

Yolo Subbasin Groundwater Agency SPECIAL Board of Directors Meeting Agenda

Friday, May 6, 2022 11:00 a.m. to 12:00 a.m. 34274 State Highway 16, Woodland, CA 95695

NOTE: This meeting is being agendized to allow Board Members, staff, and the public to participate in the meeting via teleconference, pursuant to <u>AB 361 (Government Code section 54953(e))</u>.

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NOTICE TO PUBLIC

Public documents relating to any open session item listed on this agenda that are distributed to all or most of the members of the Board of Directors less than 72 hours before the meeting are available for public inspection in the customer service area of the Yolo Subbasin Groundwater Agency's Administrative Office at 34274 State Highway 16, Woodland 95695. The full agenda packet can also be found on <u>www.yologroundwater.org</u>.

In compliance with the Americans with Disability Act, if you have a disability and need a disability-related modification or accommodation to participate in this meeting please contact YSGA office at (530) 662-3211. Requests must be made as early as possible, and at least one full business day before the start of the meeting.

All items on the agenda will be open for the public comment before final action is taken. Speakers are requested to restrict comments to the item as it appears on the agenda and stay within a three-minute time limit. The Chair has the discretion of limiting the total time for an item. Comments may also be submitted via email to info@yolosga.org prior to the meeting or via teleconference chat during the meeting.

11:00 1. CALL TO ORDER AND DETERMINATION OF QUORUM

11:05 2. <u>CONSIDERATION: RE-AUTHORIZE TELECONFERENCE MEETINGS AS A</u> <u>RESULT OF THE COVID-19 EMERGENCY</u>, page 3

11:07 3. PUBLIC FORUM – The Public may address the Yolo Subbasin Groundwater Agency Board of Directors on any item of interest not appearing on the agenda that is within the subject matter of the YSGA.

11:12 4. CONSIDERATION: CONSENT ITEM

a. Approve April 6, 2022 Special YSGA Board of Directors Meeting Minutes, pages 4-8

- 11:15 5. <u>CONSIDERATION: ADOPT RESOLUTION NO. 22-01</u> An Emergency Resolution Establishing Yolo Subbasin Groundwater Agency's Procedures for Compliance with Executive Order N-7-22 Paragraph 9 Regarding Groundwater Well Permits, page 9-14
- 11:58 6. NEXT MEETING Regular Board Meeting on Monday, June 20, 2022

12:00 7. ADJOURNMENT

Consideration of items not on the posted agenda includes items in the following categories: 1) majority determination that an emergency (as defined by the Brown Act) exists; or 2) a 4/5ths determination that the need to take action arose subsequent to posting of the agenda. I declare under penalty of perjury that the foregoing agenda was posted by May 4, 2022 and made available to the public during normal business hours at the following location: YSGA's office at 34274 State Highway 16, Woodland 95695.

Kristin Sicke, Executive Officer

Yolo Subbasin Groundwater Agency Board of Directors Meeting Agenda Report

MEETING DATE: May 6, 2022

AGENDA ITEM NO. 2

<u>SUBJECT</u>: Consideration: Re-Authorize Teleconference Meetings as a Result of the COVID-19 Emergency

INITIATED OR [] BOARD REQUESTED BY: [X] STAFF [] OTHER [] INFORMATION [X] ACTION: [X] MOTION [] RESOLUTION

ATTACHMENT [] YES [X] NO

BACKGROUND

The Yolo County Health Officer has recommended that local government boards, commissions, and councils continue to meet remotely given the continued threat of COVID-19. Assembly Bill 361 passed in September, which allows virtual board meetings to continue until January 1, 2024.

In order to meet remotely, government agencies must make findings every 30 days that the existing state of emergency continues to directly impact the ability of the members to meet in person, or state officials continue to impose or recommend measures to promote social distancing.

RECOMMENDATION

Staff recommend that the Board 1) find that, as a result of the COVID-19 emergency, meeting in person would present imminent risks to the health and safety of attendees, and 2) hold meetings by teleconference as authorized by subdivision (e)(1)(C) of Section 54953 of the Government Code.

Yolo Subbasin Groundwater Agency Board of Directors Meeting Agenda Report

MEETING DATE: May 6, 2022

AGENDA ITEM NO. 4

<u>SUBJECT</u>: Consideration: Consent Items

INITIATED OR [] BOARD REQUESTED BY: [X] STAFF [] OTHER _____ [] INFORMATION [X] ACTION: [X] MOTION [] RESOLUTION

ATTACHMENT [X] YES [] NO

BACKGROUND

a. Approve the April 6, 2022 Special YSGA Board of Directors Meeting Minutes Pursuant to Section 54957.5 of the Brown Act, copies of the draft minutes are available to the public at the Board meetings prior to their approval.

RECOMMENDATION

a. Recommend adoption of April 6, 2022 Special Board meeting minutes with any corrections.



Yolo Subbasin Groundwater Agency SPECIAL Board of Directors Meeting Minutes

> Wednesday, April 6, 2022 2:00 p.m. to 3:00 p.m. Meeting held via GoToMeeting 34274 State Highway 16, Woodland, CA 95695

 CALL TO ORDER and DETERMINATION OF QUORUM: Meeting called to order at 2:01 p.m. by Roger Cornwell, Chair. Executive Officer Sicke conducted a roll call and determined a quorum was present.

