



22 E. Weber Avenue, Room 301 | Stockton, CA 95202 | (209) 937-7900 | www.sjafca.com

BOARD OF DIRECTORS

City of Stockton

Kimberly Warmasley
Dan Wright, Vice-Chair
Alt. Susan Lenz

Public Member

Mike Morowit

San Joaquin County

Katherine M. Miller
Chuck Winn, Chair
Alt. Tom Patti

City of Manteca

Jose Nuño
Gary Singh

Executive Director

Chris Elias

City of Lathrop

Paul Akinjo
Diane Lazard

BOARD MEETING – In Person

THURSDAY, JULY 22, 2021

9:00 A.M.

**425 N. El Dorado Street, City Hall, Second Floor,
Council Chambers**

1. CALL TO ORDER / ROLL CALL

2. PLEDGE TO FLAG

3. CONSENT ITEMS

3.1) Approve minutes of the Board Meeting of June 17, 2021

4. NEW BUSINESS

- 4.1) Resolution to authorize the Executive Director to negotiate and execute an amendment No. 2 of the Consultant Services Agreement with Environmental Science Associates for Extended Scope of Work for the Lower San Joaquin River CA-Project – Phase 1, TS_30_L CEQA Support
- 4.2) Resolution to authorize the Executive Director to negotiate and execute an amendment No. 2 of Task Order No. 1 with Larsen Wurzel & Associates, Inc. for Project Implementation Support to the US Army Corps of Engineers for the Lower San Joaquin River CA-Project (LSJRP Phase 1)
- 4.3) Amendment No. 2 to the Funding Agreement with DWR for Smith Canal Gate Urban Flood Risk Reduction Program

5. BRIEFINGS

- 5.1) Receive Briefing on the Mossdale Tract Program Status and Update

6. ORAL REPORT FROM EXECUTIVE DIRECTOR

- 6.1) This is an opportunity to provide timely information to the Board in support of its work

7. PUBLIC COMMENTS

8. BOARD QUESTIONS, COMMENTS, ACTIONS

9. CLOSED SESSION

- 9.1) San Joaquin Area Flood Control Agency v. Stockton Golf and Country Club Case No. STK-CV-UED-2019-11392

10. ADJOURNMENT

In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available. If you have a disability and need disability-related modifications or accommodations to participate in this meeting, please contact the Board's office at (209) 937-7900 or (209) 937-7115 (fax). Requests must be made one full business day before the start of the meeting.

Agenda Item 3.1

MINUTES
SAN JOAQUIN AREA FLOOD CONTROL AGENCY
BOARD MEETING OF JUNE 17, 2021

STOCKTON, CALIFORNIA

In light of COVID-19 and in compliance with CA Executive Order N-29-20, the majority of members of the Board of Directors participated in this meeting remotely by teleconference. Members of the public were also permitted to participate in this meeting remotely by teleconference. An option was also given to email public comments to SJAFC@stocktonca.gov or to speak via the teleconference during public comment times. In compliance with C.D.C. recommendations, all those who physically attended the meeting sat with six feet of space between them and observed other recommended hygiene practices.

1. CALL TO ORDER / ROLL CALL 9:01 AM

Roll Call

Present:

Director Akinjo
Director Morowit
Director Nuño
Director Singh
Director Warmesley
Director Winn
Director Wright

Absent:

Director Lazard
Director Miller

2. PLEDGE TO FLAG 9:03 AM

3. CONSENT ITEMS 9:03 AM

3.1) Approve minutes from the May 20, 2021 Board Meeting

Motion: To approve minutes from the May 20, 2021 Board Meeting
Moved by: Director Singh, Seconded by Director Morowit
Vote: Motion carried 7-0
Yes: Director Akinjo, Director Morowit, Director Nuño
Director Singh, Director Warmesley, Director Winn, Director Wright
Absent: Director Lazard, Director Miller

PUBLIC COMMENT

- Dominick Gulli submitted written comments which were read aloud for all participating in the meeting to hear.

3.2) A Resolution to approve the Contract Extension for the Executive Director **9:06 AM**

Motion: A Resolution to approve the Contract Extension for the Executive Director
Moved by: Director Singh, Seconded by Director Akinjo
Vote: Motion carried 7-0
Yes: Director Akinjo, Director Morowit, Director Nuño, Director Singh,
Director Warmesley, Director Winn, Director Wright
Absent: Director Lazard, Director Miller

PUBLIC COMMENT

- Dominick Gulli submitted written comments which had been provided to the Board of Directors and are on file and available for anyone to read or request a copy, in the SJAFCA office.

4. NEW BUSINESS 9:10 AM

- 4.1) Resolution to Approve the Proposed Fiscal Year 2021/22 Operating, Lower San Joaquin River, Mossdale, and Regional Flood Planning Program Budgets for the San Joaquin Area Flood Control Agency.

Motion: To approve the Proposed Fiscal Year 2021/22 Operating, Lower San Joaquin River, Mossdale, and Regional Flood Planning Program Budgets for the San Joaquin Area Flood Control Agency.
Moved by: Director Akinjo, Seconded by Director Wright
Vote: Motion carried 7-0
Yes: Director Akinjo, Director Morowit, Director Nuño, Director Singh,
Director Warmesley, Director Winn, Director Wright
Absent: Director Lazard, Director Miller

PUBLIC COMMENT

- Dominick Gulli submitted written comments which were read aloud for all participating in the meeting to hear.

- 4.2) Resolution to Approve the Technical Memorandum and Order the Levy and Collections of Assessments within the Smith Canal Area Assessment District and Approve the FY21/22 Budget – Public Hearing **9:47 AM**

Motion: Resolution to approve the Technical Memorandum and Order the Levy and Collections of Assessments within the Smith Canal Area Assessment District and Approve the FY 21/22 Budget – Public Hearing
Moved by: Director Wright, Seconded by Director Warmesley
Vote: Motion carried 7-0
Yes: Director Akinjo, Director Morowit, Director Nuño, Director Singh,
Director Warmesley, Director Winn, Director Wright
Absent: Director Lazard, Director Miller

PUBLIC COMMENT

- Dominick Gulli submitted written comments which were read aloud for all participating in the meeting to hear.

- 4.3) Resolution to amend the Smith Canal Construction Management and Constructability Review Contract with KSN

Motion: Resolution to amend the Smith Canal Construction Management and Constructability Review Contract with KSN

Moved by: Director Akinjo, Seconded by Director Morowit

Vote: Motion carried 7-0

Yes: Director Akinjo, Director Morowit, Director Nuño, Director Singh, Director Warmesley, Director Winn, Director Wright

Absent: Director Lazard, Director Miller

PUBLIC COMMENT

- Dominick Gulli submitted written comments which were read aloud for all participating in the meeting to hear.

- 4.4) Resolution to amend the Smith Canal Engineering During Construction Contract with PBI

Motion: Resolution to amend the Smith Canal Construction Management and Constructability Review Contract with KSN

Moved by: Director Wright Seconded by Director Warmesley

Vote: Motion carried 7-0

Yes: Director Akinjo, Director Morowit, Director Nuño, Director Singh, Director Warmesley, Director Winn, Director Wright

Absent: Director Lazard, Director Miller

5. ORAL REPORT FROM EXECUTIVE DIRECTOR 10:18AM

- 5.1) This is an opportunity to provide timely information to the Board in support of its work.

PUBLIC COMMENT

- Dominick Gulli submitted written comments which were read aloud for all participating in the meeting to hear.
- Chris Neudeck provided verbal comments for all participating in the meeting to hear.

6. PUBLIC COMMENTS 10:29AM

- Dominick Gulli submitted written comments which were read aloud for all participating in the meeting to hear.

7. BOARD QUESTIONS, COMMENTS, ACTIONS 10:30AM

- None

CLOSED SESSION 10:30AM

- Counsel had no updates regarding Closed Session items. Considering this, Closed Session was cancelled.

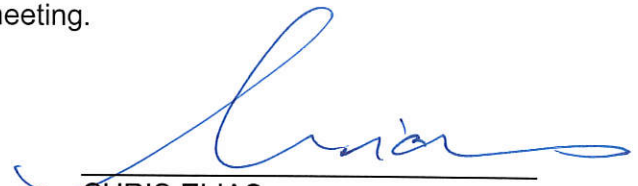
PUBLIC COMMENTS:

- None

8. ADJOURNMENT 10:30AM

The meeting adjourned at 10:30AM. The next meeting is scheduled for July 22, 2021, at 9:00 AM.

In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available. If you have a disability and need disability-related modifications or accommodations to participate in this meeting, please contact the Board's office at (209) 937-7900 or (209) 937-7115 (fax). Requests must be made one full business day before the start of the meeting.



CHRIS ELIAS
EXECUTIVE DIRECTOR
SAN JOAQUIN AREA FLOOD
CONTROL AGENCY

Agenda Item 4.1

July 22, 2021

TO: San Joaquin Area Flood Control Agency

FROM: Chris Elias, Executive Director

SUBJECT: **AMENDMENT No. 2 OF THE CONSULTANT SERVICES AGREEMENT
WITH ENVIRONMENTAL SCIENCE ASSOCIATES FOR EXTENDED
SCOPE OF WORK FOR THE LOWER SAN JOAQUIN RIVER CA-
PROJECT – PHASE 1, TS_30_L CEQA SUPPORT**

RECOMMENDATION

It is recommended the Board of Directors of the San Joaquin Flood Control Agency (SJAFCA or Agency) adopt a resolution authorizing the Executive Director to negotiate and execute an amendment No. 2 to the consultant services agreement with Environmental Science Associates (ESA) for an extended scope of work to include environmental compliance documentation under the California Environmental Quality Act (CEQA) for construction of Lower San Joaquin River CA-Project (LSJRP), Phase 1, TS_30_L for a not-to-exceed budget of \$323,314.

DISCUSSION

Background

The Lower San Joaquin River Project (LSJRP) was authorized by Congress in the American Water Infrastructure Act of 2018, providing flood risk reduction benefits to north and central Stockton. The LSJRP is a partnership between the U.S. Army Corps of Engineers (USACE), Central Valley Flood Protection Board (CVFPB), and SJAFCA.

In September 2020, USACE, CVFPB and SJAFCA signed a Project Partnership Agreement which marks the beginning of the Construction phase of the LSJRP. This has since led to the continued advancement of the first phase of design along the delta front's Ten Mile Slough between March Lane and White Slough, at reach "TS_30_L."

As a project partner, SJAFCA is responsible working closely with USACE, as the design lead, to deliver the project. SJAFCA's participation requires compliance with the California Environmental Quality Act (CEQA) for which the LSJRP Feasibility Study has CEQA support. Since design is underway with TS_30_L, additional, more detailed information is available that necessitates an analysis of CEQA coverage which may result in supplemental CEQA documentation.

Present Situation

Beginning in March 2021, SJAFCA entered into a consultant services agreement with Environmental Science Associates (ESA) for environmental compliance with the current

AGENDA ITEM 4.1

project-level details associated with the first increment of design and construction at TS_30_L. That resulted in an environmental compliance evaluation, comparison, and approach memorandum. Further, it has identified several analyses and coordination items with USACE, as the National Environmental Policy Act (NEPA) lead.

Now SJAFCA proposes to amend the existing agreement to extend ESA's scope of work to develop, in full, the draft and final CEQA documentation for the advancement to construction of TS_30_L per the attached proposal. The schedule is anticipated to extend through February 2022 with an anticipated not-to-exceed cost of \$323,314, which includes:

- 1) \$49,300 from the original consultant services agreement between ESA and SJAFCA.
- 2) \$177,721 in base proposal items
- 3) \$96,293 in optional tasks to support water quality permitting and pre-construction site surveys.

