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Agenda Item: 8-6
Meeting Dates: December 8 and 9, 2004

ANNUAL JOINT MEETING WITH BAY-DELTA PUBLIC ADVISORY COMMITTEE

CONSIDERATION OF A RESOLUTION APPROVING ECOSYSTEM RESTORATION PROGRAM GRANTS AND AUTHORIZING THE DIRECTOR, OR DESIGNEE, TO PROCESS THE APPROVED GRANTS

Summary: This resolution would approve two grants for ecosystem restoration projects totaling \$7,351,500. The two projects these grants will support are described in Attachment 1.

Recommended Action: The California Bay-Delta Authority adopt attached Resolution 04-12-01.

Background

The Ecosystem Restoration Program (ERP) considers requests for funds for fish screens in cooperation with the Central Valley Project Improvement Act's (CVPIA) Anadromous Fish Screen Program. Two are being presented for action today.

These proposals are for the completion and improvement of screens identified as high priorities in ERP's *Draft Stage 1 Implementation Plan*. The first, from the Sutter Mutual Water Company, will construct and test a screen whose feasibility, design, and permitting have won prior grants from the ERP and CVPIA. The second, from Reclamation District 108, is for a sediment management system that is being added to a recently constructed screen. Both proposals were reviewed and recommended for funding by the Anadromous Fish Screen Program's Technical Committee and ERP's Selection Panel and offered for public comment by local governments and other stakeholders. The State's grants will match equal awards from CVPIA. Project sponsors provide project management costs and are responsible for long-term operation and maintenance of the fish screens.

Attachment 1 describes each project, how it helps achieve the ERP's goals, the reasons for the Selection Panel's funding recommendation, and important issues raised by agency and public comments on the proposal. The full proposals, their reviews, and public and agency comments on them are on-line at:
<http://calwater.ca.gov/Programs/EcosystemRestoration/Ecosystem2004DirectedAction.shtml> .

The California Bay-Delta Authority Act specifies that the Authority may disburse funds through grants (Water Code § 79420(a)(6)). These grant proposals are being recommended for funding based on the following selection criteria:

- The grant proposals are for eligible projects within the meaning of Proposition 50 (Water Code, §79550) or Proposition 204 (Water Code, § 78500) because they implement the CALFED Program's Ecosystem Restoration Program element.
- The grant proposals meet the goals and objectives of the CALFED Program.
- The grant proposals were reviewed and selected in accordance with the processes described in ERP's 2004 Proposal Solicitation Package and *Draft Stage 1 Implementation Plan*.
- Environmental documents for the projects have been completed by the appropriate lead agencies, and reviewed and found sufficient by Authority staff.

Fiscal Information

These grants are being presented to the Authority for approval of funding. In the Fiscal Year 2004-05 budget, the Authority received a two-year appropriation from Proposition 50's Bay-Delta Ecosystem Restoration Account, of which about \$63.3 million remains available. In addition, \$10.4 million of the Proposition 204 ecosystem restoration funds available to the Authority remain unobligated.

Accordingly, the Authority has approval responsibility for these funds in its budget and is being asked to make the final funding decisions for these grants.

Funding Source: Proposition 50 (Chapter 7, Water Code Section 79550(e))
Total Amount: \$495,000

Funding Source: Proposition 204 (Chapter 7, Water Code Section 78684.6.)
Total Amount: \$6,856,500

Term of Grants: Grants may extend up to three years

List of Attachments

Attachment 1 -- Description of two ecosystem restoration grants
Attachment 2 -- *Tisdale Positive Barrier Fish Screen Pumping Plants* Mitigated Negative Declaration and Authority Findings of Fact
Attachment 3 – Final Mitigated Negative Declaration and Draft Environmental Assessment/Initial Study for the Sutter Mutual Water Company Tisdale Pumping Plant Positive Barrier Fish Screen Project (Bound Separately)
Resolution 04-12-01

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Contact

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ECOSYSTEM RESTORATION PROJECT DESCRIPTIONS

Applicant Organization: Reclamation District No. 108

Proposal Title: *Wilkins Slough Positive Barrier Fish Screen–Sediment Removal Project*

Recommended funding: \$495,000 (Proposition 50)

Conditions: None

Description: The project is the addition of sediment removal facilities to an existing fish screen at Reclamation District No. 108's Wilkins Slough irrigation water diversion on the Sacramento River's west bank, near Grimes. Since the screen was built several years ago, sediment is building up in the irrigation canal inland of the screen, impairing the screen's performance. The project will install hydraulic nozzles that jet sediment away and prevent its build-up near the screen face.

