



# NOTICE OF EXEMPTION

**TO:**  
**San Joaquin County Clerk Recorder**  
**44 N. San Joaquin Street, 2<sup>nd</sup> Floor, #260**  
**Stockton, CA 95202**

**FROM: (LEAD AGENCY)**

**EAST BAY MUNICIPAL UTILITY DISTRICT**  
Office of the Secretary - (510) 287-0404  
375 Eleventh Street, MS 806  
Oakland, CA 94607-4240

- ☒ Lead Agency is the Project Applicant  
☒ Lead Agency is Public Agency Approving Project  
☒ Lead Agency is Carrying Out Project

## PROJECT INFORMATION

1. TITLE: 2022 Yuba Water Agency (YWA) Spring Transfer to EBMUD
2. LOCATION: (City, County, and specific location)  
See Attachment A.
3. DESCRIPTION: See Attachment A.

Filed Doc #: 39-04142022-125  
04/14/2022 11:02:25 AM

Steve J. Bestolarides  
San Joaquin County Clerk

## EXEMPTION FINDING (Check one)

This project is exempt from CEQA because:

1. ☐ Activity is not a project
2. ☐ Activity is Ministerial (Sec.21080(b)(1); Guideline 15268)
3. ☐ Activity is a Declared Emergency (Sec.21080(b)(3); Guideline 15269(a))
4. ☒ Activity is an Emergency Project (Sec.21080(b)(4); Guideline 15269(b)(c))
5. ☒ Activity is Categorically Exempt Under Guideline 15301, 15304
6. ☒ Activity is Statutorily Exempt Under Guideline 15061(b)(3), WC §1729
7. ☒ Reasons why project is exempt: See Attachment A.

## APPROVAL BY INITIATING UNIT: 455

04/04/2022

Max Fefer

Hasan Abdullah

1. DATE PREPARED

2. PREPARED BY (initial)

3. REVIEWED BY (Unit Supv. initial)

Linda Hu

4. RECOMMENDED BY (Division/Section Manager)

Hasan Abdullah

407

Senior Civil Engineer

510-287-0550

5. CONTACT PERSON

MAIL SLOT #

TITLE

PHONE

## NOTICE OF EXEMPTION APPROVED FOR FILING WITH THE COUNTY CLERK

04/11/2022

Michael T. Tognolini

DATE

DEPARTMENT DIRECTOR

RECEIVED  
APR 19 2022

4/13/22  
DATE FORWARDED TO COUNTY CLERK

Rischa Cole

SECRETARY OF THE DISTRICT

Office of the Secretary

## **ATTACHMENT A**

### **2022 Spring Water Transfer from Yuba Water Agency (YWA) to East Bay Municipal Utility District (EBMUD)**

#### **Project Description**

Due to the Public Health & Safety CVP allocation in 2022 and dry conditions continuing in 2022, EBMUD is pursuing water transfers in 2022. On January 11 2022, a three-way agreement between YWA, Contra Costa Water District (CCWD), and EBMUD (Option Agreement) was approved by the Board and executed, which includes the potential to offer EBMUD and CCWD 15 thousand acre feet (TAF) or more transfer water in the spring (Spring Water) and 10 TAF or more transfer water in the summer (Summer Water). Spring Water would be available to transfer from YWA through June 30, 2022.

Under the proposed temporary water transfer ("Project"), YWA would release up to 10,000 acre-feet (AF) of Spring Water from New Bullards Bar Reservoir into the Yuba River for transfer to EBMUD from April 1, 2022 through June 30, 2022. The transferred water is made available through YWA's instream flow requirements described in the Yuba Accord Fisheries Agreement and included in YWA's water rights as part of the State Water Resources Control Board (SRWCB)'s implementation of the Yuba Accord. The transfer water would be conveyed through the Feather and Sacramento Rivers to the Sacramento-San Joaquin Delta where it would be diverted by CCWD on behalf of EBMUD, minus 35 percent losses for Delta carriage water losses. CCWD would store the transfer water in Los Vaqueros Reservoir on behalf of EBMUD and coordinate with EBMUD to return the water to EBMUD via a CVP exchange at a later date. The exchanged water would be diverted by EBMUD at the Freeport Regional Water Authority intake (Freeport Intake) on the Sacramento River and the quantity would be the amount stored in Los Vaqueros Reservoir minus evaporative losses. After diversion at the Freeport Intake, the exchanged water would be conveyed through the Freeport Regional Water Authority's joint pipeline, the lower reach of the Folsom South Canal, EBMUD's Folsom South Canal Connection pipeline, and EBMUD's Mokelumne Aqueducts to EBMUD's service area (see Figure 1).

