

RESOLUTION NO. 22-017**RESOLUTION OF THE BOARD OF DIRECTORS OF CONTRA COSTA WATER DISTRICT
ADOPTING A MITIGATED NEGATIVE DECLARATION SUPPLEMENT AND
FINAL MITIGATED NEGATIVE DECLARATION SUPPLEMENT, AND
THE MITIGATION MONITORING AND REPORTING PLAN; AND AUTHORIZING
THE GENERAL MANAGER OR DESIGNEE TO ENTER INTO AGREEMENTS WITH
THE NECESSARY PERMITTING AGENCIES FOR THE SHORTCUT PIPELINE
IMPROVEMENT PROJECT—PHASE 3**

WHEREAS, critical repairs and necessary improvements have been identified for the Shortcut Pipeline (SCPL) to ensure reliable long-term water supply for the Contra Costa Canal system; and

WHEREAS, the proposed SCPL Improvement Project - Phase 3 ("Phase 3 Project") plans the installation of two 36-inch High Density Polyethylene (HDPE) pipelines 60 to 80 feet below the ground surface, 2,000 feet in length, that will tie into the existing 48-inch SCPL between the Marathon refinery and the Conco Industrial facility. Once the new HDPE pipelines are commissioned, the existing SCPL in this area will be abandoned. The project requires new long-term easements for the new pipelines as well as temporary staging areas; and

WHEREAS, the SCPL Phase 2 repairs were completed in 2018, and following Phase 2 repairs, an inspection of the pipeline revealed that the pipeline is damaged below Walnut Creek in a similar location to where the pipeline failed during the 1989 Loma Prieta earthquake, and this portion of the pipeline is also directly above the Concord fault; and

WHEREAS, the District operates and maintains, and the U.S. Department of the Interior, Bureau of Reclamation owns, the five-mile SCPL in north-central Contra Costa County within a 40 to 50 foot, non-exclusive easement on the Marathon, Contra Costa County Flood Control & Water Conservation District, and Conco properties, where the new HDPE pipelines will be constructed 20 feet from the edge of the existing right of way; and

WHEREAS, the District is seeking permits and certifications from the U.S. Army Corps of Engineers, San Francisco Bay Regional Water Quality Control Board, U.S. Fish and Wildlife

Resolution No. 22-017

May 18, 2022

Page 2

Service, State Historic Preservation Office, Bay Conservation and Development Commission, California Department of Fish and Wildlife, and the Contra Costa County Flood Control & Water Conservation, for construction of the Phase 3 Project to allow flexibility in implementation; and

WHEREAS, the District duly published its Notice of Intent to Adopt a Mitigated Negative Declaration Supplement for the proposed Phase 3 Project, has reviewed the potential environmental effects of the proposed Phase 3 Project, and on March 11, 2022, circulated for public review the Draft Mitigated Negative Declaration Supplement; and

WHEREAS, the Draft Mitigated Negative Declaration Supplement concludes that the proposed Phase 3 Project would not have a significant effect on the environment, provided that the recommended mitigation measures were incorporated into the design and construction of the proposed Phase 3 Project to eliminate or reduce the identified potential effects; and

WHEREAS, all comments received concerning the Draft Mitigated Negative Declaration Supplement have been responded to and none of the comments raise additional significant environmental issues or impacts, or change the conclusions of the Draft Mitigated Negative Declaration Supplement; and

WHEREAS, the District Board of Directors has independently reviewed and considered the information contained in the record, consisting of a) the Draft Mitigated Negative Declaration Supplement together with all comments received, and b) the Final Mitigated Negative Declaration Supplement, and has reviewed and considered the proposed Mitigation Monitoring and Reporting Plan, and has found them all to be in compliance with the requirements of the California Environmental Quality Act (CEQA), the CEQA Guidelines, and District regulations;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Contra Costa Water District, in accordance with the applicable provisions of CEQA, that the Board hereby finds, determines and declares:

1. The District, the principal offices of which are located at 1331 Concord Avenue, City of Concord, is the proposed Phase 3 Project proponent;
2. The proposed Phase 3 Project is to be located in Contra Costa County and is fully described in the Final Mitigated Negative Declaration Supplement summarized herein;
3. The Mitigated Negative Declaration Supplement has been prepared by the District in compliance with applicable laws and regulations to evaluate the potential for significant adverse environmental impact;
4. There is no substantial evidence in the record that the proposed Phase 3 Project, as mitigated through the measures identified and discussed in the Final Mitigated Negative Declaration Supplement, will have a significant effect upon the environment; and
5. The Final Mitigated Negative Declaration Supplement reflects the District's independent judgment and analysis.

BE IT FURTHER RESOLVED by the Board of Directors of Contra Costa Water District that the Board hereby:

1. Adopts the Final Mitigated Negative Declaration Supplement for the proposed Project and makes the mitigation measures set forth in the Final Mitigated Negative Declaration Supplement a condition of the project approval by incorporating each into the design and construction of the proposed Phase 3 Project; and
2. Adopts the Mitigation Monitoring and Reporting Plan for the proposed Phase 3 Project prepared according to CEQA Section 21081.6 and the corresponding requirements of the CEQA Guidelines and presented to the Board; and

- 3. Specifies that the documents that constitute the record of the proceedings, upon which the Board's decisions in this matter are based, are located at the District Office and are in the custody of the District Secretary.

BE IT FURTHER RESOLVED that the General Manager or his designee is authorized to sign and file the Notice of Determination for the SCPL Improvement Project – Phase 3 with the Contra Costa County Clerk and execute all required environmental permits and agreements on behalf of the District.

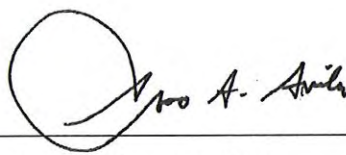
The foregoing Resolution was duly and regularly adopted at a meeting held on the 18th day of May 2022, by the Board of Directors of the Contra Costa Water District by the following vote:

AYES: HOLDAWAY, MARTINEZ, AVILA, BURGH

NOES:

ABSTAIN:

ABSENT:



Ernesto A. Avila, President

ATTEST:



Veronica Sepulveda, District Secretary