

YOLO COUNTY AGREEMENT NO. 23-_____

(First Amendment to Agreement No. 4378 with Luhdorff & Scalmanini Consulting Engineers, relating to Well Permits)

THIS First Amendment to Agreement No. 4378 is made and entered into as of this 29th day of August, 2023, by and between the County of Yolo, a political subdivision of the State of California (“County”), and Luhdorff & Scalmanini Consulting Engineers, a California corporation (“Contractor”), who agree as follows.

WHEREAS, on or about June 27, 2022, the parties entered into an agreement for Contractor to develop well permitting procedures to address the requirements imposed by Governor Newsom’s Executive Order N-7-22 during the drought emergency; and

WHEREAS, Contractor completed the original Scope of Work for Agreement No. 4378 (“the Agreement”), but additional well permitting procedures imposed by Executive Order N-7-22 (now in Executive Order N-23-3) remain in place and additional concerns have been raised related to groundwater conditions in certain areas of the County that may require additional technical review for well permits; and

WHEREAS, the County may also need to consider updating the well permitting ordinance to address anticipated updates by the California Department of Water Resources to Bulletin 118; and

WHEREAS, the parties wish to amend the Agreement to expand the scope of work related to well permits, increase the maximum compensation, and extend its term.

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

1. Paragraph 1 of the Agreement, is hereby amended to add the following additional provision, as follows:

CONTRACTOR shall complete the additional professional services described in Exhibit B-1 attached hereto and herein by reference (“Additional Scope of Work”).

2. Exhibit B-1, attached hereto, is added as an exhibit to the Agreement.

3. Paragraph 2 of the Agreement is hereby amended as follows to extend the term of the Agreement:

The term of this Agreement shall expire on June 30, 2025 unless terminated earlier by either party. The Agreement may be terminated for any reason by either party at any time during its term, by giving 30 days' written notice to the other party.

4. Paragraph 4 of the Agreement is amended to increase the maximum compensation that may be paid to Contractor as follows:

Subject to CONTRACTOR’s satisfactory and complete performance of all the terms and conditions of the Agreement, and upon CONTRACTOR’s submission of an appropriate claim(s), COUNTY shall pay CONTRACTOR in accordance with the budget in Exhibit B-1 for the Additional Scope of Work, provided that in no event shall COUNTY pay CONTRACTOR more than a total amount of \$67,763 (“Maximum Compensation”) for all services provided by CONTRACTOR pursuant to the Agreement. The County’s Director of Environmental Health may approve modifications of the term, scheduling, billing rates, and allocation of funds between the tasks and subtasks (if any) set forth in Exhibit B-1 for the Additional Scope of Work, provided that there is no increase in the Maximum Compensation.

5. Except as specifically amended hereinabove, the Agreement shall remain in full force and effect according to its terms.

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment as of the day and year first written above.

CONTRACTOR:

COUNTY: YOLO

By: _____
Vicki Kretsinger Grabert
Chief Executive Officer

By: _____
Oscar E. Villegas, Chair
Yolo County Board of Supervisors

Attest:
Julie Dachtler, Senior Deputy Clerk
Board of Supervisors

By: _____
Deputy (Seal)

Approved As To Form:
Philip J. Pogledich, County Counsel

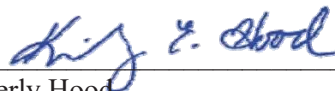
By:  _____
Kimberly Hood
Assistant County Counsel

Exhibit B-1

August 22, 2023
LSCE No. 22-1-085

Ms. April Meneghetti
Yolo County Department of Community Services
Environmental Health Division
292 W. Beamer Street
Woodland, CA 95695

**SUBJECT: PROPOSAL TO ASSIST YOLO COUNTY WITH DEVELOPMENT OF
ADDITIONAL WELL PERMITTING PROCEDURES**

Dear Ms. Meneghetti:

In response to your request, Luhdorff and Scalmanini Consulting Engineers (LSCE) is pleased to present the Yolo County Department of Community Services, Environmental Health Division (County) with this proposal and budget to assist the County with development of additional well permitting procedures with special consideration of concerns related to impacts to domestic well users from groundwater development occurring in parts of the County. LSCE previously provided technical support to the County in the development of well permitting procedures to address Item 9.b in California Governor Newsom's Executive Order N-7-22 (EO) issued on March 28, 2022¹. The intent of the previous support was to assist the County in establishing procedures and criteria for well permitting that will limit the need for project-specific hydrogeologic investigations to determine whether proposed wells meet the conditions stated in Item 9.b of the EO.

