


NOTICE OF EXEMPTION

<p>TO: Office of Planning and Research 1400 Tenth Street Sacramento, CA 95814 state.clearinghouse@opr.ca.gov</p>	<p>FROM: Alameda County Water District 43885 S. Grimmer Blvd. Fremont, CA 94538</p>
<p>County of Alameda 1106 Madison Street Oakland, CA 94607</p>	
<p>1. Activity Title:</p>	<p>Approval of a resolution (“Resolution”) authorizing (1) the Alameda County Water District (“District”) to participate in the proposed Delta Conveyance Project; (2) the District’s General Manager to enter into a funding agreement for environmental planning costs relating to the Delta Conveyance Project; and (3) the District to execute an Amended and Restated Joint Powers Agreement Forming the Delta Conveyance Design and Construction Joint Powers Authority.</p>
<p>2. Lead agency approving the activity:</p>	<p>Alameda County Water District</p>
<p>3. Activity Location:</p>	<p>The Resolution and the activity it approved has no specific location as it does not entail construction, development, or any other activity that could potentially result in a significant environmental impact.</p> <p>The Resolution does not in any way approve or commit the District to a Delta Conveyance Project, which the Department of Water Resources (“DWR”) is still analyzing and considering. DWR anticipates that, if approved, a future Delta Conveyance facility might span portions of Sacramento, Yolo, San Joaquin, Contra Costa, and/or Solano counties.</p>
<p>4. Description of nature, purpose, and beneficiaries of Activity:</p>	<p>On November 12, 2020, the District approved Resolution No. 20-066. The Resolution authorized the District’s General Manager to (1) inform DWR that the District desires to participate in the Delta Conveyance Project at a 1.15%- percent participation level of the District’s Table A amount (the District already has a long-term water contract with DWR for the delivery of State Water Project water, and the Resolution does nothing to amend that contract); (2) execute a funding agreement with DWR for environmental planning costs associated with the Delta Conveyance Project; and (3) execute a Joint Powers Agreement to become a member of the Delta Conveyance Design and Construction Authority (“DCA”). The resolution does not commit the District to any current or future project, and it does not entail any construction or other activity that could result in a potential physical change to the environment.</p>
<p>5. Exempt status:</p>	
<p><input checked="" type="checkbox"/> Not an approval of a project.</p>	<p>State CEQA Guidelines sections 15060(c)(3), 15378(a), (b)(2)(4)(5)</p>
<p><input checked="" type="checkbox"/> Statutory exemption.</p>	<p>State CEQA Guidelines section 15262</p>

<input checked="" type="checkbox"/> Common sense exemption.	State CEQA Guidelines section 15061, subd. (b)(3)
6. Reason why activity was exempt:	<p>The District's approval of the Resolution does not qualify as a "project" subject to CEQA because it constitutes (1) continuing administrative or maintenance activities, such as general policy and procedure making; (2) government fiscal activities that do not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment; and (3) organizational or administrative activities of a public agency that will not result in direct or indirect physical changes in the environment. (State CEQA Guidelines, §§ 15060(c)(3).) Moreover, the approval of the Resolution does not qualify as a "project" because it does not have a potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment. (State CEQA Guidelines, § 15378(a).)</p> <p>Alternatively, the District's approval of the Resolution is statutorily exempt from CEQA under State CEQA Guidelines section 15262, as the Resolution concerned "feasibility or planning studies for possible future actions [that] the agency ... has not approved, adopted, or funded." (State CEQA Guidelines, § 15262.) Notably, although the Resolution provides for some funding for the environmental planning costs associated with the Delta Conveyance Project, it provides for no funding for the construction of the Delta Conveyance Project, nor does it otherwise commit the District to the Delta Conveyance Project.</p> <p>Furthermore, the District's approval of the Resolution is exempt from CEQA under the common sense exemption set forth in State CEQA Guidelines section 15061(b)(3), as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. None of the exceptions to this exemption identified in CEQA Guidelines § 15300.2 exist here.</p>
7. Public Agency Contact Person:	Robert Shaver
Telephone:	510-668-4202

Signature: 

Date: 11/17/2020

Name: Robert Shaver, General Manager

Date Received for Filing: _____

(Clerk Stamp Here)

