

**EXHIBIT D: CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE CITY OF FRESNO METROPOLITAN WATER RESOURCES MANAGEMENT PLAN UPDATE (METRO PLAN UPDATE) AND THE CITY'S FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE APPROVAL OF THE CITY OF FRESNO METRO PLAN UPDATE.**

**I. INTRODUCTION**

The City of Fresno, as lead agency under the California Environmental Quality Act (Pub. Res. Act § 21000 et seq.) and the CEQA Guidelines (14 Cal. Code Regs. §§ 15000- 15387) (collectively, "CEQA"), has completed the Final Environmental Impact Report ("Final EIR" or "EIR") for the City of Fresno Metropolitan Water Resources Management Plan Update (hereinafter, "Metro Plan Update or Project").

The document is organized into the following sections:

- Section I, "Introduction," provides an Introduction to the Document.
- Section II, "Project Description," provides a summary of the Project, a statement of the Project Objectives, the alternatives considered in the Final EIR, and an overview of the Record of Proceedings for approval of the Project.
- Section III, "Certification of the Final EIR," sets forth the City's findings in support of certification of the Final EIR.
- Section IV sets forth the Findings required under CEQA, as follows:
  - Part IV.A: Findings regarding the environmental review process and the contents of the Final EIR.
  - Part IV.B: Findings regarding the environmental impacts of the Project and the mitigation measures for those impacts identified in the Final EIR and adopted as conditions of approval.
  - Parts IV.C and IV.D: Findings regarding alternatives discussed in the Final EIR and the reasons that such alternatives to the Project are not approved.
  - Part IV.E: Findings Regarding Project Alternatives Scoped-Out of the EIR.
  - Part IV.F: Findings Regarding Adequacy of Range of Alternatives.
  - Part IV.G: Description of the Mitigation Monitoring and Reporting Program ("MMRP") for the Project.
  - Part IV.H: Summary of the findings and determinations regarding the Project.

- Section V, “Statement of Overriding Considerations,” sets forth the substantial benefits of the Project that outweigh and override the Project’s significant and unavoidable impacts, such that the impacts are considered acceptable.

## **II. PROJECT DESCRIPTION**

### **A. Project Purpose**

The purpose of the Metro Plan Update is to update and refine the 1996 Fresno Metropolitan Water Resources Management Plan taking into consideration available new data and accommodating physical and institutional changes which have occurred since the 1996 Metro Plan was prepared. The Metro Plan Update would facilitate future water resources decisions and utility planning and proposes a comprehensive and integrated water supply plan to better manage the City’s diverse water supplies, address groundwater level declines beneath the City’s service area and groundwater quality concerns, and further balance and optimize the City’s conjunctive use of its diversified water supply portfolio which would ultimately enhance overall water supply reliability. Key components of the proposed Metro Plan Update include:

- **Expand Demand Management and Water Conservation Measures.** Complete implementation of the on-going residential water metering program by 2013 and implementation of additional water conservation measures (at the time this Draft EIR was published the metering program had been completed).
- **Expand Use of Treated Surface Water Supplies.** Increase surface water treatment capacity by constructing and operating a new Southeast (SE) Surface Water Treatment Facility (SWTF), an expanded Northeast (NE) SWTF and potentially a new Southwest (SW) SWTF.
- **Balance In-City Groundwater Operations by 2025.** Reduce City’s groundwater pumping and increase intentional groundwater recharge with a goal of balancing the City’s groundwater operations within the City’s service area (e.g., pumping equal to recharge) by 2025.
- **Use Recycled Water Supplies for Non-Potable Water Demands.** Maximize the direct use of recycled water for in-City non-potable water uses and thereby reduce potable water demands.
- **Assess Need and Availability of Future New Supply.** Assess the need for and timing of future new water supplies once future growth plans beyond buildout of the 2025 General Plan is determined.

The Metro Plan Update also includes:

- Objectives, Goals and Policies. Metro Plan Update objectives, goals and policies target conjunctive use of available groundwater and surface water supplies to optimize the City's use of available surface water supplies; and the use of the local groundwater basin in a sustainable manner, which minimizes or eliminates localized groundwater level declines and groundwater quality degradation.
- Operational Principles. The operational principals would guide conjunctive use and development of water supply operations throughout the Plan area. Specific operational principles have been developed to: (1) maximize the use of treated surface water from the City's existing and planned SWTFs in conjunction with the City's groundwater supplies; and (2) use existing and proposed groundwater recharge facilities to ensure balanced City groundwater operations by 2025.
- Water Supply Components. How the City intends to develop and use treated surface water, groundwater, demand management /water conservation measures, recycled water and any potential new water supplies to meet existing and future water demands.
- Proposed Facilities. New water supply facilities are needed to support implementation of the Metro Plan Update water supply plan and provide sufficient supplies for 2025 General Plan buildout. Facility improvements are proposed for all of the water supply components – treated surface water facilities, water transmission mains and distribution pipelines, groundwater wells, groundwater recharge basins, recycled water facilities, plus facilities to implement demand management measures such as modification of landscapes to conserve water. Facility construction would be phased based upon what is needed in the near-term and what is to be completed for 2025 General Plan buildout.
- Proposed Near-term Projects. Development and operation of three near-term projects would be evaluated at a project-level. Near-term projects include upgrades to the existing NE SWTF; construction of a new SE SWTF, with 80 million gallons per day (mgd) total design capacity; and regional water transmission mains and distribution pipelines located throughout the project area.

