

September 9, 2024

Eric Limas
General Manager
Lower Tule River Irrigation District
357 E. Olive Avenue
Tipton, CA 93272

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

Mr. Limas:

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 Lower Tule River Irrigation District's project to develop a 78-acre recharge basin, known as the Loftis Recharge Facility, on historically farmed land. You indicate that the anticipated recharge benefits from this project will yield 1,100 acre-feet during a regular water year and reduce crop consumption by nearly 250 acre-feet per year, thus helping to promote drought resiliency in the Tule Subbasin and promote groundwater replenishment near underserved community of Tipton. Water will be diverted from available Central Valley Project Friant-Kern canal system water into the basin using the District's water rights and other agreements. You do not 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 Tule Subbasin,

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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