

AGENDA
ENGINEERING and OPERATIONS COMMITTEE MEETING
Thursday, January 5, 2023, at 9:00 a.m.
UWCD Headquarters, First Floor, Board Room
1701 N. Lombard Street, Oxnard, CA 93030

CALL TO ORDER – OPEN SESSION 9:00 a.m.

Committee Members Roll Call

1. Public Comment

The public may comment on any matter not on the agenda within the jurisdiction of the Committee. All comments are subject to a five-minute time limit.

2. Approval of Minutes (Proposed Time: 5 minutes)

Motion

The Committee will review and consider approving the minutes from the December 1, 2022, Engineering and Operations Committee meeting.

3. January 11, 2023, Board Meeting Motion Agenda Items

The Committee will review and discuss the following agenda items to be considered for approval at the January 11, 2023, Board meeting. The Committee will formulate a recommendation to the entire Board based on its discussions with staff. The Committee will discuss the following items:

3.1 Resolution 2023-02 Approving Adoption the California Environmental Quality Act (CEQA) Notice of Exemption and the Approval of the Categorical and Statutory Exemption for the Proposed Multi-Year State Water Project Transfer from Casitas Municipal Water District to United Water Conservation District

(Environmental Services Department, Tessa Lenz) (Proposed Time: 5 minutes)

The Committee will consider recommending approval to the full Board of Resolution 2023-02, adopting the California Environmental Quality Act (CEQA) Notice of Exemption (NOE) for the Existing Facilities and Ongoing Project for the proposed multi-year State Water Project transfer from Casitas Municipal Water District to United Water Conservation District (Project), approving the Project, and directing staff to file the NOE in accordance with CEQA.

3.2 Recommend the Authorization of a Supplemental Appropriation of Funds for the Iron and Manganese Treatment Project (8007)

(Engineering Department, Dr. Maryam Bral) (Proposed Time: 10 minutes)

The Engineering and Operations Committee will consider recommending to the full Board of Directors that it authorize a supplemental appropriation of \$1.5 million for the Iron and Manganese Treatment Project (CIP 8007) at its regular January 5, 2023 meeting.



4. Project Highlights (Proposed Time: 15 minutes per update)

4.1 Engineering Department Update (Dr. Maryam Bral)

4.2 Environmental Services Department Update (Linda Purpus)

4.3 Operations and Maintenance Department Update (Brian Collins)

5. Future Agenda Items

The Committee will suggest topics or issues for discussion on future agendas.

ADJOURNMENT

Directors:

Chair Lynn E. Maulhardt
Gordon Kimball
Daniel C. Naumann

Staff:


Mauricio E. Guardado Jr.
Anthony Emmert
Linda Purpus
Hanna Garcia-Wickstrum
Evan Lashly
Tessa Lenz
Randall McInvale

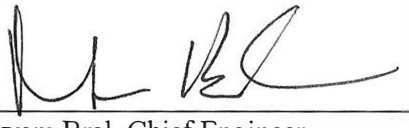
Dr. Maryam Bral
Brian Collins
John Carman
Jackie Lozano
Vanessa Vasquez

Craig Morgan
Michel Kadah
Adrian Quiroz
Robert Richardson

The Americans with Disabilities Act provides that no qualified individual with a disability shall be excluded from participation in, or denied the benefits of, the District's services, programs or activities because of any disability. If you need special assistance to participate in this meeting, or if you require agenda material in an alternative format, please contact the District's offices at (805) 525-4431. Notification of at least 48 hours prior to the meeting will enable the District to make appropriate arrangements.

Approved:


Mauricio E. Guardado Jr., General Manager


Dr. Maryam Bral, Chief Engineer


Brian Collins, Chief Operations Officer

Posted: (date) December 30, 2022

(time) 5:50 p.m.

(attest) Jackie Lozano

At: www.unitedwater.org

Posted: (date) December 30, 2022

(time) 6:00 p.m.

(attest) Jackie Lozano

At: United Water Conservation District Headquarters, 1701 N. Lombard Street, Oxnard CA 93030

MINUTES
ENGINEERING AND OPERATIONS
COMMITTEE MEETING
Thursday, December 1, 2022, at 9:00 a.m.
Santa Clara Room, UWCD Headquarters
1701 N. Lombard Street, Oxnard, CA 93030

COMMITTEE MEMBERS IN ATTENDANCE

Lynn E. Maulhardt, chair
Gordon Kimball, director
Daniel C. Naumann, director

STAFF IN ATTENDANCE

Anthony Emmert, assistant general manager
Dr. Maryam Bral, chief engineer
John Carman, operations and maintenance program supervisor
Dan Detmer, water resources manager
Tessa Lenz, associate environmental scientist
Jackie Lozano, administrative assistant
Craig Morgan, engineering manager
Josh Perez, chief human resources officer
Zachary Plummer, technology systems manager
Linda Purpus, environmental services manager
Robert Richardson, senior engineer
Daryl Smith, controller
Clayton Strahan, chief park ranger

PUBLIC IN ATTENDANCE

Two members of the public were present; the attendance sheet was not signed.

Call to Order – Open Session

Chair Maulhardt called the Committee meeting to order at 9:00 a.m. The clerk of the Committee called roll. All Committee members were present (Maulhardt, Kimball, and Naumann).

1. Public Comments

Information Item

Chair Maulhardt asked if there were any comments or questions from the public for the Committee. None were offered.

2. Approval of Minutes

Motion

Motion to approve the Minutes of November 3, 2022, Engineering and Operations Committee meeting, Director Kimball; Second, Chair Maulhardt. Voice vote: two ayes (Maulhardt, Kimball), none opposed, one abstained (Naumann) not present at last meeting. Motion carried 2/0/1.

