RECEIVED WITH FEE
RECEIPT # 15144911

0321-296

# CEQA
# Transmittal Memorandum

RECEIVED
KERN COUNTY

FEB 05 2021

MARY B. BEDARD
AUDITOR CONTROLLER-COUNTY CLERK
BY RBM DEPUTY

Attach one transmittal memorandum to the front of the original CEQA document. Clip copies in back.
1) If notice requires F&W receipt, you must provide a minimum of 3 copies of the document.
2) If notice does not require F&W receipt, you must provide a minimum of 2 copies of the document.

**TYPE OR PRINT CLEARLY**

LEAD AGENCY Kern County Water Agency

PROJECT TITLE State Water Project Water Supply Amendments for Water Management

PROJECT APPLICANT Kern County Water Agency

PHONE NUMBER ( 661 ) 634-1400

PROJECT APPLICANT ADDRESS P.O. Box 58

CITY Bakersfield STATE CA ZIP CODE 93302-0058

WORK ORDER # N/A ☒ 30-Day Posting ☐ 35-Day Posting ☐ 45-Day Posting ☐ Other_____

CONTACT PERSON Monica Tennant PHONE NUMBER ( 661 ) 634-1419

**CHECK DOCUMENT BEING FILED:**

☐ Notice of Availability.....No Fee

☐ Notice of Intent.....No Fee

☐ Notice of Preparation.....No Fee

☐ Notice of Public Hearing.....No Fee

☒ Other Notice of Determination .....No Fee

☐ Environmental Impact Report (EIR).....$3271.00
- ☐ Previously paid F&W (**must attach F&W receipt**) F&W Receipt Number#_____
- ☐ DFG No Effect Determination (**F&W letter must be attached**).....No Fee
- ☐ County Administrative Fee.....$50.00

☐ Mitigated Negative Declaration or Negative Declaration.....$2354.75
- ☐ Previously paid F&W (**must attach F&W receipt**) F&W Receipt Number#_____
- ☐ DFG No Effect Determination (**F&W letter must be attached**).....No Fee
- ☐ County Administrative Fee.....$50.00

☐ Notice of Exemption.....No Fee
- ☒ County Administrative Fee.....$50.00

TOTAL $ 50.00

*Additional copies to be returned to: Kern County Water Agency
*Method of return: [x] Hold for pick-up/Call # 661-634-1419 ☐ Interoffice Mail

**PAYMENT METHOD: ALL APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING**

☐ JV - Trans Code _____ Dept_____ Fund_____ Expense Key_____
☐ Money Order
☒ Check

18684

Notice of Environmental Document
Posted by County Clerk on 2/5/2021
and for 30 days thereafter, Pursuant to
Section 21152(C), Public Resources Code

Kern County
Clerks Office
1115 Truxtun Ave
Bakersfield CA 93301
661-868-3588

CEQA

| | |
|---|---|
| **County Clerk Fee** | |
| #18684 | 1 @ $50.000 |
| | **$50.00** |
| **Total** | **$50.00** |
| Check #121687 | $50.00 |
| Change | $0.00 |

ORDER NO: 428382
WALK-IN
2/5/2021 3:03:26 PM
BAKERSFIELD
REBECCA ROBERTS-MARTIN

RECEIVED WITH FEE
RECEIPT # 15144911

Print Form

# Notice of Determination

**Appendix D**

**To:**

☒ Office of Planning and Research

*U.S. Mail:* P.O. Box 3044, Sacramento, CA 95812-3044

*Street Address:* 1400 Tenth St., Rm 113, Sacramento, CA 95814

☒ County Clerk
County of: Kern
Address: 1115 Truxtun Avenue, 1st floor
Bakersfield, CA 93301-4639

**From:**
Public Agency: Kern County Water Agency
Address: 3200 Rio Mirada Drive
Bakersfield, CA 93308
Contact: Monica Tennant
Phone: (661) 634-1419

FILED
KERN COUNTY
FEB 05 2021
MARY B. BEDARD
AUDITOR CONTROLLER-COUNTY CLERK
BY DEPUTY

Lead Agency (if different from above):
Department of Water Resources
Address: 1416 Ninth Street
Contact: Patrick Luzuriaga
Phone: 916-653-9593

***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): 2018072033

Project Title: State Water Project Water Supply Amendments for Water Management

Project Applicant: Department of Water Resources

Project Location (include county): State Water Project facilities and service areas through the State

Project Description:

The proposed project would add, delete and modify provisions of the Contracts and clarify certain terms of the Contracts that will provide greater water management regarding transfers and exchanges of SWP water within the SWP service area. The proposed project would not build new or modify existing SWP facilities nor change any of the Public Water Agencies (PWAs) annual Table A amounts. The proposed project would not change the water supply delivered by the SWP, as SWP water would continue to be delivered to the PWAs consistent with current SWP Water Supply Contract terms and all regulatory requirements.

