THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Board Report

Bay-Delta Resources

- **Delta Conveyance Project – Funding Agreement and Other Updates**

Summary

Metropolitan and the Department of Water Resources recently executed an amendment to the existing funding agreement pursuant to Metropolitan board action taken on December 10, 2024, to authorize the General Manager to enter into an amended agreement for 2026-2027 planning and preconstruction activities in an amount not to exceed $141.6 million. Two attachments are provided as background information on this board report.

Purpose

Informational

Attachments

Attachment 1 – Fourth Amendment to Agreement for the Advance or Contribution of Money to the Department of Water Resources by the Metropolitan Water District of Southern California

Attachment 2 – 12/10/2024 One Water and Stewardship Committee Item 8-4 Board Action Letter

Date of Report: 6/23/2025

THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

Via Email

June 4, 2025

Mr. Anthony Meyers
Executive Director, Delta Conveyance Office Department of Water Resources
915 P Street, Room 8-315
Sacramento, California 95814

Dear Mr. Meyers:

Re: Fourth Amendment to Agreement for the Advance or Contribution of Money to the Department of Water Resources by the Metropolitan Water District of Southern California

On December 15, 2020, the Metropolitan Water District of Southern California (Contractor) and the Department of Water Resources (DWR), collectively referred to herein as the Parties, executed that certain Agreement for the Advance or Contribution of Money to the Department of Water Resources by The Metropolitan Water District of Southern California for Preliminary Planning and Design Costs Related to a Potential Delta Conveyance Project (Original Agreement). On June 16, 2021, Contractor and DWR amended Section 9 of the same (First Amendment). On Dec. 9, 2021, Contractor and DWR amended Exhibit C to the Original Agreement (Second Amendment). On June 24, 2023, Contractor and DWR clarified Section 5 (Charge Procedure) and amending Section 12 (Invoices, Notices or Other Communications) of the Agreement (Third Amendment). The Original Agreement and all its amendments and letter clarifications are referred to collectively herein as the Agreement and constitute the full understanding and contractual commitment of the Parties.

This amendment (Fourth Amendment) documents a further amendment to the Agreement in order to reflect conditions for the expenditure of Contractor's share of funding not to exceed $141.6 million for preconstruction work on the Delta Conveyance Project (DCP) planned for calendar years 2026-2027 consistent with the direction of the Contractor's legislative body (Contractor's Board). All capitalized terms and specialized words of art used herein shall have the same meaning as that provided in the Agreement, unless specifically defined otherwise herein.

The Parties hereby agree that the following additional recitals are added to the "Recitals" section of the Agreement on page 3:

WHEREAS, since signing the Original Agreement on December 15, 2020, Contractor has contributed $160.8 million under the Agreement for its share of funding toward the design, engineering, environmental review and permitting of the DCP, which, combined with other funds, will fund the Work through the end of calendar year 2025;

WHEREAS, on December 21, 2023, DWR certified a Final Environmental Impact Report, adopted Findings, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program (MMRP) under the California Environmental Quality Act (CEQA) and approved Alternative 5, the Bethany Alignment, as the Delta Conveyance Project (DCP);

WHEREAS, by May of 2024, ten cases were filed challenging DWR's project approval and CEQA compliance, which have since been consolidated in one case pending in Sacramento County Superior Court titled *Tulare Lake Basin Water Storage District v. California Department of Water Resources*, Sacramento County Superior Court Case No. 24WM000006;

WHEREAS, on May 14, 2024, the DCA released an updated cost estimate for the DCP of $20.1 billion in real 2023 (undiscounted) dollars (2024 Cost Estimate);

WHEREAS, on May 16, 2024, DWR released the Benefit-Cost Analysis of the Delta Conveyance Project prepared by the Berkeley Research Group (2024 Benefit-Cost Analysis), which utilized the updated cost estimate and calculated a benefit-cost ratio of 2.21:1;

WHEREAS, DWR has obtained or is in the process of obtaining the following for the DCP: Biological Opinions from the U.S. Fish and Wildlife Service and National Marine Fisheries Service under the federal Endangered Species Act; an Incidental Take Permit from the California Department of Fish and Wildlife under the California Endangered Species Act; an order from the State Water Resources Control Board (SWRCB) approving a change in points of diversion for the State Water Project's water rights under the California Water Code; and Delta Reform Act compliance, which may include a certification of consistency with the Delta Plan under the Delta Reform Act to be submitted to and, if appealed, adjudicated by the Delta Stewardship Council (the Major Permits);

WHEREAS, under the Joint Exercise of Powers Agreement (JEPA) as amended, DWR and the DCA have planned for calendar years 2026-2027 continued Work during the Planning Phase as those terms are defined in the JEPA, which includes further project

planning, obtaining all Major Permits (anticipated by the end of 2026), design and engineering, and data collection and field work investigations, including ground-disturbing geotechnical work, water quality and hydrogeologic investigations, agronomic testing and the installation of monitoring equipment and developing engineering studies to evaluate conceptual design assumptions and consider refinements that will influence construction costs that will be used to advance the design to about a 30-percent level and guide the ultimate design, appropriate construction methods, and monitoring programs for the DCP. The DCA will use the additional information developed since project approval to prepare a revised cost estimate, which, in combination with the more advanced design and all Major Permits are needed to inform Contractor's and other State Water Project contractors' decisions whether to participate in the construction and operations of the DCP and, if so, at what level;

WHEREAS, DWR estimates that the 2026-2027 Work will cost $300 million, and Contractor's 47.2 percent share is $141.6 million;

WHEREAS, on December 10, 2024, Contractor's Board authorized the General Manager to enter into an amended agreement for the 2026-2027 Work in an amount not to exceed $141.6 million, subject to the option to offramp from future funding and return of any unspent funds Contractor has paid under the amended Agreement after meeting and conferring with DWR and other State Water Project contractors that are then funding 2026-2027 Work if anything causes a material adverse change in the benefits or costs of the DCP relative to the benefits and costs presented in the 2024 Cost Estimate and 2024 Benefit-Cost Analysis;

WHEREAS, Contractor's Board approved the 2026-2027 funding in light of letters exchanged between Metropolitan and DWR regarding:

- A $75 million refund to Contractor no later than December 2025 as an initial step towards resolution of longstanding State Water Project contract protest items;
- Completion of all Major Permits by the end of 2026, including an order approving a change in point of diversion for DWR's SWP water rights for the DCP and Delta Plan consistency certification;
- Adherence to proportionate planning and implementation funding consistent with the beneficiary pays principle to ensure there are no subsidies among participants;
- Development of innovative new long-term funding approaches to close the funding gap for the DCP;
- Evaluation and implementation of a portfolio of climate adaptations to improve near-term State Water Project reliability, outlined in DWR's first Climate Adaptation Strategy to be published in early 2025; and
- Pausing funding or returning unspent funds should substantial permitting issues arise or if Contractor chooses not to fund capital construction costs.

The Parties therefore agree that the following provisions of the main body of the Agreement are amended as follows:

Section 1.b. The definition of "Contributed Funds" is amended to add the total amount Contractor agrees to provide for calendar years 2026-2027 is $141.4 million and consists of amounts to be paid to DWR in the manner described in Section 5 of this Agreement..

Section 4 Section 4 is amended to add that DWR will not use funds provided under this Agreement to construct the DCP, since Contractor's Board has only approved funding for Work during the planning phase for calendar years 2026 and 2027, not its participation in the construction, operation, maintenance and benefits of the DCP.

