Impacts and Consultation

Tab 5 • Section 5

Feasibility & Implementation Risk

Proposition 1

Water Storage Investment Program

Funding Application

August 2017
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This document includes the impacts and consultation information for the Los Vaqueros Reservoir Expansion Project (LVE Project) required by the Water Storage Investment Program (WSIP) Application Instructions (March 2017) for Tab 5 Feasibility & Implementation Risk. Table 5-5.1 provides a summary of the Contra Costa Water District (CCWD) application content related to the Grants Review and Tracking System (GRanTS) application content. For a complete index of application contents, see Tab 3 Section 7 Other Applicant Information.

Table 5-5.1 Application Content of Tab 5 Section 5

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5-5.1 Application Instructions

Summarize the project’s impacts on environmental or cultural resources and how the project will mitigate or minimize impacts to those resources, or identify where in the CEQA document this information can be found. If any environmental or cultural impacts will not be fully mitigated, explain. See regulations section 6003(a)(1)(T).

If applicable, identify whether Tribal consultation has been initiated for the project. If it has, provide supporting documentation, or identify the location in the CEQA document. If consultation has not been initiated, state whether consultation is expected and when consultation is expected to be initiated. See regulations section 6003(a)(1)(U).

Regulations Section 6003(a)(1)(T). “Summary of how the project may impact environmental or cultural resources and how the project will mitigate or minimize impacts to those resources;”

Regulations Section 6003(a)(1)(U). “If applicable, evidence of Tribal Cultural Resource consultation under CEQA;”

5-5.2 Environmental Documentation for LVE Project

CCWD and Reclamation released the Los Vaqueros Reservoir Expansion Project Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR) in March 2010. The Final EIS/EIR consisted of the entire Draft EIS/EIR (Volumes 1, 2, and 3) that was released in February 2009, and Volume 4 with the comments, responses to comments, and revisions to the Draft EIS/EIR. In June 2017, CCWD and Reclamation released the Draft Supplement to the Final EIS/EIR to provide an update on the elements of the proposed project that have changed since 2010. CCWD is the lead agency under CEQA. Together, the Final EIS/EIR and the Draft Supplement analyze the potential impacts of the proposed project on environmental and cultural
resources as required under CEQA (see Chapter 4 of Volume 2 of the Final EIS/EIR and Chapter 4 of the Draft Supplement). Appendix E of the Draft Supplement contains a draft Mitigation Monitoring and Reporting Program, with mitigation measures to minimize or eliminate impacts to environmental resources, for the Phase 2 Expansion project.

Table 6-2 in Chapter 6 of the Draft Supplement summarizes the potential impacts of the proposed project. Potentially significant but mitigable impacts of the proposed project include adverse impacts on local hydrology, drainage, and groundwater; biological resources; conflicts with land use policies related to airport safety; agricultural resources; transportation and circulation; air quality; noise; utilities; hazardous materials and public safety; visual and aesthetic resources; recreational resources; and cultural and paleontological resources.

Significant impacts of the proposed project that may remain significant after mitigation include the loss of Important Farmland. Mitigation would avoid permanent conversion of farmland resulting from temporary ground-disturbance and pipeline siting impacts, however, permanent conversion of up to 0.5 acres of Prime Farmland at the EBMUD-CCWD Intertie Pump Station site would occur. The EBMUD-CCWD Intertie Pump Station was included in the Draft Supplement and analysis because it is one option that could be constructed to provide the needed lift to move water from the Los Vaqueros Pipeline into Mokelumne Aqueduct #2. The Notice of Exemption for the Mokelumne Aqueducts Relining Project prepared by EBMUD was completed in August 2017. All of the environmental documents for the LVE Project referenced above are available on the LVE Project website at the following link:

www.ccwater.com/lvstudies

Sections 4.16 and 4.19 of Volume 2 of the Final EIS/R and Sections 4.16 and 4.19 of the Draft Supplement describe and analyze the potential impacts of the Phase 2 Expansion project on cultural and paleontological resources and the Indian Trust Assets.

Tribal consultation has been initiated for the LVE project and has been ongoing for several years. In a June 3, 2010 letter, the Native American Heritage Commission (NAHC) provided a list of Native American individuals and groups with heritage ties to the project area. Beginning in 2010, letters were sent to the Native American individuals and groups included on the NAHC consultation list to notify the recipients that the Bureau of Reclamation was initiating consultation under Section 106 of the National Historic Preservation Act, to provide information on the LVE Project, and to seek their assistance with the identification of sites of religious and cultural significance. Subsequent letters providing updates on project status and again inviting their input were sent prior to initiation of construction of the Phase 1 Expansion in 2011.

The March 28, 2011 Memorandum of Agreement (MOA) among Reclamation, the U.S. Army Corps of Engineers, CCWD, and the California State Historic Preservation Officer regarding the resolution of adverse effects to historic properties from the expansion of the Los Vaqueros Reservoir, Contra Costa County, California (Reclamation et al., 2011) established the actions to
be taken to avoid, protect, and conserve historic properties. Native American individuals and
groups with cultural ties to the area were invited to review this MOA and to be concurring
parties, if desired, although none of the Native American individuals or groups elected to
participate at that time.

On August 31, 2012 CCWD and the Most Likely Descendent identified by the NAHC on
September 1, 2011 executed a Memorandum of Understanding regarding the respectful treatment
of Native American human remains and any associated objects discovered during
preconstruction and construction of the Los Vaqueros Reservoir Expansion Project, Contra Costa
County, California (CCWD, 2012).

Tribal consultation for the Phase 2 Expansion project has also been initiated and is ongoing. On
September 22, 2015 the NAHC provided an updated consultation list of Native American
individuals for the Phase 2 Expansion project and in particular regarding the Transfer-Bethany
Pipeline. In December 2015 letters were sent to Native American individuals and groups
included on the NAHC consultation list providing an update on the project and inviting
feedback. On March 6, 2017 the NAHC provided a further updated consultation list of Native
American individuals and groups for the Phase 2 Expansion project. In August 2017 letters were
sent to Native American individuals and groups included on the NAHC consultation lists
provided in 2010, 2015 and 2017 in order to provide an update on the project to the most
inclusive list possible.