Item 9.b of the EO states that water well permitting entities shall not issue permits for new groundwater wells 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. To address Item 9.b, the County has implemented a process requiring minimum separation distances between wells to mitigate potential for mutual well interference. Item 9.a of the EO states that water well permitting entities shall not issue well permits in groundwater basins subject to the Sustainable Groundwater Management Act (SGMA) without receiving written verification from the appropriate Groundwater Sustainability Agency (GSA) that groundwater extraction by the proposed well is not inconsistent with the applicable Groundwater Sustainability Plan (GSP). The County's recently modified well permitting process involves coordination with local GSAs in addressing Item 9.a of the EO for subbasins in the County that are subject to SGMA. There is little or no potential for significant land subsidence in areas of the County outside of groundwater subbasins subject to SGMA and the GSPs developed for the subbasins in the County address land

¹EO N-7-22 was replaced with EO N-3-23 on February 13, 2023, although all key elements of Item 9.b of the original EO (N-7-22) were unchanged and are still in effect under the new EO (N-3-23).

subsidence impacts. Therefore, the County's responsibility to consider land subsidence impacts to address Item 9.b is addressed through the local GSAs' verification of consistency with the respective GSP.

Yolo County is interested in exploring additional well permitting review measures to address stakeholder concerns related to recent impacts of groundwater extraction on domestic well users in parts of the County. This scope of work is for providing technical assistance to the County in considering potential additional well permitting process options, coordinating with local GSAs and other entities involved in water management in the County, and developing a modified well permit review process and any associated information needed to complete the modified review process.

Scope of Work

The proposed scope of work consists of the following tasks to assist the County.

- Task 1: Outline Potential Options for Modified Well Permitting Approach(es)
- Task 2: Coordinate with Local Stakeholder and Water Management Entities
- Task 3: Develop Modified Well Permitting Review Process for Selected Option
- Task 4: Establish Criteria or Triggers Related to Implementation of Modified Well Permitting Review Process
- Task 5 (Optional): Update County's Well Ordinance
- Task 6: Additional As-Needed Support

Each of the tasks are discussed below.

Task 1. Outline Potential Options for Modified Well Permitting Approach(es)

This task will involve reviewing well permitting approaches being applied by other nearby counties in the Sacramento Valley, or elsewhere as available and appropriate, to address concerns of existing well owners. LSCE will conduct an initial review of the Yolo Subbasin GSP and local groundwater conditions to evaluate applicability of different options within the County. This will also include preliminarily identifying potential benefits and challenges associated with different approaches, including consideration of the level of effort to implement different approaches and considerations related to CEQA requirements. As part of this task LSCE will assist the County in identifying top options for presentation to the County Board of Supervisors (BOS).

It is assumed that this task will involve up to two one-hour virtual meetings with County staff to discuss potential options and prepare for the BOS meeting in which options are presented. It also assumes key LSCE staff will be in attendance at one BOS meeting to respond to technical questions and in support of County staff presenting potential modified well permitting approach options for consideration (assumes no presentation by LSCE will be required).

Task 2. Coordinate with Local Stakeholder and Water Management Entities

Task 2 will involve coordinating with YSGA on sharing of data on groundwater conditions, hydrogeology, and well construction (e.g., locations, depth) and details of existing or proposed well permit review processes. This task will include reviewing current YSGA well permit review process and consideration of appropriate coordination between County and GSA well permitting processes.

As part of completion of this task, LSCE will prepare for and participate in meetings with local stakeholders and water management entities related to implementation of the preferred approach(es) identified by the County BOS. The scoping for this task assumes LSCE will be involved in up to two meetings or conference calls with YSGA, one meeting with Yolo County Farm Bureau, and one additional meeting with other groundwater stakeholders (as needed). Furthermore, the scope assumes all meetings are to be conducted virtually with a duration of one hour.

Task 3: Develop Modified Well Permitting Review Process for Selected Option

LSCE will provide support in developing and assembling technical information and preparing an updated Technical Memorandum (TM) to implement staff recommendation changes to the current temporary well permitting process, depending on the results of Task 1 for presentation to the County BOS on September 12, 2023. This task may involve adding additional temporary well permitting requirements for wells in certain areas of the County, such as screening requirements for agricultural wells. LSCE will provide further support in developing and assembling technical information depending on approach(es) or direction provided by the County BOS for further temporary measures and potential permanent modifications to the County's well permitting ordinance. Depending on the approach(es) selected, this task may include development of reference datasets with hydrogeological information or outlining key areas in the County where unique groundwater conditions or considerations exist.

