

**RESOLUTION NO. 2014-09**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE YUBA COUNTY WATER AGENCY APPROVING  
ADDENDUM NO. 2 TO FINAL YUBA ACCORD EIR,  
MAKING RELATED FINDINGS AND APPROVING  
THE ADDITION OF SAN LUIS DAM AS A  
TEMPORARY POINT OF REDIVERSION OF YUBA ACCORD WATER**

**Recitals**

A. WHEREAS, to resolve over 20 years of disputes concerning streamflows in the Lower Yuba River, Yuba County Water Agency ("YCWA") developed the Lower Yuba River Accord ("Yuba Accord"), which comprises three interrelated agreements: (1) a Fisheries Agreement among YCWA, state and federal fisheries agencies and environmental groups; (2) Conjunctive Use Agreements among YCWA and several of its member agencies; and (3) a Water Purchase Agreement between YCWA and the state Department of Water Resources ("DWR");

B. WHEREAS, the award-winning Yuba Accord is heralded as a model of conflict resolution, and has led to state-of-the-art streamflow requirements beneficial for fish and wildlife on the lower Yuba River, has improved water supplies for cities and farms throughout California, lowered the generation of greenhouse gases, and enabled YCWA to cost-share levee setback projects beneficial to Yuba County's community and the environment;

C. WHEREAS, YCWA, as the state lead agency for the Yuba Accord under the California Environmental Quality Act ("CEQA"), spent over a year and several million dollars preparing a comprehensive and detailed Yuba Accord environmental impact report/environmental impact statement that analyzed the Yuba Accord's potential environmental impacts in numerous resource categories and that consists of several thousand pages;

D. WHEREAS, on October 23, 2007, this Board of Directors certified the Final Environmental Impact Report/Environmental Impact Statement (State Clearinghouse #200506211 ("Final EIR")) for the Yuba Accord as complying with CEQA and no challenges to that certification were filed, so the Final EIR is now conclusively presumed to comply with CEQA (Public Resources Code § 21167.2);

E. WHEREAS, in Corrected Order WR 2008-0014, the State Water Resources Control Board ("SWRCB") relied on the Final EIR and amended YCWA's Water Right Permits 15026, 15027 and 15030 to include, with some modifications, the streamflow requirements in the Fisheries Agreement and to authorize, through December 31, 2025, the transfer of Yuba Accord water to DWR under the Water Purchase Agreement by adding the south Delta pumps of DWR and the federal Bureau of Reclamation ("Reclamation") as authorized points of rediversion on Permit 15026;

F. WHEREAS, members of the San Luis & Delta-Mendota Water Authority ("SLDMWA") are contractors of Reclamation's Central Valley Project ("CVP"), but purchase Yuba Accord water from DWR;

G. WHEREAS, SLDMWA's members primarily serve the west side of the San Joaquin Valley and, as a result of the current extreme drought conditions, are facing a dire water-supply situation in which they expect to receive no water in 2014 under their CVP contracts with Reclamation;

H. WHEREAS, SLDMWA's members purchased Yuba Accord water from DWR in 2013 and, anticipating the possibility of very dry conditions in 2014, implemented conservation measures in order to conserve some Yuba Accord water in San Luis Reservoir's storage for its use in 2014;

I. WHEREAS, SLDMWA's members currently have approximately 7,353 acre-feet of 2013 Yuba Accord water stored in San Luis Reservoir;

J. WHEREAS, the SLDMWA members who have 2013 Yuba Accord water in storage in San Luis Reservoir are Westlands Water District, Pacheco Water District and Panoche Water District;

K. WHEREAS, Reclamation has informed SLDMWA that, under the federal Warren Act, Reclamation will only allow SLDMWA's members to carry over their 2013 Yuba Accord water in Reclamation's storage space in San Luis Reservoir into the 2014 CVP contract year that begins March 1, 2014 if San Luis Dam is added as a point of rediversion of Yuba Accord water on YCWA's Permit 15026;

L. WHEREAS, YCWA is willing to assist SLDMWA's members in addressing their water-supply crisis by filing a temporary urgency change petition with the SWRCB to add San Luis Dam as a temporary point of rediversion of Yuba Accord water in Permit 15026;

M. WHEREAS, adding San Luis Dam to YCWA's Permit 15026 as an authorized temporary point of rediversion of Yuba Accord water would not result in any additional transfers of any water because the water to which that addition would apply already was diverted from the Delta in 2013 and is now physically present in San Luis Reservoir;

N. WHEREAS, YCWA has filed a Petition for Change with the SWRCB as a temporary urgency change petition that, if approved by the SWRCB, will add San Luis Dam as an authorized temporary point of rediversion in YCWA's Permit 15026;

O. WHEREAS, to support adding San Luis Dam as an authorized temporary point of rediversion of Yuba Accord water, YCWA, along with its consultant HDR, has prepared Addendum No. 2 to the Final EIR pursuant to Public Resources Code section 21166 and CEQA Guidelines sections 15612 and 15614 to evaluate whether this change to the approved Yuba Accord project would result in any new significant environmental impacts beyond those already identified and mitigated in the Final EIR, would result in any substantially more severe environmental impacts than those disclosed in the Final EIR or would create any other conditions that could require a subsequent or supplemental environmental impact report;

