

DATE: June 17, 2021

TO: Board of Directors, Woodland-Davis Clean Water Agency

FROM: Tim Busch, General Manager

SUBJECT: Consider approval the CEQA Environmental Impact Report Addendum No. 12 for the Water Lease Agreement with The Nature Conservancy for up to 2,500 acre-feet of supplemental water.

### RECOMMENDATION

Move to approve CEQA Environmental Impact Report Addendum No. 12 in the form presented at this meeting, and (b) find and determine that:

(1) The Board has reviewed and considered Addendum No. 12 in light of the 2007 Davis-Woodland Water Supply Project Final Environmental Impact Report (“Final EIR”).

(2) Based on the Final EIR and Addendum No. 12 and in accordance with Public Resources Code section 21166 and CEQA Guidelines section 15162, the Board has determined that (a) the potential environmental effects of the Davis-Woodland Water Supply Project have been analyzed, considered, and mitigated through the Final EIR, (b) in Addendum No. 12, the Agency has evaluated and considered the Project changes relating to the lease and use of up to 2,500 acre-feet of water from The Nature Conservancy, (c) Addendum No. 12 concludes that the changes do not involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects, (d) the Board is not aware of any other new information of substantial importance that discloses that the Project will have other or more severe significant environmental effects not previously discussed or that previously rejected or other mitigation measures or alternatives are now feasible and effective, and (e) therefore, the Final EIR remains adequate and no subsequent EIR or further CEQA environmental analysis is required for the Project relating to the lease and use of water from The Nature Conservancy.

### BACKGROUND AND DISCUSSION

The Agency’s primary water right is based on Water Right Permit 20281. It authorizes the year-round diversion of up to 45,000 acre-feet/year from the Sacramento River (subject to Term 91, discussed below).

1. This permit term prohibits diversions under Permit 20281 whenever “satisfaction of inbasin entitlements requires releases of supplemental Project water by the Central Valley Project or the State Water Project.” Whether, when, and to what extent the SWRCB imposes a Term 91 curtailment in any given year depends on that year’s hydrologic conditions, water demands of other water right holders, water demands supporting environmental needs and water quality objectives in the Delta, and other factors. In years when the SWRCB imposes Term 91 curtailments, the curtailment typically begins in June or July and continues until some time in September to November when the hydrologic conditions with the new rainfall year restore the

Delta to “excess” conditions.

Because of Term 91, the Agency purchased senior water rights from Conaway Preservation Group. Those rights now are evidenced by Water Right Licenses 904A and 5487A and they are backed up by the Agency’s Sacramento River water rights settlement contract with the U.S. Bureau of Reclamation. These licenses and the contract authorize the Agency to divert 10,000 acre-feet/year between the months of April through October (with the additional limitation that total diversions during July through September cannot exceed 7,500 acre-feet/year and subject to a 25% reduction in Shasta critical years). Significantly, these water rights are not subject to Term 91 curtailments.

This year is a historical dry year and the Term 91 curtailment began on April 29, 2021. This year is also a Shasta Critical Year, which reduces the available senior water right to 7,500 acre-feet between April 29 – October 31. Agency practice has been to plan on the Term 91 curtailment extending to October 31 to prevent exhausting the senior water right when Term 91 is still in effect. Water deliveries to the Agency’s partners are limited to an average of 13.2 million gallons/day (MGD) while the partners’ demands average around 27 MGD during the summer months. Without a supplemental water supply in 2021, the Agency would deliver less than 50% of the partners’ demands through the summer months. The water lease agreement covered by EIR Addendum #12 with The Nature Conservancy would increase water deliveries by 6 MGD. The supplemental water would increase the percentage of demand supplied by the Agency to approximately 70% of partners’ demand.

The directors and staff discussed this issue at the March 17, 2021 Board meeting, at which time I explained that the Agency would explore and negotiate the purchase or lease of a supplemental water supply to protect the Agency during the summer months. The Board concurred with this approach.

Since then, the Agency has evaluated purchase or lease opportunities with a few potential sellers. We have concluded that the best opportunity is presented by The Nature Conservancy. The Nature Conservancy owns adjudicated water right on Mill Creek that are percentages of the creek’s flows. The Nature Conservancy maintains instream flows on Mill Creek to the Sacramento River for the benefit of spring run salmon and would maintain a minimum of 6 MGD supply in Mill Creek throughout the summer months. The Agency then would divert water under The Nature Conservancy’s rights downstream of Mill Creek at the Agency’s existing Sacramento River diversion.

