

RECEIVED WITH FEE

RECEIPT # 15184825

FILED
KERN COUNTY

NOV 25 2020

NOTICE OF EXEMPTION

MARY B. BEDARD
AUDITOR CONTROLLER-COUNTY CLERK
BY [Signature] DEPUTY

<p>TO: Office of Planning and Research 1400 Tenth Street Sacramento, CA 95814 state.clearinghouse@opr.ca.gov</p> <hr/> <p>Kern County Clerk 1115 Truxtun Avenue Bakersfield, CA 93301</p>	<p>FROM: Kern County Water Agency 3200 Rio Mirada Drive Bakersfield, CA 93308</p>									
<p>1. Activity Title:</p>	<p>Approval of resolutions authorizing execution of (1) the Contract Between Kern County Water Agency and its Member Units for Preliminary Planning and Design Costs Related to a Potential Delta Conveyance Project; (2) the Agreement for the Advance or Contribution of Money to the Department of Water Resources by the Kern County Water Agency for Preliminary Planning and Design Costs Related to a Potential Delta Conveyance Project; and (3) an Amendment to the Delta Conveyance Design and Construction Authority Joint Powers Agreement.</p>									
<p>2. Lead agency approving the activity:</p>	<p>Kern County Water Agency</p>									
<p>3. Activity Location:</p>	<p>The resolutions and the activities approved have no specific location as they do not entail construction, development, or any other activity that could potentially result in a significant environmental impact.</p> <p>The resolutions do not in any way approve or commit the Agency to a Delta Conveyance Project, which the Department of Water Resources (DWR) is still analyzing and considering. DWR anticipates that, if approved, a future Delta Conveyance facility might span portions of Sacramento, Yolo, San Joaquin, Contra Costa, and/or Solano counties.</p>									
<p>4. Description of nature, purpose, and beneficiaries of Activity:</p>	<p>On November 18, 2020, the Kern County Water Agency (Agency) approved Resolution Nos.46-20, 47-20 and 48-20. The resolutions authorized the execution of (1) a funding agreement with the Agency's participating Member Units for environmental planning costs associated with a potential Delta Conveyance Project; (2) a funding agreement with DWR for environmental planning costs associated with a potential Delta Conveyance Project; and (3) an amended Joint Powers Agreement to become a member of the Delta Conveyance Design and Construction Authority ("DCA"). The resolutions do not commit the Agency to any current or future project, and do not entail any construction or other activity that could result in a potential physical change to the environment.</p>									
<p>5. Exempt status:</p>	<table border="0"> <tr> <td data-bbox="305 1570 337 1602"><input checked="" type="checkbox"/></td> <td data-bbox="394 1570 695 1602">Not an approval of a project.</td> <td data-bbox="787 1570 1490 1602">State CEQA Guidelines sections 15060(c)(3), 15378(a), (b)(2)(4)(5)</td> </tr> <tr> <td data-bbox="305 1633 337 1665"><input checked="" type="checkbox"/></td> <td data-bbox="394 1633 613 1665">Statutory exemption.</td> <td data-bbox="787 1633 1182 1665">State CEQA Guidelines section 15262</td> </tr> <tr> <td data-bbox="305 1696 337 1728"><input checked="" type="checkbox"/></td> <td data-bbox="394 1696 678 1728">Common sense exemption.</td> <td data-bbox="787 1696 1320 1728">State CEQA Guidelines section 15061, subd. (b)(3)</td> </tr> </table>	<input checked="" type="checkbox"/>	Not an approval of a project.	State CEQA Guidelines sections 15060(c)(3), 15378(a), (b)(2)(4)(5)	<input checked="" type="checkbox"/>	Statutory exemption.	State CEQA Guidelines section 15262	<input checked="" type="checkbox"/>	Common sense exemption.	State CEQA Guidelines section 15061, subd. (b)(3)
<input checked="" type="checkbox"/>	Not an approval of a project.	State CEQA Guidelines sections 15060(c)(3), 15378(a), (b)(2)(4)(5)								
<input checked="" type="checkbox"/>	Statutory exemption.	State CEQA Guidelines section 15262								
<input checked="" type="checkbox"/>	Common sense exemption.	State CEQA Guidelines section 15061, subd. (b)(3)								
<p>6. Reason why activity was exempt:</p>	<p>The Agency's approvals of the resolutions do not qualify as a "project" subject to CEQA because they constitute (1) continuing administrative or maintenance activities, such as general policy and procedure making; (2) government fiscal activities that do not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment; and (3) organizational or administrative activities of a public agency that</p>									

18581

	<p>will not result in direct or indirect physical changes in the environment. (State CEQA Guidelines, §§ 15060(c)(3).) Moreover, the approvals of the resolutions do not qualify as a “project” because they do not have a potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment. (State CEQA Guidelines, § 15378(a).)</p> <p>Alternatively, the Agency’s approvals of the resolutions are statutorily exempt from CEQA under State CEQA Guidelines section 15262, as the resolutions concerned “feasibility or planning studies for possible future actions [that] the agency ... has not approved, adopted, or funded.” (State CEQA Guidelines, § 15262.) Notably, although the resolutions provide for some funding for the environmental planning costs associated with a potential Delta Conveyance Project, they provide for no funding for the construction of the Delta Conveyance Project, nor do they otherwise commit the Agency to the Delta Conveyance Project.</p> <p>Furthermore, the Agency’s approvals of the resolutions are exempt from CEQA under the common sense exemption set forth in State CEQA Guidelines section 15061(b)(3), as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. None of the exceptions to this exemption identified in CEQA Guidelines § 15300.2 exist here.</p>
7. Public Agency Contact Person:	Holly Melton, Water Resources Manager
Telephone:	(661) 634-1400

Signature:  _____ Date: 11/19/2020

Name: Holly Melton

Date Received for Filing: _____

(Clerk Stamp Here)