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— BUREAU OF —  
RECLAMATION

# Orestimba Creek Recharge and Recovery Expansion Project

Finding of No Significant Impact  
CGB-FONSI-2022-013

## **Mission Statements**

The U.S. Department of the Interior protects and manages the Nation's natural resources and cultural heritage; provides scientific and other information about those resources; and honors its trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated Island Communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

**BUREAU OF RECLAMATION**  
**South-Central California Area Office, Fresno, California**

**CGB-FONSI-2022-013**

**Orestimba Creek Recharge and Recovery  
Expansion Project**

**RAIN** Digitally signed by RAIN  
**EMERSON** EMERSON  
Date: 2022.03.07  
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Concurred by: Rain L. Emerson  
Environmental Compliance Branch Chief

**SHAUNA** Digitally signed by  
**MCDONALD** SHAUNA MCDONALD  
Date: 2022.03.07  
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Concurred by: Shauna McDonald  
Wildlife Biologist

**Michael Paul** Digitally signed by Michael  
**Jackson, P.E.** Paul Jackson, P.E.  
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Approved by: Michael P. Jackson, P.E.  
Area Manager

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## Introduction

In accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, the Bureau of Reclamation (Reclamation) prepared this Finding of No Significant Impact (FONSI) which is supported by Reclamation's attached Environmental Assessment/Initial Study (EA/IS) CGB-EA-2022-013, *Orestimba Creek Recharge and Recovery Expansion Project*, hereby incorporated by reference.

## Background

In 2015, Central California Irrigation District (CCID) was awarded a \$600,000 Bay-Delta Restoration Program: CALFED Water Use Efficiency Grant by Reclamation for the proposed *Central California Irrigation District and Del Puerto Water District Orestimba Creek Groundwater Recharge and Recovery Project* (Pilot Project). The Pilot Project proposed to construct a 20-acre groundwater recharge facility near Orestimba Creek that would allow the recharge of 500 acre-feet per year (AFY) of surface water from the Delta-Mendota Canal (DMC). Reclamation analyzed the Pilot Project in an EA/IS in 2017 (Reclamation 2017). The EA/IS evaluated the impacts of the Pilot Project on the following environmental resources: aesthetics, agriculture, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, utilities and service systems, Indian Sacred Sites, Indian Trust Assets, and Environmental Justice. None of the resources were found to have potentially significant impacts and Reclamation issued a FONSI on June 20, 2017. The FONSI and EA/IS are hereby incorporated by reference.

In 2018, CCID as lead State agency and Del Puerto Water District (DPWD) as a responsible agency constructed the Pilot Project and proved that providing excess surface water into the recharge pond during wet periods allowed for extraction during dry periods and established a potential recharge rate for future expansion.

Due to the success of the 2017 Pilot Project, the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors) represented by CCID and DPWD (Project Participants) desire to expand the Pilot Project. The purpose of the Proposed Action is to provide a long-term solution to support regional agricultural operations by using excess storm and floodwaters with the objective to recharge groundwater supplies for future extraction with a 10% leave behind that would also help to prevent subsidence and reduce groundwater basin overdraft.

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# Alternatives Considered

## No Action Alternative

Under the No Action Alternative, Reclamation would not allow the use of their facilities to move the water in and/or under the DMC to the additional groundwater recharge ponds. Recharge benefits from the Proposed Action would not be available for future dry year recovery and basin well extraction which could aggravate groundwater overdraft conditions and potential subsidence during dry periods.

## Proposed Action

Reclamation proposed to issue a land use authorization to CCID for the installation, operation, and maintenance of facilities on Reclamation land as described in more detail in Section 2.2 of the Final EA/IS. In addition, CCID and DPWD propose to construct various infrastructure and recharge ponds that would expand the previously constructed Pilot Project as shown in Figure 1 of Appendix E of the E/IS.

The Proposed Action includes five main components to be implemented by the Project Proponents: (1) securing a temporary and permanent water rights from Orestimba Creek, (2) constructing diversion facilities and pipelines between Orestimba Creek, the DMC, and the recharge ponds, (3) constructing recharge ponds, (4) developing recovery wells and associated pipelines, and (5) conducting geotechnical and soil investigations to help determine the final design and delineate aquatic resources. In addition to the main components, staging areas for loading, unloading, and temporary storage of equipment and materials would be delineated within the work area boundaries. Maintenance would be done semi-annually and would include the removal of sediment, vegetation, and other materials to improve percolation capacity.

## Environmental Commitments

The Project Participants shall implement the environmental protection measures listed in Table 1 of the EA/IS to avoid environmental consequences associated with the Proposed Action.

Environmental consequences for resource areas assume the measures specified would be fully implemented.

## Comments on the EA

Reclamation provided the public with an opportunity to comment on the Draft EA/IS between January 27, 2022 and February 11, 2022. No comments were received.

CCID, as lead state agency pursuant to the California Environmental Quality Act (CEQA), also provided the public with an opportunity to comment on the Draft EA/IS/Mitigated Negative Declaration between January 28, 2022 and February 28, 2022. Five comment letters were received

pursuant to CEQA from the following agencies: Department of Toxic Substances, California Department of Fish and Wildlife, Central Valley Regional Quality Control Board, Department of Water Resources, and County of Stanislaus. The comment letters and CCID's response to the comments are included in Appendix F of the Final EA/IS. No additional information was provided that changed the analysis contained in the EA/IS.

## Findings

With the implementation of the environmental commitments included in Table 1 of the EA/IS, Reclamation has determined that there would be “no effect” to proposed or listed species or designated critical habitat under the Endangered Species Act of 1973, as amended (16 U.S.C. §1531 et seq.) and no take of birds protected under the Migratory Bird Treaty Act (16 U.S.C. §703 et seq.) and The Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c).

Reclamation consulted with the State Historic Preservation Officer on November 24, 2021, requesting concurrence on our finding of “no adverse effects to historic properties pursuant to 36 CFR § 800.5(b).” The State Historic Preservation Officer responded on December 16, 2021, with no objections to Reclamations’ findings and determination. Reclamation subsequently concluded the Section 106 process.

In accordance with NEPA, Reclamation considered potential short-term and long-term effects of the Proposed Action, both beneficial and adverse. Following are the reasons why the impacts of the Proposed Action are not significant, with respect to the affected environment and degree of effects of the action (40 CFR 1501.3(b)).

1. The Proposed Action will not significantly affect public health or safety (40 CFR 1501.3(b)(2)(iii)).
2. The Proposed Action will not violate federal, state, tribal, or local law protecting the environment (40 CFR 1501.3(b)(2)(iv)).
3. The Proposed Action will not affect any Indian Trust Assets (512 DM 2, Policy Memorandum – July 2, 1993).
4. Implementing the Proposed Action will not disproportionately affect minorities or low-income populations and communities (EO 12898 – February 11, 1994).
5. The Proposed Action will not limit access to, and ceremonial use of, Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (EO 13007 – May 24, 1996 and 512 DM 3 – June 5, 1998).

