

1 UNITED STATES
2 DEPARTMENT OF THE INTERIOR
3 BUREAU OF RECLAMATION
4 Central Valley Project, California

5 INTERIM RENEWAL CONTRACT BETWEEN THE UNITED STATES
6 AND
7 PLACER COUNTY WATER AGENCY
8 PROVIDING FOR PROJECT WATER SERVICE
9 FROM THE AMERICAN RIVER DIVISION

10 THIS CONTRACT, made this 1st day of March, 2016,

11 in pursuance generally of the Act of June 17, 1902 (32 Stat. 388), and acts amendatory or
12 supplementary thereto, including, but not limited to, the acts of August 26, 1937 (50 Stat. 844),
13 as amended and supplemented, August 4, 1939 (53 Stat. 1187), as amended and supplemented,
14 June 21, 1963 (77 Stat. 68), October 12, 1982 (96 Stat. 1263), October 27, 1986 (100 Stat. 3050),
15 as amended, and Title XXXIV of the Act of October 30, 1992 (106 Stat. 4706), all collectively
16 hereinafter referred to as Federal Reclamation law, between the UNITED STATES OF
17 AMERICA, hereinafter referred to as the United States, and the PLACER COUNTY WATER
18 AGENCY, hereinafter referred to as the Contractor, a public agency of the State of California,
19 duly organized, existing, and acting pursuant to the laws thereof;

20 WITNESSETH, That:

21 EXPLANATORY RECITALS

22 WHEREAS, the United States and the Contractor entered into the interim renewal
23 contract identified as Contract No. 14-06-200-5082A-IR1, hereinafter referred to as IR1, which
24 provided for the continued water service to the Contractor effective from January 1, 2012,
25 through February 28, 2014; and

WHEREAS, the United States and the Contractor have entered into a successive renewal of IR1, which is Contract No. 14-06-200-5082A-IR2, hereinafter referred to as IR2, effective from March 1, 2014, through February 29, 2016; and

WHEREAS, the United States and the Contractor have made significant progress in their negotiations of a long-term renewal contract, believe that further negotiations on the long-term renewal contract would be beneficial, and mutually commit to continue to negotiate to seek to reach agreement, but anticipate that the environmental documentation necessary for execution of any long-term renewal contract may be delayed for reasons beyond the control of the parties; and

WHEREAS, the Contractor has requested a subsequent interim renewal contract pursuant to Article 2 of IR1; and

WHEREAS, the United States has determined that the Contractor has to date fulfilled all of its obligations under IR2; and

WHEREAS, the United States is willing to renew IR2 pursuant to the terms and conditions set forth below;

NOW, THEREFORE, in consideration of the mutual and dependent covenants herein contained, it is hereby mutually agreed by the parties hereto as follows:

RENEWAL AND REVISION OF
CONTRACT NO. 14-06-200-5082A-IR2

1. Except as specifically modified by this contract, all provisions of IR2 are renewed with the same force and effect as if they were included in full text with the exception of Article 1 of IR2 thereof, which is revised as follows:

(a) The first sentence in subdivision (a) of Article 1 of IR2 is modified as follows: "This Contract shall be effective from March 1, 2016, and shall remain in effect

through February 28, 2018, and thereafter will be renewed as described in Article 2 of IR1 if a long-term renewal contract has not been executed with an effective commencement date of March 1, 2018.”

(b) Subdivision (b) of Article 1 of IR2 is amended by deleting the date “February 29, 2016,” and replacing same with the date “February 28, 2018.”

IN WITNESS WHEREOF, the parties hereto have executed this Contract as of the day and year first above written.

