DESERT WATER AGENCY
NOVEMBER 19, 2024

BOARD OF DIRECTORS
REGULAR MEETING AGENDA

8:00 A.M. OPERATIONS CENTER - 1200 SOUTH GENE AUTRY TRAIL – PALM SPRINGS – CALIFORNIA

This meeting will be held virtually and in person. The link and the telephone option provided is for the convenience of the public.

Toll Free: (253) 215-8782
Meeting ID: 833 2141 6242
Passcode: 683622
or Via Computer:
https://dwa-org.zoom.us/j/83321416242?pwd=XOSGNVaEYsVb1GD5KOpf0KnPxBCvkm.1
Meeting ID: 833 2141 6242

Members of the public who wish to comment on any item within the jurisdiction of the Agency or any item on the agenda may submit comments by emailing sbaca@dwa.org or may do so during the meeting. Comments will become part of the Board meeting record.

**In order to reduce feedback, please mute your audio when you are not speaking.*

Esta reunión se llevará a cabo virtualmente y en persona. El enlace y la opción telefónica proporcionada es para la comodidad del público.

Número gratuito: (253) 215-8782
ID de reunión: 833 2141 6242
código de acceso: 683622
o a través de la computadora:
https://dwa-org.zoom.us/j/83321416242?pwd=XOSGNVaEYsVb1GD5KOpf0KnPxBCvkm.1
ID de reunión: 833 2141 6242

Los miembros del público que deseen comentar sobre cualquier tema dentro de la jurisdicción de la Agencia o cualquier tema en la agenda pueden enviar comentarios por correo electrónico a sbaca@dwa.org o pueden hacerlo durante la reunión. Los comentarios pasarán a formar parte del registro de la reunión de la Junta.

*Para reducir los comentarios, silencia el audio cuando no estés hablando.

1. CALL TO ORDER — ORTEGA
2. PLEDGE OF ALLEGIANCE — ORTEGA
3. ROLL CALL — BACA
4. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA: Members of the public may comment on any item not listed on the agenda, but within the jurisdiction of the Agency. Speakers are requested to keep their comments to no more than three (3) minutes. As provided in the Brown Act, the Board is prohibited from acting on items not listed on the agenda.
5. PUBLIC COMMENT ON ITEMS LISTED ON THE AGENDA: Members of the public may also comment on items listed on the agenda that are not the subject of a public hearing at this time. Again, speakers are requested to keep their comments to no more than three (3) minutes.

6. CONSENT CALENDAR ITEMS: Items listed under the Consent Calendar are considered to be routine and will be acted upon by one motion of the Board without discussion. There will be no separate discussion on these items unless a Board Member requests a specific item to be discussed and/or removed from the Consent Calendar for separate action.

   A. Approve Minutes of the November 5, 2024 Regular Board Meeting
   B. Receive and File Minutes of the November 14, 2024 Executive Committee Meeting
   C. Receive and File October 2024 Public Affairs & Conservation Activities & Events

7. ACTION ITEM(S):
   A. Request Adoption of Resolution No. 1340 as a Responsible Agency Under CEQA Confirming the Adequacy of the EIR for the Proposed Delta Conveyance Project, Making Certain Findings Under CEQA, Adopting the Statement of Overriding Considerations for the EIR, and Authorizing Additional Funding for the Next Phase of Pre-Construction Work for the DCP in an Amount of up to $4,560,000 — JOHNSON
   B. Request Authorization to File a CEQA Notice of Exemption for the AMI Fixed Network Project — RAPOLLA
   C. Request Acceptance of Work – 2021/2022 Pipeline Replacement Project (Betty Cree Tract, Luring Sands Tract, Sunmore Estates, Val Vista Tract, Tract 14416 and Palm Valley Estates) — MOLHOEK
   D. Request Authorization for Contract Award – Mission Creek Groundwater Recharge Facility Maintenance Project — MOLHOEK

8. DISCUSSION ITEM(S):
   A. Draft DWA Legislative and Policy Platform Directives for 2025-2026 — LLORT

9. GENERAL MANAGER'S REPORT — JOHNSON

10. DIRECTORS REPORTS ON MEETINGS/EVENTS ATTENDED ON BEHALF OF THE AGENCY

11. DIRECTORS COMMENTS/REQUESTS

12. CLOSED SESSION

    A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
    Pursuant to Government Code Section 54956.9 (d) (1)
    Name of Case: PacBell vs. County of Riverside

    B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
    Pursuant to Government Code Section 54956.9 (d) (1)
    Name of Case: Agua Caliente Band of Cahuilla Indians vs. Coachella Valley Water District, et al
    Two Cases

13. RECONVENE INTO OPEN SESSION – REPORT FROM CLOSED SESSION

14. ADJOURN

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, as required by Section 202 of the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting is asked to contact Desert Water Agency's Assistant Secretary of the Board, at (760) 323-4971, at least 48 working hours prior to the meeting to enable the Agency to make reasonable arrangements. Copies of records provided to Board members that relate to any agenda item to be discussed in open session may be obtained from the Agency at the address indicated on the agenda.

DECLARATION OF POSTING

Pursuant to Government Code Section 54954.2, I certify that this agenda has been posted at least 72 hours prior to the meeting on the Agency's website at www.dwa.org and at the Agency's office located at 1200 South Gene Autry Trail, Palm Springs, CA.

Sylvia Baca, MMC, Asst. Secretary of the Board

MINUTES OF THE REGULAR MEETING OF THE DESERT WATER AGENCY BOARD OF DIRECTORS

6-A

November 5, 2024

Board: Paul Ortega, President
Jeff Bowman, Vice President
Kristin Bloomer, Director
Gerald McKenna, Secretary-Treasurer
Steve Grasha, Director

DWA Staff: Steve Johnson, General Manager
David Tate, Assistant General Manager
Esther Saenz, Finance Director
Kris Hopping, Human Resources Director
Victoria Llort, Public Affairs & Conservation Director
Sylvia Baca, Asst. Secretary of the Board
Jamie Hoffman, Senior Admin. Assistant

Consultants via Teleconference: Mike Riddell, Best Best & Krieger
Bob Reeb, Reeb Government Relations, LLC

Pledge of Allegiance

President Ortega opened the meeting at 8:00 a.m. and led the Pledge of Allegiance.

Roll Call

President Ortega called upon Assistant Secretary of the Board Baca to conduct the roll call:

Present: Grasha, Bloomer, McKenna, Bowman, Ortega

Public Comment on Items Not Listed on the Agenda

President Ortega opened the meeting for public comment for items not listed on the Agenda.

There was no one from the public wishing to address the Board for items not listed on the Agenda.

Public Comment on Items Listed on the Agenda

President Ortega opened the meeting for public comment for items listed on the Agenda.

There was no one from the public wishing to address the Board for items listed on the Agenda.

Approval of the Consent Calendar
A. Approve Minutes of the 10/15/24 Regular Board Meeting
B. Receive & File Memo on the 10/17/24 SWC Meeting
C. Receive & File Minutes of the 10/31/24 Exec. Comm. Mtg.
D. Receive & File the Water Use Reduction Figures for September 2024
E. Request Adoption of Reso. No. 1339 Amending the Conflict-of-Interest Code
F. Reporting of Back-up Facility & Capacity Charges
G. Request Authorization for Finance Director to Execute Payment Processing Services Agreement with Paymentech, LLC and J.P. Morgan Chase for Utilization with Tyler Payments

President Ortega called for approval of the Consent Calendar. He noted that Consent Calendar Items 6-A through 6-C are expected to be routine and to be acted upon by the Board of Directors at one time without discussion. If any Board member requests that an item be removed from the consent calendar, it will be removed so that it may be presented separately.

A. Approve Minutes of the October 15, 2024 Regular Board Meeting
B. Receive and File Memo on the October 17, 2024 State Water Contractors' Meeting
C. Receive and File Minutes of the October 31, 2024 Executive Committee Meeting
D. Receive and File the Water Use Reduction Figures for September 2024
E. Request Adoption of Resolution No. 1339 Amending the Conflict-of-Interest Code
F. Reporting of Back-up Facility and Capacity Charges
G. Request Authorization for Finance Director to Execute Payment Processing Services Agreement with Paymentech, LLC and J.P. Morgan Chase for Utilization with Tyler Payments

Secretary-Treasurer McKenna requested Item's 6F and 6E be pulled for separate discussion.

In response to Secretary-Treasurer McKenna's question on Item 6F, Finance Director Saenz explained the back-up facility amounts collected are used to offset Agency funded capital expenditures to increase system capacity for production, storage and transmission of potable water and reclaimed water. Further discussion ensued between Board and Staff on the sewer capacity charge amounts and how they are collected and used to offset Agency funded capital expenditures to increase conveyance capacity in the sewer system.

Regarding Item 6G, Finance Director Saenz explained that in order to utilize Tyler payments, it will require the execution of a Payment Processing Services agreement with Paymentech, LLC and J.P. Morgan Chase in order to process credit cards, one time ACH and auto-pay services through Tyler Technologies, Inc.

Director Bloomer moved for approval of Consent Calendar Items 6-A through 6-G. After a second by Director Grasha, the motion carried by the following roll call vote:

AYES:	Grasha, Bloomer, McKenna, Bowman, Ortega
NOES:	None
ABSENT:	None
ABSTAIN:	None

Action Items:
7-A – Request Board Action on Customer Appeal – John Payne

Assistant General Manager Tate presented the staff report.

Mr. Payne was not present during the meeting.

Director Grasha moved to deny the appeal made by John Payne. After a second from Director Bloomer, the motion carried by the following roll call vote:

AYES: Grasha, Bloomer, McKenna, Bowman, Ortega
NOES: None
ABSENT: None
ABSTAIN: None

Discussion Item:
8-A State Legislative Annual Report

President Ortega asked Mr. Reeb to present his 2024 Annual Legislative Report.

Mr. Reeb and Public Affairs & Conservation Director Llort provided a presentation with highlights of his report and discussed the following items: 1) State Budget, 2) Agency Activity on the Legislative Front, and 3) Looking ahead to 2025.

Secretary-Treasurer's Report for (September 2024)

Secretary-Treasurer McKenna provided the financial highlights for September 2024.

General Manager's Report

General Manager Johnson provided an update on Agency operations for the past several weeks.

Directors Reports on Mtgs/Events Attended on Behalf of the Agency

Director Grasha noted his attendance at the October 22 CVWD Board meeting, October 22 ACWA Webinar, October 23 DWA Fall Tour, October 24 Riverside County State of the County, October 30 ACWA Webinar, and the October 30 Palm Springs State of the City.

Director Bloomer noted her attendance at the October 21 Tribal mediation meeting, October 22 ACWA Webinar, October 23 DWA Fall Tour, October 24 Riverside County State of the County, and the October 30 Palm Springs State of the City.

Secretary-Treasurer McKenna noted his attendance at the October 21 MSWD Board meeting.

Vice President Bowman noted his attendance at the October 21 Tribal mediation meeting, October 31 DWA Executive Committee meeting, November 1 Joint DWA/MSWD Ad Hoc Committee meeting, and the November 4 DWA Legislative Ad Hoc Committee meeting dinner.

Directors Reports on Mtgs/Events Attended on Behalf of the Agency (Cont.)

President Ortega noted his attendance at the October 22 Region 9 Board meeting, October 22 ACWA Webinar, October 23 DWA Fall Tour, October 28 Cyber Security training, October 30 Palm Springs State of the City, October 31 DWA Executive Committee meeting, the November 1 Joint DWA/MSWD Ad Hoc Committee meeting and the November 4 DWA Legislative Ad Hoc Committee meeting.

Closed Session:
A. Existing Litigation - PacBell vs. County of Riverside
B. Existing Litigation – ACBCI vs. CVWD, et al. 2 Cases

At 10:00 a.m., President Ortega convened into Closed Session for the purpose of Conference with Legal Counsel, (A) Conference with Legal Counsel, Existing Litigation, Pursuant to Government Code Section 54956.9 (d) (1), PacBell vs. County of Riverside; and (B) Conference with Legal Counsel, Existing Litigation, Pursuant to Government Code Section 54956.9 (d) (1), Agua Caliente Band of Cahuilla Indians vs. Coachella Valley Water District, et al Two Cases.

Reconvene

At 10:50 a.m., President Ortega reconvened the meeting into open session and announced there was no reportable action.

Adjournment

In the absence of any further business, President Ortega adjourned the meeting at 10:51 a.m.

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Sylvia Baca, MMC
Assistant Secretary of the Board

Executive Committee Meeting Minutes

November 14, 2024

Directors Present: Paul Ortega, Jeff Bowman
Staff Present: Steve Johnson, David Tate, Esther Saenz, Victoria Llort, Sylvia Baca, Jamie Hoffman

1. Call to Order

2. Public Comments
   None

3. Discussion Item

   A. Review Agenda for November 19, 2024 Board Meeting
      The proposed agenda for the November 19, 2024 meeting was reviewed.

4. Adjourn

PUBLIC AFFAIRS & CONSERVATION
ACTIVITIES
OCTOBER 2024

Activities

10/1	Staff attended the Delta Conveyance Project (DCP) Comms-PWA focus group.
10/1	The Conservation team and Victoria Llort met with Management to discuss the Making Conservation a California Way Regulations
10/2	Victoria Llort attended the monthly ACWA Bay-Delta Working Group meeting.
10/3-4	Victoria Llort attended the CAPIO Leadership Summit in Walnut Creek.
10/3	Xochitl Pẽna attended the Desert Hot Springs State of the City & Luncheon.
10/3	Nisha Ajmani was on a live segment with KESQ discussing the start of the new water year and how weather and water conditions in northern California affect our local water resources.
10/4	Nisha Ajmani's interview with Joey English on two upcoming DWS events, the landscaper workshop and the fall tours aired.
10/7	Victoria Llort presented to Master of Public Policy Students at the University of Redlands about water, covering topics like water conservation, legislative policy, the Colorado River, the State Water Project and more.
10/8	Staff hosted a landscaper workshop to share information about conservation, incentives, and regulations.
10/8	Xochitl Pẽna attended the monthly ONE-PS meeting and discussed the upcoming fall tours.
10/9	Staff attended a bi-monthly Coachella Valley Regional Water Management Group (CVRWMG) meeting.
10/9	Victoria Llort attended the Inland SoCal United Way Executive Committee Meeting
10/10	Xochitl Pẽna was on a live segment with KESQ discussing California Water Professionals Appreciation Week and highlighted the many water-related career opportunities.
10/14	Staff attended a State Legislative update meeting.
10/15	Staff attended a tour of the City of Palm Springs Wastewater Treatment plant, hosted by Veolia.
10/15	Xochitl Pẽna attended the Desert Ad Fed Chapter Kick Off as part of Leadership Coachella Valley.
10/15	Staff attended a CV Water Counts monthly meeting.
10/17	Victoria Llort had a meeting Kris Poly, DWA's Federal Advocate
10/17	Victoria Llort was on a live segment with KESQ discussing Imagine a Day Without Water and the important role of the State Water Project.
10/17	Victoria Llort chaired the Greater Coachella Valley Chamber of Commerce (GCVCC) Legislative Committee meeting.

Activities

(Cont.)

10/17	Victoria Llort met with Chris Palmer; the region representative from the California Special Districts Associations (CSDA).
10/22	Public Affairs staff and Victoria Llort met with CV Strategies regarding DWA's rebrand
10/22	Staff attended the ACWA Webinar "From Policy to Practice: Implementing the Making Conservation a California Way of Life Regulation"
10/22	Conservation staff and Victoria Llort had a CIMIS Station meeting with DWR & Escena
10/23	Staff organized and led the Fall tours for the public.
10/24	Nisha Ajmani was on a live segment with KESQ discussing the cooler fall weather, ways customers can save water, and DWA's smart irrigation controller rebate.
10/24	Nisha Ajmani recorded a radio interview with Joey English on the cooler fall weather, ways customers can save water, and DWA's rebate programs including smart controllers, sprinkler nozzles, washers, and toilets.
10/24	Victoria Llort attended the CSDA Annual Legislative Meeting in Sacramento.
10/24	Victoria Llort attended a meeting with Candace Cotton, Director of Legislative Affairs at the State Water Resources Control Board.
10/24	Staff toured the Palm Springs Airport Demonstration Garden with Faiyaz Mohammed from DWR's Financial Assistance Branch.
10/25	Victoria Llort met with Greg Morrison, the new Executive Director at the National Water Resources Association.
10/28	Victoria Llort attended the Greater Coachella Valley Chamber of Commerce Regional Board meeting.
10/29	Victoria Llort met with Gretchen Gutierrez, CEO of the Desert Valley Builders Association.
10/31	Xochitl Pẽna was on a live segment with KESQ discussing DWA'S inventory of service pipes for lead, which found that the water distribution system is lead free.
10/31	Conservation staff and Victoria Llort met attended a webinar from DWR about the CCI-LAM Data for the new Conservation Regulations

Public Information Releases/eBlasts/Customer Notifications

10/5 Latest News (DWA website)- Water Professionals Appreciation Week

10/17 Nextdoor – Traffic alert! Construction on N. Gene Autry Trail

10/31 Latest News (DWA website) – DWA Water System Survey Verifies No lead Pipes

Upcoming Events

11/22 Desert Valley Builders Association Golf Tournament
12/6 Palm Springs Police Association Annual Golf Tournament
12/31 Art in the Park in the DARK at Demuth Park
1/2 – 1/13 Palm Springs International Film Festival
1/21 Palm Springs Unified School District Science & Engineering Fair
1/25 Palm Springs Health Run
1/28 CV Water Counts Academy
1/31 Inland SoCal United Way Annual Golf Classic

Conservation Programs

Grass Removal:

25 Inspections
15 Projects Pre-Approved
4 Projects Given Final Approval

Devices:

9 Washing Machine Rebates Requested
7 Washing Machine Rebates Approved
18 Smart Controller Rebates Requested
3 Smart Controller Rebates Approved
756 Nozzles Requested for Rebate
60 Nozzles Approved for Rebate
2 Toilet rebates requested (commercial)
2 Toilet rebates approved (commercial)
2 Toilet rebates requested (residential)
2 Toilet rebates approved (residential)

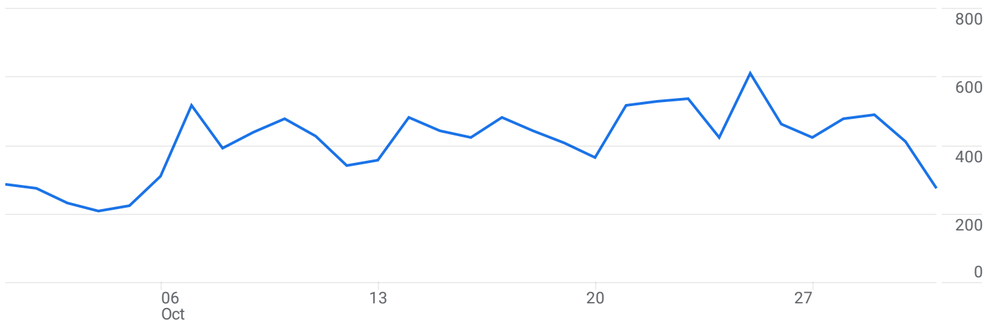
Water Waste:

56 Total Complaints Submitted
22 Contacts with Customer
23 Site Inspections Scheduled

All Users | Add comparison | Custom Oct 1 - Oct 31, 2024

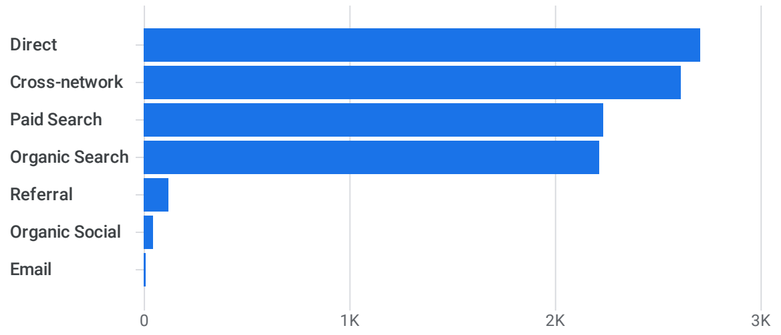
Reports snapshot

Active users 11K | New users 9.9K | Average engagement time per active user 8s



WHERE DO YOUR NEW USERS COME FROM?

New users by First user primary channel group (Default Channel Group)



View user acquisition

WHAT ARE YOUR TOP CAMPAIGNS?

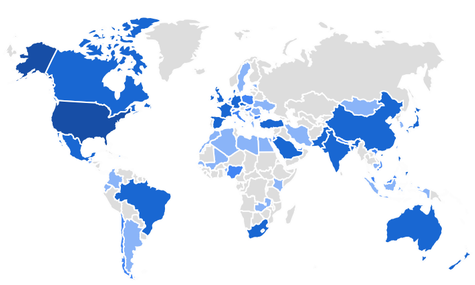
Sessions by Session primary channel group...

SESSION PRIMARY CHAN...	SESSIONS
Cross-network	4.9K
Direct	3.9K
Organic Search	3.9K
Paid Search	3.1K
Referral	438
Unassigned	75
Organic Social	49

View traffic acquisition

HOW ARE ACTIVE USERS TRENDING?

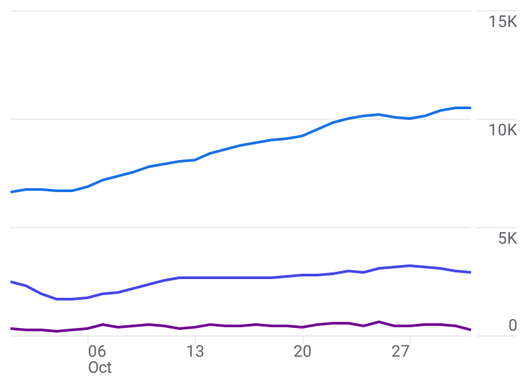
Active users by Country



COUNTRY	ACTIVE USERS
United States	10K
Canada	92
India	68
United Kingdom	24
China	20
Germany	15
Hong Kong	11

View countries

User activity over time



30 DAYS 10K
7 DAYS 2.9K
1 DAY 275

HOW WELL DO YOU RETAIN YOUR USERS?

User activity by cohort
Based on device data only

	Week 0	Week 1	Week 2	Week 3	Week 4	Week 5
All Users	100.0%	4.3%	3.0%	2.4%	2.3%	1.9%
Sep 22 - Sep 28						
Sep 29 - Oct 5						
Oct 6 - Oct 12						
Oct 13 - Oct 19						
Oct 20 - Oct 26						
Oct 27 - Nov 2						

6 weeks ending Nov 2

View retention

WHICH PAGES AND SCREENS GET THE MOST VIEWS?

Views by Page title and screen class

PAGE TITLE AND SCREEN ...	VIEWS
Desert Water Agency | Deser...	5.5K
{{Content.data.Page[0].Page...	4.9K
Pay My Bill | Desert Water Ag...	2.8K
Desert Water Conservation I...	1.1K
Start Service | Desert Water ...	1.1K
library | Desert Water Agency	931
Desert Water Agency Incenti...	718

View pages and screens

WHAT ARE YOUR TOP EVENTS?

Event count by Event name

EVENT NAME	EVENT COUNT
page_view	32K
session_start	17K
Smart_Controller_Pa...	12K
first_visit	9.9K
dwa___spent_over_o...	3.3K
scroll	2.6K
user_engagement	2.2K

View events

WHAT ARE YOUR TOP PERFORMING KEY EVENTS?

Key events by Event name

EVENT NAME	KEY EVENTS
Smart_Controller_Pa...	12K
dwa___spent_over_o...	3.3K
Washing_Machine_P...	1.9K
Grass_Removal_Pag...	279
toilet_rebate_view	175
Nozzle_Rebate_Page...	78

WHERE DOES YOUR AVERAGE 120D VALUE COME FROM?

Average 120d value by First user primary channel group (Default ...

No data available

View user acquisition cohorts

WHAT ARE YOUR TOP SELLING PRODUCTS?

Items purchased by Item name

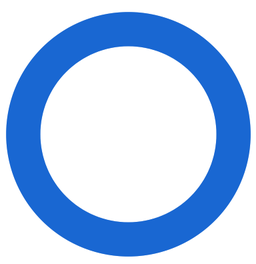
ITEM NAME	ITEMS PURCHA...

No data available

View ecommerce purchases

HOW DOES ACTIVITY ON YOUR PLATFORMS COMPARE?

Key events by Platform



WEB
100.0%

View tech details

Desert Water Agency Facebook & Instagram Analytics October 2024

facebook

DESERT WATER **Desert Water Agency**

1.4K likes • 1.6K followers

Performance

Daily | Cumulative

Reach	Content interactions	Followers	Link clicks
1.4K ↓ 85.9%	249 ↓ 51.2%	Lifetime 1.6K	3 ↓ 96.2%

Reach breakdown

Total
1,444 ↓ 85.9%

From organic
1,444 ↓ 77%

From ads
0 ↓ 100%

Ways to help grow your reach

Advertise your business

Facebook reach

31 days prior

From organic	1,444
From ads	0

Your Facebook reach when advertising has not increased compared to no ads. Try selecting a different audience when you boost.

Boost for reach

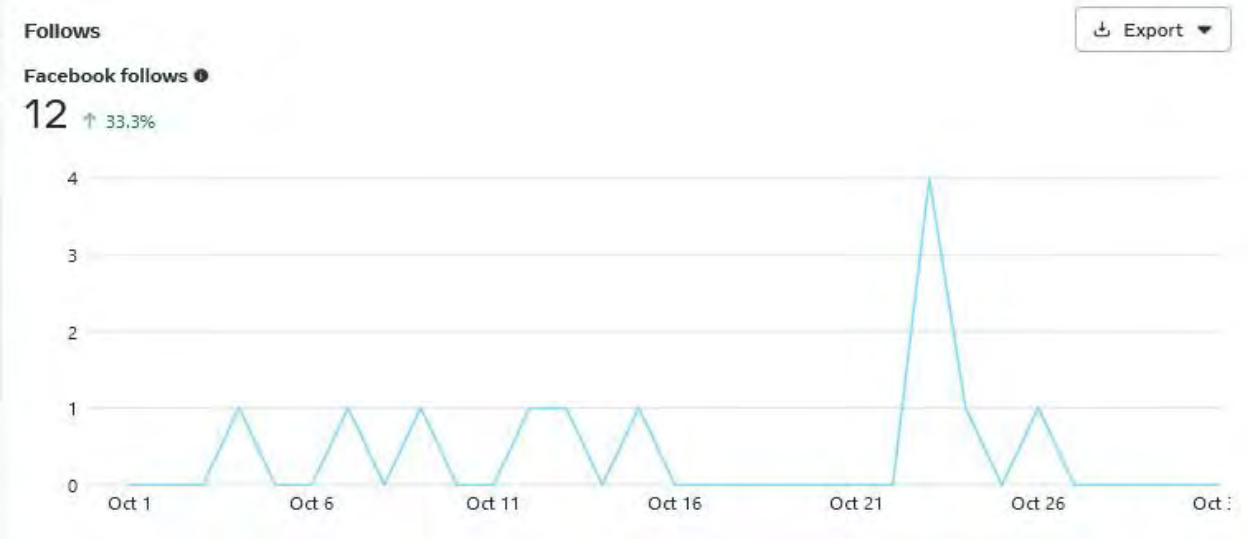
Post frequently and improve content engagement

Posts	Median Facebook post interactions
19 ↓ 17.4%	10 ↑ 11.1%
Stories	**Median Facebook story interactions**
3 ↑ 100%	1 —

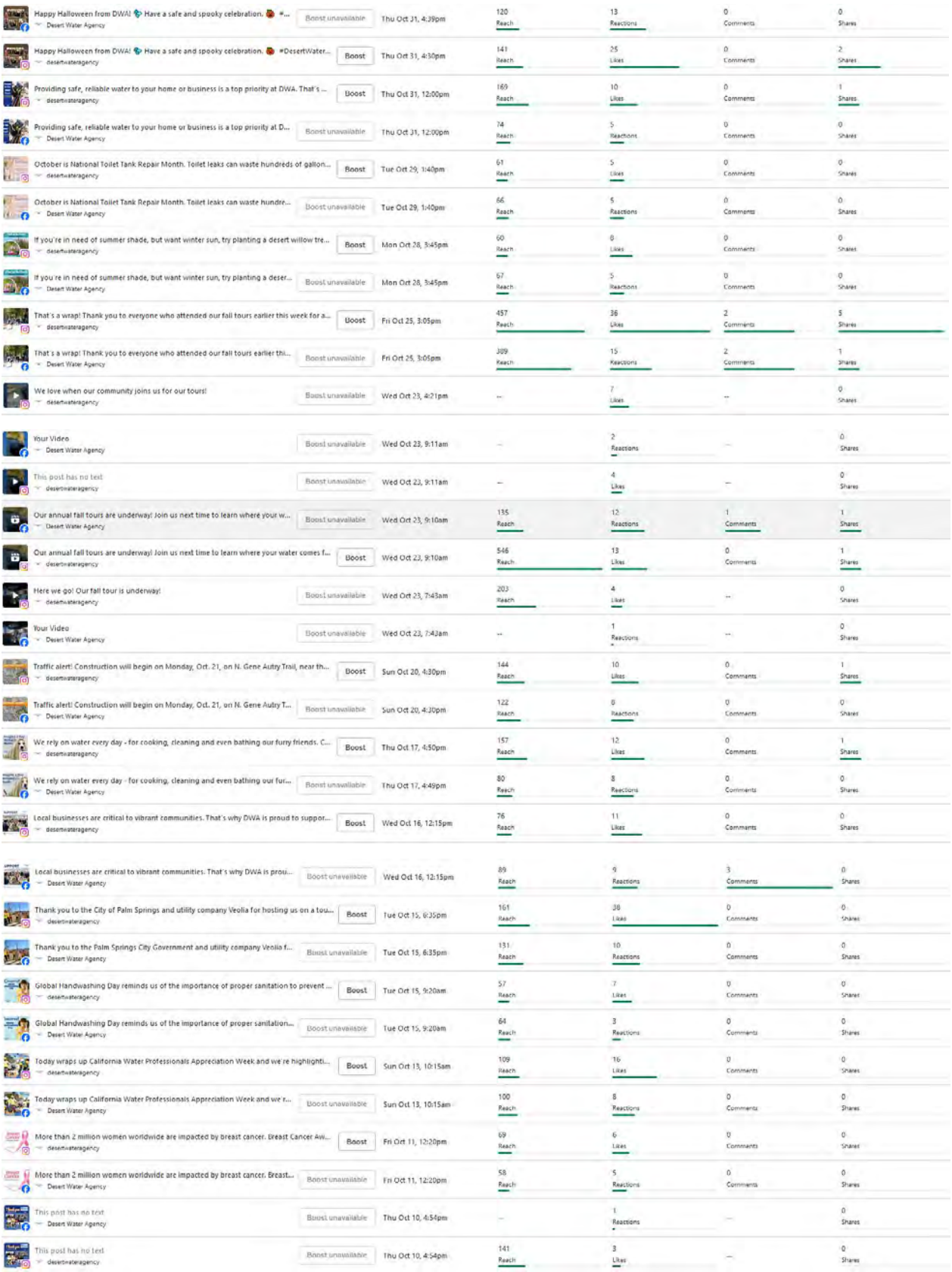
See tips to help improve your content

Create post

Desert Water Agency Facebook & Instagram Analytics October 2024

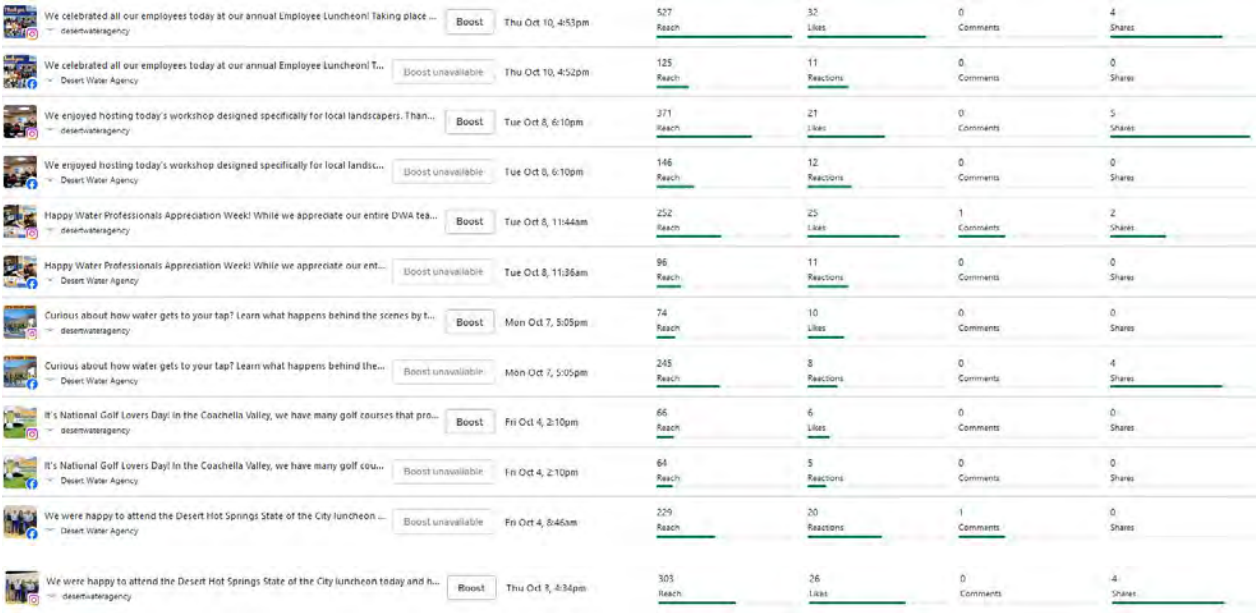


Desert Water Agency Facebook & Instagram Analytics October 2024

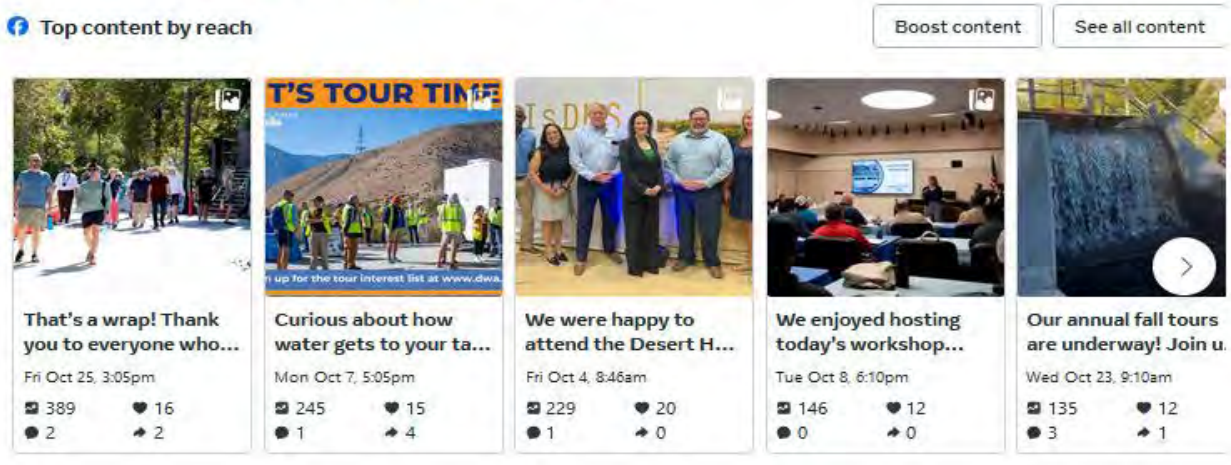


Happy Halloween from DWA! 🦃 Have a safe and spooky celebration. 🎃 #... Desert Water Agency	Boost unavailable	Thu Oct 31, 4:39pm	120 Reach	13 Reactions	0 Comments	0 Shares
Happy Halloween from DWA! 🦃 Have a safe and spooky celebration. 🎃 #DesertWater... desertwateragency	Boost	Thu Oct 31, 4:30pm	141 Reach	25 Likes	0 Comments	2 Shares
Providing safe, reliable water to your home or business is a top priority at DWA. That's ... desertwateragency	Boost	Thu Oct 31, 12:00pm	169 Reach	10 Likes	0 Comments	1 Shares
Providing safe, reliable water to your home or business is a top priority at D... Desert Water Agency	Boost unavailable	Thu Oct 31, 12:00pm	74 Reach	5 Reactions	0 Comments	0 Shares
October is National Toilet Tank Repair Month. Toilet leaks can waste hundreds of gallon... desertwateragency	Boost	Tue Oct 29, 1:40pm	61 Reach	5 Likes	0 Comments	0 Shares
October is National Toilet Tank Repair Month. Toilet leaks can waste hundre... Desert Water Agency	Boost unavailable	Tue Oct 29, 1:40pm	66 Reach	5 Reactions	0 Comments	0 Shares
If you're in need of summer shade, but want winter sun, try planting a desert willow tre... desertwateragency	Boost	Mon Oct 28, 3:45pm	60 Reach	8 Likes	0 Comments	0 Shares
If you're in need of summer shade, but want winter sun, try planting a deser... Desert Water Agency	Boost unavailable	Mon Oct 28, 3:45pm	67 Reach	5 Reactions	0 Comments	0 Shares
That's a wrap! Thank you to everyone who attended our fall tours earlier this week for a... desertwateragency	Boost	Fri Oct 25, 3:05pm	457 Reach	36 Likes	2 Comments	5 Shares
That's a wrap! Thank you to everyone who attended our fall tours earlier thi... Desert Water Agency	Boost unavailable	Fri Oct 25, 3:05pm	309 Reach	15 Reactions	2 Comments	1 Shares
We love when our community joins us for our tours! desertwateragency	Boost unavailable	Wed Oct 23, 4:21pm	--	7 Likes	--	0 Shares
Your Video Desert Water Agency	Boost unavailable	Wed Oct 23, 9:11am	--	2 Reactions	--	0 Shares
This post has no text desertwateragency	Boost unavailable	Wed Oct 23, 9:11am	--	4 Likes	--	0 Shares
Our annual fall tours are underway! Join us next time to learn where your w... Desert Water Agency	Boost unavailable	Wed Oct 23, 9:10am	135 Reach	12 Reactions	1 Comments	1 Shares
Our annual fall tours are underway! Join us next time to learn where your water comes f... desertwateragency	Boost	Wed Oct 23, 9:10am	546 Reach	13 Likes	0 Comments	1 Shares
Here we go! Our fall tour is underway! desertwateragency	Boost unavailable	Wed Oct 23, 7:43am	203 Reach	4 Likes	--	0 Shares
Your Video Desert Water Agency	Boost unavailable	Wed Oct 23, 7:43am	--	1 Reactions	--	0 Shares
Traffic alert! Construction will begin on Monday, Oct. 21, on N. Gene Autry Trail, near th... desertwateragency	Boost	Sun Oct 20, 4:30pm	144 Reach	10 Likes	0 Comments	1 Shares
Traffic alert! Construction will begin on Monday, Oct. 21, on N. Gene Autry T... Desert Water Agency	Boost unavailable	Sun Oct 20, 4:30pm	122 Reach	0 Reactions	0 Comments	0 Shares
We rely on water every day - for cooking, cleaning and even bathing our furry friends. C... desertwateragency	Boost	Thu Oct 17, 4:50pm	157 Reach	12 Likes	0 Comments	1 Shares
We rely on water every day - for cooking, cleaning and even bathing our fur... Desert Water Agency	Boost unavailable	Thu Oct 17, 4:49pm	80 Reach	8 Reactions	0 Comments	0 Shares
Local businesses are critical to vibrant communities. That's why DWA is proud to suppor... desertwateragency	Boost	Wed Oct 16, 12:15pm	76 Reach	11 Likes	0 Comments	0 Shares
Local businesses are critical to vibrant communities. That's why DWA is prou... Desert Water Agency	Boost unavailable	Wed Oct 16, 12:15pm	89 Reach	9 Reactions	3 Comments	0 Shares
Thank you to the City of Palm Springs and utility company Veolia for hosting us on a tou... desertwateragency	Boost	Tue Oct 15, 6:35pm	161 Reach	38 Likes	0 Comments	0 Shares
Thank you to the Palm Springs City Government and utility company Veolia f... Desert Water Agency	Boost unavailable	Tue Oct 15, 6:35pm	131 Reach	10 Reactions	0 Comments	0 Shares
Global Handwashing Day reminds us of the importance of proper sanitation to prevent ... desertwateragency	Boost	Tue Oct 15, 9:20am	57 Reach	7 Likes	0 Comments	0 Shares
Global Handwashing Day reminds us of the importance of proper sanitation... Desert Water Agency	Boost unavailable	Tue Oct 15, 9:20am	64 Reach	3 Reactions	0 Comments	0 Shares
Today wraps up California Water Professionals Appreciation Week and we're highlighti... desertwateragency	Boost	Sun Oct 13, 10:15am	109 Reach	16 Likes	0 Comments	0 Shares
Today wraps up California Water Professionals Appreciation Week and we're... Desert Water Agency	Boost unavailable	Sun Oct 13, 10:15am	100 Reach	8 Reactions	0 Comments	0 Shares
More than 2 million women worldwide are impacted by breast cancer. Breast Cancer Aw... desertwateragency	Boost	Fri Oct 11, 12:20pm	69 Reach	6 Likes	0 Comments	0 Shares
More than 2 million women worldwide are impacted by breast cancer. Breast... Desert Water Agency	Boost unavailable	Fri Oct 11, 12:20pm	58 Reach	5 Reactions	0 Comments	0 Shares
This post has no text Desert Water Agency	Boost unavailable	Thu Oct 10, 4:54pm	--	1 Reactions	--	0 Shares
This post has no text desertwateragency	Boost unavailable	Thu Oct 10, 4:54pm	141 Reach	3 Likes	--	0 Shares

Desert Water Agency Facebook & Instagram Analytics October 2024



We celebrated all our employees today at our annual Employee Luncheon! Taking place ... desertwateragency	Boost	Thu Oct 10, 4:53pm	527 Reach	32 Likes	0 Comments	4 Shares
We celebrated all our employees today at our annual Employee Luncheon! T... Desert Water Agency	Boost unavailable	Thu Oct 10, 4:52pm	125 Reach	11 Reactions	0 Comments	0 Shares
We enjoyed hosting today's workshop designed specifically for local landscapers. Than... desertwateragency	Boost	Tue Oct 8, 6:10pm	371 Reach	21 Likes	0 Comments	5 Shares
We enjoyed hosting today's workshop designed specifically for local landsc... Desert Water Agency	Boost unavailable	Tue Oct 8, 6:10pm	146 Reach	12 Reactions	0 Comments	0 Shares
Happy Water Professionals Appreciation Week! While we appreciate our entire DWA tea... desertwateragency	Boost	Tue Oct 8, 11:44am	252 Reach	25 Likes	1 Comments	2 Shares
Happy Water Professionals Appreciation Week! While we appreciate our ent... Desert Water Agency	Boost unavailable	Tue Oct 8, 11:36am	96 Reach	11 Reactions	0 Comments	0 Shares
Curious about how water gets to your tap? Learn what happens behind the scenes by t... desertwateragency	Boost	Mon Oct 7, 5:05pm	74 Reach	10 Likes	0 Comments	0 Shares
Curious about how water gets to your tap? Learn what happens behind the... Desert Water Agency	Boost unavailable	Mon Oct 7, 5:05pm	245 Reach	8 Reactions	0 Comments	4 Shares
It's National Golf Lovers Day! In the Coachella Valley, we have many golf courses that pro... desertwateragency	Boost	Fri Oct 4, 2:10pm	66 Reach	6 Likes	0 Comments	0 Shares
It's National Golf Lovers Day! In the Coachella Valley, we have many golf cou... Desert Water Agency	Boost unavailable	Fri Oct 4, 2:10pm	64 Reach	5 Reactions	0 Comments	0 Shares
We were happy to attend the Desert Hot Springs State of the City luncheon ... Desert Water Agency	Boost unavailable	Fri Oct 4, 8:46am	229 Reach	20 Reactions	1 Comments	0 Shares
We were happy to attend the Desert Hot Springs State of the City luncheon today and h... desertwateragency	Boost	Thu Oct 3, 4:34pm	303 Reach	26 Likes	0 Comments	4 Shares



nextdoor

Desert Water Agency

1200 S Gene Autry Trl, Palm Springs

Desert Water Agency is the water utility for the Palm Springs area including outlying county areas, Desert Hot Springs, part of Cathedral City and Palm Springs. It is our responsibility to provide a safe, reliable water supply to the area we serve while protecting
See more...

Desert Water Agency
45,363 members
28,716 claimed households
146 neighborhoods
Invite

Desert Water Agency
Senior Public Affairs Specialist Nisha Ajmani • 17 Oct

Traffic alert! Construction will begin on Monday, Oct. 21, on N. Gene Autry Trail, near the Palm Springs Air Museum. Work will continue through Thursday, Oct. 24 See more

Posted to **Subscribers of Desert Water Agency**

Add a comment... 2,283 Impressions 4

STAFF REPORT

NOVEMBER 19, 2024

RE: REQUEST ADOPTION OF RESOLUTION NO. 1340 AS A RESPONSIBLE AGENCY UNDER CEQA CONFIRMING THE ADEQUACY OF THE EIR FOR THE PROPOSED DELTA CONVEYANCE PROJECT, MAKING CERTAIN FINDINGS UNDER CEQA, ADOPTING THE STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE EIR, AND AUTHORIZING ADDITIONAL FUNDING FOR THE NEXT PHASE OF PRE-CONSTRUCTION WORK FOR THE DCP IN AN AMOUNT OF UP TO $4,560,000

The State Water Project (SWP) is an extremely critical source of water for Desert Water Agency, as well as for the entire State and its economy, and it is a significant ongoing investment our community has made over decades. The SWP stands out as one of the most affordable sources of water in California and is more cost-effective compared to alternative sources. The DCP further reinforces this investment, and in conjunction with water supply programs, offers critical support during dry periods in our service area.

Since the SWP was built, the actual delivery received from the project has steadily declined by over 40% due to several factors, including climate change and regulatory restrictions intended to help endangered and threatened species in the Sacramento-San Joaquin Delta (Delta). In response to the decline in deliveries, DWR, in cooperation with the interested SWP Public Water Agencies (PWAs), has been developing the DCP, which is new infrastructure that would modernize the SWP and restore some of the lost supply while also protecting the SWP from the potential effects from regulatory pressures, earthquake(s) and climate change. The DCP will help the SWP safely capture, move, and store water when available amidst the rapid swings between wet and dry conditions that have become our new normal as the state's climate changes.

On July 21, 2017, DWR approved the project known as the California WaterFix (WaterFix), which was a dual conveyance project that involved two new diversion points and two tunnels moving water from the Sacramento River north of the Delta under the Delta to SWP and Central Valley Project (CVP) water pumping facilities in the South Delta. The Board of Directors previously approved participating in WaterFix and executed a funding agreement to pay a share of preconstruction planning activities associated with the WaterFix project.

In January 2019, Governor Newsom announced that he did not support the two-tunnel aspect of WaterFix, but that he did support a single tunnel project. In May 2019, DWR rescinded its approvals for the two-tunnel WaterFix and began planning for the single tunnel option, the DCP. Shortly thereafter, DWR began public negotiations with the participating PWAs on terms for an eventual amendment to the PWA long term water

supply contracts that describe how the DCP would be implemented, referred to as an Agreement in Principle (AIP). The AIP generally allocates costs and benefits for the DCP.

The DCP would add a set of two new SWP intakes in the north Delta, which would divert water from the Sacramento River. This water would be conveyed through a 36-foot diameter, 45-mile-long tunnel under the Delta to the existing Bethany Reservoir in the California Aqueduct, just downstream from the existing SWP south Delta Clifton Court Forebay intake. The new intakes would be operated in coordination with the existing south Delta intake resulting in two ways to divert and convey water, or "dual conveyance." Dual conveyance does not increase the water right for the SWP, but the new intake would enable the capture of surplus water, in wet conditions, which would restore some of the previous and projected future loss in SWP water supply reliability. The new DCP infrastructure also would protect the SWP from the potential impacts of climate change and the potential disruption of deliveries due to an earthquake in the Delta. The overarching objective of DCP is to make the SWP more resilient. Each of the two new north Delta intakes will be sized for diverting 3,000 cubic feet per second capacity, with a total maximum diversion capacity of up to 6,000 cubic feet per second. On December 18, 2023, the Department of Water Resources approved the final Environmental Impact Report (EIR) for the DCP.

PROJECT BENEFITS

DWR approved the Alternative 5 or the "Bethany Alternative" in the EIR for the Delta Conveyance Project. Since the approval of the EIR, DWR submitted the Incidental Take Permit Application (ITPA) for the DCP to the California Department of Fish and Wildlife (CDFW) in May 2024 following informal consultation with CDFW to obtain California Endangered Species Act (CESA) coverage. As part of the ITPA, DWR proposed revisions to the Bethany Alternative operations criteria to further minimize the environmental effects and performed new water supply modeling. This modeling shows that the long-term average annual SWP exports with DCP would be approximately 400 TAF higher compared to the no DCP scenario.

PROJECT COST ESTIMATE

An updated cost estimate was prepared by the DCA in May 2024. The cost of the project is estimated to be $20.1B in real 2023 (undiscounted) dollars. A preliminary cost assessment conducted in 2020, early in the design process, showed the project would cost about $16B. Accounting for inflation to 2023 dollars shows that the 2020 cost assessment would be similar to the 2024 cost estimate. The 2024 cost estimate shows that even though details are added and refinements made to the program, costs are holding steady.

The cost estimate included $200 million set-aside for the project's Community Benefits Program. DWR committed to this program by including it in the project's EIR. The Community Benefits Program is a recognition that while the benefits of the project are in other parts of California, the construction effects are local. While DWR remains committed to all mitigation adopted to address local environmental impacts, the Community Benefits Program will provide a grant fund for local projects, in addition to business development

set-asides for job training and local business utilization, and potential “leave-behinds” like broadband or other infrastructure.

The DCA conducted a preliminary value engineering exercise to identify design and construction innovations that present opportunities to cut costs, save time, and reduce risks. These engineering innovations, while not representing changes to the approved project description in the EIR, do show that there is genuine potential for a significant cost reduction of about $1.2 billion even at this early stage of project development.

PROJECT PROGRESS CY 2021-2024

Following are a few highlights that DWR and DCA completed using the CY 2021 – 2024 funding to date:

- Conceptual design to support the environmental planning including a few preliminary geotechnical studies
- Development of master schedule and risk matrix
- Cost estimate preparation
- Statewide Cost-Benefits Analysis
- Certification of the DCP EIR and the approval of the Bethany Alternative
- Submittal of the water rights change petition to the State Water Resources Control Board to obtain a change in point of diversion for the SWP water rights.
- Submittal of the Biological Assessment for operations and construction to the federal fishery agencies for coverage under the Endangered Species Act
- Submittal of the ITP Application to CDFW for CESA coverage

DISCUSSION

In December 2020, Desert Water Agency approved and signed a new funding agreement with DWR to provide funds for environmental review, planning and design costs of the DCP for the years 2021 and 2022, at a 1.52% participation level (2020 Agreement). In March 2022, the Agency adopted Resolution 1270 approving additional funds to support the 2023 and 2024 calendar years, at a 1.52% participation level, consistent with the 2020 Agreement. With significant progress in the planning and permitting phase of the project, DWR, Delta Conveyance Design and Construction Authority (DCA) and the participating PWAs are now focusing on funding the next Pre-Construction phase of the project. DWR anticipates selling bonds to pay for the project beginning in 2028 and as a result, is seeking additional funding from participating PWAs to fund Pre-Construction work during 2026 and 2027. Pursuant to Section 5 of the 2020 Agreement, Desert Water Agency may provide additional funds to DWR by providing a letter and a copy of a resolution authorizing such additional funding. This action item would approve a resolution to authorize this expenditure and the sending of a letter confirming such to DWR.

Anticipated DWR and DCA activities for CY 2026-2027 include:

- General Management and Administration
- Community Engagement and Outreach

- Program Management Support
- Property and Easements
- Permitting
- Change in point of diversion for the SWP water rights
- Delta Stewardship Council Consistency Determination
- Other permits such as 404, 401 etc
- Mitigation
- Engineering
- Geotechnical Field Investigations
- Other Field Surveys

California Environmental Quality Act (CEQA)

Under CEQA and the State CEQA Guidelines, DWR, acting as Lead Agency, prepared and processed a Final EIR for the DCP. The DCP consists of the construction, operation, and maintenance of new SWP water diversion and conveyance facilities in the Delta that would be operated in coordination with existing SWP facilities. The DCP includes the following key components and actions:

- Two intake facilities along the Sacramento River in the north Delta near the community of Hood with on-bank intake structures that would include fish screens.
- A concrete-lined tunnel, and associated vertical tunnel shafts, to convey flow from the intakes about 45 miles to the south of the Bethany Reservoir Pumping Plant and Surge Basin at a location south of the existing SWP Clifton Court Forebay.

- A Bethany Reservoir Pumping Plant to lift the water from inside the tunnel below ground into the Bethany Reservoir Aqueduct for conveyance to the Bethany Reservoir Discharge Structure and into the existing Bethany Reservoir.

- Other ancillary facilities to support construction and operation of the conveyance facilities including, but not limited to, access roads, concrete batch plants, fuel stations, and power transmission and/or distribution lines.

- Efforts to identify geotechnical, hydrogeologic, agronomic, and other field conditions that will guide appropriate construction methods and monitoring programs for final engineering design and construction data collection and field work investigations, including ground-disturbing geotechnical work, water quality and hydrogeologic investigations, agronomic testing, the installation of monitoring equipment, construction test projects, pre-construction design work, and engineering work (Pre-Construction Work).

As indicated above, DWR certified the Final EIR and approved the DCP on December 21, 2023. DWR also adopted CEQA Findings of Fact (Findings), a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program (MMRP), and filed a Notice of Determination (“NOD”) under CEQA. The Final EIR identifies the State Water Contractor member agencies as responsible agencies for actions related to the DCP. DWR’s Final EIR, Findings, Statement of Overriding Considerations, MMRP, and NOD can be found at the official DWR website at:

https://www.deltaconveyanceproject.com/planning-processes/california-environmental-quality-act/final-eir/final-eir-document. These documents are also available at the Agency's office and have been previously provided to the Agency for review and consideration.

Although DWR has approved the Delta Conveyance Project, the Agency is not approving or committing to the broader Delta Conveyance Project at this time. Instead, the narrow approval action before the Board today is the provision of funding, at DWR's request, which would allow DWR to undertake continued Pre-Construction Work. Thus, the Board is being presented with a potential action to authorize funding for that purpose.

Staff recommends that, prior to any approval of funding the Pre-Construction Work, the Board take actions under CEQA as a Responsible Agency, including adopting the CEQA findings of the Lead Agency for the DCP, and adopting a Statement of Overriding Considerations regarding the potentially significant impacts that may result from the Pre-Construction Work.

A resolution that would take those CEQA actions and approve the additional funds for the Pre-Construction Work is included for the Board's consideration.

FISCAL IMPACT:

If approved, the Agency will be approving funding for the 2026-2027 DCP planning and pre-construction costs in an amount not to exceed $4,560,000. Finance Director Saenz has reviewed this report.

LEGAL REVIEW:

Legal Counsel has reviewed this report.

RECOMMENDATION:

Staff recommends Board of Directors adopt Resolution No. 1340:

1) As a Responsible Agency under CEQA confirming the adequacy of the EIR for the proposed Delta Conveyance Project, making certain findings under CEQA, and adopting the statement of overriding considerations for the EIR, and

2) Authorize additional funding for the next phase of Pre-Construction Work for the DCP in an amount of up to $4,560,000.

ATTACHMENTS:

1. Draft Resolution No. 1340, including:
2. Exhibit A (DWR's CEQA Findings for the Delta Conveyance Project)
   Exhibit B (Desert Water Agency Statement of Overriding Considerations for the Pre-Construction work)
3. Resolution No. 1270 (Adopted on 03/15/22)
4. 2020 Funding Agreement – Resolution No. 1245 (Adopted on 11/17/20)
5. NOD draft
6. Draft letter to DWR
7. DWA PowerPoint presentation
8. DWR/DCA PowerPoint presentation

RESOLUTION NO. 1340

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE DESERT WATER AGENCY (1) CONSIDERING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE DELTA CONVEYANCE PROJECT (STATE CLEARINGHOUSE NO. 2020010227); (2) MAKING RESPONSIBLE AGENCY FINDINGS FOR THE DELTA CONVEYANCE PROJECT PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA") AND STATE CEQA GUIDELINES SECTION 15096; (3) ADOPTING CEQA FINDINGS OF FACT FOR THE DELTA CONVEYANCE PROJECT UNDER STATE CEQA GUIDELINES SECTION 15091; (4) ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS UNDER STATE CEQA GUIDELINES SECTION 15093 FOR PRE-CONSTRUCTION WORK RELATED TO THE DELTA CONVEYANCE PROJECT; AND (5) AUTHORIZING THE GENERAL MANAGER TO EXECUTE AN AMENDMENT TO DESERT WATER AGENCY'S AGREEMENT FOR THE ADVANCE OR CONTRIBUTION OF MONEY TO THE DEPARTMENT OF WATER RESOURCES TO COMMIT FUNDS FOR DESERT WATER AGENCY'S SHARE OF THE DELTA CONVEYANCE PROJECT PLANNING AND PRE-CONSTRUCTION COSTS FOR CALENDAR YEARS 2026-2027 IN AN AMOUNT NOT TO EXCEED $4,560,000

WHEREAS, on April 29, 2019, Governor Gavin Newsom signed Executive Order N-10-19, directing the California Natural Resources Agency, California Environmental Protection Agency, and California Department of Food and Agriculture to develop a comprehensive strategy to build a climate-resilient water system and ensure healthy waterways through the twenty-first century; and

WHEREAS, after a public input period, on July 28, 2020, Governor Newsom released the California Water Resilience Portfolio, which identified a suite of complementary actions to ensure safe and resilient water supplies, flood protection, and healthy waterways for the state's communities, economy, and environment; among these actions was a project (the "**Delta Conveyance Project**") entailing new diversion and conveyance facilities in the Sacramento-San Joaquin Delta ("**Delta**") to safeguard the State Water Project ("**SWP**"); and

WHEREAS, the primary purpose of the SWP is to convey water to local and regional water suppliers across California that, in turn, supply end users engaged in the beneficial uses of that water; to this end, SWP has long-term contracts to supply water to 29 public water agencies, known as State Water Contractors, that distribute that water to farms, homes, and industry; and

WHEREAS, Desert Water Agency is one of the State Water Contractors, and it possesses a long-term water supply contract with the Department of Water Resources ("**DWR**"), which is the owner and operator of the SWP, which allows for the annual importation of water via the SWP; and

WHEREAS, Desert Water Agency allocation of imported SWP water fluctuates annually based on a variety of factors, including Delta conditions, reservoir levels, rainfall, snowpack, and pumping capacity in the Delta, as well as operational limits for fish and wildlife protection, water quality, and environmental and legal restrictions; and

WHEREAS, the infrastructure that enables the conveyance, or movement, of water supply from the Delta to Desert Water Agency is great consequence to Desert Water Agency; and

WHEREAS, factors such as the continuing subsidence of lands, risk of seismic activity and levees within the Delta, sea level rise, precipitation change, warmer temperatures, and wider variations in the hydrological conditions associated with climate change threaten the reliability of the current SWP water conveyance system; and

WHEREAS, the Delta Conveyance Project involves the construction and future operation of new water intake facilities on the Sacramento River in the north Delta and a single main tunnel to divert and move water entering the north Delta from the Sacramento Valley watershed to existing SWP facilities in the south Delta, which would result in a dual conveyance system in the Delta; and

WHEREAS, DWR's fundamental purpose in proposing to develop the Delta Conveyance Project is to restore and protect the reliability of SWP water deliveries to the State Water Contractors, including Desert Water Agency; and

WHEREAS, in January 2020, DWR, as lead agency for the Delta Conveyance Project under the California Environmental Quality Act ("**CEQA**"), filed and circulated a Notice of Preparation of an Environmental Impact Report ("**EIR**") for the Delta Conveyance Project; and

WHEREAS, in July 2022, DWR circulated a Draft EIR (State Clearinghouse No. 2020010227) for the Delta Conveyance Project for a 92-day review period, beginning on July 27, 2022, and closing on October 27, 2022; and

WHEREAS, the EIR analyzed the potential environmental impacts of data collection and field work investigations, including ground-disturbing geotechnical work, water quality and hydrogeologic investigations, agronomic testing, the installation of monitoring equipment, construction test projects, pre-construction design work, and engineering work (collectively, "Pre-Construction Work") that would occur after certification of the EIR and that would guide the ultimate design, appropriate construction methods, and monitoring programs for the Delta Conveyance Project; and

WHEREAS, the EIR concluded that the Delta Conveyance Project, including the Pre-Construction Work, would have less than significant impacts without the implementation of mitigation as to some resources; less than significant impacts with the implementation of mitigation measures identified in a Mitigation Monitoring and Reporting Program ("**MMRP**") as to other resources; and significant and unavoidable impacts as to Agricultural Resources, Aesthetics, Cultural Resources, Transportation, Air Quality, Noise, Paleontological Resources, and Tribal Cultural Resources; and

WHEREAS, on December 21, 2023, DWR certified the Final EIR for the Delta Conveyance Project, adopted the MMRP to require DWR's implementation of the mitigation measures identified therein, adopted CEQA Findings of Fact pursuant to State CEQA Guidelines section 15091, adopted a Statement of Overriding Considerations relating to the Delta Conveyance Project's significant and unavoidable environmental impacts pursuant to State CEQA Guidelines section 15093, and approved the Delta Conveyance Project; and

WHEREAS, the Final EIR certified by DWR and related CEQA documents can be found at DWR's website, located at https://www.deltaconveyanceproject.com/planning-processes/california-environmental-quality-act/final-eir/final-eir-document. A copy of these documents has also been retained in the Desert Water Agency's files and has made available to, and has been reviewed by, the General Manager; and

WHEREAS, on December 9, 2020, Desert Water Agency previously approved and signed an Agreement for the Advance or Contribution of Money to DWR for preliminary planning and design costs related to a potential Delta Conveyance Project (the "**Agreement**"); and

WHEREAS, Desert Water Agency seeks to execute an amendment ("**Amendment**") to the Agreement to provide funding for Pre-Construction Work for Calendar Years 2026-2027 in an amount not to exceed $4,560,000; and

WHEREAS, Desert Water Agency only seeks to provide funding for Pre-Construction Work (as defined above), and Desert water Agency is not approving or committing to the broader Delta Conveyance Project at this time; and

WHEREAS, Desert Water Agency is a responsible agency for the Delta Conveyance Project under CEQA, and pursuant to State CEQA Guidelines section 15096, Desert Water Agency hereby intends to adopt CEQA Findings of Fact under State CEQA Guidelines section 15091 and a Statement of Overriding Considerations under State CEQA Guidelines section 15093; and

WHEREAS, Desert Water Agency has heard, been presented with, reviewed, and considered all of the information and data presented to it, including the certified EIR for the Delta Conveyance Project; DWR's findings relating to the Delta Conveyance Project under State CEQA Guidelines section 15091 and 15093; and all public comments; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred;

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

Section 1. Incorporation of Recitals. The foregoing recitals are true and correct and are incorporated herein and made an operative part of this Resolution.

Section 2. Adequacy of the EIR under CEQA. Desert Water Agency has independently reviewed and considered the certified EIR for the Delta Conveyance Project, DWR's record of proceedings, and the Desert Water Agency's record of proceedings, and the Desert Water Agency finds that the EIR adequately and properly analyzes the potential environmental impacts of the Delta Conveyance Project, including Pre-Construction Work that the Desert Water Agency seeks to fund.