The Selection Panel recommended funding as submitted. The screen is important to the implementation of the Ecosystem Restoration Program because it prevents entrainment of salmon and other fish at this large (830 cfs) Sacramento River diversion. This improvement is important to its effective performance.

California Environmental Quality Act (CEQA): Reclamation District No. 108, the lead agency for the project, has concluded, and Authority staff concurs, that the project is categorically exempt from CEQA. The project, as a minor alteration of an existing facility that does not involve expansion of its existing use, is eligible for exemption under Section 15301 of the Resources Secretary's CEQA Guidelines.

Applicant Organization: Sutter Mutual Water Company

Proposal Title: *Tisdale Positive Barrier Fish Screen Pumping Plants*

Recommended funding: \$6,856,500 (Proposition 204)

Conditions: None

Description: This is a fish screen to minimize entrainment of fish at a large (960 cfs) irrigation water diversion on the Sacramento River's east bank, south of Meridian.

The Selection Panel recommends funding as submitted. Construction of this fish screen is recommended in the ERP's *Draft Stage 1 Implementation Plan*, which emphasizes screening large diversions such as this.

CEQA: Reclamation District No. 1500 is the CEQA lead agency for the project. It adopted a mitigated negative declaration for the project in October, 2002 (see Attachment 2).

The California Bay-Delta Authority is a CEQA responsible agency in that it is exercising discretionary funding approval authority over the project. As such, Authority staff has considered the environmental effects of the project as shown in the mitigated negative declaration, and concurs, as set forth in the attached findings of fact, that, as mitigated, the project will not have any significant environmental effects.

**NEGATIVE DECLARATION
FOR THE PROPOSED**

**SUTTER MUTUAL WATER COMPANY
TISDALE POSITIVE BARRIER FISH SCREEN**

**Reclamation District No. 1500
15094 Cranmore Road
Robbins, CA 95676**

Juvenile winter-run Chinook salmon, spring-run Chinook salmon, other salmon races, steelhead, and a variety of other resident and migratory fish species are adversely impacted by entrainment at the unscreened Tisdale Sutter Mutual Tisdale Pumping Plants. The Sutter Mutual Tisdale diversion is located on the Sacramento River in an area designated as critical habitat for winter-run Chinook salmon and essential fish habitat (EFH) for Pacific salmon. Sutter Mutual Water Company proposes to construct and operate a positive barrier fish screen at the Tisdale Pumping Plants to eliminate entrainment mortality on juvenile and adult fish inhabiting the Sacramento River. The diversion is operated to provide water supplies for agricultural irrigation and rice straw decomposition. The proposed project will require approvals from Reclamation District 1500 for construction and operation of the fish screen and therefore, Reclamation District 1500 is serving as the state lead agency for compliance with CEQA.

The proposed fish screen will meet design criteria established by the California Department of Fish and Game (CDFandG) and National Marine Fisheries Service (NOAA Fisheries). The design of the proposed fish screen has been developed in consultation with representatives of the Anadromous Fish Screen Program (AFSP), including CDFandG, NOAA Fisheries, U.S. Bureau of Reclamation (USBR), California Department of Water Resources (DWR), Natural Resources and Conservation Service (USDA-NRCS), and U. S. Fish and Wildlife Service (USFWS). Engineering designs for the proposed fish screen have been reviewed by the AFSP participants. Installation of the fish screen will not increase water diversions from the Sacramento River.

The Finding: Although the proposed fish screen project may have the potential to cause minor construction-related localized short-term impacts on soil, vegetation, wildlife, water quality, and aquatic resources, the measures to avoid significant impacts that will be incorporated into the project will lessen such impacts to less-than-significant levels (see Environmental Assessment/Initial Study).

Basis for the Finding: Based on the Environmental Assessment/Initial Study it was determined that there would not be significant adverse environmental effects resulting from construction or long-term operations and maintenance of the proposed fish screen. The project is expected to achieve a net environmental benefit by reducing mortality resulting from entrainment losses for winter-run Chinook salmon, spring-run Chinook salmon, other salmon races, steelhead, and other resident and migratory fish species. The long-term environmental benefit resulting from reduced entrainment mortality of fish inhabiting the Sacramento River will mitigate and compensate for short-term impacts to aquatic resources resulting from construction activity.

