

**RESOLUTION NO. 14-981**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WATER REPLENISHMENT DISTRICT OF SOUTHERN CALIFORNIA LEVYING A REPLENISHMENT ASSESSMENT ON THE PRODUCTION OF GROUNDWATER FROM THE GROUNDWATER SUPPLIES WITHIN THE DISTRICT DURING THE FISCAL YEAR COMMENCING JULY 1, 2014 AND ENDING ON JUNE 30, 2015 AS PROVIDED IN SECTION 60317 OF CALIFORNIA WATER CODE AND MAKING FINDINGS AND DETERMINATIONS REGARDING SAID ASSESSMENT IN ACCORDANCE WITH SECTIONS 60315 AND 60316 OF THE WATER CODE OF THE STATE OF CALIFORNIA**

**WHEREAS**, the Board of Directors ("the Board") of the Water Replenishment District of Southern California ("the District") on December 5, 2013 in compliance with California Water Code § 60300, timely ordered an Engineering Survey and Report ("ESR") to be made regarding the groundwater supplies and groundwater quality issues within the District; and

**WHEREAS**, the ESR has been prepared pursuant to the Board's request and the ESR has been available for inspection by any interested party for the time required by law; and

**WHEREAS**, the Board, by Resolution No. 14-976, has declared that funds shall be raised to purchase water for replenishment of groundwater supplies within the District during the ensuing fiscal year, 2014-2015, and to accomplish all acts reasonably necessary pursuant to said replenishment, including, but not limited to, the development and operation of capital projects, and that such funds shall be raised by a replenishment assessment as provided in Chapter 2 of Part 6 of the California Water Code, and further finding that the funds to be raised will benefit, directly or indirectly, all of the persons or real property and improvements within the District; and

**WHEREAS**, the Board, by Resolution No. 14-976, has declared that funds shall be raised to remove contaminants from groundwater supplies and to exercise any other power under California Water Code § 60224, including, but not limited to, the development and operation of capital projects, and that such funds shall be raised by a replenishment assessment as provided in Chapter 2 of Part 6 of the California Water Code, and further finding that the funds so raised will benefit, directly or indirectly, all of the persons or real property and improvements within the District; and

**WHEREAS**, the District prepared a Cost of Service Report dated April 3, 2014, which has been made available to the public, describing the services the District anticipates performing in Fiscal Year 2014-2015, estimating the costs of providing those services, and calculating a Replenishment Assessment that ensures that those costs are spread amongst water producers in an equitable manner; and

**WHEREAS**, on April 3, 2014, as required by California Water Code § 60307, the Board opened a public hearing for the purpose of determining whether and to what extent the estimated cost of water replenishment programs and the estimated cost of water quality programs for the ensuing year shall be paid for by a replenishment assessment ; and

**WHEREAS**, notice of the April 3, 2014 hearing was published as required by law; and

**WHEREAS**, the April 3, 2014 hearing was continued to April 17, 2014, and was further continued to May 1, 2014 at which time the hearing was closed; and

**WHEREAS**, in addition to the public hearings on the Replenishment Assessment, the District also held budget workshops that were open to the public, where the District provided the public with information concerning its Fiscal Year 2014-2015 budget, which is directly related to the Replenishment Assessment; and

**WHEREAS**, in addition to the April 3, 2014 public hearing, on May 1, 2014 the Board also held a public hearing pursuant to Article XIII D, Section 6(a)(2) of the California Constitution regarding the proposed Replenishment Assessment; and

**WHEREAS**, all evidence and testimony relevant to the ESR and the Board's determination that such a Replenishment Assessment shall be levied was heard at these public hearings and at the budget workshops; and

**WHEREAS**, all other findings required by law have already been made, including, but not limited to, any findings required by California Water Code § 60231; and

**WHEREAS**, the Board voted at its May 1, 2014 public meeting to make the findings and resolutions set forth below.

**NOW, THEREFORE, BE IT RESOLVED AND DECLARED BY THE BOARD OF DIRECTORS OF THE WATER REPLENISHMENT DISTRICT OF SOUTHERN CALIFORNIA AS FOLLOWS:**

1. That said Board pursuant to § 60315 of the Water Code of the State of California finds as follows:
  - a) The annual overdraft of the preceding water year, 2012-2013 was -153,000 acre-feet as provided in the 2014 ESR and any updates.
  - b) The estimated annual overdraft for the current water year, 2013-2014 is 119,800 acre-feet as provided in the 2014 ESR and any updates.

