

# Notice of Exemption

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

County Clerk

County of: Riverside

2724 Gateway Dr.

Riverside, CA 92507

From: (Public Agency): Eastern Municipal Water District

2270 Trumble Road

Perris, CA 92570

(Address)

Project Title: Approval of Agreements with California Department of Fish and Wildlife to Provide Recycled Water to the San Jacinto Wildlife Area

Project Applicant: N/A

Project Location - Specific:

San Jacinto Wildlife Area in Riverside County

Project Location - City: N/A

Project Location - County: Riverside

Description of Nature, Purpose and Beneficiaries of Project:

The project involves the execution of two agreements with the California Department of Fish and Wildlife that will allow Eastern Municipal Water District (District) to continue supplying recycled water to the San Jacinto Wildlife Area in amounts equal to what is already provided. The only material changes effected by the agreements are to extend recycled water deliveries until 2036 and periodically update the recycled water rates to reflect the District's Consolidated Schedule of Rates, Fees, and Charges. Please refer to the attached for further explanation.

Name of Public Agency Approving Project: Eastern Municipal Water District

Name of Person or Agency Carrying Out Project: Eastern Municipal 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)); 14 California Code of Regulations §§ 15061(b)(3),

Categorical Exemption. State type and section number: 15301, 15304, 15307

Statutory Exemptions. State code number: \_\_\_\_\_

Reasons why project is exempt:

The project is exempt from CEQA because it is not an activity subject to CEQA. (See 14 Cal. Code Regs. § 15061(b)(3).) It is also exempt under the Class 1 (14 Cal. Code Regs. § 15301), Class 4 (14 Cal. Code Regs. § 15304), and Class 7 (14 Cal. Code Regs. § 15307) categorical exemptions. Please refer to the attached for further explanation.

Lead Agency

Contact Person: JOE BROADHEAD

Area Code/Telephone/Extension: (951) 928-3777 x 4545

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: ALFONSO JAVIER

Date: 7/12/2022

Title: Dir. of Env. Res. Compliance

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: \_\_\_\_\_

On December 15, 2021, the Eastern Municipal Water District (District) approved the execution of two agreements with the California Department of Fish and Wildlife relating to the supply of recycled water to the San Jacinto Wildlife Area. First, the District approved the execution of the December 2021 Amendment (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 (1987 Agreement). The Amendment extends the term of the 1987 Agreement by two (2) months and updates the recycled water rate to reflect the rates set forth in the District's Consolidated Schedule of Rates, Fees, and Charges. The Amendment makes no other material changes to the 1987 Agreement.

Second, the District approved the execution of the Recycled Water Use Contract (2022 Agreement). The 2022 Agreement replaces the 1987 Agreement and allows the District to continue supplying recycled water to the San Jacinto Wildlife Area in amounts equal to those provided under the 1987 Agreement. The 2022 Agreement, which will remain in effect until December 31, 2036, will not result in any changes in water deliveries or otherwise modify any material terms of service included in the 1987 Agreement.

The District has determined that execution of the Amendment and 2022 Agreement are exempt from CEQA on the following grounds.

Not an activity subject to CEQA – The Amendment and 2022 Agreement are not subject to CEQA under CEQA Guidelines (14 California Code of Regulations § 15000 et seq.) section 15061(b)(3). The December 2021 Amendment extends the term of the Agreement by two months and updates the recycled water rate to reflect the District's current rates. The Amendment makes no other changes to the 1987 Agreement and will not result in any changes to the deliveries of recycled water pursuant to the 1987 Agreement. Similarly, the 2022 Agreement allows the District to continue providing recycled water to the San Jacinto Wildlife Area through 2036 and authorizes periodic updates in recycled water rates to reflect future changes in the District's rates. Like the Amendment, the 2022 Agreement will not result in any changes to the amount or frequency of recycled water provided under the 1987 Agreement. Therefore, the Amendment and New Agreement are not subject to CEQA because the agreements will not result in any new direct or reasonably foreseeable indirect physical changes to the environment. (CEQA Guidelines § 15061(b)(3).)

### **Categorical Exemptions**

Class 1 Exemption – The Amendment and New Agreement qualify for the Class 1 “Existing Facilities” exemption under CEQA Guidelines section 15301. The Amendment and 2022 Agreement make no changes to the deliveries of water under the 1987 Agreement, nor do they modify any material terms of service under the 1987 Agreement. The only changes effected by the Amendment and 2022 Agreement are to extend the existing water supply contract to allow for continued water deliveries and periodically update the applicable recycled water rates to reflect the District's current rates. The Amendment and 2022 Agreement therefore consist of the operation of existing facilities involving no expansion of an existing or former use. (CEQA Guidelines § 15301.)

Class 4 Exemption – The Amendment and 2022 Agreement are exempt under the Class 4 “Minor Alterations to Land” exemption set forth in CEQA Guidelines section 15304. Neither the Amendment nor the 2022 Agreement will make any changes to the deliveries of water called for

under the 1987 Agreement or otherwise modify any material terms of service under the 1987 Agreement. Thus, to the extent the Amendment and 2022 Agreement result in any changes to existing conditions, those changes would consist of minor alterations to the condition of land, water, and vegetation in the San Jacinto Wildlife Area that would not involve the removal of any healthy, mature, and scenic trees. (CEQA Guidelines § 15304.)

Class 7 Exemption – The Amendment and 2022 Agreement are also exempt under the Class 7 “Actions by Regulatory Agencies for Protection of Natural Resources” exemption under CEQA Guidelines section 15307. The 1987 Agreement facilitated water deliveries to the San Jacinto Wildlife Area, which serves as a mitigation site for other projects and is part of the reserve system for the Western Riverside Multiple Species Habitat Conservation Plan. Execution of the Amendment and 2022 Agreement allows the District to continue water deliveries to the San Jacinto Wildlife Area consistent with the terms of the 1987 Agreement, thereby preventing habitat degradation and impacts to species. Moreover, the 1987 Agreement recognized the importance of the water deliveries provided by the District and authorized the parties to enter into future extensions and agreements to ensure protection of the valuable wildlife habitat within the San Jacinto Wildlife Area. Execution of the Amendment and 2022 Agreement is therefore an “action” taken by a “regulatory agency” (California Department of Fish and Wildlife) to assure the maintenance, enhancement, and protection of the environment. (CEQA Guidelines § 15307.)