

## Notice of Exemption Attachment

**Project Title: Temporary Urgency Change Petitions for Permits 12947A, 12949, 12950 and 16596**  
**Project Applicant: Sonoma County Water Agency (Sonoma Water)**

On April 21, 2021, Governor Gavin Newsom declared a State of Emergency, due to drought conditions, which suspends the California Environmental Quality Act (CEQA) and regulations adopted pursuant to CEQA in Mendocino and Sonoma Counties, to the extent necessary for the State Water Resources Control Board (State Water Board) to address drought-related impacts through “[m]odifying requirements for reservoir releases or diversion limitations” in the Russian River Watershed “to ensure adequate, minimal water supplies for critical purposes.” Sonoma Water’s requests to temporarily lower instream flow requirements in the Russian River due to historically dry conditions are eligible for suspension under the Governor’s April 21, 2021 Drought Emergency Proclamation.

In addition to the Governor’s suspension of CEQA covering the activities proposed and approved under this Order, the State Water Board has reviewed the information submitted by Sonoma Water and has made its own independent finding that the requested changes are statutorily and categorically exempt from CEQA. The changes sought by the TUCPs are consistent with the following statutory and categorical CEQA exemptions for the following reasons:

- 1) As mentioned above, the Governor proclaimed a drought emergency in Mendocino and Sonoma counties due to drought conditions in the Russian River Watershed on April 21, 2021. The Governor’s Drought Emergency Proclamation ordered the State Water Board to consider specific actions to “ensure adequate, minimal water supplies for critical purposes.” Information provided by Sonoma Water demonstrates that continued releases of water to maintain minimum instream flows required by Sonoma Water’s current water right permit terms could cause storage levels in Lake Mendocino and Lake Sonoma to decline to unsafe levels. If storage in Lake Mendocino is depleted, there will be serious water supply impacts to human health and safety, and water will not be available to protect aquatic life, including threatened and endangered species in the Russian River. Furthermore, Sonoma Water states that increasing Lake Sonoma releases to maintain instream flow requirements under current permit terms could harm critical endangered species habitat in Dry Creek, and that the resulting depletion of Lake Sonoma could also affect drinking water supplies and other critical water uses if dry conditions persist into 2022. Approval of the requested changes is therefore necessary to prevent and mitigate loss of, or damage to, the environment, fishery resources, property, public health and safety, and essential public services. Accordingly, the project is statutorily exempt from CEQA because it is necessary to prevent or mitigate an emergency—in this case, a proclaimed drought emergency—that poses a clear and imminent danger. (Pub. Resources Code, §§ 21060.3 & 21080, subd. (b)(4); Cal. Code Regs., tit. 14, § 15269, subd. (c).)
  
- 2) A Class 1 categorical exemption “consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.” (Cal. Code Regs., tit. 14, § 15301.) 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.
  
- 3) A Class 7 categorical 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 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 categorical 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 categorical exemption, and the proposed temporary changes are also therefore categorically exempt under Class 8.