



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY PERMIT

Permittee: City of Stockton
Department of Municipal Utilities
2500 Navy Drive
Stockton, California 95206
Attn: Mark Madison

Permit Number: SPK-1997-00759

Issuing Office: U.S. Army Engineer District, Sacramento
Corps of Engineers
1325 "J" Street
Sacramento, California 95814-2922

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below. A notice of appeal options is enclosed.

Project Description: The applicant is proposing to construct a new water intake, a new water treatment plant (WTP), and pipelines for both raw and treated water to deliver water to the City of Stockton's (City) existing water distribution system (Figure 1). The proposed intake and pump facility will be sized to accommodate the 160 million gallons per day (mgd) intake capacity ultimately predicted for year 2050. However, the intake and pump station will consist of two individual units, each sized to handle an 80-mgd capacity. Only one 80-mgd unit will be built initially and is the subject of this permit application; the other unit and an additional 72-inch pipeline would be built when additional capacity beyond 80 mgd is needed. The fish screen will be designed to meet the current fish screen criteria established by National Marine Fisheries Service (NMFS), U.S. Fish and Wildlife Service (USFWS), and California Department of Fish and Game (CDFG).

All work is to be completed in accordance with the attached plan(s).

Project Location: The Delta Water Supply Project (DWSP) intake facility would be located on the southwestern tip of Empire Tract adjacent to the Stockton Deep Water Ship Channel (Figure 2). The intake and pump would be built on the site of the existing levee and a setback levee constructed behind it in order to provide additional flood protection. The proposed pipeline is approximately 12.7 miles long connecting the intake structure to the WTP. The proposed WTP would be located on 52 acres of a 126-acre City owned parcel near the intersection of 8 Mile Road and Lower Sacramento Road (Figure 3).

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on June 30, 2014. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. This Corps permit does not authorize you to take an endangered species, in particular giant garter snake (*Thamnophis gigas*), central valley steelhead (*Oncorhynchus mykiss*), winter-run chinook salmon (*Oncorhynchus tshawytscha*), central valley spring-run chinook salmon (*Oncorhynchus tshawytscha*), delta smelt (*Hypomesus transpacificus*), green sturgeon (*Acipenser medirostris*), or designated critical habitat. In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (e.g., an Endangered Species Act Section 10 permit, or a Biological Opinion under Endangered Species Act Section 7, with "incidental take" provisions with which you must comply). The enclosed Fish and Wildlife Service Biological Opinion (Number 1-1-05-F-0029, dated June 27, 2007) and National Marine Fisheries Service Biological Opinion (Number F/SWR/2003/02258, dated November 29, 2006), contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also specified in the Biological Opinions. Your authorization under this Corps permit is conditional upon your compliance with all of the mandatory terms and conditions associated with "incidental take" of the attached Biological Opinions, which terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the Biological Opinions, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Corps permit. The Fish and Wildlife Service and the National Marine Fisheries Service are the appropriate authority to determine compliance with the terms and conditions of its Biological Opinion, and with the Endangered Species Act. You must comply with all conditions of this Biological Opinion, including those ascribed to the Corps.
2. To mitigate for the loss of 0.48 acres of waters of the United States and indirect effects to 0.12 acres of waters of the United States, you shall purchase 1.44 credits of seasonal wetland at a Corps approved wetland mitigation bank. The selected mitigation bank shall include the area of the permitted project within its service area. Evidence of this purchase shall be provided to this office prior to proceeding with any activity otherwise authorized by this permit.
3. You shall establish and maintain a preserve area containing at least 2.5 acres of preserved waters of the United States, as depicted on the exhibit entitled DWSP_Mitigation Island, Figure 8. Aerial View of Honker Cut Island 069-080-11, in an email from the applicant's consultant, dated May 13, 2009, in perpetuity. The purpose of this preserve is to insure that functions and values of the aquatic environment are protected.