This is to advise that the Kern County Water Agency (☐ Lead Agency or ☒ Responsible Agency) has approved the above described project on 01/28/2021 (date) 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 mitigation reporting or monitoring plan [☐ was ☒ was not] adopted for this project.
5. A statement of Overriding Considerations [☒ was ☐ was not] adopted for this project.
6. 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, or the negative Declaration, is available to the General Public at:
https://water.ca.gov/News/Public-Notices

Signature (Public Agency): Holly Melton Title: Water Resources Manager

Date: 01/28/2021 Date Received for filing at OPR: _____

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

Revised 2011

Notice of Environmental Document
Posted by County Clerk on 2/5/2021
and for 30 days thereafter, Pursuant to
Section 21152(C), Public Resources Code

18684

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

417-636403

Print | [redacted] | Finalize&Email

RECEIPT NUMBER:
59 — 08/28/2020 — 113

STATE CLEARINGHOUSE NUMBER *(If applicable)*
2018072033

**SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.**

| LEAD AGENCY | LEAD AGENCY EMAIL | DATE |
|---|---|---|
| Department of Water Resources | | 08/28/2020 |

| COUNTY/STATE AGENCY OF FILING | DOCUMENT NUMBER |
|---|---|
| OPR/SCH | |

PROJECT TITLE

State Water Project Water Supply Amendments for Water Management

| PROJECT APPLICANT NAME | PROJECT APPLICANT EMAIL | PHONE NUMBER |
|---|---|---|
| David Rizzardo | david.rizzardo@water.ca.gov | (916) 653-9593 |

| PROJECT APPLICANT ADDRESS | CITY | STATE | ZIP CODE |
|---|---|---|---|
| 1416 Ninth St. | Sacramento | CA | 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 | $ | 3,343.25 |
| ☐ Mitigated/Negative Declaration (MND)(ND) | $2,406.75 | $ | 0.00 |
| ☐ 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** $ 3,343.25

| SIGNATURE | AGENCY OF FILING PRINTED NAME AND TITLE |
|---|---|
| x Meng Heu Digitally signed by Meng Heu Date: 2020.08.28 09:52:23 -07'00' | State Clearing House |

ORIGINAL - PROJECT APPLICANT COPY - CDFW/ASB COPY - LEAD AGENCY COPY - COUNTY CLERK DFW 753.5a (Rev. 12012019)

DocuSign Envelope ID: 3DCE81A7-6941-4BBC-BF63-E46AC71572AE

# Notice of Determination

Appendix D

**TO:**

☒ Office of Planning and Research
*For U.S. Mail:* P.O. Box 3044, Sacramento, CA 95812-3044
*Street Address:* 1400 Tenth Street, Sacramento, CA 95814

☐ County Clerk
County of: _____
Address: _____

**FROM:**

Public Agency: Department of Water Resources
Address: 1416 Ninth Street
Contact: David Rizzardo, P.E.
Phone: 916-653-9593
Lead Agency (if different from above):
Address: _____
Contact: _____
Phone: _____

**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): 2018072033

Project Title: State Water Project Water Supply Amendments for Water Management.

Project Location (include county): SWP Facilites and Service Areas throughout the State

Project Description: The proposed project would add, delete, and modify provisions of the Contracts and clarify certain terms of the Contracts that will provide greater water management regarding transfers and exchanges of SWP water within the SWP service area. The proposed project would not build new or modify existing SWP facilities nor change any of the Public Water Agencies (PWAs) annual Table A amounts. The proposed project would not change the water supply delivered by the SWP, as SWP water would continue to be delivered to the PWAs consistent with current SWP Water Supply Contract terms and all regulatory requirements.

This is to advise that the Department of Water Resources (☒ *Lead Agency* or ☐ *Responsible Agency*) has approved the above described project on August 25, 2020 (*Date*) and has made the following determinations regarding the above described projects.

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 mitigation reporting or monitoring plan [☐ was ☒ was not] adopted for this project.
5. A statement of Overriding Considerations [☒ was ☐ was not] adopted for this project.
6. 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, or the Negative Declaration, is available to the General Public at:

https://water.ca.gov/News/Public-Notices

Signature (Public Agency) _____ Title: Director

Date: 8/27/2020 Date Received filing at OPR: _____

Governor's Office of Planning & Research

AUG 28 2020

STATE CLEARINGHOUSE

Authority cited: Section 21083, Public Resources Code.
Reference: Section 21000-21174, Public Resources Code.

# STATE WATER PROJECT WATER SUPPLY CONTRACT AMENDMENTS FOR WATER MANAGEMENT

# PARTIALLY RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT

State of California
Natural Resources Agency
Department of Water Resources

February 2020

State of California
The Resources Agency
Department of Water Resources

# STATE WATER PROJECT WATER SUPPLY CONTRACT AMENDMENTS FOR WATER MANAGEMENT

# PARTIALLY RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT

FEBRUARY 2020


**GAVIN NEWSOM**
Governor
State of California

**WADE CROWFOOT**
Secretary for Resources
The Resources Agency

**KARLA NEMETH**
Director
Department of Water Resources

# EXECUTIVE SUMMARY

## ES.1 INTRODUCTION

**NOTE TO READERS**: This Executive Summary is considered a new chapter and not an update to the October 2018 State Water Project Water Supply Contract Amendments for Water Management and California Waterfix Draft Environmental Impact Report. ES.2 Purpose of the Partially Recirculated Draft Environmental Impact Report, describes the purpose of this Partially Recirculated Draft Environmental Impact Report (DEIR). Please see Chapter 1 Introduction, subsection 1.4 Organization of the Partially Recirculated DEIR for a description of how this document is organized and how updates are presented in double underline for new text and ~~strikeout~~ for deleted text.