In light of the additional supplemental water supply, the Agency staff and its environmental consultant have prepared Addendum No. 12 to the 2007 Davis-Woodland Water Supply Project Final Environmental Impact Report in order to evaluate whether the lease and use of the new water supply will result in new significant impacts beyond those already identified and mitigated in the Final EIR or result in substantially more severe impacts than disclosed in the Final EIR. Addendum No. 12 concludes that the change will not result in any new or more severe impacts than those discussed in the Final EIR and that none of the conditions or circumstances that would require preparation of a subsequent or supplemental EIR pursuant to Public Resources Code

section 21166 and CEQA Guidelines section 15162 exists for the proposed Project. Consequently, staff recommends that the Board adopt Addendum No. 12 and make the CEQA findings set forth above.

FISCAL IMPACT

Approval of the EIR Addendum #12 has no fiscal impact.

Final

**DAVIS-WOODLAND WATER SUPPLY PROJECT**  
**Environmental Impact Report Addendum No. 12**  
**State Clearinghouse No. 2006042175**

Prepared for  
Woodland-Davis Clean Water Agency

June 2021





Final

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Prepared for  
Woodland-Davis Clean Water Agency

June 2021

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# SECTION 1

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## Background and Purpose of this Addendum

### 1.1 Background

The Cities of Davis and Woodland, and the University of California, Davis (UC Davis) (Project Partners) are implementing the Davis Woodland Water Supply Project (DWWSP or Project). The Project involves development, implementation and use of a surface water supply for the Project Partners and consists of: an intake/diversion structure on the Sacramento River, a raw water conveyance pipeline between the intake/diversion structure to a new regional water treatment facility (RWTF), the RWTF, and distribution pipelines conveying treated surface water from the water treatment plant to each of the three Project Partners (**Figure 1**). Other local improvements such as local distribution pipelines and storage facilities are being constructed independently by each Project Partner. The Project also includes the acquisition and use of a new water right permit for the diversion and use of surface water from the Sacramento River, and the purchase from the Conaway Preservation Group and transfer of a portion of existing water right permits and contractual entitlements, and possibly one or more other water transfers.

With the City of Davis as the lead agency, the Project Partners prepared an Environmental Impact Report (EIR) on the Project (State Clearinghouse (SCH) # 2006042175) in accordance with the requirements of the California Environmental Quality Act (CEQA). The Notice of Preparation (NOP) for the EIR was published on April 28, 2006 and circulated to the public, local, state and federal agencies, and other interested parties. In addition to the 45-day public and agency comment period, public scoping sessions were held on May 18, 2006 in Woodland and May 22, 2006 in Davis. The Draft EIR was published on April 9, 2007 and circulated for public and agency review for a 76-day public review period ending June 25, 2007. Two public meetings on the Draft EIR were held by City of Davis on April 23, 2007 and May 2, 2007 and one public meeting was held by the City of Woodland on May 16, 2007. On October 16, 2007, the City of Davis, as acting CEQA lead agency, adopted Resolution No. 07-168, Series 2007, which certified the final EIR; adopted CEQA findings, a statement of overriding considerations and a mitigation monitoring and reporting program; and approved the DWWSP. On November 6, 2007, the City of Woodland, acting as a CEQA responsible agency, adopted Resolution No. 4878, which adopted CEQA findings and the mitigation monitoring and reporting program and approved the Project.

