

Agenda - Orestimba Creek Project Mtg.
8:30 -9:30 am
March 24, 2022
MS TEAMS

1. Report on P&P activities-
 - a. Design update -
 - i. BOR/TSC/SLDMWA -Culvert Follow up
 1. Inspection of culvert-
 - a. Received proposals from two video companies and one company who will review the video and provide a report with recommendations. Based on conversation with Branndon, a recommendation report is not necessary at this time.
 - b. Once SLDMWA confirms timeframe when the DMC culvert will be dry, we will set up the ROV inspection.
 - c. SLDMWA/BOR agreements – update
 - i. BOR/TSC- CCID has submitted \$16,100 to existing LOA account for TSC review.
 - ii. SLDMWA will invoice CCID directly for expenses-
 - d. Report from Jamie M. the landowner installed culverts will be removed by either April 1st or 8th.
 - e. Report from Branndon the visual reports provided by the ROV contractors is likely sufficient for submittal to TSC.
 - b. Environmental/Permitting- update (NO Change From Last Week)
 - i. NEPA/CEQA-
 1. Draft NEPA/CEQA –/FONSI/MND is complete.
 2. Aquatic Resource Delineation (ARD) Report is finalized.
 - ii. CDFW –LSA Agreement application- Has not been sent, still revising by P&P. Target to file next week.
 - iii. RWQCB- application- Has not been sent, still revising by P&P. Target to file next week.

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- iv. DWR - Encroachment Permit with DWR is progressing. Agreed last week that Adam is the POC. Has not been sent, still revising by P&P. Target to file next week.
 - v. COE- P&P and project partners tried to reach out to Ramon Absturi and were denied any meetings or discussion of the project until we have an ARD. Will reach out once we have the ARD report. Jeff is working with Jackie and Dena. Target to provide next week.
 - vi. Water Right/Permit applications were uploaded on February 2, 2022.- No comments.
 - c. Other items -
 - 2. Grants update- (All)
 - a. Prop 1 Storm Water Grant, IWRMP Grant- Update
 - i. SWG agreement-
 - 1. As requested by the Grants Officer, provided the Deviation Request Form and revised Attachments 3 and 7a.
 - b. Other Grant opportunities-
 - i. Anthea looking at Federal funding opportunities through new Infrastructure Bill.
3. Other Items -

X. A.

Anthea Hansen

From: Steve Chedester <stevechedester@sjrecwa.net>
Sent: Wednesday, March 30, 2022 4:37 PM
To: Adam Scheuber; Anthea Hansen; Ben Fenters - CCID (bfenters@ccidwater.org);
jmartin@ccidwater.org
Cc: Rick Iger (riger@ppeng.com)
Subject: Cancellation of 3/31/22 meeting

All- Jarrett and I have a conflict from 8:30 to 9:30 tomorrow morning, so we need to cancel the weekly meeting.

Quick Update:

1. DWR -entry permit ready to be uploaded, checking with them(DWR) to see if a safety plan is required at this time and CCID will need to issue a \$1,500 -non refundable check.
2. COE permit about ready for our review, anticipate end of this week.
 - a. Need to check with BOR about filing of the permit request. (Fed to Fed agency request).
3. LSA- still being drafted, footprint issue: different for COE and LSA.
4. 401- ready for review by us. Will send this week.
5. NO response from SLDMWA since we made a request to meet on site in order to make sure we are not talking "past one another" on lowering of the d/s culvert by at least 2 feet and regrading the channel.

Thanks, Steve

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X.A.

Anthea Hansen

From: Steve Chedester <stevechedester@sjrecwa.net>
Sent: Wednesday, April 6, 2022 4:54 PM
To: Adam Scheuber; Anthea Hansen; Ben Fenters - CCID (bfenters@ccidwater.org);
jmartin@ccidwater.org
Cc: Rick Iger (riger@ppeng.com)
Subject: Weekly Meeting

Since we met in the field this afternoon, we agreed to cancel the 8:30 am call for tomorrow(4/7).

Update:

1. We met with San Luis delta Mendota engineering and maintenance staff on Wednesday, April 6, 2022. It was agreed that CCID staff ,through a license agreement with the San Luis Delta Mendota Water Authority, will conduct the work to remove and replace the d/s culvert and regrade the drain from the culvert u/s to the DMC. Ben and Ramond(SLDMWA) will develop the agreement. SLDMWA will have their Biologist look over the site sometime next week.
 - a. Once we know the date the cleaning will be done, we will firm up the video/assessment report contractor.
2. DWR encroachment permit was submitted last week.
3. P&P to get us the 401 and LSA permits to review by cob tomorrow (4/7).
4. Rick sent around a link containing the 404 permit last week- We need to review and comment or state that it is good to go. I know we all at our max band width right now, is it possible to have comments to Rick (if any) by cob Friday(4/8)? The 404 permit is the critical path for now.
5. P&P will provide us (CCID) with the Fees and the address where the checks need be sent, once we approve the various permits(401 & LSA) internally.

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Memorandum

To: Jarrett Martin, General Manager, Central California Irrigation District (CCID)
Anthea Hansen, General Manager Del Puerto Water District (DPWD)
Steve Chedester, Director of Policies and Programs, San Joaquin River Exchange
Contractors Water Authority (SJRECWA)

From: Rick Iger

Subject: **Orestimba Creek Recharge and Recovery Expansion Project – Status Update**

Date: April 6, 2022

Bold text represents information added since the previous memorandum.

Background:

The SJRECWA has identified a water supply/storage goal of 50,000 acre-feet and a peaking capacity goal of 500 cfs to avoid impacts from Critical Years, source shifting to the San Joaquin River (SJR), or restrictions on pooling water for peak irrigation demand. Studies and Pilot Program tests have determined that the potential recharge capability of Orestimba Creek alluvial fan is suitable to help meet those goals. In addition, due to shortages in the Central Valley Project (CVP), Del Puerto Water District (DPWD) is seeking recharge and recovery to help alleviate future shortages. As a result of the mutual interests, the Exchange Contractors and DPWD have partnered to complete a project to help achieve progress toward meeting those goals.

The Orestimba Creek Recharge and Recovery Expansion Project (Expansion Project) proposes to expand the existing 20-acre groundwater recharge facility near Orestimba Creek to about 80 acres. This project would store high flow and carryover supplies which would include groundwater replenishment to offset nearby groundwater demands as well as regulate supplies to provide a critical year water supply and provide water to meet peak demands in the summer.

The project participants include CCID, DPWD, and SJRECWA. Provost & Pritchard (P&P) was retained to assist in designing, permitting and environmental compliance sufficient to enable construction of the project. The Project is moving forward under CCID's lead on behalf of the SJRECWA with cost sharing with DPWD. Each entity has been paying their own expenses for its respective role.

CCID has received several grants to move the project forward beyond the feasibility level to initiate construction of the expanded project. In 2020, CCID received a Grant Award of \$809,000 from the Integrated Regional Water Management Plan (IRWMP) State Grant Program to assist in development of the Expansion Project. In February 2021 CCID also received contingent award under the Stormwater Grant Program administered by the State Water Resources Control Board (SWRCB) of \$5.6 Million for construction of the Expansion Project. The project will consist of an additional 60-acres of recharge ponds, use of existing DPWD turnouts from the Delta-Mendota Canal (DMC), a proposed turnout from Orestimba Creek, and new pipelines to convey the flows to the recharge ponds. Additionally, the project includes completion and use of wells sufficient to

recover the water stored in two consecutive dry/critical years. For purposes of the environmental analysis 8 recovery wells, which are proposed to be designed by Kenneth D. Schmidt and Associates (KDSA) and District staff, well discharges and appurtenances, and associated pipelines have been included. Analysis of construction and operations of conveyance, recharge and recovery facilities will be included in the environmental and permitting documents.

Current Work:

While developing the specific budget and agreements, the participants authorized phasing the work to quickly develop the 30% design and flush out any major permitting or environmental concerns including developing a coordinated effort with the Bureau of Reclamation (USBR) on CEQA/NEPA compliance so Reclamation can evaluate the feasibility of continuing with the project to completion. Phase 1 consists of bringing the project design to 30%, a topographic survey, downloading required permit applications, and coordinating with USBR on CEQA/NEPA compliance and work within DMC right-of-way.

Work started on October 15, 2020 with the project kick-off meeting with staff from CCID, DPWD, SJRECWA and P&P in attendance. We discussed project administration, schedule, design components, permitting and environmental work coordination. During the meeting there was significant discussion regarding the various components and proposed alignments. The plan was to have the 30% design complete by mid-December; however, access agreements for survey work required from various landowners and agencies took longer than expected to get in place. The Districts are working on overall well location plan. Well locations are a critical path item for moving forward with environmental and permitting work. Biological, cultural, and geotechnical studies will need to be completed for all components including well locations. Once well locations have been identified, all access agreements will need to be amended to allow for ground disturbing activities before these studies can be completed. The following is a list of work activities with descriptions of work completed to date.

