**STATE OF CALIFORNIA**
**DEPARTMENT OF WATER RESOURCES**

# STATEMENT OF FINDINGS REGARDING THE APPROVAL OF THE NILES CONE SUBBASIN ALTERNATIVE

The Department of Water Resources (Department) is required to evaluate and assess whether submitted alternatives to groundwater sustainability plans satisfy the objectives of the Sustainable Groundwater Management Act (SGMA) pursuant to Water Code Section 10733.6. This Statement of Findings explains the Department's decision regarding the alternative (Alternative) submitted by the Alameda County Water District for the Niles Cone Subbasin (No. 2-009.01). The Alternative was submitted under Water Code Section 10733.6(b)(1), which allows for the submittal of alternate plans developed pursuant to Part 2.75 (commencing with Water Code Section 10750) or other law authorizing groundwater management.

Department management has reviewed the Department staff report, entitled Sustainable Groundwater Management Program Alternative Assessment Staff Report – Niles Cone Subbasin (Staff Report), attached as Exhibit A, recommending approval of the Alternative. Based on its review of the Staff Report, Department management is satisfied that staff have conducted a thorough evaluation and assessment of the Alternative and concurs with staff's recommendation and all the recommended actions, and thus hereby approves the Alternative on the following grounds:

1. The Alternative was submitted within the statutory deadline of January 1, 2017 (Water Code Section 10733.6(c)).

2. The Alternative is within a subbasin that is in compliance with Part 2.11 (commencing with Section 10920) as required by Water Code Section 10733.6(d).

3. The Alternative has been submitted by the Alameda County Water District pursuant to Water Code Section 10733.6(b)(1) and a copy of the documents making up the groundwater management plan were submitted as required by 23 CCR Section 358.2(c)(1).

4. The Alameda County Water District explained how the elements of the Alternative are functionally equivalent to the elements of a groundwater sustainability plan required by Articles 5 and 7 of the GSP Regulations, 23 CCR Section 350 et seq., in the Alternative Elements Guide submitted by the District.

5. Based on Paragraphs 3 and 4 above, the Alternative is considered complete and includes the information required by SGMA and the GSP Regulations, sufficient to warrant an evaluation by the Department. 23 CCR Section 358.4(a)(3).

6. The Alternative applies to and covers the entire Subbasin as required by 23 CCR Section 358.2(a) and 358.4(a)(4), respectively, and as discussed in Section IV.D of the Staff Report.

7. The Alameda County Water District has the legal authority and financial resources necessary to implement the Alternative.

8. The Department has received public comments on the Alternative and has considered them in the evaluation of the Alternative as required by 23 CCR Section 358.2(f).

Department management makes the following specific findings based on the evaluation and assessment of the Alternative prepared by Department staff:

9. The Alternative demonstrated that the Alameda County Water District has established goals and implemented projects and management actions to address historical overdraft and resulting seawater intrusion in the Subbasin.

10. The Alternative demonstrates that the Alameda County Water District has a sufficient and reasonable understanding of the groundwater conditions in the Niles Cone Subbasin that would cause undesirable results and how to avoid those undesirable results by stabilizing groundwater levels and reversing seawater intrusion through importing water, implementing groundwater management programs and artificial recharge.

11. The District also demonstrates a commitment to improving managed aquifer recharge operations, banking groundwater outside the Subbasin to improve resiliency, and mitigating legacy water quality issues related to seawater intrusion.

12. In light of Paragraphs 1-11 above, the Alternative satisfies the objectives of SGMA.

In addition to the grounds listed above, the Department also finds that:

1. The Alternative has demonstrated that the Subbasin will be operated within the range of historical data, sufficient to avoid undesirable results, and is consistent with the state policy regarding the human right to water (Water Code Section 106.3) and the public trust doctrine.

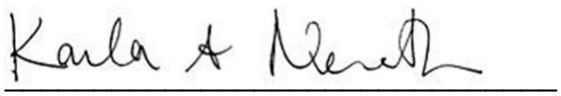
2. The evaluation and assessment of whether the Alternative submitted by the Alameda County Water District for the Niles Cone Subbasin satisfies the objectives of SGMA is a project under CEQA, but that the project is exempt from CEQA under the common sense exemption for the following reasons.

   No physical change to the environment is associated with the evaluation and assessment of the alternatives undertaken by the Department. The Alternative submitted by the District is based on a Groundwater Management Plan and projects and management actions that were previously adopted and the Agency has already begun implementing.

   By finding that the Alternative satisfies the objectives of SGMA, the District is authorized to continue to manage the Subbasin subject to that Alternative, without the need to develop a GSP. As a result, the evaluation and assessment of the Alternative undertaken by the Department creates no foreseeable indirect impacts, and any impacts that might occur would be difficult to predict with any accuracy and too speculative to allow the Department to provide for meaningful analysis and review.

Based on the above, the Alternative submitted by the Alameda County Water District for the Niles Cone Subbasin is approved. The recommended actions identified in the Staff Report will assist the Department's review of the Alternative's implementation for consistency with SGMA and are thus recommended to be included in the resubmitted Alternative, due on January 1, 2022, as required by Water Code Section 10733.6(c).

Signed:



Karla Nemeth, Director

Date: July 17, 2019

Exhibit A: Sustainable Groundwater Management Program Alternative Assessment Staff Report – Niles Cone Subbasin