3. December 14, 2022, Board Meeting Agenda Motion Items

The Committee reviewed and discussed the following motion items for the December 14, 2022, UWCD Board of Directors meeting to formulate Committee recommendations:

3.1 Authorize a Contract with ESA to provide Consultant Services for CEQA and NEPA Documentation and Regulatory Permitting for the Phase 1 of the Extraction Barrier and Brackish Water Treatment Project

Associate Environmental Scientist Tessa Lenz presented the motion to the Committee (presentation attached). This motion to the Board would authorize the General Manager to execute an agreement with Environmental Science Associates (ESA) in the amount of \$908,256 [\$825,687 + 10% contingency (\$82,569)] to provide consultant services for the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) Documentation, Processing, and Regulatory Permitting for the Phase 1 of the Extraction Barrier and Brackish Water Treatment Project (EBB Water).

Chair Maulhardt mentioned this request is consistent with District activities and was in favor of recommending approval to the Board. Chief Engineer Dr. Maryam Bral and Senior Engineer Robert Richardson were on hand to answer any questions.

With guidance from the Committee on what staff should bring forward to the Board of Directors meeting regarding the presentation, there would be no need to go into great detail, but that all the bases were covered with Ms. Lenz presentation.

No questions or further comments were offered by the Directors. No public comments or questions were offered.

The Committee members were in favor of recommending approval of the motion to the full Board.

3.2 Contract Award to Kennedy/Jenks Consultants, Inc. for Design Services Related to the Phase 1 of the Extraction Barrier and Brackish Water Treatment Project (CIP 8019)

Dr. Bral presented the motion to the Committee (presentation attached). This motion to the Board would authorize the General Manager to execute a professional consulting services agreement with Kennedy/Jenks Consultants, Inc. in the amount of \$2,069,912 [\$1,881,738 plus 10% contingency (\$188,174)] to complete the design and bid documents for Phase 1 of the Extraction Barrier and Brackish (EBB) Water Treatment Project (CIP 8019).

There was discussion among the Committee members and Dr. Bral regarding the efficacy of Phase 1. Dr. Bral discussed an initial feasibility analysis and modeling has been conducted for the project. Additional modeling is being conducted to address State and Regional Water Board's initial concerns. She also mentioned that the model does not show a significant downward movement of contaminants from the semi-perched to the Oxnard aquifer. Additional water quality data will be collected to support the model results. Further discussed were the wells and phases

of the project. Chair Maulhardt expressed his high level of confidence in the extraction barrier concept then continued to discuss discharge activities. After further discussion with Dr. Bral, Chair Maulhardt requested that the key points of the extraction and phases of discharge be presented similarly to the Board. Director Naumann added, he'd like hear more detail on the Navy's support of the project and to cover the project two-phased approach. There were questions from the Committee and discussion with staff regarding monitoring well activities and the bidding process for the contract. Concluding, Director Naumann reiterated when Dr. Bral presents to the Board, to explain Phase 1 and Phase 2 separately.

No further comments or questions were offered by the Directors. No public comments or questions were offered.

The Committee members were in favor of recommending approval of the motion to the full Board.

3.3 Authorize an Amendment to the University of Iowa Contract for the Physical Modeling of the Vertical Slot for the Freeman Expansion Project

Engineering Manager Craig Morgan presented the motion to the Committee (presentation attached). The motion to the Board would approve an amendment to the University of Iowa contract for the operational and stress physical modeling of the Vertical Slot for the Freeman Expansion Project in the amount of \$387,165. The Board approval would modify the scope of work which would provide cost savings to the District.

No questions or comments were offered by the Directors. No public comments or questions were offered.

The Committee members were in favor of recommending approval of the motion to the full Board.

4. Project Highlights (see attached slides)

4.1 Engineering Department Update

Dr. Maryam Bral presented an overview of the Engineering Department's activities which included highlights from the Santa Felicia Dam (SFD) Safety Improvement Project Coordination Workshop, SFD Safety Regulatory Compliance, improvements at Lake Piru Recreational Area, Iron and Manganese Treatment Facility progress, and public outreach.

Chair Maulhardt mentioned Dr. Bral's summary updates were very good. When bringing the presentation to the Board, he stated there would be no need to take a deep dive into the details. Dr. Bral responded she would like the Board of Directors to be aware of Dam Safety related activities and it was her obligation and requirement as the Chief Dam Safety Engineer to provide this information and keep track/record of the information she shares with the Committee. Chair Maulhardt added, Dr. Bral shares the information that the Board of Directors needs to know

in order to meet the regulatory requirements regarding dam safety awareness. It was suggested to add the context by starting off saying “all staff members” when discussing compliance-type issues. Chair Maulhardt went on to request, when staff is speaking to the members of the Committee or Board, to state “things we are talking about today are regulatory in nature and I am certifying that the Board needs to hear the following information.” This is a small change in protocol of what has been done in the past. He appreciated Dr. Bral’s feedback because it was important to hear/share. She thanked the Committee for their support.

Director Naumann requested at a previous meeting to see the date stamped on the pictures depicted on the slides. He expressed his appreciation to Dr. Bral for providing that information on the images but would like the white text changed for readability before bringing the presentation to the Board.

Information Item. There were no further comments or questions from the Committee. No public comments or questions were offered.

4.2 Environmental Services Department Update

Environmental Services Manager Linda Purpus presented department updates which included partnership building with the California Conservation Corps during the FERC Fish Passage Pre-implementation Study, permitting support for the Freeman Sediment Management Project, and The SWRCB approval of Dissolved Oxygen Monitoring Annual Report related to water releases from the SFD.