Desert Water Agency further hereby finds that none of the conditions set forth in State CEQA Guidelines section 15162 that could potentially trigger the need for a Subsequent EIR or Subsequent Negative Declaration apply to the Pre-Construction Work. The Pre-Construction Work does not entail or propose any substantial changes to the Delta Conveyance Project that will require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There have been no substantial changes that have occurred with respect to the circumstances under which the Pre-Construction Work, which was analyzed in the EIR, will be undertaken that will require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified, which shows that (1) the Pre-Construction Work will have one or more significant effects not discussed in the EIR; (2) significant effects previously examined will be substantially more severe than shown in the EIR; (3) mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the Delta Conveyance Project or Pre-Construction Work; or (4) mitigation measures or alternatives which are considerably different from those analyzed in the EIR would substantially reduce one or more significant effects on the environment. None of these conditions, as set forth in State CEQA Guidelines section 15162, apply here.

Section 3. Finding concerning Alternatives and Mitigation Measures. Desert Water Agency, as a responsible agency under CEQA, is more limited than the lead agency (i.e., DWR) when considering alternatives and mitigation measures for the Delta Conveyance Project. A responsible agency has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of a project that the responsible agency decides to carry out, finance, or approve; moreover, a responsible agency is required to adopt a feasible alternative or feasible mitigation measures for a project only if (1) such alternative or mitigation measures are within the responsible agency's powers, and (2) the alternative or mitigation measures would substantially lessen or avoid any significant effect the project would have on the environment.

Here, Desert Water Agency is not approving or committing to carrying out, financing, or approving the broader Delta Conveyance Project, nor does Desert Water Agency have legal authority or powers to approve or carry out modifications or operations to the State Water Project or the Delta Conveyance Project. Instead, Desert Water Agency seeks only to assist in the funding of the Pre-Construction Work, which entails data collection, research, and resource evaluation activities that precede any physical construction of the Delta Conveyance Project. Desert Water Agency finds that the mitigation measures to be implemented by DWR, as set forth in the EIR and the MMRP adopted by DWR, mitigate and avoid the Pre-Construction Work's potential environmental impacts to the extent feasible. Desert Water Agency finds there are no feasible alternatives or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the Pre-Construction Work would have on the environment beyond what was identified in the EIR and the MMRP.

Section 4. CEQA Findings of Fact under State CEQA Guidelines section 15091. Desert Water Agency adopts DWR's CEQA Findings of Fact, a true and correct copy of which is attached hereto as **Attachment "A"** and incorporated herein by reference, as to the Pre-Construction Work.

Section 5. Statement of Overriding Considerations. Desert Water Agency finds that the Pre-Construction Work's economic, legal, social, technological, and other benefits outweigh, both individually and collectively, the Pre-Construction Work's potentially significant and unavoidable environmental effects. Pursuant to State CEQA Guidelines section 15093, Desert Water Agency hereby adopts the Statement of Overriding Considerations attached hereto and incorporated by reference as **Attachment "B."**

Section 6. Approval of Funding for Pre-Construction Work. The Board of Directors of the Desert Water Agency hereby authorizes the General Manager of the Desert Water Agency to execute an Amendment to the Agreement to provide funding for Pre-Construction Work for the Calendar Years 2026-2027 in an amount not to exceed $4,560,000.

Section 7. Notice of Determination. The Board of Directors of the Desert Water Agency hereby directs staff to prepare, file, and cause to be posted a Notice of Determination with the County Clerk or Clerk to the Board of Supervisors in the Counties of Alameda, Contra Costa, Sacramento, San Joaquin, Solano, and Yolo within five (5) working days of the approval of the Resolution.

Section 8. Custodian of Documents. The custodian of documents constituting the record of proceedings for this matter is Executive Secretary/Assistant Secretary to the Board. The documents constituting the record of proceedings for this matter are located at 1200 S. Gene Autry Trail, Palm Springs, CA 92263.

Section 9. Severability. If any provision of this Resolution is held invalid, the remainder of this Resolution shall not be affected by such invalidity, and the provisions of this Resolution are severable.

Section 10. Effective Date. This Resolution shall become effective immediately upon its adoption.

ADOPTED this 19th day of November 2024.

_____
Paul Ortega, President

_____
Gerald McKenna, Secretary-Treasurer

Attachment "A"

Department Of Water Resources'

CEQA Findings Of Fact

See attached PDF

Exhibit A DCP CEQA
Findings (Excerpted)-c

DELTA CONVEYANCE PROJECT

CEQA FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

Contents

Chapter 1
Introduction

Under the California Environmental Quality Act (CEQA), a state or local public agency decision maker, before approving a project for which an environmental impact report (EIR) was prepared, must make certain findings with respect to each significant impact identified in the EIR. (See Pub. Resources Code, § 21081, subd. (a); see also Cal. Code Regs., tit. 14, div. 6, ch. 3 ("CEQA Guidelines"), § 15091, subd. (a).) Such findings are one of the primary means by which California public agencies satisfy what the California Supreme Court has called the "substantive mandate" of CEQA, by which such agencies must substantially lessen or avoid the occurrence of significant environmental impacts to the extent feasible. (See *Mountain Lion Foundation v. Fish & Game Com.* (1997) 16 Cal.4th 105, 134; Pub. Resources Code, § 21002.)

With regard to each significant impact, the agency decisionmaker must make at least one of the following findings:

> (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR;
>
> (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
>
> (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(CEQA Guidelines, § 15091, subd. (a)(1)-(3).)

Additionally, the findings required under CEQA must be supported by substantial evidence. (CEQA Guidelines, § 15091, subd. (b).)

A typical set of CEQA findings identifies all adopted or rejected mitigation measures for the various significant environmental impacts of a proposed project. The findings then go on to explain why various project alternatives identified in EIRs are either infeasible or unnecessary to meet the substantive mandate of CEQA.

A related CEQA requirement is the need for the agency decision maker to adopt a "statement of overriding considerations" before approving any project with environmental effects that cannot feasibly be mitigated to a less than significant level. (Pub. Resources Code, § 21081, subd. (b); CEQA Guidelines, § 15093.) This separate requirement is not a substitute for the adoption of CEQA findings, but is an additional procedural step required as part of the project approval process. A statement of overriding considerations must identify "the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of [the] proposed project [that] outweigh the [project's] unavoidable adverse environmental effects," thereby rendering them "acceptable" to the decision maker. (CEQA Guidelines, § 15093, subd. (a).)

The document at hand is intended to satisfy both of the above-described CEQA requirements with respect to the project commonly known as the Delta Conveyance Project (the Project). As the CEQA lead agency, the California Department of Water Resources (DWR) has completed the Final

Environmental Impact Report (Final EIR) for the Project. As the final decision maker for DWR, the Director of DWR (Director) has certified the EIR pursuant to CEQA Guidelines section 15090 and is now in a position to consider approval of the Project.[1]

Through this document, including its attachments, the Director hereby issues both the CEQA Findings of Fact (Findings) and the Statement of Overriding Considerations necessary for the Project. The Director does so after having received, reviewed, and considered not only the Final EIR, but also the previously issued Draft Environmental Impact Report (Draft EIR), as well as public and agency comments on those documents and all other information in DWR's record of proceedings.

The tables included in Exhibit A (CEQA Findings of Fact for the Project's Significant and Unavoidable Impacts, Impacts that are Less Than Significant after Mitigation and Impacts that are Less Than Significant/No Impact), contain findings that explain all of the mitigation measures proposed in the Final EIR (including the Compensatory Mitigation Plan for Special-Status Species and Aquatic Resources) have been adopted and incorporated into the enforceable Mitigation Monitoring and Reporting Program (MMRP) for the Project. (See Pub. Resources Code, § 21081.6, subds. (a)(1) and (b).) Likewise, the environmental commitments including best management practices (BMPs) set forth in Appendix 3B, *Environmental Commitments and Best Management Practices*, of the Final EIR have been incorporated into the MMRP.

As part of the narrative portion of these findings, the Director explains why the other project alternatives analyzed in the Final EIR are being rejected. Each specific finding is supported by substantial evidence in the record of proceedings.

The Statement of Overriding Considerations, found near the end of this document, then identifies the specific economic, legal, social, technological, and other benefits of the Project that, in the Director's view, outweigh the Project's significant and unavoidable environmental impacts. To the extent that these Findings do not set forth in detail all of the evidence in support of the conclusions reached, readers seeking additional information are directed to the Final EIR and supporting evidence in the record of proceedings, which is hereby incorporated by reference.

In addition to these CEQA Findings and the Statement of Overriding Considerations, Exhibit B to these CEQA Findings sets forth the Director's Public Trust Findings for the Project. The Public Trust Findings consider the Project's potential effect on the public trust and the state's affirmative duty to preserve, so far as consistent with the public interest, the resources and values protected by the trust. While the Public Trust Findings constitute separate findings from the CEQA Findings, the CEQA Findings and overall record of proceedings provide further evidentiary support for the conclusions reached in the Public Trust Findings.

[1] Subsequent actions by other responsible agencies, such as the California Department of Fish and Wildlife, will also be required before Project construction and/or operation may commence. Before DWR commences any project operations, DWR and responsible agencies will take future discretionary actions identified in the EIR, and such future actions will be subject to CEQA.

Chapter 2
Record of Proceedings

For purposes of CEQA and these Findings, the Record of Proceedings for the Project consists of the following documents, at a minimum:

- The Notice of Preparation and all other public notices issued by DWR in conjunction with the Project.
- The Final EIR for the Project and any documents cited therein.
- All comments submitted by agencies or members of the public during the public comment period on the Draft EIR.
- All comments and correspondence submitted to DWR with respect to the Project, in addition to timely comments on the Draft EIR, including responses to the Notice of Preparation.
- The Mitigation Monitoring and Reporting Plan for the Project.
- All reports, studies, memoranda, maps, staff reports, or other planning documents in DWR's files relating to the Project prepared by DWR staff, consultants to DWR, and responsible or trustee agencies with respect to DWR's compliance with the requirements of CEQA and with respect to DWR's actions on the Project.
- All documents submitted to DWR by other public agencies or members of the public with respect to compliance with CEQA or with respect to the Project.
- Any minutes and/or verbatim transcripts of all public meetings held by DWR in connection with the Project.
- Any documentary or other evidence submitted to DWR regarding the Project.
- Matters of common knowledge to DWR, including, but not limited to federal, State, and local laws and regulations;
- Any documents expressly cited in the Final EIR, these findings, or the statement of overriding considerations in addition to those cited above; and
- Any other materials required to be in the record of proceedings by Public Resources Code section 21167.6, subdivision (e).

The custodian of the documents comprising the record of proceedings: Marcus Yee, DWR, Program Manager III for the Project, 1516 9th Street, Sacramento, CA 95814. Many project-related documents that comprise the record of proceedings are also available on DWR's websites for the Project: https://www.deltaconveyanceproject.com and https://water.ca.gov/deltaconveyance.

The Director of DWR has relied directly or indirectly on all the documents listed above in reaching a decision on the Project. Many of the documents listed above were prepared by, or submitted to, DWR during preparation of the EIR for the Project. Other documents reflect prior planning or legislative decisions with which the Director was aware in approving the Project. For that reason, such documents form part of the underlying factual basis for the Director's decisions relating to approval of the Project. (See Pub. Resources Code, § 21167.6, subd. (e)(10); *Browning-Ferris Industries v. City Council of City of San Jose* (1986) 181 Cal.App.3d 852, 866; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 155.)

Chapter 3
Recirculation

Under section 15088.5 of the CEQA Guidelines, recirculation of an EIR is required when "significant new information" is added to the EIR after public notice is given of the availability of the draft EIR for public review but prior to certification of the final EIR. The term "information" can include changes in the project or environmental setting, as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:

> (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
>
> (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
>
> (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
>
> (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

(CEQA Guidelines, § 15088.5, subd. (a).)

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. The above standard is "not intend[ed] to promote endless rounds of revision and recirculation of EIR's [sic]. Recirculation was intended to be an exception, rather than the general rule." (*Laurel Heights Improvement Assn. v. Regents of the Univ. of Cal.* (1993) 6 Cal.4th 1112, 1132.)

CEQA case law emphasizes that "'[t]he CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial project; indeed, new and unforeseen insights may emerge during investigation, evoking revision of the original proposal.'" (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 736-737; see also *River Valley Preservation Project v. Metropolitan Transit Development Bd.* (1995) 37 Cal.App.4th 154, 168, fn. 11.) "'CEQA compels an interactive process of assessment of environmental impacts and responsive project modification which must be genuine. It must be open to the public, premised upon a full and meaningful disclosure of the scope, purposes, and effect of a consistently described project, with flexibility to respond to unforeseen insights that emerge from the process.' [Citation.] In short, a project must be open for public discussion and subject to agency modification during the CEQA process." (*Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 936.) Similarly, additional studies included in a final EIR that result in minor modifications or additions to analyses concerning significant impacts disclosed in a draft EIR do not constitute "significant new information" requiring recirculation of an EIR. (See *Mount Shasta Bioregional Ecology Center v. County of Siskiyou* (2012) 210 Cal.App.4th 184, 220-221 [incorporation of technical studies in a final

EIR disclosing additional locations affected by a significant noise impact identified in the draft EIR did not require recirculation].)

DWR recognizes that the Final EIR incorporates information obtained and produced after the Draft EIR was completed, and that the Final EIR contains additions, clarifications, and modifications, including data and information to further support the information presented in the EIR. Due to the challenges in making a document with strikeouts ADA compliant and to improve the overall readability of the Final EIR, the Final EIR includes a final clean version of the EIR including the additions, clarifications, and modifications made to the Draft EIR. The Final EIR summarizes the key additions, clarifications, and modifications made by DWR in Volume 2, Chapter 1, *Introduction and Approach to Responses to Comments*. Furthermore, a track change version of the EIR is available to other agencies and the public upon request. DWR has reviewed and considered the Final EIR including all new information included therein. DWR finds that the new information added in the Final EIR either provides additional discussion and analysis not required by CEQA that was included for informational purposes or otherwise clarifies or makes minor changes to the adequate Draft EIR.

As explained further in Exhibit C to these CEQA Findings, none of the new information constitutes significant new information requiring recirculation of the Draft EIR under CEQA. The new information added to the EIR does not involve a new significant environmental impact, a substantial increase in the severity of a previously identified significant environmental impact, or a feasible mitigation measure or alternative that is considerably different from others previously analyzed that would clearly lessen one or more significant environmental impacts of the Project and that DWR declines to adopt.

DWR finds that the changes and modifications made to the EIR after the Draft EIR was circulated for public review and comment do not individually or collectively constitute significant new information within the meaning of Public Resources Code section 21092.1 or CEQA Guidelines section 15088.5. No information indicates that the Draft EIR was inadequate or conclusory or that the public was deprived of a meaningful opportunity to review and comment on the Draft EIR. Thus, recirculation of the EIR is not required.

Chapter 4
Subsequent Review

Prior to reaching decisions on the Project, responsible agencies must consider the environmental effects of the project as shown in the EIR and determine whether a subsequent or supplemental EIR is required pursuant to CEQA Guidelines sections 15162 or 15163. Furthermore, the EIR evaluates Project operations based on the Project design and what was known and reasonably foreseeable when the EIR was prepared, but DWR acknowledges that: (1) operations will not occur for well over 15 to 20 years due, in part, to the time required to complete construction of the project, and (2) new information of substantial importance or substantial changes could occur with respect to Project design or the circumstances under which the Project is undertaken. Under these conditions, prior to the commencement of operations, DWR would evaluate whether subsequent CEQA review is required before undertaking any discretionary actions that may be required to change Project design or operational criteria such that they are sufficiently protective to environmental resources.

Chapter 5
Project Background

On April 29, 2019, Governor Newsom signed Executive Order N-10-19 directing the California Natural Resources Agency, California Environmental Protection Agency, and California Department of Food and Agriculture to develop a comprehensive strategy to build a climate-resilient water system and ensure healthy waterways through the twenty-first century. After a public input period, Governor Newsom released the *California Water Resilience Portfolio* on July 28, 2020. The *California Water Resilience Portfolio* identified a suite of complementary actions to ensure safe and resilient water supplies, flood protection, and healthy waterways for the state's communities, economy, and environment. One of the projects identified in the portfolio is new diversion and conveyance facilities in the Sacramento–San Joaquin Delta (Delta) to safeguard the State Water Project (SWP).

In response to Governor Newsom's water policy objectives, DWR as the owner and operator of the SWP, proposed to design and construct two diversion facilities, each at 3,000 cfs capacity, on the Sacramento River; a single tunnel for conveyance; tunnel shafts; and a pumping plant and appurtenant facilities. As discussed further below, DWR's Notice of Preparation (NOP) for the Project EIR identified the proposed project as either the central or eastern alignment with pumping facilities in the south Delta near Clifton Court Forebay. These alternatives are identified as Alternatives 1 and 3 in the Draft EIR. After the process of identifying and screening alternatives evaluated in the Draft EIR (see Final EIR, Volume I, Appendix 3A, *Identification of Water Conveyance Alternatives*) and after an initial evaluation of the alternatives selected for detailed analysis in the Draft EIR, DWR selected a different alternative as the proposed project to analyze in the Draft EIR. Specifically, based on engineering feasibility, conceptual design, constructability, and potential to reduce key environmental impacts on cultural resources, important farmland, wetlands and other waters of the United States, wildlife habitat, transportation, air quality, noise, and Delta community effects, DWR selected the Bethany Reservoir alignment at 6,000 cfs conveyance capacity as the proposed project, which is identified as Alternative 5 in the EIR and referred to herein as the Project. Unlike Alternatives 1 and 3, the Project proposes to discharge water directly to the Bethany Reservoir along the California Aqueduct.

The primary purpose of the SWP is to convey water to local and regional water suppliers across California that, in turn, supply end users engaged in the beneficial uses of that water; it serves as the foundation for local water supplies. The SWP supplies water to 27 million people in northern California, the Bay Area, the San Joaquin Valley, the Central Coast, and southern California. SWP water also irrigates about 750,000 acres of farmland, mainly in the San Joaquin Valley (Final EIR, Volume 1, Chapter 2, *Purpose and Project Objectives*, p. 2-1). Other SWP functions include flood management, water quality maintenance, power generation, recreation, and fish and wildlife enhancement. The SWP was designed to deliver up to nearly 4.2 million acre-feet of water per year, depending on hydrologic conditions. The SWP has long-term contracts to supply water to 29 public water agencies that distribute it to farms, homes, and industry. During the 1999 to 2008 period, SWP deliveries averaged 2.86 MAF per year (California Department of Water Resources 2002, 2008a). But total SWP deliveries averaged about 1.96-million-acre feet (MAF) of water per year from 2009 to 2018 (California Department of Water Resources 2020:18). Of the contracted water supply, approximately 70% goes to municipal and industrial users and 30% to agricultural users (Santa Clara Valley Water 2022). Water supply depends on rainfall, snowpack, runoff, water in

storage facilities, and pumping capacity from the Delta, as well as operational limits for fish and wildlife protection, water quality, and environmental and legal restrictions. The infrastructure that enables the conveyance, or movement, of California's water supply is critical to the health of California's economy.

Factors such as the continuing subsidence of lands, risk of seismic activity and levee failures within the Delta, sea level rise, precipitation change, warmer temperatures, and wider variations in hydrologic conditions associated with climate change threaten the reliability of the current SWP water conveyance system. Additionally, as explained in Final EIR, Volume 1, Chapter 1, *Introduction*, Section 1.2.3.4, *Regulatory Environment*, pumping restrictions applied by regulatory agencies to address water quality and aquatic species concerns at the south Delta diversion continue to prevent the SWP from reliably capturing water when it is available, especially from storm events. Constraints on groundwater use imposed by the Sustainable Groundwater Management Act of 2014 could also increase the need for reliable SWP surface water supplies over time.

DWR's proposal of the Project is informed by past efforts undertaken to address the long-standing issues the SWP faces, including those undertaken through the CALFED Bay-Delta Program, the Delta Risk Management Strategy, and the Bay Delta Conservation Plan/California WaterFix planning process. The need for new Delta water conveyance infrastructure to help achieve the State's coequal goals of "providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem" (Pub. Resources Code § 29702(a)) was recognized by the legislature when it adopted the Sacramento–San Joaquin Delta Reform Act of 2009 (Water Code § 85000 et seq., discussed in Final EIR, Volume 1, Chapter 1, *Introduction*, Section 1.2.3.1, *California Water Supply*, and Section 1.2.4.4, *The Bay Delta Conservation Plan and California WaterFix*).

5.1 Project Objectives

DWR's fundamental purpose in proposing to develop new diversion and conveyance facilities in the Delta is to restore and protect the reliability of SWP water deliveries and, potentially, Central Valley Project (CVP) water deliveries south of the Delta, consistent with the State's Water Resilience Portfolio in a cost-effective manner.

The above stated purpose, in turn, gives rise to several related objectives of the Project, as follows:

- To help address anticipated rising sea levels and other reasonably foreseeable consequences of climate change and extreme weather events.
- To minimize the potential for public health and safety impacts from reduced quantity and quality of SWP water deliveries, and potentially CVP water deliveries, south of the Delta as a result of a major earthquake that could cause breaching of Delta levees and the inundation of brackish water into the areas where existing SWP and CVP pumping plants operate in the southern Delta.
- To protect the ability of the SWP, and potentially the CVP, to deliver water when hydrologic conditions result in the availability of sufficient amounts of water, consistent with the requirements of state and federal law, including the California and federal Endangered Species Acts (CESA and ESA, respectively) and Delta Reform Act, as well as the terms and conditions of water delivery contracts and other existing applicable agreements.

- To provide operational flexibility to improve aquatic conditions in the Delta and better manage risks of further regulatory constraints on project operations.

5.2 Project Description[2]

The Project involves the construction and future operation of new water intake facilities on the Sacramento River in the north Delta and a single main tunnel to divert and move water entering the north Delta from the Sacramento Valley watershed to existing SWP facilities in the south Delta, which would result in a dual conveyance system in the Delta. The water intake facilities would divert water through state-of-the-art fish screens. The proposed north Delta intakes would operate in conjunction with the existing SWP intakes in the south Delta. The proposed intakes would augment the ability to capture excess flows and improve the flexibility of the SWP operations such as for meeting the State Water Board Decision 1641 Delta salinity requirements. The north Delta intakes would be used to capture additional excess flows when the south Delta exports are limited and not able to capture those flows.

Under the Project, two intakes (Intakes B and C as defined in the EIR) would together convey up to 6,000 cfs of water from the north Delta along an eastern alignment to the launch shaft at Lower Roberts Island. From Lower Roberts Island, the single below ground tunnel would follow a route to a location south of Clifton Court Forebay and terminate at the Bethany Complex. A map and a schematic diagram depicting the conveyance facilities associated with the Project are provided in Final EIR, Volume 1, Mapbook 3-3 as well as Figures 3-2 (Bethany Reservoir Alignment) and 3-30. The Project would entail the continued use of the SWP south Delta export facilities as the primary diversion location. The sections below provide details on key features of the Project along with a summary of Project features.

5.2.1 Intake Structure and Fish Screens

Intakes B and C on the east bank of the Sacramento River would divert water and convey it through a single main tunnel. Intake B would be just north of Hood, and Intake C would be between Hood and Courtland (see Final EIR, Volume 1, Mapbook 3-3, Sheets 2 and 3). Intakes B and C would each divert up to 3,000 cfs under the Project. Operated in a coordinated manner with the existing facilities, the north Delta facilities would provide flexibility to alter the location, amount, timing, and duration of diversions to help manage water quality in the Delta or when excess flows occur after all other applicable Delta outflow requirements are met.

At each intake, water would flow through cylindrical tee fish screens mounted on the intake structure to a sedimentation basin before reaching the intake outlet (tunnel inlet) shaft at each site. The intake outlet shaft would serve as the tunnel boring machine reception or maintenance shaft during construction and as the intake shaft and maintenance access during operation. These shafts would have an inside diameter of 83 feet. From the intake outlet shaft, water would flow into a single-bore main tunnel that connects the intakes to the Twin Cities Complex, from which the tunnel route would extend south on the Bethany Reservoir alignment.

[2] This information is derived from Chapter 3, *Description of the Proposed Project and Alternatives,* of the Final EIR and outlines key features of the Project. For more information on the Project components, see Chapter 3 of the Final EIR.

Intake features would include state-of-the-art cylindrical tee fish screens, intake structures, sedimentation basins, sediment drying lagoons, and flow control structures. Intakes would also include associated facilities to support construction and operation of the intakes. Fish screens installed on intake structures minimize aquatic species from being carried into the intake facilities along with the diverted water. The intake screens are designed to draw in water at reduced velocities to reduce potential effects to the subset of fish exposed to the intake screens.

The intake fish screens are part of an overall intake system that includes the screen units and an integrated screen cleaning system, piping, and flow control features. The "tee-shaped" screen units would consist of two fish screen cylinders installed on either side of a center manifold that would be connected to the facility's intake opening. Each intake fish screen would extend about 12 feet from the vertical face of the intake structure into the river. During diversion operations, water would flow from the Sacramento River through the fish screens and a 60-inch diameter pipe and discharge into the sedimentation basins. Control gates would regulate the flow through each screen unit to the sedimentation basin.

5.2.2 Construction of Intake Structures

Installing the intake facility would require construction of a temporary cofferdam for in-river portions of intake construction to divert water and aquatic organisms around the work site and create a dry work area. Portions of the cofferdam would consist of interlocking steel sheet piles installed using vibratory pile driving or, if necessary, a combination of vibratory and impact pile driving. Vibratory pile driving is a method by which the pile is vibrated into the soil beneath the site as opposed to being hammered in, as occurs in impact pile driving. Noise associated with the vibratory pile driving is considerably lower than noise associated with impact hammer pile driving. To minimize noise and other disturbances from pile driving, vibratory pile driving would be used to the extent possible where supported by additional geotechnical information, thus eliminating or minimizing impact pile driving. All pile driving would be restricted to the daytime hours between 7:00 a.m. and 7:00 p.m. and would not occur at night. It is estimated that the longest installation period (at Intake C) would be no more than 255 hours over a 5- or 6- week period, including time for handling and preliminary vibratory pile driving. Assuming 2 minutes of driving time for each sheet pile pair, impact drive time (as a subset of the total installation period) would be a cumulative total of 14 hours at Intake C with 3,000-cfs capacity, occurring over roughly 5 or 6 weeks. Each intake sheet pile construction period would be staggered by about 1 year (Delta Conveyance Design and Construction Authority 2022).

5.2.3 Sedimentation Basins and Drying Lagoons

Diverted water would contain sediment suspended in the river water, a portion of which would be collected in a concrete-lined sedimentation basin. A deep soil-cement-bentonite perimeter wall (cutoff wall) would serve to isolate the sediment basins from the local groundwater and the Sacramento River. Each intake would have one sedimentation basin divided into two cells by a turbidity curtain. Water would flow from the intake through the sedimentation basin and through a flow control structure with radial gates into the outlet channel and shaft structure that would be connected to the tunnel system.

The screen and intake design would allow sufficient flow velocities in diversion pipes to sweep sediment into the sedimentation basin and prevent it from settling in the piping system. Once the diverted water enters the sedimentation basins, larger sand and silt sediment particles would settle

while smaller silt and clay particles would be carried into the tunnel. A flow control structure with four large radial gates and one smaller gate would control the water level in the sedimentation basin and discharge flow into the intake outlet channel and outlet shaft. Tunnel and aqueduct velocity would be sufficient to transport these smaller particles to Bethany Reservoir.

Each intake would have four concrete-lined sediment drying lagoons, each approximately 15 feet deep, containing an average of 10 to 12 feet of water within its embankments when in use. Once a year, during the summer months, the sedimentation basin would be dredged, one half at a time, and sediment slurry discharged to drying lagoons, dewatered, and allowed to dry naturally. The sediment is anticipated to be composed of large silt and sand particles with minimal organic material. During dredging operations, sediment is expected to accumulate to a depth of about 1 foot, distributed over the floor of the drying lagoons. Water drained from the sediment drying lagoon outlet structures and underdrains would be pumped back into the sedimentation basin. The sediment remaining would be dried for 2 to 6 days, which would reduce its moisture content to a point at which the sediment can be removed and transported without creating dust. If sediment is dried to a level that would create dust, the dust would be controlled by application of water from on-site supplies. The dried sediment would be removed by truck for disposal at a permitted disposal site or used for beneficial uses off-site. The fill and drain/dry sequence would take about 7 to 8 days, which would approximately match the dredged material filling rate so continuous operation would be possible. On average, each drying lagoon would fill about once every 4 to 8 days and contain up to about 1,800 cubic yards of sediment. The volume of sediment collected would depend upon the volume, suspended sediment concentration, and flow rate of water diverted at the intake. Intake maintenance activities are described in Final EIR, Volume 1, Chapter 3, *Description of the Proposed Project and Alternatives,* Section 3.16.5, *Intake Maintenance Activities*.

5.2.4 Bethany Complex and Other facilities

The Project would use Intakes B and C to convey up to 6,000 cfs of water from the north Delta along an eastern alignment to the launch shaft at Lower Roberts Island. From Lower Roberts Island, the tunnel would follow a route to a location south of Clifton Court Forebay and terminate at the Bethany Complex. The Bethany Complex would include a pumping plant, a surge basin with reception shaft, a buried pipeline aqueduct system, and a discharge structure to convey water to Bethany Reservoir. The Bethany Complex would be constructed southeast of Clifton Court Forebay. The Bethany Complex includes the Bethany Reservoir Pumping Plant which would be needed to lift the water from the tunnel to Bethany Reservoir. The main tunnel from the intakes would terminate at a reception shaft within the surge basin on the north side of the Bethany Reservoir Pumping Plant. Water would enter the Bethany Reservoir Pumping Plant and be conveyed directly to Bethany Reservoir in an aqueduct system. The Bethany Reservoir Pumping Plant would include the Bethany Reservoir Surge Basin which would remain empty while the Bethany Reservoir Pumping Plant is operating. The Bethany Reservoir Aqueduct system would consist of four 15-foot-diameter parallel pipelines that would convey water from the Bethany Reservoir Pumping Plant to the Bethany Reservoir Discharge Structure, a distance of approximately 2.5 miles each. Two separate aqueduct reaches would require tunnels to carry each pipeline under existing features. The first reach would be under the Jones Pumping Plant discharge pipelines (about halfway from the Bethany Reservoir Pumping Plant to the discharge structure); at this location pipelines would run about 50 feet below ground surface for about 200 feet. Tunnels would also be needed under the existing conservation easement adjacent to Bethany Reservoir (at the last downstream reach of the aqueduct) for about 3,064 feet, ranging from 45 to 180 feet below ground surface. The aqueduct pipelines would

terminate near the bottom of four 55-foot-inside-diameter below ground vertical shafts at the Bethany Reservoir Discharge Structure. The pipelines would make a 90-degree bend upward inside the shafts, ending at the floor of the discharge structure and flowing through a concrete channel into Bethany Reservoir. Finally, the discharge structure portion of the Bethany Complex called the Bethany Reservoir Discharge Structure located near the bank of Bethany Reservoir includes the aqueduct conservation easement tunnel vertical exit shafts, contractor staging areas, and ancillary facilities. The proposed discharge structure site would be on a narrow strip of land between the conservation easement and Bethany Reservoir.

Table 1. Summary of Project Features

Characteristic	Description [a]
Alignment	Bethany Reservoir
Conveyance capacity	6,000 cubic feet per second
Number of Intakes	2; Intakes B and C at 3,000 cfs each
Tunnel from Intakes to Bethany Reservoir Pumping Plant	
Diameter	36 feet inside, 39 feet outside
Length	45 miles
Number of tunnel shafts	11 [b]
Launch shafts diameter	115 feet inside
Reception and maintenance shafts diameter	70 feet inside
Surge Basin reception shaft diameter	120 feet inside
Twin Cities Complex	Construction acres: 586 Permanent acres: 222
New Hope Tract Maintenance Shaft	Construction acres: 11 Permanent acres: 11
Canal Ranch Tract Maintenance Shaft	Construction acres: 11 Permanent acres: 11
Terminous Tract Reception Shaft	Construction acres: 13 Permanent acres: 13
King Island Maintenance Shaft	Construction acres: 12 Permanent acres: 12
Lower Roberts Island Double Launch Shaft site	Construction acres: 610 Permanent acres: 300
Upper Jones Tract Maintenance Shaft	Construction acres: 11 Permanent acres: 11
Union Island Maintenance Shaft	Construction acres: 14 Permanent acres: 14
Bethany Complex	
Bethany Reservoir Pumping Plant and Surge Basin site size (all facilities)	Construction acres: 213 Permanent acres: 184
Bethany Reservoir Pumping Plant pad site	1,166 foot wide x 1,260 feet long (approximately 34 acres)
Surge basin	815 feet wide x 815 feet long x 35 feet deep, approximately 15 acres

Characteristic	Description [a]
Bethany Reservoir Aqueduct	Four 15-foot-diameter parallel below-ground pipelines Approximately 14,900 linear feet each Construction acres: 128 acres Permanent acres: 68
Aqueduct tunnels	Four 20-foot-diameter parallel tunnels, two reaches
Bethany Reservoir Discharge Structure	Construction acres: 15 Permanent acres: 13
RTM Volumes and Storage	
Twin Cities Complex long-term RTM storage (approximate)	214 acres x 15 feet high
Lower Roberts Island long-term RTM storage (approximate)	189 acres x 15 feet high
Bethany Complex	No TBM RTM generated or stored
Total wet excavated RTM volume (for single main tunnel from intakes to Bethany Reservoir Surge Basin shaft)	14.4 million cubic yards

cfs = cubic feet per second; RTM = reusable tunnel material; TBM = tunnel boring machine. The height of the RTM storage stockpiles would decrease as the RTM subsides into the ground over time.

[a] Acreage estimates represent the permanent surface footprints of selected facilities. Overall Project acreage includes some facilities not listed, such as permanent access roads.

[b] Number of shafts for the main tunnel from intakes to Bethany Reservoir Surge Basin shaft, counting the double shaft at Twin Cities Complex and the double shaft at Lower Roberts Island each as one shaft.

5.2.5 Water Conveyance Operational Components

The proposed north Delta intakes would operate in conjunction with the existing SWP. Operations of the existing SWP facilities, and in coordination with CVP operations pursuant to the Coordinated Operations Agreement, will be governed by the applicable regulatory requirements specified under the State Water Board Water Quality Control Plan for the San Francisco Bay/Sacramento–San Joaquin Delta Estuary (Bay-Delta Plan) and assigned to the SWP in the applicable water right decision, applicable biological opinions under ESA, applicable incidental take permit under CESA, and U.S. Army Corps of Engineers (USACE) Clifton Court diversion limits. The operations of the proposed north Delta intakes would remain consistent with these existing regulatory requirements. The Project is seeking a new point of diversion be added to DWR's existing water rights, and is not seeking to expand water right quantity. In addition, diversions at the proposed north Delta intakes would be governed by new operational criteria specific to these intakes, such as the fish screen approach velocity requirements, bypass flow requirements, and pulse protection. These new criteria provide additional protections to the fish species over and above the protections from the state-of-the-art positive barrier fish screens included at the proposed intakes. A detailed table describing the proposed operational criteria is provided in Final EIR, Volume 1, Chapter 3, *Description of the Proposed Project and Alternatives,* Table 3-14. Additional detail for the proposed north Delta intakes is provided in Final EIR, Volume 1, Table 3-15 in Section 3.16.7, *Delta Conveyance Project Preliminary Proposed Operations Criteria*. Also, in Final EIR, Volume 1, Section 3.16.7, Figure 3-37 provides a visual depiction of maximum allowable diversions in winter/spring and expected diversions in summer/fall. Final EIR, Volume 1, Figure 3-38 provides a depiction of the north Delta diversion operations concepts to minimize potential effects to aquatic species.

5.2.6 Adaptive Management and Monitoring

Adaptive management for the Project, as required by the Delta Reform Act and described in Appendix 1B of the Delta Plan, would encompass three major phases: planning, implementation, and evaluation and response (Delta Stewardship Council 2015; Cal. Code Regs., title 23, § 5002(b)(4)). The adaptive management plans and programs would document all activities associated with the planning phase of adaptive management and describe the process to be followed during the implementation and evaluation and response phases. Project objectives were taken into consideration in identifying where adaptive management would be most effective and applicable for the project. As appropriate, mitigation measures identified in the Final EIR, such as implementation of the habitat creation and restoration actions in the Compensatory Mitigation Plan (CMP), would integrate the concept of adaptive management in mitigation plan design, stand-alone site and/or resources-specific adaptive management plans would be adopted if the project is approved. In addition, an Operations Adaptive Management and Monitoring Program would be used to monitor and consider the design and operation of the new north Delta intakes and determine whether they result in unanticipated effects that may warrant refinements in design, management, and/or operation. For more information see Final EIR, Volume 1, Chapter 3, *Description of the Proposed Project and Alternatives,* Section 3.18, *Adaptive Management and Monitoring Program*.

5.3 Environmental Review Process

5.3.1 Alternatives Development and Screening Process

The 2020 NOP identified the proposed project as a 6,000 cfs diversion capacity alternative, to be located on either a central or eastern alignment from intakes in the north Delta to pumping facilities in the south Delta near Clifton Court Forebay. The EIR analyses were initiated with this concept of the proposed project, and with the knowledge that additional engineering refinements, preliminary findings about key environmental impacts, and input from the public and other interested parties may result in future changes. As the development of the EIR progressed, the evaluation provided additional information about the environmental impacts associated with the project alternatives. The preliminary impact assessment found that the Bethany Reservoir alignment had the potential to reduce environmental effects as compared to other project alternatives (see Section 7.3, *Summary Comparison,* for a discussion and comparison of project alternatives). As a result, DWR identified the Bethany Reservoir alignment (Alternative 5) as the proposed project in the EIR.

DWR began the alternatives development process by revisiting the scoping comments received on the Bay Delta Conservation Plan (BDCP) and California WaterFix, as described in Final EIR, Volume 1, Chapter 1, *Introduction*. During the 2009 BDCP EIR/EIS scoping process, 1,051 comments were received related to the development of alternatives. After publishing the Draft BDCP EIR/EIS, based on the Habitat Conservation Plan/Natural Community Conservation Plan approach in December 2013, and after reviewing critical public and fish and wildlife agency comments on that document, the lead agencies introduced a new proposed action called the California WaterFix in a Partially Recirculated Draft EIR/Supplemental Draft EIS in July 2015.

While the BDCP and then California WaterFix had different project objectives, some of these alternative comments or suggestions were applicable to the Delta Conveyance Project. The 2020 Delta Conveyance Project NOP described a new proposed single-tunnel project and solicited

additional suggestions about potential alternatives during the public scoping period. This involved input from a large group of interested parties, an extensive evaluation of various options, and analysis of the environmental impacts that goes beyond the normal scope of a CEQA review. These processes were helpful in informing the public and gathering input on a project that would affect a very complex estuary and a statewide water supply system.

The Project underwent a public scoping period of 93 days from January 15 to April 17, 2020, where DWR received public comments from 2,000 individuals, organizations, and agencies on the scope of issues to be considered in the Draft EIR. Eight scoping meetings, which hosted a total of more than 700 attendees, were held throughout the state to provide information on the project and gather comments. The scoping period was originally scheduled for a period of 65 days ending on March 20, 2020, but was extended for an additional 28 days per the request of interested parties to allow for additional time to review project information, and to accommodate unprecedented circumstances related to the coronavirus disease 2019 (COVID-19) pandemic. During this period, the public was invited to participate in the earliest phase of the environmental review process and DWR accepted public comments on the proposed project as defined in the NOP. For more detailed information about the scoping process and relevant outreach efforts, please see Final EIR, Volume 1, Appendix 1A, *Scoping Summary Report*.

Following the 2020 NOP and consideration of scoping comments, DWR screened a range of alternatives and began evaluating potential impacts from constructing, operating, and maintaining conveyance facility alternatives. Contemporaneously, the engineering team continued to refine potential facility designs, construction approaches, and project operations to optimize the conveyance facility approach and evaluate options to further reduce environmental effects.

The screening process for the Delta Conveyance Project EIR focused on identifying alternatives to the proposed project, as defined in the NOP, and these alternatives were screened with the purpose and objectives of the proposed project in mind. The proposed project identified in the NOP and developed to specifically meet the stated project objectives, Dual Conveyance Central Tunnel Alignment or Dual Conveyance Eastern Tunnel Alignment, with a maximum 6,000 cfs capacity, was the basis against which alternatives were screened. The screening criteria were developed consistent with the legal requirements of CEQA and the project objectives included in the NOP published on January 15, 2020.

The alternatives were grouped into four categories of dual conveyance, isolated conveyance, through-Delta conveyance with proposed diversion facility, and through-Delta conveyance with no new diversion facilities. A fifth "other" category encompassed alternatives proposing other technologies, including capping the California Aqueduct, use of an aboveground "tube" to convey water, and desalination on barges in Monterey Bay. Not including the NOP identified alternatives (Dual Conveyance Central Tunnel Alignment with 6,000-cfs 35 capacity and Dual Conveyance Eastern Tunnel Alignment with 6,000-cfs capacity), a total of 21 alternatives were generated at this stage. In some cases, multiple similar proposals were combined and evaluated as one. Each of the screened alternatives is described in Final EIR, Volume 1, Appendix 3A, *Identification of Water Conveyance Alternatives*.

The 21 potential alternatives to the proposed project were screened through a two-level filtering process. Filter 1 assessed whether a proposed alternative could meet the project purpose and most of the project objectives. Alternatives that met two or more of the following four Filter 1 criteria summarizing the four project objectives were carried forward for screening under Filter 2. Final EIR,

Volume 1, Appendix 3A, Identification of Water Conveyance Alternatives, describes the following Filter 1 criteria in more detail.

- **Climate resiliency.** Addresses anticipated sea level rise and other reasonably foreseeable consequences of climate change and extreme weather events.
- **Seismic resiliency.** Minimizes health and safety risk to public from earthquake-caused reductions in water delivery quality and quantity from the SWP.
- **Water supply reliability.** Restores and protects the ability of the SWP to deliver water in compliance with regulatory limits and SWP contractual agreements.
- **Operational resiliency.** Provides operational flexibility to improve aquatic conditions and manage future regulatory constraints.

Filter 2 examined whether the remaining alternatives would avoid or lessen potential significant environmental impacts compared to the proposed project options identified in the NOP.

Of the 21 potential alternatives to the proposed project (identified in the NOP as Alternatives 1 and 3) that were evaluated as part of the screening process, 11 alternatives or groups were eliminated in Filter 1 (Final EIR, Volume 1, Appendix 3A, *Identification of Water Conveyance Alternatives*, Table 3A-2). The remaining alternatives were screened through Filter 2 to evaluate whether they had the potential to lessen environmental impacts compared to the two project options (Alternatives 1 and 3) identified in the NOP (Final EIR, Volume 1, Appendix 3A, *Identification of Water Conveyance Alternatives*, Table 3A-3). Only the Dual Conveyance Bethany Alignment alternative passed Filter 2 screening for its potential to avoid or reduce impacts compared to the proposed project identified in the NOP (Alternatives 1 and 3). To evaluate the potential for modifications to the capacity of the project options identified in the NOP to potentially avoid or reduce impacts, alternatives with capacities of 3,000 cfs (Alternatives 2b and 4b), 4,500 cfs (Alternatives 2c and 4c), and 7,500 cfs (Alternatives 2a and 4a) were also carried forward for analysis in the EIR. As a result, including the No Project alternative, the EIR evaluates ten proposed alternatives to the Project.

5.3.2 Release of, and Comments on, the Draft EIR

The Draft EIR for the Project was released for public review and comment on July 27, 2022. The public comment period for the Draft EIR was originally set for 92 days and scheduled to close on October 27, 2022. In response to requests from multiple commenters, DWR granted a 50-day extension to the public comment period, which closed at 5:00 p.m. Pacific Standard Time on December 16, 2022. The extension allowed a public comment period totaling 142 days.

DWR conducted three public hearings on September 13, September 22, and September 28, 2022, during different times of the day, during which DWR accepted verbal comments on the Draft EIR. In addition, DWR held two Tribal representatives meetings, on October 12 and December 7, 2022, for Tribal leadership, Tribal government representatives, and Tribal communities to provide verbal comments on the Draft EIR.

DWR received approximately 675 unique letters and communications from federal, state, and local/regional agencies; California Native American Tribal governments; elected officials; nongovernmental organizations; and members of the public. After reviewing letters and communications, DWR identified approximately 7,356 discrete comments.

The comments covered a broad range of environmental concerns and other issues. Major topic areas that elicited frequent comments included but were not limited to: the CEQA process, mitigation measures, and other project requirements; engagement with interested parties and the public outreach process; alternatives development, range and description, including alternative operations; implementation considerations; surface water quality and groundwater methodologies and impacts; fish and aquatic resources methodology and impacts; terrestrial biological resources methodology and impacts; Tribal cultural resources impacts; and air quality methodology and impacts.

5.3.3 Preparation of the Final EIR

To ensure time for comment letters sent by mail, DWR treated all comment letters received before January 1, 2023, as timely. As such, all comments received prior to January 1, 2023, are responded to in Final EIR, Volume 2. Any comments received on or after January 1, 2023, were considered late letters. While late letters have been reviewed and considered by DWR, DWR did not include late letters, or responses thereto, in the Final EIR. The responses to comments provided in Final EIR, Volume 2, represent DWR's best effort to review, consider, and address all timely comments on the Draft EIR and any supporting information provided by commenters.

Agency consultation and coordination activities, including Tribal consultation, continued during preparation of the Final EIR for the Project. DWR also continued to proactively engage interested agencies and the public throughout the CEQA processes including preparing informative websites and social media updates.

Chapter 6
Project Specific Findings on the Delta Conveyance Project Environmental Impacts

Within each of the resource area chapters, the Final EIR lays out the significant environmental impacts of the Project. Each such environmental impact has its ultimate CEQA determination, that is, whether it would be less than significant, could be mitigated to a less than significant level through the implementation of proposed mitigation, or significant and unavoidable. Attached to this document as Exhibit A are three Findings Tables. Table 1 identifies significant and unavoidable impacts, Table 2 identifies significant impacts that can be rendered less than significant with mitigation, and Table 3 identifies impacts that are less than significant or no impact before mitigation. Within the tables, the verb "substantially lessen" is understood to mean "mitigate, but not to a less than significant level," while the verb "avoid" is understood to mean "mitigated to a less than significant level." These tables do not attempt to describe the full analysis of each environmental impact contained in the Final EIR. Rather, such full analysis can be found within the Final EIR, which, as noted earlier, is incorporated by reference herein. In making these findings, the Director of DWR ratifies, adopts, and incorporates into these findings the analysis and explanation in the Final EIR, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of those documents relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by Exhibit A to these Findings.

As noted above, all of the mitigation measures proposed in the Final EIR have been adopted and incorporated into the enforceable MMRP for the Project. (See Pub. Resources Code, § 21081.6, subds. (a)(1) and (b).) So too have both the generic and project-specific environmental commitments, and BMPs set forth in Final EIR, Volume 1, Appendix 3B, *Environmental Commitments and Best Management Practices*. No mitigation measures identified in the Final EIR have been rejected as infeasible as is permitted under CEQA Guidelines section 15091, subdivisions (a)(3) and (c).

6.1 Potentially Significant and Unavoidable Impacts

Mitigation measures are identified for most of the significant and unavoidable impacts, but the measures are not sufficient to reduce the impacts to less than significant levels. For one significant and unavoidable impact (Impact PALEO-2), there is no feasible mitigation available at all.

Other potential impacts are considered to be significant and unavoidable even though full implementation of recommended mitigation measures by other agencies or in cooperation with DWR would reduce the impacts to less than significant levels. This conservative characterization reflects the fact that several of these mitigation measures cannot be implemented by DWR by itself, but will be dependent on the reasonable cooperation of other agencies or entities. As explained in the Final EIR, if such cooperation is forthcoming, and DWR can work successfully with the other agencies or entities in question (e.g., by reaching written agreements where necessary), the impacts will ultimately be less than significant. But DWR has conservatively concluded in the EIR that these impacts will be significant and unavoidable.

Within Exhibit A to this document, Table 1 includes (1) all potentially significant and unavoidable impacts associated with the Project, (2) adopted feasible mitigation measures or environmental commitments, if available, intended to reduce the severity of such impacts, (3) characterization of significance of the impact after the adoption of appropriate mitigation measures or environmental commitments, if any, and (4) explanations of the nature of the impacts and the effectiveness of mitigation measures or environmental commitments.

Even though the impacts in Table 1 will remain significant and unavoidable, DWR has determined to approve the Project because the Project's benefits outweigh its significant unavoidable environmental impacts. CEQA provides that, where a proposed project would cause significant environmental impacts that cannot be avoided or substantially lessened, a public agency's decision maker, after adopting proper findings, may nevertheless approve the project if the decision maker first adopts a statement of overriding considerations. This latter document must set forth the specific reasons why the agency decision maker finds the project's benefits outweigh its significant unavoidable environmental impacts. The statement of overriding considerations for the Project is included in these Findings in Chapter 8, *Statement of Overriding Considerations*, below.

6.2 Potentially Significant Impacts Reduced to Less than Significant

As noted above, Table 2 within Exhibit A identifies significant impacts that can be reduced to less than significant levels through the adoption and implementation of feasible mitigation measures or environmental commitments. Table 2 includes: (1) all potentially significant impacts associated with the Project, (2) adopted mitigation measures or environmental commitments that DWR finds would avoid or substantially lessen such significant environmental impacts, (3) characterization of less than significance of the impact after the adoption of mitigation measures or environmental commitments, and (4) explanations of the nature of the impacts and the effectiveness of mitigation measures or environmental commitments.

6.3 Impacts that are Less than Significant or No Impact

Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) Based on substantial evidence in the whole record of this proceeding, DWR finds that implementation of the Project will not result in any significant impacts to the impact areas identified in Table 3 within Exhibit A and that these impact areas, therefore, do not require mitigation. In some instances, the Project would have no impact in a particular area; these instances are noted in the table.

Chapter 7
Findings Regarding Alternatives to the Project

7.1 Basis for Alternatives-Feasibility Analysis

California Public Resources Code section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both (1) environmentally superior with respect to such significant, unavoidable effects and (2) feasible within the meaning of CEQA.

Under CEQA Guidelines section 15126.6, the alternatives to be discussed in detail in an EIR should be able to "feasibly attain most of the basic objectives of the project." (See also *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1165-1166 ["[i]n the CALFED program, feasibility is strongly linked to achievement of each of the primary program objectives [¶] … [¶] a lead agency may structure its EIR alternative analysis around a reasonable definition of underlying purpose and need not study alternatives that cannot achieve that basic goal"].) For this reason, the project objectives described earlier in these Findings provided part of the policy framework by which DWR developed the alternatives analyzed in the EIR. In analyzing such alternatives in detail in the EIR, DWR took these objectives into account, while at the same time focusing on means of substantially lessening or avoiding significant environmental effects as required under CEQA.

The approach taken by DWR is consistent with the approach taken for other water conveyance projects in California as illustrated in the decision by the Second Appellate District in *California Water Impact Network v. City of San Buenaventura* (Jan. 4, 2023, Cal. Ct. App., B315362 [nonpub. opn.]) (CWIN). In CWIN, the City of Buenaventura (City) proposed and prepared an EIR for a seven-mile-long pipeline project to receive its contractual right to water from the SWP. (*Id.* at p. *1.) At the same time that the City was pursuing the pipeline project to connect to the SWP, the City was also pursuing and preparing an EIR for a separate project to increase local water sources including wastewater and groundwater treatment. (*Ibid.*) The purpose of the local water project was to increase the City's overall water supply. (*Ibid.*)

Petitioner argued the City piecemealed environmental review by preparing a separate EIR for the local water supply project and/or that the pipeline project had to include alternatives evaluating local water supply options. (*CWIN, supra*, at pp. *2, *4.) The court rejected both arguments. First, as to the piecemealing claim, the court acknowledged that both the pipeline project and the proposed local water supply project concerned the City's water supply. (*Id.* at p. *3.) However, the court held that the projects had independent utility because the projects involved "different source[s] of water, different infrastructure, and neither project [was] dependent on the completion of the other." (*Ibid.*) Second, the court concluded that the pipeline project EIR did not require local water supply

alternatives because a basic goal of the project was to "bring SWP water to the City… [and] [l]ocal water supply cannot meet the basic goal of bringing SWP water to the City." (*Id.* at p. *4.)

Of relevance to the Delta Conveyance Project, the petitioner in *CWIN* alleged that the project objectives were too narrow because one objective was to receive the City's SWP entitlements, which made "dependence on SWP water a fait accompli." (See *CWIN*, supra, at p. *3.) Petitioner asserted that the project objectives should have been drafted to more generally address the City's water supply and water quality needs and a narrow objective to receive SWP entitlements was improper. (*Ibid.*) The court rejected the petitioner's argument. Citing *San Diego Citizenry Group v. County of San Diego* (2013) 219 Cal.App.4th 1, 14, the court held that "CEQA does not restrict an agency's discretion to identify and pursue a particular project designed to meet a particular set of objectives. [Citation.] Thus, the City's stated objectives are valid even if it means dependence on the SWP is a fait accompli." (*CWIN*, supra, at p. *3.)

Similar to the City's objective in *CWIN* to pursue a project to receive SWP water, DWR is pursuing a project to restore and protect the reliability of SWP water deliveries. This fundamental purpose of the Project necessarily cannot be achieved by pursuing local water supply projects in other areas of the State or by projects that otherwise do not address the existing threats to SWP's reliability (e.g., sea level rise, seismicity, climate change and associated changes in weather patterns, and regulatory constraints). Therefore, the EIR properly focuses on evaluating project alternatives that would, to the extent potentially feasible, restore or protect the reliability of SWP water deliveries in consideration of these existing threats. (See *Yerba Buena Neighborhood Consortium, LLC v. Regents of the University of California* (2023) 95 Cal.App.5th 779, 712-717 [holding that CEQA did not require the Regents to consider an offsite alternative for a new hospital that "would not adequately meet the project's objectives"].)

While the EIR considers project alternatives unrelated to restoring or protecting the reliability of SWP water deliveries, as addressed in Final EIR, Volume 1, Appendix 3A, *Identification of Water Conveyance Alternatives*, DWR rejected those alternatives as part of the EIR's alternative screening process because they did not meet most of the basic project objectives. Based on the extensive alternatives screening process set forth in Final EIR, Volume 1, Appendix 3A, *Identification of Water Conveyance Alternatives*, DWR developed, and addressed in detail, nine (9) alternatives and a No Project Alternative.

Although an EIR must evaluate a reasonable range of *potentially* feasible alternatives, the lead agency decision maker ultimately determines whether such alternatives are *actually* feasible. (See *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 981, 999 *(CNPS).)* "Feasible" is defined in CEQA as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." (Pub. Resources Code, § 21061.1; see CEQA Guidelines, § 15364 [adding "legal" factors].) As courts have noted, "[t]he 'feasibility of … alternatives must be evaluated within the context of the proposed project.'" (E.g., *Sustainability, Parks, Recycling & Wildlife Legal Def. Fund v. San Francisco Bay Conservation & Development Com.* (2014) 226 Cal.App.4th 905, 918 [omission in original].)

The determination of whether an alternative is actually feasible may be based on several grounds. One ground by which decision makers may reject an alternative as infeasible is that the alternative is inconsistent with project objectives or does not fully meet such objectives. (In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings (2008) 43 Cal.4th 1143, 1165-1166; *see also CNPS, supra,* 177 Cal.App.4th *at p. 1001 ["[*A]n alternative 'may be found infeasible on

the ground it is inconsistent with the project objectives as long as the finding is supported by substantial evidence in the record.'"]; *Save Panoche Valley v. San Benito County* (2013) 217 Cal.App.4th 503, 521-523; *Citizens for Open Government v. City of Lodi* (2012) 205 Cal.App.4th 296, 314-315.) Similarly, a decision maker may reject an alternative as infeasible if the decision maker concludes, after a "reasonable balancing of the relevant economic, environmental, social, and technological factors," that the alternative is undesirable from a policy standpoint. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417 (*City of Del Mar*); see also *Ctr. for Biological Diversity v. California Dep't of Conservation* (2019) 36 Cal.App.5th 210, 242; *CNPS, supra,* 177 Cal.App.4th at p. 1001; *San Diego Citizenry Group, supra,* 219 Cal.App.4th at pp. 17-18.) Thus, under these principles, even if a project alternative would avoid or substantially lessen any or all of the unavoidable significant environmental effects of a proposed project as mitigated, the decision makers may nevertheless reject the alternative for such reasons.

7.2 Alternatives Addressed in the EIR

The nine (9) alternatives analyzed in the Final EIR differ in the location, design, and capacity of conveyance facilities and improvements. With the exception of the CEQA No Project Alternative, each of the alternatives selected for detailed evaluation in the EIR involves some level of construction of conveyance facilities/improvements to the SWP. The following alternatives, as described in detail in Final EIR, Volume 1, Chapter 3, *Description of the Proposed Project and Alternatives*, were carried forward for detailed analysis in the Final EIR.

Alternatives (introduced in the Draft EIR):

- Alternative 1—Central Alignment, 6,000 cfs, Intakes B and C
- Alternative 2a—Central Alignment, 7,500 cfs, Intakes A, B, and C
- Alternative 2b—Central Alignment, 3,000 cfs, Intake C
- Alternative 2c—Central Alignment, 4,500 cfs, Intakes B and C
- Alternative 3—Eastern Alignment, 6,000 cfs, Intakes B and C
- Alternative 4a—Eastern Alignment, 7,500 cfs, Intakes A, B, and C
- Alternative 4b—Eastern Alignment, 3,000 cfs, Intake C
- Alternative 4c—Eastern Alignment, 4,500 cfs, Intakes B and C
- Alternative 5—Bethany Reservoir Alignment, 6,000 cfs, Intakes B and C (Project)

7.3 Summary Comparison

This summary comparison of significant and unavoidable impacts describes the severity and magnitude of the project alternatives relative to the Project. The comparison focuses on two factors: the number of relative impacts for each category (i.e., the number of impacts with a severity greater than, equal to, or less than the Project) and the drivers for the differences in severity. The number of impacts is used as a point of comparison because CEQA does not treat any category of environmental effect as being more important than any other category and the comparison of numbers provides an overall picture of the differences between the project alternatives and the

Project. The drivers are used in the comparison because they illuminate the fundamental differences between the impacts of the Project and those of the project alternatives.

The primary drivers that provide insights into the differences between alternatives are the number of intakes, the alignment, the length and diameter of the tunnel, the location of project facilities relative to sensitive receptors, and the presence or absence of the Southern Complex. Each of these drivers (except location relative to sensitive receptors) affects the amount of ground disturbance associated with the alternative and the size of launch shaft sites, including amount and locations of reusable tunnel material (RTM) stockpiles.

Table 2 below provides an overview of the differences in the number and severity of significant and unavoidable impacts relative to the proposed project and drivers for those differences. Table 3 below compares in more detail the severity and magnitude of the significant and unavoidable impacts of the project alternatives to the Project. The finding of significant and unavoidable is the same across all alternatives (except for Impact AQ-6, which has a significant and unavoidable finding only for Alternatives 2a and 4a), but the severity and magnitude of the impacts may differ by alternative. Where quantitative data are available to compare alternatives and define the magnitude of the impact, Table 3 below provides summary data, their unit of measure, and their source.

As shown in Tables 2 and 3 below, for five impacts, the Project has a lesser severity than all or most project alternatives because it would:

- Include only two intakes and no Southern Complex and would therefore affect fewer acres of important farmland (Impact AG-1).
- Not include the Bouldin Island launch and reception shaft, the Southern Complex on Byron Tract, or the Southern Complex west of Byron Highway and therefore would have lesser impacts on visual quality of public views (Impact AES-1) and scenic vistas (Impact AES-3). In addition, the Bethany Reservoir would be constructed in a location with existing water infrastructure and other facilities.
- Have an alignment that would affect fewer identified built-environment historical resources (Impact CUL-1) and archaeological resources (Impact CUL-3).

For those impacts for which the severity of all project alternatives is the same as the Project (Impacts CUL-2, CUL-4, CUL-5 and Impacts TCR-1 and TCR-2), the impacts were of a type that cannot be quantified because resources have not been inventoried or are important for reasons that cannot be quantified, including cultural heritage.

For Impact TRANS-1, an equal number of project alternatives had per employee vehicle miles traveled (VMT) greater than and less than the Project. The number of employees, and thus number of vehicle trips generated during construction, is influenced by the duration and intensity of construction, which differs among the alternatives. The location of the alignment also influences VMT, with features constructed in more rural locations requiring longer employee vehicle trips, and thus generating more VMT, than features proximate to urban areas.

As shown in Tables 2 and 3 below, for two impacts (Impact AG-2 and Impact PALEO-2), the Project has a greater severity than all or most project alternatives because it would:

- Have an alignment that would intersect with more acres of Williamson Act and Farmland Security Zone acres and therefore result in the conversion of more acres when compared to project alternatives.

- Have a longer tunnel alignment in geologic units with high sensitivity for paleontological resources and therefore have greater potential to disturb paleontological resources when compared to project alternatives.

The single impact for which the Project had a more severe impact than all but one of the project alternatives was related to the number of receptors who would be affected by an increase in ambient noise levels (Impact NOI-1). However, if improvements required to avoid significant impacts are accepted by all eligible property owners, impacts would be less than significant with mitigation.

A summarized comparison in Table 2 below of the multiple pollutants analyzed in Impact AQ-5 across multiple air districts and timeframes would not accurately reflect the differences for each of those factors. For example, while Alternatives 2a and 4a would generally result in higher concentrations of combustion pollutants, fugitive dust concentrations in the San Joaquin Valley Air Pollution Control District (SJVAPCD) under Alternative 5 would be higher than most other alternatives. This is because under Alternative 5, two launch shafts would be constructed at Lower Roberts Island, effectively doubling the amount of earthmoving and vehicles traveling on unpaved surfaces at this location, compared to all other proposed alternatives. Therefore, more detail is provided regarding Impact AQ-5 in Table 3 below.

Table 2. Overview of the Differences in the Number and Severity of Significant and Unavoidable Impacts Relative to the Project and the Drivers for Those Differences

Impact(s)	Number of Alternatives with Impact Severity Greater or Equal to the Project	Project Drivers
CUL-2, CUL-4, CUL-5, TCR-1, and TCR-2	All Project Alternatives = Project	• Severity cannot be distinguished because of uninventoried resources or resources that are important for reasons that cannot be quantified, including cultural heritage
AG-1, AES-1, AES-3, and CUL-3	All 8 Project Alternatives > Project	• Absence of Southern Complex • Absence of Bouldin Island launch and reception shaft, Southern Complex on Byron Tract, or Southern Complex west of Byron Highway • Presence of existing water infrastructure at Bethany Complex • Fewer intakes visible from State Route 160 • Fewer cultural resources in project footprint • Absence of Intake A
AES-2, AG-2, and AQ-6	2 Project Alternatives > Project	
CUL-1	5 Project Alternatives > Project	
TRANS-1	4 Project Alternatives > Project	• Duration and intensity of construction • Location of the alignment (e.g., rural locations requiring longer employee vehicle trips)
PALEO-2	3 Project Alternatives > Project	• Longer tunnel alignment requiring more disturbance of geologic with high sensitivity for paleontological resources
NOI-1	0 Project Alternatives > Project	• Construction near greater number of sensitive noise receptors

Note: Impact AQ-5 is not included in this table because of the complexity of comparing multiple pollutants, timeframes, and air districts across multiple alternatives.

