

NOTICE OF EXEMPTION

To: Office of Planning and Research
Post Office Box 3044
Sacramento, California 95812

From: Department of Water Resources
Division of Operations and Maintenance
1516 9th Street
Sacramento, California 95814

Project Title: Temporary Point of Diversion at Middle River Intake for East Contra Costa Irrigation District's Water

Location – Specific: Water diverted from Middle River Intake at Victoria Canal by municipal and industrial users in East Contra Costa Irrigation District's service area

Location – County: Contra Costa and San Joaquin Counties

Description of Activity:

Contra Costa Water District (CCWD) diverts water under East Contra Costa Irrigation District's (ECCID) pre-1914 water right for use by municipal and industrial users in ECCID's service area. Under the 2000 Amendment to the 1991 Agreement among the Department of Water Resources (DWR), ECCID and CCWD, CCWD can divert the ECCID water from CCWD's Rock Slough or Old River Intakes. DWR's consent is needed for CCWD to divert ECCID water from CCWD's Middle River Intake.

Name of Public Agency Approving or Carrying Out Activity: CCWD

Exempt Status:

- Ministerial
- Declared Emergency
- Emergency Project
- Categorical Exemption: CEQA Guidelines Section 15301, Existing Facility
- Statutory Exemption California Water Code §1729. See also Cal. Code Regs., tit. 14, § 15282, subd. (u).

Reason why activity is exempt:

The project is exempt from CEQA pursuant to 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. 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. Diversion and conveyance of the water would occur through existing facilities, would not exceed the normal capacity of those facilities, and would not otherwise increase the amount of water diverted. Accordingly, no construction of new or expansion of existing water conveyance facilities is required to facilitate the temporary diversion of ECCID water at the Middle River Intake.

Responsible Agency Contact Person: Anna Fock **Telephone:** 916-820-7806

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Department of Water Resources

Date: 9/30/2022