Project elements are proposed as both near-term and future projects which are described in more detail in Chapter 3 of the Draft EIR.

## B. Project Objectives

The overall objective of the City's Metro Plan Update is to provide sustainable and reliable water supplies to meet the demand of existing and future customers through 2025. The overall goals are to:

- Optimize the conjunctive use of the City's available surface water, groundwater, and recycled water supplies for direct treatment and use, and intentional groundwater recharge;
- Balance the City's groundwater operations by 2025;
- Replenish groundwater basin storage;
- Continue to implement and expand demand management/water conservation measures in compliance with the City's USBR contract and to achieve specific water conservation goals; and
- Utilize recycled water to meet in-City non-potable demands in new development areas and existing parts of the City.

## C. Summary of Alternatives in the Final EIR

The Final EIR evaluates the following three alternatives to the proposed Project, including the No Project Alternative:

- 1. No Project Alternative:** The No Project Alternative would result if the City took no action to build the near- and future-term water supply projects included within the Metro Plan Update. Under this alternative, none of the water supply infrastructure proposed as part of the Project would be constructed or operated.
- 2. Canal/Pipeline Conveyance Option (Alternative 1):** Under Alternative 1, the location of the intake/diversion structure along the Fresno Canal would be shifted west (downstream), approximately seven miles from the proposed location of the intake/diversion structure for Conveyance Option 2, but upstream of Mudd Creek, along the Fresno Canal. The new diversion would be located at either an existing weir, or a new weir, downstream of the proposed location intake/diversion structure for Conveyance Option 2, and upstream of Mudd Creek. At this location, a pipeline would be installed along an existing road south to Belmont Avenue and then follow the proposed Conveyance Option 2 alignment west to the proposed SE SWTF.
- 3. No Relocation of Water Division Administrative Offices and Corporation Yard (Alternative 2):** Under Alternative 2, the existing Water Division corporation yard facilities would remain at their current location and not be relocated to the proposed SE SWTF site.

## **D. Record of Proceedings**

Various documents and other materials constitute the record upon which the City bases these findings and approvals contained herein. The custodian of these documents and materials is the City of Fresno, Department of Public Utilities, Water Division. The documents and materials are available at 1910 East University Avenue Fresno, CA 93703-2988.

## **III. CERTIFICATION OF THE FINAL EIR**

The Final EIR comprises a program-level and project-level analysis and contains the environmental review evaluating the impacts of the Project. The Final EIR (State Clearinghouse No. 2013091021) was prepared in the manner specified in Section IV.A.1, which is incorporated by reference here. The Final EIR includes:

- A.** The Draft Environmental Impact Report dated February, 2014 (“Draft EIR”), which assesses the potential environmental effects of implementation of the Project, identifies means to eliminate or reduce potential adverse impacts, and evaluates a reasonable range of alternatives. The Draft EIR includes one volume and seven appendices referred to in the Draft EIR text. The Draft EIR and Appendices total approximately 990 pages of material.

The Final EIR, which consists of one volume and one appendix. The Final EIR contains comments on the Draft EIR submitted by interested public agencies, organizations, and members of the public; written responses to the environmental issues raised in those comments; revisions to the text of the Draft EIR reflecting changes made in response to comments and other information; and the MMRP. The Draft EIR is considered part of the Final EIR and is incorporated into the Final EIR by reference.

### **B. The City Council hereby certifies as follows:**

1. That it has been presented with the Final EIR and that it has reviewed and considered the information contained in the Final EIR prior to making the following certification and the findings in Section IV, below;
2. That, pursuant to CEQA Guidelines Section 15090 (Title 14 of the California Code of Regulations, Section 15090), the Final EIR has been completed in compliance with the CEQA and the State CEQA Guidelines; and
3. That the Final EIR reflects its independent judgment and analysis.

## **IV. CEQA FINDINGS**

Having received, reviewed, and considered the Final EIR and other information in the record of proceedings, the City Council hereby adopts the following findings in compliance with CEQA and the CEQA Guidelines:

- Part IV.A: Findings regarding the environmental review process and the contents of the Final EIR.
- Part IV.B: Findings regarding the environmental impacts of the Project and the mitigation measures for those impacts identified in the Final EIR and adopted as conditions of approval. As described in Part III.B, the City hereby adopts the impact findings as set forth in Exhibit A to these findings.
- Parts IV.C&D: Findings regarding alternatives discussed in the Final EIR and the reasons that such alternatives to the Project are not approved.
- Part IV.E: Findings Regarding Project Alternatives Scoped-Out of the EIR.
- Part IV.F: Findings Regarding Adequacy of Range of Alternatives.
- Part IV.G: Description of the MMRP for the Project.
- Part IV.H: Summary of the findings and determinations regarding the Project.

In addition, these findings incorporate by reference Section V of this document, which includes the Statement of Overriding Considerations and determines that the benefits of implementing the Project outweigh the significant and unavoidable environmental impacts that will result, and therefore justifies approval of the Project despite those impacts. The Final EIR is hereby incorporated in this document by reference. The City Council certifies that these findings are based on full appraisal of all viewpoints, including all comments received up to the date of close of the hearing prior to approval of the Project.

## **A. Environmental Review Process**

### **1. Preparation of the EIR:**

- a. *Notice of Preparation.* Upon the City's determination that an EIR was required for the Project, a Notice of Preparation ("NOP") was made available to the public and public agencies to solicit input on issues of concern that should be addressed in the EIR. The NOP was issued on September 6, 2013 and the 30-day comment period on the NOP closed on October 14, 2013. The NOP included a project description, project location, and a brief overview of the topics to be covered in the EIR. Comment letters were received from seven public agencies and were incorporated into the Draft EIR.
- b. *Public Scoping Meeting.* On September 16, 2013, the City held two publically noticed scoping meetings to which the responsible and trustee agencies and interested members of the public were invited, and which had been duly advertised in advance. one individual attended the scoping meeting and provided oral comments.

- c. *Comment Period on Draft EIR.* The City finished preparation of the Draft EIR and published a Notice of Completion (“NOC”) and a Notice of Availability (“NOA”) on February 14, 2014. The period for receipt of comments on the Draft EIR remained open until April 1, 2014.
- e. *Response to Comments:* After the close of the public review period, the City prepared final responses to the written comments received. A total of five written comments were received regarding the Draft EIR. As required by CEQA Guidelines, 15088(b), City responses were sent to public agencies that submitted comments 10 days prior to City Council consideration.
- f. *Final EIR.* The Final EIR was completed and made available to public agencies and members of the public on May 26, 2014. The Final EIR comprises the Draft EIR plus all of the comments received during the public comment period, together with written responses to those comments that raised environmental issues, which were prepared in accordance with CEQA and the CEQA Guidelines. The Final EIR also includes refinements to mitigation measures and clarifications to text in the Draft EIR.
- g. The Final EIR was made available electronically via posting on the City’s website on May 26, 2014 at [www.fresno.gov/water](http://www.fresno.gov/water) (go to “Important Documents”)
- h. As the NOA indicates, copies of the Draft EIR were made available for public review at the following locations:
  - City website - [www.fresno.gov/water](http://www.fresno.gov/water) (go to “Important Documents”)
  - City of Fresno Department of Public Utilities Water Division, 1910 East University Avenue, Fresno, CA 93703-2988
  - City of Fresno City Hall, 2600 Fresno Street, 4th Floor, Room 4019 Department of Public Utilities Administration, Fresno CA 93721
  - County of Fresno Central Library, 2420 Mariposa Street, Fresno CA 93721

The City Council finds and determines there was procedural compliance with the mandates of CEQA and that the Final EIR provides adequate, good faith, and reasoned responses to all comments raising significant environmental issues.

## **2. Absence of Significant New Information**

CEQA Guidelines Section 15088.5 requires a lead agency to re-circulate an EIR for further review and comment when significant new information is

added to the EIR after public notice is given of the availability of the Draft EIR, but before certification of the Final EIR. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the Project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. The CEQA Guidelines provide examples of significant new information under this standard.

The City recognizes that the Final EIR incorporates information obtained by the City since the Draft EIR was completed, and contains additions, clarifications, modifications, and other changes. With respect to this information, the City approves of the incorporation of these clarifications into the Project and finds that the clarifications do not cause the Project to result in new or substantially more severe adverse environmental effects, or otherwise require recirculation of the EIR.

a. *Other Changes.*

Various minor changes and edits have been made to the text of the Draft EIR, as set forth in the Final EIR. These changes are generally of an administrative nature such as correcting typographical errors, making minor adjustments to the data, and adding or changing certain phrases to improve readability.

**The City finds this additional information does not constitute significant new information requiring recirculation, but rather that the additional information merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.**

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

**The City finds that information added in the Final EIR does not constitute significant new information requiring recirculation, but rather that the additional information clarifies or amplifies an adequate EIR. Specifically, the City finds that the additional information, including the changes described above, does not show that:**

- (1) A new significant environmental impact would result from the Project or from a new mitigation measure proposed to be implemented.



- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

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

### **3. Differences of Opinion Regarding the Impacts of the Project**

In making its determination to certify the Final EIR and to approve the Project, the City recognizes that the Project may involve several controversial environmental issues and that a range of technical and scientific opinion exists with respect to those issues. The City has acquired an understanding of the range of this technical and scientific opinion by its review of the Draft EIR, the comments received on the Draft EIR and the responses to those comments in the Final EIR, as well as public testimony, letters, and reports regarding the Final EIR and the Project, and its own experience and expertise in assessing those issues. The City has reviewed and considered, as a whole, the evidence and analysis presented in the Draft EIR, the information and analysis presented in the comments on the Draft EIR, the evidence and analysis presented in the Final EIR, the information submitted on the Final EIR, the testimony and comments presented at the NOP scoping meeting, and the reports prepared by the experts who prepared the EIR, the City's consultants, the applicants' consultants, and by staff, addressing those comments. The City has gained a comprehensive and well-rounded understanding of the environmental issues presented by the Project. In turn, this understanding has enabled the City to make its decisions after weighing and considering the various viewpoints on these important issues.

**Accordingly, the City certifies that its findings are based on a full appraisal of all of the evidence contained in the Final EIR, as well as the evidence and other information in the record addressing the Final EIR.**

## **B. Impacts and Mitigation Measures**

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

**The City finds that the analysis and determination of significance thresholds are judgments within the discretion of the City; the analysis and significance thresholds used in the Final EIR are supported by substantial evidence in the record, including the expert opinion of the Final EIR preparers and City consultants and staff; and the significance thresholds used in the Final EIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Project.**

2. Exhibit A attached to these findings and incorporated herein by reference is the Summary of Impacts and Mitigation Measures Table contained in the Draft EIR Executive Summary (Table ES-3) that summarizes the environmental determinations of the Final EIR about the Project's environmental impacts before and after mitigation. This exhibit does not attempt to describe the full analysis of each environmental impact contained in the Final EIR. Instead, Exhibit A provides a summary description of each environmental impact, identifies the applicable mitigation measures described in the Final EIR, and states the City's findings on the significance of each environmental impact after imposition of the applicable mitigation measures. A full explanation of these environmental findings and conclusions can be found in the resource sections contained in Chapter 4 of the Draft EIR, as modified in the Final EIR, and these findings hereby incorporate by reference the discussion and analysis in the Final EIR supporting the Final EIR's determinations regarding the Project's environmental impacts and mitigation measures designed to address those impacts.

**The City approves the findings set forth in Exhibit A as its findings regarding the Project's environmental impacts before and after mitigation. In making these findings, the City ratifies, adopts, and**

**incorporates the analysis and explanation in the Final EIR, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the Final EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.**

**The City adopts, and incorporates as conditions of approval of the Project, the mitigation measures set forth in the MMRP attached to these findings as Exhibit B to reduce or avoid the potentially significant impacts of the Project, as well as certain less-than-significant impacts.**

3. In the event a mitigation measure recommended in the Final EIR has inadvertently been omitted from Exhibit B, such mitigation measure is hereby adopted and incorporated in the findings below by reference. In addition, in the event the language describing a mitigation measure set forth in Exhibit B fails to accurately reflect the mitigation measures in the Final EIR due to a clerical error, the language of the mitigation measure as set forth in the Final EIR shall control, unless the language of the mitigation measure has been specifically and expressly modified by these findings.

### **C. Basis for the City's Decision to Approve the Project and Reject Other Alternatives**

The Final EIR evaluates a range of potential alternatives to the original Project, as is described in Section II.C., above, which is incorporated here by reference. In summary, the alternatives include the: (1) No Project Alternative; (2) Canal/Pipeline Conveyance Option (Alternative 1); and (3) No Relocation of Water Division Administrative Offices and Corporation Yard (Alternative 2).

The Final EIR examines the environmental impacts of each alternative in comparison with the Project as originally proposed and the relative ability of each alternative to satisfy the Project Objectives.

The Final EIR also summarizes the criteria used to identify a reasonable range of alternatives for review in the EIR and describes options that did not merit additional, more- detailed review either because they do not present viable alternatives to the Project or they are variations on the alternatives that are evaluated in detail. The findings supporting rejection of these alternatives are discussed below in Section IV.E.

## D. The City's Findings Relating to Alternatives

**In making these findings, the City certifies that it has independently reviewed and considered the information on alternatives provided in the Final EIR, including the information provided in comments on the Draft EIR and the responses to those comments in the Final EIR.** The Final EIR's discussion and analysis of these alternatives is not repeated in total in these findings, but the discussion and analysis of the alternatives in the Final EIR are incorporated in these findings by reference to supplement the analysis here. The City also certifies that it has independently reviewed and considered all other information in the administrative record.

The City finds that the range of alternatives studied in the Final EIR reflects a reasonable attempt to identify and evaluate various types of alternatives that would potentially be capable of reducing the Project's environmental effects, while accomplishing most of the Project Objectives. The City finds that the alternatives analysis is sufficient to inform the City, agencies, and the public regarding the tradeoffs between the degrees to which alternatives to the Project could reduce environmental impacts and the corresponding degree to which the alternatives would hinder the achievement of the Project Objectives and other economic, environmental, social, technological, and legal considerations.

**The City finds the Project would satisfy the Project Objectives, and is more desirable than the other alternatives.** As set forth in Section IV.B above, the City has adopted mitigation measures that avoid or reduce, to the extent feasible, the significant environmental effects of the Project. As explained in Section V, which is incorporated by reference into the CEQA findings, while these mitigation measures will not mitigate all project impacts to a less- than-significant level, they will mitigate those impacts to a level that the City finds is acceptable. The City finds the remaining alternatives infeasible. Accordingly, the City has determined to approve the Project instead of approving one of the remaining alternatives.

**In making this determination, the City finds that when compared to the other alternatives described and evaluated in the Final EIR, the Project, as mitigated, provides a reasonable balance between satisfying the Project Objectives and reducing potential environmental impacts to an acceptable level. The City further finds and determines that the Project should be approved, rather than one of the other alternatives, for the reasons set forth below and in the Final EIR.**

### 1. No Project Alternative

According to Section 15126.6(e) of the CEQA Guidelines, discussion of the No-Project Alternative must include a description of existing conditions and reasonably-foreseeable future conditions that would exist if the

Project were not approved. The No Project Alternative would result if the City took no action to build the near- and future-term water supply projects included within the Fresno Metro Plan Update.

Under this alternative, none of the proposed near- and future-term water supply facilities would be constructed or operated. As a result, none of the environmental impacts identified in Chapter 4 would occur. Under the No Project Alternative, water demand in the City of Fresno would continue to be met primarily with local groundwater. The groundwater aquifer underlying the Fresno area is currently experiencing severe groundwater level declines and associated groundwater quality issues. Unlike the proposed Project, the on-going dependence on local groundwater resources could further exacerbate existing groundwater level declines and further degrade groundwater quality, resulting in a significant impact not identified with implementation of the proposed Project.

The No Project Alternative would not meet the overall objective of the City's Metro Plan Update of providing sustainable and reliable water supplies to meet the demand of existing and future customers through 2025. Specifically, this alternative would not meet Project objectives of maximizing use of available surface water supplies, balancing the City's groundwater operations or replenishing groundwater storage with surplus surface water because no new surface water treatment, storage, and distribution infrastructure would be constructed and no new groundwater recharge facilities would be developed.

**The City Hereby Rejects the No Project Alternative as Infeasible:** The City finds, separately and independently, that the No Project Alternative would not meet any of the proposed Project objectives. Further, this alternative is less desirable to the City, as set forth below.

- (a) It could actually exacerbate groundwater level declines and reduce groundwater quality.
- (b) This alternative would not facilitate the goals set forth in the City's Metro Plan.

**While this alternative would eliminate the significant and unavoidable impacts related to transportation, construction phase air quality, and cultural resources, and eliminate the less-than-significant impacts in other resource areas evaluated in the Final EIR, on balance, the environmental benefits that might be achieved with this alternative are outweighed, independently and separately, by the alternative's failure to achieve any of the Project Objectives,**

**and its failure to effect the other beneficial attributes of the Project identified above and in Section V, below.**

## **2. Canal/Pipeline Conveyance Option Alternative (Alternative 1)**

Under Alternative 1, the location of the intake/diversion structure along the Fresno Canal would be shifted west (downstream), approximately seven miles from the proposed location of the intake/diversion structure for Conveyance Option 2, but upstream of Mudd Creek, along the Fresno Canal. The new diversion would be located at either an existing weir, or a new weir, downstream of the proposed location intake/diversion structure for Conveyance Option 2, and upstream of Mudd Creek. At this location, a pipeline would be installed along an existing road south to Belmont Avenue and then follow the proposed Conveyance Option 2 alignment west to the proposed SE SWTF. This alternative would potentially reduce the amount of excavation and earthwork required by shortening the length of the raw water pipeline and eliminating the need for levee and access roadway improvements along the Fresno Canal. All other near-term and future project elements would remain the same as those proposed under the proposed Project.

Implementation of Alternative 1 would result in similar construction impacts as those associated with the proposed Project; however, the magnitude of construction-related impacts would be less because there would be less grading and trenching required to install pipelines with this alternative. Footprint impacts associated with construction of proposed SWTFs and other future project elements would be the same. Even though construction activities would be reduced under this alternative, the amount of potentially significant air quality emissions would still be anticipated to exceed the applicable significance thresholds, resulting in a significant and unavoidable impacts; however, the magnitude of this significant and unavoidable impact would be less when compared to the proposed Project. Similar to the proposed Project, this alternative would include improvements to the 125 year old Mill Ditch and Fresno Canal. Depending on location, similar to the proposed Project, this could result in a significant and unavoidable impact due to the potential presence of a historic resource.

Operational impacts associated with increased air emissions; noise levels; changes in visual character; and transportation and traffic would be similar to those associated with the proposed Project because proposed new SWTFs would still be constructed or modified and new transmission pipelines, storage facilities would be installed. However, these impacts

would be less in magnitude because no new levee and access road improvements would be required under this alternative.

Implementation of Alternative 1 would meet all of the Project objectives. Under this alternative, the size and location of all other facilities, including the proposed new and expanded SWTF's, pipelines, storage tanks, groundwater wells, and groundwater recharge basins would remain unchanged. This would allow for the City to provide sustainable and reliable water supplies to meet the demand of existing and future customers through 2025.

**The City Hereby Rejects the Canal/Pipeline Conveyance Option**

**Alternative as Infeasible:** The City finds, separately and independently, that this Alternative is less desirable to the City, as set forth below.

(a) Implementation of this alternative would result in potentially significant operational constraints. Specifically, there is not sufficient head (pressure) under this Alternative to be able to move the raw water through the required treatment facilities (without installing a new pump station).

**While this alternative would eliminate and/or reduce in magnitude the significant and unavoidable impacts related to transportation, construction phase air quality, and cultural resources, on balance, the environmental benefits that might be achieved with this alternative are outweighed, independently and separately, by the alternative's failure to effect the other beneficial attributes of the Project identified above and in Section V, below.**

**3. No Relocation of Water Division Administrative Offices and Corporation Yard Alternative (Alternative 2)**

Under Alternative 2, the existing Water Division corporation yard facilities would remain at their current location and not be relocated to the proposed SE SWTF site.

