



## NOTICE OF EXEMPTION

To:  Office of Planning and Research  
For U.S. Mail:  
P.O. Box 3044  
Sacramento, CA 95812-3044

Street Address:  
1400 Tenth Street, Room 121  
Sacramento, CA 94514

From: ZONE 7 WATER AGENCY  
100 North Canyons Parkway  
Livermore, CA 94551  
925-454-5000  
Attn. Elke Rank

To:  County Clerk  
County of Alameda  
1106 Madison Street  
Oakland, CA 94612

Date: April 29, 2022

**Project Title:** Participation in the Delta Conveyance Project Process

**Project Number (Zone 7):** n/a

**Project Location – Specific:** Zone 7's Service Area in Pleasanton, Livermore, Dublin

**Project Location – City:** Zone 7's Service Area in Pleasanton, Livermore, Dublin

**Project Location – County:** Alameda

### Description of Nature, Purpose, and Beneficiaries of Project:

The Tri-Valley area receives approximately 70% of its water through the Delta. State Water Project (SWP) water, carryover water, water banked in Kern County and transfer water all come through the Delta. Sites Reservoir Project water would also be conveyed through the Delta. The Delta as a conveyance system for water supply is threatened by various factors such as ecosystem considerations, seismic risk, and climate change/sea level rise. Key benefits of the proposed Delta Conveyance Project (DCP) to Zone 7 are related to the availability of alternative conveyance based on the new, single-tunnel option that could bypass the South Delta when it is unusable. The proposed DCP will also likely increase SWP reliability and improve water quality, but an alternate conveyance system for the majority of Zone 7's water is the significant benefit. Zone 7 has been a participant in the DCP environmental planning process that began in 2021; the scope of the proposed work is limited to continued participation of the environmental work in 2023 and 2024.

DWR is in the process of completing the draft Environmental Impact Report (EIR) that is considering a reasonable range of project alternatives that avoid or substantially reduce potentially significant impacts. DWR expects to release the draft EIR for public review in mid2022. Concurrently, U. S. Army Corps of Engineers (USACE) is conducting a federal environmental review and preparing an Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA). In June 2020, DWR submitted a Section 404 permit application identifying a 6,000 cfs project pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act (Section 404 permit application) to the USACE. In

November 2021, DWR amended the Section 404 permit application to identify the Bethany Alternative as the proposed project because it has the least impacts to wetlands and waters. Page 4 This does not represent a decision by DWR on whether to move forward with the project or selection of an Alternative. DWR will still evaluate the tunnel alignment options originally proposed and a reasonable range of potentially feasible alternatives, in addition to the proposed project and a no project alternative, at the same level of detail.

Continued participation by Zone 7 in the planning costs will allow Zone 7 to elect to participate in the DCP in the future based on information developed in the planning process, will allow access by Zone 7 to information related to benefits and costs, and will provide Zone 7 influence throughout the process.

**Name of Public Agency Approving Project:** Zone 7 Water Agency

**Name of Person or Agency Carrying Out Project:** Zone 7 Water Agency

**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: Class 1 – Section 15301
- Statutory Exemptions. State code number: 15262 (feasibility and planning studies)
- Not Subject to CEQA under the General Rule of CEQA. See section 15061(b)(3).

**Reasons Why Project is Exempt:**

The recommended action does not qualify as a “project” subject to CEQA because the action constitutes (1) continuing administrative or maintenance activities, such as general policy and procedure making; (2) government fiscal activities that do not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment; and (3) organizational or administrative activities of a public agency that will not result in direct or indirect physical changes in the environment. (State CEQA Guidelines, § 15060(c)(3).) The recommended action does not constitute an approval by the Agency of the DCP nor does the action authorize or approve construction of the DCP. The recommended action does not authorize or commit the Agency or DWR to expenditure of the funding on any site-specific project. In addition, the recommended action does not authorize or approve any actions by the DCA or DWR that may cause direct or reasonably foreseeable indirect environmental impacts. As such, the action recommended herein is not a “project” requiring environmental review under the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guideline § 15378, subdivisions (a) and (b)(2), (b)(4) and (b)(5).

Further, and even was the action to be considered a CEQA “project,” this action would be statutorily exempt from environmental review pursuant to CEQA Guideline § 15262 because the action merely calls for the funding and completion of feasibility and planning studies, including the completion of CEQA review itself. In addition, the action is exempt under the “common sense” exemption in CEQA Guidelines § 15061, subd. (b)(3) because it can be seen with certainty that there is no possibility that the action may have a significant effect on the

environment. Finally, none of the exceptions to the use of the “common sense” exemption as identified in CEQA Guidelines § 15300.2 exist here.

**Lead Agency Contact Person:** Amparo Flores    **Area Code/Telephone/Ext:** 925-454-5019

<i>Project Engineer/Manager:</i>		<i>Environmental Review:</i>
<b>Signature:</b>		
<b>Title</b>	Integrated Planning Manager Zone 7 Water Agency	Associate Water Resources Planner Zone 7 Water Agency

---

Date received for filing at County Clerk: \_\_\_\_\_

Date received for filing at OPR: \_\_\_\_\_