SAN DIEGO COUNTY WATER AUTHORITY RESOLUTION

NO. 2016-16

CALIFORNIA ENVIRONMENTAL QUALITY ACT

FINDINGS OF FACT

(PUBLIC RESOURCES CODE 521081 CEQA GUIDELINES 315091)

and

STATEMENT OF OVERRIDING CONSIDERATIONS

(CEQA GUIDELINES 515093)

for the

FINAL SUPPLEMENT TO THE ENVIRONMENTAL IMPACT REPORT (EIR 03-05)

PRECISE DEVELOPMENT PLAN AND DESALINATION PLANT

(SCH No. 2004041081 and 2015091060)

Adopted: August 25, 2016

1.0 INTRODUCTION

The Final Supplement to the Environmental Impact Report (FSEIR or Final SEIR) has been prepared pursuant to the California Environmental Quality Act (CEQA) to address the potential environmental effects of the Precise Development Plan and Desalination Plant intake and discharge modifications and considered by the San Diego County Water Authority (Water Authority) in connection with its public consideration of requested approvals for the Project. The full scope of the proposed Carlsbad Desalination Plant (CDP) modifications and associated approvals are described in more detail in Section 1.2 below. The proposed CDP modifications involve changes to the existing intake and discharge operations, which includes: (1) seawater intake and discharge system improvements required to be constructed due to the decommissioning of the once-through cooling system of the Encina Power Station (EPS); and (2) potential desalination processing improvements that would increase production capacity of the CDP by approximately an annual average 5 million gallons per day (mgd). The proposed CDP modifications would result in changes to the intake and discharge water characteristics (volume, velocity, and salinity). The FSEIR and technical appendices are incorporated herein by reference as though fully set forth.

The following statement of facts and findings ("Findings") has been prepared in accordance with CEQA, for use by the Water Authority in connection with its actions as Lead Agency for the Project.

1.1 Definitions

As used in this document:

(1) "AFY" means acre feet per year.

(2) "Applicant" means Poseidon Resources (Channelside) LP - the applicant for the Desalination Plant.

(3) "BMP" means Best Management Practices.

(4) "BMZ" means Brine Mixing Zone

(5) "Cabrillo" means Cabrillo Power I LLC, owner of the EPS.

(6) "CCC" means California Coastal Commission

(7) "CEQA" means the California Environmental Quality Act.

(8) "City" means the City of Carlsbad.

(9) "CMWD" means the Carlsbad Municipal Water District

(10) "CDP" means the Carlsbad Claude "Bud" Lewis Desalination Plant.

(11) CDP Modifications means the development of stand-alone intake and discharge facilities at the CDP.

(12) "EIR" means Environmental Impact Report.

(13) "EPS" means Encina Power Station.

(14) "EWPCF" means Encina Water Pollution Control Facility.

(15) "FSEIR" or "Final SEIR" means Final Supplement to the Environmental Impact Report dated August 2016.

(16) "GPD" means gallons per day.

(17) "GPM" means gallons per minute.

(18) "MAF" means million acre feet.

(19) "MGD" means millions of gallons per day.

(20) "MMRP" means Mitigation Monitoring and Reporting Program.

(21) "MWD" means Metropolitan Water District of Southern California.

(22) "NOP" means Notice of Preparation.

(23) "Public Agency" means a government agency such as the Water Authority.

(24) "PDP" means Precise Development Plan covering the area comprising approximately 95 acres and encompassing the EPS and its related facilities, and the CDP and its related On-site facilities.

(25) "Poseidon" means Poseidon Resources (Channelside) LP.

(26) "Project" means the CDP Water Purchase Agreement Contract Administration Memorandum Regarding the Proposed Intake and Discharge System modifications, the Supplement to the Water Purchase Agreement and the CDP Modifications.

(27) "PPT" means parts per thousand.

(28) "SCAQMD" means the South Coast Air Quality Management District.

(29) "SDAPCD" means the San Diego Air Pollution Control District.

(30) "SUSMP" means Standard Urban Storm Water Mitigation Plan.

(31) "SWMP" means Storm Water Management Plan.

(32) "SWPPP" means Storm Water Pollution Prevention Plan.

(33) "TDS" means Total Dissolved Solids.

(34) "Water Authority" means the San Diego County Water Authority. [not in alphabetical order]

(37) "WPA" means Water Purchase Agreement.

(35) "ZID" means Zone of Initial Dilution

Any terms not defined herein shall have the same meanings ascribed to them in the Final SEIR.

1.1.1 Record

The "Record" upon which the Water Authority Board of Directors bases these CEQA Findings and its actions and determinations regarding the proposed CDP modifications includes, but is not limited to, the following:

(1) The Draft EIR and Final EIR for the Project, four addendums, and the Draft and Final SEIR for the proposed CDP modifications together with all comments, responses thereto, appendices, and technical reports referred to therein, whether separately bound or not;

(2) All reports, letters, applications, memoranda, maps, or other planning and engineering documents prepared by the Water Authority, planning consultant, environmental consultant, project applicant, or others presented to or before the decision-makers;

(3) All letters, reports, or other documents submitted to the Water Authority by members of the public or public agencies in connection with the Water Authority's environmental analysis on the Project;

(4) All minutes of any public workshops, meetings, or hearings, including the scoping sessions, and any recorded or verbatim transcripts/videotapes thereof;

(5) Any letters, reports, or other documents or other evidence submitted into the record at any public workshops, meeting, or hearings;

(6) Matters of common general knowledge to the Water Authority that the Water Authority may consider, including applicable State or local laws, ordinances, and policies, and all applicable planning programs and policies of the Water Authority; and,

(7) All findings and resolutions adopted by the Water Authority in connection with the Project, including these Findings and the Statement of Overriding Considerations, and all documents cited or referred to therein.

The custodian of the administrative record for this SEIR shall be the Clerk of the Board of the San Diego County Water Authority 4677 Overland Ave, San Diego CA 92123 The Water Authority received, reviewed, and considered all of the information and documents in the record.

1.1.2 Overview of Project Impacts and CEQA Findings

The Final SEIR assesses the potentially significant impacts of the proposed CDP modifications and identifies the following categories of impacts:

(1) Potential impacts that would be "less than significant";

(2) Potential impacts that would be mitigated to a level that is "less than significant with the implementation of mitigation measures identified in the Final SEIR"; and

(3) Potential impacts that would be "significant, unavoidable and unmitigable" because they could not be reduced to a less than significant level with the implementation of mitigation measures.

