

**RESOLUTION NO. 22-01
OF THE
BOARD OF DIRECTORS OF THE
YOLO SUBBASIN GROUNDWATER AGENCY**

***IN THE MATTER OF:* AN EMERGENCY RESOLUTION ESTABLISHING YOLO
SUBBASIN GROUNDWATER AGENCY’S PROCEDURES
FOR COMPLIANCE WITH EXECUTIVE ORDER N-7-22
PARAGRAPH 9 REGARDING GROUNDWATER WELL
PERMITS**

WHEREAS, the Yolo Subbasin Groundwater Agency (“YSGA”) is a joint powers authority established and existing pursuant to a Joint Exercise of Powers Agreement dated and effective June 19, 2017 and the Joint Exercise of Powers Act, Cal. Government Code section 6500 *et seq.*; and

WHEREAS, on August 29, 2014, the California Legislature passed comprehensive groundwater legislation contained in SB 1168, SB 1319 and AB 1739. Collectively, those bills, as subsequently amended, enacted the Sustainable Groundwater Management Act (“SGMA”). SGMA became effective on January 1, 2015; and

WHEREAS, pursuant to SGMA, YSGA is the Groundwater Sustainability Agency for the Yolo Subbasin of the Sacramento Valley Groundwater Basin, California Department of Water Resources Basin No. 5-21.67 (“Subbasin”); and

WHEREAS, on October 19, 2021, pursuant to Executive Order N-10-21, Governor Gavin Newsom proclaimed a State of Emergency “to exist in the State due to drought in the remaining counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Francisco, and Ventura, such that the drought state of emergency is now in effect statewide”; and

WHEREAS, on March 28, 2022, Governor Newsom issued Executive Order N-7-22, which reaffirms the State of Emergency proclaimed in October 2021 and orders that said proclamation and related proclamations “remain in full force and effect”; and

WHEREAS, paragraph 9 of Executive Order N-7-22 provides:

“9. To protect health, safety, and the environment during this drought emergency, a county, city, or other public agency shall not:

a. Approve a permit for a new groundwater well or for alteration of an existing well in a basin subject to the Sustainable Groundwater Management Act and classified as medium- or high-priority without first obtaining written verification from a Groundwater Sustainability Agency managing the basin or area of the basin where the well is proposed to be located that groundwater extraction by the proposed well would not be inconsistent with any sustainable groundwater management program established in any applicable Groundwater Sustainability

Plan adopted by that Groundwater Sustainability Agency and would not decrease the likelihood of achieving a sustainability goal for the basin covered by such a plan; or

b. Issue a permit for a new groundwater well or for alteration of an existing well without first determining that extraction of groundwater from the proposed well is (1) not likely to interfere with the production and functioning of existing nearby wells, and (2) not likely to cause subsidence that would adversely impact or damage nearby infrastructure. This paragraph shall not apply to permits for wells that will provide less than two acre-feet per year of groundwater for individual domestic users, or that will exclusively provide groundwater to public water supply systems as defined in section 116275 of the Health and Safety Code.”; and

WHEREAS, in light of the State of Emergency declared pursuant to Executive Order N-10-21 and reaffirmed in Executive Order N-7-22, and in light of the directives of paragraph 9 of Executive Order N-7-22, the Board of Directors of YSGA finds and determines that it is necessary and appropriate for YSGA to develop, adopt and implement procedures for compliance with paragraph 9 of Executive Order N-10-21, as set forth in this Resolution.

NOW, THEREFORE, BE IT RESOLVED:

1. The Executive Officer and his or her designee (“Executive Officer”), of YSGA is hereby delegated full authority to develop, adopt and implement written procedures (hereinafter “Well Permit Procedures”) for YSGA compliance with paragraph 9 of Executive Order N-10-21. The Well Permit Procedures shall be consistent with the terms and conditions of this Resolution.
2. The Executive Officer of YSGA shall report in writing to the YSGA Board of Directors on a monthly basis regarding all activities and actions undertaken pursuant to the Well Permit Procedures.
3. The Well Permit Procedures and the delegation of authority contained in this Resolution shall remain in full force and effect until termination of the drought emergency described in Executive Orders N-10-21 and N-7-22.
4. In the event of any modification of paragraph 9 of Executive Order N-7-22, the YSGA Board of Directors shall consider whether modification of this Resolution or the Well Permit Procedures is warranted.
5. With respect to any request or application for alteration or replacement of an existing groundwater well within the Subbasin, for which no increase in total groundwater pumping by the altered or replaced well is contemplated, the Executive Officer, and his or her designee, shall expedite review of such request or application and shall apply a rebuttable presumption that (i) groundwater extraction by the proposed altered or replaced well would be consistent with the sustainable groundwater management program established in the YSGA Groundwater Sustainability Plan for the Subbasin; and (ii) groundwater extraction by the proposed altered or replaced well would not decrease the likelihood of achieving a sustainability goal for the Subbasin. The Executive Officer shall review all relevant evidence submitted by any interested party in connection with the request or application and shall determine whether the evidence presented is

