



MEMORANDUM

TO: SLDMWA Board of Directors, Alternates

FROM: Gerald (Jerry) Robbins, Special Projects Manager

DATE: June 10, 2021

RE: Agenda Item 7 - Board of Directors to Consider Ratifying Execution of Second Amendment to Agreement for Professional Services with CDM Smith and Corresponding Increase in Long-Term North to South Water Transfer Activity Agreement Budget by \$115,026

BACKGROUND

The Long-Term Water Transfers Final Environmental Impact Report/Supplemental Environmental Impact Statement (EIR/SEIS) certified by the Board on April 9, 2020 evaluated conveyance of North of Delta transfer water across the Sacramento-San Joaquin River Delta and pumped at either Jones or Banks Pumping Plants during the period of July through September. With the continuing drought conditions the transfer water stored in Shasta Reservoir this year beginning in May could be required to be held in storage for a longer period of time than previously anticipated. This action would extend the effectiveness of the cold water pool in Shasta Reservoir to a time most beneficial for fish and delay some water transfers to the fall.

In order to provide this operational flexibility, the ability to convey transfer water at Jones and Banks Pumping Plants needs to be extended into the months of October and November. Additional modeling and analysis to confirm the scope of potential environmental effects related the extended transfer window is recommended in compliance with the California Environmental Quality Act (CEQA).

ISSUE FOR DECISION

Whether the Board of Directors should ratify the execution of the Second Amendment to the CDM Smith Professional Services Agreement and authorize the corresponding increase in the Long-Term North to South Water Transfer Activity Agreement budget by \$115,026.

RECOMMENDATION

The Long-Term North to South Water Transfer Activity Agreement Members (AA Members) recommend the Board of Directors ratify the execution of the Second Amendment to CDM

Smith's Professional Services contract as attached. This action will provide operational flexibility and aid the Authority AA Members in addressing drought conditions.

ANALYSIS

Although the 2019 Reinitiation of Consultation on Long-Term Operation (ROC on LTO) Biological Opinions (BiOps) and Environmental Impact Statement (EIS) analyzed a water transfer window that extends through November, because the Long-Term Water Transfers EIR/SEIS was prepared prior to the completion of the ROC on LTO BiOps and EIS, it identified a transfer window between July to September. Completing additional analysis of the extended transfer window pursuant to CEQA will facilitate access to transfer water for the AA Members at a critical time later in the year during the ongoing drought. Without the ability to efficiently transfer water during October and November, AA Members could lose access to critical water supplies.

At the AA Members' request, the Authority's Chief Operating Officer executed the Second Amendment to the CDM Smith professional services agreement on May 19, 2021. Under the Authority's Procurement Policy, Board action is required because the increase of \$115,026 equates to greater than a 10% increase in the amount in the original contract.

BUDGET

The anticipated cost for the work authorized by the Second Amendment is \$115,026. The Long-Term North to South Activity Agreement FY22 budget did not include any amount for professional services. The costs related to this work will be directly invoiced to AA Members for payment and therefore will not impact the Activity Budget dues payment.

ATTACHMENT

Second Amendment to Agreement for Professional Services – Revised Environmental Impact Report for Long-Term Water Transfers (from 2019-2024) with Associated Assumptions and Deliverables – Tasks 1-6 and 8a-8e

SAN LUIS & DELTA-MENDOTA WATER AUTHORITY

**SECOND AMENDMENT TO AGREEMENT
FOR PROFESSIONAL SERVICES - REVISED ENVIRONMENTAL IMPACT REPORT FOR
LONG-TERM WATER TRANSFERS (FROM 2019-2024) WITH ASSOCIATED ASSUMPTIONS
AND DELIVERABLES - TASKS 1-6 and 8a-8e**

This Second Amendment to the referenced Agreement is made and entered into effective 05/19/21 by and between San Luis & Delta-Mendota Water Authority ("SLDMWA") and CDM Smith, Inc., ("Contractor").

WHEREAS, on August 13, 2018, SLDMWA and Contractor entered into an Agreement whereby Contractor would perform Revised Environmental Impact Report for Long-Term Water Transfers Services - Tasks 1-6; and

WHEREAS, on February 16, 2021, the SLDMWA and Contractor entered into the First Amendment whereby the tasks 7 a and 7b were added where the Contractor shall perform work as described in the "Statement of Work, Litigation Support for Water Transfers, which modified the contract price to \$396,306.

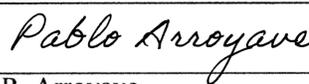
WHEREAS, the parties now agree that a Second Amendment to said Agreement is advisable;

NOW, THEREFORE, THE PARTIES ENTER INTO THIS SECOND AMENDMENT TO AGREEMENT WITH THE CHANGES OUTLINED BELOW IN ACCORDANCE WITH EXHIBIT A- "STATEMENT OF WORK, ADDENDUM ANALYSIS FOR EXTENDED TRANSFER WINDOW".

- 1. Task 6 Scope Modification on original agreement**
- 2. Add additional tasks 8a, 8b, 8c, 8d and 8e**
- 3. Modify original contract agreement price with an increase of \$115,026 for a total maximum contract price of \$511,332.**

All other terms and conditions on original agreement remain unchanged.

IN WITNESS WHEREOF, this Second Amendment has been executed by and on behalf of the parties hereto, the day, month and year so indicated above. If Contractor is a corporation, partnership or limited liability company, documentation must be provided that the person signing below for Consultant has the authority to do so and to so bind Consultant to the terms of this Agreement.

Contractor	San Luis & Delta-Mendota Water Authority
By: 	By: 
Signature Vice President	Pablo R. Arroyave Chief Operating Officer
Title Servando Molina	San Luis & Delta-Mendota Water Authority
Print Name CDM Smith Inc.	
Company Name	

Statement of Work

Addendum Analysis for Extended Transfers Window

Introduction

In 2019, the Long-Term Water Transfers Final Environmental Impact Statement/Environmental Impact Report (Final EIS/EIR) was approved by the San Luis & Delta-Mendota Water Authority (SLDMWA) and Bureau of Reclamation (Reclamation). The Final EIS/EIR evaluated conveyance of transfer water across the Sacramento-San Joaquin River Delta (Delta) between July and September. In 2021, conveyance of transfer water is proposed to extend to the fall months (October and November) due to restrictive operations required to address worsening drought conditions and cold-water pool management at Folsom and Shasta reservoirs. The addendum analysis will evaluate the effects of conveying transfer water in October and November, which extends the transfers period covered in the Final EIS/EIR. The addendum analysis will evaluate the extended transfer period from 2021 through 2024.

Existing Scope of Work

The existing contract between the SLDMWA and CDM Smith was issued in July 2018 and amended as shown in the table below. The total current contract value is \$396,306.

Original Budget (executed July 2018)	\$339,944
Scope/Budget 1 (executed July 2019)	\$11,559
Scope/Budget 2 (executed Dec 2019)	\$25,000
Scope/Budget 3 (executed Feb 2021)	\$19,803
Total	\$396,306

The scope of work currently includes the following tasks:

- Task 1- Draft Revised EIS/EIR
- Task 2- Final Revised EIS/EIR
- Task 3- Decision Documents
- Task 4- Administrative Record
- Task 5- Stakeholder Involvement
- Task 6- Project Management and Quality Management
- Task 7a- Respond to Comment Letter (Legal Support)
- Task 7b- Provide Technical Support (Legal Support)

CDM Smith is working on Tasks 6, 7a, and 7b. As of the most recent invoice (date April 22, 2017), CDM Smith has invoiced \$376,977.90 of the \$396,306.00 available (95.1% spent). The remaining funding is \$19,328.10.

Modified Scope of Work

This scope of work describes the specific technical support tasks related to evaluating the effects of transferring water through the Delta in October and November. A new task (Task 8) will be added to the existing contract scope for completion of this work. Existing Task 6 will be modified to accommodate work under this modified scope of work.