Next Steps

As a next step, staff recommends authorizing the Executive Director to negotiate and execute an amendment No. 2 to the consultant services agreement with ESA in the amount of \$274,014 to complete CEQA compliance documentation for a not-to-exceed budget of \$323,314.

FISCAL IMPACT

The not-to-exceed proposal consists of base tasks and several options for a total NTE amount of \$323,314. The options will only be performed once ESA receives a notice-to-proceed from the SJAFCA Project Manager.

The proposal for CEQA compliance falls within the current fiscal year 2021/2022 budget for the overall LSJR of \$1.745M.

Strategic Plan Consistency Analysis

The material found in this report is consistent with the Mission and Goals of the Board-adopted Strategic Plan, specifically Goal 1 to Plan for and Implement System Resiliency.



CHRIS ELIAS
EXECUTIVE DIRECTOR

Attachments

1. Proposed amendment from Environmental Science Associates (ESA) for extended scope of work to include environmental compliance documentation under the California Environmental Quality Act (CEQA) for construction of Lower San Joaquin River CA-Project (LSJRP), Phase 1, TS_30_L.



2600 Capitol Avenue
Suite 200
Sacramento, CA 95816
916.564.4500 **phone**
916.564.4501 **fax**

esassoc.com

ATTACHMENT 1

July 12, 2021

Chris Elias
Executive Director
San Joaquin Area Flood Control Agency
22 East Weber Avenue, Room 301
Stockton, CA 95202

Subject: Lower San Joaquin River Project-Phase 1, TS_30_L CEQA/NEPA Support
Request for Amendment No. 2

Dear Mr. Elias:

Environmental Science Associates (ESA) entered into a contract with the San Joaquin Area Flood Control Agency (SJAFCA) on March 29th, 2021 for the Lower San Joaquin River Project – TS_30_L CEQA/NEPA Support. The ESA team hereby submits this amendment request in order to reconcile the current understanding of the project with the previous project assumptions. A breakdown of the amendment request is described in more detail as follows:

- Project Management and General Meeting Requirements
- Prepare Supplemental Environmental Impact Report (SEIR)
- Prepare CEQA Addendum for tree/VELB removal
- Prepare State Permitting applications and analyses with includes:
 - Prepare Draft Memorandum to Regional Board Staff
 - Prepare Draft 1602 Application Package
 - Prepare Draft Certification of Consistency with the Delta Plan
 - Prepare Draft Incidental Take Permit
- Optional tasks under State Permitting Applications and Analyses include:
 - Prepare Draft 401 Water Quality Certification Application Package
 - Perform Pre-Construction Surveys
 - Conduct Protocol-Level Surveys for Swainson's Hawk and Surveys for Nesting Birds Protected by the Migratory Bird Treaty Act
 - Conduct Protocol-Level Surveys for Western Burrowing Owl



Mr. Elias
July 12, 2021
Page 2

- Conduct Surveys for Roosting Bats
- Conduct Preconstruction Surveys for Giant Garter Snake
- Conduct Elderberry Survey and Transplantation Oversight
- Conduct Special-Status Plant Survey
- Conduct Worker Environmental Awareness Training

Descriptions of the current amendment request items as summarized above are detailed in attachment 1, Scope of Work. A detailed fee estimate is enclosed as Attachment 2.

Please review the enclosed documentation, and don't hesitate to contact me with any questions or comments. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Alisa Moore". The signature is fluid and cursive, with the first name "Alisa" being more prominent than the last name "Moore".

Alisa Moore
Northern California Water Group Director
On behalf of Meredith Parkin, Project Manager

w/enclosures

- Attachment 1 – Scope of Work
- Attachment 2 – Detailed Costing
- Attachment 3 - Schedule

Attachment 1: Scope of Work

Proposed Amendment No. 2 to the Contractual Services Agreement for Professional Environmental Services by Environmental Science Associates for Extended Scope of Work on the Lower San Joaquin River Project-Phase 1, TS_30_L CEQA/NEPA Support

SCOPE OF WORK

The City of Stockton (City) and surrounding areas rely upon the Lower San Joaquin River (LSJR) levee system to prevent flooding during high water events. The LSJR, Reach TS_30_L Levee Improvement Project (proposed Project) includes modifying approximately 5,900 feet (or 1.1 miles) of existing levee geometry near the northwestern side of the City to meet current levee design and operation standards, to provide seepage mitigation measures (cutoff wall installation), and to add rock slope protection. The proposed Project is one of the six reaches in the “Delta Front” portion of “Alternative 7a – North and Central Stockton – Delta Front, Lower Calaveras River and San Joaquin River (SJR) Levee Improvements excluding RD 17” (Alternative 7a), which was the recommended alternative identified in the 2018 San Joaquin River Basin, Lower San Joaquin River Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report (2018 LSJR FR/EIS/EIR) prepared by the San Joaquin Area Flood Control Agency (SJAFC), Central Valley Flood Protection Board (CVFPB), and US Army Corps of Engineers (USACE).

Environmental Science Associates (ESA) will support SJAFC in the following efforts:

- Preparing a Supplemental Environmental Impact Report (SEIR) to the 2018 LSJR FR/EIS/EIR
- CEQA addendum for tree/VELB removal (to be done by USACE in fall 2021)
- State Permitting (Clean Water Act Section 401 [justification on why permit is not needed], Streambed Alteration Agreement [SAA], Delta Plan Consistency, and Incidental Take Permit)

In accordance with State California Environmental Quality Act (CEQA) Guidelines Section 15163, an SEIR is required when only minor changes to the document are needed to make the previous EIR adequately apply to the project in the changed situation.

Proposed Project Understanding

Alternative 7a (the recommended Alternative in the 2018 LSJR FR/EIS/EIR) proposes to improve flood risk management in North and Central Stockton by repairing and enhancing the levees that surround Stockton, and by constructing and operating closure structures on Fourteen-mile Slough and Smith Canal. The 2018 LSJR FR/EIS/EIR described the environmental resources in the project area; evaluated the direct, indirect, and cumulative environmental effects of the seven alternative plans, including Alternative 7a; and identified avoidance, minimization, and compensatory mitigation measures. Most potential adverse effects identified for Alternative 7a would either be short term or would be avoided or reduced using best management practices. However, there are some significant and unavoidable impacts associated with Alternative 7a.

Alternative 7a was divided into five major levee reaches for construction sequencing: Calaveras River (Right Bank), Calaveras River (Left Bank) and San Joaquin River (Right Bank, North Port), Delta Front & Fourteen-mile Slough Control Structure, North Stockton, and Smith Canal Control Structure. The Delta Front reach represents the greatest risk, therefore it was decided by USACE and SJAFC that

construction would begin with the Delta Front levees. Six sub-reaches were identified within the Delta Front reach, with one of those sub-reaches being the proposed Project.

The proposed Project Tenmile Slough TS30L is approximately 5,900 feet (or 1.1 miles) long and separates the Brookside residential development (land side) on the east and the Wright Elmwood Tract (water side) on the west. It is bounded on the south by West March Lane and on the north by White Slough.

The main components of the proposed Project include:

- Construction of soil bentonite (SB) slurry cutoff wall to mitigate underseepage (3,450 linear feet from Station (STA) 26+50 to STA 61+00).
- Levee reconstruction and relocation to mitigate instability (from STA 1+00 to STA 61+00).
- Crushed rock placement to mitigate erosion along the existing levee's waterside slope up to the existing top of levee.
- Development of a staging and stockpile area immediately adjacent to the north side of the Project site.
- Development of a borrow area nine miles east of the TS_30_L site.
- Use of haul routes to/from the staging and borrow areas.
- Activities to maintain dust control along the levee access road at all times.
- Operational activities to provide ongoing levee road maintenance or repair and post-seismic event inspection.

This document utilizes information from the following sources:

- May 2021 SJAFCA CEQA/NEPA and Regional Board Strategy Memo for the TS_30_L Project
- 2018 LSJR FR/EIS/EIR, including the USFWS BO; National Marine Fisheries Service (NMFS) BO; Mitigation Monitoring and Reporting Plan (MMRP); and Habitat Mitigation, Monitoring, and Adaptive Management Plan (HMMP)
- 65% DDR and other design-related documents for the proposed Project provided by SJAFCA in April 2021
- Google Earth files provided by USACE in April and June 2021
- USACE's "Memorandum for Record, Aquatic Resource Delineation for Lower San Joaquin River, at Tenmile Slough" dated May 4, 2021

The tasks in the scope of work are as follows:

Task 1 – Project Management and General Meeting Requirements

Task 2 – Supplemental EIR

Task 2.1 – Final Project Description and Study Area Map

Task 2.2 – Assembly Bill 52

Task 2.3 – Prepare Administrative Draft SEIR

Task 2.4 – Prepare Screencheck and Public Draft SEIR

Task 2.5 – Prepare Draft Mitigation Monitoring and Reporting Program

Task 2.6 – Prepare Administrative Draft Final SEIR (Response to Comments on the Draft SEIR)

Task 2.7 – Prepare Final SEIR

Task 3 – CEQA Addendum for VELB/Tree Removal

Task 4 – State Permitting

Task 5 – Pre-construction Surveys

Task 1.0 Project Management and General Meeting Requirements

ESA will be responsible for overall coordination and administration of project tasks through its assigned Project Manager (PM). The PM will manage the financial and schedule aspects of the tasks identified herein for the period indicated in the Period of Performance. The PM's efforts will focus on completing tasks and submitting deliverables according to the project schedule and budget, managing staff assignments, facilitating QA/QC reviews, and identifying and communicating issues affecting cost, schedule and quality. ESA will attend weekly every month for 7 months for a total of 28 1-hour meetings with up to two (2) ESA staff attending (56 hours in total for both people). ESA will prepare the meeting agendas and meeting summaries for each meeting.

It is anticipated that it will take approximately 7 months to complete CEQA and permits for the TS_30_L after Notice to Proceed.

Task 2.0: Supplemental EIR

It is anticipated that the proposed Project will require only minor additions or changes to the 2018 LSJR FR/EIS/EIR to make that document adequately apply to the TS_30_L in the changed situation, and therefore a SEIR will be prepared. According to CEQA Guidelines Section 15163, a supplemental EIR will be given the same notice and public review as required under Section 15087 (Public Review of Draft EIR). Therefore, the SEIR does not require release of a Notice of Preparation (NOP) and it is assumed an NOP will not be released for TS_30_L project. The SEIR will describe which portions of the TS_30_L project are covered by the 2018 LSJR FR/EIS/EIR, but the focus of the SEIR will contain only the information necessary to make the 2018 LSJR FR/EIS/EIR adequate for the Project as revised.

The 2018 LSJR FR/EIS/EIR was published prior to the 2015 Assembly Bill (AB) 52 requirements and the revised CEQA updates in 2018. Per AB 52 Section 11(c), AB 52 requirements only apply to a project that has a NOP filed on or after July 1, 2015. For the TS_30_L, release of a new NOP is not required, however, based on previous experience with other flood projects, it is recommended that SJAFCA consult with the tribes when preparing a Supplemental EIR, therefore AB 52 consultation is included in this scope of work.

It is assumed USACE will be responsible for all cultural and biological surveys required for the project; however, if USACE is not able to undertake the required biological surveys, ESA has included these surveys as an optional task (Optional Task 2.8).

