Please Note: Members of the public will have the opportunity to directly address the Agency Board of Directors concerning any item listed on the Agenda below before or during consideration of that item. There is a three minute time limit per person.

In order to better accommodate members of the public, specific times above for Agenda Items will be heard at the specified time or soon thereafter. Agenda Items without specific times may be rearranged to accommodate the Board’s schedule.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2. ADDITIONS TO AGENDA
   a. Items added to the agenda must be approved by the Board pursuant to Government Code Section 54954.2.

3. PUBLIC COMMENT FOR MATTERS NOT ON THE AGENDA
   A. Discussion items only, no action to be taken. Any person may address the Board at this time upon any subject within the jurisdiction of Amador Water Agency; however, any matter that requires action will be referred to Staff for a report and action at a subsequent Board meeting. Please note there is a three (3) minute time limit per person.

4. CONSENT AGENDA
   Items listed on the consent agenda (see attached) are considered routine and may be enacted by one motion. Any item may be removed for discussion and made a part of the regular agenda at the request of a Board member(s).

5. WATER SYSTEM
   A. CAWP Water Right Application 5647X03—Final Environmental Impact Report
      1. Presentation of the CAWP Water Right Application Final Environmental Impact Report by Robin Cort, Senior Environmental Planner, RMC, a Woodard & Curran Company

      2. Discussion and possible action to adopt Resolution No. 2017-18, certifying the Final Environmental Impact Report regarding CAWP water right Application 5647X03 ("Project"), adopting the Statement of Findings and Overriding Considerations for the Amador Water Agency Central Amador Water Project Water Right Application, approving the Project, and directing the General Manager to file a CEQA Notice of Determination.
B. Water Revenues and Production Comparison
   1. Report Only- No action

6. AGENCY GENERAL
   A. Board Recognition
      1. Adoption of Resolution No 2017-17, honoring Deborah VonLoehr upon her retirement after 17 years of dedicated service as Accounting Clerk II for Amador Water Agency

   B. Asset Transfer Agreement- Lake Camanche
      1. Discussion and possible action to execute Amendment 1 to the Asset transfer agreement between the County of Amador and the Amador Water Agency

   C. Amador Water Agency Committees of the Board
      1. Discussion and possible action regarding the standing committees of the Amador Water Agency

   D. Letter of Support – Upper Mokelumne River Watershed Authority
      1. Discussion and possible action to approve a letter of support regarding the Cabbage Patch Restoration Project and Upper Mokelumne River Watershed Authority’s application for Prop. 1 grant funding

7. COMMITTEE REPORTS
   A. Budget and Finance (10-25-17)
   B. Personnel (10-25-17)

8. AGENCY GENERAL
   A. PERSONNEL MATTERS
      1. Discussion and possible action to authorize the addition of two positions in consideration of the recently executed long term outside services contracts with City of Plymouth and River Pines PUD

9. ASSISTANT GENERAL MANAGER’S REPORT
   General discussion of various items in progress within each area of responsibility. This is for informational and communication purposes. Discussion only, no formal action will be taken. Any matter requiring action will be placed on an upcoming agenda for consideration.

10. GENERAL MANAGER’S REPORT
   General discussion of various items in progress within each area of responsibility. This is for informational and communication purposes. Discussion only, no formal action will be taken. Any matter requiring action will be placed on an upcoming agenda for consideration.

11. BOARD OF DIRECTOR DISTRICT REPORTS, COMMITTEE REPORTS AND DIRECTOR COMMENTS - The Board Members may report on various activities, meetings, etc. that they have been involved in. Discussion only, no formal action will be taken. Any matter requiring action will be placed on an upcoming agenda for consideration.

12. FUTURE AGENDA TOPICS - This item is to provide the Board Members an opportunity to request items to be placed on future agendas.

BOARD OF DIRECTORS
Gary Thomas, President    Art Toy, Vice President    Paul Molinelli Jr    Rich Farrington    Robert Manassero
13. CLOSED SESSION
   A. Conference With Legal Counsel Pursuant To Government Code Section 54956.9(D)(1) –
      Existing Administrative Proceedings – State Water Resources Control Board Bay-Delta Water
      Quality Control Plan Update Proceeding

14. ADJOURNMENT
AMADOR WATER AGENCY
CONSENT AGENDA
October 26, 2017

Items listed on the consent agenda are considered routine and may be enacted by one motion. Any item may be removed for discussion and made a part of the regular agenda at the request of a Board member(s).

1. MINUTES
   A. Approval of minutes of the Regular Board Meeting of October 12, 2017

2. MISCELLANEOUS APPROVALS
   A. Approval of Accounts Payable for the month of September, 2017

3. RESOLUTIONS
   A. Adoption of Resolution No 2017-19 Authorizing investment of Amador Water Agency funds in the Local Agency Investment Fund- this resolution supercedes previously adopted Resolution 2017-15 due to a duplicate Resolution number.

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, then please contact Cris Thompson at (209) 223-3018 or (209) 257-5281 (fax). Requests must be made as early as possible, and at least two-full business days before the start of the meeting.

Documents and materials relating to an open session agenda item that are provided to the Amador Water Agency Board of Directors less than 72 hours prior to a regular meeting will be available for public inspection and copying at 12800 Ridge Rd, Sutter Creek CA 95685
CALL TO ORDER- President Thomas called the meeting to order at 9:03 a.m.

ADDITIONS TO THE AGENDA – None

PUBLIC COMMENT:
General Manager Mancebo announced a SGMA workshop will be held this evening at the Amador County Board of Supervisors Chambers

CONSENT AGENDA: (02:58- 4:49)
It was moved by Director Farrington, seconded by Director Toy and carried to approve the consent agenda as presented:
Minutes of the Regular Board Meeting of September 28, 2017
Notice of staff’s intent to file Notice of Exemption and other associated environmental documents necessary in association with Camanche Laterals Phase III Adoption of Resolution 2017-16 authorizing designated individuals to execute, on behalf of the Amador Water Agency, an application and to file it with the California Emergency Management Agency for obtaining Federal Financial Assistance with the revisions.

DEPARTMENT REPORTS (4:50-33:36)
Operations
Administration/Finance

AGENCY GENERAL (33:37-40:46)
Public Hearing- Miscellaneous Fees
Discussion and possible action to adopt Resolution No. 2017-15 revising miscellaneous fees and charges for the Amador Water Agency

President Thomas declared the Public Hearing open at 9:37 a.m.

Public Comment:
None

MOTION: It was moved by Director Molinelli Jr., seconded by Director Toy and unanimously carried to close the Public Hearing

MOTION: It was moved by Director Molinelli Jr., seconded by Director Toy and unanimously carried to adopt Resolution No. 2017-15 revising the miscellaneous fees and charges for the Amador Water Agency

Quarterly Investment Report (41:00-49:31)
Report of the Agency’s Investment Performance through September 30, 2017

WATER SYSTEM (49:56 - 1:09:40)
Ione Water Treatment Plant Expansion
Discussion and possible action to award the bid and provide the notice to proceed.
Discussion and possible action to enter into an agreement with CSI Services for coating inspection services
Discussion and possible action to authorize a 10% contingency for change orders

MOTION: It was moved by Director Toy, seconded by Director Molinelli Jr. and unanimously carried to approve items 7.A.1- award of bid and notice to proceed , 7.A.2 enter into an agreement with CSI Services and 7.A.3 authorization for a 10% contingency for change orders.

Pioneer Water System Rehabilitation Project Phase 2 & 3 (1:09:41 - 1:55:38)
Discussion and possible action to authorize the General Manager to enter into a contract for CDBG grant administration assistance for the Pioneer Water System Rehabilitation Project Phases 2 & 3
Discussion and possible action to authorize the General Manager to enter into a contract for environmental consulting services for the Pioneer Water System Rehabilitation Project Phases 2 & 3
MOTION: It was moved by Director Farrington, seconded by Director Toy and unanimously carried to authorize the General Manager to enter into an agreement for up to $60,000 for Environmental Review with the funds coming from participation fee funds and authorization to seek grant administration assistance within his delegated authority amount of $5,000.

LEGAL COUNSEL’S REPORT (1:55:44-2:12:50)

COMMITTEE REPORTS, SPECIAL ASSIGNMENTS AND DIRECTOR COMMENTS (2:12:52-2:25:46)
SGMA/AC-GMA
UMRWA

FUTURE AGENDA TOPICS
None

CLOSED SESSION was called at 11:41 a.m.

