

Appendix 7-H

Well Mitigation Resolution

Resolution No. 1-2024

A RESOLUTION OF THE TEHAMA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD OF DIRECTORS ESTABLISHING A WELL MITIGATION PROGRAM FOR THE CORNING SUBBASIN

WHEREAS, groundwater and surface water resources within the Corning Subbasin are vitally important resources for all beneficial uses and users, and to maintain the economic viability, prosperity, and sustainability of the Subbasin; and

WHEREAS, in 2014 the California Legislature passed a statewide framework for sustainable groundwater management, known as the Sustainable Groundwater Management Act, California Water Code § 10720-10737.8 (SGMA), pursuant to Senate Bill 1168, Senate Bill 1319, and Assembly Bill 1739, which was approved by the Governor on September 16, 2014. and went into effect on January 1, 2015; and

WHEREAS, the Subbasin has been designated by the California Department of Water Resources (DWR) as a high-priority subbasin and is subject to the requirements of SGMA; and

WHEREAS, SGMA requires that all medium and high priority groundwater basins in California be managed by a GSA and that such management be implemented pursuant to an approved Groundwater Sustainability Plan (GSP); and

WHEREAS, in January of 2022, the Corning Sub-basin Groundwater Sustainability Agency (CSGSA) and Tehama County Flood Control and Water Conservation District (the District), collectively GSAs, submitted the Corning Subbasin GSP to DWR; and

WHEREAS, in October of 2023, DWR determined the GSP was incomplete and would require revisions prior to being determined as adequate under SGMA; and

WHEREAS, SGMA defines sustainability as the management of groundwater that can be maintained during the 20-year GSP Implementation Period without causing undesirable results; and

WHEREAS, under SGMA the GSAs are responsible for managing groundwater under the GSP to achieve and maintain sustainability according to conditions after SGMA was effective that are caused by groundwater management in the Subbasin; and

WHEREAS, it is acknowledged that sustainable management may result in some groundwater level decline during the GSP Implementation Period prior to achieving sustainable groundwater conditions by or before 2042 and this decline may give rise to adverse impacts to some wells; and

WHEREAS, it is acknowledged that the number of wells that may be adversely impacted during the 20-year GSP Implementation Period (prior to 2042) is heavily dependent on hydrologic conditions, including precipitation and snowpack during that time period; and

WHEREAS, the GSAs acknowledge that the number of wells that may be adversely impacted during the 20-year GSP Implementation Period (prior to 2042) may be affected by implementing projects and management actions in the Subbasins; and

WHEREAS, the GSAs recognize that in order to obtain a determination that the GSPs are adequate, DWR is seeking a firm commitment from the GSAs to develop well mitigation and related actions to address impacts caused by their management of the Subbasins; and

WHEREAS, it is acknowledged that SGMA does not require GSAs to develop well mitigation programs; and

WHEREAS, the GSAs acknowledge that SGMA requires sustainable groundwater management; however, SGMA does not make GSAs responsible for injury from overdraft, nor does it require or assign any liability to GSAs to provide, ensure, or guarantee any level of water quality or access; and

WHEREAS, the GSAs acknowledge that the consideration, adoption, or implementation of any mitigation program will be limited to impacts related to GSA management, will not extend to mitigation issues related to the effects of normal wear and tear on wells and appurtenances, and will include express disclaimer that the GSAs cannot be held liable for any impacts from overdraft; and

WHEREAS, it is acknowledged that well mitigation and related actions will be implemented in coordination with other programs related to mitigating and resolving well issues and impacts, as applicable, including County-administered programs; and

NOW, THEREFORE BE IT RESOLVED, in consideration of the conditions contained herein and these Recitals, which are hereby incorporated herein by this reference, the District has committed to review, consider, and undertake mitigation actions for water well impacts resulting from declining groundwater levels that occur from GSA management activities during the GSP Implementation Period, through development and implementation of a Well Mitigation Program (Program) as follows:

1. PROGRAM ELIGIBILITY AND APPLICATION

Program eligibility criteria will be finalized, potentially including:

- Property eligibility
- Eligible mitigation versus non-eligible mitigation (what will and will not be covered) based on evaluation of whether issues are related to groundwater management, which may include evaluation of:
 - a. Groundwater levels
 - b. Timing of groundwater decline
 - c. Groundwater quality

- d. Well casing
 - e. Well depth
 - f. Minimum threshold exceedances
 - g. Historical overdraft
 - h. Recent hydrology
 - i. Recharge programs
 - j. Age and condition of well
- Acute, short-term mitigation
 - Chronic, long-term mitigation
 - Identified areas of concern where minimum threshold exceedances and/or undesirable results have been documented.

Program application process (how property owners will apply to and be approved to participate in the Program):

- The District and/or CSGSA will draft an application, the purpose of which is to support determining eligibility, prioritization, well owner agreement, award, and implementation.

Prioritization (order in which applications are processed and funding is allocated)

- Initial applications will be prioritized based on the date of submittal.

The District and/or CSGSA will consider whether there are other reasons to consider prioritization of well-mitigation, including, but not limited to, groundwater quality, number of people served, availability of interim supplies, and office of emergency services service.

The District and/or CSGSA will also specify non-eligible services, potentially including, but not limited to:

- Ongoing maintenance
- Non-essential uses of water
- Repair or replacement of piping/infrastructure associated with moving water from the well itself to any other location.

2. PROGRAM MITIGATION MEASURES

Program mitigation measures may include, but are not limited to:

- Short-term solutions in emergencies, such as delivery of bottled water and/or water tanks. (Considered only for temporary mitigation while other actions are in progress.)

- Deepening existing water wells, or otherwise rehabilitating or replacing such wells (including abandonment of existing wells).
- Drinking water well consolidation (many-to-one).
- Connection to or development of public water systems to serve impacted communities.
- Connection to municipal water systems.

The appropriate Program mitigation measures for each mitigated well will be informed by and determined following a structured, programmatic initial well evaluation process involving (but not limited to):

- Inspection of the conditions of the well, including assessment of the current or anticipated operational issue(s) associated with the well and underlying causes of those impacts.
- Determination that the well impacts are related to groundwater management during the GSP Implementation Period (e.g., not related to effects of normal wear and tear on drinking water wells)
- Determination and recommendation of an appropriate mitigation strategy (i.e., one of the potential Program mitigation measures above).

The Program is considered a temporary solution to mitigating well impacts before achieving and maintaining sustainable groundwater conditions (by 2042).

The Program and implementation of program mitigation measures will be coordinated with other applicable programs in the Subbasin, including County-administered programs.

The parties anticipate that mitigation will occur only once for each well, and will be appropriate to and commensurate with the actual or anticipated well impacts resulting from groundwater management during the GSP Implementation Period. By way of example only, if a well is dry due to groundwater level decline, and deepening that well is the appropriate Program mitigation measure, the well will be deepened below the minimum threshold of the associated representative monitoring site well to reduce the likelihood that the same well impacts will not occur again during GSP implementation.

It is also anticipated that potential Program measures may include, but will not be limited to, well permitting or ordinances to spatially and vertically isolate new wells to minimize adverse impacts on existing water wells. The design and implementation of such measures would be coordinated with existing and/or new County well permitting processes and ordinances.

3. **FUNDING AND FINANCING**

The District and CSGSA will fund the Program through long term GSA funding mechanisms as determined by the District Board and CSGSA respectively.

Estimated expenses for the Program are anticipated to range between:

- \$300,000 for Program startup (years 1-2), and \$75,000 for Program administration thereafter (years 3+)
- \$3,000,000 for Program mitigation measures, assuming (for planning purposes), that approximately 150 wells may require mitigation and that the cost of mitigation per well is approximately \$20,000, on average, although the precise number and costs of mitigation are subject to refinement during Program development.

