

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): Department of Water Resources
715 P Street, 8th Floor
Sacramento, CA 95814

(Address)

Project Title: Groundwater Sustainability Plan Assessment - East Bay Plain Subbasin

Project Applicant: East Bay Municiple Utility District Groundwater Sustainable Agencies, City of Hayward Groundwater Sustainable Agencies

Project Location - Specific:

East Bay Plain Subbasin

Project Location - City: _____ Project Location - County: Alameda, Contra Costa

Description of Nature, Purpose and Beneficiaries of Project:

The Sustainable Groundwater Management Act (SGMA), Water Code 10720 et seq., requires local groundwater sustainability agencies (GSAs) to develop and implement groundwater sustainability plans (GSPs) to meet the sustainability goal established pursuant to SGMA. (Water Code 10727) The Department of Water Resources (DWR) is required to review GSPs to evaluate whether they comply with provisions of SGMA, are likely to achieve the sustainability goal for the basin, and whether they adversely affect the ability of adjacent basins to implement their groundwater sustainability plans. (Water Code 10733) DWR is required to evaluate a GSP and issue an assessment within two years of its submission by a GSA. (Water Code 10733.4) Accordingly, DWR evaluated the Madera Subbasin GSP and has issued its assessment of that GSP, which determines the GSP is "incomplete," as defined in DWR's GSP Regulations (23 Cal. Code Regs. 355.2)

Name of Public Agency Approving Project: Department of Water Resources (but see explanation below)

Name of Person or Agency Carrying Out Project: East Bay Municiple Utility District Groundwater Sustainable Agencies, City of Hayward Groundwater Sustainable Agencies

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: Guidelines 15601 [common sense]
- Statutory Exemptions. State code number: Water Code 10728.6 (see additional reasons below)

Reasons why project is exempt:

CEQA does not apply to the preparation and adoption of GSPs. (Water Code § 10728.6); DWR's issuance of the assessment does not represent an "approval" or "carrying out" of a "project" under CEQA. (Public Resources Code 21065, 21080, 21081); A GSA is not prohibited from implementing its GSP prior to evaluation and assessment by DWR. (Water Code 10733.4(d)); There is no possibility that DWR's issuance of the assessment may have a significant effect on the environment. (CEQA Guidelines 15061(b)(3)); Even if CEQA applied to the issuance of the assessment or to the GSP itself, DWR believes several other exemptions likely apply to issuance of the assessment. Furthermore, DWR could not presently conduct meaningful environmental review under CEQA because it would require speculation and conjecture; however, SGMA does not exempt projects that would implement actions taken pursuant to a GSP, and DWR therefore expects GSAs will satisfy any applicable CEQA obligations when approving or carrying out projects as part of GSP implementation.

Lead Agency

Contact Person: Paul Gosselin Area Code/Telephone/Extension: 916-902-6690

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: Paul Gosselin Date: 8/3/2023 Title: Deputy Director

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: _____