Section 5 Section 5 is amended to provide that Contributed Funds for calendar years 2026 and 2027 are subject to Contractor's Board appropriating funds through Contractor's budgeting process and, if approved, will be paid on a quarterly basis as set forth in the new Exhibit C (attached hereto as Attachment 1) on the first of the month or, if the first falls on a weekend or a state or federal holiday observed by Contractor, on the first Contractor business day after the first of the month, provided that if DWR does not obtain all Major Permits on or before December 31, 2026, or if anything occurs that results in a material adverse change, individually or cumulatively, in the benefits or costs of the DCP relative to the 2024 Cost Estimate and 2024 Benefit-Cost Analysis, Contractor may pause payments or terminate the Agreement in its sole discretion as follows: If Contractor determines there has been a material adverse change, it shall provide written notice to DWR, and the Parties shall meet and confer in good faith with one another and with the other State Water Project contractors that have entered agreements with DWR to contribute funds for 2026-2027 Work to resolve Contractor's concerns. If, after meeting and conferring, DWR and Contractor are unable to reach agreement regarding how to address Contractor's concerns regarding delays in Major Permits or the material adverse change, Contractor may in its sole discretion give written notice of its intent to pause payments under or terminate this Agreement. Upon such written notice, DWR, Contractor, other State Water Project contractors funding the 2026-2027 Work and the DCA shall enter into a written agreement or other instrument to accommodate a Contractor's orderly pause in funding or termination of this Agreement that ensures DWR's and the DCA's abilities to fund any outstanding contractual obligations and liabilities incurred prior to the pause in funding or termination of this Agreement; provided however that the Contractor shall

not be responsible for the funding of any new obligations and liabilities incurred by DWR and the DCA after the pause in funding or termination of the Agreement, except as otherwise provided in the aforementioned written agreement or other instrument. The Parties agree that new actions or obligations may be needed to minimize DCA and DWR total obligations incurred prior to the pause in funding or termination of this Agreement or to facilitate an orderly termination or suspension of the Work, and in either case so as to ensure their full payment and that such actions would facilitate an orderly pause in funding or termination of this Agreement. All scheduled Contractor payments shall continue to be made for obligations and liabilities incurred prior to the pause in funding or termination of this Agreement. If, under the plan, there are Contractor-Contributed Funds remaining in DWR's account after satisfying DWR's and the DCA's existing obligations and liabilities, DWR shall refund that amount to Contractor. If the process for pausing funding under or terminating this Agreement requires Contractor to make additional payment(s) of Contributed Funds, Contractor shall make such payment(s) consistent with the negotiated plan. Examples of events that may result in a material adverse change to DCP benefits or costs include, without limitation, Major Permit conditions that diminish the DCP's water supply benefits or that impose costly additional mitigation measures, delay in obtaining one or more Major Permits that incurs significant cost escalation, changes DWR makes to the DCP or MMRP in response to any court order in litigation, adoption of or amendment to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan) resulting in limits on SWP exports beyond those contemplated in the Agreements to Support Healthy Rivers and Landscapes (formerly known as the Voluntary Agreements) and discovery of new information by the DCA about soil or other conditions in the DCP alignment and project footprint that significantly increases the cost of construction. In addition, if DWR is prohibited by court order from conducting any geotechnical work planned for calendar years 2026 or 2027, the Parties shall meet and confer to revise Exhibit C such that the costs to perform such work shall not be due until the court order enjoining such work is lifted.

Section 8 Section 8 is amended to read: "Status of Project. Contractor recognizes that that the initial funds contributed pursuant to this Agreement from 2021 to 2024 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. Contractor recognizes that the funds contributed in calendar years 2026 and 2027 are for the Preconstruction Work, which includes advancing the design and engineering of the DCP, further planning and permitting, and any additional environmental review.

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 or any changes to the approved DCP."

Section 12 Section 12 is amended to substitute the current General Manager Deven Upadhyay for former General Manager Adel Hagekhalil in all written invoices, notices or other written communications required under the Agreement.

This amendment does not amend any other provision of the Agreement, except as specifically set forth herein. This amendment may be executed in counterparts, each of which shall constitute an original, but all of which shall constitute one and the same agreement amendment. Each person signing this amendment hereby represents and warrants that the execution of this amendment has been duly authorized by the party on whose behalf the person is executing this amendment and has all color of authority and law.

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

State of California
Department of Water Resources
Delta Co[illegible]

Signed: DocuSigned by: anthony meyers E7F45B545F244F0...

Printed: Anthony Meyers

Position: Executive Director

Date: 6/5/2025

The Metropolitan Water District of Southern California

Signed: Signed by: 714E4875B5CC4ED...

Printed: Deven Upadhyay

Position: General Manager

Date: 6/5/2025

ATTACHMENT 1

Exhibit C

Payment Schedule for Calendar Years 2026 and 2027 ($ millions)

Calendar Year	January 2026	April 2026	July 2026	October 2026	January 2027	April 2027	July 2027	October 2027
Metropolitan Fiscal Year	FY26	FY26	FY27	FY27	FY27	FY27	FY 28	FY28
Metropolitan's Payment	$9.8	$15.9	$16	$17.2	$18.5	$22.8	$21.5	$19.7

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Certificate Of Completion

Envelope Id: E87A44A3-795F-483C-A02C-DD67966B26A5 Status: Completed
Subject: Complete with Docusign: 2025.06.04 MWD - Funding Agreement Letter Amendment No 4 (Final) .pdf
Source Envelope:
Document Pages: 7 Signatures: 2 Envelope Originator:
Certificate Pages: 2 Initials: 0 Janet L. Harms
AutoNav: Enabled 700 N Alameda St
EnvelopeId Stamping: Enabled Los Angeles, CA 90012
Time Zone: (UTC-08:00) Pacific Time (US & Canada) jharms@mwdh2o.com
IP Address: 144.166.55.172

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6/5/2025 12:04:20 PM jharms@mwdh2o.com

Signer Events	Signature	Timestamp
Deven Upadhyay dupadhyay@mwdh2o.com Security Level: Email, Account Authentication (None)	Signed by: 714E4875B5CC4ED... Signature Adoption: Drawn on Device Using IP Address: 144.166.53.172	Sent: 6/5/2025 12:15:03 PM Viewed: 6/5/2025 12:43:44 PM Signed: 6/5/2025 12:45:13 PM
Electronic Record and Signature Disclosure: Not Offered via Docusign		
anthony meyers Anthony.Meyers@water.ca.gov SWP Operating Officer Department of Water Resources Security Level: Email, Account Authentication (None)	DocuSigned by: anthony meyers E7F45B545F244F0... Signature Adoption: Pre-selected Style Using IP Address: 136.200.53.23	Sent: 6/5/2025 12:45:14 PM Viewed: 6/5/2025 1:10:00 PM Signed: 6/5/2025 2:31:57 PM
Electronic Record and Signature Disclosure: Not Offered via Docusign		

In Person Signer Events	Signature	Timestamp

Editor Delivery Events	Status	Timestamp

Agent Delivery Events	Status	Timestamp

Intermediary Delivery Events	Status	Timestamp

Certified Delivery Events	Status	Timestamp

Carbon Copy Events	Status	Timestamp
Maureen Martin mmartin@mwdh2o.com Security Level: Email, Account Authentication (None) **Electronic Record and Signature Disclosure:** Not Offered via Docusign	COPIED	Sent: 6/5/2025 2:31:58 PM
George Nishikawa GNishikawa@mwdh2o.com Security Level: Email, Account Authentication (None)	COPIED	Sent: 6/5/2025 2:31:59 PM

Carbon Copy Events	Status	Timestamp
Electronic Record and Signature Disclosure: Not Offered via Docusign		

Witness Events	Signature	Timestamp

Notary Events	Signature	Timestamp

Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	6/5/2025 12:15:03 PM
Certified Delivered	Security Checked	6/5/2025 1:10:00 PM
Signing Complete	Security Checked	6/5/2025 2:31:57 PM
Completed	Security Checked	6/5/2025 2:31:59 PM

Payment Events	Status	Timestamps

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Board Action

- **Board of Directors**
  One Water and Stewardship Committee

12/10/2024 Board Meeting

8-4

Subject

Review and consider the Lead Agency's certified 2023 Final Environmental Impact Report for the Delta Conveyance Project and take related CEQA actions; and authorize the General Manager to enter into an amended agreement for preconstruction work planned for 2026-2027

Executive Summary

In December 2020, Metropolitan executed a funding agreement with the California Department of Water Resources (DWR), through which Metropolitan committed to its share of the Delta Conveyance Project (DCP) planning and preconstruction costs that were anticipated at that time. Funds committed in 2020 cover expenditures planned through 2025. Post 2025, DWR must complete additional planning and preconstruction activities to advance the DCP and has requested $300 million in total from all potential participants, $141.6 million of which is Metropolitan's share.

