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Deputy County Clerk

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NOTICE OF PREPARATION OF
A DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT
AND NOTICE OF SCOPING MEETINGS
FOR EXTENSION OF THE LOWER YUBA RIVER ACCORD WATER TRANSFER PROGRAM

Date: January 12, 2023
To: Agencies and Interested Parties
Subject: Notice of Preparation of a Draft Supplemental Environmental Impact Report and Notice of Scoping Meetings for the Extension of the Lower Yuba River Accord Water Transfer Program.
Review Period: January 12, 2023 through February 27, 2023

Overview

The Yuba County Water Agency, doing business as Yuba Water Agency (Yuba Water), is proposing to continue the Lower Yuba River Accord (Yuba Accord) Water Transfer Program beyond its current expiration date of December 31, 2025 (Yuba Accord Extension or Extension).

Although no substantial changes to the Yuba Accord Water Transfer Program (described below) are proposed by Yuba Water, its extension beyond December 31, 2025 requires analysis pursuant to the California Environmental Quality Act (CEQA, Public Resources Code [PRC] Section 21000 et seq.). Yuba Water will prepare a supplemental environmental impact report (SEIR) (supplement to the 2007 EIR) to satisfy the requirements of CEQA and the CEQA Guidelines (California Code of Regulations [CCR], title 14, section 15000 et seq.), and will serve as lead agency, the public agency with primary responsibility for carrying out and approving the project (CEQA Guidelines Section 15367).

Purpose of this Notice of Preparation

In accordance with the CEQA Guidelines, Yuba Water has prepared this notice of preparation (NOP) to inform agencies and interested parties that an SEIR will be prepared for the above-referenced project. The purpose of an NOP is to provide sufficient information about the proposed Yuba Accord Extension and its potential environmental impacts to allow agencies, non-governmental organizations (NGOs), and other interested parties the opportunity to provide a meaningful response regarding the scope and content of the SEIR (CEQA Guidelines 14 CCR Section 15082(b)).

Yuba Accord Water Transfer Program Extension Background

The Yuba Accord Water Transfer Program was adopted as part of the Yuba Accord, a comprehensive settlement that imposed a set of collaboratively developed, science-based instream flow requirements to protect and enhance fisheries and aquatic resources, and improve local and state-wide water supply reliability. Yuba Water spent years developing the Yuba Accord in coordination with federal, state, and local agencies; NGOs; and other interested parties. After Yuba Water certified a detailed EIR (State Clearinghouse No. 2005062111) analyzing its environmental effects, it began to implement the project in 2008.¹

The Yuba Accord consists of three related agreements: (1) the Agreement for Long-Term Purchase of Water from Yuba Water by the Department of Water Resources (DWR), dated December 4, 2007, as amended by Amendment Nos. 1-7 (the Yuba Water/DWR Water Purchase Agreement); (2) Lower Yuba River Agreement for the Conjunctive Use of Surface and Groundwater Supplies between Yuba Water and each of the Yuba Water member units (water and irrigation districts and companies, Figure 1)², as amended by Amendment Nos. 1-7 (the Yuba Water/MU Conjunctive Use Agreements); and (3) the Lower Yuba River Fisheries Agreement dated November 5, 2007 (effective March 18, 2008)

¹ Prior to implementation of the Yuba Accord, Yuba Water conducted two Pilot Programs, including petitions to modify the terms of Yuba Water's water right permits to change the effective date of the State Water Resources Control Board's Revised Water Right Decision 1644's long-term instream flow requirements from April 21, 2006 to April 1, 2008, and individual one-year water transfers to DWR (pursuant to Water Code §1725).

² The Member Units are Brophy Water District, Browns Valley Irrigation District, Cordua Irrigation District, Dry Creek Mutual Water Company, Hallwood Irrigation Company, Ramirez Water District, South Yuba Water District, and Wheatland Water District. Seven of the member units approved the Conjunctive Use Agreement in 2007. Cordua Irrigation District approved a Conjunctive Use Agreement with Yuba Water in 2021.

among Yuba Water, California Department of Fish and Game (now California Department of Fish and Wildlife [CDFW]), South Yuba River Citizens League, Friends of the River, Trout Unlimited, and The Bay Institute (the Fisheries Agreement).

