A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE CONTRA COSTA WATER DISTRICT
CERTIFYING THE SUPPLEMENT TO THE FINAL ENVIRONMENTAL IMPACT STATEMENT/
ENVIRONMENTAL IMPACT REPORT FOR THE LOS VAQUEROS RESERVOIR EXPANSION
PROJECT; ADOPTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS,
MITIGATION MEASURES, MITIGATION MONITORING AND REPORTING PROGRAM, AND
STATEMENT OF OVERRIDE CONSIDERATIONS; AND APPROVING THE PHASE 2 275-
THOUSAND ACRE-FOOT EXPANSION (ALTERNATIVE 1B)

I. CERTIFICATION OF THE SUPPLEMENT TO THE FINAL EIS/EIR

Contra Costa Water District (CCWD), as lead agency under CEQA, together with
the U.S. Department of Interior, Bureau of Reclamation (Reclamation), has completed the
Final Supplement to the Final Environmental Impact Statement [EIS]/
Environmental Impact Report [EIR] ("Final Supplement") for Phase 2 of its Los Vaqueros Reservoir
Expansion Project. The Phase 2 Expansion is a modification to the existing 160-thousand-
acre-foot (TAF) Los Vaqueros Reservoir Expansion (LVE Project), approved by the CCWD
Board of Directors on March 31, 2010 (see Resolution No. 10-05). When the CCWD Board
of Directors approved the 160-TAF reservoir expansion project, the Board stated that
approval did not preclude future consideration of a second phase of expansion to 275 TAF
under a Timing Variant (i.e., Los Vaqueros Reservoir would be expanded first to 160 TAF
[Phase 1 Expansion] and later to 275 TAF [Phase 2 Expansion]). The Timing Variant was
analyzed in the previously certified March 2010 Final EIS/EIR, as modified by the August
2013 EIR Addendum #1 (together the "Final EIS/EIR"). However, the Board did not initially
select the Timing Variant when it approved the 160-TAF reservoir expansion because a
second phase of expansion was not feasible at that time. The Phase 1 Expansion was
completed in 2012.

These findings address certification of the Final Supplement and approval of the
Phase 2 Expansion, specifically, Alternative 1B (Environmental Water Management &
Water Supply Reliability). The Phase 2 Expansion would continue to provide CCWD with
the benefits of the original Los Vaqueros Project and Phase 1 Expansion and additionally
would balance water deliveries for water supply reliability for local Agency Partners1 and
ecosystem uses for south-of-Delta wildlife refuges.

The Final Supplement evaluated five options for the Phase 2 Expansion: the No
Project Alternative, three project alternatives (Alternatives 1A, 1B, and 2A) which include

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1 East Contra Costa Irrigation District (ECCID) is no longer a potential Local Agency Partner; therefore, the
Phase 2 Expansion as defined in this Resolution does not include physical components required for their
participation.
the same physical facilities [i.e., 275-TAF reservoir, pump stations and pipelines] but varying operational scenarios, and one project alternative (Alternative 4A) which does not include a reservoir expansion or a new Delta-Transfer Pipeline, and is assumed to be operated like Alternative 1B to maximize potential project deliveries to both Local Agency Partners and ecosystem uses for south-of-Delta wildlife refuges. The Final Supplement identified Alternative 4A as the environmentally superior alternative because it would not result in impacts related to dam construction and inundation of the expanded reservoir or impacts related to construction of the Delta-Transfer Pipeline. The Final Supplement identified Alternative 1B as the Proposed Project under CEQA, and as Reclamation’s Preferred Alternative, because Alternative 1B more fully meets project objectives and provides greater project benefits to Local Agency Partners and ecosystem uses for south-of-Delta wildlife refuges compared to the other project alternatives.

The Phase 2 Expansion Alternative 1B includes the following components: expansion of Los Vaqueros Reservoir storage from 160 TAF to 275 TAF; construction of a new Neroly High-Lift Pump Station, Delta-Transfer Pipeline, and Transfer-Bethany Pipeline; upgrade of the existing Transfer Facility; replacement of Pumping Plant #1; construction of a new trail around the Mortero Wetland Complex; upgrade of the existing Los Vaqueros Interpretive Center and old barn near the Los Vaqueros Watershed Office; and relocation of the existing Marina Complex and Los Vaqueros Watershed trails and access roads that would be inundated by the reservoir expansion. Other facilities required by Local Agency Partners include East Bay Municipal Utility District (EBMUD)-CCWD Intertie Pump Station, EBMUD Walnut Creek Pumping Plant Variable Frequency Drives, and Brentwood Pipeline.2

Operations under Phase 2 Expansion Alternative 1B would balance the priorities of water supply reliability to the Local Agency Partners and environmental water management for the refuges. Water available to be moved under this alternative would go first to provide water supply reliability by meeting Local Agency Partners’ demands, if any, and then to provide ecosystem benefits by meeting refuge demands. If water and system capacity were still available, water would then be stored in Los Vaqueros Reservoir for later use by the Local Agency Partners or refuges. If system capacity were available after these other three operations, Level 2 refuge water would be wheeled to the Refuge Water Supply Program for delivery to the south-of-Delta wildlife refuges in order to free up capacity at Jones Pumping Plant or Banks Pumping Plant to move additional water to other Central Valley Project (CVP) south-of-Delta contractors.

For purposes of these findings, the “Phase 2 Expansion” is defined to mean Alternative 1B studied in the Final Supplement.

2 These facilities may not be required if EBMUD and/or the City of Brentwood do not participate in the Phase 2 Expansion or determine said facility is not required for participation.
The Final EIS/EIR for the Los Vaqueros Expansion Project (LVE Project) was certified by the CCWD Board of Directors on March 31, 2010. It was modified by the August 2013 EIR Addendum #1 (together the “Final EIS/EIR”).

The Draft Supplement to the Final EIS/EIR (Draft Supplement) was released for public and agency review on June 30, 2017. The comment period closed on September 5, 2017.

The Draft Supplement is comprised of two volumes. Volume 1 assesses the potential environmental effects of implementation of the Phase 2 Expansion, identifies means to eliminate or reduce potential adverse impacts, and evaluates a reasonable range of alternatives. Volume 2 consists of Appendices.

The Final Supplement to the Final EIS/EIR (Final Supplement) was posted on the LVE Project website and published on February 28, 2020.

The Final Supplement is comprised of the Draft Supplement together with two additional volumes (Volume 3 and Volume 4) which include further project description refinements; the comments on the Draft Supplement submitted by interested public agencies, organizations, and members of the public; written responses to the environmental issues raised in those comments; and revisions to the text of the Draft Supplement reflecting changes made in response to comments and other supporting appendices, respectively.

The Final EIS/EIR as modified by the Final Supplement comprises a project-level analysis. The Final EIS/EIR and Final Supplement have State Clearinghouse No. 2006012037.