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# Environmental Commitment Program

**Title:** Orestimba Creek Recharge and Recovery Expansion Project  
**Project Number:** 20-071 (CGB-EA-2022-013)  
**Anticipated Start Date:** TBD  
**Approximate Duration:**

**Project Lead:** Stacy Brown, [sbrown@usbr.gov](mailto:sbrown@usbr.gov), 559262-0307  
**Natural Resource Specialist:** Rain Emerson, [remerson@usbr.gov](mailto:remerson@usbr.gov), 559-262-0335  
**Wildlife Biologist:** Shauna McDonald, [smcdonald@usbr.gov](mailto:smcdonald@usbr.gov), 559-262-0344

**[CCID] Point of Contact:**  
 Rick Iger, PE  
 Provost & Pritchard Consulting Group  
[riger@ppeng.com](mailto:riger@ppeng.com)  
 Office (209) 829-1685 EXT. 711  
 Cell (661) 303-6607

Resource	Summary of Environmental Commitments	Timeframe for Implementation	Verification Interval	Final Verification Date	Proponent Verification of Compliance	
					Initials	Date
Biological	Mitigation Measure (Avoidance). The Project should be designed to avoid impacts to the onsite population of spiny-seeped button celery. Avoidance would entail establishing a 20-foot disturbance-free buffer around the population. This buffer would be delineated on the ground with temporary construction fencing.	Duration of Project	Once at end of Project			
Biological	Mitigation Measure (Minimization). If complete avoidance is not possible, but some of the plants can be avoided, then a qualified botanist shall identify all avoidance areas and establish buffer zones of sufficient size around these areas to eliminate any unnecessary disturbance to the avoided plants during construction. Furthermore, construction fencing would be placed around the buffer zones, as directed by the botanist.	Prior to start of construction	Once at end of Project			
Biological	Mitigation Measure (Salvage). Areas occupied by this plant species that cannot be avoided would require a salvage effort directed by a qualified botanist. The salvage effort would include the collection of seed and topsoil. Seed would be collected at a time of year when the species is	Duration of Project	Once at end of Project			



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<b>Project Lead: Stacy Brown, sbrown@usbr.gov, 559262-0307</b> <b>Natural Resource Specialist: Rain Emerson, remerson@usbr.gov, 559-262-0335</b> <b>Wildlife Biologist: Shauna McDonald, smcdonald@usbr.gov, 559-262-0344</b>						
Resource	Summary of Environmental Commitments	Timeframe for Implementation	Verification Interval	Final Verification Date	Proponent Verification of Compliance	
					Initials	Date
Biological	<p>most prolific, and stored in a ventilated container in a cool dry location. Soil would be collected and stockpiled at a nearby location. The stockpiled soil, and then the seed, would be returned to the disturbed area in which it was collected once construction in the area is complete.</p> <p>Mitigation Measure (Construction Timing). If feasible, Project elements within 0.5 miles of riparian habitat at the intersection of Bell Road and Orestimba Creek would be constructed outside the Swainson's hawk nesting season, typically defined as March 1-September 15.</p>	Duration of Project	Once at end of Project			
Biological	<p>Mitigation Measure (Surveys). If Project elements within 0.5 miles of riparian habitat at the intersection of Bell Road and Orestimba Creek must be initiated between March 1 and September 15, a qualified biologist would conduct surveys for Swainson's hawk nests on and within 1/2 mile of the Project APE following the survey methods and timing prescribed by the Swainson's hawk Technical Advisory Committee (SHTAC)</p> <p>2000 Recommended Timing and Methodology for</p>	Duration of Project if between March 1 and September 15	Once at end of Project			





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Biological	Swainson's Hawk Nesting Surveys in California's Central Valley. Mitigation Measure (Avoidance). Should any active nests be discovered in or near proposed construction zones, the biologist would identify a suitable construction-free buffer around the nest. This buffer would be identified on the ground with flagging or fencing, and would be maintained until the biologist has determined that the young have fledged.	Duration of Project	Once at end of Project			
Biological	Mitigation Measure (Construction Timing). If feasible, the Project would be implemented outside of the avian nesting season, typically defined as February 1 to August 31.	Duration of Project	Once at end of Project			
Biological	Mitigation Measure (Preconstruction Surveys). If construction is to occur between February 1 and August 31, a qualified biologist would conduct pre-construction surveys for active bird nests within 10 days prior to the start of construction. The survey area would encompass the site and accessible surrounding lands within 250 feet for	10 days prior to start of construction if between February 1 and August 31	Once at end of Project			



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Biological	<p>nesting migratory birds and 500 feet for raptors (i.e. birds of prey).</p> <p>Mitigation Measure (Avoidance of Active Nests). Should any active nests be discovered in or near proposed construction zones, the biologist would identify a suitable construction-free buffer around the nest. This buffer would be identified on the ground with flagging or fencing, and would be maintained until the biologist has determined that the young have fledged and are capable of foraging independently.</p>	Duration of Project	Once at end of Project			
Biological	<p>SKJF Pre-Construction Survey: Within 30 days prior to the start of construction, a pre-construction survey for San Joaquin kit fox shall be conducted on and within 200 feet of proposed work areas. If an active kit fox den is detected within or adjacent to the Project area, a buffer boundary will be provided per the USFWS 2011 <i>Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance.</i></p>	Within 30 days prior to start of construction	Once at end of Project			



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Resource	Summary of Environmental Commitments	Timeframe for Implementation	Verification Interval	Final Verification Date	Proponent Verification of Compliance	
Biological	<p>SKJF Minimization: The Project will observe all minimization and protective measures during construction and on-going operational activities as required by the qualified biologist and the USFWS 2011 <i>Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance</i>, including, but not limited to: maintaining buffer zones, construction speed limits, covering of pipes, installation of escape structures, restriction of herbicide and rodenticide use, proper disposal of food items and trash, prohibition of pets and firearms, and completion of an employee education program.</p> <p>SKJF Take Authorization: If after the pre-construction survey SKJF activity or detection is observed, consultation with CDFW will occur to discuss how to avoid "take" or, if avoidance is not feasible, to acquire an Incidental Take Permit (ITP) prior to any ground disturbing activities, pursuant to Fish and Game Code section 2081, subdivision (b).</p>	Duration of Project	Once at end of Project			
		Prior to start of construction	Once at end of Project			



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Resource	Summary of Environmental Commitments	Timeframe for Implementation	Verification Interval	Final Verification Date	Proponent Verification of Compliance	
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Cultural	<p>In the event that previously unidentified subsurface deposits believed to be cultural or human in origin are discovered during implementation of this undertaking, then all work must halt within a 50-foot radius of the discovery. Reclamation Cultural Resource Staff would be notified and would follow the procedures for post-review discoveries on Federal lands as described in the regulations at 36 CFR § 800.13(b).</p> <p>A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologist, shall be retained to evaluate the significance of the find on non-Federal lands, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:</p> <ol style="list-style-type: none"> <li>1. If the professional archaeologist determines that the find does not</li> </ol>	Duration of Project	Once at end of Project			



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Resource	Summary of Environmental Commitments	Timeframe for Implementation	Verification Interval	Final Verification Date	Proponent Verification of Compliance	
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	<p>represent a cultural resource, then work may resume immediately and no agency notifications are required.</p> <p>2. if the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, then he or she shall immediately notify the Bureau of Reclamation and applicable landowner. The agency shall consult on a finding of eligibility and implement appropriate treatment measures if the find is determined to be eligible for inclusion in the NRHP. Work cannot resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the site either: 1) is not eligible for the NRHP; or 2) that the treatment measures have been completed to their satisfaction.</p>					



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<p><u>Human Remains</u> Different laws govern the disposition of human remains inadvertently discovered on private, State, Tribal, and Federal lands. It is, therefore, imperative that Reclamation contractors, and other CRM contractors, understand the ownership status of lands on which archaeological work is to be conducted to ensure that the appropriate laws are followed. The following summarizes of the applicable laws that govern the inadvertent (i.e. unplanned) discovery of human remains and the procedures to be followed should human remains be discovered during the course of archaeological work permitted by Reclamation or other underlying landowner.</p>						
<p><u>Cultural</u> <u>Federal and Tribal Lands</u> Under the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC 3001) and implementing regulations 43 CFR Part 10, Reclamation is responsible for the protection of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony that are discovered on Reclamation lands. All human remains and potential human remains must be treated with respect and dignity at all times. In the event that suspected human remains are discovered during proposed project activity on Reclamation land, all activities in the immediate area will cease, and appropriate precautions will be taken to protect the remains and any associated cultural items from further disturbance. Reclamation will follow the</p>		<p>Duration of Project</p>	<p>Once at end of Project</p>			



