

## NOTICE OF EXEMPTION

**To:**  
County Clerk  
County of Ventura  
800 South Victoria Avenue  
Ventura, California 93009

**From:**  
United Water Conservation District  
106 North 8<sup>th</sup> Street  
Santa Paula, CA 93060

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

2019100052

**Project Title:** General Maintenance Activities at the Freeman Diversion Facility

**Project Location:** 2641 West Los Angeles Avenue, Oxnard, CA 93036;  
The Freeman Diversion Facility is located on the south bank of the Santa Clara River, 2.8 miles upstream of the Highway 118 Bridge in Ventura County, CA

**Lead Agency:** United Water Conservation District

**Project Applicant:** United Water Conservation District

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### Project Purpose:

United Water Conservation District (United) operates the Freeman Diversion facility to meet water resource management objectives. The proposed activities are required to maintain the facility (including the associated fish passage structure) in operational condition. The Freeman Diversion facility is currently operating under mandates of an Amended Judgment and Permanent Injunction issued in the case of *Wishtoyo et al. vs United Water Conservation District* [CV 16-3869-DOC (PLAx)] (Court Order). Maintaining the facility and fish passage structure in operational condition is essential to achieving compliance with the Court Order.

United has requested authorizations pursuant to the Clean Water Act (Sections 401 and 404) and California Fish and Game Code 1602 to conduct the proposed maintenance procedures. The activities proposed for coverage under the authorizations include both routine maintenance and maintenance required on an as-needed basis to repair damage to the Freeman Diversion infrastructure, to maintain the facility in operational condition. Specifically, the proposed activities include: diversion or dewatering of flowing or ponded water; repair of rip rap along the river bank; sediment control within the river channel; vegetation control at engineered structures, access roads and right of way; and grading, recontouring, compaction, and fill within and alongside access roads.

The maintenance activities incorporate minimization and avoidance measures and are not expected or result in significant environmental effects to state or federally protected species.

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**Exempt Status:**

- 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:   § 15301    
 Statutory Exemptions. State code number: \_\_\_\_\_
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**Name of Public Agency Approving Project:** United Water Conservation District

**Name of Person or Agency Carrying Out Project:** United Water Conservation District

**Reasons Why Project is Exempt:** Based on an examination of the proposed project, this project qualifies for the following exemptions under the California Environmental Quality Act.

Ministerial Exemption §15268 – Because the Amended Judgment and Permanent Injunction in the matter of *Wishtoyo Foundation et al. v. United Water Conservation District* mandates United to conduct operation and maintenance of the Freeman Diversion and associated facilities, the proposed project is considered ministerial rather than discretionary. Ministerial projects are those that can be legally compelled without substantial modifications or change. United is obligated by court order to complete the proposed project, thereby making it ministerial. CEQA does not apply to ministerial projects and therefore, CEQA analysis is not required for the proposed project.

However, were the project not considered ministerial, it would be Categorical Exempt from CEQA as a Class 1 project involving routine maintenance of existing facilities pursuant to CEQA Guidelines section 15301.

Class 1 Categorical Exemption § 15301 – Existing Facilities – Operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Examples of actions within the Class 1 exemption include “d) Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood; h) Maintenance of existing landscaping, native growth, and water supply reservoirs (excluding the use of pesticides, as defined in Section 12753, Division 7, Chapter 2, Food and Agricultural Code); and (i) Maintenance of fish screens, fish ladders, wildlife habitat areas,

artificial wildlife waterway devices, streamflows, springs and waterholes, and stream channels (clearing of debris) to protect fish and wildlife resources.

**Lead Agency Contact Person:** Katherine Ayres, Senior Ecologist  
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10/1/2019

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Katherine Ayres  
Senior Ecologist  
United Water Conservation District

Date

Governor's Office of Planning & Research

**OCT 01 2019**

**STATE CLEARINGHOUSE**