

NOTICE OF EXEMPTION

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TO: Office of Planning and Research P. O. Box 3044 Sacramento, CA 95812-3044 San Bernardino County Clerk of the Board of Supervisors 385 N. Arrowhead Ave. 2nd Floor San Bernardino, CA 92415-0130	FROM: Big Bear Area Regional Wastewater Agency P.O. Box 517 122 Palomino Drive Big Bear City, CA 92314
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1. Activity Title:	2016 Proposition 1 Integrated Regional Water Management Disadvantaged Community Involvement Program Technical Assistance Sub-Grant Agreement Between The Santa Ana Watershed Project Authority And Big Bear Area Regional Wastewater Agency ("Sub-Grant Agreement")
2. Applicant and Lead Agency:	Big Bear Area Regional Wastewater Agency ("BBARWA")
3. Activity Location:	The Sub-Grant Agreement has no specific physical location. The agreement provides BBARWA with funding to cover costs BBARWA has incurred and will incur in connection with permitting for the Replenish Big Bear project, which is a recycled water project in Big Bear Valley, San Bernardino County, California.
4. Description of nature, purpose, and beneficiaries of Activity:	<p>On December 4, 2019, BBARWA approved the Sub-Grant Agreement between the Santa Ana Watershed Project Authority ("SAWPA") and BBARWA.</p> <p>The Sub-Grant Agreement provides for the disbursement of certain funds by SAWPA to BBARWA. In particular, Section 79745 of the Water Code provides \$6.3 million to the Santa Ana River Watershed for the purposes of ensuring involvement of disadvantaged communities, economically distressed areas, or underrepresented communities within integrated regional water management efforts. In June 2017, the California Department of Water Resources ("DWR") and SAWPA entered into a Proposition 1 Integrated Regional Water Management Program ("IRWMP") Disadvantaged Communities Involvement ("DCI") Program Grant Agreement ("Grant Agreement") providing that SAWPA would serve as the program manager for the \$6,300,000 in IRWMP grant funds to be disbursed within the Santa Ana River Watershed for the DCI Program and ensuring that the maximum benefit of such funds are realized in the Santa Ana River Watershed. Consistent with the Grant Agreement, SAWPA sought to disburse to BBARWA a portion of the IRWMP grant funds through the Sub-Grant Agreement.</p> <p>The Sub-Grant Agreement does not commit BBARWA to any project and does not authorize any construction or development. Rather, the Sub-Grant Agreement merely seeks to provide BBARWA with a mechanism to fund certain permitting costs BBARWA has incurred and will incur in connection with a recycled water project in Big Bear Valley, known as "Replenish Big Bear." In particular, the Sub-Grant Agreement provides funding for BBARWA's costs relating to the permitting process (e.g.,</p>

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Receipt No: 20-12122019-871

	seeking National Pollutant Discharge Elimination System (“NPDES”) permits, coordinating with regulatory agencies, developing technical analyses in response to feedback from regulatory agencies, etc.) in connection with the Replenish Big Bear project. The Sub-Grant Agreement does not involve any approval of, or commitment to proceed with, the Replenish Big Bear Project.
5. Name of Public Agency approving Activity:	BBARWA and SAWPA are both signatories to the Sub-Grant Agreement. BBARWA approved the Sub-Grant Agreement on December 4, 2019.
6. Exempt status:	
<input checked="" type="checkbox"/> Not a project. State type and section number:	State CEQA Guidelines sections 15060, subd. (c)(3) & 15378, subd. (b)(4)
<input checked="" type="checkbox"/> Common sense exemption.	State CEQA Guidelines section 15061, subd. (b)(3)
7. Reason why project was exempt:	<p>BBARWA approved the Sub-Grant Agreement on December 4, 2019. The Sub-Grant Agreement is exempt from, and otherwise not subject to, CEQA for the following reasons.</p> <p>First, the Sub-Grant Agreement is not subject to CEQA under State CEQA Guidelines section 15060, which provides that “[a]n activity is not subject to CEQA if ... [t]he activity is not a project as defined in [State CEQA Guidelines] Section 15378.” (State CEQA Guidelines, § 15060, subd. (c)(3).) State CEQA Guidelines section 15378, in turn, expressly excludes from the definition of “project” the “creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.” (State CEQA Guidelines, § 15378, subd. (b)(4).) Here, the Sub-Grant Agreement is not subject to CEQA because it constitutes a government funding mechanism or other government fiscal activity which does involve any commitment to any specific project. Notably, the Sub-Grant Agreement merely constitutes an agreement by which BBARWA may obtain funds from the Disadvantaged Community Involvement Technical Assistance Project to cover the costs it has incurred or will incur in connection with permitting for the Replenish Big Bear Project. BBARWA’s approval of the Sub-Grant Agreement in no way commits BBARWA to the Replenish Big Bear Project. The Sub-Grant Agreement is thus not subject to CEQA. (State CEQA Guidelines, §§ 15060, subd. (c)(3), 15378, subd. (b)(4).)</p> <p>Second, the Sub-Grant Agreement is not subject to CEQA under the “common sense exemption” set forth in State CEQA Guidelines section 15061. The common sense exemption provides that an “activity is not subject to CEQA” where “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” (State CEQA Guidelines, § 15061, subd. (b)(3).) Here, approval of the Sub-Grant Agreement will not result in any activity that could potentially impact the environment. Rather, approval of the Sub-Grant Agreement will merely serve to fund</p>

	BBARWA's efforts to obtain the necessary permits for the Replenish Big Bear Project. The activity does not constitute an approval of the Replenish Big Bear Project or any other activity that could possibly result in a significant effect on the environment.
8. Lead Agency Contact Person:	David Lawrence
Telephone:	909-584-4033
9.	<u>Public hearing</u> : BBARWA considered the Sub-Grant Agreement, determined that the Sub-Grant Agreement is not subject to CEQA, and approved the Sub-Grant Agreement at a public hearing held on December 4, 2019.

Signature 

Date: 12-04-19

Name: David Lawrence, General Manager of Big Bear Area Regional Wastewater Agency

Governor's Office of Planning & Research

Date Received for Filing: _____

JAN 02 2020

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STATE CLEARINGHOUSE

Authority cited: Sections 21083 and 21110, Public Resources Code.

Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.