When presenting the key activities of the pre-implementation study to the Board, Director Naumann suggested to Ms. Purpus to start off with the objectives first then follow with the rest of the presentation. After Ms. Purpus highlighted the State Water Resources Control Board’s approval of the Dissolved Oxygen Monitoring Report, there was discussion among Committee and staff regarding water discharge and the design considerations to increasing and maintaining dissolved oxygen in the releases from the new outlet works.

Director Naumann excused himself from the meeting at 10:02 a.m.

Information Item. There were no further comments or questions from the Committee. No public comments or questions were offered.

4.3 Operations and Maintenance Department Update

Program Supervisor John Carman presented an overview of the Operations and Maintenance Department activities. Included in the overview presentation were images depicting work being performed at the Santa Felicia Dam, and Freeman Diversion, as well as an update on the desilting of the Desilting Basin in Saticoy, and enhancements/repairs to the OH Well No. 12 and PTP Well No. 3.

A question raised by Chair Maulhardt regarding beneficial use of the dirt removed as a result of the desilting project. He stated that there needed to be a solution of where the dirt can be stored for beneficial use, and it may have some value to other businesses who may need it. It was mentioned by staff that the District had consulted on this process in the past.

Director Kimball commented that he was pleased with the new outlet works project. Dr. Bral asked the Committee members what they would like staff to present to the Board. Committee members confirmed all slides are good and to please include the back stories concerning requirements.

Information item. There were no additional comments or questions from the Committee. No public comments were offered.

5. Future Agenda Topics

None were offered.

ADJOURNMENT 10:17 a.m.

Chair Maulhardt adjourned the meeting at 10:17 a.m.

I certify that the above is a true and correct copy of the minutes of the Engineering and Operations Committee Meeting of December 1, 2022.

ATTEST: _____
Chair Lynn E. Maulhardt

Motion Item
3.1

CEQA and NEPA Documentation and Regulatory Permitting Services
Contract Award to Environmental Science Associates for
Phase 1 of the Extraction Barrier and Brackish Water Treatment Project


☐ RFQ/P released on August 8, 2022


☐ Received five proposals on September 15, 2022

☐ Three firms were interviewed

☐ Environmental Science Associates (ESA) was selected by the interview panel

☐ Contract amount: \$908,256 (includes 10% contingency)

A photograph showing two people standing in a field of low-lying vegetation. One person is wearing a high-visibility vest and the other is pointing towards the distance. The background shows a clear sky and some hills.



1

Motion Item
3.2
Design Services Contract Award to Kennedy Jenks
for Phase 1 of the Extraction Barrier and Brackish
Water Treatment Project


RFQ/P released on August 12

Received one proposal on September 22

Interview panel met with Kennedy Jenks (KJ)
consultants on November 8 and selected KJ for
design services

Staff discussed PM and SOW with KJ on November 9

Staff recommends approval of a contract with KJ for
\$2,069,912 (includes 10% contingency)



Phase 1 Extraction Barrier and Brackish (EBB) Water Treatment Project




Figure 2 - Project Location Map

1

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Motion Item
3.3

Amendment to the University of Iowa Contract for the Physical Modeling
of the Vertical Slot for the Freeman Expansion Project

☐

Staff recommends approval of a contract amendment with the
University of Iowa for \$387,165





1



ENGINEERING DEPARTMENT MONTHLY UPDATE

December 1, 2022



Santa Felicia Dam Safety Improvement Project



Interagency Emergency Action Plan and Santa Felicia Dam Safety Improvement Project Coordination Workshop on Nov. 15

- DWR and United reviewed Santa Felicia Dam, Pyramid, and Castaic Emergency Action Plans.
- SFD Safety Improvement Project and proposed construction schedule, pre-construction risk reduction measures and hydrological risk assessment during construction, were discussed.
- Staff from several DWR divisions, LADWP, GEI, Catalyst, and United were in attendance.
- Next coordination meeting is tentatively scheduled for early 2023.



Santa Felicia Dam Safety Regulatory Compliance

Quinquennial SFD EAP Functional Exercise Feb. 23, 2023

- Staff e-filed the District Plan and Schedule for the exercise with FERC on November 18. Gannett Fleming will facilitate the exercise and ensure compliance with FERC guidelines.

Quinquennial ODSP External Audit

- Staff is currently reviewing the draft report that was prepared and submitted for review on October 28. The final copy is due to FERC by December 31, 2022.


Triennial Spillway Underdrain System Inspection


- The video inspection was conducted by HDR Engineering on November 17 and 18 and the draft inspection report will be ready for staff review by December 7.

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Condor Point Improvements





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Iron and Manganese Treatment Facility



Nov 14, 2022 at 11:58:20 AM
Oxnard CA 93036
United States



Nov 14, 2022 at 2:32:13 PM
Oxnard CA 93036
United States

Filter vessel interior preparation prior to concrete pour



5

5

Iron and Manganese Treatment Facility



Nov 15, 2022 at 11:04:25 AM
Oxnard CA 93036
United States



Nov 15, 2022 at 2:02:20 PM
Oxnard CA 93036
United States

Underground piping and valving



6

6

Iron and Manganese Treatment Facility



Installation of MCC in the Fe/Mn Building

7

Public Outreach

- ❑ FERC-D2SI Security Branch Fall 2022 Webinar (Nov 2)
- ❑ Pyramid Dam Tour (Nov 15)
- ❑ CA Coastal Commission Cal Am Desalination Hearing (Nov 17)



