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Department of the Interior
Bureau of Reclamation
Mid-Pacific Region

Record of Decision

Contra Costa Water District
Alternative Intake Project
Final Environmental Impact Statement

April 2008

Recommended:

Alan R. Candlish
Regional Planning Officer

Date 4/25/08

Concur:

Susan M. Fry
Regional Environmental Officer

Date 4-29-08

Approved:

Michael R. Finnegan
Acting Regional Director

Date 5/2/08

I. Introduction

This Record of Decision (ROD) documents the decision of the Department of the Interior, Bureau of Reclamation (Reclamation), Mid-Pacific Region on the Alternative Intake Project. Reclamation's decision is to provide written consent that the Preferred Alternative constitutes an additional point of delivery of Central Valley Project (CVP) water pursuant to paragraphs 5(a) and 9.1(a) of Contra Costa Water District's (CCWD's) Long-Term Renewal Contract No. 175r-3401A-LTR1.

This ROD is based upon the Final Environmental Impact Report /Environmental Impact Statement (EIR/EIS) dated October 2006 and analysis addressing the change in conditions since the Final EIR/EIS and the Wanger Interim Remedial Order that demonstrated no change in environmental impacts.

II. Background

On May 10, 2005, Reclamation executed a Long-Term Renewal Contract with CCWD. CCWD diverts a small portion of its water supply under its own permit and license at Mallard Slough intake. Reclamation supplies up to 195,000 acre-feet per year (af/yr) of CVP water for delivery at the Rock Slough intake for the Contra Costa Canal and Old River intake for the Los Vaqueros Reservoir. This water supply is subject to wide variations in salt and organic carbon concentrations, as well as other water quality parameters. Reclamation does not warrant the quality of water delivered to CCWD.

During periods when water quality in the Delta at CCWD intakes does not meet CCWD's water quality objectives, CCWD uses higher-quality water stored in Los Vaqueros Reservoir to blend with the directly diverted Delta water. However, even with the source blending benefits of the Los Vaqueros Reservoir, CCWD expects to be unable to meet its water quality objectives during some extended periods of high salinity in the Delta, and expects these periods to occur more frequently in the future.

CCWD serves treated and untreated water to approximately 550,000 people in central and eastern Contra Costa County, California. CCWD provides retail treated water to Clayton, Clyde, Concord, Pacheco, Port Costa, and parts of Martinez, Pleasant Hill, and Walnut Creek from the Bollman Water Treatment Plant (WTP) in Concord.

In addition, CCWD sells wholesale treated water to the City of Antioch and the Golden State Water Company in Bay Point. CCWD treats water at the Randall-Bold WTP in Oakley for delivery to the Diablo Water District and the city of Brentwood. CCWD also sells untreated water to the cities of Antioch, Martinez, and Pittsburg, the Diablo Water District in Oakley, and the Golden State Water Company in Bay Point, as well as 22 major industrial customers, and a number of smaller customers.

III. Decision

The Preferred Alternative, Alternative Intake with Modified Operations, consists of construction by CCWD of a new Delta diversion to Los Vaqueros Reservoir from Victoria Canal and a conveyance pipeline across Victoria Island and beneath Old River that tie into the existing Old River conveyance system on Byron Tract. The new diversion would be equipped with a screened intake and pumping station with a capacity of 250 cubic feet per second (cfs). Operations will shift a portion of the current Rock Slough pumping as well as some of the current Old River pumping to the new screened intake, and shift some of CCWD's current diversion from winter and spring to summer and fall.

CCWD's system-wide maximum diversion rate and average annual quantity will not increase. The intake will be operated consistent with all applicable laws, rules and regulations. Implementation of the Preferred Alternative will require adding a new point of diversion to the existing water right permit held by CCWD, and to 15 water right permits held by Reclamation. However, this action will not result in increased water right permit diversion rates or amounts, CVP contract amounts, or permitted Los Vaqueros filling rates.

After consideration of the analysis in the Draft and Final EIR/EIS (released May, 2006 and October 26, 2006, respectively), and other information in the record, Reclamation's decision is to provide written consent that the Preferred Alternative constitutes an additional point of delivery of CVP water pursuant to paragraphs 5(a) and 9.1(a) of CCWD's Long-Term Renewal Contract No. 175r-3401A-LTR1. Implementation of this Decision is contingent upon the State Water Resources Control Board approval of the related water rights petition. CCWD's implementation of the Preferred Alternative will include compliance with all required mitigation set forth in the Mitigation Monitoring Program (MMP) (Attachment A), and the Biological Opinions (BOs). The Preferred Alternative, which is also the environmentally preferable alternative, is the Modified Operations Alternative (Alternative 3), as described in detail below and more fully described in the EIR/EIS.

Operations

The new intake will have a capacity of up to 250 cfs and will be part of CCWD's Old River conveyance system. The existing Old River intake and pump station, with a current capacity of 250 cfs, will remain in use. CCWD will operate its system to relocate a portion of the current Rock Slough pumping, as well as some of the current Old River pumping to the new screened intake.

Combined diversions from the 250 cfs Old River pump station and the proposed 250 cfs alternative intake will be limited to a total of 320 cfs by the capacity of the pipeline connecting the Old River pump station to CCWD's transfer station that routes water either to the Los Vaqueros Reservoir or the Contra Costa Canal.

Annual average diversions in a given year may be slightly more or less than they would have been without the new intake due to changes in storage in Los Vaqueros Reservoir,

but average annual diversions will not be changed and diversions will never exceed water right permit limitations. The additional point of diversion and rediversion will allow CCWD to relocate up to half of the current Rock Slough diversions to the screened Old River conveyance system in the near term. Rock Slough will continue to provide a portion of CCWD supply, but will be used less frequently. The Mallard Slough intake will continue to provide a portion of CCWD's water supply similar to its current operations.

Implementation of the Preferred Alternative will provide CCWD with the operational flexibility to divert water from either the new intake or the existing intake, or to blend waters from both intakes, to improve water quality for CCWD customers.

Intake and Fish Screen

The Preferred Alternative includes a 250 cfs screened water intake in the central Delta located along the lower third of Victoria Canal. The new intake will change the location, timing, and quality of some of CCWD's diversions, but will not increase total diversions. The intake structure will consist of a reinforced concrete structure with side retaining walls and a fish screen supported on concrete columns. The intake structure will be approximately 100 to 200 feet long, with a screen depth approximately 10 to 15 feet. The state-of-the-art fish screen will provide a positive barrier against entrainment of fish and debris into the wet well/pump bays. The fish screen will be regularly cleaned with a mechanical cleaning system. The facility design velocity for the fish screens will be consistent with the most stringent fish screening requirements for any flow in Victoria Canal.

Pump Station and Ancillary Structures

A pump station on Victoria Island will lift water from the new intake and convey it through the pipeline system to the existing Old River system on Byron Tract. The pump station and associated mechanical piping will occupy a footprint area approximately 140 feet long by 60 feet wide. Normal water surface elevations at the intake will vary with the tide. The intake pumps will be designed to operate at high and low tide levels. The pumps will discharge into a common pipeline. The pump station facilities will also include a smaller motor control center, maintenance building, and an electrical substation. The substation will be an open area measuring approximately 120 feet by 80 feet surrounded by chain-link fencing. The Preferred Alternative also includes interconnection to the Western Area Power Administration's transmission system and construction of a new approximately 19,000-foot-long 69-kV transmission line to serve the electric load.

Levee Improvements

The existing levee will be reinforced and reconfigured to serve as the engineered soil platform for the proposed intake and pump station facilities and to allow installation of the new intake structure. The approximate footprint area of the levee improvements will be 300 feet wide by 1,200 feet long. A ramp will be provided to allow access to the

pump station and ancillary buildings. Slope protection will be installed on the water side of the levee for up to 500 feet on each side of the intake structure.

Conveyance Pipeline

The new conveyance pipeline will transect Victoria Island buried within a trench from the new intake and pump facility on Victoria Canal to the Old River levee. The pipeline will be approximately 12,000 to 14,000 feet long and sized to accommodate a flow rate of up to 250 cfs. The pipeline will be tunneled under Old River and will connect to CCWD's existing Old River delivery pipeline within the existing setback levee on Byron Tract.

IV. Alternatives Considered

The process for developing alternatives involved consideration of previous studies and reports from the CALFED Bay-Delta Program, CCWD, the California Department of Water Resources and the East Bay Municipal Utility District; input from CCWD engineers, planners, and consultants; and results of the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) scoping activities.

During the past decade, numerous projects have been considered for improving delivered water quality to CCWD customers. Screening criteria included factors such as water quality improvement, regulatory requirements, institutional factors, technical and operational practicability, and cost. The first phase of screening determined the alternatives that could potentially meet the purpose and need/project objectives.

The second stage of screening included a more detailed evaluation of the alternatives to determine which alternatives should be carried forward into the EIR/EIS for a detailed analysis of environmental impacts. The EIR/EIS evaluated the No-Action Alternative and four action alternatives in detail. The action alternatives include Alternative 1, Direct Pipeline Alternative; Alternative 2, Indirect Pipeline Route; Alternative 3, Modified Operations Alternative (the Preferred Alternative); and Alternative 4, Desalination Alternative.

The alternatives, including the Preferred Alternative, are described below.

No-Action Alternative

The No-Action Alternative represents the projection of current conditions to reasonably foreseeable future conditions that could occur if the proposed activity would not take place. Essentially, the No-Action Alternative represents the future without the proposed action. Under this alternative, CCWD would continue to operate and maintain its existing facilities to maximize delivered water quality, given physical limitations of the existing infrastructure and consistent with environmental regulations and permit conditions. In the near term, there would be no substantive or predictable operational changes implemented under the No-Action Alternative.

Under future levels of demand, the No-Action Alternative includes the expansion of the Old River pump station to a capacity of 320 cfs consistent with the CCWD Future Water

Supply Implementation Plan. Operational modeling results indicate that under the No-Action Alternative, CCWD's ability to meet its delivered chloride objective under future conditions would decrease in comparison with existing conditions. Average delivered salinity would increase and the periods during which CCWD cannot meet its Board-adopted delivery goals would be more frequent and longer in duration.

The No-Action Alternative results in greater use of the Rock Slough and Old River intakes than with the Preferred Alternative. Additionally, more of CCWD diversions would occur during winter and spring as compared to summer and fall with the Preferred Alternative. Hence impacts to sensitive aquatic species are expected to be greater under the No-Action Alternative.

Action Alternatives

Direct Pipeline Alternative (Alternative 1)

The physical features of Alternative 1 are the same as described for the Preferred Alternative, which includes a new, screened water intake and pump station located along the lower third of Victoria Canal on Victoria Island in the central Delta, as well as a buried pipeline that extends 12,000–14,000 feet from the new intake directly across Victoria Island and beneath Old River and tie into CCWD's existing Old River conveyance system on Byron Tract. The operations would differ from the Preferred Alternative in that the combined diversions from the Old River conveyance system would remain 250 cfs in the near term. This means that, in the near-term, CCWD would continue to use Rock Slough for diversions in order to meet its customers' demands. In the long-term, it is anticipated that CCWD would expand the Old River pump station to 320 cfs, consistent with the CCWD Future Water Supply Implementation Plan. Thus, long-term operations would be identical to the Preferred Alternative.

Indirect Pipeline Alternative (Alternative 2)

The physical features of Alternative 2, the Indirect Pipeline Alternative, are the same as described for the Preferred Alternative except that the pipeline route from the proposed new intake on Victoria Canal to the Old River crossing would be indirect and therefore 5,000-6,000 feet longer. The operations would be the same as for Alternative 1.

Modified Operations Alternative (Alternative 3, Preferred Alternative)

The physical features and operations of Alternative 3 are presented under Section III, "Decision," above.

Desalination Alternative (Alternative 4)

The Desalination Alternative would include a new brackish water desalination plant with a treatment capacity of approximately 70 million gallons per day and associated infrastructure for conveyance of brackish water and concentrate disposal. These facilities would convey and treat water diverted through a screened intake at CCWD's existing Mallard Slough plant. Unlike other alternatives, some components of the Desalination

Alternative, in particular the untreated water conveyance pipeline would be located in urban areas in close proximity to sensitive receptors and developed land uses. Temporary construction impacts such as air quality, noise, traffic, and visual impacts would be substantially greater under Alternative 4. There would be no fisheries benefits under Alternative 4, and Alternative 4 would also increase adverse fisheries effects from the saline concentrate discharged into Suisun Bay and increase entrainment and impingement losses of larval delta smelt at the Mallard Slough intake.

Environmentally Preferable Alternative (Alternative 3)

The Environmentally Preferable Alternative is the alternative that best promotes the national environmental policies expressed in NEPA. The environmentally preferable alternative is the alternative that attains the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences, causes the least damage to the environment and best protects natural and cultural resources.

In comparing the alternatives, it is apparent that all of the action alternatives, including the Preferred Alternative, would have short-term construction-related impacts upon many resources that do not occur with the No-Action Alternative. However, construction-related impacts are short-term in nature and can be mitigated with the measures described in the environmental commitments set forth in the MMP.

Moreover, the Preferred Alternative and the other action alternatives would have a net benefit to fisheries because they would reduce pumping at the unscreened Rock Slough intake as compared to the No-Action Alternative and reduce pumping during fish-sensitive winter and spring months.

The environmentally preferable alternative is the Preferred Alternative (Alternative 3). The impacts of Alternative 3 would be similar to those of Alternatives 1 and 2, with the primary difference being a greater benefit for fisheries resources in the near term because of modified operations. Alternative 3 would reduce estimated fish entrainment losses compared with existing conditions and with Alternatives 1 and 2. Under future conditions, however, the fisheries benefits would generally be the same under Alternatives 1, 2, and 3.

V. Basis of Decision, Issues Evaluated, and Factors Considered

The decision is based on meeting the objectives, Federal and State requirements, and the evaluation of impacts as provided within the EIR/EIS. Implementation of the Preferred Alternative will provide CCWD with increased operational flexibility to optimally manage its diversions and blend releases from Los Vaqueros Reservoir to provide higher quality delivered supplies. Considerable improvement in average delivered water quality would be possible during most of the year. The reduction in salinity is paralleled by a similar reduction in bromide, which is a constituent of concern in water treatment because it becomes a carcinogenic compound (bromate) in the presence of ozone. Ozone

is used in water treatment to reduce other chemical constituents in the disinfection process.

The Preferred Alternative will generate benefits to fisheries at the Rock Slough intake because of reduced diversions and resultant decrease in fish entrainment at the Rock Slough intake. The Preferred Alternative will enable CCWD to relocate up to half of the currently unscreened Rock Slough diversions to the screened Old River conveyance system in the near-term. Rock Slough will continue to provide a portion of CCWD's water supply, but will be used less frequently with the Preferred Alternative because of the operational flexibility that will be provided by a new screened intake with better water quality. The shifts in CCWD diversion patterns with the Preferred Alternative (from the winter and spring to the summer and fall, and from an unscreened intake to a screened intake) are expected to reduce impacts to sensitive aquatic species. The Rock Slough intake is unscreened and consideration was given to how the Preferred Alternative could be developed to enable CCWD to divert more of its supply through screened intakes. CCWD will not increase the average total annual quantity diverted from the Delta.

The Preferred Alternative will provide additional water supply reliability benefits through increased operational flexibility. Increased operational flexibility coupled with better source water quality at Victoria Canal will result in increased carryover storage in Los Vaqueros Reservoir by reducing demand for reservoir releases for blending. Increased carryover storage means that more storage will be available during emergencies. Furthermore, the additional intake will provide increased flexibility in the event of an emergency or disaster affecting other diversions.

Biological Resources

Reclamation has completed Section 7 consultation under the Endangered Species Act with the U.S. Fish and Wildlife Service (Service) and also with the National Marine Fisheries Service (NMFS) for this action. Biological Opinions (BOs) for implementation of the action were completed on May 16, 2007 by the Service and on July 3, 2007 by NMFS. The BOs reviewed the effects of construction of the new intake and other facilities on listed and proposed species, and the direct, indirect, and cumulative effects of the change in timing and location of water diversion on listed species in the Delta.

The Service BO concluded that the action is not likely to jeopardize the continued existence of the delta smelt or giant garter snake. The Preferred Alternative is located in delta smelt critical habitat; however, the habitat will not be adversely modified. Critical habitat for the giant garter snake has not been designated or proposed. The Service issued an Incidental Take Statement that allows for a specified amount of take of giant garter snake and delta smelt and sets forth reasonable and prudent measures to minimize the effects of the Preferred Alternative on these species. Reclamation will notify the Service when Reclamation will proceed with the action.

The NMFS BO also concluded that the Preferred Alternative is not likely to jeopardize the continued existence of listed species. These species include the Sacramento River winter-run Chinook salmon, Central Valley (CV) spring-run Chinook salmon, CV steelhead, and the Southern North American green sturgeon. The BO further determined

that the Preferred Alternative is not likely to destroy or adversely modify designated critical habitat for CV steelhead, Sacramento River winter-run Chinook salmon or CV spring-run Chinook salmon. In addition, NMFS issued an Incidental Take Statement that allows for a specified amount of take of winter-run and spring-run salmon, steelhead, and green sturgeon and sets forth reasonable and prudent measures to minimize the effects of the Preferred Alternative on these species.

Finally, the Fish and Wildlife Coordination Act Report concluded that given the measures developed in the EIR/EIS and Action Specific Implementation Plan to avoid, minimize, and compensate for impacts to fish and wildlife resources, the Service determined that there was no need to provide additional recommendations.

Compliance with Other Regulations

CCWD and Reclamation are complying with all applicable federal regulations. CCWD received a permit from the United States Army Corps of Engineers (USACE) on February 5, 2008 authorizing the undertaking of the Preferred Alternative pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Section 404 of the Clean Water Act (33 U.S.C. 1344), and Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413). The SWRCB and Central Valley Regional Water Quality Control Board issued a Section 401 water quality certification pursuant to Section 401 of the Clean Water Act on November 26, 2007.

Pursuant to 36 CFR Part 800 (as amended 8-05-04) regulations implementing Section 106 of the National Historic Preservation Act, Reclamation consulted with the State Historic Preservation Officer (SHPO) regarding the Preferred Alternative's effects on historic properties. In a letter dated August 9, 2007, Reclamation received concurrence from SHPO with the finding of "No Historic Properties Affected."

Consideration of Environmental Impacts

The Preferred Alternative would improve the quality of water delivered to CCWD's customers. The Preferred Alternative would improve water supply reliability during emergencies and better protect sensitive Delta fisheries impacted by CCWD's current Delta intake operations.

Based on the analysis presented in the EIR/EIS, the majority of the impacts would result from construction activities. These are temporary impacts that can be mitigated through implementation of the mitigation measures identified in the EIR/EIS and MMP. However, the following impacts cannot be avoided through project redesign, mitigation measures, or the selection of an environmentally preferable alternative to reduce impacts:

- Agriculture: permanent impact of conversion of approximately 6 to 8 acres of Prime Farmland and Farmland of Statewide Importance; and
- Air Quality: short-term construction emissions of criteria air pollutants.

Potentially significant impacts were evaluated in the EIR/EIS and identified for the following issue areas: Delta fisheries and aquatic resources, earth resources, local hydrology and water quality, terrestrial biological resources, transportation and

circulation, utilities and service systems, hazardous materials, and cultural resources. However, all of these impacts can be mitigated such that the Preferred Alternative is the environmentally preferable alternative.

Changed Conditions Since Publication of Final EIR/EIS

After completion of the EIR/EIS, the Eastern District of California issued the December 2007 Interim Remedial Order Following Summary Judgment and Evidentiary Hearing in *Natural Resources Defense Council v. Kempthorne, et. al,* (1:05-cv-1207 OWW GSA). The Interim Remedial Order remains in effect until the FWS issues a new Biological Opinion for the Central Valley Project/State Water Project Operation Criteria and Plan Biological Assessment, (CVP/SWP OCAPBA) which the court has ordered the FWS to complete by September 15, 2008. The Interim Remedial Order modified CVP and SWP operations because it includes flow restrictions for Old and Middle Rivers that took effect at the end of December, 2007 and will remain in-effect through approximately June 20, 2008.

Reclamation prepared a technical memorandum (TM) summarizing its analysis as to whether the Interim Remedial Order and operational restrictions on the CVP and SWP constitute significant new circumstances requiring Reclamation to supplement the EIR/EIS (40 CFR § 1502.9(c)). The TM concludes that a supplement to the EIR/EIS is not required because the flow restrictions on Old and Middle Rivers, and the resultant operations to the CVP and SWP are not expected to result in changes to background conditions relevant to environmental concerns and bearing on the Alternatives, including the Preferred Alternative, or the impacts disclosed in the EIR/EIS.