4. To insure that the preserve is properly managed, you shall develop a specific and detailed preserve management plan for the off-site preservation area. This plan shall be submitted to and specifically approved, in writing, by the Corps of Engineers prior to engaging in any work authorized by this permit. This plan shall describe in detail any activities that are proposed within the preserve area and the long term funding and maintenance of the preserve area.
5. To assure success of the preserved area, the preserve management plan shall include a requirement for a minimum of two inspections of the preserve each year. The primary focus of this monitoring shall be to assure that the preserve is successfully established and maintained as wetland and wildlife habitat. You shall submit monitoring reports to this office by December 31 of each year.
6. Prior to initiating any activity authorized by this permit, you shall, to insure long-term viability of the preservation area:
 - a. Designate an appropriate conservation-oriented third party entity to function as preserve manager and to hold the required conservation easements. A Property Analysis Record (PAR) or similar method should be used to determine how much money will be needed to manage the property over the long term. The designated preserve easement manager must be in agreement with the amount provided.
 - b. Establish a fully-funded endowment to provide for maintenance and monitoring of the off-site preservation area.
 - c. Record permanent conservation easements and deed restrictions maintaining the preservation area as wetland preserve and wildlife habitat in perpetuity. Copies of the proposed easement and deed restriction language shall be provided to the Corps of Engineers for approval prior to recordation.
 - d. Provide copies of the recorded documents to the Corps of Engineers no later than 10 days prior to the start of construction of any of the activities authorized by this permit.
7. To protect the integrity of the preserve and avoid unanticipated future impacts, no roads, utility lines, trails, benches, equipment or fuel storage, grading, firebreaks, mowing, grazing, planting, discing, pesticide use, burning, or other structures or activities shall be constructed or occur within the off-site preservation area without specific, advance written approval from the Corps of Engineers.
8. All terms and conditions of the November 17, 2008 Section 401 Water Quality Certification are expressly incorporated as conditions of this permit.
9. To document pre- and post-project construction conditions, you shall submit pre-construction photos of the project site prior to project implementation and post-construction photos of the project site within 30 days after project completion.
10. You must allow representatives from the Corps of Engineers to inspect the authorized activity and any mitigation, preservation, or avoidance areas at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.
11. The permittee understands and agrees, that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

- (✓) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
- (✓) Section 404 of the Clean Water Act (33 U.S.C. 1344).
- () Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant.

Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you

comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.