Task 2.1: Finalize Project Description and Study Area Map

ESA reviewed the analysis, impact findings, and mitigation measures identified in the 2018 LSJR FR/EIS/EIR to confirm the topics for which supplemental analysis and, if necessary, mitigation will be required as part of the SEIR to address the TS_30_L. ESA then delivered an annotated project description

outline in May, 2021 with notations where additional information was necessary to make the project description whole. After review of additional information provided during SJAFCA review of the May 2021 annotated project description outline, ESA will assess remaining information needed to describe the full extent of project activities and prepare the final project description and study area map. ESA will make every effort to make maximum use of the available and appropriate reference materials.

Deliverables:

- *Final Project Description and Study Area Map– Electronic files*

Task 2.2: Assembly Bill 52

ESA will contact the Native American Heritage Commission (NAHC) to request information on known sacred sites within the project area and a list of contacts for Native American tribes who may have an interest in the proposed project. On behalf of SJAFCA, ESA will initiate preliminary consultation according to the requirements of Public Resources Code 21080.3 (Assembly Bill 52) through distribution of correspondence to the tribes identified by the NAHC. This task includes one round of certified letters to tribes. ESA will assist SJAFCA with Tribal Consultation, including helping draft responses to Tribal comments on the certified letters and/or meeting with the Tribes (up to 20 hours).

Deliverables:

- *Draft and final letters for AB52 outreach for SJAFCA to mail to the tribes – Electronic files*
- *Assistance with draft and final responses to Tribal consultation requests on behalf of SJAFCA*

Task 2.3: Prepare Administrative Draft SEIR

ESA will prepare a SEIR pursuant to CEQA Guidelines, utilizing as much information as possible from the 2018 LSJR FR/EIS/EIR. The SEIR will include regional and local setting information, regulatory background, identified thresholds of significance, impact analysis, appropriate mitigation and conclusions of significance.

Specific environmental resource topics to be addressed in the SEIR will include those issue areas where project changes warrant supplemental analysis. ESA will focus on impacts identified in their previous review of the 2018 LSJR FR/EIS/EIR that have changed since the document was certified. Table 1 below lists all resource areas covered in the 2018 LSJR FR/EIS/EIR; those resource areas shown **in bold** have been identified as likely requiring additional analysis in the TS_30_L SEIR. For the remaining resource areas, it is assumed that information from the 65% DDR and other relevant documents will be used to state how the impacts from the proposed Project are covered under the existing 2018 LSJR FR/EIS/EIR. Based on the impact analyses and significance determinations for the resources in the 2018 LSJR FR/EIS/EIR and review of the 65% DDR for the proposed Project, it is assumed no new or expanded Significant and Unavoidable determinations will need to be made for the proposed Project.

TABLE 1
SUMMARY OF RESOURCE TOPICS AND THOSE NEEDING FURTHER ANALYSIS

Aesthetics	Agricultural/Forestry Resources	Air Quality and GHG	Biological Resources (vegetation, wildlife, fisheries)
Cultural and Tribal Cultural Resources	Wildfire and Energy	Geology, Seismicity, Soils, and mineral resources	Wetlands and Other Waters of the US
Transportation	Hydrology and Hydraulics	Land Use	Water Quality
Noise	Population and Housing	Public Safety and Environmental Hazards	Groundwater
Recreation	Agricultural and Forestry Resources	Socioeconomics and EJ	Utilities and Public Services
	Growth Inducement	Cumulative	

This SEIR may need to provide an updated assessment of greenhouse gas emissions for the overall project in accordance with recent revisions to the CEQA Guidelines on this topic.

SEIR Sections:

The SEIR will include the following individual sections:

Section 1, Introduction. The Introduction will describe the principal characteristics and objectives of the TS_30_L, and any planning through which the SEIR scope was developed. The introduction will also describe the role of the SEIR in the overall planning process, and the procedural steps by which the SEIR will be reviewed and certified.

Section 2, Executive Summary. The executive summary will describe the TS_30_L and alternatives, and will provide a summary table that outlines the project's significant environmental effects, mitigation measures that would reduce or avoid those effects and the parties responsible for their implementation, and residual levels of impact significance after mitigation. The Summary will also identify any known principal areas of public controversy and will be suitable as a stand-alone document that summarizes the key conclusions identified throughout the SEIR.

Section 3, Project Description. The TS_30_L will be described in text, tabular, and graphic form and will draw primarily from information provided at initiation meeting(s) with SJAFCA staff and from any additional information provided by the project engineer for the project.

Section 4, Environmental Setting, Impacts, and Mitigation. To ensure report continuity and minimize redundancy in the discussions of each environmental topic, the SEIR will present the setting, impacts, and mitigation discussions in one section. The SEIR will update the setting provided in the 2018 LSJR FR/EIS/EIR for those resources that have changed.

The environmental effects of the TS_30_L will be presented under each topic of analysis. The SEIR will describe construction impacts as well as operation impacts.

Because the SEIR will be a supplement to the 2018 LSJR FR/EIS/EIR, the key question to be answered for each topic is whether the changes proposed in the project, changes in circumstances, or other new information that has become available since 2018 would result in one or more newly identified significant effects not identified in the 2018 LSJR FR/EIS/EIR, or result in an increase in severity of a significant impact previously identified in the 2018 LSJR FR/EIS/EIR.

The mitigation discussion will be presented by environmental topic and any significant environmental effects of the mitigation measures will be identified.

Section 5, Alternatives, Growth-Inducing Impacts and Cumulative. Preparation of the SEIR would not require revisiting the prior alternatives, growth-inducing impacts, and cumulative analysis presented in the 2018 LSJR FR/EIS/EIR; rather, the Draft SEIR would consider whether the proposed changes to the project and changed project circumstances result in new or substantially more severe significant impacts. The alternatives analysis for this SEIR would consider whether the new or modified project components alter any conclusions regarding the comparison of the TS_30_L reach to the alternatives, growth-inducing impacts, and cumulative analysis presented in the 2018 LSJR FR/EIS/EIR.

Section 6, Statutory Sections. The EIR will contain the following additional statutory sections, as required by CEQA:

- Significant Environmental Effects (including significant, unavoidable effects)
- Effects Found Not to be Significant
- Persons and Organizations Consulted

ESA will prepare the discussion of each of these topics based on the analyses presented in the EIR.

Deliverables:

1. *Administrative Draft SEIR – Electronic files in PDF and Word format*

Task 2.4: Prepare Screencheck and Public Draft SEIR

After SJAFCAs, as lead agency, and DWR, as a responsible agency, have reviewed and commented on the Administrative Draft SEIR, ESA will incorporate the necessary revisions based on one consolidated set of comments and prepare and submit copies of a screencheck Draft SEIR for approval by SJAFCAs and DWR. Upon staff approval, ESA will submit copies of the Draft SEIR and Notice of Completion to the State Clearinghouse and county clerk. SJAFCAs will pay the county clerk posting fees, if necessary. ESA will assist with one public meeting for the Draft SEIR, including assistance with developing a presentation and handouts.

Deliverables:

1. *Screencheck Draft SEIR – Electronic files.*
2. *Public Draft SEIR - Electronic files and fifteen (15) hard copies*
3. *Draft and Final Notice of Completion – Electronic*

Task 2.5: Prepare Draft Mitigation Monitoring and Reporting Program

Following publication of the Draft SEIR, ESA will prepare a draft Mitigation Monitoring and Reporting Program (MMRP) in compliance with the CEQA Guidelines. For any significant impact identified in the SEIR, the MMRP will describe the required mitigation and the responsible parties, tasks, and schedule for monitoring mitigation compliance. ESA will submit the draft MMRP to SJAFCA and DWR for review and comment. ESA will then submit a revised MMRP to SJAFCA and DWR in conjunction with the preparation of the Final SEIR (Task 2.7). The MMRP will be prepared in the form of a matrix, and may be either bound in the Final SEIR, or submitted separately, at SJAFCA's discretion. The Draft MMRP will include mitigation measures that the Contractor must comply with and might create additional costs to the overall project cost.

Deliverables:

1. *Administrative Draft MMRP – Electronic files*
2. *Final Draft MMRP – Electronic files and hard copies to be included in Final SEIR (Task 2.9).*
- 3.

Task 2.6: Prepare Administrative Draft Final SEIR (Response to Comments on the Draft SEIR)

At the conclusion of the 45-day public review period for the Draft SEIR, ESA will discuss the comments received, and the appropriate responses and response strategies to those comments, with SJAFCA. ESA will identify key issue responses. It is anticipated that ESA and SJAFCA will agree on the overall approach to responding to comments and will assign specific tasks associated with the preparation of these responses. Should public comments raise issues not previously identified within the scope of work or exceed the time budgeted for this task, ESA will consult with SJAFCA to achieve cooperative resolution of the out-of-scope issues or comments that prompt substantial additional work beyond that assumed by the proposed budget.

ESA will submit the Administrative Draft Final SEIR, including responses to comments on the Draft SEIR. SJAFCA and DWR will review the document and provide ESA with one consolidated set of comments. ESA will finalize the MMRP based on staff comments on the draft MMRP as well as any changes to the Draft SEIR resulting from responses to comments.

ESA will review the Findings of Fact and Statement of Overriding Considerations from the 2018 LSJR FR/EIS/EIR to verify changes are not warranted based on the information in the Final SEIR.

Deliverables:

1. *Administrative Draft Final SEIR (including responses to comments) – Electronic files*

Task 2.7: Prepare Final SEIR

Once the Administrative Draft Final SEIR has been reviewed by SJAFCA and DWR, ESA will incorporate any necessary revisions based on one consolidated set of comments into the Administrative Draft Final SEIR and will submit a screencheck responses to comments document for approval by SJAFCA and DWR. Upon staff approval, ESA will submit the Final SEIR for its distribution to persons or agencies (e.g. California Department of Fish and Wildlife [CDFW] and Central Valley Regional Water Quality Control

Board [Regional Board]) that commented on the Draft SEIR. In addition, ESA will prepare the Notice of Determination for submittal to the State Clearinghouse. SJAFCA will pay for all CEQA filing fees.

Deliverables:

1. *Screencheck Draft Final SEIR – Electronic files (in PDF and Word format)*
2. *Final SEIR - Electronic files and fifteen (15) hard copies*
3. *Draft and Final Notice of Determination – Electronic*

Task 3.0 CEQA Addendum for VELB/Tree Removal

The Addendum to the 2018 LSJR FR/EIS/EIR will evaluate the proposed vegetation removal for the proposed Project in fall 2021. It is assumed USACE will have completed all biological and cultural survey requirements prior to the vegetation removal.

An addendum is appropriate where a previously certified EIR has been prepared and some changes or revisions to the project are proposed, or the circumstances surrounding the project have changed, but none of the changes or revisions would result in significant new or substantially more severe environmental impacts, consistent with California Environmental Quality Act (CEQA) Section 21166 and State CEQA Guidelines Sections 15162, 15163, 15164, and 15168.

The addendum will be organized as a simple environmental checklist, intended to evaluate all environmental topic areas for any changes in circumstances or the project description, as compared to the approved 2018 LSJR FR/EIS/EIR, and determine whether such changes were or were not adequately covered in the certified 2018 LSJR FR/EIS/EIR. It is assumed that no new field work, record searches, modeling, or quantitative analysis will be necessary to support the conclusions for these resource sections in the Addendum.

Schedule is estimated to be 3 weeks' time to prepare the draft Addendum upon receipt of authorization to proceed. The final Addendum will be submitted within one week's time of receipt of comments on the draft.

