

Notice of Exemption

Appendix E

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

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

County Clerk
County of: _____

(Address)

Project Title: Alternative to a Groundwater Sustainability Plan - Niles Cone Subbasin

Project Applicant: Alameda County Water District

Project Location - Specific:
Niles Cone Subbasin

Project Location - City: _____ Project Location - County: Alameda

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) or an alternative to a GSP (Alternative) to meet the sustainability goal established pursuant to SGMA (Water Code 10727). Alternatives should demonstrate how water managers have already achieved, or will achieve, sustainable groundwater management. The Department is required to evaluate approved Alternatives and issue an assessment at least every five year.

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

Name of Person or Agency Carrying Out Project: Alameda County 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. 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:

*The Department's evaluation and assessment of whether the Alternative submitted by the Alameda County Water District for the Niles Cone Subbasin satisfies the objectives of SGMA is not subject to CEQA, either because it is not the "approval" or "carrying out" of a "project" under CEQA, or is subject to several specific statutory or categorical exemptions, or falls within CEQA's common sense exemption for the following reasons:

No physical change to the environment is associated with the evaluation and assessment of the alternatives undertaken by the Department. The Alternative submitted by the Alameda County Water District is based on a Groundwater Management Plan and projects and management actions that were previously adopted and the Agency has already begun implementing.

By finding that the Alternative satisfies the objectives of SGMA, the Alameda County Water District may comply with SGMA by continuing to manage the Subbasin subject to that Alternative, without the need to develop a GSP. As a result, the evaluation and assessment of the Alternative undertaken by the Department creates no foreseeable indirect impacts, and any impacts that might occur would be difficult to predict with any accuracy and too speculative to allow the Department to provide for meaningful analysis and review.*

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: 6/27/2024 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: _____