#### **Project Location**

The Project Location consists of the transfer pathway of the Yuba Spring transfer. The transfer begins in YWA service area through release at New Bullards Bar Reservoir to the Marysville Gage ("Point of Release"), to the Feather River downstream of Marysville Gage. The water continues to travel in the Sacramento River downstream of the confluence with the Feather River to the CCWD intakes, other CCWD facilities, and ultimately to Los Vaqueros Reservoir. The exchanged water would be diverted by EBMUD at the Freeport Intake using EBMUD/FRWA existing facilities and the Folsom South Canal to EBMUD's Mokelumne Aqueduct system where it is delivered to EBMUD's service area (Alameda, Butte, Contra Costa, Sacramento, San Joaquin, Sutter, and Yuba counties, see Figure 1).

**Purpose**

On April 27, 2021, EBMUD's Board of Directors declared a continuing water shortage emergency within EBMUD's service area, declared a Stage 1 critical drought, adopted a voluntary District-wide water use reduction goal of 10 percent, and declared the need to use the Freeport Project to deliver supplemental supplies to EBMUD's service area. January and February 2022 were the driest January and February on record in the Mokelumne River watershed. EBMUD continues to experience dry hydrology into 2022, prompting the need to secure supplemental supplies. In January 2022, under Board Motion No. 016-22, the Board approved a one-year water transfer agreement with CCWD and YWA which allows EBMUD to purchase Spring Water from YWA under the Yuba Accord. This Project supports EBMUD's Long-Term Water Supply Strategic Plan goal.

**Schedule**

Depending on the availability of Spring Water to transfer to a third party such as CCWD and/or EBMUD, the transfer could begin in April 2022 and be completed by the end of June 2022.

**Approvals**

The State Water Resources Control Board approved a temporary change petition on April 1, 2022 a temporary change petition to add CCWD's intakes as a point of diversion to YWA's water rights. Additional approvals are necessary to complete the Project: Reclamation approval of a Warren Act contract with EBMUD for storage and conveyance of transfer water through the federally owned Folsom Reservoir and Folsom South Canal; and confirmation from the California Department of Water Resources (DWR) and Reclamation that Spring Water is available to transfer to a third-party such as CCWD and/or EBMUD.

**Public Impacts**

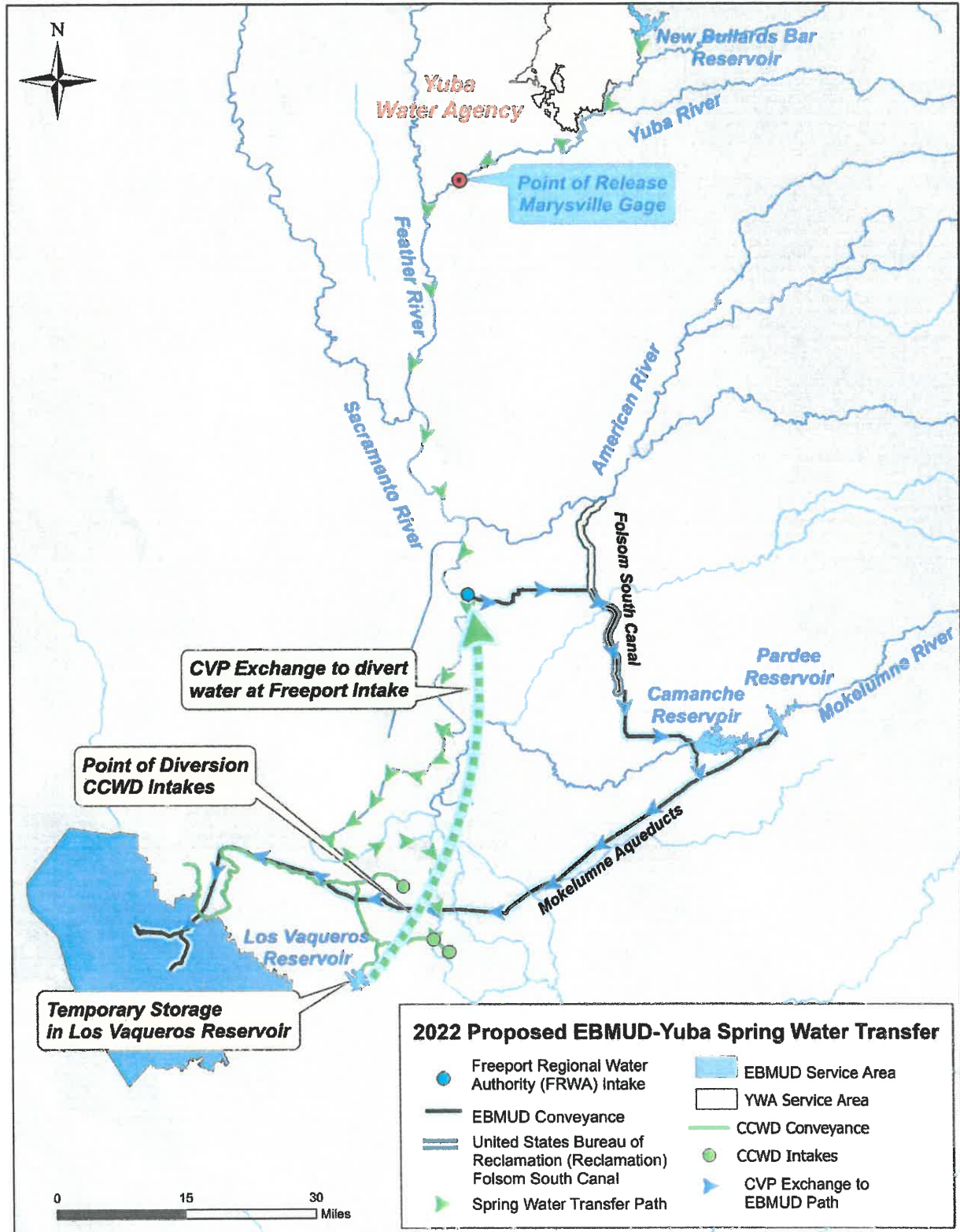
No construction activities will be required, and no public impacts are anticipated. Water users within EBMUD's service area will benefit from the increased water supply provided by the Project.

