

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: Merced
2222 M Street
Merced, CA 95340

From: (Public Agency): County of Merced
715 Martin Luther King Jr. Way
Merced, CA 95340

(Address)

Project Title: Los Banos Creek Embankment Emergency Repair

Project Applicant: County of Merced

Project Location - Specific:

Los Banos Creek at approximately latitude 37.11013, longitude -120.88969

Project Location - City: Unincorporated

Project Location - County: Merced

Description of Nature, Purpose and Beneficiaries of Project:

The purpose of the project is to conduct emergency repairs on the failed embankments of Los Banos Creek to stabilize the banks, restore the Los Banos Creek embankments to the pre-failure geometry, and repair the western access road. Los Banos Creek receives outlet flows from the Los Banos Creek Detention Dam, which influences hydraulic conditions along the project reach. Stormwater releases from the dam during the 2025-2026 storm season could further damage the embankments, posing a significant risk to adjacent agricultural lands and private property, including potential risks of property damage to the adjacent dairy.

Name of Public Agency Approving Project: County of Merced, Department of Public Works

Name of Person or Agency Carrying Out Project: County of Merced, Department of Public Works

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:

Pursuant to the California Environmental Quality Act (CEQA), Article 18 Statutory Exemptions, Section 15269b, Emergency Projects, "Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety or welfare. Emergency repairs include those that require a reasonable amount of planning to address an anticipated emergency" are exempt from CEQA. The project includes an emergency repair to failed embankments and the western access road in order to prevent potential property damages to adjacent agricultural operations that may occur during the 2025-2026 storm season. Therefore, the project is exempt from CEQA.

Lead Agency

Contact Person: Nathan Bray

Area Code/Telephone/Extension: (209) 385-7602

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: Nathan Bray Date: 1/2/26 Title: DIRECTOR / ROAD COMMISSIONER

▪ 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: _____