

2019058327

**NOTICE OF EXEMPTION**

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To: Office of Planning & Research  
1400 Tenth Street  
Sacramento, CA 95814

**Lead Agency/Applicant Name:**  
North Kern Water Storage District (Public Agency)  
33380 Cawelo Avenue  
Bakersfield, CA 93308  
(661) 393-2696

To: Kern County Clerk  
1115 Truxtun Avenue, 1st Floor  
Bakersfield, CA 93301

**Responsible Agency/Name**  
Buena Vista Water Storage District (Public Agency)  
525 N. Main Street  
Buttonwillow, California 93206  
(661) 324-1101

**Project Title:** Contract Between the United States of America, North Kern Water Storage District, and Buena Vista Water Storage District Providing for the Repayment of Funds Expended for Federally Performed Isabella Dam Safety Modification Project, Contract No. 18-WC-20-5245.

**Location -- Specific:** Within the boundaries of the Lake Isabella Dam and Reservoir on the Kern River in Kern County California, as more specifically depicted on the map attached hereto as Figure 1.

**Location -- County:** Kern County, California.

**Description of Activity:** North Kern Water Storage District ("North Kern") and Buena Vista Water Storage District ("Buena Vista"), together, have entered into a repayment contract with the United States of America ("United States") for the purpose of North Kern and Buena Vista repaying federal funds expended for the federal performance of a safety modification project with respect to Isabella Dam and Reservoir facilities ("Project"). Pursuant to the Act of Congress approved December 22, 1944 (58 Stat. 887), commonly known as the Flood Control Act of 1944 ("Flood Control Act"), the United States constructed the Isabella Dam and Reservoir on the Kern River for flood control and water conservation purposes. The contract entitled "Contract Between the United States of America, North Kern Water Storage District, and Buena Vista Water Storage District Providing for the Repayment of Funds Expended for Federally Performed Isabella Dam Safety Modification Project, Contract No. 18-WC-205245" ("Repayment Contract") is authorized pursuant to the Flood Control Act, as amended and supplemented, the Reclamation Safety of Dams Act of November 2, 1978, as amended August 28, 1984 (92 Stat. 2471) and October 27, 2000 (114 Stat. 1441) [hereinafter, "Safety of Dams Act" or "SOD"], and the Water Resources Development Act of 1986 (P.L. 99-662, 100 Stat. 4263, 33 U.S.C. 467n) [hereinafter, "WRDA"].

The United States Army Corps of Engineers ("USACE") has determined that the Isabella Dam facilities require structural improvements in order to safely meet authorized project purposes and to reduce the risk with respect to the public and property from dam safety issues posed by floods, earthquakes, and seepage. Under the Repayment Contract, the United States will finance and perform all appropriate SOD Modification Work to address dam safety related issues. As set forth under SOD and the Repayment Contract, the United States Bureau of Reclamation ("Bureau of Reclamation"), as the Contracting Officer, will collect North Kern and Buena Vista's share of reimbursable costs associated with the SOD Modification Work to be performed.

The Repayment Contract does not amend, modify, or otherwise alter Contract No. 14-06-200-1360A between the United States and North Kern, Buena Vista, Tulare Lake Basin Water Storage District, and Hacienda Water District, dated October 23, 1964, as amended. The Repayment Contract and the work to be performed does not alter, modify, or otherwise change the quantity, timing, manner, or method of storage, diversion, release, distribution, place, or purpose of use of the Kern River water available at Isabella Dam and Reservoir from that which is now an ongoing project being carried out, approved, and adopted prior to November 23, 1970 pursuant to the existing effective and permanent Contract No. 14-06-2000-1360A, dated October 23, 1964.

The Project's beneficiaries include, but are not limited to, North Kern and Buena Vista, as well as landowners, municipalities, counties, and water users within both districts.

**Name of Public Agencies Approving or Carrying Out Activity:** The United States of America acting by and through the United States Bureau of Reclamation, North Kern Water Storage District, and Buena Vista Water Storage District.