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	<p>procedures outlined in 43 CFR § 10.4 Inadvertent Discoveries. The Reclamation Region 10 Cultural Resource Officer will be immediately notified by telephone and will take responsibility for the discovery by contacting the appropriate law enforcement and Reclamation officials. Within three (3) working days of confirmation of the discovery [see 43 CFR Part 10.4(d)(1)(iii)], the Regional Archaeologist will notify by telephone or in person, with written confirmation, the Indian tribes likely to be affiliated with the discovered human remains (e.g., lineal descendant, culturally affiliated Indian tribe, Indian tribe with other cultural relationship, and Indian tribe that aboriginally occupied area). Treatment and handling of the remains will be determined through consultation between Reclamation and consulting tribes.</p>					
	<p><u>Other Public and Private Lands in California</u>          There are numerous California State laws and codes that direct the preservation of prehistoric and historic cultural resources, establish the procedures for protecting inadvertently discovered Native American human remains, and impose penalties and punishments for persons acting in violation of the legal code. Specifically, Section 7050.5 of the California Health and Safety Code deals with the discovery of human remains in any location other than a dedicated cemetery and directs that in such cases the coroner of the county in which the remains are discovered be contacted and further excavation or disturbance</p>					

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	<p>in the location of discovery be discontinued until the coroner has examined the remains and made recommendations concerning their treatment and disposition. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, the coroner is required to contact the California Native American Heritage Commission (NAHC), by telephone, within 24 hours. Stipulations encouraging private landowners to work with the NAHC and the most likely descendant identified by the NAHC to establish and carry out appropriate treatment of the remains are outlined in Section 5097.98 of the California Public Resources Code.</p>					
Cultural	<p>If construction is conducted within 1,500 feet of the cemetery, a qualified archaeologist shall be present during ground-disturbing activities.</p>	Duration of Project	Once at end of Project			

**Funding:** The proponent is responsible for all direct costs to implement, monitor and evaluate the environmental commitments described in the table. The proponent is also responsible for the costs incurred by Reclamation staff to monitor and evaluate the environmental commitments.



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### **Meeting Minutes**

Meeting of the California Water Commission  
Wednesday, February 16, 2022  
Remote Meeting  
Beginning at 9:30 a.m.

#### **1. Call to Order**

Chair Teresa Alvarado called the meeting to order at 9:30 a.m.

#### **2. Roll Call**

Assistant Executive Officer Laura Jensen called the roll. Commissioners Alvarado, Arthur, Curtin, Gallagher, Makler, Solorio, Steiner, and Swanson were present, constituting a quorum.

#### **3. Closed Session**

The Commission did not hold a closed session.

#### **4. Approval January 19, 2022 Meeting Minutes**

Commissioner Arthur motioned to approve the January 19, 2022 meeting minutes.  
Commissioner Solorio seconded motion. All Commission members present voted in favor.

#### **5. Executive Officer's Report**

Executive Officer Joseph Yun said April's meeting will be in-person at the California Natural Resources Agency auditorium, and staff is working on preparations. Staff is open to further conversations with the Shingle Springs Band of Miwok Indians tribal leadership. Staff continues to coordinate with the Department of Water Resources (DWR) on the Big Notch Project and are ready to begin the Resolution of Necessity (RON) process in March. Staff is preparing the work plan for Water Resilience Portfolio (WRP) Action 26.3 – planning strategies for six-year drought.

#### **6. Commission Member Reports**

Commissioner Solorio spoke at the Southern California Water Dialogue meeting, and also had coffee with Executive Officer Yun in Sacramento. Commissioner Curtin said he needs to leave the meeting at 1:15 p.m. Executive Officer Yun added that the Commission's op-ed regarding the status of the Water Storage Investment Program (WSIP) has run in five newspapers.

#### **7. Public Testimony**

Dierdre des Jardins with California Water Research said she filed a protest with the State Water Resources Control Board (SWRCB) over DWR's 2021 temporary urgency change petition (TUCP), asked SWRCB to require DWR to do a report on their forecasting methods and to hold a workshop on climate change. She asked if today's State Water Project (SWP) presentation is in place of a workshop, and was told by Executive Officer Yun that it was not.

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**8. Water Storage Investment Program: Second Solicitation Considerations and Other Options (Action item)**

WSIP Manager Amy Young presented considerations around a second WSIP solicitation and identified other options available to the Commission to utilize \$63.9 million in funding. She presented a timeline of the WSIP from 2014 to present, showing that 12 applications were submitted, four were deemed ineligible, eight were given Maximum Conditional Eligibility Determinations (MCEs), one project withdrew, and the remaining seven met the January 1, 2022, continuing eligibility deadline. Two screening projects also met that deadline, and would be the only projects eligible to apply in a second solicitation. The Commission can decide to pursue a second solicitation, apply the funds to the existing projects, postpone the solicitation but begin drafting regulations, or defer the decision to a later date. A second solicitation would require staff to begin the rulemaking process, the Commission to adopt the regulations, the project proponents to submit applications for the review process, with the Commission making MCEs by mid-2024. If the Commission decided to distribute the funds to the existing projects, the screening projects would be held in the current state should more funding become available. If the Commission decides to hold off on the second solicitation but begin the rulemaking process, it would save some time, but would likely require changes made prior to the solicitation. In a comparison of timing and effort, a second solicitation would take two-and-a-half years and require significant work on the part of the state and applicants. Distribution among existing projects would take about three months, with minor work involved. Preparing the rulemaking without a solicitation would take about one year with moderate work for the state and minor work for applicants.

Public comment from Erin Evans of Lighthouse Public Affairs, representing Valley Water and the Pacheco Reservoir Expansion Project, who urged the Commission to distribute the remaining funds among the existing seven projects as the cost of all the projects has increased significantly. If a second solicitation takes place, allow the existing projects to apply for additional public benefits and compete for additional funding.

Public comment from Monique Day of West Yost Associates, representing Stanislaus Regional Water Authority, who supports a second solicitation.

Public comment from Maureen Martin of Contra Costa Water District, proponent of the Los Vaqueros Expansion Project, who urged the Commission to distribute the remaining funds among the existing seven projects as the cost of all the projects has increased significantly.

Commissioner Arthur asked about the process of determining project eligibility in the screening process compared to the application process. Ms. Young said there was no screening the first time; the application process was open to everyone. Some projects fell out because they were unable to show benefits that met the Delta requirements. This solicitation would be different.

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Vice-chair Swanson said we want to be supportive, we want to build these projects. The Stanislaus County project is being built in a region where a large amount of growth is expected. It is good to have these projects in our back pocket for the future if something changes.

Commissioner Makler said an inflation adjustment is small but would help, a second solicitation might not do much to incentivize the screening projects, and he is inclined to not take any action today. The existing projects need to show deliverables in public benefit contracts and funding.

Chair Alvarado asked if an option exists for the two screening projects without a full application process, and was told the screening process was there to meet January 1, 2022, statutory requirements, the Commission does not have a process outside of that at this time. Legal Counsel Holly Stout said there is not a current mechanism, it would be difficult outside of the regulatory framework, and regulations would probably be needed.

Commissioner Solorio said he leans toward option two, giving the funds to the existing seven projects, and asked if we could create an incentive to give money to those who can get projects constructed in a certain amount of time.

Commissioner Gallagher said she also leans toward option two. The Commission wants to see the existing projects move forward. There is a sense of urgency; the Commission needs to get funding allocated sooner rather than later. Sites should be awarded the full MCED originally allocated.

Commissioner Steiner said she is leaning toward option two but needs more information before deciding how to distribute it. She did not support the Del Puerto project because she was unclear on what public benefits it could provide.

Commissioner Curtin said this is a profoundly complex process, it will be several years before the two new proposals will be prepared, and strongly recommends pursuing option two. The existing WSIP projects have met all of the conditions are in desperate shape because of inflation. Commissioner Curtin moved to vote on option two.

Commissioner Steiner seconded the move to vote on option two.

Commissioner Arthur said the Commission has time to better understand the timelines of these projects and how they are moving forward on their public benefit contracts. That could change how we consider applying the funding.