- c) The estimated annual overdraft for the ensuing water year, 2014-2015 is 96,800 acre-feet as provided in the 2014 ESR and any updates.
- d) The accumulated overdraft as of the last day of the preceding water year was 757,500 acre-feet as provided in the 2014 ESR and any updates.
- e) The estimated accumulated overdraft as of the last day of the current water year is 780,700 acre-feet as provided in the 2014 ESR and any updates.
- f) The total production of groundwater from the groundwater supplies within the District during the preceding water year was 238,678 acre-feet as provided in the 2014 ESR and any updates.
- g) The estimated total production of groundwater from groundwater supplies within the District for the current water year is 240,000 acre-feet as provided in the 2014 ESR and any updates.
- h) The estimated total production of groundwater from the groundwater supplies within the District for the ensuing water year is 242,000 acre-feet as provided in the 2014 ESR and any updates.
- i) In the preceding water year, because of the dry winter resulting in below normal replenishment water, groundwater levels in the WRD service area decreased on average 4 feet and 68,000 acre-feet were removed from storage. In the Montebello Forebay area alone, the average water level drop was nearly 13 feet. The 2014 ESR and any updates provide details of water levels and basin conditions.
- j) During the current water year, rainfall and stormwater recharge is below average and the State is in a condition of serious drought. Therefore, groundwater levels are expected to fall this year, especially in the Montebello Forebay area. The 2014 ESR and any updates provide details of water levels and basin conditions.
- k) The quantity of water that should be purchased by the District for the replenishment of the groundwater supplies of the District during the ensuing water year is 99,100 acre-feet, which includes 71,000 acre-feet at the spreading grounds and 28,100 acre-feet at the seawater barrier wells. Details of the calculations for these amounts are presented in the 2014 Engineering Survey and Report and any updates, and on Board decisions at the May 1, 2014 public meeting.
- l) The source and estimated cost of the water available for the replenishment described in Section (k) is presented in the 2014 ESR and any updates.

- m) The estimated net costs of replenishing the groundwater supplies with the water so purchased are \$36,558,000. The derivation of this amount is described in the 2014 ESR, the 2014 Cost of Service Report, and any updates to these documents, and on Board decisions at the May 1, 2014 public meeting. The estimated rate of the replenishment assessment required to fund these purchases based on the anticipated pumping in the ensuing year described in Section (h) is \$151.07 per acre-foot of groundwater pumped.

The estimated additional costs to the District for its replenishment program costs, estimated capital costs, and other costs relating to accomplishing replenishment of the groundwater supplies, are \$26,675,165. The estimated rate of the replenishment assessment required to fund these costs based on the anticipated pumping in the ensuing year described in Section (h) is \$110.23 per acre-foot of groundwater pumped. A listing of the projects and programs and their intended objective – replenishment and/or clean water – is provided in the 2014 ESR and Cost of Service Reports, and any updates to these documents.

- n) It is not anticipated that additional replenishment funds need to be raised in the ensuing year for future replenishment water that should be purchased in the ensuing year but cannot be purchased due to an anticipated unavailability of replenishment water in the ensuing year.
- o) The estimated rate of the replenishment assessment required to be levied upon the production of groundwater from the groundwater supplies within the District during the ensuing fiscal year for the purposes of accomplishing replenishment activities (replenishment water plus replenishment projects and programs) is \$261.29 per acre-foot.
- p) Contaminants should be removed from groundwater supplies during the ensuing fiscal year pursuant to the District's projects and programs described in the 2014 ESR and any updates, the April 3, 2014 Cost of Service Report and any updates, the District's capital improvement program, and the District's draft annual budget document. The estimated costs to the District for the groundwater quality program for the 2014-2015 fiscal year are estimated at \$5,246,245. The estimated additional rate of replenishment assessment required to be levied upon the production of groundwater from the groundwater supplies within the District during the ensuing fiscal year for those purposes is \$21.68 per acre-foot.
- q) The programs for the removal of contaminants or other actions under Water Code § 60224 are multi-year programs.

