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BOARD OF DIRECTORS

City of Stockton Kimberly Warmsley Dan Wright, Chair Alt. Susan Lenz	<u>Public Member</u> Mike Morowit	San Joaquin County Katherine M. Miller Chuck Winn Alt. Tom Patti
<u>City of Manteca</u> Gary Singh, Vice-Chair Charlie Halford	Executive Director Chris Elias	<u>City of Lathrop</u> Paul Akinjo Diane Lazard

BOARD MEETING – In Person Council Chamber – City Hall 425 N. El Dorado Street, Stockton

THURSDAY, APRIL 21, 2022 9:00 A.M.

- 1. CALL TO ORDER / ROLL CALL
- 2. PLEDGE TO FLAG
- 3. CONSENT ITEMS
 - 3.1) Approve Minutes from the March 17, 2022, Board Meeting

4. NEW BUSINESS

4.1) Approve Amendment No. 3 to the Funding Agreement with the California Department of Water Resources for Mossdale Urban Flood Risk Reduction Project (Reclamation District 17 Phase 4 Levee Improvements)

5. BRIEFINGS

- 5.1) Receive an Informational Briefing on the issuance of a Notice of Preparation for preparation of an Environmental Impact Report (EIR) for the Mossdale Urban Flood Risk Reduction Project
- 5.2) Informational briefing on the opportunity to enter into a Memorandum of Understanding for an Inter-Basin Transfer of Federal Credits to advance the Lower San Joaquin River Project

- 6. ORAL REPORT FROM EXECUTIVE DIRECTOR
- 7. PUBLIC COMMENTS
- 8. BOARD QUESTIONS, COMMENTS, ACTIONS
- 9. CLOSED SESSION
 - 9.1) Dominick Gulli v. San Joaquin Area Flood Control Agency Case No. STK-CV-UWM-2015-0011880

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 MARCH 17, 2022

STOCKTON, CALIFORNIA

1. CALL TO ORDER / ROLL CALL 9:05 AM

Roll Call

Present:

Absent:

Director Akinjo

Director Warmsley

Director Halford Director Lazard

Director Miller

Director Morowit
Director Singh

Director Winn

Director Wright

2. PLEDGE TO FLAG 9:05 AM

3. CONSENT ITEMS 9:06 AM

3.1) Approve Minutes from the February 17, 2022, Board meeting

PUBLIC COMMENT

None.

Motion: To

To approve Minutes from the February 17, 2022, Board meeting

Moved by:

Director Morowit, Seconded by Director Singh

Vote:

Motion carried 7-0

Yes:

Director Halford, Director Lazard, Director Miller, Director Morowit, Director Singh,

Director Winn, Director Wright

Absent:

Director Warmsley

Abstain:

Director Akinjo

4. NEW BUSINESS 9:07 AM

4.1) Organizational Planning – Strategic Plan Update 2022

PUBLIC COMMENT

None.

Motion:

To approve the 2022 Strategic Plan Update Director Miller, Seconded by Director Halford

Moved by: Vote:

Motion carried 8-0

Yes:

Director Akinjo, Director Halford, Director Lazard, Director Miller, Director Morowit,

Director Singh, Director Winn, Director Wright

Absent:

Director Warmsley

4.2) Mossdale Tract Regional Levee Impact Fee Program Update

PUBLIC COMMENT

None.

Motion: To approve the Mossdale Tract Regional Levee Impact Fee

Moved by: Director Akinjo, Seconded by Director Miller

Vote: Motion carried 8-0

Yes: Director Akinjo, Director Halford, Director Lazard, Director Miller, Director Morowit,

Director Singh, Director Winn, Director Wright

Absent: Director Warmsley

4.3) Approval of Task Order Amendment for Implementation of the Mossdale Tract Area Urban Level of Flood Protection (ULOP)

PUBLIC COMMENT

None.

Motion: To approve the Task Order Amendment for Implementation of the Mossdale Tract

Area Urban Level of Flood Protection (ULOP)

Moved by: Director Morowit, Seconded by Director Halford

Vote: Motion carried 8-0

Yes: Director Akinjo, Director Halford, Director Lazard, Director Miller, Director Morowit,

Director Singh, Director Winn, Director Wright

Absent: Director Warmsley,

BRIEFINGS 10:27 AM

PUBLIC COMMENT

None.

6. ORAL REPORT FROM EXECUTIVE DIRECTOR 10:30 AM

6.1) Public Outreach and Feedback on the Mossdale Tract Overlay Assessment District

Discussed during Agenda Item 4.2, with Chair Wright's approval.

PUBLIC COMMENT

None.

7. PUBLIC COMMENTS 10:35 AM

PUBLIC COMMENT

- Dominick Gulli shared public comments during the meeting for all to hear.
- 8. BOARD QUESTIONS, COMMENTS, ACTIONS 10:37 AM

PUBLIC COMMENT

None

9. CLOSED SESSION 10:38 AM

PUBLIC COMMENT

- None
- 9.1) Dominick Gulli v. San Joaquin Area Flood Control Agency Case No. STK-CV-UWM-2015-0011880
 - Report Out from Closed Session: No action taken; nothing to report.
- 9.2) Public Employment Pursuant to Government Code Section 54957(b)
 - Report Out from Closed Session: Nothing to report; the item has concluded and will not appear on further agendas.

10. ADJOURNMENT 10:59 AM

The meeting adjourned at 10:59 AM. The next meeting is scheduled for April 21, 2022, at 9:00 AM.

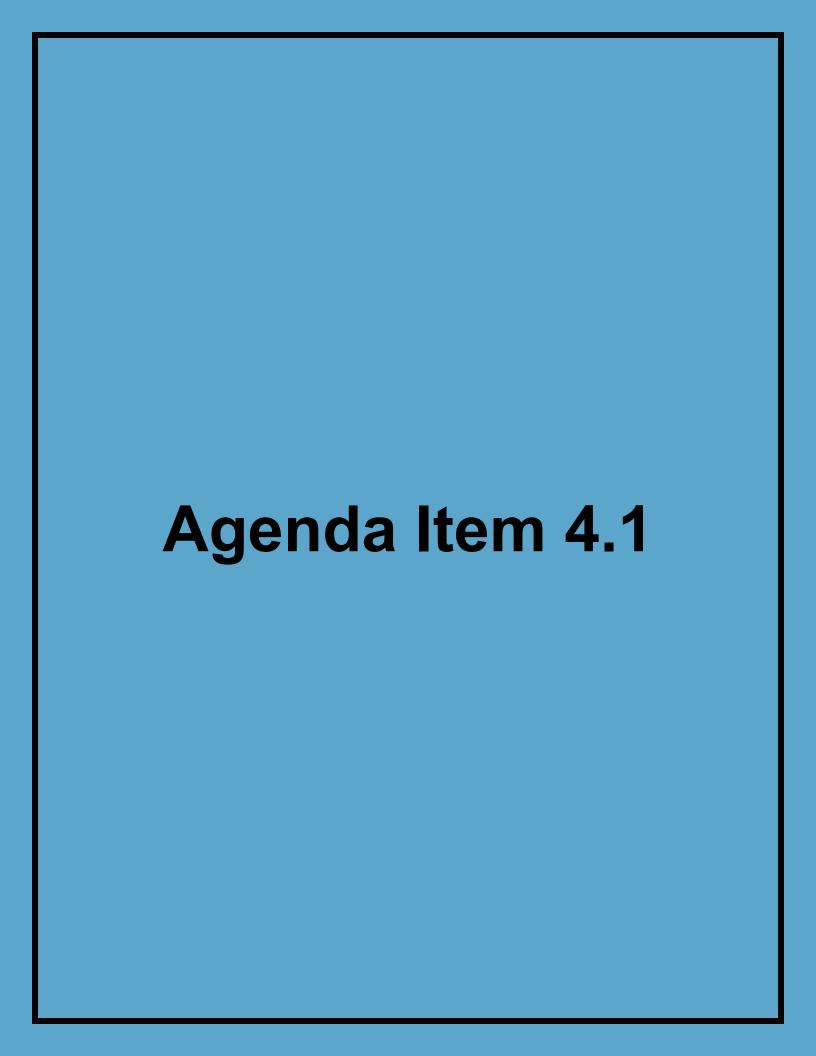
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CHRIS ELIAS

EXECUTIVE DIRECTOR SAN JOAQUIN AREA FLOOD

CONTROL AGENCY

March 17, 2022 SJAFCA Meeting Minutes



TO:

San Joaquin Area Flood Control Agency

FROM:

Chris Elias, Executive Director

SUBJECT:

AMENDMENT No. 3 TO THE FUNDING AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF WATER RESOURCES FOR MOSSDALE TRACT AREA

URBAN FLOOD RISK REDUCTION PROJECT

RECOMMENDATION

Recommend that the Board of Directors of the San Joaquin Area Flood Control Agency (SJAFCA) adopt a resolution authorizing the Executive Director to execute Amendment No. 3 to the funding agreement for the Mossdale Tract Area Urban Flood Risk Reduction Project (Mossdale UFRR Project) as requested by the State of California Department of Water Resources (DWR) for the release of additional funds provided to the project by the Urban Flood Risk Reduction Program of the California Disaster Preparedness and Flood Prevention Bond act of 2006.

DISCUSSION

Background

SJAFCA and DWR have worked in partnership over the past four years on the Mossdale UFRR Project. Through extensive analysis and close coordination throughout the study, SJAFCA and DWR arrived at a range of alternatives and a preferred alternative, or Preferred Plan, that is presented in the final Mossdale UFRR study report dated September 16, 2021. With completion of the Phase 1 (Study), DWR indicated a willingness to release the remaining funds associated with Phase 2 (CEQA) and Phase 3 (Preliminary Design) of the agreement to SJAFCA.

The original agreement, titled Reclamation District 17 Phase 4 Levee Improvements, established a \$10m budget for three phases of work (Study, CEQA, and Preliminary Design) for the Mossdale UFRR Project. This funding is cost shared 50/50 between DWR and SJAFCA. A large portion of the local cost share match was provided as work-in-kind as a result of work completed by the Cities of Lathrop and Manteca to advance the required engineering analyses identifying levee deficiencies.

Approximately, \$4m of the \$10m budget was previously allocated to complete Phase 1 (Study). The remaining funds (\$6m) will primarily be used to complete Phase 2 CEQA analysis and documentation and continue Phase 3 preliminary design on the Preferred Plan identified in the Mossdale UFRR Study. The Board previously authorized consultant service contracts to advance activities for Phase 2 (CEQA) during the October 2021 Board Meeting and Phase 3 (Preliminary Design) during the January 2022 Board Meeting.

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.

Amendment No. 3 to the Funding Agreement

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

Present Situation

SJAFCA and DWR have agreed on a detailed scope, budget, and schedule for use of the remaining funds to (1) complete a CEQA analysis on the preferred alternative identified in the Mossdale UFRR Study, and (2) complete additional planning and preliminary design activities needed to advance the proposed project towards implementation.

To allow for the appropriate processing and release of additional funding for the Mossdale UFRR Project, DWR needs to amend the existing language in the funding agreement for the Mossdale UFRR Project as shown on Attachment 1.

FISCAL IMPACT

If approved by the Board of Directors, staff would execute Amendment No. 3 to the Funding Agreement which would allow DWR to fund 50% of the CEQA analysis and documentation and additional planning and preliminary design activities described in Exhibit A of the attached amendment.

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, Goal 1 - Plan for and Implement System Resiliency.

- Objective 1 Deliver projects and programs consistent with State and Federal Regulatory Requirements.
 - o Action 6: Achieve 200-Year level of protection in the Mossdale Tract Area by 2028.

Attachments

1. Amendment No. 3 to the Funding Agreement Between the State of California Department of Water Resources and the San Joaquin Area Flood Control Agency for the Mossdale Tract UFRR Study.

CHRIS ELIAS

EXECUTIVE DIRECTOR

STATE OF CALIFORNIA THE NATURAL RESOURCES AGENCY DEPARTMENT OF WATER RESOURCES

Amendment No. 3

To

FUNDING AGREEMENT

BETWEEN

THE STATE OF CALIFORNIA DEPARTMENT OF WATER RESOURCES

AND THE

SAN JOAQUIN AREA FLOOD CONTROL AGENCY

FOR

Reclamation District 17 Phase 4 levee Improvements

FUNDED UNDER THE URBAN FLOOD RISK REDUCTION PROGRAM

OF

THE CALIFORNIA DISASTER PREPAREDNESS AND FLOOD PREVENTION BOND ACT OF 2006

Amendment No. 3 to the Agreement, 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, 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," do hereby agree as follows:

- A. Exhibit "A", attached hereto, is hereby amended to reflect the changes in Phase 2-CEQA Document and Phase 3 Preliminary Design of the Overall Project Work Plan and Budget,
- B. Funding Agreement, page 44 of 61, Exhibit "B" Article "A-1-A", attached hereto, is hereby amended to reflect the changes in Overall Project Budget,
- C. Funding Agreement, pages 46 and 47 of 61, Exhibit "C" Article "A-1-B", attached hereto, is hereby amended to reflect the changes in Overall Project Schedule,
- D. All other terms and conditions of Funding Agreement Number 4600011771, including Amendment 1 and 2, shall remain the same.

IN WITHNESS WHEREOF, the parties hereto have executed this Amendment No. 3 to the Funding Agreement.

STATE OF CALIFORNIA DEPARTMENT OF WATER RESOURCES	FUNDING RECIPIENT
By: Jeremy Arrich, Manager Division of Flood Management	By: Chris Elias Executive Director
Date:	Date:
Approved as to Legal Form and Sufficiend	cy: Approved as to Legal Form and Sufficiency Funding Recipient Counsel
By: Robin E Brewer, Assistant General Counsel Office of the General Counsel	By: Scott Shapiro Legal Counsel
Date:	Date:

EXHIBIT A

PHASE 1 (STUDY)

Element 5 - Risk Assessment

Task 1 – Screening Level Life Safety Risk Assessment

The USACE has developed estimates of the existing life safety risk for those residing / operating within the Reclamation District 17 (RD 17) levee system boundary and compare the associated risk with multiple future non-Federally developed project conditions. The future with project conditions will extend and otherwise improve the existing line of protection as well as consider planned development and climate change. The goal of this work is to determine how the corresponding development and/or climate change in the future with project condition would change life risk and overall levee safety risk. Assessment will include:

- Develop a levee breach model
- Consequence model data collection and development
- Consequence model reporting
- Risk assessment and calculations
- Emergency responder consequence expert elicitation

PHASE 1, ELEMENT 5, TASK 1 DELIVERABLE(S): Simplified Semi-Quantitative Risk Assessment Report.

Element 6 – Financial Planning

Task 1 – Mossdale Financial Plan Update

Develop updates to Financial Plan for the Mossdale Tract Program to reflect refinements of the project scope and schedule based on information received through the environmental review and preliminary design process. The scope includes an updated total project cost estimate, implementation schedule, cash flow model, cost-sharing assumptions, and other supporting financial analyses necessary to facilitate project delivery in conjunction with federal and/or state partners.

PHASE 1, ELEMENT 6, TASK 1 DELIVERABLE(S): Mossdale UFRR Project Financial Plan Technical Memorandum (TM).

PHASE 2 (CEQA)

Element 1 – CEQA Management

Task 1 – Grant Agreement Project Management

Manage activities associated with grant agreement administration during Phase 2 California Environmental Quality Act (CEQA) analysis. Activities may include:

- Maintain auditable contracts and financial records associated with the execution of tasks identified in this grant agreement scope of work.
- Prepare, review, and coordination of quarterly reports and progress payments for approval by the State of California.
- Coordinate with the State of California regarding grant agreement maintenance, management, modification, and/or closeout.
- Support financial audits conducted in association with execution of this grant agreement, as requested.

Task 2 – CEQA Project Management

Manage activities associated with execution of the technical tasks necessary to complete the Phase 2 CEQA analysis. Activities may include:

- Develop and maintain project scope, schedule, and budget for overall management of the CEQA analysis as well as internal and external reporting.
- Develop, negotiate, execute, and maintain consultant contracts necessary to execute the accepted scope of work.
- Facilitate team meeting including the preparation of meeting agendas, handouts, and meeting summaries, as needed, to ensure project progress.
- Prepare and deliver staff reports, presentations, and project materials, as necessary, to communicate project progress in public meetings
- Attend federal, state, or locally sponsored meetings to gather feedback on project scope or communicate project status.

PHASE 2, ELEMENT 1, TASK 1 and 2 DELIVERABLE(S): Quarterly Reports, Progress Payment Requests, and Team Meeting Agendas and Summaries.

Element 2 – Environmental Analysis & Documentation

The San Joaquin Area Flood Control Agency (SJAFCA) prepared the Draft Mossdale Tract Area, Urban Flood Risk Reduction (UFRR) Study report, dated September 16, 2021. The Mossdale Tract area includes urban portions of Stockton, Lathrop, Manteca, and areas of unincorporated San Joaquin County that are protected by the RD 17 levee system. The UFRR Study identified Alternative 4a as the preferred alternative. Alternative 4a includes the following components: levee improvements (flood risk reduction

components), multi-benefit components (including ecosystem improvements), limitations on development for wise use of the floodplain), and residual risk management actions.

The scope of work is to prepare an Environmental Impact Report (EIR), in accordance with CEQA Guidelines, for the proposed UFRR project (proposed project). This scope of work will assume that the proposed project to be evaluated in the EIR is Alternative 4a. This scope of work will also assume that up to two variants, which include the same general types of flood risk reduction and multi-benefit components as those proposed under the proposed project, will be evaluated at an equal level.

The flood risk reduction components will be developed with enough detail to evaluate at a project-level in this EIR. Each restoration or recreation site identified in the UFRR study (as part of the multi-benefit component) will be further evaluated in coordination with DWR to determine the proper level of treatment in the EIR. Sites already approved as part of other local planning processes may be incorporated into the EIR. Sites not previously approved or for which no or insufficient design detail exists will be developed to a conceptual level and evaluated at a program-level in the EIR. Sites where a preliminary-level of design is completed may be evaluated at a project-level in the EIR, as time permits.

Task 1 – Project Description

Prepare a draft project description that will describe the project components for use in the Notice of Preparation (NOP) and the Administrative Draft EIR. The project description will include a description of not only the proposed project but the two project variants to be analyzed in the Draft EIR at an equal level based on information provided by the engineering team. The project description will also describe construction and operation and maintenance (O&M) activities associated with the proposed flood risk reduction components. Details provided by the engineering team will be incorporated including footprints, staging areas, equipment use (e.g., hours/day or hours/phase), construction schedule & phasing, material quantities, number of haul-truck trips, workforce data, and other specific construction. Descriptions of the multi-benefit components will incorporate information developed as part of this agreement.

PHASE 2, ELEMENT 2, TASK 1 DELIVERABLE(S): No Independent Deliverable (Integrated with Phase 2, Element 2, Task 5).

Task 2 – Reconnaissance-level Restoration and Recreation Planning

Develop conceptual restoration and recreation elements to be included in the multi-benefit component of the proposed project. The restoration and recreation elements currently assumed to include:

- 18 restoration sites (UFRR Study Alternative 4a plus five alternative sites)
- Recreation sites (8 parks, 2 bike trail systems)

Subtask 2.1 – Review Existing Conditions and Background Documents

For purposes of supporting environmental compliance and reconnaissance-level restoration and recreation planning, conduct a review of and synthesize available existing conditions data for the project sites relative to the following aspects of site conditions: topographic/bathymetric data, ecologically

relevant hydrologic and hydraulic data, geologic data, land ownership and easements, wetlands and waterways, and data related to biological resources (terrestrial and aquatic).

Compile data from the biological surveys with relevant other data, (LiDAR, aerial imagery, soils, wetlands and waterways, land uses, zoning, etc.) in GIS with to create preliminary existing conditions base maps for each of the 18 restoration and 8 recreation sites, and the trail corridor as the basis for development of the future figures.

Subtask 2.2 – Identify Restoration and Recreation Opportunities and Constraints Identify and articulate opportunities, as well as constraints, for both the proposed restoration and recreation sites. At a reconnaissance-level, this evaluation will consider opportunities and constraints related to topography, land use and infrastructure (including relevant ownership), and potential impacts to existing biological resources such as riparian vegetation, jurisdictional wetlands, and waters, and associated special-status species habitat, based on information compiled. It will also evaluate opportunities for utilizing programmatic permits for restoration.

Evaluate the hydrologic and hydraulic conditions relevant to restoration project design and identify restoration target flow or flow ranges and associated stage(s) for each site. Identify and recommend any refinements of the existing hydrologic and hydraulic models that may be required for future restoration design activities. Assess opportunities to improve habitat conditions at the 18 restoration sites, considering current land cover, land use and easements, potential connectivity of the sites to existing special-status terrestrial species habitat and occurrences, and topographic, hydrologic, and hydraulic conditions. Prepare opportunities and constraints figures for each of the 8 parks and the trail corridor to graphically convey the existing conditions, opportunities and constraints that will inform recreation planning at each site.

Subtask 2.3 – Define Restoration and Recreation Goals

Identify restoration and recreation goals at a program-wide level (e.g., mitigation requirements, recreation needs, trail connections, etc.) as well as at a site-specific level (e.g., target species, habitat types, recreation needs, etc.). Recreation goals will be developed from background document guidance and goals established in the Park System Master Plan evaluated against the development potential for each park as determined by the opportunities and constraints analysis.

Subtask 2.4 – Conceptual Restoration and Recreation Planning

Develop a site-specific conceptual plan for each of the respective restoration and recreation sites. Prepare a Conceptual Restoration and Recreation Plan for the program, summarizing the overall program and individual site-specific information needed for developing the CEQA project and program descriptions. The final document will describe and summarize all of the background, existing conditions, opportunities and constraints information that has been collected throughout the process, and present preliminary graphic restoration and recreation concepts with a description of the development potential for each site.

PHASE 2, ELEMENT 2, TASK 2 DELIVERABLE(S): Concept Restoration and Recreation Site Plans.

Task 3 – Assembly Bill 52 Tribal Consultation

Consult with Native American representatives, as required under California Public Resources Code Sections 21074(a)/21080.3.1 (Assembly Bill 52 [AB 52]) will be conducted by the CEQA lead agency (SJAFCA). This is anticipated to include:

- Contact with the California Native American Heritage Commission (NAHC) to request a search of their Sacred Lands File for the project area and a list of contacts for California Native American Tribes who may have an interest in the proposed project.
- Develop project AB 52 notification letters to those Tribes that have previously requested from SJAFCA to be notified of any SJAFCA projects as well as non-AB 52 notification letters for SJAFCA to send to those Tribes included in the NAHC contacts list that have not previously requested from SJAFCA to be notified of any SJAFCA projects.
- Conduct Tribal consultation, for both AB 52 and non-AB 52 purposes, including helping draft responses to Tribal comments and meeting with the Tribes, as well as maintaining a record of all Tribal consultation.

PHASE 2, ELEMENT 2, TASK 3 DELIVERABLE(S): AB 52 Notification Letters and Tribal Consultation Records.

Task 4 - Resource Surveys and Reports

Conduct biological and cultural resource surveys of proposed project and two project variants footprints, as defined by the final project description. Survey results will be used to prepare reports of future permit applications. Details of the scope of work for the surveys are provided below.

Subtask 4.1 – Biological Resources

Conduct a biological resources study for the project based on a biological resources survey. The biological resources study will be based on data base searches, field surveys, and aerial imagery interpretation. The study will focus on the areas where ground disturbance will occur. Habitats in the area with ground disturbance and a 150-foot-wide buffer will be mapped based on aerial imagery (e.g., Google Earth or NAIP imagery) and field verified through surveys. Conduct shoreline surveys to characterize fish habitat, including bank substrate, riparian vegetation cover, and instream woody material cover, to map riparian vegetation types and elderberry shrubs, and to survey for special-status plants. For areas where no access can be obtained, habitats will be mapped based on aerial photograph interpretation. Limited field verification will be conducted in areas where habitat will be visible from public roads, bridges, levees, public parks, or other accessible facilities.

The biological resources study report will include an introduction describing the objectives of the study, a methods section describing the methods used, a results section including a description of the habitats occurring in the study area (including agricultural habitats), map book of habitats in the study area, and a table providing the potential to occur of special-status species. Wetlands and other waters will be mapped and classified as habitat types based on aerial imagery interpretation, with limited field verification where access is available.

Subtask 4.2 – Cultural Resources

Conduct a cultural resources technical study for the proposed project. The study will consist of a full analysis of Alternative 4a. A constraints-level analysis for the remaining components of the project that will be analyzed at a program-level in the EIR will be included. A records search of the California Historical Resources Information System (CHRIS) will be conducted for the both the project-level and program-level components and areas within 0.25 mile as well as send outreach letters and emails to local interest groups (e.g., historical societies, museums).

Conduct an intensive-level archaeological pedestrian survey of all accessible portions of the project-level components. Conduct a reconnaissance-level architectural survey of any architectural features older than 45 years that were identified through background research and the archaeological survey. Cultural resources identified during the survey will be documented on appropriate California Department of Parks and Recreation (DPR) 523 forms (site records).

Prepare a Cultural Resources Inventory Report (CRIR) documenting the methods and findings of the background research, CHRIS records search results, communication with Native American representatives and historical societies, maps, results of the field surveys, and significance evaluation (California Register) for architectural and archaeological resources.

PHASE 2, ELEMENT 2, TASK 4 DELIVERABLE(S): No Independent Deliverable (Integrated with Phase 2, Element 2, Task 6).

Task 5 - Notice of Preparation

Develop the preliminary project description for inclusion in the NOP. The NOP will be prepared consistent with CEQA Guidelines section 15082 and will include: (1) project location; (2) project objectives; (3) description of the proposed project and two project variants to be evaluated at an equal level; (4) environmental resource topics to be evaluated in the EIR; (5) anticipated project schedule, and (6) anticipated regulatory requirements and approvals.

PHASE 2, ELEMENT 2, TASK 5 DELIVERABLE(S): Notice of Preparation.

Task 6 – Administrative Draft EIR

Prepare an Administrative Draft EIR in accordance with Public Resources Code sections 21000-21177, and the CEQA Guidelines. The Draft EIR will evaluate the flood risk reduction components of the proposed project at a project-specific level and evaluate the proposed multi-benefit components at a program level. Two project variants will be evaluated at an equal level with the proposed project.

Anticipate the resource topics to be evaluated in the EIR will include: aesthetics; agricultural resources; air quality; biological resources, including fisheries and terrestrial resources; cultural resources; energy; geology and soils (including paleontological resources); greenhouse gas (GHG) emissions; hazards and hazardous materials; hydrology and water quality; land use; noise; recreation; transportation; tribal cultural resources; and, utilities and service systems (potential relocation of existing facilities). The EIR will also evaluate growth inducing impacts associated with reducing urban flood risk. It is anticipated that all other resource topics (mineral resources; population and housing (except for growth inducement); public services; utilities and service systems (except for relocation of existing facilities);

and wildfire will not result in significant impacts and therefore, will be discussed in the Administrative Draft EIR in a section of the Approach to the Analysis section of the Environmental Analysis Chapter. The assumption of resource topics to be evaluated in the Draft EIR will be confirmed following the close of the public comment period on the NOP. Administrative Draft EIR expected to include the following:

- Executive Summary
- Introduction
- Project Description
- Environmental Analysis
 - Environmental and Regulatory Setting
 - o Significance Criteria
 - Impacts and Mitigation Measures
- Alternatives Analysis
- Other Statutory Required Sections
 - Growth-Inducing Impacts
 - Cumulative Impacts
 - Summary of Significant and Unavoidable Impacts
 - Significant and Irreversible Environmental Changes
- Technical Resources (Evaluated in EIR)
 - Aesthetics
 - Air Quality
 - Biological Resources
 - Cultural Resources and Tribal Cultural Resources
 - Energy
 - Greenhouse Gases
 - Hydrology and Water Quality
 - Noise and Vibration
 - Recreation
 - Transportation

PHASE 2, ELEMENT 2, TASK 6 DELIVERABLE(S): Administrative Draft EIR.

Task 7 – Draft EIR Public Review and Final EIR (Optional Task)

Subtask 7.1 – Draft EIR Public Review

Prepare the Notice of Availability (NOA) and Notice of Completion (NOC). Submit electronic files of the NOA, NOC, Office of Planning and Research Summary Form, and the Draft EIR to the State Clearinghouse CEQAnet Portal. Submit electronic files of the NOA to the newspaper and San Joaquin County clerk's office. A cd with the Draft EIR will be sent to up to three libraries. Produce web-ready version of the NOA and Draft EIR for SJAFCA to post on website. Support Draft EIR Public Review and Certification: Assume 2 public meetings during the Draft EIR circulation period; and 1 EIR certification meeting to answer any questions.

Subtask 7.2 - Final EIR

Following completion of the 45-day public review period, compile all written and oral comments received on the Draft EIR. Coordinate with DWR to discuss approach to addressing comments received. Prepare responses to comments and incorporate into the Final EIR which will be prepared in accordance with CEQA Guidelines section 15132. In addition to the responses to comments, the Final EIR will include: a list of agencies and persons commenting; bracketed comment letters; and a summary of any text changes. The Administrative Final EIR will also include a draft Mitigation Monitoring and Reporting Program (MMRP) for any mitigation measures identified in the Draft EIR. Distribute responses to agency comments for 10 days prior to the certification hearing.

Prepare Findings of Fact and Statement of Overriding Considerations, if needed, for use at the CEQA certification and project approval process. Following certification and project approval, prepare a draft Notice of Determination (NOD) for review. Submit the NOD to the State Clearinghouse CEQAnet Portal and to the San Joaquin County clerk's office. Develop web-ready version of the NOD and Final EIR to post on website.

PHASE 2, ELEMENT 2, OPTIONAL TASK 7 DELIVERABLE(S): Public Review Comment Summary, Final EIR.

Task 8 - CEQA Public and Stakeholder Engagement

Subtask 8.1 - CEQA Public Meetings

Conduct CEQA public meetings: Assume 2 public scoping meeting. Prepare scoping meeting materials, including a power point presentation, sign in sheet, comment cards and fact sheet.

Subtask 8.2 - Stakeholder Meeting Support

Conduct stakeholder outreach meetings, as necessary. ESA will work with SJAFCA to prepare meeting materials related to the environmental review process, if needed.

PHASE 2, ELEMENT 2, TASK 8 DELIVERABLE(S): Public Meeting Materials, Public Meeting Comment Summary, Stakeholder Meeting Materials.

Element 3 – Engineering Support – Manteca

Task 1 - Manteca Dryland Levee Alternatives Analysis

Conduct technical analysis to determine the appropriate alignment for extension of the Manteca Dry Land Levee to provide Urban Level of Protection (ULOP) 200-year protection to the Mossdale Tract. Consider technical issues, landowner impacts, and stakeholder input through the development of an Alternatives Analysis Report. To the maximum extent feasible, leverage work previously completed by the Cities of Lathrop and Manteca.

Complete civil, geotechnical, hydraulic, and environmental evaluations of multiple alternatives using existing date and a desktop analysis. In addition to the preferred alignment developed by Drake Haglan under contract to the Cities of Lathrop and Manteca, engage with local landowners and member agencies to develop other alignments for evaluation. Refine each alignment to incorporate geotechnical mitigation measures and to balance impacts to property owners and South San Joaquin Irrigation District (SSJID) facilities.

Produce Alternatives Analysis Report summarizing technical analysis as well as a cost comparison of the final array of alternative alignments. Recommend preferred alternative. Conduct community meetings during development of the draft alternatives analysis report.

PHASE 2, ELEMENT 3, TASK 1 DELIVERABLE(S): Alternatives Analysis Report.

Element 4 – Engineering Support – General

Task 1 - Technical Support for CEQA Analysis

Subtask 1.1 – General CEQA Support

General CEQA Support by the engineering team expected to include the following:

- Participate in CEQA Team Meetings. Participate in Coordination Meetings with SJAFCA, DWR, or other interested agencies.
- Prepare for and present during SJAFCA or CVFPB Meetings regarding project status.
- Attend CEQA public and stakeholder meetings. Prepare supporting materials for external meetings.
- Review and comment on draft CEQA work products for accuracy and consistency with engineering work products.
- Support public review process. Assist in development of responses to agency and public comments.

Subtask 1.2 - Preliminary Design Development

Develop and refine a preliminary design for the proposed levee improvements that will incorporate the levee reaches and geotechnical design recommendations from the 2016 Urban Levee Design Criteria (ULDC) Engineer's Report and the subsequent 2021 Climate Change Update. The design will incorporate the identification and verification of existing encroachments and utilities that will need to be removed and/or relocated.

Calculate construction quantities based on the preliminary design for materials such as imported levee fill, aggregate base, drain rock, filter sand, bentonite, concrete, riprap, etc. Calculate the estimated waste materials for the project such as excavated soil waste; clearing, grubbing, and stripping waste; and demolished material. Identify potential soil borrow sites and material sources, based on the quantities determined as well as potential disposal sites and landfills.

Describe potential construction methods for the various types of construction such as clearing and grubbing, earthwork, slurry cutoff walls, etc. Describe potential measures for dust control, traffic control, other best management practices (BMPs), etc. Based on the preliminary design, develop a potential construction schedule for the project including overall duration, phasing, and possible working days and hours. Maximum area footprints that will be disturbed per day as well as potential construction sequencing will be evaluated. Estimate number of daily truck trips for various construction materials, off haul of waste, vendor deliveries, and transportation of equipment.

Develop list of the potential types of heavy equipment and their usage on the project including a description of diesel-fueled equipment and numbers. Worker information will also be provided including the potential number of workers per construction phase, their working hours and daily trips.

Subtask 1.3 - Hydraulic Impact Analysis and Climate Resilience Assessment

Conduct detailed review of project's hydraulic impacts. Completed a comprehensive hydraulic impact analysis including a HEC-FDA assessment of without-project vs. with-project damages and life loss for areas south of the dryland levee and west of the San Joaquin River. Coordinate with DWR and other stakeholders regarding questions/concerns raised during the CEQA process that will include investigation and/or augmentation of the UFRR Study's hydraulic impact analysis. Assume modelling additional scenarios in the HEC-FDA models and further analysis of hydraulic impacts.

Conduct additional review of potential impact of climate change on performance of proposed project. Assume modelling additional scenarios in the HEC-RAS models to assess resilience of project to climate change. Coordinate with DWR and other stakeholders regarding questions/concerns raised during the CEQA process concerning climate change flow scenarios in and around the proposed project.

Subtask 1.4 - Hydraulic Assessments for Restoration Components

The Mossdale UFRR study identified several options for restoration to incorporate into the project. The UFRR study only identified the possible locations but did not analyze them further. Engineering analyses of these restoration sites is necessary to include them in the CEQA process. Conduct hydraulic modeling to identify frequency of inundation for the proposed restoration sites. Assess potential hydraulic impacts/benefits of restoration site during a range of flow conditions.

PHASE 2, ELEMENT 4, TASK 1 DELIVERABLE(S): No Independent Deliverable (Integrated with Phase 2, Element 2, Task 6).

PHASE 3 (PRELIM DESIGN)

Element 1 – Preliminary Design PM

Task 1 – Grant Agreement Project Management

Manage activities associated with grant agreement administration during Phase 3 Preliminary Design analysis. Activities may include:

- Maintain auditable contracts and financial records associated with the execution of tasks identified in this grant agreement scope of work.
- Prepare, review, and coordination of quarterly reports and progress payments for approval by the State of California.
- Coordinate with the State of California regarding grant agreement maintenance, management, modification, and/or closeout.
- Support financial audits conducted in association with execution of this grant agreement, as requested.

Task 2 – Preliminary Design Project Management

Manage activities associated with execution of the technical tasks necessary to complete the Phase 3 Preliminary Design analysis. Activities may include:

- Develop and maintain a project scope, schedule, and budget for overall management of the preliminary design analysis as well as internal and external reporting.
- Develop, negotiate, execute, and maintain consultant contracts necessary to execute the accepted scope of work.
- Facilitate team meetings including the preparation of meeting agendas, handouts, and meeting summaries, as needed, to ensure project progress.
- Prepare and deliver staff reports, presentations, and project materials, as necessary, to communicate project progress in public meetings
- Attend federal, state, or locally sponsored meetings to gather feedback on project scope or communicate project status.

PHASE 3, ELEMENT 1, TASK 1 and 2 DELIVERABLE(S): Quarterly Reports, Progress Payment Requests, and Team Meeting Agendas and Summaries.

Element 2 - 35% Design Plans

Prepare initial design drawings for the proposed levee improvements. The design drawings will consist of improvements at a 35% level of design to include project control and geometrics; grading design; pipe penetration and encroachment modifications and design; and levee slope erosion protection. An inventory of all utilities, encroachments, and other facilities within the project footprint will be identified and an initial assessment of whether they can be protected-in-place or require relocation will be completed as part of this task. This effort will refine the preliminary design for the proposed levee improvements and will incorporate the levee reaches and geotechnical design recommendations from the 2016 ULDC Engineer's Report and the subsequent 2021 Climate Change Update. A preliminary specification outline will also be prepared for the project. The 35% design drawings will be prepared on base sheets with the topographic survey data obtained for the 2016 ULDC Engineer's Report as a background, at an appropriate scale. The improvement plans are anticipated to include the following sheets:

- Title Sheet
- General Notes
- Project Survey Control
- Base Map
- Plan and Profile
- Cross Sections
- Pipe Penetration Modifications
- Encroachment Modifications
- Large Scale Views
- Typical Details

PHASE 3, ELEMENT 2 DELIVERABLE(S): 35% Project Design Drawing Set.

Element 3 – Multi-Benefit Feature Development

Develop preliminary engineering designs and cost estimates for restoration elements of the Mossdale Tract Area UFRR Program. This work comprises refinement of reconnaissance-level restoration concepts developed under Phase 2. Proposed work includes identification and screening of up to two (2) conceptual alternatives at each site, and advance preferred alternatives identified through this process to preliminary (10%) design drawings and cost estimates. Assumed to include up to eighteen (18) restoration sites (UFRR Alternative 4a plus five alternative sites).

Task 1 – Preliminary Restoration Site Design

Subtask 1.1 – Restoration Site Characterization

Summarize relevant design criteria to allow the target aquatic and terrestrial species appropriate access to and egress from the different areas of the project sites. Design considerations will include anticipated seasonal hydrologic conditions as well as the seasonal timing of the different fish life stages present in the Lower San Joaquin River and South Delta. Design criteria will be developed in consultation with relevant regulatory agencies including CDFW and NMFS, and are expected to include habitat suitability (depth, velocity, duration, and timing) thresholds for target aquatic and terrestrial species as well as hydrology, hydraulics, and geomorphic design criteria relevant to habitat design.

Support refinement of the reconnaissance-level restoration concepts developed for the six (6) larger floodplain restoration sites (RM 52 and the five alternative sites) based on hydrologic and hydraulic analysis results. Review and refine hydrologic assumptions relevant to ecological flows, including review of anticipated effects of climate change. Conduct hydraulic modeling analysis of up two project alternatives per site (six sites total). Model results will be used to assess hydraulic effects from implementation of alternatives, including changes in inundation depths and durations, velocities, and shear stresses within the vicinity of each site.

Using DWR Delta LiDAR 2017 dataset and bathymetric datasets, characterize the base topography at each of the restoration sites. Perform supplemental field surveys at each site to verify accuracy of LiDAR data and surface modeling, including in areas that may have been obscured by vegetation or water during the time of the LiDAR data collection.

Subtask 1.2 – Preliminary Restoration Site Design Plans

Develop a preliminary design of each restoration site. Focus on creating habitat features based in the Ecological Design Criteria developed above. The preliminary restoration site designs will articulate the scope and scale of the proposed project, identify site extents, restoration layout and elements, project constraints and limits and show the general dimensions and design elevations of any enhanced floodplain connection(s) and other habitat features. Preliminary restoration site design drawings will be developed in CAD using a base map created from available LiDAR topography of the project sites. The design may consist of floodplain grading, and potentially other floodplain enhancement elements, such as biotechnical and/or vegetation planting features. Estimate construction quantities and develop a preliminary opinion of probable cost for each of the 18 restoration sites. Prepare a technical memorandum that provides a concise description of the process used to select and design of the Preferred Alternative at each restoration site.

Facilitate planning, preparation, and execution for site visits with SJAFCA, DWR, and other agencies (e.g. CDFW, USFWS, etc.). Develop briefing materials, handouts, maps, etc. for site visits and prepare notes. Support public board presentations, as required, to communicate project development status. Develop draft staff report and a PowerPoint presentation for public board presentations.

PHASE 3, ELEMENT 3, TASK 1 DELIVERABLE(S): Restoration Site Preliminary Design Report.