The DWR Southern Field Division provided a tour of Pyramid Dam to Staff from Engineering, Environmental Services and Water Resources departments

8

QUESTIONS



9



ENVIRONMENTAL SERVICES DEPARTMENT MONTHLY UPDATE

December 1, 2022



1

Department Summary Updates


- FERC Fish Passage Pre-implementation Study
 - Fall Monitoring
 - o Partnership building opportunity
 - Rockslide on Piru Canyon Road




2

Department Summary Updates (continued)

- Permitting
 - Freeman Sediment Management Project - Complete
- SWRCB Approval of Dissolved Oxygen Monitoring Report





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3

QUESTIONS





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4



OPERATIONS AND MAINTENANCE DEPARTMENT MONTHLY UPDATE

December 1, 2022



1

Santa Felicia Dam

Rain Event 1.86 inches – Treatment Plant Filter Media



2

2

Freeman Diversion

Sediment Management Project





3

3

Desilt Clean Out Update

Saticoy

Load Count as of 11/28: 1428
38,556 cubic yards



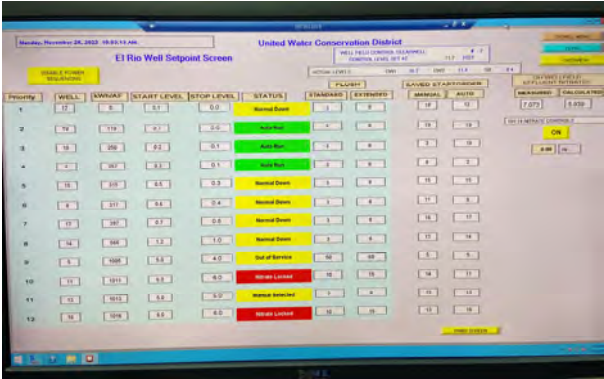



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OH Delivery

OH Well 12 VFD – Nitrate Blend Mode



Priority	WELL	MINIAP	START LEVEL	STOP LEVEL	STATUS	STANDARD	EXTENDED	SAVED START PROGRAM	SAVED STOP PROGRAM
1	12	5	5.7	6.0	Normal Stand	5.7	6	5.7	6
2	7a	719	9.7	9.9	Normal Stand	9.7	9	9.7	9.9
3	7b	720	9.92	9.9	Normal Stand	9.92	9	9.9	9.9
4	4	367	9.1	9.1	Normal Stand	9.1	9	9.1	9
5	15	315	8.4	8.3	Normal Stand	8.4	8	8.4	8.3
6	4	311	8.4	8.4	Normal Stand	8.4	8	8.4	8.4
7	15	367	8.7	8.6	Normal Stand	8.7	8	8.7	8.6
8	15	368	7.3	7.0	Normal Stand	7.3	7	7.3	7.0
9	5	308	7.5	7.0	Out of Service	7.5	7	7.5	7.0
10	15	315	9.4	9.0	Normal Stand	9.4	9	9.4	9.0
11	15	367	9.2	9.0	Normal Stand	9.2	9	9.2	9.0
12	15	315	9.4	9.0	Normal Stand	9.4	9	9.4	9.0


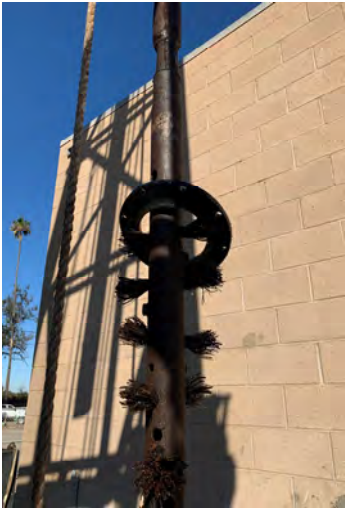



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PTP

PTP Well #3





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Questions?





Staff Report

To: Engineering and Operations Committee

Through: Mauricio E. Guardado, Jr., General Manager
Maryam Bral, Chief Engineer
Linda Purpus, Environmental Services Manager

From: Tessa Lenz, Associate Environmental Scientist

Date: December 27, 2022 (January 5, 2023, Committee Meeting)

Agenda Item: 3.1 **Resolution 2023-02** Approving Adoption of the California Environmental Quality Act (CEQA) Notice of Exemption and the Approval of the Categorical and Statutory Exemption for the Proposed Multi-Year State Water Project Transfer from Casitas Municipal Water District to United Water Conservation District
Board Motion

Staff Recommendation:

The Committee will consider recommending approval to the full Board of Resolution 2023-02, adopting the California Environmental Quality Act (CEQA) Notice of Exemption (NOE) for the Existing Facilities and Ongoing Project for the Proposed Multi-Year State Water Project Transfer from Casitas Municipal Water District to United Water Conservation District (Project), approving the Project, and directing staff to file the NOE in accordance with CEQA.

Discussion:

The District is the lead agency for the Project under CEQA. The proposed Project consists of a contractual agreement with Casitas Municipal Water District (CMWD) to purchase State Water Project (SWP) Table A contract water for Ventura County until December 31, 2027. The volume of water purchased would be dependent on the annual allocation established by the California Department of Water Resources but would not exceed 5,000 acre-feet each year. The Project is categorically exempt from review under CEQA pursuant the Public Resources Code (PRC) Section 21083, CEQA Guideline Section 1530 Existing Facilities Class 1 and statutorily exempt pursuant to PRC Section 21083, CEQA Guideline Section 15261(a) Ongoing Project. The District has reviewed and determined that none of the conditions prohibiting exemption set forth in State CEQA Guidelines Section 15261(a) apply, and none of the exceptions to categorical exemption set forth in State CEQA Guidelines Section 15300.2 apply.