- r) The estimated amount of reserves on hand at the end of the fiscal year of 2014-2015 will not exceed the applicable limitations provided in Water Code Sections 60290 and 60291.
2. After accounting for other revenue, possible debt financing, or use of reserves, the estimated rate of the replenishment assessment required to be levied upon the production of groundwater from the groundwater supplies within the District during the ensuing fiscal year, 2014-2015, for the purpose of accomplishing such replenishment and water quality programs by the District is \$268.00 per acre-foot of yearly groundwater production. After accounting for the use of an estimated \$3,629,800 in other revenue, possible debt financing for capital improvement projects, and District reserve funds as necessary, said replenishment assessment will produce the approximate necessary funds to pay the following costs: \$251.98 per acre-foot for the cost of purchasing water, financing capital improvement projects and other costs relating to accomplishing groundwater replenishment, and \$16.02 per acre-foot for clean water programs. Of the \$251.98 per acre-foot allocated to accomplishing groundwater replenishment, \$34.49 per acre-foot is allocated to capital projects. Of the \$16.02 per acre-foot allocated to clean water programs, \$8.84 per acre-foot may be allocated to capital projects. General and administrative expenses of the District will be met on a pro tanto basis given each function's (replenishment and clean water) load factor on operations.
  3. Prior to accounting for other revenue, possible debt financing, or use of reserves, the entire cost of purchasing water for replenishment for the ensuing fiscal year shall be paid for by the assessment identified in Section 2 above. The cost of removing contaminants from groundwater supplies and taking other actions authorized under Water Code § 60224 shall be paid for by the assessment identified in Section 2 above, from possible debt financing for capital improvement projects, and from reserve funds as necessary maintained in accordance with Water Code § 60290. The costs of those capital projects to be undertaken in the ensuing fiscal year, but for which no capital construction accounts have been established pursuant to Water Code § 60291, shall also be paid for by the reserve fund maintained in accordance with Water Code § 60290.
  4. All of the estimated costs for the ensuing fiscal year for water replenishment programs and for groundwater quality programs by the District as found in Section 1 of this Resolution shall be paid for by a replenishment assessment levied pursuant to Water Code § 60317 and by the reserve fund maintained in accordance with Water Code § 60290. There is hereby levied on the production of groundwater from groundwater supplies within the District during the fiscal year commencing July 1, 2014, and ending June 30, 2015, a replenishment assessment in the amount of \$268.00 per acre-foot produced during said fiscal year.
  5. This Replenishment Assessment complies with the California Environmental Quality Act ("CEQA"), based on any one of the following grounds:

- (a) That the District's groundwater replenishment program is exempt from CEQA pursuant to CEQA Guidelines §15261(a), in that it is an ongoing project commencing at a date such that an environmental impact report has not been required, and the 2014-2015 program is part of that ongoing project.
  - (b) Funds generated by the RA will be used for (1) operating expenses, (2) financial reserve needs, (3) purchasing or leasing supplies, equipment and materials, and (4) funds for capital projects necessary to maintain service within existing service areas. That Finding is based on documents and information provided in the record of these proceedings, including but not limited to the annual Engineering Survey Report, the 2014 Cost of Service Report, the proposed 2014-2015 budget, and the staff's written reports and PowerPoint presentations to the Board. Further, the funds raised by the RA will not be used to expand the area or territory in which the District provides services or to fund capital projects that would expand the District's service area or system. Accordingly, the District finds that its adoption of Resolution No. 13-956 is exempt from CEQA pursuant to, among other bases, CEQA Section 20180(b) (8) and CEQA Guidelines 15261 and 15273, and the Board directs staff to file an appropriate Notice of Exemption.
  - (c) Notwithstanding the exemptions cited above, an Environmental Impact Report ("EIR") for the District's groundwater replenishment program was previously prepared and that EIR and program have been approved by the District's Board. Subsequent to the preparation of that EIR, the District prepared and certified a number of Mitigated Negative Declarations and Negative Declarations for various water quality and water supply projects (collectively, the "NDs"). The District has examined the imposition of a water replenishment assessment for the 2014-2015 fiscal year to determine whether an additional environmental document must be prepared. Based on this examination, the 2014 Engineering Survey and Report and all other evidence in the administrative record of the District's proceedings herein, the District concludes that: (1) the imposition of a water replenishment assessment for the 2014-2015 fiscal year would not have any effects that were not examined in the EIR and NDs; (2) pursuant to CEQA Guidelines §15162, no new effects would occur and no new mitigation measures would be required; and (3) the imposition of a water replenishment assessment for the 2014-2015 fiscal year is within the scope of the groundwater replenishment program covered by the EIR and NDs and such activity is adequately described in said EIR, and no new environmental document is required.
6. The Replenishment Assessment will be imposed on persons and entities that extract groundwater from the Central Basin and West Coast Basin. Extraction of groundwater from those Basins is governed by court judgments entered in 1962 and 1965 pursuant to groundwater adjudication lawsuits. Those judgments