Table 3. Comparison of Significant and Unavoidable Impacts of Project Alternatives Relative to the Project (P)

Potential Impact (includes units of measure when applicable)	Project Alternative 5, Bethany Reservoir Alignment, 6,000 cfs, Intakes B and C	Alternative 1, Central Alignment, 6,000 cfs, Intakes B and C	Alternative 2a, Central Alignment, 7,500 cfs, Intakes A, B, and C	Alternative 2b, Central Alignment, 3,000 cfs, Intake C	Alternative 2c, Central Alignment, 4,500 cfs, Intakes B and C	Alternative 3, Eastern Alignment, 6,000 cfs, Intakes B and C	Alternative 4a, Eastern Alignment, 7,500 cfs, Intakes A, B, and C	Alternative 4b, Eastern Alignment, 3,000 cfs, Intake C	Alternative 4c, Eastern Alignment, 4,500 cfs, Intakes B and C
Impact AG-1: Convert a Substantial Amount of Prime Farmland, Unique Farmland, Farmland of Local Importance, or Farmland of Statewide Importance as a Result of Construction of Water Conveyance Facilities (total acres) (Construction)	SU 2,340	Greater than P 3,793.5	Greater than P 4,124.40	Greater than P 3,308.50	Greater than P 3,661.80	Greater than P 3,464.70	Greater than P 3,819.50	Greater than P 2,943.70	Greater than P 3,318.30
Impact AG-2: Convert a Substantial Amount of Land Subject to Williamson Act Contract or under Contract in Farmland Security Zones to a Nonagricultural Use as a Result of Construction of Water Conveyance Facilities (acres converted) (Construction)	SU 1,217.80	Less than P 1,042.30	Greater than P 1,253.60	Less than P 881.30	Less than P 950.60	Less than P 1,142.50	Greater than P 1,355.20	Less than P 982.00	Less than P 1,051.20
Impact AES-1: Substantially Degrade the Existing Visual Character or Quality of Public Views (from Publicly Accessible Vantage Points) of the Construction Sites and Visible Permanent Facilities and Their Surroundings in Nonurbanized Areas (Construction and O&M)	SU	Greater than P	Greater than P	Greater than P	Greater than P	Greater than P	Greater than P	Greater than P	Greater than P
Impact AES-2: Substantially Damage Scenic Resources including, but Not Limited to, Trees, Rock Outcroppings, and Historic Buildings Visible from a State Scenic Highway (number of intakes) (Construction)	SU 2	Equal to P 2	Greater than P 3	Less than P 1	Equal to P 2	Equal to P 2	Greater than P 3	Less than P 1	Equal to P 2
Impact AES-3: Have Substantial Significant Impacts on Scenic Vistas (Construction and O&M)	SU	Greater than P	Greater than P	Greater than P	Greater than P	Greater than P	Greater than P	Greater than P	Greater than P
Impact AQ-5: Result in Exposure of Sensitive Receptors to Substantial Localized Criteria Pollutant Emissions (PM10) (highest project-level concentration in excess of the significant impact level [µg/m^3] across all timeframes [24-hour, annual] and standards [CAAQS, NAAQS]) (Construction)	SU (SMAQMD, 10) (SJVAPCD, 111) (BAAQMD, 22)	Equal to P (SMAQMD, 10) Less than P (SJVAPCD, 50) Greater than P (BAAQMD, 94)	Greater than P (SMAQMD, 13) Less than P (SJVAPCD, 55) Greater than P (BAAQMD, 94)	Less than P (SMAQMD, 9) Less than P (SJVAPCD, 37) Greater than P (BAAQMD, 94)	Less than P (SMAQMD, 9) Less than P (SJVAPCD, 45) Greater than P (BAAQMD, 94)	Greater than P (SMAQMD, 12) Equal to P (SJVAPCD, 111) Greater than P (BAAQMD, 94)	Greater than P (SMAQMD, 13) Equal to P (SJVAPCD, 111) Greater than P (BAAQMD, 94)	Less than P (SMAQMD, 9) Less than P (SJVAPCD, 109) Greater than P (BAAQMD, 94)	Greater than P (SMAQMD, 9) Less than P (SJVAPCD, 110) Greater than P (BAAQMD, 94)
Impact AQ-5: Result in Exposure of Sensitive Receptors to Substantial Localized Criteria Pollutant Emissions (PM2.5) (highest project-level concentration in excess of the significant impact level [µg/m^3] across all timeframes [24-hour, annual] and standards [CAAQS, NAAQS]) (Construction)	SU (SMAQMD, 1.0) (SJVAPCD, 9.3) (BAAQMD, 1.5)	Greater than P (SMAQMD, 1.4) Less than P (SJVAPCD, 2.8) Greater than P (BAAQMD, 8.6)	Greater than P (SMAQMD, 1.3) Less than P (SJVAPCD, 2.7) Greater than P (BAAQMD, 8.6)	Greater than P (SMAQMD, 1.3) Less than P (SJVAPCD, 2.5) Greater than P (BAAQMD, 8.6)	Less than P (SMAQMD, 0.9) Less than P (SJVAPCD, 2.3) Greater than P (BAAQMD, 8.6)	Greater than P (SMAQMD, 1.5) Equal to P (SJVAPCD, 9.3) Greater than P (BAAQMD, 8.6)	Greater than P (SMAQMD, 1.2) Equal to P (SJVAPCD, 9.3) Greater than P (BAAQMD, 8.6)	Greater than P (SMAQMD, 1.3) Equal to P (SJVAPCD, 9.3) Greater than P (BAAQMD, 8.6)	Less than P (SMAQMD, 0.9) Equal to P (SJVAPCD, 9.3) Greater than P (BAAQMD, 8.6)

Potential Impact (includes units of measure when applicable)	Project Alternative 5, Bethany Reservoir Alignment, 6,000 cfs, Intakes B and C	Alternative 1, Central Alignment, 6,000 cfs, Intakes B and C	Alternative 2a, Central Alignment, 7,500 cfs, Intakes A, B, and C	Alternative 2b, Central Alignment, 3,000 cfs, Intake C	Alternative 2c, Central Alignment, 4,500 cfs, Intakes B and C	Alternative 3, Eastern Alignment, 6,000 cfs, Intakes B and C	Alternative 4a, Eastern Alignment, 7,500 cfs, Intakes A, B, and C	Alternative 4b, Eastern Alignment, 3,000 cfs, Intake C	Alternative 4c, Eastern Alignment, 4,500 cfs, Intakes B and C
Impact AQ-5: Result in Exposure of Sensitive Receptors to Substantial Localized Criteria Pollutant Emissions (total 1-hour NO_2, NAAQS [µg/m^3]) (Construction)	SU (SJVAPCD) LTS (SMAQMD, BAAQMD)	SU (SJVAPCD) LTS (SMAQMD, BAAQMD)	SU (SJVAPCD) LTS (SMAQMD, BAAQMD)	SU (SJVAPCD) LTS (SMAQMD, BAAQMD)	SU (SJVAPCD) LTS (SMAQMD, BAAQMD)	LTS (SJVAPCD, SMAQMD, BAAQMD)	LTS (SJVAPCD, SMAQMD, BAAQMD)	LTS (SJVAPCD, SMAQMD, BAAQMD)	LTS (SJVAPCD, SMAQMD, BAAQMD)
	(SMAQMD, 134)	Less than P (SMAQMD, 133)	Greater than P (SMAQMD, 184)	Greater than P (SMAQMD, 143)	Less than P (SMAQMD, 133)	Less than P (SMAQMD, 133)	Greater than P (SMAQMD, 184)	Greater than P (SMAQMD, 143)	Less than P (SMAQMD, 133)
	(SJVAPCD, 218)	Greater than P (SJVAPCD, 243)	Greater than P (SJVAPCD, 243)	Greater than P (SJVAPCD, 243)	Greater than P (SJVAPCD, 243)	Less than P (SJVAPCD, 186)	Less than P (SJVAPCD, 186)	Less than P (SJVAPCD, 186)	Less than P (SJVAPCD, 186)
	(BAAQMD, 76)	Greater than P (BAAQMD, 80)	Greater than PP (BAAQMD, 80)	Greater than P (BAAQMD, 80)	Greater than P (BAAQMD, 80)	Greater than P (BAAQMD, 80)	Greater than P (BAAQMD, 80)	Greater than P (BAAQMD, 80)	Greater than P (BAAQMD, 80)
Impact AQ-6: Result in Exposure of Sensitive Receptors to Substantial Toxic Air Contaminant Emissions (maximum modeled excess cancer [potential cases per million] by air district) (Construction)	LTS	LTS	SU	LTS	LTS	LTS	SU	LTS	LTS
	(SMAQMD, 7)	Less than P (SMAQMD, 6)	Greater than P (SMAQMD, 16)	Less than P (SMAQMD, 4)	Less than P (SMAQMD, 2)	Less than P (SMAQMD, 6)	Greater than P (SMAQMD, 16)	Less than P (SMAQMD, 4)	Less than P (SMAQMD, 6)
	(SJVAPCD, 5)	Less than P (SJVAPCD, 2)	Less than P (SJVAPCD, 2)	Less than P (SJVAPCD, 2)	Greater than P (SJVAPCD, 6)	Less than P (SJVAPCD, 3)	Less than P (SJVAPCD, 3)	Less than P (SJVAPCD, 3)	Less than P (SJVAPCD, 3)
	(BAAQMD, 1)	Equal to P (BAAQMD, 1)	Greater than P (BAAQMD, 2)	Equal to P (BAAQMD, 1)	Equal to P (BAAQMD, 1)	Equal to P (BAAQMD, 1)	Greater than P (BAAQMD, 2)	Equal to P (BAAQMD, 1)	Equal to P (BAAQMD, 1)
	(YSAQMD, 1)	Equal to P (YSAQMD, 1)	Equal to P (YSAQMD, 1)	Equal to P (YSAQMD, 1)	Equal to P (YSAQMD, 1)	Equal to P (YSAQMD, 1)	Equal to P (YSAQMD, 1)	Equal to P (YSAQMD, 1)	Equal to P (YSAQMD, 1)
Impact CUL-1: Impacts on Built-Environment Historical Resources Resulting from Construction and Operation of the Project (number of resources) (Construction and O&M)	SU 6	Greater than P 10	Greater than P 13	Greater than P 8	Greater than P 10	Equal to P 6	Greater than P 9	Less than P 4	Equal to P 6
Impact CUL-2: Impacts on Unidentified and Unevaluated Built-Environment Historical Resources Resulting from Construction and Operation of the Project (number of resources) (Construction and O&M)	SU 88	Equal to P	Equal to P	Equal to P	Equal to P	Equal to P	Equal to P	Equal to P	Equal to P
Impact CUL-3: Impacts on Identified Archaeological Resources Resulting from the Project (number of resources) (Construction)	SU 8	Greater than P 25	Greater than P 26	Greater than P 22	Greater than P 23	Greater than P 15	Greater than P 17	Greater than P 13	Greater than P 15
Impact CUL-4: Impacts on Unidentified Archaeological Resources That May Be Encountered in the Course of the Project (Construction)	SU	Equal to P	Equal to P	Equal to P	Equal to P	Equal to P	Equal to P	Equal to P	Equal to P

Potential Impact (includes units of measure when applicable)	Project Alternative 5, Bethany Reservoir Alignment, 6,000 cfs, Intakes B and C	Alternative 1, Central Alignment, 6,000 cfs, Intakes B and C	Alternative 2a, Central Alignment, 7,500 cfs, Intakes A, B, and C	Alternative 2b, Central Alignment, 3,000 cfs, Intake C	Alternative 2c, Central Alignment, 4,500 cfs, Intakes B and C	Alternative 3, Eastern Alignment, 6,000 cfs, Intakes B and C	Alternative 4a, Eastern Alignment, 7,500 cfs, Intakes A, B, and C	Alternative 4b, Eastern Alignment, 3,000 cfs, Intake C	Alternative 4c, Eastern Alignment, 4,500 cfs, Intakes B and C
Impact CUL-5: Impacts on Buried Human Remains (Construction)	SU	Equal to P	Equal to P	Equal to P	Equal to P	Equal to P	Equal to P	Equal to P	Equal to P
Impact NOI-1: Generate a Substantial Temporary or Permanent Increase in Ambient Noise Levels in the Vicinity of the Project in Excess of Standards Established in the Local General Plan or Noise Ordinance, or Applicable Standards of Other Agencies (number of receptors) (Construction)	SU* 408	Less than P 316	Less than P 361	Less than P 74	Less than P 316	Less than P 363	Equal to P 408	Less than P 121	Less than P 363
Impact PALEO-2: Cause Destruction of a Unique Paleontological Resource as a Result of Tunnel Construction and Ground Improvement (million loose cubic yards as a result of tunneling) (Construction)	SU 14.4	Less than P 13.9	Greater than P 18.4	Less than P 7.5	Less than P 10.7	Greater than P 14.8	Greater than P 19.5	Less than P 7.9	Less than P 11.3
Impact TCR-1: Impacts on the Delta Tribal Cultural Landscape Tribal Cultural Resource Resulting from Construction, Operations, and Maintenance of the Project Alternatives (Construction and O&M)	SU	Equal to P	Equal to P	Equal to P	Equal to P	Equal to P	Equal to P	Equal to P	Equal to P
Impact TCR-2: Impacts on Individual Tribal Cultural Resources Resulting from Construction, Operations, and Maintenance of the Project Alternatives (Construction and O&M)	SU	Equal to P	Equal to P	Equal to P	Equal to P	Equal to P	Equal to P	Equal to P	Equal to P
Impact TRANS-1: Increased Average VMT Per Construction Employee versus Regional Average (average VMT per construction employee) (Construction)	SU 25.77	Less than P 25.68	Greater than P 25.82	Greater than P 27.02	Less than P 24.91	Less than P 24.38	Greater than P 26.33	Greater than P 27.57	Less than P 25.06

µg/m^3 = micrograms per cubic meter; BAAQMD = Bay Area Air Quality Management District; CAAQS = California ambient air quality standards; cfs = cubic feet per second; HI = hazard index; LTS = less than significant; NAAQS = national ambient air quality standards; NO_2 = nitrogen dioxide; NO_X = nitrogen oxides; O&M = operation and management; PM2.5 = particulate matter 2.5 microns in diameter or less; PM10 = particulate matter 10 microns in diameter or less; P = project; SJVAPCD = San Joaquin Valley Air Pollution Control District; SMAQMD = Sacramento Metropolitan Air Quality Management District; SU = significant and unavoidable; VMT = vehicle miles traveled; YSAQMD = Yolo-Solano Air Quality Management District. The metrics reported in this table are for project alternatives only without implementation of the Compensatory Mitigation Plan (CMP) because as disclosed in the EIR the impacts associated with the CMP would be the same across all alternatives.

7.4 Environmentally Superior Alternative

CEQA Guidelines section 15126.6 requires that each EIR identify the "environmentally superior alternative" among those considered. If the No Project Alternative is identified as environmentally superior, then the EIR must also identify the environmentally superior alternative among the other alternatives. (CEQA Guidelines, § 15126.6, subd. (e)(2).)

As discussed in the Final EIR, the No Project Alternative would not result in the construction or operational related impacts discussed for the project alternatives but could result in impacts within the SWP service area and within the Delta that would not occur under the project alternatives.

The Project would, overall, result in less severe environmental impacts than the proposed project options identified in the NOP as well as the other alternatives analyzed in the EIR. Therefore, the Project is considered the environmentally superior alternative because it would reduce the severity of adverse environmental effects across a broad range of environmental resources and would not result in any significant and unavoidable environmental impacts that could be avoided by other feasible alternatives evaluated in the EIR.

The following discussion describes what DWR regards as the environmental pros and cons among the various project alternatives analyzed in the Final EIR by synthesizing the analysis of several of the environmental impacts discussed in Chapters 7 through 32 of the Final EIR, Volume 1.

As described in Chapter 2, *Purpose and Project Objectives*, the project alternatives evaluated in the Final EIR have the following objectives.

- To help address anticipated rising sea levels and other reasonably foreseeable consequences of climate change and extreme weather events.
- To minimize the potential for public health and safety impacts from reduced quantity and quality of SWP water deliveries, and potentially CVP water deliveries, south of the Delta as a result of a major earthquake that could cause breaching of Delta levees and the inundation of brackish water into the areas where existing SWP and CVP pumping plants operate in the southern Delta.
- To protect the ability of the SWP, and potentially the CVP, to deliver water when hydrologic conditions result in the availability of sufficient amounts of water, consistent with the requirements of state and federal law, including the ESA, CESA and Delta Reform Act, as well as the terms and conditions of water delivery contracts and other existing applicable agreements.
- To provide operational flexibility to improve aquatic conditions in the Delta and better manage risks of further regulatory constraints on project operations.

The project alternatives would reduce reliance on diversion from the existing south Delta pumps. Diversions at the project's north Delta facilities would pass through state-of-the-art fish screens. Dual conveyance would provide operational flexibility that could reduce impacts of the SWP on aquatic species by, among other things, allowing operators to divert water at times and places—in either the north or the south—that protect those species at sensitive life stages.

Each project alternative involves a different set of environmental benefits and impacts. For example, the number of north Delta intakes associated with particular alternatives and the alignment of project features typically reflects a balance between localized construction-related, visual, and footprint-related impacts in the Delta against the system-wide environmental benefits associated

with improved reliability of SWP deliveries and meeting the project purpose and objectives. Alternatives with two intakes would involve fewer localized in-Delta impacts than alternatives with three intakes (Alternatives 2a and 4a). Other alternatives with two intakes (Alternatives 1, 2c, 3, 4c, and 5) or with one intake (Alternatives 2b and 4b) would similarly reduce localized, in-Delta impacts compared to alternatives with three intakes. However, alternatives with one intake (Alternatives 2b and 4b) would not have the water supply reliability benefits expected of alternatives with two or three intakes (Alternatives 1, 2a, 2c, 3, 4a, 4c, and 5).

Some of the environmental impacts related to temporary and permanent habitat or agricultural land conversion would be fewer for Alternatives 1, 2b, 2c, 3, 4b, 4c, and 5 than for Alternatives 2a or 4a, which would include three north Delta intakes. Alternatives with three intakes (Alternatives 2a and 4a) would result in the greatest number of acres of farmland conversion while alternatives with fewer intakes (Alternatives 1, 2b, 2c, 3, 4b, and 4c) or that would not involve construction of a new Southern Complex (Project) would have fewer acres of farmland conversion. Similarly, alternatives with three intakes (Alternatives 2a and 4a) would cause the greatest amount of conversion of Williamson Act contracted land compared to alternatives with one intake (Alternatives 2b and 4b), which would result in the least amount of conversion of Williamson Act contracted land. Alternative 4b would have relatively fewer terrestrial biological impacts, and for some other biological resources, would have the fewest quantified impacts of all alternatives (e.g., valley/foothill riparian, greater and lesser sandhill cranes) primarily due to having only one intake and the associated smaller reusable tunnel material impacts. Because the Project does not require construction of a new Southern Forebay and a new South Delta Pumping Plant, it would affect substantially fewer acres of wetlands compared to all other alternatives. The Project would also have substantially fewer impacts on state and federally regulated aquatic resources compared to the other project alternatives.

For some environmental resources analyzed, the project alignment and features drive the overall impacts in addition to the number of intakes. For cultural resources, alternatives on the central alignment (Alternatives 1, 2a, 2b, and 2c) affect a greater number of built-environment historical resources than alternatives on the eastern or Bethany Reservoir alignments (Alternatives 3, 4a, 4b, 4c, and 5). The central alignment alternatives (Alternatives 1, 2a, 2b, and 2c) would generally result in greater impacts on terrestrial biological resources relative to the eastern alignment alternatives (Alternatives 3, 4a, 4b, and 4c) and the Bethany Reservoir alignment alternative (Project), which is largely due to the improvements on Bouldin Island and road improvements throughout the central alignment. Among all alternatives, the Project would result in the least amount of converted farmland because it does not require construction of a new Southern Complex and Southern Forebay.

The construction of the Southern Complex for Alternatives 1, 2a, 2b, 2c, 3, 4a, 4b, and 4c is another important variable that contributes to localized impacts. Alternative 2a would result in the greatest impacts on terrestrial biological resources, which would be primarily due to the construction activities on Bouldin Island and the Southern Complex, whereas the Project, which does not require the construction of a forebay, would have the fewest impacts on terrestrial biological resources, wetlands, and waters of the United States. For cultural resources, the Project's Bethany Reservoir alignment would affect the fewest eligible built-environmental historical resources and fewest archaeological sites compared to all other project alternatives because it would not require construction of a new forebay. The Project would result in the fewest acres with land use incompatibilities compared to all other alternatives that require construction of the Southern Forebay at the Southern Complex.

There could also be some environmental benefits that would occur under all project alternatives because of the operational flexibility that would be possible with the north Delta intakes. The addition of north Delta intakes to the existing diversion facilities in the south would provide system operators the flexibility to divert water from the north or south depending on which is better for sensitive fish species at different times of year and under different hydrological conditions. Dual conveyance also allows flexibility in water diversions when regulatory restrictions limit the ability to divert water from either the north or south, thus enabling the goal of increasing water supply reliability.

All of the project alternatives would create temporary and permanent changes to the Delta environment from construction that in most cases would be mitigated to less-than-significant levels, although several impacts are considered significant and unavoidable. All of the project alternatives would also improve Delta roadways and bridges, and improve water supply infrastructure that is of statewide importance.

As described above, there are different sets of environmental tradeoffs among the project alternatives. Among the project alternatives evaluated in the Final EIR, the Project, on the Bethany Reservoir alignment, overall lessens impacts in relation to temporary and permanent effects on the Delta environment, including minimizing impacts on wetlands and other waters of the United States, agriculture (Impact AG-1), aesthetic (Impacts AES-1 and 3), and cultural and historical resources (Impact CUL-3). Therefore, of the project alternatives, the Project is considered the environmentally superior alternative.

7.5 Infeasibility of Alternatives Other than the Project

CEQA vests the final decision-making authority over a project with the designated lead agency decision-making body or official, who must act consistently with his or her agency's statutory function and powers. As the California Supreme Court stated in acknowledging the limits of its own review function, "[t]he wisdom of approving … any … project" is "a delicate task which requires a balancing of interests," and "is necessarily left to the sound discretion of the [public] officials and their constituents who are responsible for such decisions." (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 576.)

As explained earlier, a decision maker's assessment of the "actual feasibility" of EIR alternatives can involve the "reasonable balancing of the relevant economic, environmental, social, and technological factors" associated with a proposed project. (*City of Del Mar, supra,* 133 Cal.App.3d at p. 417.) Based on such a balancing process, a decision maker may conclude that an alternative, being "undesirable" from a policy standpoint, is infeasible within the meaning of CEQA. (*CNPS, supra,* 177 Cal.App.4th at pp. 981, 999, 1001; *City of Del Mar, supra,* 133 Cal.App.3d at p. 417; *San Diego Citizenry Group, supra,* 219 Cal.App.4th at pp. 17-18; *Sustainability, Parks, Recycling & Wildlife Legal Def. Fund v. San Francisco Bay Conservation & Dev. Com.* (2014) 226 Cal.App.4th 905, 917-918.) In making such determinations, the decision maker may also consider the extent to which an alternative meets project objectives. (*CNPS, supra,* 177 Cal.App.4th at p. 1001 *["*[A]n alternative 'may be found infeasible on the ground it is inconsistent with the project objectives as long as the finding is supported by substantial evidence in the record.'"]; see also *Save Panoche Valley, supra,* 217 Cal.App.4th at pp. 521-523; and *Citizens for Open Government, supra,* 205 Cal.App.4th at pp. 314-

315.) Under these principles, a decision maker may reject an alternative as infeasible even if the alternative would avoid or substantially lessen one or more of the unavoidable significant environmental effects of a proposed project as mitigated.

"CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, *including region-wide or statewide environmental benefits*, of a proposed project against its unavoidable environmental risks when determining whether to approve the project." (CEQA Guidelines, § 15093, subd. (a), italics added.) Thus, decision makers often find themselves balancing competing environmental considerations as well as competing economic and social considerations.

The Project and its alternatives indeed present all of these categories of competing considerations. DWR, through its Director, has therefore undertaken a deliberative process to balance such competing considerations against each other in light of project objectives and state and federal law. In addition to finding that the Project is the environmentally superior alternative (as discussed above in Section 7.4, *Environmentally Superior Alternative*), DWR rejects the other alternatives set forth in the EIR, and discussed further below, because the Director finds that there is substantial evidence, including evidence of economic, legal, social, technological, and other considerations described in this section and elsewhere in the record on these proceedings under CEQA Guidelines section 15091, subdivision (a)(3), that make the alternatives infeasible. Set forth below are the Director's conclusions with respect to each of the alternatives considered in the Final EIR.

As discussed above, the Project is considered the environmentally superior alternative.

Therefore, the discussion below mainly focuses on infeasibility related to the fundamental purpose and objectives and other feasibility or policy considerations.

7.5.1 Rejection of Alternative 1: 6,000 cfs Central Alignment with Intakes B and C

7.5.1.1 Fundamental Purpose and Objectives

The extent to which this alternative can achieve the project purpose and objectives is comparable to the Project because it has the same water conveyance capacity as the Project.

7.5.1.2 Other Feasibility/Policy Considerations

The Central Alignment's proximity to existing access road infrastructure is less ideal than the Eastern and Bethany alignments, which are accessible to Interstate 5. This could make access for construction more difficult and construction more laborious than on the Eastern or Bethany alignments.

This alternative includes the construction of a Southern Forebay, which inherently requires more construction and results in greater impacts than the Project, which does not require the construction of a Southern Forebay. More construction would result in a greater environmental footprint and potentially greater local community impacts.

Through its Director, DWR rejects Alternative 1 on each of the above grounds. The Director finds that each of the above reasons is a sufficient independent ground for rejecting Alternative 1 as infeasible.

7.5.2 Rejection of Alternative 2a: 7,500 cfs Central Alignment with Intakes A-C

7.5.2.1 Fundamental Purpose and Objectives

This alternative would have similar potential to achieve SWP water supply reliability as the Project. However, it would have additional benefits for the CVP because it has an additional intake that would provide capacity for CVP water deliveries.

7.5.2.2 Other Feasibility/Policy Considerations

Unlike the Project, Alternative 2a would have an additional significant and unavoidable impact: Impact AQ-6, *Result in Exposure of Sensitive Receptors to Substantial Toxic Air Contaminant Emissions*.

The Central Alignment's proximity to existing access road infrastructure is less ideal than the Eastern and Bethany alignments, which are accessible to Interstate 5. This could make access for construction more difficult and construction more laborious than on the Eastern or Bethany alignments.

Because this alternative involves the construction of an additional intake, it would result in greater impacts. These impacts include a greater environmental footprint and potentially greater local community impacts.

This alternative also includes the construction of a Southern Forebay, which inherently requires more construction and results in greater impacts than the Project, which does not require the construction of a Southern Forebay. More construction would result in a greater environmental footprint and potentially greater local community impacts.

Through its Director, DWR rejects Alternative 2a on each of the above grounds. The Director finds that each of the above reasons is a sufficient independent ground for rejecting Alternative 2a as infeasible.

7.5.3 Rejection of Alternative 2b: 3,000 cfs Central Alignment with Intake C

7.5.3.1 Fundamental Purpose and Objectives

This alternative would not achieve the Project's purpose of water supply reliability as effectively as the Project because it has one less intake and 3,000 cfs less capacity of water conveyance compared to the Project.

Alternative 2b would be less capable of meeting the Project's objective of addressing anticipated rising sea levels and other reasonably foreseeable consequences of climate change and extreme weather events. If salinity intrusion were to prevent the use of the existing south Delta pumps, Alternative 2b would have less conveyance capacity to be able to provide water supply reliability to the SWP when compared to the Project. Additionally, Alternative 2b would be less capable of protecting the SWP from future climatic change and mitigating system losses due to changing precipitation patterns and seasonal runoff due to climate change, compared to the Project, due to its lower maximum capacity. Alternative 2b would have less overall capacity to capture excess flows in

the system and divert periodic and significant excess flows when southern Delta pumping is currently restricted. Therefore, Alternative 2b would also be less capable of protecting the ability of the SWP to deliver water when hydrologic conditions result in the availability of sufficient amounts of water, compared to the Project.

In the event of catastrophic levee failures from seismic activities (which could temporarily disrupt water supply by ceasing diversions from the SWP's current point of diversion in the south Delta), Alternative 2b would be less capable of minimizing the potential for public health and safety impacts from reduced quantity and quality of SWP water deliveries south of the Delta, compared to the Project, due to its lower maximum capacity.

Because Alternative 2b has only one intake and a lower maximum capacity, it would also provide less operational flexibility to improve aquatic conditions in the Delta for sensitive fish species and less operational flexibility to better manage risks of further regulatory constraints on project operations.

7.5.3.2 Other Feasibility/Policy Considerations

The Central Alignment's proximity to existing access road infrastructure is less ideal than the Eastern and Bethany alignments, which are accessible to Interstate 5. This could make access for construction more difficult and construction more laborious than on the Eastern or Bethany alignments.

This alternative includes the construction of a Southern Forebay, which inherently requires more construction and results in greater impacts than the Project, which does not require the construction of a Southern Forebay. More construction would result in a greater environmental footprint and potentially greater local community impacts.

Through its Director, DWR rejects Alternative 2b on each of the above grounds. The Director finds that each of the above reasons is a sufficient independent ground for rejecting Alternative 2b as infeasible.

7.5.4 Rejection of Alternative 2c: 4,500 cfs Central Alignment with Intakes B and C

7.5.4.1 Fundamental Purpose and Objectives

This alternative would not achieve the project's purpose of water supply reliability as effectively as the Project because it has 1,500 cfs less capacity of water conveyance.

Alternative 2c would be less capable of meeting the Project's objective of addressing anticipated rising sea levels and other reasonably foreseeable consequences of climate change and extreme weather events. If salinity intrusion were to prevent the use of the existing south Delta pumps, Alternative 2c would have less conveyance capacity to be able to provide water supply reliability to the SWP when compared to the Project. Additionally, Alternative 2c would be less capable of protecting the SWP from future climatic change and mitigating system losses due to changing precipitation patterns and seasonal runoff due to climate change, compared to the Project, due to its lower maximum capacity. Alternative 2c would have less overall capacity to capture excess flows in the system and divert periodic and significant excess flows when southern Delta pumping is currently restricted. Therefore, Alternative 2c would also be less capable of protecting the ability of

the SWP to deliver water when hydrologic conditions result in the availability of sufficient amounts of water, compared to the Project.

In the event of catastrophic levee failures from seismic activities (which could temporarily disrupt water supply by ceasing diversions from the SWP's current point of diversion in the south Delta), Alternative 2c would be less capable of minimizing the potential for public health and safety impacts from reduced quantity and quality of SWP water deliveries south of the Delta, compared to the Project, due to its lower maximum capacity.

Because Alternative 2c has a lower maximum capacity, it would also provide less operational flexibility to improve aquatic conditions in the Delta and less operational flexibility to better manage risks of further regulatory constraints on project operations.

7.5.4.2 Other Feasibility/Policy Considerations

The Central Alignment's proximity to existing access road infrastructure is less ideal than the Eastern and Bethany alignments, which are accessible to Interstate 5. This could make access for construction more difficult and construction more laborious than on the Eastern or Bethany alignments.

This alternative includes the construction of a Southern Forebay, which inherently requires more construction and results in greater impacts than the Project, which does not require the construction of a Southern Forebay. More construction would result in a greater environmental footprint and potentially greater local community impacts.

Through its Director, DWR rejects Alternative 2c on each of the above grounds. The Director finds that each of the above reasons is a sufficient independent ground for rejecting Alternative 2c as infeasible.

7.5.5 Rejection of Alternative 3: 6,000 cfs Eastern Alignment with Intakes B and C

7.5.5.1 Fundamental Purpose and Objectives

The extent to which this alternative can achieve the project purpose and objectives is comparable to the Project because it has the same water conveyance capacity as the Project.

7.5.5.2 Other Feasibility/Policy Considerations

This alternative includes the construction of a Southern Forebay, which inherently requires more construction and results in greater impacts than the Project, which does not require the construction of a Southern Forebay. More construction would result in a greater environmental footprint and potentially greater local community impacts.

Through its Director, DWR rejects Alternative 3 on each of the above grounds. The Director finds that each of the above reasons is a sufficient independent ground for rejecting Alternative 3 as infeasible.

7.5.6 Rejection of Alternative 4a: 7,500 cfs Eastern Alignment with Intakes A-C

7.5.6.1 Fundamental Purpose and Objectives

This alternative would have similar potential to achieve SWP water supply reliability as the Project. However, it would have additional benefits for the CVP because it has an additional intake that would provide capacity for CVP water deliveries.

7.5.6.2 Other Feasibility/Policy Considerations

Unlike the proposed project, Alternative 4a would have an additional significant and unavoidable impact: Impact AQ-6, Result in Exposure of Sensitive Receptors to Substantial Toxic Air Contaminant Emissions.

Because this alternative involves the construction of an additional intake, it would result in greater impacts. These impacts include a greater environmental footprint and potentially greater local community impacts.

This alternative includes the construction of a Southern Forebay, which inherently requires more construction and results in greater impacts than the Project, which does not require the construction of a Southern Forebay. More construction would result in a greater environmental footprint and potentially greater local community impacts.

Through its Director, DWR rejects Alternative 4a on each of the above grounds. The Director finds that each of the above reasons is a sufficient independent ground for rejecting Alternative 4a as infeasible.

7.5.7 Rejection of Alternative 4b: 3,000 cfs Eastern Alignment with Intake C

7.5.7.1 Fundamental Purpose and Objectives

This alternative would not achieve the Project's purpose of water supply reliability as effectively as the Project because it has one less intake and 3,000 cfs less capacity of water conveyance compared to the Project.

Alternative 4b would be less capable of meeting the Project's objective of addressing anticipated rising sea levels and other reasonably foreseeable consequences of climate change and extreme weather events. If salinity intrusion were to prevent the use of the existing south Delta pumps, Alternative 4b would have less conveyance capacity to be able to provide water supply reliability to the SWP when compared to the Project. Additionally, Alternative 4b would be less capable of protecting the SWP from future climatic change and mitigating system losses due to changing precipitation patterns and seasonal runoff due to climate change, compared to the Project, due to its lower maximum capacity. Alternative 4b would have less overall capacity to capture excess flows in the system and divert periodic and significant excess flows when southern Delta pumping is currently restricted. Therefore, Alternative 4b would also be less capable of protecting the ability of the SWP to deliver water when hydrologic conditions result in the availability of sufficient amounts of water, compared to the Project.

In the event of catastrophic levee failures from seismic activities (which could temporarily disrupt water supply by ceasing diversions from the SWP's current point of diversion in the south Delta), Alternative 4b would be less capable of minimizing the potential for public health and safety impacts from reduced quantity and quality of SWP water deliveries south of the Delta, compared to the Project, due to its lower maximum capacity.

Because Alternative 4b has only one intake and a lower maximum capacity, it would also provide less operational flexibility to improve aquatic conditions in the Delta and less operational flexibility to better manage risks of further regulatory constraints on project operations.

7.5.7.2 Other Feasibility/Policy Considerations

This alternative includes the construction of a Southern Forebay, which inherently requires more construction and results in greater impacts than the Project, which does not require the construction of a Southern Forebay. More construction would result in a greater environmental footprint and potentially greater local community impacts.

Through its Director, DWR rejects Alternative 4b on each of the above grounds. The Director finds that each of the above reasons is a sufficient independent ground for rejecting Alternative 4b as infeasible.

7.5.8 Rejection of Alternative 4c: 4,500 cfs Eastern Alignment with Intakes B and C

7.5.8.1 Fundamental Purpose and Objectives

This alternative would not achieve the project's purpose of water supply reliability as effectively as the Project because it has 1,500 cfs less capacity of water conveyance.

Alternative 4c would be less capable of meeting the Project's objective of addressing anticipated rising sea levels and other reasonably foreseeable consequences of climate change and extreme weather events. If salinity intrusion were to prevent the use of the existing south Delta pumps, Alternative 4c would have less conveyance capacity to be able to provide water supply reliability to the SWP when compared to the Project. Additionally, Alternative 4c would be less capable of protecting the SWP from future climatic change and mitigating system losses due to changing precipitation patterns and seasonal runoff due to climate change, compared to the Project, due to its lower maximum capacity. Alternative 4c would have less overall capacity to capture excess flows in the system and divert periodic and significant excess flows when southern Delta pumping is currently restricted. Therefore, Alternative 4c would also be less capable of protecting the ability of the SWP to deliver water when hydrologic conditions result in the availability of sufficient amounts of water, compared to the Project.

In the event of catastrophic levee failures from seismic activities (which could temporarily disrupt water supply by ceasing diversions from the SWP's current point of diversion in the south Delta), Alternative 4c would be less capable of minimizing the potential for public health and safety impacts from reduced quantity and quality of SWP water deliveries south of the Delta, compared to the Project, due to its lower maximum capacity.

Because Alternative 4c has a lower maximum capacity, it would also provide less operational flexibility to improve aquatic conditions in the Delta and less operational flexibility to better manage risks of further regulatory constraints on project operations.

7.5.8.2 Other Feasibility/Policy Considerations

This alternative includes the construction of a Southern Forebay, which inherently requires more construction and results in greater impacts than the Project, which does not require the construction of a Southern Forebay. More construction would result in a greater environmental footprint and potentially greater local community impacts.

Through its Director, DWR rejects Alternative 4c on each of the above grounds. The Director finds that each of the above reasons is a sufficient independent ground for rejecting Alternative 4c as infeasible.

7.5.9 Rejection of No Project Alternative

7.5.9.1 Fundamental Purpose and Objectives

As described in Final EIR, Volume 1, Chapter 4, *Framework for the Environmental Analysis*, the No Project Alternative analyses evaluate a scenario that includes climate change and sea level rise, as well as projects that may occur within the SWP service area if the Delta Conveyance Project does not move forward.

The No Project Alternative fails to meet DWR's fundamental purpose of "restor[ing] and protect[ing] the reliability of SWP water deliveries and, potentially, CVP water deliveries south of the Delta consistent with the State's Water Resilience Portfolio (California Natural Resources Agency et al. 2020) by addressing the seismic risks, sea level rise, and other reasonably foreseeable consequences of climate change and extreme weather events in a cost effective manner." This alternative also fails to meet any of the four specific project objectives described in Chapter 2, *Purpose and Project Objectives*, of "help[ing] address anticipated rising sea levels and other reasonably foreseeable consequences of climate change and extreme weather events; and "minimiz[ing] the potential for public health and safety impacts from reduced quantity and quality of SWP water deliveries, and potentially CVP water deliveries, south of the Delta as a result of a major earthquake that could cause breaching of Delta levees and the inundation of brackish water into the areas where existing SWP and CVP pumping plants operate in the southern Delta"; and "protect[ing] the ability of the SWP, and potentially the CVP, to deliver water when hydrologic conditions result in the availability of sufficient amounts of water, consistent with the requirements of the state and federal law, including the ESA, CESA and Delta Reform Act, as well as the terms and conditions of water delivery contracts and other existing applicable agreements"; and "provid[ing] operational flexibility to improve aquatic conditions in the Delta and better manage risks of further regulatory constraints on project operations."

7.5.9.2 Other Feasibility/Policy Considerations

The No Project Alternative would leave the SWP system subject to potentially catastrophic consequences in the event of a major earthquake leading to levee breaks, inundation of Delta islands, and prolonged disruptions of exports that could require environmentally damaging emergency measures south of the Delta to provide water (California Department of Water Resources

2008b). Even in the absence of an event that catastrophically alters the hydrology of the Delta, climate change and anticipated sea level rise could be expected to gradually limit the operation of the SWP water pumps in the south Delta (California Department of Water Resources 2018). Consequently, additional releases from upstream reservoirs are expected to be necessary to provide the fresh water needed to meet current salinity standards (California Department of Water Resources 2018). While water users have previously relied on groundwater to supplement surface water supplies when operation of the SWP is limited by regulations to improve aquatic conditions, groundwater pumping is now managed under the Sustainable Groundwater Management Act requirements, which would have implications for meeting water supply demands depending on the designation of a groundwater basin Chapter 8, *Groundwater*, Section 8.3.2.1, *No Project Alternative*). As described in in the No Project Alternative discussions in Final EIR, Volume 1, Chapters 7 through 32, water managers in urban export areas could respond to diminished deliveries by taking other actions, such as the construction of recycled water facilities and desalination plants, that would create their own negative environmental effects, including consumption of large amounts of greenhouse gas-generating fossil fuels, brine discharge, and for desalinization plants, potential entrainment of aquatic species.

Through its Director, DWR rejects the No Project Alternative on each of the above grounds. The Director finds that each of the above reasons is a sufficient independent ground for rejecting the No Project Alternative as infeasible.

7.5.10 Alternatives Considered but Rejected from Further Consideration

7.5.10.1 Fundamental Purpose and Objectives

As discussed above in Section 5.3.1, *Alternatives Development and Screening Process*, DWR identified and screened a range of alternatives based on the project purpose and objectives, as defined in the NOP. The screening criteria were developed consistent with the legal requirements of CEQA and the project objectives included in the NOP published on January 15, 2020. The following alternatives did not pass the first of two screening filters and were rejected, as they do not meet most of the project's objectives:

- Dual Conveyance Tunnel with New Intakes at Fremont Weir and Decker Island
- Dual Conveyance with New Intakes at Decker Island
- Isolated Conveyance New Intakes at Fremont Weir and Decker Island
- Isolated Conveyance with San Joaquin River intake
- Western Delta Intake Concept
- SolAgra Water Solution
- Portfolio-Based Proposed including Water Conveyance Facilities
- Through-Delta Conveyance No New Diversion Facility (with Barriers)
- Through-Delta Conveyance with No New Diversion Facility—New Fish Handling Facilities at Clifton Court Forebay
- Portfolio Approach without Water Conveyance Facilities

- Integration of Water Conveyance with Other Projects

7.5.10.2 Other Feasibility/Policy Considerations

The following alternatives passed the first filter but did not pass the second filter, as they do not avoid or substantially lessen impacts compared to the alternatives evaluated in the EIR:

- Dual Conveyance East Canal
- Dual Conveyance West Canal
- Dual Conveyance with New Intakes at Sacramento Weir
- Isolated Conveyance Tunnel with Sacramento River Intakes
    - Isolated Conveyance West Canal with Sacramento River Intakes
    - Isolated Conveyance East Canal with Sacramento River Intakes
    - Isolated Conveyance East Canal with Feather River Intakes
- A Water Plan for All of California
- Alternative locations for diversion facilities along the Sacramento River in the north Delta

For the foregoing reasons, DWR rejects all the alternatives to the Project considered in the EIR, including the alternatives considered but rejected from further consideration in the EIR, as infeasible. As explained above, these alternatives would have greater environmental impacts compared to the Project and/or would not meet the project goals or objectives, or would not achieve them to the same degree as the Project, and/or are found to be infeasible on the basis of additional grounds discussed above. DWR further finds that, out of all of the alternatives considered, the Project strikes the optimal balance between attainment of project goals and objectives, competing environmental and economic impacts and benefits, and best achieves the coequal goals set forth in the Delta Reform Act of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem.

Chapter 10
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Exhibit A

CEQA Findings of Fact for the Project's Significant and Unavoidable Impacts, Impacts that are Less Than Significant after Mitigation and Impacts that are Less Than Significant/No Impact

Table 1: CEQA Findings of Fact for Significant and Unavoidable Project Impacts

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA	Adopted Mitigation Measures	Impact Conclusion After Mitigation- CEQA	Findings of Fact
Agricultural Resources				
Impact AG-1: Convert a Substantial Amount of Prime Farmland, Unique Farmland, Farmland of Local Importance, or Farmland of Statewide Importance as a Result of Construction of Water Conveyance Facilities	Significant	MM AG-1: Preserve Agricultural Land	Significant and Unavoidable	Mitigation Measure AG-1: Preserve Agricultural Land would reduce the extent of the remaining impacts that could not be avoided through careful project planning. However, these impacts would remain significant and unavoidable after implementation of the mitigation measures because conservation of agricultural farmland through acquisition of agricultural conservation easements, even at a ratio of 1:1 or greater, would not avoid a net loss of Important Farmland in the study area. Findings: Changes or alterations have been required in, or incorporated into, the project that substantially lessen, but do not avoid, the significant environmental effect as identified in the Final EIR. Impacts are therefore significant and unavoidable despite the adoption of feasible mitigation measures.
Impact AG-2: Convert a Substantial Amount of Land Subject to Williamson Act Contract or under Contract in Farmland Security Zones to a Nonagricultural Use as a Result of Construction of Water Conveyance Facilities	Significant	MM AG-1: Preserve Agricultural Land	Significant and Unavoidable	Project facilities would result in permanent conversion of around 1,100 acres of land under Williamson Act contract. There is projected to be temporary or permanent conversion of approximately 39 acres of agricultural land within a Farmland Security Zone under the Project. The permanent impacts on land under contract with Farmland Security Zone would be associated with the shaft sites and new overhead power transmission lines, while the temporary impacts would result from work associated with geotechnical exploration sites and underground installation of utility lines. DWR would comply with all applicable provisions of California Government Code Sections 51290–51295 as they pertain to acquiring lands subject to Williamson Act contract. Findings: Changes or alterations have been required in, or incorporated into, the project that substantially lessen, but do not avoid, the significant environmental effect as identified in the Final EIR. Impacts are therefore significant and unavoidable despite the adoption of feasible mitigation measures.
Aesthetics and Visual Resources				
Impact AES-1: Substantially Degrade the Existing Visual Character or Quality of Public Views (from Publicly Accessible Vantage Points) of the Construction Sites and Visible Permanent Facilities and Their Surroundings in Nonurbanized Areas	Significant	MM AES-1a: Install Visual Barriers between Construction Work Areas and Sensitive Receptors MM AES-1b: Apply Aesthetic Design Treatments to Project Structures MM AES-1c: Implement Best Management Practices in Project Landscaping Plan	Significant and Unavoidable	Construction of the Project would substantially affect the existing visual quality and character present in the study area from public roads, residences, and areas of visual effect in the vicinity of project sites. Contributing to this impact would include the long-term nature of facility construction at all of the major project sites and visibility of heavy construction equipment in the proximity to sensitive vantage points; removal of residences and agricultural buildings; removal of riparian vegetation and other mature vegetation or landscape plantings; earthmoving and grading that result in changes to topography in areas that are predominantly flat, as well as dust generation; addition of large-scale industrial-looking structures (e.g., intakes, pumping plants, discharge structures and related facilities); remaining presence of large-scale reusable tunnel material (RTM) area landscape effects; and introduction of tall lattice steel transmission towers. Because of the combined effect of multiple and concurrent

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA	Adopted Mitigation Measures	Impact Conclusion After Mitigation- CEQA	Findings of Fact
				construction sites on localized views, the length of time construction would occur, and the changes permanent facilities would have on multiple short- and long-range views in the study area and high viewer sensitivity, this impact is considered to be significant at several sites, as shown in Table 18- 14. This conclusion also takes into consideration the Project's visual effects in a large Delta landscape. Although in a regional context the Project would affect a relatively small portion of the Delta limited to the distinct and discrete project sites, construction and permanent facility changes in visual quality and character would be substantially reduced in a number of locations in the study area. Findings: Changes or alterations have been required in, or incorporated into, the project that substantially lessen, but do not avoid, the significant environmental effect as identified in the Final EIR. Impacts are therefore significant and unavoidable despite the adoption of feasible mitigation measures.
Impact AES-2: Substantially Damage Scenic Resources including, but Not Limited to, Trees, Rock Outcroppings, and Historic Buildings Visible from a State Scenic Highway	Significant	MM AES-1b: Apply Aesthetic Design Treatments to Project Structures MM AES-1c: Implement Best Management Practices in Project Landscaping Plan	Significant and Unavoidable	Because visual elements associated with the Project would conflict with the existing forms, patterns, colors, and textures along State Route (SR) 160; would dominate riverfront views available from SR 160; and would alter broad views and the general nature of the visual experience presently available from SR 160 (thereby permanently damaging the scenic resources along a state scenic highway), these impacts are considered significant. Mitigation Measures AES-1b: Apply Aesthetic Design Treatments to Project Structures and AES-1c: Implement Best Management Practices in Project Landscaping Plan would help reduce these impacts through the application of aesthetic design treatments to all structures, to the extent feasible. However, impacts on visual resources resulting from damage to scenic resources that may be viewed from a state scenic highway would not be reduced to a less-than-significant level because even with Mitigation Measures AES-1b and AES-1c 17 the overall view from SR 160 to the location of intakes would change from open agricultural land to a large industrial-type facility. There would be noticeable to very noticeable changes to the visual character of a state scenic highway viewshed that do not blend or are not in keeping with the existing visual environment based upon the viewer's location in the landscape relative to the visible change. Thus, overall, this impact would be significant and unavoidable. Findings: Changes or alterations have been required in, or incorporated into, the project that substantially lessen, but do not avoid, the significant environmental effect as identified in the Final EIR. Impacts are therefore significant and unavoidable despite the adoption of feasible mitigation measures.
Impact AES-3: Have Substantial Significant Impacts on Scenic Vistas	Significant	MM AES-1a: Install Visual Barriers between Construction Work Areas and Sensitive Receptors MM AES-1b: Apply Aesthetic Design Treatments to Project Structures MM AES-1c: Implement Best Management Practices in Project Landscaping Plan	Significant and Unavoidable	The Project would include some facilities or components that would result in significant and unavoidable impacts on existing visual quality and character within the study area including scenic vistas. Mitigation Measures AES-1a: Install Visual Barriers between Construction Work Areas and Sensitive Receptors, AES-1b: Apply Aesthetic Design Treatments to Project Structures, and AES-1c: Implement Best Management Practices in Project Landscaping Plan would reduce scenic vista impacts in the same way described for effects on visual quality and character. Overall, not all impacts would be reduced to a less-than-significant level because, although environmental commitments and mitigation measures would reduce some aspects of the impact on scenic vistas, these measures would only partially reduce effects for the same reasons described for Impact AES-1. Findings: Changes or alterations have been required in, or incorporated into, the project that substantially lessen, but do not avoid, the significant environmental effect as identified in the Final EIR. Impacts are therefore significant and unavoidable despite the adoption of feasible mitigation measures.

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA	Adopted Mitigation Measures	Impact Conclusion After Mitigation- CEQA	Findings of Fact
Cultural Resources				
Impact CUL-1: Impacts on Built-Environment Historical Resources Resulting from Construction and Operation of the Project	Significant	MM CUL-1a: Avoid Impacts on Built-Environment Historical Resources through Project Design MM CUL-1b: Prepare and Implement a Built-Environment Treatment Plan in Consultation with Interested Parties	Significant and Unavoidable	Construction of project features may require physical alteration of 7 built-environment historical resources. Construction may also result in changes to the setting of 7 built-environment historical resources. Both material alterations to the integrity of materials, design, or workmanship, as well as material alterations to the integrity of setting, feeling, or association would impact the historical resource by removing character-defining features of the resource or altering the resource's character, resulting in an impairment of the resource's ability to convey its significance. For these reasons this would be a significant impact. Mitigation Measure CUL-1a: Avoid Impacts on Built-Environment Historical Resources through Project Design and Mitigation Measure CUL-1b: Prepare and Implement a Built Environment Treatment Plan in Consultation with Interested Parties may mitigate these effects but cannot guarantee they would be entirely avoided. The scale of the Project and the constraints imposed by other environmental resources would make avoidance of all significant impacts unlikely. For these reasons, even with MM CUL-1a and MM CUL-1b, this impact would be significant and unavoidable. All mitigation will be completed under the oversight of individuals who meet the Secretary of the Interior Professional Qualifications Standards and have demonstrable experience conducting the recommended measures (MM CUL-1a and MM CUL-1b). Findings: Changes or alterations have been required in, or incorporated into, the project that substantially lessen, but do not avoid, the significant environmental effect as identified in the Final EIR. Impacts are therefore significant and unavoidable despite the adoption of feasible mitigation measures.
Impact CUL-2: Impacts on Unidentified and Unevaluated Built-Environment Historical Resources Resulting from Construction and Operation of the Project	Significant	MM CUL-2: Conduct a Survey of Inaccessible Properties to Assess Eligibility and Determine Whether These Properties Will Be Adversely Affected by the Project	Significant and Unavoidable	Construction of project facilities may require the alteration of built-environment historical resources. Construction may also result in material alterations to the integrity of feeling, setting, or association. Changes to the setting would be material alterations because they would either remove the resource or alter the resource's character, resulting in a diminishment of the resource's ability to convey its significance. For these reasons this would be a significant impact. Mitigation Measure CUL-2: Conduct a Survey of Inaccessible Properties to Assess Eligibility and Determine Whether These Properties Will Be Adversely Affected by the Project may mitigate these impacts, but cannot guarantee they would be entirely avoided. The scale of the Project and the constraints imposed by other environmental resources make avoidance of all significant impacts unlikely. For these reasons, even with MM CUL-2, this impact would be significant and unavoidable. Findings: Changes or alterations have been required in, or incorporated into, the project that substantially lessen, but do not avoid, the significant environmental effect as identified in the Final EIR. Impacts are therefore significant and unavoidable despite the adoption of feasible mitigation measures.
Impact CUL-3: Impacts on Identified Archaeological Resources Resulting from the Project	Significant	MM CUL-3a: Prepare and Implement an Archaeological Resources Management Plan MM CUL-3b: Conduct Cultural Resources Sensitivity Training MM CUL-3c: Implement Archaeological Protocols for Field Investigations	Significant and Unavoidable	Field investigations and construction of conveyance facilities would affect identified archaeological resources that occur in the footprint of the Project. This impact would be significant because construction would materially alter or destroy the spatial associations between these resources and their archaeological data, which has the potential to yield information useful in archaeological research and is the basis for the significance of these resources. Identified but currently inaccessible resources may also be significant under other California Register of Historical Resources (CRHR) criteria. Mitigation Measure CUL-3a: Prepare and Implement an Archaeological Resources Management Plan, Mitigation Measure CUL-3b: Conduct Cultural Resources Sensitivity Training, and Mitigation Measure CUL-3c: Implement Archaeological Protocols for Field Investigations would mitigate this impact by training personnel and recovering scientifically important material prior to construction through the sensitive area, but would not guarantee that all of the scientifically consequential

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA	Adopted Mitigation Measures	Impact Conclusion After Mitigation- CEQA	Findings of Fact
				information would be retrieved because feasible archaeological excavation typically only retrieves a sample of the deposit, and portions of the site with consequential information may remain after treatment. Construction could damage these remaining portions of the deposit. Therefore, even with mitigation, this impact would be significant and unavoidable. Findings: Changes or alterations have been required in, or incorporated into, the project that substantially lessen, but do not avoid, the significant environmental effect as identified in the Final EIR. Impacts are therefore significant and unavoidable despite the adoption of feasible mitigation measures.
Impact CUL-4: Impacts on Unidentified Archaeological Resources That May Be Encountered in the Course of the Project	Significant	MM CUL-3a: Prepare and Implement an Archaeological Resources Management Plan MM CUL-3b: Conduct Cultural Resources Sensitivity Training MM CUL-3c: Implement Archaeological Protocols for Field Investigations	Significant and Unavoidable	Construction has the potential to disturb previously unidentified archaeological resources qualifying as historical resources or unique archaeological resources. Because direct excavation, compaction, or other disturbance may disrupt the spatial associations that contain scientifically useful information, these activities would alter the potential basis for eligibility, thus materially altering the resource and resulting in a significant impact. Because these resources would not be identified prior to construction, they cannot be recorded, and impacts cannot be managed through construction treatment. Mitigation Measures CUL-3a: Prepare and Implement an Archaeological Resources Management Plan, CUL-3b: Conduct Cultural Resources Sensitivity Training, and CUL-3c: Implement Archaeological Protocols for Field Investigations would reduce the potential for this impact by implementing monitoring and discovery protocols and providing training to all personnel involved in ground-disturbing activities. However, because archaeological resources may not be identified through these measures prior to disturbance, the effect cannot be entirely avoided. Therefore, this impact would remain significant and unavoidable because resource locations and extents are unknown. Findings: Changes or alterations have been required in, or incorporated into, the project that substantially lessen, but do not avoid, the significant environmental effect as identified in the Final EIR. Impacts are therefore significant and unavoidable despite the adoption of feasible mitigation measures.
Impact CUL-5: Impacts on Buried Human Remains	Significant	MM CUL-3a: Prepare and Implement an Archaeological Resources Management Plan MM CUL-3b: Conduct Cultural Resources Sensitivity Training MM CUL-3c: Implement Archaeological Protocols for Field Investigations MM CUL-5: Follow State and Federal Law Governing Human Remains If Such Resources Are Discovered during Construction	Significant and Unavoidable	The study area is sensitive for buried human remains. Construction would require ground-disturbing work that may damage previously unidentified human remains, resulting in direct effects on these resources. Disturbance of human remains, including remains interred outside of cemeteries, is considered a significant impact in the CEQA Appendix G checklist; therefore, any disturbance of such remains would be a significant impact. Mitigation Measures CUL-3a: Prepare and Implement an Archaeological Resources Management Plan, CUL-3b: Conduct Cultural Resources Sensitivity Training, and CUL-3c: Implement Archaeological Protocols for Field Investigations would reduce the potential for this impact and its severity by implementing monitoring and discovery protocols and providing training to all personnel involved in ground-disturbing activities, but not to a less-than-significant level because they would not guarantee that buried human remains could be discovered and treated in advance of construction; the scale of construction makes it technically and economically infeasible to perform the level of sampling necessary to identify all such buried human remains prior to construction. Therefore, this impact, even with mitigation, would be significant and unavoidable. Findings: Changes or alterations have been required in, or incorporated into, the project that substantially lessen, but do not avoid, the significant environmental effect as identified in the Final EIR. Impacts are therefore significant and unavoidable despite the adoption of feasible mitigation measures.