The Section 7 ESA consultation process and resultant Biological Opinion could lead to further changes to how the CVP and SWP operate in the long-term. At this time, it is impossible for Reclamation to determine what operational restrictions or conditions may be included in the forthcoming Biological Opinions from FWS and NMFS.

The TM concludes that under a range of conditions the impacts of the Preferred Alternative would not be substantially changed. In other words, the TM determined that under a range of potential future conditions that may occur, the Preferred Alternative would not result in adverse effects not already considered in the EIR/EIS.

VI. Implementing the Decision and Environmental Commitments

Reclamation and CCWD have adopted all practicable means to avoid or minimize environmental harm for the Preferred Alternative and are committed to ensure the measures identified in the EIR/EIS are implemented. The Preferred Alternative is designed to minimize potential harm to floodplains, wetlands, and farmlands. The attached MMP is part of this decision as a means to avoid and/or minimize adverse effects of the Preferred Alternative.

The MMP includes a summary of all the environmental commitments and mitigation for the Preferred Alternative specified in the EIR/EIS, specifies the party responsible for

implementation, and provides a time frame for completion. Reclamation and CCWD will use this tool to ensure environmental impacts are minimized and natural resources are protected. Additionally, Reclamation and CCWD will implement all the Reasonable and Prudent Measures set forth in the Incidental Take Statements for the Preferred Alternative.

VII. Mitigation Monitoring Program

Mitigation Measures adopted by Reclamation as part of this ROD are detailed in the Mitigation Monitoring Program, (Attachment A). The Mitigation Monitoring Program (MMP) has been prepared to ensure all required mitigation measures are implemented and completed according to schedule in an effective manner during design, construction, and operation as required. The MMP identifies the mitigation measures to address the following subjects:

- Minimization of turbidity, sedimentation, and other water quality impacts during construction
- Underwater sound pressure
- Hazardous material control
- Fish Rescue
- Shallow-water aquatic habitat
- Fish entrainment
- Geotechnical study
- Stormwater pollution prevention
- Wetlands
- Special-status species
- Terrestrial habitat
- Prime farmland
- Traffic control and safety
- Air quality
- Noise
- Pesticide avoidance
- Archaeological resources

These mitigation measures specified in the EIR/EIS were incorporated into the MMP.

VIII. Comments on the Final Environmental Impact Report/Final Environmental Impact Statement

The Final EIR/EIS was released on October 25, 2006. Only one comment letter was received. Victoria Island Farms submitted a letter to CCWD that discussed economic issues related to possible future agricultural productivity of land above the buried pipeline that would be constructed as part of the Preferred Alternative. This issue was raised during the Draft EIR/EIS public comment period and addressed in the Final EIR/EIS in Section 2. The comment received did not raise substantive issues or new issues that had not been addressed in the Final EIR/EIS. Therefore, no additional response is provided in this ROD.

Attachment A
Alternative Intake Project
Mitigation Monitoring Program

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DATE	SURNAME	CODE	
4-25-08	[illegible]	730	MJS
4/25	Rohmer	705	WR
4/25	[illegible]	700	AC
4/25	Colella	400	BC
4/25	JWebb (Acting)	400	RS
25Apr08	[illegible]	CVO	RM
		CVO	PE
4/29/08	[illegible]	150	SF
4/28/08	[illegible]	~~150~~	RE
4/25	[illegible]	SOLIC	AA
	[illegible]	SOLIC	KT
4/29/08	AZW	120	ALW
		103	ML
4/29/08	[illegible]	115	FM
4/30/08	[illegible]	110	KT
	[illegible]	105	JD
5/2/08	MRF	100	MF

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April 2008

Recommended:

/S/ Alan R. Candlish Date 4/25/08

Alan R. Candlish
Regional Planning Officer

Concur:

/S/ Susan M. Fry Date 4/29/08

Susan M. Fry
Regional Environmental Officer

Approved: MICHAEL R. FINNEGAN

Date MAY 02 2008

Michael R. Finnegan
Acting Regional Director