DWR and Metropolitan have exchanged several letters (**Attachment 4**) addressing key issues raised by the Board that must be resolved prior to the DCP being implemented and prior to final decisions regarding Metropolitan's participation. These letters outlined DWR's commitments to ensure proportional and complete planning funding, secure key permits and certifications by the end of 2026, develop a plan to fund and finance project implementation, resolve protest items related to Metropolitan's Statement of Charges, and improve the near-term reliability of the SWP through a suite of climate adaptation strategies. With these commitments by DWR, staff developed an updated term sheet for the proposed funding agreement amendment that includes off-ramps to Metropolitan's future payment obligations if material, adverse changes in project benefits or costs occur during the two-year term of the agreement. Staff recommends that the Board authorize the General Manager to enter into an amended funding agreement for an amount not to exceed $141.6 million for preconstruction work on the DCP planned during 2026-2027.

Proposed Action(s)/Recommendation(s) and Options

Staff Recommendation: Option #1

Option #1

Review and consider the Lead Agency's certified 2023 Final Environmental Impact Report (EIR) for the DCP, take related CEQA actions, and authorize the General Manager to enter into an amended agreement for preconstruction work on the DCP planned for 2026-2027.

Fiscal Impact: Metropolitan's 47.2 percent share of the $300 million requested by DWR for DCP planning costs is $141.6 million. Metropolitan's share of the planning costs is anticipated to be spent over the next three fiscal years (FY), including FY 2025/26 (~$25.7 million), FY 2026/27 (~$74.7 million), and FY 2027/28 (~$41.3 million). The additional requested planning funds were not included in the second year of the adopted two-year budget that includes FY 2025/26, and therefore are not included in the adopted calendar year rates for 2026. Metropolitan recently secured a commitment from DWR for a refund of $75 million in past SWP payments. Because the $75 million will be received prior to January 1, 2026,

approval of the additional planning dollars would not have an impact on Metropolitan's already approved rates through 2026. Beginning January 1, 2027, Metropolitan's overall calendar year 2027 rates would need to increase by approximately three percent to generate sufficient revenues, on a cash basis, to cover expected expenditures through June 30, 2028.

Business Analysis: This option would allow DWR to continue to advance the DCP which would ultimately improve the reliability of the SWP, a critical component of Metropolitan's water supply portfolio. This additional funding will provide the Board significant additional information regarding the benefits and costs of the DCP prior to the Board making an implementation decision in 2027.

Option #2

Do not authorize the General Manager to enter into an amended agreement for preconstruction work on the DCP planned for 2026-2027.

Fiscal Impact: None

Business Analysis: This option would forego an opportunity to advance the DCP and provide significant additional information regarding the benefits and costs of the DCP prior to the Board making an implementation decision, result in loss of design and engineering leadership and staff, result in significant cost escalation if the project subsequently moves forward and risk further reduced reliability of the SWP if it does not.

Applicable Policy

By Minute Item 53012, dated October 11, 2022, the Board adopted the revision and restatement of Bay-Delta Policies.

Related Board Action(s)/Future Action(s)

Provided the staff recommendation is approved, a future decision would come before the Board in 2027 based on further design and permitting as well as an updated cost estimate and benefits cost analysis to determine whether, and if so, at what level Metropolitan would participate in the DCP.

Summary of Outreach Completed

In addition to the outreach conducted by DWR and the Delta Conveyance Design and Construction Authority (DCA), Metropolitan staff has undertaken extensive public outreach. To inform stakeholders about the Board's planned vote in December, staff created and distributed a fact sheet to member agencies and shared information with more than 100 community groups, local officials, and associations. Interested parties were encouraged to provide written comments in advance of the Board's deliberation and action. Executive staff has also attended multiple member agency board meetings as those agencies deliberated continued funding for preconstruction activities. Additionally, a Joint Board/One Water Committee workshop was held on November 18, 2024, at which the Board had an opportunity to engage directly with a diverse array of voices. The workshop featured two panels comprising representatives from environmental organizations, Delta counties, Tribal communities, business sectors and labor interests. In addition to the panel presentations, the Board participated in a roundtable discussion with a large number of workshop attendees and heard public comment.

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

Acting as the Lead Agency, DWR certified a Final EIR on December 21, 2023, for the DCP. DWR also approved Findings of Fact, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program, which DWR has exclusive responsibility to implement. The Final EIR, Mitigation Monitoring Reporting Program, and Notice of Determination are available at https://www.deltaconveyanceproject.com/planning-processes/california-environmental-quality-act/final-eir/final-eir-document. The CEQA Findings and Metropolitan's Statement of Overriding Considerations are included in **Attachment 1** and **Attachment 2**. The Board has reviewed and considered these environmental documents and adopts the attached findings of the Lead Agency and Statement of Overriding Considerations. (State CEQA Guidelines Section 15096.)

CEQA determination for Option #2:

None required

Details and Background

Background

In February 2019, in his State of the State address, Governor Newsom announced support for a single tunnel project. Consistent with the Governor's direction, in May 2019, DWR began planning for a single tunnel project. DWR is pursuing the DCP to improve the reliability and operational flexibility of the SWP given historical, emerging, and future risks from climate change, sea level rise, levee failure, and regulatory restrictions.

In April 2020, DWR and SWP Contractors agreed upon a framework, referred to as an Agreement in Principle (AIP), which would guide amendments to each SWP contract if the DCP proceeds to construction. The goals of the AIP are to provide the structure for: (1) allocating DCP costs and benefits to those SWP Contractors that decide to support construction of and participate in the DCP, and (2) protecting the existing SWP contract rights for those SWP Contractors that decide not to participate in the DCP. Decisions regarding participation are not anticipated until 2027. Staff provided information and a copy of the AIP to the Board at the October 27, 2020, Bay-Delta Committee meeting.

On December 8, 2020, the Metropolitan Board authorized the General Manager to execute a funding agreement for the recommended share of 47.2 percent (up to $160.8 million) for planning and preconstruction costs for the DCP. The money Metropolitan provided to DWR under that agreement has been used to complete the Final EIR documenting design and operational refinements under CEQA, all major permit applications and supporting documentation, preliminary design to support environmental review, a cost estimate, and a benefit-cost analysis. Part of this effort also included Tribal consultation, outreach to environmental justice communities and advocates, and stakeholder engagement to avoid and reduce community impacts and coordination with responsible and trustee state and federal agencies. Completion of these efforts verifies that the project is permittable and improves understanding of project benefits, risks and costs. Additional details regarding milestones completed and upcoming work planned are provided below.

The funding request from DWR for Metropolitan's portion of the DCP planning and preconstruction costs for 2026 and 2027, along with the proposed amendment to the existing funding agreement to pay Metropolitan's share, was presented as an informational item to the Special Joint Meeting of the One Water and Stewardship Committee and Board of Directors Workshop in November 2024**.**

Key Project Milestones

California Environmental Quality Act Compliance

On January 15, 2020, DWR initiated a CEQA review and began developing alternatives and conducting the environmental impact analysis for the proposed project. 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 DCP, as follows:

- To 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 resulting from a major earthquake that causes breaching of Delta levees and the inundation of brackish water into the areas in which the 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, consistent with the requirements of state and federal law, including the California and Federal Endangered Species Acts 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.

