

**BOARD OF DIRECTORS**

<p><b><u>City of Stockton</u></b> Kimberly Warmsley Dan Wright Alt. Michael Blower</p>	<p><b><u>Public Member</u></b> Steve DeBrum</p>	<p><b><u>San Joaquin County/SJCFCWCD*</u></b> Paul Canepa Miguel Villapudua Alt. Robert Rickman</p>
<p><b><u>City of Manteca</u></b> Gary Singh, Chair Charlie Halford Alt. Mike Morowit</p>	<p><b><u>Executive Director</u></b> Chris Elias</p>	<p><b><u>City of Lathrop</u></b> Paul Akinjo, Vice-Chair Diane Lazard Alt. Jennifer Torres-O’Callaghan</p>
<p>*San Joaquin County Flood Control and Water Conservation District</p>		

**SPECIAL BOARD MEETING**  
**Stockton City Hall Council Chambers**  
**425 N El Dorado St, Stockton**

**FRIDAY, SEPTEMBER 29, 2023, 9:00 A.M.**

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

**2. PLEDGE TO FLAG**

**3. CONSENT ITEMS**

3.1) Approve Minutes from August 17, 2023 Board Meeting

**4. NEW BUSINESS**

4.1) Adopt a Resolution Certifying the Final Supplemental Environmental Impact Report (SEIR) and Adopting Findings of Fact, Statement of Overriding Considerations, Mitigation and Monitoring and Reporting Program and Approve the Lower San Joaquin River Reach TS\_30\_L Levee Improvement, San Joaquin County, California Project

4.2) Adopt a Resolution Delegating Authority to the Executive Director to Execute all Related Documents to Settle Administratively and Execute all Related Documents for the Acquisition of Real Property (APN 071-140-026 & 071-140-025) in Connection with the Lower San Joaquin River Reach TS30L Levee Improvement, San Joaquin County, California Project

4.3) Adopt Resolution to Authorize the Executive Director to Negotiate and Execute Amendment No. 5 to the Consultant Services Agreement with Environmental Science Associates (ESA) for Lower San Joaquin River Project – TS30L CEQA/NEPA Support

4.4) Authorize the Executive Director to Execute Amendment No. 1 with Monument, Inc. for Real Estate Right-of-Way Geodetics Support for the San Joaquin River Basin, Lower San Joaquin River, California Project, Shima Tract Phase A

**5. BRIEFINGS**

5.1) Briefing on Principal Office of Agency

5.2) Informational Update on Procuring Consultant Services for Various Flood Risk Reduction Projects

**6. ORAL REPORT FROM EXECUTIVE DIRECTOR**

**7. PUBLIC COMMENTS**

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

**9. CLOSED SESSION**

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

**10. ADJOURNMENT**

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

# **Agenda Item 3.1**

**MINUTES**  
**SAN JOAQUIN AREA FLOOD CONTROL AGENCY**  
**BOARD MEETING OF AUGUST 17, 2023**

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STOCKTON, CALIFORNIA

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**1. CALL TO ORDER / ROLL CALL 10:08 AM**

Roll Call

Present:

Director Akinjo  
Director Canepa  
Director Singh  
Director Warmesley  
Director Wright

Absent:

Director DeBrum  
Director Halford  
Director Lazard  
Director Villapudua

**2. PLEDGE TO FLAG 10:09 AM**

**3. CONSENT ITEMS 10:09 AM**

3.1) Approve Minutes from the July 20, 2023, Board Meeting.

**PUBLIC COMMENT:**

- None, however, Dominick Gulli submitted written comments.

**Motion:** Approve the Minutes from the July 20, 2023

**Moved by:** Director Wright, Seconded by Director Warmesley

**Vote:** Motion carried 5-0

**Yes:** Director Akinjo, Director Canepa, Director Singh, Director Warmesley, Director Wright

**Absent:** Director DeBrum, Director Halford, Director Lazard, Director Villapudua

**4. NEW BUSINESS 10:10 AM**

None

**5. BRIEFINGS 10:10 AM**

5.1) Briefing on U.S. Army Corps of Engineers' Civil Works Investments for Flood & Life Safety Risk Reduction, and Ecosystem Restoration in San Joaquin County

USACE District Commander Colonel Chad Caldwell, Chief of Civil Works Pam Castens, and Division Chief for Regulatory Programs Mike Jewell, gave a briefing to the Board of Directors on projects in progress which included: Lower San Joaquin River Projects, the excess Federal Credit transfer, the Stockton Metro Reimbursement request and the Silver Jackets program and Regulatory Missions.

**PUBLIC COMMENT**

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

- John Herrick shared comments during the meeting for all to hear.
- George Hartmann shared comments during the meeting for all to hear.
- Artie Valencia shared comments during the meeting for all to hear.

Recess for 10 minutes.

5.2) Briefing on Principal Office of Agency was postponed for consideration during the September Board Meeting.

## **6. ORAL REPORT FROM EXECUTIVE DIRECTOR 11:45 AM**

Executive Director Elias read a letter from the San Joaquin Council of Governments Deputy Director and CFO, Steve Dial, explaining the technical glitch we experienced earlier:

“The audio-visual equipment in the Board Room is 20 years old. Due to the age, the full functionality of the system does not rise to the state-of-the-art level. We are in the process of doing a complete overhaul of the system that will provide a higher level of audio and visual streaming and recording. Until this is completed, unfortunately the system will continue to provide intermittent and unstable results. We appreciate the patience of the SJAFCA Board, staff, and constituents throughout this process.”

### **PUBLIC COMMENT**

- None

## **7. PUBLIC COMMENTS 11:47 AM**

### **PUBLIC COMMENT**

- None, however, Dominick Gulli submitted written comments.

## **8. BOARD QUESTIONS, COMMENTS, ACTIONS 11:47 AM**

- Director Akinjo shared comments during the meeting for all to hear.

## **9. CLOSED SESSION. 11:49 AM**

### **PUBLIC COMMENT**

- None, however, Dominick Gulli submitted written comments.

9.1) CONFERENCE WITH REAL PROPERTY NEGOTIATIONS (Gov. Code § 54956.8) [Solari Property APN 071-140-026; 071-140-025],  
Agency Negotiator: [Chris Elias, Executive Director; Omar Al-Hindi, Executive Project Manager, Rebekah Green, BRI, Andrea Clark, Acting General Counsel]  
Under Negotiation: Price.

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

REPORT OUT: Direction given to counsel.

## 10. ADJOURNMENT 12:30 PM

The meeting adjourned at 12:30 PM. The next meeting is scheduled for September 21, 2023, at 10:00 AM.

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



CHRIS ELIAS  
EXECUTIVE DIRECTOR  
SAN JOAQUIN AREA FLOOD  
CONTROL AGENCY

August 17, 2023, SJAFCOA Meeting Minutes

# **Agenda Item 4.1**

September 29, 2023

TO: San Joaquin Area Flood Control Agency

FROM: Chris Elias, Executive Director

SUBJECT: **ADOPT A RESOLUTION CERTIFYING THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (SEIR) AND ADOPTING FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS, MITIGATION AND MONITORING AND REPORTING PROGRAM AND APPROVE THE LOWER SAN JOAQUIN RIVER REACH TS\_30\_L LEVEE IMPROVEMENT, SAN JOAQUIN COUNTY, CALIFORNIA PROJECT**

### **RECOMMENDATIONS**

It is recommended for the Board of Directors of the San Joaquin Area Flood Control Agency (SJAFCA) to:

1. Consider the Potential Environmental Effects of the Lower San Joaquin River Reach TS\_30\_L Levee Improvement, San Joaquin County, California Project;
2. Adopt a Resolution (Attachment 1 to Staff Report) Certifying the Final Supplemental Environmental Impact Report (SEIR) for the Lower San Joaquin River Reach TS\_30\_L Levee Improvement, San Joaquin County, California Project (Attachment A to Staff Report – linked to SJAFCA website via cover page);
3. Adopt the Findings of Fact and Statement Overriding Considerations for the Approval of Lower San Joaquin River Reach TS\_30\_L Levee Improvement, San Joaquin County, California Project (Attachment A to the Final SEIR);
4. Adopt the Mitigation Monitoring and Reporting Program (Appendix A to the Final SEIR);
5. Approve the Lower San Joaquin River Reach TS\_30\_L Levee Improvement, San Joaquin County, California Project; and
6. Delegate authority to the Executive Director to execute the Notice of Determination (Attachment 2 to Staff Report)

### **SUMMARY**

The Lower San Joaquin River Reach TS\_30\_L Levee Improvement is a component of the larger San Lower San Joaquin County, California Project which is a partnership effort between the United States Army Corps of Engineers (USACE), the Central Valley Flood Protection Board (CVFPB), the Department of Water Resources (DWR), and SJAFCA. USACE is the National Environmental Policy Act (NEPA) lead agency, and SJAFCA is the California Environmental Quality Act (CEQA) lead agency for the Lower San Joaquin River Reach TS\_30\_L Levee Improvement, San Joaquin County, California Project. To fully analyze the potential environmental impacts of the TS\_30\_L Project, SJAFCA has prepared a Supplemental EIR which fully evaluated the potential environmental impacts of the TS\_30\_L Project according to NEPA and CEQA requirements. The Supplemental EIR is comprised of: (1) a description of the existing environmental resources in the project area; (2) an

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evaluation of the potentially significant environmental impacts of the no action alternative and the proposed action alternative; and (3) proposed measures to avoid, minimize, or mitigate potentially significant environmental impacts to a less-than-significant level where feasible.

**PROJECT LOCATION**

The Delta Front levee improvements are the first to be constructed in the San Joaquin River Basin, Lower San Joaquin River, California Project. The Tenmile Slough (TS\_30\_L) Levee Improvement Project is approximately 5,900 feet (1.1 miles) long and separates the Brookside residential development (landside) on the east and the Wright Elmwood Tract (waterside) on the west. It is bounded on the south by West March Lane and on the north by White Slough.



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**PROJECT DESCRIPTION**

The main components of the Lower San Joaquin River Reach TS30L Levee Improvement, San Joaquin County, California Project includes the following:

- Construction of a 3,450 linear foot soil bentonite (SB) slurry cutoff wall to mitigate under-seepage from Station (STA) 1+00 to STA 61+00.
- Levee reshaping (2.5H:1V to 3.5H:1V slopes) to mitigate instability from STA 1+00 to STA 61+00.
- Placement of crushed rock (3 inch thick) along the levee landside slope (East) up to the top of levee.
- Placement of rock slope protection (Riprap 2 foot thick) along the waterside slope (West) up to the top of levee.
- Development of two stockpile and staging areas one immediately adjacent to the north side of the Project site and the another at the northwest corner of March Lane and Riverbrook Drive intersection.

**PREVIOUS APPROVALS**

The Record of Decision for the Final LSJR FR/EIS/EIR was released by USACE, as the federal lead agency, on February 8, 2019. The SJAFCA Board of Directors certified the document as the California Environmental Quality Act (CEQA) lead agency on November 8, 2018 (SCH No. 2010012027). USACE conducted formal consultation on Alternative 7a with the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS), receiving Biological Opinions from USFWS on June 13, 2016 (08ESMF00-2015-F-0206) and from NMFS on June 7, 2016 (WCR-2015-3809). For the National Historic Preservation Act Section 106 Consultation, a Programmatic Agreement for Alternative 7a was signed by USACE on May 11, 2016, in coordination with the State Historic Preservation Officer, CVFPB, and SJAFCA. Alternative 7a was also found to be the Least Environmentally Damaging Practicable Alternative under the Clean Water Act. Alternative 7a was authorized for construction in America's Water Infrastructure Act of 2018 (P.L. 115-270).

**PROJECT BACKGROUND**

This Final Supplemental Environmental Impact Report (Final SEIR) is a supplement to the San Joaquin River Basin, Lower San Joaquin River (LSJR) Integrated Interim Feasibility Report/ Environmental Impact Statement/Environmental Impact Report (State Clearinghouse No. 2010012027), which was prepared by the San Joaquin Area Flood Control Agency (SJAFCA), Central Valley Flood Protection Board (CVFPB), and U.S. Army Corps of Engineers (USACE). SJAFCA served as the lead agency under the California Environmental Quality Act (CEQA) for that previous Environmental Impact Report (EIR), which was certified by the SJAFCA Board of Directors on November 8, 2018, and is referred to in this Final SEIR as the "2018 LSJR FR/EIS/EIR." This Final SEIR incorporates the 2018 LSJR FR/EIS/EIR by reference, which can be found in full at: [https://www.spk.usace.army.mil/lower\\_sj\\_river/](https://www.spk.usace.army.mil/lower_sj_river/). The Department of Water Resources (DWR) and

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CVFPB are responsible agencies under the California Environmental Quality Act (CEQA) for this Final SEIR.

The purpose of the 2018 LSJR FR/EIS/EIR was to investigate the extent of federal interest in a range of alternative plans to reduce flood risk in the cities of Stockton, Lathrop, and Manteca, as well as surrounding urbanizing areas. The objectives were to meet the requirements of California Senate Bill (SB) 5 of 2007, the Central Valley Flood Improvement Act, to achieve a 200-year level of protection for urban and urbanizing areas, focusing on a reduction of flood risk in the City of Stockton.

The 2018 LSJR FR/EIS/EIR considered nine (9) alternative plans aimed at reducing flood risk in the City of Stockton and surrounding urbanizing areas. The 2018 LSJR FR/EIS/EIR described a suite of structural levee improvement measures under the various alternatives and, as a joint NEPA/CEQA document, analyzed the alternatives' potential impacts on the following resource areas: Geology and Geomorphology, Seismicity, Soils and Mineral Resources, Hydrology and Hydraulics, Water Quality, Groundwater, Wetlands and Other Waters of the United States, Air Quality and Greenhouse Gas Emissions, Vegetation, Wildlife, Fisheries, Special-Status Species, Socioeconomics and Environmental Justice, Land Use, Transportation, Utilities and Public Services, Recreation, Aesthetics, Noise, Public Health and Environmental Hazards, and Cultural Resources (including Tribal Cultural Resources).

The 2018 LSJR FR/EIS/EIR identified Alternative 7a as the recommended alternative. The LSJR Reach TS\_30\_L Levee Improvement Project (TS\_30\_L, or Modified Project), evaluated in the Draft SEIR is a sub-reach within Alternative 7a. The structural measures proposed for the Modified Project, which are described in Chapter 2 of the Draft SEIR, *Project Description*, were discussed in the 2018 LSJR FR/EIS/EIR, but certain elements of Alternative 7a, such as staging areas, haul routes, mitigation sites, and the final project footprint, were not analyzed in the 2018 LSJR FR/EIS/EIR at a project-level of detail, because the specific project design was not available at that time. In addition, impacts to some resource areas in the 2018 LSJR FR/EIS/EIR (e.g., biological and cultural resources) were based on a desktop analysis and required further surveys to be completed prior to the proposed action/description being implemented. Further, certain resource areas (i.e., Energy, Wildfire) were not addressed in the 2018 LSJR FR/EIS/EIR, as they were added to the CEQA Appendix G Guidelines after release of the draft document to the public for review. Therefore, the Draft SEIR addressed the minor additions or changes to the project footprint and added resource-specific analyses, as required. These minor additions or changes, referred to in the Draft and Final SEIR as the "Modified Project," are described in Chapter 2, *Project Description*, of the Draft SEIR.

On March 29, 2021, the Board authorized a consultant services agreement with Environmental Science Associates, Inc. (ESA) for the Lower San Joaquin River Project TS30L CEQA/NEPA support in an amount of \$43,300 for analyses, evaluations and documentation required specifically for CEQA compliance relative to the Lower San Joaquin River Project, San Joaquin County, California Project.

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On April 22, 2021, contract amendment No.1 was issued to ESA in the amount of \$6,000 towards developing a memorandum for the 401 Water Quality Certification Assistance.

On July 22, 2021, SJAFCA's Board approved contract amendment No.2 in the amount not to exceed \$274,014.00. Amendment No.2 with ESA was approved for services related to additional project management efforts and meeting requirements, preparation of the Supplemental Environmental Impact Report, preparation of the CEQA addendum for tree/ Valley Elderberry Longhorn Beetle (VELB) removal, preparation of State permitting and optional tasks which included various environmental surveys that are needed for the project.

On January 18, 2022, Contract amendment No.3 was issued to ESA in the amount of \$8,730 to provide compliance with Americans with Disabilities Act (ADA) for the Lower San Joaquin River Project Phase 1 TS30L CEQA/NEPA support.

On October 20, 2022, SJAFCA's Board of Directors approved contract amendment No.4 in a not-to-exceed amount of \$194,707 for additional environmental (CEQA) services to evaluate three mitigation sites at a project level of detail and two mitigation sites at a program level of detail. At the same time, the Board was notified that the Draft SEIR for TS30L would be advertised for 45 days and that the final certification of the SEIR would be in September 2023.

**PUBLIC INVOLVEMENT**

The Draft SEIR was available to federal, state and local agencies and interested organizations and individuals who may want to review and comment on the analysis in the document. Publication of the Draft SEIR marked the beginning of a 45-day public review period. The 45-day public review period for the project was from May 31, 2023, to July 17, 2023, ending at 5 p.m. The non-federal sponsors (SJAFCA and CVFPB) and ESA have worked collaboratively with US Army Corps of Engineers (USACE). USACE has completed a draft Supplemental Environmental Assessment under NEPA and ESA has completed the draft Supplemental Environmental Impact Report under CEQA. Both documents were advertised at the same time and had the same public review period. During the public comment period, written comments were delivered to SJAFCA.

The Draft SEIR was available for public review at the Cesar Chavez Central Library, located at 605 North El Dorado Street, Stockton, CA 95202-1907. An electronic copy of the document was made available on SJAFCA's website via the following link:

<https://www.sjafca.org/maps/lower-san-joaquin-river-project>

SJAFCA also conducted in-person and virtual public meetings in coordination with USACE to receive comments on the adequacy of the analysis included in the Draft SEIR. The meetings were held on:

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**Date:** June 26, 2023  
**Time:** 11:30 a.m. (virtual); 06:30 p.m. (in-person)  
**Location:** Virtual public meeting information:  
 URL: <https://bit.ly/LSJRP-TS30L>  
 Phone call-in (audio only): +1 (669)-444-9171  
 Meeting ID: 898 6149 4998  
 Passcode: 172773

Physical address of in-person public meeting:  
 Residence Inn by Marriott, Conference Room  
 3240 W March Lane  
 Stockton, CA 95219-2341

**ENVIRONMENTAL ANALYSIS**

SJAFCA has completed the following procedural requirements in compliance with CEQA.

**1. Notice of Preparation**

In accordance with CEQA Guidelines Sections 15063 and 15082, SJAFCA originally prepared and published a Notice of Preparation (NOP) of an EIR on January 14, 2010 (see Addendum D of the 2018 LSJR FR/EIS/EIR). The NOP was circulated to the public and to federal, state, and local agencies and other interested parties to solicit comments on the proposed Project. The public comment period for the NOP closed on February 15, 2010. In addition to the public and agency comment period, a public scoping meeting was held on January 27, 2010, at the University of the Pacific's Regents Dining Room.

Concerns raised in response to the NOP and oral comments received at the scoping meetings were considered during preparation of the 2018 LSJR FR/EIS/EIR and the Draft SEIR. The scoping comments were included in Addendum D of the 2018 LSJR FR/EIS/EIR. Preparation of a Draft SEIR does not require the release of another NOP.

**2. The Draft Supplemental EIR**

- 1.1 SJAFCA made the Draft SEIR available to local, state, and federal agencies and to interested organizations and individuals for review and comment. In accordance with CEQA Guidelines Section 15105, the Draft SEIR was available for a 45-day public review and comment period starting on May 31 and ending July 17, 2023, at 5:00 pm. The Draft SEIR was available for public review at the Cesar Chavez Central Library, located at 605 North El Dorado Street, Stockton, CA 95202-1907. An electronic copy of the document could be viewed on SJAFCA's website via the following link: <https://www.sjafca.org/maps/lower-san-joaquin-river-project>.**

SJAFCA also conducted both an in-person and a virtual public meeting on June 26, 2023, in coordination with USACE to receive comments on the adequacy of the analysis included in the Draft SEIR.

**ADOPT A RESOLUTION CERTIFYING THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (SEIR) AND ADOPTING FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS, MITIGATION AND MONITORING AND REPORTING PROGRAM AND APPROVE THE LOWER SAN JOAQUIN RIVER REACH TS\_30\_L LEVEE IMPROVEMENT, SAN JOAQUIN COUNTY, CALIFORNIA PROJECT**

### **3. Completion of the CEQA Process**

In order to complete the CEQA process, the SJAFCA Board will formally review and consider this Final SEIR, pursuant to the requirements of Section 15090 of the CEQA Guidelines. After considering the anticipated and potential environmental impacts of the Modified Project, as identified in the Draft SEIR, the SJAFCA Board will then choose whether or not to (1) certify the Final SEIR and (2) approve the Modified Project. Where a significant impact is identified, SJAFCA is required to make one or more findings for each significant effect, and then adopt a statement of overriding conditions as to any significant and unavoidable impacts.

If the SJAFCA Board decides to certify the Final SEIR, then SJAFCA may proceed with the Modified Project. CEQA also requires Lead Agency to adopt a mitigation monitoring and reporting program for those changes to the Project that it has adopted or made a condition of Project approval in order to mitigate or avoid significant effects on the environment. All adopted mitigation measures have been included in the mitigation monitoring and reporting program (**Appendix A**), to verify compliance.

After certifying the Final SEIR and approving the Project, SJAFCA will file a Notice of Determination (NOD) with both the City Clerk's office and the State Clearinghouse.

### **4. Project Description and Objectives**

No changes to TS30L or its objectives have been made following publication of the Draft SEIR. Please refer to Chapter 2, *Project Description*, of the Draft SEIR.

### **5. Project Location**

No changes to the Project location have been made following publication of the Draft SEIR. Please refer to Chapter 2, *Project Description*, of the Draft SEIR.

### **6. Final SEIR Organization**

This Final SEIR is organized into the following chapters and appendices:

**Chapter 1, Introduction.** Chapter 1 includes introductory and background information, describes the CEQA process completed to date and procedures to be followed for the completion of CEQA, and summarizes Final SEIR organization.

**Chapter 2, Comments Received and Responses.** Chapter 2 presents comments received on the Draft SEIR and provides responses to these comments.

**Chapter 3, List of Preparers.** Chapter 3 provides the names of the Final SEIR authors and consultants, and agencies or individuals consulted during preparation of the Final SEIR.

**ADOPT A RESOLUTION CERTIFYING THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (SEIR) AND ADOPTING FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS, MITIGATION AND MONITORING AND REPORTING PROGRAM AND APPROVE THE LOWER SAN JOAQUIN RIVER REACH TS\_30\_L LEVEE IMPROVEMENT, SAN JOAQUIN COUNTY, CALIFORNIA PROJECT**

**Appendices.** Appendix A is a Mitigation Monitoring and Reporting Plan prepared in support of the Supplemental EIR.

**PRESENT SITUATION**

The Final SEIR prepared in response to written comments received from outside agencies during the public review period of the Draft SEIR. CEQA Guidelines Section 15088(b) requires SJAFCA to provide public agencies with a written proposed response to their comments on the Draft SEIR at least ten (10) days prior to certifying the Final SEIR or approving the project. To comply with this directive, the Final SEIR, containing specific responses to all public comments, was provided to commenting agencies for their review at least ten (10) days prior to its consideration by the SJAFCA Board. A copy of the final SEIR has been attached to the agenda package for SJAFCA Board member's review and consideration prior to their decision to approve, revise or reject the proposed project. Responses to public comments received regarding the Draft SEIR are contained in Chapter 2 (Comments Received on the Draft SEIR and Responses to Comments).

SJAFCA received public comments from the following:

**LIST OF DRAFT SEIR COMMENTING PARTIES**

<b>Commenter</b>	<b>Identifier</b>	<b>Contact</b>	<b>Number of Comments</b>
California Department of Transportation (Caltrans)	Caltrans-1	Tom Dumas	4
California Department of Fish and Wildlife	CDFW-1	Erin Chappell	2
Central Valley Regional Water Quality Control Board (Regional Water Board)	Regional Water Board-1	Peter Minkel	1
San Joaquin Valley Air Pollution Control District	SJVAPCD-1	Mark Montelongo	2
Gunter Konold	Individual-1	Gunter Konold	3

Pursuant to CEQA Guidelines, since the SEIR concludes that potentially significant and significant and unavoidable environmental impacts would result from the proposed project, the SJAFCA Board, is required to adopt specific CEQA findings regarding mitigation requirements and the feasibility of implementing project alternatives and/or adopt a Statement of Overriding Considerations (for any significant and unavoidable adverse environmental effects) in support of any discretionary project approval actions.

CEQA requires that when a public agency makes findings based on an SEIR, the public agency must adopt a Mitigation Monitoring and Reporting Program (MMRP) for those measures which it has adopted or made a condition of the project approval to mitigate or avoid significant effects on the environment. The MMRP must be designed to ensure compliance during project implementation. The recommended Findings of Facts and Statement of Overriding Considerations, and MMRP for the Lower San Joaquin River Reach TS30L Levee Improvement Project have been prepared and attached to the Agenda Package.

**ADOPT A RESOLUTION CERTIFYING THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (SEIR) AND ADOPTING FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS, MITIGATION AND MONITORING AND REPORTING PROGRAM AND APPROVE THE LOWER SAN JOAQUIN RIVER REACH TS\_30\_L LEVEE IMPROVEMENT, SAN JOAQUIN COUNTY, CALIFORNIA PROJECT**

**STAFF RECOMMENDATION:**

In order to certify the environmental documents and progress with the construction project, It is recommended that the Board of Directors of SAFCA to:

1. Consider the Potential Environmental Effects of the Lower San Joaquin River Reach TS\_30\_L Levee Improvement, San Joaquin County, California Project;
2. Adopt a Resolution (Attachment 1 to Staff Report) Certifying the Final Supplemental Environmental Impact Report (SEIR) for the Lower San Joaquin River Reach TS\_30\_L Levee Improvement, San Joaquin County, California Project (Attachment A to Staff Report – linked to SJAFCA website via cover page);
3. Adopt the Findings of Fact and Statement Overriding Considerations for the Approval of Lower San Joaquin River Reach TS\_30\_L Levee Improvement, San Joaquin County, California Project (Attachment A to the Final SEIR);
4. Adopt the Mitigation Monitoring and Reporting Program (Exhibit B to the Final SEIR);
5. Approve the Lower San Joaquin River Reach TS\_30\_L Levee Improvement, San Joaquin County, California Project
6. Delegate authority to the Executive Director to execute the Notice of Determination (Attachment 2 to Staff Report)

**FISCAL IMPACT**

As the Lead Agency for CEQA compliance related to the TS\_30\_L levee improvement project, SJAFCA is responsible for funding the consulting services to prepare the Final SEIR. The cost for preparing and delivering the Final SEIR, which is approximately \$526,000 will be shared by the State of California under the Local Project Partnership Agreement for the Lower San Joaquin River Reach TS30L Levee Improvement, San Joaquin County, California Project. Under the LPPA, the State is expected to reimburse 70 percent of the non-Federal project costs. SJAFCA and the State will also receive Federal credit for the cost of the larger project under the Project Partnership Agreement for the Lower San Joaquin River Reach TS30L Levee Improvement, San Joaquin County, California Project executed on September 30, 2020.

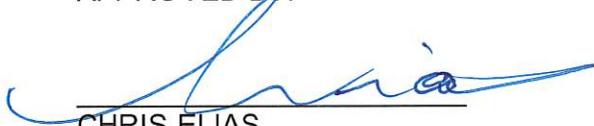
**STRATEGIC PLAN CONSISTENCY ANALYSIS**

Preparation and delivery of the Final SEIR for the Lower San Joaquin River Reach TS30L Levee Improvement, San Joaquin County, California Project is intended to comply with state and federal laws and related regulations. As a document designed to comply with relevant laws and regulations, the Final SEIR involved proactive public participation that helped improve design, plans and specification for future construction of TS-30-L. Therefore, the resulting Final SEIR furthers the Mission and Goals of the Board-adopted Strategic Plan, specifically *Goal 1 to Plan for and Implement System Resiliency and Goal 2 Drive for Operational Transparency; and Goal 5 Promote Public and Institutional Awareness.*

ADOPT A RESOLUTION CERTIFYING THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (SEIR) AND ADOPTING FININGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS, MITIGATION AND MONITORING AND REPORTING PROGRAM AND APPROVE THE LOWER SAN JOAQUIN RIVER REACH TS\_30\_L LEVEE IMPROVEMENT, SAN JOAQUIN COUNTY, CALIFORNIA PROJECT

PREPARED BY: Omar Al-Hindi

APPROVED BY:



CHRIS ELIAS  
EXECUTIVE DIRECTOR

### **LIST OF ATTACHMENTS**

**Attachment 1 to Staff Report** - Resolution Certifying the Final Supplemental Environmental Impact Report (SEIR) for the Lower San Joaquin River Reach TS\_30\_L Levee Improvement, San Joaquin County, California Project

**Attachment A to Staff Report** – linked to SJAFCA website via cover page is Final Supplemental Environmental Impact Report (SEIR) for the Lower San Joaquin River Reach TS\_30\_L Levee Improvement, San Joaquin County, California Project

**Exhibit A of Attachment A to the Staff Report** - Findings of Fact and Statement Overriding Considerations for the Approval of Lower San Joaquin River Reach TS\_30\_L Levee Improvement, San Joaquin County, California Project

**Exhibit B of Attachment A to the Staff Report** - the Mitigation Monitoring and Reporting Program

**Attachment 2 to Staff Report** - Authority to the Executive Director to execute the Notice of Determination

SAN JOAQUIN AREA  
FLOOD CONTROL AGENCY

=====

**AUTHORIZATION TO CERTIFY THE FINAL SUPPLEMENTAL ENVIRONMENTAL  
IMPACT REPORT AND ADOPTING FINDINGS OF FACT, STATEMENT OF OVERRIDING  
CONSIDERATIONS, MITIGATION MONITORING AND REPORTING PROGRAM, AND  
APPROVE THE LOWER SAN JOAQUIN RIVER REACH TS\_30\_L LEVEE IMPROVEMENT,  
SAN JOAQUIN COUNTY, CALIFORNIA PROJECT**

**WHEREAS**, the San Joaquin Area Flood Control Agency (“Agency”) is a Joint Powers Authority that was created in May 1995 between the City of Stockton, San Joaquin County and the San Joaquin County Flood Control and Water Conservation District for the purpose of providing flood protection services for the City of Stockton and surrounding unincorporated county areas;

**WHEREAS**, the Agency prepared and released the Integrated Final Study Report, Environmental Impact Report for public comments on February 9, 2018. All comments received from agencies and general public were addressed in the Final Report. On September 20, 2018, SJAFCA Board of Directors certified the Final Environmental Impact Report for the Study;

**WHEREAS**, acting as the lead Agency under the California Environmental Quality Act (CEQA) (Public Resources Code §§ 21000 et seq.), SJAFCA has prepared a draft supplemental environmental impact report (SEIR) for the Lower San Joaquin River Reach TS30L Levee Improvement, San Joaquin County, California Project that evaluates the project-specific impacts of the improvements and addresses the impacts of the improvements, then circulated to the public for comments in accordance with CEQA Guidelines and all other applicable laws and regulations; and

**WHEREAS**, Integrated Final Study Report, Environmental Impact Report is a programmatic level document for CEQA purposes and further project level supplemental environmental analysis is required prior to beginning any construction; and

**WHEREAS**, prior to approving a project for which an EIR was prepared, as the lead agency, Agency is required to certify a Final EIR, adopt written findings of fact for each significant environmental effect of the Project, adopt a statement of overriding considerations if needed, and adopt a mitigation monitoring and reporting program, in accordance with CEQA Guidelines §§ 15090, 15091, 15093, and 15097; and

**WHEREAS**, the Reach TS\_30\_L is first increment of the Lower San Joaquin River Reach TS30L Levee Improvement, San Joaquin County, California Project

**WHEREAS**, On March 29, 2021, the Agency approved a consultant services agreement with Environmental Science Associates (ESA) to assist the San Joaquin Area Flood Control Agency (SJAFCA) and the United States Army Corps of Engineers (USACE) in the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) documentation support for the TS30L increment of the Lower San Joaquin River Project; and

**WHEREAS**, a public comment meeting (Virtual and In-person) regarding the improvements and the draft SEIR was held on June 26, 2023, and the initial public and agency comment period on the draft SEIR was completed on July 17, 2023, and both public and agency comments, and responses addressing those comments, have been incorporated into the final SEIR as appropriate, and

## ATTACHMENT 1 TO STAFF REPORT

**WHEREAS**, pursuant to California Code of Regulations, Title 14, Division 6, Chapter 3 (CEQA Guidelines) Section 15091, changes and alterations have been required in, or incorporated into, the Lower San Joaquin River Reach TS30L Levee Improvement, San Joaquin County, California Project which avoid or substantially lessen the significant environmental effects identified in the Final Supplemental EIR; and

**WHEREAS**, pursuant to CEQA Guidelines Section 15097, a MMRP has been prepared which lists adopted avoidance, minimization, and mitigation measures, identifies timing of implementation, and establishes responsible parties for implementation to avoid, minimize, or reduce any potentially significant environmental effects identified during the analysis; and

**WHEREAS**, in conformance with CEQA Guidelines Section 15091, a Statement of Findings has been prepared for each potentially significant impact that would result from the implementation of the Lower San Joaquin River Reach TS30L Levee Improvement, San Joaquin County, California Project; and

**WHEREAS**, pursuant to CEQA Guidelines Section 15093, a Statement of Overriding Considerations has been prepared which specifies that the significant and unavoidable effects that would result from the implementation of the Lower San Joaquin River Reach TS30L Levee Improvement, San Joaquin County, California Project are outweighed by the flood risk management benefits of the Lower San Joaquin River Reach TS30L Levee Improvement, San Joaquin County, California Project; and

**WHEREAS**, the Agency Board of Directors has reviewed the final SEIR and considered the information contained in the final SEIR prior to approving the Lower San Joaquin River Reach TS30L Levee Improvement, San Joaquin County, California Project

### **NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF DIRECTORS:**

1. Finds that the final SEIR was prepared, published, circulated, and completed in compliance with CEQA and State CEQA Guidelines, and reflects the lead agency's independent judgment and analysis.
2. Certifies the Final Supplemental EIR for the Lower San Joaquin River Reach TS30L Levee Improvement, San Joaquin County, California Project; and
3. Adopts the Mitigation Monitoring and Reporting Program; and
4. Adopts the Statement of Findings; and
5. Adopts the Statement of Overriding Considerations; and
6. Approves the Lower San Joaquin River Reach TS30L Levee Improvement, San Joaquin County, California Project; and
7. Delegates authority to the Executive Director to execute the Notice of Determination

PASSED, APPROVED AND ADOPTED this 29<sup>TH</sup> day of September 2023.

\_\_\_\_\_  
GARY SINGH, Chair  
of the San Joaquin Area  
Flood Control Agency

ATTEST:

\_\_\_\_\_  
CHRIS ELIAS, Executive Director  
of the San Joaquin Area  
Flood Control Agency.

APPROVED AS TO FORM:

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

Final

# LOWER SAN JOAQUIN RIVER REACH TS\_30\_L LEVEE IMPROVEMENT PROJECT

Supplemental Environmental Impact Report  
SCH # 2010012027

Prepared by Environmental Science Associates for the San  
Joaquin Area Flood Control Agency

September 2023

<https://www.sjafca.org/maps/lower-san-joaquin-river-project>



# ATTACHMENT A

## CERTIFICATION OF THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE LOWER SAN JOAQUIN RIVER REACH TS\_30\_L LEVEE IMPROVEMENT PROJECT (TS\_30\_L)

AND

### SJAFCA'S FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE APPROVAL OF TS\_30\_L

#### I. INTRODUCTION

The City of Stockton and surrounding areas rely upon the Lower San Joaquin River (LSJR) levee system to prevent flooding during high-water events. The 2018 San Joaquin River Basin, Lower San Joaquin River Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report (2018 LSJR FR/EIS/EIR) was prepared by SJAFCA, Central Valley Flood Protection Board (CVFPB), and U.S. Army Corps of Engineers (USACE) and was certified by the SJAFCA Board of Directors on November 8, 2018. The 2018 LSJR FR/EIS/EIR considered in detail seven alternative plans aimed at reducing flood risk in the City of Stockton and surrounding urbanizing areas by describing the environmental resources in the original study area; evaluating the direct, indirect, and cumulative environmental effects of the seven alternative plans; and identifying avoidance, minimization, and compensatory mitigation measures. The 2018 LSJR FR/EIS/EIR identified Alternative 7a as the recommended alternative.

Alternative 7a proposed to improve flood risk management in the Stockton area by repairing and enhancing the levees that surround Stockton (mitigating flood risk from the Delta Front, the Calaveras River, and the San Joaquin River), and by constructing and operating closure structures on Fourteenmile Slough and Smith Canal. Alternative 7a was divided into five major levee reaches for construction sequencing:

- Calaveras River (Right Bank)
- Calaveras River (Left Bank) and San Joaquin River (Right Bank, North Port)
- Delta Front and Fourteenmile Slough Control Structure
- North Stockton
- Smith Canal Control Structure

The Delta Front represents the greatest risk; therefore, USACE, SJAFCA, and CVFPB determined that the Delta Front levee improvements would be constructed first. Six sub-reaches were identified within the Delta Front reach, with one of the sub-reaches being the LSJR Reach TS\_30\_L Levee Improvement Project (TS\_30\_L or Modified Project).

SJAFCA, as lead agency under the California Environmental Quality Act (Pub. Res. Act § 21000 et seq.) and the CEQA Guidelines (14 Cal. Code Regs. §§ 15000- 15387)

(collectively, “CEQA”), has completed the Final Supplemental Environmental Impact Report (Final SEIR) for TS\_30\_L, in coordination with the USACE’s preparation of a Supplemental Environmental Assessment as the federal lead agency under the National Environmental Protection Act (NEPA). The following contents of this document incorporate SJAFCA’s “Findings of Fact and Statement of Overriding Considerations for the Approval of the LSJRFS,” (2018 LSJR FR/EIS/EIR Findings, Exhibit A) which were certified at the same time as the 2018 LSJR FR/EIS/EIR, on November 8, 2018. This document pertains to SJAFCA’s lead agency responsibilities and requirements pursuant to CEQA only and is organized into the following sections:

- Section I, “Introduction,” provides an introduction to the Document.
- Section II, “Project Description,” provides background on Alternative 7a and TS\_30\_L, the project purpose and objectives, a summary of alternatives considered in the 2018 LSJR FR/EIS/EIR and Draft SEIR, and an overview of the Record of Proceedings.
- Section III, “Certification of the Final SEIR,” sets forth SJAFCA’s findings in support of certification of the Final SEIR.
- Section IV sets forth the Findings required under CEQA, as follows:
  - Part IV.A: Findings regarding the environmental review process and the contents of the Final SEIR.
  - Part IV.B: Findings regarding the environmental impacts of TS\_30\_L and the mitigation measures for those impacts identified in the Final SEIR and adopted as conditions of approval. As described in Part IV.B, SJAFCA hereby adopts the impact findings as set forth in Exhibit B to these findings.
  - Part IV.C: Findings regarding alternatives discussed in the 2018 LSJR FR/EIS/EIR.
  - Part IV.D: Description of the Mitigation Monitoring or Reporting Program (MMRP) for TS\_30\_L.
  - Part IV.E: Summary of the findings and determinations regarding the TS\_30\_L.
- Section V, “Statement of Overriding Considerations,” sets forth the substantial benefits of TS\_30\_L that outweigh and override the TS\_30\_L’s significant and unavoidable impacts, such that the impacts are considered acceptable.

## II. PROJECT INFORMATION

### A. Background

The USACE initiated a Feasibility Study in 2009 at the request of SJAFCA, the NFS for the study, through the execution of a Feasibility Cost Sharing Agreement (FCSA). CVFPB also entered the study as a signatory of the FCSA in 2010. This Feasibility Study concluded with certification of the 2018 LSJR FR/EIS/EIR, which identified Alternative 7a as the recommended alternative.

The study area (including the cities of Stockton, Lathrop, Manteca and surrounding urbanizing areas) has a history of experiencing flood events, with major floods occurring in 1955, 1958, and 1997, resulting in varying degrees of damage. The 1955 event had the highest flows recorded on the Calaveras River at Bellota, and approximately 1,500

acres of Stockton were inundated to depths of 6 feet for as long as 8 days. The 1958 event inundated approximately 8,500 acres between Bellota and the Diverting Canal, with flood waters up to 2 feet deep and inundation durations from 2 to 10 days. The 1955 and 1958 floods occurred prior to completion of New Hogan Dam and Reservoir and improvements to the Calaveras River and Stockton Diverting Canal. The 1997 event resulted in the evacuation of the Weston Ranch area of Stockton at the north end of Reclamation District (RD) 17 (RD 17). While the 1997 event did not directly damage areas of Stockton, Lathrop or Manteca, there were approximately 1,842 residences and businesses affected in San Joaquin County. There were also significant flood-fighting efforts conducted during the 1997 event in RDs 404 and 17. Between the 2 RDs, flood-fights were required at 37 sites. Of interest to this study were breaches upstream of RD 17 along the San Joaquin and Stanislaus Rivers, resulting in the non-Federal tieback levee being highly stressed, but preventing flooding of urban areas in RD 17 and potentially central Stockton. Estimated damages in San Joaquin County for the 1997 event were approximately \$80 million.

The study area is challenged by the presence of three sources of flooding: the Delta Front, Calaveras River, and San Joaquin River. This results in commingled floodplains for the North and Central Stockton areas. The distributary nature of the Delta also affects Delta water levels, because high flows from the Sacramento River may “fill” the Delta prior to a peak inflow on the San Joaquin River, as occurred in 1997, raising water levels on the Delta front levees.

## **B. Project Description**

The 2018 LSJR FR/EIS/EIR evaluated the environmental impacts of seven alternative plans aimed at reducing flood risk in the Stockton area and ultimately identified Alternative 7a as the recommended alternative, which would repair and enhance the levees that surround Stockton (mitigating flood risk from the Delta Front, the Calaveras River, and the San Joaquin River). Alternative 7a was divided into sub-reaches, with one of the sub-reaches being the TS\_30\_L evaluated in the Final SEIR.

The 2018 LSJR FR/EIS/EIR evaluated the components of Alternative 7a (referred to as structural measures) and construction methods. Alternative 7a includes a suite of structural levee improvement measures, and those relevant to TS\_30\_L (i.e., cutoff wall construction, levee reshaping, and erosion protection installation) are described in Chapter 2 of the Draft SEIR, *Project Description*, Section 2.3.3, *Alternative 7a Structural Measures and Construction Methods*.

TS\_30\_L includes approximately 1 mile of cutoff wall construction, levee reshaping, and runoff erosion protection of the TS\_30\_L levee, as well as development of a borrow site, barge off-haul site, two co-located staging and stockpile areas, and haul routes. As described in the 2018 LSJR FR/EIS/EIR, initial site preparation would require clearing and grubbing of vegetation and stripping of topsoil along the TS\_30\_L Levee. The levee would be degraded to provide a sufficient working surface, and then the 5,850-linear-foot soil bentonite slurry cutoff wall would be constructed using an open slurry trench with a

maximum depth of 42 feet below sea level. Also as described in the 2018 LSJR FR/EIS/EIR, levee reshaping would take place over the cutoff wall installation areas to provide the minimum slope and required height and crest width to meet USACE levee design criteria. In order to attain the required slopes and levee configuration, the levee centerline must be shifted approximately 20 feet toward the waterside (due to the presence of homes directly adjacent to the TS\_30\_L site on the landside). The 2018 LSJR FR/EIS/EIR described levee reshaping activities as occurring mainly on the landside of levees (e.g., topsoil stripping, fill placement), but the local context for the TS\_30\_L reach requires these activities to occur on the waterside. However, as TS\_30\_L is a dry land levee, these changes to the levee configuration would not change the construction footprint, intensity or methods of construction, or equipment as analyzed in the 2018 LSJR FR/EIS/EIR. Finally, similar to what is described in the 2018 LSJR FR/EIS/EIR, rock riprap would be placed to a thickness of 2 feet and crushed rock would be placed to a thickness of 3 inches along the waterside and landside of the levee, respectively, to act as erosion control.

The 2018 LSJR FR/EIS/EIR stated that if Alternative 7a were to be authorized and funded, detailed evaluation of staging areas and borrow requirements, and identification and detailed technical evaluation of potential materials sources, would be completed during preconstruction engineering and design. Two staging and stockpile areas for the TS\_30\_L Project are to be co-located adjacent to the northern and southern portions of the site. Haul routes to and from the staging/stockpile areas for the levee degrade and cutoff wall construction would use West March Lane as an access point to the TS\_30\_L levee road (Brookside Road) and the parallel agricultural road on the west side of the waterside levee toe.

There are three potential borrow sites under consideration for TS\_30\_L, based on proximity and availability of appropriate materials. One is at the SEWD property located approximately 9 miles east of TS\_30\_L. The haul route from the SEWD property would follow a private road on the west side of the SEWD property to either State Route (SR) 26 or East Main Street in order to cross the Stockton Diverting Canal, and then follows one of these roads to SR 99 until its interchange with SR 4. SR 4 leads to Interstate 5 (I-5), which would be followed north and west to West March Lane, which leads directly onto the south end of the TS\_30\_L Levee site.

Two commercial borrow sources are under consideration as well. One is Dutra Materials at Decker Island, located approximately 20 miles northwest of the Modified Project site. For this option, materials would be delivered via barge to a site just southwest of TS\_30\_L. The other commercial option is Brown Sand Incorporated, located approximately 20 miles south of TS\_30\_L in Lathrop.

TS\_30\_L requires mitigation for impacts to certain biological resources via the creation of habitat to compensate for habitat loss caused by the Modified Project, as discussed in Draft SEIR Chapter 3, Section 3.6, *Biological Resources*. The 2018 LSJR FR/EIS/EIR evaluated Alternative 7a based on the assumption that a combination of on-site mitigation and purchase of credits at local mitigation banks would fulfill this obligation.

However, the 2018 LSJR FR/EIS/EIR did not evaluate potential impacts associated with the development of biological mitigation sites at a project-level of detail, and mitigation bank credits for certain habitats impacted by TS\_30\_L are not currently available for purchase. Therefore, the Draft SEIR evaluates five potential biological mitigation sites to fulfill TS\_30\_L's compensatory mitigation requirements; three sites are evaluated at a project-level of detail (14-Mile Slough Pump Station, San Joaquin River (SJR) West Site, and SJR East Site), and two sites are evaluated at a program-level of detail (SJR South Site and Van Buskirk Park). If one of the program-level sites (or an alternative biological mitigation site not evaluated in this SEIR) is chosen for development, additional environmental review under CEQA at a project-level of detail would be required prior to construction.

Operation of TS\_30\_L would require levee and levee road maintenance and repair and post-seismic event inspection. These activities are consistent with existing operations of the TS\_30\_L Levee. Operation would also consist of monitoring and adaptively managing the chosen mitigation site until success criteria are met.

### **C. Project Purpose and Objectives**

The purpose of the 2018 LSJR FS/EIS/EIR, of which Alternative 7a was the preferred alternative, was to investigate the extent of federal interest in a range of alternative plans to reduce flood risk in the cities of Stockton, Lathrop, and Manteca and in surrounding urbanizing areas. The objectives were to meet the requirements of California Senate Bill (SB) 5 of 2007, the Central Valley Flood Improvement Act, to achieve a 200-year level of protection for urban and urbanizing areas, focusing on a reduction of flood risk in the City of Stockton. The Modified Project's goals and objectives are the same as those described for Alternative 7a.

### **D. Summary of Alternatives in the Final SEIR**

TS\_30\_L would entail constructing and operating levee improvements along the TS\_30\_L Levee similar to those described under Alternative 7a in the 2018 LSJR FR/EIS/EIR. Therefore, the alternatives evaluated and conclusions regarding the alternatives' ability to meet project objectives, the consistency of the alternatives with local, state, and federal plans and policies, and their impacts compared to Alternative 7a impacts, as described in the 2018 LSJR FR/EIS/EIR, are still applicable for TS\_30\_L.

Therefore, no additional analysis was warranted in the Draft SEIR, as the analysis of Alternatives 1, 7a, 7b, 8a, 8b, 9a, and 9b presented in the 2018 LSJR FR/EIS/EIR was adequate.

### **F. Record of Proceedings**

Various documents and other materials constitute the record upon which SJAFCA bases these findings and approvals contained herein. The custodian of these documents and materials is SJAFCA. The documents and materials are available for review upon

request at 22 East Weber Avenue, Suite 301, Stockton, CA 95202, during normal business hours.

### **III. CERTIFICATION OF THE FINAL SEIR**

The Final SEIR comprises a program-level and project-level analysis and contains environmental review evaluating the impacts of TS\_30\_L. The Final SEIR (State Clearinghouse No. 2010012027) was prepared in the manner specified in Section IV.A.1, and is incorporated here by reference. The Final SEIR includes:

- The Draft EIR, dated February 2015, which assesses the potential environmental effects of implementation of Alternative 7a and identifies means to eliminate or reduce potential adverse impacts, and evaluates a reasonable range of alternatives.
- The Final EIR, certified November 8, 2018, which contains comments on the Draft EIR submitted by interested public agencies, organizations, and members of the public; written responses to the environmental issues raised in those comments; revisions to the text of the Draft EIR reflecting changes made in response to comments and other information; Fish and Wildlife Coordination Act documents; the Biological Opinions of the U.S. Fish and Wildlife Service and the National Marine Fisheries Service; and, Section 106 Programmatic Agreement between the State Historic Preservation Officer and USACE, and state and local partners. The Draft EIR is considered part of the Final EIR and is incorporated into the Final EIR by reference.
- The Draft SEIR, dated May 2023, which assess the potential environmental effects of implementation of TS\_30\_L, a sub-reach of Alternative 7a, and identifies means to eliminate or reduce potential adverse impacts.

#### **The SJAFCA Board of Directors hereby certifies as follows:**

1. That it has been presented with the Final SEIR and that it has reviewed and considered the information contained in the Final SEIR prior to making the following certification and the findings in Section IV, below;
2. That, pursuant to CEQA Guidelines Section 15090 (Title 14 of the California Code of Regulations, Section 15090), the Final SEIR has been completed in compliance with CEQA and the State CEQA Guidelines; and
3. That the Final SEIR reflects the SJAFCA Board of Directors' independent judgment and analysis.

### **IV. CEQA FINDINGS**

Having received, reviewed, and considered the Final SEIR and other information in the record of proceedings, the SJAFCA Board of Directors hereby adopts the following findings in compliance with CEQA and the CEQA Guidelines:

- Part IV.A: Findings regarding the environmental review process and the contents of the Final SEIR.
- Part IV.B: Findings regarding the environmental impacts of TS\_30\_L and the mitigation measures for those impacts identified in the Final SEIR and adopted as conditions of approval. As described in Part IV.B, SJAFCA hereby adopts the impact findings as set forth in Exhibit B to these findings.
- Part IV.C: Findings regarding alternatives discussed in the 2018 LSJR FR/EIS/EIR.
- Part IV.D: Description of the MMRP for TS\_30\_L.
- Part IV.E: Summary of the findings and determinations regarding the TS\_30\_L.

In addition, these findings incorporate by reference Section V of this document, which includes the Statement of Overriding Considerations and determines that the benefits of implementing TS\_30\_L outweigh the significant and unavoidable environmental impacts that will result, and therefore justifies approval of TS\_30\_L despite those impacts. The Final SEIR (including the 2018 LSJR FR/EIS/EIR and 2018 LSJR FR/EIS/EIR Findings of Fact and Statement of Overriding Considerations) is hereby incorporated in this document by reference. The SJAFCA Board of Directors certifies that these findings are based on full appraisal of all viewpoints, including all comments received up to the date of close of the hearing prior to approval of TS\_30\_L.

## **A. Environmental Review Process and Contents of the SEIR**

### **1. Preparation of the SEIR:**

- c. *Comment Period on Draft SEIR.* The Draft SEIR was made available to federal, state, and local agencies and interested organizations and individuals. Publication of the Draft SEIR marked the beginning of a 45-day public review period, which extended from May 31, 2023, through July 17, 2023, ending at 5 p.m. A Notice of Completion (NOC) was filed with the State Clearinghouse and a Notice of Availability was posted with the San Joaquin County Clerk on May 31, 2023, as well as publication in the Stockton Record on May 31, 2023.
- d. *Copies of the Draft SEIR.* Copies were made available for public review at the following locations:
- SJAFCA website – electronic copy available at <https://www.sjafca.org/maps/lower-san-joaquin-river-project>
  - SJAFCA offices – hard copy available at 22 E. Weber Avenue, Suite 301, Stockton, California 95202
  - Cesar Chavez Central Library, 605 N. El Dorado Street, Stockton, California 95202 – USB drive with electronic copy
- e. *Response to Comments:* After the close of the public review period, SJAFCA prepared responses to the written comments contained in the five comment letters that were received on the Draft SEIR. As required by CEQA Guidelines,

15088(b), responses to comments were sent to public agencies that submitted comments at least 10 days prior to SJAFCA's consideration. Those public agencies and other entities and individuals that commented on the Draft SEIR were notified by SJAFCA on September 18, 2023 of the availability of responses to comments and the publication of the Final SEIR.

- f. *Final SEIR*. The Final SEIR was completed and made available to public agencies and members of the public on September 29, 2023. The Final SEIR is comprised of the Draft SEIR plus all of the comments received during the public comment period, together with written responses to those comments that raised environmental issues, which were prepared in accordance with CEQA and the CEQA Guidelines. The Final SEIR also includes refinements to mitigation measures and clarifications to text in the Draft SEIR.
- g. The Final SEIR was made available electronically via posting on SJAFCA's website on September 29, 2023 at <https://www.sjafca.org/maps/lower-san-joaquin-river-project>.

The SJAFCA Board finds and determines there was procedural compliance with the mandates of CEQA and that the Final SEIR provides adequate, good faith, and reasoned responses to all comments raising significant environmental issues.

## **2. Absence of Significant New Information**

CEQA Guidelines Section 15088.5 requires a lead agency to re-circulate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR, but before certification of the Final EIR. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. The CEQA Guidelines provide examples of significant new information under this standard.

SJAFCA recognizes that the Final SEIR incorporates information obtained since the Draft SEIR was completed, and contains additions, clarifications, modifications, and other changes. With respect to this information, SJAFCA approves of the incorporation of these clarifications into the Modified Project and finds that the clarifications do not cause the Modified Project to result in new or substantially more severe adverse environmental effects, or otherwise require recirculation of the SEIR. Various minor changes and edits have been made to the text of the Draft SEIR, as set forth in the Final SEIR.

**SJAFCA finds that this additional information does not constitute significant new information requiring recirculation, and that the additional information merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.**

In addition to the changes and corrections described above, the Final SEIR provides additional information in response to comments and questions from agencies and the public.

**SJAFCA finds that the information added in the Final SEIR does not constitute significant new information requiring recirculation, and that the additional information clarifies or amplifies an adequate EIR. Specifically, SJAFCA finds that the additional information, including the changes described above, does not show that:**

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The Draft SEIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

**Based on the foregoing, and having reviewed the information contained in the Final SEIR and in the record of SJAFCA's proceedings, including the comments on the Draft SEIR and the responses thereto, and the above-described information, SJAFCA finds that no significant new information has been added to the Final SEIR since public notice was given of the availability of the Draft SEIR that would require recirculation of the Final SEIR.**

### **3. Differences of Opinion Regarding the Impacts of the Modified Project**

In making its decision to certify the Final SEIR and its determination to approve the Modified Project, SJAFCA recognizes that the Modified Project may involve several controversial environmental issues and that a range of technical and scientific opinion exists with respect to those issues. SJAFCA has acquired an understanding of the range of this technical and scientific opinion by its review of the Draft SEIR, the comments received on the Draft SEIR and the responses to those comments in the Final SEIR, and its own experience and expertise in assessing those issues. SJAFCA has reviewed and considered, as a whole, the evidence and analysis presented in the Draft SEIR, the information and analysis presented in the comments on the Draft SEIR, the evidence and analysis presented in the Final SEIR, the information submitted on the Final SEIR, and the reports prepared by the experts who prepared the SEIR (USACE technical experts, DWR technical experts, SJAFCA's consultants), and by staff, addressing those comments. SJAFCA has gained a comprehensive and well-rounded understanding of the environmental issues presented by the Modified Project. In turn, this understanding has enabled SJAFCA to make its decisions after weighing and considering the various viewpoints on these important issues.

**Accordingly, SJAFCA certifies that its findings are based on a full appraisal of all of the evidence contained in the Final SEIR, as well as the evidence and other information contained in the record.**

## **B. Impacts and Mitigation Measures**

1. These findings provide the written analysis and conclusions of SJAFCA regarding the environmental impacts of the Modified Project and the mitigation measures identified in the Final SEIR. In making these findings, SJAFCA has considered the opinions of other agencies and members of the public.

**SJAFCA finds that the analysis and determination of significance thresholds are judgments within the discretion of SJAFCA; the analysis and significance thresholds used in the Final SEIR are supported by substantial evidence in the record, including the expert opinion of the Final SEIR preparers and SJAFCA consultants and staff; and the significance thresholds used in the Final SEIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Modified Project.**

2. Exhibit B attached to these findings and incorporated herein by reference is the Mitigation Monitoring and Reporting Program, which reflects the Summary of Impacts and Mitigation Measures Table contained in the Draft SEIR Executive Summary Table ES-1 and summarizes the environmental determinations of the Final SEIR about the Modified Project's and alternatives' environmental impacts before and after mitigation. This exhibit does not attempt to describe the full analysis or details of each environmental impact and mitigation measures contained in the Final SEIR. Instead, Exhibit B provides a summary description of each environmental impact, a summary of the applicable mitigation measures described in the Final SEIR, and states the findings on the significance of each environmental impact after imposition of the applicable mitigation measures. A full explanation of these environmental findings and conclusions can be found in the resource sections contained in Chapter 3 of the Draft SEIR, as modified in the Final SEIR, and these findings hereby incorporate by reference the discussion and analysis in the Final SEIR supporting the Final SEIR's determinations regarding the Project's environmental impacts and mitigation measures designed to address those impacts.

**SJAFCA approves the findings set forth in Exhibit B as its findings regarding the Project's environmental impacts before and after mitigation. In making these findings, SJAFCA ratifies, adopts, and incorporates the analysis and explanation in the Final SEIR, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the Final SEIR relating to environmental impacts and mitigation measures, and environmental commitments, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.**

**SJAFCA adopts, and incorporates as conditions of approval of the Modified Project, the mitigation measures set forth in the MMRP attached to these**

**findings as Exhibit B to reduce or avoid the potentially significant impacts of the Project, as well as certain less-than-significant impacts.**

3. In the event a mitigation measure or environmental commitment recommended in the Final SEIR has inadvertently been omitted from Exhibit B, such mitigation measure is hereby adopted and incorporated in the findings below by reference. In addition, in the event the language describing a mitigation measure set forth in Exhibit B fails to accurately reflect the mitigation measures in the Final SEIR due to a clerical error, the language of the mitigation measure as set forth in the Final SEIR shall control, unless the language of the mitigation measure has been specifically and expressly modified by these findings.

### **C. SJAFCA's Findings Related to Alternatives**

The 2018 LSJR FR/EIS/EIR evaluated a range of potential alternatives to Alternative 7a, as described in Section II.E of the 2018 LSJR RF/EIS/EIR Findings (Exhibit A) which is incorporated here by reference.

TS\_30\_L would entail constructing and operating levee improvements along the TS\_30\_L Levee similar to those described under Alternative 7a in the 2018 LSJR FR/EIS/EIR. Therefore, the alternatives evaluated and conclusions regarding the alternatives' ability to meet project objectives, the consistency of the alternatives with local, state, and federal plans and policies, and their impacts compared to the Modified Project impacts, as described in the 2018 LSJR FR/EIS/EIR, are still applicable for TS\_30\_L.

Sections IV.C, IV.D, IV.E, and IV.F of SJAFCA's 2018 LSJR FR/EIS/EIR Findings presented the Basis for SJAFCA's Decision to Approve the Modified Project and Reject Other Alternatives, SJAFCA's Findings Relating to Alternatives, Findings Regarding Project Alternatives Scoped-out of 2018 LSJR FR/EIS/EIR, and Findings Regarding Adequacy of Range of Alternatives, respectively.

Additional findings related to the analysis, consideration, rejection, dismissal, and/or adequacy of Alternatives 1, 7a, 7b, 8a, 8b, 9a, and 9b as presented in the 2018 LSJR FR/EIS/EIR and outlined in the 2018 LSJR FR/EIS/EIR Findings are not necessary, as the 2018 LSJR FR/EIS/EIR Findings are adequate and incorporated here by reference.

### **D. Mitigation Monitoring and Reporting Program**

In accordance with CEQA and the CEQA Guidelines, SJAFCA must adopt a mitigation monitoring and reporting program to ensure that the mitigation measures adopted herein are implemented. **SJAFCA hereby adopts the MMRP for the Modified Project attached to these findings as Exhibit B.**

### **E. Summary**

1. Based on the foregoing findings and the information contained in the administrative record of proceedings, SJAFCA has made one or more of the following findings with

respect to each of the significant environmental effects of the Modified Project identified in the Final SEIR:

- a. Changes or alterations have been required in, or incorporated into the Project, which avoid or substantially lessen most of the significant environmental effects on the environment.

**2. Based on the foregoing findings and information contained in the record, it is hereby determined that:**

- a. With respect to most significant effects on the environment due to approval of the Modified Project, mitigation measures have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR, and those measures are within the responsibility and jurisdiction of the USACE, and can and should be adopted by USACE. Resource areas where mitigation measures avoid or substantially lessen the significant environmental effects as identified in the SEIR are:
  - a. Air Quality and Greenhouse Gases
  - b. Hazards, Hazardous Materials and Public Safety
  - c. Water Quality
  - d. Groundwater
  - e. Utilities, Service Systems, and Public Services
  - f. Paleontological Resources
- b. Any remaining significant effects on the environment found unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations in Section V, below. Resource areas where mitigation measures don't avoid or substantially lessen the significant environmental effects as identified in the SEIR are:
  - a. Aesthetics
  - b. Recreation
  - c. Agriculture and Forestry Resources
  - d. Biological Resources
  - e. Cultural Resources
  - f. Noise and Vibration
  - g. Transportation
  - h. Tribal Cultural Resources

## **V. STATEMENT OF OVERRIDING CONSIDERATION**

### **A. Impacts That Remain Significant and Unavoidable After Incorporation of Mitigation**

SJAFCA has found that some impacts related to construction remain significant following adoption and implementation of all feasible mitigation measures, as described in the 2018 FR/EIS/EIR and Final SEIR. Certain adverse impacts cannot be avoided with the application of mitigation measures. State CEQA Guidelines CCR Section 21100(b)(2)(A) provides that an EIR shall include a detailed statement setting forth "any significant effect on the environment that cannot be avoided if the project is implemented."

Chapter 3 of the Draft SEIR provides a detailed analysis of all potentially significant direct and indirect environmental impacts of the Modified Project, feasible mitigation measures that could reduce or avoid the project's significant impacts and whether these mitigation measures would reduce these impacts to less than significant levels. The Modified Project's significant cumulative impacts are discussed by resource throughout Chapter 3 of the Final SEIR. If a specific impact cannot be reduced to a less than significant level, it is considered a significant and unavoidable impact.

### **Feasibility Findings**

The 2018 LSJR FR/EIS/EIR Findings (Exhibit A) which were certified at the same time as the 2018 LSJR FR/EIS/EIR on November 8, 2018, and provided the rationale why mitigation measures would not be feasible, separately and independently, to reduce impacts to less-than-significant levels for several resource areas. The 2018 LSJR FR/EIS/EIR Findings are still applicable to and incorporated by reference for the following resource area impacts under TS\_30\_L: vegetation, wildlife, fisheries, and special status species (biological resources), recreation, aesthetics, transportation, noise and vibration, and cultural resources. In addition, the Draft SEIR identified significant and unavoidable impacts for two other resource areas for the Modified Project: agricultural and forestry resources and tribal cultural resources. SJAFCA finds that mitigation measures would not be feasible, separately and independently, to reduce impacts to less-than-significant levels for the following reasons:

- a. Agricultural and Forestry Resources:** Development of biological mitigation sites at the SJR West Site, SJR East, and SJR South Site would result in Prime and Unique Farmland and Farmland of Statewide Importance being converted from Special Designated Farmland to wetland and riparian habitat, a non-agricultural use. The SJR West Site currently contains approximately 49 acres of Prime Farmland; the SJR East Site currently contains approximately 3.1 acres of Prime Farmland; and the SJR South Site currently contains approximately 159 acres of Prime Farmland, 0.1 acre of Unique Farmland, and 16.5 acres of Farmland of Statewide Importance.

TS\_30\_L would support flood control, which would provide significant additional protection to agricultural lands in the region; however, because it would convert Special Designated Farmland to non-agricultural use, this impact would be potentially significant.

There are certain mitigating circumstances related to TS\_30\_L that would lessen this impact. For instance, development of biological mitigation sites under TS\_30\_L would not impact the underlying soil quality or characteristics that are considered when designating Prime or Unique Farmland or Farmland of Statewide Importance. Accordingly, unlike a conversion to commercial or residential development, TS\_30\_L would not affect the site's potential quality as an agricultural site. In addition, development of the biological mitigation sites would not fragment surrounding agricultural lands or disrupt drainage or irrigation of surrounding agricultural lands. To the contrary, TS\_30\_L, including the creation of biological mitigation sites, would

improve the productivity, quality, and resiliency of surrounding farmland by facilitating drainage and flood control on a regional basis and by improving the ecological quality and biodiversity of surrounding habitats.

However, the prescribed mitigation measure (Mitigation Measure 3.5-1) improves the quality and productivity of land that is already in agricultural use and would not create new farmland; therefore, the mitigation measure does not fully offset the conversion of Special Designated Farmland to a nonagricultural use. Fully offsetting the conversion of agricultural land in San Joaquin County is not feasible. The supply of land in the region that is suitable for agricultural use but not currently being used for agriculture and commercially available is extremely limited. SJAFCA was not able to locate a property (or properties) to accomplish the required offset.

Therefore, despite the significant regional benefits associated with TS\_30\_L, the permanent conversion of Special Designated Farmland from its would be significant and unavoidable.

- b. Tribal Cultural Resources.** The USACE and SJAFCA have been consulting with a number of Tribes, including in accordance with the 2013 *Programmatic Agreement between the U.S. Army Corps of Engineers and the California State Historic Preservation Officer regarding the Lower San Joaquin River Feasibility Study Project, San Joaquin County, California* (PA) and Public Resources Code (PRC) Section 21080.3.1(b), on the TS\_30\_L since 2021; this consultation has included all five mitigation sites. Based on the background research and consultation with Tribes, no tribal cultural resources, as defined in PRC Section 21074, have been identified that could be impacted by TS\_30\_L. Therefore, it does not appear that TS\_30\_L would impact tribal cultural resources.

However, the program-level environmental mitigation sites (Van Buskirk Park and SJR South Site) are not fully developed, and construction details are not known, so there is the potential that construction activities could unearth, expose, or disturb subsurface archaeological resources that have not been previously recorded. If such archaeological resources were encountered and found to qualify as tribal cultural resources, pursuant to PRC Section 21074, any impacts of the program-level biological mitigation sites on the resources would be potentially significant. Such potentially significant impacts would be reduced with implementation of the PA, as required by the 2018 LSJR FR/EIS/EIR. However, the level of impact would still be potentially significant for program-level biological mitigation sites because the characteristics of any previously unidentified tribal cultural resources that may be present remains unknown.

Therefore, despite the significant regional benefits associated with TS\_30\_L, the potential impacts to Tribal cultural resources would be significant and unavoidable.

## B. Overriding Considerations Justifying Project Approval

**As described in the Findings of Fact and Statement of Overriding Considerations for the Approval of the LSJRFS,” (Exhibit A) and, in accordance with CEQA Guidelines Section 15093, SJAFCA has, in determining whether or not to approve the Modified Project, balanced the economic, social, technological, and other Project benefits against its unavoidable environmental risks, and finds that each of the benefits of Alternative 7a (of which the Modified Project one of the sub-reaches of Alternative 7a) set forth below outweigh the significant adverse environmental effects that are not mitigated to less-than-significant levels.**

This statement of overriding considerations is based on SJAFCA’s review of the Final SEIR and other information in the administrative record. Each of the benefits identified below provides a separate and independent basis for overriding the significant environmental effects of the Modified Project. The benefits of the Alternative 7a (of which the Modified Project is a sub-reach) are as follows:

1. *Increase in the flood risk management safety levels will provide economic benefits.* Implementation of the Project will result in a benefit to cost ratio of 7.0 to 1.0 and provides a net flood risk management benefit of \$295,730,000 per year.
2. *Increase in the flood risk management safety levels will reduce risk to people and property.* The Project greatly reduces flood risk to people and property in the city of Stockton and surrounding areas. The Project provides benefits to 162,000 residents by improving Federal and local levees that provide flood risk management. The Project also offers the area an estimated 83 percent reduction in expected annual property damage, while enhancing security at 486 critical infrastructure sites – 23 of which are essential to life-safety.
3. *Project will provide mitigation and conservation land.* Mitigation includes all measures that would avoid, minimize, offset or compensate for potential environmental effects. When considered under the Federal Endangered Species Act, these measures may be referred to as conservation measures. Project mitigation assumes the levees will be determined to be suitable that will allow 25% of the trees and shrubs on the lower levee slope and within the waterside easement to remain.
4. *The Project will meet federal and State flood risk management criteria.* This plan would allow the local community to continue to meet both FEMA certification requirements and at least a portion of the State of California’s criteria for funding of FRM projects, allowing for potential reduction in National Flood Insurance Program costs to the community and leveraging State bond funds for project implementation.
5. *The Project includes environmental commitments.* The Project Environmental commitments are relatively standardized and compulsory best practices that represent sound and proven methods to avoid or reduce potential effects. Although environmental commitments fall within the NEPA definition of mitigation

through avoidance and minimization, these measures were discussed in Chapter 5 of the 2018 LJSR Final FR/EIS/EIR and Chapter 3 of the Final SEIR. The environmental commitments identified would be implemented to avoid or reduce short-term, construction-related effects.

