

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE NAPA SANITATION DISTRICT TO APPROVE PROJECTS UNDER ITS JURISDICTION IDENTIFIED IN PHASE 2 OF THE NORTH BAY WATER REUSE PROGRAM FINAL ENVIRONMENTAL IMPACT REPORT/ ENVIRONMENTAL IMPACT STATEMENT, AND MAKE CERTAIN FINDINGS THEREWITH.**

**RECITALS**

WHEREAS, the District wishes to expand the beneficial use of recycled water in Napa County and to work cooperatively with other agencies within the North Bay region, including Sonoma and Marin Counties, to promote the conservation of limited surface water and groundwater resources.

WHEREAS, the District is a Member Agency of the North Bay Water Reuse Authority, which has been formed to promote the use of recycled water within the region.

WHEREAS, the District has participated in the development and preparation of the *North Bay Water Reuse Program Phase 2 Feasibility Study*, which has incorporated projects identified by the District, for distribution of recycled water to reduce demands on potable supplies, referred to as the Increase Soscot WRF Filter Capacity and Soscot WRF Covered Storage projects, and shown in Draft EIR/EIS Figure 2-9.

WHEREAS, as provided for in California Environmental Quality Act (CEQA) Guidelines Section 15050, the Sonoma County Water Agency is the CEQA Lead Agency for the preparation and circulation of the Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the North Bay Water Reuse Program Phase 2 (SCH# 2017072051).

WHEREAS, as provided for in CEQA Guidelines Section 15096, the District is a Responsible Agency, and will consider the EIR/EIS prior to reaching a decision on projects within its jurisdiction that have been included in the North Bay Water Reuse Program.

WHEREAS, pursuant to the CEQA Statute, the State CEQA Guidelines, a Draft Environmental Impact Report/ Environmental Impact Statement ("Draft EIR/EIS") was prepared for the proposed North Bay Water Reuse Program Phase 2 and circulated for public review.

WHEREAS, in response to comments received on the Draft EIR/EIS, a Final Environmental Impact Report/ Environmental Impact Statement ("Final EIR/EIS") has been prepared for the proposed North Bay Water Reuse Program Phase 2, and the review process has been satisfactorily completed as more fully described below.

WHEREAS, on August 14, 2018, the Sonoma County Water Agency, as CEQA Lead Agency, certified that the Final EIR/EIS has been: completed in compliance with CEQA; 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 EIR/EIS; and that the Final EIR/EIS reflects the Lead Agency's independent judgment and analysis.

**NOW, THEREFORE BE IT RESOLVED** that this Board finds that the foregoing recitals are true and correct and further finds, declares, determines and orders as follows:

**PROCEDURAL FINDINGS:**

1. In July 19, 2017, the Sonoma County Water Agency circulated a Notice of Preparation (NOP) of an Environmental Impact Report to be mailed to local, state, and federal agencies, and to other interested parties. The NOP was submitted to the State Clearinghouse and was available online. The NOP was directly mailed to 237 parties and a postcard notification of the NOP's availability was sent to 425 parties. The NOP was circulated for a 30-day public review period, which ended on August 21, 2017. The project description for the NOP was based on the *North Bay Water Reuse Program Phase 2 Feasibility Study* completed in June 2017. No Initial Study was prepared since Lead Agency staff decided in advance that a full EIR/EIS would be required for this project.
2. The July 2017 NOP also included notice for four scoping meetings on August 2, 2017, at the San Rafael Community Center, San Rafael (Marin County); August 3, 2017, at the City Hall Council Chambers, American Canyon (Napa County); August 9, 2017, at the Petaluma Community Center, Petaluma (Sonoma County), and August 10, 2017,<sup>8</sup> at the Sonoma Community Center, Sonoma (Sonoma County). The purpose of the scoping meetings was to present the proposed project to the public through use of display maps, route alignments, and handouts describing project components and potential environmental impacts. Attendees were provided an opportunity to voice comments or concerns regarding potential effects of the proposed project and to make comments and suggestions on the scope of the EIR/EIS.
3. On April 4, 2018, approximately 20 hard copies and/or compact discs of the Draft EIR/EIS, along with Notices of Availability (NOA), were sent to: responsible and trustee agencies, Member Agencies, and nine libraries. In addition to the Draft EIR/EIS, NOAs were published in six newspapers of general circulation, and NOAs and/or postcard notices were sent to approximately 635 interested agencies and residents located along potential pipeline routes identified in the Draft EIR, and to individuals who have requested to be on the mailing list for the project.
4. SCWA conducted public hearings on May 7, 9, 10, and 14, 2018 to hear testimony regarding the project and the Draft EIR/EIS for the project. No public comment was received at any hearing and each public hearing was closed.
5. After the conclusion of the public review period for the Draft EIR/EIS, written comments from approximately four entities were reviewed and responses to comments were prepared. No oral comments were received at the public hearings. The Response to Comments document together with the Draft EIR/EIS constitutes the Final EIR/EIS.
6. The Final EIR/EIS includes revisions, updates, and clarifications in response to agency comment on the Draft EIR/EIS. The revisions, updates, and clarifications made for the Final EIR/EIS do not include disclosures of: (1) any new significant impact from the project; (2) a substantial unmitigated increase in the severity of any impact; or (3) a feasible alternative or mitigation measure considerably different from others previously

analyzed that would clearly lessen project impacts, but that the District does not propose to adopt. The new information provided in the Final EIR/EIS does not constitute “significant new information” within the meaning of CEQA so as to require recirculation of the Final EIR/EIS.

