EBMUD

NOTICE OF EXEMPTION

TO:
Placer County Clerk-Recorder-Registrar
2954 Richardson Drive
Auburn, CA 95603

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 Placer County Water Agency (PCWA) Transfer to EBMUD
2. LOCATION: *(City, County, and specific location)*
   See Attachment A.
3. DESCRIPTION: See Attachment A.

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 WC §1729
7. ☒ Reasons why project is exempt: See Attachment A.

MAY 27 2022
POSTED
Through
RYAN RONCO, COUNTY CLERK
By
Deputy Clerk

#22-144

APPROVAL BY INITIATING UNIT: 455

05/19/2022	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

05/24/2022	Michael T. Tognolini
DATE	DEPARTMENT DIRECTOR
5/25/22	Rischa Cole
DATE FORWARDED TO COUNTY CLERK	SECRETARY OF THE DISTRICT

ATTACHMENT A

2022 Water Transfer from Placer County Water Agency (PCWA) to East Bay Municipal Utility District (EBMUD)

Project Description

Due to the Public Health & Safety only CVP allocation in 2022 and dry conditions continuing in 2022, EBMUD is pursuing water transfers in 2022. PCWA and EBMUD executed a Memorandum of Understanding (MOU) on August 15, 2013 to develop a long-term water transfer agreement under which PCWA would sell dry year water to EBMUD for diversion at the Freeport Regional Water Authority (FRWA) intake on the Sacramento River, consistent with PCWA's Water Forum Agreement (WFA) commitment. Under terms of the MOU, EBMUD has a right of first refusal to purchase dry year transfer water from PCWA prior to execution of the long-term water transfer agreement, subject to completion of all required environmental reviews and approvals needed to implement the temporary transfer. PCWA is willing to release up to 20,000 acre feet of water stored in its Middle Fork Project reservoirs and to make such water available for transfer to EBMUD in 2022.

Under the proposed temporary water transfer ("Project"), PCWA would release up to 20,000 acre-feet (AF) of additional water from its Middle Fork American River Project into Folsom Reservoir for transfer to EBMUD. The transfer water would be conveyed into Folsom Reservoir and later released by the United States Bureau of Reclamation (Reclamation) for rediversion by EBMUD at the Freeport Regional Water Authority intake (Freeport Intake) on the Sacramento River. After diversion at the Freeport Intake, the transfer 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 PCWA transfer. The transfer begins in the PCWA service area through release from the Middle Fork Project to the Oxbow Powerhouse ("Point of Delivery"), to the American River downstream of Oxbow Powerhouse. The water continues to travel in the American River through Folsom Reservoir and Lake Natoma to the confluence with the Sacramento River and finally to the Freeport 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 East Bay service area. The Project Location includes the following counties, as shown in Figure 1: Alameda, Contra Costa, El Dorado, Sacramento, San Joaquin, and Placer counties.

Purpose

On April 26, 2022, EBMUD's Board of Directors declared a water shortage emergency within EBMUD's service area, declared a Stage 2 critical drought and adopted a mandatory District-wide water use reduction goal of 10 percent. EBMUD continues to experience dry hydrology into 2022, prompting the need to secure supplemental supplies. Due to the Public Health &

Safety only CVP allocation in 2022, EBMUD is proposing to secure water transfers to bring in up to 40,000 AF in total supplemental water supply in 2022 into the service area via the Freeport Intake. In addition to the PCWA transfer, EBMUD has approved two Projects with Yuba Water Agency to acquire up to 20,000 AF of supplemental supply in 2022. This Project supports EBMUD's Long-Term Water Supply Strategic Plan goal.

Schedule

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

Approvals

The following permits or approvals are required: State Water Resources Control Board approval of a temporary change petition to add EBMUD's service area to the place of use, and the Freeport Intake as a point of rediversion, under PCWA's water rights permit; and a Refill Agreement between DWR, Reclamation, and PCWA to ensure the transfer does not injure DWR, Reclamation, or any downstream user.

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.

Basis 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) 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. PCWA-EBMUD 2022 Water Transfer Location Map

