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Summary Form for Electronic Document Submittal

Form F

Lead agencies may include 15 hardcopies of this document when submitting electronic copies of Environmental Impact Reports, Negative Declarations, Mitigated Negative Declarations, or Notices of Preparation to the State Clearinghouse (SCH). The SCH also accepts other summaries, such as EIR Executive Summaries prepared pursuant to CEQA Guidelines Section 15123. Please include one copy of the Notice of Completion Form (NOC) with your submission and attach the summary to each electronic copy of the document.

SCH #: _____

Project Title: Los Banos Creek Recharge and Recovery Project

Lead Agency: San Luis Water District

Contact Name: Steve Stadler, PE

Email: sstadler@slwd.net Phone Number: (209) 826-4043

Project Location: Near Los Banos (*City*) Merced County (*County*)

Project Description (Proposed actions, location, and/or consequences).

See attached Project Description.

Identify the project's significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect.

See attached Mitigation Monitoring and Reporting Program Plan.

Revised September 2011

If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

No known areas of controversy

Provide a list of the responsible or trustee agencies for the project.

Project Title

Los Banos Creek Recharge and Recovery Project (Project)

Description of Project

Project Background and Purpose

The Project is located within the boundaries of San Luis Water District's (SLWD) service area and predominantly on properties owned by Vulcan Materials Company surrounding the intersection of Los Banos Creek and the Delta-Mendota Canal (DMC), generally within existing quarry pits located on the properties that are adjacent to the aforementioned waterways. The Project area is located southwest of the City of Los Banos within Merced County, more near and along Los Banos Creek between the San Luis Canal and the Central California Irrigation District (CCID) Outside Canal. The property has been the site of a pilot project to recharge groundwater and more recently groundwater recharge operations under the State of California Governor's Executive Orders N-4-23 and N-7-23. The Project has received funding through the State of California Department of Water Resources Sustainable Groundwater Management Act Implementation Grant and through the Consolidated Appropriations Act pursuant to Public Law No. 118-42. The Project is eligible to receive Central Valley Project (CVP) water consistent with SLWD's CVP Contract No. 14-06-200-7773A-IR1-P.

SLWD and Vulcan have entered into a 20-year License Agreement (License Agreement) that automatically renews for five-year periods unless a notice of termination is issued by either party. The License Agreement facilitates SLWD's ability to construct, operate, and maintain all the necessary infrastructure to conduct storage, and recharge operations in the proposed Central and South Basins. The License Agreement provides for the addition of basins to be used for water supply projects as they become available.

Project Description

The Project entails using existing gravel pits (basins), designated as the Central Basin and the Southern Basin, to capture, store, recharge, and bank CVP and Warren Act water and/or Los Banos creek flood waters. The Central Basin is approximately 85 acres and has the capacity to store approximately 1,000 acre-feet. The Southern Basin is approximately 51 acres and is expected to store approximately 800 acre-feet upon completion of mining operations. The Basins will serve four purposes:

1. Surface Water Storage

Conveyed using the DMC, CVP and Warren Act water will be stored during the winter months and returned to the DMC in the spring to serve agricultural demand. Some of the return water may be exchange with Reclamation to serve agricultural demands from the San Luis Canal. CVP water may be transferred to SLWD from other CVP contractors for short term storage, and the return transfer will take place in a subsequent water year, typically the next water year. In most cases the transfer(s) will be conducted using the Accelerated Water Transfer Program.

2. Groundwater Recharge

The Central Delta Mendota Groundwater Sustainability Agency is developing groundwater management policies. It is expected that policies will be developed to encourage recharge and other actions that will improve groundwater sustainability. The basins will be operated to achieve both their maximum storage and recharge potential. Assuming a conservative daily infiltration rate of 0.5 inches per day, the Central Basin can recharge over a 90-day period approximately 242 acre-feet. Using the same assumptions, the Southern Basin can recharge approximately 208 acre-feet. Evaporation losses will be calculated using data from the California Irrigation Management Information System and deducted from the daily surface volume to calculate net recharge. SLWD

will consider transfers of surface water for recharge by other contractors to help improve basin wide groundwater sustainability. These types of transfers for recharge will typically be conducted by CVP water contractors within the Delta Mendota Sub-Basin.

3. Groundwater Recovery

When drought conditions occur, SLWD may extract, or effectively recover, a portion of the water recharged in the Central and Southern Basins and introduce the water into the Delta-Mendota Canal. Recovery of the recharged water will comply with the Delta-Mendota Subbasin Groundwater Sustainability Plan, limited to avoid significant and unreasonable impacts, as defined under the Sustainable Groundwater Management Act (SGMA) of 2014, and at least 5% of all water recharged will remain in the aquifer and will not be recovered. Recovered water will be used within the SLWD boundaries (which is wholly within the Central Delta Mendota Groundwater Sustainability Agency boundaries).

All water recovered and introduced into the DMC will comply with all relevant standards and monitoring protocols established for the introduction of pumped water into the DMC. The relevant standards and monitoring protocols are detailed in a draft Monitoring Plan prepared for the Project provided in Appendix D..

4. Flood Water Capture

Los Banos Creek is prone to flooding. During a declaration of flood emergency or when the State of California Governor's office issues Executive Orders such as N-4-23 and N-7-23 the basins may be used to divert flood water.

DMC Diversions

Under the Project, CVP and/or Warren Act water will be conveyed through the DMC and diverted into the Central Basin or the Southern Basin at three locations. The first point of diversion will be constructed at approximately mile post MP 80.03-L where a new storage and recovery pump system will be installed to lift water from and return water to the DMC from the Central Basin. The second point of diversion will be constructed at approximately mile-post MP 80.03-R where a second new storage and recovery pump system will be installed to lift water from and return water to the DMC from the Southern Basin. The third point of diversion is at the existing diversion structure near Check 15 at mile post MP 79.60-R (Los Banos Creek) which will gravity flow water from the DMC into Los Banos Creek where a weir and diversion structure will be constructed to divert flows into the Central Basin.

Los Banos Creek Diversions

Flood water flowing in Los Banos Creek may be diverted downstream of the DMC siphon crossing where the aforementioned weir and diversion structure will be constructed to divert flows into the Central Basin. Flood waters will only be diverted under the previously stated conditions. Under the Project, the weir and diversion structure would be constructed and the capacity to divert flood waters would increase.

Conveyance and Infrastructure

The Project would include constructing the following infrastructure and conveyance components:

- Construct a 30 to 50 cfs water transfer facility between the Central Basin and the DMC.
- Construct a 30 to 50 cfs water transfer facility between the Southern Basin and the DMC.
- Construct a weir in Los Banos Creek downstream of the DMC siphon crossing and the existing Vulcan haul road crossing to facilitate convey water into the Central Basin from Los Banos Creek to capture water released from the DMC or flood flows;

- Construct a diversion structure on the right bank of Los Banos Creek immediately upstream of the newly constructed weir to convey water flowing in Los Banos Creek into the Central Basin.

The Project also includes contouring of the of the bottom of the existing pits being used for the Central Basin and the Southern Basin to facilitate the evacuation of the storage space. There will be no excavation work to create water storage space as the storage space was effectively created through past mining operations. Reshaping and stability improvements to the banks of the basins will also be performed.

Construction Schedule

Construction of the Project is anticipated to be completed within 12 months. Generally, construction would occur between the hours of 7am and 6pm, Monday through Saturday, excluding holidays.

Equipment

Construction equipment would likely include the following equipment used during construction:

- Excavators,
- Backhoes,
- Graders,
- Skid steers,
- Loaders,
- Hauling trucks,
- Scrapers,
- Compactors (Large and Small dependent on area conditions),
- Bulldozer,
- Large tractor and large discing unit, and
- Water trucks supplying water for dust control and conditioning soil for compaction

Operation and Maintenance

System Operation

The Project may have different and overlapping operations depending on the water year and water type. The following descriptions are based on an average water year and are subject to change as the water year deviates from the average.

- Surface Water Storage – Filling of the basins could begin as soon as November through February and discharge starting in March through June.
- Groundwater Recharge – As water is made available recharge operations could take place anytime throughout the year. At a minimum groundwater recharge will take place during the short-term Surface Water Storage operation. The summer months will be avoided to reduce evaporation losses.
- Flood Water – Typical flood events can start as early as January and as late as March. Flood water would be diverted when the appropriate flood stage is triggered, and storage capacity is available. Releases from the Los Banos Creek Detention Dam can take place at any time but typically occur from the end of September through the middle of March, when the conservation pool is at its lowest volume.

In the latter of consecutive dry years, there is the possibility that the Project may not conduct surface water storge or recharge operations.

Recovery Infrastructure and Operations

As a part of the Project, up to three recovery wells would be constructed south of the Delta-Mendota Canal and west of Creek Avenue. The specific locations for the wells will be selected based on a hydrogeological evaluation of potential sites. Each well will be connected to a discharge pipeline to a point-of-introduction into the Delta-Mendota Canal. Where practical, existing turnout facilities, such as the turnout at MP 80.03R, or newly constructed facilities, such as the water transfer facility between the DMC and the Southern Basin, will be utilized and improved as necessary. Whereas not practical, a new point of introduction will be constructed. Any construction would take place within the Project site.

A draft Monitoring Plan has been developed specifically for this Project to ensure the following: (1) at least 5% of all recharged groundwater is retained within the aquifer; (2) extractions only occur when groundwater levels are above established minimum thresholds; (3) extractions are not causing or contributing to groundwater quality degradation; and (4) extractions are not causing or contributing to land subsidence. The recovered water that is introduced shall comply with the established monitoring plan for water introduced into the Delta-Mendota Canal.

Water Quality Testing

Stored surface water introduced back into the Delta-Mendota Canal will comply with the draft Monitoring Plan prepared specifically for this Project. Stored surface water and recharged water recovered back into the DMC would be tested and comply fully with this draft Monitoring Plan. As part of this Monitoring Plan, when water is diverted into the basins from the DMC, water quality sampling will be conducted monthly. Constituents identified in the water quality requirements established for the introduction of water into the Delta-Mendota Canal will be tested (DMC Water Quality Requirements). Prior to stored water being returned to the DMC water quality testing will be conducted and compared to the DMC Water Quality Requirements. In the event the monthly water quality testing of the DMC is of lesser quality than the DMC Water Quality Requirements, the monthly DMC test results shall be used as the benchmark for the stored water. Water from the basins shall not be reintroduced into the DMC if the water quality has degraded significantly from the baseline test results (the DMC Water Quality Requirements or monthly DMC water quality test results). Reclamation may authorize minor water quality deviations from the DMC Water Quality Requirements.

Table 5-1: Mitigation, Monitoring, and Reporting Program

Mitigation, Monitoring, and Reporting Program						
Item	Mitigation Measure	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
Biological Resources						
General Project-Related Measures						
BIO-1	**(*WEAP Training*):** Prior to initiating construction activities (including staging and mobilization), all personnel associated with project construction will attend a mandatory Worker Environmental Awareness Program (WEAP) training, conducted by a qualified biologist (someone familiar with the identification and habitats of these species), to aid workers in identifying special status resources that may occur in the project site. The specifics of this program will include identification of the sensitive species and suitable habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area. This training will discuss special status species, describe the laws and regulations in place to provide protection of these species, identify the penalties for violation of applicable environmental laws and regulations, and include a list of required protective measures to avoid "take." A fact sheet summarizing this information, along with photographs or illustrations of sensitive species with potential to occur on the project site, will also be prepared for distribution to all contractors, their employees, and all other personnel involved with construction of the project. All trainees will sign a form documenting that they have attended WEAP training and understand the information presented to them.	Prior to the start of any construction activities	As needed for any new construction personnel during construction activities	SLWD with assistance of a qualified biological subconsultant	Report	
BIO-2	**(*BMPs*):** The project proponent will require that all workers employ the following best management practices (BMPs) in order to avoid and minimize potential impacts to special status species:	During Construction Activities	Daily	SLWD with assistance of a qualified biological subconsultant	Report	

Mitigation, Monitoring, and Reporting Program						
Item	Mitigation Measure	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
	• Vehicle will observe a 15-mph speed limit while on unpaved access routes. • All open trenches, holes, sumps, and other excavations greater than 12-inches with sidewalls steeper than a 1:1 (45 degree) slope will have an escape ramp of earth or a non-slip material with a less than 1:1 slope or these will be covered with barrier material such that animals are unable to dig or squeeze under the barrier and become entrapped. • Workers will inspect areas beneath parked vehicles, equipment, and materials prior to mobilization. If special status species are detected, the individual will either be allowed to leave of its own volition or will be captured by the qualified biologist (must possess appropriate collecting/handling permits) and relocated out of harm's way to the nearest suitable habitat beyond the influence of the project work area. "Take" of a state or federal special status (rare, California Species of Special Concern, threatened, or endangered) species is prohibited without the necessary federal or state take permit(s). • The presence of any special status species will be reported to the project's qualified biologist, who will submit the occurrence to the CNDDB. If necessary, the biologist will report the occurrence to CDFW and/or USFWS.					
Project-Related Mortality and/or Nest Abandonment of Migratory Birds, Raptors, and Special Status Birds						
BIO-3	**(*Avoidance*):** The project's construction activities will occur, if feasible, between September 16 and	Prior to construction activities	Prior to construction activities	SLWD with assistance of a	Report	

