Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk
County of: Santa Cruz
701 Ocean Street, Room 520
Santa Cruz, CA 95060

From: (Public Agency): San Lorenzo Valley Water District
13060 CA-9 Boulder Creek, CA 95006
(Address)

Project Title: Bennet Spring Raw Water Pipeline Replacement

Project Applicant: San Lorenzo Valley Water District

Project Location - Specific:
South of Felton Empire Road

Project Location - City: Felton Project Location - County: Santa Cruz

Description of Nature, Purpose and Beneficiaries of Project:

The 2020 CZU Lightning Complex wildfire and heavy wind storms in 2022/2023 destroyed portions of the San Lorenzo Valley Water District's pipeline system which provides water to approximately 23,700 customers. The project would bury 1,690 feet of raw water main that is currently installed on the ground surface.

Name of Public Agency Approving Project: San Lorenzo Valley Water District

Name of Person or Agency Carrying Out Project: Chris Klier

Exempt Status: **(check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☒ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☐ Categorical Exemption. State type and section number: _____
- ☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The Declared Emergency, Statutory Exemption 15269(a) applies to this project because it involves emergency repairs due to damages by the CZU Lightning Fire (Attachment A) (FEMA Disaster FM-5336-CA) in one area and damage caused by erosion and slope failures resulting from the winter 2022/2023 heavy winter storms (Attachment B) (FEMA Disaster DR-4683-CA). Both of these incidents were listed in proclamations of emergency declared by the governor. The project involves replacement or reconstruction of existing water utility pipelines.

Lead Agency Contact Person: Chris Klier Area Code/Telephone/Extension: 831-430-4638

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Date: 6/12/25 Title: Environmental Programs Manager

▪ Signed by Lead Agency Signed by Applicant

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

Date Received for filing at OPR: _____

ATTACHMENT A

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS beginning on August 14, 2020, an Extreme Heat Event struck California and surrounding Western states, causing record-breaking temperatures and Red Flag Warnings throughout California; and

WHEREAS on August 16, 2020, I proclaimed a State of Emergency to exist in California due to the Extreme Heat Event; and

WHEREAS in addition to the fire conditions being exacerbated by extreme temperatures, the weather event has resulted in widespread lightning strikes, sparking fires throughout the state; and

WHEREAS there are currently hundreds of fires actively burning during these extreme weather conditions throughout California, which have collectively burned tens of thousands of acres; and

WHEREAS the number of fires actively burning statewide, as well as throughout other Western states, has resulted in a strain on California's mutual aid system, making it increasingly difficult for jurisdictions to obtain the necessary in-state and out-of-state firefighting resources to respond to these fires; and

WHEREAS several of these fires, including the River Fire in Monterey County, the Jones Fire in Nevada County, and the Gamble Fire, Hennessy Fire, and other nearby fires (collectively referred to as the "LNU Lightning Complex Fire") in Napa County, have rapidly spread, destroying or threatening homes and critical infrastructure, and forcing the evacuations of thousands of residents; and

WHEREAS the Federal Emergency Management Agency has approved multiple Fire Management Assistant Grants to assist with the mitigation, management, and control of the River Fire, the Jones Fire, and the LNU Lightning Complex Fire; and

WHEREAS extremely high temperatures and dry conditions are expected to continue, which will further increase the spread of fires statewide and likely result in additional wildfires, further exacerbating the current wildfire situation in California; and

WHEREAS local and state regional emergency operations centers have been activated; and

WHEREAS under the provisions of Government Code section 8558(b), I find that conditions of extreme peril to the safety of persons and property exist due to fires statewide; and

WHEREAS under the provisions of Government Code section 8558(b), I find that the conditions caused by fires, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single local government and

require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under the provisions of Government Code section 8625(c), I find that local authority is inadequate to cope with the magnitude of the damage caused by these fires; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay the mitigation of the effects of fires statewide.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in California due to fires burning statewide.

IT IS HEREBY ORDERED THAT:

1. All agencies of the state government utilize and employ state personnel, equipment, and facilities for the performance of any and all activities consistent with the direction of the Governor's Office of Emergency Services (CalOES) and the State Emergency Plan. Also, to protect their safety, all residents are to obey the direction of emergency officials with regard to this emergency in order to protect their safety.

2. CalOES shall provide local government assistance to local governments, if appropriate, under the authority of the California Disaster Assistance Act, Government Code section 8680 et seq., and California Code of Regulations, Title 19, section 2900 et seq.

3. As necessary to assist local governments and for the protection of public health and safety, public and private property, and the environment, state agencies shall enter into contracts to arrange for the procurement of materials, goods, equipment, and services necessary to quickly assist with the response to and recovery from the impacts of these fires. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of these fires.