Completion of this task will include participating in and preparing for meetings and discussions with County staff, as necessary, to discuss development of the modified well permitting approach(es). This task assumes up to three one-hour meetings with County staff will occur during development of the modified well permitting approach(es).

LSCE will prepare a TM describing the modified well permitting approach(es) and including any key datasets needed for County staff (or others) to complete steps required in the modified well permitting process. This task assumes LSCE will prepare a draft TM for County review and subsequently will complete a final TM addressing feedback from the County review of the draft TM. The TM will include a flowchart detailing steps in the modified well permitting process.

Task 4: Establish Criteria or Triggers Related to Implementation of Modified Well Permitting Review Process

LSCE will assist the County in identification and establishment of criteria and/or triggers related to implementation of the modified well permitting review process. This may include completed actions or hydrogeologic conditions that will trigger commencement of implementation of the modified well permitting process and may also include criteria related to conditions that will trigger the cessation or continuation of the modified well permitting process.

Task 5 (Optional): Update County's Well Ordinance

LSCE will provide assistance with drafting permanent changes to the County's Well Ordinance to reflect the needed changes due to the current EO N-3-23 being codified and updates of the State Well Standards currently underway by the Department of Water Resources through the Bulletin 74 update process. This task will be limited to Well Ordinance updates necessary to maintain consistency with modifications to the County's well permitting process developed through completion of other tasks described in this scope of work and any available updates to the State Well Standards.

Task 6: Additional As-Needed Support

LSCE will provide additional as-needed technical support, or use this task as a contingency (if needed) associated with completion of Tasks 1-5.

Budget

LSCE's estimated cost to complete the tasks described above is \$49,492.

Task	Task Description	Cost
1	Outline Potential Options for Modified Well Permitting Approach(es)	\$4,236
2	Coordinate with Local Stakeholder and Water Management Entities	\$8,412
3	Develop Modified Well Permitting Review Process for Selected Option	\$25,126
4	Establish Criteria or Triggers Related to Implementation of Modified Well Permitting Review Process	\$2,058
5 (Optional)	Update County's Well Ordinance	\$4,830
6	Additional As-Needed Support	\$4,830
Total		\$49,492

The estimated project cost includes all labor, materials, analysis, and direct expenses to complete the work. A breakdown of estimated costs by task, with estimated hours, staff classification, and billing rate, is included in the attached *Detailed Cost Estimate Table*. LSCE will complete the tasks described above according to the attached *2023 Schedule of Fees – Engineering and Field Services* and will bill monthly for labor and material charges as incurred. LSCE will not proceed with any work that deviates from the approved scope and budget unless approval to proceed is granted by the County.

Sincerely,

LUHDORFF AND SCALMANINI,
CONSULTING ENGINEERS



Nick Watterson, PG, CHG
Principal Hydrogeologist



Vicki Kretsinger Grabert
Senior Principal Hydrologist

Attachments:

Detailed Cost Estimate Table
2023 Schedule of Fees

Detailed Cost Estimate Table Groundwater Support Services — Yolo County

Task Description	Billing Rate (\$/hr)	Hours				Cost		
		Sr. Prin. Hydrol. \$247	Prin. Hydrogeol. \$236	Pjt. Hydrogeol. \$170	Staff Hydrogeol./Geol. \$155	LSCE	Outside Services ¹	Subtask
Task 1 – Outline Potential Options for Modified Well Permitting Approach								
	Review well permitting approaches being applied by other nearby counties in the Sacramento Valley, or elsewhere as available and appropriate, to address concerns of existing well owners. Conduct initial review of Yolo Subbasin GSP and local groundwater conditions to evaluate applicability of different options within the County. Identify benefits and challenges associated with different approaches. Discuss level of effort to implement different approaches and considerations related to CEQA requirements. Identify top options for presentation to County Board of Supervisors (BOS). Assumes up to two one-hour virtual meetings with County staff to discuss potential options and prepare for BOS meeting in which options are presented. Assumes attendance at one BOS in support of County staff (assumes no presentation by LSCE will be required).	4	8	8		\$4,236		\$4,236
Task Total								\$4,236
Task 2 – Coordinate with Local Stakeholder and Water Management Entities								
Task 2.1	Coordinate with YSGA on sharing of groundwater conditions, hydrogeology, well data, and details of existing or proposed well permit review process. Review current YSGA well permit review process and consider appropriate coordination with County well permitting processes.	2	4	4	4	\$2,738		\$2,738
Task 2.2	Prepare for and participate in meetings with local stakeholders and water management entities related to implementation of preferred approach(es) identified by BOS. Assumes up to two meetings or conference calls with YSGA, one meeting with Yolo County Farm Bureau, and one additional meeting with other groundwater stakeholders (as needed). All meetings are planned to be conducted virtually with a duration of one hour.	6	12	8		\$5,674		\$5,674
Task Total								\$8,412
Task 3 – Develop Modified Well Permitting Review Process for Selected Option								
Task 3.1	Provide support in developing and assembling technical information and describing the modified well permitting process steps in detail. Depending on the approach(es) selected, this task may include developing reference datasets with hydrogeologic information or outlining key areas in the County where unique groundwater conditions or considerations exist.	4	20	16	16	\$10,908		\$10,908
Task 3.2	Participate and prepare for meetings and discussions with County staff, as necessary, to discuss development of the modified well permitting approach. This task assumes up to three one-hour meetings with County staff will occur during development of the modified well permitting approach(es).	6	12		8	\$5,554		\$5,554
Task 3.3	Prepare technical memorandum describing modified well permitting approach and inclusion of any key datasets needed for completion of the modified well permitting process. This task assumes preparation of a draft TM for County review and completion of a final TM addressing feedback from the County review of the draft TM.	4	16	12	12	\$8,664		\$8,664
Task Total								\$25,126
Task 4 – Establish Criteria or Triggers Related to Implementation of Modified Well Permitting Review Process								
Task 4.1	Assist the County in identification and establishment of criteria and/or triggers related to implementation of the modified well permitting review process. This may include completed actions or hydrogeologic conditions that will trigger commencement of implementation of the modified well permitting process and may also include criteria related to conditions that will trigger the cessation of the modified well permitting process.	2	4		4	\$2,058		\$2,058
Task Total								\$2,058
Task 5 (Optional) – Update County's Well Ordinance								
Task 5.1	Provide assistance with drafting permanent changes to the County's current Well Ordinance to reflect the needed changes due to the current EO N-3-23 being codified and updates of the State Well Standards currently underway by the Department of Water Resources through the Bulletin 74 update process.	10	10			\$4,830		\$4,830
Task Total								\$4,830
Task 6 – Additional As-Needed Support								
Task 6.1	Provide additional as-needed technical support, or as contingency associated with completion of Tasks 1-5, if needed.	10	10			\$4,830		\$4,830
Task Total								\$4,830
Totals		48	96	48	44	\$49,492	\$0	\$49,492

1. Includes outside services fee of 15%.



500 FIRST STREET • WOODLAND, CA 95695

2023 SCHEDULE OF FEES

ENGINEERING AND RELATED FIELD SERVICES

Professional*

Senior Principal	\$247/hr.
Principal Professional.....	\$236/hr.
Supervising Professional	\$228/hr.
Senior Professional	\$190 to 210/hr.
Project Professional	\$165 to 175/hr.
Staff Professional	\$145 to 160/hr.

Technical

Engineering Inspector	\$145/hr.
ACAD DMS/GIS.....	\$145/hr.
Engineering Assistant.....	\$120 to 145/hr.
Scientist.....	\$120 to 145/hr.
Technician.....	\$120 to 145/hr.

Project Admin Support

Word Processing, Clerical.....	\$94/hr.
Digital Communications Specialist	\$105/hr.
Project Admin/Accounting Assistant	\$110/hr.

Vehicle Use	\$0.655/mi(or curr. IRS rate)
Subsistence	Cost Plus 15%
Groundwater Sampling Equipment (Includes Operator)	\$170.00/hr
Copies	\$0.20 ea.
Professional or Technical Testimony	200% of Regular Rates
Technical Overtime (if required)	150% of Regular Rates
Outside Services/Rentals	Cost Plus 15%
Services by Associate Firms	Cost Plus 15%

* Engineer, Geologist, Hydrogeologist, and Hydrologist