granted certain parties an allocation to pump water based on prescriptive water rights and not based on any aspect of ownership of land overlying either Basin. Accordingly, since the pumping rights granted by the Judgments were based on prescriptive water rights, the parties do not pump the groundwater pursuant to any tenancy or fee interest in the overlying land or any rights that attach as a result of a tenancy or fee interest in overlying land. Further, neither of the Judgments for the Central and West Coast Basins included a determination of the amount or extent to which any party to said Judgment may extract groundwater from said basin without exceeding the natural safe yield of said basin.

7. The Replenishment Assessment is a charge for water basin management services provided by the District to persons exercising an allocation of pumping groundwater from adjudicated basins per a privilege granted under the court judgments referenced above. These services, which include water replenishment and water quality services, benefit those charged. All persons receiving the services or benefitting from the services by exercising pumping allocations are subject to the Replenishment Assessment. Services are not provided to those who are not charged the Replenishment Assessment and do not benefit those who are not charged the Replenishment Assessment. The amount of the Replenishment Assessment does not exceed the District's reasonable costs to provide services, confer benefits and/or grant privileges as described in this paragraph. Consequently, the Replenishment is not a "tax" within the meaning of Article XIII C, Section 1(e) of the California Constitution.
  
8. The Los Angeles County Superior Court has made an interlocutory ruling (but has not entered a final judgment) that the Replenishment Assessment is a "property-related fee" subject to the requirements of Article XIII D, Section 6 of the California Constitution. The District disagrees with the Court's ruling and will appeal it when a final judgment is entered. Subject to the District's reservation of rights to challenge on appeal the Court's ruling, the Board makes the following findings:
  - (a) Notice of the May 1, 2014 Public Hearing was mailed by the District to the holders of adjudicated pumping rights in the basins.
  - (b) The purpose of this mailing was to ensure that every adjudicated pumping rights holder in the basins was kept informed of the Replenishment Assessment proposal.
  - (c) Such notice contained all information required by Article XIII D, Section 6(a) (1) of the California Constitution.
  - (d) Such notice was mailed not less than 45 days prior to May 1, 2014.
  - (e) From the date such notice was mailed through the close of the public testimony portion of the May 1, 2014 Public Hearing, the District accepted written testimony and protests, all of which were entered into the record of

the Public Hearing and made available for inspection by the public and by members of the Board.