The Department of Water Resources (DWR) is proposing to implement the State Water Project (SWP) Water Supply Contract Amendments for Water Management (proposed project or proposed amendment). The proposed project includes amending certain provisions of the State Water Resources Development System (SWRDS) Water Supply Contracts (Contracts). SWRDS (defined in Water Code Section 12931), or more commonly referred to as the SWP, was enacted into law by the Burns-Porter Act, passed by the Legislature in 1959 and approved by the voters in 1960. DWR constructed and currently operates and maintains the SWP, a system of storage and conveyance facilities that provide water to 29 State Water Contractors known as the Public Water Agencies[1] (PWAs).

The SWP is a complex system of reservoirs, dams, power plants, pumping plants, pipelines, and aqueducts. Precipitation and watershed runoff are stored in Lake Oroville, a reservoir behind Oroville Dam in Butte County, and is delivered via natural stream channels to the Delta and pumped into the California Aqueduct system to water agencies and districts in Southern California, the Central Coast, the San Joaquin Valley, and portions of the San Francisco Bay Area. The PWAs receive water service from the

[1] The State Water Project Public Water Agencies include Alameda County Flood Control and Water Conservation District (Zone 7), Alameda County Water District, Antelope Valley-East Kern Water Agency, City of Yuba City, Coachella Valley Water District, County of Butte, County of Kings, Crestline-Lake Arrowhead Water Agency, Desert Water Agency, Dudley Ridge Water District, Empire West Side Irrigation District, Kern County Water Agency, Littlerock Creek Irrigation District, The Metropolitan Water District of Southern California, Mojave Water Agency, Napa County Flood Control and Water Conservation District, Oak Flat Water District, Palmdale Water District, Plumas County Flood Control and Water Conservation District, San Bernardino Valley Municipal Water District, San Gabriel Valley Municipal Water District, San Gorgonio Pass Water Agency, San Luis Obispo County Flood Control and Water Conservation District, Santa Barbara County Flood Control and Water Conservation District, Santa Clara Valley Water District, Santa Clarita WA (formerly Castaic Lake WA), Solano County Water Agency, Tulare Lake Basin Water Storage District, and Ventura County Flood Control District.

SWP in exchange for paying all costs that are associated with constructing, operating, and maintaining the SWP facilities and are attributable to water supply.

The Contracts include water management provisions for actions such as the transfer or exchange of SWP water between PWAs, as well as financial provisions including the methods used by DWR to recover certain costs associated with the planning, construction, and operation and maintenance of SWP facilities. The Contracts are substantially uniform, and the provisions reflected DWR's expectations at that time (1960s) with respect to future water demand and the planned construction of SWP components. DWR and the PWAs have made many amendments to the Contracts to address matters that have arisen over the past 55 years, including amendments in 1995 known as the Monterey Amendments.

## ES.2 PURPOSE OF THE PARTIALLY RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT

In October 2018, DWR circulated the State Water Project Water Supply Contract Amendments for Water Management and California Waterfix Draft Environmental Impact Report (2018 DEIR), State Clearinghouse Number 2018072033, to provide the public and responsible and trustee agencies information about the potential environmental effects of implementing the proposed amendments, which included amendments that addressed development of terms and conditions for allocation of costs of California WaterFix for PWAs that directly benefit from California WaterFix. The 2018 DEIR was circulated for a 45-day comment period and one extension was given to allow those who were affected by the Camp Fire additional time to review and comment which allowed for a total comment period of 76 days from October 26, 2018 to January 9, 2019. During the public review period two public meetings were held (November 16 and November 30, 2018) and 15 comment letters were received. A Final EIR has not yet been prepared. On February 12, 2019 Governor Newsom announced in the State-of-the-State speech that he did not support the WaterFix as it was configured at that time. Rather, he stated support for a single tunnel. On April 29, 2019, Governor Newsom issued Executive Order N-10-19 which directs:

> "The California Natural Resources Agency, the California Environmental Protection Agency, the California Department of Food and Agriculture, in consultation with the Department of Finance, shall together prepare a water resilience portfolio that meets the needs of California's communities, economy, and environment through the 21st century. These agencies will reassess priorities contained within the 2016 California Water Action Plan, update projected climate change impacts to our water systems, identify key priorities for the administration's water portfolio moving forward, and

identify how to improve integration across state agencies to implement these priorities."

On May 2, 2019, Director Karla Nemeth issued a memo to the Delta Conveyance Office (DCO) that she was withdrawing approval of California WaterFix and further directed the DCO to notify the State Clearinghouse that DWR rescinds the Notice of Determination (NOD).

Director Nemeth also set aside DWR's July 21, 2017 certification and rescinded the adoption of findings, statement of overriding considerations, and Mitigation, Monitoring and Reporting Plan, and project approval. Because of the withdrawal of California WaterFix project approval and rescission of the NOD, all other Department approvals related to California WaterFix based on the NOD filed July 21, 2017, were also rescinded. Therefore, DWR determined it is necessary to develop a Partially Recirculated DEIR for the proposed project that removed California WaterFix cost allocation and instead focuses an analysis exclusively on water management regarding transfers and exchanges of SWP water amongst the State Water Contract PWAs.