Task 2 - Civil Design Concepts for Restoration Sites

Advance development of civil design concepts for restoration sites associated with the Mossdale Project. Focus on the six (6) restoration sites identified in the UFRR feasibility study (RM52 setback + 5 alternative sites). Coordinate closely with DWR, SJAFCA, and consultant team advance civil and environmental aspects of each site design in an integrated, multi-benefit manner. Preliminary design of

each site will focus on advancing the site-level analysis of hydraulics (flood flows) and civil design features in cooperation with the development of habitat features and project-level environmental analyses. Civil design effort to include:

- Develop planning and hydraulic modeling (flood flows) at each site to identify engineering components such as weirs, pumps, culverts, etc. needed to inundate and de-water the areas at a specified recurrence interval.
- Develop conceptual (10% level) plan and profile layouts for engineering components and grading needed at each restoration site.
- Develop feasibility-level cost estimate for engineering components needed at each restoration site.
- Document these activities in a Technical Memorandum

PHASE 3, ELEMENT 3, TASK 2 DELIVERABLE(S): No Independent Deliverable (Integrated with Phase 3, Element 3, Task).

Element 4 - Subsurface Explorations

Task 1 – Manteca Dryland Levee Geotechnical Evaluation

Perform subsurface field investigations in public right-of-away areas along the proposed dryland levee extension alignment. Intent is to evaluate areas where access is achievable and within the local city/county rights-of-way. The information gathered during exploration program will be added to existing explorations and directed towards identifying cross-section locations and performing seepage, slope stability, and settlement analyses, refining levee design cross-section recommendations, as necessary, and preparing an evaluation report.

Boring and CPT explorations will be performed to depths equal to at least three times the anticipated height of the levee below the levee foundation or the depth required to achieve adequate cut-off wall embedment. Anticipate depths ranging from approximately 50 to 80 feet. Graphical logs will be prepared for reporting efforts. Exploration program will be executed in general accordance with the ULDC guidelines, which reference the Sacramento District U.S. Army Corps of Engineers, Standard Operating Procedure Engineering Design Guidance 2003 (SOP EDG-03) for Geotechnical Practice.

Soil samples will be retained and re-examined in a laboratory to verify field classifications and may be tested for moisture content, dry density, hydrometer analysis, Atterberg Limits, incremental consolidation, permeability, drained and/or undrained triaxial compression, and/or other physical properties as appropriate. Findings will be presented in a written report with field and lab data. Subsurface profiles will be developed to demonstrate the levee prism, foundation soil and deeper geologic, geomorphologic, and geotechnical conditions.

Utilizing the supplemental and historic explorations, develop subsurface stratigraphy at critical locations to model and analyze seepage and slope stability in SEEP/W and SLOPE/W, respectively. The analyses will be in general accordance with the 2012 ULDC, modeling. After reviewing available information,

conducting supplemental explorations, and performing analyses, prepare a written report containing our findings, conclusions, and recommendations.

PHASE 3, ELEMENT 4, TASK 1 DELIVERABLE(S): Geotechnical Data Report, Geotechnical Analysis Report.

Task 2 – RD 17 Cutoff Wall Supplemental Explorations

Perform subsurface field investigations in public right-of-away areas along the existing RD 17 levee alignment. Intent is to evaluate areas where access is achievable and within the local city/county rights-of-way. The information gathered during exploration program will be added to existing explorations and directed towards updating the existing subsurface profile to demonstrate a clear understanding of the foundation soils and deeper geologic, geomorphologic, and geotechnical conditions. Use existing levee profile and add new data to prepare an updated subsurface profile along the alignment.

Boring and Cone Penetration Test (CPT) explorations will be performed to depths equal to at least three times the anticipated height of the levee below the levee foundation or the depth required to achieve adequate cut-off wall embedment. Anticipate depths of 80 feet. Graphical logs will be prepared for reporting efforts. Exploration program will be executed in general accordance with the ULDC guidelines, which reference the Sacramento District U.S. Army Corps of Engineers, Standard Operating Procedure Engineering Design Guidance 2003 (SOP EDG-03) for Geotechnical Practice.

Soil samples will be retained and re-examined in a laboratory to verify field classifications and may be tested for moisture content, dry density, hydrometer analysis, Atterberg Limits, incremental consolidation, permeability, drained and/or undrained triaxial compression, and/or other physical properties as appropriate. Findings will be presented in a written report with field and lab data. Subsurface profiles will be developed to demonstrate the levee prism, foundation soil and deeper geologic, geomorphologic, and geotechnical conditions.

PHASE 3, ELEMENT 4, TASK 2 DELIVERABLE(S): Geotechnical Data Report, Geotechnical Analysis Report.

Element 5 – Groundwater Modeling

Develop a regional groundwater impact analysis to support project CEQA/NEPA analysis. Constructing a deep cutoff wall below the proposed/existing levee may impact groundwater users in the region. Model groundwater impacts using MODFLOW during normal levee operating conditions and during a 200-year flood event. MODFLOW is a three-dimensional (3D) finite difference groundwater model developed by the United States Geological Survey (USGS) and is considered the international standard for simulating and predicting groundwater conditions. Creating a 3D model as opposed to a 2D model will allow for the capture of varying geometry of the levee as well as potential end effects at key locations.

PHASE 3, ELEMENT 5 DELIVERABLE(S): Manteca Regional Groundwater Analysis Technical Memorandum.

Element 6 – Design Criteria

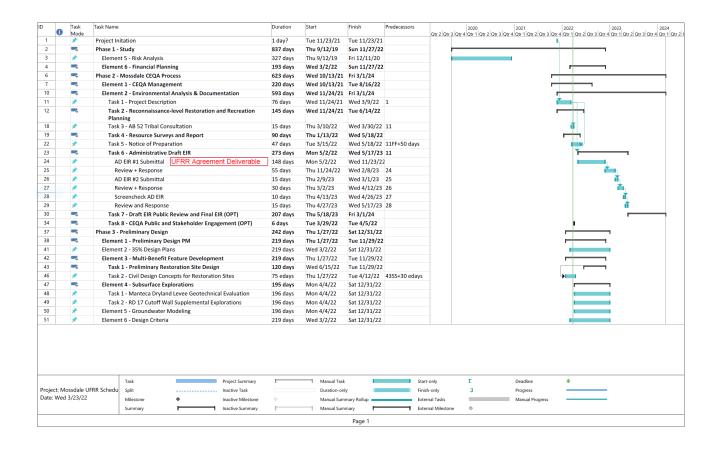
Prepare a levee design criteria memorandum outlining the applicable local, state, and federal levee design criteria applicable to the project. Evaluate the applicable criteria for sensitivity to climate change. Propose adaptations or adjustment based on these climate affects.

PHASE 3, ELEMENT 6 DELIVERABLE(S): Mossdale UFRR Project Design Criteria Technical Memorandum.

EXHIBIT B Article A-1-A. OVERALL PROJECT BUDGET TABLE 1 GRANT BUDGET

			Original	Amend #2	Amend #3
Phase	Element	Description	Budget	Budget	Budget
1 - STUDY					
	1	Funding Recipient Project Management	\$100,000	\$100,000	\$100,000
		200-yr Floodplain Analysis and Without-			
	2	Project Floodplain Mapping	\$108,796	\$108,796	\$108,796
	3	ULDC Analysis, ID Deficiency	\$2,620,921	\$2,620,921	\$2,620,921
	4	Additional Work to Complete Study	\$667,000	\$667,000	\$667,000
		Amendment No. 2 Additional Work to			
	5	Complete Study		\$499,670	\$499,670
	6	Risk Assessment (USACE FPMS)		\$0	\$180,000
	7	Financial Planning		\$0	\$200,000
Subtotal Phase 1			\$3,496,717	\$3,996,387	\$4,376,387
2 - CEQA					
	1	CEQA PM			\$150,000
	2	Env Analysis & Documentation			\$1,200,000
	3	Engineering Support - Manteca			\$320,000
	4	Engineering Support - General			\$800,000
Subtotal Phase 2			\$1,500,000	\$1,500,000	\$2,470,000
3 - Prelim. Design					
	1	Prelim. Design PM			\$150,000
	2	35% Design Drawings			\$575,000
	3	Multi-Benefit Feature Dev			\$760,000
	4	Subsurface Explorations			\$1,550,000
	5	Groundwater Modeling			\$100,000
	6	Design Criteria			\$18,613
Subtotal Phase 3			\$5,003,283	\$4,503,613	\$3,153,613
TOTAL			\$10,000,000	\$10,000,000	\$10,000,000

EXHIBIT C Article A-1-B. OVERALL PROJECT SCHEDULE



RESOLUTION NO. SJAFCA 22-09

SAN JOAQUIN AREA FLOOD CONTROL AGENCY

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AUTHORIZATION TO EXECUTE AMENDMENT NO. 3 STATE OF CALIFORNIA, DEPARTMENT OF WATER AND RELEASE OF THE ADDITIONAL FUNDS PR URBAN FLOOD RISK REDUCTION PROGRAM PREPAREDNESS AND FLOOD PREVENTION BOND	RESOURCES FOR THE PROCESSING OVIDED TO THE PROJECT BY THE OF THE CALIFORNIA DISASTER				
BE IT RESOLVED BY THE BOARD OF DIRECTION CONTROL AGENCY, AS FOLLOWS:	CTORS OF THE SAN JOAQUIN AREA				
Authorize the Executive Director:					
 Execute Amendment No. 3 to the funding agr Department of water Resources for the proce funds provided to the project. 					
PASSED, APPROVED AND ADOPTED this2	21 day ofApril 2022.				
ATTEST: CHRIS ELIAS, Secretary	DAN WRIGHT, Chair of the San Joaquin Area Flood Control Agency				
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

Kevin Lee, LWA, Consultant

SUBJECT: MOSSDALE TRACT AREA UFRR PROJECT - CEQA NOTICE OF

PREPERATION

RECOMMENDATION

The Board of Directors of the San Joaquin Area Flood Control Agency (Agency) receive a staff presentation regarding release of the CEQA Notice of Preparation for the Mossdale Tract Area Urban Flood Risk Reduction Project.

DISCUSSION

Background

San Joaquin Area Flood Control Agency (SJAFCA) and the Department of Water Resources (DWR) have worked in partnership over the past four years on the Mossdale UFRR Study, now known as the Mossdale Tract Area Urban Flood Risk Reduction (UFRR) Project (Project). Through extensive analysis and close coordination during the study, SJAFCA and DWR arrived at a range of alternatives, including a preferred alternative, presented in the final Mossdale UFRR Study report. SJAFCA is now in the initial stages of preparing the California Environmental Quality Act (CEQA) Environmental Impact Report (EIR) and has prepared a Notice of Preparation and posted through the State Clearinghouse.

SJAFCA is the Lead Agency for preparation of an EIR for the Mossdale Tract Area Urban Flood Risk Reduction (UFRR) Project (Project). The EIR to be prepared by SJAFCA will evaluate potential significant environmental effects of the proposed project and other actions associated with construction and operation and maintenance of the proposed project. The EIR for the proposed project is being prepared in compliance with the CEQA. Under CEQA, upon deciding to prepare an EIR, SJAFCA as lead agency must issue a Notice of Preparation (NOP) to inform responsible agencies, the public, and trustee agencies of that decision. The purpose of the NOP is to provide information describing the proposed project and its potential environmental effects to those who may wish to comment regarding the scope and content of the information to be included in the EIR.

The EIR will provide an evaluation of potential environmental impacts associated with development of the proposed project. The proposed project location, description, and environmental issue areas that may be affected by development of the proposed project are described below. The EIR will evaluate potentially significant environmental impacts of the proposed project, on a direct, indirect, and cumulative basis; identify mitigation measures that may be feasible to lessen or avoid such impacts; and identify alternatives that may lessen one or more potentially significant impact to the proposed project.

Present Situation

Mossdale Tract Area Program Status Update

The CEQA NOP highlights the Proposed Project Objectives and Project Elements, including flood risk reduction, restoration, and recreation elements.

Proposed Project Objectives:

The overall objective of the proposed project is to provide increased public safety benefits by rehabilitating and improving flood management infrastructure to achieve a 200-year ULOP for the Mossdale Tract area. Specific objectives include:

- Improve long-term operations, maintenance, repair, rehabilitation, and replacement (OMRR&R) over time.
- Modernize the flood management infrastructure to accommodate future performance and climate change resiliency goals identified in the Central Valley Flood Protection Plan.
- Implement a multi-benefit flood management infrastructure improvement project that: (1) improves ecological function and habitat in the flood-system, and (2) contributes additional societal benefits such as recreation where feasible.

Project Elements:

The proposed project would include the construction and operation of flood risk reduction components and multi-benefit components in and adjacent to the Mossdale Tract area which are summarized below. Specifically, the following are the primary elements of the proposed project:

- Fix in place and potential levee setback improvements with habitat enhancement and revegetation
- Dryland levee extension
- Ecosystem restoration at multiple sites
- Recreational features along the levee system

The overall schedule to complete the Proposed Project is anticipated to occur over 5 years starting in 2023. The proposed project elements are described below and are identified on Figure 2.

Flood Risk Reduction Components:

<u>Fix in Place and Potential Setback Levee Improvements</u> - The following describes the various levee improvements that would be constructed and operated within the levee rights-of-way and easements under the proposed project.

Mossdale Tract Area Program Status Update

- 1. Existing Dryland Levee Reconstruction and Seepage Berm. These improvements would consist of raising and widening the levee and constructing a drained seepage berm. They also include reconstructing pipe penetrations that cross the levee.
- Cutoff Walls. The improvements would consist of constructing a fix-in-place traditional cement/bentonite slurry cutoff wall of varying depth along portions of the existing levee alignment.
- 3. Seepage Berm. The improvements would consist of constructing a drained seepage berm of varying width along portions of the existing levee alignment.
- 4. Erosion Repairs. The improvements would consist of supplementing riprap rock slope protections on the waterside of the levee along portions of the existing levee alignment.
- 5. Encroachment Remediation. The improvements would consist of removing high hazard encroachments.
- 6. Pipe Penetrations Rehabilitation. The improvements would consist of reconstructing pipe penetrations that cross the levee.
- 7. Levee Raise. The improvements would consist of raising the height of levee along portions of the existing levee alignment and extending the landside toe to meet levee slope design standards.
- 8. Potential Setback Levee. The improvements would consist of constructing a setback levee to meet the ULOP standards at a designated sharp bend in the San Joaquin River and connecting to existing levee segments.

<u>Dryland Levee Extension</u> – This improvement would extend the existing dryland levee by approximately one to two miles to the east as needed to prevent flanking during flood events.

Multi-Benefit Components:

<u>Ecosystem Restoration</u> – The proposed project would locate undeveloped land on the water side of the levee system to create ecosystem restoration sites. Parcels of land are currently under investigation for meeting restoration criteria based on existing land habitats, elevations, and other opportunities for gaining natural ecosystem functions appropriate for the lower San Joaquin River. Because the locations and designs of these restoration sites are still under development, analysis of these project components will be done at a programmatic level in the EIR.

<u>Recreational Features Along the Levee System</u> – This component would develop recreational features, including recreational paths, along the top of levee and landside toe. Because the locations and design of this component are still under development, analysis of these project components will be done at a programmatic level in the EIR.

In addition to the proposed project, the EIR will evaluate up to two variants to the proposed project that will include the same general types of flood risk reduction and multi-benefit components as those proposed under the proposed project.

FISCAL IMPACT

There is no net budgetary impact as a result of this informational briefing.

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.

ATTACHMENTS:

Attachment 1: Draft NOP_mossdale UFRR

Figure 1: Mossdale Tract Area

Figure 2: Proposed Project Elements

CHRIS ELIAS

EXECUTIVE DIRECTOR



DATE: April 22, 2022

TO: Interested Persons

FROM: Chris Elias, Executive Director

RE: NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT

AND SCOPING MEETING FOR THE MOSSDALE TRACT AREA URBAN

FLOOD RISK REDUCTION PROJECT

COMMENT PERIOD

April 22, 2022 - May 23, 2022

DOCUMENT AVAILABILITY

Website: www.sjafca.org/projects/mossdale-tract

SCOPING MEETINGS

In-Person Meeting, May 9, 2022; 6:30 p.m.: Manteca Transit Center, 220 Moffat Blvd.

Manteca, CA 95336

Virtual Meeting, May 12, 2022; 11:30 a.m.

To join the virtual meeting, please use the following Zoom meeting link details:

Link: https://us02web.zoom.us/j/2484657696

By Phone: 1-669-900-6833

Meeting ID: 248 465 7696

Trustee and responsible agencies and members of the public are invited to attend and provide input on the scope of the EIR. Written comments regarding relevant issues may be submitted during the meetings.

INTRODUCTION

The San Joaquin Area Flood Control Agency (SJAFCA) is the Lead Agency for preparation of an Environmental Impact Report (EIR) for the Mossdale Tract Area Urban Flood Risk Reduction (UFRR) Project (proposed project). The EIR to be prepared by SJAFCA will evaluate potential significant environmental effects of the proposed project and other actions associated with construction and operation and maintenance of the proposed project. Written comments regarding the issues that should be covered in the EIR, including potential alternatives to the proposed project and the scope of the analysis, are invited.

The EIR for the proposed project is being prepared in compliance with the California Environmental Quality Act (CEQA). Consistent with the requirements of CEQA Guidelines section

15082, SJAFCA as lead agency has issued this Notice of Preparation (NOP) to inform responsible agencies, the public, and trustee agencies of that decision. The purpose of the NOP is to provide information describing the proposed project and its potential environmental effects to those who may wish to comment regarding the scope and content of the information to be included in the EIR. Agencies should comment on such information as it relates to their statutory responsibilities in connection with the project.

The EIR will provide an evaluation of potential environmental impacts associated with development of the proposed project. The proposed project location, description, and environmental issue areas that may be affected by development of the proposed project are described below. The EIR will evaluate potentially significant environmental impacts of the proposed project, on a direct, indirect, and cumulative basis; identify mitigation measures that may be feasible to lessen or avoid such impacts; and identify alternatives that may lessen one or more potentially significant impact to the proposed project.

PROJECT BACKGROUND

On March 9, 2015, the City of Lathrop authored a Concept Proposal for a State Urban Flood Risk Reduction (UFRR) grant to design fix-in-place improvements to the Reclamation District 17 (RD 17) levees to achieve an Urban Level of Protection (ULOP) equivalent to a 200-year level of protection. On May 15, 2015, the State Department of Water Resources (DWR) responded with a grant to prepare an UFRR study of alternatives and preliminary design of the preferred flood risk reduction project alternative from that study for the 22,400-acre Mossdale Tract area which was identified as being at risk of flooding from a 200-year flood event, with this risk being significantly increased under future climate conditions. The Mossdale Tract area includes RD 17 (16,110 acres), portions the Cities of Stockton, Lathrop, Manteca, and unincorporated San Joaquin County (see **Figure 1**). In November 2017, SJAFCA, consisting of the City of Stockton, San Joaquin County, and the San Joaquin County Flood Control and Water Conservation District, modified its joint powers authority (JPA) structure to add the Cities of Lathrop and Manteca. The UFRR grant agreement and lead agency status were then transferred to SJAFCA in March 2020.

The primary flood risk in the Mossdale Tract area is from geotechnical failure of the existing levees. Levee overtopping or flanking is also a risk in the larger floods, especially in the future with climate change scenario. Geotechnical failures caused by through-levee seepage or underseepage are typically sudden and unpredictable, and can produce large volume, high velocity flood flows. These failures come with little warning, with minimal time for evacuation and emergency actions. Overtopping and flanking floods are much more predictable, so evacuation is more effective for these failure mechanisms.

The Mossdale Tract area flood events generally occur during the winter months when colder air and water temperatures significantly increase the risk of death by exposure. The risk probability of unexpected levee failure (coupled with the consequence of basin-wide flooding) presents a continued threat to public safety, property, and critical infrastructure in the Mossdale Tract area. The UFRR study included technical evaluations of hydraulics, geotechnical conditions, cost estimates of potential alternatives, levee performance, multi-benefit features, and others. The UFRR study selected features of three initial alternatives to develop a hybrid alternative that could be evaluated and compared with the initial three alternatives. DWR and local stakeholders each provided input for "Alternative 4". The differences were minor, but important, so Alternative 4 was

presented with four minor permutations, represented as Alternatives 4a through 4d. The final selected alternative in the UFRR study (Alternative 4a) is the proposed project summarized below to be analyzed in the EIR.

PROJECT LOCATION/SETTING

The Mossdale Tract area (proposed project area) covers 22,400 acres and includes RD 17 (16,110 acres), portions the Cities of Stockton, Lathrop, Manteca, and unincorporated San Joaquin County (see Figure 1). The RD 17 levee system is comprised of State-Federal Project levees (also referred to as State Plan of Flood Control [SPFC]) along the San Joaquin River and French Camp Slough, which form the west and north borders of RD 17, and a non-Project dryland levee to the south. The land generally slopes east to west, and there is no levee along the east side of the RD 17 jurisdiction, so the interior drainage watershed extends to the east of RD 17. The proposed project area includes the SPFC levees, RD 17's non-Project dryland levee, the Mossdale Tract area, and areas to the west along the San Joaquin River identified for the potential development of ecosystem restoration features.

PROJECT DESCRIPTION

PROJECT OBJECTIVES

The overall objective of the proposed project is to provide increased public safety benefits by rehabilitating and improving flood management infrastructure to achieve a 200-year ULOP for the Mossdale Tract area. Objectives include:

- 1. Improve long-term operations, maintenance, repair, rehabilitation, and replacement (OMRR&R) over time.
- 2. Modernize the flood management infrastructure to accommodate future performance and climate change resiliency goals identified in the Central Valley Flood Protection Plan and in SJAFCA's Climate Change Adaptation Policy.
- 1. Implement a multi-benefit flood risk reduction project that: (1) improves ecological function and habitat in the flood-system, and (2) contributes additional societal benefits such as recreation where feasible.

PROJECT ELEMENTS

The proposed project would include the construction and operation of flood risk reduction and multi-benefit components in and adjacent to the Mossdale Tract area which are summarized below. Specifically, the following are the primary elements of the proposed project:

- 1. Fix in place and potential levee setback improvements with habitat enhancement and revegetation
- 2. Dryland levee extension
- 3. Ecosystem restoration at multiple sites

4. Recreational features along the levee system

The overall schedule to complete construction of the proposed project is anticipated to begin in 2025 and proceed over three years to completion in 2028. The proposed project elements are described below and are identified on **Figure 2**.

Flood Risk Reduction Components

<u>Fix in Place and Potential Setback Levee Improvements</u> - The following describes the various levee improvements that would be constructed and operated within the levee rights-of-way and easements under the proposed project.

- 1. Existing Dryland Levee Reconstruction and Seepage Berm. These improvements would consist of raising and widening the levee and constructing a drained seepage berm. They also include reconstructing pipe penetrations that cross the levee.
- 2. Cutoff Walls. The improvements would consist of constructing a fix-in-place traditional cement/bentonite slurry cutoff wall of varying depth along portions of the existing levee alignment.
- 3. Seepage Berm. The improvements would consist of constructing a drained seepage berm of varying width along portions of the existing levee alignment.
- 4. Erosion Repairs. The improvements would consist of supplementing riprap rock slope protections on the waterside of the levee along portions of the existing levee alignment.
- 5. Encroachment Remediation. The improvements would consist of removing high hazard encroachments.
- 6. Pipe Penetrations Rehabilitation. The improvements would consist of reconstructing pipe penetrations that cross the levee.
- 7. Levee Raise. The improvements would consist of raising the height of levee along portions of the existing levee alignment and extending the landside toe to meet levee slope design standards.
- 8. Potential Setback Levee. The improvements would consist of constructing a setback levee to meet the ULOP standards at a designated sharp bend in the San Joaquin River and connecting to existing levee segments.

<u>Dryland Levee Extension</u> – This improvement would extend the existing dryland levee by approximately one to two miles to the east as needed to prevent flanking during flood events.

Multi-Benefit Components

<u>Ecosystem Restoration</u> – The proposed project would locate undeveloped land on the water side of the levee system to create ecosystem restoration sites. Parcels of land are currently under investigation for meeting restoration criteria based on existing land habitats, elevations, and other opportunities for gaining natural ecosystem functions appropriate for the lower San Joaquin River. Because the locations and designs of these restoration sites are still under development, analysis of these project components will be done at a programmatic level in the EIR.

<u>Recreational Features Along the Levee System</u> – This component would develop recreational features, including recreational paths, along the top of levee and landside toe. Because the locations and design of this component are still under development, analysis of these project components will be done at a programmatic level in the EIR.

In addition to the proposed project, the EIR will evaluate up to two variants to the proposed project that will include the same general types of flood risk reduction and multi-benefit components as those proposed under the proposed project.

ENVIRONMENTAL EFFECTS AND SCOPE OF THE EIR

The EIR will analyze potentially significant impacts that result from construction and operation of the proposed project. Pursuant to section 15063(a) of the CEQA Guidelines, an Initial Study has not been prepared for the proposed project. The EIR will evaluate the full range of environmental issues contemplated for consideration under CEQA and the CEQA Guidelines, as well as non-environmental issues including:

- Aesthetics
- Agricultural
- Air Quality
- o Biological Resources
- Cultural Resources
- Energy
- Geology and Soils and Paleontology
- Greenhouse Gas Emissions, Climate Change
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise and Vibration
- Public Services
- Population and Housing
- Recreation
- Transportation
- o Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire
- Growth Inducement
- Cumulative Impacts

Environmental issues not contemplated for consideration due to the determination that there will be no impact include:

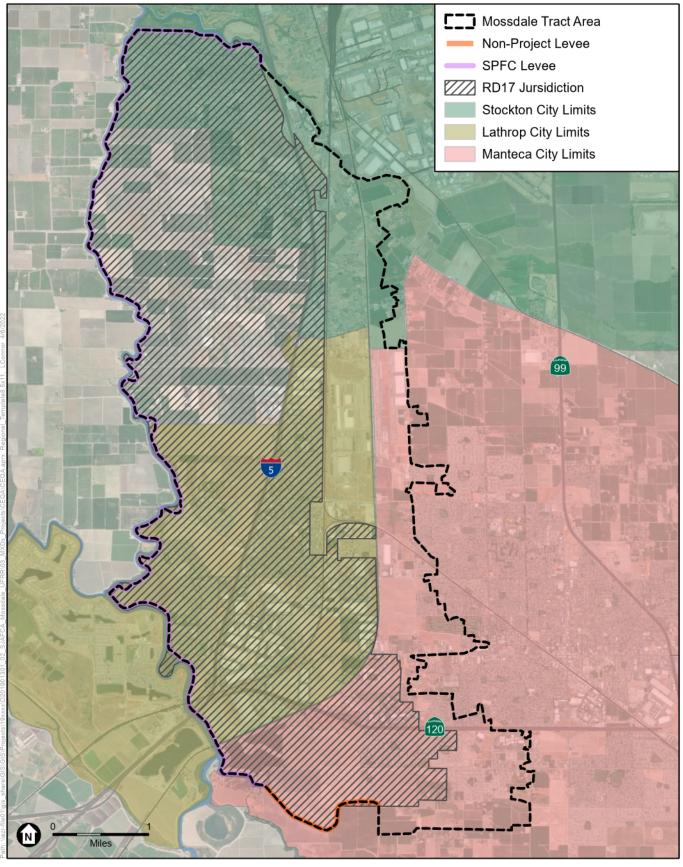
Forestry Resources

The EIR will identify and evaluate alternatives to the proposed project.

SUBMITTING COMMENTS

Comments and suggestions as to the appropriate scope of analysis in the EIR are invited from all interested parties. Written comments or questions concerning the EIR for the proposed project should be directed to SJAFCA at the following address by 5:00 p.m. on May 23, 2022. Please include the commenter's full name and address.

Chris Elias, Executive Director SJAFCA, 22 East Weber Avenue, Suite 301 Stockton, CA 95202 Phone (209) 937-7900 Email: Chris.Elias@stocktonca.gov

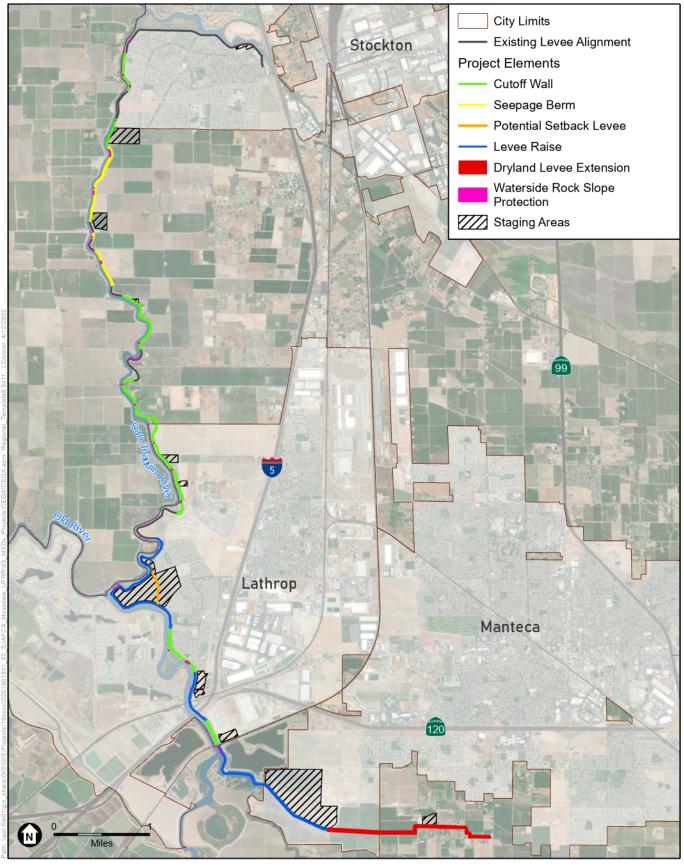


SOURCE: MAXAR, 2021; KSN, 2022; PBI, 2022; ESA, 2022

Mossdale Tract Area Urban Flood Risk Reduction Project







SOURCE: MAXAR, 2021; KSN, 2022; PBI, 2022; ESA, 2022

Mossdale Tract Area Urban Flood Risk Reduction Project





Agenda Item 5.2

TO: Board of Directors of the San Joaquin Area Flood Control Agency

FROM: Chris Elias, Executive Director

Scott Shapiro, General Counsel

SUBJECT: INFORMATIONAL BRIEFING ON THE OPPORTUNITY TO ENTER INTO A

MEMORANDUM OF UNDERSTANDING FOR AN INTER-BASIN TRANSFER OF FEDERAL CREDITS TO ADVANCE THE LOWER SAN JOAQUIN RIVER PROJECT

RECOMMENDATION

Receive information and provide direction on the opportunity for the San Joaquin Area Flood Control Agency ("SJAFCA") to enter into a Memorandum of Understanding ("MOU") for an inter-basin transfer of federal credits to advance the Lower San Joaquin River Flood Risk Reduction Project.

<u>SUMMARY</u>

SJAFCA's participation in the Lower San Joaquin River Flood Risk Reduction Project requires a financial contribution to the United States which can be cash, or a combination of cash and credit. There is a potential opportunity to purchase unused credit from another local agency at a cost that should be lower than cash. The attached MOU lays out a process for evaluating and pricing those credits.

