

Manteca, California
May 30, 2000

The Board of Directors of the South San Joaquin Irrigation District met in special session in their chambers at the hour of 6:00 p.m.

Upon roll call the following members were noted present:

DIRECTORS: DEGROOT KAMPER ROOS SCHULZ HAWORTH

Also present were Secretary/Manager Martin, Steve Emrick, General Counsel, and Stephen Kostka, Attorney.

President Roos called the meeting to order. See the attached transcript of the meeting, prepared by Portale & Associates, entitled *South County Surface Water Supply Project Environmental Impact Report, the adopted Resolution 2000-09-W and the Mitigation Measures and Mitigation Monitoring and Reporting Program for the South County Surface Water Supply Project and a hard copy of overhead projector presentation.*

SOUTH COUNTY SURFACE WATER SUPPLY PROJECT
ENVIRONMENTAL IMPACT REPORT

11011 East Highway 120
Manteca, CA 95336
Tuesday, May 30, 2000
6:03 p.m. - 7:25 p.m.

Reported by: Mandy M. Galarsa, CSR No. 11649

PORTALE & ASSOCIATES DEPOSITION REPORTERS

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APPEARANCES

BOARD OF DIRECTORS:

Ralph Roos, Chairman
Nick DeGroot
Dave Kamper
Robert Schulz
Lloyd Haworth

OF COUNSEL:

Steve Emrick
Stephen Kostka

(The following proceedings were had at 6:03 p.m.)

CHAIRMAN ROOS: I would like to call the meeting to order. Roll call, please.

MR. EMRICK: Sure. DeGroot?

DIRECTOR DEGROOT: Yeah.

MR. EMRICK: Schulz?

DIRECTOR SCHULZ: Yeah.

MR. EMRICK: Kamper?

DIRECTOR KAMPER: Yeah.

MR. EMRICK: Hayworth?

DIRECTOR HAWORTH: Yeah.

MR. EMRICK: Roos?

DIRECTOR ROOS: Yeah. I want to thank everyone that's here for your interest and attendance at this meeting here as we deal with the final EIR for the South County Surface Water Supply Project.

Just to give you an idea of what our agenda is, procedures, first, we will have a presentation by the Environmental Service Associates and other folks that are involved in this project. And then we will, after this, we will go on to public comment where you individuals may all speak from the audience over here.

And just to give you some guidelines to facilitate this so it will go smoothly, I will have to give a few rules here so things will go in an orderly fashion. If you desire to comment on the EIR, please fill out a comment card. Are there comment cards? Okay. They are at the back table and being passed out. And we will call your name in the order that we receive these cards.

And when you are called up, you will come to the podium and state your full name and address prior to sharing your comments. We would appreciate that. And to assist the Court Reporter with the accuracy, please spell out your last name.

Comments must be limited to the adequacy and accuracy of the Environmental Impact Report. And we would appreciate comments and actions in a professional nature that will not unnecessarily disturb, disrupt, delay, or impact the orderly conduct of this meeting. And the Board may limit public comment that do not comply with these requirements.

Comments will be limited to five minutes, so that everyone will get a chance to speak and we won't be here until 1:00 o'clock in the morning. And we ask that you keep it brief and concise and avoid making comments that are repetitious from what maybe somebody else has spoken about.

Okay. And at that point, after the public comment period, then we will take possible action on the final EIR.

So this is kind of the procedure that we're going to use here, and we appreciate your cooperation in this matter.

At this time, we have a presentation from Environmental Science. And you can state your name?

MS. MOULTON: Good evening. My name is Leslie Moulton with Environmental

Science Associates. I do want to mention there is an agenda packet. I don't know if we have enough for everyone, but they are up here and I will bring them closer. And does anybody want one of these right now that they know of? Maybe I'll ask you guys to hand those out, because I think we need to make them available.

I have been the project manager on the Environmental Impact Report. And this evening, I'm going to do the following: We're going to just have a quick overview of the project that is before you and the specific elements before you for consideration of approval. I'm going to review the CEQA process that we have been through and summarize the key environmental impacts and mitigation findings. We will do a quick review of the final EIR, response to comments, which we already had a briefing with you folks before, earlier this month. And then we'll review the actions that you're going to take this evening under the CEQA process.

The proposed project, as you know, have the following elements: It is a treated water supply for your four participating cities: Escalon, Manteca, Lathrop, and Tracy. The water source is the senior water rights that the District holds for the Stanislaus River water. You are considering a treatment plant. And you have looked at two phases, and the EIR evaluates the treatment plant through a development of phase two. But this evening, you're considering approval of just the phase one capacity only. The project includes using Woodward Reservoir, your existing facility for storage, for this project and a new pipeline to transmit the participating cities and a new pump station.

To clarify, you looked at three alternatives for the pipeline. You are going to approve all three of them. You are going to adopt mitigation measures that would be appropriate for any and all of them, and you are going to direct staff to carry on and do further design studies to come up with a final alignment. You're not going to approve one single pipeline alignment, and you have no longer identified the backyard alignment as your preferred. Instead, you're going to consider the street and the back of yard alignment and come up with a new hybrid that primarily remains in the streets. And the pipelines, as you know the EIR looked at those, again, at phase two capacity, and those would be built for full project build-out.

Here's a summary of the phase one and phase two. Phase one is to provide, ultimately, 31,000 acre feet per year in treated water supply. The dates for that are approximately 2003 through about 2011, when it is projected you will need to consider phase two and implement phase two of the project.

And to clarify, Escalon participates in phase one, but only at the very end at about 2011. Phase two would take the project up to its full capacity at 44,000 approximately 2012, and is anticipated on recurrent growth projections to extend and supply service through 2025.

To review the CEQA-EIR process that the District has been through, the Notice of Preparation that you are going to prepare an EIR was issued in February of '98. The draft EIR was made available to the public in July of 1999. Public hearings were held at all the four cities in August of 1999. And the response to comments, final EIR document, was put together and released for public review at the beginning of this month, May of 2000. And now we're here to consider certification of the final EIR and project approval.

I would like to do a quick summary of the key impacts and mitigation measures that are

discussed in the EIR. Again, you have been—you have reviewed the draft EIR and the final, and we have had briefings on this. But for the record, let me go through and highlight the key impacts. One of our primary issue areas that the EIR focuses on is water resources. That's chapter five of the draft EIR. And we looked at the issue of the District's ability to supply its current and future agricultural obligations in addition to the public—to the project obligation. And we found that the District does have adequate supply, and that in the future, as it currently does, it will need to continue its practice of pumping supplemental groundwater in drought years.

We then looked at the effect of the project on the New Melones Reservoir system which is managed by the U.S. Bureau of Reclamation. And we found that – we looked at several different water year types, dry year, average year, wet year, water year types. And we found that the project has an effect on the amount of water stored in the reservoir. Some – in some years of some water year types, it results in water level increases. And in some, decreases. But we did not find significant effects, on water levels in the reservoir that would effect the beneficial uses of the reservoir.

We spent quite a bit of detail in the Environmental Impact Report looking at what is a fairly complicated system of the management of the New Melones reservoir and flow releases to downstream Stanislaus River, which as you know, is managed – is the responsibility of the Bureau of Reclamation. And we found, again, in broad overview, we looked at flow issues and the effects on beneficial uses, which include water quality, fisheries, recreation, and downstream users. The analysis is a cumulative impact analysis. It considers this project, plus other reasonably foreseeable water projects that are occurring, so that the EIR looks at a full impact analysis for what is occurring on the lower Stanislaus River. And we found less than significant changes with the project in the future on these water issues.

Finally, in the water resources category, we looked at groundwater resources. We found that is a key objective of the project. It does reduce both the existing and future planned use or dependence of groundwater within the four cities. They – the cities will continue to use groundwater as part of their water supply, but it would reduce what they would have – otherwise have to rely on the groundwater for. And the net effect is that, with the project contribution, there is a slight benefit to both regional and local groundwater. This by no means remedies the groundwater overdraft in the region. But we do see, through modeling, that over the long term with the project, groundwater levels would rise in the South San Joaquin Irrigation District area.

We did also analyze the impact of the District needing to continue to pump groundwater in drought years to supplement its supply, and found that this also had a less than significant effect on groundwater resources. But the groundwater resources were able to, on a long-term sustainable yield basis, accommodate this drought year groundwater pumping. And the District acknowledged that it will do site-specific standard well siting studies in the future if and when it recognizes it needs additional wells to allow for this groundwater pumping.

