



## NOTICE OF DETERMINATION

Date: February 25, 2020

To: X Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

From: East Bay Municipal Utility District  
(EBMUD)  
375 Eleventh Street,  
Oakland, CA 94607-4240

Contact: Ana Ulloa

Phone: 510-287-1258

Email: [ana.ulloa@ebmud.com](mailto:ana.ulloa@ebmud.com)

X County Clerk-Recorder

County of Alameda  
1106 Madison Street  
Oakland, CA 94607

Lead

Agency: Freeport Regional Water Agency (FRWA)  
827 7<sup>th</sup> Street, Room 301  
Sacramento, CA 95814

Contact: David Briggs

Phone: 510-287-7056

Subject: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2002032132, Freeport Regional Water Project, FRWA

Project Title: Freeport Regional Water Project (FRWP)- Conversion of EBMUD's long-term renewal Central Valley Project (CVP) contract to permanent repayment contract

Project Applicant: EBMUD

Project Location: Alameda, Contra Costa, San Joaquin, and Sacramento Counties (see attached figures)

Project Description: EBMUD approved amendments to its existing contract for CVP water service which will convert it to a permanent repayment contract. Please see attached description for more details.

This is to advise that the East Bay Municipal Utility District has approved the above described project on February 25, 2020 and has made the following determinations regarding the above described project.

1. The project ☐ will ☒ will not] have a significant effect on the environment.
2. ☒ An Environmental Impact Report certified for the FRWP formed the basis for EBMUD's contract conversion approval (see Attachment A). For contract conversion approval, EBMUD determined that no subsequent or supplemental CEQA review was required under Public Resources Code section 21166 and CEQA Guidelines section 15162.
3. Mitigation measures ☐ were ☒ were not] made a condition of EBMUD's contract conversion approval, but were previously made conditions of approval for EBMUD's approval of the FRWP for impacts unrelated to the contract conversion.
4. A mitigation reporting or monitoring plan ☐ was ☒ was not] adopted for EBMUD's contract conversion approval but was previously adopted for EBMUD's approval of the FRWP for impacts unrelated to the contract conversion.
5. A statement of Overriding Considerations ☐ was ☒ was not] adopted for EBMUD's contract conversion approval but was previously adopted for EBMUD's approval of the FRWP, regarding impacts of FRWP construction that have already occurred.
6. Findings ☐ were ☒ were not] made pursuant CEQA Guidelines section 15091 for EBMUD's contract conversion approval but were previously adopted for EBMUD's approval of the FRWP.

The FRWP EIR/EIS with comments and responses and record of project approval is available to the General Public at:

East Bay Municipal Utility District, Office of the Secretary, Room 829, 375 11<sup>th</sup> Street, Oakland, CA 94607.

Governor's Office of Planning & Research

Rosalee S. Cole  
Secretary of the District

FEB 27 2020

STATE CLEARINGHOUSE

## ATTACHMENT

### EBMUD CVP Contract Conversion Description and Summary of Prior CEQA Review

On February 25, 2020, the Board of Directors of the East Bay Municipal Utility District (District) approved amendments to the District's existing Long Term Renewal Contract for water service from the Central Valley Project (CVP). The amendments do not change the quantity of CVP water available to the District, the circumstances under which that water may be made available to the District, or any other terms of the existing contract related to the District's ability to request and receive CVP water. Instead, the amendments primarily result in changes in the contract's payment structure and make the contract's term perpetual such that contract renewal would not be required in the future. As a result, the District's existing Long Term Renewal Contract will be converted into a permanent repayment contract. Under the provisions of the contract, in its original form and as amended, when the District's total system storage remains below a specified threshold, the District may receive up to 133,000 acre-feet of CVP water per year, but not to exceed a total of 165,000 acre-feet during any period of three consecutive years. These contractual quantities are subject to shortage based on the availability of water to the CVP and the terms of the contract and the M&I Water Shortage Policy referenced therein.

The District uses the Freeport Regional Water Project diversion facility on the Sacramento River and associated pipelines and other conveyance facilities (collectively, "Freeport Facility") to deliver CVP water to its service area in times of shortage. (See Figures 1 and 2.) The environmental impacts of construction and operation of the facilities necessary to deliver CVP water to the District's service area were analyzed in the Freeport Regional Water Project EIR/EIS (Freeport Project EIR/EIS). The Freeport Project EIR/EIS was prepared prior to approval and construction of the Freeport Facility, and was certified on April 15, 2004 by the Board of Directors for the Freeport Regional Water Authority (FRWA), a joint powers authority consisting of the District and the Sacramento County Water Agency (SCWA). FRWA was the CEQA lead agency for the EIR/EIS. Acting as a CEQA responsible agency, the District's Board of Directors considered the Freeport Project EIR/EIS, approved the portions of the project within its jurisdiction, and adopted findings and a mitigation monitoring and reporting plan on April 27, 2004. Findings adopted by the District's Board included a statement of overriding considerations regarding potentially significant and unavoidable impacts resulting from project construction. Subsequently, in 2006, also acting as a responsible agency, the District approved modifications and adjustments to the District facilities extending the Freeport facilities to the District's Mokelumne Aqueducts, in reliance on an Addendum to the Freeport Project EIR and an IS/MND addressing the proposed changes and modifications, both of which were prepared by FRWA. At that time, the District also adopted a supplemental mitigation monitoring and reporting plan to address potential impacts associated with those modifications and adjustments.

All facilities necessary to divert water from the Sacramento River and convey that water to the District's service area have been constructed, and the Freeport Facility is fully operational and has been used to convey water to the District. The Freeport Project EIR/EIS did not identify any operational impacts requiring imposition of mitigation measures to reduce impacts to less-than-significant levels. Because construction of the facility and pipeline is complete, all potentially significant impacts (including the significant and unavoidable impacts) have already occurred, and there are no future potentially significant impacts associated with ongoing operation of the Freeport Facility. Having reviewed and considered the Freeport Project EIR/EIS in relation to conversion of its Long Term Renewal Contract to a permanent repayment contract, the District made the following findings and determinations:

- The Freeport Project EIR/EIS fully analyzed the potential effects of diverting water under the District's existing Long Term Renewal Contract and under that contract as amended by conversion to a permanent repayment contract.
- None of the conditions exist requiring the preparation of subsequent or supplemental CEQA review pursuant to Public Resources Code section 21166 or CEQA Guidelines section 15162.
- The District's Long Term Renewal Contract as amended by conversion to a repayment contract falls within the scope of the project analyzed in the Freeport Project EIR/EIS.
- No further CEQA review is required.