- (f) At the May 1, 2014 Public Hearing, the Board considered all written testimony and protests and heard oral comments from all who wished to speak regarding the proposed Replenishment Assessment.
- (g) The Board determines that written protests against the proposed Replenishment Assessment were not presented by a majority of adjudicated rights holders subject to the proposed Replenishment Assessment. The Board reaches this finding based on its examination of the protests.
- (h) The purpose of the Replenishment Assessment is to fund the District's water basin management services. These services are a package of services that make high quality water available to those exercising adjudicated pumping rights, and consist of: monitoring the level and quality of groundwater in the basins; purchasing and producing water needed to replenish the basins; preventing seawater contamination of the groundwater supply; funding replenishment operations; and other activities that make the basins a reliable and low-cost source of safe, high-quality water. Every activity of the District is a part of the water basin management services.
- (i) The rate of the Replenishment Assessment is such that proceeds of the Replenishment Assessment will not exceed the funds required to provide the water basin management services.
- (j) Revenues derived from the Replenishment Assessment will not be used for any purpose other than providing water basin management services.
- (k) The amount of the Replenishment Assessment imposed upon any parcel or person does not exceed the proportional cost of water basin management services attributable to that parcel or person.
- (l) No Replenishment Assessment is imposed upon any person who neither actually uses water basin management services nor has water basin management services immediately available to them.
- (m) Water basin management services are not a "general government service" that is available to the general public.
- (n) The Board finds that the memorandum dated April 3, 2014 from Robb Whitaker to the Board regarding "Cost of Service Report—Supplemental Information" (which is incorporated herein by reference) is true and correct.



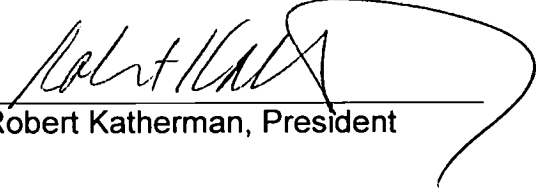
- (o) The Board notes that, in addition to replenishment assessment proceeds, the District receives an allocation of ad valorem property tax revenues. Such revenues are not subject to the requirements of Article XIII D of the Constitution. It is the intent of the Board that the District's Grants and Sponsorship Program, memberships and dues, water education expenses, and other community programs, be funded from these property tax revenues.

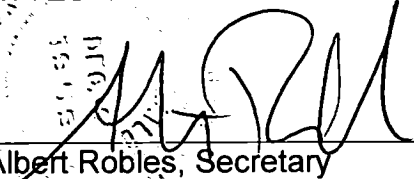
**[RECORD OF THE VOTE AND SIGNATURES ON FOLLOWING PAGE]**

PASSED, APPROVED AND ADOPTED THIS 1<sup>st</sup> day of May 2014 by the following vote:

AYES: 4  
NOES: 0  
ABSENT: 1  
ABSTAIN: 0

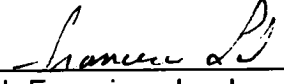
WATER REPLENISHMENT DISTRICT OF SOUTHERN CALIFORNIA

  
Robert Katherman, President

ATTEST:  
  
Albert Robles, Secretary

DATE May 1, 2014

APPROVED AS TO FORM:

  
H. Francisco Leal  
District Counsel



## MEMORANDUM

**DATE:** APRIL 3, 2014  
**TO:** BOARD OF DIRECTORS  
**FROM:** ROBB WHITAKER, GENERAL MANAGER  
**SUBJECT:** COST OF SERVICE REPORT – SUPPLEMENTAL INFORMATION

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This memorandum is intended to accompany the Cost of Service Report dated April 3, 2014 to inform and support the Board's decision making in connection with its May 1, 2014 hearing on the District's 2014-15 replenishment assessment.

The May 1 hearing will be conducted pursuant to Article XIII D, Section 6 of the California constitution, which was added to the Constitution in 1996 by the adoption of Proposition 218.<sup>1</sup> Proposition 218 imposes a number of substantive requirements on property-related fees. These substantive requirements are found in Article XIII D, Section 6(b) of the California Constitution. This memorandum sets forth each of those requirements, and summarizes how the proposed \$268 per acre-foot replenishment assessment complies with these requirements.

**Requirement 1: "Revenues derived from the fee or charge shall not exceed the funds required to provide the property related service."**

The service being provided by the District is management of the Central and West Coast Basins (the "Basins"). The District manages the Basins to ensure that the Basins are available to pumpers as a reliable and low-cost source of safe, high-quality water.

The Section 5 of the Cost of Service Report explains why stakeholders in the Basins chose to establish the District in 1959 to provide continuous active management of the Basins. Section 6 of the Cost of Service Report describes how the Basins would be unable to support adjudicated levels of pumping without the District's active management. Sections 7 and 9 of the Cost of Service Report describe the activities of the District and the cost of those activities. Every activity of the District is a part of the management services provided by the District.