1. Landowner Outreach

- a. State: The State of California Department of Water Resources (DWR) owns the property between Bell Road and I-5 along Orestimba Creek. Right of Entry for the Orestimba Creek Turnout has been issued for non-ground disturbing activity which included topographic survey of the turnout site. Need to determine timing of Biological and Cultural Field work and get back to State et al. Same for Geotech. All on hold for well locations. Ground disturbing field work is on hold until well sites are identified. CCID has requested an amended Temporary Entry Permit from DWR for Biological and Cultural surveys. The proposed schedule is for April 26 to June 30 in case follow-up surveys are needed. Right-of-Entry Permits have been extended through January 2022 to conduct the Aquatic Resources Delineation and Geotechnical work. Discussions regarding a License Agreement has been initiated. **The DWR Encroachment permit application with attachments was submitted electronically and the application fee was mailed on April 4, 2022.**
- b. Private landowners: Participants are setting appointments with landowners for well sites and surveys. Alternative Pipeline alignments also needed to be surveyed and discussed with three landowners along the routes. Meetings have been held and survey of pipeline routes are completed. Meetings have been held with several property owners from Bell Road to the CCID Main Canal. Potential joint use of existing wells and new well sites were discussed. Based on those discussions, the Participants are exploring recovery well target locations east and north of the recharge ponds. Anthea and Ben will be setting up

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meetings with landowners to discuss project operations and benefits to adjoining landowners. **Anthea and Jarrett continue to work with the owner of the 80-acre pond site to complete purchase. In addition, discussions have been initiated with the landowners along the pipeline routes.**

- c. **SLDMWA:** Right of Entry request approved provided no ground disturbance. Need to initiate amending for the ground disturbing activities for Biological and Cultural surveys. Questions regarding use of the existing box culvert under the DMC at Bell Road and placing facilities within DMC property will be coordinated with SLDMWA and USBR. CCID has requested and received an amended Temporary Entry Permit from SLDMWA for the proposed schedule for Biological and Cultural surveys, April 26 to May 7, 2021. The State Historic Preservation Office (SHPO) consultation has been completed by Reclamation and the SLDMWA Access Permit has been extended to cover additional exploratory (ground disturbing) work within Reclamation right-of-way. **SLDMWA has requested the participants to perform an inspection of the box culvert. The participants have contacted specialized pipeline inspectors to conduct the survey.**
 - d. **USBR:** Right of Entry agreement approved for Surveys provided no ground disturbance. Need to initiate amending for the ground disturbing activities for Biological and Cultural Surveys. USBR defers to SLDMWA for processing Temporary Entrance Permits. CCID has requested and received an amended Temporary Entry Permit from SLDMWA for the proposed schedule for Biological and Cultural surveys, April 26 to May 7, 2021. The Cultural sub-contractors submit a separate request directly to USBR for the specifics of their work. AE submitted the Fieldwork Authorization Permit to USBR on 5/21/21 and it was authorized on 5/28/21 for non-ground disturbing activity. AE and Live Oak completed non-ground disturbing surveys. The State Historic Preservation Office (SHPO) consultation has been completed by Reclamation which allowed them to authorize the SLDMWA Access Permit extension to cover additional exploratory (ground disturbing) work within Reclamation right-of-way. The Aquatic Resources Delineation (ARD) survey will be done on 1/6/2022. **The ARD was completed, and report submitted on 2/28/2022. USBR has requested the participants to perform an inspection of the box culvert. The participants have contacted specialized pipeline inspectors to conduct the survey.**
2. USBR Coordination
- a. **Letter of Agreement (LOA):** USBR is developing a cost estimate to include in the LOA. USBR requested copy of survey map with preferred pipeline route plotted and white papers on potential conveyance of Orestimba Creek water in DMC and other Participants' water sources for recharge. SJRECWA has white paper from LBCDR Storage POC and will update for Orestimba. Participants drafted white paper on conveying Orestimba flow in DMC, being reviewed up chain of command at Reclamation. Steve Chedester taking the lead on this effort. Once LOA executed need to set up virtual tour with USBR staff. The LOA was executed at the end of February, allowing Reclamation Staff to work on the permitting and environmental documents. Cultural and Biological non ground disturbing field work was completed June 1 – 4, 2021. Cultural and Biological reports were received from subconsultants and have been reviewed by USBR. USBR accepted the Bio Report and provided comments on the Cultural report. Edits to the Cultural Report were made by AE. USBR submitted the SHPO Section 106 Consultation letter on November 24, 2021 and received concurrence on December 16, 2021 which opened the door for ground disturbing investigations to begin. The aquatic resources survey was completed 1/6/2022 and Geo-technical activities will be completed later in January. **The ARD was completed,**

and report submitted on 2/28/2022. The Geotechnical activities will be completed in April and May.

- b. CEQA/NEPA: Initial discussions with USBR have started on a joint CEQA/NEPA document. USBR has provided the new format and P&P has submitted a revised project description. Awaiting LOA execution for launch of Joint Document preparation. Discussions have been occurring weekly on the project description and Area of Potential Effect (APE). The Project Description has been updated to reflect new components of the project and the proposed operations plan. P&P staff is coordinating merging the project description into the Joint CEQA/NEPA document. The APE map was revised again to reflect a decrease in APE area and the project description was also revised to match the revisions to the APE map. Revised proposals were received from Live Oak Associates and Applied Earthwork for the biological and cultural studies based on revised project description and APE. Biological survey began on June 3, 2021 and the cultural survey began on June 1, 2021. Adam worked with subconsultants to gain access to certain properties. Biological and cultural subconsultants completed additional site work and reports which were provided to P&P for inclusion in the CEQA/NEPA document. The 106 Consultation was completed by USBR and SHPO, the aquatic resources delineation site investigation and biological study will be completed and incorporated into the draft CEQA/NEPA document. **The ARD was completed, and report submitted on 2/28/2022 and was incorporated into the CEQA/NEPA document. The NOD was adopted by CCID at a special Board Meeting on March 3, 2022 and was filed with Stanislaus County on March 9, 2022. The USBR approved the finding of no significant impact (FONSI) on March 9, 2022. The Mitigation Monitoring Reporting Program has been prepared.**
- c. Initial Draft Project Description: Sent to Participants and Reclamation. Reclamation requested insertion of water source in Project description and possible need for a Warren Act Contract or other DMC wheeling/exchange arrangement. The Project Description summary was described to Reclamation over a series of meetings and submitted with edits on April 9, 2021. Additional revisions were made to the project components and APE. Revised project description and APE map were prepared and distributed to subcontractors, Reclamation and participants. **Done**
- d. Project Operations: **The Participants have been meeting with Reclamation regarding Orestimba Creek Turnout and Recharge Pond Operations along with other sources of supply.**

3. Permits

- a. Downloaded and began filling in the following permit applications:
- i. Lake and Streambed Alteration Notification from CDFW
 - ii. 404 Permit from USACE
 - iii. 401 Water Quality Certifications from RWQCB
 - iv. License Agreement Permit from USBR
 - v. MP620 Permit from USBR for additions or alterations to USBR owned facilities.
 - vi. Encroachment Permits from Stanislaus County for pipelines crossing County Roads.
- b. Water Rights Permits: Participants began water right application process with Woodard & Curran and Dan Steiner for a temporary and permanent water right on Orestimba Creek. Mr. Steiner has completed the water availability analysis based on the simplified permit processes required by Reclamation. Permit application submittal is targeted for January 10, 2022. **Permits were uploaded on February 2, 2022 and the participants have been working with State Board staff on providing supplemental information as needed.**

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- c. Draft applications for Lake and Streambed Alteration, 404 and 401 have been prepared and initial contact has been made with CDFW and RWQCB and attempted to make contact with USACE. All three applications require that the Aquatic Resources Delineation (ARD) be complete before they can be submitted.
- d. Uploading Permit Applications:
Each Permit Application to be uploaded once ARD completed.
- e. **Permit applications for CDFW Lake and Streambed Alteration, USACE Nationwide 404 and RWQCB 401 have been completed and are out for participant review. Permit applications will be submitted to the respective agencies in April.**