Commissioner Makler agreed and does not see the pressure on timing because none of the existing projects are shovel ready. Shovel ready would mean they have their entitlements, they have their benefits contracts negotiated, they have their financing in place, and they are ready to roll. Allocating the \$64 million will not make a difference in their project planning. What if

another project drops out in the next year? Is there any effort to upsize the funding outside of Proposition 1 to deal with inflation? Executive Officer Yun said we do not know of any additional funding coming into the program, and the decision is based on what we have now.

Commissioner Curtin said if other projects fall out the Commission will have the opportunity to reallocate money. If Commissioners do not allocate the money, they might hurt some of these projects going forward. We could think about this in another couple of months, but there is no earth-shattering information coming our way that will make things clearer.

Commissioner Solorio said we can either support the two screening projects or reallocate the money to the existing projects. We have more time to determine how we might do the latter, and staff could give us a recommendation on whatever path we decide to go down.

Commissioner Arthur asked for clarification: if Commissioners were to move forward with option two, is there an opportunity to proceed with a solicitation process in the future? Ms. Young said yes. Executive Officer Yun said the motion language can be refined to what Commissioners want it to say. Ms. Stout said option two is a discussion and does not obligate Commissioners to allocate those funds at this time. Staff is looking for direction on what option Commissioners want to explore.

Commissioner Steiner confirmed that they are voting on option two and asked staff to return, perhaps at the March meeting, with options on how the Commission might distribute the money.

Chair Alvarado confirmed with Commissioner Curtin that his motion was to vote to apply the \$63.9 million to existing projects and request staff come back with options for the use of those funds, with the recognition that this does not close the possibility of future solicitations.

All members voted in favor. The motion passed.

#### **9. 2021 Annual Review of the State Water Project (Action item)**

Water Code section 165 requires the Commission to conduct an annual review of the progress of the construction and operation of the SWP. Assistant Executive Officer Laura Jensen presented the draft 2021 Annual Review of the SWP for Commission consideration and approval. The theme of the 2021 SWP briefings was creating a resilient SWP: addressing climate change and aging infrastructure to provide multiple benefits for Californians. The Commission received 12 briefings in 2021. Highlights included drought contingency planning, the climate change vulnerability assessment and adaptation plan, and aging infrastructure. Water delivery numbers were the lowest since 2014; power generation and use numbers were the lowest since 2000. It was found that the SWP delivered water for California and the environment; it provides renewable energy and advances emissions reduction; DWR adapted business practices for the pandemic; DWR informed the Commission of the SWP's financial goals and budget; and



DWR delivered timely capital improvement projects and maintenance practices that mitigated aging infrastructure risks. The asset management program implemented a risk-informed process to prioritize capital, operations, and projects. DWR advanced safety assessments at SWP dams, addressing seismic and flood hazards and aging infrastructure issues; advanced near-term and long-term solutions to capacity and conveyance lost to subsidence; kept the Commission and the public informed on plans for a single-tunnel Delta conveyance system, and engaged stakeholders in consideration of a community benefits program for those impacted by the Delta conveyance project; explored adaptation strategies to improve the SWP's resilience to climate change; supported and led projects to enhance the climate and ecosystem reliability of the Delta and Upper Feather River Watershed; furthered forecast informed reservoir operations with the intent of operating Lake Oroville more optimally under changed hydrology; completed a draft Flexible Resources Study that looks at how the SWP can aid California in reaching its climate and energy goals; took actions to mitigate the impacts from the 2021 drought and is involved in early drought planning for 2022 and 2023; and informed the Commission about key construction activities undertaken in the past year. It was recommended that DWR provide information about how it is adapting and planning operations to address the anticipated challenges of climate change; efforts to advance large-scale infrastructure construction and maintenance; and balancing the needs of its multiple beneficiaries over the long term in years of extreme drought.

Public comment from Erin Wooley, policy advocate for the Sierra Club of California, who said DWR had repeatedly relied on TUCPs during dry periods to avoid meeting water quality standards intended to protect the Delta. Reducing Delta outflows has consequences for endangered species and water quality in the Delta. The Delta Conveyance Project is extremely expensive and would have major impacts on the environment and communities, and should consider local and regional projects that would better meet the water needs of Californians.

Public comment from Dierdre des Jardins, California Water Research, who said DWR needs to move to physics-based modeling, they are not working across silos, they need to update their methodology, they cannot rely on the past record or it will be a disaster for fish.

Commissioner Curtin asked if we are seeing more subsidence, and if SGMA has stabilized it at all, and was told that question can be posed to our DWR presenters.

Commissioner Makler said it was an excellent report; staff was able to distill and explain a very broad and complex subject.

Commissioner Arthur asked if Delta salinity standards might be part of the six-year drought plan, and was told it was possible to bring it into the drought discussions, and can also be considered for a future briefing.

Chair Alvarado said she would like to see a future briefing about the correlation between energy use and SWP operations to improving our climate resilience.

Commissioner Makler motioned to approve the report. Commissioner Steiner seconded the motion. All members voted in favor. The motion passed.

#### **10. State Water Project Briefings: Preparing for Climate Extremes**

The Commission launched its 2022 SWP briefings and introduced this year's theme: Preparing for climate extremes – ensuring a reliable SWP to meet the challenges of drought, flood, and wildfire. Assistant Deputy Director of the SWP John Yarbrough introduced the four presentations and introduced DWR's Assistant Deputy Director for Climate Change John Andrew, who provided an overview of the climate action plan, DWR's comprehensive response to climate change. The goal is to improve the consistency and scientific rigor of DWR's approaches for analyzing the potential impacts of climate change while preserving both flexibility and efficiency. The Vulnerability Assessment assessed hazards, the Adaptation Plan identified and implemented adaptation strategies.

State Climatologist Michael L. Anderson briefed the Commission on how DWR is adapting its water forecasting processes for climate change. Above average warm years have gone from an extreme event in the 1930s, to episodic events in the 1980s, to commonplace the last decade. Water year 2021 brought new extremes and consequences. It was the second worst single year and driest two-year period in statewide precipitation, the second warmest year for statewide mean temperature, and the driest and warmest spring in 126 years. The comparative precipitation index shows wet years are not offsetting accumulated dryness of dry years over the last decade. Forecast improvement efforts include adopting emerging technologies to improve and expand the collection of hydrometeorological data, and developing physically based and climate informed runoff forecasting models. Three strategies include data augmentation, forecast model improvements, and partner collaboration. Improvements underway include updating hydrologic averages from 50-year to 30-year average to better reflect most recent years; updating precipitation and snow median increments based on new averages; improving automation of daily precipitation data collection, full natural flow calculations, and the quality control process; new methodology to evaluate and improve 90% and exceedance forecasts; and developing new statistical models based on updated data. A 12-month project is to develop machine learning models that incorporate new variables like the climatic water deficit, observe daily full natural flow, incorporate May 1 snow data, and separate out precipitation and snow parameters that were previously lumped together. Three-year projects are to integrate airborne remote sensing of snow data and modeling into the forecasting process, expand coverage of airborne lidar data collection, integrate weather and climate forecast information into the modeling process, and continue partner collaborations to improve observation and forecast capabilities. California Water Watch provides a snapshot of the state's water conditions at the local watershed, regional, and statewide scales. It allows

users to query hydroclimate and water supply information from a variety of sources. This water year to date sees continuing extremes, with a category 5 atmospheric river in October, less than 50% average precipitation in November, record snowfall in December, and the second driest January in 127 years. Real-time water management is to minimize the hazard and maximize the benefit.

SWP Climate Action Coordinator Andrew Schwarz briefed the Commission on the Delivery Capability Report (DCR), used for climate change planning throughout the state. The bi-annual report provides existing capability to deliver water over a range of hydrologic conditions. The most important information used by SWP contractors is the long-term average and single dry year delivery. Final 2021 DCR results will be released in April. It was the first to use the Cal Sim 3 model. DCR serves as a default climate change scenario for SWP planning, including the Power and Risk Office future resource planning, Oroville cold-water pump back studies, and the California Aqueduct Subsidence Program (CASP). Climate change was incorporated into the DCR in 2007. The current form provides existing delivery capability, and future capability informed by climate change. SWP contractors expressed desire for a single number they can use to reduce uncertainty. Creation of a new, climate-adjusted, current conditions simulation accounts for climate change that has already occurred, estimates current SWP capacity and reliability for use in operations and planning studies, and moving forward, future climate changes would be mapped into this new baseline. DCR has become the most consequential source of climate change information for the SWP, driven by the last-big-project approach, and moving forward wants to be more intentional and collaborative in its development.

Mr. Yarbrough briefed the Commission on drought planning for 2022. Dry conditions equal low runoff. 2021 ended with record low reservoir storage. Spring 2021 was the warmest and driest on record. These extremes challenged traditional water supply forecasting methods. Water supply planning must consider more extreme scenarios. 2022 objectives are to provide minimum health and safety needs, maintain Delta water quality, meet environmental needs to protect endangered species, conserve water storage to meet future critical needs, and deliver water based on priority. The decision process assumes we will see dry conditions. Initial actions include leaving in the salinity barrier, submitting a TUCP, and meeting a health- and safety-based allocation. October was the wettest on record, November in the top 10 driest, December in the top 10 wettest, and January in the top 10 driest. Actions are focused on Lake Oroville, the Delta, and San Luis Reservoir. Drought monitor shows the outlook for California, with very dry conditions and reduced storage in reservoirs and groundwater basins. However, much of California is in a better position than last year. Changes in approach for 2022 include consideration of more extreme scenarios when planning, adjustments to water supply forecasting approaches, and more frequent and earlier cross-agency coordination. DWR is not currently expecting to need the most intense drought actions, and is continuing close coordination with USBR and senior water holders to facilitate transfers, forecast and modeling

improvement efforts, and to monitor and evaluate conditions to determine whether to seek modified Delta standards and backfill the notch in the West False River salinity barrier.

Public comment from Dierdre des Jardins, California Water Research, who said the California Nevada River Forecast Center has a physics-based model that produces a forecast significantly lower than DWR's January 1, 2022, forecast. There is a real difference in predictions from the physics-based model and DWR models that are based on years in the historical records.

Public comment from Jim Brobeck, who said shifting the irrigation supply from surface water to groundwater substitution transfers and supplemental groundwater pumping will "desertify" the Sacramento Valley and eliminate the refuge from drought that allowed ecosystem-dependent pre-colonial people to survive, and asked how much these two strategies are being considered.

Commissioner Gallagher asked about the switch from a 50-year to a 30-year average, what the smallest range is you could go, and is this data incorporated into allocations. Mr. Anderson said moving to a 30-year average helps you capture more of what happened in the last decade. Any smaller and you get into sample-size challenges, and may not reflect all of the outcomes. The challenge is understanding where the observations are relative to the distributions

Commissioner Steiner asked Mr. Anderson about a possible staffing increase and was told they are going through the normal process of a budget change proposal. They have the benefit of working with several partners and have expanded their partner engagement. She asked Mr. Yarbrough if the 2022 objective to deliver water by priority was within the SWP allocations or is there a plan to change allocations to deal with an emergency, and was told they have settlement contracts with both customer agencies and senior water rights holder on the Feather River, and the prioritization was between those two entities.

Commissioner Makler asked Mr. Anderson to what extent have there been discussions about forest management, and was told that two-thirds of the Feather River Watershed has burned in the last three years, and the watershed DWR is working with this year are very different than in 2013. Fires have been that motivator to help open that dialogue with partner agencies. Commissioner Makler asked Mr. Yarbrough if we have sufficient institutions in place to allow for water transfers, and was told that we have a lot of infrastructure in place already to implement transfers, but there is always room to improve and they are continuing to streamline the process.

Commissioner Solorio asked how we are going use this type of climate data and related information for the state to decide SWP contractor allocations. Mr. Yarbrough said the process begins with the snow survey and Bulletin 120, the data collected is turned over to SWP staff who run models and look for what water they see being south of the Delta, where does precipitation show up the rest of the year, and what allocation can they support.



Commissioner Gallagher asked if we do not know what the next water year is going to hold, how do we determine what to keep for the next year and what the next year's allocation is going to be. Mr. Yarbrough said DWR determines each year how much water it wants to keep in Lake Oroville and will not release any water supply that would take it below that amount.

The Commission took a 30-minute lunch break.

#### **11. Sustainable Groundwater Management Act Implementation Update**

Tim Godwin, Technical Advisor for DWR's Sustainable Groundwater Management Office (SGMO), provided an update on Sustainable Groundwater Management Act (SGMA) implementation, including an overview of the Groundwater Sustainability Plans (GSPs) DWR has reviewed to date, and the approach and timeline for reviewing GSPs submitted in January 2022. In dry years, up to 60% of California's water supply comes from groundwater. Of the 515 alluvial basins in the state, SGMA Identified 94 high- and medium-priority, and 21 critically over-drafted basins. All required Groundwater Sustainability Agencies (GSAs) have submitted GSPs. DWR has two years to evaluate GSPs and either approve them, disapprove them, or deem them incomplete. For the first batch on plans received by January of 2020, eight of the 20 plans received were approved, with recommended corrective actions. Twelve of the 20 were deemed incomplete and GSAs have 180 days to correct any deficiencies. DWR is working with GSAs to create a pathway forward. Most addressed overdraft head on. Eliminating overdraft is not the only requirement, but should be done in concert with avoiding the six undesirable results. GSPs need to consider all beneficial uses and users, and meet required actions related to drinking water, subsidence, stream depletion, and coordination. Some basins within multiple GSPs will need to further coordinate and address inconsistencies in their data and methodologies, as well as address any other deficiencies identified by DWR. Key considerations are to identify data gaps, uphold public transparency, continue local outreach, and implement comprehensive projects and management actions. High- and medium-priority plans submitted by January 31, 2022, are available for public review. Alternative plan periodic evaluations were provided by January 1, 2022. DWR issued 20 basin determinations on 42 GSPs. In 2022, DWR received 65 GSPs from 63 basins and eight alternative plans. DWR will issue determinations by 2024. Technical assistance programs available online include webinars, land subsidence data, airborne electromagnetic surveys, support services, and accounting platform efforts. DWR has a number of resources to support GSA outreach and engagement efforts. Funding includes \$350 million over the next three years.

Public comment from Ben King who asked when the updated freshwater map will be released.

Public comment from Jim Brobeck, from the Vina GSA Stakeholder Advisory Committee, who is concerned about the direction of several of the GSPs submitted in the northern Sacramento Valley that were designed to facilitate the water market and supply the rest of the state with water, to the great detriment of the non-participating entities.

Public comment from Lynne Plambeck, from a Southern California environmental organization, who said local GSP levels have been set lower than they have ever been, and hopes that DWR will take a close look at the comments and objections to Santa Clarita Valley Water Agency's plan, written by the same consultant doing water hydrology reports for all of the developers.

Commissioner Arthur congratulated SGMO on their progress, asked about staffing and support needs, any growth in coordination with other state agencies, and how they plan to use financial assistance to incentivize the more difficult tasks. Mr. Godwin said they are building out their team, and have grown a lot since the start of SGMA. They continue to effectively coordinate with other state agencies and are focused on incentivizing actions that meet the basin's needs.

Chair Alvarado asked how they evaluate collaboration between GSAs within a basin, and how they validate that public engagement is taking place. Mr. Godwin said collaboration and engagement are separate under SGMA regulations. Collaboration is about math, managing from the same data and methodology. There are certain regulations for developing a coordination plan. SGMA does not call upon DWR to tell the agencies how to do governance, how to manage their basins, but DWR recognizes the need and address this through its assessments.

## **12. Groundwater Trading: Feedback on Draft White Paper**

Assistant Executive Officer Laura Jensen discussed comments received to date on the Commission's draft white paper containing preliminary findings regarding how to shape well-managed groundwater trading programs and proposed next steps for state engagement. Comments regarding protecting third parties required modifying language in Finding 1. Several comments were received about robust consideration for small- and medium-size farms. Staff suggests adding a finding that speaks directly to the need to engage these farmers when developing a trading program, and to add more specificity to Next Step 4.3. Several comments concerned the impacts of trading on communities. The white paper addresses closing data gaps, stakeholder engagement, and the Human Right to Water. Staff suggests adding a finding that speaks to the need for disadvantaged communities to receive an allocation that allows them to pump enough groundwater to meet their needs. Comments about accountability and resourcing will be addressed by the inclusion of language that encourages implementing agencies to develop a workplan for Action 3.6, and additional language about the need for resources and expertise in the Proposed Next Steps for State Engagement section. A variety of comments concerned the proposed next steps, and staff suggests adding language to Next Steps 2 and 3, and adding steps that focus on creating an incentive program and a diverse advisory body. Comments on opposition to groundwater trading will be noted in the white paper. Comments on opposition to expanding state authority will also be noted, saying it is not likely to be universally welcome and must be pursued thoughtfully and only if necessary. Language will be added to the introduction to cover transparency and price discovery, and language will be modified in the Transparency vs. Confidentiality section of the Points of

Divergence box. Staff will work with the Stakeholder Advisory Group to revise language on measuring water use so it is accurate but neutral. The Commission asked staff to include an offer of continued engagement on the topic, which will be noted in the Potential Next Steps for State Engagement section, and to augment the section on Current State Engagement to reflect additional state responsibilities outside of SGMA. Staff has drafted text and is working with the implementing agencies to refine it. The Commission received miscellaneous comments regarding water rights, directional trading, legislation modification, and surface water transfers. Staff will address these comments where we have information to do so. Comments received since this presentation was finalized include the use of existing processes, to make sure expectations for GSAs are reasonable, to treat allocations carefully, to trade in compliance with approved GSPs, that DWR is the preferable choice in leading the advancement of this work, there is a need for better data on water use, concerns about "Big Ag" overusing groundwater resources, the lack of appropriate safeguards for vulnerable users, more discussion on groundwater substitution, and mechanisms for insuring water quality. Public comment is welcome through February 28. The final draft version will be brought to the Commission for its consideration and approval on March 16, 2022.

Public comment from Tim Johnson, California Rice Commission, who is supportive of limited groundwater trading but only within the region. This point was not captured in the draft paper, and he thinks his industry will suffer a negative impact.

Public comment from Soren Nelson, Association of California Water Agencies Regulatory Relations, who said trading is framed as a problem to be mitigated, not as a tool that can be used to solve the problem. The state could end up disincentivizing some of these programs instead of encouraging their establishment. He encouraged the Commission to consider how we can fold groundwater trading into the work that has already been done by SGMA so as not to duplicate efforts. ACWA is supportive of a locally driven process for establishing programs with state technical and financial support.

Public comment from Jim Brobeck, Water Policy Analyst for AquAlliance in Chico, who said the paper neglected to identify the pumping of groundwater in lieu of surface water supply as a category of groundwater trading.

Public comment from Ben King, who asked if a contractor who has done a groundwater transfer can also sell their groundwater right. Would the program allow a seller on the east side of the Sacramento River to sell into an area of subsidence, like the Arbuckle area? This could exacerbate subsidence in the Colusa sub-basin. Water quality is a fundamental part of our groundwater resources, there is no real mechanism to control water quality in groundwater.

### **13. Consideration of Items for Next California Water Commission Meeting**

The next meeting of the Water Commission is currently scheduled for Wednesday, March 16, 2022, when the Commission will receive the final white paper on groundwater trading, hear the

six-year drought workplan, receive the first group of Big Notch Project Resolutions of Necessity, and consider how to use the remaining WSIP funds.

**14. Adjourn**

The Commission adjourned at 2:33 p.m.





# Progress Report

## Del Puerto Canyon Reservoir Program Management

**Subject:** December 2021 Progress Report

**Prepared for:** Anthea Hansen (DPWD) and Chris White (SJRECWA)

**Prepared by:** Andy Neal and Katie Cole (Woodard & Curran)

**Date:** March 10, 2022

**Project No.:** 0011297.00

This progress report summarizes the work performed by Woodard & Curran and subconsultants for the period through December 31, 2021 for Del Puerto Canyon Reservoir Program Management. Please contact [aneal@woodardcurran.com](mailto:aneal@woodardcurran.com) or (925) 627-4114 with any questions.

### Work Performed

A summary of work performed during the current reporting period is summarized in the following table.

Task Description	Work Completed This Period
<p><b>Task 1</b> Program Management</p>	<ul style="list-style-type: none"> <li>Weekly internal team and external client coordination meetings.</li> <li>Project management tool maintenance (EVA, document management portal, staff management and tracking, sub billing calendar).</li> <li>Budget, schedule, and scoping tracking and updates.</li> <li>Coordination with and management of subcontractors.</li> <li>SJRECWA and DPWD Board Meeting update memos.</li> </ul>
<p><b>Task 2</b> Agency Coordination and Permitting Plan</p>	<ul style="list-style-type: none"> <li>USBR weekly meetings and preparation.</li> <li>Internal meetings and staff coordination related to permitting and agency coordination efforts.</li> </ul>
<p><b>Task 3</b> Reservoir Operations Analysis</p>	<ul style="list-style-type: none"> <li>None.</li> </ul>

Task Description	Work Completed This Period
<p><b>Task 4</b> Funding</p>	<ul style="list-style-type: none"> <li>• An additional FAA will be required to be put in place to access pre-construction dollars awarded subsequently under the WIIN Act and we are beginning work with Reclamation to get that executed.</li> <li>• The California Water Commission voted 5-3 in favor of our project to move forward should there be a second WSIP application opportunity. Sometime in early 2022, CWC will decide whether to solicit a second round of WSIP projects. In the meantime, we are engaging with the CWC to help understand where we can improve our project to have the full support of the Commissioners should the opportunity arise to submit a formal application. If the Commission does decide on a second solicitation, rule making adjustments will take place in 2022 and the applicants would prepare a larger, formal application in the first half of 2023.</li> </ul>
<p><b>Task 5</b> CEQA/NEPA Project Phase Authorization</p>	<ul style="list-style-type: none"> <li>• Ongoing coordination with Reclamation regarding EIS, Biological Assessment and Section 106 consultation.</li> <li>• Developing plan for permitting of geotechnical exploration work.</li> <li>• Continuing to work with legal counsel to assist in addressing questions regarding certification of administrative record.</li> <li>• Surveyed the expanded utility corridor for cultural and biological resources to include the future and relocated utility corridors in the NEPA document, which is being authored by USBR. Surveys found no new resources.</li> <li>• Reviewed draft EIS provided by Reclamation. Edited and commented as needed to ensure consistency with EIR. Added text describing updated transmission line alignment and evaluating impacts of the expanded corridor for relocation of transmission lines.</li> <li>• Coordinated with project team regarding Reclamation evaluation of fisheries impacts to ensure consistency with EIR analysis.</li> <li>• Called in to California Water Commission meeting to assist in addressing any comments about environmental process.</li> <li>• Working with PG&amp;E to validate prior air quality modeling reported in EIR.</li> </ul>
<p><b>Task 6</b> Validate Facilities</p>	<ul style="list-style-type: none"> <li>• None.</li> </ul>