Permittee

6/18/09
Date

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below



6/18/09
Date

(For the District Engineer)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

Transferee

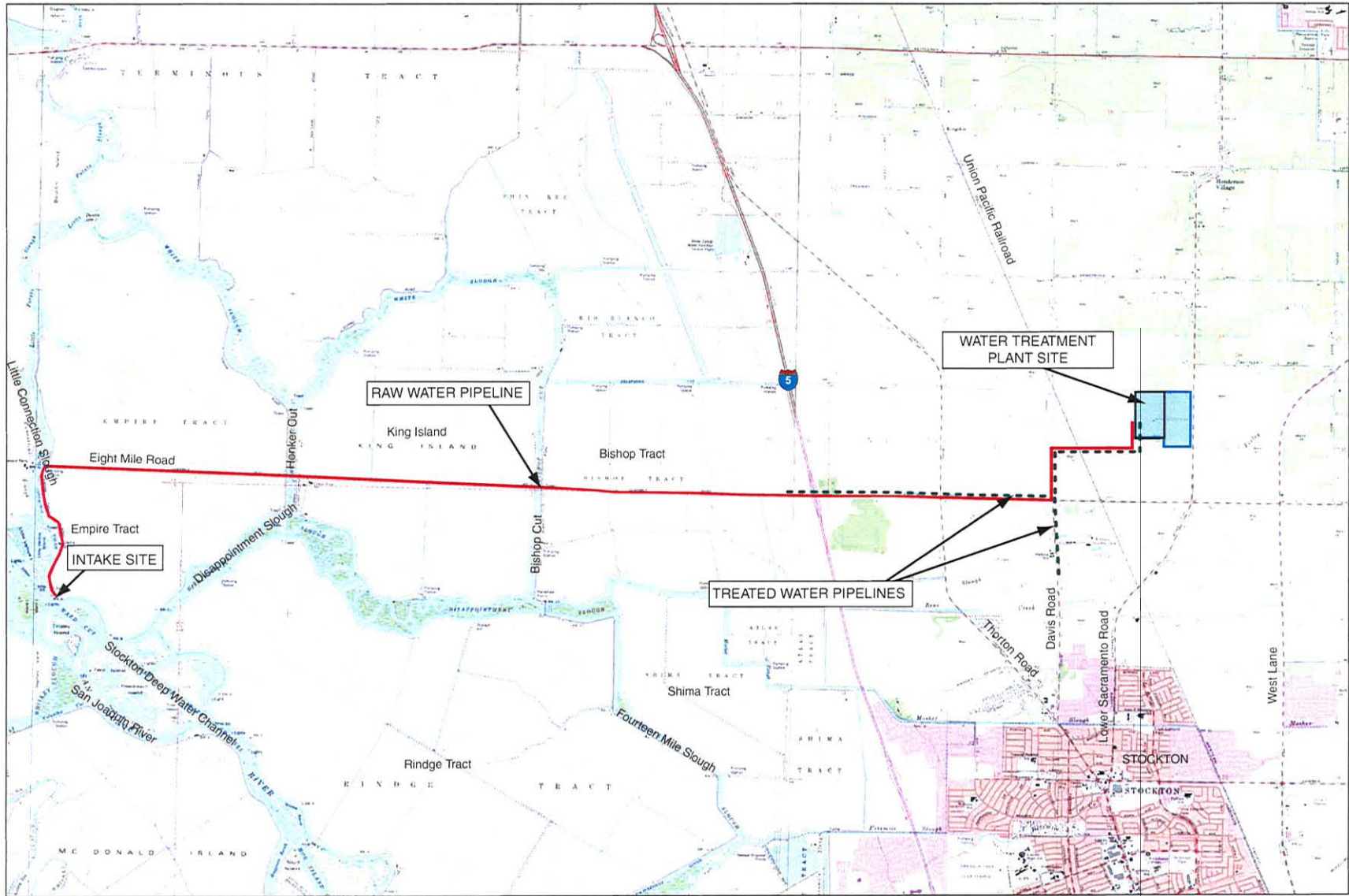
Date

Attachments:
4 drawings

APPROVED AS TO FORM AND CONTENT

By _____ 6-18-09
City Attorney

6/19/09 Groupwise 133482



SOURCE: USGS 7.5' Topographic Quadrangles (Bouldin Island, Terminous, and Lodi South); and HDR 2008

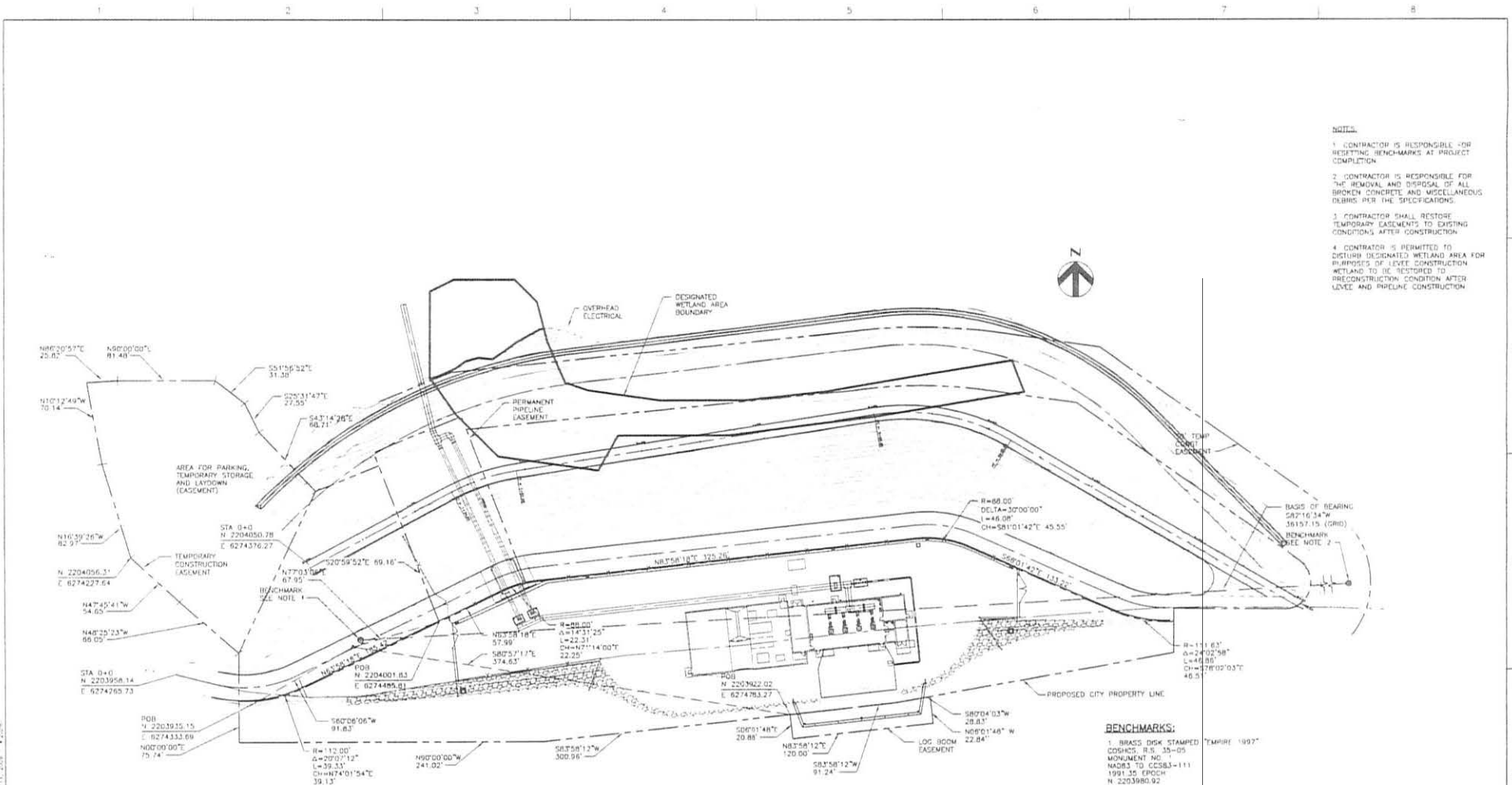
Delta Water Supply Project . 200090

Figure 1
Project Location

STKN-17

6/19/09 Groupwise 133482

STKN-17



PLAN
1" = 40'

