



SRWA
STANISLAUS REGIONAL
WATER AUTHORITY

156 S. Broadway, Ste. 270, Turlock, CA 95380

(209) 668-5490 (phone) (209) 668-5695 (fax)

Board Meeting Agenda

September 28, 2017 at 10:00 a.m.

156 S. Broadway, Turlock, CA, Second Floor, Yosemite Conference Room

*Chair, Gary Soiseth
Vice Chair, Chris Vierra
Director, Amy Bublak
Director, Ken Lane*

*Interim General Manager, Michael Brinton
Interim Legal Counsel, Phaedra A. Norton
Board Secretary, Tish Foley*

NOTICE REGARDING NON-ENGLISH SPEAKERS: The Stanislaus Regional Water Authority (SRWA) meetings are conducted in English and translation to other languages is not provided. Please make arrangements for an interpreter if necessary.

EQUAL ACCESS POLICY: If you have a disability which affects your access to public facilities or services, contact the Board Secretary. The Board is committed to taking all reasonable measures to provide access to its facilities and services. Please allow sufficient time for the Board to process and respond to your request.

NOTICE: Pursuant to California Government Code Section 54954.3, any member of the public may directly address the Board on any item appearing on the agenda, including Consent Calendar and Scheduled Matters, before or during the Board's consideration of the item.

AGENDA PACKETS: Prior to the Stanislaus Regional Water Authority Board meeting, a complete Agenda Packet is available for review on the SRWA's website at www.stanrwa.org and in the Board Secretary's Office at 156 S. Broadway, Suite 270, Turlock, during normal business hours. Materials related to an item on this Agenda submitted to the Board after distribution of the Agenda Packet are also available for public inspection in the Board Secretary's Office. Such documents may be available on the SRWA's website subject to staff's ability to post the documents before the meeting.

1. A. CALL TO ORDER
- B. SALUTE TO THE FLAG
2. RECOGNITION, APPOINTMENTS, ANNOUNCEMENTS & PRESENTATIONS: None
3. A. SPECIAL BRIEFINGS: None
- B. STAFF UPDATES
 1. Interim General Manager Updates (*Brinton*)
 2. Finance Director Report (*Burke*)
- C. CONSULTANT UPDATES
 1. West Yost Associates will provide the Board with a project status update. (*Nakano*)
- D. PUBLIC PARTICIPATION: This time is set aside for members of the public to address the Board concerning any item that has been described in the notice for the meeting, including Consent Calendar items, before or during consideration of that item. You will be allowed five (5) minutes for your comments. If you wish to speak regarding an item on the agenda, you may be asked to defer your remarks until the Board addresses the matter.

4. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS

- 5. CONSENT CALENDAR:** Information concerning the Consent items listed below has been forwarded to each Board member prior to this meeting for study. Unless the Chair, a Board member, or member of the audience has questions concerning the Consent Calendar, the items are approved at one time by the Board. The action taken by the Board in approving the Consent items is set forth in the explanation of the individual items.

A. *Motion:* Accepting minutes of Special Meeting of August 3, 2017 and Special Meeting of September 7, 2017

6. PUBLIC HEARINGS: None

7. SCHEDULED MATTERS

- A. Request to certify the Mitigated Negative Declaration (MND) for the Infiltration Gallery Testing Project (Proposed Project) (SCH No. 2017082019); adopt the Mitigation Monitoring and Reporting Program (MMRP); approve the Infiltration Gallery Testing Project; and direct staff to file a Notice of Determination (NOD) with the State Clearinghouse and Stanislaus County Clerk within 5 days of project approval. (*Horizon Water and Environment*)

Recommended Action:

Resolution: Certifying the Mitigated Negative Declaration (MND) for the Infiltration Gallery Testing Project (Proposed Project) (SCH No. 2017082019); adopt the Mitigation Monitoring and Reporting Program (MMRP); approve the Infiltration Gallery Testing Project; and direct staff to file a Notice of Determination (NOD) with the State Clearinghouse and Stanislaus County Clerk within 5 days of project approval

- B. Request to approve minimum experience requirements for general contractors and ground improvement subcontractors for the Infiltration Gallery Testing Project (aka Raw Water Pump Station Phase 1), approve project plans and specifications, and authorize advertisement for bids. (*West Yost*)

Recommended Action:

Resolution: Approving minimum experience requirements for general contractors and ground improvement subcontractors for the Infiltration Gallery Testing Project (aka Raw Water Pump Station Phase 1), approving project plans and specifications, and authorizing advertisement for bids

8. MATTERS TOO LATE FOR THE AGENDA

9. BOARD ITEMS FOR FUTURE CONSIDERATION

- 10. BOARD COMMENTS:** Board members may provide a brief report on notable topics of interest. The Brown Act does not allow discussion or action by the legislative body.

11. NEXT MEETING DATE: October 26, 2017 - Regular Meeting

12. **CLOSED SESSION:** Public Employee Appointment. Cal. Gov't Code § 54957(b)(1) *"Subject to paragraph (2), this chapter shall not be construed to prevent the legislative body of a local agency from holding closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee by another person or employee unless the employee requests a public session."*

Title: General Manager

13. **ADJOURNMENT**



To: SRWA Board
From: Michael Brinton, Interim General Manager
Subject: Interim General Manager Report

The members of the Technical Advisory Committee (TAC) have continued to meet with West Yost Associates to support the continued development of the Project. The items covered since the last SRWA Board meeting includes the following:

- Held Executive Technical Advisory Committee (TAC) and TAC Meetings
- Prepared July Program Management Status Report
- Preparing on US Army Corps permit
- Submitted Fox Grove Park access agreement to Stanislaus County
- Coordinated with California Department of Fish and Wildlife (CDFW) regarding Fox Grove access permit
- Preparation of draft Project Definition TM
- Outreach with Wet Well contractors
- Preparation of prime contractor and specialty subcontractor wet well prequalification requirements
- Prepared and edited 100% design Wet Well documents
- Prepared for survey flight of finished water pipeline alignments
- Continued raw water quality sampling and testing
- Prepared Bench Test Results TM No. 1
- Met with Nazareno regarding property acquisition
- Submitted CDFW with first written offer for easement purchase
- Completed public review period for the IS/MND on the Infiltration Gallery Testing Project
- Drafted responses to IS/MND public comments, mitigation monitoring and reporting plan and Notice of Determination
- Received comments from CDFW on Streambed Alteration Agreement application; working to develop additional information/responses
- Continued preparing administrative draft EIR for submittal to TAC
- Distributed cultural resources technical report to TAC for review

Mr. Nakano will provide a more in depth review of these items. I will be happy to answer any questions.

Stanislaus Regional Water Authority
 For FY 2016-17 (Updated 9-19-2017)

Account Name	Original Budget	Amendments	Amended Budget 2016-17	Unaudited Actual 2016-17
REVENUES				
Agency Contribution - City of Ceres	1,143,480.00	589,768.00	1,733,248.00	1,175,000.00
Agency Contribution - City of Turlock	1,143,480.00	589,768.00	1,733,248.00	1,138,659.60
Total Revenues	2,286,960.00	1,179,536.00	3,466,496.00	2,313,659.60
EXPENDITURES				
Gov't Relations		80,000.00	80,000.00	60,334.40
Consultant Audit	5,000.00	400.00	5,400.00	5,400.00
Contact Services Program Mgmt	1,429,815.00	705,076.00	2,134,891.00	1,383,584.12
Special Legal Counsel	90,000.00	(2,550.00)	87,450.00	34,496.26
Supplies	0.00	0.00	0.00	0.00
Photocopies	100.00	50.00	150.00	95.57
Postage	50.00	2,500.00	2,550.00	486.77
Dues	0.00	375.00	375.00	375.00
Wet Well Design/Const Mgmt	0.00	390,160.00	390,160.00	290,180.59
Permitting	0.00	50,000.00	50,000.00	6,000.00
Property Acquisition	0.00	30,000.00	30,000.00	0.00
Interdepartmental Admin Support				
Legal	22,200.00		22,200.00	22,200.00
Clerical	22,500.00		22,500.00	7,121.87
Financial/Accounting	12,500.00		12,500.00	8,082.04
Admin Support - Ceres	123,000.00		123,000.00	105,733.60
Environmental Services	580,295.00	6,450.00	586,745.00	245,700.05
Supplies	500.00		500.00	29.98
Training	1,000.00		1,000.00	0.00
Bank Charges	0.00	50.00	50.00	0.00
Total Expenditures	2,286,960.00	1,262,511.00	3,549,471.00	2,169,820.25
Revenues Over (Under) Expenditures	0.00	(82,975.00)	(82,975.00)	143,839.35

Stanislaus Regional Water Authority
 Updated as of 9-19-2017

	City of Ceres	City of Turlock	Project to Date Total Since Dec 2015	2015-16	2016-17	Total
Agency Contributions						
1st Deposit (April 2016)	347,487.50	347,487.50	694,975.00	694,975.00		694,975.00
Credit to Ceres - interim GM time for 2015-16	32,074.00		32,074.00	32,074.00		32,074.00
Credit to Ceres - interim GM time for 2016-17	53,088.00		53,088.00		53,088.00	53,088.00
2nd Deposit (November 2016)	467,926.00	500,000.00	967,926.00	967,926.00		967,926.00
3rd Deposit (May 3, 2017)	200,000.00	200,000.00	400,000.00	400,000.00		400,000.00
4th Deposit (May 25, 2017)	365,000.00	475,000.00	840,000.00	840,000.00		840,000.00
Credit to Ceres - interim GM time for 2016-17	52,645.60		52,645.60	52,645.60		52,645.60
Total Agency Contributions	1,518,221.10	1,522,487.50	3,040,708.60	727,049.00	2,313,659.60	3,040,708.60
Expenditures						
Government Relations	(30,167.20)	(30,167.20)	(60,334.40)		60,334.40	60,334.40
Environmental Services	(129,622.75)	(129,622.75)	(259,245.50)	13,545.45	246,700.05	259,245.50
Project Management Services	(896,800.01)	(896,800.01)	(1,793,600.02)	410,015.90	1,383,584.12	1,793,600.02
Outside Legal Expenses	(23,521.88)	(23,521.88)	(47,043.76)	12,547.49	34,496.26	47,043.75
Wet Well Design	(145,090.30)	(145,090.30)	(290,180.60)		290,180.59	290,180.59
Permitting	(3,000.00)	(3,000.00)	(6,000.00)		6,000.00	6,000.00
Administrative Support						
Clerical Services	(5,754.69)	(5,754.69)	(11,509.38)	4,387.50	7,121.87	11,509.37
Accounting Services	(6,954.83)	(6,954.83)	(13,909.66)	5,827.52	8,082.04	13,909.66
Interim JPA attorney	(17,575.00)	(17,575.00)	(35,150.00)	12,950.00	22,200.00	35,150.00
Interim General Manager	(68,903.80)	(68,903.80)	(137,807.60)	32,074.00	105,733.60	137,807.60
External Audit	(2,700.00)	(2,700.00)	(5,400.00)		5,400.00	5,400.00
Supplies and other Miscellaneous Expenses	(585.92)	(585.92)	(1,171.84)	184.51	987.32	1,171.83
Total Expenditures	0.02	0.02	0.04	491,532.47	2,169,820.25	2,661,352.72
Unexpended contributions	187,544.74	191,811.14	379,355.88			0.00
Less: Outstanding Invoices			0.00			
Unexpended Contributions			379,355.88			
Outstanding Invoices						

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Supplies	500.00		500.00	29.98
Training	1,000.00		1,000.00	0.00
Bank Charges	0.00	50.00	50.00	0.00
Total Expenditures	2,286,960.00	1,262,511.00	3,549,471.00	2,169,820.25
Revenues Over (Under) Expenditures	0.00	(82,975.00)	(82,975.00)	143,839.35

Stanislaus Regional Water Authority
 Updated as of 9-19-2017

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Credit to Ceres - interim GM time for 2016-17		52,645.60		52,645.60		52,645.60
Total Agency Contributions	727,049.00	2,313,659.60	1,522,487.50	3,040,708.60	727,049.00	3,040,708.60
Expenditures						
Government Relations		60,334.40	(30,167.20)	(60,334.40)		60,334.40
Environmental Services	13,545.45	245,700.05	(129,622.75)	(129,622.75)	(259,245.50)	259,245.50
Project Management Services	410,015.90	1,383,584.12	(896,800.01)	(896,800.01)	(1,793,600.02)	1,793,600.02
Outside Legal Expenses	12,547.49	34,496.26	(23,521.88)	(47,043.76)	(47,043.76)	47,043.75
Wet Well Design		290,180.59	(145,090.30)	(290,180.60)	(290,180.60)	290,180.59
Permitting		6,000.00	(3,000.00)	(6,000.00)	(6,000.00)	6,000.00
Administrative Support						
Clerical Services		7,121.87	(5,754.69)	(11,509.38)	(11,509.38)	11,509.37
Accounting Services	4,387.50	8,082.04	(6,954.83)	(13,909.66)	(13,909.66)	13,909.66
Interim JPA attorney	5,927.62	22,200.00	(17,575.00)	(35,150.00)	(35,150.00)	35,150.00
Interim General Manager	32,074.00	105,733.60	(68,903.80)	(137,807.60)	(137,807.60)	137,807.60
External Audit		5,400.00	(2,700.00)	(5,400.00)	(5,400.00)	5,400.00
Supplies and other Miscellaneous Expenses	184.51	987.32	(585.92)	(1,171.84)	(1,171.84)	1,171.83
Rounding			0.02	0.02	0.04	
Total Expenditures	491,532.47	2,169,820.25	(1,330,676.36)	(2,561,352.72)	491,532.47	2,661,352.72
Unexpended contributions			187,544.74	191,811.14	379,355.88	
Less: Outstanding Invoices					0.00	
Unexpended Contributions					379,355.88	
Outstanding Invoices						



1. A. **CALL TO ORDER:** Chair Soiseth called the meeting to order at 10:03 a.m.
PRESENT: Director Bublak, Director Lane, Vice Chair Vierra, Chair Soiseth
ABSENT: None
- B. **SALUTE TO THE FLAG**
2. **RECOGNITION, APPOINTMENTS, ANNOUNCEMENTS & PRESENTATIONS:** None
3. A. **SPECIAL BRIEFINGS:** None
- B. **STAFF UPDATES:**
 1. Interim General Manager Mike Brinton provided an update of items discussed at recent Technical Advisory Committee (TAC) meetings, including:
 - Completed staff report and presentation on initial project capacity, project cost and residential customer rate impacts
 - Coordinated with Horizon regarding wet well environmental documentation and permitting
 - Submitted permit application letter to Central Valley Flood Protection Board
 - Finalized letter for permanent pipeline easement through state property
 - Completed May and June Status Reports
 - Continued analysis of raw water samples
 - Completed appraisals for the easements/fee title needed for wet well construction
 - Finalized job description and request for proposals for the General Manager position
 - Talked with the Wildlife Conservation Board about the Streamflow Enhancement grant funding opportunity
 - Prepared scope and budget for the bridge period between Project Phases 1 and 2
 - Received unanimous approval at Assembly committee hearing on SB 373
 - Finalized Treatment Process Technical Memo No. 2
 - Discussed extent and timing of the required Watershed Sanitary Survey with Division of Drinking Water
 - Met with Division of Financial Assistance staff to discuss Drinking Water State Revolving Fund (SRF) loan application
 - Attended State Water Resources Control Board and California Water Commission meetings regarding grant and loan updates
 2. Kellie Jacobs-Hunter, Finance Director, reported no formal update at this time.

C. CONSULTANT UPDATES:

1. Gerry Nakano West Yost Associates provided a project status update including the following:
 - Recommendation of Initial Project Size
 - Assembly hearing on SB 373 to authorize use of design-build procurement
 - Actively recruiting for General Manager, applications due August 4.
 - Prepared Phase 1-2 "Bridge" Program Management Scope of Work
 - Discussing the Phase 2 Work Tasks
 - Complete property appraisals needed for wet well construction and operation
 - Continued environmental documentation
 - Submitted environmental permits applications for wet well construction
 - Completed two Project Fact Sheets which are available on the SRWA website

D. PUBLIC PARTICIPATION: None

4. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS: None

5. CONSENT CALENDAR:

- A. **Motion:** Adopting the Consent Calendar and approving the Minutes of the Special Meeting of July 7, 2017. Motion by Director Bublak, seconded by Vice Chair Vierra, carried 4/0 by the following vote:

Director Lane	Director Bublak	Vice Chair Vierra	Chair Soiseth
Yes	Yes	Yes	Yes

- B. **Motion:** Approving Amendment No. 4 to the Agreement for Program Management Services with West Yost Associates for services required to bridge the period between Phase 1 and Phase 2 of the Project, as set forth in Attachment A, in an amount not to exceed Two Hundred Seventy-Three Thousand Two Hundred Fifty-Five and No/100ths Dollars (\$273,255.00) which includes a twenty percent (20%) contingency

- C. **Resolution 2017-010:** Appropriating \$273,255 to account number 950-53-552.43060_012 "Contract Services-Program Management Services" to be funded via contributions from SRWA participating agencies

Director Lane	Director Bublak	Vice Chair Vierra	Chair Soiseth
Yes	Yes	Yes	Yes

6. PUBLIC HEARINGS: None

7. SCHEDULED MATTERS:

- A. Toby Wells, Ceres City Manager, welcomed the large turnout and provided an overview of the Project Drivers, which include:
 - 100% dependent on ground water
 - Degrading groundwater water quality
 - Groundwater depletion
 - Increasingly stringent drinking water regulations

- Ongoing and increasingly significant new costs with continued sole reliance on groundwater

Michael Cooke, Turlock Director of Municipal Services, added information regarding the wells currently in service and those that have been deactivated. There will be new State regulations that will affect one-third of the wells, resulting in either abandoning them or adding expensive treatment plans. Adding new well sites will still be needed even with surface water supply.

Lyndsay Smith, West Yost Associates, reviewed the project goals and subject benefits:

- Improved water quality
- Improved supply reliability with a diversified water portfolio
- Provide in-lieu aquifer recharge to support groundwater sustainability
- Increased operational flexibility
- Provide environmental benefits to the Tuolumne River aquatic species

The Project phases include:

- Intake & Pump Station
- Treatment Plant
- Transmission Mains, 7.25 miles to Turlock, 5 miles to Ceres
- Local Facilities

Other project benefits include:

- Reliable conjunctive-use system
- Drought resilient water supplies
- Reliable water quality
- Decreases hardness and mineral content
- Benefits to the agriculture community
- Potential to provide water to disadvantaged communities and other regional partners

Projected capital costs are estimated at \$288 million, from inspection to construction completion in 2022, assuming the following:

- 15 mgd initial raw water pumping and WTP capacity
- 45 mgd raw water transmission main capacity
- 15 mgd Ceres finished water transmission main capacity
- 30 mgd Turlock finished water transmission main capacity
- Conventional treatment process with ozone
- Planning-level estimate for WTP and soft costs
- Includes Ceres and Turlock local facility costs
- Construction mid-point June 1, 2020
- 2 percent annual inflation
- 5 percent construction contingency

Residential customer rate impacts are at the planning level only. These costs are not meant to be cost of services, only used to compare alternatives of treatment plant configurations and other impacts. Groundwater only rates are based on current regulations.

Funding opportunities were reviewed and could include Drinking Water State Revolving Fund Loan Program, Prop 1 Grants, US Bureau of Reclamation WaterSMART Grant. Any grants would reduce the customer rate impact.

Next steps of the Project include moving forward on environmental issues, land acquisition, predesign, funding applications, and water rights modifications. In 2018, construction of wet well and water rights modifications to begin quality raw water sampling. In 2019, permitting, procurement, design, financing, wet well construction, and local facilities design. In 2020, permitting, design, and construction through to 2022 when commissioning and operations begins.

Board Comments:

Chair Soiseth commented that the cost of water in our region is on par with other areas in the State. Residential rates will increase regardless, but this Project brings long-term stability by providing surface water. He stated the vision is to include smaller rural communities like Keyes, Denair, Hilmar, and Hughson.

Vice Chair Vierra commented that cities don't have the option to do nothing. Current water rates assume that nothing changes, but requirements for drinking water quality continues to impact those cities.

Director Bublak encouraged those present to keep open conversations with the community to strengthen the partnership in this Project.

Director Lane expressed appreciation for the Project updates and encouraged other cities to partner so they can have sustainable water also.

Public Comments:

Chair Soiseth welcomed representatives from the County, State Water Resources Control Board, TID, and other potential Project partners and opened public participation.

Jim Bruger, Denair MAC Board, asked about the projected size for the Turlock tank. It will be 2.5 million gallons.

Michael Franz, Director of TID, stated this Project will bring stability and economic success to this region, allowing the District to increase water flows in the Tuolumne River and maintain a critical habitat for salmon. He commented on the additional threat to this Project by the State Water Board's SED.

James Maughn, State Waterboards Division of Finance, encouraged the project and described the financing available. There are good loan terms and grants available through them. They also consult with Federal agencies to identify funding. Matt McCarthy, Water Rights Issues, stated early consultation is helpful to understand the types of water rights necessary for the project.

Action: Motion by Director Lane, seconded by Director Bublak, concurring with the recommendations of the Executive Technical Advisory Committee (Exec TAC) and the Staff Technical Advisory Committee (TAC) to plan for an initial 15 million gallons per day (mgd) capacity water treatment plant that will provide approximately 10 mgd of treated surface water supply to the City of Turlock (Turlock) and 5 mgd to the City of Ceres (Ceres)

Director Lane	Director Bublak	Vice Chair Vierra	Chair Soiseth
Yes	Yes	Yes	Yes

8. **MATTERS TOO LATE FOR THE AGENDA:** None
9. **BOARD ITEMS FOR FUTURE CONSIDERATION:** None
10. **BOARD COMMENTS:** None
11. **NEXT MEETING DATE:** August 24, 2017 - Regular Meeting
12. **CLOSED SESSION:** None
13. **ADJOURNMENT:** Motion by Director Lane, seconded by Director Bublak, to adjourn at 10:51 a.m. Motion carried 4/1.

Respectfully submitted,

D R A F T

Tish Foley, Board Secretary



1. A. **CALL TO ORDER:** Vice Chair Vierra called the meeting to order at 10:00 a.m.
PRESENT: Director Bublak, Director Lane, Vice Chair Vierra
ABSENT: Chair Soiseth

B. **SALUTE TO THE FLAG**

2. **PUBLIC PARTICIPATION**

Milt Trieweiler, retired business owner, addressed the Board. He encouraged the Board to keep an open mind and to utilize science and mathematics in decision making. He expressed concern for future generations and the planet.

3. **DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS:** None.

4. **CLOSED SESSION:**

- A. **Public Employee Appointment.** Cal. Gov't Code § 54957(b)(1) Title: General Manager
The Board adjourned to Closed Session at 10:05 a.m. and reconvened the meeting at 10:55 a.m.

Action: No reportable action.

5. **ADJOURNMENT:**

The meeting was adjourned at 11:00 a.m.



From: Horizon Water and Environment
Prepared by: Michael Stevenson, Horizon Water and Environment

1. ACTION RECOMMENDED:

Resolution: Certifying the Mitigated Negative Declaration (MND) for the Infiltration Gallery Testing Project (Proposed Project) (SCH No. 2017082019); adopt the Mitigation Monitoring and Reporting Program (MMRP); approve the Infiltration Gallery Testing Project; and direct staff to file a Notice of Determination (NOD) with the State Clearinghouse and Stanislaus County Clerk within 5 days of project approval.

2. DISCUSSION OF ISSUE:

SRWA is the project proponent and the lead agency under CEQA. For CEQA purposes, the Infiltration Gallery Testing Project includes conducting research, testing, and temporary operation of the Turlock Irrigation District's (TID's) existing infiltration gallery and developing and collecting baseline water quality data and information for water withdrawn through the infiltration gallery.

SRWA proposes to test the condition and operation of TID's existing infiltration gallery, construct a wet well, and install and operate temporary pumping facilities to ascertain if it is feasible to proceed with the separate Surface Water Supply Project, which would be considered in a future environmental impact report if SRWA chooses to pursue that project. SRWA would excavate an area to access the infiltration gallery pipes; construct a wet well and appurtenant facilities adjacent to the infiltration gallery; conduct air purging and test pumping of the gallery pipes to dislodge sediment; pump river water through the gallery and into settling basins on adjacent property; collect samples of pumped water, and dispose of the water, once any entrained sediment has settled out.

In accordance with CEQA requirements, an Initial Study and Mitigated Negative Declaration (IS/MND) was prepared and circulated in August 2017 for a 30-day public review period, from August 7 to September 5, 2017. Seven comment letters were received; those comments and responses to those comments have been provided to the Board. No new information was received during the comment period or included in the comments that would require recirculation of the IS/MND under State CEQA Guidelines Section 15073.5.

The IS/MND identified potentially significant impacts that will be reduced to a less-than-significant level with specified mitigation measures. Approval of the Project therefore requires adoption and implementation of a Mitigation Monitoring and Reporting Program (MMRP) under CEQA.

3. FISCAL IMPACT / BUDGET AMENDMENT:

Certifying the IS/MND and approving the specified Infiltration Gallery Testing Project components by themselves do not have a direct fiscal impact. The proposed resolution provides that approval of a contract for the construction and operation of the Infiltration Gallery Testing Project requires subsequent Board approval.

4. INTERIM GENERAL MANAGER'S COMMENTS:

The Interim General Manager recommends the Board concur with the staff recommendation to certify the MND for the Infiltration Gallery Testing Project (SCH No. 2017082019) in accordance with CEQA; adopt the MMRP; approve the Proposed Project; and direct staff to file an NOD with the State Clearinghouse and Stanislaus County Clerk within 5 days of project approval.

5. ENVIRONMENTAL DETERMINATION: N/A

6. ALTERNATIVES: N/A

TA-Attach 1

Notice of Determination

Appendix D

To:
[] Office of Planning and Research
U.S. Mail: P.O. Box 3044
Sacramento, CA 95812-3044
Street Address: 1400 Tenth St., Rm 113
Sacramento, CA 95814

[] County Clerk
County of: Stanislaus
Address: 1021 I Street, Suite 101
Modesto, CA 95354

From:
Public Agency: SRWA
Address: 156 South Broadway, Suite 270
Turlock, CA 95307
Contact: Michael Brinton
Phone: (209) 538-5758

Lead Agency (if different from above):
Address:
Contact:
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2017082019

Project Title: Infiltration Gallery Testing Project

Project Applicant: Stanislaus Regional Water Authority (SRWA)

Project Location (include county): Geer Road at Tuolumne River, river mile 26

Project Description:

SRWA proposes to test the condition and operation of TID's existing infiltration gallery, construct a wet well, and install temporary pumping facilities to ascertain if it is feasible to proceed with the separate Surface Water Supply Project. SRWA would excavate an area to access the infiltration gallery pipes; construct a wet well adjacent to the infiltration gallery; conduct air purging and test pumping of the gallery pipes to dislodge sediment; pump river water through the gallery and into settling basins; and dispose of the water, once any entrained sediment has settled out.

This is to advise that the Stanislaus Regional Water Authority has approved the above ([] Lead Agency or [] Responsible Agency)

described project on Sept. 28, 2017 and has made the following determinations regarding the above (date) described project.

- 1. The project [] will [] will not] have a significant effect on the environment.
2. [] An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA. [] A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [] were [] were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [] was [] was not] adopted for this project.
5. A statement of Overriding Considerations [] was [] was not] adopted for this project.
6. Findings [] were [] were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

SRWA offices, 156 South Broadway, Suite 270, Turlock, CA 95380

Signature (Public Agency): Title: Interim General Manager

Date: Date Received for filing at OPR:



Memorandum

Subject: SRWA Infiltration Gallery Testing Project
Initial Study/Mitigated Negative Declaration (SCH No. 2017082019)
Consideration of Comments Received during the Public Review Period

Date: September 15, 2017

To: Michael Brinton, Stanislaus Regional Water Authority

From: Michael Stevenson

INTRODUCTION

This memorandum has been prepared to summarize the comments received by the Stanislaus Regional Water Authority (SRWA) on the Initial Study/Mitigated Negative Declaration (IS/MND) for the Infiltration Gallery Testing Project (Proposed Project). An IS/MND is an informational document prepared by a Lead Agency, in this case, SRWA, that provides environmental analysis for public review. The IS/MND analyzed the impacts resulting from the Proposed Project and, where applicable, identified mitigation measures to minimize the impacts to less-than-significant levels.

This memorandum first summarizes the public review process undertaken for the IS/MND and identifies the next steps in the California Environmental Quality Act (CEQA) process, and then summarizes the comments received and provides responses to those comments.

CEQA PROCESS

In accordance with Section 15073 of the State CEQA Guidelines, SRWA submitted the IS/MND to the State Clearinghouse for a 30-day public review period starting August 7, 2017. In addition, SRWA circulated a Notice of Intent to Adopt the IS/MND to interested agencies and individuals, including the Stanislaus County Clerk. According to the State Clearinghouse CEQANet database, the public review period ended on September 5, 2017. During this review period, seven comment letters were received, as listed in Table 1.

In accordance with State CEQA Guidelines Section 15074(b), SRWA must consider the IS/MND together with comments received during the public review process prior to adopting the IS/MND. The State CEQA Guidelines do not require the preparation of responses to comments for negative declarations; however, this memorandum has been prepared to document that the comments received do not affect the IS/MND's conclusions that the Proposed Project would not have any significant effects on the environment.

Table 1. Comment Letters Received on the IS/MND

Comment Letter	Commenter	Affiliation	Date Sent
1	Arnaud Marjollet, Director of Permit Services	San Joaquin Valley Air Pollution Control District	August 29, 2017
2	Stephanie Tadlock, Environmental Scientist	Central Valley Regional Water Quality Control Board	August 29, 2017
3	Julie A. Vance, Regional Manager	California Department of Fish and Wildlife, Region 4	September 1, 2017
4	Milton Trieweiler	Turlock resident	September 5, 2017
5	Patrick Cavanagh, Senior Management Consultant	Stanislaus County Environmental Review Committee	September 5, 2017
6	Scott Morgan, Director	State Clearinghouse	September 6, 2017
7	Scott Morgan, Director	State Clearinghouse	September 7, 2017

At the time of approval of the IS/MND, SRWA will also adopt a Mitigation Monitoring and Reporting Program (MMRP) for those mitigation measures identified in the IS/MND. The MMRP was included in the IS/MND as Appendix E. Within five days following IS/MND approval, SRWA must file a Notice of Determination (NOD) with the State Clearinghouse and the Stanislaus County Clerk-Recorder. A resolution approving the IS/MND and adopting the MMRP, and an NOD, will be prepared for SRWA's use in this process. This resolution will confirm that the SRWA Board of Directors has received and reviewed the IS/MND pursuant to the provisions of CEQA and makes the following findings:

1. Prior to taking action on the IS/MND and MMRP for the Proposed Project, SRWA read and considered said IS/MND.
2. The IS/MND and MMRP are based on independent judgment exercised by SRWA.
3. The IS/MND and MMRP were prepared and considered in accordance with the requirements of CEQA.
4. Considering the record as whole, and with incorporation of the mitigation measures, there is no substantial evidence that the Proposed Project will have a significant effect on the environment.
5. SRWA's Interim General Manager is the custodian of the records of the proceedings on which this decision is based. Records are located at the SRWA offices located at 156 South Broadway, Suite 270, Turlock, CA 95380.

The resolution will identify that based on the above findings, the Board approves the IS/MND, adopts the MMRP, and directs staff to file the NOD.

COMMENTS RECEIVED ON THE IS/MND

During the public review period, SRWA received seven comment letters on the IS/MND (Table 1). These letters are included with this memorandum as Attachment A.

Comment Letter 1 – San Joaquin Valley Air Pollution Control District

Comment 1-1: The San Joaquin Valley Air Pollution Control District (SJVAPCD) concurs with the IS/MND conclusion in Section 3.3, *Air Quality*, that the proposed project would have a less-than-significant impact with regard to criteria pollutant emissions.

Response to Comment 1-1: No response is necessary.

Comment 1-2: SJVACPD notes that violation of ambient air quality standards is typically determined at the project boundary based on dispersion modeling, which is unnecessary if emissions would not exceed 100 pounds per day.

Response to Comment 1-2: Based on calculations included in the IS/MND (Table 3.3-3 [page 3-30] and Appendix A), emissions would not exceed 100 pounds per day. Therefore, dispersion modeling is not needed and the project as planned and designed will comply with ambient air quality standards, in accordance with SJVAPCD protocols.

Comment 1-3: The project may require permits from SJVAPCD.

Response to Comment 1-3: Table 2-4 in Chapter 2, *Project Description*, of the IS/MND notes that an Authority to Construct permit may be required from SJVAPCD.

Comment 1-4: The project may be subject to SJVAPCD Rules and Regulations.

Response to Comment 1-4: Section 3.3 of the IS/MND identifies Regulation VIII (Fugitive PM10 Prohibitions). SRWA and its contractor will also comply with other SJVAPCD Rules and Regulations as applicable.

Comment 1-5: SJVAPCD recommends that a copy of the comments be provided to the project proponent.

Response to Comment 1-5: This memo complies with SJVAPCD's recommendation.

Comment Letter 2 – Central Valley Regional Water Quality Control Board

The Central Valley Regional Water Quality Control Board (RWQCB) provides general information about the various regulations and permits with which the proposed project may be required to comply.

SRWA is in the process of applying for the following permits from the Central Valley RWQCB:

- water quality certification under Section 401 of the Clean Water Act and
- general permit under the National Pollutant Discharge Elimination System (NPDES).

Comment Letter 3 – California Department of Fish and Wildlife, Region 4

Comment 3-1: The California Department of Fish and Wildlife (CDFW) recommends that a discussion of Incidental Take Permits and Fish and Game Code Section 2081 be included in Table 2-4 in Section 2.7, “Permits and Approvals.”

Response to Comment 3-1: In Section 3.4, *Biological Resources*, the discussion under “Regulatory Setting – State Laws, Regulations, and Policies – California Fish and Game Code” includes a discussion of Fish and Game Code Section 2080 and incidental take permits. No revision to the IS/MND is necessary.

At this time, take of species listed under the California Endangered Species Act (CESA) is not anticipated during project construction or operations. Consequently, SRWA does not intend to apply for an Incidental Take Permit, but may elect to do so in the future.

Comment 3-2: CDFW recommends that White-tailed Kite be included in Table 3.4-3.

Response to Comment 3-2: Table 3.4-3 represents species known to occur in the vicinity of the proposed project area based on a records search of the California Natural Diversity Database. This search did not return records for White-tailed Kite. SRWA agrees that White-tailed Kite may occur in the area, and this species has been added to Table 3.4-3 as follows:

Scientific Name/ Common Name	Federal/State Status	Habitat Characteristics	Potential to Occur at Site
<i>Birds</i>			
<u><i>Elanus leucurus</i></u> white-tailed kite	--/SP	<u>Nests in tall shrubs and trees; forages in grasslands, marshes, and ruderal habitats.</u>	<u>Possible. Suitable nesting habit is present within and adjacent to the project site.</u>

Note: SP = state fully protected species.

Note that impacts on White-tailed Kite were considered in the IS/MND, and this revision does not change the conclusions or level of significance of any impact.

Comment 3-3: CDFW recommends that a discussion of Fish and Game Code Section 1600 et seq. be added to the regulatory setting for state laws, regulations, and policies.

Response to Comment 3-3: Table 2-4 in Chapter 2, *Project Description*, indicates that a Streambed Alteration Agreement under Fish and Game Code Section 1602 would be required for the proposed project. The following information about Section 1602 has been added to Section 3.4.1, “Regulatory Setting,” under “State Laws, Regulations, and Policies – California Fish and Game Code,” following the first full paragraph on page 3-37, beginning at line 7:

CDFW regulates activities that will interfere with the natural flow of, or substantially alter, the channel, bed, or bank of a lake, river, or stream. Section 1602 of the F&G Code requires that CDFW be notified of lake or streambed alteration activities. If CDFW subsequently determines that such an activity might adversely affect an existing fish and wildlife resource, it has the authority to issue a streambed alteration agreement, including requirements to protect biological resources and water quality.

Note that impacts related to F&G Code Section 1602 were considered in the IS/MND, and this revision does not change the conclusions or level of significance of any impact.

Comment 3-4: CDFW provides comments on Mitigation Measure BIO-5 regarding surveys for Swainson's hawk and white-tailed kite.

Response to Comment 3-4: SRWA appreciates these recommendations and looks forward to coordinating with CDFW on appropriate refinements to the measure during the process of developing the Streambed Alteration Agreement for the project.

Comment Letter 4 – Milton Trieweiler

Comment 4-1: Mr. Trieweiler requests information about other infiltration galleries in California that provide surface water supply.

Response to Comment 4-1: Before TID constructed the Infiltration Gallery in 2002-2003, the technology was studied extensively. The subject of the proposed project is testing, rather than construction, of the infiltration gallery.

Comment 4-2: The comment notes concerns about possible pesticide contamination at the water treatment plant filtration system coming from the Tuolumne River.

Response to Comment 4-2: SRWA has conducted ongoing source water sampling to test for a broad range of contaminants, including pesticides, that might result from the proximity of the infiltration gallery to the landfill and the Waterford wastewater treatment plant. To date, no concerns have been noted. In addition, Stanislaus County completed a study that concluded that the groundwater gradient from the landfill flows south and west, away from the landfill and the infiltration gallery.

Comment 4-3: The comment cites concerns with the infiltration gallery being located ½ mile from the Geer Road Landfill.

Response to Comment 4-3: TID conducted extensive studies before deciding on the location for the infiltration gallery at its present, existing location. The Infiltration Gallery Testing Project does not include the construction of the infiltration gallery, which was installed in 2002-2003 by TID; instead, it would provide water quality and capacity testing for the existing facility.

With regard to possible contamination from the landfill, see Response to Comment 4-2.

Comment 4-4: The commenter is concerned about the potential to create a cone of depression in the groundwater aquifer under the Tuolumne River.

Response to Comment 4-4: Water being pumped from the Tuolumne River into the infiltration gallery is water that has been released from Don Pedro Reservoir, at quantities and schedules agreed to between TID and the Federal Energy Regulatory Commission (FERC), which controls the reservoir. In addition, the quantities of water being pumped for the Infiltration Gallery Testing Project would be minimal and would be removed over a brief period of time and then used for agricultural irrigation or returned to the river; the groundwater aquifer would not be affected.

Comment 4-5: The comment asks about additional sources of surface water if the existing plan is not feasible.

Response to Comment 4-5: The Infiltration Gallery Testing Project would not provide a source of surface water supply; it is a testing project to determine the water quality and capacity of the existing infiltration gallery, which TID constructed in 2002-2003.

Comment 4-6: The commenter requests that science be used as the basis for building a Surface Water Treatment system.

Response to Comment 4-6: SRWA intends to use solid scientific data, gathered during operation of the Infiltration Gallery Testing Project, to determine the optimal design for the possible Surface Water Supply Project.

Comment Letter 5 – Stanislaus County Environmental Review Committee

The Stanislaus County Environmental Review Committee has no comments on the IS/MND for the proposed project.

Comment Letter 6 – State Clearinghouse

Comment 6-1: The State Clearinghouse notes the end of the comment period and transmits a copy of the comment letter received from the Central Valley Regional Water Quality Control Board.

Response to Comment 6-1: Comments from the Central Valley Regional Water Quality Control Board are addressed above (Comment Letter 2).

Comment Letter 7 – State Clearinghouse

Comment 7-1: The State Clearinghouse transmits a copy of the late comment letter received from the California Department of Fish and Wildlife, Region 4.

Response to Comment 7-1: Comments from the California Department of Fish and Wildlife, Region 4 are addressed above (Comment Letter 3).

ERRATA

The following revisions are hereby made to the IS/MND at the specified locations in response to comments discussed above. Underlined text is added; ~~strikeout~~ text is deleted.

Chapter 3, *Environmental Checklist*

Section 3.4, *Biological Resources*

On page 3-37, following the first full paragraph, the following paragraph is inserted beginning at line 7:

CDFW regulates activities that will interfere with the natural flow of, or substantially alter, the channel, bed, or bank of a lake, river, or stream. Section 1602 of the F&G Code requires that CDFW be notified of lake or streambed alteration activities. If CDFW subsequently determines that such an activity might adversely affect an existing fish and wildlife

resource, it has the authority to issue a streambed alteration agreement, including requirements to protect biological resources and water quality.

On page 3-50, the following additional information is inserted into Table 3.4-3 at the end of the section "Birds" and before the heading "Mammals":

Scientific Name/ Common Name	Federal/State Status	Habitat Characteristics	Potential to Occur at Site
<i>Birds</i>			
<u><i>Elanus leucurus</i></u> white-tailed kite	--/SP	Nests in tall shrubs and trees; forages in grasslands, marshes, and ruderal habitats.	<u>Possible. Suitable nesting habit is present within and adjacent to the project site.</u>

Note: SP = state fully protected species.

CONCLUSIONS

The comments received do not affect the IS/MND's conclusions that the Proposed Project would not have any significant effects on the environment. With the clarifications provided above, no changes to the IS/MND are necessary, and no recirculation of the IS/MND is required.

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Attachment A
Comments Received on the IS/MND

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August 29, 2017

Michael Brinton
Stanislaus Regional Water Authority
156 South Broadway, Suite 270
Turlock, CA 95380

**Project: Initial Study / Mitigated Negative Declaration (IS/MND)
Infiltration Gallery Testing Project**

District CEQA Reference No: 20170924

Dear Mr. Brinton:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Initial Study / Mitigated Negative Declaration (IS/MND) for the Infiltration Gallery Testing Project. Per the IS/MND, the Infiltration Gallery Testing Project is proposing to test and temporarily operate Turlock Irrigation District's (TID's) existing infiltration gallery for a brief period in 2019 to evaluate and confirm its condition and allow research and testing of the facility's pumping capacity and the resulting water quality (Project). The Project would include excavation of an area to access the existing infiltration gallery pipes; construction of a wet well and associated facilities adjacent to an connecting with the existing infiltration gallery; air purging and test pumping of the gallery pipes to dislodge sediment; pumping of river water through the gallery and into settling basins to inspect and test infiltration gallery and pump capacity and water quality; and disposal of the water, once any entrained sediment has settled out. The Project is located at approximately River Mile 26 on the Tuolumne River in Stanislaus County, CA. The District offers the following comments:

1. Based on information provided in the IS/MND, Project specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 ton/year ROG, and 15 tons/year PM10. Therefore, the District concludes that Project specific criteria pollutant emissions would have no significant adverse impact on air quality. 1-1
2. On Page 3-29, the IS/MND states that based on comparison of the Project emissions to the District's significance threshold, all pollutants are well below the construction emissions thresholds and therefore would not violate any air quality standard or contribute substantially to an existing or project air quality violation. The IS/MND concluded that this impact would be less than significant. 1-2

Seyed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-0718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

For your future reference, the District would like to clarify that determination of whether project emissions would violate any ambient air quality standard is largely a function of air quality dispersion modeling. If project emissions would not exceed State and Federal ambient air quality standards at the project's property boundaries, the project would be considered not to violate any air quality standard or contribute substantially to an existing or projected air quality violation.

↑
1-2
Cont.

The need to perform an air quality dispersion modeling analysis (also known as an ambient air quality analysis) for any project depends on the level of emissions associated with the proposed Project. The impact may be significant when on-site emissions increases from construction activities or operational activities exceed the 100 pound per day screening level of any criteria pollutant after implementation of all enforceable mitigation measures.

3. The Project may require District permits. Prior to the start of construction the Project proponent should contact the District's Small Business Assistance Office at (559) 230-5888 to determine if an Authority to Construct (ATC) is required.

1-3

4. The Project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.

1-4

5. The District recommends that a copy of the District's comments be provided to the project proponent.

1-5

If you have any questions or require further information, please call Sharla Yang at (559) 230-5934.

Sincerely,

Arnaud Marjollet
Director of Permit Services



Brian Clements
Program Manager

AM: sy



Central Valley Regional Water Quality Control Board

29 August 2017

Michael Brinton
Stanislaus Regional Water Authority
156 South Broadway, Suite 270
Turlock, CA 95380

CERTIFIED MAIL
91 7199 9991 7035 8421 1557

**COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE
DECLARATION, INFILTRATION GALLERY TESTING PROJECT, SCH# 2017082019,
STANISLAUS COUNTY**

Pursuant to the State Clearinghouse's 7 August 2017 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Infiltration Gallery Testing Project, located in Stanislaus County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases,

the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:
http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/.

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:
http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan

(SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

For more information on the Caltrans Phase I MS4 Permit, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/caltrans.shtml.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance (i.e., discharge of dredge or fill material) of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

Waste Discharge Requirements (WDRs)

Discharges to Waters of the State

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

Land Disposal of Dredge Material

If the project will involve dredging, Water Quality Certification for the dredging activity and Waste Discharge Requirements for the land disposal may be needed.

Local Agency Oversight

Pursuant to the State Water Board's Onsite Wastewater Treatment Systems Policy (OWTS Policy), the regulation of septic tank and leach field systems may be regulated under the local agency's management program in lieu of WDRs. A county environmental health department may permit septic tank and leach field systems designed for less than 10,000 gpd. For more information on septic system regulations, visit the Central Valley Water Board's website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/owts/sb_owts_policy.pdf

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml; or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the

Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

Low or Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf


NPDES Permit

If the proposed project discharges waste that could affect the quality of the waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml

If you have questions regarding these comments, please contact me at (916) 464-4644 or
Stephanie.Tadlock@waterboards.ca.gov.


Stephanie Tadlock
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

Comment Letter 3
EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



September 1, 2017

Michael Brinton, Interim General Manager
Stanislaus Regional Water Authority
156 South Broadway, Suite 270
Turlock, CA 95308

Dear Mr. Brinton:

Subject: Infiltration Gallery Testing Project (Project)
State Clearinghouse No. 2017082019

The California Department of Fish and Wildlife (CDFW) reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) from the Stanislaus Regional Water Authority for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ We appreciate the opportunity to provide comments and recommendations regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

The Stanislaus Regional Water Authority (SRWA) proposes to test the condition and operation of Turlock Irrigation District's (TID's) existing infiltration gallery, construct a wet well, and install temporary pumping facilities to ascertain if it is feasible to proceed with the Surface Water Supply Project, a separate water supply project being considered by SRWA. The proposed Project would include excavation of an area to access the infiltration gallery pipes; construction of a wet well and associated facilities adjacent to and connecting with the existing infiltration gallery; air purging and test pumping of the gallery pipes to dislodge sediment; construction of settling basins; pumping of river water through the gallery and into settling basins to inspect and test infiltration gallery and pump capacity and water quality; and disposal of the water, once any entrained sediment has settled out.

CDFW JURISDICTION

CDFW is California's **Trustee Agency** for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically

¹ CEQA is codified in the California Public Resources Code in § 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with § 15000.

sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 *et seq.*) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), related authorization as provided by the Fish and Game Code will be required.

CDFW has jurisdiction over fully protected species of birds, mammals, amphibians and reptiles, and fish, pursuant to Fish and Game Code §§ 3511, 4700, 5050, and 5515. Take of any fully protected species is prohibited and CDFW cannot authorize their incidental take.

CDFW COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the SRWA in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Table 2.7 Permits and Approvals: CDFW recommends that a general discussion of the CESA Incidental Take Permit and Fish and Game Code § 2081 be included in this table.

3-1

Table 3.4-3 Special Status Wildlife Species: CDFW recommends that white-tailed kite (*Elanus leucurus*) be included in this table.

3-2

Page 3-36: State Laws, Regulations, and Policies: CDFW recommends that this section of the IS/MND include a discussion of Fish and Game Code § 1600 *et seq.*

3-3

Swainson's Hawk and White-Tailed Kite:

Specific impacts: The Swainson's hawk (*Buteo swainsoni*; SWHA) is a species listed as threatened pursuant to CESA. The species has the potential to nest in riparian habitat and other mature trees located within 0.5 miles of the Project boundary. Suitable foraging habitat, including dairy pasture, occurs within a 10-mile radius of the Project vicinity. Suitable nesting and foraging habitat for the fully protected white-tailed kite is also located within and adjacent to the Project boundary.

3-4

Without appropriate avoidance and minimization measures, potential significant impacts include nest abandonment, which may result in reduced nesting success such as reduced health or vigor of eggs or young, in addition to direct mortality. Any take of SWHA without

appropriate incidental take authorization would be a violation of CESA. Incidental take of white-tailed kite cannot be authorized and would be a violation of Fish and Game Code § 3511

Mitigation Measure BIO-5: This measure states that if construction occurs between February 1 and August 31, surveys for SWHA or white-tailed kite shall be conducted, and surveys will cover a minimum 500-foot radius around the construction area. The measure also states that if nesting SWHA or white-tailed kite are detected, 500-foot buffers around active nests will be established unless a qualified biologist determines that smaller buffers are sufficient to avoid impacts on nesting raptors. CDFW recommends changing BIO-5 to incorporate the following recommendations.

If Project activities will occur while active white-tailed kite nests are present, CDFW recommends implementation of a minimum 500-foot no-disturbance buffer with no reduction in buffer radius.

To evaluate potential Project-related impacts to SWHA, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting SWHA following the survey methodology developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000), including all survey periods in the protocol regardless of whether Project activities begin before all surveys have been completed. CDFW requests the results of these surveys, including a report of surveys to date at the time of Project implementation and a final survey report at the completion of all surveys.

CDFW recommends that if Project activities will occur during the SWHA nesting season (March 1 through August 31), and active SWHA nests are detected at any time within the Project site or a 0.5-mile buffer, a minimum no-disturbance buffer of 0.5 miles around each nest be implemented until the breeding season has ended, or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. If a 0.5-mile buffer is not feasible, take authorization through the issuance of an ITP, pursuant to Fish and Game Code § 2081(b) is necessary to comply with CESA.

CDFW appreciates the opportunity to comment on the IS/MND to assist the SRWA in identifying and mitigating Project impacts on biological resources. Questions regarding this letter or further coordination should be directed to Annette Tenneboe, Senior Environmental Scientist (Specialist), at (559) 243-4014 extension 231 or Annette.Tenneboe@wildlife.ca.gov.

Sincerely,



Julie A. Vance
Regional Manager

3-4
cont.

Michael Brinton
Stanislaus Regional Water Authority
September 1, 2017
Page 4

REFERENCES

SWHA TAC, 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. Swainson's Hawk Technical Advisory Committee, May 31, 2000.

Milton Trieweler, A City of Turlock Citizen
Born in Turlock, Small Turlock Business, 42 years
P.O. Box 2020, Turlock CA 95381-2020
Ph. 209-535-1274 Email: magictrain@aol.com

September 5, 2017

Michael Brinton, Interim General Manager
Stanislaus Regional Water Authority
156 South Broadway Suite 270
Turlock CA 95380

COMMENTS: SRWA, Infiltration Gallery Testing Project, IS/MND

How many other California Cities use a River Infiltration Gallery like this one as a water source for their surface water supply? How well has it worked out for these cities? 4-1

The lower Tuolumne River is listed as an impaired water body; this designation is largely due to the presence of several pesticides. How will we be able to prevent the increased concentrations of pesticides originating up river in low river flow times, and being extracted by the River Infiltration Gallery, from overwhelming the Water Treatment Plants filtration systems? 4-2

How many other California Cities have their Surface Water Supply Infiltration Galleries located less than ½ Mile from an unlined landfill? 4-3

What assurances do we have that the toxins in the unlined Geer Road Landfill will not leach into the aquifer below the landfill and migrate to the River Infiltration Gallery? 4-3

How can we be guaranteed that the pumping of water from the River Infiltration Gallery will not cause a cone of depression in the aquifer under the river, sucking up Geer Road Landfill contaminants with the extracted water? 4-4

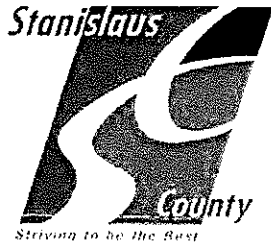
Do we have another plan for a source of water for our surface water supply if the existing plan is not feasible? 4-5

Let us use science, and not antidotal information to build the best Surface Water Treatment system possible for the future. 4-6

Sincerely,



Milton Trieweler, P.O. Box 2020, Turlock CA 95381-2020, Ph. 209-535-1274



Comment Letter 5

CHIEF EXECUTIVE OFFICE

Jody L. Hayes
Chief Executive Officer

Patricia Hill Thomas
Chief Operations Officer/
Assistant Executive Officer

Keith D. Boggs
Assistant Executive Officer

Patrice M. Dietrich
Assistant Executive Officer

1010 10th Street, Suite 6800, Modesto, CA 95354
Post Office Box 3404, Modesto, CA 95353-3404

STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

September 5, 2017

Michael Brinton, Interim General Manager
Stanislaus Regional Water Authority
156 S. Broadway, Suite 270
Turlock, CA 95380

**SUBJECT: ENVIRONMENTAL REFERRAL – STANISLAUS REGIONAL WATER
AUTHORITY – INFILTRATION GALLERY TESTING PROJECT – NOTICE OF
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION**

Mr. Brinton:

Thank you for the opportunity to review the above-referenced project.

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and has no comments at this time.

The ERC appreciates the opportunity to comment on this project.

Sincerely,

Patrick Cavanah
Sr. Management Consultant
Environmental Review Committee

PC:ss

cc: ERC Members



EDMUND G. BROWN JR.
GOVERNOR

September 6, 2017

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

Michael Brinton
Stanislaus Regional Water Authority
156 South Broadway, Suite 270
Turlock, CA 95380

Subject: Infiltration Gallery Testing Project
SCH#: 2017082019

Dear Michael Brinton:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on September 5, 2017, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

6-1

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures

cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2017082019
Project Title Infiltration Gallery Testing Project
Lead Agency Stanislaus Regional Water Authority

Type MND Mitigated Negative Declaration
Description SRWA proposes to test the condition and operation of TID's existing infiltration gallery, construct a wet well, and install temporary pumping facilities to ascertain if it is feasible to proceed with the Surface Water Supply Project, a separate water supply project being considered by SRWA. The proposed project would include excavation of an area to access the infiltration gallery pipes; construction of a wet well and associated facilities adjacent to and connecting with the existing infiltration gallery; air purging and test pumping of the gallery pipes to dislodge sediment; pumping of river water through the gallery and into settling basins to inspect and test infiltration gallery and pump capacity and water quality; and disposal of the water, once any entrained sediment has settled out.

Lead Agency Contact

Name Michael Brinton
Agency Stanislaus Regional Water Authority
Phone 209-538-5758 **Fax**
email
Address 156 South Broadway, Suite 270
City Turlock **State** CA **Zip** 95380

Project Location

County Stanislaus
City Hughson
Region
Lat / Long 37° 37' 1.65" N / 120° 50' 51.7" W
Cross Streets Geer Rd at Tuolumne River, river mile 26
Parcel No. 018-003-006, 018-004-012, 013, etc.
Township **Range** **Section** **Base**

Proximity to:

Highways
Airports
Railways BNSF
Waterways Tuolumne River
Schools
Land Use agriculture, TID infiltration gallery, Fox Grove Regional Park/A-2-40/Ag

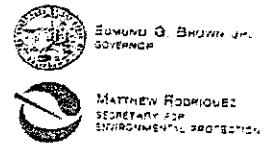
Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Landuse; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian

Reviewing Agencies Resources Agency; Central Valley Flood Protection Board; Department of Fish and Wildlife, Region 4; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Caltrans, District 10; State Water Resources Control Board, Division of Drinking Water; Regional Water Quality Control Bd., Region 5 (Sacramento); Delta Protection Commission; Delta Stewardship Council; Native American Heritage Commission; Public Utilities Commission

Date Received 08/04/2017 **Start of Review** 08/07/2017 **End of Review** 09/05/2017



UWR 9/5/17
E



Central Valley Regional Water Quality Control Board

29 August 2017

Michael Brinton
Stanislaus Regional Water Authority
156 South Broadway, Suite 270
Turlock, CA 95380

Governor's Office of Planning & Research

SEP 01 2017
STATE CLEARINGHOUSE

CERTIFIED MAIL
91 7199 9991 7035 8421 1557

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, INFILTRATION GALLERY TESTING PROJECT, SCH# 2017082019, STANISLAUS COUNTY

Pursuant to the State Clearinghouse's 7 August 2017 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Infiltration Gallery Testing Project, located in Stanislaus County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

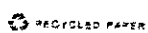
Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases,

KARL E. LONLEY SCD, P.E., CHAIR | PAMELA C. CREEDON P.E., BOEE, EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley



the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:
http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/.

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:
http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

ii. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan

(SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

For more information on the Caltrans Phase I MS4 Permit, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/caltrans.shtml.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance (i.e., discharge of dredge or fill material) of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

Waste Discharge Requirements (WDRs)

Discharges to Waters of the State

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

Land Disposal of Dredge Material

If the project will involve dredging, Water Quality Certification for the dredging activity and Waste Discharge Requirements for the land disposal may be needed.

Local Agency Oversight

Pursuant to the State Water Board's Onsite Wastewater Treatment Systems Policy (OWTS Policy), the regulation of septic tank and leach field systems may be regulated under the local agency's management program in lieu of WDRs. A county environmental health department may permit septic tank and leach field systems designed for less than 10,000 gpd. For more information on septic system regulations, visit the Central Valley Water Board's website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/owts/sb_owts_policy.pdf

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml; or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the

Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

Low or Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf


NPDES Permit

If the proposed project discharges waste that could affect the quality of the waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml

If you have questions regarding these comments, please contact me at (916) 464-4644 or
Stephanie.Tadlock@waterboards.ca.gov.



 Stephanie Tadlock
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento



STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



EDMUND G. BROWN JR.
GOVERNOR

September 7, 2017

KEN ALEX
DIRECTOR

Michael Brinton
Stanislaus Regional Water Authority
156 South Broadway, Suite 270
Turlock, CA 95380

Subject: Infiltration Gallery Testing Project
SCH#: 2017082019

Dear Michael Brinton:

The enclosed comment (s) on your Mitigated Negative Declaration was (were) received by the State Clearinghouse after the end of the state review period, which closed on September 5, 2017. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

7-1

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2017082019) when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency



State of California -- Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Central Region
 1234 East Shaw Avenue
 Fresno, California 93710
 (559) 243-4005
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
 CHARLTON H. BONHAM, Director



*late
9/15/17*

September 1, 2017

Michael Brinton, Interim General Manager
 Stanislaus Regional Water Authority
 156 South Broadway, Suite 270
 Turlock, CA 95308

Governor's Office of Planning & Research
 SEP 06 2017
 STATE CLEARINGHOUSE

Dear Mr. Brinton:

Subject: Infiltration Gallery Testing Project (Project)
 State Clearinghouse No. 2017082019

The California Department of Fish and Wildlife (CDFW) reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) from the Stanislaus Regional Water Authority for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ We appreciate the opportunity to provide comments and recommendations regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

The Stanislaus Regional Water Authority (SRWA) proposes to test the condition and operation of Turlock Irrigation District's (TID's) existing infiltration gallery, construct a wet well, and install temporary pumping facilities to ascertain if it is feasible to proceed with the Surface Water Supply Project, a separate water supply project being considered by SRWA. The proposed Project would include excavation of an area to access the infiltration gallery pipes; construction of a wet well and associated facilities adjacent to and connecting with the existing infiltration gallery; air purging and test pumping of the gallery pipes to dislodge sediment; construction of settling basins; pumping of river water through the galley and into settling basins to inspect and test infiltration gallery and pump capacity and water quality; and disposal of the water, once any entrained sediment has settled out.

CDFW JURISDICTION

CDFW is California's **Trustee Agency** for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically

¹ CEQA is codified in the California Public Resources Code in § 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with § 15000.

Michael Brinton
Stanislaus Regional Water Authority
September 1, 2017
Page 2

sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 *et seq.*) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), related authorization as provided by the Fish and Game Code will be required.

CDFW has jurisdiction over fully protected species of birds, mammals, amphibians and reptiles, and fish, pursuant to Fish and Game Code §§ 3511, 4700, 5050, and 5515. Take of any fully protected species is prohibited and CDFW cannot authorize their incidental take.

CDFW COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the SRWA in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Table 2.7 Permits and Approvals: CDFW recommends that a general discussion of the CESA Incidental Take Permit and Fish and Game Code § 2081 be included in this table.

Table 3.4-3 Special Status Wildlife Species: CDFW recommends that white-tailed kite (*Elanus leucurus*) be included in this table.

Page 3-36: State Laws, Regulations, and Policies: CDFW recommends that this section of the IS/MND include a discussion of Fish and Game Code § 1600 *et seq.*

Swainson's Hawk and White-Tailed Kite:

Specific impacts: The Swainson's hawk (*Buteo swainsoni*; SWHA) is a species listed as threatened pursuant to CESA. The species has the potential to nest in riparian habitat and other mature trees located within 0.5 miles of the Project boundary. Suitable foraging habitat, including dairy pasture, occurs within a 10-mile radius of the Project vicinity. Suitable nesting and foraging habitat for the fully protected white-tailed kite is also located within and adjacent to the Project boundary.

Without appropriate avoidance and minimization measures, potential significant impacts include nest abandonment, which may result in reduced nesting success such as reduced health or vigor of eggs or young, in addition to direct mortality. Any take of SWHA without

Michael Brinton
Stanislaus Regional Water Authority
September 1, 2017
Page 3

appropriate incidental take authorization would be a violation of CESA. Incidental take of white-tailed kite cannot be authorized and would be a violation of Fish and Game Code § 3511

Mitigation Measure BIO-5: This measure states that if construction occurs between February 1 and August 31, surveys for SWHA or white-tailed kite shall be conducted, and surveys will cover a minimum 500-foot radius around the construction area. The measure also states that if nesting SWHA or white-tailed kite are detected, 500-foot buffers around active nests will be established unless a qualified biologist determines that smaller buffers are sufficient to avoid impacts on nesting raptors. CDFW recommends changing BIO-5 to incorporate the following recommendations.


If Project activities will occur while active white-tailed kite nests are present, CDFW recommends implementation of a minimum 500-foot no-disturbance buffer with no reduction in buffer radius.

To evaluate potential Project-related impacts to SWHA, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting SWHA following the survey methodology developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000), including all survey periods in the protocol regardless of whether Project activities begin before all surveys have been completed. CDFW requests the results of these surveys, including a report of surveys to date at the time of Project implementation and a final survey report at the completion of all surveys.

CDFW recommends that if Project activities will occur during the SWHA nesting season (March 1 through August 31), and active SWHA nests are detected at any time within the Project site or a 0.5-mile buffer, a minimum no-disturbance buffer of 0.5 miles around each nest be implemented until the breeding season has ended, or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. If a 0.5-mile buffer is not feasible, take authorization through the issuance of an ITP, pursuant to Fish and Game Code § 2081(b) is necessary to comply with CESA.

CDFW appreciates the opportunity to comment on the IS/MND to assist the SRWA in identifying and mitigating Project impacts on biological resources. Questions regarding this letter or further coordination should be directed to Annette Tenneboe, Senior Environmental Scientist (Specialist), at (559) 243-4014 extension 231 or Annette.Tenneboe@wildlife.ca.gov.

Sincerely,



Julie A. Vance
Regional Manager

Michael Brinton
Stanislaus Regional Water Authority
September 1, 2017
Page 4

REFERENCES

SWHA TAC, 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. Swainson's Hawk Technical Advisory Committee, May 31, 2000.

MITIGATION MONITORING AND REPORTING PROGRAM

The following mitigation monitoring and reporting program (MMRP) summary table includes the mitigation measures identified in the Stanislaus Regional Water Authority's (SRWA's) Infiltration Gallery Development and Testing Project initial study/mitigated negative declaration (IS/MND). For each mitigation measure, this table identifies monitoring and reporting actions that shall be carried out and the monitoring schedule. This table also includes a column where responsible parties can check off monitoring and reporting actions as they are completed.

As lead agency, SRWA will be responsible for ensuring that mitigation measures identified in this IS/MND are fully implemented. However, some mitigation measures would be implemented by the contractor(s) on behalf of SRWA. Contract documents for the proposed project will identify the obligations of the contractor, including relevant mitigation measures. SRWA will require that the contractor provide SRWA with documentation that it has adequately implemented its contractual obligations, including applicable mitigation measures.

Thus, in the descriptions of the mitigation measures provided in the table which follows, while SRWA may be the only party referenced in implementing a mitigation measure (i.e., where the measure states "SRWA shall"), this is intended to be inclusive of the contractor's role in implementing certain mitigation measures during construction or as part of design.

ACRONYMS AND ABBREVIATIONS USED IN THIS MMRP

CDFG	California Department of Fish and Game
CDFW	California Department of Fish and Wildlife
CEAT	Contractor Environmental Awareness training
CEQA	California Environmental Quality Act
CRHR	California Register of Historical Resources
dbh	diameter at breast height
GHG	greenhouse gas
IS/MND	initial study/mitigated negative declaration
MLD	Most Likely Descendant
MMRP	mitigation monitoring and reporting program
NAHC	Native American Heritage Commission
NMFS	National Marine Fisheries Service
PRC	Public Resources Code
SWPPP	Stormwater Pollution Prevention Plan
TCR	tribal cultural resource
USFWS	U.S. Fish and Wildlife Service
VELB	valley elderberry longhorn beetle
WPT	western pond turtle

Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
Aesthetics			
None Required			
Agriculture and Forestry Resources			
None Required			
Air Quality			
None Required			
Biological Resources			
<p>BIO-1</p> <p>Schedule Air Purging to Avoid and Minimize Impacts on Special-status Fish.</p> <p>To the extent feasible, SRWA and its contractor(s) shall limit air purging of the gallery to the work period between April 1 and September 30 to avoid peak salmonid spawning migration and sensitive development stages. If air purging cannot be conducted between April 1 and September 30, SRWA shall consult with the National Marine Fisheries Service (NMFS), U.S. Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife (CDFW) to identify a work period that will not result in substantial adverse effects on special-status fish based on the hydrologic and biological conditions for the year of testing.</p>	<ul style="list-style-type: none"> ▪ Limit air purging of the gallery to between April 1 and September 30. ▪ SRWA to consult with NMFS, USFWS, and CDFW to identify an alternative testing period if air purging cannot be conducted between June 1 and September 30. 	<ul style="list-style-type: none"> ▪ Before and during construction ▪ Before construction 	
<p>BIO-2</p> <p>Implement Measures to Avoid Impacts on Valley Elderberry Longhorn Beetle.</p>	<ul style="list-style-type: none"> ▪ Identify locations of elderberry plants within 100 feet of construction areas no less than 15 days 	<ul style="list-style-type: none"> ▪ Before construction 	

Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
<p>SRWA and its contractor(s) shall implement the following VELB avoidance measures:</p> <ol style="list-style-type: none"> No less than 15 days prior to commencing construction, document the locations and condition of elderberry plants within 100 feet of construction areas, including photographing the base, stems, and canopy of those shrubs. To the extent feasible, schedule construction activities that would occur within 100 feet of elderberry shrubs during August-February to avoid the VELB flight season (March-July). Fence and flag all areas to be avoided during construction activities, including the access road corridor and the 20-foot buffer from the dripline of the canopy of all established elderberry shrubs within 100 feet of the access road. Unload aggregate base for the access road surface at strategic locations more than 100 feet from elderberry shrubs and spread in a manner to minimize dust (e.g., wet road base during unloading). Install speed bumps at strategic intervals on the access road and implement a 15-mile-per-hour speed limit to minimize dust. Mowing may occur from July through April to reduce fire hazard. No mowing will occur within 5 feet of elderberry stems to avoid damaging shrubs (e.g., stripping away bark through careless use of mowing equipment). 	<p>prior to commencing construction.</p> <ul style="list-style-type: none"> ▪ Schedule construction activities during August-February to the extent feasible. ▪ Fence and flag areas where elderberry plants are found in accordance with the 100-foot rule stated above. ▪ Unload aggregate base more than 100 feet from elderberry shrubs and spread in a manner to minimize dust (e.g., wet road base during unloading). ▪ Install speed bumps on the access road and limit speeds to 15 mph to minimize dust. ▪ Limit mowing to July-April to reduce fire hazard. No mowing will occur within 5 feet of elderberry stems. ▪ Construction personnel shall participate in a CEAT. 	<ul style="list-style-type: none"> ▪ Before construction ▪ During construction ▪ Before construction ▪ Before construction ▪ Before and during construction 	

Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
<p>g. Construction personnel shall participate in a Contractor Environmental Awareness Training (CEAT). The CEAT will instruct work crews about the status of the VELB and the need to protect its elderberry host plant. The CEAT shall communicate the need to avoid damaging the elderberry plants and the possible penalties for not complying with these requirements. The engineering specifications and site plans will reference specific avoidance and protection measures for VELB and elderberry shrubs.</p> <p>h. Erect signs every 50 feet along the edge of the avoidance area with the following information: "This area is habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." The signs will be maintained for the duration of construction.</p> <p>i. No insecticides, herbicides, fertilizers, or other chemicals that might harm the beetle or its host plant will be used within 100 feet of any elderberry plant.</p> <p>j. A qualified biologist will conduct weekly site inspections during the VELB flight season (March-July) to examine elderberry shrub condition. If impacts on elderberry shrubs are observed, work will stop immediately and USFWS will be notified.</p> <p>k. Continue to protect buffer areas upon completion of construction from adverse effects of the proposed project. Maintain fencing and signage as needed and</p>	<ul style="list-style-type: none"> ▪ Signs shall be erected every 50 feet along the edge of the avoidance area. ▪ Prohibit the use of insecticides, herbicides, fertilizers, or other chemicals that might harm the elderberry beetle or its host plant within 100 feet of any elderberry plant. ▪ A qualified biologist will conduct weekly site inspections during the VELB flight season (March-July) and will halt work and contact USFWS if impacts on elderberry shrubs are observed. ▪ Buffer areas will be protected through fencing and signage as needed, and post-construction erosion control and re-vegetation with appropriate native plants will be implemented, when necessary. 		