4. The California National Guard is hereby mobilized under Military and Veterans Code section 146 to support disaster response and relief efforts, as directed by CalOES, and to coordinate with all relevant state agencies and state and local emergency responders and law enforcement within the impacted areas. Sections 147 and 188 of the Military and Veterans Code are applicable during the period of participation in this mission, exempting the California Military Department from applicable procurement rules for specified emergency purchases, and those rules are hereby suspended.

5. The provisions of Unemployment Insurance Code section 1253 imposing a one-week waiting period for unemployment insurance applicants are suspended as to all applicants who are unemployed as a direct result of these fires who applied for unemployment insurance benefits during the time period beginning August 14, 2020, and ending on the close of business on February 14, 2021, and who are otherwise eligible for unemployment insurance benefits.

6. Vehicle Code sections 9265(a), 9867, 14901, 14902, and 15255.2, requiring the imposition of certain fees, are suspended with regard to any request for replacement of a driver's identification card, vehicle registration certificate, or certificate of title, by any individual who lost such records as a result of these fires. Such records shall be replaced without charge.

7. The provisions of Vehicle Code sections 4602 and 5902, requiring the timely registration or transfer of title are suspended with regard to any registration or transfer of title by any resident who is unable to comply with those requirements as a result of these fires. The time covered by this suspension shall not be included in calculating any late penalty pursuant to Vehicle Code section 9554.

8. Health and Safety Code sections 103525.5 and 103625, and Penal Code section 14251, requiring the imposition of fees are hereby suspended with regard to any request for copies of certificates of birth, death, marriage, and dissolution of marriage records, by any individual who lost such records as a result of these fires. Such copies shall be provided without charge.

9. In order to directly respond to the needs of impacted assisted living facilities, adult residential facilities, child care facilities, children's residential facilities, resource family homes, and other similar facilities within the State Department of Social Services' jurisdiction, the Director of the State Department of Social Services may waive any provisions of the Health and Safety Code or Welfare and Institutions Code, and accompanying regulations or written directives, with respect to the use, licensing, or approval of facilities or homes within the Department's jurisdiction set forth in the California Community Care Facilities Act (Health and Safety Code section 1500 et seq.), the California Child Day Care Facilities Act (Health and Safety Code section 1596.70 et seq.), and the California Residential Care Facilities for the Elderly Act (Health and Safety Code section 1569 et seq.). Any waivers granted pursuant to this paragraph shall be posted on the Department's website and shall only be in effect so long as necessary to address the direct impacts of these fires.

10. In order to ensure hospitals, clinics, and other health facilities remain open, the Director of the Department of Public Health may waive any of the licensing requirements of Chapters 1 and 2 of Division 2 of the Health and Safety Code and

accompanying regulations with respect to any hospital, clinic or health facility identified in Health and Safety Code section 1250 that is impacted by the fire. Any waiver shall include alternative measures that, under the circumstances, will allow the facilities to remain open while protecting public health and safety. Any facilities being granted a waiver shall be established and operated in accordance with their disaster and mass casualty plan. Any waivers granted pursuant to this paragraph shall be posted on the Department's website and shall only be in effect so long as necessary to address the direct impacts of these fires.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this proclamation.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 18th day of August 2020.

GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

ATTACHMENT B

~~22-102~~
23-001

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

FILED
in the office of the Secretary of State
of the State of California

JAN 10 2023

By: _____
Deputy Secretary of State

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS beginning December 27, 2022, severe winter storms related to a series of atmospheric river systems struck California, bringing high winds, substantial precipitation, and river and urban flooding; and

WHEREAS it is forecasted that additional and continuing storms related to this series of atmospheric river systems threaten California, bringing heavy rainfall, expected flooding, strong winds and wind gusts, falling debris, downed trees, and widespread power outages; and

WHEREAS in preparation for the forecasted storms, multiple California Conservation Corps flood fight crews, fire swift water rescue, and urban search and rescue teams have been strategically prepositioned for emergency response; sandbags have been made available throughout the State; and shelters are opening for displaced individuals; and

WHEREAS these storms forced the closure and caused damage to highways and roads, as well as caused levee and culvert failures, and mandatory evacuations in severely impacted counties, and such impacts will likely continue to be caused by the forecasted storms; and

WHEREAS these storms threatened and continue to threaten critical infrastructure, movement of resources, burn scars from recent wildfires potentially causing mud and debris flows; resulted in and threaten power outages to thousands of households and businesses; and caused and continue to threaten river and urban flooding due to excessive and prolonged rainfall; and

WHEREAS due to the series of atmospheric river systems continuously impacting counties throughout the State, the counties have not had time to mitigate the cascading impacts of these storms; and

WHEREAS under the provisions of Government Code section 8558(b), I find that conditions of extreme peril to the safety of persons and property exist due to these storms; and

WHEREAS under the provisions of Government Code section 8558(b), I find that the conditions caused by these storms, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under the provisions of Government Code section 8625(c), I find that local authority is inadequate to cope with the magnitude of the damage caused by these storms; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Proclamation would prevent, hinder, or delay the mitigation of the effects of these storms.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist throughout California.

