

RESOLUTION 2022-003

**A RESOLUTION OF THE NORTHERN DELTA GROUNDWATER SUSTAINABILITY AGENCY
ESTABLISHING PROCEDURES TO COMPLY WITH EXECUTIVE ORDER N-7-22 PARAGRAPH 9(a)
REGARDING GROUNDWATER WELL PERMITS IN THE SOUTH AMERICAN SUBBASIN**

WHEREAS, the Northern Delta Groundwater Sustainability Agency (“Agency”) is a Groundwater Sustainability Agency (“GSA”) formed to achieve the mandates of the Sustainable Groundwater Management Act (“SGMA”) within portions of the groundwater subbasins within the Agency’s service area;

WHEREAS, pursuant to SGMA, the Agency is a GSA for portions of the South American Subbasin of the Sacramento Valley Groundwater Basin, California Department of Water Resources Basin No. 5-021.65 (“Subbasin”), a high priority subbasin;

WHEREAS, pursuant to SGMA, the Agency has submitted a Groundwater Sustainability Plan (“GSP”) in January 2022;

WHEREAS, Section 3 of the GSP defines the Subbasin’s sustainability criteria and associated sustainable yield estimates, undesirable results, minimum thresholds and measurable objectives, and associated interim milestones; and also includes Appendix 3 - C Vulnerable Well Analysis, and Appendix 3 - D Groundwater Dependent Ecosystems.

WHEREAS, on October 19, 2021, pursuant to Executive Order N-10-21, Governor Newsom proclaimed a State of Emergency to exist statewide due to the ongoing drought;

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

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, given the ongoing drought emergency declared and reaffirmed by Executive Orders N-10-21 and N-7-22, and the provisions of Executive Order N-7-22, the Board of Directors for the Agency finds and determines that it is necessary and appropriate to develop, adopt and implement a procedure for compliance with paragraph 9(a) of Executive Order N-7-22, as set forth in this Resolution.

NOW THEREFORE, the Board of Directors of the Northern Delta Groundwater Sustainability Agency hereby resolves that:

1. The above findings are facts that are true and correct and incorporated by reference as though fully set forth herein.
2. The Administrator of the Agency is hereby delegated authority to implement and make minor modifications as necessary to the Well Application/Determination Form, attached hereto in compliance with Executive Order N-7-22 paragraph 9(a).
3. Should the proposed well be within the types of groundwater wells that this Resolution and the Well Application/Determination Form indicate are consistent with the GSP, the Administrator shall have authority to issue the required consistency determination.
4. Well applications covered by Executive Orders N-10-21 and N-7-22, but not falling within the categories deemed consistent with the GSP according to the Well Application/Determination Form, will be subject to review by the Agency in an individual process.
5. The Well Application/Determination Form 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 and the requirements of paragraph 9(a).
6. An application for a groundwater well consistency determination subject to the requirements of paragraph 9(a) of Executive Order N-7-22 and that are within the authority delegated to the Administrator, will be required to provide a \$250 application fee. The fee for applications that fall outside of the Administrator’s delegated authority shall be subject to a fee to be determined by the Board that will offset the Agency’s processing costs.

7. Staff are directed to take all actions necessary and proper to implement the provisions of this Resolution, including but not limited to coordinating with the other GSAs and the County, as appropriate, to ensure that the compliance with Executive Order N-7-22 paragraph 9(a).

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Northern Delta Groundwater Sustainability Agency on May 25, 2022, by the following vote:

AYES: 5

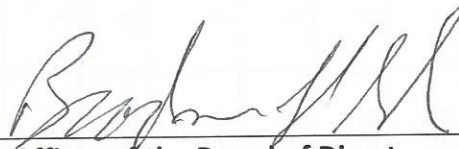
NOES: 0

ABSTAIN: 1

ABSENT: 1

DATED: 5/25/22

I hereby certify that I am an Officer of the Northern Delta Groundwater Sustainability Agency and that the foregoing resolution was duly adopted by the Board of Directors of said Agency at a regular meeting thereof duly held on May 25, 2022, at which meeting a quorum of said Board of Directors was at all times present and acting.



Officer of the Board of Directors