

**NOTICE OF EXEMPTION**

<p><b>TO:</b> Office of Planning and Research P.O. Box 3044 Sacramento, CA 95812-3044</p> <p>San Bernardino County Clerk of the Board of Supervisors 385 N. Arrowhead Ave. 2nd Floor San Bernardino, CA 92415-0130</p>	<p><b>FROM:</b> Cucamonga Valley Water District 10440 Ashford Street Rancho Cucamonga, CA 91730-2799 Phone: (909) 987-2591</p>
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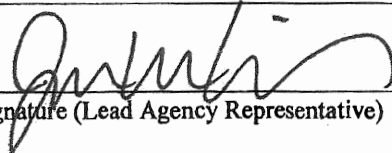
<b>Project Title:</b>	Operation and Maintenance Activities for the Lytle Creek Intake Facility (the "Project")
<b>Project Location:</b>	Unincorporated portions of San Bernardino County. See attached maps.
<b>Project Description:</b>	<p><b>BACKGROUND:</b> The Fontana Union Water Company ("FUWC") oversees the operation and maintenance of the Lytle Creek Intake Facility ("Intake Facility"), subject to approval by the Cucamonga Valley Water District ("CVWD"). FUWC has been overseeing operations at the Intake Facility, which includes water collection and transmission facilities, since the late-1800's. At the Intake Facility, surface flows are diverted into a settling pond created by an approximately 475 linear foot berm that transects Lytle Creek and includes a soft plug structure (a soft dirt weir that is capable of being washed out under high flow conditions by the main channel in the creek) at the north end that functions as a weir.</p> <p><b>THE PROJECT:</b> Based on the earthen nature of the settling pond and berm structures and the natural transport of material from upstream, there is a normal level of erosion and deposition that requires routine maintenance including re-establishing the soft plug. The routine maintenance consists of removing the sediment from the settling basin to maintain its functional capacity. The excavated sediment is used in part to reconstitute the soft plug. Depending on weather and rainfall events in any given year, this maintenance activity typically occurs one time each year, but depending on weather it can occur anywhere from one to four times annually. Excavated materials from the settling pond that are not used to reconstitute the soft plug will be deposited and stabilized in an adjacent upland area onsite or will be removed and properly disposed of offsite. Any garbage or other debris encountered within the Intake Facility site during excavation will be removed and hauled to the local landfill or recycling facility.</p> <p>The CVWD Board of Directors approved the Project on or about February 25, 2020.</p>
<b>Name of Public Agency approving project:</b>	Cucamonga Valley Water District
<b>Name of Person or Agency carrying out project:</b>	Fontana Union Water Company
<b>Other agencies whose approval may be required:</b>	California Department of Fish and Wildlife
<b>Exempt status:</b>	

DATE FILED & POSTED  
 Posted On: 2/26/20  
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COUNTY OF SAN BERNARDINO  
 CLERK OF THE BOARD OF SUPERVISORS  
 2020 FEB 26 PM 4:30  
 CALIFORNIA

<input checked="" type="checkbox"/> Statutorily Exempt. State Code section number:	Public Resources Code section 21169-21171; State CEQA Guidelines section 15261
<input checked="" type="checkbox"/> Categorically Exempt. State type and class number:	State CEQA Guidelines, § 15301[Existing Facilities]
Reasons why project was exempt:	<p>The Project is <u>statutorily exempt</u> from CEQA under Public Resources Code section 21169 and State CEQA Guidelines section 15261 because the maintenance activities that comprise the Project are ongoing maintenance of the Intake Facility that has been approved and that began to take place long before enactment of the California Environmental Quality Act ("CEQA") on November 23, 1970. FUWC has been operating water collection/transmission facilities at Lytle Creek since the late 1800's. Two Superior Court Judgments dated January 2, 1897 (Superior Case No. 20790) and January 28, 1924 (Superior Court Case No. 17030) address the use of surface water that flows in Lytle Creek and percolating groundwater in basins that underlie the Lytle Creek region. The 1924 Judgment expressly requires FUWC to conserve and develop Lytle Creek supplies by designing, constructing, <i>operating, and maintaining</i> structures and facilities to capture and divert stream flows in Lytle Creek for the purpose of channeling the water for beneficial use. Further, FUWC has Forest Service use permits for the facility's operations dating back to at least 1910, as well as San Bernardino County authorizations dating back to at least 1934. The Project does not modify the Intake Facility or its operation.</p> <p>The Project is also <u>categorically exempt</u> under the Class 1 exemption for the "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 existing or former use." (State CEQA Guidelines, § 15301.) The Class 1 exemption specifically includes : (1) "existing facilities of both investor and publicly owned utilities used to provide ... public utility services;" (2) "maintenance of existing ... water supply reservoirs;" and (3) "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." (<i>Ibid.</i>) Finally, the Project does not entail an expansion of the Intake Facility's existing or former use, and no exceptions to the Class 1 exemption apply here.</p>
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Date Received for Filing: \_\_\_\_\_


  
Signature (Lead Agency Representative)