After CEQA scoping concluded, the Draft EIR analyzed a range of potentially feasible project alternatives ranging from a single intake with a maximum capacity to divert 3,000 cubic feet per second (cfs) to three intakes with a maximum diversion capacity of 7,500 cfs, as well as three alignment options.

During the development of the Draft EIR, DWR organized informational meetings and engaged in Tribal consultations with California Native American Tribes regarding Tribal cultural resources, in line with the AB 52 Tribal Cultural Resources requirements under CEQA and DWR's Tribal Engagement Policy.

Alongside the formal CEQA analysis requirements, DWR conducted an environmental justice survey to gather insights from disadvantaged communities in the Sacramento-San Joaquin Delta region about their experiences related to work, living, recreation, and interaction with the Delta. The survey specifically targeted historically burdened, underrepresented, and low-income communities, including people of color and Indigenous and Tribal interests. The findings from this survey were included as Appendix 29A in the Draft EIR. The results highlighted key concerns and priorities, which were incorporated into the Draft EIR analysis. Additionally, these findings helped shape the development of the Community Benefits Program.

DWR released the Draft EIR for public review on July 27, 2022, which included a 142-day public comment period in which DWR received more than 700 letters and 7,000 individual comments.

On December 21, 2023, DWR certified the Final EIR, approved the Bethany Alignment (Alternative 5), adopted Findings of Fact, a Statement of Overriding Considerations and Public Trust findings, adopted a Mitigation Monitoring and Reporting Program, and issued a Notice of Determination. In certifying the EIR and approving the project, DWR determined the environmental review complies with CEQA, and the Final EIR reflects public input and DWR's independent judgment and analysis. This is a significant milestone and serves as the foundation for the evaluation of costs, benefits, and environmental impacts of the DCP.

The Final EIR identifies the participating SWP Contractors as responsible agencies for actions related to the DCP. DWR's Final EIR, Findings, Statement of Overriding Considerations, Mitigation Monitoring Reporting Plan, and Notice of Determination can be found at the official DWR website at: https://www.deltaconveyanceproject.com/planning-processes/california-environmental-quality-act/final-eir/final-eir-document].

As a CEQA-responsible agency, prior to any approval of funding for preconstruction work, Metropolitan must consider the Final EIR, adopt DWR's CEQA findings for the DCP (**Attachment 1**) and adopt a Statement of Overriding Considerations (**Attachment 2**) regarding the preconstruction work's contributions, if any, to the DCP's potentially significant and unavoidable impacts. Note that because the Board would not be approving the DCP, just funding for 2026-2027 preconstruction work, the Statement of Overriding Considerations presented to the Board is specific to Metropolitan's continued funding of preconstruction activities and is different from DWR's Statement of Overriding Considerations for the DCP as a whole.

National Environmental Policy Act Compliance

On December 16, 2022, the U.S. Army Corps of Engineers (USACE) issued a Draft Environmental Impact Statement (EIS) for the construction of DCP. A Final EIS is anticipated by early 2025. Other federal permits (Clean Water Act Sections 404 and 401 and National Historic Preservation Act Section 106) will need to be completed prior to issuance of a Record of Decision. The issuance of the necessary federal permits and Record of Decision by the USACE would enable DCP construction activities that involve altering or modifying federally constructed levees (under the Rivers and Harbors Act Section 408 Permit) to go forward and allow for the discharge of dredged or fill materials into U.S. waters (under the Clean Water Act Section 404 & 401 Permits), among other activities.

California Endangered Species Act

On April 9, 2024, DWR submitted an Incidental Take Permit application to the California Department of Fish and Wildlife. This permit would cover the potential take of endangered species during the construction and operations of the DCP. An Incidental Take Permit is anticipated by the end of 2024. DWR is seeking permit coverage for the

proposed DCP, which addresses the potential incidental take of species listed under the California Endangered Species Act during the preconstruction, construction, maintenance, and operation of all proposed project facilities. This permit coverage will be effective from the date it is issued through the initial operations of the north Delta intakes. This is another significant milestone that will affect DCP operations and potential benefits.

Federal Endangered Species Act

The DCP has two coordinated federal processes for Federal Endangered Species Act (ESA) compliance, one to address construction and another covering operations. Federal ESA permitting for DCP operations is included as a programmatic element in the 2021 Consultation on the Coordinated Long-Term Operation of the CVP and the SWP. The U.S. Fish and Wildlife Service (USFWS) issued a Biological Opinion on November 8, 2024, and the National Marine Fisheries Service is expected to finalize a Biological Opinion for this process by the end of 2024. Federal ESA permitting for DCP construction is being led by USACE and DWR in a separate process. USACE submitted draft Biological Assessments to the federal fisheries agencies in May 2024. Final Biological Opinions for construction are expected to be complete in late 2024 or early 2025. These permits could affect project costs but would not affect operations and potential benefits.

Water Right Change Petition

On February 22, 2024, DWR submitted a change petition to the State Water Resources Control Board (SWRCB) to add the two new intake facilities as points of diversion and rediversion to the SWP water rights. Thirty-eight protests were submitted to the SWRCB. DWR has reached settlements to resolve some of the protests. The initial hearing has been scheduled for February 18, 2025.

Preliminary Design

In the initial design phase, the DCA, under the direction of DWR, formed a Stakeholder Engagement Committee (SEC) to facilitate the exchange of information and ideas aimed at minimizing project impacts on Delta communities and identifying meaningful community benefits. The SEC included Delta residents, business owners, Tribal representatives, and other interested parties. This committee convened regularly from November 2019 to December 2021. Input from the SEC enabled the design team to incorporate community-focused adjustments into the planning and conceptual design, helping to minimize or avoid potential negative impacts to communities and businesses whenever possible.

In November 2023, the DCA released updated final draft engineering project reports for the alternatives considered in the EIR. The original engineering project reports were first completed in May of 2022. The preliminary design of the approved project (Bethany Reservoir Alignment) was the basis of the updated cost estimate. In 2024, the DCA released a concept engineering report that provides comprehensive documentation of the approved project.

Community Benefits Program

The Community Benefits Program is anticipated to be a set of commitments made by project proponents in collaboration with local Delta communities to address potential community impacts that go beyond CEQA mitigation. The Community Benefits Program is intended to address challenges local communities may encounter during extended construction periods. The Project Cost Estimate released in May 2024 included $200 million to fund the Community Benefits Program (equal to approximately 1 percent of the estimated project cost). DWR continues to develop key Community Benefit Program elements, including a grant program and individual agreements with Delta communities. On October 11, 2024, DWR released a Draft Implementation Plan and Guidelines for public review: https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Delta-Conveyance/Public-Information/CBP-Draft-Implementation-Plan_Final_Oct2024_Final.pdf. DWR is accepting public comments through March 1, 2025.

Delta Plan Certification of Consistency

On October 8, 2024, DWR submitted a draft certification of consistency with the Delta Stewardship Council's Delta Plan for geotechnical activities planned for 2024 through 2026. Four appeals, representing about eighteen local agencies, conservation groups, and Tribes, were filed by the appellant deadline of November 7, 2024. The Delta Stewardship Council will hold a hearing on December 19, 2024, and issue a final determination on the appeals within an additional 60 days. DWR may not initiate implementation of the geotechnical work until the Delta Stewardship Council denies all administrative appeals and the trial court where the ten coordinated CEQA cases are pending lifts the preliminary injunction.

DWR has begun preparing a certification of consistency for the DCP and anticipates filing it by late 2025. Notably, the Delta Stewardship Council does not issue a permit and is not authorized to impose conditions of approval on the DCP.

Project Cost

On May 17, 2024, the DCA released an updated cost estimate of $20.1 billion in real 2023 (undiscounted) dollars. A preliminary cost assessment conducted in 2020, early in the design process, estimated the project at $16 billion. Accounting for inflation to 2023 dollars, the two estimates are similar in cost. The 2023 cost estimate was robust and includes a 30-percent cost contingency for construction and utilizes both a bottom-up and a top-down approach – with both methods yielding similar costs. Costs will be updated again once geotechnical work and additional engineering has been completed, including the incorporation of any design and construction innovations that would reduce project costs.