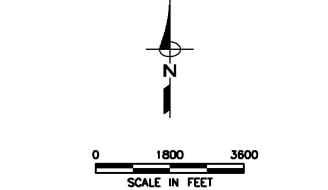
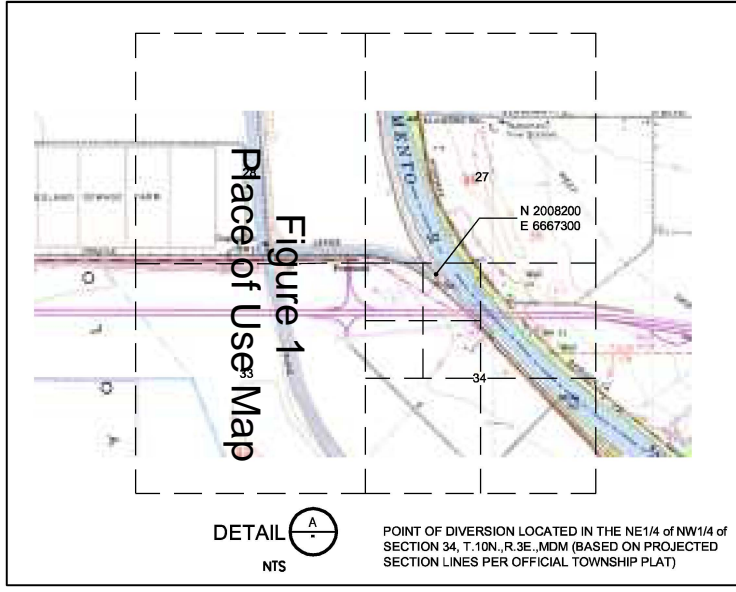
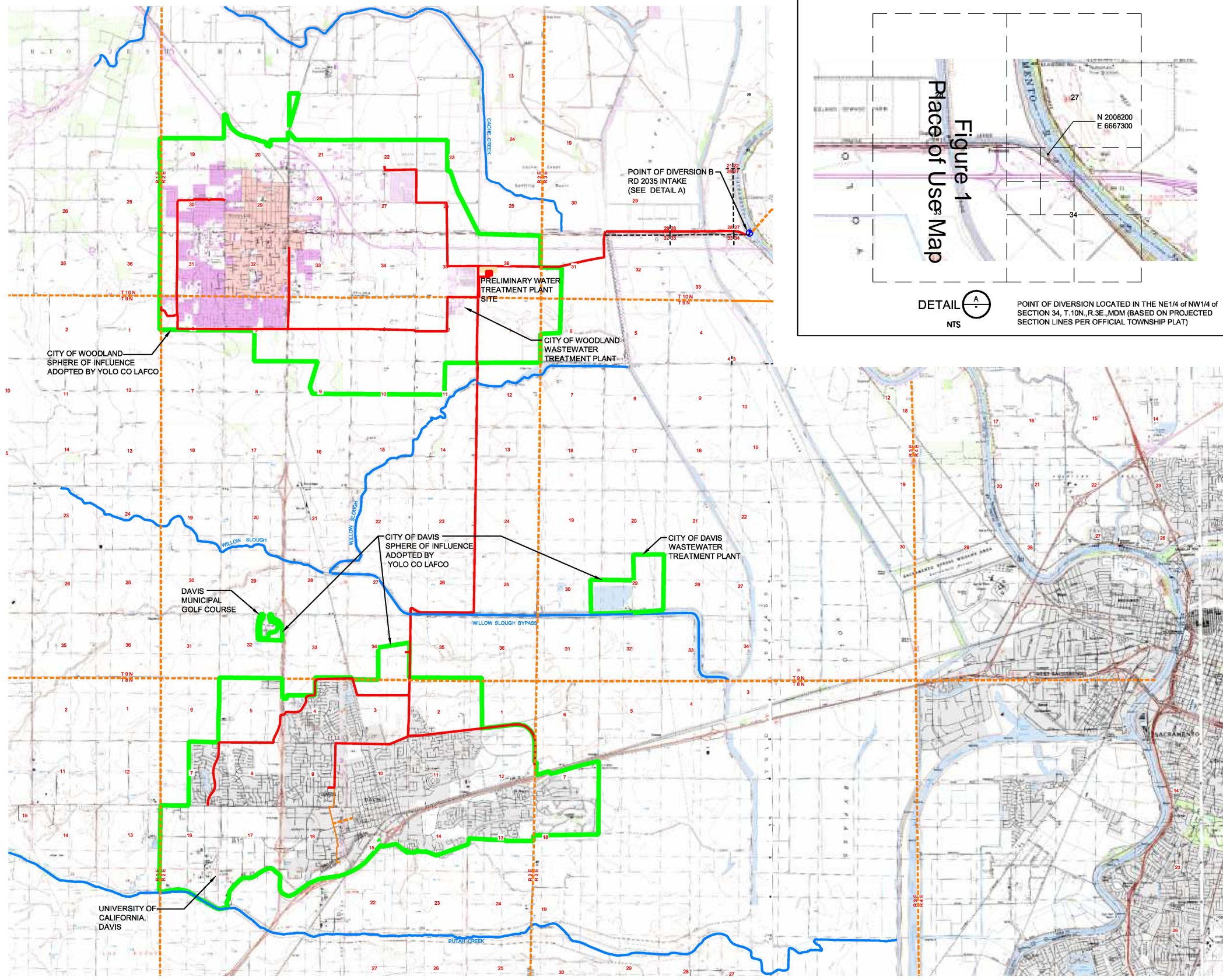
Since the certification of the EIR, the Cities of Woodland and Davis have formed the Woodland Davis Clean Water Agency (Agency), a joint powers authority (JPA), to implement the DWWSP. The Agency has proceeded with implementation of the Project, including additional project planning in support of the engineering design and project construction phases, financial planning, property acquisition, and acquisition of project permits and approvals. On April 21, 2011, the Agency, acting

