AGENDA TRANSMITTAL

TO: Board of Supervisors

FROM: JT Chevallier, Economic Development Director

DATE OF MEETING: June 21, 2022

PREPARED BY: JT Chevallier, Economic Development Director

TITLE: Request approval of the addendum to the environmental impact report for the Bear Valley Water Rights Applications 5648X07 (Partial Assignment); 5648 (Change Petition); 31523 (Application)

SUMMARY: This document is an Addendum to the Environmental Impact Report (EIR) prepared for the Bear Creek Water Rights Applications 5648XO7 (Partial Assignment); 5648 (Change Petition); and 31523 (Application) (State Clearinghouse No. 2006012049) which was certified by Alpine County in July 2006 (Certified EIR). Alpine County filed a Notice of Determination (NOD) with the California Office of Planning and Research on February 5, 2007.

The State Water Resources Control Board (SWRCB) approved Lake Alpine Water Company and County of Alpine's water Right petitions and application(s) (Approved Project) in Decision 1648 (SWRCB 2009). Decision 1648 granted Alpine County and LAWC until December 31, 2020 to complete application of the water to full beneficial use. Decision 1648 is included as Appendix A.

Permit 21237 (A005648G) provides for the direct diversion and storage of water for the benefit of the Lake Alpine Water Company and County of Alpine (LAWC). Permit 21237 allows for the diversion of water from Bear Creek in Alpine County to be used for municipal and recreation purposes within the service area boundary of the LAWC. Permit 21237 authorizes the direct diversion of up to 0.78 cubic feet per second (cfs) (maximum of 175 acre-feet (AF)) and diversion to storage of up to 220 AF from Bear Creek in Bear Lake at Reba Dam from October 1 through July 31. Permit 21237 authorizes a maximum of 395 AF to be diverted by direct diversion and diversion to storage per water year (October 1 through September 30). LAWC's time to reach maximum total diversion (full beneficial use of Permit 21237) expired on December 31, 2020. On October 7, 2020 LAWC and County of Alpine re-noticed the Project and filed a Petition for Extension of Time requesting a 50 year time extension to complete beneficial use of water. The 50-year time extension Petition is the only change to the Approved Project, herein referred to as the Modified Project.

In accordance with the California Environmental Quality Act (CEQA) (Pub. Resources Code, §§ 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15000 et seq.), this Addendum was prepared to analyze proposed modifications to the Project and the Certified EIR in response to the time extension Petition. The Petition seeks to extend the time needed to make full beneficial use of Permit 21237 as described and analyzed in the Certified EIR and SWRCB Decision 1648.

Where the Petition only seeks additional time to reach full beneficial use, it is appropriate to rely on the same CEQA document that analyzed the maximum diversion allowed under the Permit. No changes to the circumstances surrounding the Project alter the conclusions and assumptions of the EIR regarding the total amount of water to be diverted under the Project. This Addendum demonstrates that all the potential environmental impacts associated with the time extension requested in the pending Petition falls within the planning assumptions and impacts already evaluated in the Certified EIR. The full EIR can be found at this link: http://www.alpinecountyca.gov/644/Bear-Creek-Water-

Rights-Application

RECOMMENDED ACTION: Approve the addendum to the environmental impact report for the Bear Valley Water Rights Applications 5648X07 (Partial Assignment); 5648 (Change Petition); 31523 (Application)

ISSUE STATEMENT AND DISCUSSION:

FISCAL IMPACT:	☐ (*Not Applicable*)	SOURCE	
1) Budgeted Current Fiscal Year		☐ Unanticipated	$0.00
2) Total Anticipated Cost Current Year	$0.00	☐ Revenue From	$0.00
	$0.00	Contingency	$0.00
3) Total Anticipated Cost Annual Year	$0.00	Other:	

FUNDING SOURCE:

INSTRUCTIONS TO CLERK: Provide copy to CDA and Finance

APPROVED
06|21|2022