However, these numbers are only estimated for planning purposes and are subject to revision during Program development.

It is anticipated that the Program funding will come from one, or a combination, of the following sources established by the Parties:

- GSA fees and assessment
- Funds generated through implementation of other projects and **management actions (e.g., fines and/or penalties)**
- County/state/federal funding, as available
- Other sources, as identified

4. **TERM**

The Program shall be developed, and implementation shall begin no later than January 1, 2026 (the Program start date). The Program shall cover eligible mitigation as of the Program start date and shall continue thereafter until groundwater sustainability is achieved during the GSP Implementation Period, or as otherwise directed by the GSAs.

5. **PROGRAM IMPLEMENTATION AND MANAGEMENT**

It is anticipated that a committee will be formed to create and set the final terms of the Program. A draft implementation flow chart is attached, as **Exhibit A** for reference however the final implementation and management of the Program will be approved by the GSAs prior to the program start date.

6. **WELL OWNER AGREEMENTS**

After application, eligibility, and mitigation development, mitigation will need to be accompanied by a well owner agreement that includes several components, including but not limited to the following:

- Mitigation award (how will the costs of mitigation be reviewed and approved);
- Recordation of mitigation award;
- Post-mitigation responsibility (property owner to be responsible for operations, maintenance and repair of water well);
- Indemnification of the GSA;
- Easement or land use permissions

7. ENVIRONMENTAL REVIEW

The GSAs will complete any environmental review as may be determined necessary for Program implementation.

The foregoing Resolution was offered by Director Hansen and seconded by Director Nolen on April 4, 2024 and adopted by the following vote:

AYES: Directors Carlson, Hansen, Leach, Moule, Nolen

NOES: None

ABSENT OR NOT VOTING: None

STATE OF CALIFORNIA)

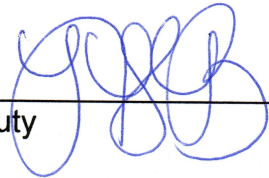
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COUNTY OF TEHAMA)

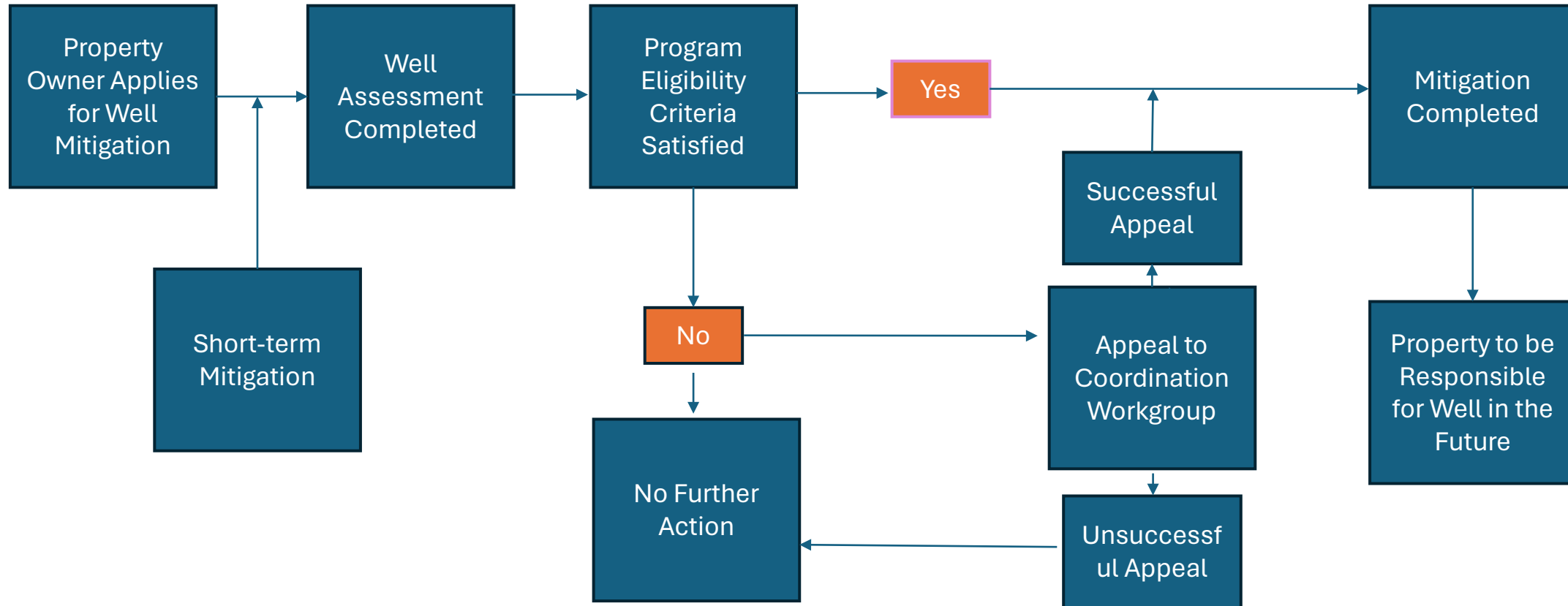
I, JENNIFER VISE, County Clerk and ex-officio Clerk of the Board of Directors of the Tehama County Flood Control and Water Conservation District, State of California, hereby certify the above and foregoing to be a full, true and correct copy of a resolution adopted by said Board of Directors on the 4th day of April 2024.

