

NOV 20 2018

BY JESSE SALINAS, CLERK  
*Jesse Salinas*  
Appendix D

**Notice of Determination**

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) 661-5963

LINDA SMITH

**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: In order to provide a reliable water supply during the diversion prohibition in the State Water Resources Control Board's Standard Permit Term 91 is in effect, the City of West Sacramento would conduct a one-time sale of water supplies (up to 2.0 thousand acre-feet) to the Project Partners during the period of November 1 through December 31, 2018. See 2007 DWWSP EIR for a more detailed description of the DWWSP project.

This is to advise that on October 18, 2018, the Woodland-Davis Clean Water Agency ("WDCWA"), acting as CEQA lead agency, approved addendum #9 to the EIR for the DWWSP that the City of Davis (then acting as CEQA lead agency) certified on October 16, 2007. In its Certified Minute Order as attached, WDCWA approved Addendum #9 and found and determined that, considering the changes in the project are described in Addendum #9, the 2007 EIR remains adequate and no subsequent EIR or further CEQA review is required for the DWWSP.

This is to certify that copies of WDCWA Certified Minute Order and 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)

*[Signature]*  
(Mr. Tim Busch)

Title: General Manager

Date: 11/16/18

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

Governor's Office of Planning & Research

NOV 21 2018

STATE CLEARINGHOUSE

POSTED NOV 20 2018

N 18 - 146



State of California - Department of Fish and Wildlife

# 2018 ENVIRONMENTAL FILING FEE CASH RECEIPT

DFW 753.5a (Rev. 01/03/18) Previously DFG 753.5a

RECEIPT NUMBER: 57 — 11202018 — 146
STATE CLEARINGHOUSE NUMBER (If applicable) 2006042175

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY <b>WOODLAND -- DAVIS CLEAN WATER</b>	LEAD AGENCY EMAIL	DATE <b>11/20/2018</b>
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COUNTY/STATE AGENCY OF FILING Yolo <input type="checkbox"/>	DOCUMENT NUMBER <b>N 18-146</b>
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PROJECT TITLE  
**DAVIS-WOODLAND WATER SUPPLY PROJECT**

PROJECT APPLICANT NAME <b>TIM BRUSCH</b>	PROJECT APPLICANT EMAIL	PHONE NUMBER <b>(530)661-5963</b>
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PROJECT APPLICANT ADDRESS <b>855 COUNTY RD 102</b>	CITY <b>WOODLAND</b>	STATE <b>CA</b>	ZIP CODE <b>95776</b>
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PROJECT APPLICANT (Check appropriate box)

Local Public Agency   
 School District   
 Other Special District   
 State Agency   
 Private Entry

**CHECK APPLICABLE FEES:**

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,168.00	\$	0.00
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,280.75	\$	0.00
<input type="checkbox"/> Certified Regulatory Program document (CRP)	\$1,077.00	\$	0.00
<input type="checkbox"/> Exempt from fee			
<input type="checkbox"/> Notice of Exemption (attach)			
<input type="checkbox"/> CDFW No Effect Determination (attach)			
<input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy)			
<hr/>			
<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	0.00
<input checked="" type="checkbox"/> County documentary handling fee		\$	50.00
<input type="checkbox"/> Other		\$	

**PAYMENT METHOD:**

Cash   
 Credit   
 Check   
 Other

TOTAL RECEIVED \$ 50.00

SIGNATURE <b>X</b> <i>Linda Smith</i>	AGENCY OF FILING PRINTED NAME AND TITLE <b>Linda Smith, Deputy</b>
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Governor's Office of Planning & Research

NOV 21 2018

STATE CLEARINGHOUSE

# DAVIS-WOODLAND WATER SUPPLY PROJECT

Environmental Impact Report Addendum No. 9  
State Clearinghouse No. 2006042175

Prepared for  
Woodland-Davis Clean Water Agency

October 2018





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Prepared for  
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October 2018

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# SECTION 1

## Background and Purpose of this Addendum

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### 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 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 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. 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 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 Conway 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 finished water pipeline alignments. On December 20, 2012, the Agency approved Addendum #4 with Resolution No. 2012-04, related to minor revisions to the Davis 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 the Davis 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. 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 #8 and certification of the ASR SEIR, it has been determined that a one-time sale from the City of West Sacramento to the Agency may be needed to provide supplemental surface water during the period of November 1 through December 31, 2018. The City of West Sacramento is willing to conduct a one-time sale of up to 2.0 thousand acre-feet (TAF) of the water that is available for diversion and use under its contract with the United States Bureau of Reclamation (Contract No. 0-07-20-W0187). As a result, the Agency prepared this Addendum #9 to the 2007 DWWSP EIR, which analyzes potential of this one-time sale of water from the City to the Agency.