The Fisheries Agreement remains in effect until the Federal Energy Regulatory Commission (FERC) issues a new long-term license for the Yuba River Development Project. The Yuba Water/DWR Water Purchase Agreement, the Yuba Water/MU Conjunctive Use Agreements, and the Yuba Water/Contra Costa Water District (CCWD)/East Bay Municipal Utilities District (EBMUD) Water Transfer Agreement expire on December 31, 2025. The proposed Extension would continue the Yuba Accord's Water Transfer Program beyond its current expiration date of December 31, 2025.

When the Yuba Accord was originally approved, the State Water Project (SWP) and Central Valley Project (CVP) export facilities were added as points of diversion for Yuba Accord transfer water; that water was then delivered by DWR (through a separate agreement among DWR, the SWP contractors, and the San Luis & Delta-Mendota Water Authority) to SWP contractors south-of-the-Delta and CVP contractors within the San Luis Unit.

The environmental effects of the whole of the Yuba Accord were evaluated in an EIR certified in 2007. In 2008, the State Water Resources Control Board (SWRCB) adopted an order, Corrected Order WR 2008-0014, which authorized delivery of transfer water consistent with the provisions of the Yuba Accord. Yuba Water relies on this order in its implementation of the Accord's Water Transfer Program.

Since adoption of the original Yuba Accord, the Freeport Regional Water Project and the Delta intakes of the Contra Costa Water District have been added as additional authorized points of diversion for Yuba Accord transfer water, and CCWD and EBMUD have entered into agreements with Yuba Water to receive Yuba Accord transfer water. Addenda were prepared as needed to address these minor changes to the Accord.

The Yuba Accord Water Transfer Program consists of: (1) the Yuba Water/DWR Water Purchase Agreement; (2) the YMA/Member Unit Conjunctive Use Agreements, and the (3) the Yuba Water/CCWD/EBMUD Water Transfer Agreement.

The Yuba Accord related agreements may be found at <https://www.yubawater.org/157/Lower-Yuba-River-Accord> and Corrected Order WR 2008-0014 may be found at https://www.waterboards.ca.gov/waterrights/board_decisions/adopted_orders/orders/.

Purpose and Objectives

The purpose and objectives of this proposed Extension are to: (1) continue to support water supply reliability throughout the state by providing supplemental water for contractors of the CVP and the SWP, and other potential transferees consistent with the Accord's Water Purchase Agreement; (2) continue to facilitate sustainable groundwater management and the conjunctive use of Yuba River surface water and groundwater; and (3) continue to generate revenue for Yuba Water's various projects and programs, such as its programs for replacing aging wastewater infrastructure in Yuba County's Disadvantaged Communities (DACs).

Location

The location would encompass the same area as the Yuba Accord's original Water Purchase Agreement, as modified by subsequent addenda adopted by Yuba Water and change petitions approved by the SWRCB. Figure 2 illustrates the major water development facilities in the Yuba River Watershed. Places of storage, diversion, and use of existing Yuba Accord water transfers would not change.

Description of Proposal to Extend the Yuba Accord Water Transfer Program

Yuba Water proposes to continue the Yuba Accord Water Transfer Program beyond its current expiration date of December 31, 2025, with the same features, terms, and conditions, which include: (1) the Yuba Water/DWR Water Purchase Agreement; (2) the Yuba Water/CCWD/EBMUD Water Transfer Agreement; (3) the Yuba Water/MU Conjunctive Use Agreements; and (4) the terms and conditions imposed in SWRCB Corrected Order WR 2008-0014 and subsequent Accord water transfer change petitions approved by the SWRCB. These elements are collectively referred to as the Yuba Accord Water Transfer Program. The extension of the Yuba Accord Water Transfer Program will include the following components:

- ▶ an agreement between Yuba Water and DWR to extend the term of the Yuba Water/DWR Water Purchase Agreement through 2050;
- ▶ an agreement among Yuba Water, CCWD, and EBMUD to extend the term of the Yuba Water/EBMUD/CCWD Water Transfer Agreement through 2050; and
- ▶ an agreement among Yuba Water and its Member Units to extend the term of the Yuba Water/MU Conjunctive Use Agreements through 2050; and
- ▶ petitioning the SWRCB to extend approval of the place of use, purposes of use, and points of rediversion for the Yuba Accord Water Transfer Program.

As reflected by this list, the proposed Yuba Accord Water Transfer Program Extension is a continuation of the program, beyond December 31, 2025, under its existing conditions.