Switching to the facilities, as you know, key impacts for the project center around Woodward Reservoir, which would now be used for a drinking water supply sources for storage. And that as a result of State health regulations, there would be restrictions on recreational uses in and around the reservoir in order to protect drinking water quality. The mitigation that you will

be adopting this evening includes proper water treatment plant design. And the District has added some additional advance treatment capabilities to its facility in order to ensure the highest quality drinking water. There is a source control program that will need to be implemented by both the District, Stanislaus County Parks, and other agencies listed at the bottom will be involved, Regional Water Quality Control Board, Department of Health Services. The District is proposing to construct – design and construct what is called a second raw water intake in order to move the point of intake for drinking water further up in the reservoir and leave the lower area of the reservoir available for body contact recreation.

Preliminary discussions with the Department of Health Services indicate they may find this an acceptable design approach to allowing body contact recreation to be maintained, at least in a portion of the reservoir. And the District is also considering pursuing a legislative waiver to try to get a waiver from the body contact restrictions. This is something that the neighboring Modesto Irrigation District has done, although we recognize that this has a sunset clause on it and is only perhaps, a short-term remedy. So the legislative waiver would be pursued. But, in addition, it is the second raw water intake that would mitigate recreation impacts to less than significant.

Use of Woodward reservoir would also require other source control restrictions on land uses around the reservoir. This includes grazing activities, livestock grazing, and other animal facilities. These source control measures are already required by the Regional Water Quality Control Board. And now, the District would have a role in implementing and enforcing these with other agencies as well, Regional Water Quality Control Board, Stanislaus County Parks, and private property owners in and around the reservoir area.

The transmission pipeline, as I indicated, there are three alternatives, Dodds (phonetic) Road, Lone tree Road. And in some areas, a backyard alignment, where the pipeline would go along the back lot alignment of certain private properties. For construction on the back of yard right-of-way, this could impact agricultural activities, because it would use the dirt road between these private properties that is used by agricultural equipment and agricultural practitioners out there.

Mitigation would be, first of all, to look at a design that maximizes use of the public roadways instead, and also a design which is described in the EIR to make sure that access for agricultural equipment is maintained.

Pipeline construction in the street has, as expected, short-term, but disruptive impacts on the local communities. You will be constructing in and through each of the four partner cities. And this will result in short-term, but significant impacts in traffic, noise, dust, erosion, storm water, sort of the typical host of impacts that come with a large construction project such as this.

There are specific mitigation measures identified that will be adopted for each one of these issue areas, and some special measures, such as specific scheduling around Mossdale Park and other sensitive land uses, and an acknowledgment that the District needs to get and comply with local encroachment permits and conditions for how it construct in and around each city, and also a commitment to provide the community advanced notice and contact point while the construction is occurring.

Both the waste water treatment plant and the pipeline have the potential for some site-specific biological resource impacts. Just for background, as you know, there was a study done prior to the EIR to try to identify sites, four year facilities, that would already minimize impacts to wetlands, endangered species. So the treatment plant site and the pipeline site had been prescreened for these types of issues. But, nonetheless, there are still some potential wetlands, some endangered species associated with this, such as ferry shrimp and some tree resources that could be affected by construction of the treatment plant and the pipeline.

And there are several mitigation measures that are outlined that provide prescriptive measures as well as performance standards, and recognize that the District has several permits it needs to get from the natural resource agencies, the Corps, Department of Fish and Game, and Fish and Wildlife Service. So the mitigation measures already identify the type of replacement, restoration, avoidance efforts that need to be made, but also acknowledge that those permit agencies will put even further specificity on those measures.

Finally, there is the regional issue of growth inducement which the EIR also spends a great bit of time on. The project does accommodate plant growth in the future. It is the growth that has been adopted by the four cities per their general plans. The project is designed to both accommodate growth, but also minimize its potential for inducing growth by being phased. So that capacity will be matched to need. And the District has also clarified that there won't be any service connections to this facility that it will authorize, but is only through the four participating cities and their approval of growth according to their plans that will allow connections to the system. And further, the EIR as required, goes through a review of each city's general plan and identifies and mitigation measures its adopted and/or the overriding considerations it has made, each city has made, for its growth impacts.

I want to do quick summary of the final EIR process. Again, we had a briefing on this earlier in the month, but the final EIR includes 27 comment letters that were received, and this is the kind of mix of agencies and individuals that we received comment from.

We had four public meetings on the draft last summer, and we had 30 members speak to us and give oral testimony in those four meetings. We responded to every comment on the draft EIR. And as you'll recall, the final EIR presents these master responses, because there was considerable comment on these particular topics. So we wrote master responses to provide a comprehensive response to the public on these issues. A number of comments on water resources, including water rights and conservation, river flow effects, and questions about the modeling, clarifications about the modeling, river water quality questions that were addressed, reiteration and further clarification on fishery issues and groundwater, so that water resource issues were really the top comment issues that arose, and then some specific issues about the pipeline alignment. There were other key issues, and all of those have been answered in the individual letters. These were the top issues.

That concludes my summary. I want to do a quick overview of the next steps then that you have in front of you this evening to consider. Your first part of your action is to consider certification of the final EIR. And to clarify for you, this is what CEQA says you are certifying and finding as you approve and certify the final EIR. Prior to project approval, the District

Board certifies that this final EIR has been completed in compliance with CEQA, that the final EIR has been presented to the board, and that the board has reviewed and considered the information in it before making a decision, and that the final EIR reflects the Board's independent judgment and analysis.

So those are the considerations you are making in certifying the final document. Then you can consider, once you certify the EIR, you can consider project approval. And if you do choose to approve the project, you then would move under CEQA to adopt the findings. And the findings are in your agenda packet this evening that you've had for a few days now. And they include a comment on all the different significant impacts and mitigation measures that were identified in the EIR. And the findings for this project will indicate that the Board is going to adopt all mitigation measures identified in the EIR and implement them.

You will also in your findings have a statement of overriding consideration. There are no direct significant unavoidable impacts of the project. Everything that results, the impacts we identified, can be mitigated to less-than-significant with the mitigation measures that we are going to adopt this evening. The statement of overriding considerations acknowledges that some of the effects of growth that would occur, according to planned growth in each of the four cities, may have significant unavoidable impacts, and that those cities have identified and adopted their own statement of overriding considerations. You are doing that as well to acknowledge the growth effects.

And, finally, in your packet, is also a mitigation monitoring program. And this is a full review of all the mitigation measures and the monitoring and reporting steps that the District will adopt and implement during design, construction, and operation to verify that mitigation measures have been implemented and complied with.

Once you have done that this evening, you're in a position to file a Notice of Determination with both the State, Stanislaus County, and San Joaquin County to acknowledge that you have approved the project. And this starts a legal 30-day challenge period where people could consider filing suit on the EIR, the adequacy of the EIR document.

And, finally, the cities, after your action, will be in a position to take their only final action on approval of the project.

So that is what is before you this evening. And I believe your next agenda item is to hear public comment.

CHAIRMAN ROOS: Thank you, Leslie. Before we get into public comments, do we have any representatives of the participating cities that might want to make a presentation from Escalon? Is there anyone here?

MR. HASKIN: Hi. Good evening. I'm Gary Haskin, one of the Escalon City Council members. At present, Escalon is totally dependent on groundwater, and we have been having problems with quality. We've been having contamination from DVCP's, nitrates, and a host of other problems. We need a good, reliable, clean source of water. So I would like to request that you adopt the EIR and approve the project as a whole. Thank you.

CHAIRMAN ROOS: Thank you, Gary.

MR. MARTY: Phil Marty, Escalon City Council. And I wasn't prepared to comment on this. I was going to listen to some of the other people that have been studying this longer. However, I am the one dissenting vote, because I got onto the council a little bit late. I have several concerns. Escalon is going to be selling water to different districts. This is growth inducive. Right now, the line that we have is a line in the sand. Tracy is going crazy. Manteca, is right behind. To take that much water out of the river, 10 percent, and to think that it's not going to have some kind of effect on the – on the backflow of the Stanislaus and the San Joaquin is just a little bit hard to comprehend. We already have times during the year when the San Joaquin is backing up.

Getting back to the issue of selling water, we're going to be selling water for about ten years. Meanwhile, these towns are growing, thinking they got this source of water. After 10 or 11 years, Escalon says, okay, you know what, we need that water now and we're cutting you off. So what happens to those people? Where do they get their water from? Are we just going to go ahead and increase and augment this problem of tapping into the groundwater in whichever area they're supposed to get this water from. You got existing houses now. They've had water for ten years flowing through the tap. And how are you going to say Escalon is going to go for it now?

There's so many problems that – well, that come to mind. One is, I grew up in the Bay Area. And if I wanted to swim in Crystal Springs Reservoir, it was illegal. Any kind of contact with Crystal Springs was illegal. It's a huge reservoir. You can probably stand a couple people swimming, but somehow or another, I don't understand why Woodward Reservoir, which is a fun reservoir to visit, I do often myself, why we think that the right kind of chemicals are going to stop any kind of disease. Why don't they allow Crystal Springs to have recreation activity, and jet skis, and all the other things that Woodward, this very small reservoir, is holding right now.