Task Description	Work Completed This Period
<p><b>Task 7</b> Procure Design Consultants</p>	<ul style="list-style-type: none"> <li>• Responses to our RFP from prospective dam design teams were received December 17, 2021. These responses are under review. Interviews have been scheduled for January 25th, 2022. The interviews are likely to take place in Los Banos to accommodate a larger group in person.</li> <li>• The release the RFP for the Del Puerto Canyon Road relocation is still under consideration. Template RFPs from Stanislaus County have been received and will be used as a basis for developing our RFP so that the language and standards the County is comfortable with will be incorporated. The input of the County representatives will be folded into the RFP.</li> </ul>
<p><b>Task 8</b> Design Consultant Management</p>	<ul style="list-style-type: none"> <li>• None.</li> </ul>
<p><b>Task 9</b> Conveyance Facilities Preliminary Design</p>	<ul style="list-style-type: none"> <li>• None.</li> </ul>
<p><b>Task 10</b> USBR Feasibility Report</p>	<ul style="list-style-type: none"> <li>• None.</li> </ul>
<p><b>Task 11</b> Land-Owner Coordination</p>	<ul style="list-style-type: none"> <li>• Continued interaction with the representatives from Angels Crossing.</li> <li>• Examining additional potential relocation options for Del Puerto Canyon Road.</li> </ul>
<p><b>Task 12</b> Survey/Mapping</p>	<ul style="list-style-type: none"> <li>• O'Dell finalized survey access coordination plan and control plan for aerial LiDAR acquisition.</li> <li>• O'Dell performed field survey to set ground control targets for aerial LiDAR acquisition.</li> </ul>

Task Description	Work Completed This Period
<p><b>Task 13</b> Utility Company Coordination</p>	<ul style="list-style-type: none"> <li>• Led bi-weekly meetings with PG&amp;E to discuss progress, needed info, and next steps on design.</li> <li>• Stantec, working on behalf of PG&amp;E, is refining its PL-CAD model and tower locations as they approached a 30% design.</li> <li>• Continuing development of a scope and level of effort estimate to design the network of tower access roads. This is an important part of the design to make sure all of the tower locations can be accessed for maintenance and construction.</li> </ul>
<p><b>Task 14</b> Outreach Support</p>	<ul style="list-style-type: none"> <li>• No new public outreach has been performed besides Catalyst's continuous monitoring of media sites.</li> </ul>



## Budget Status

As of this invoice, 82% of the project budget has been billed (\$8,142,761.89 of \$9,894,289). A budget breakdown by task is included in the below table.

**Table 1: Budget Breakdown By Task**

Task No.	Description	Budget	Previously Billed	Billed This Period	Total Billed to Date	Budget Remaining	% Billed to Date
1	Program Management	\$913,108.01	\$672,423.23	\$17,733.88	\$690,157.11	\$222,950.90	76%
2	Agency Coordination and Permitting Plan	\$726,775.42	\$482,400.53	\$1,458.00	\$483,858.53	\$242,916.89	67%
3	Reservoir Operations Analysis	\$583,833.50	\$372,784.50	\$421.50	\$373,206.00	\$210,627.50	64%
4	Funding Strategy	\$179,000.00	\$6,812.75	\$0.00	\$6,812.75	\$172,187.25	0%
5	CEQA/NEPA Compliance	\$2,366,939.04	\$1,996,541.74	\$16,848.00	\$2,013,389.74	\$353,549.30	85%
6	Validate Facilities	\$2,155,442.87	\$2,155,442.84	\$0.00	\$2,155,442.84	\$0.03	100%
7	Procure Design Consultants	\$424,493.25	\$65,057.08	\$12,844.47	\$77,901.55	\$346,591.70	18%
8	Design Consultant Management	\$70,182.08	\$0.00	\$0.00	\$0.00	\$70,182.08	0%
9	Conveyance Facilities Preliminary Design	\$1,082,317.94	\$1,082,317.94	\$0.00	\$1,082,317.94	\$0.00	100%
10	USBR Feasibility Study	\$571,778.64	\$571,778.64	\$0.00	\$571,778.64	\$0.00	100%
11	Land Owner Coordination	\$123,021.12	\$42,733.05	\$1,618.75	\$44,351.80	\$78,669.32	36%
12	Survey/Mapping	\$173,364.88	\$173,364.88	\$0.00	\$173,364.88	\$0.00	100%
13	Utility Company Coordination	\$139,032.25	\$128,924.15	\$23,719.52	\$152,643.67	(\$13,611.42)	110%
14	Outreach Coordination	\$385,000.00	\$316,971.94	\$564.50	\$317,536.44	\$67,463.56	82%
<b>Total</b>		<b>\$9,894,289.00</b>	<b>\$8,067,553.27</b>	<b>\$75,208.62</b>	<b>\$8,142,761.89</b>	<b>\$1,751,527.11</b>	<b>82%</b>

Notes:

<sup>1</sup> Task budgets are internally allocated and may be reallocated between tasks based on program need.

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## Schedule Status

The Feasibility Report was accepted by the Secretary of Interior and submitted to congress with the determination of feasibility pursuant to the WIIN Act, section 4007(b). Schedule is currently being driven by the EIS schedule; coordination with Reclamation is ongoing.

## Outstanding Issues

### Bureau of Reclamation Coordination

- The draft EIS was originally scheduled to be published in October 2020, with a Record of Decision slated for April 2021, but that schedule continues to slip on the Reclamation side. Latest schedule provided by Reclamation shows that an internal draft of the EIS will be provided to the DPCR team for review in late November 2021, with publication of the Draft EIS in late February 2022. We received draft EIS for review on 27 November, but Reclamation has informed us that adding in the expanded corridor for the transmission lines will cause the schedule to slip. We are working with Reclamation to include the most recent powerline alignments in the EIS so that the WAPA powerline relocation can be accurately addressed in the EIS.
- We have submitted a letter to USBR confirming our position that the Del Puerto Canyon Reservoir project is under construction, consistent with the requirements in section 4013(2) cited per criteria in section 4011f(2). Our project manager at USBR, Allison Jacobson, has indicated that the letter has been reviewed and there are no objections to our position.

### Army Corps Coordination

- The Corps is officially a cooperating agency for the USBR NEPA process. As such, they will be working with Reclamation to develop a cooperating agency agreement limiting their involvement in the EIS process to those areas within their statutory authority. They have designated Reclamation to act on their behalf in the Section 7 consultation. We have a Preliminary Jurisdictional Determination from the Corps, which we have agreed is sufficient for the Project. We had a meeting with the Corps and determined that an Approved Jurisdictional Determination is not needed.

### State Water Resources Control Board Coordination

- After the initial water rights application was reviewed by the State Board, additional coordination and analyses were required for the water availability analysis portion of the application. This has required more detailed data collection and analyses to estimate downstream impacts of flow reduction in the Del Puerto Creek. The State Board does not have streamlined guidelines for the requirements of the water availability analyses, and it is unknown what level of detail will be required for completion of the application at this time. The team has developed a strategy for the water availability analysis and drafted a

TM which will be presented to the State Board for further discussion before re-submitting the application.

#### Utility Company Coordination

- Crimson has been slow to respond, though this is not on the critical path as of yet. Program will need to push on this once the dam designers are on board.
- PG&E team is making slow progress and is waiting on supplemental LiDAR survey files for north and south extends of their proposed relocation. That work has been initiated by O'Dell and they have set field control in preparation for aerial LiDAR data acquisition in early January.

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## MONTHLY REPORT

### FUNDING

A funding agreement with Reclamation for the planning cost share provided to the LAPs (approximately \$7 million) is currently routing for signature.

Future Federal funding requests include the remainder of the maximum federal share of 25 percent of the total project cost (approximately \$160 million). Some portion of the federal funding share may be available in the Bipartisan Infrastructure Law (the Infrastructure Investment and Jobs Act that was signed on November 15, 2021).

The Project qualified for funding under the Water Storage Investment Program and received an adjusted Maximum Conditional Eligibility Determination of \$470,475,000 from the California Water Commission (CWC) on January 20, 2021. This amount reflects an inflation adjustment of 2.5 percent. The CWC is considering an additional inflation adjustment at their next meeting on March 16, 2022.

The following chart provides an overview of the Multiparty Agreement (MPA) expenditures through January 31, 2021. The in-kind services, funds received, outstanding receivable, and cash on hand are shown through February 28, 2022. All LAPs remain in good standing on progress payments.