The June 27, 2018 Draft Agreement in Principle for the SWP Water Supply Contract Amendment for Water Management and California Waterfix (June 2018 AIP) described the proposed project evaluated in the 2018 DEIR. Because approval of the California WaterFix was set aside, on May 20, 2019 DWR and the PWAs held a public meeting to negotiate an amendment to the June 2018 AIP that proposed removal of the provisions of the Contracts that would address an equitable approach for cost allocation of California WaterFix. Based on the May 20, 2019 negotiation, cost allocation is no longer part of the AIP; however, the following Contract amendments proposed in the June 2018 AIP remain unchanged:

- Add, delete, modify, and clarify conditions and terms to the agreements for transfers and exchanges of SWP water among the PWAs.
- Allow multi-year transfers of SWP water between PWAs that include terms developed by the PWAs to the agreements, including quantity, duration, and compensation, and that such transfers may be packaged in two or more transfer agreements between the same PWAs.
- Clarify provisions related to the exchanges of SWP water between PWAs.
- Establish reporting requirements for transfers and exchanges of SWP water by PWAs.
- Establish terms for transfer and exchange of stored SWP water/carryover water.

The May 20, 2019 AIP is included as Appendix A of this Partially Recirculated DEIR and is the proposed project evaluated in this Partially Recirculated DEIR and described in Chapter 4 Project Description.

In addition to California WaterFix being set aside by DWR, comments were received addressing the need to incorporate new information into the 2018 DEIR that was not available at the time of publication. This new information has been incorporated into this Partially Recirculated DEIR, as appropriate.

The proposed revisions to the June 2018 AIP and incorporation of the new information would not result in a new impact or an increase in the severity of an impact disclosed in the 2018 DEIR; and therefore, would not change the results or conclusions of the 2018 DEIR. As a result, pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15088.5, DWR has determined that it is appropriate to revise the 2018 DEIR to: (1) evaluate the removal of provisions addressing a fair and equitable approach for cost allocation of California WaterFix facilities to maintain the SWP financial integrity; and (2) incorporate the new information. Pursuant to CEQA Guidelines Section 15088.5, subd. (c), the Partially Recirculated DEIR includes only those chapters and sections that have been modified in response to the proposed change in the project.

## ES.3 PROJECT OBJECTIVES

DWR and the PWAs have a common interest to ensure the efficient delivery of SWP water supplies and to ensure the SWP's financial integrity. In order to address water management flexibility, DWR and the PWAs agreed to the following objective:

- Supplement and clarify terms of the SWP water supply contract that will provide greater water management regarding transfers and exchanges of SWP water supply within the SWP service area.

## ES.4 PROPOSED PROJECT SUMMARY

The proposed project would add, delete, and modify provisions of the Contracts and clarify certain terms of the Contracts that will provide greater water management regarding transfers and exchanges of SWP water within the SWP service area. The proposed project would not build new or modify existing SWP facilities nor change any of the PWA's Annual Table A amounts.[2] The proposed project would not change the water supply delivered by the SWP, as SWP water would continue to be delivered to the PWAs consistent with current Contract terms and all regulatory requirements.

2 The maximum amount of SWP water that the PWAs can request pursuant to their individual water supply contract. Annual Table A amounts also serve as a basis for allocation of some SWP costs among the contractors.

The proposed project is described in more detail in Chapter 4 of this Partially Recirculated DEIR.

## ES.5 ALTERNATIVES ANALYSIS

As described in Chapter 7 of this Partially Recirculated DEIR, Alternatives, the focus and definition of the alternatives evaluated in the Partially Recirculated DEIR were governed by the "rule of reason" in accordance with Section 15126.6(f) of the CEQA Guidelines requiring evaluation of only those alternatives "necessary to permit a reasoned choice." Further, an EIR "need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative." (CEQA Guidelines section 15126.6(f)(3).) CEQA Guidelines section 15126.6(a) requires every EIR to describe and analyze a "range of reasonable alternatives" that "would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project." Alternatives to the proposed project were developed and analyzed for their ability to meet the basic objectives of the proposed project. Where alternatives were found to attain most of the basic objectives, they were included as part of the detailed analysis presented in this chapter. Where alternatives were not found to attain most of the basic project objectives or not to be within a feasible means to achieve basic project objectives, they were eliminated from further detailed consideration.

The selection and discussion of alternatives is intended to foster meaningful public participation and informed decision making. The scoping process and the Contracts negotiation process were some of the methods used to identify a range of potential alternatives that are evaluated in this Partially Recirculated DEIR.

The alternatives that were considered but rejected include:

1. Implement new water conservation management provisions in the Contracts

The following alternatives were identified for analysis in this Partially Recirculated DEIR:

- Alternative 1: No Project
- Alternative 2: Reduce Table A Deliveries
- Alternative 3: Reduced Flexibility in Water Transfers/Exchanges
- Alternative 4: More Flexibility in Water Transfers/Exchanges
- Alternative 5: Only Agriculture to M&I Transfers Allowed

**Table ES-1** presents a summary of how each alternative compares to the proposed project with respect to the impacts and the ability to meet project objective, along with the environmentally superior alternative. A more detailed analysis is presented in Chapter 7 of this Partially Recirculated DEIR.

## Alternative 1: No Project

Under the No Project Alternative (Alternative 1), DWR takes no action, and DWR and the PWAs would continue to operate and finance the SWP under the current Contracts, some of which are set to expire as early as 2035. The PWA's expiration date could be extended beyond the existing terms of the contracts (either by PWAs submitting their Article 4 letters or through the Contract extension process), enabling DWR to finance SWP expenditures beyond 2035 and continue to receive a reliable stream of revenues from PWAs for the construction, operation, and maintenance of the SWP. DWR and the PWAs would transfer and exchange water consistent with the existing water management and existing financial provisions in the Contracts.