IT IS HEREBY ORDERED THAT:

1. All agencies of the state government utilize and employ state personnel, equipment, and facilities for the performance of any and all activities consistent with the direction of the Office of Emergency Services and the State Emergency Plan. Also, all residents are to obey the direction of emergency officials with regard to this emergency in order to protect their safety.

2. The Office of Emergency Services shall provide assistance to local governments, if appropriate, under the authority of the California Disaster Assistance Act, Government Code section 8680 et seq., and California Code of Regulations, Title 19, section 2900 et seq.

3. As necessary to assist local governments and for the protection of public health and the environment, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services necessary to quickly assist with the response to and recovery from the impacts of these storms. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of these storms.

4. Any fairgrounds the Office of Emergency Services determines suitable to assist individuals impacted by these storms shall be made available to the Office of Emergency Services pursuant to the Emergency Services Act, Government Code section 8589. The Office of Emergency Services shall notify the fairgrounds of the intended use and may immediately utilize the fairgrounds without the fairground board of directors' approval.

5. The California Department of Transportation shall formally request immediate assistance through the Federal Highway Administration's Emergency Relief Program, United States Code, Title 23, section 125, in order to obtain federal assistance for highway repairs or reconstruction.

6. The California National Guard may be mobilized under Military and Veterans Code section 146 to support disaster response and relief efforts, as directed by the Office of Emergency Services, and to coordinate with all relevant state agencies and state and local emergency responders and law enforcement within the impacted areas. Sections 147 and 188 of the Military and Veterans Code are applicable during the period of participation in this mission, exempting the California Military Department from applicable procurement rules

for specified emergency purchases, and those rules are hereby suspended.

7. Any state-owned properties the Office of Emergency Services determines suitable for staging of debris as a result of these storms shall be made available to the Office of Emergency Services for this purpose in accordance with Government Code section 8570.

8. Drivers may exceed the hours-of-service limits specified in California Vehicle Code section 34501.2 and California Code of Regulations, Title 13, section 1212.5 while operating a vehicle engaged in fuel transportation in support of emergency relief efforts, subject to the following conditions:

    a. Motor carriers or drivers currently subject to an out-of-service order are eligible for the exemption once the out-of-service order expires or when they have met the conditions for its rescission.

    b. In accordance with Section 1214, Title 13, California Code of Regulations, no motor carrier operating under the terms of this Proclamation will require or allow an ill or fatigued driver to operate a motor vehicle. A driver who notifies a motor vehicle carrier that they need immediate rest shall be given at least ten consecutive hours off-duty before being required to return to service.

    c. Drivers shall maintain a driver's record of duty status, regardless of number of hours worked each day. These records shall be prepared, submitted, and maintained as required by Section 1213, Title 13, California Code of Regulations.

9. Consistent with Parts 390 and 395, Title 49, Code of Federal Regulations, drivers may exceed the hours-of-service limits specified while operating a vehicle engaged in fuel transportation in support of emergency relief efforts. These waivers shall be in effect for the duration of the driver's direct assistance in providing emergency relief, or thirty (30) days from the date of this Proclamation, whichever is less.

10. In order to allow out-of-state contractors and other utilities driving their own vehicles to provide mutual aid assistance for the restoration of electrical power within the counties impacted by these storms, applicable provisions of the Vehicle Code including, but not limited to, Vehicle Code section 34620 requiring a motor carrier permit [licensing] and imposition of certain fees, are suspended for motor carriers providing such assistance. Also, the requirements for motor carriers and drivers in Vehicle Code sections 1808.1 [pull-notice program that checks for driver's license violations], 27900 [display name on vehicle], 27901 [size and color of display name on vehicle], 34505.5 [requirement to have been inspected within 90 days], and 34501.12 [requirement to set up home base in California] are suspended while providing mutual aid assistance for the emergency restoration of services.

I FURTHER DIRECT that as soon as hereafter possible, this Proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Proclamation.

This Proclamation is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 4th day of January 2023.

GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, Ph.D.
Secretary of State