## **Bases of Exemption**

The Project is exempt from the requirements of CEQA on a number of bases:

- 1) Public Resources Code section 21080(b)(4) and CEQA Guidelines Section 15269(c): This project involves specific actions necessary to prevent or mitigate the drought emergency.
- 2) Categorically exempt under Section 15301 for Existing Facilities: Each proposed transfer will not involve any construction or major alteration of facilities. Conveyance of the transferred CVP water would instead occur entirely through existing facilities and would not exceed the normal capacity of those facilities. The exceptions set forth in Section 15300.2 do not apply.
- 3) Categorically exempt under Section 15304 for Minor Alterations: This project involves a minor alteration to the condition of water.
- 4) “Common Sense” exemption under CEQA Guidelines Section 15061(b)(3): There is no possibility of this project having a significant effect on the environment since the water will be conveyed through existing facilities and will not exceed the normal capacity of those facilities.
- 5) Statutorily exempt under section 1729 of the California Water Code as a proposed short-term temporary change in the use of water involving a water transfer.

**Figure 1. YWA-EBMUD 2022 Spring Water Transfer Location Map**





State of California - Department of Fish and Wildlife  
**2022 ENVIRONMENTAL DOCUMENT FILING FEE**  
**CASH RECEIPT**  
DFW 753.5a (REV. 01/01/22) Previously DFG 753.5a

RECEIPT NUMBER:  
39-04142022-125

STATE CLEARINGHOUSE NUMBER (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY EAST BAY MUNICIPAL UTILITY DISTRICT	LEAD AGENCY EMAIL	DATE 04/14/2022
COUNTY/STATE AGENCY OF FILING SAN JOAQUIN	DOCUMENT NUMBER 39-04142022-125	
PROJECT TITLE 2022 YUBA WATER AGENCY SPRING TRANSFER TO EBMUD		


PROJECT APPLICANT NAME EAST BAY MUNICIPAL UTILITY DISTRICT	PROJECT APPLICANT EMAIL	PHONE NUMBER (510) 287-0404
PROJECT APPLICANT ADDRESS 375 ELEVENTH ST MS 806	CITY OAKLAND	STATE CA
ZIP CODE 95607		
PROJECT APPLICANT (Check appropriate box)		
<input checked="" type="checkbox"/> Local Public Agency <input type="checkbox"/> School District <input type="checkbox"/> Other Special District <input type="checkbox"/> State Agency <input type="checkbox"/> Private Entity		

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,539.25	\$	
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,548.00	\$	
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,203.25	\$	
<input checked="" type="checkbox"/> Exempt from fee			
<input checked="" type="checkbox"/> Notice of Exemption (attach)			
<input type="checkbox"/> CDFW No Effect Determination (attach)			
<input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy)			
<hr/>			
<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	
<input checked="" type="checkbox"/> County documentary handling fee		\$	\$50.00
<input type="checkbox"/> Other		\$	

PAYMENT METHOD:

☐ Cash    ☐ Credit    ☒ Check    ☐ Other    TOTAL RECEIVED    \$    \$50.00

SIGNATURE <b>X</b> 	AGENCY OF FILING PRINTED NAME AND TITLE Kelley McHugh ,Deputy
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RECEIVED

APR 19 2022

Office of the Secretary

