



# Meeting Agenda

Date & Time: 2/2/2026 | 10:00 AM

Location: SLDMWA Boardroom

## Notice of Water Resources Committee Regular Meeting / Joint Water Resources Committee Regular Meeting-Special Board Workshop

**842 6th Street, Los Banos**  
**(List of Member/Alternate Telephonic Locations Attached)**

### Public Participation Information

#### **Join Zoom Webinar -**

<https://us02web.zoom.us/j/87452088678?pwd=vE4rRlladnQb9KTyTmEVE1KX3uQkKj.1>

NOTE: Any member of the public may address the Water Resources Committee/Board concerning any item on the agenda before or during consideration of that item.

Because the notice provides for a regular meeting of the Water Resources Committee ("WRC") and a joint regular WRC Meeting/Special Board workshop, Board Directors/Alternates may discuss items listed on the agenda; however, only WRC Members/Alternates may correct or add to the agenda or vote on action items.

NOTE FURTHER: Meeting materials have been made available to the public on the San Luis & Delta-Mendota Water Authority's website, <https://www.sldmwa.org>, and at the Los Banos Administrative Office, 842 6th Street, Los Banos, CA 93635.

### **Agenda**

<b>Item</b>	<b>Topic</b>	<b>Lead</b>
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|----|--|--|
| 1. | Call to Order/Roll Call  |  |
| 2. | Water Resources Committee to Consider Additions or Corrections to the Agenda for the Water Resources Committee Meeting only, as Authorized by Government Code Section 54950 <i>et seq.</i>   |  |
| 3. | Opportunity for Public Comment – Any member of the public may address the Water Resources Committee/Board concerning any matter not on the agenda, but within the Committee or Board's jurisdiction. Public comment is limited to no more than three minutes per person. For good cause, the Chair of the Water Resources Committee may waive this limitation. |  |

### **ACTION ITEMS**

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|----|--|--|
| 4. | Approval of December 8, 2025 Meeting Minutes   |  |
| 5. | Recommendation to Board of Directors to Adopt Staff Petersen Recommendation for Positions on Legislation |  |

- A. H.R. 6639 (Gray), Water Agency and Transparency Enhancement Review (WATER) Act
- B. H.R. 6640 (Gray), Build Now Act
- C. H.R. 6641 (Gray), Central Valley Water Solution Act
- D. A.B. 35 (Alvarez), Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024: Administrative Procedures Act: exemption: program guidelines and selection criteria.

6. **Recommendation to Board of Directors to Adopt Resolution Adopting Mitigated Negative Declaration/CEQA Findings of Fact and Mitigation Monitoring and Reporting Plan for the DMC Subsidence Correction Project** Arroyave, McNeil

### REPORT ITEMS

7. Executive Director's Report Barajas  
(May include reports on activities within the Water Resources Committee's jurisdiction re: 1) CVP/SWP water operations; 2) California storage projects; 3) regulation of the CVP/SWP; 4) existing or possible new State and Federal policies; 5) Water Authority activities)
8. Update on Water Policy/Resources Activities Petersen  
(May include reports on federal, state, and local agency regulatory, legislative, and administrative water policy/resources activities)
9. Update on Water Operations and Forecasts Arroyave
10. Committee Member Reports
11. Closed Session Akroyd

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Initiation of Litigation Pursuant to paragraph (4) of Subdivision (d) of Gov. Code Section 54956.9 – 3 potential cases

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Significant Exposure to Litigation Pursuant to Paragraph (2) or (3) of Subdivision (d) of Gov. Code Section 54956.9 – 1 potential cases

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Existing Litigation Pursuant to paragraph (1) of Subdivision (d) of Gov. Code Section 54956.9

- A. Pacific Coast Federation of Fishermen's Associations (PCFFA), et al. v. Nickels, et al., U.S. District Court, E.D. Cal., Case No. 2:11-cv-02980; 9th Cir. Case No. 23-15599 (GBP Citizen Suit)
- B. California Sportfishing Protection Alliance (CSPA), et al. v. State Water Resources Control Board (SWRCB), et al., Sac. Co. Superior Court, Case No. 34-2021-80003761 (2021 TUCP Order)
- C. CSPA, et al. v. SWRCB, et al., Sac. Co. Superior Court, Case No. 34-2021-80003763 (2021 Temp. Mgmt. Plan)

- D. SWRCB, Administrative Hearings Office, Petitions for Change of California Department of Water Resources (DWR) Water Right Permits, Delta Conveyance Project (DWR Change Petition)
- E. Tehama-Colusa Canal Authority, et al. v. DWR, et al., Sacramento Co. Superior Court, Case No. 24WM000183 (SWP 2024 EIR Challenge)

- 12.** Return to Open Session
- 13.** Report from Closed Session, if any, Required by Government Code Section 54957.1
- 14.** Reports Pursuant to Government Code Section 54954.2(a)(3)
- 15.** ADJOURNMENT

Persons with a disability may request disability-related modification or accommodation by contacting Cheri Worthy or Sandi Ginda at the San Luis & Delta-Mendota Water Authority Office, 842 6<sup>th</sup> Street, P.O. Box 2157, Los Banos, California, via telephone at (209) 826-9696, or via email at [cheri.worthy@sldmwa.org](mailto:cheri.worthy@sldmwa.org). Requests should be made as far in advance as possible before the meeting date, preferably 3 days in advance of regular meetings or 1 day in advance of special meetings/workshops.

This agenda has been prepared as required by the applicable laws of the State of California, including but not limited to, Government Code Section 54950 et seq. and has not been prepared with a view to informing an investment decision in any of the Authority's bonds, notes or other obligations. Any projections, plans or other forward-looking statements included in the information in this agenda are subject to a variety of uncertainties that could cause any actual plans or results to differ materially from any such statement. The information herein is not intended to be used by investors or potential investors in considering the purchase or sale of the Authority's bonds, notes or other obligations and investors and potential investors should rely only on information filed by the Authority on the Municipal Securities Rulemaking Board's Electronic Municipal Market Access System for municipal securities disclosures, maintained on the World Wide Web at <https://emma.msrb.org/>.

## SLDMWA WATER RESOURCES COMMITTEE REGULAR MEETING TELEPHONIC LOCATIONS

FEBRUARY 2, 2026

15671 W. Oakland Ave  
Five Points, CA 93624



# Meeting Minutes

Date & Time: 12/8/2025 | 10:00 AM

Location: SLDMWA Boardroom  
842 6th Street, Los

## San Luis & Delta-Mendota Water Authority Water Resources Committee Regular Meeting and Joint Water Resources Committee Regular Meeting – Special Board Workshop Minutes

### Attendance

#### Committee Members Present

Ex-Officio: Cannon Michael  
Division 1: Anthea Hansen, Member  
Division 2: Bill Diedrich, Member  
Division 3: Absent  
Division 4: Dana Jacobson, Alternate  
Division 5: Manny Amorelli, Alternate

#### Board of Directors Present

Division 1: Anthea Hansen, Director  
Division 2: Justin Diener, Director (ZOOM)  
Bill Diedrich, Member  
Division 3: Jarrett Martin, Director  
Cannon Michael, Director  
Division 4: Dana Jacobson, Member  
Brett Miller, Alternate

Division 5: Manny Amorelli, Director

#### Authority Representatives Present

Federico Barajas, Executive Director  
Pablo Arroyave, Chief Operating Officer  
Rebecca Akroyd, General Counsel  
Rebecca Harms, Deputy General Counsel  
Ray Tarka, Director of Finance  
Eddie Reyes, Information Systems Technician

#### Others Present

Steve Stadler, San Luis Water District  
Ric Ortega, Grassland Water District (ZOOM)  
Vince Gin, Valley Water (ZOOM)  
Ron Milligan, Milligan Consulting (ZOOM)

### Agenda

Item	Topic	Lead
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- |    |   |  |
|----|---|--|
| 1. | <b>Call to Order/Roll Call</b> – The meeting was called to order by Acting Chair Anthea Hansen at approximately 10:00 a.m. and roll was called.   |  |
| 2  | <b>Additions or Corrections to the Agenda of Items, as authorized by Government Code Section 54950 et seq.</b> - No additions or corrections.   |  |
| 3. | <b>Opportunity for Public Comment</b> - No public comment.  |  |
| 4. | <b>Water Resources Committee to Consider Approval of the November 3, 2025 Meeting Minutes</b> – M/S - On a motion made by Ex-Officio Member Cannon Michael, seconded by Alternate Manny Amorelli, the Committee approved the November 3, 2025 meeting minutes. Vote: Ayes – Michael, Hansen, Diedrich, Jacobson, Amorelli; Nays – 0; Abstentions – 0. |  |

5. **Recommendation to the Board of Directors to Adopt Staff Recommendation on Positions on Legislation** Barajas

- a. H.R. 6229 (Schrier), the Water Infrastructure finance and Innovation Act Amendments (Support)
- b. S. 2753 (Risch), Urban Canal Modernization Act (Support)
- c. H.R. 3171 (Harder), Golden Mussel Eradication and Control Act of 2025 (Support & Amend)

Executive Director Federico Barajas reviewed the staff recommendations for positions on three legislative bills: HR 6229, S 2753 and HR 3171. Barajas answered questions from Committee members throughout the presentation.

M/S - Motion by Member Bill Diedrich, seconded by Alternate Manny Amorelli, the Committee recommended adoption of the staff recommendations for positions on H.R. 6229 (Schrier), S. 2753 (Risch), and H.R. 3171 (Harder). Vote: Ayes - Michael, Hansen, Diedrich, Jacobson, Amorelli; Nays – 0; Abstentions – 0.

6. **Recommendation to the Board of Directors to Adopt Policy Framework and Policy Action Plan for Fiscal Year 2027** Barajas

- Executive Director Federico Barajas reviewed the documents included in the packet. Barajas reviewed the scope of the Policy Framework and reported that staff will implement the Policy Action Plan as part of the Water Authority Policy Framework for FY2027. Barajas explained the rationale behind development of the Policy Framework and Policy Action Plan in connection to the Water Authority's Strategic Plan.

M/S - Motion by Alternate Manny Amorelli, seconded by Ex-Officio Member Cannon Michael, the Committee recommended adoption of the Policy Framework and Policy Action Plan for Fiscal Year 2027. Vote: Ayes - Michael, Hansen, Diedrich, Jacobson, Amorelli; Nays – 0; Abstentions – 0.

7. **Recommendation to the Board of Directors to Adopt Fiscal Year 2027 Activity Budget** Barajas

- Executive Director Federico Barajas reviewed the proposed FY27 Activity Budget material included in the packet. Barajas reviewed the FY26 to FY27 Comparison, FY27 Budget Expenditure Summary, FY26 Projected Actual Summary, and the Proposed FY27 Activity Agreements Budget. General Counsel Rebecca Akroyd added additional information regarding the proposed legal budget. Staff answered questions throughout the presentation.

M/S - Motion by Alternate Manny Amorelli, seconded by Ex-Officio Member Cannon Michael, the Committee recommended adoption of the Fiscal Year 2027 Activity Budget. Vote: Ayes - Michael, Hansen, Diedrich, Jacobson, Amorelli; Nays – 0; Abstentions – 0.

8. **Executive Director's Report** Barajas

- a. **Fall ACWA Conference** – Executive Director Federico Barajas expressed his appreciation for those that attended the social luncheon at ACWA.
- b. **O'Neill Pumping/Generating Plant Repayment Negotiation** – Executive Director Federico Barajas reported that formal repayment

contract negotiation with Reclamation will take place this week. Barajas reported that \$11.6 million has already been awarded for the O'Neill Pumping Plant Rehabilitation Project, and an application has been submitted for the balance of funding required to complete the Rehabilitation Project.

- c. **Budget Workshop** – Executive Director Federico Barajas reported that there is a Budget Workshop scheduled for next week.
- d. **Operations Update** – Chief Operating Officer Pablo Arroyave reported that the DCI outage is expected to be completed by the end of the week. Arroyave also reported that Hitachi will be coming out to the O'Neill Pumping/Generating Plant this week to test the spare transformer to check if foreign material is present.

- 9. **Update on Water Policy/Resources Activities** – Executive Director Federico Barajas provided an update regarding the Action 5 Record of Decision, the Water Blueprint for the San Joaquin Valley, and the San Joaquin Valley Collaborative Action Program. General Counsel Rebecca Akroyd reviewed various comment opportunities for ESA regulations, WOTUS, and the HRL Phase 2 document. Barajas answered questions throughout the presentation. Barajas
- 10. **Update on Water Operations and Forecasts** – Chief Operating Officer Pablo Arroyave introduced consultant Ron Milligan, who provided information regarding CVP supply, reservoir storage, allocations, snowpack, and operations. Milligan and Arroyave answered member questions throughout the presentation. Arroyave, Milligan
- 11. **Committee Member Reports** – Member Bill Diedrich reported that Mike Wade received the Lifetime Achievement Award for his work as the Executive Director of the California Farm Water Coalition (CFWC) since 1998 from ACWA. Diedrich also reported that Wade is retiring in February, and the CFWC hired Michelle Paul as their new Executive Director.
- 12. **Agenda Items 12-14: Closed Session** – Acting Chair Anthea Hansen adjourned the open session to address the items listed on the Closed Session Agenda at approximately 11:19 a.m. Upon return to open session at approximately 11:44 a.m., General Counsel Rebecca Akroyd reported that no reportable actions were taken in closed session. Akroyd
- 13. **Agenda Item 15: Reports Pursuant to Government Code Section 54954.2(a)(3)** – No reports.
- 14. **Agenda Item 16: Adjournment** – The meeting was adjourned at approximately 11:45 a.m.





# Official Memorandum

PO Box 2157  
Los Banos, CA 93635  
[sldmwa.org](http://sldmwa.org)

To: SLDMWA Water Resources Committee Members and Alternates / Board of Directors and Alternates

From: Scott Petersen, Water Policy Director

Date: February 2, 2026

RE: Water Resources Committee to Consider Recommendations on Legislation / Board of Directors to Consider Same

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## Recommendation

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Recommend to the Water Resources Committee and Board of Directors to adopt the following positions on legislation:

### Federal Legislation

- Adopt a position of "Favor and Amend" on H.R. 6639 (Gray), Water Agency and Transparency Enhancement Review (WATER) Act
- Adopt a position of "Favor" on H.R. 6640 (Gray), Build Now Act
- Adopt a position of "Support and Amend" on H.R. 6641 (Gray), Central Valley Water Solution Act

### State Legislation

- Ratify the Position of "Support" adopted by the Executive Director under delegated authority on A.B. 35 (Alvarez), Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024: Administrative Procedures Act: exemption: program guidelines and selection criteria.

## Federal Legislation

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### H.R. 6639 (Gray), Water Agency and Transparency Enhancement Review (WATER) Act

#### **RECOMMENDATION: Favor and Amend**

#### **POLICY SCOPE: Water Supply Reliability, Environmental and Regulatory Compliance**

#### Summary

The bill codifies portions of E.O. 14181 and establishes a framework for identifying major water-supply and storage projects in California that fall under the joint or individual responsibilities of the Department of the Interior and Commerce. It mandates that each department designate a compliance official to evaluate regulatory hurdles that unnecessarily delay or impede project development, including those stemming from recent legislative changes like the Fiscal Responsibility Act of 2023. These officials must identify any rules that unduly burden water projects and propose plans to suspend, revise, or rescind such regulations if they do not serve the public interest or comply





with existing laws. The process emphasizes coordination and information sharing to improve efficiency and reduce unnecessary delays in water infrastructure development.

## Status

H.R. 6639 was introduced on December 11, 2025, and has been referred to the House Committee on Natural Resources.

## Importance to the Authority

This legislation codifies provisions in [Executive Order 14181](#) that would require the Secretaries of Interior and Commerce to identify major water supply and storage projects in California and to develop plans to address any major regulatory hurdles to their completion.

The legislation could lead to increased focus on priority projects that can improve California water supply, particularly when integrated with the state-level framework associated with implementation of S.B. 72, which establishes long term water supply planning targets at the state level.

## Suggested Amendments

Staff recommends seeking amendments to require the coordination to occur at the beginning of each 4-year term of a federal Administration and to be implemented throughout the administration, rather than a one-time coordination effort.

## H.R. 6640 (Gray), Build Now Act

### **RECOMMENDATION: Favor**

### **POLICY SCOPE: Water Supply Reliability, Water Quality and Resource Management, Environmental and Regulatory Compliance**

## Summary

The Build Now Act mandates that environmental reviews for Central Valley Project enhancement projects must be completed within one year of permit application submission. If the responsible agency cannot meet this deadline, it may grant an extension with the applicant's approval or deny the permit. Applicants denied due to failure to meet the timeline may reapply at any time after denial, and the lead agency must provide relevant environmental review data to facilitate a faster review process on the new application. The Act defines CVP enhancement projects to include groundwater recharge, aquifer storage, and water source substitution projects, and specifies that environmental review includes compliance with the National Environmental Policy Act and Section 7 of the Endangered Species Act.

## Status

H.R. 6640 was introduced on December 11, 2025, and has been referred to the House Committee on Natural Resources.

## Importance to the Authority

This legislation makes changes to environmental review processes under the National Environmental Policy Act and Section 7 of the Endangered Species Act, with the intent to improve the completion of groundwater recharge, aquifer storage, and water source substitution projects. Many of these projects take substantial time and expense



to permit under these federal laws, with sometimes uncertain rationales for the long delays in completion of permitting processes. This legislation would mandate completion of environmental compliance documents from the action agency within a year, with specific provisions associated with next steps in the instance where approvals are not granted within that year.

## H.R. 6641 (Gray), Central Valley Water Solution Act

### **RECOMMENDATION: Support and Amend**

### **POLICY SCOPE: Water Supply Reliability, Funding and Finance**

#### Summary

The bill provides funding for a range of water projects in California, such as groundwater banking and storage, recharge basins, pipeline construction for in-lieu recharge, and subsidence correction across key canals like the Delta-Mendota and San Luis Canal. Projects include reverse flow pumpback systems, aquifer storage and recovery, and improvements to irrigation infrastructure. The funding is allocated to specific districts and projects, with emphasis on enhancing water supply reliability, supporting agricultural needs, and addressing environmental and operational challenges. All projects must comply with environmental laws and involve coordination with tribal entities, state agencies, and public irrigation districts. Includes all projects in joint SLDMWA-SJRECWA-FWA letter related to the available \$4 billion dollars in Inflation Reduction Act drought funding passed and signed into law during the Biden Administration.

#### Status

H.R. 6641 was introduced on December 11, 2025, and has been referred to the House Committee on Natural Resources.

#### Importance to the Authority

This legislation authorizes nonreimbursable funding for a substantial number of specific water infrastructure projects that would improve water supply reliability for south-of-delta Central Valley Project contractors, as well as improve water resilience in the greater San Joaquin Valley. This legislation, if enacted, would advance many Water Authority and Water Authority member agency priority projects, while improving affordability by providing nonreimbursable federal funding for the named projects.

#### Suggested Amendments

Ensure sufficient funding is authorized for listed projects and add additional priority member agency projects.



## State Legislation

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A.B. 35 (Alvarez), Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024: Administrative Procedures Act: exemption: program guidelines and selection criteria.

**RECOMMENDATION: Ratification of Executive Director Delegated Authority Position of “Support”**

**POLICY SCOPE:** Water Supply Reliability, Environmental and Regulatory Compliance, Funding and Finance

### Summary

This bill would exempt the adoption of regulations needed to effectuate or implement programs of the act from the requirements of the Administrative Procedure Act, as provided. The bill would require a state entity that receives funding under Proposition 4 to administer a competitive grant program established using the Administrative Procedure Act exemption to do certain things, including develop draft project solicitation and evaluation guidelines and to submit those guidelines to the Secretary of the Natural Resources Agency, except as provided. The bill would require the Secretary of the Natural Resources Agency to post an electronic form of the guidelines submitted by a state entity and the subsequent verifications on the Natural Resources Agency’s internet website. The bill would authorize the use of certain previously developed program guidelines and selection criteria for these purposes, as provided. This bill would declare that it is to take effect immediately as an urgency statute.

### Status

A.B. 35 was last amended on January 14, 2026, and passed the Assembly on January 26, 2026, with a 76-0 vote.

### Importance to the Authority

This legislation would expedite the release of funds for important water resource projects under Proposition 4, including subsidence mitigation, groundwater recharge, community drinking water, dam safety, and wildfire mitigation and avoidance projects.

## Guidelines for Taking Positions on Legislation

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A number of controversial bills are introduced in the Congress and in the California Legislature. It is important to understand how the Authority takes positions on legislation.

### Policy

By Agenda Item 7, dated December 12, 2025, the Board adopted the Policy Framework and Fiscal Year 2027 Policy Action Plan.



## Water Authority's Positions on Legislation

The Water Authority takes positions on legislation that, if enacted, would impact Water Authority members, consistent with Water Authority Board adopted Goals and Objectives in the Strategic Plan, as implemented through the Policy Framework and Annual Policy Action Plan.

The Water Authority may take the following positions on legislation: Oppose, Support, Oppose Unless Amended, Support if Amended, Support and Amend, Not Favor, Favor, Not Favor Unless Amended, Favor if Amended, Favor and Amend, and Watch (neutral).

The Water Authority's staff and consultants testify and advocate with legislators and staff through direct meetings and coordination of member agency contacts on all positions except Watch, Favor and Not Favor. For Favor and Not Favor positions, written communication of the Water Authority's position is provided to the legislator, the Water Authority's delegation, and relevant Committees.

Nothing in this section should be read to preclude the Executive Director or his or her delegee from taking an informal support or informal oppose position on behalf of the Water Authority that is consistent with the Policy Framework and Annual Policy Action Plan, or to preclude the Executive Director from communicating a position on emergency legislation after obtaining the concurrence of the Chair, or the Chair's designee, provided that the Executive Director informs the Board regarding such positions on emergency legislation no later than the next regularly scheduled Board meeting.

## Amendment Development Process

If the Water Authority takes a position contingent on amendments, the Water Authority will typically discuss the concepts for the amendments at the meeting. Then Water Authority staff, in consultation with Committee and/or Board Members as needed, will develop the amendments after the meeting.

## Information Sharing

To provide adequate information to the entire Water Authority membership, the Water Authority provides legislative updates, posts positions and other information on our website, and sends out advisories and alerts on key legislation.

The Water Authority's legislative department is available to provide specific information on bills on request and Board Members are encouraged to communicate Water Authority positions on priority legislation in meetings with legislative staff, consistent with Water Authority policy. The Water Authority's Water Policy Director appreciates being informed by Water Authority members of positions taken by Water Authority members on legislation.



# **BILL TEXT**

119TH CONGRESS  
1ST SESSION

# H. R. 6639

To codify certain sections of Executive Order 14181 relating to emergency measures to provide water resources in California and improve disaster response in certain areas.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 11, 2025

Mr. GRAY (for himself and Mr. COSTA) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To codify certain sections of Executive Order 14181 relating to emergency measures to provide water resources in California and improve disaster response in certain areas.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Water Agency and  
5 Transparency Enhancement Review (WATER) Act”.

1 **SEC. 2. PLANS TO ADDRESS REGULATORY HURDLES FOR**  
2 **MAJOR WATER-SUPPLY AND STORAGE**  
3 **PROJECTS.**

4 (a) IDENTIFICATION OF MAJOR WATER-SUPPLY AND  
5 STORAGE PROJECTS.—The Secretary of the Interior and  
6 the Secretary of Commerce shall identify all ongoing or  
7 potential major water-supply and storage projects (includ-  
8 ing surface and ground water storage projects, aquifer re-  
9 charge projects, and State conveyance projects) within the  
10 State of California for which they have joint responsibility  
11 under section 7(a) of the Endangered Species Act of 1973  
12 (16 U.S.C. 1536(a)) or individual responsibilities under  
13 the National Environmental Policy Act of 1969 (42 U.S.C.  
14 4321 et seq.).

15 (b) PLANS.—

16 (1) DESIGNATION OF COMPLIANCE OFFI-  
17 CIALS.—With respect to the projects identified under  
18 subsection (a), the Secretary of the Interior and the  
19 Secretary of Commerce shall each designate one  
20 Federal official to coordinate each agency's respec-  
21 tive compliance responsibilities under the National  
22 Environmental Policy Act of 1969 (42 U.S.C. 4321  
23 et seq.) and the Endangered Species Act of 1973  
24 (16 U.S.C. 1531 et seq.).

25 (2) IDENTIFICATION OF REGULATORY HUR-  
26 DLES.—Not later than 30 days after the date of en-



1 actment of this section, each Federal official des-  
2 ignated under paragraph (1) shall—

3 (A) identify any regulatory hurdles that  
4 unduly burden each project identified under  
5 subsection (a);

6 (B) identify any recent changes in applica-  
7 ble State or Federal law that may impact such  
8 projects from a regulatory perspective, includ-  
9 ing changes made by the Fiscal Responsibility  
10 Act of 2023 (Public Law 118–5); and

11 (C) develop a proposed plan, for review by  
12 the Secretaries, to appropriately suspend, re-  
13 vise, or rescind any regulations or procedures  
14 that unduly burden such projects and are not  
15 necessary to protect the public interest or oth-  
16 erwise comply with the law.

17 (3) COORDINATION.—In carrying out para-  
18 graph (2), each Federal official designated under  
19 paragraph (1) shall coordinate and share all appro-  
20 priate information that will enable improved effi-  
21 ciencies.

22 (c) UNDULY BURDEN DEFINED.—In this section, the  
23 term “unduly burden” means to unnecessarily obstruct,  
24 delay, curtail, impede, or otherwise impose significant

- 1 costs on the permitting, utilization, transmission, delivery,
- 2 or supply of water resources and water infrastructure.



119TH CONGRESS  
1ST SESSION

# H. R. 6640

To optimize the environmental review process for Central Valley Project permits, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

DECEMBER 11, 2025

Mr. GRAY (for himself and Mr. COSTA) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To optimize the environmental review process for Central Valley Project permits, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Build Now Act”.

5       **SEC. 2. CENTRAL VALLEY PROJECT ENVIRONMENTAL RE-**  
6       **VIEW TIMELINE.**

7       (a) IN GENERAL.—Notwithstanding any other provi-  
8       sion of law, if a federally issued permit for a CVP en-  
9       hancement project requires an environmental review, the  
10      environmental review shall be completed not later than 1

1 year after the date on which the permit application is sub-  
mitted by the permit applicant.

3 (b) FAILURE TO MEET DEADLINE.—If the agency  
4 responsible for carrying out an environmental review de-  
5 scribed in subsection (a) is unable to meet the timeline  
6 under that subsection, the head of the agency issuing the  
7 applicable permit shall—

8 (1) with the approval of the permit applicant,  
9 grant an extension for the environmental review; or

10 (2) deny the permit.

11 (c) ACTION AFTER DENIAL.—

12 (1) IN GENERAL.—An applicant for a permit  
13 that is denied due to a failure to meet the timeline  
14 under this section may re-apply for the permit at  
15 any time after the denial is issued.

16 (2) LEAD AGENCY.—If an applicant re-applies  
17 for a permit under paragraph (1), the head of the  
18 agency responsible for carrying out the environ-  
19 mental review required under the previous applica-  
20 tion shall furnish to the applicant, to the extent per-  
21 mitted by law, any information gathered as part of,  
22 or related to, such environmental review to facilitate  
23 an expedited environmental review for the new appli-  
24 cation.

25 (d) DEFINITIONS.—In this Act:

1           (1) CVP ENHANCEMENT PROJECT.—The term  
2           “CVP enhancement project” means a project with a  
3           primary purpose of supporting, enhancing, or main-  
4           taining the Central Valley Project and related infra-  
5           structure, including—

6                       (A) groundwater recharge projects;

7                       (B) aquifer storage projects; and

8                       (C) water source substitution projects.

9           (2) ENVIRONMENTAL REVIEW.—The term “en-  
10          vironmental review” means fulfilling the require-  
11          ments applicable to a CVP enhancement project per-  
12          mit under the National Environmental Policy Act of  
13          1969 (42 U.S.C. 4331 et seq.) and section 7 of the  
14          Endangered Species Act of 1973 (16 U.S.C. 1536).

○

119TH CONGRESS  
1ST SESSION

# H. R. 6641

To provide for financial and technical support of certain projects related to the Central Valley Project, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 11, 2025

Mr. GRAY (for himself, Mr. COSTA, and Mr. HARDER of California) introduced the following bill; which was referred to the Committee on Natural Resources

---

## A BILL

To provide for financial and technical support of certain projects related to the Central Valley Project, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Central Valley Water  
5       Solution Act”.

6       **SEC. 2. CENTRAL VALLEY PROJECT WATER PROJECTS.**

7       (a) **PROJECTS AUTHORIZED.**—The Secretary shall  
8       provide financial and technical assistance for the following  
9       projects in the State, and there is authorized to be appro-

1 priated to the Secretary the corresponding amounts in pa-  
2 rentheses to carry out this section:

3           (1) Westland Water District Recharge Basins  
4           (\$85,000,000), for the purchase by the District on  
5           a willing seller basis of 1,800 acres of land along the  
6           Coalinga Canal to build recharge basins in prime  
7           areas with greater percolation rates and within the  
8           unconfined zone of the subbasin, retrofitting the  
9           Coalinga Canal's existing turnouts to improve the  
10          conveyance capacity to the recharge facilities, and  
11          the construction of terraced berms to retain water at  
12          the recharge sites to enhance percolation and elimi-  
13          nate runoff.

14          (2) Westlands Water District Reverse Osmosis  
15          Treatment Plants and High-Capacity Shallow Aqui-  
16          fer Wells (\$30,000,000), for constructing 2 reverse  
17          osmosis treatment plants and 8 high-capacity shal-  
18          low aquifer wells to reclaim approximately 20,000  
19          acre-feet of poor-quality, perched groundwater to  
20          drinking quality levels.

21          (3) East San Joaquin Valley Groundwater  
22          Banking and Storage Program (\$360,000,000), for  
23          a suite of groundwater banking, in-lieu groundwater  
24          recharge, groundwater quality treatment, and stor-  
25          age projects.



1           (4) Lindsay-Strathmore Irrigation District—  
2       Rancho de Kaweah Groundwater Bank  
3       (\$30,000,000), for constructing 1,200 acres of  
4       groundwater banking in multiple phases, including  
5       recovery wells, pipelines, and a new turnout and pi-  
6       lots to determine recharge and recovery rates.

7           (5) Pixley Irrigation District Joint Ground-  
8       water Bank (\$25,000,000), for constructing 560  
9       acres of groundwater banking in multiple phases, in-  
10      cluding recovery wells, pipelines, a new turnout and  
11      pilots to determine recharge and recovery rates. The  
12      project is anticipated to be completed within 2–3  
13      years of funding availability.

14          (6) Shafter-Wasco Irrigation District Annex  
15      Groundwater Bank (\$55,000,000), for constructing  
16      3,000 acres of groundwater banking in multiple  
17      phases, including recovery wells, pipelines, and a  
18      new turnout and pilots to determine recharge and  
19      recovery rates.

20          (7) Arvin Edison Water Storage District  
21      DiGiorgio Unit In-Lieu Project (\$12,900,000), for  
22      constructing a total of 11.8 miles of pipeline to con-  
23      vey and deliver surface water to support in-lieu  
24      groundwater recharge.

1           (8) Arvin Edison Water Storage District Frick  
2           Unit In-Lieu Project (\$8,100,000), for constructing  
3           a total of 6 miles of pipeline to serve 2,843 acres of  
4           irrigated agriculture to support in-lieu groundwater  
5           recharge.

6           (9) Arvin Edison Water Storage District Pan-  
7           ama Unit In-Lieu Project (\$13,400,000), for con-  
8           structing a total of 8.8 miles of pipeline to serve  
9           4,816 acres of irrigated agriculture to support in-  
10          lieu groundwater recharge.

11          (10) Arvin Edison Water Storage District  
12          Sandrini Unit In-Lieu Project (\$28,300,000), for  
13          constructing 1 mile of new canal and 21.1 miles of  
14          pipeline to serve 11,000 acres of irrigated agri-  
15          culture to support in-lieu groundwater recharge.

16          (11) Arvin Edison Water Storage District Re-  
17          covery Wells and Groundwater Quality Treatment  
18          Project (\$174,000,000), for constructing 7 new  
19          wells, and providing water quality treatment for new  
20          wells and over 65 existing wells to meet treatment  
21          standards and support conjunctive use and oper-  
22          ational flexibility of the California Aqueduct.

23          (12) Tulare Irrigation District Seaborn Res-  
24          ervoir (\$23,000,000), for constructing an internal

1        berm and inlet, outlet, and pump facilities off of the  
2        St. Johns River, and native habitat improvements.

3            (13) City of Tracy Recycled Water and Ex-  
4        change Program (\$10,000,000), for expanding the  
5        City of Tracy's Recycled Water Project project, in-  
6        cluding a pumping station and associated convey-  
7        ance pipeline to convey recycled water to city infra-  
8        structure and to the DMC to supplement the City's  
9        CVP supply.

10           (14) City of Tracy Aquifer Storage and Recov-  
11        ery Program (\$22,000,000), for installing 4 Aquifer  
12        Storage and Recovery wells.

13           (15) Water Conservation Improvement Projects  
14        Planning Work (\$1,000,000), for developing a feasi-  
15        bility and environmental study to analyze lining  
16        areas within the Exchange Contractors service area  
17        that are drainage impacted to generate conserved  
18        water for future implementation.

19           (16) Del Puerto Canyon Reservoir Project  
20        (\$1,010,000), for constructing an 82,000 acre-foot  
21        reservoir located on Del Puerto Creek, providing  
22        needed South of Delta storage to provide drought re-  
23        sistance for the region's agricultural and environ-  
24        mental water supplies, supporting disadvantaged

1 communities, and providing public safety flood pro-  
2 tection for the City of Patterson.

3 (17) Upper Delta-Mendota Canal Reverse Flow  
4 Pumpback Project (\$25,000,000), for designing and  
5 constructing 3 permanent lift stations along the  
6 DMC that will allow reverse flow of CVP and non-  
7 CVP water stored in the San Luis Reservoir (SLR)  
8 to be delivered to the CVP contractors along the  
9 northern reaches of the DMC, mitigating drought  
10 related water supply shortages for Upper DMC con-  
11 tractors.

12 (18) Lower Delta-Mendota Canal Reverse Flow  
13 Pumpback Project (\$280,000,000), for planning and  
14 constructing facilities enabling reverse flow of the  
15 DMC from the Mendota Pool to O'Neil Forebay and  
16 interconnecting the Central California Irrigation  
17 District Outside and Main Canals to the DMC to  
18 convey flood water into the San Luis Reservoir for  
19 storage or direct use, or exchange.

20 (19) Delta-Mendota Canal Subsidence Correc-  
21 tion Project (\$830,000,000), for modifying the 116-  
22 mile-long DMC to restore the original design convey-  
23 ance capacity and avoid constraints on the operation  
24 of the Central Valley Project, and addressing oper-  
25 ational safety concerns generated by subsidence.

1           (20) San Luis Canal/California Aqueduct Sub-  
2           sidence Correction Project (\$850,000,000), for  
3           modifying the San Luis Canal/California Aqueduct  
4           to restore the original design conveyance capacity  
5           and avoid constraints on the operation of the Cen-  
6           tral Valley Project, and addressing operational safe-  
7           ty concerns generated by subsidence.

8           (21) Friant-Kern Canal Phase II Capacity Cor-  
9           rection Project (\$730,000,000), for remaining pre-  
10          construction and construction activities for Upper  
11          and Lower Reach Capacity Correction, including em-  
12          bankment and lining raises, and structure modifica-  
13          tions or replacements necessary to restore the design  
14          capacity of the from the Kings River Check to the  
15          Fifth Avenue Check, and from Reservoir Check to  
16          the Kern Check.

17          (22) Turlock Irrigation Intertie Project  
18          (\$800,000,000), for connecting the New Melones  
19          and Don Pedro Reservoirs.

20          (b) COORDINATION.—The Secretary shall participate  
21          in and enter into agreements and coordinate with affected  
22          Indian Tribes, the State (including subdivisions and de-  
23          partments of the State), and public agencies organized  
24          pursuant to State law (including irrigation entities) as  
25          necessary to carry out this Act.

1 (c) COST SHARING.—

2 (1) IN GENERAL.—Except as provided in para-  
3 graph (2)—

4 (A) for the purposes of section 203 of the  
5 Reclamation Reform Act of 1982 (43 U.S.C.  
6 390cc) or section 3404(a) of the Reclamation  
7 Projects Authorization and Adjustment Act of  
8 1992 (Public Law 102–575; 106 Stat. 4708), a  
9 contract or agreement entered into pursuant to  
10 this section shall not be treated as a new or  
11 amended contract; and

12 (B) none of the funds provided under this  
13 section shall be reimbursable or subject to  
14 matching or cost sharing requirements.

15 (2) EXCEPTION.—Paragraph (1) does not apply  
16 to the study described in subsection (a)(15).

17 (d) ENVIRONMENTAL LAWS.—In providing funding  
18 for a project under this section, the Secretary shall comply  
19 with all applicable environmental laws, including—

20 (1) the National Environmental Policy Act of  
21 1969 (42 U.S.C. 4321 et seq.);

22 (2) any obligations for fish, wildlife, or water  
23 quality protection in permits or licenses granted by  
24 a Federal agency or the State; and

1           (3) any applicable Federal or State laws (in-  
2       cluding regulations).

3       (e) DEFINITIONS.—In this Act:

4           (1) SECRETARY.—The term “Secretary” means  
5       the Secretary of the Interior, acting through the  
6       Commissioner of Reclamation.

7           (2) STATE.—The term “State” means the State  
8       of California.

9           (3) CVP.—The term “CVP” means the Central  
10      Valley Project.

11          (4) DMC.—The term “DMC” means the Delta-  
12      Mendota Canal.

○



AMENDED IN ASSEMBLY JANUARY 14, 2026

AMENDED IN ASSEMBLY JANUARY 5, 2026

AMENDED IN ASSEMBLY APRIL 21, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

## ASSEMBLY BILL

No. 35

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**Introduced by Assembly Member Alvarez**  
**(Principal coauthor: Assembly Member Hadwick)**

(Principal coauthor: Senator Arreguín)

**(Coauthor: Assembly Member Connolly)**

**(Coauthors: Assembly Members Alanis, Ávila Farías, Berman,  
Boerner, Carrillo, Connolly, Davies, Jeff Gonzalez, Mark González,  
Hoover, Kalra, Patel, Pellerin, Petrie-Norris, Rogers, Solache, Stefani,  
Wallis, Ward, Wicks, and Zbur)**

**(Coauthor: Senator Allen)**

**(Coauthors: Senators Allen, Blakespear, Grayson, Jones, Padilla,  
Seyarto, and Valladares)**

December 2, 2024

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An act to amend Section 90135 of the Public Resources Code, relating to environmental ~~protection~~: *protection, and declaring the urgency thereof, to take effect immediately.*

### LEGISLATIVE COUNSEL'S DIGEST

AB 35, as amended, Alvarez. Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024: Administrative Procedure Act: exemption: program guidelines and selection criteria.

Existing law, the Administrative Procedure Act, sets forth the requirements for the adoption, publication, review, and implementation of regulations by state agencies.

The Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024 (act), approved by the voters as Proposition 4 at the November 5, 2024, statewide general election, authorized the issuance of bonds in the amount of \$10,000,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, drought, flood, and water resilience, wildfire and forest resilience, coastal resilience, extreme heat mitigation, biodiversity and nature-based climate solutions, climate-smart, sustainable, and resilient farms, ranches, and working lands, park creation and outdoor access, and clean air programs.

Existing law authorizes certain regulations needed to effectuate or implement programs of the act to be adopted as emergency regulations in accordance with the Administrative Procedure Act, as provided. Existing law requires the emergency regulations to be filed with the Office of Administrative Law and requires the emergency regulations to remain in effect until repealed or amended by the adopting state agency.

~~This bill would delete the above provisions relating to the adoption of regulations to implement the act as emergency regulations and would instead exempt the adoption of those regulations from the Administrative Procedure Act.~~

*This bill, notwithstanding the above, would exempt the adoption of regulations needed to effectuate or implement programs of the act from the requirements of the Administrative Procedure Act, as provided. The bill would require a state entity that receives funding to administer a competitive grant program established using the Administrative Procedure Act exemption to do certain things, including develop draft project solicitation and evaluation guidelines and to submit those guidelines to the Secretary of the Natural Resources Agency, except as provided. The bill would require the Secretary of the Natural Resources Agency to post an electronic form of the guidelines submitted by a state entity and the subsequent verifications on the Natural Resources Agency's internet website. The bill would authorize the use of certain previously developed program guidelines and selection criteria for these purposes, as provided.*

*This bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 90135 of the Public Resources Code is  
2 amended to read:  
3 90135. (a) The Secretary of the Natural Resources Agency  
4 shall publish a list of all program and project expenditures pursuant  
5 to this division not less than annually, in written form, and shall  
6 post an electronic form of the list on the agency's internet website  
7 in a downloadable spreadsheet format. The spreadsheet shall  
8 include all of the following information:  
9 (1) Information about the location and footprint of each funded  
10 project.  
11 (2) The project's objectives.  
12 (3) The status of the project.  
13 (4) Anticipated outcomes.  
14 (5) The public benefits to be derived from the project, including  
15 whether the project has meaningful and direct benefits to vulnerable  
16 populations, disadvantaged communities, or severely disadvantaged  
17 communities.  
18 (6) The total cost of the project, if known.  
19 (7) The amount of bond funding provided.  
20 (8) Any matching moneys provided for the project by the grant  
21 recipient or other partners.  
22 (9) The applicable chapter of this division pursuant to which  
23 the recipient received moneys.  
24 (b) The Department of Finance shall provide for an independent  
25 audit of expenditures pursuant to this division. If an audit, required  
26 by law, of any entity that receives funding authorized by this  
27 division is conducted pursuant to state law and reveals any  
28 impropriety, the California State Auditor or the Controller may  
29 conduct or arrange for a full audit of any or all of the activities  
30 funded pursuant to this division. Any audit of a federal Department  
31 of Energy or National Aeronautics and Space Administration  
32 research and development center pursuant to this section shall be  
33 conducted in accordance with the Federal Laboratory Contracting  
34 Act (Chapter 7 (commencing with Section 12500) of Part 2 of  
35 Division 2 of the Public Contract Code).

(c) A state agency issuing any grant with funding authorized by this division shall require adequate reporting of the expenditures of the funding from the grant.

(d) The costs associated with the publications, audits, statewide bond tracking, cash management, and related oversight activities provided for in this section shall be funded from the proceeds of bonds authorized by this division. These costs shall be shared proportionally by each program funded by this division. Actual costs incurred to administer nongrant programs authorized by this division shall be paid from the proceeds of bonds authorized by this division.

*(e) (1) A regulation for the purposes of developing and adopting program guidelines and selection criteria needed to effectuate or implement the programs included in Chapter 2 (commencing with Section 91000) to Chapter 9 (commencing with Section 94500), inclusive, of this division may be adopted as an emergency regulation in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and for purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare. A state agency shall be exempt from the requirement that it describe facts showing the need for immediate action.*

*(2) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, an emergency regulation adopted pursuant to this subdivision shall be filed with, but not be repealed by, the Office of Administrative Law, and shall remain in effect until repealed or amended by the adopting state agency.*

*(f) (1) Notwithstanding subdivision (e), a regulation for the purpose of developing and adopting program guidelines and selection criteria needed to effectuate or implement the programs included in Chapter 2 (commencing with Section 91000) to Chapter 9 (commencing with Section 94500), inclusive, of this division, may be adopted pursuant to this subdivision.*

~~(e)~~

(2) Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code does not apply to

1 the development and adoption of program guidelines and selection  
2 criteria needed to effectuate or implement the programs included  
3 in Chapter 2 (*commencing with Section 91000*) to Chapter 9, 9  
4 (*commencing with Section 94500*), inclusive, of this division.

5 (3) *Before disbursing grants pursuant to this division, a state*  
6 *entity that receives funding to administer a competitive grant*  
7 *program, established using the exemption pursuant to this*  
8 *subdivision, shall do all of the following:*

9 (A) *Develop draft project solicitation and evaluation guidelines.*

10 (B) *Publish the draft solicitation and evaluation guidelines on*  
11 *its internet website for a public comment period of at least 30 days.*  
12 *All written public comments received shall be posted on the state*  
13 *entity's internet website, unless indicated otherwise by the person*  
14 *who provided the written public comment. The state entity shall*  
15 *respond to each public comment.*

16 (C) *Offer opportunity for tribal consultation to impacted tribes.*

17 (D) *After completing the requirements contained in*  
18 *subparagraphs (A) to (C), inclusive, finalize project solicitation*  
19 *and evaluation guidelines.*

20 (E) (i) *Submit the final guidelines to the Secretary of the Natural*  
21 *Resources Agency. The Secretary of the Natural Resources Agency*  
22 *shall verify that the guidelines are consistent with applicable*  
23 *statutes and for all the purposes enumerated in this division. The*  
24 *Secretary of the Natural Resources Agency shall post an electronic*  
25 *form of the guidelines submitted by a state entity and the*  
26 *subsequent verifications on the Natural Resources Agency's*  
27 *internet website.*

28 (ii) *The requirement to submit final guidelines to the Secretary*  
29 *of the Natural Resources shall not apply to the State Water*  
30 *Resources Control Board.*

31 (4) *Notwithstanding paragraph (3), if a state entity, before the*  
32 *effective date of the act adding this paragraph, developed and*  
33 *adopted project solicitation and evaluation guidelines that comply*  
34 *with the requirements of this division for a program described in*  
35 *Chapter 2 (commencing with Section 91000) to Chapter 9*  
36 *(commencing with Section 94500), inclusive, of this division, the*  
37 *use of those guidelines shall constitute compliance with the*  
38 *requirements of this subdivision.*

39 SEC. 2. *This act is an urgency statute necessary for the*  
40 *immediate preservation of the public peace, health, or safety within*

1 *the meaning of Article IV of the California Constitution and shall*  
2 *go into immediate effect. The facts constituting the necessity are:*  
3 *Climate change has intensified wildfire risk, drought conditions,*  
4 *and threats to safe and reliable drinking water, including impacts*  
5 *to farmland and agricultural communities. Immediate effect is*  
6 *necessary to prevent increased risks to public health and safety,*  
7 *and to allow state agencies to promptly administer and distribute*  
8 *funds appropriated pursuant to the Safe Drinking Water, Wildfire*  
9 *Prevention, Drought Preparedness, and Clean Air Bond Act of*  
10 *2024, approved by the voters as Proposition 4 at the November 5,*  
11 *2024, statewide general election, consistent with voter intent, to*  
12 *support wildfire resilience, climate adaptation, protection of*  
13 *agricultural water resources, and access to safe drinking water.*



# Official Memorandum

PO Box 2157  
Los Baños, CA 93635  
[sldmwa.org](http://sldmwa.org)

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To: SLDMWA Water Resources Committee, Alternates  
SLDMWA Finance & Administration Committee, Alternates  
SLDMWA Board of Directors, Alternates

From: Pablo Arroyave, Chief Operating Officer  
Jaime McNeil, Engineering Manager

Date: February 2, 2026

RE: Recommendation to Board of Directors to Adopt Resolutions Relating to the DMC Subsidence Correction Project A. Adopting Mitigated Negative Declaration/CEQA Findings of Fact and Mitigation Monitoring and Reporting Plan, and B. Authorizing Award and Execution of Construction Manager/General Contractor Agreement (CMGC)

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## Background

The Delta-Mendota Canal (DMC) Subsidence Correction Project (“Subsidence Correction Project” or “Project”) includes restoring the original design conveyance capacity of the DMC by raising the canal lining and embankments, as well as other structures such as bridges, overchutes, and pipe crossings. The DMC is one of the major components of the Delta Division of the U.S. Bureau of Reclamation’s (Reclamation) Central Valley Project (CVP), and is considered critical infrastructure. The San Luis & Delta-Mendota Water Authority (Authority) and Reclamation are committed to restoring the original capacity to ensure the DMC can meet the needs of the communities and ecosystems reliant upon it.

Over the last several years, the Authority has been working in partnership with Reclamation to complete a Feasibility Study, which included completing Environmental Compliance through a joint National Environmental Policy Act (NEPA)/California Environmental Quality Act (CEQA) document. In addition to the EA/IS, Reclamation and the Authority have been engaged in interagency consultation in connection with the Project under Section 7(a)(2) of the Endangered Species Act, Section 106 of the National Historic Preservation Act, and other applicable requirements, and continue to consult and coordinate with state and federal agencies as appropriate.

Concurrently, the Authority has engaged with the Planning Committee, Finance & Administration Committee, the Board of Directors (Board), and Reclamation to develop and gain approval of a phased approach to construction to be implemented through an alternative contracting method including early contractor involvement. Through a variety of workshops, meetings, and discussions, a scope for Phase 1 was developed that would be the most economical and provide immediate capacity restoration and ensure the Department of Water Resources (DWR) grant be fully utilized. In June 2025, Reclamation provided concurrence with the scope of Phase 1 and approval for the Authority to solicit and administer the Phase 1 construction work. Final approval by the Authority Board of Directors to proceed with the Phase 1 scope was granted in September 2025. Phase 1 scope consists of the following Tasks:



- Task 1: Approximate 2 ft freeboard raise between MP 3.5 (JPP) to MP 7.2 (DCI) at a current estimated cost of \$19.75M, based on 4,600 cfs design flow and no future anticipated subsidence.
- Task 2: Sag area repairs (9 areas in Pools 3, 4, 6, and 8) at a current estimated cost of \$18.23M
- Task 3: Panel Repair Program on Upper DMC (24 sites over 5 years) at a current estimated cost of \$27.9M.
- Task 4: Panel Repair Program on Lower DMC at a current estimated cost of \$28M.

In November 2025, the Board of Directors adopted cost allocation recommendations for each task included in Phase 1. Cost allocation recommendations were adopted with the knowledge that staff intends to utilize non-reimbursable grant funds to fund Phase 1 to the maximum extent possible. If Phase 1 is wholly funded with non-reimbursable grant funding, there will be no rate impact associated with this action.

In anticipation of the early contractor contracting approach, the Authority recommended and the Board approved certain amendments in August 2025 to the Authority's Consolidated Procurement Policy (Procurement Policy) to add provisions to authorize procurement of Construction Manager/General Contractor (CMGC) contracts under a specified competitive procedure for public works projects in excess of one million dollars. Per section 4.10(g) of the Procurement Policy, awards of CMGC contracts shall be made by the Authority's Board.

With all necessary approvals acquired, the Authority proceeded with drafting and soliciting a CMGC Construction contract for Phase 1 work.

## Issue for Decision

Whether the Board of Directors should authorize adoption of resolutions relating to the DMC Subsidence Correction Project

- A. Adopting Mitigated Negative Declaration/CEQA Findings of Fact and Mitigation Monitoring and Reporting Plan per the Water Resources Committee recommendation, and;
- B. Authorizing award and execution of Construction Manager/General Contractor (CMGC) Agreement per the Finance & Administration Committee recommendation.

## Recommendation

Staff recommends adoption of proposed resolutions.

## Analysis

### A. Resolution Adopting Mitigated Negative Declaration/CEQA Findings of Fact and Mitigation Monitoring and Reporting Plan

In accordance with CEQA and applicable state and federal regulations, a joint Environmental Assessment (EA)/ Initial Study/Mitigated Negative Declaration (IS/MND) was prepared to evaluate the potential environmental effects associated with implementation of the Project. The Authority is the Lead Agency for the proposed Project under CEQA.

Because the Project Initial Study identified potentially significant effects of the project, mitigation measures applicable to the Project were identified in a proposed Mitigated Negative Declaration (MND) to avoid or reduce the Project's potentially significant effects to a less-than-significant level. On February 13, 2023, a Notice of Intent to Adopt the MND was circulated for public comments for a 30-day period that concluded on March 14, 2023. All comments of persons and agencies received during the public comment period and responses to those comments are included in Appendix P and Appendix Q of the MND.

Based on the IS/MND, and in light of the record of proceedings as a whole, the Authority has determined that the proposed Project, as mitigated, would not have a significant impact on the environment. Through the proposed resolution, the Board would adopt the MND, including CEQA findings of Fact, and a Mitigation Monitoring and Reporting Plan (MMRP) to require that all reasonably feasible mitigation measures be implemented by means of Project conditions, agreements, or other measures, as set forth in the MMRP. Following adoption of the resolution the Authority would file a Notice of Determination with the State Clearinghouse.

## **B. Resolution Authorizing Execution of Construction Manager/General Contractor (CMGC) Agreement**

The Authority formally solicited for electronic proposals to provide all labor, equipment, and services for Construction Manager/General Contractor (CM/GC) Services for Delta-Mendota Canal (DMC) Subsidence Correction Project Phase 1 - Tasks 1 through 4 (Project). Critical dates are below:

- Nov. 12, 2025: RFP issued
- Nov. 21, 2025: Mandatory Pre-Proposal Conference / Site Visit
- Dec. 5, 2025: Last Day for Contractors to Submit Questions
- Dec. 12, 2025: Last day for Responses to Questions and Posting of Final Addendum
- Jan. 9, 2026: Proposals due via PlanetBids
- Jan. 13 – Jan. 16, 2026: Proposal Evaluation
- Jan. 20, 2026: In-Person Contractor Interviews
- Jan. 21, 2026: Notice of Intent to Award

The Formal Request for Proposals (RFP) was publicly posted on PlanetBids and in two newspapers: San Francisco Chronicle and Sacramento Bee. In addition, the RFP was sent directly to seven contractors. Seven contractors attended the Mandatory Pre-Proposal Conference and Site Visit, with two proposals submitted. The two responsive proposals were submitted by Kiewit Corporation and NW Construction Inc. Technical Proposals were reviewed and scored by an evaluation committee consisting of Authority staff, a member from the Bureau of Reclamation, and two members from consulting teams to the Authority (Hallmark & CDM Smith). The Proposals were reviewed and accepted by the Authority's Contract Specialist for responsiveness and responsibility. Upon conclusion of the evaluation committee, the proposers received the following scores: Kiewit Corporation 322; and NW Construction, Inc. 223. The best qualified and responsive/responsible proposer was determined to be Kiewit Corporation. The Notice of Intent to Award was transmitted to Kiewit Corporation on January 21, 2026.

The proposed award will be to fund preconstruction services for Task 1 and Task 2 only, with Preconstruction Services for Tasks 3 and 4 to be added in the future by amendment at the Authority's discretion given

available funding and Board approval. Once the Notice to Proceed is issued, the Authority and the CMGC Contractor will work collaboratively to complete preconstruction services as outlined in the RFP and to develop a Guaranteed Maximum Price (GMP) for Task 1 and Task 2 for the construction phase of the project. The Authority anticipates bringing the GMP back to the Finance & Administration Committee for recommendation regarding the proposed GMP and to the Board for approval of the GMP and Notice to Proceed with construction in May, or earlier if possible.

## Budget Implications

The proposed expenditure of up to \$200,000 will be funded utilizing approved EO&M funds from Fiscal Years 2021-2023, which will be reimbursed through the DWR grant.

## Exhibits

1. Draft Board Resolution Adopting Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan  
Exh. A: Final EA/ IS/MND  
Exh. B: Mitigation Monitoring and Reporting Plan  
Exh. C: Notice of Determination
2. Draft Board Resolution Authorizing Award and Execution of Construction Manager/General Contractor (CMGC) Agreement  
Exh. 1: Notice of Intent to Award (NOIA)  
Exh. 2: Draft CMGC Agreement

**SAN LUIS & DELTA-MENDOTA WATER AUTHORITY**

**RESOLUTION NO. 2026-**

**RESOLUTION ADOPTING THE MITIGATED NEGATIVE DECLARATION/CEQA  
FINDINGS OF FACT AND MITIGATION MONITORING AND REPORTING PLAN  
FOR THE DELTA-MENDOTA CANAL SUBSIDENCE CORRECTION PROJECT**

**WHEREAS**, a joint Environmental Assessment (EA)/ Initial Study/Mitigated Negative Declaration (IS/MND) was prepared by the San Luis & Delta-Mendota Water Authority (SLDMWA) and the United States Bureau of Reclamation on the effects of the proposed subsidence correction project to restore the Delta-Mendota Canal (DMC) to its originally authorized conveyance capacity (Project); and

**WHEREAS**, SLDMWA is the Lead Agency for the proposed Project under the California Environmental Quality Act (CEQA) and Reclamation is the Lead Agency under the National Environmental Policy Act (NEPA); and

**WHEREAS**, the Project Initial Study identified potentially significant effects of the Project. Mitigation measures applicable to the Project were identified in a proposed Mitigated Negative Declaration (MND) to avoid or reduce the Project's potentially significant effects to a less-than-significant level; and

**WHEREAS**, on February 13, 2023, a Notice of Intent to Adopt the MND (NOI) was circulated for public comments for a 30-day period that concluded on March 14, 2023. The NOI was published in the Fresno Bee and Merced Sun Star, and was sent to those public agencies that have jurisdiction by law with respect to the proposed Project and to other interested parties and agencies, seeking the comments of such persons and agencies; and

**WHEREAS**, all comments of persons and agencies received during the public comment period and responses to those comments are included in Appendix P and Appendix Q of the MND; and

**WHEREAS**, based on the record of proceedings as a whole, SLDMWA has determined that there are no changed circumstances or new information of substantial importance that would require significant modifications to the MND and that all text revisions included in Appendix R of the MND consist of clarifications and insignificant modifications that do not affect the conclusions of the impact findings and do not require recirculation; and

**WHEREAS**, based on the IS/MND and in light of the record of proceedings as a whole, SLDMWA has determined that the proposed DMC Subsidence Correction Project, as mitigated, would not have a significant impact on the environment.

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

Section 1. The facts stated in the recitals above are true and correct, and the Board of Directors (Board) so finds and determines.

Section 2. The Board has reviewed and considered the information contained in the MND, including the Initial Study, revisions, and conditions incorporated into the Project, the comments received during the public review process and the hearing on the Project, and all oral and documentary evidence received during the hearing on the Project. The Board has determined that the MND constitutes an adequate, accurate, objective, and complete review of the proposed Project.

Section 3. The Board hereby finds that the MND reflects the Board's independent judgment and analysis.

Section 4. Based on its review of the MND and in light of the record of proceedings as a whole, the Board finds that the record contains no substantial evidence that the proposed Project, as mitigated, could have a significant effect on the environment. The Board further finds that substantial evidence supports adoption and use of the MND pursuant to CEQA.

Section 5. The Board hereby adopts the attached Mitigated Negative Declaration/CEQA Findings of Fact and Mitigation Monitoring and Reporting Plan (MMRP) to require that all reasonably feasible mitigation measures be implemented by means of Project conditions, agreements, or other measures, as set forth in the MMRP.

**PASSED, APPROVED AND ADOPTED** this 5th day of February, 2026, by the Board of Directors of the San Luis & Delta-Mendota Water Authority.

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Cannon Michael, Chair  
San Luis & Delta-Mendota Water Authority

Attest:

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Federico Barajas, Secretary

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I hereby certify that the foregoing Resolution No. 2026-       was duly and regularly adopted by the Board of Directors of the San Luis & Delta-Mendota Water Authority at the meeting thereof held on the 5th day of February, 2026.

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Federico Barajas, Secretary

## **MITIGATED NEGATIVE DECLARATION FOR DELTA-MENDOTA CANAL SUBSIDENCE CORRECTION PROJECT**

**LEAD AGENCY:** San Luis & Delta-Mendota Water Authority  
PO Box 2157  
Los Banos, CA, 93635

**AVAILABILITY OF DOCUMENTS:** The initial study for this mitigated negative declaration is available for review at: <https://sldmwa.org/dmc-subsidence-project>.

Questions or comments regarding this mitigated negative declaration and initial study may be addressed to:

San Luis & Delta-Mendota Water Authority  
Attention: Mr. Pablo Arroyave  
PO Box 2157  
Los Banos, CA, 93635  
E-mail: [pablo.arroyave@sldmwa.org](mailto:pablo.arroyave@sldmwa.org)

**Project Description:** Since its original construction, the Delta-Mendota Canal (DMC) has been affected by land subsidence which has reduced the capacity the DMC can convey. These limits on conveyance capacity have introduced operational constraints that can affect deliveries to south-of-Delta Central Valley Project (CVP) contractors. The continued, safe, and reliable operation of the DMC is critical to the users that it serves and the economies that it supports. The proposed project would restore the designed conveyance capacity of the DMC (a maximum flow capacity of 4,600 cfs at the origin and a minimum flow capacity of 3,210 cfs at the terminus) by (1) raising deficient concrete lining segments and bank segments to meet the minimum freeboard requirements; (2) installing riprap for erosion protection to stabilize the banks along the earthen-lined segment; (3) replacing bridges and pipeline crossings that do not have enough clearance above water surface elevation to meet minimum required clearings; (4) raising the gates of check structures and wasteways to design level and modify impacted structures; and (5) evaluating existing drainage structures to modify them for safe passage of stormwater.

**Project Location:** Proposed project effects would occur within Alameda, San Benito, Santa Clara, San Joaquin, Stanislaus, Merced, and Fresno counties (see Figure 1 below).

**Findings:** An initial study was prepared to assess the DMC Subsidence Correction Project's potential effects on the environment and the significance of those impacts. Based on the initial study, the San Luis & Delta-Mendota Water Authority (SLDMWA) has determined that the proposed project would not have a significant impact on the environment. This conclusion is supported by the following findings:

- The project would result in beneficial impacts on south-of-Delta CVP agricultural water supply.
- The project would result in less than significant impacts on water supply, air quality, greenhouse gas emissions, visual resources, noise and vibration, recreation, and public utilities and power.
- The project will result in less than significant impacts after mitigation to water quality, traffic and transportation, hazards and hazardous materials, biological resources, cultural resources, geology, and soils.



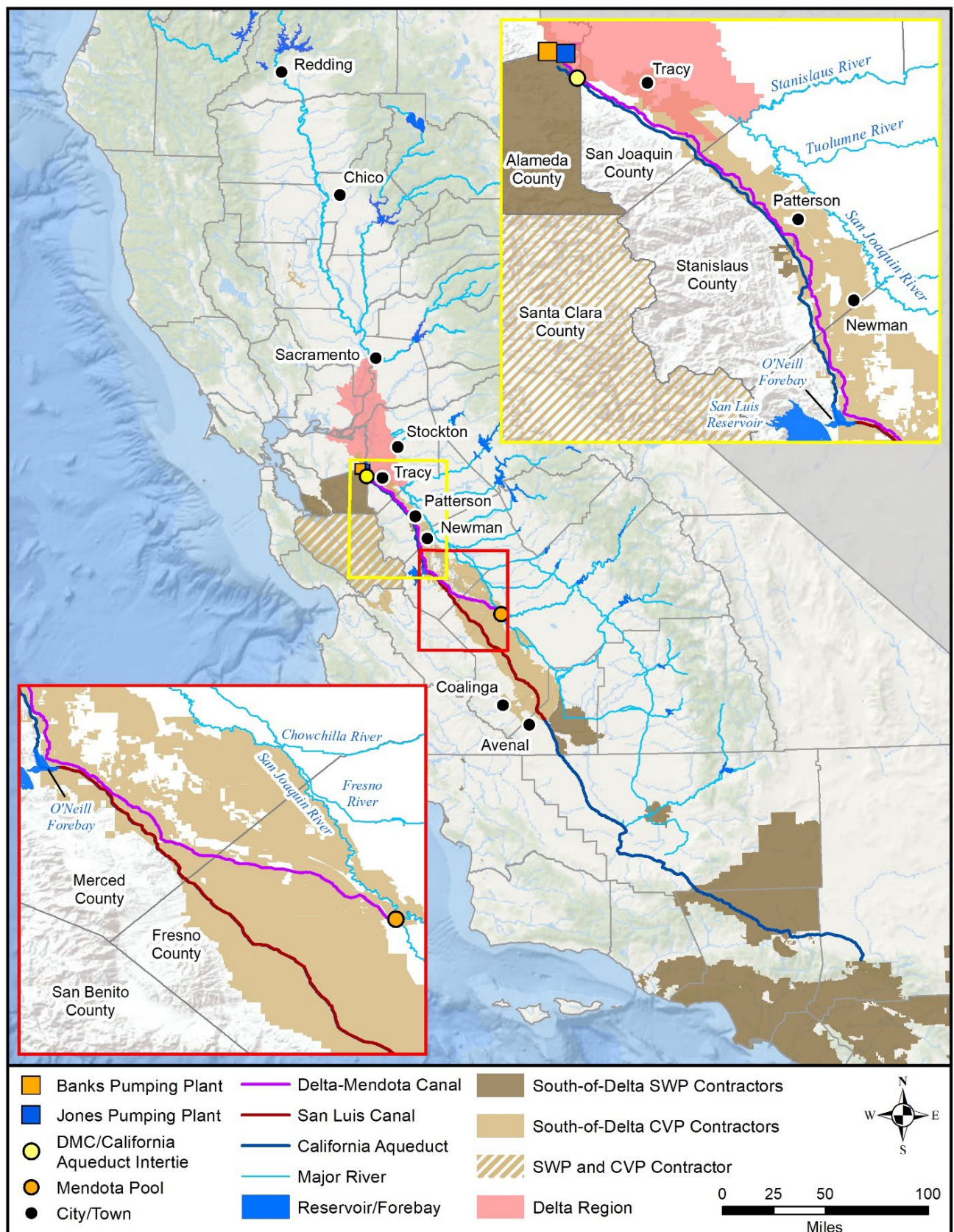


Figure 1. Project Area



**Mitigation Measures:** The initial study incorporated the following mitigation measures:

***Mitigation Measure WQ-1: Prepare Site-Specific Stormwater Pollution Prevention Plan (SWPPP)***

The objectives of the SWPPP would be to: (1) identify pollutant sources that may affect the quality of stormwater associated with construction activity; and (2) identify, construct, and implement stormwater pollution prevention measures to reduce pollutants in stormwater discharges during and after construction. The SWPPP would also include details of how the sediment and erosion control practices, referred to as BMPs would be implemented. The implementation of the SWPPP would comply with state and federal water quality regulations.

***Mitigation Measure TR-1: Develop a Temporary Traffic Control Plan***

The following construction management actions will be documented in a temporary traffic control plan developed by the contractor as a requirement that will be included in its construction contract. The temporary traffic control plan will be submitted for Caltrans' review and approval during the Encroachment Permit process.

- Construction contractors will install signage at roadways and intersections identified as dangerous in accordance with the California Manual on Uniform Traffic Control Devices guidelines warning motorists of slow-moving construction traffic and lane closures. Signage shall also be posted at these locations one month in advance to allow motorists time to plan for delays or alternate routes.
- Construction contractors shall implement dust abatement and perform proper construction traffic management actions, including signage warning motorists of construction activity and traffic controls like flaggers or temporary traffic lights where construction equipment will be entering roadways, to reduce conflicts during periods of high traffic volume in and around each construction site and to avoid conflicts with emergency responders entering and existing the area during an emergency.
- In addition to the temporary traffic control plan, before the initiation of any construction actions, construction contractors shall develop and adhere to a health and safety plan outlining all applicable Occupational Safety and Health Administration requirements, and important traffic safety plans, including identification of emergency access routes in and through construction areas that would still need to be kept clear at all times during construction. The health and safety plan shall include coordination with emergency service personnel to ensure adequate mitigation for all impacts.

***Mitigation Measure HAZ-1: Activity Containment and Spills Management***

During construction and operations, all associated activities, equipment, and machinery shall be restricted to the canal ROW. To ensure containment, construction contractors should place boundaries and noticeable signs of entry and exit, restricting access to within the ROW. All construction equipment and vehicles used shall be maintained properly according to manufacturer specifications and should be inspected to identify and fix any excessive fluid leakages prior to arriving to the construction site. Additionally, the construction contractor shall also prepare a Spill Prevention and Response Plan for preventing spills and responding to chemical or hazardous substance spills. This plan will include spill prevention management, including employee training, hazardous substance inventory, and spill response equipment. The plan will also include a spill response plan, including evacuation procedures, spill containment and cleanup, and reporting a release.

***Mitigation Measure HAZ-2: Risk Reduction – Airborne Hazardous Materials***

To reduce risks of hazards involving release of airborne hazardous materials, the construction contractor shall implement the United States Occupational Safety and Health Administration's

(OSHA's) regulations for asbestos and lead (29 CFR 1910.1001, 1926.1101, and 1926.62) prior to demolition of any structures that could contain asbestos or lead paint. Demolition of structures suspected to contain lead paint (structures built prior to 1978) should be wetted prior to demolition to reduce the likelihood of inhaling lead dust particles. Construction workers should be outfitted in the proper personal protective equipment, including an appropriate respirator, before completing demolition work.

Under AB 203, the construction contractor shall implement health and safety awareness training before excavation of any topsoil to reduce infection of by Valley fever. Safety and MMs that should be included in the training include wetting down soil before digging to reduce aggravation of dust and dirt, wearing a N95 mask or respirator, and halting work in the presence of a dust storm or windy conditions and staying indoors or in an enclosed area away from dust.

***Mitigation Measure HAZ-3: Fire Prevention Controls***

Construction contracts should be required to provide (1) fire prevention controls such as spark arrestors and (2) fire safety training to avoid risk of wildfire. Since work is year-round, all temporary heaters should be used in accordance with manufacturer instructions and monitored by employees in compliance with fire safety training. In addition, the construction contractor shall prepare a Fire Prevention Plan to prevent a fire from occurring, compliant with OSHA regulations. The plan shall include:

- List of all major fire hazards, proper handling and storage procedures for hazardous materials, potential ignition sources and their control, and the type of fire protection equipment necessary to control each major hazard
- Procedures to control accumulations of flammable and combustible waste materials
- Procedures for regular maintenance of safeguards installed on heat-producing equipment to prevent the accidental ignition of combustible materials
- Name or job title of employees responsible for maintaining equipment to prevent or control sources of ignition or fires; and
- Name or job title of employees responsible for the control of fuel source hazards

***Mitigation Measure HAZ-4: Contaminated Soil/Groundwater Remediation Plan***

The construction contractor in coordination with the Lead Agencies shall work with the California Department of Parks and Recreation (CDPR) and the Central Valley RWQCB to review existing monitoring data of the hazardous materials/waste sites within the study area to evaluate the potential for interacting with hazardous soil contamination during construction. If the construction contractor and the Lead Agencies (as the responsible party for this potential disturbance) determine that interaction with contaminated soil cannot be avoided and these construction actions could generate a release of this soil to nearby water bodies or elsewhere off-site, the construction contractor shall prepare a Contaminated Soil / Groundwater Remediation Plan. This remediation plan shall detail the nature of the contaminants on-site, measures required to avoid interaction with these contaminants including (if necessary) a pre-construction cleanup of the site, and a response action plan in the event of an inadvertent release of contaminated soils from the construction site. This plan shall be submitted to the CDPR and the Central Valley RWQCB for review and approval prior to the initiation of any construction.

***Mitigation Measure HAZ-5: Airport Safety***

Construction contracts shall include requirements for the contractor to prepare a construction safety plan prior to any construction activities in collaboration with the City of Tracy Department of Parks and Recreation (owners of the Tracy Municipal Airport) to coordinate construction activities, including a schedule, coordination of personnel with aviation radios, and notice

requirements. The contractor shall also coordinate with emergency service personnel to ensure adequate mitigation for all impacts.

***Mitigation Measure BIO-1: Measures to Minimize Impacts on Special-Status Plants***

A botanical survey shall be conducted prior to construction activities to determine the presence or absence of special-status plant species within the Project area. The surveys shall be conducted in general accordance with the Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities (CDFW 2021) and shall be timed to appropriately coincide with the blooming period of special-status plant species with the potential to occur in the Project disturbance areas.

If more than five years lapse after the botanical survey is conducted prior to ground disturbance, two botanical surveys (early and late season) shall be conducted in all suitable habitat located within the Project disturbance areas to determine the presence or absence of special-status plants.

If special-status plant species are found during the botanical surveys, the locations of the special-status plants and a 50-foot buffer will be marked as avoidance areas both in the field using flagging, staking, fencing, or similar devices and on construction plans.

If non-listed, special-status plants are identified during botanical surveys and complete avoidance is not practicable, and the Project would directly or indirectly affect more than 25 percent of a local occurrence by either number of plants or square footage of occupied habitat, then a qualified biologist will determine whether implementation of a conservation plan is recommended. If federal- or state-listed plants are identified during botanical surveys and complete avoidance is not practicable, coordination with California Department of Fish and Wildlife (CDFW) and/or United States Fish and Wildlife Service (USFWS) will be conducted as appropriate to develop the conservation plan. No take of state-listed or federally listed species will occur without an Incidental Take Permit from either CDFW or USFWS.

The special-status plant conservation plan may consist of, but would not necessarily be limited to, purchase of mitigation credits at a regional conservation bank; plant salvage and relocation; collection and subsequent planting of seed or incorporating seed from native nursery into seed mix used for revegetation efforts; stockpiling, storing, and replacing topsoil containing the local seed bank; or other measures determined practicable based on the species and site conditions. If on-site conservation measures are implemented, the objective is to restore the impacted special-status plant species community to pre-existing conditions by providing for the restoration of a self-sustaining population of special-status plants in the general area where the impact occurred at a minimum of a 1:1 ratio (e.g., number of plants, square footage occupied). For on site conservation measures, the conservation plan will identify success criteria and provide for annual or other regular monitoring to evaluate whether the conservation effort has met the success criteria. The conservation plan will also include measures for remedial actions (e.g., additional plantings, supplemental irrigation, increased monitoring) if monitoring efforts indicate that success criteria are not being met.

For some species and site conditions, the biologist may determine that a conservation plan is not recommended. Some of these circumstances may include but are not limited to the following: (1) there are other nearby populations that will not be disturbed; (2) plant relocation, seeding, or revegetation would not have a reasonable probability of success; (3) implementation of measures could result in detrimental effects on existing special-status plant populations; or (4) incompatibility with required operations and maintenance activities. If the biologist determines, in coordination with CDFW and/or USFWS, that a conservation plan is not warranted, then no additional measures are required.

**Mitigation Measure BIO-2: General Measures to Minimize Impacts on Special-Status Animal Species**

A Biological Resources Management and Monitoring Plan (BRMMP) shall be developed and implemented for the Project. The BRMMP shall provide for the following:

- 1) Overall implementation and monitoring of the MMs for biological resources and the terms and conditions of any agency permits/authorizations throughout the duration of Project construction and restoration/revegetation of riparian habitat, per BIO-2c.
- 2) Designation of an overall Project biologist and the roles and responsibilities of the Project biologist and other monitoring biologists and the roles of Reclamation, SLDMWA, and construction personnel in coordinating and implementing the BRMMP.
- 3) Adaptive management in scheduling worker environmental awareness training (WEAT) and conducting pre-construction surveys for special-status species. In some cases, additional biological surveys beyond those identified in the MMs may be warranted to proactively avoid biological constraints or conflicts with protective measures. For example, early monitoring for nesting birds or occupied mammal burrows may be needed to preserve opportunities for vegetation removal, removal of nesting starts before egg laying, and burrow monitoring and closure prior to the initiation of breeding or nesting activities.
- 4) procedure and authorizations required to modify the MMs, if needed, to resolve conflicts with constructability requirements or other measures required by agency permits/authorizations or to provide for equivalent avoidance/minimization of adverse effects on sensitive biological resources under changing conditions over the life of Project construction. For example, nesting birds or other special-status species may initiate nesting or denning activities in proximity to construction areas while active construction activities are ongoing, including those within the 'no-disturbance buffers.' In these cases, it may be that the animals are acclimated to the level of construction disturbance, and continuance of construction activities would not be expected to adversely affect the animals or their nesting/breeding activities (assuming that increased levels of disturbance or closer proximity of construction activities is not planned). The BRMMP will include provisions for how these and similar circumstances will be addressed and how determinations regarding additional biological monitoring or agency coordination will be addressed.
- 5) Procedure to record and document implementation of the MMs and other measures including any pre-construction survey reports, WEAT sign-in forms, routine biological monitoring forms, photographs, and other materials related to implementation of the BRMMP.
- 6) Procedure to comply with the terms and conditions and notification and reporting requirements of any agency permits/authorizations required for the Project, and the procedure for coordination/consultation with resource or permitting agencies, as necessary.
- 7) Procedure to inform, document, and monitor restoration and revegetation activities associated with restoring temporary impacts on terrestrial and aquatic habitats and vegetation communities. This includes any post-construction monitoring/reporting and remedial measures that may be required.

Prior to the initiation of ground disturbance, a qualified biologist(s) will conduct a WEAT for all construction personnel. Training sessions will be repeated for all new personnel before they access the Project site. Sign-in sheets identifying attendees and the contractor/company they represent will be prepared for each training session, and records of attendance will be maintained by the Project. At minimum, the WEAT will include a description of the protected

species and biological resources that may occur in the Project area and their physical description, habitats, and natural history, as well as the measures that are being implemented to avoid or minimize Project-related impacts, penalties for noncompliance, and the boundaries of the work area. As appropriate, training will be conducted in languages other than English to ensure that employees and contractors understand their roles and responsibilities. A written summary of the training will be provided to all attendees, and an electronic copy will be provided so that the Project can make and distribute future copies. The WEAT will be conducted annually, at minimum, for all construction personnel.

A litter control program will be instituted at each Project site. All workers will place their food scraps, paper wrappers, food containers, cans, bottles, and other trash in covered or closed trash containers. The trash containers should be removed from the Project area at the end of each working day.

No firearms (except as possessed by federal, state, or local law enforcement officers) or pets will be permitted on construction sites.

To prevent inadvertent entrapment of wildlife during construction, all excavated steep-walled holes or trenches greater than two-feet deep should be covered or filled at the end of each working day or provided with one or more escape ramps no greater than 200 feet apart. Before such trenches or holes are filled, they shall be thoroughly inspected for trapped animals. If protected species are found in any of the holes or trenches, work shall cease until an escape ramp is provided and the animal leaves on its own volition, or until the animal has been relocated by a USFWS-approved biologist, and/or in coordination with USFWS, as appropriate.

All construction activity will be confined within the Project site, which may include temporary access roads, haul roads, and staging areas specifically designated and marked for these purposes.

Restoration and revegetation work associated with temporary impacts shall be done using California native plant material from on-site or local sources (i.e., local ecotype). Plant materials from non-local sources shall be allowed only with written authorization from USFWS. To the maximum extent practical (i.e., presence of natural lands), topsoil shall be removed, cached, and returned to the site according to successful restoration protocols. Loss of soil from runoff or erosion shall be prevented with straw bales, straw wattles, or similar means provided they do not entangle, block escape, or dispersal routes of listed animal species.

The Project construction area shall be delineated with high visibility temporary fencing, flagging, or other barrier to prevent encroachment of construction personnel and equipment onto any sensitive areas during Project work activities. Such fencing shall be inspected and maintained daily until completion of the Project. The fencing will be removed only when all construction equipment is removed from the site. No Project activities will occur outside the delineated Project construction area.

Only USFWS-approved personnel holding valid permits issued pursuant to Section 10(a)(1)(A) of the Act will be allowed to trap or capture listed species. Any relocation plan will be approved by USFWS prior to release of any listed species.

Tightly woven fiber netting or similar material (no monofilament material) will be used for erosion control or other purposes at the Project site to ensure that animals do not become trapped.

Prior to Project implementation, Reclamation will consult with USFWS to ensure its actions do not jeopardize the continued existence of any federally listed species or destroy/adversely modify critical habitat pursuant to Section 7(a)(2) of the ESA. If consultation with USFWS results in the issuance of a biological opinion, the Proposed Action will be conducted in compliance with all reasonable and prudent measures and terms and conditions set forth in the biological opinion.

To inform discussions between SLDMWA and CDFW regarding the potential for the Proposed Action to impact species currently protected under the CESA, and out of an abundance of caution, a qualified biologist familiar with the behavior and life history of the Crotch bumble bee will conduct surveys to determine the presence/absence of the species within the project area within 1 year prior to the initiation of construction. These surveys will be conducted during the Crotch bumble bee flying season (i.e., March 1 to September 1) when the species is most likely to be detected above ground. Survey results, including negative findings, will be submitted to CDFW prior to the initiation of project-related ground disturbing activities. At a minimum, the survey report will provide the following:

- a. A description and map of the survey area, focusing on areas that could provide suitable habitat for the Crotch bumble bee.
- b. Field survey conditions that include the name(s) of qualified biologist(s) and their qualifications, date and time of the survey, survey duration, general weather conditions, and survey goals.
- c. A map(s) showing the location of Crotch bumble bee nests/colonies identified during the surveys.
- d. A description of the physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each Crotch bumble bee nest/colony was found. A sufficient description of biological conditions, primarily impacted habitat, including native plant composition (e.g., density, cover, and abundance) within the impacted habitat (e.g., species list separated by vegetation class, density, cover, and abundance of each plant species).

Prior to Project implementation, SLDMWA will consult with CDFW if any species protected under CESA are confirmed present within the project area and it is determined that take of one or more of these species cannot be avoided during Project implementation. Should it be determined that the Proposed Action would result in take of one or more species protected under CESA, SLDMWA would obtain take authorization through the acquisition of an ITP from CDFW, pursuant to Fish and Game Code Section 2081 subdivision (b).

***Mitigation Measure BIO-3: Measures to Minimize Impacts on Bats***

To the extent practicable, the removal of large trees with cavities or the modification of canal infrastructure with the potential to provide bat roosts will occur before maternity colonies form (i.e., prior to March 1) or after young are volant (able to fly) (i.e., after August 15).

If construction (including the removal of large trees and/or the modification of canal infrastructure) occurs during the non-volant season (March 1 to August 15), a qualified biologist will conduct a pre-construction survey of the Project area for maternity colonies. The pre-construction survey will be performed no more than 14 days prior to the implementation of construction activities (including staging and equipment access). If a lapse in construction activities for 14 days or more occurs between those dates, another pre-construction survey will be performed. If any maternity colonies are detected, appropriate conservation measures (as determined by a qualified biologist) will be implemented. These measures may include, but are not limited to, establishing a construction-free buffer zone around the maternity colony site, biological monitoring of the maternity colony, and delaying construction activities within the vicinity of the maternity site.

***Mitigation Measure BIO-4: Measures to Minimize Impacts on the American Badger***

Any American badger detected within the Project area during Project-related activities will be allowed to move out of the work area of its own volition.

Concurrent with other required surveys, during winter and spring months before new Project activities, and concurrent with other pre-construction surveys (e.g., San Joaquin kit fox [SJKF] and burrowing owl), a qualified biologist will perform a survey to identify the presence of active

or inactive American badger dens. If this species is not found, no further mitigation will be required. If badger dens are identified within the construction footprint during the surveys or afterward, they will be inspected and closed using the following methodology:

- When unoccupied dens are encountered outside of work areas but within 100 feet of proposed activities, vacated dens will be inspected to ensure they are empty and temporarily covered using plywood sheets or similar materials.
- If badger occupancy is determined at a given site within the work area, work activities at that site should be halted. Depending on the den type, reasonable and prudent measures to avoid harming badgers will be implemented and will include seasonal limitations on Project construction near the site (e.g., restricting the construction period to avoid spring–summer pupping season) or establishing a construction exclusion zone around the identified site or resurveying the den at a later time to determine the species' presence or absence.
- Badgers will be passively relocated using burrow exclusion (e.g., installing one-way doors on burrows) or similar CDFW-approved exclusion methods. In unique situations, it may be necessary to actively relocate badgers (using live traps) to protect individuals from potentially harmful situations. Such relocation would be performed with advance CDFW coordination and concurrence.

***Mitigation Measure BIO-5: Measures to Minimize Impacts on San Joaquin Kit Fox***

Determine the presence of SJKF dens:

- a) Pre-construction monitoring will be performed no less than 14 days and no more than 30 days prior to construction to identify kit fox habitat features within the Project area.
- b) Areas within which pre-construction monitoring have been completed more than 30 days prior to construction will be re-inventoried not more than 30 days prior to construction.
- c) Pre-construction monitoring for dens will be conducted by qualified biologists familiar with SJKF biology, natural history, and potential dens.
- d) Pipes and culverts will be searched for SJKF immediately prior to being moved or sealed to ensure that an animal has not been trapped. If SJKF is observed, a USFWS-approved biologist will gently encourage it to leave the area (i.e., without using loud noise, physical force, or physical movement of the pipe or culvert such that the animal could be injured or startled while it is leaving the area).

Identify and document locations of potential or occupied dens (natal or non-natal) and their status (occupied or unoccupied). Definitions:

- a) Known den: any existing natural den or manmade structure that is used or has been used at any time in the past by SJKF. Evidence of use may include historical records, past or current radiotelemetry or spotlighting data, kit fox sign such as tracks, scat, and/or prey remains, or other reasonable proof that a given den is being or has been used by a kit fox. USFWS discourages use of the terms “active” and “inactive” when referring to any kit fox den because a great percentage of occupied dens show no evidence of use, and because kit foxes change dens often, with the result that the status of a given den may change frequently and abruptly.
- b) Potential den: any subterranean hole within the species' range that has entrances of appropriate dimensions (five to eight inches in diameter) for which available evidence is insufficient to conclude that it is being used or has been used by a kit fox. Potential dens shall include the following: (1) any suitable subterranean hole five to eight inches in diameter within the species' range; or (2) any den or burrow of another species (e.g., coyote, badger, red fox, or ground squirrel) that otherwise has appropriate characteristics for kit fox use.

- c) Natal/pupping den: any den used by kit foxes to whelp and/or rear their pups. Natal/pupping dens may be larger with more numerous entrances than dens occupied exclusively by adults. These dens typically have more kit fox tracks, scat, and prey remains in the vicinity of the den, and may have a broader apron of matted dirt and/or vegetation at one or more entrances. A natal den, defined as a den in which kit fox pups are actually whelped but not necessarily reared, is a more restrictive version of the pupping den. In practice, however, it is difficult to distinguish between the two, therefore, for purposes of this definition either term applies.
- d) Atypical den: any manmade structure which has been or is being occupied by SJKF. Atypical dens may include pipes, culverts, and diggings beneath concrete slabs and buildings.

Identify and execute appropriate action(s) regarding notification, buffers, excavation and fill, or seal off:

- a) Occupied natal den: if an occupied natal den is visible or encountered within the Project limits or on publicly accessible land sufficiently close to the Project construction area such that it would be disturbed (based on qualified biologist opinion and monitoring), USFWS and CDFW will be contacted immediately and before any Project action occurs to determine permissible actions to permit resumption of work.
- b) Unless determined necessary for safety or constructability by Reclamation, SLDMWA, or the Project contractor, the Project site will not be lighted between sunset and sunrise.
- c) Pipes or culverts with a diameter greater than four inches will be capped or taped closed when it is ascertained that no SJKF are present. Any SJKF found in a pipe or culvert will be allowed to escape unimpeded.

If a natural den or burrow is determined to meet size criteria (i.e., greater than four inches in diameter) and cannot be avoided per the no-disturbance buffers recommended in the USFWS Standardized Recommendations for Protection of the SJKF Prior to or During Ground Disturbance (USFWS 2011) or shall be destroyed, the following guidelines will be followed:

- a) Prior to den destruction, areas scheduled for construction within the vicinity of potential kit fox dens shall be monitored by a qualified biologist to determine their status. Monitoring will begin with pedestrian surveys to identify locations of potential kit fox dens and observe for suitable surrounding habitat. Because it is logistically impractical to monitor all dens using remote cameras and tracking medium (or to hand excavate to confirm vacancy), baited camera traps may be used to assess presence or absence of SJKF activity. Prior to ground-disturbing activities in Project segments that require excavation, baited camera traps will be deployed in approximate 0.25-mile increments for four consecutive nights. Baited camera traps may be placed farther than 0.25 mile apart, depending on the suitability of surrounding habitat and land uses that are observed during pedestrian surveys and in areas with lower densities of potential kit fox dens. If no kit foxes are detected by the camera traps during this time period, it can be assumed that kit foxes are not currently using the area, and ground-disturbing activities may commence in that area. If a kit fox is detected by a camera trap, then further investigation will be required, as described below.
- b) If a kit fox is detected by a baited camera trap or otherwise observed in an area, further pre-construction monitoring will be conducted to determine which den(s) are being used. Baited camera traps will be deployed in the area, and tracking medium will be placed at the entrances of suspected dens to monitor the area for four consecutive nights. If no SJKF activity is observed during this period, the den will be deemed unoccupied and destroyed immediately under the supervision of a USFWS-approved biologist to preclude subsequent use. If SJKF activity is observed at the den during this period, then the den will be monitored for at least five consecutive days from the time of observation to allow any resident animal to move to another den during its normal activities. Use of



the den can be discouraged during this period by partially plugging the entrance(s) with soil in such a manner that any resident animal can escape easily. Destruction of the den may begin when, in the judgment of a USFWS-approved biologist, the animal has vacated. The biologist will be trained and familiar with SJKF biology. If the animal is still present after five or more consecutive days of plugging and monitoring, the den may be excavated when, in the judgment of a USFWS-approved biologist, it is temporarily vacant (e.g., during the animal's normal foraging activities). All den destruction shall be conducted under the supervision of a USFWS-approved biologist.

- c) All dens requiring excavation will be excavated under the supervision of a USFWS-approved biologist. In no event will an excavation that meets the definition of a confined space (i.e., a space large enough and so configured that a person can bodily enter but has limited or restricted means for entry or exit) be initiated. In this circumstance, discouragement (as described above) would be used.
- d) The den will be fully excavated and then filled with dirt and compacted so that SJKF cannot reenter or use the den during the construction period. If, at any point during excavation, an SJKF is discovered inside the den, the excavation activity will cease immediately, and monitoring of the den will be resumed. Destruction of the den may be resumed when, in the judgment of a USFWS-approved biologist, the animal has escaped from the partially destroyed den.

Before and during construction:

- Project-related vehicles should observe a daytime speed limit of 20 mph throughout the site in all Project areas, except on county roads and state and federal highways; this is particularly important at night when kit foxes are most active. Nighttime construction should be minimized to the extent possible. However, if it does occur, then the speed limit should be reduced to 10 mph. Off-road traffic outside of designated Project areas should be prohibited.
- Kit foxes are attracted to den-like structures, such as pipes, and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.
- A representative shall be appointed by the Project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative will be identified during the employee education program and their name and telephone number shall be provided to USFWS.
- In the case of trapped animals, escape ramps or structures should be installed immediately to allow the animal(s) to escape, or USFWS should be contacted for guidance. If at any time a trapped or injured kit fox is discovered, USFWS and CDFW shall be contacted as noted below.
- Any contractor, employee, or military or agency personnel who are responsible for inadvertently killing or injuring a SJKF shall immediately report the incident to their representative. This representative shall contact USFWS immediately in the case of a dead, injured, or entrapped kit fox.
- The Sacramento Fish and Wildlife Office and CDFW shall be notified in writing within three working days of the accidental death or injury to a SJKF during Project-related

activities. Notification shall include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information.

- New sightings of kit fox shall be reported to the CNDDDB. A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed should also be provided to USFWS.
- Because this species most actively forages during dusk and dawn, to the extent practicable, all construction activities will cease one-half hour before sunset and will not begin prior to one-half hour before sunrise. Except when necessary for driver or pedestrian safety, lighting of a Project site by artificial lighting during nighttime hours is prohibited.

***Mitigation Measure BIO-6: Measures to Minimize Impacts on the Tricolored Blackbird and the Yellow-Headed Blackbird***

Prior to construction, appropriately timed surveys for tricolored blackbirds and yellow-headed blackbirds will be conducted in areas supporting potentially suitable habitat within 0.25 mile of construction areas. Habitat within 0.25 mile of tricolored blackbird or yellow-headed blackbird colonies will be avoided during nesting season, which can begin as early as mid-March and extend through August. If colonies cannot be avoided, CDFW will be consulted to potentially reduce buffer distances with active monitoring during construction by a qualified biologist.

***Mitigation Measure BIO-7: Measures to Minimize Impacts on the Burrowing Owl***

A minimum of one pre-construction survey for burrowing owls within a minimum of 500 feet of the Project area (where accessible) will be conducted by a qualified biologist within 15 days prior to the initiation of construction activities in a given area, regardless of the timing of construction. Pre-construction surveys each year of construction during the nonbreeding season (September 1 to January 31) will take place in order to determine the presence of burrowing owls before breeding activities begin. If any occupied burrows are identified, appropriate conservation measures (as determined by a qualified biologist) will be implemented. No disturbance will occur within 150 feet of occupied burrows during the nonbreeding season (September 1 to January 31) or within 250 feet during the breeding season (February 1 to August 31). These measures may also include establishing a construction-free buffer zone around the active nest site in coordination with the CDFW, biological monitoring of the active nest site, and delaying construction activities in the vicinity of the active nest site until the young have fledged.

If burrowing owls are detected within the Project area during the nonbreeding season and maintaining a 150-foot, no-disturbance buffer is not practicable, a qualified biologist will submit an exclusion and passive relocation plan to CDFW. The exclusion and passive relocation plan will generally follow the guidelines outlined in Appendix E of the Staff Report on Burrowing Owl Mitigation (CDFW 2012). The exclusion and passive relocation plan will consist of installing one-way doors in potential burrows, daily monitoring, and collapsing burrows once it is determined that the burrows are unoccupied. Exclusion may only take place during the nonbreeding season (September 1 to January 31) and may be an ongoing effort during this time period. This will allow the owls to exit burrows if they are present, but not return. The exclusion and passive relocation plan will also detail plans to replace collapsed burrows with artificial burrows at a minimum 1:1 ratio or describe why artificial burrows are not needed (e.g., numerous available natural burrows are available in nearby areas that will not be disturbed). Monitoring of collapsed burrows will be conducted as needed so that burrowing owls do not recolonize the area prior to construction disturbance.

If occupied burrows are detected during the breeding season and maintaining a 250-foot no-disturbance buffer is not practicable, CDFW will be consulted to determine alternative measures to minimize the potential for disturbance to occupied burrows and nesting activities. Measures may include but are not limited to continuous biological monitoring by a qualified biologist until it has been determined that the young have fledged and are no longer reliant on the nest or

parental care for survival or construction is complete. No direct disturbance of burrows with eggs or young can be conducted without written authorization from the CDFW and USFWS.

***Mitigation Measure BIO-8: Measures to Minimize Impacts on the Golden Eagle, Swainson's Hawk, Northern Harrier, or White-Tailed Kite***

For construction activities that occur between February 1 and August 31, a qualified biologist will conduct pre-construction surveys for golden eagles, Swainson's hawks, northern harriers, and white-tailed kites. The pre-construction surveys will include the Project footprint and a minimum of a 0.50-mile radius where access is permitted around the construction area in suitable nesting habitat (i.e., large trees for Swainson's hawk and white-tailed kite, cliff faces for golden eagle, and grasslands for northern harrier). The pre-construction surveys will be conducted no more than 10 days before ground disturbance in a given area and will be phased based on the construction schedule.

If nesting golden eagles, Swainson's hawks, northern harriers, or white-tailed kites are detected, an appropriate no-disturbance buffer (minimum of 500 feet for northern harrier, 0.50 mile for golden eagle, Swainson's hawk, and white-tailed kite) will be established and monitored daily by a qualified biologist. Buffers will be maintained until a qualified biologist has determined that the young have fledged and are no longer reliant on the nest or parental care for survival. A 0.50-mile no-disturbance buffer will also be maintained from any overwintering eagles if they are detected in the Project area or surrounding areas; the buffer will be maintained for the duration that the bird(s) are present. If any bald eagles or golden eagles are detected, Reclamation will coordinate with USFWS, as necessary, to comply with the Bald and Golden Eagle Protection Act.

If maintaining the minimum no-disturbance buffer around an active golden eagle, Swainson's hawk, northern harrier, or white-tailed kite nest (or any overwintering eagles) is not practicable, CDFW will be consulted to determine whether reduced minimum no-disturbance buffers are appropriate based on site-specific circumstances (e.g., visual barriers between nest and construction area, existing level of disturbance) or to identify alternative measures to minimize the potential for Project-related disturbance to the nest site that could result in nest abandonment or other forms of take. Measures may include, but are not limited to, continuous biological monitoring by a qualified biologist until it has been determined that the young have fledged and are no longer reliant on the nest or parental care for survival or construction is complete. If the nesting pair shows signs of distress (i.e., adults leaving the nest when eggs or young chicks are present) as a result of Project-related activities, the monitoring biologist will have authority to stop work until it is determined that the adults have returned and are no longer showing signs of distress.

If trees suitable for nesting by Swainson's hawk are scheduled to be removed during the non-nesting season, a qualified biologist will conduct a pre-construction survey during the nesting season prior to tree removal to determine whether Swainson's hawks are using the trees for nesting. If the trees proposed for removal are being used by nesting Swainson's hawk, consultation with CDFW will take place per BIO-8. prior to tree removal.

If CESA compliance is required, and consultation with CDFW results in a determination that take of an active Swainson's hawk nest cannot be avoided, then take authorization pursuant to CESA will be obtained from CDFW prior to initiation of any activities that are likely to result in such take.

If an active golden eagle or white-tailed kite nest may not be avoidable, then all activities that are likely to result in take will be delayed until a qualified biologist has determined that the young have fledged and are no longer reliant on the nest or parental care for survival.

***Mitigation Measure BIO-9: Measures to Minimize Impacts on Nesting Migratory Birds***

To the extent practicable, vegetation removal will be scheduled to avoid the breeding season for nesting raptors and other special-status birds (generally February 1 through August 31,

depending on the species). Removal of vegetation outside of the nesting season is intended to minimize the potential for delays in vegetation removal because of active nests.

Regardless of when vegetation removal is scheduled, a qualified biologist will conduct a minimum of one pre-construction survey for nesting migratory birds and raptors within the Project area and a buffer (250 feet for migratory birds, 500 feet for raptors) around the Project area (where accessible) for all construction-related activities that will occur during the nesting season. The pre-construction survey will be conducted no more than 15 days prior to the initiation of construction in a given area and will be phased based on the construction schedule. Because of the ongoing, phased approach to construction, multiple pre-construction surveys per year may be required. If an active nest is found, a construction-free buffer zone (250 feet for migratory birds, 500 feet for raptors) will be established around the active nest site. If establishment of the construction-free buffer zone is not practicable, appropriate conservation measures (as determined by a qualified biologist) will be implemented. These measures may include, but are not limited to, consultation with CDFW to establish a different construction-free buffer zone around the active nest site, daily biological monitoring of the active nest site, and delaying construction activities in the vicinity of the active nest site until the young have fledged.

If removal of bridges or other bridge work is scheduled to occur during the swallow nesting season, exclusionary devices (e.g., netting) will be installed around the bridges prior to the initiation of the avian breeding season (before February 15) during the same year as the bridges are scheduled for removal and after a qualified biologist has determined no active nests (i.e., nests with eggs or young) are present. The exclusionary devices will remain in place until August 15 or until the bridge removal or other bridge work is completed. The exclusionary devices will be anchored such that swallows cannot attach their nests to the structure through gaps. Exclusionary devices will be regularly inspected as necessary to confirm that they are adequately preventing initiation of nest building. If swallows have breached the exclusionary devices and began building nests on the structure, nesting material (i.e., partially built nests) can be removed only if a qualified biologist has determined that eggs or young are not present. No removal of nests with eggs or young can be conducted without written authorization from CDFW and USFWS, or until a qualified biologist has determined that the nest is no longer active (e.g., the nest has failed, the young have fledged and are no longer dependent on the nest).

***Mitigation Measure BIO-10: Measures to Minimize Impacts on the California Tiger Salamander (CTS) and the California Red-legged Frog (CRLF)***

Before and during construction:

- Protocol presence/absence surveys shall be conducted by a USFWS-approved biologist in suitable habitat prior to construction with a negative finding. As the Project is multi-year, protocol presence/absence surveys can be conducted in portions of the Project area that have work scheduled the following year. Alternatively, presence can be assumed in suitable habitat and the measures below can be implemented.
- To the maximum extent practicable, the Project design and construction implementation will avoid impacts to suitable breeding habitat. Areas of avoidance shall be indicated on Project plan sets and shall be clearly delineated in the field. Signage indicating "Environmentally Sensitive Area: Keep Out" shall be posted.
- Protocol aquatic surveys shall be conducted by a USFWS-approved biologist in suitable breeding habitat within areas that will be disturbed by construction in the following year, and within 1.3 miles of those areas to detect occupied breeding resources (one survey in March, April, and May each). Any occupied breeding resources will be prioritized for avoidance.
- Resources documented to support breeding populations of CTS/CRLF shall be avoided during construction with a buffer sufficient to ensure the continued functioning of that

breeding resource. If adherence to this buffer is not feasible, USFWS shall be contacted to determine whether moving individuals prior to construction is authorized.

- A USFWS-approved biologist shall survey the work sites where suitable habitat has been identified no more than 30 days before the onset of construction. Adult individuals detected during the surveys shall be relocated out of the area of disturbance by a USFWS-approved biologist.
- Work in occupied habitat shall only occur during the dry season.
- Areas beneath construction equipment and vehicles shall be inspected daily, prior to operation, for presence of CTS/CRLF under tracks/tires and within machinery by a USFWS-approved biologist until the biologist determines a designated contractor is sufficiently trained to monitor. A USFWS-approved biologist will ensure that this individual receives training consistent with USFWS requirements. A USFWS-approved biologist will be on-call to come to the site if CTS/CRLF are found.
- CTS/CRLF one-way, exclusion fencing shall be installed between construction areas and occupied habitat. This fencing shall extend 1.3 miles from the boundary of the occupied habitat along the alignment of the Project area.
- Overnight staging of vehicles or equipment shall be prohibited within 100 feet of occupied or assumed-occupied breeding resources.
- Work in occupied breeding habitat shall only occur during the dry season.

After construction:

- Temporary disturbance of occupied habitat shall be mitigated by restoring the area to pre-Project contours and revegetation.

***Mitigation Measure BIO-11: Measures to Minimize Impacts on the Western Spadefoot Toad***

If a western spadefoot toad is encountered during construction activities, it will be allowed to move out of harm's way of its own volition, or a qualified biologist will relocate it to the nearest suitable habitat that is at least 100 feet outside of the construction impact area.

Prior to moving equipment or materials each day, construction personnel will inspect for western spadefoot toads underneath and around equipment and other Project materials (e.g., stored pipes greater than two inches in diameter) that are located within 200 feet of aquatic habitat. If western spadefoot toads are found, they will be allowed to move out of the construction area under their own volition, or a qualified biologist will relocate individuals to the nearest suitable habitat that is at least 100 feet outside of the construction impact area.

***Mitigation Measure BIO-12: Measures to Minimize Impacts on the Northern California Legless Lizard, California Glossy Snake, San Joaquin Coachwhip, and Coast Horned Lizard***

Prior to moving equipment or materials each day, construction personnel will inspect underneath and around equipment for northern California legless lizard, California glossy snake, San Joaquin coachwhip, and coast horned lizard. If these species are encountered during construction activities, they will be allowed to move out of harm's way of their own volition, or a qualified biologist will relocate the organism(s) to the nearest suitable habitat that is at least 100 feet outside of the construction impact area.

***Mitigation Measure BIO-13: Measures to Minimize Impacts on the Giant Garter Snake***

Before and during construction:

- Protocol presence/absence surveys shall be conducted by a USFWS approved biologist in suitable habitat prior to construction. As the project is multi-year, protocol presence/absence surveys can be conducted in portions of the Project Area that have

work scheduled the following year. Alternatively, presence can be assumed in suitable habitat and the measures below implemented.

- Avoid construction activities within 200 feet from the banks of occupied or potential giant garter snake aquatic habitat. Confine movement of heavy equipment to existing roadways to minimize habitat disturbance.
- Construction activity within suitable habitat should be conducted between May 1 and October 1. This is the active period for giant garter snakes and direct mortality is lessened, because snakes are expected to actively move and avoid danger. Impacts to winter hibernacula should be avoided during the period of October 2 and April 30.
- The Project area shall be surveyed for giant garter snakes 24 hours prior to construction activities. Survey of the Project area should be repeated if a lapse in construction activity of two weeks or more has occurred. If a snake is encountered during construction, activities shall cease until appropriate corrective measures have been completed or it has been determined that the snake will not be harmed.
- Any dewatered habitat should remain dry for at least 15 consecutive days after April 15 and prior to excavating or filling of the dewatered habitat.

***Mitigation Measure BIO-14: Measures to Minimize Impacts on the Western Pond Turtle***

Before construction activities begin, a qualified biologist will conduct western pond turtle surveys within creeks and in other ponded areas affected by the Project. Adjacent upland areas will be examined for evidence of nests and individual turtles. The Project biologist will be responsible for the survey and for the relocation of pond turtles, if found. Construction will not proceed until reasonable effort has been made to capture and relocate as many western pond turtles as possible to minimize take. However, some individuals may remain undetected or enter sites after surveys and could be subject to injury or mortality. If a nest is observed, a biologist with the appropriate permits and prior approval from CDFW will move eggs to a suitable location or facility for incubation and release hatchlings into the creek system the following autumn.

***Mitigation Measure BIO-15: Measures to Minimize Impacts on the Longhorn Fairy Shrimp, Vernal Pool Fairy Shrimp, and Vernal Pool Tadpole Shrimp***

Before and during construction:

- Protocol presence/absence surveys shall be conducted by a USFWS-approved biologist in suitable habitat prior to construction with a negative finding. As the Project is multi-year, protocol presence/absence surveys can be conducted in portions of the Project area that have work scheduled the following year. Alternatively, presence can be assumed in suitable habitat.
- Work in occupied listed vernal pool branchiopod habitat shall only occur during the dry season.
- The authorized limits of branchiopod habitat (i.e., 250 feet from the pool edge) will be clearly staked in the field to prevent construction personnel from causing impacts to areas outside of work limits.
- Where temporary impacts will occur to occupied or assumed-occupied listed vernal pool branchiopod habitat, the top 1 to 3 inches of soil shall be salvaged to preserve the cyst bank. Saved topsoil shall be covered to avoid erosion. Topsoil shall be replaced as soon as possible upon completion of work in the impacted habitat.
- Overnight staging of vehicles or equipment shall be prohibited within 100 feet of occupied or assumed-occupied fairy shrimp.

After construction:

- Temporary impacts to listed branchiopod habitat shall be mitigated for by restoring the affected area to pre-Project contours, compaction levels, and revegetation.

***Mitigation Measure BIO-16: Measures to Minimize Impacts on Sensitive Natural Communities***

Temporary and permanent impacts on sensitive natural communities known to occur within the Project area will be minimized to the greatest extent practicable. Trees and other vegetation will not be removed if it can otherwise be reasonably avoided. In determining areas where vegetation shall be removed to provide adequate access for construction or staging, consideration will be given to selecting areas that require the least amount of removal of mature trees and canopy cover in coordination with a qualified biologist.

Prior to the initiation of construction activities, exclusionary fencing will be installed along the boundaries of all environmentally sensitive areas to be avoided, which will include sensitive natural communities and aquatic resources adjacent to the areas of Project-related impacts, so that impacts on environmentally sensitive areas outside of the construction area are minimized. Locations of environmentally sensitive areas and exclusionary fencing will be identified on construction plans. The exclusionary fencing will be inspected and maintained on a regular basis throughout Project construction in the areas where the fencing is needed to avoid unintended disturbance.

A Post-Construction Revegetation and Monitoring Plan will be developed and implemented to provide for the restoration of temporarily impacted riparian habitats to pre-existing conditions. The plan will include provisions for the planting of native woody vegetation and native seed mix or otherwise provide for the reestablishment of self-sustaining native riparian vegetation similar to the existing native riparian vegetation community. Planting of native riparian vegetation will include, but is not limited to, replacement of any trees removed by the Project at a 3:1 ratio (replaced to removed) with appropriate native tree species. For the purposes of this requirement, a tree is defined as a native woody plant (i.e., tree or mature shrub) with at least one stem measuring two inches or greater diameter at breast height. The plan will also identify success criteria and provide for annual or other regular monitoring to evaluate whether the revegetation effort has met the success criteria. The plan will include measures for remedial actions (e.g., additional plantings, supplemental irrigation, increased monitoring) if monitoring efforts indicate that success criteria are not being met.

***Mitigation Measure BIO-17: Measures to Minimize Impacts on Wetlands***

Prior to any temporary or permanent impacts on aquatic resources, any required permits/authorizations from RWQCB and USACE will be obtained. All terms and conditions of the required permits/authorizations will be implemented.

Where jurisdictional wetlands and other waters cannot be avoided, to offset temporary and permanent impacts that would occur as a result of the Project, restoration and compensatory mitigation to ensure no net loss will be provided as described below.

A wetland mitigation and monitoring plan will be developed in coordination with CDFW, USACE, or RWQCB to detail mitigation and monitoring obligations for temporary and permanent impacts to wetlands and other waters owing to construction activities and for other CDFW jurisdictional areas. The plan will quantify the total acreage affected; provide for mitigation, as described below, to wetland or riparian habitat; specify annual success criteria for mitigation sites; specify monitoring and reporting requirements; and prescribe site-specific plans to compensate for wetland losses resulting from the Project consistent with USACE's no net loss policy.

Prior to construction, the aquatic structure of wetland and riparian areas to be disturbed will be photo-documented and measurements of width, length, and depth will be recorded. Recontouring and revegetation of the disturbed portions of jurisdictional areas in areas temporarily affected by construction prior to demobilization by the construction contractor will be completed at the end of Project construction. Creek banks will be recontoured to a more stable condition, if necessary.

Revegetation will include a palette of species native to the watershed area according to a revegetation plan to be developed by Reclamation and submitted to USACE, CDFW, and RWQCB for approval. Following removal, woody trees habitat acreage would be replanted at a minimum 1:1 ratio, or as determined and agreed upon by the permitting agencies. Interim vegetation or other measures will be implemented, as necessary, to control erosion in disturbed areas prior to final revegetation.

Wetland and other waters impact in the construction and inundation area will be compensated at a ratio of 2:1 or at a ratio agreed upon by the wetland permitting agencies. Compensatory mitigation will be conducted by creating or restoring wetland and aquatic habitat at an agency-approved location on nearby lands or through purchasing mitigation credits at a USACE- or CDFW-approved mitigation bank (depending on the resource). If mitigation is conducted on- or off-site, a five-year wetland mitigation and monitoring program for on- and off-site mitigation will be developed. Appropriate performance standards may include a 75-percent survival rate of restoration plantings; absence of invasive plant species; and a viable, self-sustaining creek or wetland system at the end of five years.

A weed control plan for the Project to limit the spread of noxious or invasive weeds will be developed. This plan would be consistent with current integrated pest management plans already in practice on lands surrounding the reservoir. Noxious or invasive weeds include those rated as 'high' in invasiveness by the California Invasive Plant Council. The plan will include a baseline survey to identify the location and extent of invasive weeds in the Project area prior to ground-disturbing activity, a plan to destroy existing invasive weeds in the construction area prior to initiation of ground-disturbing activity, weed-containment measures while the Project is in progress, and monitoring and control of weeds following completion of construction.

***Mitigation Measure CR-1: Implement a Formal Agreement Document to National Historic Preservation Act (NHPA) Section 106 Compliance and Resolve any Adverse Effects/Significant Impacts to Cultural Resources***

The resolution of adverse effects to historic properties occurs through the implementation of measures agreed on through consultation with the SHPO, Advisory Council on Historic Preservation (ACHP), and other Section 106 consulting parties. These measures are discussed in the draft Programmatic Agreement Between the Bureau of Reclamation, Interior Region 10 California-Great Basin; and the California State Historic Preservation Officer Regarding Compliance with Section 106 of the National Historic Preservation Act Pertaining to the Implementation of the Delta-Mendota Canal Subsidence Correction Project, Alameda, Contra Costa, San Joaquin, Stanislaus, Merced, and Fresno counties, which remains in review. In general, significant impacts to cultural resources under NEPA would be mitigated through the measures agreed to through the Section 106 process. Cultural resources that are formally determined not eligible for inclusion in the NRHP or the CRHR would require no further management prior to Project implementation. If cultural resources determined 'not eligible for listing in the NRHP but eligible for listing in the CRHR' are identified as part of the Project, such resources will be managed per CEQA requirements.

***Mitigation Measure GEO-1: Prepare for Unexpected Failures of Erosion Control Measures***

To prepare for unexpected failures of erosion control measures, a supply of erosion control materials will be maintained on-site during the construction period to facilitate a quick response to unanticipated storm events or emergencies.



## MANDATORY FINDINGS OF SIGNIFICANCE

- No substantial evidence exists that the proposed project would have a negative or adverse effect on the environment.
- The project would not substantially degrade the quality of the environment, significantly reduce the habitat for fish and wildlife species, result in fish or wildlife populations below a self-sustaining level, reduce the number or restrict the range of a special-status species, or eliminate important examples of California history or prehistory.
- The project would not have environmental effects that would cause substantial direct or indirect adverse effects on humans.
- The project would not have environmental effects that are individually limited but cumulatively considerable.

In accordance with Section 21082.1 of the California Public Resources Code, SLDMWA has independently reviewed and analyzed the initial study (attached) and proposed mitigated negative declaration for the proposed project and finds that the initial study and proposed mitigated negative declaration reflect the independent judgment of SLDMWA.

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Pablo Arroyave, Chief Operating Officer  
San Luis & Delta-Mendota Water Authority

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Date

# **Delta-Mendota Canal Subsidence Correction Project Environmental Assessment/ Initial Study**

## **Appendix S: Mitigation Monitoring and Reporting Plan**

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# **Appendix S Mitigation Monitoring and Reporting Program**

## **S.1 Introduction**

The proposed Delta-Mendota Canal Subsidence Correction Project (Project) would result in the potential for significant environmental impacts associated with water quality, traffic and transportation, hazardous materials, biological resources, cultural resources, and geology, seismicity, and soils. Mitigation measures have been incorporated into the Project to reduce impacts. The mitigation measures for the Project must be adopted by Bureau of Reclamation (Reclamation) and the San Luis & Delta-Mendota Water Authority (SLDMWA), in conjunction with adoption of the Environmental Assessment/Initial Study (EA/IS).

Section 21081.6 of the Public Resources Code (PRC) and California Environmental Quality Act (CEQA) Guidelines section 15097 require the Lead Agency for each project that is subject to CEQA to monitor performance of the mitigation measures included in any environmental document to ensure that implementation does, in fact, take place. The PRC requires the Lead Agency to adopt a monitoring and reporting program for assessing and ensuring the implementation of required mitigation measures.

In accordance with PRC Section 21081.6, SLDMWA has developed this Mitigation Monitoring and Reporting Program (MMRP) for the Project. The purpose of the MMRP is to ensure activities associated with transferring water comply with all applicable environmental mitigation requirements.

## **S.2 Mitigation and Monitoring**

Table S-1 lists the mitigation measures identified in the EA/IS, responsible parties, method for verification, and the time frame for implementation. SLDMWA, as the CEQA lead agency, is the ultimate agency responsible to make sure that mitigation measures are implemented. Other parties, including Reclamation, as the National Environmental Policy Act (NEPA) lead agency will have a role in implementation.

**Table S-1. Mitigation Measures**

Measure No.	Mitigation Measure	Responsible Party	Method of Verification	Timing of Verification
WQ-1	<p><b>Prepare Site-Specific Stormwater Pollution Prevention Plan (SWPPP)</b></p> <p>The objectives of the SWPPP would be to: (1) identify pollutant sources that may affect the quality of stormwater associated with construction activity; and (2) identify, construct, and implement stormwater pollution prevention measures to reduce pollutants in stormwater discharges during and after construction. The SWPPP would also include details of how the sediment and erosion control practices, referred to as BMPs would be implemented. The implementation of the SWPPP would comply with state and federal water quality regulations.</p>	Reclamation/SLDMWA in coordination with Construction contractor(s)	Final Design and Construction contract requirement	Prior to, during, and after construction
TR-1	<p><b>Develop a Temporary Traffic Control Plan</b></p> <p>The following construction management actions will be documented in a temporary traffic control plan developed by the contractor as a requirement that will be included in its construction contract. The temporary traffic control plan will be submitted for California Department of Transportation's review and approval during the Encroachment Permit process.</p> <p>Construction contractors will install signage at roadways and intersections identified as dangerous in accordance with the California Manual on Uniform Traffic Control Devices guidelines warning motorists of slow-moving construction traffic and lane closures. Signage shall also be posted at these locations one month in advance to allow motorists time to plan for delays or alternate routes.</p> <p>Construction contractors shall implement dust abatement and perform proper construction traffic management actions, including signage warning motorists of construction activity and traffic controls like flaggers or temporary traffic lights where construction equipment will be entering roadways, to reduce conflicts during periods of high traffic volume in and around each construction site and to avoid conflicts with emergency responders entering and existing the area during an emergency.</p>	Reclamation/SLDMWA in coordination with Construction contractor(s)	Final Design and Construction contract requirement	Prior to and during construction

Measure No.	Mitigation Measure	Responsible Party	Method of Verification	Timing of Verification
	In addition to the temporary traffic control plan, before the initiation of any construction actions, construction contractors shall develop and adhere to a health and safety plan outlining all applicable Occupational Safety and Health Administration (OSHA) requirements, and important traffic safety plans, including identification of emergency access routes in and through construction areas that would still need to be kept clear at all times during construction. The health and safety plan shall include coordination with emergency service personnel to ensure adequate mitigation for all impacts.			
HAZ-1	<b>Activity Containment and Spills Management</b> During construction and operations, all associated activities, equipment, and machinery shall be restricted to the canal ROW. To ensure containment, construction contractors should place boundaries and noticeable signs of entry and exit, restricting access to within the ROW. All construction equipment and vehicles used shall be maintained properly according to manufacturer specifications and should be inspected to identify and fix any excessive fluid leakages prior to arriving to the construction site. Additionally, the construction contractor shall also prepare a Spill Prevention and Response Plan for preventing spills and responding to chemical or hazardous substance spills. This plan will include spill prevention management, including employee training, hazardous substance inventory, and spill response equipment. The plan will also include a spill response plan, including evacuation procedures, spill containment and cleanup, and reporting a release.	Reclamation/SLDMWA in coordination with Construction contractor(s)	Construction contract requirement	Prior to and during construction
HAZ-2	<b>Risk Reduction – Airborne Hazardous Materials</b> To reduce risks of hazards involving release of airborne hazardous materials, the construction contractor shall implement the United States OSHA's regulations for asbestos and lead (29 C.F.R. 1910.1001, 1926.1101, and 1926.62) prior to demolition of any structures that could contain asbestos or lead paint. Demolition of structures suspected to contain lead paint (structures built prior to 1978) should be wetted prior to demolition to reduce the likelihood of inhaling lead dust particles. Construction workers should be outfitted in the	Reclamation/SLDMWA in coordination with Construction contractor(s)	Construction contract requirement	During construction prior to excavation and/or demolition

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	<p>proper personal protective equipment, including an appropriate respirator, before completing demolition work.</p> <p>Under AB 203, the construction contractor shall implement health and safety awareness training before excavation of any topsoil to reduce infection of by Valley fever. Safety and MMs that should be included in the training include wetting down soil before digging to reduce aggravation of dust and dirt, wearing a N95 mask or respirator, and halting work in the presence of a dust storm or windy conditions and staying indoors or in an enclosed area away from dust.</p>			
HAZ-3	<p><b>Fire Prevention Controls</b></p> <p>Construction contracts should be required to provide (1) fire prevention controls such as spark arrestors and (2) fire safety training to avoid risk of wildfire. Since work is year-round, all temporary heaters should be used in accordance with manufacturer instructions and monitored by employees in compliance with fire safety training. In addition, the construction contractor shall prepare a Fire Prevention Plan to prevent a fire from occurring, compliant with OSHA regulations. The plan shall include:</p> <ul style="list-style-type: none"> <li>• List of all major fire hazards, proper handling and storage procedures for hazardous materials, potential ignition sources and their control, and the type of fire protection equipment necessary to control each major hazard</li> <li>• Procedures to control accumulations of flammable and combustible waste materials</li> <li>• Procedures for regular maintenance of safeguards installed on heat-producing equipment to prevent the accidental ignition of combustible materials</li> <li>• Name or job title of employees responsible for maintaining equipment to prevent or control sources of ignition or fires; and</li> <li>• Name or job title of employees responsible for the control of fuel source hazards</li> </ul>	Reclamation/SLDMWA in coordination with Construction contractor(s)	Construction contract requirement	Prior to construction

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HAZ-4	<p><b>Contaminated Soil/Groundwater Remediation Plan</b></p> <p>The construction contractor in coordination with the Lead Agencies shall work with the California Department of Parks and Recreation (CDPR) and the Central Valley Regional Water Quality Control Board (RWQCB) to review existing monitoring data of the hazardous materials/waste sites within the study area to evaluate the potential for interacting with hazardous soil contamination during construction. If the construction contractor and the Lead Agencies (as the responsible party for this potential disturbance) determine that interaction with contaminated soil cannot be avoided and these construction actions could generate a release of this soil to nearby water bodies or elsewhere off-site, the construction contractor shall prepare a Contaminated Soil/ Groundwater Remediation Plan. This remediation plan shall detail the nature of the contaminants on-site, measures required to avoid interaction with these contaminants including (if necessary) a pre-construction cleanup of the site, and a response action plan in the event of an inadvertent release of contaminated soils from the construction site. This plan shall be submitted to the CDPR and the Central Valley RWQCB for review and approval prior to the initiation of any construction.</p>	Reclamation, SLDMWA, and Construction contractor(s)	Final Design and Construction contract requirement	Prior to construction
HAZ-5	<p><b>Airport Safety</b></p> <p>Construction contracts shall include requirements for the contractor to prepare a construction safety plan prior to any construction activities in collaboration with the City of Tracy Department of Parks and Recreation (owners of the Tracy Municipal Airport) to coordinate construction activities, including a schedule, coordination of personnel with aviation radios, and notice requirements. The contractor shall also coordinate with emergency service personnel to ensure adequate mitigation for all impacts.</p>	Reclamation, SLDMWA, and Construction contractor(s)	Construction contract requirement	Prior to construction
BIO-1	<p><b>Measures to Minimize Impacts on Special-Status Plants</b></p> <p>A botanical survey shall be conducted prior to construction activities to determine the presence or absence of special-status plant species within the Project area. The surveys shall be conducted in general accordance with the</p>	SLDMWA and Reclamation	Field verification	Prior to and during construction



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	<p>Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities (CDFW 2021) and shall be timed to appropriately coincide with the blooming period of special-status plant species with the potential to occur in the Project disturbance areas.</p> <p>If more than five years lapse after the botanical survey is conducted prior to ground disturbance, two botanical surveys (early and late season) shall be conducted in all suitable habitat located within the Project disturbance areas to determine the presence or absence of special-status plants.</p> <p>If special-status plant species are found during the botanical surveys, the locations of the special-status plants and a 50-foot buffer will be marked as avoidance areas both in the field using flagging, staking, fencing, or similar devices and on construction plans.</p> <p>If non-listed, special-status plants are identified during botanical surveys and complete avoidance is not practicable, and the Project would directly or indirectly affect more than 25 percent of a local occurrence by either number of plants or square footage of occupied habitat, then a qualified biologist will determine whether implementation of a conservation plan is recommended. If federal- or state-listed plants are identified during botanical surveys and complete avoidance is not practicable, coordination with California Department of Fish and Wildlife (CDFW) and/or United States Fish and Wildlife Service (USFWS) will be conducted as appropriate to develop the conservation plan. No take of state-listed or federally listed species will occur without an Incidental Take Permit from either CDFW or USFWS.</p> <p>The special-status plant conservation plan may consist of, but would not necessarily be limited to, purchase of mitigation credits at a regional conservation bank; plant salvage and relocation; collection and subsequent planting of seed or incorporating seed from native nursery into seed mix used for revegetation efforts; stockpiling, storing, and replacing topsoil containing the local seed bank; or other measures determined practicable based on the species and site conditions. If on-site conservation measures are implemented, the objective is to restore the impacted special-status plant species community</p>			

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	<p>to pre-existing conditions by providing for the restoration of a self-sustaining population of special-status plants in the general area where the impact occurred at a minimum of a 1:1 ratio (e.g., number of plants, square footage occupied). For on site conservation measures, the conservation plan will identify success criteria and provide for annual or other regular monitoring to evaluate whether the conservation effort has met the success criteria. The conservation plan will also include measures for remedial actions (e.g., additional plantings, supplemental irrigation, increased monitoring) if monitoring efforts indicate that success criteria are not being met.</p> <p>For some species and site conditions, the biologist may determine that a conservation plan is not recommended. Some of these circumstances may include but are not limited to the following: (1) there are other nearby populations that will not be disturbed; (2) plant relocation, seeding, or revegetation would not have a reasonable probability of success; (3) implementation of measures could result in detrimental effects on existing special-status plant populations; or (4) incompatibility with required operations and maintenance activities. If the biologist determines, in coordination with CDFW and/or USFWS, that a conservation plan is not warranted, then no additional measures are required.</p>			
BIO-2	<p><b>General Measures to Minimize Impacts on Special-Status Animal Species</b></p> <p>A Biological Resources Management and Monitoring Plan (BRMMP) shall be developed and implemented for the Project. The BRMMP shall provide for the following:</p> <ol style="list-style-type: none"> <li>1) Overall implementation and monitoring of the MMs for biological resources and the terms and conditions of any agency permits/authorizations throughout the duration of Project construction and restoration/revegetation of riparian habitat, per BIO-2c.</li> <li>2) Designation of an overall Project biologist and the roles and responsibilities of the Project biologist and other monitoring biologists and the roles of Reclamation, SLDMWA, and construction personnel in coordinating and implementing the BRMMP.</li> </ol>	Reclamation, SLDMWA, and Construction contractor(s) with Project Biologist	Field verification and documentation on file with Reclamation	Prior to, during and after construction

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	<p>3) Adaptive management in scheduling worker environmental awareness training (WEAT) and conducting pre-construction surveys for special-status species. In some cases, additional biological surveys beyond those identified in the MMs may be warranted to proactively avoid biological constraints or conflicts with protective measures. For example, early monitoring for nesting birds or occupied mammal burrows may be needed to preserve opportunities for vegetation removal, removal of nesting starts before egg laying, and burrow monitoring and closure prior to the initiation of breeding or nesting activities.</p> <p>4) Procedure and authorizations required to modify the MMs, if needed, to resolve conflicts with constructability requirements or other measures required by agency permits/authorizations or to provide for equivalent avoidance/minimization of adverse effects on sensitive biological resources under changing conditions over the life of Project construction. For example, nesting birds or other special-status species may initiate nesting or denning activities in proximity to construction areas while active construction activities are ongoing, including those within the 'no-disturbance buffers.' In these cases, it may be that the animals are acclimated to the level of construction disturbance, and continuance of construction activities would not be expected to adversely affect the animals or their nesting/breeding activities (assuming that increased levels of disturbance or closer proximity of construction activities is not planned). The BRMMP will include provisions for how these and similar circumstances will be addressed and how determinations regarding additional biological monitoring or agency coordination will be addressed.</p> <p>5) Procedure to record and document implementation of the MMs and other measures including any pre-construction survey reports, WEAT sign-in forms, routine biological monitoring forms, photographs, and other materials related to implementation of the BRMMP.</p>			

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	<p>6) Procedure to comply with the terms and conditions and notification and reporting requirements of any agency permits/authorizations required for the Project, and the procedure for coordination/consultation with resource or permitting agencies, as necessary.</p> <p>7) Procedure to inform, document, and monitor restoration and revegetation activities associated with restoring temporary impacts on terrestrial and aquatic habitats and vegetation communities. This includes any post-construction monitoring/reporting and remedial measures that may be required.</p> <p>Prior to the initiation of ground disturbance, a qualified biologist(s) will conduct a WEAT for all construction personnel. Training sessions will be repeated for all new personnel before they access the Project site. Sign-in sheets identifying attendees and the contractor/company they represent will be prepared for each training session, and records of attendance will be maintained by the Project. At minimum, the WEAT will include a description of the protected species and biological resources that may occur in the Project area and their physical description, habitats, and natural history, as well as the measures that are being implemented to avoid or minimize Project-related impacts, penalties for noncompliance, and the boundaries of the work area. As appropriate, training will be conducted in languages other than English to ensure that employees and contractors understand their roles and responsibilities. A written summary of the training will be provided to all attendees, and an electronic copy will be provided so that the Project can make and distribute future copies. The WEAT will be conducted annually, at minimum, for all construction personnel.</p> <p>A litter control program will be instituted at each Project site. All workers will place their food scraps, paper wrappers, food containers, cans, bottles, and other trash in covered or closed trash containers. The trash containers should be removed from the Project area at the end of each working day.</p>			

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	<p>No firearms (except as possessed by federal, state, or local law enforcement officers) or pets will be permitted on construction sites.</p> <p>To prevent inadvertent entrapment of wildlife during construction, all excavated steep-walled holes or trenches greater than two-feet deep should be covered or filled at the end of each working day or provided with one or more escape ramps no greater than 200 feet apart. Before such trenches or holes are filled, they shall be thoroughly inspected for trapped animals. If protected species are found in any of the holes or trenches, work shall cease until an escape ramp is provided and the animal leaves on its own volition, or until the animal has been relocated by a USFWS-approved biologist, and/or in coordination with USFWS, as appropriate.</p> <p>All construction activity will be confined within the Project site, which may include temporary access roads, haul roads, and staging areas specifically designated and marked for these purposes.</p> <p>Restoration and revegetation work associated with temporary impacts shall be done using California native plant material from on-site or local sources (i.e., local ecotype). Plant materials from non-local sources shall be allowed only with written authorization from USFWS. To the maximum extent practical (i.e., presence of natural lands), topsoil shall be removed, cached, and returned to the site according to successful restoration protocols. Loss of soil from runoff or erosion shall be prevented with straw bales, straw wattles, or similar means provided they do not entangle, block escape, or dispersal routes of listed animal species.</p> <p>The Project construction area shall be delineated with high visibility temporary fencing, flagging, or other barrier to prevent encroachment of construction personnel and equipment onto any sensitive areas during Project work activities. Such fencing shall be inspected and maintained daily until completion of the Project. The fencing will be removed only when all construction equipment is removed from the site. No Project activities will occur outside the delineated Project construction area.</p>			

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	<p>Only USFWS-approved personnel holding valid permits issued pursuant to Section 10(a)(1)(A) of the Act will be allowed to trap or capture listed species. Any relocation plan will be approved by USFWS prior to release of any listed species.</p> <p>Tightly woven fiber netting or similar material (no monofilament material) will be used for erosion control or other purposes at the Project site to ensure that animals do not become trapped.</p> <p>Prior to project implementation, Reclamation will consult with USFWS to ensure its actions do not jeopardize the continued existence of any federally listed species or destroy/adversely modify critical habitat pursuant to Section 7(a)(2) of the ESA. If consultation with USFWS results in the issuance of a biological opinion, the Proposed Action will be conducted in compliance with all reasonable and prudent measures and terms and conditions set forth in the biological opinion.</p> <p>To inform discussions between SLDMWA and CDFW regarding the potential for the Proposed Action to impact species currently protected under the CESA, and out of an abundance of caution, a qualified biologist familiar with the behavior and life history of the Crotch bumble bee will conduct surveys to determine the presence/absence of the species within the project area within 1 year prior to the initiation of construction. These surveys will be conducted during the Crotch bumble bee flying season (i.e., March 1 to September 1) when the species is most likely to be detected above ground. Survey results, including negative findings, will be submitted to CDFW prior to the initiation of project-related ground disturbing activities. At a minimum, the survey report will provide the following:</p> <ul style="list-style-type: none"> <li>a. A description and map of the survey area, focusing on areas that could provide suitable habitat for the Crotch bumble bee.</li> <li>b. Field survey conditions that include the name(s) of qualified biologist(s) and their qualifications, date and time of the survey, survey duration, general weather conditions, and survey goals.</li> </ul>			

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	<p>c. A map(s) showing the location of Crotch bumble bee nests/colonies identified during the surveys.</p> <p>d. A description of the physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each Crotch bumble bee nest/colony was found. A sufficient description of biological conditions, primarily impacted habitat, including native plant composition (e.g., density, cover, and abundance) within the impacted habitat (e.g., species list separated by vegetation class, density, cover, and abundance of each plant species).</p> <p>Prior to project implementation, SLDMWA will consult with CDFW to determine whether the Proposed Action can be implemented such that take of species protected under CESA can be avoided. Should it be determined that take of one or more species protected under CESA cannot be avoided, SLDMWA would obtain take authorization through acquisition of an Incidental Take Permit from CDFW, pursuant to Fish and Game Code section 2081 subdivision (b).</p>			
BIO-3	<p><b>Measures to Minimize Impacts on Bats</b></p> <p>To the extent practicable, the removal of large trees with cavities or the modification of canal infrastructure with the potential to provide bat roosts will occur before maternity colonies form (i.e., prior to March 1) or after young are volant (able to fly) (i.e., after August 15).</p> <p>If construction (including the removal of large trees and/or the modification of canal infrastructure) occurs during the non-volant season (March 1 to August 15), a qualified biologist will conduct a pre-construction survey of the Project area for maternity colonies. The pre-construction survey will be performed no more than 14 days prior to the implementation of construction activities (including staging and equipment access). If a lapse in construction activities for 14 days or more occurs between those dates, another pre-construction survey will be performed. If any maternity colonies are detected, appropriate conservation measures (as determined by a qualified biologist) will be implemented. These measures may include, but are not limited to, establishing</p>	SLDMWA and Reclamation	Field verification	Prior to and during construction

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	a construction-free buffer zone around the maternity colony site, biological monitoring of the maternity colony, and delaying construction activities within the vicinity of the maternity site.			
BIO-4	<p><b>Measures to Minimize Impacts on the American Badger</b></p> <p>Any American badger detected within the Project area during Project-related activities will be allowed to move out of the work area of its own volition. Concurrent with other required surveys, during winter and spring months before new Project activities, and concurrent with other pre-construction surveys (e.g., San Joaquin kit fox [SJKF] and burrowing owl), a qualified biologist will perform a survey to identify the presence of active or inactive American badger dens. If this species is not found, no further mitigation will be required. If badger dens are identified within the construction footprint during the surveys or afterward, they will be inspected and closed using the following methodology:</p> <ul style="list-style-type: none"> <li>• When unoccupied dens are encountered outside of work areas but within 100 feet of proposed activities, vacated dens will be inspected to ensure they are empty and temporarily covered using plywood sheets or similar materials.</li> <li>• If badger occupancy is determined at a given site within the work area, work activities at that site should be halted. Depending on the den type, reasonable and prudent measures to avoid harming badgers will be implemented and will include seasonal limitations on Project construction near the site (e.g., restricting the construction period to avoid spring–summer pupping season) or establishing a construction exclusion zone around the identified site or resurveying the den at a later time to determine the species’ presence or absence.</li> <li>• Badgers will be passively relocated using burrow exclusion (e.g., installing one-way doors on burrows) or similar CDFW-approved exclusion methods. In unique situations, it may be necessary to actively relocate badgers (using live traps) to protect individuals from potentially</li> </ul>	SLDMWA and Reclamation	Field verification	Prior to construction



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	harmful situations. Such relocation would be performed with advance CDFW coordination and concurrence.			
BIO-5	<p><b>Measures to Minimize Impacts on San Joaquin Kit Fox</b></p> <p>Determine the presence of SJKF dens:</p> <ul style="list-style-type: none"> <li>a) Pre-construction monitoring will be performed no less than 14 days and no more than 30 days prior to construction to identify kit fox habitat features within the Project Area.</li> <li>b) Areas within which pre-construction monitoring have been completed more than 30 days prior to construction will be re-inventoried not more than 30 days prior to construction.</li> <li>c) Pre-construction monitoring for dens will be conducted by qualified biologists familiar with SJKF biology, natural history, and potential dens.</li> <li>d) Pipes and culverts will be searched for SJKF immediately prior to being moved or sealed to ensure that an animal has not been trapped. If SJKF is observed, a USFWS-approved biologist will gently encourage it to leave the area (i.e., without using loud noise, physical force, or physical movement of the pipe or culvert such that the animal could be injured or startled while it is leaving the area).</li> </ul> <p>Identify and document locations of potential or occupied dens (natal or non-natal) and their status (occupied or unoccupied). Definitions:</p> <ul style="list-style-type: none"> <li>a) Known den: any existing natural den or manmade structure that is used or has been used at any time in the past by SJKF. Evidence of use may include historical records, past or current radiotelemetry or spotlighting data, kit fox sign such as tracks, scat, and/or prey remains, or other reasonable proof that a given den is being or has been used by a kit fox. USFWS discourages use of the terms "active" and "inactive" when referring to any kit fox den because a great percentage of occupied dens show no evidence of use, and because kit foxes change dens</li> </ul>	SLDMWA and Reclamation with Project Biologist	Field verification	Prior to and during construction

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	<p>often, with the result that the status of a given den may change frequently and abruptly.</p> <p>b) Potential den: any subterranean hole within the species' range that has entrances of appropriate dimensions (five to eight inches in diameter) for which available evidence is insufficient to conclude that it is being used or has been used by a kit fox. Potential dens shall include the following: (1) any suitable subterranean hole five to eight inches in diameter within the species' range; or (2) any den or burrow of another species (e.g., coyote, badger, red fox, or ground squirrel) that otherwise has appropriate characteristics for kit fox use.</p> <p>c) Natal/pupping den: any den used by kit foxes to whelp and/or rear their pups. Natal/pupping dens may be larger with more numerous entrances than dens occupied exclusively by adults. These dens typically have more kit fox tracks, scat, and prey remains in the vicinity of the den, and may have a broader apron of matted dirt and/or vegetation at one or more entrances. A natal den, defined as a den in which kit fox pups are actually whelped but not necessarily reared, is a more restrictive version of the pupping den. In practice, however, it is difficult to distinguish between the two, therefore, for purposes of this definition either term applies.</p> <p>d) Atypical den: any manmade structure which has been or is being occupied by SJKF. Atypical dens may include pipes, culverts, and diggings beneath concrete slabs and buildings.</p> <p>Identify and execute appropriate action(s) regarding notification, buffers, excavation and fill, or seal off:</p> <p>a) Occupied natal den: if an occupied natal den is visible or encountered within the Project limits or on publicly accessible land sufficiently close to the Project construction area such that it would be disturbed (based on qualified biologist opinion and monitoring), USFWS and CDFW will</p>			

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	<p>be contacted immediately and before any Project action occurs to determine permissible actions to permit resumption of work.</p> <p>b) Unless determined necessary for safety or constructability by Reclamation, SLDMWA, or the Project contractor, the Project site will not be lighted between sunset and sunrise.</p> <p>c) Pipes or culverts with a diameter greater than four inches will be capped or taped closed when it is ascertained that no SJKF are present. Any SJKF found in a pipe or culvert will be allowed to escape unimpeded.</p> <p>If a natural den or burrow is determined to meet size criteria (i.e., greater than four inches in diameter) and cannot be avoided per the no-disturbance buffers recommended in the USFWS <i>Standardized Recommendations for Protection of the SJKF Prior to or During Ground Disturbance</i> (USFWS 2011) or shall be destroyed, the following guidelines will be followed:</p> <p>a) Prior to den destruction, areas scheduled for construction within the vicinity of potential SJKF dens shall be monitored by a qualified biologist to determine their status. Monitoring will begin with pedestrian surveys to identify locations of potential SJKF dens and observe for suitable surrounding habitat. Because it is logistically impractical to monitor all dens using remote cameras and tracking medium (or to hand excavate to confirm vacancy), baited camera traps may be used to assess presence or absence of SJKF activity. Prior to ground-disturbing activities in Project segments that require excavation, baited camera traps will be deployed in approximate 0.25-mile increments for four consecutive nights. Baited camera traps may be placed farther than 0.25 mile apart, depending on the suitability of surrounding habitat and land uses that are observed during pedestrian surveys and in areas with lower densities of potential SJKF dens. If no SJKFs are detected by the camera traps during this time period, it can be assumed that SJKFs are not currently using the area, and ground-disturbing activities may commence in that area. If a SJKF is detected by</p>			

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	<p>a camera trap, then further investigation will be required, as described below.</p> <p>b) If a SJKF is detected by a baited camera trap or otherwise observed in an area, further pre-construction monitoring will be conducted to determine which den(s) are being used. Baited camera traps will be deployed in the area, and tracking medium will be placed at the entrances of suspected dens to monitor the area for four consecutive nights. If no SJKF activity is observed during this period, the den will be deemed unoccupied and destroyed immediately under the supervision of a USFWS-approved biologist to preclude subsequent use. If SJKF activity is observed at the den during this period, then the den will be monitored for at least five consecutive days from the time of observation to allow any resident animal to move to another den during its normal activities. Use of the den can be discouraged during this period by partially plugging the entrance(s) with soil in such a manner that any resident animal can escape easily. Destruction of the den may begin when, in the judgment of a USFWS-approved biologist, the animal has vacated. The biologist will be trained and familiar with SJKF biology. If the animal is still present after five or more consecutive days of plugging and monitoring, the den may be excavated when, in the judgment of a USFWS-approved biologist, it is temporarily vacant (e.g., during the animal's normal foraging activities). All den destruction shall be conducted under the supervision of a USFWS-approved biologist.</p> <p>c) All dens requiring excavation will be excavated under the supervision of a USFWS-approved biologist. In no event will an excavation that meets the definition of a confined space (i.e., a space large enough and so configured that a person can bodily enter but has limited or restricted means for entry or exit) be initiated. In this circumstance, discouragement (as described above) would be used.</p>			

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	<p>d) The den will be fully excavated and then filled with dirt and compacted so that SJKF cannot reenter or use the den during the construction period. If, at any point during excavation, an SJKF is discovered inside the den, the excavation activity will cease immediately, and monitoring of the den will be resumed. Destruction of the den may be resumed when, in the judgment of a USFWS-approved biologist, the animal has escaped from the partially destroyed den.</p> <p>Before and during construction:</p> <ul style="list-style-type: none"> <li>• Project-related vehicles should observe a daytime speed limit of 20 mph throughout the site in all Project areas, except on county roads and state and federal highways; this is particularly important at night when SJKFs are most active. Nighttime construction should be minimized to the extent possible. However, if it does occur, then the speed limit should be reduced to 10 mph. Off-road traffic outside of designated Project areas should be prohibited.</li> <li>• Kit foxes are attracted to den-like structures, such as pipes, and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for SJKFs before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a SJKF is discovered inside a pipe, that section of pipe should not be moved until USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.</li> <li>• A representative shall be appointed by the Project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a SJKF or who finds a dead, injured or entrapped SJKF. The representative will be identified during the</li> </ul>			

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	<p>employee education program and their name and telephone number shall be provided to USFWS.</p> <ul style="list-style-type: none"> <li>• In the case of trapped animals, escape ramps or structures should be installed immediately to allow the animal(s) to escape, or USFWS should be contacted for guidance. If at any time a trapped or injured kit fox is discovered, USFWS and CDFW shall be contacted as noted below.</li> <li>• Any contractor, employee, or military or agency personnel who are responsible for inadvertently killing or injuring a SJKF shall immediately report the incident to their representative. This representative shall contact USFWS immediately in the case of a dead, injured, or entrapped SJKF.</li> <li>• The Sacramento Fish and Wildlife Office and CDFW shall be notified in writing within three working days of the accidental death or injury to a SJKF during Project-related activities. Notification shall include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information.</li> <li>• New sightings of SJKF shall be reported to the CNDDDB. A copy of the reporting form and a topographic map clearly marked with the location of where the SJKF was observed should also be provided to USFWS.</li> <li>• Because this species most actively forages during dusk and dawn, to the extent practicable, all construction activities will cease one-half hour before sunset and will not begin prior to one-half hour before sunrise. Except when necessary for driver or pedestrian safety, lighting of a Project site by artificial lighting during nighttime hours is prohibited.</li> </ul>			
BIO-6	<p><b>Measures to Minimize Impacts on the Tricolored Blackbird and the Yellow-Headed Blackbird</b></p> <p>Prior to construction, appropriately timed surveys for tricolored blackbirds and yellow-headed blackbirds will be conducted in areas supporting potentially suitable habitat within 0.25 mile of construction areas. Habitat within 0.25 mile</p>	SLDMWA and Reclamation with Project Biologist	Field verification	Prior to construction

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	of tricolored blackbird or yellow-headed blackbird colonies will be avoided during nesting season, which can begin as early as mid-March and extend through August. If colonies cannot be avoided, CDFW will be consulted to potentially reduce buffer distances with active monitoring during construction by a qualified biologist.			
BIO-7	<p><b>Measures to Minimize Impacts on the Burrowing Owl</b></p> <p>A minimum of one pre-construction survey for burrowing owls within a minimum of 500 feet of the Project area (where accessible) will be conducted by a qualified biologist within 15 days prior to the initiation of construction activities in a given area, regardless of the timing of construction. Pre-construction surveys each year of construction during the nonbreeding season (September 1 to January 31) will take place in order to determine the presence of burrowing owls before breeding activities begin. If any occupied burrows are identified, appropriate conservation measures (as determined by a qualified biologist) will be implemented. No disturbance will occur within 150 feet of occupied burrows during the nonbreeding season (September 1 to January 31) or within 250 feet during the breeding season (February 1 to August 31). These measures may also include establishing a construction-free buffer zone around the active nest site in coordination with the CDFW, biological monitoring of the active nest site, and delaying construction activities in the vicinity of the active nest site until the young have fledged.</p> <p>If burrowing owls are detected within the Project area during the nonbreeding season and maintaining a 150-foot, no-disturbance buffer is not practicable, a qualified biologist will submit an exclusion and passive relocation plan to CDFW. The exclusion and passive relocation plan will generally follow the guidelines outlined in Appendix E of the Staff Report on Burrowing Owl Mitigation (CDFW 2012). The exclusion and passive relocation plan will consist of installing one-way doors in potential burrows, daily monitoring, and collapsing burrows once it is determined that the burrows are unoccupied. Exclusion may only take place during the nonbreeding season (September 1 to January 31) and may be an ongoing effort during this time period. This will allow the owls to exit burrows if</p>	SLDMWA and Reclamation	Field verification	Prior to construction

Measure No.	Mitigation Measure	Responsible Party	Method of Verification	Timing of Verification
	<p>they are present, but not return. The exclusion and passive relocation plan will also detail plans to replace collapsed burrows with artificial burrows at a minimum 1:1 ratio or describe why artificial burrows are not needed (e.g., numerous available natural burrows are available in nearby areas that will not be disturbed). Monitoring of collapsed burrows will be conducted as needed so that burrowing owls do not recolonize the area prior to construction disturbance.</p> <p>If occupied burrows are detected during the breeding season and maintaining a 250-foot no-disturbance buffer is not practicable, CDFW will be consulted to determine alternative measures to minimize the potential for disturbance to occupied burrows and nesting activities. Measures may include but are not limited to continuous biological monitoring by a qualified biologist until it has been determined that the young have fledged and are no longer reliant on the nest or parental care for survival or construction is complete. No direct disturbance of burrows with eggs or young can be conducted without written authorization from the CDFW and USFWS.</p>			
BIO-8	<p><b>Measures to Minimize Impacts on the Golden Eagle, Swainson's Hawk, Northern Harrier, or White-Tailed Kite</b></p> <p>For construction activities that occur between February 1 and August 31, a qualified biologist will conduct pre-construction surveys for golden eagles, Swainson's hawks, northern harriers, and white-tailed kites. The pre-construction surveys will include the Project footprint and a minimum of a 0.50-mile radius where access is permitted around the construction area in suitable nesting habitat (i.e., large trees for Swainson's hawk and white-tailed kite, cliff faces for golden eagle, and grasslands for northern harrier). The pre-construction surveys will be conducted no more than 10 days before ground disturbance in a given area and will be phased based on the construction schedule.</p> <p>If nesting golden eagles, Swainson's hawks, northern harriers, or white-tailed kites are detected, an appropriate no-disturbance buffer (minimum of 500 feet for northern harrier, 0.50 mile for golden eagle, Swainson's hawk, and white-</p>	SLDMWA and Reclamation	Field verification	Prior to and during construction



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	<p>tailed kite) will be established and monitored daily by a qualified biologist. Buffers will be maintained until a qualified biologist has determined that the young have fledged and are no longer reliant on the nest or parental care for survival. A 0.50-mile no-disturbance buffer will also be maintained from any overwintering eagles if they are detected in the Project area or surrounding areas; the buffer will be maintained for the duration that the bird(s) are present. If any bald eagles or golden eagles are detected, Reclamation will coordinate with USFWS, as necessary, to comply with the Bald and Golden Eagle Protection Act.</p> <p>If maintaining the minimum no-disturbance buffer around an active golden eagle, Swainson's hawk, northern harrier, or white-tailed kite nest (or any overwintering eagles) is not practicable, CDFW will be consulted to determine whether reduced minimum no-disturbance buffers are appropriate based on site-specific circumstances (e.g., visual barriers between nest and construction area, existing level of disturbance) or to identify alternative measures to minimize the potential for Project-related disturbance to the nest site that could result in nest abandonment or other forms of take. Measures may include, but are not limited to, continuous biological monitoring by a qualified biologist until it has been determined that the young have fledged and are no longer reliant on the nest or parental care for survival or construction is complete. If the nesting pair shows signs of distress (i.e., adults leaving the nest when eggs or young chicks are present) as a result of Project-related activities, the monitoring biologist will have authority to stop work until it is determined that the adults have returned and are no longer showing signs of distress.</p> <p>If trees suitable for nesting by Swainson's hawk are scheduled to be removed during the non-nesting season, a qualified biologist will conduct a pre-construction survey during the nesting season prior to tree removal to determine whether Swainson's hawks are using the trees for nesting. If the trees proposed for removal are being used by nesting Swainson's hawk, consultation with CDFW will take place per BIO-8. prior to tree removal.</p>			

Measure No.	Mitigation Measure	Responsible Party	Method of Verification	Timing of Verification
	<p>If CESA compliance is required, and consultation with CDFW results in a determination that take of an active Swainson's hawk nest cannot be avoided, then take authorization pursuant to CESA will be obtained from CDFW prior to initiation of any activities that are likely to result in such take.</p> <p>If an active golden eagle or white-tailed kite nest may not be avoidable, then all activities that are likely to result in take will be delayed until a qualified biologist has determined that the young have fledged and are no longer reliant on the nest or parental care for survival.</p>			
BIO-9	<p><b>Measures to Minimize Impacts on Nesting Migratory Birds</b></p> <p>To the extent practicable, vegetation removal will be scheduled to avoid the breeding season for nesting raptors and other special-status birds (generally February 1 through August 31, depending on the species). Removal of vegetation outside of the nesting season is intended to minimize the potential for delays in vegetation removal because of active nests.</p> <p>Regardless of when vegetation removal is scheduled, a qualified biologist will conduct a minimum of one pre-construction survey for nesting migratory birds and raptors within the Project area and a buffer (250 feet for migratory birds, 500 feet for raptors) around the Project area (where accessible) for all construction-related activities that will occur during the nesting season. The pre-construction survey will be conducted no more than 15 days prior to the initiation of construction in a given area and will be phased based on the construction schedule. Because of the ongoing, phased approach to construction, multiple pre-construction surveys per year may be required. If an active nest is found, a construction-free buffer zone (250 feet for migratory birds, 500 feet for raptors) will be established around the active nest site. If establishment of the construction-free buffer zone is not practicable, appropriate conservation measures (as determined by a qualified biologist) will be implemented. These measures may include, but are not limited to, consultation with CDFW to establish a different construction-free buffer zone around the active nest site, daily biological monitoring of the active nest site,</p>	SLDMWA and Reclamation	Field verification	Prior to construction

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	<p>and delaying construction activities in the vicinity of the active nest site until the young have fledged.</p> <p>If removal of bridges or other bridge work is scheduled to occur during the swallow nesting season, exclusionary devices (e.g., netting) will be installed around the bridges prior to the initiation of the avian breeding season (before February 15) during the same year as the bridges are scheduled for removal and after a qualified biologist has determined no active nests (i.e., nests with eggs or young) are present. The exclusionary devices will remain in place until August 15 or until the bridge removal or other bridge work is completed. The exclusionary devices will be anchored such that swallows cannot attach their nests to the structure through gaps. Exclusionary devices will be regularly inspected as necessary to confirm that they are adequately preventing initiation of nest building. If swallows have breached the exclusionary devices and began building nests on the structure, nesting material (i.e., partially built nests) can be removed only if a qualified biologist has determined that eggs or young are not present. No removal of nests with eggs or young can be conducted without written authorization from CDFW and USFWS, or until a qualified biologist has determined that the nest is no longer active (e.g., the nest has failed, the young have fledged and are no longer dependent on the nest).</p>			
BIO-10	<p><b>Measures to Minimize Impacts on the California Tiger Salamander (CTS) and the California Red-legged Frog (CRLF)</b></p> <p>Before and during construction:</p> <ul style="list-style-type: none"> <li>Protocol presence/absence surveys shall be conducted by a USFWS-approved biologist in suitable habitat prior to construction with a negative finding. As the Project is multi-year, protocol presence/absence surveys can be conducted in portions of the Project area that have work scheduled the following year. Alternatively, presence can be assumed in suitable habitat and the measures below can be implemented.</li> </ul>	SLDMWA and Reclamation with Project Biologist	Field verification	Prior to, during, and after construction

Measure No.	Mitigation Measure	Responsible Party	Method of Verification	Timing of Verification
	<ul style="list-style-type: none"> <li>• To the maximum extent practicable, the Project design and construction implementation will avoid impacts to suitable breeding habitat. Areas of avoidance shall be indicated on Project plan sets and shall be clearly delineated in the field. Signage indicating "Environmentally Sensitive Area: Keep Out" shall be posted.</li> <li>• Protocol aquatic surveys shall be conducted by a USFWS-approved biologist in suitable breeding habitat within areas that will be disturbed by construction in the following year, and within 1.3 miles of those areas to detect occupied breeding resources (one survey in March, April, and May each). Any occupied breeding resources will be prioritized for avoidance.</li> <li>• Resources documented to support breeding populations of CTS/CRLF shall be avoided during construction with a buffer sufficient to ensure the continued functioning of that breeding resource. If adherence to this buffer is not feasible, USFWS shall be contacted to determine whether moving individuals prior to construction is authorized.</li> <li>• A USFWS-approved biologist shall survey the work sites where suitable habitat has been identified no more than 30 days before the onset of construction. Adult individuals detected during the surveys shall be relocated out of the area of disturbance by a USFWS-approved biologist.</li> <li>• Work in occupied habitat shall only occur during the dry season.</li> <li>• Areas beneath construction equipment and vehicles shall be inspected daily, prior to operation, for presence of CTS/CRLF under tracks/tires and within machinery by a USFWS-approved biologist until the biologist determines a designated contractor is sufficiently trained to monitor. A USFWS-approved biologist will ensure that this individual receives training consistent with USFWS requirements. A USFWS-approved biologist will be on-call to come to the site if CTS/CRLF are found.</li> </ul>			

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	<ul style="list-style-type: none"> <li>CTS/CRLF one-way, exclusion fencing shall be installed between construction areas and occupied habitat. This fencing shall extend 1.3 miles from the boundary of the occupied habitat along the alignment of the Project area.</li> <li>Overnight staging of vehicles or equipment shall be prohibited within 100 feet of occupied or assumed-occupied breeding resources.</li> <li>Work in occupied breeding habitat shall only occur during the dry season.</li> </ul> <p>After construction:</p> <ul style="list-style-type: none"> <li>Temporary disturbance of occupied habitat shall be mitigated by restoring the area to pre-Project contours and revegetation.</li> </ul>			
BIO-11	<p><b>Measures to Minimize Impacts on the Western Spadefoot Toad</b></p> <p>If a western spadefoot toad is encountered during construction activities, it will be allowed to move out of harm's way of its own volition, or a qualified biologist will relocate it to the nearest suitable habitat that is at least 100 feet outside of the construction impact area.</p> <p>Prior to moving equipment or materials each day, construction personnel will inspect for western spadefoot toads underneath and around equipment and other Project materials (e.g., stored pipes greater than two inches in diameter) that are located within 200 feet of aquatic habitat. If western spadefoot toads are found, they will be allowed to move out of the construction area under their own volition, or a qualified biologist will relocate individuals to the nearest suitable habitat that is at least 100 feet outside of the construction impact area.</p>	SLDMWA and Reclamation with Project Biologist	Field verification	Prior to, during, and after construction
BIO-12	<p><b>Measures to Minimize Impacts on the Northern California Legless Lizard, California Glossy Snake, San Joaquin Coachwhip, and Coast Horned Lizard</b></p> <p>Prior to moving equipment or materials each day, construction personnel will inspect underneath and around equipment for northern California legless lizard, California glossy snake, San Joaquin coachwhip, and coast horned lizard. If these species are encountered during construction activities, they will be allowed to</p>	SLDMWA, Reclamation, and Construction contractor(s)	Field verification	Prior to and during construction

Measure No.	Mitigation Measure	Responsible Party	Method of Verification	Timing of Verification
	move out of harm's way of their own volition, or a qualified biologist will relocate the organism(s) to the nearest suitable habitat that is at least 100 feet outside of the construction impact area.	with Project Biologist		
BIO-13	<p><b>Measures to Minimize Impacts on the Giant Garter Snake</b></p> <p>Before and during construction:</p> <ul style="list-style-type: none"> <li>• Protocol presence/absence surveys shall be conducted by a USFWS approved biologist in suitable habitat prior to construction. As the project is multi-year, protocol presence/absence surveys can be conducted in portions of the Project Area that have work scheduled the following year. Alternatively, presence can be assumed in suitable habitat and the measures below implemented.</li> <li>• Avoid construction activities within 200 feet from the banks of occupied giant garter snake aquatic habitat. Confine movement of heavy equipment to existing roadways to minimize habitat disturbance.</li> <li>• Construction activity within suitable habitat should be conducted between May 1 and October 1. This is the active period for giant garter snakes and direct mortality is lessened, because snakes are expected to actively move and avoid danger. Impacts to winter hibernacula should be avoided during the period of October 2 and April 30.</li> <li>• The Project area shall be surveyed for giant garter snakes 24 hours prior to construction activities. Survey of the Project area should be repeated if a lapse in construction activity of two weeks or more has occurred. If a snake is encountered during construction, activities shall cease until appropriate corrective measures have been completed or it has been determined that the snake will not be harmed.</li> <li>• Any dewatered habitat should remain dry for at least 15 consecutive days after April 15 and prior to excavating or filling of the dewatered habitat.</li> </ul>	SLDMWA, Reclamation, and Construction contractor(s) with Project Biologist	Field verification	Prior to and during construction

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BIO-14	<p><b>Measures to Minimize Impacts on the Western Pond Turtle</b></p> <p>Before construction activities begin, a qualified biologist will conduct western pond turtle surveys within creeks and in other ponded areas affected by the Project. Adjacent upland areas will be examined for evidence of nests and individual turtles. The Project biologist will be responsible for the survey and for the relocation of pond turtles, if found. Construction will not proceed until reasonable effort has been made to capture and relocate as many western pond turtles as possible to minimize take. However, some individuals may remain undetected or enter sites after surveys and could be subject to injury or mortality. If a nest is observed, a biologist with the appropriate permits and prior approval from CDFW will move eggs to a suitable location or facility for incubation and release hatchlings into the creek system the following autumn.</p>	Reclamation and SLDMWA with Project Biologist	Field verification	Prior to construction
BIO-15	<p><b>Measures to Minimize Impacts on Sensitive Natural Communities</b></p> <p>Before and during construction:</p> <ul style="list-style-type: none"> <li>• Protocol presence/absence surveys shall be conducted by a USFWS-approved biologist in suitable habitat prior to construction with a negative finding. As the Project is multi-year, protocol presence/absence surveys can be conducted in portions of the Project area that have work scheduled the following year. Alternatively, presence can be assumed in suitable habitat.</li> <li>• Work in occupied listed vernal pool branchiopod habitat shall only occur during the dry season.</li> <li>• The authorized limits of branchiopod habitat (i.e., 250 feet from the pool edge) will be clearly staked in the field to prevent construction personnel from causing impacts to areas outside of work limits.</li> <li>• Where temporary impacts will occur to occupied or assumed-occupied listed vernal pool branchiopod habitat, the top one to three inches of soil shall be salvaged to preserve the cyst bank. Saved topsoil shall be covered to avoid erosion. Topsoil shall be replaced as soon as possible upon completion of work in the impacted habitat.</li> </ul>	SLDMWA and Reclamation with Project Biologist	Field verification	Prior to, during, and after construction

Measure No.	Mitigation Measure	Responsible Party	Method of Verification	Timing of Verification
	<ul style="list-style-type: none"> <li>Overnight staging of vehicles or equipment shall be prohibited within 100 feet of occupied or assumed-occupied fairy shrimp.</li> </ul> <p>After construction:</p> <ul style="list-style-type: none"> <li>Temporary impacts to listed branchiopod habitat shall be mitigated for by restoring the affected area to pre-Project contours, compaction levels, and revegetation.</li> </ul>			
BIO-16	<p><b>Measures to Minimize Impacts on Sensitive Natural Communities</b></p> <p>Temporary and permanent impacts on sensitive natural communities known to occur within the Project area will be minimized to the greatest extent practicable. Trees and other vegetation will not be removed if it can otherwise be reasonably avoided. In determining areas where vegetation shall be removed to provide adequate access for construction or staging, consideration will be given to selecting areas that require the least amount of removal of mature trees and canopy cover in coordination with a qualified biologist.</p> <p>Prior to the initiation of construction activities, exclusionary fencing will be installed along the boundaries of all environmentally sensitive areas to be avoided, which will include sensitive natural communities and aquatic resources adjacent to the areas of Project-related impacts, so that impacts on environmentally sensitive areas outside of the construction area are minimized. Locations of environmentally sensitive areas and exclusionary fencing will be identified on construction plans. The exclusionary fencing will be inspected and maintained on a regular basis throughout Project construction in the areas where the fencing is needed to avoid unintended disturbance.</p> <p>A Post-Construction Revegetation and Monitoring Plan will be developed and implemented to provide for the restoration of temporarily impacted riparian habitats to pre-existing conditions. The plan will include provisions for the planting of native woody vegetation and native seed mix or otherwise provide for the reestablishment of self-sustaining native riparian vegetation similar to the existing native riparian vegetation community. Planting of native riparian vegetation will include, but is not limited to, replacement of any trees removed</p>	Reclamation, SLDMWA, and Construction contractor(s) with Project Biologist	Field verification and documentation on file with Reclamation	Prior to, during and after construction



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	by the Project at a 3:1 ratio (replaced to removed) with appropriate native tree species. For the purposes of this requirement, a tree is defined as a native woody plant (i.e., tree or mature shrub) with at least one stem measuring two inches or greater diameter at breast height. The plan will also identify success criteria and provide for annual or other regular monitoring to evaluate whether the revegetation effort has met the success criteria. The plan will include measures for remedial actions (e.g., additional plantings, supplemental irrigation, increased monitoring) if monitoring efforts indicate that success criteria are not being met.			
BIO-17	<p><b>Measures to Minimize Impacts on Wetlands</b></p> <p>Prior to any temporary or permanent impacts on aquatic resources, any required permits/authorizations from RWQCB and United States Army Corps of Engineers (USACE) will be obtained. All terms and conditions of the required permits/authorizations will be implemented.</p> <p>Where jurisdictional wetlands and other waters cannot be avoided, to offset temporary and permanent impacts that would occur as a result of the Project, restoration and compensatory mitigation to ensure no net loss will be provided as described below.</p> <p>A wetland mitigation and monitoring plan will be developed in coordination with CDFW, USACE, or RWQCB to detail mitigation and monitoring obligations for temporary and permanent impacts to wetlands and other waters owing to construction activities and for other CDFW jurisdictional areas. The plan will quantify the total acreage affected; provide for mitigation, as described below, to wetland or riparian habitat; specify annual success criteria for mitigation sites; specify monitoring and reporting requirements; and prescribe site-specific plans to compensate for wetland losses resulting from the Project consistent with USACE's no net loss policy.</p> <p>Prior to construction, the aquatic structure of wetland and riparian areas to be disturbed will be photo-documented and measurements of width, length, and depth will be recorded. Recontouring and revegetation of the disturbed portions of jurisdictional areas in areas temporarily affected by construction</p>	Reclamation, SLDMWA, and Construction contractor(s) with Project Biologist	Field verification and documentation on file with Reclamation	Prior to, during and after construction

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	<p>prior to demobilization by the construction contractor will be completed at the end of Project construction. Creek banks will be recontoured to a more stable condition, if necessary.</p> <p>Revegetation will include a palette of species native to the watershed area according to a revegetation plan to be developed by Reclamation and submitted to USACE, CDFW, and RWQCB for approval. Following removal, woody trees habitat acreage would be replanted at a minimum 1:1 ratio, or as determined and agreed upon by the permitting agencies. Interim vegetation or other measures will be implemented, as necessary, to control erosion in disturbed areas prior to final revegetation.</p> <p>Wetland and other waters impact in the construction and inundation area will be compensated at a ratio of 2:1 or at a ratio agreed upon by the wetland permitting agencies. Compensatory mitigation will be conducted by creating or restoring wetland and aquatic habitat at an agency-approved location on nearby lands or through purchasing mitigation credits at a USACE- or CDFW-approved mitigation bank (depending on the resource). If mitigation is conducted on- or off-site, a five-year wetland mitigation and monitoring program for on- and off-site mitigation will be developed. Appropriate performance standards may include a 75-percent survival rate of restoration plantings; absence of invasive plant species; and a viable, self-sustaining creek or wetland system at the end of five years.</p> <p>A weed control plan for the Project to limit the spread of noxious or invasive weeds will be developed. This plan would be consistent with current integrated pest management plans already in practice on lands surrounding the reservoir. Noxious or invasive weeds include those rated as 'high' in invasiveness by the California Invasive Plant Council. The plan will include a baseline survey to identify the location and extent of invasive weeds in the Project area prior to ground-disturbing activity, a plan to destroy existing invasive weeds in the construction area prior to initiation of ground-disturbing activity, weed-containment measures while the Project is in progress, and monitoring and control of weeds following completion of construction.</p>			

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Measure No.	Mitigation Measure	Responsible Party	Method of Verification	Timing of Verification
CR-1	<p><b>Implement a Formal Agreement Document to National Historic Preservation Act (NHPA) Section 106 Compliance and Resolve any Adverse Effects/Significant Impacts to Cultural Resources</b></p> <p>The resolution of adverse effects to historic properties occurs through the implementation of measures agreed on through consultation with the State Historic Preservation Office, Advisory Council on Historic Preservation, and other Section 106 consulting parties. These measures are discussed in the draft <i>Programmatic Agreement Between the Bureau of Reclamation, Interior Region 10 California-Great Basin; and the California State Historic Preservation Officer Regarding Compliance with Section 106 of the National Historic Preservation Act Pertaining to the Implementation of the Delta-Mendota Canal Subsidence Correction Project, Alameda, Contra Costa, San Joaquin, Stanislaus, Merced, and Fresno counties</i>, which remains in review. In general, significant impacts to cultural resources under NEPA would be mitigated through the measures agreed to through the Section 106 process. Cultural resources that are formally determined not eligible for inclusion in the National Register of Historic Places (NRHP) or the California Register of Historic Resources (CRHR) would require no further management prior to Project implementation. If cultural resources determined 'not eligible for listing in the NRHP but eligible for listing in the CRHR' are identified as part of the Project, such resources will be managed per CEQA requirements.</p>	Reclamation, SLDMWA, and Construction contractor(s)	Documentation on file with Reclamation	Prior to and during construction
GEO-1	<p><b>Prepare for Unexpected Failures of Erosion Control Measures</b></p> <p>To prepare for unexpected failures of erosion control measures, a supply of erosion control materials will be maintained on-site during the construction period to facilitate a quick response to unanticipated storm events or emergencies.</p>	SLDMWA and Reclamation	Field verification	During construction

### **S.3 List of Acronyms**

BRMMP – Biological Resources Management and Monitoring Plan  
CDFW – California Department of Fish and Wildlife  
CDPR – California Department of Parks and Recreation  
CEQA – California Environmental Quality Act  
CRHR – California Register of Historic Resources  
CRLF – California red-legged frog  
CTS – California Tiger Salamander  
EA/IS – Environmental Assessment/Initial Study  
MMRP – Mitigation Monitoring and Reporting Program  
NEPA – National Environmental Policy Act  
NHPA – National Historic Preservation Act  
NRHP – National Register of Historic Places  
OSHA – Occupational Safety and Health Administration  
PRC – Public Resources Code  
Project – Delta-Mendota Canal Subsidence Correction Project  
Reclamation – Bureau of Reclamation  
RWQCB – Regional Water Quality Control Board  
SJKF – San Joaquin kit fox  
SLDMWA – San Luis & Delta-Mendota Water Authority  
SWPPP – Specific Stormwater Pollution Prevention Plan  
USACE – United States Army Corps of Engineers  
USFWS – United States Fish and Wildlife Service  
WEAT – worker environmental awareness training

## S.4 References

California Department of Fish and Wildlife (CDFW). 2021. *Protocols for Surveying and Evaluating Impacts to Special-status Native Plant Populations and Natural Communities*. February. Accessed on September 27, 2022. Available at:  
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>

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**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: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_

**From:**

Public Agency: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 Contact: \_\_\_\_\_  
 Phone: \_\_\_\_\_

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): \_\_\_\_\_

Project Title: \_\_\_\_\_

Project Applicant: \_\_\_\_\_

Project Location (include county): \_\_\_\_\_

Project Description:

This is to advise that the \_\_\_\_\_ has approved the above  
 ( ☐ Lead Agency or ☐ Responsible Agency )

described project on \_\_\_\_\_ 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:

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

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



# Official Memorandum

PO Box 2157  
Los Banos, CA 93635  
[sldmwa.org](http://sldmwa.org)

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To: SLDMWA Water Resources Committee Members and Alternates

From: Scott Petersen, Water Policy Director

Date: February 2, 2026

RE: Update on Water Policy/Resources Activities

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## Background

This memorandum is provided to briefly summarize the current status of various agency processes regarding water policy activities, including but not limited to the (1) Implementation of Long-Term Operations of the Central Valley Project and State Water Project, including environmental compliance; (2) State Water Resources Control Board action; (3) Central Valley Regional Water Board Action, (4) San Joaquin River Restoration Program; (5) Delta conveyance; (6) Reclamation action; (7) Delta Stewardship Council action; (8) San Joaquin Valley Water Blueprint, and (9) San Joaquin Valley Water Collaborative Action Plan.

## Policy Items

### Implementation of Executive Order 14181

On January 2024, President Trump issued Executive Order 14181<sup>1</sup>, directing analysis of potential changes to the operations in the 2024 Record of Decision ("ROD") for consideration by the Administration. On December 4, 2025, Reclamation executed a Record of Decision on the Long-Term Operations of the Central Valley Project and State Water Project, as a first step towards implementing EO 14181.

### Implementation of 2024 Record of Decision on Long-Term Operations of the Central Valley Project and State Water Project

On December 4, 2025, Reclamation executed a Record of Decision<sup>2</sup> on the Long-Term Operations of the Central Valley Project and State Water Project, as a first step towards implementing EO 14181, updating operations associated with the Record of Decision executed by Reclamation and the Biological Opinions issued by the Fish and Wildlife Service and NOAA Fisheries in December 2024. This new operation is described as "Action 5".

Specifically, the Action 5 ROD updates the operations of the Projects by:

- (1) **Removing the Delta Smelt Summer and Fall Habitat Action (Fall X2)**, in response to findings by the U.S. Fish and Wildlife Service that the action is not anticipated to have observable effects on delta smelt survival,

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<sup>1</sup> <https://www.govinfo.gov/content/pkg/FR-2025-01-31/pdf/2025-02174.pdf>

<sup>2</sup> [https://www.usbr.gov/mp/nepa/nepa\\_project\\_details.php?Project\\_ID=54661](https://www.usbr.gov/mp/nepa/nepa_project_details.php?Project_ID=54661)





- (2) **Removing the early implementation measure of the Delta export reduction of the Healthy Rivers and Landscapes (“HRL”) program**, in response to uncertainties associated with the timing of potential adoption and implementation of the HRL Program by California’s State Water Resources Control Board,
- (3) **Updating the Delta operating criteria** to expand the opportunities for Old and Middle River (“OMR”) management at no more negative than -5,000 cubic feet per second (cfs), and a stormflex action of -6,500 cfs, including the use of predictive tools for real-time assessment of environmental conditions.

Modeling of these proposed operational changes has estimated between 250 – 400 TAF improvement in combined CVP and SWP export capacity under Action 5 operations, with the SWP benefits being uncertain based on how the SWP operates under the Incidental Take Permit required for compliance with the California Endangered Species Act.

There is additional analysis being performed to assess the efficacy of additional potential operational changes that could improve water supply and maintain species protections, as well as alternative methods to address environmental effects on species listed under the federal Endangered Species Act (“ESA”) and advance species recovery efforts.

**Note:** There are also Endangered Species Act consultations on the Trinity River and Klamath River that may have overlap/interactions with the operations of the CVP/SWP.

## State Water Resources Control Board (State Water Board) Activity

### Bay Delta Water Quality Control Plan Update

#### *Background*

The State Water Board is currently considering updates to its 2006 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (“Bay Delta Plan”) in two phases (Plan amendments). The first Plan amendment is focused on San Joaquin River flows and southern Delta salinity (“Phase I” or “San Joaquin River Flows and Southern Delta Salinity Plan Amendment”). The second Plan amendment is focused on the Sacramento River and its tributaries, Delta eastside tributaries (including the Calaveras, Cosumnes, and Mokelumne rivers), Delta outflows, and interior Delta flows (“Phase II” or “Sacramento/Delta Plan Amendment”).

During the December 12, 2018 Water Board Meeting, the Department of Water Resources (“DWR”) and Department of Fish and Wildlife presented proposed “Voluntary Settlement Agreements” (“VSAs”) on behalf of Reclamation, DWR, and the public water agencies they serve to resolve conflicts over proposed amendments to the Bay-Delta Plan update.<sup>3</sup> The State Water Board did not adopt the proposed VSAs in lieu of the proposed Phase 1 amendments, but as explained below, directed staff to consider the proposals as part of a future Delta-wide proposal.

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<sup>3</sup> Available at <https://water.ca.gov/-/media/DWR-Website/Web-Pages/Blogs/Voluntary-Settlement-Agreement-Meeting-Materials-Dec-12-2018-DWR-CDFW-CNRA.pdf>.



### *Phase 1 Status – San Joaquin River and its Tributaries*

The State Water Board adopted a resolution<sup>4</sup> to adopt amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and adopt the Final Substitute Environmental Document during its December 12, 2018 public meeting.

On July 18, 2022, the State Water Resources Control Board issued a Notice of Preparation (NOP)<sup>5</sup> and California Environmental Quality Act (CEQA) Scoping Meeting for the Proposed Regulation to Implement Lower San Joaquin River Flows (LSJR) and Southern Delta Salinity Objectives in the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta (Bay-Delta Plan).

In response to the release of the NOP, the Water Authority and member agencies provided scoping comments<sup>6</sup> and the State Water Board is working through a long-term process to address Phase 1 elements of the Water Quality Control Plan Update.

A long delay in Phase 1 action occurred as legal activity was undertaken.

Recently, on September 19, 2025, the State Water Resources Control Board (Board) released a [Notice of Opportunity for Public Comment and Workshop on the Draft Scientific Basis Report Supplement for the Tuolumne River Voluntary Agreement](#) Proposal (Draft TVA Scientific Basis Report), to which the Water Authority provided comments<sup>7</sup>.

### *Next Steps*

- Final draft Staff Report for Tuolumne River VA
- Board workshop and consideration of Tuolumne River VA
- Final draft EIR and regulation implementing Lower SJR flows and South Delta Salinity
- Board consideration of regulation implementing Lower SJR flows and South Delta Salinity

### *Phase 2 Status – Sacramento River and its Tributaries and Bay-Delta*

In the State Water Board's resolution adopting the Phase 1 amendments, the Water Board directed staff to assist the Natural Resources Agency in completing a Delta watershed-wide agreement, including potential flow and non-flow measures for the Tuolumne River, and associated analyses no later than March 1, 2019. Staff were directed to incorporate the Delta watershed-wide agreement as an alternative for a future, comprehensive Bay-Delta Plan update that addresses the reasonable protection of beneficial uses across the Delta watershed.

### *Revised Draft Sacramento/Delta Updates to the Water Quality Control Plan*

#### *Background*

In July, the Board released a draft Bay Delta Plan (July 2025 revised draft), which included proposed changes to the draft Bay Delta Plan released in October 2024 (2024 draft), based on public input and comments received throughout the planning process, including comments on several options for possible changes to the plan identified in the 2024 draft. Specifically, the 2024 draft identified the possible inclusion of flow, cold water habitat

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<sup>4</sup> Available at [https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/resolutions/2018/rs2018\\_0059.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2018/rs2018_0059.pdf).

<sup>5</sup> Available at [https://www.waterboards.ca.gov/public\\_notices/notices/20220715-implementation-nop-and-scoping-dwr-baydelta.pdf](https://www.waterboards.ca.gov/public_notices/notices/20220715-implementation-nop-and-scoping-dwr-baydelta.pdf)

<sup>6</sup> Request from Authority staff

<sup>7</sup> Request from Authority staff



and related provisions that were based on the proposed Plan amendments and alternatives identified in the 2023 draft Staff Report in support of updates to the Bay Delta Plan, as well as options for these provisions. The 2024 draft also identified the possible inclusion of Voluntary Agreements (VAs) to provide flows and non-flow habitat proposed by state and federal agencies and water users referred to as the Healthy Rivers and Landscapes proposal, as well as options associated with inclusions of VAs. The regulatory provisions would apply to all water right holders if the Board did not move forward with VAs, or in the event the Board moved forward with VAs would apply to water rights not participating in approved VAs. The 2025 revised draft proposes to move forward with the inclusion of VAs in the Bay Delta Plan for water rights included in approved VAs (VA pathway) and the regulatory provisions for water rights not included as part of approved VAs (regulatory pathway). The 2025 revised draft also includes proposals for addressing other options identified in the 2024 draft. The 2025 revised draft also proposes the designation of Tribal Tradition and Culture (CUL) beneficial use as part of the current Bay Delta Plan update.

### Current Activity

On September 16, 2025, the State Water Resources Control Board (State Water Board or Board) rescinded the August 22, 2025 Second Revised Notice of Opportunity for Public Comment and Hearing on Revised Draft Sacramento/Delta Updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Watershed (Bay-Delta Plan or Plan). The Rescinded Notice is available on the [Board's website](#). Accordingly, the hearing previously scheduled for September 24-25, 2025, and the associated public comment period are cancelled and will be rescheduled to a future date.

Instead, the Board has released a revised Bay-Delta Plan, with workshops that occurred on January 28-30, and written comments due on February 2. Water Authority staff coordinated written comments<sup>8</sup> with member agencies and other interested parties.

Additionally, the State Water Board has received term sheets for additional voluntary agreements from Nevada Irrigation District (NID) and South Sutter Water District (SSWD) specific to the Bear River, Yuba River, and Auburn Ravine that are available to the public.

## Water Rights

### *Water Accounting, Tracking, and Reporting System (CalWATRS) Launch*

The State Water Resources Control Board has launched the California Water Accounting, Tracking, and Reporting System (CalWATRS). A link to the new system and additional information is posted on the [CalWATRS webpage](#).

If you have questions or would like the CalWATRS team to attend an event in your area, please email [CalWATRS-help@waterboards.ca.gov](mailto:CalWATRS-help@waterboards.ca.gov).

## Delta Conveyance Project

### Petition for Change of Point of Diversion and Rediversion for the Delta Conveyance Project

The State Water Resources Control Board Administrative Hearings Office is holding a Public Hearing on the pending Petitions for Change of Water Right Permits 16478, 16479, 16481, and 16482 (Applications 5630, 14443, 14445A, and 17512, respectively) of the Department of Water Resources.

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<sup>8</sup> Request from Water Authority staff.



The evidentiary hearings before the AHO continue and staff will update on issues associated with the DCP as they develop.

## U.S. Bureau of Reclamation

### Reclamation Manual

#### *Documents out for Comment*

##### **Draft Policy**

- There are currently no draft Policies out for review.

##### **Draft Directives and Standards**

- There are currently no draft Directives and Standards out for review.

##### **Draft Facilities Instructions, Standards, and Techniques (FIST)**

- There are currently no draft Facilities Instructions, Standards, and Techniques out for review.

##### **Draft Reclamation Safety and Health Standards (RSHS)**

- There are currently no Safety and Health Standards out for review.

##### **Draft Reclamation Design Standards**

- There are currently no Design Standards out for review.

## San Joaquin Valley Water Blueprint

The Water Blueprint for the San Joaquin Valley (Blueprint) is a non-profit group of stakeholders, working to better understand our shared goals for water solutions that support environmental stewardship with the needs of communities and industries throughout the San Joaquin Valley.

**Blueprint's strategic priorities for 2022-2025:** Advocacy, Groundwater Quality and Disadvantaged Communities, Land Use Changes & Environmental Planning, Outreach & Communications, SGMA Implementation, Water Supply Goals, Governance, Operations & Finance.

**Mission Statement:** *"Unifying the San Joaquin Valley's voice to advance an accessible, reliable solution for a balanced water future for all."*

### Water Blueprint Board Meeting

The January meeting covered the latest on the unified water plan, which quantifies these challenges and catalogs potential solutions - establishing the baseline understanding that will guide federal and state funding decisions for our region. The monthly board meeting is open to the public, and interested parties can register through the website.

#### Top 3 Key Takeaways:

- **Unified Water Plan Making Significant Progress with Tight Timeline:** The Water Blueprint's unified water plan is moving forward rapidly with chapters 1-5 already reviewed and/or distributed for review. The plan quantifies the San Joaquin Valley's massive water supply gap at 2.5-3 million acre-feet by 2040, incorporating SGMA compliance needs, climate change impacts, and environmental flow requirements.
- **Major Supply-Demand Gap Identified Requiring Immediate Action:** Technical analysis reveals the valley faces a future water shortage of 2.5-3 million acre-feet by 2040, driven by SGMA compliance requirements



(1.4-2 million acre-feet), environmental restoration needs, climate change impacts, and groundwater replenishment requirements. This massive gap demonstrates the critical need for comprehensive water infrastructure investments and management changes.

- **Recharge Projects Dominate Solutions:** The latest research points out that nearly 50% of all GSP projects are groundwater recharge projects, including on-farm recharge, injection wells, in-lieu recharge, and constructed basins, with injection wells being the most cost-effective option.

#### Additional Takeaways:

- **GSA Project Lists Need Updating:** Analysis of Groundwater Sustainability Plans revealed that less than half of the 800+ identified projects have both cost and yield information, necessitating outreach to GSA points of contact for more accurate data.
- **Multiple Funding Sources Needed:** Projects will require diverse funding streams including flood control, environmental restoration, and water supply funding to address the multi-benefit nature of proposed solutions.
- **Water District Partnership Expanding:** Blueprint is deepening its relationship with water districts outside the Central Valley. These growing partnerships can create significant opportunities for Valley water interests to tackle water banking and supply management.

### Unified Water Plan for the San Joaquin Valley

The purpose of the Unified Valley Plan for the San Joaquin Valley is to identify and present possible solutions for long-term water needs in the San Joaquin Valley by bringing together existing water plans, strategies, and knowledge from across the San Joaquin Valley into one coordinated, valley-wide planning framework.

#### Bureau of Reclamation Report to Congress:

- Chapter 1. Introduction
- Chapter 2. Overview of the water resource needs and opportunities in the San Joaquin Valley.
- Chapter 3. Overview of flood risks and management in the San Joaquin Valley and opportunities for improving flood management.
- Chapter 4. Illustration of an environmental vision for the San Joaquin Valley and estimates of the water supplies needed to implement that vision.
- Chapter 5. Evaluation of a range of potential solutions.
- Chapter 6. Recommendations for a path forward and a roadmap for implementation. Includes policy recommendations.

Authority staff continues to recommend that Authority member agencies increase their engagement with the Blueprint Technical Committee to ensure accuracy and support of the work product being developed for the westside of the San Joaquin Valley.

Chapter 5 of the Plan is now out for review and comment.



## San Joaquin Valley Water Collaborative Action Program (SJV CAP)

### Background

The CAP Plenary Group adopted work groups to implement the CAP Term Sheet<sup>9</sup>, adopted on November 22, 2022. During Phase II, Work Groups are continuing to meet and discuss priorities and drafting various documents for their respective areas: Safe Drinking Water; Sustainable Water Supplies; Ecosystem Health; Land Use, Demand Reduction and Land Repurposing; Implementation.

The Bureau of Reclamation is currently funding the CAP. This funding supports its management and facilitation of the overall CAP process and the development of a prioritization tool. The tool is envisioned to be used by CAP participants, federal and state agencies, other stakeholders, and the public to evaluate policy recommendations, programmatic changes, and projects to achieve sustainable water management in the San Joaquin Valley.

The Steering Committee created a subgroup and will review several prioritization tools developed by other organizations and use those examples to craft a work plan and initial set of criteria for consideration.

On a parallel track, the subgroup recommends that each caucus develop up to three top-priority actions that will advance the outcomes of the Term Sheet.

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<sup>9</sup> Request from Authority staff