The Water Authority is acting as the Lead Agency for the proposed CDP modifications under CEQA. As the Lead Agency, Water Authority is responsible for making certain written Findings related to the proposed CDP modifications prior to approval.

Pursuant to CEQA Sections 21081 and 21081.5 and CEQA Guidelines Sections 15091 and 15096(h), for each significant impact identified in the Final SEIR [i.e., categories (2) and (3) above], the Water Authority must make one or more of the following Findings:

(1) Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency (other than the Water Authority), and such changes have been, or can and should be, adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final SEIR.

CEQA defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors" [CEQA § 21061.1]. The CEQA Guidelines adds "legal" considerations as an additional factor in determining feasibility [CEQA Guidelines § 15364]. In addition, if the Finding in (3) above is made with respect to any significant Project impact, the Water Authority must make a Finding, based upon substantial evidence in the record, that specific overriding economic, legal, social, technological, or other benefits outweigh the significant effects on the environment [CEQA §§ 21081(b), 20181.5; CEQA Guidelines § 15093].

The Findings set forth in this document have been prepared pursuant to CEQA Sections 21081 and 21081.5 and CEQA Guidelines Sections 15091, 15092, 15093 and 15097 to address the environmental effects of the Project set forth in the Final SEIR as modified.

1.1.3 Mitigation Monitoring and Reporting Program

A Mitigation Monitoring and Reporting Program ("MMRP") has been prepared and will be adopted as part of the conditions of approval for the Project, pursuant to CEQA Section 21081.6 and CEQA Guidelines Section 15097. The MMRP is made a part hereof and is incorporated herein by this reference.

1.2 Project Description

1.2.1 Project Location

The proposed CDP modifications will be located adjacent to the existing CDP and EPS located immediately south of the Agua Hedionda Lagoon, within the City of Carlsbad. The CDP, EPS, and all properties included in the PDP are located at 4590 and 4600 Carlsbad Boulevard, along the southern edge of the Agua Hedionda Lagoon on the Pacific Ocean. The facilities owned by Cabrillo Power I LLC (Cabrillo) within the PDP area occupy approximately 95 acres of land, generally bounded by SDG&E property on the south, the Pacific Ocean and Carlsbad Boulevard on the west, Interstate 5 on the east, and the southern shore of the outer and middle basins of the Agua Hedionda Lagoon on the north.

1.2.2 Project Description

The proposed CDP modifications to facilitate permanent stand-alone operation of the CDP consist of construction and operations of a new screening/fish-friendly pumping structure, a fish return system, auxiliary facilities. Additional processing improvements could potentially increase annual average production from the existing 50 mgd to 55 mgd in the future. As a permanent stand-alone facility, a maximum of 299 mgd of seawater would be withdrawn from the Agua Hedionda Lagoon: up to 127 mgd for processing by the CDP, up to 198 mgd for flow augmentation used for brine dilution, and approximately 1 mgd for screen wash and fish return. The flow rates for processing and flow augmentation are interrelated such that the total flow rate, inclusive of processing, flow augmentation, screen wash and fish return will not exceed 299 mgd. Up to 60 mgd of the diverted seawater would be converted to fresh water that is delivered to the Water Authority at the CDP property line. The remaining flow (up to 67 mgd) would be returned to the EPS discharge tunnel for blending with the flow augmentation seawater prior to discharge to the Pacific Ocean. The discharge consists of brine produced by the reverse osmosis process (up to 60 mgd) and treated backwash water from the pretreatment filters (up to 7 mgd). The salinity of the discharge prior to dilution is approximately 64 ppt (67 ppt with no backwash water included), whereas the average salinity of the seawater in the vicinity of the discharge tunnel is 33.5 ppt. Poseidon is proposing an initial dilution of the brine to 42 ppt prior to discharge to the ocean. This is accomplished by mixing the CDP discharge with the flow augmentation seawater. The combined CDP discharge, flow augmentation and fish return system flow rate is up to 244 mgd. As compared to the existing project operations, the modified CDP operations described above would achieve a potential 10% average annual increase in fresh drinking water production while reducing total quantity of seawater required for processing and brine dilution purposes.

1.2.3 Discretionary Actions

The following discretionary actions will be required to implement the proposed CDP modifications:

- Water Authority: Approval of how to 1) finance the CDP modification and/or 2) supplement the Water Purchase Agreement (WPA) with Poseidon
- U.S. Army Corps of Engineers: 404 Permit (Nationwide Permit if Applicant selects lagoon fish return option)
- CCC: CDP amendment
- California State Lands Commission: Lease Amendment
- California Department of Fish and Wildlife: Streambed Alteration Agreement (if Applicant selects lagoon fish return option)
- RWQCB – Renewal of NPDES CA0109233
- RWQCB 401 Permit (if Applicant selects lagoon fish return option)
- City of Carlsbad
    - Amendment to the PDP (00-02)
    - Redevelopment Permit (05-12) amendment

1.3 Findings Regarding the Environmental Review Process

Water Authority, acting as Lead Agency for the environmental review of the Project under CEQA, makes the following Findings with regard to the environmental review process undertaken to analyze potential environmental impacts of the Project.

(1) In accordance with CEQA Guidelines Section 15063, the Water Authority prepared an Initial Study in September 2015.

(2) The Water Authority issued its Notice of Preparation ("NOP") on September 18, 2015. The NOP was distributed to all responsible and trustee agencies, as well as other agencies and members of the public, and was published in a local newspaper. A written response was received from the City.

(3) The Water Authority held a public scoping meeting on October 1, 2015, at the City's Faraday Center. Advance notice of the meetings was given in the NOP. At the scoping session, the public was invited to comment on the scope and content of the Supplemental EIR.

(4) The following substantive potential impact areas were identified for the environmental impact analysis:

Air Quality
Biological Resources
Greenhouse Gas Emissions
Hydrology and Water Quality
Energy

Additionally, the Draft SEIR includes other substantive sections such as executive summary, project description, cumulative effects, effects found not to be significant, and growth inducing effects.

(5) The Draft SEIR for the proposed CDP modifications was circulated for public review for a period of 45 days, which started on April 13, 2016 and ended on May 28, 2016. The Draft SEIR was distributed to a variety of public agencies and individuals. A Notice of Availability of the Draft SEIR was published in a local newspaper. The Notice included information on locations, including the Water Authority's website, where the SEIR would be available to the public. The Water Authority made public the release of the Draft SEIR through an announcement on its website and in a public hearing notice for the May 26, 2016, Board meeting. The public hearing notice, published in a local newspaper, provided information on locations, including the Water Authority's website, where the Draft SEIR would be available to the public. The public hearing notice also provided a description of the proposed CDP modifications and the purpose of the Board meeting.

(6) The Water Authority has considered, and responded to, public comments on the Draft SEIR, and has provided a written proposed response to the public agencies on comments made by those public agencies at least 10 days prior to certifying an environmental impact report. The Water Authority determined that recirculation of the Draft SEIR was not required. Responses to comments received on the Draft SEIR are included in the Final SEIR.

(7) The Water Authority released the Final SEIR on August 15, 2016. The Final SEIR was distributed to all responsible and trustee agencies as well as all agencies, community groups and organizations that submitted written comments on the Draft SEIR.

(8) Prior to certification of the Final SEIR, the Water Authority Board has not made any decisions that constitute an irretrievable commitment of resources or a commitment to a definitive course of action with respect to the proposed CDP modifications.

2.0 FINDINGS REGARDING POTENTIAL ENVIRONMENTAL IMPACTS DETERMINED TO HAVE NO IMPACT OR TO BE LESS THAN SIGNIFICANT

The Water Authority hereby finds that the following potential environmental impacts of the Project are less than significant and therefore do not require mitigation measures.

2.1 Air Quality

Construction-related emissions are anticipated in association with construction of the proposed CDP modifications. The estimated maximum daily emissions generated onsite during construction are below the thresholds established by SDAPCD Rule 20.2 for CO, ROC, So_x, and PM_{10}. Therefore, impacts to air quality will be less than significant during construction of the proposed CDP Modifications (Final SEIR, p. 4.1-7 through 4.1-10).

Indirect emissions associated with a net increase in power consumption to produce the potential increase in water supply during the operational phase of the Project will result in total emissions that will be less than the significance thresholds and will therefore not have a significant adverse effect on air quality at the project level (Final SEIR, p. 4.1-11).

The Project will not directly emit toxic air contaminants and will therefore not have the potential to expose sensitive receptors to substantial pollutant concentrations. Furthermore, the Project does not involve any odor-generating sources and is not classified as an odor-generating process (SCAQMD 1993); therefore, the Project will not create objectionable odors affecting a substantial number of people. The Project's operational impacts will therefore be less than significant (Final SEIR, p. 4.1-12 through 4.1-14).

Significant unavoidable cumulative impacts on air quality are addressed in Section 4.1 of these Findings.

These findings related to air quality are consistent with those for the certified Final EIR.

2.2 Biological Resources

Operation of the proposed CDP modifications will not require an increase in the quantity of intake water nor will it increase the velocity of the water at the intake structure. The proposed CDP modifications are designed to reduce the through-screen velocity of intake water in compliance with the Ocean Plan Amendment for Seawater Desalination as regulated by the RWQCB. Compared to that considered in the certified FEIR, inclusion of the CDP modifications substantially reduces the severity of the impingement and entrainment impacts with the reduction in flow, velocity, screen slot size, inclusion of the fish return system, fish friendly pumps, and measures to reduce hydraulic shear and turbulence, and is biologically superior to the stand-alone CDP without such features. Therefore, the proposed CDP modifications will not cause any additional impingement losses of marine organisms associated with water intake (Final SEIR, p. 4.2-5 through 4.2-11).

To achieve the necessary reduction, salinity levels up to 198 MGD of the 299 MGD water passing through the intake screens would be directed to the fish-friendly low-impact axial flow (or equivalent) pumps for dilution water conveyance. The brine discharge is mixed with seawater from the flow augmentation system, then a reduction in salinity to 35.5 ppt as it travels through the discharge system to the edge of the brine mixing zone (BMZ), and finally a reduction from 35.5 ppt to ambient salinity (33.5 ppt). The BMZ is the area where salinity may exceed 2.0 ppt

above ambient salinity, or the concentration of salinity approved as part of an alternative receiving water limitation. Hence, outside of the BMZ, salinity cannot exceed 2 ppt over ambient background salinity, or a facility-specific receiving water limitation adopted by the RWQCB. Within the BMZ, entrained organisms would experience elevated salinity. The BMZ for the CDP is a 200-meter (656-foot) semi-circle originating from the terminus of the discharge channel in the ocean, as established by the Ocean Plan Amendment Section III.M.3.d. The BMZ is a smaller regulated area than the Zone of Initial Dilution (ZID) required by the applicable regulations in effect at the time of the FEIR, which was 1,000 feet. The chronic toxicity test results contained in (Appendix H of the Submittal to RWQCB) suggest that the CDP may qualify for a facility-specific alternative receiving-water limitation in accordance with Section III.M.3.d of the Ocean Plan Amendment. Salinity is projected to be 42 ppt within the discharge pond, which is discharged into the Pacific Ocean. Ambient saline concentrations at the outer edge and beyond the 656-foot BMZ were modeled to be equal to or no more than 2 ppt more than existing ambient levels of 33.5 ppt (Appendix BB of the Submittal to RWQCB). Salinity levels (calculated using 20.5-year dilution simulations) will not exceed35.5 ppt salinity concentrations at the outer edge of the 656-foot BMZ unless the RWQCB were to approve an alternative facility-specific receiving water limitation, in which case the salinity level would not exceed 36.5 ppt. In either case, the salinity level would be less than the 38.4 ppt salinity level threshold established in the FEIR. Therefore, operating conditions will not result in salinity levels exceeding the identified threshold for an extended period of time, impacts related to elevated salinity will not be significant (Final SEIR, p. 4.2-11 through 4.2-14).

The permanent stand-alone facility would not involve substantial thermal increase or resultant stress, and the intake includes a fish return system to deliver marine organisms from the intake screens to the Agua Hedionda Lagoon or the discharge pond where exposure to elevated salinity in the discharge pond would be less than significant (Final SEIR, p. 4.2-14 through 4.2-16). Precautionary monitoring of the discharge will be required to ensure that ongoing operational parameters are within the range of variables assumed in the analysis. The monitoring program is included in the Final SEIR mitigation measures and in the MMRP for purposes of tracking and implementation. However, the monitoring measure is not technically a “mitigation measure” in that it is not needed to reduce effects on the marine environment to less than significant levels, since no significant effects were identified.

Potential effects from chemical additives during the desalination process will be negligible for the operations with incorporation of the proposed CDP modifications. Chemicals will be removed through sand filtration, de-chlorinated, or neutralized prior to discharge, with solids removed for further processing and disposal. Clarified backwash water and brine from the reverse osmosis system make up the vast majority of the water that will be returned to the discharge channel. Minor contributions to the discharge include plant wash down and flow from various water quality analyzers locater throughout the plant. Any chemical additives present will not exceed identified thresholds, and the fish return system will transfer lagoon water back to the lagoon or discharge pond with occasional washing involving low and high pressure water spraying of the screens to remove marine life and debris. Therefore, effects will be less than significant (Final SEIR, p. 4.2-17 and 4.4-4).

These findings related to biological resources are consistent with those for the certified Final EIR.

2.3 Greenhouse Gas Emissions

The GHG emissions for the CDP and the proposed modifications would be reduced to "net zero" or 0 MT CO2E per year through implementation of the Energy Minimization and GHG Reduction Plan. Once the proposed CDP modifications are operational, the annual GHG emissions from the proposed modifications would be counted towards the annual calculation of GHG emissions from the CDP and would be offset in the same manner as the CDP's GHG emissions. As a result of the proposed CDP modifications combined amortized construction and operational emissions being below the County of San Diego's 900 MT CO2E per year screening threshold, in addition to the commitment to be reduce annual operational GHG emissions from the CDP, including the proposed modifications, to "net zero" means the proposed modifications would have a less-than-significant impact from GHG emissions. (Final SEIR, p. 4.3-11 through 4.3-18).

While the certified Final EIR did not include a GHG section and no direct finding related to GHG was required or made at that time, the Project Applicant included an Energy Minimization and GHG Reduction Plan that was approved by public agencies, including the CCC, and with which these findings are consistent.

2.4 Hydrology and Water Quality

Development of the CDP modifications will result in an increase of impervious surfaces of less than 2,000 square feet in areas generally disturbed and adjacent to existing CDP facilities. There are no significant impacts to hydrology and water quality from the development of the proposed CDP modifications (Final SEIR, p. 4.4-3 through 11).

2.4.1 Effects of Desalination Plant Discharge on Ocean Water Quality

2.4.1.1 Salinity

As discussed in Section 2.2 above, discharge from proposed CDP modifications will result in increased salinity, that will be less than the 38.4 ppt salinity level threshold established in the Final EIR and that impacts are less than significant

A maximum of 299 mgd of seawater would be withdrawn from the Lagoon (up to 127 mgd for processing, up to 198 mgd for brine dilution, and approximately 1 mgd for screen wash and fish return). Up to 60 mgd of the diverted seawater is converted to fresh water that is piped to the Water Authority delivery system. The remaining flow (up to 67 mgd) is returned to the discharge tunnel for blending with seawater prior to discharge to the Pacific Ocean. The discharge consists of brine produced by the reverse osmosis process (up to 60 mgd) and treated backwash water from the pretreatment filters (up to 7 mgd). The salinity of the discharge prior to dilution is approximately 64 parts per thousand (ppt) (67 ppt with no backwash water included), whereas the average salinity of the seawater in the vicinity of the discharge channel ranges approximately between 42 ppt and 33.5 ppt as the dilution process occurs. The brine would undergo an initial dilution to approximately 42 ppt by mixing the discharge with up to 198 mgd of the seawater withdrawn from Agua Hedionda Lagoon within the discharge pond. The combined discharge, dilution water flow rate and fish return system flow rate for the proposed CDP modifications

would be up to 244 mgd. Per the Ocean Plan Amendment, the discharge is not to exceed a daily maximum of 2.0 ppt above natural background salinity measured at the edge of the brine mixing zone unless the RWQCB determines a facility-specific alternative salinity receiving water limitation is adequately protective of beneficial uses of the Pacific Ocean. The chronic toxicity test results contained in (Appendix H of the Submittal to RWQCB) suggest that the CDP qualifies for a facility-specific alternative receiving-water limitation in accordance with Section III.M.3.d of the Ocean Plan. Under average conditions, the discharge would not exceed a daily maximum of 35.5 ppt at the edge of the BMZ (approximately 200 meters (656 feet) from the discharge point) after initial dilution in the existing discharge pond and further dilution within the BMZ unless the RWQCB approves an alternative facility-specific receiving water limitation, in which case the salinity level would not exceed 36.5 ppt. In either case, the salinity level would be less than the 38.4 ppt salinity level threshold established in the FEIR..

The 200-meter brine mixing zone is consistent with the Ocean Plan Amendment as an alternative brine mixing zone ~~a facility-specific alternative receiving water salinity limitation~~. Chapter III.M.3.d provides that a facility which has received a conditional Water Code section 13142.5(b) determination and is over 80 percent constructed by the effective date of the Desalination Amendments shall not exceed a daily maximum of 2.0 ppt above natural background salinity measured at the edge of the brine mixing zone 200 meters (656 ft.) away from the points of discharge. The owner or operator of such a facility must demonstrate, in accordance with chapter III.M.2.d.(2)(c), that the individual and cumulative effects of a combination of the alternative brine mixing zone and flow augmentation using a surface water intake provide a comparable level of intake and mortality of all forms of marine life as the combination of the standard brine mixing zone and wastewater dilution if wastewater is available, or multiport diffusers if wastewater is unavailable; and in no case may the discharge result in hypoxic conditions outside of the alternative brine mixing zone.

The RWQCB conducted and approved a conditional Water Code section 13142.5(b) determination in 2009 (Order R9-2009-0038) and the CDP is constructed and fully operational. The proposed modifications would continue to rely on flow augmentation using a surface water intake. The Submittal to the RWQCB includes a request that the Regional Water Board, in consultation with the State Water Board staff, approve of an alternative brine mixing zone not to exceed 200 meters (656 ft.) laterally from the discharge point and throughout the water column. Analysis provided as Appendix CC to the Submittal to the RWQCB demonstrated in accordance with chapter III.M.2.d.(2)(c), that wastewater dilution is not available. Analysis provided as Appendix B and Appendix K to the Submittal to the RWQCB demonstrated that the combination of the alternative brine mixing zone and flow augmentation using a surface water intake would result in a lower level of intake and mortality of all forms of marine life as the combination of the standard brine mixing zone with a multiport diffuser. The analysis provided as Appendix DD to the Submittal to the RWQCB demonstrated that the proposed discharge would not result in hypoxic conditions outside of the alternative brine mixing zone.

The proposed brine mixing zone would be contained to 15.5-acre semicircular area extending 200 meters (656 ft.) from the end of the discharge channel. For comparison purposes, the area in which the brine mixing zone for the multiport diffuser considered in the Feasibility Study consisted of four duck-bill diffuser ports located 100 feet apart would eject the brine into the water column at a high

velocity to promote rapid diffusion and dispersion. The Brine Mixing Zone would extend 100 meters (328 ft.) out from each of the four discharge points with the combined area inside the brine mixing zone covering 14.4 acres. Therefore, the size of the brine mixing zone associated with the screened intake combined with flow augmentation is slightly larger (7.6%) than the brine mixing zone for a screened intake combined with a multiport diffuser.

As part of the permitting process with RWQCB the Applicant has prepared a Feasibility Study (Appendix B to the Submittal to the RWQCB) that assessed the combined effects of each of these technologies on all forms of marine life as required by CA Water Code Section 13142.5(b). The conclusion of that assessment was that the screened intake combined with flow augmentation would result in lower mortality to all forms of marine life than the screened intake combined with a multiport diffuser. The total area impacted by these technologies was found to be 99.5 aces for the screened intake combined with flow augmentation versus 118.4 acres with the screened intake combined with the multiport diffuser.

The hydrodynamic discharge modeling study included in Appendix C to the Submittal to the RWQCB was revised in response to comments received from the Regional Water Board. The revised hydrodynamic discharge modeling study (Appendix BB to the Submittal to the RWQCB) concluded that the CDP could withdraw less seawater for flow augmentation than contemplated in Order R9-2009-0065 and not exceed a daily maximum of 2.0 ppt above natural background salinity measured at the edge of the brine mixing zone 200 meters (656 ft.) away from the point of discharge, or to within 3 ppt if the RWQCB determines a facility-specific alternative salinity receiving water limitation is adequately protective of beneficial uses of the Pacific Ocean. The mixing conditions modeled in the study were modified to conform to the definition of Initial Dilution in the Ocean Plan. Order R9-2009-0065 allows a daily average diversion of seawater for flow augmentation and filter backwash purposes of 204 mgd. The hydrodynamic discharge modeling study included in Appendix BB concluded that a seawater discharge (flow augmentation and filter backwash) of 178 mgd would be needed for dilution of the brine during the worst case month at an average seawater salinity of 33.5 ppt. The Applicant is requesting authorization to divert up to 198 mgd of seawater for flow augmentation and filter backwash purposes (as needed) to account for variability in the natural background seawater salinity and other conditions in the receiving water that may affect the ability of the project to ensure compliance with the daily maximum salinity requirement of 2.0 ppt above natural background salinity measured at the edge of the brine mixing zone 200 meters (656 ft.) away from the points of discharge. A flow rate of 198 mgd represents a 3% reduction in seawater required for flow augmentation and filter backwash purposes under the proposed permanent stand-alone operations.

Based on the results of the revised hydrodynamic discharge modeling study (Appendix BB to the Submittal to the RWQCB), a brine mixing zone of less than 200 meters would not be able to achieve compliance with the Ocean Plan receiving water salinity limitation of 2.0 ppt above natural background salinity at the edge of brine mixing zone during the worst case month without increasing the quantity of seawater used for flow augmentation or without RWQCB approval of a facility-specific receiving water limitation.

The Applicant has requested guidance from the RWQCB to identify future research, studies, and monitoring required to evaluate and identify a facility-specific alternative receiving water

salinity limitation in accordance with section III.M.3.c. of the Ocean Plan. The Applicant conducted chronic toxicity testing to determine whether a facility-specific alternative receiving water limitation is adequately protective of beneficial uses. The chronic toxicity testing (Appendix H to the Submittal to the RWQCB) found that the lowest observed effect concentration (LOEC) for the most sensitive species, red abalone, is 36.5 ppt. The RWQCB is reviewing the Applicant's request and has yet to make a decision about whether an alternative receiving water salinity limitation for the CDP is appropriate. Absent a determination by the RWQCB that an alternative receiving water salinity limitation for the CDP is appropriate, the SEIR assumes project operations in conformance with a daily maximum salinity requirement of 2.0 ppt above natural background salinity measured at the edge of a brine mixing zone 200 meters (656 ft.) away from the points of discharge.

2.4.1.2 Fish Return

The new screening/fish-friendly pumping structure would be screened by up to eight center-flow traveling water screens (two redundant) with 1 mm mesh, modified with fish protection features (fish lifting buckets on each screen basket, low pressure spraywash, and fish return system). Approximately 1 mgd of the total intake water withdrawn from the Agua Hedionda Lagoon would be used for screen wash and fish return. The water discharged with the fish return would be the same untreated lagoon water that was withdrawn for intake processing and flow augmentation. The water quality of the fish return water would not be altered from when it was withdrawn from the lagoon. All fish and debris in the traveling screen fish buckets would be returned to Agua Hedionda Lagoon at a location that minimizes the potential recirculation of organisms and debris, or to the existing EPS discharge pond at a location that would expedite transfer to the Pacific Ocean. The fish return system would not add constituents to the receiving water other than what is withdrawn from the receiving waters through the intake. Therefore, impacts to the water quality would be less than significant (Final SEIR p 4.4-8).

2.4.1.3 Chemicals, Metals, and Cleaning Solutions

As discussed in 2.2 above, the potential effects from chemical additives during the desalination process will be negligible for the proposed operations with incorporation of the proposed CDP modifications. Chemicals will be removed through sand filtration, de-chlorinated, or neutralized prior to discharge, with solids removed for further processing and disposal. Clarified backwash water and brine from the reverse osmosis system make up the vast majority of the water that will be returned to the discharge channel. Minor contributions to the discharge include plant wash down and flow from various water quality analyzers locater throughout the plant. Any chemical additives present will not exceed identified thresholds, and the fish return system will transfer lagoon water back to the lagoon or the discharge pond with occasional washing involving low pressure water spraying of areas of debris build up. Therefore, effects will be less than significant (Final SEIR, p. 4.4-4).

2.4.1.4 Flooding and Inundation

The Proposed CDP Modifications include structures designed for operation in a submerged environment, such as the fish return, intake and discharge aquatic components and would not be

at risk as a result of inundation from a rise in sea level or a flood event. The electrical motors on the pumps and screens and electrical equipment in the electrical building to be located adjacent to the screening/pumping structure are susceptible to damage if inundated. However, finished grade in this area is approximately 17.6 feet above mean sea level outside of the 100-year flood zone and beyond the level of projected sea level rise. Therefore, impacts associated with the proposed modifications would be less than significant. (Final SEIR, p. 4.4-9 through 4.4-10)

These findings related to hydrology and water quality impacts are consistent with those for the certified Final EIR.

2.5 Energy

The proposed CDP modifications, including the potential average annual increase in 5 mgd of product water, would require the use of energy in this instance is necessary to support the additional source of potable water in drought stricken California in an area close to the demand for that water. The proposed modifications would also require additional electricity demand to operate fish friendly pumps, traveling screens, and a fish return system that would greatly reduce the potential effects on marine life from operation of the ocean water intake. The proposed CDP modifications would use more energy and could reduce some CDP equipment energy efficiencies; however, the proposed modifications provide additional benefits from the increase in electricity demand. With implementation of the state and City energy code and policies, and because the proposed modifications energy use would be rolled into the CDP's Energy Minimization and GHG Reduction Plan, which commits to efficient and non-wasteful use of energy, the proposed CDP modifications would not result in the wasteful, inefficient, or unnecessary use of energy during operations. Therefore, impacts would be less than significant. (Final SEIR, p. 4.5-4 through 4.5-6).

While the certified Final EIR did not include an Energy section and no direct finding related to Energy was required or made at that time, the Project Applicant included an Energy Minimization and GHG Reduction Plan that was approved by public agencies, including the CCC, and with which these findings are consistent.

2.6 Cumulative

2.6.1 Biological Resources

As discussed in detail in *Section 4.2, Biological Resources* of the Final SEIR, the proposed CDP modifications design and operating parameters will not result in significant impacts to marine organisms. The nearest cumulative projects are the Agua Hedionda periodic dredging, the Carlsbad Energy Center, and the Agua Hedionda South Shore Specific Plan (85/15). Each cumulative project would comply with applicable Clean Water Act, Endangered Species Act, Coastal Act, and other regulatory requirements designed to protect the marine biological environment, which would minimize impacts to marine biological resources. Therefore, a significant cumulative impact would not occur, and the proposed modifications would not cumulatively contribute to a significant cumulative impact, consistent with the conclusions in the FEIR. (Final EIR, p. 5-4 through 5-5).

These findings related to cumulative biological resource impacts are consistent with those for the certified Final EIR.

2.6.2 Greenhouse Gas Emissions

Global climate change is by definition a cumulative impact; a project participates in this potential impact through its incremental contribution combined with the cumulative increase of all other sources of greenhouse gases (GHGs). Thus, GHG impacts are recognized as exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective (CAPCOA 2008). As such, cumulative impacts from GHG emissions are discussed above in Section 2.3. As described therein, the CDP with incorporation of the proposed modifications would not have a cumulatively considerable contribution of GHG emissions and would not result in a cumulative impact. (Final EIR, p. 5-5).

While the certified Final EIR did not include a GHG section and no direct finding related to GHG was required or made at that time, the Project Applicant included an Energy Minimization and GHG Reduction Plan that was approved by public agencies, principally/including the CCC, and with which these findings are consistent.

2.6.3 Hydrology and Water Quality

The cumulative impacts analysis for hydrology and water quality considered the area that could be impacted by the proposed CDP modifications and the portion of the ocean that could be affected by discharges. The proposed modifications would result in minor modifications to the approved CDP that would not change the function or use of the site as a desalination plant and is located within a relatively small portion of the PDP area. The proposed modifications would not result in substantial changes to the CDP and would not contribute to potential cumulative effects. Other water quality and hydrology issues associated with the plant will be temporary (construction-related) in nature and would not contribute to cumulatively significant impacts (Final EIR, p. 5-5 through 5-6).

These findings related to cumulative hydrology and water quality impacts are consistent with those for the certified Final EIR.

2.6.4 Energy

The CDP with incorporation of the proposed modifications and cumulative projects are consistent with planned development anticipated under the General Plan and would increase future energy consumption within the plan area, resulting in additional demand for electricity and natural gas supply and services. However, despite the overall increase in future energy use, the state's current and future energy code and the General Plan policies would ensure energy efficient designs in new development and encourage energy efficiency upgrades in existing development, both of which would minimize wasteful, inefficient energy consumption.

Each of the cumulative projects would be required to comply with the state's Title 24 energy performance standards and the City's General Plan energy conservation policies and actions

(policies 9-P.2, 9-P.8, 9-P.10, 9-P.12, and 9-P.13). With implementation of the state and City energy code and policies, cumulative impacts would be less than significant. Furthermore, because the proposed modifications energy use would be rolled into the CDP's Energy Minimization and GHG Reduction Plan, which commits to efficient and non-wasteful use of energy, the proposed CDP modifications would not result in a cumulatively considerable contribution. (Final SEIR, p. 5-6 through 5-7).

While the certified Final EIR did not include an Energy section and no direct finding related to Energy was required or made at that time, the Project Applicant included an Energy Minimization and GHG Reduction Plan that was approved by public agencies, including the CCC, and with which these findings are consistent.

3.0 FINDINGS REGARDING ENVIRONMENTAL IMPACTS DETERMINED TO BE MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

The Final SEIR identifies certain mitigation measures which have been incorporated, in all substantive respects, into the MMRP for the Project. The Water Authority, as Lead Agency, will incorporate the MMRP into the conditions of approval of the Project.

The Water Authority finds, pursuant to CEQA Section 21081(a)(1)-(2) and CEQA Guidelines Section 15091(a)(1)-(2), that changes or alterations have been required in, or incorporated into, the Project, which would avoid or substantially lessen the potentially significant effects, or, such changes or alterations are within the responsibility and jurisdiction of another Public Agency and have been, or can and should be, adopted by that other agency, in the following environmental category: (1) Hydrology and Water Quality.