# **Exhibit A**

## **Findings of Fact and Statement of Overriding Considerations for the Approval of the LSJRFS**

# Exhibit A

**EXHIBIT A**

**Table ES-5: Comparative Summary of Environmental Effects, Mitigation, and Levels of Significance**

Resource	Alternative 1 No Action	Alternative 7a	Alternative 7b	Alternative 8a	Alternative 8b	Alternative 9a	Alternative 9b
<b>Geology and Geomorphology</b>							
Effect	No effect.	No effect.	No effect.	No effect.	No effect.	No effect.	No effect.
Significance	Too speculative for meaningful consideration.	Less than significant.					
Mitigation	Not applicable.	Not applicable.	Not applicable.	Not applicable.	Not applicable.	Not applicable.	Not applicable.
Effect With Mitigation	Not applicable.	Not applicable.	Not applicable.	Not applicable.	Not applicable.	Not applicable.	Not applicable.
<b>Seismicity</b>							
Effect	The structural integrity of existing levees, berms, and bridges would remain at risk from high magnitude seismic events on active faults. Some levees in tidally influenced areas would remain at risk from seismically induced structural instability and/or failure due to liquefaction.	Levee improvements would reduce the vulnerability to structural failure due to seismic events.	Levee improvements would reduce the vulnerability to structural failure due to seismic events.	Levee improvements would reduce the vulnerability to structural failure due to seismic events.	Levee improvements would reduce the vulnerability to structural failure due to seismic events.	Levee improvements would reduce the vulnerability to structural failure due to seismic events.	Levee improvements would reduce the vulnerability to structural failure due to seismic events.
Significance	Too speculative for meaningful consideration.	Less than significant.					
Mitigation	Incorporate seismic design elements into the FRM system.	Not applicable.					
Effect With Mitigation	Not applicable.	Not applicable.	Not applicable.	Not applicable.	Not applicable.	Not applicable.	Not applicable.

**EXHIBIT A**

<b>Resource</b>	<b>Alternative 1 No Action</b>	<b>Alternative 7a</b>	<b>Alternative 7b</b>	<b>Alternative 8a</b>	<b>Alternative 8b</b>	<b>Alternative 9a</b>	<b>Alternative 9b</b>
<b>Soils and Mineral Resources</b>							
Effect	A flood event could mobilize soils and transport and deposit them elsewhere in the system. Mining operations would continue to be at risk from flooding.	Short term soil disturbance due to construction activities.	Short term soil disturbance due to construction activities.	Short term soil disturbance due to construction activities.	Short term soil disturbance due to construction activities.	Short term soil disturbance due to construction activities.	Short term soil disturbance due to construction activities.
Significance	Too speculative for meaningful consideration.	Less than significant.					
Mitigation	None possible.	Implement BMPs during construction. At the end of construction, reseed disturbed areas with native herbaceous species.	Implement BMPs during construction. At the end of construction, reseed disturbed areas with native herbaceous species.	Implement BMPs during construction. At the end of construction, reseed disturbed areas with native herbaceous species.	Implement BMPs during construction. At the end of construction, reseed disturbed areas with native herbaceous species.	Implement BMPs during construction. At the end of construction, reseed disturbed areas with native herbaceous species.	Implement BMPs during construction. At the end of construction, reseed disturbed areas with native herbaceous species.
Effect With Mitigation	Not applicable.	Less than significant.					
<b>Hydrology and Hydraulics</b>							
Effect	Emergency repairs during a flood event could result in loss of channel capacity and alteration of current geomorphic processes.	Closure structures would reduce riverine and tidal flow peaks to produce beneficial impacts by reducing flood risk.	Closure structures would reduce riverine and tidal flow peaks to produce beneficial impacts by reducing flood risk.	Closure structures would reduce riverine and tidal flow peaks to produce beneficial impacts by reducing flood risk.	Closure structures would reduce riverine and tidal flow peaks to produce beneficial impacts by reducing flood risk.	Closure structures would reduce riverine and tidal flow peaks to produce beneficial impacts by reducing flood risk.	Closure structures would reduce riverine and tidal flow peaks to produce beneficial impacts by reducing flood risk.
Significance	Significant.	Less than significant.	Less than significant.	Less than significant.	Less than significant.	Less than significant.	Less than significant.
Mitigation	None possible.	None needed.					
Effect With Mitigation	Significant.	Not applicable.					

**EXHIBIT A**

<b>Resource</b>	<b>Alternative 1 No Action</b>	<b>Alternative 7a</b>	<b>Alternative 7b</b>	<b>Alternative 8a</b>	<b>Alternative 8b</b>	<b>Alternative 9a</b>	<b>Alternative 9b</b>
<b>Water Quality</b>							
Effect	In a flood event, there is high risk of contaminants entering the water from utilities, stored chemicals, septic systems, and flooded vehicles. Flood flows would increase turbidity in the waterways through bank erosion.	Potential impacts include increased turbidity during in-water construction; runoff of exposed soils; and cement, slurry, or fuel spills during construction. Potential long term water quality impacts from closure structures.	Potential impacts include increased turbidity during in-water construction; runoff of exposed soils; and cement, slurry, or fuel spills during construction. Potential long term water quality impacts from closure structures.	Potential impacts include increased turbidity during in-water construction; runoff of exposed soils; and cement, slurry, or fuel spills during construction. Potential long term water quality impacts from closure structures.	Potential impacts include increased turbidity during in-water construction; runoff of exposed soils; and cement, slurry, or fuel spills during construction. Potential long term water quality impacts from closure structures.	Potential impacts include increased turbidity during in-water construction; runoff of exposed soils; and cement, slurry, or fuel spills during construction. Potential long term water quality impacts from closure structures.	Potential impacts include increased turbidity during in-water construction; runoff of exposed soils; and cement, slurry, or fuel spills during construction. Potential long term water quality impacts from closure structures.
Significance	Too speculative for meaningful consideration.	Significant	Significant	Significant	Significant	Significant	Significant and unavoidable.
Mitigation	Construct levee improvements and related FRM measures.	Preparation of a Stormwater Pollution Prevention Plan, Spill Prevention Control and Countermeasures Plan, and a Bentonite Slurry Spill Contingency Plan and implementation of BMPs. Develop design and operation refinements in coordination with the Regional Water Quality Control Board (RWQCB).	Preparation of a Stormwater Pollution Prevention Plan, Spill Prevention Control and Countermeasures Plan, and a Bentonite Slurry Spill Contingency Plan and implementation of BMPs. Develop design and operation refinements in coordination with the RWQCB.	Preparation of a Stormwater Pollution Prevention Plan, Spill Prevention Control and Countermeasures Plan, and a Bentonite Slurry Spill Contingency Plan and implementation of BMPs. Develop design and operation refinements in coordination with the RWQCB.	Preparation of a Stormwater Pollution Prevention Plan, Spill Prevention Control and Countermeasures Plan, and a Bentonite Slurry Spill Contingency Plan and implementation of BMPs. Develop design and operation refinements in coordination with the RWQCB.	Preparation of a Stormwater Pollution Prevention Plan, Spill Prevention Control and Countermeasures Plan, and a Bentonite Slurry Spill Contingency Plan and implementation of BMPs. Develop design and operation refinements in coordination with the RWQCB.	Preparation of a Stormwater Pollution Prevention Plan, Spill Prevention Control and Countermeasures Plan, and a Bentonite Slurry Spill Contingency Plan and implementation of BMPs. Develop design and operation refinements in coordination with the RWQCB.
Effect With Mitigation	Not applicable.	Less than significant	Less than significant	Less than significant	Less than significant	Less than significant	Less than significant

**EXHIBIT A**

<b>Resource</b>	<b>Alternative 1 No Action</b>	<b>Alternative 7a</b>	<b>Alternative 7b</b>	<b>Alternative 8a</b>	<b>Alternative 8b</b>	<b>Alternative 9a</b>	<b>Alternative 9b</b>
<b>Groundwater</b>							
Effect	Continue to implement groundwater management to ensure adequate recharge and sustainable extraction rates.	Potential construction-related impacts if cutoff walls penetrate into groundwater. Contaminants that could reach groundwater include sediment, oil and grease, and hazardous materials.	Potential construction-related impacts if cutoff walls penetrate into groundwater. Contaminants that could reach groundwater include sediment, oil and grease, and hazardous materials.	Potential construction-related impacts if cutoff walls penetrate into groundwater. Contaminants that could reach groundwater include sediment, oil and grease, and hazardous materials.	Potential construction-related impacts if cutoff walls penetrate into groundwater. Contaminants that could reach groundwater include sediment, oil and grease, and hazardous materials.	Potential construction-related impacts if cutoff walls penetrate into groundwater. Contaminants that could reach groundwater include sediment, oil and grease, and hazardous materials.	Potential construction-related impacts if cutoff walls penetrate into groundwater. Contaminants that could reach groundwater include sediment, oil and grease, and hazardous materials.
Significance	Less than significant.	Significant.	Significant.	Significant.	Significant.	Significant.	Significant.
Mitigation	Continue to update and implement groundwater management plans.	Develop and implement a Bentonite Slurry Spill Contingency Plan.	Develop and implement a Bentonite Slurry Spill Contingency Plan.	Develop and implement a Bentonite Slurry Spill Contingency Plan.	Develop and implement a Bentonite Slurry Spill Contingency Plan.	Develop and implement a Bentonite Slurry Spill Contingency Plan.	Develop and implement a Bentonite Slurry Spill Contingency Plan.
Effect With Mitigation	Less than significant.	Less than significant.	Less than significant.	Less than significant.	Less than significant.	Less than significant.	Less than significant.

**EXHIBIT A**

<b>Resource</b>	<b>Alternative 1 No Action</b>	<b>Alternative 7a</b>	<b>Alternative 7b</b>	<b>Alternative 8a</b>	<b>Alternative 8b</b>	<b>Alternative 9a</b>	<b>Alternative 9b</b>
<b>Wetlands and Other Waters of the United States</b>							
Effect	Stormwater runoff and erosion could introduce contaminants into receiving water. Emergency repairs could require placement of fill into open water and wetlands.	1 acre of permanent impact, and an additional 4 acres of temporary impact on open waters due to the closure structures. Ditches and toe drains adjacent to the levees would be filled and relocated due to construction of landside berms, levee reshaping, and levee height fixes.	1 acre of permanent impact, and an additional 4 acres of temporary impact on open waters due to the closure structures. Ditches and toe drains adjacent to the levees would be filled and relocated due to construction of landside berms, levee reshaping, and levee height fixes.	1 acre of permanent impact, and an additional 4 acres of temporary impact on open waters due to the closure structures. Ditches and toe drains adjacent to the levees would be filled and relocated due to construction of landside berms, levee reshaping, and levee height fixes.	1 acre of permanent impact, and an additional 4 acres of temporary impact on open waters due to the closure structures. Ditches and toe drains adjacent to the levees would be filled and relocated due to construction of landside berms, levee reshaping, and levee height fixes.	1 acre of permanent impact, and an additional 4 acres of temporary impact on open waters due to the closure structures. Ditches and toe drains adjacent to the levees would be filled and relocated due to construction of landside berms, levee reshaping, and levee height fixes.	1 acre of permanent impact, and an additional 4 acres of temporary impact on open waters due to the closure structures. Ditches and toe drains adjacent to the levees would be filled and relocated due to construction of landside berms, levee reshaping, and levee height fixes.
Significance	Too speculative for meaningful consideration.	Significant and unavoidable.					
Mitigation	Use BMP to the extent practicable.	Compensate for loss of open water and wetland habitat through a combination of on-site mitigation and purchase of mitigation bank credits. Relocate effected ditches and toe drains outside of the levee footprint.	Compensate for loss of open water and wetland habitat through a combination of on-site mitigation and purchase of mitigation bank credits. Relocate effected ditches and toe drains outside of the levee footprint.	Compensate for loss of open water and wetland habitat through a combination of on-site mitigation and purchase of mitigation bank credits. Relocate effected ditches and toe drains outside of the levee footprint.	Compensate for loss of open water and wetland habitat through a combination of on-site mitigation and purchase of mitigation bank credits. Relocate effected ditches and toe drains outside of the levee footprint.	Compensate for loss of open water and wetland habitat through a combination of on-site mitigation and purchase of mitigation bank credits. Relocate effected ditches and toe drains outside of the levee footprint.	Compensate for loss of open water and wetland habitat through a combination of on-site mitigation and purchase of mitigation bank credits. Relocate effected ditches and toe drains outside of the levee footprint.
Effect With Mitigation	Not applicable.	Significant and unavoidable.					

**EXHIBIT A**

<b>Resource</b>	<b>Alternative 1 No Action</b>	<b>Alternative 7a</b>	<b>Alternative 7b</b>	<b>Alternative 8a</b>	<b>Alternative 8b</b>	<b>Alternative 9a</b>	<b>Alternative 9b</b>
<b>Air Quality and Climate Change</b>							
Effect	Increased emissions during flood fighting activities without BMPs in place. Increased emissions during cleanup and reconstruction of the urban area.	Emissions of criteria pollutants from construction equipment, haul trucks, and barges.	Emissions of criteria pollutants from construction equipment, haul trucks, and barges.	Emissions of criteria pollutants from construction equipment, haul trucks, and barges.	Emissions of criteria pollutants from construction equipment, haul trucks, and barges.	Emissions of criteria pollutants from construction equipment, haul trucks, and barges.	Emissions of criteria pollutants from construction equipment, haul trucks, and barges.
Significance	Significant.	Significant.	Significant.	Significant.	Significant.	Significant.	Significant.
Mitigation	None possible.	Implement SJVAPCD construction emission control practices and BMPs.	Implement SJVAPCD construction emission control practices and BMPs.	Implement SJVAPCD construction emission control practices and BMPs.	Implement SJVAPCD construction emission control practices and BMPs.	Implement SJVAPCD construction emission control practices and BMPs.	Implement SJVAPCD construction emission control practices and BMPs.
Effect With Mitigation	Significant.	Less than significant.	Less than significant.	Less than significant.	Less than significant.	Less than significant.	Less than significant.
<b>Vegetation</b>							
Effect	Erosion during a flood event could cause significant vegetation loss. Flood fighting activities could prevent future vegetation growth on river banks.	Loss of vegetation on, and adjacent to, the levees. Removal of up to 37,820 linear feet of potential SRA and 142 acres of woody riparian vegetation.	Loss of vegetation on, and adjacent to, the levees. Removal of up to 59,898 linear feet of potential SRA and 274 acres of woody riparian vegetation.	Loss of vegetation on, and adjacent to, the levees. Removal of up to 37,986 linear feet of potential SRA and 160 acres of woody riparian vegetation.	Loss of vegetation on, and adjacent to, the levees. Removal of up to 64,297 linear feet of potential SRA and 245 acres of woody riparian vegetation.	Loss of vegetation on, and adjacent to, the levees. Removal of up to 37,820 linear feet of potential SRA and 152 acres of woody riparian vegetation.	Loss of vegetation on, and adjacent to, the levees. Removal of up to 64,131 linear feet of potential SRA and 237 acres of woody riparian vegetation.
Significance	Too speculative for meaningful consideration.	Significant and unavoidable.					
Mitigation	Compensation would likely occur after the fact, but there would be significant direct impacts due to the temporal loss of vegetation.	Combination of on-site and off-site plantings and/or purchase of mitigation bank credits. A vegetation variance, if approved, would allow vegetation to remain on the lower waterside levee slope and adjacent easement.	Combination of on-site and off-site plantings and/or purchase of mitigation bank credits. A vegetation variance, if approved, would allow vegetation to remain on the lower waterside levee slope and adjacent easement.	Combination of on-site and off-site plantings and/or purchase of mitigation bank credits. A vegetation variance, if approved, would allow vegetation to remain on the lower waterside levee slope and adjacent easement.	Combination of on-site and off-site plantings and/or purchase of mitigation bank credits. A vegetation variance, if approved, would allow vegetation to remain on the lower waterside levee slope and adjacent easement.	Combination of on-site and off-site plantings and/or purchase of mitigation bank credits. A vegetation variance, if approved, would allow vegetation to remain on the lower waterside levee slope and adjacent easement.	Combination of on-site and off-site plantings and/or purchase of mitigation bank credits. A vegetation variance, if approved, would allow vegetation to remain on the lower waterside levee slope and adjacent easement.
Effect With Mitigation	Not applicable.	Significant and unavoidable.					

**EXHIBIT A**

<b>Resource</b>	<b>Alternative 1 No Action</b>	<b>Alternative 7a</b>	<b>Alternative 7b</b>	<b>Alternative 8a</b>	<b>Alternative 8b</b>	<b>Alternative 9a</b>	<b>Alternative 9b</b>
<b>Wildlife</b>							
Effect	Erosion during a flood could cause significant wildlife habitat loss. Flood fighting activities could prevent future development of wildlife habitat on and adjacent to river and slough banks.	Loss of wildlife habitat and movement corridors in the project area.	Loss of wildlife habitat and movement corridors in the project area.	Loss of wildlife habitat and movement corridors in the project area.	Loss of wildlife habitat and movement corridors in the project area.	Loss of wildlife habitat and movement corridors in the project area. The Old Mormon Channel bypass would provide opportunities for a riparian corridor through Stockton.	Loss of wildlife habitat and movement corridors in the project area. The Old Mormon Channel bypass would provide opportunities for a riparian corridor through Stockton.
Significance	Too speculative for meaningful consideration.	Significant and unavoidable.					
Mitigation	Compensation would likely occur after the fact, but there would be significant direct impacts due to the temporal loss of habitat elements, principally vegetation.	Combination of on-site and off-site plantings and/or purchase of mitigation bank credits. BMPs implemented during construction to avoid impacts to special status species would also reduce potential impacts to common wildlife species.	Combination of on-site and off-site plantings and/or purchase of mitigation bank credits. BMPs implemented during construction to avoid impacts to special status species would also reduce potential impacts to common wildlife species.	Combination of on-site and off-site plantings and/or purchase of mitigation bank credits. BMPs implemented during construction to avoid impacts to special status species would also reduce potential impacts to common wildlife species.	Combination of on-site and off-site plantings and/or purchase of mitigation bank credits. BMPs implemented during construction to avoid impacts to special status species would also reduce potential impacts to common wildlife species.	Combination of on-site and off-site plantings and/or purchase of mitigation bank credits. BMPs implemented during construction to avoid impacts to special status species would also reduce potential impacts to common wildlife species.	Combination of on-site and off-site plantings and/or purchase of mitigation bank credits. BMPs implemented during construction to avoid impacts to special status species would also reduce potential impacts to common wildlife species.
Effect With Mitigation	Not applicable.	Significant and unavoidable.					

**EXHIBIT A**

<b>Resource</b>	<b>Alternative 1 No Action</b>	<b>Alternative 7a</b>	<b>Alternative 7b</b>	<b>Alternative 8a</b>	<b>Alternative 8b</b>	<b>Alternative 9a</b>	<b>Alternative 9b</b>
<b>Fisheries</b>							
Effect	Flood fighting could prevent growth of vegetation on levee slopes and increase turbidity, thus impacting migration, spawning or rearing habitat.	Indirect effects to fish habitat from vegetation removal and from vibration during construction. Direct effects from the closure structures, including impacts from increases in turbidity. Long-term impacts from closure structures include fish movement and increased predation.	Indirect effects to fish habitat from vegetation removal and from vibration during construction. Direct effects from the closure structures, including impacts from increases in turbidity. Long-term impacts from closure structures include fish movement and increased predation.	Indirect effects to fish habitat from vegetation removal and from vibration during construction. Direct effects from the closure structures, including impacts from increases in turbidity. Long-term impacts from closure structures include fish movement and increased predation.	Indirect effects to fish habitat from vegetation removal and from vibration during construction. Direct effects from the closure structures, including impacts from increases in turbidity. Long-term impacts from closure structures include fish movement and increased predation.	Indirect effects to fish habitat from vegetation removal and from vibration during construction. Direct effects from the closure structures, including impacts from increases in turbidity. Long-term impacts from closure structures include fish movement and increased predation. Construction of the Old Mormon Channel bypass may create a corridor for migrating adult and juvenile fish.	Indirect effects to fish habitat from vegetation removal and from vibration during construction. Direct effects from the closure structures, including impacts from increases in turbidity. Long-term impacts from closure structures include fish movement and increased predation. Construction of the Old Mormon Channel bypass may create a corridor for migrating adult and juvenile fish.
Significance	Too speculative for meaningful consideration.	Significant and unavoidable.	Significant and unavoidable.				
Mitigation	Compensation would likely occur after the fact but there would still be significant direct impacts due to the loss of vegetation.	A vegetation variance, if approved, would allow vegetation to remain on the lower waterside levee slope and adjacent easement. All disturbed lands would be reseeded following construction. BMPs would be implemented to address turbidity. Design and construction of the closure structures would be closely coordinated with the resource agencies to avoid and minimize impacts to fisheries.	A vegetation variance, if approved, would allow vegetation to remain on the lower waterside levee slope and adjacent easement. All disturbed lands would be reseeded following construction. BMPs would be implemented to address turbidity. Design and construction of the closure structures would be closely coordinated with the resource agencies to avoid and minimize impacts to fisheries.	A vegetation variance, if approved, would allow vegetation to remain on the lower waterside levee slope and adjacent easement. All disturbed lands would be reseeded following construction. BMPs would be implemented to address turbidity. Design and construction of the closure structures would be closely coordinated with the resource agencies to avoid and minimize impacts to fisheries.	A vegetation variance, if approved, would allow vegetation to remain on the lower waterside levee slope and adjacent easement. All disturbed lands would be reseeded following construction. BMPs would be implemented to address turbidity. Design and construction of the closure structures would be closely coordinated with the resource agencies to avoid and minimize impacts to fisheries.	A vegetation variance, if approved, would allow vegetation to remain on the lower waterside levee slope and adjacent easement. All disturbed lands would be reseeded following construction. BMPs would be implemented to address turbidity. Design and construction of the closure structures and Old Mormon Channel bypass would be closely coordinated with the resource agencies to avoid and minimize impacts to fisheries.	A vegetation variance, if approved, would allow vegetation to remain on the lower waterside levee slope and adjacent easement. All disturbed lands would be reseeded following construction. BMPs would be implemented to address turbidity. Design and construction of the closure structures and Old Mormon Channel bypass would be closely coordinated with the resource agencies to avoid and minimize impacts to fisheries.
Effect With Mitigation	Not applicable.	Significant and unavoidable.	Significant and unavoidable.				

**EXHIBIT A**

<b>Resource</b>	<b>Alternative 1 No Action</b>	<b>Alternative 7a</b>	<b>Alternative 7b</b>	<b>Alternative 8a</b>	<b>Alternative 8b</b>	<b>Alternative 9a</b>	<b>Alternative 9b</b>
<b>Special Status Species</b>							
Effect	Flood event or flood fight could cause loss of habitat and fatality to species.	Direct affects to GGS, VELB, fish species, and Swainson’s hawks during construction. Direct effects from construction and operation of closure structures. Indirect effects from vegetation removal and vibration during construction.	Direct affects to GGS, VELB, fish species, and Swainson’s hawks during construction. Direct effects from construction and operation of closure structures. Indirect effects from vegetation removal and vibration during construction.	Direct affects to GGS, VELB, fish species, and Swainson’s hawks during construction. Direct effects from construction and operation of closure structures. Indirect effects from vegetation removal and vibration during construction.	Direct affects to GGS, VELB, fish species, and Swainson’s hawks during construction. Direct effects from construction and operation of closure structures. Indirect effects from vegetation removal and vibration during construction.	Direct affects to GGS, VELB, fish species, and Swainson’s hawks during construction. Direct effects from construction and operation of closure structures. Indirect effects from vegetation removal and vibration during construction.	Direct affects to GGS, VELB, fish species, and Swainson’s hawks during construction. Direct effects from construction and operation of closure structures. Indirect effects from vegetation removal and vibration during construction.
Significance	Significant	VELB and GGS: Significant. CV Steelhead, Sacramento R winter-run Chinook salmon, CV spring-run Chinook salmon, Green sturgeon, Delta smelt: Significant and unavoidable.	VELB and GGS: Significant. CV Steelhead, Sacramento R winter-run Chinook salmon, CV spring-run Chinook salmon, Green sturgeon, Delta smelt: Significant and unavoidable.	VELB and GGS: Significant. CV Steelhead, Sacramento R winter-run Chinook salmon, CV spring-run Chinook salmon, Green sturgeon, Delta smelt: Significant and unavoidable.	VELB and GGS: Significant. CV Steelhead, Sacramento R winter-run Chinook salmon, CV spring-run Chinook salmon, Green sturgeon, Delta smelt: Significant and unavoidable.	VELB and GGS: Significant. CV Steelhead, Sacramento R winter-run Chinook salmon, CV spring-run Chinook salmon, Green sturgeon, Delta smelt: Significant and unavoidable.	VELB and GGS: Significant. CV Steelhead, Sacramento R winter-run Chinook salmon, CV spring-run Chinook salmon, Green sturgeon, Delta smelt: Significant and unavoidable.
Conservation/ Mitigation Measures	None available	Implement BMPs during construction. Transplant elderberry shrubs that cannot be avoided. Replace habitat for species either on-site or in close proximity to lost habitat. Work with resource agencies on design and operational criteria for the closure structures. Obtain a vegetation variance, if appropriate.	Implement BMPs during construction. Transplant elderberry shrubs that cannot be avoided. Replace habitat for species either on-site or in close proximity to lost habitat. Work with resource agencies on design and operational criteria for the closure structures. Obtain a vegetation variance, if appropriate.	Implement BMPs during construction. Transplant elderberry shrubs that cannot be avoided. Replace habitat for species either on-site or in close proximity to lost habitat. Work with resource agencies on design and operational criteria for the closure structures. Obtain a vegetation variance, if appropriate.	Implement BMPs during construction. Transplant elderberry shrubs that cannot be avoided. Replace habitat for species either on-site or in close proximity to lost habitat. Work with resource agencies on design and operational criteria for the closure structures. Obtain a vegetation variance, if appropriate.	Implement BMPs during construction. Transplant elderberry shrubs that cannot be avoided. Replace habitat for species either on-site or in close proximity to lost habitat. Work with resource agencies on design and operational criteria for the closure structures. Obtain a vegetation variance, if appropriate.	Implement BMPs during construction. Transplant elderberry shrubs that cannot be avoided. Replace habitat for species either on-site or in close proximity to lost habitat. Work with resource agencies on design and operational criteria for the closure structures. Obtain a vegetation variance, if appropriate.
Effect with Conservation and Mitigation Measures	Significant	VELB and GGS: Less than significant. CV Steelhead, Sacramento R winter-run Chinook salmon, CV spring-run Chinook salmon, Green sturgeon, Delta smelt: Significant and unavoidable.	VELB and GGS: Less than significant. CV Steelhead, Sacramento R winter-run Chinook salmon, CV spring-run Chinook salmon, Green sturgeon, Delta smelt: Significant and unavoidable.	VELB and GGS: Less than significant. CV Steelhead, Sacramento R winter-run Chinook salmon, CV spring-run Chinook salmon, Green sturgeon, Delta smelt: Significant and unavoidable.	VELB and GGS: Less than significant. CV Steelhead, Sacramento R winter-run Chinook salmon, CV spring-run Chinook salmon, Green sturgeon, Delta smelt: Significant and unavoidable.	VELB and GGS: Less than significant. CV Steelhead, Sacramento R winter-run Chinook salmon, CV spring-run Chinook salmon, Green sturgeon, Delta smelt: Significant and unavoidable.	VELB and GGS: Less than significant. CV Steelhead, Sacramento R winter-run Chinook salmon, CV spring-run Chinook salmon, Green sturgeon, Delta smelt: Significant and unavoidable.

**EXHIBIT A**

<b>Resource</b>	<b>Alternative 1 No Action</b>	<b>Alternative 7a</b>	<b>Alternative 7b</b>	<b>Alternative 8a</b>	<b>Alternative 8b</b>	<b>Alternative 9a</b>	<b>Alternative 9b</b>
<b>Socioeconomics and Environmental Justice</b>							
Effect	Flooding of residential areas and displacement of populations during a flood event.	Disruption to residents alongside construction sites from traffic, noise, and dust. Acquisition of properties for construction and flood control easements.	Disruption to residents alongside construction sites from traffic, noise, and dust. Acquisition of properties for construction and flood control easements.	Disruption to residents alongside construction sites from traffic, noise, and dust. Acquisition of properties for construction and flood control easements.	Disruption to residents alongside construction sites from traffic, noise, and dust. Acquisition of properties for construction and flood control easements.	Disruption to residents alongside construction sites from traffic, noise, and dust. Acquisition of properties for construction and flood control easements.	Disruption to residents alongside construction sites from traffic, noise, and dust. Acquisition of properties for construction and flood control easements.
Significance	Too speculative for meaningful consideration.	Significant.	Significant.	Significant.	Significant.	Significant.	Significant.
Mitigation	None possible.	Federal Relocation Act compliance.	Federal Relocation Act compliance.	Federal Relocation Act compliance.	Federal Relocation Act compliance.	Federal Relocation Act compliance.	Federal Relocation Act compliance.
Effect With Mitigation	Not applicable.	Less than significant.	Less than significant.	Less than significant.	Less than significant.	Less than significant.	Less than significant.
<b>Land Use</b>							
Effect	Inconsistent with local land use policies requiring the protection of the existing urban area from flood damages. Potential for induced growth in RD17 consistent with future growth plans of the Cities of Stockton, Lathrop and Manteca.	Acquisition of properties for construction and flood control easements along the levees, floodwall, and closure structures in North and Central Stockton. Permanent loss of SRA.	Acquisition of properties for construction and flood control easements along the levees, floodwall, and closure structures in North and Central Stockton and in RD17. Potential for induced growth with reduction of flood risk in RD17. Permanent loss of SRA.	Acquisition of properties for construction and flood control easements along the levees, floodwall, and closure structures in North and Central Stockton. Permanent loss of SRA.	Acquisition of properties for construction and flood control easements along the levees, floodwall, and closure structures in North and Central Stockton and in RD17. Potential for induced growth with reduction of flood risk in RD17. Permanent loss of SRA.	Acquisition of properties for construction and flood control easements along the levees, floodwall, Old Mormon Channel flood bypass, and closure structures in North and Central Stockton and in RD17. Potential for induced growth with reduction of flood risk in RD17. Permanent loss of SRA.	Acquisition of properties for construction and flood control easements along the levees, floodwall, Old Mormon Channel flood bypass, and closure structures in North and Central Stockton and in RD17. Potential for induced growth with reduction of flood risk in RD17. Permanent loss of SRA.
Significance	Too speculative for meaningful consideration.	Significant and unavoidable.	Significant and unavoidable.	Significant and unavoidable.	Significant and unavoidable.	Significant and unavoidable.	Significant and unavoidable.
Mitigation	None possible.	Relocation Assistance and Real Property Acquisition Polices Act of 1970 compliance.	Relocation Assistance and Real Property Acquisition Polices Act of 1970 compliance.	Relocation Assistance and Real Property Acquisition Polices Act of 1970 compliance.	Relocation Assistance and Real Property Acquisition Polices Act of 1970 compliance.	Relocation Assistance and Real Property Acquisition Polices Act of 1970 compliance.	Relocation Assistance and Real Property Acquisition Polices Act of 1970 compliance.
Effect With Mitigation	Not applicable.	Significant and unavoidable.	Significant and unavoidable.	Significant and unavoidable.	Significant and unavoidable.	Significant and unavoidable.	Significant and unavoidable.

**EXHIBIT A**

<b>Resource</b>	<b>Alternative 1 No Action</b>	<b>Alternative 7a</b>	<b>Alternative 7b</b>	<b>Alternative 8a</b>	<b>Alternative 8b</b>	<b>Alternative 9a</b>	<b>Alternative 9b</b>
<b>Transportation</b>							
Effect	Potential for flooded roadways and railroad tracks in a flood event. Damage to roadways and railroad tracks from flooding and cleanup. Flood cleanup would create large volumes of truck traffic to remove flood debris.	Temporary delays in emergency response time, temporary railroad service disruptions, hauling materials through residential neighborhoods, and school zones, and potential interference with evacuation routes during construction.	Increased traffic on public roadways could potentially cause delays.	Increased traffic on public roadways could potentially cause delays.	Increased traffic on public roadways could potentially cause delays.	Increased traffic on public roadways could potentially cause delays.	Increased traffic on public roadways could potentially cause delays.
Significance	Significant and unavoidable.	Significant and unavoidable.	Significant and unavoidable.	Significant and unavoidable.	Significant and unavoidable.	Significant and unavoidable.	Significant and unavoidable.
Mitigation	None possible.	Notification and coordination with all potentially affected parties during PED, and again before initiating construction activities. Before the start of each construction season, the primary construction contractors would develop a coordinated construction traffic safety and control plan. The contractor would be required to avoid neighborhoods and school zones to the maximum extent feasible when determining haul routes.	Notification and coordination with all potentially affected parties during PED, and again before initiating construction activities. Before the start of each construction season, the primary construction contractors would develop a coordinated construction traffic safety and control plan. The contractor would be required to avoid neighborhoods and school zones to the maximum extent feasible when determining haul routes.	Notification and coordination with all potentially affected parties during PED, and again before initiating construction activities. Before the start of each construction season, the primary construction contractors would develop a coordinated construction traffic safety and control plan. The contractor would be required to avoid neighborhoods and school zones to the maximum extent feasible when determining haul routes.	Notification and coordination with all potentially affected parties during PED, and again before initiating construction activities. Before the start of each construction season, the primary construction contractors would develop a coordinated construction traffic safety and control plan. The contractor would be required to avoid neighborhoods and school zones to the maximum extent feasible when determining haul routes.	Notification and coordination with all potentially affected parties during PED, and again before initiating construction activities. Before the start of each construction season, the primary construction contractors would develop a coordinated construction traffic safety and control plan. The contractor would be required to avoid neighborhoods and school zones to the maximum extent feasible when determining haul routes.	Notification and coordination with all potentially affected parties during PED, and again before initiating construction activities. Before the start of each construction season, the primary construction contractors would develop a coordinated construction traffic safety and control plan. The contractor would be required to avoid neighborhoods and school zones to the maximum extent feasible when determining haul routes.
Effect With Mitigation	Significant and unavoidable.	Significant and unavoidable.	Significant and unavoidable.	Significant and unavoidable.	Significant and unavoidable.	Significant and unavoidable.	Significant and unavoidable.