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
	<p>implement post-construction erosion control and re-vegetation with appropriate native plants, when necessary.</p>			
<p>BIO-3</p>	<p>Conduct Nesting Bird Surveys for Work between February 15 and August 31 and Implement Avoidance Measures.</p> <p>If vegetation clearing or ground-disturbing activities commence between February 15 and August 31, a qualified biologist shall conduct a nesting bird survey within 2 weeks prior to the start of work. If a lapse in project-related work of 2 weeks or longer occurs, another focused survey shall be conducted before project work can be reinitiated.</p> <p>If nesting birds are found, a buffer shall be established around the nest and maintained until the young have fledged. Appropriate buffer widths are 300 feet for non-listed raptors and special-status passerines and 100 feet for non-listed passerines. A qualified biologist may identify an alternative buffer based on a site-specific evaluation and in consultation with CDFW. Work shall not commence within the buffer until fledglings are fully mobile and no longer reliant upon the nest or parental care for survival.</p>	<ul style="list-style-type: none"> ▪ Qualified biologist shall conduct a nesting bird survey within 2 weeks prior to work start if vegetation clearing or ground-disturbing activities begin between February 15 and August 31. ▪ Survey will be conducted again if a lapse in project-related work of 2 weeks or longer occurs. ▪ 300-ft buffer for non-listed raptors and special-status passerines and a 100-ft buffer for non-listed passerines will be established around nests if nesting birds are found. These buffers will be maintained until young have fledged. ▪ Qualified biologist may identify an alternative buffer based on a site- 	<ul style="list-style-type: none"> ▪ Before construction ▪ Before construction ▪ Before and during construction ▪ Before construction 	

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
<p>BIO-4</p>	<p>Conduct Burrowing Owl Surveys, Establish Buffers, and Implement Passive or Active Relocation Techniques to Avoid or Minimize Impacts on Burrowing Owls.</p> <p>Before initiating ground-disturbing activities, surveys for Burrowing Owls shall be conducted in accordance with protocols established in the <i>Staff Report on Burrowing Owl Mitigation</i> (California Department of Fish and Game [CDFG] 2012 or current version). If ground-disturbing activities are delayed or suspended for more than 30 days after the preconstruction surveys, the site shall be resurveyed. If Burrowing Owls are detected, disturbance to burrows shall be avoided during the nesting season (February 1 through August 31). Buffers shall be established around occupied burrows in accordance with guidance provided in the <i>Staff Report on Burrowing Owl Mitigation</i> (CDFG 2012). Buffers around occupied burrows shall be a minimum of 656 feet (200 meters) during the breeding season, and 160 feet (100 meters) during the non-breeding season.</p> <p>Outside of the nesting season (February 1 through August 31), passive relocation techniques may be implemented. Owls can be excluded from burrows within 160 feet of construction by installing one-way doors in burrow entrances. The work area shall be monitored daily for 1 week to confirm that owls have departed from burrows before any ground-disturbing activities. Where feasible, burrows shall be excavated using hand tools and refilled</p>	<p>specific evaluation and in consultation with CDFW.</p> <ul style="list-style-type: none"> ▪ Conduct pre-construction surveys for Burrowing Owls in accordance with protocols established in the <i>Staff Report on Burrowing Owl Mitigation</i> (CDFG 2012 or current version). ▪ Surveys will be redone if ground-disturbing activities are delayed or suspended for more than 30 days after preconstruction surveys. ▪ Disturbance to any burrows, if detected, shall be avoided during the nesting season (February 1 through August 31). ▪ If Burrowing Owls are found, buffers shall be established around occupied burrows with a minimum of 656 feet during the breeding season, and 160 feet 	<ul style="list-style-type: none"> ▪ Before construction ▪ Before construction ▪ During construction ▪ Before construction ▪ During construction ▪ Before construction ▪ Before construction ▪ During construction 	

Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
<p>to prevent reoccupation. Sections of flexible plastic pipe shall be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow.</p> <p>If occupied burrows cannot be avoided during the non-breeding season, new burrows shall be created or enhanced at a 1:1 ratio one week before implementation of passive relocation techniques, in adjacent habitat within the dispersal range of the owls. If Burrowing Owl habitat is enhanced or created, a monitoring and management plan shall be implemented to assess the effectiveness of the mitigation, subject to the approval of CDFW.</p>	<p>during the non-breeding season.</p> <ul style="list-style-type: none"> ▪ Monitor work area daily for 1 week to confirm that owls have departed from burrows before any ground-disturbing activities if one-way doors are installed in burrow entrances. ▪ Where feasible, burrows shall be excavated using hand tools and refilled to prevent reoccupation. ▪ New burrows shall be created or enhanced at a 1:1 ratio one week before implementation of passive relocation techniques and in an adjacent habitat within the dispersal range of the owls if occupied burrows cannot be avoided during non-breeding season. ▪ Implement monitoring and management plan to assess new burrow creation or 		

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
BIO-5	<p>Conduct Nesting Raptor Surveys and Establish Buffers to Avoid or Minimize Impacts on Swainson's Hawk and White-tailed Kite.</p> <p>If construction occurs between February 1 and August 31, surveys for Swainson's Hawk and White-tailed Kite shall be conducted. Surveys will cover a minimum 500-foot radius around the construction area. If nesting Swainson's Hawk or White-tailed Kite are detected, buffers shall be established around active nests that are sufficient to ensure that breeding is not likely to be disrupted or adversely affected by construction. Buffers around active nests will be 500 feet unless a qualified biologist determines that smaller buffers will be sufficient to avoid impacts on nesting raptors. Factors to be considered when determining buffer size include the presence of natural buffers provided by vegetation or topography, nest height, locations of foraging territory, and baseline levels of noise and human activity. Buffers shall be maintained until a qualified biologist has determined that the young have fledged and are no longer reliant on the nest or parental care for survival.</p>	<p>implementation mitigation, subject to approval of CDFW.</p> <ul style="list-style-type: none"> ▪ Surveys shall be conducted if construction occurs between February 1 and August 31. ▪ If nesting Swainson's Hawk or White-tailed Kite are detected, 0.5-mile buffers shall be established around active nests that are sufficient to ensure that breeding is not likely to be disrupted or adversely affected by construction. ▪ Buffers shall be maintained until qualified biologist has determined that the young have fledged. 	<ul style="list-style-type: none"> ▪ Before construction ▪ Before construction ▪ During construction 	
BIO-6	<p>Conduct Preconstruction Surveys, Establish Buffers around Nests, and Implement Measures to Avoid or Minimize Impacts on Western Pond Turtle.</p>	<ul style="list-style-type: none"> ▪ Preconstruction surveys shall be conducted by qualified biologist 14 days before and 24 hours before 	<ul style="list-style-type: none"> ▪ Before construction 	

Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
<p>Preconstruction surveys for Western Pond Turtle (WPT) shall be conducted by a qualified biologist 14 days before and 24 hours before the start of construction activities where suitable habitat exists (i.e., riparian areas, freshwater emergent wetlands, and adjacent uplands). If WPTs or their nests are observed during preconstruction surveys, the following measures shall be implemented.</p> <p>WPTs found within the construction area will be allowed to leave on their own volition or will be relocated by the qualified biologist out of harm's way to suitable habitat immediately upstream or downstream of the project site. To be qualified to move turtles, the biologist shall possess a valid memorandum of understanding from CDFW authorizing the capture and relocation of turtles.</p> <p>If a WPT nest is identified in the work area during preconstruction surveys, a 50-foot no-disturbance buffer shall be established between the nest and any areas of potential disturbance. Buffers will be clearly marked with temporary fencing. Construction will not be allowed to commence in the exclusion area until hatchlings have emerged from the nest or the nest is deemed inactive by a qualified biologist.</p>	<p>the start of construction activities.</p> <ul style="list-style-type: none"> ▪ Contact CDFW for authorization to capture and relocate any turtles found within the construction area. ▪ If active nests are identified in the work area during preconstruction surveying, (March to August), establish a 50-foot no-disturbance buffer around the active nest. 	<ul style="list-style-type: none"> ▪ Before and during construction ▪ Before construction 	
<p>BIO-7</p> <p>Conduct Preconstruction Surveys and Implement Measures to Avoid or Minimize Impacts on Special-status Bats.</p> <p>A preconstruction survey shall be conducted by a qualified bat biologist between May 1 and July 15 to maximize detection of bats during maternity season. The survey</p>	<ul style="list-style-type: none"> ▪ Retain a qualified bat biologist to conduct surveys between May 1 and July 15 (maternity season). 	<ul style="list-style-type: none"> ▪ Before construction ▪ Before construction 	

Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
<p>shall consist of a daytime pedestrian survey to inspect the bridge for indications of bat use (e.g., occupancy, guano, staining, smells, or sounds) and a night roost/ emergence survey. If the bat biologist determines that the bridge is being used, or is likely to be used, as a bat maternity roost, and may be affected by construction, then specific measures will be developed and implemented to minimize impacts on the roost. Such measures may include minimizing construction activity (including truck traffic) under the bridge during the maternity season, excluding bats from the roost site prior to the maternity season (May 1-July 15) during the year(s) of construction, or other measures developed by a qualified bat biologist that will minimize the disturbance to a level that would not cause roost abandonment.</p>	<ul style="list-style-type: none"> ▪ Bat biologist shall conduct surveys of Geer Road Bridge. ▪ If structures are occupied, ensure that measures to minimize impacts on the roost (established in Mitigation Measure BIO-7) are implemented. These measures include: minimize construction activity under the bridge during maternity season. 	<ul style="list-style-type: none"> ▪ Before and during construction 	
<p>BIO-8 Implement Revegetation within Riparian Habitat and Sensitive Natural Communities Disturbed during Construction. Upon completion of construction, disturbed soils within areas of native vegetation shall be revegetated with site-appropriate native species to limit subsequent encroachment of non-native weeds. Any plants of native woody species of 4 inches diameter at breast height (dbh) or greater that are damaged or removed as result of construction activity shall be replaced at a 1:1 ratio; this ratio will increase to 3:1 for native trees of 24 inches dbh and greater. Revegetated areas shall be maintained and monitored to ensure a minimum of 65 percent survival of woody plantings after 3 years.</p>	<ul style="list-style-type: none"> ▪ Native woody species plants of 4 inches dbh will be replaced at a 1:1 ratio, and a 3:1 ratio for native trees of 24 inches dbh or greater. ▪ Maintain and monitor revegetated areas to ensure a minimum of 65% survival of woody plantings after 3 years. 	<ul style="list-style-type: none"> ▪ After construction ▪ After construction 	

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
Cultural Resources	<p>Suspend Construction Immediately if Cultural Resources Are Discovered, Evaluate All Identified Cultural Resources for California Register of Historical Resources (CRHR) Eligibility, and Implement Appropriate Mitigation Measures for Eligible Resources.</p> <p>Not all cultural resources are visible on the ground surface. As a result, construction of some of the proposed project facilities (e.g., the access road) has the potential to uncover buried archaeological materials. If any cultural resources, including structural features, unusual amounts of bone or shell, flaked or ground stone artifacts, historic-era artifacts, human remains, or architectural remains, are encountered during proposed project construction activities, work shall be suspended immediately at the location of the find and within a radius of at least 50 feet and SRWA shall be contacted.</p> <p>All cultural resources uncovered during construction within the project site shall be evaluated for eligibility for inclusion in the CRHR. Resource evaluations shall be conducted by individuals who meet the U.S. Secretary of the Interior’s professional standards in archaeology, history, or architectural history, as appropriate. If any of the resources meet the eligibility criteria identified in Public Resources Code (PRC) Section 5024.1 or State California Environmental Quality Act (CEQA) Guidelines Section 2.1083.2(g), mitigation measures will be developed in consultation with SRWA and Native American tribes, if</p>	<ul style="list-style-type: none"> ▪ Halt construction activities in the event any cultural resources are encountered. ▪ If cultural resources are uncovered, retain a qualified individual who meets the U.S. Secretary of the Interior’s standards to conduct resource evaluations. ▪ If uncovered resources meet eligibility criteria, implement mitigation measures consistent with State CEQA Guidelines Section 15126.4(b). ▪ If cultural resources are uncovered, mitigation measures will be developed in consultation with SRWA and Native American tribes before construction resumes. 	<ul style="list-style-type: none"> ▪ During construction ▪ During construction ▪ During construction ▪ During construction 	

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
	appropriate, and implemented in accordance with State CEQA Guidelines Section 15126.4(b) before construction resumes.			
CR-2	<p>Suspend Construction Immediately if Paleontological Resources Are Discovered, Evaluate the Significance of the Resources, and Implement Appropriate Mitigation Measures as Necessary.</p> <p>Paleontological resources are not necessarily visible on the ground surface. If any items of paleontological interest are discovered during construction, work shall be suspended immediately within 50 feet of the discovery site, or to the extent needed to protect the site, and SRWA shall be notified.</p> <p>Any discovery of paleontological resources during construction shall be evaluated by a qualified paleontologist, as defined in <i>Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources</i> (Society of Vertebrate Paleontology 2010). If it is determined that the proposed project could damage a unique paleontological resource, mitigation shall be implemented in accordance with PRC Section 21083.2 and State CEQA Guidelines Section 15126.4. If avoidance is not feasible, the paleontologist shall develop a treatment plan, following the guidelines of the <i>Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources</i> (Society of Vertebrate Paleontology 2010) and in consultation with SRWA. Work shall not resume until</p>	<ul style="list-style-type: none"> ▪ In the event a paleontological item is discovered, halt construction activities within 50 feet of discovery site, or to the extent needed to protect the site, and notify SRWA. ▪ Ensure that qualified paleontologist evaluates the discovery. ▪ If the proposed project is determined to cause damage to a unique paleontological resource, mitigation shall be implemented. ▪ Paleontologist shall develop a treatment plan if avoidance is not feasible. ▪ Authorization will be required from SRWA before work resumes. 	<ul style="list-style-type: none"> ▪ Prior to construction ▪ During construction ▪ During construction 	

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
	<p>authorization is received from SRWA and any recommendations received from the qualified paleontologist are implemented.</p>			
CR-3	<p>Halt Construction Immediately if Human Remains Are Discovered and Implement Applicable Provisions of the California Health and Safety Code.</p> <p>If human remains are discovered during construction activities, the requirements of Section 7050.5 of the California Health and Safety Code shall be followed. Potentially damaging excavation shall halt on the proposed project site within a minimum radius of 100 feet of the remains and the County Coroner shall be notified. The Coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code Section 7050.5[b]). If the Coroner determines that the remains are those of a Native American, he or she must contact the NAHC by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). In accordance with the provisions of Pub. Res. Code Section 5097.98, the NAHC shall identify a Most Likely Descendent (MLD). The MLD designated by the Native American Heritage Commission (NAHC) shall have at least 48 hours to inspect the site and propose treatment and disposition of the remains and any associated grave goods. SRWA or its designee shall work with the MLD to ensure that the remains are removed to a protected location and treated with dignity and respect.</p>	<ul style="list-style-type: none"> ▪ In the event that human remains are encountered, halt work and contact the County Coroner. ▪ If discovered remains are those of a Native American, he or she must contact the NAHC by phone within 24 hours of making that determination. ▪ NAHC shall identify a MLD, upon which this person shall be notified and given at least 48 hours to inspect the site and propose treatment and disposition of the remains and any associated grave goods. ▪ Cooperation with MLD is required. 	<ul style="list-style-type: none"> ▪ During preparation of plans and specifications ▪ During construction ▪ During construction ▪ During construction 	

Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
Geology and Soils			
None Required			
Greenhouse Gas Emissions			
None Required			
Hazards and Hazardous Materials			
<p>TRANS-1 Prepare and Implement a Construction Traffic Management Plan.</p> <p>SRWA shall require that the construction contractor prepare and implement a construction traffic management plan to reduce potential interference with local emergency response plans, as well as to reduce potential traffic safety hazards and ensure adequate access for emergency responders. Development and implementation of this plan shall be coordinated with Stanislaus County. SRWA (or the construction contractor) shall ensure that the plan is implemented during construction. The plan shall include, but will not be limited to, the following measures:</p> <ul style="list-style-type: none"> ▪ Identify construction truck haul routes to limit conflicts between truck and automobile traffic on nearby roads. The identified routes will be designed to minimize impacts on vehicular and pedestrian traffic, circulation, and safety. Identified haul routes will be recorded in the contract documents. ▪ Implement comprehensive traffic control measures, including scheduling of major truck trips and 	<ul style="list-style-type: none"> ▪ SRWA will ensure that the Construction Traffic Management Plan is implemented during construction. ▪ Identified haul routes will be recorded in the contract documents. ▪ Implement traffic control measures. ▪ Evaluate need for traffic control flaggers. ▪ Notify adjacent property owners and public safety personnel regarding timing of major deliveries, detours, and lane closures. ▪ Develop process for responding and tracking 	<ul style="list-style-type: none"> ▪ During construction ▪ During construction ▪ During construction ▪ Before and during construction ▪ Before construction ▪ Before construction ▪ Before construction ▪ Before construction 	

Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
<p>deliveries to avoid peak traffic hours, warning and detour signs (if required), lane closure procedures (if required), and cones for drivers.</p> <ul style="list-style-type: none"> ▪ Evaluate the need to provide flaggers or temporary traffic control on Geer Road or at key intersections along the haul route during all or some portion of the construction period. ▪ Notify adjacent property owners and public safety personnel regarding timing of major deliveries, detours, and lane closures. ▪ Develop a process for responding to and tracking issues pertaining to construction activity, including identification of an on-site traffic manager. Post 24-hour contact information for the traffic manager on the site. ▪ Document road pavement conditions for all routes that would be used by construction vehicles before and after project construction. Make provisions to monitor the condition of roads used for haul routes so that any damage or debris attributable to haul trucks can be identified and corrected. Roads damaged by construction vehicles shall be repaired to their preconstruction condition. 	<p>issues related to construction activity.</p> <ul style="list-style-type: none"> ▪ Post 24-hour contact information for the traffic manager on site. ▪ Document road pavement conditions for all routes used for construction. 		
Hydrology and Water Quality			
HYDRO-1	<p>Locate Staging and Storage Areas Outside of the Floodplain, and Winterize Areas Subject to Winter Inundation.</p>	<ul style="list-style-type: none"> ▪ Provide in-construction drawings and specifications that staging/storage areas will ▪ Before construction 	

Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
<p>SRWA shall require in construction drawings and specifications that staging/storage areas for construction vehicles, equipment, parts, and materials, including fuels, lubricants, and solvents, will be located outside of the floodplain where inundation of high flows will not cause these items to be deposited into the river.</p> <p>In addition, project facilities located within the floodplain, and subject to inundation during periods of high flow in the Tuolumne River, such as the access road from Fox Grove Regional Park to the project site, and the proposed detention basin, will be winterized prior to the onset of the rainy season (October through April) to ensure that sediment or other contaminants are not discharged to surface waters in the event that the facilities are inundated. This may include decommissioning the detention basin (i.e., filling and revegetating), or use of other measures to stabilize the basin substrate.</p> <p>These measures shall also be incorporated into the SWPPP, as appropriate.</p>	<p>be located outside of the floodplain.</p>		
Land Use and Planning			
	None Required		
Mineral Resources			
	None Required		
Noise			

Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
<p>NOISE-1</p> <p>Implement Noise Reduction Measures.</p> <p>SRWA shall require its contractor(s) to implement noise-reducing measures to limit construction-related noise in the project area to the levels required by Table IV-24 of the <i>Stanislaus County General Plan Noise Element</i> (Table 3.12-3 of this Initial Study/Mitigated Negative Declaration [IS/MND]). Measures that may be implemented may include, but will not be limited to, the following:</p> <ol style="list-style-type: none"> All noise-producing equipment and vehicles using internal combustion engines shall be equipped with mufflers; air-inlet silencers, where appropriate; and any other shrouds, shields, or noise-reducing features in good operating condition that meet or exceed original factory specification. Mobile or fixed “package” equipment (e.g., arc-welders, air compressors) shall be equipped with shrouds and noise control features that are readily available for those types of equipment. Mobile noise-generating equipment and machinery shall be shut off when not in use (i.e., idling time 5 minutes maximum). Stationary noise-generating equipment shall be located as far as practicable from noise-sensitive land uses. 	<ul style="list-style-type: none"> ▪ Equip all noise-producing equipment and vehicles using internal combustion engines with noise-dampening equipment such as mufflers and air-inlet silencers. ▪ Shut off mobile noise-generating equipment and machinery when not in use with an idle time of 5 minutes maximum. ▪ Locate stationary noise-generating equipment as far away as possible from noise-sensitive land uses. ▪ Utilize low-noise equipment when practicable. ▪ Utilize noise-reducing enclosures when possible. ▪ Utilize barriers when possible. ▪ Comply with noise minimization measures outlined in Mitigation Measure NOISE-1. 	<ul style="list-style-type: none"> ▪ Before construction ▪ During construction ▪ During construction ▪ During construction ▪ During construction ▪ During construction ▪ During construction ▪ During construction 	

Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
<p>d. When practicable, the contractor shall select construction equipment that generates lower noise levels (e.g., drill rig instead of pile driver).</p> <p>e. When practicable, the contractor shall use noise-reducing enclosures around stationary noise-generating equipment.</p> <p>f. When practicable, the contractor shall construct barriers between noise sources and noise-sensitive land uses or utilize existing barrier features (terrain) or material stockpiles to block sound transmission.</p>			
Population and Housing			
	None Required		
Public Services			
	None Required		
Recreation			
<p>REC-1</p> <p>Coordinate Construction Activities with Stanislaus County Parks and Recreation Department.</p> <p>SRWA or its contractor shall coordinate construction activities with the Stanislaus County Parks and Recreation Department to ensure that access is maintained to the park. SRWA or its contractor shall also consult with the County to identify any potential conflicts with proposed improvements/enhancements at Fox Grove Regional Park</p>	<ul style="list-style-type: none"> ▪ Coordinate construction activities with the Stanislaus County Parks and Recreation Department to ensure 	<ul style="list-style-type: none"> ▪ Before construction ▪ Before construction ▪ Before construction 	

Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
<p>(Stanislaus County 2017a). If improvements are planned during the construction period for the proposed project, SRWA and the County shall coordinate their schedules such that project-related construction traffic will not prevent or restrict the progress of these improvements.</p>	<p>access for routine maintenance activities.</p> <ul style="list-style-type: none"> ▪ Consult with the County to identify any conflicts with the proposed improvements/enhancements to the park. ▪ If conflicts are determined, SRWA and the County shall coordinate their schedules where project-related construction traffic will not prevent or restrict access to the progress of these improvements. 		
Transportation and Traffic			
<p>TRANS-1 Prepare and Implement a Construction Traffic Management Plan. SRWA shall require that the construction contractor prepare and implement a construction traffic management plan to reduce potential interference with local emergency response plans, as well as to reduce potential traffic safety hazards and ensure adequate access for emergency responders. Development and implementation of this plan shall be coordinated with</p>	<ul style="list-style-type: none"> ▪ SRWA will ensure that the Construction Traffic Management Plan is implemented during construction. ▪ Identified haul routes will be recorded in the contract documents. 	<ul style="list-style-type: none"> ▪ During construction ▪ During construction ▪ During construction ▪ Before and during construction 	

Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
<p>Stanislaus County. SRWA (or the construction contractor) shall ensure that the plan is implemented during construction. The plan shall include, but will not be limited to, the following measures:</p> <ul style="list-style-type: none"> ▪ Identify construction truck haul routes to limit conflicts between truck and automobile traffic on nearby roads. The identified routes will be designed to minimize impacts on vehicular and pedestrian traffic, circulation, and safety. Identified haul routes will be recorded in the contract documents. ▪ Implement comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, warning and detour signs (if required), lane closure procedures (if required), and cones for drivers. ▪ Evaluate the need to provide flaggers or temporary traffic control on Geer Road or at key intersections along the haul route during all or some portion of the construction period. ▪ Notify adjacent property owners and public safety personnel regarding timing of major deliveries, detours, and lane closures. ▪ Develop a process for responding to and tracking issues pertaining to construction activity, including identification of an on-site traffic manager. Post 24-hour contact information for the traffic manager on the site. 	<ul style="list-style-type: none"> ▪ Implement traffic control measures. ▪ Evaluate need for traffic control flaggers. ▪ Notify adjacent property owners and public safety personnel regarding timing of major deliveries, detours, and lane closures. ▪ Develop process for responding and tracking issues related to construction activity. ▪ Post 24-hour contact information for the traffic manager on site. ▪ Document road pavement conditions for all routes used for construction. 	<ul style="list-style-type: none"> ▪ Before construction ▪ Before construction ▪ Before construction <p>Before construction</p>	

Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
<ul style="list-style-type: none"> ▪ Document road pavement conditions for all routes that would be used by construction vehicles before and after project construction. Make provisions to monitor the condition of roads used for haul routes so that any damage or debris attributable to haul trucks can be identified and corrected. Roads damaged by construction vehicles shall be repaired to their preconstruction condition. 			
Tribal Cultural Resources			
<p>CR-1</p> <p>Suspend Construction Immediately if Cultural Resources Are Discovered, Evaluate All Identified Cultural Resources for California Register of Historical Resources (CRHR) Eligibility, and Implement Appropriate Mitigation Measures for Eligible Resources.</p> <p>Not all cultural resources are visible on the ground surface. As a result, construction of some of the proposed project facilities (e.g., the access road) has the potential to uncover buried archaeological materials. If any cultural resources, including structural features, unusual amounts of bone or shell, flaked or ground stone artifacts, historic-era artifacts, human remains, or architectural remains, are encountered during proposed project construction activities, work shall be suspended immediately at the location of the find and within a radius of at least 50 feet and SRWA shall be contacted.</p> <p>All cultural resources uncovered during construction within the project site shall be evaluated for eligibility for inclusion in the CRHR. Resource evaluations shall be</p>	<ul style="list-style-type: none"> ▪ Halt construction activities in the event any cultural resources are encountered. ▪ If cultural resources are uncovered, retain a qualified individual who meets the U.S. Secretary of the Interior’s standards to conduct resource evaluations. ▪ If uncovered resources meet eligibility criteria, implement mitigation measures consistent with State CEQA Guidelines Section 15126.4(b). ▪ If cultural resources are uncovered, mitigation measures will be developed 	<ul style="list-style-type: none"> ▪ During construction ▪ During construction ▪ During construction ▪ During construction 	

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
	<p>conducted by individuals who meet the U.S. Secretary of the Interior’s professional standards in archaeology, history, or architectural history, as appropriate. If any of the resources meet the eligibility criteria identified in Public Resources Code (PRC) Section 5024.1 or State California Environmental Quality Act (CEQA) Guidelines Section 21083.2(g), mitigation measures will be developed in consultation with SRWA and Native American tribes, if appropriate, and implemented in accordance with State CEQA Guidelines Section 15126.4(b) before construction resumes.</p>	<p>in consultation with SRWA and Native American tribes before construction resumes.</p>		
<p>CR-3</p>	<p>Halt Construction Immediately if Human Remains Are Discovered and Implement Applicable Provisions of the California Health and Safety Code.</p> <p>If human remains are discovered during construction activities, the requirements of Section 7050.5 of the California Health and Safety Code shall be followed. Potentially damaging excavation shall halt on the proposed project site within a minimum radius of 100 feet of the remains and the County Coroner shall be notified. The Coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code Section 7050.5[b]). If the Coroner determines that the remains are those of a Native American, he or she must contact the NAHC by phone within 24 hours of making that determination (Health and Safety Code Res. Code Section 5097.98, the NAHC shall identify a Most</p>	<ul style="list-style-type: none"> ▪ In the event that human remains are encountered, halt work and contact the County Coroner. ▪ If discovered remains are those of a Native American, he or she must contact the NAHC by phone within 24 hours of making that determination. ▪ NAHC shall identify a MLD, upon which this person shall be notified and given at least 48 hours to inspect the site and propose treatment and disposition 	<ul style="list-style-type: none"> ▪ During preparation of plans and specifications ▪ During construction ▪ During construction ▪ During construction 	

Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
Likely Descendent (MLD). The MLD designated by the Native American Heritage Commission (NAHC) shall have at least 48 hours to inspect the site and propose treatment and disposition of the remains and any associated grave goods. SRWA or its designee shall work with the MLD to ensure that the remains are removed to a protected location and treated with dignity and respect.	<p>of the remains and any associated grave goods.</p> <ul style="list-style-type: none"> ▪ Cooperation with MLD is required. 		
Utilities and Service Systems			
	None Required		

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SRWA
 STANISLAUS REGIONAL
 WATER AUTHORITY

BEFORE THE BOARD OF THE STANISLAUS REGIONAL WATER AUTHORITY

**IN THE MATTER OF APPROVING A MITIGATED
 NEGATIVE DECLARATION AND MITIGATION
 MONITORING AND REPORTING PROGRAM FOR
 THE INFILTRATION GALLERY TESTING PROJECT**

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RESOLUTION NO. 2017-xxx

WHEREAS, the Stanislaus Regional Water Authority (the “Agency”) desires to conduct research, testing, and temporary operation of the Turlock Irrigation District’s (TID’s) existing infiltration gallery and to ensure it functions as designed, and to develop and collect baseline water quality data and information for water withdrawn through the infiltration gallery (the “Proposed Project”); and

WHEREAS, the Proposed Project would help the Agency to ascertain if it is feasible to proceed with the Surface Water Supply Project, which would be considered in a future environmental impact report if the Agency chooses to pursue that project; and

WHEREAS, SRWA prepared an Initial Study/Mitigated Negative Declaration (MND) to provide a transparent and comprehensive evaluation of the Proposed Project, and the MND describes the Proposed Project in more detail; and

WHEREAS, the Agency, as a “lead agency” under CEQA, has prepared this resolution to comply with the California Environmental Quality Act (“CEQA”) (Pub. Resources Code, § 21000 et seq.); and

WHEREAS, consistent with CEQA and the State CEQA Guidelines, a mitigation monitoring and reporting program (MMRP) has been prepared by the Agency for the Proposed Project (Exhibit A) (see Pub. Res. Code, § 21081.6, subd. (a)(1); CEQA Guidelines, § 15097); and

WHEREAS, the Agency will use the MMRP to track compliance with mitigation measures imposed by the Agency, and the MMRP will remain available for public review during the compliance period.

NOW, THEREFORE, THE AGENCY BOARD OF DIRECTORS DOES HEREBY RESOLVE, ORDER, FIND, AND DETERMINE AS FOLLOWS:

SECTION 1. The Board hereby finds and declares that it has reviewed and considered the MND together with all comments received during the public review process in evaluating the Proposed Project, that the MND is an accurate and objective statement that fully complies with CEQA and the State CEQA Guidelines, and that the MND reflects the independent judgment and analysis of the Agency.

SECTION 2. The Board further finds and declares, after considering the record as whole, that (a) although the Proposed Project could have significant effects on the environment, mitigation measures described in the MND have been incorporated into the Proposed Project that avoid the potential of significant effects or mitigate the effects to a point where clearly no significant effects would occur; (b) there is no substantial evidence, in light of the whole record before the Agency, that the Proposed Project, as revised with the incorporation of mitigation measures, may have a significant effect on the environment; and (c) no new significant impacts as defined by State CEQA Guidelines section 15073.5 have been identified after circulation of the MND, and that recirculation of the MND is therefore not required.

SECTION 3. On behalf of the Agency, the Board approves the MND together with the minor revisions set forth in the errata listed in the September 15, 2017 memo from Michael Stevenson to Michael Brinton.

SECTION 4. Pursuant to Public Resources Code section 21081.6, the Board hereby approves the mitigation measures as described in the MND and MMRP; adopts the MMRP attached to this Resolution as Exhibit A; and directs staff to implement the mitigation measures in the design, implementation, construction, and operation of the Proposed Project.

SECTION 5. Based on the entire record before the Agency, including all written and oral evidence presented to the Agency, the Board hereby approves the Infiltration Gallery Testing Project, with all the mitigation measures and the MMRP as set forth in this document, and the Board authorizes and directs Agency staff to proceed with project implementation. However, approval of a contract for the construction and operation of the Infiltration Gallery Testing Project requires subsequent Board approval.

SECTION 6. The Board directs Agency staff to prepare and file a Notice of Determination with the Office of Planning and Research and the Stanislaus County Clerk as soon as practicable and no later than five (5) working days after the date of Proposed Project approval as set forth immediately below.

SECTION 7. All the recitals in this Resolution are true and correct and this Agency so finds, determines and represents.

SECTION 8. The Interim General Manager is the custodian of the records of the proceedings on which this decision is based. Records are located at the SRWA offices located at 156 South Broadway, Suite 270, Turlock, CA 95380.

PASSED AND ADOPTED at a regular meeting of the Board of the Stanislaus Regional Water Authority this ___ day of _____, 2017, by the following vote:

AYES:
NOES:
NOT PARTICIPATING:
ABSENT:

ATTEST:

Tish Foley, Board Secretary



From: West Yost Program Management Team

Prepared by: Andy Smith, West Yost Associates

1. ACTION RECOMMENDED:

2. ACTION RECOMMENDED:

Resolution: Approving the Infiltration Gallery Testing Project (aka Raw Water Pump Station Phase 1) Plans and Specifications and Authorizing Advertisement for Bids.

The resolution would approve the following:

With regards to bidding for the construction of the Infiltration Gallery Testing Project (aka Raw Water Pump Station Phase 1 Project) (the "Project"), the resolution directs the Interim General Manager to proceed with bidding of the Project for a planned start of construction in 1) February 2018 or 2) a later date in Summer 2018.

With regards to bidding for the construction of the Project, the resolution approves the following items:

1. The Near Final (95%) Design Plans and Specifications prepared by West Yost Associates and authorize and direct the Interim General Manager to accept the Final Design Plans, Specifications, and Engineer's Cost Estimate for the Project and seek public bids for such project; and
2. The minimum prior successful project experience requirements of the General Contractor and the Ground Improvement Subcontractor as the objective measure of experience requirements which must be met by a Bidder to be deemed a responsible and/or responsive Bidder for further consideration of an award of the Contract for the Project. These requirements are included as resolution Exhibit A; and
3. The protest process during the Bid period with particular consideration given to the above minimum experience requirements. The Bid Protest Procedures are included as resolution Exhibit B.

3. DISCUSSION OF ISSUE:

The Infiltration Gallery Testing Project (aka Raw Water Pump Station Phase 1 Project) (the "Project") will be the first capital improvement project of the Agency's Surface Water Supply Program (the "Program"). The Project will include the construction of a

concrete wet well to facilitate access to and testing of the existing infiltration gallery, as well as ongoing raw water quality monitoring. The wet well will be incorporated into the Raw Water Pump Station that the Agency plans to complete as part of the Program. Design and construction of other Program facilities are planned to begin in August 2019. Construction of the wet well is anticipated to last 18 to 24 months. To support Program design efforts and minimize schedule conflicts with the Program's design-build contractor, it is necessary to begin construction of the Project as early as possible in 2018. Due to a variety of issues (discussed in more detail below), the start date for construction may significantly impact the construction duration and the projected finish date.

Starting construction before February 15th would avoid potential delays due to the presence of nesting birds, for which significant regulatory constraints are in effect between February 15th and July 15th of each year. By starting construction before February 15 (the start of the regulatory constraint window), any birds that establish nests during this February 15 to July 15 constraint window will be determined to have become habituated to construction impacts and therefore not subject to mitigation measures. On the other hand, construction during the winter or spring months may be impacted by high levels of flow in the Tuolumne River (due to natural rainfall runoff and discharges from Don Pedro Reservoir), and the existing breach in a dike separating the adjacent Nazareno property and the river; this breach is not planned to be repaired until Summer 2018. If river levels approach those seen in February and March of 2017, portions of the Nazareno property are expected to become inundated, potentially affecting the Project contractor's access to the site. As such, the Technical Advisory Committee (the "TAC") is seeking Board guidance on the preferred start date for Project construction. Advantages and disadvantages for early and later start dates are provided below.

Advantages & Disadvantages for Construction Start Date Prior to February 15th

- **Advantages:**
 - Relatively advantageous start date for contractors, based on feedback from potential bidders
 - Avoids nesting bird restrictions, including potentially significant delays if nests are found in or directly adjacent work area
 - Sufficient time for major contractor submittals prior to major sitework
 - Limits major ground disturbing activities to dry season and shoulder months
 - Increases likelihood that Project is completed before wet weather arrives in 2019
 - Increases likelihood that Project is completed before start of design-build contract

- **Disadvantages:**
 - Work in February through approximately April of 2018 may be impacted, and potentially delayed, if high Tuolumne River levels result in inundation of Nazareno property

Advantages & Disadvantages for Construction Start Date After July 15th

- **Advantages:**
 - Significantly reduces likelihood of delays due to high river levels and Nazareno property inundation
 - Early construction activities (e.g., placement of access road, ground improvement) are confined to dry season
 - Assuming NTP is issued prior to start of site work, sufficient time for major contractor submittals prior to major sitework
- **Disadvantages:**
 - Any preliminary site work conducted prior to July 15th would require preconstruction nesting bird surveys
 - Increases likelihood of wet well excavation being affected by wet weather
 - Earthwork activities may be complicated and/or delayed by onsite of wet weather in late 2018
 - Increases likelihood that Project is not completed before start of design-build contract
 - Due to potential that work extends into 2020, temporary easement(s) (e.g., Nazareno property) would need to be extended beyond 2019

The Authority intends to accept bids for the construction of this Project during the month of November 2017. Due to the complexity and scope of this critically important Project, which must be completed in a timely manner to support the schedule for the rest of the Authority's Program, the TAC recommends the Authority adopt a resolution requiring that minimum prior related successful project experience requirements be required for General Contractors and Ground Improvement Subcontractors seeking to bid the Project. In consultation with the Authority's Design Engineer for this Project, West Yost Associates, the TAC is recommending the experience requirements set forth in the Near Final (95%) Design Plans and Specifications be adopted as the minimum standard to be met, for a Bidder and certain key subcontractors to be eligible to be considered responsible and responsive. These requirements are found in Section 00400, Bid Form - Attachments A and B, of the Near Final (95%) Design Plans and Specifications.

