

## NOTICE OF DETERMINATION

TO: Office of Planning and Research  
Post Office Box 3044  
Sacramento, California 95812

FROM: Department of Water Resources  
State Water Project Analysis Office  
1416 9<sup>th</sup> Street, Room 1620  
Sacramento, California 95814

SUBJECT: Filing of Notice of Determination in Compliance with §21108 of the  
Public Resources Code

PROJECT TITLE: North of O'Neill Forebay Long-Term Exchanges Between DWR and  
USBR

STATE CLEARINGHOUSE NUMBER(S): **SCH #2020019024**

LEAD AGENCY: Department of Water Resources

LEAD AGENCY CONTACT PERSON:

Anna Fock  
Chief, Program Development and Water Supply and Transfers  
Branch, State Water Project Analysis Office  
(916) 653-0190

PROJECT LOCATION: San Joaquin, Merced and Stanislaus Counties

### I. PROJECT DESCRIPTION

Attached

### II. DETERMINATIONS

This is to advise that DWR, acting as Lead State agency under the California Environmental Quality Act, has approved the proposed project on March 18, 2020, and makes the following determinations:

1. DWR has determined that said project in its approved form will not have a significant effect on the environment.
2. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were not made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan was not adopted for this project.

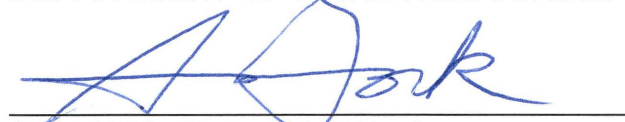
5. A Statement of Overriding Considerations was not adopted for the project, pursuant to Section 15093 of the State CEQA Guidelines.
6. Findings were not made pursuant to the provisions of Public Resources Code Section 21081 in CEQA.

### III. LOCATION OF RECORD

DWR's decision and determination is based on the documents described herein. The custodian of the administrative record for DWR is Kora Bitcon, (916) 653-9313 at the Bonderson Building, 901 P Street, Room 145, Sacramento, California 95814.

#### APPROVED:

DEPARTMENT OF WATER RESOURCES



Anna Fock, Supervising Engineer  
State Water Project Analysis Office

March 18, 2020

Date

Governor's Office of Planning & Research

MAR 18 2020

STATE CLEARINGHOUSE

## **Project Description**

The Proposed Project (Project) includes (1) up to 5,616 acre-feet of long-term exchanges between California Department of Water Resources (DWR) and U.S. Bureau of Reclamation to facilitate the delivery of Central Valley Project (CVP) contract supply to three long-term CVP contractors under their existing contracts, and (2) a long-term change in place of use in DWR and Reclamation water rights permits/licenses authorized by the State Water Board to execute the exchanges for up to 15 years.

The three CVP contractors, located between south of the Harvey O. Banks Pumping Plant (Banks) and north of O'Neill Forebay (O'Neill) and collectively known as the North of O'Neill Contractors are: (1) Byron Bethany Irrigation District (BBID), (2) the United States Department of Veteran's Affairs San Joaquin Valley National Cemetery (National Cemetery), and (3) Del Puerto Water District (Del Puerto).

The North of O'Neill Contractors are either unable to directly receive CVP water using CVP facilities or require additional operational flexibility to allow more efficient water deliveries. Currently, when unused California Aqueduct capacity is available, DWR can convey CVP water to the North of O'Neill Contractors under CWC Section 1810 or using Joint Point of Diversion (JPOD) authorized in Water Rights Decision 1641 (D1641)<sup>1</sup>. CVP water under JPOD through Banks has lower priority than the State Water Project (SWP) deliveries; therefore, excess capacity is only available to CVP after DWR has met all its SWP demands. Since unused SWP capacity cannot be guaranteed, CVP deliveries to the North of O'Neill Contractors pursuant to JPOD is unreliable. The Project would improve reliability by having DWR deliver SWP water through Banks to the North of O'Neill Contractors consistent with approved monthly schedules. In exchange, Reclamation would deliver an equivalent amount of CVP water pumped at the Jones Pumping Plant (Jones) to DWR at O'Neill. DWR would use the CVP water provided at O'Neill within the SWP place of use downstream of O'Neill. The proposed exchanges would be one-for-one exchanges and there would be no increase in diversions from the Sacramento-San Joaquin River Delta (Delta) by either DWR or Reclamation due to the Project.

<sup>1</sup> Under D-1641, DWR and Reclamation may use each other's pumping facilities for the diversion and redistribution of Project supplies.



State of California - Department of Fish and Wildlife  
**2020 ENVIRONMENTAL FILING FEE CASH RECEIPT**  
DFW 753.5a (REV. 12/01/19) Previously DFG 753.5a

ck# 417-634911

Print

StartOver

Finalize&Email

RECEIPT NUMBER:

59 — 03/18/2020 — 025

STATE CLEARINGHOUSE NUMBER (If applicable)

2020019024

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY

DWR

LEAD AGENCY EMAIL

DATE

03/18/2020

COUNTY/STATE AGENCY OF FILING

OPR/SCH

DOCUMENT NUMBER

PROJECT TITLE

**North of O'Neill Forebay Long-Term Exchanges Between DWR and USBR**

PROJECT APPLICANT NAME

Anna Fock

PROJECT APPLICANT EMAIL

PHONE NUMBER

(916)653 0190

PROJECT APPLICANT ADDRESS

1416 9th Street, Room 1620

CITY

Sacramento

STATE

CA

ZIP CODE

95814

PROJECT APPLICANT (Check appropriate box)