So I would like to recommend – encourage you to vote against this. This is really the kind of line in the sand where it really comes to a point where you are talking about money. And you gentlemen are dealing with a lot of people in this area that are concerned about farmland in the future. I understand, from what I read, is that there are a lot of farmers in part of this region that are not for this project, and with good – with good reason. This is really down to the money thing and what's really going to happen. It doesn't matter too much what Escalon is going to do with 75 houses per year or Tracy people there, in the government there. If the water is there, the developers are right behind. And this is where it starts or ends. Thank you.

CHAIRMAN ROOS: Thank you.

MR. HASKIN: Mr. Chairman, I would like to clarify something. I respect Phil's comments. But the official policy of the City of Escalon through several resolutions and votes on – concerning this project has been basically a four to one vote. Phil has differing opinions. But the official position of Escalon, we do approve the project. We would like to see it go forward.

CHAIRMAN ROOS: Do we have anyone from Tracy here?

MR. BILBREY: Dan Bilbrey, Mayor of the City of Tracy. Spelling of the last name is

B-i-l-b-r-e-y. Good evening, Mr. Chairman and members of the board. I'll be brief. I have some notes here, and I'm hesitant to stick with my notes, but to get through and same time, I need to do that.

But for a number of years, local government has been criticized for lack of planning, indecision, and self-devotion. Tonight, we are here to change that mind-set through the efforts of four communities, Manteca, Escalon, Lathrop, and Tracy. Regional planning is alive and well. Along with the South San Joaquin Irrigation District and the four cities, this new partnership has demonstrated good planning, problem solving at a regional level and never before seen in South County. While others have lost direction, these four cities have not waived in its commitment.

Planning and discussions have always included the following: Retention and use of water within the county, respect for agriculture, municipal users, and the environment, reduction and rehabilitation of groundwater resources, concern and respect for private property, and the improving of water quality and reliability.

The South County Surface Water Supply Project is a clear vision balancing urban needs with agricultural use. This project will create a positive near-term effect and provide for generations to come.

The Tracy City Council does not waiver in its endorsement of the project, and we ask that you approve it this evening. Thank you for your time.

CHAIRMAN ROOS: Thank you. We have a representative from Lathrop?

MR. McKEE: Good evening, Mr. Chair and Board. My name is Steve KcKee, Mayor of the City of Lathrop. Thank you for the opportunity coming before you this evening. It's hard not to be repetitious, but I'll try to keep my remarks on key.

First off, as being involved in city government and farming my whole life, I appreciate the efforts and – to make sure that, number one, the farmers left within the District are supplied with their water rights and for the crops that are necessary for their livelihoods. Also, I do think this is a good project to identify and keep the excess water that's been done through the efforts of SSJID through conservation to stay within this county. I also think it's good planning on the part of the cities and SSJID in order to make sure that we plan for a future not, as some people argue, growth inducing. I see it as a life insurance policy for the whole South County.

Regardless of our current water situation today, I know in Lathrop situation, we don't have to add one more house to be depleted on a daily basis of our water supply underground. Unfortunately, we can't draw walls, make walls and bury them into the ground. We draw out from one pot. We all draw from the same area. So given the situation in south county, it makes good planning sense, and also makes good sense, to keep the water in south – in South County, and also to ensure our residents, not only in the county, but in the cities, of a viable, good, viable source of water throughout the existence of our communities.

So wholeheartedly, and on behalf of my community, support the project and the efforts of what it is trying to accomplish. Thank you very much.

CHAIRMAN ROOS: Steve. City of Manteca.

MR. CRAWFORD: First off, I'm Jon Crawford, public works director for the City of Lathrop. I'm a licensed professional civil engineer, member of the American Water Works Association and American Public Works Association. Among my many responsibilities is the management and operation of the City's water supply distribution system. As a water professional, I am responsible to the City of – citizens of Lathrop to deliver to them the highest quality water at the lowest cost to the consumer.

While the City currently provides potable, affordable groundwater to its residents, salt water intrusion and increase of concentration of magnesium – of manganese and iron in the groundwater are reducing the palatability to the existing residents. As a result, the existing residents and the existing consumers of our water system overwhelmingly are supportive of this project and of the

delivery of a reliable, long-term source of potable water, not only for the residents today, but for their children tomorrow.

As the manager of Lathrop Water System, I respectfully request you make my job easier by providing a cost-effective, reliable source of water and certify the environmental documents and approve this project. Thank you.

CHAIRMAN ROOS: Thank you, Jon.

MR. PERRY: Mr. Chairman, my name is Carlon Perry, Mayor of the City of Manteca. We'll reserve our comments until later in the presentation.

CHAIRMAN ROOS: That's fine. Thank you. At this time, we will go into the public comment period. Is there – excuse me. Has anybody not filled out a public comment card who would like to speak? And if you still have your cards, could you turn those in now? Give those to Mr. Emrick here. He will call – oh, I'm sorry. He will call them up in the order that he has there. And, also, could you give them a one-minute notice when they get down to their final five minutes?

MR. EMRICK: I tried to pass that off, but it looks like I wasn't successful.

MS. HOLCOMB: Is it all right if I stand here?

MR. EMRICK: Georgiana, you're first.

MS. REICHELTL: Me?

MR. EMRICK: Georgiana.

MS. REICHELTL: I'm Georgiana Reichelt, 3605 East Louise.

The first thing I would like for you to do is correct my name in the EIR or the final EIR. Part of the time, you spell it right. The other part, you don't. I probably have never seen a worse put together document. There's pages, extra pages. It's a terrible put together project. I certainly hope the water treatment plant doesn't turn out as bad as this thing.

I have several things that are marked, but I have a couple of comments to make. First of all, if this document doesn't mean any more than the action that I saw you take Tuesday morning on encroachment. You have a policy of 30 feet, without even batting an eye, you didn't stick to it. You went right down to 25.

I was told that there wouldn't be one dime of SSJID money spent on this project. Lo and

behold, they voted to spend money. It's supposedly to protect our water rights. Well, our water rights will be protected without an attorney. That's not what we're opposed to. We're opposed to the water treatment plant, and there's quite a difference. So if you're spending our SSJID money on a water treatment plant, that's not water rights. And we were told you would spend no money, because you're not a participant, you're only the carrier.

I did take the liberty of trying to rush through this and mark all of the areas that I find aren't very well mitigated. In fact, I think once you approve it, it will go under a file like every other EIR and we'll never hear of it again, because that's the way all of the EIR's happen.

You didn't address if there's a drought. If there is a drought, and there is no way to get anymore groundwater after all of these houses are built, because right now, we're at a danger stage. So what are you going to do? There is no water.

I drove around Woodward probably two months ago. It's a very small lake. It isn't going to take an awful lot of homes in Lathrop and Tracy, who are outside of this district, to gobble up all of the water. What is our priority? We built that reservoir for farmers. That's what we bought and paid for, and that's who it was supposed to accommodate.

I have no objections for you selling the excess water. But building a water treatment plant is a whole new ball game. Sell your water, then in the drought areas when we need it, the farmers will have it or the people within the district.

I don't think you covered very well in the EIR on the drought. I think it's critical. Because they are going to build, build, build, believing they have water. All we take is one drought. Go back to Manteca before they built the Delta, it was a dust bowl.

As I have said before, there – you have no eminent domain. So if these farmers say you're not coming on our property, how do you propose to do it? Manteca can't. Escalon can't. Who is going to tell the farmers we're going across your property? Because you, as SSJID, have no eminent domain. And if I was a farmer out there and you wanted to cut my farm in half to serve districts outside – or towns outside our district for their growth, I will tell you to take a hike.

MS. HOLCOMB: One more minute.

MS. REICHEL: And because of time limitation, I cannot go through all of the things that you have not addressed.

You build your plant, the City has run out of money, they have no money. Who is going to be stuck? Are you going to close down the water treatment plant? Because I don't believe that the people are going to be able to afford for the water that you're putting out of that plant. I certainly hope we're not going to be stuck. And I can go on and on and on, but I don't think this entire book means a thing. I don't believe you're going to mitigate a thing. And I think it's a terrible project and a terrible book, and I urge you to vote no.

CHAIRMAN ROOS: Thank you for your comments, Georgiana.

MR. EMRICK: Steven Vermillion.

MR. VERMILLION: Good evening, Mr. Chairman and member of the Board. My name is Steve Vermillion. I represent the Carpenters Local 25 Manteca. I live in Manteca. I am here in support of the South County Central Water Supply Project. There will be jobs here as

well as good water to the area. Again, I would like to reiterate, Carpenters Local 25 Manteca supports the project. Thank you.

CHAIRMAN ROOS: Thank you, Steve.

MR. EMRICK: George Woods.

MR. WOODS: Good evening, Ladies and Gentlemen. I have just a brief statement. My name is George Woods. I'm with the Carpenters Local 25 Manteca, 410 Stockton. And I am here also in support of the project. I think it's going to be better quality water to the people who need it and also to the farmers. So I am in support. Thank you.

CHAIRMAN ROOS: Thank you, George.

MR. EMRICK: Mr. Crawford. I believe – I have your card, but I believe you made your comments.

MR. CRAWFORD: Yes.

MR. EMRICK: Unless you have anything else, we'll pass on you. Kevin Williams.

MR. WILLIAMS: Good evening, members of the board. My name is Kevin Williams. I'm the interim director of the Stanislaus County Parks and Recreation Department. The comments that

I'm going to give to you tonight I have here in writing. So if I could submit these to you for the record.

The use of Woodward Reservoir as a drinking water supply source would create significant impacts to recreational activities at that reservoir. As noted in the impact 4.3.2, the most significant impact would be the prohibition of body contact and recreation such as swimming, waterskiing, windsurfing, and jet skis.

The final EIR states that this impact could be mitigated by either measure 4.3.2a, which is a legislative waiver from the State Department of Health Service's prohibition against water contact, or b, measure 4.3.2b, which requires the installation of a raw water intake upstream and separated from the area of the reservoir used for body contact recreation.

At this time, and until at least of the year 2002, it appears that a legislative exemption is not obtainable. The Department of Health Services is studying reservoirs with exemptions. And their report is due out in the year 2002. Legislative staff we have contacted have indicated no exemptions will be passed by the legislature until – at least until the results of the report are out.

Therefore, the Department requests the Board of Directors to adopt mitigation measure 4.3.2, the installation of a second raw water intake upstream from the water contact areas. Of course, it would be ideal if this could be combined with a legislative exemption, if available, after the Department of Health Services report comes out to cover those periods where the water is taken from the main downstream intake at the dam.

Thank you for your consideration of these – of this request.

CHAIRMAN ROOS: Thank you, Kevin.

MR. EMRICK: Thomas Hutchings.

MR. HUTCHINGS: Good evening, Chairman, board members. My name is Thomas

Hutchings, H-u-t-c-h-i-n-g-s. I live in Manteca. I'm here also from the Carpenter Union Local 25. I urge you to support this project.

You gentlemen strike me as elders of the community. You have been around for some time. And I'm sure you very well know the history of the water in the eastern side of the Sierras. This project here strikes me as a win/win project. The farmers are going to win, residents are going to win, we are going to have recreation. So, please, I – it also will provide carpenters and other trades with a living wage and allow people to stay and live and work in an area that they want to call home, rather than having to commute over the hill to try and make a living out there. And it's tough. Thank you.

CHAIRMAN ROOS: Thank you, Thomas.

MR. EMRICK: Francisco Nieto.

MR. NIETO: My name is Francisco Nieto. I represent carpenters Union Local 25. And I am here, basically, in support. This water project, I believe it will bring better water quality for the city, and I fully support this project. Thank you.

CHAIRMAN ROOS: Thank you Francisco.

MR. EMRICK: Waldo.

MR. HOLT: I am Waldo Holt, conservation chair of San Joaquin Audubon Society, 3900 River Drive in Stockton. We are concerned that an honest analysis of this project is not being provided in the environmental impact report. We agree with many appropriate fitting and relevant comments found in the relevant parts of the EIR. The flawed analysis of the project's impact seems to have tested the forbearance of the many reviewers as evidenced in the letters by California Department of Conservation, California Department of Fish and Game, Sierra Club, the United States Bureau of Reclamation, California Department of Water Resources, Stanislaus County Parks and Rec, San Joaquin County Farm Bureau Federation, California Farm Bureau Federation, Stanislaus County Chief Executive Office, Delta and South Delta Water Agency.

These letters point out project related impacts to downstream and other beneficial users to natural resources and to water quality. For instance, the EIR concludes that there are no significant impacts to water quality and natural resources. This conclusion is preposterous.

The project diverts water out of the river basin. Why don't you just admit the obvious fact that there are significant impacts related to this water transfer, and then do the responsible thing and mitigate. You stand to rake in huge profits for this water transfer. Why not simply mitigate for your significant impacts. Thank you.

CHAIRMAN ROOS: Thank you Waldo.

MR. EMRICK: Bill, you're next.

MR. JENNINGS: Chairman Roos, Directors, Steve. Bill Jennings representing – that's J-e-n-n-i-n-g-s, 3536 Rainier Avenue in Stockton, representing Delta Keeper, Water Keepers of California, and California Sport Fishing Protection Alliance.

My comments are considerably longer than five minutes, so I'll go until you tell me to shut up, and then I'll submit them for the record.

The FEIR is little more than distortion and half truth, attempting to weave an artificial reality in order to justify a predetermined conclusion. It endeavors to hide adverse project

impacts through an elaborate modeling shell game and by ignoring impairments to water quality.

It ludicrously asserts that only flow reductions greater than 25 percent cause potentially significant or significant impacts. The response to comments was, frankly, unresponsive. Smoke and mirrors cannot hide the multitude of adverse environmental effects this project will cause, nor divert attention from the egregious inadequacies of the FEIR.

The proposed project will reduce flows in an already depleted waterway, exacerbate water quality conditions in already polluted rivers, harm endangered species and what is identified as critical habitat, and cost downstream cities, industry, and agriculture many millions of dollars in their efforts to address existing problems.

Modeling is only a predictive tool. It's not a substitute for common sense and empirical data. Models are easily manipulated. The accuracy of model input depends upon the accuracy of input assumption and data. The sum changes the coefficient. Underlying assumptions and data drive results. It's the old story, garbage in, garbage out.

The EIR's modeling reports show that if more water is diverted to urban consumption, more water remains in the river. It asks us to suspend credibility and believe in a perpetual water machine.

Unfortunately, in the real world, when water is removed from the system, less water remains in that system. The proposed project and the companion transfer at Stockton East would divert more than

ten percent of the average instream flow as measurable influence, San Joaquin, around lower regions of Stanislaus and San Joaquin.

The EIR's flawed conclusions are predicated on later historical diversion estimates. It states that the OID says they have historically diverted 300,000 acre feet. But the data demonstrates that neither OID nor SSJID historically diverted their maximum allocation. The only time full allotments were diverting tail water was cascading back into the river.

The EIR fails to document or quantify alleged water savings. Only by claiming that historical diversions are far higher than they actually were can the EIR reach its conclusion of no adverse impacts. The modeling also failed to accurately assess return flows to the river. We are going to submit for the record an excerpt from the 1995 Montgomery Watson study for OID that demonstrates the return flows for the OID area comprise approximately a third of the water applied to land.

The EIR ignores the salient fact that the interim operations plan is a year to year agreement that cannot maintain fish flows during drought years. It is improper to base modeling assumptions on an operating plan that is not protecting the instream resources during droughts. Common sense dictates the inflow or precipitation to the Stanislaus either remains in storage, evaporates, percolates to ground, is diverted to land application, which case, much of it returns to the river, or it flows down the river. Specifically, water applied to Tracy will either evaporate, percolate, or be discharged into Old River at a point just upstream of the export pumps. Sierra snow melt piped to Manteca and Lathrop will evaporate, percolate, or be discharged in a polluted form in the lower San Joaquin. Water shipped to Stockton will evaporate, percolate, or be discharged as polluted water into the Delta. Water diverted in the foothills and transferred by a

peripheral tube to downstream urban areas cannot support instream beneficial uses. Water delivered down the Stanislaus supports multiple beneficial uses.

The EIR is deficient because it failed to evaluate the reasonable alternative of instream water delivery.

Now, I'm going to skip here and I'm going to skip my model. Let's see, most of the stuff on water.

Okay. The FEIR comment responders dismissed our references and comments regarding issues common with the OID/SSJID project EIR by saying that we had failed to attach the relevant documents. Accordingly, for the record, we are submitting the OID, SSJID, Stockton East Water Transfer Project, DEIR and FEIR insofar as they're pertinent to the projects. And I can explain the cite while we submitting these and other documents in there to justify it.

MS. HOLCOMB: That's five minutes.

CHAIRMAN ROOS: Thank you, Bill.

MR. EMRICK: Bill, your comments are all in your document there, your written reports?

MR. JENNINGS: Yeah.

MR. EMRICK: You can keep your copies. We have all those documents.

MR. JENNINGS: You don't have some of those.

MR. EMRICK: That's fine. Eric Parfrey.

MR. PARFREY: I'm Eric Parfrey. My address is 1421 West Willow Street in Stockton, and I'm a professional city planner. I'm a former planner for San Joaquin County, lived her in the county for 15 years.

I submitted a five-page letter on behalf of the Mother Lode chapter of the Sierra Club. We commented extensively on the draft EIR. I wrote this letter last night commenting on what I saw as the gross deficiencies of the final EIR.

Specifically, the final EIR is formatted so that there are six, quote, unquote, "master responses" to most of the comment issues that have come up in the comment letters. This is a format that's allowed under the California Environmental Quality Act. However, you have to be careful when you use this format, because you run the risk of not responding to very individualized comments. And I have cited a number of instances where, for example, the letter from the U.S. Bureau of Reclamation and our letter, which was the Sierra Club, asked for more detail about, quote, unquote, the rigorous conservation efforts over the last ten years that was described in the draft EIR inadequately. And the response to the Bureau, as well as the response to our comment, was go fish, go see the master response, which did not have anything about conservation efforts in it.

We noticed that the project description of the project has actually changed. The original draft EIR, mentioned that the District would use pre-1914 and post-1914 water supplies. Now, there have been changes in the final EIR which have deleted all references to post-1914 water supplies.

We think this redefinition of the project is significant. It seems to get at some of the

issues that are raised by some of the major agencies commenting such as the Bureau, the Department of Water Resources, State Water Quality Control Board. We would like to know what these commenting agencies have to say about this shift in the project description.

Section 21092.1 of the California Environmental Quality Act requires a recirculation of the EIR if, quote, unquote, “significant new information” or quote, unquote, “substantial changes are made.” So you always have a balancing act, how much new information is in the responses, in the final EIR, and have you gone just beyond the threshold where you need to recirculate it to everybody, give everyone an opportunity to review all the new stuff in the final EIR.

I think there appears to be a conflict between the characterization of the project by the proponents, the cities, and the EIR writers, and the involved Federal and State agencies. The final EIR fails to resolve or even include a good explanation of this conflict. Instead, the master response on water rights text is written in a very unobjective, biased, and advocacy type tone, which is not appropriate for an EIR.

This final EIR contains new, quote, unquote, “substantial information,” which will no doubt come as a surprise to the reviewing agency, and the EIR should be recirculated for their review and further comments.

Mr. Jennings and other speakers have already touched upon the next issue, which clearly is an inadequate final EIR, which is the fact that it’s not credible to suggest you can divert 10 percent of the flow of the Stanislaus River out, take it out of the basin elsewhere, and expect that there are no impacts to water quality or water further downstream.

The people who should be here to speak out tonight are the farmers who have riparian rights along the San Joaquin River, because they have superior rights. They will be hit directly by this diversion of the water out of the Stanislaus River.

The other people who will be directly affected by this water transfer, and it is a water transfer, will be people like me, urban people, who live in Stockton who are paying very high sewage treatment rates already. And our rates will skyrocket in the future.

We have a huge dissolved oxygen problem in the San Joaquin River, as you’re aware, right near where the City of Stockton dumps the effluent in from the sewage treatment plant. This EIR does nothing to assuage our major, major concern that taking 10 percent of the flows out is going to further degrade water quality downstream, especially down the lower part of the San Joaquin River, and will cause major, major problems to the four cities which are already going to end up spending hundreds of millions of dollars to upgrade sewage treatment plants.

Finally, the growth inducing projects of this plan should be obvious to anyone. The amount of water being diverted here, as well as the OID water transfer to Stockton East amounts to housing for the next 375,000 people in Stockton, Tracy, Manteca, and Lathrop. The 44,000 acre feet here, could serve 60 to 75,000 new homes over the next 200,000 people in southern San Joaquin County. San Jose, here we come.

Lathrop is totally dependent on this water supply. If this water supply doesn’t go through, Colifia (phonetic) collapses, which I hope will become a reality.

I hope that you - all think very, very seriously about this major decision, because it

literally is the future of San Joaquin County. Thank you.

CHAIRMAN ROOS: Thank you, Eric.

MR. EMRICK: That's all the comment letters. Is there anyone else? Yes, City of Manteca.

MR. PERRY: Good evening, Chairman and members of the Board. My name is Carlon Perry, Mayor of the City of Manteca. And I'm proud to stand before you this evening in support of your certifying and approving of the EIR. We stand with the other cities in the project area. We stand with the Carpenters Union that represents the working men and women of this area. In watching the presentation this evening, the EIR did address the growth issue; it did address Woodward Reservoir; it did address the river flow; it did address the farmers' concerns; it did address the city dwellers' concerns; it addressed water rights; it addressed groundwater along with the surface water concerns; it addressed the treatment plant and its distribution method concerns. And it brings to thousands of people in the south county a much - needed water source that will benefit each and every one of those in this project area.

We, the City of Manteca, the city counsel and its 50,000 residents support and encourage you to certify and approve the EIR. Thank you.

CHAIRMAN ROOS: Thank you, Carlon. Anyone else that would like to speak?

MR. MARTY: I can't let that go. Phil Marty, City of Escalon. I just want to – I'm new to politics, but I didn't know that when you asked for people from the cities, that were representing the cities, to speak first, we could strategically wait and come up with the last, final word to you.

I just want to say that for every action, there is an equal and opposite reaction. The man from Stockton is right when he says it's going to impact the people downstream. We don't live in these islands. Escalon, the town I live in, sometimes believes that we live in an island, and somehow we can just put up a barrier. Everything – this water that is going to be taken out of one area, it's going to impact other people. I'm all for jobs, but the people from the Bay Area, you build the homes, they're going to keep on coming from the Bay Area. And everyone has to live somewhere. I'm not going to go to that argument. But I have to say, you do have a really big decision. I think it's already decided, but that's what I'm hearing.

CHAIRMAN ROOS: Thank you. I have the idea – representatives, just to clarify, that was some of the representatives from the cities that were representing the city councils that they were on were – had a chance to speak, because they are part of this project. That was why they weren't part of the public comment part of it. It could have been done either way.

MR. MARTY: No, I understand that. That is the Mayor of the town, right? They were supposed to speak first, that's all. See, it's a lesson in politics. I'll remember next time.

MR. EMRICK: I have a card from Sarah Van Klompenberg.

MS. VAN KLOMPENBERG: Hi. Van Klompenberg, V-a-n K-l-o-m-p-e-n-b-e-r-g. And my concern, after sitting in on many meetings and such and reading the EIR and such, my main concern is, at this point, if you approve this – the EIR and the project tonight, and I am concerned that you may be giving away your right to say what route should be taken. And I think that, definitely, that you should consider that either the specifications that the route be

approved additionally by you, or also that you just outright say that the route will stay on city streets. I would hate to see after all the time and energy that you have put into this that you would give up your right to specify a route and leave it in other people's hands. Because you people are farmers. You know where this stuff is going and you need to be in control of this. Thank you.

CHAIRMAN ROOS: Thank you, Sarah. If there are no – anymore further comments, I would like to thank each and every one of you for your comments and concerns about this project. We appreciate that very much. At this time, before we go on to the second part of consideration of the document resolution, we would like to take a short recess of maybe seven minutes or so, and then we'll come back here. Okay?

(A break was taken.)

CHAIRMAN ROOS: At this time, I would like to entertain a motion on the resolution from the board.

DIRECTOR KAMPER: I'll make a motion that the Board approves Resolution 2000-09-W of the Environmental Impact Report.

DIRECTOR SCHULZ: I'll second, Mr. Chairman.

MR. EMRICK: Just for the record, allow me to read the title of the Resolution.

CHAIRMAN ROOS: Motion is made by Vice President Kamper and seconded by Director Schulz. Would you read that, Steve?

MR. EMRICK: Resolution is number 2000-09-W. And it's entitled Resolution Certifying Environmental Impact Report of the South County Surface Water Supply Project, making certain findings and determinations regarding said report and project, adopting and incorporating into the project certain mitigation measures and mitigation monitoring and reporting program for such

mitigation measures, adopting a statement of overriding considerations for unavoidable significant impacts on the environment, approving the South County Surface Water Supply Project.

CHAIRMAN ROOS: Okay. Are there any comments? Are there any from the Board? Are there any comments or advice from Counsel on this matter, things that have been talked about and –

MR. EMRICK: No. Our recommendation is that the Board move forward.

CHAIRMAN ROOS: Okay. At this time, Director Haworth, do you have anything you would like to say?

DIRECTOR HAWORTH: I just worked on this a long time, and I think that the Board's general opinion is to keep this water in the county. Our fear is that we will lose this water. It will go out of county and end up in LA. I don't really want to see growth – basically, we're all agricultural farmers. And I think we're doing the right thing. I got on the board 11 years ago. And I said I would do the right thing by the City of Manteca people, people I represent in the farms, agriculture. My basic opinion is I think we're doing the right thing by both people with this project. So I support it for that reason.