as CEQA lead agency, approved an addendum (Addendum #1) to the EIR for the DWWSP that the City of Davis (then acting as CEQA lead agency) certified on October 16, 2007. Addendum #1 provided an assessment of changes to Delta water and aquatic resources since the 2007 DWWSP EIR as well as minor refinements to an element of the DWWSP involving the proposed water transfer from the Conaway Preservation Group (CPG) to the DWWSP. In its Resolution No. 2011-03, the Agency approved Addendum #1 and found and determined that no subsequent EIR or further CEQA review was required. On June 21, 2012, the Agency approved Addendum #2 with Resolution No. 2012-01, which provided an assessment of changes to the location of the proposed RWTF. On October 18, 2012, the Agency approved Addendum #3 with Resolution No. 2012-03, related to minor revisions to the project raw water and Woodland's finished water pipeline alignments. On December 20, 2012, the Agency approved Addendum #4 with Resolution No. 2012-04, related to minor revisions to Davis's finished water pipeline alignment. On October 10, 2013, the Agency approved Addendum #5 with Resolution No. 2013-12, related to updated air quality emissions modeling. On January 16, 2014, the Agency approved Addendum #6 with Resolution No. 2014-05, related to the need for additional solids drying facilities to support operations at the RWTF and the preparation of an updated floodplain modeling assessment. On June 19, 2014, the Agency approved Addendum #7 with Resolution No. 2014-08, related to modifications to Davis's finished water transmission pipeline route to minimize the impact to traffic on County Road 102, and a change in construction hours in the City of Woodland and Yolo County to provide for flexibility to accommodate changes in weather conditions and daylight work hours. On November 24, 2015, the Agency approved Addendum #8 with Resolution No. 2015-05, related to the approval of the installation and use of a temporary pump station at the joint intake site to divert water from the RD 2035 Main Canal for delivery through the newly constructed raw water pipeline for testing and initial operation of the new RWTF. On October 18, 2018, the Agency approved Addendum #9, related to the approval of the sale of City of West Sacramento water supplies (up to 2.0 thousand acre-feet (TAF)) to the Project Partners during the period of November 1 through December 31, 2018. On October 16, 2019, the Agency approved Addendum #10, related to the approval of the sale of City of West Sacramento water supplies (up to 2.0 TAF) to the Project Partners during the period of November 1 through December 31, 2019. On October 13, 2020, the Agency approved Addendum #11, related to the approval of the sale of City of West Sacramento water supplies (up to 2.0 TAF) to the Project Partners during the period of November 1, 2020 through February 28, 2021. Additionally, the Agency prepared and certified a Supplemental EIR (SEIR) that addressed the construction and operation of Aquifer Storage Recovery (ASR) wells that would be used to inject surface water diverted from the Sacramento River through the DWWSP intake and treated at the DWWSP regional water treatment facility. The SEIR was certified by the Agency on September 17, 2015 (Resolution No. 2015-03, SCH #2015012062).

Since certification of the Final DWWSP EIR in 2007, approval of Addenda #1 through #11 and certification of the ASR SEIR, it has been determined that an agreement for the lease of water under The Nature Conservancy's Mill Creek water rights to the Agency may be needed to provide supplemental surface water during the period of late June through October 31, 2021. The Nature Conservancy is willing to agree to a lease of up to 2.5 TAF annually during the period of late June through October 31, 2021 at a rate of up to 6.0 million gallons per day (MGD). The water, as part of the lease, would be from The Nature Conservancy's flow based water right from

Mill Creek, which discharges into the Sacramento River. These flows are available for diversion and use by the Agency from the Sacramento River at the Agency's existing diversion facility. As a result, the Agency prepared this Addendum #12 to the 2007 DWWSP EIR, which analyzes this potential lease of water from The Nature Conservancy to the Agency.





POINTS OF DIVERSION			
DESCRIPTION	STREAM	LOCATION CALIFORNIA COORDINATE SYSTEM, ZONE 2	PROJECTED 48-ACRE TRACT NO. 246
POINT OF DIVERSION B	SACRAMENTO RIVER	N 2,008,200 E 6,667,300	NE 1/4 OF NW 1/4, SEC. 34, T.10N., R.3E.

**LEGEND**

- PLACE OF USE BOUNDARY
- WATER TRANSMISSION PIPELINE
- STREAM
- POINT OF DIVERSION

I, DAVID J. ANDERSON OF WEST YOST ASSOCIATES, 2020 RESEARCH PARK DRIVE, SUITE 100, DAVIS, CALIFORNIA, DO HEREBY CERTIFY THAT THIS MAP WAS PREPARED UNDER MY SUPERVISION ON MARCH 28, 2011 BASED ON THE FOLLOWING U.S. GEOLOGICAL SURVEY 7.5 MINUTE TOPOGRAPHIC QUADRANGLES: DAVIS, GRAYS BEND, TAYLOR MONUMENT, WOODLAND, MERRITT, AND SACRAMENTO WEST, CALIFORNIA; AND THAT IT ACCURATELY REPRESENTS THE POINTS OF DIVERSION DESCRIBED IN THE ACCOMPANYING APPLICATION AND THE STREAMS AND DITCHES IN THE IMMEDIATE VICINITY.

