



**TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT**

**RESOLUTION 2020-10**

**A RESOLUTION OF THE BOARD OF DIRECTORS, OF THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT TO ADOPT THE MITIGATED NEGATIVE DECLARATION AND APPROVE THE OLD RIVER DIFFUSER OUTFALL REPAIR PROJECT**

WHEREAS, the Board of Directors of the Town of Discovery Bay Community Services District (the "Board" and "Town", respectively) has received and reviewed the proposed Mitigated Negative Declaration, including the draft Initial Study/Mitigated Negative Declaration with appendices, and supporting information sources (collectively, the "MND"), together with the staff report and any comments received and responded to during the public review and hearing process (collectively, the "Environmental Record") for the proposed construction and operation of the Town's Old River Diffuser Outfall Repair Project (the "Project"), as described in the MND; and

WHEREAS, the Town is the lead agency for purposes of environmental review of the Project under the California Environmental Quality Act ("CEQA"), pursuant to Public Resources Code § 21000 et seq., and the State "Guidelines for Implementation of the California Environmental Quality Act"; and

WHEREAS, the Project could, without mitigation, have resulted in a potential impact to certain areas of environmental concern, including Biological Resources and Cultural Resources; and

WHEREAS, the Town has prepared mitigation measures to address and mitigate all potential environmental impacts to a "less than significant" level, which is a part of the Environmental Record reviewed and considered by the Town; and

WHEREAS, the Town has incorporated the mitigation measures described in the initial study for the Project ("Initial Study") as conditions of approval by the Town; and

WHEREAS, with the exception of the potential impacts stated above, there are no other potentially significant environmental impacts resulting from the Project; and

WHEREAS, the Town submitted a Notice of Intent to Adopt a Mitigated Negative Declaration to the State Clearinghouse and distributed it to those agencies which have jurisdiction by law with respect to the Project; published the Notice of Intent to Adopt a Mitigated Negative Declaration concerning the Project in the local newspaper; and

WHEREAS, the draft Initial Study/Mitigated Negative Declaration with appendices and supporting information sources were duly noticed for 30-day public review and comment from February 26, 2020 to March 23, 2020, as provided by law; and

WHEREAS, the Town received one comment from the California Department of Fish and Wildlife ("CDFW") in response to the draft MND and responded accordingly; and

WHEREAS, the Town provided written response to the comment made by CDFW and revised mitigation measures in such manner which have been accepted by CDFW and determined by the Town to be equivalent or more effective in mitigating environmental impacts than the original measures; and

WHEREAS, the mitigation monitoring and reporting program shall be carried out in accordance with Section 5 of the MND, which sets forth the mitigation measures and corresponding requirements that shall be monitored and reviewed to ensure compliance during project implementation and that mitigation measures are fully enforced through permit conditions, agreements, and/or other measures set forth in the MND ("MMRP"); and

WHEREAS, a hearing concerning the Town's intent to adopt a final MND and MMRP was duly noticed and held on May 6, 2020, at which time any interested parties were afforded an opportunity to be heard in addition to the public review and comment period referenced above as part of the Environmental Record; and

WHEREAS, the Town has considered, prior to adoption of the final MND, the Environmental Record in support of the final MND.

THEREFORE, BE IT RESOLVED that the Board finds, determines and resolves as follows:

SECTION 1. The Board adopts the foregoing recitals as true and correct and are hereby incorporated by reference.

SECTION 2. The Board finds that the Initial Study and Mitigated Negative Declaration reflect the independent judgment of the Town as the lead agency for the Project.

SECTION 3. The Board finds that it has independently reviewed and considered the Environmental Record, including the Initial Study and proposed Mitigated Negative Declaration, as a final Mitigated Negative Declaration, prior to adopting the final Mitigated Negative Declaration.

SECTION 4. On the basis of the Environmental Record as the whole record before the Board, including the Initial Study and any comments received, the Board finds, in its independent judgment and analysis, that there is no substantial evidence the Project will have a significant effect on the environment.

SECTION 5. The Board confirms that the mitigation measures described in the Initial Study, have been incorporated into the Project and adopts a Mitigated Negative Declaration, as the final Mitigated Negative Declaration, which documents are a part of the Environmental

Record before the Board for the Project. The documents and other material that constitute the record of the proceedings upon which this decision is based are maintained by the custodian of records, the Town's Project Manager, at 1800 Willow Lake Road, Discovery Bay, California 94505.

SECTION 6. Pursuant to Public Resources Code section 21081.6, the Town of Discovery Bay Community Services District Board of Directors adopts the Mitigation Monitoring and Reporting Program to be carried out in accordance with Section 5 of the MND. In the event of any inconsistencies between mitigation measures as set forth herein and the Mitigation Monitoring and Reporting Program, the Mitigation Monitoring and Reporting Program shall control.

SECTION 7. The Board approves and adopts the findings set forth herein, and the Mitigated Negative Declaration, based on the Environmental Record.

SECTION 8. The Board hereby approves the Project.

SECTION 9. The Town of Discovery Bay Community Services District staff is authorized and directed to cause a Notice of Determination concerning the adoption of the Mitigated Negative Declaration for the Project to be filed in the office of the Contra Costa County Clerk and with the Office of Planning and Research in accordance with CEQA and State CEQA Guidelines.

SECTION 10. The Town of Discovery Bay General Manager, or his representative, is authorized to initiate such steps as appropriate and necessary to: (i) prepare final construction plans, specifications, and estimates; (ii) obtain necessary permits and approvals for the construction of the Project; (iii) take such other steps as may be necessary to construct the Project; and (iv) bring back to this Board any appropriate recommendations to further implement the foregoing.

This foregoing resolution is hereby approved and adopted at a regular meeting the Board of Directors of the Town of Discovery Bay Community Services District held on the 6<sup>th</sup> day of May, 2020, by the following vote:

PASSED, APPROVED AND ADOPTED THIS 6<sup>th</sup> DAY OF MAY, 2020.



Bill Pease  
Board President

AYES: 5  
NOES: 0  
ABSENT: 0  
ABSTAIN: 0

I hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of the Town of Discovery Bay Community Services District at a regularly scheduled meeting, held on May 6, 2020, by the following vote of the Board:



Michael R. Davies  
Board Secretary