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County of Lassen
Department of Planning and Building Services

• Planning • Building • Environmental Health • Code Enforcement • Surveyor • Surface Mining

May 6, 2022

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TO: Lassen County Board of Supervisors (acting as the
 Groundwater Sustainability Agency for the portion
 of the Brig Valley Groundwater Basin in Lassen County)
 (Agenda Date: May 17, 2022)

Zoning & Building
 Inspection Requests
 Phone: 530 257-5263

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FROM: Maurice L. Anderson, Director

SUBJECT Delegate Authority to the Director of the Planning and Building Services to make
 findings required by The Governor's Drought Executive Order N-7-22. File
 1266.0

ACTION REQUESTED:

1. Receive report; and
2. Adopt resolution authorizing the Director of the Planning and Building Services
 Department to make findings required by Drought Executive Order N-7-22; and/or
3. Provide direction to staff.

Summary:

The above referenced item has been agendized to allow the Board of Supervisors (acting as the Groundwater Sustainability Agency for the portion of the Big Valley Groundwater Basin located in Lassen County) to provide direction to staff in regard to the attached Executive Order (Drought Executive Order N-7-22), issued by the Governor on March 28, 2022. In particular, staff seeks direction in regard to action 9 of said order, which reads as follows:

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

Board of Supervisors
Agenda Date (May 17, 2022)
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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.

It is recommended the Board of Supervisors adopt the attached resolution, authorizing the Director of the Planning and Building Services Department to make the above referenced findings required by Drought Executive Order N-7-22, based on the findings listed in said resolution.

MLAgfn
Enclosures

x:\pla\admin\files\1266\Board letter (drought executive order)

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF SUPERVISORS, COUNTY OF LASSEN, ACTING AS THE GROUNDWATER SUSTAINABILITY AGENCY FOR ALL THOSE PORTIONS OF THE BIG VALLEY GROUNDWATER BASIN LOCATED WITHIN LASSEN COUNTY, TO DELEGATE AUTHORITY TO MAKE FINDINGS REQUIRED BY THE GOVERNOR'S DROUGHT EXECUTIVE ORDER N-7-22.

WHEREAS, on December 15, 2021, the Lassen County Board of Supervisors and Modoc County Board of Supervisors, acting as Groundwater Sustainability Agencies for the Big Valley Groundwater Basin, adopted resolutions approving the Big Valley Groundwater Sustainability Plan (GSP) and authorizing GSA staff to submit said GSP to the California Department of Water Resources (DWR) by the January 31, 2022, deadline, per requirements of the Sustainable Groundwater Management Act (SGMA); and

WHEREAS, Drought Executive Order N-7-22, Action 9, requires certain findings to be made prior to issuance of certain well permits.

WHEREAS, the Board wishes to delegate authority to staff to make the findings required by the above referenced Executive Order.

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors, acting as the Lassen County Groundwater Sustainability Agency, hereby delegates authority to the Director of the Planning and Building Services Department to make the findings required by Drought Executive Order N-7-22. In regard to said required findings, the Board makes the following general findings:

1. The Big Valley Groundwater Basin Groundwater Sustainability Plan (GSP) demonstrates that the Big Valley Groundwater Basin is sustainable.
2. The Big Valley GSP does not establish any restrictions to groundwater extraction or require metering of any wells.

NOW, THEREFORE, BE IT FURTHER RESOLVED, in part, in drafting the findings required by Drought Executive Order N-7-22, the Director of Planning and Building Services should consider the following in addition to reviewing any known resources that might provide information regarding the proposed well, such as the resources in the Department of Water Resources Bulletin Titled "Drought Well Permitting Requirements: Drought Executive Order N-7-22", a copy of which is included in the May 17, 2022, Board packet:

- i. Is the proposed well a new or replacement well?
- ii. What is the proximity of other known wells?
- iii. Will the proposed well result in irrigation of agricultural land not previously irrigated?
- iv. What is the size of the proposed well?
- v. How much groundwater is likely to be used by the proposed well?

RESOLUTION NO. _____
 Page 2 of 2

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Lassen, State of California, on the 17th day of May, 2022, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

 Chairman of the Board of Supervisors
 County of Lassen, State of California

Attest:
 JULIE BUSTAMANTE
 Clerk of the Board

By: _____
 MICHELE YDERRAGA, Deputy Clerk of the Board

I, MICHELE YDERRAGA, Deputy Clerk of the Board of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing resolution was adopted by the said Board of Supervisors at a regular meeting thereof held on the 17th day of May, 2022.

