

NOTICE OF EXEMPTION

To: Office of Planning and Research
State Clearinghouse
1400 Tenth Street
Sacramento, CA 95814

From: San Luis & Delta-Mendota Water Authority
P.O Box 2157
842 6th Street
Los Banos, CA 93635

Project Title: 2021 Temporary Water Transfer

Project Applicant: San Luis & Delta-Mendota Water Authority (SLDMWA)

Project Location- Specific: The proposed action would occur in San Joaquin and Stanislaus counties at New Melones Reservoir to the confluence of the Stanislaus River with the San Joaquin River and the Sacramento-San Joaquin Delta, then into the Jones Pumping Plant, and the Delta Mendota Canal for delivery to districts within San Joaquin and Stanislaus Counties.

Project Location – City: N/A

Project Location – County: San Joaquin and Stanislaus

Description of Nature, Purpose of Beneficiaries of Project: Up to 7,500 acre-feet (AF) of Stockton East Water District's (SEWD)'s 2021 allocated CVP water at New Melones Reservoir is to be transferred to the San Luis & Delta Mendota Water Authority (SLDMWA). Under the transfer, SEWD would not take delivery of the 7,500 AF of its 2021 allocated CVP water previously scheduled for diversion from New Melones Reservoir. Rather, the CVP water would be diverted by the United States Bureau of Reclamation (Reclamation) at Jones Pumping Plant for delivery to the Recipients. In lieu of the transferred water, SEWD would use up to 7,500 AF of its previously stored water in New Hogan Reservoir to meet in-district needs. With a 10% carriage loss, the estimated quantity of transfer available for pumping is 6,750 AF.

The buyer is the SLDMWA, which consists of 27 member agencies representing water service contractors and San Joaquin River Exchange Contractors. The SLDMWA service area consists primarily of agricultural lands on the west side of the San Joaquin. The seller is SEWD which provides surface water for both agricultural and urban uses. The delivery of the transferred water is anticipated to take place between August and November 2021. The timing and rate of the water transferred will be closely coordinated between the transfer participants and Reclamation because the water will be released in conjunction with New Melones Central Valley Operation releases. Water made available for transfer to agencies within the SLDMWA will be pumped through the Jones Pumping Plant and would be conveyed through the Delta-Mendota Canal and local irrigation canals to the purchasing agencies. For purposes of this transfer, the purchasing agencies would be limited to those SLDMWA members within San Joaquin and Stanislaus

Counties, within the place of use for water from New Melones Reservoir (collectively, the "Recipients"). No water will be moved through state facilities in this effort.

Name of Public Agency Approving Project: The SLDMWA, SEWD, and Reclamation

Name of Person or Agency Carrying Out Project: The SLDMWA (in conjunction with SEWD and Reclamation)

Exempt Status (check one): (see below)

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080 (b)(4); 15269(b)(c)): Section 21080(b)(4) and State CEQA Guidelines 15269(c): Specific actions necessary to prevent or mitigate an emergency
- ☐ Categorical Exemption. State type and section number: State CEQA Guidelines 15301 (i): Existing Facilities; State CEQA Guidelines 15307: Actions by Regulatory Agencies for Protection of Natural Resources; State CEQA Guidelines 15308: Actions by Regulatory Agencies for Protection of the Environment
- ☐ Exemption under Governor's April 21, 2021 emergency proclamation (Sec. 7): Government Code section 8571
- ☐ Statutory Exemptions. State Code number:

Reasons why project is exempt: The SLDMWA has determined that this project is exempt from CEQA pursuant to:

1. Public Resources Code Section 21080 (b)(3) and CEQA Guidelines Section 15269(a) for the following reasons: On May 10, 2021, Governor Newsom declared a State of Emergency (Proclamation) to address the severe drought condition, in particular the Central Valley. Government Code section 8571 authorizes the Governor to suspend certain regulatory requirements, including CEQA, under emergency conditions. The Proclamation orders the State "to expeditiously consider requests to move water to areas of need, including requests involving voluntary water transfers, forbearance agreements, water exchanges, or other means," and suspends CEQA for purposes of carrying out or approving this and other directives. The Project will carry out this directive and will prevent or mitigate the impacts of the drought emergency.
2. Water Code Section 1729 as a transfer of the right to CVP water for up to one year that meet the requirements of Water Code Sections 1725 et seq.
3. The Project also is statutorily exempt from CEQA pursuant to Public Resources Code section 21080(b)(4) and CEQA Guidelines section 15269(c) because it involves specific actions necessary to prevent or mitigate the drought emergency.

4. The Project also is categorically exempt from CEQA pursuant to CEQA Guidelines section 15301 because it involves operation of existing facilities with no or negligible expansion of use.

Lead Agency Contact Person: Frances Mizuno Telephone: 916.321.0851

Executive Director

(916) 321-4514


Signed by Lead Agency

8/17/2021