BACKGROUND

SJAFCA is engaged in numerous flood risk reduction efforts in the San Joaquin River Watershed, including its role as a non-Federal sponsor (along with the State of California) for the Federally authorized Lower San Joaquin River Flood Risk Reduction Project ("San Joaquin Project"). The San Joaquin Project was authorized by the America's Water Infrastructure Act of 2018 ("AWIA 2018") (Public Law 115-270) Title I, Subtitle D, Section 1401. In its role as a non-Federal sponsor, SJAFCA is obligated to pay a cost share to the Federal government for the San Joaquin Project. SJAFCA's cost share is approximately 10% of the project costs.

The Sutter Butte Flood Control Agency ("SBFCA") is engaged in numerous flood risk reduction efforts in the Feather River Watershed, including its role as a non-Federal sponsor (along with the State of California) for the Federally authorized Sutter Basin Flood Risk Reduction Project ("Sutter Basin Project"). The Sutter Basin Project was authorized by the Water Resources Reform and Development Act of 2014 ("WRRDA 2014") (Public Law 113-121), Title VII, Section 7002(2) and amended by the Water Infrastructure Improvements for the Nation Act of 2016 ("WIIN 2016") (Public Law 114-322) Title I, Subtitle C, Section 1305

The Sutter Basin Project has been completed, and due to construction advanced by SBFCA and the State of California for which the Federal government did not pay a cost share, SBFCA and the State of California have accumulated excess Federal credits. Under Federal law a Federal credit may be used to pay a local cost share on the project for which the money was advanced. SBFCA, with assistance from the State of California, has advanced an effort to perfect the existing Federal credits so that they are recognized by the Federal government.

Section 1020 of WRRDA 2014, as amended by Section 1166 of WIIN 2016, provides authority for the Federal government to approve a comprehensive plan submitted by a non-Federal sponsor to allow for the transfer of excess credit from one authorized project to another. The State of California, with

assistance from SBFCA, has advanced an effort to get permission to transfer excess Federal credits from the Sutter Basin Project to other Federal projects, including the San Joaquin Project.

DISCUSSION

The State of California desires to transfer its excess Federal credits that it holds from its investment in the Sutter Butte Project and apply those credits to its cost share obligations for the San Joaquin Project. SBFCA would like to sell its excess Federal credits and SJAFCA is a logical purchaser due to the efforts of the State of California to transfer credits from the Sutter Butte Project to the San Joaquin Project. Further, it makes sense for SJAFCA to purchase those credits if in doing so it can effectuate a cost savings for the region.

The attached MOU establishes the intent of the two Parties to work collaboratively to explore and effectuate the transfer of credits and includes the following:

- The Parties each intend to work in good faith and in a collaborative manner to effectuate the transfer of the excess Federal credits for each of their benefits.
- The MOU will lay out a timeline for working together.
- SBFCA will commit to bear its own costs to perfect the credits and to work diligently in its
 efforts to perfect the credits and to timely respond to requests from SJAFCA or the State of
 California for information regarding the process.
- SJAFCA will commit to bear its own costs on issues related to providing information on the San Joaquin Project and to timely respond to requests from SBFCA or the State of California for information regarding the process.
- SBFCA and SJAFCA will agree to meet, no later than three months prior to the expected date
 for approval by the Federal government of the comprehensive plan submitted by the State of
 California to the Federal government. At that time SBFCA and SJAFCA will intend to negotiate
 the cost of the sale and purchase of Federal Credits and any other remaining terms associated
 with the transfer of credits and

NEXT STEPS

After feedback from this meeting, Staff will return to the Board with a final version of the MOU and request the Board to approve the MOU at that later meeting.

FISCAL IMPACT

There is no cost associated with this item.

SUBMITTED BY:

Scott L. Shapiro, Legal Counsel

ATTACHMENT 1: Draft Memorandum of Understanding regarding the perfection and transfer of excess federal credits as between the Sutter Butte Flood Control Agency and the San Joaquin Area Flood Control Agency

MEMORANDUM OF UNDERSTANDING REGARDING THE PERFECTION AND TRANSFER OF EXCESS FEDERAL CREDITS AS BETWEEN THE SUTTER BUTTE FLOOD CONTROL AGENCY AND THE SAN JOAQUIN AREA FLOOD CONTROL AGENCY

This Memorandum of Understanding (the "MOU") is entered into by and between the San Joaquin Area Flood Control Agency ("SJAFCA") and the Sutter Butte Flood Control Agency ("SBFCA"). This MOU shall be effective upon execution by both SJAFCA and SBFCA (the "Effective Date").

RECITALS

WHEREAS, SBFCA is engaged in numerous flood risk reduction efforts in the Feather River Watershed, including its role as a non-Federal sponsor (along with the State of California) for the Federally authorized Sutter Basin Flood Risk Reduction Project ("Sutter Basin Project").

WHEREAS, the Sutter Basin Project was authorized by the Water Resources Reform and Development Act of 2014 ("WRRDA 2014") (Public Law 113-121), Title VII, Section 7002(2) and amended by the Water Infrastructure Improvements for the Nation Act of 2016 ("WIIN 2016") (Public Law 114-322) Title I, Subtitle C, Section 1305

WHEREAS, the Sutter Basin Project has been completed, and due to construction advanced by SBFCA and the State of California for which the Federal government did not pay a cost share, SBFCA and the State of California have accumulated excess Federal credits.

WHEREAS, SBFCA, with assistance from the State of California, has advanced an effort to perfect the existing Federal credits so that they are recognized by the Federal government.

WHEREAS, Section 1020 of WRRDA 2014, as amended by Section 1166 of WIIN 2016, provides authority for the Federal government to approve a comprehensive plan submitted by a non-Federal sponsor to allow for the transfer of excess credit from one authorized project to another.

WHEREAS, the State of California, with assistance from SBFCA, has advanced an effort to get permission to transfer excess Federal credits from the Sutter Basin Project to other Federal projects.

WHEREAS, SJAFCA is engaged in numerous flood risk reduction efforts in the San Joaquin River Watershed, including its role as a non-Federal sponsor (along with the State of California) for the Federally authorized Lower San Joaquin River Flood Risk Reduction Project ("San Joaquin Project").

WHEREAS, the Lower San Joaquin Project was authorized by the America's Water Infrastructure Act of 2018 ("AWIA 2018") (Public Law 115-270) Title I, Subtitle D, Section 1401.

WHEREAS, in its role as a non-Federal sponsor, SJAFCA is obligated to pay a cost share to the Federal government for the San Joaquin Project, and some portion of that cost share may be paid through the use of Federal Credits.

WHEREAS, SBFCA would like to sell excess Federal credits to SJAFCA and SJAFCA would like to purchase those credits to effect overall cost savings on the required payments for the San Joaquin Project.

WHEREAS, the State of California desires to also transfer excess Federal credits that it holds from its investment in the Sutter Butte Project and apply those credits to its cost share obligations for the San Joaquin Project.

NOW, THEREFORE, the two Parties hereby agree as follows:

AGREEMENT

- Statement of Shared Goals. The Parties are each public agencies that are seeking
 to maximize their resources for the benefits of their residents. They each intend to
 work in good faith and in a collaborative manner to effectuate the transfer of the
 excess Federal credits for each of their benefits.
- **2. Federal Credits.** The following steps and timeline are expected to apply to perfection and transfer of Federal credits:

a.	Approval of Comprehensive Plan	TBD
b.	Approval of Integral Determination Report (IDR)	TBD
C.	Approval of Lands, Easements, Rights-of-Way, Relocations and Disposal Sites (LERRD) costs	TBD
d.	Project Partnership Agreement (PPA) amendments	TBD
e.	Final Accounting	TBD

- **3. Commitments and Understandings.** In furtherance of the foregoing shared goals, the Parties agree to the following commitments.
 - A. **SBFCA Commitments.** Pursuant to a contract with the State of California SBFCA has an independent obligation to perfect the Federal credits. As a result, the Parties agree that SBFCA's costs in perfecting those credits shall be born solely by SBFCA. Further, any consultant time to perform work requested by SBFCA shall be borne by SBFCA. SBFCA shall be obligated to work diligently in its efforts to perfect the credits and agrees to timely respond to requests from SJAFCA or the State of California for information regarding the process.
 - B. **SJAFCA Commitments.** Any consultant time to perform work requested by SJAFCA shall be borne by SJAFCA. This includes any information about the San Joaquin project needed by SBFCA as part of its efforts to perfect the credits. SJAFCA agrees to timely respond to requests from SBFCA or the State of California for information regarding the process.

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- C. Transfer Agreement. SBFCA and SJAFCA agree to meet, no later than three months prior to the expected date for approval by the Federal government of the Comprehensive Plan submitted by the State of California to the Federal government. At that time SBFCA and SJAFCA intend to negotiate the cost of the sale and purchase of Federal Credits and any other remaining terms associated with the transfer of credits and will work in good faith to execute a final Transfer Agreement in a timely manner.
- D. Joint Understandings Regarding Consultants. SBFCA and SJAFCA have both independently retained Larsen Wurzel & Associates (LWA) and Downey Brand to represent them on these matters. In recognition of the potential conflict of interest from being represented by the same consultants, each has signed a conflict waiver to allow LWA and Downey Brand to do their work. In regard to this MOU, SBFCA and SJAFCA through their Executive Directors, have negotiated the terms of this MOU and LWA and Downey Brand have acted as scriveners in recording that agreement.
- **4. No Third-Party Beneficiaries.** This MOU is intended solely for the benefit of the Parties and shall not be construed to create any rights for any other person or entity.
- 5. Fiscal Effect. This MOU does not obligate either party to buy or sell Federal credits. The only costs to be incurred as a result of executing this MOU are associated with the continued efforts of consultants already under contract. Any endeavor involving fiscal or funds obligation between both parties will be handled in a separate written agreement authorized by the respective governing bodies of the Parties.
- **6. Amendments.** Subsequent modifications of this MOU shall not be valid or effective unless set forth in writing and signed by the two Parties.
- 7. **Term.** This MOU shall remain in effect from the Effective Date until such time as (i) terminated by the agreement of the Parties, (ii) replaced by a Transfer Agreement negotiated pursuant to Section 3(c) of this MOU, or (iii) the passage of three years from the Effective Date if no further work has been performed to perfect the credits.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the dates specified in the signature block below.

Ву:		
,	Chris Elias, Executive Director	Date
	Approved as to form: Scott L. Shapiro	
	Date:	

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San Joaquin Area Flood Control Agency

Sutte	r Butte Flood Control Agency	
Ву:		
•	Michael Bessette, Executive Director	Date
	Approved as to form: Scott L. Shapiro	
	Approved as to form. Good E. Ghapiro	
	Date:	

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