



September 9, 2024

Jeevan Muhar
Engineer-Manager
Arvin-Edison Water Storage District
P.O. Box 175
Arvin, CA 93203-0175

Re: Executive Order N-7-22: Request for Proposed Activities to be Conducted Under Suspension

Mr. Muhar:

I am responding to your request for my determination that activities described in that request are eligible to be conducted under a suspension of laws provided in paragraph 5 of Executive Order N-7-22 (March 28, 2022). Among other things, Executive Order N-7-22 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 accelerating conservation projects that are necessary to address impacts of the drought, while at the same time protecting public health and the environment.

In your request, you describe the Arvin-Edison Water Storage District's purchase of approximately 160 acres of vineyards and almond tree crops and commitment to clear the lands and construct groundwater recharge basins on those parcels. You indicate that recharge benefits from this project range from 5,200 acre-feet per year in average years to 15,000 acre-feet per year in wetter years, with an additional savings of 500 acre-feet per year by removing the irrigated agriculture from production, thus helping to promote drought resiliency in the Kern Subbasin. High flow water will be diverted from available Central Valley Project Friant-Kern canal system water into the basins using the District's water rights and other agreements. You also state that these additional recharge basins will have the potential to capture additional flood flows and reduce flooding in the Tulare Lake and along Tulare Lake tributaries downstream of the Friant-Kern canal, thereby reducing flood risk and benefiting downstream

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underserved communities of Arvin, Lamont, and Weedpatch. A Phase 1 Environmental Site Assessment was completed prior to purchase and due to the current land use for agriculture crops, you don't anticipate any environmental impacts from the project.

Because the activities described in your request will reduce demand for surface and groundwater and provide increased drought resiliency in the Kern Subbasin, I find that application of the suspension in paragraph 5 Executive Order N-7-22 for this project (as more fully described in your request which is attached here) would serve the purpose of accelerating conservation projects that are necessary to address impacts of the drought, while at the same time protecting public health and the environment. Therefore, in exercise of my discretion under the Executive Order, Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are hereby suspended for this project.

Please note that this 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 request may independently trigger obligations under Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division. Importantly, this letter does not address nor resolve all potential regulatory hurdles. In particular, it is possible that this project will require a water right. Failure to comply with any applicable federal, local, and non-suspended state environmental laws and regulations may result in an enforcement action.

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