**EXHIBIT A**

<b>Resource</b>	<b>Alternative 1 No Action</b>	<b>Alternative 7a</b>	<b>Alternative 7b</b>	<b>Alternative 8a</b>	<b>Alternative 8b</b>	<b>Alternative 9a</b>	<b>Alternative 9b</b>
<b>Utilities and Public Services</b>							
Effect	In a flood event there could be significant damage to utility systems. Debris from flooded homes and properties could overwhelm solid waste disposal facilities.	Temporary disruptions to utility services possible, particularly during relocation of utilities that penetrate the levee.	Temporary disruptions to utility services possible, particularly during relocation of utilities that penetrate the levee.	Temporary disruptions to utility services possible, particularly during relocation of utilities that penetrate the levee.	Temporary disruptions to utility services possible, particularly during relocation of utilities that penetrate the levee.	Temporary disruptions to utility services possible, particularly during relocation of utilities that penetrate the levee.	Temporary disruptions to utility services possible, particularly during relocation of utilities that penetrate the levee.
Significance	Too speculative for meaningful consideration.	Significant.	Significant.	Significant.	Significant.	Significant.	Significant.
Mitigation	None possible.	Before beginning construction, coordination with utility providers to implement orderly relocation of utilities.	Before beginning construction, coordination with utility providers to implement orderly relocation of utilities.	Before beginning construction, coordination with utility providers to implement orderly relocation of utilities.	Before beginning construction, coordination with utility providers to implement orderly relocation of utilities.	Before beginning construction, coordination with utility providers to implement orderly relocation of utilities.	Before beginning construction, coordination with utility providers to implement orderly relocation of utilities.
Effect With Mitigation	Not applicable.	Less than significant.					

**EXHIBIT A**

<b>Resource</b>	<b>Alternative 1 No Action</b>	<b>Alternative 7a</b>	<b>Alternative 7b</b>	<b>Alternative 8a</b>	<b>Alternative 8b</b>	<b>Alternative 9a</b>	<b>Alternative 9b</b>
<b>Recreation</b>							
Effect	Damage to recreation facilities during flooding and potential loss due to erosion.	Temporary closure of recreation facilities along the San Joaquin River, Calaveras River, Smith Canal, French Camp Slough, Fourteenmile Slough, Fivemile Slough, Tenmile Slough, and Mosher Creek during construction. This includes closure of bike and walking trails, and boat launches. Temporary and long term changes to recreational boating would result from the closure of structures on Smith Canal and Fourteenmile Slough. Long-term impacts to passive recreation as a result of vegetation removal.	Temporary closure of recreation facilities along the San Joaquin River, Calaveras River, Smith Canal, French Camp Slough, Fourteenmile Slough, Fivemile Slough, Tenmile Slough, and Mosher Creek during construction. This includes closure of bike and walking trails, and boat launches. Temporary and long term changes to recreational boating would result from the closure of structures on Smith Canal and Fourteenmile Slough. Long-term impacts to passive recreation as a result of vegetation removal.	Temporary closure of recreation facilities along the San Joaquin River, Calaveras River, Smith Canal, French Camp Slough, Fourteenmile Slough, Fivemile Slough, Tenmile Slough, and Mosher Creek during construction. This includes closure of bike and walking trails, and boat launches. Temporary and long term changes to recreational boating would result from the closure of structures on Smith Canal and Fourteenmile Slough. Long-term impacts to passive recreation as a result of vegetation removal.	Temporary closure of recreation facilities along the San Joaquin River, Calaveras River, Smith Canal, French Camp Slough, Fourteenmile Slough, Fivemile Slough, Tenmile Slough, and Mosher Creek during construction. This includes closure of bike and walking trails, and boat launches. Temporary and long term changes to recreational boating would result from the closure of structures on Smith Canal and Fourteenmile Slough. Long-term impacts to passive recreation as a result of vegetation removal.	Temporary closure of recreation facilities along the San Joaquin River, Calaveras River, Smith Canal, French Camp Slough, Fourteenmile Slough, Fivemile Slough, Tenmile Slough, and Mosher Creek during construction. This includes closure of bike and walking trails, and boat launches. Temporary and long term changes to recreational boating would result from the closure of structures on Smith Canal and Fourteenmile Slough. Long-term impacts to passive recreation as a result of vegetation removal.	Temporary closure of recreation facilities along the San Joaquin River, Calaveras River, Smith Canal, French Camp Slough, Fourteenmile Slough, Fivemile Slough, Tenmile Slough, and Mosher Creek during construction. This includes closure of bike and walking trails, and boat launches. Temporary and long term changes to recreational boating would result from the closure of structures on Smith Canal and Fourteenmile Slough. Long-term impacts to passive recreation as a result of vegetation removal.
Significance	Too speculative for meaningful consideration.	Significant and unavoidable.					
Mitigation	None possible.	Notification and coordination with recreation users, boaters, and bike groups. Flaggers, signage, detours, and fencing to notify and control recreation access and traffic around construction sites. Compensatory plantings, as feasible.	Notification and coordination with recreation users, boaters, and bike groups. Flaggers, signage, detours, and fencing to notify and control recreation access and traffic around construction sites. Compensatory plantings, as feasible.	Notification and coordination with recreation users, boaters, and bike groups. Flaggers, signage, detours, and fencing to notify and control recreation access and traffic around construction sites. Compensatory plantings, as feasible.	Notification and coordination with recreation users, boaters, and bike groups. Flaggers, signage, detours, and fencing to notify and control recreation access and traffic around construction sites. Compensatory plantings, as feasible.	Notification and coordination with recreation users, boaters, and bike groups. Flaggers, signage, detours, and fencing to notify and control recreation access and traffic around construction sites. Compensatory plantings, as feasible.	Notification and coordination with recreation users, boaters, and bike groups. Flaggers, signage, detours, and fencing to notify and control recreation access and traffic around construction sites. Compensatory plantings, as feasible.
Effect With Mitigation	Not applicable.	Significant and unavoidable.					

**EXHIBIT A**

<b>Resource</b>	<b>Alternative 1 No Action</b>	<b>Alternative 7a</b>	<b>Alternative 7b</b>	<b>Alternative 8a</b>	<b>Alternative 8b</b>	<b>Alternative 9a</b>	<b>Alternative 9b</b>
<b>Aesthetics</b>							
Effect	A flood event would damage the visual character in the study area.	Vegetation loss and construction activities would disrupt the existing visual conditions along the levees in North and Central Stockton. Floodwall and closure structure at Smith Canal in Central Stockton.	Vegetation loss and construction activities would disrupt the existing visual conditions along the levees in North and Central Stockton and in RD17. Floodwall and closure structure at Smith Canal in Central Stockton.	Vegetation loss and construction activities would disrupt the existing visual conditions along the levees in North and Central Stockton. Floodwall and closure structure at Smith Canal in Central Stockton.	Vegetation loss and construction activities would disrupt the existing visual conditions along the levees in North and Central Stockton and in RD17. Floodwall and closure structure at Smith Canal in Central Stockton.	Vegetation loss and construction activities would disrupt the existing visual conditions along the levees in North and Central Stockton. Floodwall and closure structure at Smith Canal in Central Stockton.	Vegetation loss and construction activities would disrupt the existing visual conditions along the levees in North and Central Stockton and in RD17. Floodwall and closure structure at Smith Canal in Central Stockton.
Significance	Less than significant.	Significant and unavoidable.					
Mitigation	None possible.	If a variance to the Vegetation ETL is approved, fewer trees and shrubs would be removed and some replacement plantings could be provided on-site. Where feasible, appropriate trees and shrubs would be planted on the landside of the levees outside of the 15 foot no vegetation zone. Disturbed areas would be reseeded with native grasses.	If a variance to the Vegetation ETL is approved, fewer trees and shrubs would be removed and some replacement plantings could be provided on-site. Where feasible, appropriate trees and shrubs would be planted on the landside of the levees outside of the 15 foot no vegetation zone. Disturbed areas would be reseeded with native grasses.	If a variance to the Vegetation ETL is approved, fewer trees and shrubs would be removed and some replacement plantings could be provided on-site. Where feasible, appropriate trees and shrubs would be planted on the landside of the levees outside of the 15 foot no vegetation zone. Disturbed areas would be reseeded with native grasses.	If a variance to the Vegetation ETL is approved, fewer trees and shrubs would be removed and some replacement plantings could be provided on-site. Where feasible, appropriate trees and shrubs would be planted on the landside of the levees outside of the 15 foot no vegetation zone. Disturbed areas would be reseeded with native grasses.	If a variance to the Vegetation ETL is approved, fewer trees and shrubs would be removed and some replacement plantings could be provided on-site. Where feasible, appropriate trees and shrubs would be planted on the landside of the levees outside of the 15 foot no vegetation zone. Disturbed areas would be reseeded with native grasses.	If a variance to the Vegetation ETL is approved, fewer trees and shrubs would be removed and some replacement plantings could be provided on-site. Where feasible, appropriate trees and shrubs would be planted on the landside of the levees outside of the 15 foot no vegetation zone. Disturbed areas would be reseeded with native grasses.
Effect With Mitigation	Less than significant.	Significant and unavoidable.					

**EXHIBIT A**

<b>Resource</b>	<b>Alternative 1 No Action</b>	<b>Alternative 7a</b>	<b>Alternative 7b</b>	<b>Alternative 8a</b>	<b>Alternative 8b</b>	<b>Alternative 9a</b>	<b>Alternative 9b</b>
<b>Noise</b>							
Effect	Increased noise during flood fighting and reconstruction.	Increased noise and vibration in proximity to sensitive receptors due to construction activities.	Increased noise and vibration in proximity to sensitive receptors due to construction activities.	Increased noise and vibration in proximity to sensitive receptors due to construction activities.	Increased noise and vibration in proximity to sensitive receptors due to construction activities.	Increased noise and vibration in proximity to sensitive receptors due to construction activities.	Increased noise and vibration in proximity to sensitive receptors due to construction activities.
Significance	Less than significant.	Significant and unavoidable.					
Mitigation	Not applicable.	Coordination with local residents, compliance with noise ordinances, and BMPs.	Coordination with local residents, compliance with noise ordinances, and BMPs.	Coordination with local residents, compliance with noise ordinances, and BMPs.	Coordination with local residents, compliance with noise ordinances, and BMPs.	Coordination with local residents, compliance with noise ordinances, and BMPs.	Coordination with local residents, compliance with noise ordinances, and BMPs.
Effect With Mitigation	Not applicable.	Significant and unavoidable.					

**EXHIBIT A**

<b>Resource</b>	<b>Alternative 1 No Action</b>	<b>Alternative 7a</b>	<b>Alternative 7b</b>	<b>Alternative 8a</b>	<b>Alternative 8b</b>	<b>Alternative 9a</b>	<b>Alternative 9b</b>
<b>Public Health and Environmental Hazards</b>							
Effect	Flooding could release potential household and industrial chemicals and cause damage to sewage treatment plants.	Potential release of hazardous chemicals used on the construction site. Encountering HTRW sites during construction.	Potential release of hazardous chemicals used on the construction site. Encountering HTRW sites during construction.	Potential release of hazardous chemicals used on the construction site. Encountering HTRW sites during construction.	Potential release of hazardous chemicals used on the construction site. Encountering HTRW sites during construction.	Potential release of hazardous chemicals used on the construction site. Encountering HTRW sites during construction.	Potential release of hazardous chemicals used on the construction site. Encountering HTRW sites during construction.
Significance	Too speculative for meaningful consideration.	Less than significant.					
Mitigation	None possible.	Implement a SWPPP, BSSCP, and SPCCP to avoid accidental spills and releases into the environment. Known HTRW sites within the construction footprint would be removed and properly disposed of prior to construction. HTRW sites encountered during construction would be removed and properly disposed of. Borrow material would be tested prior to use to ensure that no contaminated soils are used for this project.	Implement a SWPPP, BSSCP, and SPCCP to avoid accidental spills and releases into the environment. Known HTRW sites within the construction footprint would be removed and properly disposed of prior to construction. HTRW sites encountered during construction would be removed and properly disposed of. Borrow material would be tested prior to use to ensure that no contaminated soils are used for this project.	Implement a SWPPP, BSSCP, and SPCCP to avoid accidental spills and releases into the environment. Known HTRW sites within the construction footprint would be removed and properly disposed of prior to construction. HTRW sites encountered during construction would be removed and properly disposed of. Borrow material would be tested prior to use to ensure that no contaminated soils are used for this project.	Implement a SWPPP, BSSCP, and SPCCP to avoid accidental spills and releases into the environment. Known HTRW sites within the construction footprint would be removed and properly disposed of prior to construction. HTRW sites encountered during construction would be removed and properly disposed of. Borrow material would be tested prior to use to ensure that no contaminated soils are used for this project.	Implement a SWPPP, BSSCP, and SPCCP to avoid accidental spills and releases into the environment. Known HTRW sites within the construction footprint would be removed and properly disposed of prior to construction. HTRW sites encountered during construction would be removed and properly disposed of. Borrow material would be tested prior to use to ensure that no contaminated soils are used for this project.	Implement a SWPPP, BSSCP, and SPCCP to avoid accidental spills and releases into the environment. Known HTRW sites within the construction footprint would be removed and properly disposed of prior to construction. HTRW sites encountered during construction would be removed and properly disposed of. Borrow material would be tested prior to use to ensure that no contaminated soils are used for this project.
Effect With Mitigation	Not applicable.	Less than significant.					

**EXHIBIT A**

<b>Resource</b>	<b>Alternative 1 No Action</b>	<b>Alternative 7a</b>	<b>Alternative 7b</b>	<b>Alternative 8a</b>	<b>Alternative 8b</b>	<b>Alternative 9a</b>	<b>Alternative 9b</b>
<b>Cultural Resources</b>							
Effect	Damage to historic and prehistoric resources during a flood event.	Adverse effects to cultural resource and to historic properties from construction of levee improvements, new levees, seepage berms, and closure structures.	Adverse effects to cultural resource and to historic properties from construction of levee improvements, new levees, seepage berms, and closure structures.	Adverse effects to cultural resource and to historic properties from construction of levee improvements, new levees, seepage berms, and closure structures.	Adverse effects to cultural resource and to historic properties from construction of levee improvements, new levees, seepage berms, and closure structures.	Adverse effects to cultural resource and to historic properties from construction of levee improvements, new levees, seepage berms, closure structures, and a flood bypass.	Adverse effects to cultural resource and to historic properties from construction of levee improvements, new levees, seepage berms, closure structures, and a flood bypass.
Significance	Significant and unavoidable.	Significant and unavoidable.	Significant and unavoidable.	Significant and unavoidable.	Significant and unavoidable.	Significant and unavoidable.	Significant and unavoidable.
Mitigation	None possible.	Preparation and implementation of a Programmatic Agreement, Historic Properties Management Plan, and Historic Properties Treatment Plans.	Preparation and implementation of a Programmatic Agreement, Historic Properties Management Plan, and Historic Properties Treatment Plans.	Preparation and implementation of a Programmatic Agreement, Historic Properties Management Plan, and Historic Properties Treatment Plans.	Preparation and implementation of a Programmatic Agreement, Historic Properties Management Plan, and Historic Properties Treatment Plans.	Preparation and implementation of a Programmatic Agreement, Historic Properties Management Plan, and Historic Properties Treatment Plans.	Preparation and implementation of a Programmatic Agreement, Historic Properties Management Plan, and Historic Properties Treatment Plans.
Effect With Mitigation	Not applicable.	Significant and unavoidable.	Significant and unavoidable.				

## **Exhibit B**

## Exhibit B

# Mitigation Monitoring and Reporting Program

This chapter is prepared in accordance with CEQA Guidelines Section 15097, which requires adoption of a program for monitoring or reporting on the project revisions and measures imposed to mitigate or avoid significant environmental effects.

This chapter summarizes in tabular format the mitigation measures that would be integrated into the Lower San Joaquin River Final Feasibility Report Final EIR/EIS to reduce the severity of potentially significant impacts. The chapter also describes the party responsible for mitigation measure implementation, timing of implementation, and the party responsible for ensuring compliance. The table that follows consists of four column headings which are defined as follows:

- **Mitigation Measure:** This column contains the mitigation measures to be implemented.
- **Implementation Responsibility:** This column contains an assignment of responsibility for implementing the mitigation measures.
- **Implementation Timing:** This column provides a general schedule for conducting each monitoring and reporting task, identifying where appropriate both the timing and the frequency of the action.
- **Monitoring/Oversight Responsibility:** This column contains an assignment of responsibility for the monitoring and reporting tasks

Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring/Oversight Responsibility
<b>5.5 Water Quality</b>			
<p><b>Avoidance and Minimization Measures (BMPs)</b></p> <ul style="list-style-type: none"> <li>• The contractor would prepare a spill control plan and a SWPPP prior to initiation of construction in accordance with guidance from the RWQCB, Central Valley Region. These plans would be reviewed and approved by USACE before construction begins.</li> <li>• Implement appropriate measures to prevent debris, soil, rock or other material from entering the water. Use a water truck or other appropriate measures to control dust on haul roads, construction areas and stockpiles.</li> <li>• Implement appropriate measures for handling and disposing of concrete and concrete washout water.</li> <li>• Properly dispose of oil or other liquids.</li> <li>• Fuel and maintain vehicles in a specified area that is designed to capture spills. This area cannot be near any ditch, stream or other body of water or feature that may convey water.</li> <li>• Fuels and hazardous materials would not be stored on site.</li> <li>• Inspect and maintain vehicles and equipment to prevent dripping oil and other fluids.</li> <li>• Schedule construction to avoid the rainy season as much as possible. If rains are forecasted during construction, erosion control measures would be implemented as described in the RWQCB Erosion and Sediment Control Field Manual.</li> <li>• Maintain sediment and erosion control measures during construction. Inspect the control measures before, during and after a rain event.</li> <li>• Train construction workers in SWPPP and how to respond to, control, contain and clean up spills.</li> <li>• Revegetate disturbed areas in a timely manner to control erosion.</li> <li>• Materials will be covered and protected from wind, rain and runoff to avoid unwarranted dispersal.</li> <li>• Construct culverts at Moreing Road to slightly reduce residence time at the upstream end of Atherton Cove (by approximately 0.2 days).</li> <li>• Refine operational criteria to ensure that desired FRM benefits are achieved while avoiding degradation of water quality behind the closure structures.</li> </ul>	<p>The project sponsor or its contractor</p>	<p>Prior to, during, and following construction; and During PED</p>	<p>Project sponsor or its contractor, and USACE</p>
<b>5.6 Groundwater</b>			
<p>Potential impacts to groundwater that could result from construction of the cutoff wall would be mitigated through development and implementation of a BSSCP, also known as a frac-out plan. A BSSCP is typically developed for activities that involve the use of bentonite materials. It is intended to minimize the potential for a frac-out associated with excavation and tunneling activities, provide for timely detection of frac-outs and ensure a "minimum-effect" response in the event of a frac-out and release of excavation fluid.</p>	<p>The project sponsor or its contractor</p>	<p>Prior to and during construction</p>	<p>Project sponsor or its contractor</p>



Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring/Oversight Responsibility
<b>5.9 Vegetation</b>			
<p><u>Retain a Biological Monitor</u></p> <p>A qualified biologist would monitor construction activities adjacent to sensitive biological resources (e.g., special-status species, riparian habitat, wetlands, elderberry shrubs), as needed. The biologist would assist the construction crew, as needed, to comply with all project implementation restrictions and guidelines. In addition, the biologist would be responsible for ensuring that construction barriers fencing is maintained adjacent to sensitive biological resources.</p>	Project sponsor	Prior to construction	Project sponsor, USFWS, CDFW, and NMFS
<p><u>Install Exclusion Fencing along the Construction Work Area Perimeter and Implement General Measures to Avoid Effects on Sensitive Natural Communities and Special-Status Species</u></p> <p>To clearly demarcate the project boundary and protect sensitive natural communities, temporary exclusion fencing would be installed around the project boundaries (including access roads, staging areas, etc.) 1 week prior to the start of construction activities. The temporary fencing would be continuously maintenance until all construction activities were completed so that construction equipment would be confined to the designated work areas, including any off site mitigation areas and access thereto. The exclusion fencing would be removed only after construction for the year is entirely completed.</p> <p>Exclusionary construction fencing and explanatory signage would be placed around the perimeter of sensitive vegetation communities that could be affected by construction activities throughout the period during which such effects occur. Signage would explain the nature of the sensitive resource and warn that no effect on the community is allowed. Where feasible, the fencing would include a buffer zone of at least 20 feet between the resource and construction activities. All exclusionary fencing would be maintained in good condition throughout the construction period.</p>	The project sponsor's qualified biologist, or its qualified biologist contractor	1 week prior to construction	Project sponsor
<p><u>Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel</u></p> <p>Before initiating any work in the project area, including grading, a qualified biologist would conduct mandatory contractor/worker awareness training for all construction personnel. It would be provided to brief them on the need to avoid effects on sensitive biological resources (e.g., riparian habitat, special-status species, wetlands and other sensitive biological communities) and the penalties for not complying with permit requirements. The biologist would inform all construction personnel about the life history of special status species with potential for occurrence on the site, the importance of maintaining habitat and the terms and conditions of the BO or other authorizing document. Proof of this instruction would be submitted to USFWS and CDFW.</p> <p>The training would also cover the restrictions and guidelines that must be followed by all construction personnel to reduce or avoid effects on sensitive biological communities and special-status species during project construction. The crew leader would be responsible for ensuring that crew members adhere to the guidelines and restrictions. Educational training would be conducted for new personnel as they are brought on the job. General</p>	The project sponsor's qualified biologist, or its qualified biologist contractor	Prior to construction	USFWS and CDFW

Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring/Oversight Responsibility
<b>5.9 Vegetation (continued)</b>			
<p>restrictions and guidelines for vegetation and wildlife that must be followed by construction personnel are listed.</p> <ul style="list-style-type: none"> <li>Project-related vehicles would observe the posted speed limit on hard-surfaced roads and a 10-mile-per-hour speed limit on unpaved roads during travel in the project site.</li> <li>Project-related vehicles and construction equipment would restrict off-road travel to the designated construction area.</li> <li>To prevent possible resource damage from hazardous materials such as motor oil or gasoline, construction personnel would not service vehicles or construction equipment outside designated staging areas</li> </ul> <p><b>Remediation</b> After construction, structural FRM features and easement areas would be reseeded with native grasses and herbs and/or planted with appropriate herbaceous riparian and wetland species.</p> <p><b>Compensation</b> Vegetation impacts that cannot be mitigated through avoidance, minimization or remediation will be mitigated through compensation. A 14-acre mitigation site has been identified at the setback area in the Delta Front portion of the study area. This site would be planted with primarily VELB compensation (as discussed in Section 5.12) and associated riparian habitat. Additional compensation required for riparian, SRA, wetland and open water habitats would be accomplished through the purchase of credits at a mitigation bank. More information regarding proposed compensation can be found in the Habitat Mitigation, Monitoring and Adaptive Management Plan (Environmental Addendum). Where possible, on site mitigation areas would be the preferred action. USACE would seek opportunities to increase on site mitigation options during the design phase of the project, in accordance with the terms and conditions of the NMFS BO. Mitigation site selection would avoid areas where future disturbance or maintenance is likely. A revegetation plan would be prepared by a qualified biologist or landscape architect and reviewed by the appropriate agencies. The revegetation plan would specify the planting stock appropriate for each riparian cover type and each mitigation site, ensuring the use of genetic stock from the project area and would employ the most successful techniques available at the time of planting. The plantings would be maintained and monitored, as necessary, for 3 to 5 years, including weed removal, irrigation and herbivory protection. USACE would submit annual monitoring reports of survival to the regulatory agencies including USFWS, NMFS and CDFW. Replanting would be necessary if success criteria are not met and replacement plants would subsequently be monitored and maintained to meet the success criteria. The mitigation would be considered successful when the plants meet the success criteria, the vegetation no longer requires active management and is arranged in groups that, when mature, replicate the area, natural structure and species composition of similar plant communities in the region.</p>	<p>The project sponsor's qualified biologist, or its qualified biologist contractor responsible for revegetation plan</p>	<p>3 to 5 years following construction</p>	<p>USACE would submit annual reports to USFWS, NMFS, and CDFW</p>

Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring/Oversight Responsibility
<b>5.10 Wildlife</b>			
<p>The same mitigation measures apply to all of the action alternatives, although the amount of compensatory mitigation would vary based upon the amount and quality of habitat temporarily and permanently affected by the project. Measures to avoid potential impacts to special status species are described in Section 5.12 and would also benefit more common wildlife. Mitigation described in Section 5.9, VEGETATION, would also avoid, minimize, rectify and/or compensate for potential impacts to wildlife. If a vegetation variance was approved and some compensatory mitigation was accomplished on site, then short- and long-term impacts to wildlife habitat would be greatly reduced. However, because new plantings would take many years to establish, a temporal loss would remain. In addition, even with a vegetation variance, some areas that currently support trees and shrubs would be maintained permanently in herbaceous vegetation after construction.</p>	<p>The project sponsor's qualified biologist, or its qualified biologist contractor</p>	<p>Prior to, during, and following construction</p>	<p>USACE, USFWS, CDFW, and NMFS</p>
<b>5.11 Fisheries</b>			
<p>Additional mitigation associated with impacts to fisheries is identified:</p> <ul style="list-style-type: none"> <li>In-water construction not associated with the closure structures would be restricted to the August 1 through November 30 work window, during periods of low fish abundance and outside the principal spawning and migration season. The typical construction season would generally correspond to the dry season, but construction may occur outside the limits of the dry season, only as allowed by applicable permit conditions.</li> <li>Due to the deleterious effects of numerous chemicals on native resident fish used in construction, if a hazardous materials spill does occur, a detailed analysis will be performed immediately by a registered environmental assessor or professional engineer to identify the likely cause and extent of contamination. This analysis will conform to American Society for Testing and Materials standards and will include recommendations for reducing or eliminating the source or mechanisms of contamination. Based on this analysis, USACE and its contractors would select and implement measures to control contamination, with a performance standard that surface water quality and groundwater quality must be returned to baseline conditions.</li> <li>During design feasibility studies for the operation and maintenance of the Mormon Channel bypass, the parameters would be to avoid or minimize stranding in the channel after flow events and flushing of upstream migrating adult fish down the channel from the Stockton Diverting Canal. Designs would include but not be limited to either an adult fish passage barrier at the confluence of the Stockton DWSC or for fish passage facilities at the Stockton Diverting Canal.</li> </ul> <p>The following measures would be implemented during construction of the proposed Fourteen-mile Slough and Smith Canal closure structures to reduce potential adverse effects on ESA listed species, other native fish species and their habitats.</p> <ul style="list-style-type: none"> <li>All in water construction activities would be limited to the period of June 1 through October 31 to avoid the primary migration periods of listed salmonids.</li> </ul>	<p>The project sponsor or its contractor</p>	<p>Prior to, during and following construction</p>	<p>The project sponsor or its contractor</p>

Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring/Oversight Responsibility
<b>5.11 Fisheries (cont.)</b>			
<ul style="list-style-type: none"> <li>In-water pile driving would be restricted to the period of July 1 through September 30 to avoid or minimize exposure of adults and juvenile salmonids to underwater pile-driving sounds.</li> <li>All pile driving would be conducted by a vibratory pile driver to minimize underwater sound levels during pile driving operations.</li> <li>Pile driving would be conducted by barge to minimize disturbance of riparian habitat.</li> </ul>			
<b>5.13 Socioeconomic and Environmental Justice</b>			
<p>Project planning for all of the action alternatives has included attention to avoiding and minimizing potential impacts to adjacent properties to the extent feasible in consideration of the FRM goals of the study. Potential significant adverse impacts to adjacent properties would be mitigated through appropriate compensation. If relocation of people or their homes are required, they would be compensated under the Federal Relocation Act.</p>	The project sponsor and its contractors	Prior to and during construction.	SJAFCA
<b>5.15 Transportation</b>			
<p>Before the start of each construction season, the primary contractors for engineering and construction shall develop a coordinated construction traffic safety and control plan to minimize the simultaneous use of roadways by different construction contractors for material hauling and equipment delivery to the extent feasible and to avoid and minimize potential traffic hazards on local roadways during construction. Items (a) through (f) of this mitigation measure shall be integrated as terms of the construction contracts.</p> <p>a) The plan shall outline phasing of activities and the use of multiple routes to and from offsite locations to minimize the daily amount of traffic on individual roadways.</p> <p>b) The construction contractors shall develop traffic safety and control plans for the local roadways that would be affected by construction traffic. Before the initiation of construction-related activity involving high volumes of traffic, the plan shall be submitted for review by the agency of local jurisdiction (San Joaquin County, City of Stockton or Caltrans [if applicable]) that has responsibility for roadway safety at and between project sites. The contractor would train construction personnel in appropriate safety measures as described in the plan and shall implement the plan. The plan would include the prescribed locations for staging equipment and parking trucks and vehicles. Provisions would be made for overnight parking of haul trucks to avoid causing traffic or circulation congestion. The plan shall call for the following elements:</p> <ul style="list-style-type: none"> <li>posting warnings about the potential presence of slow-moving vehicles;</li> <li>using traffic control personnel when appropriate; and</li> <li>placing and maintaining barriers and installing traffic control devices necessary for safety, as specified in Caltrans's Manual of Traffic Controls for Construction and Maintenance Work Zones and in accordance with city/county requirements.</li> </ul>	The project sponsor and its contractors for engineering and construction	Prior to, and during construction.	The project sponsor and the agency of local jurisdiction (i.e., San Joaquin County, City of Stockton, or Caltrans [if applicable])

Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring/Oversight Responsibility
<b>5.15 Transportation (cont.)</b>			
<p>c) All operations would limit and expeditiously remove, as necessary, the accumulation of project generated mud or dirt from adjacent public streets at least once every 24 hours if substantial volumes of soil are carried onto adjacent paved public roadways during construction.</p> <p>d) If needed to comply with Caltrans requirements, a transportation management plan would be prepared and submitted to Caltrans to cover any points of access from the State highway system for haul trucks and other construction equipment.</p> <p>e) Before the start of the first construction season, the project proponent would enter into maintenance agreements with San Joaquin County and the City of Stockton to address maintenance and repair of affected roadways resulting from increased truck traffic. The agreements would ensure that the affected roadways are repaired to a level that is equivalent to their pre-project condition.</p> <p>f) Before project construction begins, the contractor would provide notification of project construction to all appropriate emergency service providers in San Joaquin County, Stockton, Lathrop and Manteca and shall coordinate with providers throughout the construction period to ensure that emergency access through construction areas is maintained.</p> <p>The contractor would be required to avoid neighborhoods and school zones to the maximum extent feasible when determining haul routes. When possible, hauling in school zones would be limited to the period of summer breaks to avoid noise and traffic impacts to the schools. Any damage to residential roadways during construction would be mitigated per the requirements outlined in the traffic safety and control plan.</p> <p>Alternatives 8a and 8b mitigation measures shall be implemented as described for Alternatives 7a and 7b, except that they would be expanded to include additional lands and the jurisdictions along the Stockton Diverting Canal. During preliminary engineering and design, the project proponent shall provide notification of project construction to all appropriate railroads in the project area, and shall coordinate with all railroads to minimize freight and passenger service disruptions.</p> <p>Alternatives 9a and 9b mitigation measures shall be implemented as described for Alternative 7a and Alternative 7b, except that they would be expanded to include additional lands and the jurisdictions along the Old Mormon Slough. Prior to construction, USACE would coordinate with Caltrans and the City of Stockton to determine detour routes for all proposed bridge replacements. Public notification would occur prior to all bridge closures during construction.</p>			

Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring/Oversight Responsibility
<b>5.16 Utilities and Public Services</b>			
<p>Before beginning construction, coordination with utility providers to implement orderly relocation of utilities that need to be removed or relocated would occur. Coordination would include the following:</p> <ul style="list-style-type: none"> <li>• Notification of any potential interruptions in service shall be provided to the appropriate agencies and affected landowners.</li> <li>• Before the start of construction, utility locations shall be verified through field surveys and the use of Underground Service Alert services. Any buried utility lines shall be clearly marked where construction activities would take place and on the construction specifications before any earthmoving activities begin.</li> <li>• Before the start of construction, the contractor would be required to coordinate with the local municipality and acquire any applicable permits prior to use of municipal water for construction.</li> <li>• Before the start of construction, a response plan shall be prepared to address potential accidental damage to a utility line. The plan shall identify chain of command rules for notification of authorities and appropriate actions and responsibilities to ensure the public and worker safety. Worker education training in response to such situations shall be conducted by the contractor. The response plan shall be implemented by the contractor during construction activities.</li> <li>• Utility relocations shall be staged to minimize interruptions in service.</li> </ul>	The project sponsor or its contractor	Prior to and during construction	The project sponsor
<b>5.17 Recreation</b>			
Impacts resulting from the loss of vegetation would be mitigated on site, where feasible, through additional plantings in existing parks. Approaches to mitigate for loss of vegetation are in Section 5.9, above.	The project sponsor's qualified biologist, or its qualified biologist contractor	During and following construction	USACE, USFWS, CDFW, and NMFS
<b>5.19 Noise</b>			
<ul style="list-style-type: none"> <li>• The contractor shall prepare a construction noise and vibration plan prior to construction.</li> <li>• The contractor shall employ vibration-reducing construction practices.</li> <li>• The contractor shall employ noise-reducing construction practices.</li> <li>• All construction equipment shall be equipped with noise-reduction devices such as mufflers to minimize construction noise and all internal combustion engines shall be equipped with exhaust and intake silencers in accordance with manufacturers' specifications.</li> <li>• Equipment that is quieter than standard shall be used, including electrically powered equipment instead of internal combustion equipment, where use of such equipment is a readily available substitute that accomplishes project tasks in the same manner as internal combustion equipment.</li> <li>• The use of bells, whistles, alarms and horns shall be restricted to safety warning purposes only.</li> </ul>	The project sponsor or its contractor	Prior to and during construction	The project sponsor or its contractor

Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring/Oversight Responsibility
<b>5.19 Noise (cont.)</b>			
<ul style="list-style-type: none"> <li>• Noise-reducing enclosures shall be used around stationary noise-generating equipment (e.g., compressors and generators at slurry pond locations).</li> <li>• Mobile and fixed construction equipment (e.g., compressors and generators), construction staging and stockpiling areas and construction vehicle routes shall be located at the most distant point feasible from noise-sensitive receptors.</li> <li>• When noise-sensitive uses subject to prolonged construction noise and are located within 740 feet of construction in Stockton, Lathrop or unincorporated areas of San Joaquin county or within 1140 feet of construction in Manteca, noise attenuating buffers such as structures, truck trailers or soil piles shall be located between noise generation sources and sensitive receptors.</li> <li>• Before construction activity begins within 740 feet of one or more residences or businesses (or within 1140 feet of residences or businesses in Manteca), the local sponsors (SJAFCA) shall provide written notification to the potentially affected residents or business owners, identifying the type, duration and frequency of construction activities. A noise disturbance coordinator shall be designated and contact information shall be provided in the notices and posted near the project area in a conspicuous location that it is clearly visible to nearby receptors most likely to be disturbed. The coordinator shall manage complaints and concerns resulting from noise-generating activities. The severity of the noise concern would be assessed by the coordinator and if necessary, evaluated by a qualified noise control engineer.</li> <li>• The project proponent (USACE, CVFPB and/or SJAFCA) shall ensure that all heavy trucks are properly maintained and equipped with noise control (e.g., muffler) devices in accordance with manufacturers' specifications at each work site during project construction to minimize construction traffic noise effects on sensitive receptors.</li> <li>• Before haul truck trips are initiated during construction season on roads within 90 feet of residences located along haul routes, written notification shall be provided to potentially affected residents identifying the hours and frequency of haul truck trips. Notifications provide contact information for a noise disturbance coordinator identified above and also identify a mechanism for residents to register complaints with the appropriate jurisdiction if haul truck noise levels are overly intrusive or occur outside the exempt daytime hours for the applicable jurisdiction.</li> </ul>			
<b>5.20 Public Health and Environmental Hazards</b>			
<p>If significant time has elapsed between approval of this document and construction, additional investigations should be done to reduce risk. If construction activities would occur in close proximity to sites identified in the existing conditions section or in the Phase I Site Assessment, a Phase II Environmental Site Assessment should also be conducted. This would further reduce the risk of exposure to workers and the public during construction and assist in the remediation planning. If necessary, the assessment would include an analysis of soil or groundwater samples for the potential contamination sites that have not yet been covered by previous investigations before construction activities begin. Recommendations in Phase I and Phase II Environmental Site Assessments to address any contamination that is found would be implemented before initiating ground-disturbing activities.</p>	<p>The project sponsor or its contractor</p>	<p>Prior to and during construction</p>	<p>Project sponsor</p>

Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring/Oversight Responsibility
<b>5.20 Public Health and Environmental Hazards (cont.)</b>			
<p>In addition, the following measures would be implemented before ground-disturbing or demolition activities begin, in order to reduce health hazards associated with potential exposure to hazardous substances:</p> <ul style="list-style-type: none"> <li>• Complete a Phase I Site Assessment prior to completing preconstruction designs and initiating construction.</li> <li>• Prepare a site plan that identifies any necessary remediation activities appropriate for proposed land uses, including excavation and removal of contaminated soils and redistribution of clean fill material on the project site. The plan would include measures that ensure the safe transport, use and disposal of contaminated soil and building debris removed from the site, as well as any other hazardous materials. In the event that contaminated groundwater is encountered during site excavation activities, the contractor would report the contamination to the appropriate regulatory agencies, dewater the excavated area and treat the contaminated groundwater to remove contaminants before discharge into the sanitary sewer system. The contractor would be required to comply with the plan and applicable Federal, State and local laws.</li> <li>• Notify appropriate Federal, State and local agencies if evidence of previously undiscovered soil or groundwater contamination is encountered during construction. Any contaminated areas would be cleaned up in accordance with the recommendations of the Central Valley RWQCB, California DTSC or other appropriate Federal, State or local regulatory agencies.</li> <li>• A worker health and safety plan would be prepared before the start of construction that identifies, at a minimum, all contaminants that could be encountered during construction; all appropriate worker, public health and environmental protection equipment and procedures to be used during project activities; emergency response procedures; the most direct route to the nearest hospitals; and a Site Safety Officer. The plan would describe actions to be taken if hazardous materials are encountered on-site, including protocols for handling hazardous materials, preventing their spread and emergency procedures to be taken in the event of a spill.</li> <li>• Retain licensed contractors to remove all underground storage tanks.</li> </ul>			
<b>5.21 Cultural Resources</b>			
<p>USACE began consultation concerning a PA with SHPO and Native American Tribes (Environmental Addendum). A fully executed PA will be in place prior to project implementation. Specific mitigation measures would be developed in accordance with the PA to address any adverse effects on historic properties through the development of an HPTP. The HPTP would guide the level of data recovery, mitigation or actions taken to resolve adverse effects to the historic property. The main requirements of the contents of a research design and HPTP are located in the PA.</p> <p>Depending on the nature of the adverse effect, actions to protect or mitigate for adverse effects to historic properties may include the following:</p>	The project sponsor or its contractor	Prior to and during construction	Project sponsor

Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring/Oversight Responsibility
<b>5.21 Cultural Resources (cont.)</b>			
<ul style="list-style-type: none"> <li>• Redesigning the project to avoid historic properties or sensitive areas.</li> <li>• Conducting data recovery excavations of archaeological sites that cannot be avoided or are discovered during construction, based on an approved HPTP.</li> <li>• Monitoring all ground disturbing construction activities in areas where buried resources are anticipated.</li> <li>• Surveying and protecting exposed inundated cultural deposits.</li> <li>• Protecting exposed archaeological sites from vandalism and erosion with fencing and revegetation or capping sites in an approved manner with appropriate material.</li> <li>• Preparing and implementing an inadvertent discovery plan.</li> <li>• If previously undiscovered resources are identified during an undertaking, suspend work while the resource is evaluated and mitigated to avoid any further impact.</li> </ul>			

# **Exhibit B**

## **TS\_30\_L Mitigation Monitoring and Reporting Program**

## MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing	Verification of Compliance (Initials and Date)
<b>Aesthetics</b>				
<b>Mitigation Measure 3.6-16</b> (See text under Impact 3.6-2) <b>Mitigation Measure 3.6-17</b> (See text under Impact 3.6-2) <b>Mitigation Measure 3.6-18</b> (See text under Impact 3.6-2) <b>Mitigation Measure 3.6-19</b> (See text under Impact 3.6-2)	USACE	USACE	Prior to and during construction activities	
<b>Air Quality and Greenhouse Gas Emissions</b>				
<b>Mitigation Measure 3.2.2-1: Reduce Construction-Related NO<sub>x</sub> Emissions.</b> The mitigation measure for Alternative 7a outlined in Section 5.8.10 of the 2018 LSJR FR/EIS/EIR shall be applied to the Modified Project: <ul style="list-style-type: none"> <li>USACE shall require the use of off-road equipment that meets or exceeds USEPA or California Air Resources Board CARB Tier 4 off-road emission standards for all off-road vehicles greater than 25 horsepower and operating for more than 20 total hours over the entire duration of construction activities. Prior to issuance of a construction permit, the prime contractor(s) shall prepare and submit a Construction Emissions Minimization Plan (Plan) to USACE for review and approval. The Plan shall include estimates of the construction timeline by phase with a description of each piece of equipment required for every construction phase. Equipment descriptions and information shall include: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number and expected fuel usage and hours of operation. The Plan shall be kept by USACE and made available for review by any persons requesting it. Quarterly reports shall be submitted by the prime contractor(s) to USACE indicating the construction phase and equipment information used during each phase for the previous quarter. <u>Prior to construction, USACE will obtain applicable permit(s) from the SJVAPCD. USACE and SJAFCA would coordinate with the SJVAPCD to ensure compliance with all District rules that may apply to the construction of TS30L and its associated mitigation site, including but not limited to District Rule 9510, District Regulation VII, and District Rule 4641.</u> </li> </ul>	USACE	USACE	Prior to and during construction activities	
<b>Hazards, Hazardous Materials, and Public Safety</b>				
<b>Mitigation Measure 3.2.4-1: Reduce Hazards Associated with Potential Exposure to Hazardous Substances.</b> The mitigation measures for Alternative 7a outlined in Section 5.20.10 of the 2018 LSJR FR/EIS/EIR have been slightly modified and shall be applied to the Modified Project: <ul style="list-style-type: none"> <li>The following measures would be implemented before ground-disturbing or demolition activities begin, in order to reduce health hazards associated with potential exposure to hazardous substances: <ul style="list-style-type: none"> <li>Complete a Phase I Environmental Site Assessment (ESA) prior to completing preconstruction designs and initiating construction. Where construction activities would</li> </ul> </li> </ul>	USACE	USACE	Prior to construction activities	

### MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing	Verification of Compliance (Initials and Date)
<p>occur in close proximity to sites identified as Recognized Environmental Conditions in the Phase I ESA, a Phase II site investigation will also be conducted.</p> <ul style="list-style-type: none"> <li>○ Prepare a site plan that identifies any necessary remediation activities appropriate for proposed land uses, including excavation and removal of contaminated soils and redistribution of clean fill material on the project site. The plan would include measures that ensure the safe transport, use and disposal of contaminated soil and building debris removed from the site, as well as any other hazardous materials. In the event that contaminated groundwater is encountered during site excavation activities, the</li> </ul>				
<b>Hazards, Hazardous Materials, and Public Safety (cont.)</b>				
<p>contractor would report the contamination to the appropriate regulatory agencies, dewater the excavated area and treat the contaminated groundwater to remove contaminants before discharge into the sanitary sewer system. The contractor would be required to comply with the plan and applicable Federal, State and local laws.</p> <ul style="list-style-type: none"> <li>○ Notify appropriate Federal, State and local agencies if evidence of previously undiscovered soil or groundwater contamination is encountered during construction. Any contaminated areas would be cleaned up in accordance with the recommendations of the Central Valley Regional Water Quality Control Board (Regional Board), California DTSC or other appropriate Federal, State or local regulatory agencies.</li> <li>○ A worker health and safety plan would be prepared before the start of construction that identifies, at a minimum, all contaminants that could be encountered during construction; all appropriate worker, public health and environmental protection equipment and procedures to be used during project activities; emergency response procedures; the most direct route to the nearest hospitals; and a Site Safety Officer. The plan would describe actions to be taken if hazardous materials are encountered on-site, including protocols for handling hazardous materials, preventing their spread and emergency procedures to be taken in the event of a spill.</li> <li>○ Retain licensed contractors to remove all underground storage tanks.</li> </ul>				
<b>Water Quality</b>				
<p><b>Mitigation Measure 3.2.6-1: Water Quality Avoidance and Minimization Measures.</b> The mitigation measures for Alternative 7a outlined in Section 5.5.10 of the 2018 LSJR FR/EIS/EIR shall be applied to the Modified Project in addition to all requirements of the SWPPP, BSSCP, and SPCCP:</p> <ul style="list-style-type: none"> <li>• The contractor would prepare a spill control plan and a SWPPP prior to initiation of construction in accordance with guidance from the Regional Board, Central Valley Region. These plans would be reviewed and approved by USACE before construction begins.</li> <li>• Implement appropriate measures to prevent debris, soil, rock, or other material from entering the water. Use vacuum sweepers or other appropriate measures to control dust on haul roads, construction areas and stockpiles.</li> </ul>	USACE	USACE	Prior to and during construction activities	

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<ul style="list-style-type: none"> <li>• Implement appropriate measures for handling and disposing of concrete and concrete washout water.</li> <li>• Properly dispose of oil or other liquids.</li> <li>• Fuel and maintain vehicles in a specified area that is designed to capture spills. This area cannot be near any ditch, stream or other body of water or feature that may convey water.</li> <li>• Fuels and hazardous materials would not be stored on site.</li> <li>• Inspect and maintain vehicles and equipment to prevent dripping oil and other fluids.</li> </ul>				
<b>Water Quality (cont.)</b>				
<ul style="list-style-type: none"> <li>• Schedule construction to avoid the rainy season as much as possible. If rains are forecasted during construction, erosion control measures would be implemented as described in the Regional Board Erosion and Sediment Control Field Manual.</li> <li>• Maintain sediment and erosion control measures during construction. Inspect the control measures before, during and after a rain event.</li> <li>• Train construction workers in SWPPP and how to respond to, control, contain and clean up spills.</li> <li>• Revegetate disturbed areas in a timely manner to control erosion.</li> <li>• Materials will be covered and protected from wind, rain and runoff to avoid unwarranted dispersal.</li> <li>• Refine operational criteria to ensure that desired Flood Risk Management (FRM) benefits are achieved while avoiding degradation of water quality behind the closure structures.</li> </ul>				
<b>Groundwater</b>				
<p><b>Mitigation Measure 3.2.7-1: Bentonite Slurry Spill Contingency Plan.</b> The mitigation measures for Alternative 7a outlined in Section 5.6.10 of the 2018 LSJR FR/EIS/EIR shall be applied to the Modified Project:</p> <ul style="list-style-type: none"> <li>• Potential impacts to groundwater that could result from construction of the cutoff wall would be mitigated through development and implementation of a BSSCP, also known as a frac-out plan. A BSSCP is typically developed for activities that involve the use of bentonite materials. It is intended to minimize the potential for a frac-out associated with excavation and tunneling activities, provide for timely detection of frac-outs and ensure a “minimum-effect” response in the event of a frac-out and release of excavation fluid.</li> </ul>	USACE	USACE	Prior to construction activities	
<b>Utilities and Service Systems</b>				
<p><b>Mitigation Measure 3.2.8-1: Coordination with Utility Providers &amp; Response Plan.</b> The mitigation measures for Alternative 7a outlined in Section 5.16.10 of the 2018 LSJR FR/EIS/EIR shall be applied to the Modified Project:</p>	USACE	USACE	Prior to construction activities	

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<ul style="list-style-type: none"> <li>• Before beginning construction, coordination with utility providers to implement orderly relocation of utilities that need to be removed or relocated would occur. Coordination would include the following:</li> <li>• Notification of any potential interruptions in service shall be provided to the appropriate agencies and affected landowners.</li> <li>• Before the start of construction, utility locations shall be verified through field surveys and the use of Underground Service Alert services. Any buried utility lines shall be clearly marked where construction activities would take place and on the construction specifications before of any earthmoving activities begin.</li> </ul>				
<ul style="list-style-type: none"> <li>• Before the start of construction, the contractor would be required to coordinate with the local municipality and acquire any applicable permits prior to use of municipal water for construction.</li> <li>• Before the start of construction, a response plan shall be prepared to address potential accidental damage to a utility line. The plan shall identify chain of command rules for notification of authorities and appropriate actions and responsibilities to ensure the public and worker safety. Worker education training in response to such situations shall be conducted by the contractor. The response plan shall be implemented by the contractor during construction activities.</li> <li>• Utility relocations shall be staged to minimize interruptions in service.</li> </ul>				
<b>Agricultural and Forestry Resources</b>				
<p><b>Mitigation Measure 3.5-1: Minimize and Avoid Loss of Special Designated Farmland.</b> The following measures shall be implemented before and during construction of the Modified Project to minimize and avoid loss of Prime and Unique Farmland and Farmland of Statewide Importance.</p> <ul style="list-style-type: none"> <li>• Biological mitigation sites shall be designed to minimize, to the greatest extent feasible, the loss of agricultural land with the highest values.</li> <li>• Biological mitigation sites shall be designed to minimize fragmentation or isolation of Special Designated Farmland. Where a biological mitigation site involves acquiring land or easements, any area not needed for biological habitat mitigation, <u>if applicable</u>, shall be of a size sufficient to allow viable farming operations. <del>In such situation, USACE shall be responsible for acquiring easements, making lot line adjustments, and merging affected land parcels into units suitable for continued commercial agricultural management.</del></li> <li>• Any utility or infrastructure serving agricultural uses shall be reconnected if it is disturbed by biological mitigation site construction. If a biological mitigation site temporarily or permanently cuts off roadway access or removes utility lines, irrigation features, or other infrastructure, USACE shall be responsible for restoring access as necessary to ensure that economically viable farming operations are not interrupted.</li> <li>• Where applicable to a biological mitigation site, buffer areas shall be established between restoration projects and adjacent agricultural land. The buffers shall be sufficient to protect and maintain land capability and flexibility in agricultural operations. Buffers shall be</li> </ul>	USACE	USACE	Prior to and during construction activities	

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing	Verification of Compliance (Initials and Date)
<p>designed to protect the feasibility of ongoing agricultural operations and reduce the effects of construction-related or operational activities (including the potential to introduce special-status species in the agricultural areas) on adjacent or nearby properties. Buffers shall also serve to protect biological mitigation sites from noise, dust, and the application of agricultural chemicals. The width of each buffer shall be determined on a site-by-site basis to account for variations in prevailing winds, crop types, agricultural practices, ecological restoration, or infrastructure. Buffers can function as drainage swales, trails, roads, linear parkways, or other uses compatible with ongoing agricultural operations.</p>				
<b>Biological Resources</b>				
<p><b>Mitigation Measure 3.6-1: Special-Status Plant Surveys.</b> Before Modified Project construction, surveys for special-status plants with potential to occur shall be conducted by a qualified botanist at the appropriate time of year when the target species would be in flower or otherwise clearly identifiable. Surveys shall be conducted in accordance with specific guidelines described by <i>Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities</i> (CDFW 2018).</p>	USACE	USACE	Prior to construction activities	
<p><b>Mitigation Measure 3.6-2: Special-Status Plant Measures.</b> If special-status plants are found, the following measures shall be implemented:</p> <ul style="list-style-type: none"> <li>• Qualified botanists shall survey the biological study area to document the presence of special-status plants before Modified Project implementation and shall conduct a floristic survey that follows the CDFW botanical survey guidelines (CDFW 2018). All plant species observed will be identified to the level necessary to determine whether they qualify as special-status plants or are plant species with unusual or significant range extensions. The guidelines also require that field surveys be conducted when special-status plants that could occur in the area are evident and identifiable, generally during the reported blooming period. To account for different special-status plant identification periods, one or more series of field surveys may be required in spring and summer. If any special-status plants are identified during the surveys, the botanist shall photograph and map locations of the plants, document the location and extent of the special-status plant population on a CNDDDB survey form, and submit the completed survey form to the CNDDDB. The amount of compensatory mitigation required will be based on the results of these surveys.</li> <li>• If one or more special-status plants is identified in the biological study area during preconstruction surveys, the sponsor shall redesign or modify the Modified Project, including the restoration plans for the biological mitigation site components, to avoid indirect or direct effects on special-status plants wherever feasible. If special-status plants cannot be avoided by redesigning projects, compensatory mitigation shall be implemented to avoid significant effects on special-status plants.</li> <li>• If complete avoidance of special-status plants is not feasible, the effects of the Modified Project on special-status plants shall be mitigated through off-site preservation at the chosen biological mitigation site at a minimum of a 1:1 ratio but shall be negotiated with the resource agencies. Suitable habitat for affected special-status plant species will occur in a conservation area, preserved and managed in perpetuity. Detailed information shall be provided to the agencies on the location and quality of the preservation area, the</li> </ul>	USACE	USACE	Prior to and during construction activities	

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing	Verification of Compliance (Initials and Date)
<p>feasibility of protecting and managing the area in perpetuity, and the responsible parties. Other pertinent information also shall be provided, to be determined through future coordination with the resource agencies.</p>				
<p><b>Mitigation Measure 3.6-3: Worker Awareness Training.</b> Before ground disturbance, all construction personnel shall participate in a CDFW-approved worker environmental awareness program. A qualified biologist shall inform all construction personnel about the life history of Swainson’s hawk and the importance of nest sites and foraging habitat.</p>	USACE	USACE	Prior to construction activities	
<p><b>Mitigation Measure 3.6-4: Breeding-Season Survey.</b> If construction work is to occur during the Swainson’s hawk breeding season, a breeding-season survey for nesting birds shall be conducted for all trees and shrubs that would be removed or disturbed that are located within 500 feet (0.5 mile for Swainson’s hawk) of construction activities, including grading. Swainson’s hawk surveys shall be completed during at least two of the following survey periods: January 1 to March 20; March 20 to April 5; April 5 to April 20; and June 10 to July 30. No fewer than three surveys shall be completed in at least two survey periods and at least one of these surveys shall occur immediately prior to Modified Project initiation (SWHA TAC 2000). Other migratory bird nest surveys could be conducted concurrent with Swainson’s hawk surveys, with at least one survey to be conducted no more than 48 hours from the initiation of Modified Project activities to confirm the absence of nesting. If the biologist determines that the area surveyed does not contain any active nests, construction activities, including removal or pruning of trees and shrubs, could commence without any further mitigation.</p>	USACE	USACE	Prior to construction activities	
<p><b>Mitigation Measure 3.6-5: Active Nest Buffer.</b> If active nests are found, USACE shall maintain a 0.25-mile buffer between construction activities and the active nest(s). In addition, a qualified biologist shall be present on-site during construction activities to ensure that the buffer distance is adequate and that the birds are not showing any signs of stress. If signs of stress that could cause nest abandonment are noted, construction activities shall cease until a qualified biologist determines that fledglings have left an active nest. With the written permission of the wildlife agencies and under the supervision of the qualified biologist, work within the temporary nest disturbance buffer may occur. The qualified biologist shall be on-site daily while construction-related activities are taking place within the buffer.</p>	USACE	USACE	During construction activities	
<p><b>Mitigation Measure 3.6-6: Burrowing Owl Preconstruction Surveys.</b> Prior to initiation of any excavation activities at borrow sites, a preconstruction survey for burrowing owls shall be completed in accordance with CDFW guidelines described in the <i>Staff Report on Burrowing Owl Mitigation</i>. If no burrowing owls are located during these surveys, then effects on burrowing owls would be less than significant and no mitigation is required. If burrowing owls are located on or immediately adjacent to the site, then coordination shall occur with CDFW to determine the measures that need to be implemented to ensure that burrowing owls are not affected by the Modified Project. Potential mitigation measures that could be implemented include:</p> <ul style="list-style-type: none"> <li>• A qualified biologist shall conduct appropriate surveys at and around material source sites, to determine the presence/absence of burrowing owls. At least one survey shall be conducted no more than 1 week prior to the onset of any construction activity.</li> </ul>	USACE	USACE	Prior to construction activities	

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing	Verification of Compliance (Initials and Date)
<ul style="list-style-type: none"> <li>A 250-foot buffer, within which no new activity would be permissible, shall be maintained between Modified Project activities and nesting burrowing owls. This protected area shall remain in effect until August 31 or at CDFW's discretion, until the young owls are foraging independently.</li> </ul>				
<ul style="list-style-type: none"> <li>No burrowing owls shall be evicted from burrows during the nesting season (February 1 through August 31). Eviction outside the nesting season could be permitted pending evaluation of eviction plans and receipt of formal written approval from CDFW authorizing the eviction.</li> <li>Mandatory worker awareness training for construction personnel shall be conducted.</li> </ul>				
<p><b>Mitigation Measure 3.6-7: Nesting Bird Surveys.</b> USACE shall conduct surveys in the spring of each construction year to locate nest sites of the mentioned species in suitable breeding habitats. Surveys shall be conducted by a qualified biologist using survey methods approved by USFWS. Survey results shall be submitted to USFWS before construction is initiated. If nests or young of these species are not located, construction may proceed. If nests or young are located, USACE shall coordinate with USFWS and CDFW to determine what mitigation measures could be implemented to avoid or reduce potential disturbance-related impacts on these species. Measures could include a no-disturbance buffer zone established around the nest site. The width of the buffer zone shall be determined by a qualified biologist in coordination with USFWS. No construction activities shall occur within the buffer zone, which shall be maintained until the young have fledged (as determined by a qualified biologist).</p>	USACE	USACE	Prior to construction activities	
<p><b>Mitigation Measure 3.6-8: Minimization of Effects on Giant Garter Snake.</b> The following measures shall be implemented to minimize effects on giant garter snake habitat that occurs within 200 feet of any construction activity. These measures are based on USFWS guidelines for restoration and standard avoidance measures included as appendices in USFWS (1997).</p> <ul style="list-style-type: none"> <li>Unless approved otherwise by USFWS, construction shall be initiated only during the giant garter snake active period (May 1–October 1, when they are able to move away from disturbance).</li> <li>All construction personnel, including workers and contractors, shall participate in a worker environmental awareness training program conducted by a USFWS-approved biologist prior to commencement of construction activities.</li> <li>A giant garter snake survey shall be conducted 24 hours prior to construction in potential habitat. Should there be any interruption in work for greater than 2 weeks, a biologist shall survey the Modified Project area again no later than 24 hours prior to the restart of work.</li> <li>Giant garter snakes encountered during construction activities shall be allowed to move away from construction activities on their own.</li> <li>Movement of heavy equipment to and from the construction site shall be restricted to established roadways.</li> <li>Giant garter snake habitat within 200 feet of construction activities shall be designated as an environmentally sensitive area and delineated with signs and high-visibility fencing.</li> </ul>	USACE	USACE	Prior to and during construction activities	

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing	Verification of Compliance (Initials and Date)
<p>Fencing shall be inspected and maintained as needed daily until completion of each work section of the Modified Project. This area shall be avoided by all construction personnel.</p> <ul style="list-style-type: none"> <li>• If USACE elects to use exclusionary fencing in lieu of continuous monitoring, it shall be buried at least 6 inches below the ground to prevent snakes from burrowing and moving under the fence and shall be inspected daily.</li> <li>• If a frac-out is identified, all work shall stop, including the recycling of the bentonite fluid. In the event of a frac-out into water, the location and extent of the frac-out shall be determined and the frac-out shall be monitored for 4 hours to determine whether the fluid congeals (bentonite will usually harden, effectively sealing the frac-out location).</li> <li>• USFWS, NMFS, CDFW, and the Regional Water Quality Control Board shall be notified immediately of any spills and will be consulted regarding clean-up procedures. A Brady barrel will be on-site and shall be used if a frac-out occurs. Containment materials, such as straw bales, also will be on-site prior to and during all operations and a vacuum truck will be on retainer and available to be operational on-site within 2 hours' notice. The site supervisor shall take any necessary follow-up response actions in coordination with agency representatives. The site supervisor shall coordinate the mobilization of equipment stored at staging areas (e.g., vacuum trucks) as needed.</li> <li>• If the frac-out has reached the surface, any material contaminated with bentonite shall be removed by hand to a depth of 1 foot, contained, and properly disposed of, as required by law. The drilling contractor shall be responsible for ensuring that the bentonite is either properly disposed of at an approved Class II disposal facility or properly recycled in an approved manner.</li> <li>• Project-related vehicles shall observe a 10 mph speed limit within construction areas, except on existing paved roads where they shall adhere to the posted speed limits.</li> <li>• Aquatic habitat for the snake that would be affected by construction shall be inspected for the snake, then dewatered and maintained dry and absent of aquatic prey for 5 days before initiation of construction activities. This measure applies primarily to the ditches to be relocated west of the Delta front levee sections. If complete dewatering is not possible, USFWS shall be contacted to determine what additional measures, if any, may be necessary to minimize effects on the snake.</li> </ul>				
<p><b>Mitigation Measure 3.6-9: Giant Garter Snake Compensation.</b> If giant garter snake habitat would be temporarily affected during construction, the following measures shall be implemented to compensate for the habitat loss at the selected biological mitigation site:</p> <ul style="list-style-type: none"> <li>• Habitat (including aquatic and upland) temporarily affected for one construction season (May 1–October 1) shall be restored after construction by applying appropriate erosion control techniques and replanting/seedling with appropriate native plants.</li> <li>• Aquatic habitat permanently affected shall be replaced at a 3:1 ratio through the purchase of credits at a mitigation bank or the establishment of aquatic habitat at one of the mitigation sites.</li> <li>• Upland habitat permanently affected shall be replaced at a minimum of 1:1 ratio.</li> </ul>	USACE	USACE	Prior to and during construction activities	

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing	Verification of Compliance (Initials and Date)
<ul style="list-style-type: none"> <li>USACE shall work to develop appropriate mitigation prior to or concurrent with any disturbance of giant garter snake habitat. Habitat shall be protected in perpetuity and have an endowment attached for management and maintenance.</li> </ul>				
<p><b>Mitigation Measure 3.6-10: Minimization of Any Potential Effects on VELB or Their Habitat.</b> During construction for the Modified Project, USACE shall implement the measures included in the <i>Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle</i> (USFWS 2017b; see Appendix G) to reduce effects on valley elderberry longhorn beetle. The framework includes avoidance and minimization measures for shrubs that would not be transplanted within 50 meters of the Project, methodologies for transplanting of shrubs, and methodologies for compensatory mitigation guidance for removed habitat.</p>	USACE	USACE	Prior to and during construction activities	
<p><b>Mitigation Measure 3.6-11: VELB Compensation.</b> In accordance with the USFWS 2017 <i>Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle</i> (<i>Desmocerus californicus dimorphus</i>), adverse effects on the VELB shall be compensated for by transplanting the affected elderberries with stems greater than 1 inch in diameter and by planting a mix of native suitable riparian vegetation at a 3:1 ratio. The amount of compensation for VELB shall be based on USFWS review. A suitable transplant site shall be selected and planted with transplanted shrubs and new seedlings and associated riparian habitat, in accordance with the USFWS guidelines.</p>	USACE	USACE	Prior to and during construction activities	
<p><b>Mitigation Measure 3.6-12: Bat and Roosting Habitat Survey.</b></p> <p>In advance of tree removal, a preconstruction survey for special-status bats shall be conducted by a qualified biologist to characterize potential bat habitat and identify active roost sites within the Modified Project site. Should potential roosting habitat or active bat roosts be found in trees and/or structures to be removed under the Modified Project, the following measures shall be implemented:</p> <ul style="list-style-type: none"> <li>Removal of trees and structures shall occur when bats are active, approximately March 1–April 15 and August 15–October 15, and outside of bat maternity roosting season (approximately April 15–August 31) and months of winter torpor (approximately October 15–February 28), to the extent feasible.</li> <li>If removal of trees during the periods when bats are active is not feasible and active bat roosts being used for maternity or hibernation purposes are found on or in the immediate vicinity of the Modified Project where tree removal is planned, a no-disturbance buffer of 100 feet shall be established around these roost sites until they are determined to be no longer active by the qualified biologist.</li> <li>The qualified biologist shall be present during tree removal if active bat roosts that are not being used for maternity or hibernation purposes are present. Trees with active roosts shall be removed only when no rain is occurring or is forecast to occur for 3 days and when daytime temperatures are at least 50 degrees Fahrenheit.</li> </ul>	USACE	USACE	Prior to construction activities	

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing	Verification of Compliance (Initials and Date)
<ul style="list-style-type: none"> <li>• Removal of trees with active or potentially active roost sites shall follow a two-step removal process:               <ul style="list-style-type: none"> <li>○ On the first day of tree removal and under supervision of the qualified biologist, branches and limbs not containing cavities or fissures in which bats could roost, shall be cut only using chain saws.</li> <li>○ On the following day and under the supervision of the qualified biologist, the remainder of the tree may be removed, using either chain saws or other equipment (e.g., excavator or backhoe).</li> </ul> </li> <li>• Removal of structures containing or suspected to contain active bat roosts, that are not being used for maternity or hibernation purposes, shall be dismantled under the supervision of the qualified biologist in the evening and after bats have emerged from the roost to forage. Structures shall be partially dismantled to significantly change the roost conditions, causing bats to abandon and not return to the roost. If deemed necessary by a qualified biologist, bat exclusion devices may be installed to prevent the re-entry of bats to a roost.</li> </ul>				
<p><b>Mitigation Measure 3.6-13: Hazardous Materials Spill Notification.</b> Given the deleterious effects of numerous chemicals on native resident fish used in construction, if a hazardous materials spill does occur, a detailed analysis shall be performed immediately by a registered environmental assessor or professional engineer to identify the likely cause and extent of contamination. This analysis shall conform to American Society for Testing and Materials standards and shall include recommendations for reducing or eliminating the source or mechanisms of contamination. Based on this analysis, USACE and its contractors shall select and implement measures to control contamination, with a performance standard that surface water and groundwater quality must be returned to baseline conditions.</p>	USACE	USACE	During construction activities	
<p><b>Mitigation Measure 3.6-14: In-Water Work Windows.</b> In-water construction for the biological mitigation sites shall be restricted to the general estimated work window required for each waterway as described in the NMFS 2016 BO or superseding BO. During preconstruction engineering and design, the work window may be adjusted on a site-specific basis, considering periods of low fish abundance, and in-water construction outside the principal spawning and migration season. The typical construction season generally corresponds to the dry season, but construction may occur outside the limits of the dry season, only as allowed by applicable permit conditions.</p>	USACE	USACE	Prior to and during construction activities	
<p><b>Mitigation Measure 3.6-15: Avoidance and Minimization of Effects on Listed Fish Species.</b> In 2016, NMFS issued a BO for the LSJR Feasibility Study consultation for levee improvements. The NMFS BO evaluated impacts on Central Valley spring-run Chinook salmon, California Central Valley steelhead, and green sturgeon, as well as their critical habitat. The BO evaluated potential impacts based on rough estimates and preliminary designs for the proposed Project. To avoid and minimize effects on listed fish species, the measures from the 2016 NMFS BO or superseding BO shall be implemented.</p>	USACE	USACE	Prior to and during construction activities	

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing	Verification of Compliance (Initials and Date)
<p><b>Mitigation Measure 3.6-16 Temporary Fencing.</b> To clearly demarcate the Modified Project's boundaries and protect sensitive natural communities, temporary exclusion fencing shall be installed around the Modified Project boundaries (e.g., access roads, staging areas) 1 week prior to the start of construction activities. The temporary fencing shall be continuously maintained until all construction activities are completed so that construction equipment is confined to the designated work areas, including any off-site mitigation areas and access thereto. The exclusion fencing shall be removed only after construction for the year is entirely completed. Exclusionary construction fencing and explanatory signage shall be placed around the perimeter of sensitive vegetation communities that could be affected by construction activities throughout the period during which such effects occur. The signage will explain the nature of the sensitive resource and warn that no effect on the community is allowed. Where feasible, the fencing will include a buffer zone of at least 20 feet between the resource and construction activities. All exclusionary fencing shall be maintained in good condition throughout the construction period.</p>	USACE	USACE	Prior to and during construction activities	
<p><b>Mitigation Measure 3.6-17 Mandatory Contractor/Worker Awareness Training.</b> Before the initiation of any work in the Modified Project area, including grading, a qualified biologist shall conduct mandatory contractor/worker awareness training for all construction personnel. This training shall be provided to brief workers on the need to avoid effects on sensitive biological resources (e.g., riparian habitat, special-status species, wetlands, and other sensitive biological communities) and the penalties for not complying with permit requirements. The biologist shall inform all construction personnel about the life history of special-status species with potential for occurrence on the site, the importance of maintaining habitat, and the terms and conditions of the BO or other authorizing document. Proof of this instruction shall be submitted to USFWS.</p> <p>The training shall also cover the restrictions and guidelines that must be followed by all construction personnel to reduce or avoid effects on sensitive biological communities and special-status species during Modified Project construction. The crew leader shall be responsible for ensuring that crew members adhere to the guidelines and restrictions. Educational training shall be conducted for new personnel as they are brought on the job. General restrictions and guidelines for vegetation and wildlife that must be followed by construction personnel are listed below.</p> <ul style="list-style-type: none"> <li>• Modified Project–related vehicles shall observe the posted speed limit on hard-surfaced roads and a speed limit of 10 miles per hour on unpaved roads during travel on the project site.</li> <li>• Modified Project–related vehicles and construction equipment shall restrict their off-road travel to the designated construction area.</li> <li>• To prevent possible resource damage from hazardous materials such as motor oil or gasoline, construction personnel shall not service vehicles or construction equipment outside designated staging areas.</li> </ul>	USACE	USACE	Prior to and during construction activities	

## MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing	Verification of Compliance (Initials and Date)
<p><b>Mitigation Measure 3.6-18 Construction Monitoring.</b> A qualified biologist shall monitor construction activities adjacent to sensitive biological resources (e.g., special-status species, riparian habitat, wetlands, elderberry shrubs), as needed. The biologist shall assist the construction crew, as needed, to comply with all Modified Project implementation restrictions and guidelines. In addition, the biologist shall be responsible for ensuring that construction barrier fencing is maintained adjacent to sensitive biological resources.</p>	USACE	USACE	During construction activities	
<p><b>Mitigation Measure 3.6-19: Riparian Compensation.</b> Vegetation impacts that cannot be mitigated through avoidance, minimization, or remediation shall be mitigated through restoration at the selected biological mitigation site. A revegetation plan for the biological mitigation site shall be prepared by a qualified biologist or landscape architect and reviewed by the appropriate agencies. The revegetation plan shall specify the planting stock appropriate for each riparian cover type and each mitigation site, ensuring the use of genetic stock from the Modified Project area, and shall employ the most successful techniques available at the time of planting. The plantings shall be maintained and monitored as necessary for 3–5 years, including weed removal, irrigation, and herbivory protection. For this establishment period, USACE shall submit annual monitoring reports of survival to the regulatory agencies including USFWS, NMFS, and CDFW. Replanting will be necessary if success criteria are not met, with replacement plants subsequently monitored and maintained to meet the success criteria. The mitigation will be considered successful when the plants meet the success criteria and the vegetation no longer requires active management and is arranged in groups that, when mature, replicate the area, natural structure, and species composition of similar plant communities in the region.</p> <p>If mitigation at the selected biological mitigation site is inadequate to fully compensate for the vegetation impacts, the remaining balance of compensation required for riparian, shaded riverine aquatic, wetland, and open water habitats shall be accomplished through the purchase of credits at a mitigation bank or the construction of additional mitigation sites. If an alternative biological mitigation site not evaluated in this SEIR is chosen for development, additional environmental review under CEQA will be required prior to construction.</p>	USACE	USACE	Prior to and during construction activities	
<p><b>Mitigation Measure 3.6-20: No Net Loss of Wetlands/Waters.</b> SJAFCA shall conduct an aquatic resources delineation to identify potential wetlands and other waters that fall under state and federal jurisdiction within mitigation sites and borrow sites.</p> <p>Temporary and permanent impacts on riparian habitat and wetland/waters that cannot be mitigated through avoidance, minimization, or remediation shall be mitigated to ensure no net loss through compensation, by restoring riparian and wetlands/waters habitat at one of the proposed biological mitigation sites or an approved off-site location, mitigation bank, or in-lieu fee program. Riparian and wetlands/waters habitat shall not be restored where it would be removed by future maintenance activities. A revegetation plan shall be prepared by a qualified biologist or landscape architect and reviewed by the appropriate agencies. The revegetation plan will specify the use of beneficial native plants appropriate for each area that provide a diverse variety of grasses and forbs that support native wildlife species.</p>	USACE	USACE	Prior to and during construction activities	

## MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing	Verification of Compliance (Initials and Date)
<b>Cultural and Paleontological Resources</b>				
<p><b>Mitigation Measure 3.7-1: Cultural Resources Awareness Training.</b> USACE in consultation with SJAFCA and other interested parties shall provide a cultural resources and tribal cultural resources sensitivity and awareness training program for all personnel involved in Modified Project construction, including field consultants and construction workers. The training shall be developed in coordination with an archaeologist meeting the Secretary of the Interior’s Professional Qualifications Standards for Archeology, as well as culturally and geographically affiliated Native American tribes. SJAFCA may invite Native American representatives from interested culturally and geographically affiliated Native American Tribes to participate. The training shall be conducted before any Modified Project–related construction activities begin and shall include relevant information regarding sensitive cultural resources and tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating federal and state laws and regulations.</p> <p>The training shall also describe appropriate avoidance and impact minimization measures for cultural resources and tribal cultural resources that could be located on the Modified Project site and shall outline what to do and whom to contact if any potential cultural resources or tribal cultural resources are encountered. The training shall emphasize the requirement for confidentiality and culturally appropriate treatment of any discovery of significance to Native American Tribes and shall discuss appropriate behaviors and responsive actions, consistent with Native American tribal values.</p>	USACE	USACE	Prior to construction activities	
<p><b>Mitigation Measure 3.7-2: Inadvertent Discovery of Cultural Materials.</b> If an inadvertent discovery of cultural materials (e.g., unusual amounts of shell, animal bone, any human remains, bottle glass, ceramics, building remains), tribal cultural resources, sacred sites, or landscapes is made at any time during Project-related construction activities, USACE in consultation with SJAFCA and other interested parties, and in coordination with an archaeologist meeting the Secretary of the Interior’s Professional Qualifications Standards for Archeology and culturally and geographically affiliated Native American tribes, shall develop appropriate protection and avoidance measures where feasible. These procedures shall be developed in accordance with the Lower San Joaquin River Feasibility Study Project PA and associated HPMP, which specifies procedures for post-review discoveries. Additional measures, such as development of a Historic Properties Treatment Plan prepared in accordance with the PA and HPMP, may be necessary if avoidance or protection is not possible.</p>	USACE	USACE	During construction activities	
<p><b>Mitigation Measure 3.7-3: Inadvertent Discovery of Human Remains.</b> In accordance with the California Health and Safety Code, if human remains are uncovered during ground-disturbing activities, USACE shall immediately halt potentially damaging excavation in the area of the burial and notify the County coroner and an archaeologist meeting the Secretary of the Interior’s Professional Qualifications Standards for Archeology to determine the nature of the remains. 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 (HSC Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, they must contact the NAHC by phone within 24 hours of making that determination (HSC Section 7050[c]). After the</p>	USACE	USACE	During construction activities	

**MITIGATION MONITORING AND REPORTING PROGRAM**

<b>Mitigation Measure</b>	<b>Implementing Responsibility</b>	<b>Monitoring Responsibility</b>	<b>Timing</b>	<b>Verification of Compliance (Initials and Date)</b>
<p>coroner’s findings have been made, the archaeologist and the NAHC-designated Most Likely Descendant (MLD), in consultation with USACE and SJAFCA, shall determine the ultimate treatment and disposition of the remains.</p> <p>Upon the discovery of Native American human remains, USACE in coordination with SJAFCA, shall require that all construction work stop within 100 feet of the discovery until consultation with the MLD has taken place. The MLD shall have 48 hours to complete a site inspection and make recommendations to the USACE and SJAFCA after being granted access to the site. A range of possible treatments for the remains, including nondestructive removal and analysis, preservation in place, relinquishment of the remains and associated items to the descendants, or other culturally appropriate treatment may be discussed. PRC Section 5097.98(b)(2) suggests that the concerned parties may mutually agree to extend discussions beyond the initial 48 hours to allow for the discovery of additional remains. If agreed to by the MLD, SJAFCA or SJAFCA’s authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance. Construction work in the vicinity of the burials shall not resume until the mitigation is completed.</p>				
<p><b>Mitigation Measure 3.7-4: Preconstruction Training and Paleontological Monitoring.</b> <del>Prior to the start of construction activities, USACE shall retain a Qualified Paleontologist who meets the standards of the Society for Vertebrate Paleontology (SVP 2010) to carry out all mitigation measures related to paleontological resources. Prior to the start of any ground-disturbing activities, an Archaeologist (with experience in paleontological resources) the Qualified Paleontologist shall conduct preconstruction worker paleontological resources sensitivity training. The training shall include information on what types of paleontological resources could be encountered during excavations, what to do in case an unanticipated discovery is made by a worker, and laws protecting paleontological resources. All construction personnel shall be informed of the possibility of encountering fossils and instructed to immediately inform the construction foreman or supervisor if any bones or other potential fossils are unexpectedly unearthed in an area where a paleontological monitor is not present. The Applicant shall ensure that construction personnel are made available for and attend the training and retain documentation demonstrating attendance.</del></p> <p><u>If paleontological resources are unearthed, a</u> <del>The</del> Qualified Paleontologist <u>and/or</u> shall <del>supervise</del> a paleontological monitor meeting the Society for Vertebrate Paleontology standards (SVP 2010) who shall be present during all excavations in the Modesto Formation. Monitoring shall consist of visually inspecting fresh exposures of rock for larger fossil remains and, where appropriate, collecting wet or dry screened standard sediment samples (up to 4.0 cubic yards) of promising horizons for smaller fossil remains (SVP 2010). Depending on the conditions encountered, full-time monitoring can be reduced to part-time inspections or ceased entirely if determined adequate by the Qualified Paleontologist. The Qualified Paleontologist may spot check the excavation on an intermittent basis and recommend whether the depth of required monitoring should be revised based on</p>	USACE	USACE	Prior to and during construction activities	

**MITIGATION MONITORING AND REPORTING PROGRAM**

<b>Mitigation Measure</b>	<b>Implementing Responsibility</b>	<b>Monitoring Responsibility</b>	<b>Timing</b>	<b>Verification of Compliance (Initials and Date)</b>
<p>his/her observations. Monitoring activities shall be documented in a Paleontological Resources Monitoring Report to be prepared by the Qualified Paleontologist at the completion of construction.</p> <p>If a paleontological resource is discovered during construction, the <u>Qualified Paleontologist and/or</u> paleontological monitor shall be empowered to temporarily divert or redirect grading and excavation activities in the area of the exposed resource to facilitate evaluation of the discovery. An appropriate buffer area shall be established by the Qualified Paleontologist and/or paleontological monitor around the find where construction activities shall not be allowed to continue. Work shall be allowed to continue outside of the buffer area. All significant fossils shall be collected by the paleontological monitor and/or the Qualified Paleontologist. Collected fossils shall be prepared to the point of identification and catalogued before they are submitted to their final repository. Any fossils collected shall be curated at a public, non-profit institution with a research interest in the materials, such as the University of California Museum of Paleontology at Berkeley, if such an institution agrees to accept the fossils. If no institution accepts the fossil collection, they shall be donated to a local school in the area for educational purposes. Accompanying notes, maps, photographs, and a technical report shall also be filed at the repository and/or school.</p>				
<b>Noise and Vibration</b>				
<p><b>Mitigation Measure 3.10-1: Construction Noise Reduction.</b></p> <p>The following measures shall be implemented to reduce the effects of construction under the Modified Project:</p> <ul style="list-style-type: none"> <li>• The contractor shall prepare a construction noise and vibration plan prior to construction.</li> <li>• The contractor shall employ vibration-reducing construction practices.</li> <li>• The contractor shall employ noise-reducing construction practices.</li> <li>• All construction equipment shall be equipped with noise-reduction devices such as mufflers to minimize construction noise and all internal combustion engines shall be equipped with exhaust and intake silencers in accordance with manufacturers' specifications.</li> <li>• Equipment that is quieter than standard shall be used, including electrically powered equipment instead of internal combustion equipment, where use of such equipment is a readily available substitute that accomplishes project tasks in the same manner as internal combustion equipment.</li> <li>• The use of bells, whistles, alarms, and horns shall be restricted to safety warning purposes only.</li> <li>• Noise-reducing enclosures shall be used around stationary noise-generating equipment (e.g., compressors and generators at slurry pond locations).</li> </ul>	USACE	USACE	Prior to and during construction activities	
<ul style="list-style-type: none"> <li>• Mobile and fixed construction equipment (e.g., compressors and generators), construction staging and stockpiling areas and construction vehicle routes shall be located at the most distant point feasible from noise-sensitive receptors.</li> </ul>				

**MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing	Verification of Compliance (Initials and Date)
<ul style="list-style-type: none"> <li>When noise-sensitive uses subject to prolonged construction noise are located within 740 feet of construction in Stockton or unincorporated areas of San Joaquin County, noise-attenuating buffers such as structures, truck trailers, or soil piles shall be located between noise-generation sources and sensitive receptors.</li> <li>Before construction activity begins within 740 feet of one or more residences or businesses, the project proponent shall provide written notification to the potentially affected residents or business owners, identifying the type, duration, and frequency of construction activities. The USACE resident engineer and contractor's project manager shall be designated and contact information shall be provided in the notices and posted near the project area in a conspicuous location that it is clearly visible to nearby receptors most likely to be disturbed. The USACE resident engineer shall manage complaints and concerns resulting from noise-generating activities. The severity of the noise concern shall be assessed by the noise disturbance coordinator and, if necessary, evaluated by a qualified noise control engineer.</li> <li>The project proponent shall ensure that all heavy trucks are properly maintained and equipped with noise control devices (e.g., muffler) in accordance with manufacturers' specifications at each work site during project construction to minimize construction traffic noise effects on sensitive receptors.</li> <li>Before haul truck trips are initiated during construction season on roads within 90 feet of residences located along haul routes, written notification shall be provided to potentially affected residents identifying the hours and frequency of haul truck trips. Notifications provide contact information for the USACE resident engineer identified above and also identify a mechanism for residents to register complaints with the appropriate jurisdiction if haul truck noise levels are overly intrusive or occur outside the exempt daytime hours for the applicable jurisdiction.</li> </ul>				
<b>Transportation</b>				
<p><b>Mitigation Measure 3.11-1: Traffic Safety Plan.</b> Before the start of each construction season, the primary contractors for construction shall hire a licensed traffic engineer to develop a coordinated construction traffic safety and control plan in accordance with the latest Manual on Uniform Traffic Control Devices (MUTCD) standards and requirements to minimize the simultaneous use of roadways by different construction contractors for material hauling and equipment delivery to the extent feasible and to avoid and minimize potential traffic hazards on local roadways during construction. Items (a) through (i) of this mitigation measure shall be integrated as terms of the construction contracts.</p> <p>(a) The plan shall outline phasing of activities and the use of multiple routes to and from off-site locations to minimize the daily amount of traffic on individual roadways.</p>	USACE	USACE	Prior to and during construction activities	
<p>(b) The plan shall provide bicycle and pedestrian detours to allow for continued use by bicycle and pedestrian commuters and maintain safe pedestrian and bicyclist access around the construction areas at all times. Construction areas shall be secured as required by the applicable jurisdiction to prevent pedestrians and bicyclists from entering</p>				

## MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing	Verification of Compliance (Initials and Date)
<p>the work site, and all stationary equipment shall be located as far away as possible from areas where bicyclists and pedestrians are present.</p> <p>(c) The construction contractors shall develop traffic control plans (TCP) for the local roadways that would be affected by construction traffic. The TCP must be designed and stamped by a licensed traffic engineer in accordance with the latest MUTCD requirements. The TCP must be submitted by the contractor with the City's road encroachment permit application for review and approval. Before the initiation of construction-related activity involving high volumes of traffic, the plan shall be submitted for review by the agency of local jurisdiction (San Joaquin County, City of Stockton, or Caltrans [if applicable]) that has responsibility for roadway safety at and between the Modified Project sites. The contractor shall train construction personnel in appropriate safety measures as described in the plan and shall implement the plan. The plan shall include the prescribed locations for staging equipment and parking trucks and vehicles. Provisions shall be made for overnight parking of haul trucks to avoid causing traffic or circulation congestion. The plan shall call for the following elements:</p> <ul style="list-style-type: none"> <li>• Posting warnings about the potential presence of slow-moving vehicles.</li> <li>• Using traffic control personnel when appropriate.</li> <li>• Placing and maintaining barriers and installing traffic control devices necessary for safety, as specified in Caltrans' Manual of Traffic Controls for Construction and Maintenance Work Zones and in accordance with city/county requirements.</li> <li>• The TCP shall include signs placed on March Lane west of I-5 advising the public of traffic delays due to construction and the tentative timeline of the project. Language to be placed on the signs must be approved by the City's traffic engineer.</li> </ul> <p>(d) All operations shall limit and expeditiously remove, as necessary, the accumulation of Modified Project-generated mud or dirt from adjacent public streets at least once every 24 hours if substantial volumes of soil are carried onto adjacent paved public roadways during construction.</p> <p>(e) If needed to comply with Caltrans requirements, a transportation management plan shall be prepared and submitted to Caltrans to cover any points of access from the state highway system for haul trucks and other construction equipment.</p>				
<p>(f) Before the start of the first construction season, the construction contractor shall obtain a road encroachment permit with San Joaquin County and the City of Stockton to address permit conditions set for the maintenance and repair of affected roadways resulting from increased truck traffic. The road encroachment permit conditions and requirements shall ensure that the affected roadways are repaired to a level that is equivalent to their pre-project condition. Such an agreement may require the contractor to take <u><a href="#">dated pre-project photos and videos</a></u> of existing conditions. <u><a href="#">A copy of the photos and videos shall be provided to SJAFCA and the City of Stockton.</a></u> Upon project completion, the City or County shall <u><a href="#">may</a></u> develop a punch list of requirements to ensure that pre-project conditions are restored.</p>				

**MITIGATION MONITORING AND REPORTING PROGRAM**

<b>Mitigation Measure</b>	<b>Implementing Responsibility</b>	<b>Monitoring Responsibility</b>	<b>Timing</b>	<b>Verification of Compliance (Initials and Date)</b>
<p>(g) Before the Modified Project construction begins, the contractor shall provide notification of Modified Project construction to all appropriate emergency service providers in San Joaquin County, <del>and</del> Stockton, <del>Lathrop, and Manteca</del> and shall coordinate with providers throughout the construction period to ensure that emergency access through construction areas is maintained.</p> <p>(h) The contractor shall avoid neighborhoods and school zones to the maximum extent feasible when determining haul routes. When possible, hauling in school zones shall be limited to the period of summer breaks to avoid noise and traffic impacts on the schools. Any damage to residential roadways during construction shall be mitigated per the requirements outlined in the <del>traffic safety and control plan</del> <u>road encroachment permit provisions issued by the City of Stockton</u>.</p> <p>(i) During preliminary engineering and design, the Modified Project proponent shall provide notification of Modified Project construction to all appropriate railroads in the Modified Project area and shall coordinate with all railroads to minimize freight and passenger service disruptions. Prior to the start of construction, the Modified Project Proponent's contractor shall contact the general manager of affected railroads to coordinate truck haul route traffic and schedule an on-site meeting.</p>				
<b>Wildfire</b>				
<p><b>Mitigation Measure 3.13-1: Worker Health and Safety Plan.</b> A worker health and safety plan shall be prepared before the start of construction that identifies, at a minimum, all contaminants that could be encountered during construction; all appropriate worker, public health, and environmental protection equipment and procedures to be used during project activities; emergency response procedures; the most direct route to the nearest hospitals; and a Site Safety Officer. The plan shall describe actions to be taken if hazardous materials are encountered on-site, including protocols for handling hazardous materials, preventing their spread and emergency procedures to be taken in the event of a spill.</p>	USACE	USACE	Prior to construction activities	

ATTACHMENT 2 TO STAFF REPORT

AUTHORITY TO THE EXECUTIVE DIRECTOR TO EXECUTE THE  
NOTICE OF DETERMINATION

## Notice of Determination

## Appendix D

**To:**

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

County Clerk  
 County of: San Joaquin  
 Address: 44 North San Joaquin Street  
Stockton, CA 95202

**From:**

Public Agency: San Joaquin Area Flood Control Agency  
 Address: 22 E. Weber Avenue, Suite 301  
Stockton, CA 95202  
 Contact: Omar Al-Hindi  
 Phone: 209.937.6525

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): 2010012027

Project Title: LOWER SAN JOAQUIN RIVER REACH TS 30 L LEVEE IMPROVEMENT PROJECT

Project Applicant: San Joaquin Area Flood Control Agency

Project Location (include county): Northwest Stockton, CA (San Joaquin County)

**Project Description:**

This Draft SEIR is a supplement to the San Joaquin River Basin, Lower San Joaquin River (LSJR) Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report, State Clearinghouse No. 2010012027 (2018 LSJR FR/EIS/EIR). The Modified Project is one of six sub-reaches identified and evaluated within the 2018 LSJR FR/EIS/EIR Alternative 7a's Delta Front reach. It includes approximately 1 mile of cutoff wall construction, levee reshaping, and runoff erosion

This is to advise that the San Joaquin Area Flood Control Agency has approved the above  
 Lead Agency or  Responsible Agency

described project on 09/28/2023 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:

22 E. Weber Avenue, Suite 301, Stockton, CA 95202

Signature (Public Agency): \_\_\_\_\_ Title: \_\_\_\_\_

Date: \_\_\_\_\_ Date Received for filing at OPR: \_\_\_\_\_

# **Agenda Item 4.2**

September 29, 2023

**TO:** San Joaquin Area Flood Control Agency

**FROM:** Chris Ellias, Executive Director

**SUBJECT: ADOPT A RESOLUTION DELEGATING AUTHORITY TO THE EXECUTIVE DIRECTOR TO SETTLE ADMINISTRATIVELY AND EXECUTE ALL RELATED DOCUMENTS FOR THE ACQUISITION OF REAL PROPERTY (APN 071-140-026 & 071-140-025) IN CONNECTION WITH THE LOWER SAN JOAQUIN RIVER REACH TS30L LEVEE IMPROVEMENT, SAN JOAQUIN COUNTY, CALIFORNIA PROJECT**

**RECOMMENDATION**

It is recommended that the Board of Directors of the San Joaquin Area Flood Control Agency adopt a resolution delegating authority to the Executive Director to settle administratively and execute all related documents for the acquisition of real property (APN 071-140-026 & 071-140-025) in connection with the Lower San Joaquin River Reach TS30L Levee Improvement, San Joaquin County, California Project as needed for the purpose of the Agency and with the California Department of Water Resources ("DWR") and the U.S. Army Corps of Engineers, Sacramento District ("U.S. Army Corps"), including, but not limited to, transferring real property rights acquired by SJAFCA to the State, the Central Valley Flood Protection Board ("CVFPB"), Sacramento-San Joaquin Drainage District, and U.S. Army Corps, or any other local, state, or federal agency.

**Summary**

The proposed action is a request to authorize staff to settle administratively with property owners for acquisition of real property interests for the Lower San Joaquin River Reach TS30L Levee Improvement, San Joaquin County, California Project (Project). SJAFCA proposes to acquire real property interests in the assessed parcel numbers identified in this staff report to support the flood risk reduction improvements and other project components that will be constructed for the Project. The permanent right of way interests are also needed for the mitigation for related environmental impacts, operation, maintenance, repair, rehabilitation, and replacement of the Project as may be necessary.

**Background**

The City of Stockton and surrounding areas rely upon the Lower San Joaquin River (LSJR) levee system to prevent flooding during high-water events. The 2018 San Joaquin River Basin, Lower San Joaquin River Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report (2018 LSJR FR/EIS/EIR) was prepared by SJAFCA, Central Valley Flood Protection Board (CVFPB), and U.S. Army Corps of Engineers (USACE) and was certified by the SJAFCA Board of Directors on November 8, 2018. The 2018 LSJR FR/EIS/EIR considered in detail seven alternative plans aimed at reducing flood risk in the City of Stockton and surrounding urbanizing areas by describing the environmental resources in the original study area; evaluating the direct, indirect, and cumulative environmental effects of the seven alternative plans; and identifying avoidance, minimization, and compensatory mitigation measures. The 2018 LSJR FR/EIS/EIR identified Alternative 7a as the recommended alternative.

**ADOPT A RESOLUTION DELEGATING AUTHORITY TO THE EXECUTIVE DIRECTOR TO SETTLE ADMINISTRATIVELY AND EXECUTE ALL RELATED DOCUMENTS FOR THE ACQUISITION OF REAL PROPERTY (APN 071-140-026 & 071-140-025) IN CONNECTION WITH THE LOWER SAN JOAQUIN RIVER REACH TS30L LEVEE IMPROVEMENT, SAN JOAQUIN COUNTY, CALIFORNIA PROJECT**

2

Alternative 7a proposed to improve flood risk management in the Stockton area by repairing and enhancing the levees that surround Stockton (mitigating flood risk from the Delta Front, the Calaveras River, and the San Joaquin River), and by constructing and operating closure structures on Fourteenmile Slough and Smith Canal. Alternative 7a was divided into five major levee reaches for construction sequencing:

- Calaveras River (Right Bank)
- Calaveras River (Left Bank) and San Joaquin River (Right Bank, North Port)
- Delta Front and Fourteenmile Slough Control Structure
- North Stockton
- Smith Canal Control Structure

The Delta Front represents the greatest risk; therefore, USACE, SJAFCA, and CVFPB determined that the Delta Front levee improvements would be constructed first. Six sub-reaches were identified within the Delta Front reach, with one of the sub-reaches being the LSJR Reach TS\_30\_L Levee Improvement Project (TS\_30\_L or Modified Project).

SJAFCA, as lead agency under the California Environmental Quality Act (Pub. Res. Act § 21000 et seq.) and the CEQA Guidelines (14 Cal. Code Regs. §§ 15000- 15387) (collectively, "CEQA"), has completed the Final Supplemental Environmental Impact Report (Final SEIR) for TS\_30\_L, in coordination with the USACE's preparation of a Supplemental Environmental Assessment as the federal lead agency under the National Environmental Protection Act (NEPA). The following contents of this document incorporate SJAFCA's "Findings of Fact and Statement of Overriding Considerations for the Approval of the LSJRFS," (Exhibit A) which were certified at the same time as the LSJR FR/EIS/EIR, on November 8, 2018.

TS\_30\_L requires mitigation for impacts to certain biological resources via the creation of habitat to compensate for habitat loss caused by the Modified Project, as discussed in Draft SEIR Chapter 3, Section 3.6, *Biological Resources*. The 2018 LSJR FR/EIS/EIR evaluated Alternative 7a based on the assumption that a combination of on-site mitigation and purchase of credits at local mitigation banks would fulfill this obligation. However, the 2018 LSJR FR/EIS/EIR did not evaluate potential impacts associated with the development of biological mitigation sites at a project-level of detail, and mitigation bank credits for certain habitats impacted by TS\_30\_L are not currently available for purchase. Therefore, the Draft SEIR evaluated five potential biological mitigation sites to fulfill TS\_30\_L's compensatory mitigation requirements; three sites are evaluated at a project-level of detail (14-Mile Slough Pump Station, San Joaquin River (SJR) West Site, and SJR East Site), and two sites are evaluated at a program-level of detail (SJR South Site and Van Buskirk Park). If one of the program-level sites (or an alternative biological mitigation site not evaluated in this SEIR) is chosen for development, additional environmental review under CEQA at a project-level of detail would be required prior to construction. On July 2022, USACE, USFWS, DWR and SJAFCA visited all the above sites. The LSJR project PDT team has chosen the San Joaquin River West as the mitigation site for the Lower San Joaquin River Basin, California Project TS30L.

Operation of TS\_30\_L would require levee and levee road maintenance and repair and post-seismic event inspection. These activities are consistent with existing operations of the TS\_30\_L Levee. Operation would also consist of monitoring and adaptively managing the chosen mitigation site until success criteria are met.

**ADOPT A RESOLUTION DELEGATING AUTHORITY TO THE EXECUTIVE DIRECTOR TO SETTLE ADMINISTRATIVELY AND EXECUTE ALL RELATED DOCUMENTS FOR THE ACQUISITION OF REAL PROPERTY (APN 071-140-026 & 071-140-025) IN CONNECTION WITH THE LOWER SAN JOAQUIN RIVER REACH TS30L LEVEE IMPROVEMENT, SAN JOAQUIN COUNTY, CALIFORNIA PROJECT**

3

On February 16, 2023, SJAFCA acquired Bender Rosenthal Inc. (BRI) real estate professional services for the San Joaquin River West parcel in the amount of \$5,700. On May 02, 2023, SJAFCA issued amendment No.1 to BRI in the amount of \$9000 towards boundary survey efforts which was required for the design of the mitigation site.

**Present Situation**

USACE is responsible for the design and construction of the mitigation site. USACE has completed 35% design. Construction of the mitigation site is planned to start in April 2024 and be completed by April 2025. This request is to settle the above-referenced parcel administratively for a cost ranging \$15,500 up to \$25,000/acre.

Staff and consultant (BRI, Inc) have reviewed the Administrative Settlement. This is necessary to complete the acquisition. The total settlement for this transaction represents a fair and equitable settlement paid to the property owner and additional costs and project delays (including litigation) will be completely avoided.

Acceptance of this administrative settlement falls within the guidelines both expressed and implied of Volume 7, Chapter 2, Section 4 of the Federal Highway Administration and is also within the purview and intent of the memorandum from G.B. Saunders, Chief, Real Property Acquisition Division of the Federal Highway Administration, Washington, D.C., dated November 7, 1981.

Acquiring the San Joaquin River West parcel as the mitigation site for TS30L is vital and important to the delivery of construction of the first reach of the Lowest San Joaquin River project TS30L. The real estate certification package will be submitted to USACE in December 2023.

Therefore, staff recommends that SJAFCA's Board of Directors authorize SJAFCA's Executive Director to settle administratively and execute all related documents for the acquisition of real property transactions in support of the San Joaquin River West parcel (APN 071-140-026 & 071-140-025).

**Fiscal Impact**

Costs of the Project will be shared by the State of California under the Local Project Partnership Agreement for the Lower San Joaquin River Basin, California Project. Under this Agreement, the State is responsible for paying 70 percent of the non-federal projects costs for acquiring lands, easements, rights of way, relocations and disposal areas required for the Project. Following acquisition, the US Army Corps of Engineers will fund 65 percent of construction activities including paying for project mitigation related to environmental impacts, a task that is planned to start in April 2024. This request is to settle the above-referenced parcel administratively for a cost ranging from \$15,500 up to \$25,000/acre in advance of the construction activities.

**ADOPT A RESOLUTION DELEGATING AUTHORITY TO THE EXECUTIVE DIRECTOR TO SETTLE ADMINISTRATIVELY AND EXECUTE ALL RELATED DOCUMENTS FOR THE ACQUISITION OF REAL PROPERTY (APN 071-140-026 & 071-140-025) IN CONNECTION WITH THE LOWER SAN JOAQUIN RIVER REACH TS30L LEVEE IMPROVEMENT, SAN JOAQUIN COUNTY, CALIFORNIA PROJECT**

4

**STRATEGIC PLAN CONSISTENCY ANALYSIS**

Acquisition of the property necessary to mitigate the environmental impacts from the Lower San Joaquin River Reach TS30L Levee Improvement, San Joaquin County, California Project is intended to comply with state and federal laws and related regulations. Therefore, the resulting authorization to settle administratively within a specified cost range furthers the Mission and Goals of the Board-adopted Strategic Plan, specifically *Goal 1 to Plan for and Implement System Resiliency and Goal 2 Drive for Operational Transparency; and Goal 5 Promote Public and Institutional Awareness.*

PREPARED BY: Omar Al-Hindi

APPROVED BY:



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CHRIS ELIAS  
EXECUTIVE DIRECTOR

**Attachments:**

1. Resolution
2. Exhibit 'A' Vicinity Map
3. Exhibit 'B' Property Map

**RESOLUTION NO. 23-27  
SAN JOAQUIN AREA  
FLOOD CONTROL AGENCY**

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**RESOLUTION DELEGATING AUTHORITY TO THE EXECUTIVE DIRECTOR  
TO SETTLE ADMINISTRATIVELY AND EXECUTE ALL RELATED DOCUMENTS FOR  
THE ACQUISITION OF REAL PROPERTY (APN 071-140-026 & 071-140-025) IN  
CONNECTION WITH THE LOWER SAN JOAQUIN RIVER REACH TS30L  
LEVEE IMPROVEMENT, SAN JOAQUIN COUNTY, CALIFORNIA PROJECT**

**WHEREAS**, the San Joaquin Area Flood Control Agency ("SJAFCA") is a joint powers authority organized under the Joint Exercise of Powers Act (Government Code section 6500 *et seq.*);

**WHEREAS**, SJAFCA is authorized to finance and construct levee improvements within the San Joaquin River Basin, Lower San Joaquin River, and to establish and undertake projects that are necessary and proper to fulfilling that goal and objective;

**WHEREAS**, in connection with the plan, design and performance of projects, SJAFCA is authorized to acquire real property and to provide for the relocation of displaced persons in connection therewith;

**WHEREAS**, the Board of Directors finds that it would be beneficial to SJAFCA to authorize the creation of an acquisition program;

**WHEREAS**, SJAFCA has an Executive Director whose duties include, but are not limited to, numerous administrative and managerial functions;

**WHEREAS**, the Board of Directors has the authority to delegate various functions to the Executive Director;

**WHEREAS**, the Board of Directors finds that it would be efficient and advantageous for the projects to have the Executive Director perform certain administrative functions relating thereto, including acting in furtherance of real property acquisitions;

**WHEREAS**, the Board of Directors adopted Resolution No. XXXX which delegated certain authority to the Executive Director related to property acquisitions;

**NOW, THEREFORE, BE IT RESOLVED THAT:**

The Board of Directors, in order that specific administrative functions relating to the acquisition of real property, hereby delegates to the Executive Director the following administrative authority:

- A. To authorize the commencement and continuation of the appraisal process, including authorizing a right-of-way consultant to send out notices of intent to appraise.