CHAIRMAN ROOS: Thank you, Lloyd. Director DeGroot.

DIRECTOR DEGROOT: Well, I have the same feeling. When I sat on the advisory board on the County for the Board of Supervisors, they always told us that the Board was formed to keep the water the County. Keep it in the County. Don't bring it outside. Don't – just take care of the County. And this is what we're trying to do right now. And I think I'm totally in favor of it, to keep the water in the County and support the water for the County.

CHAIRMAN ROOS: Thank you. Director Schulz.

DIRECTOR SCHULZ: Well, the biggest question I had, and I think I had that answered by legal counsel, I guess I represent the biggest ag portion of this project. And I have a lot of farmers out there that are very disturbed about the route. And I'm under the impression now that there's three alternates, and that decision still lays with the Board; is that correct?

MR. EMRICK: That's correct.

DIRECTOR SCHULZ: Okay. Then I'm very well satisfied with that, that the Board will make the decision on the route, final decision.

CHAIRMAN ROOS: Thank you, Bob. Director Kamper?

DIRECTOR KAMPER: I am in support of this project. And it obviously has some shortcomings or negative impacts, but we can't stick our head in the sand and pretend all these people are going to go away either. In terms of impact, I think the study has done a real good, thorough job of covering every aspect. I'm in support of it.

DIRECTOR ROOS: Okay. Thank you, Mr. Kamper. I, myself, feel the same way. When I was elected on the Board, this project was already in the works. And I feel that we have a responsibility first to take care of our farmers. That's what the Irrigation District was set up to do. And we have set up conservation methods, and Directors have, before I came on the Board, have conserved water to the point to where there's a lot of other folks in the State that are looking at it to utilize this water. And if we don't do something in our own area to assure our people that this water stays within our – first of all, our cities and our irrigation district, and then next, to the cities that are in our county, I think we have a real responsibility to. And that's one of the main reasons why I'm supporting this project. At this time, roll call vote on this.

MR. EMRICK: As to the Resolution, Mr. DeGroot?

DIRECTOR DEGROOT: Yes.

MR. EMRICK: Schulz?

DIRECTOR SCHULZ: Yes.

MR. EMRICK: Kamper?

DIRECTOR KAMPER: Yes.

MR. EMRICK: Hayworth?

DIRECTOR HAWORTH: Yes.

MR. EMRICK: Roos?

CHAIRMAN ROOS: Yes.

Motion has been carried unanimously. And the meeting is adjourned until next Tuesday, June the 6th.

(The meeting adjourned at 7:25 p.m.)

RESOLUTION NO. 2000-09-W

RESOLUTION CERTIFYING ENVIRONMENTAL IMPACT REPORT ON THE SOUTH COUNTY SURFACE WATER SUPPLY PROJECT, MAKING CERTAIN FINDINGS AND DETERMINATIONS REGARDING SAID REPORT AND PROJECT, ADOPTING AND INCORPORATING INTO THE PROJECT CERTAIN MITIGATION MEASURES AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR SUCH MITIGATION MEASURES, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS FOR UNAVOIDABLE SIGNIFICANT IMPACTS ON THE ENVIRONMENT, AND APPROVING THE SOUTH COUNTY SURFACE WATER SUPPLY PROJECT.

WHEREAS the South San Joaquin Irrigation District (“District”), as the Lead Agency under the California Environmental Quality Act (“CEQA”) has prepared the three volume document entitled “South County Surface Water Supply Project Final Environmental Impact Report,” herein referred to as the “Final EIR”; and

WHEREAS at a duly-noticed special meeting held on May 30, 2000, at the District’s office located at 11011 E. Highway 120, Manteca, the Board of Directors of the District (“Board”) considered whether to certify the Final EIR, adopt mitigation measures and a mitigation monitoring and reporting program, make certain findings and determinations relating to the environmental impacts of the proposed South County Surface Water Supply Project, and, subject to said findings and the adoption of said mitigation measures and said mitigation monitoring and reporting program, approve the South County Surface Water Supply Project;

Now, therefore, the Board finds, determines and resolves as follows:

I. GENERAL FINDINGS AND OVERVIEW

A. Purpose

The findings and statement of overriding considerations set forth in this resolution (“findings”) are made and adopted by this Board as its findings under CEQA relating to the South County Surface Water Supply Project, referred to in this resolution as the “SCSWSP” or the “Project.” The findings set forth the written analysis and conclusions of this Board regarding the environmental impacts of the SCSWSP, mitigation measures, alternatives to the proposed SCSWSP, and the overriding considerations that in this Board’s view justify approval of the SCSWSP project despite its environmental impacts.

B. Description of Environmental Impact Report

For purposes of the findings, the Final EIR consists of the three volumes of the Final EIR, including the volume entitled “Draft South County Surface Water Supply Project Environmental Impact Report,” the volume entitled “Draft EIR Appendices,” and the volume entitled “Final Environmental Impact Report,” and all attachments and appendices thereto, and documents incorporated by reference into the Final EIR.

C. Description of South County Surface Water Supply Project

The SCSWSP involves construction and operation of a new water treatment plant and water transmission facilities to deliver treated potable water to the Cities of Manteca, Escalon, Lathrop, and Tracy (the “Participating Cities”). SSJID’s source of supply is the Stanislaus River. SSJID proposes to develop the SCSWSP in two phases: first to supply approximately 31,000 acre-feet per year, and ultimately to supply approximately 44,000 acre-feet per year. The proposed water treatment plant would be located near SSJID’s Woodward Reservoir in Stanislaus County. Water would be delivered from Woodward Reservoir to the water treatment plant. The total water treatment plant site is approximately 90 acres; treatment facilities would occupy about 40 acres of the 90-acre site. A 36.5-mile pipeline ranging in diameter from about 20 to 54 inches would carry treated water from the water treatment plant to

turnouts for each of the Participating Cities. A pump station would be constructed on the east side of Tracy to deliver water to the City of Tracy and the pipeline would end near the MacArthur Drive/Linne Road intersection south of Tracy. The District has entered into Water Supply Development Agreements with each of the Participating Cities, and the Project is subject to the terms of those agreements. The Project is described in more detail at pages 3-1 through 3-59 of the Draft Environmental Impact Report, and that description is incorporated herein by reference.

D. Record of Proceedings and Custodian of Record

The record upon which this Board's findings and determinations are based includes, but is not limited to, the following:

1. The Final EIR
2. All documentary and oral evidence submitted to the District prior to the close of the District's public meeting on the Project
3. All other documents constituting the record pursuant to Public Resources Code section 21167.6; and
4. All matters of common knowledge to this Board, including, but not limited to, the District's records, policies and guidelines.

The custodian of the documents described above constituting the record of proceedings is Richard Martin, District General Manager, South San Joaquin Irrigation District, 11011 East Highway 120, Manteca, California 95336.

E. Consideration and Certification of the Final EIR

This Board hereby certifies that the Final EIR was presented to this Board and the members of this Board have reviewed and considered the information contained in the Final EIR, pursuant to CEQA Guidelines section 15090(a).

This Board hereby certifies that the Final EIR has been completed in compliance with the California Environmental Quality Act.

This Board hereby certifies that the Final EIR represents the independent judgment and analysis of this Board.

This Board hereby ratifies, adopts, and incorporates into this resolution and these findings the analysis, explanation, responses to comments, and findings and conclusions of the Final EIR, except where they are specifically modified by these findings.

F. Changes In Final Environmental Impact Report

This Board hereby makes the following findings regarding the additions, clarifications, modifications and other changes contained in the Final EIR made in response to comments on the Draft Environmental Impact Report (DEIR) and other information which was obtained by the District after the DEIR was issued: The changes and additional information contained in the Final EIR are not significant new information as that term is defined by CEQA. The changes and additional information do not indicate that any new significant environmental impacts not already evaluated would result from the Project or from any new mitigation measure and they do not reflect any substantial increase in the severity of any environmental impact; furthermore, no feasible mitigation measures considerably different from those previously analyzed in the DEIR have been proposed but not adopted that would lessen significant environmental impacts of the Project, and no feasible alternatives considerably different from those analyzed in the DEIR have been proposed but not adopted that would lessen significant environmental impacts of the Project.

II. FINDINGS RELATING TO MITIGATION MEASURES, ENVIRONMENTAL IMPACTS, AND ALTERNATIVES

A. Findings Relating to Mitigation Measures

1. Findings Regarding Modifications to Mitigation Measures Made by the Final EIR.

Since the DEIR was published in July 1999, additional mitigation measures were identified in response to comments and further information pertaining to mitigation of various potential project impacts was incorporated in the Final EIR. As a result of this further analysis in the Final EIR, additional mitigation measures were identified and incorporated into the Final EIR, and several mitigation measures identified in the DEIR were modified by the Final EIR or by this Board. This Board hereby makes the following findings regarding these changes to the mitigation measures:

(a) The Board hereby finds that the following new mitigation measures were identified and incorporated in the Final EIR in order to augment the mitigation measures already contained in the DEIR. The potentially significant impacts that these new measures will address would be lessened to a level of insignificance with the mitigation identified in the DEIR; the additional mitigation will further reduce residual Project impacts:

(i) New mitigation measure 4.5.2b, relating to operational emissions at the water treatment plant, Tracy pump station, raw water intake and pipelines, and water transmission lines.