Conference with Legal Counsel Pursuant to Government Code Sections 54956.9(a) and (d)(1) - Existing Litigation – Howard Jarvis Taxpayers Association, et al. v. Amador Water Agency, et al. (Amador Superior Court Case No. 16-CVC-09564/Third District Court of Appeal Case No. C081757).

Pursuant to Government Code Section 54957 Public Employee Performance Evaluation- General Manager.

OPEN SESSION resumed at 12:15 p.m.- President Thomas reported that the General Manager’s evaluation is complete and the General Manager will receive an adjustment consistent with the bargaining unit MOU’s.

ADJOURNMENT
President Thomas adjourned the meeting at 12:17 p.m.

Cris Thompson
Clerk of the Board of Directors
Approved: ____________________________
## Accounts Payable

**Checks by Date - Summary by Check Date**

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**Printed:** 9/29/2017 12:47 PM

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| ACH   | 2849 | St. Of Calif - Edd                  | 09/06/2017   | 3.68         |

**Total for 9/6/2017:** 197.98

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| 1427  | 3793      | PERS Long-Term Care Program | 09/22/2017 | 61.03     |
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| 80849  | 1129      | Blue Gavel Press | 09/22/2017 | 129.22    |
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| 80856  | 1807      | Foothill Ventures Inc | 09/22/2017 | 16.32     |
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Total for 9/29/2017: 114,334.24

Report Total (223 checks): 1,109,148.74
RESOLUTION NO. 2017-19

OF THE BOARD OF DIRECTORS OF THE
AMADOR WATER AGENCY
AUTHORIZING INVESTMENT OF AMADOR WATER AGENCY
FUNDS IN THE LOCAL AGENCY INVESTMENT FUND

WHEREAS, pursuant to Chapter 730 of the Statutes of 1976 Section 16429.1 was added to the California Government Code to create a Local Agency Investment Fund in the State Treasury for the deposit of money of a local agency for purposes of investment by the State Treasurer; and

WHEREAS, the Amador Water Agency does hereby find that the deposit and withdrawal of money in the Local Agency Investment Fund in accordance with the provisions of Section 16429.1 of the Government Code for the purposes of investment as stated therein is in the best interest of the Amador Water Agency.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Amador Water Agency does hereby authorize the deposit and withdrawal of Amador Water Agency monies in the Local Agency Investment Fund in the State Treasury in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein.

BE IT FURTHER RESOLVED that the following Amador Water Agency officers or their successors in office shall be authorized to order the deposit or withdrawal of monies in the Local Agency Investment Fund:

Cris Thompson
Assistant General Manager

Gene Mancebo
General Manager

Tracey Hays
Finance Manager

The foregoing resolution was duly passed and adopted by the Board of Directors of the Amador Water Agency of State of California on this 26th day of October, 2017 by the following vote:

Ayes: ____________________________
Noes: ____________________________
Absent: __________________________
Abstain: _________________________

Gary Thomas, President
Board of Directors

ATTEST:
Cris Thompson
Clerk of the Board of Directors

The foregoing instrument is a correct copy of the original on file in this office

Attest: ____________________________
STAFF REPORT

Central Amador Water Project

Final Environmental Impact Report for CAWP Water Right Application 5647X03

Requested Action:

Discussion and possible action to adopt Resolution No. 2017-18, certifying the Final Environmental Impact Report ("FEIR") for the Central Amador Water Project water right Application 5647X03 ("Project"), adopting the Statement of Findings and Overriding Considerations for the Amador Water Agency Central Amador Water Project Water Right Application, approving the Project, and directing the General Manager to file a CEQA Notice of Determination accordingly.

Background:

The Central Amador Water Project ("CAWP") provides retail and wholesale treated water service to Amador Water Agency ("Agency") customers in and near the Highway 88 corridor generally from just below Pine Grove and just above the Buckhom area. The CAWP system was created in response to the 1976-77 drought as many of the community systems relied on groundwater which proved to be unreliable and suffered from both reduced quantity and quality during the drought. The Agency recognized the need for additional water for the CAWP system in the late 1990s to increase supply resiliency during droughts for current and future customers in the CAWP service area and to accommodate future planned growth in the CAWP service area. In 2003, the Agency filed a water right application (Application 5647X03) with the State Water Resources Control Board ("SWRCB") for an additional water supply. In 2006, the CAWP system used essentially all of the water authorized by its current water right.

Presently, the Agency holds water right Permit No. 17579, which authorizes the Agency to directly divert at the rate of three cubic feet per second ("cfs") year-round from the North Fork of the Mokelumne River, not to exceed 1,150 acre-feet of water per year ("AFY"). The permit also authorizes the storage of 1,600 AFY to be collected during the period of October 1 through July 15. The water is stored in Lower Bear River Reservoir, which is located on the Bear River, a tributary of the
North Fork of the Mokelumne River. The permit further provides that the total quantity of water to be diverted for use within the CAWP service area shall not exceed 1,150 AFY. In 2006, the Agency’s diversion for use in the CAWP service area was 1,149.7 acre-feet.

The Agency diverts North Fork Mokelumne River water from Pacific Gas and Electric Company’s (“PG&E”) Tiger Creek Regulator Reservoir and transports it by gravity for treatment at the Agency’s Buckhorn Water Treatment Plant in Pioneer. The Agency also can divert water from PG&E’s Tiger Creek Afterbay and pump the water to the Buckhorn Water Treatment Plant. As mentioned above, the Agency also stores water in PG&E’s Lower Bear River Reservoir which is released for diversion below at the Regulator Reservoir or Afterbay. The Agency’s rights to use PG&E’s Tiger Creek Regulator Reservoir, Afterbay, and Lower Bear River Reservoir are set forth in an agreement with PG&E, which was initially made in 1975, and most recently amended on December 13, 2012.

Application 5647X03 (Project) seeks the storage of an additional 1,400 AFY in PG&E’s Lower Bear River Reservoir and an additional direct diversion of 1,050 AFY to be taken at the Tiger Creek Regulator Reservoir with a total of an additional 1,050 AFY to be put to beneficial use in the CAWP service area.

In July 2017, the Agency finalized its Long-Term Water Needs and Supply Study, which evaluated the projected water demands at build-out in all of its service areas, including the CAWP service area. The build-out population and demand projections developed in the Study were based on Amador County’s recently updated General Plan. Because the General Plan does not include population estimates specifically for the CAWP service area, the Agency estimated population using the General Plan land use designations for the area. Appendix E to the FEIR estimates a population at build-out of 22,961 in the CAWP service area up from a current estimated population of 7,575. As more fully explained in Section 3.3 of the FEIR, the total annual anticipated water demand in the CAWP service area at build-out is 5,036 acre-feet. With approval of Application 5647X03, the Agency would be able to deliver a total of 2,200 AFY to customers in the CAWP service area, which is less than one-half of the potential demand at build-out.

The Project does not involve the construction of any infrastructure, as existing facilities of the Agency and PG&E would be used to store, divert, treat and distribute the applied for water, nor does the Project seek to increase the currently authorized CAWP service area.

The Project serves the Agency’s objectives to increase water supply resiliency during droughts for current and future CAWP customers and to accommodate to some extent future planned growth in the CAWP service area. It also has the benefit of assisting to implement Amador County’s development and growth-related goals and objectives of the 2016 County General Plan, as such are enumerated in the General Plan.

The completion of the environmental review is one of the last remaining requirements to complete the SWRCB process on Application 5647X03.
Alternatives:

Not adopt Resolution No. 2017-18 and potentially determine that additional environmental work or revisions to the Final EIR are needed.

Fiscal Impact:

Filing fees of $3,128.25 and associated staff time

Reviewed by Legal Counsel: Yes

Recommendation:

Adopt Resolution No. 2017-18, certifying the Final Environmental Impact Report, adopting the Statement of Findings and Overriding Considerations for the Amador Water Agency Central Amador Water Project Water Right Application, approving the Project, and directing the General Manager to file a CEQA Notice of Determination accordingly.

Prepared by: Gene Mancebo, General Manager
RESOLUTION No. 2017-18

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE AMADOR WATER AGENCY CONCERNING
THE CENTRAL AMADOR WATER PROJECT WATER RIGHT APPLICATION

WHEREAS, the Amador Water Agency (Agency) provides retail and wholesale treated
water service through the Central Amador Water Project (CAWP) to central Amador County;

WHEREAS, the current water supply for CAWP consists of the storage of 1,600 acre-feet
of water per year (“AFY”) in Pacific Gas & Electric Company’s (“PG&E”) Lower Bear River
Reservoir and the direct diversion of 1,150 AFY taken at PG&E’s Tiger Creek Regulator Reservoir
with a maximum of 1,150 AFY to be put to beneficial use in the CAWP service area;

WHEREAS, in 2006 the Agency’s diversion for use in the CAWP service area was 1,149.7
acre-feet, which was very close to the limit on the Agency’s existing water rights for CAWP;

WHEREAS, the Agency submitted water right Application 5647X03 to the State Water
Resources Control Board (“SWRCB”) in order to increase the water supply for the CAWP service
area to increase supply resiliency during droughts for current and future customers in the CAWP
service area and to accommodate future planned growth in the CAWP service area;

WHEREAS, Application 5647X03 seeks the storage of an additional 1,400 AFY in
PG&E’s Lower Bear River Reservoir and an additional direct diversion of 1,050 AFY to be taken
at PG&E’s Tiger Creek Regulator Reservoir with a total of an additional 1,050 AFY to be put to
beneficial use in the CAWP service area (“Project”);

WHEREAS, the Project does not involve the construction of any infrastructure, as existing
facilities of the Agency and PG&E would be used to store, divert, treat, and distribute the applied
for water, nor does the Project seek to increase the currently authorized CAWP service area;

WHEREAS, with respect to the proposed Project, the Agency is the lead agency under the
California Environmental Quality Act (California Public Resources Code sections 21000, et seq.) (CEQA);

WHEREAS, pursuant to its responsibilities under CEQA, the Agency determined that the Project may have significant adverse environmental effects and therefore, prepared a draft environmental impact report for the Project (DEIR);

WHEREAS, the DEIR was published in May of 2017 and made available for public review and comment for approximately 45 days beginning May 2, 2017, and ending on June 16, 2017;

WHEREAS, the Agency has received comments on the DEIR, has prepared written responses to each of the comments that were received and has included the comments and responses in the final environmental impact report (FEIR) for the Project;

WHEREAS, the FEIR, among other things, incorporates the DEIR;

WHEREAS, the Agency provided timely notice to the commenting public agencies of its responses to their comments and informed them that it would be considering the certification of the FEIR on October 26, 2017; and

WHEREAS, upon review of the FEIR, the Board of Directors of the Agency now desires to make certain findings, determinations and orders in connection with the FEIR and the Project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Agency hereby finds, determines and orders in the following sequence that:

1. The Board of Directors of the Agency hereby certifies as follows:
   a. The FEIR has been completed in compliance with CEQA;
b. The FEIR was presented to each member of the Board of Directors of the Agency well in advance of the date of this Resolution and that the Board of Directors of the Agency has reviewed and considered the information contained in the FEIR prior to adopting this Resolution; and

c. The FEIR reflects the Agency’s independent judgment and analysis.

2. The Board of Directors of the Agency hereby certifies the FEIR to be complete and adequate in accordance with CEQA.

3. The Board of Directors of the Agency hereby adopts the Statement of Findings and Overriding Considerations for the Amador Water Agency Central Amador Water Project Water Right Application, which is attached hereto and incorporated herein by this reference (hereinafter collectively referred to as the Findings), and each and every finding contained therein. The Findings address all potential significant effects of the Project identified in the DEIR, indicate whether such effects are avoided or substantially lessened to a less than significant level by mitigation measures adopted by Amador County, which has the responsibility, jurisdiction and legal authority to address and mitigate the identified significant effects, or remain significant and unavoidable because there are no feasible alternatives or mitigation measures or because even with implementation of mitigation measures, a significant impact will remain. For those potential significant effects that remain significant and unavoidable, the Board of Directors of the Agency adopts the Statement of Overriding Considerations set forth in the Findings, and in so doing determines that such remaining significant effects are acceptable due to the overriding concerns described in the Statement.

4. The Board of Directors of the Agency finds that the Project meets each of the Project objectives, and for that reason and for those set forth in the Findings and in the Staff Report, dated October 26, 2017, the Board of Directors of the Agency hereby selects and approves the Project and directs its implementation.
5. The Board of Directors of the Agency hereby authorizes and directs its General Manager to forthwith execute and file a CEQA Notice of Determination consistent with this Resolution.

PASSED AND ADOPTED at a meeting of the Amador Water Agency Board of Directors on October 26, 2017, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

____________________________________
President
Board of Directors
Amador Water Agency

ATTEST:

___________________________________
Clerk of the Board of Directors
Amador Water Agency
CERTIFICATION

I hereby certify that the foregoing is a full, true and correct copy of Resolution No. 2017-18, duly and regularly adopted by the Board of Directors of Amador Water Agency, County of Amador, on October 26, 2017.

______________________________
Clerk of the Board of Directors,
Amador Water Agency
Statement of Findings and Overriding Considerations for the Amador Water Agency Central Amador Water Project Water Right Application

State Clearinghouse Number 2016092008

Amador Water Agency

October 2017
1. INTRODUCTION

To secure a supplemental water supply for central Amador County, the Amador Water Agency (AWA) is requesting a water right permit from the State Water Resources Control Board (SWRCB) to store up to 1,400 acre-feet per year (AFY) in Lower Bear River Reservoir and to directly divert up to 1,050 AFY from the Bear River and North Fork Mokelumne River that is currently being diverted by Jackson Valley Irrigation District (JVID) further downstream. The requested permit would allow AWA to beneficially use 1,050 AF of water annually, whether by direct diversion or re-diversion of water released from storage. The diversion would use existing facilities; no new construction is needed. The Project is called the Central Amador Water Project (CAWP) Water Right Application (Project).

AWA is the lead agency for compliance with the California Environmental Quality Act (CEQA). AWA prepared an Environmental Impact Report (EIR), under the requirements of CEQA, to evaluate the potential environmental impacts of the Project. The environmental analysis contained in the EIR provides a thorough evaluation of potentially significant effects on the environment that could occur as a result of implementing the Project. The EIR also thoroughly evaluates alternatives to the Project.

When approving a project for which an EIR has been prepared, section 15091 of the State CEQA Guidelines provides that:

(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation for the rationale for each finding. The possible findings are:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant effect as identified in the final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

Because the EIR identified significant effects that could occur as a result of the Project, in accordance with the provisions of CEQA, AWA hereby adopts these findings and a statement of overriding considerations as part of its consideration of the approval of the Project.

2. PROJECT BACKGROUND

CAWP was constructed in the late 1970s to provide surface water to communities in central Amador County hard hit by the multi-year drought being experienced in the area at that time.
CAWP currently draws raw water via a gravity supply pipeline from PG&E's Tiger Creek Regulator Reservoir to the Buckhorn Water Treatment Plant (WTP) in Pioneer. The Buckhorn WTP currently provides treated water on a wholesale basis to two retail water purveyors, and provides treated water for direct retail sale to customers. There are currently about 3,500 parcels actively using water. Most water services are for residential use, though some services are for commercial use. Over the last 5 years, the total annual water use under AWA's existing water right permit (Permit 17579) has ranged from about 777 AF to about 952 AF. The service area authorized by Permit 17579 (also referred to as place of use) is defined in the existing permit. The proposed Project does not seek to increase the currently authorized place of use.

The sources of supply for CAWP are the North Fork Mokelumne River (North Fork) and Bear River (tributary to the North Fork). Water rediverted by AWA at PG&E's Tiger Creek Regulator Reservoir may be comprised of natural flow or stored Bear River water released from Pacific Gas & Electric Company's (PG&E) Lower Bear River Reservoir. PG&E delivers water to its Tiger Creek Regulator Reservoir by way of facilities owned and operated by it in connection with its Mokelumne River Hydroelectric Project (Federal Energy Regulatory Commission (FERC) Project No. 137). Use of the PG&E facilities by AWA is per an agreement between the two parties, most recently amended in 2012. PG&E's facilities used by AWA consist of the following: Lower Bear River Reservoir; Bear River Tunnel and Penstock; Salt Springs Reservoir and Powerhouse; Tiger Creek Conduit; Tiger Creek Regulator Reservoir; and Tiger Creek Forebay, Powerhouse and Afterbay. Tiger Creek Afterbay serves as a standby point of direct diversion of natural flow and rediversion of water released from storage in Lower Bear River Reservoir in the event that AWA is unable to divert from the Tiger Creek Regulator Reservoir.

In 1927, the Department of Water Resources filed two state applications (Applications 5647 and 5648) for the appropriation of unappropriated waters of the Mokelumne River. The applications were made for the purpose of ensuring adequate water supply for counties in the mountain and foothill areas, including Amador County. In 1959, the Department of Water Resources executed a release from priority of Applications 5647 and 5648 in favor of East Bay Municipal Utility District’s Camanche Reservoir Project, pursuant to which the Department reserved water for direct diversion and storage from the Mokelumne River for use in Amador County under State Applications 5647 and 5648 which, when combined with diversions then and thereafter made through the Amador Canal, would produce an annual safe yield of 20,000 AF and would have priority over the Camanche Project.

On August 29, 1959, the predecessor of the SWRCB issued water right Permit 12167 to JVID, assigning a portion of Application 5648 to JVID and authorizing it to directly divert 5,000 AF from Pardee Reservoir at a rate not to exceed 50 cubic feet per second (cfs) from March 1 through October 31 of each year for irrigation purposes, and throughout the year for incidental domestic and stock watering purposes. The permit was made subject to a condition that up to 2,200 of the 5,000 AF could revert to water users within Amador County, such as AWA, upstream of JVID’s diversion point (Pardee Reservoir). A reversion is allowed only after a determination is made by the State indicating that the reverted water is needed by the upstream water user requesting the reversion. The reversion causes a subtraction from what JVID may divert and an addition to what AWA may divert so that there is no net increase in direct diversions from the Mokelumne River.

In 1979, the SWRCB issued Permit 17579 to AWA as a result of Decision 1490. As part of the Decision, the SWRCB approved the reversion of 1,150 AF from JVID’s permit. Permit 17579
has a 1927 priority based on an assignment of a portion of State-filed Application 5647 to AWA pursuant to procedures set forth in California Water Code (Water Code) sections 10500-10506. Permit 17579 authorizes a year-round direct diversion of 1,150 AF at a rate not to exceed 3 cfs and the storage of 1,600 AFY in Lower Bear River Reservoir with the limitation that the total that can be taken from the sources for consumptive use in the CAWP service area whether by direct diversion or rediversion from storage is 1,150 AFY.

AWA has submitted Application 5647X03 to the SWRCB (the Project), and if approved, JVID's Permit 12167 would be further reduced by 1,050 AFY in favor of AWA. Together with the previous reversion amount of 1,150 AFY, this would bring the total amount of reversion to 2,200 AFY. Relative to the Agency's existing water right Permit 17579, the new permit would effectively:

- Increase the maximum rates of direct diversion allowed from the Bear River and North Fork Mokelumne River from 3 cfs to 5 cfs, with the combined rate between these sources not to exceed 5 cfs.
- Increase the amount of water that may be diverted into storage annually at Lower Bear River Reservoir from 1,600 AF to 3,000 AF.
- Increase the amount of water that may be beneficially used annually, whether by direct diversion or re-diversion of water released from storage, from 1,150 AF to 2,200 AF.
- The authorized CAWP place of use (service area) would not change from that which presently exists.

The new permit also would have a 1927 priority as the Agency, in conjunction with the filing of Application 5647X03, submitted a petition for partial assignment of State Application 5647 pursuant to Water Code sections 10500-10506. The current application, if approved, would thus become a part of the annual safe yield of 20,000 AF which was reserved for use in Amador County in 1959.

AWA expects water use in the CAWP service area to increase in the future beyond the amount allowed in its existing water right Permit 17579, and for that reason, filed Application 5647X03. AWA's existing Permit 17579 allows the direct diversion of 1,150 AFY and the storage of 1,600 AFY at Lower Bear River Reservoir, with the total taken for consumptive use by direct diversion and rediversion from storage not to exceed 1,150 AFY. In 2006, AWA's annual diversion for the CAWP service area was 1,149.7 AF, which was very close to the amount of water allowed under the permit. Although water use declined during the recession and was further reduced due to conservation during the multi-year drought that extended through 2015, AWA has projected that the need for water has not decreased and will likely increase in the future.

3. FINAL EIR RECORD

The AWA Board of Directors (AWA Board) has reviewed the Final EIR for the Project, consisting of the revised Draft EIR and Responses to Comments on the Draft EIR. In addition to this Statement of Findings and Overriding Considerations, the administrative record for the Project includes the following elements (full lists of references are provided at the end of each chapter of the Draft EIR and the Final EIR):

- Notice of Preparation (NOP) and Initial Study
- Responses to the NOP
All public notices provided in connection with the Project
Public Draft EIR including Technical Appendices
All comments submitted on the Draft EIR during the public comment period
Final EIR
All references used in the Draft EIR and Final EIR
Correspondence pertaining to the Draft EIR
All findings and resolutions adopted by the AWA Board in connection with the Project, and all documents cited or referred to therein
All reports, studies, memoranda, maps, and other documents relating to the Project prepared by AWA and its consultants
All documents submitted to AWA by agencies or members of the public in connection with the Project
The Amador County General Plan EIR, the Amador County General Plan, and the related Amador County General Plan CEQA findings and statement of overriding considerations
County of Amador General Plan Mitigation Monitoring and Reporting Program adopted on October 4, 2016- Long Term Water Needs and Supply Study, July, 2017
Water Right Application 5647X03, and all associated maps, correspondence, memoranda, reports, agreements and other documents related to the Application
Minutes of all public meetings held by AWA in connection with the Project
All written material presented or received at AWA meetings on the Project
Matters of common knowledge to AWA, including but not limited to federal, state, and local laws and regulations
Any other materials required for the record of proceedings by Public Resources Code section 21167.6, subdivision (e)
Documents and materials that constitute the record of proceedings on which the AWA Board decision on the Project is based are available at the AWA office at 12800 Ridge Road, Sutter Creek, CA 95685, and are in the custody of the AWA General Manager.

4. FINDINGS

4.1 PROJECT DESCRIPTION

PROJECT OBJECTIVES

The objectives of the proposed Project are:

- Augment existing water supply to meet the needs of existing customers and accommodate future planned growth in the CAWP service area; and
- Increase water supply resiliency for current and future customers in the CAWP service area.
AWA is statutorily authorized to provide water service to all territory in Amador County. (West’s Ann. Water Code App., Secs. 95-1 and 95-4.) AWA’s statutory authorization to provide public water service also imposes a “duty to serve” upon AWA. (Maddow, The Role of Water Agencies in Land Use Planning (March 1992) California Water Law and Policy Reporter, at p.105.) The duty to serve requires public utilities, such as AWA, “to provide adequate and reasonably efficient service in an impartial manner, without unjust discrimination, to those within the agency’s service area who comply with its rules and regulations and pay its rates and charges.” (Id.)

Accordingly, AWA “must hold itself out as ready to serve” and must provide water service to its service area without discrimination or preferences, unless differences in the services provided are justified by differences in cost of service. (Butte County Water Users’ Association v. Railroad Commission (1921) 185 Cal. 218, 224-225.) Furthermore, AWA has an obligation to “exert every reasonable effort” to augment and expand its supplies and facilities to meet increasing demands for service within the county. (Swanson v. Marin Municipal Water District (1976) 56 Cal. App. 3d 512, 524.)

PROJECT DESCRIPTION

AWA has filed a water right application (Application 5647X03) requesting year-round direct diversion of up to 1,050 AF from Bear River and the North Fork Mokelumne River and the annual storage of up to 1,400 AF in Lower Bear River Reservoir during the period of October 1 to July 15. The total amount to be directly diverted and rediverted from storage for consumptive uses in the CAWP service area on an annual basis would not exceed 1,050 AF. To achieve the direct diversion of 1,050 AF annually, the application is coupled with a request that of JVID’s currently authorized direct diversion right of 3,850 AF pursuant to its Permit 12167, 1,050 AF revert to AWA as contemplated in that permit. Under AWA’s application, water would either be diverted or re-diverted from the Bear River and North Fork of the Mokelumne River at four different locations:

- Bear River at Lower Bear River Reservoir Dam
- North Fork Mokelumne River at Salt Springs Reservoir Dam
- North Fork Mokelumne River at Tiger Creek Afterbay Dam
- Tiger Creek at Tiger Creek Regulator Dam

The additional 1,400 AFY of storage in Lower Bear River Reservoir would provide additional dry-year reliability to AWA customers in the CAWP service area. During times when AWA’s CAWP direct diversion rights are curtailed, as was the case during portions of the 2012-2015 drought, AWA would have additional stored water available to meet demands. The water right application defines the proposed service area or place of use, which is the same as what presently exists for the CAWP service area under Permit 17579.

AWA’s proposed points of diversion and rediversion are upstream from JVID’s current point of diversion at Pardee Reservoir. Water would be diverted, stored, and conveyed to the Buckhorn WTP for delivery within AWA’s CAWP service area. There may be an incremental reduction in flows at times in the North Fork Mokelumne River and Bear River between the AWA diversion points and the existing JVID diversion at Pardee Reservoir. PG&E would still maintain minimum flows in these streams, but flows may be reduced by up to 2 cfs during periods when
flows are above those minimums. There would be no net change in flow downstream of Pardee Dam.

AWA’s pending water right application for the Project does not require the development or construction of any new water supply infrastructure, as existing facilities owned by AWA and PG&E would be used to store and convey the water.

4.2 ALTERNATIVES

In accordance with the Section 15126.6 of the State CEQA Guidelines, a range of reasonable alternatives to the Project that could feasibly attain the basic Project objectives but would avoid or substantially lessen any of the significant effects of the Project was addressed in the EIR. The EIR considered the following alternatives to the Project:

REDUCED GROWTH ALTERNATIVE

Because the only potential significant effects of the Project identified in the EIR are the indirect impacts resulting from the Project’s potential to accommodate growth in the CAWP service area, AWA considered two potential alternatives to reduce the amount of growth that could be accommodated by the Project 1) the Reduced Water Supply (RWS) Alternative and 2) the Reduced Place of Use (RPU) Alternative (collectively the Reduced Growth Alternative).

Reduced Water Supply Alternative: Under the RWS Alternative, the amount of water that could be put to beneficial use under Application 5647X03, whether by direct diversion or rediersion of releases from storage, would be reduced so as to reduce to some uncertain extent the Project’s potential to contribute to secondary growth inducing impacts.

Reduced Place of Use Alternative: Under the RPU Alternative, the geographic extent of the CAWP service area would be reduced in size from its current authorized configuration. Reducing the size of the service area is another means by which it might be possible to limit the potential for growth that could be served by a supplemental water supply.

Both options would limit the potential additional development that AWA could serve in the future, thus reducing the Project’s potential to contribute to secondary growth inducing impacts. A reduction in water supply under the RWS Alternative or a reduction in the area served under the RPU Alternative could limit potential future residential and commercial development and thus reduce the secondary impacts associated with that growth, including effects on agriculture and forest resources, air quality, biological resources, public services and utilities, transportation, land use and planning and population and housing. It is, however, uncertain whether growth could be reduced to an extent that the indirect growth-related impacts would be considered less significant. It is also possible that either Reduced Growth Alternative could result in environmental consequences associated with the development of alternative sources of water supply if water is not available from AWA to users within the CAWP service area. Users who cannot be supplied with water from AWA might attempt to meet their water demands with groundwater, or by diversions from other surface waters. Groundwater basins and aquifers in the CAWP area are not well defined; most groundwater is transient and found in fractured rock. Because there is no defined basin in the area, groundwater use in the CAWP area would not be regulated by the Sustainable Groundwater Management Act. There is thus the possibility that unmanaged use of local groundwater resources could result in adverse effects on groundwater
levels, and use of other surface water could affect local streams other than the Mokelumne River. These effects could potentially be significant.

The 2016 Amador County General Plan EIR identified potential environmental impacts related to growth in the County as a whole. Given the broad-based nature of the discussion of these impacts in that EIR, it would be highly speculative to assess the specific extent to which growth in the CAWP service area would contribute to the totality of growth related significant impacts in the County that were identified in the General Plan EIR. Therefore, it is difficult to conclude to what extent either Reduced Growth Alternative would result in less overall growth related environmental impacts in the County compared to the proposed Project. Additionally, AWA does not have the authority to refuse service to future development approved by Amador County assuming it has a water supply available to serve it and the development complies with AWA’s rules and regulations concerning service. As noted in the Project Description, AWA is authorized to provide water service to all territory in Amador County, and thus has a duty to serve, which requires AWA “to provide adequate and reasonably efficient service in an impartial manner, without unjust discrimination, to those within the agency’s service area who comply with its rules and regulations and pay its rates and charges” (Maddow 1992). A reduction in the size of the water supply under the RWS Alternative or a reduction in service area under the RPU Alternative would for all intents and purposes be a mechanism through which AWA would be precluded from providing water service to areas of the County for which it is obligated to serve and defeat the Project’s most basic objectives.

On the basis of the foregoing, the AWA Board finds that either Reduced Growth Alternative may have significant adverse impacts to surface and ground water resources, may not reduce the indirect impacts associated with growth to less than significant levels, would be inconsistent with AWA’s legal obligation to provide water service to accommodate future growth and development as approved by the County of Amador under the 2016 General Plan, and would not meet the Project’s most basic objectives, which are to augment existing water supply to meet the needs of existing customers and accommodate future forecasted growth, and increase supply resiliency for current and future customers in the CAWP service area. The AWA Board thus rejects these alternatives as infeasible within the meaning of CEQA.

NO PROJECT ALTERNATIVE

CEQA Guidelines Section 15126.6(e)(1) requires that the no project alternative be described and analyzed “to allow decision makers to compare the impacts of approving the project with the impacts of not approving the project.” The no project analysis is required to discuss “the existing conditions at the time the notice of preparation is published...as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.” (Section 15126.6[e][2]).

Under the No Project Alternative, existing conditions as of the Notice of Preparation publication date would continue indefinitely. No additional water would be directly diverted from the Bear River or the North Fork Mokelumne River to serve the CAWP service area, nor would additional diverted water be stored in Lower Bear River Reservoir. JVID would continue to be able to directly divert 3,850 AFY (instead of 2,800 AFY if the Project were approved). The augmented
water supply capacity and increased reliability of water supply to serve existing and future residents in the CAWP service area associated with the proposed Project would not occur, and thus the No Project Alternative would not meet the most basic objectives of the Project. AWA or area landowners/developers could potentially look for and develop other sources of water to ensure adequate water supply capacity and reliability. Potential sources of water could include groundwater (although groundwater generally is not a reliable source of supply in the CAWP service area), or other surface water sources, and use of those other sources could have significant adverse effects on the groundwater levels or on local streams other than the Mokelumne River. In the absence of the Project, growth might still occur in the CAWP service area, and although the extent of growth might be reduced, it is not certain that any secondary effects of growth in the service area would be reduced to less than significant. Even without the Project, there could be significant impacts associated with the secondary effects of growth in the service area.

On the basis of the foregoing, the AWA Board finds that the No Project Alternative may have significant effects on water resources, may not reduce the secondary effects of growth to less than significant levels, would be inconsistent with AWA’s legal obligation to provide water service to accommodate future growth and development as approved by the County of Amador under the 2016 General Plan, and would not meet the Project’s most basic objectives which are to augment the current CAWP water supply to meet the needs of existing customers and accommodate future forecasted growth in the CAWP service area and increase supply resiliency for current and future customers in the CAWP service area. Therefore, the AWA Board rejects the No Project Alternative as infeasible within the meaning of CEQA.

CONCLUSIONS AND FINDINGS REGARDING THE ALTERNATIVES

Based on the foregoing analysis and pursuant to CEQA Guidelines Sections 15126.6 and 15091, the AWA Board finds and determines that (1) it has considered a range of reasonable alternatives to the Project that could feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen certain significant effects of the Project; (2) it has evaluated the comparative merits of the various alternatives and identified and analyzed potentially environmentally superior alternatives; and (3) none of the alternatives considered is feasible within the meaning of CEQA and therefore rejects each alternative in favor of the Project.

4.3 ABSENCE OF SIGNIFICANT NEW INFORMATION

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR but before certification of the Final EIR. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. The CEQA Guidelines provide the following examples of significant new information under this standard:

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
• A substantial increase in the severity of an environmental impact would result unless mitigations are adopted that reduce the impact to a level of insignificance.
• A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.
• A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.

The Final EIR incorporates information obtained by AWA since the release of the Draft EIR. This information includes comments submitted on the Draft EIR, responses to those comments, and additional information developed since the release of the Draft EIR as set forth in the Final EIR and appendices thereto.

The new information included in the responses to the comments and other chapters submitted in the Final EIR do not reflect “significant new information” requiring the need for recirculation of the EIR. The comments, responses, and information updated in response to comments do not identify a feasible alternative or mitigation measure within the legal authority of AWA to require considerably different from the alternatives and mitigation measures evaluated in the Draft EIR that would reduce potential significant environmental impacts to less than significant levels. The AWA Board therefore finds that recirculation of the EIR is not required.

4.4 EFFECTS FOUND NOT TO BE SIGNIFICANT

The Initial Study for the Project determined that the Project would have no direct significant impacts on the following environmental resources:

• aesthetics
• agriculture and forestry resources
• air quality
• cultural resources
• flooding
• geology and soils
• greenhouse gas emissions
• groundwater
• hazards and hazardous materials
• land use and planning
• mineral resources
• noise
• public services
• terrestrial biological resources
• transportation/traffic
• utilities and service systems
• water quality
• wetlands
The AWA Board concurs with the Initial Study’s determinations and the rationale given in support of such determinations. No findings are needed relative to these determinations.