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA	Adopted Mitigation Measures	Impact Conclusion After Mitigation- CEQA	Findings of Fact
Transportation				
Impact TRANS-1: Increased Average VMT Per Construction Employee versus Regional Average	Significant	MM TRANS-1: Implement Site-Specific Construction Transportation Demand Management Plan and Transportation Management Plan	Significant and Unavoidable	Construction of the Project would result in additional vehicle miles traveled (VMT) to the regional transportation system and increase the total amount of driving and distances traveled for home-based work trips when compared to the regional average of 22.5 miles per day. This increase would be a temporary but long-term and a substantial VMT impact because conveyance facility construction employee VMT would exceed the regional VMT average over the course of the construction time period for Project facilities. This level of carpool participation is a goal that may not be achieved because construction workers will be drawn from the region in a manner that may not be conducive to large-scale carpooling or vanpooling. Because of the logistics of requiring construction workers to carpool/vanpool near their place of residence to project construction sites, and the uncertainty that this goal would be achieved, Impact TRANS-1 is considered significant and unavoidable with mitigation. Findings: Changes or alterations have been required in, or incorporated into, the project that substantially lessen, but do not avoid, the significant environmental effect as identified in the Final EIR. Impacts are therefore significant and unavoidable despite the adoption of feasible mitigation measures.
Air Quality and Greenhouse Gases				
Impact AQ-5: Result in Exposure of Sensitive Receptors to Substantial Localized Criteria Pollutant Emissions	Significant	MM AQ-5: Avoid Public Exposure to Localized Particulate Matter and Nitrogen Dioxide Concentrations	Significant and Unavoidable	The impact would be significant under CEQA for the Project because construction could contribute to existing violations or create new violations of the particulate matter (PM) that is 2.5 microns in diameter and smaller (PM2.5) and particulate matter that is 10 microns in diameter and smaller (PM10) standards. Construction of the Project would generate maximum 1-hour nitrogen dioxide (NO_2) concentrations above the National Ambient Air Quality Standards (NAAQS). No other violations of the ambient air quality standards would result during project construction. Likewise, off-site construction traffic would not contribute to a localized violation of the California ambient air quality standards (CAAQS) or national ambient air quality standards (NAAQS) at intersections throughout the transportation network. Emissions from long-term Operation & Maintenance activities would not cause or contribute to violations of the CAAQS and NAAQS. Environmental Commitments EC-7: Off-Road Heavy-Duty Engines through EC-13: DWR Best Management Practices to Reduce Greenhouse Gas (GHG) Emissions would minimize construction emissions through implementation of the on-site controls. However, exceedances of the significant impact levels (SILs) and ambient air quality standards would still occur, and the project would contribute a significant level of localized air pollution within the local air quality study area. Mitigation Measure AQ-5: Avoid Public Exposure to Localized Particulate Matter and Nitrogen Dioxide Concentrations is required to reduce potential public exposure to elevated ambient concentrations of PM and NO2 during construction. As discussed above, the predicted results presented in Tables 23-55 through 23-58 are conservative because they combine worst-case meteorological conditions with the highest daily and annual construction emissions estimates. Mitigation Measure AQ-5 requires additional PM and NO2 modeling to provide a more refined estimate of hourly and annual concentrations that are expected to occur during the construction period. If the refined modeling predicts an exceedance of the SIL or violation of the NO2 NAAQS, the measure requires DWR to conduct ambient air quality monitoring during

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA	Adopted Mitigation Measures	Impact Conclusion After Mitigation- CEQA	Findings of Fact
				construction. Results of the monitoring would be used to inform decision-making on further actions to reduce pollutant concentrations. While these actions would lower exposure to project-generated air pollution, it may not be feasible to completely eliminate all localized exceedances of the SILs and ambient air quality standards. Accordingly, this impact is determined to be significant and unavoidable. Findings: Changes or alterations have been required in, or incorporated into, the project that substantially lessen, but do not avoid, the significant environmental effect as identified in the Final EIR. Impacts are therefore significant and unavoidable despite the adoption of feasible mitigation measures.
Noise and Vibration				
Impact NOI-1: Generate a Substantial Temporary or Permanent Increase in Ambient Noise Levels in the Vicinity of the Project in Excess of Standards Established in the Local General Plan or Noise Ordinance, or Applicable Standards of Other Agencies	Significant	MM NOI-1: Develop and Implement a Noise Control Plan	Significant and Unavoidable	Construction-related noise would exceed daytime and nighttime noise level criteria at intakes, shaft sites, the Bethany Complex, and associated infrastructure under the Project. Depending on facility location relative to noise-sensitive receptors, the duration of daytime criteria exceedance would vary from 1 week to up to 14 years on a nonconsecutive basis. The duration of nighttime criteria exceedance would vary from 1 week to 5 months on a nonconsecutive basis. The exceedance of daytime and nighttime noise level criteria for these durations would result in a significant impact. Mitigation Measure NOI-1: Develop and Implement a Noise Control Plan would reduce noise levels through pre-construction actions, sound-level monitoring, best noise control practices, and installation of noise barriers. Mitigation Measure NOI-1 would reduce the severity of this impact to less-than-significant levels if property owners elect to participate in the sound insulation program to reduce noise impacts. DWR cannot ensure that property owners will voluntarily participate in the program and accept sound insulation improvements. If a property owner does not elect to participate in the sound insulation program, the impact would remain significant and unavoidable. Conservatively, the impact due to construction noise is determined to be significant and unavoidable after mitigation. However, if improvements required to avoid significant impacts are accepted by all eligible property owners, impacts would be less than significant with mitigation. Findings: Changes or alterations have been required in, or incorporated into, the project that substantially lessen, but do not avoid, the significant environmental effect as identified in the Final EIR. Impacts are therefore significant and unavoidable despite the adoption of feasible mitigation measures.
Paleontological Resources				
Impact PALEO-2: Cause Destruction of a Unique Paleontological Resource as a Result of Tunnel Construction and Ground Improvement	Significant	No feasible mitigation is available to address this impact.	Significant and Unavoidable	Construction of water conveyance facilities could cause the destruction of unique paleontological resources because tunneling would occur in geologic units with high sensitivity for paleontological resources: the Modesto and Riverbank Formations. The Project could destroy unique paleontological resources, with varying degrees of magnitude (Table 28-11). Excavation using the tunnel boring machine (TBM) for the tunnels could destroy unique paleontological resources because tunneling would involve large-scale ground disturbance that would not be accessible to monitors and would occur in geologic units sensitive for paleontological resources. This tunneling would occur at depths greater than 100 feet and therefore the geologic units affected would not be accessible to paleontologists and any fossils would not be available for scientific study. It cannot, however, be known whether paleontological resources would be present because paleontological resources are not distributed evenly throughout a geologic unit. Nevertheless, given the volume of material excavated by tunneling (Table 28-4) that would occur in the Modesto and Riverbank Formations, which are both sensitive for paleontological resources, and the consistency of the

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA	Adopted Mitigation Measures	Impact Conclusion After Mitigation- CEQA	Findings of Fact
				reusable tunnel material (RTM) generated by the TBM (i.e., too fine to contain macrofossils), tunneling could result in a significant impact. No mitigation is available to address this impact. The impacts of tunneling would therefore be significant and unavoidable. Ground improvement would consist of in-situ mixing of amendments, such as cement grout, into the subsurface to improve stability. If this improvement occurs in the Modesto or Riverbank Formations and paleontological resources are present, ground improvement would damage or destroy these resources because the activity cannot be viewed or stopped by a paleontological monitor. No mitigation is available to address this impact. The impacts of ground improvement would therefore be significant and unavoidable. Findings: Impacts are significant and unavoidable and no feasible mitigation measures have been identified.
Tribal Cultural Resources				
Impact TCR-1: Impacts on the Delta Tribal Cultural Landscape Tribal Cultural Resource Resulting from Construction, Operations, and Maintenance of the Project Alternatives	Significant	MM TCR-1a: Avoidance of Impacts on Tribal Cultural Resources MM TCR-1b: Plans for the Management of Tribal Cultural Resources MM TCR-1c: Implement Measures to Restore and Enhance the Physical, Spiritual, and Ceremonial Qualities of Affected Tribal Cultural Resources MM TCR-1d: Incorporate Tribal Knowledge into Compensatory Mitigation Planning (Restoration)	Significant and Unavoidable	Project construction and operational activities would impair character-defining features that qualify the Delta Tribal Cultural Landscape (TCL) for listing in the CRHR. The Project would materially impair affiliated Tribes' ability to physically, spiritually, or ceremonially experience these character-defining features: the Delta as a holistic place that is a Tribal homeland and place of origin, terrestrial and aquatic plant and animal species habitats that are part of the Delta's ecosystem and the heritage of Tribes, ethnohistorical locations that are sacred places and historically important, archaeological sites, and views and vistas of and from the Delta that are sacred and important to the heritage of Tribes. While other chapters have identified mitigation measures to address project effects on several of the natural resources that also qualify as character-defining features for the Tribal cultural resource (such as the Compensatory Mitigation Plan) these are aimed at satisfying certain regulatory requirements for ecological conservation and may not mitigate for the impacts to Tribal cultural resources. DWR will coordinate with Tribes to incorporate Tribal values into compensatory mitigation; however, these measures may not reduce the impacts to a less-than-significant level. Because the project would materially impair character-defining features of the Delta TCL, and project commitments and mitigation measures would not fully avoid or reduce such impacts, the impact on the Delta TCL would be significant. DWR has identified four measures for mitigating this impact: Mitigation Measures TCR-1a: Avoidance of Impacts on Tribal Cultural Resources, TCR-1b: Plans for the Management of Tribal Cultural Resources, TCR-1c: Implement Measures to Restore and Enhance the Physical, Spiritual, and Ceremonial Qualities of Affected Tribal Cultural Resources, and TCR-1d: Incorporate Tribal Knowledge into Compensatory Mitigation Planning (Restoration). Application of these mitigation measures has the potential to reduce the impact on character-defining features of the Delta TCL because they could restore affiliated Tribes' ability to physically, spiritually, and ceremonially experience the materially impaired qualities of the features. However, there may be instances where even with the mitigation measures described above, the impacts would not be mitigated to a less-than-significant level. There may also be instances where the project components would permanently damage a character-defining feature of the Delta TCL, such as where ground disturbance and construction of a project feature would occur in an ethnohistoric location, disturb an archaeological site, or a facility would block an important view. Project impacts would remain significant and unavoidable after implementation of Mitigation Measures TCR-1a, TCR-1b, TCR-1c, and TCR-1d because complete avoidance or protection is unlikely and operations and maintenance of the intakes and tunnels may still materially impair the Tribal experience of the spiritual qualities of the Delta TCL even with the efforts to repair or restore the Tribal experience. DWR will continue to consult with affiliated Tribes throughout implementation of Mitigation

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA	Adopted Mitigation Measures	Impact Conclusion After Mitigation- CEQA	Findings of Fact
				Measures TCR-1a, TCR-1b, and TCR-1c, and TCR-1d to minimize and mitigate the project's significant impacts on the Delta TCL. Findings: Changes or alterations have been required in, or incorporated into, the project that mitigate, but *not* to a less than significant level, the significant environmental effect as identified in the Final EIR. Impacts are therefore significant and unavoidable despite the adoption of feasible mitigation measures.
Impact TCR-2: Impacts on Individual Tribal Cultural Resources Resulting from Construction, Operations, and Maintenance of the Project Alternatives	Significant	MM TCR-1a: Avoidance of Impacts on Tribal Cultural Resources MMTCR-1b: Plans for the Management of Tribal Cultural Resources MM TCR-1c: Implement Measures to Restore and Enhance the Physical, Spiritual, and Ceremonial Qualities of Affected Tribal Cultural Resources MM TCR-1d: Incorporate Tribal Knowledge into Compensatory Mitigation Planning (Restoration) MM TCR-2: Perform an Assessment of Significance, Known Attributes, and Integrity for Individual CRHR Eligibility	Significant and Unavoidable	The precise nature of the impact on an individual Tribal cultural resource is not currently known because DWR has not identified any individual Tribal cultural resources at this time; therefore, the features that make an individual resource eligible for California Register of Historical Resources (CRHR) listing, its significance, attributes and location, and integrity have not been established. In general, DWR anticipates that if an individual resource is identified, the project has the potential to materially impair an affiliated Tribes' ability to physically, ceremonially, or spiritually experience the resource. If the conclusion of implementing Mitigation Measure TCR-2: Perform an Assessment of Significance, Known Attributes, and Integrity for Individual CRHR Eligibility is that DWR finds a character-defining feature or other resource that is individually eligible, application of Mitigation Measures TCR-1a, TCR-1b, and TCR-1c, and TCR-1d could reduce the impact on any individually eligible Tribal cultural resources, because they could restore affiliated Tribes' ability to physically, spiritually, and ceremonially experience the materially impaired qualities of the features. However, there may be instances where even with the mitigation measures described above, the impacts would not be mitigated to a less-than-significant level. There may also be instances where the project components would permanently damage an individual Tribal cultural resource, such as where ground disturbance and construction of a project feature would disturb an individually eligible ethnohistoric location or a facility would block an important view that is a character-defining feature of an individual Tribal cultural resource. Project impacts on individual Tribal cultural resources would remain significant and unavoidable after implementation of Mitigation Measures TCR-1a, TCR-1b, TCR-1c, TCR-1d, and TCR-2, because complete avoidance or protection is unlikely. DWR will continue to consult with affiliated Tribes throughout implementation of mitigation measures to minimize and mitigate the project's significant impacts on the Delta Tribal Cultural Landscape, as well as refine DWR's understanding of the character-defining features, or other features, that may be individual Tribal cultural resources. Findings: Changes or alterations have been required in, or incorporated into, the project, that mitigate, but *not* to a less than significant level, the significant environmental effect as identified in the Final EIR. Impacts are therefore significant and unavoidable despite the adoption of feasible mitigation measures.

Table 2: CEQA Findings of Fact for the Project's Less-than-Significant Impacts after Mitigation

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA	Proposed Mitigation	Impact Conclusion After Mitigation- CEQA	Findings of Fact
Water Quality				
Impact WQ-6: Effects on Mercury Resulting from Facility Operations and Maintenance	Less Than Significant for the Project; Potentially Significant for Implementation of the CMP	MM WQ-6: Develop and Implement a Mercury Management and Monitoring Plan	Less Than Significant	The Project would not cause additional exceedance of applicable water quality criteria or objectives by frequency, magnitude, and geographic extent that would cause significant impacts on any beneficial uses of waters in the study area. Because mercury concentrations are not expected to increase substantially, no long-term water quality degradation that would result in substantially increased risk for significant impacts on beneficial uses would occur. Furthermore, changes in long-term methylmercury concentrations that may occur in study area waterbodies would not make existing CWA Section 303(d) impairments measurably worse, or increase levels of mercury by frequency, magnitude, and geographic extent to cause measurably higher body burdens of mercury in aquatic organisms, thereby substantially increasing the health risks to wildlife (including fish) or humans consuming those organisms. Thus, the impact of the Project on mercury concentrations would be less than significant. While the Project would not result in significant water quality effects associated with mercury, there could be significant impacts with the implementation of the CMP. Those impacts could be reduced to a less-than-significant level with Mitigation Measure WQ-6. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Soils				
Impact SOILS-5: Have Soils Incapable of Adequately Supporting the Use of Septic Tanks or Alternative Wastewater Disposal Systems Where Sewers Are Not Available for the Disposal of Wastewater	Significant	MM SOILS-5: Conduct Site-Specific Soil Analysis and Construct Alternative Wastewater Disposal System as Required	Less Than Significant	Potential impacts of the use of septic tanks or alternative wastewater disposal systems would occur during construction and operations and maintenance. If a conventional disposal system were to be constructed on soils with a rating of very limited for septic tank absorption fields, use of the system could contaminate surface water and groundwater and create objectionable odors during operations and maintenance. The water contamination could raise the risk of disease transmission and human exposure to pathogens. The impact would be significant. However, county planning and building departments typically require on-site soil percolation tests and other analyses to determine site suitability and type of system appropriate to the site. Along with compliance with county requirements, implementation of Mitigation Measure SOILS-5: Conduct Site-Specific Soil Analysis and Construct Alternative Wastewater Disposal System as Required, would reduce the impact to a less-than-significant level. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Fish and Aquatic Resources				
Impact AQUA-1: Effects of Construction of Water Conveyance Facilities on Fish and Aquatic Species	Significant	MM AQUA-1a: Develop and Implement an Underwater Sound Control and Abatement Plan MM AQUA-1b: Develop and Implement a Barge Operations Plan MM AQUA-1c: Develop and Implement a Fish Rescue and Salvage Plan MM WQ-6: Develop and Implement a Mercury Management and Monitoring Plan CMP-23: Tidal Perennial Habitat Restoration for Construction Impacts on Habitat for Fish and Aquatic Resources	Less Than Significant	Construction impacts on fish and aquatic species potentially would be significant because there would be the potential for spatial and temporal overlap with appreciable proportions of some of the species of management concern's populations (e.g., adult steelhead; Table 12A-9 in Appendix 12A) as well as loss of aquatic habitat. To address these impacts, the project will include Mitigation Measures AQUA-1a: Develop and Implement an Underwater Sound Control and Abatement Plan, AQUA-1b: Develop and Implement a Barge Operations Plan, AQUA-1c: Develop and Implement a Fish Rescue and Salvage Plan, and Mitigation Measure CMP: Compensatory Mitigation Plan, specifically CMP-23: Tidal Perennial Habitat Restoration for Construction Impacts on Habitat for Fish and Aquatic Resources and CMP-24: Channel Margin Habitat Restoration for Construction Impacts on Habitat for Fish and Aquatic Resources (Attachment 3F.1, Compensatory Mitigation Design Guidelines, Table 3F.1-3). Mitigation

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA	Proposed Mitigation	Impact Conclusion After Mitigation- CEQA	Findings of Fact
		CMP-24: Channel Margin Habitat Restoration for Construction Impacts on Habitat for Fish and Aquatic Resources		Measure AQUA-1a: Develop and Implement an Underwater Sound Control and Abatement Plan includes limiting pile-driving timing consistent with EC-14 and controlling or abating underwater noise generated during impact pile driving, for example, by starting impact pile driving at lower levels of intensity to allow fish to leave the area before the intensity is increased. Construction impacts on fish and aquatic species would be less than significant with mitigation. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact AQUA-2: Effects of Operations and Maintenance of Water Conveyance Facilities on Sacramento River Winter-Run Chinook Salmon	Significant	CMP-25: Tidal Habitat Restoration to Mitigate North Delta Hydrodynamic Effects on Chinook Salmon Juveniles CMP-26: Channel Margin Habitat Restoration for Operations Impacts on Chinook Salmon Juveniles	Less Than Significant	The available information generally indicates that diversion at the North Delta Diversion (NDD) would negatively affect winter-run Chinook salmon through flow-survival and habitat impacts. The Sacramento River is the main migration pathway through the Delta for juvenile winter-run and therefore a large proportion of the population would potentially be exposed to negative impacts. To address the significance of the impacts, Mitigation Measure CMP: Compensatory Mitigation Plan would be implemented, specifically CMP-25: Tidal Habitat Restoration to Mitigate North Delta Hydrodynamic Effects on Chinook Salmon Juveniles and CMP-26: Channel Margin Habitat Restoration or Operations Impacts on Chinook Salmon Juveniles (Attachment 3F.1, Table 3F.1-3). This mitigation would reduce negative hydrodynamic effects such as flow reversals in the Sacramento River at Georgiana Slough (CMP-25) and reduced effects from reduced inundation of riparian/wetland benches as a result of NDD operations (CMP-26). The mitigation thereby would reduce potential for negative effects on winter-run Chinook salmon through-Delta survival as a result of factors such as flow-related changes in migration speed and probability of entering the low-survival interior Delta migration pathway and restoring new bench habitat at elevations that would be inundated under reduced flows downstream of the north Delta intakes. The impact of operations and maintenance of the Project would be less than significant with mitigation. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact AQUA-3: Effects of Operations and Maintenance of Water Conveyance Facilities on Central Valley Spring-Run Chinook Salmon	Significant	CMP-25: Tidal Habitat Restoration to Mitigate North Delta Hydrodynamic Effects on Chinook Salmon Juveniles CMP-26: Channel Margin Habitat Restoration for Operations Impacts on Chinook Salmon Juveniles	Less Than Significant	Recent research for two spring-run Chinook salmon populations in the Central Valley indicates that the majority of returning adults emigrated as yearlings (Cordoleani et al. 2021), which migrate beginning in fall and therefore have the potential to overlap periods of greater north Delta diversions with greater potential effects on through-Delta survival as shown by the Perry et al. (2018) modeling results. As a result, and although there is uncertainty in biological impacts because of the variability in flow-survival statistical relationships (see discussion for winter-run Chinook salmon), population abundance is low relative to historical values (Appendix 12A) and it is concluded that the operations and maintenance impact of the Project would be significant for spring-run Chinook salmon. Compensatory mitigation to be implemented for the winter-run Chinook salmon significant impact discussed above in Impact AQUA-2 (i.e., Mitigation Measure CMP: Compensatory Mitigation Plan, specifically CMP-25: Tidal Habitat Restoration to Mitigate North Delta Hydrodynamic Effects on Chinook Salmon Juveniles and CMP-26: Channel Margin Habitat Restoration for Operations Impacts on Chinook Salmon Juveniles [Attachment 3F.1, Table 3F.1-3]) would also be applied to spring-run Chinook salmon to mitigate hydrodynamic effects such as flow reversals in the Sacramento River at Georgiana Slough (CMP-25) and effects from reduced inundation of riparian/wetland benches

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA	Proposed Mitigation	Impact Conclusion After Mitigation- CEQA	Findings of Fact
				as a result of North Delta Diversion operations (CMP-26). The impact would be less than significant with mitigation. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact AQUA-5: Effects of Operations and Maintenance of Water Conveyance Facilities on Central Valley Steelhead	Significant	MM CMP: Compensatory Mitigation Plan	Less Than Significant	As discussed by National Marine Fisheries Service (2016:19), Central Valley steelhead is in danger of extinction, with very low levels of natural production. Available data and studies for steelhead are limited relative to Chinook salmon and so there is some uncertainty in potential effects. As previously noted for winter-run Chinook salmon, there is uncertainty in the biological impacts because of the variability in flow-survival statistical relationships. However, per the significance criteria (Section 12.3.2, Thresholds of Significance), the potential for negative effects of the north Delta intakes (e.g., up to 4% less through-Delta migration survival per the Perry et al. model implemented for juvenile Chinook salmon) and the population status (Appendix 12A) leads to the conclusion that the impact would be significant. Compensatory mitigation (tidal perennial habitat restoration and channel margin restoration) described in Appendix 3F, and as previously discussed for winter-run Chinook salmon would be implemented to reduce the impact to less than significant. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact AQUA-6: Effects of Operations and Maintenance of Water Conveyance Facilities on Delta Smelt	Significant	MM CMP: Compensatory Mitigation Plan CMP-27: Tidal Habitat Restoration for Operations Impacts on Delta Smelt	Less Than Significant	There is generally somewhat less Delta outflow under the Project than existing conditions during spring–fall as a result of less outflow being needed for meeting Delta salinity requirements. There is considerable uncertainty in the potential for negative effects to delta smelt food availability, predation, and recruitment as a result of these changes in Delta outflow, which are within the existing parameters of current regulations (e.g., D-1641; federal and state water project permits). Given the existing all-time low abundance indices of delta smelt (Appendix 12A), the impacts are concluded to be significant. Tidal habitat restoration of approximately 1,100 to 1,400 acres under Mitigation Measure CMP: Compensatory Mitigation Plan, specifically CMP-27 (Attachment 3F-1, Table 3F.1-3), would mitigate these impacts. Restoration would increase the extent of suitable delta smelt habitat (e.g., intertidal and subtidal habitat; California Department of Fish and Game 2011) with appropriate parameters (e.g., turbidity) providing habitat for occupancy (e.g., Sommer and Mejia 2013) or higher food availability in the vicinity (e.g., Hammock et al. 2019b). The impact would be less than significant with mitigation. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact AQUA-7: Effects of Operations and Maintenance of Water Conveyance Facilities on Longfin Smelt	Significant	MM CMP: Compensatory Mitigation Plan CMP-28: Tidal Habitat Restoration for Operations Impacts on Longfin Smelt	Less Than Significant	In general, the analyses of the operations and maintenance impacts of the Project suggested minor impacts on longfin smelt, relative to existing conditions, including near-field effects of the north Delta intakes, south Delta entrainment, and very little potential for negative effects on food availability as a result of differences in spring Delta outflow. Any such impacts would not be significant because they are minor and would affect only a very small proportion of the longfin smelt population. The analyses of flow-related effects (differences in Delta outflow) on longfin smelt abundance suggested more potential for negative effects under the Project (i.e., mean difference of 2%–10% less depending on water year type) and a potentially significant impact given that they represent a population-level impact. There is uncertainty in the impact, however, given the appreciably greater variability of longfin smelt abundance index estimates

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA	Proposed Mitigation	Impact Conclusion After Mitigation- CEQA	Findings of Fact
				for a given alternative relative to the difference from existing conditions. Operations of the Project would be consistent with all applicable regulations to limit the potential for negative effects on fish and aquatic resources, including the existing spring outflow measures required by the California Department of Fish and Wildlife Incidental Take Permit (ITP). Nevertheless, the uncertain negative outflow-related effect is considered significant in light of the species' California Endangered Species Act-listed status and low population abundance indices (Appendix 12A). As such, the Project would implement approximately 135.2acres of compensatory mitigation (Mitigation Measure CMP: Compensatory Mitigation Plan, specifically CMP-28: Tidal Habitat Restoration for Operations Impacts on Longfin Smelt [Attachment 3F.1, Table 3F.1-3]). Tidal habitat would expand the diversity, quantity, and quality of longfin smelt rearing and refuge habitat consistent with recent tidal habitat mitigation required for outflow impacts to the species and would therefore reduce the potential effects caused by reduced outflow. As shown by multiple recent tidal habitat restoration projects in the Delta, there are potential feasible opportunities for tidal habitat restoration directly applicable to longfin smelt, with demonstrated presence of longfin smelt. This tidal habitat restoration mitigation would reduce the impact to a less-than-significant level; therefore, the impact would be less than significant with mitigation. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Terrestrial Biological Resources				
Impact BIO-1: Impacts of the Project on the Tidal Perennial Aquatic Natural Community	Significant	MM CMP: Compensatory Mitigation Plan	Less Than Significant	The Project would cause the removal, conversion, and temporary disturbance of tidal perennial aquatic natural community due to project construction and maintenance. The temporary disturbances of tidal perennial aquatic habitat would be reduced by Environmental Commitments EC-1: Conduct Worker Awareness Training; EC-2: Develop and Implement Hazardous Materials Management Plans; EC-3: Develop and Implement Spill Prevention, Containment, and Countermeasure Plans; and EC-14: Construction Best Management Practices for Biological Resources (Appendix 3B). Even with these environmental commitments, however, the loss of tidal perennial aquatic community from construction and potential impacts from maintenance activities would be significant. Mitigation Measure CMP: Compensatory Mitigation Plan would offset permanent and temporary loss of tidal perennial aquatic habitat. Therefore, the impacts on the tidal perennial aquatic community from the Project would be less than significant with mitigation. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-2: Impacts of the Project on Tidal Freshwater Emergent Wetlands	Significant	MM CMP: Compensatory Mitigation Plan MM BIO-2a: Avoid or Minimize Impacts on Special-Status Natural Communities and Special-Status Plants MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities MM BIO-2c: Electrical Power Line Support Placement	Less Than Significant	The Project would cause the removal, conversion, and temporary disturbance of tidal freshwater emergent wetlands due to project construction and maintenance. Temporary disturbances and indirect impacts on tidal freshwater emergent wetlands would be reduced by Environmental Commitments EC-1: Conduct Worker Awareness Training; EC-2: Develop and Implement Hazardous Materials Management Plans; EC-3: Develop and Implement Spill Prevention, Containment, and Countermeasure Plans; and EC-14: Construction Best Management Practices for Biological Resources. Even with these environmental commitments, however, the loss of tidal freshwater emergent wetlands from construction and potential impacts from maintenance activities would be significant. Mitigation Measure BIO-2a: Avoid or Minimize Impacts on Special-Status Natural Communities and Special-Status Plants would reduce impacts on tidal freshwater emergent wetlands during project construction. Mitigation Measure BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities would reduce impacts on tidal freshwater emergent wetland during

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA	Proposed Mitigation	Impact Conclusion After Mitigation- CEQA	Findings of Fact
				project maintenance. Mitigation Measure BIO-2c: Electrical Power Line Support Placement would minimize impacts on tidal freshwater emergent wetlands from electric power line installation. Mitigation Measure CMP: Compensatory Mitigation Plan would offset permanent and temporary loss of tidal freshwater emergent wetland. Therefore, the impacts on tidal freshwater emergent wetland from the Project would be less than significant with mitigation. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-3: Impacts of the Project on Valley/Foothill Riparian Habitat	Significant	MM CMP: Compensatory Mitigation Plan MM BIO-2a: Avoid or Minimize Impacts on Special-Status Natural Communities and Special-Status Plants	Less Than Significant	Constructing the Project would cause the removal, conversion, and temporary disturbance of valley/foothill riparian habitat. Maintenance activities could result in periodic temporary disturbances to valley/foothill riparian habitat. Temporary disturbances and indirect impacts on valley/foothill riparian habitat would be reduced by Environmental Commitments EC-1: Conduct Worker Awareness Training and EC-14: Construction Best Management Practices for Biological Resources. Even with these environmental commitments, however, the loss of valley/foothill riparian habitat from construction and potential impacts from maintenance activities would be significant. Mitigation Measure BIO-2a: Avoid or Minimize Impacts on Special-Status Natural Communities and Special-Status Plants would reduce impacts on valley/foothill riparian habitat during project construction. Mitigation Measure BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities would reduce impacts on valley/foothill riparian habitat during project maintenance. Mitigation Measure BIO-2c: Electrical Power Line Support Placement would minimize impacts on valley/foothill riparian habitat from electric power line installation. Mitigation Measure CMP: Compensatory Mitigation Plan would offset permanent and temporary loss of valley/foothill riparian habitat. Therefore, the impacts on valley/foothill riparian habitat from the Project would be less than significant with mitigation. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-4: Impacts of the Project on the Nontidal Perennial Aquatic Natural Community	Significant	MM CMP: Compensatory Mitigation Plan MM BIO-2a: Avoid or Minimize Impacts on Special-Status Natural Communities and Special-Status Plants	Less Than Significant	Constructing the Project would cause the removal, conversion, and temporary disturbance of nontidal aquatic perennial habitat. Maintenance activities could result in periodic temporary disturbances to nontidal perennial aquatic habitat. Temporary disturbances and indirect impacts on nontidal perennial aquatic habitat would be reduced by Environmental Commitments EC-1: Conduct Worker Awareness Training; EC-2: Develop and Implement Hazardous Materials Management Plans; EC-3: Develop and Implement Spill Prevention, Containment, and Countermeasure Plans; and EC-14: Construction Best Management Practices for Biological Resources. Even with these environmental commitments, however, the loss of nontidal perennial aquatic habitat from construction and potential impacts from maintenance activities would be significant. Mitigation Measure BIO-2a: Avoid or Minimize Impacts on Special-Status Natural Communities and Special-Status Plants would mitigate impacts on nontidal perennial aquatic habitat by identifying locations where special-status natural communities and special-status plants would be avoided. Under Mitigation Measure CMP: Compensatory Mitigation Plan, nontidal perennial aquatic habitat would be created or acquired and permanently protected to compensate for project impacts from project construction to ensure no significant loss of nontidal perennial aquatic habitat functions and values. Therefore, the impacts on nontidal perennial aquatic habitat from the Project would be less than significant with mitigation.

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA	Proposed Mitigation	Impact Conclusion After Mitigation- CEQA	Findings of Fact
				Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-5: Impacts of the Project on Nontidal Freshwater Perennial Emergent Wetland	Significant	MM CMP: Compensatory Mitigation Plan MM BIO-2a: Avoid or Minimize Impacts on Special-Status Natural Communities and Special-Status Plants	Less Than Significant	Constructing the Project would cause the removal, conversion, and temporary disturbance of nontidal freshwater perennial emergent wetlands. Maintenance activities could result in periodic temporary disturbances to this community. Temporary disturbances and indirect impacts on nontidal freshwater perennial emergent wetland would be reduced by Environmental Commitments EC-1: Conduct Worker Awareness Training; EC-2: Develop and Implement Hazardous Materials Management Plans; EC-3: Develop and Implement Spill Prevention, Containment, and Countermeasure Plans; and Environmental Commitment EC-14: Construction Best Management Practices for Biological Resources. Even with these environmental commitments, however, the loss of nontidal freshwater perennial emergent wetland from construction and potential impacts from maintenance activities would be significant. Mitigation Measure BIO-2a: Avoid or Minimize Impacts on Special-Status Natural Communities and Special-Status Plants would mitigate impacts on nontidal freshwater emergent wetlands by identifying locations where special-status natural communities and special-status plants would be avoided or where measures to minimize impact would be implemented. Under Mitigation Measure CMP: Compensatory Mitigation Plan, nontidal perennial emergent wetlands would be created or acquired and permanently protected to compensate for project impacts from project construction and ensure no significant loss of nontidal perennial aquatic habitat functions and values. Therefore, the impacts on nontidal freshwater perennial emergent wetland from the Project would be less than significant with mitigation. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-7: Impacts of the Project on Alkaline Seasonal Wetland Complex	Significant	MM CMP: Compensatory Mitigation Plan MM BIO-2a: Avoid or Minimize Impacts on Special-Status Natural Communities and Special-Status Plants MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities MM BIO-2c: Electrical Power Line Support Placement	Less Than Significant	Project construction and maintenance would remove, convert, or temporarily disturb alkaline seasonal wetland complex. Temporary disturbances and indirect impacts on alkaline seasonal wetland complex would be reduced by Environmental Commitments EC-1: Conduct Worker Awareness Training; EC-2: Develop and Implement Hazardous Materials Management Plans; EC-3: Develop and Implement Spill Prevention, Containment, and Countermeasure Plans; and EC-14: Construction Best Management Practices for Biological Resources. Even with these environmental commitments, however, the loss of alkaline seasonal wetland complex from construction and potential impacts from maintenance activities would be significant. Mitigation Measure BIO-2a: Avoid or Minimize Impacts on Special-Status Natural Communities and Special-Status Plants would reduce impacts on alkaline seasonal wetlands during project construction. Mitigation Measure BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities would reduce impacts on alkaline seasonal wetlands during project maintenance. Mitigation Measure BIO-2c: Electrical Power Line Support Placement would minimize impacts on alkaline seasonal wetland from electric power line installation. Under Mitigation Measure CMP: Compensatory Mitigation Plan, alkaline seasonal wetland complex would be created or acquired and permanently protected to compensate for project impacts from project construction and ensure no significant loss of nontidal perennial aquatic habitat functions and values. The total acreage to be conserved would be based on the criteria presented in the CMP. Therefore, the impacts on alkaline seasonal wetland complex from the Project would be less than significant with mitigation. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA	Proposed Mitigation	Impact Conclusion After Mitigation- CEQA	Findings of Fact
Impact BIO-8: Impacts of the Project on Vernal Pool Complex	Significant	MM CMP: Compensatory Mitigation Plan MM BIO-2a: Avoid or Minimize Impacts on Special-Status Natural Communities and Special-Status Plants MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities	Less Than Significant	Constructing the Project would cause the removal, conversion, and temporary disturbance of vernal pool complex. Maintenance activities could result in periodic temporary disturbances to this community. Temporary disturbances and indirect impacts on vernal pool complex would be reduced by Environmental Commitments EC-1: Conduct Worker Awareness Training; EC-2: Develop and Implement Hazardous Materials Management Plans; EC-3: Develop and Implement Spill Prevention, Containment, and Countermeasure Plans; and EC-14: Construction Best Management Practices for Biological Resources. Even with these environmental commitments, however, the loss of vernal pool complex from construction and potential impacts from maintenance activities would be significant. Mitigation Measure BIO-2a: Avoid or Minimize Impacts on Special-Status Natural Communities and Special-Status Plants would reduce impacts on vernal pool complex during project construction. Mitigation Measure BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities would reduce impacts on vernal pool complex during project maintenance. As described in Appendix 3F and Attachment 3F.1, under Mitigation Measure CMP: Compensatory Mitigation Plan, vernal pool complex would be created or acquired and permanently protected to compensate for project impacts from project construction and ensure no significant loss of vernal pool complex functions and values. The total acreage to be conserved would be based on the criteria presented in the CMP. Therefore, the impacts on vernal pool complex from the Project would be less than significant with mitigation. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-9: Impacts of the Project on Special-Status Vernal Pool Plants	Significant	MM CMP: Compensatory Mitigation Plan MM BIO-2a: Avoid or Minimize Impacts on Special-Status Natural Communities and Special-Status Plants MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities	Less Than Significant	Temporary disturbances and indirect impacts on special-status vernal pool plants would be reduced by Environmental Commitment EC-14: Construction Best Management Practices for Biological Resources. Even with this environmental commitment, however, the effects on vernal pool plants from construction and potential impacts from maintenance activities would be significant. Mitigation Measure BIO-2a: Avoid or Minimize Impacts on Special-Status Natural Communities and Special-Status Plants would reduce impacts on special-status vernal pool plants during project construction. Mitigation Measure BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities would reduce impacts on special-status vernal pool plants during project maintenance. Under Mitigation Measure CMP: Compensatory Mitigation Plan, habitat for special-status vernal pool plants would be created and permanently protected or mitigation credits would be acquired to compensate for project impacts and ensure no significant loss of habitat, as described in Appendix 3F and Attachment 3F.1. Therefore, the Project's impacts on special-status vernal pool plants would be less than significant with mitigation. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-10: Impacts of the Project on Special-Status Alkaline Seasonal Wetland Complex Plants	Significant	MM CMP: Compensatory Mitigation Plan MM BIO-2a: Avoid or Minimize Impacts on Special-Status Natural Communities and Special-Status Plants MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities	Less Than Significant	Temporary disturbances and indirect impacts special-status alkaline seasonal wetland complex plants would be reduced by Environmental Commitment EC-14: Construction Best Management Practices for Biological Resources. Even with this environmental commitment, however, the loss of alkaline wetland plants from construction and potential impacts from maintenance activities would be significant. Mitigation Measure BIO-2a: Avoid or Minimize Impacts on Special-Status Natural Communities and Special-Status Plants, would reduce impacts on special-status alkaline seasonal wetland complex plants during project construction. Mitigation Measure BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities would reduce impacts on special-status alkaline seasonal wetland complex plants during project maintenance. Under Mitigation Measure CMP:

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA	Proposed Mitigation	Impact Conclusion After Mitigation- CEQA	Findings of Fact
				Compensatory Mitigation Plan, habitat for special-status alkaline seasonal wetland plants would be created and permanently protected or mitigation credits would be acquired to compensate for project impacts and ensure no significant loss of habitat, as described in Appendix 3F and Attachment 3F.1. Therefore, the project's impacts on special-status alkaline seasonal wetland plants would be less than significant with mitigation. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-11: Impacts of the Project on Special-Status Grassland Plants	Significant	MM CMP: Compensatory Mitigation Plan MM BIO-2a: Avoid or Minimize Impacts on Special-Status Natural Communities and Special-Status Plants MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities	Less Than Significant	Temporary disturbances and indirect impacts on special-status grassland plants would be reduced by Environmental Commitment EC-14: Construction Best Management Practices for Biological Resources. Even with this environmental commitment, however, the loss of grassland plants from construction and potential impacts from maintenance activities would be significant. Mitigation Measure BIO-2a: Avoid or Minimize Impacts on Special-Status Natural Communities and Special-Status Plants would reduce impacts on special-status grassland plants during project construction. Mitigation Measure BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities would reduce impacts on special-status grassland plants during project maintenance. Under Mitigation Measure CMP: Compensatory Mitigation Plan, habitat for special-status grassland plants would be created and permanently protected or mitigation credits would be acquired to compensate for project impacts and to ensure no significant loss of habitat. Therefore, the Project's impacts on special-status grassland plants would be less than significant with mitigation. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-12: Impacts of the Project on Tidal Freshwater Emergent Wetland Plants	Significant	MM CMP: Compensatory Mitigation Plan MM BIO-2a: Avoid or Minimize Impacts on Special-Status Natural Communities and Special-Status Plants MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities	Less Than Significant	Temporary disturbances and indirect impacts on special-status tidal freshwater emergent wetland plants would be reduced by Environmental Commitment EC-14: Construction Best Management Practices for Biological. Even with this environmental commitment, however, the loss of tidal freshwater emergent plants from construction and potential impacts from maintenance activities would be significant. Mitigation Measure BIO-2a: Avoid or Minimize Impacts on Special-Status Natural Communities and Special-Status Plants would reduce impacts on special-status tidal freshwater emergent wetland species during project construction. Mitigation Measure BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities would reduce impacts on tidal freshwater emergent wetland during project maintenance. Under Mitigation Measure CMP: Compensatory Mitigation Plan (Appendix 3F, Section 3F.3.2.5; Attachment 3F.1, Table 3F.1-2, CMP-2: Tidal Freshwater Emergent Wetland, and Table 3F.1-3, CMP-9: Special-Status Plants), habitat for special-status tidal freshwater emergent wetland plants would be created or acquired and permanently protected to compensate for project impacts and ensure no significant loss of special-status tidal perennial aquatic wetland habitat functions and values. Therefore, project impacts on special-status tidal freshwater emergent wetland plants would be less than significant with mitigation. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-13: Impacts of the Project on Special-Status Nontidal Perennial Aquatic Plants	Significant	MM CMP: Compensatory Mitigation Plan MM BIO-2a: Avoid or Minimize Impacts on Special-Status Natural Communities and Special-Status Plants	Less Than Significant	Temporary disturbances and indirect impacts of nontidal perennial aquatic habitat would be reduced by Environmental Commitment EC-14: Construction Best Management Practices for Biological Resources. Even with this environmental commitment, however, the loss nontidal

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA	Proposed Mitigation	Impact Conclusion After Mitigation- CEQA	Findings of Fact
		MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities		perennial aquatic plants from construction and potential impacts from maintenance activities would be significant. Mitigation Measure BIO-2a: Avoid or Minimize Impacts on Special-Status Natural Communities and Special-Status Plants would reduce impacts on special-status nontidal perennial aquatic plants during project construction. Mitigation Measure BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities would reduce impacts on special-status nontidal perennial aquatic plants during project maintenance. Under Mitigation Measure CMP: Compensatory Mitigation Plan, habitat for special-status nontidal perennial aquatic plants would be created or acquired and permanently protected to compensate for project impacts and ensure no significant loss of special-status nontidal perennial aquatic plants or their habitat functions and values. The project impacts on these special-status nontidal perennial aquatic plants would be less than significant with mitigation. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-14: Impacts of the Project on Vernal Pool Aquatic Invertebrates	Significant	MM CMP: Compensatory Mitigation Plan MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities MM BIO-14: Avoid and Minimize Impacts on Vernal Pool Aquatic Invertebrates and Critical Habitat for Vernal Pool Fairy Shrimp	Less Than Significant	The impacts on vernal pool aquatic invertebrates from the Project would be less than significant with mitigation because the measures would replace lost habitat and reduce direct effects on the species, including habitat disturbance, by avoiding and minimizing activities during construction and maintenance that could adversely affect habitat, which include establishing non-disturbance buffers around pools with construction fencing, by surveying suitable habitat for vernal pool fairy shrimp and vernal pool tadpole shrimp, and by avoiding adverse modification of critical habitat and indirect effects on vernal pool aquatic invertebrate habitat through work area redesigns, to the extent practicable. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-16: Impacts of the Project on Vernal Pool Terrestrial Invertebrates	Significant	MM CMP: Compensatory Mitigation Plan MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities MM BIO-14: Avoid and Minimize Impacts on Vernal Pool Aquatic Invertebrates and Critical Habitat for Vernal Pool Fairy Shrimp	Less Than Significant	The impacts on vernal pool terrestrial invertebrates from the Project would be less than significant with mitigation because mitigation measures would replace lost habitat and reduce direct effects on the species, including habitat disturbance, by avoiding and minimizing activities during construction and maintenance that could adversely affect habitat, which include establishing non-disturbance buffers around habitat with construction fencing, and by avoiding indirect effects on vernal pool habitat to the extent practicable. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-18: Impacts of the Project on Valley Elderberry Longhorn Beetle	Significant	MM CMP: Compensatory Mitigation Plan CMP-18a: Sandhill Crane Roosting Habitat CMP-18b: Sandhill Crane Foraging Habitat CMP-19a: Swainson's Hawk Nesting Habitat CMP-19b: Swainson's Hawk Foraging Habitat CMP-22a: Tricolored Blackbird Nesting Habitat CMP-22b: Tricolored Blackbird Breeding Foraging Habitat MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities	Less Than Significant	The impacts on valley elderberry longhorn beetle from the Project would be less than significant with mitigation because these mitigation measures would replace lost habitat and reduce direct effects on the species, including habitat disturbance, by avoiding and minimizing activities that could injure or kill valley elderberry longhorn beetle, which includes establishing non-disturbance buffers around shrubs with construction fencing, limiting trimming of shrubs to stems less likely to contain larvae (<1 inch in diameter) and during periods when trimming is less likely to affect the vigor of shrubs, and avoiding work to the extent possible during the species active season when they are in flight around shrubs and dispersing. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA	Proposed Mitigation	Impact Conclusion After Mitigation- CEQA	Findings of Fact
		MM BIO-18: Avoid and Minimize Impacts on Valley Elderberry Longhorn Beetle		
Impact BIO-20: Impacts of the Project on Curved-Foot Hygrotus Diving Beetle	Significant	MM CMP: Compensatory Mitigation Plan MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities MM BIO-14: Avoid and Minimize Impacts on Vernal Pool Aquatic Invertebrates and Critical Habitat for Vernal Pool Fairy Shrimp	Less Than Significant	The impacts on curved-foot hygrotus beetle from the Project would be less than significant with mitigation because these mitigation measures would reduce direct effects on the species, including habitat disturbance, by avoiding and minimizing activities during construction and maintenance that could adversely affect habitat, establishing non-disturbance buffers around aquatic habitat with construction fencing and by implementing protective measures during maintenance activities. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-21: Impacts of the Project on Crotch Bumble Bee	Significant	MM CMP: Compensatory Mitigation Plan MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities MM BIO-21: Avoid and Minimize Impacts on Crotch Bumble Bee	Less Than Significant	The impacts on Crotch bumble bee from the Project would be less than significant with mitigation because these mitigation measures would replace lost habitat and reduce direct effects on the species, including habitat disturbance, by identifying and avoiding potential habitat to the extent possible during maintenance and construction activities through establishing avoidance buffers, by temporarily delaying work where colonies are identified, and replanting areas of disturbed habitat with suitable foraging plants. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-22: Impacts of the Project on California Tiger Salamander	Significant	MM CMP: Compensatory Mitigation Plan MM AES-4b: Minimize Fugitive Light from Portable Sources Used for Construction MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities MM BIO-22a: Avoid and Minimize Impacts on California Tiger Salamander MM BIO-22b: Avoid and Minimize Operational Traffic Impacts on Wildlife	Less Than Significant	The impacts on California tiger salamander from the Project would be less than significant with mitigation because these mitigation measures would replace lost habitat and reduce direct effects on the species, including habitat disturbance, by designing lighting that avoids spillover into habitats and thus avoiding disrupting dispersal movements; by avoiding construction and maintenance activities in and adjacent to habitat to the extent possible; timing construction activities, installing exclusion fencing, conducting preconstruction surveys, and other protective measures to avoid and minimize the potential for injury and mortality; and by putting in place traffic control measures at DWR facilities during operations to minimize the potential for vehicle strikes. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-23: Impacts of the Project on Western Spadefoot Toad	Significant	MM CMP: Compensatory Mitigation Plan MM AES-4b: Minimize Fugitive Light from Portable Sources Used for Construction MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities MM BIO-22b: Avoid and Minimize Operational Traffic Impacts on Wildlife MM BIO-23: Avoid and Minimize Impacts on Western Spadefoot Toad	Less Than Significant	The impacts on western spadefoot toad from the Project would be less than significant with mitigation because these mitigation measures would replace lost habitat and reduce direct effects on the species, including habitat disturbance, by designing lighting that avoids spillover into habitats, thus avoiding disrupting dispersal movements; by avoiding construction and maintenance activities in and adjacent to habitat to the extent possible; timing construction activities, installing exclusion fencing, conducting preconstruction surveys, and other protective measures to avoid and minimize the potential for injury and mortality; and by putting in place traffic control measures at DWR facilities during operations to minimize the potential for vehicle strikes. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA	Proposed Mitigation	Impact Conclusion After Mitigation- CEQA	Findings of Fact
Impact BIO-24: Impacts of the Project on California Red-Legged Frog	Significant	MM CMP: Compensatory Mitigation Plan MM AES-4b: Minimize Fugitive Light from Portable Sources Used for Construction MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities MM BIO-22b: Avoid and Minimize Operational Traffic Impacts on Wildlife MM BIO-24a: Avoid and Minimize Impacts on California Red-Legged Frog and Critical Habitat MM BIO-24b: Compensate for Impacts on California Red-Legged Frog Habitat Connectivity	Less Than Significant	The impacts on California red-legged frog from the Project would be less than significant with mitigation because these mitigation measures would replace lost habitat and reduce direct effects on the species, including habitat disturbance, by designing lighting that avoids spillover into habitats and thus avoiding potential increases in predation and disrupting normal behaviors; by avoiding construction and maintenance activities in and adjacent to habitat to the extent possible; timing construction activities, installing exclusion fencing, conducting preconstruction surveys, and other protective measures to avoid and minimize the potential for injury and mortality; and by putting in place traffic control measures at DWR facilities during operations to minimize the potential for vehicle strikes. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-25: Impacts of the Project on Western Pond Turtle	Significant	MM CMP: Compensatory Mitigation Plan MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities MM BIO-22b: Avoid and Minimize Operational Traffic Impacts on Wildlife MM BIO-25: Avoid and Minimize Impacts on Western Pond Turtle MM WQ-6 Develop and Implement a Mercury Management and Monitoring Plan	Less Than Significant	The impacts on western pond turtle from the Project would be less than significant with mitigation because these mitigation measures would replace lost habitat and reduce direct effects on the species, including habitat disturbance, by avoiding construction and maintenance activities in and adjacent to habitat to the extent possible; timing construction activities, installing exclusion fencing, conducting preconstruction surveys, and other protective measures to avoid and minimize the potential for injury and mortality; and by putting in place traffic control measures at DWR facilities during operations to minimize the potential for vehicle strikes. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-26: Impacts of the Project on Coast Horned Lizard	Significant	MM CMP: Compensatory Mitigation Plan MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities MM BIO-22b: Avoid and Minimize Operational Traffic Impacts on Wildlife MM BIO-26: Avoid and Minimize Impacts on Special-Status Reptiles	Less Than Significant	The impacts on coast horned lizard from the Project would be less than significant with mitigation because these mitigation measures would replace lost habitat and reduce direct effects on the species, including habitat disturbance, by avoiding construction and maintenance activities in and adjacent to habitat to the extent possible; timing construction activities, conducting preconstruction surveys, and other protective measures to avoid and minimize the potential for injury and mortality; and by putting in place traffic control measures at DWR facilities during operations to minimize the potential for vehicle strikes. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-27: Impacts of the Project on Northern California Legless Lizard	Significant	MM CMP: Compensatory Mitigation Plan MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities MM BIO-22b: Avoid and Minimize Operational Traffic Impacts on Wildlife MM BIO-26: Avoid and Minimize Impacts on Special-Status Reptiles	Less Than Significant	The impacts on Northern California legless lizard from the Project would be less than significant with mitigation because these mitigation measures would replace lost habitat and reduce direct effects on the species, including habitat disturbance, by avoiding construction and maintenance activities in and adjacent to habitat to the extent possible; timing construction activities, installing exclusion fencing, conducting preconstruction surveys, and other protective measures to avoid and minimize the potential for injury and mortality; and by putting in place traffic control measures at DWR facilities during operations to minimize the potential for vehicle strikes. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-28: Impacts of the Project on California Glossy Snake	Significant	MM CMP: Compensatory Mitigation Plan	Less Than Significant	The impacts on California glossy snake from the Project would be less than significant with mitigation because these mitigation measures would reduce direct effects on the species,

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA	Proposed Mitigation	Impact Conclusion After Mitigation- CEQA	Findings of Fact
		MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities MM BIO-22b: Avoid and Minimize Operational Traffic Impacts on Wildlife MM BIO-26: Avoid and Minimize Impacts on Special-Status Reptiles		including habitat disturbance, by avoiding construction and maintenance activities in and adjacent to habitat to the extent possible; timing construction activities, conducting preconstruction surveys, and other protective measures to avoid and minimize the potential for injury and mortality; and by putting in place traffic control measures at DWR facilities during operations to minimize the potential for vehicle strikes. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-29: Impacts of the Project on San Joaquin Coachwhip	Significant	MM CMP: Compensatory Mitigation Plan MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities MM BIO-22b: Avoid and Minimize Operational Traffic Impacts on Wildlife MM BIO-26: Avoid and Minimize Impacts on Special-Status Reptiles	Less Than Significant	The impacts on San Joaquin coachwhip from the Project would be less than significant with mitigation because these mitigation measures would replace lost habitat with habitat potentially suitable and reduce direct effects on the species, including habitat disturbance, by avoiding construction and maintenance activities in and adjacent to habitat to the extent possible; timing construction activities, installing exclusion fencing, conducting preconstruction surveys, and other protective measures to avoid and minimize the potential for injury and mortality; and by putting in place traffic control measures at DWR facilities during operations to minimize the potential for vehicle strikes. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-30: Impacts of the Project on Giant Garter Snake	Significant	MM CMP: Compensatory Mitigation Plan MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities MM BIO-22b: Avoid and Minimize Operational Traffic Impacts on Wildlife MM BIO-30: Avoid and Minimize Impacts on Giant Garter Snake MM WQ-6 Develop and Implement a Mercury Management and Monitoring Plan	Less Than Significant	The impacts on giant garter snake from the Project would be less than significant with mitigation because these mitigation measures would replace lost habitat and reduce direct effects on the species, including habitat disturbance, by avoiding construction and maintenance activities in and adjacent to habitat to the extent possible; timing construction activities, installing exclusion fencing, conducting preconstruction surveys, and other protective measures to avoid and minimize the potential for injury and mortality; and by putting in place traffic control measures at DWR facilities during operations to minimize the potential for vehicle strikes. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-31: Impacts of the Project on Western Yellow-Billed Cuckoo	Significant	MM CMP: Compensatory Mitigation Plan MM AES-4b: Minimize Fugitive Light from Portable Sources Used for Construction MM AES-4c: Install Visual Barriers along Access Routes, Where Necessary, to Prevent Light Spill from Truck Headlights toward Residences MM NOI-1: Develop and Implement a Noise Control Plan MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities MM BIO-2c: Electrical Power Line Support Placement MM BIO-31: Avoid and Minimize Impacts on Western Yellow-Billed Cuckoo	Less Than Significant	The impacts on western yellow-billed cuckoo from the Project would be less than significant with mitigation because the mitigation measures would replace lost habitat and reduce direct effects on the species, including habitat, noise, and visual disturbances, by providing environmental awareness training to construction personnel, by implementing protective measures during maintenance activities, and species-specific avoidance measures during construction. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-32: Impacts of the Project on California Black Rail	Significant	MM CMP: Compensatory Mitigation Plan MM AES-4b: Minimize Fugitive Light from Portable Sources Used for Construction	Less Than Significant	The impacts on California black rail from the Project would be less than significant with mitigation because the mitigation measures would replace lost habitat and reduce direct effects on the species, including habitat, noise, and visual disturbances, by providing environmental

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA	Proposed Mitigation	Impact Conclusion After Mitigation- CEQA	Findings of Fact
		MM AES-4c: Install Visual Barriers along Access Routes, Where Necessary, to Prevent Light Spill from Truck Headlights toward Residences MM NOI-1: Develop and Implement a Noise Control Plan		awareness training to construction personnel, by implementing protective measures during maintenance activities, and species-specific avoidance measures during construction. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-33: Impacts of the Project on Greater Sandhill Crane and Lesser Sandhill Crane	Significant	MM CMP: Compensatory Mitigation Plan MM AES-4b: Minimize Fugitive Light from Portable Sources Used for Construction MM AES-4c: Install Visual Barriers along Access Routes, Where Necessary, to Prevent Light Spill from Truck Headlights toward Residences MM NOI-1: Develop and Implement a Noise Control Plan MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities MM BIO-2c: Electrical Power Line Support Placement MM BIO-33: Avoid and Minimize Disturbance of Sandhill Cranes	Less Than Significant	Construction, operations, and maintenance of the water conveyance facilities for the Project could result in impacts on greater sandhill crane and lesser sandhill crane through the permanent and temporary loss of known roost sites and modeled foraging habitat and the potential disruption of normal behaviors. The temporary loss of habitat and potential impacts of the disruption of normal behaviors from project construction would be reduced by Environmental Commitments EC-1: Conduct Worker Awareness Training; EC-2: Develop and Implement Hazardous Materials Management Plans; EC-3: Develop and Implement Spill Prevention, Containment, and Countermeasure Plans; EC-11: Fugitive Dust Control; and EC-14: Construction Best Management Practices for Biological Resources (Appendix 3B); however, even with these commitments, the loss of habitat from the construction of the Project, and the potential for the disruption of normal behaviors from construction, operations, and maintenance activities on greater sandhill crane and lesser sandhill crane would be significant. The CMP would be required to offset the loss of roosting and foraging habitat by creating roosting and foraging habitat and protecting agricultural foraging habitat for sandhill cranes (Appendix 3F, Attachment 3F.1, Table 3F.1-3, CMP-18a: Sandhill Crane Roosting Habitat, and CMP-18b: Sandhill Crane Foraging Habitat), which would reduce the impact associated with habitat loss to less than significant. Because the greater sandhill crane is listed as "fully protected" under the California Fish and Game Code Section 3511, activities that would result in "take" as defined by Section 86 of the Fish and Game Code (i.e., "to hunt, pursue, catch, capture, or kill, or attempt to" undertake these activities) are prohibited. The Project has been designed to avoid any activities that would result in actions considered "take" of greater sandhill crane. The Project would use existing power lines or underground conduit to the extent possible for the purpose of avoiding potential injury or direct mortality of the greater sandhill crane and all new aboveground lines would be located outside of the roost sites or foraging habitat for greater sandhill crane. Mitigation Measure BIO-2c: Electrical Power Line Support Placement, which requires that project lines installed on existing poles or towers be placed in the same vertical prism as existing lines where feasible, as determined by project engineers in coordination with utility providers, and that all project lines within 3 miles of greater sandhill crane roost sites be fitted with bird flight diverters that are visible under all conditions and based on APLIC or more current guidance (Avian Power Line Interaction Committee 2006, 2012), would minimize any additional potential collisions of greater or lesser sandhill cranes from the Project. Mitigation Measures NOI-1: Develop and Implement a Noise Control Plan (Chapter 24); BIO-2b: Avoid and Minimize Impacts on Biological Resources from Maintenance Activities; AES-4b: Minimize Fugitive Light from Portable Sources Used for Construction; AES-4c: Install Visual Barriers along Access Routes, Where Necessary, to Prevent Light Spill from Truck Headlights toward Residences (Chapter 18); and BIO-33: Avoid and Minimize Disturbance of Sandhill Cranes would mitigate the impacts on greater sandhill crane and lesser sandhill crane to a less-than-significant level. Therefore, the project impacts on greater sandhill crane and lesser sandhill crane would be less than significant with mitigation because these measures would reduce direct impacts on these species and compensate for lost habitat. Mitigation measures would reduce direct impacts in the following ways: (1) implementing protective measures during maintenance activities, which would include assessing work areas for habitat and conducting surveys where appropriate and delaying maintenance activities (either by season or time of day); (2) designing lighting that avoids spillover into habitat; (3) reducing noise impacts through time-of-day restrictions on construction and noise-attenuating measures where feasible, as determined by the contractor;

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA	Proposed Mitigation	Impact Conclusion After Mitigation- CEQA	Findings of Fact
				and (4) avoiding and minimizing disturbance of roosting and foraging cranes by conducting surveys and work outside of the winter crane season (September 15 through March 15). Mitigation measures would also establish roosting and foraging habitat to compensate for disturbance and displacement of sandhill cranes during construction. The feasibility of mitigation measures will be determined by the contractor in coordination with a qualified wildlife biologist. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-34: Impacts of the Project on California Least Tern	Significant	MM CMP: Compensatory Mitigation Plan MM AES-4b: Minimize Fugitive Light from Portable Sources Used for Construction MM AES-4c: Install Visual Barriers along Access Routes, Where Necessary, to Prevent Light Spill from Truck Headlights toward Residences MM NOI-1: Develop and Implement a Noise Control Plan MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities MM BIO-2c: Electrical Power Line Support Placement MM BIO-34: Avoid California Least Tern Nesting Colonies and Minimize Indirect Effects on Colonies	Less Than Significant	The impacts on California least tern from the Project would be less than significant with mitigation because the mitigation measures would reduce direct effects on the species, including habitat, noise, and visual disturbances, by providing environmental awareness training to construction personnel, by implementing protective measures during maintenance activities, and species-specific avoidance measures for the species during construction. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-35: Impacts of the Project on Cormorants, Herons, and Egrets	Significant	MM CMP: Compensatory Mitigation Plan MM AES-4b: Minimize Fugitive Light from Portable Sources Used for Construction MM AES-4c: Install Visual Barriers along Access Routes, Where Necessary, to Prevent Light Spill from Truck Headlights toward Residences MM NOI-1: Develop and Implement a Noise Control Plan MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities MM BIO-2c: Electrical Power Line Support Placement MM BIO-35: Avoid and Minimize Impacts on Cormorant, Heron, and Egret Rookeries	Less Than Significant	The impacts on cormorants, herons, and egrets from the Project would be less than significant with mitigation because the mitigation measures would replace lost habitat, reduce direct effects on the species, including habitat, noise, and visual disturbances, by providing environmental awareness training to construction personnel, by implementing protective measures during maintenance activities, and avoidance measures for cormorant, heron, or egret rookeries during construction. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-36: Impacts of the Project on Osprey, White-Tailed Kite, Cooper's Hawk, and Other Nesting Raptors	Significant	MM CMP: Compensatory Mitigation Plan MM AES-4b: Minimize Fugitive Light from Portable Sources Used for Construction MM AES-4c: Install Visual Barriers along Access Routes, Where Necessary, to Prevent Light Spill from Truck Headlights toward Residences MM NOI-1: Develop and Implement a Noise Control Plan MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities MM BIO-2c: Electrical Power Line Support Placement MM BIO-36a: Conduct Nesting Surveys for Special-Status and Non–Special-Status Birds and Raptors and	Less Than Significant	The impacts on special-status and non–special-status raptors from the Project would be less than significant with mitigation because the mitigation measures would replace lost habitat, reduce direct effects on the species, including habitat, noise, and visual disturbances, by providing environmental awareness training to construction personnel, by implementing protective measures during maintenance activities, and avoidance measures for raptors during construction. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA	Proposed Mitigation	Impact Conclusion After Mitigation- CEQA	Findings of Fact
		Implement Protective Measures to Avoid Disturbance of Nesting Birds and Raptors MM BIO-36b: Conduct Preconstruction Surveys and Implement Protective Measures to Avoid Disturbance of White-Tailed Kite		
Impact BIO-37: Impacts of the Project on Golden Eagle and Ferruginous Hawk	Significant	MM CMP: Compensatory Mitigation Plan MM AES-4b: Minimize Fugitive Light from Portable Sources Used for Construction MM AES-4c: Install Visual Barriers along Access Routes, Where Necessary, to Prevent Light Spill from Truck Headlights toward Residences MM NOI-1: Develop and Implement a Noise Control Plan MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities MM BIO-2c: Electrical Power Line Support Placement MM BIO-37: Conduct Surveys for Golden Eagle and Avoid Disturbance of Occupied Nests	Less Than Significant	The impacts on ferruginous hawk and golden eagle from the Project would be less than significant with mitigation because the mitigation measures would replace lost habitat, reduce direct effects on the species, including habitat, noise, and visual disturbances, by providing environmental awareness training to construction personnel, by implementing protective measures during maintenance activities, and avoidance measures to avoid take of golden eagles, as defined by Section 86 of the California Fish and Game Code during construction. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-38: Impacts of the Project on Ground-Nesting Grassland Birds	Significant	MM CMP: Compensatory Mitigation Plan MM AES-4b: Minimize Fugitive Light from Portable Sources Used for Construction MM AES-4c: Install Visual Barriers along Access Routes, Where Necessary, to Prevent Light Spill from Truck Headlights toward Residences MM NOI-1: Develop and Implement a Noise Control Plan MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities MM BIO-2c: Electrical Power Line Support Placement MM BIO-36a: Conduct Nesting Surveys for Special-Status and Non–Special-Status Birds and Raptors and Implement Protective Measures to Avoid Disturbance of Nesting Birds and Raptors	Less Than Significant	The impacts on northern harrier, short-eared owl, California horned lark, and grasshopper sparrow from the Project would be less than significant with mitigation because the mitigation measures would reduce direct effects on the species, including habitat, noise, and visual disturbances, by providing environmental awareness training to construction personnel, by implementing protective measures during maintenance activities, and avoidance measures for nesting birds during construction. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-39: Impacts of the Project on Swainson's Hawk	Significant	MM CMP: Compensatory Mitigation Plan MM AES-4b: Minimize Fugitive Light from Portable Sources Used for Construction MM AES-4c: Install Visual Barriers along Access Routes, Where Necessary, to Prevent Light Spill from Truck Headlights toward Residences MM NOI-1: Develop and Implement a Noise Control Plan MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities MM BIO-2c: Electrical Power Line Support Placement MM BIO-39: Conduct Preconstruction Surveys and Implement Protective Measures to Minimize Disturbance of Swainson's Hawk	Less Than Significant	The impacts on Swainson's hawk from the Project would be less than significant with mitigation because the mitigation measure would replace lost habitat, reduce direct effects on the species, including habitat, noise, and visual disturbances, by providing environmental awareness training to construction personnel, by implementing protective measures during maintenance activities, and avoidance measures for nesting Swainson's hawk during construction. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA	Proposed Mitigation	Impact Conclusion After Mitigation- CEQA	Findings of Fact
Impact BIO-40: Impacts of the Project on Burrowing Owl	Significant	MM CMP: Compensatory Mitigation Plan MM AES-4b: Minimize Fugitive Light from Portable Sources Used for Construction MM AES-4c: Install Visual Barriers along Access Routes, Where Necessary, to Prevent Light Spill from Truck Headlights toward Residences MM NOI-1: Develop and Implement a Noise Control Plan MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities MM BIO-2c: Electrical Power Line Support Placement MM BIO-22b: Avoid and Minimize Operational Traffic Impacts on Wildlife MM BIO-40: Conduct Surveys and Minimize Impacts on Burrowing Owl	Less Than Significant	The impacts on burrowing owl from the Project would be less than significant with mitigation because the mitigation measures would reduce direct effects on the species, including habitat, noise, and visual disturbances, by providing environmental awareness training to construction personnel, by implementing protective measures during maintenance activities, and avoidance measures for burrowing owl during construction. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-41: Impacts of the Project on Other Nesting Special-Status and Non–Special-Status Birds	Significant	MM CMP: Compensatory Mitigation Plan MM AES-4b: Minimize Fugitive Light from Portable Sources Used for Construction MM AES-4c: Install Visual Barriers along Access Routes, Where Necessary, to Prevent Light Spill from Truck Headlights toward Residences MM NOI-1: Develop and Implement a Noise Control Plan MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities MM BIO-2c: Electrical Power Line Support Placement MM BIO-36a: Conduct Nesting Surveys for Special-Status and Non–Special-Status Birds and Raptors and Implement Protective Measures to Avoid Disturbance of Nesting Birds and Raptors	Less Than Significant	The impacts on special-status and non–special-status bird species from the Project would be less than significant with mitigation because the mitigation measures would replace lost habitat, reduce direct effects on these species, including habitat, noise, and visual disturbances, by providing environmental awareness training to construction personnel, by implementing protective measures during maintenance activities, and avoidance measures for nesting birds during construction. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-42: Impacts of the Project on Least Bell's Vireo	Significant	MM CMP: Compensatory Mitigation Plan MM AES-4b: Minimize Fugitive Light from Portable Sources Used for Construction MM AES-4c: Install Visual Barriers along Access Routes, Where Necessary, to Prevent Light Spill from Truck Headlights toward Residences MM NOI-1: Develop and Implement a Noise Control Plan MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities MM BIO-2c: Electrical Power Line Support Placement MM BIO-42: Conduct Surveys and Minimize Impacts on Least Bell's Vireo	Less Than Significant	The impacts on least Bell's vireo from the Project would be less than significant with mitigation because the mitigation measures would replace lost habitat and reduce direct effects on the species, including habitat, noise, and visual disturbances, by providing environmental awareness training to construction personnel, by implementing protective measures during maintenance activities, and avoidance measures for least Bell's vireo during construction. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-44: Impacts of the Project on Tricolored Blackbird	Significant	MM CMP: Compensatory Mitigation Plan MM AES-4b: Minimize Fugitive Light from Portable Sources Used for Construction	Less Than Significant	The impacts on tricolored blackbird from the Project would be less than significant with mitigation because the mitigation measures would replace lost habitat, reduce direct effects on the species, including habitat, noise, and visual disturbances, by providing environmental awareness training to construction personnel, by implementing protective measures during maintenance activities, and avoidance measures for tricolored blackbird during construction.

