

Agenda - Orestimba Creek Project Mtg.

8:30 – 9:30 am

August 12, 2021

18773559639,,2098278616#

1. Landowner Outreach:

- a. Well sites and/or pipeline routes
 - i. Test holes- schedule to start week of August 16th and run through the end of August. (Ben)
 - ii. Water quality samples update (Adam)-picked up samples over the past two weeks and anticipate getting more this week.
 - iii. Update on meetings with landowners
 - 1. Cerutti well - depth to water measurements and water quality on (Adam)
- b. Other items –

2. Report from P&P activities-(Rick)

- a. Initial Environmental work.
 - i. Cultural and Biological Survey update.
 - 1. Parties agreed to continue with Applied EarthWorks (AEW) on 8-6-21.
 - a. 10% reduction in P&P markup on the AEW contract.
 - b. Status of Applied EarthWorks revised SOW and cost estimate.
 - ii. 8-10-21 site visit follow up items:
 - a. Hydraulics at the Orestimba Creek drain/DMC siphon.
 - b. Newman Wasteway – water distribution discussion
 - iii. Geo Tech – On standby until Section 106 is complete
- b. Design update
 - i. 60%- Target completion September 1.
- c. Other items –

3. Grants update- (All)

- a. Prop 1 Storm Water Grant, IWRMP Grant- Update
 - i. Work items-
 - ii. Other items

XI. A.

This form of agreement is distributed by:



Consultant Initials <i>KJH</i>	Subconsultant Initials mch
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AGREEMENT BETWEEN CONSULTANT AND SUBCONSULTANT

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Project No. 03510-20-002

Agreement entered into at _____ on this date of August 10, 2021,

by and between: _____

Consultant:	Provost & Pritchard Engineering Group Inc, dba Provost & Pritchard Consulting Group	Subconsultant:	Applied Earthworks
Name:	Kevin Johansen	Name:	M. Colleen Hamilton, M.A.
Address:	455 W Fir Avenue	Address:	1391 W Shaw Avenue, Suite C
City, St, Zip:	Clovis, CA 93611	City, St. Zip:	Fresno, CA 93711-3600
Phone:	559-449-2700	Phone:	559-229-1856
Mobile:		Mobile:	
Fax:	559-449-2715	Fax:	559-229-2019
Email:	kjohansen@ppeng.com	Email:	mchamilton@appliedearthworks.com
License No:	RCE 47444	License No:	RPA 39362477

Consultant and Subconsultant agree as follows:

A. Consultant retains Subconsultant to perform services for (hereinafter called "project."):

Central California Irrigation District - Orestimba Creek Recharge and Recovery Expansion Project

B. Subconsultant agrees to perform the following services:

See attached revised proposal dated August 6, 2021 "Applied Earthworks" - Cost Modification Request for Cultural Resource NHPA Section 106 Compliance for the Orestimba Creek Recharge & Recovery Project Expansion Project, Stanislaus County, California".

C. Consultant agrees to compensate Subconsultant for such services as follows:

See attached revised proposal dated August 6, 2021 "Applied Earthworks" - Cost Modification Request for Cultural Resource NHPA Section 106 Compliance for the Orestimba Creek Recharge & Recovery Project Expansion Project, Stanislaus County, California".

D. This agreement is subject to the General Terms of Agreement for Subconsulting Services contained in paragraphs 1 through 12, and the provisions of the exhibits attached hereto and made a part hereof. (List exhibits below.)

See attached revised proposal dated August 6, 2021 "Applied Earthworks" - Cost Modification Request for Cultural Resource NHPA Section 106 Compliance for the Orestimba Creek Recharge & Recovery Project Expansion Project, Stanislaus County, California".

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Consultant Initials <i>RRJ</i>	Subconsultant Initials mch
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GENERAL TERMS OF AGREEMENT FOR SUBCONSULTING SERVICES

Consultant and Subconsultant agree that the following provisions shall be part of this agreement:

1. This agreement shall be binding upon the heirs, executors, administrators, successors and assigns of Consultant and Subconsultant.
2. This agreement shall not be assigned by either Consultant or Subconsultant without the prior written consent of the other. Neither Consultant nor Subconsultant shall assign claims arising from the agreement without the prior written consent of the other.
3. This agreement contains the entire agreement between Consultant and Subconsultant relating to the project and the provision of services to the project. Any prior agreements, promises, negotiations or representations not expressly set forth in this agreement are of no force or effect. Subsequent modifications to this agreement shall be in writing and signed by both Consultant and Subconsultant.
4. This agreement shall be governed by and construed in accordance with the laws of the State of California.
5. Consultant and Subconsultant agree to cooperate with each other in order to fulfill their responsibilities and obligations under this agreement. Both Consultant and Subconsultant shall endeavor to maintain good working relationships among members of the project team.
6. Subconsultant shall perform services as an independent contractor and shall perform the services provided for in this agreement in accordance with generally accepted standards of professional practice in effect at the time of performance.
7. Unless provided otherwise by the provisions of paragraph C, Subconsultant shall submit monthly invoices to Consultant. Subconsultant recognizes that his or her invoices will be presented by Consultant to the project client and that Consultant will pay Subconsultant the amount due for services rendered and expenses incurred within fourteen (14) calendar days after Consultant is paid by the project client. Nothing contained in this paragraph shall constitute a waiver or release of Subconsultant's mechanic lien rights.
8. Before any services are provided under this agreement, Subconsultant shall procure and maintain in effect insurance coverage in amounts not less than set forth below. As to Professional Liability insurance, Subconsultant agrees to maintain this coverage for at least ten (10) years after substantial completion of the work of improvement that is the focus of the professional services contemplated under this agreement.
 - (a) Workers' Compensation and Employer's Liability: as required by the laws of the State of California.
 - (b) General Liability: commercial general liability insurance for personal and bodily injury, including death and property damage, on an occurrence basis, in the amount of \$ 1,000,000.00 combined single limit each occurrence and in aggregate.
 - (c) Automobile Liability: automobile liability for personal and bodily injury, including death and property damage, in the amount of \$ 1,000,000.00 for each accident.
 - (d) Professional Liability: professional liability insurance for damages incurred by reason of any actual or alleged negligent act, error or omission by Subconsultant in the amount of \$ 1,000,000.00 each claim and annual aggregate.
 - (e) Certificates: Subconsultant shall provide certificates of insurance evidencing coverage required above. Each certificate shall provide that the coverage afforded shall not be cancelled or ordered reduced by the Subconsultant, except with at least thirty (30) days' prior written notice to the Consultant. Should this occur, Subconsultant shall procure and furnish to Consultant prior to such effective date new certificates conforming to the above coverage requirements. Subconsultant shall not have the right to receive any payment under this agreement until all insurance certificates are received by Consultant.

