

September 14, 2023

Phillip Desatoff
General Manager
Consolidated Irrigation District
2255 Chandler Street
Selma, CA 93662

RE: Executive Order N-7-23: Request for Proposed Activities to be Conducted Under Suspension

Dear Mr. Desatoff,

I am responding to your letter dated August 31, 2023, in which you request my determination that activities described in that letter are eligible to be conducted under a suspension of laws provided in paragraph 6 of Executive Order N-7-23 (May 17, 2023). Among other things, Executive Order N-7-23 suspends Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division under specified circumstances. Specifically, projects may operate under that suspension where the Secretary of the Natural Resources Agency determines that the proposed activities are eligible to be conducted under this suspension, taking into account the purpose of conducting emergency flood preparation and response activities. In your letter, you describe certain activities that the Consolidated Irrigation District commits to undertaking to reduce impacts of catastrophic flooding, including clearing approximately 77 acres of grape vines from a parcel in order to repurpose the parcel for recharge of groundwater. Your district anticipates that the proposed recharge basin, adjacent to an existing District recharge pond, would provide a minimum of 5,000 acre-feet of groundwater recharge based on an assumed infiltration rate of 1 foot per day for approximately 90 days. The District plans to install temporary canal turnout facilities on disturbed lands using an earthwork contractor to grade the property and construct basin levees not to exceed six feet. The District intends to install canal gates and piping from the adjacent recharge pond to divert available water into the recharge basin. The District would monitor groundwater levels monthly in accordance with its agreement with the California Department of Water Resources.

The activities for which you seek this suspension – clearing land of vines, building berms, and installing pipe – would expand the District's ability to capture floodwater that would otherwise flow to the former Tulare Lake lakebed. This would reduce the risks of local catastrophic flooding. Therefore, I find that construction of this new recharge basin is eligible to be conducted under Executive Order N-7-23.

715 P Street, 20th Floor, Sacramento, CA 95814 Ph. 916.653.5656 <http://resources.ca.gov>

Please note that the suspension does not alter any other requirements imposed by any other law, and any material modification of or departure from the project described in your letter (attached here) and our understanding of the project described herein may independently trigger obligations under Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division.

Sincerely,

A handwritten signature in black ink that reads "Wade Crowfoot". The signature is written in a cursive, slightly slanted style.

Wade Crowfoot
Secretary for Natural Resources