

Certification of Consistency

C20204

Step 1 - Agency Profile

A. GOVERNMENT

AGENCY:

State Agency

Government Agency: City of Antioch

Primary Contact: Scott Buenting

Address: 200 H Street

City, State, Zip: Antioch, CA 94509

Telephone/Fax: (925) 779-7050

E-mail Address: dhuang@esassoc.com

B. GOVERNMENT AGENCY ROLE IN COVERED ACTION:

Will Approve / Will Carry Out / Will Fund

Step 2 - Covered Action Profile

A. COVERED ACTION PROFILE:

Project

Title: City Of Antioch Brackish Water Desalination Project

B. PROPONENT CARRYING OUT COVERED ACTION (If different than State or Local Agency):

Proponent Name: City of Antioch

Address: 200 H Street

City, State, Zip: Antioch, CA 94509

C. OPEN MEETING LAWS

Agencies whose actions are not subject to open meeting laws (Bagley-Keene Open Meeting Act [[Gov. Code sec 11120 et seq.](#)] or the Brown Act [[Gov. Code sec 54950 et seq.](#)]) must post their draft certification on their website and in their office for public review and comment, and mail to all persons requesting notice (Administrative Procedures Governing Appeals, Rule 3). A state or local public agency that is subject to open meeting laws is encouraged to post the draft certification on their website and in the office for public review and comment and to mail to all persons requesting notice.

Any state or local public agency that is subject to open meeting laws with regard to its certification is also encouraged to take those actions. It is encouraged to upload any evidence that the project, plan or program went through for public review and comment as part of a Bagley-Keene or Brown Act meeting.

Is your agency subject to open meeting laws (Bagley-Keene Open Meeting Act [Gov. Code sec 11120 et seq.] or the Brown Act [Gov. Code sec 54950 et seq.]? (Note: Select "Yes" if your agency or organization is subject to open meeting laws. Select "No" if your agency or organization is not subject to open meeting laws.)

Yes

Please attach any supporting evidence of the public review and comment period by clicking the upload button. Such evidence could include but is not limited to: a meeting agenda and attachment demonstrating that this certification was made publicly available, a screenshot with date and link to a website where the materials were posted, or other similar documentation.

Note: Any public comments received during this process must be included in the record submitted to the Council in case of an appeal.

[2017 09 05 Scoping Meeting Transcript.pdf](#)

D. COVERED ACTION SUMMARY: (Project Description from approved CEQA document may be used here)

The City of Antioch (City) is proposing the Brackish Water Desalination Project (Project), which consists of the construction of a desalination facility at the City's water treatment plant (WTP) with the capacity to produce up to 6 million gallons per day (mgd) of finished water; demolition of the existing San Joaquin River intake pump station; construction of a new intake pump station; approximately 3,000 feet of pipeline from the existing raw water pipeline underneath Lone Tree Way to the City's WTP to allow a direct connection to maximize use of existing infrastructure; and approximately 4 miles of pipeline from the desalination facility to the Delta Diablo (DD) Wastewater Treatment Plant (WWTP) to discharge up to 2 MGD of reverse osmosis (RO) concentrate through the existing DD outfall to New York Slough. The main objectives of the Project are to improve water supply reliability and water quality for the City's customers; develop a reliable and drought-resistance water source to reduce dependency on purchased water supplies; maximize and preserve the use of the City's pre-1914 water rights; and provide cost effective operational flexibility for the City.

E. STATUS IN THE CEQA PROCESS: Final Certified Document

F. STATE CLEARINGHOUSE NUMBER:(if applicable) 2017082044

G. COVERED ACTION ESTIMATED TIME LINE:

ANTICIPATED START DATE: (If available) 10/01/2020

ANTICIPATED END DATE: (If available) 07/31/2022

H. COVERED ACTION TOTAL ESTIMATED PROJECT COST: \$65,000,000

I. IF A CERTIFICATION OF CONSISTENCY FOR THIS COVERED ACTION WAS PREVIOUSLY SUBMITTED, LIST DSC REFERENCE NUMBER ASSIGNED TO THAT CERTIFICATION FORM:

J. Supporting Documents:

[2017 09 05 Scoping Meeting Transcript.pdf](#), [Brackish Water Desalination Facility DEIR-Appendix-PRINT.pdf](#), [Brackish Water Desalination Facility DEIR-PRINT.pdf](#), [Brackish Water FEIR 201810-PRINT.pdf](#), [Exponent Dilution Modeling.pdf](#), [Urban Water Management Plan City of Antioch 2015.pdf](#), [Antioch Desal Adaptive Management Plan 2020-04-28.pdf](#), [Status of 2015 Urban Water Management Plans.pdf](#), [DP P2 Consistency Explanation.pdf](#), [WR P1 Consistency Explanation.pdf](#)

Step 3 - Consistency with the Delta Plan

DELTA PLAN CHAPTER 2

[G P1/Cal. Code Regs., tit. 23, § 5002](#) - Detailed Findings to Establish Consistency with the Delta Plan.