Dated: April 15, 2024

JENNIFER A. VISE, County Clerk and ex-officio
Clerk of the Board of Directors of the Tehama
County Flood Control and Water Conservation District,
State of California

By:  _____
Deputy

Well Mitigation Example Flowchart



1. Steps shown herein are intended to demonstrate critical decision points and is not intended to be indicative of all steps that may be required for Program implementation.

2. Steps shown herein are subject to revision by the TCFCWD GSA.

3. The TCFCWD GSA has reviewed and considered the content and recommendations set forth by: Self-Help Enterprises, Leadership Counsel for Justice and Accountability, and the Community Water Center in their publication titled, " Framework for a Drinking Water Well Impact Mitigation Program;" and by DWR in their guidance document, "Considerations for Identifying and Addressing Drinking Water Well Impacts"

CORNING SUB-BASIN GROUNDWATER SUSTAINABILITY AGENCY

RESOLUTION NO. 2024-01

RESOLUTION ESTABLISHING A WELL-MITIGATION PROGRAM FOR THE CORNING SUBBASIN

WHEREAS, groundwater and surface water resources within the Corning Subbasin are vitally important resources for all beneficial uses and users, and to maintain the economic viability, prosperity, and sustainability of the Subbasin; and

WHEREAS, in 2014 the California Legislature passed a statewide framework for sustainable groundwater management, known as the Sustainable Groundwater Management Act, California Water Code § 10720-10737.8 (SGMA), pursuant to Senate Bill 1168, Senate Bill 1319, and Assembly Bill 1739, which was approved by the Governor on September 16, 2014, and went into effect on January 1, 2015; and

WHEREAS, the Subbasin have been designated by the California Department of Water Resources (DWR) as a high-priority subbasin and is subject to the requirements of SGMA; and

WHEREAS, SGMA requires that all medium and high priority groundwater basins in California be managed by a GSA and that such management be implemented pursuant to an approved Groundwater Sustainability Plan (GSP); and

WHEREAS, in January of 2022, the Corning Sub-basin Groundwater Sustainability Agency (CSGSA) and Tehama County Flood Control and Water Conservation District (the District), collectively GSAs, submitted the Corning Subbasin GSP to DWR; and

