

**Notice of Exemption**

To: Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

Contra Costa County Clerk  
555 Escobar Street  
Martinez, CA 94553

Alameda County Clerk's Office  
1106 Madison Street  
Oakland, CA 94607

Sacramento County Clerk  
P.O. Box 839  
Sacramento, CA 95812-0839

San Joaquin County Clerk  
44 North San Joaquin Street, Suite 260  
Stockton, CA 95202

From: Contra Costa Water District  
P.O. Box H20  
Concord, CA 94524  
925-688-8168  
Lead Agency/Applicant and  
Filing Agency

**Project Title:** Contra Costa Water District (CCWD) Water Transfer to East Bay Municipal Utility District (EBMUD)

**Project Applicant:** Contra Costa Water District

**Project Location - Specific:** EBMUD service area would receive transfer water originating from the Central Valley Project (CVP) and conveyed through CVP and EBMUD existing facilities.

**Project Location - City:** Various **Project Location - County:** Alameda and Contra Costa Counties

**Description of Nature, Purpose and Beneficiaries of Project:**

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 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 and conveyed to EBMUD's service area through existing facilities. Operations to enable the water transfer will require approval by the Bureau of Reclamation.

**Name of Public Agency Approving Project:** Contra Costa Water District

**Name of Person or Agency Carrying Out Project:** Contra Costa Water District

**Exempt Status:** (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. CEQA Guidelines Section 15301, Use of Existing Facilities
- Statutory Exemptions. State code number:

**Reasons why project is exempt:**

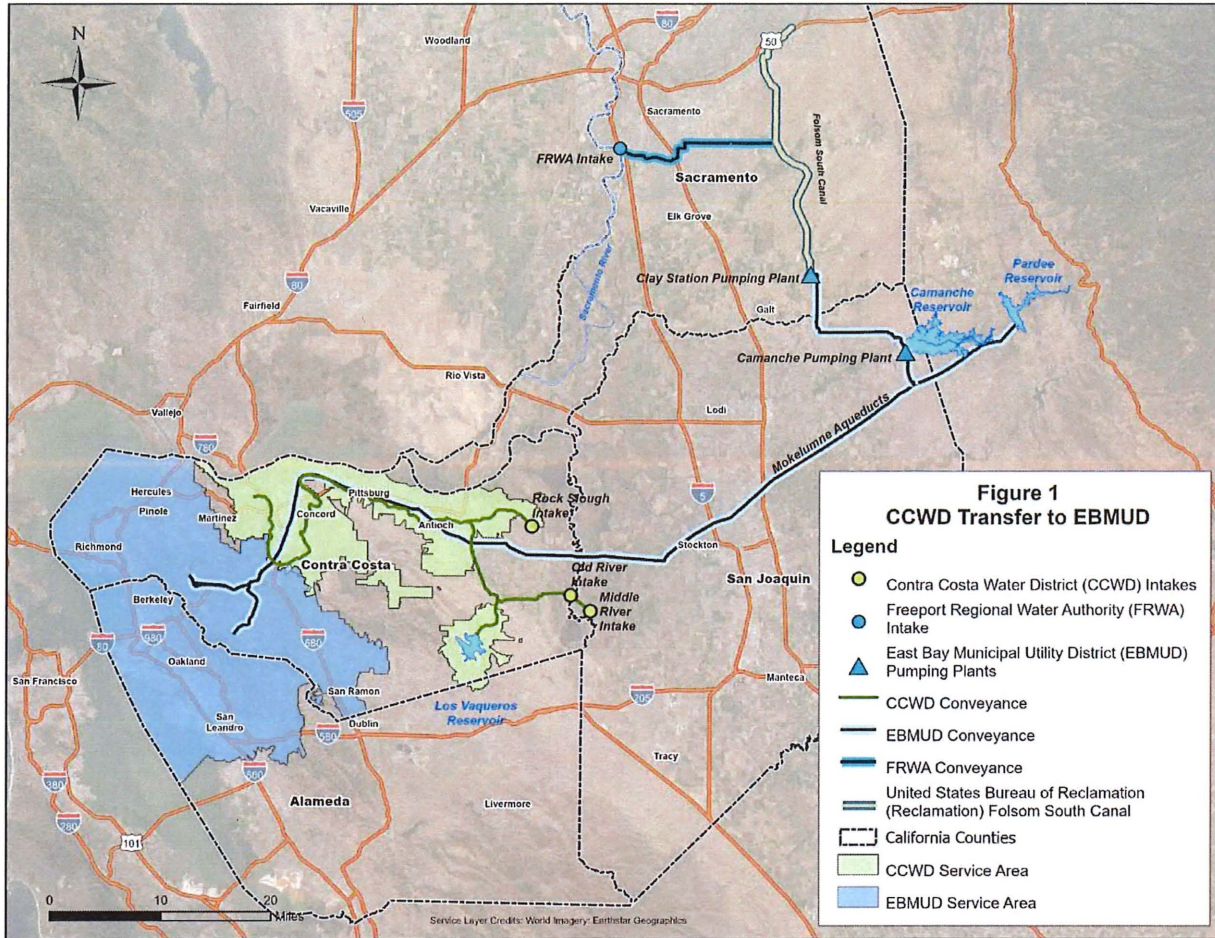
The project is exempt from CEQA pursuant to Public Resources Code Section 21080 (b)(3) and CEQA Guidelines Section 15269(a) due to the Declared Emergency. On May 10, 2021, Governor Newsom declared a State of Emergency (Proclamation) to address the severe drought condition in 41 California counties, including 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



Lead Agency

Contact Person: Lucinda Shih

Area Code/Telephone/Extension: (925) 688-8168

for

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?  Yes  No

Signature: [Signature] Date: 8/25/2021 Title: Water Resources Manager

Signed by Lead Agency  Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.  
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: \_\_\_\_\_