

## **SAN JUAN WATER DISTRICT NEGATIVE DECLARATION**

Pursuant to the California Environmental Quality Act and CEQA Guidelines, the San Juan Water District hereby adopts a Negative Declaration for the following project:

**PROJECT TITLE:** 2022 Temporary Water Transfer of Pre-1914 Water Rights water to the Santa Clara Valley Water District and a consortium of State Water Contractors.

**PROJECT PROPONENT AND LEAD AGENCY:** San Juan Water District  
9935 Auburn Folsom Road, Granite Bay, CA 95746

Contact: Greg Zlotnick, Water Resources Manager, 916-791-6933

### **PROJECT DESCRIPTION AND LOCATION**

As part of a regional water transfer proposed to be conducted by several American River water agencies, San Juan Water District (SJWD) is proposing to temporarily transfer up to 4,302 acre-feet (AF) of its pre-1914 water right water supplies to provide supplemental water supplies to the Santa Clara Valley Water District (SCVWD) and a consortium of State Water Contractors (SWC), including the Metropolitan Water District of Southern California, Kern County Water Agency, Alameda County Water District, Napa County FC & WCD, Kings County Water District, Palmdale Water District, Dudley Ridge Water District, Zone 7 Water Agency, Central Coast Water Authority, and Antelope Valley-East Kern Water Agency (collectively the "Buyers").

SJWD provides wholesale water service to customers in northeastern Sacramento County and southeastern Placer County. SJWD's pre-1914 water right water supplies have an 1853 priority date and have been quantified. The water supplies are made available to SJWD on a perpetual, no-cut basis by the United States Bureau of Reclamation under a 1954 settlement contract.

Fair Oaks Water District (FOWD) and Citrus Heights Water District (CHWD), wholesale customers of SJWD, will pump groundwater in lieu of receiving surface water from SJWD that CHWD and FOWD would normally purchase to serve its customers. That foregone surface water constitutes the water being transferred ("transfer water") to the Buyers. The increased groundwater pumping by CHWD and FOWD to serve its customers will occur within existing historical baselines and in accordance with all applicable requirements of an adopted Groundwater Sustainability Plan (GSP), and conjunctive use accounting framework, administered by the Sacramento Groundwater Authority (SGA).

SCVWD and SWC member agencies in the SWC buyer consortium manage and operate facilities for the distribution of SWP water to customers in their respective service areas. SCVWD is primarily an urban water supplier, but it also serves some agricultural lands in southern Santa Clara County. SCVWD is normally reliant upon imported State Water Project (SWP) and federal Central Valley Project (CVP) water for approximately half of its water supplies. However, in 2022 SCVWD's SWP allocation is only 5% and its CVP allocation is only enough to meet minimum public health and safety needs. SWC members in the buyer consortium depend on imported SWP water for various portions of their normal water supply portfolios.

In July through November of 2022, the transfer water will be released from the base of Folsom Dam in Sacramento County into the lower American River, will flow through the Sacramento River and the Sacramento-San Joaquin Delta to DWR's North Bay Aqueduct (NBA) in Solano County in the north Delta and the Harvey O. Banks pumping plant in Contra Costa County in the south Delta, where it would be pumped into the SWP's NBA and California Aqueduct respectively for delivery by DWR to the buyers. Some of the transfer water may be temporarily stored in San Luis Reservoir for later delivery to an individual Buyer's service area.

For more information concerning the project, see the *Initial Study; 2022 Temporary Water Transfer of Pre-1914 Water Rights water to the Santa Clara Valley Water District and State Water Contractors* (the "Initial Study"), which is available for review and copying during regular business hours at the SJWD office at 9935 Auburn Folsom Road, Granite Bay, CA 95746.

## **PURPOSE OF AND NEED FOR THE PROPOSED PROJECT**

The purpose and need for the proposed water transfer is to facilitate efficient delivery and re-allocation of water between a willing seller and willing buyers under California law, subject to the Buyers' water service contracts with the California Department of Water Resources (DWR) that allows use of SWP facilities for delivery of non-Project water. The Buyers have been advised of significant deficits in their SWP water allocations for municipal, industrial, and irrigation uses in 2022 (traditional uses within their service areas).

SJWD is making up to 4,302 acre-feet of its pre-1914 water rights water available for transfer to the Buyers because the CHWD and FOWD, wholesale customers of SJWD, are able to provide groundwater substitution water for use in the CHWD and FOWD service areas respectively instead of otherwise receiving the water that SJWD will temporarily transfer in 2022. This water transfer will help offset the impacts of significant water shortages in the Buyers' service areas. SJWD has the right to transfer its pre-1914 water right water under Water Code section 1706, which permits a change in the place of use, purpose of use or point of diversion or rediversion, as long as the transfer would not injure another party that has a legal right to that water. Moreover, SJWD will comply with all requirements under the California Environmental Quality Act (CEQA). DWR is required to facilitate the transfer of

water between willing sellers and willing buyers, subject to applicable terms and conditions of its water service contracts with the Buyers and the availability of excess conveyance capacity in SWP facilities. The voluntary transfer of water to help meet California's water supply needs is a favored policy of the State of California. (See, e.g., Water Code sections 109, 475, 1011, 1014, 1017 and 1810.)