Therefore, Reclamation District 1500 finds that implementing the proposed project will have no significant environmental impact. This Negative Declaration is filed pursuant to the California Environmental Quality Act guidelines.

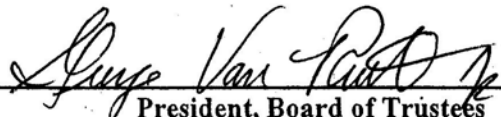
Determination: On the basis of this initial evaluation:

I find that the proposed project *could not* have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared. _____

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the *mitigation* measures described in the Environmental Assessment/Initial Study have been added to the project. Therefore, a NEGATIVE DECLARATION will be prepared. X

I find the proposed project *may* have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required. _____

Oct 28, 2003
Date


President, Board of Trustees
Reclamation District No. 1500

FINDINGS REGARDING THE TISDALE POSITIVE BARRIER FISH SCREEN PUMPING PLANTS

The following Findings are hereby adopted by the California Bay-Delta Authority as required by Public Resources Code sections 21081, 21081.5, and 21081.6, as well as 14 California Code of Regulations sections 15074 and 15096.

A. ENVIRONMENTAL REVIEW PROCESS

In October, 2003, the Reclamation District 1500 adopted a Mitigated Negative Declaration on the positive barrier fish screen for the Sutter Mutual Water Company's Tisdale Pumping Plants. Sutter Mutual's Tisdale diversion is on the Sacramento River in an area that is critical habitat for winter-run Chinook salmon and essential fish habitat (EFH) for other species of Pacific salmon. The water company proposes to construct and operate a positive barrier fish screen at the Tisdale Pumping Plants to eliminate entrainment mortality on juvenile and adult fish from the Sacramento River. Thus the project is an environmental enhancement to an existing facility. Mitigation measures were incorporated into the project approval.

The proposed fish screen will meet design criteria established by the Department of Fish and Game and NOAA Fisheries. Its design has been developed in consultation with representatives of these agencies, the Bureau of Reclamation, Department of Water Resources, Natural Resources and Conservation Service, and Fish and Wildlife Service. Installation of the fish screen will not increase water diversions from the Sacramento River.

B. ENVIRONMENTAL IMPACTS

A Mitigated Negative Declaration was prepared by Reclamation District 1500 as lead agency. The document evaluates the project and identifies significant potential adverse impacts in the following environmental categories: minor construction-related localized short-term impacts on soil, vegetation, wildlife, water quality, and aquatic resources. The Mitigated Negative Declaration recommends mitigation measures that would avoid or reduce all of the identified significant effects to less-than-significant levels. These measures are incorporated in the project as proposed to the Authority. No significant unavoidable adverse impacts are associated with approval of the project.

C. SIGNIFICANT AND POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS REDUCED TO LESS-THAN-SIGNIFICANT LEVELS BY MITIGATION MEASURES INCORPORATED AS CONDITIONS OF APPROVAL

The following potentially significant adverse impacts associated with the project are reduced to a less-than-significant level by mitigation measures identified in the final Mitigated Negative Declaration and incorporated in the project.

1. **Impact on Soil Erosion, Generation of Construction Dust, and Release of Hazardous Materials during construction:** Minimal erosion could occur during project construction, but this impact is considered less than significant because only 7.5 acres will be excavated or graded. Construction dust and the potential for release of hazardous materials are also considered to be less than significant impacts. Potential impacts will be mitigated by (1) preparation and implementation of plans for erosion control, hazardous materials spill prevention, and dust suppression plan, and (2) operation of the pumping plant, to the extent possible, during intake forebay excavation and dredging to reduce turbidity and suspended sediments in the Sacramento River. The positive barrier fish screen structure was designed to accommodate flood conditions within the Sacramento River
2. **Impact on Vegetation, Fish, and Other Wildlife Resources:** Construction and operation of the Project could potentially impact vegetation communities, fish populations and other wildlife resources. Mitigation measures for protection of these resources are incorporated as part of the project design, construction plans, and operation that have been developed in consultation with the State and Federal agencies. These measures include avoidance measures incorporated into permits and agreements that will assure that all biological resources will be minimally impacted.

