

DEC 24 2019

C. Teran

BY _____
DEPUTY


NOTICE OF EXEMPTION

<p>TO:</p> <p><input checked="" type="checkbox"/> Office of Planning and Research P. O. Box 3044, Room 113 Sacramento, CA 95812-3044</p>	<p>FROM: Fallbrook Public Utility District (Public Agency) 990 E. Mission Road Fallbrook, CA 92028 Telephone: (760) 728-1125</p>
<p><input checked="" type="checkbox"/> San Diego County Clerk 1600 Pacific Highway, Room 260 San Diego, CA 92101</p>	

<p>1. Project Title:</p>	<p>Memorandum of Understanding for Water Resource Development and Emergency Water Supply</p>
<p>2. Project Applicant:</p>	<p>Fallbrook Public Utility District</p>
<p>3. Project Location – Identify street address and cross streets or attach a map showing project site (preferably a USGS 15' or 7 1/2' topographical map identified by quadrangle name):</p>	<p>Fallbrook, California (see attached map showing District's service area)</p>
<p>4. (a) Project Location – City: Fallbrook</p>	<p>(b) Project Location – County: San Diego</p>
<p>5. Description of nature, purpose, and beneficiaries of Project:</p>	<p>The Fallbrook Public Utility District (FPUD) entered into a Memorandum of Understanding for Water Resource Development and Emergency Water Supply (MOU) with Rainbow Municipal Water District (RMWD). The MOU sets forth FPUD and RMWD's (collectively, Parties) understanding on the following issues: (1) the Parties agree to work together and coordinate to support emergency water supply for both agencies; (2) FPUD will coordinate to identify emergency water supplies for RMWD; and (3) RMWD will participate in funding and providing technical information for the Feasibility Study that FPUD and United States Marine Base Camp Pendleton are preparing to evaluate the feasibility of a potential future Groundwater Augmentation Project, which has not been adopted, approved or funded.</p>
<p>6. Name of Public Agency approving project:</p>	<p>Fallbrook Public Utility District</p>
<p>7. Name of Person or Agency undertaking the project, including any person undertaking an activity that receives financial assistance from the</p>	<p>Fallbrook Public Utility District</p>

Public Agency as part of the activity or the person receiving a lease, permit, license, certificate, or other entitlement of use from the Public Agency as part of the activity:	
8. Exempt status: (check one)	
(a) <input type="checkbox"/> Ministerial project.	(Pub. Res. Code § 21080(b)(1); State CEQA Guidelines § 15268)
(b) <input checked="" type="checkbox"/> Not a project.	(Pub. Res. Code § 21065; State CEQA Guidelines § 15378(a))
(c) <input type="checkbox"/> Emergency Project.	(Pub. Res. Code § 21080(b)(4); State CEQA Guidelines § 15269(b),(c))
(d) <input checked="" type="checkbox"/> Categorical Exemption. State type and section number:	Class 6—Information Collection (State CEQA Guidelines § 15306)
(e) <input type="checkbox"/> Declared Emergency.	(Pub. Res. Code § 21080(b)(3); State CEQA Guidelines § 15269(a))
(f) <input checked="" type="checkbox"/> Statutory Exemption. State Code section number:	Feasibility and planning studies (Pub. Res. Code § 15262; Emergency prevention (Pub. Res. Code § (21080(b)(4); State CEQA Guidelines § 15269(c))
(g) <input checked="" type="checkbox"/> Other. Explanation:	State CEQA Guidelines § 15061(b)(3) (common sense exemption)
9. Reason why project was exempt:	<p>The MOU is not a project within the meaning of CEQA because it does not have the potential to result in a direct physical change in the environment or a reasonably foreseeable indirect physical change to the environment. (Pub. Res. Code § 21065; CEQA Guidelines § 15378(a).) The MOU does not commit FPUD to providing any water supplies to RMWD. Rather, FPUD simply agrees to coordinate to “identify and/or make available sufficient supplies to support RMWD in an emergency to the extent water is available over FPUD emergency supply needs.” Agreeing to coordinate and identify sources would not cause either a direct or reasonably foreseeable indirect physical change in the environment. Further, even if FPUD provided some amount of water to RMWD in an emergency—which is speculation at this point—it would not cause a direct or indirect change to the environment because such supplies would be provided from FPUD’s existing sources using FPUD’s existing storage facilities and pipelines. There would be no increase in the capacity and overall production of existing facilities and no construction of new facilities. This sharing would not cause either a direct or indirect change in the physical environment.</p> <p>Even if the MOU is considered a “project” within CEQA’s meaning, CEQA “does not apply” to “specific actions necessary to prevent or mitigate an emergency.” (Pub. Res. Code § 21080(b)(4); CEQA Guidelines § 15269(c).) Under CEQA, an emergency is an occurrence involving clear and imminent danger that demands immediate action. Failure of the water supply would constitute an emergency within that definition. As such, to the extent that the MOU is intended to prevent or mitigate an emergency, the MOU is statutorily exempt from CEQA.</p> <p>CEQA also includes a statutory exemption for feasibility and planning studies. (CEQA Guidelines section 15262.)</p>