#### SUBSTANTIVE FINDINGS.

1. Pursuant to CEQA Guidelines Section 15096, the Board has reviewed and considered the information contained in the Final EIR/EIS for the North Bay Water Reuse Program Phase 2, and considered the environmental effects of the Project as shown in the Final EIR/EIS.

#### Less than Significant Impacts

2. The Board finds that the Project described in the North Bay Water Reuse Program Phase 2 EIR/EIS has certain impacts that are less than significant or are beneficial, which are fully and accurately identified in the Final EIR/EIS.

#### Significant Impacts Reduced to a Less than Significant Level by Mitigation Measures

3. The Board finds that the Project described in the North Bay Water Reuse Program Phase 2 EIR/EIS would cause certain significant or potentially significant adverse environmental impacts, which are fully and accurately summarized in Exhibit A – Draft EIR/EIS Chapter 3, attached hereto, incorporated herein by this reference, and more fully described in the Final EIR/EIS. The Board further finds that changes or alterations have been required in or incorporated into the Project that will mitigate those impacts to less than significant levels as summarized in Exhibit A – Draft EIR/EIS Chapter 3. Based on such findings, and the above statement of facts, the Board hereby finds that the significant or potentially significant adverse environmental effects posed by the Project have been eliminated or reduced to a less-than-significant level.
4. The Board finds that the Project described in the North Bay Water Reuse Program Phase 2 EIR/EIS would cause certain significant or potentially significant adverse environmental impacts, which are fully and accurately summarized in Exhibit A – Draft EIR/EIS Chapter 3, attached hereto, incorporated herein by this reference, and more fully described in the Final EIR/EIS. The Board further finds that these impacts, and corresponding mitigation measures, fall outside its jurisdiction, and are the responsibility of another agency and should be adopted by such agency and not the District.

### Unavoidable Adverse Environmental Impacts

5. The Final EIR/EIS disclosed other significant or potentially significant environmental impacts that may not, or cannot, be avoided if the project identified in the Final EIR/EIS is approved, as summarized in Exhibit A – Draft EIR/EIS Chapter 3. The Board finds that specific economic, legal, social, technological, or other considerations make infeasible full mitigation of those impacts and make project alternatives infeasible, or that changes are the responsibility of another agency and should be adopted by such agency and not the District.

### Alternatives

6. The Board finds that the Final EIR/EIS describes a range of reasonable alternatives to the Project (Findings Chapter 4). However, as summarized in Exhibit A – Draft EIR/EIS Chapter 4, the alternatives to the Project either cannot feasibly achieve project objectives, or will not avoid or substantially lessen project impacts.

### Adoption of Mitigation Monitoring Plan

7. Pursuant to Public Resources Code Section 210821.6, the Board hereby adopts a mitigation monitoring and reporting plan (Findings Chapter 5) for the mitigation measures that were included in the Final EIR/EIS. The Board adopts this plan pursuant to CEQA Guidelines Section 15096 (g)(1), which states that a Responsible Agency has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve. The contents of this plan are set forth in Findings Chapter 5, attached hereto and incorporated herein by this reference. This mitigation monitoring and reporting plan is designed to ensure compliance with the mitigation measures adopted for the Project described in the Final EIR/EIS. It will be implemented in accordance with all applicable requirements of the CEQA Statute, the State CEQA Guidelines, and the District's Procedures for the Implementation of CEQA.

### Statement of Overriding Considerations

8. The Board has weighed the benefits of the North Bay Water Reuse Program Phase 2 against the unavoidable adverse environmental effects identified in the Final EIR/EIS and hereby determines that those benefits outweigh the risks and adverse environmental impacts. The Board determines that these environmental impacts are acceptable and hereby finds that there are overriding considerations that justify the Board's approval of the components of the North Bay Water Reuse Program Phase 2 that are under its jurisdiction, which are identified in Findings Chapter 6, attached hereto and incorporated herein by this reference.

NOW, THEREFORE, based on the record of this proceeding and the foregoing findings and determinations, the Board of Directors of the Napa Sanitation District does hereby take the following actions:

1. Approval of the North Bay Water Reuse Program Phase 2. The Board approves and declares its intent to carry out the Projects under its jurisdiction, as described in Exhibit A – Chapter 2.

2. Adoption of Mitigation Monitoring and Reporting Plan. The Board adopts the mitigation monitoring and reporting plan as set forth in attached Findings Chapter 5, and authorizes and directs the General Manager or his assigns to take all appropriate steps in accordance with such plan to ensure that the required mitigation measures are carried out.
3. Statement of Overriding Considerations for the North Bay Water Reuse Program Phase 2. The Board adopts the Statement of Overriding Considerations set forth in attached Findings Chapter 6 after finding that the Project has certain environmental, economic, legal, social, technical, and other benefits that make the unavoidable adverse environmental impacts associated with it acceptable, and that mitigation of certain environmental impacts is in the jurisdiction of other agencies.
4. Notice of Determination. The Board directs the General Manager or his assigns to file a Notice of Determination with the County Clerk and the State Clearinghouse in accordance with the provisions of the CEQA Statute, the State CEQA Guidelines, and the District's Procedures for the Implementation of CEQA advising of the Board's approval of the Project described in Exhibit A – Chapter 2.
5. Custodian of Documents. The Board is the custodian of the documents or other material which constitute the record of proceedings upon which this Board's decision herein is based. These documents may be found Napa Sanitation District, 1515 Soscol Ferry Road, Napa, CA 94558.

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I hereby certify that the foregoing is a full, true and correct copy of a Resolution duly adopted and passed by the Board of Directors of the Napa Sanitation District, Napa County, California, on the 5th day of September 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Jill Techel, Chair  
Napa Sanitation District

ATTEST:

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Cheryl Schuh, Secretary  
Napa Sanitation District