The following Board members and (alternates) were in attendance: City of Davis: Josh Chapman City of Winters: Jesse Loren City of Woodland: Mayra Vega Dunnigan Water District: David Schaad, (Bill Vanderwaal (Item 3-end)) Esparto CSD: Charles Schaupp Madison CSD: Leo Refsland Reclamation District (RD) 108: (Bill Vanderwaal) RD 150: Warren Bogle RD 307: James Johas RD 537: Tom Ramos RD 730: Jim Heidrick RD 765: David Dickson, Jr. RD 787: Roger Cornwell, Board Chair RD 1600: Michele Clark RD 2035: (Mike Hall) Rumsey Water Users Association: Ken Muller Yocha Dehe Wintun Nation: Marc Fawns Yolo County: Gary Sandy Yolo County Flood Control & Water Conservation District: Tom Barth, (Kristin Sicke) University of California, Davis: Camille Kirk Cal Am Water – Dunnigan: Evan Jacobs (Item 3-end) Colusa Drain Mutual Water Company (MWC): Lynnel Pollock Yolo County Farm Bureau: Denise Sagara Environmental Representative: Ann Brice

Absent: City of West Sacramento, RD 307, RD 999

2. PUBLIC FORUM: No comment.

3. PRESENTATION: Review and Discussion of Item #9 of Governor Newsom's Executive Order N-7-22

Executive Officer Sicke provided an overview of item 9 of Executive Order N-7-22 (E.O. N-7-22) and a potential framework for permit review by the YSGA in compliance with E.O. N-7-22. Outstanding questions exist around the applicability of the Order to well alterations and replacements. Board requested the geographic locations of permits under consideration. There are currently 22 well permit applications in the queue. There was general recognition that the Board of Directors would provide feedback today for a more thorough resolution in the coming weeks. General consensus that replacements and modifications with no increase in water consumption should be expedited in the process.

4. CONSIDERATION: Adoption of a Process for Providing Written Verification to Yolo County's Division of Environmental Health to Approve Well Permits

The Board of Directors reached consensus that a temporary emergency authorization granted to Executive Officer Sicke would be appropriate considering the urgent nature of some permit applications and the need to develop a careful and thoughtful review process. The Board of Directors would then adopt a resolution codifying a review process before the expiration of Executive Officer Sicke's 30-day, limited authorization. The Executive Officer will reconvene the Board with additional information in the next month.

Action: Authorize the Executive Officer for 30 days to consult with the County in their well permitting program, including, but not limited to, providing written verification on behalf of the YSGA for actions related to Paragraph 9 of the Governor's Drought E.O. N-7-22 pending further action by the Board. Motion: YCFC&WCD (Barth) Second: Madison CSD (Refsland) Vote: Approved unanimously (roll call attached)

5. NEXT MEETING – Executive Officer Sicke will send out an email to schedule the next special YSGA Board of Directors meeting.

6. ADJOURNMENT – Chair Cornwell adjourned the meeting at 3:07 p.m.

Respectfully submitted,

Kristin Sicke, Executive Officer

	Agency	Name	Board/ Alternate	ATTENDANCE	VOTE - ITEM 4
1	City of Davis	Josh Chapman	Board	Х	Aye
		Will Arnold	Alternate		
2	City of West Sacramento	Dawnté Early	Board	Absent	Absent
		Chris Ledesma	Alternate		
3	City of Winters	Jesse Loren	Board	X	Absent
		Kurt Balasek	Alternate		
		Wade Cowan	Alternate		
4	City of Woodland	Mayra Vega	Board	X	Aye
		Tania Garcia-Cadena	Alternate		
5	Dunnigan Water District	David Schaad	Board	X	Aye
		Bill Vanderwaal	Alternate		
6	Esparto CSD	Charles Schaupp	Board	X	Aye
		Manuel Quintana	Alternate		
7	Madison CSD	Leo Refsland	Board	X	Aye
8	RD 108	Hilary Reinhard	Board		
		Bill Vanderwaal	Alternate	X (Item 3-end)	Aye
9	RD 150	Warren Bogle	Board	X	Aye
10	RD 307	James Johas	Board	Absent	Absent
		Karen Chesnut	Alternate		
11	RD 537	Tom Ramos	Board	X	Aye
12	RD 730	Jim Heidrick	Board	X	Aye
13	RD 765	David Dickson, Jr.	Board	X	Aye
		Doug Dickson, Sr.	Alternate		
14	RD 787	Roger Cornwell	Board	X	Aye
		Dominic Bruno	Alternate		
15	RD 999	Tom Slater	Board	Absent	Absent
16	RD 1600	Michele Clark	Board	X	Aye
17	RD 2035	Kryiakos Tsakopoulos	Board		
		Mike Hall	Alternate	X	Aye
18	Rumsey Water Users Association	Ken Muller	Board	X	Aye
19	Yocha Dehe Wintun Nation	Marc Fawns	Board	X	Aye
20	Yolo County	Gary Sandy	Board	X	Aye
		Jim Provenza	Alternate		
21	YCFC&WCD	Tom Barth	Board	X	Aye
		Kristin Sicke	Alternate	X	
22	UC Davis	Camille Kirk	Board	X	Aye
23	Cal Am Water -Dunnigan	Evan Jacobs	Board	X (Item 3-end)	Aye
		Audie Foster	Alternate		
24	Colusa Drain MWC	Lynnel Pollock	Board	X	Aye
		Jim Wallace	Alternate		
25	Yolo County Farm Bureau	Stan Lester	Board		
	·	Denise Sagara	Alternate	X	Aye
26	Environmental Rep.	Ann Brice	Board	X	X