WHEREAS, in October of 2023, DWR determined the GSP was incomplete and would require revisions prior to being determined as adequate under SGMA; and

WHEREAS, SGMA defines sustainability as the management of groundwater that can be maintained during the 20-year GSP Implementation Period without causing undesirable results; and

WHEREAS, under SGMA the GSAs are responsible for managing groundwater under the GSP to achieve and maintain sustainability according to conditions after SGMA was effective that are caused by groundwater management in the Subbasin; and

WHEREAS, it is acknowledged that sustainable management may result in some groundwater level decline during the GSP Implementation Period prior to achieving sustainable groundwater conditions by or before 2042 and this decline may give rise to adverse impacts to some wells; and

WHEREAS, it is acknowledged that the number of wells that may be adversely impacted during the 20-year GSP Implementation Period (prior to 2042) is heavily dependent on hydrologic conditions, including precipitation and snowpack during that time period; and

WHEREAS, the GSAs acknowledges that the number of wells that may be adversely impacted during the 20-year GSP Implementation Period (prior to 2042) may be affected by implementing projects and management actions in the Subbasins; and

WHEREAS, the GSAs recognize that in order to obtain a determination that the GSPs are adequate, DWR is seeking a firm commitment from the GSAs to develop well mitigation and related actions to address impacts caused by their management of the Subbasins; and

WHEREAS, it is acknowledged that SGMA does not require GSAs to develop well mitigation programs; and
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WHEREAS, it is acknowledged that well mitigation and related actions will be implemented in coordination with other programs related to mitigating and resolving well issues and impacts, as applicable, including County-administered programs; and

NOW, THEREFORE, in consideration of the conditions contained herein and these Recitals, which are hereby incorporated herein by this reference, the CSGSA has committed to review, consider, and undertake mitigation actions for water well impacts resulting from declining groundwater levels that occur from GSA management activities during the GSP Implementation Period, through development and implementation of a Well Mitigation Program (Program) as follows:

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- Indemnification of the GSA;
- Easement or land use permissions

7. ENVIRONMENTAL REVIEW

The GSAs will complete any environmental review as may be determined necessary for Program implementation.

PASSED, APPROVED AND ADOPTED by the Committee of Members of the CORNING SUB-BASIN GROUNDWATER SUSTAINABILITY AGENCY on this 11th day of April 2024.

AYES: Arnold, Carmon, Knight, Violich, Fiack

NOES: none

ABSENT: Amaro

ABSTAIN: none

CERTIFICATE OF RESOLUTION

We, the undersigned, hereby certify as follows:

1. That we are the Vice Chair and Secretary of the CORNING SUB-BASIN GROUNDWATER SUSTAINABILITY AGENCY; and
2. That the foregoing resolution, consisting of 7 pages, including this page, is a true and correct copy of a resolution of the Committee of Members of the Corning Sub-basin Groundwater Sustainability Agency, passed at the meeting of the Committee of Members held on April 11, 2024, IN WITNESS WHEREOF, we have signed this certificate this 11th day of April 2024.

