

Notice of Exemption

2019018578

To: Governor's Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, California 95814

From: Delta Stewardship Council
980 9th Street, Suite 1500
Sacramento, CA 95814

Project Title: Amendment to California Code of Regulations, Title 23. Water Division 6. Delta Stewardship Council Chapter 2. Consistency with Regulatory Policies Contained in the Delta Plan, Article 2. Certifications of Consistency, Section 5002 (b)(2)

Project Location: Sacramento-San Joaquin Delta

Project Description:

On January 24, 2019, the Delta Stewardship Council (Council) adopted a resolution to amend California Code of Regulations, title 23, section 5002 (b)(2). The amendment incorporated all applicable mitigation measures adopted and incorporated into the Delta Plan as amended April 26, 2018 rather than referring only to the mitigation measures adopted and incorporated into the Delta Plan in 2013, when the Council certified the Delta Plan Program Environmental Impact Report (PEIR) and formally adopted the Delta Plan. The amendment revised section 5002, subsection (b)(2) as follows:

“(2) Covered actions not exempt from CEQA must include all applicable feasible mitigation measures adopted and incorporated into the Delta Plan as amended April 26, 2018 identified in the Delta Plan’s Program EIR (unless the measure(s) are within the exclusive jurisdiction of an agency other than the agency that files the certification of consistency), or substitute mitigation measures that the agency that files the certification of consistency finds are equally or more effective.”

Name of Agency carrying out project: Delta Stewardship Council

Governor's Office of Planning & Research

Exempt Status: (check one)

- Ministerial Project (Section 21080(b)(1); 15268).
- Categorically Exempt (Section 15332).
- Declared Emergency (Section 21080(b)(3); 15269(a)).
- Emergency Project (Section 21080(b)(4); 15269(b)(c)).
- Statutory Exemption (Code/Section _____).
- The project clearly will not have a significant effect on the environment (15061(b)(3)).

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STATE CLEARINGHOUSE

Reasons why project is exempt:

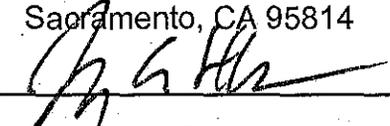
The amendment to section 5002(b)(2) is a minor regulatory change clarifying that the mitigation measures adopted and incorporated into the Delta Plan as amended April 26, 2018 are part of section 5002(b)(2) and apply to covered actions. The mitigation measures adopted and incorporated into the Delta Plan were previously evaluated in prior environmental analyses. No new or revised mitigation measures may be adopted

by the Council and incorporated into the Delta Plan except in compliance with CEQA as part of the environmental review process. (See State CEQA Guidelines § 15091(a)(1); see also Pub. Resources Code § 21081.6(b)). Therefore, the amendment is exempt from CEQA because it can be seen with a certainty that there is no possibility that the minor revision to the regulation that refers to all mitigation measures adopted and incorporated into the Delta Plan as amended April 26, 2018 in section 5002(b)(2), rather than referring only to the mitigation measures adopted and incorporated into the Delta Plan in 2013, may have a significant effect on the environment. (State CEQA Guidelines § 15061(b)(3)).

Lead Agency Contact Person: Jeff Henderson **Phone:** (916) 445-0258

Department: Planning and Performance Division

Address: 980 Ninth Street, Suite 1500
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Signature:  **Date:** 1/30/19

Title: Deputy Executive Officer

Signed by Lead Agency

Signed by Applicant

Date received for filing at OPR: _____