

**DECISIONS REGARDING THE BDCP/CALIFORNIA WATERFIX  
FINAL ENVIRONMENTAL IMPACT REPORT  
SCH # 2008032062**

**A. CERTIFICATION OF THE FINAL EIR**

If, after review and consideration of the Final EIR attached as Exhibit A (thumb drive), you decide DWR can certify that the Final EIR complies with CEQA, you should indicate the following decision by executing the certification below in accordance with CEQA Guidelines Section 15090, which states:

- (a) Prior to approving a project, the lead agency shall certify that:
  - (1) The final EIR has been completed in compliance with CEQA.
  - (2) The final EIR was presented to the decision-making body of the lead agency and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project; and
  - (3) The final EIR reflects the lead agency's independent judgment and analysis.

I certify that the Final EIR has been completed in compliance with CEQA, that the Final EIR was presented to me in my capacity as DWR's decision-making body, and that the Final EIR reflects DWR's independent judgment and analysis. I have reviewed and considered the information contained within the Final EIR prior to approval of the project.

Dated: 7/21/17 By:   
Time: 9:08 a.m. Cindy Messer, Acting Director  
Department of Water Resources

**B. ADOPTION OF FINDINGS AND STATEMENT OF OVERRIDING  
CONSIDERATIONS, MITIGATION, MONITORING AND REPORTING PLAN, AND  
EXECUTION OF A NOTICE OF DETERMINATION**

If you determine that the Final EIR complies with CEQA and have certified as such above, you should adopt the Findings and Statement of Overriding Considerations, attached as Exhibit B, the Mitigation Monitoring and Reporting Program, attached as Exhibit C, and approve the project pursuant to CEQA, and execute the Notice of Determination, attached as Exhibit D.

### 1. Findings of Significant Effects and Statement of Overriding Considerations

CEQA Guidelines Section 15091(a) states: "No public agency shall 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 public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding."

CEQA Guidelines Section 15093 (b) states; "When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record."

The Final EIR identifies potentially significant effects from the Proposed Project (Alternative 4A), some of which may not be avoided or substantially lessened notwithstanding environmental commitments, avoidance and minimization measures, and feasible mitigation measures. Therefore, I adopt the Findings and Statement of Overriding Considerations, attached as Exhibit B, in order to meet the requirements of CEQA. To the extent that the Findings conclude that various mitigation measures are feasible and within DWR's responsibility and jurisdiction, I direct DWR to implement these measures, thereby incorporating them as part of the Proposed Project.

### 2. Mitigation, Monitoring and Reporting Program

CEQA Guidelines Section 15091 (d) requires the lead agency to "also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects."

DWR has prepared a Mitigation Monitoring and Reporting Program for Alternative 4A, attached as Exhibit C, that meets the requirements of CEQA Guidelines, section 15091. Therefore, in accordance with CEQA, I hereby adopt Exhibit C as a condition of the approval of the Proposed Project (Alternative 4A).

### 3. Project Approval and Execution of the Notice of Determination

I have determined that DWR has eliminated or substantially lessened all significant effects on the environment where feasible as shown in the findings under CEQA Guidelines, Section 15091 and attached hereto as Exhibit B. In addition, I have determined that any remaining significant effects on the environment found to be unavoidable under CEQA Guidelines section 15091 are acceptable due to overriding considerations described in Exhibit B, consistent with CEQA Guidelines Section 15093.

Therefore, pursuant to CEQA Guidelines section 15092 and after considering the certified Final EIR, including all issues raised by commenters during preparation of the 2013 Draft EIR/EIS, the 2015 RDEIR/SDEIS, and the Final EIR as certified, including the "Developments after Publication of the Proposed Final Environmental Impact Report," which also includes an erratum and in conjunction with adopting the Findings, Statement of Overriding Considerations, and Mitigation and Monitoring Program under CEQA, **I approve the California WaterFix project identified as Alternative 4A within the Final EIR and have executed the Notice of Determination, Exhibit D.**

Dated: 7/21/17

By: 

Cindy Messer, Acting Director  
Department of Water Resources

Time: 9:08 a.m.

Attachments:

- Exhibit A Final EIR/EIS (Thumb drive)
- Exhibit B Findings of Fact and Statement of Overriding Considerations
- Exhibit C Mitigation, Monitoring and Reporting Program
- Exhibit D Notice of Determination