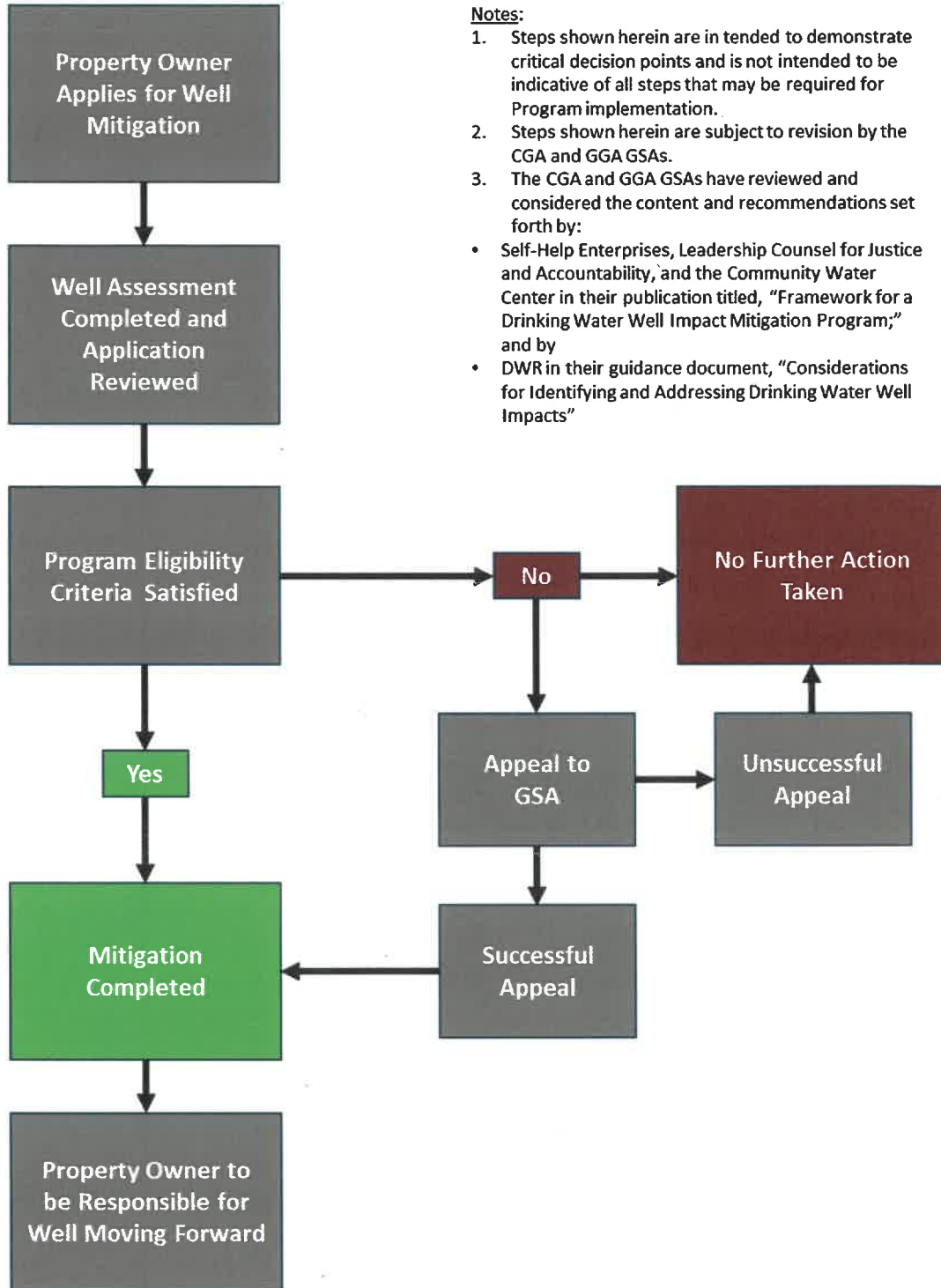


Grant Carmon, Vice Chair of the Corning Sub-basin
Groundwater Sustainability Agency



Lisa Hunter, Secretary

Exhibit A.
Well Mitigation Program
DRAFT Implementation Flowchart.



Notes:

1. Steps shown herein are intended to demonstrate critical decision points and is not intended to be indicative of all steps that may be required for Program implementation.
2. Steps shown herein are subject to revision by the CGA and GGA GSAs.
3. The CGA and GGA GSAs have reviewed and considered the content and recommendations set forth by:
 - Self-Help Enterprises, Leadership Counsel for Justice and Accountability, and the Community Water Center in their publication titled, "Framework for a Drinking Water Well Impact Mitigation Program;" and by
 - DWR in their guidance document, "Considerations for Identifying and Addressing Drinking Water Well Impacts"