In effect, through its management services, the District acts as a wholesaler of water to pumpers. The District uses the Basins as the infrastructure through which it delivers this water. Activities such as groundwater monitoring, resource planning, desalting, and water quality improvement are necessary to maintain the Basins as an effective delivery system. Education and conservation

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<sup>1</sup> The Los Angeles County Superior Court has made an interlocutory ruling that the District's RA is a "property-related fee" subject to the requirements of Proposition 218. The District disagrees with the Court's ruling and will appeal it when a final judgment is entered. However, the District will be holding the May 1, 2014 hearing subject to the District's reservation of rights to challenge on appeal the Court's ruling.

efforts leverage the effectiveness of this system. By recharging the basins in a strategic manner, using both spreading grounds and injection wells, the District is able to ensure that water is available throughout the Basins, allowing pumpers access to the water introduced into the Basins by the District and to the naturally occurring water with which it is mixed.

Section 9 of the Cost of Service Report determines that the total cost of management services, net of revenues from water sales, will be \$64,850,000 for Fiscal Year 2014-15. It is estimated that 242,000 acre-feet of water will be removed from the Basins by pumpers in Fiscal Year 2014-15. If a \$268 per acre-foot replenishment assessment is collected from pumpers of 242,000 acre-feet of water, the replenishment assessment will generate \$64,856,000. Therefore, the revenues from the replenishment assessment will not exceed the cost of providing management services.

**Requirement 2: "Revenues derived from the fee or charge shall not be used for any purpose other than that for which the fee or charge was imposed."**

All of the District's activities are part of the District's management services. The District does not use replenishment assessment revenues for any other purpose.

**Requirement 3: "The amount of a fee or charge imposed upon any parcel or person as an incident of property ownership shall not exceed the proportional cost of the service attributable to the parcel."**

As demonstrated in Section 6 of the Cost of Service Report, activities that remove or replenish water anywhere in the Basins have an effect on water levels and water quality throughout the Basins. Section 5 of the Cost of Service Report amply evidences that the interdependent nature of the uses of the Basins was a primary reason for the formation of the District in 1959, and was the reason why a single entity was created to manage all parts of the Basins. Section 8 of the Cost of Service Report summarizes the reasons why it would be inaccurate to allocate some District costs to some users of the Basins and other costs to other users of the Basins.

Therefore, it is appropriate to treat the entirety of the District as a single service area, so each acre-foot of water removed from the Basins is allocated an equal share of the costs of managing the Basins. The proposed \$268 per acre-foot replenishment assessment allocates to each pumper a share of the costs of management services that is proportional to the amount of water the pumper removes from the Basins. The amount of the replenishment assessment upon each pumper is therefore proportional to the cost of serving that pumper.

**Requirement 4: "No fee or charge may be imposed for a service unless that service is actually used by, or immediately available to, the owner of the property in question. Fees or charges based on potential or future use of a service are not permitted."**

Only those who pump or otherwise remove water from the Basins pay a replenishment assessment. The District's management services enable the water extraction and the District's services are immediately available to any person or entity that legally removes water from the Basins.

**Requirement 5: "No fee or charge may be imposed for general governmental services including, but not limited to, police, fire, ambulance or library services, where the service is available to the public at large in substantially the same manner as it is to property owners."**

The District's management services are not general government services, because the services are provided to ensure the availability in the Basins of safe, high-quality water for removal by those who by court judgment have groundwater extraction rights and who pay the replenishment assessment. Many pumpers sell water from the Basins to their customers, and may pass through the replenishment assessment cost to those customers. While the public may participate in, or be targeted by, certain educational and water conservation programs of the District, these programs are provided for the benefit of pumpers, as they are part of the efficient management of the Basins and are intended, over time, to reduce the cost of managing the Basins by reducing the need for artificial replenishment to augment naturally occurring processes.