RESOLUTION NO. 20-066

OF THE BOARD OF DIRECTORS OF THE ALAMEDA COUNTY WATER DISTRICT AUTHORIZING A 1.15% PARTICIPATION LEVEL IN THE DELTA CONVEYANCE PROJECT, AUTHORIZING FUNDING FOR PROJECT ENVIRONMENTAL PLANNING, AUTHORIZING THE GENERAL MANAGER TO EXECUTE VARIOUS FINANCING AND IMPLEMENTATION AGREEMENTS AND RELATED DOCUMENTS, AND DETERMINING ACTIONS ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, Alameda County Water District (District) has a long term water supply contract with the State of California Department of Water Resources (DWR) for the delivery of State Water Project (SWP) water; and

WHEREAS, on July 21, 2017, DWR approved the project known as the California WaterFix, which was a dual conveyance project that involved two new diversion points and two tunnels moving water from the Sacramento River north of the Delta under the Delta to State Water Project and Central Project water pumping facilities in the South Delta; and

WHEREAS, the purpose of the WaterFix project was to improve the reliability of SWP water for the Agency and other contractors; and

WHEREAS, by Resolution No 18-040, adopted on May 17, 2018, the District previously approved participating in WaterFix and participating in a funding agreement to pay a share of preconstruction planning activities associated with the WaterFix project; and

WHEREAS, in 2019, Governor Newsom announced that he did not support the WaterFix project but he instead supported a one tunnel conveyance project. DWR subsequently rescinded its approvals of the WaterFix project and began planning for a single tunnel option; and

WHEREAS, DWR began public negotiations with the SWP contractors to agree upon a framework, referred to as an Agreement in Principle (AIP), for the amendment of SWP water supply contracts to allocate costs and benefits in the event that a potential single tunnel facility is ultimately approved; and

WHEREAS, in January 2020, DWR released a Notice of Preparation of an Environmental Impact Report (EIR) pursuant to CEQA for a proposed single tunnel project with 6,000 cfs of capacity referred to as the Delta Conveyance Project (DCP), and DWR is currently conducting environmental review; and

WHEREAS, after fifteen public negotiations, DWR and SWP contractors have developed a draft AIP that contains provisions for the allocation of costs and benefits for a potential Delta Conveyance Project; and

WHEREAS, DWR has requested that the District identify the level of its desired participation in the DCP assuming a 6,000 cfs facility, which will be used to inform the percentage of planning funding allocated to the District; and

WHEREAS, DWR has also requested that the District enter into a new funding agreement with DWR for an amount equal to the District's participation percentage of the preliminary design, environmental planning, and other preconstruction activities for DCP, which is up to \$3,529,508 for calendar years 2021 through 2024; and

WHEREAS, the District desires to provide further authorization to DWR to expend the remaining \$376,171 in unspent funds contributed pursuant to the 2018 Gap Funding Agreement that are currently held by DWR toward environmental planning, and other preconstruction activities for DCP; and

WHEREAS, the Delta Conveyance Design and Construction Authority (DCA) was created by certain SWP contractors to actively participate with DWR in the design and construction of California WaterFix. The DCA subsequently entered into a Joint Powers Agreement with DWR; and

WHEREAS, given the shift from a two tunnel WaterFix project to a potential single-tunnel DCP project and a significant change in the anticipated participation for DCP, the existing and prospective members of the DCA desire to amend the DCA Joint Powers Agreement to better align representation with Public Water Agency (PWA) participation; and

WHEREAS, in light of these changes, the District's total participation in the DCP will change to 1.15%; and

WHEREAS, the recommended actions do not qualify as a "project" subject to CEQA because the actions constitute (1) continuing administrative or maintenance activities, such as general policy and procedure making; (2) government fiscal activities that do not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment; and (3) organizational or administrative activities of a public agency that will not result in direct or indirect physical changes in the environment. (State CEQA Guidelines, § 15060(c)(3).) The recommended actions do not constitute an approval by the District of the DCP nor do the actions authorize or approve construction of the DCP. The recommended actions do not authorize any amendment to the long-term water supply contract with DWR. Further, the recommended actions do not authorize or approve any actions by the DCA that may cause direct or reasonably foreseeable indirect environmental impacts. As such, the actions recommended herein are not a "project" requiring environmental review under the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guideline § 15378, subdivisions (a) and (b)(2), (b)(4) and (b)(5).