sufficient to overcome the rebuttable presumption set forth in this paragraph 5. The Executive Officer shall then determine, based on all evidence submitted, whether the written verifications contemplated in paragraph 9.a of Executive Order N-7-22 will be made by YSGA and shall communicate such determination, in writing, promptly to the County of Yolo.

6. With respect to any request or application to approve a permit for a new groundwater well or for alteration of an existing well, in which an increase in total groundwater pumping by the altered or replaced well is contemplated, the Executive Officer shall make a preliminary determination as to whether (i) groundwater extraction by the proposed well would be inconsistent with the sustainable groundwater management program established in the Yolo Subbasin Groundwater Sustainability Plan for the Subbasin; or (ii) that groundwater extraction by the proposed well would decrease the likelihood of achieving a sustainability goal for the Subbasin. If the Executive Officer's preliminary determination is to answer either item (i) or (ii) in the affirmative, the Executive Officer shall immediately contact the County requesting additional data and information and provide the applicant with an opportunity to submit additional supporting documentation for the purpose of demonstrating that the well would address the preliminary determination stated above (i) and (ii). If additional information is submitted, the Executive Officer shall consider it fully and fairly. The Executive Officer shall then determine, based on all evidence submitted, whether the written verifications contemplated in paragraph 9.a of Executive Order N-7-22 will be made by YSGA and shall communicate such determination, in writing, promptly to the County of Yolo; *provided* that if the Executive Officer determines that (i) groundwater extraction by the proposed well would be inconsistent with the sustainable groundwater management program established in the Yolo Subbasin Groundwater Sustainability Plan for the Subbasin; or (ii) groundwater extraction by the proposed well would decrease the likelihood of achieving a sustainability goal for the Subbasin, the Executive Officer shall convene a meeting of the YSGA Ad Hoc Drought Contingency Planning Committee ("Drought Committee") to review the Executive Officer's determination and, if appropriate, recommend additional analyses to be completed by the applicant. The Drought Committee shall have full and final authority to determine the nature and scope of any additional analyses to be completed by the applicant.

7. The determinations made by the Executive Officer in accordance with paragraphs 5 and 6 of this Resolution shall be final for all purposes.

8. The Board of Directors of YSGA hereby finds that the adoption of this Resolution and the implementation of the Well Permit Procedures are exempt from the California Environmental Quality Act ("CEQA") under CEQA Guidelines sections 15261(a) and 15301 as a part of an ongoing pre-CEQA project and the continued operation of existing facilities. Furthermore, the Program is exempt under Water Code Section 1729 and as emergency projects under Public Resources Code Sections 21080(b)(3) and 21080(b)(4) and CEQA Guidelines Section 15269(c). The Executive Officer is authorized and directed to prepare and process an appropriate Notice of Exemption.

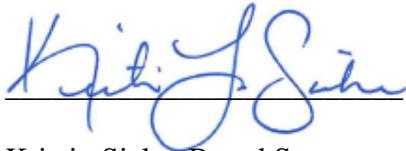
Certification of Secretary

The undersigned hereby certifies that the foregoing resolution was duly adopted by the Board of Directors of YSGA at a special meeting held on May 6, 2022, by the following vote:

AYES (15): City of Davis, City of West Sacramento, Dunnigan Water District, Madison CSD, RD 108, RD 307, RD 537, RD 730, RD 787, RD 999, Yocha Dehe Wintun Nation, Yolo County, YCFC&WCD, Cal Am Water – Dunnigan, Yolo County Farm Bureau

NOES (1): Esparto CSD

ABSENT (10): City of Winters, City of Woodland, RD 150, RD 765, RD 1600, RD 2035, Rumsey Water Users Association, UC Davis, Colusa Drain MWC, and Environmental Representative – Ann Brice



Kristin Sicke, Board Secretary

Dated: May 6, 2022