Implementation of Alternative 2 would result in the similar construction impacts as those associated with the proposed Project. Even though existing Water Division administrative and corporation yard uses would not be relocated to the proposed SE SWTF, it is anticipated that the total site acreage (58 acres) would still be prepared for construction (grading and other site preparation activities) and site disturbance impacts would be the same (of biological and cultural resources). However, because there would be less construction of facilities at the proposed SE SWTF site, impacts associated with use of construction equipment and materials

(noise, air emissions, and solid waste production) would be less in magnitude when compared to the proposed Project. However, absent the relocation of the Administration and Corporation Yard facilities to the site, modification to existing facilities would require significant demolition, reconfiguration and reconstruction of the existing facilities. Therefore, construction-related impacts could actually be similar in magnitude when compared to the proposed Project. Similar to the proposed Project, the amount of potentially significant air quality emissions associated with the larger project as a whole would still exceed applicable emissions significance thresholds, resulting in a significant and unavoidable impact; however, the magnitude of this significant and unavoidable impact could be slightly less when compared to the proposed Project. Similar to the proposed Project, this alternative would include improvements to the 125-year-old Mill Ditch and Fresno Canal. Depending on location, similar to the proposed Project, this could result in a significant and unavoidable impact due to the potential presence of a historic resource.

Implementation of this alternative would eliminate the relocation of employees from the Water Division's existing corporation yard and administration building to the proposed SE SWTF. As a result, this alternative would eliminate new operational trips at the intersections and roadways in the vicinity of the SE SWTF site that would require the need for roadway and intersection improvements as those identified under the proposed project. Therefore, significant and unavoidable traffic impacts would not occur under this alternative.

Operational impacts associated with increased air emissions; noise levels; and changes in visual character; public services and utilities would be similar to those associated with the proposed Project but would be less in magnitude because there would be less development at the SE SWTF site and no new roadway and intersection improvements associated with traffic mitigation would be required.

Implementation of Alternative 2 would meet all of the Project objectives. Under this alternative, the size and location of all other facilities, including the proposed new and expanded SWTF's, pipelines, storage tanks, groundwater wells, and groundwater recharge basins would remain largely unchanged. This would allow for the City to provide sustainable and reliable water supplies to meet the demand of existing and future customers through 2025.

**The City Hereby Rejects the No Relocation of Water Division Administrative Offices and Corporation Yard Alternative as**



**Infeasible:** The City finds, separately and independently, that this Alternative is less desirable to the City, as set forth below.

- (a) Modification to facilities at the existing corporation yard would be required and result in significant demolition, reconfiguration and reconstruction of the existing facilities, potentially disrupting operations.

**While this alternative would eliminate and/or reduce in magnitude the significant and unavoidable impacts related to transportation, construction phase air quality, and cultural resources, on balance, the environmental benefits that might be achieved with this alternative are outweighed, independently and separately, by the alternative's failure to effect the other beneficial attributes of the Project identified above and in Section V, below.**

#### **E. Findings Regarding Project Alternatives Scoped out of EIR**

The Final EIR considered several alternatives to the proposed Project that were rejected from further consideration, separately and independently, because they would not achieve stated Project Objectives.

Several alternatives were evaluated and screened out (as being impractical and/or causing more environmental impacts than the proposed Project), during preparation of the Metro Plan Update and this EIR including: alternate pipeline routes and alternate locations for the SE SWTF; multiple smaller surface water treatment plants located throughout the City (instead of the single 80 mgd SE SWTF); and extensive use of groundwater recharge basins in lieu of constructing the SE SWTF.

The groundwater recharge basin alternative in lieu of constructing the 80 mgd SE SWTF was evaluated and screened out because of several factors:

1. Required recharge basin area: Based on the City's experience with recharge basins, the City anticipates the average recharge capacity to be about 96 acre-feet per acre per year, or approximately 750 acres of new recharge basins would be required to be purchased and maintained by the City in lieu of the 80 mgd SE SWTF. This area is more than 15 times the area required for the SE SWTF.
2. Required location of recharge basins: The City would need to site the 750-acre recharge facility above or near the existing groundwater depression located beneath the City's downtown area for this alternative to have the same beneficial impact to groundwater levels as the SE SWTF. The ability to site a 750-acre recharge basin within the City of Fresno's downtown area is infeasible. Existing development would have to be removed and/or relocated. Therefore, the only alternative would be to locate a 750-acre

recharge basin near the western, southern or southwestern City Limit or SOI, where potential areas of this size might be available and acceptable groundwater recharge rates might exist. However, at these locations the hydraulic ability to deliver 72,000 acre-feet (80 mgd) of surface water annually to these recharge basins, the construction and operation of a new well field, and the construction and operation of major new transmission mains, would result in environmental impacts that would be equal to or greater in magnitude to those associated with implementation of the proposed Project.