 Deputy Clerk of the County of Lassen Board of Supervisors

x/pla/admin/files/1266/Board letter (drought executive order)

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-7-22

WHEREAS on April 12, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, I proclaimed states of emergency that continue today and exist across all the counties of California, due to extreme and expanding drought conditions; and

WHEREAS climate change continues to intensify the impacts of droughts on our communities, environment, and economy, and California is in a third consecutive year of dry conditions, resulting in continuing drought in all parts of the State; and

WHEREAS the 21st century to date has been characterized by record warmth and predominantly dry conditions, and the 2021 meteorological summer in California and the rest of the western United States was the hottest on record; and

WHEREAS since my October 19, 2021 Proclamation, early rains in October and December 2021 gave way to the driest January and February in recorded history for the watersheds that provide much of California's water supply; and

WHEREAS the ongoing drought will have significant, immediate impacts on communities with vulnerable water supplies, farms that rely on irrigation to grow food and fiber, and fish and wildlife that rely on stream flows and cool water; and

WHEREAS the two largest reservoirs of the Central Valley Project, which supplies water to farms and communities in the Central Valley and the Santa Clara Valley and provides critical cold-water habitat for salmon and other anadromous fish, have water storage levels that are approximately 1.1 million acre-feet below last year's low levels on this date; and

WHEREAS the record-breaking dry period in January and February and the absence of significant rains in March have required the Department of Water Resources to reduce anticipated deliveries from the State Water Project to 5 percent of requested supplies; and

WHEREAS delivery of water by bottle or truck is necessary to protect human safety and public health in those places where water supplies are disrupted; and

WHEREAS groundwater use accounts for 41 percent of the State's total water supply on an average annual basis but as much as 58 percent in a critically dry year, and approximately 85 percent of public water systems rely on groundwater as their primary supply; and

WHEREAS coordination between local entities that approve permits for new groundwater wells and local groundwater sustainability agencies is important to achieving sustainable levels of groundwater in critically overdrafted basins; and

WHEREAS the duration of the drought, especially following a multiyear drought that abated only five years ago, underscores the need for California to redouble near-, medium-, and long-term efforts to adapt its water management and delivery systems to a changing climate, shifting precipitation patterns, and water scarcity; and

WHEREAS the most consequential, immediate action Californians can take to extend available supplies is to voluntarily reduce their water use by 15 percent from their 2020 levels by implementing the commonsense measures identified in operative paragraph 1 of Executive Order N-10-21 (July 8, 2021); and

WHEREAS to protect public health and safety, it is critical the State take certain immediate actions without undue delay to prepare for and mitigate the effects of the drought conditions, and under Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Proclamation would prevent, hinder, or delay the mitigation of the effects of the drought conditions.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. The orders and provisions contained in my April 21, 2021, May 10, 2021, July 8, 2021, and October 19, 2021 Proclamations remain in full force and effect, except as modified by those Proclamations and herein. State agencies shall continue to implement all directions from those Proclamations and accelerate implementation where feasible.
2. To help the State achieve its conservation goals and ensure sufficient water for essential indoor and outdoor use, I call on all Californians to strive to limit summertime water use and to use water more efficiently indoors and out. The statewide Save Our Water conservation campaign at [SaveOurWater.com](https://www.SaveOurWater.com) provides simple ways for Californians to reduce water use in their everyday lives. Furthermore, I encourage Californians to understand and track the amount of water they use and measure their progress toward their conservation goals.
3. By May 25, 2022, the State Water Resources Control Board (Water Board) shall consider adopting emergency regulations that include all of the following:
 - a. A requirement that each urban water supplier, as defined in section 10617 of the Water Code, shall submit to the Department of Water Resources a preliminary annual water supply and demand assessment consistent with section 10632.1 of the Water Code no later than June 1, 2022, and submit a final annual water

supply and demand assessment to the Department of Water Resources no later than the deadline set by section 10632.1 of the Water Code;

- b. A requirement that each urban water supplier that has submitted a water shortage contingency plan to the Department of Water Resources implement, at a minimum, the shortage response actions adopted under section 10632 of the Water Code for a shortage level of up to twenty percent (Level 2), by a date to be set by the Water Board; and
- c. A requirement that each urban water supplier that has not submitted a water shortage contingency plan to the Department of Water Resources implement, at a minimum, shortage response actions established by the Water Board, which shall take into consideration model actions that the Department of Water Resources shall develop for urban water supplier water shortage contingency planning for Level 2, by a date to be set by the Water Board.

To further conserve water and improve drought resiliency if the drought lasts beyond this year, I encourage urban water suppliers to conserve more than required by the emergency regulations described in this paragraph and to voluntarily activate more stringent local requirements based on a shortage level of up to thirty percent (Level 3).