G P1/Cal. Code Regs., tit. 23, § 5002 identifies what must be addressed in a certification of consistency filed by a State or local public agency with regard to any covered action and only applies after a "proposed action" has been determined by a State or local public agency to be a covered action because it is covered by one or more of the regulatory policies listed under Delta Plan Chapters 3, 4, 5, and 7 of this form. Inconsistency with this policy may be the basis for an appeal.

A certification of consistency must include detailed findings that address each of the regulatory policies identified in Cal. Code Regs., tit. 23, §§ 5002-5013 and listed on this Form that is implicated by the covered action.

As outlined in Cal. Code Regs., tit. 23, § 5002 (b)(1), the Delta Stewardship Council acknowledges that in some cases, based upon the nature of the covered action, full consistency with all relevant regulatory policies may not be feasible. In those cases, the agency that files the certification of consistency may nevertheless determine that the covered action is consistent with the Delta Plan because, on whole, that action is consistent with the coequal goals. That determination must include a clear identification of areas where consistency with relevant regulatory policies is not feasible, an explanation of the reasons why it is not feasible, and an explanation of how the covered action nevertheless, on whole, is consistent with the coequal goals. That determination is subject to review by the Delta Stewardship Council on appeal.

Specific requirements of this regulatory policy:

a. [G P1\(b\)\(1\)/Cal. Code Regs., tit. 23, § 5002, subd. \(b\)\(1\)](#) - Coequal Goals

As outlined in **Cal. Code Regs., tit. 23, § 5002 (b)(1)**, the Delta Stewardship Council acknowledges that in some cases, based upon the nature of the covered action, full consistency with all relevant regulatory policies may not be feasible. In those cases, the agency that files the certification of consistency may nevertheless determine that the covered action is consistent with the Delta Plan because, on whole, that action is consistent with the coequal goals. That determination must include a clear identification of areas where consistency with relevant regulatory policies is not feasible, an explanation of the reasons why it is not feasible, and an explanation of how the covered action nevertheless, on whole, is consistent with the coequal goals. That determination is subject to review by the Delta Stewardship Council on appeal.

Is the covered action consistent with this portion of the regulatory policy?

N/A

Answer Justification:

As described below, the project is consistent with all relevant Delta Plan regulatory policies, including G P1, WR P1, ER P1, ER P5, DP P1, DP P2, and RR P3. Please refer to detailed findings and supporting documentation for those specific Delta Plan policies. The project is consistent with coequal goals for the Delta by improving water supply reliability for an in-Delta water user in a manner which will not adversely affect opportunities for ecosystem protection, restoration, or enhancement and maintains the Delta's unique and evolving character.

b. [G P1\(b\)\(2\)/Cal. Code Regs., tit. 23, § 5002, subd. \(b\)\(2\)](#) - Mitigation Measures

G P1(b)(2)/Cal. Code Regs., tit. 23, § 5002, subd. (b)(2) provides that covered actions not exempt from CEQA, must include all applicable feasible mitigation measures adopted and incorporated into the Delta Plan as amended April 26, 2018, (unless the measure(s) are within the exclusive jurisdiction of an agency other than the agency that files the certification of consistency), or substitute [mitigation measures](#) that the agency that files the certification of consistency finds are equally or more effective. For more information, see Cal. Code Regs., tit. 23, § 5002, and Delta Plan Appendix O, Mitigation Monitoring and Reporting Program, which are referenced in this regulatory policy.

Is the covered action consistent with this portion of the regulatory policy?