Agency	Name	Attendance
OTHER YSGA STAFF:		
Executive Officer	Kristin Sicke	X
Legal Counsel, Downey Brand	l Kevin O'Brien	X
YSGA Water Resources Tech		X
YSGA Water Resources Tech	Jack Cronin	X
GEI Consultants	Larry Rodriguez	-
PUBLIC AND AGENCY STA		
City of Winters	Kathleen Trepa	X
City of Woodland	Matt Cohen	X
City of West Sacramento	William Roberts	X
Yolo County DEH	Jianmin Huang	X
	Nick Edsall	X
	Lee Smith	X
	Carol Scianna	X
	Matt Hermle	X
	Greg Plucker	X
Yolo RCD	Jeanette Wrysinski	X
	Prabhjit Hanjrah	Х
	Tom Hermle	X
	Jeff Gerken	X
	Geoff Klein	X
	Taryn Ravazzini	X
	Jim Mayer	X
	Joel N	X
City of Winters	Kristine DeGuerre	X
	Staci	X
Yolo RCD	Kate Reza	X
	Rod Scheaffer	X
	Grant Davids	X
	Matt Frank	X
	Sheila Allen	X
	Linda Bell	X
	Garrett Driver	X
City of Woodland	Craig Locke	X
	Nicholas Edsall	X
	Leta Spencer	X
	Shane	X
	Ricardo Amon	X
	Jim Wallace	X
	Hardeep Singh	X
Yolo County Farm Bureau	Nancy Lea	X

Yolo Subbasin Groundwater Agency Board of Directors Meeting Agenda Report

MEETING DATE: May 6, 2022

<u>SUBJECT</u>: Consideration: Adopt Resolution No. 22-01

INITIATED OR [] BOARD REQUESTED BY: [X] STAFF [] OTHER [] INFORMATION [X] ACTION: [] MOTION [X] RESOLUTION

ATTACHMENT [X] YES [] NO

BACKGROUND

On March 28, 2022, Governor Gavin Newsom issued an Executive Order (E.O. N-7-22) asking Californians to limit summertime water use and directing the State Water Resources Control Board to adopt emergency regulations for urban water suppliers. The order also includes provisions to create a multi-year water transfer pilot project, ensure vulnerable communities have drinking water, advance groundwater recharge projects, protect vulnerable fish and wildlife, prevent illegal water diversions, and identify new proposals to support investments in short- and long-term drought resilience.

Of direct significance to the Yolo Subbasin Groundwater Agency are the items for safeguarding groundwater supplies (Items 9-13), which include activities related to 1) well permitting coordination; 2) expedited regulatory processes for ensuring groundwater sustainability for household, small community, or public supply wells; 3) groundwater recharge project collaboration; and 4) streamlined state permitting for groundwater recharge project implementation. For discussion at this special meeting is Item 9 related to well permitting, which is stated as follows:

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 highpriority 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

AGENDA ITEM NO. 5

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.

At the April 6, 2022 Special YSGA Board of Directors meeting, staff presented on E.O. N-7-22, along with relevant meetings taken place to discuss the change and plan for a revised procedure as part of the County of Yolo's Division of Environmental Health permitting process. YSGA Board of Directors voted to "authorize the Executive Officer for 30 days to consult with the County in their well permitting program, including, but not limited to, providing written verification on behalf of the YSGA for actions related to Paragraph 9 of the Governor's Drought E.O. N-7-22 pending further action by the Board."

On April 13, 20, and 29, 2022, the YSGA *ad hoc Drought Contingency Planning Committee (Committee)* met to evaluate YSGA staff's recommendation for the well permitting procedures and to review the draft resolution for formalizing YSGA's written verification process. The *Committee* is recommending the YSGA Board of Directors adopt Resolution 22-01 establishing the YSGA's procedures for compliance with E.O. N-7-22 Paragraph 9 regarding groundwater well permits.

YSGA staff will provide a report on all meetings that took place in April 2022 and will provide an update on the proposed well permitting procedures before requesting the Board of Directors to consider adopting Resolution 22-01.

RECOMMENDATION

Adopt Resolution 22-01 establishing the Yolo Subbasin Groundwater Agency's procedures for compliance with Executive Order N-7-22 paragraph 9 regarding groundwater well permits.

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 highpriority 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 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 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 ___, 2022, by the following vote:

AYES: Directors _____

NOES: Directors

Secretary

Dated: