

Notice of Exemption

To: Office of Planning and Research
Post Office Box 3044, Room 113
Sacramento, California 95812-3044

From: Central Coast Water Authority
255 Industrial Way
Buellton, CA 93427

Clerk of the Board
County of Santa Barbara
105 E. Anapamu Street, Room 407
Santa Barbara, CA 93101

County Clerk-Recorder
County of San Luis Obispo
1055 Monterey Street Suite D120
San Luis Obispo, CA 93408

County Clerk
County of Kern
1115 Truxtun Avenue, 1st floor
Bakersfield, CA 93301-4639

Project Title: Emergency Delivery of State Water Project Water through Berrenda Mesa Water District's Facilities to Bypass Devil's Den Pumping Plant due to Unplanned Outage

Project Applicant: Central Coast Water Authority.

Location – Specific: Existing State Water Project (SWP) and Berrenda Mesa Water District facilities in Kern County to existing turnouts in Santa Barbara and San Luis Obispo Counties.

Description of Nature, Purpose and Beneficiaries of Project:

Temporary delivery of approximately 18 cubic feet per second (cfs) of State Water Project water (SWP Water) through Berrenda Mesa's facilities at Kern County Water Agency turnouts on the Coastal Branch of the California Aqueduct (Coastal Branch) in Santa Barbara and San Luis Obispo Counties while DDPP undergoes repairs for damage sustained in a fire. Central Coast Water Authority (CCWA) operates the Coastal Branch for the California Department of Water Resources (DWR). This bypass will ensure uninterrupted delivery of SWP Water to meet critical water demand to Santa Barbara and San Luis Obispo Counties until adequate pumping capacity is reestablished at DDPP to meet normal demand.

The SWP includes facilities located throughout the State of California. The SWP is owned and operated by DWR, headquartered in Sacramento, California. Santa Barbara County Flood Control and Water Conservation District is the SWP contractor for Santa Barbara County, San Luis Obispo County Flood Control and Water Conservation District is the SWP contractor for San Luis Obispo County, and Kern County Water Agency is the SWP contractor for Kern County. CCWA has assumed responsibility for the acquisition, conveyance and delivery of SWP Water to Santa Barbara County and CCWA's service area is located in Santa Barbara County. Berrenda Mesa Water District is located in Kern County within the service area of the Kern County Water Agency.

Name of Public Agency Approving Project: CCWA. Other approving agencies include: DWR, Santa Barbara County Flood Control and Water Conservation District, San Luis Obispo County Flood Control and Water Conservation District, Kern County Water Agency, and Berrenda Mesa Water District.

Name of Person or Agency Carrying Out Project: Central Coast Water Authority

Exempt Status:

- ☐ Ministerial
- ☐ Declared Emergency
- ☒ Emergency Project
- ☒ Categorical Exemption
- ☒ Statutory Exemption (Not a Project Under CEQA)

Reasons why activity is exempt:

The activity qualifies for an exemption as an Emergency Project under California Code of Regulations Section 15269 (b)/(c) because temporary facilities will be established to bypass Devil's Den Pumping Plant while it undergoes emergency repairs, and will ensure critical water demand deliveries that meet, and do not exceed, existing demand and uses of water in Santa Barbara and San Luis Obispo Counties pursuant to longstanding contracts. The temporary activity does not involve new development or a change of land use and will continue only until repairs to said pumping plant are complete. (PRC § 21080(b)(2), (4); 14 CCR §15269(b)(c).)

The activity is not a project under CEQA (Pub. Res. Code § 21065; 14 Cal. Code Regs. §§ 15061(b)(2), 15378) because it will not result in direct or indirect changes to the environment. The SWP contracts permit the delivery of SWP Water within the SWP place of use, which includes all of the affected counties, and the activity is a temporary solution to ensure uninterrupted delivery of water pursuant to those contracts while facilities are repaired. Accordingly, the activity is simply a change in water management operations using existing facilities.

In the alternative, and if the proposed action were a project under CEQA, the action is categorically exempt under the provisions of CEQA and the State CEQA Guidelines. The project is exempt pursuant to categorical exemptions per CEQA Guidelines § 15301(b), Existing Facilities, which identifies exemptions 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 use beyond that existing at the time of the lead agency's determination. This project involves installation of temporary pumping facilities to bypass a single pumping plant while the plant undergoes repairs to ensure normal water delivery to meet existing demand and uses of water in Santa Barbara and San Luis Obispo Counties and does not involve new development or a change of land use.

Moreover, the project is exempt pursuant to categorical exemption per CEQA Guidelines § 15302(c), Replacement or Reconstruction for existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity. The activity at issue involves the installation of temporary facilities to ensure uninterrupted water delivery at normal quantities established by water supply contracts with DWR, to continue only until the fire damage to the Devil's Den Pumping Plant is repaired.

Agency Contact Person: Ray Stokes**Telephone:** (805) 688-2292**Signature:**

Ray Stokes

Date:

10-30-23

Title: Executive Director, Central Coast Water Authority

Date received for filing OPR: _____