

Notice of Exemption

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

Contra Costa County Clerk
555 Escobar Street
Martinez, CA 94553

Yuba County Clerk/Recorder Office
915 8th Street, Suite 107
Marysville, CA 95901

Alameda County Clerk-Recorder's Office
1106 Madison Street
Oakland, CA 94607

From: Contra Costa Water District
P.O. Box H20
Concord, CA 94524
925-688-8168
Lead Agency/Applicant and
Filing Agency

Project Title: Yuba County Water Agency (YCWA) One-Year Water Transfer to Contra Costa Water District (CCWD)

Project Applicant: Contra Costa Water District

Project Location - Specific: CCWD service area would receive water originating from YWCA

Project Location - City: Various **Project Location - County:** Contra Costa and Yuba Counties

Description of Nature, Purpose and Beneficiaries of Project:

YCWA will transfer up to 25,000 acre-feet of water to CCWD between April 1 and November 30, 2022. In response to on-going drought conditions, YCWA, CCWD and East Bay Municipal Utility District (EBMUD) have entered into an agreement under which CCWD, or EBMUD, or both, could divert water made available for transfer by YCWA this year under the Lower Yuba River Accord (Yuba Accord) and Corrected Order WR 2008-0014. State Water Resources Control Board approval of a temporary change petition to add CCWD's intakes as points of rediversion on YCWA's water rights is needed to allow CCWD to divert the transfer water using CCWD's existing Rock Slough, Old River, and/or Middle River Intakes. The transfer water will be used within the authorized place of use for Yuba Accord transfer water, which includes the service areas of the Central Valley Project (CVP) and the State Water Project. CCWD's service area is within the CVP service area. Transfer water diverted by CCWD will be a supplemental water supply to mitigate for anticipated water-supply shortages in CCWD's service area and/or by exchange or wheeling arrangements with one or more of the Bay Area Regional Reliability Project agencies, including EBMUD, that are within the authorized place of use for Yuba Accord transfer water.

Name of Public Agency Approving Project: Contra Costa Water District

Name of Person or Agency Carrying Out Project: Contra Costa Water District

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. CEQA Guidelines Section 15301, Use of Existing Facilities
- Statutory Exemptions. State code number: Water Code section 1729, Temporary Change; CEQA Guidelines Section 15282(u)

Reasons why project is exempt:

The project is exempt from CEQA pursuant to Public Resources Code Section 21080 (b)(3) and CEQA Guidelines Section 15269(a) due to the Declared Emergency. On May 10, 2021, Governor Newsom declared a State of Emergency (Proclamation) to address the severe drought condition in 41 California counties, including Contra Costa County. 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 water transfers, forbearance agreements, water exchanges, or other means,” and suspends CEQA for purposes of carrying out or approving this and other directives. The project will carry out this directive and will prevent or mitigate the impacts of the drought emergency.

As a separate and independent basis for determining the project to be exempt, the project also is 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 a separate and independent basis for determining the project to be exempt, the project is also eligible for a Class 1 categorical exemption under CEQA Guidelines Section 15301 for Existing Facilities. Conveyance of the transfer water would occur through existing facilities and would not exceed the normal capacity of those facilities. Accordingly, no construction of new or expansion of existing water conveyance facilities is required to facilitate the proposed transfer of water.

As a separate and independent basis for determining the project to be exempt, the project is also statutorily exempt from CEQA pursuant to Water Code section 1729 and CEQA Guidelines section 15282(u) because it is a temporary change of point of diversion involving a transfer of water for a period of one year or less through existing facilities.

As a separate and independent basis for determining the project to be exempt, the project also falls within the “common sense” exemption to CEQA, which applies “the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.” (CEQA

Guidelines, § 15061(b)(3).) This exemption applies if “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” (*Id.*) There will be no new physical construction or alterations to facilities associated with the project. The water will be conveyed through existing facilities and will not exceed their normal capacity.