Deliverables:

- *Electronic Version of a draft and final Addendum.*

Task 4.0 State Permitting

ESA will prepare applications and analyses required to support regulatory permitting and approvals. The scope of work assumes that at least 30 percent project designs will be available. The scope of work may increase or decrease depending upon resource agency comments, and additional resources may be necessary to accomplish permit issuance or project approval by individual agencies.

Task 4.1. Central Valley Regional Water Quality Control Board Coordination

Based on ESA's current understanding, the USACE is anticipated to not consider the irrigation canal along the landside levee toe of TS-30_L as a jurisdictional water of the United States. In such a

circumstance, the Applicant would not need to submit a Clean Water Act Section 401 Water Quality Certification (WQC) application. However, the Central Valley Regional Water Quality Control Board (Regional Board) could seek to maintain jurisdiction over the project through its authority over waters of the state under the Porter-Cologne Act, thereby requiring the Applicant to seek approval under the waste discharge requirements (WDR) process.

In May 2021, ESA prepared a detailed memorandum explaining the approaches for addressing Regional Board jurisdiction over the project. As explained in the memorandum, there is justifiable rationale by which the irrigation canal should not be considered a water of the state, thereby rendering the need for WDR approval moot. As part of this scope, ESA will coordinate with the Regional Board and provide them the detailed rationale for why the project in its entirety should not be subject to Regional Board approval under the Clean Water Act or the Porter-Cologne Act. The detailed rationale will be provided in the form of a memorandum addressed to the Regional Board. ESA anticipates that the Regional Board staff may request additional follow-up meetings to address their residual questions.

This task assumes that ultimately Regional Board staff will agree with the Applicant's assessment that the irrigation canal is not subject to Regional Board jurisdiction, and thereby the need to submit application materials pursuant to either the WQC or WDR processes is not warranted. ESA also assumes that the Applicant will provide a single set of consolidated comments on the draft memorandum to be sent to the Regional Board. The task assumes that any follow-up meeting(s) with Regional Board staff will not exceed two (2) 60-minute teleconference meetings, each involving no more than two (2) ESA staff.

Deliverables

- *Draft Memorandum to Regional Board staff—electronic version*
- *Final Memorandum to Regional Board staff —electronic versions to the SJAFCA and Regional Board staff.*

Optional Task 4.1a - Central Valley Regional Water Quality Control Board Coordination

A Section 401 Water Quality Certification (WQC) is needed from the Regional Board for activities that may result in a discharge to aquatic features jointly considered to be jurisdictional waters of the U.S. and waters of the state. The Regional Board would need to issue or waive waste discharge requirements (WDR) for fill impacts to aquatic features solely considered to be waters of the state protected by the Porter-Cologne Act but not waters of the U.S (as the USACE has determined the Project does not fall within waters of the US). The application required to be submitted for a 401 WQC or a request for WDR would be the same; they would follow the requested materials identified in the State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (Procedures). In the case of a 401 WQC, a pre-filing meeting request would need to be submitted to the Regional Board for the Project at least 30 days prior to formally submitting the WQC application; a pre-filing meeting request is not required for projects solely requiring a WDR. ESA will prepare an alternatives analysis as required by the Procedures and will provide information to the Regional Board to support a determination that the proposed project is the Least Environmentally Damaging Practicable Alternative. This task assumes that one ESA permitting specialist will participate in up to 2, 1-hour conference calls

to discuss the alternatives. The Applicant will be responsible for the application fee (amount to be determined).

Deliverables

- *Draft 401 WQC Application Package—electronic version*
- *Final 401 WQC Application Package —electronic versions to the SJAFCA and Regional Board.*

Task 4.2. Section 1602 Streambed Alteration Notification

Based on the current project information, it is likely that effects to the canal and associated vegetation along the TS-30_L levee slope will trigger a need for a streambed alteration agreement from the California Department of Fish and Wildlife (CDFW), pursuant to the California Fish and Game Code (Section 1600-1616). ESA proposes to coordinate with CDFW to confirm the jurisdictional nature of the features, and assuming the project activities are subject to notification requirements pursuant to Fish and Game Code Section 1602, prepare a Notification of Lake or Streambed Alteration for CDFW. The task assumes that on behalf of the Applicant, ESA will submit the Notification of Lake or Streambed Alteration via CDFW's Environmental Permit Information Management System (EPIMS) Permitting Portal. The task also assumes up to two (2) 60-minute teleconference meetings meeting(s) with CDFW staff, each involving no more than two (2) ESA staff. The scope is also based on the assumptions that the Applicant will provide detailed design drawings to support this application package and provide a single set of consolidated comments on the draft Notification of Lake or Streambed Alteration. The SJAFCA will be responsible for the application fee (amount to be determined), which will be submitted to CDFW concurrently with the Notification on EPIMS.

Deliverables

- *Draft 1602 Application Package—electronic version*
- *Final 1602 Application Package —electronic versions to the SJAFCA and CDFW's EPIMS Permitting Portal.*

Task 4.3. Delta Plan Certification of Consistency

The Delta Reform Act of 2009 granted the Delta Stewardship Council (DSC) authority to ensure consistency of state and local public agency actions with the Delta Plan. Water Code section 85225.30 required the DSC to adopt administrative procedures governing appeals, which are exempt from the normal state rulemaking processes. State and local agencies proposing to undertake a project covered by the Delta Plan must prepare and file a certification of consistency on the DSC website, meaning that they must demonstrate that the project is consistent with the policies of the Delta Plan. Any person who believes a covered action is inconsistent with the Delta Plan and will impact the achievement of the coequal goals may appeal a certification of consistency to the DSC within 30 days of the submission date; the appeal paperwork must clearly state the basis for the claim that the covered action is inconsistent with the Delta Plan. Key requirements of the Delta Plan that pertain to this project are use of Best Available Science; documentation of the use of all applicable feasible mitigation measures adopted and incorporated in the Delta Plan as amended April 26, 2018, or use of subsequent mitigation measures which are determined to be equally or more effective; and consistency with Delta Plan Policy RR P1 regarding prioritization of state investments in Delta Levees and Risk Reduction.

This task assumes the project is a covered action that must be certified for consistency with the Delta Plan as it will have a significant, positive impact on the implementation of a government-sponsored flood control program to reduce risk to people, property and state interests in the Delta. As part of this task, ESA will request an “early consultation” meeting with DSC staff, which is expected to involve two (2) ESA staff and take up to 90-minutes. During this early consultation, DSC staff may provide guidance on how to best present the project to most likely avoid public appeals. ESA will prepare a certification of consistency, including compilation of all supporting documents and exhibits, which SJAFCA can file with the DSC website. ESA also assumes that the Applicant will provide a single set of consolidated comments on the draft Certification of Consistency, and that the certification is not formerly appealed within the applicable 30-day review period.

Deliverables

- *Draft Certification of Consistency with the Delta Plan—electronic version*
- *Final Certification of Consistency with the Delta Plan —electronic versions to SJAFCA and DSC website*

Task 4.4. Incidental Take Permit

Pursuant to CESA (as authorized under CFGC Sections 2050-2097), CDFW has authority over projects that may result in the take of State-listed species. If it is determined that take is needed for giant garter snake (GGS) or Swainson’s Hawk, ESA will assist SJAFCA in consulting with CDFW regarding potential effects to species that are listed by CESA through an incidental take permit (ITP). ESA will prepare an ITP for SJAFCA’s review. Based comments provided by SJAFCA, ESA will prepare and provide an electronic copy of the ITP for submission to CDFW.

Deliverables

- *Draft ITP—electronic version*
- *Final ITP —electronic versions to SJAFCA and CDFW*

Optional Task 5.0 Pre-construction Surveys

ESA will conduct surveys and monitoring for special-status species as required by the 2018 LSJR FR/EIS/EIR.

Optional Task 5.1. Conduct Protocol-Level Surveys for Swainson’s Hawk and Surveys for Nesting Birds Protected by the Migratory Bird Treaty Act

An ESA qualified biologist will conduct protocol-level Swainson’s hawk surveys in accordance with the *Recommended Timing and Methodology for Swainson’s Hawk Nesting Surveys in California’s Central Valley* (Recommended Timing) (Swainson’s Hawk Technical Advisory Committee, 2000). In accordance with the Recommended Timing, three surveys will be conducted during each of the two survey periods immediately prior to the commencement of construction activities. Survey periods as defined in the Recommended Timing are: 1) January 1 through March 20 (all day); 2) March 20 to April 5 (sunrise to 10 am and 4 pm to sunset); 3) April 5 to April 20 (sunrise to 12 pm or 4:30 pm to sunset); 4) April 21 to June 10, but only for monitoring known nest sites observed during previous survey periods; and 5) June 10 to

July 30 (sunrise to 12 pm and 4 pm to sunset). The surveys would include suitable habitat on the project site and within 0.5 mile of the project site where access is permitted. Surveys for other active nests of birds protected by the Migratory Bird Treaty Act (MBTA) will be conducted concurrently with the Swainson's hawk protocol surveys, with at least one survey to be conducted no more than 48 hours from initiation of project activities. This task assumes that no active Swainson's hawk nest or nest of MBTA-protected bird will be found during the surveys. If active nests are found, additional agency coordination and avoidance measures may be required. ESA can provide these services following receipt of a contract modification and budget augmentation.

Deliverables

- *Letter report to the client following the final survey—electronic version*

Optional Task 5.2. Conduct Protocol-Level Surveys for Western Burrowing Owl

An ESA qualified biologist will conduct protocol-level surveys for burrowing owl in accordance with the CDFW's 2012 *Staff Report on Burrowing Owl Mitigation* (2012 Staff Report). In accordance with the 2012 Staff Report, four surveys will be conducted during the February 1 to August 31 breeding season. One survey will be conducted between February 15 and April 15 and three surveys, spaced at least 3 weeks apart, will be conducted between April 15 and July 15, with at least one survey occurring after June 15. The surveys will include suitable habitat on the project site and within 500 feet of the project site where access is permitted. This task assumes that no burrowing owls will be observed within 500 feet of the project footprint. If active burrows are found, additional agency coordination and avoidance measures may be required. ESA can provide these services following receipt of a contract modification and budget augmentation.

Deliverables

- *Letter report to the client following the final survey—electronic version*

Optional Task 5.3. Conduct Surveys for Roosting Bats

An ESA qualified biologist will conduct a survey for suitable bat roosting habitat no more than one week prior to removal or trimming of trees. If suitable habitat and/or bat signs are detected, a biologist would conduct evening visual emergence surveys from a half an hour before sunset to one to two hours after sunset for a minimum of two nights. If roosting western bats are identified within the project area, the Client will be immediately notified. This task assumes that no roosting western red bats will be found during the surveys. If active roots are found, additional agency coordination and avoidance measures may be required. ESA can provide these services following receipt of a contract modification and budget augmentation.

Deliverables

- *Letter report to the client following the final survey—electronic version*

Optional Task 5.4. Conduct Preconstruction Surveys for Giant Garter Snake

An ESA qualified biologist will perform giant garter snake (*Thamnophis gigas*) surveys within 24 hours of construction to determine presence/absence. This task assumes that work will occur in a linear fashion requiring a total of four days of preconstruction surveys. This task also assumes there will be no pauses in construction longer than two weeks, triggering the requirement for an additional survey.