The Board of Directors of the Contra Costa Water District (the “Board”) hereby certifies as follows:

(1) that it has been presented with the Final Supplement and that it has reviewed and considered the information contained in the Final Supplement along with the information contained in the previously certified Final EIS/EIR prior to making the following certifications and the findings in Section II and the approvals in Section III, below;

(2) that the Final Supplement has been completed in compliance with the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines; and

(3) that the Final Supplement reflects its independent judgment and analysis.
II. **CEQA FINDINGS**

Having received, reviewed, and considered the Final Supplement, the previously certified Final EIS/EIR, and other information in the record of proceedings, the Board hereby adopts the following findings in compliance with CEQA and the CEQA Guidelines:

Part II.A: Findings regarding the environmental review process and the contents of the Final Supplement.

Part II.B: Findings regarding the environmental impacts of the LVE Project including the environmental impacts of the Phase 2 Expansion and the mitigation measures for those impacts identified in the Final Supplement and adopted as conditions of approval for the Phase 2 Expansion. As described in Part II.B, the Board hereby adopts the impact findings as set forth in Exhibit A to these findings.

Part II.C: Findings regarding alternatives and the reasons that such alternatives to the Phase 2 Expansion are not approved.

Part II.D: Statement of Overriding Considerations determining that the benefits of implementing the Phase 2 Expansion outweigh the significant unavoidable environmental impact that will result and therefore justify approval of the Phase 2 Expansion despite that impact.

The Board certifies that these findings are based on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental issues identified and discussed in the Final Supplement and previously certified Final EIS/EIR. The Board adopts the findings and the statement in Parts II.A through II.D for the approvals that are set forth in Section III, below.

In addition to the findings regarding environmental impacts, alternatives and overriding considerations, Part II.E, below, identifies the custodian and location of the record of proceedings, as required by CEQA.

Part II.F describes the Mitigation Monitoring and Reporting Program for the Phase 2 Expansion. As described in Part II.F, the Board hereby adopts the Mitigation Monitoring and Reporting Program as set forth in Exhibit B to these findings.

Part II.G, below, summarizes the findings and determinations regarding the Phase 2 Expansion.
II.A. **Environmental Review Process**

1. **Development of the LVE Project**

   CCWD obtains its water supply from the Sacramento-San Joaquin Delta and serves treated and untreated water to approximately 550,000 people. Beginning in 2001, CCWD, supported by Reclamation and the California Department of Water Resources (DWR), conducted preliminary planning studies that determined that expansion of Los Vaqueros Reservoir from its existing capacity of 100 thousand-acre-feet (TAF) could result in environmental, water supply reliability and water quality benefits. CCWD then asked voters in its service area whether CCWD should consider expansion of the reservoir; the March 2, 2004 advisory ballot measure won approval of 62 percent of the voters. Accordingly, CCWD and Reclamation, in coordination with DWR, identified four project alternatives, intended primarily to increase water supply reliability and develop water supplies for environmental water management. In March 2010, the Board approved an expansion of the reservoir from 100 TAF to 160 TAF to provide increased water supply reliability for CCWD during droughts and improve operational flexibility. The expansion to 160 TAF was completed in 2012 in the manner described in the previously certified Final EIS/EIR, except that CCWD did not upgrade the pumps at the Transfer Facility.

2. **Prior Environmental Analysis**

   The Draft EIS/EIR for the LVE Project was released for public and agency review on February 20, 2009. The comment period closed on April 21, 2009. Volumes 1 and 2 of the Draft EIS/EIR assess the potential environmental effects of implementation of a 160 TAF expansion or a 275 TAF expansion, identify mitigation measures to eliminate or reduce potential adverse impacts, and evaluate a reasonable range of alternatives (i.e., four action alternatives, along with the No Project/No Action Alternative). Volume 3 of the Draft EIS/EIR consists of Appendices referred to in Volumes 1 and 2.

   The Final EIS/EIR for the LVE Project was released in March 2010 and responded to comments received on the Draft EIS/EIR. The Final EIS/EIR is comprised of the Draft EIS/EIR together with one additional volume (Volume 4) that includes project description refinements; the comments on the Draft EIS/EIR submitted by interested public agencies, organizations, and members of the public; written responses to the environmental issues raised in those comments; and revisions to the text of the Draft EIS/EIR reflecting changes made in response to comments and other information, including the results of updated Delta hydrology and water quality modeling. The key differences between the Draft EIS/EIR and the Final EIS/EIR relevant to this resolution is the introduction of the Timing Variant to Alternative 1, which evaluated expanding Los Vaqueros Reservoir to 275 TAF in two stages — from 100 TAF to 160 TAF first, followed by an expansion to 275 TAF seven or more years later.
The Final EIS/EIR showed that the Timing Variant to Alternative 1 might cause impacts that are of the same type, but somewhat greater than those described for Alternative 1 in the Draft EIS/EIR, due to: 1) areas at the dam site and at the southern marina locations where ground disturbance would occur twice; 2) effects associated with two rounds of construction activity; and 3) additive footprint impacts associated with the need to use borrow area sites associated with both the 160-TAF expansion and, if later approved, the 275-TAF expansion. Mitigation identified in the Final EIS/EIR for these impacts was found to be applicable, and no new or substantially more severe significant impacts (compared to the impacts of Alternative 1) were anticipated if the 275-TAF expansion were to be approved after the 160-TAF project was completed.

CCWD’s Board of Directors certified the Final EIS/EIR, adopted CEQA findings, mitigation measures, a Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations, and approved Alternative 4 (expanding Los Vaqueros Reservoir to 160 TAF, Water Supply Reliability Emphasis) on March 31, 2010 in Resolution No. 10-05. CCWD filed a Notice of Determination for the 160-TAF expansion of Los Vaqueros Reservoir on April 1, 2010. As described in the Final EIS/EIR, implementation of Alternative 4 did not preclude further expansion of the reservoir. It was acknowledged that “Reclamation and other potential state and regional partners would continue to study the larger expansion alternatives in the context of other on-going Delta initiatives and programs…. If Reclamation and CCWD select Alternative 4 and later decide to pursue a larger reservoir expansion, then additional NEPA and CEQA analyses and documentation would be undertaken, as necessary.”

CCWD rejected the Timing Variant as not feasible in 2010 because the expansion of Los Vaqueros Reservoir to 275 TAF required partners that had not committed to the 275 TAF expansion at the time the Final EIS/EIR was under consideration. CCWD’s Board of Directors further found that expansion to 160 TAF was justified regardless of whether the reservoir was ever expanded further.

Potential partners are now actively engaged in planning the Phase 2 Expansion (i.e., expansion to 275 TAF), and thus considering moving forward with LVE Project in a manner similar to the Timing Variant to Alternative 1 that was analyzed in the Final EIS/EIR.

The additional CEQA analyses and documentation to support the Phase 2 Expansion, contained in a Supplement to the Final EIS/EIR, is described below.

