

Notice of Exemption

To: Office of Planning and Research
1400 Tenth St., Rm 113
Sacramento CA, 95814

From: CA Department of Water Resources
1416 Ninth Street, Room 1155-B
Sacramento, CA 95814
Contact: Anthony Meyers, (916) 919-7171

Project Title: *Amendment No. 5 to the Amended and Restated Joint Exercise of Powers Agreement*

Project Applicant: Department of Water Resources

Project Location - Specific: N/A

Project Location (City): N/A

Project Location - County: N/A

Description of Nature, Purpose and Beneficiaries of Project: This action is the fifth amendment to the Amended and Restated Joint Exercise of Powers Agreement between DWR and the Delta Conveyance Design and Construction Joint Powers Authority (Authority) to provide for Authority support of appropriate feasibility and planning studies for possible future actions that DWR and the Authority have not approved, adopted, or funded.

The purpose of the amendment is to change the reimbursement date for the “Initial DWR Contribution” set forth in Amendment No. 4 and to authorize the Authority to act as DWR’s agent under certain circumstances.

Name of Public Agency Approving Project: Department of Water Resources

Name of Person or Agency Carrying out Project: Department of Water Resources

Exempt Status: The action is not a “project” as defined in Section 15378. In the alternative even if the action was a project, it would be exempt under Statutory Exemptions 15061, subd.(b)(3) (common sense) and 15262.

Reasons why project is exempt: The proposed action is not defined as a “project” under CEQA (Public Resources Code Section 21065, State CEQA Guidelines Section 15378) because the proposed action will not cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and involves continuing administrative or maintenance activities (Section

Delta Conveyance Program, JEPA AM No. 5, Notice of Exemption from CEQA

15378(b)(2) of the State CEQA Guidelines). In addition, the proposed action is not defined as a project under CEQA because it involves other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment (Section 15378(b)(4) of the State CEQA Guidelines). Furthermore, where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the proposed activity is not subject to CEQA (Section 15061(b)(3) of the State CEQA Guidelines). In the alternative, and even if the proposed action was a project under CEQA, the action is statutorily exempt under Section 15262 for feasibility and planning studies. The action is not an adoption of a plan that will have a legally binding effect on later activities, but rather to provide funding for appropriate feasibility and planning studies for possible future actions that DWR has not approved, adopted or funded.

Lead Agency Contact Person and Phone Number: Anthony Meyers (916) 919-7171

Signed by Lead Agency

anthony meyers

Anthony Meyers
Executive Director, Delta Conveyance Office
California Department of Water Resources

March 3, 2021

Date

Date Received for filing at OPR: _____

Authority cited: Sections 21083 and 21110, Public Resources Code.

Reference: Sections 21108, 21152, and 21152.1, Public Resources Code. Revised 2011