


NOTICE OF EXEMPTION

TO:	FROM:	Name:	Big Bear Area Regional Wastewater Agency
<input checked="" type="checkbox"/> Office of Planning and Research P. O. Box 3044, Room 113 Sacramento, CA 95812-3044	(Public Agency)	Address:	P.O. Box 517 122 Palomino Drive Big Bear City, CA 92314
		Telephone:	(909) 584-4018
<input checked="" type="checkbox"/> Clerk of the Board of Supervisors 385 N. Arrowhead Ave. 2nd Floor San Bernardino, CA 92415-0130			

1. Project Title:	Proposition 1 Round 1 Integrated Regional Water Management Implementation Grant, Grant Funding Contract (Sub-Grant) Between the Santa Ana Watershed Project Authority and Big Bear Area Regional Wastewater Agency and Memorandum of Understanding
2. Project Applicant:	Big Bear Area Regional Wastewater Agency (“BBARWA”)
3. Project Location – Identify street address and cross streets or attach a map showing project site (preferably a USGS 15’ or 7 1/2’ topographical map identified by quadrangle name):	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. The Memorandum of Understanding also relates to funding provisions regarding the Replenish Big Bear project.
4. (a) Project Location – City: Click to enter City	(b) Project Location – County: San Bernardino County
5. Description of nature, purpose, and beneficiaries of Project:	<p>In April 2021, the California Department of Water Resources (DWR) and the Santa Ana Watershed Project Authority (SAWPA) entered into a Proposition 1 Round 1 Integrated Regional Water Management (IRWM) Implementation Grant agreement, providing that SAWPA would serve as the program manager for \$23 million in IRWMP grant funds to be disbursed to sub-grantees, consistent with IRWMP and California Environmental Quality Act (“CEQA”) requirements and ensuring that the maximum benefit of such funds are realized in the Santa Ana River Watershed. SAWPA seeks to disburse up to \$4,563,338 of this funding to BBARWA through the Sub-Grant Agreement.</p> <p>The Sub-Grant Agreement provides BBARWA with funding to cover costs for Replenish Big Bear. Work performed after January 1, 2015 is eligible to be counted as local match and work performed after June 2, 2020 is eligible for grant reimbursement. Tasks under the agreement include project management; reporting; relevant feasibility studies; CEQA documentation; permitting with the Santa Ana Regional Water Quality Control Board, Colorado River Basin Regional Board, State Water Resources Control Board, Caltrans, San Bernardino County, South Coast Air Quality Management District, U.S. Army Corps of Engineers, and the California Department of Fish and Wildlife; design; the project monitoring plan; contract services; construction administration; and construction of approximately seven</p>

	<p>miles of pipeline from BBARWA to Stanfield Marsh, a 2,500 gallon-per-minute pumping plant to pump advance-treated water to Stanfield Marsh, and retrofitting/constructing treatment plant upgrades.</p> <p>The Sub-Grant Agreement is not subject to the California Environmental Quality Act (CEQA). It constitutes a government funding mechanism or other government fiscal activity which does not involve any commitment to any specific project. The Sub-Grant Agreement merely constitutes an agreement by which BBARWA may obtain funds from IRWM to cover the costs it has incurred or will incur in connection with 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).) Even assuming the Sub-Grant Agreement is a "project" under CEQA, it will have no significant effect on the environment, as it is a government funding mechanism and is therefore covered by the common sense exemption. (State CEQA Guidelines, § 15061, subd. (b)(3).)</p>
6. Name of Public Agency approving project:	BBARWA and SAWPA are both signatories to the Sub-Grant Agreement. BBARWA approved the Sub-Grant Agreement and authorized negotiation and execution of the MOU on May 26, 2021.
7. Name of Person or Agency undertaking the project, including any person undertaking an activity that receives financial assistance from the Public Agency as part of the activity or the person receiving a lease, permit, license, certificate, or other entitlement of use from the Public Agency as part of the activity:	BBARWA. BBARWA, GSA, DWP, CSD, and MWD are contributing funding in advance of grant fund disbursement under the Sub-Grant Agreement.
8. Exempt status: (check one)	
(a) <input type="checkbox"/> Ministerial project.	(Pub. Resources Code § 21080(b)(1); State CEQA Guidelines § 15268)
(b) <input checked="" type="checkbox"/> Not a project.	State CEQA Guidelines sections 15060, subd. (c)(3) & 15378, subd. (b)(4)
(c) <input type="checkbox"/> Emergency Project.	(Pub. Resources Code § 21080(b)(4); State CEQA Guidelines § 15269(b),(c))
(d) <input type="checkbox"/> Categorical Exemption. State type and section number:	
(e) <input type="checkbox"/> Declared Emergency.	(Pub. Resources Code § 21080(b)(3); State CEQA Guidelines § 15269(a))
(f) <input type="checkbox"/> Statutory Exemption. State Code section number:	
(g) <input checked="" type="checkbox"/> Other. Explanation:	State CEQA Guidelines § 15061(b)(3)
9. Reason why project was exempt:	<p>BBARWA approved the Sub-Grant Agreement on May 26, 2021. 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, §</p>

	<p>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 Integrated Regional Water Management Grant Program to cover the costs it has incurred or will incur in connection with permitting, planning, design, and construction process 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 MOU also constitutes a government funding mechanism which does not involve commitment to a specific project as it sets forth repayment provisions should the Replenish Big Bear Project not proceed and does not authorize any construction or development. The Sub-Grant Agreement and MOU are thus not subject to CEQA. (State CEQA Guidelines, §§ 15060, subd. (c)(3), 15378, subd. (b)(4).)</p> <p>Second, the Sub-Grant Agreement and MOU are 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 BBARWA’s efforts to obtain the necessary permits, and the planning, design, and construction process for the Replenish Big Bear Project. Approval of the MOU sets forth funding repayment provisions should the Replenish Big Bear Project not proceed. 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.</p>
<p>10. Lead Agency Contact Person:</p> <p>Telephone:</p>	<p>David Lawrence, P.E., General Manager</p> <p>909-584-4521</p>
<p>11. If filed by applicant: Attach Preliminary Exemption Assessment (Form “A”) before filing.</p>	
<p>12. Has a Notice of Exemption been filed by the public agency approving the project? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>13. Was a public hearing held by the Lead Agency to consider the exemption? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If yes, the date of the public hearing was: Click to enter date</p>	


Signature

Date: May 26, 2021

David Lawrence
Name

Title: General Manager of the Big Bear Area Regional
Wastewater Agency

☒ Signed by Lead Agency

☐ Signed by Applicant

Date Received for Filing: Click to enter date

(Clerk Stamp Here)

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.