

## BOARD OF DIRECTORS

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

## BOARD MEETING – In Person

**\*NEW LOCATION\***  
**San Joaquin Council of Governments**  
**Board Conference Room**  
**555 E. Weber Ave, Stockton, CA**

**THURSDAY, OCTOBER 20, 2022**

**CLOSED SESSION BEGINS AT 9:00 AM**

**REGULAR SESSION TO CONTINUE NO SOONER THAN 9:30 AM**

**1. CALL TO ORDER / ROLL CALL**

**2. PLEDGE TO FLAG**

**3. CLOSED SESSION**

3.1) ANTICIPATED LITIGATION Pursuant to Government Code Section 54956.9(d)(2):  
One Case (Shimmick Construction Company, Inc.)

3.2) ANTICIPATED LITIGATION Pursuant to Government Code Section 54956.9 (d)(2): One  
Case

Closed Session to begin at 9:00 AM

Regular Session to continue no sooner than 9:30 AM

#### **4. CONSENT ITEMS**

- 4.1) Approve Minutes from the August 18, 2022, Board Meeting

#### **5. NEW BUSINESS**

- 5.1) Adopt a Resolution authorizing Amendment No. 5 to Task Order No. 6 to the Consultant Agreement with Peterson Brustad, Inc., for additional engineering services during construction of the Smith Canal Gate Project
- 5.2) Amendment No. 4 to the Contractual Services Agreement for Professional Environmental Services by Environmental Service Associates (ESA) for extended scope of work on the Lower San Joaquin River Project-Phase 1, TS30L Mitigation Site Design and CEQA/NEPA Support
- 5.3) Authorization to execute a funding agreement with the Department of Water Resources for engagement in the Governor's Water Resilience Portfolio Action 25.4

#### **6. ORAL REPORT FROM EXECUTIVE DIRECTOR**

- a. Flood Preparedness Week (October 22-29), 2022: Briefing by the San Joaquin County Office of Emergency Services on coordination of efforts to increase public awareness of flood threats and inviting them to take action to "Get Flood Ready" with tagline: "Be Aware. Be Prepared. Take Action."
- b. Smith Canal Gate Project: An update on construction of the Smith Canal Gate Project
- c. Feasibility Cost Share Agreement to Protect Mossdale Tract
- d. Advocacy trip to Washington DC by SJAFCA Delegation

#### **7. PUBLIC COMMENTS**

#### **8. BOARD QUESTIONS, COMMENTS, ACTIONS**

#### **9. 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 4.1**

**MINUTES  
SAN JOAQUIN AREA FLOOD CONTROL AGENCY  
BOARD MEETING OF AUGUST 18, 2022**

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STOCKTON, CALIFORNIA

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**1. CALL TO ORDER / ROLL CALL 9:00 AM**

Roll Call

Present:

Absent:

Director Akinjo  
Director Halford  
Director Lazard  
Director Miller  
Director Morowit  
Director Singh  
Director Warmesley  
Director Winn  
Director Wright

*Director Warmesley was not present for Roll Call but arrived at approx. 9:57 AM*

**2. PLEDGE TO FLAG 9:01 AM**

**3. CONSENT ITEMS 9:02 AM**

- 3.1) Approve Minutes from the July 21, 2022, Board Meeting.

**PUBLIC COMMENT:**

- Dominick Gulli stated that he had submitted comments in writing.

**Motion:** To approve Minutes from the July 21, 2022, Board meeting

**Moved by:** Director Morowit, Seconded by Director Singh

**Vote:** Motion carried 7-0

**Yes:** Director Akinjo, Director Halford, Director Lazard, Director Miller, Director Morowit, Director Singh, Director Wright

**Abstain:** Director Winn

**Absent:** Director Warmesley

- 3.2) Approve Amendment No. 3 of Task Order No. 1 with Larsen Wurzel and Associates, Inc. for project implementation support to the U.S. Army Corps of Engineers for the Lower San Joaquin River CA-Project (LSJRP Phase 1)

**PUBLIC COMMENT:**

- None.

**Motion:** To approve Amendment No. 3 of Task Order No. 1 with Larsen Wurzel and Associates, Inc. for project implementation support to the U.S. Army Corps of Engineers for the Lower San Joaquin River CA-Project (LSJRP Phase 1)

**Moved by:** Director Miller, Seconded by Director Morowit

**Vote:** Motion carried 8-0  
**Yes:** Director Akinjo, Director Halford, Director Lazard, Director Miller, Director Morowit,  
Director Singh, Director Winn, Director Wright  
**Absent:** Director Warmesley

#### **4. NEW BUSINESS 9:04 AM**

- 4.1) Authorize the Executive Director to execute a Feasibility Cost Sharing Agreement and a Local Feasibility Cost Sharing Agreement for the Lower San Joaquin River Lathrop and Manteca, CA Feasibility Study

##### **PUBLIC COMMENT:**

1. Artie Valencia shared comments during the meeting for all to hear.
2. Dominick Gulli shared comments during the meeting for all to hear.

**Motion:** To authorize the Executive Director to execute a Feasibility Cost Sharing Agreement and a Local Feasibility Cost Sharing Agreement for the Lower San Joaquin River Lathrop and Manteca, CA Feasibility Study  
**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 Warmesley

- 4.2) Authorize the Executive Director to execute Amendment No. 4 to the Funding Agreement with the California State Department of Water Resources (DWR) for the processing and release of the additional funds provided to the project by the State Budget Act of 2022. Ch. 43 for Smith Canal Gate Urban Flood Risk Reduction Program

##### **PUBLIC COMMENT:**

1. Artie Valencia shared comments during the meeting for all to hear.
2. Dominick Gulli submitted written comments and shared comments during the meeting for all to hear.

**Motion:** To authorize the Executive Director to execute Amendment No. 4 to the Funding Agreement with the California State Department of Water Resources (DWR) for the processing and release of the additional funds provided to the project by the State Budget Act of 2022, Ch. 43 for Smith Canal Gate Urban Flood Risk Reduction Program  
**Moved by:** Director Miller, 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 Warmesley

**5. BRIEFINGS 9:55 AM**

5.1) Lower San Joaquin River Regional Flood Risk Reduction & Climate Resilience Study

**PUBLIC COMMENT**

- Dominick Gulli submitted written comments and shared comments during the meeting for all to hear.

**6. ORAL REPORT FROM EXECUTIVE DIRECTOR 10:29 AM**

**PUBLIC COMMENT**

- None.

**7. PUBLIC COMMENTS 10:38 AM**

**PUBLIC COMMENT**

- Dominick Gulli submitted written comments and shared comments during the meeting for all to hear.

**8. BOARD QUESTIONS, COMMENTS, ACTIONS 10:39 AM**

- Director Warmesley shared comments for all to hear.

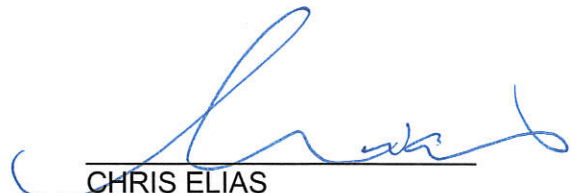
**9. CLOSED SESSION**

- No closed session to be held this month.

**10. ADJOURNMENT 10:41 AM**

The meeting adjourned at 10:41 AM. The next meeting is scheduled for September 15, 2022, 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

August 18, 2022, SJAFCA Meeting Minutes

# **Agenda Item 5.1**

October 20, 2022

TO: San Joaquin Area Flood Control Agency

FROM: Chris Elias, Executive Director

SUBJECT: **ADOPT RESOLUTION AUTHORIZING AMENDMENT TO CONSULTANT AGREEMENT WITH PETERSON BRUSTAD, INC., FOR ADDITIONAL ENGINEERING SERVICES DURING CONSTRUCTION OF THE SMITH CANAL GATE PROJECT**

### RECOMMENDATION

It is recommended that the Board of Directors of the San Joaquin Area Flood Control Agency to adopt to:

1. Authorize Amendment No. 5 to Task Order No. 6 to Consultant Agreement with Peterson Brustad, Inc., (PBI) in the amount of \$2,143,755 for additional engineering services during construction of the Smith Canal Gate Project. Specifically, the recommended additional engineering services to be provided by PBI subconsultants include:
  - a. Structural design of the foundation slabs for storage racks to house the Miter Gate stop logs at a nearby State-owned facility, and ready for easy access and retrieval during routine maintenance of the gate structure or emergencies;
  - b. Conducting ramped up field visits to observe, analyze and address complex changing subsurface field conditions in real time as they affect construction of the cellular flood wall and Miter Gate;
  - c. Participation in various workshops requested and directed by the US Army Corps of Engineers for respective engineering disciplines to thoroughly explain and validate their designs decisions that align with federal design standards;
  - d. Responses to requests for information to further guide construction activities related to structural, civil, geotechnical, electrical and mechanical elements of the Smith Canal Gate structure;
  - e. Engagement with the Independent Panel of Experts to review and respond to information for geotechnical engineering analyses while also updating the post-construction Operations and Maintenance Manual;
2. Appropriate \$2,143,750 to fund the tasks covered in Amendment No. 5 to Task Order No. 6 of the Consultant Agreement with PBI; and
3. Authorize Executive Director to authorize Amendment No. 5 to Task Order No. 6 of the Consultant Agreement with PBI

It is further recommended that the Executive Director be authorized to take appropriate and necessary actions to carry out the intent of the resolution.

### DISCUSSION

#### Background

On July 10, 2013, the Board approved the formation of the Smith Canal Gate Assessment District to fund the local cost-share of design, construction and long-term operations and maintenance of

**ADOPT RESOLUTION AUTHORIZING AMENDMENT TO CONSULTANT AGREEMENT  
WITH PETERSON BRUSTAD, INC., FOR ADDITIONAL ENGINEERING SERVICES DURING  
CONSTRUCTION OF THE SMITH CANAL GATE PROJECT**

the project. Subsequently, the State Department of Water Resources entered into a cost-sharing agreement with the San Joaquin Area Flood Control Agency (SJAFC) to implement the flood risk reduction project consistent with the Central Valley Flood Protection Plan and Urban Risk Reduction Program.

Since November 2013, the Board has authorized several tasks performed by PBI and its subconsultants in support of the Smith Canal Gate Project. All work performed or currently underway as part of this contract included those listed in Table I below:

Table I - Task Order and the authorized amounts

| TO No. | Amend | Date       | Description                                                                                                                                                                                                              | Amount      |
|--------|-------|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| 1      |       | 11/7/2013  | Environmental Impact Report and Public Outreach                                                                                                                                                                          | \$1,400,000 |
| 2      |       | 9/24/2014  | Water Quality Strategies                                                                                                                                                                                                 | \$105,000   |
| 3      |       | 5/21/2015  | Water Quality Modeling, geotechnical investigation permitting and additional Public Outreach                                                                                                                             | \$347,000   |
| 4      |       | 9/17/2015  | In-water geotechnical investigations for Alternative 1                                                                                                                                                                   | \$172,700   |
| 5      |       | 11/19/2015 | Design, Permitting and Right of Way Acquisition Alternative 1                                                                                                                                                            | \$4,100,000 |
| 6      |       | 5/16/2019  | Engineering Services During bidding and construction                                                                                                                                                                     | \$1,908,000 |
|        | 1     | 11/7/2019  | Water quality monitoring requested by California Dept. of Fish and wildlife                                                                                                                                              | \$112,000   |
|        | 2     | 1/16/2020  | Computer modeling to confirm findings of pile test, Comparative CEQA analysis, biological assessment for regulatory agencies to pursue permit modifications.                                                             | \$240,000   |
|        | 3     | 4/24/2020  | Environmental mitigation compliance for received permits, biological assessment for modification to address incidental take permit conditions and required CEQA analysis.                                                | \$22,500    |
|        | 4     | 6/17/2021  | Additional geotechnical analysis, re-run of computer models to confirm design, USACE workshop presentation to ensure consistency with federally approved project, additional services during third year of construction. | \$803,118   |
| Total: |       |            |                                                                                                                                                                                                                          | \$9,210,318 |

The proposal submitted by PBI and its subconsultants to address changing needs of the Smith Canal Gate Project are incorporated by reference in Attachment I, with related cost breakdown in Attachment 2.

**AGENDA ITEM 5.1**

**ADOPT RESOLUTION AUTHORIZING AMENDMENT TO CONSULTANT AGREEMENT  
WITH PETERSON BRUSTAD, INC., FOR ADDITIONAL ENGINEERING SERVICES DURING  
CONSTRUCTION OF THE SMITH CANAL GATE PROJECT**

**Present Situation**

The Smith Canal gate structure consists of three distinct elements. The first element which is the coffer dam is where the gate will be located and the work is in advanced stages for final placement and operation of the gate. The second element is the south wall which runs from the coffer dam and ties to the strip of land which juts into Smith Canal. This piece of land known as Dad's point connects with the Louis Park and is also the anchor a couple of public fishing piers. The South wall is about to be completed also. As construction activities advanced toward the strip of land connected to Louis Park, the construction contractor reported that pile driving for the south cellular wall became increasingly harder. Thus, additional engineering support was required to closely document the pile driving, collect data, and expeditiously address changing subsurface conditions that were impacting progress of the construction scheduled. In addition, extra cone penetration tests were performed to determine if changes in the soil conditions near Dad's Point could affect the driving of the last cells of the wall (cells U – Z). The cone penetration tests data confirmed that near Dad's Point the soils characteristics of some layers were much stiffer than those previously anticipated based on existing geotechnical borings in the vicinity of the project. Using this penetration test data and the updated results from sophisticated three-dimensional modeling of the subsurface conditions (Plaxis model run), the engineering analysis showed that the tip elevation of these cells could be reduced by approximately by 2.5 feet for each of the cells as the wall approached the landing spot on Dad's Point.

The construction complexity of the gate structure including the miter gates, foundation, walls, and attachments required additional engineering support (field and office) to ensure the wall alignment and depth remained within design accuracy and installation tolerances prescribed by the US Army Corps of Engineers and the Independent Panel of Experts

The varying soil conditions affecting the pile driving operations and the numerous gate construction issues also significantly increased the number of requests for information, submittals, corrective action plans, and engineering team field visits to properly address each of them. In addition, the design team was tasked with designing the stoplog foundation and its deployment plan, closing out of the remaining additional inquiries posed by USACE's geotechnical team, conduct additional drone flights to document the installation, construction, and progress of the different project components to be incorporated and used in the operations and maintenance of the project, and additional engineering services needed for those construction items that may slip into next year's construction season due to unforeseen conditions, ongoing disruptions in the supply chain and permitting issues.

Staff has reviewed the proposal and finds the cost estimate reasonable and consistent with the current rates for this type of work. Therefore, it is recommended that the Board of Directors adopt resolution to:

1. Authorize Amendment No. 5 to Task Order No. 6 to Consultant Agreement with Peterson Brustad, Inc., (PBI) in the amount of \$2,143,750 for additional engineering services during construction of the Smith Canal Gate Project. Specifically, the recommended additional engineering services to be provided by PBI subconsultants include:
  - a. Structural design of the foundation slabs for storage racks to house the Miter Gate stop logs at a nearby State-owned facility, and ready for easy access and retrieval during routine maintenance of the gate structure or emergencies;

**AGENDA ITEM 5.1**

**ADOPT RESOLUTION AUTHORIZING AMENDMENT TO CONSULTANT AGREEMENT WITH PETERSON BRUSTAD, INC., FOR ADDITIONAL ENGINEERING SERVICES DURING CONSTRUCTION OF THE SMITH CANAL GATE PROJECT**

- b. Conducting ramped up field visits to observe, analyze and address complex changing subsurface field conditions in real time as they affect construction of the cellular flood wall and Miter Gate;
  - c. Participation in various workshops requested and directed by the US Army Corps of Engineers for respective engineering disciplines to thoroughly explain and validate their designs decisions that align with federal design standards;
  - d. Responses to requests for information to further guide construction activities related to structural, civil, geotechnical, electrical and mechanical elements of the Smith Canal Gate structure;
2. Appropriate \$2,143,750 to fund the tasks covered in Amendment No. 5 to Task Order No. 6 of the Consultant Agreement with PBI; and
3. Authorize the Executive Director to execute Amendment No. 5 to Task Order No. 6 to the Consultant Agreement with PBI

It is further recommended that the Executive Director be authorized to take appropriate and necessary actions to carry out the intent of the resolution.

**Fiscal Impact**

This appropriation is necessary to fund the additional engineering services for unforeseen subsurface conditions and related design issues encountered with the installation of the Smith Canal wall and gate structure. There are adequate funds in the construction to cover the planned expenditure in the proposal identified as part of Amendment No. 5, Task Order No. 6 of the Agreement with PBI Payments to PBI and its subconsultants for additional engineering services during construction are structured on a time-and-material agreement In addition, SJAFCA will receive up to 63% of its expenditure as reimbursement by the California Department of Water Resources per the Smith Canal Gate Project Funding Agreement. Also, if approved by the Board of Directors, the total cost for the additional engineering during construction will increase from the not-to-exceed maximum to \$5,229,368.

**Environmental Compliance**

Project related changes will not result in any new or incrementally more severe impacts beyond those described in the Final Environmental Impact Report and Addenda. Therefore, no subsequent or supplemental environmental impact report is required per CEQA Guidelines Section 15162 and California Public Resources Code Section 21166.

**Strategic Plan Consistency Analysis**

Approval of this Amendment with PBI to provide technical services during construction is consistent with the Mission and Goals of the Board-adopted Strategic Plan, specifically it is consistent with Goal 1 “to Plan for and Implement System Resiliency”

October 20, 2022

**ADOPT RESOLUTION AUTHORIZING AMENDMENT TO CONSULTANT AGREEMENT  
WITH PETERSON BRUSTAD, INC., FOR ADDITIONAL ENGINEERING SERVICES DURING  
CONSTRUCTION OF THE SMITH CANAL GATE PROJECT**

PREPARED BY: Juan J. Neira

A handwritten signature in blue ink, appearing to read "Chris Elias", is written over a horizontal line.

APPROVED:  
CHRIS ELIAS  
EXECUTIVE DIRECTOR  
CE:JJN:lr

Attachments:

1. Scope of Work Modifications
2. Estimated Work Effort and Cost
3. Resolution 22-20 Amendment No. 5 to Task Order No. 6 to the consultant agreement with Peterson Brustad, Inc., for additional engineering services and services during construction for the Smith Canal Gate Project

# Attachment 1

## Scope of Work Modifications

### Task 1 – Project Management and Meetings

### Task 3 – Engineering During Construction

#### **3.1 Weekly Coordination and General EDC**

This task includes additional support during construction and attendance at additional construction meetings. PBI will attend in person as needed, and the remainder by phone. HDR will attend in person as needed, and the remainder by phone. This task also includes additional RFI and submittal review support.

##### **3.1.1 In-Water work observation and documentation**

As was requested at the end of the in-water construction season in 2021, HDR will provide staff for site observation of sheet pile and Miter Gate installation and daily meetings. This task includes additional effort required for HDR's support during the installation and testing of the Miter Gate in 2022. HDR staff are anticipated to observe and document sheet pile installation, contractor methods, and report back to HDR's engineers. Documentation may include written daily reports and photos.

Assumptions:

- Up to four engineers attending weekly 1.5-hour phone conferences for an additional 48 meetings.
- Review of up to 60 additional RFIs. One round of review for each RFI.
- Review of up to 40 additional submittals. One round of review for each submittal.
- Miter Gate Field Observations: Average 16-hrs per week on-site for one engineer and the PM including 1.5-hour in person meetings, 4-hour site visits, and travel time.
- Up to an additional 152 hours for HDR for the 2022 construction season is included for increased support during the installation and testing of the Miter Gate.
- One person on-site for 16 weeks during the in-water construction for two construction seasons. Field staff will attend daily meetings in person, PM and Engineers of record or their delegates will attend via phone or Webex/Teams. Not knowing the duration or frequency of meeting, HDR assumed a total of 805 hours of staff time. Field staff will observe the collection of CPT data onsite for up to 8 days.

#### **3.9 Out of Scope Services**

##### **3.9.1 Cellular floodwall onsite observation and coordination**

HDR, at the request of SJAFCA, provided staff onsite full time during the later portion of the 2021 in-water construction season. Staff observed and documented the installation of the cellular flood wall sheetpiles and attended daily meetings with the CM team, SJAFCA and the Contractor. Effort for this task was tracked separately using a unique tracking code.

Assumptions:

- All work under this task is complete.

##### **3.9.2 USACE Comment response coordination and workshop**

At the request of SJAFCA, PBI and HDR prepared and participated in USACE workshops. This work out of scope work was not included in our previous scope and utilized existing budgets. Effort for this task was tracked separately using a unique tracking code and included preparing presentations, giving presentations, responding to comments, and backchecking comment responses in order to close comments. This task assumes that USACE coordination is completed.

Assumption:

- All work under this task is complete. Additional USACE coordination is not anticipated nor included.

### **3.9.3: Submittal and RFI review**

As of the prior amendment, HDR assumed 102 RFIs in 2020, 94 RFIs in 2021, and 94 RFIs in 2022 for all engineering disciplines (structural, civil, geotechnical, electrical, and mechanical). As of May 10, 2022, HDR had received and responded to 351 RFI's, which is 61 more than was assumed through the completion of construction in 2022. HDR also assumed there would be a total of 126 submittals that required review and response from HDR. As of May 10, 2022, HDR had received 355 submittals. Approximately 75% of submittals required a detailed formal response. Effort associated with this task based on time spent completing additional reviews and response to RFIs and submittals in excess of what was assumed under prior scope.

Assumption:

- All work under this task is complete.

### **3.9.4 Additional round of IPE comments**

The design team had a review meeting with the IPE in 2021 which propagated additional IPE comments on the GDR and the O&M Manual in August 2021. This task includes efforts to address additional IPE comments.

Assumptions:

- All work under this task is complete.

## **3.10 Tip Elevation Re-evaluation**

### **3.10.1: PLAXIS Model runs by BCI as subconsultant to HDR**

At the request of SJAFCA HDR entered into a sub-consultant agreement with Blackburn Consulting Inc. (BCI) in April of 2022 for the purpose of running additional PLAXIS modeling utilizing new subsurface information. The intent of the additional modeling is to determine if the Cellular Floodwall design tip elevation can be reduced.