Potential Approvals and Permits Required

Yuba Water anticipates that the process to review and approve the Extension and the required approvals and permits will include the following:

- ▶ Yuba Water and DWR will prepare and approve an extended Yuba Water/DWR Water Purchase Agreement.
- ▶ Yuba Water, EBMUD, and CCWD will prepare and approve an extended Yuba Water/EBMUD/CCWD Water Transfer Agreement.
- ▶ Yuba Water and each of the Member Units will prepare and approve extended Yuba Water/MU Conjunctive Use Agreements.
- ▶ Yuba Water will petition the SWRCB to extend approval of the place of use, purposes of use, and points of rediversion for Accord transfer water under the Yuba Accord Water Transfer Program.
- ▶ If Yuba Water determines that the Extension constitutes a "Covered Action" under the Delta Reform Act of 2009, Yuba Water will make findings regarding consistency with the Delta Plan.
- ▶ If additional coverage under the California Endangered Species Act is needed, Yuba Water will apply for and obtain an incidental take permit from CDFW.

The following public agencies are expected to use the SEIR in their decision-making for the Extension: Yuba Water as CEQA lead agency, and DWR, SWRCB, CCWD, EBMUD, six of the eight member units (Brophy Water District, Browns Valley Irrigation District, Cordua Irrigation District, Ramirez Water District, South Yuba Water District, and Wheatland Water District³), and potentially the Delta Stewardship Council as CEQA responsible agencies; and CDFW as a CEQA trustee agency and a responsible agency if an additional CESA permit is required.

Potential Environmental Effects

Pursuant to PRC Section 21166 and State CEQA Guidelines Section 15163, when a lead agency concludes that only minor additions or changes would be necessary to make the previous EIR adequately apply to the project, the lead agency may choose to prepare an SEIR. The 2007 EIR comprehensively analyzed potential impacts related to implementation of the Yuba Accord, and subsequent addenda analyzed minor changes to the project in 2014, 2016, and 2022. Consequently, the focus of this SEIR will be to analyze the potential environmental impacts that may result from the proposed extension of the Yuba Accord water transfer program beyond its original expiration date of December 31, 2025.

As required by CEQA, the SEIR will describe existing conditions and evaluate the potential for significant environmental effects of the Extension and appropriate alternatives, including the No Project alternative. Because the Extension is a continuation of existing conditions, however, it is likely that the SEIR will present analyses supporting the conclusion that extension of the Yuba Accord water transfer program will not result in significant effects in many

³ Dry Creek Mutual Water Company and Hallwood Irrigation Company are private companies that are not subject to CEQA.

environmental issue areas and will dismiss these areas from detailed analysis. Notwithstanding this context, the SEIR will address and discuss following environmental impact areas:

- ▶ Surface Water Supply and Management
- ▶ Groundwater Resources
- ▶ Power Production and Energy Consumption
- ▶ Flood Control
- ▶ Surface Water Quality
- ▶ Fisheries and Aquatic Resources
- ▶ Terrestrial Biological Resources
- ▶ Cultural Resources
- ▶ Tribal Cultural Resources
- ▶ Air Quality
- ▶ Greenhouse Gas Emissions and Climate Change
- ▶ Land Use and Agricultural Resource

Public Review Period

This NOP is being circulated for agency and public review and comment for a period of 45 days from January 12, 2023 through February 27, 2023. Yuba Water will hold two public scoping meetings to inform interested parties about the project and to provide agencies and the public with an opportunity to provide comments on the scope and content of the SEIR. The meeting times and locations are as follows:

February 7, 2023
3:00 p.m. to 5:00 p.m.

Yuba Water Headquarters
1220 F Street
Marysville, CA 95901

February 9, 2023
4:00 p.m. to 6:00 p.m.

https://us06web.zoom.us/webinar/register/WN_cF2NebDiRBKppOzNdhxY4A

The public scoping meetings will include a brief presentation about the Yuba Accord water transfer program through the year 2025, how Yuba Water plans to continue the water transfer program after 2025, and the CEQA process, including opportunities for public and agency participation. Yuba Water will accept oral comments at the scoping meetings, and written comments at the meetings and at any time during the scoping period.

If you plan on attending one of these meetings and need a translator or for additional accessibility preferences, please contact JoAnna Lessard at the contact information below.

