



NOTICE OF EXEMPTION

TO:
Alameda County Clerk-Recorder
1106 Madison Street
Oakland, CA 94607

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

- TITLE:** Contra Costa Water District (CCWD) Water Transfer to East Bay Municipal Utility District (EBMUD)
- LOCATION:** *(City, County, and specific location)*
 EBMUD service area would receive transfer water originating from the Central Valley Project (CVP) and conveyed through CVP and EBMUD existing facilities. (Alameda, Contra Costa, Sacramento, and San Joaquin counties, see Figure 1)
- DESCRIPTION:** CCWD and EBMUD entered into an agreement in 2013 that provided EBMUD the option to purchase up to 2,000 acre-feet of water from CCWD before December 31, 2025. With ongoing dry hydrologic conditions and low CVP allocations, EBMUD has requested this transfer of water to provide supplemental water supply to EBMUD this year. This water will be made available by CCWD using up to 2,000 acre-feet of water previously stored in Los Vaqueros Reservoir, which is located in Contra Costa County, in lieu of CCWD taking that quantity of water from its 2021 CVP allocation, thereby allowing CCWD's unused CVP water to be transferred to EBMUD for diversion at the Freeport Regional Water Authority's Intake on the Sacramento River located in Sacramento, California and conveyed to EBMUD's service area in Alameda and Contra Costa counties through existing facilities located in Alameda, Contra Costa, Sacramento, and San Joaquin counties. Operations to enable the water transfer will require approval by the Bureau of Reclamation.

EXEMPTION FINDING (Check one)

This project is exempt from CEQA because:

- Activity is not a project
- Activity is Ministerial (Sec.21080(b)(1); Guideline 15268)
- Activity is a Declared Emergency (Sec.21080(b)(3); Guideline 15269(a))
- Activity is an Emergency Project (Sec.21080(b)(4); Guideline 15269(b)(c))
- Activity is Categorically Exempt Under Guideline 15301
- Activity is Statutorily Exempt Under Guideline _____
- Reasons why project is exempt: See attached.

APPROVAL BY INITIATING UNIT: 455, Water Supply Improvements Division

<u>08/16/2021</u>	<u>Max Fefer</u>	<u>Hasan Abdullah</u>
1. DATE PREPARED	2. PREPARED BY (initial)	3. REVIEWED BY (Unit Supv. initial)
<u>Linda Hu</u>	_____	
4. RECOMMENDED BY (Division/Section Manager)		
<u>Hasan Abdullah</u>	<u>407</u>	<u>Senior Civil Engineer</u>
5. CONTACT PERSON	MAIL SLOT #	TITLE
		<u>510-287-0550</u>
		PHONE

NOTICE OF EXEMPTION APPROVED FOR FILING WITH THE COUNTY CLERK

<u>08/19/2021</u>	<u>Michael Tognolini</u>
DATE	DEPARTMENT DIRECTOR
<u>8/25/21</u>	<u>Rischa Cole</u> <i>Rischa S. Cole</i>
DATE FORWARDED TO COUNTY CLERK	SECRETARY OF THE DISTRICT

Reasons why project is exempt:

The project is exempt from CEQA pursuant to Public Resources Code Section 21080 (b)(3) and CEQA Guidelines Section 15269(a) due to the Declared Emergency. On May 10, 2021, Governor Newsom declared a State of Emergency (Proclamation) to address the severe drought condition in 41 California counties, including Alameda and Contra Costa Counties. Government Code section 8571 authorizes the Governor to suspend certain regulatory requirements, including CEQA, under emergency conditions. The Proclamation orders the State “to expeditiously consider requests to move water to areas of need, including requests involving voluntary water transfers, forbearance agreements, water exchanges, or other means,” and suspends CEQA for purposes of carrying out or approving this and other directives. The Project will carry out this directive and will prevent or mitigate the impacts of the drought emergency.

As a separate and independent basis for determining the project to be exempt, the project also is statutorily exempt from CEQA pursuant to Public Resources Code section 21080(b)(4) and CEQA Guidelines section 15269(c) because it involves specific actions necessary to prevent or mitigate the drought emergency.

As a separate and independent basis for determining the project to be exempt, the project is also eligible for a Class 1 categorical exemption under CEQA Guidelines Section 15301 for Existing Facilities. Conveyance of the transfer water would occur through existing facilities and would not exceed the normal capacity of those facilities. Accordingly, no construction of new or expansion of existing water conveyance facilities is required to facilitate the proposed transfer of water. The Reclamation approvals of the water transfer would be administrative in nature and would provide the necessary regulatory approvals to allow for the water transfers to proceed using existing facilities.

As a separate and independent basis for determining the project to be exempt, the Project also falls within the “common sense” exemption to CEQA, which applies “the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.” (CEQA Guidelines, § 15061(b)(3).) This exemption applies if “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” (*Id.*) There will be no new physical construction or alterations to facilities associated with the Project. The water will be conveyed through existing facilities and will not exceed their normal capacity.

Figure 1: CCWD Transfer to EBMUD