- NOTES:**
1. CONTRACTOR IS RESPONSIBLE FOR RESETTling BENCHMARKS AT PROJECT COMPLETION.
 2. CONTRACTOR IS RESPONSIBLE FOR THE REMOVAL AND DISPOSAL OF ALL BROKEN CONCRETE AND MISCELLANEOUS DEBRIS PER THE SPECIFICATIONS.
 3. CONTRACTOR SHALL RESTORE TEMPORARY EASEMENTS TO EXISTING CONDITIONS AFTER CONSTRUCTION.
 4. CONTRACTOR IS PERMITTED TO DISTURB DESIGNATED WETLAND AREA FOR PURPOSES OF LEVEE CONSTRUCTION. WETLAND TO BE RESTORED TO PRECONSTRUCTION CONDITION AFTER LEVEE AND PIPELINE CONSTRUCTION.

- BENCHMARKS:**
1. BRASS DISK STAMPED "TEMPRE 1997"
CDSMCS, R.S. 35-05
MONUMENT NO. NA083 TO C05B3-111
1991.35 EPOCH
N 2203980.92
E 6274415.30
ELEV 2.81'
 2. BRASS DISK STAMPED "94-3"
CDSMCS, R.S. 35-05
MONUMENT NO. 777
NA083 TO C05B3-111
1991.35 EPOCH
N 2208840.50
E 6310242.59
ELEV 4.50'

	PROJECT MANAGER: R. STRATTON DESIGNED BY: DRAWN BY: M. DAVID CHECKED BY: CHECKED BY: DATE: 06/11/09 PROJECT NUMBER:		DEPARTMENT OF MUNICIPAL UTILITIES CITY OF STOCKTON, CALIFORNIA APD: _____ DATE: _____ BY: _____ DIRECTOR OF MUNICIPAL UTILITIES DEPARTMENT OF MUNICIPAL UTILITIES		Delta Water Supply Project 	INTAKE AND PUMP STATION FACILITY		CONTROL POINTS AND EASEMENTS	
	52656-G07.dwg	FILENAME: 52656-G07.dwg SCALE: AS NOTED	SHEET: G07						