Similar to the proposed project, Alternative 1 would not build new or modify existing SWP facilities nor change any of the PWA's Annual Table A amounts or the water supply delivered by the SWP, as SWP water supply would continue to be delivered to the PWAs consistent with current Contracts terms, and all regulatory requirements.

Operation of the SWP under this alternative would be subject to ongoing environmental regulations including for water rights, water quality and endangered species protection, among other State and federal laws.

## Alternative 2: Amending Contracts to Reduce Table A Deliveries

Under Alternative 2, as with the proposed project, DWR and the PWAs would agree to amend the Contracts based on the May 20, 2019 AIP. However, unlike the proposed project, the Contracts would be amended to reduce Annual Table A amounts proportionately for all the PWAs. Due to a reduction in Table A water and without the increased flexibility to transfer and exchange Table A water, PWAs may seek alternative sources of surface water (e.g., acquisition of non-project water) to meet their water needs. Operation of the SWP under this alternative would be subject to ongoing environmental regulations including for water rights, water quality and endangered species protection, among other State and federal laws.

**TABLE ES-1**
**COMPARISON OF ALTERNATIVES TO PROPOSED PROJECT**

| | Proposed Project | Alternative 1 No Project | Alternative 2 Amending Contract to Reduce Table A Deliveries | Alternative 3 Less Flexibility in Water Transfers/Exchanges | Alternative 4 More Flexibility in Water Transfers/Exchanges | Alternative 5 Greater Water Management Only Agriculture to M&I Transfers Allowed |
|---|---|---|---|---|---|---|
| **Environmental Impacts** | | | | | | |
| | No impact or LTS for all resource areas other than Groundwater Resources which is SU | Similar to or Greater | Similar to or Greater | Similar to or Greater | Similar | Similar to or Greater |
| **Meets Project Objective:** | | | | | | |
| **Objective 1** | Yes | No | No | Yes, but to a lesser degree | Yes | Yes, but to a lesser degree |

NOTES:
LTS – Less than Significant
SU – Significant and Unavoidable

LTS = less than significant; NA = not applicable; NI = no impact; PS = potentially significant; S = significant; SU = significant and unavoidable.

## Alternative 3: Less Flexibility in Water Transfers/Exchanges

Under Alternative 3, as with the proposed project, DWR and the PWAs would agree to amend the Contracts based on the May 20, 2019 AIP. However, unlike the proposed project, the Contracts would not be amended to modify provisions of the Contracts and clarify certain terms of the Contracts to provide greater water management regarding transfers and exchanges of SWP water supply within the SWP service area. Some increase in flexibility of exchanges and transfers would be agreed to, but not all. In addition, unlike the proposed project, PWAs would transfer water based on cost compensation established by DWR. Also, under Alternative 3, the Contracts would not amend the text in Article 56(f) regarding water exchanges to add provisions, such as conducting water exchanges as buyers and sellers in the same year and increasing the compensation allowed to facilitate the exchanges. Therefore, Alternative 3 would result in a similar or slightly less amount of water transfers among the PWAs than the proposed project, due to the less flexibility in water transfers and exchanges.

Similar to the proposed project, Alternative 3 would not build new or modify existing SWP facilities nor change any of the PWA's Annual Table A amounts. Also similar to the proposed project, Alternative 3 would not change the water supply delivered by the SWP as SWP water supply would continue to be delivered to the PWAs consistent with current Contracts terms, and all regulatory requirements. Operation of the SWP under this alternative would be subject to ongoing environmental regulations including for water rights, water quality and endangered species protection, among other State and federal laws.

## Alternative 4: More Flexibility in Water Transfers/Exchanges

Under Alternative 4, as with the proposed project, DWR and the PWAs would agree to amend the Contracts based on the May 20, 2019 AIP. However, unlike the proposed project, the Contracts would be amended to allow PWAs more flexibility in water transfers and exchanges. Similar to the proposed project, PWAs would be able to transfer carryover water in San Luis Reservoir, transfer water for multiple years without permanently relinquishing that portion of their Table A amounts, and transfer water in Transfer Packages. Similar to the proposed project, PWA would be able to transfer water based on terms they establish for cost compensation and duration, and store and transfer water in the same year. Unlike the proposed project that only allows for a single-year transfers associated with carryover water, Alternative 4 would allow transfers and exchanges to include up to 100 percent of a PWA's carryover in San Luis Reservoir and allow multi-year use of its carryover water in both transfers and exchanges. Similar to the proposed project, the proposed exchange provisions of the AIP would establish a larger range of return ratios in consideration of varying hydrology

and also maximum compensation with respect to SWP charges and allow PWAs to conduct additional water exchanges as buyers and sellers in the same year.

Similar to the proposed project, Alternative 4 would not build new or modify existing SWP facilities nor change any of the PWA's contractual maximum Table A amounts. Also similar to the proposed project, Alternative 4 would not change the water supply delivered by the SWP as SWP water supply would continue to be delivered to the PWAs consistent with current Contracts terms, including Table A water and Article 21 water. Operation of the SWP under this alternative would be subject to ongoing environmental regulations including for water rights, water quality and endangered species protection, among other State and federal laws.

