

Notice of Exemption

Appendix E

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

County Clerk

County of: _____

From: (Public Agency): CA Dept. of Water Resources

P.O. Box 942836

Sacramento, CA 94236-0001

(Address)

Project Title: System Impact Study Agreement (Bethany)

Project Applicant: CA Department of Water Resources (CDWR)

Project Location - Specific:

Offices of Western Area Power Administration (WAPA) or CDWR or via online.

Project Location - City: Folsom, Sacramento Project Location - County: Sacramento

Description of Nature, Purpose and Beneficiaries of Project:

This agreement is an action to fund and otherwise support feasibility and planning studies for possible future actions which CDWR and WAPA have not approved, adopted or funded. WAPA will perform feasibility and planning system studies for potential delta conveyance power planning. See attached.

Name of Public Agency Approving Project: CDWR

Name of Person or Agency Carrying Out Project: CDWR and WAPA

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: 14 CCR 15306-Information collection
- Statutory Exemptions. State code number: PRC 21102, 21150; 14 CCR 15262-Feasibility studies

Reasons why project is exempt:

This agreement is to collect information and support feasibility and planning studies for possible future actions which CDWR and WAPA have not approved, adopted, or funded. The load interconnection studies and related activities will not have a legally binding effect on later activities. See attached.

Lead Agency

Contact Person: Maifiny Foley Area Code/Telephone/Extension: 916-820-7835

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: *Maifiny Foley* Date: 5/30/2023 Title: Contract Manager

▪ Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

Attachment to Notice of Exemption for System Impact Study Agreement between the California Department of Water Resources (CDWR) and the Western Area Power Administration (WAPA) - Bethany

Nature and Purpose of the Agreement:

This Agreement by CDWR and WAPA is an action by CDWR to fund and otherwise support appropriate feasibility and planning studies, as those terms are used in Public Resources Code Section 21102 and CEQA Guidelines Section 15262, for possible future actions which CDWR has not approved, adopted, or funded. This Agreement will enable WAPA to perform system impact and related feasibility planning studies for CDWR, primarily for service near Bethany Reservoir. Nothing in this Agreement shall be construed as CDWR making a decision on a delta conveyance project (DCP) or a decision on the supplier of energy for a DCP. This Agreement will terminate on the date all work has been completed by WAPA and all costs have been paid. The Agreement's budget will initially be \$100,000 and may be increased by mutual agreement.

CDWR finds this project is statutorily exempt for the following reasons:

No construction or actual delivery of power over a transmission system for a delta conveyance will proceed under this Agreement. No construction or actual delivery of power over a transmission system for a delta conveyance will proceed unless and until CDWR, as lead agency under CEQA, has approved a project after compliance with CEQA and consideration of feasible mitigation and alternatives to a delta conveyance, including but not limited to the no project alternative. This Agreement is limited to providing monetary payment by CDWR to WAPA for system impact and related feasibility planning studies, including participating in meetings and telephone calls. The studies will consider environmental factors as necessary. The activities under this Agreement will not have a legally binding effect on later activities related to a delta conveyance. Execution of separate contracts is necessary to authorize any construction, transmission, or delivery of power to a DCP.

Public Resources Code 21102 statutorily exempt state-level feasibility or planning studies for possible future actions which the state agency has not approved. CEQA Guidelines 15262 provides that a "project involving only feasibility or planning studies for possible future actions which the agency, board, or commission has not approved, adopted, or funded does not require the preparation of an EIR or negative declaration but does require consideration of environmental factors. This section does not apply to the adoption of a plan that will have a legally binding effect on later activities."