4. Design

- a. Topographic Survey: Survey has been completed for Orestimba Creek turnout, pipelines, ponds, and pump station.
- b. Design Criteria Memo: the draft design criteria memo will be completed and submitted to Participants for review during last week of January 2021.
- c. Plans: 30% plans will be completed and submitted to Participants for review during last week of January 2021.
- d. The 30% design memo and plans were submitted to Participants on February 4, 2021 and reviewed in a couple of workshops with final comments received on February 18, 2021.
- e. After meeting with Reclamation and several landowners along the pipeline routes to the recharge ponds, additional modifications to the design were warranted including placing the north-south pipeline outside of Reclamation property and removing and replacing DMC turnout control boxes to accommodate larger pipeline connections.
- f. A workshop was held with the Participants to evaluate the recharge pond sizing and recovery goals. A spreadsheet was developed to look at how many acres of ponds and sizes of pipelines were needed to meet the goal of recovering 10,000 acre feet per year during two consecutive dry and/or critical water supply years. The decision was made to size the facilities to absorb 22,000 acre feet in a wet year, where water would be available to the Participants over 150 days. The results showed that 80 Acres were needed at the recharge rate of 2.0 feet per day, and that 80 cfs could be delivered with the pipes as sized in the Design Memorandum:
 - i. 35 cfs from Orestimba Creek Turn Out and Booster Pumps into a 36" pipe running north to south to the junction with the MP 51.65L pipe;
 - ii. 35 cfs from DMC TO at MP 51.65L into a 36" pipe transitioning to 48" where the Orestimba pipe intersects; and
 - iii. 35 cfs from DMC TO at MP 52.40L into a 36" pipe along Orestimba Road.
- g. Irrigation lines and other utilities were identified during the 50% design. P&P will be soliciting proposals for companies that can locate the irrigation lines and Underground Service notifications were distributed to the utilities in the area. Responses have been received from utilities in the area and have been incorporated into the design.
- h. Anthea will check to see if they have used pipe daylighting companies.
- i. P&P is continuing the 60% design effort and has modified the 30% drawings for the DMC 51.65L and 52.40L connections to the pipelines leading to the recharge ponds. Participants have reviewed and approved moving forward with including the revised drawings into the Plan Set. P&P submitted the 50% complete plans, specifications and construction estimate to the participants on 9/14/2021 for review and comment.
- j. CCID and DPWD are continuing efforts to identify well sites for the recovery part of the project. They are working with Kenneth D. Schmidt and Associates on evaluating new aquifer information from the pilot holes in the area. The new information will help inform

the decision on where to place wells and at what depth to complete them. Discussions were initiated with a landowner regarding use of an idle well near the CCID Main Canal. **DONE**

- k. Plans were revised to support a lower water surface profile at the DMC Box Culvert and raise the distribution box and junction box height at the DMC 51.65L Turnout based on comments received from BOR and USBR during meeting on 12/14/21. **DONE**
- l. **Recharge ponds cut and fill quantities are being calculated for the final recharge pond layout. Receiving ditch pump station drawings are being modified to reflect the re-established channel grade.**

5. Other Items

- a. Prop 68 Grant Application: Project Description info has been provided to Woodard and Curran who are assisting the Coordinated Delta-Mendota Basin Group submit a DWR Prop 68 SGMA Grant Application. Orestimba Description for current IRWM Grant included 35 cfs conveyance to ponds. Prop 68 was similar description as IRWMP Grant Application. The Prop 68 application has about \$1M in grant request and construction of full project with local/other cost share. The Project Description is the same as IRWM grant which provided \$809,000 Grant Award. The Prop 68 Grant was not awarded for the Delta-Mendota Application, a technical review is underway to see if DWR missed something in understanding the projects.
- b. The Storm Water Grant contingent award required some follow up on the grant agreement, budgets, schedule and budget narratives. Those went to Woodard and Curran between April 5th and April 15th and have been submitted by them and CCID back to the State Board. Participants have worked with SWG Administrators to finalize grant agreement documents, which included submitting updated facilities with associated budgets, and cost tracking forms. **The participants are awaiting receipt of the final grant agreement.**
- c. **The project schedule has been updated to reflect the SHPO and Permit consultation processes which has pushed the construction schedule into 2023.**

Next Steps:

- 1. Actions required by Participants:
 - a. Review and provide comments on Design Criteria Memo and finalize proposed facility locations and capacities. **DONE**
 - b. Review and provide comments on 30% plans. **DONE**
 - c. Determine locations for recovery wells. Ongoing; refine sites with KDSA and meet with specific owners. Ben has a driller lined up for water well pilot holes for logging, should be on site in the next couple of weeks. Once results are reviewed by Ken Schmidt, well sites will be selected. Still need to get access agreements with growers for final well sites and pipeline alignments once Ken's recommendations are received. Ken has evaluated 4 sites and is recommending other sites to explore and what yield is expected. **DONE**
 - d. DPWD has been collecting water quality samples over the summer from growers in project area to help with selecting recovery well locations. **DONE**
 - e. Assist with obtaining Right of Access agreements for ground disturbing biological, cultural, and geotechnical investigations. **DONE**

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- f. CCID to authorize P&P to circulate joint CEQA/NEPA Document to State Clearing House for Public Review once Reclamation accepts responses. **The joint CEQA/NEPA Document was circulated and finalized for CCID Board adoption on March 3, 2022 and was filed with Stanislaus County on March 9, 2022. The USBR approved the finding of no significant impact (FONSI) on March 9, 2022. The Mitigation Monitoring Reporting Program has been prepared. DONE**
 - g. **Request an extension on the right of entry permit for the DWR property and DMC right-of-way for geotechnical work.**
2. Actions required by P&P:
- a. Once well locations have been determined and remaining right of entry agreements have been approved, complete field survey work with Geotechnical, Biological and Cultural Subconsultants. Ongoing – Done for Bio and Cultural, pending for Geotech. **Geotechnical work will be done in April and May.**
 - b. Finalize Design Criteria Memo and 30% plans based on Participant comments. **DONE**
 - c. Work with Participants, agencies, and landowners to amend **temporary** right of entry permits for ground disturbing activities. Amended temporary access permits have been received from agencies and biological and cultural surveys have begun. Non-ground disturbing surveys have been completed. **DONE**
 - d. Incorporate final facility locations, and biological and cultural investigations into draft environmental document. P&P will work with Participants and Reclamation on merging the new Project Description into the CEQA/NEPA document and incorporate results of biological and cultural investigations once complete in mid-June. Project component changes were discussed with Reclamation on April 23rd. The revised project description and biological investigation has been incorporated into the CEQA/NEPA document. USBR provided comments on the cultural report which was then finalized and has been incorporated into the CEQA/NEPA document. **DONE**
 - e. Continue preparation of draft permit applications. **Permit applications have been completed and are out for participant review. Permit applications will be submitted to the respective agencies in April.**
 - f. Once directed by the Participants, prepare draft specifications and 50% plans. Started 60% plan drawings March 3, 2021. The 50% plans, specifications and engineer's estimate for construction were submitted to participants on September 14, 2021. Comments were incorporated into design set and the plans were provided to Reclamation, SLDMWA and SWG Administrator on January 5, 2022. **Minor edits were made to the plans based on comments received from the various agencies. Work is continuing towards completion of 90% plans, specifications, and engineer's estimate of probable construction cost.**
3. Actions required by others:
- a. Once well locations have been determined and right of entry agreements have been amended for ground disturbing activities, perform geotechnical investigation. Ongoing

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- b. Once well locations have been determined and right of entry agreements have been amended for ground disturbing activities, perform biological investigation. DONE
- c. Once well locations have been determined and right of entry agreements have been amended for ground disturbing activities, perform cultural investigation. DONE
- d. USBR to finalize LOA and associated budget for review and payment of deposit by Participants. DONE
- e. USBR Environmental team to have a kick-off meeting with P&P and Participants. DONE
- f. USBR and SJRECWA Land and Right of Way team to have virtual tour of project facilities with P&P and Participants. An on-site field tour occurred on August 10, 2021 with Participants, Reclamation Cultural staff and SLDMWA staff to review the Area of Potential Effect (APE). DONE
- g. USBR Environmental Team to review responses to their comments and begin public review process of Draft Environmental Assessment with goal of issuing findings in early February. **The joint CEQA/NEPA Document was circulated and finalized for CCID Board adoption on March 3, 2022 and was filed with Stanislaus County on March 9, 2022. The USBR approved the finding of no significant impact (FONSI) on March 9, 2022. DONE**

X. B.

February 15, 2022

Del Puerto Water District
P.O. Box 1596
Patterson, CA 95363

RE: Del Puerto Canyon Reservoir, Del Puerto Canyon & I5, Patterson, CA

Dear Anthea Hansen

As a follow-up to my letter to the Water District(District), dated December 17, 2019 we are approaching the total agreement amount of \$800,000. To continue forward with your request to perform preliminary engineering for relocating PG&E Electric Transmission facilities in the area of your proposed reservoir project we will need an additional \$750,000 commitment to get us to a final estimate. Current progress billing process will remain in place.

Once we have developed a more accurate cost assessment, you will be required to enter into a formal agreement with PG&E and provide PG&E the total estimated cost (including ITCC taxes if applicable), less the advance deposit and any interim payments, prior to the actual relocation of PG&E's Electric Transmission facilities.

Please have this letter signed and returned so that we may begin the Study as soon as possible. The Study cannot be started until we receive the signed letter.

Should you have any questions or comments, I can be reached at (559) 417-1760.

Sincerely,

Gage Fleming

Land Agent

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I hereby request PG&E to begin a Routing Study to develop approximate costs for the relocation of PG&E's Electric Transmission facilities subject to the terms and conditions stated above.