- 4. To promote water conservation, the Department of Water Resources shall consult with leaders in the commercial, industrial, and institutional sectors to develop strategies for improving water conservation, including direct technical assistance, financial assistance, and other approaches. By May 25, 2022, the Water Board shall consider adopting emergency regulations defining "non-functional turf" (that is, a definition of turf that is ornamental and not otherwise used for human recreation purposes such as school fields, sports fields, and parks) and banning irrigation of non-functional turf in the commercial, industrial, and institutional sectors except as it may be required to ensure the health of trees and other perennial non-turf plantings.
- 5. In order to maximize the efficient use of water and to preserve water supplies critical to human health and safety and the environment, Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are hereby suspended, with respect to the directives in paragraphs 3 and 4 of this Order and any other projects and activities for the purpose of water conservation to the extent necessary to address the impacts of the drought, and any permits necessary to carry out such projects or activities. Entities that desire to conduct activities under this suspension, other than the directives in paragraphs 3 and 4 of this Order, shall first request that the Secretary of the Natural Resources Agency make a determination that the proposed activities are eligible to be conducted under this suspension. The Secretary shall use sound discretion in applying this Executive Order to ensure that the suspension serves the purpose of accelerating conservation projects that are necessary to address impacts of the drought, while at the same time

protecting public health and the environment. The entities implementing these directives or conducting activities under this suspension shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.

6. To support voluntary approaches to improve fish habitat that would require change petitions under Water Code section 1707 and either Water Code sections 1425 through 1432 or Water Code sections 1725 through 1732, and where the primary purpose is to improve conditions for fish, the Water Board shall expeditiously consider petitions that add a fish and wildlife beneficial use or point of diversion and place of storage to improve conditions for anadromous fish. California Code of Regulations, title 23, section 1064, subdivisions (a)(1)(A)(i)-(ii) are suspended with respect to any petition that is subject to this paragraph.
7. To facilitate the hauling of water for domestic use by local communities and domestic water users threatened with the loss of water supply or degraded water quality resulting from drought, any ordinance, regulation, prohibition, policy, or requirement of any kind adopted by a public agency that prohibits the hauling of water out of the water's basin of origin or a public agency's jurisdiction is hereby suspended. The suspension authorized pursuant to this paragraph shall be limited to the hauling of water by truck or bottle to be used for human consumption, cooking, or sanitation in communities or residences threatened with the loss of affordable safe drinking water. Nothing in this paragraph limits any public health or safety requirement to ensure the safety of hauled water.
8. The Water Board shall expand inspections to determine whether illegal diversions or wasteful or unreasonable use of water are occurring and bring enforcement actions against illegal diverters and those engaging in the wasteful and unreasonable use of water. When access is not granted by a property owner, the Water Board may obtain an inspection warrant pursuant to the procedures set forth in Title 13 (commencing with section 1822.50) of Part 3 of the Code of Civil Procedure for the purposes of conducting an inspection pursuant to this directive.
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.

10. To address household or small community drinking water shortages dependent upon groundwater wells that have failed due to drought conditions, the Department of Water Resources shall work with other state agencies to investigate expedited regulatory pathways to modify, repair, or reconstruct failed household or small community or public supply wells, while recognizing the need to ensure the sustainability of such wells as provided for in paragraph 9.
11. State agencies shall collaborate with tribes and federal, regional, and local agencies on actions related to promoting groundwater recharge and increasing storage.
12. To help advance groundwater recharge projects, and to demonstrate the feasibility of projects that can use available high water flows to recharge local groundwater while minimizing flood risks, the Water Board and Regional Water Quality Control Boards shall prioritize water right permits, water quality certifications, waste discharge requirements, and conditional waivers of waste discharge requirements to accelerate approvals for projects that enhance the ability of a local or state agency to capture high precipitation events for local storage or recharge, consistent with water right priorities and protections for fish and wildlife. For the purposes of carrying out this paragraph, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division, and Chapter 3 (commencing with section 85225) of Part 3 of Division 35 of the Water Code and regulations adopted pursuant thereto are hereby suspended to the extent necessary to address the impacts of the drought. This suspension applies to (a) any actions taken by state agencies, (b) any actions taken by local agencies where the state agency with primary responsibility for the implementation of the directives concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b). The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.
13. With respect to recharge projects under either Flood-Managed Aquifer Recharge or the Department of Water Resources Sustainable

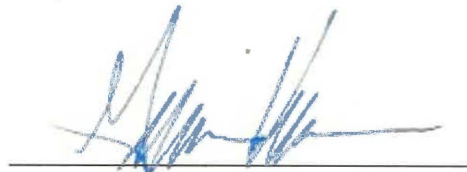
Groundwater Management Grant Program occurring on open and working lands to replenish and store water in groundwater basins that will help mitigate groundwater conditions impacted by drought, for any (a) actions taken by state agencies, (b) actions taken by a local agency where the Department of Water Resources concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b), Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are hereby suspended to the extent necessary to address the impacts of the drought. The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.