WHEREAS, even if the actions were considered a CEQA "project," these actions would be statutorily exempt from environmental review pursuant to CEQA Guideline § 15262 because the actions merely call for the funding and completion of feasibility and planning studies, including the completion of CEQA review itself. In addition, the actions are exempt under the "common

sense” exemption in CEQA Guidelines § 15061, subd. (b)(3) because it can be seen with certainty that there is no possibility that the actions may have a significant effect on the environment. Finally, none of the exceptions to the use of the “common sense” exemption as identified in CEQA Guidelines § 15300.2 exist here.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Alameda County Water District:

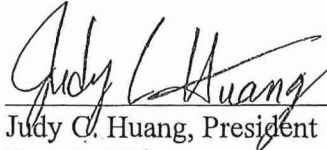
1. The above recitals are true and correct and are incorporated herein by reference as an operative portion of this Resolution.
2. The General Manager is authorized to inform DWR that the District desires to participate in the Delta Conveyance Project at a 1.15% participation level.
3. The General Manager is authorized to execute a funding agreement with DWR for environmental planning costs associated with the Delta Conveyance Project in the amount of up to \$1,293,621 in total for calendar years 2021 and 2022, and further authorizing DWR use of funds contributed pursuant to the 2018 Gap Funding Agreement. The funding agreement is attached as Exhibit A.
4. The General Manager is authorized to execute an Amended and Restated Joint Powers Agreement Forming the Delta Conveyance Design and Construction Joint Powers Authority. The joint powers agreement is attached as Exhibit B.
5. For the reasons set forth above, the District’s actions are not a “project” requiring environmental review pursuant to State CEQA Guidelines § 15060, subdivision (c)(3) and §15378, subdivisions (a) and (b)(2), (b)(4) and (b)(5). Alternatively, the actions are statutorily exempt from CEQA review pursuant to State CEQA Guidelines § 15262 and exempt under the “common sense” exemption identified in State CEQA Guidelines § 15061, subdivision (b)(3). None of the exceptions to the use of the “common sense” exemption as identified in State CEQA Guidelines § 15300.2 exist.
6. District staff is directed to prepare and file a Notice of Exemption within five working days of the approval of this Resolution.
7. The custodian of the records upon which this Resolution is based is the Manager of Water Resources, who may be contacted at the District’s office, located at 43885 S. Grimmer Blvd., Fremont, CA, 94538, by telephone at (510) 668-4200.
8. This Resolution takes precedent over Resolution No. 18-040 to the extent that there is any inconsistency between this Resolution and Resolution No. 18-040.

PASSED AND ADOPTED this 12th day of November 2020, by the following vote:

AYES: Directors Akbari, Gunther, Sethy, Weed, and Huang

NOES: None

ABSENT: None



Judy C. Huang, President
Board of Directors
Alameda County Water District

ATTEST:



Andrew Warren, Assistant District Secretary
Alameda County Water District
(Seal)

APPROVED AS TO FORM:



Patrick T. Miyaki, General Counsel
Alameda County Water District

CERTIFICATE

I, the undersigned District Secretary of ALAMEDA COUNTY WATER DISTRICT, do hereby certify that the foregoing is a full, true and correct copy of a Resolution of the Board of Directors of ALAMEDA COUNTY WATER DISTRICT, a political subdivision, which said Resolution was duly adopted at a meeting of said Board regularly held on November 12, 2020, that a copy of said Resolution was forthwith duly entered in the minutes of said meeting of said Board, and that the same is in full force and effect.

