

ARTICLE 9. Alternatives

§ 358. Introduction to Alternatives

This Article describes the methodology and criteria for the submission and evaluation of Alternatives.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Section 10733.2, Water Code.

§ 358.2. Alternatives to Groundwater Sustainability Plans

(a) The entity that submits an Alternative shall demonstrate that the Alternative applies to the entire basin and satisfies the requirements of Water Code Section 10733.6.

(b) An Alternative shall be submitted to the Department by January 1, 2017, and every five years thereafter. A local agency or party directed by a court that submits an Alternative based on an adjudication action described in Water Code Section 10737.4 may submit the adjudication action to the Department for evaluation after January 1, 2017.

(c) An Alternative submitted to the Department shall include the following information:

(1) An Alternative submitted pursuant to Water Code Section 10733.6(b)(1) shall include a copy of the groundwater management plan.

(2) An Alternative submitted pursuant to Water Code Section 10733.6(b)(2) that is not an adjudicated area described in Water Code Section 10720.8 shall include the following:

(A) Information demonstrating that the adjudication submitted to the Department as an Alternative is a comprehensive adjudication as defined by Chapter 7 of Title 10 of Part 2 of the Code of Civil Procedure (commencing with Section 830).

(B) A copy of the proposed stipulated judgment.

(3) An Alternative submitted pursuant to Water Code Section 10733.6(b)(3) shall provide information that demonstrates the basin has operated within its sustainable yield over a period of at least 10 years. Data submitted in support of this Alternative shall include continuous data from the end of that 10-year period to current conditions.

(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.

(e) After an Alternative has been approved by the Department, if one or more Plans are adopted within the basin, the Alternative shall be revised, as necessary, to reflect any changes that may have resulted from adoption of the Plan, and the local agency responsible for the Alternative and Agency responsible for the Plan shall enter into an agreement that satisfies the requirements of Section 357.4.

(f) Any person may provide comments to the Department regarding an Alternative in a manner consistent with Section 353.8.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10727, 10727.2, 10733, 10733.2, 10733.6, 10733.8, and 10737.4, Water Code.

§ 358.4. Department Evaluation of Alternatives

The Department shall evaluate an Alternative submitted in lieu of a Plan as follows:

(a) An Alternative must satisfy all of the following conditions:

(1) The Alternative was submitted within the statutory period established by Water Code Section 10733.6, if applicable.

(2) The Alternative is within a basin that is in compliance with Part 2.11 of Water Code (commencing with Section 10920), or as amended.

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

(4) The Alternative covers the entire basin.

(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.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10733.2, 10733.6, and 10733.8, Water Code.

NOTE: This is an excerpt from the Groundwater Sustainability Regulations. Read the full regulations here:

https://water.ca.gov/LegacyFiles/groundwater/sgm/pdfs/GSP_Emergency_Regulations.pdf