Figure 2

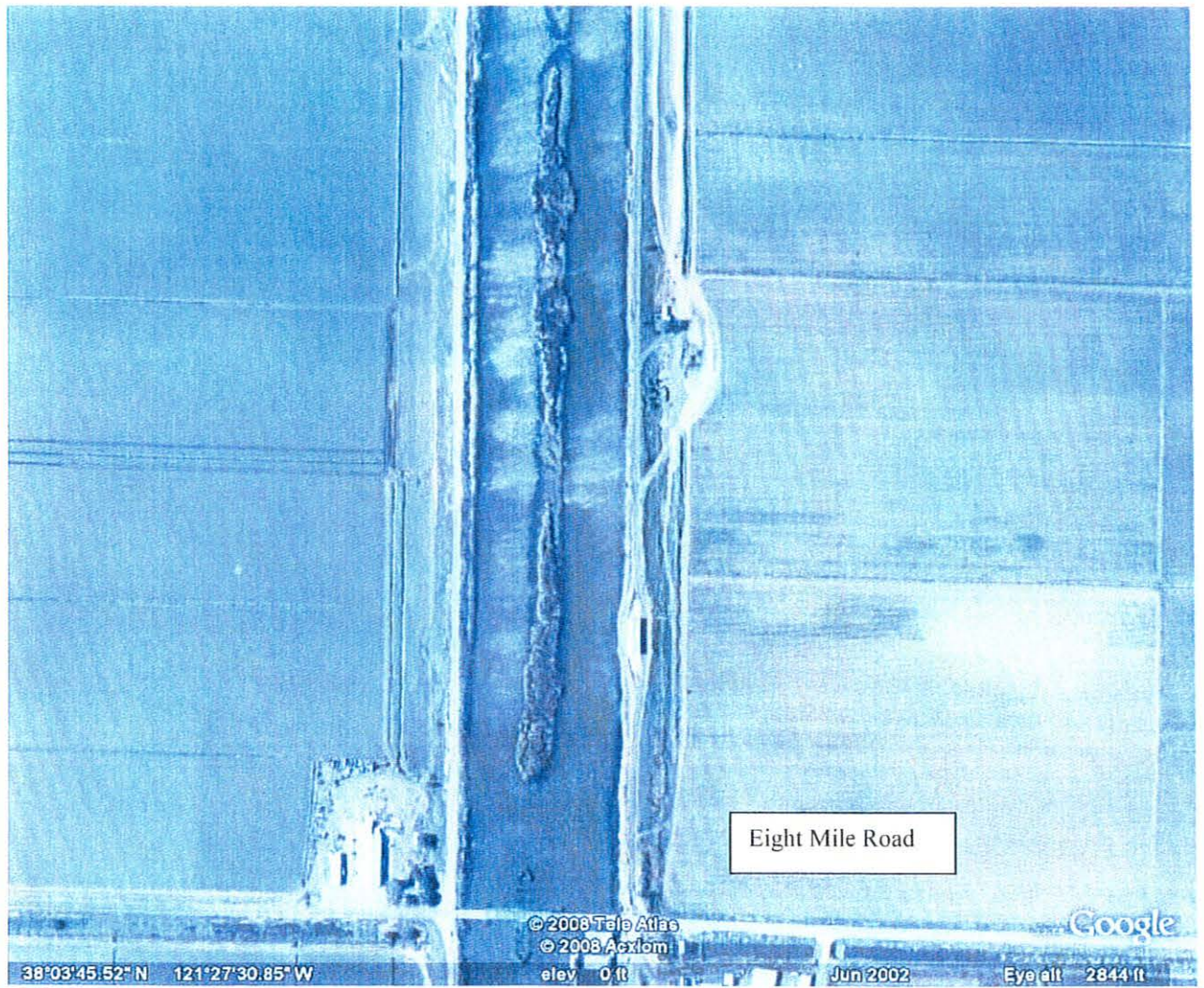


Figure 4, Aerial View of Honker Cut Island 069-080-11



California Regional Water Quality Control Board Central Valley Region

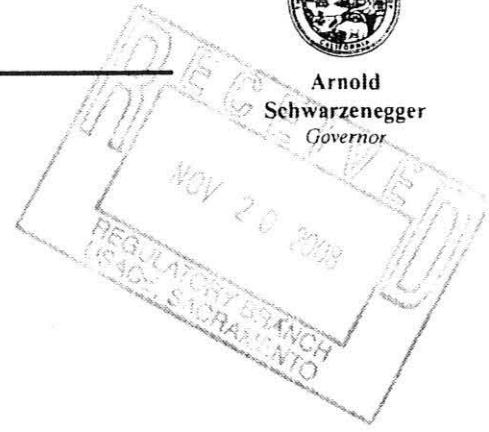
Karl E. Longley, ScD, P.E., Chair



Arnold
Schwarzenegger
Governor

Linda S. Adams
Secretary for
Environmental
Protection

11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114
Phone (916) 464-3291 • FAX (916) 464-4645
<http://www.waterboards.ca.gov/centralvalley>



17 November 2008

Mark Madison
City of Stockton Department of Municipal Utilities
2500 Navy Drive
Stockton, CA 95206-1191

CLEAN WATER ACT §401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR DISCHARGE OF DREDGED AND/OR FILL MATERIALS FOR THE DELTA WATER SUPPLY PROJECT, (WDID#5B39CR00139) SAN JOAQUIN COUNTY

WATER QUALITY CERTIFICATION STANDARD CONDITIONS:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and §3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial certification action shall be conditioned upon total payment of the full fee required under 23 CCR §3833, unless otherwise stated in writing by the certifying agency.
4. Certification is valid for the duration of the described project. Discharger shall notify the Regional Board on writing within 7 days of project completion.

ADDITIONAL TECHNICALLY CONDITIONED CERTIFICATION CONDITIONS:

In addition to the four standard conditions, the applicant shall satisfy the following:

1. This certification is based on the attached Project Information sheet. Any change or modification of the project requires review and consideration of amendment of this certification. If the project changes or is modified, this water quality certification may no longer be valid.
2. The City of Stockton Department of Municipal Utilities shall notify the Board in writing of the start of any in-water activities.

California Environmental Protection Agency

3. Except for activities permitted by the U.S. Army Corps under §404 of the Clean Water Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.
4. The discharge of petroleum products or other excavated materials to surface water is prohibited.
5. Activities shall not cause turbidity increases in surface water to exceed:
 - (a) where natural turbidity is between 0 and 5 Nephelometric Turbidity Units (NTUs), increases shall not exceed 1 NTU;
 - (b) where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
 - (c) where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;
 - (d) where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

Except that these limits will be eased during in-water working periods to allow a turbidity increase of 15 NTU over background turbidity as measured in surface waters 300 feet downstream from the working area. In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected.

