

Notice of Exemption

2020070581

Appendix E

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

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 June 10, 2020. The petitions request temporary reductions to instream flow requirements to address extremely dry conditions and avoid potential impacts to protected salmonids and water supply.

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));
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: Jane Ling Area Code/Telephone/Extension: 916-341-5335

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: [Signature] Date: JUL 31 2020 Title: Dep. Dir. Div of Wtr Rts

Signed by Lead Agency Signed by Applicant

Governor's Office of Planning & Research

Jul 31 2020

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:

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 petitions are consistent with the following Categorical CEQA exemptions for the following reasons:

- 1) Information provided by Sonoma Water demonstrates that continued releases of water pursuant to permit term requirements could cause storage levels in Lake Mendocino to decline to unsafe levels. If storage in Lake Mendocino is depleted there will be serious impacts to human health and welfare and water will not be available to protect aquatic life, including threatened and endangered species in the Russian River. Approval of the petitions is therefore necessary to prevent and mitigate loss of, or damage to, the environment, fishery resources, property, public health, and essential public services. Accordingly, the project is statutorily exempt from CEQA because it is necessary to prevent or mitigate an emergency. (Pub. Resources Code, § 21080, subd. (b)(4); Cal. Code Regs., tit. 14, § 15269, subd. (c).)
- 2) 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 Decision 1610.
- 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.