3. Preparation of the Supplement

Since the Final EIS/EIR was certified, refinements have been made to elements of the previously analyzed facilities, revisions to water sources and destinations have been made, and operational assumptions have been updated, primarily to reflect current and projected drought conditions, updated Delta hydrology models, and water
quality monitoring. There is now more information about water supply demand and operational preferences from the local water agencies and south-of-Delta wildlife refuges that have been identified as potential partners in the Phase 2 Expansion. In addition, the regulatory and environmental conditions in which the LVE Project would be operated have been modified over the past seven years.

These changes alter the LVE Project Description as analyzed in the Final EIS/EIR, and thus additional environmental analysis is needed. CCWD determined that a Supplement to the Final EIS/EIR be prepared in accordance with CEQA Guidelines Section 15163. Pursuant to these Guidelines, the Supplement contains only minor additions or changes which would make the previously certified Final EIS/EIR adequately apply to the modified LVE Project.

The Draft Supplement to the Final EIS/EIR evaluated four action alternatives formulated to capture a range of potential Phase 2 Expansion operations. Alternative 1A would prioritize water supply reliability for regional municipal and industrial and agricultural uses. Alternative 1B would balance water deliveries for water supply reliability for Local Agency Partners and ecosystem uses for south-of-Delta wildlife refuges. Alternative 2A would prioritize environmental water management with water deliveries to south-of-Delta wildlife refuges. Alternatives 1A, 1B, and 2A all would expand Los Vaqueros Reservoir to 275 TAF and add or upgrade conveyance facilities. Alternative 4A would have the same operational priorities as Alternative 1B and would include many of the conveyance facilities of the other action alternatives but would not expand Los Vaqueros Reservoir to 275 TAF.

Refinements to project facilities associated with Alternative 1 analyzed in the Final EIS/EIR would include the following:

**Eliminated**
- Delta Intake and Pump Station
- Transfer-Los Vaqueros Pipeline
- Northern Marina Complex

**Modified**
- Dam construction sequencing to account for the raise being accomplished from the completed 160-TAF dam rather than the original 100-TAF dam
- New Delta-Transfer Pipeline capacity reduction from 350 cubic feet per second (cfs) to 180 cfs
- New Transfer-Bethany Pipeline capacity reduction from 470 cfs to 300 cfs and route alignment shortened by approximately 1.8 miles.
- Transfer Facility Expansion reduction of the 670-cfs capacity pump station to 300 cfs and 12-MG storage tank to 5 MG
New

- Pumping Plant #1 Replacement
- Neroly High-Lift Pump Station
- Brentwood Pipeline
- EBMUD-CCWD Intertie Pump Station
- EBMUD Walnut Creek Pumping Plant Variable Frequency Drives
- Recreational Facilities including a Marina Complex upslope of existing facilities, expansion of the Los Vaqueros Interpretive Center, upgrades to the old barn near the Los Vaqueros Watershed Office to include interpretive exhibits and a demonstration garden, and a 0.5-mile ADA accessible interpretive trail to be built around the Mortero Wetland Complex, located near the Walnut Staging Area.

The Draft Supplement describes the Phase 2 Expansion, identifies the environmental consequences associated with implementation of the Phase 2 Expansion and with the LVE Project as a whole (as modified), specifies mitigation measures to reduce significant and potentially significant impacts, and analyzes and compares the environmental effects of the four action alternatives and the No Project/No Action Alternative.


The Final Supplement, which comprised the Draft Supplement plus all of the comments received during the public comment period, together with written responses to those comments, was published and made available to public agencies and members of the public on February 28, 2020.

The Board finds and determines that the Final Supplement provides adequate, good faith, and reasoned responses to all comments raising significant environmental issues.

4. Absence of Significant New Information

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR but before certification of the Final EIR. 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 that the project proponent declines to implement. The CEQA Guidelines provide examples of significant new information under this standard.
The Board recognizes that the Final Supplement incorporates information obtained by CCWD since the Draft Supplement was completed, and contains additions, clarifications, modifications, and other changes. With respect to this information, the Board finds as follows:

**Project Description Clarification**

**Pre-construction Activities**

As described in Volume 3, Section 2.2.1, of the Final Supplement, a more detailed description of typical pre-construction investigations and site preparation work (i.e., geotechnical investigations) that would be necessary to support the proposed construction activities was added to clarify the nature and extent of pre-construction activities. No updates to potential environmental impacts was required.

**Facility Refinements**

**Neroly High-Lift Pump Station.**

As described in Volume 3, Section 2.2.2, of the Final Supplement, refinements to the location of the Neroly High-Lift Pump Station have been made based on additional preliminary engineering evaluations conducted after publication of the Draft Supplement. The location originally proposed for the Neroly High-Lift Pump Station was on the Randall-Bold Water Treatment Plant site (eastern site) and the refinement proposes a western site on existing CCWD property at the Antioch Service Center immediately upstream of Pumping Plant #4 and the Neroly Blending facilities (western site). Examination of potential environmental impacts in Volume 3, Section 2.2.2, notes that while in some cases the refinement results in increased adverse impacts for certain resource topics, the refinement does not result in new significant impacts that were not previously disclosed in the Draft Supplement, nor in a substantial increase in the severity of an impact that was previously disclosed.

Mitigation measures presented in the Draft Supplement still apply or have been revised (i.e., Mitigation Measure 4.15.1d). The mitigation measures would require CCWD to construct the re-routed portion of the Delta de Anza Trail or provide a temporary alternative route and open it to pedestrian and bicycle traffic prior to closure of the existing portion for construction of the pump station to minimize disruptions to trail access for trail users. The mitigation measures are sufficient to reduce related impacts to less than significant levels.

**EBMUD-CCWD Intertie Pump Station**

As described in Volume 3, Section 2.2.2, of the Final Supplement, refinements to the location of the EBMUD-CCWD Intertie Pump Station in Brentwood on
the eastern edge of the same parcel has been made to avoid conflict with the Contra Costa Transportation Authority’s proposed Mokelumne Trail Bicycle / Pedestrian Overcrossing Project and the City of Brentwood’s proposed extension of Jeffrey Way. Examination of potential environmental impacts in Volume 3, Section 2.2.2, notes that the refinement results in increased and decreased adverse impacts for certain resource topics; that the refinements are similar to those already discussed in the Draft Supplement and would be reduced to less than significant with existing or revised mitigation measures presented in the Draft Supplement. None of the refinements would result in new significant and unavoidable impacts.

The Board approves incorporation of the project description clarification and facility refinements into the Phase 2 Expansion and finds that the project description clarification and facility refinements do not cause the Phase 2 Expansion to result in new or substantially more severe adverse environmental effects, or otherwise require recirculation of the Supplement.

Operations Update. As described in Volume 3, Section 2.2.3, of the Final Supplement, CCWD and the Local Agency Partners, in conjunction with the Refuge Water Supply Program, reviewed the assumptions regarding Phase 2 Expansion operations used in the Draft Supplement in light of the California Water Commission’s preliminary funding decisions for the Water Storage Investment Program announced in July 2018. The updates from the Draft Supplement operations assumptions that have been included in the modeling analysis performed for the Final Supplement include:

1. Removal of ECCID pre-1914 water right as a potential source for water stored in Los Vaqueros Reservoir;

2. Modification of operational preferences for Bay Area Water Supply and Conservation Agency (BAWSCA), EBMUD, and San Francisco Public Utilities Commission (SFPUC), and addition of specific operational preferences for three San Luis & Delta-Mendota Water Authority (SLDMWA) member agencies, Del Puerto Water District (DPWD), San Luis Water District (SLWD), and Westlands Water District (WWD);

3. Addition of third-party water transfers from willing sellers as a potential source of water for BAWSCA, Zone 7, and the Refuge Water Supply Program as well as Alameda County Water District (ACWD) and the SLDMWA member agencies, and analysis of the potential impacts of third-party water transfers to the Local Agency Partners and Refuges.

Analysis of Delta water resources, water quality, fisheries and aquatic resources conducted for the Draft Supplement have been updated for the Final Supplement to incorporate the modified operations assumptions described in
Volume 3, Section 5.2, as well as other modifications made in response to comments on the Draft Supplement. The results of the updated analysis indicate that the analysis used in the Draft Supplement captured the environmental impacts associated with the action alternatives. The updated modeling does not indicate any new or substantially more severe significant impacts on Delta water quality and aquatic resources. No impact would be substantially more severe than previously disclosed.

The Board approves incorporation of the operations update into the Phase 2 Expansion and finds that the update does not indicate that the Phase 2 Expansion will result in new or substantially more severe adverse environmental effects, or otherwise require recirculation of the Supplement.

**Modifications to Mitigation Measures.** As described in Volume 3, Chapter 5 of the Final Supplement and in the responses to comments, four mitigation measures have been modified (4.6.4a, 4.6.7a, 4.8.2b, and 4.15.1d) and apply to the Phase 2 Expansion.

The Board finds that the modifications to the mitigation measures identified for the Phase 2 Expansion in the Final Supplement augment the mitigation measures as proposed in the Draft Supplement, strengthen the effectiveness of the proposed mitigation measures, respond to agency input, and enhance their clarity, but do not cause any new or substantially more severe significant environmental impacts. No recirculation of the Draft Supplement is necessary based on the modifications to the mitigation measures in the Final Supplement.

**Other Changes.** Various minor changes and edits have been made to the text, tables, and figures of the Draft Supplement, as described in Volume 3, Chapter 5, of the Final Supplement. These changes are generally of an administrative nature such as correcting typographical errors, making minor adjustments to the data, and adding or changing certain phrases to improve readability.

The Board finds that the changes to the text of the Draft Supplement are of a minor, non-substantive nature and do not require recirculation of the Draft Supplement.

In addition to the changes and corrections described above, the Final Supplement provides additional information in response to comments and questions from agencies and the public.

The Board finds that information added in the Final Supplement does not constitute significant new information requiring recirculation, but rather that the additional information clarifies or amplifies an adequate Supplement. Specifically, the Board finds that the additional information including the changes described above, does not show that:
(1) A new significant environmental impact would result from the Phase 2 Expansion 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 Phase 2 Expansion, but the project’s proponents decline to adopt it.

(4) The Draft Supplement was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Based on the foregoing, and having reviewed the information contained in the Final Supplement, the previously certified Final EIS/EIR, and in the record of CCWD’s proceedings, including the comments on the Draft Supplement and the responses thereto, and the above-described information, the Board finds that no significant new information has been added to the Final Supplement since public notice was given of the availability of the Draft Supplement that would require recirculation of the Supplement.

5. Differences of Opinion Regarding the Impacts of the Phase 2 Expansion

In making its determination to certify the Final Supplement and to approve the Phase 2 Expansion, the Board recognizes that the Phase 2 Expansion involves controversial environmental issues and that a range of technical and scientific opinion exists with respect to those issues. The Board has acquired an understanding of the range of this technical and scientific opinion by its review of the Draft Supplement, the comments received on the Draft Supplement and the responses to those comments in the Final Supplement, as well as testimony, letters, and reports regarding the Final Supplement, the previously certified Final EIS/EIR, and its own experience and expertise in assessing water quality and water supply. The Board has reviewed and considered, as a whole, the previously certified Final EIS/EIR, the evidence and analysis presented in the Draft Supplement, the evidence and analysis presented in the comments on the Draft Supplement, the evidence and analysis presented in the Final Supplement, the information submitted on the Final Supplement, and the reports prepared by the experts who prepared the Supplement, CCWD’s consultants, and by staff, addressing those comments. The Board has gained a comprehensive and well-rounded understanding of the environmental issues presented by the Phase 2 Expansion. In turn, this understanding
has enabled the Board to make its decisions after weighing and considering the various viewpoints on these important issues.

The Board accordingly certifies that its findings are based on full appraisal of all of the evidence contained in the previously certified Final EIS/EIR and the Final Supplement, as well as the evidence and other information in the record addressing the Final EIS/EIR and Final Supplement.

II.B. Impacts and Mitigation Measures

These findings provide the written analysis and conclusions of the Board regarding the environmental impacts of the LVE Project, including the impacts of the Phase 2 Expansion, and the mitigation measures identified in the Final Supplement and adopted by the Board as conditions of approval for the Phase 2 Expansion. In making these findings, the Board has considered the opinions of other agencies and members of the public, including opinions that disagree with some of the analysis and significance thresholds used in the Supplement.

The Board finds that the determination of significance thresholds is a judgment within the discretion of the Board; the significance thresholds used in the Supplement are supported by substantial evidence in the record, including the expert opinion of the Supplement preparers and CCWD staff; and the significance thresholds used in the Supplement provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the LVE Project including the Phase 2 Expansion.

Exhibit A attached to these findings and incorporated herein by reference summarizes the environmental determinations of the impacts before and after mitigation from the Final EIS/EIR specific to the already approved Phase 1 Expansion, the Final Supplement specific to the Phase 2 Expansion and the Total Impact associated with implementation of both the Phase 1 and Phase 2 Expansions. This exhibit does not attempt to describe the full analysis of each environmental impact contained in the Final EIS/EIR and Final Supplement. Instead, Exhibit A provides a summary description of each impact, identifies the applicable mitigation measures described in the Final EIS/EIR and Final Supplement, and states the Board’s findings on the significance of each impact after imposition of the adopted mitigation measures. Impacts are not included where there was no effect from both the Phase 1 and Phase 2 Expansions. A full explanation of these environmental findings and conclusions for the Phase 2 Expansion can be found in the Final Supplement and these findings hereby incorporate by reference the discussion and analysis in the Final Supplement supporting the Final Supplement’s determinations regarding the Phase 2 Expansion’s impacts and mitigation measures designed to address those impacts.
The Board approves the findings set forth in Exhibit A as its findings regarding the LVE Project's impacts before and after mitigation, including the impacts of the Phase 2 Expansion before and after mitigation. In making these findings, the Board ratifies, adopts, and incorporates the analysis and explanation in the Final Supplement, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the Final Supplement relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

The Board adopts, and incorporates as conditions of approval of the Phase 2 Expansion, the mitigation measures set forth in the Mitigation Monitoring and Reporting Program attached to these findings as Exhibit B to reduce or avoid the potentially significant and significant impacts of the Phase 2 Expansion, as well as certain less-than-significant impacts.

In adopting these mitigation measures, the Board intends to adopt each of the mitigation measures identified by the Final Supplement and applicable to the Phase 2 Expansion. Accordingly, in the event a mitigation measure recommended in the Final Supplement has inadvertently been omitted from Exhibit B, such mitigation measure is hereby adopted and incorporated in the findings below by reference. In addition, in the event the language describing a mitigation measure set forth in Exhibit B fails to accurately reflect the mitigation measures in the Final Supplement due to a clerical error, the language of the mitigation measure as set forth in the Final Supplement shall control, unless the language of the mitigation measure has been specifically and expressly modified by these findings.

In comments on the Draft Supplement, various modifications were suggested by commenters to identified mitigation measures. Some of the Supplement’s mitigation measures were modified in response to such comments. Other comments requested minor modifications in mitigation measures identified in the Draft Supplement, requested mitigation measures for impacts that were less than significant, or requested additional mitigation measures for impacts as to which the Draft Supplement identified mitigation measures that would reduce the identified impact to a less-than-significant level; these requests are declined as unnecessary.

With respect to the additional measures suggested by commenters that were not added to the Final Supplement, the Board adopts and incorporates by reference the reasons set forth in the responses to comments contained in the Final Supplement as its grounds for rejecting adoption of these mitigation measures.

1. Further Findings Regarding Proposed Mitigation Measures

The Board further rejects the following mitigation measures proposed at various stages of the proceedings for the following reasons:
Mitigation Ratios. U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) comment that the proposed compensatory mitigation ratio for impacts to lands under conservation easements should be increased to be consistent with the outcome of the regulatory permitting for the Phase 1 Expansion or to be greater than disclosed in the Draft Supplement, respectively. Mitigation Measure 4.6.7c continues to require CCWD to both replace affected conservation easements and compensate for impacts to habitat within said easements. For the Phase 1 Expansion the determination of habitat mitigation and enhancement requirements took a holistic and iterative approach, developed in close coordination with USFWS and CDFW. While a minimum amount of compensatory mitigation was agreed upon, a specific mitigation ratio for impacts to lands under conservation easements was not identified in the Biological Opinion; moreover, a single ratio cannot convey the complexity and nuances that will shape the final habitat preservation and enhancement package. Other factors to developing a successful final compensatory mitigation program included identifying properties with strategic value in the context of regional conservation goals, that preserve movement corridors and that met specific species and habitat criteria. This approach resulted in the acquisition of a robust network of mitigation lands that integrate and complement other conservation lands in the region. CCWD and Reclamation anticipate this approach would be followed again, and the final compensatory package would be determined in consultation with the USFWS and CDFW; therefore, the final compensatory mitigation program would reduce impacts to less-than-significant and the proposal for modifications to compensatory mitigation ratios disclosed in the Draft Supplement is rejected.

Compensatory Mitigation Lands. CDFW suggests that Mitigation Measures 4.6.1b, 4.6.2b, 4.6.3b and 4.6.4a be revised to state that CDFW approval is required prior to project construction, and to require conservation and management in perpetuity through recordation of conservation easements in mitigation lands. The commenter was directed to the Draft Supplement Appendix E (Draft Mitigation Monitoring and Reporting Program [MMRP]), pages E-5 and E-6, which provides the full text of adopted Mitigation Measures. As described in this draft MMRP, “Compensation land shall be designated and management activities shall commence prior to construction on, or inundation of, the existing sensitive plant community site for which the compensation is being provided.” Thus, CDFW approval would be required prior to initiating the applicable phase of construction within sensitive plant communities. This is consistent with the adopted and implemented MMRP for the Phase 1 Expansion. Also consistent with mitigation provided for initial reservoir construction and Phase 1 Expansion, compensatory mitigation lands acquired for the Phase 2 Expansion would need to be protected under permanent conservation easements. While Mitigation Measure 4.6.4a is revised to state that CDFW approval is required; further modifications to Mitigation Measures 4.6.4a, 4.6.1b, 4.6.2b and 4.6.3b in the Draft Supplement are rejected.

Wildlife Protection. CDFW suggests adding a mitigation measure requiring the securing of caps on all pipes, culverts, or similar structures stored overnight onsite, and that any fencing posts or signs have post holes covered or filled to prevent
The commenter was directed to adopted Mitigation Measure 4.6.7a which provides protection of wildlife from exposed holes; therefore, addition of a new mitigation measure is rejected.

II.C. Basis for the Board’s Decision to Approve the Phase 2 Expansion and Reject Other Alternatives

1. Summary of Discussion of Alternatives in the Final Supplement

The Final Supplement evaluates a number of potential alternatives to the proposed Phase 2 Expansion (Alternative 1B). The Supplement examines the environmental impacts of each alternative in comparison with Phase 2 Expansion Alternative 1B and the relative ability of each alternative to satisfy the project objectives.

The Supplement also summarizes the criteria used to identify a range of reasonable alternatives for review in the Supplement and describes proposals that did not merit additional, more-detailed review either because they do not present viable alternatives to Phase 2 Expansion Alternative 1B or they are variations on the alternatives that are evaluated in detail.

2. The Board’s Findings Relating to Alternatives

In making these findings, the Board certifies that it has independently reviewed and considered the information on alternatives provided in the Final Supplement, including the information provided in comments on the Draft Supplement and the responses to those comments in the Final Supplement. The Supplement’s discussion and analysis of these alternatives is not repeated in these findings, but the discussion and analysis of the alternatives in the Supplement is incorporated in these findings by reference.

The Supplement describes and evaluates four alternatives that are formulated to capture a range of potential project operations. As set forth in Section B above, the Board has adopted mitigation measures that mitigate the significant environmental effects of the Phase 2 Expansion. As explained in Section D of these findings, while these mitigation measures will not mitigate all project impacts to a less-than-significant level, they will mitigate those impacts to a level that the Board finds is acceptable.

The Board finds that Alternative 1B - considered in these findings to be the Phase 2 Expansion - would satisfy the project objectives. The Board finds the remaining alternatives either infeasible or would not meet the project objectives as fully as Alternative 1B. Accordingly, the Board has determined to approve the Phase 2 Expansion Alternative 1B instead of approving one of the remaining alternatives.
In making this determination, the Board finds that when compared to the other alternatives described and evaluated in the Final Supplement, the Phase 2 Expansion Alternative 1B, as mitigated, provides a reasonable balance between satisfying the project objectives and reducing potential environmental impacts to an acceptable level. The Board further finds and determines that the Phase 2 Expansion Alternative 1B should be approved, rather than one of the other alternatives, for the reasons set forth below.

a. Description of Project Objectives

The Primary Objectives of the Los Vaqueros Reservoir Expansion are:

- Develop water supplies for environmental water management that supports fish protection, habitat management, and other environmental water needs.