DAVID J. ANDERSON, P.E.  
DATE \_\_\_\_\_



- NOTE:**
- THE POINTS OF DIVERSION ON THIS MAP ARE BASED ON THE FOLLOWING COORDINATE SYSTEM: CALIFORNIA STATE PLANE, ZONE 2, NAD 83, HORIZONTAL DATUM, FEET.
  - THE ENTIRE PLACE OF USE THAT IS DEPICTED ON THIS MAP IS THE PLACE OF USE FOR APPLICATION NO. 30358. THE TOTAL AREA OF THE PLACE OF USE IS 23,950 ACRES.

**City of Woodland  
City of Davis  
AND  
University of California,  
Davis**  
MAP TO ACCOMPANY WATER RIGHT  
APPLICATION NO. 30358  
POINTS OF DIVERSION, TRANSMISSION  
PIPELINES AND PLACES OF USE

**WEST YOST ASSOCIATES  
MARCH 2011**



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## 1.2 Purpose of the EIR Addendum

According to Section 15164(a) of the CEQA Guidelines, the lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 requiring preparation of a subsequent EIR have occurred. Section 15162 of the CEQA Guidelines lists the conditions that would require the preparation of a subsequent EIR rather than an addendum. These include the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time of the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
  - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the Project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

This Addendum concludes that the Project changes do not trigger any of the CEQA Guidelines Section 15162 conditions described above, and that the preparation of an addendum therefore is appropriate.

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## **SECTION 2**

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# **Description of Project Changes**

## **2.1 Project Overview**

The DWWSP involves development, implementation and use of a new surface water supply for the Project Partners and consists of: an intake/diversion structure on the Sacramento River, a raw water conveyance pipeline between the intake/diversion structure and the RWTF, the RWTF, and distribution pipelines conveying treated surface water from the water treatment plant to each of the three Project Partners. Other local improvements such as local distribution pipelines and storage facilities within each of the Project Partners service area will be constructed by each Project Partner.

## **2.2 Revised Project Description**

Section 2.4 (Description of Water Transfer Source Options) of the 2007 DWWSP EIR describes the need for water supply transfer agreements when the diversion prohibition in the State Water Board's Standard Permit Term 91 (Term 91) is in effect. Term 91 prohibits surface water diversions when water is being released from Central Valley Project (CVP) or State Water Project (SWP) storage reservoirs to meet in-basin entitlements, including water quality and environmental standards for protection of the Sacramento-San Joaquin Delta (Delta). To provide a reliable water supply during such conditions, the Project Partners may enter into water supply transfer agreements with holders of senior water rights or contracts with the Bureau of Reclamation for diversions within the Sacramento River watershed. During periods when the Term 91 diversion prohibition is in effect, the Project Partners would divert water through transfer agreements or sales, as authorized by such senior water rights or contracts.

The Central Valley Project settlement-contract water supply that the Agency acquired from CPG is for an annual total of 10.0 TAF to be used during the April-October period, subject to a 25% reduction in "Shasta critical years." A Shasta critical year occurs when certain thresholds for Lake Shasta storage and inflows are not met. Because this year is so dry, it is a Shasta critical year and the Agency's supply under the settlement contract is only 7.5 TAF. The proposed lease of water from The Nature Conservancy largely would substitute for the supply that is not available from the Central Valley Project this year.

The 2007 DWWSP EIR identified several senior water rights holders as potential suppliers to the Project Partners when the Term 91 diversion prohibition is in effect. Since that time, additional potential suppliers have been identified, including The Nature Conservancy. The Nature Conservancy has a flow-based water right from Mill Creek, which discharges into the Sacramento River. The Nature Conservancy would ensure water flow in Mill Creek to the Sacramento River for benefit of salmon and the Project Partners would redivert it approximately 120 miles

downstream. Initially, The Nature Conservancy is willing to agree to a lease of up to 2.5 TAF annually during the period of late June through October 31, 2021 at a rate of up to 6.0 million gallons per day (MGD).

This addendum addresses the potential lease of The Nature Conservancy water (up to 2.5 TAF) to the Project Partners during the period of late June 2021 through October 31, 2021. The water would be diverted at the DWWSP intake/diversion structure, located on the Sacramento River, at rate not to exceed 6.0 MGD up to a total of 2.5 TAF.