### **3.10.2: Coordination and interpretation**

This task is for the needed coordination with BCI and the interpretation of the PLAXIS model results to further the ongoing effort to reduce the Cellular Floodwall design tip elevation.

### **3.10.3 Technical Memorandum (TM)**

HDR will prepare a Technical Memorandum summarizing the results of the PLAXIS modeling and its use in further evaluating the cellular floodwall design tip elevation and provide recommendations, as applicable, for reducing sheetpile tip elevations.

Assumption:

- One additional TM bill be prepared by BCI as part of this task.
- The TM prepared in May 9, 2022 (revised May 31) is complete. Revisions to this TM are not anticipated nor included.
- Two additional PLAXIS model runs are assumed for this effort.
- Additional PLAXIS modeling for future evaluation of out of spec cells is included in this estimate. Because the extent of the modeling effort is not known, an un-scoped estimated cost was inserted based on knowledge of previous modeling costs. The actual costs may be less or more than what has been estimated.
- Additional field investigations (planning, field support, and/or processing additional field data) and any mitigation plan development (if necessary) are not anticipated nor included.

### **3.11 Additional Drone Flights**

This task includes additional drone flights to document construction and commissioning activities of the miter gate and floodwall. The workplan for the series of drone flights will be based on direction of SJAFCA and construction management team. A minimum of one week notice is required for drone flight scheduling and is subject to the availability of staff.

Assumptions:

- This task assumes up to 15 site visits for drone flights at 5 hours each.
- Drone flight staff to check in with Agency representative prior to each drone flight initiation to ensure no conflict with construction activities
- Drone to be deployed from boat launch unless otherwise directed

### **3.12 Stoplog Foundation Design**

This task is needed to provide a permanent storage site for the miter gate stop logs. This task includes the structural design of the foundation slabs for the storage racks as well as development of a stoplog deployment plan to be included in the final O&M manual. The deployment plan will include consideration of necessary equipment rentals and transit routes to get the stoplogs deployed to the miter gate location. An engineer's estimate will be developed for the construction costs assuming the foundation will be constructed by change order.

Assumptions:

- Site survey and geotechnical borings are to be provided by KSN and Kleinfelder and excluded from this scope
- The permanent storage location will be on west side of DWR's existing riprap storage yard

**Estimated Work Effort and Cost**  
**San Joaquin Area Flood Control Agency - Smith Canal Closure Structure**  
**Task Order No. 6 - Amendment No. 5**

|            |             |
|------------|-------------|
| TOTAL COST | \$2,143,750 |
|------------|-------------|

**RESOLUTION NO. SJAFCA 22-20**

**SAN JOAQUIN AREA  
FLOOD CONTROL AGENCY**

=====

**AUTHORIZATION TO EXECUTE AMENDMENT No. 5 TO ENGINEERING DURING  
CONSTRUCTION AGREEMENT WITH PETERSON, BRUSTAD, INC. FOR ADDITIONAL  
SERVICES FOR THE SMITH CANAL GATE PROJECT**

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. 5 to Task Order No. 6 to the Engineering During Construction Agreement with Peterson Brustad, Inc., (PBI) in the amount of \$2,143,750 for additional field support, coordination, and resolution of complex issues required for the sheet pile and Miter Gate installation, geotechnical analysis of newly performed Cone Penetration Tests (12 in-water and 1 inland), running and analysis of additional Plaxis model utilizing updated subsurface information to update sheet pile tip elevation recommendations, additional stoplog foundation design and deployment plan, closing out of U.S Army Corps of Engineers technical comments to ensure Smith Canal Gate Project consistency with the federally approved Lower San Joaquin River Project for crediting purposes, and additional engineering services needed for those construction items that may slip into next year's construction season due to unforeseen conditions, ongoing disruptions in the supply chain and permitting issues.
  2. Appropriate \$2,143,750 to fund the tasks covered in Amendment No. 5 to Task Order No. 6 of the Engineering During Construction Agreement with Peterson Brustad, Inc.
- PASSED, APPROVED AND ADOPTED this 20th day of October 2022.

\_\_\_\_\_  
DAN WRIGHT, 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 5.2**

October 20, 2022

TO: San Joaquin Area Flood Control Agency

FROM: Chris Elias, Executive Director

SUBJECT: **AMENDMENT No. 4 TO THE CONTRACTUAL SERVICES AGREEMENT FOR PROFESSIONAL ENVIRONMENTAL SERVICES BY ENVIRONMENTAL SERVICE ASSOCIATES (ESA) FOR EXTENDED SCOPE OF WORK ON THE LOWER SAN JOAQUIN RIVER PROJECT-PHASE 1, TS30L MITIGATION SITE DESIGN AND CEQA/NEPA SUPPORT**

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## RECOMMENDATION

It is recommended that the Board of Directors of the San Joaquin Area Flood Control Agency (SJAFCA ) approve and adopt a resolution authorizing the Executive Director to negotiate and execute Amendment No. 4 to the Contractual 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 mitigation sites design and construction of the Lower San Joaquin River CA-Project (LSJRP), Phase 1, TS\_30\_L for a not-to-exceed budget of \$194,709.

## 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. As a project partner, SJAFCA is responsible for working closely with USACE, who is serving as the design lead for project delivery.

In March 2021, SJAFCA entered into a Contractual Services Agreement with Environmental Science Associates (ESA) for a not-to-exceed cost of services for environmental compliance with project-level details associated with the first increment of design and construction at TS\_30\_L. ESA's work included an environmental compliance evaluation, comparison, and approach memorandum. Further, ESA identified several analyses and coordination items with USACE, as the National Environmental Policy Act (NEPA) lead.

In July 2022, SJAFCA's Board approved Amendment No.2 Resolution 21-12 to ESA's agreement to extend their scope of work to develop the draft and final CEQA documentation necessary for the advancement of TS\_30\_L construction per the attached proposal. The schedule was anticipated to extend through February 2022 with an anticipated not-to-exceed cost of \$323,314. ESA's contact summary includes the following:

- 1) Original consultant services agreement was \$43,300 between ESA and SJAFCA approved on March 29, 2021.
- 2) Contract Amendment No.1 in the amount of \$6,000.00 approved on April 26, 2021.
- 3) Contract Amendment No.2 in the amount of \$323,314 approved on July 22, 2021.
- 4) Contract Amendment No. 3 in the amount of \$8,730 approved on January 21, 2022

## **AGENDA ITEM 5.2**

**AMENDMENT No. 4 TO THE CONTRACTUAL SERVICES AGREEMENT FOR PROFESSIONAL ENVIRONMENTAL SERVICES BY ENVIRONMENTAL SERVICE ASSOCIATES (ESA) FOR EXTENDED SCOPE OF WORK ON THE LOWER SAN JOAQUIN RIVER PROJECT-PHASE 1, TS30L MITIGATION SITE DESIGN AND CEQA/NEPA SUPPORT**  
**(Page 2)**

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### Present Situation

Environmental mitigation requirements of the Lower San Joaquin River, phase 1 TS30L project will necessitate additional CEQA analysis and documentation. Since discussions with adjacent property owners is ongoing, the project partners do not have sufficient information to conduct project-level CEQA/NEPA documentation for any of the proposed mitigation sites, which will likely be necessary for the California Department of Fish and Wildlife (CDFW) permit. Nonetheless, the project partners agree that at this point, program-level CEQA/ NEPA documentation will suffice to keep the project moving forward. Therefore, after consultation with the project partners, SJAFCA staff recommends amending ESA's agreement (Amendment No.4) to extend their scope of work to evaluate five potential biological mitigation sites on a program level within the project study area. At a later point, through a subsequent amendment, there will be a need to conduct detailed analysis on three mitigation sites at a project level in the Supplemental Environmental Impact Report (SEIR) or complete an additional project level SEIR on one of the USACE-recommended sites. The state non-federal partners (DWR and CVFPB) have expressed willingness to assist SJAFCA with funding the future efforts of project-level CEQA work.

The schedule for the completion of CEQA/NEPA support is anticipated to extend through January 2024.

### Next Steps

As a next step, staff recommends authorizing the Executive Director to negotiate and execute an amendment No. 4 to the consultant services agreement with ESA in the amount of \$194,709 to complete CEQA compliance documentation for a not-to-exceed budget of \$576,053 on the Lower San Joaquin River Reach TS\_30\_L Levee Improvement, San Joaquin County, California Project No.475448

### FISCAL IMPACT

Amendment No.4 proposal consists of base tasks and several options for a total not-to-exceed amount of \$194,709. The proposal for CEQA compliance falls within the current fiscal year 2022/2023 budget for the overall LSJRP of \$1.745M.

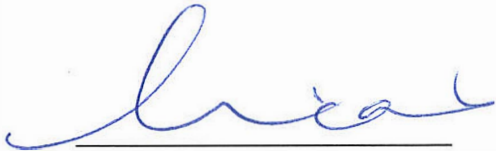
### Strategic Plan Consistency Analysis

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.

October 20, 2022

**AMENDMENT No. 4 TO THE CONTRACTUAL SERVICES AGREEMENT FOR PROFESSIONAL ENVIRONMENTAL SERVICES BY ENVIRONMENTAL SERVICE ASSOCIATES (ESA) FOR EXTENDED SCOPE OF WORK ON THE LOWER SAN JOAQUIN RIVER PROJECT-PHASE 1, TS30L MITIGATION SITE DESIGN AND CEQA/NEPA SUPPORT**  
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CHRIS ELIAS  
EXECUTIVE DIRECTOR

Attachments

1. Proposed Amendment No.4 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, TS30L Mitigation Site Design and CEQA/NEPA Support
2. Cost Proposal
3. Schedule
4. Resolution 22-21 Authorization to execute Amendment No. 4 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

## **Amendment 4: Attachment 1. Scope of Work**

### **Proposed Amendment No. 4 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, TS30L Mitigation Site Design and 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 Phase 1: Reach TS30L Levee Improvement Project (TS30L or 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 erosion protection. TS30L 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 (SJAFCFA), Central Valley Flood Protection Board (CVFPB), and US Army Corps of Engineers (USACE).

Alternative 7a proposes to improve flood risk management in North and Central Stockton by repairing and enhancing the levees that surround Stockton. 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.

When project-level details became available for the proposed work at TS30L levee, Environmental Science Associates (ESA) developed a Supplemental Environmental Impact Report (SEIR) for the proposed work and brought the document to the Public Draft phase. 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.

In addition to development of the Public Draft SEIR, ESA has supported SJAFCFA starting in March 2021 on a variety of TS30L efforts as captured in the original contract (signed March 2021) and three contract amendments (Amendment 1 signed April 2021, Amendment 2 signed July 2021, and Amendment 3 signed January 2022). **Table 1-1** includes work completed to-date and work still to be completed under Amendments 2 and 3.