Task 6 – Project Management and Quality Management

Objective: Manage project quality, scope, schedule, and budget.

Approach: CDM Smith will meet with SLDMWA for up to four (4) team conference calls to manage the project. Additionally, the CDM Smith team will coordinate with SLDMWA staff via e-mail and through regular telephone calls. This task also includes project administration, such as preparing invoices and progress reports, and managing the quality of the deliverables.

Assumptions:

- The duration of the project will last for four months from Notice to Proceed.

Deliverables:

- Monthly invoices and progress reports.

Task 8 – Extended Transfers Window Addendum Analysis

Subtask 8a – Modeling

Objective: Complete modeling to assess the potential for environmental impacts associated with extending the window to convey transfer water across the Delta.

Approach: CDM Smith team will rerun the Transfers Operations Model (TOM, a CalSim post processing tool developed for water transfers evaluation) and use the results to evaluate effects of the extended water transfer window on Delta diversions and streamflow changes in the Sacramento, American and Feather rivers. A revised CalSim baseline model that includes the 2019 Coordinated Operations Agreement Biological Opinions will be used to define the no transfer simulation. Three transfers scenarios will be evaluated: (1) conveying up to 250,000 acre-feet during the July through September period (this will be the No Project Alternative); (2) conveying 250,000 acre-feet during the July through November period with up to 50,000 acre-feet in each of October and November; and (3) conveying 250,000 acre-feet during the July through November period with volumes based on past transfers in each of October and November.

Assumptions:

1. Three transfer scenarios and one baseline scenario will be developed for this effort.

Subtask 8b – Draft Addendum

Objective: Develop a Draft Addendum to the Final EIS/EIR to assess the potential for environmental impacts associated with transferring water through the Delta in October and November.

Approach: CDM Smith will prepare an Addendum to document the changes to the project description and evaluate potential changes to environmental impacts for each resource considered in the Final EIS/EIR. The Addendum will document potential changes to environmental impacts from the

extended transfer window. CDM Smith anticipates that the evaluation of aquatic resources would require a more detailed analysis. Impacts on other resource areas will be briefly summarized in the document but is not expected to be extensive.

Aquatic Resources

The analysis of potential impacts to aquatic resources will incorporate key elements of the analysis and analysis methodology from the Final EIS/EIR, 2019 USFWS and NOAA Fisheries Biological Opinions, and the 2014 SLDMWA Water Transfers Revised EA/IS.

The analysis will evaluate potential impacts from conveying transfer water from Shasta, Folsom and Oroville reservoirs. Modeling results from TOM will be used to determine changes in flows and potential impacts to fish.

Assumptions:

- Extended transfer window analysis will be completed as an addendum to the Final EIS/EIR, for presentation to the SLDMWA Board in conjunction with the transfer proposals.
- Aquatics resources would require a more detailed analysis and impacts on other resources would not be extensive.
- No new groundwater or water quality modeling would be required for the addendum analysis.
- SLDMWA and Reclamation will transmit comments on the Draft Addendum in an Excel spreadsheet or in Word file with track-changes.

Deliverables:

- Draft Addendum in electronic format (PDF and Word)

Subtask 8c – Final Addendum

Objective: Incorporate comments on the Draft Addendum and finalize to inform decision-makers.

Approach: CDM Smith will review comments from SLDMWA and Reclamation on the Draft Addendum. CDM Smith will hold one (1) meeting or conference call with SLDMWA and Reclamation to address conflicting comments and other comment resolution issues. CDM Smith will incorporate agency comments and develop a Second Draft Addendum. CDM Smith will provide responses to the comments submitted in spreadsheet format. The Second Draft Addendum and comment responses will be provided to SLDMWA and Reclamation for review.

CDM Smith will incorporate comments on the Second Draft Addendum into the Final Addendum. CDM Smith assumes that comments on this Second Draft will be minor and will focus on whether agency comments were addressed appropriately. The Final Addendum does not need to be released for public review but needs to be considered by decision-makers along with the Long-Term Water Transfers Final EIS/EIR prior to making a decision.