**Exempt Status:**

- Ministerial
- Declared Emergency
- Emergency Project
- Categorical Exemption.** State type and section number: Guidelines Sections 15301 and 15302
- Statutory Exemption.**

Statutory Exemption, Ongoing Project (14 CCR 15261; Public Resources Code § 21169); Categorical Exemption, Class 1—Operation of Existing Facilities (14 CCR §15301); Categorical Exemption, Class 2—Replacement or Reconstruction of Existing Facilities (14 CCR §15302); and Common Sense Exemption (14 CCR §15061(b)(3)).

**Reasons Why Project is Exempt:** Assuming that the Project is subject to CEQA, the Project is exempt from CEQA on the basis of the following four (4) authorized exemptions:

First, the Project is exempt as an ongoing project which was originally approved and authorized prior to the implementation of CEQA. (See 14 CCR §15261; Public Resources Code § 21169.) North Kern and Buena Vista have had a permanent contract in place with the Bureau of Reclamation concerning the Isabella Dam and Reservoir for the storage of Kern River water in Lake Isabella since 1964. (USBR, Contract No. 14-06-2000-1360A, dated October 23, 1964 ["Original Contract"].) The foregoing contract was approved and adopted prior to November 23, 1970, the effective date for the implementation for CEQA. The purpose of the Repayment Contract is for North Kern and Buena Vista to repay federally expended funds set forth so that safety modifications and structural improvements can be performed in order to meet authorized project purposes and to address and reduce risks to the public and property from dam safety issues posed by floods, earthquakes, and seepage. The Repayment Contract and the Project are authorized pursuant to the Flood Control Act, SOD, and the WRDA.

Under the SOD Act, the United States must be reimbursed for 15% of the total costs related to the Project. Pursuant to the terms of the Repayment Contract, 21.7% of the required 15% of the total costs must be reimbursed by North Kern and Buena Vista, an amount calculated in relation to surface water storage rights. North Kern and Buena Vista shall pay

their proportionate share of allocated costs over a term of 50 years, without interest, from the effective date that SOD modification work has been determined to be substantially completed.

As stated above, the Repayment Contract and the work to be performed does not amend, modify, or otherwise alter Contract No. 14-06-200-1360A. Moreover, the Repayment Contract and the work to be performed not does not alter, modify, or otherwise change the quantity, timing, manner, or method of storage, diversion, release, distribution, place, or purpose of use of the Kern River water available at Isabella Dam and Reservoir set forth under Contract No. 14-06-200-1360A, which was approved and adopted prior to November 23, 1970. Thus, said exemption applies. (See *Nacimiento Regional Water Management Advisory Committee v. Monterey County Water Resources Agency* (1993) 15 Cal.App.4th 200, 19 Cal.Rptr.2d 1; see also *Bloom v. McGurk* (1994) 26 Cal.App.4th 1307, 31 Cal.Rptr.2d 914.)

Second, the Project is exempt from CEQA as a Class 1 Categorical Exemption under 14 CCR §15301. The Repayment Contract provides for continuing operation and maintenance of existing Isabella Dam and Reservoir facilities which will continue to store and maintain water for the benefit of North Kern and Buena Vista under the Original Contract. The Repayment Contract does not and will not alter, modify, or otherwise change the quantity, timing, manner or method of storage, diversion, release, distribution, place, or purpose of use of the Kern River water available at the Isabella Dam and Reservoir facilities, and no expansion or extension will occur as a result of the Project. (*Id.*)

Third, the Project is exempt from CEQA as a Class 2 Categorical Exemption under 14 CCR §15302. The Project involves the performance of modification(s) and/or reconstruction work to existing facilities which will continue to have the same purpose and use, and will result and/or involve negligible or no expansion of capacity.