(ii) New mitigation measure 4.7.4d, relating to the impacts of loss of trees.

(b) The Board further finds that the following mitigation measures identified in the DEIR were modified by the Final EIR in order to clarify their provisions or strengthen their effectiveness. The Board hereby further finds that each of the following mitigation measures, as modified, is as effective, or more effective, at reducing impacts on the environment as the mitigation measures in the form they were originally proposed in the DEIR:

(i) Mitigation measure 4.3.1d, which is designed to mitigate potential contamination of Woodward Reservoir from watershed activities.

(ii) Mitigation measures 4.7.1b and 4.7.1c, which are designed to mitigate potential loss of jurisdictional wetlands.

(iii) Mitigation measure 4.7.3c, which is designed to mitigate potential loss of annual grassland.

(c) The Board further finds that mitigation measure 4.8.2a, which is designed to mitigate water treatment plant noise, was modified by the Final EIR and has been further modified as shown in Appendix 1 to this resolution, in order to further clarify the measure and strengthen its effectiveness as shown in the Final EIR and in Appendix 1. Mitigation measure 4.3.1b, which is designed to mitigate water quality effects at Woodward Reservoir, has also been modified as shown in Appendix 1 to this resolution, in order to clarify that measure. Mitigation measures 4.3.2a and 4.3.2b, which are designed to mitigate recreational impacts, were modified in the Final EIR and have also been further modified as shown in Appendix 1 to this resolution in order to clarify those measures. The Board hereby finds that each of the foregoing mitigation measures, as modified, is as effective, or more effective, at reducing impacts on the environment as the mitigation measures in the form they were originally proposed in the DEIR.

2. Adoption of Mitigation Measures.

This Board hereby adopts, and incorporates as conditions of its approval of the Project, the mitigation measures set forth in Appendix 1 to this resolution as the mitigation measures applicable to the SCSWSP.

The mitigation measures contained in Appendix 1 are the mitigation measures for the SCSWSP upon which this Board's findings are based.

3. Intention to Adopt All of EIR's Mitigation Measures.

In adopting these mitigation measures this Board hereby states its intention to adopt each of the mitigation measures recommended in the Final EIR subject only to the specific modifications referred to in these findings. Accordingly, in the event a mitigation measure recommended by the Final EIR has inadvertently been omitted from Appendix 1, that mitigation measure nonetheless is hereby adopted and incorporated in Appendix 1 by reference.

4. Adoption of Mitigation Monitoring and Reporting Program.

This Board hereby adopts the mitigation monitoring and reporting program attached as Appendix 1 to this resolution as the mitigation monitoring and reporting program for the Project.

5. Findings Regarding Additional Mitigation Measures Proposed in Comments on the DEIR.

With respect to those additional mitigation measures suggested in comments on the DEIR which were not recommended by the Final EIR and adopted by this Board as provided above, this Board hereby rejects those mitigation measures. The responses to comments in the Final EIR explain why the proposed mitigation measures are not recommended by the Final EIR for adoption and this Board adopts and incorporates by reference the reasons stated in the responses to comments contained in the Final EIR as this Board's grounds for finding that these proposed mitigation measures should not be adopted.

With respect to those additional mitigation measures suggested in comments on the DEIR which were recommended by the Final EIR, and adopted by this Board, only in partial or modified form, this Board hereby finds that the responses to comments in the Final EIR explain why the proposed mitigation measures were recommended by the Final EIR for adoption only in partial or modified form, and this Board adopts and incorporates by reference the reasons stated in the responses to comments contained in the Final EIR as the Board's grounds for finding that these proposed mitigation measures should be adopted only as provided above.

B. Findings Relating To The Environmental Impacts Of The South County Surface Water Supply Project

1. Standard for Findings.

This Board intends this resolution to set forth the Board's findings that are required under Public Resources Code Section 21081 for each potentially significant and significant impact identified in the Final EIR before approving the SCSWSP. Section 21081 requires that this Board make one or more of three findings:

a) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

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

c) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly

trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

2. Findings Regarding Adoption of Mitigation Measures and Mitigation or Avoidance of Potentially Significant Effects.

As set forth above, this Board adopts all of the mitigation measures that are recommended by the Final EIR and set forth in Appendix 1 and this Board finds that none of those mitigation measures is infeasible.

Based upon the analysis, findings and conclusions expressed in the FEIR, and the judgment of this Board based on the evidence in the record, this Board further finds that, with the exception of the environmental effects referred to in part 4 below, each of the significant or potentially significant effects of the Project will be reduced to a less than significant level with implementation of the mitigation measures set forth in Appendix 1.

3. Findings Regarding Actions by Other Agencies.

This Board hereby finds that all of the mitigation measures herein adopted by this Board are within the authority and control of the District and their implementation will be monitored by the District, except that the following mitigation measures, which are summarized briefly below and are described in detail in the Final EIR and in Appendix 1, are also within the responsibility and jurisdiction of other public agencies. To the extent approval of these measures is within the jurisdiction of another public agency, the Board finds that they can and should be approved by that agency.

a) Woodward Reservoir. In order to mitigate the Project's effects on body contact recreation in Woodward Reservoir, SSJID will implement at least one of the following two measures.

i. Obtaining Waiver. Under Mitigation measure 4.3.2a, SSJID will obtain a legislative waiver from state Department of Health Service regulations such that the prohibition on body contact recreation activities does not apply to Woodward Reservoir; or

ii. Construction of Second Intake. Under mitigation measure 4.3.2b, SSJID will design, construct, and operate a second raw water intake at Woodward Reservoir, upstream and separated from the area of the Reservoir used for body contact recreation, and seek authorization from the state Department of Health Services for body contact activities to continue in the downstream portion of the reservoir.

b) Revisions to County's Recreation Program. In order to further mitigate the Project's effects on recreation at Woodward Reservoir, SSJID will request that Stanislaus County Parks Department develop revised recreation programs, upgrade and expand existing facilities, and eliminate those facilities and activities not in compliance with water quality protection regulations as provided by Mitigation Measure 4.3.2c.

c) Woodward Reservoir Source Control Measures. Implementation of water pollution source control measures by the Stanislaus County Parks Department as provided in Mitigation Measures 4.3.1a, 4.3.1c, 4.3.1d.

4. Findings Regarding Remaining Significant Environmental Effects.

This Board hereby finds that the significant impacts of the Project remaining after imposition of the mitigation measures adopted by this Board are limited to the Project's growth accommodating impact. This impact, which is described in the Final EIR in detail, may be summarized as follows:

By providing water to the cities of Manteca, Escalon, Lathrop, and Tracy, the project would support and thereby accommodate growth and development within the four Participating Cities. Such growth and development would result in secondary environmental effects. The environmental consequences of growth and development within the Participating Cities have been addressed in the general plans and area plans and their associated EIRs and other related documentation adopted by the Participating Cities. Certain impacts associated with growth planned by these cities have been determined to be significant and unavoidable. Those impacts are listed at page 7-25 of the DEIR and are discussed in greater detail at pages 7-25

through 7-27 and pages 7-31 through 7-58 of the DEIR. They are also summarized in Appendix E-2 of the DEIR. Those discussions of the significant and unavoidable impacts that may result from planned growth are incorporated herein by reference.

This Board further finds that the environmental effects of planned growth, and the measures that have been proposed by the Participating Cities to mitigate those effects, are summarized at pages 7-23 through 7-58 of the DEIR and in Appendix E-2 of the DEIR. Said measures are within the responsibility and jurisdiction of those agencies, and not SSJID, and have been adopted by the Participating Cities.

C. Findings Relating to Alternatives

This Board hereby finds that the Final EIR sets forth a reasonable range of alternatives to the SCSWSP sufficient to foster informed public participation and informed decision making and to permit a reasoned choice, and that the Final EIR adequately discusses and evaluates the comparative merits of the alternatives. In making these findings, the Board recognizes that each of the alternatives has benefits as well as disadvantages. However, on balance, the Board finds that the Project is superior to each of the rejected alternatives. The Board's reasons for rejecting the following alternatives are based on the analysis of the Final EIR, which is incorporated herein by reference, and which is summarized below.