## 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

# Description of Project Changes

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### 2.1 Project Overview

The DWWSP involves development 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 Resources Control 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 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 City of West Sacramento, whose diversion on the Sacramento River is approximately 8.0 miles downstream of the DWWSP intake. In addition, data has become available that indicate that the Term 91 diversion prohibition may be in effect during additional times of some years, including parts or all the period between November 1 through March 31.

This addendum addresses the potential one-time 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, 2018. The water would be diverted at the DWWSP intake/diversion structure which is located on the Sacramento River approximately 8.0 miles upstream of the City of West Sacramento's intake structure at Bryte Bend. Water would be diverted at an average rate of 13.9 cubic feet per second

(cfs) (0.84 TAF/month) and a maximum rate of 15.5 cfs (0.94 TAF/month), up to a total of 2.0 TAF.

The Term 91 diversion prohibition has been in effect during most years since 1984. **Table 1** below summarizes the Term 91 curtailment history. 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 2018, curtailments began on June 1 and still are in effect, and additional, late-season curtailments are possible. Therefore, curtailments for 2018 are not shown in the table.

**TABLE 1.  
TERM 91 CURTAILMENT HISTORY, 1984 - 2017**

Year	Start Date	End Date	Start Date	End Date	Total	Apr-Oct	Jan-Mar	Nov-Dec
1984	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

SOURCE: West Yost, 2016 and California Waterboards, 2018

## **SECTION 3**

# **Analysis of Potential Environmental Effects**

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### **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 proposed project will result in any new significant impacts or substantially more severe impacts than those identified in the 2007 DWWSP EIR. The 2007 DWWSP EIR (Section 3.0, Environmental Analysis) describes the criteria that were used to determine the significance of environmental impacts. 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 one-time sale of up to 2.0 TAF of water during November-December 2018. Because the primary changes to the proposed project are limited to the one-time sale of 2.0 TAF of water during this period, changes to operations of the proposed project would remain relatively unchanged from the analysis contained within the 2007 DWWSP EIR. Specifically, impacts associated with construction and operation of project facilities would not be affected by the proposed one-time sale of water. Impacts related to Public Health, specifically related to substituting existing groundwater supplies with Sacramento River water, also would not be affected by the proposed change. The analysis related to the proposed changes therefore focuses solely on biological resources – specifically fisheries – and hydrology. The changes associated with the sale of water from the City of West Sacramento would be limited to in-water effects as previously described in the 2007 DWWSP EIR. 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.

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

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. However, biological resources and hydrology resource topics are re-evaluated below to determine whether the

proposed modifications to the proposed 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 one-time diversion of up to 2.0 TAF from the Sacramento River during the period of (November 1 through December 31, 2018). Instead of diverting water in at the West Sacramento intake for the City of West Sacramento, the proposed project would allow up to 2.0 TAF to be diverted further upstream on the Sacramento River by the DWWSP 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.).

The DWWSP intake is approximately 8.0 miles upstream of the City of West Sacramento's intake at Bryte Bend. This segment of the river where the water sale would occur represents a small portion of the total length of the Sacramento River and, as such, any effects would be localized to this segment of the River. **Table 2** shows the Sacramento River flow in the area of the proposed water sale (gaging station at Verona) from 2008 through 2018. When comparing the maximum proposed rate of diversion (15.5 cfs) with the lowest flow in the Sacramento River in the area of the proposed water sale during the last 10 years (5,330 cfs), the diversion would represent only 0.29% of the total flow. This very small decrease in flows as a result of the diversion would be expected to result in a change in habitat conditions that would be indiscernible to fish (i.e., there would be no noticeable change in flows or water temperatures from a habitat perspective). In addition, the wet season flows would further reduce the potential for any impacts to candidate, sensitive, or special-status species in local or regional plans, policies or regulations, or by the CDFG, USFWS, or NMFS, as described in Impact 3.6-7 of the 2007 DWWSP EIR.