The Water Authority finds that the potentially significant effects in the environmental categories specified above have been mitigated to a level that is less than significant after implementation of mitigation measures identified in the Final SEIR and incorporated into the MMRP. The impacts which have been reduced to a less than significant level with mitigation, together with the basis for such determination, are set forth below.

The Water Authority further finds that, to the extent that certain impacts will occur outside of the Water Authority's jurisdiction, the mitigation measures identified in the Final SEIR and incorporated into the MMRP can and should be implemented by the respective Local Agencies.

3.1 Hydrology and Water Quality

3.1.1 Potentially Significant Impacts

During construction of the proposed CDP modifications, bare soils will be exposed; soil and material stockpiles will be established; and fuels, lubricants and solid and liquid wastes will be stored within active construction areas. If the construction areas are not properly managed to contain loose soils and liquid and solid contaminants, potentially significant short-term water quality impacts could occur.

3.1.2 Mitigation Measures

The following mitigation measures were required by the Final EIR and with implementation, potential impacts to hydrology and water quality will remain less than significant:

3.1.2.1 Prior to issuance of a grading permit, building permit or demolition permit, whichever occurs first, the project applicant shall demonstrate compliance with all applicable regulations established by the United States Environmental Protection Agency (USEPA) as set forth in the National Pollutant Discharge Elimination System (NPDES) permit requirements for urban runoff and storm water discharge and any regulations adopted by the city within which construction will take place, pursuant to the NPDES regulations or requirements of that city (Carlsbad). Further, the applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board to obtain coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction Activity and shall implement a Storm Water Pollution Prevention Plan (SWPPP) concurrent with the commencement of grading activities. The SWPPP shall include both construction and post-construction pollution prevention and pollution control measures and shall identify funding mechanisms for post-construction control measures.

3.1.3 Supporting Explanation

Significant impacts to water quality will be avoided through implementation of BMPs that will address erosion/sedimentation, spill prevention, waste management, dust suppression, cleaning and maintenance measures that will be part of the General Construction Activity Stormwater Permit. For impacts related to the development of the proposed CDP modifications, the Project shall also prepare a SWMP to demonstrate compliance with the City of Carlsbad SUSMP. Impacts to water quality during construction also will be mitigated to less significant through implementation of the SWPPP. The SWPPP will describe the site-specific BMPs to reduce the amount of sediment-laden runoff entering the lagoon and other waterways. Potentially significant impacts due to construction in a flood hazard area will be mitigated by limiting construction to dry months only unless the applicant can satisfactorily demonstrate to the City, before grading or other construction permits are issued, that construction would not impede or redirect flood flows or expose people or structures to flooding.

With implementation of the above listed mitigation measures, the potential impacts related to hydrology and water quality described above will be reduced to a less than significant level (Final SEIR, p. 4.4-12).

4.0 FINDINGS REGARDING SIGNIFICANT UNAVOIDABLE IMPACTS

The Water Authority, acting as the Lead Agency under CEQA, finds that the Final EIR identifies significant unavoidable impacts in the following environmental categories:

- Cumulative Air Quality

CEQA Sections 21081 and 21081.5 and CEQA Guidelines Section 15091 provide that the Water Authority shall not approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the Water Authority makes one or more of the following Findings for each significant effect, based on substantial evidence in the record:

(1) Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect;

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and such changes have been, or can and should be, adopted by such other agency; and/or

(3) Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The Water Authority has determined that certain mitigation measures identified in the Final SEIR will substantially lessen the significant impacts identified above in Section 3 of these Findings. Such mitigation measures have been incorporated into the MMRP, which will be included as a condition of the Water Authority's approval of the Project. However, the Water Authority has determined that the mitigation measures will not or may not reduce the impacts identified above in this Section 4 to a less than significant level and those impacts therefore remain significant and unavoidable or potentially significant and unavoidable. The Water Authority's Findings relating to the significant unavoidable impacts and the bases therefor are set forth below, pursuant to CEQA Sections 21081 and 21081.5 and CEQA Guidelines Sections 15091, 15092 and 15093. A Statement of Overriding Considerations with respect to these impacts is included in Section 7.0 of these Findings, below.

4.1 Cumulative Air Quality

The proposed modifications would not result in a considerable direct contribution to any cumulatively significant air quality impact. However, the FEIR findings identified that the increased electricity demand could result in a significant indirect increase in criteria pollutants because the generation of that electricity could be achieved by fossil fueled power plants within the SDAB. This indirect contribution to a cumulative impact is significant.

There are no feasible mitigation measures that could be implemented on a project-by-project basis that would reduce this cumulative impact to below a level of significance. Therefore, no measures are available to the Project that could feasibly avoid or substantially lessen this effect.

5.0 FINDINGS REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

The Project will require commitment of nonrenewable resources associated with construction and long-term operation, including but not limited to, lumber and other related forest products, sand, gravel and concrete, asphalt, petrochemical construction materials, steel, copper, lead and

other metals, water, fuels and energy. Use of these resources will have an incremental effect on the regional consumption of these commodities.

Construction and operation of the proposed CDP modifications will also involve consumption of energy resources, such as electricity and natural gas, derived from non-renewable sources such as fossil fuels. However, the Project will not result in the degradation or destruction of important or sensitive natural resources.

6.0 FINDINGS REGARDING THE MITIGATION MONITORING AND REPORTING PROGRAM

The Water Authority Board hereby adopts the Mitigation Monitoring and Reporting Program attached to this Resolution as Exhibit B. In the event of any inconsistencies between the mitigation measures set forth herein and the Mitigation Monitoring and Reporting Program, the Mitigation Monitoring and Reporting Program shall control. The Mitigation Monitoring and Reporting Program will be adopted as part of the conditions of approval for the Project, pursuant to CEQA Section 21081.6 and CEQA Guidelines Section 15097.

7.0 STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to CEQA Guidelines Section 15092, 15093 and 15043, decision-makers are required to balance the economic, legal, social, technological and other benefits of a project against its unavoidable environmental risks in determining whether to approve the project. If the benefits of the project outweigh the unavoidable adverse effects, the adverse environmental effects may be considered "acceptable." When a public agency approves a project which will result in significant effects which are identified in the Final SEIR but are not avoided or substantially lessened, the CEQA Guidelines require that the agency state in writing the specific reasons to support its action based on the Final SEIR and other information in the record.