6. Activities shall not cause settleable matter to exceed 0.1ml/l in surface waters as measured in surface waters 300 feet downstream from the project.
7. Activities shall not cause visible oil, grease, or foam in the work area or downstream.
8. All areas disturbed by project activities shall be protected from washout or erosion.
9. All temporarily disturbed areas shall be restored to pre-existing conditions, unless this certification or other permit/agreement states otherwise.
10. For any project activities that occur in surface waters or any activities resulting in incidental deposition of material into surface waters, the following monitoring shall be conducted immediately upstream and 300 feet downstream of the work site and the results shall be reported to this office (contact person is indicated below) within two weeks:

Parameter	Unit	Type of Sample	Frequency of Sample
Turbidity	NTU	Grab	Every 4 hours during in water work
Settleable Material	ml/l	Grab	Same as above.

11. The City of Stockton Department of Municipal Utilities shall notify the Board immediately if the above criteria for turbidity, settleable matter, oil/grease, or foam are exceeded.
12. The City of Stockton Department of Municipal Utilities shall notify the Board immediately of any spill of petroleum products or other organic or earthen materials.
13. The City of Stockton Department of Municipal Utilities must conduct daily visual inspections and maintain a daily log to note the presence and absence of waste releases of all vehicles and equipment parked or operating in or near water courses before the vehicles or equipment begin conducting work for the day. Spillage and leaks must also be noted during any point that they occur during the day. Contaminated soils must be immediately removed from surface soils for disposal at a permitted facility. Copies of the daily log must be maintained on site for inspection and submitted to this office on a quarterly basis. Any major waste releases (greater than 1 gallon) must be reported to Water Board staff within 48 hours with an explanation of how the problem was resolved.
14. The City of Stockton Department of Municipal Utilities shall comply with all Department of Fish and Game 1600 requirements for the project.
15. The City of Stockton Department of Municipal Utilities must obtain coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction Activities issued by the State Water Resources Control Board.
16. The City of Stockton Department of Municipal Utilities must obtain coverage under a NPDES permit for any discharges to surface waters from groundwater dewatering activities.
17. During surface water dewatering of the coffer dam at the proposed intake facility structure on the San Joaquin River, grab samples will be collected every 4 hours immediately upstream of the work site, 25 feet downstream from the point of discharge, and 300 feet downstream of the work site. If the above criteria for turbidity, settleable matter, oil/grease, or foam are exceeded, the City of Stockton Department of Municipal Utilities shall stop work and notify the Board within 48 hours with proposed mitigation measures that will allow surface waters to meet Basin Plan criteria. Work may resume when compliance with Basin Plan criteria can be assured.
18. This certification does not authorize any act that results in the taking of a threatened or endangered species or any that is now prohibited or becomes prohibited in the future, under the California Endangered Species Act (DFG Code Sections 2050 to 2097) or the Endangered Species Act (Sections 1531 to 1544). If a "take" will result from any act authorized under this certification or water right held by the City of Stockton, the City of Stockton shall obtain authorization for the take prior to any construction or operation of the Project. The City of Stockton shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this certification.
19. The City of Stockton Department of Municipal Utilities shall submit a copy of the final mitigation plan to Board staff that is approved by the U.S. Army Corps of Engineers,

U.S. Fish and Wildlife Service, NOAA National Marine Fisheries Service, and the Department of Fish and Game.

20. This certification only covers the initial phase of the project. Subsequent phases of the Delta Water Supply Project will require a new or amended certification.

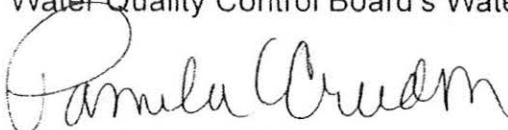
REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

Robert J. Solecki, Environmental Scientist
11020 Sun Center Drive #200
Rancho Cordova, California 95670-6114
(916) 464-4684
rsolecki@waterboards.ca.gov

WATER QUALITY CERTIFICATION:

I hereby issue an order certifying that any discharge from the City of Stockton Department of Municipal Utilities, Delta Water Supply Project (WDID #5B39CR00139) will comply with the applicable provisions of §301 ("Effluent Limitations"), §302 ("Water Quality Related Effluent Limitations"), §303 ("Water Quality Standards and Implementation Plans"), §306 ("National Standards of Performance"), and §307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under State Water Resources Control Board Water Quality Order No. 2003-0017 DWQ "Statewide General Waste Discharge Requirements For Dredged Or Fill Discharges That Have Received State Water Quality Certification (General WDRs)".

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicant's project description and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the Regional Water Quality Control Board's Water Quality Control Plan (Basin Plan).