The Term 91 diversion prohibition has been in effect during most years since 1984. **Table 1** summarizes the Term 91 curtailment history from 1984 through 2021. As indicated in this table, the longest curtailment periods occurred during 2013–2015, with 2014 having the most curtailment days (233 days total, 68 of which were outside the April to October period). For 2021, curtailments began on April 29 and were still in effect as of June 9, 2021.

**TABLE 1**  
**TERM 91 CURTAILMENT HISTORY, 1984 - 2021**

Year	Start Date	End Date	Start Date	End Date	Total	Apr-Oct	Jan-Mar	Nov-Dec
1	22-Jun	31-Aug	--	--	71	71	0	0
1985	17-May	31-Aug	--	--	107	107	0	0
1986	2-Jul	6-Aug	--	--	36	36	0	0
1987	12-May	31-Aug	--	--	112	112	0	0
1988	21-Jun	7-Sep	--	--	79	79	0	0
1989	21-Jun	31-Aug	--	--	72	72	0	0
1990	14-May	31-Aug	--	--	110	110	0	0
1991	10-Jun	31-Aug	--	--	83	83	0	0
1992	21-May	15-Nov	--	--	179	164	0	15
1993	27-Jul	31-Aug	--	--	36	36	0	0
1994	15-Jun	31-Aug	--	--	78	78	0	0
1995	--	--	--	--	0	0	0	0
1996	22-Jul	20-Aug	--	--	30	30	0	0
1997	18-Jun	24-Aug	--	--	68	68	0	0
1998	--	--	--	--	0	0	0	0
1999	29-Jun	18-Aug	--	--	51	51	0	0
2000	28-Jun	17-Aug	--	--	51	51	0	0
2001	4-Jun	31-Aug	--	--	89	89	0	0
2002	17-Jun	31-Aug	10-Oct	15-Nov	113	98	0	15
2003	3-Jul	31-Aug	--	--	60	60	0	0
2004	29-May	31-Aug	--	--	95	95	0	0
2005	--	--	--	--	0	0	0	0
2006	--	--	--	--	0	0	0	0
2007	15-May	31-Aug	--	--	109	109	0	0
2008	2-Jun	15-Nov	--	--	167	152	0	15
2009	11-Jun	31-Aug	--	--	82	82	0	0
2010	15-Jul	31-Aug	--	--	48	48	0	0
2011	--	--	--	--	0	0	0	0
2012	2-Aug	31-Aug	--	--	30	30	0	0
2013	7-May	20-Sep	30-Oct	31-Dec	200	150	0	50
2014	1-Jan	11-Feb	20-May	26-Nov	233	165	42	26
2015	30-Apr	15-Dec	--	--	230	185	0	45
2016	2-Jun	14-Oct	--	--	135	135	0	0
2017	--	--	--	--	0	0	0	0
2018	1-Jun	23-Oct	16-Nov	30-Nov	160	145	0	15
2019	-	-	-	-	0	0	0	0
2020	5-Jun	28-Sep	9-Oct	24-Dec	193	139	0	54
2021	29-Apr				42	42		

SOURCE: West Yost, 2016 and State Water Board, 2021

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## **SECTION 3**

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# **Analysis of Potential Environmental Effects**

### **3.1 Introduction**

The 2007 DWWSP EIR evaluated potential environmental impacts in the following resource categories: surface and groundwater resources, hydrology and water quality, land use and agriculture, geology, soils, and seismicity, air quality, noise, hazards and hazardous materials, public health, transportation, public services and utilities, cultural resources, recreation, aesthetics, growth inducing effects, and cumulative effects. These issues are reconsidered in this addendum in light of the proposed changes to the project description. This addendum analyzes whether, with these changes, implementation of the Project would result in any new significant impacts or substantially more severe impacts than those identified in the 2007 DWWSP EIR, as amended. The 2007 DWWSP EIR (Section 3.0, Environmental Analysis) describes the criteria that were used to determine the significance of environmental impacts. There were no unmitigated significant impacts identified in the 2007 DWWSP EIR for any of the CEQA resource topics with the exception of construction-related air quality emissions. All mitigation measures identified in the 2007 DWWSP EIR were subsequently adopted by the DWWSP Partners as conditions of project approval. All applicable measures also will apply to the project changes described in this addendum.

The analysis contained in this addendum is focused only on the proposed sale of up to 2.5 TAF annually during the period of late June through October 31, 2021 at a rate of up to 6.0 million gallons per day (MGD). Operations of the Project would remain relatively unchanged from the analysis contained within the 2007 DWWSP EIR, as amended. The water that the Agency would lease from The Nature Conservancy essentially would substitute for the water that is not available to the Agency this year under its Central Valley Project contract because this is a Shasta critical year.