Agreed to by: Del Puerto Water District

By Anthea G. Hansen
Name:

Title: General Manager

Date: 3/22/22

X. B .

Anthea Hansen

From: Oloriz, Joseph <Oloriz@WAPA.GOV>
Sent: Wednesday, March 16, 2022 10:06 AM
To: Anthea Hansen
Cc: Mike Matson
Subject: RE: SLTP Del Puerto Canyon Reservoir Project
Attachments: DPCR Costs To-Date.pdf

Good Morning Anthea,

As requested please find attached cost to-date breakdown. Also, the amendment to the funding agreement is currently under review internally.

Thanks - Joe

From: Oloriz, Joseph
Sent: Tuesday, March 8, 2022 10:36 AM
To: ahansen@delpuertowd.org
Cc: Mike Matson <mmatson@woodardcurran.com>
Subject: SLTP Del Puerto Canyon Reservoir Project

Good Morning Anthea,

As discussed at today's conference call, I have initiated amendment #2 to the funding agreement to include the following additional language (indicated in RED):

1. WAPA shall, at the expense of DPWD:
 - 1.1 Be a cooperating agency in the U.S. Department of the Interior, Bureau of Reclamation (Reclamation)/DPWD environmental impact statement for the Canyon Reservoir Project.
 - 1.2 Review the proposed reservoir and evaluate the impacts to SLTP.
 - 1.3 Provide an estimate for the possible raising or re-routing of SLTP due to the proposed reservoir.
 - 1.4 Provide design engineering for the realignment of SLTP as needed to accommodate the proposed reservoir in coordination with the realignment of the existing PG&E utility corridor.
 - 1.5 Perform and/or contract engineering support services such as geotechnical and LiDAR surveys as needed for the design engineering of the proposed SLTP realignment.

Additionally, I have requested a financial report indicating the expenditures for the funding provided to-date. Also, I will be holding an internal team meeting next week to discuss moving forward on the design engineering as discussed.

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Thanks...

Joe M. Oloriz, PMP | Architect | Engineering Project Manager
U.S. Department of Energy
Western Area Power Administration | Sierra Nevada Region
(O) 916.353.4773 | (M) 916.365.6349 | oloriz@wapa.gov



Type (All)

Sum of Total Cost		PD/NPD 1 - PD		
Project Number	Fund	FY	Task	A - Labor & Burden
Engineering Review	TMF	FY20	56800	12,998.79
		FY20 Total		12,998.79
		FY21	56800	8,547.10
		FY21 Total		8,547.10
Environmental Review	TMF	FY21	56000	5,412.81
		FY21 Total		5,412.81
		FY22	56000	3,155.73
		FY22 Total		3,155.73
Grand Total				30,114.43

Object Type		Grand Total
1 - PD Total		
	12,998.79	12,998.79
	12,998.79	12,998.79
	8,547.10	8,547.10
	8,547.10	8,547.10
	5,412.81	5,412.81
	5,412.81	5,412.81
	3,155.73	3,155.73
	3,155.73	3,155.73
	30,114.43	30,114.43

Total Amount Collected	50,000.00
Total Cost	30,114.43
Balance	19,885.57

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Department of Energy
Western Area Power Administration
Sierra Nevada Region
114 Parkshore Drive
Folsom, CA 95630-4710

Sent via E-Mail

Amendment 2 to
Letter of Agreement 20-SNR-02476

Ms. Anthea G. Hansen
General Manager
Del Puerto Water District
17840 Ward Avenue
Patterson, CA 95363

Dear Ms. Hansen:

Del Puerto Water District (DPWD) and Western Area Power Administration (WAPA) executed Letter of Agreement 20-SNR-02476 (LOA). The LOA established the terms and conditions under which WAPA and DPWD would perform their respective work activities and responsibilities associated with the possible relocation of San Luis Transmission Project (SLTP) preliminary structure locations 160, 161, 162, 163, 164, and 165. The Parties executed an Amendment 1 to the LOA on May 10, 2021, to collect additional funding to continue to perform work under the LOA.

DPWD would like WAPA to proceed with realignment engineering efforts in order to avoid potential delays to the construction of SLTP. Under this Amendment 2 to the LOA, WAPA is expanding the scope of work it will provide under the LOA and requesting an additional two hundred fifty thousand (\$250,000) to continue the work activities.

WAPA and DPWD agree to the following:

1. Section 1 of the LOA is amended by adding the following engineering activities as Sections 1.4 and 1.5 to the LOA:

“1.4 Provide design engineering for the realignment of SLTP as needed to accommodate the proposed reservoir in coordination with the realignment of the existing PG&E utility corridor.

1.5 Perform and/or contract engineering support services such as geotechnical and LiDAR surveys as needed for the design engineering of the proposed SLTP alignment.”

Amendment 2 to
Letter of Agreement 20-SNR-02476

2. WAPA is requesting an additional two hundred fifty thousand (\$250,000) dollars to continue work activities as listed in Section 1 of the LOA. Upon execution of Amendment 2, WAPA will provide a bill for collection. This additional funding is subject to the terms and conditions of Section 3 of the LOA.
3. In the event DPWD fails to advance funds to WAPA in a timely manner, WAPA will suspend work under the LOA until such time as DPWD advances the funds as provided for in this Amendment 2.
4. The LOA is effective through October 1, 2023. This Amendment 2 shall remain in effect concurrently with the LOA.
5. This Amendment 2 may be executed in any number of counterparts and, upon execution and delivery by each Party, the executed and delivered counterparts together shall have the same force and effect as an original instrument as if all Parties had signed the same instrument. Any signature page of this Amendment 2 may be detached by any counterpart of this Amendment 2 without impairing the legal effect of any signatures thereon and may be attached to another counterpart of this Amendment 2 identical in form hereto, by having attached to it one or more signature pages.
6. The Parties agree that this Amendment 2 may be executed by handwritten signature or digitally signed using Adobe Sign or Adobe E-Signature. An electronic or digital signature is the same as a handwritten signature and shall be considered valid and acceptable.

Amendment 2 to
Letter of Agreement 20-SNR-02476

If you agree with the terms and conditions written above, please sign, date, have the signature attested and return to Mr. Joshua Blake, N6205, at jblake@wapa.gov. If you have any questions, please contact Ms. Amy Bolden at bolden@wapa.gov.

Sincerely,

**SONJA
ANDERSON**

Digitally signed by
SONJA ANDERSON
Date: 2022.03.22
09:05:46 -07'00'

Sonja A. Anderson
Senior Vice President and
Sierra Nevada Regional Manager

Concurrence:

DEL PUERTO WATER DISTRICT

By: *Anthea G. Hansen*

Anthea G. Hansen

Title: General Manager, Del Puerto Water District

Address: P.O. Box 1596

Patterson, CA 95363

Date: 3/23/2022

Attest:

Name: *William M. Koster*

By: William Koster

Title: Board President

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X.B.



SHORT-TERM EAGLE INCIDENTAL TAKE

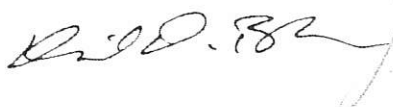
Permit Number: MBPER0038885

Version Number: 0

Effective: 2022-04-04 Expires: 2023-08-31

Issuing Office:

Department of the Interior
U.S. FISH AND WILDLIFE SERVICE
MB Sacramento Permit Office
2800 Cottage Way - Room W-2606
Sacramento, California 95825
permitsR8MB@fws.gov
Tel: 916-978-6183

	<p>Digitally signed by Digitally signed by DANIEL BLAKE Date: 2022.04.04 16:45:58 -07'00'</p> <p><i>Chief, Migratory Bird Program, Pacific Southwest Region</i></p>
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Permittee:

Del Puerto Water District
PO Box 1596
Patterson, CA 95363
US

Authority: Statutes and Regulations: 16 U.S.C. 668-668(d), 16 U.S.C 703-712 50 CFR Part 13, 50 CFR 22.26

Location where authorized activity may be conducted:

see below

Reporting requirements:

You must submit an annual report to your Regional Migratory Bird Permit Office each year, even if you had no activity. Annual reports due: September 30 each year.

Authorizations and Conditions:

Contacts:

Regional Biologist:

Tracy Borneman, tracy_borneman@fws.gov

Migratory Bird Regional Permit Office:

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SHORT-TERM EAGLE INCIDENTAL TAKE

Permit Number: MBPER0038885

Version Number: 0

Effective: 2022-04-04 Expires: 2023-08-31

Migratory Bird Program (Eagle Permits)

US Fish and Wildlife Service
 2800 Cottage Way, W-2606
 Sacramento, CA 95825
 fw8_eaglepermits@fws.gov
 916-978-6183

Law Enforcement: 916-569-8476

Link to federal eagle permit regulations:

<https://www.ecfr.gov/current/title-50/chapter-I/subchapter-B/part-22>

Reporting Form: Form 3-202-15 (Eagle Incidental Take Report):

<https://www.fws.gov/sites/default/files/documents/3-202-15Rpt.pdf>

To retain the authorizations granted under this permit, you must comply with its reporting requirements. See Condition I for more information.

