

NOTICE OF DETERMINATION

	Date:	February 25, 2020			
To: X Office of Planning and Res 1400 Tenth Street, Room		East Bay Municipal Utility District (EBMUD)			
Sacramento, CA 95814		375 Eleventh Street,			
		Oakland, CA 94607-4240			
	Contact:	Ana Ulloa			
	Phone:	510-287-1258			
	Email:	ana.ulloa@ebmud.com			
X County Clerk-Recorder	Lead				
Countrief Alemada	Agency:	Freeport Regional Water Agency (FRWA) 827 7 th Street, Room 301			
County of Alameda 1106 Madison Street		Sacramento, CA 95814			
Oakland, CA 94607	Contact:	David Briggs			
ountaine, err 54007	Phone:	510-287-7056			
Subject: Filing of Notice of Determina	ation in compliance with Section	on 21108 or 21152 of the Public Resources Code.			
State Clearinghouse Number (if subn	nitted to State Clearinghouse):	2002032132, Freeport Regional Water Project,			
	ater Project (FRWP)- Conversi contract to permanent repaym	ion of EBMUD's long-term renewal Central			
A					
Project Applicant: EBMUD					
Project Location: Alameda, Contra	a Costa, San Joaquin, and Sacra	amento Counties (see attached figures)			
	•				
		g contract for CVP water service which will			
convert it to a	permanent repayment contract	. Please see attached description for more details.			
	nicipal Utility District	has approved the above described project on			
February 25, 2020 and has mad	Igency Responsible Agency e the following determinations	regarding the above described project.			
1. The project [☐ will ☒ will not]	have a significant effect on the	e environment.			
1 0 1		ned the basis for EBMUD's contract conversion			
		EBMUD determined that no subsequent or			
11	**	s Code section 21166 and CEQA Guidelines			
section 15162.	1				
3. Mitigation measures [were	were not made a condition of	f EBMUD's contract conversion approval, but			
		oval of the FRWP for impacts unrelated to the			
contract conversion.	7.5				
4. A mitigation reporting or monitori	ng plan [was was not]	adopted for EBMUD's contract conversion			
		he FRWP for impacts unrelated to the contract			
conversion.					
5. A statement of Overriding Consideration	erations [was was not] a	adopted for EBMUD's contract conversion			
		he FRWP, regarding impacts of FRWP			
construction that have already occ					
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:					
The FRWP EIR/EIS with comments at	id responses and record of proj	ect approval is available to the General Public at:			
East Bay Municipal Utility District, (Office of the Secretary, Room 8	329, 375 11th Street, Oakland, CA 94807.			
Kulla S. Lole)	FEB 27 2020			
Secretary of the District					
		STATE CLEARINGHOUSE			

ATTACHMENT

EBMUD CVP Contract Conversion Description and Summary of Prior CEOA 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.

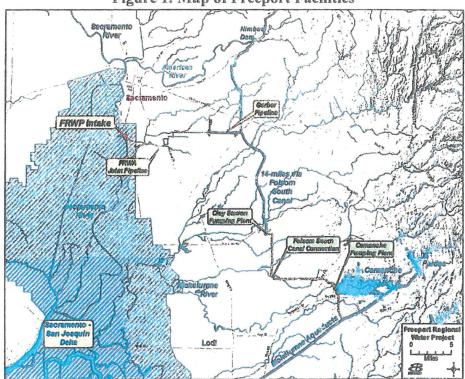
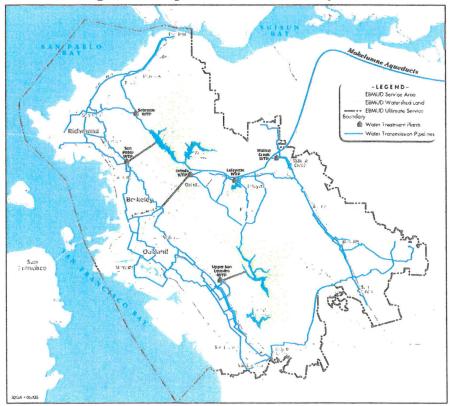


Figure 1. Map of Freeport Facilities









ENVIRONMENTAL Notice of Determination

YTMUO	CLEP	RK Mark Norris DATE: April 28, 2004 ED
		f Sacramento
	-	th Street
Sacra	ment	to, CA 95812-0839
ROJEC	Ţ TITL	E:
Freep	ort	Regional Water Project Final EIR; Sacramento and San Joaquin Counties.
		locations are also identified in the project description in the draft
,		EIR.
LASSIF	ICATIO	ON 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) APR 12 8 2004
4.		Notice of Availability of a Draft Environmental Impact Report (Posting Only) Notice of Determination – Fee Required
° 5.	X	Notice of Determination – Fee Required
P		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.) See copy of receipt for
		\$25.00 - County Clerk's Fee \$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

luestion	s cond	cerning 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
		Level M Louis
TTACH	MENTS	
11541	######################################	EBMUD Check No. 081268 for Clerk's Fees