Dated: November 18, 2020



Gina Markou, District Secretary
Alameda County Water District



DIRECTORS

AZIZ AKBARI
JAMES G. GUNTHER
JUDY C. HUANG
PAUL SETHY
JOHN H. WEED

43885 SOUTH GRIMMER BOULEVARD • FREMONT, CALIFORNIA 94538
(510) 668-4200 • FAX (510) 770-1793 • www.acwd.org

MANAGEMENT

ROBERT SHAVER
General Manager
KURT ARENDS
Operations and Maintenance
LAURA J. HIDAS
Water Resources
ED STEVENSON
Engineering and Technology Services
JONATHAN WUNDERLICH
Finance

November 17, 2020

Alameda County Clerk
County of Alameda
1106 Madison Street
Oakland, CA 94607

Dear Alameda County Clerk:

Subject: Notice of Exemption – Resolution Authorizing Participation in Delta Conveyance Project and Authorizing Execution of Financing and Implementation Agreements

Enclosed please find:

- (1) Check for \$50 Clerk's Fee
- (2) Environmental Declaration Form (5 copies)
- (3) Notice of Exemption (5 copies)
- (4) Alameda County Water District Board of Directors Resolution Adopting Findings for the Project (5 copies)
- (5) Department of Fish and Wildlife (DFW) Environmental Filing Fee Cash Receipt (5 copies)

If you have any questions or concerns, please feel free to contact me at (510) 668-4441 or via email at laura.hidas@acwd.com.

Sincerely,

Laura J. Hidas
Manager of Water Resources

cs

Enclosures

cc: Leonard Ash, ACWD

*ENVIRONMENTAL DECLARATION

(CALIFORNIA FISH AND GAME CODE SECTION 711.4)

LEAD AGENCY NAME AND ADDRESS

FOR COUNTY CLERK USE ONLY

Alameda County Water District
43885 S. Grimmer Blvd.
Fremont, CA 94538

FILE NO: _____

CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:

(PLEASE MARK ONLY ONE CLASSIFICATION)

1. NOTICE OF EXEMPTION / STATEMENT OF EXEMPTION

A - STATUTORILY OR CATEGORICALLY EXEMPT

\$ 50.00 - COUNTY CLERK HANDLING FEE

2. NOTICE OF DETERMINATION (NOD)

A - NEGATIVE DECLARATION (OR MITIGATED NEG. DEC.)

\$ 2,406.75 - STATE FILING FEE

\$ 50.00 - COUNTY CLERK HANDLING FEE

B - ENVIRONMENTAL IMPACT REPORT (EIR)

\$ 3,343.25 - STATE FILING FEE

\$ 50.00 - COUNTY CLERK HANDLING FEE

3. OTHER: _____

*** A COPY OF THIS FORM MUST BE COMPLETED AND SUBMITTED WITH EACH COPY OF AN ENVIRONMENTAL DECLARATION BEING FILED WITH THE ALAMEDA COUNTY CLERK. ***

BY MAIL FILINGS:

PLEASE INCLUDE FIVE (5) COPIES OF ALL NECESSARY DOCUMENTS AND TWO (2) SELF-ADDRESSED ENVELOPES.

IN PERSON FILINGS:

PLEASE INCLUDE FIVE (5) COPIES OF ALL NECESSARY DOCUMENTS AND ONE (1) SELF-ADDRESSED ENVELOPES.

ALL APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING.

FEES ARE EFFECTIVE JANUARY 1, 2020

MAKE CHECKS PAYABLE TO: ALAMEDA COUNTY CLERK



State of California - Department of Fish and Wildlife
2020 ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFW 753.5a (REV. 06/01/20) Previously DFG 753.5a

RECEIPT NUMBER:
 01 — 11/17/2020 —
 STATE CLEARINGHOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY ALAMEDA COUNTY WATER DISTRICT	LEAD AGENCY EMAIL laura.hidas@acwd.com	DATE 11/17/2020
COUNTY/STATE AGENCY OF FILING Alameda	DOCUMENT NUMBER	

PROJECT TITLE
 Approval of a Resolution for Participation in the Delta Conveyance Project and Execution of Financing & Implementation Agreements

PROJECT APPLICANT NAME ROBERT SHAVER	PROJECT APPLICANT EMAIL robert.shaver@acwd.com	PHONE NUMBER (510)668-4202
PROJECT APPLICANT ADDRESS P.O. Box 5110	CITY FREMONT	STATE CA
		ZIP CODE 94537

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)	\$3,343.25	\$	0.00
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,406.75	\$	0.00
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,136.50	\$	0.00
<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	\$	0.00
<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 Robert Shaver, General Manager
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State of California - Department of Fish and Wildlife
2020 ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFW 753.5a (REV. 06/01/20) Previously DFG 753.5a

NOTICE

Each project applicant shall remit to the county clerk the environmental filing fee before or at the time of filing a Notice of Determination (Pub. Resources Code, § 21152; Fish & G. Code, § 711.4, subdivision (d); Cal. Code Regs., tit. 14, § 753.5). Without the appropriate fee, statutory or categorical exemption, or a valid No Effect Determination issued by the California Department of Fish and Wildlife (CDFW), the Notice of Determination is not operative, vested, or final, and shall not be accepted by the county clerk.