- A. General conditions set out in Subpart B of 50 CFR 13, and specific conditions contained in 50 CFR 22 and the federal regulations cited above, are hereby made a part of this permit. All activities authorized herein must be carried out in accordance with and for the purposes described in the application submitted. Continued validity, or renewal of this permit is subject to complete and timely compliance with all applicable conditions, including the filing of all required information and reports.
- B. You are responsible for ensuring that the permitted activity is in compliance with all federal, tribal, state, and local laws and regulations applicable to eagles.
- C. Valid for use by permittee named above and any subpermittees (see Condition J).

D. Authorized Take.

You are authorized to incidentally disturb one golden eagle breeding pair nesting in the vicinity of Del Puerto Canyon Reservoir Project geotechnical evaluations in Stanislaus County, California during both the 2022 and 2023 eagle breeding seasons (1 January through 31 August).

The current nesting location of the eagle breeding pair is at latitude/longitude coordinates: 37.466739, -121.236969. If the nesting location of the eagle breeding pair changes, you must immediately notify the Regional Biologist listed above, as well as the migratory bird permit issuing office at fw8_eaglepermits@fws.gov, and provide the new nesting location.

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The authorizations granted by this permit apply only to take that results from activities conducted in accordance with the description contained in the permit application and the terms of the permit. If the permitted activity changes, you must immediately contact the Regional Biologist listed above to determine whether a permit amendment is required in order to retain take authorization.

To disturb/disturbance means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior (50 CFR 22.6).

This permit does not authorize *intentional* take of eagles or eagle nests.

E. You must immediately notify the migratory bird permit issuing office at fw8_eaglepermits@fws.gov, as well the Regional Biologist listed above, upon discovery of any unanticipated take.

F. Avoidance and Minimization Measures.

You must comply with the following avoidance and minimization measures:

- a. To the maximum extent practicable, conduct all geotechnical evaluation work or temporary access road development within one mile of eagle nests outside of the eagle breeding season (1 January through 31 August).
- b. Conduct geotechnical survey work only during daylight hours.
- c. Avoid conducting geotechnical survey activities within one-mile of nesting eagles during severe weather such as heavy rain, severe thunderstorms, high winds, and/or extreme temperatures (high or low).
- d. Access work areas from existing roads to the maximum extent practicable.
- e. Train work crews about nesting eagles and eagle protection measures.

G. Compensatory Mitigation.

You must provide compensatory mitigation to offset your authorized eagle take. Compensatory mitigation must fully offset the loss of productivity due to disturbance of the golden eagle pair authorized for disturbance take (Condition D) and must be provided at a 1.2 to 1 ratio, as required by Bald and Golden Eagle Protection Act regulations (81 FR 91494). The loss of productivity of a golden eagle pair is estimated to be 0.59 young fledged per pair per breeding season.

Compensatory mitigation must be completed by retrofitting electric power poles that are an electrocution risk to eagles. We conducted a Resource Equivalency Analysis to determine retrofitting of 10-24 power poles will offset the take of 0.71 golden eagles (a 1.2 to 1 ratio of the estimated take of 0.59 young fledged per pair per breeding season) each year. The final number of poles retrofitted will depend on

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several factors, including the type and expected longevity of each retrofit once poles to be retrofitted have been identified.

To complete the required compensatory mitigation, you must either work directly with a utility company to complete the required power pole retrofits, with Service approval of the developed plan, or you must work with a Service-approved in-lieu fee program to purchase credits to fulfill the required retrofits to be completed.

Compensatory mitigation is required on an annual basis. Compensatory mitigation for loss of productivity during the 2022 breeding season must be documented within 30 days of permit issuance. Mitigation for loss of productivity during the 2023 breeding season must be documented before the start of the eagle breeding season, i.e. January 1, 2023.

If the Service determines that eagles successfully breed and productivity is not lost, compensatory mitigation to offset the take that did not occur will be applied to future take authorized to the Applicant under this or future permits.

H. Monitoring Requirements.

You are required to monitor the golden eagle pair and nest during eagle breeding seasons covered by this permit (Condition D) for evidence of breeding, and to determine nesting status and whether or not young are successfully fledged.

- a. Monitors must be qualified biologists experienced in recognizing specific patterns and changes of eagle behavior.
- b. Monitoring must be done during the eagle breeding season from 1 January through 31 August each year, with monitoring continuing until successful fledging or nest failure/abandonment is documented.
- c. The initial survey for nests must be done during the courtship period of the breeding season when adults are most mobile and conspicuous.
- d. Conduct monitoring as described in *Interim Golden Eagle Inventory and Monitoring Protocols; and Other Recommendations* (Pagel et al. 2010) to determine occupancy and productivity of any eagle territories and nests within one mile of your activities, conducting ground-based surveys as access allows.
- e. Monitoring must occur at a time of day when eagles are most likely to be in the area and must be done during favorable weather conditions.
- f. If no eagle activity is observed, monitoring observation periods must be a minimum of four hours, with all nests and potential nests sites in the territory visible and monitored.
- g. Monitoring must be able to provide data as described below in Condition I.

I. Reporting Requirements.

You must submit an annual report summarizing the information you obtained through monitoring to the Service.

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To report eagle monitoring activities, you may use Form 3-202-15 (Eagle Take Report) found online at: <https://www.fws.gov/sites/default/files/documents/3-202-15Rpt.pdf>.

Your annual report must be submitted by September 30 each year via ePermits (<https://fwsepermits.servicenowservices.com/fws>). Upload and add the report to your permit record in ePermits. Notify the Regional Biologist listed above, as well as fw8_eaglepermits@fws.gov, when you have uploaded your report to ePermits.

Your annual report should include the location of any eagle nests and final outcome of any eagle nesting attempt (i.e., successful with number of eaglets fledged, nest failure, or the eagles abandoned the area).

Your annual report should include the following information for each monitoring session:

- a. Date and length of time eagles were observed;
- b. Time of day;
- c. Occupancy status of the eagle territory;
- d. Number and age of eagles observed (i.e., juvenile, immature, subadult, adult); If age is not known, provide description;
- e. Observed behavior (e.g. perching, feeding, sitting on or attending nest, in flight);
- f. Status of any eagle nesting attempt; and
- g. A description of any human activity at the time eagles are observed (e.g. survey type, construction, road building, use of machinery, etc.).

If no eagle activity is observed, a report indicating "no activity observed" is still required.

If project activities were delayed or not conducted, an annual report indicating that "no activities occurred" is required.

J. Subpermittees.

Any person who is under your direct control or employed by or under contract to you for the activities specified in this permit, or to whom you have provided written authorization to conduct permitted activities, may exercise the authority of this permit. A subpermittee is an individual to whom you have provided written authorization to conduct some or all of the permitted activities in your absence. Subpermittees must be at least 18 years of age. Any subpermittee who has been delegated this authority may not re-delegate to another individual/business. As the permittee, you are legally responsible for ensuring that subpermittees are in compliance with the terms and conditions of this permit, are qualified to perform these authorized activities and adhere to the terms of this permit. You are also responsible for maintaining current records of anyone designated as a subpermittee, including copies of communications provided to the subpermittees authorizing them to conduct the permitted activities. You and any subpermittees must carry a legible copy of this permit and display it upon request whenever exercising its authority. As the permittee, you are ultimately legally responsible for compliance with the terms and conditions of this permit and that responsibility may not be delegated.

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K. Acceptance of this permit serves as evidence that the permittee and any person under the direct control of the permittee or who is employed by or under contract to the permittee for the activities specified in this permit (subpermittees) agree to abide by the terms of this permit and all sections of the *Title 50 Code of Federal Regulations* (CFR) part 13 and §22.80, pertinent to issued eagle take permits. The Bald and Golden Eagle Protection Act, as amended, provides for civil and criminal penalties for failure to comply with the permit conditions. Failure to comply with the conditions of this permit could be cause for permit suspension, revocation, and/or citation.

For suspected illegal activity, immediately contact the USFWS Law Enforcement at: 916-569-8476

The permit conditions above do not establish a precedent for future actions and do not represent a decision in principle about future consideration or the structure of future eagle-take permit conditions. The Service will analyze the issuance of each permit on a case-by-case basis and the details of each permit's conditions could be different.

Standard Conditions
Eagle Take (Disturbance) Permit
50 CFR 22.80

All of the provisions and conditions of the governing regulations at 50 CFR part 13 and 50 CFR part 22.80 are conditions of your permit. Failure to comply with the conditions of your permit could be cause for suspension of the permit and/or citation. The standard conditions below are a continuation of your permit conditions. If you have any questions regarding these conditions, refer to the regulations and forms, or to obtain contact information for your issuing office, visit: <https://www.fws.gov/birds/policies-and-regulations/permits/permit-policies-and-regulations.php>.

