

# Notice of Exemption

## Fee Exempt per Government Code Section 6103

To: ✉ Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

Tulare County Clerk  
Room 105, Courthouse  
221 South Mooney Boulevard  
Visalia, California 93291

*Date Filed by Tulare County Clerk*

**Lead Agency:** Tulare County – Resource Management Agency  
5961 South Mooney Blvd.  
Visalia, CA 93277  
*Attn: [hguerra@tularecounty.ca.gov](mailto:hguerra@tularecounty.ca.gov) and [jwillis@tularecounty.ca.gov](mailto:jwillis@tularecounty.ca.gov)*

**Applicant(s):** Tulare County Resource Management Agency      PH. (559) 624-7000  
5961 South Mooney Blvd.  
Visalia, CA 932977

**Activity/Project Title:** Cross Valley Canal Water Supply and Conveyance Contracts

**Activity / Project Location – Specific:** Within the Boundaries of the County Of Tulare.

**Activity / Project Location- Section, Township, Range:** N/A

**Activity/Project Location – N/A**

**Activity/Project Location - County:** Tulare County

**Description of Nature, Purpose, and Beneficiaries of Activity / Project:** The Project will allow the Cross Valley (CV) Contractors to continue receiving Central Valley Project (CVP) Project Water in the manner consistent with current and historical practices.

The Cross-Valley Canal (“CVC”) is a water conveyance facility in the southern San Joaquin Valley that extends from the California Aqueduct (near Tupman), east to the Kern River and is used to convey irrigation water to the seven CV Contractors, which are located along the east side of the San Joaquin Valley within Fresno, Kings, Tulare, and Kern counties.

The Lower Tule River Irrigation District (the “District”) is the lead agency for, by each Cross Valley Contractor: (1) the approval and execution of a contract with the United States, Department of Interior, Bureau of Reclamation (“Reclamation”) that converts, pursuant to Section 4011(a)(1) of the Water Infrastructure Improvement for the Nation Act, Public Law 114-322, 130 Stat. 1628 (the “WIIN Act”), the CV Contractor’s existing contract for Project Water from the Central Valley Project (“CVP”) to a repayment contract authorizing prepayment of outstanding CVP construction costs; and (2) the approval and execution of a contract with Reclamation and the State of California, Department of Water Resources (“DWR”) that renews and updates the terms of an existing contract for the conveyance of the CV Contractor’s CVP water until 2035 (the “Project”). All other agencies with jurisdiction over aspects of a project, including the county of Tulare, are considered to be responsible agencies for purposes of CEQA.

The District (as lead agency) prepared a Final Environmental Impact Report for the Cross Valley Contractors’ Conversion of Water Supply Contracts and Renewal of Conveyance Contracts (“Final EIR”) in accordance with the California Environmental Quality Act, Public Resources Code Section 21000 et. seq. (“CEQA”) to evaluate the potential environmental impacts associated the Project. The FEIR identifies

no significant effects for the proposed Project. Adverse but less-than-significant effects do not require mitigation, nor do they require findings be made. Because there are no significant effects for the proposed Project, no Mitigation Monitoring and Reporting Program (MMRP) is required to mitigate significant environmental impacts, nor is a statement of overriding considerations required for the proposed Project.

As provided by the District, the Finding of Fact (Findings) are based upon substantial evidence in the entire record before the Board of Directors of the District. The references to the Draft EIR and Final EIR set forth in the Findings are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these Findings. For resources with potentially significant impacts, the District reviewed and considered the information contained in the Final EIR, which does not identify one or more significant environmental effects of the Project. Because there are no significant effects for the proposed Project, no Mitigation Monitoring and Reporting Program required to mitigate significant environmental impacts, nor is a statement of overriding considerations required for the proposed Project.

The objectives and benefits of the CV Contractors' current water supply and conveyance contracts are:

- Avoid long-term overdraft by achieving a balanced groundwater budget;
- Maintain a diversified water supply, sufficient to supply water for all uses, even during supply shortages;
- Integrate groundwater management with use of CVP and other surface water supplies as available;
- Make use of current conveyance and distribution systems and facilities to fully utilize all water supplies;
- Avoid or correct groundwater levels that are too low to support existing wells;
- Maximize cropland preservation; and
- Maximize the efficiency of delivery, conveyance, and use of CVP water through direct delivery and exchanges of CVP water.

The primary objective of the proposed Project is to continue each of these objectives, by allowing the CV Contractors to continue receiving CVP water in the manner consistent with current and historical practices. As such, the provision of a reliable water supply and conveyance system as described in the Project provides a benefit to all water user within the Cross Valley Canal service areas within the County of Tulare.

**Exempt Status:**

**Categorical Exemptions: CEQA Guidelines Class 1 Section 15301 Existing Facilities**

Statutory Exemptions: N/A.

**Reasons Why Activity/Project are Exempt from CEQA:** This action is consistent with Section 15301 Class I, Existing Facilities, operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features; in this instance. Further, as noted earlier, the Findings of Fact indicate that there are no significant effects for the proposed Project, no Mitigation Monitoring and Reporting Program required to mitigate significant environmental impacts, nor is a statement of overriding considerations required for the proposed Project. Therefore, it can be concluded that the Project is exempt from California Environmental Quality Act per Section 15301.

**Name of Public Agency Approving Activity / Project:** Tulare County RMA

**Activity/Project Representative:** Reed Schenke, RMA Director **Telephone:** (559) 624-700

Signature:  Date: 10/20/21 Title: Chief Environmental Planner  
Hector Guerra

Signature:  Date: 10.20.21 Title: Environmental Assessment Officer  
Reed Schenke, P.E. RMA Director

Signed by Lead Agency

Date received for filing at OPR: