

RESOLUTION NO. R18-1

**RESOLUTION OF THE DELTA CONVEYANCE DESIGN CONSTRUCTION
JOINT POWERS AUTHORITY**

**ADOPTING THE CEQA DETERMINATION FOR ACTIONS PURSUANT TO JOINT EXERCISE OF
POWERS AGREEMENT WITH THE DEPARTMENT OF WATER RESOURCES**

BACKGROUND

California WaterFix Environmental Planning Process

The California WaterFix planning process started in 2006 and was initially proposed as the Bay Delta Conservation Plan (BDCP), a Habitat Conservation Plan/Natural Community Conservation Plan that included 22 conservation measures, with new Delta conveyance infrastructure identified as Conservation Measure 1. In December 2013, the California Department of Water Resources (DWR), as the CEQA lead agency, and U.S. Bureau of Reclamation (Reclamation), U.S. Fish and Wildlife Service, and National Marine Fisheries Service, as the co-lead agencies under the National Environmental Policy Act (NEPA), released for public review a Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) to analyze the BDCP and 14 project alternatives as well as the No Action Alternative.

In 2015, in response to comments from the public and various natural resource agencies, DWR and Reclamation added three sub-alternatives to the project that would update the State Water Project Delta conveyance infrastructure without the large-scale conservation efforts that were included in the BDCP, and, in July 2015 released the BDCP/California WaterFix Partially Recirculated Draft EIR/Supplemental Draft EIS (RDEIR/SDEIS) for public comment.

The proposed Final EIR/Final EIS was made available to the public on December 22, 2016, and includes DWR's responses to comments on the Draft EIR and RDEIR. Prior to certifying that the Final EIR complies with CEQA, DWR prepared a document titled Developments after Publication of the Proposed Final Environmental Impact Report (Developments), containing corrections to the December 2016 proposed Final EIR, an assessment of public comments received after posting the proposed Final EIR and other information received, a summary of the State Water Resources Control Board Change Petition Hearing process along with additional evidence submitted in that proceeding that DWR considered, and a summary of the Federal Endangered Species Act section 7 consultation process and the California Endangered Species Act section 2081 incidental take permit process. California WaterFix is designed to mitigate its own construction impacts and for operations to not jeopardize any species listed under the Federal Endangered Species Act. This project and its mitigation complement other important state

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efforts to address the co-equal goal of a restored Delta, including California EcoRestore, the Smelt Resiliency Plan, and the Salmon Resiliency Plan.

Accordingly, the December 2016 proposed Final EIR, along with the Developments document, constitutes the Final EIR that DWR found to be in compliance with the provisions of CEQA and the State CEQA Guidelines. The Final EIR was certified and the project was approved by DWR on July 21, 2017. Also adopted by DWR at that time were the Findings of Fact (Findings), the Statement of Overriding Considerations (SOC) and the Mitigation Monitoring and Reporting Program (MMRP). DWR also filed a Notice of Determination (NOD). The NOD, Final EIR, Findings, SOC, and MMRP can be found on the official DWR website at:

<http://baydeltaconservationplan.com/NoticeofDetermination.aspx>.

On January 23, 2018, an Addendum to the certified Final EIR was prepared by DWR and filed with the State Clearinghouse. The modifications to California WaterFix centered on refinements to the transmission line corridors proposed by the Sacramento Municipal Utility District. DWR determined that these refinements did not result in new significant impacts beyond what was already examined in the certified Final EIR or that the significant impacts previously analyzed were more severe with the modifications proposed. An NOD was filed and both documents (i.e., the NOD and Addendum) can be found on the official DWR website at:

<https://www.californiawaterfix.com/wp-content/uploads/2018/01/CWF-Addendum-to-the-Final-EIR.pdf>.

Role of the Delta Conveyance Design and Construction Joint Powers Authority

The design and construction of California WaterFix is proposed to be managed under contract with DWR through the Delta Conveyance Design and Construction Joint Powers Authority (Authority). As a public agency organized pursuant to the Joint Exercise of Powers Act (California Government Code Sections 6500, *et seq.*), the Authority is a special, single-purpose public agency consisting of certain public water agency members. Pursuant to a proposed joint exercise of powers agreement with the DWR, the Authority's sole responsibility will be to design, construct and deliver completed California WaterFix facilities to DWR upon completion of system commissioning. Most importantly, the Authority will strive to safely design, construct and deliver the project on time, on budget and in accordance with approved specifications, while managing risk prudently. DWR will retain control and supervision of California WaterFix.

The Authority's Role as a CEQA Responsible Agency

Chapter 1 of the Final EIR identifies a number of federal, state, and local governmental entities by name that may rely on this documentation for discretionary actions on the project. The

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document also acknowledges that there could be other entities that may rely on the CEQA analyses performed by DWR. Since the Authority is organized pursuant to the Joint Exercise of Powers Act and is therefore a public agency, it does have to comply with CEQA on discretionary actions the Board may take. As defined by Section 15381 of the State CEQA Guidelines, the Authority is a CEQA responsible agency for discretionary actions associated with its involvement with California WaterFix.

RESOLUTION

Prior to adopting actions pursuant to California WaterFix, the Authority, as a responsible agency under CEQA determines the following:

1. The Board has considered the Lead Agency’s certified Final EIR and Addendum in evaluating the project’s environmental impacts and has determined that this environmental documentation is adequate for use by the Authority when making discretionary actions on the project.
2. The Board adopts the Findings and SOC as prepared and adopted by DWR.
3. The Board adopts the MMRP as prepared and adopted by DWR. As the CEQA lead agency, DWR is ultimately responsible for ensuring that feasible mitigation measures are implemented.

The Executive Director is authorized and directed to file a Notice of Determination.

* * * * *

This Resolution, passed and adopted this _____ day of May, 2018, by the following vote:

Ayes: _____

Noes: _____

Absent: _____

Abstain: _____

Tony Estremera, Board President

Attest:

Secretary