- B. To review, negotiate and approve appraisals.
- C. After consultation with the Right-Of-Way Consultant, to establish the just compensation for the real property to be acquired by SJAFCA and the amount required for the relocation of displaced persons, and to approve the appropriation of funds, therefore.
- D. To approve requests for appraisal revisions and administrative settlements ranging from \$15,500 up to \$25,000/acre. The Executive Director must make a written report, after the fact, to the Board of Directors of the appraisal revisions and/or administrative settlements.
- E. To execute agreements for the purchase of property, together with escrow instructions, which set forth the terms and conditions of conveyances of the applicable real property to SJAFCA.
- F. To accept deeds and easement documents conveying real property to SJAFCA for recording in accordance with Government Code §27281.
- G. To take such further actions, within the monetary limits specified in paragraph D above, as may be reasonably necessary from time to time to carry out the objectives and purposes set forth by this Resolution, which may include executing rights of entry for construction, engineering, and environmental surveys.
- H. Execute all documents necessary to acquire . . .

PASSED, APPROVED AND ADOPTED this 29<sup>th</sup> day of SEPTEMBER 2023.

\_\_\_\_\_  
GARY SINGH, Chair  
of the San Joaquin Area  
Flood Control Agency

ATTEST:

\_\_\_\_\_  
CHRIS ELIAS, Executive Director  
of the San Joaquin Area  
Flood Control Agency.

APPROVED AS TO FORM:

\_\_\_\_\_  
Scott L. Shapiro, Legal Counsel  
for the San Joaquin Area  
Flood Control Agency

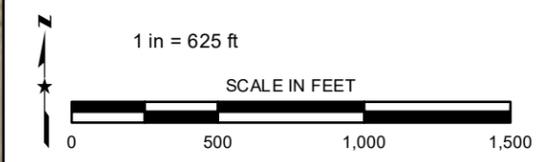
# Exhibit "A"



APNs: 071-140-025  
& 071-140-026

Map Features

-  Easements
-  Property Lines
-  PARCEL TO BE TRANSFERRED



# **Agenda Item 4.3**

September 29, 2023

TO: San Joaquin Area Flood Control Agency

FROM: Chris Elias, Executive Director

SUBJECT: **ADOPT RESOLUTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO NEGOTIATE AND EXECUTE AMENDMENT No. 5 TO THE CONSULTANT SERVICES AGREEMENT WITH ENVIRONMENTAL SCIENCE ASSOCIATES (ESA) FOR LOWER SAN JOAQUIN RIVER PROJECT – TS30L CEQA/NEPA SUPPORT**

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### **RECOMMENDATION**

It is recommended the Board of Directors of the San Joaquin Flood Control Agency (SJAFCA) adopt a resolution to:

1. Authorize the Executive Director to negotiate and execute Amendment No. 5 to the Consultant Services Agreement with Environmental Science Associates (ESA) for Lower San Joaquin River Project – TS30L CEQA/NEPA Support for a not-to-exceed budget of \$99,528, including a 10% contingency.

### **SUMMARY**

An amendment to the Consultant Services Agreement is needed for ESA to conduct certain pre-construction surveys prior to commencement of levee improvements at TS30L and prior to construction of the San Joaquin River West mitigation site proposed for acquisition through administrative settlement. If approved, Amendment No. 5 would allow staff to backfill funds that were spent on unanticipated request by the US Army Corps of Engineers for survey and oversight of transplantation of threatened elderberry shrubs; wetland delineation and permit preparation efforts.

### **DISCUSSION**

#### **PROJECT BACKGROUND**

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

On September 20, 2018, SJAFCA's Board of Directors approved and adopted Resolution No.18-17 for the San Joaquin River Basin, Lower San Joaquin River, Ca Final Integrated Feasibility Report/Environmental Impact Statement/Environmental Impact Report.

On March 2021, SJAFCA executed a Consultant Services Agreement with Environmental Science Associates (ESA) for environmental compliance with the current project-level details associated with the first increment of design and construction at TS30L. That resulted in an environmental compliance evaluation, comparison, and approach memorandum. Further, it has identified several analyses and coordination items with USACE, as the National Environmental

### **AGENDA ITEM 4.3**

**RESOLUTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO NEGOTIATE AND EXECUTE AMENDMENT No. 5 TO THE CONSULTANT SERVICES AGREEMENT WITH ENVIRONMENTAL SCIENCE ASSOCIATES (ESA) FOR LOWER SAN JOAQUIN RIVER PROJECT – TS30L CEQA/NEPA SUPPORT**

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Policy Act (NEPA) lead.

On July 22, 2021, SJAFCA's board approved Amendment No.2 to the existing agreement to extend ESA's scope of work to develop, in full, the draft and final supplemental Environmental Impact Report (SEIR) documentation for the advancement to construction of TS30L per the attached proposal. The schedule was anticipated to extend through February 2022 with an anticipated not-to-exceed budget of \$323,314, which included:

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

On January 18, 2022, Amendment No.3 in the amount of \$8,730 was approved by SJAFCA to provide compliance with Americans with Disabilities Act (ADA) under Section 508.

On September 2022, SJAFCA and CVFPB, as the non-federal sponsors of the 2018 LSJR FR/EIS/EIR, decided that environmental review of potential environmental mitigation sites would be incorporated into the Supplemental Environmental Impact Report SEIR. TS30L requires mitigation for impacts to certain biological resources (e.g., giant garter snake, valley elderberry longhorn beetle) via the creation of habitat to compensate for habitat loss caused by the Project. Therefore, SJAFCA and CVFPB requested ESA to evaluate potential environmental mitigation sites in the vicinity of the Project site. For the purposes of confidentiality, full details of these sites are not disclosed in this Staff Report.

On October 20, 2022, Amendment No.4 in the amount of \$194,709 was approved by SJAFCA for additional environmental (CEQA) services. USACE and the non-federal sponsors determined that the SJR West Site (APN 071-140-026 & 071-140-025) would be pursued for the biological mitigation needs of TS30L, which required time-sensitive work to complete a wetland delineation of the SJR West Site and prepare a Section 401 Water Quality Certification and a Restoration General Order NOI for TS30L and the SJR West Site, respectively. To accomplish this work in a timely manner, funds from Contract Amendment 4 were reallocated to this effort in a revised scope of work provided to SJAFCA on July 5, 2023. ESA received a Notice to Proceed from SJAFCA, to proceed with the Amendment 4 scope of work on July 6, 2023, to avoid any further delays to the project.

**PRESENT SITUATION**

An amendment to the Consultant Services Agreement is needed for ESA to conduct certain pre-construction surveys prior to commencement of levee improvements at TS30L and prior to construction of the San Joaquin River West mitigation site proposed for acquisition through administrative settlement. If approved, Amendment No. 5 would allow staff to backfill funds that were spent on unanticipated request by the US Army Corps of Engineers for survey and oversight of transplantation of threatened elderberry shrubs; wetland delineation and permit preparation efforts. The USACE is currently progressing with the mitigation design of the San Joaquin River West mitigation site and is tentatively planning on starting construction in April 2024. USACE has

**RESOLUTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO NEGOTIATE AND EXECUTE AMENDMENT No. 5 TO THE CONSULTANT SERVICES AGREEMENT WITH ENVIRONMENTAL SCIENCE ASSOCIATES (ESA) FOR LOWER SAN JOAQUIN RIVER PROJECT – TS30L CEQA/NEPA SUPPORT**

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also completed the design of TS30L Levee project and is tentatively planning on starting construction in August 2024. Therefore, each of these locations require pre-construction surveys that include the following biological resources and species:

1. Swainson Hawks / Nesting Birds
2. Western Borrowing Owls
3. Roosting Bats
4. Giant Garter Snake
5. Special Status Plant

The Amendment will also extend the term of the agreement to December 30, 2025.

**STAFF RECOMMENDATION:**

It is recommended that SJAFCA's Board of Directors approve a resolution authorizing the Executive Director to:

1. Authorize the Executive Director to negotiate and execute Amendment No. 5 to the Consultant Services Agreement with Environmental Science Associates (ESA) for Lower San Joaquin River Project – TS30L CEQA/NEPA Support for a not-to-exceed budget of \$99,528, including a 10% contingency.

**FISCAL IMPACT**

Amendment No.5 will result in not to exceed amount of \$99,528, including a 10% contingency and the amount falls within the current fiscal year 2021/2022 budget for the overall LSJR project.

PREPARED BY: Omar Al-Hindi

APPROVD BY:



CHRIS ELIAS  
EXECUTIVE DIRECTOR

**Attachments**

1. Amendment No.5 Resolution
2. Draft Amendment No.5 to the Consultant Service Agreement with Environmental Science Associates (ESA) for Lower San Joaquin River Project – TS30L CEQA/NEPA Support

RESOLUTION NO. SJAFCA 23-28

SAN JOAQUIN AREA  
FLOOD CONTROL AGENCY

=====

**ADOPT RESOLUTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO  
NEGOTIATE AND EXECUTE AMENDMENT NO. 5 TO THE COSULTANT  
SERVICES AGREEMENT WITH ENVIRONMENTAL SCIENCE  
ASSOCIATES (ESA) FOR LOWER SAN JOAQUIN RIVER PROJECT –  
TS30L CEQA/NEPA SUPPORT**

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

1. Authorize the Executive Director to negotiate and execute Amendment No. 5 to the Consultant Services Agreement with Environmental Science Associates (ESA) for Lower San Joaquin River Project – TS\_30\_L CEQA/NEPA Support for a not-to-exceed budget of \$99,528, including a 10% contingency.

PASSED, APPROVED AND ADOPTED this 29th day of September 2023.

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GARY SINGH, Chair  
of the San Joaquin Area  
Flood Control Agency

ATTEST:

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

APPROVED AS TO FORM:

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

**AMENDMENT NO. 5  
TO THE CONSULTANT SERVICES AGREEMENT  
FOR THE LOWER SAN JOAQUIN RIVER FEDERAL CA-PROJECT (LSJR)**

This Amendment No. 5 to the Consultant Services Agreement dated March 29, 2021, is made and entered into on \_\_\_\_\_, by and between the San Joaquin Area Flood Control Agency ("Agency") and Environment Services Associates, ("Consultant") who have affixed their signatures hereto.

The AGENCY and CONSULTANT agree as follows:

1. **SCOPE OF WORK.** The scope of work is amended to include Tasks 1, 5 and 6 as described in Attachment 1.
2. **PAYMENT.** The payment section is amended to include an additional \$99,528, including a 10% contingency thereby increasing the contractual agreement amount from \$526,753 to \$626,281.00 as described in Attachment 1
3. All terms not defined in this Amendment shall have the meaning ascribed to them in the Agreement. Except as otherwise provided herein, all other terms and conditions of the Agreement remain in full force and effect. The parties hereby agree and consent to be bound by the terms of the Agreement, and its subsequent amendments.

IN WITNESS WHEREOF, the undersigned have duly executed this Amendment as parties on the date first written above.

SJAFCA:

ENVIRONMENT SERVICES ASSOCIATES

\_\_\_\_\_  
CHRIS ELIAS  
EXECUTIVE DIRECTOR

*Catherine McFee*

\_\_\_\_\_  
CATHERINE C. MCEFEE  
VICE PRESIDENT

APPROVED AS TO FORM:



\_\_\_\_\_  
SCOTT L. SHAPIRO  
LEGAL COUNSEL

Attachment:

1. Scope of Work

## **Amendment 5: Attachment 1. Scope of Work**

### **Proposed Amendment No. 5 to the Contractual Services Agreement for Professional Environmental Services by Environmental Science Associates for Extended Scope of Work on the Lower San Joaquin River Project-Phase 1, TS30L Mitigation Site Design and CEQA/NEPA Support**

#### **SCOPE OF WORK**

The City of Stockton (City) and surrounding areas rely upon the Lower San Joaquin River (LSJR) levee system to prevent flooding during high water events. The LSJR Phase 1: Reach TS30L Levee Improvement Project (TS30L or proposed Project) includes modifying approximately 5,900 feet (or 1.1 miles) of existing levee geometry near the northwestern side of the City to meet current levee design and operation standards, to provide seepage mitigation measures (cutoff wall installation), and to add erosion protection. TS30L is one of the six reaches in the "Delta Front" portion of "Alternative 7a – North and Central Stockton – Delta Front, Lower Calaveras River and San Joaquin River (SJR) Levee Improvements excluding RD 17" (Alternative 7a), which was the recommended alternative identified in the 2018 San Joaquin River Basin, Lower San Joaquin River Integrated Interim Feasibility Report/ Environmental Impact Statement/Environmental Impact Report (2018 LSJR FR/EIS/EIR) prepared by the San Joaquin Area Flood Control Agency (SJAFCA), Central Valley Flood Protection Board (CVFPB), and US Army Corps of Engineers (USACE).

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

In addition to development of the Public Draft SEIR, ESA (or Contractor) has supported SJAFCA starting in March 2021 on a variety of TS30L efforts as captured in the original contract and four contract amendments. The Amendment 5 tasks are summarized below. Note, the task numbers in Amendment 5 align with the tasks associated with Amendments 1-4.

#### **Task 2.4 – Prepare Screencheck and Public Draft SEIR**

ESA will provide a court reporter for the virtual and in-person public meetings.

#### ***Task 2.4 Deliverables:***

- 1. Transcript of the virtual and in-person meetings - Electronic files*

#### **Task 4.1a(2). Prepare Project-Level Section 401 Water Quality Certification (WQC) for TS30L and a Restoration General Order NOI for the SJR West Site**

USACE notified SJAFCA on June 5, 2023, based on the May 2023 Sackett Supreme Court decision regarding federal waters (Waters of the US), TS30L may no longer require a Section 404 permit. On June 12, 2023, USACE notified SJAFCA that the Office of Counsel provided guidance to proceed with a Section

401 WQC for TS30L, despite the fact that there are no longer Waters of the US present at the site triggering a Section 404 permit.

A pre-filing meeting between USACE and the Central Valley Regional Water Quality Control Board was held on May 24, 2023 regarding the Programmatic Clean Water Act Section 401 Water Quality Certification. USACE notified ESA via email on June 13, 2023 that, at that meeting, the CVRWQCB confirmed that a second pre-filing meeting would not be required to revise the application from a Programmatic Order to an Individual Project Order.

On June 21, 2023, USACE forwarded an email from the Regional Board where the Regional Board suggesting the Restoration General Order may be applicable for the SJR Biological Mitigation Site (i.e., West Site). To use the Restoration General Order, the NOI will need to show that the West Site results in a net increase in aquatic or riparian resource area, functions and/or services while taking into consideration the Species Protection Measures/General Protection Measures outlined in the Restoration General Order. It is assumed the Contractor will work with USACE to provide this information to the Regional Board, since USACE is design the West Site. This is a relatively new General Order, but the Regional Board has been taking 1-2 months to approve NOI associated with the Restoration General Order. The Restoration General Order NOI will require a wetland delineation (see Task 4.1a(3)).

Submit a separate 401 Cert application for the TS30L project will be needed, since the Restoration General Order states that "the Order does not include any findings regarding the underlying related activity's impact to water quality...".

ESA will prepare a draft individual WQC application and Restoration General Order NOI for review by SJAFC and DWR for implementation of TS30L and the associated mitigation elements at the SJR West Site. The application and Restoration General Order NOI will be based on the TS30L project description, the proposed mitigation design at the SJR West Site at the confluence of Fourteen Mile Slough and the San Joaquin River west of Stockton, NEPA/CEQA supplemental documents, and TS30L construction documents. Based on one set of consolidated comments received from SJAFC and DWR, the Contractor will prepare a Final WQC application and Restoration General Order NOI. Contractor will attend one meeting/conference call. The meeting is assumed to be up to 2 hours long and will be attended by up to two Contractor staff. It is assumed filing fees for both the WQC application for TS30L and Restoration General Order NOI for the SJR West Site will each be \$2,734 based on the current application fees on the Regional Water Board website. Additional fees to compensate for impacts to waters of the state may be required (i.e., "Category A fee"). The goal would be to provide information to the Regional Water Board that the TS30L and SJR West site fall within the "Category D" flat fee for Ecological Restoration and Enhancement Projects. However, these fees are to be determined by the Regional Water Board during the application process and are speculative at this time.

**Task 4.1a(2) Deliverables:**

- Draft WQC application for TS30L and Restoration General Order NOI for the SJR West Site
- Final WQC application for TS30L and Restoration General Order NOI for the SJR West site

**Task 4.1a(3). Prepare Aquatic Resource Delineation Report for SJR West Site**

ESA wetland specialists will conduct a preliminary aquatic resources delineation to determine the location and extent of potential jurisdictional waters of the U.S and State within the SJR West mitigation

site. ESA will conduct the delineation using the methods specified in the U.S. Army Corps of Engineers (USACE) 1987 Wetland Delineation Manual and the 2008 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0). It is estimated the delineation survey will require four ESA staff to be on-site for two full days. GPS units with sub-meter accuracy will be used to map out aquatic features. Once the delineation survey is complete, ESA will prepare a delineation report, which will include a map identifying potentially jurisdictional waters within the delineation study area and will describe the environmental setting with respect to soils, hydrology, and biological communities. Expected limits of State jurisdictional waters [per Regional Water Quality Control Board (RWQCB)] will also be documented concurrently with the USACE delineation effort for use in the RWQCB 401 Certification application (Subtask 4.1a(2)). This scope assumes that USACE will not request a site verification visit, since none of the aquatic features are expected to be considered potential jurisdictional waters of the U.S. as a result of the May 2023 Sackett Supreme Court decision.

**Task 4.1a(1) Deliverables:**

- Draft Aquatic Resources Delineation Report for the SJR West Site
- Final Aquatic Resources Delineation Report for the SJR West Site

**Table 3: Costs by Task**

Task 2.4 – Prepare Screencheck and Public Draft SEIR (court reporter subconsultant)	\$2,031
Task 4.1a(2) - Prepare Project-Level Section 401 WQC for TS30L and a Restoration General Order NOI for the SJR West Site	\$8,855
Task 4.1a(3) Aquatic Resource Delineation for San Joaquin River West Site	\$22,740
Non-Labor Expenses (includes WQC and General Order application fees)	\$6,802
<b>Total</b>	<b>\$40,428</b>

Attachment 2: Detailed Cost Proposal

Task #	Task Name/Description	Senior Director I	Director III	Director II	Managing Associate II	Managing Associate I	Senior Associate III	Senior Associate II	Senior Associate I	Associate III	Associate II	Subtotal	Associate Consultant 2	Associate Consultant 1	Subtotal	Total Hours	Labor Price
2.4	Previous Schematic and Public Draft SEIR (cost reported). Fees captured in "Subcontractor" below.	\$ 279	\$ 259	\$ 279	\$ 208	\$ 184	\$ 184	\$ 157	\$ 164	\$ 128	\$ 146	\$ 837	\$ 137	\$ 128	\$ 548	44.00	\$ 6,856
4.1a (2)	Additional Funds for Amendment 2 for Task 4.1a - Provide Clean Water Act Permitting Support.											\$			\$		\$
	Note: 401 WOC application for TSS30L costs are included in Amendment 4.																
4.1a(3)	Acquire Resource Disposition for San Joaquin River (SJR) West Side mitigation fees.	\$			\$ 16	\$ 74	\$ 14	\$ 2		\$ 40	\$ 1	\$ 22,892	\$ 4	\$	\$ 548	132.00	\$ 22,740
	Total Hours	5			15	80	14	2		40	1	768	6		8	178	
	Total Labor Costs	\$ 1,385	\$ 0.0%	\$ 0.0%	\$ 8,328	\$ 17,480	\$ 2,716	\$ 394	\$ 0.0%	\$ 5,120	\$ 146	\$ 30,459	\$ 1,060	\$ 0.0%	\$ 7,095	100.0%	\$ 31,585
	Percent of Effort - Labor Hours Only	2.8%	0.0%	0.0%	9.1%	51.1%	8.0%	1.1%	0.0%	22.7%	0.6%	85.8%	4.5%	0.0%	4.5%		
	Percent of Effort - Total Project Cost	3.5%	0.0%	0.0%	8.2%	43.2%	6.7%	0.8%	0.0%	12.7%	0.4%	78.2%	2.7%	0.0%	4.5%		
<p>ES&amp;S Labor Cost \$ 31,585</p> <p>ES&amp;S Labor Cost Communication Fee (waived)</p> <p>ES&amp;S Non-Labor Expenses (see Attachment A for detail) \$ 6,802</p> <p>Reimbursable Expenses (see Attachment A for detail) \$ 6,802</p> <p>Subtotal ES&amp;S Non-Labor Expenses \$ 2,031</p> <p>Subcontractor Costs (see Attachment B for detail) \$ 40,428</p>																	
<b>PROJECT TOTAL</b>																	

September 7, 2023

## **Amendment 5: Attachment 1. Scope of Work**

### **Proposed Amendment No. 5 to the Contractual Services Agreement for Professional Environmental Services by Environmental Science Associates for Extended Scope of Work on the Lower San Joaquin River Project-Phase 1, TS30L Mitigation Site Design and CEQA/NEPA Support**

#### **SCOPE OF WORK**

The City of Stockton (City) and surrounding areas rely upon the Lower San Joaquin River (LSJR) levee system to prevent flooding during high water events. The LSJR Phase 1: Reach TS30L Levee Improvement Project (TS30L or proposed Project) includes modifying approximately 5,900 feet (or 1.1 miles) of existing levee geometry near the northwestern side of the City to meet current levee design and operation standards, to provide seepage mitigation measures (cutoff wall installation), and to add erosion protection. TS30L is one of the six reaches in the “Delta Front” portion of “Alternative 7a – North and Central Stockton – Delta Front, Lower Calaveras River and San Joaquin River (SJR) Levee Improvements excluding RD 17” (Alternative 7a), which was the recommended alternative identified in the 2018 San Joaquin River Basin, Lower San Joaquin River Integrated Interim Feasibility Report/ Environmental Impact Statement/Environmental Impact Report (2018 LSJR FR/EIS/EIR) prepared by the San Joaquin Area Flood Control Agency (SJAFCFA), Central Valley Flood Protection Board (CVFPB), and US Army Corps of Engineers (USACE).

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

When project-level details became available for the proposed work at TS30L levee, Environmental Science Associates (ESA) developed a Supplemental Environmental Impact Report (SEIR) for the proposed work and brought the document to the Public Draft phase. In accordance with State California Environmental Quality Act (CEQA) Guidelines Section 15163, an SEIR is required when only minor changes to the document are needed to make the previous EIR adequately apply to the project in the changed situation.

In addition to development of the Public Draft SEIR, ESA has supported SJAFCFA starting in March 2021 on a variety of TS30L efforts as captured in the original contract (signed March 2021) and four contract amendments (Amendment 1 signed April 2021, Amendment 2 signed July 2021, Amendment 3 signed January 2022, and Amendment 4 originally signed November 2022 [and amended February 2023 and July 2023]).

In September 2022, SJAFCFA and CVFPB, as the non-federal sponsors of the 2018 LSJR FR/EIS/EIR, decided that environmental review of potential biological mitigation sites would be incorporated into the SEIR. TS30L requires mitigation for impacts to certain biological resources (e.g., giant garter snake, valley elderberry longhorn beetle) via the creation of habitat to compensate for habitat loss caused by the Project. Therefore, SJAFCFA and CVFPB requested ESA evaluate the following five potential biological

#### **SJAFCFA**

**Environmental Support for TS30L Reach**

mitigation sites in the vicinity of the Project site, three at a project-level of detail and two at a program-level:

1. 14-Mile Slough Pump Station (APN 071-140-17), consisting of approximately 113 acres of land owned by the City of Stockton located on Wright-Elmwood Tract south of Fourteen Mile Slough west of Stockton. This site was evaluated at a project-level of detail.
2. San Joaquin River (SJR) West Site (APN 071-140-01), consisting of approximately 50 acres of privately owned land owned on Wright-Elmwood Tract at the confluence of Fourteen Mile Slough and the San Joaquin River west of Stockton. This site was evaluated at a project-level of detail.
3. SJR East Site (APN 071-150-09), consisting of approximately 50 acres of privately owned land owned on Wright Tract at the confluence of Fourteen Mile Slough and the San Joaquin River west of Stockton. This property surrounds the 50-acre Pace Preserve, which is managed by the Center for Natural Lands Management and includes valley foothill riparian, freshwater aquatic wetland, and California annual and perennial grassland habitats which act as mitigation for impacts to Swainson's Hawk, Valley elderberry long-horn beetle (VELB), and Tri-colored blackbird. This site was evaluated at a project-level of detail.
4. SJR South Site (APN 241-240-03), consisting of approximately 151 acres of privately owned land located along Walthall Slough in Manteca, California. This site is currently being developed to preliminary (10%) level design plans by ESA as part of the Mossdale Tract Urban Flood Risk Reduction (UFRR) Project. We assume that all work done to date for that project will be fit for use as-is on the current TS30L project. This site was evaluated at a program-level of detail.
5. Van Buskirk Park (APN 163-070-36), consisting of approximately 152 acres of land owned by the City of Stockton located at the confluence of French Camp Slough and the San Joaquin River in Stockton, California. We assume that portions of work done to date for this site by USACE will be fit for use as-is on the current TS30L project. This site was evaluated at a program-level of detail.

USACE and the non-federal sponsors determined that the SJR West Site would be pursued for the biological mitigation needs of TS30L, which required time-sensitive work to complete a wetland delineation of the SJR West Site and prepare a Section 401 Water Quality Certification and a Restoration General Order NOI for TS30L and the SJR West Site, respectively. In order to accomplish this work in a timely manner, funds from Contract Amendment 4 were reallocated to this effort in a revised scope of work provided to SJAFCA on July 5, 2023. ESA received a Notice to Proceed from SJAFCA, to proceed with the Revised Contract Amendment 4 scope of work on July 6, 2023.

This document (Contract Amendment 5) includes the previous scope of work for certain pre-construction surveys needed prior to commencement of levee improvements at TS30L, the cost of which was reallocated to the wetland delineation and permit preparation efforts outlined above, less tasks for which USACE has since claimed responsibility (namely, Task 5.5 - Elderberry Survey and Transplantation Oversight and Task 5.7 - Conduct Worker Environmental Awareness Training).

It is assumed that TS30L construction will start in June, 2024.

*Note: USACE has claimed responsibility for the Elderberry Survey and Transplantation Oversight and Worker Awareness Training, therefore these tasks are not included in this scope of work.*

The tasks in the scope of work are as follows:

Task 1 – Additional Funds for Project Management and General Meeting Requirements

**TS30L Construction:**

Task 5 – Pre-Construction Surveys

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

Task 5.2 – Conduct Protocol-Level Surveys for Western Burrowing Owl

Task 5.3 – Conduct Surveys for Roosting Bats

Task 5.4 – Conduct Preconstruction Surveys for Giant Garter Snake

Task 5.5 – Special-Status Plant Survey

**Solari Biological Mitigation Site Construction:**

Task 6 – Pre-Construction Surveys

Task 6.1 – Conduct Protocol-Level Surveys for Swainson’s Hawk and Surveys for Nesting Birds Protected by the Migratory Bird Treaty Act

Task 6.2 – Conduct Protocol-Level Surveys for Western Burrowing Owl

Task 6.3 – Conduct Surveys for Roosting Bats

Task 6.4 – Conduct Preconstruction Surveys for Giant Garter Snake

Task 6.5 – Special-Status Plant Survey

**Task 1.0 Project Management and General Meeting Requirements**

ESA will be responsible for overall coordination and administration of project tasks through its assigned Project Manager (PM). The PM will manage the financial and schedule aspects of the tasks identified herein for the period indicated in the Period of Performance. The PM’s efforts will focus on completing tasks and submitting deliverables according to the project schedule and budget, managing staff assignments, facilitating QA/QC reviews, identifying and communicating issues affecting cost, schedule and quality, and coordinating field efforts. ESA will attend three coordination meetings every month for 3 months for both TS30L and the Solari Mitigation Site for a total of 9 1-hour meetings with up to two (2) ESA staff attending (18 hours in total for both people) for each TS30L and the Solari Mitigation Site. So, a total of 18-1 hour meetings for a total of 36 hours for both people. ESA will prepare the meeting agendas and meeting summaries for each meeting.

It is anticipated that it will take approximately 4 months to complete the pre-construction surveys.

## **TS30L Construction**

### **Task 5.0 Pre-Construction Surveys**

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

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

An ESA qualified biologist will conduct protocol-level Swainson's hawk surveys in accordance with the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (Recommended Timing) (Swainson's Hawk Technical Advisory Committee, 2000). In accordance with the Recommended Timing, three surveys will be conducted during each of the two survey periods immediately prior to the commencement of construction activities. Survey periods as defined in the Recommended Timing are: 1) January 1 through March 20 (all day); 2) March 20 to April 5 (sunrise to 10 am and 4 pm to sunset); 3) April 5 to April 20 (sunrise to 12 pm or 4:30 pm to sunset); 4) April 21 to June 10, but only for monitoring known nest sites observed during previous survey periods; and 5) June 10 to July 30 (sunrise to 12 pm and 4 pm to sunset). The surveys would include suitable habitat on the project site and within 0.5 mile of the project site where access is permitted. Surveys for other active nests of birds protected by the Migratory Bird Treaty Act (MBTA) will be conducted concurrently with the Swainson's hawk protocol surveys, with at least one survey to be conducted no more than 48 hours from initiation of project activities. This task assumes that no active Swainson's hawk nest or nest of MBTA-protected bird will be found during the surveys. If active nests are found, additional agency coordination and avoidance measures may be required. ESA can provide these services following receipt of a contract modification and budget augmentation.

#### ***Deliverables***

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

#### ***Assumptions***

- *3 surveys between April 5-20th and 3 surveys between April 21 and June 10th, with the last of the 3 surveys during this period being conducted within 48 hours of start of construction. Each survey takes approximately 1-2 hours depending on the level of activity of birds within 0.5 miles of the project, plus travel to and from the site, so 5-6 hours per visit*
- *During the last survey, surveys for other nesting birds and pond turtle will be conducted*

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

An ESA qualified biologist will conduct protocol-level surveys for burrowing owl in accordance with the CDFW's 2012 *Staff Report on Burrowing Owl Mitigation* (2012 Staff Report). In accordance with the 2012 Staff Report, four surveys will be conducted during the February 1 to August 31 breeding season. One survey will be conducted between February 15 and April 15 and three surveys, spaced at least 3 weeks apart, will be conducted between April 15 and July 15, with at least one survey occurring after June 15. The surveys will include suitable habitat on the project site and within 500 feet of the project site where access is permitted. This task assumes that no burrowing owls will be observed within 500 feet of the

project footprint. If active burrows are found, additional agency coordination and avoidance measures may be required. ESA can provide these services following receipt of a contract modification and budget augmentation.

***Deliverables***

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

***Assumptions***

- *1 survey between Feb 15 and April 15, and 3 surveys spaced 3 weeks apart between Apr 15-July 15, each survey would take approximately 1-2 hour depending on the level of activity of birds in the project area, plus travel to and from the site, so 5-6 hours per visit*

**Task 5.3. Conduct Surveys for Roosting Bats**

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

***Deliverables***

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

***Assumptions***

- *1 survey within 1 week prior to determine if bats are utilizing the site (2-3 hr survey, plus travel total of 6-7 hours). If signs are observed, two additional night surveys will be conducted prior to construction, 3 hrs plus travel, so 6-7 hours each*

**Task 5.4. Conduct Preconstruction Surveys for Giant Garter Snake**

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

***Deliverables***

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

***Assumptions:***

- *1 survey within 24-hrs of construction. Survey would take 3-4 hours (varies depending on if rice fields are flooded) for a total of 7-8 hours with travel.*

### Task 5.5. Special-Status Plant Survey

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

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

#### **Deliverables**

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

#### **Assumptions**

- *Survey would take 8 hours, for a total of 12 hours with travel*

#### **Summary of Cost Proposal:**

Table 1 below summarizes the costs of the tasks outlined in this scope of work that were reallocated to complete a wetland delineation of the SJR West Site and prepare a Section 401 Water Quality Certification and a Restoration General Order NOI for TS30L and the SJR West Site, respectively. SJAFCA's Notice to Proceed on the Revised Contract Amendment 4, which outlines the cost of reallocated scope funds, is included as Attachment 2 to this Contract Amendment.

### **Solari Biological Mitigation Site Construction**

#### **Task 6.0 Pre-Construction Surveys**

ESA will conduct surveys and monitoring for special-status species as required by the SEIR.

#### **Task 6.1. Conduct Protocol-Level Surveys for Swainson's Hawk and Surveys for Nesting Birds Protected by the Migratory Bird Treaty Act**

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

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

#### ***Deliverables***

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

#### ***Assumptions***

- *3 surveys between April 5-20th and 3 surveys between April 21 and June 10th, with the last of the 3 surveys during this period being conducted within 48 hours of start of construction. Each survey takes approximately 1-2 hours depending on the level of activity of birds within 0.5 miles of the project, plus travel to and from the site, so 5-6 hours per visit*
- *During the last survey, surveys for other nesting birds and pond turtle will be conducted*

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#### ***Deliverables***

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

#### ***Assumptions***

- *1 survey between Feb 15 and April 15, and 3 surveys spaced 3 weeks apart between Apr 15-July 15, each survey would take approximately 1-2 hour depending on the level of activity of birds in the project area, plus travel to and from the site, so 5-6 hours per visit*

#### **Task 6.3. Conduct Surveys for Roosting Bats**

An ESA qualified biologist will conduct a survey for suitable bat roosting habitat no more than one week prior to removal or trimming of trees. If suitable habitat and/or bat signs are detected, a biologist would conduct evening visual emergence surveys from a half an hour before sunset to one to two hours after sunset for a minimum of two nights. If roosting western bats are identified within the project area, the

Client will be immediately notified. This task assumes that no roosting western red bats will be found during the surveys. If active roosts are found, additional agency coordination and avoidance measures may be required. ESA can provide these services following receipt of a contract modification and budget augmentation.

**Deliverables**

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

**Assumptions**

- 1 survey within 1 week prior to determine if bats are utilizing the site (2-3 hr survey, plus travel total of 6-7 hours). If signs are observed, two additional night surveys will be conducted prior to construction, 3 hrs plus travel, so 6-7 hours each

**Task 6.4. Conduct Preconstruction Surveys for Giant Garter Snake**

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

**Deliverables**

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

**Assumptions:**

- 1 survey within 24-hrs of construction. Survey would take 3-4 hours (varies depending on if rice fields are flooded) for a total of 7-8 hours with travel.

**Task 6.5. Special-Status Plant Survey**

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

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

**Deliverables**

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

**Assumptions**

- Survey would take 8 hours, for a total of 12 hours with travel

**Summary of Cost Proposal:**

Table 1 below summarizes the costs of the tasks outlined in this scope of work that were reallocated to complete a wetland delineation of the SJR West Site and prepare a Section 401 Water Quality Certification and a Restoration General Order NOI for TS30L and the SJR West Site, respectively. SJAFCAs Notice to Proceed on the Revised Contract Amendment 4, which outlines the cost of reallocated scope funds, is included as Attachment 2 to this Contract Amendment.