The sale of water supplies from the City of West Sacramento in the Sacramento River basin would not adversely affect candidate, sensitive, or special-status species because the proposed diversions do not make up an appreciable volume of the overall flows in the Sacramento River system. The minor changes in hydrologic conditions would not be expected to have a discernable effect on overall aquatic habitat quantity and/or quality. 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 one-time water sale.



**TABLE 2.  
SACRAMENTO RIVER FLOW (CFS) WITHIN  
THE PROPOSED WATER SALE SEGMENT (VERONA), 2008-2018**

Year	Minimum	Mean	Maximum
2007-2008	8,220	15,992	80,500
2008-2009	6,158	13,779	49,500
2009-2010	7,910	17,935	59,300
2010-2011	9,630	29,406	71,600
2011-2012	8,820	13,604	45,400
2012-2013	8,150	19,786	62,700
2013-2014	5,440	9,315	27,700
2014-2015	5,330	14,533	55,200
2015-2016	5,900	21,008	65,900
2016-2017	9,400	47,297	80,500
2017-2018	8,282	14,149	53,314

SOURCE: DWR, 2018

There are no changes in the environmental setting or project characteristics that would raise important new biological resources issues related to the sale of water from the City of West Sacramento during November 1 through December 31, 2018. 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 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 primarily 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 holders of senior water rights or water supply contracts. As a result, the proposed project would not reduce the flows in the River that would otherwise occur during this period.

This description would also be accurate for the proposed expansion of the water transfer period. The up to 2.0 TAF of water that would be sold to the Project Partners from the City of West Sacramento during November-December 2018 would not reduce instream flows because the water is available for diversion and use under Contract No. 0-07-20-W0187 during this period. While the transfer would occur when Sacramento River flows generally are higher (November through December), the transfer would only occur within the designed capacity of the system to avoid any potential impacts associated with a risk of increased flooding.

As a result, there are no changes in the environmental setting or project characteristics that would raise important new hydrological issues related to the sale of water from the City of West Sacramento during November 1 through December 31, 2018. 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 City of West Sacramento during additional Term 91 period from November through December 2018 would not result in any new or more severe impacts than those discussed in the 2007 DWWSP EIR, as updated by this Addendum #9. 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**

- California State Water Resources Control Board, 2018. 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 October 5, 2018.
- Department of Water Resources (DWR), 2018. California Data Exchange Center - Sacramento River, Station Verona. Available at: <http://cdec.water.ca.gov/dynamicapp/QueryF?s=VON>. Accessed on October 5, 2018.
- 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.



## MINUTE ORDER

On October 18, 2018, at a special meeting of the Board of Directors of the Woodland-Davis Clean Water Agency, the Board approved the following action by motion and vote:

*Director Arnold moved to approve:*

*Motion 1: Move to (a) approve CEQA Environmental Impact Report Addendum No. 9 in the form presented at this meeting, and (b) find and determine that:*

*(1) The Board has reviewed and considered Addendum No. 9 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. 9 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. 9, the Agency has evaluated and considered the Project changes relating to the purchase and use of up to 2,000 acre-feet of water from the City of West Sacramento, (c) Addendum No. 9 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 purchase and use of water from the City of West Sacramento.*

*Motion 2: Move to approve the Option Agreement for Sale of Water with the City of West Sacramento in substantially the form as presented at this meeting and authorize the General Manager to complete, approve, and sign the final agreement together with any minor additions or changes deemed necessary or advisable by the General Manager in consultation with the Agency General Counsel.*

Motions by: Director Will Arnold

Seconded by: Director Marlin (Skip) Davies

Ayes: Chairman Brett Lee, Vice-Chair Tom Stallard, Director Will Arnold,  
Director Marlin (Skip) Davies



Noes: none

Abstain: none

Absent: none

CERTIFICATION

I certify that the Woodland-Davis Clean Water Agency Board of Directors approved the foregoing action at its meeting on the above date.

Date: November 13, 2018

ATTEST:

A handwritten signature in blue ink that reads "Lynanne Mehlhaff". The signature is written in a cursive style and is positioned above a horizontal line.

Lynanne Mehlhaff, Board Secretary

DATE: October 18, 2018

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

FROM: Tim Busch, General Manager *T B*

SUBJECT: Consider approval of Option Agreement for Sale of Water with the City of West Sacramento for the purchase of up to 2,000 acre-feet of supplemental water and approval of related CEQA Environmental Impact Report Addendum No. 9.