## **BACKGROUND INFORMATION**

### San Juan Water District

SJWD began as the North Fork Ditch Company in 1852. SJWD, as it exists today, was formed in 1954 as California's first community services district. SJWD's wholesale area covers approximately 46 square miles and serves a population of approximately 151,000. SJWD's water supply sources are: (1) a settlement contract with the U.S. Bureau of Reclamation (Reclamation) that provides, in perpetuity without reductions, for the delivery of 33,000 acre-feet of water from the American River based upon the District's water rights, which have priority dates of 1853 and 1928; (2) a permanent Repayment contract with Reclamation for 24,200 acre-feet of Central Valley Project water; and, (3) a contract with Placer County Water Agency (PCWA) for up to 25,000 acre-feet of water. All sources of surface water are either stored or flow through Folsom Lake and delivery is taken at Folsom Dam outlets, either by gravity or pumped by Reclamation's Folsom Pumping Plant.

### Fair Oaks Water District

The FOWD, a wholesale customer of the SJWD, retails water to approximately 40,000 municipal and industrial customers in eastern Sacramento County. It normally relies on SJWD surface water deliveries to meet a majority of its demands. The other demands are met with local groundwater pumped by wells owned and operated by FOWD.

### Citrus Heights Water District

The CHWD, a wholesale customer of the SJWD, retails water to approximately 67,000 municipal and industrial customers in northeastern Sacramento County. It normally relies on SJWD surface water deliveries to meet a majority of its demands. The other demands are met with local groundwater pumped by wells owned and operated by CHWD.

## FINDINGS

SJWD has directed the preparation of an Initial Study on the proposed project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Initial Study has been prepared to assess the proposed project's potential effects on the environment and the significance of those effects. Based on the Initial Study, and the findings below, SJWD finds that there is no substantial evidence, in light of the whole record before it, that the Project may have a significant effect on the environment. This conclusion is supported by the following findings:

- As the result of CHWD and FOWD providing groundwater to its customers in lieu of the surface water it would otherwise receive from SJWD (the transfer water), the proposed project will not affect the ability of SJWD, CHWD or FOWD to sufficiently serve the water requirements of their customers. CHWD and FOWD will pump groundwater within its historical baseline pumping and in accordance with the applicable GSP and SGA's water accounting framework. The surface water that SJWD will transfer will otherwise be delivered to CHWD and FOWD and is within the baseline amounts historically delivered to CHWD and FOWD.
- The groundwater substitution transfer project was carefully planned and carried out by SJWD, in collaboration with CHWD and FOWD, in furtherance of California law and policy encouraging more efficient use of water resources locally and statewide.
- The proposed temporary 1-year transfer offsets shortages in the Buyers' 2022 imported water deliveries from the SWP. Neither conveyance of the transfer water to the Buyers, nor use of the transfer water within Buyers' respective service areas, results in a change in physical environment different from what would occur through the management of the Buyers' other existing sources of water. The transfer would not result in any significant impact to streams or habitat for listed species, nor result in any growth-inducing impacts in the Buyers' service areas.
- There will be no significant impact on the environment because DWR's pumping of the transfer water will be subject to all past and future State Water Board decisions, orders, and applicable regulations and approvals, including federal biological opinions, court orders and regulatory requirements governing Delta water quality and operation of the SWP export facilities. There will be no material changes to water system operations in the federal and state water systems as they impact the Sacramento-San Joaquin Delta region.
- There would be no significant environmental impact on the operation of Folsom Reservoir, which has a capacity of nearly one million AF, resulting from this project. Reclamation has been operating the reservoir since 1954 in part to divert, temporarily store as needed, and deliver water to SJWD under its existing water rights and contractual entitlements. The only change in operations would be delivering water for

transfer at the outlet at the base of Folsom Dam as opposed to delivering it to SJWD at the municipal intake in the dam. In fact, there may be incidental benefit to the environment from the additional 4,302 acre-feet of transfer water being released to flow down the American River that would normally otherwise be diverted to SJWD at the municipal and industrial water intake on the upstream face of Folsom Dam.

- There are no significant direct, indirect, or cumulative impacts from implementation of the proposed project in 2022. The coordination among agencies in the American River watershed to facilitate this transfer will not result in cumulative impacts from this project.
- There are no construction-related activities related to the proposed project. No ground will be disturbed that may impact historical, cultural, archaeological, or paleontological resources. Moreover, no tribal resources registered with California's Historical Registry will be changed in any way as a result of this project.
- The project would not change water or wastewater infrastructure or significantly alter water or wastewater system operations for the Buyers, SJWD, CHWD, and FOWD.
- The project would not substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, reduce the number or restrict the range of a special-status species, or eliminate important examples of California history or prehistory.
- The project would not achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- The project would not have environmental effects that are individually limited but cumulatively considerable.
- The project would not have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly.
- This Negative Declaration reflects the independent judgment of the Lead Agency (SJWD).

In accordance with Section 21082.1 of CEQA, SJWD has independently reviewed and analyzed the Initial Study and Negative Declaration for the proposed project and finds that the Initial Study and Negative Declaration reflect the independent judgment of SJWD. Based on a review of project impacts above, it is anticipated that there will be no significant environmental impacts as a result of this project. Therefore, no mitigation is required, and the project is hereby approved.

May 31, 2022



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Paul Helliker, General Manager  
San Juan Water District