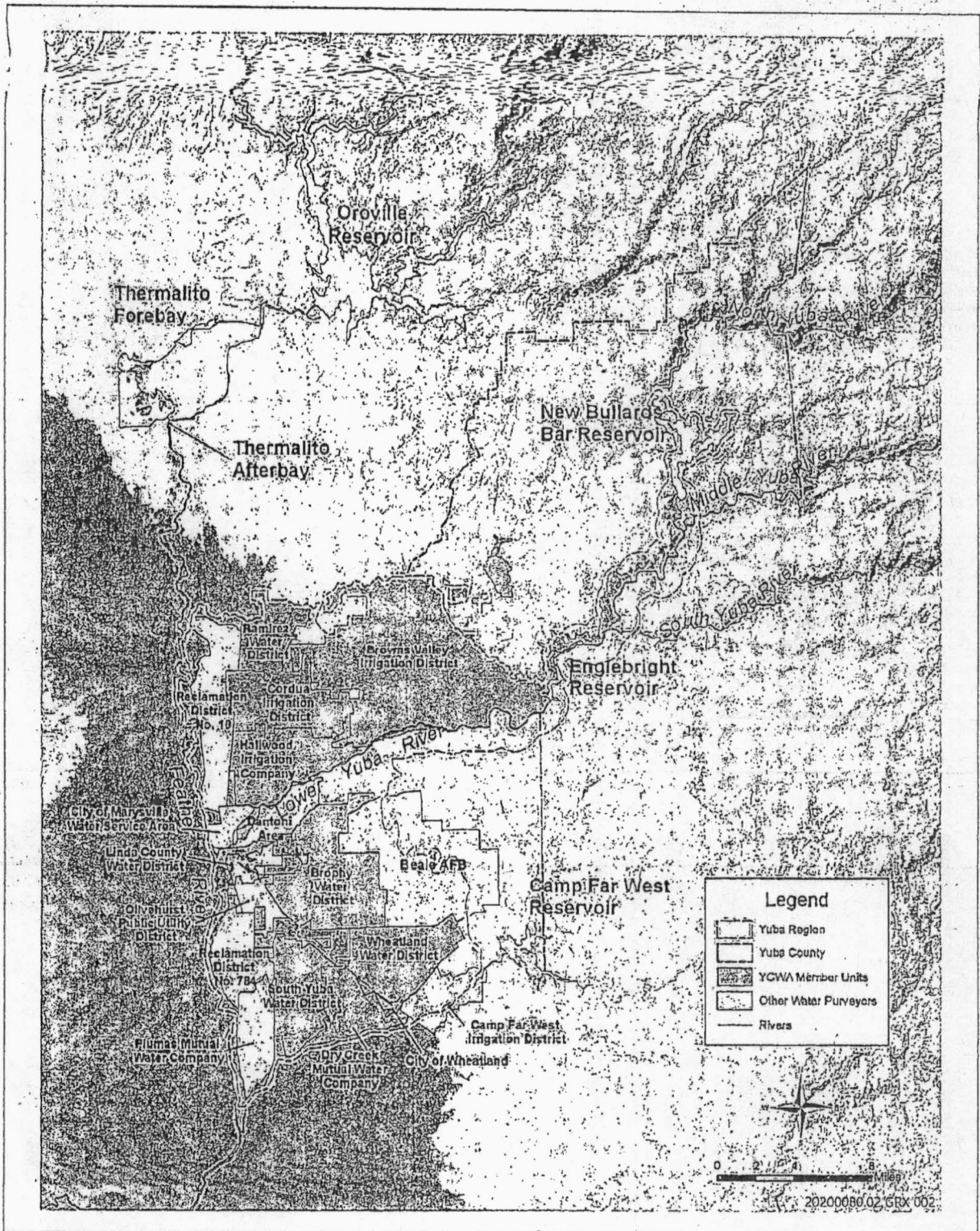
Copies of the NOP may be reviewed during normal business hours at Yuba County Water Agency, 1220 F Street, Marysville, CA 95901-4740; or online at: <https://www.yubawater.org/157/Lower-Yuba-River-Accord>.

Providing Comments

Written and/or email comments on the NOP should be provided at the earliest possible date but must be received by no later than 5:00 p.m. on February 27, 2023. Please send all comments on the NOP to:

JoAnna Lessard, Project Manager
Yuba County Water Agency
1220 F Street
Marysville, CA 95901-4740
Telephone: (530) 741-5035 Email: jlessard@yubawater.org

Comments provided by email should include the name and mailing address of the commenter in the body of the email. If you are from an agency that will need to consider the SEIR when deciding whether to issue permits or other approvals for the project, please provide the name of a contact person in any comments.



Source: Provided by Yuba Water in 2022; adapted by Ascent Environmental in 2022.

Figure 1 Yuba Water Member Units and Service Areas of Other Water Purveyors