COUNTY DOCUMENTARY HANDLING FEE

The county clerk may charge a documentary handling fee of fifty dollars (\$50) per filing in addition to the environmental filing fee (Fish & G. Code, § 711.4, subd. (e); Cal. Code Regs., tit. 14, § 753.5, subd. (g)(1)). A county board of supervisors shall have the authority to increase or decrease the fee or charge, that is otherwise authorized to be levied by another provision of law, in the amount reasonably necessary to recover the cost of providing any product or service or the cost of enforcing any regulation for which the fee or charge is levied (Gov. Code, § 54985, subd. (a)).

COLLECTION PROCEDURES FOR COUNTY GOVERNMENTS

Filing Notice of Determination (NOD):

- Collect environmental filing fee or copy of previously issued cash receipt. *(Do not collect fee if project applicant presents a No Effect Determination signed by CDFW. An additional fee is required for each separate environmental document. An addendum is not considered a separate environmental document. Checks should be made payable to the county.)*
- Issue cash receipt to project applicant.
- Attach copy of cash receipt and, if applicable, previously issued cash receipt, to NOD.
- Mail filing fees for CRP document to CDFW prior to filing the NOD or equivalent final approval (Cal. Code Regs. Tit. 14, § 753.5 (b)(5)). The CRP should request receipt from CDFW to show proof of payment for filing the NOD or equivalent approval. Please mail payment to address below made attention to the Cash Receipts Unit of the Accounting Services Branch.

If the project applicant presents a **No Effect Determination** signed by CDFW, also:

- Attach No Effect Determination to NOD *(no environmental filing fee is due)*.

Filing Notice of Exemption (NOE) *(Statutorily or categorically exempt project (Cal. Code Regs., tit. 14, §§ 15260-15285, 15300-15333))*

- Issue cash receipt to project applicant.
- Attach copy of cash receipt to NOE *(no environmental filing fee is due)*.

Within 30 days after the end of each month in which the environmental filing fees are collected, each county shall summarize and record the amount collected on the monthly State of California Form No. CA25 (TC31) and remit the amount collected to the State Treasurer. Identify the remittance on Form No. CA25 as "Environmental Document Filing Fees" per Fish and Game Code section 711.4.

The county clerk shall mail the following documents to CDFW on a monthly basis:

- ✓ A photocopy of the monthly State of California Form No. CA25 (TC31)
- ✓ CDFW/ASB copies of all cash receipts (including all voided receipts)
- ✓ A copy of all CDFW No Effect Determinations filed in lieu of fee payment
- ✓ A copy of all NODs filed with the county during the preceding month
- ✓ A list of the name, address and telephone number of all project applicants for which an NOD has been filed. If this information is contained on the cash receipt filed with CDFW under California Code of Regulations, title 14, section 753.5, subdivision (e)(6), no additional information is required.

DOCUMENT RETENTION

The county shall retain two copies of the cash receipt (for lead agency and county clerk) and a copy of all documents described above for at least 12 months.

RECEIPT NUMBER

- # The first two digits automatically populate by making the appropriate selection in the County/State Agency of Filing drop down menu.
- # The next eight digits automatically populate when a date is entered.
- # The last three digits correspond with the sequential order of issuance for each calendar year. For example, the first receipt number issued on January 1 should end in 001. If a county issued 252 receipts for the year ending on December 31, the last receipt number should end in 252. CDFW recommends that counties and state agencies 1) save a local copy of this form, and 2) track receipt numbers on a spreadsheet tabbed by month to ensure accuracy.

DO NOT COMBINE THE ENVIRONMENTAL FEES WITH THE STATE SHARE OF FISH AND WILDLIFE FEES.

Mail to:

California Department of Fish and Wildlife
 Accounting Services Branch
 P.O. Box 944209
 Sacramento, California 94244-2090