Yes

Answer Justification:

The City of Antioch prepared a "crosswalk" table which includes a brief explanation for how the Project will meet or exceed the requirements set forth in each of the Delta

Plan Mitigation Measures. The Delta Plan Mitigation Measures can be satisfied through inherent Project design and operation or through incorporation of project-specific mitigation measures developed under the California Environmental Quality Act (CEQA) and various permitting processes. Many of the individual Mitigation Measures of the Delta Plan include multiple nested elements (e.g., Mitigation Measure 3-1 includes three elements, 1-3). When applicable, the City has included numbering before each of its responses which correspond to which specific element of the Delta Plan Mitigation Measure is being referenced. Many of the Delta Plan Mitigation Measures includes language which are not applicable to the City's Project (e.g., housing policy requirements). In those circumstances, the City provides an explanation for why a particular Mitigation Measure or elements nested within the Mitigation Measure are not applicable. [MMRP Crosswalk.pdf](#)

c. [G P1\(b\)\(3\)/Cal. Code Regs., tit. 23, § 5002, subd. \(b\)\(3\)](#) - Best Available Science

G P1(b)(4)/Cal. Code Regs., tit. 23, § 5002, subd. (b)(4) provides that an ecosystem restoration or water management covered action must include adequate provisions, appropriate to its scope, to assure continued implementation of adaptive management. For more information, see [Appendix 1B](#), which is referenced in this regulatory policy. Note that this requirement may be satisfied through both of the following:

(A) An adaptive management plan that describes the approach to be taken consistent with the adaptive management framework in Appendix 1B; and

(B) Documentation of access to adequate resources and delineated authority by the entity responsible for the implementation of the proposed adaptive management process.

Is the covered action consistent with this portion of the regulatory policy?

Yes

Answer Justification:

Delta Plan Policy G P1 requires that covered actions must document use of best available science. Development of the Project utilized a wide range of relevant data, literature, modeling tools, and studies. The City used the best available scientific information to develop a Project design that achieved the City's objectives in a manner that minimized conflicts with sensitive biological resources, existing beneficial uses for San Joaquin River water, and land use. The adaptive management framework for the Project includes a conceptual model and a science basis section which were guided by best available science. The development of the Project has drawn on a number of scientific and engineering-related disciplines that include hydrology, ecology, and civil engineering. The impact analysis produced for the Project were subject to review and comment by the general public under the California Environmental Quality Act (CEQA) process. [Exponent_Dilution Modeling.pdf](#), [Brackish Water Desalination Facility DEIR-PRINT.pdf](#), [Brackish Water FEIR 201810-PRINT.pdf](#), [Brackish Water Desalination Facility DEIR-Appendix-PRINT.pdf](#), [Antioch Desal Adaptive Management Plan_2020-04-28.pdf](#)

d. [G P1\(b\)\(4\)/Cal. Code Regs., tit. 23, § 5002, subd. \(b\)\(4\)](#) - Adaptive Management

G P1(b)(4)/Cal. Code Regs., tit. 23, § 5002, subd. (b)(4) provides that an ecosystem restoration or water management covered action must include adequate provisions, appropriate to its scope, to assure continued implementation of adaptive management. For more information, see [Appendix 1B](#), which is referenced in this regulatory policy. Note that this requirement may be satisfied through both of the following:

(A) An adaptive management plan that describes the approach to be taken consistent with the adaptive management

framework in Appendix 1B; and

(B) Documentation of access to adequate resources and delineated authority by the entity responsible for the implementation of the proposed adaptive management process.

Is the covered action consistent with this portion of the regulatory policy?

Yes

Answer Justification:

Delta Plan Policy G P1 requires that water management covered actions must include adequate provisions to assure continued implementation of adaptive management. Refer to attached Adaptive Management Plan developed for the Project. [Antioch Desal Adaptive Management Plan_2020-04-28.pdf](#)

DELTA PLAN CHAPTER 3

[WR P1 / Cal. Code Regs., tit. 23, § 5003](#) - Reduce Reliance on the Delta through Improved Regional Water Self-Reliance

Is the covered action consistent with this portion of the regulatory policy?