Deliverables

- *Letter report to the client following the final survey—electronic version*

Optional Task 5.5. Elderberry Survey and Transplantation Oversight

An ESA qualified biologist will survey Valley Elderberry Longhorn Beetle (VELB) using the USFW's 2017 *Framework for Assessing Impacts to Valley Elderberry Longhorn Beetle*. Elderberry shrubs or clumps of shrubs will be mapped using a GPS and associated data on exit holes, stem diameter and number of stems will be recorded. A memorandum summarizing the findings of this survey will be provided concluding this survey. In addition, an ESA qualified biologist will oversee the transplantation of any elderberry individuals to be impacted by project activities to a nearby suitable transplanting area. This task assumes that a nearby suitable elderberry transplanting area has already been identified, and also that the transplanting effort will take one day to complete. A memorandum summarizing the transplanting will be provided concluding the effort. It is assumed that ESA will not monitor the survival of any transplanted elderberry shrubs or clump of shrubs after their transplantation.

Deliverables

- *Memorandum summarizing the elderberry survey with a map of elderberry locations—electronic version*
- *Memorandum summarizing elderberry transplanting effort with a map of the transplantation locations—electronic version*

Optional Task 5.6. Special-Status Plant Survey

An ESA qualified botanist will conduct one field survey for special-status plants at the project site in August of 2021. Surveys will be conducted in accordance with CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities to determine presence/absence of Mason's Lilaeopsis (*Lilaeopsis masonii*) which has the potential to occur within the project area.

ESA will prepare a memorandum that presents the methods and results of the survey, a comprehensive list of plants observed and identified to the taxonomic level necessary to determine rarity, and a map of any special-status plant observed during the survey along with photos of such special-status plants. This task assumes that any special-status plants observed during the survey will be avoided by project impacts, and that if avoidance is not possible a special-status plant relocation plan will be developed outside of this scope of work.

Deliverables

- *Memorandum summarizing the special-status plant survey with a comprehensive observed species list, and a map and photos of any special-status plants observed within the project area—electronic version*

Optional Task 5.7. Conduct Worker Environmental Awareness Training

An ESA qualified biologist will prepare and conduct a worker environmental training program for all construction personnel. The training will provide education regarding sensitive natural communities and covered species and their habitats, the need to avoid adverse effects, state and federal protection, and the legal implications of violating FESA. All construction personnel will sign a form documenting their attendance. This task assumes one onsite training event.

Deliverables

- *Worker Environmental Awareness Training pamphlet and signature sheet of attendees*

Task 6.0 Labor Costs and Expenses**Summary of Cost Proposal:****Table 2: Cost without Optional Tasks**

Task 1.0 Project Management and Meetings (includes 28 1-hour meetings with up to two (2) ESA staff attending, 56 hours in total for both people).	\$21,600
Task 2.0: Supplemental EIR	\$112,430
Task 3.0: CEQA Addendum for VELB/Tree Removal	\$8,510
Task 4.0: State Permitting	\$28,160
Task 6.0 Labor Costs and Expenses	\$7,021
Total	\$177,721

Table 3: Cost with Optional Tasks

Task 1.0 Project Management and Meetings (includes 28 1-hour meetings with up to two (2) ESA staff attending, 56 hours in total for both people).	\$21,600
Task 2.0: Supplemental EIR	\$112,430
Task 3.0: CEQA Addendum for VELB/Tree Removal	\$8,510
Task 4.0: State Permitting	\$28,160
Optional Task 4.1a 401 WQC	\$16,420
Optional Task 5.0 Pre-construction Surveys	\$74,770
Task 6.0 Labor Costs and Expenses	\$12,124
Total	\$274,014

Attachment 2A: Detailed Cost Proposal (without Optional Tasks)
ESA Labor Detail and Expense Summary

<i>Labor Category</i>	Director III	Managing Associate II	Senior Associate II	Senior Associate I	Associate III	Subtotal	Project Technician III	Project Technician II	Project Technician I	Subtotal	Total Hours	Labor Price
Task Name/Description	\$ 240	\$ 190	\$ 160	\$ 150	\$ 135		\$ 120	\$ 125	\$ -			
Task 1.0 Project Management and Meetings (28 hours for mtgs each)	56		42			\$ 20,160	12			\$ 1,440	110.00	\$ 21,600
Task 2.0: Supplemental EIR						\$ -				\$ -	-	\$ -
Task 2.1 Finalize Project Description	4		22		8	\$ 5,560	4			\$ 480	38.00	\$ 6,040
Task 2.2 Assembly Bill 52	22	2				\$ 5,660		8		\$ 1,000	32.00	\$ 6,660
Task 2.3 Prepare Administrative Draft SEIR	24	36	180	20	30	\$ 48,450	4	16		\$ 2,480	310.00	\$ 50,930
Task 2.4: Prepare Screencheck and Public Draft SEIR	8	16	80	20	8	\$ 21,840	4	8		\$ 1,480	144.00	\$ 23,320
Task 2.5 Prepare Draft MMRP	1			4		\$ 840				\$ -	5.00	\$ 840
Task 2.6 Prepare Admin Draft Final SEIR (including response to comments)	20		60	24		\$ 18,000	4	4		\$ 980	112.00	\$ 18,980
Task 2.7: Prepare Final SEIR and NOD	4		20	10		\$ 5,660				\$ -	34.00	\$ 5,660
Task 3.0 CEQA Addendum VELB/Tree Removal	8	4	24	8	4	\$ 8,260		2		\$ 250	50.00	\$ 8,510
Task 4.0 State Permitting						\$ -				\$ -	-	\$ -
Task 4.1 - 401 Justification	4		6			\$ 1,920				\$ -	10.00	\$ 1,920
Task 4.2 - Streambed Alteration	6		40			\$ 7,840				\$ -	46.00	\$ 7,840
Task 4.3 - Delta Plan Consistency	4		28			\$ 5,440				\$ -	32.00	\$ 5,440
Task 4.4 - Incidental Take Permit	8	16	12	32	4	\$ 12,220	2	4		\$ 740	78.00	\$ 12,960
	169	74	514	118	54	929	30	42	-	72	1,001	
	\$ 40,560	\$ 14,060	\$ 82,240	\$ 17,700	\$ 7,290	\$ 161,850	\$ 3,600	\$ 5,250	\$ -	\$ 8,850		\$ 170,700
	16.9%	7.4%	51.3%	11.8%	5.4%	92.8%	3.0%	4.2%	0.0%	7.2%	100.0%	
	22.8%	7.9%	46.3%	10.0%	4.1%		2.0%	3.0%	0.0%			96.0%

Task 6 **ESA Labor Cost** \$ 170,700
Labor Cost + Expenses 3% \$ 7,021.00

PROJECT TOTAL	\$ 177,721
----------------------	-------------------

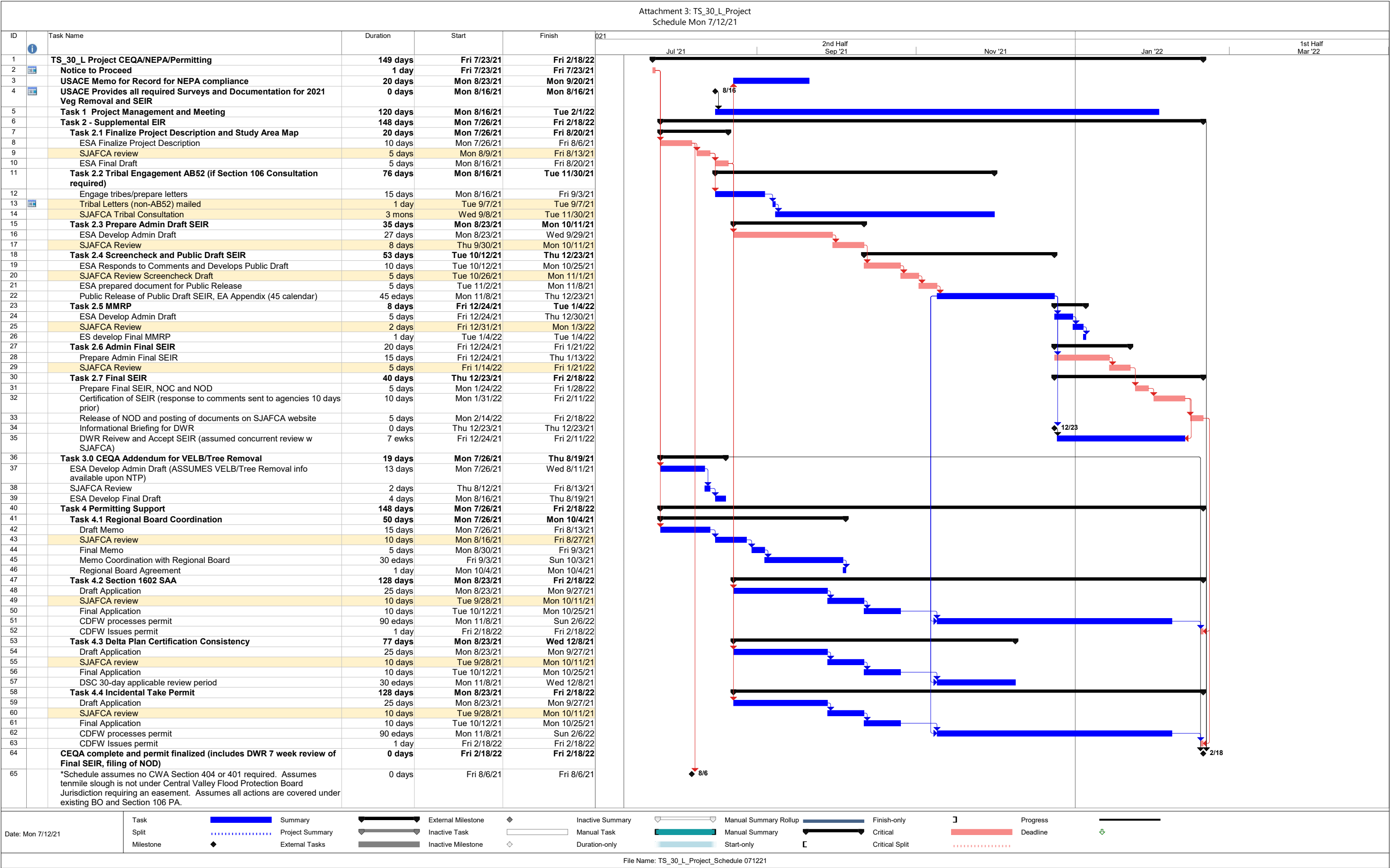
Attachment 2B: Detailed Cost Proposal (with Optional Tasks)
ESA Labor Detail and Expense Summary