1. This permit does not authorize you to conduct activities on federal, state, tribal, or other public or private property without additional prior written permits or permission from the agency/landowner.
2. You remain responsible for all outstanding monitoring requirements and mitigation measures required under the terms of the permit for take that occurs prior to cancellation, expiration, suspension, or revocation of the permit. Provisions for discontinuance of permit activity are outlined in 50 CFR 13.26.
3. You must maintain records as required in 50 CFR 13.46. Your records must also include the data gathered for monitoring and reporting purposes. All records relating to the permitted activities must be kept at the location indicated in writing by you to the migratory bird permit issuing office.
4. Acceptance of this permit authorizes the U.S. Fish and Wildlife Service to inspect and audit or copy any permits, books or records required to be kept by the permit and governing regulations (50 CFR 13.47).

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SHORT-TERM EAGLE INCIDENTAL TAKE

Permit Number: MBPER0038885**Version Number:** 0**Effective:** 2022-04-04 **Expires:** 2023-08-31

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5. You must allow Service personnel, or other qualified persons designated by the Service, access to the areas where eagles are likely to be affected by your project activities, at any reasonable hour, and with reasonable notice from the Service, for purposes of monitoring eagles at the site(s) while the permit is valid and for up to 3 years after it expires
 6. The Service may amend, suspend, or revoke a permit issued under this section if new information indicates that revised permit conditions are necessary, or that suspension or revocation is necessary, to safeguard local or regional eagle populations. This provision is in addition to the general criteria for amendment, suspension, and revocation of Federal permits set forth in §§13.23, 13.27, and 13.28 of this chapter.
 7. To renew this permit if the activities described in Condition D have not been completed by the expiration date of this permit, permittee must meet issuance criteria at the time of renewal and must also have been in compliance with permit conditions, including all monitoring and reporting requirements of the original permit.
 8. You may request amendment to your permit. The Service will charge a fee for substantive amendments made to permits within the time period that the permit is still valid. The fee is \$500 for commercial permittees and \$150 for non-commercial permittees (50 CFR 13.11(d)(4)). Substantive amendments are those that pertain to the purpose and conditions of the permit and are not purely administrative. Administrative changes, such as updating name and address information, are required under 13.23(c), and the Service will not charge a fee for such amendments. Requests for substantive amendment must be submitted via Form 3-200-71.

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X.B.

Anthea Hansen

From: Robin Cort <rcort@woodardcurran.com>
Sent: Thursday, April 7, 2022 3:54 PM
To: Anthea Hansen; Chris White
Cc: Andy Neal; Xavier Irias
Subject: FW: Eagle Mitigation Credit Quote
Attachments: Eagle ILF Program Introduction Letter Del Puerto Water District.pdf; Eagle ILF 2022 Credit Price Confidential.pdf

Anthea, I'm passing along this information about eagle mitigation for you to consider. The really great news is that is going to cost WAY less than we had estimated. Previously we estimated \$7,500 per pole for 34 10-year poles (\$257k/yr); USFWS' calculations reduced these and mitigation cost came in lower. So currently \$55,000 per year (\$110k for two years) for a disturbance permit with 10 30-year poles.

Let us know if you want to pursue purchasing these credits.

From: Norton, Brad <Brad.Norton@icf.com>
Sent: Thursday, April 7, 2022 11:25 PM
To: Robin Cort <rcort@woodardcurran.com>
Cc: Williams, Nicole <Nicole.Williams@icf.com>
Subject: FW: Eagle Mitigation Credit Quote

Hello Robin,

Please share the following information with Anthea.

Attached is an eagle mitigation quote from Eagle Electrocutation Solutions, who operates an eagle in-lieu fee program and provides mitigation for permit holders.

These 10 credits will provide a 30-year benefit to eagles, and will be required for the first year of mitigation. The same amount would be required in the second year. If goetoech work does not happen this year, I understand the USFWS will allow this mitigation to roll over to next year.

There are few mitigation options for eagles. I have requested a cost estimate from the Eagle Protection and Offset Program as well. I have not approached PG&E, but they are generally not providing this direct service.

Thanks,

Brad

From: Libby Mojica <lmojica@eaglemitigation.com>
Sent: Thursday, April 7, 2022 2:48 PM
To: Norton, Brad <Brad.Norton@icf.com>
Subject: Eagle Mitigation Credit Quote

Hi Brad, thank you for your call today requesting a quote for eagle mitigation credits. I've attached a written quote for the Del Puerto Water District. Please keep this as a confidential business document and do not share publicly outside of those needing to access it for this project.

Based on your description of the permit requirement, 10 mitigation credits are needed (10 credits = 10 poles).

Please let me know if you or the district have questions about the quote or credit purchase process.

Thank you!

Libby

Libby Mojica, Certified Wildlife Biologist
Bald Eagle And Golden Eagle Electrocutation Prevention In-Lieu Fee Program
Eagle Electrocutation Solutions, LLC, Fort Collins, CO
P: (970)-430-4170 | lmojica@eaglemitigation.com | eaglemitigation.com
https://www.researchgate.net/profile/Elizabeth_Mojica

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Libby

Eagle Electrocutation Solutions, LLC

April 7, 2022

Mr. Brad Norton
ICF International, Inc.
On behalf of the Del Puerto Water District

Re: Golden Eagle Mitigation for the Del Puerto Canyon Reservoir Project Geotechnical Evaluation

Mr. Norton,

Thank you for your interest in the Bald Eagle and Golden Eagle Electrocutation Prevention In-Lieu Fee Program (Eagle ILF Program), which carries out compensatory mitigation on behalf of eagle take permittees ("Permittees"). In October 2018, the U.S. Fish and Wildlife Service (USFWS) and Eagle Electrocutation Solutions, LLC (the Program Sponsor) signed the first legal instrument authorizing the sale of credits wholly fulfilling compensatory mitigation conditions required in certain eagle take permits. The Eagle ILF Program operates throughout the U.S., within all eagle management units, and in all USFWS regions. Currently, the only approved form of compensatory mitigation is retrofitting high-risk distribution power poles to prevent eagle electrocution.

What is a Mitigation Credit?

One mitigation credit ("credit") represents one high-risk pole retrofitted to an "avian-friendly" standard (See *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006*, published by the Avian Power Line Interaction Committee) for a period of 30 years. The program retrofits only poles meeting the USFWS criteria as "high-risk", typically ones with pole-mounted equipment. Although certain poles can be reframed to meet avian-friendly criteria, this strategy is primarily feasible for poles that are not high-risk.

The number of credits necessary to offset the permitted level of eagle take is determined by the Permittee and the USFWS. Upon credit purchase, all responsibility for pole retrofits is transferred from the Permittee to the Eagle ILF Program severing legal liability; the Permittee has effectively fulfilled all compensatory mitigation requirements. Credit purchase immediately satisfies the compensatory mitigation condition in the eagle take permit, with no waiting period while poles are retrofitted. The Eagle ILF Program assumes responsibility for identifying and retrofitting high-risk poles, performing regular inspections, and reporting to USFWS.



**EAGLE ILF
PROGRAM**

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Eagle Electrocutation Solutions, LLC
1001-A E. Harmony Road, #136 | Fort Collins, Colorado 80525 USA
970.430.4170 | www.EagleMitigation.com

How the Program Works

Incidental Take Permits

STEP 1: During the permit application process, the Permittee works with the USFWS to determine the number of pole retrofits required to offset the anticipated level of eagle take. The Resource Equivalency Analysis should use 30 years of avoided loss to calculate the mitigation credits required.

STEP 2: The Permittee provides the project location, eagle species, and number of credits required, and the Eagle ILF Program develops a quote. Upon payment, the Eagle ILF Program issues a transaction receipt.

STEP 3: The Permittee conveys the transaction receipt to the USFWS, thereby fulfilling the compensatory mitigation conditions of their permit. The Permittee has no further responsibility or liability for mitigation or associated reporting.

STEP 4: The Eagle ILF Program identifies high-risk distribution poles using a peer-reviewed formula incorporating pole risk and habitat factors. The Eagle ILF Program works with electric utilities to implement avian-friendly mitigation and carries out ongoing inspections. The program provides USFWS with complete documentation demonstrating: a) selected poles are high-risk; b) retrofitted poles are avian-friendly; and c) retrofits provide full conservation benefit throughout the life of the contract.

Nest Take or Disturbance Permits

STEP 1: During the permit application process, the Permittee works with the USFWS to determine the number of pole retrofits required to offset the anticipated level of nest take. The Resource Equivalency Analysis should use 30 years of avoided loss to calculate the mitigation credits required.

STEP 2: The Permittee provides the project location, eagle species, and number of credits required, and the Eagle ILF Program develops a quote. Upon payment, the Eagle ILF Program issues a transaction receipt.

STEP 3: The Permittee conveys the transaction receipt to the USFWS, thereby fulfilling the compensatory mitigation conditions of their permit. The Permittee has no further responsibility or liability for mitigation or associated reporting.