In consideration of a prospective Bidder or Sub-Bidder's possible disagreement with the recommended minimum prior related project experience requirements for the General Contractor and/or Ground Improvement Subcontractor or any other aspect of the Authority's bid process for this Project, the TAC recommends that the Authority adopt the Bid Protest Procedures for the Bid Process as set forth in the attached draft Instructions to Bidders. It is the TAC's opinion that these suggested Bid Protest Procedures will provide a fair and prompt process to resolve disputes regarding the bidding process and award of the Contract. Failure to have such a prescribed bid protest process could impair the Authority's ability to carry out its purpose of constructing this Project in a timely manner to support the Surface Water Supply Program schedule. The Bid Protest Procedures are found in the attached Section 00100, Instructions to Bidders, of the Near Final (95%) Design Plans and Specifications.

4. FISCAL IMPACT / BUDGET AMENDMENT:

With respect to construction start dates, delays to the work under either the early or later start scenarios may incur additional engineering and/or construction costs not currently budgeted in this Project. The Design Engineer believes that the early start date will result in an acceptable level of interest and competition among bidders. It is currently unknown whether a later start date would reduce interest among bidders, however the summer months are typically much busier for the types of general contractors being targeted for this Project.

There will be no increase in the Agency's authorized budget for the Design Engineer, West Yost Associates, to prepare Bid Documents consistent with above TAC recommendations. There would be unplanned costs related to staff time and outside consultants should a potential Bidder or Sub-Bidder protest the minimum prior related project experience requirements for General Contractors and/or Ground Improvement Subcontractors or any other aspect of the City's bid process for this Project. The Design Engineer believes these unplanned costs would be controlled to some degree with the proposed Bid Protest Procedures found in the draft Section 00100, Instructions to Bidders.

5. INTERIM GENERAL MANAGER'S COMMENTS:

The Interim General Manager concurs with the TAC's recommendations regarding approval of near-final Project plans and specifications and the incorporation therein of minimum project experience requirements and bid protest procedures.

6. ENVIRONMENTAL DETERMINATION: N/A

7. ALTERNATIVES:

The Authority could elect to not use recommended prior related successful project experience requirements for General Contractors and/or Ground Improvement Subcontractors as part of its determination of a responsible Bidder for award of the Contract for this Project. The TAC does not recommend this alternative on such a critically important project for the Authority as these aspects of the Project are especially critical for a timely and successful project.

Alternatively, the Authority could elect to formally pre-qualify General Contractors and/or Ground Improvement Subcontractors pursuant to California Public Contract Code 20101. This formal pre-qualification process generally takes 90-100 days and the Authority would incur additional costs not currently budgeted in this Project and would delay overall Project completion.



BEFORE THE BOARD OF THE STANISLAUS REGIONAL WATER AUTHORITY

**IN THE MATTER OF APPROVING THE
INFILTRATION GALLERY TESTING PROJECT
(AKA RAW WATER PUMP STATION PHASE 1)
PLANS AND SPECIFICATIONS AND AUTHORIZING
ADVERTISEMENT FOR BIDS**

RESOLUTION NO. 2017-xxx

WHEREAS, the Stanislaus Regional Water Authority (the “Authority”) finds it desirable to utilize supplementary general conditions to ensure the Infiltration Gallery Testing Project (aka Raw Water Pump Station Phase 1 Project) (the “Project”) is completed in a timely fashion, and will adequately address challenging geological and groundwater conditions; and

WHEREAS, Authority staff recommends that the Board approve and utilize such supplementary general conditions; and

WHEREAS, the Authority intends to solicit bids for construction of the Project during the months of October and part of November 2017 to meet time-sensitive construction deadlines; and

WHEREAS, the Project plans and specifications are currently at the 95% level, and minor modifications will still be needed to make the plans and specifications complete;

NOW, THEREFORE, THE AUTHORITY BOARD DOES HEREBY RESOLVE, ORDER AND DETERMINE AS FOLLOWS:

SECTION 1. The Authority does hereby order that minimum project experience requirements for General Contractors and Ground Improvement Subcontractors be adopted for the Project as set forth in Exhibit A, incorporated herein by reference.

SECTION 2. The Authority does hereby order that specific bid protest procedures be adopted for this Project, as set forth in Exhibit B, incorporated herein by reference.

SECTION 3. The Project Plans and Specifications are approved, and the Interim General Manager shall seek public bids for such Project.

SECTION 4. The Interim General Manager is authorized to finalize and make any necessary adjustments to the project plans and specifications prior to or during the bid period.

PASSED AND ADOPTED at a regular meeting of the Board of the Stanislaus Regional Water Authority this ____ day of September, 2017, by the following vote:

AYES:
NOES:
NOT PARTICIPATING:
ABSENT:

ATTEST:

Tish Foley, Board Secretary

ATTACHMENT A

CERTIFICATION OF BIDDER'S EXPERIENCE AND QUALIFICATIONS

PROJECT: Raw Water Pump Station, Phase 1

The undersigned Bidder represents that it is duly licensed, competent, and knowledgeable and has the special skills on the nature, extent and inherent conditions of the work to be performed on this project. Bidder further acknowledges that the conditions inherent in the construction of particular facilities may create, during construction, unusual or unsafe conditions hazardous to persons and property. Bidder expressly acknowledges that it is aware of such risks and that it has the skill and experience to foresee and to adopt and implement protective measures to adequately and safely perform the construction work with respect to such hazards. The prospective Bidder's qualifications and responses to the questions set forth below are part of the Owner's evaluation of the Bidder's eligibility to receive the award based on the Bidder's responsibility and responsiveness. The Owner has determined that only Bidders meeting the mandatory minimum experience and qualification requirements set forth below will have the requisite quality, fitness, capacity and experience to perform the highly complex and vital construction work on this Project.

A. QUESTIONS REGARDING BIDDER'S RESPONSIBILITY AND FITNESS TO CONTRACT FOR THE WORK.

If the Bidder answers "Yes" to any of questions 1 through 9 below, the Bidder must provide on a separate sheet a complete, detailed explanation of all of the facts and circumstances concerning the reasons for answering "Yes", and shall provide written documentation supporting its response.

1. Has your company's contractor's license been revoked at any time in the last five years?
 Yes No

2. Within the last five years, has a surety company completed a contract on your company's behalf, or paid for the completion of a contract to which your company was a party, because your company was considered to be in default or was terminated with cause by the project owner?
 Yes No

3. At the time of submitting this minimum qualification questionnaire, is your company ineligible to bid on or be awarded a public works contract, or perform as a subcontractor on a public works contract, pursuant to either California Labor Code section 1777.1 or Labor Code section 1777.7?
 Yes No

4. At any time in the last five years, has your company, or any of its officers or partners been convicted of a crime involving the awarding of a contract for a government construction project, or the bidding or performance of any federal, state or local government contract?
 Yes No

Name of Bidder: _____

5. Has your company or any of its owners, officers or partners ever been found liable in a civil suit for making any false claim or material misrepresentation to any federal, state or local public agency or entity?

Yes No

6. In the last five years, has your company been denied an award of a public works contract based on a finding by any federal, state or local public agency that your company was not a responsible Bidder?

Yes No

7. In the last three years, has your company been debarred from bidding on, or completing, any government agency or public works construction contract for any reason?

NOTE: If there is a pending administrative or court action challenging a debarment, you need not include that debarment in responding to this question.

Yes No

8. As a result of your company's actions or inactions, has the federal EPA, Region IX, a local California air quality management or air pollution control district, Regional Water Quality Control Board, or State Water Resources Control Board successfully and finally assessed penalties either against your company, or against an owner for violations occurring on a project on which your company was the contractor, three or more times in the past three years?

NOTE: If there is a pending administrative or court action appealing a penalty assessment, you need not include that penalty assessment in responding to this question.

Yes No

9. As a result of your company's actions or inactions, has the federal EPA, Region IX, a local California air quality management or air pollution control district, Regional Water Quality Control Board, or State Water Resources Control Board successfully and finally assessed a single penalty either against your company, or against an owner for a violation occurring on a project on which your company was the contractor, for a penalty amount over \$100,000 in the last three years?

NOTE: If there is a pending administrative or court action appealing a penalty assessment, you need not include that penalty assessment in responding to this question.

Yes No

B. MANDATORY MINIMUM EXPERIENCE REQUIREMENTS

The Bidder has been engaged in the contracting business, under the present business name for _____ years and has experience in work of a nature similar to this project which extends over a period of _____ years (Bidder must show at least eight (8) years of related experience). Work of similar nature is described below.

The Bidder, as a Contractor, has never failed to satisfactorily complete a contract awarded to it, except as follows: N/A Yes, if yes, explain on a separate, signed sheet:

Name of Bidder: _____

Pursuant to the Owner's Resolution #2017-XX, dated September 28, 2017, entitled "Resolution of the Board of the Stanislaus Regional Water Authority, approving the Raw Water Pump Station Phase 1 Project Plans and Specifications and Authorizing Advertisement for Bids", for the Owner to consider the Bidder a responsible Bidder for this specific procurement, given the complexity and importance of the timely and successful completion of the Project to further interests of the Owner and its member agencies, the Bidder must provide all information required below demonstrating that it has performed the following:

1. At least **\$50 Million** in construction volume on no more than **seven (7)** projects completed since **January 1, 2010** on one or more of the following types of projects:
 - a. Water or wastewater treatment plant; or
 - b. Municipal stormwater or sewage pump station; or
 - c. Power or industrial plant project; or
 - d. Flood protection improvement
2. Among the projects listed in (1) above, at least **\$5 Million** in construction volume on at least **two (2)** projects which included shored excavations equal to or deeper than **15 feet**.
3. Among the projects listed in (1) above, at least **two (2)** projects which included concrete water-bearing structures deeper or taller than 10 feet, with volumes of at least **100,000 gallons**.

The Bidder can include project(s) currently under construction, but only the total amount paid by the Owner(s) as of **September 1, 2017** on uncompleted project(s) can be included in this summation of construction volume. The Bidder is allowed to list up to a maximum of **seven (7)** projects of the types listed above, that combined, will add up to at least **\$50 Million** in completed volume of work. Any projects listed below which are not as defined above will not be considered by the Owner in meeting this pre-requisite experience requirement. For example, pipeline projects are not considered a treatment plant or a pump station.

If the Bidder is a Joint Venture of two or more companies, each participant in the Joint Venture shall meet this prior project experience requirement and provide project information for each Joint Venture participant in the format found below.

Bidders are to complete this form and not attach their own form to the Bid Form.

Name of Bidder: _____

Project #1 Name: _____

Owner: _____

Construction Cost: \$ _____

Shored Excavation Depth (if any): _____ feet

Volume of Concrete Water-Bearing Structures (if any): _____ gallons

Construction Time: _____ calendar days

Owner's Representative: _____

Owner's Representative Telephone No.: _____

Engineer or On-Site Construction Mgr: _____

Engineer or On-Site CM's Telephone No.: _____

Date of Substantial Completion: _____

Duration of Project (in months): _____

Project #2 Name: _____

Owner: _____

Construction Cost: \$ _____

Shored Excavation Depth (if any): _____ feet

Volume of Concrete Water-Bearing Structures (if any): _____ gallons

Construction Time: _____ calendar days

Owner's Representative: _____

Owner's Representative Telephone No.: _____

Engineer or On-Site Construction Mgr: _____

Engineer or On-Site CM's Telephone No.: _____

Date of Substantial Completion: _____

Duration of Project (in months): _____

Name of Bidder: _____

Project #3 Name: _____

Owner: _____

Construction Cost: \$ _____

Shored Excavation Depth (if any): _____ feet

Volume of Concrete Water-Bearing Structures (if any): _____ gallons

Construction Time: _____ calendar days

Owner's Representative: _____

Owner's Representative Telephone No.: _____

Engineer or On-Site Construction Mgr: _____

Engineer or On-Site CM's Telephone No.: _____

Date of Substantial Completion: _____

Duration of Project (in months): _____

Project #4 Name: _____

Owner: _____

Construction Cost: \$ _____

Shored Excavation Depth (if any): _____ feet

Volume of Concrete Water-Bearing Structures (if any): _____ gallons

Construction Time: _____ calendar days

Owner's Representative: _____

Owner's Representative Telephone No.: _____

Engineer or On-Site Construction Mgr: _____

Engineer or On-Site CM's Telephone No.: _____

Date of Substantial Completion: _____

Duration of Project (in months): _____

Name of Bidder: _____

Project #5 Name: _____

Owner: _____

Construction Cost: \$ _____

Shored Excavation Depth (if any): _____ feet

Volume of Concrete Water-Bearing Structures (if any): _____ gallons

Construction Time: _____ calendar days

Owner's Representative: _____

Owner's Representative Telephone No.: _____

Engineer or On-Site Construction Mgr: _____

Engineer or On-Site CM's Telephone No.: _____

Date of Substantial Completion: _____

Duration of Project (in months): _____

Project #6 Name: _____

Owner: _____

Construction Cost: \$ _____

Shored Excavation Depth (if any): _____ feet

Volume of Concrete Water-Bearing Structures (if any): _____ gallons

Construction Time: _____ calendar days

Owner's Representative: _____

Owner's Representative Telephone No.: _____

Engineer or On-Site Construction Mgr: _____

Engineer or On-Site CM's Telephone No.: _____

Date of Substantial Completion: _____

Duration of Project (in months): _____

Name of Bidder: _____

Project #7 Name: _____

Owner: _____

Construction Cost: \$ _____

Shored Excavation Depth (if any): _____ feet

Volume of Concrete Water-Bearing Structures (if any): _____ gallons

Construction Time: _____ calendar days

Owner's Representative: _____

Owner's Representative Telephone No.: _____

Engineer or On-Site Construction Mgr: _____

Engineer or On-Site CM's Telephone No.: _____

Date of Substantial Completion: _____

Duration of Project (in months): _____

Total Construction Volume of listed Project(s) above: \$ _____

PROJECT MANAGER EXPERIENCE - To be submitted with Bid.

The Bidder shall name below the Project Manager who will be assigned to this Project and will be personally present on-site full time during construction. Bidder shall submit past completed treatment plant, pump station, power or industrial plant or flood protection improvement project experience of this person. List **three (3)** such completed projects below where the individual named below held the position of Project Manager. The demonstrated experience of the Project Manager must have been within the last **ten (10)** years. The projects listed must be of the same types of projects required of the Bidder. Among the listed projects, the following must be demonstrated:

1. One (1) project must have a contract amount greater than **\$4 million**.
2. One (1) project must include shored excavation deeper than **20 feet**.
3. One (1) project must include a concrete water-bearing structure at least **15 feet** in height

Name of Project Manager: _____

Number of Years of Total Construction experience as a Project Manager assigned to the types of projects as defined above: _____ years

Number of Years as a Project Manager for your Company: _____ years

Name of Bidder: _____

Project #1 Name: _____

Owner: _____

Construction Cost: \$ _____

Shored Excavation Depth (if any): _____ feet

Volume of Concrete Water-Bearing Structures (if any): _____ gallons

Construction Time: _____ calendar days

Owner's Representative: _____

Owner's Representative Telephone No.: _____

Engineer or On-Site Construction Mgr: _____

Engineer or On-Site CM's Telephone No.: _____

Date of Substantial Completion (must be within the last ten [10] years): _____

Duration of Project (in months): _____

Project #2 Name: _____

Owner: _____

Construction Cost: \$ _____

Shored Excavation Depth (if any): _____ feet

Volume of Concrete Water-Bearing Structures (if any): _____ gallons

Construction Time: _____ calendar days

Owner's Representative: _____

Owner's Representative Telephone No.: _____

Engineer or On-Site Construction Mgr: _____

Engineer or On-Site CM's Telephone No.: _____

Date of Substantial Completion (must be within the last ten [10] years): _____

Duration of Project (in months): _____

Name of Bidder: _____

Project #3 Name: _____

Owner: _____

Construction Cost: \$ _____

Shored Excavation Depth (if any): _____ feet

Volume of Concrete Water-Bearing Structures (if any): _____ gallons

Construction Time: _____ calendar days

Owner's Representative: _____

Owner's Representative Telephone No.: _____

Engineer or On-Site Construction Mgr: _____

Engineer or On-Site CM's Telephone No.: _____

Date of Substantial Completion (must be within the last ten [10] years): _____

Duration of Project (in months): _____

This form is to be fully completed and submitted by the Bidder with the Bid. Bidder is not allowed to provide a substitute form of similar information.

The Owner will check project references listed to verify information provided along with skills and capacity represented by Bidder. It is very important that the Bidder verify that all contact information is current for each name listed above.

Failure of the Bidder to provide current and valid project contact information, all information required by this Attachment A certification, and/or failure of the Bidder to meet both the pre-requisite Company and Project Manager experience may be grounds for the Owner to determine the Bidder to be non-responsive and/or non-responsible and therefore ineligible for contract award.

C. FINANCIAL INFORMATION- DO NOT SUBMIT THE FOLLOWING INFORMATION WITH YOUR BID! The three lowest Bidders shall submit, within three (3) business days following the bid opening date, the following information demonstrating that the Bidder has sufficient financial resources to provide all work necessary to complete the Project, including construction, start-up, and warranty services.

1. Bidder must provide the following document to assist the Owner in determining the Bidder's financial condition:

- a) A copy of a complete financial statement audited or reviewed by an independent CPA with accompanying notes and supplemental information. A financial statement that is not either reviewed or audited is not acceptable. Financial statement must be 2016 or later.

2. Bidder must provide a letter from its Surety or Surety Broker which certifies that Bidder's current bonding capacity is sufficient for this Project based on the Bidder's Bid and the terms of the Contract Documents.

Name of Bidder: _____

3. Bidder shall identify each claim filed against it in the last five (5) years by any project owner in arbitration or litigation seeking in excess of \$100,000 and which (i) the project owner prevailed; or (ii) the resolution resulted in the project owner receiving an amount equal to or in excess of 55% of the amount asserted. For each such claim, Bidder shall provide the project name, date of the claim, name of the claimant, a brief description of the nature of the claim, the court in which the case was filed and a brief description of the status of the claim (pending or, if resolved, a brief description of the resolution and the amount of the resolution). Are there any pending claims against your company that should you lose the claim(s), would adversely affect your financial position or your ability to meet your obligations if awarded the contract for this project? If so, please explain.