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Consultant Initials <i>AKJ</i>	Subconsultant Initials mch
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9. Consultant and Subconsultants agree, to the extent permitted by law, to indemnify and hold harmless each other, their officers, directors and employees from and against all claims, losses, demands, damages or costs, including Attorney and expert fees that are ultimately determined by a court to have been caused by and limited to the extent of, the negligent acts, errors or omissions of either Consultant or Subconsultant or anyone else for whom Consultant or Subconsultant is liable, arising out of the performance of this agreement as determined by a court of competent jurisdiction.
10. Consultant may terminate Subconsultant's performance under this agreement, with or without cause, upon written notice. Consultant shall compensate Subconsultant for performance of services through the period prior to termination, plus reasonable termination expenses, provided Subconsultant is not in default.
11. If any provision of this agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions shall remain in full force and effect and are binding on Consultant and Subconsultant.
12. In an effort to resolve any conflicts between Consultant and Subconsultant arising out of or relating to the performance of this agreement, Consultant and Subconsultant agree that all disputes between them arising out of or relating to this agreement shall be submitted to mediation unless the parties mutually agree otherwise. This dispute resolution provision shall not preclude either party from filing a legal action in small claims court if the amount in dispute is within the jurisdiction of the small claims court, nor does it preclude or limit the right to perfect or enforce applicable mechanic's lien or stop notice remedies.

IN WITNESS WHEREOF, the parties hereby execute this agreement upon the terms and conditions stated above.

Consultant: Provost & Pritchard Engineering Group Inc, dba
Provost & Pritchard Consulting Group

Subconsultant: Applied Earthworks

By: *Kevin R Johansen*

By: M. Colleen
Hamilton

Digitally signed by M. Colleen
Hamilton
Date: 2021.08.10 16:30:48
-07'00'

Name: Kevin Johansen

Name: M. Colleen Hamilton, M.A.

Title: Project Manager and Principal-in-Charge

Title: Project Manager and Managing Principal

Date Signed: August 10, 2021

Date Signed: August 10, 2021

Subconsultant should mail completed contract to the address shown for Consultant.



1391 W. Shaw Ave., Suite C
Fresno, CA 93711-3600
O: (559) 229-1856 | F: (559) 229-2019
www.appliedearthworks.com

August 6, 2021

Dawn Marple, Principal Planner
Provost & Pritchard Consulting Group
130 N. Garden Street
Visalia, CA 93291

RE: Cost Modification Request for Cultural Resource NHPA Section 106 Compliance for the Orestimba Creek Recharge and Recovery Expansion Project, Stanislaus County, California

Dear Ms. Marple,

Applied EarthWorks, Inc. (Æ) respectfully submits this cost modification request in response to a substantial change in project design, related expansion of the Project Area of Potential Effects (APE), and additional studies necessary to fulfill cultural resource technical reporting requirements of the United States Bureau of Reclamation (USBR, lead federal agency). As the project is on federal land, we understand that the USBR requires an intensive pedestrian survey of the APE, archaeological and built environment recordation, evaluations of resource eligibility for the National Register of Historic Places (NRHP), preparation of a Finding of Effect (FOE) for all cultural resources within the APE, as well as other technical studies detailed below. Æ also understands that due to federal permitting, the cultural resource technical study must be completed in an expedited manner.

A summary of costs to complete additional cultural resource studies as required by the USBR is presented in the table below, while a detailed budget spreadsheet of additional costs is attached. **In this scope change, there are certain hours not being billed in the proposal (see attached email dated July 29, 2021).** Full descriptions of the tasks required to provide compliance with the National Historic Preservation Act (NHPA), Section 106, as amended, and National Environmental Policy Act (NEPA) are provided below.

Task No. & Description	Previously Approved	Additional or New Request
1: Prefield Research	\$1,982.93	\$6,973.62
2: Pedestrian Survey	\$4,480.77	\$13,461.07
3: Context, Evaluation & Finding of Effects	\$1,990.66	\$37,118.64
4: Technical Report	\$7,870.00	\$17,607.48
5: APE Map Support	-	\$3,260.11
6: Buried Site Sensitivity Assessment	-	\$4,715.36
7: Project Management & Meeting Support	-	\$4,998.68
<i>Subtotals:</i>	<i>\$16,324.36</i>	<i>\$88,134.96</i>
<i>Total Cultural Resource Support Price:</i>		<i>\$104,459.32</i>

TASK 1: PREFIELD RESEARCH

- Æ requested an updated records search from the Central California Information Center (CCIC). The records search provided up to date information on prior cultural resource survey coverage

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and previously recorded archaeological and historical sites within the project area. The search encompassed a 0.5-mile radius surrounding the project area. This information will guide resource evaluation.

- Æ estimated the Information Center fees would amount to \$485. The expanded APE required additional funds of \$750 for a total of \$1,235.

Task 2: Pedestrian Survey

To comply with federal and state standards, and to produce a legally defensible environmental document, a Secretary of the Interior qualified professional archaeologist and one field technician systematically traversed all open ground in the revised APE. The archaeological survey was completed in five days, including travel to and from the Project area. Prior to field work, Æ completed safety documents and made pre-field access and logistical arrangements.

Æ's Secretary of the Interior qualified architectural historian with a field technician conducted a field inventory to identify and record or update site records for historic-era buildings, structures or objects that are 50-years or older. Based on our desktop study of the APE and preliminary historical archival research, we budgeted six days to record nine built environment resources including segments of the Delta-Mendota Canal (DMC), Central California Irrigation District (CCID) Main Canal, Newman Wasteway, Anderson Road, Bell Road, Eastin Road, Hale Road, Orestimba Road, and Stuhr Road.

No archaeological resources and nine historic era built environment resources (three waterways with features, divided into six segments, and six roads) were confirmed during fieldwork. All cultural resources were photographed using a high-resolution digital camera, and their locations were plotted using a Global Positioning System (GPS) unit. Æ will record or update all identified resources using State required Department of Parks and Recreation (DPR) 523-series forms. Access to the APE was coordinated by Provost & Pritchard and the CCID.

TASK 3: CULTURAL RESOURCE CONTEXT, EVALUATIONS & FINDING OF EFFECTS

Per the USBR, all historic-era resources identified during the field survey must be evaluated for eligibility in the NRHP, assessed for integrity, and a FOE prepared for the Project. Therefore, our budget includes labor for archival research to prepare a comprehensive historic context and research design as relevant to the discovery of archaeological resources. Our scope is aligned to the requirements described in the *Reclamation: Managing Water in the West, Bureau of Reclamation, Mid-Pacific Region, General Scope of Work for Cultural Resources Investigations in California* (2012). Our evaluations will be prepared using the NRHP criteria outlined in 36 CFR Part 60.4 and meet CEQA guidelines. The historic context, evaluations, and FOE will be completed by Æ's Secretary of the Interior qualified architectural historians and archaeologists.

TASK 4: TECHNICAL REPORT

Following the completion of fieldwork, evaluation, and FOE, Æ will revise the Tibbet et al. 2018 technical report to include updated methods, historic context, evaluations, and FOE. The revised report will also address previously suggested edits provided in the USBR comment matrix prepared by Karen Reichardt on November 13, 2020. The final draft report will be prepared according to the professional standards outlined in the *Archaeological Resource Management Reports (ARMR): Recommended Contents and Format* and



comply with federal agency reporting standards including those of USBR. The report will include sections for project description, environmental setting, methods, historic and environmental context, results of the field survey, and evaluation(s) including the identification of any potential project effects and recommendations for resolving adverse effect. Survey coverage maps and other technical data will be appended to the report.