☐ Local Public Agency

☐ School District

☐ Other Special District

☒ State Agency

☐ Private Entity

**CHECK APPLICABLE FEES:**

☐ Environmental Impact Report (EIR)

\$3,343.25

\$

0.00

☒ Mitigated/Negative Declaration (MND)(ND)

\$2,406.75

\$

2,406.75

☐ Certified Regulatory Program (CRP) document - payment due directly to CDFW

\$1,136.50

\$

0.00

☐ Exempt from fee

☐ Notice of Exemption (attach)

☐ CDFW No Effect Determination (attach)

☐ Fee previously paid (attach previously issued cash receipt copy)

☐ Water Right Application or Petition Fee (State Water Resources Control Board only)

\$850.00

\$

0.00

☐ County documentary handling fee

\$

☐ Other

\$

**PAYMENT METHOD:**

☐ Cash

☐ Credit

☒ Check

☐ Other

TOTAL RECEIVED

\$

2,406.75

SIGNATURE

X

AGENCY OF FILING PRINTED NAME AND TITLE

Christine Rodriguez, SCH Manager



**2020 ENVIRONMENTAL FILING FEE CASH RECEIPT**

DFW 753.5a (REV. 12/01/19) Previously DFG 753.5a

**NOTICE**

Each project applicant shall remit to the county clerk the environmental filing fee before or at the time of filing a Notice of Determination (Pub. Resources Code, § 21152; Fish & G. Code, § 711.4, subdivision (d); Cal. Code Regs., tit. 14, § 753.5). Without the appropriate fee, statutory or categorical exemption, or a valid No Effect Determination issued by the California Department of Fish and Wildlife (CDFW), the Notice of Determination is not operative, vested, or final, and shall not be accepted by the county clerk.

**COUNTY DOCUMENTARY HANDLING FEE**

The county clerk may charge a documentary handling fee of fifty dollars (\$50) per filing in addition to the environmental filing fee (Fish & G. Code, § 711.4, subd. (e); Cal. Code Regs., tit. 14, § 753.5, subd. (g)(1)). A county board of supervisors shall have the authority to increase or decrease the fee or charge, that is otherwise authorized to be levied by another provision of law, in the amount reasonably necessary to recover the cost of providing any product or service or the cost of enforcing any regulation for which the fee or charge is levied (Gov. Code, § 54985, subd. (a)).

**COLLECTION PROCEDURES FOR COUNTY GOVERNMENTS**

**Filing Notice of Determination (NOD):**

- ☐ Collect environmental filing fee or copy of previously issued cash receipt. *(Do not collect fee if project applicant presents a No Effect Determination signed by CDFW. An additional fee is required for each separate environmental document. An addendum is not considered a separate environmental document. Checks should be made payable to the county.)*
- ☐ Issue cash receipt to project applicant.
- ☐ Attach copy of cash receipt and, if applicable, previously issued cash receipt, to NOD.
- ☐ Mail filing fees for **CRP** document to CDFW prior to filing the NOD or equivalent final approval (Cal. Code Regs. Tit. 14, § 753.5 (b)(5)). The CRP should request receipt from CDFW to show proof of payment for filing the NOD or equivalent approval. Please mail payment to address below made attention to the Cash Receipts Unit of the Accounting Services Branch.

If the project applicant presents a **No Effect Determination** signed by CDFW, also:

- ☐ Attach No Effect Determination to NOD *(no environmental filing fee is due)*.

**Filing Notice of Exemption (NOE) (Statutorily or categorically exempt project (Cal. Code Regs., tit. 14, §§ 15260-15285, 15300-15333))**

- ☐ Issue cash receipt to project applicant.
- ☐ Attach copy of cash receipt to NOE *(no environmental filing fee is due)*.

**Within 30 days after the end of each month in which the environmental filing fees are collected**, each county shall summarize and record the amount collected on the monthly State of California Form No. CA25 (TC31) and remit the amount collected to the State Treasurer. Identify the remittance on Form No. CA25 as "Environmental Document Filing Fees" per Fish and Game Code section 711.4.

**The county clerk shall mail the following documents to CDFW on a monthly basis:**

- ✓ A photocopy of the monthly State of California Form No. CA25 (TC31)
- ✓ CDFW/ASB copies of all cash receipts (including all voided receipts)
- ✓ A copy of all CDFW No Effect Determinations filed in lieu of fee payment
- ✓ A copy of all NODs filed with the county during the preceding month
- ✓ A list of the name, address and telephone number of all project applicants for which an NOD has been filed. If this information is contained on the cash receipt filed with CDFW under California Code of Regulations, title 14, section 753.5, subdivision (e)(6), no additional information is required.

**DOCUMENT RETENTION**

The county shall retain two copies of the cash receipt (for lead agency and county clerk) and a copy of all documents described above for at least 12 months.

**RECEIPT NUMBER**

- # The first two digits automatically populate by making the appropriate selection in the County/State Agency of Filing drop down menu.
- # The next eight digits automatically populate when a date is entered.
- # The last three digits correspond with the sequential order of issuance for each calendar year. For example, the first receipt number issued on January 1 should end in 001. If a county issued 252 receipts for the year ending on December 31, the last receipt number should end in 252. CDFW recommends that counties and state agencies 1) save a local copy of this form, and 2) track receipt numbers on a spreadsheet tabbed by month to ensure accuracy.

**DO NOT COMBINE THE ENVIRONMENTAL FEES WITH THE STATE SHARE OF FISH AND WILDLIFE FEES.**

**Mail to:**

California Department of Fish and Wildlife  
Accounting Services Branch  
P.O. Box 944209  
Sacramento, California 94244-2090