PAMELA C. CREEDON
Executive Officer

Enclosure: Project Information

cc: U.S. Army Corps of Engineers, Sacramento
Dave Smith, Wetlands Section Chief (WTR-8), U.S. Environmental Protection Agency, Region 9, San Francisco
U.S. Fish & Wildlife Service, Sacramento
Bill Orme, 401 Certification and Wetlands Unit Chief, State Water Resources Control Board, Sacramento
Jeff Drongesen, Department of Fish and Game, Sacramento
Bill Jennings, CA Sportfishing Protection Alliance, Stockton
Michele Stern, HDR Engineering, Sacramento

PROJECT INFORMATION

Application Date: 28 September 2007

Application Complete: 11 September 2008

Applicant: Mark Madison
City of Stockton Department of Municipal Utilities
2500 Navy Drive
Stockton, CA 95206-1191

Applicant Representatives: Michele Stern
HDR Engineering, Inc.
1610 Arden Way, Suite 175
Sacramento, CA 95815

Project Name: Delta Water Supply Project

Application Number: WDID#5B39CR00139

U.S. Army Corps File Number: Individual Permit #199700759

Type of Project: The City of Stockton Metropolitan Area (COSMA) is proposing to develop a new supplemental water supply for the COSMA-the Delta Water Supply Project (DWSP).

Project Location: Sections 3, 4, 5, 6, 31, 32, 33, 34 Township 2, 3 North, Range 6 East, MDB&M.

County: San Joaquin County

Receiving Water(s) (hydrologic unit): San Joaquin River, San Joaquin Hydrologic Basin, San Joaquin Delta Hydrologic Unit #544.00

Water Body Type: Wetlands, Streambed

Designated Beneficial Uses: The Basin Plan for the Central Valley Water Board has designated beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the project include: Municipal and Domestic Water Supply (MUN); Agricultural Supply (AGR); Industrial Supply (IND), Hydropower Generation (POW); Groundwater Recharge, Water Contact Recreation (REC-1); Non-contact Water Recreation (REC-2); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); and Wildlife Habitat (WILD).

Project Description (purpose/goal): The project description is based on information contained in the following documents.

- 1) Applications for water quality certification, U.S. Army Corps (Corps) Section 404 Permit, and Department of Fish and Game (DFG) Stream Alteration Agreement.

- 2) Stockton Delta Water Supply Project (DWSP) Final Program Environmental Impact Report, October 2005 .
- 3) DWSP Wetland Delineation Report, April 2004.
- 4) Corps letter (dated 28 February 2008) regarding proposed project mitigation.
- 5) Updated project description from HDR Engineering (10 October 2008).
- 6) Biological Opinions from U.S. Fish and Wildlife Service (27 June 2007) and NOAA National Marine Fisheries Service (29 November 2006).

The City of Stockton proposes to develop a new supplemental water supply for the City of Stockton Metropolitan Area (COSMA). The DWSP is designed as a conjunctive use water supply program, which will integrate surface water and groundwater management under one program. The surface water component of the DWSP will include a new screened intake facility on the San Joaquin River, new pipelines to convey Delta water to a new water treatment plant (WTP) located just north of the COSMA, and treated water pipelines to deliver water to the City's existing water distribution system. The DWSP will be expanded incrementally to keep pace with the COSMA's needs, based on the timing of existing supply reductions and increased demand over time. The initial capacity of the DWSP will be 30 million gallons per day (mgd), with staged incremental expansions afterward to an ultimate capacity of 160 mgd. This certification only covers the initial phase of the project.

The DWSP will impact 5.9 acres of waters of the U.S., which is comprised of 0.32 acres of permanent impacts to the San Joaquin River and 5.58 acres of temporary impacts to irrigation ditches and small waterways.

Project Facilities - Intake Structure and Pump Station Facilities

The proposed intake site is on the southwestern tip of the Empire Tract adjacent to the San Joaquin River. The fish screen and intake channel for the pump station facility will be built into the bank of the existing levee. The in-bank intake will extend approximately 60 feet into the river from the levee face and will be 350 feet from the edge of the dredged Stockton Deep Water Ship Channel. The proposed construction footprint for the in-bank facility will encompass approximately 1.1 acres.

Fish Screen Design

The fish screen will be designed to meet the current fish screen criteria established by National Marine Fisheries Service (NMFS), U.S. Fish and Wildlife Service (USFWS), and DFG. The fish screen will have a vertical screen height of 15 feet with a nominal structure length of 120 feet. The screen will be cleaned with either an automatic rotating brush or hydraulic screen cleaner.

Raw Water Pipelines and Water Treatment Plant

Approximately 67,000 lineal feet (12.7 miles) of raw water pipelines will be constructed to connect the water intake facility with the WTP. The majority of the raw water pipelines will be installed using open cut trenching techniques. This includes the crossing of minor ditches and waterways on Empire Tract, King Island, and Bishop Tract. However, where

the pipeline alignment crosses significant waterways (*i.e.*, Honker Cut and Bishop Cut) trenchless construction techniques will be employed. These techniques include bore and jack, and microtunneling to pass beneath the obstruction or waterway.

Proposed Schedule:

The duration of construction for all facilities will be approximately 30 months. Construction of the intake facility will begin in June 2009 and will be completed by May 2011. Construction of the raw water pipeline and WTP will begin in August 2009 and will be completed in November 2011.