Fiscal Impact:

The County Clerk and Recorder's Office filing fee for the CEQA NOE is \$50.00 which is included in the Adopted Fiscal Year 2022-23 Budget under project account 050-300-54260-1030-310.

**Agenda Item 3.1 Resolution 2023-02 Approving Adoption of the California
Environmental Quality Act (CEQA) Notice of Exemption and the
Approval of the Categorical and Statutory Exemption for the Proposed
Multi-Year State Water Project Transfer from Casitas Municipal
Water District to United Water Conservation District
Board Motion**

Attachments:

Attachment A – Resolution 2023-02

Attachment B – Notice of Exemption

RESOLUTION 2023-02

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE UNITED WATER CONSERVATION DISTRICT DETERMINING THAT AN AGREEMENT FOR THE MULTI-YEAR WATER TRANSFER PROGRAM BETWEEN UNITED WATER CONSERVATION DISTRICT AND CASITAS MUNICIPAL WATER DISTRICT IS EXEMPT FROM CEQA

WHEREAS, Ventura County Watershed Protection District (“VCWPD”) is the named contractor with the State of California under the State Water Project (“SWP”) contract (“SWP Water Supply Contract”) for 20,000 acre feet of SWP Table A water per year; and

WHEREAS, Casitas Municipal Water District (“Casitas”) is the administrator of VCWPD’s SWP Water Supply Contract and has retained access to 5,000 acre feet of the total 20,000 acre feet of SWP Table A water; and

WHEREAS, Casitas is presently unable to directly deliver SWP supplies into its service area; and

WHEREAS, without local conveyance facilities in place to currently utilize SWP water, Casitas believes it could benefit from a water transfer that delivers its SWP Table A Water to others to provide an offset of costs related to imported water supplies; and

WHEREAS, United Water Conservation District (“United”) is willing to purchase Casitas’ allocated SWP Table A Water supply and take delivery of the additional water in its service area; and

WHEREAS, United and Casitas now wish to enter into a multi-year agreement for the transfer of Casitas’ allocated SWP Table A Water supply (“Project”); and

WHEREAS, the proposed Project consists of United being able to purchase up to 5,000 acre feet of Casitas SWP Table A Water allocation per year; and

WHEREAS, the proposed Project will result in a multi-year transfer of SWP water between parties authorized to receive and transfer of such water under the SWP; and

WHEREAS, through the proposed Project United will take delivery of purchased water through Reach 29 of the California Aqueduct at Pyramid Lake through United’s facilities at Lake Piru or through Reach 30 at Castaic Lake; and

WHEREAS, the proposed Project will use existing facilities and involves no construction or changes in land use and negligible expansion of use; and

WHEREAS, United has reviewed the proposed Project and has determined that it is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) (“CEQA”) pursuant to the ongoing project statutory exemption under Public Resources Code section 21169 and State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et

seq.) section 15261(a) because the proposed Project is merely an incidental part of an original, ongoing pre-CEQA project – the SWP Water Supply Contract; and

WHEREAS, United has reviewed the proposed Project and has also determined that it is exempt from the provisions of CEQA pursuant to the Class 1, Existing Facilities, categorical exemption under State CEQA Guidelines section 15301 because the proposed Project involves the operation of existing facilities with negligible expansion of use; and

WHEREAS, United has reviewed the proposed Project and has determined that none of the conditions prohibiting exemption set forth in State CEQA Guidelines section 15261(a) apply; and

WHEREAS, United has reviewed the proposed Project and has determined that none of the exceptions to categorical exemption set forth in State CEQA Guidelines section 15300.2 apply; and

WHEREAS, the terms and conditions of the proposed Project are described in the “Agreement for the Multi-Year Water Transfer Program between United Water Conservation District and Casitas Municipal Water District” (“Agreement”), attached hereto as Exhibit “A.”

NOW THEREFORE, the Board of Directors of United Water Conservation District does hereby **RESOLVE, DETERMINE, and ORDER** as follows:

Section 1. The above recitals are true and correct and are incorporated herein as though set forth in full.

Section 2. The Board of Directors hereby finds that the proposed Project is not subject to environmental review under CEQA and the State CEQA Guidelines, on grounds that the proposed Project is statutorily and categorically exempt. Specifically, the Board of Directors finds that the proposed Project is statutorily exempt pursuant to the ongoing project statutory exemption under Public Resources Code section 21169 and State CEQA Guidelines section 15261(a) because the proposed Project is merely an incidental part of an original, ongoing pre-CEQA project – the SWP Water Supply Contract. The proposed Project is also categorically exempt under CEQA Guidelines section 15301 because the proposed Project involves the operation of existing facilities with negligible expansion of use. The Board of Directors further hereby finds that none of the conditions prohibiting exemption set forth in State CEQA Guidelines section 15261(a) apply and that none of the exceptions to categorical exemption set forth in State CEQA Guidelines section 15300.2 apply.

PASSED AND ADOPTED THIS 11th DAY OF January 2023.

ATTEST: _____
Board President Bruce E. Dandy

ATTEST: _____
Board Secretary Lynn E. Maulhardt

Exhibit “A”

Proposed Water Transfer Agreement

**AGREEMENT FOR THE MULTI-YEAR WATER TRANSFER PROGRAM
BETWEEN UNITED WATER CONSERVATION DISTRICT AND
CASITAS MUNICIPAL WATER DISTRICT**

This Agreement (“Agreement”) is made and entered into by and between the United Water Conservation District, an independent special district and public agency formed and operating pursuant to the California Water Code Conservation Law of 1931 set forth in California Water Code Section 74000 *et seq.* (“United”) and Casitas Municipal Water District, a special district of the State of California that provides domestic and agricultural services to western Ventura County (“Casitas”), as of the later of the date upon which it is approved by the governing boards of United and Casitas or the date upon which it is fully executed by the duly authorized representatives of the parties (the “Effective Date”). United and Casitas are collectively referred to as “the Parties.”