<i>Labor Category</i>	Director III	Managing Associate II	Senior Associate II	Senior Associate I	Associate III	Subtotal	Project Technician III	Project Technician II	Project Technician I	Subtotal	Total Hours	Labor Price
Task Name/Description	\$ 240	\$ 190	\$ 160	\$ 150	\$ 135		\$ 120	\$ 125	\$ -			
Task 1.0 Project Management and Meetings (28 hours for mtgs each)	56		42			\$ 20,160	12			\$ 1,440	110.00	\$ 21,600
Task 2.0: Supplemental EIR						\$ -				\$ -	-	\$ -
Task 2.1 Finalize Project Description	4		22		8	\$ 5,560	4			\$ 480	38.00	\$ 6,040
Task 2.2 Assembly Bill 52	22	2				\$ 5,660		8		\$ 1,000	32.00	\$ 6,660
Task 2.3 Prepare Administrative Draft SEIR	24	36	180	20	30	\$ 48,450	4	16		\$ 2,480	310.00	\$ 50,930
Task 2.4: Prepare Screencheck and Public Draft SEIR	8	16	80	20	8	\$ 21,840	4	8		\$ 1,480	144.00	\$ 23,320
Task 2.5 Prepare Draft MMRP	1			4		\$ 840				\$ -	5.00	\$ 840
Task 2.6 Prepare Admin Draft Final SEIR (including response to comments)	20		60	24		\$ 18,000	4	4		\$ 980	112.00	\$ 18,980
Task 2.7: Prepare Final SEIR and NOD	4		20	10		\$ 5,660				\$ -	34.00	\$ 5,660
Task 3.0 CEQA Addendum VELB/Tree Removal	8	4	24	8	4	\$ 8,260		2		\$ 250	50.00	\$ 8,510
Task 4.0 State Permitting						\$ -				\$ -	-	\$ -
Task 4.1 - 401 Justification	4		6			\$ 1,920				\$ -	10.00	\$ 1,920
Task 4.2 - Streambed Alteration	6		40			\$ 7,840				\$ -	46.00	\$ 7,840
Task 4.3 - Delta Plan Consistency	4		28			\$ 5,440				\$ -	32.00	\$ 5,440
Task 4.4 - Incidental Take Permit	8	16	12	32	4	\$ 12,220	2	4		\$ 740	78.00	\$ 12,960
Optional Task 4.1a - 401 WQC	12		80			\$ 15,680	2	4		\$ 740	98.00	\$ 16,420
Optional Task 5.1 - Conduct Protocol-Level Surveys for Swainson's Hawk and Surveys for Nesting Birds Protected by the Migratory Bird Treaty Act		70		57		\$ 21,850				\$ -	127.00	\$ 21,850
Optional Task 5.2. Conduct Protocol-Level Surveys for Western Burrowing Owl		45		35		\$ 13,800				\$ -	80.00	\$ 13,800
Optional Task 5.3. Conduct Surveys for Roosting Bats		40				\$ 7,600				\$ -	-	\$ 7,600
Optional Task 5.4. Conduct Preconstruction Surveys for Giant Garter Snake		50				\$ 9,500				\$ -	-	\$ 9,500
Optional Task 5.5. Elderberry Survey and Transplantation Oversight		70				\$ 13,300				\$ -	70.00	\$ 13,300
Optional Task 5.6. Special-Status Plant Survey		30		10		\$ 7,200				\$ -	40.00	\$ 7,200
Optional Task 5.7. Conduct Worker Environmental Awareness Training		8				\$ 1,520				\$ -	8.00	\$ 1,520
	181	387	594	220	54	1436	32	46	-	78	1,424	
	\$ 43,440	\$ 73,530	\$ 95,040	\$ 33,000	\$ 7,290	\$ 252,300	\$ 3,840	\$ 5,750	\$ -	\$ 9,590		\$ 261,890
	12.7%	27.2%	41.7%	15.4%	3.8%	100.8%	2.2%	3.2%	0.0%	5.5%	106.3%	
	15.9%	26.8%	34.7%	12.0%	2.7%		1.4%	2.1%	0.0%			95.6%

Task 6 **ESA Labor Cost** \$ 261,890
Labor Cost + Expenses 3% \$ 12,123.70

Subtotal ESA Non-Labor Expenses \$ -

PROJECT TOTAL **\$ 274,014**



RESOLUTION NO. SJAFCA 21-12

**SAN JOAQUIN AREA
FLOOD CONTROL AGENCY**

=====

**AUTHORIZATION TO EXECUTE AMENDMENT NO. 2 TO CEQA
SUPPORT AGREEMENT WITH ENVIRONMENTAL SCIENCE
ASSOCIATES FOR EXTENDED SCOPE OF WORK FOR THE LOWER
SAN JOAQUIN RIVER CA-PROJECT – PHASE 1, TS_30_L**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SAN JOAQUIN
AREA FLOOD CONTROL AGENCY, AS FOLLOWS:

Authorize the Executive Director to:

1. Execute Amendment No. 2 to the consultant services agreement with Environmental Science Associates for the Lower San Joaquin River CA-Project – Phase 1, TS_30_L, in the amount of \$274,014 for extended scope of work to include environmental compliance documentation under the California Environmental Quality Act (CEQA).
2. Appropriate \$274,014 to fund the tasks covered in Amendment No. 2 with a not-to-exceed total contractual budget of \$323,314.

PASSED, APPROVED AND ADOPTED this 22nd day of July 2021.

CHUCK WINN, Chair
of the San Joaquin Area
Flood Control Agency

ATTEST:

CHRIS ELIAS, Secretary
of the San Joaquin Area
Flood Control Agency.

APPROVED AS TO FORM:

SCOTT L. SHAPIRO, Legal Counsel
for the San Joaquin Area
Flood Control Agency

Agenda Item 4.2

July 22, 2021

TO: San Joaquin Area Flood Control Agency

FROM: Chris Elias, Executive Director

SUBJECT: **AMENDMENT No. 2 OF TASK ORDER No. 1 WITH LARSEN WURZEL AND ASSOCIATES, INC. FOR PROJECT IMPLEMENTATION SUPPORT TO THE US ARMY CORPS ENGINEERS FOR THE LOWER SAN JOAQUIN RIVER CA-PROJECT (LSJRP PHASE 1)**

RECOMMENDATION

It is recommended the Board of Directors of the San Joaquin Flood Control Agency (SJAFCA or Agency) adopt a resolution authorizing the Executive Director to negotiate and execute an amendment No. 2 of Task Order No. 1 with Larsen Wurzel & Associates, Inc. in the amount of \$118,692 for implementation of the Lower San Joaquin River Project (LSJRP), Phase 1, which brings the total not-to-exceed contract value to \$214,212.

DISCUSSION

Background

The Lower San Joaquin River Project (LSJRP) was authorized by Congress in the American Water Infrastructure Act of 2018, providing flood risk reduction benefits to north and central Stockton. The LSJRP is a partnership between the U.S. Army Corps of Engineers (USACE), Central Valley Flood Protection Board (CVFPB), and SJAFCA.

In September 2020, USACE, CVFPB and SJAFCA signed a Project Partnership Agreement which marks the beginning of the Construction phase of the LSJRP. This has since led to the continued advancement of the first phase of design along the delta front's Ten Mile Slough between March Lane and White Slough, also known as Reach "TS_30_L."

As a project partner, SJAFCA is responsible working closely with USACE, as the design lead, to deliver the project. This effort includes participation in project delivery team meetings; design review; securing lands, easements, rights-of-way, relocations, and disposal/borrow areas (LERRD); local project cost sharing and budgeting; project reach planning; representing local interests; and coordinating with stakeholders.

Present Situation

Larsen Wurzel & Associates, Inc (LWA) was brought on in August 2020 to support project execution of the LSJRP for the following items:

(1) SJAFCA's on-going coordination with USACE on Preconstruction Engineering and Design (PED) activities,

AGENDA ITEM 4.2

(2) SJAFCA's negotiation and execution of a Project Partnership Agreement (PPA) with USACE and the associated Local Project Partnership Agreement with the California Department of Water Resources, and

(3) SJAFCA's transition from the design to the construction phase of the project.

The proposal for the Task Order amendment will provide for two separate items:

- a. an additional 12-months of project support during the Construction phase and includes a similar level of effort as that defined in the original Task Order.
- b. provide support to securing the reimbursement of \$5M in federal funds from the STOCKTON METROPOLITAN AREA, CALIFORNIA Project authorized by Section 211 of the Water Resources Development Act (WRDA) of 1996.

Prior budget of \$95,520 fell within the Executive Director's authorized limit. With the proposed 12-month effort, an additional \$118,692 brings the total not-to-exceed budget to \$214,212.

Next Steps

As a next step, staff recommends authorizing the Executive Director to negotiate and execute a Task Order amendment with LWA for a not-to-exceed budget of \$214,212 for:

1. an additional 12-months of project support during the Construction phase and includes a similar level of effort as that defined in the original Task Order.
2. provide support to securing the reimbursement of \$5M in federal funds from the STOCKTON METROPOLITAN AREA, CALIFORNIA Project authorized by Section 211 of the Water Resources Development Act (WRDA) of 1996.

FISCAL IMPACT

The proposed Task Order amendment falls within the current fiscal year 2021/2022 budget for LSJRP support.

Strategic Plan Consistency Analysis

The material found in this report is consistent with the Mission and Goals of the Board-adopted Strategic Plan, specifically Goal 1 to Plan for and Implement System Resiliency.



CHRIS ELIAS
EXECUTIVE DIRECTOR

Attachments

1. LWA amendment Proposal for a professional services agreement and Task Order amendment with Larsen Wurzel & Associates, Inc. for project management support to the Lower San Joaquin River Project (LSJRP), Phase 1.

LARSEN WURZEL
& Associates, Inc.

July 1, 2021

Mr. Chris Elias, Executive Director
San Joaquin Area Flood Control Agency
22 East Weber Avenue, Suite 301
Stockton, CA 95202

**Subject: Amendment No. 2 to Task Order No. 1 – US Army Corps of Engineers Flood Project (Phase 1)
Implementation Support – Proposal to Extend Phase 1 Support Services and Add
Reimbursement Support Services for Mosher Slough**

Dear Mr. Elias:

Larsen Wurzel & Associates, Inc. (LWA) is pleased to submit the attached proposed supplemental budget for continued assistance to the San Joaquin Area Flood Control Agency (SJAFA) on the Lower San Joaquin River Project (Project). This amendment proposes to extend the on-going construction phase support services (TASK 2) and add Mosher Slough reimbursement support services (TASK 3) from June 30, 2021, to June 30, 2022, as necessary to advance the Project.

Task Order No. 1 of the Consultant Services Master Agreement (Consultant Project No. 2005000) dated August 1, 2020, as amended, established a budget for approximately 11-months (August 2020 through June 2021) for design and construction phase support services. This amendment proposes an extension of the existing services for an additional 12-months to June 30, 2022. It also proposes including reimbursement support services for Mosher Slough for the same period as outlined in the attached scope of work and budget.

The estimated budget to provide the services described in this proposal for 12-months is \$118,692. This amendment would increase the value of Task Order No. 1 from \$95,520 to \$214,212. Services will be charged on an actual time and materials basis up to the identified not-to-exceed amount. LWA will send requests for payment to SJAFA monthly based upon the services delivered.

We appreciate the continued opportunity to support SJAFA in advancing the Lower San Joaquin River Project. If you agree with this proposed supplemental budget, please contact us regarding amending Task Order No. 1. Please let me know if you have any questions or comments regarding this proposal.

Sincerely,



Eric E. Nagy, PE
Principal
Larsen Wurzel & Associates, Inc.

SCOPE OF WORK & BUDGET

Task Order No. 1 - Amendment No. 2 US Army Corps of Engineers Flood Project (Phase 1) Implementation Support, Lower San Joaquin River Project

This amendment proposes a budget increase to continue implementation support for the Lower San Joaquin River Project, Phase 1. On August 1, 2020, LWA and SJAFCA executed Task Order No. 1 (TO #1) to support (1) SJAFCA's on-going coordination with USACE on Preconstruction Engineering and Design (PED) activities, (2) SJAFCA's negotiation and execution of a Project Partnership Agreement (PPA) with USACE and the associated Local Project Partnership Agreement with the California Department of Water Resources, and (3) SJAFCA's transition from the design to the construction phase of the project. The Consultant proposal attached to TO #1 included TASK 1 for Lower San Joaquin River Project (LSJRP) Design Phase Support which included Items 1 and 2 from the above list. TASK 2 is for LSJRP Construction Phase Support which included Item 3 from the list.

Amendment No. 1 to TO #1 was executed on March 16, 2021. It increased the TASK 1 budget for continued LSJRP Design Phase Support. It also included a more detailed description of the support activities necessary to deliver the first project increment (Site TS-30-L) through design and into construction as well as the support activities necessary to advance design for subsequent levee reaches.