P. WHEREAS, the proposed addition of San Luis Dam as an authorized temporary point of rediversion of Yuba Accord water would not change any conditions in the Yuba River or Yuba County because YCWA will continue to implement the Yuba Accord streamflow schedules, as incorporated into Permits 15026, 15027 and 15030 by the SWRCB in Corrected Order No. WR 2008-0014, and because the relevant water already has been diverted from the Delta under the Water Purchase Agreement;

Q. WHEREAS, in Addendum No. 2, YCWA has analyzed whether the storage of Yuba Accord water that would be enabled by the proposed addition of San Luis Dam as an authorized temporary point of redirection of that water would result in, among other things, any fishery impacts in San Luis Reservoir; and

R. WHEREAS, Addendum No. 2 concludes that "adding San Luis Dam as a temporary point of redirection of Accord transfer water will not result in new significant environmental impacts not analyzed in the Yuba Accord Final EIR, substantial increases in the severity of significant impacts analyzed in the Yuba Accord Final EIR, or in any other conditions or circumstances that would require preparation of a subsequent or supplemental EIR under Public Resources Code section 21166 and CEQA Guideline section 15162."

### **Resolution**

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Yuba County Water Agency as follows:

1. The Board of Directors approves Addendum No. 2 in the form presented at this meeting.

2. The Board of Directors has reviewed and considered Addendum No. 2 with the Final EIR.

3. In accordance with Public Resources Code section 21166 and CEQA Guidelines section 15162 and 15164, and based on the Final EIR and Addendum No. 2, the Board of Directors finds and determines as follows:

A. The potential environmental effects of the Yuba Accord project have been disclosed, analyzed, considered and addressed through the Final EIR.

B. In Addendum No. 2, YCWA has evaluated and considered the change to the Yuba Accord project of adding San Luis Dam as an authorized temporary point of redirection of Yuba Accord water under YCWA's Permit 15026 and the continued storage of that water that adding that temporary point of redirection would enable. Addendum No. 2 analyzed that change and related environmental circumstances and concluded that, in light of the Final EIR, the change would not involve any new significant environmental effects, any substantial increase in the severity of previously identified significant effects or any other conditions that could require a subsequent or supplemental environmental impact report to analyze the proposed change to the Yuba Accord project.

C. The Final EIR, as supplemented by Addendum No. 2, remains adequate for the Yuba Accord project, as changed by the addition of San Luis Dam as an authorized temporary point of redirection of Yuba Accord water. No subsequent or supplemental environmental impact report or other CEQA analysis is required for the Yuba Accord project, as revised.

4. The Board of Directors authorizes and directs the General Manager to prepare and file a CEQA Notice of Determination reflecting the Board of Directors' determinations in this resolution and to append Addendum No. 2 to the Final EIR.

5. The Board of Directors determines that the addition of San Luis Dam as an authorized temporary point of diversion of Yuba Accord water under YCWA's Permit 15026 is not a "covered action" under the Sacramento-San Joaquin Delta Reform Act of 2009 for the following reasons:

A. That addition is not a CEQA project in itself because that addition is a change to the broader and pre-existing Yuba Accord project, which YCWA approved in 2007 and which was implemented in part by the SWRCB in 2008 in its Corrected Order WR 2008-0014 (Water Code § 85057.5);

B. That addition will not involve any additional diversions of water from the Delta because the relevant water already was diverted from the Delta in 2013 under the pre-existing Water Purchase Agreement and the SWRCB's Corrected Order WR 2008-0014 (Water Code § 85057.5(a)(4)); and

C. The action that will add San Luis Dam as an authorized temporary point of diversion of the Yuba Accord water in YCWA's Permit 15026 will be the SWRCB's approval of YCWA's pending Petition for Change, which will be a regulatory action of a state agency (Water Code § 85057.5(b)(1)).

6. The Board of Directors approves adding San Luis Dam as a temporary point of diversion of Yuba Accord water through February 28, 2015, subject to all existing agreements and regulatory conditions related to that water and any future regulatory requirements that take effect and are applicable before February 28, 2015.

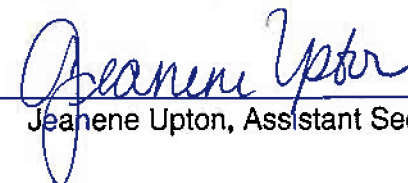
7. The Board of Directors authorizes and directs the General Manager and his designees to take all further actions necessary to implement the addition of San Luis Dam as a temporary point of diversion of Yuba Accord water on YCWA's Permit 15026.

PASSED AND ADOPTED by the Board of Directors of the Yuba County Water Agency on the 28<sup>th</sup> date of January, 2014, by the following vote on roll call:

AYES:	DIRECTORS ABE, BELZA, MUCK, NICOLETTI, STOCKER AND VASQUEZ
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	DIRECTOR GRIEGO

By:   
Sidney R. Muck, Chairman

ATTEST:

By:   
Jeanene Upton, Assistant Secretary