RECITALS

WHEREAS, Casitas and United each have water supply contracts, indirectly, with the California Department of Water Resources (“DWR”) for water from the State Water Project (“SWP”); and

WHEREAS, Ventura County Watershed Protection District (“VCWPD”) is the named contractor with the State of California for 20,000 acre feet of SWP Table A water; and

WHEREAS, Casitas is the administrator of VCWPD’s SWP Water Supply Contract and has retained access to 5,000 acre feet of the total 20,000 acre feet of SWP Table A Water; and

WHEREAS, Casitas is presently unable to directly deliver SWP supplies into its service area; and

WHEREAS, without local conveyance facilities in place to currently utilize SWP water, Casitas believes it could benefit from a water transfer that delivers its SWP Table A Water to others to provide an offset of costs related to imported water supplies; and

WHEREAS, Casitas is considering options to obtain its SWP Table A water in the future through exchange or physical connection, however, an interconnection will require between three and five years to implement; and

WHEREAS, United is willing to purchase Casitas’ allocated SWP Table A Water supply and take delivery of the additional water in its service area; and

WHEREAS, the Parties agree all requirements under the California Environmental Quality Act have been met; and

WHEREAS, Casitas and United desire to initiate a multi-year SWP Table A Water Transfer Program for the Parties mutual benefit and better water management of their SWP water and other supplies.

NOW, THEREFORE, the Parties agree as follows:

1. Transfer of Casitas SWP Table A Water Allocation to United

a. Commencing the Effective Date and throughout the term of this Agreement, United shall be entitled to purchase up to 5,000 acre feet of Casitas' allocated SWP Table A Water directly from Casitas. The quantity of water available to United is reflected in Column 2 of Exhibit "A" which is attached hereto and incorporated herein, and will vary from year to year depending on the percentage allocated by the DWR as specified in Column 1 of Exhibit "A." This is exclusive of any Health and Safety allocations made pursuant to Article 18 of the VCWPD contract with DWR.

b. It is understood by the Parties that SWP Table A allocation refers to Casitas' SWP Table A Water allocation and Article 21 water supplies. Pursuant to this Agreement, United shall be permitted to convey/store Casitas' SWP Table A and Article 21 supplies under Casitas' rights within the SWP, with no rights reserved for Casitas. All water transferred must be delivered to United during the term of this Agreement. Any transferred water remaining in Casitas' allocated capacity of the storage and conveyance system upon termination of this Agreement will be subject to limitations within United's allocated capacity of the storage and conveyance system.

2. Pricing of Transferred SWP Table A Water. United shall pay Casitas the per acre foot as specified in Column 3 of Exhibit "A," corresponding to the final allocation percentage (Column 1 of Exhibit "A") for the year as determined by the DWR. United shall pay all SWP variable charges associated with the Casitas SWP Table A or Article 21 water delivered to its service area or to storage during the term of this Agreement. Casitas shall send an invoice to United no later than April 30 of each calendar year during the term of this Agreement in which United receives Casitas' final SWP Table A Water allocation amount. The invoice will be comprised of the following:

- A. Purchase Cost: The purchase cost will be based on Exhibit "A" and the final allocation from DWR typically known by April 1. If the allocation changes after the invoice is delivered to United (due to United on April 30), Casitas shall submit a subsequent invoice based on the adjusted allocation amount.
- B. Variable Costs: The projected variable costs for delivery of the final allocation amount will be estimated based on available information from DWR. Any differences between projected and actual variable costs will be reconciled in the invoice for the following year.

United shall pay Casitas no later than July 1 of each calendar year during the term of this Agreement in which it receives Casitas' final SWP Table A Water allocation. If Casitas does not receive payment of the purchase cost by July 1, Casitas reserves the right to sell the water to another willing buyer.

4. Notice. Any notice, request, information or other document to be given hereunder to any of the parties by any other parties shall be in writing and shall be deemed given and served upon delivery, if delivered personally, or three (3) days after mailing by United States mail as follows:

If to Casitas: Casitas Municipal Water District
1055 Ventura Avenue
Oak View, CA 93022
Attn: Michael Flood, General Manager

5. Resale of Transferred Casitas SWP Table A or Article 21 Water. United agrees that it will not sell or transfer water supplies outside of United's boundaries that are transferred by Casitas pursuant to this agreement.

7. Attorneys' Fees. If any legal action is necessary to enforce any of the terms or conditions of this Agreement, each party shall bear their own attorneys' fees, except as set forth above.

8. Entire Agreement; Amendment. This Agreement constitutes the entire understanding between the Parties with respect to the subject matter hereof, superseding all negotiations, prior discussions and preliminary agreements made prior to the date hereof. This Agreement may not be changed except in writing executed by both parties.

9. Ambiguities not to be Construed against Drafting Party. The doctrine that any ambiguity contained in a contract shall be construed against the party whose counsel has drafted the contract is expressly waived by each of the parties hereto with respect to this Agreement.

10. Severability. If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions will nevertheless continue in full force without being impaired or invalidated in any way.

11 Scanned/Electronic Signatures. This Agreement may be executed and transmitted to any other Party by PDF, which PDF shall be deemed to be, and utilized in all respects as, an original, wet-inked document.

