**Resolution No. \_\_\_\_\_\_\_\_**

**A Resolution of the Board of Supervisors of the County of Siskiyou,
State of California, Adopting the Siskiyou County Groundwater Well Application Process Guidelines 2024**

 **Whereas,** on August 29, 2018, the California Court of Appeal, Third Appellate District held that Siskiyou County has an obligation to consider the impact to public trust resources, whenever the County issues a permit for a new or existing groundwater well; and

 **Whereas,** on March 28, 2022, to protect health, safety, and the environment, Governor Gavin Newsom issued Executive Order N-7-22 to address the state’s ongoing drought conditions; and

 **Whereas,** under Executive Order N-7-22, the County shall not 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 (SGMA) and classified as a medium- or high-priority without first obtaining written verification from the local Groundwater Sustainability Agency (GSA) managing the basin that groundwater extraction by the proposed well would not be inconsistent with any applicable Groundwater Sustainability Plan adopted by the GSA and would not decrease the likelihood of achieving a sustainability goal for the basin covered by such a plan; and

**Whereas,** under Executive Order N-7-22, the County shall not issue a permit for a new groundwater well or alteration to 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 affect impact or damage nearby infrastructure; and

 **Whereas,** on February 13, 2023, Governor Gavin Newsom issued Executive Order N-3-23, which revised Paragraph 9 of EO N-7-22 to clarify that the groundwater well permit requirements of EO N-7-22 do not apply to permits for wells that are replacing existing, currently permitted wells with new wells that will produce an equivalent quantity of water as the well being replaced because it has been acquired by eminent domain or acquired while under threat of condemnation; and

 **Whereas,** on June 20, 2023, staff was directed by the Board of Supervisors to conduct public meetings with each of the local GSA’s and to develop groundwater well permitting application process guidelines; and

**Whereas,** on November 14, 2023, Environmental Health Division staff presented the draft Siskiyou County Groundwater Well Application Process Guidelines to the Board of Supervisors and received further direction from the Board to remove from the well permitting process the requirement for an indemnification agreement; and

 **Whereas,** the Siskiyou County Community Development Department, Environmental Health Division and the Siskiyou County Administrator’s Natural Resources Division have developed the Siskiyou County Groundwater Well Application Process Guidelines to be consistent with the County’s public trust obligations regarding well permitting and the requirements of Executive Orders N-7-22 and N-3-23; and

 **Whereas,** on May 21, 2024, Environmental Health Division staff brought back a revised draft Siskiyou County Groundwater Well Application Process Guidelines, based on feedback from the Board of Supervisors, for approval; and

 **Now, Therefore, Be It Resolved** the Board of Supervisors hereby resolves as follows:

1. The Board of Supervisors determines that the Siskiyou County Groundwater Well Application Process Guidelines 2024 are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15307 and 15061(b)(3) of the CEQA Guidelines.
2. The Siskiyou County Groundwater Well Application Process Guidelines 2024 are consistent with the County’s public trust doctrine obligations and Executive Orders N-7-22 and N-3-23.
3. The Siskiyou County Board of Supervisors do hereby adopt the Siskiyou County Groundwater Well Application Process Guidelines 2024 attached as Exhibit A of this Resolution attached and incorporated herein.

Passed and Adopted this \_\_\_ day of \_\_\_\_\_\_\_, 2024 at a regular meeting of the Board of Supervisors by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michael N. Kobseff, Chair

Board of Supervisors ATTEST:

LAURA BYNUM, CLERK,

Board of Supervisors

By \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Deputy

Attachments:

Exhibit A: Proposed Siskiyou County Groundwater Well Application Process Guidelines 2024