Benefit-Cost Analysis

On May 16, 2024, DWR released the benefit-cost analysis for the project prepared by the Berkeley Research Group, utilizing the revised cost estimate. The project benefits were compared to future conditions consistent with the objectives of the EIR. The report calculated a benefit-cost ratio of 2.21:1, meaning that the value of the benefits would be more than double the value of the costs. A ratio greater than 1:1 generally indicates a good value for the investment. At the June and July 2024 One Water and Stewardship (OWS) Committee meetings, the Board received presentations on the DCP costs and the cost-benefit analysis.

Work Planned Through 2025

Now that the environmental review is complete and the project has been approved, DWR will take the next steps to finalize state and federal permits and necessary authorizations. DWR will also continue to develop a Community Benefits Program. DWR will advance the development of a plan of finance and contract amendments. DWR intends to submit a certification of consistency for the full project to the Delta Stewardship Council in late 2025, which will then adjudicate any appeals. The water rights hearing at the SWRCB is scheduled to begin in February 2025. The purpose of the hearing is to gather evidence to determine whether the SWRCB will approve the petitions and, if so, what specific terms and conditions should be included in the amended SWP water rights permits. This is a critical path item that may affect the operations, benefits, and the viability of the DCP.

Additional Work Requiring Funding 2026-2027

DWR currently anticipates completing the SWRCB and the Delta Stewardship Council processes by the end of 2026 and advancing to the project implementation phase in 2027. The DCA will advance the project's design from the current 5 percent up to approximately 30 percent. This phase of project design will include conducting subsurface and site investigations and surveys, providing engineering support of permit activities as requested by DWR, and developing engineering studies to evaluate conceptual design assumptions and consider refinements that will influence construction costs. The planned activities through 2027 will provide new information needed to refine benefits, risks, and costs prior to the Board making a final decision on project participation beyond the current planning phase. The updated information will be needed prior to evaluating the DCP through the CAMP4W process.

Existing/Potential Litigation

In addition to the information provided above under Milestones Completed, there is litigation that implicates the DCP: ten consolidated CEQA cases and the validation action. Information regarding current litigation was provided to the Legal and Claims Committee at its November 2024 meeting.

As the work planned for 2025, 2026, and 2027 is completed, there is a risk of additional litigation. If litigation is filed based on that completed work, staff will update the Board so the Board will be apprised of all litigation and outcomes before the Board would be asked to make a final decision regarding participation in the implementation of the DCP.

Notably, for pending and potential future litigation, the litigation does not automatically halt activities; many agencies proceed as planned unless and until a court issues an injunction. In addition, if a court finds the agency that acted committed an error, it cannot direct a change in the project; it may only direct the action agency to reconsider its action in light of the court's ruling, which often causes the agency to correct any stated deficiencies by supplementing the evidentiary record or undertaking additional process.

Funding and Financial Considerations

Approximately $300 million of additional investment has been requested to fund planning and preconstruction activities in 2026 and 2027. This additional investment includes both DWR and DCA expenditures, and would also help keep the project on schedule, reduce cost escalation, and retain key DCA functions and staff. To meet the $300 million funding request, each agency investing in the additional planning and preconstruction activities would contribute a percentage of the costs. Currently, some, but not all, agency board decisions on participation levels have occurred and will be presented at committee. Assuming Metropolitan participates at its proportional share of 47.2 percent, Metropolitan's additional obligation would be $141.6 million.

The proposed funding agreement amendment terms (**Attachment 3**) would authorize funding for work planned through 2027. The proposed funding agreement amendment would allow Metropolitan and DWR to determine the timing and collection of funds. Notably, the amended agreement will provide Metropolitan with contractual off-ramps for future payment obligations if events cause material and adverse changes in project benefits or costs. Finally, like prior agreements, the proposed funding agreement amendment would provide that funds would be reimbursed to Metropolitan if the project is approved and implemented and bonds are issued to finance the project. If the DCP did not move forward and was not implemented, DWR would not be under an obligation to issue bonds to reimburse participants for planning costs. Action to fund planning at this time does not commit Metropolitan to participate in the project in the future. At a subsequent meeting, expected in 2027, the Board would consider whether to commit Metropolitan to the project and its share of the design and construction costs.

Correspondence Between Metropolitan and DWR

On October 8, 2024, staff presented information about managing risks and water supply reliability in the Bay-Delta to the OWS Committee. At the conclusion of the committee meeting, the Interim General Manager indicated additional information would be needed from the State administration in order to support the Board's deliberation in December. On October 24, 2024, the Interim General Manager sent a letter to DWR requesting this additional information. Metropolitan received two letters in response which outlined DWR's commitment to:

- Refunding $75 million to Metropolitan no later than December 2025 as an initial step towards resolution of longstanding protest items.
- Completion of all key permitting and certification processes by the end of 2026, including water rights and Delta Plan consistency certification.
- Adherence to proportionate planning and implementation funding consistent with the beneficiary pays principle to ensure there are no subsidies among participants.
- Development of innovative new long-term financing approaches to close the funding gap.
- Evaluation and implementation of a portfolio of climate adaptations to improve near-term SWP reliability, outlined in DWR's first Climate Adaptation Strategy to be published in early 2025.

- Pausing funding or returning unspent funds should substantial permitting issues arise or if Metropolitan chooses not to fund capital construction costs.

Staff recommends that the Board authorize the General Manager to enter into an amended funding agreement for an amount not to exceed $141.6 million for planning and preconstruction work planned in 2026-2027 that is consistent with DWR's commitments that are outlined above.

11/27/2024
Nina E. Hawk *Date*
Chief of Bay-Delta Resources/Group
Manager, Bay-Delta Initiatives

11/27/2024
Deven Upadhyay *Date*
Interim General Manager

Attachment 1 – DWR's CEQA Findings

Attachment 2 – Metropolitan's Statement of Overriding Considerations

Attachment 3 – Key Terms of Funding Agreement Amendment – December 2024

Attachment 4 – Correspondence between Metropolitan and DWR

Ref# eo12699488

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.

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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-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 Sacramento Metropolitan Air Quality Management District	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-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.

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 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. 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).

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA	Proposed Mitigation	Impact Conclusion After Mitigation- CEQA	Findings of Fact
				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 Release of Hazardous Materials into the Environment	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 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

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA	Proposed Mitigation	Impact Conclusion After Mitigation- CEQA	Findings of Fact
				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 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.

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.
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

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA
Impact GEO-4: Loss of Property, Personal Injury, or Death from Ground Settlement, Slope Instability, or Other Ground Failure	Less than Significant
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

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA
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
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
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
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
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

Potential Project Impact	Impact Conclusions Before Mitigation- CEQA
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

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Attachment 2

Statement of Overriding Considerations

California Public Resources Code section 21081, subdivision (b), and State CEQA Guidelines section 15093 provide that when a public agency's decision-making body 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 why the potentially significant and unavoidable impacts are acceptable given environmental, economic, legal, social, technological, or other considerations.

The Metropolitan Water District of Southern California (Metropolitan) is considering approval of an amendment to the Agreement for the Advance or Contribution of Money to the Department of Water Resources by the Metropolitan Water District of Southern California to fund continued project planning, environmental permitting, design and engineering, and data collection and field work investigations, including ground-disturbing geotechnical work, water quality and hydrogeologic investigations, agronomic testing and the installation of monitoring equipment planned for calendar years 2026 through 2027 (collectively, preconstruction work) that will guide the ultimate design, appropriate construction methods, and monitoring programs for the Department of Water Resources' (DWR's) Delta Conveyance Project (DCP). The DCP comprises two new fish-screened water intakes, conveyance, and pumping facilities in the Sacramento-San Joaquin Delta (Delta) designed to address risks to State Water Project (SWP) supplies from climate change, sea level rise, earthquakes and regulations restricting south-Delta SWP pumping. Metropolitan is not considering approval of the DCP, nor is Metropolitan committing to a future approval of the DCP by approving the preconstruction work.