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA	Proposed Mitigation	Impact Conclusion After Mitigation- CEQA	Findings of Fact
		MM AES-4c: Install Visual Barriers along Access Routes, Where Necessary, to Prevent Light Spill from Truck Headlights toward Residences MM NOI-1: Develop and Implement a Noise Control Plan MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities MM BIO-2c: Electrical Power Line Support Placement MM BIO-44: Conduct Preconstruction Surveys and Implement Protective Measures to Avoid Disturbance of Tricolored Blackbird		Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-45: Impacts of the Project on Bats	Significant	MM CMP: Compensatory Mitigation Plan MM AES-4b: Minimize Fugitive Light from Portable Sources Used for Construction MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities MM BIO-45a: Compensate for the Loss of Bat Roosting Habitat on Bridges and Overpasses MM BIO-45b: Avoid and Minimize Impacts on Roosting Bats	Less Than Significant	The impacts on bats from the Project would be less than significant with mitigation because these measures would replace lost habitat and reduce direct effects on the species (including habitat modification) by (1) implementing protective measures during maintenance activities, which would include assessing work areas for habitat and conducting surveys for bats where appropriate and delaying maintenance activities where possible; (2) designing lighting that avoids spillover into habitats and choosing light sources less disruptive to wildlife and thus avoiding disrupting roost sites and foraging activity; and (3) prior to and during construction, identifying occupied roosts and implementing construction activities such that the avoid disrupting roosts, in particular maternal roosts, and establishing protective buffers around roosts. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-46: Impacts of the Project on San Joaquin Kit Fox	Significant	MM CMP: Compensatory Mitigation Plan MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities MM BIO-22b: Avoid and Minimize Operational Traffic Impacts on Wildlife MM BIO-46: Conduct Preconstruction Survey for San Joaquin Kit Fox and Implement Avoidance and Minimization Measures	Less Than Significant	The impacts on San Joaquin kit fox from the Project would be less than significant with mitigation because the mitigation measures would reduce direct effects on the species by (1) implementing protective measures during maintenance activities, which would include conducting den surveys where appropriate and avoiding certain activities where possible, and (2) implementing traffic controls on facility access roads during operations, which would minimize the potential for vehicle strikes if San Joaquin kit fox is present in these areas. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-47: Impacts of the Project on American Badger	Significant	MM CMP: Compensatory Mitigation Plan MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities MM BIO-22b: Avoid and Minimize Operational Traffic Impacts on Wildlife MM BIO-47: Conduct Preconstruction Survey for American Badger and Implement Avoidance and Minimization Measures	Less Than Significant	The impacts on American badger from the Project would be less than significant with mitigation because the mitigation measures would replace lost habitat and reduce direct effects on the species, including habitat disturbance, by (1) implementing protective measures during maintenance activities, which would include assessing work areas for habitat and conducting dens surveys where appropriate and avoiding certain activities where possible, (2) implementing traffic controls on facility access roads during operations, which would minimize the potential for vehicle strikes, and (3) implementing avoidance measures for active dens during construction. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-48: Impacts of the Project on San Joaquin Pocket Mouse	Significant	MM CMP: Compensatory Mitigation Plan	Less Than Significant	The impacts on San Joaquin pocket mouse from the Project would be less than significant with mitigation because these measures would replace lost habitat and reduce direct effects on the species, including habitat disturbance, by implementing protective measures during

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA	Proposed Mitigation	Impact Conclusion After Mitigation- CEQA	Findings of Fact
		MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities MM BIO-22b: Avoid and Minimize Operational Traffic Impacts on Wildlife		maintenance activities, which would include assessing work areas for potential habitat, and by implementing traffic controls on facility access roads during operations, which would minimize the potential for vehicle strikes. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-51: Substantial Adverse Effect on State- or Federally Protected Wetlands and Other Waters through Direct Removal, Filling, Hydrological Interruption, or Other Means	Significant	MM CMP: Compensatory Mitigation Plan MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities	Less Than Significant	The impact of discharge of fill into aquatic resources would be reduced to less than significant because the mitigation measures would avoid a net loss in aquatic resources and avoid and minimize periodic, temporary discharges of fill material into aquatic resources by assessing maintenance work areas for aquatic resources, establishing non-disturbance buffers around aquatic resources, training maintenance staff on the need to avoid the discharge of fill material into aquatic resources, and having a biological monitor present, where applicable. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-53: Interfere Substantially with the Movement of Any Native Resident or Migratory Fish or Wildlife Species or with Established Native Resident or Migratory Wildlife Corridors, or Impede the Use of Native Wildlife Nursery Sites	Significant	MM CMP: Compensatory Mitigation Plan MM AES-4b: Minimize Fugitive Light from Portable Sources Used for Construction MM AES-4c: Install Visual Barriers along Access Routes, Where Necessary, to Prevent Light Spill from Truck Headlights toward Residences MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities MM BIO-22b: Avoid and Minimize Operational Traffic Impacts on Wildlife MM BIO-53: Avoid and Minimize Impacts on Terrestrial Wildlife Connectivity and Movement	Less Than Significant	The impacts on wildlife connectivity resources, habitat connectivity, and wildlife movement from the Project would be less than significant with mitigation because the mitigation measures would compensate for impacts on wildlife habitat and avoid and minimize habitat and species impacts that potentially could disrupt species movement and habitat selection, habitat access, and wildlife behavior, resulting in impacts on wildlife connectivity. These measures would avoid and minimize habitat and species impacts that could cause potential for injury, mortality, disruption of normal behaviors and disturbances to habitat that potentially may disrupt species movement, habitat selection, habitat access, and wildlife behavior, resulting in impacts on wildlife connectivity, by training construction staff on protecting habitat and species, reporting requirements, and the ramifications for not following these measures; implementing spill prevention and containment plans that would avoid material spills that could affect habitat and wildlife; preventing erosion and sedimentation of habitats and stormwater pollution, which may affect habitat and wildlife; preventing dust emissions that may impact habitat and wildlife; implementing construction BMPs and having a biological monitor present to ensure that non disturbance buffers and associated construction fencing are intact and all other protective measures are being implemented where applicable to protect habitat and wildlife; reducing fugitive light and lighting impacts that may disrupt nocturnal wildlife behavior and habitat selection; implementing environmental review and avoidance of habitat and wildlife impacts during maintenance activities; limiting vehicle speeds and implementing traffic control measures on DWR roads during operations to reduce species movement disruptions and vehicle-related mortality; and ensuring that the project prevents impacts on and facilitates habitat connectivity and safe wildlife movement. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-54: Conflict with the Provisions of an Adopted Habitat Conservation Plan, Natural Community Conservation Plan, or Other Approved Local, Regional, or State Habitat Conservation Plan	Significant	MM CMP: Compensatory Mitigation Plan MM BIO-2a: Avoid or Minimize Impacts on Special-Status Natural Communities and Special-Status Plants MM BIO-14: Avoid and Minimize Impacts on Vernal Pool Aquatic Invertebrates and Critical Habitat for Vernal Pool Fairy Shrimp MM BIO-18: Avoid and	Less Than Significant	Because the Project would only remove a small proportion of available lands for conservation, and thus not obstruct the plans' conservation goals, and with the mitigation measures to avoid and minimize impacts on covered species and habitats, the impact on an adopted HCP, NCCP, or other approved local, regional, or state habitat conservation plan would be less than significant with mitigation.

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA	Proposed Mitigation	Impact Conclusion After Mitigation- CEQA	Findings of Fact
		Minimize Impacts on Valley Elderberry Longhorn Beetle MM BIO-22a: Avoid and Minimize Impacts on California Tiger Salamander MM BIO-24a: Avoid and Minimize Impacts on California Red-Legged Frog and Critical Habitat MM BIO-25: Avoid and Minimize Impacts on Western Pond Turtle MM BIO-26: Avoid and Minimize Impacts on Special-Status Reptiles MM BIO-30: Avoid and Minimize Impacts on Giant Garter Snake MM BIO-31: Avoid and Minimize Impacts on Western Yellow-Billed Cuckoo MM BIO-32: Conduct Preconstruction Surveys and Implement Protective Measures to Avoid Disturbance of California Black Rail MM BIO-33: Minimize Disturbance of Sandhill Cranes MM BIO-35: Avoid and Minimize Impacts on Cormorant, Heron, and Egret Rookeries MM BIO-36a: Conduct Nesting Surveys for Special-Status and Non–Special-Status Birds and Implement Protective Measures to Avoid Disturbance of Nesting Birds and Raptors MM BIO-36b: Conduct Preconstruction Surveys and Implement Protective Measures to Avoid Disturbance of White-Tailed Kite MM BIO-39: Conduct Preconstruction Surveys and Implement Protective Measures to Minimize Disturbance of Swainson's Hawk MM BIO-40: Conduct Surveys and Minimize Impacts on Burrowing Owl MM BIO-44: Conduct Preconstruction Surveys and Implement Protective Measures to Avoid Disturbance of Tricolored Blackbird MM BIO-47: Conduct Preconstruction Survey for American Badger and Implement Avoidance and Minimization Measures MM AG-1: Preserve Agricultural Land		Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-55: Conflict with Any Local Policies or Ordinances Protecting Biological Resources, Such as a Tree Preservation Policy or Ordinance	Significant	MM CMP: Compensatory Mitigation Plan	Less Than Significant	The temporary loss of habitats from project construction would be reduced by Environmental Commitments EC-1: Conduct Worker Awareness Training; EC-2: Develop and Implement Hazardous Materials Management Plans; EC-3: Develop and Implement Spill Prevention, Containment, and Countermeasure Plans; and EC-14: Construction Best Management Practices for Biological Resources (Appendix 3B). Even with these commitments, however, the permanent loss of habitat from the construction of the alternatives would be significant. The CMP would be required to offset the loss of wetlands, riparian, and habitat for special-status species (Appendix 3F), which would reduce impacts on these resources and thus the conflicts with local policies and ordinances to less than significant. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact BIO-56: Substantial Adverse Effects on Fish and Wildlife Resources	Significant	MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities	Less Than Significant	The impacts on rivers, streams, and lakes, and associated communities, subject to the notification requirements of California Fish and Game Code 1600 et seq. would be less than

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA	Proposed Mitigation	Impact Conclusion After Mitigation- CEQA	Findings of Fact
Regulated under California Fish and Game Code Section 1600 et seq		MM AQUA-1a: Develop and Implement an Underwater Sound Control and Abatement Plan MM AQUA-1b: Develop and Implement a Barge Operations Plan MM AQUA-1c: Develop and Implement a Fish Rescue and Salvage Plan MM BIO-2a: Avoid or Minimize Impacts on Special-Status Natural Communities and Special-Status Plants MM BIO-2b: Avoid and Minimize Impacts on Terrestrial Biological Resources from Maintenance Activities MM BIO-18: Avoid and Minimize Impacts on Valley Elderberry Longhorn Beetle MM BIO-22a: Avoid and Minimize Impacts on California Tiger Salamander MM BIO-24a: Avoid and Minimize Impacts on California Red-Legged Frog and Critical Habitat MM BIO-25: Avoid and Minimize Impacts on Western Pond Turtle MM BIO-26: Avoid and Minimize Impacts on Special-Status Reptiles MM BIO-30: Avoid and Minimize Impacts on Giant Garter Snake MM BIO-31: Avoid and Minimize Impacts on Western Yellow-Billed Cuckoo MM BIO-32: Conduct Preconstruction Surveys and Implement Protective Measures to Avoid Disturbance of California Black Rail MM BIO-33: Minimize Disturbance of Sandhill Cranes MM BIO-35: Avoid and Minimize Impacts on Cormorant, Heron, and Egret Rookeries MM BIO-36a: Conduct Nesting Surveys for Special-Status and Non–Special-Status Birds and Implement Protective Measures to Avoid Disturbance of Nesting Birds and Raptors MM BIO-36b: Conduct Preconstruction Surveys and Implement Protective Measures to Avoid Disturbance of White-Tailed Kite MM BIO-39: Conduct Preconstruction Surveys and Implement Protective Measures to Minimize Disturbance of Swainson's Hawk MM BIO-40: Conduct Surveys and Minimize Impacts on Burrowing Owl MM BIO-44: Conduct Preconstruction Surveys and Implement Protective Measures to Avoid Disturbance of Tricolored Blackbird MM BIO-45b: Avoid and Minimize Impacts on Roosting Bats MM BIO-46: Conduct Preconstruction Survey for San Joaquin Kit Fox and Implement Avoidance and Minimization Measures MM BIO-47: Conduct Preconstruction Survey for American Badger and Implement Avoidance and Minimization Measures		significant because the mitigation measures would provide for compensatory mitigation to offset impacts on habitat that support fish and wildlife species, including rare plants, and would require steps to avoid and minimize effects on these species by establishing work windows to minimize the level of construction activities during sensitive time periods (e.g., migration, nesting), by establishing non-disturbance buffers to protect sensitive resources, by conducting preconstruction surveys to avoid occupied areas to the extent practicable, and by having biological monitors present to ensure measures are implemented and that direct effects on species are avoided and minimized. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Agricultural Resources				

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA	Proposed Mitigation	Impact Conclusion After Mitigation- CEQA	Findings of Fact
Impact AG-3: Other Impacts on Agriculture as a Result of Constructing and Operating the Water Conveyance Facilities Prompting Conversion of Prime Farmland, Unique Farmland, Farmland of Local Importance, or Farmland of Statewide Importance	Significant	MM AG-3: Replacement or Relocation of Affected Infrastructure Supporting Agricultural Properties MM GW-1: Maintain Groundwater Supplies in Affected Areas	Less than Significant	Construction and operation of the Project's water conveyance facilities could indirectly affect agriculture within the study area through changes in groundwater elevation in localized areas affecting crop yields, disruption of agricultural infrastructure such as irrigation and drainage facilities, and operation-related changes in salinity affecting the water quality of irrigation water applied to crops. The potential for impacts resulting from changes in groundwater elevations during construction and operation would be minimized by design elements such placement of seepage cutoff wall placements around the north Delta intakes where such issues are most likely to arise. Implementation of these design elements to prevent changes in groundwater elevations that may affect neighboring properties, including farmland, would be tracked through groundwater monitoring programs. Furthermore, with Mitigation Measure GW-1: Maintain Groundwater Supplies in Affected Areas, identified in Chapter 8, the effects of temporary dewatering associated with the project are not anticipated to adversely disrupt agricultural operations in the vicinity of the intake sites that would result in conversion of Important Farmland to nonagricultural use. DWR considered how construction work for the project could affect local infrastructure supporting agricultural properties, including drainage and irrigation facilities. Such disruptions could result in the areas serviced by this infrastructure being fallowed. During project planning, known infrastructure used to serve agricultural properties were avoided to the greatest extent possible; however, the presence of additional infrastructure (e.g., buried pipelines that are not visible on aerial imagery and not identified in publicly available maps) may be revealed during future site level investigations. Although these disruptions may last only for the duration of project construction activity at a particular work area, such disruptions may persist for 7 to 15 years, depending on the facility being constructed. The effect would be permanent if the disruption to the infrastructure remains after construction is complete. This impact would be potentially significant. Mitigation Measure AG-3: Replacement or Relocation of Affected Infrastructure Supporting Agricultural Properties would require that any agricultural infrastructure that is disrupted by construction activities would be relocated or replaced to support continued agricultural activities; otherwise, the affected landowner would be fully compensated for any financial losses resulting from the disruption. Furthermore, as required under Mitigation Measure BIO-2c: Electrical Power Line Support Placement, the installation of power transition and distribution lines and necessary appurtenances within agricultural areas would require that DWR incorporate BMPs, where feasible, to minimize crop damage, reduce agricultural land impacts, and reduce the potential for interference with farm machinery. The impact would be less than significant with mitigation. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Aesthetics and Visual Resources				
Impact AES-4: Create New Sources of Substantial Light or Glare That Would Adversely Affect Daytime or Nighttime Views of the Construction Areas or Permanent Facilities	Significant	MM AES-1b: Apply Aesthetic Design Treatments to Project Structures MM AES-1c: Implement Best Management Practices in Project Landscaping Plan MM AES-4a: Limit Construction Outside of Daylight Hours within 0.25 Mile of Residents at the Intakes MM AES-4b: Minimize Fugitive Light from Portable Sources Used for Construction	Less Than Significant	Once construction is completed and the project is in operation, the Project facilities would use limited nighttime lighting. Sources of glare would be blocked by levees, reduced by distance, or fleeting to motorists. Any building materials that would have potential to reflect glare would have a matte or nonreflective finish that would reduce or inhibit glare. Therefore, permanent, postconstruction impacts of light and glare attributable to the project would be less than significant.

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA	Proposed Mitigation	Impact Conclusion After Mitigation- CEQA	Findings of Fact
		MM AES-4c: Install Visual Barriers along Access Routes, Where Necessary, to Prevent Light Spill from Truck Headlights toward Residences		Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Transportation				
Impact TRANS-3: Substantially Increase Hazards from a Geometric Design Feature (e.g., Sharp Curves or Dangerous Intersections) or Incompatible Uses (e.g., Farm Equipment)[1]	Significant	MM TRANS-1: Implement Site-Specific Construction Transportation Demand Management Plan and Transportation Management Plan	Less Than Significant	Construction of the Project would increase the amount of traffic generated by construction employees using the road system in the study area. This increase in traffic from construction workers and other construction materials delivery traffic could create the potential for traffic safety hazards related to increasing the number of trucks and construction equipment operating with commuters, farming operations, and recreational users in areas adjacent to construction sites. Even with the circulation system improvements and park-and-ride lots, the amount of additional construction-related traffic on Delta roadways and the duration of construction activities at conveyance facility sites would increase the potential for traffic safety hazards as a result of conflicts between construction and vehicle traffic. This impact is considered significant because of the potential for construction traffic hazards at multiple construction sites, road improvement locations, and bridges. The traffic management plan (TMP) actions in Mitigation Measure TRANS-1: Implement Site-Specific Construction Transportation Demand Management Plan and Transportation Management Plan combined with the circulation system improvements provided as part of the Project would reduce this impact to a less-than-significant level by providing specific actions and coordination with local agencies to reduce potential safety conditions at identified locations. (Final EIR, pp. 20-59 (line 37) to 20-60 (line 10).) Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation. (Final EIR, p. 20-60 (lines 5-10).)
Impact TRANS-4: Result in Inadequate Emergency Access	Significant	MM TRANS-1: Implement Site-Specific Construction Transportation Demand Management Plan and Transportation Management Plan	Less Than Significant	Construction of the Project would increase the potential for emergency access conflicts in the vicinity of construction sites at multiple locations and would increase the potential for emergency vehicle delays on roadways used to access construction sites or in the vicinity of proposed roadway improvements. Even with the roadway and access road improvements incorporated into the Project, this potential is considered to be a significant impact because (1) a substantial increase in the volume of additional construction-related vehicle trips would occur on the regional transportation system and on Delta roadways during the construction period, and (2) up to 18 access points have the potential to experience emergency vehicle access delay due to ingress and egress of construction vehicles and roadway and bridge construction for the Project. The traffic management plan (TMP) actions in Mitigation Measure TRANS-1: Implement Site-Specific Construction Transportation Demand Management Plan and Transportation Management Plan would reduce this impact to a less-than-significant level by providing specific actions and coordination with emergency responders at construction sites to maintain adequate emergency access in the vicinity of construction sites. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Air Quality and Greenhouse Gases				
Impact AQ-1: Result in Impacts on Regional Air Quality within the	Significant	MM AQ-1: Offset Construction-Generated Criteria Pollutants in the Sacramento Valley Air Basin	Less Than Significant	Impacts associated with fugitive dust emissions would be minimized through a dust control plan (Environmental Commitment EC-11: Fugitive Dust Control) and BMPs at new concrete batch plants (Environmental Commitment EC-12: On-Site Concrete Batching Plants). Exhaust-

[1] The corrections identified above summarize and restate the determinations and conclusions as articulated in the Final EIR, and as incorporated by reference into the DCP CEQA Findings adopted by DWR on December 21, 2023, for Impact Trans-3 and Rec-2. This has been updated on March 21, 2024, per the Errata to the CEQA Findings of Fact for the Delta Conveyance Project.

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA	Proposed Mitigation	Impact Conclusion After Mitigation- CEQA	Findings of Fact
Sacramento Metropolitan Air Quality Management District				related pollutants would be reduced through use of zero-emissions equipment and vehicles (where feasible), renewable diesel, Tier 4 diesel engines, newer on-road and marine engines, and other BMPs, as required by Environmental Commitments EC-7: Off-Road Heavy-Duty Engines through EC-10: Marine Vessels and EC-13: DWR Best Management Practices to Reduce GHG Emissions. These environmental commitments would minimize air quality impacts through application of on-site controls to reduce construction emissions; however, even with these commitments, exceedances of SMAQMD's thresholds would occur, and the project would contribute a significant level of regional NOX and particulate matter pollution within the SVAB. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact AQ-2: Result in Impacts on Regional Air Quality within the San Joaquin Valley Air Pollution Control District	Significant	MM AQ-2: Offset Construction-Generated Criteria Pollutants in the San Joaquin Valley Air Basin	Less Than Significant	Based on the performance of current incentive programs and reasonably foreseeable future growth, SJVAPCD has confirmed that enough emissions reduction credits would be available to offset emissions generated by the project for all years in excess of SJVAPCD's thresholds (McLaughlin pers. comm.). Because SJVAPCD's thresholds were established to prevent emissions from new projects in the SJVAB from contributing to CAAQS or NAAQS violations, mitigating emissions below the threshold levels would avoid potential conflicts with the ambient air quality plans and ensure that project construction would not contribute a significant level of air pollution such that regional air quality within the SJVAB would be degraded. Accordingly, the impact would be less than significant with mitigation. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact AQ-3: Result in Impacts on Regional Air Quality within the Bay Area Air Quality Management District	Significant	MM AQ-3: Offset Construction-Generated Criteria Pollutants in the San Francisco Bay Area Air Basin	Less Than Significant	Based on the performance of current incentive programs and reasonably foreseeable future growth, BAAQMD has confirmed that Mitigation Measure AQ-3: Offset Construction-Generated Criteria Pollutants in the San Francisco Bay Area Air Basin is technically feasible (Kirk pers. comm.). Because BAAQMD's thresholds were established to prevent emissions from new projects in the SFBAAB from contributing to CAAQS or NAAQS violations, mitigating emissions below the threshold levels would avoid potential conflicts with the ambient air quality plans and ensure that project construction would not contribute a significant level of air pollution such that regional air quality within the SFBAAB would be degraded. Accordingly, the impact would be less than significant with mitigation. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact AQ-9: Result in Impacts on Global Climate Change from Construction and O&M	Significant	MM AQ-9: Develop and Implement a GHG Reduction Plan to Reduce GHG Emissions from Construction and Net CVP Operational Pumping to Net Zero	Less Than Significant	The CEQA Guidelines generally offer two paths to evaluating GHG emissions impacts in CEQA documents: • Projects can tier off a plan or similar document for the reduction of GHG emissions (as defined in CEQA Guidelines § 15183.5(b)) where the plan addresses GHG emissions for a range of project types within a geographic area. • Projects can evaluate and determine significance by calculating GHG emissions and assessing their significance using a performance standard (CEQA Guidelines § 15064.4). As discussed in Section 23.3.2, Thresholds of Significance, this analysis uses both evaluation pathways to appropriately consider the planning and regulatory frameworks most applicable to the project's emissions sources.

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA	Proposed Mitigation	Impact Conclusion After Mitigation- CEQA	Findings of Fact
				O&M and SWP pumping activities are covered by DWR's Update 2020, which was prepared by DWR to provide a departmental strategy for meeting the State's 2030 and 2045 emissions reduction goals articulated in SB 32 and EO B-55-18 (and subsequently, AB 1279), respectively. Update 2020 is a plan for the reduction of GHG emissions and as such, GHG emissions from project O&M and SWP pumping activities are eligible to tier from the environmental document (California Department of Water Resources 2020b) for Update 2020 to evaluate project-level significance. Construction of the Project is not covered by DWR's Update 2020 and, therefore, is not eligible for tiering to evaluate whether project-level GHG emissions would result in a significant impact under CEQA. Accordingly, this analysis evaluates the significance of GHG emissions resulting from construction and displaced purchases of CVP electricity against a net zero threshold. As discussed in Section 23.3.2, Thresholds of Significance, a net zero threshold was selected by DWR given the project's long-term implementation timeframe and in recognition of scientific evidence that concludes carbon neutrality must be achieved by mid-century to avoid the most severe climate change impacts. While by different mechanisms, both pathways assess the Project against the larger threshold of carbon neutrality by 2045 (or earlier), as discussed below, which is consistent with the State's long-term climate change goal and emissions reduction trajectory (AB 1279 and EO B-55-18). The Project would not affect DWR's established emissions reduction goals or baseline (1990) emissions and therefore would not result in a change in total DWR emissions that would be considered significant. The Project would not conflict with any of DWR's specific action GHG emissions reduction measures and implements all applicable project-level GHG emissions reduction measures as set forth in Update 2020. The Project is, therefore, consistent with the analysis performed in Update 2020. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact AQ-10: Result in Impacts on Global Climate Change from Land Use Change	Significant	MM CMP: Compensatory Mitigation Plan	Less Than Significant	The impact would be less than significant under CEQA for the Project because cumulative emissions from land use change are projected to decrease relative to baseline by 2070. Initial construction activities would result in GHG increases early in project implementation. The Project would achieve a yearly net negative emissions rate approximately 4 to 6 years after groundbreaking, and a cumulative net negative GHG impact 15 to 28 years later. As shown in Table 23-76, cumulative net reductions projected through 2070 are estimated to range from 16,235 to 30,150 metric tons CO2e for the Project. Because cumulative GHG emissions from land use change would not exceed net zero, the project would not result in a significant impact on GHG emissions or impede DWR's or the state's ability to achieve their GHG reduction goals. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Hazards, Hazardous Materials, and Wildfire				
Impact HAZ-2: Create a Significant Hazard to the Public or the Environment through Reasonably Foreseeable Upset and Accident Conditions Involving the	Significant	MM HAZ-2: Perform a Phase I Environmental Site Assessment Prior to Construction Activities and Remediate	Less Than Significant	Overall, considering the potential for release of hazardous materials during construction, operations and maintenance of the Project, the potential exists for accidental spills and exposure to hazardous materials to occur. The environmental commitments could partially reduce impacts related to hazardous materials but not to a less-than-significant level because of

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA	Proposed Mitigation	Impact Conclusion After Mitigation- CEQA	Findings of Fact
Release of Hazardous Materials into the Environment				the uncertainty that exists about the locations and nature of potential hazardous materials sites and the potential for construction worker and public exposure to hazardous materials. Implementing Mitigation Measure HAZ-2: Perform a Phase I Environmental Site Assessment Prior to Construction Activities and Remediate would include a Phase I environmental site assessment before construction, the identification and evaluation of potential sites of concern within the construction footprint, and the development of a remediation plan before construction and operations commence. This would reduce all impacts related to accidental release of hazardous materials into the environment to a less-than-significant level with mitigation. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact HAZ-4: Be Located on a Site That Is Included on a List of Hazardous Materials Sites Compiled Pursuant to Government Code Section 65962.5 and, as a Result, Create a Substantial Hazard to the Public or the Environment	Significant	MM HAZ-2: Perform a Phase I Environmental Site Assessment Prior to Construction Activities and Remediate	Less Than Significant	The Project would construct facilities on or near known Cortese List sites. Ground-disturbing activities and dewatering at or near sites that have not been fully remediated could expose workers and the public to contaminated soil and/or groundwater resulting in adverse health effects. The potential for exposure during construction would be a significant impact because of the proximity of these sites to Project and the potential for hazardous materials exposure during site excavation and grading. Operations and maintenance activities of the Project would not result in employee exposure because a plan (e.g., Environmental Site Assessment) for remediating hazardous sites would be implemented prior to project operations. Mitigation Measure HAZ-2: Perform a Phase I Environmental Site Assessment Prior to Construction Activities and Remediate would reduce the potential for significant impacts to a less-than-significant level by requiring preconstruction investigations and remediation to reduce the potential for encountering contaminants and other hazardous materials at construction sites. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact HAZ-5: Result in a Safety Hazard Associated with an Airport or Private Airstrip	Significant	MM HAZ-5: Wildlife Hazards Management Plan and Wildlife Deterrents	Less Than Significant	Airspace safety hazards occur when project components, such as buildings or construction equipment, encroach on the airspace of an airport runway. The locations of airports within 2 miles of the Project are shown on Figure 25-5. Eleven airports are within 2 miles of the construction footprint. No aspect of the Project would include equipment or structures that would be taller than 200 feet. Also pursuant to the State Aeronautics Act, DWR would adhere to FAA and Caltrans recommendations and comply with the recommendations of the OE/AAA. In areas where the project intersects with the Byron Airport influence area, construction of structures more than 100 feet above ground level could cause an obstruction or hazard to air navigation. However, construction would not introduce equipment or temporary structures in locations that could obstruct an airport or conflict with airport land uses. In addition, consultation with the Contra Costa Airport Land Use Commission would ensure that potential impacts of airspace interference would be reduced. As such, impacts on airports within 2 miles of the construction footprint due to construction of the Project would be less than significant. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Impact HAZ-6: Impair Implementation of or Physically Interfere with an Adopted Emergency Response Plan or Emergency Evacuation Plan	Significant	MM TRANS-1: Implement Site-Specific Construction Transportation Demand Management Plan and Transportation Management Plan	Less Than Significant	With Mitigation Measure TRANS-1, additional evaluations and discussions with local agencies would be required during the design phase to determine the most appropriate method to coordinate between project-provided emergency response services at the construction sites and integration with local agencies. Because project construction would not take place without

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA	Proposed Mitigation	Impact Conclusion After Mitigation- CEQA	Findings of Fact
				a Transportation Demand Management Plan and good-faith coordination with local agencies on appropriate emergency response services, impacts from construction or operations and maintenance of any of the alternatives would be reduced to less than significant with mitigation. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Public Health				
Impact PH-1: Increase in Vector-Borne Diseases	Significant	MM PH-1a: Avoid Creating Areas of Standing Water During Preconstruction Future Field Investigations and Project Construction MM PH-1b: Develop and Implement a Mosquito Management Plan for Compensatory Mitigation Sites on Bouldin Island and at I-5 Ponds	Less Than Significant	Operation and maintenance of the water conveyance facilities would not be expected to result in the creation of potentially suitable mosquito breeding habitat and thus would not likely increase the public's exposure to vector-borne diseases in the study area relative to existing conditions. Mitigation Measure PH-1a: Avoid Creating Areas of Standing Water During Preconstruction, Field Investigations, and Project Construction would minimize the potential for any impact on public health related to increasing suitable vector habitat within the study area during construction and reduce this impact to a less-than-significant level by reducing suitable mosquito habitat at Project facilities. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.
Paleontological Resources				
Impact PALEO-1: Cause Destruction of a Unique Paleontological Resource as a Result of Surface Ground Disturbance	Significant	MM PALEO-1a: Prepare and Implement a Monitoring and Mitigation Plan for Paleontological Resources MM PALEO-1b: Educate Construction Personnel in Recognizing Fossil Material	Less Than Significant	The potential for destruction of unique paleontological resources, as defined in Section 28.3.2, Thresholds of Significance, in those portions of the study area affected by project construction would constitute a significant impact under CEQA because excavation for project facilities would occur in locations known to be sensitive for paleontological resources and localized project excavation would be considerable. Mitigation Measures PALEO-1a: Prepare and Implement a Monitoring and Mitigation Plan for Paleontological Resources, and PALEO-1b: Educate Construction Personnel in Recognizing Fossil Material would reduce the impacts to a less-than-significant level by ensuring that a qualified professional paleontologist would develop a monitoring and mitigation plan and determine which activities would occur in units sensitive for paleontological resources; educating construction personnel in recognizing paleontological resources; and having qualified monitors in place to monitor for paleontological resources and temporarily stop construction (per the PRMMP) should paleontological resources be discovered. For excavation at the tunnel shafts where in situ monitoring cannot occur, the shaft spoils would be monitored. The level of impact for all alignment alternatives would be similar but would vary in magnitude based on the amount of excavation that would occur (Table 28-4). In summary, the impacts of surface-related ground disturbance would be less than significant with mitigation. Findings: Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. Impacts will be less than significant with mitigation.

Table 3: Project Impacts that are Less-than-Significant/No Impact Before Mitigation

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA
Flood Protection	
Impact FP-1: Cause a Substantial Increase in Water Surface Elevations of the Sacramento River between the American River Confluence and Sutter Slough	Less than Significant
Impact FP-2: Alter the Existing Drainage Pattern of the Site or Area, including through the Alteration of the Course of a Stream or River, or Substantially Increase the Rate or Amount of Surface Runoff in a Manner That Would Result in Flooding On- or Off-Site or Impede or Redirect Flood Flows	Less than Significant
Groundwater	
Impact GW-1: Changes in Stream Gains or Losses in Various Interconnected Stream Reaches	Less than Significant
Impact GW-2: Changes in Groundwater Elevations	Less than Significant
Impact GW-3: Reduction in Groundwater Levels Affecting Supply Wells	Less than Significant
Impact GW-4: Changes to Long-Term Change in Groundwater Storage	Less than Significant
Impact GW-5: Increases in Groundwater Elevations near Project Intake Facilities Affecting Agricultural Drainage	Less than Significant
Impact GW-6: Damage to Major Conveyance Facilities Resulting from Land Subsidence	Less than Significant
Impact GW-7: Degradation of Groundwater Quality	Less than Significant
Water Quality	
Impact WQ-1: Impacts on Water Quality Resulting from Construction of the Water Conveyance Facilities	Less than Significant
Impact WQ-2: Effects on Boron Resulting from Facility Operations and Maintenance	Less than Significant
Impact WQ-3: Effects on Bromide Resulting from Facility Operations and Maintenance	Less than Significant
Impact WQ-4: Effects on Chloride Resulting from Facility Operations and Maintenance	Less than Significant
Impact WQ-5: Effects on Electrical Conductivity Resulting from Facility Operations and Maintenance	Less than Significant
Impact WQ-7: Effects on Nutrients Resulting from Facility Operations and Maintenance	Less than Significant
Impact WQ-8: Effects on Organic Carbon Resulting from Facility Operations and Maintenance	Less than Significant
Impact WQ-9: Effects on Dissolved Oxygen Resulting from Facility Operations and Maintenance	Less than Significant
Impact WQ-10: Effects on Selenium Resulting from Facility Operations and Maintenance	Less than Significant
Impact WQ-11: Effects on Pesticides Resulting from Facility Operations and Maintenance	Less than Significant
Impact WQ-12: Effects on Trace Metals Resulting from Facility Operations and Maintenance	Less than Significant
Impact WQ-13: Effects on Turbidity/Total Suspended Solids Resulting from Facility Operations and Maintenance	Less than Significant
Impact WQ-14: Effects on Cyanobacteria Harmful Algal Blooms Resulting from Facility Operations and Maintenance	Less than Significant
Impact WQ-15: Risk of Release of Pollutants from Inundation of Project Facilities	Less than Significant
Impact WQ-16: Effects on Drainage Patterns as a Result of Project Facilities	Less than Significant
Impact WQ-17: Consistency with Water Quality Control Plans	No Impact
Geology and Seismicity	
Impact GEO-1: Loss of Property, Personal Injury, or Death from Structural Failure Resulting from Rupture of a Known Earthquake Fault or Based on Other Substantial Evidence of a Known Fault	Less than Significant
Impact GEO-2: Loss of Property, Personal Injury, or Death from Strong Earthquake-Induced Ground Shaking	Less than Significant
Impact GEO-3: Loss of Property, Personal Injury, or Death from Earthquake-Induced Ground Failure, including Liquefaction and Related Ground Effects	Less than Significant
Impact GEO-4: Loss of Property, Personal Injury, or Death from Ground Settlement, Slope Instability, or Other Ground Failure	Less than Significant

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA
Impact GEO-5: Loss of Property, Personal Injury, or Death from Structural Failure Resulting from Project-Related Ground Motions	Less than Significant
Impact GEO-6: Loss of Property, Personal Injury, or Death from Seiche or Tsunami	Less than Significant
Soils	
Impact SOILS-1: Accelerated Soil Erosion Caused by Vegetation Removal and Other Disturbances as a Result of Constructing the Proposed Water Conveyance Facilities	Less than Significant
Impact SOILS-2: Loss of Topsoil from Excavation, Overcovering, and Inundation as a Result of Constructing the Proposed Water Conveyance Facilities	Less than Significant
Impact SOILS-3: Property Loss, Personal Injury, or Death from Instability, Failure, and Damage as a Result of Constructing the Proposed Water Conveyance Facilities on or in Soils Subject to Subsidence	Less than Significant
Impact SOILS-4: Risk to Life and Property as a Result of Constructing the Proposed Water Conveyance Facilities in Areas of Expansive or Corrosive Soils	Less than Significant
Fish and Aquatic Resources	
Impact AQUA-4: Effects of Operations and Maintenance of Water Conveyance Facilities on Central Valley Fall-Run/Late Fall–Run Chinook Salmon	Less than Significant
Impact AQUA-8: Effects of Operations and Maintenance of Water Conveyance Facilities on Southern DPS Green Sturgeon	Less than Significant
Impact AQUA-9: Effects of Operations and Maintenance of Water Conveyance Facilities on White Sturgeon	Less than Significant
Impact AQUA-10: Effects of Operations and Maintenance of Water Conveyance Facilities on Pacific Lamprey and River Lamprey	Less than Significant
Impact AQUA-11: Effects of Operations and Maintenance of Water Conveyance Facilities on Native Minnows (Sacramento Hitch, Sacramento Splittail, Hardhead, and Central California Roach)	Less than Significant
Impact AQUA-12: Effects of Operations and Maintenance of Water Conveyance Facilities on Starry Flounder	Less than Significant
Impact AQUA-13: Effects of Operations and Maintenance of Water Conveyance Facilities on Northern Anchovy	Less than Significant
Impact AQUA-14: Effects of Operations and Maintenance of Water Conveyance Facilities on Striped Bass	Less than Significant
Impact AQUA-15: Effects of Operations and Maintenance of Water Conveyance Facilities on American Shad	Less than Significant
Impact AQUA-16: Effects of Operations and Maintenance of Water Conveyance Facilities on Threadfin Shad	Less than Significant
Impact AQUA-17: Effects of Operations and Maintenance of Water Conveyance Facilities on Black Bass	Less than Significant
Impact AQUA-18: Effects of Operations and Maintenance of Water Conveyance Facilities on California Bay Shrimp	Less than Significant
Impact AQUA-19: Effects of Operations and Maintenance of Water Conveyance Facilities on Southern Resident Killer Whale	Less than Significant
Impact AQUA-20: Effects of Construction of Water Conveyance Facilities on California Sea Lion	Less than Significant
Terrestrial Biological Resources	
Impact BIO-6: Impacts of the Project on Nontidal Brackish Emergent Wetland	No Impact
Impact BIO-15: Impacts of the Project on Conservancy Fairy Shrimp	No Impact
Impact BIO-17: Impacts of the Project on Sacramento and Antioch Dunes Anthicid Beetles	No Impact
Impact BIO-19: Impacts of the Project on Delta Green Ground Beetle	No Impact
Impact BIO-43: Impacts of the Project on Suisun Song Sparrow and Saltmarsh Common Yellowthroat	No Impact
Impact BIO-49: Impacts of the Project on Salt Marsh Harvest Mouse	No Impact
Impact BIO-50: Impacts of the Project on Riparian Brush Rabbit	No Impact
Impact BIO-52: Impacts of Invasive Species Resulting from Project Construction and Operations on Established Vegetation	Less than Significant
Impact BIO-57: Impacts of the Project on Monarch Butterfly	Less than Significant
Land Use	
Impact LU-1: Displacement of Existing Structures and Residences and Effects on Population and Housing	Less than Significant
Impact LU-2: Incompatibility with Applicable Land Use Designations, Goals, and Policies, Adopted for the Purpose of Avoiding or Mitigating an Environmental Effect as a Result of the Project	Less than Significant

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA
Impact LU-3: Create Physical Structures Adjacent to and through a Portion of an Existing Community that Would Physically Divide the Community as a Result of the Project	No Impact
Recreation	
Impact REC-1: Increase the Use of Existing Neighborhood and Regional Parks or Other Recreational Facilities Such That Substantial Physical Deterioration of the Facility Would Occur or Be Accelerated	Less than Significant
Impact REC-2: Include Recreational Facilities or Require the Construction or Expansion of Recreational Facilities That Might Have an Adverse Physical Effect on the Environment[2]	Less than Significant (Final EIR, p. 16-29 (lines 1-3).)
Transportation	
Impact TRANS-2: Conflict with a Program, Plan, Ordinance, or Policy Addressing the Circulation System	Less than Significant
Impact TRANS-5: Potential Effects on Marine Navigation Caused by Construction, Operation, and Maintenance of Intakes	Less than Significant
Public Services and Utilities	
Impact UT-1: Result in Substantial Physical Impacts Associated with the Provision of, or the Need for, New or Physically Altered Governmental Facilities, the Construction of Which Could Cause Significant Environmental Impacts on Public Services Including Police Protection, Fire Protection, Public Schools, and Other Public Facilities (e.g., Libraries, Hospitals)	Less than Significant
Impact UT-2: Require or Result in the Relocation or Construction of New or Expanded Service System Infrastructure, the Construction or Relocation of Which Could Cause Significant Environmental Impacts for Any Service Systems Such as Water, Wastewater Treatment, Stormwater Drainage, Electric Power Facilities, Natural Gas Facilities, and Telecommunications Facilities	Less than Significant
Impact UT-3: Exceed the Capacity of the Wastewater Treatment Provider(s) that Would Serve the Alternative's Anticipated Demand in Addition to the Provider's Existing Commitments	Less than Significant
Impact UT-4: Generate Solid Waste in Excess of Federal, State or Local Standards, or Be in Excess of the Capacity of Local Infrastructure, or Otherwise Impair the Attainment of Solid Waste Reduction Goals	Less than Significant
Energy	
Impact ENG-1: Result in Substantial Significant Environmental Impacts Due to Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources during Project Construction or Operation	Less than Significant
Impact ENG-2: Conflict with or Obstruct Any State/Local Plan, Goal, Objective, or Policy for Renewable Energy or Energy Efficiency	No Impact
Air Quality and Greenhouse Gases	
Impact AQ-4: Result in Impacts on Air Quality within the Yolo-Solano Air Quality Management District	Less than Significant
Impact AQ-6: Result in Exposure of Sensitive Receptors to Substantial Toxic Air Contaminant Emissions	Less than Significant
Impact AQ-7: Result in Exposure of Sensitive Receptors to Asbestos, Lead-Based Paint, or Fungal Spores That Cause Valley Fever	Less than Significant
Impact AQ-8: Result in Exposure of Sensitive Receptors to Substantial Odor Emissions	Less than Significant
Impact AQ-10: Result in Impacts on Global Climate Change from Land Use Change	Less than Significant
Noise and Vibration	
Impact NOI-2: Generate Excessive Groundborne Vibration or Groundborne Noise Levels	Less than Significant
Impact NOI-3: Place Project-Related Activities in the Vicinity of a Private Airstrip or an Airport Land Use Plan, or, Where Such a Plan Has Not Been Adopted, within 2 Miles of a Public Airport or Public Use Airport, Resulting in Exposure of People Residing or Working in the Project Area to Excessive Noise Levels	No Impact
Hazards, Hazardous Materials, and Wildfire	
Impact HAZ-1: Create a Substantial Hazard to the Public or the Environment through the Routine Transport, Use, or Disposal of Hazardous Materials	Less than Significant

[2] The corrections identified above summarize and restate the determinations and conclusions as articulated in the Final EIR, and as incorporated by reference into the DCP CEQA Findings adopted by DWR on December 21, 2023, for Impact Trans-3 and Rec-2. This has been updated on March 21, 2024, per the Errata to the CEQA Findings of Fact for the Delta Conveyance Project.

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA
Impact HAZ-3: Expose Sensitive Receptors at an Existing or Proposed School Located within 0.25 Mile of Project Facilities to Hazardous Materials, Substances, or Waste	No Impact
Impact HAZ-5: Result in a Safety Hazard Associated with an Airport or Private Airstrip	Less than Significant
Impact HAZ-7: Expose People or Structures, Either Directly or Indirectly, to a Substantial Risk of Loss, Injury, or Death Involving Wildland Fires	Less than Significant
Public Health	
Impact PH-2: Exceedance(s) of Water Quality Criteria for Constituents of Concern Such That Drinking Water Quality May Be Affected	Less than Significant
Impact PH-3: Substantial Mobilization of or Increase in Constituents Known to Bioaccumulate	Less than Significant
Impact PH-4: Adversely Affect Public Health Due to Exposing Sensitive Receptors to New Sources of EMF	Less than Significant
Impact PH-5: Impact Public Health Due to an Increase in Microcystis Bloom Formation	Less than Significant
Mineral Resources	
Impact MIN-1: Loss of Availability of Locally Important Natural Gas Wells as a Result of the Project	No Impact
Impact MIN-2: Loss of Availability of Extraction Potential from Natural Gas Fields as a Result of the Project	No Impact
Impact MIN-3: Loss of Availability of Locally Important Aggregate Resources (Mines and MRZs) as a Result of the Project	No Impact
Impact MIN-4: Loss of Availability of Locally Important Aggregate Resources as a Result of the Project	No Impact

Exhibit C
Final EIR Modifications

DWR made minor edits throughout Volume 1 of the Final EIR, such as modifications to punctuation and correction of misspellings and typos. In addition, DWR made minor formatting changes throughout Volume 1 of the Final EIR, such as modification to headings, corrections to page numbers, and corrections of formatting issues found in graphs, charts, and tables. Minor edits or formatting changes to the Draft EIR reflected in Volume 1 of the Final EIR do not result in any new significant environmental impacts or a substantial increase in the severity of an environmental impact that was previously analyzed in the Draft EIR.

In addition to grammar and formatting changes, new information was added to the Final EIR to clarify, amplify (i.e., expands in stating or describing, as by details or illustrations; clarifies by expanding), or makes insignificant modifications to discussion and analysis in the Draft EIR. Key modifications included in the Volume 1 of the Final EIR are identified in the table below with a summary regarding why the modifications do not result in the disclosure of a new significant impact, result in an increase in the severity or magnitude of an impact, or do not result in the need for additional required mitigation to which DWR is unwilling to commit. The Final EIR provides further information regarding modifications that occurred between the Draft EIR and the Final EIR. This information can be found in Final EIR, Volume 2, Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, which explains CEQA recirculation requirements and why the information and modifications contained in the Final EIR do not meet recirculation requirements either individually or collectively; Final EIR, Volume 2, Common Response 3, Alternatives Development and Description, which also describes some of the substantive project description refinements included in the table below and why they do not trigger the need for recirculating the Draft EIR; Final EIR, Volume 2, Common Response 11, Terrestrial Biological Resources and Compensatory Mitigation Plan, which describes refinements to the Compensatory Mitigation Plan; and Final EIR, Volume 2, Common Response 15, Air Quality and Greenhouse Gases, which describes refinements to air quality modeling and assumptions. Individual responses to comments in Volume 2, Chapter 4, Response to Comments Tables, also address refinements made to the Draft EIR in response to those individual comments where applicable. The summary table below cites relevant sections of Volume 1 of the Final EIR where appropriate.

Modification	Modification Consideration
Clarifications to Table 1-1, Summary of Potential Agencies and Review, Approval, or Other Responsibilities, in Addition to Those under CEQA in Final EIR, Volume 1, Chapter 1, *Introduction*.	The clarifying text added to Table 1-1 is about different agencies and their potential roles and responsibilities. The table was not used in the impact analysis. Therefore, the added information merely amplifies discussion in the Draft EIR and does not constitute significant new information requiring recirculation under CEQA Guidelines Section 15088.5.
Clarifications to use of sedimentation basins and drying lagoons for all alternatives during operations in Final EIR, Volume 1, Chapter 3, *Description of the Proposed Project and Alternatives*, Section 3.4.1.2, *Sedimentation Basins and Drying Lagoons*.	The inclusion of the information regarding the sedimentation basins and drying lagoons further clarifies how the sedimentation basins and drying lagoons would operate and the duration in which operation would occur. These clarifications complement and amplify the information previously included in Draft EIR Chapter 3, *Description of the Proposed Project and Alternatives*, and evaluated throughout the EIR and do not materially change the description of the sedimentation basins and drying lagoons. The added information does not result in a new or more severe impact requiring additional analysis, change impact conclusions presented in the Draft EIR, or require additional mitigation measures to which DWR is unwilling to commit. Therefore, the new information does not constitute significant new information requiring recirculation under CEQA Guidelines Section 15088.5.
Inclusion of undergrounding of 1.9 miles of SCADA lines between Freeport and north of Intake A across from Clarksburg consistent with description in Final EIR, Volume 1, Chapter 3, *Description of the Proposed Project and Alternatives*, Section 3.4.11, *SCADA Facilities*, clarifying that some of the SCADA lines would be undergrounded along existing roads and project access routes (as shown in Figure 3-14).	The Draft EIR stated that wherever possible, underground SCADA routes would be located along existing roads and project access routes. The Draft EIR evaluated the type and magnitude of impacts associated with installing SCADA lines underground, as well overhead. As described in Final EIR, Volume 2, Common Response 3, *Alternatives Development and Description*, the alignment between Freeport and north of Intake A across from Clarksburg was included in the study areas in the Draft EIR and undergrounding the alignment would result in highly localized, temporary, and minor soil disturbances and would require the use of similar construction equipment and construction trips as already included in the EIR evaluation for all resources. The inclusion of this information in the Final EIR complements the description in the Draft EIR that SCADA lines would be undergrounded where appropriate . The new information does not represent new or more severe impacts requiring additional analysis, change impact conclusions presented in the Draft EIR, or require additional mitigation measures to which DWR is unwilling to commit. Therefore, the new information does not constitute significant new information requiring recirculation under CEQA Guidelines Section 15088.5.
Clarification of the use of non-specular material for aboveground power lines in Final EIR, Volume 1, Chapter 3, *Description of the Proposed Project and Alternatives*, Section 3.4.10, *Electrical Facilities*.	The inclusion of the information regarding non-specular material further clarifies the type of materials used for above power lines. Non-specular material is material that reflects light diffusely and evenly or scatters light. The inclusion of the use of this material complements the information previously included in Draft EIR Chapter 3, *Description of the Proposed Project and Alternatives*, and evaluated throughout the EIR and do not materially change the description of the aboveground power lines. The added information does not

Modification	Modification Consideration
	represent new or more severe impacts requiring additional analysis, change impact conclusions presented in the Draft EIR, or require additional mitigation measures to which DWR is unwilling to commit. Therefore, the information does not constitute significant new information requiring recirculation under CEQA Guidelines Section 15088.5.
Refinements to location and acreage of temporary uses within the overall footprint at the Southern Complex where the Southern Complex is discussed in Final EIR, Volume 1, Chapter 3, *Description of the Proposed Project and Alternatives*, for alternatives (except Alternative 5).	Chapter 3, *Description of the Proposed Project and Alternatives,* was updated to more accurately reflect the types of activities that would occur within the construction area. As an example, the area required for reusable tunnel material (RTM) storage decreased between the Draft and Final EIR based on new estimates provided by the project engineers. However, these changes would not affect the land area required to construct and operate the project or the resulting environmental impacts that may result from land conversion. In addition, small refinements to the project's footprint would result in minor differences in total acreages reported in the Draft and Final EIR. These small refinements would not affect the magnitude or significance of environmental impacts reported in the Draft EIR. The added information does not result in a new or more severe impact requiring additional analysis, change impact conclusions presented in the Draft EIR, or require additional mitigation measures to which DWR is unwilling to commit. Therefore, the information does not constitute significant new information requiring recirculation under CEQA Guidelines Section 15088.5.
Reconfiguring of Bethany Reservoir Pumping Plant and Surge Basin facilities primarily within the Bethany Complex footprint for Alternative 5 to allow approximately 35 acres to remain undisturbed within the footprint of these facilities, as described in Final EIR, Volume 1, Chapter 3, *Description of the Proposed Project and Alternatives*, Section 3.14.1, *Bethany Complex*, and Final EIR, Volume 2, Common Response 3, *Alternatives Development and Description*.	As identified in Chapter 3, *Description of the Proposed Project and Alternatives,* and further described in Common Response 3, *Alternatives Development and Description*, the reconfiguration of the Bethany Complex in the Final EIR would not create new surface impacts relative to the Draft EIR, require additional mitigation measures, or result in a change to any of the evaluations or impact conclusions contained in the Draft EIR related to any resource analyzed in the EIR. Furthermore, the operation of the facilities under the reconfigured Bethany Complex in the Final EIR would be the same as described in the Draft EIR and there would be no changes to any operation-related impacts. Specifically, the two driveways located outside the original footprint evaluated in the Draft EIR of the Bethany Complex would not result in impacts greater or of a different type than disclosed in the Draft EIR, given the minimal area disturbed by the two driveways, and the change in disturbance type at the Bethany Complex, from temporary surface impacts in the Draft EIR to permanent surface impacts in the Final EIR, would not change the severity or magnitude of the impacts already disclosed in the resource chapters of the EIR (i.e., Chapters 7 through 32). Therefore, the reconfiguration does not constitute significant new information requiring recirculation under CEQA Guidelines Section 15088.5.

Modification	Modification Consideration
Inclusion of broader discussion and clarifications of access road and rehabilitation in Final EIR, Volume 1, Chapter 3, *Description of the Proposed Project and Alternatives*, Section 3.4.7, *Access Roads*.	The inclusion of the access road information further clarifies the location and timing of road rehabilitation. These clarifications complement the descriptions of road rehabilitation previously included in Draft EIR Chapter 3, *Description of the Proposed Project and Alternatives*, and evaluated throughout the EIR and do not materially change the description of the road rehabilitation or the analyses. The added information does not represent new or more severe impacts requiring additional analysis, change impact conclusions presented in the Draft EIR, or require additional mitigation measures to which DWR is unwilling to commit. Therefore, the information does not constitute significant new information requiring recirculation under CEQA Guidelines Section 15088.5.
Inclusion of left-turn merge lane along 1 mile of Twin Cities Road 44 feet wide with three 12-foot-wide paved lanes in Final EIR, Volume 1, Appendix 3D, *Intakes, Roads, and Shafts Summary Tables*	The addition of the left-turn merge lane would not cause additional or more severe traffic impacts because it would improve, rather than worsen, traffic flow on Twin Cities Road. It would allow through traffic to pass without waiting for vehicles turning left to clear and not affect vehicle miles traveled (VMT) or conflict with a program, plan, ordinance, or policy addressing the circulation system because it is a roadway improvement that would not increase VMT beyond that already analyzed in the Draft EIR for construction and operation. Pursuant to required Mitigation Measure TRANS-1, first responders would pass through the area during construction, and, after construction, first responders would be able to use the left-turn merge lane. Other environmental resources would not be affected by the construction of the left-turn merge lane beyond the type and severity of impacts evaluated and disclosed in the Draft EIR because the left-turn merge lane would primarily be located within the boundaries of the Twin Cities Road road-widening improvements proposed under the project alternatives along existing road section(s). A highly limited and minimal additional area of disturbance (i.e., 1.5 acres) in a disturbed area located primarily within the existing road right-of-way would occur. Any known or unknown environmental resources that could occur in this strip of disturbed land have been considered in Chapters 7 through 32 of the EIR because this area is within the study area included for environmental resources. Mitigation measures identified in the EIR related to permanent disturbances would be implemented and the permanent disturbance of this additional limited area of 1.5 acres would not substantially increase the severity of impacts analyzed in the Draft EIR. Therefore, this highly limited and minimal additional area of disturbance would not constitute a substantial increase in severity of impacts disclosed in the Draft EIR. The construction of the left-turn merge lane would take place concurrently with other construction activities associated with the project alternatives at Twin Cities Road and would not result in an increase in air quality emissions beyond what was already analyzed

Modification	Modification Consideration
	in the Draft EIR because the same type and duration of equipment use would occur. The added information regarding the left-turn merge lane does not result in a new or more severe impact requiring additional analysis, change impact conclusions presented in the Draft EIR, or require additional mitigation measures to which DWR is unwilling to commit. Therefore, the addition of the left-turn merge lane does not constitute significant new information requiring recirculation under CEQA Guidelines Section 15088.5.
Some refinements were made to the project description in Final EIR, Volume 1, Chapter 3, *Description of the Proposed Project and Alternatives*, to clarify operations in Section 3.16.3, *Integration of North Delta Intakes with South Delta Facilities*.	The operations description was revised to further clarify that DWR would divert excess flows in winter and spring and is not proposing to change upstream reservoir operations. Final EIR, Volume 2, Common Response 1, *CEQA Process, General Approach to Analysis, and Other Environmental Review Issues*, describes the scope of the analysis contained in the Final EIR, including areas upstream of the north Delta intakes. Final EIR, Volume 2, Common Response 3, *Alternatives Development and Description*, also explicitly responds to the concerns about upstream operations. Final EIR, Volume 2, Common Response 3 also responds to comments requesting analysis under Temporary Urgency Change Orders. The operation of the project gives the state the opportunity to capture high flows during periods of excess flows, up to what is permitted under the existing DWR water rights. Diversions at the proposed north Delta intakes would mostly occur in the winter and spring, when the conditions described above are most likely to occur. Because the project would operate this way (i.e., capture high flows on top of what can be diverted in the south Delta), DWR does not anticipate use of the proposed north Delta diversion during dry conditions where the south Delta would not be operating at capacity, such as times when a Temporary Urgency Change Order is in place. These clarifications in Final EIR, Volume 1, Chapter 3, *Description of the Proposed Project and Alternatives*, and further described in Final EIR, Volume 2, Common Response 3 complement the descriptions of operations previously included in Draft EIR Chapter 3; operations modeled using CalSim 3; and operations evaluated throughout the EIR. The added information regarding operations does not result in a new or more severe impact requiring additional analysis, change impact conclusions presented in the Draft EIR, or require additional mitigation measures to which DWR is unwilling to commit. Therefore, the information does not constitute significant new information requiring recirculation under CEQA Guidelines Section 15088.5.
Inclusion of figures based on DSM2 modeling results in Final EIR, Volume 1, Chapter 5, *Surface Water*, regarding reverse flows in the Sacramento River near Freeport.	The inclusion of these graphs is to graphically depict DSM2 model results provided in Final EIR, Volume 1, Appendix 5A, Modeling Technical Appendix, Section C, *One Dimensional Delta Hydrodynamics and Water Quality Modeling Results*, Attachment 1, *DSM2 Model Results for Existing Conditions and Alternatives at 2020*. This supports the information that was previously included in the Draft EIR regarding reverse flows in the Sacramento River

Modification	Modification Consideration
	near Freeport and complements the modeled data included in Draft EIR and Final EIR. Therefore, the new figures merely clarify/amplify the discussion in the Draft EIR and does not constitute significant new information requiring recirculation under CEQA Guidelines Section 15088.5.
Refinements to Final EIR, Volume 1, Chapter 8, *Groundwater*, Impact GW-4 regarding the discussion of operation groundwater modeling results related to groundwater storage to clarify the meaning of the modeling results; inclusion of electrical conductivity in Mitigation Measure GW-1.	Refinements were made to Mitigation Measure GW-1, which now includes a provision to also monitor for changes in electrical conductivity (EC) at the same wells that would be used to monitor for changes in groundwater elevations. The EC monitoring would occur over the same period as for monitoring groundwater elevations. The addition of EC monitoring to Mitigation Measure GW-1 was not made because of a new groundwater significance finding between the Draft and Final EIR, as explained in Final EIR, Volume 2, Common Response 10, *Surface Water Quality and Groundwater Resources*, but rather to support the less-than-significant impact determination regarding groundwater quality. Changes to mitigation measures that do not increase the severity of the environmental impacts disclosed in the draft EIR do not constitute significant new information requiring recirculation under CEQA Guidelines Section 15088.5. (*Yerba Buena Neighborhood Consortium, LLC v. Regents of Univ. of California* (2023) 95 Cal. App. 5th 779, 808.)
Clarifications to Impact GW-1, Impact GW-2, and Impact GW-3 in Final EIR, Volume 1, Chapter 8, *Groundwater*, regarding use of Mitigation Measure GW-1.	The wording of Impacts GW-1, GW-2, and GW-3 in EIR Chapter 8, *Groundwater*, was revised to make it clearer that the impacts on groundwater resources described in the Draft EIR are less than significant before the implementation of the monitoring and response measures described in Mitigation Measure GW-1. Therefore, the new information merely clarifies/amplifies the discussion in the Draft EIR and does not constitute significant new information requiring recirculation under CEQA Guidelines Section 15088.5.
Clarification of methodology in Final EIR, Volume 1, Chapter 9, *Water Quality.*	Clarifying information was included in Section 9.3.1, *Methods for Analysis*, of Chapter 9, *Water Quality*, to clarify the source, organization, aggregation of water quality data used in the impact analyses. The methodology for determining impacts was not modified and impact analyses and determinations were not modified as a result of the clarification. As described in Final EIR, Volume 2, Common Response 10, *Surface Water Quality and Groundwater Resources*, the historical, reconstructed water year types on the California Data Exchange Center website were used to aggregate the modeling results because these are publicly available and widely referenced in research and analysis related to the Delta. The presentation of average constituent levels by water year type is informational and the impact conclusions are based on all modeled changes, particularly those represented in the exceedance plots containing modeling output for the entire 93-year simulation period, as well as modeled changes in frequency of exceedance of water quality objectives. Therefore,

Modification	Modification Consideration
	the new information merely clarifies/amplifies the discussion in the Draft EIR and does not constitute significant new information requiring recirculation under CEQA Guidelines Section 15088.5.
Inclusion of Mitigation Measure WQ-4 in Final EIR, Volume 1, Chapter 9, *Water Quality*, and Appendix 9M, *Contra Costa Water District Interconnection Facility Mitigation Measure*, regarding the Contra Costa Water District Interconnection Facility, to further reduce the less-than-significant impacts on chloride discussed in Impact WQ-4.	Mitigation Measure WQ-4: *Contra Costa Water District Interconnection Facility* has been included in the Final EIR to further reduce less-than-significant impacts on chloride previously disclosed under Impact WQ-4: *Effects on Chloride Resulting from Facility Operations and Maintenance* in Chapter 9, *Water Quality*. Changes to, or addition of, mitigation measures that do not increase the severity of the environmental impacts disclosed in the Draft EIR do not constitute significant new information requiring recirculation under CEQA Guidelines Section 15088.5. (*Yerba Buena Neighborhood Consortium, LLC v. Regents of Univ. of California* (2023) 95 Cal. App. 5th 779, 808.) Appendix 9M, *Contract Costa Water District Interconnection Facility Mitigation Measure*, was included in the Final EIR to provide an evaluation of the environmental impacts of constructing and operating the interconnection facility. All environmental resources are analyzed in Appendix 9M. Impacts on most resources are determined to be less than significant or less than significant with mitigation incorporated. However, project impacts identified as significant and unavoidable in the Draft EIR (e.g., agricultural resources, traffic, cultural resources, Tribal Cultural Resources) would remain significant and unavoidable with implementation of Mitigation Measure WQ-4 as disclosed in Appendix 9M. Although significant and unavoidable impacts would occur, there would not be a substantial increase in the severity of significance given the location of Mitigation Measure WQ-4, the limited duration of construction, and the relatively small area of disturbance during construction. The evaluation of the new mitigation measure concluded that implementing the measure would not result in any new significant impacts or substantially increase the severity of impacts not already disclosed in the Draft EIR, nor would it require additional mitigation measures that DWR is unwilling to implement. Therefore, the new mitigation measure does not constitute significant new information requiring recirculation under CEQA Guidelines Section 15088.5.
Additional clarifications regarding construction methods and geotechnical investigations in Final EIR, Volume 1, Chapter 10, *Geology and Seismicity*, Section 10.3.1.1, *Process and Methods of Review for Geology and Seismicity*, to provide details on Delta Conveyance Design and Construction Authority	Information was added to Final EIR, Volume 1, Chapter 10, *Geology and Seismicity*, Section 10.3.1.1, *Process and Methods of Review for Geology and Seismicity,* to clarify the types of information used in the analysis, how that information was used, and how new and future data would be used in the design process. As described in the section, available geological and geotechnical information was reviewed and considered in the EPR screening analyses to understand subsurface geology and groundwater conditions related to preliminary

Modification	Modification Consideration
(DCA) activities and design criteria.	design criteria and the need for specific construction methods. Additional information gained during geotechnical investigations that occurred during preparation of the DCA Engineering Project Reports (EPRs) and EIR further validated the geotechnical assumptions and construction methods that were used for the conceptual designs of each facility in the EPRs. Additional geological and geotechnical investigations would be conducted during the design phase to further develop design criteria and provide geotechnical design parameters for proposed facilities. These clarifications regarding how DCA will conduct geotechnical investigations and use information gained to inform activities and design criteria as well as construction methods complement the descriptions of the construction methods provided in Final EIR, Volume 1, Chapter 3, *Description of the Proposed Project and Alternatives*, and evaluated throughout the EIR and do not materially change the description of the construction methods or the analyses based on the construction methods. Furthermore, this information is not used in the impact analysis in Final EIR, Volume 1, Chapter 10 or elsewhere. Therefore, the new information merely clarifies/amplifies the discussion in the Draft EIR and does not constitute significant new information requiring recirculation under CEQA Guidelines Section 15088.5.
Inclusion of juvenile Chinook salmon screen passage time analysis at 19°C in Final EIR, Volume 1, Chapter 12, *Fish and Aquatic Resources*, Impact AQUA-2, which further supports the impact determination of less than significant with mitigation incorporated.	The inclusion of this new information in the discussion of Impact AQUA-2 augments the original analysis in the Draft EIR, which was focused on screen passage at 12°C. The new information complements the analysis previously performed on screen passage and further supports the previous impact determination of less than significant with mitigation incorporated. CMP-25: *Tidal Habitat Restoration to Mitigate North Delta Hydrodynamic Effects on Chinook Salmon Juveniles* and CMP-26: *Channel Margin Habitat Restoration for Operations Impacts on Chinook Salmon Juveniles*, as described in Attachment 3F.1, *Compensatory Mitigation Design Parameters,* are still required and no changes to the mitigation were made because of this new information. The new information merely confirms previous conclusions, and thus does not constitute significant new information requiring recirculation under CEQA Guidelines Section 15088.5. (See *San Francisco Baykeeper v. California State Lands Commission* (2015) 242 Cal.App.4th 202, 224-225 [new modeling confirming earlier conclusion about effects of mining on Bay environment did not trigger recirculation]; *Beverly Hills Unified School Dist. v. Los Angeles County Metropolitan Transportation Commission* (2015) 241 Cal.App.4th 627, 660-666 [Final EIR containing substantial amounts of new information, including numerous new seismic studies did not trigger recirculation].)