During preparation of the Metro Plan Update, the following criteria was used: (1) use existing City or other public agency property to minimize land purchases; (2) locate pipelines in areas that would optimize water use; (3) minimize utility conflicts, roadways with high traffic volumes, as well as highway and railroad crossings; (4) optimize the use of existing water treatment plants and pipelines; (5) stay within the City's adopted SOI; (6) delivered potable water quality must continue to meet all existing and future California DPH regulations; and (7) optimize existing institutional agreements. During future planning and design phases of the proposed Project, refinements to the locations and designs of Project facilities could occur before construction, but for the purposes of this EIR, alternative pipeline alignments and alternative locations of facilities were eliminated from further consideration.

**With respect to these alternatives, the City hereby adopts and incorporates by reference information set forth in the Draft EIR analysis as grounds for finding these alternatives infeasible and rejecting these alternatives. The City further finds infeasible and rejects these alternatives for each of the reasons set forth above.**

#### **F. Findings Regarding Adequacy of Range of Alternatives.**

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

#### **G. Mitigation Monitoring and Reporting Program**

In accordance with CEQA and the CEQA Guidelines, the City must adopt a mitigation monitoring and reporting program to ensure that the mitigation

measures adopted herein are implemented. **The City hereby adopts the Mitigation Monitoring and Reporting Program for the Project attached to these findings as attached Exhibit B.**

## **H. Summary**

1. Based on the foregoing findings and the information contained in the administrative record of proceedings, the City has made one or more of the following findings with respect to each of the significant environmental effects of the Project identified in the Final EIR:
  - a. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects on the environment.
  - b. Specific economic, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the Final EIR that would otherwise avoid or substantially lessen the identified significant environmental effects of the Project.
2. **Based on the foregoing findings and information contained in the record, it is hereby determined that:**
  - a. All significant effects on the environment due to approval of the Project have been eliminated or substantially lessened where feasible.
  - b. Any remaining significant effects on the environment found unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations in Section V, below.

## **V. STATEMENT OF OVERRIDING CONSIDERATION**

### **A. Impacts That Remain Significant and Unavoidable After Incorporation of Mitigation**

As discussed in Exhibit A and the Final EIR, the City has found that impacts related to construction phase air quality emissions and historic resources remain significant following adoption and implementation of all feasible mitigation measures, as described in the Final EIR. The significant and unavoidable impact is identified with further detail below.

- a. Impact 4.7.1: Construction activities associated with development of the project would generate short-term emissions of criteria pollutants.
- b. Impact 4.7.6: Construction of proposed Project facilities, when combined with other development projects in the San Joaquin Valley air basin, would result in cumulative air quality impacts.

- c. Impact 4.12.1: Implementation of the proposed Project could adversely impact historic architectural resources directly through demolition or substantial alteration, or indirectly through changes to historic setting.
- d. Impact 4.12.5: Implementation of the proposed Project, combined with other projects could result in the loss or destruction of archaeological and/or paleontological resources.

### **Feasibility Findings**

The City finds that mitigation measures would not be feasible, separately and independently, for the following reasons:

- a. Impact 4.7.1: Construction of pipelines and conveyance facilities would involve excavation and trenching. Construction of other project facilities would include site preparation and clearing, excavation, paving, and construction. Proposed project construction activities would produce criteria pollutant emissions (primarily ROG and NOx) as a result of using heavy-duty construction equipment. Mobile source emission would also be produced from construction worker vehicle trips to and from the project site. In addition, fugitive dust emissions would be generated from site preparation and excavation activities and vehicle travel on paved and unpaved surfaces.

Construction equipment exhaust also would include some PM10 emissions. PM10 and PM2.5 emissions from construction would vary greatly from day to day depending on the level of activity, the equipment being operated, silt content of the soil, and the prevailing weather. Larger-diameter dust particles (i.e., greater than 30 microns) generally fall out of the atmosphere within several hundred feet of construction sites, and represent more of a soiling nuisance than a health hazard. Smaller-diameter particles (e.g., PM10 and PM2.5) are associated with adverse health effects and generally remain airborne until removed from the atmosphere by moisture. Therefore, unmitigated construction dust emissions could result in significant local effects.

Criteria pollutant emissions of ROG and NOx from construction equipment and construction worker vehicle trips would incrementally add to regional atmospheric loading of ozone precursors during the construction period.

Implementation of Mitigation Measures 4.7.1a through 4.7.1c would reduce emissions from construction. However, NOx emissions would still be significant. Therefore, the projects construction emissions would remain significant and unavoidable.

- b. Impact 4.7.6: According to the SJVAPCD GAMAQI, a cumulative impact occurs when two or more individual effects, considered together, are considerable or would compound or increase other environmental impacts. Cumulative impacts can result from individually minor but collectively significant impacts, meaning that the project's incremental effects are considerable when viewed in connection with the effects of past, current, and probable future projects. Notably, any project that would individually have a significant air quality impact would also be considered to have a significant cumulative air quality impact.
- c. Construction emissions associated with the proposed project were found to produce a significant level of NOx even after implementation of Mitigation Measures 4.7.1a through 4.7.1c. Therefore potential construction emissions associated with the proposed Metro Plan Update, when considered in conjunction with air quality impacts associated with buildout of the Fresno 2025 General Plan, would be cumulatively considerable and, therefore, the cumulative impact would be significant and unavoidable.
- d. Impact 4.12.1: Construction of proposed project facilities could include either demolition or alteration of currently unevaluated historic architectural resources. Conveyance Option 1 includes improvements to the 125 year old Mill Ditch and Fresno Canal. In the event that this resource is determined eligible for listing in local, state, or federal registers, alterations inconsistent with the Secretary of Interior Standards would result in an adverse change to the resource, potentially hindering its ability to convey its historic significance. Locations and designs for future project actions are currently undetermined, and if avoidance is infeasible this would subsequently have the potential to impact significant historic architectural resources.

