

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

San Joaquin County Clerk
44 N. San Joaquin Street, Suite 260
Stockton, CA 95202

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

Project Title: Mountain House Community Services District (MHCS D)-Contra Costa Water District (CCWD) Pilot Water Storage Project

Project Applicant: Contra Costa Water District

Project Location - Specific: Water diverted at CCWD intakes, stored in Los Vaqueros Reservoir, and used in CCWD and MHCS D service areas (see Figure 1)

Project Location - City: Various

Project Location - County: Contra Costa and San Joaquin Counties

Description of Nature, Purpose and Beneficiaries of Project:

Due to extreme drought conditions this year, Mountain House Community Services District (MHCS D), which is served by Byron Bethany Irrigation District (BBID), secured a groundwater transfer from South San Joaquin Irrigation District under a separate agreement, for use if and when BBID supplies were curtailed this summer and fall. MHCS D filed a California Environmental Quality Act Notice of Exemption on this transfer on June 9, 2022. BBID’s water right is projected to be available through the fall, which means that up to 750 acre-feet of MHCS D’s purchased transfer water will be unused in October.

In order to improve management of scarce and valuable water supplies during this drought emergency, Contra Costa Water District (CCWD) and MHCS D have developed a pilot project for CCWD to store MHCS D’s unused transfer water in in Los Vaqueros Reservoir in Fall 2022. CCWD would divert MHCS D’s water supply in October, for delivery to CCWD’s service area in lieu of using previously stored water from Los Vaqueros Reservoir to meet customer demands. CCWD would hold this stored water for MHCS D, to be delivered by BBID to MHCS D in 2023.

With this project, MHCS D’s water would be diverted at CCWD’s Old River and Middle River Intakes in the Delta rather than at BBID’s point of diversion on the Banks intake channel south of Clifton Court

Forebay. The Old River and Middle River Intakes are both within 5 river miles of the Clifton Court Forebay intake gates, and all intakes are located in the southern Sacramento-San Joaquin Delta. All of CCWD's intakes are equipped with state-of-the-art positive barrier fish screens, and operations with the proposed project would occur in accordance with existing permits and contracts governing the use of CCWD's existing facilities.

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. CEQA Guidelines Section 15061(b)(3)

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 and San Joaquin Counties. 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” 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 without increasing the amount of water diverted.

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, 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 proposed transfer of water.

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 would not exceed their normal capacity and will not otherwise increase the amount of water diverted.

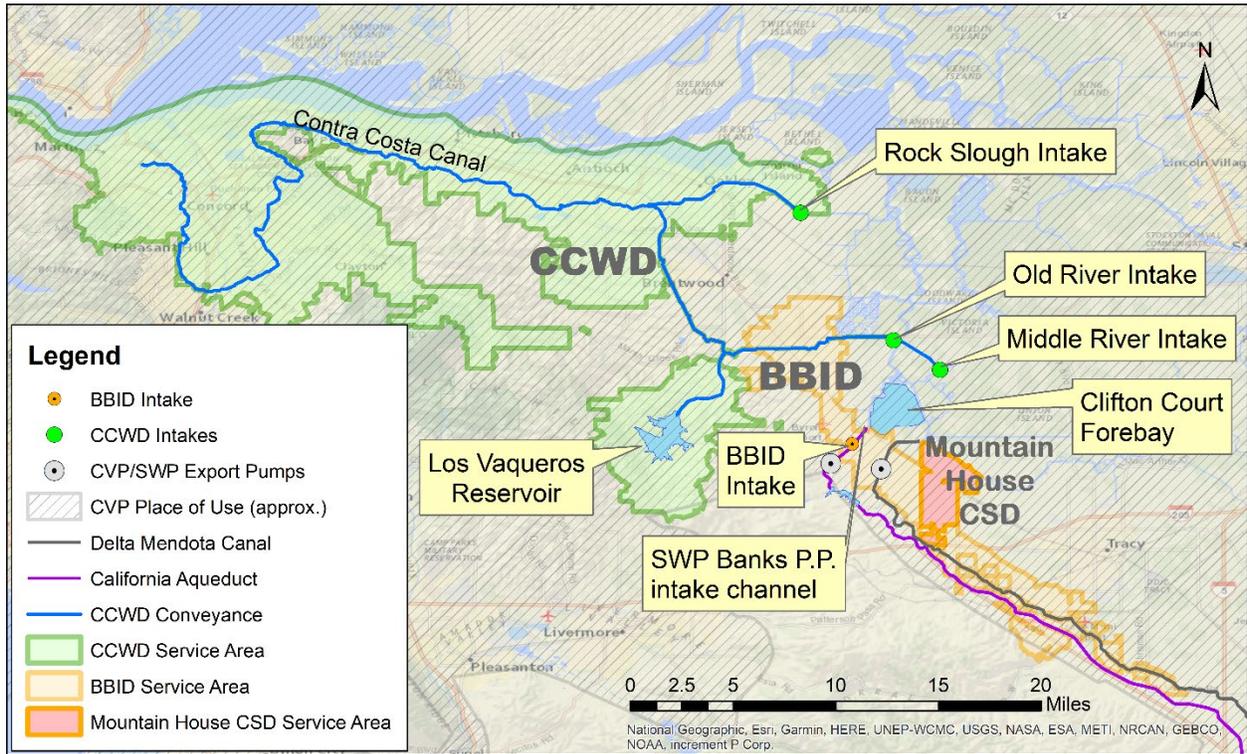


Figure 1. CCWD, BBID and MHCS D Service Areas and CCWD Delta Intakes

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: 9/26/2022 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.