

## NOTICE OF EXEMPTION

**To:**

Tulare County Clerk  
221 S. Mooney Blvd. Rm 105  
Visalia, CA 93291

**From:**

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

Kern County Clerk  
1115 Truxtun Avenue, 1st Floor  
Bakersfield, CA 93301

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

**Project Title:** Invasive Mussel Control – Chemical Feed Installation Plan  
("Project")

**Project Location:** WOOLLOMES PUMPING PLANT (35.747176, -119.173792);  
CECIL PUMPING PLANT (35.775819, -119.177648);  
AVENUE 24 PUMPING PLANT (35.834349, -119.162313);  
AVENUE 36 PUMPING PLANT (35.855996, -119.161063);  
AVENUE 4 PUMPING PLANT (35.798637, -119.103095);  
BIG 4 RESERVOIR (35.749229, -119.085207);  
CECIL RESERVOIR (35.777286, -119.096277);  
AND AVENUE 24 RESERVOIR (35.833133, -119.074637)

**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") has been evaluating proactive measures to prevent the establishment and spread of invasive mussels within its conveyance and distribution infrastructure. The Project involves invasive mussel control options suitable for inlet-only application at bar screens and sump structures. The Project's options are not anticipated to adversely impact downstream agricultural crops when applied in controlled volumes and in accordance with product labeling, dilution requirements, and discharge management practices. Early-stage control at inlet locations provides the most effective opportunity to limit infestation while minimizing exposure to downstream users.

The following screening criteria were used for the Project's options:

- No anticipated phytotoxicity to irrigated crops
- Applicability in controlled inlet volumes only

- Minimal persistence after dilution in the system
- Operational feasibility for District staff
- Regulatory familiarity within agricultural water systems

The Project includes placement of chemical feed systems at the following District pumping plants:

- Woollomes Pumping Plant
- Cecil Pumping Plant
- Avenue 24 Pumping Plant
- Avenue 36 Pumping Plant
- Avenue 4 Pumping Plant

and chemical treatment of the following reservoirs:

- Big 4 Reservoir
- Cecil Reservoir
- Avenue 24 Reservoir

The Project includes the application of a copper-based water treatment, into existing agricultural water conveyance systems (e.g., pumping plants, pipelines, and reservoirs). The Project’s purpose is to control/prevent the spread of invasive mussels and manage nuisance algae that threaten to clog water infrastructure and degrade water delivery efficiency. Treatment will be applied strictly at or below California Environmental Protection Agency and California Department of Pesticide Regulation approved label rates, specifically formulated for agricultural and irrigation water.

The Project’s inlet-only application locations have been selected to minimize operational interference while maintaining controlled treatment zones. The Project will limit invasive mussel control efforts to inlet-only applications using EarthTec® QZ. The application of EarthTec® QZ is necessary to prevent biological fouling (e.g., mussel attachment and/or algal blooms) that restricts water flow and damages pumps and valves.

---

**Exempt Status:**

- Ministerial (Sec. 21080(b)(1); 15268)
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Emergency Project (Sec. 21080(b)(4); 15269(b)&(c))
- Categorical Exemptions: CEQA Guidelines Section 15301 (Class 1 Existing Facilities), CEQA Guidelines Section 15304 (Class 4 Minor Alterations to Land), and CEQA Guidelines Section 15308 (Class 8 Actions by Regulatory Agencies for Protection of the Environment)
- Common Sense Exemption: CEQA Guidelines Section 15061(b)(3)
- Statutory Exemption: \_\_\_\_\_

### **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 categorical exemptions from CEQA including the following:

- The CEQA Guidelines Section 15301 (Class 1 Existing Facilities) categorical exemption provides in part that it “consists of 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 key consideration is whether the project involves negligible or no expansion of use.”
- The CEQA Guidelines Section 15304 (Class 4 Minor Alterations to Land) categorical exemption provides in part that it “consists of 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 15308 (Class 8 Actions by Regulatory Agencies for Protection of the Environment) categorical exemption “consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.”

CEQA also contains exemptions for emergency projects in Public Resources Code Section 21080 and CEQA Guidelines Section 15269, including the following:

- “Specific actions necessary to prevent or mitigate an emergency.” (Pub. Res. Code § 21080(b)(4));
- “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” (CEQA Guidelines § 15269(b)); and
- “Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term, but this exclusion does not apply (i) if the anticipated period of time to conduct an environmental review of such a long-term project would create a risk to public health, safety or welfare, or (ii) if activities (such as fire or catastrophic risk mitigation or modifications to improve facility integrity) are proposed for existing

facilities in response to an emergency at a similar existing facility.” (CEQA Guidelines § 15269(c))

CEQA also provides, in CEQA Guidelines Section 15061(b)(3), that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is exempt from CEQA.

The District reviewed the Project and determined that the Project is categorically exempt from further CEQA review pursuant to CEQA Guidelines Section 15301 (Class 1 Existing Facilities), CEQA Guidelines Section 15304 (Class 4 Minor Alterations to Land), and CEQA Guidelines Section 15308 (Class 8 Actions by Regulatory Agencies for Protection of the Environment) because the Project consists of 1) minor District alterations of existing District facilities and mechanical equipment, involving negligible or no expansion of existing or former use, 2) minor District alterations in the condition of land and water, which do not involve removal of healthy, mature, scenic trees and 3) actions taken by the District to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment, in accordance with the District’s powers set forth in Water Code Section 35401.

The District reviewed the Project and determined that the Project is also exempt pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the Project may have a significant effect on the environment.

The District reviewed the Project and determined that the Project is also exempt pursuant to Public Resources Code Section 21080(b)(4) and CEQA Guidelines Section 15269(b)&(c) because the Project’s emergency repairs are necessary to maintain water service essential to the public health, safety or welfare and the Project consists of specific actions necessary to prevent or mitigate an emergency.

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 the CEQA Guidelines Section 15301 (Class 1 Existing Facilities), CEQA Guidelines Section 15304 (Class 4 Minor Alterations to Land) or CEQA Guidelines Section 15308 (Class 8 Actions by Regulatory Agencies for Protection of the Environment) categorical exemptions set forth in CEQA Guidelines Section 15300.2 apply.

**Lead Agency Contact Person:** Skye Grass  
General Manager  
Telephone: (661) 327-3132  
Email: [skye@kern-tulare.com](mailto:skye@kern-tulare.com)

---

Skye Grass  
General Manager  
Kern-Tulare Water District

---

Date