14. To increase resilience of state water supplies during prolonged drought conditions, the Department of Water Resources shall prepare for the potential creation and implementation of a multi-year transfer program pilot project for the purpose of acquiring water from willing partners and storing and conveying water to areas of need.
15. By April 15, 2022, state agencies shall submit to the Department of Finance for my consideration proposals to mitigate the worsening effects of severe drought, including emergency assistance to communities and households and others facing water shortages as a result of the drought, facilitation of groundwater recharge and wastewater recycling, improvements in water use efficiency, protection of fish and wildlife, mitigation of drought-related economic or water-supply disruption, and other potential investments to support short- and long-term drought response.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 28th day of March 2022.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, PH.D.
Secretary of State



Drought Well Permitting Requirements

Drought Executive Order N-7-22

On March 28, 2022 Governor Newsom issued Drought Executive Order N-7-22 that included new well permitting requirements for local agencies to prepare for and lessen the effects of drought conditions (Action 9).

Well Permitting Authority and

Groundwater Management Oversight

In California, regulatory authority over well construction, alteration, and destruction activities resides with local agencies (cities, counties, or water agencies), who have the authority to adopt a local well ordinance. Well permits are administered and enforced by local agencies (or local enforcing agencies, LEAs), often the Department of Environmental Health within a given county.

With the enactment of the Sustainable Groundwater Management Act (SGMA) in 2014, local public agencies – called groundwater sustainability agencies or GSAs – formed to provide specific oversight and management of groundwater resources, and to achieve sustainable groundwater management within 20 years through the development and implementation of groundwater sustainability plans (GSPs) and associated projects and management actions. The local GSAs are required to include in their GSPs a discussion of how they will coordinate these efforts with local land use authorities, including local well permitting agencies.

Drought Well Permitting Requirements

Local well ordinances authorize the conditions for agencies to issue a well permit or permit modification. Given the record drought conditions the state has faced over the last three years, Drought Executive Order N-7-22 requires additional actions be taken by local well permitting agencies prior to issuing a well permit.

Excerpt of Action 9 from Drought Executive Order N-7-22:

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.

For more information about the State's Drought Response and Assistance, please visit drought.ca.gov.

Local well permitting agencies retain existing well permitting authorities, including reviewing and administering well permits. Under the Executive Order Action 9, local well permitting agencies must take the following steps during the well permitting process for wells intending to extract groundwater:

1. Consultation with the GSA – If the proposed well would be in a high or medium priority groundwater basin, the well permitting agency must consult with the GSA and receive written verification from the GSA that the proposed well location is generally consistent (not inconsistent) with the applicable GSP and will not decrease the likelihood of achieving the sustainability goals that the GSAs have developed under SGMA.
2. Permit Evaluation – For every well permit application, the local well permitting agency must determine before issuing a well permit that extraction of groundwater from the proposed well is not likely to interfere with the production and functioning of existing nearby wells and is not likely to cause subsidence that would adversely impact or damage nearby infrastructure.

These requirements do not apply to wells that pump less than 2 acre-feet per year (de minimus users) and wells that exclusively provide groundwater to public water supply systems as defined in section 116275 of the Health and Safety Code.

State Resources Available to Local Agencies

The California Department of Water Resources (DWR) provides technical and other support services to local agencies to support decision-making. The following resources are available to help local agencies navigate the well permitting requirements in this Drought Executive Order:

- To find the **groundwater basins subject to SGMA** and classified as medium or high priority: [Basin Prioritization Dashboard](#)
- To find the **Groundwater Sustainability Agency** managing the applicable basin or area of the basin: [GSA Map Viewer](#)
- To find the **Groundwater Sustainability Plan** adopted by the local Groundwater Sustainability Agency: [GSP Map Viewer](#)
- To view **existing nearby wells** (domestic, irrigation, public supply and reported dry wells): [California's Groundwater Live – Well Infrastructure](#)
- To view **groundwater levels and trends**: [California's Groundwater Live – Groundwater Levels](#)
- To view **subsidence data** and nearby infrastructure: [California's Groundwater Live – Subsidence Data](#)

For more information or questions, please contact DWR's Sustainable Groundwater Management Office at: SGMPS@water.ca.gov.

For more information about the State's Drought Response and Assistance, please visit drought.ca.gov.