

Notice of Exemption

Appendix E

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

From: (Public Agency): Alameda County Water District
43885 South Grimmer Boulevard
Fremont, CA 94538

County Clerk
County of: Alameda

(Address)

Project Title: Resolution No. 23-031 of Board of Directors of ACWD Levying a Replenishment Assessment

Project Applicant: Alameda County Water District (ACWD)

Project Location - Specific:

All lands within the jurisdiction of ACWD, including all of Newark and portions of Fremont, Hayward, and Union City, all within the County of Alameda

Project Location - City: Multiple (see above) Project Location - County: Alameda

Description of Nature, Purpose and Beneficiaries of Project:

The nature and purpose of the proposed project is to increase the replenishment assessment (RA) fee on the production of groundwater within ACWD. The RA fees help pay for the replenishment of groundwater, groundwater and watershed protection, regulation of well construction, and other programs that prevent sea water intrusion or promote the supply and quality of groundwater for the benefit of all users of the groundwater basin. The beneficiaries of the project are all users of the groundwater basin specifically and the customers of ACWD generally.

Name of Public Agency Approving Project: Alameda County Water District

Name of Person or Agency Carrying Out Project: Alameda County 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. State type and section number:
Statutory Exemptions. State code number: Public Resources Code Section 21080(b)(8); Guidelines Section 15273 (a)

Reasons why project is exempt:

The project is exempt pursuant to Section 21080(b)(8) of the Public Resources Code and CEQA Guidelines Section 15273 (a) of the CEQA Guidelines because it is modifying groundwater replenishment fees for basin management, for the purpose of (1) meeting operating expenses; (2) purchasing or leasing supplies, equipment and materials; and (3) obtaining funds for capital projects necessary to maintain service and system reliability.

Lead Agency
Contact Person: Mikel S. Halliwell Area Code/Telephone/Extension: 510-668-4412

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: [Handwritten Signature] Date: 5/2/2023 Title: Director of Water Resources

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:

RESOLUTION NO. 23-031

OF BOARD OF DIRECTORS OF ALAMEDA COUNTY WATER DISTRICT  
LEVYING A REPLENISHMENT ASSESSMENT AND FINDING THE  
REPLENISHMENT ASSESSMENT EXEMPT FROM THE CALIFORNIA  
ENVIRONMENTAL QUALITY ACT

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WHEREAS, on April 11, 2023, by Resolution No. 23-A, the Board of Directors of Alameda County Water District (District) determined that the sum of \$8,018,600 should be raised by a replenishment assessment, and that a replenishment assessment should be levied upon the production of groundwater from the groundwater supplies within the District during FY 2023/24;

WHEREAS, the Board finds that the replenishment assessment in the 2023 Survey Report on Groundwater Conditions (Survey Report) is reasonable and required for proper management of the groundwater basin and does not exceed the amount of the estimated costs required to provide the services for which the replenishment assessment is levied; and

WHEREAS, the Board further finds that the modification to the replenishment assessment is exempt from the requirements of the California Environmental Quality Act, pursuant to Section 21080 (b)(8) of the Public Resources Code, because it is, in connection with groundwater replenishment and basin management, for the purposes of (1) meeting operating expenses, (2) purchasing or leasing supplies, equipment, and materials, and (3) obtaining funds for capital projects necessary to maintain service and system reliability. The analysis in the Survey Report is hereby incorporated into this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Alameda County Water District that there shall be and hereby is levied a replenishment assessment on the production of groundwater from the groundwater supplies within the District during the ensuing

fiscal year beginning July 1, 2023, and that the replenishment assessment shall be and hereby is fixed by the Board at a rate of \$8.00 per acre-foot of groundwater so produced for agricultural and (municipal) recreational uses (the maximum rate allowed under the District's Replenishment Assessment Act), and \$538.00 per acre-foot of groundwater so produced for all other purposes;

BE IT FURTHER RESOLVED that the producers of the groundwater shall pay the replenishment assessment to the District at the time and in the manner hereinafter fixed by this Board in accordance with the provisions of Chapter 1942, Statutes of 1961 of the regular session of the 1961 Legislature of the State of California (Replenishment Assessment Act);

BE IT FURTHER RESOLVED that the replenishment assessment for any producer operating a water producing facility having a discharge opening not greater than two (2) inches in diameter and providing groundwater for domestic or irrigation uses on an area not exceeding one acre in extent shall be nil;

BE IT FURTHER RESOLVED that written notice, postage prepaid, shall be mailed to all operators of water producing facilities in the District as disclosed by the records of the District, stating the replenishment assessment rate and requesting registration of the operators on or before May 10, 2023, as required by Sections 12 and 13 of the Replenishment Assessment Act;

BE IT FURTHER RESOLVED that adoption of this Resolution, by fixing the replenishment assessment rates for FY 2023/24 in the amounts referenced above, amends the District's Rate and Fee Schedule, the pertinent portion of which (Section I, Subsection C) was last amended as of April 12, 2022, through Resolution 22-028;

BE IT FURTHER RESOLVED that the General Manager is directed to incorporate these changes into an updated Rate and Fee Schedule and that the replenishment assessment identified

in the updated Rate and Fee Schedule shall remain in full force and effect until further order of this Board; and

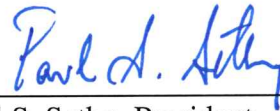
BE IT FURTHER RESOLVED that the General Manager is authorized to file a Notice of Exemption with the Alameda County Clerk's Office.

PASSED AND ADOPTED this 11<sup>th</sup> day of April 2023, by the following vote:

AYES: Directors Gunther, Akbari, Huang, Weed, and Sethy

NOES: None

ABSENT: None



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Paul S. Sethy, President  
Board of Directors  
Alameda County Water District

ATTEST:

APPROVED AS TO FORM:



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Gina Markou, District Secretary  
Alameda County Water District  
(Seal)



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Patrick T. Miyaki, General Counsel  
Alameda County Water District