

Notice of Exemption

To:
Office of Planning and Research
[CEQA Submit](#)

From:
Department of Fish and Wildlife
Inland Deserts Region
3602 Inland Empire
Boulevard, Suite C-220



Project Title: Los Angeles Department of Water and Power Neighboring Landowner Permit 2089.23-001

Project Location (Inyo County): along the Giraud Ditch and China Slough, between the Bishop Paiute Tribal reservation and the Bishop Creek Canal

Project Description: The California Department of Fish and Wildlife has issued a Neighboring Landowner Permit to the Los Angeles Department of Water and Power pursuant to Fish and Game Code section 2089.23 in the California State Safe Harbor Agreement Program Act (CSSHAPA). Issuance of a Neighboring Landowner Permit complements and supports the CDFW Consistency Determination also issued pursuant to the CSSHAPA for a federal Safe Harbor Agreement for Owens pupfish on the adjacent property. The activities expected with the issuance of the Neighboring Landowner Permit include potential, but unlikely, take of Owens pupfish. Safe Harbor Agreements encourage landowners to voluntarily manage their land to conserve listed, declining, or vulnerable species on non-federal land. The added benefit of a neighboring landowner permit to listed, declining or vulnerable species is that neighbors avoid additional regulatory burdens associated with listed, declining or vulnerable species that may spread onto their land and, thus, more land and habitat may become involved in the species' conservation effort.

Public Agency Approving Project: California Department of Fish and Wildlife

Person or Public Agency Carrying Out Project: Los Angeles Department of Water and Power

Exempt Status:

- Statutory Exemption.
- Categorical Exemption. Type – Class 7; California Code of Regulations, title 14, section 15307

Reasons why project is exempt: See attachment.

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DocuSigned by:
 Signature: Russell Black Date: 4/17/2024
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 Russell Black, Environmental Program Manager



State of California – Natural Resources Agency

GAVIN NEWSOM, Governor

DEPARTMENT OF FISH AND WILDLIFE **CHARLTON H. BONHAM, Director**

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Date received for filing at OPR: _____



State of California – Natural Resources Agency

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ATTACHMENT TO NOTICE OF EXEMPTION

Los Angeles Department of Water and Power Neighboring Landowner Permit

The California Department of Fish and Wildlife (CDFW) has approved a project for purposes of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 *et seq.*) that includes issuing a Neighboring Landowner Permit to the Los Angeles Department of Water and Power (LADWP) under the California State Safe Harbor Agreement Program Act (CSSHAPA) related to the potential, but unlikely, take of Owens pupfish that may possibly emigrate to LADWP's jurisdiction from an adjacent property (collectively, the Project). Generally, the purpose of the CSSHAPA is to establish a program that will encourage landowners to manage their lands voluntarily to benefit endangered, threatened, or candidate species, or declining or vulnerable species, and not be subject to additional regulatory restrictions as a result of their conservation efforts. To further the purpose of the CSSHAPA, the law includes a Neighboring Landowner provision that enables take coverage to be conferred to a property adjacent to land enrolled in a Safe Harbor Agreement or Consistency Determination. A property adjacent to LADWP's jurisdiction is enrolled in a federal Safe Harbor Agreement for Owens pupfish for which CDFW approved a Consistency Determination and the issuance of a Neighboring Landowner Permit enables LADWP to receive take coverage for Owens pupfish without the need for LADWP to undertake the management activities set forth in the federal Safe Harbor Agreement and the Consistency Determination. The Project involves the potential, but unlikely, take of Owens pupfish in the improbable event Owens pupfish emigrate from the adjacent property. CDFW approved the Project relying on the Class 7 Categorical Exemption. (CEQA Guidelines, § 15307.) The exemption as relevant to the Project is discussed below.

Class 7 Categorical Exemption

CDFW finds the Project to be exempt pursuant to CEQA Guidelines section 15307, the exemption for "Actions by Regulatory Agencies for Protection of Natural Resources." Class 7, as relevant here, consists of actions as taken by regulatory agencies as authorized by state law to assure the restoration of a natural resource where the regulatory process involves procedures for protection of the environment. The Project falls within the class because the activities approved by CDFW further the purpose of landowners managing their lands voluntarily to benefit the Owens pupfish which is endangered pursuant to the California Endangered Species Act and is also fully protected. Specifically, the benefit of a neighboring landowner permit to listed, declining or vulnerable species is that neighbors adjacent to safe harbor agreement enrolled land avoid additional regulatory burdens associated with listed, declining or vulnerable species that may spread onto their land and, thus, more land and habitat may become involved in the species' conservation effort.