Also, in April 2021, USACE stated they wanted to complete vegetation removal for TS30L from December 1, 2021 through February 2022, prior to finishing the TS30L project design. In order to remove the vegetation (prior to design being completed for the entire project), California Department of Fish and Wildlife (CDFW) needed to either 1) determine that no Streambed Alteration Agreement (SAA) was needed (i.e., CDFW did not have jurisdiction) or 2) issue SJAFCFA a SAA for just the vegetation

removal portion of the Project. After SJAFCA, CVFPB, and ESA met with CDFW on September 14, 2021, it was decided that ESA would submit a SAA application for the vegetation removal only, in order to give USACE flexibility to complete the vegetation removal work in the preferred timeframe. However, in the SAA application, it was decided ESA would make the case that the TS30L area was not within CDFW's jurisdiction in order to gain agreement from CDFW that a SAA was not needed. After CDFW reviewed the SAA application, they responded by stating the vegetation removal *was* under CDFW's jurisdiction and that they wanted a SAA for the entire project, not just the vegetation removal. CDFW did not request that SJAFCA submit a SAA for the entire project during the September 14, 2021 meeting. Therefore, this amendment includes a revised SAA for submittal to CDFW for vegetation removal and levee construction associated with TS30L.

SJAFCA asked ESA to stop work on the Public Draft SEIR (and any other TS30L efforts) in March 2022 to allow USACE to address mitigation needs for TS30L with United States Fish and Wildlife Service (USFWS).

In September 2022, SJAFCA and CVFPB, as the non-federal sponsors of the 2018 LSJR FR/EIS/EIR, decided that environmental review of potential biological mitigation sites would be incorporated into the SEIR. TS30L requires mitigation for impacts to certain biological resources (e.g., giant garter snake, valley elderberry longhorn beetle) via the creation of habitat to compensate for habitat loss caused by the Project. CEQA is needed for the CVFPB to initiate their property acquisition process for mitigation sites and is also needed to submit environmental permits for the vegetation removal and levee work associated with the TS30L project. While one or two mitigation sites may suffice for TS30L mitigation, SJAFCA and CVFPB want to evaluate five potential mitigation sites at a program-level of detail to allow the greatest flexibility for mitigation site selection for TS30L levee construction and vegetation removal, and also to provide potential mitigation sites for future Alternative 7a projects.

Therefore, SJAFCA and CVFPB requested ESA evaluate the following five potential biological mitigation sites in the vicinity of the Project site:

1. 14-Mile Slough Pump Station (APN 071-140-17), consisting of approximately 113 acres of land owned by the City of Stockton located on Wright-Elmwood Tract south of Fourteen Mile Slough west of Stockton.
2. San Joaquin River (SJR) West Site (APN 071-140-01), consisting of approximately 50 acres of privately owned land owned on Wright-Elmwood Tract at the confluence of Fourteen Mile Slough and the San Joaquin River west of Stockton.
3. SJR East Site (APN 071-150-09), consisting of approximately 50 acres of privately owned land owned on Wright Tract at the confluence of Fourteen Mile Slough and the San Joaquin River west of Stockton. This property surrounds the 50-acre Pace Preserve, which is managed by the Center for Natural Lands Management and includes valley foothill riparian, freshwater aquatic wetland, and California annual and perennial grassland habitats which act as mitigation for impacts to Swainson's Hawk, Valley elderberry long-horn beetle (VELB), and Tri-colored blackbird.
4. SJR South Site (APN 241-240-03), consisting of approximately 151 acres of privately owned land located along Walthall Slough in Manteca, California. This site is currently being developed to preliminary (10%) level design plans by ESA as part of the Mossdale Tract Urban Flood Risk Reduction (UFRR) Project. We assume that all work done to date for that project will be fit for use as-is on the current TS30L project.

5. Van Buskirk Park (APN 163-070-36), consisting of approximately 152 acres of land owned by the City of Stockton located at the confluence of French Camp Slough and the San Joaquin River in Stockton, California. We assume that portions of work done to date for this site by USACE will be fit for use as-is on the current TS30L project.

Once USACE and USFWS come to agreement on which mitigation site(s) (of the five evaluated in the CEQA document) will be used for TS30L, environmental permits will be needed prior to construction of the mitigation sites. ***Since it is not known which sites will be selected for TS30L mitigation, the environmental permitting effort for construction of the selected mitigation site(s) is not included in this scope of work.***

Information on the five mitigation sites will be included at a program level of detail. During the USACE consultation process with USFWS, additional project-level details may be developed requiring additional CEQA before construction of the mitigation site(s) can occur. ***An amendment to this contract will be required if incorporation of project-level details, or any other work outside the tasks specifically outlined in this scope of work, is requested.***

ESA will support SJAFCA in the following efforts:

- Updating the Public Draft SEIR to include program-level detail for five potential mitigation sites
- Updating the Public Draft SEIR to include any changes to project design since February 2022
- Response to comments on the Final SEIR
- Developing documentation and submitting Streambed Alteration Agreement (SAA) for TS30L (not for the mitigation sites)
- Additional pre-construction surveys for TS30L, since construction didn't occur in 2021/2022 and won't occur in 2022/2023.

Table 1 provides a summary of work to-date for TS30L, use of existing Amendment 2 and 3 funds, and work to be completed under Amendment 4.

Table 1

| Task                                                                                  | Completed Activities through September 2022                                                                                                                                                                                                                                                                                                                                                                                     | Scope Deliverables (Amendments 1, 2, and 3)                                                                                                                                                        | Future Activities and Assumptions (Amendments 2, 3, and 4)                                                                                                                                                                          |
|---------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Original Contract (signed 3/29/21, 3-year term)                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                    |                                                                                                                                                                                                                                     |
| Task 1 - Project Management                                                           | Coordination meeting with USACE, DWR and SJAFCA. Internal ESA meetings. PM-related tasks (invoicing, etc.).                                                                                                                                                                                                                                                                                                                     | PM activities                                                                                                                                                                                      | N/A – work complete                                                                                                                                                                                                                 |
| Task 2 – CEQA/NEPA Support                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                    |                                                                                                                                                                                                                                     |
| Subtask 2.1 – Review Existing Documents                                               | Reviewed existing LSJR feasibility studies/EIS/EIR materials. Review design documents. All other information pertaining to project.                                                                                                                                                                                                                                                                                             | N/A                                                                                                                                                                                                | N/A – work complete                                                                                                                                                                                                                 |
| Subtask 2.2 – Communication and Coordination with USACE                               | Meetings and coordination with PDT and USACE                                                                                                                                                                                                                                                                                                                                                                                    | Meeting agenda/summaries                                                                                                                                                                           | N/A – work complete                                                                                                                                                                                                                 |
| Subtask 2.3 - Strategy Memo                                                           | Completed CEQA strategy memo and delivered to SJAFCA on 5/7/2021.                                                                                                                                                                                                                                                                                                                                                               | Draft and final Memo                                                                                                                                                                               | N/A – work complete                                                                                                                                                                                                                 |
| Subtask 2.4 Project Description                                                       | Development of draft CEQA project description submitted to SJAFCA on 5/10/21. Project description updated on 8/9/21.                                                                                                                                                                                                                                                                                                            | Draft and final project description                                                                                                                                                                | N/A – work complete                                                                                                                                                                                                                 |
| Subtask 2.5 CEQA Categorical Exemption for Geotech Sampling                           | Draft categorical exemption for geotechnical samplings and surveys submitted to SJAFCA on 4/12/21 and final documents submitted to SJAFCA on 4/19/21                                                                                                                                                                                                                                                                            | Draft and final CEQA NOE                                                                                                                                                                           | N/A – work complete                                                                                                                                                                                                                 |
| Amendment 1 (signed 4/26/21)                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                    |                                                                                                                                                                                                                                     |
| Task 3 – 401 Water Quality Cert Assistance                                            | Approach memo submitted to SJAFCA on 5/7/21.                                                                                                                                                                                                                                                                                                                                                                                    | Draft Memo                                                                                                                                                                                         | N/A – work complete                                                                                                                                                                                                                 |
| Amendment 2 SEIR and Permitting (signed 7/22/21) and Amendment 3 ADA (signed 1/21/22) |                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                    |                                                                                                                                                                                                                                     |
| Task 1 – Project Management and General Meeting Requirements                          | Coordination meetings with USACE, DWR and SJAFCA. Internal ESA meetings to coordinate information, update status, and finalize documents. PM-related tasks (invoicing, coordination of additional meetings, etc.). Tracking of informational needs and requests and information updates as project elements changed. Development of project schedules.                                                                          | PM activities                                                                                                                                                                                      | Coordination meetings with USACE, DWR and SJAFCA. Internal ESA meetings. PM-related tasks (invoicing, etc.). Tracking of informational needs. Development of project schedules. <b>PM to be covered under Amendment 4 (Task 1).</b> |
| Task 2.0 – Supplemental EIR                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                    |                                                                                                                                                                                                                                     |
| Subtask 2.1 – Finalize Project Description                                            | Project description developed and submitted to SJAFCA on 9/9/21. Multiple ROIs submitted SJFACA and USACE. Revised Project Description to include borrow areas, possible barge off-haul sites, Project description included in the SEIR deliverable on September 30, 2021. Continued to be develop Project Description with updated project information (e.g., changes in borrow material sources) for incorporation into SEIR. | Final Project Description and Study Area Map – Electronic Files                                                                                                                                    | <b>Revisions to the project description to include mitigation sites and changes to USACE design (since February 2022) are included in Amendment 4 (Task 2.1).</b>                                                                   |
| Subtask 2.2 – Assembly Bill 52                                                        | Draft and Final AB52 letters developed on 9/21/21 and 9/29/21. Letters sent to tribes via certified mail on 10/1/2021. Tribal section of CEQA developed.                                                                                                                                                                                                                                                                        | Draft and final letters for AB52 outreach for SJAFCA to mail to the tribes – Electronic files<br><br>Assistance with draft and final responses to Tribal consultation requests on behalf of SJAFCA | <b>Completion of AB52 for mitigation sites is included in Amendment 4 (Task 2.2).</b>                                                                                                                                               |
| Subtask 2.3 – Prepare Admin Draft SEIR                                                | Setting up document template and standardized language. Discussions on impact analysis and comparison to 2018 EIS/EIR. Meetings with Supplemental EIR authors. Development of SEIR. Resource area analysis for Admin Draft SEIR (minus AQ and GHG sections). Admin Draft submitted to SJAFCA on Sept 30, 2021.                                                                                                                  | Administrative Draft SEIR – Electronic files in PDF and Word format                                                                                                                                | <b>Development of the Administrative Draft SEIR to include mitigation sites is included in Amendment 4 (Task 2.3).</b>                                                                                                              |

| Task                                                    | Completed Activities through September 2022                                                                                                                                                                                                                                                                                                                                                                                        | Scope Deliverables (Amendments 1, 2, and 3)                                                                                                                                                    | Future Activities and Assumptions (Amendments 2, 3, and 4)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Subtask 2.4 – Prepare Screencheck and Public Draft SEIR | Development of Screencheck/Public Draft SEIR to incorporate response to SJAFCA, DWR and USACE comments. Revised to update document to 95% design and outstanding items needed, including changes to irrigation ditch footprint, changes to figures, worker information and hours, RSP, etc. Revised Screencheck draft based on SJAFCA and DWR comments.                                                                            | Screencheck Draft SEIR – Electronic files.<br>Public Draft SEIR - Electronic files and fifteen (15) hard copies<br>Draft and Final Notice of Completion – Electronic                           | <b>Development of the Public Draft SEIR to include mitigation sites is included in Amendment 4 (Task 2.4 and Task 2.5).</b> Funds from Amendment 3 will be used to remediate the SEIR for ADA.                                                                                                                                                                                                                                                                                                                                               |
| Subtask 2.5 – Prepare Draft MMRP                        | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                | Administrative Draft MMRP – Electronic files<br>Final Draft MMRP – Electronic files and hard copies to be included in Final SEIR (Task 2.9).                                                   | Draft MMRP prepared with Final SEIR (using funds under Amendment 2). <b>Funds from Amendment 2 will be used for this work.</b>                                                                                                                                                                                                                                                                                                                                                                                                               |
| Subtask 2.6 – Prepare Admin Draft Final SEIR            | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                | Administrative Draft Final SEIR (including responses to comments) – Electronic files                                                                                                           | Development of Admin Final SEIR after public review process. <b>Additional funds added under Amendment 4 (Task 2.6) for response to comments.</b> Assumes Public draft comments do not raise issues not previously identified w/in the SEIR.                                                                                                                                                                                                                                                                                                 |
| Subtask 2.7 - Prepare Final SEIR and NOD                | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                | Screencheck Draft Final SEIR – Electronic files (in PDF and Word format)<br>Final SEIR - Electronic files and fifteen (15) hard copies<br>Draft and Final Notice of Determination – Electronic | Development of Final SEIR after Admin Draft review. <b>Funds from Amendment 2 will be used for this work.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Task 3 – CEQA Addendum for VELB/Tree Removal            | Coordination with USACE, SJAFCA and DWR on vegetation removal project. Development of Addendum. Draft Addendum submitted to SJAFCA on 11/18/21. Meeting to resolve comments on Draft Addendum. Final Addendum submitted on 12/1/21. Addendum NOD filed 12/21/21.                                                                                                                                                                   | Electronic Version of a draft and final Addendum.                                                                                                                                              | N/A – work complete                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Task 4 – State Permitting                               |                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Subtask 4.1 401 Justification                           | Developed Justification Memo in 10/7/21 stating no waters of the State based on USACE's determination of no Waters of the US. Draft memo submitted to SJAFCA on 12/2/21.                                                                                                                                                                                                                                                           | Draft Memorandum to Regional Board staff—electronic version<br>Final Memorandum to Regional Board staff —electronic versions to the SJAFCA and Regional Board staff.                           | N/A – work complete                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Subtask 4.2 Streambed Alteration                        | Preparation of multiple drafts of 1600 application, drafts delivered to SJFACA on 10/8/21, 10/14/21, 10/25/21 and 10/26/21. Worked with SJAFCA to upload 1600 application to CDFW website on 10/26/21. Initial application was for two phased approach to meet USACE timing requirements for veg removal in winter 2021/22, while waiting for completed project plans. Coordination with SJAFCA, DWR and CDFW on 1600 application. | Draft 1602 Application Package—electronic version<br>Final 1602 Application Package —electronic versions to the SJAFCA and CDFW's EPIMS Permitting Portal                                      | CDFW stated one SAA is required for the veg/VELB/tree removal and the levee work associated with the TS30L project. Amended SAA application will require: SEIR public draft, USFWS/USACE mitigation outline, updated project description with latest USACE TS30L design. <b>Amendment 4 (Task 6.1) to include scope and budget to amend the SAA application submitted to CDFW on 10/26/2021 for TS30L levee construction and vegetation removal. The SAA for construction of the mitigation sites is not included in this scope of work.</b> |
| Subtask 4.3 – Delta Plan Consistency                    | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                | Draft Certification of Consistency with the Delta Plan—electronic version<br>Final Certification of Consistency with the Delta Plan —electronic versions to SJAFCA and DSC website             | Consistency Determination to be submitted once Public Draft SEIR is released. <b>Funds from Amendment 2 will be used for this work. The Certification of Consistency for construction of the mitigation sites is not included in this scope of work.</b>                                                                                                                                                                                                                                                                                     |
| Subtask 4.4 – Incidental Take Permit                    | Research and preparation of consistency determination for CDFW. Draft document developed on 10/12/21.                                                                                                                                                                                                                                                                                                                              | Draft ITP—electronic version<br>Final ITP —electronic versions to SJAFCA and CDFW                                                                                                              | ITP application to be submitted once Public Draft SEIR is released. <b>Funds from Amendment 2 will be used for this work. The ITP for construction of the mitigation sites is not included in this scope of work.</b>                                                                                                                                                                                                                                                                                                                        |

| Task                                                                                                                                            | Completed Activities through September 2022                                                                                                                                                                                                                                                                                  | Scope Deliverables (Amendments 1, 2, and 3)                                                                                                                                                                                                        | Future Activities and Assumptions (Amendments 2, 3, and 4)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Subtask 4.1a – 401 WQC                                                                                                                          | Research on WDR process. Mtgs with DWR and SJAFCA on 401/WDR approach                                                                                                                                                                                                                                                        | Draft 401 WQC Application Package—electronic version<br><br>Final 401 WQC Application Package —electronic versions to the SJAFCA and Regional Board.                                                                                               | USACE has determined that waters of the United States will be impacted during construction of TS30L, therefore a Section 401 WQC will be submitted to the Regional Board for levee work associated with TS30L. Need USACE information on Waters of the US and design for application. Section 401 application to be submitted once Public Draft SEIR is released. <b>Funds from Amendment 2 will be used for this work. The Section 401 WQC for construction of the mitigation sites is not included in this scope of work.</b>                                                                                                                                                    |
| Task 5 – Pre-Construction Surveys                                                                                                               |                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Optional Task 5.1 - Conduct Protocol-Level Surveys for Swainson's Hawk and Surveys for Nesting Birds Protected by the Migratory Bird Treaty Act | Conducted surveys on 7/27/21. Submitted final report to SJAFAC on 8/6/21. Attended meetings with USACE, SJAFCA and DWR to discuss mitigation needs. Prepared memos to assist USACE on coordination with USFWS, including "USACE_USFWS_TS30L_Mitigation" submitted on 9/24/21                                                 | Letter report to the client following the final survey—electronic version. Assumes 3 surveys.                                                                                                                                                      | Since trees were not removed in fall/winter 2021/22 and won't be removed in 2022/23, a second round of surveys will be required. Swainson's hawk surveys to be conducted per protocol, which requires 3 surveys during each of the 2 survey periods prior to the start of construction for a total of 6 surveys. The last survey should be conducted within 48 hours of starting construction. <b>Remaining funds from Amendment 2 will be used for this work, but additional funds will be included in Amendment 4 (Task 6.2), since additional surveys are needed. Pre-construction surveys for construction of the mitigation sites are not included in this scope of work.</b> |
| Optional Task 5.2. Conduct Protocol-Level Surveys for Western Burrowing Owl                                                                     | Site visit and coordination for BUOW surveys. Conducted surveys on 7/27/21. Submitted survey report to SJAFCA on 8/6/21. Prepared memos to assist USACE on coordination with USFWS, including "Lower_SJR_Elderberry_On_Site_Mitigation_Issues" submitted on 9/10/21. Evaluation of Barge Off-haul Site.                      | Letter report to the client following the final survey—electronic version. Assumes 4 surveys.                                                                                                                                                      | Determined low quality habitat, thus only two preconstruction surveys proposed. One survey should be conducted 14 days prior to construction and the second 24 hrs prior to construction. <b>Funds from Amendment 2 will be used for this work. Pre-construction surveys for construction of the mitigation sites are not included in this scope of work</b>                                                                                                                                                                                                                                                                                                                       |
| Optional Task 5.3. Conduct Surveys for Roosting Bats                                                                                            | N/A                                                                                                                                                                                                                                                                                                                          | Letter report to the client following the final survey—electronic version. Assumes 1 survey.                                                                                                                                                       | Preconstruction surveys are needed prior to construction of TS30L. <b>Funds from Amendment 2 will be used for this work. Pre-construction surveys for construction of the mitigation sites are not included in this scope of work</b>                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Optional Task 5.4. Conduct Preconstruction Surveys for Giant Garter Snake                                                                       | Site visit and coordination for GGS surveys and tree assessment for haul routes to/from SEWD. Conducted GGS surveys on 8/18/21. Submitted GGS survey report to SJAFCA on 10/12/21. Continued discussions with SJFACA and CDFW on GGS approach. Tree assessment for haul routes to/from SEWD submitted to SJAFCA on 10/27/21. | Letter report to the client following the final survey—electronic version. Assumes 1 survey.                                                                                                                                                       | Preconstruction surveys are needed prior to construction of TS30L. <b>Funds from Amendment 2 will be used for this work. Pre-construction surveys for construction of the mitigation sites are not included in this scope of work</b>                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Optional Task 5.5. Elderberry Survey and Transplantation Oversight                                                                              | Coordination with USACE, SJAFCA and DWR on Elderberry Survey and Transplantation and USFWS requirements.                                                                                                                                                                                                                     | Memorandum summarizing the elderberry survey with a map of elderberry locations—electronic version. Assumes 1 survey.<br><br>Memorandum summarizing elderberry transplanting effort with a map of the transplantation locations—electronic version | N/A – work complete. <b>Pre-construction surveys for construction of the mitigation sites are not included in this scope of work</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Optional Task 5.6. Special-Status Plant Survey                                                                                                  | Site visit and coordination for special-status plant surveys. Conducted surveys on 8/18/21. Submitted survey report to SJAFAC on 10/12/21. Continued coordination and discussions with SJAFCA, DWR and USACE on USFWS approach.                                                                                              | 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. Assumes 1 survey.                        | N/A – work complete.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Optional Task 5.7. Conduct Worker Environmental Awareness Training Task 5.1                                                                     | N/A                                                                                                                                                                                                                                                                                                                          | Worker Environmental Awareness Training pamphlet and signature sheet of attendees                                                                                                                                                                  | Monitor to conduct WEAP training to all crew prior to working onsite. <b>Funds from Amendment 2 will be used for this work. Pre-construction surveys for construction of the mitigation sites are not included in this scope of work.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                          |

This document utilizes information from, but not limited to, the following sources:

- May 2021 SJAFCA CEQA/NEPA and Regional Board Strategy Memo for the TS30L 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)
- 95% DDR and other design-related documents for the proposed Project provided by SJAFCA in August 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 – Finalize Project Description and Study Area Map (with mitigation sites and other changes to TS30L design since February 2022)

Task 2.2 – Assembly Bill 52 (for mitigation sites only)

Task 2.3 – Update Administrative Draft SEIR with program-level mitigation sites

Task 2.4 – Update Screencheck Draft SEIR with program-level mitigation sites

Task 2.5 – Update Public Draft SEIR with program-level mitigation sites

Task 2.6 – Supplemental Budget for Administrative Draft Final SEIR (Response to Comments on the Draft SEIR)

Task 3 – Biological Resources Database Searches and Desktop Mapping

Task 4 – Cultural Resources Background Research

Task 5 – State Permitting – Supplemental Budget to Contract Amendment 2

Task 5.1 – Streambed Alteration Agreement - Additional Funds for Amendment 2 Task 4.2

Task 5.2 – Swainson's Haw and Nesting Bird Surveys - Additional Funds for Amendment 2 Task 5.1

### **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 three coordination meetings every month for 15 months for a total of 45 1-hour meetings with up to two (2) ESA staff attending (90 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 15 months to complete CEQA and permits for TS30L after Notice to Proceed.

### **Task 2.0: Supplemental EIR**

As described above, ESA will update the existing SEIR, dated February 2022 (originally developed under Amendment 2 Task 2.0), to include the five mitigation sites at a program-level.

### **Task 2.1: Finalize Project Description and Study Area Map**

ESA will update the project description and study area map (originally developed under Amendment 2 Task 2.1) to incorporate the location and general types of activities that would be required for five potential mitigations sites in the area (at program level). Also, the project description and study area map will be updated to include updates to the TS30L footprint (e.g., changes to farmer's road, staging areas, etc.) since February 2022.

#### ***Deliverables:***

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

### **Task 2.2: Assembly Bill 52**

ESA will assist with Assembly Bill 52 (AB 52) consultation to support the requirements of AB 52 as well as the California Natural Resources Agency's *Final Tribal Consultation Policy* and the California Department of Water Resources' *Tribal Engagement Policy* for the five mitigation sites. ESA will draft AB 52 letters, advise, and attend or organize meetings, though formal government-to-government contact will remain the purview of SJAFCA. ESA will contact the California Native American Heritage Commission (NAHC) to request a search of their Sacred Lands File for the five mitigation sites and a list of contacts for California Native American Tribes who may have an interest in the Project. ESA will draft Project AB 52 notification letters for SJAFCA to send to those Tribes that have previously requested from SJAFCA to be notified of any SJAFCA projects, pursuant to AB 52.

For the five mitigation sites, ESA will also draft Project non-AB 52 notification letters, in accordance with the California Natural Resources Agency's *Final Tribal Consultation Policy* and the California Department of Water Resources' *Tribal Engagement Policy*, 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, pursuant to AB 52. ESA will assist SJAFCA with 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. ESA recommends that SJAFCA conclude AB 52 consultation prior to circulation of the SEIR; CEQA requires that AB 52 consultation be concluded prior to the certification of the SEIR.

Under this task, ESA will also conduct up to two site visits with SJAFCA and Tribal representatives. During the site visits, ESA will document any concerns by Tribal representatives regarding potential Project impacts on archaeological and tribal cultural resources. Due to the location of the five mitigation sites, there is the possibility that a Tribe will identify potential tribal cultural resources that may be impacted by the Project, thereby requiring significance evaluations of potential tribal cultural resources; in such a

case, ESA can provide SJAFCA with the support services to assist in tribal cultural resource identification and significance evaluations.

**Assumptions:**

- Letter deliverables will be in electronic format (PDF or Word);
- Up to two (2) site visits, each with one (1) ESA Cultural Resources Specialist, with Tribes for the five mitigation sites;
- Up to two (2) rounds of consolidated comment/review between SJAFCA and ESA for Tribal outreach letters for the five mitigation sites;
- Scope of task limited by time budgeted.

**Deliverables:**

- Draft AB 52 Project notification letters for the five mitigation sites;
- Draft general CEQA (non-AB 52) Project notification letters for the five mitigation sites;
- Up to two (2) site visits, each with one (1) ESA Cultural Resources Specialist, SJAFCA, and Tribal representatives for the five mitigation sites.

**Task 2.3: Update Administrative Draft SEIR with Program-Level Mitigation Sites**

ESA will update the Administrative Draft SEIR (originally developed under Amendment 2 Task 2.3) to analyze potential environmental impacts associated with the location and environmental impact analysis of the general types of activities that would be required for five mitigations sites in the area (at a program-level of detail).

Pursuant to CEQA Guidelines, the SEIR developed under Amendment 2 Task 2.3 addressed specific environmental resource topics where project changes warranted supplemental analysis. Table 2 below lists all resource areas covered in the original 2018 LSJR FR/EIS/EIR; those resource areas shown in bold identify issue areas where the SEIR provided additional analysis. For the remaining resource areas, information from the 95% Design Documentation Report (DDR) and other relevant documents was used to state how the impacts from TS30L were covered under the existing 2018 LSJR FR/EIS/EIR.

It is assumed that incorporation of the mitigation sites into the existing SEIR analysis will not alter the information shown in Table 2. It is also assumed that no new or expanded Significant and Unavoidable determinations will need to be made for the proposed Project upon incorporation of the mitigation sites into the analysis.

**TABLE 2**  
**SUMMARY OF RESOURCE TOPICS AND THOSE THAT REQUIRED FURTHER ANALYSIS**

|                                               |                                        |                                                   |                                                               |
|-----------------------------------------------|----------------------------------------|---------------------------------------------------|---------------------------------------------------------------|
| Aesthetics                                    | <b>Agricultural/Forestry Resources</b> | Air Quality and GHG                               | <b>Biological Resources (vegetation, wildlife, fisheries)</b> |
| <b>Cultural and Tribal Cultural Resources</b> | <b>Wildfire and Energy</b>             | Geology, Seismicity, Soils, and Mineral Resources | <b>Wetlands and Other Waters of the US</b>                    |
| <b>Transportation</b>                         | Hydrology and Hydraulics               | <b>Land Use</b>                                   | Water Quality                                                 |

|            |                        |                                         |                   |
|------------|------------------------|-----------------------------------------|-------------------|
| Noise      | Population and Housing | Public Safety and Environmental Hazards | Groundwater       |
| Recreation | Socioeconomics and EJ  | Utilities and Public Services           | Growth Inducement |
| Cumulative |                        |                                         |                   |

**Assumptions:**

- *No biological surveys, cultural surveys, or restoration design will be completed to support this work. ESA will use general size and location of the five mitigation site parcels, as well as experience on similar projects, to make conservative, program-level assumptions for the environmental analysis (e.g., general types of construction activities, methods, and equipment that would be needed; range of anticipated O&M activities; an assumption of clearing and grading the entire mitigation site to estimate truck trips and analyze disturbance to existing biological and cultural resources, etc.)*
- *It is assumed that incorporation of the mitigation sites into the existing SEIR analysis will not alter the resource area topics requiring additional analysis (Table 2) and that no new or expanded Significant and Unavoidable determinations will need to be made.*
- *It is assumed that no new Project alternatives will be introduced due to incorporation of the mitigation sites into the existing SEIR.*

**Deliverables:**

- *Updated Administrative Draft SEIR – Electronic files in Word format*

**Task 2.4: Update Screencheck Draft SEIR with Program-Level Mitigation Sites**

After SJAFCA, 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 SJAFCA and DWR.

**Deliverables:**

- *Updated Screencheck Draft SEIR – Electronic files.*

**Task 2.5: Update Public Draft SEIR with Program-Level Mitigation Sites**

After SJAFCA, as lead agency, and DWR, as a responsible agency, have reviewed and commented on the Screencheck Draft SEIR, ESA will incorporate the necessary revisions based on one consolidated set of comments and prepare and submit copies of a Public Draft SEIR for approval by SJAFCA and DWR. Upon staff approval, ESA will submit copies of the Draft SEIR and Notice of Completion to the State Clearinghouse and county clerk. SJAFCA 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:**

- *Updated Public Draft SEIR - Electronic files*
- *Draft and Final Notice of Completion – Electronic files*

### **Task 2.6: Supplemental Budget for 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.

Existing funds from Amendment 2 will support this task, but ESA is anticipating a greater level of effort for the response to comments phase, based on the increased level of possible public controversy introduced by the mitigation sites and public awareness regarding TS30L construction.

#### ***Deliverables:***

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

### **Task 3.0 Biological Resources Database Searches and Desktop Mapping**

ESA will carry out database searches including: the U.S. Fish and Wildlife Service's *Information for Planning and Consultation* (IPaC) data base, the *California Natural Diversity Data Base* (CNDDB), and the California Native Plant Society's *Inventory of Rare and Endangered Plants of California* to generate a list of special-status species with potential to occur in the region. ESA will also do desktop-level mapping of habitats, wetlands and other waters within the restoration areas based on aerial imagery (e.g., Google Earth or NAIP imagery) to support analysis in the SEIR.

#### ***Assumptions:***

- *SJAFCA will provide files with footprint of project areas in Autocad or ArcGIS formats, if available.*

### **Task 4.0 Cultural Resources Background Research**

ESA will conduct a records search at the California Historical Resources Information System (CHRIS) for all five mitigation sites and areas within 0.25 mile. ESA will conduct additional background research in digital repositories to support cultural resource assessments of eligibility for the National Register of Historic Places (National Register), California Register of Historical Resources (California Register), and applicable local registers. In order to gather additional information on cultural resources in the Project Area, pending approval from SJAFCA, ESA may also send outreach letters to local interest groups (e.g., historical societies and museums) that ESA determines may be interested in the cultural resources analysis for the Project, or that may provide additional information regarding the project location (state and local agencies and archival repositories).

## **Task 5.0 State Permitting and Pre-Construction Surveys – Supplemental Budget**

### **Task 5.1. Additional Funds for Amendment 2 Task 4.2 Section 1602 Streambed Alteration Agreement**

Based on the direction from CDFW that a 1602 SAA is required for the TS30L project (for effects to the irrigation ditch and associated vegetation along the TS30L levee slope) ESA will revise the previously submitted 1602 Notification of Lake or SAA. The revision will be based on the most recent version of the project design and include an updated project description and impacts section, as well as the addition of a mitigation proposal that meets the 1602 SAA requirements. ESA will revise information submitted during the previous 1602 SAA Notification via CDFW's Environmental Permit Information Management System (EPIMS) Permitting Portal. The task assumes one (1) 60-minute teleconference meeting(s) with CDFW staff and up to two (2) meetings with SJAFCA and ESA, each involving no more than two (2) ESA staff. The scope is also based on the assumptions that the USACE will provide detailed design drawings to support this Notification package as well as a complete mitigation proposal for impacts to riparian vegetation. SJAFCA will provide a single set of consolidated comments on the draft 1602 SAA Notification. SJAFCA will be responsible for any additional application fees, if required (amount to be determined), which will be submitted to CDFW concurrently with the Notification on EPIMS.

***The revised SAA application will be for the TS30L work only (vegetation removal and levee work) and does not include an SAA for the mitigation sites.***

#### ***Deliverables:***

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

### **Task 5.2. Additional Funds for Amendment 2 Task 5.1 Swainson's Hawk and Nesting Bird Surveys**

Since vegetation/trees were not removed in fall/winter 2021/22 and won't be removed in 2022/23 for TS30L, a second round of surveys will be required.

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

**Summary of Cost Proposal:**

Attachment 2 to the Contract Amendment outlines a detailed cost proposal to accomplish this scope of work, totaling \$404,242, which includes fees and reimbursable expenses. Table 4 below briefly summarizes the costs of the tasks outlined in this scope of work.