All other DWWSP facilities and water transfers impacts would remain unchanged from the 2007 DWWSP EIR and therefore are not discussed further in this addendum. Specifically, impacts associated with construction would not be affected by the proposed lease of water from the Nature Conservancy. Changes to operations of the Project would remain relatively unchanged from the analysis contained within the 2007 DWWSP EIR. No construction would occur as a result of the proposed change, and therefore no ground disturbance, erosion, new facilities, air quality emissions, or alterations to existing facilities would result. Therefore, impacts related to the following resource categories would not be affected by the proposed change: land use and agriculture, geology, soils, and seismicity, air quality, noise, hazards and hazardous materials, public health, transportation, public services and utilities, cultural resources, recreation, and

aesthetics. Project changes would not alter the conclusions of the 2007 DWWSP EIR, as amended, result in any new significant impacts, or substantially increase the severity of these resources categories. The analysis related to the proposed changes therefore focuses solely on biological resources – specifically fisheries – and hydrology.

## **3.2 Effects Related to Changes in the Project**

The biological resources and hydrology resource topics are re-evaluated below to determine whether the proposed modifications to the Project would result in any new significant impacts or substantially more severe impacts than those described in the 2007 DWWSP EIR.

### **3.2.1 Biological Resources**

Section 3.6 of the 2007 DWWSP EIR concluded that construction of project intake facilities had a less than significant impact on fisheries within the Sacramento River, requiring no mitigation measures. The proposed changes in this addendum would result in the diversion of up to 2.5 TAF annually during the period of late June through October 31, 2021 at a rate of up to 6.0 million gallons per day (MGD). Under the proposed changes to the Project, water would flow from Mill Creek in Tehama County under The Nature Conservancy's water right to the Agency's Sacramento River diversion and the Agency would divert that water at that diversion during this period.

Impact 3.6-4 in the 2007 DWWSP EIR analyzed impacts to fish and other aquatic species if water transfers occurred. As described in the 2007 EIR's analysis of Impact 3.6-4, there would be no impacts to fish and aquatic habitats as a result of implementing water transfers from upstream water rights holders, because these transfers would cause slightly higher river flows between the transferor's release point and the DWWSP diversion point on the Sacramento River (2007 DWWSP Draft EIR, p. 3.6-50.). There would not be any substantial reduction in fish populations or the quality or quantity of aquatic habitat within the Sacramento River system, including the Delta, for any special-status fish or wildlife species as a result of the proposed lease of water from The Nature Conservancy, which would be consistent with the 2007 EIR's analysis of water transfers.

There are no changes in the environmental setting or project characteristics that would raise important new biological resources issues related to the lease of water from The Nature Conservancy during late June through October 31, 2021. Therefore, Project changes would not alter the conclusions of the 2007 DWWSP EIR, as amended, result in any new significant impacts, or substantially increase the severity of the previously identified biological resources impacts.

### **3.2.2 Surface Water Hydrology and Water Quality**

Section 3.2, Surface Water Hydrology and Water Quality, of the 2007 DWWSP EIR concluded that project operation would directly affect Sacramento River flows by diverting water from the river. As described in Impact 3.2-2, in late-spring and summer months, when Term 91 is in effect, the proposed Project would not divert water from the River using the Project Partners' new water

rights because water would be released from upstream reservoirs to protect Delta water quality or to meet CVP or SWP water contractor demands. During these times, the proposed Project would only divert from the River water that was transferred from upstream senior water rights holders. As a result, the proposed Project would not reduce the flows in the River that would otherwise occur during this period.

As detailed in section 2.2 *Revised Project Description*, this description would also be accurate for the proposed period of lease of water from The Nature Conservancy. The up to 2.5 TAF of water that would be leased from The Nature Conservancy to the Project Partners would not reduce instream flows, as discussed in the 2007 DWWSP EIR. The proposed project change would involve up to 2.5 TAF flowing from Mill Creek into the Sacramento River, from which the DWWSP would divert the water during this period. The water leased from The Nature Conservancy largely would substitute for water that the Agency diverts under its Central Valley Project contract in years that are not Shasta critical years. In addition, the proposed Project would be a small increment of Sacramento River flow and would be consistent with the Bureau of Reclamation's "Transmittal of 2021 Sacramento River Temperature Management Plan – Order 90-5" released on May 28, 2021 (Reclamation, 2021) where monthly forecasted operations for Keswick Reservoir releases would be between 345 and 461 TAF from June through September, 2021.

As a result, there are no changes in the environmental setting or project characteristics that would raise important new hydrological issues related to diversion of water from The Nature Conservancy during Term 91 periods. Therefore, proposed project changes would not alter the conclusions of the 2007 DWWSP EIR, result in any new significant impacts, or substantially increase the severity of the previously identified hydrological resources impacts.