# ATTACHMENT

Figure 1. Map of Freeport Facilities

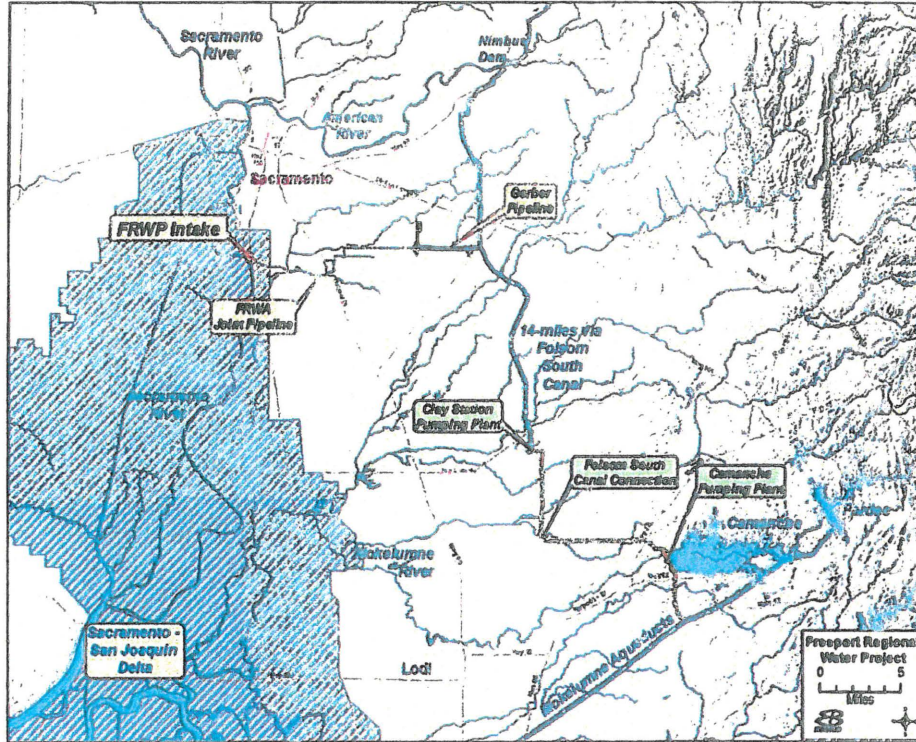
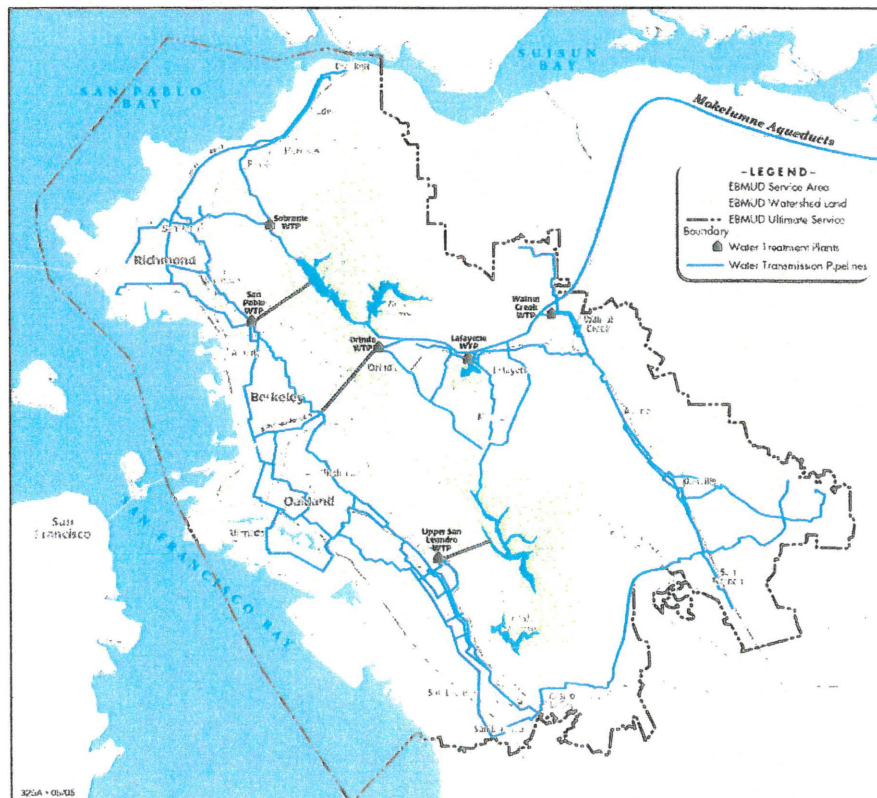


Figure 2. Map of EBMUD Water System





EBM  
P. O. BOX 24055  
OAKLAND, CA 94623

# ENVIRONMENTAL TRANSMITTAL

Notice of Determination

FILE  
COPY  
FILED

DATE: April 28, 2004

COUNTY CLERK Mark Norris  
County of Sacramento  
600 Eighth Street  
Sacramento, CA 95812-0839

## PROJECT TITLE:

Freeport Regional Water Project Final EIR; Sacramento and San Joaquin Counties.  
Specific locations are also identified in the project description in the draft  
and final EIR.

## CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:

1. ☐ Notice of Exemption – \$25.00 County Clerk's Fee
2. ☐ Notice of Intent to Adopt a ☐ Negative Declaration (*Posting Only*)  
☐ Mitigated Negative Declaration (*Posting Only*)
3. ☐ Notice of Preparation of a Draft Environmental Impact Report (*Posting Only*)
4. ☐ Notice of Availability of a Draft Environmental Impact Report (*Posting Only*)
5. ☒ Notice of Determination – Fee Required

### A. Negative Declaration

- ☐ \$1,250.00 – State Filing Fee unless de minimus impact (Sec. 2.C.)  
☐ \$25.00 – County Clerk's Fee

### B. Environmental Impact Report

- ☐ \$850.00 – State Filing Fee unless de minimus impact (Sec. 2.C.)  
☒ \$25.00 – County Clerk's Fee

See copy of receipt for  
\$871.00 from County of  
Sacramento attached.

### C. De Minimus Impact – Certificate of Fee Exemption attached

- ☐ No State Filing Fee Due

### 6. ☐ Other (*Specify*)

- ☐ \$25.00 – County Clerk's Fee



FILED  
APR 28 2004  
MARK NORRIS, CLERK-RECORDED  
BY *[Signature]* DEPUTY

Questions concerning this filing should be directed to:

Office of the Secretary  
East Bay Municipal Utility District  
P.O. Box 24055  
Oakland, CA 94623  
Telephone: (510) 287-0440

Secretary

*[Signature]*  
Lynelle M. Lewis

ATTACHMENTS: Notice of Determination  
EBMUD Check No. 081268 for Clerk's Fees



# NOTICE OF DETERMINATION

To: ☒ Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

Date: April 28, 2004

☒ County Clerk Mark Norris

From: Office of the Secretary  
East Bay Municipal Utility District  
375 11th Street  
Oakland, CA 94607

County of Sacramento

600 Eighth Street

Sacramento, CA 95812-0839

Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

**Project Title:**

Freeport Regional Water Project

State Clearinghouse No: (if submitted to Clearinghouse) 2002032132      Lead Agency Contact Person: John B. Lampe      Area Code/Phone/Ext.: 510-287-1127

**Project Location:** (include county)

Sacramento and San Joaquin Counties. Specific locations are also identified in the draft and final EIR.

**Project Description:** The proposed project would construct and operate a water supply project to meet regional water supply needs. The project would support acquisition of additional Sacramento County Water Agency (SCWA) surface water entitlements to promote efficient conjunctive use of groundwater in its Zone 40 area, consistent with the Sacramento Area Water Forum Agreement and the County of Sacramento General Plan policies; (2) provide facilities through which SCWA can deliver existing and anticipated surface water entitlements to Zone 40 area; (3) provide facilities through which East Bay Municipal Utility District (EBMUD) can take delivery of a supplemental supply of water that would substantially meet its need for water and reduce existing and future customer deficiencies during droughts; and (4) improve EBMUD system reliability and operational flexibility during droughts, catastrophic events, and scheduled major maintenance at Pardee Dam Reservoir. Major facilities include: a new intake structure on the Sacramento River near Freeport; a raw water pipeline in Sacramento and San Joaquin counties; a new water treatment plant in central Sacramento County; a new pumping plant near the existing terminus of Folsom South Canal; and a new pumping and treatment facility at the Mokelumne Aqueduct in San Joaquin County. The proposed project is the Alternative 5 preferred pipeline alignment as shown in the draft EIR/EIS in Figures 2-1 and 2-2.

This is to advise that the East Bay Municipal Utility District (☐ Lead Agency ☒ Responsible Agency) has approved the above project on April 27, 2004 and has made the following determinations regarding the above described project: (Date)

1. The project ( ☒ will ☐ will not ) have a significant effect on the environment.
2. ☒ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA. / Authority (FRWA).  
☐ A Negative Declaration/Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA. EBMUD has considered the EIR prepared and certified by FRWA.
3. Mitigation measures ( ☒ were ☐ were not ) made a condition of the approval of the project.
4. A statement of Overriding Considerations ( ☒ was ☐ was not ) adopted for this project.
5. Findings ( ☒ were ☐ were not ) made pursuant to the provisions of CEQA.