DWR prepared and certified a Final Environmental Impact Report (Final EIR) (State Clearinghouse Number 2020010227) that analyzed the potential environmental impacts of the DCP, inclusive of potential impacts associated with the preconstruction work. (Available at Final EIR document (deltaconveyanceproject.com.). DWR also adopted a Mitigation Monitoring and
Reporting Program (MMRP) to address potentially significant project impacts. (Available at 04_DCP_MMRP_ADA.pdf | Powered by Box.)

The Final EIR concluded that the DCP, inclusive of the preconstruction work, may have significant and unavoidable impacts on the environment, and these impacts are listed below and prefaced by their identification number from the Final 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 During 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, given the benefits of the DCP[1] and the need for the preconstruction work to advance its permitting, design and engineering, each benefit of the preconstruction work, as set forth below, outweighs – both individually and collectively – the preconstruction work's contribution, if any, to each of the potentially significant and unavoidable impacts DWR identified for the DCP.

1. **The DCP, which cannot be developed without the preconstruction work, would mitigate the risk to the reliability of SWP water deliveries south of the Delta from salinity intrusion in the wake of an earthquake**. The SWP's primary purpose is to supply water to local and regional water suppliers, including Metropolitan, across California that supply water to member agencies or end users engaged in the beneficial uses of that water. Historically, thirty percent of Metropolitan's imported water supplies come from the SWP on a long-term average basis, and Metropolitan relies on the relatively low salinity of SWP

[1] "[T]he benefits that a public agency may consider in deciding whether to approve a part of a larger project as a responsible agency include the benefits of the project as a whole." (*Marina Coast Water Dist. v. County of Monterey* (2023) 96 Cal.App.5th 46, 85.)

supplies to manage salinity in its blended supplies while some members rely on it for conjunctive use of groundwater. The current SWP system relies heavily on natural channels within the Delta to convey water and is 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 new diversion facilities on the Sacramento River in the north Delta, conveying the water to a new pumping plant in the south Delta via a tunnel, and lifting the water into the Bethany Reservoir at the beginning of the California Aqueduct. The new intakes and tunnel would be designed to withstand significant seismic events such that the DCP could provide water even if there were massive levee failures in the Delta.

2. **The DCP, which cannot be developed without the preconstruction work, would 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 Metropolitan. Under a 2070 climate change scenario with 1.8 feet of sea level rise at Golden Gate Bridge, DWR modeling shows a nearly 600,000 acre-foot or 22-percent decrease in long-term average SWP supplies without the DCP. (Berkeley Research Group, Benefit-Cost Analysis of the Delta Conveyance Project, Table 2, Existing Conditions and Main Scenario, available at 21-3411 - 06102024 OWS 6a - DCP Benefit-Cost Analysis (legistar.com).) The same modeling shows the DCP would mitigate about 400,000 AF of that impact on a long-term average basis. In addition, 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, shifting runoff earlier in the year, 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. The Final EIR, DCP Benefit-Cost Analysis, and "hindcast" modeling of past water years[2] show that the DCP would increase resiliency in managing combined effects of climate change and sea level rise, including changes to timing and quantity of seasonal runoff, even in severe drought years, while meeting water quality and endangered species regulations and permits. 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 Metropolitan continue far into the future.

3. **The DCP, which cannot be developed without the preconstruction work, would restore and protect the reliability of State Water Project water deliveries south of the Delta by**

[2] See DWR's Adapting to Climate Change: Catching and Moving Water from Big Storms, available at Adapting to Climate Change: Catching and Moving Water from Big Storms and slides 16-17 of staff's presentation on Item 6a at the October 7, 2024 One Water and Stewardship Committee meeting, available at 21-3876 - 10072024 OWS 6a Presentation (legistar.com).

addressing sea level rise. The DCP would protect Metropolitan's SWP water supplies by facilitating adaption to sea level rise. As sea levels rise, salinity will intrude further into the Delta, degrading water quality over the long term. As described in Final EIR, Volume 1, Appendix 6A, *Water Supply 2040 Analysis* and the Benefit-Cost Analysis of the Delta Conveyance Project, the DCP would improve SWP water supply reliability under current and future conditions, including extreme high sea level rise. As Metropolitan relies on SWP water supply, the preconstruction work, and the DCP that it would enable, would provide significant benefits to Metropolitan.

4. **The DCP, which cannot be developed without the preconstruction work, would restore and protect the reliability of State Water Project water deliveries south of the Delta by addressing regulatory constraints on south Delta water exports.** By adding two new fish-screened water intakes on the Sacramento River in the north Delta, the DCP would enable more flexible SWP operations such that if sensitive fish species trigger pumping restrictions in the south Delta, DWR could divert in the north Delta as conditions permit, thereby reducing impacts to sensitive fish species while meeting water quality and endangered species permit terms.

5. **The preconstruction work is necessary for the cost-effective design of the DCP**. The information collected from and generated by the preconstruction work would be used to develop the DCP safely, efficiently, and in a manner that minimizes impacts to the environment. For example, the information collected would be used to develop detailed design of the DCP's structure and bridge foundations, new or modified levee cross sections, and ground improvement methodology. Information from the preconstruction 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 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 high concentrations of metals, organic materials, or hazardous materials that would require specific treatment and/or disposal methods. Thus, the preconstruction work would generate information to guide any construction of the DCP in a manner that would minimize its potential environmental impacts and most efficiently and cost effectively achieve the DCP's objectives.

6. **The preconstruction work is necessary to obtain a more accurate estimate of benefits and costs, which will inform Metropolitan's future decision whether to participate in its construction and operation.** The ultimate benefits and costs of the DCP continue to be refined as further planning, permitting, design and engineering information is obtained. The project costs will be refined as more information is known regarding the precise construction techniques, unique localized conditions that may increase or decrease construction costs, feasibility of potential design innovations to reduce cost or environmental impacts, and potential schedule for any future construction. In addition, the preconstruction work includes obtaining a change in point of diversion to DWR's water right permits, the terms of which may affect project benefits. Metropolitan wishes to further confirm the DCP benefits and costs to allow for more informed decision making, including a more accurate assessment of impacts to rate-payers and in relation to prudent financial planning and decision making. The preconstruction work is necessary to achieve those ends.

Through this Statement of Overriding Considerations, and based on the substantial evidence in the administrative record, including the Final EIR available at Final EIR document (deltaconveyanceproject.com) and the Berkeley Research Group, Benefit-Cost Analysis of the Delta Conveyance Project, available at 21-3411 - 06102024 OWS 6a - DCP Benefit-Cost Analysis (legistar.com), as well as past and contemporaneous Metropolitan board letters and presentations on the DCP. Metropolitan has weighed the preconstruction work's benefits against its environmental impacts and finds that the preconstruction work's contributions, if any, to the potentially significant and unavoidable environmental impacts of the DCP are acceptable given the environmental, economic, legal, social, technological, or other considerations set forth above, and that each benefit of the preconstruction work outweighs, both individually and collectively, any of its contributions to the potentially significant and unavoidable environmental impacts of the DCP.

Attachment 3 Term Sheet of Amended Funding Agreement

Although the 2020 funding agreement allows for an increase in the amount of "Contributed Funds" from participating agencies by way of a simple letter, several terms of the 2020 agreement will need to be amended or supplemented (Proposed Amended Funding Agreement) to implement the next phase of work planned in 2026-2027. Most of the elements of the 2020 agreement will remain intact.