#### RECOMMENDATION

Motion 1: Move to (a) approve CEQA Environmental Impact Report Addendum No. 9 in the form presented at this meeting, and (b) find and determine that:

(1) The Board has reviewed and considered Addendum No. 9 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. 9 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. 9, the Agency has evaluated and considered the Project changes relating to the purchase and use of up to 2,000 acre-feet of water from the City of West Sacramento, (c) Addendum No. 9 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 purchase and use of water from the City of West Sacramento.

Motion 2: Move to approve the Option Agreement for Sale of Water with the City of West Sacramento in substantially the form as presented at this meeting and authorize the General Manager to complete, approve, and sign the final agreement together with any minor additions or changes deemed necessary or advisable by the General Manager in consultation with the Agency General Counsel.

#### 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).

Permit 20281 includes State Water Resources Control Board (SWRCB) Standard Permit Term 91. 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.

With the risks and uncertainties under Term 91 and the season diversion limitation under the License 904A/5487A water rights, there is a potential scenario every fall that, on November 1, Term 91 may remain in effect (meaning that the Agency may not divert under Permit 20281) and the Agency’s right to divert under Licenses 904A and 5487A and the settlement contract expires for the year. Under this scenario, starting on November 1 the Agency would lack any water right to divert surface water from the river, meaning that the Agency would need to cease using the treatment plant and the cities and UC Davis would need to revert completely to groundwater supplies. This condition would continue until the SWRCB lifts the Term 91 curtailment, the timing of which would depend upon rainfall and river flow conditions that fall. A similar dilemma could affect the Agency in January through March prior to the start of the term under Licenses 904A and 5487A on April 1.

Historically, the Term 91 diversion prohibition usually does not remain in effect into November. Since 1984-85, there were post-October Term 91 curtailments in only six years. However, these curtailments happened in 2013, 2014 and 2015 during the recent drought. Those curtailments did not affect the Agency because the DWWSP had not begun to operate. This condition came close to occurring again in November 2016 but rainfall and higher river flows ended up stopping the Term 91 curtailment, shortly before November 1. There is a risk that it could happen any year. Furthermore, the standards governing Term 91 have evolved in recent years so that post-October curtailments will be more likely moving forward. In light of this risk, it is prudent for the Agency to arrange for a supplemental water supply to authorize fall diversions in years when the Term 91 curtailment continues in effect past November 1.

The directors and staff discussed this issue at the April 19, 2018 Board meeting, at which time I explained that the Agency would explore and negotiate the purchase of a supplemental

water supply to protect the Agency during the November-December diversions. The Board concurred with this approach.

Since then, the Agency has evaluated purchase opportunities with a few potential sellers. We have concluded that the best opportunity is presented by the City of West Sacramento. West Sacramento purchases water from the Sacramento River under a contract with the U.S. Bureau of Reclamation. At this time, the City has surplus water that it can make available to the Agency. The Agency and West Sacramento have negotiated and prepared the terms of a proposed Option Agreement for Sale of Water (which is attached). The agreement has the following principal terms:

- Agency purchases an option to buy up to 2,000 acre-feet of water for use during the period of November 1 through December 31, 2018.
- The option payment is \$50,000.
- Agency also will pay: (a) \$50 per acre-foot for any water diverted in excess of 1,000 acre-feet (i.e., the first 1,000 acre-feet is covered by the option payment), and (b) City transfer-related expenses up to \$10,000.
- The water transfer requires the written consent of the Bureau of Reclamation.
- The agreement will terminate on December 31, 2018.

While this agreement would expire at the end of this calendar year and is intended only to provide a supplemental supply for the Agency during this late fall/early winter, the Agency staff intend to continue discussions and negotiations with West Sacramento concerning future water transfer agreements.

In light of the additional supplemental water supply, the Agency staff and its environmental consultant have prepared Addendum No. 9 to the 2007 Davis-Woodland Water Supply Project Final Environmental Impact Report in order to evaluate whether the purchase 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. 9 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. 9 and make the CEQA findings set forth above.

#### FISCAL IMPACT

The agreement would require the Agency to pay a one-time option price of \$50,000 plus \$50 per acre-foot for any water diverted in excess of 1,000 acre-feet in November-December 2018 plus City of West Sacramento transfer-related expenses up to \$10,000.