- Increase water supply reliability for water providers within the San Francisco Bay Area, to help meet municipal and industrial water demands during drought periods and emergencies or to address shortages due to regulatory and environmental restrictions.

The Secondary Objective is to:

- Improve the quality of water deliveries to municipal and industrial customers in the San Francisco Bay Area, without impairing the project’s ability to meet the environmental and water supply reliability objectives stated above.

b. Discussion and Findings Relating to the Alternatives Evaluated in the Supplement

No Project/No Action Alternative.

Under CEQA, a “No Project Alternative” compares the impacts of proceeding with a proposed project with the impacts of not proceeding with the proposed project. A No Project Alternative describes the environmental conditions in existence at the time the Notice of Preparation was published, along with a discussion of what would be reasonably expected to occur at the site in the foreseeable future, based on current plans and consistent with available infrastructure and community services. Under the 160-TAF No Project Alternative, no new facilities would be constructed, and CCWD would continue operating the existing Los Vaqueros Reservoir and other CCWD facilities to deliver water to meet its customer demands and delivered water quality goal subject to current regulatory and physical constraints. This alternative would not change operations of the Los Vaqueros Reservoir system. The Local Agency Partners and Refuges operations would likewise be unchanged, and their water supply reliability would not be improved through use of the existing Los Vaqueros Reservoir system, except through separate
partnership agreements that could be developed in the future but are not contemplated in this analysis. Use of this No Project Alternative enabled quantification of the incremental impact/benefit of the Phase 2 Expansion.³

This alternative would eliminate the significant environmental effects of the Phase 2 Expansion; however, this alternative would not satisfy any of the project objectives. The objectives of the Project, including increasing water supply reliability; helping meet water demands during drought periods and emergencies; addressing shortages due to regulatory and environmental restrictions; developing water supplies for environmental water management; and improving the quality of water deliveries, would not be achieved. On balance, the environmental benefits that might be achieved with this alternative are outweighed by the failure to achieve any of the project objectives.

Phase 2 Expansion Alternatives

Alternatives 1A, 1B, and 2A would expand the reservoir to 275 TAF with regional partners. All of these alternatives would involve construction both within and outside the Los Vaqueros Watershed. Within the watershed, the existing reservoir would be completely drained; the dam, with new inlet and outlet facilities, would be raised for a 275-TAF reservoir; required materials would be taken from within two borrow areas outside the existing reservoir footprint; and replaced and increased recreational facilities (moving existing trails and marina upslope; upgrading the existing Los Vaqueros Interpretive Center and old barn near the Los Vaqueros Watershed Office; and adding a new trail around the Mortero Wetland Complex) would be constructed. Out-of-watershed facilities undertaken by CCWD would include a new Delta-Transfer Pipeline, a new Transfer-Bethany Pipeline, expansion of the existing Transfer Facility, a new Neroly High-Lift Pumping Station on the Antioch Service Center site, and replacement of Pumping Plant #1. Other out of watershed facilities undertaken by partner agencies would include an EBMUD-CCWD Intertie Pump Station, a Brentwood Pipeline and an ECCID Intertie. Alternative 4A includes a reduced set of conveyance facilities (Transfer-Bethany Pipeline, a new Neroly High-Lift Pumping Station, replacement of Pumping Plant #1 and expansion of the existing Transfer Facility) but does not include expanding the reservoir.

Alternatives 1A, 1B, 2A, and 4A would cause the same significant and unavoidable environmental impact (i.e., Important Farmland from construction of the EBMUD-CCWD Intertie Pump Station) because the same facilities would be constructed and operated for each alternative at the Pump Station site.

³ The Supplement also presented a 100-TAF No Project Alternative to enabled readers to compare the combined impacts of both the already-completed expansion of Los Vaqueros Reservoir to 160 TAF storage capacity and the Phase 2 Expansion.
From an operational perspective, Alternatives 1A, 1B, and 2A would improve regional water supply reliability by increasing water deliveries to Local Agency Partners, provide ecosystem improvements by delivering additional water supply to the Refuge Water Supply Program to meet Refuge water needs, improve delivered water quality for Local Agency Partners, improve regional water operations by integrating with other water systems, and enhance recreation. The public benefits as defined by the California Water Commission (CWC) include: water delivered to Local Agency Partners during emergencies, water delivered via the Refuge Water Supply Program to meet Refuge water needs, and recreation enhancement. Alternatives 1A, 1B, and 2A are intended to provide all of these benefits to varying degrees depending on the operations specific to each alternative, as described below. The public and non-public benefits common to Alternatives 1A, 1B, and 2A, were calculated using the CalSim II model provided by the CWC for the 2030 climate change scenario.

In comparison, Alternative 4A would provide reduced emergency water supply reliability and state-wide system integration benefits.

The operational distinctions, which drive selection of the preferred alternative, are discussed below.

**Alternative 1A (275 TAF Reservoir/Water Supply Reliability)**

Alternative 1A is formulated to maximize deliveries for water supply reliability, including drought and emergency supply reliability, to the Local Agency Partners. The first priority would be to deliver available water to meet Local Agency Partner demand, if any, and otherwise to divert that water to storage in Los Vaqueros Reservoir, if possible, for later use by the Local Agency Partners. Other operations to improve water supply reliability include using project facilities to wheel existing environmental water supplies to refuges, freeing up pumping capacity at Jones and Banks pumping plants to move supplies to CVP south-of-Delta contractors. If water and system capacity were still available after these operations, additional deliveries would be made to provide ecosystem benefits by meeting Refuge demand.

The Board hereby rejects Alternative 1A because that alternative is not feasible at this time. It is not desirable for CCWD to construct Alternative 1A because it does not provide enough additional water supply to the Refuges to satisfy the ecosystem benefits requirement for state and federal funding of the Phase 2 Expansion. Participation of the state through the California Water Commission Water Storage Investment Program funding requires a minimum of fifty percent of the public benefits to be directed to the ecosystem. Without the state and federal investments, the Local Agency Partners’ participation would be more expensive, and in some cases possibly prohibitively so. On balance, Alternative 1A does not offer environmental advantages compared to Alternative 1B that would offset the feasibility concerns presented by this alternative.
Alternative 1B (275 TAF Reservoir/Environmental Water Management & Water Supply Reliability)

Alternative 1B is formulated to maximize potential project deliveries to both Local Agency Partners and Refuges. Alternative 1B balances the priorities of water supply reliability to the Local Agency Partners and environmental water management for the Refuges. Water available to be moved by this alternative would go first to provide water supply reliability by meeting Local Agency Partner demand, if any, and then to provide ecosystem benefits by meeting Refuge demands. If water and system capacity were still available, water would then be stored in Los Vaqueros Reservoir for later use by the Local Agency Partners or Refuges. If system capacity were available after these other three operations, Level 2 Refuge water would be wheeled to the Refuge Water Supply Program for delivery to the Refuges in order to free up capacity at Jones Pumping Plant or Banks Pumping Plant to move additional water to other CVP south-of-Delta contractors.

