

Yolo Subbasin Groundwater Agency Well Permit Review Procedures

Adopted March 18, 2024

Executive Orders N-7-22 and N-3-23 (EOs) require that, before a well permitting authority may issue a permit for certain new or modified wells, it must receive a written verification from the Groundwater Sustainability Agency (GSA) that:

- The groundwater extraction from the proposed well “would not be inconsistent with any sustainable groundwater management program established in the Groundwater Sustainability Plan” for that area; and
- The groundwater extraction by the proposed well “would not decrease the likelihood of achieving a sustainability goal for the basin”.

YSGA is not a well-permitting authority but is the GSA for its boundaries. Consistent with Resolution 23-01, this Policy establishes YSGA’s standards and processes for the issuance of verifications under the Executive Orders.

A. Application of Procedures

These procedures govern YSGA’s issuance of GSA verifications under the section 4(a) of the EOs. Domestic wells producing less than 2 acre-feet annually; wells that will exclusively provide groundwater to public water supply systems; and certain wells replacing facilities that had been acquired by eminent domain are exempt from under the EOs, and therefore not addressed in these Procedures. Verifications are based on the record before YSGA at the time of issuance, under the standards set forth in the EOs. They are not an endorsement of the current or future operating conditions of a given well; nor should the verification process impede or dictate the exercise of water rights within the subbasin. All wells, regardless of their verification status, may be subject to future enforcement or management actions under the GSP or other governing groundwater management regulations.

Exhibit A, *Delineation of Focus Areas Map and Guidelines and Evaluation Criteria for Hydrogeologist Reports to Address Executive Orders N-7-22 Paragraph 9 and N-3-23 Paragraph 4 through a Tiered Review Process*, is incorporated herein by reference and provides a technical overview of the standards governing the review of covered applications pursuant to these Procedures. The review process is intended to be iterative and collaborative; permit applicants are encouraged to contact the YSGA office with questions specific to their application or circumstances.

Finally, while every effort has been made to coordinate and streamline review within overlapping jurisdiction, YSGA is not a permit issuing authority and does not issue findings under Section 4(b). Applicants should refer to their relevant permitting agency for guidance related to those requirements, which are outside the scope of this document.

B. Focus Areas

YSGA has identified certain regions of the basin where, in the judgment of the agency, supplemental information should be submitted to support the EO Verification process. These regions are depicted in the attached Focus Area Map, which was adopted by the YSGA Board on November 18, 2023.

Inclusion in a “Focus Area” is not indicative of a particular region or well operation’s overall sustainability. Rather, the Focus Area Maps identify those sites in the Basin where local hydrogeology, data gaps, monitoring trends, or other considerations make it prudent for the agency to collect additional information from applicants prior to issuing a verification under the EOs.

The Focus Area Map is a standalone document intended to support YSGA in its efforts to sustainably manage the underlying groundwater basin. It may be adjusted from time to time by an action of the YSGA Board, following an opportunity for public comment and review of the proposed changes.

C. Review Procedures.

Upon receiving a well Permit Application from the County, YSGA staff shall conduct a preliminary review of the materials for completeness and to confirm the applicability of the EO. If the initial submittals are complete, YSGA staff will commence the review process. At all stages, if additional information is required to complete the review and verification process, the permit applicant will be notified directly.

1. Initial Review

In the initial review period, YSGA staff will review the Permit Application; any supplemental forms provided with the permit application; and existing YSGA records related to the representative monitoring well or other monitoring wells nearest to the proposed well location. Independent of these procedures, Yolo County’s well permitting process currently requires a Hydrogeologist Report for proposed new wells or alteration of existing wells within certain geographic and pumping capacities. Any report provided under this separate County requirement will be forwarded to YSGA for its review in issuing verifications under Section 4(a).

Verifications for wells or well alterations subject to the EO and located outside of designated Focus Areas will be issued promptly upon completion of the Initial Review. Applications situated within a Focus Area will proceed to Tier 1 Analysis, as described in further detail below.

2. Tier 1 Analysis

Well applications situated within a Focus Area will proceed to Tier 1 analysis as a matter of course; applications outside a Focus Area but otherwise flagged for further analysis during the Initial Review period will be notified by YSGA staff and provided an opportunity to complete the supplemental submittals required for Tier 1 analysis. These required materials are detailed in

the Technical Memorandum attached hereto as Exhibit A, and include supplemental information pertaining to property ownership, well location and description, and well design. YSGA staff will rely on these supporting materials to perform its initial Tier 1 analysis.