To the extent that any significant environmental effects associated with the Project are not avoided or substantially lessened, the Water Authority, acting as the CEQA Lead Agency for the Project, having reviewed and considered the information in the Record, and having balanced the benefits of the Project against the unavoidable adverse effects which remain, finds such unmitigated effects to be acceptable, based upon the considerations set forth below. This statement of overriding considerations shall be included in the record of Project approval and shall be mentioned in the Notice of Determination for the Project.

7.1 Significant Unavoidable Adverse Impacts

The Final SEIR identified one environmental impact resulting from the Project which will be significant and unavoidable; (1) Cumulative Impacts on Air Quality.

7.1.1 Cumulative Impacts to Air Quality

The San Diego air basin is currently not in attainment with state and federal standards for PM10 and ozone. The Desalination Plant will be powered by electrical energy, at least some of which is

likely to come from pollutant emitting sources in the San Diego air basin. Accordingly, the Project will contribute to a significant cumulative impact to air quality with respect to indirect generation of criteria pollutants from fossil fueled power facilities partially responsible for supplying electricity for the increased demand of the proposed CDP modifications and there are no feasible mitigation measures that would reduce this cumulative impact to below a level of significance (FEIR, p. 5-4).

7.2 Overriding Considerations

Based on the Final EIR and other information in the Record, the Water Authority has determined that the proposed CDP modifications may result in significant environmental Cumulative Impact on Air Quality. The Water Authority has further determined that there are no feasible mitigation measures that would reduce these impacts to less than significant levels. Therefore, the proposed CDP modifications will still result or potentially will result in significant unmitigated environmental impacts.

The Water Authority, acting as the Lead Agency for the Project under CEQA, having reviewed and considered the information contained in the Final SEIR and the Record, finds as follows:

(1) All feasible mitigation measures have been imposed to reduce Project impacts.

(2) The Project will allow continued operation of the CDP, and potentially provide an expanded local source of desalinated water for the Water Authority and for the Water Authority's Member Agencies supplying water to residents and businesses throughout San Diego County. This will continue to supplement imported water supplies currently available to the Water Authority and its Member Agencies, improve water supply reliability and water quality for the residents and businesses of San Diego County and will complement the Water Authority and the Water Authority Member Agencies' water conservation and water recycling programs.

(3) Although certain significant adverse impacts have been identified pursuant to the environmental analysis under CEQA, specifically Cumulative Impacts to Air Quality, the Water Authority recognizes and finds that the overall benefits of the Project far outweigh these impacts.

(4) The Project benefits, discussed below, which the Water Authority considers to be overriding considerations with respect to the identified adverse impacts include the Water Authority 's ability to replace a significant portion of its existing water supply, which is heavily dependent upon imported water, with a local, reliable source.

7.2.1 Project Benefits

7.2.1.1 Security of Water Supply:

The intake facilities for the CDP are currently permitted and configured to draw the CDP's seawater supply off of the existing EPS once-through cooling water system. A 2010 State Water

Resources Control Board's policy, is phasing out once-through cooling. As a result, NRG Energy ("NRG"), the owner of the EPS, has notified the Project Company of the impending planned shutdown and decommissioning of the facility as early as June 2017. This will require CDP to transition to a "stand-alone" operation of the desalination plant. Without the proposed modifications, the existing CDP will no longer be operational. The San Diego County Water Authority's 2015 Urban Water Management Plan identifies the CDP as a verifiable source of the supply. As a result, the San Diego Region is relying on this source of supply to meet the water demands in the region.

7.2.1.2 Reliability:

The CDP provides an expanded reliable water supply for 30 years with two possible 10-year extensions. The Water Authority is protected from shortfalls in delivery under the terms of the Water Purchase Agreement. The CDP modifications will ensure the continued operation of the CDP.

7.2.1.3 Improved Water Quality:

The CDP has increased the volume of high quality drinking water that is available to the Water Authority. The CDP delivers a drinking water supply to the Water Authority that meets all State and Federal health standards, as well as provides a reduction in the TDS compared to imported water from the Colorado River and Sacramento-San Joaquin Delta provided by the Water Authority. The desalinated water TDS is monitored three times a week and shall not exceed 320 mg/L in more half the samples taken. Additionally, 90% of the samples shall be less than 375 mg/L. Without the CDP modifications, the Water Authority will no longer receive this high quality water.

7.2.1.4 Economic Benefits:

The CDP has provided the Water Authority with an increased volume of desalinated water at a predictable and reasonable price through the long-term Water Purchase Agreement. The failure to complete the CDP modifications would result in the shut-down of the CDP. Currently there is a significant investment, including $734 M in outstanding bonds that is supported by the ongoing operation of the CDP.

7.2.1.5 Positive Economic Impact on Ability to Attract and Retain Business

The CDP modifications will ensure the continued operation of the CDP. The CDP provides a drought-resistant, reliable water supply for the Water Authority that provides the stability necessary to attract and retain businesses which are dependent on a reliable water supply

The FEIR identified that the CDP will provide an extraordinary benefit to residents and businesses by generating substantial tax revenues that go to the general funds of San Diego County cities to support police, fire, health, welfare and transportation. Good public services help to attract high quality businesses. Continued operation of the CDP through the CDP modifications will ensure that these benefits continue.

7.2.1.6 Environmental Benefits:

The Project will implement the best available technology and design for the intake and discharge of seawater for the CDP location, improving upon the current infrastructure for seawater intake and discharge established for the EPS. The proposed CDP modifications are driven by the closure of the EPS and the requirements of the Ocean Plan Amendment for Seawater Desalination that are intended to improve the protection of environmental resources. The proposed CDP modifications achieve this through reduced screen slot size, reduced intake velocities, use of fish-friendly low axial pumps, and inclusion of a fish return system. All of these modifications are designed to reduce the effects on marine organisms, substantially improving on the existing infrastructure design and technology developed along with the EPS. Even with the potential increased capacity for the CDP with the proposed modifications the overall seawater intake volume would be reduced.

The Water Authority finds that the foregoing benefits provided to the public through the approval and implementation of the Project outweigh the identified significant adverse environmental impact of the Project that cannot be mitigated. The Water Authority finds that the Project benefits outweigh the unavoidable adverse environmental effects identified in the Final SEIR and therefore finds those impacts to be acceptable.