Terms for the Proposed Amended Funding Agreement that are materially similar to the 2020 agreement between DWR and Metropolitan:

- Parties are the California Department of Water Resources and the Metropolitan Water District of Southern California.
- Funding can be spent on planning and preconstruction costs incurred by DWR and DCA for the Delta Conveyance Project.
- Metropolitan's cost share would be up to 47.2 percent of the total costs.
- If the Project is implemented, Metropolitan's planning costs could be reimbursed, at the time of DWR bond issuance.
- Any unspent pay-go funds contributed under the agreement would be returned to Metropolitan if the Project were not implemented.

Terms that may require amendment to the 2020 agreement between DWR and Metropolitan:

- An update to recitals to reflect status of the Project.
- An extended term: January 1, 2025 – December 31, 2027.
- Funds may be used to support soil and geotechnical investigations only to the extent DWR has the legal authority to conduct such activities. Funds to be used for geotechnical soil investigations shall be due only once DWR has the legal authority to conduct such activities.
- DWR and Metropolitan will meet and confer if there is a condition that materially and adversely affects the DCP's benefits and costs.
- Metropolitan may offramp future payments, after meeting and conferring with DWR, to terminate financial obligations if there is a condition that materially and adversely affects the DCP's benefits and costs during term of agreement. The DCP benefits and costs could be materially affected if implementation of planned work is prohibited, if DWR fails to secure key changes to the State Water Project's water rights, if DWR fails to obtain a ruling in DWR's favor from the Delta Stewardship Council on the appeals of the Certification of Consistency with the Delta Plan, or if an update to the Bay-Delta Water Quality Control Plan is adopted that is substantially different from the Healthy Rivers & Landscape proposal that was submitted to the State Water Resources Control Board.
- Updates to the scope of work.
- Updates to payment schedule.

STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY
GAVIN NEWSOM, *Governor*

DEPARTMENT OF WATER RESOURCES
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November 25, 2024

Deven Upadhyay
Interim General Manager
Metropolitan Water District of Southern California
700 North Alameda Street
Los Angeles, CA 90012-2944
Email: DUpadhyay@mwdh2o.com

Re: Continued Delta Conveyance Project Planning Funding

Dear Mr. Upadhyay:

Thank you for your letter of October 24, 2024, and for your agency's thoughtful and clear approach to information gathering in advance of your board's important consideration of ongoing funding of the permitting and engineering design work for the Delta Conveyance Project.

As the climate continues to change, and precipitation patterns evolve, the urgency of our collective attention to modernizing backbone infrastructure is evident. We appreciate and value our ongoing partnership in taking prudent and necessary steps to protect the vital water supplies provided by the State Water Project.

1. **Securing Key Permits and Certifications**

   Governor Newsom has made clear his expectation that the process to obtain key permits and certifications be complete by the end of his second term and he is 100% committed to providing his support toward this end. Our schedule reflects this expectation, and we are laser-focused on completing key permits and preparing the project for future implementation on this timeline.

   There were important lessons learned following our experiences during California WaterFix and we have improved our approach accordingly. We have a very clear understanding of the steps required to approve the project and enable its implementation, including completing key regulatory processes with the State Water Resources Control Board, state and federal fishery agencies, and the Delta Stewardship Council.

   Our team has engaged with early and ongoing consultation with these regulatory agencies. We understand the value of working closely to ensure a shared understanding of information needed for submittal and shared schedule expectations. We have advanced numerous settlements with several agencies prior to the end of the protest period and, as a part of the water rights process, continue to have settlement discussions with all protestants. We are currently

seeking Delta Plan Consistency compliance to advance geotechnical investigations and continue to work with the Delta Stewardship Council on early consultation for the larger Delta Conveyance Project. We expect an Incidental Take Permit from the California Department of Fish and Wildlife before the end of the year. And we expect federal biological opinions on operations through the Long-Term Operations process before the end of the year. The biological opinions on construction will be separate and completed in early 2025.

Collaboration with MWD has been instrumental in helping to advance permitting activities and shaping our approach to compliance. We greatly appreciate your team's contributions and expertise. Our staffs' collective expertise in permit compliance is a strong guard against challenges that can and do occur during any regulatory process. These challenges are anticipated and expected and are built into our schedule and planning. DWR, working with your staff, has and will continue to respond to any new issues quickly and move the project forward.

While not anticipated, if substantial issues arise during permitting in the next few years, there will be an opportunity to pause funding and resolve issues. If MWD and other participating water agencies choose not to fund the capital construction costs, any unspent planning funds earmarked for this project will be returned. DWR completed a similar effort associated with California WaterFix and returned unspent money at the close of that process.

2. Demonstrating Proportional and Complete Planning Funding

We confirm unequivocally that no State Water Contractor participating in the Delta Conveyance Project is or will be expected to increase their established proportionate share of planning or implementation funds, unless contractors identify an interest in increasing their participation.

3. Providing a Plan to Fund and Finance Delta Conveyance Project Implementation

It is correct that there is currently a 12% gap in planning funds and we have been working diligently to identify creative ways to address all the participating agencies' needs. These potential solutions will in no way involve any agency being asked or expected to cover another participating agency's established proportionate share of the planning or implementation funds.

There are potential solutions however that are promising and we will take the needed steps to fully investigate these ideas with you, your staff, and other participating water agencies. Two such ideas are:

- Explore the potential to expand the pool of beneficiaries, including the facilitation of more efficient trades and transfers of the DCP benefits.

- Explore the potential to help remedy profound needs across the state for more secure and reliable water supplies, particularly areas of the Central Valley that are facing groundwater challenges and limited access to drinking water. These regions could potentially benefit from an expanded beneficiary opportunity.

Additionally, if there are water years that an agency's supplies are more than their local needs, they may choose to transfer excess SWP water supplies and associated costs, consistent with water law and existing water supply contracts. This flexibility will allow agencies to preserve water supplies for local needs and to transfer those excess supplies—and costs—to other parts of the state, and potentially to convert DCP water supply benefits into a source of revenue.

Lastly for this section, you've raised some interest in the Validation Case process. To be very clear, and to correct some lingering misunderstanding, the ruling from the Sacramento County Superior Court in no way prohibits the use of bond financing for the Delta Conveyance Project. While the Sacramento County Superior Court concluded that the bond resolutions were too broad the court did not conclude that DWR does not have the authority to build the project it approved in December 2023 or to issue revenue bonds to pay for it. The validation action, including appeals, was built into the schedule. DWR and the joint appellants, including MWD, are pursuing an appeal in California's Third District Court of Appeal. If the Validation Case experiences unexpected setbacks, there is an opportunity to pause funding to address those setbacks.

4. Resolving Protest Items Related to Metropolitan's Statement of Charges

Please refer to the letter on this matter dated October 29, 2024. Working with your team, we have made significant progress to resolve these protest items. While the protest resolution effort is ongoing and our understanding of the exact amount owed to MWD differs, we do acknowledge that it will be at least $75 million, which as the letter states, includes other one-time credits for Metropolitan's share of the debt service reserve fund related to the Devil Canyon Powerplant and its share of the Replacement Account Fund credit. DWR is prepared to issue that amount to MWD while the rest of the protest issues are resolved.

5. Improving Near-Term State Water Project Reliability

The 2023 Delivery Capability Report makes clear the challenges faced by the State Water Project due to climate change, sea level rise, changing precipitation patterns and important regulatory constraints. DWR is working diligently to adapt to these challenges, and to address them with efficiency.

DWR is pursuing multiple actions to ameliorate the impacts of climate change on the SWP in the near future. DWR recently received an updated Incidental Take Permit on the Long-Term Operations of the SWP; the new permit has an

improved focus on adaptive management to address changing climate and biological conditions. Near-term subsidence projects along the California Aqueduct will enable the SWP to regain capacity to move water in wetter years. Additionally, DWR has started work on multiple efforts that will help protect SWP reliability, including Forecast Informed Reservoir Operations, improvements to Delta salinity barriers, SWP water contract extensions and water management tools.