**Alternative 5: Greater Water Management - Only Agriculture to M&I Transfers Allowed**

Under Alternative 5, as with the proposed project, DWR and the PWAs would agree to amend the Contracts based on the May 20, 2019. Unlike the proposed project, DWR and PWAs would amend Contract provisions to allow the transfer of Table A water only from agricultural PWAs to M&I PWAs and not change any current Contract provisions for exchanges. Transfers from Municipal and Industrial (M&I) PWAs to M&I PWAs, M&I PWAs to agricultural PWAs, and agricultural PWAs to agricultural PWAs would not be allowed. Similar to the proposed project, PWAs could transfer carryover water in San Luis Reservoir to PWAs, transfer water for multiple years without permanently relinquishing that portion of their Table A amounts and request DWR's approval of Transfer Package; however, unlike the proposed project, these transfers would only be from agricultural PWAs to M&I PWAs. Similar to the proposed project, Alternative 5 would revise the Contract to allow the PWAs to transfer water based on terms they establish for cost compensation and duration. An agricultural PWA would be able to store and transfer water in the same year to M&I PWAs, and transfer up to 50 percent of its carryover water, but only for a single-year transfer to an M&I PWA (i.e. a future or multi-year commitment of transferring carryover water is not allowed). Under Alternative 5, the Contracts would not be amended to modify the text in Article 56(f) regarding water exchanges to include additional provisions, such as conducting water exchanges as buyers and sellers in the same year.

Similar to the proposed project, Alternative 5 would not build new or modify existing SWP facilities nor change any of the PWA's contractual maximum Table A amounts. Also similar to the proposed project, Alternative 5 would not change the water supply delivered by the SWP as SWP water supply would continue to be delivered to the PWAs consistent with current Contracts terms, including Table A and Article 21

deliveries. Operation of the SWP under this alternative would be subject to ongoing environmental regulations including for water rights, water quality and endangered species protection, among other State and federal laws.

**Environmentally Superior Alternative**

Alternative 4 would result in similar impacts as the proposed project (e.g. net deficit in aquifer volume, lowering of the local groundwater table, or subsidence in some areas of the study area). Alternatives 1, 2, 3, and 5 could result in impacts similar or greater (new potentially significant impacts associated with the construction and operation of new water supply facilities that were not identified for the proposed project) than the proposed project. Therefore, because the proposed project and Alternative 4 would result in similar impacts and the other alternatives may result in similar or greater impacts, Alternative 4 would be the environmentally superior alternative.

## ES.6 SUMMARY OF IMPACTS

The complete impact analysis is presented in Chapter 5 of this Partially Recirculated DEIR. The level of significance for each impact was determined using standards of significance presented in the technical sections of Chapter 5. Some resource topics found that the proposed project would result in no impact: hazards and hazardous materials; noise; population, employment and housing; public services and recreation; transportation; surface water hydrology and water quality; and utilities and service systems. Other resource topics found that the proposed project would result in potential impacts. Significant impacts were determined to be those adverse environmental impacts that meet or exceed the standards of significance; and less-than-significant impacts were determined to be those that would not exceed the established standards of significance.

**Table ES-2** presents a summary of the impacts identified for the proposed project and includes: (1) statement of the impact; (2) level of significance; (3) if any mitigation measures were required or available; and (4) level of significance after mitigation (if required or available).

## TABLE ES-2
## SUMMARY OF IMPACTS AND MITIGATION MEASURES

| Impact | Significance Before Mitigation | Mitigation Measure | Significance After Mitigation |
|---|---|---|---|
| **5.2 Aesthetics** | | | |
| 5.2-1: The fallowing of agricultural land or changes in cropping patterns associated with increased transfers and exchanges implemented by PWAs could result in degradation of the visual character or adversely affect scenic vistas and scenic resources in the study area. | LTS | None Required. | NA |
| **5.3 Agriculture and Forest Resources** | | | |
| 5.3-1: The fallowing of agricultural land or changes in cropping patterns associated with increased transfers and exchanges implemented by PWAs could result in the conversion of agricultural land to non-agricultural uses. | LTS | None Required. | NA |
| **5.4 Air Quality** | | | |
| 5.4-1: The fallowing of agricultural land or changes in cropping patterns associated with increased transfers and exchanges by PWAs could result in changes in existing land use practices that could increase the amount of criteria air emissions. | LTS | None Required. | NA |
| **5.5 Biological Resources** | | | |
| 5.5-1: The fallowing of agricultural land or changes in cropping patterns associated with increased transfers and exchanges implemented by PWAs could change the frequency, duration, and timing of water to sensitive habitats in the study area. | LTS | None Required. | NA |
| 5.5-2: Changes in San Luis Reservoir water levels or flows in the Feather, Sacramento, American, and San Joaquin rivers associated with increased frequency of transfers/exchanges or carryover water implemented by PWAs could change the frequency, duration, and timing of water to sensitive habitats. | LTS | None Required. | NA |
| **5.6 Cultural Resources** | | | |
| 5.6-1: Changes in San Luis Reservoir water levels or flows in Sacramento, American, and San Joaquin rivers associated with increased frequency of transfers/exchanges or carryover water implemented by PWAs could result in damage or destruction of cultural resources. | LTS | None Required. | NA |
| **5.7 Energy** | | | |
| 5.7-1: Changes in pumping associated with changes in transfers and exchanges implemented by PWAs could result in inefficient, wasteful, or unnecessary long-term consumption of energy or changes to hydropower generation in the study area. | LTS | None Required. | NA |
| 5.7-2: Changes in pumping associated with changes in transfers and exchanges implemented by PWAs could result in increased energy consumption due to growth inducement that conflicts with applicable plans, policies, or regulations of local county and/or State energy standards that have been adopted for the purpose of improving energy efficiency or reducing consumption of fossil fuels in the study area. | LTS | None Required. | NA |

LTS = less than significant; NA = Not applicable; PS = potentially significant; SU = significant and unavoidable.