III. ADDITIONAL FINDINGS

- A. The Authority has reviewed and considered the environmental effects of the Project as reflected in the Mitigated Negative Declaration issued by the Reclamation District 1500.
- B. The Authority finds that the Mitigated Negative Declaration is adequate for use by The Authority in its role as a Responsible Agency.
- C. The Authority hereby confirms Reclamation District 1500's finding that the proposed mitigation measures reduce the impact to a less-than-significant level.
- D. The Authority further finds that there are no feasible alternatives or mitigation measures within the power of The Authority, other than those previously identified in the Mitigated Negative Declaration that would substantially lessen or avoid any potential environmental effect of the project. The Authority's Findings address each identified significant environmental effect of the project in accordance with Public Resources Code section 21081.
- E. No significant unavoidable adverse impacts are associated with approval of the project.
- F. The Authority hereby finds that, upon consideration of the record as a whole, there is no evidence before it that the project has a potential for any new adverse effect on wildlife resources, or the habitat upon which the wildlife depends. Because the project is designed to improve fisheries, in addition to the consistent and on-going coordination with the state and federal agencies that have authority for the protection of fish and wildlife resources by the lead agency, the project will not contribute to potential cumulative development impacts to such wildlife.



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**CALIFORNIA BAY-DELTA AUTHORITY
RESOLUTION 04-12-01**

**APPROVING ECOSYSTEM RESTORATION PROGRAM GRANTS AND
AUTHORIZING THE DIRECTOR, OR DESIGNEE, TO PROCESS APPROVED GRANTS**

WHEREAS, the Ecosystem Restoration Program presents a comprehensive vision for improving and increasing aquatic and terrestrial habitats and improving ecological functions in the Bay-Delta ecosystem; and

WHEREAS, those State and Federal agencies with CALFED Program restoration funds have coordinated their efforts to solicit for and select the best projects to implement the Ecosystem Restoration Program, with assistance of the staff from the California Bay-Delta Authority; and

WHEREAS, the Authority has received appropriations of Proposition 204 and Proposition 50 funds to implement the Ecosystem Restoration Program; and

WHEREAS, the Authority may distribute funds through grants; and

WHEREAS, the two proposals listed below constitute eligible projects for purposes of receiving Ecosystem Restoration Program funds from the applicable propositions; and

WHEREAS, the two proposals listed below meet the objectives of the CALFED Program; and

WHEREAS, the Authority concurs with Reclamation District No. 108, lead agency for the Wilkins Slough Positive Barrier Fish Screen-Sediment Removal Project, that the project is eligible for exemption from CEQA under Section 15301 of the CEQA Guidelines as a minor alteration of an existing facility that does not involve expansion of its existing use; and

WHEREAS, the Authority has considered the environmental effects of the Tisdale Positive Barrier Fish Screen Pumping Plants as shown in the mitigated negative declaration prepared by Reclamation District No.1500, the lead agency for the project, and concurs that, as mitigated, the project will not have any significant environmental effects; and

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WHEREAS, approval of these two grant proposals shall be conditioned upon each grantee complying with all applicable laws and regulations;

NOW, THEREFORE, BE IT RESOLVED that the Authority hereby finds that the proposed grant of funds for the Wilkins Slough Positive Barrier Fish Screen-Sediment Removal Project qualifies for CEQA categorical exemption class 1 for existing facilities; approves the proposed grant to Reclamation District No. 108 for the project; authorizes the Director, or designee, to process the approved grant, subject to availability of appropriated funds; and directs the Director, or designee, to prepare a Notice of Exemption with regard to the project.

BE IT FURTHER RESOLVED that the Authority hereby adopts the findings of fact for the Tisdale Positive Barrier Fish Screen Pumping Plants project included as Attachment 2 to the staff report; approves the proposed grant to Sutter Mutual Water Company for the project; authorizes the Director, or designee, to process the approved grant, subject to availability of appropriated funds; and directs the Director, or designee, to file a Notice of Determination with regard to the project.

CERTIFICATION

The undersigned Assistant to the California Bay-Delta Authority does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Bay-Delta Authority held December 8 and 9, 2004.

Dated: _____

Heidi Rooks
Assistant to the California Bay-Delta Authority