The EIR for the Project evaluated the potential impacts of the Project on the following resources and determined that there would be no significant effects. The AWA Board concurs with the EIR’s determinations on these resources and the rationale given for them. No findings are therefore needed relative to these determinations. The resource issues evaluated and determined not to be impacted significantly by the Project in the EIR are:

- Existing drainage patterns of the Project site or area
- Species identified as candidate, sensitive, or special status
- Riparian habitat or other sensitive natural community
- Movement of any native resident or migratory fish or wildlife species or with movement corridors or nursery sites
- The Project would not combine with other projects to produce cumulative impacts on hydrology or aquatic biological resources.

4.5 SIGNIFICANT UNAVOIDABLE EFFECTS OF THE PROJECT

Pursuant to Public Resources Code section 21081 and CEQA Guidelines section 15091, for each significant effect identified in the EIR, AWA must make one or more of the findings stated in Section 1.1. The only significant effects identified in the EIR concern secondary impacts associated with growth inducement.

GROWTH INDUCEMENT

The Project would remove a constraint to growth in the CAWP service area by augmenting water supply, but the amount of growth that could be accommodated would not be inconsistent with the growth planned for the CAWP service area under the Amador County General Plan. The County’s General Plan EIR identified several significant effects associated with growth, which were evaluated in the EIR for the Project as they relate to growth in the CAWP service area. As explained above, the alternatives to the Project would not necessarily reduce the growth inducing effects of the Project to a less than significant level and as will be shown below, AWA is without the legal authority to mitigate the identified secondary impacts associated with that growth.

The Project would not directly induce growth as it is not directly tied to any new residential or commercial development. The Project does not involve the construction of new water conveyance infrastructure to extend service to areas within the CAWP service area not currently served by AWA. There is no proposed increase in the CAWP service area. As stated above and more fully explained in Section 3.3.4 of the EIR, the Project would provide a water supply for only a portion of the growth expected to occur in the CAWP service area under the County General Plan.

Pursuant to Public Resources Code section 21081 and CEQA Guidelines section 15091, the AWA Board hereby makes the following findings regarding each of the potential significant growth inducing effects of the proposed Project as identified in the County General Plan EIR and evaluated in the Project EIR.
A. AGRICULTURE AND FOREST RESOURCES (INDIRECT IMPACT)

1. Significant Indirect Effect: Amador County General Plan Impact 4.2-3, Land Use Conflicts with Existing Agricultural Use

Impact

There is no important farmland within the CAWP service area. But there are areas in the vicinity of the service area where existing agricultural uses are adjacent to areas that could be developed in the future. These land use conflicts were identified in the County General Plan EIR as significant and unavoidable.

Mitigation

AWA has no legal authority relative to land uses and therefore is without jurisdiction to mitigate the identified impacts. For the CAWP service area, such authority rests with the County. As part of the County General Plan Mitigation Monitoring and Reporting Program (County MMRP) adopted on October 4, 2016, in conjunction with the County General Plan EIR, the County adopted mitigation measures to address these potential land use conflicts. The particular mitigation measures are:

Mitigation Measure 4.2-1a: Implement Program P-11, Farmland

Mitigation Measure 4.2-1b: Implement Program D-1a(9), Development Proposal Evaluation

Mitigation Measure 4.2-1c: Implement Agricultural Land Conversion Easements

These measures consist of policies and programs to be implemented by Amador County to encourage preservation of agricultural land. The full text of the mitigation measures is included in the County MMRP on pages 5 and 6. Even with implementation of these mitigation measures, the County General Plan EIR found that the impacts still could be significant and unavoidable.

Findings

The AWA Board finds that: (1) it does not have the legal authority to resolve the identified land use conflicts and therefore to mitigate the noted potential agricultural land use impacts; (2) the County has the authority, responsibility, and jurisdiction to address and mitigate potential land use impacts, and the County adopted Mitigation Measures 4.2-1a, 4.2-1b and 4.2-1c as part of the County MMRP to reduce the indirect impacts to agriculture, did not find any other feasible mitigation measures to mitigate such impacts, and determined that the identified impacts to agricultural land uses still could be significant and unavoidable after such mitigation; (3) as set out in Chapter 6 of the EIR, no mitigation measures were identified in the comments on the EIR that either addressed these agricultural impacts or were within the legal authority of AWA to implement; and (4) the subject impacts are overridden by the Project benefits noted in Section 4.1 above and as more particularly described in the Statement of Overriding Considerations set forth below and in the County's CEQA Findings of Fact and Statement of Overriding Consideration adopted in connection with the County's approval of its General Plan.
2. **Significant Indirect Effect: Amador County General Plan Impact 4.2-5, Result in Conversion of Forestland to Non-Forest Use**

**Impact**

Growth within the CAWP service area would not be permitted within designated Timberland Production Zones. However, the County General Plan EIR acknowledged that new development could result in the conversion of forestland to non-forest uses such as roadways and other improvements associated with new development.

**Mitigation**

AWA does not have the legal authority to mitigate these land use impacts. Again, this is within the jurisdiction of the County. As part of the County MMRP, the County adopted the following mitigation measures to address the noted impacts related to conversion of forestland:

- **Mitigation Measure 4.2-5a: Implement Program P-10, Timber Production**
- **Mitigation Measure 4.2-5b: Implement Program D-1a(10), Development Proposal Evaluation**

These measures consist of policies and programs to be implemented by Amador County to encourage preservation of forestland. The full text of the mitigation measures is included in the County MMRP on pages 6 and 7. Even with implementation of these mitigation measures, the County General Plan EIR determined that the impacts still could be significant and unavoidable.

**Findings**

The AWA Board finds that: (1) it does not have the legal authority to resolve the conflicting land uses and therefore to implement mitigation measures to address the identified impacts; (2) the County has the authority, responsibility, and jurisdiction to address and mitigate potential land use impacts, and the County adopted Mitigation Measures 4.2-5a and 4.2-5b to reduce the indirect impacts to forestland, did not find any other feasible mitigation measures to mitigate such impacts, and determined that the identified impacts to forestland still could be significant and unavoidable; (3) as set out in Chapter 6 of the EIR, no mitigation measures were identified in the comments on the EIR that either addressed these impacts or were within the legal authority of AWA to implement; and (4) these impacts are overridden by the Project benefits noted in Section 4.1 above and as more particularly described in the Statement of Overriding Considerations set forth below and in the County’s CEQA Findings of Fact and Statement of Overriding Considerations adopted in connection with the County’s approval of its General Plan.

**B. AIR QUALITY (INDIRECT IMPACT)**

1. **Significant Indirect Effect: Amador County General Plan Impact 4.3-1, Construction-Related Emissions**

**Impact**

The County General Plan EIR determined that growth consistent with the General Plan would result in construction related emissions of criteria air pollutants that could violate or contribute
substantially to an existing or projected air quality violation, result in a cumulatively considerable net increase in non-attainment criteria pollutants, and/or expose sensitive receptors to substantial pollutant concentrations. Air quality impacts are experienced across the entire air basin. It is expected that growth within the CAWP service area would contribute to air quality impacts, although the extent of the contribution is not possible to ascertain at this time. The Project itself does not involve any construction.

Mitigation

Amador County adopted the following mitigation measures as part of the County MMRP to reduce impacts related to construction emissions from growth within the County’s jurisdiction:

Mitigation Measure 4.3-1a: Implement Measures to Control Particulate Matter Emissions Generated by Construction Activities

Mitigation Measure 4.3-1b: Reduce Exhaust Emissions from Construction Equipment

These are emissions reduction measures that Amador County will require of each project applicant, as a condition of development project discretionary approval. The full text of the mitigation measures is included in the County MMRP on pages 7 through 9. Even with implementation of these mitigation measures, the County General Plan EIR found that these impacts still could be significant and unavoidable.

Findings

The AWA Board finds that: (1) the County, not AWA, has the authority, responsibility, and jurisdiction to impose mitigation on growth in the CAWP service area relative to the noted impacts as the County is the land use permitting authority in that area, and that the County adopted Mitigation Measures 4.3-1a and 4.3-1b to reduce the noted air quality impacts from such growth, did not find any other feasible mitigation measures to mitigate such impacts, and determined that such impacts would not be reduced to a level of less than significant because project level mitigation cannot be guaranteed to be effective for all projects; (2) as set out in Chapter 6 of the EIR, no mitigation measures were identified in the comments on the EIR that either addressed these air quality impacts or were within the legal authority of AWA to implement; and (3) these impacts are overridden by the Project benefits noted in Section 4.1 above and as more particularly described in the Statement of Overriding Considerations set out below and in the County’s CEQA Findings of Fact and Statement of Overriding Considerations adopted in connection with the County’s approval of its General Plan.