This is to certify that the ☒ Environmental Impact Report

☐ Negative / Mitigated Negative Declaration

with comments and responses and record of project approval is available to the General Public at the Office of the Secretary, Room 829, EBMUD, 375 11th Street, Oakland, CA 94607.

Secretary:

*Lynelle M. Lewis*  
Lynelle M. Lewis

CASH RECEIPT  
COUNTY OF SACRAMENTO  
TREASURE-TAX COLLECTOR, COUNTY CLERK-RECORDER  
600 8th ST., P.O. BOX 839, SACRAMENTO, CA 95812-0839

11765

Vital Stat. Recording Marr. Lic. Offic. Rec. Clerk Items

Name Jones + Stokes Date \_\_\_\_\_

Address \_\_\_\_\_

Sold By Cash Check Charge Return

Customer Order Number \_\_\_\_\_ Amount: 871.<sup>00</sup>

Ntc of Determination  
Filing

Rec'd By [Signature] Total: 871.<sup>00</sup>

002032132

# Notice of Determination

Form C

To: ☒ Office of Planning and Research  
PO Box 3044, 1400 Tenth Street, Room 222  
Sacramento, CA 95812-3044

From: Freeport Regional Water Authority  
1510 J Street #140  
Sacramento, CA 95814

(Public Agency and Address)

☒ County Clerk, County of: Sacramento County,  
San Joaquin County

Subject: Filing of Notice of Determination in compliance with Section 21108 of the Public Resources Code

Project Title: Freeport Regional Water Project

2002032132

Kurt Kroner

916/326-5489

State Clearinghouse Number  
(If submitted to Clearinghouse)

Lead Agency Contact Person

Area Code/Telephone/Extension

Project Location (include county): Sacramento and San Joaquin counties. Specific locations are also identified in the project description below and in the draft and final EIR's.

**Project Description:** The proposed project would construct and operate a water supply project to meet regional water supply needs. The project would support acquisition of additional Sacramento County Water Agency (SCWA) surface water entitlements to promote efficient conjunctive use of groundwater in its Zone 40 area, consistent with the Sacramento Area Water Forum Agreement and the County of Sacramento General Plan policies; (2) provide facilities through which SCWA can deliver existing and anticipated surface water entitlements to Zone 40 area; (3) provide facilities through which East Bay Municipal Utility District (EBMUD) can take delivery of a supplemental supply of water that would substantially meet its need for water and reduce existing and future customer deficiencies during droughts; and (4) improve EBMUD system reliability and operational flexibility during droughts, catastrophic events, and scheduled major maintenance at Pardee Dam Reservoir. Major facilities include: a new intake structure on the Sacramento River near Freeport; a raw water pipeline in Sacramento and San Joaquin counties; a new water treatment plant in central Sacramento County; a new pumping plant near the existing terminus of Folsom South Canal; and a new pumping and treatment facility at the Mokelumne Aqueduct in San Joaquin County. The proposed project is the Alternative 5 preferred pipeline alignment as shown in the draft EIR/EIS in Figures 2-1 and 2-2.

This is to advise that Freeport Regional Water Authority ☒ Lead Agency ☐ Responsible Agency  
has approved the above-described project on April 15, 2004 and has made the following determinations regarding the above-described project:

1. The project ☒ will ☐ will not have a significant effect on the environment.
2. ☒ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
☐ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures ☒ were ☐ were not made a condition of the approval of the project
4. A Statement of Overriding Considerations ☒ was ☐ was not adopted for this project.
5. Findings ☒ were ☐ were not made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval is available to the General Public at: Freeport Regional Water Authority, 1510 J Street, #140, Sacramento, CA 95814

[Signature]  
Signature (Public Agency)

4/16/04  
Date

General Manager  
Title

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