This proposal for Amendment No. 2 to TO #1 recommends transitioning LSJRP support to TASK 2 and increasing the budget for an additional 12-months of support (July 1, 2021, to June 30, 2022). This continued support will be provided in a manner consistent with the scopes of work provided in the proposals for the original TO and Amendment No. 1. The recommendation to transition these services from TASK 1 to TASK 2 is based on the anticipated construction contract award date of February 2022. This proposal also recommends adding TASK 3 for Mosher Slough Reimbursement Support. This task would focus on assisting SJAFCA with securing the reimbursement of additional federal funds from the STOCKTON METROPOLITAN AREA, CALIFORNIA Project authorized by Section 211 of the Water Resources Development Act (WRDA) of 1996. This support will focus on the Lower Mosher Creek and Upper Calaveras River elements of the project through direction provided under Section 5055 of WRDA 2007. Examples of TASK 3 activities may include:

- Development and coordination of SJAFCA strategy to secure federal reimbursement
- Coordination with US Army Corps of Engineers (USACE) staff at Sacramento District
- Development of issue paper(s) or talking points, as necessary, to support SJAFCA engagement
- Review of and recommendations regarding USACE work products
- Coordination with SJAFCA consultants in Washington DC for vertical alignment
- Attendance at meetings with SJAFCA and its consultants, as requested

LWA's proposed budget for the services is presented in the following table. LWA's current rate sheet remains unchanged from that provided with the original proposal.

Project Implementation Support	Monthly Hours	Rate	Monthly Budget	Subtotal	Total
TASK 2 – LSJR Project – Construction Phase Support (12 months)					
Principal	6	\$229	\$1,374	\$16,488	
Senior Project Manager	24	\$218	\$5,232	\$62,784	
Senior Associate	4	\$177	\$708	\$8,496	
Analyst I	2	\$125	\$250	\$3,000	
Expenses			\$100	\$1,200	
					\$91,968
TASK 3 – Mosher Slough – Reimbursement Support					
Principal	2	\$229	\$458	\$5,496	
Senior Project Manager	8	\$218	\$1,744	\$20,928	
Expenses			\$25	\$300	
					\$26,724
Budget Augmentation – Amendment #2			\$9,891		\$118,692
Existing Budget Authorization					\$95,520
TOTAL PROPOSED AUTHORIZATION					\$214,212

RESOLUTION NO. SJAFCA 21-11

**SAN JOAQUIN AREA
FLOOD CONTROL AGENCY**

=====

**AUTHORIZATION TO EXECUTE AMENDMENT NO. 2 TO TASK ORDER NO.
1 OF THE MASTER SERVICES AGREEMENT WITH LARSEN, WURZEL &
ASSOCIATES, INC., FOR PROJECT IMPLEMENTATION SUPPORT TO THE
US ARMY CORPS ENGINEERS FOR THE LOWER SAN JOAQUIN RIVER
CA-PROJECT (LSJRP PHASE 1)**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SAN JOAQUIN AREA
FLOOD CONTROL AGENCY, AS FOLLOWS:

Authorize the Executive Director to:

1. Execute Amendment No. 2 to Task Order No. 1 of the Master Services Agreement with Larsen, Wurzel and Associates, Inc. for the Lower San Joaquin River CA-Project (LSJR), Phase 1, in the amount of \$118,692 for implementation support.
2. Appropriate \$118,692 to fund the tasks covered in Amendment No. 2 with a not-to-exceed total contractual budget of \$214,212.

PASSED, APPROVED AND ADOPTED this 22nd day of July 2021.

CHUCK WINN, Chair
of the San Joaquin Area
Flood Control Agency

ATTEST:

CHRIS ELIAS, Secretary
of the San Joaquin Area
Flood Control Agency.

APPROVED AS TO FORM:

SCOTT L. SHAPIRO, Legal Counsel
for the San Joaquin Area
Flood Control Agency

Agenda Item 4.3

July 22, 2021

TO: San Joaquin Area Flood Control Agency

FROM: Chris Elias, Executive Director

SUBJECT: **AMENDMENT No. 2 TO THE FUNDING AGREEMENT WITH DWR FOR SMITH CANAL GATE URBAN FLOOD RISK REDUCTION PROGRAM**

RECOMMENDATION

It is recommended that the Board of Directors of the San Joaquin Area Flood Control Agency adopt a resolution authorizing the Executive Director to accept the proposed amendment by the State Department of Water Resources (DWR), which allows the State to access funding for multi-benefit improvements from Proposition 68 (State of California Parks and Water Bond Act of 2018).

DISCUSSION

Background

On February 25, 2015, the SJAFCA Board authorized a submittal of an Urban Flood Risk Reduction (UFRR) concept proposal application to seek State funding for project construction.

A full application requesting 67% of construction costs was submitted in August 2015. The application was approved and on October 24, 2017, the UFRR grant was fully executed setting DWR's conditional cost-share at 63% of the project construction costs to a maximum amount of \$22,309,666. The grant also required that an IPE review be conducted on a regular schedule sufficient to gather information on the adequacy, appropriateness, and acceptability of the design and construction activities to assure public health, safety and welfare.

On February 21, 2019, DWR conditionally committed up to \$13,562,092 of additional funding for the State's share to complete the project. This additional funding will cover the modifications suggested by the IPE that required changes to the design which were not reasonably foreseeable at the time the UFRR grant was executed. This additional funding has brought the State's share for the UFRR grant to \$35,871,758. Consequently, the total State contribution for the project through the EIP and UFRR grants total \$38,284,258 (EIP: \$2,412,500 + UFRR: \$35,871,758).

Present Situation

The State funding provided for the construction of the Smith Canal Gate project was exclusively under the Proposition 1E (Flood System Repair Project of the California Disaster Preparedness and Flood Prevention Bond Act of 2006), the State proposed amendment changes contractual language allowing State to access funding for multi-benefit improvements from Proposition 68 (The California Drought, Water, Parks, Climate, Coastal Protection and Outdoor Access for All Act of 2018) per attach.

Therefore, it is recommended that the Board accept the amendment request by the State.

FINANCIAL SUMMARY

There is no current fiscal impact from this amendment.

PREPARED BY: Juan Neira



APPROVED:
CHRIS ELIAS
EXECUTIVE DIRECTOR

CE:JJN:dc

STATE OF CALIFORNIA
THE NATURAL RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES

Amendment No. 2

To

FUNDING AGREEMENT

BETWEEN

THE STATE OF CALIFORNIA DEPARTMENT OF WATER RESOURCES

AND THE

SAN JOAQUIN AREA FLOOD CONTROL AGENCY

FOR THE

SMITH CANAL GATE

**FUNDED UNDER THE
URBAN FLOOD RISK REDUCTION PROGRAM**

OF

**THE CALIFORNIA DISASTER PREPAREDNESS AND FLOOD PREVENTION BOND ACT OF 2006 AND
THE CALIFORNIA DROUGHT, WATER, PARKS, CLIMATE, COASTAL PROTECTION, AND OUTDOOR
ACCESS FOR ALL ACT OF 2018**

Amendment Number 2 to Agreement No. 4600012026, entered into by and between the State of California, acting by and through the Department of Water Resources, herein referred to as the "State" and the San Joaquin Area Flood Control Agency, herein referred to as "SJAFA", a public agency in the County of San Joaquin, State of California, duly organized, existing, and acting pursuant to the laws thereof, herein referred to as the "Funding Recipient," which parties do hereby agree as follows:

- A. This Amendment will modify page 4 adding the following text after the eighth line of text that reads "2006" to add "AND THE CALIFORNIA DROUGHT, WATER, PARKS, CLIMATE, COASTAL PROTECTION, AND OUTDOOR ACCESS FOR ALL ACT OF 2018" and to add at the end of the immediately succeeding legal citation "; 80000 et seq."

- B. This Amendment will add the definition of "Associated Ecosystem Restoration Project" on page 4 as follows:

"Associated Ecosystem Restoration Project." A Project associated with a flood control Project which is (1) being cost-shared (with non-Cal. Pub. Res. Code Section 5096.821 and/or Section 80145 funds) by the State, (2) not necessary for the flood control project, (3) closely linked to the flood control project, and (4) is for the improvement of a natural system and landscape features including, but not limited to, a project for the control of erosion, the control and elimination of exotic species, including prescribed burning, fuel hazard reduction, fencing out threats to existing or restored natural resources, road elimination, and other plant and wildlife habitat improvement to increase the natural system value of the property. An Associated Ecosystem Restoration Project shall include the planning, monitoring, and reporting necessary to ensure successful implementation of objectives.

- C. This Amendment will modify the first sentence of Paragraph 1 as follows:

This funding is made available by State to Funding Recipient to assist in financing an Urban Flood Risk Reduction Program Project under the State-Federal Flood Control System Modification Program pursuant to Chapter 1.699 (commencing with Section 5096.800) of Division 5 and Chapter 11.5 of Division 46 of the California Public Resources Code.

- D. This Amendment will modify Paragraph 5 as follows:

LIMIT ON STATE FUNDS. Pursuant to the California Disaster Preparedness and Flood Prevention Bond Act of 2006 (Proposition 1E), to the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018 (Proposition 68), and subject to the availability of funds, including any

mandates from the Department of Finance, the Pooled Money Investment Board ("PMIB") or any other state authority, the State will provide to Funding Recipient in accordance with the terms of this Funding Agreement for the estimated State cost share an amount not to exceed \$35,871,758 except as provided in Paragraph 29. The State will not make payments of any kind -- advances or reimbursements -- until funding is made available by the State Treasurer, after allocation decisions are made by the Pooled Money Investment Board and Department of Finance. Funding recipients will only be entitled to State funds for Eligible Project Costs, as defined in Paragraph 7, and calculated in accordance with the cost sharing provisions in Paragraph 8.

- E. This Amendment will modify the third sentence of Paragraph 12 as follows:

State shall have no obligation to disburse money under this Funding Agreement unless and until the disbursement is in accordance with requirements of the Propositions 1E and 68 and:

- F. This Amendment will modify Paragraph 32 as follows:

FUNDING RECIPIENT COMMITMENTS. Funding Recipient accepts and agrees to comply with all terms, provisions, conditions, and commitments of this Funding Agreement, including all incorporated documents, and to fulfill all assurances, declarations, representations, and statements made by Funding Recipient in the application, documents, amendments, and communications filed in support of Its request for California Disaster Preparedness and Flood Prevention Bond Act of 2006 and California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018 financing.

- G. This Amendment will modify Exhibit B, Paragraph B-5 to add the following text at the end of the first paragraph:

If an audit reveals any impropriety, the Bureau of State Audits or the State Controller's Office may conduct a full audit of any or all of the Funding Recipient's activities. The Funding Recipient agrees it shall return any audit disallowances to the State.

- H. This Amendment will modify the first sentence of Exhibit B, Paragraph B-25 as follows:

During the performance of this Funding Agreement, Funding Recipient and its contractors, consultants and subcontractors shall not unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment because of sex, sexual orientation, gender identity, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), mental disability, medical condition (cancer), age (over 40), marital status, and denial of family care leave.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. 2 to the Funding Agreement.

