

Notice of Exemption

Appendix E

To: Office of Land Use and Climate Innovation

1400 Tenth Street

Sacramento, CA 95814

County Clerk

County of: Yolo

From (Public Agency): California Department of Water Resources (DWR)

Division of Multibenefit Initiatives

715 P street, Sacramento, CA 95814

Project Title: Upper Swanston Ranch, Inc. Instream Flow Water Purchase Agreement

Project Applicant: Department of Water Resources

Project Location - Specific: Latitude 38°34'45.4"N/ Longitude 121°35'00.2"W

Upper Swanston Ranch, Inc.

Project Location – City: Unincorporated

Project Location – County: Yolo County, CA

Description of Nature, Purpose, and Beneficiaries of Project: The Instream Flow Water Purchase Program provides funding for the acquisition of environmentally beneficial instream flows in the Sacramento-San Joaquin watershed to be provided January through June. The water transfers and purchases must measurably enhance streamflow at a time and location necessary to provide fisheries or ecosystem benefits or improve upon existing flow conditions.

The Upper Swanston Ranch, Inc. is a family-owned corporation located in the Yolo Bypass just north of the Interstate 80 and adjacent railroad tracks for several decades. The ranch has been farmed over the past 60 years, growing a variety of crops including tomatoes, corn, milo, rice, and sunflower. The Upper Swanston Ranch Inc. water purchase agreement will temporarily fallow or leave idle (unfarmed) 696 acres of historically irrigated agricultural lands to reduce diversions and retain water in the Tule Canal and Toe Drain. This water purchase agreement will be in place until Upper Swanston Ranch, Inc., meets a total water volume commitment of 39,600 acre-feet in dry, below normal, and above normal water year types (middle WYTs). By ceasing irrigation diversions of water in middle WYTs,

approximately 3,300 acre-feet of water that would have been diverted to fields to grow crops would flow through the Tule Canal and Toe Drain in the Yolo Bypass to the lower Sacramento River and into the Delta. This will leave 696 acres of farmland that was previously irrigated between the months of April 1 and October 1 as fallowed land, resulting in a corresponding increase in the amount of water in the Tule Canal, Toe Drain and Sacramento River from April 1 through October 30, with the majority of flows retained instream from April 1 to June 30, consistent with reduced diversions during months reflecting historical irrigation practices and the terms of relevant water rights. By fallowing or leaving lands idled, only water resulting from natural hydrologic conditions will cover the 696 acres of farmland in the project location in middle WYTs from April 1 to October 30.

The water remaining in the Tule Canal and resulting in waters remaining in the Sacramento-San Joaquin Delta is for the benefit of the aquatic and riparian ecosystems, to preserve and benefit sensitive aquatic biological resources, to promote ecological resilience, to provide climate change adaptation, and to provide other biological benefits to native species that utilize the aquatic environment.

Name of Agency Approving Project: California Department of Water Resources

Name of Person or Agency Carrying Out Project: California Department of Water Resources and Upper Swanston Ranch, Inc.

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. CEQA Guidelines Section 15061, subd. (b)(3)
- Statutory Exemptions

Reasons why this project is exempt:

The water purchase agreement is exempt pursuant to CEQA Guidelines section 15061, subdivision (b)(3), because Upper Swanston Ranch, Inc., fallowed the 696 acre property from 2019 – 2025. Therefore, the purchase agreement and additional fallowing will not cause changes to land use within the 696-acre property compared to baseline conditions.

In addition, the water purchase agreement will result in beneficial instream flows to improve conditions for fish and wildlife. As a result, the agreement between DWR and Upper Swanston Ranch, Inc., can be implemented without causing any significant effect to an environmental resource. The common sense exemption is appropriate because CEQA only applies to projects which have the potential to cause a significant effect on the environment.

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3/4/2026

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Manager, Division of Multibenefit Initiatives

Department of Water Resources

Signed by: Lead Agency

Date Received for filing at OPR: _____