These strategies notwithstanding, additional strategy development will be needed and DWR is already working on additional options involving groundwater recharge partnerships and Feather River forest management that can provide important drought protections.

DWR will publish its first Climate Adaptation Strategy in early 2025 that will evaluate several adaptation strategies and help guide executive decision-making about the needs and capabilities of the SWP.

It is clear there is a need to enhance the management of the SWP, including operations, maintenance, nature-based solutions and structural measures. The hydrology of the 21st century is not expected to be extraordinarily dry, rather the precipitation we get will come in fewer more intense bursts and will run off earlier. We are working aggressively to identify and standardize maintenance efficiencies to ensure we can capture these bursts and make investments that allow SWP to take advantage of opportunities that come with these changes. We appreciate your staff's contributions to these strategies and will continue to work collaboratively toward feasible solutions.

Your board has asked important questions. We greatly appreciate the opportunity to provide this information and hope it has provided not only clarity but also confidence in the path forward.

Sincerely,

Karla Nemeth

Karla Nemeth
Director

cc: Jennifer Pierre, GM of the State Water Contractors

STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY
GAVIN NEWSOM, *Governor*

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10/29/2024

Mr. Deven Upadhyay
Interim General Manager
Metropolitan Water District
of Southern California
700 North Alameda Street
Los Angeles, California 90012-2944

Re: State Water Project Billing Claims

Dear Interim General Manager Upadhyay:

As you know, The Metropolitan Water District of Southern California (Metropolitan) and other State Water Project Contractors (Contractors) have asserted various protests related to the annual Statement of Charges (SOC) issued for the State Water Project (SWP). The Department of Water Resources (Department) has been engaged in good faith discussions with the Contractors to address these protests as expeditiously as possible, and a significant number have now been resolved.

The final debits and credits associated with these protests is still being determined and will necessitate further discussions with the Contractors. Nonetheless, the Department's preliminary analysis of these protests in combination with other one-time credits for Metropolitan's share of the debt service reserve fund related to the Devil Canyon Powerplant and its share of the Replacement Account System fund supports issuing a refund to Metropolitan of $75 million.

Although some additional work is required to confirm and process this refund, the Department is prepared to issue it to Metropolitan no later than December 1, 2025.

The Department's issuance of this initial refund represents a significant step toward resolving the various protests asserted by Metropolitan related to the annual SOCs. The Department looks forward to continuing its work with Metropolitan and the other Contractors to resolve all outstanding protests in a fair and equitable manner. Doing so will promote our shared goal of improving and enhancing of the financial management of the SWP moving forward, but also will help position the Department and Metropolitan to meet the long-term water supply challenges California is likely to face in the coming years.

Sincerely,

Karla Nemeth

Karla Nemeth
Director

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Office of the General Manager

October 24, 2024

EMAIL: Karla.Nemeth@water.ca.gov

Director Karla Nemeth
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236-0001

Dear Director Nemeth:

Continued Delta Conveyance Project Planning Funding

Over the last 50 years, the Department of Water Resources (DWR), through its State Water Project (SWP), has delivered over 44 million acre-feet of water to Metropolitan and has been vital in supporting the region's development and growth. Because of the critical role SWP supplies play in our District's supply portfolio, Metropolitan has always been a strong supporter of DWR and its efforts to protect and improve the reliability of the SWP.

Most recently at the end of 2020, Metropolitan's Board of Directors showed support for DWR and the SWP by voting to advance $160.8 million dollars to fund the environmental review, planning and associated preconstruction design and engineering of the Delta Conveyance Project (DCP). This vote and Metropolitan's ongoing development of its Climate Adaptation Master Plan for Water demonstrates Metropolitan's commitment to meeting the challenges of a changing climate.

Prior to supporting the current preconstruction activities of the DCP, Metropolitan committed funds to advance planning for the California WaterFix and the Bay-Delta Conservation Plan. Including Metropolitan's own internal costs to advance said projects, Metropolitan to date has invested over $300 million dollars in planning related to Delta conveyance solutions.

At Metropolitan's October 7, 2024, One Water and Stewardship Committee, Metropolitan directors asked important questions related to the DCP. Many of those questions must be resolved for Metropolitan to better understand the DCP's path towards implementation and prior to the Metropolitan Board of Directors considering whether to commit additional funds for DWR's preconstruction activities planned for 2026-2027.

1. Secure Key Permits and Certifications

A number of key permitting milestones have been met for the DCP, including DWR certifying a Final Environmental Impact Report. However, important planning processes are outstanding, including the issuance of an incidental take permit under the State Endangered Species Act and biological opinions under the Federal Endangered Species Act, the issuance of an order by the State Water Board permitting new diversion points required for the DCP, and the determination by the Delta Stewardship Council that the DCP is consistent with the Delta Plan. Metropolitan is seeking a clearer understanding of how DWR plans to navigate the remaining permitting and certification processes, as they are foundational to determining the ultimate viability of the DCP.

2. Demonstrate Proportional and Complete Planning Funding

It is understood that some participating SWP contractors, specifically agricultural contractors, may not commit to fund preconstruction activities for the DCP up to their proportionate share. Consequently, a planning and preconstruction funding gap for 2026-2027 has been identified, and while it is estimated to be approximately twelve percent, it is uncertain what the final percentage will be. Metropolitan cannot be expected to make up this difference. It is critical that DWR ensures that Metropolitan does not pay more than 47.2% of the planning funding.

3. Provide a Plan to Fund and Finance Delta Conveyance Project Implementation

Although the above planning and preconstruction funding gap is in the millions, if it persists to construction, the gap will be billions of dollars due to the current estimated implementation costs of approximately $20.1 billion. Also, at this stage of the project, Metropolitan cannot be expected to increase its participation amount beyond its proportionate share. It is incumbent on DWR to demonstrate how it will ensure construction of the DCP will be fully financed and funded. Metropolitan is also seeking further clarification on how the initial rulings in the validation action will allow for the ability to fund the project, which should include an explanation of how the pending validation action will be resolved in a timeframe that would allow for certainty for financing and funding.

4. Resolve Protest Items Related to Metropolitan's Statement of Charges

In October 2023, Metropolitan submitted a letter to DWR detailing unresolved protest items identified more than two decades ago. These outstanding claims have a significant financial impact on Metropolitan, its member agencies, and ultimately the ratepayers. Resolution of these items is complex. Some protest items can be resolved through a direct credit back to Metropolitan while others would require DWR to recover funds through rebilling of other State Water Contractors. Understanding these dynamics, and specifically to avoid at this time DWR making decisions that could require rebilling of others, Metropolitan requests that DWR resolve those issues raised in the protest that could result in funds being directly credited to Metropolitan. Based on audit results detailed in Metropolitan's October 2023 letter, these directly refundable protest items are tied primarily to overcollection of the Water System Revenue Bond Surcharge and total approximately $180 million dollars. Metropolitan is seeking

resolution of this issue to offset the financial impact of DWR's request for additional preconstruction funds for the DCP, if the Metropolitan Board of Directors decides to commit to providing its share of those funds.

5. Improve Near-Term State Water Project Reliability

According to DWR's most recent Delivery Capability Report, a changing climate could reduce the reliability of the SWP by as much as 23 percent over the next two decades. Reasonable estimates do not have the DCP completed and operational until at least 20 years from now. In the near term, it is important for DWR to demonstrate what actions it proposes to take to mitigate for the changing climate and its impact on the SWP's reliability.

In closing, thank you for your understanding and consideration of these key questions raised by Metropolitan's Board of Directors. We hope that with additional clarity and resolution of some of these issues, that Metropolitan can advance its vote in 2024 in response to DWR's request for additional preconstruction funds for the DCP.

Sincerely,

Deven Upadhyay
Interim General Manager

cc: Jennifer Pierre, GM of the State Water Contractors