STATE OF CALIFORNIA DEPARTMENT
OF WATER RESOURCES

FUNDING RECIPIENT

By: _____
Jeremy Arrich, Chief
Division of Flood Management

By: _____
Chris Elias, Executive Director
San Joaquin Area Flood Control Agency

Date: _____

Date: _____

Approved as to Legal Form and Sufficiency:

Approved for Legal Form and Sufficiency:
Funding Recipient Counsel

By: _____
Robin E. Brewer
Assistant Chief Counsel
Department of Water Resources

By: _____
Scott Shapiro
Agency Counsel
San Joaquin Area Flood Control Agency

Date: _____

Date: _____

RESOLUTION NO. SJAFCA 21-13

**SAN JOAQUIN AREA
FLOOD CONTROL AGENCY**

=====

**AUTHORIZATION TO EXECUTE AMENDMENT NO. 2 TO FUNDING
AGREEMENT WITH THE STATE OF CALIFORNIA, DEPARTMENT OF
WATER RESOURCES, WHICH ALLOWS THE STATE TO ACCESS
FUNDING FOR MULTI-BENEFIT IMPROVEMENTS TO THE PROJECT
FROM PROP. 68 FOR THE SMITH CANAL GATE URBAN FLOOD RISK
REDUCTION PROGRAM**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SAN JOAQUIN
AREA FLOOD CONTROL AGENCY, AS FOLLOWS:

Authorize the Executive Director to:

1. Execute Amendment No. 2 to the funding agreement with the State of California, Department of Water Resources (DWR), which allows DWR to access funding for the Multi-benefit Improvements to the Smith Canal Gate UFRF project, from The California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018 (Proposition 68).

PASSED, APPROVED AND ADOPTED this 22nd day of July 2021.

CHUCK WINN, Chair
of the San Joaquin Area
Flood Control Agency

ATTEST:

CHRIS ELIAS, Secretary
of the San Joaquin Area
Flood Control Agency.

APPROVED AS TO FORM:

SCOTT L. SHAPIRO, Legal Counsel
for the San Joaquin Area
Flood Control Agency

Agenda Item 5.1

TO: San Joaquin Area Flood Control Agency

FROM: Chris Elias, Executive Director
Seth Wurzel, LWA, Financial Consultant

SUBJECT: **MOSSDALE TRACT AREA PROGRAM STATUS UPDATE**

RECOMMENDATION

It is recommended the Board of Directors of the San Joaquin Area Flood Control Agency (Agency) receive an informational briefing on the status of the Mossdale Tract Area Program.

DISCUSSION

Background

The Agency's efforts to advance an Urban Level of Protection (ULOP) for the Mossdale Tract Area are progressing on multiple fronts. The Agency's Board of Directors has received multiple presentations regarding the status of different facets of the Mossdale Tract Area Program (Mossdale Tract Program), most recently in May 2021 with a presentation focusing on efforts to evaluate alternatives for the extension of the Manteca Dryland Levee. Prior to that update in March 2021, the Board received a more general presentation regarding the Mossdale Tract elements of the Regional Flood Management Planning program. Staff will use this opportunity to provide an informational briefing to the Board regarding the overall Mossdale Tract Program and a look-ahead set of actions that staff will be presenting to the Board through the remainder of 2021.

Present Situation

Staff will provide an overview and status update of the following aspects of the Mossdale Tract Program:

- Adequate Progress & Financing Plan Implementation for improvement of the Reclamation District (RD) 17 levees;
- Urban Flood Risk Reduction Feasibility Study in fulfillment of the State Grant Funded Efforts to improve the RD 17 levees; and
- Lower San Joaquin River Project (Phase II) in support of federal interest to improve the RD 17 levees.

Adequate Progress & Financing Plan Implementation

This aspect entails the Agency's efforts to ensure that the Land Use Agencies in the Mossdale Tract Area can maintain their respective findings of Adequate Progress toward compliance with the requirements of Senate Bill 5 – SB 5 (2007). To demonstrate compliance with the requirements of SB 5, the Local Flood Management Agency (in this case SJAFCA) must annually report to the Central Valley Flood Protection Board on the status of their efforts to achieve the required urban level of flood protection (ULOP) for the Mossdale basin. Since

AGENDA ITEM 5.1

MOSSDALE TRACT AREA PROGRAM STATUS UPDATE

2018, the Agency has prepared Annual Adequate Progress Reports and most recently, on June 29, 2021, staff submitted the 2021 Annual Report to the CVFPB. The 2021 Annual Report can be found on the Agency's website here: <https://www.sjafca.org/projects/mosssdale-tract>.

The report details both the activities of RD 17, as it is advancing the levee seepage repair project, and of SJAFCA to plan and finance the required improvements needed to ensure the levees conform to Urban Levee Design Criteria.

The 2021 Annual Report reflects the following changes from prior reports –

- *Climate Adaptation* - As a result of SJAFCA's adoption of Resolution 19-06, *Policy on Adapting Design Standards for the Mosssdale Tract Area of SAJFCA in Light of Climate Change*, the 2021 Annual Adequate Progress reflects an updated project that addresses additional improvements needed to conform to the adopted SJAFCA Climate Adaptation Policy. The 2021 Annual Report presents SJAFCA's addendum to the Engineer's Report that contains the supporting evidence required for Adequate Progress. The costs of the program have been updated and the financing plan presented in the 2021 Annual Report has been updated to reflect both the increased costs and new 2028 deadline to complete the project.
- *AB 838* – As previously reported to the Board, with the passage of AB 838 signed into law by the Governor, the deadline to complete the required improvements and provide ULOP has been extended from 2025 to 2028. The 2021 Annual Report is reflective of this new deadline and the supporting financing plan has been conformed around this deadline.
- *Updated Financing Plan* – The financing plan for the project has been updated to reflect the above two factors and, as result, numerous changes are reflected that impact the projected amount of revenues to come from the three planned funding mechanisms which are:
 - *Development Impact Fee* – The plan now reflects in a proposed increase in the current fee rate.
 - *Overlay Assessment District* – The plan now reflects a new assessment district that would generate \$7.5 million per year.
 - *Enhanced Infrastructure Financing District* – The plan now reflects an updated approach that would shift the cap of the gross amount of property tax revenues allocated to the EIFD overtime.

The implementation of the financing plan is advancing. Currently, staff has developed the following key milestones for Board interaction on implementation as follows:

- Update to the Regional Levee Impact Fee – October 2021
- Adoption of a Resolution of Intention to form the proposed Overlay

MOSSDALE TRACT AREA PROGRAM STATUS UPDATE

Assessment District – November 2021

- Adoption of Resolution of Intention for form the proposed EIFD by action of SJAFCA's Member's Agencies – October / November 2021 with a first EIFD Financing Authority Meeting in January 2022.

The above timeframes represent an aggressive schedule to advance implementation of the funding program. The critical completion date for the implementation of the funding mechanisms is August 2022 when the secured property tax rolls of the County are finalized, and all direct charges must be submitted to the County Auditor for collection on FY 2022/23 property tax bills. As such, FY 2021/22 will be a very busy of activity for the implementation of the funding mechanisms needed for the Mossdale Program.

Urban Flood Risk Reduction Feasibility Study / State Grant Funded Efforts

SJAFCA and the Department of Water Resources (DWR) have worked in partnership over the past four years on the Mossdale Urban Flood Risk Reduction (UFRR) study. Through extensive analysis and close coordination throughout the study, SJAFCA and DWR have now arrived at a range of alternatives and a preferred alternative, or Preferred Plan, that is presented in the final Mossdale UFRR study report which was delivered to DWR on June 18, 2021.

As of April 1, 2021, the UFRR funding agreement between SJAFCA and DWR has approximately \$4.0 million in remaining State funds following completion of the study report. DWR management has now indicated that they will release these remaining funds to SJAFCA. These additional funds in the agreement provide funding at a 50% cost share match. A large portion of the local cost share match has already been provided as work-in-kind by the locals as a result of work completed by the Cities of Lathrop and Manteca to advance the required engineering analyses identifying levee deficiencies. As result, the remaining out of pocket costs to be funded is approximately \$3.65 million.

The remaining funds will primarily be used to complete a CEQA analysis on the Preferred Plan identified in the UFRR study and to complete additional planning analyses needed to advance the project towards implementation.

Initial CEQA efforts for the Manteca Dryland Levee have already been advanced by SJAFCA ahead of the UFRR study completion and are currently in progress. The dryland levee efforts will be coordinated with the overall planning under the UFRR grant to ensure consistency. SJAFCA will also work to obtain reimbursement from the UFRR grant for the work already completed on the dryland levee analyses.

Work on this next phase of the UFRR grant is set to begin immediately following execution of a funding agreement amendment with DWR. The schedule for this remaining effort is aggressive as the term of the grant agreement and the requirements on expenditure of

MOSSDALE TRACT AREA PROGRAM STATUS UPDATE

Proposition 1E bonds funds requires all billing on the UFFR Study project to be completed by December 2022.

To meet this December 2022 deadline, SJAFCA staff are currently working to develop a detailed scope for the remaining effort under the UFRF grant and are securing resources to carry out this scope.

Lower San Joaquin River (Phase II) Project

The study area designated in Phase II (Mosssdale Tract) was originally intended for incorporation as part of a single, unified LSJR Feasibility Study (LSJRFS). However, several years ago, the Corps signaled a concern that the Mosssdale Tract area may potentially lie within a 100-year (base) floodplain, depending upon how that floodplain is defined. If so, Executive Order 11988 would apply, where US Army Corps of Engineers (USACE) policy is “to formulate projects which, to the extent possible, avoid or minimize adverse impacts associated with use of the base floodplain and avoid inducing development in the base floodplain unless there is no practicable alternative.”

Several years have passed since the E.O. 11988 issue was raised by USACE, and to date, the agency has yet to make a determination on this question. This resulted in the exclusion of the Mosssdale Tract area from the LSJRFS Selected Plan (colloquially known as Phase I).

Urgency to advance the LSJRFS Phase II is further compounded by a 2007 California State law (SB 5) which requires a 200-year level of flood protection for Mosssdale Tract by 2028. This is made more difficult by new, challenging hydrological data that indicates San Joaquin River flows will triple upstream of Mosssdale Tract. In addition, the Veterans Administration broke ground on a new hospital in 2019 in the LSJRFS Phase II area. Construction, overseen by the USACE Sacramento District, is proceeding without the benefit of study data and completion. Therefore, it is critical that a Phase II study be continued to examine flood mitigation proposals for this highly populated, at-risk area as recommended by Chief of Engineers and the U.S. Congress.

In the recent weeks, Senators Dianne Feinstein and Alex Padilla, and Representative Jerry McNerney have submitted the Mosssdale Tract Project as one of their candidate projects for Congressionally-Directed projects to the relevant Congressional Subcommittees on behalf of SJAFCA. While submission of the Mosssdale Project is a promising development, it is not necessarily a guarantee that the project funding will be in the FY22 appropriations to be passed by both houses of Congress.

FISCAL IMPACT

This is an informational item only. There is no net budgetary impact as a result of the Board's

MOSSDALE TRACT AREA PROGRAM STATUS UPDATE

consideration of staff's presentation.

Strategic Plan Consistency Analysis

The material found in this report is consistent with the Mission, Goals, Objectives and Priority Actions of the Board-adopted Strategic Plan, specifically –

- Goal 1 - Plan for and Implement System Resiliency.
- Objective 1 - Deliver projects and programs consistent with State and Federal Regulatory Requirements.
- Actions 6 & 7 –
 - Action 6: Achieve 200-Year level of protection in the Mosssdale Tract Area by 2025 (note, the regulatory requirement here has been extended to 2028), and present adequate progress reporting until improvements are complete.
 - Action 7: Update project development plans to account the Climate Change Adaptation Policy for Mosssdale based on current climate information by 2020; continue evaluating program for the adaptation policy in light of future climate information.



CHRIS ELIAS
EXECUTIVE DIRECTOR

**End of
Agenda Packet**