



August 10, 2022

Jeff Maupin, General Manager
North Yuba Water District
8691 La Porte Road
Brownsville, CA 95919

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

Dear Mr. Maupin:

I am responding to your letter dated July 28, 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 a proposal to install a 42-inch pipe to replace the open Forbestown ditch for about 10 miles. As documented in the project description and supporting materials submitted with your letter, you estimate the losses to leakage and theft on the ditch at 35% to 80%, depending on the time of year, and total average loss is estimated at 3,800 acre-feet. You note that if that water could be saved with a pipeline project, it would benefit the severely disadvantaged communities of Rackerby, Forbestown, Challenge, and Brownsville with increased supply reliability. This project is identified in the Butte County Local Hazard Mitigation Plan as a high priority measure to address drought and water supply. Further, you note that installation of the new ditch and related components would occur when the ditch is dry and entirely within the footprint of the ditch, which has been exposed to regular disturbance over its lifetime.

You note that the piping project's water conservation benefits will begin to be realized within two months of commencement of work. According to your letter, it takes approximately two months to pipe each mile of the ditch. Each mile of piped ditch results in a savings of approximately 560 acre-feet a year. The savings begin to accrue

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



as the ditch is piped. The more progress that is made on piping, the greater the savings. In other words, the project need not be completed for conservation benefits to result. Depending upon the availability of contractors, you note that work on the project could begin this fall.

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. The project description that you provided with your letter also describes specific measures incorporated into the project to avoid impacts to air quality, biological resources and cultural resources.

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 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 California Natural Resources