**Table 3: Costs by Task**

|                                                                                                                                                   |                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| Task 1.0 Project Management and Meetings (includes 45 1-hour meetings with up to two (2) ESA staff attending, 90 hours in total for both people). | \$44,510         |
| Task 2.0: Supplemental EIR                                                                                                                        | \$92,386         |
| Task 3.0: Biological Resources Database Searched and Desktop Mapping                                                                              | \$17,776         |
| Task 4.0 Cultural Surveys                                                                                                                         | \$7,984          |
| Task 6.0 State Permitting and Pre-Construction Surveys                                                                                            | \$31,265         |
| Non-Labor Expenses                                                                                                                                | \$788            |
| <b>Total</b>                                                                                                                                      | <b>\$194,709</b> |

**Attachment 2: Detailed Cost Proposal**

| <i>Labor Category</i>                  |                                                                                      | Senior Director I | Director III | Director II | Managing Associate III | Managing Associate II | Senior Associate III | Senior Associate II | Senior Associate I | Associate III | Associate II | Subtotal   | Associate Consultant 2 | Associate Consultant 1 | Subtotal | Total Hours | Labor Price |
|----------------------------------------|--------------------------------------------------------------------------------------|-------------------|--------------|-------------|------------------------|-----------------------|----------------------|---------------------|--------------------|---------------|--------------|------------|------------------------|------------------------|----------|-------------|-------------|
| Task #                                 | Task Name/Description                                                                | \$ 279            | \$ 299       | \$ 279      | \$ 208                 | \$ 194                | \$ 194               | \$ 167              | \$ 164             | \$ 128        | \$ 146       |            | \$ 137                 | \$ 128                 |          |             |             |
| 1.0                                    | Project Management and Meetings                                                      | 65                |              | 25          |                        |                       | 100                  |                     |                    |               |              | \$ 44,510  |                        |                        | \$ -     | 190.00      | \$ 44,510   |
| 2.0                                    | Supplemental EIR                                                                     |                   |              |             |                        |                       |                      |                     |                    |               |              | \$ -       |                        |                        | \$ -     | -           | \$ -        |
| #                                      | Finalize Project Description                                                         | 8                 |              |             |                        |                       | 40                   | 12                  |                    |               |              | \$ 11,996  |                        |                        | \$ -     | 60.00       | \$ 11,996   |
| #                                      | Assembly Bill 52 (mitigation sites only)                                             |                   |              |             | 40                     |                       |                      | 4                   |                    |               |              | \$ 8,988   |                        |                        | \$ -     | 44.00       | \$ 8,988    |
| #                                      | Update Administrative Draft SEIR with Mitigation Sites                               | 16                | 2            | 2           | 34                     | 34                    | 40                   | 36                  |                    |               |              | \$ 33,060  | 8                      | 8                      | \$ 2,120 | 180.00      | \$ 35,180   |
| #                                      | Update Screencheck Draft SEIR with Mitigation Sites                                  | 12                | 1            | 1           | 12                     | 12                    | 24                   | 16                  |                    |               |              | \$ 16,078  |                        | 6                      | \$ 768   | 84.00       | \$ 16,846   |
| #                                      | Update Public Draft SEIR with Mitigation Sites                                       | 8                 |              |             | 8                      | 6                     | 12                   | 8                   |                    |               |              | \$ 8,724   |                        | 4                      | \$ 512   | 46.00       | \$ 9,236    |
| #                                      | Supplemental Budget for Admin Draft and Final SEIR (including response to comments)  | 8                 |              |             | 6                      | 8                     | 16                   | 12                  |                    |               |              | \$ 10,140  |                        |                        | \$ -     | 50.00       | \$ 10,140   |
| 3.0                                    | Biological Resources Database Searches and Desktop Mapping                           |                   |              |             |                        | 40                    |                      | 32                  |                    |               | 32           | \$ 17,776  |                        |                        | \$ -     | 104.00      | \$ 17,776   |
| 4.0                                    | Cultural Resources Background Research                                               |                   |              |             | 16                     | 24                    |                      |                     |                    |               |              | \$ 7,984   |                        |                        | \$ -     | 40.00       | \$ 7,984    |
| 5.0                                    | State Permitting and Pre-Construction Surveys                                        |                   |              |             |                        |                       |                      |                     |                    |               |              | \$ -       |                        |                        | \$ -     | -           | \$ -        |
| #                                      | Streambed Alteration Agreement - Additional Funds for Amendment 2 Task 4.2           | 10                |              |             |                        |                       | 5                    | 45                  |                    |               |              | \$ 11,275  |                        |                        | \$ -     | 60.00       | \$ 11,275   |
| #                                      | Swainson's Hawk and Nesting Bird Surveys - Additional Funds for Amendment 2 Task 5.1 |                   |              |             |                        | 60                    |                      | 50                  |                    |               |              | \$ 19,990  |                        |                        | \$ -     | 110.00      | \$ 19,990   |
| Total Hours                            |                                                                                      | 127               | 3            | 28          | 116                    | 184                   | 237                  | 215                 | -                  | -             | 32           | 942        | 8                      | 18                     | 26       | 968         |             |
| Total Labor Costs                      |                                                                                      | \$ 35,433         | \$ 897       | \$ 7,812    | \$ 24,128              | \$ 35,696             | \$ 45,978            | \$ 35,905           | \$ -               | \$ -          | \$ 4,672     | \$ 190,521 | \$ 1,096               | \$ 2,304               | \$ 3,400 |             | \$ 193,921  |
| Percent of Effort - Labor Hours Only   |                                                                                      | 13.1%             | 0.3%         | 2.9%        | 12.0%                  | 19.0%                 | 24.5%                | 22.2%               | 0.0%               | 0.0%          | 3.3%         | 97.3%      | 0.8%                   | 1.9%                   | 2.7%     | 100.0%      |             |
| Percent of Effort - Total Project Cost |                                                                                      | 18.2%             | 0.5%         | 4.0%        | 12.4%                  | 18.3%                 | 23.6%                | 18.4%               | 0.0%               | 0.0%          | 2.4%         |            | 0.6%                   | 1.2%                   |          |             | 99.6%       |

ESA Labor Cost \$ 193,921  
Labor Cost Communication Fee (waived)

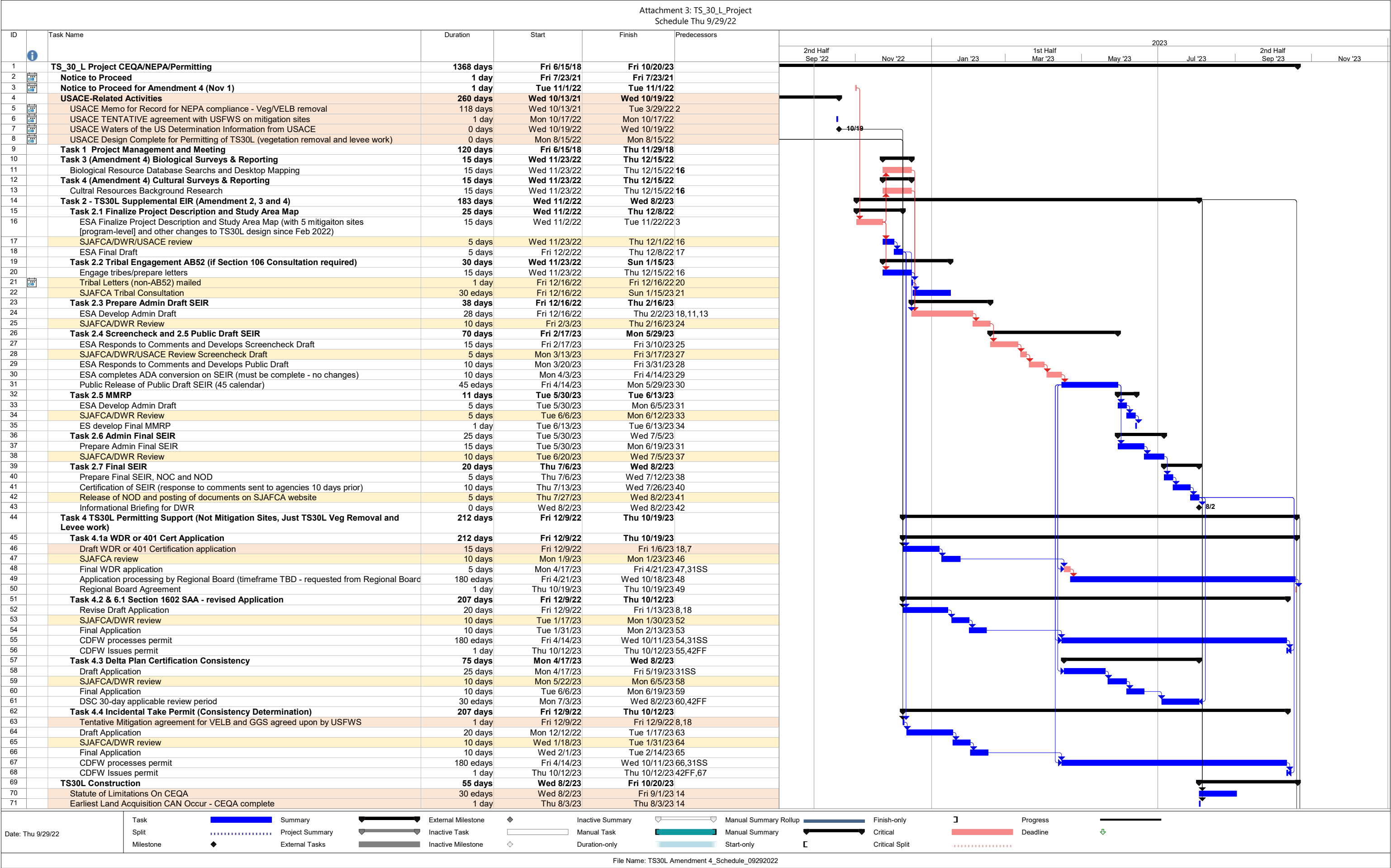
ESA Non-Labor Expenses  
Reimbursable Expenses (see Attachment A for detail) \$ 788  
ESA Equipment Usage (see Attachment A for detail) \$ -

|                      |                   |
|----------------------|-------------------|
| <b>PROJECT TOTAL</b> | <b>\$ 194,709</b> |
|----------------------|-------------------|

# Cost Proposal: ESA Non-Labor Expenses by Task

Revise mark-up percent, as needed

| Reimbursable Costs                                  | Total                                          | 5%              | Subtotal         | Task Number      |             |             |             |             |             |
|-----------------------------------------------------|------------------------------------------------|-----------------|------------------|------------------|-------------|-------------|-------------|-------------|-------------|
|                                                     |                                                | on Costs        |                  | 5.1              | 5.2         | 5.3         | 5.4         | 5.5         | 2.2         |
| Project Supplies                                    | \$ -                                           | \$ -            | \$ -             |                  |             |             |             |             |             |
| Printing/Reproduction                               | \$ -                                           | \$ -            | \$ -             |                  |             |             |             |             |             |
| Document and Map Reproductions (CD + Digital Photo) | \$ -                                           | \$ -            | \$ -             |                  |             |             |             |             |             |
| Postage and Deliveries                              | \$ -                                           | \$ -            | \$ -             |                  |             |             |             |             |             |
| Mileage                                             | \$ -                                           | \$ -            | \$ -             |                  |             |             |             |             |             |
| Vehicle Rental                                      | \$ -                                           | \$ -            | \$ -             |                  |             |             |             |             |             |
| Lodging and Meals (@ \$175/day)                     | \$ -                                           | \$ -            | \$ -             |                  |             |             |             |             |             |
| Airfare                                             | \$ -                                           | \$ -            | \$ -             |                  |             |             |             |             |             |
| Other Travel Related                                | \$ -                                           | \$ -            | \$ -             |                  |             |             |             |             |             |
| CHRIS Records Search                                | \$ 788                                         | \$ 38           | \$ 750           | \$ 750.00        |             |             |             |             |             |
| Native American Monitors (@ \$100/hour)             | \$ -                                           | \$ -            | \$ -             |                  |             |             |             |             |             |
| Excavator with Operator (1 for 6 days @ \$3000/day) | \$ -                                           | \$ -            | \$ -             |                  |             |             |             |             |             |
| <b>Total Reimbursable Costs (for all tasks)</b>     | <b>\$ 787.50</b>                               | <b>\$ 37.50</b> | <b>\$ 750.00</b> | <b>\$ 750.00</b> | <b>\$ -</b> | <b>\$ -</b> | <b>\$ -</b> | <b>\$ -</b> | <b>\$ -</b> |
|                                                     | Reimbursable Costs by Task (including mark-up) |                 |                  | \$ 787.50        | \$ -        | \$ -        | \$ -        | \$ -        | \$ -        |