Yes

Answer Justification:

The Project is consistent with Delta Plan Policy WR P1 because it would not have a significant adverse environmental impact in the Delta, as determined by the EIR, and thereby not trigger the Water Code Section 5003(a)(3) condition. A further analysis of the Project's consistency with this policy's other elements is provided below. Delta Plan Policy WR P1 dictates that water shall not be exported from, transferred through, or used in the Delta if all of the following apply: (a)(1). One or more water suppliers that would receive water as a result of the export, transfer or use have failed to adequately contribute to reduced reliance on the Delta and improved regional self-reliance consistent with all of the requirements listed in paragraph (1) of subsection (c); (a)(2). That failure has significantly caused the need for the export, transfer or use; and (a)(3). The export, transfer, or use would have a significant adverse environmental impact in the Delta. The Delta Plan's requirements to demonstrate reduced reliance on the Delta and improved regional self-reliance include three components: (c)(1)(A). Completed a current Urban or Agricultural Water Management Plan (Plan) which has been reviewed by the Department of Water Resources for compliance with the applicable requirements of Water Code Division 6, Parts 2.55, 2.6, and 2.8; (c)(1)(B). Identified, evaluated and commenced implementation, consistent with the implementation schedule set forth in the management Plan, of all programs and projects included in the Plan that are locally cost effective and technically feasible which reduce reliance on the Delta; and, (c)(1)(C). Included in the Plan, commencing in 2015, the expected outcome for measurable reduction in Delta reliance and improvement in regional self-reliance. The expected outcome for measurable reduction in Delta reliance and improvement in regional self-reliance shall be reported in the Plan as the reduction in the amount of water used, or in the percentage of water used, from the Delta watershed. For the purposes of reporting, water efficiency is considered a new source of water supply, consistent with Water Code Section 1011(a) The City completed its most recent Urban Water Management Plan in 2015 which was prepared in accordance with the Urban Water Management Plan Act and submitted to DWR (refer to attachments for Urban Water Management Plan prepared by the City of Antioch, and the Status of 2015 Urban Water Management Plans prepared by DWR for the California Legislature). As described in the Urban Water Management Plan, the City has made significant investments and gains in water efficiency and in the use of recycled water. The current average per capita daily use of water is 184 gallons per day (as of 2015) and the City is seeking to reduce water usage to 165 gallons per day by 2020 through demand management measures. Nonetheless, due to factors such as

population growth and anticipated increased application of irrigation water for landscaping and agriculture due to drier conditions caused by climate change, the total volume of water needed by the City is expected to increase in the future. The City's Urban Water Management Plan also outlines the steps the City is undertaking to reduce consumptive water use. These include a variety of demand management measures such as a water waste prevention ordinance, and metering and conservation pricing. The City currently has a water waste prohibition ordinance in its Municipal Code. The City has also implemented a water meter program to meter all existing accounts, and requires that all new connections have a meter. In 2015, the City adopted a residential water rate tier structure which includes a quantity rate for actual metered residential water usage. The Tier 1 quantity rate applies to water use equal to or below average monthly water use while Tier 2 applies to above average water use. The City also implements other initiatives such as public education and outreach about the importance of water conservation, water audits to help detect leaks in the water delivery system, free on-site inspections to help homeowners identify problems and suggested repairs and improvements to their interior and landscape water uses (e.g., preparation of a site specific monthly irrigation schedule), and a rebate program to promote adoption of water efficient appliances and toilets. The City of Antioch also utilizes recycled water produced by DD, the agency responsible for treating and discharging treated wastewater for the Cities of Antioch and Pittsburg and the unincorporated community of Bay Point. Approximately 43 percent of the wastewater collected by DD is treated to recycled water standards. The City uses recycled water to irrigate City parks and portions of the Lone Tree Golf Course. By 2025, it is projected that the City will use 489 million gallons of recycled water annually, which would be about 6.7 percent of total water demand (see 2015 Urban Water Management Plan). Through increased water use efficiency and the use of recycled water, the City has reduced its water supply demands on the Delta to the extent feasible and is unable to further reduce its reliance on Delta water. All of the City's water supply originates in the Delta, including water it purchases from Contra Water District (CCWD). Due to its location, the City of Antioch is entirely dependent on Delta waters and has diverted water from the Delta for beneficial use since the 1800s. The City has pre-1914 water rights to divert water from the San Joaquin River along with tributary flow from the Sacramento River. In addition, when it cannot use its diversion due to poor water quality (i.e., high salinity at the intake) or demands exceed its diversion capacity, the City treats and delivers water purchased from CCWD. The Project will enable the City to better utilize its existing water rights and reduce its use of water purchased from CCWD by varying degrees depending on monthly demand and hydrologic conditions. With the Project, the City will meet its existing demands using more water from its own intake and correspondingly less water will need to be purchased from CCWD. Delta Plan Policy WR P1 appears to have been developed with a primary intent to reduce reliance on Delta water for users outside the Delta region (short title for the policy is "Reduce reliance on Delta through Improved Regional Water Self-Reliance"). It is infeasible for the City of Antioch and most other in-Delta communities to find other regional sources of water besides the Delta; this approach would require an interbasin transfer and many areas of the state are water limited - in fact many regions of the state are dependent on water imported from the Delta itself or elsewhere within the Delta watershed. Demonstrating consistency with WR P1 is not limited to quantifying the extent to which water suppliers have reduced reliance on Delta water. Water Code Section 5003(a)(3) establishes that water can be exported from, transferred through, or used in the Delta if the export, transfer, or use would not have a significant adverse environmental impact in the Delta. As described in the EIR, the Project will not result in significant environmental impacts with implementation of appropriate mitigation

measures (refer to the Draft EIR Table ES-1: Summary of Impacts and Mitigation Measures – pages ES-5 through ES-24 provided as an attachment of support for demonstrating consistency with this Delta Plan policy). Since the Project would not have a significant adverse environmental impact in the Delta, the Project is considered compatible with the requirements of the Delta Plan Policy WR P1. [Urban Water Management Plan_City of Antioch_2015.pdf](#), [Brackish Water Desalination Facility DEIR-PRINT.pdf](#), [Brackish_Water_FEIR_201810-PRINT.pdf](#), [Brackish Water Desalination Facility DEIR-Appendix-PRINT.pdf](#), [Status of 2015 Urban Water Management Plans.pdf](#), [WR P1 Consistency Explanation.pdf](#)

[WR P2 / Cal. Code Regs., tit. 23, § 5004](#) - **Transparency in Water Contracting**

Is the covered action consistent with this portion of the regulatory policy?

N/A

Answer Justification: Delta Plan Policy WR P2 calls for the contracting process for water from the State Water Project and/or the Central Valley Water Project to be done in a publically transparent manner. The covered action does not involve contracting for water from the State Water Project and/or the Central Valley Project.

DELTA PLAN CHAPTER 4

[Cal. Code Regs., tit. 23, § 5002, subd. \(c\)](#) - **Conservation Measure**

Cal. Code Regs., tit. 23, § 5002, subd. (c) provides that a conservation measure proposed to be implemented pursuant to a natural community conservation plan or a habitat conservation plan that was: (1) Developed by a local government in the Delta; and (2) Approved and permitted by the California Department of Fish and Wildlife prior to May 16, 2013 is deemed to be consistent with the regulatory policies listed under Delta Plan Chapter 4 of this Form (i.e. sections 5005 through 5009) if the certification of consistency filed with regard to the conservation measure includes a statement confirming the nature of the conservation measure from the California Department of Fish and Wildlife.

Is the covered action consistent with this portion of the regulatory policy?

N/A

Is a statement confirming the nature of the conservation measure from the California Department of Fish and Wildlife available? N/A

Answer Justification: The covered action is not pursuant to implementation of existing natural community conservation plan or a habitat conservation plan.

[ER P1 / Cal. Code Regs., tit. 23, § 5005](#) - **Delta Flow Objectives**

Is the covered action consistent with this portion of the regulatory policy?

Yes

Answer Justification: ER P1 calls for compliance with the State Water Resource Control Board's Bay-Delta Water Quality Control Plan flow objectives for projects that could significantly affect flow in the Delta. The Project is consistent with this regulatory policy. The Bay-Delta Water Quality Control Plan established flow objectives for the Delta, which are closely linked to salinity goals to protect estuarine habitat for fish species and ensure adequate water quality for drinking water and agricultural irrigation purposes. The Project involves improvements and operational changes at an existing western Delta intake. The proposed changes in timing and location of Delta diversions would not substantially alter Delta flows because the City's diversions to the desalination facility would be offset by a commensurate reduction in the quantity of water needed to be purchased from CCWD. The City's current maximum diversion capacity is 16 million

gallons per day (MGD) (about 30 cubic feet per second (cfs)). During desalination operations, the maximum diversion would be 8 MGD (about 15 cfs). This is a relatively small amount of water in a highly dynamic, high flow area of the western Delta. Modeling analyses conducted as part of the EIR preparation showed the monthly mean percentage of net Delta outflow diverted by the Project varied between 0.03% and 0.021% across the sixteen-year period (1976-1991) of simulation. The EIR analyses also considered the potential water quality effects of both the change in diversions at the City's existing intake and the introduction of the RO concentrate to DD's existing wastewater discharge. The salinity concentrations modeled at key Delta compliance locations and drinking water intakes with and without the Project were nearly indistinguishable in all water year types. The changes identified are much smaller than existing fluctuations in ambient water quality that occur over the course of a typical tidal cycle. These changes are not expected to interfere with any beneficial uses of the Delta, or Delta operations. [Brackish Water Desalination Facility DEIR-PRINT.pdf](#), [Brackish Water FEIR 201810-PRINT.pdf](#), [Brackish Water Desalination Facility DEIR-Appendix-PRINT.pdf](#), [3.11 Delta Hydrology and WQ_clean final.pdf](#)

[ER P2 / Cal. Code Regs., tit. 23, § 5006](#) - **Restore Habitats at Appropriate Elevations**

Is the covered action consistent with this portion of the regulatory policy?

N/A

Answer Justification:

Delta Plan Policy ER P2 calls for habitat restoration to be carried out in manner consistent with the Draft 2011 Ecosystem Restoration Program Conservation Strategy. The Project does not involve habitat restoration. The Project would include modifications to the existing intake to enhance its fish screens. The City proposes to mitigate for shallow-water impacts related to these improvements by purchasing mitigation credits at already approved mitigation banks.

[ER P3 / Cal. Code Regs., tit. 23, § 5007](#) - **Protect Opportunities to Restore Habitat**

Is the covered action consistent with this portion of the regulatory policy?

N/A

Answer Justification:

Delta Plan Policy ER P3 calls for protecting the opportunity to restore habitat within the six priority habitat restoration areas identified the Delta Plan. The Project is not located within any of the six priority habitat restoration areas (PHRA) identified in the Delta Plan, which is the common basis for determining whether Delta Plan Policy ER P3 applies for a given covered action. The existing DD WWTP outfall that will be utilized for the discharge of the RO concentrate is located in the general vicinity of the Suisun Marsh and West Delta PHRAs (e.g., Winter Island is located north of the Project and is part of the West Delta PHRA (~0.2 miles north of the diffuser) and Chipps Island is located downstream and is part of the Suisun Marsh PHRA (~3.5 miles west of the diffuser)). During initial discussions about the Project, DWR expressed concern that RO concentrate discharge could affect its planned tidal marsh restoration projects in the vicinity of the Project site, such as at Winter Island. The effects of the addition of the RO concentrate to DD's existing wastewater discharge were modelled extensively (refer to the response for Delta Plan Policy ER P1 for a more detailed summary of this modeling). It was determined that the effects of the RO concentrate discharge would be diffused quickly, typically within several hundred feet (i.e., less than 1,000 feet) upstream or downstream (i.e., east-to-west orientation) from the discharge point, depending on the direction of the tides. Since Winter Island is located north of the diffuser and the plume would extend in more of an east-west orientation, this island would be expected to experience ambient salinity (i.e., salinity that would occur with

or without the covered action). As a result, the discharge from the Project is not expected to adversely affect habitat conditions within DWR's planned restoration projects in the west Delta and Suisun Marsh. To further confirm the pre-Project analyses, an adaptive management plan that includes monitoring of the discharge plume was developed with DWR input and finalized with the regulatory agencies.

[ER P4 / Cal. Code Regs., tit. 23, § 5008](#) - **Expand Floodplains and Riparian Habitats in Levee Projects**

Is the covered action consistent with this portion of the regulatory policy?

N/A

Answer Justification: Delta Plan Policy ER P4 calls for any action which constructs new levees or substantially rehabilitates or reconstructs an existing levee must be evaluated and where feasible incorporates alternatives to increase floodplain and riparian habitat. The Project does not involve rehabilitation or construction of Project or non-Project levees.

[ER P5 / Cal. Code Regs., tit. 23, § 5009](#) - **Avoid Introductions of and Habitat for Invasive Nonnative Species**

Is the covered action consistent with this portion of the regulatory policy?

Yes

Answer Justification: Delta Plan Policy ER P5 calls for new introductions of or improved habitat conditions for nonnative invasive species to be fully considered and avoided or mitigated. The Project will not introduce and create new habitat for invasive non-native species. The covered action will involve improving an existing Delta intake by adding state-of-the-art fish screens that will be designed to avoid and/or minimize velocity gradients and in-water structures where predation on juvenile fish may be increased. Attraction of predatory fish to the intake screen would be expected to be small to indiscernible relative to surrounding habitat conditions. The Project site is already dominated by ruderal or non-native weed species or introduced non-native ornamental vegetation. As such, it is unlikely that the applicant will be able to discern the incremental effect that the Project would have on invasive species relative to existing baseline conditions if monitoring were implemented. [Brackish Water Desalination Facility DEIR-PRINT.pdf](#), [Brackish Water FEIR 201810-PRINT.pdf](#), [Brackish Water Desalination Facility DEIR-Appendix-PRINT.pdf](#)

DELTA PLAN CHAPTER 5

[DP P1 / Cal. Code Regs., tit. 23, § 5010](#) - **Locate New Urban Development Wisely**

Is the covered action consistent with this portion of the regulatory policy?

Yes

Answer Justification: Delta Plan Policy DP P1 limits new residential, commercial, and industrial development to areas that are designated for such development within spheres of influence by city or county general plans (as of the date of the Delta Plan's adoption in 2013), areas within the Contra Costa County urban limit line (aside from new development on Bethel Island), development in legacy Delta towns, and areas within the Mountain House General Plan Community Boundary. The Project occurs within the boundaries of the 2006 voter-approved Contra Costa County urban limit line. As such, the Project is consistent with this policy. [Brackish Water Desalination Facility DEIR-PRINT.pdf](#), [Brackish Water FEIR 201810-PRINT.pdf](#), [Brackish Water Desalination Facility DEIR-Appendix-PRINT.pdf](#)

[DP P2 / Cal. Code Regs., tit. 23, § 5011](#) - **Respect Local Land Use When Siting Water or Flood Facilities or Restoring Habitats**

Is the covered action consistent with this portion of the regulatory policy?

Yes

Delta Plan Policy DP P2 calls for water management facilities to be sited to avoid or reduce conflicts with existing uses, or those uses depicted in local general plans. This policy also calls for consideration of comments from local agencies and the Delta Protection Commission. The Project components would be primarily located within the City of Antioch, while a small portion of a proposed pipeline would be located in the City of Pittsburg. Descriptions of the locations of the various Project elements are described below along with a context of the local land uses. All the elements of the Project are considered to be fully compatible with the existing land uses.

Water Treatment Plant Site The proposed desalination facility would be located within the fenceline of the existing 25-acre Water Treatment Plant (WTP) at 401 Putnam Street. Land uses surrounding the WTP site include a public school (Park Middle School) to the northwest and undeveloped open space areas to the northwest and east. The nearest private residences are directly west along View Drive, south along Terranova Drive, and northeast along Elizabeth Lane. The WTP site is closed to the public and includes several structures and facilities associated with water treatment. Land cover is predominantly paved surfaces and structures.

Pipelines The new raw water pipeline would be located in the City of Antioch and would head south along Lone Tree Way, and then west across the WTP's southern property line from the connection with the existing raw water pipeline. In the vicinity of the WTP, portions of the new RO concentrate disposal pipeline would be co-located with the new raw water pipeline. The proposed RO concentrate disposal pipeline route would head north across the WTP property and cross Putnam Street; the optional alignment would head east across the WTP's southern property line, north along Lone Tree Way, and then west along Putnam Street. Land uses adjacent to the raw water pipeline and RO concentrate disposal pipeline routes are generally residential and commercial. To reach the connection with the DD WWTP in the City of Pittsburg, the majority of the new RO concentrate disposal pipeline would continue along rights-of-way through the City of Antioch, with a minor portion crossing into City of Pittsburg rights-of-way. Land uses adjacent to the pipeline would be residential, public/institutional, and commercial.

General Plan Designations Pursuant to California Government Code Section 53091(d) and (e), facilities for the production, generation, storage, treatment, and transmission of water supplies are exempt from local land use policies and zoning ordinances. Therefore, in accordance with Sections 53091(d) and 53091(e) of the California Government Code, the proposed desalination facility, intake pump station, and pipelines are exempt from the provisions of the City of Antioch and City of Pittsburg General Plan Land Use Plans and Zoning Ordinances. Nevertheless, the Project must consider compatibility with uses described in local general plans as required by Delta Plan Policy DP P2 to those local land use policies and zoning ordinances – new river intake pump station would be located in a parking lot designated as public/institutional. The proposed Project is sponsored by the City of Antioch, and would provide a public water source; therefore, the intake and pump station would be consistent with this designation. The lands surrounding the WTP site are designated as open space, commercial, and residential. Since the proposed desalination facilities would be located within the fenceline of the existing WTP, the proposed desalination facilities would not conflict with this policy. The pipelines would be installed in road rights-of-way and would not conflict with this policy.