NOTICE OF DETERMINATION

To: X Office of Planning and Research 1400 Tenth Street, Room121	Date: April 28, 2	2004	
Sacramento, CA 95814	From: Office of the Secre	otoni	
	East Bay Municipa		
x County Clerk Mark Norris	375 11th Street	ar ounty District	
County of Sacramento	Oakland, CA 9460	07	į
600 Eighth Street			
Sacramento, CA 95812-0839			
			1.
Filing of Notice of Determination in compliance w	with Section 21108 or 21152 of the Pu	thlic Possures C	
Project Title:	3 3 3 3 7 7 3 2 0, Inc 1 1	ione Hesources Code.	·
Freeport Regional Water Project	•		1
State Clearinghouse No: (if submitted to Clearinghouse	e) Lead Agency Contact Person:	Area Code/Phone/Ex	. .
2002032132	John B. Lampe	510-287-1127	La
Project Location: (include county)		010 207 1127	
•	s Specific locations		
Sacramento and San Joaquin Countie	s. Specific locations are	also identified	
Project Description: The proposed project would	construct and operate a water supply pro-	ject to meet regional water	and final
supply needs. The project would support acquisition o	i additional Sacramento County Water A	Igency (SCWA) surface water	EIR.
entitlements to promote efficient conjunctive use of gr	oungwater in its Lone 40 area, consistent	t with the Sacramento Area	
Water Commit was equient and the Commit of Sacramen		2-4	I
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CASH RECIEPT
COUNTY OF SACRAMENTO
TREASURE-TAX COLLECTOR, COUNTY CLERK-RECORDER
600 8th ST., P.O. BOX 839, SACRAMENTO, CA 95812-0839

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Vital St	at. Recordi	ng Marr. Lic.	. Offic. Rec.	Clerk Items
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Sold By	Cash	Check	Charge	Return
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TAOUC	e of Determination				Form C
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To: 🛛	Office of Planning and Research PO Box 3044, 1400 Tenth Street, Room 222	From:	Freeport Regional 1510 J Street #140		O POU
	Sacramento, CA 95812-3044		Sacramento, CA 95		1 2
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\boxtimes	County Clerk, County of: Sacramento County,		•		
-	San Joaquin County	-		å€	217
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Subject:	Filing of Notice of Determination in complia	ance wi	th Section 21108 o	of the Public Re	sources Code
					13
Project 1	Fitle: Freeport Regional Water Project		· · · · · · · · · · · · · · · · · · ·		\ \.
• •					
2	002032132 Kurt K	roner		916/32	6-5489
	aringhouse Number Lead Agency C	ontact Pe	erson	Area Code/Telep	phone/Extension
(If submitt	ed to Clearinghouse)				
Proiect L	ocation (include county): Sacramento and San J	oaquin c	ounties. Specific loc	ations are also ide	ntified in the
project de	scription below and in the draft and final EIR's.				-mii wi iii iii
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Project D	Description: The proposed project would construct	t and ope	erate a water supply p	project to meet reg	gional water
supply nec	eds. The project would support acquisition of addition	mai Sacr	amento County Wate	TAgency (SCWA) surface water
enduemen Watar Ear	its to promote efficient conjunctive use of groundwa um Agreement and the County of Sacramento Gene	er in its ! Dian :	Zone 40 area, consis	tent with the Sacri	amento Area
water For	um Agreement and the County of Sacramento Gene r exisitng and anticipated surface water entitlements	to Zone	Menes (2) provide i	facilities through	which SCWA
Am deliye Municipal	Utility District (EBMUD) can take delivery of a su	w zouc	al sumply of water the	acinues infoligin	which East Bay
need for w	vater and reduce exisiting and future customer defici	ppienieni ppienieni	ei supply of water the	at would substand () improve FRMT	mily meet its
eliability	and operational flexibility during droughts, catastro	ohic ever	its, and scheduled ma	ior maintenance a	nt Pardee Dam
Reservoir.	Major facilities include: a new intake structure on	he Sacra	mento River near Fre	eport; a raw wate	r pipeline in
Sacrament	o and San Joaquin counties; a new water treatment	olant in c	entral Sacramento Co	ounty; a new pum	ping plant near
he existing	g terminous of Folsom South Canal; and a new pum	ping and	treatment facility at	the Mokelumne A	queduct in San
	ounty. The proposed project is the Alternative 5 pref	erred pip	eline alignment as sh	own in the draft I	EIR/EIS in
Figures 2-	1 and 2-2.		•		
This is to a	dvise that Freeport Regional Water A	athority	🛛 Lead	Agency Resp	onsible Agency
	ed the above-described project on April 15, 20		and has made the fol	-	- •
• •	described project:				doin regarding
IE AUUVE-	described project.				
1.	The project will will not have a signific	cant effe	ct on the environmen	L	•
2.					CEQA.
	A Negative Declaration was prepared for this				
•	Mitigation measures were were not ma				
4.				this project.	
5.	rindings M were M were not made pursuant	m me b	ovisions of CEQA.		
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	ertify that the final EIR with comments and respons	•			the General
ublic at:	Freeport Regional Water Authority, 1510 J Street,	#140, Sa	cramento, CA 95814		
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are.	Signature (Public Agency) Date		benera	Till	7
>	Signature (Publis Agency) Date			i we	f.
ate receiv	ed for filing at OPR:				