Modification	Modification Consideration
Clarifications and additions of factors explaining patterns in north Delta exports and south Delta exports; clarification of footnotes in summary tables of results; and clarification of 5% significance threshold value used for impact analyses in Final EIR, Volume 1, Chapter 12, Fish and Aquatic Resources.	These clarifications further explain or add to the information regarding patterns in north Delta exports, tables of results, or the use of 5% significance threshold value. They complement the information that was previously provided in the Draft EIR and do not modify the methodology(ies) used for determining impacts or modify impact determinations. Therefore, the new information merely clarifies/amplifies the discussion in the Draft EIR and does not constitute significant new information requiring recirculation under CEQA Guidelines Section 15088.5.
Inclusion of Impact AQUA-20 in Final EIR, Volume 1, Chapter 12, *Fish and Aquatic Resources*, regarding California sea lions, which discloses a less-than-significant impact.	The purpose of the analysis contained in the EIR is to disclose and evaluate potentially significant impacts. DWR did not address California sea lions in the Draft EIR because the study area is not within the traditional breeding or nonbreeding range of the population and therefore DWR had not previously identified potential effects on California sea lions as a potentially significant impact. DWR included an analysis of potential impacts on California sea lions in Chapter 12, *Fish and Aquatic Resources,* of the Final EIR, Volume 1, because of public comment. As disclosed in Chapter 12 of the Final EIR, Volume 1, the project would not result in a population-level effect on the species because the project would not permanently impede potential movement or foraging by individuals through the study area, and the study area is not within the traditional breeding or nonbreeding range for the population. Because few, if any, individuals would be affected during construction or operation of the project, the impact under CEQA is less than significant. Recirculation is required where the Final EIR discloses a new significant environmental impact of a project that was not analyzed in the Draft EIR. New information included in a Final EIR explaining why an impact alleged by a commenter is less than significant does not constitute significant new information requiring recirculation under CEQA Guidelines Section 15088.5.
Refinements to Final EIR, Volume 1, Chapter 13, *Terrestrial Biological Resources*, including: adding specificity to Mitigation Measure BIO-53 to address design specifications, monitoring, and adaptive management; clarifying that if California Department of Fish and Wildlife (CDFW) develops guidance for sandhill crane surveys and work windows DWR will use the guidance; clarifying tricolored blackbird analysis in Impact BIO-44.	As described below, the added information for habitat connectivity, sandhill cranes, and tricolored blackbird, does not represent new or more severe impacts requiring additional analysis, change impact conclusions presented in the Draft EIR, or require additional mitigation measures to which DWR is unwilling to commit. Therefore, the information does not constitute significant new information requiring recirculation under CEQA Guidelines Section 15088.5. Mitigation Measure BIO-53 was revised to further clarify the wildlife crossing and connectivity specialist credentials, how the specialist will contribute to the project design phase to ensure adequate wildlife crossing and connectivity element design and outcomes, more detailed wildlife connectivity enhancement measures, and operational monitoring

Modification	Modification Consideration
	and adaptive management for connectivity and crossings. These modifications provide additional detail to Mitigation Measure BIO-53 but, as described in Final EIR, Volume 2, Common Response 11, *Terrestrial Biological Resources and Compensatory Mitigation Plan*, do not result in a change to an impact determination. The change to the mitigation measure does not trigger recirculation because it does not introduce new mitigation to which DWR is unwilling to commit. Changes to, or addition of, mitigation measures that do not increase the severity of the environmental impacts disclosed in the draft EIR do not constitute significant new information requiring recirculation under CEQA Guidelines Section 15088.5. (*Yerba Buena Neighborhood Consortium, LLC v. Regents of Univ. of California* (2023) 95 Cal. App. 5th 779, 808.) Clarification was added to Impact BIO-33 regarding the potential for sandhill cranes to arrive earlier than September 15 and stay later than March 15 because the construction of the project will occur for many years. DWR added text explaining that if CDFW develops guidance regarding sandhill crane surveys and work windows, DWR will adjust survey dates and dates included in mitigation measures to minimize potential impacts on sandhill cranes. Changes to, or addition of, mitigation measures that do not increase the severity of the environmental impacts disclosed in the draft EIR do not constitute significant new information requiring recirculation under CEQA Guidelines Section 15088.5. (*Yerba Buena Neighborhood Consortium, LLC v. Regents of Univ. of California* (2023) 95 Cal. App. 5th 779, 808.). Impact BIO-44, Appendix 3F, *Compensatory Mitigation Plan for Special-Status Species and Aquatic Resources*, and Attachment 3F.1, *Compensatory Mitigation Design Parameters*, have been modified to recognize breeding foraging habitat loss as a potential impact on tricolored blackbird and propose mitigation to compensate for this impact. Because many non-breeding foraging and roosting habitat types also serve as breeding foraging types, this change will also protect those habitat types. The revision to Attachment 3F.1 does not result in a change in impact determination for tricolored blackbird identified in Final EIR, Volume 1, Chapter 13, *Terrestrial Biological Resources*, but adds additional mitigation to further reduce potential adverse effects on tricolored blackbird that were previously disclosed in the Draft EIR. Mitigation Measure BIO-44 has been revised to include surveys during the nonbreeding season (August 1–March 14) 1 year prior to the start of construction and then the year of construction to establish use of roosting habitat. Mitigation Measure BIO-44 includes the commitment that three surveys will be conducted within 15 days prior to nighttime construction, with one of the surveys within 5 days prior

Modification	Modification Consideration
	to the start of nighttime construction and the establishment of a 300-foot nondisturbance buffer around occupied roost sites. This revision does not result in a change in impact determination for tricolored blackbird identified in Final EIR, Volume 1, Chapter 13. Although Impact BIO-44 was updated, the additional information merely confirms previous conclusions, and thus does not constitute significant new information requiring recirculation under CEQA Guidelines Section 15088.5. (See *San Francisco Baykeeper v. California State Lands Commission* (2015) 242 Cal.App.4th 202, 224-225 [new modeling confirming earlier conclusion about effects of mining on Bay environment did not trigger recirculation]; *Beverly Hills Unified School Dist. v. Los Angeles County Metropolitan Transportation Commission* (2015) 241 Cal.App.4th 627, 660-666 [Final EIR containing substantial amounts of new information, including numerous new seismic studies did not trigger recirculation].) Furthermore, changes to, or addition of, mitigation measures that do not increase the severity of the environmental impacts disclosed in the draft EIR do not constitute significant new information requiring recirculation under CEQA Guidelines Section 15088.5. (*Yerba Buena Neighborhood Consortium, LLC v. Regents of Univ. of California* (2023) 95 Cal. App. 5th 779, 808.)
Inclusion of monarch butterfly in Final EIR, Volume 1, Chapter 13, *Terrestrial Biological Resources*, because it is a U.S. Fish and Wildlife candidate species being considered for listing, which discloses a less-than-significant impact, and removal of western bumble bee from Chapter 13 and associated appendices because a recent California Department of Fish and Wildlife publication shows the species' known range is outside of the study area.	The purpose of the analysis contained in the EIR is to disclose and evaluate potentially significant impacts. DWR had not previously identified potential effects on monarch butterflies as a potentially significant impact because overwintering habitat, which is limited for the species, would not be affected by the project and there are no known overwintering populations within 10 miles of the study area. The Final EIR includes Impact BIO-57, which evaluates the monarch butterfly because it is a U.S. Fish and Wildlife candidate species being considered for listing and may be listed in the near future. The analysis determines impacts on monarch butterfly to be less than significant. Recirculation is required where the Final EIR discloses a new significant environmental impact of a project that was not analyzed in the draft EIR. New information included in a Final EIR explaining why an impact is less than significant does not constitute significant new information requiring recirculation under CEQA Guidelines Section 15088.5. The Final EIR removed western bumble bee from Impact BIO-21 because recent California Department of Fish and Wildlife publication shows the species' known range is outside of the study area. Similarly, CMP-29 was refined to restrict compensatory mitigation to mitigate for habitat for Crotch bumble bee. This revision does not trigger the need for recirculation because it does not introduce a new significant impact, cause a substantial increase in the severity of an environmental impact, or require additional mitigation measures to which DWR is unwilling to commit. Therefore, the information does not

Modification	Modification Consideration
	constitute significant new information requiring recirculation under CEQA Guidelines Section 15088.5.
Clarifications in Final EIR, Volume 1, Chapter 16, *Recreation*, regarding location of I-5 ponds in existing conditions and clarifying details regarding I-5 ponds in Impact REC-1 and Impact REC-2.	Information was previously included regarding the I-5 ponds in Chapter 16, *Recreation*. Clarifying and additional text regarding these areas as they relate to recreation and implementation of the Compensatory Management Plan was included in Final EIR, Volume 1, Chapter 16 in the impact analysis. This revision does not trigger the need for recirculation because it does not introduce a new significant impact, cause a substantial increase in the severity of an environmental impact, or require additional mitigation measures to which DWR is unwilling to commit. Therefore, the information does not constitute significant new information requiring recirculation under CEQA Guidelines Section 15088.5.
Clarifications in Final EIR, Volume 1, Chapter 14, *Land Use*, regarding locations of existing easements.	Clarification was added to Final EIR, Volume 1, Chapter 14, *Land Use*, explaining that although the land use study area overlaps with conservation easements, this overlap is not an impact on land use and therefore is not addressed in the land use chapter. The impacts on the natural communities and species habitats within the study area, including within conservation easements, are quantified and analyzed in Final EIR, Volume 1, Chapter 13, *Terrestrial Biological Resources*. Therefore, the new information merely clarifies/amplifies the discussion in the Draft EIR and does not constitute significant new information requiring recirculation under CEQA Guidelines Section 15088.5.
Refinements to air quality and greenhouse gas (GHG) modeling based on engineering clarifications (e.g., off-road equipment type and horsepower, duration of marine vessel use); to use newer versions of analysis models (e.g., CalEEMod version 2022.1.1.3, eGRID2021); and to more accurately capture project description components (e.g., barges), including clarifications regarding modeling results and analysis in Final EIR, Volume 1, Chapter 23, *Air Quality and Greenhouse Gases*, and accompanying appendices.	Refinements to air quality modeling and the resulting updates are provided in Final EIR, Volume 1, Chapter 23, *Air Quality and Greenhouse Gases*, and accompanying appendices. Where appropriate, specific modeling assumptions were updated to account for the most recent engineering data and ensure alignment of the air quality analysis with the project description contained in Final EIR, Volume 1, Chapter 3, *Description of the Proposed Project and Alternatives*. Analysis modeling was also updated to use newer versions of California Emissions Estimator Model (CalEEMod) and eGRID. While both of these models were updated after the close of the public comment period for the Draft EIR, DWR elected to revise the analysis in the Final EIR to confirm that use of the newer model versions would not change any of the impact conclusions reached in the Draft EIR. Additional targeted refinements were also made to the analysis in response to specific public comments, including corrected association of equipment emission factors by horsepower, accounting of transmission and distribution losses during construction, and expansion of DWR's commitment of engine electrification. The level of transparency and documentation provided by the Draft EIR and the Final EIR is equivalent to, and in some cases exceeds, what is often provided for CEQA documents where models such as

Modification	Modification Consideration
	CalEEMod are exclusively used to quantify emissions. As demonstrated throughout Chapter 23 and the supporting appendices of the Final EIR, and further detailed in Final EIR, Volume 2, Common Response 15, *Air Quality and Greenhouse Gases*, the refinements to air quality and greenhouse gas (GHG) modeling confirm previous conclusions and impact determinations presented in the Draft EIR, and thus does not constitute significant new information requiring recirculation under CEQA Guidelines Section 15088.5. (See *San Francisco Baykeeper v. California State Lands Commission* (2015) 242 Cal.App.4th 202, 224-225 [new modeling confirming earlier conclusion about effects of mining on Bay environment did not trigger recirculation]; *Beverly Hills Unified School Dist. v. Los Angeles County Metropolitan Transportation Commission* (2015) 241 Cal.App.4th 627, 660-666 [Final EIR containing substantial amounts of new information, including numerous new seismic studies did not trigger recirculation].)
Inclusion of clarifying information regarding pumping energy usage in Final EIR, Volume 1, Chapter 22, *Energy*.	Revisions have been made to some of the energy use data reported in Final EIR, Volume 1, Chapter 22, *Energy*, including energy required to construct and operate the Delta Conveyance Project. The revisions reflect the most recent estimates of equipment needed to construct the Delta Conveyance Project and resulting energy consumption and updates to the energy needed to operate the project. The revised information would not result in a change to the CEQA impact conclusions reported in Chapter 22. Therefore, the new information merely clarifies/amplifies the discussion in the Draft EIR and does not constitute significant new information requiring recirculation under CEQA Guidelines Section 15088.5.
Clarifications in mitigation measures and environmental commitments/best management practices throughout the EIR, including Final EIR, Volume 1, Appendix 3B, *Environmental Commitments and Best Management Practices*, to provide more clarity regarding the activities, location, timing, roles, or responsibilities, based on technical review.	As described in Final EIR, Volume 2, Common Response 1, *CEQA Process, General Approach to Analysis, and Other Environmental Review Issues*, DWR has refined some mitigation measures to clarify the mechanisms for and timing of implementation of environmental protections, including refinements in Appendix 3F, *Compensatory Mitigation plan for Special-Status Species and Aquatic Resources*. These refinements to mitigation measures would not cause any new significant environmental impact or substantially increase the severity of a previously disclosed environmental impact. All refinements to mitigation have been included to further enhance or improve environmental protections. Refinements made to environmental commitments were for permit consistency or to address public comments. These refinements included adding refueling specification (Environmental Commitments EC-2 and EC-3); requiring that the tops and bottoms of spoils disposal areas be rounded and slope faces contoured (Environmental Commitment EC-4a); further specifying erosion control materials (Environmental Commitment EC-4a); reinforcing state priorities for zero-emission equipment, providing further detail on diesel equipment, and limiting the age of marine vessels used for intake construction (Environmental

Modification	Modification Consideration
	Commitments EC-7, EC-8, and EC-10); removing reference to studying on-site concrete batching since this analysis was already performed and the project has been designed to maximize use of on-site batch plants (Environmental Commitment EC-13); and adding further specificity to construction BMPs for biological resources (Environmental Commitment EC-14). As with mitigation measures, all refinements have been included to further enhance or improve environmental protections and would not cause new significant environmental impacts or substantially increase the severity of a previously disclosed environmental impact. Changes to, or addition of, mitigation measures that do not increase the severity of the environmental impacts disclosed in the draft EIR do not constitute significant new information requiring recirculation under CEQA Guidelines Section 15088.5. (*Yerba Buena Neighborhood Consortium, LLC v. Regents of Univ. of California* (2023) 95 Cal. App. 5th 779, 808.)
Compensatory mitigation refinements in Final EIR, Volume 1, Appendix 3F, *Compensatory Mitigation Plan for Special-Status Species and Aquatic Resources*, and throughout the EIR as appropriate; Refinements to design commitments and guidelines for special-status plants California tiger salamander, tricolored blackbird, Swainson's hawk, and the addition of design commitments for Crotch bumble bee. Additional refinements to the CMP include the inclusion of mitigation measure ratios, the 10% stay-ahead commitment to mitigation; clarifications that mitigation sites will be designed, managed, and maintained to provide habitat requirements for a diversity of targeted wildlife species; removal of tidal habitat restoration on Bouldin Island; and clarification regarding potential locations of grassland mitigation, in addition to the initial mitigation sites and other site protection instruments.	Final EIR, Volume 2, Common Response 11, *Terrestrial Biological Resources and Compensatory Mitigation Plan*, describes the revisions that have been made to the CMP and associated resource-related modifications. As discussed in Final EIR, Volume 2, Common Response 11, in the section titled *Revisions to the Compensatory Mitigation Plan*, these revisions do not result in a change to any impact conclusions or require additional mitigation measures to which DWR is unwilling to commit. For terrestrial biological resources, no changes to an CEQA impact determination or mitigation measure are necessary because the CMP revisions either add specificity to an existing measure, provide additional mitigation for a species beyond what is required to reach a determination of a less-than-significant impact, or are located within areas that have already been identified as compensatory mitigation locations, as described in the *Biological Resources* section of Final EIR, Volume 2, Common Response 11. For other resources, CMP revisions cause minimal change to a resource, do not affect a resource, or lessen the impact on a resource, as described in the *Other Resources* section of Final EIR, Volume 2, Common Response 11. The following changes to the CMP do not trigger recirculation because changes to, or addition of, mitigation measures that do not increase the severity of the environmental impacts disclosed in the draft EIR do not constitute significant new information requiring recirculation under CEQA Guidelines Section 15088.5. (*Yerba Buena Neighborhood Consortium, LLC v. Regents of Univ. of California* (2023) 95 Cal. App. 5th 779, 808.) **Refinements to Design Commitments and Guidelines** Final EIR, Volume 2, Common Response 11 describes the following refinements that were

Modification	Modification Consideration
	made to the design commitments and guidelines in the CMP, Attachment 3F.1, and why they would not result in a change to any impact conclusions or require additional mitigation measures: CMP-0: *General Design Guidelines* was updated to provide more detail about DWR's commitment to compensate for habitat impacts that could occur as a result of the CMP; Additional detail was added to CMP-9 to better define suitable habitat and to clarify conditions of propagation of seed as mitigation for special-status plants; for California tiger salamander, CMP-13 was modified to require that mitigation habitat will be located adjacent or connected to occupied upland or aquatic habitat; for tricolored blackbird, CMP-22a was revised to define high and very high-quality breeding season foraging habitat and CMP-22b was modified to add compensation for impacts on breeding season foraging habitat at a ratio of 1:1, which would consist of the creation or enhancement of grassland, vernal pool complex, alkaline seasonal wetland, or suitable cultivated lands or the implementation of a site protection instrument; for Swainson's hawk, CMP-19 was modified to revise the land cover and crop types included in the very high, high, and moderate categories of foraging habitat value types. Furthermore, CMP-29 was added; it describes compensation design guidelines specific to Crotch bumble bee to further clarify how grassland mitigation will support Crotch bumble bee to compensate for potential impacts on the species and its habitat. **Additional Revisions to the CMP** As described in Final EIR, Volume 2, Common Response 11, the CMP was also updated to include the following revisions: The addition of mitigation ratios developed in consultation with CDFW and USFWS through the project permitting process; additional language to describe in more detail the sequence and timing of mitigation implementation including the 10% stay-ahead commitment for mitigation; further detail to clarify the commitment by DWR that compensation lands will be managed to provide habitat for multiple species and to clarify the conversions of existing land cover to created, enhanced, or unchanged habitat in comparison with existing land cover; the removal of tidal habitat restoration on Bouldin Island; and the potential for additional grassland mitigation to occur in construction areas identified as permanent (affected for greater than 1 year) impacts.

Modification	Modification Consideration
Clarifications regarding water transfers in Appendix 3H, *Non-Project Water Transfer Analysis for Delta Conveyance*, and additions to Final EIR, Volume 1, Chapter 9, *Water Quality*, and Chapter 12, Fish and Aquatic Resources, methods sections.	Appendix 3H, *Non-Project Water Transfer Analysis for Delta Conveyance*, was revised by adding clarifying text regarding how water transfers were considered in the EIR, which supports the statements in the EIR and responses to comments on the EIR. The additional text clarifies that the Delta Conveyance Project would not facilitate additional exports because the available capacity of the current SWP facilities to be used for transfers is not fully utilized. The explanation of carriage water in Appendix 3H was expanded to better clarify how carriage water requirements are determined as part of a water transfer. Both Final EIR, Volume 1, Chapter 9, *Water Quality*, and Final EIR, Volume 1, Chapter 12, *Fish and Aquatic Resources*, were updated to better explain how transfers through the Delta Conveyance Project facilities would not adversely affect water quality or aquatic resources or change the impact findings made for each resource topic. The added information does not result in a new or more severe impact requiring additional analysis, change impact conclusions presented in the Draft EIR, or require additional mitigation measures to which DWR is unwilling to commit. Therefore, the information does not constitute significant new information requiring recirculation under CEQA Guidelines Section 15088.5.

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Attachment "B"

Statement of Overriding Considerations

California Public Resources Code section 21081, subdivision (b), and State CEQA Guidelines section 15093 provide that, when a public agency decision-maker approves a project that may have potentially significant, unavoidable environmental impacts identified in an environmental impact report, the decision-making body must state in writing the reasons to support its action based on the completed EIR and/or other information in the administrative record.

Here, the Desert Water Agency is considering approval of Amendment to Funding Agreement to fund data collection and field work investigations, including ground-disturbing geotechnical work, water quality and hydrogeologic investigations, agronomic testing, the installation of monitoring equipment, construction test projects, pre-construction design work, and engineering work (collectively, "**Pre-Construction Work**") that will guide the ultimate design, appropriate construction methods, and monitoring programs for the Department of Water Resources' ("**DWR**") Delta Conveyance Project ("**DCP**"). The DCP entails the development of new diversion and conveyance facilities in the Sacramento-San Joaquin Delta ("**Delta**") to safeguard the State Water Project ("**SWP**"), which provides water supplies to the Desert Water Agency. The Desert Water Agency is not considering approval of the DCP at this time, nor is the Desert Water Agency committing to a future approval of the DCP by approving the Pre-Construction Work.

DWR prepared and certified an Environmental Impact Report ("**EIR**") (State Clearinghouse Number 2020010227) that analyzed the potential environmental impacts of the DCP, inclusive of potential impacts associated with the Pre-Construction Work. The EIR concluded that the DCP, inclusive of the Pre-Construction Work, may have significant and unavoidable impacts on the environment, and these impacts are listed below and prefaced by their identification number from the EIR:

- Impact AG-1: Convert a Substantial Amount of Prime Farmland, Unique Farmland, Farmland of Local Importance, or Farmland of Statewide Importance as a Result of Construction of Water Conveyance Facilities
- Impact AG-2: Convert a Substantial Amount of Land Subject to Williamson Act Contract or under Contract in Farmland Security Zones to a Nonagricultural Use as a Result of Construction of Water Conveyance Facilities
- Impact AES-1: Substantially Degrade the Existing Visual Character or Quality of Public Views (from Publicly Accessible Vantage Points) of the Construction Sites and Visible Permanent Facilities and Their Surroundings in Nonurbanized Areas
- Impact AES-2: Substantially Damage Scenic Resources including, but Not Limited to, Trees, Rock Outcroppings, and Historic Buildings Visible from a State Scenic Highway
- Impact AES-3: Have Substantial Significant Impacts on Scenic Vistas

- Impact CUL-1: Impacts on Built-Environment Historical Resources Resulting from Construction and Operation of the Project
- Impact CUL-2: Impacts on Unidentified and Unevaluated Built-Environment Historical Resources Resulting from Construction and Operation of the Project
- Impact CUL-3: Impacts on Identified Archaeological Resources Resulting from the Project
- Impact CUL-4: Impacts on Unidentified Archaeological Resources That May Be Encountered in the Course of the Project
- Impact CUL-5: Impacts on Buried Human Remains
- Impact TRANS-1: Increased Average VMT Per Construction Employee versus Regional Average
- Impact AQ-5: Result in Exposure of Sensitive Receptors to Substantial Localized Criteria Pollutant Emissions
- Impact NOI-1: Generate a Substantial Temporary or Permanent Increase in Ambient Noise Levels in the Vicinity of the Project in Excess of Standards Established in the Local General Plan or Noise Ordinance, or Applicable Standards of Other Agencies
- Impact PALEO-2: Cause Destruction of a Unique Paleontological Resource as a Result of Tunnel Construction and Ground Improvement
- Impact TCR-1: Impacts on the Delta Tribal Cultural Landscape Tribal Cultural Resource Resulting from Construction, Operations, and Maintenance of the Project Alternatives
- Impact TCR-2: Impacts on Individual Tribal Cultural Resources Resulting from Construction, Operations, and Maintenance of the Project Alternatives

In the judgment of the Board of Directors, each benefit of the Pre-Construction Work, as set forth below, outweighs – both individually and collectively – each of these potentially significant and unavoidable impacts for the reasons set forth below.

1. **The Pre-Construction Work is necessary for the safe and efficient design of the DCP**. The information collected from and generated by the Pre-Construction Work would be used to develop the DCP safely, efficiently, and in manner that minimizes impacts to the environment. For example, the information collected would be used to develop, among other things, detailed design of the DCP's structure and bridge foundations, new or modified levee cross sections, and ground improvement methodology. Moreover, information from the Pre-Construction Work would determine selection of tunnel boring machine methods, dewatering methods and quantities, below-grade construction methods (such as at the shafts and the pumping plant), need for impact pile driving, and methods to reduce ground settlement risk at all construction sites and along the tunnel alignment. The information would also be used to determine the specific depths and widths of groundwater cutoff walls to be installed at select construction sites. Additionally, soil samples obtained during soil borings would be analyzed to determine the structural capabilities of the soil to construct tunnel shaft pads and levee improvements, among other things. Soil and water quality tests would also be conducted to

determine the potential for the presence of high concentrations of metals, organic materials, or hazardous materials that would require specific treatment and/or disposal methods. Thus, the Pre-Construction Work would generate information necessary to guide any construction of the DCP in a manner that would minimize its potential environmental impacts and most efficiently achieve the DCP's objectives.

2. **The DCP, which cannot be developed without the Pre-Construction Work, would restore and protect the reliability of SWP Water Deliveries South of the Delta**. The primary purpose of the SWP is to convey water to local and regional water suppliers, including the Desert Water Agency, across California that, in turn, supply end users engaged in the beneficial uses of that water. Protection of the SWP is thus important to the Desert Water Agency. The Pre-Construction Work will help ensure that the DCP, if constructed, will help protect SWP water deliveries to the Desert Water Agency by addressing seismic risks. Notably, the current SWP system relies heavily on natural channels within the Delta to convey water and is extremely vulnerable to seismic events because most land in the central Delta has subsided well below sea level. If levees fail because of a seismic event, seawater intrusion from the western Delta could create salinity conditions that could require ceasing diversions from the SWP's current point of diversion in the south Delta. The capability of the DCP to continue operations would improve the ability of SWP Delta facilities to function after a seismic event by operating diversion facilities north of existing SWP facilities. The operations of the DCP would allow continued water supply diversions should south Delta export facilities become inoperable.

   The DCP cannot proceed without the Pre-Construction Work, and the DCP would allow continued water deliveries to the Desert Water Agency and operational flexibility in the event of a catastrophic levee failure from seismic activity that could temporarily disrupt water supply or affect water quality.

3. **The DCP, which cannot be developed without the Pre-Construction Work, would restore and protect the reliability of SWP Water Deliveries South of the Delta by addressing reasonably foreseeable consequences of climate change and extreme weather events**. The DCP is part of the State of California's strategy to adapt the SWP water supply to climate change. As described in the Final EIR certified for the DCP, Volume 1, Chapter 30, *Climate Change*, projected future conditions under climate change, such as higher average temperature and more extreme variability in annual precipitation patterns, is anticipated to further diminish overall water supply and reliability of water delivery to the Desert Water Agency. Climate change is already taking a toll on California's water supplies in the form of more frequent and more severe droughts. A warmer atmosphere would modify precipitation and runoff patterns and affect extreme hydrologic events like floods and droughts. It is anticipated that droughts would increase in severity and duration, resulting in periods of critical dryness, further reducing Delta inflows during these dry periods. At the same time, associated increases in the frequency and severity of flashy storms in the cool season could increase high-flow events and flood risk in the Delta. These trends point to the need for alternate methods of water diversion and conveyance to effectively respond to changing water flow regimes under future climate change. In this context, the Desert Water Agency considers capture and conveyance in the Delta as important potential adaptations in protecting the SWP from future climatic change and mitigating system losses due to changing precipitation patterns and seasonal runoff. Having alternative points of diversion in the north Delta would increase resiliency in managing

combined effects of sea level rise, including potential impacts on Delta morphology, and changes to timing and quantity of seasonal runoff. As water demand and supply challenges continue to increase, the DCP is designed to enhance resilience to climate change impacts and ensure that safe and reliable water deliveries to the Desert Water Agency continue far into the future (California Department of Water Resources 2023b).

4. **The DCP, which cannot be developed without the Pre-Construction Work, would restore and protect the reliability of State Water Project Water Deliveries South of the Delta by addressing sea level rise**. The DCP would protect the Desert Water Agency's SWP water supplies by facilitating adaption to sea level rise and potential changes in hydrologic conditions associated with climate change. As described in Final EIR, Volume 1, Appendix 6A, *Water Supply 2040 Analysis*, the DCP would improve SWP water supply reliability under current and future conditions, including extreme high sea level rise. As the Desert Water Agency relies on SWP water supply, the Pre-Construction Work, and the DCP that it would enable, would provide significant benefits to the Desert Water Agency.

5. **The Pre-Construction Work is necessary to obtain a more accurate cost estimate in relation to prudent financial planning and decision making of the Desert Water Agency.** The ultimate financial costs of the DCP continue to be refined as further feasibility, planning, and design information is obtained. Until more information is known regarding the precise construction techniques, unique localized conditions that may increase or decrease construction costs, and potential schedule for any future construction, the financial cost of the DCP will continue to evolve. Desert Water Agency wishes to further confirm the ultimate DCP costs, in order to allow for better disclosure to its rate-payers and in relation to prudent financial planning and decision making. The Pre-Construction Work is necessary to achieve those ends.

Through this Statement of Overriding Considerations, and based on the substantial evidence in the administrative record, the Board of Directors has weighed the Pre-Construction Work's benefits against its environmental impacts and finds that the Pre-Construction Work's potentially significant and unavoidable environmental impacts are "acceptable" in light of the environmental, economic, legal, social, technological, and/or other considerations set forth herein, and that each benefit of the Pre-Construction Work outweighs, both individually and collectively, the potentially significant and unavoidable environmental impacts.

RESOLUTION NO. 1270

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE DESERT WATER AGENCY (1) AUTHORIZING THE PROVIDING OF ADDITIONAL FUNDING TO THE DEPARTMENT OF WATER RESOURCES FOR THE AGENCY'S SHARE OF THE ENVIRONMENTAL PLANNING COSTS ASSOCIATED WITH THE PROPOSED DELTA CONVEYANCE PROJECT AND (2) DETERMINING THAT THE ACTIONS ARE EXEMPT FROM CEQA

WHEREAS, Desert Water Agency (**"**Agency/District") has a long term water supply contract with the State of California Department of Water Resources ("DWR") for the delivery of State Water Project ("SWP") water; and

WHEREAS, in January 2020, DWR released a Notice of Preparation of an Environmental Impact Report ("EIR") pursuant to CEQA for a proposed single tunnel project with 6,000 cfs of capacity referred to as the Delta Conveyance Project ("DCP"), and DWR is currently conducting environmental review of the DCP; and

WHEREAS, after sixteen public negotiations, DWR and SWP contractors developed a draft Agreement in Principle that contains provisions for the allocation of costs and benefits for a potential DCP; and

WHEREAS, on November 17, 2020, the Board of Directors approved Resolution No. 1245, which authorized informing DWR that the Agency/District desires to participate in the DCP at a 1.52% participation level; and

WHEREAS, Resolution No. 1245 further authorized the execution of a funding agreement with DWR to pay for the Agency's share of environmental review, planning and design costs associated with the DCP for the first two years, out of four years of required funding, in the amount of up to $1,900,132 ("Funding Agreement"); and

WHEREAS, DWR is requesting each contractor who has indicated they intend to participate in the DCP to provide the remaining two years of requested funding for environmental review, planning, and design costs of the proposed project through 2024; and

WHEREAS, the Funding Agreement with DWR allows for the Agency to contribute additional funds by providing a letter and a copy of the Agency's resolution or Board authorization of the additional funding; and

WHEREAS, the recommended actions do not qualify as a "project" subject to CEQA because the actions constitute (1) continuing administrative or maintenance activities, such as general policy and procedure making; (2) government fiscal activities that do not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment; and (3) organizational or administrative activities of a public agency that will not result in direct or indirect physical changes in the environment. (State CEQA Guidelines, § 15060(c)(3)). The recommended actions do not constitute an approval by the Agency of the DCP

nor do the actions authorize or approve construction of the DCP. The recommended actions do not authorize any amendment to the long-term water supply contract with DWR. As such, the actions recommended herein are not a "project" requiring environmental review under the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guideline § 15378, subdivisions (a) and (b)(2), (b)(4) and (b)(5); and

WHEREAS, even if the actions were considered a CEQA "project," these actions would be statutorily exempt from environmental review pursuant to CEQA Guideline § 15262 because the actions merely call for the funding and completion of feasibility and planning studies, including the completion of CEQA review itself. In addition, the actions are exempt under the "common sense" exemption in CEQA Guidelines § 15061, subd. (b)(3) because it can be seen with certainty that there is no possibility that the actions may have a significant effect on the environment. Finally, none of the exceptions to the use of the "common sense" exemption as identified in CEQA Guidelines § 15300.2 exist here.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE DESERT WATER AGENCY:

1. The above recitals are true and correct and are incorporated herein by reference as an operative portion of this Resolution.

2. The General Manager is authorized to execute a letter to DWR that commits the Agency to provide additional funding to DWR for the Agency's share of the environmental review, planning, and design costs associated with the Delta Conveyance Project through 2024 in the amount of up to $3,284,178. These funds shall be paid in a manner consistent with the provisions of the Funding Agreement. A copy of the draft letter is attached as Exhibit A.

3. For the reasons set forth above, the Agency's actions are not a "project" requiring environmental review pursuant to State CEQA Guidelines § 15060, subdivision (c)(3) and §15378, subdivisions (a) and (b)(2), (b)(4) and (b)(5). Alternatively, the actions are statutorily exempt from CEQA review pursuant to State CEQA Guidelines § 15262 and exempt under the "common sense" exemption identified in State CEQA Guidelines § 15061, subdivision (b)(3). None of the exceptions to the use of the "common sense" exemption as identified in Government Code § 15300.2 exist.

4. Agency staff is directed to prepare and file a Notice of Exemption within five working days of the approval of this Resolution.

5. The custodian of the records upon which this Resolution is based is the Executive Secretary/Assistant Secretary to the Board, who may be contacted at the Agency's office, located at 1200 S. Gene Autry Trail Drive, Palm Springs, CA 92264.

ADOPTED this 15th day of March 2022.

Kristin Bloomer, President

ATTEST:

Joseph K. Stuart, Secretary-Treasurer

DESERT WATER

Exhibit A

March 15, 2022

Hong Lin
Financial Manager, State Water Project
California Department of Water Resources
715 P Street
Sacramento, CA 95814

Re: Contribution or Advance of Money for Delta Conveyance Planning Activities

Dear Ms. Lin:

This letter is sent pursuant to section 5 of the Agreement for the Advance of Contribution of Money to the Department of Water Resources ("Department") for Preliminary Planning and Design Costs Related to a Potential Delta Conveyance Project ("Funding Agreement) dated November 17, 2020 between the Department and Desert Water Agency ("DWA").

On March 15, 2022, the Board of Directors of DWA approved the contribution or advance of $3,284,178 to the Department for use in accordance with the terms of the Funding Agreement. A copy of the Board's resolution is enclosed with this letter. The contribution or advance will be collected from DWA in 12 monthly installments by inclusion of a charge on DWA's annual Statement of Charges for calendar years 2023 and 2024. The charge shall be referred to as the 2023 and 2024 Pay-go Charge. As provided by section 5 of the Agreement the contribution or advance described herein will be subject to the terms and conditions of the Agreement.

Please confirm your agreement to the foregoing by countersigning in the space provided below and returning an original copy of this letter agreement to:

Mark S. Krause
General Manager, Chief Engineer
Desert Water Agency
P.O. Box 1710
Palm Springs, CA 92263

Desert Water Agency

_____
Mark S. Krause, General Manager

_____
Date

State of California
Department of Water Resources

_____
Signature/Title

_____
Date

Enclosure(s)

ec: Anthony Meyers, Executive Director of Delta Conveyance Office

State of California
California Natural Resources Agency
DEPARTMENT OF WATER RESOURCES

AGREEMENT FOR THE ADVANCE OR CONTRIBUTION OF MONEY TO THE DEPARTMENT OF WATER RESOURCES BY THE DESERT WATER AGENCY

FOR PRELIMINARY PLANNING AND DESIGN COSTS RELATED TO A POTENTIAL DELTA CONVEYANCE PROJECT

THIS AGREEMENT is made, pursuant to the provisions of all applicable laws of the State of California, between the State of California, acting by and through its Department of Water Resources ("Department" or "DWR"), and the Desert Water Agency ("Contractor"), each herein referred to individually as a "Party" and collectively as the "Parties".

Recitals

WHEREAS, DWR and the Contractor listed on the signature page hereto have entered into and subsequently amended a long-term water supply contract, herein referred to as a "Water Supply Contract," providing that DWR will supply certain quantities of water to the Contractor, providing that Contractor shall make certain payments to DWR, and setting forth the terms and conditions of such supply and such payments; and

WHEREAS, the Bay Delta Conservation Plan ("BDCP") process was initiated in 2005-2006 and the Delta Habitat Conservation and Conveyance Program ("DHCCP") was initiated in 2008; and

WHEREAS, the Bay Delta Conservation Plan ("BDCP") and ("DHCCP") resulted in development of a project known as the California WaterFix ("WaterFix"); and

WHEREAS, on July 21, 2017, DWR approved the California WaterFix project; and

WHEREAS, certain Contractors have entered into that certain Joint Powers Agreement dated May 14, 2018 forming the Delta Conveyance Design and Construction Authority ("DCA"); and

WHEREAS, DWR and DCA have entered into that certain Joint Powers Agreement ("JEPA"), dated May 22, 2018, as amended and restated, and as the same has or may be further amended, wherein the DCA will provide preliminary design, planning and other preconstruction activities to assist the environmental planning process for a potential Delta conveyance project under the supervision of DWR (the "Work" as defined in the JEPA); and

WHEREAS, a copy of the resolution of the Board of Directors of Contractor authorizing its General Manager to execute this Agreement is attached hereto as Exhibit A; and

WHEREAS, a State Agency may advance or contribute funds to DWR for SWP purposes pursuant to Water Code section 11135 and (ii) DWR may accept such advanced or contributed funds and thereafter use such funds in accordance with the terms of this Agreement pursuant to Water Code section 11141; and

WHEREAS, DWR and Contractor desire to enter into this funding Agreement to provide for the contribution or advance of funds to DWR and authorize the use of the contributed funds for purposes related to environmental review, planning and design of a Delta conveyance project as described below.

AGREEMENT

NOW, THEREFORE, it is mutually agreed by the Parties as follows:

1. When used in this Agreement, terms defined in the Water Supply Contract (as defined herein) shall be defined by reference to the Water Supply Contractor. In addition, the following definitions shall apply:

    a. "**Calendar Year**" means the period January 1 through December 31.

    b. "**Contributed Funds**" means money contributed or advanced to DWR by Contractor pursuant to this Agreement. The total initial amount Contractor agrees to provide is $1,900,132 and is comprised of the following annual amounts to be paid to DWR in the manner described in Section 5 of this Agreement are $961,795 for 2021 and $938,337 for 2022.

    c. "**Contribution Payment(s)**" means the payments of Contributed Funds that Contractor agrees to provide to DWR pursuant this Agreement

    d. "**Contractor**" means a State Agency that is a party to a Water Supply Contract with DWR.

    e. "**Department**" or "**DWR**" means the California Department of Water Resources.

    f. "**Effective Date**" has the meaning ascribed to it in section 11 hereof.

    g. "**JEPA**" means the Joint Exercise of Powers Agreement between DWR and the DCA dated May 22, 2018, as amended and restated and as may be further amended from time to time.

    h. "**Pay-Go Charge**" means the charge included on Contractor's Statements of Charges for the purpose of collecting Contributed Funds that Contractor agrees to advance or contribute to DWR pursuant to this Agreement.

i. "**Party**" or "**Parties**" means DWR, the undersigned Contractor, or all signatories to this Agreement.

j. "**State Agency**" has the meaning ascribed to it by Water Code section 11102.

k. "**SWP**" or "**State Water Project**" means the State Water Project operated by DWR. The SWP generally includes the State Water Facilities, as defined in California Water Code section 12934(d), and certain facilities authorized by the Central Valley Project Act at section 11100 *et. seq*.

l. "**Water Supply Contract**" means the long-term water supply contract, as amended and as may be amended in the future, between Contractor and DWR.

m. "**Work**" has the meaning ascribed to it in the Recitals to this Agreement.

2. Effect of Agreement. DWR and Contractor agree that nothing in this Agreement supersedes previous funding agreements or the obligations under those funding agreements unless specifically addressed in this Agreement.

3. Purposes of Agreement. This Agreement documents Contractors agreement to provide Contributed Funds to DWR for the purposes set forth in Section 4, the manner of providing those funds as set forth in Section 5, and the means by which future contributions may be made.

4. Use of Funds. DWR shall use the Contributed Funds and any future Contributed Funds collected from Contractor pursuant to section 5 hereof, for the payment of DCA invoices submitted to DWR on or after October 1, 2020 for the Work done or costs incurred by DCA, or for Delta conveyance project planning work done by DWR through the Delta Conveyance Office ("DCO") and any other purpose consistent with the JEPA, as the same has been, and may be, amended from time to time. DWR will not use funds provided under this Agreement for the activities described in the Mitigated Negative Declaration for Soil Investigations for Data Collection in the Delta adopted by DWR on July 9, 2020.

5. Charge Procedure. Contractor shall pay its Pay-Go Charge on the date(s) and in the amount(s) set forth on the revised Statement of Charges for 2021, and subsequent Statements of Charges issued to Contractor by DWR. The annual amounts will be paid in twelve monthly installments. Contractor may agree, without amending this Agreement, to advance additional funds after the Effective Date, which shall be considered Contributed Funds, by delivery to DWR of a letter in substantially the form attached hereto as Exhibit B, which letter shall specify the amount to be advanced or contributed, whether the payments will be in the form of one or more lump sums or in 12 equal installments, and together with such other information the Parties deem necessary or desirable to effectuate the advance or contribution. A copy of the resolution, or other Board authorization, of Contractor's Board of Directors approving the subject contribution shall be enclosed with the letter. Upon receipt of a contribution letter DWR shall indicate its agreement by

returning a counter signed copy of the letter to Contractor. The agreed upon advance or contribution shall thereafter be included in Contractor's Statement of Charges or a revised Statement of Charges, as appropriate. The charge shall be designated by reference to the year in which the charge is to begin, followed, if there be more than one such subsequent advance or contribution in a year by a dash and an integer followed by the words Pay-Go Charge.

6. Limitation. With respect to the Work and the DCA, nothing in this Agreement imposes any duty or obligation either expressly or by implication on DWR other than the duty to use Contributed Funds to pay the undisputed portion of DCA invoices submitted to DWR during the term of this Agreement in accordance with the terms of this Agreement and the JEPA if, as and when Contributed Funds have been received by DWR under this Agreement and other similar agreements or arrangements with other Contractors for purposes substantially the same as those described herein and is available for the payment thereof.

7. Reporting. DWR, through its DCO and in coordination with its State Water Project Analysis Office (SWPAO), shall annually prepare a report summarizing the advances or contributions received, and expenditures made pursuant to, this Agreement. The first such report shall be completed not later than March 31, 2021 and thereafter not later than March 31 of each subsequent year. Contractor may request in writing a summary of the advances, contributions, and expenditures at any time during the term of this Agreement and DWR shall provide such within thirty (30) days of such written request.

8. Status of Project. Contractor recognizes that the funds contributed pursuant to this Agreement are for the planning activities in support of DWR's environmental review and permitting process, including but not limited to the Work, for a potential Delta Conveyance Project. The advance or contribution of Contributed Funds is not contingent on, or in exchange for, DWR's agreement to exercise its discretion in future to approve a Delta conveyance project.

9. Unspent Funds. Upon termination of this Agreement, it is the intent of the Parties that any unspent Contributed Funds remaining after payment of all costs for which the funds were contributed will be returned to Contractor as a credit on Contractor's Statement of Charges in proportion to its percentage share of advances or contributions made by all Contractors that entered into Agreements similar to this Agreement.

10. Reimbursement of Contributed Funds. If a Delta conveyance project is approved by DWR and is implemented it is the intent of the Parties hereto that the Contributed Funds spent in accordance with this Agreement be reimbursed or credited to Contractor according to the relative amount each such Contractor paid pursuant to this Agreement, upon the issuance and sale of revenue bonds by either the Department or a Joint Powers Authority established , whichever occurs earlier, for the purpose of, among other things, funding a future Delta conveyance facility. The Department shall be under no obligation to issue and sell bonds for the purpose(s) described in the foregoing sentence or to undertake any reimbursement or credit as so described, unless a determination is first made by DWR in its sole discretion that such issuance and sale of revenue bonds, such reimbursement, or such

credit as applicable is consistent with applicable law, applicable judicial rulings, and applicable contractual obligations of DWR, and the Parties have negotiated and executed such further agreements as may be necessary to accomplish such credit or reimbursement on terms acceptable to DWR.

11. Effective Date and Term. This Agreement shall become effective on the date the last Party hereto signs the Agreement as set forth on the signature page(s) hereto ("Effective Date") and shall continue in effect until terminated in writing by the Parties. The Parties obligations under Section 10 shall survive termination of this Agreement.

12. Invoices, Notices or Other Communications. All invoices, notices, or other communications required under this Agreement will be in writing, and will be deemed to have been duly given upon the date of service, if: (i) served personally on the Party to whom notice is to be given; (ii) sent by electronic mail, and the Party to whom notice is to be given confirms receipt; or (iii) on the third day after mailing, if mailed to the Party to whom invoice, notice or other communication is directed, by first-class mail, postage prepaid, and properly addressed to the designated representative(s) of the Party set forth below.

DWR:
Pedro Villalobos
Chief, State Water Project Analysis Office
Department of Water Resources
1416 Ninth Street, Room 1620
Post Office Box 94236
Sacramento, California 94236-0001

Copy to
Anthony Meyers
Executive Director, Delta Conveyance Office
Department of Water Resources
901 P Street, Room 413
Sacramento, California 94236-0001

Copy to
Christopher Martin
Office of the Chief Counsel
Department of Water Resources
1416 Ninth Street, Room 1620
Post Office Box 94236
Sacramento, California 94236-0001

Contractor:

Copy to:
Mark S. Krause
General Manager
Desert Water Agency
1200 Gene Autry Trail South
P.O. Box 1710
Palm springs, CA 92263

13. No Delegation of Authority. Nothing in this Agreement constitutes a delegation by any Party of its existing authority to make any decision it is mandated to make. Nothing in this Agreement shall limit DWR's final decision-making authority at the time of consideration of future Delta conveyance facility related approvals. All provisions of this Agreement are intended to be, and shall to the extent reasonable be interpreted to be, consistent with all applicable provisions of State and federal law. The undersigned recognize that the Parties are public agencies and have specific statutory responsibilities, and that actions of these public agencies must be consistent with applicable procedural and substantive requirements of State and federal law. Nothing in this Agreement is intended to, nor will have the effect of, constraining or limiting any public agency in carrying out its statutory responsibilities or requiring an agency to take any action inconsistent with applicable law. Nothing in this Agreement constitutes an admission by any Party as to the proper interpretation of any provision of law, nor will it have the effect of, waiving or limiting any public entity's rights and remedies under applicable law except as expressly provided elsewhere in this Agreement. Execution of this Agreement does not constitute pre-approval of any project or preferred project alternative, or waive or otherwise abridge responsible trustee duties required, or discretion authorized or granted by, State and federal law.

14. Amendment. Except as otherwise set forth above, this Agreement may only be amended or modified by a subsequent written agreement approved and executed by both Parties.

15. Applicable Law. This Agreement will be construed under and will be deemed to be governed by the laws of the United States and the State of California.

16. Integration. This Agreement constitutes the sole, final, complete, exclusive and integrated expression and statement of the terms of this Agreement among the Parties concerning the subject matter, and supersedes all prior negotiations, representations or agreement, either oral or written, that may be related to the subject matter of this Agreement.

17. Counterparts. This Agreement may be executed in counterparts, each of which shall constitute an original, but all of which shall constitute one and the same agreement. Each signing Party shall have received a copy of the signature page signed by every other Party.

Exhibits attached and incorporated herein:

Exhibit A Board Resolution or other Board Authorization
Exhibit B Form of Letter Regarding Future Contributions

IN WITNESS WHEREOF, the Parties hereto, by their authorized representatives, have executed this Agreement on the date(s) set forth below.

Approved as to Legal Form
and Sufficiency

Spencer Kenner

Spencer Kenner, Chief Counsel

1/6/2021

Date

State of California
Department of Water Resources

Ted Craddock

Karla A. Nemeth,
Director

1/6/2021

Date

Approved as to Legal Form
and Sufficiency

Michael T Riddell

Signature

Michael T. Riddell

Printed Name

December 9, 2020

Date

Desert Water Agency

Mark S. Krause

Signature

Mark S. Krause

Printed Name

General Manager-Chief Engineer

Title

December 9, 2020

Date

Exhibit A

RESOLUTION NO. 1245

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE DESERT WATER AGENCY AUTHORIZING (1) A LEVEL OF PARTICIPATION IN THE DELTA CONVEYANCE PROJECT; (2) THE GENERAL MANAGER TO ENTER INTO A FUNDING AGREEMENT FOR ENVIRONMENTAL PLANNING COSTS FOR THE PROJECT; (3) ENTERING INTO THE DELTA CONVEYANCE DESIGN AND CONSTRUCTION AUTHORITY JOINT POWERS AGREEMENT; AND DETERMINING THAT THE ACTIONS ARE EXEMPT FROM CEQA.

WHEREAS, Desert Water Agency **("**Agency") has a long term water supply contract with the State of California Department of Water Resources (DWR) for the delivery of State Water Project (SWP) water; and

WHEREAS, on July 21, 2017, DWR approved the project known as the California WaterFix, which was a dual conveyance project that involved two new diversion points and two tunnels moving water from the Sacramento River north of the Delta under the Delta to State Water Project and Central Project water pumping facilities in the South Delta; and

WHEREAS, the purpose of the WaterFix project was to improve the reliability of SWP water for the Agency and other contractors; and

WHEREAS, the Agency previously approved participating in WaterFix and participating in a funding agreement to pay a share of preconstruction planning activities associated with the WaterFix project; and

WHEREAS, in 2019, Governor Newsom announced that he did not support the WaterFix project but he instead supported a one tunnel conveyance project. DWR subsequently rescinded its approvals of the WaterFix project and began planning for a single tunnel option; and

WHEREAS, DWR began public negotiations with the SWP contractors to agree upon a framework, referred to as an Agreement in Principle (AIP), for the amendment of SWP water supply contracts to allocate costs and benefits in the event that a potential single tunnel facility is ultimately approved; and

WHEREAS, In January 2020, DWR released a Notice of Preparation of an Environmental Impact Report (EIR) pursuant to CEQA for a proposed single tunnel project with 6,000 cfs of capacity referred to as the Delta Conveyance Project (DCP), and DWR is currently conducting environmental review; and

WHEREAS, after fifteen public negotiations, DWR and SWP contractors have developed a draft AIP that contains provisions for the allocation of costs and benefits for a potential Delta Conveyance Project; and

WHEREAS, DWR has requested that the Agency identify the level of its desired participation in the DCP assuming a 6,000 cfs facility, which will be used to inform the percentage of planning funding allocated to the Agency; and

WHEREAS, DWR has also requested that the Agency enter into a new funding agreement with DWR for an amount equal to the Agency's participation percentage of the preliminary design, environmental planning, and other preconstruction activities for DCP, which is up to $5,184,310; and

WHEREAS, the Delta Conveyance Design and Construction Authority (DCA) was created by certain SWP contractors to actively participate with DWR in the design and construction of California WaterFix. The DCA subsequently entered into a Joint Powers Agreement with DWR; and

WHEREAS, given the shift from a two tunnel WaterFix project to a potential single-tunnel DCP project and a significant change in the anticipated participation for DCP, the existing and prospective members of the DCA desire to amend the DCA Joint Powers Agreement to better align representation with Public Water Agency ("PWA") participation; and

WHEREAS, the recommended actions do not qualify as a "project" subject to CEQA because the actions constitute (1) continuing administrative or maintenance activities, such as general policy and procedure making; (2) government fiscal activities that do not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment; and (3) organizational or administrative activities of a public agency that will not result in direct or indirect physical changes in the environment. (State CEQA Guidelines, § 15060(c)(3)). The recommended actions do not constitute an approval by the Agency of the DCP nor do the actions authorize or approve construction of the DCP. The recommended actions do not authorize any amendment to the long-term water supply contract with DWR. Further, the recommended actions do not authorize or approve any actions by the DCA that may cause direct or reasonably foreseeable indirect environmental impacts. As such, the actions recommended herein are not a "project" requiring environmental review under the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guideline § 15378, subdivisions (a) and (b)(2), (b)(4) and (b)(5).

WHEREAS, even if the actions were considered a CEQA "project," these actions would be statutorily exempt from environmental review pursuant to CEQA Guideline § 15262 because the actions merely call for the funding and completion of feasibility and planning studies, including the completion of CEQA review itself. In addition, the actions are exempt under the "common sense" exemption in CEQA Guidelines § 15061, subd. (b)(3) because it can be seen with certainty that there is no possibility that the actions may have a significant effect on the environment. Finally, none of the exceptions to the use of the "common sense" exemption as identified in CEQA Guidelines § 15300.2 exist here.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE DESERT WATER AGENCY:

1. The above recitals are true and correct and are incorporated herein by reference as an operative portion of this Resolution.

2. The General Manager is authorized to inform DWR that the Agency desires to participate in the Delta Conveyance Project at a 1.52% participation level.

3. The General Manager is authorized to execute a funding agreement with DWR for environmental planning costs associated with the Delta Conveyance Project in the amount of up to $1,900,132 for the year 2021 and 2022. The funding agreement is attached as Exhibit A.

4. The General Manager is authorized to execute a Joint Powers Agreement to become a member of the Delta Conveyance Design and Construction Authority. The joint powers agreement is attached as Exhibit B.

5. For the reasons set forth above, the Agency's actions are not a "project" requiring environmental review pursuant to State CEQA Guidelines § 15060, subdivision (c)(3) and §15378, subdivisions (a) and (b)(2), (b)(4) and (b)(5). Alternatively, the actions are statutorily exempt from CEQA review pursuant to State CEQA Guidelines § 15262 and exempt under the "common sense" exemption identified in State CEQA Guidelines § 15061, subdivision (b)(3). None of the exceptions to the use of the "common sense" exemption as identified in Government Code § 15300.2 exist.

6. Agency staff is directed to prepare and file a Notice of Exemption within five working days of the approval of this Resolution.

7. The custodian of the records upon which this Resolution is based is the Executive Secretary/Assistant Secretary to the Board, who may be contacted at the Agency's office, located at:

1200 South Gene Autry Trail
P.O. Box 1710
Palm Springs, CA 92263

Exhibit B

Form of Contribution Letter

[date]
[address]

Re: Contribution or Advance of Money for Delta Conveyance Planning Activities

Dear Mr. Villalobos:

This letter is sent pursuant to section 5 of the Agreement for the Advance of Contribution of Money to the Department of Water Resources for Preliminary Planning and Design Costs Related to a Potential Delta Conveyance Project dated _____, 2020 between Department of Water Resources and the [agency] ("Funding Agreement").

On [date] the Board of Directors of [agency] approved the contribution or advance of $[amount] to the Department for use in accordance with the terms of the Funding Agreement. A copy of the Board's resolution is enclosed with this letter. The contribution or advance will be collected from [agency] in [a lump sum][equal monthly installments] by inclusion of a charge [on its Statement of Charges for [year]][on a revised Statement of Charges for [year] that Department will issue to [agency]]. The charge shall be referred to as the [year] Pay-go Charge. As provided by section 5 of the Agreement the contribution or advance described herein will be subject to the terms and conditions of the Agreement.

Please confirm your agreement to the foregoing by countersigning in the space provided below and returning an original copy of this letter agreement to [agency] at [address].

[signature blocks for agency and Department]

Enclosure(s)

cc: Anthony Meyers, Executive Director of Delta Conveyance Office

ANOTICE OF DETERMINATION

TO:	Office of Planning and Research 1400 Tenth Street Sacramento, CA 95814	FROM:	Desert Water Agency 1200 S. Gene Autry Trail Palm Springs, CA 92263 Steve L. Johnson 760-323-4971
	Alameda County Clerk 1106 Madison Street Oakland, CA 94607		
	Sacramento County Clerk 3636 American River Drive, Suite 110 Sacramento, CA 95864		
	Yolo County Clerk 625 Court Street, Room B-01 Woodland, CA 95695		
	San Joaquin County Clerk 44 North San Joaquin Street Second Floor, Suite 260 Stockton, CA 95202		
	Contra Costa County Clerk 555 Escobar Street Martinez, CA 94553		
	Solano County Clerk 675 Texas Street, Suite 2700 Fairfield, CA 94533		

SUBJECT: Filing of Notice of Determination in compliance with 21152 of the Public Resources Code.

State Clearinghouse Number:	2020010227
Project Title:	Delta Conveyance Project
Lead Agency and Project Applicant:	Department of Water Resources (“DWR”) 1516 9th Street, Sacramento, CA 95814 Contact: Marcus Yee Phone: (916) 699-8405
Responsible Agency:	Desert Water Agency (“DWA”) Contact: Steve L. Johnson, General Manager 1200 S. Gene Autry Trail Palm Springs, CA 92263 Phone: 760-323-4971

Project Location:	Pre-Construction Work for the Delta Conveyance Project will occur within the Sacramento-San Joaquin Delta ("Delta") in Alameda, Contra Costa, Sacramento, Solano, San Joaquin, and Yolo Counties. See Attachment 1 and Figure 1.
Project Description:	On December 21, 2023, DWR certified the environmental impact report ("EIR") for, and approved, the Delta Conveyance Project. (State Clearinghouse No. 2020010227). The Delta Conveyance Project consists of the construction, operation, and maintenance of new State Water Project ("SWP") water diversion and conveyance facilities in the Delta that would be operated in coordination with existing SWP facilities. The Delta Conveyance Project includes the following key components and actions: • Two intake facilities along the Sacramento River in the north Delta near the community of Hood with on-bank intake structures that would include fish screens. • A concrete-lined tunnel, and associated vertical tunnel shafts, to convey flow from the intakes about 45 miles to the south of the Bethany Reservoir Pumping Plant and Surge Basin at a location south of the existing SWP Clifton Court Forebay. • A Bethany Reservoir Pumping Plant to lift the water from inside the tunnel below ground into the Bethany Reservoir Aqueduct for conveyance to the Bethany Reservoir Discharge Structure and into the existing Bethany Reservoir. • Other ancillary facilities to support construction and operation of the conveyance facilities including, but not limited to, access roads, concrete batch plants, fuel stations, and power transmission and/or distribution lines. • Efforts to identify geotechnical, hydrogeologic, agronomic, and other field conditions that will guide appropriate construction methods and monitoring programs for final engineering design and construction data collection and field work investigations, including ground-disturbing geotechnical work, water quality and hydrogeologic investigations, agronomic testing, the installation of monitoring equipment, construction test projects, pre-construction design work, and engineering work ("Pre-Construction Work") Desert Water Agency, as a responsible agency, has not approved the Delta Conveyance Project. The Agency has, however, issued a limited approval relating to funding of Pre-Construction Work for the Delta Conveyance Project.

Person or entity undertaking the project pursuant to Public Resources Code section 21065	DWR is undertaking the Delta Conveyance Project. The Board of Directors for the Desert Water Agency approved adoption of Resolution XXXX to authorize additional funding for the next phase of Pre-Construction Work for the proposed Delta Conveyance Project and make CEQA Responsible Agency Findings Based on the Department of Water Resources' Previously Certified EIR for the Pre-Construction Work.

This is to advise that, on or about November 19, 2024, Desert Water Agency, as a Responsible Agency, considered the EIR certified for the Delta Conveyance Project (State Clearinghouse No. 2020010227); made CEQA Findings of Fact pursuant to State CEQA Guidelines sections 15091 and 15096 for the Delta Conveyance Project; adopted a Statement of Overriding Considerations specific to Pre-Construction Work pursuant to State CEQA Guidelines section 15093; approved a resolution authorizing the Desert Water Agency General Manager to execute an Amendment to the Agreement to provide funding for Pre-Construction Work for the Calendar Years 2026-2027; and made the following determinations regarding the Pre-Construction Work:

1.	The Pre-Construction Work **will** have a significant effect on the environment.
2.	An EIR **was** previously prepared and certified by DWR for the Delta Conveyance Project, which included an analysis of the Pre-Construction, pursuant to the provisions of CEQA.
3.	Mitigation measures **were** made a condition of the approval of the Delta Conveyance Project, including the Pre-Construction Work, by DWR.
4.	A mitigation monitoring or reporting plan **was** adopted by DWR.
5.	Findings **were** made pursuant to State CEQA Guidelines section 15091 and the provisions of CEQA for the Delta Conveyance Project.
6.	A Statement of Overriding Considerations **was** adopted for the Pre-Construction Work.

This is to certify that the above-referenced EIR and the record of proceedings relating to the Desert Water Agency's above-described action is available to the General Public at the following location:
1200 S. Gene Autry Trail, Palm Springs, CA 92263

Date: _____	_____ Steve L. Johnson, General Manager

Date Received for Filing: _____

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

Attachment 1
Project Location

The project area consists of the construction footprint of the project facilities. The physical footprint of the Project would lie primarily within the boundaries of the statutorily defined Delta. Additionally, certain facilities that would be constructed under the Project would be located southeast of the statutory Delta (see Figure 1, Project Location).