### 3.2.3 Cumulative and Growth Inducing Effects

The changes to the Project do not alter the underlying impact conclusions or growth assumptions of the 2007 DWWSP EIR. Therefore, there would be no change in the cumulative or growth inducing effects of the Project. None of the significance conclusions or findings in the Final EIR would be altered, no new significant impact would occur, and none of the previously identified significant impacts would be substantially worsened.

## 3.3 Conclusion

This addendum documents that the proposed diversion of water from The Nature Conservancy during additional Term 91 period from late June through October 31, 2021 would not result in any new or more severe impacts than those discussed in the 2007 DWWSP EIR, as updated by this Addendum #12. None of the conditions or circumstances that would require preparation of a subsequent or supplemental EIR pursuant to Public Resources Code Section 21166 exists for the Project with these changes.



## 3.4 References

State Water Resources Control Board (State Water Board), 2020. Standard Term 91 (Stored Water Bypass Requirements) Graphs. Available at: [https://www.waterboards.ca.gov/water\\_issues/programs/delta\\_watermaster/term91.html](https://www.waterboards.ca.gov/water_issues/programs/delta_watermaster/term91.html). Accessed on June 3, 2021.

Environmental Science Associates (ESA). 2007a. Davis Woodland Water Supply Project Draft Environmental Impact Report. Prepared for the City of Davis, U.C. Davis and the City of Woodland, April 2007.

Environmental Science Associates (ESA). 2007b. Davis Woodland Water Supply Project Final Environmental Impact Report. Prepared for the City of Davis, U.C. Davis and the City of Woodland, October 2007.

United States Bureau of Reclamation (Reclamation). 2021. Transmittal of 2021 Sacramento River Temperature Management Plan – Order 90-5. May, 2021.

**Notice of Determination**

**Appendix D**

**TO:**

Office of Planning and Research  
P.O. Box 3044  
Sacramento, CA 95812-3044

County Clerk  
County of Yolo  
625 Court Street, Room B01  
Woodland, CA 95695

**FROM:**

Woodland-Davis Clean Water Agency  
855 County Road 102  
Woodland, CA 95776  
(530) 379-4027

**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): 2006042175

Project Title: Davis-Woodland Water Supply Project ("DWWSP")

Project Location (include county): Yolo County (see 2007 DWWSP EIR for more detailed description)

Project Description: The 2007 DWWSP EIR describes the need for water supply transfer agreements when the diversion prohibition in the State Water Board's Standard Permit Term 91 (Term 91) is in effect. To provide a reliable water supply during such conditions, the Project Partners may enter into water supply transfer agreements with holders of senior water rights or contracts with the Bureau of Reclamation for diversions within the Sacramento River watershed. During periods when the Term 91 diversion prohibition is in effect, the Project Partners would divert water through transfer agreements or sales, as authorized by such senior water rights or contracts.

The 2007 DWWSP EIR identified several senior water rights holders as potential suppliers to the Project Partners when the Term 91 diversion prohibition is in effect. Since that time, additional potential suppliers have been identified, including The Nature Conservancy. The Nature Conservancy has a flow-based water right from Mill Creek, which discharges into the Sacramento River. The Nature Conservancy would ensure water flow in Mill Creek to the Sacramento River for benefit of salmon and the Project Partners would redivert it approximately 120 miles downstream. Initially, The Nature Conservancy is willing to agree to a lease of up to 2.5 TAF annually during the period of late June through October 31, 2021 at a rate of up to 6.0 million gallons per day (MGD).

This addendum addresses the potential lease of The Nature Conservancy water (up to 2.5 TAF) to the Project Partners during the period of late June 2021 through October 31, 2021. The water would be diverted at the DWWSP intake/diversion structure, located on the Sacramento River, at rate not to exceed 6.0 MGD up to a total of 2.5 TAF.

This is to advise that on June 17, 2021, the Woodland-Davis Clean Water Agency ("WDCWA"), acting as CEQA lead agency, approved addendum 12 to the EIR for the DWWSP that the City of Davis (then acting as CEQA lead agency) certified on October 16, 2007. WDCWA approved Addendum #12 and found and determined that, considering the changes in the project are described in Addendum #12, the 2007 EIR remains adequate and no subsequent EIR or further CEQA review is required for the DWWSP.

This is to certify that copies the approved CEQA addendum are available to the General Public at: Woodland-Davis Clean Water Agency, 855 County Road 102, Woodland, CA 95776

Signature (Public Agency) \_\_\_\_\_  
(Mr. Tim Busch)

Title: General Manager

Date: 06/17/2021

Date Received filing at OPR: \_\_\_\_\_