

Attachment to Notice of Exemption for Load Interconnection System Impact Study between the California Department of Water Resources (CDWR) and the Sacramento Municipal Utility District (SMUD)

Description of Nature, Purpose and Beneficiaries of the Delta Conveyance:

This Agreement by CDWR and SMUD is considered an action to fund and otherwise support appropriate feasibility and planning studies, as those terms are used in Public Resources Code, Section 21102 and 21150 and CEQA Guidelines Section 15262, for possible future actions which CDWR and SMUD have not approved, adopted, or funded. This Agreement is also an action to allow for basic data collection, research, experimental management, and resource evaluation activities, as those terms are used in CEQA Guidelines Section 15306. This Agreement will enable SMUD to perform feasibility and system studies to ensure safe and reliable operation of the Delta Conveyance, should service be needed. Nothing in this agreement shall be construed to predetermine CDWR's decision after completion of the CEQA process and CDWR may determine, consistent with the completed analysis under CEQA, that no conveyance project shall be approved. The information collection, and feasibility and planning studies would help inform potential requirements for a transmission and related interconnection. This Agreement will terminate on December 31, 2024, unless terminated earlier by either party or mutually extended. The Agreement's budget will be capped at \$150,000 and may be increased by agreement if the scope of activities require more time or effort. In addition, CDWR may provide SMUD with a temporary notice to stop work.

CDWR finds this project is exempt for the following reasons:

No construction or actual delivery of power over a transmission system for delta conveyance will proceed under this Agreement. Moreover, no construction or actual delivery of power over a transmission system for delta conveyance will proceed unless and until CDWR, as lead agency under CEQA, has complied with CEQA and considered feasible mitigation and alternatives to delta conveyance, including but not limited to the no project alternative. This Agreement is limited to providing monetary payment by CDWR to SMUD for their information collection, and feasibility and planning studies, including participating in meetings and telephone calls, and providing updates, as requested by CDWR. The work under this Agreement will not have a legally binding effect on later activities. Execution of separate contracts is necessary to authorize any construction, transmission, or delivery of power.

CEQA Guidelines 15306 provides a categorical exemption from CEQA for information collection consisting "of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded."

Public Resources Code 21102 and 21150 statutorily exempt state agencies from authorizing funds for a project involving only feasibility or planning studies for possible future actions which the agency has not approved. CEQA Guidelines 15262 provides that a "project involving only feasibility or planning studies for possible future actions which the agency, board, or commission has not approved, adopted, or funded does not require the preparation of an EIR or negative declaration but does require consideration of environmental factors. This section does not apply to the adoption of a plan that will have a legally binding effect on later activities."