

Notice of Exemption Attachment

Project Title: Temporary Urgency Change Petitions (TUCP) 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 implement an alternative hydrologic index based on Lake Mendocino storage values that is reflecting the actual dry conditions in the Russian River 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 the TUCP approval 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, on April 21, 2021, the Governor proclaimed a drought emergency in Mendocino and Sonoma counties due to drought conditions in the Russian River Watershed. 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 contribute to storage levels in Lake Mendocino and Lake Sonoma declining to unsafe levels. As discussed in this Order, if storage in Lake Mendocino and Lake Sonoma are 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. Approval of the TUCPs 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 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.” (Cal. Code Regs., tit. 14, § 15307.) The proposed action is necessary for maintenance of viable operations to support municipal use and protect listed salmonid species in the Russian River by preventing Lake Mendocino from declining to a storage level at which the reservoir may no longer be operational in light of the extremely dry condition the region has been experiencing. Accordingly, these changes are categorically exempt from CEQA pursuant to a Class 7 exemption.

- 3) 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 assure 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.