Claims Filed Against Bidder

Project Name: _____

Date of Claim: _____

Claimant Name: _____

Court: _____

Status of Claim: _____

Explanation: _____

Bidder shall identify each claim filed by it in the last five (5) years against any project owner in arbitration or litigation seeking in excess of \$100,000 and which (i) the Bidder lost; or (ii) the resolution resulted in the Bidder receiving an amount equal to less than 50% of the amount asserted. For each such claim, Bidder shall provide the project name, date of the claim, name of the project owner, a brief description of the nature of the claim, the court in which the case was filed and a brief description of the status of the claim (pending or, if resolved, a brief description of the resolution and the amount of the resolution). Are there any pending claims by your company against a project owner that should you lose the claim(s), would adversely affect your financial position or your ability to meet your obligations if awarded the contract for this project? If so, please explain.

Claims Filed By Bidder

Project Name: _____

Date of Claim: _____

Claimant Name: _____

Court: _____

Status of Claim: _____

Explanation: _____

Name of Bidder: _____

To the extent permitted by law, all financial information provided by Bidder that is marked "Confidential" or "Proprietary" shall be handled by the Owner as non-disclosable in accordance with California Public Records Act (Government Code section 6250 and following). The Owner, upon receipt of the requested financial information shall treat the same as confidential and take such reasonable measures as to protect it from public access. If the Owner receives a request, whether via the Public Records Act and/or via a judicial process that seeks the publication and/or production of said information, Owner agrees to provide notice in writing to the entity whose information is sought to afford them an opportunity to challenge the third party's access and/or to seek to quash the judicial process which seeks the publication and/or production thereof.

VERIFICATION AND SIGNATURE

I, the undersigned, certify and declare that I have read all the foregoing answers to this Statement of Qualifications Questionnaire. I also certify and declare that I have personally reviewed and approved the information provided for the Company Experience, Project Manager Experience, Company Safety Information and Financial Information. I certify and declare that the foregoing is true and correct.

Signed this _____ day of _____, 20____

Bidder's Name

Authorized Signature

Date

Title of Signator

**END OF CERTIFICATION OF BIDDER'S
EXPERIENCE AND QUALIFICATIONS**

Name of Bidder: _____

(THIS PAGE LEFT BLANK INTENTIONALLY)

Name of Bidder: _____

ATTACHMENT B
CERTIFICATION OF GROUND IMPROVEMENT SUBCONTRACTOR'S
EXPERIENCE AND QUALIFICATIONS

(To Be Submitted within three (3) Business Days after the Bid Opening Date)

PROJECT: Raw Water Pump Station, Phase 1

Important Note: To be eligible for an award of Contract, the Bidder must submit to Owner with its Bid this signed Certification from the Ground Improvement Subcontractor listed on Bidder's DESIGNATION OF SUBCONTRACTORS. If the Bidder does not list a Ground Improvement Subcontractor for the ground improvement work, then Bidder must submit to Owner with its Bid this signed Certification of Bidder's experience and qualifications to self-perform the ground improvement work with the understanding that all references to Ground Improvement Subcontractor in this certification shall mean Contractor, and Contractor shall possess independently the minimum standards of experience and qualifications set forth below. The Owner has determined that only Ground Improvement Subcontractors meeting these mandatory minimum experience and qualification requirements will have the requisite quality, fitness, capacity and experience to perform the highly complex and ground improvement work on this Project. Failure of the Ground Improvement Subcontractor or Bidder to meet or comply with the requirements of this certification, including, but not limited to, the mandatory minimum experience requirements and qualifications required herein, may be grounds for the Owner to determine the Bidder as non-responsive and/or non-responsible and ineligible for contract award. None of the requirements herein are to determine pre-qualification to bid on the Project, but are part of the Owner's evaluation of bids received.

The undersigned Ground Improvement Subcontractor certifies that it is, at the time of bidding, and shall be, throughout the period of the contract, licensed under the provisions of Chapter 9, Division 3, of the Business and Professions Code of the State of California, to do the type of work contemplated in the Contract Documents. The Ground Improvement Subcontractor shall further certify that it is skilled and regularly engaged in the general class and type of work called for in the Contract Documents.

The Ground Improvement Subcontractor represents that it is competent, knowledgeable, and has special skills on the nature, extent, and inherent conditions of the work to be performed. The Ground Improvement Subcontractor further acknowledges that there are certain peculiar and inherent conditions existent in the construction of the particular facilities which may create, during the construction program, unusual or peculiar unsafe conditions hazardous to persons and property. The Ground Improvement Subcontractor expressly acknowledges that it is aware of such peculiar risks and that it has the skill and experience to foresee and to adopt and implement protective measures to adequately and safely perform the construction work with respect to such hazards.

A. QUESTIONS REGARDING GROUND IMPROVEMENT SUBCONTRACTOR'S RESPONSIBILITY AND FITNESS TO SUBCONTRACT FOR THE GROUND IMPROVEMENT WORK.

If Ground Improvement Subcontractor answers "Yes" to any of Questions 1 through 7 below, the Ground Improvement Subcontractor must provide on a separate sheet a complete, detailed explanation of all of the facts and circumstances concerning the reasons for answering "Yes", and shall provide documentation supporting its response.

1. Has your company's contractor's license(s) been revoked at any time in the last five years?
 Yes No
2. Within the last five years, has a surety company completed a contract on your company's behalf, or paid for the completion of a contract to which your firm was a party, because your firm was considered to be in default or was terminated with cause by the project owner?
 Yes No
3. At the time of submitting this Certification of Ground Improvement Subcontractor's Experience and Qualifications, is your company ineligible to bid on or be awarded a public works contract, or perform as a subcontractor on a public works contract, pursuant to either California Labor Code section 1777.1 or Labor Code section 1777.7?
 Yes No
4. At any time in the last five years, has your company, or any of its owners, officers or partners been convicted of a crime involving the awarding of a contract for a government construction project, or the bidding or performance of any federal, state or local government contract?
 Yes No
5. Has your company or any of its owners, officers or partners ever been found liable in a civil suit for making any false claim or material misrepresentation to any federal, state or local public agency or entity?
 Yes No
6. In the last five years has your company been denied an award of a public works contract based on a finding by any federal, state or local public agency that your firm was not a responsible Bidder?
 Yes No
7. In the last three years has your company been debarred from bidding on, or completing, any government agency or public works construction contract for any reason?

NOTE: If there is a pending administrative or court action challenging a debarment, you need not include that debarment in responding to this question.
 Yes No

Name of Bidder: _____

B. GROUND IMPROVEMENT SUBCONTRACTOR MANDATORY MINIMUM EXPERIENCE REQUIREMENTS

Pursuant to the Owner's Resolution #2017-XX, dated September 28, 2017, entitled "Resolution of the Board of the Stanislaus Regional Water Authority, approving the Raw Water Pump Station Phase 1 Project Plans and Specifications and Authorizing Advertisement for Bids", for the Owner to consider the Bidder a responsible Bidder for this specific procurement, given the complexity and importance of timely and successful completion of the Project to further the interests of the Owner, the Bidder must list a Ground Improvement Subcontractor on Attachment C of the Bid Form that is properly experienced in work of similar nature to this project. To demonstrate such required experience, the Ground Improvement Subcontractor must provide all information required below demonstrating that the Ground Improvement Subcontractor has performed at least **\$5 Million** in ground improvement construction volume on at least **ten (10)** projects completed since **January 1, 2010** for the following types of projects where the Ground Improvement Subcontractor completed the ground improvement portions of the project:

1. Projects with shored excavations deeper than 20 feet; and,
2. Projects where ground freezing, jet grouting and/or sheet piling comprised the primary temporary shoring system.

The Ground Improvement Subcontractor can include project(s) currently under construction, but only the total amount paid by the Owner(s) as of **September 1, 2017** on uncompleted project(s) can be included in this summation of electrical and instrumentation construction cost for purposes of this certification. The Ground Improvement Subcontractor is required to list a minimum of **ten (10)** projects of the types listed above, that combined, will add up to at least **\$5 Million** in completed cost of ground improvement work. Any projects listed below which are not as defined above will not be considered by the Owner in meeting this mandatory minimum experience requirement.

If the Ground Improvement Subcontractor is a Joint Venture of two or more companies, each participant in the Joint Venture shall meet this prior project experience requirement and provide project information for each Joint Venture participant in the format found below.

Bidders are to complete this form and not attach their own form to the Bid Form.

Project #1 Name: _____
Owner: _____
Ground Improvement Construction Cost: \$ _____
Shored Excavation Depth: _____ feet
Primary Temporary Shoring System: _____
Construction Time: _____ calendar days
Owner's Representative: _____
Owner's Representative Telephone No.: _____
Engineer or On-Site Construction Mgr: _____
Engineer or On-Site CM's Telephone No.: _____
Date of Substantial Completion: _____
Duration of Project (in months): _____

Name of Bidder: _____

Project #2 Name: _____

Owner: _____

Ground Improvement Construction Cost: \$ _____

Shored Excavation Depth: _____ feet

Primary Temporary Shoring System: _____

Construction Time: _____ calendar days

Owner's Representative: _____

Owner's Representative Telephone No.: _____

Engineer or On-Site Construction Mgr: _____

Engineer or On-Site CM's Telephone No.: _____

Date of Substantial Completion: _____

Duration of Project (in months): _____

Project #3 Name: _____

Owner: _____

Ground Improvement Construction Cost: \$ _____

Shored Excavation Depth: _____ feet

Primary Temporary Shoring System: _____

Construction Time: _____ calendar days

Owner's Representative: _____

Owner's Representative Telephone No.: _____

Engineer or On-Site Construction Mgr: _____

Engineer or On-Site CM's Telephone No.: _____

Date of Substantial Completion: _____

Duration of Project (in months): _____

Name of Bidder: _____

Project #4 Name: _____

Owner: _____

Ground Improvement Construction Cost: \$ _____

Shored Excavation Depth: _____ feet

Primary Temporary Shoring System: _____

Construction Time: _____ calendar days

Owner's Representative: _____

Owner's Representative Telephone No.: _____

Engineer or On-Site Construction Mgr: _____

Engineer or On-Site CM's Telephone No.: _____

Date of Substantial Completion: _____

Duration of Project (in months): _____

Project #5 Name: _____

Owner: _____

Ground Improvement Construction Cost: \$ _____

Shored Excavation Depth: _____ feet

Primary Temporary Shoring System: _____

Construction Time: _____ calendar days

Owner's Representative: _____

Owner's Representative Telephone No.: _____

Engineer or On-Site Construction Mgr: _____

Engineer or On-Site CM's Telephone No.: _____

Date of Substantial Completion: _____

Duration of Project (in months): _____

Name of Bidder: _____

Project #6 Name: _____

Owner: _____

Ground Improvement Construction Cost: \$ _____

Shored Excavation Depth: _____ feet

Primary Temporary Shoring System: _____

Construction Time: _____ calendar days

Owner's Representative: _____

Owner's Representative Telephone No.: _____

Engineer or On-Site Construction Mgr: _____

Engineer or On-Site CM's Telephone No.: _____

Date of Substantial Completion: _____

Duration of Project (in months): _____

Project #7 Name: _____

Owner: _____

Ground Improvement Construction Cost: \$ _____

Shored Excavation Depth: _____ feet

Primary Temporary Shoring System: _____

Construction Time: _____ calendar days

Owner's Representative: _____

Owner's Representative Telephone No.: _____

Engineer or On-Site Construction Mgr: _____

Engineer or On-Site CM's Telephone No.: _____

Date of Substantial Completion: _____

Duration of Project (in months): _____

Name of Bidder: _____

Project #8 Name: _____

Owner: _____

Ground Improvement Construction Cost: \$ _____

Shored Excavation Depth: _____ feet

Primary Temporary Shoring System: _____

Construction Time: _____ calendar days

Owner's Representative: _____

Owner's Representative Telephone No.: _____

Engineer or On-Site Construction Mgr: _____

Engineer or On-Site CM's Telephone No.: _____

Date of Substantial Completion: _____

Duration of Project (in months): _____

Project #9 Name: _____

Owner: _____

Ground Improvement Construction Cost: \$ _____

Shored Excavation Depth: _____ feet

Primary Temporary Shoring System: _____

Construction Time: _____ calendar days

Owner's Representative: _____

Owner's Representative Telephone No.: _____

Engineer or On-Site Construction Mgr: _____

Engineer or On-Site CM's Telephone No.: _____

Date of Substantial Completion: _____

Duration of Project (in months): _____

Name of Bidder: _____

Project #10 Name: _____

Owner: _____

Ground Improvement Construction Cost: \$ _____

Shored Excavation Depth: _____ feet

Primary Temporary Shoring System: _____

Construction Time: _____ calendar days

Owner's Representative: _____

Owner's Representative Telephone No.: _____

Engineer or On-Site Construction Mgr: _____

Engineer or On-Site CM's Telephone No.: _____

Date of Substantial Completion: _____

Duration of Project (in months): _____

Total Construction Volume of listed Project(s) above: \$ _____

Important Note: Any projects found on Ground Improvement Subcontractor's completed projects list which are not as defined above will not be considered by the Owner in meeting this pre-requisite experience requirement. It is very important that Ground Improvement Subcontractor provide current and valid project contact information for all projects listed above. All information should be checked for accuracy before completing this Attachment.

C. BONDING PROFILE

At the time of submission of the bid the Ground Improvement Subcontractor shall have an unencumbered bonding capacity equal to at least 100 percent of the Ground Improvement Subcontract cost for this project.

Current Total Bonding Capacity: _____

Current Unencumbered Bonding Capacity: _____

To verify the above information, the Owner will contact the Ground Improvement Subcontractor's surety. The Ground Improvement Subcontractor shall authorize its surety to release this information.

Surety: _____

Contact Person for Insurance Company: _____

Telephone Number: _____

Signed this _____ day of _____, 20 ____.

Name of Bidder: _____

If the Bidder (Contractor) is satisfied with the financial capability and capacity of the Ground Improvement Subcontractor as required for the performance of the work on the Project, the Bidder may indicate such by signing below and the Ground Improvement Subcontractor will in such case not be required to provide the bonding information listed above.

Bidder acknowledgement of Ground Improvement Subcontractor's financial capability and capacity and waiver of bond information:

Name of Bidder

Date

Bidder, Signature

Printed Name of Person's Signature

GROUND IMPROVEMENT SUBCONTRACTOR VERIFICATION AND SIGNATURE

I, the undersigned, certify and declare that I have read all the foregoing answers to this Statement of Qualifications Questionnaire. I also certify and declare that I have personally reviewed and approved the information provided for the Company Experience Information. I certify and declare that the foregoing is true and correct.

Signed this _____ day of _____, 20____

Ground Improvement Subcontractor's Name

Authorized Signature

Date:

Title of Signator

Valid CA Contractors License No.

License Classification

Expiration Date

**END OF CERTIFICATION OF GROUND IMPROVEMENT SUBCONTRACTOR'S
EXPERIENCE AND QUALIFICATIONS**

EXHIBIT B

BID PROTEST PROCEDURES FOR RAW WATER PUMP STATION, PHASE 1 PROJECT (EXCERPTED FROM SECTION 00100 OF PROJECT SPECIFICATIONS)

1. BID PROTEST PROCEDURES

A. Pre-Bid

If any potential Bidder believes that any part of the form or content of the Contract Documents, including, without limitation, the bidder experience and qualification requirements, is vague, ambiguous, gives an unfair advantage or unfairly limits competition, such Bidder must give notice and protest on such grounds to the General Manager as soon as practical, but in no event later than ten (10) days before the original noticed date for receiving Bids. The General Manager shall, within seven (7) days upon receiving any such protest(s), review the same and provide a written response thereto.

Any pre-bid protest shall include:

- (1) The protest document shall contain a complete and detailed statement of the factual and/or legal basis for the protest and, with respect to any authority relied upon, a copy of said authorities shall be provided.
- (2) The protest shall identify the specific portion(s) of the Bidding or Contract Documents that form the basis for the protest.
- (3) The protest shall include the name, address, telephone number, and email address of the protestant, and if applicable, the person representing the protesting party.

The procedure and time limits set forth in these bid protest procedures are mandatory and are the Bidder's sole and exclusive remedy in the event of a pre-bid protest related to the form or content of the Contract Documents. Failure to comply with these procedures shall constitute a waiver of any right to further pursue the protest, including, without limitation, filing a bid or award protest on the grounds applicable to a pre-bid protest, filing a Government Code claim or filing legal proceedings.

B. Bid or Award Protest

Any protest relating to any particular Bid opened by the Owner or the award of the Contract must be submitted in writing to the General Manager before 5:00 p.m. on the Fifteenth (15th) business day after the Owner has received and opened bids.

The initial protest document must contain a complete statement of the basis for the protest, and all supporting documentation. The protest must state the facts and refer to the specific portion(s) of the document that forms the basis for the protest.

The party filing the protest must have actually submitted a Bid for the Work. A subcontractor of a party submitting a Bid for the Work may not submit a Bid protest. A party may not rely on the Bid protest submitted by another Bidder, but must timely pursue its own protest.

The protest must include the name, address, telephone number, and email address of the person representing the protesting party.

The party filing the protest must concurrently transmit a copy of the initial protest document and any attached documentation to all other parties with a direct financial interest which may be adversely affected by the outcome of the protest. Such parties shall include all other Bidders who appear to have a reasonable prospect of receiving an award depending upon the outcome of the protest, and delivery to all such parties must be in a manner to ensure their receipt on the same day the protest is filed.

The Owner will give the protested Bidder seven (7) days from the date the protest is filed to submit a written response. The responding Bidder shall transmit the response to the protesting Bidder concurrent with delivery to the Owner.

The procedure and time limits set forth in this paragraph are mandatory and are the Bidder's sole and exclusive remedy in the event of a Bid or award protest. The Bidder's failure to comply with these procedures shall constitute a waiver of any right to further pursue the Bid or award protest, including filing a Government Code Claim or legal proceedings.

The Owner will review all timely protests prior to award of the Contract. The Owner will issue a prompt decision on the protest. The Owner will not be required to hold an administrative hearing to consider any protests, but may do so at its option. Nothing in these procedures for protesting a particular Bid or award of the Contract will be construed as a waiver of the Owner's right to reject all bids.