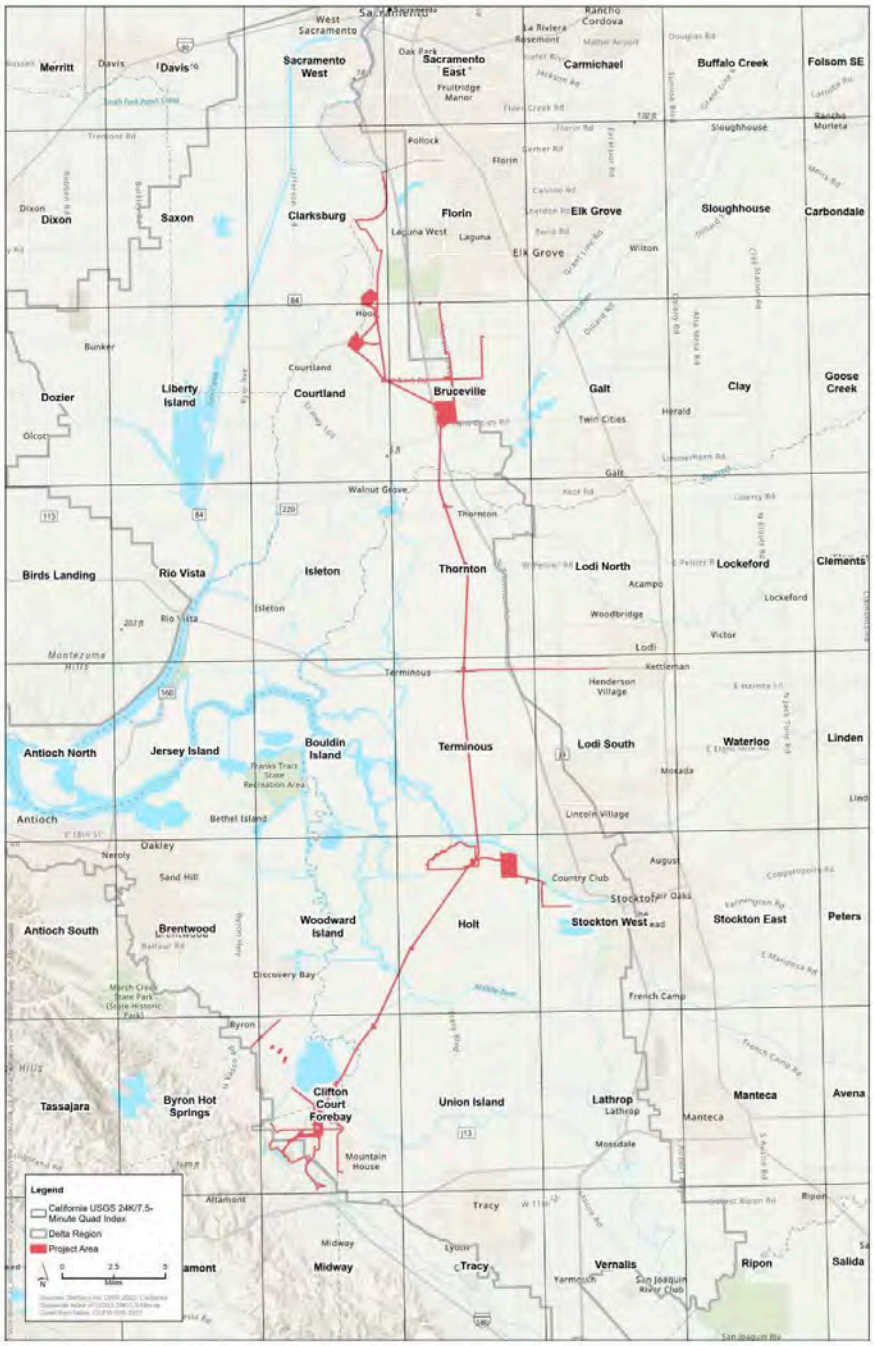


Figure 1. Project Location

November 19, 2024

Hong Lin
Financial Manager, State Water Project
California Department of Water Resources
715 P Street
Sacramento, CA 95814

Re: Contribution or Advance of Money for Delta Conveyance Project for Planning and Pre-construction Costs for calendar years 2026 and 2027

Dear Ms. Lin:

This letter is sent pursuant to section 5 of the Agreement for the Advance of Contribution of Money to the Department of Water Resources for Preliminary Planning and Design Costs Related to a Potential Delta Conveyance Project dated December 9, 2020, between Department of Water Resources and the Desert Water Agency ("Funding Agreement").

On November 19, 2024, the Board of Directors of the Desert Water Agency approved the contribution or advance of $4,560,000 to the Department for use in accordance with the terms of the Funding Agreement. A copy of the Agency's Resolution XXXX is enclosed with this letter. The contribution or advance will be collected from the Desert Water Agency in 12 monthly installments by inclusion of a charge on its Statement of Charges for calendar years 2026 and 2027. The charge shall be referred to as the 2026 and 2027 Pay-go Charge. As provided by section 5 of the Agreement the contribution or advance described herein will be subject to the terms and conditions of the Agreement.

Please confirm your agreement to the foregoing by countersigning in the space provided below and returning an original copy of this letter agreement to:

Steve L. Johnson
General Manager
Desert Water Agency
P.O. Box 1710
Palm Springs, CA 92263

Sincerely,

Steve L. Johnson
General Manager

Enclosure(s)

cc: Anthony Meyers, Executive Director of Delta Conveyance Office

Delta Conveyance Project

DESERT WATER AGENCY
NOVEMBER 19, 2024

Presentation Outline

- Proposed Board Action
- Previous Board Action
- DCP Participants
- DCP Benefits
- Schedule and Status Update
- Staff Recommendation

Proposed Board Action

1. Authorizing the providing of additional funding to the department of water resources for the Desert Water Agency's share of the pre-construction costs associated with the proposed delta conveyance project, and

2. Considering the Department of Water Resources' previously Certified EIR, adopt CEQA Responsible Agency Findings, CEQA findings of fact and CEQA statement of overriding considerations.

Previous DWA Board Actions and Developments

OCT 2017	Board authorized Resolution 1172 supporting CA WaterFix	• 2 Tunnels Project (9,000 cfs)
NOV 2018	Board authorized GM to execute Delta Conveyance Finance Authority Joint Powers Agreement	• Agency would be responsible for approximately 1.4% of Cal WaterFix expenses
FEB 2019	Governor Newsom State of the State	• Announced he did not support CA WaterFix as configured, but did support a single tunnel
JAN 2020	Department of Water Resources (DWR)	• Released Delta Conveyance NOP • Single Tunnel (6,000 cfs)
APR 2020	Department of Water Resources (DWR)	• Completes DCF AIP negotiations except for contractor participation
DEC 2023	Department of Water Resources (DWR)	• Certifies EIR and Approves Project

Previous DWA Board Actions

NOV 2020	Board adopts Resolution No.1245 indicating a level of participation in the Delta Conveyance Project	• Agency would be responsible for approximately 1.52% of DCP expenses
NOV 2020	Board approves Agreement For The Advance Or Contribution Of Money To The Department of Water Resources	• Agency responsible for two years of funding at a cost not to exceed $1,900,132 (2021-2022)
NOV 2020	Board approves Delta Conveyance Design and Construction Authority Joint Powers Agreement Amendment	• Changes do not impact the overall planning schedule
MAR 2022	Board approves Resolution 1270, Authorizing Additional Funding For Two Additional Years	• Agency responsible for two years of additional funding at a cost not to exceed $3,284,178 (2023-2024)

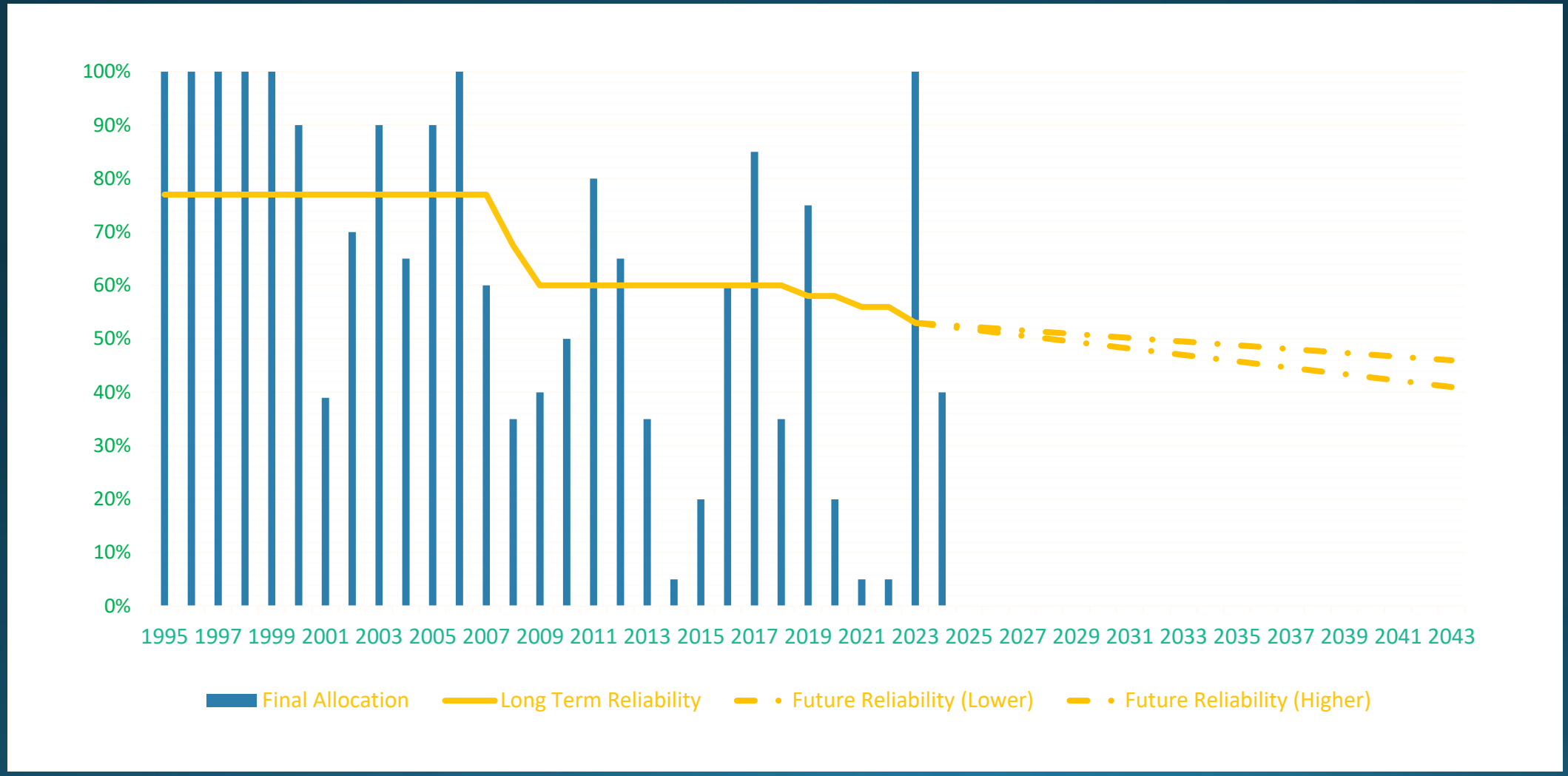
DCP Participants

Participating Public Water Agencies (PWAs)

Agency	Table A (%)	DCP Planning Funding (%)
Alameda County FC&WCD, Zone 7	1.93%	2.20%
Alameda County Water District	1.01%	1.15%
Santa Clara Valley Water District	2.40%	3.23%
Kern County Water Agency	26.56%	11.22%
Dudley Ridge Water District	0.99%	1.02%
San Luis Obispo County FC&WCD	0.60%	0.60%
Antelope Valley-East Kern Water Agency	3.47%	3.95%
Santa Clarita Valley Water Agency	2.28%	2.60%
Coachella Valley Water District	3.32%	3.78%
Crestline-Lake Arrowhead Water Agency	0.14%	0.16%
Desert Water Agency	1.34%	1.52%
Mojave Water Agency	2.15%	2.45%
Palmdale Water District	0.51%	1.06%
San Bernardino Valley Municipal Water District	2.46%	2.80%
San Gabriel Valley Municipal Water District	0.69%	0.79%
San Gorgonio Pass Water Agency	0.41%	2.00%
Metropolitan Water District of So. Calif.	45.81%	47.13%
Ventura County Watershed Protection District	0.48%	0.55%

DCP Benefits

Decreasing Trend in SWP Allocations

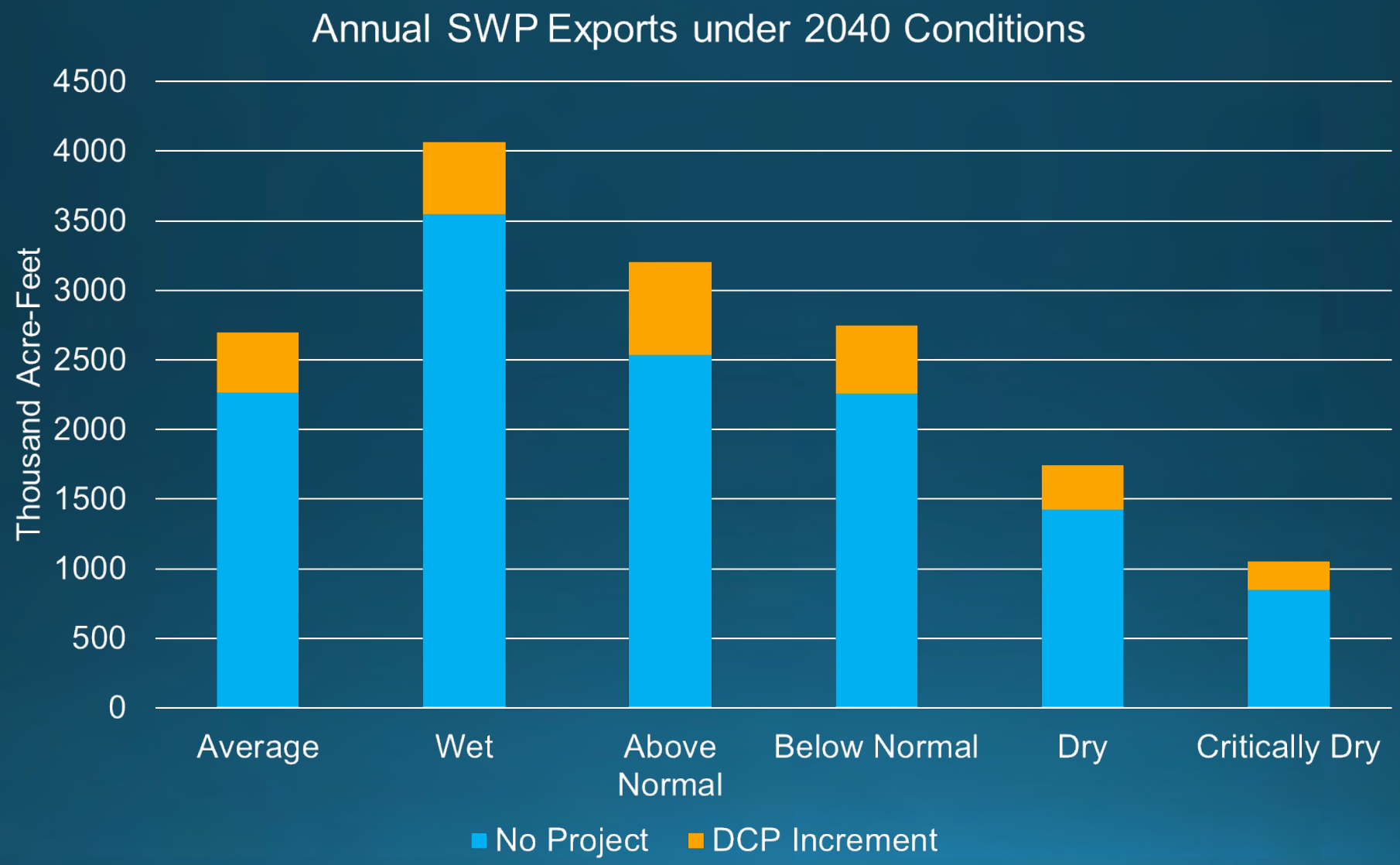


Delta Conveyance Objective

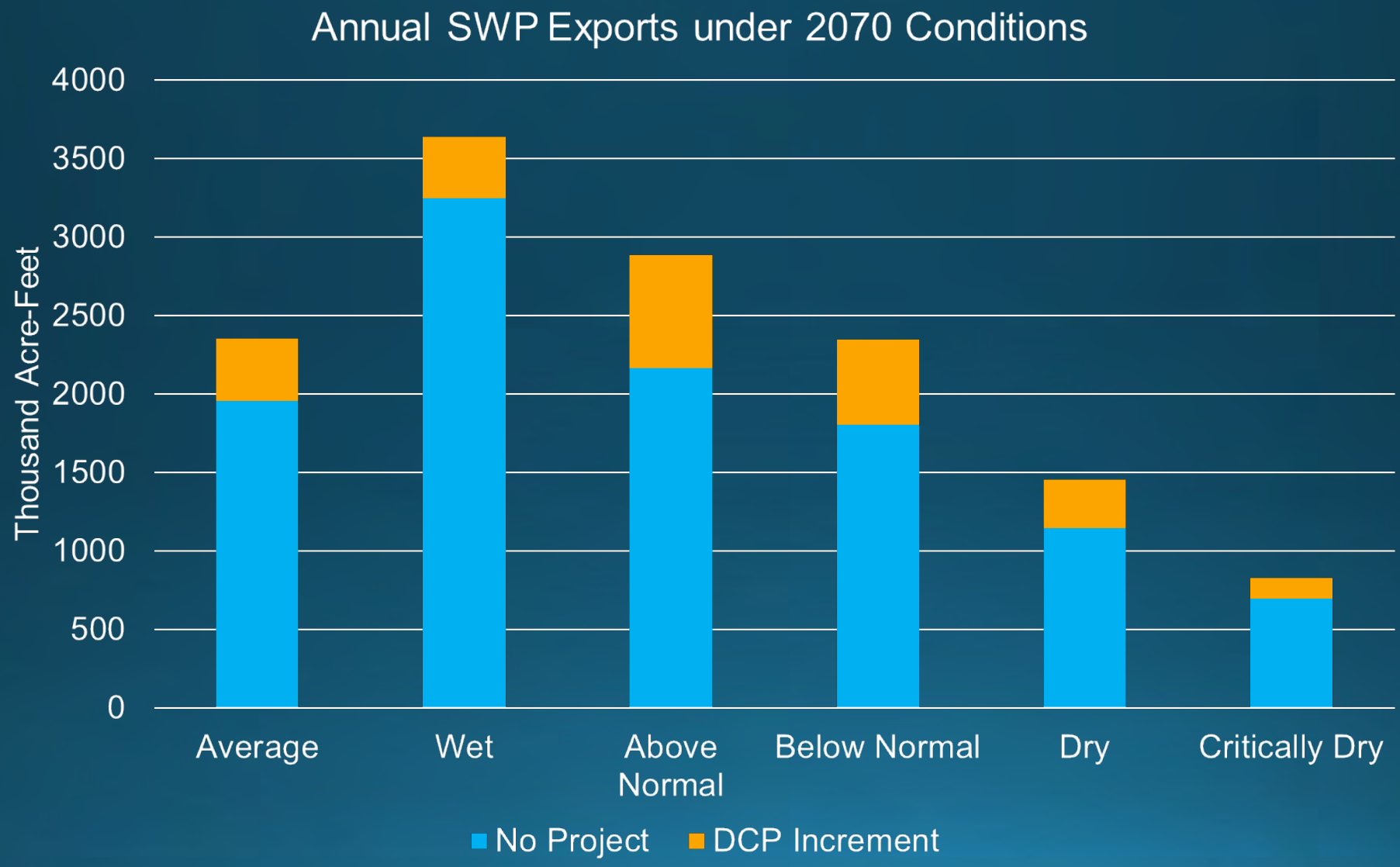
To restore and protect ability to deliver SWP Water Supply

- **CLIMATE RESILIENCY:** Addresses climate change, extreme weather, and rising sea-levels in the Delta for the SWP
- **SEISMIC RESILIENCY:** Minimizes health/safety risk to public from earthquake-caused reductions in water delivery quality and quantity from the SWP
- **WATER SUPPLY RELIABILITY:** Restores and protects ability to deliver SWP water in compliance with regulatory and contractual constraints
- **OPERATIONAL RESILIENCY:** Provides SWP operational flexibility to improve aquatic conditions and manage risks of additional future constraints

DCP Benefits in All Hydrologic Conditions

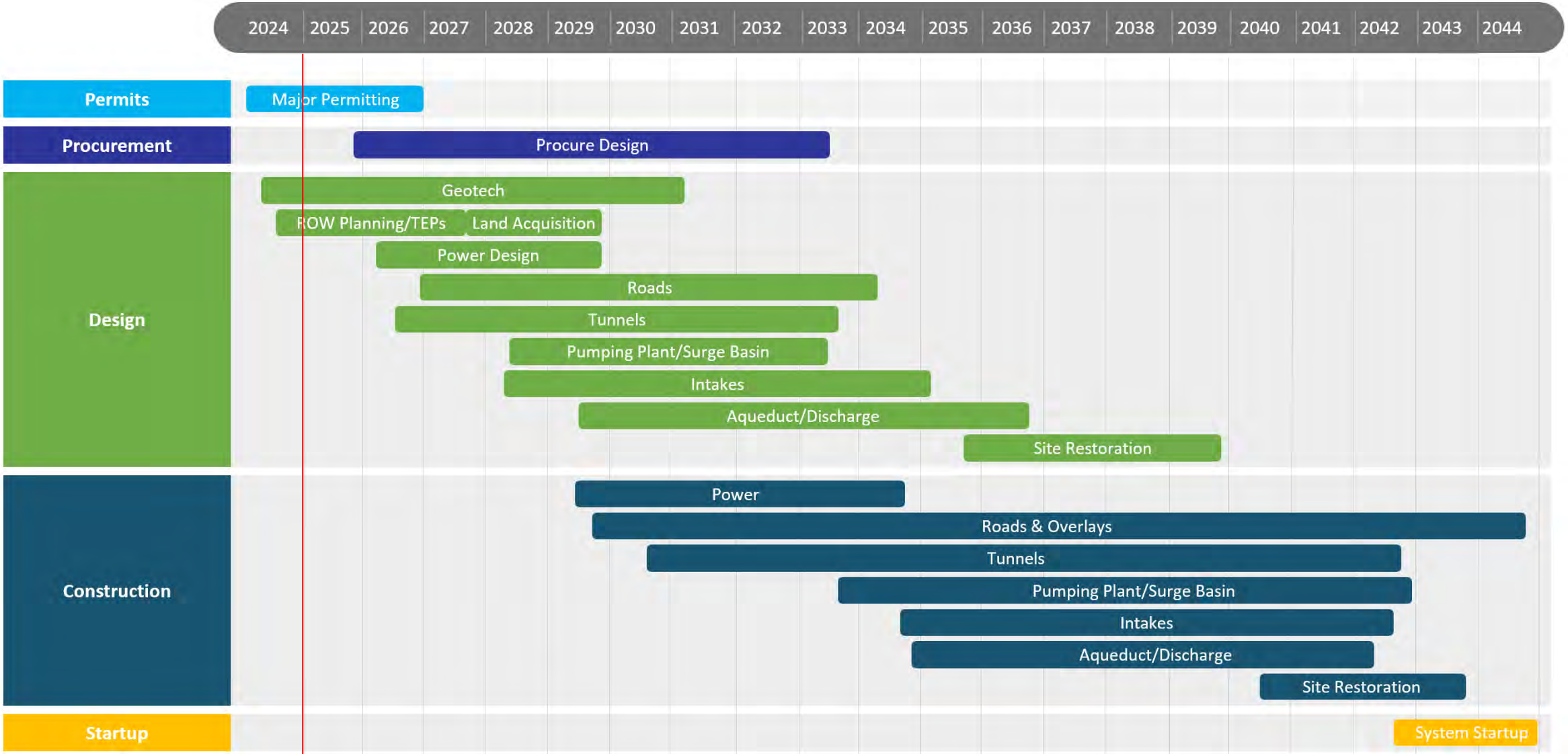


DCP Benefits in All Hydrologic Conditions

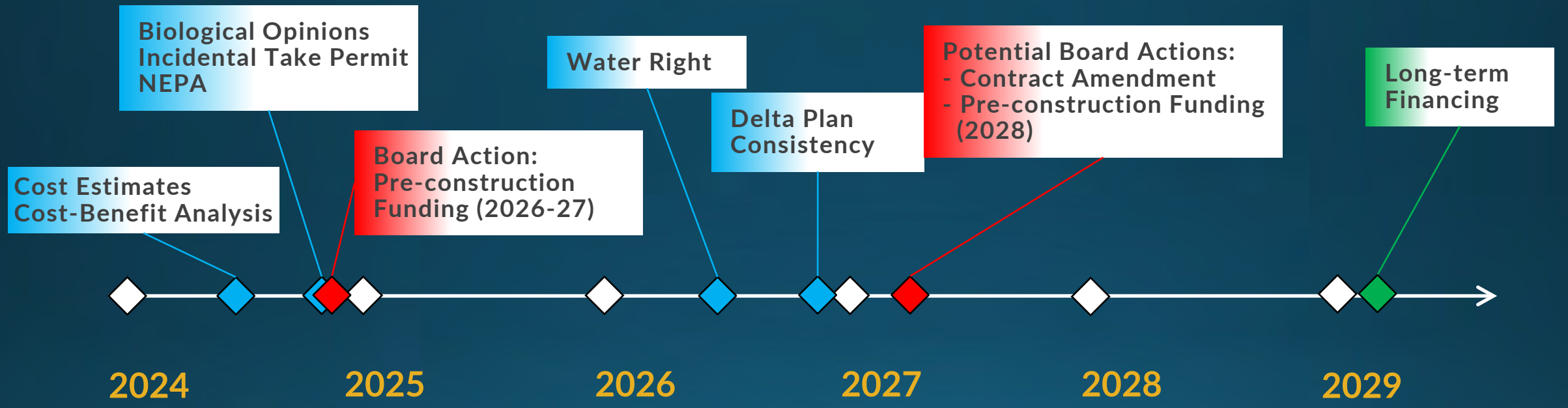


Schedule and Status Update

DCP Schedule Summary



DCP 2025 - 2028 Milestones and Funding Need



2021-24 Approved Funds

2026-27 Pre-Construction Funding
$300 Million

2028 Pre-Construction Funding
$265 Million (Draft)

Desert Water Agency's Share of 2026-27 Pre-construction Cost

- Total 2026-2027 Pre-construction Cost = $300 million
- DWA's DCP Share = 1.52%
- DWA's Share of 2026-2027 Pre-construction Cost
  - 1.52%*$300 million = $4.56 million

Staff Recommendation

Board Action

1. Adoption of Resolution 1340 to authorize additional funding for the next phase of pre-construction work for the proposed delta conveyance project in an amount of up to $4,560,000 , and

2. Considering the Department of Water Resources' previously Certified EIR, adopt CEQA Responsible Agency Findings, CEQA findings of fact and CEQA statement of overriding considerations.

November 19, 2024

Desert Water Agency

DELTA CONVEYANCE PROJECT

Cost Estimate and Benefit Cost Analysis

Carrie Buckman
Environmental Program Manager
CA Department of Water Resources

Graham Bradner
Executive Director
Delta Conveyance Design & Construction Authority

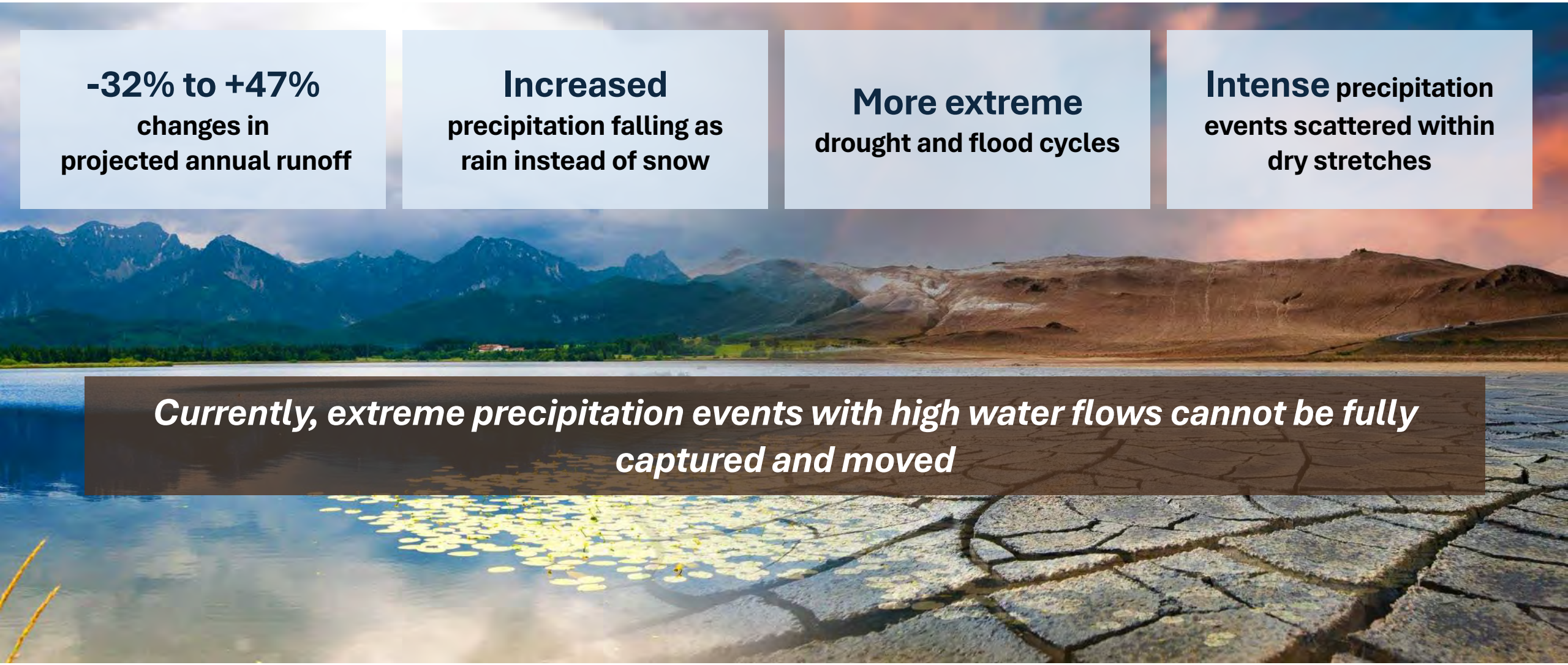
Climate Models Predict "Weather Whiplash"

-32% to +47%
changes in projected annual runoff

Increased
precipitation falling as rain instead of snow

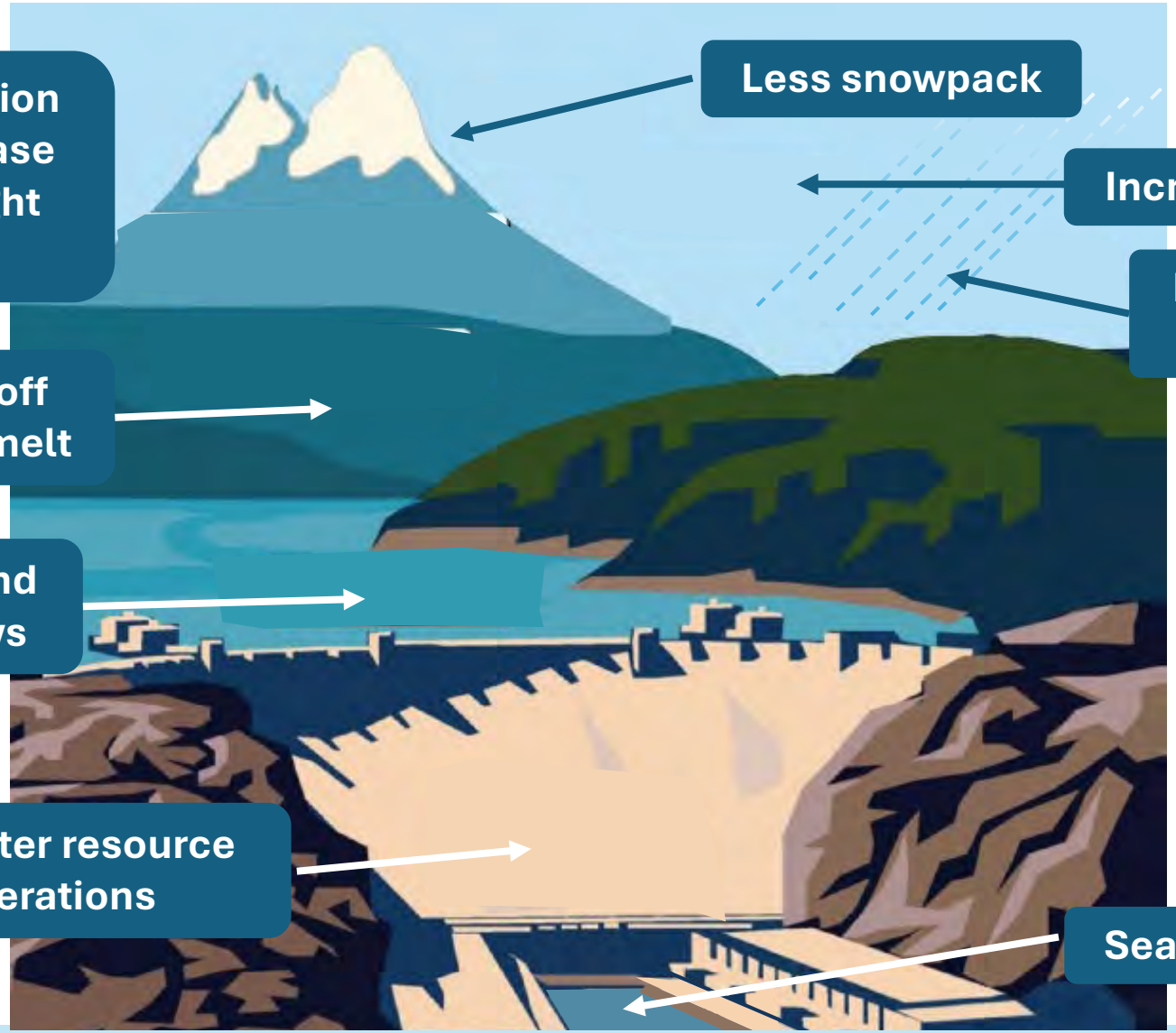
More extreme
drought and flood cycles

Intense precipitation events scattered within dry stretches



Currently, extreme precipitation events with high water flows cannot be fully captured and moved

Historic Water Management Techniques are Unsustainable



Changing precipitation patterns may increase frequency of drought and flood

Less snowpack

Increased air temperature

More precipitation as rain than snow

Earlier runoff from snow melt

Changes in timing and amount of river flows

Changes in water resource system operations

Sea level rise

Existing facilities are designed to capture water based on historic precipitation patterns – depending on snow to supply and store our water

Modernizing California's Water Infrastructure

January 1, 2024 – June 13, 2024

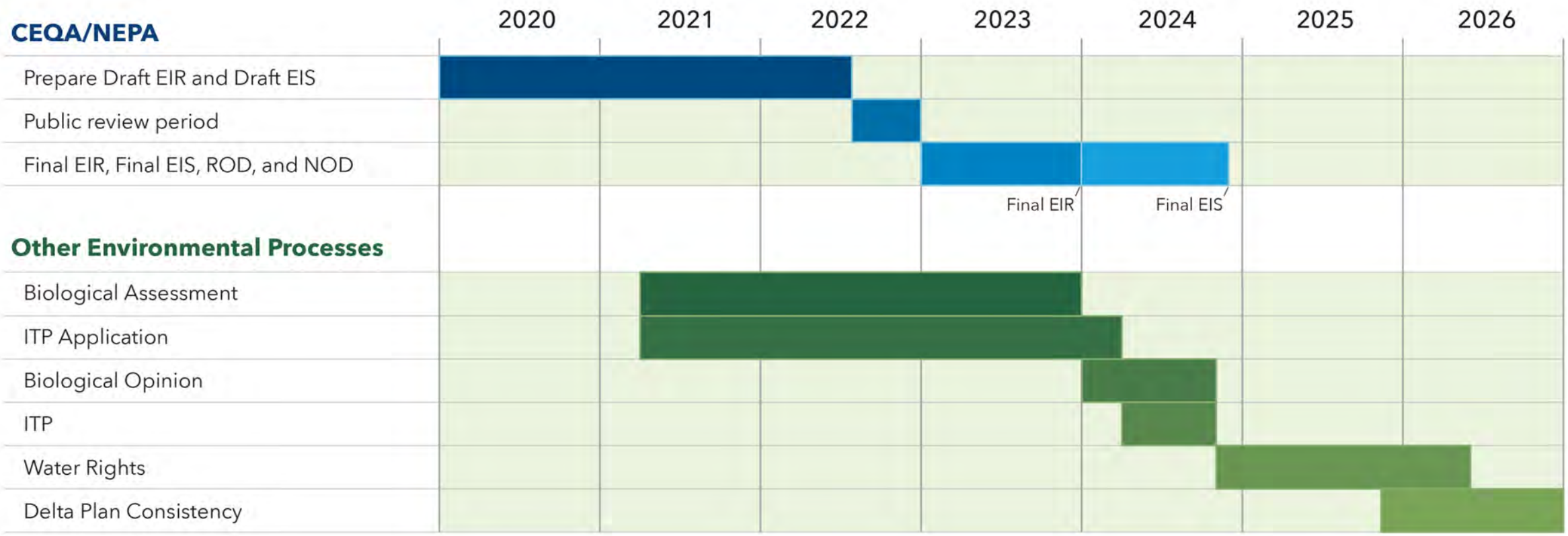
941,000 acre-feet of water = enough water to supply:

Over **9.8 million** people for one year

or

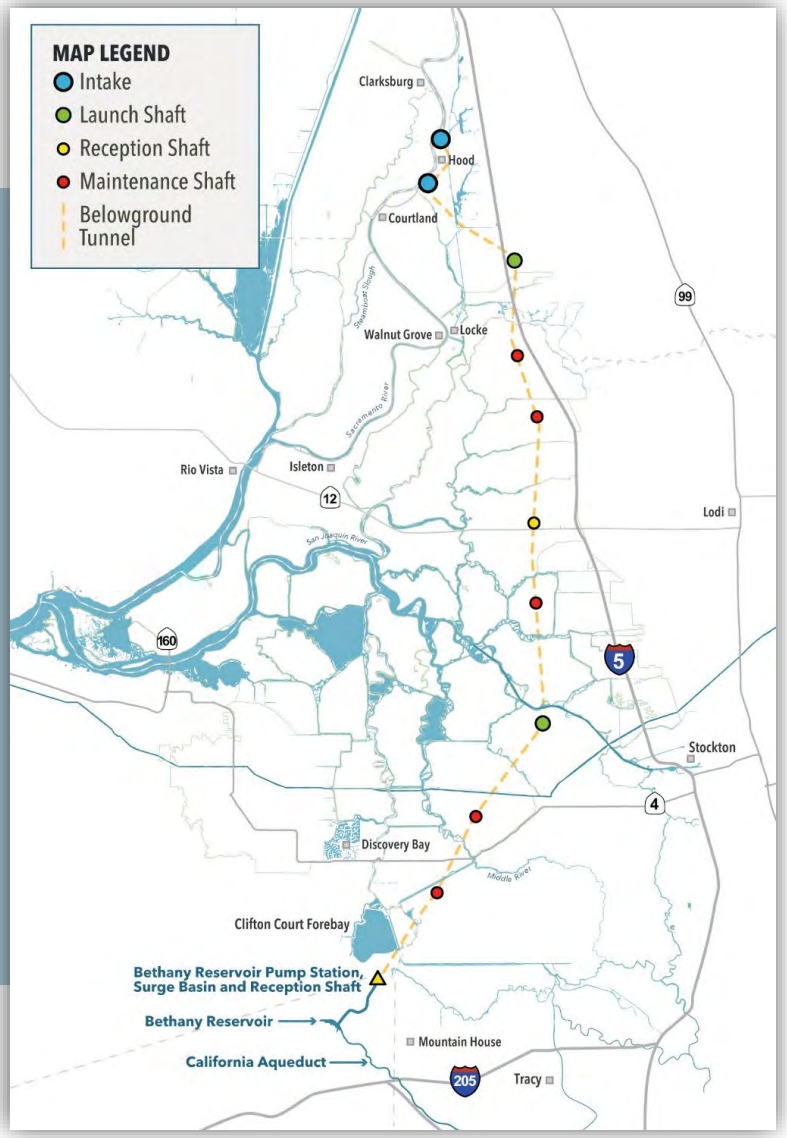
Nearly **3.3 Million** households for one year

Planning Schedule



What did we estimate?

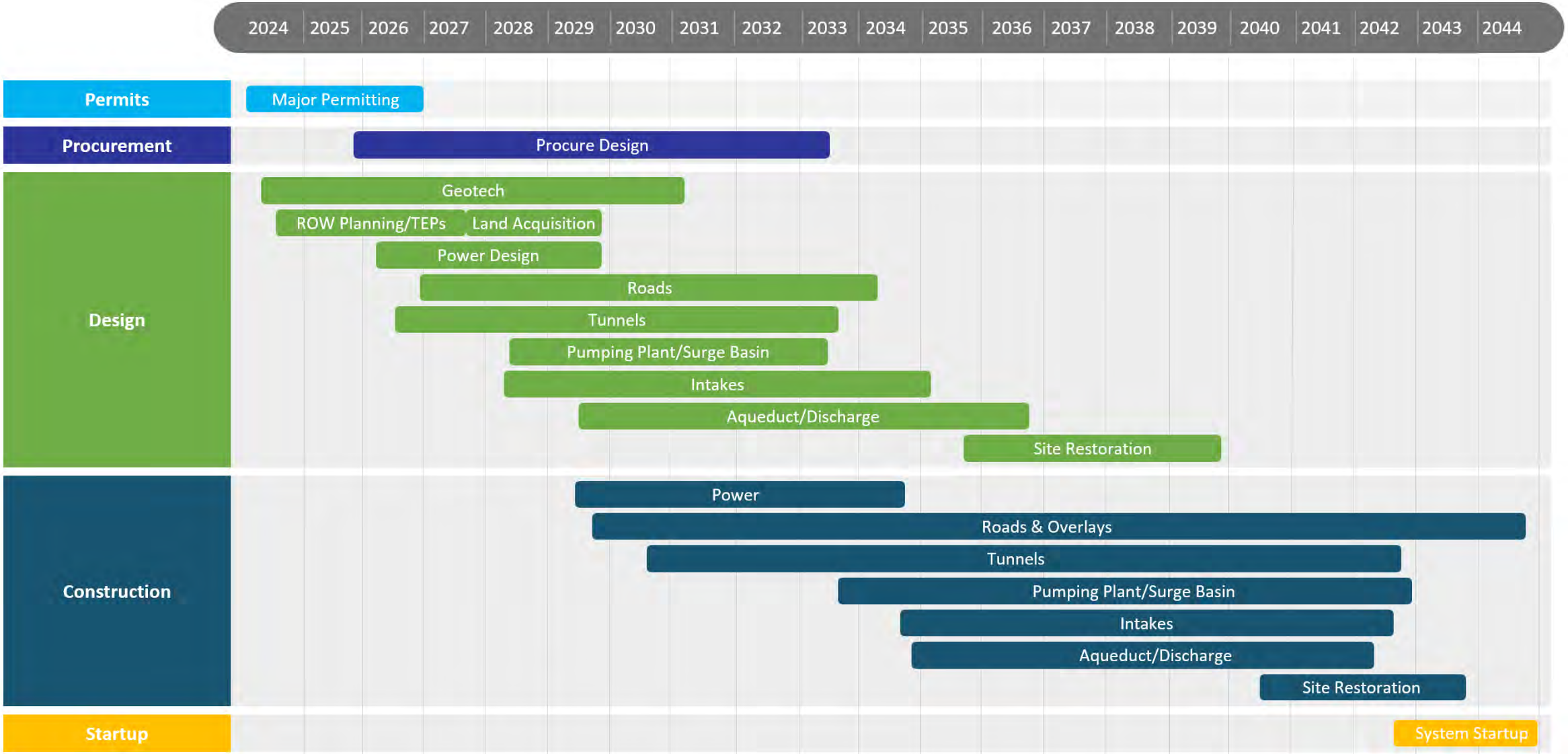
- **Bethany Reservoir Alignment – 6,000 cfs (~10% design)**
  - Two (2) new intakes in the North Delta
  - Conveyance tunnel: 45 miles of 36-ft ID single tunnel, 11 shafts
  - New pumping plant, aqueducts and discharge structure connecting directly to Bethany Reservoir
- **Land acquisition, power supply & consumption, mitigation, Community Benefits Program, CCWD settlement**
- **Accounts for uncertainty w/ contingency and risk treatment costs**



Estimate Methodology

- "Bottoms up" (deterministic, unit cost) estimating approach based on labor, equipment, materials, and schedule
- Estimate uses 2023 "real" undiscounted dollars
- Reconciliation process with independent cost estimating and resolution
- Mostly AACE Class 4 Estimate (accuracy +80% to -55%) with some Class 5 aspects
- Assumes Design-Bid-Build procurement

DCP Schedule Summary



Draft – Work in Progress; Subject to Change

2023 Cost Estimate Update

- **Completed reconciliations:**
  - Independent construction est. prepared by DCA Design and Program Management teams – reconciled cost Δ ~2%
  - Independent Soft Cost estimates, reconciled differences and aligned to Master Program Schedule
  - Compared to the 2020 cost assessment corrected for inflation
- **Risk management**
  - $467M risk treatment costs included in construction est.
  - Construction contingency = 30%
  - Other Program Cost contingency = 0%, 15%, or 30% depending on item

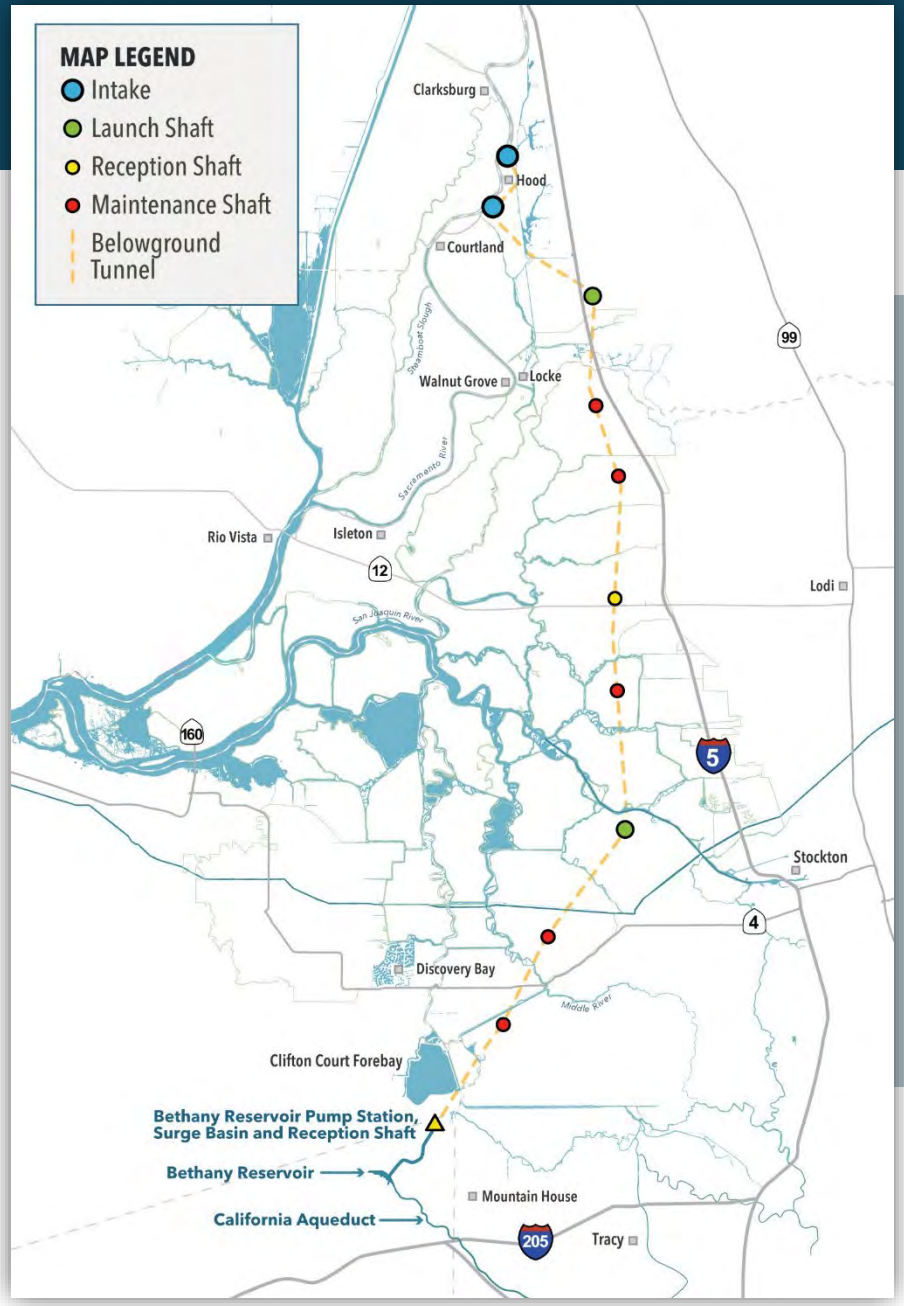
TOTAL CONSTRUCTION COSTS	BETHANY (2023) $15,012,000,000	% Construction Cost
Intakes	$1,714,000,000	--
Tunnel and Shafts	$6,353,000,000	--
Pumping Plant /Surge Basin/Aqueduct & Discharge	$3,198,000,000	--
Utilities and Logistics (power included below)	$283,000,000	--
Construction Sub-Total	**$11,548,000,000**	**--**
Contingency (30%)	**$3,464,000,000**	**--**
OTHER PROGRAM COSTS	**$5,108,000,000**	
Planning/Design/CM (Soft Costs)	**$3,328,000,000**	**22.2%**
DWR Oversite	$426,000,000	2.8%
DCA Program Management Office	$668,000,000	4.4%
DCA Engineering (Design and CM Services)	$2,167,000,000	14.4%
DCA Permits and Agency Coordination	$67,000,000	0.4%
Other Costs	**$1,780,000,000**	**--**
Land Acquisition	$158,000,000	--
Mitigation Program	$960,000,000	--
Power	$415,000,000	--
CCWD Settlement	$47,000,000	--
Community Benefits Program	$200,000,000	--
	TOTAL $20,120,000,000	

Comparison to 2020 Cost Assessment

	BETHANY (2023)	% Const Cost	2020 Assessment	% Const Cost	*2020 in $2023
TOTAL CONSTRUCTION COSTS	**$15,012,000,000**		**$ 12,101,000,000**		**$15,346,000,000**
Two Intakes	$1,714,000,000	--	$ 1,448,000,000	--	$1,836,000,000
Tunnel and Shafts	$6,353,000,000	--	$ 4,473,000,000	--	$5,672,000,000
Bethany Complex / Southern Complex Facilities (Forebay)	$3,198,000,000	--	$ 2,326,000,000	--	$2,950,000,000
Utilities, Power and Logistics (Power for Bethany Below)	$283,000,000	--	$ 522,000,000	--	$662,000,000
Construction Sub-Total	**$11,548,000,000**	**--**	**$ 8,769,000,000**	**--**	**$11,120,000,000**
Contingency (30% / 38%)	**$3,464,000,000**	**--**	**$ 3,332,000,000**	**--**	**$4,226,000,000**
Other Program Costs	**$5,108,000,000**		**$3,800,000,000**		**$4,827,000,000**
Planning/Design/CM (Soft Costs)	**$3,328,000,000**	**22.2%**	**$3,080,000,000**	**25.5%**	**$3,906,000,000**
DWR Oversite	$426,000,000	2.8%	$ 180,000,000	1.5%	$228,000,000
DCA Program Management Office	$668,000,000	4.4%	$ 420,000,000	3.5%	$533,000,000
DCA Engineering (Design and CM Services)	$2,167,000,000	14.4%	$ 2,420,000,000	20.0%	$3,069,000,000
DCA Permits and Agency Coordination	$67,000,000	0.4%	$ 60,000,000	0.5%	$76,000,000
Other Costs	**$1,780,000,000**	**--**	**$720,000,000**	**--**	**$921,000,000**
Land Acquisition	$158,000,000	--	$ 320,000,000	--	$416,000,000
Mitigation Program	$960,000,000	--	$ 400,000,000	--	$ 505,000,000
Power	$415,000,000	--	included above	--	included above
CCWD Settlement	$47,000,000	--	$0	--	$0
Community Benefits Program	$200,000,000	--	$0	--	$0
TOTAL	**$20,120,000,000**		**$15,901,000,000**		**$20,173,000,000**

*** 2020 Dollars Escalated to 2023 Dollars based on USBR CCT = 26.8%**

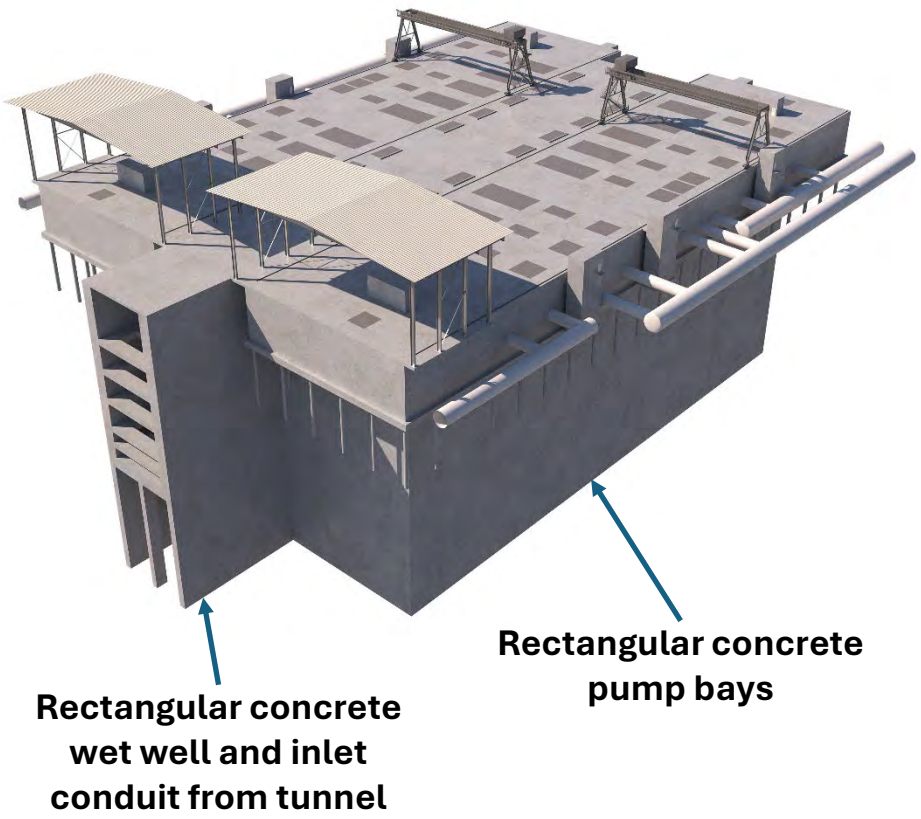
What are Innovations?



