



June 25, 2021

**ATTACHMENT TO NOTICE OF EXEMPTION
June 2021 Amendment to the Agreement Between State of California, Department
of Fish and Wildlife and Eastern Municipal Water District for the San Jacinto
Wildlife Area Reclaimed Water Supply Project**

The California Department of Fish and Wildlife (CDFW), by and through its Region 6 Regional Manager, has taken final action to execute the June 2021 Amendment to the Agreement Between State of California, Department of Fish and Wildlife and Eastern Municipal Water District for the San Jacinto Wildlife Area Reclaimed Water Supply Project. In taking its final agency action for purposes of the California Environmental Quality Act (CEQA), the California Department of Fish and Wildlife (CDFW) executed this interim contract relying on the categorical exemption for "Existing Facilities" contained in CEQA Guidelines section 15301 and the categorical exemption for "Actions by Regulatory Agencies for Protection of Natural Resources" contained in CEQA Guidelines section 15307.

CDFW has completed a draft land management plan (LMP) for the San Jacinto Wildlife Area (SJWA) and is currently preparing the draft environmental document for the draft LMP. Beginning in 1987, the SJWA received water pursuant to a contract with the Eastern Municipal Water District (EMWD). In 2013 the contract was renewed for an interim one-year period to allow CDFW time to complete the LMP process so that the LMP could inform CDFW and EMWD in their negotiations of another long-term water contract. The LMP process has progressed but is still not complete. Therefore, EMWD and CDFW have executed this interim extension of the original water contract to allow CDFW additional time to complete the LMP and related environmental review document. Extending the term of the original water contract for an interim period of time in no way forecloses CDFW and EMWD from ultimately negotiating a new contract for a water supply equal at least to that provided for in the original contract as EMWD has planned for future deliveries of water to the San Jacinto Wildlife Area, consistent with the current contracted supply. In adopting this one-year interim contract extension,

CDFW relied for purposes of CEQA on the Class 1 and Class 7 categorical exemptions. Each exemption as relevant to the interim contract extension is discussed below.

Class 1 Categorical Exemption

CDFW finds the interim renewal of the water contract with EMWD to be exempt pursuant to CEQA Guideline section 15301, the "Existing facilities" exemption. The interim contract involves the ongoing receipt and delivery of water from EMWD with no expansion or contraction of service on terms that are identical to the original water

delivery contract between EMWD and CDFW, with the only exception being an extension of six months to the term of the contract. The interim contract does not increase, decrease or change the existing water delivery scheme in any way or involve construction of any new facilities.

Class 7 Categorical Exemption

CDFW finds the interim renewal of the water contract with EMWD to be exempt pursuant to CEQA Guideline section 15307, the exemption for "Actions by Regulatory Agencies for Protection of Natural Resources". The San Jacinto Wildlife Area is a mitigation site for several Southern California projects, including the State Water Project and is part of the reserve system for the Western Riverside Multiple Species Habitat Conservation Plan. Without continued water deliveries from EMWD, the wildlife and habitat at the SJWA would become degraded and ultimately much of it would cease to exist at the site. The dependence of the habitat and species on the water that is the subject of the original water contract between CDFW and EMWD is acknowledged in the contract and a specific provision in the contract calls for future extensions of the agreement in light of the signatories' long term commitment to support that valuable wildlife habitat. (See Agreement section 3.F.)