

Attachment to Notice of Exemption for Letter of Agreement for Support Activities between the California Department of Water Resources (CDWR) and the Western Area Power Administration (WAPA)

Nature and Purpose of the Agreement:

This Agreement by CDWR and WAPA is an action by CDWR to fund and otherwise support appropriate feasibility and planning studies, as those terms are used in Public Resources Code Section 21102 and CEQA Guidelines Section 15262, for possible future actions which CDWR has not approved, adopted, or funded. This Agreement will enable WAPA to perform technical review and assessment, research, and supporting activities for CDWR. Nothing in this agreement shall be construed as CDWR making a decision on a delta conveyance project (DCP) or a decision on the supplier of energy for a DCP. This Agreement will terminate on the earlier of December 31, 2022 or the date all work has been completed by WAPA and all costs have been paid. The Agreement's budget will initially be \$30,000 and may be increased by agreement if the scope of activities require more time or effort.

CDWR finds this project is statutorily exempt for the following reasons:

No construction or actual delivery of power over a transmission system for a delta conveyance will proceed under this Agreement. No construction or actual delivery of power over a transmission system for a delta conveyance will proceed unless and until CDWR, as lead agency under CEQA, has approved a project after compliance with CEQA and consideration of feasible mitigation and alternatives to a delta conveyance, including but not limited to the no project alternative. This Agreement is limited to providing monetary payment by CDWR to WAPA for feasibility and planning studies, including participating in meetings and telephone calls, and providing updates, as requested by CDWR. The studies will consider environmental factors as necessary. The activities under this Agreement will not have a legally binding effect on later activities related to a delta conveyance. Execution of separate contracts is necessary to authorize any construction, transmission, or delivery of power to a DCP.

Public Resources Code 21102 statutorily exempt state-level feasibility or planning studies for possible future actions which the state agency has not approved. CEQA Guidelines 15262 provides that a "project involving only feasibility or planning studies for possible future actions which the agency, board, or commission has not approved, adopted, or funded does not require the preparation of an EIR or negative declaration but does require consideration of environmental factors. This section does not apply to the adoption of a plan that will have a legally binding effect on later activities."