

2019070664

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk
County of:

From: (Public Agency): State Water Resources Control
Board - Division of Water Rights
P.O. Box 2000, Sacramento, CA 95812
(Address)

Project Title: Temporary Urgency Change Petitions of Permits 12947A, 12949, 12950, and 16596

Project Applicant: Sonoma County Water Agency

Project Location - Specific:

The upper Russian River (from its confluence with the East Fork of the Russian River to confluence with Dry Creek) and the lower Russian River (downstream of confluence with Dry Creek).

Project Location - City: Project Location - County: Mendocino and Sonoma

Description of Nature, Purpose and Beneficiaries of Project:

Sonoma County Water Agency filed temporary urgency change petitions with the Division of Water Rights on April 23, 2019. The petitions request temporary reductions to instream flow requirements due to operational constraints placed on Sonoma County Water Agency pursuant to the 2008 Biological Opinion.

Name of Public Agency Approving Project: State Water Resources Control Board, Division of Water Rights

Name of Person or Agency Carrying Out Project: Sonoma County Water Agency

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
Declared Emergency (Sec. 21080(b)(3); 15269(a));
Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
[X] Categorical Exemption. State type and section number: Section: 15301,15306, 15307, and 15308
Statutory Exemptions. State code number:

Reasons why project is exempt:
Please see attached.

Lead Agency
Contact Person: Ken Emanuel Area Code/Telephone/Extension: 916-341-5317

If filed by applicant:

- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: Date: JUN 20 2019 Title: Deputy Director

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR:
Governor's Office of Planning & Research

JUL 08 2019
STATE CLEARINGHOUSE

Notice of Exemption Attachment

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The State Water Board has reviewed the information submitted by Sonoma County Water Agency and has made its own independent finding that the requested changes are categorically exempt from CEQA. The changes sought by the TUCPs are consistent with the following Categorical CEQA exemptions for the following reasons:

- 1) The proposed action consists of the operation of existing facilities involving negligible or no expansion of use beyond that existing, and accordingly is categorically exempt from CEQA under a Class 1 exemption. (Cal. Code Regs., tit. 14, § 15301.) The proposed action will be within the range of minimum instream flows established by D1610.
- 2) A Class 6 exemption "consists of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These [activities] may be . . . part of a study leading to an action which a public agency has not yet approved, adopted or funded." (*Id.*, § 15306.) The water quality and fishery information and data collected during the period that the proposed action is in effect will assist with the study and development of future long-term changes to D1610 instream flow requirements, for which a separate petition for change is pending.
- 3) A Class 7 exemption "consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment." (*Id.*, § 15307.) The proposed action will ensure the maintenance of a natural resource (i.e., the instream resources of the Russian River) by increasing availability and improving the quality of salmonid rearing habitat in the upper Russian River and more closely mimicking natural inflow to the estuary, thereby enhancing the potential for maintaining a seasonal freshwater lagoon that could support increased production of juvenile steelhead. Accordingly, these changes are categorically exempt from CEQA pursuant to a Class 7 exemption.
- 4) A Class 8 exemption "consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment." (*Id.*, § 15308.) The proposed action will ensure the maintenance of the environment (i.e., the instream environment of the Russian River) in the same way as stated for the Class 7 exemption.