



May 25, 2022

Terry Crowley, Director
City of Healdsburg Municipal Utility Department
401 Grove Street
Healdsburg, CA 95448

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

Mr. Crowley:

I am responding to your letter dated May 25, 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 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 letter, you describe how various agencies within the Upper Russian River watershed have developed the Upper Russian River 2022 Voluntary Water Sharing Program. Under that program, senior water right participants reduce their diversions to make additional water available to participants who might otherwise be unable to meet their basic water needs. Further, as you describe, because available water will come from the existing water right entitlements of participants, there will be no increase to overall diversions, and therefore no change to the baseline, that might result in adverse effects to non-participants or environmental interests. Finally, you have indicated that the Program will not alter or modify instream flow requirements under the federal Endangered Species Act or other applicable state and federal laws.

Because the activities described in your letter will maximize the efficient use of water and preserve water supplies critical to human health and safety and the environment, I find that this project (as more fully described in your letter which is attached here) is eligible to be conducted under Executive Order N-7-22. Please note that this suspension does not alter any other requirements imposed by any other law, and any

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material modification of or departure from the project described in your letter 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

Attachment



City of Healdsburg

Municipal Utility Department
401 Grove Street
Healdsburg, CA 95448

Phone: (707) 431-3346
Visit us at: www.healdsburg.gov

May 24, 2022

VIA EMAIL

Mr. Wade Crowfoot
Secretary for Natural Resources
California Natural Resources Agency
715 P Street, 20th Floor
Sacramento, CA 95814
wade.crowfoot@resources.ca.gov

Re: Request for Upper Russian River 2022 Voluntary Water Sharing Program to be
Conducted under Suspension of CEQA Pursuant to Executive Order N-7-22

Dear Secretary Crowfoot:

The City of Healdsburg is a water right holder in the Upper Russian River Watershed and has worked closely with other stakeholders and State Water Resources Control Board staff to develop the Upper Russian River 2022 Voluntary Water Sharing Program (“Program”), a local alternative to water right curtailments that will help mitigate the effects of drought conditions in the region. By this letter, the City of Healdsburg respectfully request that you make a determination that participation in the Program is an activity eligible for the suspension of the California Environmental Quality Act (“CEQA”), pursuant to Paragraph 5 of Governor Newsom’s March 28, 2022 Executive Order (“EO”) N-7-22.

Paragraph 5 of EO N-7-22 provides that the Secretary for Natural Resources may suspend CEQA and its implementing regulations for certain activities that combat drought by maximizing efficient water use, while preserving critical water supplies needed for human health and safety and the environment. The Voluntary Water Sharing Program accomplishes this by having senior water right participants reduce their diversions to make additional water available to participants who might otherwise be unable to meet their basic water needs. Because available water will come from the existing water right entitlements of participants, there will be no increase to overall diversions, and therefore no change to the baseline, that might result in adverse effects to non-participants or environmental interests. In addition, nothing about the Program will alter or modify instream flow requirements under the federal Endangered Species Act and other applicable state and federal laws. Participants will exercise their participating water rights in accordance with conservation percentages established for each month of the Program. These conservation percentages will be based on the participants’ relative water right priority classifications and historical water use from 2017 to 2019, subject to further adjustment if existing supplies and conserved percentages are not adequate to support the demands of all or some participants. Furthermore, a key component of the

Program is a focus on improving information and understanding of water supply and demand in the Upper Russian River so that the State Water Board and water right holders in the Upper Russian River can adaptively and more efficiently manage water resources in times of drought. This adaptive management element will have a direct effect on the ability to better understand how to balance communities' needs for water and water for the environment.

On May 10, 2022, the State Water Resources Control Board adopted a revised Emergency Regulation for the Russian River Watershed, authorizing the curtailment of water rights in the Russian River watershed to ensure water supplies will continue to be available to meet minimum health and safety and environmental needs under prolonged drought conditions. Section 877.4 of the Emergency Regulation provides that the State Water Board may approve a regional voluntary water sharing agreement within the watershed as an exemption from curtailment, upon a finding that: (i) the Program will not adversely affect the availability of water for non-participating entities; and (ii) the Program is supported by signatories in both Mendocino and Sonoma Counties. Importantly, water made available under the Program cannot be diverted by non-participants for the term of the Program, as the State Water Board has determined such diversion would be unreasonable.

The Upper Russian River water right holders and their broader stakeholder group have worked in close coordination with State Water Board staff to ensure that the attached Voluntary Water Sharing Agreement will address the impacts of drought in the Upper Russian River Watershed by maximizing the beneficial use of scarce water supplies, while at the same time, protecting public health and the environment. The State Water Board is expected to consider a substantially similar version of the attached Voluntary Water Sharing Agreement at its meeting on June 7, 2022. As such, the City of Healdsburg requests your determination that the Program, as set forth in the Voluntary Water Sharing Agreement, is eligible to be conducted under a suspension of CEQA in accordance with EO N-7-22.

Sincerely,



Terry Crowley
Healdsburg Utility Director

Encls.

cc: Meredith Nikkel, Downey Brand
Erik Ekdahl, State Water Resources Control Board
Nancy Vogel, California Natural Resources Agency