STEP 4: The Eagle ILF Program identifies high-risk distribution poles using a peer-reviewed formula incorporating pole risk and habitat factors. The Eagle ILF Program works with electric utilities to implement avian-friendly mitigation and carries out ongoing inspections. The program provides USFWS with complete documentation demonstrating: a) selected poles are high-risk; b) retrofitted poles are avian-friendly; and c) retrofits provide full conservation benefit throughout the life of the contract.

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Other Compensatory Mitigation Approaches

The Eagle ILF Program is not the only choice for fulfilling compensatory mitigation. The following option is available but may not be preferred by all Permittees.

PERMITTEE-RESPONSIBLE MITIGATION: The Permittee may contract directly with an electric utility for retrofits and maintenance but retains responsibility for all mitigation elements as well as legal liability for mitigation failure. Few Permittees have the expertise in distribution power lines, eagle biology, and power pole retrofitting techniques to manage all facets of compensatory mitigation; generally, these elements, plus inspections, are contracted out to one or more third parties. Costs are uncertain and could change until the completion of the retrofit term. Retrofitting performed on poles not meeting all USFWS high-risk criteria will not fulfill permit conditions. Permits may not provide regulatory protection until retrofitting is completed, which could result in operational delays. The Permittee retains liability for the mitigation for the length of the permit.

Credit Price

The price of mitigation credits is updated annually, allowing for market adjustments. The current credit price is provided in a separate document and is guaranteed for six months.

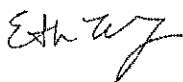
Because the Eagle ILF Program provides a unique service, like comparisons to other compensatory mitigation alternatives are difficult, if not impossible. Only the Eagle ILF Program offers:

- Fixed costs
- Turnkey service
- Transfer of liability
- Immediate fulfillment of permit conditions

The value of these features should be acknowledged when comparing mitigation approaches.

Please let me know if you have questions about the Eagle ILF Program. I look forward to working with you and the Del Puerto Water District on solutions for your eagle mitigation needs.

Sincerely,



Libby Mojica, Program Director
lmojica@eaglemitigation.com

Eagle Electrocutation Solutions, LLC

CONFIDENTIAL BUSINESS INFORMATION

Recipient: Del Puerto Water District

2022 Credit Pricing

Bald Eagle and Golden Eagle Electrocutation Prevention In-Lieu Fee Program

Date: April 7, 2022

Eagle Management Unit	Price (USD) per pole
Bald Eagle - Alaska Pacific Flyway	\$5,500
Bald Eagle - NW Pacific Flyway	\$5,500
Bald Eagle - SW Pacific Flyway	\$5,500
Bald Eagle - Central Flyway	\$5,500
Bald Eagle - Mississippi Flyway	\$5,500
Bald Eagle - Atlantic Flyway	\$5,500
Golden Eagle - Pacific Flyway	\$5,500
Golden Eagle - Central Flyway	\$5,500
Golden Eagle - Mississippi/Atlantic Flyways	\$5,500

1 credit = 1 pole

1 pole = 30 years of avoided loss

Pricing includes: retrofitting labor, retrofitting materials, high-risk pole selection, third-party inspections, and annual reporting the U.S. Fish and Wildlife Service.



**EAGLE ILF
PROGRAM**

Eagle Electrocutation Solutions, LLC
1001-A E. Harmony Road, #136 | Fort Collins, Colorado 80525 USA
970.430.4170 | www.EagleMitigation.com

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X.B.

CAPITOL OFFICE
STATE CAPITOL ROOM 5052
SACRAMENTO, CA 95814
916-651-4012

California State Senate

CHAIR
BUDGET SUBCOMMITTEE
#1 ON STATE ADMINISTRATION
& GENERAL GOVERNMENT

DISTRICT OFFICES
510 W. MAIN STREET SUITE E
MERCED, CA 95340
209-726-5495

SENATOR
ANNA M. CABALLERO
TWELFTH SENATE DISTRICT

CHIEF
SELECT COMMITTEE ON
PREPARING CALIFORNIA'S
FUTURE WORKFORCE

132 W. GABILAN STREET SUITE 101
SALINAS, CA 93901
(831) 769-8040



VICE CHAIR
JOINT COMMITTEE ON FAIRS
ALLOCATION & CLASSIFICATION

SENATOR.CABALLERO@SENATE.CA.GOV
WWW.SENATE.CA.GOV/CABALLERO

MEMBER
AGRICULTURE
BANKING & FINANCIAL INSTITUTIONS
HOUSING
JUDICIARY
JOINT LEGISLATIVE BUDGET

March 10, 2022

The Honorable Nancy Skinner, Chair
California Senate Committee on Budget and Fiscal Review
1020 N Street, Room 502
Sacramento, CA 95814

The Honorable Bob Wieckowski, Chair
California Senate Budget Subcommittee No. 2
1020 N. Street, Room 502
Sacramento, CA 95814

Dear Senators Skinner and Wieckowski:

I write to request a \$15,000,000 appropriation in the FY 2022-23 Budget for the purpose of providing state matching funds for the constructing of the Del Puerto Canyon Reservoir, located in the Coastal Range west of Patterson on the westside of the San Joaquin Valley. The project is a collaborative effort that will provide flood control benefits as well as enhance water quality and supply for numerous communities and wildlife refuges in several counties, including San Joaquin, Stanislaus, Merced, Madera, and Fresno. This area will encompass numerous disadvantaged communities in my Senate District, and the project will have little environmental impact on the region.

The \$15 million in General Fund money I request to be allocated would serve as state matching funds in order to assist in securing a federal appropriation of \$15 million in Water Infrastructure Improvements for the Nation Act (WIIN Act) money. The federal government requires a 75% state and local match for any portion of the \$15 million, which has already been appropriated. The project partners will generate the remaining \$30 million in near-term local funding over the course of the next two years. This appropriation will enable the project partners to fund environmental review, engineering and permitting expenditures for the next 18-24 months, depending on the timing of funding receipts.

Background:

The Del Puerto Canyon Reservoir project partners are the Del Puerto Water District and the San Joaquin River Exchange Contractors Water Authority, both of which supply Central Valley Project (CVP) water to thousands of acres of highly productive farmland in Stanislaus, San Joaquin, Merced, Fresno, and Madera counties. CVP water is imported south from the Sacramento-San Joaquin Delta (Delta) through the Delta-Mendota Canal. For more than two decades, droughts and pumping restrictions imposed to protect fish habitats and water quality

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have caused shortages and volatility in water deliveries exported from the Delta. The reservoir would provide locally owned and controlled water storage for the communities and water users served by the project partners, as well as other water management agencies in the area during dry months and droughts.

A reliable water supply is key to the vitality of the region. Water supplies would be stored in the reservoir at times when they are available to the project partners and released back to the Delta-Mendota Canal when needed for groundwater recharge, agricultural irrigation and wildlife refuges. Storing water from wet periods also helps improve groundwater supply conditions for residents and municipal supplies on the westside of the Valley by reducing groundwater pumping in dry periods and droughts.

The project partners will own and operate the proposed facilities. The Del Puerto Water District and the San Joaquin River Exchange Contractors Authority are State of California public agencies; therefore, the project will be a public water agency owned facility. Those served by the reservoir will be the users of the stored water and will pay for the project. These landowners include hundreds of family farms in the region—the average farm size is approximately 120 acres. These farms use water to support livestock, poultry, and dairy and grow diverse crops, including fruits, nuts, and vegetables, many of which carry the organic label. Our farmers also contribute to the local and regional economy with jobs (on-farm, packing, processing, and shipping), purchasing of equipment and supplies, local taxes, and support for local businesses, schools, youth sports & senior activities, churches, and charities.

Within the communities that would benefit from the project is a large and historic Latino population, many of whom work in agriculturally-related industries. These communities will derive not only an economic benefit but will also realize a more secure and safe water supply through the enhanced groundwater management that would flow from the additional water supplies created by the reservoir.

Additionally, wildlife refuges in the region, including the Grasslands Water District and the Volta and Los Banos Wildlife Refuges will also receive water from the proposed project and will pay for the water delivered to them.

The project is consistent with the Delta Reform Act and many of the Delta Plan's policies and objectives. This include those policies intended to advance the co-equal goals of water supply reliability and ecosystem health, greater regional self-reliance, regional water portfolio diversification, and drought and climate resilience. It is also consistent with the California Water Resiliency Portfolio, the Water Infrastructure Improvement Act and the Sustainable Groundwater Management Act. The Del Puerto Canyon Reservoir has received a finding of Federal Feasibility, a determination of Feasibility from the California Water Commission, and the project proponents have completed the CEQA process.

Project Benefits:

Upon completion, the project will provide the immediate following benefits:

- Capture and manage Del Puerto Creek storm flows to increase flood protection and eliminate FEMA insurance requirements for residents and businesses in the Del Puerto Creek floodplain, in north Patterson.