UNITED STATES OF AMERICA

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY
Steph R. Palmer
OFFICE OF REGIONAL SOLICITOR
DEPARTMENT OF THE INTERIOR

ACTING
FOR

By:

Robert R. Anger
Regional Director, Mid-Pacific Region
Bureau of Reclamation

(SEAL)

PLACER COUNTY WATER AGENCY

By:

Michael R. Lee
Chairman of the Board of Directors

Attest:

By:

Cheri Sprumek
Secretary of the Board of Directors

RESOLUTION 16-05 OF THE BOARD OF DIRECTORS OF THE
PLACER COUNTY WATER AGENCY
APPROVING AN INTERIM RENEWAL CONTRACT BETWEEN THE UNITED STATES AND PLACER
COUNTY WATER AGENCY PROVIDING FOR PROJECT WATER SERVICE FROM THE AMERICAN
RIVER DIVISION AND AUTHORIZING ITS EXECUTION

WHEREAS, in 2001, the Agency entered into an Amendatory Water Service Contract with the United States for water from the federal Central Valley Project ("CVP") that provided for deliveries of CVP water until December 31, 2011, with options for renewal; and

WHEREAS, in August 2002, the Agency and United States executed an amendment to the Amendatory Contract that did not change the term of that Contract; and

WHEREAS, the term of the Amendatory Contract, as amended, ended on December 31, 2011; and

WHEREAS, the United States was precluded from entering into a Long-Term Renewal Contract with the Agency at that time due to challenges to the environmental documentation necessary to execute such a contract; and

WHEREAS, the United States and the Agency entered into an interim renewal contract providing for continued water service to the Agency from January 1, 2012, through February 28, 2014; and

WHEREAS, the United States and the Agency entered into a subsequent interim renewal contract which provided for continued water service to the Agency from March 1, 2014, through February 29, 2016; and

WHEREAS, environmental documentation necessary for execution of any long-term renewal contract may be delayed for reasons beyond the control of the parties; and

WHEREAS, the Agency has requested a subsequent interim renewal contract, and the United States is willing to enter into such a contract; and

WHEREAS, the proposed interim renewal contract is entitled "Interim Renewal Contract Between The United States And Placer County Water Agency Providing For Project Water Service From The American River Division" (Contract No. 14-06-200-5082A-IR3), and is attached hereto at Exhibit A and incorporated herein; and

WHEREAS, the terms of the Interim Renewal Contract do not provide for any change in the terms and conditions of the Amendatory Contract, as amended, but provide a contractual basis for continued deliveries of Central Valley Project water from March 1, 2016, through February 28, 2018; and

WHEREAS, the Agency's only diversion of CVP water has been from Folsom Reservoir and such diversions will not change within the terms of the Interim Renewal Contract.

BE IT RESOLVED THAT:

1. The Board hereby finds and determines that the foregoing recitals are true and correct;
2. The Board hereby finds that the Agency's diversions under the Interim Renewal Contract will have no potential for any significant adverse effect on the physical environment;
3. The Board hereby directs the Agency staff to prepare and file a Notice of Exemption and file it in the prescribed form in compliance with the California Environmental Quality Act;
4. The Board hereby approves the proposed Interim Renewal Contract Between The United States And Placer County Water Agency Providing for Project Water Service From The American River Division, Contract No. 14-06-200-5082A-IR3; and
5. The Board hereby authorizes the Chair of the Board of Directors to execute the Interim Renewal Contract on behalf of the Agency.

This resolution was duly adopted at a meeting of the Board of Directors of the Placer County Water Agency held on January 21, 2016, by the following vote on roll call:

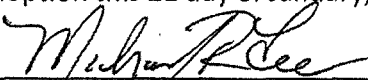
AYES: Graham "Gray" Allen, Joshua Alpine, Robert Dugan, Primo Santini,
Chair Michael "Mike" Lee

NOES: None

ABSTAINED: None

ABSENT: None

Signed and approved by me after its adoption this 21 day of January, 2016.



Mike Lee, Chair of the Board
Placer County Water Agency

ATTEST:


Cheri Sprunck
Clerk to the Board

CERTIFICATION

The foregoing instrument is a correct copy of the original on file at the Placer County Water Agency, Auburn, California.