Mitigation, Monitoring, and Reporting Program						
Item	Mitigation Measure	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
	January 31 (outside of the nesting bird season) to avoid impacts to nesting birds.			qualified biological subconsultant		
BIO-4	**(*Pre-construction Surveys*):** If activities must occur within nesting bird season (February 1 to September 15), a qualified biologist will conduct a one time take avoidance pre-construction survey for Swainson's hawk nests onsite and within a 0.5-mile radius within ten calendar days prior to the start of construction. This survey will be conducted in accordance with the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (Swainson's Hawk Technical Advisory Committee 2000), or current guidance. The survey would also include inspecting for nesting migratory birds within up to 100 feet outside of the project site and for other nesting raptors within up to 500 feet outside of the project site. All raptor nests would be considered "active" upon the nest-building stage. If no active nests are observed, no further mitigation is required.	Prior to construction activities	Prior to construction activities	SLWD with assistance of a qualified biological subconsultant	Report	
BIO-5	**(*Avoidance Buffers*):** On discovery of any active nests or breeding colonies near work areas, a qualified biologist will determine appropriate avoidance buffer distances based on applicable CDFW and/or USFWS guidelines, the biology of the species, conditions of the nest(s), and the level of project disturbance. If necessary, avoidance buffers will be identified with flagging, fencing, or other easily visible means, and will be maintained until the biologist has determined that the nestlings have fledged.	Prior to construction activities	Prior to construction activities	SLWD with assistance of a qualified biological subconsultant	Report	
Project-Related Mortality and/or Disturbance of Burrowing Owl						
BIO-6	**(*Pre-construction Take Avoidance Survey*):** A qualified biologist will conduct a pre-construction take avoidance survey for BUOW and suitable burrows, in accordance with CDFW's *Staff Report on Burrowing Owl Mitigation* (2012) within seven (7)	Prior to construction activities	Prior to construction activities	SLWD with assistance of a qualified biological subconsultant	Report	

<table>
<tr><th colspan="7">Mitigation, Monitoring, and Reporting Program</th></tr>
<tr><th>Item</th><th>Mitigation Measure</th><th>When Monitoring is to Occur</th><th>Frequency of Monitoring</th><th>Agency Responsible for Monitoring</th><th>Method to Verify Compliance</th><th>Verification of Compliance</th></tr>
<tr><td></td><td>days prior to the start of construction activities in each section of the Project area. The survey will include the proposed work area and surrounding lands up to 500 feet, where accessible. If no BUOW individuals or active burrows are observed, no further mitigation is required.</td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td>BIO-7</td><td>(Avoidance Buffers): If an active BUOW burrow is detected avoidance buffers will be implemented. A qualified biologist will determine appropriate avoidance buffer distances based on CDFW's 2012 Staff Report on Burrowing Owl Mitigation, the biology of BUOW, conditions of the burrow(s), and the level of project disturbance which can be found in the table below. If necessary, avoidance buffers will be identified with flagging, fencing, visual screens, or other easily visible means, and will be maintained until the biologist has determined that the nestlings have fledged and all BUOW have left the Project area.

<table>
<tr><th></th><th></th><th colspan="3">Level of Disturbance</th></tr>
<tr><th>Location</th><th>Time of Year</th><th>Low</th><th>Med</th><th>High</th></tr>
<tr><td>Nesting sites</td><td>April 1-Aug 15</td><td>200 meters</td><td>500 meters</td><td>500 meters</td></tr>
<tr><td>Nesting sites</td><td>Aug 16-Oct 15</td><td>200 meters</td><td>200 meters</td><td>500 meters</td></tr>
<tr><td>Nesting sites</td><td>Oct 16-Mar 31</td><td>50 meters</td><td>100 meters</td><td>500 meters</td></tr>
</table></td><td>Prior to construction activities</td><td>Prior to construction activities</td><td>SLWD with assistance of a qualified biological subconsultant</td><td>Report</td><td></td></tr>
<tr><td>BIO-8</td><td>(Passive Relocation): If avoidance of an active BUOW burrow is not feasible, passive relocation could be utilized through the development of a Burrowing Owl Passive Relocation Plan (Plan). A qualified biologist will prepare a draft Burrowing Owl Passive Relocation Plan for review and approval by the Bureau of Land Management and CDFW prior to the start of any ground-disturbing activities. No passive relocation of burrowing owls will be permitted during breeding season (February 1 – August 31),</td><td>Prior to construction activities</td><td>Prior to construction activities</td><td>SLWD with assistance of a qualified biological subconsultant</td><td>Report</td><td></td></tr>
</table>

Mitigation, Monitoring, and Reporting Program						
Item	Mitigation Measure	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
	unless a qualified biologist verifies through noninvasive methods that an occupied burrow is not occupied by a mated pair, and only upon authorization by CDFW.					
Project-Related Mortality and/or Disturbance San Joaquin Kit Fox						
BIO-9	**(*Pre-Construction Survey*):** Within seven (7) days prior to the start of construction a qualified biologist (someone familiar with the identification and sign of this species) will conduct a pre-construction survey for SJKF potential dens. The survey will be conducted on and within 200 feet of proposed work areas. If potential SJKF dens are detected during the pre-construction survey, each potential den will be monitored with a remote camera for a period of three consecutive nights. If there is no activity recorded at the den location, the den can be deemed "inactive" or "unoccupied" and closed or excavated the same day as determining the den inactive.	Prior to construction activities	Prior to construction activities	SLWD with assistance of a qualified biological subconsultant	Report	
BIO-10	**(*Establish Buffers*):** On discovery of any active SJKF dens near the project site a qualified biologist will determine appropriate construction setback distances (buffer zones) based on applicable CDFW and/or USFWS guidelines (see below). If needed, construction buffers will be identified with flagging, fencing, or other easily visible means. They will be maintained until the biologist has determined that the den will no longer be impacted by construction. 1. At least 100 feet around den(s) 2. At least 200 feet around natal dens (which SJKF young are reared); and 3. At least (500 feet around any natal dens with pups (except for any portions of the buffer zone that is already fully developed).	Prior to construction activities	Prior to construction activities	SLWD with assistance of a qualified biological subconsultant	Report	

Mitigation, Monitoring, and Reporting Program						
Item	Mitigation Measure	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
BIO-11	**(*ITP* and *Passive Relocation*):** If an active BUOW burrow is detected within the proposed work area and cannot be avoided, it is recommended the project obtain an Incidental Take Permit (ITP) in order to implement protection plans and/or relocation plans in consultation with CDFW and/or USFWS and protect the project from "take" of this species.	Upon discovery of an active BUOW burrow within the proposed work area	Daily	SLWD with assistance of a qualified biological subconsultant	Report	
Project-Related Impacts to Regulated Waters, Wetlands, and Water Quality						
BIO-12	**(*Permits*):** If the project intends to impact jurisdictional waters, permits with USACE, RWQCB, and/or CDFW will be obtained to comply with state and federal regulations, if necessary. These permits, certifications, and agreements would ensure impacts to waters are minimized to the extent possible and permanent impacts would be offset by compensatory mitigation.	Prior to construction activities	Prior to construction activities	SLWD with assistance of a qualified biological subconsultant	Report	
Project-Related Impacts to Wildlife Movement Corridors and Native Wildlife Nursery Sites						
BIO-13	**(*Operational Hours*):** When possible, construction activities within the Los Banos Creek riverine habitat and the DMC canal habitat should be limited to a half hour after sunrise through a half hour before sunset to reduce potential impacts to wildlife movement corridors.	During construction activities	During construction activities	SLWD with assistance of a qualified biological subconsultant	Report	
BIO-14	**(*Wildlife Access*):** Access within these areas should not be blocked outside of construction hours or during overnight hours or weekends. If construction must block both sides of a wildlife access route, an alternative route through the construction area should be identified by a qualified biologist and maintained throughout the construction schedule timeframe.	During construction activities	During construction activities	SLWD with assistance of a qualified biological subconsultant	Report	
Cultural Resources						
CUL-1	A qualified archaeologist shall provide an archaeological tailboard to any construction crew working on site during ground-disturbing activities.	During Construction Activities	Daily	SLWD	Report	

Mitigation, Monitoring, and Reporting Program						
Item	Mitigation Measure	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
CUL-2	A qualified archaeologist monitor shall conduct spot-check monitoring as needed during ground-disturbing activity as determined by a qualified archaeologist.	During Construction Activities	Daily	SLWD	Report	
CUL-3	If archaeological components are encountered during ground-disturbing activities, all ground-disturbing work within 100 feet of the discovery location should cease until a qualified archaeologist can assess the significance of the finding and provide (if needed) avoidance and/or a data recovery plan.	During Construction Activities	Daily	SLWD	Report	
CUL-4	If human remains are uncovered during construction, the Merced County Coroner is to be notified to investigate the remains and arrange proper treatment and disposition. If the remains are identified on the basis of archaeological context, age, cultural associations, or biological traits to be those of a Native American, California Health and Safety Code 7050.5 and PRC 5097.98 require that the coroner notify the NAHC within 24 hours of discovery. The NAHC will then identify the Most Likely Descendent who will be afforded an opportunity to make recommendations regarding the treatment and disposition of the remains.	During Construction Activities	Daily	SLWD	Report	
Tribal Cultural Resources						
See **CUL-1**, **CUL-2**, **CUL-3**, and **CUL-4** in Section 4.5.3.						
Table Notes						