

Notice of Exemption

Form D

To: Office of Planning and Research
P.O. Box 3044, Room 212
Sacramento, CA 95812-3044

From: (Public Agency) Department of Water Resources
3500 Industrial Blvd, West Sacramento

P.O. Box 942836, Sacramento, CA 94236

(Address)

County Clerk
County of \_\_\_\_\_

Project Title: Drought Water Bank

Project Location - Specific:

The Central Valley, Napa Valley, SF Bay Area, and Southern California

Project Location - City: \_\_\_\_\_ Project Location - County: \_\_\_\_\_

Description of Nature, Purpose and Beneficiaries of Project:

The 2009 Drought Water Bank is a one-year transfer program to obtain water from willing sellers upstream of the Delta for sale to water users experiencing shortages due to extreme drought conditions and regulatory pumping curtailments. Critical health and safety water needs will have a first priority to the acquired supplies. The Project will be implemented subject to the relevant mitigation measures in the EWA EIS/EIR, Supplement and Addendums (see State Clearinghouse #1996032083).

Name of Public Agency Approving Project: California Department of Water Resources

Name of Person or Agency Carrying Out Project: California Department of Water Resources

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: Sections 21080(b)(3), 21080(b)(4), and 21172 of the Public Resources Code

Reasons why project is exempt:

The Project is subject to the Governor's Proclamation of a State of Emergency of February 2, 2009 (attached), among whose purposes is to protect the safety of persons and property from the natural disaster created by the critical drought conditions currently existing in the State. Section 17 of said Proclamation directs that CEQA exemptions under these sections as well as CCR title 14, section 15269(c) shall apply. The Secretary for the Natural Resources Agency has determined that the 2009 Drought Water Bank falls within this exemption (see attached).

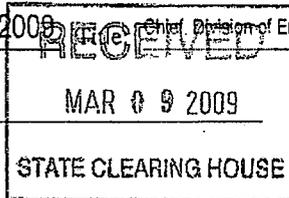
Lead Agency Contact Person: Michael Hendri Area Code/Telephone/Extension: (916) 651-9547

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: Barbara McDonnell Date: March 9, 2009

- Signed by Lead Agency
Signed by Applicant
Date received for filing at OPR:



Revised 2005

## Memorandum

Date: March 5, 2009

To: Honorable Mike Chrisman  
Secretary for Resources  
The Resources Agency  
1416 Ninth Street, Room 1311  
Sacramento, California 95814

From: Department of Water Resources

Subject: Request for Concurrence in the use of the Emergency Exemption Provisions of CEQA for the 2009 Drought Water Bank.

This letter is to request your concurrence in the use of the emergency exemption provisions of CEQA for the 2009 Drought Water Bank pursuant to the Governor's February 27, 2009, Proclamation of a State of Emergency issued in response to the third consecutive year of drought in California.

The 2009 Drought Water Bank (Water Bank) began in the summer of 2008 in response to Governor Schwarzenegger's June 4, 2008, Executive Order S-06-08 to help alleviate the drought conditions should they continue into 2009. On June 12, the Governor issued an Emergency Proclamation for nine counties in the San Joaquin Valley due to the critically dry conditions. 2009 is proving to be another critically dry year.

The Water Bank has been established to provide critical water supplies in the form of water transfers from willing sellers to willing buyers and is now ready for implementation. The Water Bank will be implemented in a manner that mitigates for the environmental impacts of water transfers. These mitigation measures were refined during implementation of the Environmental Water Account (EWA) from 2001 through 2007. These mitigation measures are referenced in the Emergency Proclamation Governor Schwarzenegger signed on February 27, 2009 and detailed in the Department of Water Resources' (DWR) recently posted addendum to the EWA Environmental Impact Report.

The Emergency Proclamation also allows DWR to use the emergency provisions of CEQA if it receives concurrence from the California Natural Resources Agency. Attached is a copy of the Notice of Exemption that DWR would like to file with the State Clearinghouse in the next few days to keep the Water Bank implementation on schedule.

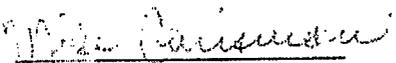
Honorable Mike Chrisman  
March 5, 2009  
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Please sign below if you concur that the use of the emergency exemption by DWR and all other State and local agencies for the 2009 Drought Water Bank is appropriate under the Governor's February 27 Emergency Proclamation.



Lester A. Snow  
Director  
(916) 653-7007

CONCUR



Mike Chrisman  
Secretary for Natural Resources

3/5/09  
Date

RECEIVED  
MAR 09 2009  
STATE CLEARING HOUSE