as one of the following priorities:

- (1) High priority.
- (2) Medium priority.
- (3) Low priority.
- (4) Very low priority.

(b) The initial priority for each basin shall be established by the department pursuant to Section 10933 no later than January 31, 2015.

(c) Any time the department updates Bulletin 118 boundaries pursuant to subdivision (b) of Section 12924, the department shall reassess the prioritization pursuant to Section 10933.

(d) ~~Any time~~if the department changes ~~the basin~~ priorities pursuant to Section ~~10933, if 10933 to~~ elevate a basin ~~is elevated from a low- or very low priority basin~~ to a medium- or high-priority basin after January 31, 2015, at the agency formation and planning deadlines of this part shall be extended as follows:

- (1) A local agency shall have two years from the date of reprioritization to either establish a groundwater sustainability agency pursuant to Chapter 4 (commencing with Section 10723) ~~and five years from the date of reprioritization to adopt a groundwater sustainability plan pursuant~~

~~to Chapter 6 (commencing with Section 10727)~~ or two years to satisfy the requirements of Section 10733.6.

(2) A groundwater sustainability agency shall have five years from the date of reprioritization to meet the requirements of subdivision (a) of Section 10720.7, except that if the reprioritization occurs before January 31, 2017, a groundwater sustainability agency subject to paragraph (2) of subdivision (a) of Section 10720.7 shall have until January 31, 2022.