Assumptions:

- SLDMWA and Reclamation will transmit comments on the Draft Addendum in an Excel spreadsheet or in Word file track changes format.

- CDM Smith will conduct one meeting/conference call to discuss comments on the Draft Addendum.
- The Final Addendum does not need to be released for public review, but needs to be considered by decision-makers along with the Long-Term Water Transfers Final EIS/EIR prior to making a decision. The Final Addendum will not require a revision after review by decision-makers.
- Reclamation will participate in development and review of the Addendum and may use materials developed to determine if any supplemental NEPA documentation is needed.

Deliverables:

- Responses to comments on Administrative Draft Addendum.
- Second Draft Addendum in electronic form (pdf and word files).
- Final Addendum in electronic form (pdf and word files).

Subtask 8d – Staff Report

Objective: Develop a staff report for SLDMWA to inform its Board of Directors.

Approach: CDM Smith will develop a draft staff report to accompany the Addendum and Final EIS/EIR in the package submitted to the Board of Directors. The staff report will describe how and why the development of an Addendum is the appropriate level of environmental review for this project modification and consistent with CEQA. The staff report will summarize the content and conclusions of the Addendum completed for the project. CDM Smith will submit the draft staff report for review by SLDMWA and will incorporate the comments received into a final staff report.

Assumptions:

- The staff report will be approximately 2 pages in length.
- SLDMWA transmit comments on the Draft Addendum in an Excel spreadsheet or in Word file track changes format.
- The Final staff report does not need to be released for public review and will be submitted to the file.

Deliverables:

- Draft Staff Report in electronic form (pdf and word files)
- Final Staff Report in electronic form (pdf and word files)

Subtask 8e – Filing Notice of Determination

Objective: Complete EIR filings in compliance with CEQA requirements.

Approach: CDM Smith will file the Notice of Determination with the State clearing house and the County Clerks in each affected county. The document must be filed in each county where the proposed project would take place. CDM Smith will file notices in the counties where impacts could occur.

Assumptions:

- A Statement of Overriding Considerations will not be required
- SLDWMA will be responsible for preparing a resolution, finalizing the CEQA Project Approval Package, and obtaining signatures.
- CDM Smith will pay the FWS filing fees and file the NOD in 21 counties.
- Reclamation will obtain signatures and finalize the Record of Decision.

Deliverables:

- Notice of Determination – electronic deliverable and 30 hard copies

Schedule

The schedule below shows the Final Addendum complete by September 5, 2021, assuming a Notice to Proceed by June 1, 2021. Upon receiving a Notice to Proceed, CDM Smith will work with SLDMWA to update this schedule, if necessary. SLDMWA and Reclamation review periods are specified in this schedule. CDM Smith's contract with SLDMWA will be extended to October 1, 2021 to account for project close out.

Deliverable	Due Date
Notice to Proceed	6/1/2021
Modeling	6/29/2021
First Draft Addendum	7/27/2021
Agency Review Period	07/27/2021 – 08/10/2021 (10 business days)
CDM Smith incorporates comments	08/10/2021 – 08/17/2021 (5 business days)
Second Draft Addendum	8/17/2021
Agency Review Period	08/17/2021 – 08/24/2021 (5 business days)
CDM Smith incorporates comments	08/24/2021 – 08/31/2021 (5 business days)
Final Addendum	8/31/2021
Staff Report	9/3/2021
NOD	9/3/2021

Budget

CDM Smith will complete the above tasks for \$115,026, as shown in the table below. Existing contract budget will be modified for an upper limit of \$511,332. Labor costs will be billed at actual salary rates times a 3.1 multiplier.

Task	Hours	Labor Dollars	Sub-Contractor	ODCs
Task 6	48	\$11,175	--	
Task 8				
Task 8a	8	\$1,340	\$33,000	
Task 8b	160	\$21,808	\$24,024	
Task 8c	90	\$12,308	--	
Task 8d	26	\$3,222	--	
Task 8e	24	\$3,149	--	\$5,000
		TOTAL		\$115,026