	<p>Under this exemption, feasibility studies for possible future actions that have not been approved, adopted or funded do not require preparation of an EIR or Negative Declaration. The Feasibility Study will evaluate the feasibility of a Groundwater Augmentation Project, but the Groundwater Augmentation Project itself has not been approved, adopted or funded.</p> <p>The MOU is also exempt under the Class 6 categorical exemption for information collection. This exemption applies to research, data collection and resource evaluation activities undertaken as "part of a study leading to an action which a public agency has not yet approved, adopted, or funded." (CEQA Guidelines § 15306.) As noted above, the Groundwater Augmentation Project has not been approved, adopted or funded.</p> <p>The MOU is also exempt under the "the common sense exemption." It can be seen with certainty that RMWD's participation in the MOU does not commit FPUD to taking any action that could physically impact the environment. As such, the MOU has no possibility of causing a significant effect on the environment. (CEQA Guidelines § 15061(b)(3).)</p> <p>Finally, there is no evidence that the MOU involves any unusual circumstances that might cause a significant effect on the environment. (CEQA Guidelines § 15300.2(c).)</p>
10. Lead Agency Contact Person:	Jack Bebee, General Manager
Telephone:	(760) 728-1125
11. If filed by applicant: Attach Preliminary Exemption Assessment (Form "A") before filing.	
12. Has a Notice of Exemption been filed by the public agency approving the project? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
13. Was a public hearing held by the Lead Agency to consider the exemption? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, the date of the public hearing was: _____	


Signature:  Date: 12/16/19 Title: General Manager
 Name: _____

Signed by Lead Agency Signed by Applicant

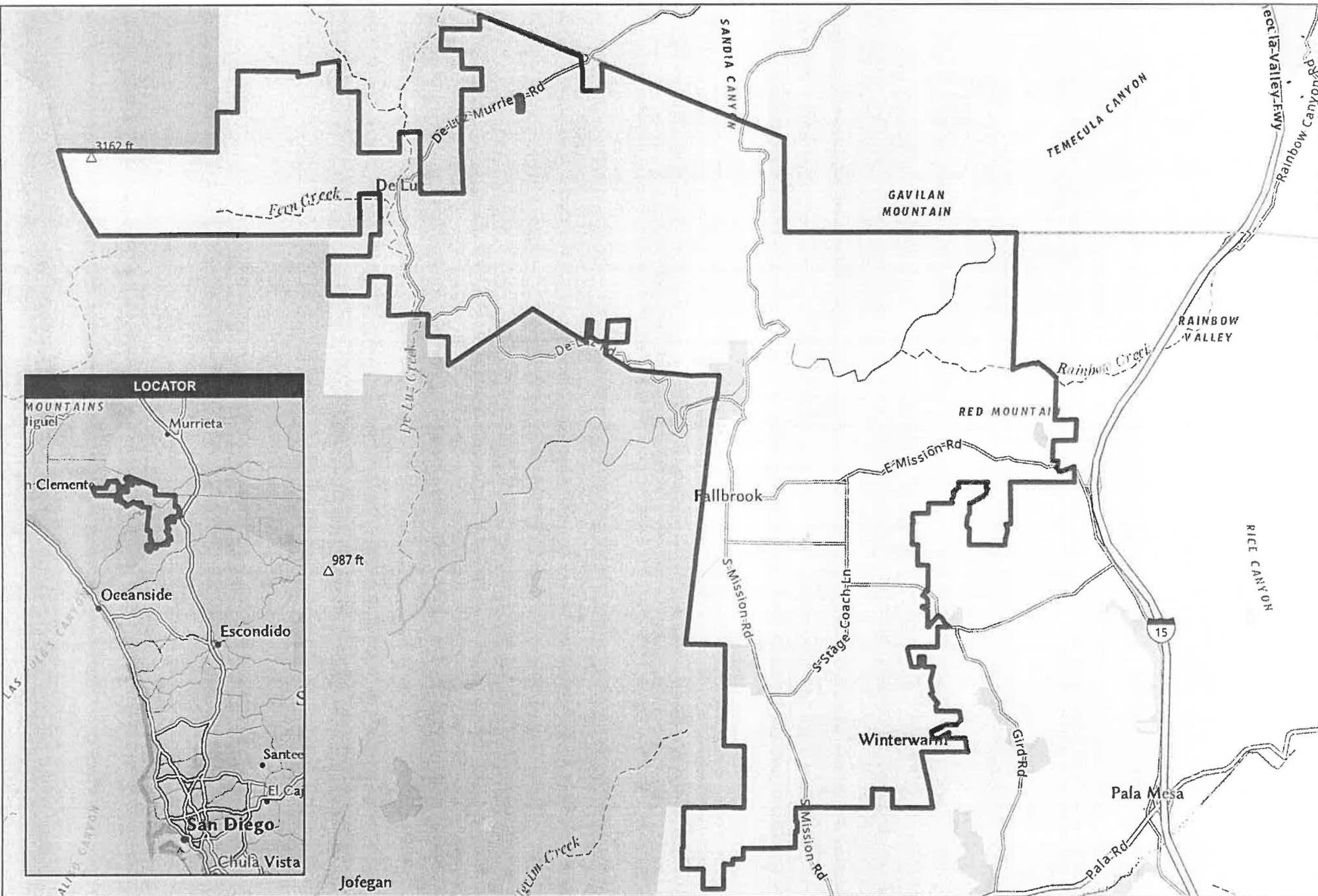
Date Received for Filing: _____

(Clerk Stamp Here)

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

FILED IN THE OFFICE OF THE COUNTY CLERK
 San Diego County on DEC 24 2019
 Posted DEC 24 2019 Removed _____
 Returned to agency on _____
 Deputy 

C. Teran



DISCLAIMER: By accepting this map, you agree that the Fallbrook Public Utility District assumes no liability or responsibility of any kind arising from use of this map. This map, its Data, and any calculations associated with this map is provided without warranty of any kind.

 **FPUD BOUNDARY**