This Board hereby finds that the following SCSWSP alternatives set forth in the Final EIR would not allow the full attainment of the objectives of the SCSWSP or the benefits of the SCSWSP set forth below in the Statement of Overriding Considerations, and that their limited environmental benefits do not justify their adoption in light of these factors. Accordingly, the Board rejects these alternatives.

This Board makes the following further specific findings with respect to the alternatives identified and discussed in the Final EIR as separate and independent grounds for adopting the SCSWSP rather than the alternatives:

1. No Project Alternative.

The No-Project Alternative is infeasible, as that term is defined by CEQA, and the Board hereby rejects this alternative for the following reasons:

The No Project Alternative would not satisfy the purpose and need for the Project and could not feasibly attain most of the Project objectives. It would not meet the objective of providing a safe, reliable drinking water supply first to the SSJID service area and, as possible, to communities within the South County Area. It would not meet in-County water demand with a county supply. It would not maximize operational flexibility, efficiency, and safety. It would not achieve project objectives in a cost-effective manner that limits system capital costs, operations and maintenance costs, and user rates to the extent possible.

2. Alternative Facility Sites.

The alternative facility sites evaluated in the Final EIR are infeasible, as that term is defined by CEQA, and the Board hereby rejects these alternatives for the following reasons:

The Final EIR evaluates the following additional alternative treated water pipeline alignments: Main Canal Alignment and Railroad Alignment. While either of these two alignments would meet the majority of the project objectives, the costs associated with these alternatives would be significantly higher than the costs of the three alignments analyzed for the Project. Therefore, the objective associated with cost-effectiveness may not be realized. In addition, these two alignment alternatives may not maximize operational flexibility and efficiency. Furthermore, environmental impacts associated with these two alternative alignments would generally be greater than those associated with the proposed Project alignments. The Final EIR further identifies the reasons that these two alternate alignments would have generally greater environmental impacts than the proposed Project alignments.

The Final EIR also evaluates the following alternate Water Treatment Plant sites: the South Manteca Site, the Stockton East Water District ("SEWD") Alternative, and three alternate Woodward Reservoir water treatment plant sites. Those sites are described in more

detail at pages 6-18 through 6-22 of the DEIR. While each of the alternate water treatment plant sites would meet a majority of the project objectives, the costs associated with the South Manteca, SEWD WTP, and two of the Woodward Reservoir alternatives would be significantly higher than the cost of the WTP sites analyzed for the proposed project and might not meet the objective of cost-effectiveness. From an engineering standpoint, the SEWD Alternative may not maximize operational flexibility and efficiency. The SEWD and South Manteca alternatives would not provide for service to Escalon. The Final EIR further identifies the reasons that the proposed water treatment plant site is the environmentally superior site among the alternatives considered.

3. Water Storage Alternatives.

The Raw Water Storage alternatives evaluated in the Final EIR are infeasible, as that term is defined by CEQA, and the Board hereby rejects these alternatives for the following reasons:

The Final EIR evaluates the following two raw water storage alternatives: the Stockton East Water District Alternative and the New Storage Reservoir Alternative. Those alternatives are described in more detail at pages 6-24 through 6-26 of the DEIR. These alternatives would allow SSJID to provide a reliable water supply that would meet in-county water demand and reduce the demand on the regional groundwater aquifer. However, they would not meet the project objectives of maximizing operational flexibility and efficiency, achieving project objectives in a cost-effective manner, or achieving project objectives in a manner that minimizes environmental impacts and avoids impacts to other water users.

Under the Stockton East Water District alternative, significant improvements to the existing raw water conveyance system would be required, and a greater number of treated water conveyance facilities would be required than under the Project, which would result in both greater environmental impact and area of disturbance and higher cost. In addition, under this alternative, Escalon would be unable to participate in the Project.

Under the New Storage Reservoir Alternative, SSJID would not have enough water supply both to maintain the water levels in Woodward Reservoir that support recreation activities through the summer and to supply a second reservoir for the Project. The environmental impacts of this alternative would be greater than those under the project, because the New Storage Reservoir Alternative would include construction of a new storage reservoir as well as construction of all of the facilities proposed under the Project. This alternative would also be significantly more expensive than any of the other alternatives and could result in additional significant environmental impacts which were not identified for the proposed project. The Final EIR further identifies the reasons that the proposed Project is environmentally superior to the Raw Water Storage Alternatives.

4. Reduced Capacity Alternative.

The Reduced Capacity Alternative evaluated in the Final EIR is infeasible, as that term is defined by CEQA, and the Board hereby rejects this alternative for the following reasons:

Under the Reduced Capacity Alternative, only facilities to meet Phase 1 capacity would be constructed or operated. This alternative would meet all of the Project goals in the short term. However, in the long term, it would not meet the Project goals of meeting in-county water demand with a county supply, minimizing increasing water imports and maximizing local reliance or of providing water supply and treatment capacity at a level that supports existing and planned growth and development consistent with approved general plans.

5. Additional Suggested Alternatives.

In their comments on the DEIR, several commentators suggested additional purported alternatives for evaluation in the EIR. This Board hereby finds that each of these purported alternatives to the SCSWSP is not a viable alternative to the SCSWSP because it will not achieve most of the primary objectives of the SCSWSP and is not a feasible alternative to the SCSWSP as that term is defined by CEQA, as is explained in the responses to comments contained in the Final EIR. This Board hereby adopts and incorporates in these findings by reference the reasons stated in the responses to comments contained in the Final EIR as this Board's grounds for rejecting adoption of these proposed alternatives.

D. Determination And Findings Relating To Pipeline Route

The Board finds that the Final EIR described and analyzed the environmental effects of the following three pipeline alignments: the Dedicated Right-of-Way Alignment, the Dodds Road Alignment, and the Lone Tree Road Alignment (the "Project Alignments"). The EIR concluded that, with implementation of the mitigation measures recommended by the EIR, and adopted by this Board, no significant impacts would result from use of these alignments. Further design level studies and engineering are required before a specific final alignment can be approved. The Board accordingly approves the three alternative Project Alignments described in the EIR as feasible pipeline alignments for the project. The final alignment that is ultimately approved should be designed in such a way that it will make the greatest possible use of public rights-of-way while avoiding as much as possible disturbance to agricultural, residential, or other existing land uses. The Board hereby directs the District staff to use these criteria to design the specific proposed final alignment consistent with one of the three feasible alignments, or a combination thereof, for further consideration by this Board.

III. STATEMENT OF OVERRIDING CONSIDERATIONS

Section 15093 of the State CEQA Guidelines provides that where the decision of a public agency allows the occurrence of significant effects which are identified in the Final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. This statement is referred to as a "statement of overriding considerations."

This Board hereby finds and determines that all of the potentially significant and significant direct impacts of the SCSWSP will be reduced to less than significant levels by the mitigation measures adopted by this Board.

The Board further finds, however, that the Project will have a growth accommodating effect as summarized in the preceding section of these findings.

This growth accommodating effect necessarily follows from the project objectives. As discussed in the Final EIR, the Project is designed to accommodate the Participating Cities' planned growth. The Participating Cities, after full environmental review, have adopted General Plans approving such planned growth. When approving those General Plans, the participating cities adopted various mitigation measures for the environmental impacts of that growth and have also adopted Statements of Overriding Considerations for any significant impacts that will remain after the imposition of the mitigation measures adopted by the Participating Cities.

This Board finds that the determinations by the Participating Cities to adopt such General Plans and to adopt Statements of Overriding Considerations with respect to the environmental impacts of those plans is sufficient to support this Board's approval of the SCSWSP despite its growth accommodating effect within the participating cities and the significant environmental impacts that will result from such growth.

As a further, independent ground for approving the Project, this Board hereby finds that the considerations set forth below warrant approval of the SCSWSP notwithstanding the remaining significant impacts. Each of the overriding considerations set forth below constitutes a separate ground for finding that the benefits of the SCSWSP outweigh its growth accommodating effect and the significant environmental impacts that will result from growth, and is an overriding consideration warranting approval of the Project:

- A.** The SCSWSP would provide a safe, reliable drinking water supply for the SSJID service area.
- B.** The SCSWSP would improve the quality of drinking water in the Project area.
- C.** The SCSWSP would maximize local reliance by meeting in-county water demand with a county supply.

D. The SCSWSP would allow the Participating Cities to pursue a comprehensive, integrated water supply program that would increase efficiency and cost-effectiveness.

IV. APPROVAL OF SOUTH COUNTY SURFACE WATER SUPPLY PROJECT

Subject to the foregoing, this Board hereby approves the South County Surface Water Supply Project.

AYES: ROOS KAMPER DEGROOT HAWORTH SCHULZ

NOES: NONE

There being no further business it was unanimously carried to adjourn to June 27, 2000 at 9:00 a.m.

ATTEST:

Richard Martin, Secretary/Manager