

NOTICE OF EXEMPTION
Coachella Valley Water District
Post Office Box 1058
Coachella, California 92236

☒ County Clerk
County of Riverside
Post Office Box 751
Riverside, CA 92502

☐ County of Imperial
Imperial County Clerk/Recorder
940 West Main Street, Suite 202
El Centro, CA 92243

☒ State Clearinghouse
Office of Planning and Research
Post Office Box 3044, Room 113
Sacramento, CA 95812-3044

☐ County of San Diego
Recorder/County Clerk's Office
1600 Pacific Highway, Suite 260
Post Office Box 121750
San Diego, CA 92112-1750

Project Title: Colorado River Water Conservation Agreement 2022 between Bureau of Reclamation and Coachella Valley Water District

Project Location: No specific physical location; although the Coachella Valley Water District is a Colorado River Water User/ Agency, and its Colorado River water service area includes portions of Riverside County.

Description of Nature, Purpose and Beneficiaries of Project: The Agreement with U.S. Bureau of Reclamation (Reclamation) will allow CVWD to conserve usage of imported Colorado River water through curtailment of groundwater replenishment activities in Calendar Year 2022 (CY22). It is estimated that the contribution volume will be approximately 10,000 acre feet (af).

The Colorado River (River) has been experiencing prolonged drought since 2000, during which time the total system storage has declined from 57 million acre feet (maf) (95% full) to a historically low volume of 19.54 maf in October 2022 (33% full). As of October 3, 2022, surface water elevation of Lake Powell was 3,529.51 ft (25% of capacity) and Lake Mead was 1,045.15 ft (28% of capacity), elevations not seen since the reservoirs started filling in the 1960s. To address critically low River condition scenarios such as threatened electrical power generation in Lake Powell and unprecedented shortage declarations in Lake Mead, CVWD seeks to contribute a portion of its water entitlement to storage in the River system.

CVWD has made a determination that it is possible to conserve Colorado River water in CY22 under an existing Reclamation program. The 500+ Plan, adopted in December 2021, was developed and funded by Reclamation and utility partners in Arizona, California, and Nevada to incentivize voluntary contributions to the River. This program specified that participants would be reimbursed for verified savings. Based on historical operation, it was determined that approximately 10 taf of water may be contributed if recharge was curtailed at the T.E. Levy Groundwater Replenishment Facility for the remainder of CY22.

Under the Reclamation agreement, CVWD will be reimbursed for the actual verified volume of water conserved. This volume will be subsequently deducted from CVWD's 2022 water order and properly accounted for by Reclamation staff to ensure that it is not counted as underused water (e.g. underrun) and will benefit the River system.

NOTICE OF EXEMPTION (Continued)
Coachella Valley Water District

Name of Public Agency Approving Project: Coachella Valley Water District

Exempt Status:

- ☒ Review for Exemption/Common Sense Exemption: State CEQA Guideline §15061(b)(3)
- ☒ Not a project: State CEQA Guidelines §15378(a) and (b)(5)
- ☐ Ministerial (Pub. Res. Code §21080(b)(1); State CEQA Guideline §15268)
- ☐ Declared Emergency (Pub. Res. Code §21080(b)(3); State CEQA Guideline §15269(a))
- ☐ Emergency Project (Pub. Res. Code §21080(b)(4); State CEQA Guideline §15269(b)(c))
- ☒ Statutory Exemption: State CEQA Guidelines §15277
- ☒ Categorical Exemption: State CEQA Guidelines §15301

Reasons why project is exempt:

Approval of the 2022 Colorado River Water Conservation Agreement is not subject to CEQA for multiple reasons. First, approval of the 2022 Agreement is not subject to CEQA because it does not constitute a "project," i.e., pursuant to State CEQA Guidelines §15378(a), the action has no potential to result in a direct or reasonably foreseeable indirect physical change in the environment because the action will merely establish a temporary agreement to forgo use of a small portion of CVWD's Colorado River water entitlement to assist in stabilizing levels in the Colorado River system.

Second, approval of the 2022 Agreement is not subject to CEQA because it does not constitute a "project," pursuant to State CEQA Guidelines §15378(b)(5). Establishing a temporary agreement without any permanent change to the previously approved entitlements constitutes an organizational or administrative activity that will not result in a direct or indirect physical adverse change in the environment not previously analyzed.

Third, even if approval of the 2022 Agreement did constitute a "project" subject to CEQA, the action would be exempt from CEQA review pursuant to State CEQA Guidelines §15061(b)(3) because it can be seen with certainty that there is no possibility that approval of the 2022 Agreement may have a significant effect on the environment. The establishment of the temporary agreement will not result in adverse impacts to the environment in regards to the Coachella Valley Groundwater Basin, as no significant changes will be made to the existing agreements.

Fourth, This program will not result in expansion of use of CVWD's existing Colorado River water distribution system or groundwater recharge facilities. Accordingly, since the proposed program involves operation and implementation of CVWD's existing Colorado River water distribution facilities and groundwater replenishment facilities with no or negligible expansion of use beyond that existing at the time of the lead agency's determination, these actions qualify for a Class 1 Categorical Exemption (State CEQA Guidelines Section 15301).

Fifth, Environmental impacts expected from the implementation of the 2007 Interim Guidelines For Lower Basin Shortages and the Coordinated Operations of Lake Powell and Lake Mead (Guidelines) were analyzed in an Environmental Impact Statement (EIS), pursuant to National Environmental Policy Act (NEPA) of 1969 (refer to the following link (<http://www.usbr.gov/lc/region/programs/strategies/FEIS/index.html>)). The proposed action of

NOTICE OF EXEMPTION (Continued)
Coachella Valley Water District

using conserved water from the proposed Conservation Agreement to assist in managing reservoir elevations is within the scope of analysis of actions that were previously analyzed in that EIS. Thus, to the extent the proposed actions involve or may affect areas outside of California, such as at Lake Mead or on the portions of the Colorado River in Nevada or Arizona, they are exempt from CEQA under a Statutory Exemption (Public Resources Code Section 21080(b)(14) and State CEQA Guidelines Section 15277). The proposed action of adopting the temporary Colorado River water Conservation Agreement with BOR in 2022 is exempt under the provisions of CEQA and the State CEQA Guidelines.

Agency Contact Person: William Patterson, Environmental Supervisor; phone: (760) 398-2651

Date:

Sylvia Bermudez
Clerk of the Board
Coachella Valley Water District

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

File No: 0645.61, 0645.712.2, 0460.24, 0106.21