Preliminary Water Quality Concerns: Construction activities may impact surface waters with increased turbidity and settleable matter.

Proposed Mitigation to Address Concerns: The City of Stockton will implement Best Management Practices (BMPs) to control sedimentation and erosion. All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities. The City of Stockton will conduct turbidity and settleable matter testing during in water work, stopping work if Basin Plan criteria are exceeded or are observed.

Pipeline installation will minimize impacts to sensitive wetland and aquatic resources by utilization of trenchless construction methods to tunnel under sloughs and major ditches. Minor ditch crossings (*i.e.*, water surface less than 15 feet wide) will be temporarily dammed to install the pipe using open cut trenching, and then restored after completion of the crossing to its previous condition. Unpaved areas will be replanted with grasses, shrubs, and trees as required.

Dewatering of excavated areas will be required during construction. The water will first be applied to the nearby agricultural lands with the owner's approval. If land disposal capacity is exceeded, it may be necessary to discharge to surface waters under a NPDES permit. BMPs, as described in the SWPPP, will also be implemented to retain, treat, and dispose of groundwater. Measures shall include but are not be limited to:

- Retaining pumped groundwater in surface facilities to reduce turbidity and suspended sediments concentrations.
- Treating (*i.e.*, flocculate) pumped groundwater, as appropriate, to reduce turbidity and concentrations of suspended sediments.
- Directly conveying pumped groundwater to a suitable land disposal area capable of percolating flows.

If contamination is suspected, water collected during dewatering will be tested for contamination prior to disposal. Discharges will comply with the Central Valley Regional Water Quality Board's requirements.

Fill/Excavation Area: The project will permanently remove 6,700 cubic yards of native river bank and channel bottom material from 0.32 acres of waters of the U.S. The 0.32 acres will be filled with 1,300 cubic yards of clean fill and 833 cubic yards of riprap. The

project will temporarily excavate 5.58 acres of waters of the U.S. and refill and restore these areas after pipe installation is complete.

Dredge Volume: 6,700 cubic yards of material will be dredged from the San Joaquin River.

U.S. Army Corps of Engineers Permit Number: Individual Permit #199700759

Department of Fish and Game Streambed Alteration Agreement: DFG issued a Streambed Alteration Agreement to the City of Stockton on 16 June 2008.

Possible Listed Species: Central Valley steelhead, Sacramento winter-run Chinook salmon, Central Valley spring-run Chinook salmon, delta smelt, North American green sturgeon, giant garter snake, western pond turtle, Swainson's hawk, and white-tailed kite.

Status of CEQA Compliance: The City of Stockton approved the Final Environmental Impact Report for this project on 8 November 2005 (State Clearinghouse No. 2003112060).

Compensatory Mitigation: The Corps has not approved a final mitigation and monitoring plan for the project. A letter from the Corps to the City of Stockton (dated 28 February 2008) accepts two of the three main components of the draft mitigation and monitoring plan for the project. The components are:

- 1) City of Stockton will compensate for permanent impacts to 0.32 acre of waters of the U.S. in the San Joaquin River at a 3:1 ratio (0.96 acre = 0.32 acre x 3);
- 2) City of Stockton will purchase 0.96 acre of credit from an approved mitigation bank or other location approved by DFG, USFWS, and NMFS.
- 3) The Corps does not accept the City's proposed cost-per-acre figure of \$35,000 per acre for compensatory mitigation acquisition and \$ 5,000 per acre for operation and management of the mitigation. The Corps states \$150,000 per acre for compensatory mitigation would be acceptable

Biological Opinions from USFWS (27 June 2007) and NMFS (29 November 2006) contain measures, and terms and conditions, for impacts to federally listed aquatic species. These agencies will work with DFG and the Corps to approve project mitigation. The Biological Opinions cover both the construction and operation of the DWSP. The DFG Stream Alteration Agreement only covers construction of the DWSP.

The DWSP is enrolled in the San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) to compensate for impacts to plant and animal species and natural habitat. However, the SJMSCP does not mitigate for impacts to waters of the U.S.. On 12 March 2007, the City of Stockton received Incidental Take Minimization Measures from the San Joaquin Council of Governments (SJCOG) for the DWSP. The City has paid \$628,357.30 in fees for total impacts to 181.449 acres. The fees cover the following impacts:

- 171.949 acres x \$3,463 (Row Crop, Ag) = \$595,459.39
- 2.4 acres x \$3,463 (Ruderal, Ag) = \$8,311.20

- 7.1 acres x \$3,463 (Ditch, Natural) = \$24,587.30

Application Fee Provided: Total fees of \$18,881.64 have been submitted as required by 23 CCR §3833b(3)(A) and by 23 CCR §2200(e).

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