NOTICE OF EXEMPTION

To:
Kern County Clerk
1115 Truxtun Avenue
Bakersfield, CA 93301-4639

From:
Kern-Tulare Water District
5001 California Avenue, Suite 102
Bakersfield, CA 93309

Office of Planning and Research/Governor's
Office of Land Use and Climate Innovation
Online Submittal via CEQA Submit

Project Title: License Agreement for Solar Operations (Project)

Project Location: 32711 Cecil Avenue, Delano, CA 93215 (Land)

Name of Public Agency Approving Project (Lead Agency): Kern-Tulare Water District

Name of Person or Agency Carrying Out Project: Kern-Tulare Water District

Project Description: The Kern-Tulare Water District (District) owns the Land and operates its Cecil Pumping Station on the Land. The Project is the approval of a license agreement (License Agreement), with the District as the licensor and Polar Solar, LLC as the licensee (Licensee). The License Agreement grants the Licensee the right to build, operate, and maintain the "System," as that term is defined in the License Agreement.

Pursuant to the terms of the License Agreement, Licensee will investigate the feasibility of its "Solar Operations", as defined therein, on all or a portion of the Land, and license a portion of the Land for the "Solar Operations" following such investigations pursuant to the terms and subject to the conditions set forth in the License Agreement.

Exempt Status:

X Ministerial (Statutory) (Sec. 21080(b)(1); 15268)
__ Declared Emergency (Sec. 21080(b)(3); 15269(a))
__ Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
X Categorical Exemptions: CEQA Guidelines Section 15301 (Class 1 Existing Facilities), CEQA Guidelines Section 15303 (Class 3 New Construction or Conversion of Small Structures), CEQA Guidelines Section 15304 (Class 4 Minor Alterations to Land), and CEQA Guidelines Section 15311 (Class 11 Accessory Structures)

Reasons Why Project is Exempt:

The District reviewed the provisions of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.). CEQA contains several exemptions from CEQA including the following:

- The CEQA Guidelines Section 15301 (Class 1 Existing Facilities) categorical exemption applies to 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.

- The CEQA Guidelines Section 15303 (Class 3 New Construction or Conversion of Small Structures) categorical exemption applies to the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

- The CEQA Guidelines Section 15304 (Class 4 Minor Alterations to Land) categorical exemption applies to minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes.

- The CEQA Guidelines Section 15311 (Class 11 Accessory Structures) categorical exemption applies to the construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to, small parking lots.

- CEQA provides a statutory exemption for "ministerial" projects as set forth in Public Resources Code Section 21080(b)(1) and CEQA Guidelines Section 15268.

The District has determined that the Project is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15301 (Class 1 Existing Facilities), Section 15303 (Class 3 New Construction or Conversion of Small Structures), Section 15304 (Class 4 Minor Alterations to Land), and Section 15311 (Class 11 Accessory Structures) because the Project includes minor alterations of an existing public facility, involving negligible or no expansion of existing or former use, construction of small facilities or structures, minor alterations to land, and the construction or placement of minor structures accessory to (appurtenant to) an existing institutional facility with negligible or no expansion of use.

CEQA Guidelines Section 15300.2 sets forth the following exceptions to categorical exemptions:

> "(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located--a project that is ordinarily insignificant

in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource."

The District reviewed the Project and determined that none of the exceptions to categorical exemption set forth in CEQA Guidelines Section 15300.2 apply.

The District also determined that Kern County Zoning Ordinance Section 19.12 allows the System as a by-right use thereby making the Project a ministerial project per Kern County regulations and therefore statutorily exempt under CEQA.

Lead Agency Contact Person: Skye Grass
Telephone: (661) 327-3132
Email: skye@kern-tulare.com

Skye B. Grass
Skye Grass
General Manager
Kern-Tulare Water District

6/13/2025
Date