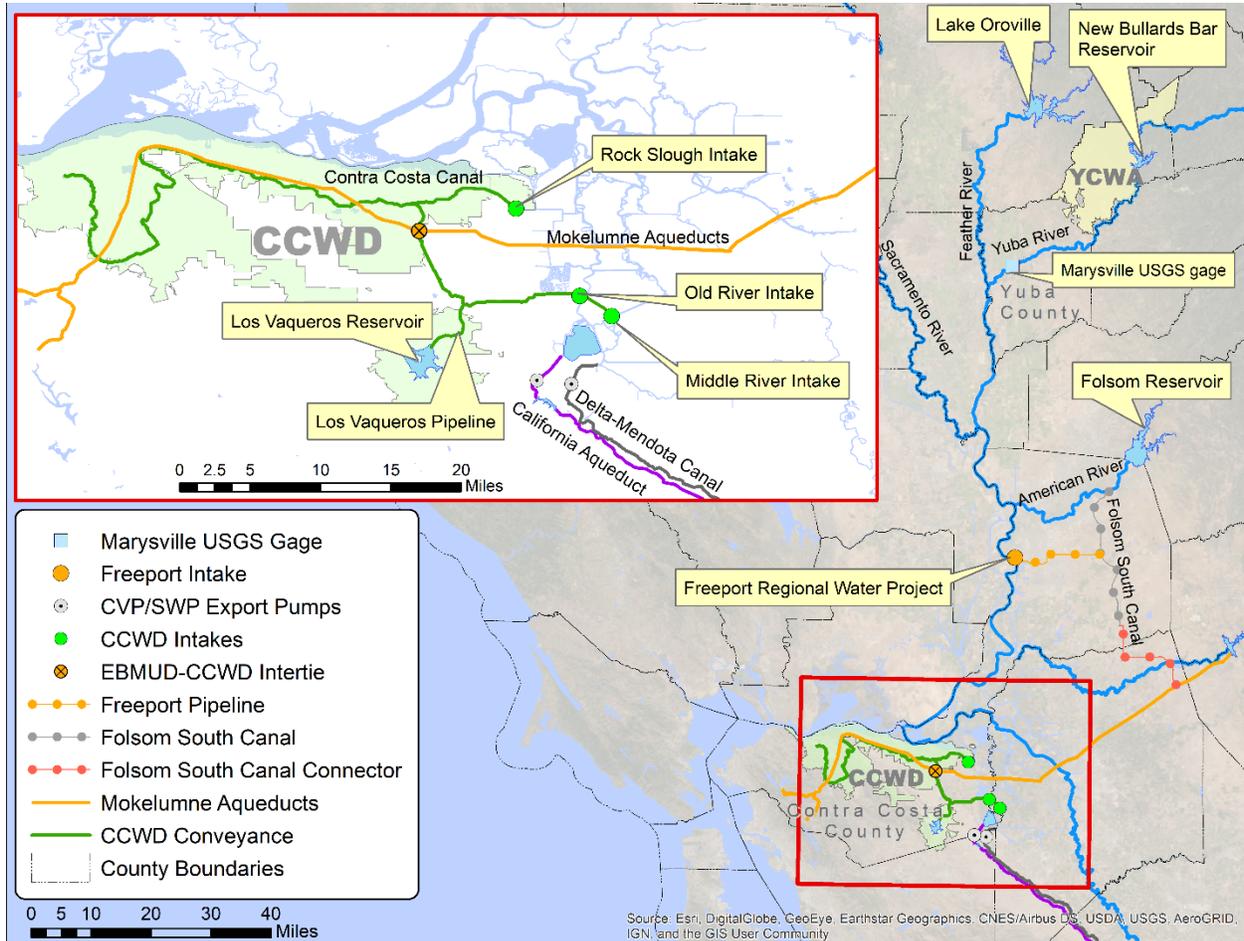


Figure 1. YWCA Transfer to CCWD

Lead Agency

Contact Person: Lucinda Shih

Area Code/Telephone/Extension: (925) 688-8168

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: Lucinda Shih Date: 2/17/2022 Title: Water Resources Manager

Signed by Lead Agency Signed by Applicant

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

Date Received for filing at OPR: _____

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