The evaluation criteria applicable to Tier 1 analyses set forth at Exhibit A, pages 10-13. Under these criteria, YSGA will prepare an initial assessments for:

- Anticipated impacts on groundwater levels at neighboring wells and groundwater storage.
- Anticipated conjunctive use.
- Anticipated impacts on nearby interconnected surface waters.
- Anticipated impacts on Total Dissolved Solids (TDS) concentrations in the target aquifer(s).
- Anticipated impacts to land subsidence.

If the triggering criteria identified in Exhibit A pages 13-16 are met, a Tier 2 analysis will be required.

3. *Tier 2 Analysis.*

In the event that a Tier 2 analysis is required, YSGA staff will directly notify the permit applicant. During the Tier 2 review process, permit applicants are responsible for engaging a PG or CHG licensed in California to prepare a Hydrogeologist's Report that complies with the requirements set forth by Exhibit A. Where the submitted report fails to comply with the requirements of Exhibit A, the applicant may be required to submit additional supporting information or address identified deficiencies prior to the YSGA proceeding with their final review.

In addition to the technical support criteria identified in Exhibit A, the Hydrogeologist's Report prepared under these Procedures must be signed by the PG or CHG and must include the following findings:

- The well or alteration to an existing well [*is/is not*] inconsistent with any sustainable management plan in the adopted YSGA GSP.
- The well or alteration to an existing well [*will/will not*] decrease the likelihood of achieving a sustainability goal for the basin.
- The well or alteration to an existing well [*will/will not*] interfere with the production and functioning of existing nearby wells.
- The well or alteration to an existing well [*will/will not*] cause subsidence that would adversely impact or damage nearby infrastructure.

YSGA will be entitled to rely on the accuracy of these and any other materials submitted by the permit applicant in issuing its required verifications. A permit applicant may petition the agency for a waiver from the Hydrogeologist Report requirements based on the unique circumstances surrounding that application. Requests for waivers will be presented to the Drought Contingency Planning Committee. A waiver from the Hydrogeologist's Report requirement only be granted

where, in the judgment of the agency, the preponderance of the evidence already before the agency supports the verification findings required by the EOs.

D. Verification Issuance.

The Permit Application together with its supplemental forms and materials; the Tier 1 analysis prepared by YSGA (if any); and the Hydrologists Report or other supplemental materials provided by the applicant under these Procedures will collectively form the record upon which YSGA will issue its verification under EO Section 4(a).

A verification will be issued where there is a reasonable basis in that record to support the agency's conclusion that the proposed well would not be inconsistent with the sustainable management plan for the Yolo GSP; and that proposed well would not decrease the likelihood of achieving a sustainability goal for the basin.

A verification will not be issued where, based on that record, the preponderance of the evidence shows that the proposed well:

- (a) Will result in an exceedance of the Minimum Thresholds identified in the GSP,
- (b) Will interfere with the production and functioning of existing nearby wells.
- (c) Will cause subsidence that would adversely impact or damage nearby critical infrastructure.

In all other cases, and in the absence of substantial evidence that the proposed well is otherwise inconsistent with the verification requirements of the EO, the verification will be forwarded to the well-permitting authority for consideration and processing.

In all cases, YSGA staff are empowered to issue a written verification based on the standards and processes provided herein. That verification may, but is not required to, include recommendations to the applicant and permit issuing authority intended to assist the well operator in continuing to operate in a manner that is not inconsistent with the GSP.

E. Reservation of Rights and Future Enforcement Actions.

Verifications issued under this Policy are intended to meet the procedural and substantive requirements of the EOs, based on the evidence before YSGA at the time of issuance. YSGA staff may refer any application to the Drought Contingency Planning Committee for further consideration and direction, consistent with the standards identified in this Policy.

Verifications issued under this policy are explicitly not a determination of underlying water rights; nor are they an affirmative declaration that a particular well's operations are sustainable now or under future conditions. YSGA reserves all rights to carry out appropriate enforcement and implementation of its groundwater sustainability programs within the basin as prescribed by the Sustainable Groundwater Management Act or other applicable laws and executive orders, including but not limited to actions involving facilities that have been the subject of verifications under these Procedures.