MARCH 4, 2022

### UPCOMING ACTIVITIES

March 9 at 9:30 a.m. – JPA Board Meeting via Zoom

March TBD – JPA Board Committee Meetings (Finance, Communications and Outreach, and Operations and Engineering)

March 14 at 11:00 a.m. – JPA FY23 Budget Development workshop (Finance Workgroup)

March 23 at 1:00 p.m. – Design Review Team meeting

April 22 at 1:00 p.m. – Cost and Funding Allocation workshop

### UPCOMING LAP BOARD COORDINATION

March 7 – Valley Water Storage Committee

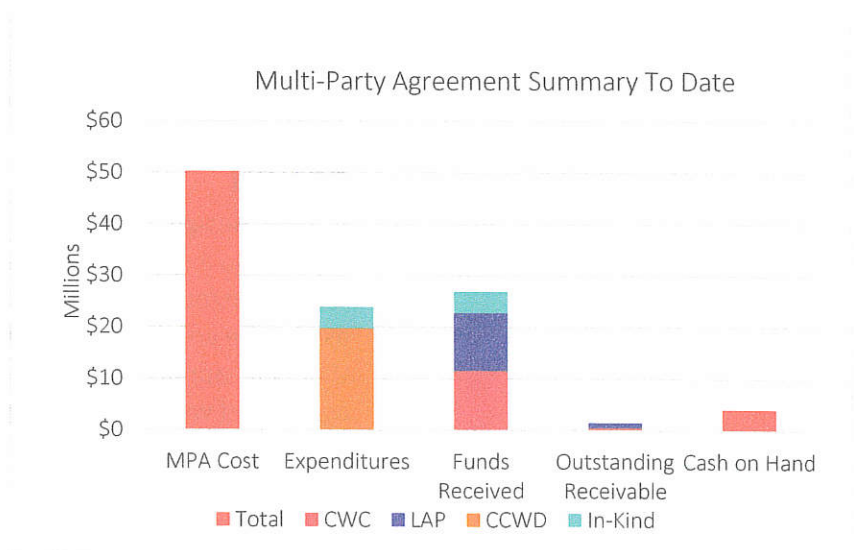
### ADDITIONAL PROJECT INFO

<https://www.cwater.com/lvstudies>

<https://www.usbr.gov/mp/vaqueros/>

<https://cwc.ca.gov/Water-Storage/WSIP-Project-Review-Portal/All-Projects/Los-Vaqueros-Reservoir-Expansion-Project>

[www.losvaquerosjpa.com](http://www.losvaquerosjpa.com)



### JPA BOARD OF DIRECTORS MEETING

On February 9 the Los Vaqueros Reservoir Joint Powers Authority (JPA) Board of Directors met via Zoom. The Board approved Authority Bylaws and adopted a Purchasing Policy. The Board discussed

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recruiting an Executive Director, policy regarding commitment to diversity and accessibility, Board meeting and decorum policy, and a major policy calendar including potential future decisions that will be brought before the JPA in the next year. The next monthly JPA Board Meeting has been scheduled for March 9 and the meeting agenda packet was distributed to JPA Directors and Alternate Directors on Thursday, March 3 and posted to the JPA website on Friday, March 4.

## **PERMITTING**

U.S. Fish and Wildlife Service (USFWS) is reviewing additional requested information related to the terrestrial Biological Assessment (BA). A Historic Properties Treatment Plan and Memorandum of Agreement, to support Section 106 of the National Historic Preservation Act consultation, has been submitted to Reclamation. USFWS continues review of the Eagle Take Permit application. California Department of Fish and Wildlife (CDFW) began work on the Incidental Take Permit for terrestrial species and Lake and Streambed Alteration Agreement. The second draft of the Incidental Take Permit for aquatic species has been reviewed CDFW and staff are addressing comments. Reclamation has completed its review of the Compensatory Mitigation Plan which supports the federal and state Endangered Species Act permitting processes. The U.S. Army Corps of Engineers (USACE) has completed the jurisdictional determinations for the project and has begun work on the permit. The Central Valley Regional Water Quality Control Board (CVRWQCB) has also begun work on the permit. A Delta Plan Consistency Package has been prepared and will be submitted soon following outreach to key stakeholders that is underway. Draft water rights change petitions have been prepared and submitted to staff at the State Water Resources Control Board for preliminary review.

## **DESIGN**

A final design packet was prepared to support procurement of services to inspect the Transfer Pipeline. The Transfer Pipeline, which is the inlet/outlet pipeline to the LV Dam, will be inspected this fall to assess the condition of the interior lining of the pipeline and confirm that all appurtenances are rated for the increased pressure associated with the dam expansion.

Design of the Pumping Plant No. 1 Replacement Project continues, with 30-percent design submitted for review. Vegetation management options are being evaluated.

The second meeting of the Design Review Team (DRT) was held on February 23 and the agenda included continued overview of the LVE facilities, conceptual design of the Transfer-Bethany Pipeline (TBPL), and outline of the plan to inspect the Transfer Pipeline.

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Coordination with the Department of Water Resources for the TBPL Turn-In to the California Aqueduct is ongoing, with geotechnical investigations planned in the coming months, along with 60-percent design. Coordination continues with interested parties along the TBPL alignment, including input on draft alignment evaluations.

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**Anthea Hansen**

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**From:** Park, Christopher <ParkCE@cdmsmith.com>  
**Sent:** Friday, March 11, 2022 1:08 PM  
**To:** rfreeman@wwd.ca.gov; rortega@gwdwater.org; ewehr@gwdwater.org; VGin@valleywater.org; ckao@valleywater.org; DJacobson@valleywater.org; jmartin@ccidwater.org; sstadler@slwd.net; LMartin@slwd.net; rmilligan@wwd.ca.gov; tboardman@wwd.ca.gov; KKong@valleywater.org; cwhite@sjrecwa.net; Anthea Hansen; jgutierrez@wwd.ca.gov; rlg@bbid.org; JCattaneo@sbcwd.com  
**Cc:** Pablo Arroyave (pablo.arroyave@sldmwa.org); Rebecca R. Akroyd; Kashyap, Anusha V.; Lawson, Laura C.  
**Subject:** B.F. Sisk Dam Raise Project - Draft Principals of Agreement Review Meeting Notes  
**Attachments:** Draft Principles of Agreement - Sisk Raise-v7.docx

Hi all,

As discussed yesterday on the call to review the Draft Principles of Agreement for Funding, Participation, and Operations for the B.F. Sisk Dam Raise and Reservoir Expansion Project, we have marked up that draft document to note feedback provided by participants on the call. In addition to those comments specific to the sections of the document, we captured a few broader issues raised during the call that I have listed below. The Authority plans to submit this document to Reclamation the week of March 21<sup>st</sup>. In order to support that timeline, we are asking that you provide any additional comments on the attached back to Pablo and myself by COB on March 18, 2022. Thank you

- The tracking of water supplies stored by the investors in the Investor-Assigned Expansion Capacity will require extensive communication with Reclamation. A Water Master, acting as the single point of contact with Reclamation, could develop storage reports and submit scheduled deliveries. An activity agreement will likely be needed.
- Increased south-of-Delta CVP storage that would capture the new capacity generated by the B.F. Sisk Dam Raise and Reservoir Expansion Project will be included as a component of the proposed action identified for evaluation in the reinitiation of consultation on the Long-Term Operation of the CVP and SWP (as defined in the February 2022 Notice of Intent).
- The relationship between Investor-Assigned Expansion Water stored in an expanded San Luis Reservoir, deadpool in the reservoir, and limits on any restrictions on pulling Investor-Assigned Expansion Water from San Luis Reservoir need to be defined in this agreement.
- A configuration that would identify Investor-Assigned Expansion Water stored in the reservoir as owned by the investors once it is delivered to San Luis Reservoir, similar to Warren Act contracts would be preferred. This holding Expansion Water in trust will need to be discussed with Reclamation.

**Chris Park, AICP, PMP**  
 Water Resource Planner  
 CDM Smith  
 2295 Gateway Oaks Drive, Suite 250, Sacramento, CA 95833  
 (office) 916.576.7497, (cell) 916.471.8206  
 Pronouns - he/him/his  
[cdmsmith.com](http://cdmsmith.com)



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