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February 7, 2023

Mr. Wade Crowfoot
Secretary for Natural Resources
California Natural Resources Agency
715 P Street, 20th Floor
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Subject: Request for Suspension of the California Environmental Quality Act under Executive Order N-7-22 for Proposed Water Conservation and Groundwater Recharge Activities

Dear Secretary Crowfoot:

United Water Conservation District (United or District) respectfully requests that the Secretary of the California Natural Resources Agency (CNRA) make a determination that the activities proposed herein are eligible to be conducted under the suspension of the California Environmental Quality Act (CEQA) (Public Resources Code, Division 13) pursuant to Paragraph 5 of the Drought Emergency Executive Order N-7-22 (Executive Order).

Background

As an established State Water Project (SWP) member contractor and California Special District, United imports SWP water as one component of a broader water resource management mission dating back to the late 1920's. Currently, the limit on SWP water imports to United from California Department of Water Resources' (DWR) and Los Angeles Department and Water and Power (LADWP) Pyramid Dam to United's Lake Piru is 3,150 acre-feet (AF) per year, which is delivered from November 1 through the end of February. As a regional water resource manager, United actively seeks opportunities to increase importation of SWP deliveries via purchases, transfers, exchanges, and Article 21 water on the infrequent occasions when excess water is available in the SWP system. Delivery of SWP water from Pyramid Dam through middle Piru Creek to Lake Piru enables United to improve conditions within the Santa Clara River valley groundwater basins (Piru, Fillmore, Santa Paula) as well as the Oxnard and Pleasant Valley groundwater basins. Supplemental SWP water, if available, will go directly to benefit these groundwater basins and offset the negative effects of the extended drought experienced in our Ventura County service area.

Proposed Activity

United proposes to temporarily increase the limit of SWP water deliveries from Pyramid Lake to Lake Piru via middle Piru Creek from 3,150 AF to a maximum of 25,000 AF per year during the November 1 through end-of-February time period in both the 2022-2023 and 2023-2024 water years. This proposed increase will allow United to maximize the benefit of additional SWP water, when available, through water purchases, transfers, and exchanges, as well as Article 21 deliveries. United would maximize the



benefits of these SWP deliveries by storing and strategically releasing it from Lake Piru through the Santa Felicia Dam in a manner intended to enhance the downstream groundwater basins within United's service area, including primarily the Oxnard and Pleasant Valley basins. However, since water released from Lake Piru is conveyed via the Santa Clara River, the Piru, Fillmore, and Santa Paula basins would also experience a benefit via instream percolation. Ultimately, water conveyed down the river would reach United's Freeman Diversion near the community of Saticoy, where it would be diverted into groundwater recharge basins and/or conveyed in pipelines that deliver surface water directly to users in lieu of pumping groundwater in critical areas ("conjunctive-use").

Purpose and Need

Within United's service area, groundwater is our primary water source, and we serve as the conservator of groundwater resources that are utilized by the cities of Oxnard, Port Hueneme, Ventura, Santa Paula, and Fillmore, as well as Naval Base Ventura County and several mutual water districts, farms and individual pumpers. Surface water conveyed via pipeline is utilized for agricultural irrigation and treated drinking water in the cities of Oxnard and Port Hueneme. Groundwater level declines and seawater intrusion along the Ventura County coast have long been a concern in the region. United's artificial recharge operations and conjunctive-use projects have been successful in slowing basin-wide groundwater level declines and seawater intrusion, but chronic overdraft conditions persist. DWR continues to classify the Oxnard and Pleasant Valley basins as "high priority basins subject to critical overdraft," due to both the long-term problems with groundwater overdraft and seawater intrusion, and local groundwater supply being the sole source of water for many urban and agricultural water users. An opportunistic increase in SWP water imports under this suspension of CEQA is intended to aid in the improvement of groundwater conditions through United's service area, particularly during the historic and extended drought, which has exacerbated the depleted conditions in the groundwater basins. Significant portions of the groundwater basins remain below sea level and are vulnerable to seawater intrusion. The depleted groundwater conditions have also led to water quality issues, in one instance forcing a small mutual water company serving a disadvantaged community to shut down temporarily in 2019. United's recharge activities provide a real and direct benefit to this and other small water mutual companies that rely on groundwater as their sole source of potable water.

The proposed activity would provide a direct benefit to the region in the face of the current drought and a possible buffer from the effects of future droughts by increasing storage within the groundwater aquifers and contributing to United's ongoing efforts to combat seawater intrusion. The depleted conditions within the groundwater basins are the result of many factors but drought and limited runoff within the watershed is the initial cause, with cascading effects throughout the system. Additional SWP water, if available, would allow United to conduct a conservation release from Lake Piru in 2023 and possibly 2024, which would be the first such release since 2020, providing water to recharge the groundwater basins downstream, most importantly the Oxnard and Pleasant Valley basins. There is no single solution to the region's water deficit, but the proposed activity would bolster ongoing groundwater recharge efforts and help to improve conditions within the aforementioned groundwater basins.

Environmental Review

The proposed activity would involve a release, or multiple releases, in a manner that continues to simulate the natural hydrograph, as assessed in DWR's *Simulation of Natural Flows in Middle Piru Creek Project 2005 Environmental Impact Report* (2005 EIR), State Clearinghouse Number 2004051123 (DWR, 2005). More specifically, the proposed activity would entail a flow volume variance from the current 3,150 AF annual limit to a maximum of 25,000 AF per year. The increased water delivery would be contingent upon



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water availability and would be expected to increase the duration of peak flows; however, all other flow conditions would remain the same as analyzed in the 2005 EIR, including the release timing during winter months (November to February); the up-ramping rate; the rapid release peak flow rate of 1,400 cubic feet per second (cfs) (with storm flows potentially up to approximately 3,000 cfs); the slow release peak flow rate of up to 200 cfs; and the natural historical receding hydrograph.

The proposed releases would be scheduled to occur during the November 1 to end of February period, consistent with the 2005 EIR, to avoid adverse effects to biological resources, particularly the federally endangered arroyo toad (*Anaxyrus californicus*). In accordance with the 2005 EIR, and consistent with recommendations by the U.S. Fish and Wildlife Service (USFWS), releases would be consistent with the timing, flow rates, and ramping rates detailed above.

Permits and Approvals

As part of the South State Water Project Hydroelectric Project, Pyramid Dam operates under a Federal Energy Regulatory Commission (FERC) license (No. 2426). The SWP water import limit of 3,150 AF from Pyramid Dam to Lake Piru via middle Piru Creek is included in Article 52 of the current FERC license, and as such, DWR would be required to request a variance from FERC to deliver more than 3,150 AF of water to United. DWR would also be required to request a variance from the Clean Water Action (CWA) Section 401 Water Quality Certification issued to the South State Water Project Hydroelectric Project and United will coordinate with DWR and the State Water Resources Control Board pursuant to Paragraph 12 of the Executive Order. Consultation with the appropriate regulatory agencies (e.g., USFWS and California Department of Fish and Wildlife) will be completed through the variance approval process.

Thank you for your attention and consideration of our request to suspend CEQA under the Executive Order. If you have any questions or require additional information, please do not hesitate to contact Principal Environmental Scientist Randall McInvale at randallm@unitedwater.org or (805) 695-3719.

Sincerely,

Mauricio E. Guardado, Jr.
General Manager

cc: Nancy Vogel, California Natural Resources Agency
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