IN WITNESS WHEREOF, the Parties have entered into this Agreement as of the Effective Date.

United:

UNITED WATER CONSERVATION DISTRICT

By: _____

Its: _____

Casitas:

CASITAS MUNICIPAL WATER DISTRICT

By: _____

Its: _____

Exhibit “A”

Casitas-United Water Purchase Pricing Schedule			
Annual Allocation Percentage	Annual Allocation Volume in Acre-feet	Unit Purchase Price per Acre-foot	Total Purchase Price
100%	5000	\$275	\$1,375,000
95%	4750	\$275	\$1,306,250
90%	4500	\$275	\$1,237,500
85%	4250	\$275	\$1,168,750
80%	4000	\$300	\$1,200,000
75%	3750	\$325	\$1,218,750
70%	3500	\$350	\$1,225,000
65%	3250	\$375	\$1,218,750
60%	3000	\$400	\$1,200,000
55%	2750	\$425	\$1,168,750
50%	2500	\$450	\$1,125,000
45%	2250	\$475	\$1,068,750
40%	2000	\$500	\$1,000,000
35%	1750	\$525	\$918,750
30%	1500	\$550	\$825,000
25%	1250	\$575	\$718,750
20%	1000	\$600	\$600,000
15%	750	\$700	\$525,000
10%	500	\$700	\$350,000
5%	250	\$700	\$175,000

NOTICE OF EXEMPTION

To:

Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

From:

United Water Conservation District
1701 North Lombard Street, Suite 200
Oxnard, CA 93030

Ventura County Clerk
800 South Victoria Ave
Ventura, CA 93009

Project Title: Multi-Year State Water Project Transfer from Casitas Municipal Water District to United Water Conservation District (Project)

Project Location: State Water Project water transferred between Ventura County Agencies will be used for beneficial purposes in Ventura County. Water will be delivered through Reach 29 or Reach 30 of the California Aqueduct System and transported to United Water Conservation District's existing facilities.

Name of Public Agency Approving Project (Lead Agency): United Water Conservation District

Name of Person or Agency Carrying Out Project: United Water Conservation District

Project Description: United Water Conservation District (United) proposes to enter into a contractual agreement with Casitas Municipal Water District (CMWD) to purchase State Water Project (SWP) Table A contract water for Ventura County until December 31, 2027. The volume of water purchased would be dependent on the annual allocation established by the California Department of Water Resources but would not exceed 5,000 acre-feet each year, which is CMWD's total SWP Table A contract amount. United will take delivery of purchased water through Reach 29 of the California Aqueduct at Pyramid Lake through United's facilities at Lake Piru or through Reach 30 at Castaic Lake. The project will utilize existing facilities and does not involve construction, changes in land use, or negligible expansion of use.

Exempt Status:

☐ Ministerial (Sec. 21080(b)(1); 15268)

☐ Declared Emergency (Sec. 21080(b)(3); 15269(a))

☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c))

☒ Categorical Exemption: Guidelines § 15301 – Existing Facilities

☒ Statutory Exemptions: Pub. Res. Code § 21169; Guidelines § 15261(a) – Ongoing Project

Reasons Why Project is Exempt: The Project is categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301 – *Existing Facilities* (Class 1). Section 15301, *Existing Facilities* includes the operation of existing public or private structures or topographical features that does not involve expansion of use. The Project will not result in a negligible or expansion of use, therefore, the *Existing Facilities* exemption is applicable.

The Project is statutorily exempt pursuant to Public Resources Code Section 21083, CEQA Guideline Section 15261(a) – *Ongoing Project*. Section 15261(a) *Ongoing Project* involves a project which is an incidental part of an original, ongoing pre-CEQA project. The Project is part of the State Water Project contract.

None of the conditions prohibiting exemption set forth in State CEQA Guidelines Section 15261(a) apply, and none of the exceptions to categorical exemption set forth in State CEQA Guidelines Section 15300.2 apply.

Lead Agency Contact Person: Linda Purpus, Environmental Services Manager
Telephone: 805-525-4431
Email: lindap@unitedwater.org

Linda Purpus
Environmental Services Manager
United Water Conservation District

Date

Date OPR received for filing: _____



Staff Report

To: Engineering & Operations Committee

Through: Mauricio E. Guardado, Jr., General Manager

From: Maryam A. Bral, Chief Engineer
Craig Morgan, Engineering Manager
Robert J. Richardson, Senior Engineer

Date: December 16, 2022 (January 5, 2023 Committee Meeting)

Agenda Item: **3.2 Recommend the Authorization of a Supplemental Appropriation of Funds for the Iron and Manganese Treatment Project (8007)**
Board Motion

Staff Recommendation:

The Engineering and Operations Committee will consider recommending to the full Board of Directors that it authorize a supplemental appropriation of \$1.5 million for the Iron and Manganese Treatment Project (CIP 8007) at its regular January 5, 2023, meeting.

Background:

In June 2018, the Iron and Manganese Treatment Project ("Project") was selected by the United States Bureau of Reclamation (USBR) for \$300,000 in grant funding under the WaterSMART Drought Response Program. In September 2020, the Project was selected by the California Department of Water Resources (DWR) for \$2.5 million in grant funding as one of five projects that received funding submitted by the Watersheds Coalition of Ventura County under Prop 1 Integrated Regional Water Management (IRWM) Implementation Grant Program. Altogether, \$2.8 million in grant funding was secured before soliciting the project for construction bids.

