

TRACY LAKE GROUNDWATER RECHARGE PROJECT

STATUS UPDATE, AS OF 9/25/14

Federal Permits/Compliance

1. Federal Grant Time Extension – Granted to 9/30/15 (via email w/letter dated 9/24/14)
2. NEPA – Done
3. Cultural Resources 106 - Done
4. Clean Water Act Section 404 Permit (Army Corps)
 - a. Re-submitted July 2014
 - b. Ready to issue within two weeks of when
 - i. District agrees to ITMMs with SJCOG HCP (scheduled for 9/29 board meeting)
 - ii. Landowners have agreed to ITMMs
 - iii. Corps finishes review of preliminary jurisdictional determination (submitted in September 2013)
1. If Corps determines lakes are jurisdictional, lakeowners could appeal which could delay permit, or permit could be issued with an “assumed jurisdictional” determination for the footprint of the outfall into the lake.
2. Corps staff has stated this determination will be made next week. We will continue to follow-up weekly.
5. Clean Water Act section 401 Certification
 - a. Resubmitted August 20, 2014, public comment period over.
 - b. In response to questions submitted construction date and update on 404 status.
 - c. Should be issued at same time as the 404 permit.
6. ESA (Endangered Species Act)
 - a. Done for the Bureau for the Grant.
 - b. Will be done for the Corps for the 404 permit when District agrees to ITMMs.
 - c. SJCOG HCP Mitigation fees must be paid 60 days before construction begins. Must pay in 2014 to avoid fee increase, currently \$13,295, payable to SJCOG, Inc. Propose approval of payment of fee at November or December NSJWCD Board Meeting.

State Permits/Compliance

1. CEQA – Done
2. DFW 1600
 - a. Resubmitted August 26, 2014
 - b. No word back from agency after calls
3. State Lands Commission
 - a. No permit needed if 404 issued
4. Central Valley Flood Protection Board
 - a. Application to be submitted October 1, 2014
5. Water Rights Change Petitions, Petition for Extension of Time
 - a. Remaining protests: 18 landowners, EBMUD, CSPA
 - i. Board send letter to 18 landowners Friday 9/12 giving 30 days to substantiate protests or will be dismissed.
 - ii. Settlements discussions with CSPA and EBMUD pending
 - b. If all protests settled, should issue by January 2015. If protests are not resolved or dismissed, the matter will be set for hearing.
 - c. Processing has been reprioritized by the Division of Water Rights to meet grant deadline.

Project Design/Bidding/Operation Status

1. Design drawings and specifications complete by November 15, 2014
2. Project bid December 1, 2014
3. Project Award Notice to Proceed January 2015 (per USBR Grant timeline)
4. Working with EBMUD and Woodbridge Irrigation District to finalize the Coordinated Agreement for the Operation of the Tracy Lake Project.