

## **Julie Dachtler**

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**From:** linda bell <v1o@omsoft.com>  
**Sent:** Monday, July 10, 2023 9:39 AM  
**To:** Clerkoftheboard  
**Subject:** Comments for July 11th Board of Supervisors meeting

Good Morning,

I have included 2 sets of comments for the Board. One is a set of comments originally sent to the June 19th YSGA Board Meeting and the second was written for your July 11th Board meeting.

Thank you very much for the chance to present these comments.

Sincerely Yours,

Linda Bell

### **Comments on the Review of Permit Applications**

When Governor Newsom presented his Executive Order N-7-22 (EO), he created an urgency that could be seen as good because it stated that a permit process must go through a two-part review by the permitting agency and the GSA for the Basin in which the well would be drilled; but the urgency could also be seen as detrimental to a critical evaluation of the permit by each agency. Assumptions generated by such an urgency can lead to flawed decisions.

Some of the issues that could flaw these decisions are the following:

#### **Clash of Time Tables**

The timing of the EO clashes with the timing of DWR's GSP Review Process.

At this point in time the Yolo Subbasin 2022 GSP is in its initial DWR Review.....and this review has not been completed.

DWR's initial evaluation can take up to 2 years before it issues a written assessment. This assessment may be an Approval, but if the Plan is deemed Incomplete..... it will be returned with a list of the deficiencies that must be addressed before the Plan can go through a second review.

There is no specific statutory timeline for DWR to complete its review of an Agency's revisions to an incomplete determination.

Until the Yolo GSP has completed its initial review, and any possible revisions necessary to obtain an Approval; the Plan cannot be considered as substantially complying with GSP regulations, nor satisfying the objectives of SGMA.

This means it cannot be used as the basis for a substantial appraisal of the impacts of proposed well permits on present, or future, groundwater resource sustainability.

#### **Expedited Review**

In response to the EO, the YSGA wrote, and adopted Resolution No. 22-01, and the YCEH had a Technical Memorandum prepared which is posted on their website as their Temporary Well permitting Procedures. YCEH's Technical Memorandum incorporates paragraph 5 of Resolution No. 22-01.

Both of the documents propose that permits for the replacement or minor alterations of an Existing well...which is seen as continuing extraction levels consistent with the existing well's previous operations.....will not have detrimental effects on 1) the sustainability of the subbasin groundwater or 2) the functioning of neighboring wells and the structure of surrounding soil substrates (subsidence).

This assumption of no detrimental effects....and the proposed review process..... can be seen in the wording of paragraph 5 of Resolution 22-01.:

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.

Since the Yolo GSP has still not been approved by DWR, the initiation of expedited reviews for Existing wells which are presumed to have no significant effect on present, or future, sustainability of the subbasin hydrogeology must be seen as problematic.

#### **When is an "existing" well, not an "existing" well**

The fact that the Water Budget Model for the 2022 Yolo GSP held constant the land use data from 2016 to 2018, means that any increase in agricultural land use and irrigation demand during this period is missing in the determination of the level of groundwater sustainability for the subbasin. The absence of the large influx in irrigation demand associated with deep wells for perennial crops between 2016 and 2018, coupled with the agricultural growth up to the present date (2023).....means that the wells drilled during the period from 2016 to 2023 are not included in the evaluation of extraction levels.

The fact that they were not included in this evaluation means that they now can not be counted as "existing" wells for which there is an understanding of their impacts on the sustainability of the subbasin or surrounding wells and substrates.

They are **NEW** wells.. Though the permit records of the YCEH may include them as "existing" wells their impacts must be evaluated before the YSGA can include them as part of a " .....groundwater extraction .....consistent with the sustainable groundwater management program established in the YSGA Groundwater Sustainability Plan for the Subbasin; and (ii) groundwater extraction..... [which] would not decrease the likelihood of achieving a sustainability goal for the Subbasin. (From previously quoted Resolution No. 22-01)

#### **Conclusion**

The fact that the 2022 Yolo GSP does not include data after 2016, and has not completed its initial DWR review..... means that its ability to correctly appraise the impacts of well permits is still not determined.

The fact that Resolution 22-01 inserts the use of a "rebuttable presumption" means that an "interested party" must bring a substantial level of evidence "... to overcome the rebuttable presumption...." and so possibly call for the reversal of a permit approval.

The fact that the “interested party” may not be aware of a new, or replacement well, until they view the drilling rigs on neighboring properties...is also an issue.

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### **Shifting Goals**

The hydrologic conditions of the western flank of the Yolo Subbasin need to be better understood in order to make wise groundwater and land use management decisions. It is hoped that with this understanding, land uses (and their associated permitting) will be shifted in a way that benefits the long-term health of the entire community that lives along this portion of the Yolo Subbasin.

### **Hydrologic mapping**

The baseline map on which the local SGMA Groundwater Basins, and Subbasins, were aligned comes from the Department of Water Resource’s Bulletin 118 (now called California’s Groundwater (CalGW)).

This map basically divides the State of California into 2 types of hydrologic regions: 1) Groundwater Basins defined by alluvium deposits on geologic maps and 2) Non-Basins which are often labeled Fractured Rock. This Non-Basin encircles the central California alluvium deposits. Hidden under this simplistic title of Non-Basin lies all the complex geology, hydrology and soils of the mountains and foothills of California.

The Yolo Subbasin’s western flank merges into this Non-Basin in the Capay Hills and Coast Range. It’s along this western flank that the two Areas of Special Concern - Hungry Hollow and the area of Winters - are found.

Though CalGW acknowledges that groundwater is found in these Non-Basin areas, the Department of Water Resource’s (DWR) is looking for hydrologic conditions that will provide predictable and high yielding aquifers. In the Non-Basin, groundwater is found within fractures and voids whose locations and connectivity are often limited and difficult to predict and characterize. This lack of predictability as to where wells should be located and how reliable their yields will be over time is a major concern.

The location of Hungry Hollow and Winters, coupled with their current trends of lowering water tables and dry wells, could be seen as an indication that these 2 areas are more akin to the Non-Basin than the Groundwater Basin. On page 2-146 of the August 2021 Yolo GSP, it states: “In the Central Yolo Management Area, 2 Areas of Special Concern have been identified. These Areas of Special Concern are areas where trends in groundwater levels differ from the rest of the subbasin.”

### **The Non-Basin/ Groundwater Source Area**

Though recent CalGW reports use the term Non-Basin, the 2002 Bulletin 118 refers to it as the “Groundwater Source Areas”. It states that:

“In this report, the term groundwater source area is used for rocks that are significant in terms of being a local groundwater source, but do not fit the category of basin or subbasin. ” ( pg 90).

The idea of the western flank of the Subbasin as a “Groundwater Source Area” meshes well with the Management Projects (projects 56-59) proposed by Capay Valley groups in the Yolo 2022 GSP. These projects emphasize watershed and habitat restoration and enlist such measures as improved grazing and farming practices. Projects such as these

could increase water infiltration, reduce erosion, improve water quality, ..... all improvements that could benefit the larger Subbasin.

Conversations are now going on between groups in Capay Valley and Hungry Hollow to extend these watershed improvement projects, and goals, to both sides of the Capay Hills. This could improve groundwater conditions in an area whose soils and geology do not respond as well to recharge management practices designed for more alluvial areas.

### **Conclusion**

A better understanding of the strengths and weaknesses of the hydrology of this western flank could lead to a shift in planning goals from further agricultural development to uses more amenable to watershed improvement. Such a shift could help restore groundwater resources in the Central Yolo Management Area.

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