



NOTICE OF EXEMPTION

TO:
San Joaquin County Clerk-Recorder
44 N. San Joaquin Street, 2nd 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) Summer Transfer to EBMUD
2. **LOCATION:** (City, County, and specific location)
See Attachment A.
3. **DESCRIPTION:** See Attachment A.

Filed Doc #: 39-04142022-124
04/14/2022 10:53:36 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)
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 |
| 5. CONTACT PERSON | MAIL SLOT # | TITLE |
| | | 510-287-0550 |
| | | PHONE |

NOTICE OF EXEMPTION APPROVED FOR FILING WITH THE COUNTY CLERK

| | |
|--------------------------------|---------------------------|
| 04/11/2022 | Michael T. Tognolini |
| DATE | DEPARTMENT DIRECTOR |
| 4/13/22 | Rischa Cole |
| DATE FORWARDED TO COUNTY CLERK | SECRETARY OF THE DISTRICT |

ATTACHMENT A

2022 Summer 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). Summer Water would be available to transfer from YWA starting July 1, 2022 through September 30, 2022.

Under the proposed temporary water transfer ("Project"), YWA would release up to 10,000 acre-feet (AF) of Summer Water from New Bullards Bar Reservoir into the Yuba River for transfer to EBMUD from July 1, 2022 through September 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 EBMUD at the Freeport Regional Water Authority intake (Freeport Intake) on the Sacramento River. The quantity of diverted would be the released amount from YWA minus any carriage 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 Summer 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 Freeport Regional Water Authority (FRWA) intake on the Sacramento River. The transfer water travels through EBMUD/FRWA existing facilities to the Folsom South Canal and 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 Summer Water from YWA under the Yuba Accord. This Project supports EBMUD's Long-Term Water Supply Strategic Plan goal.

Schedule

The transfer is scheduled to begin in July 2022 and be completed by the end of September 2022.

Approvals

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.

Public Impacts

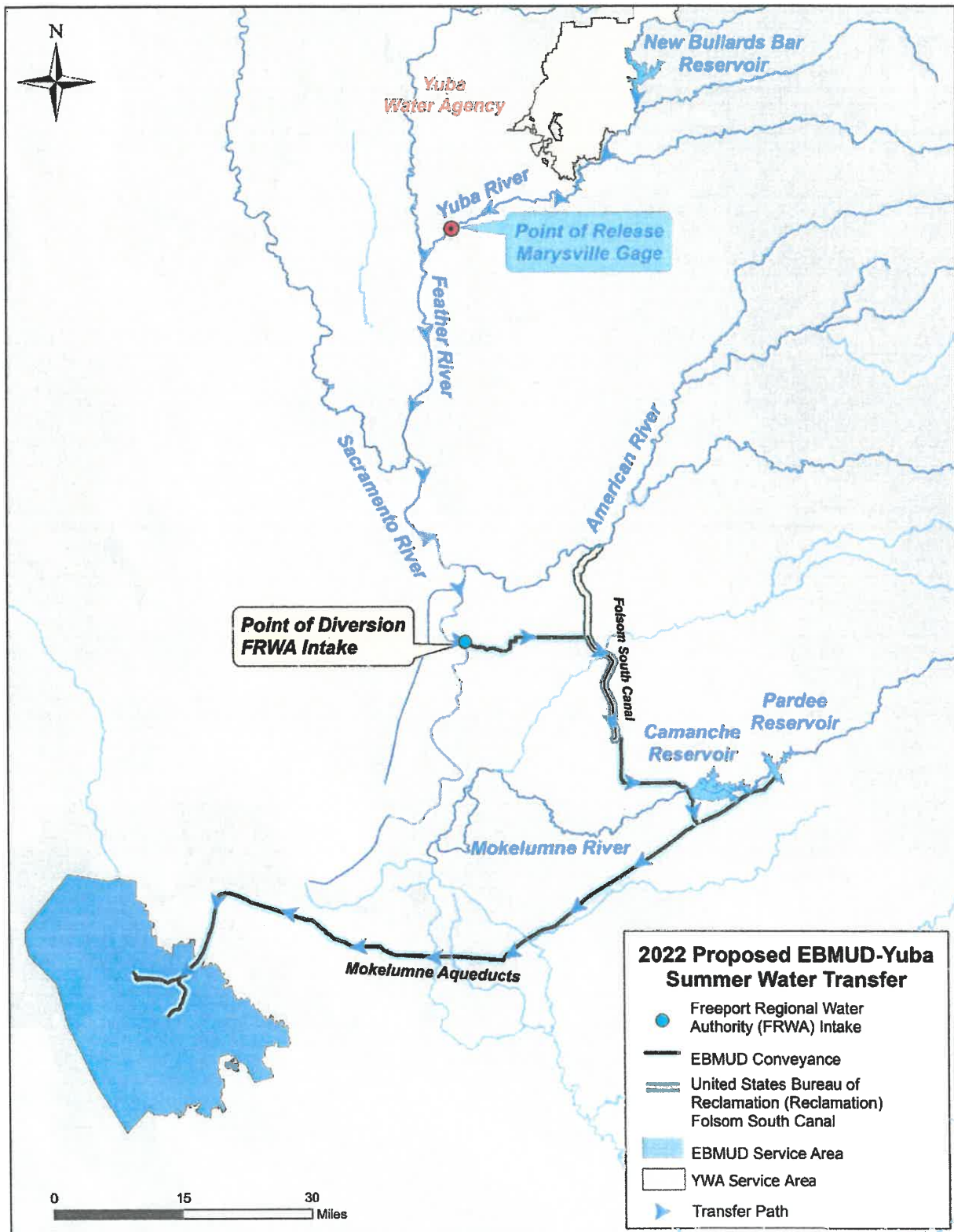
No construction activities will be required, and no public impacts are anticipated. Water users within EBMUD's service area will benefit from the increased water supply provided by the Project.

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.

Figure 1. YWA-EBMUD 2022 Summer Water Transfer Location Map



**2022 ENVIRONMENTAL DOCUMENT FILING FEE****CASH RECEIPT**

DFW 753.5a (REV. 01/01/22) Previously DFG 753.5a

RECEIPT NUMBER:

39-04142022-124

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 39-04142022-124 | |
| PROJECT TITLE 2022 YUBA WATER AGENCY SUMMER TRANSFER TO EBMUD | | |

| | | |
|---|-------------------------|--|
| PROJECT APPLICANT NAME EAST BAY MUNICIPAL UTILITY DISTRICT | PROJECT APPLICANT EMAIL | PHONE NUMBER 510-287-0404 MICHAEL T |
| PROJECT APPLICANT ADDRESS 375 ELEVENTH ST MS 806 | CITY OAKLAND | STATE CA |
| | | ZIP CODE 94607 |


PROJECT APPLICANT (Check appropriate box)☒ Local Public Agency ☐ School District ☐ Other Special District ☐ State Agency ☐ 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 | \$ | |

☒ Exempt from fee☒ Notice of Exemption (attach)☐ CDFW No Effect Determination (attach)☐ Fee previously paid (attach previously issued cash receipt copy)

| | | | |
|---|----------|----|---------|
| <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 X  | AGENCY OF FILING PRINTED NAME AND TITLE Kelley McHugh, Deputy |
|--|--|

RECEIVED

APR 19 2022

Office of the Secretary

