

ANDERSON-COTTONWOOD IRRIGATION DISTRICT

RESOLUTION NO. 2023-3

A RESOLUTION APPROVING THE SHALLOW GROUNDWATER WELL PILOT PROJECT, SELECTING A CONTRACTOR, APPROPRIATING FUNDS, AND DECLARING THE PILOT PROJECT EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the State of California has experienced extremely wet hydrology in the current water year with statewide precipitation in excess of 150% of average and many areas of the state experiencing record breaking precipitation; and

WHEREAS, Shasta Reservoir, the source of supply for water rights owned and utilized by Anderson-Cottonwood Irrigation District (District), is currently full and spilling causing higher-than-normal releases into the Sacramento River; and

WHEREAS, other creeks and water courses in and around the District's service area have experienced above-normal precipitation and runoff causing flooding and other damage to District facilities and other properties and improvements within the District; and

WHEREAS, other factors, including lack of development, construction, operation, maintenance, and repair of public and landowner-owned drainage facilities, seepage ditches, waterways, and other contributing factors have collectively caused elevated groundwater levels within the District's service area; and

WHEREAS, elevated groundwater levels have caused and are causing impacts to the District's facilities; and

WHEREAS, landowners within the District have alleged that the lack of drainage facilities and services, and elevated groundwater levels, are impacting their lives, properties and improvements, including claiming that their septic systems are inundated and nonfunctional and in some cases they allege they are unable to access homes and yards due to saturated soils; and

WHEREAS, District has no duty to provide general drainage services, but in an effort to attempt to assist in the mitigation of the impacts of high groundwater conditions in and around the District, and without accepting liability and without waiving any rights obtained by District, or any waivers of liability in favor of District, whether obtained by reason of grant, waiver, prescription, statute, decree, condemnation, or any other authority, the District engaged professional engineers to analyze and recommend short-term emergency actions to mitigate impacts from high groundwater levels; and

WHEREAS, the District's engineers recommend a shallow groundwater well pilot project (pilot project) at one to four strategic locations throughout the District, and the drilling of up to 5 wells, to attempt to dewater the shallow aquifer and mitigate the impacts of high groundwater levels; and

WHEREAS, the location(s) will be sited on District-owned property and/or within the District's existing right of way and will be temporary and of an anticipated depth of no more than 20 feet; and

WHEREAS, District engineers have met with multiple qualified, licensed contractors to undertake implementation of the pilot project and recommend the District proceed with Schuppert Excavating, Brad Constant Construction, and Gabe Ross Construction; and

WHEREAS, in light of the circumstances, including the limited scope, depth, nature and purpose of the pilot project, the District has determined that the pilot project either does not require a well permit or is otherwise exempt from applicable well permitting requirements; and

WHEREAS, similarly, the District finds that the pilot project is either not a project under the California Environmental Quality Act (CEQA), or if it is a project is an exempt project under CEQA under multiple exemptions, including without limitation, the exemption for new small structures of facilities (14 Cal. Code Regs § 15303); minor alterations to land, water or vegetation (14 Cal. Code Regs § 15304); actions to prevent an emergency (Pub. Res. Code § 21080(b)(4) and 14 Cal. Code Regs § 15269(c)); and the common sense exemption (14 Cal. Code Regs § 15061(b)(3)).

NOW, THEREFORE, BE IT RESOLVED:

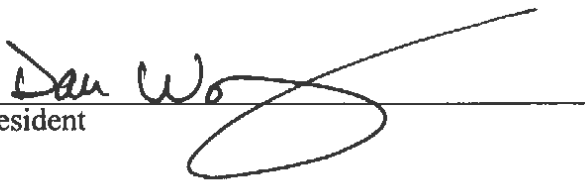
1. All of the foregoing Recitals are true and correct and are incorporated herein as findings of the Board of Directors.
2. The Board of Directors approves the pilot project and appropriates up to \$25,000 to construct and implement the pilot project. An additional amount up to \$10,000 is approved for contingencies only if first approved by the Interim Ad Hoc Committee or the General Manager.
3. The Board of Directors accepts the recommendation of the District's engineers and awards the contract for the work of implementation of the pilot project to Schuppert Excavating, Brad Constant Construction, and Gabe Ross Construction and this Resolution constitutes the District's notice to proceed.
4. Until such time as the District's new General Manager takes office on June 26, 2023, the Board of Directors grants the Transitional Ad Hoc Committee authority to (a) execute any necessary documents or agreements; (b) to work with District engineers and the District's contractor to construct and implement the pilot project; and (c) to take such other further actions as are necessary to carry out the purposes and intent of this Resolution. The Transitional Ad Hoc Committee will report on any activities undertaken pursuant to this Resolution at the District's July regular board meeting.
5. The District's General Counsel is authorized and directed to prepare and process an appropriate notice of exemption under CEQA.

PASSED AND ADOPTED at a special meeting of the Board of Directors of Anderson-Cottonwood Irrigation District on June 14, 2023 by the following vote:

AYES: Woolery, McCarley, Lund, Butcher

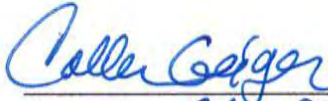
NOES:

ABSENT: Rickert



President

ATTEST:

 6-15-23

Secretary *Adm. Spec.*