Alternative 1B has similar environmental impacts as Alternatives 1A and 2A. The proposed facilities are identical, and water diversions are similar. By increasing the priority of deliveries to the Refuges compared to Alternative 1A and increasing the priority of deliveries to the Local Agency Partners compared to Alternative 2A, Alternative 1B balances the benefits of the Phase 2 Expansion between the ecosystem and urban or agricultural water uses. The strategy for prioritizing operations in Alternative 1B thus maximizes the number and type of partners that potentially would participate in, and benefit from the Phase 2 Expansion at the local, state, and federal levels.

As described in Section III the Board hereby approves Alternative 1B (the Phase 2 Expansion) because that alternative is the most feasible at this time. It is not possible for CCWD to construct any of the Phase 2 Expansion alternatives without federal, state, and regional partners. The Board finds that selecting this alternative will best meet the project objectives of providing regional water supply and environmental water management benefits, as well as improving CCWD water supply reliability and water quality.

Alternative 2A (275 TAF Reservoir/Environmental Water Management)

Alternative 2A is formulated to maximize potential project deliveries to the Refuges. Alternative 2A prioritizes environmental water management for the Refuges. Water available to be moved by this alternative would go first to the Refuge Water Supply Program to provide ecosystem benefits by meeting Refuge demands and would otherwise be stored in Los Vaqueros Reservoir for later use by the Refuges. If water and system capacity were still available after these other two operations, deliveries would be made to meet any Local Agency Partner water supply needs.
The Board hereby rejects Alternative 2A because that alternative is not feasible at this time. Despite the ecosystem benefits of delivering additional water to the Refuges, it is not desirable for CCWD to construct Alternative 2A because this alternative would not provide enough drought water supply to the Local Agency Partners to make their participation economically practical. Without Local Agency Partner participation, it would be difficult to meet the local funding match requirements for the California Water Commission Water Storage Investment Program funding. On balance, Alternative 2A does not offer environmental advantages compared to Alternative 1B that would offset the feasibility concerns presented by this alternative.

Alternative 4A (160-TAF Reservoir/Environmental Water Management & Water Supply Reliability)

Alternative 4A would not expand the existing 160-TAF Los Vaqueros Reservoir storage capacity or build a new Delta-Transfer Pipeline but would make all of the other major physical improvements identified for Alternatives 1A, 1B, and 2A. While Alternative 4A would cause the fewest adverse environmental impacts of all the action alternatives and is the environmentally superior alternative, it would result in the same significant environmental impact (i.e., Important Farmland permanent conversion from the footprint of the EBMUD-CCWD Intertie Pump Station) as Alternatives 1A, 1B, and 2A because the same Pump Station facility would be constructed and operated. Alternative 4A is assumed to use the same operational priorities as Alternative 1B and is formulated to maximize potential project deliveries to both the Local Agency Partners and Refuges. While Alternative 4A would provide environmental water management improvement in the form of additional water supplies for south-of-Delta CVPIA wildlife refuges through the Refuge Water Supply Program, it would not meet the project objectives as fully or provide the same level of benefit as the other action alternatives.

The Board hereby rejects Alternative 4A because it does not meet the project objectives as fully or provide the same level of benefit as Alternative 1B. On balance, Alternative 4A does not offer environmental advantages compared to Alternative 1B that would offset the inability of this alternative to fully accomplish the project objectives.

Summary of Findings Regarding Alternatives. For all of the foregoing reasons, the Board has determined to approve the Phase 2 Expansion Alternative 1B instead of one of the other alternatives.

c. Findings Regarding Suggestions for New Alternatives, Modifications to the Phase 2 Expansion and Variations on the Alternatives

Various other alternatives, proposed modifications to the Phase 2 Expansion and variations on the alternatives were proposed in comments on the Draft
EIS/EIR. These proposals include alternatives to major dam building for water storage; a desalination plant; and modifications to the Transfer-Bethany Pipeline alignment through conservation lands.

With respect to alternatives suggested by commenters, the Board hereby adopts and incorporates by reference the reasons set forth in the responses to comments contained in the Final Supplement as its grounds for rejecting those alternatives. The Board further rejects the alternatives for the following reasons:

**Alternatives to Major Dam Building for Water Storage.** It was suggested that CCWD consider an alternative to major dam building for water storage. CCWD does not have control of other storage facilities that would meet the project objectives; therefore, this is not a viable alternative for additional storage. In addition, other water storage projects proposed by other entities outside CCWD’s jurisdiction would be complementary to the alternatives studied in the Final Supplement and would not function as a substitute for these alternatives. Each of these reasons supports the rejection of the alternative.

**Desalination Plant.** It was suggested that a desalination facility would be more cost-effective for EBMUD to construct and operate to meet its dry-year demand rather than participating in the Phase 2 Expansion. In the Final EIS/EIR, two regional desalination alternatives (with and without new storage) were considered during both the initial alternatives development phase and the initial plan development phase, but neither was carried forward for further development as a comprehensive alternative. The reasons for eliminating desalination from further study were lack of cost effectiveness and feasibility problems related to brine disposal and energy use, which could translate to potential greenhouse gas issues. Moreover, such a project would be complementary to the project alternatives studied in the Final EIS/EIR and would not function as a substitute for these alternatives. Each of these reasons supports the rejection of this alternative.

**Transfer – Bethany Pipeline Alignment.** It was suggested that alternative alignments be considered for the portion of the alignment sited on East Contra Costa County HCP/NCCP preserve lands to avoid those lands under a recorded conservation easement. In the Final Supplement, CCWD has identified options to reduce the width of the pipeline construction corridor and move the pipeline along the north-south portion of Armstrong Road to the eastern side to minimize impacts to East Contra Costa County HCP/NCCP preserve lands. CCWD is coordinating with Contra Costa County Department of Conservation and Development, Department of Public Works, and Airports divisions to examine final pipeline alignments, which could result in avoidance of some preserve lands located on Armstrong Road and elsewhere. However, given the amount of preserve lands and sensitive habitat located south and east of the airport on Byron Hot Springs Road, conservation lands impacts could occur. Although direct impacts on preserve lands may be reduced with these adjustments to the alignments, potential direct impacts on
sensitive species and their habitats could be greater than for the proposed alignment, with potentially greater impacts to alkali grasslands and wetlands. Whether the pipeline alignment passes west or east of Byron Airport, no viable alignments have been identified that avoid all preserve lands, hence, it is identified in the Final Supplement that the final pipeline alignment would traverse lands with recorded restrictive covenants. The Supplement analyzes reasonably anticipated routes for Phase 2 Expansion pipelines, and any proposed changes in pipeline routes made in the future would require additional analysis; however, such potential changes are too speculative to analyze at this time, therefore an alternative to the Transfer – Bethany Pipeline Alignment is rejected at this time.

