

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: Fresno
PO Box 766
Fresno, CA 93712

From: (Public Agency): Panoche Water District
52027 W. Althea Ave.
Firebaugh, CA 93622
(Address)

Project Title: CCWD CVP Water Transfer Project

Project Applicant: Panoche Water District

Project Location - Specific:
Central Valley Project Service Area; Panoche Water District

Project Location - City: Firebaugh Project Location - County: Fresno

Description of Nature, Purpose and Beneficiaries of Project:
See Attachment.

Name of Public Agency Approving Project: Panoche Water District

Name of Person or Agency Carrying Out Project: Ara Azhderian

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: Guidelines section 15301
Statutory Exemptions. State code number: Water Code section 1725; PRC Code section 21080(b)(4).

Reasons why project is exempt:
See Attachment.

Lead Agency
Contact Person: Ara Azhderian Area Code/Telephone/Extension: (209) 364-6136

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: June 11, 2021 Title: General Manager

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:

CONTRA COSTA WATER DISTRICT CENTRAL VALLEY PROJECT WATER TRANSFER PROJECT
PANOCHÉ WATER DISTRICT
Notice of Exemption: Attachment

Description of Nature, Purpose, and Beneficiaries of Project:

Stage 1 of the Water Transfer Project will take place in 2021 and will include the transfer from Contra Costa Water District of up to 2,000 acre-feet of Central Valley Project ("CVP") Water to Panoche Water District. This Water Transfer Project will occur by CCWD's use of previously -stored CVP water in Los Vaqueros Reservoir in lieu of CCWD diverting a portion of its yearly CVP allocation out of the Delta. When PWD receives at least a 40% CVP allocation, it will return the 2,000 acre-feet of CVP water by scheduling delivery of a portion of its CVP allocation at CCWD's intakes for delivery to CCWD.

Reasons Why Project is Exempt:

This Water Transfer Project is exempt from CEQA under Water Code section 1725 as a transfer of the right to CVP water for up to one year. CCWD will deliver 2,000 acre-feet of water to PWD in 2021. In a subsequent year, the same amount of water will be scheduled to be delivered to CCWD instead of to PWD.

This Water Transfer Project is also statutorily exempt from CEQA pursuant to Public Resources Code section 21080(b)(4) and CEQA Guidelines section 15269 (c) because it involves specific actions necessary to prevent or mitigate the drought emergency as provided for and declared in Governor Newsom's May 10, 2021, Proclamation of a State of Emergency to address the drought. Government Code section 8571 authorizes the Governor to suspend certain regulatory requirements, including CEQA, under emergency conditions. The Proclamation orders the State "to expeditiously consider requests to move water to areas of need, including requests involving voluntary transfers, forbearance agreements, water exchanges, or other means," and suspend CEQA for purposes of carrying out or approving this and other directives. The Water Transfer Project will carry out this directive and will prevent or mitigate the impacts of the drought emergency.

The Water Transfer Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15301 because it involves operation of existing facilities with no or negligible expansion of use.