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- Improve local water supplies. The stored storm water will be used to improve infiltration in the creek and improve local groundwater, which in turn would increase the reliability of municipal water supplies for the communities on the westside which depend solely on groundwater as a source supply.
- Improve water supply reliability for agriculture, which in turn supports the local and regional economy.
- Improve regional groundwater conditions. Using water stored in the reservoir for irrigation will reduce groundwater pumping and improve drinking water supplies for westside communities, including Crows Landing, Dos Palos, Firebaugh, Grayson, Gustine, Los Banos, Mendota, Newman, Patterson, and Westley. Many of these are disadvantaged or severely disadvantaged communities with limited resources to address their water supply issues.
- Provide water for wildlife refuges in the area, which offer critical habitat for birds and animals and recreation for the region.

Summary:

I believe that the Del Puerto Canyon Reservoir is the type of project that meets many of the state's policy objectives concerning water quality and supply, environmental protection and enhancement and economic development of local economies and disadvantaged communities through regional solutions. Given the state's surplus and that this is a one-time expenditure that does not establish an ongoing programmatic General Fund obligation, I believe it is in the state's interest to appropriate \$15 million for the above-described project.

Thank you for your consideration of this request. If you or your respective staff have any questions, please have them call my Chief of Staff, Luis Quinonez, at (916) 651-4012.

Sincerely,



ANNA M. CABALLERO
Senate, District 12

cc: Toni Atkins, President Pro Tempore, California State Senate
Joe Stephenshaw, Staff Director, Senate Committee on Budget and Fiscal Review
Joanne Roy, Staff, Budget Sub No. 2

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MONTHLY REPORT

FUNDING

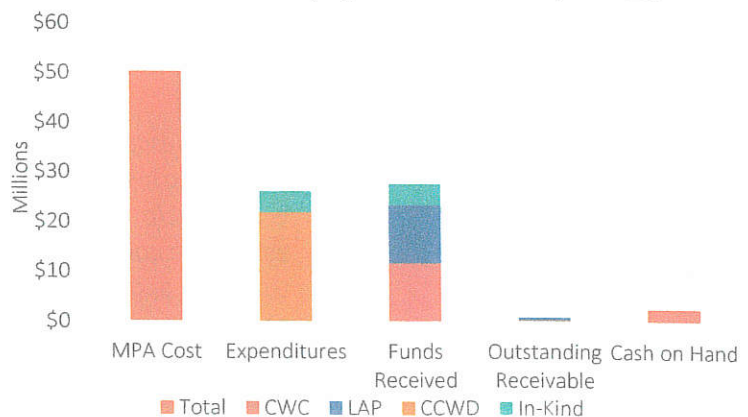
A funding agreement with Reclamation for the planning cost share provided to the LAPs (approximately \$7 million) is currently routing for signature and the initial invoice is being prepared.

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 \$477,558,343 from the California Water Commission (CWC) on March 16, 2022. This amount reflects an inflation adjustment of 1.5 percent and an increase in over \$7 million from the previous award. An amendment to the Early Funding Agreement with the CWC is being developed to reflect the increased award and align with the current project schedule.

The following chart provides an overview of the Multiparty Agreement (MPA) expenditures through March 29, 2022. The funds received, outstanding receivable, and cash on hand are shown through March 29, 2022. All LAPs remain in good standing on progress payments.

Multi-Party Agreement Summary To Date



APRIL 15, 2022

UPCOMING ACTIVITIES

April 21 at 2:00 p.m. – JPA O&E Committee Meeting

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

April 27 at 10:00 a.m. – JPA Communications and Outreach Committee Meeting

April 27 at 1:30 p.m. – Design Review Team Meeting

April 28 at 1:00 p.m. – JPA Finance Committee Meeting

May 4 at 2:00 p.m. – GM Meeting at ACWA Spring Conference

May 11 at 9:30 a.m. – JPA Board Meeting

May 18 – CWC Meeting – Early Funding Agreement Amendment

UPCOMING LAP BOARD COORDINATION

TBD – Valley Water Storage Committee

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>

www.losvaquerosjpa.com

JPA BOARD OF DIRECTORS MEETING

On April 13 the Los Vaqueros Reservoir Joint Powers Authority (JPA) Board of Directors met via Zoom. The Board adopted a Claims

ESC

Procedure, CEQA Guidelines, an Investment Policy, and a Debt Management Policy. Clean Energy Capital, the LVE Project Financial Consultant, gave a presentation on WIFIA funding in preparation of submitting a Letter of Interest later this year. Updates to the Major Policy Calendar were reviewed. The next monthly JPA Board Meeting has been scheduled for May 11 and the meeting agenda packet will be distributed to JPA Directors and Alternate Directors on Thursday, May 5 and posted to the JPA website on Friday, May 6.

PERMITTING

U.S. Fish and Wildlife Service (USFWS) is continuing review of additional requested information related to the terrestrial Biological Assessment (BA). The Historic Properties Treatment Plan and Memorandum of Agreement, to support Section 106 of the National Historic Preservation Act consultation, has been finalized for Reclamation's use. USFWS continues review of the Eagle Take Permit application. California Department of Fish and Wildlife (CDFW) continues work on the Incidental Take Permit for terrestrial species and Lake and Streambed Alteration Agreement. The third draft of the Incidental Take Permit for aquatic species has been reviewed CDFW and staff are addressing comments. Reclamation has submitted the Compensatory Mitigation Plan which supports the federal and state Endangered Species Act permitting processes to the USFWS for review. The U.S. Army Corps of Engineers (USACE) and Central Valley Regional Water Quality Control Board (CVRWQCB) are working on their respective permits with the CVRWQCBs expected to be issued in April 2022. 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 third meeting of the Design Review Team (DRT) was held on March 23 and most JPA Members had staff representatives in attendance. The agenda included review of the Pumping Plant No.1

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preliminary design and the review of the dam expansion 90-percent design construction cost estimate.

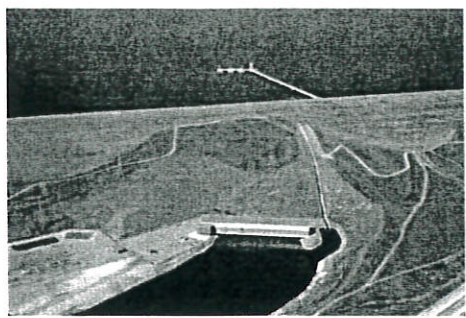
Coordination with the Department of Water Resources for the TBPL Turn-In to the California Aqueduct is ongoing, with geotechnical investigations planned in the coming months, along with 60-percent design. Coordination continues with interested parties along the TBPL alignment.

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B.F. Sisk dam safety project first to get funding through US President Biden’s Bipartisan Infrastructure Law

31 March 2022

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The Department of the Interior has announced the US Bureau of Reclamation (USBR) is providing project-specific funding of \$100 million for the modification of B.F. Sisk Dam in California – becoming the first dam safety project funding authorized by President Biden’s Bipartisan Infrastructure Law.

The Bipartisan Infrastructure Law provides \$500 million to USBR over the next five years to support critical dam safety projects, streamline construction management, maintain the operational capacity of it’s dams and minimize risk to the downstream public.

“Investing in and enhancing dam safety is central to the Biden-Harris administration’s all-of-government approach to addressing drought and confronting climate change impacts on communities and habitats,” said Secretary Deb Haaland. “Crucial funding from President Biden’s Bipartisan Infrastructure Law will further advance planned dam safety work at B.F. Sisk to reduce risk while preserving all the benefits that the dam and San Luis Reservoir currently provide. This is the first of many projects that will benefit from these historic infrastructure investments.”

B.F. Sisk Dam, completed in 1967, impounds San Luis Reservoir, the nation’s largest offstream reservoir, and provides supplemental irrigation water storage and municipal and industrial for the Central Valley Project and California’s State Water Project. In December 2019, USBR and the California Department of Water Resources announced a partnership to move forward on a \$1.1 billion seismic upgrade with the signing of a Record of Decision and Notice of Determination.

The dam safety project, USBR’s largest project under the 1978 Safety of Dams Act, will add stability berms and other dam safety features to the existing 5.6km-long earthen dam. Increasing the dam height will reduce downstream public safety concerns by reducing the likelihood of overtopping if slumping were to occur during a seismic event. Exploratory blasting at B.F. Sisk occurred during 2020 in preparation for construction on the multi-year project to begin summer 2022.

“The Biden-Harris administration is focused on developing long-term resilience to drought and climate change,” said Assistant Secretary for Water and Science Tanya Trujillo. “This investment in B.F. Sisk Dam, located south of the Sacramento-San Joaquin Delta, will build water

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supply security for California communities, farmers and ranchers and wildlife refuges, and help the system better adapt to a changing climate.”

Construction is divided into three phases with a new contract for each phase. The award of the Phase I contract award is scheduled for FY 2022, using both Bipartisan Infrastructure Law Safety of Dams funding, as well as that provided in Reclamation’s annual appropriations.

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