We have included labor for production of the draft report, including preparation of the text, figures, and maps; technical and copy editing; formatting and layout; final production and duplication; and quality assurance review. This task includes time for two additional rounds of comments from the client, state, and federal reviewing agencies prior to finalizing.

TASK 5: AREA OF POTENTIAL EFFECTS MAP SUPPORT

Æ's team of Geographic Information System (GIS) specialists has provided map support to Provost & Pritchard and its clients following the ongoing changes to the APE. Guidance from the USBR and continued efforts to minimize the Project's impact are expected to lead to additional changes. This task includes time for previously performed services as well as two additional rounds of comments on project maps from the client, state, and federal reviewing agencies prior to finalizing.

TASK 6: BURIED SITE SENSITIVITY ASSESSMENT

A Buried Site Sensitivity Analysis (BSSA) will identify areas sensitive for archaeological resources within the expanded APE. A draft BSSA letter report was submitted to Provost & Pritchard on July 15, 2021. Æ staff is in the process of responding to comments received on July 16th. If subsurface testing is requested by the USBR, a cost modification request may be needed.

TASK 7: PROJECT MANAGEMENT & MEETING SUPPORT

This task includes time to discuss project logistics, safety, schedule, survey details, methodology, and other issues relevant to ensuring a successful completion of all tasks associated with this project. Additionally, we included time for our Project Managers to attend weekly check-in meetings with Provost & Pritchard, client meetings, and meetings with the USBR lead reviewer, as needed to ensure progress forward in a timely manner.

GENERAL BUDGET ASSUMPTIONS

Assembly Bill 52 and NHPA Section 106 consultation support services, public comment support, paleontological, geoarchaeological desktop or subsurface testing, and desktop landform/land use reconstruction are not included in the current cost modification but are available upon request at additional time and materials cost. In addition, we have made the following assumptions.

- Our proposal covers only the work described above. Any substantial change in work conditions or requirements beyond Æ's control may require revision in the work scope, level of effort, and/or budget.
- Our estimated labor and other direct costs are shown on the attached spreadsheet. Based on the ultimate scheduling and technical requirements of the project, Æ may reallocate labor to other categories if it is helpful or necessary to meet the project schedule or requirements.

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- We assume no further changes to the Project APE will occur that would necessitate additional field work, revisions to the CCIC record search, or the NAHC Sacred Land Files search.

SCHEDULE AND BILLING

Æ understands that the environmental review process is nearing completion and as a result, prompt attention to meeting Project timelines is required. Æ's team will work efficiently to return a final draft upon approval of the above change order tasks.

Based on the tasks listed above, we estimate the cost to complete this additional work for the Orestimba Creek Recharge and Recovery Expansion Project will be approximately \$88,134.96 including all direct labor, employee benefits and overhead, other direct costs, and fees. This change order amount plus previously approved project budget brings the total cost for cultural resource services to \$104,459.32.

Invoicing will occur 1) upon submittal of the draft report and 2) upon responding to comments and finalizing the report. Progress payments will be made by Provost & Pritchard within 30 days following receipt of an acceptable invoice from Æ. Work will be conducted on a time and materials basis. We appreciate the opportunity to submit this change order and look forward to working with you. Please do not hesitate to call if you have any questions regarding the tasks proposed above.

Respectfully,

M. Colleen Hamilton, M.A., RPA 39362477
Managing Principal
Principal Archaeologist and Architectural Historian
Applied EarthWorks, Inc.

Accepted:

Client:

Email:

Date:

Phone:

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Email Dated July 29, 2021

From: Colleen Hamilton <mchamilton@appliedearthworks.com>

Sent: Thursday, July 29, 2021 7:40 AM

To: Dawn Marple <dmarple@ppeng.com>

Cc: Carlos van Onna <cvanonna@appliedearthworks.com>

Subject: Orestimba cost and scope modification

Good morning Dawn,

In response to your call yesterday, I have prepared the following answers to the questions posed regarding AE's cost modification request.

As I understand it, the first of the client's request is that we discount the project for personnel issues experienced in the early management of the project. Please reassure the client that we have been discounting the project since the change in management occurred. Neither Carlos nor I have billed the project for the time it has taken to get up to speed on the scope, revisions to the scope, or to generally get things back on track. We have credited the project for time required to manage and implement the change of staff and for developing the current scope modification and cost revisions to ensure there was no duplication of effort.

The cost under **Tasks 1 and 2** changed because the scope of the project changed. The Area of Potential Effect (APE) is significantly larger than originally bid. The initial scope for Orestimba required that we survey 60 acres of recharge and recovery facilities. The proposed expansion project was to include the construction of a new turnout at the Delta Mendota Canal and approximately 2,000 ft of new pipeline to connect with existing pipeline and recharge ponds, as well as abandonment of existing pipeline. The survey was to take two people, two days. The survey actually took 5 days at times with 3 people. The total area covered was 209 acres. In recognition of the client's timeline, AE proceeded with this survey as a show of good faith, ahead of submitting any form of cost modification.

Revisions to the APE (**Task 6**) were required per the request of the Bureau of Reclamation. We shifted from preparing a single APE map to preparing an APE booklet depicting the expanded APE which has been provided for review.

Task 3, the most significant task mod, was necessitated because we went from assessing the Delta Mendota Canal (a previously identified NRHP significant property) and a single road (Stuhr Road) to recording and evaluating nine built environment resources including segments of the Delta-Mendota Canal (DMC), Central California Irrigation District (CCID) Main Canal, Newman Wasteway, Anderson Road, Bell Road, Eastin Road, Hale Road, Orestimba Road, and Stuhr Road. A historic cemetery located adjacent to the APE was also called out to ensure no indirect impacts. Unmarked burial can be found along the margins of historic cemeteries.

A BSSA (**Task 5**) is needed for the project because of the proposed borings continuing to a maximum depth of 400 feet. These bores are in potentially archaeologically sensitive areas. This is a best work practice for federal projects under Section 106.

There have been many and significant changes to the project which triggered the changes in scope. AE is doing everything it can to move this project forward, despite a sizable deficit, in an effort to meet deadlines. The project deadline is rapidly approaching. We cannot afford further delays if we are to meet the deadline and achieve funding thresholds. We hope the client will join AE and Provost and Pritchard in moving things forward without further delays.

Respectfully,

M. Colleen Hamilton, M.A. | Applied EarthWorks, inc.

Managing Principal, Hemet

Historical Archaeologist / Architectural Historian

951-288-3068 cell

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CCID Orestimba - Cost Modification - July 19, 2021

Item	Unit	Quantity	Unit Price	Total Price	Total Hours
1. Labor	Hour	100	\$10.00	\$1,000.00	100
2. Material	Unit	50	\$20.00	\$1,000.00	50
3. Overhead	Unit	50	\$20.00	\$1,000.00	50
4. Profit	Unit	50	\$20.00	\$1,000.00	50
Total				\$4,000.00	250

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PROGRESS REPORT

Del Puerto Canyon Reservoir Program Management

Subject: May 2021 Progress Report

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

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

Date: July 21, 2021

Project No.: 0011297.00

This progress report summarizes the work performed by Woodard & Curran and subconsultants for the period through May 28th, 2021 for Del Puerto Canyon Reservoir Program Management. Please contact 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
Task 1 Program Management	<ul style="list-style-type: none">• Weekly internal team and external client coordination meetings.• Project management tool maintenance (EVA, document management portal, staff management and tracking, sub billing calendar).• Budget, schedule, and scoping tracking and updates.• Coordination with and management of subcontractors.• SJRECWA and DPWD Board Meeting update memos.• On May 25th, our team presented the current status of the project and an overview of upcoming activities to Congressman Harder, Secretary Crowfoot, and Executive Officer Yun. They were all interested in looking for ways to secure and bolster future water supply reliability and lend their support to advancing projects like DPCR.• Continue to monitor and evaluate new funding opportunities. Representatives of our team attended a WSIP workshop offered by the CA Water Commission and are looking at all stimulus monies as potential funding sources as well.
Task 2 Agency Coordination and Permitting Plan	<ul style="list-style-type: none">• USBR weekly meetings and preparation.• Internal meetings and staff coordination related to permitting and agency coordination efforts.• Responded to additional comments and received additional feedback from Leanne Henderson at Reclamation with more information requested to finalize the FAA. The revised FAA packages new WIIN funding with previous allocations to maximize the distribution of funds and accelerate the release as much as possible

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Task Description	Work Completed This Period
Task 3 Reservoir Operations Analysis	<ul style="list-style-type: none"> • None.
Task 5 CEQA/NEPA Project Phase Authorization	<ul style="list-style-type: none"> • Internal staff coordination and meetings. • Work is continuing on documentation to submit to Reclamation to complete required consultation under Section 7 Endangered Species Act and Section 106 National Historic Preservation Act. • Completed memorandum addressing local benefits of project to address questions from Reclamation for completion of Environmental Justice analysis in EIS. • Working with Ramon Aberasturi of USACE to advance our delineation and 404 permitting activities. The Corps would prefer verify an Approved Jurisdictional Determination (AJD), which is used to document the jurisdictional status of all waters within a study area. On May 5th our team, which includes our delineation and botany leads, toured Ramon in the site vicinity to observe specific aquatic features that will be representative of the project area. • Our project partner, MBK, has been refining the Operations modeling for the Bureau's EIS. Our team has reviewed the new modeling to ensure consistency with statements made in the Feasibility Report and drafted a narrative for the DPWD operations to tie together with SJRECWA operations for input into the EIS.
Task 6 Validate Facilities	<ul style="list-style-type: none"> • None.
Task 7 Procure Design Consultants	<ul style="list-style-type: none"> • Our team drafted and submitted Requests for Qualifications (RFQs) and Scoring Cards to attract qualified firms interested in performing the final dam design. We are going to follow a RFQ, then Request for Proposal (RFP) process in order to understand qualifications of potential teams and screen down the most qualified firms to receive a RFP which will require a much more detailed response package. The RFQ is expected to be released in late June. Similar RFQs and RFPs will be developed for the road and Technical Review Board.
Task 9 Conveyance Facilities Preliminary Design	<ul style="list-style-type: none"> • None.

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Task Description	Work Completed This Period
Task 10 USBR Feasibility Report	<ul style="list-style-type: none">• Our team drafted a memo to USBR to document 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), which are also consistent with Reclamation practice. Section 4011f(2) describes construction as "the designing, materials engineering and testing, surveying, and building of water storage including additions to existing water storage and construction of new water storage facilities..." The memo has been reviewed by the Principal Deputy Regional Director and will be submitted to the Regional Director the week of May 3rd.
Task 11 Land-Owner Coordination	<ul style="list-style-type: none">• None.
Task 12 Survey/Mapping	<ul style="list-style-type: none">• None.
Task 13 Utility Company Coordination	<ul style="list-style-type: none">• Our team met with PG&E representatives in the field for a site visit on May 10th. Building off of that field visit, we've scheduled regular bi-weekly meetings to stay in close contact with PG&E as they study the relocation options and coordinate with the Program team, WAPA, PUC, and others. First Bi-Weekly meeting will be June 1.
Task 14 Outreach Support	<ul style="list-style-type: none">• None.

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XI. B



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

IN REPLY REFER TO:
94-30000
2.2.4.21

The Honorable Marcy Kaptur
Chairwoman, Subcommittee on
Energy and Water Development
Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Chairwoman Kaptur:

Enclosed are the Bureau of Reclamation's (Reclamation) funding recommendations for Water Infrastructure Improvements for the Nation (WIIN) Act of 2016 (Public Law 114-322). The three categories are WIIN Section 4007 for Water Storage, WIIN Section 4009(c) for Title XVI Water Recycling, and WIIN Section 4009(a) for Desalination projects.

The conference report accompanying the FY 2021 Consolidated Appropriations Act specified that "Of the additional funding provided under the heading 'Water Conservation and Delivery,' \$134,000,000 shall be for water storage projects as authorized under Section 4007 of Public Law 114-322." The Report also designated funding for Title XVI projects (\$20 million), and for Desalination projects (\$12 million). This transmittal provides recommended funding allocations for all three categories, for purposes of inclusion in the FY 2022 Energy and Water appropriations act.

Enclosed, please find the summary table detailing how a total of \$205,000,000 of the section 4007 designated funds are recommended to be allocated within Reclamation in FY 2022 for water storage projects. Four construction projects are recommended to be named in appropriations legislation. Reclamation will proceed with expenditure of construction funding once a project has been found feasible and a cost sharing agreement has been signed with a non-federal partner for a construction project. This recommendation is consistent with the Explanatory Statement and section 4007 of the WIIN Act.

The Secretary's recommendations for funding WIIN Section 4009(c) Title XVI projects includes descriptions of specific projects and individual funding amounts totaling \$30,000,000, using \$20 million of FY 2021 appropriations, and \$10 million of reprogrammed funding.

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The Secretary's funding recommendations for Desalination Construction Projects eligible under Section 4009(a) of the WIIN Act include descriptions of specific projects and individual funding amounts totaling \$12,000,000, using FY 2021 appropriations.

If you have any questions or need additional information, please contact Mr. Robert Wolf, Director, Program & Budget, Bureau of Reclamation at (202) 513-0642.

Sincerely,

TANYA
TRUJILLO

Digitally signed by TANYA
TRUJILLO
Date: 2021.07.23
09:15:12 -06'00'

Tanya Trujillo
Assistant Secretary
for Water and Science

Enclosure

Identical Letter Sent To:

The Honorable Michael Simpson
Ranking Member, Subcommittee on
Energy and Water Development
House of Representatives
Washington, DC 20510

The Honorable Dianne Feinstein
Chair, Subcommittee on
Energy and Water Development
Committee on Appropriations
United States Senate
Washington, DC 20510

The Honorable John Kennedy
Ranking Member, Subcommittee on
Energy and Water Development
Committee on Appropriations
United States Senate
Washington, DC 20510

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Bureau of Reclamation WIIN Construction and Reclamation				
State	Project Title	Category	Project Description	FY 19/2021 WIIN 4007 Recommended Funding to be Allocated in FY2022 ¹
CA	B.F. Sisk Dam Raise and Reservoir Expansion Project	Construction	The San Luis and Delta-Mendota Water Authority (Authority), in close coordination with Reclamation, is pursuing the B.F. Sisk Dam Raise and Reservoir Expansion Project (Project) and prepared the Feasibility Study and supplemental Environmental Impact Statement and Environmental Impact Report (EIS/EIR). The project is being evaluated as an action connected to the B.F. Sisk Safety of Dams (SOD) Modification Project scheduled to initiate construction in 2022. The project develops approximately 130,000 acre-feet of additional storage and approximately 60,000 acre-feet in average annual water supply yield. Construction funding will be used for final design activities, geotechnical investigations, environmental mitigation/permitting/cultural resources/fund acquisition support, and Reclamation project management.	\$ 60,000,000
CA	North of the Delta Offstream Storage (NODOS)/Sites Reservoir Project	Construction	A 1.3 - 1.5 Million Acre Foot off stream storage reservoir in the Sacramento River system located in the Coast Range mountains west of Maxwell, CA. The reservoir would utilize existing facilities pumping from the Sacramento River to fill Sites Reservoir, create two new regulating reservoirs and discharge back into the Sacramento River via a dedicated discharge near Knights Landing, CA. Construction funds will be used to finalize preconstruction activities, such as refining and finalizing a water rights application/section, creating the final operational plan subsequent verification via modeling, NEPA compliance, ESA and SHPO compliance, further refinement of engineering designs with the Sites Project Authority, and Reclamation project management.	\$ 80,000,000
CA	Los Vaqueros Reservoir Expansion Project Phase 2	Construction	The proposed project enlarges the existing reservoir by 115,000 acre-feet and integrates new conveyance facilities with existing facilities (three intakes in the Delta and various regional pumping facilities) to allow Delta water supplies to be safely diverted, stored, and delivered to beneficiaries. A project feature, Transfer-Bethany Pipeline, offers unique CVP water deliveries to South of Delta water users by avoiding the Tracy Pumping Plant but requires the use of DWR's CA Aqueduct. Construction funding will be used for finalizing various activities related to permits, operations agreement, and water rights, Reclamation project management, and continuing construction activities for designing, materials engineering and testing, and surveying with focus on the Transfer-Bethany Pipeline and Neroly High Lift Pump Station.	\$ 50,000,000
CA	Del Puerto Canyon Reservoir	Construction	A reservoir located on Del Puerto Creek in the foothills of the Coast Range Mountains west of Patterson, California and Interstate-5. The proposed reservoir would provide approximately 82,000 acre-feet (AF) of locally owned off-stream storage south of the Sacramento-San Joaquin Delta. Water would be pumped from the Delta-Mendota Canal (DMC) to be stored in the proposed reservoir and later discharged back into the DMC. Construction funding will be used for permitting and coordination tasks (including ESA consultations, water right application (Del Puerto Creek), eagle permitting, preparation of Section 404 permit application, Section 106 consultation, Division of Safety of Dams application), engineering investigation and design and construction tasks (including final design team procurement, additional geotechnical exploration, and initiation of design activities), as well as Reclamation project management.	\$ 15,000,000
Total WIIN 4007 funding recommendations:				\$ 205,000,000

¹ Construction funding will not be expended until all WIIN Act requirements are met, including having signed project cost-sharing or participation agreements with non-federal partners. Receipt of funding would not constitute an irreversible and irrevocable commitment by Reclamation for any specific project as project costs and cost share percentages are being refined and finalized. Reclamation retains the discretion to allocate funding up to the amounts provided here, consistent with final cost share percentages and with the WIIN Act requirements. Any funding that is unused for the intended purpose will be returned to unallocated WIIN storage funding.

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LOS VAQUEROS RESERVOIR EXPANSION PROJECT

XI. C. OFFSTREAM STORAGE & CONVEYANCE PROJECT

- Expand existing reservoir capacity to 275,000 acre-feet
- Build Transfer-Bethany Pipeline
- Upgrade existing conveyance
- Expand existing recreation

PROJECT BENEFITS

WATER FOR REFUGES



Reliable water supply for South of Delta wildlife refuges

WATER FOR PARTNERS



Reliable water supply for local water agencies

REGIONAL INTEGRATION



High potential for regional water system integration

WATER QUALITY



Protection of delivered water quality

RECREATION



Recreation facility enhancement

SIGNIFICANT ACCOMPLISHMENTS TO DATE

Formation of the Los Vaqueros Reservoir Joint Powers Authority (JPA) – establishes governance of the Project by the 8 Members, representing a total of 13 Local Agency Partners. The JPA provides the organizational framework for design, construction, operation, and maintenance and ensures sufficient stable funding for the Project.

Governance

- Executed Memorandum of Agreement with Reclamation for Cost Share of Pre-construction activities.
- Developed ProForma Financial Model to establish long-term financing for Local Agency Partner cost share.
- Local Agency Partners executed a Letter of Intent concerning the development of usage fees associated with the use of existing facilities as part of the Project.

Design

- Submitted the 90% design of the Los Vaqueros Dam raise to the Division of Safety of Dams.
- Initiated final design of the Transfer-Bethany Pipeline and Pumping Plant No. 1.
- Secretary of Interior approved the Final Federal Feasibility Report, including concurrence with the feasibility determination and the recommendation for up to 25% federal cost share.

Environmental

- Certified the Final Supplement to the Final Environmental Impact Statement/ Environmental Impact Report and approved the Project. No legal challenges were received pursuant to the California Environmental Quality Act.
- Completed Fish and Wildlife Coordination Act Report.
- Initiated consultation and submitted permit applications.

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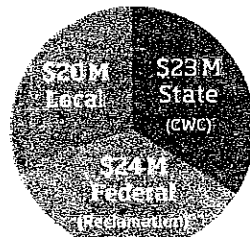
PROJECT FUNDING

FUNDING SECURED TO DATE

- FY21 Appropriations by Congress under the WIIN Act to fund Reclamation's work to advance \$10 million for pre-construction activities and \$4 million for construction
- FY22 Reclamation funding recommendation of \$50 million to support design, permitting, and construction

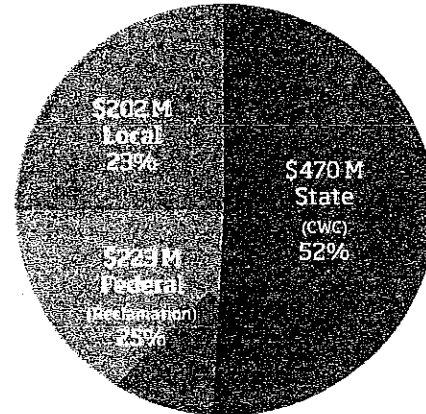
DEVELOPMENT COSTS

\$67 Million



ESTIMATED PROJECT COST

\$895 Million*



*The source of the cost estimate is Final Federal Feasibility Report (published August 2020)