**Table 1: Costs by Task**

Task 1 – Additional Funds for Project Management and General Meeting Requirements	\$6,510
Task 5 – TS30L Construction	
Task 5.1 - Conduct Protocol-Level Surveys for Swainson’s Hawk and Surveys for Nesting Birds Protected by the Migratory Bird Treaty Act	\$9,180
Task 5.2. Conduct Protocol-Level Surveys for Western Burrowing Owl	\$5,380
Task 5.3. Conduct Surveys for Roosting Bats	\$9,280
Task 5.4. Conduct Preconstruction Surveys for Giant Garter Snake	\$6,180
Task 5.5. Special-Status Plant Survey	\$7,680
Task 6 – Solari Biological Mitigation Site Construction	
Task 6.1 - Conduct Protocol-Level Surveys for Swainson’s Hawk and Surveys for Nesting Birds Protected by the Migratory Bird Treaty Act	\$9,180
Task 6.2. Conduct Protocol-Level Surveys for Western Burrowing Owl	\$5,380
Task 6.3. Conduct Surveys for Roosting Bats	\$9,280
Task 6.4. Conduct Preconstruction Surveys for Giant Garter Snake	\$6,180
Task 6.6. Special-Status Plant Survey	\$7,680
Reimbursable Expenses	\$2,060.00
<b>Total</b>	<b>\$90,480</b>

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

<i>Labor Category</i>	Director III	Managing Associate II	Senior Associate I	<i>Subtotal</i>	<i>Total Hours</i>	<i>Labor Price</i>
	\$ 240	\$ 190	\$ 150			
<b>Task Name/Description</b>						
Task 1 - Project Management and Meetings	40	18		\$ 13,020	58.00	\$ 13,020
Task 5.1 - Conduct Protocol-Level Surveys for Swainson's Hawk and Surveys for Nesting Birds Protected by the Migratory Bird Treaty Act	2	30	20	\$ 9,180	52.00	\$ 9,180
Task 5.2. Conduct Protocol-Level Surveys for Western Burrowing Owl	2	10	20	\$ 5,380	32.00	\$ 5,380
Task 5.3. Conduct Surveys for Roosting Bats	2	40	8	\$ 9,280	50.00	\$ 9,280
Task 5.4. Conduct Preconstruction Surveys for Giant Garter Snake	2	30		\$ 6,180	-	\$ 6,180
Task 5.5. Special-Status Plant Survey	2	30	10	\$ 7,680	42.00	\$ 7,680
				\$ -	-	\$ -
Task 6.1 - Conduct Protocol-Level Surveys for Swainson's Hawk and Surveys for Nesting Birds Protected by the Migratory Bird Treaty Act	2	30	20	\$ 9,180	52.00	\$ 9,180
Task 6.2. Conduct Protocol-Level Surveys for Western Burrowing Owl	2	10	20	\$ 5,380	32.00	\$ 5,380
Task 6.3. Conduct Surveys for Roosting Bats	2	40	8	\$ 9,280	50.00	\$ 9,280
Task 6.4. Conduct Preconstruction Surveys for Giant Garter Snake	2	30		\$ 6,180	-	\$ 6,180
Task 6.5. Special-Status Plant Survey	2	30	10	\$ 7,680	42.00	\$ 7,680
	60	298	116	474	410	
	\$ 14,400	\$ 56,620	\$ 17,400	\$ 88,420		\$ 88,420
	14.6%	72.7%	28.3%	115.6%	115.6%	
	15.9%	62.6%	19.2%			97.7%

**ESA Labor Cost** \$ **88,420**  
**Labor Cost + Expenses+ 3%** **\$2,060.00**

<b>PROJECT TOTAL</b>	<b>\$ 90,480</b>
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## Attachment A

### Cost Proposal: ESA Non-Labor Expenses Summary

#### Reimbursable Expenses

Project Supplies	\$	-
Printing/Reproduction	\$	-
Cultural Records Search	\$	-
Postage and Deliveries	\$	-
Mileage	\$	2,000
Vehicle Rental	\$	-
Lodging	\$	-
Airfare	\$	-
Other Travel Related	\$	-
-	\$	-
-	\$	-
-	\$	-
Subtotal Reimbursable Expenses	\$	2,000
0% Fee on Reimbursable Expenses	\$	-
<b>Total Reimbursable Expenses</b>	<b>\$</b>	<b>2,000</b>

#### ESA Equipment Usage

General Equipment:

<b>Total Equipment Usage Costs</b>	<b>\$</b>	<b>-</b>
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# **Agenda Item 4.4**

September 29, 2023

TO: San Joaquin Area Flood Control Agency

FROM: Chris Elias, Executive Director

SUBJECT: **AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE AMENDMENT NO. 1 WITH MONUMENT, INC. FOR REAL ESTATE RIGHT-OF-WAY GEODETICS SUPPORT FOR THE SAN JOAQUIN RIVER BASIN, LOWER SAN JOAQUIN RIVER, CALIFORNIA PROJECT, SHIMA TRACT PHASE A**

### RECOMMENDATIONS

It is recommended that the Board of Directors of the San Joaquin Flood Control Agency (SJAFCA) adopt a resolution authorizing the Executive Director to negotiate and execute amendment No.1 with Monument Inc. for professional real estate right of way geodetics support for the San Joaquin River Basin, Lower San Joaquin River, California Project Shima Tract Phase A.

### DISCUSSION

The design of the San Joaquin River Basin, Lower San Joaquin River, California Project Shima Tract Phase A levee started in March 2023. Since then, the design is progressing towards the 35% design stage. This requires the completion of a boundary survey for the levee identifying property lines of nearby parcels. The Department of Water Resources (DWR) has completed some preliminary work towards the boundary survey for the Shima Tract levee reach. SJAFCA is now taking on the tasks to complete the real estate related tasks necessary to advance the Shima Tract Phase A design and construction component of the Lower San Joaquin River project.

### Background

On June 01, 2023, SJAFCA entered into an agreement with Monument Inc. for real estate professional services on the San Joaquin River Basin, Lower San Joaquin River, California Project Shima Tract Phase A in the amount of \$62,200. Monument Inc. included Kjeldsen Sinnock Neudeck (KSN) as a subconsultant to assist in the completion of all necessary surveying efforts for the Shima Tract Phase A levee improvement.

### Present Situation

The design of the San Joaquin River Basin, Lower San Joaquin River, California Project Shima Tract Phase A is progressing towards the 35% design stage. This design stage requires a complete property boundary survey of the entire levee reach. As the agency responsible for delivering the project design, the US Army Corps of Engineers requested this information to be provided by the non-federal sponsors (SJAFCA and the State of California). A draft of the land records has been prepared by the State and provided to SJAFCA and its consultants for use in real estate transactions. While DWR's draft land record is a good foundation, additional work is necessary by SJAFCA's consultant team to properly describe the property boundaries for design and eventual construction of the Phase A levee project. The additional work to be completed by Monument and its sub-consultant, KSN, include documenting all encumbrances,

**AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE AMENDMENT NO. 1 WITH MONUMENT, INC. FOR REAL ESTATE RIGHT-OF-WAY GEODETICS SUPPORT FOR THE SAN JOAQUIN RIVER BASIN, LOWER SAN JOAQUIN RIVER, CALIFORNIA PROJECT, SHIMA TRACT PHASE A**

such as easements or other title exceptions are properly mapped to ensure easements and other title exceptions can be clearly identified and added to the land record.

Kjeldsen, Sinnock & Neudeck, Inc. (KSN) has been retained as a sub-consultant by Monument, Inc. to support the right of way acquisition with surveying and mapping services on an as-needed basis. This initial scope of services includes reviewing DWR's draft land-net data for use by KSN, reviewing title reports, adding encumbrances of record identified in title reports, performing limited field surveys to verify the project control network, locating critical improvements to assist with the acquisition, and performing additional field surveys to assist with boundary resolution. Additional services will be necessary, with future scope and fee efforts to be determined as the project needs are defined.

**Task No. 2: Survey Preconstruction Geodetics:**

**Geodetic Control Network:** Pursuant to SJAFCA and DWR coordination calls on January 24, 2023, and July 19, 2023, the primary geodetic control network has been established for the Shima Tract Phase A Project. This primary geodetic control network was used by the USACE to develop the base mapping and by DWR to prepare the draft land-net. KSN will perform limited field surveys to check the project survey control network so that all mapping prepared by KSN will be referenced to the common survey control network used by the USACE and DWR.

**Record of Survey / Corner Records:** At this time KSN assumes that no work is necessary on KSN's part regarding a pre-construction Record of Survey / Corner Records for the Shima Tract Phase A Project. However, field surveys and additional records research could disclose a requirement to prepare a Record of Survey or Corner Records preparation pursuant to the Land Surveyors' Act. If these services are identified and required, KSN will provide a scope and fee estimate for review and approval.

**Prepare Land-Net:** Pursuant to the coordination call on July 19, 2023, DWR's land-net is in draft form for the Shima Tract Phase A Project and needs additional work. KSN assumes that a detailed review of the land-net documents will be necessary on KSN's part to become familiar with the work provided by DWR, so that it can be used by KSN. This effort will require reviewing title reports, mapping easements, adding title exceptions, and performing field surveys in areas impacted by the planned improvements. Upon completion, the land-net will be the foundation of the acquisition exhibits and descriptions for the Shima Tract Phase A Project.

- Pre-Construction Staking: No work anticipated at this time.

**Tasks to be completed under Preconstruction Geodetics**

- A. Review primary geodetic control network (USACE) and land-net data (DWR). Coordinate with USACE and DWR to clarify any questions during review related to the geodetic control network, base mapping, and land-net. Review title reports and map encumbrances. Perform limited field surveys to support preparation of the land-net (\$60,590 allowance budget).

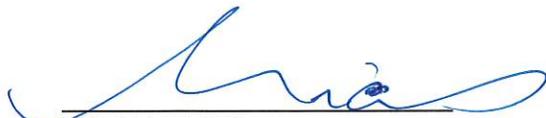
**AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE AMENDMENT NO. 1 WITH MONUMENT, INC. FOR REAL ESTATE RIGHT-OF-WAY GEODETICS SUPPORT FOR THE SAN JOAQUIN RIVER BASIN, LOWER SAN JOAQUIN RIVER, CALIFORNIA PROJECT, SHIMA TRACT PHASE A**

Task No. 2: Preconstruction Geodetics	\$44,000
Task No. 2: Preconstruction Geodetics Field Surveys	\$16,590
<b>Total Estimated Fee</b>	<b>\$60,590</b>

FISCAL IMPACT

Funding sufficient to pay for the professional real estate right of way geodetics support for the San Joaquin River Basin, Lower San Joaquin River, California Project Shima Tract Phase A is already included in the Fiscal Year 2023/2024 budget for the overall LSJR.

PREPARED BY: Omar Al-Hindi



CHRIS ELIAS  
EXECUTIVE DIRECTOR

**Attachments:**

1. Monument's Amendment No.1
2. Monument / KSN Proposal
3. Proposal Fee

**RESOLUTION NO. SJAFCA 23-29**

**SAN JOAQUIN AREA  
FLOOD CONTROL AGENCY**

=====

**AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE AMENDMENT  
NO. 1 FOR REAL ESTATE RIGHT-OF-WAY GEODETICS SUPPORT FOR  
THE SAN JOAQUIN RIVER BASIN, LOWER SAN JOAQUIN RIVER,  
CALIFORNIA PROJECT, SHIMA TRACT PHASE A**

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

Authorize the Executive Director to:

1. Execute Amendment No. 1 to the consultant services agreement with Monument Inc for the San Joaquin River Basin, Lower San Joaquin River, California Project Shima Tract Phase A, in the amount of \$60,590 for Real Estate Right of Way Geodetics support.
2. Appropriate \$60,590 to fund the tasks covered in Amendment No. 1 with a not-to-exceed total contractual budget of \$122,790.

PASSED, APPROVED AND ADOPTED this 29th day of September 2023.

\_\_\_\_\_  
GARY SINGH, Chair  
of the San Joaquin Area  
Flood Control Agency

ATTEST:

\_\_\_\_\_  
CHRIS ELIAS, Executive Director  
of the San Joaquin Area  
Flood Control Agency

APPROVED AS TO FORM:

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

**AMENDMENT NO. 1  
TO THE CONTRACTUAL SERVICES AGREEMENT FOR  
SAN JOAQUIN RIVER BASIN, LOWER SAN JOAQUIN RIVER, CALIFORNIA PROJECT  
WITH  
MONUMENT INC.**

This Amendment No. 1 to the Contractual Professional Services Agreement for the San Joaquin River Basin, Lower San Joaquin River, California Project ("Agreement") is made and entered into this June 1, 2023 by and between the San Joaquin Area Flood Control Agency ("Agency") and Monument, Inc. ("Consultant") who have affixed their signatures hereto.

NOW, THEREFORE, in consideration of the foregoing and the mutual agreement contained herein, and intending to be legally bound, the Agency and Consultant agree, and contract as follows:

1. Consultant will provide professional services for Real Estate Right of Way Geodetics support for the San Joaquin River Basin, Lower San Joaquin River, California Project Shima Tract Phase A as outlined in the attached letter and proposal dated August 10, 2023, and approved by SJAFCA Board Resolution 23-29;

2. The budget is amended in the amount of \$60,590

3. All terms not defined in this Amendment No. 1 shall have the meaning ascribed to them in the Agreement. Except as otherwise provided herein, all other terms and conditions of the Agreement remain in full force and effect. The parties hereby agree and consent to be bound by the terms of the Agreement, and this Amendment No. 1.

IN WITNESS WHEREOF, the undersigned have duly executed this Amendment No. 1 as parties on the date first written above.

SJAFCA:

MONUMENT INC.

\_\_\_\_\_  
CHRIS ELIAS  
EXECUTIVE DIRECTOR

  
\_\_\_\_\_  
BOB MORRISON, P.E.  
VICE PRESIDENT

APPROVED AS TO FORM:

  
\_\_\_\_\_  
SCOTT L. SHAPIRO  
LEGAL COUNSEL

**Lower San Joaquin River Basin  
San Joaquin Area Flood Control Agency (SJAFCOA)  
Real Estate Right of Way Geodetics Support  
Shima Tract Phase A  
July 25, 2023  
(Updated Fee August 10, 2023)**

## Understanding and Approach

Based upon KSN's review of the project, team discussions, and meetings, KSN understands that the Shima Tract Phase A Project will be designed by the USACE. A draft of the land-net has been prepared by DWR and provided to SJAFCOA and its consultants for use in real estate acquisition. While DWR's draft land-net is a good foundation, additional work is necessary by SJAFCOA's consultant team to prepare the land-net for design and acquisitions. The draft land-net does not include all encumbrances, such as easements or other title exceptions. This means that title reports will need to be reviewed and additional documents will need to be mapped so that easements and other title exceptions can be identified and added to the land-net.

KSN will support the right of way acquisition with surveying and mapping services on an as-needed basis. This initial scope of services includes reviewing DWR's draft land-net data for use by KSN, reviewing title reports, adding encumbrances of record identified in title reports, performing limited field surveys to verify the project control network, locating critical improvements to assist with the acquisition, and performing additional field surveys to assist with boundary resolution. Additional services will be necessary, with future scope and fee efforts to be determined as the project needs are defined.

### KSN Task No. 2: Survey Preconstruction Geodetics:

- Geodetic Control Network: Pursuant to SJAFCOA and DWR coordination calls on January 24, 2023 and July 19, 2023, the primary geodetic control network has been established for the Shima Tract Phase A Project. This primary geodetic control network was used by the USACE to develop the base mapping and by DWR to prepare the draft land-net. KSN will perform limited field surveys to check the project survey control network so that all mapping prepared by KSN will be referenced to the common survey control network used by the USACE and DWR.
- Record of Survey / Corner Records: At this time KSN assumes that no work is necessary on KSN's part regarding a pre-construction Record of Survey / Corner Records for the Shima Tract Phase A Project. However, field surveys and additional records research could disclose a requirement to prepare a Record of Survey or Corner Records preparation pursuant to the Land Surveyors' Act. If these services are identified and required, KSN will provide a scope and fee estimate for review and approval.
- Prepare Land-Net: Pursuant to the coordination call on July 19, 2023, DWR's land-net is in draft form for the Shima Tract Phase A Project and needs additional work. KSN assumes that a detailed review of the land-net documents will be necessary on KSN's part to become familiar with the work provided by DWR, so that it can be used by KSN. This effort will require reviewing title reports, mapping easements, adding title exceptions, and performing field surveys in areas

impacted by the planned improvements. Upon completion, the land-net will be the foundation of the acquisition exhibits and descriptions for the Shima Tract Phase A Project.

- Pre-Construction Staking: No work anticipated at this time.

KSN Tasks to be completed under Preconstruction Geodetics

- A. Review primary geodetic control network (USACE) and land-net data (DWR). Coordinate with USACE and DWR to clarify any questions during review related to the geodetic control network, base mapping, and land-net. Review title reports and map encumbrances. Perform limited field surveys to support preparation of the land-net (\$60,590 allowance budget).

### Scope of Services Understandings

- This scope excludes services not described above including preparation of base mapping, right of way description packages, real estate plan preparation, acquisition of title reports, design services, utility research, utility mapping, utility coordination, and preparation of a Record of Survey or Corner Records.
- Future negotiated services can be added by an amendment to an existing agreement for these services.
- This project is subject to prevailing wages.
- Traffic control and encroachment permits are excluded and not anticipated.

### KSN Fee Estimate

KSN proposes to provide the above-described scope of services on a time and expenses basis for a total not to exceed fee based on our attached prevailing wage fee schedule, rates subject to adjustment annually. Our total proposed fee approximately broken down by task is as follows:

KSN Task No. 2: Preconstruction Geodetics	\$44,000
KSN Task No. 2: Preconstruction Geodetics Field Surveys	\$16,590
Total Estimated Fee	\$60,590

### KSN Tentative Schedule

KSN anticipates an 8-week schedule from notice to proceed following the September 21<sup>st</sup> SJAFCA meeting.

**SJA FCA  
Shima Tract Phase A  
TASK HOURS BREAKDOWN**

**ATTACHMENT 3**

TASKS AND DESCRIPTIONS		Classification	Principal Engineer	Senior Surveyor	Senior Surveyor	Surveyor	Assistant Surveyor	Field Crew PW 1 Person	Field Crew PW 2 Person	Tech/GIS/ CAD Designer III	Project Coordinator IV	Project Coordinator III	Project Coordinator II	Project Coordinator I	Total Labor Hours	Total Labor Budget	Total Budget (Rounded)
		Staff Initials	CHN	KFN	BAS	JLP	MCS	JLP/MCS	JLP/MCS	CGS	PLF	NCL					
		Rates	\$290	\$255	\$255	\$225	\$190	\$250	\$365	\$165	\$160	\$130	\$115	\$100			
02-001	Surveying		4	38	100	20	24	24		40	8	10			268	\$ 60,590	\$ 60,590
02-100	Existing Conditions		4	38	100	20	24	24		40	8	10			268	\$ 60,590	\$ 60,590
	KSN Task No. 2 - Preconstruction Geodetics		4	32	100					40	8	10			194	\$44,000	\$44,000
	KSN Task No. 2 - Preconstruction Geodetics Field Surveys			6		20	24	24							74	\$16,590	\$16,590
<b>PROJECT TOTALS</b>			<b>4</b>	<b>38</b>	<b>100</b>	<b>20</b>	<b>24</b>	<b>24</b>		<b>40</b>	<b>8</b>	<b>10</b>			<b>268</b>	<b>\$ 60,590</b>	<b>\$ 60,590</b>
<b>GRAND TOTALS</b>			<b>4</b>	<b>38</b>	<b>100</b>	<b>20</b>	<b>24</b>	<b>24</b>		<b>40</b>	<b>8</b>	<b>10</b>			<b>268</b>	<b>\$ 60,590</b>	<b>\$ 60,590</b>

# **Agenda Item 5.1**

September 29, 2023

TO: San Joaquin Area Flood Control Agency  
FROM: Chris Elias, Executive Director  
SUBJECT: **BRIEFING ON PRINCIPAL OFFICE OF AGENCY**

### RECOMMENDATION

It is recommended that the Board of Directors of the San Joaquin Area Flood Control Agency (SJAFCA) receive and discuss informational briefing related to principal office of the Agency. Future action of the Board will be required when we have more information.

### BACKGROUND

The purpose of this briefing is to apprise the Board of Directors of recent development regarding the principal office of SJAFCA. Under Section 12 of SJAFCA's Joint Exercise of Powers Agreement executed in May 1995, the Board retained the sole authority to establish, and change the principal office of the Agency within its boundary – which is mostly coterminous with the County's boundary. (That authority remains under SJAFCA's amended Joint Exercise of Powers Agreement.) The Board exercised that authority long ago to place SJAFCA's principal office within space rented from the City of Stockton.

For the past two years or longer, the City of Stockton has embarked on a plan to move and consolidate its administrative offices in a new location. The plan for relocation and consolidation affects, among others, offices of the City's Department of Public Works where SJAFCA is currently housed as a paying tenant. Recent updates from the City regarding consolidation of offices at a new location have informed us that the current plans do not include space to accommodate the office space needs of SJAFCA. Given these recent updates that show the timeline for actual moves of the offices is scheduled for summer of 2024, staff believes the Board needs to be made aware of this development and the active efforts underway to explore options to adjust to the unfolding situation and then receive feedback from the board to guide Agency's options and next steps.

### Historical Timeline For Reflection and To Guide Realistic Plan

- Joint Exercise of Powers was formed in May 1995
- Then City Manager, Dwane Milnes, served as SJAFCA's Executive Director
- The City Manager turned over the day-to-day leadership of SJAFCA to the Director of Public Works, Jim Giottonini, with allocation of 5 Full Time Equivalent employees on City of Stockton's payroll, but paid for by SJAFCA. SJAFCA also paid the City's monthly fee for lease of space, IT support, vehicle maintenance and other supporting services. The FTEs were deleted from Public Works budget in the past couple of years as SJAFCA took over the FTE's, except for one Senior Engineer currently serving as the Project Manager on construction of the Smith Canal Gate Project.
- When Giottonini retired, SJAFCA retained him part-time to continue to run the Agency.

## BRIEFING ON PRINCIPAL OFFICE OF AGENCY

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- While the current Executive Director was hired, he was hired as an employee of SJAFCA.
- SJAFCA currently has 7 FTES. with most of those FTEs hired after the City of Stockton staff were reabsorbed into the City's headcount.

SJAFCA's recommended office space needs are 2000 to 3000 square feet for a mix of closed and cubicle office spaces, document and equipment storage, front desk set up, storage cabinets, Information Technology server, printers, conference rooms, bookshelves etc. Accessibility for an improved constituent experience will need to be considered along with proximity to Board Meeting the venue and a parking facility.

### PRESENT SITUATION

Agency staff has informed member agency principals about the notification for possible relocation of the Agency's principal office and have begun holding discussions on possible options for the Board's consideration at future meetings.

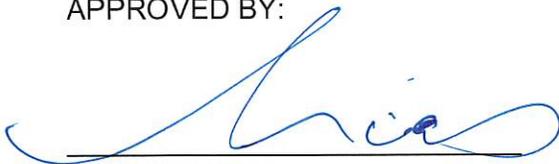
### FISCAL IMPACT

Time to prepare this staff report is already part of staff work accounted for in the Board-approved FY 23/24 budget. However, staff plans to procure the services of a firm to assist with needs assessment and move planning of the Agency's principal office at a cost not to exceed the spending authority limit of \$100,000. Updates regarding the move planning will be provided to the Board at its regular meetings.

### Strategic Plan Consistency Analysis

The material found in this report is consistent with the Mission and Goals of the Board-adopted Strategic Plan, specifically *Goal 2 to Drive for Operational Transparency* as the uncertainty of principal office location presents an opportunity to thrust SJAFCA forward for improved constituent experience.

APPROVED BY:



CHRIS ELIAS  
EXECUTIVE DIRECTOR

# **Agenda Item 5.2**

September 29, 2023

TO: San Joaquin Area Flood Control Agency

FROM: Chris Elias, Executive Director

SUBJECT: **INFORMATIONAL UPDATE ON PROCURING CONSULTANT SERVICES FOR VARIOUS FLOOD RISK REDUCTION PROJECTS**

### RECOMMENDATION

Receive an informational update on procuring consultant services for various flood risk reduction projects.

### DISCUSSION

#### Background

The San Joaquin Area Flood Control Agency (SJAFCA) has multiple large-scale flood risk reduction projects currently underway within San Joaquin County that will require adequate staffing in conjunction with multiple consultants to deliver flood risk reduction to the Lower San Joaquin River system. The evaluation of current level of staffing and resourcing to support the various efforts are currently underway, and one of the main elements of project resourcing will entail the procurement of qualified consultants to support SJAFCA's programs and projects. While SJAFCA engages in a multitude of other regional initiatives per our Strategic Plan, the key programs and projects have been described below:

#### Lower San Joaquin River Project Phase 1

SJAFCA has partnered with the Central Valley Flood Protection Board (CVFPB), and collectively, the two agencies serve as the local non-federal sponsors of the Federally authorized Lower San Joaquin River Project Phase 1 (LSJRP – Phase 1), a flood risk reduction effort estimated at upwards of \$1.4B that will reduce flood risk to North and Central Stockton. Additional Information regarding this project can be found online here: [https://www.spk.usace.army.mil/lower\\_sj\\_river/](https://www.spk.usace.army.mil/lower_sj_river/). The segments of LSJRP-Phase 1 are at various stages of planning, design, and construction. The Smith Canal Gate Construction Project is a critical facility within the LSJRP-Phase 1 project.

#### Lower San Joaquin River Project Phase 2 (Mossdale Tract)

SJAFCA has partnered with the Department of Water Resources (DWR) through an Urban Flood Risk Reduction (UFRR) Project to conduct planning, levee design, restoration/ recreation design, and environmental assessment work for needed improvements in the Mossdale Tract Area. A Final Environmental Impact Report is anticipated by Spring 2024. SJAFCA and the CVFPB have also partnered with the United States Army Corps of Engineers (USACE) to conduct a feasibility study to determine Federal interest in the Project.

SJAFCA additionally serves as the Local Flood Management Agency (LFMA) responsible for reporting on efforts to achieve an Urban Level of Flood Protection (ULOP). SJAFCA's work will include establishing of multiple financing mechanisms to advance the project, as well as subsequent planning, design and construction of the levees to the West and North of Mossdale Tract and easterly extension of the Dry Land levee to the South of Manteca.

### **AGENDA ITEM 5.2**

## **INFORMATIONAL UPDATE ON PROCURING CONSULTANT SERVICES FOR VARIOUS FLOOD RISK REDUCTION PROJECTS**

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Additional information regarding this project can be found online here:

<https://www.sjafca.org/projects/mossdale-tract>.

### Paradise Cut Bypass and South Delta Restoration Project

SJAFCA will serve as the lead agency for the Paradise Cut Bypass and South Delta Restoration Project (aka Paradise Cut Bypass Expansion and Ecosystem Enhancement Project), which is a multi-benefit project that will reduce flood risk to broad urban and non-urban areas in the Lower San Joaquin River Basin and provide thousands of acres of ecosystem enhancements. This feature of the State Plan of Flood Control is identified in the Central Valley Flood Protection Plan as a key component to reducing the risk of flooding in the San Joaquin River system through expansion of the floodway and will conduct ecosystem enhancements that will provide habitat to listed species including fish, avian, and other plants and animals while adding other societal benefits. SJAFCA will be responsible for the facilitation of an advisory committee, and various other technical groups overseeing the project.

In 2019, a pre-qualified list of consultants was developed to assist SJAFCA on the various projects described above. However, due to the limited staffing resources, coupled with the increased complexity of the projects (i.e. transition from the planning phase into design and construction phases), SJAFCA has to expand and update its prequalified list. The update of this list will also enable SJAFCA to draw from a variety of consultants that provide unique offering and expertise to SJAFCA's technical needs whether on a project-by-project basis on an on-call basis.

### Present Situation

SJAFCA requires services from professionals experienced in the development and effective delivery of flood risk reduction projects across a wide spectrum of disciplines. SJAFCA seeks support in the planning, feasibility and design of flood projects from firms who have in-depth experiences working with local flood agencies, DWR, USACE, and the Federal Emergency Management Agency (FEMA).

At a minimum, the selected firm (or teams) will provide support services in the following service areas: (1) Planning and Plan Formulation, (2) Flood Risk Assessments, (3) Civil Engineering, (4) Geology and Geotechnical Engineering, (5) Hydrology and Hydraulic Engineering, (6) Surveying, (7) Real Estate Support, (8) Environmental Planning and Permitting, (9) Program Management & Staff Augmentation, (10) Financial Planning & Implementation, and (11) Organizational Planning. The details of each service area can be found below.

#### 1. Planning and Plan Formulation

Planning task orders may include multi-disciplinary facilitation and coordination among consultant teams/members, concept brainstorming, formulation and development, concept trade-off analyses, alternatives development and comparison, benefit/cost analyses

## **AGENDA ITEM 5.2**

## **INFORMATIONAL UPDATE ON PROCURING CONSULTANT SERVICES FOR VARIOUS FLOOD RISK REDUCTION PROJECTS**

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(quantitative and qualitative), economic analysis, grant preparation, evaluation of alternative approaches and multi-benefit features, selection of recommended plan, project management and task integration into the overall program, and other related feasibility-level planning approaches and support.

### 2. Flood Risk Assessment

Risk assessment task orders may include conducting semi-quantitative risk assessments, evaluation of failure modes, developing failure probabilities, performing consequence estimation, reviewing USACE risk assessment deliverables, and partnering with other disciplines and project management skills to define benefit/cost ratios (e.g. hydraulics and geotechnical team members) for development of alternatives and related assessments of benefits.

### 3. Civil Engineering

Civil engineering design task orders may include conceptual design for feasibility-level analyses, identification of and design of borrow sites, flood channel realignments, setback levee alignments, water control structures, bank protection and erosion control, haul route configuration, utility relocations, access roads and ramps, cost estimating, engineering support during bidding, construction, submittal review, documentation pre- and post-construction, project delivery management and interdisciplinary integration, and other related engineering support services.

### 4. Geology and Geotechnical Engineering

Geology and geotechnical engineering task orders may include subsurface data literature review, soil sampling and testing, soil classification, soil design, borrow site testing, seepage analysis, erosion analysis, retaining walls design, engineering support during construction, submittal review, documentation pre- and post-construction and other related engineering and soils testing support services.

### 5. Hydrology and Hydraulic Engineering

Hydrology and hydraulics engineering task orders may include hydrology studies, riverine hydraulic analysis, hydraulic design, water surface profile development, erosion analysis, wind-wave modeling, performance of simulations, project management and program integration, and other related engineering and support services.

### 6. Surveying

Survey task orders may include project site survey controls and benchmarking, construction surveying and staking, boundary surveys, levee control and surveys, land and bathymetry

## **INFORMATIONAL UPDATE ON PROCURING CONSULTANT SERVICES FOR VARIOUS FLOOD RISK REDUCTION PROJECTS**

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surveys, mapping, survey data management, developing maps, GIS database development, surveying in support of real estate acquisition and appraisal, and other related support services.

### **7. Real Estate Support (Appraisal and Acquisition)**

Real estate support service task orders may include the valuation, appraisal, and acquisition support of permanent fee title, temporary and permanent easements, rights-of-entry support, and temporary and permanent damages. Work may include, but is not limited to, researching title reports, landowner engagement, acquiring parcel descriptions, preparing right-of-way documents, reviewing legal descriptions, developing written offers, offer negotiation and recommendations, and other related real estate support.

### **8. Environmental Planning and Permitting**

Environmental planning and permitting task orders may include mitigation evaluation and compliance, preparation of CEQA and NEPA documentation and review, fish and wildlife regulatory agency consultation and support (e.g. USFWS, NMFS, CDFW), fish and wildlife site surveys, environmental permitting and permit compliance during construction, project management and multidisciplinary task integration, and other related environmental planning compliance services.

### **9. Program Management & Staff Augmentation**

SJAFCA's programs and projects require a high degree of expertise in working with various funding agencies, such as DWR, and USACE. From time-to-time, staff will need the technical expertise to navigate the USACE process to properly manage the projects and maintain adequate outlook and alignment with the USACE process. Some projects are also envisioned to need grant management services, outreach services, and facilitation services.

### **10. Financial Planning & Implementation**

Services will be needed to assist SJAFCA with financial planning and implementation through a variety of financing vehicles, such as existing revenue sources, and new Overlay Assessment Districts, Enhanced Infrastructure Financing Districts, loans, and grants.

### **11. Organizational Planning and Advocacy**

Organization planning services will be needed to review, analyze and implement the current and future needs of the agency. This planning will evaluate the organization's functional requirements and visioning for adequate progress in furthering the agency's strategic plan initiatives. The efforts will continually assess and improve available resourcing, technological adequacy, internal/ external relationships, financial capacity and success-factors.

**INFORMATIONAL UPDATE ON PROCURING CONSULTANT SERVICES FOR VARIOUS FLOOD RISK REDUCTION PROJECTS**

Following this informational update, staff will issue a Request for Qualifications & Requests for Proposals as necessary. The selection process will follow the following general timeline, subject to change, and may be revised in the RFQ/ RFP or subsequent addendums:

- Release of RFQ/ RFP .....Friday, September 29, 2023
- Deadline to submit questions to SJAFCA ..... Friday, October 6, 2023
- SJAFCA Responds to Written Questions ..... October 11, 2023
- Submittal of SOQ Due from Consultant. 4:00 PM Wednesday, October 25, 2023**
- Notification/Scheduling Oral Interviews (if needed) .....Optional (TBD)
- Consultant Oral Interviews (if needed).....Optional (TBD)
- Consultant Selection/Notification ..... Friday, November 17, 2023
- Prequalified List & Contract Approval by SJAFCA Board ..... December 2023

**FISCAL IMPACT**

Time to prepare this staff report is already part of the staff work accounted for in the Board-approved FY 23/24 budget. The foregoing is an informational item and therefore has no further immediate fiscal impact. However, as staff procures each consultant for upcoming work, SJAFCA will identify and make the Board aware of any potential future fiscal impacts.

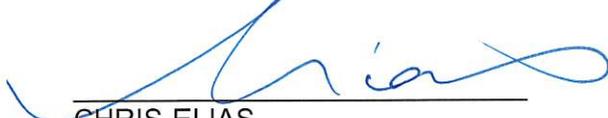
**INFORMATIONAL UPDATE ON PROCURING CONSULTANT SERVICES FOR VARIOUS  
FLOOD RISK REDUCTION PROJECTS**

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Strategic Plan Consistency Analysis

The material found in this report is consistent with the Mission and Goals of the Board-adopted Strategic Plan, whereby each priority action directly links back to the components of SJAFCA's strategy.

SUBMITTED BY:



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CHRIS ELIAS  
EXECUTIVE DIRECTOR

**End of  
Agenda Packet**