Local Agency Comments In response to the CEQA document, the City received comment letters from CCWD and from DD. CCWD comments related to contractual agreements with the City, and clarification of technical information referenced in the EIR. DD requested additional information and technical coordination with the City regarding facility operations. The City and DD have since entered into a cooperative agreement for implementation of

Answer Justification:

the Project. In addition, as previously described for the response to ER P3, DWR had expressed initial concern that the RO concentrate discharge could affect its planned tidal marsh restoration projects near the DD outfall. ESA's senior aquatic biologists had a series of meetings and phone conversations with key staff with DWR's Fish Restoration Program, which is responsible for implementing DWR's tidal marsh restoration work in Suisun Marsh and the Delta. These discussions involved explaining the RO concentrate plume modeling results, and how the project is expected to have minimal water quality effects. Overall, given the Project would be consistent with land use designations and considered the comments of local agencies through the CEQA process, the Project is considered by the City to be full consistent with Delta Plan Policy DP P2. [Brackish Water Desalination Facility DEIR-PRINT.pdf](#), [Brackish Water FEIR 201810-PRINT.pdf](#), [Brackish Water Desalination Facility DEIR-Appendix-PRINT.pdf](#), [DP P2 Consistency Explanation.pdf](#)

DELTA PLAN CHAPTER 7

[RR P1 / Cal. Code Regs., tit. 23, § 5012](#) - **Prioritization of State Investments in Delta Levees and Risk Reduction**

Is the covered action consistent with this portion of the regulatory policy?

N/A

Answer Justification: Delta Plan Policy RR P1 guides state discretionary funding in Delta flood risk management. The policy calls for such funding to be limited to those projects which support specific goals regarding the priorities of localized flood protection, the Delta levee network, and ecosystem conservation. The Project does not involve any state investments in Delta levees.

[RR P2 / Cal. Code Regs., tit. 23, § 5013](#) - **Require Flood Protection for Residential Development in Rural Areas**

Is the covered action consistent with this portion of the regulatory policy?

N/A

Answer Justification: Delta Plan Policy RR P2 calls for new residential development of five or more parcels to be flood-proofed to a level 12 inches above the 100-year base flood elevation, in combination with 55-inches of sea level rise (as measured at the Golden Gate). The covered action does not include any residential development.

[RR P3 / Cal. Code Regs., tit. 23, § 5014](#) - **Protect Floodways**

Is the covered action consistent with this portion of the regulatory policy?

Yes

Answer Justification: Delta Plan Policy RR P3 calls for no encroachments within a floodway, unless there is appropriate analysis that the encroachment would not unduly impede the free flow of water or jeopardize public safety. The only feature that would occur within a floodway would be the replacement of the existing intake on the San Joaquin River. Given the diminutive size of the intake relative to size of the San Joaquin River channel at Antioch and the fact that the Project would only involve replacing an existing intake facility, not establishing an entirely new intake/intake location, the effect on flood conveyance relative to existing conditions is considered de minimis. [Brackish Water Desalination Facility DEIR-PRINT.pdf](#), [Brackish Water FEIR 201810-PRINT.pdf](#), [Brackish Water Desalination Facility DEIR-Appendix-PRINT.pdf](#)

[RR P4 / Cal. Code Regs., tit. 23, § 5015](#) - **Floodplain Protection**

Is the covered action consistent with this portion of the regulatory policy?

N/A

Answer Justification:

Delta Plan Policy RR P4 calls for no encroachments within three identified floodplains unless there is appropriate analysis that the encroachment would not significantly impact floodplain values and functions. These three floodplains are the Yolo Bypass, the Cosumnes River-Mokelumne River Confluence and the Lower San Joaquin River Floodplain Bypass Area (i.e. Paradise Cut area). The Project site is not located a floodplain identified in the Delta Plan (i.e., Yolo Bypass, Cosumnes River-Mokelumne River Confluence; Lower San Joaquin River Bypass area)

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