2. Significant Indirect Effect: Amador County General Plan Impact 4.3-2, Generation of Long-Term Operational (Regional) Emissions of ROG, NOx, PM10 and PM2.5

Impact

The County General Plan EIR determined that growth consistent with the General Plan would result in long term emissions of criteria air pollutants that could violate or contribute substantially to an existing or projected air quality violation, result in a cumulatively considerable net increase in non-attainment criteria pollutants, and/or expose sensitive receptors to substantial pollutant concentrations. Air quality impacts are experienced across the entire air basin.
basin. It is expected that growth within the CAWP service area would contribute to air quality impacts, although the extent of the contribution is not possible to ascertain at this time.

Mitigation

Amador County has adopted the following mitigation measures to reduce impacts related to long-term regional emissions in relation to growth within its jurisdiction:

**Mitigation Measure 4.3-2a: Implement Reduction Measures for Discretionary Projects**

**Mitigation Measure 4.3-2b: Implement Program D-7, Air Emissions and Sensitive Receptors**

These are emissions reduction measures that Amador County will require of each project applicant, as a condition of development project discretionary approval. The full text of the mitigation measures is included in the County MMRP on pages 9 through 11. Even with implementation of these mitigation measures, the County General Plan EIR found that the impacts still could be significant and unavoidable.

Findings

The AWA Board finds that: (1) the County, not the AWA, has the authority, responsibility, and jurisdiction to impose mitigation on growth in the CAWP service area relative to the noted impacts, and the County adopted Mitigation Measures 4.3-2a and 4.3-2b to reduce the noted air quality impacts from such growth, did not find any other feasible mitigation measures to mitigate such impacts, and determined that such impacts would not be reduced to a level of less than significant; (2) as set out in Chapter 6 of the EIR, no mitigation measures were identified in the comments on the EIR that either addressed these air quality impacts or were within the legal authority of AWA to implement; and (3) these impacts are overridden by the Project benefits noted in Section 4.1 above and as more particularly described in the Statement of Overriding Considerations set out below and in the County’s CEQA Findings of Fact and Statement of Overriding Considerations adopted in connection with the County’s approval of its General Plan.

3. Significant Indirect Effect: Amador County General Plan Impact 4.3-4, Exposure of Sensitive Receptors to Short- and Long-Term Emissions of Toxic Air Contaminants

Impact

The County’s General Plan EIR determined that growth consistent with the General Plan would result in exposure of sensitive receptors to short- and long-term emissions of toxic air contaminants which would be significant. Because air quality impacts are experienced across the entire air basin, it is expected that growth within the CAWP service area would contribute to air quality impacts, although the significance of the contribution is not possible to ascertain at this time.

Mitigation

Amador County has adopted the following mitigation measures to reduce impacts related to toxic air contaminants in relation to growth within its jurisdiction:
Mitigation Measure 4.3-2b: Implement Program D-7, Air Emissions and Sensitive Receptors

This is an emissions reduction measure that Amador County will require of each project applicant, as a condition of development project discretionary approval. The full text of the mitigation measure is included in the County MMRP on page 11. Even with implementation of this mitigation measure, the County General Plan EIR determined that this impact still could be significant and unavoidable.

Findings

The AWA Board finds that: (1) the County, not AWA, has the authority, responsibility, and jurisdiction to impose mitigation on growth within the CAWP service area relative to the noted impacts, and that the County adopted Mitigation Measure 4.3-2b to reduce the noted impacts from such growth, did not find any other feasible mitigation measures to mitigate such impacts, and determined that such impacts would not be reduced to a level of less than significance; (2) as set out in Chapter 6 of the EIR, no mitigation measures were identified in the comments on the EIR that either addressed this air quality impact or were within the legal authority of AWA to implement; and (3) the impact is overridden by the Project benefits noted in Section 4.1 above and as more particularly described in the Statement of Overriding Considerations set out below and in the County’s CEQA Findings of Fact and Statement of Overriding Considerations adopted in connection with the County’s approval of its General Plan.

4. Significant Indirect Effects: Amador County General Plan Impacts 4.3.5 and 4.3-6, Exposure of Sensitive Receptors to Construction Generated Emissions of Naturally Occurring Asbestos and Odors

Impact

The County General Plan EIR determined that growth consistent with the General Plan would result in exposure of sensitive receptors to construction generated emissions of naturally occurring asbestos and odors, but that the impacts would be less than significant with the implementation of certain mitigation measures.

Mitigation

Amador County has adopted the following mitigation measures to reduce impacts related to construction generated emissions of naturally occurring asbestos and odors in relation to growth within its jurisdiction:

Mitigation Measure 4.3-4: Naturally Occurring Asbestos Control

Amador County will amend the County Code governing grading and erosion control to include a section addressing the reduction of asbestos exposure for grading permits in areas likely to contain naturally occurring asbestos and specifying methods to reduce asbestos exposure in areas where earth disturbance would occur in asbestos-containing formations. The full text of the mitigation measure is included in the County MMRP on page 12.
Mitigation Measure 4.3-6: Implement Measures to Control Exposure of Sensitive Receptors to Odorous Emissions

Amador County will require each project applicant to site sensitive receptors as far away as possible from odor-producing sources, as a condition of development project discretionary approval. The full text of the mitigation measure is included in the County MMRP on pages 12 and 13.

Finding

The AWA Board finds that the County, not AWA, has the authority, responsibility, and jurisdiction to impose mitigation on growth within the CAWP service area relative to the noted impacts, and that the County adopted Mitigation Measures 4.3-5 and 4.3-6 to reduce the noted impacts from such growth, and determined that such impacts would be reduced to a level of less than significance.

C. BIOLOGICAL RESOURCES (INDIRECT IMPACT)

1. Significant Indirect Effect: Amador County General Plan Impact 4.4-1, Adverse Effect on Special-Status Species

Impact

The County General Plan EIR determined that growth consistent with the General Plan would result in significant effects to special-status species. There have been identified occurrences of certain sensitive species in the CAWP service area, such as the foothill yellow-legged frog, prairie wedge grass and the Red Hills soaproot. The General Plan EIR found that even with mitigation, complete avoidance of these potential impacts would not be possible because these sensitive resources occur on land which would transition to developed land uses under the General Plan. The proposed Project accommodates growth that could potentially result in secondary impacts to sensitive species in the CAWP service area, although the extent of any such impacts is not possible to forecast now without knowing how and where growth will actually occur.

Mitigation

Amador County has adopted the following mitigation measures to reduce impacts related to special-status species in relation to growth within its jurisdiction:

Mitigation Measure 4.4-1a: Implement Program D-4, Biological Resources

Mitigation Measure 4.4-1b: Special-Status Species Protection

These measures consist of policies and programs to be implemented by Amador County to encourage protection of special-status species. The full text of the mitigation measures is included in the County MMRP on pages 13 and 14. Even with the implementation of these mitigation measures, the County General Plan EIR determined that this impact still could be significant and unavoidable.

Findings

The AWA Board finds that: (1) the County, not AWA, has the authority, responsibility, and jurisdiction to impose mitigation on growth within the CAWP service area relative to the noted impacts, and that the County adopted Mitigation Measures 4.4-1a and 4.4-1b to reduce the noted
impacts from such growth, did not find any other feasible mitigation measures to mitigate such impacts, and determined that such impacts would not be reduced to a level of less than significance; (2) as set out in Chapter 6 of the EIR, no mitigation measures were identified in the comments on the EIR that either addressed this impact or were within the legal authority of AWA to implement; and (3) the impact is overridden by the Project benefits noted in Section 4.1 above and as more particularly described in the Statement of Overriding Considerations set out below and in the County’s CEQA Findings of Fact and Statement of Overriding Considerations adopted in connection with the County’s approval of its General Plan.

2. Significant Indirect Effects: Amador County General Plan Impacts, Adverse Effects on Riparian Habitat, Oak Woodland, and Wetlands

Impact

The County General Plan EIR determined that growth consistent with the General Plan would result in significant effects to riparian, habitat, oak woodland, and wetland areas, but that these impacts would be less than significant with the implementation of certain mitigation measures.