On July 12, 2021, the District submitted a pre-application for \$4,371,450 in federal assistance under the Defense Community Infrastructure Program (DCIP) issued by the Department of Defense's (DOD) Office of Local Defense Community Cooperation (OLDCC). On September 21, 2021, the District received notice through Congresswoman Julia Brownley's Office that the OLDCC approved a federal grant in the amount of \$4,230,133 to the District under the DCIP and the grant agreement was fully executed on September 23, 2021. Under financial assistance law and authorizing legislation, utilization of multiple Federal funding sources to cover the same scope of work is not allowed. Therefore, the District submitted a letter to the USBR on October 3, 2022 requesting cancellation of the \$300,000 grant assistance agreement for the Project in order to receive the DIP grant.

The DCIP grant agreement includes special terms and conditions (i.e., DOD's National Policy Requirements) which requires compliance with the Buy American Act (BAA) (Title 41, Chapter 83 of the United States Code) for all construction projects. The BAA which relates to Federal

3.2 Recommend the Authorization of a Supplemental Appropriation of Funds for the Iron and Manganese Treatment Project (8007) **Board Motion**

procurements or Federal financial assistance requires that goods, products, and materials be produced in the United States, including iron, steel, and manufactured goods; with some waivers and exemptions noted.

In January 2021, Kennedy/Jenks Consultants (K/J) completed the final stamped and signed plans, specifications, and estimate for the Project. On May 14, 2021, the District solicited the Project and received four (4) construction bids. On July 14, 2021, the District's Board of Director's awarded three contracts: (1) Construction Management and Inspection Services contract to HDR Engineering, Inc. (HDR) in the amount of \$701,956; (2) Design Services During Construction Contract to K/J in the amount of \$537,448; and (3) Construction Contract to GSE Construction Company, Inc. (GSE) in the amount of \$9,342,900. An Administrative Notice to Proceed was issued to GSE on September 20, 2021. A Construction Notice to Proceed was issued to GSE on November 9, 2021, with a construction commencement date of November 29, 2021, and construction completion date of January 3, 2023.

The Contract Documents for which contractors placed their construction bids was prepared before the OLDCC's federal funding opportunity and did not include the BAA requirement. On August 30, 2021, the District issued Work Directive Change (WDC) No. 1 that notified GSE of the invitation to apply for a DCIP grant and that the special conditions included compliance with the BAA. On December 28, 2021, the District's Board of Directors authorized the General Manager to approve change orders proposed by GSE in response to the BAA requirement up to one million dollars (\$1,000,000). To date, there have been (4) Change Orders (COs) approved in the total amount of \$662,910.19 that are related to compliance with the BAA requirement. No further COs related to BAA are anticipated for the Project.

HDR as the Construction Manager has assumed the role of document control and budgeted approximately 930 hours or \$212,534 for this task. K/J as the Engineer of Record has assumed the role of technical review and budgeted for 100 Contractor's Requests for Information (RFI) in the amount of \$82,150 and 200 Contractor submittal packages in the amount of \$170,500. As of December 2022, construction is over eighty percent (80%) complete and GSE has submitted 122 RFIs and 333 submittal packages for administrative review by HDR and technical review by K/J. On December 6, 2022, K/J submitted a letter proposal requesting an amendment in the amount of \$198,106 that will cover an additional 50 RFIs and 200 submittal packages. HDR has not submitted a similar letter proposal and has not indicated the need for additional budget to complete the project.

Discussion:

The approved Fiscal Year (FY) 2022-23 budget included funding sources for the Project by grants in the amount of \$7,030,914 and local sources in the amount of \$5,540,375. During the course of the Project, total funding by grant sources decreased by \$300,000 while total expenditures increased by approximately \$1.161 million over the original budgeted expenditures. The primary reasons for the increased cost expenditures are: (1) requirement to meet the BAA per the OLDCC DCIP grant agreement; (2) unforeseen utility conflicts during construction and subsequent changes

3.2 Recommend the Authorization of a Supplemental Appropriation of Funds for the Iron and Manganese Treatment Project (8007)
Board Motion

to the design; (3) underbudgeted amount for construction management and inspection services; (4) additional budget needed to address Contractor's RFIs and submittal packages during construction. A breakdown of the cost impacts is provided in the table below.

	<u>Original Budgeted Amount¹</u>	<u>Original Contract Amount</u>	<u>Additions</u>	<u>Cost Impact</u>
1. Construction Contract (GSE)	\$9,786,700	\$9,342,900	Change Orders (various): <ul style="list-style-type: none">• \$662,910.19 (BAA²)• \$466,556.07 (other³)	\$685,666.26
2. Construction Management and Inspection Services (HDR)	\$444,850	\$701,956	No Amendments Requested	\$257,106
3. Design Services During Construction (K/J)	\$518,790	\$537,488	Amendment requested up to \$200,000 (under negotiation)	\$218,698

Total Cost Impacts: \$1,161,470.26

Staff is recommending a supplemental appropriation of \$1.5 million to complete the Project that will cover the current increase in expenditures, loss of a \$300,000 grant and include contingency for any unforeseen expenditures.

Fiscal Impact

Approval of this item would result in a supplemental appropriation of \$1.5 million which includes a 6.2 percent contingency of design/construction costs. This proposed appropriation was not budgeted for the Fiscal Year 2022-23 budget and will require a supplemental appropriation from the Bond Refinance (\$1 million) and Reserve funds from the Oxnard Hueneme Pipeline Fund (\$500 thousand).

¹ The original budget was prepared in February 2021 based on estimated costs and not actual contract amounts.

² Buy American Act – required by the OLDCC DCIP grant

³ Change orders as a result of unforeseen utility conflicts and subsequent changes to the design; and other minor design changes