Attachment 3: TS\_30\_L\_Project  
Schedule Thu 9/29/22

| ID | <div><div></div><div></div><div></div></div> | Task Name                                                                             | Duration | Start        | Finish       | Predecessors | 2023                |  |         |  |         |  |                     |  |         |  |         |  |
|----|----------------------------------------------|---------------------------------------------------------------------------------------|----------|--------------|--------------|--------------|---------------------|--|---------|--|---------|--|---------------------|--|---------|--|---------|--|
|    |                                              |                                                                                       |          |              |              |              | 2nd Half<br>Sep '22 |  | Nov '22 |  | Jan '23 |  | 1st Half<br>Mar '23 |  | May '23 |  | Jul '23 |  |
| 72 |                                              | Earliest Vegetation Removal CAN Occur - all approvals and permits obtained            | 1 day    | Fri 10/20/23 | Fri 10/20/23 | 44, 14       |                     |  |         |  |         |  |                     |  |         |  |         |  |
| 73 |                                              | Earliest Levee Construction Activities CAN Occur - all approvals and permits obtained | 1 day    | Fri 10/20/23 | Fri 10/20/23 | 44, 14       |                     |  |         |  |         |  |                     |  |         |  |         |  |
| 74 |                                              | Task 5 Preconstruction Surveys                                                        | 5 days   | Fri 10/6/23  | Fri 10/13/23 |              |                     |  |         |  |         |  |                     |  |         |  |         |  |
| 75 |                                              | Optional Task 5.2 (and 5.1) Swainson's Hawk and Nesting Bird Surveys                  | 5 days   | Fri 10/6/23  | Fri 10/13/23 |              |                     |  |         |  |         |  |                     |  |         |  |         |  |
| 76 |                                              | Conduct Survey(s)                                                                     | 5 days   | Fri 10/6/23  | Fri 10/13/23 | 72FS-2 wks   |                     |  |         |  |         |  |                     |  |         |  |         |  |
| 77 |                                              | Letter to SJAFCA with results of survey(s)                                            | 0 days   | Fri 10/13/23 | Fri 10/13/23 | 76           |                     |  |         |  |         |  |                     |  |         |  |         |  |

Date: Thu 9/29/22

Task

Split

Milestone

Summary

Project Summary

External Tasks

External Milestone

Inactive Task

Inactive Milestone

Inactive Summary

Manual Task

Duration-only

Manual Summary Rollup

Manual Summary

Start-only

Finish-only

Critical

Critical Split

Progress

Deadline

File Name: TS30L Amendment 4\_Schedule\_09292022

**RESOLUTION NO. SJAFCA 22-21**

**SAN JOAQUIN AREA  
FLOOD CONTROL AGENCY**

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**AUTHORIZATION TO EXECUTE AMENDMENT NO. 4 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. 4 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 \$194,709 for extended scope of work to include environmental compliance documentation under the California Environmental Quality Act (CEQA).
2. Appropriate \$194,709 to fund the tasks covered in Amendment No. 4 with a not-to-exceed total contractual budget of \$576,053.

PASSED, APPROVED AND ADOPTED this \_\_\_\_ day of \_ 2022.

\_\_\_\_\_  
DAN WRIGHT, Chair  
of the San Joaquin Area  
Flood Control Agency

ATTEST:

\_\_\_\_\_  
CHRIS ELIAS, Executive Director  
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 5.3**

October 20, 2022

TO: San Joaquin Area Flood Control Agency

FROM: Chris Elias, Executive Director

SUBJECT: **AUTHORIZATION TO EXECUTE A FUNDING AGREEMENT WITH THE  
DEPARTMENT OF WATER RESOURCES FOR ENGAGEMENT IN THE  
GOVERNOR'S WATER RESILIENCE PORTFOLIO ACTION 25.4**

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### RECOMMENDATION

It is recommended that the Board of Directors of the San Joaquin Area Flood Control Agency (SJAFCA) approve and adopt a resolution to authorize and direct the Executive Director to execute a funding agreement with the California Department of Water Resources (DWR) to obtain State funds through California Proposition 68 for engagement in the Water Resilience Portfolio Action 25.4 (WRP 25.4).

### DISCUSSION

#### Background

In April 2019, Governor Newsom directed State agencies through Executive Order N-10-19 to develop a "water resilience portfolio," described as a set of actions to meet California's water needs through the 21st century and to prepare our water systems to support our growing state in a warmer, more variable climate.

In response, State agencies developed an inventory and assessment of key aspects of California water infrastructure, soliciting broad input from tribes, local agencies, individuals, groups, and leaders across the state. An interagency working group considered this assessment and public input and developed a portfolio, which is intended to be the Newsom Administration's blueprint for equipping California to cope with more extreme droughts and floods and rising temperatures, while addressing long-standing challenges.

In July 2020, the Governor's Office released a final version of the Water Resilience Portfolio, which includes more than 100 separate detailed actions to ensure California water systems are resilient to future changes in climate and population. The State will work with the Legislature and stakeholders to make progress on the actions and these actions will be implemented to the extent resources are available.

To date, SJAFCA has been engaging in WRP 25.4 workgroups with funding from an existing grant through the DWR Regional Flood Management Program. Work groups have provided a forum to bring stakeholders together to collaborate on topics such as: the Paradise Cut bypass expansion project, reservoir modifications in the San Joaquin River Basin, Flood Managed Aquifer Recharge (FloodMAR) projects, transitory storage

**AUTHORIZATION TO EXECUTE A FUNDING AGREEMENT WITH THE DEPARTMENT OF WATER RESOURCES FOR ENGAGEMENT IN THE GOVERNOR'S WATER RESILIENCE PORTFOLIO ACTION 25.4** (Page 2)

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opportunities, and climate change hydrology.

SJAFCA's *Strategic Plan* (March 2022) identifies Priority Action 12 which includes "advance[ing] actions identified in the Regional Flood Management Plan (RFMP) by working with local, State and Federal partners, through initiatives such as the State's Water Resilience Portfolio Initiative 25.4".

Present Situation

The California DWR has indicated that they have secured additional bond funds from California Proposition 68 "The California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018" to fund further engagement of local agencies in the WRP Action 25.4.

DWR intends to provide this as directed funding to the RFMP groups in the San Joaquin River Basin. SJAFCA, as lead agency for the Lower San Joaquin and Delta South RFMP group, would be positioned to receive \$100,000 in grant funding following DWR approval of a funding application package and execution of a subsequent funding agreement with DWR.

Staff has been in direct coordination with DWR to gain clarity about expectations on the activities that can be included under the WRP 25.4 funding agreement. The DWR funding agreement will support the collaborative advancement of California Water Resilience Portfolio Action 25.4 (i.e., the San Joaquin regional flood management strategy). Funding is provided to the Lower San Joaquin RFMP to attend quarterly workshops, to provide input and content to 25.4 action plans and subsequent planning documents, to work with DWR to conduct outreach and evaluate feasibility of one priority action in the region, and to provide relevant local data and information as needed to support project evaluation.

FISCAL IMPACT

Immediate impact. Coordinate efforts with DWR and initial scoping activities in preparation for the WRP 25.4 funding program have been fully funded through SJAFCA's existing RFMP funding agreement with DWR. Because these costs are 100% reimbursable by DWR, no additional fiscal impact is anticipated to SJAFCA for the continued coordination activities leading up to execution of the WRP 25.4 funding agreement.

Future impact. Consultant services and SJAFCA staff time needed for implementation of the WRP 25.4 scope of work under the directed funding agreement from DWR will be 100% reimbursable. The Agency pays for services upfront and is reimbursed less a retention. Retention for this funding agreement is expected be 5-10% of reimbursable costs submitted and is released after project completion.

**AUTHORIZATION TO EXECUTE A FUNDING AGREEMENT WITH THE DEPARTMENT OF WATER  
RESOURCES FOR ENGAGEMENT IN THE GOVERNOR'S WATER RESILIENCE PORTFOLIO  
ACTION 25.4**

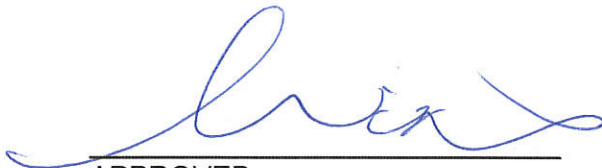
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SUMMARY

Approval of a resolution today will authorize the Executive Director to apply for, negotiate, and execute a funding agreement with the California Department of Water Resources and to execute all documents necessary to complete the project. There is no anticipated financial impact to the Agency as this would be a 100% reimbursable Funding Agreement with DWR. Staff will report back to the Board the results of the Directed Funding Agreement, if executed.

PREPARED BY: Chris Elias, Executive Director



APPROVED:  
CHRIS ELIAS  
EXECUTIVE DIRECTOR

## RESOLUTION NO. 22-22

### SAN JOAQUIN AREA FLOOD CONTROL AGENCY

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#### **A RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A FUNDING AGREEMENT WITH THE DEPARTMENT OF WATER RESOURCES FOR ENGAGEMENT IN THE GOVERNOR'S WATER RESILIENCE PORTFOLIO (WRP) ACTION 25.4**

**WHEREAS**, the San Joaquin Area Flood Control Agency (SJAFCA) intends to apply for funding from the California Department of Water Resources for engagement in the California Water Resilience Portfolio (WRP) Action 25.4; and

**WHEREAS**, the SJAFCA is authorized to enter into an agreement with the California Department of Water Resources and the State of California; and

**WHEREAS**, the SJAFCA is a Joint Powers Authority between the cities of Stockton, Lathrop, Manteca, San Joaquin County, and San Joaquin County Flood Control and Water Conservation District, with responsibility for flood management in the area protected by the facilities of the State Plan of Flood Control and is willing to participate in, coordinate, and collaborate with the California Department of Water Resources and other parties that are participating in the WRP Action 25.4.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of SJAFCA as follows:

1. That pursuant and subject to all the terms and provisions of the California Proposition 68 "The California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018" Bond Law, an agreement be negotiated between this Agency and the California Department of Water Resources to obtain funding for participation in the WRP Action 25.4.
2. The Executive Director of SJAFCA, or designee, is hereby authorized and directed to prepare the necessary data, engage in negotiations, sign, and file such funding agreements, and any amendments thereto, with the California Department of Water Resources for participation in the WRP Action 25.4.

**PASSED, APPROVED AND ADOPTED** by the Board of Directors of the San Joaquin Area Flood Control Agency on this 20th day of October, 2022.

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DAN WRIGHT, Chair  
of the San Joaquin Area  
Flood Control Agency

ATTEST:

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CHRIS ELIAS, Secretary  
San Joaquin Area Flood Control Agency

APPROVED AS TO FORM:

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

**End of  
Agenda Packet**