- Represent opportunities to reduce impacts, cost, schedule, and/or risk
- Indicate how the project could evolve through future value engineering
- Developed 19 innovations for secondary cost estimate - do not currently represent changes to the project description

Innovation Example – Bethany Reservoir Pumping Plant

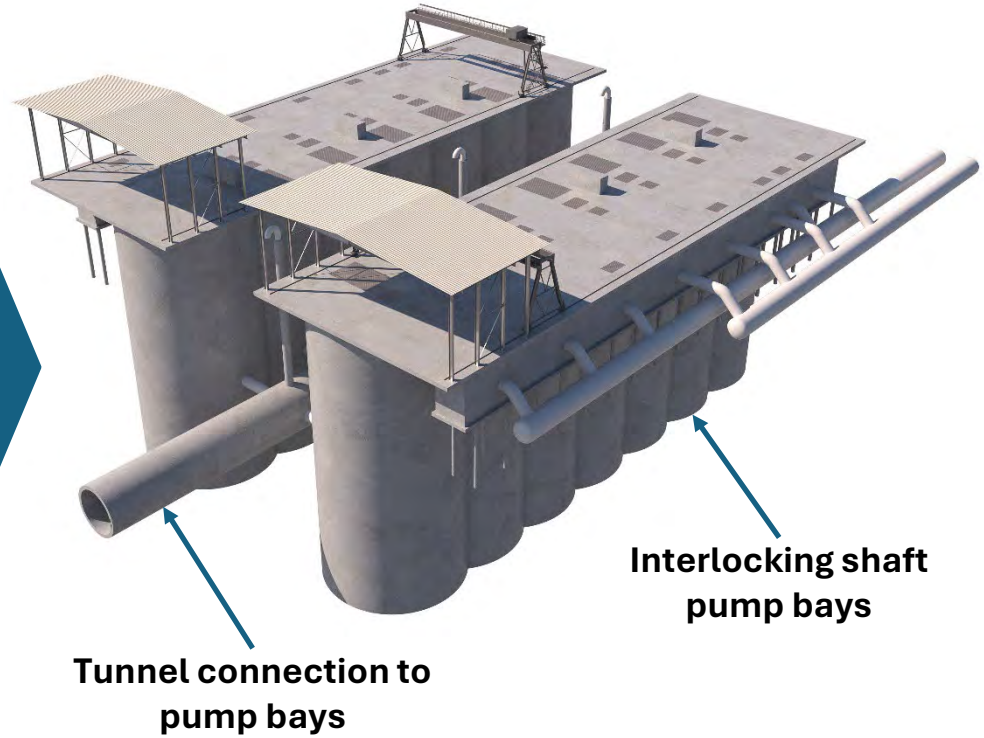
Current EPR Design



INNOVATION ADVANTAGES

- Reduced quantities, saves:
  - 274,000 yd^3 soil excavation
  - 84,000 yd^3 concrete
  - 10,400 tons rebar
- Shortens construction schedule by **981 days**
- Reduces direct construction cost by **$138,720,000**
- No changes to above ground configuration or features

Innovation Design



Comparison of Costs w/ Innovations

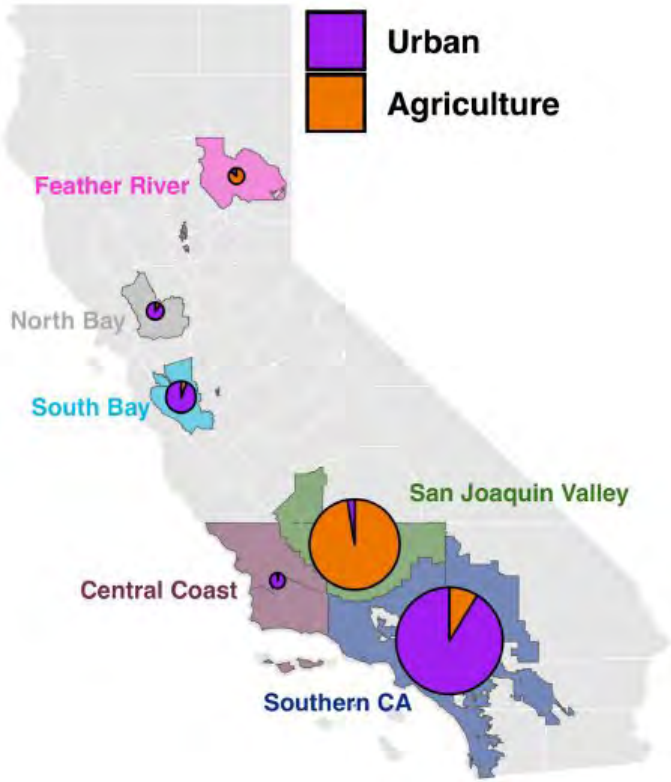
- **Estimate Total Project Cost w/ Innovations using:**
  - proportion of risk treatment costs
  - contingency %, labor %
  - direct application of “other costs”
- **Does not account for cost benefits of risk or schedule reduction**
- **Does not account for Collaborative Delivery contracting**
- **Innovations reduce total project cost by <u>$1.23B</u> , or <u>6%</u> of total cost**

	Total Project Cost Estimate ($2023)	% Const Cost	Total Project Cost w/ Innovations ($2023)
TOTAL CONSTRUCTION COSTS	**$15,012,000,000**		**$ 14,008,000,000**
Two Intakes	$1,714,000,000	--	$ 1,678,000,000
Tunnel and Shafts	$6,353,000,000	--	$ 6,130,000,000
Pumping Plant /Surge Basin/Aqueduct & Discharge	$3,198,000,000	--	$ 2,703,000,000
Utilities and Logistics	$283,000,000	--	$ 264,000,000
Construction Sub-Total	**$11,548,000,000**	**--**	**$ 10,775,000,000**
Contingency (30%)	**$3,464,000,000**	**--**	**$ 3,223,000,000**
Other Program Costs	**$5,108,000,000**		**$4,838,900,000**
Planning/Design/CM	**$3,328,000,00**	**22.2%**	**$3,106,000,000**
DWR Oversite	$426,000,000	2.8%	$ 398,000,000
DCA Program Management Office	$668,000,000	4.4%	$ 623,000,000
DCA Engineering (Design and CM Services)	$2,167,000,000	14.4%	$ 2,022,000,000
DCA Permits and Agency Coordination	$67,000,000	0.4%	$ 63,000,000
Other Costs	**$1,780,000,000**	**--**	**$1,780,000,000**
Land Acquisition	$158,000,000	--	$158,000,000
Mitigation Program	$960,000,000	--	$960,000,000
Power	$415,000,000	--	$415,00,000
CCWD Settlement	$47,000,000	--	$47,000,000
Community Benefits Program	$200,000,000	--	$200,000,000
TOTAL	**$20,120,000,000**		**$18,894,000,000**

Benefit/Cost Analysis Results

The State Water Project

- **Service Area:**
  - 27 million people
  - GDP $2.3 trillion, equivalent to the world's 8th largest economy
- **Current Water Supply:**
  - ~2.56 million acre-feet per year (MAF/yr) of deliveries to urban and agricultural customers
- **Future Challenges:**
  - Climate change and sea level rise expected to reduce deliveries by ~22% by 2070
  - Risk of extended disruption during seismic event

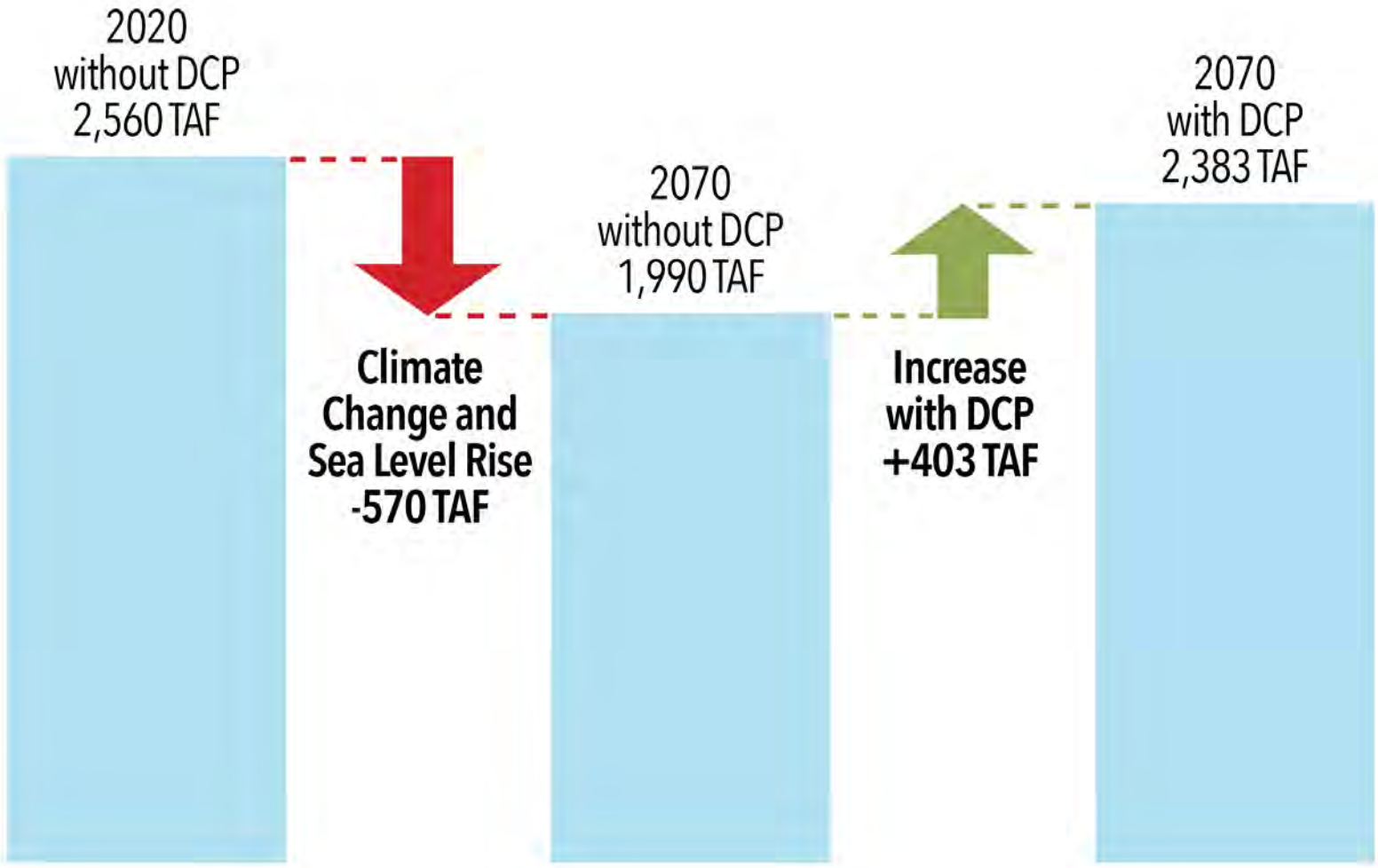


DCP Readily Passes the Benefit-Cost Test

- **Project Benefits:**
  - **Water Supply Reliability and Quality:** Offset negative impacts of climate change on water deliveries
  - **Seismic Reliability:** Maintain deliveries even after major seismic events
- **Project Costs:**
  - DCA Cost estimate (discounted)
  - + additional O&M costs and environmental impacts
- **Benefit Cost Ratio: 2.20**
  - Passes the Benefit-Cost Test
  - **Every $1 spent = $2.20 gained**

Water Supply Benefits

State Water Project Deliveries:



Water Supply Benefits

- **More SWP deliveries allow** agencies to:
  - Fill storage more frequently
  - Enter drought periods with higher reserves
  - Impose fewer periods of mandatory rationing
  - Reduce severity and frequency of shortages
- **Urban**: measured as consumers' willingness to pay to avoid shortages
  - Economic impact based on peer-reviewed economic models
- **Ag**: based on widely-used SWAP model and water market transaction data

Water Quality Benefits

- **Benefits** of reduced salinity for SWP contractors **outweigh costs** of 'less than significant' increase in Delta salinity

- **Salinity Impacts:**
  - **Urban:** Reduces treatment cost, improves taste, useful life of appliances, cost of water softening
  - **Ag:** More efficient water use; reduces use of irrigation water needed to flush salts from root zones

Seismic Benefits

- **Avoiding disruption** to statewide water supply during potentially significant earthquakes **saves money and protects water quality**

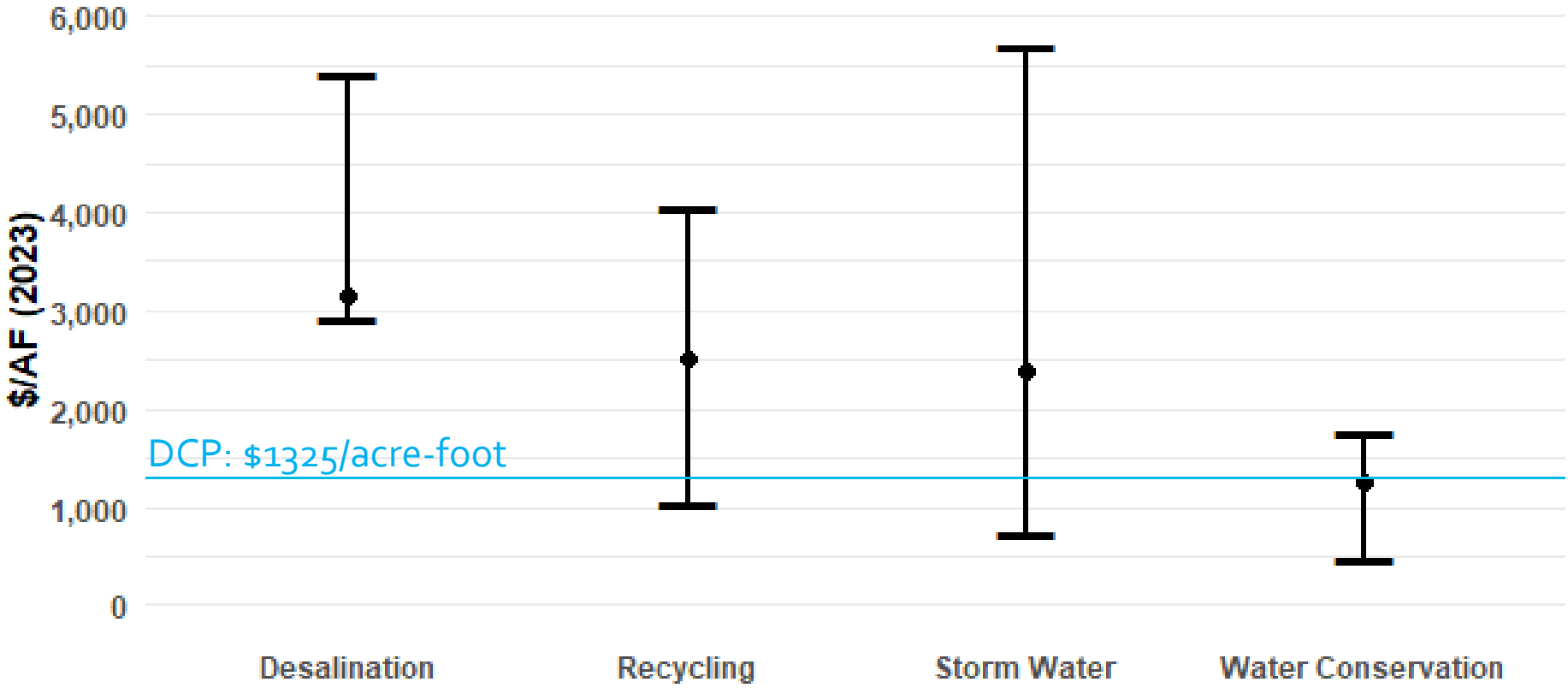
- **Scenario Analyzed: Delta Flood Emergency Management Plan (2018) Scenario 1**
  - 500-year event, 50 levee breaches & 20 islands flooded
  - Economic impacts assessed with water supply reliability and water quality models for urban and agriculture

Sensitivity Analysis

Positive Benefit-Cost Ratio Across All Climate Scenarios

	Main Scenario	Scenario 1	Scenario 2	Scenario 3	Scenario 4	Scenario 5
	2070 Median 1.8′ SLR	2070 Median 1.8′ SLR & mitigation	2070 Median 3.5′ SLR	2070 Median 3.5′ SLR & mitigation	2040 Median 1.8′ SLR	2040 Central Tendency 1.8′ SLR
Benefit-Cost Ratio	2.20	2.20	2.63	2.45	1.78	1.54

Comparison to Alternative Supplies



Source: Sunding, Browne, Zhu (2023) The Economy of the State Water Project
Constructed using data from previous studies by the Pacific Institute, PPIC and CPUC and updated for inflation
DCP cost does not include South-of-Delta conveyance

Cost of Doing Nothing

- **Cost of Inaction on Climate and Seismic Risk**
  - 22% reduction in deliveries by 2070 (570,000 AF/yr)
- **Direct impacts** of climate change and seismic risk:
  - **Reduced reliability** and flexibility for SWP operations
  - **Water shortages** and mandatory restrictions
  - Ongoing risk of **major seismic disruption**
  - Expensive **alternative supplies**
- **Indirect Impacts** (not evaluated):
  - **Higher rates** for local agencies
  - Impacts on **employment and economic activity** for agricultural economies in Central Valley and urban development in SoCal
  - Higher **food prices**
  - Depletion of **groundwater resources**
- **The cost of inaction** on climate and seismic risk **exceeds the $38B in project benefits**

Bethany Cost Estimate

Benefit Cost Analysis

Stay Informed

DWR: deltaconveyanceproject.com
DCA: dcdca.org

DWR: DeltaConveyance@water.ca.gov
DCA: info@dcdca.org

Multilingual Project Hotline
866.924.9955

Questions?

7-B

STAFF REPORT
TO
DESERT WATER AGENCY
BOARD OF DIRECTORS

NOVEMBER 19, 2024

RE: REQUEST BOARD AUTHORIZATION TO FILE A CEQA NOTICE OF EXEMPTION FOR THE ADVANCED METERING INFRASTRUCTURE (AMI) FIXED NETWORK PROJECT

In June 2023, the California Department of Water Resources (DWR) awarded the Coachella Valley IRWM Region over $2 million dollars through the Urban Community Drought Relief Grant program to implement the Regional Meter Replacement Project. This funding was in addition to the over $6 million already awarded to region earlier in 2023 through the same grant program. Indio Water Authority (IWA) is listed as the implementing agency for the Regional Meter Replacement Project (Project) and Desert Water Agency is a project partner.

To satisfy the California Environmental Quality Act (CEQA) requirements for grant funding, the Desert Water Agency (DWA) intends to file a CEQA Notice of Exemption (NOE) for the Advanced Metering Infrastructure (AMI) Fixed Network component of the Project. The AMI Fixed Network component includes construction of up to twenty-seven (27) antennas, installation of electrical facilities necessary to allow for radio signal reads, and installation of SCADA (supervisory control and data acquisition) equipment and solar power supply at selected existing DWA sites. The Project does not have the potential to result in a significant effect on the environment and qualifies for CEQA exemption under Categorical Exemption, Class 1: Existing Facilities and Class 3: New Construction or Conversion of Small Structures.

With Board approval of the Project under CEQA and authorization granted today, Staff will file the NOE in Riverside County and with the Office of Planning and Research State Clearinghouse. Filing of the NOE will begin the 35-day statute of limitations on legal challenges to the Agency's approval of the project under CEQA. At the conclusion of the 35-day period, Staff will prepare and submit a legal challenges letter to DWR per the requirements under the grant program.

Fiscal Impact:
The CEQA notice filing will result in no additional fiscal impacts to the Agency. Fiscal year 2023/2024 budget includes funding for the AMI Fixed Network project. DWA was awarded $375,000 in non-Federal funding for this project through DWR's Urban Community Drought Relief grant program. Additionally, DWA has received $500,000 in Federal funding for this project through the U.S. Bureau of Reclamation WaterSMART Water and Energy Efficiency Grant program. Finance Director Saenz has reviewed this report.

Legal Review:
N/A

Recommendation:
Staff recommends Board authorization to file a CEQA Notice of Exemption in Riverside County and with the Office of Planning and Research State Clearinghouse for the Advanced Metering Infrastructure (AMI) Fixed Network project.

Attachments:
Attachment #1 – Draft CEQA Notice of Exemption
Attachment #2 – Phased Project Map

DRAFT

NOTICE OF EXEMPTION

TO:	Riverside County Clerk 2720 Gateway Drive Riverside, CA 92507 Office of Planning and Research State Clearinghouse P.O. Box 3044, Room 113 Sacramento, CA 95812-3044	FROM: (Public Agency)	Name: Desert Water Agency Address: P. O. Box 1710 Palm Springs, CA 92263 Telephone: (760) 323-4971

1. Project Title:	AMI Fixed Network Project
2. Project Applicant:	Desert Water Agency
3. Project Location – Identify street address and cross streets or attach a map showing project site (preferably a USGS 15' or 7 1/2' topographical map identified by quadrangle name):	Project facilities will be located on up to twenty-seven (27) Desert Water Agency (DWA) owned sites containing existing water system facilities. All sites will be located within DWA's existing water service area.
4. (a) Project Location – City: Palm Springs and surrounding areas	(b) Project Location – County: Riverside County
5. Description of nature, purpose, and beneficiaries of Project:	The AMI Fixed Network Project (the Project) consists of development and construction of the Advanced Metering Infrastructure (AMI) fixed network, including installation of antennas and solar power supply at strategically selected, improved DWA sites throughout DWA's service area. The Project consists of construction of up to twenty-seven (27) antennas, installation of electrical facilities necessary to allow for radio signal reads, as well as installation of SCADA (supervisory control and data acquisition) equipment and solar power supply at selected existing DWA sites. The Project is intended to improve understanding of water use, shorten leak awareness and response times, reduce energy and greenhouse gas emissions associated with driving to collect meter reads, and to improve customer outreach, education, and participation in conservation efforts. The Project is part of a multi-agency Regional Meter Replacement Project and is funded in part by a grant provided by the California Department of Water Resources. The beneficiaries of the Project are Desert Water Agency, its customers, and other water users in the region.
6. Name of Public Agency approving project:	Desert Water Agency
7. Name of Person or Agency undertaking the project, including any person undertaking an activity that receives financial assistance from the Public Agency as part of the activity or the person receiving a lease, permit, license, certificate, or other entitlement of use from the Public Agency as part of the activity:	Desert Water Agency

8. Exempt status: (check one)	
(a) ☐ Ministerial project.	(Pub. Resources Code § 21080(b)(1); State CEQA Guidelines § 15268)
(b) ☐ Not a project.	
(c) ☐ Emergency Project.	(Pub. Resources Code § 21080(b)(2),(4); State CEQA Guidelines § 15269(b),(c))
(d) ☒ Categorical Exemption. State type and section number:	Class 1: Existing Facilities (§ 15301) Class 3: New Construction or Conversion of Small Structures (§ 15303)
(e) ☐ Declared Emergency.	(Pub. Resources Code § 21080(b)(3); State CEQA Guidelines § 15269(a))
(f) ☐ Statutory Exemption. State Code section number:	
(g) ☐ Other. Explanation:	
9. Reason why project was exempt:	The Project includes construction and operation of a limited number (up to 27) of new, small facilities on existing improved DWA sites in order to develop the AMI Fixed Network within DWA's service area. Said facilities will result in minor alterations to the sites of existing DWA water system facilities in order to construct and install the facilities. The sites included in the Project have been previously disturbed, contain existing water system facilities, and are routinely maintained by DWA. The Project does not have the potential to result in a significant effect on the environment.
10. Lead Agency Contact Person: Telephone:	Sarah Rapolla, Desert Water Agency (760) 323-4971 ext. 127
11. If filed by applicant: Attach Preliminary Exemption Assessment (Form "A") before filing. N/A	
12. Has a Notice of Exemption been filed by the public agency approving the project? Yes ☐ No ☐ **N/A**	
13. Was a public hearing held by the Lead Agency to consider the exemption? Yes ☐ No ☒ If yes, the date of the public hearing was: Click to enter date	

_____
Signature

Date: November 19, 2024

James R. Beale
Name

Title: Krieger & Stewart, Incorporated
Agency Consulting Engineer

☒ Signed by Lead Agency

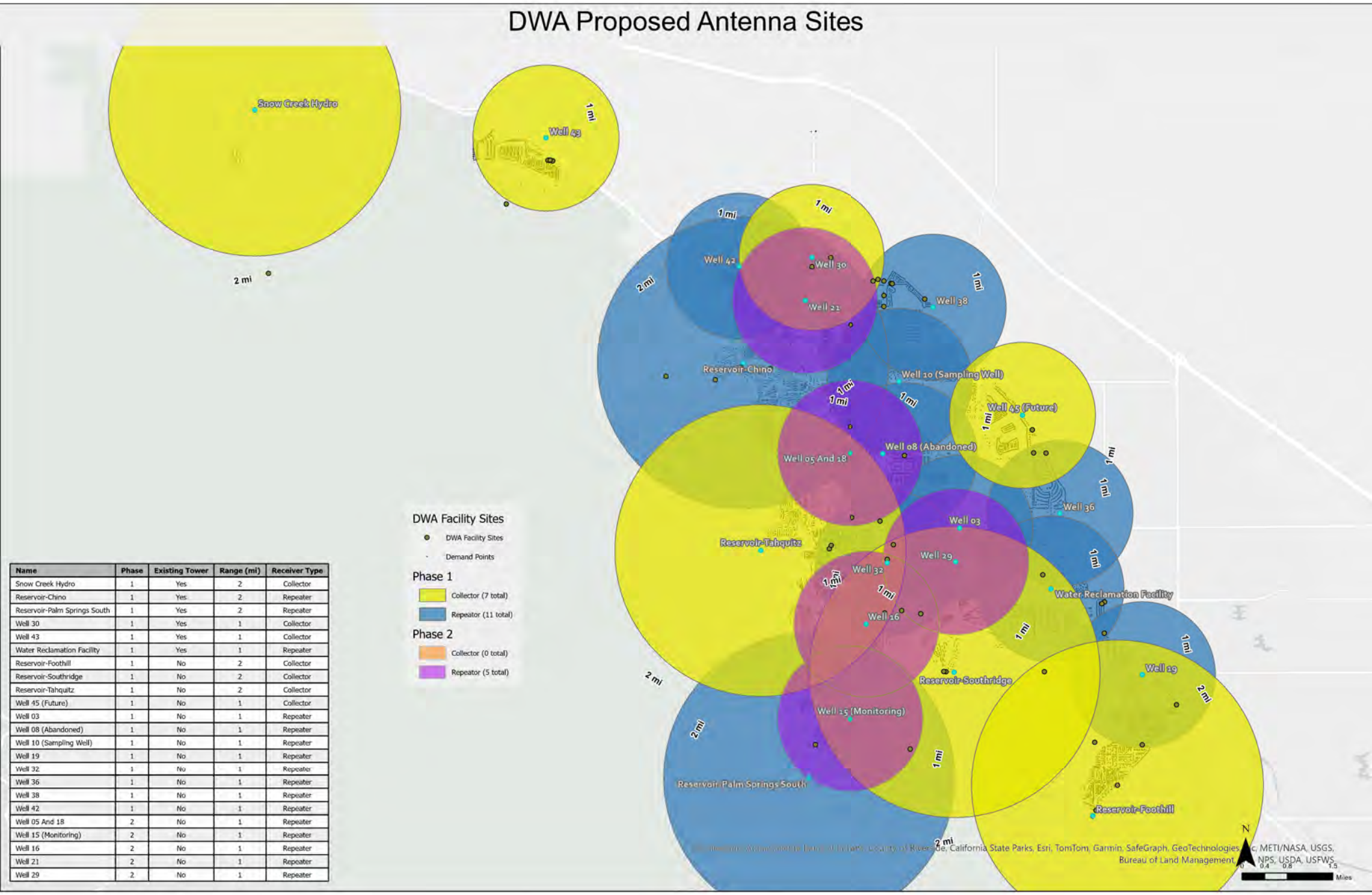
☐ Signed by Applicant

Date Received for Filing: Click to enter date

(Clerk Stamp Here)

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

DWA Proposed Antenna Sites



Name	Phase	Existing Tower	Range (mi)	Receiver Type
Snow Creek Hydro	1	Yes	2	Collector
Reservoir-Chino	1	Yes	2	Repeater
Reservoir-Palm Springs South	1	Yes	2	Repeater
Well 30	1	Yes	1	Collector
Well 43	1	Yes	1	Collector
Water Reclamation Facility	1	Yes	1	Repeater
Reservoir-Foothill	1	No	2	Collector
Reservoir-Southridge	1	No	2	Collector
Reservoir-Tahquitz	1	No	2	Collector
Well 45 (Future)	1	No	1	Collector
Well 03	1	No	1	Repeater
Well 08 (Abandoned)	1	No	1	Repeater
Well 10 (Sampling Well)	1	No	1	Repeater
Well 19	1	No	1	Repeater
Well 32	1	No	1	Repeater
Well 36	1	No	1	Repeater
Well 38	1	No	1	Repeater
Well 42	1	No	1	Repeater
Well 05 And 18	2	No	1	Repeater
Well 15 (Monitoring)	2	No	1	Repeater
Well 16	2	No	1	Repeater
Well 21	2	No	1	Repeater
Well 29	2	No	1	Repeater

STAFF REPORT
TO
DESERT WATER AGENCY
BOARD OF DIRECTORS

NOVEMBER 19, 2024

RE: REQUEST BOARD ACCEPTANCE OF 2021/2022 PIPELINE REPLACEMENT PROJECT (BETTY CREE TRACT, LURING SANDS TRACT, SUNMORE ESTATES, VAL VISTA TRACT, TRACT 14416, AND PALM VALLEY ESTATES)

The 2020-2021 Capital Improvement Budget includes Capital Project # 211011 for the installation of replacement pipelines in the Betty Cree Tract, Luring Sands Tract, Sunmore Estates, Val Vista Tract, Tract 14416, and Palm Valley Estates.

The budget amount for the Capital Project is $5,715,000, to include engineering, overheads, construction, and inspection for installation of approximately 15,800 linear feet of 8" ductile iron pipe and 610 linear feet of 12" ductile iron pipe. The new ductile iron pipe replaced leaking/failing unlined steel pipe installed in the 1950's and 60's.

At the December 19, 2023, Board Meeting, the Board awarded the contract to Borden Excavating, Inc. Borden Excavating, Inc. has completed all work associated with the contract. The original contract amount, contract change orders, and the adjusted contract amount are summarized as follows:

Original Contract Amount	$4,099,247.00
Contract Change Order No. 1	$ 222,500.00
Contract Change Order No. 2	$ 28,087.00
Contract Change Order No. 3	-$6,100.00
Final Contract Amount	$4,343,734.00

Contract Change Order No. 1 yielded a net increase of 5.43% in the contract amount for replacing an additional 650' of 8" D.I. pipe on Compadre Road and adjustments to the work on Ramon Frontage Road. This work was coordinated with the City of Palm Springs Storm Drain installation on Ramon Road.

Contract Change Order No. 2 yielded a net increase of 0.69% in the contract amount as a result of extra work related to unmarked utilities within the proposed pipeline trench.

Contract Change Order No. 3 yielded a net decrease of 0.15% in the contract amount as a result of survey monuments that did not need to be "tied-out" due to monument locations and proposed pipeline trench.

The Final Contract Amount after Change Orders is $4,343,734.00 (including retained funds). After Board acceptance, a Notice of Completion will be filed and thereafter, following the lien period, the Agency will release retained funds in the amount of $217,186.70 to Borden Excavating, Inc.

To date, $4,472,845.94 has been expended from Capital Project 211011 for Contract Cost, engineering, overheads, construction, and inspection. After retention is released to Borden Excavating, Inc., Capital Project 211011 is estimated to be completed with $951,000 under budget. Per the Staff Report during the September 17, 2024 Board Meeting, Regarding the Request Board Authorization to Award Contract for Constructing the 2024 Winter Replacement Pipelines Project, some of the remaining funds from Capital Project 211011 will be transferred to Capital Project 221063 to fill the funding gap.

Legal Review:
N/A

Fiscal Impact:
Capital Project 211011 Budget is $5,715,000.00 for the 2021/2022 Pipeline Replacement Project. The original contract amount was $4,099,247.00. Contract change orders No. 1, No. 2 and No. 3 were $244,487.00 (5.96% of contract amount). The total contract cost is $4,343,734.00. Total expenditures for Capital Project 211011 will be $4,763,963. $600,000 in excess funds will be transferred to Capital Project 221063. Finance Director Saenz has reviewed this report.

Recommendation:
Staff recommends the Board:

1. Accept the work for constructing 2020/2021 Pipeline Replacement Project (Betty Cree Tract, Luring Sands Tract, Sunmore Estates, Val Vista Tract, Tract 14416, and Palm Valley Estates) in the amount of $4,343,734.00.
2. Authorize transfer of excess funds of $600,000 from Capital Project 211011 to Capital Project 221063.

Attachments:
Attachment #1 – Vicinity Map
Attachment #2 – Area Maps 1-6

Attachment # 1

Project Vicinity Map

Attachment # 2

Area 1: Betty Cree Tract

Attachment # 2

Area 2: Luring Sands Tract

Attachment # 2

Area 3: Sunmore Estates

Attachment # 2

Area 4:Val Vista Tract

Attachment # 2

Area 5: Tract 14416

Attachment # 2

Area 6: Palm Valley Estates

STAFF REPORT
TO
DESERT WATER AGENCY
BOARD OF DIRECTORS

NOVEMBER 19, 2024

RE: RECOMMENDATION OF CONTRACT AWARD FOR MISSION CREEK GROUNDWATER RECHARGE FACILITY MAINTENANCE PROJECT

The 2024/2025 General Fund Budget includes operating expenses for maintenance of the Mission Creek Groundwater Recharge Facility, located in the City of Desert Hot Springs (see Attachment #1). This project will involve the removal of vegetation, clearing of large rocks, and preparation of basin bottoms to enhance water infiltration rates across all twelve basins, supporting the replenishment of the Mission Creek Sub-basin.

Since its construction in 2002, the Mission Creek Groundwater Recharge Facility basins 1 and 7 have undergone significant maintenance. The most recent work was completed in August 2021, resulting in improved infiltration rates. This project aims to replicate those successful outcomes by extending maintenance to the remaining basins. By clearing large rocks, removing accumulated vegetation, and breaking up compacted basin bottoms, this effort will restore optimal infiltration rates and enhance the overall performance of the facility.

On November 6, 2024, Desert Water Agency received three bid proposals for the project (see Attachment #2). The bids are as follows:

Contractor	Bid Amount
Tri-Star Contracting II, Inc.	$335,423.30
Weaver Grading Inc.	$475,831.00
The Van Dyke Corporation	$620,945.70

Tri-Star Contracting II, Inc. submitted the lowest responsive bid, approximately 29.5% lower than the second lowest bid from Weaver Grading Inc. Tri-Star Contracting II, Inc. is regarded as a capable contractor with a current Class A Contractor's License (#909195).

The primary cost difference among bids appears to stem from varying costs for the removal and disposal of vegetative waste from each basin.

The project is scheduled to begin no later than January 6, 2025, with an anticipated completion timeline of 81 calendar days to ensure that all work is concluded before the scheduled water deliveries from the Metropolitan Water District (MWD). This timeline is

essential for maintaining uninterrupted water replenishment operations. All activities, including vegetation removal, rock clearance, and basin bottom ripping, will be organized to meet this deadline.

Legal Review:
Legal Review will be performed at the time of contract negotiation.

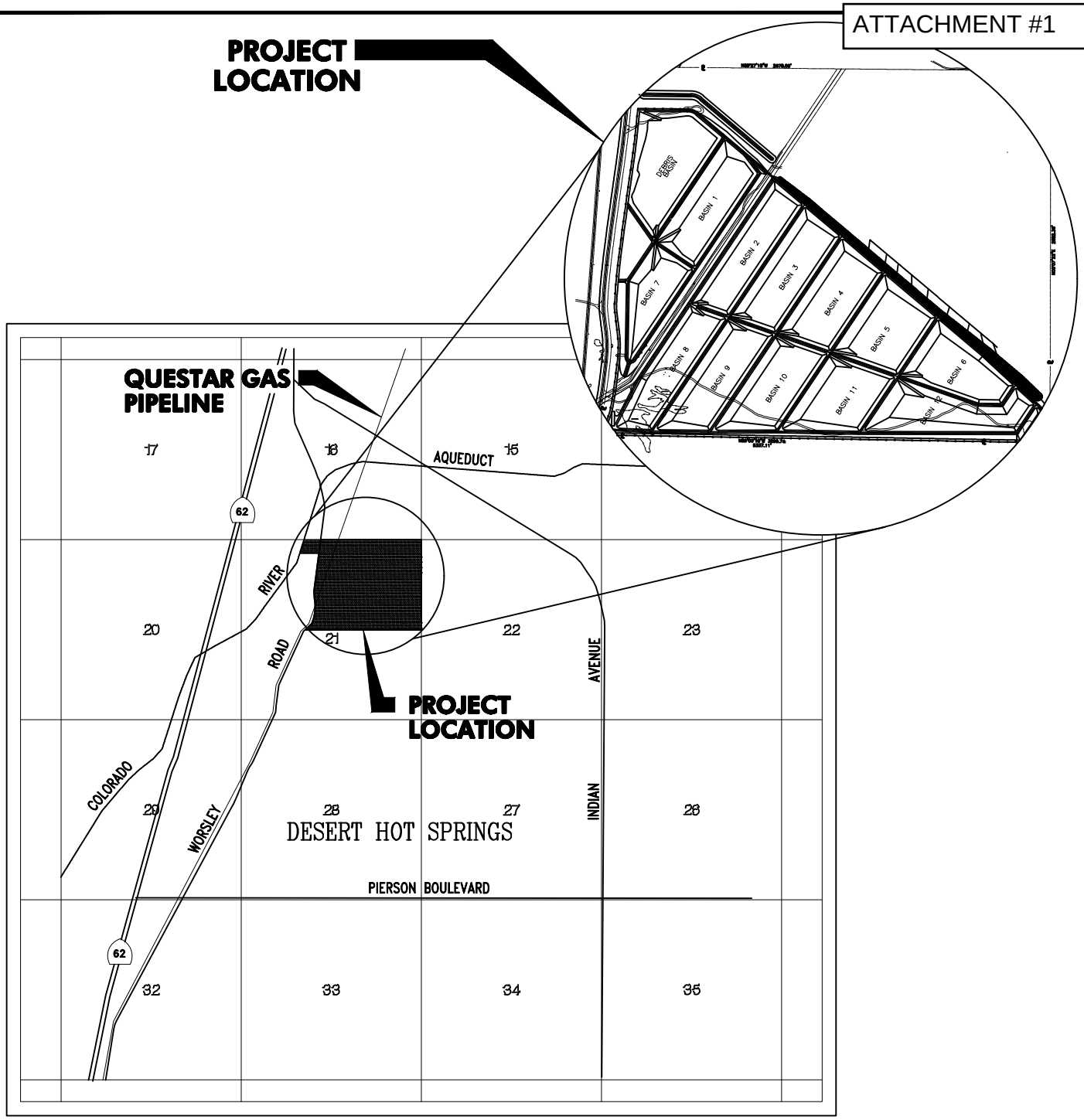
Fiscal Impact:

The 2024/2025 General Fund Budget allocated $500,000 for this maintenance. Tri-Star Contracting II, Inc.'s bid of $335,423.30 is $164,576.70 below the budgeted amount. The total estimated project cost, including associated expenses, remains $100,000 below the allocated budget. Finance Director Saenz has reviewed this report.

Recommendation:
Staff recommends the Board award the contract for the Mission Creek Groundwater Recharge Facility Maintenance Project to Tri-Star Contracting II, Inc. in the amount of $335,423.30.

Attachments:
Attachment #1 – Location Map
Attachment #2 – Bid Proposal Summary

ATTACHMENT #1



LOCATION MAP

NOT TO SCALE

FY 2024/2025	DWG. BY ML	DATE 9/2024	SCALE N.T.S.	W.O.NO. XX–XXX
MISSION CREEK GROUNDWATER RECHARGE FACILITY MAINTENANCE	APP'D BY SLJ	REVISED	PERMIT	FILE NO.
DESERT WATER AGENCY PALM SPRINGS, CALIFORNIA	CHK'D BY RM			SHEET 1 OF 1

MISSION CREEK GROUNDWATER RECHARGE FACILITY MAINTENANCE PROJECT

BID ITEM	DESCRIPTION	QUAN.	UNIT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
				TRI-STAR CONTRACTING II, INC		WEAVER GRADING INC		VAN DYKE CORPORATION	
101	Rip each basin bottom, inclusive of Basins 1 and 7, to a depth of six (6) inches to break hardpan surface, including removal and disposal of any debris at an approved disposal site.	6.4	ACRES	1,367.00	8,748.80	1,620.00	10,368.00	2,679.00	17,145.60
102	Grade each basin invert, inclusive of Basins 1 and 7, level and smooth with no undulations or sloping	6.4	ACRES	1,172.00	7,500.80	1,620.00	10,368.00	2,679.00	17,145.60
103	Removal of all large rocks (8 inches and larger in diameter) from each basin bottom, inclusive of Basins 2 and 8, and relocation of said rocks to basin banks exposed to prevailing winds for use as riprap erosion control along the levee wall	8.3	ACRES	3,890.00	32,287.00	4,750.00	39,425.00	2,651.00	22,003.30
104	Removal of all vegetation from each basin bottom, inclusive of Basins 2 and 8, and all adjacent sides and disposal of vegetative waste at an approved disposal site, all for the lump sum of		L.S.		12,017.00		21,580.00		54,713.60
105	Rip each basin bottom, inclusive of Basins 2 and 8, to a depth of six (6) inches to break hardpan surface, including removal and disposal of any debris at an approved disposal site	8.3	ACRES	1,367.00	11,346.10	2,700.00	22,410.00	2,651.00	22,003.30
106	Grade each basin invert, inclusive of Basins 2 and 8, level and smooth with no undulations or sloping	8.3	ACRES	1,172.00	9,727.60	1,600.00	13,280.00	2,651.00	22,003.30
107	Removal of all large rocks (8 inches and larger in diameter) from each basin bottom, inclusive of Basins 3 and 9, and relocation of said rocks to basin banks exposed to prevailing winds for use as riprap erosion control along the levee wall	8.7	ACRES	3,890.00	33,843.00	4,600.00	40,020.00	2,647.00	23,028.90
108	Removal of all vegetation from each basin bottom, inclusive of Basins 3 and 9, and all adjacent sides and disposal of vegetative waste at an approved disposal site, all for the lump sum of		L.S.		12,017.00		21,750.00		57,315.60
109	Rip each basin bottom, inclusive of Basins 3 and 9, to a depth of six (6) inches to break hardpan surface, including removal and disposal of any debris at an approved disposal site	8.7	ACRES	1,367.00	11,892.90	2,500.00	21,750.00	2,647.00	23,028.90
110	Grade each basin invert, inclusive of Basins 3 and 9, level and smooth with no undulations or sloping	8.7	ACRES	1,172.00	10,196.40	1,600.00	13,920.00	2,647.00	23,028.90
111	Removal of all large rocks (8 inches and larger in diameter) from each basin bottom, inclusive of Basins 4 and 10, and relocation of said rocks to basin banks exposed to prevailing winds for use as riprap erosion control along the levee wall	8.6	ACRES	3,890.00	33,454.00	4,600.00	39,560.00	2,648.00	22,772.80
112	Removal of all vegetation from each basin bottom, inclusive of Basins 4 and 10, and all adjacent sides and disposal of vegetative waste at an approved disposal site, all for the lump sum of		L.S.		12,017.00		21,500.00		56,665.40

MISSION CREEK GROUNDWATER RECHARGE FACILITY MAINTENANCE PROJECT

BID ITEM	DESCRIPTION	QUAN.	UNIT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
				TRI-STAR CONTRACTING II, INC		WEAVER GRADING INC		VAN DYKE CORPORATION	
113	Rip each basin bottom, inclusive of Basins 4 and 10, to a depth of six (6) inches to break hardpan surface, including removal and disposal of any debris at an approved disposal site	8.6	ACRES	1,367.00	11,756.20	2,500.00	21,500.00	2,648.00	22,772.80
114	Grade each basin invert, inclusive of Basins 4 and 10, level and smooth with no undulations or sloping	8.6	ACRES	1,172.00	10,079.20	1,600.00	13,760.00	2,648.00	22,772.80
115	Removal of all large rocks (8 inches and larger in diameter) from each basin bottom, inclusive of Basins 5 and 11, and relocation of said rocks to basin banks exposed to prevailing winds for use as riprap erosion control along the levee wall	8.2	ACRES	3,890.00	31,898.00	4,600.00	37,720.00	2,653.00	21,754.60
116	Removal of all vegetation from each basin bottom, inclusive of Basins 5 and 11, and all adjacent sides and disposal of vegetative waste at an approved disposal site, all for the lump sum of		L.S.		12,017.00		20,500.00		54,062.60
117	Rip each basin bottom, inclusive of Basins 5 and 11, to a depth of six (6) inches to break hardpan surface, including removal and disposal of any debris at an approved disposal site	8.2	ACRES	1,367.00	11,209.40	2,500.00	20,500.00	2,653.00	21,754.60
118	Grade each basin invert, inclusive of Basins 5 and 11, level and smooth with no undulations or sloping	8.2	ACRES	1,172.00	9,610.40	1,600.00	13,120.00	2,653.00	21,754.60
119	Removal of all large rocks (8 inches and larger in diameter) from each basin bottom, inclusive of Basins 6 and 12, and relocation of said rocks to basin banks exposed to prevailing winds for use as riprap erosion control along the levee wall	6.5	ACRES	3,890.00	25,285.00	4,600.00	29,900.00	2,677.00	17,400.50
120	Removal of all vegetation from each basin bottom, inclusive of Basins 6 and 12, and all adjacent sides and disposal of vegetative waste at an approved disposal site, all for the lump sum of		L.S.		12,017.00		16,250.00		43,017.00
121	Rip each basin bottom, inclusive of Basins 6 and 12, to a depth of six (6) inches to break hardpan surface, including removal and disposal of any debris at an approved disposal site	6.5	ACRES	1,367.00	8,885.50	2,500.00	16,250.00	2,677.00	17,400.50
122	Grade each basin invert, inclusive of Basins 6 and 12, level and smooth with no undulations or sloping	6.5	ACRES	1,172.00	7,618.00	1,600.00	10,400.00	2,677.00	17,400.50
	TOTAL BID SCHEDULE I				**335,423.30**		**475,831.00**		**620,945.70**
	BID ADJUSTMENT				0.00		0.00		0.00
	FINAL NET BID AMOUNT				**335,423.30**		**475,831.00**		**620,945.70**

STAFF REPORT
TO
DESERT WATER AGENCY
BOARD OF DIRECTORS

NOVEMBER 19, 2024

RE: DRAFT DWA LEGISLATIVE & POLICY PLATFORM DIRECTIVES FOR 2025-2026

Traditionally, a legislative platform spans a two-year period, aligning with the state and Congressional legislative sessions. Desert Water Agency's (DWA) current Legislative and Regulatory Policy Platform, adopted on January 16, 2024, covers the present calendar year.

The platform serves as a guide for the government affairs work of the DWA Board, staff, and advocates, and can be shared with elected officials to communicate DWA's legislative and regulatory priorities.

For the 2025-2026 Legislative & Policy Platform, the government affairs team has gathered input from its state and federal advocates to develop draft directives as the foundation for the platform. While many proposals reflect those from the current platform, some address new and emerging issues.

As with previous platforms, the goal is to maintain a broad document, allowing staff and advocates the flexibility to take positions and advocate on legislative, regulatory, and administrative matters without requiring Board approval or presentations. Staff will keep the Board and/or Legislative Committee updated as issues advance through legislative and administrative channels.

Fiscal Impact:
N/A

Legal Review
N/A

Recommendation:
Staff seeks the Board's input to create a draft DWA Legislative & Policy Platform for 2025-2026.

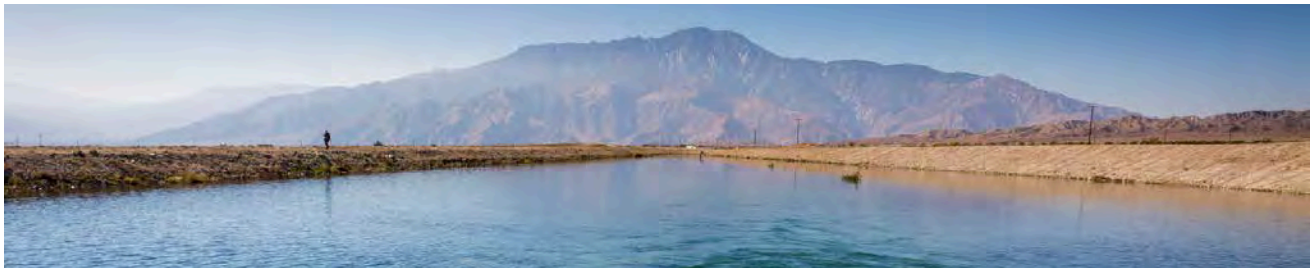
Attachments:
Attachment #1: 2024 DWA Legislative & Regulatory Policy Platform
Attachment #2: Draft 2025/2026 Legislative & Policy Platform Directives Presentation

DESERT WATER

Legislative & Regulatory Policy Platform

CALENDAR YEAR 2024

Introduction



The Legislative & Regulatory Policy Platform for 2023-2024 was created to help guide Desert Water Agency legislative and regulatory policies at the local, state and national levels.

This document outlines goals, bill positions, responsibilities, and alignment with outside organizations. It also includes policy priorities and directives approved by the DWA Board of Directors that align with the Agency's mission of sustainable groundwater management and providing clean and affordable water for customers.

Goals

- Alignment of the Board and Legislative Committee
- Clear direction for staff and lobbyists
- Guiding principles that can focus decision-making
- Target efforts on key issues
- Focus legislators on DWA priorities

Bill Positions

- **SUPPORT**: DWA, its staff and lobbyists are actively investing time in ensuring passage.
- **SUPPORT IF AMENDED:** Lobbyists are investing time in securing amendments.
- **OPPOSE:** DWA, its staff and lobbyists are actively investing time in ensuring the bill fails.
- **OPPOSE UNLESS AMENDED:** Lobbyists are investing time in securing amendments.
- **WATCH:** DWA, its staff and lobbyists are monitoring.

Roles & Responsibilities

- **LOBBYISTS/AGENTS**: Make recommendations to staff and Board regarding DWA positions and strategies. Communicate these positions.
- **GENERAL MANAGER:** Taking positions on urgent matters relying on policy directives. Determining when to defer to Committee or Board. GM to notify Board soon after taking a position.
- **LEGISLATIVE COMMITTEE:** Evaluate guidance from General Manager and DWA agents. Make recommendations to full Board regarding DWA positions.
- **BOARD OF DIRECTORS:** Take official positions on legislative and regulatory matters.

Alignment

DWA, its agents and lobbyists should consider the positions of these other key entities:

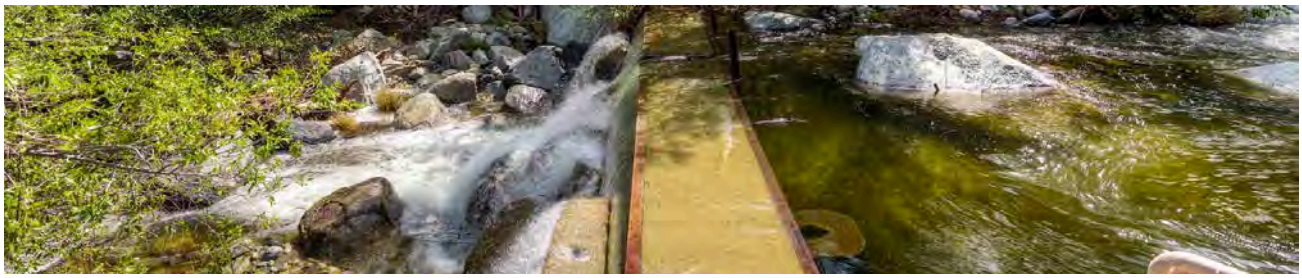
- Association of California Water Agencies
- National Water Resources Association/Groundwater Management District Association
- National/California Special Districts Association
- State Water Contractors
- Other local water districts
- Metropolitan Water District of Southern California
- Western Urban Water Coalition
- WaterReuse

Relationships

In order to facilitate its priorities, DWA, its agents and lobbyists work to develop positive relationships with:

- Members of Congress and State Legislators
- Congressional and Legislative staff
- Congressional and Legislative Committees
- Governor's office
- Federal and State Agencies
- Native American Tribes
- Associations, their staff and working groups
- Other local government agencies

Policy Directive 1



Maintain local control of water resources and avoid constraints on operations.

DWA generally resists efforts to take matters of local jurisdiction/expertise and relinquish them to state, federal or other authorities

Policy Directive 2

Protect DWA's local and imported water supplies.

To advance sustainability, DWA should take policy positions that maintain or enhance water supply reliability and flexibility.

Policy Directive 3

Maintain or improve DWA's ability to efficiently conduct business.

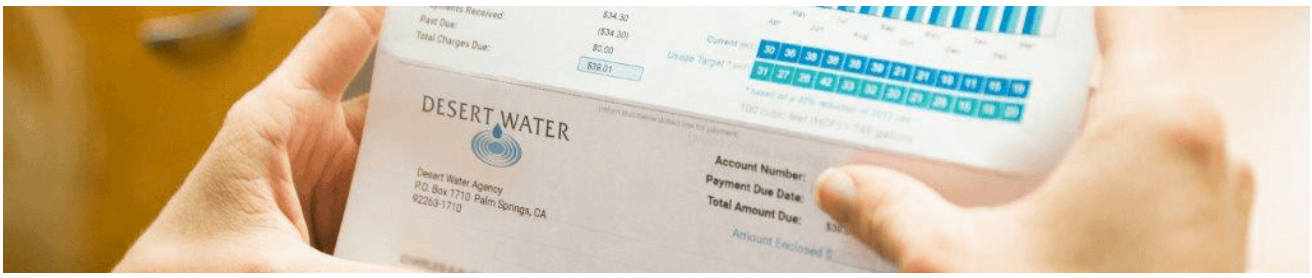
Providing an essential service and acting as a water manager requires effective business strategies. DWA should take positions that support its ability to act with discretion as an employer, supplier, purchaser and local government.

Policy Directive 4

Keep water and tax rates affordable. When advantageous, seek external funding for conservation, planning, new projects and/or facility improvements.

Requirements that add significant operational costs should be resisted. DWA should remain competitive for grant awards to minimize the cost to its customers and taxpayers.

Policy Directive 5 *STATE*



Oppose a state water "tax" or "fee" and monitor ways in which the state will address water affordability.

DWA should be vigilant against efforts to add state taxes or fees onto its bills. DWA supports low-income rate assistance if funded sustainably by the state.

Policy Directive 6 *STATE*

Engage with the Department of Water Resources and State Water Resources Control Board to ensure Urban Water Use Efficiency Legislation is implemented in a way that accounts for local circumstances.

DWA would like to see the SWRCB implement the 2018 WUE legislation without additional burdens or hardships to agencies and to account for DWA's local conditions.

Policy Directive 7 *FEDERAL*

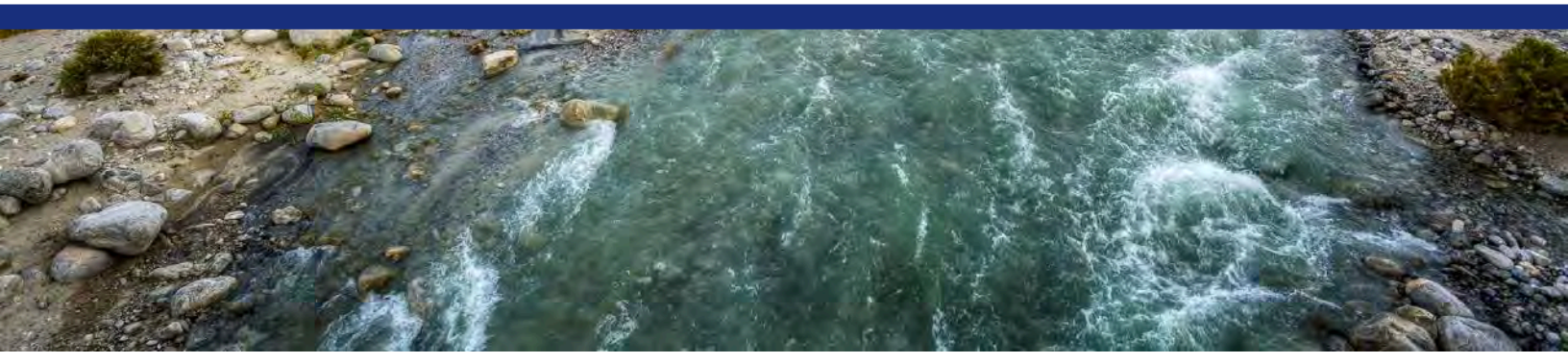
Support federal legislation to exempt conservation rebates issued by water districts from tax burdens.

DWA would like to see conservation incentives achieve the same federal tax exempt status that energy saving incentives already enjoy.

DESERT WATER

For questions regarding DWA's legislative and regulatory policy platform, please contact Victoria Llort, Director of Public Affairs and Conservation, at 760-323-4971 ext. 273 or at vllort@dwa.org.

www.dwa.org



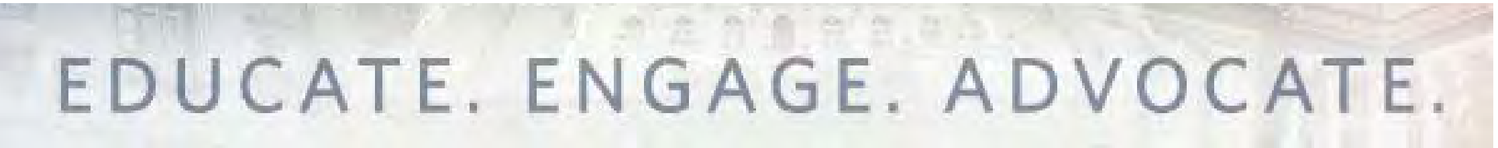
Policy Directives Review

Legislative & Policy Platform 2025-2026

November 19, 2024
Board Meeting
Victoria Llort

Overview

- Review of Platform Directives
  - New and updated directives
  - Mix of general operations, state and federal priorities



DESERT WATER

Directives 1 -3

1. Maintain local control of water resources and avoid constraints on operations.

2. Maintain or improve Desert Water Agency's ability to efficiently conduct business.

3. Protect Desert Water Agency's local and imported water supplies.

EDUCATE. ENGAGE. ADVOCATE.

DESERT WATER

Directives 4 & 5

4. Support investments for Colorado River water quality and salinity reduction.

5. Support the Lower Basin proposal for the post-2026 Operating Guidelines for the Colorado River.

EDUCATE. ENGAGE. ADVOCATE.

DESERT WATER

Directives 6 & 7

6. Support federal legislation to exempt conservation rebates issued by water districts from tax burdens.

7. Support liability protections for water and wastewater agencies following the designation of PFAS as a hazardous substance under CERCLA.

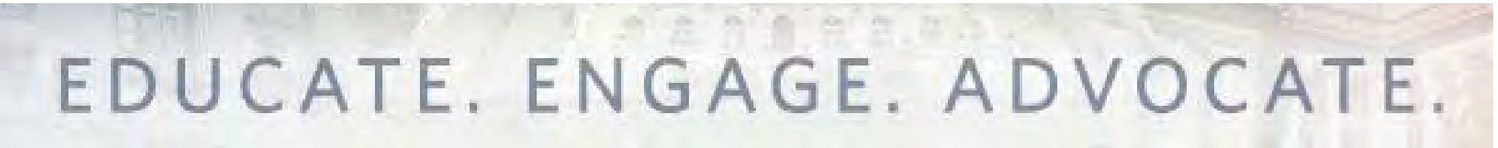
EDUCATE. ENGAGE. ADVOCATE.

DESERT WATER

Directives 8 & 9

8. Support federal and state avenues for conservation program funding, such as the U.S. Bureau of Reclamation's WaterSMART program.

9. Keep water and tax rates affordable. When possible, seek external funding for planning, new projects, conservation and/or facility improvements.



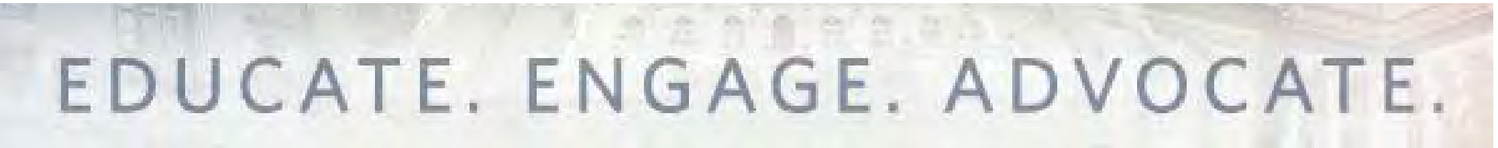
DESERT WATER

Directives 10 & 11

10. Support investments to enhance California's water infrastructure for conveyance, storage capacity, flexibility, and reliability, including the *Delta Conveyance Project*, *Sites Reservoir*, and the *State Water Project*.

11. Oppose a state water "tax" or "fee" and monitor ways in which the state will address water affordability.

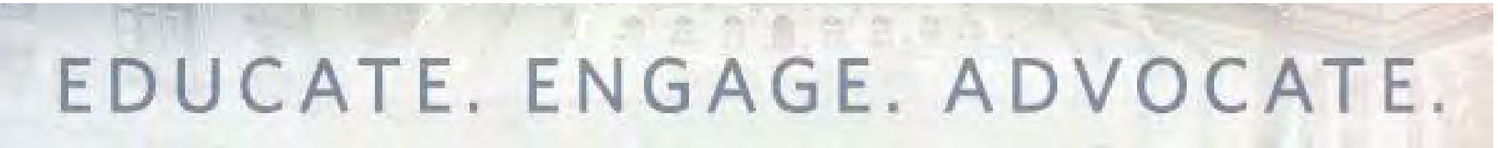
California Aqueduct through Palmdale



DESERT WATER

Directive 12

12. Continue to engage with and advocate for the State Water Resources Control Board to implement the *"Making Conservation a California Way of Life"* regulation in a way that avoids unnecessary costs for water agencies and takes into account Desert Water Agency's local conditions.



DESERT WATER

Discussion & Questions

DESERT WATER

GENERAL MANAGER'S REPORT
NOVEMBER 19, 2024

State Water Project Incidental Take Permit Issuance

On Monday, November 4th, the California Department of Fish and Wildlife issued a new incidental take permit (ITP) for the long-term operation of the State Water Project, taking into account the ever-evolving climate, biological and ecological science pertinent to SWP operations.

An ITP is a permit required under state law that enables the State Water Project to balance the project's operational needs in order to provide reliable water to 27 million Californians with protecting endangered and threatened fish species such as Delta Smelt and Chinook Salmon.

DWR has worked with the Bureau of Reclamation since 2021, along with state and federal fish agencies, to update the operating rules for the project. The new ITP "appears to resolve issues raised in 2020, incorporating the best available science and bringing regulatory stability for water managers who have been operating through unprecedented challenges over the last several years" (Jennifer Pierre, SWC General Manager).

Thanksgiving Holiday - DWA Offices Closed

Reminder: DWA offices will be closed on Thursday, November 28th and Friday, November 29th in observance of the Thanksgiving Holiday.

SYSTEM LEAK DATA 2024

Oct 30, 2024 - Nov 11, 2024

Street Name	Number of Leaks	Pipe Diameter (inches)	Install Date	Material	Coatling/Linning
CALLE ROCA, CALLE CHIA	4	4"	1954	Steel - SP	UL
INDUSTRIAL PL	2	4"	1948	Steel - SP	UL
BAHADA RD	2	4"	1957	Steel - SP	UL
ALEJO RD	2	8"	1958	Steel - SP	UL
VIA DEL NORTE	2	4"	1945	Steel - SP	UL
LUGO DR	1	6"	1954	Steel - SP	UL
INDIAN TR	1	3"	1936	Steel - SP	UL
VISTA ORO	1	4"	1958	Steel - SP	UL
RAMON RD	1	6"	1955	Steel - SP	UL
PALM CANYON DR E	1	12"	1958	Steel - SP	UL
SHOSHONEAN TR	1	4"	1950	Steel - SP	UL
PALISADES DR	1	2"	1958	Galvanized Pipe	UL
PALM CANYON DR S	1	10"	1938	Steel - SP	UL
PALM CANYON DR E	1	6"	1952	Steel - SP	UL
FRANCIS DR	1	8"	1957	Steel - SP	UL
CERRITOS RD	1	6"	1957	Steel - SP	UL
DEL LAGO RD	1	6"	1957	Steel - SP	UL
VINCENTIA RD	1	6"	1958	Steel - SP	UL
RANCHERO RD	1	6"	1958	Steel - SP	UL
PALM CANYON DR E (SOUTH SIDE)	1	6"	1953	Steel - SP	UL
DRY FALLS RD	1	4"	1953	Steel - SP	UL
FARRELL DR	1	6"	1958	Steel - SP	UL
INDIAN CANYON DR	1	6"	1951	Steel - SP	UL
INDIAN CANYON DR	1	6"	1951	Steel - SP	UL
PALM CANYON DR E	1	12"	1958	Steel - SP	UL

Total Leaks in System
32

Planned Replacement

- Awarded
- Summer 2025
- Summer 2026

SYSTEM INFORMATION

Oldest Pipe in the System (Year of Installation): 1936, 88 years old

Average Year of Installation of Unlined Steel Pipe (Systemwide): 1953, 71 years old

Total Length of Unlined Pipe Systemwide (Linear Feet): 233,975

*Average Length of Pipe Replaced Annually (Linear Feet): 15,000 ft

***Projected Time Frame for 100% Replacement of Unlined Steel Pipe: 16 years**

Year Agency Transitioned to Cement Lined Steel Pipe: 1960

*Please note this figure represents the average linear footage of pipeline replaced annually given an average annual budget of $3 million

DETAILED LEAK DATA 2024

Oct 30, 2024 - Nov 11, 2024

Leak Date	Street Name	Number of Leaks	Labor Hours
10/30/2024	LUGO DR	1	19.5
10/30/2024	INDIAN CANYON DR	1	9
10/30/2024	CALLE ROCA, CALLE CHIA	3	10
10/31/2024	RANCHERO RD	1	8
10/31/2024	PALISADES DR	1	6
11/1/2024	BAHADA RD	1	12.5
11/1/2024	SHOSHONEAN TR	1	5.5
11/1/2024	VINCENTIA RD	1	8
11/2/2024	PALM CANYON DR E	1	18
11/3/2024	FARRELL DR	1	13
11/4/2024	VIA DEL NORTE	2	50
11/4/2024	PALM CANYON DR E	1	12.5
11/4/2024	PALM CANYON DR E	1	10
11/5/2024	BAHADA RD	1	6
11/5/2024	RAMON RD	1	12
11/5/2024	CERRITOS RD	1	12.5
11/6/2024	DRY FALLS RD	1	16
11/6/2024	PALM CANYON DR S	1	14
11/6/2024	INDIAN TR	1	10
11/7/2024	ALEJO RD	1	7.5
11/7/2024	ALEJO RD	1	4
11/7/2024	FRANCIS DR	1	16
11/8/2024	INDIAN CANYON DR	1	8
11/10/2024	INDUSTRIAL PL	2	10
11/10/2024	CALLE ROCA, CALLE CHIA	1	5
11/10/2024	VISTA ORO	1	5
11/10/2024	DEL LAGO RD	1	7.5
11/11/2024	PALM CANYON DR E (SOUTH SIDE)	1	15
		Total Leaks in System	**Total Labor Hours**
		32	330.5


SYSTEM LEAKS
Oct 30, 2024 - Nov 11, 2024
Planned Replacement
Awarded
Summer 2025
Summer 2026
Not Planned
FRANCIS DR
BAHADA RD
DEL LAGO RD
CERRITOS RD
FARRELL DR
VINCENTIA RD
VIA DEL NORTE
DRY FALLS RD
ALEJO RD
PALISADES DR
LUGO DR
INDIAN CANYON DR
CALLE ROCA
CALLE CHIA
INDIAN TR
RAMON RD
VISTA ORO
INDUSTRIAL PL
RANCHERO RD
PALM CANYON DR S
PALM CANYON DR E
PALM CANYON DR E
PALM CANYON DR E (SOUTH SIDE)
SHOSHONEAN TR
Palm Springs Villas
Sunrise Village
Racquet Club West
Whitewater Club
Little Tuscany
Racquet Club Estates
Vista Norte
Ranch Club
Gene Autry
N Gene Autry Trl
Vista Chino
El Rancho Vista Estates
El Mirador
Rogers Ranch
Vista Las Palmas
Old Las Palmas
Escena
Desert Princess Country Club
The Movie Colony
Ruth Hardy Park
Oasis del Sol
Palm Springs
Landau Blvd
Midtown
Sunrise Park
Sunmor
Cimarron Golf Resort
E Tahquitz Canyon Way
Downtown Palm Springs
Baristo
Gateway
111
Little Beverly Hills
Warm Sands
Demuth Park
S Gene Autry Trl
Parkview Estates
Deepwell Ranch
Sonora Sunrise
Los Compadres
The Fairways
Twin Palms
Sahara Park
Melody Ranch
Los Pueblos
Tahquitz Creek Golf
Araby Commons
Rimrock
Araby Cove
10
N
0 0.5 1 2 3 Miles

Human Resources Meetings and Activities

Meetings:

10/15/2024	DWA Board Meeting	DWA Offices
10/28/2024	DWA Staff Meeting	DWA Offices
11/05/2024	DWA Board Meeting	DWA Offices

Activities:

10/16/2024	Conducted Open Enrollment Meetings	DWA Offices
10/18/2024	Spoke at DHSHS about careers in water	DWA Offices
10/21/2024	Conducted Water Service Worker I Interviews	DWA Offices
10/22/2024	Conducted Account Clerk Operator Interviews	DWA Offices
10/22/2024	Tyler Implementation Meeting	DWA Offices
10/23/2024	Tyler Implementation Meeting	DWA Offices
10/24/2024	Tyler Implementation Meeting	DWA Offices
10/30/2024	Hosted Benefits Fair	DWA Offices
10/31/2024	DWA Safety Meetings	DWA Offices
11/01/2024	Conducted New Employee Orientation	DWA Offices
11/04/2024	Strategic Planning Meeting	DWA Offices
11/06/2024	Safety Committee Meeting	DWA Offices
11/07/2024	Conducted New Employee Orientation	DWA Offices
11/12/2024	Tyler Implementation Meeting	DWA Offices
11/13/2024	Tyler Implementation Meeting	DWA Offices
11/14/2024	Conducted New Employee Orientation	DWA Offices
11/14/2024	Strategic Planning Meeting	Virtual Meeting

General Manager's Meetings and Activities

Meetings:

11/06/24	Tribal Mediation Small Group Meeting	Conf Call
11/08/24	Tribal Mediation In-Person Principal Meeting	Conf Call
11/12/24	Tribal Mediation Small Group Meeting	Conf Call
11/13/24	Tribal Mediation Update Meeting	CPS
11/14/24	Executive Committee Meeting	DWA
11/14/24	Strategic Plan Update Meeting	Conf Call
11/14/24	I.T. Department Update	Conf Call
11/14/24	Tribal Mediation Update	Conf Call
11/15/24	Sites Res Committee/Authority Board Meeting (Tate)	Conf Call
11/18/24	Tribal Mediation In-Person Principal Meeting	ACBCI Hotel
11/18/24	Tribal Mediation Small Group Meeting	ACBCI Hotel
11/18/24	DWA/CVWD/ MWD Coord Meeting (Tate)	Conf Call
11/19/24	DWA Bi-Monthly Board Meeting	DWA

Activities:

1) Sites Reservoir Finance
2) DCP Financing
3) Recycled Water Supply - Strategic Planning
4) AQMD Rule 1196
5) DWA Organizational Restructuring
6) DWA Remote Meter Reading Fixed Network
7) DC Project – Finance JPA Committee (Standing)
8) DWA/CVWD/MWD Operations Coordination (Standing)
9) DWA/CVWD/MWD Exchange Agreement Coordination Committee (Standing)
10) ACBCI Water Rights Lawsuit
11) Whitewater Hydro Operations Coordination with Recharge Basin O&M
12) Delta Conveyance Project Cost Allocation
13) MCSB Delivery Updates
14) SWP East Branch Enlargement Cost Allocation
15) RWQCB Update to the SNMP