CEQA APPENDIX E:  
NOTICE OF EXEMPTION

ORIGINAL FILED

MAY 07 2014

LOS ANGELES COUNTY CLERK  
Appendix E

Notice of Exemption

To: Office of Planning and Research  
P.O. Box 3044, Room 212  
Sacramento, CA 95812-3044

From: (Public Agency) Water Replenishment District  
of Southern California (District)  
4040 Paramount Boulevard, Lakewood, CA 90712  
(Address)

County Clerk  
County of Los Angeles

Project Title: Adoption of Resolution No. 14-981 Levying Replenishment Assessment

Project Location - Specific: Central and West Coast Groundwater Basins

Project Location - City: See above Project Location - County: Los Angeles

Description of Nature, Purpose and Beneficiaries of Project:

Levying a Replenishment Assessment on the production of groundwater from the groundwater supplies within the District during the fiscal year commencing July 1, 2014 and ending June 30, 2015 as provided in Section 60317 of California Water Code.

Name of Public Agency Approving Project: Water Replenishment District of Southern California

Name of Person or Agency Carrying Out Project: \_\_\_\_\_

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: State CEQA Guidelines 15162, 15261, 15273
- Statutory Exemptions. State code number: Public Resources Code Sections 21080(b)(8)

Reasons why project is exempt:

Lead Agency Contact Person: Scott Ota Area Code/Telephone/Extension: (562) 921-5521

Chief Financial Officer

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: 5-6-14 Title: Chief Financial Officer

- Signed by Lead Agency Date received for filing at OPR: \_\_\_\_\_
- Signed by Applicant

## ATTACHMENT A

The District's adoption of Resolution No. 14-981 complies with the California Environmental Quality Act ("CEQA"), based on any one of the following grounds:

- (a) The District's groundwater replenishment program is exempt from CEQA pursuant to CEQA Guidelines §15261(a), in that it is an ongoing project commencing at a date such that an environmental impact report has not been required, and the 2014-2015 program is part of that ongoing project.
- (b) Funds generated by the replenishment assessment (RA) will be used for (1) operating expenses, (2) financial reserve needs, (3) purchasing or leasing supplies, equipment and materials, and (4) funds for capital projects necessary to maintain service within existing service areas. Further, the funds raised by the RA will not be used to expand the area or territory in which the District provides services or to fund capital projects that would expand the District's service area or system. Accordingly, the District's adoption of Resolution 14-981 is exempt from CEQA pursuant to CEQA Section 20180(b)(8) and CEQA Guideline 15273.
- (c) Notwithstanding the exemptions cited above, an Environmental Impact Report ("EIR") for the District's groundwater replenishment program has heretofore been prepared and the EIR and program have been approved by the District's Board. Subsequent to the preparation of that EIR, the District prepared and certified a number of Mitigated Negative Declarations and Negative Declarations for various water quality and water supply projects (collectively, the "NDs"). The District has examined the imposition of a water replenishment assessment for the 2014-2015 fiscal year to determine whether an additional environmental document must be prepared. Based on this examination, the 2012 Engineering Survey and Report and all other evidence in the administrative record of the District's proceedings herein, the District concludes that: (1) the imposition of a water replenishment assessment for the 2014-2015 fiscal year would not have any effects that were not examined in the EIR and NDs; (2) pursuant to CEQA Guidelines §15162, no new effects would occur and no new mitigation measures would be required; and (3) the imposition of a water replenishment assessment for the 2014-2015 fiscal year is within the scope of the groundwater replenishment program covered by the EIR and NDs and such activity is adequately described in said EIR, and no new environmental document is required.

Los Angeles County Registrar / Recorder  
12400 Imperial Highway, Norwalk, CA  
(800)201-8999

Business Filings

NORWALK

Cashier: M. DAVIS



\* 2 0 1 4 0 5 0 7 1 2 3 0 0 3 7 \*

Wednesday, May 07, 2014 2:06 PM

Item(s)

<u>Fee</u>	<u>Qty</u>	<u>Total</u>
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NoE - County Posting Fee 2014124383	1	\$75.00
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<b>Total</b>		<b>\$75.00</b>
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Total Documents: 1

Customer payment(s):

Check	\$75.00
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<u>Check List:</u> #99562	\$75.00
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