**TABLE ES-2 (CONTINUED)**
**SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Significance Before Mitigation | Mitigation Measure | Significance After Mitigation |
|---|---|---|---|
| **5.7 Energy (cont.)** | | | |
| 5.7-3: Changes in pumping associated with changes in transfers and exchanges implemented by PWAs could conflict with applicable plans, policies, or regulations of local county and/or State energy standards that have been adopted for the purpose of improving energy efficiency or reducing consumption of fossil fuels in the study area. | LTS | None Required. | NA |
| **5.8 Geology, Soils, and Mineral Resources** | | | |
| 5.8-1: The fallowing of agricultural land or changes in cropping patterns associated with increased transfers and exchanges implemented by PWAs could result in substantial soil erosion or loss of topsoil in the study area. | LTS | None Required. | NA |
| **5.9 Greenhouse Gas Emissions** | | | |
| 5.9-1: Changes in pumping associated with changes in transfers and exchanges implemented by PWAs could result in an increase in GHG emissions. | LTS | None Required. | NA |
| **5.10 Groundwater Hydrology and Water Quality** | | | |
| 5.10-1: The increase in groundwater pumping associated with changes in transfers and exchanges implemented by PWAs could substantially deplete groundwater supplies in some areas of the study area. | PS | None Feasible. | SU |
| 5.10-2: The increase in groundwater pumping associated with changes in transfers and exchanges implemented by PWAs could result in subsidence in some of the study area. | PS | None Feasible. | SU |
| **5.12 Land Use and Planning** | | | |
| 5.12-1: The fallowing of agricultural land or changes in cropping patterns associated with increased transfers and exchanges implemented by PWAs could result in changes in existing land use practices that could conflict with applicable land use plans, policies, or regulations. | LTS | None Required. | NA |
| **5.17 Tribal Cultural Resources** | | | |
| 5.17-1: Changes in San Luis Reservoir water levels or flows in the Feather, Sacramento, American, and San Joaquin rivers associated with increased frequency of transfers/exchanges or carryover water implemented by PWAs could result in a substantial adverse change in the significance of a tribal cultural resource. | LTS | None Required. | NA |
| **5.20 Water Supply** | | | |
| 5.20-1: Changes in San Luis Reservoir water levels due to transfers/exchanges of carryover water implemented by PWAs may impact reservoir storage levels. | LTS | None Required. | NA |
| 5.20-2: Changes in transfers or exchanges implemented by PWAs could impact rate and timing of flows in the Feather, Sacramento, American, and San Joaquin rivers. | LTS | None Required. | NA |

LTS = less than significant; NA = Not applicable; PS = potentially significant; SU = significant and unavoidable.

## Cumulative Impacts

As noted above, implementation of the proposed project would not result in physical environmental impacts on the following resource areas: hazards and hazardous materials; noise; population, employment and housing; public services and recreation; surface water hydrology and water quality; transportation; and utilities and service systems. Therefore, these resource areas would not contribute to a cumulative effect. Impacts associated with the remaining resource areas (aesthetics, agriculture and forest resources, air quality, biological resources, cultural resources, energy, geology and soils, GHG, groundwater hydrology and water quality, land use and planning, and water supply) focus on four types of impacts that were identified as less than significant or potential impacts of the proposed project that could contribute to cumulative impacts with the other projects identified above. The four types of impacts are impacts to groundwater supplies, subsidence, fallowing and changes in crop patterns, energy and GHG, reservoir storage, and surface water flow above or below diversions. A summary of the cumulative impact analysis is presented below and presented in detail in Chapter 6 of this Partially Recirculated DEIR.

### *Groundwater Supplies*

The incremental contribution of the proposed project's effect on groundwater supplies would be cumulatively considerable when viewed in connection with the effects of past projects, and current and probable future projects (as full implementation of the Sustainable Groundwater Management Act (SGMA) is not anticipated until 2040 or 2042). This cumulative impact would be significant.

Because SGMA is in the process of being implemented and because the extent, location, and implementation timing of groundwater pumping associated with changes in transfers and exchanges implemented by PWAs are not known, assumptions related to the ability of SGMA to mitigate any changes in groundwater levels are speculative. Therefore, because DWR has no information on specific implementation of the transfers and exchanges from the proposed project and it has no authority to implement mitigation measures in the PWA service area, the cumulative impact would remain significant and unavoidable.

### *Subsidence*

The incremental contribution of the proposed project's effect on subsidence would be cumulatively considerable when viewed in connection with the effects of past projects, and current and probable future projects (as full implementation of SGMA is not anticipated until 2040 or 2042). This cumulative impact would be significant.

Because SGMA is in the process of being implemented and because the extent, location, and implementation timing of groundwater pumping associated with changes in transfers and exchanges implemented by PWAs are not known, assumptions related to the ability of SGMA to mitigate any changes in groundwater levels or related subsidence are speculative. Therefore, because DWR has no information on specific implementation of the transfers and exchanges from the proposed project and it has no authority to implement mitigation measures in the PWA service area, the cumulative impact would remain significant and unavoidable.

