

# Memorandum

Date: March 12, 2009

To: Honorable Linda S. Adams  
Secretary for Environmental Protection  
California Protection Agency  
1001 I Street  
Sacramento, California 95814

From: Department of Water Resources

Subject: Request for Concurrence in the use of the Emergency Exemption Provisions of CEQA for the 2009 Drought Water Bank.

This letter is to request your concurrence in the use of the emergency exemption provisions of CEQA for the 2009 Drought Water Bank pursuant to the Governor's February 27, 2009, Proclamation of a State of Emergency issued in response to the third consecutive year of drought in California.

The 2009 Drought Water Bank (Water Bank) was begun in the summer of 2008 in response to Governor Schwarzenegger's June 4, 2008, Executive Order S-06-08 to help alleviate the drought conditions should they continue into 2009. On June 12, the Governor issued an Emergency Proclamation for nine counties in the San Joaquin Valley due to the critically dry conditions. 2009 is proving to be another critically dry year.

The Water Bank has been established to provide critical water supplies in the form of water transfers from willing sellers to willing buyers and is now ready for implementation. The Water Bank will be implemented in a manner that mitigates for the environmental impacts of water transfers. These mitigation measures were refined during implementation of the Environmental Water Account (EWA) from 2001 through 2007. These mitigation measures are referenced in the Emergency Proclamation Governor Schwarzenegger signed on February 27, 2009 and detailed in the Department of Water Resources' (DWR) recently posted addendum to the EWA EIR.

The Emergency Proclamation also allows DWR to use the emergency provisions of CEQA if it receives concurrence from the California Environmental Protection Agency. Attached is a copy of the Notice of Exemption that DWR would like to file with the State Clearinghouse in the next few days to keep the Water Bank implementation on schedule.

Honorable Linda S. Adams

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Please sign below if you concur that DWR's use of the emergency exemption for the 2009 Drought Water Bank is appropriate under the Governor's February 27 Emergency Proclamation.



Lester A. Snow  
Director  
(916) 653-7007

CONCUR.



Linda S. Adams  
Secretary for Environmental Protection Agency

3/12/09  
Date