If avoidance of historically significant resources is feasible, or alteration or structures can be conducted adhering to the Secretary of Interior Standards, then implementation of mitigation measures 4.12.1a and 4.12.1b would reduce impacts to a less than significant level. However, if avoidance is not feasible, then the recordation of a building or structure to Historic American Building Surveys (HABS) and Historic American Engineering Record (HAER) standards and public interpretation efforts would reduce impacts on significant historic buildings and structures, but such efforts typically do not reduce them to a less-than-significant level (CEQA section 15126.4(b)(2)) and this impact would remain significant and unavoidable.

- e. Impact 4.12.5: Demolition of historic structures associated with the proposed project and other projects could contribute to the progressive loss of historic architectural resources as well as the setting and integrity of historic districts in the City of Fresno and the southern Central Valley. This would be a significant cumulative impact. Construction of proposed project facilities could include either demolition or alteration of currently unevaluated historic architectural resources. Conveyance Option 1 includes improvements to the 125 year old Mill Ditch and Fresno Canal. In the event that this resource is determined eligible for listing in local, state, or federal registers, alterations inconsistent with the Secretary of Interior Standards would result in an adverse change to the resource, potentially hindering its ability to convey its historic significance. Installation of proposed project conveyance pipelines would primarily be installed within streets or other existing rights-of-way, and therefore would have limited potential to result in the demolition or modification of a historic architectural resource. However, construction of other proposed project facilities could potentially be sited on properties that contain historic architectural resources. Therefore, the proposed project's contribution to this significant cumulative impact would be significant and unavoidable even with the implementation of Mitigation Measure 4.12.1.

Therefore, the residual significance of these impacts is considered significant and unavoidable

## **B. Impacts That Remain Significant Because Mitigation Measures are the Responsibility of another Agency**

### **1. Impact**

- a. Impact 4.6.6: Under Cumulative (2035) Plus Project Conditions without the McKinley Road realignment, operation of the proposed SE SWTF would contribute to an increase in vehicle trips that could exceed levels of service standards for surrounding roadways.
- b. Impact 4.6.7: Under Cumulative (2035) Plus Project Conditions with the McKinley Avenue realignment, operation of the proposed SE SWTF would contribute to an increase in vehicle trips that could exceed levels of service standards for surrounding roadways.

### **Feasibility Findings**

The City finds that mitigation measures would not be feasible, separately and independently, for the following reasons:

- a. Impact 4.6.6 and 4.6.7: Implementation of the mitigation measures for this impact, which includes installation of new traffic signals, road

segment improvements, and payment of the City of Fresno's TSMI and FMSI fees, would reduce project-related impacts to adversely affected intersections and road segments to a less-than-significant level. However, although payment of a fair share contribution to improvements is considered a feasible approach for mitigating project impacts, the timing of programmed improvements is estimated to be 2025 while the SE SWTF is estimated to be operational by 2018. Furthermore, the improvements recommended in Mitigation Measures 4.6.6 are to roads under the jurisdiction of Fresno County at this time and the timing of annexation from the SOI into the City Limits is unknown; therefore, the implementation of these improvements is outside of the City of Fresno's jurisdiction to construct. As a result, this impact would remain significant and unavoidable.

### **C. Overriding Considerations Justifying Project Approval**

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

This statement of overriding considerations is based on the City's review of the Final EIR and other information in the administrative record. Each of the benefits identified below provides a separate and independent basis for overriding the significant environmental effects of the Project. The benefits of the Project are as follows:

1. Increase use of available surface water supplies for treatment and direct use. Implementation of the proposed Project would increase surface water treatment capacity and allow the City to meet its objective of balanced groundwater operations by 2025 by reducing groundwater pumpage to stop groundwater level declines and restore groundwater levels to historical levels.
2. Increase conjunctive use of available supplies. Implementation of the proposed Project would optimize the conjunctive use of available surface water, groundwater, and recycled water supplies, balancing groundwater operations and replenishing groundwater storage to improve the reliability and diversity of the City's water supply portfolio.
3. Maintain adequate groundwater pumping capacity and system redundancy and reliability to meet demands during dry periods and emergencies when surface water supplies may be reduced. Implementation of the proposed Project would provide for a diverse water

supply portfolio and allow for consistent delivery of water to customers during all water year types.

4. Use of any additional available surface water supplies for intentional groundwater recharge and/or groundwater banking to help achieve groundwater basin stabilization and replenishment. The proposed Project would maximize the use of available surface water supplies by making available surface water supplies not treated for direct potable use to be used for intentional groundwater recharge. This would help balance groundwater operations.