



February 23, 2022

ATTACHMENT TO NOTICE OF EXEMPTION

Recycled Water Use Contract (Contract) between EMWD and the California Department of Fish and Wildlife for the continued supply of recycled water to the San Jacinto Wildlife Area (project)

The California Department of Fish and Wildlife (CDFW), by and through its Business Management Branch, has taken final action to execute the Recycled Water Use Contract (Contract) between EMWD and the California Department of Fish and Wildlife for the supply of recycled water to the San Jacinto Wildlife Area (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 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 Land Management Plan (LMP) for the San Jacinto Wildlife Area (SJWA) that addresses the continued operation of the wildlife area, including the continued use of water at the facility. Beginning in 1987, the SJWA received water pursuant to a contract with the Eastern Municipal Water District (EMWD). CDFW and EMWD executed extensions to contract to allow CDFW time to complete the LMP process so that the LMP and related Environmental Impact Report (EIR) could inform CDFW and EMWD in their negotiations of another long-term water contract. CDFW and EMWD have executed a new long term contract for a water supply equal 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 executing this new contract, CDFW relied for purposes of CEQA on the Class 1 and Class 7 categorical exemptions. Each exemption as relevant to the new contract is discussed below.

Class 1 Categorical Exemption

CDFW finds the execution of the water contract with EMWD to be exempt pursuant to CEQA Guideline section 15301, the "Existing facilities" exemption. The contract involves the ongoing receipt and delivery of water from EMWD with no expansion or contraction of service on terms that are substantially the same as the original water delivery contract between EMWD and CDFW, with necessary updates to reflect state contracting requirements and price adjustments to account for the increased costs of water delivery, but at a still below market rate. The interim contract does not increase or decrease the existing amount of water delivered to the wildlife area or involve construction of any new facilities.

Class 7 Categorical Exemption

CDFW finds the execution 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.)