**Findings Regarding Adequacy of Range of Alternatives**

The Board finds that the range of alternatives evaluated in the Supplement reflects a reasonable attempt to identify and evaluate various types of alternatives that would potentially be capable of reducing the Phase 2 Expansion’s environmental effects, while accomplishing most but not all of the project objectives. The Board finds that the alternatives analysis is sufficient to inform the Board and the public regarding the tradeoffs between the degree to which alternatives to the Phase 2 Expansion could reduce environmental impacts and the corresponding degree to which the alternatives would hinder CCWD’s ability to achieve most or all of its project objectives.

**II.D. Statement of Overriding Considerations**

1. **Impact That Remains Significant**

   As discussed in Exhibit A, associated with the Phase 1 Expansion, the Board found that the loss of grassland area along the west side of the reservoir that is a potential (although undocumented) movement corridor for the endangered San Joaquin kit fox is an impact that would remain significant following adoption and implementation of applicable mitigation measures. For the Phase 2 Expansion, this impact was identified as a less than significant impact because the full extent of the impact was attributable to the Phase 1 Expansion.

   As discussed in Exhibit A, associated with the Phase 1 Expansion, the Board found that permanent conversion of Important Farmland would not occur. For the Phase 2 Expansion, permanent conversion of Important Farmland from implementation of the EBMUD-CCWD Intertie Pump Station is an impact that would remain significant following adoption and implementation of applicable mitigation measures.
2. **Overriding Considerations Justifying Phase 2 Expansion Approval**

In accordance with CEQA Guidelines Section 15093, the Board has, in determining whether or not to approve the Phase 2 Expansion, balanced the economic, social, technological, and other project benefits against its unavoidable environmental risks, and finds that each of the benefits of the Phase 2 Expansion set forth below outweigh the significant adverse environmental effects that are not mitigated to less-than-significant levels.

This statement of overriding considerations is based on the Board’s review of the Final Supplement, the previously certified Final EIS/EIR and other information in the administrative record. Each of the benefits identified below provides a separate and independent basis for overriding the significant environmental effects of the Phase 2 Expansion. The benefits of the Phase 2 Expansion are as follows:

a. **Improved Water Supply Reliability**

By increasing the capacity of Los Vaqueros Reservoir from 160 to 275 TAF, implementation of the Phase 2 Expansion will increase water supply reliability for CCWD and participating Local Agency Partners. Increased regulatory limitations have recently been placed on Delta pumping to ensure that more water stays in the Delta for the benefit of the ecosystem. This contributes to making the Delta an uncertain supply of water. Drought, which can happen without warning and last for years, and sea level rise due to climate change also make the Delta an uncertain supply. A larger regional reservoir and associated new or improved facilities would give CCWD and Local Agency Partners flexibility to store high quality water for later use instead of relying on direct Delta diversions, which could be curtailed due to regulatory restrictions, drought, or other emergencies.

b. **Environmental Benefits**

Implementation of the Phase 2 Expansion will benefit the ecosystem by increasing the amount of water delivered to south-of-Delta CVPIA wildlife refuges.

c. **Water Quality Benefits**

Increased operational flexibility will allow CCWD to combine improved regional supply reliability and environmental benefits with high water quality by allowing greater storage of high-quality water for later use at times when Delta water quality is poor.
d. **Statewide Water System Integration**

Integration with CVP/SWP Delta operations and conjunctive use operations of Local Agency Partners will facilitate storing, transferring, and delivering water among Local Agency Partners.

e. **Recreation**

Relocation of the existing Marina Complex, upgrade of the existing Los Vaqueros Interpretive Center, upgrade of the old barn near the Los Vaqueros Watershed Office, and a new ADA compliant trail will enhance recreational opportunities.

**II.E. Record of Proceedings**

Various documents and other materials constitute the record upon which the Board bases these findings and the approvals contained herein. The location and custodian of these documents and materials is Maureen Martin at the Contra Costa Water District, 2411 Bisso Lane, Concord, CA, 94520.

**II.F. Mitigation Monitoring and Reporting Program**

In accordance with CEQA and the CEQA Guidelines, the Board must adopt a mitigation monitoring and reporting program to ensure that the mitigation measures adopted herein are implemented. **The Board hereby adopts the Mitigation Monitoring and Reporting Program for the Phase 2 Expansion attached to these findings as Exhibit B.**

**II.G. Summary**

1. Based on the foregoing findings and the information contained in the administrative record, the Board has made one or more of the following findings with respect to each of the significant environmental effects of the LVE Project, including the Phase 2 Expansion, identified in the Final Supplement:

   a. Changes or alterations have been required in, or incorporated into, the LVE Project, including the Phase 2 Expansion, which avoid or substantially lessen the significant environmental effects on the environment.

   b. Those changes or alterations that are wholly or partially within the responsibility and jurisdiction of another public agency have been, or can and should be, adopted by that other public agency.

   c. Specific economic, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the Final Supplement that would otherwise avoid or substantially lessen the identified significant environmental effects of the LVE Project, including the Phase 2 Expansion.
2. Based on the foregoing findings and information contained in the record, it is hereby determined that:

   a. All significant effects on the environment due to approval of the Project, including the Phase 2 Expansion, have been eliminated or substantially lessened where feasible.

   b. Any remaining significant effects on the environment found unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations in Section II.D, above.

III. **RESOLUTION OF APPROVAL**

   The Board hereby takes the following actions and makes the following approvals:

   A. the Board hereby certifies the Final Supplement in Section I, above.

   B. the Board hereby adopts as conditions of approval for the Phase 2 Expansion all mitigation measures within the responsibility and jurisdiction of CCWD set forth in Section II.B of the findings, above.

   C. the Board hereby adopts the Mitigation Monitoring and Reporting Program for the Phase 2 Expansion as discussed in Section II.F of the findings, above.

   D. the Board hereby adopts these findings in their entirety as its findings for these actions and approvals.

   E. having certified the Final Supplement, independently reviewed and analyzed the Final Supplement, incorporated mitigation measures, and adopted findings and a Statement of Overriding Considerations, as well as the previously certified Final EIS/EIR, the Board hereby approves the Phase 2 Expansion, which the Final Supplement identified and evaluated as Alternative 1B (275 TAF Reservoir/Environmental Water Management & Water Supply Reliability).
F. the Board hereby directs the General Manager or his designee to file a Notice of Determination with the County Clerk or to otherwise publish such Notice in the manner authorized by the Governor of the State of California.

* * * * * * * * * *

The foregoing Resolution was duly and regularly adopted at a meeting held on the 13th day of May 2020, by the Board of Directors of the Contra Costa Water District by the following vote of the Board:

AYES: Burgh, Boatmun, Avila, Holdaway

NOES:

ABSTAIN: Borba

ABSENT:

Lisa M. Borba, President

ATTEST:

Mary A. Neher, District Secretary