PROJECT SUPPORT

Local Agency Partners

- Alameda County Water District
- Bay Area Water Supply and Conservation Agency
- Byron-Bethany Irrigation District
- City of Brentwood
- Contra Costa Water District
- Del Puerto Water District
- East Bay Municipal Utility District
- Grassland Water District
- Panoche Water District
- San Francisco Public Utilities Commission
- Santa Clara Valley Water District
- Westlands Water District
- Zone 7 Water Agency

Federal

- Senator Dianne Feinstein
- Senator Kamala Harris*

- Congressman George Miller*
- Congressman Jared Huffman
- Congresswoman Zoe Lofgren
- Congressman Doug LaMalfa
- Congressman Ami Bera
- Congressman David Valadao
- Congressman Mike Thompson
- Congressman Jerry McNerney
- Congressman John Garamendi
- Congressman Eric Swalwell
- Congressman Mark DeSaulnier
- Congresswoman Anna Eshoo
- Congressman Jim Costa
- Congressman Josh Harder
- Congressman Kevin McCarthy
- Congressman Devin Nunes
- Congressman Tom McClintock
- Congressman Jeff Denham*
- Congresswoman Mimi Walters*
- Congresswoman Doris Matsui

- Congresswoman Jackie Speier
- Congresswoman Barbara Lee

State

- CA Senator Steve Glazer
- CA Senator Bill Dodd
- CA Senator Nancy Skinner
- CA Assemblymember Tim Grayson
- Assemblymember Catharine Baker*

Local

- Bay Area Council
- Central Contra Costa Sanitary District
- City of Martinez
- City of Oakley
- Contra Costa County Board of Supervisors
- East Bay Leadership Council

- Marin Municipal Water District
- Mountain House Community Services District
- City of Pleasant Hill
- Contra Costa Building and Construction Trades Council
- Silicon Valley Leadership Group
- San Jose Water Company

Environmental

- Audubon California
- California Waterfowl Association
- Defenders of Wildlife
- Ducks Unlimited
- Planning and Conservation League
- Point Blue Conservation Science
- Restore Hetch Hetchy
- The Nature Conservancy

*Former Position

NEXT STEPS

2020 - 2022

Permits & Approvals

SUMMER 2022

IPA Service Agreement

WINTER 2023

Begin Construction

2030

Full Operations

OCTOBER 2021

IPA Request to Commence Work

SUMMER 2022

IPA Work Plan

2026

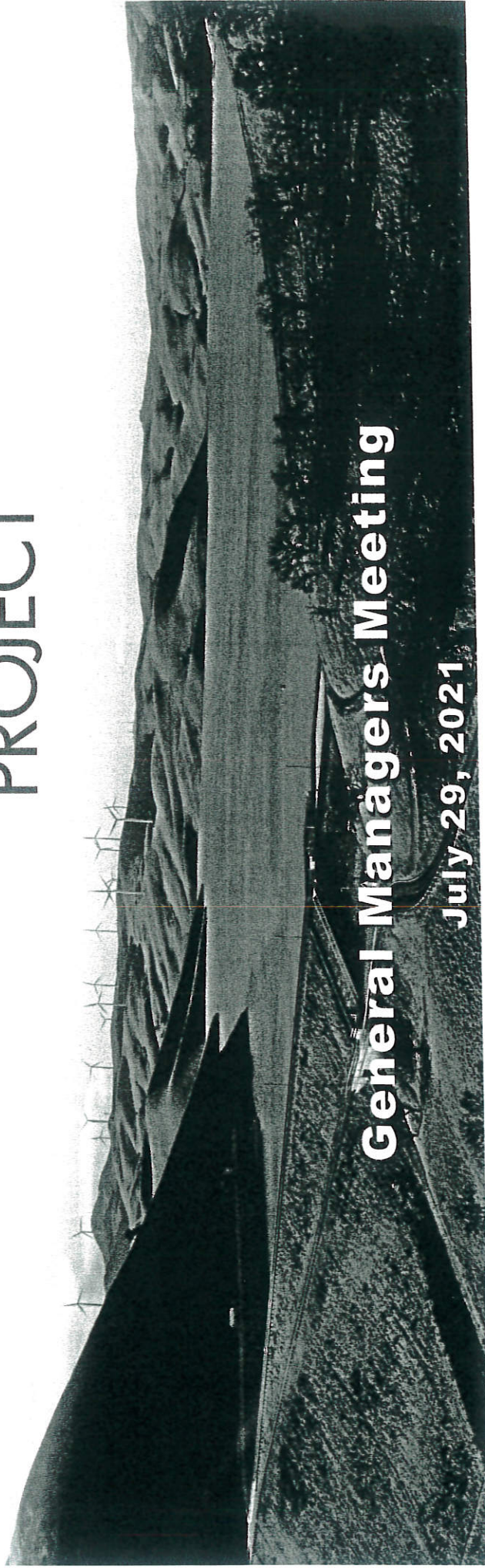
Full Operations

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LOS VAQUEROS
RESERVOIR
EXPANSION
PROJECT

LOS VAQUEROS RESERVOIR EXPANSION PROJECT

General Managers Meeting

July 29, 2021



XI. C.

Meeting Agenda

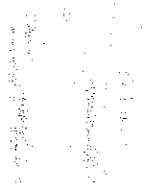


- Overview of 2021 California Water Commission (CWC) Requirements
- JPA Agreement Approval and Rollout
- Multi-party Agreement Amendment No. 3
- Next Steps
 - Next GM Meeting planned for mid-October

Prop 1 & Water Storage Investment Program Regulations

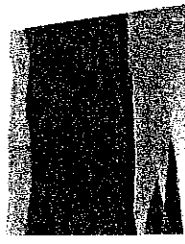
After January 1, 2022, a project will not be eligible for funding if the following conditions are not met:

- (A) All feasibility studies are complete and draft environmental documentation is available for public review.
- (B) The Commission makes a finding that the project is feasible and will advance the long-term objectives of restoring ecological health and improving water management for beneficial uses of the Delta.
- (C) The Director of the Department receives commitments from not less than 75 percent of the non-public benefit cost shares of the project.



Status on Meeting Requirements

- Federal Feasibility Report was completed in 2020 and supplemental technical memo will be submitted to CWC in September.
- Draft environmental documentation was made available for public review in 2017 and finalized in 2020.
- The CWC made a finding that the project will advance the long-term objectives of restoring ecological health and improving water management for beneficial uses of the Delta in 2018.
- CWC Feasibility Hearing on October 20, 2021: CWC staff will present recommendations regarding feasibility determination and the CWC will need to make a finding that the project is feasible.

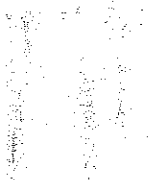


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CWC Feasibility Hearing

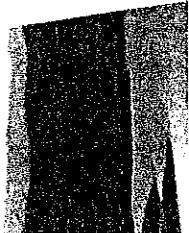
CWC staff analysis completed prior to the hearing will include:

- Completeness review of feasibility documentation
- Summary of any differences from original application and how these changes might affect feasibility
- Original technical review comments
 - Explanation of how original comments and/or deficiencies were addressed
- Confirmation of the required submittals (draft environmental documents, cost-share commitments)
- Recommended action



CWC Feasibility Hearing Schedule

- Los Vaqueros was originally scheduled for August
- CCWD requested additional time and secured October 20
- No opportunity for Los Vaqueros schedule to slip further



Project	CWC Meeting
Los Vaqueros Harvest Water	October 20
Chino Basin Kern Fan Screening Project(s)	November
Pacheco Sites Willow Springs Screening Project(s)	December



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CWC Cost Share Compliance

Requirement: The Director of the Department of Water Resources (DWR) receives commitments from not less than 75 percent of the non-public benefit cost shares of the project.

Demonstration of Compliance prior to October 20 hearing:

- Joint Powers Authority has been filed
- Joint Letter of Support submitted by Local Agency Partners (LAPs) to DWR

Note: Service Agreements are not required until the CWC Final Award Hearing. There is no statutory deadline for the Final Award Hearing.

JPA Agreement Approval



- Jim Ciampa issued Final Draft on July 27 and updated signature blocks have been provided by all LAPs
- Legal Work Group was requested to provide any final, non-substantive revisions by COB on August 2
- LAP Approval required during August 2 – September 17
 - First LAP Board approval scheduled for August 5
 - August approvals strongly encouraged
- JPA Agreement Approval has two components:
 - Authorize GM/CEO to execute the JPA Agreement
 - “Designate and appoint, by a formal action of its governing body” a Director and Alternate, by resolution or Board motion

JPA Agreement Rollout

- JPA Agreements signed by each GM/CEO and Legal Counsel in counterparts (electronic or hard copy) and sent to Jim Ciampa
- Jim Ciampa will file the fully executed JPA Agreement with the Secretary of State and LAFCOs on October 4 - 6
 - Transmit final JPA Agreement to DWR as Ex-Officio Member on October 6 after other filings are completed
- LAPs issue Joint Press Release on October 7
 - Propose short form press release with attached page of quotes
- LAPs submit Joint Letter of Support to DWR on October 8
 - Copy sent to CWC staff for October 20 meeting materials

Joint Letter of Support

- Revised draft addresses comments received by Legal Work Group

- Short letter of support with sample language pulled from previous support letters issued by LAPs in 2017

- Attachments include:

- New fact sheet highlighting significant accomplishments to date and broad support for Project (draft provided to LAPs July 29)
- Joint Press Release (in development)
- New JPA overview fact sheet (in development)

- LAP comments on revised draft letter requested by August 13.

- Finalize Letter and attachments by September 3

Multi-party Agreement Amendment No. 3

- Many LAPs are taking MPA No.3 to their Board for approval at the same time as the JPA
- LAPs have provided comments
 - Most were minor and have been addressed
- CCWD sent updated version on July 26
 - Slight increase in cost associated with applying 5% contingency to overall budget rather than just consultant costs to provide greater flexibility post JPA formation

	Invoice #1	Invoice #2
Total Cost Per Agency	January 2022	July 2022
\$897,120	\$448,560	\$448,560

OK

Next Steps

Milestone	Timing
Final form of JPA Agreement provided to LAPs	August 3
LAP approval of JPA Agreement & appointment of Director/Alternate	August 5 – September 17
Submit feasibility tech memo to CWC	Late-September
File JPA Agreement with the State, etc.	October 4 – 6
Transmit JPA Agreement to DWR	October 6
Issue Joint Press Release	October 7
Send DWR Joint Letter of Support	October 8
CWC Feasibility Hearing	October 20
First JPA Board meeting	Mid-November
Fully execute MPA Amendment No. 3	Prior to December 17

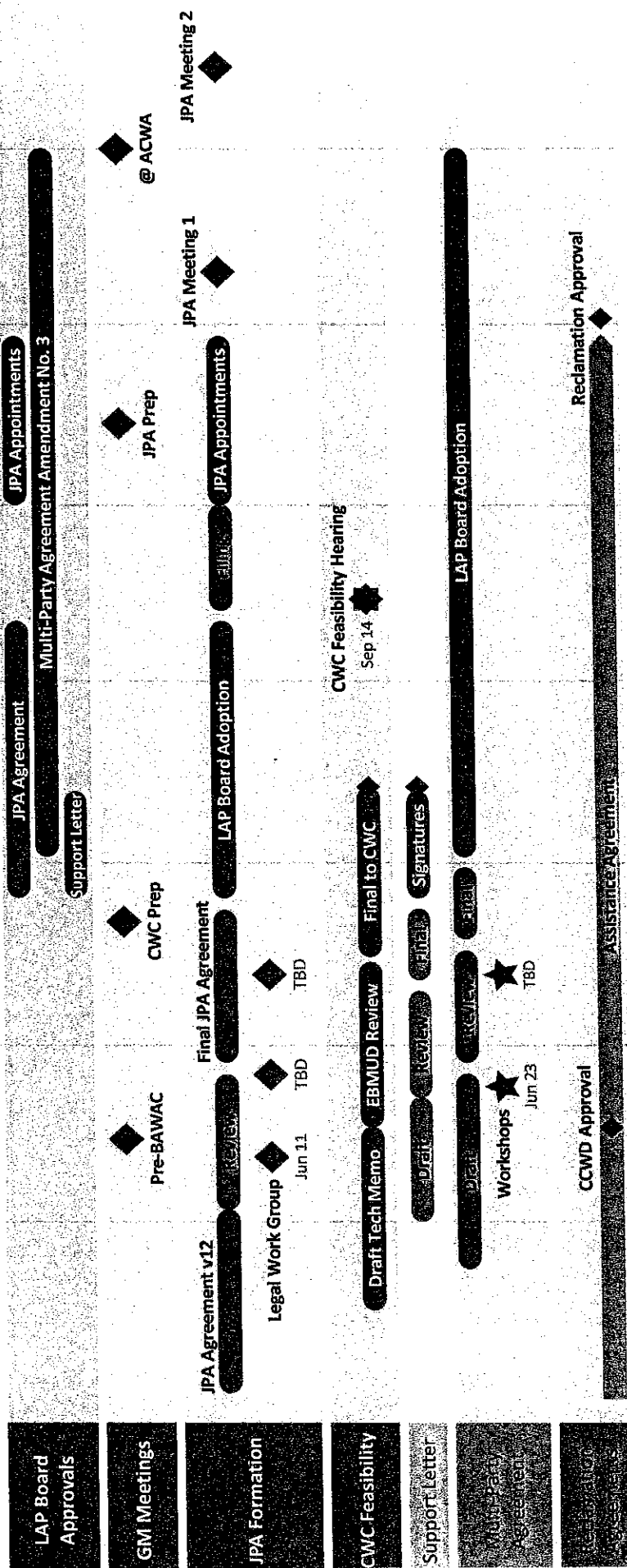
Schedule for JPA Agreement approval and filing is critical to preserve \$470 million in Prop 1 funding

Phase 2 Los Vaqueros Reservoir Expansion Project Near Term Milestones

Draft 6/7/21

CWC Feasibility Hearing
Sep 14

2021



California Water Commission Requirements prior to 1/1/22:

- ✓ Maximum Conditional Eligibility Determination (\$470,274,000) – Updated Jan 2021
- ✓ Draft Environmental Documentation – Completed June 2017
- ➔ Determination of Feasibility – CWC Hearing on September 14, 2021
- ➔ Letter of Support (demonstrating support for not less than 75 percent of the non-public benefit cost share of the project) – prior to CWC Hearing

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MONTHLY REPORT

FUNDING

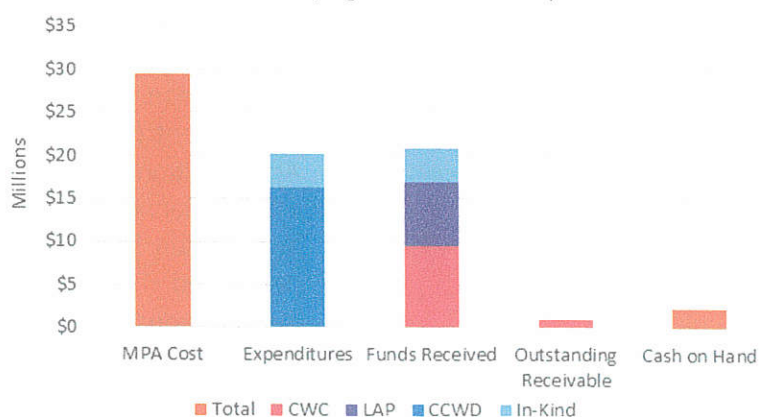
Reclamation requested \$50 million for the Project in FY 22 under the WIIN Act. This is in addition to the \$14 million that has already been appropriated in FY21. The current Federal funding request includes the remainder of the full federal share of 25 percent of the total project cost (approximately \$160 million).

CCWD is working with Reclamation to develop an assistance agreement for a portion of the federal funding that will be administered by CCWD for preconstruction activities. It is anticipated that the agreement will include approximately \$7 million of federal funding for the Project. Subsequent agreements would be needed to fund construction.

CCWD provided the final form of Amendment No. 3 to the Multi-party Cost Share Agreement (MPA) to the Local Agency Partners (LAPs) for approval and execution. The MPA is intended to be replaced with an Interim Funding Agreement through the Los Vaqueros Reservoir Joint Powers Authority (JPA) once the JPA has been formed and is ready to assume LVE financial management responsibilities.

The following chart provides an overview of the MPA expenditures through June 30, 2021. The in-kind services, funds received, outstanding receivable, and cash on hand are shown through July 30, 2021. All LAPs remain in good standing on progress payments. The next invoice was sent to the LAPs earlier this month. If MPA Amendment No. 3 is approved, the subsequent invoice would be sent in January 2022.

Multi-Party Agreement Summary To Date



JULY 30, 2021

UPCOMING ACTIVITIES

August 3 – Final form of JPA Agreement provided to LAPs

August 13 – LAP Comments due on the Joint Letter of Support

September 3 – Final form of Joint Letter of Support

October 6 – File JPA Agreement with the State

October 7 – Issue Joint Press Release

October 8 – Issue Joint Letter of Support to DWR

October 20 – CWC Feasibility Hearing

Mid-November TBD – First JPA Board Meeting

UPCOMING LAP BOARD COORDINATION

August 2 – September 17 – LAP Board meetings to consider approval of the JPA Agreement and formal appointment of Director and Alternate to the JPA Board of Directors

August – November TBD – LAP Board meetings to consider approval of MPA Amendment No. 3

ADDITIONAL PROJECT INFO

<https://www.ccwater.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>

JPA FORMATION

The JPA Agreement is now in Final Draft form and the Legal Work Group is conducting their final proof check and format review. The Final form of the JPA Agreement suitable for execution in counterparts will be provided to the LAPs on August 3. The schedule assumes LAP Board approval and execution of the JPA Agreement in August through September, with CCWD executing last, and filing with the State by October 6. The preferred approach is for LAP Boards to formally appoint their Director and Alternate to the JPA Board of Directors (by resolution or motion) at the same meeting as approval of the JPA Agreement, but appointments are required within 30 days of the effective date of the JPA Agreement. The first JPA Board meeting is anticipated to be scheduled in mid-November and is required to be held within 60 days of JPA formation.

CWC FEASIBILITY HEARING

All seven storage projects that received a conditional eligibility award from the California Water Commission (CWC) must meet three criteria prior to January 1, 2022 to remain eligible for funding: 1) draft environmental documents must be complete, 2) the CWC must make a finding that the project is feasible, and will advance the long-term objectives of restoring ecological health and improving water management for beneficial uses of the Delta, and 3) the Director of the Department of Water Resources (DWR) must receive a letter demonstrating support for not less than 75 percent of the non-public benefit cost share of the project (joint letter of support). The draft joint letter of support is being reviewed by LAPs and would replace the previous support letters from CCWD and the LAPs that were submitted to the CWC in 2017. Comments from LAPs are requested by August 13. The target date for the final version of the letter is September 3. The Phase 2 LVE Project is scheduled for a CWC Feasibility Hearing on October 20. CCWD staff are closely coordinating with CWC staff to ensure the Project meets the statutory requirements and remains eligible for funding.

PERMITTING

Reclamation is continuing review of the aquatic Biological Assessment (BA) per Section 7 of the Federal Endangered Species Act. Additional information is being provided to the U.S. Fish and Wildlife Service (USFWS) related to the terrestrial BA. A USFWS Bald and Golden Eagle Protection Act 'take' permit application is being developed. The State Historic Preservation Officer concurred with Reclamations' Determination of Eligibility and Effects per consultation under Section 106 of the National Historic Preservation Act. A Historic Properties Treatment Plan and Memorandum of Agreement, to support this consultation, are being developed. Additional information is being provided to the California Department of Fish and Wildlife (CDFW) related to the Incidental

Take Permit application for terrestrial species. CDFW is reviewing a draft Incidental Take Permit application for aquatic species. A Compensatory Mitigation Plan to support the USFWS and CDFW permits is being developed. The CDFW Lake and Streambed Alteration Agreement package is being developed. The U.S. Army Corps of Engineers (USACE) and Central Valley Regional Water Quality Control Board (CVRWQCB) continue review of their respective permit packages. The USACE released its public notice of the permit application on July 1 and did not receive any significant public comments. The Draft Wetland Mitigation Plan and Restoration and Revegetation Plan, required by the USACE and CVRWQCB, are continuing to be developed. A Delta Plan Consistency Package is being prepared.

DESIGN

Dam expansion design work and coordination with the California Division of Safety of Dams (DSOD) continues, and various Technical Memoranda to support the design are being developed. CCWD staff have begun the final design for the Pumping Plant No. 1 replacement project and is coordinating with the Western Area Power Authority and Reclamation to coordinate design reviews.

The Transfer-Bethany Pipeline remaining alignment alternatives are converging to the most practicable evaluations with consideration of land rights through parcels along Vasco Road and east of Byron Airport. A Detailed survey of the Turn-in (south of the Banks Pumping Plant) to the California Aqueduct at Bethany Reservoir was completed and preliminary design is in progress. Various technical memoranda supporting the design are also in progress.

The Engineering Feasibility Studies and Pipeline Condition Assessment project was kicked-off in July.

