

August 16, 2022

Don Perkins, General Manager
Tuolumne Utilities District
18885 Nugget Boulevard
Sonora, CA 95370

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

Mr. Perkins:

I am responding to your letter dated July 14, 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 approximately 14,200 linear feet of eight-inch piping and interconnect the Ponderosa Hills Water System with the Upper Basin/Lakewood Water System, located at a higher elevation, in order to remove the outdated Ponderosa water treatment plant from service. By replacing earthen ditch conveyance with piping, you estimate that this project would save an estimated 25 million gallons of water annually. In addition, another three million gallons would be saved that currently are lost due to inefficiencies in the treatment process. You note that this project would benefit the community of Ponderosa Hills and the Tuolumne Band of Me-Wuk Indians with improved water supply reliability and water quality, and the net effect of the proposed improvements would be to reduce diversions from the South Fork Stanislaus River. Work on the project would take place almost entirely within a road right of way. Furthermore, biological surveys have already been conducted to confirm that the project would not result in any significant biological impacts. (The project may still require streambed alteration agreements, and I understand that you have submitted information to the Department of Fish and Wildlife to assist in that determination.) You informed my staff that a pedestrian archaeological survey of the entire project area and staging areas was conducted July 26, and no cultural resources

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or archaeological deposits were identified. No built environment resources will be affected by the project, nor will any above-ground structures be constructed as a result of the project. You note that the project is being funded by a grant from the Department of Water Resources, Urban and Multibenefit Drought Relief Program, and you informed my staff in a June 24 conversation that the project could be completed within a year.

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 Natural Resources