Fourth, the project is exempt under the provisions of 14 CCR §15061(b)(3) in that it can be seen with certainty that the Project involves only changes, modifications, and work to existing facilities which will not result in the extension or expansion of existing facilities or the construction of new facilities. Because the Repayment Contract does not and will not alter, modify, or otherwise change the quantity, timing, manner or method of storage, diversion, release, distribution, place, or purpose of use related to the Isabella Dam and Reservoir, the Project will not result in any significant effects on the environment. There will not be any change in land, dam, or reservoir uses as a result of the Project. Therefore, the Project is exempt under the common sense exemption.

**Lead Agency Contact Person:** Richard A. Diamond      **Telephone:** (661) 393-2696

**Signature:**  **Title:** General Manager      **Date:** 5/21/19  
Richard A. Diamond

- Signed by Lead Agency
- Signed by Applicant

Date received for filing OPR:  
\_\_\_\_\_

Date received for filing by County Clerk:  
\_\_\_\_\_

Governor's Office of Planning & Research  
MAY 29 2019  
STATE CLEARINGHOUSE



State of California - Department of Fish and Wildlife  
**2019 ENVIRONMENTAL FILING FEE CASH RECEIPT**  
 DFW 753.5a (REV. 12/01/18) Previously DFG 753.5a

2019058327

Print StartOver Finalize&Email

RECEIPT NUMBER:  
 41 — 05232019 — 1197  
 STATE CLEARINGHOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY <b>San Mateo County Harbor District</b>	LEAD AGENCY EMAIL	DATE <b>05232019</b>
COUNTY/STATE AGENCY OF FILING <b>San Mateo</b>	DOCUMENT NUMBER <b>127523</b>	

PROJECT TITLE

**Valve Replacement Project & Skyview Retaining Wall Repair Project**

PROJECT APPLICANT NAME <b>A Morimoto</b>	PROJECT APPLICANT EMAIL	PHONE NUMBER ( )
PROJECT APPLICANT ADDRESS	CITY	STATE
		ZIP CODE

PROJECT APPLICANT (Check appropriate box)

- Local Public Agency   
  School District   
  Other Special District   
  State Agency   
  Private Entity

CHECK APPLICABLE FEES:

- |   |            |          |      |
|---|------------|----------|------|
| <input type="checkbox"/> Environmental Impact Report (EIR)  | \$3,271.00 | \$ _____ | 0.00 |
| <input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)                                   | \$2,354.75 | \$ _____ | 0.00 |
| <input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW | \$1,112.00 | \$ _____ | 0.00 |

- Exempt from fee  
      Notice of Exemption (attach)  
      CDFW No Effect Determination (attach)  
 Fee previously paid (attach previously issued cash receipt copy)

- |   |          |          |       |
|---|----------|----------|-------|
| <input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only) | \$850.00 | \$ _____ | 0.00  |
| <input checked="" type="checkbox"/> County documentary handling fee   |          | \$ _____ | 50.00 |
| <input type="checkbox"/> Other  |          | \$ _____ |       |

PAYMENT METHOD:

- Cash   
  Credit   
  Check   
  Other

TOTAL RECEIVED \$ \_\_\_\_\_ 50.00

SIGNATURE

X

AGENCY OF FILING PRINTED NAME AND TITLE

**Besz de la Vega - Deputy Clerk**

Governor's Office of Planning & Research

MAY 29 2019

STATE CLEARINGHOUSE

2019058327

County of San Mateo  
Assessor-County Clerk-Recorder  
Mark Church

555 County Center  
Redwood City, CA, 94063

Finalization 2019031904  
5/23/19 3:23 pm  
021 36

Governor's Office of Planning & Research  
MAY 29 2019  
STATE CLEARINGHOUSE

Item Title

Document ID	Amount
1 EIR Administrative Fee DOC# 2019-000133	50.00

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Total 50.00

Payment Type	Amount
Check tendered # 1259	50.00

Amount Due 0.00

THANK YOU  
PLEASE RETAIN THIS RECEIPT  
FOR YOUR RECORDS