Attest: 
Cheri Sprunck

Page 2 of 2 Clerk to the Board of Directors
Dated: January 22, 2016

State of California -- Department of Fish and Wildlife
2015 ENVIRONMENTAL FILING FEE CASH RECEIPT
DFW 753.5a (Rev. 01/16)

RECEIPT#

31-160011

STATE CLEARING HOUSE#
(if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY

LEAD AGENCY

PLACER COUNTY WATER AGENCY

DATE

01/25/2016

COUNTY/STATE AGENCY OF FILING

PLACER COUNTY CLERK AUBURN

PROJECT TITLE

INTERIM RENEWAL OF CENTRAL VALLEY PROJECT WATER SUPPLY
CONTRACT

PROJECT APPLICANT NAME

PLACER COUNTY WATER AGENCY

PHONE NUMBER

PROJECT APPLICANT ADDRESS

PO BOX 6570 AUBURN

CITY

CA

STATE

95604

ZIPCODE

530-823-485
0

PROJECT APPLICANT (Check appropriate box):

☒ Local Public Agency ☐ School District ☐ Other Special District ☐ State Agency ☐ Private Entity

CHECK APPLICABLE FEES:

☐ Environmental Impact Report (EIR)

\$3,070.00 \$

☐ Mitigated/Negative Declaration (MND) (ND)

\$2,210.25 \$

☐ Application Fee Water Diversion (State Water Resources Control Board Only)

\$850.00 \$

☐ Projects Subject to Certified Regulatory Programs (CRP)

\$1,043.75 \$

☒ County Administrative Fee

\$50.00 \$ 50.00

☒ Project that is exempt from fees

☒ Notice of Exemption (attach)

☐ DFG No Effect Determination (attach)

☐ Other

\$

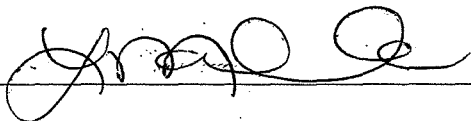
PAYMENT METHOD:

☐ Cash ☐ Credit ☒ Check #158928 ☐ Other

TOTAL RECEIVED \$50.00

SIGNATURE

X



TITLE

L. Millanes, DEPUTY

PROJECT APPLICANT COPY

CDFW/ASB COPY

LEAD AGENCY COPY

COUNTY CLERK COPY

FG 753.5a (Rev. 01/16)

Notice of Exemption

Form D

To: ☒ Office of Planning and Research
PO Box 3044, 1400 Tenth Street, Room 222
Sacramento, CA 95812-3044

From: Placer County Water Agency
P.O. Box 6570
Auburn, CA 95603

(Public Agency and Address)

☒ County Clerk, County of: Placer

Project Title: Interim Renewal of Central Valley Project Water Supply Contract

Project Location - Specific: Lower portion of PCWA's Zone 1 and Zone 2 Service Areas (Lincoln, Rocklin and Roseville areas), Placer County, California

Project Location - City: Various Cities located within Placer County (Lincoln, Rocklin and Roseville) Project Location - County: Placer

Description of Project: Approval of the proposed Interim Renewal Contract Between the United States and Placer County Water Agency Providing for Project Water Service From the American River Division, Contract No. 14-06-200-5082A (IR3). The terms of the Interim Renewal Contract do not provide for any change in the terms and conditions of the Contract, Amendatory Contract as amended, but provide a contractual basis for continued deliveries of Central Valley Project water through February 28, 2018. PCWA's only diversion of CVP water has been from Folsom Reservoir and such diversions will not change within the term of the Interim Contract.

Name of Public Agency Approving Project: Placer County Water Agency

Name of Person or Agency Carrying Out Project: Placer County Water Agency

Exempt Status: (check one)

- ☐ Ministerial (Sec. 21080(b)(1); 15268)
☒ General Rule (Sec. 15061 (b) (3));
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
☐ Categorical Exemption. State type and section number:
☐ Statutory Exemption. State code number:

POSTED 01/25/2016
Through
JIM McCAULEY, COUNTY CLERK
By [Signature]
Deputy Clerk

Reasons why project is exempt: The discretionary action of executing an interim contract is subject to the California Environmental Quality Act (CEQA). Section 15061 (b)(3) of the CEQA guidelines states that a project is exempt from CEQA if the project activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Based on a review of the information gathered, the Agency has determined that the project would not have a significant effect on the environment.

Lead Agency: Andrew Fecko, Director of Resource
Contact Person: Development

Area Code/
Telephone/Extension: 530-823-4850

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: [Signature] Date: 1/11/16 Title: Environmental Specialist
Heather Trejo

☒ Signed by Lead Agency

Date received for filing at OPR: _____

☐ Signed by Applicant