### *Fallowing and Changes in Cropping Patterns*

The incremental contribution of the proposed project's effects on aesthetic resources, agricultural resources, criteria air emissions, biological resources, cultural and tribal cultural resources, soil erosion and loss of top soil, conflicts in land use as a result of fallowing and changes in cropping patterns would not be cumulatively considerable when viewed in connection with the effects of past projects, and current and probable future projects. This cumulative impact would be less than significant and no mitigation is required.

### *Energy and GHG*

The incremental contribution of the proposed project's effects on energy and GHG would not be cumulatively considerable when viewed in connection with the effects of past projects, and current and probable future projects. This cumulative impact would be less than significant and no mitigation is required.

### *San Luis Reservoir Storage*

The incremental contribution of the proposed project's effect on water supply, cultural or tribal resources, or special-status fish or terrestrial species as a result of changes in San Luis Reservoir storage would not be cumulatively considerable when viewed in connection with the effects of past projects, and current and probable future projects. This cumulative impact would be less than significant and no mitigation is required.

### *Flows above or below Point of Diversions*

The incremental contribution of the proposed project's effect on water supply, cultural or tribal resources, or special-status fish or terrestrial species as a result of changes in flows above or below point of diversions would not be cumulatively considerable when viewed in connection with the effects of past projects, and current and probable future projects. This cumulative impact would be less than significant and no mitigation is required.

## Growth Inducement

### *Direct Growth Inducement Potential*

Because the proposed project would not build new facilities or modify existing facilities, no housing is proposed as part of the project or required as a result of it, nor would the project provide substantial new permanent employment opportunities. Therefore, the proposed project would not result in direct growth inducement.

### *Indirect Growth Inducement Potential*

Because the proposed project would not result in the construction of new or modification of existing water supply storage, treatment or conveyance facilities it would not remove an obstacle to growth associated with water supply.

Proposed transfer and exchange provisions would provide the PWAs with increased flexibility for short-term and long-term planning of their SWP water supplies. More frequent transfer and exchange of Table A and Article 21 water would increase the reliability of SWP supplies for M&I PWAs that could support additional population in jurisdictions within the M&I PWA service areas. However, while with the proposed amendments transfers and exchanges could be more frequent and longer in duration, they would not be a permanent transfer of a PWAs Annual Table A amounts; therefore, it would not represent a viable long-term source of urban water supply to support additional unplanned growth. Therefore, the proposed amendments would not result in additional water supply that could support growth over what is currently planned for in those jurisdictions and the proposed project would not result in indirect growth inducement.

Cities and counties have primary authority over land use decisions, and water suppliers (such as the PWAs) are expected and usually required to provide water service if water supply is available. Approval or denial of development proposals is the responsibility of the cities and counties in the study area and not DWR. Availability of water is only one of the many factors that land use planning agencies consider when making decisions about growth.

Furthermore, cities and counties are responsible for considering the environmental effects of their growth and land use planning decisions (including, but not limited to, conversion of agricultural land to urban uses, loss of sensitive habitats, and increases in criteria air emissions). As new developments are proposed, or general plans adopted, local jurisdictions prepare environmental compliance documents to analyze the impacts associated with development in their jurisdiction pursuant to CEQA. The impacts of growth would be analyzed in detail in general plan EIRs and in project-level CEQA compliance documents. Mitigation measures for identified significant impacts would be

the responsibility of the local jurisdictions in which the growth would occur. If identified impacts could not be mitigated to a level below the established thresholds, then the local jurisdiction would need to adopt overriding considerations.

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

RECEIPT NUMBER:
15 — 02052021 — 15144911

STATE CLEARINGHOUSE NUMBER *(if applicable)*

**SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.**

| LEAD AGENCY | LEAD AGENCY EMAIL | DATE |
|---|---|---|
| KERN COUNTY WATER AGENCY | | 2/5/2021 |

| COUNTY/STATE AGENCY OF FILING | DOCUMENT NUMBER |
|---|---|
| Kern | 18684 |

PROJECT TITLE

STATE WATER PROJECT WATER SUPPLY AMENDMENTS FOR WATER MANAGEMENT

| PROJECT APPLICANT NAME | PROJECT APPLICANT EMAIL | PHONE NUMBER |
|---|---|---|
| KERN COUNTY WATER AGENCY | | ( 661 ) 634-1419 |

| PROJECT APPLICANT ADDRESS | CITY | STATE | ZIP CODE |
|---|---|---|---|
| PO BOX 58 | BAKERSFIELD | CA | 93302 |

**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 | $ | 0.00 |
| ☐ Certified Regulatory Program document (CRP) | $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 | | $ | 50.00 |
| ☐ Other _____ | | $ | |

**PAYMENT METHOD:**

☐ Cash ☐ Credit ☒ Check ☐ Other **TOTAL RECEIVED** $ 50.00

| SIGNATURE | AGENCY OF FILING PRINTED NAME AND TITLE |
|---|---|
| X | R. ROBERTS-MARTIN, KERN COUNTY CLERK, FSS |

ORIGINAL - PROJECT APPLICANT COPY - CDFW/ASB COPY - LEAD AGENCY COPY - COUNTY CLERK DFW 753.5a (Rev. 12012019)