Mitigation

Amador County has adopted the following mitigation measures to reduce impacts to riparian habitat, oak woodland, and wetlands in relation to growth within its jurisdiction:

**Mitigation Measure 4.4-2: Riparian Habitat Protection**

**Mitigation Measure 4.4-4a: Implement Program D-1a(12), Development Proposal Evaluation**

**Mitigation Measure 4.4-4b: Oak Woodlands**

**Mitigation Measure 4.4-5: Wetlands**

These measures consist of policies and programs to be implemented by Amador County to encourage protection of riparian habitat, oak woodlands and wetlands. The measures require avoidance of development in these habitats to the extent feasible, and implementation of mitigation plans for projects that affect riparian habitat, oak woodland or wetlands. The full text of the mitigation measures is included in the County MMRP on pages 14 and 15 and 17 through 20. With the implementation of these mitigation measures, the County General Plan EIR determined that this impact would be less than significant.

Finding

The AWA Board finds that the County, not AWA, has the authority, responsibility, and jurisdiction to impose mitigation on growth within the CAWP service area relative to the noted impacts, and that the County adopted Mitigation Measures 4.4-2, 4.4-4a, 4.4-4b, and 4.4-5 to reduce the noted impacts from such growth, and determined that such impacts would be reduced to a level of less than significance.
D. POPULATION AND HOUSING (INDIRECT IMPACT)

Significant Indirect Effect: Amador County General Plan Impact 4.12-1, Permanent Increase in Population Growth

Impact

The County General Plan EIR determined that growth consistent with the General Plan would result in substantial population growth through future development of residential, commercial and industrial uses throughout the planning area which includes the CAWP service area. The General Plan intends to reduce impacts associated with population and housing growth by accommodating this growth in an orderly fashion. The proposed Project would remove a constraint on growth in the CAWP service area.

Mitigation

The County General Plan EIR concluded that: “Because the purpose of the Draft General Plan is to accommodate the most recent population growth, housing, and employment projections in an orderly manner, no feasible mitigation measures are available to reduce the potential for population growth to a less-than-significant level. The County cannot meet its economic development and housing needs without accommodating additional residents and workers. Because there are no feasible mitigation measures, this impact would remain significant and unavoidable.” (see page 4.12-6 of the General Plan EIR)

Findings

The AWA Board finds that: (1) the County, not AWA, has the authority, responsibility, and jurisdiction to impose mitigation on growth within the CAWP service area relative to the noted impacts, and that the County did not find any feasible mitigation measures to mitigate the population and housing impacts and determined that such impacts would be significant and unavoidable; (2) as set out in Chapter 6 of the EIR, no mitigation measures were identified in the comments on the EIR that either addressed these impacts or were within the legal authority of AWA to implement; and (3) the impacts are overridden by the Project benefits noted in Section 4.1 above and as more particularly described in the Statement of Overriding Considerations set out below and in the County’s CEQA Findings of Fact and Statement of Overriding Considerations adopted in connection with the County’s approval of its General Plan.

E. PUBLIC SERVICES AND UTILITIES (INDIRECT IMPACT)


Impacts

The County General Plan EIR determined that growth consistent with the General Plan would result in impacts to water supply, water conveyance and treatment facilities, and wastewater collection, conveyance and treatment facilities, and that such impacts could occur in the CAWP service area due to growth. The proposed Project, if approved and implemented, would remove the impact to water supply through the General Plan planning period. AWA has incorporated the following policies as part of the Project in order to manage the new CAWP water supply:
• AWA will provide water service to only developments that are approved by Amador County consistent with its adopted General Plan, and that have obtained appropriate land use entitlements.

• The cost of water infrastructure expansion or improvements will be borne by those who will benefit from and use the infrastructure.

• The cost of water infrastructure expansions that are needed solely to accommodate new development will not be borne by existing water utility ratepayers.

• Water infrastructure planning will be done within an open, inclusive process that actively involves all affected stakeholders and the public, using methods that will ensure broad public participation.

• Water infrastructure facilities will not be extended into undeveloped areas with the intent to provide those areas service unless those areas are approved for development after any required environmental review and consistent with the County General Plan.

• AWA will employ reasonable demand-side water management techniques, including conservation and efficiency, before taking on expensive expansion projects.

• Water infrastructure will be developed in a way that works with natural systems and minimizes damage to the natural and built environment to the extent reasonably possible.

The County General Plan EIR determined that the other delineated impacts above would be significant and unavoidable even with mitigation because of uncertainties associated with potential future conveyance and treatment capacity in certain locations, and because project specific mitigation of the impacts cannot be guaranteed.

Mitigation

Amador County has adopted the following mitigation measures to reduce impacts to water supply, water supply conveyance and treatment facilities, and wastewater collection, conveyance and treatment facilities in relation to growth within its jurisdiction:

Mitigation Measure 4.13-1a: Implement Program D-1a (4-5), Development Proposal Evaluation

Mitigation Measure 4.13-1b: Implement Program P-3 a1-3 and b, Future Water Supply

Mitigation Measure 4.13-1c: Implement Program F-1, Infrastructure Improvements

Mitigation Measure 4.13-1d: Implement Program F-2a-c & e, Future Water Supplies and Funding

These measures consist of policies and programs to be implemented by Amador County to ensure that adequate infrastructure is in place to support existing and planned development. The full text of the mitigation measures is included in the County MMRP on pages 42 through 45. As stated above, even with the implementation of these
mitigation measures, the County General Plan EIR found that these impacts still could be significant and unavoidable.

Findings

The AWA Board finds that: (1) the County, not AWA, has the authority, responsibility, and jurisdiction to impose mitigation on growth within the CAWP service area relative to the noted impacts (other than water supply, conveyance and treatment), and that the County adopted Mitigation Measures 4.13-1a through 4.13-1d to reduce the noted impacts from such growth, did not find any other feasible mitigation measures to mitigate such impacts, and determined that such impacts would not be reduced to a level of less than significance; (2) as set out in Chapter 6 of the EIR, no mitigation measures were identified in the comments on the EIR that either addressed this impact or were within the legal authority of AWA to implement; and (3) the impacts are overridden by the Project benefits noted in Section 4.1 above and as more particularly described in the Statement of Overriding Considerations set out below and in the County’s CEQA Findings of Fact and Statement of Overriding Considerations adopted in connection with the County’s approval of its General Plan.


Impacts

The County General Plan EIR determined that growth consistent with the General Plan would result in significant impacts to fire and law enforcement protection facilities, systems, equipment and services, and to stormwater drainage facilities, but that these impacts would be less than significant with the implementation of certain mitigation measures.

Mitigation

Amador County has adopted the following mitigation measures to reduce impacts to fire and law enforcement protection facilities, systems, equipment and services, and to stormwater drainage facilities in relation to growth within its jurisdiction:

Mitigation Measure 4.13-5a: Implement Program P-6, Effective County Services
Mitigation Measure 4.13-5b: Implement Program P-12, Emergency Response
Mitigation Measure 4.13-5c: Implement Program D-1a(3), Development Proposal Evaluation
Mitigation Measure 4.13-5d: Implement Program F-3, Fire Services Funding
Mitigation Measure 4.13-9a: Implement Program F-1b, Infrastructure Improvements
Mitigation Measure 4.13-9b: Implement Program P-5, Stormwater Management

These measures consist of policies and programs to be implemented by Amador County to ensure that adequate staffing, facilities and equipment are in place to support existing
and planned development. The full text of the mitigation measures is included in the County MMRP on pages 45 through 48. As stated above, with the implementation of these mitigation measures, the County General Plan EIR found that these impacts would be less than significant.

Finding

The AWA Board finds that the County, not AWA, has the authority, responsibility, and jurisdiction to impose mitigation on growth within the CAWP service area relative to the noted impacts, and that the County adopted Mitigation Measures 4.13-5a, 4.13-5b, 4.13-5c, 4.13-5d, 4.13-9a, and 4.13-9b to reduce the noted impacts from such growth, and determined that such impacts would be reduced to a level of less than significance.

TRANSPORTATION (INDIRECT IMPACT)

1. Significant Indirect Effect: Amador County General Plan Impact 4.14-1 Increase in Traffic Levels on State Highways Resulting in Unacceptable LOS

Impact

The County General Plan EIR at Section 4.14 determined that growth consistent with the General Plan would result in increases in traffic levels on State Highway 88 within the CAWP service area that would operate below Caltrans Levels of Service (LOS) thresholds. Mitigation measures were identified requiring growth under the General Plan provide their fair share of funding for transportation improvements. But, in the case of certain segments of Highway 88, some of which are in the CAWP service area, there still would remain unacceptable levels of LOS.

Mitigation

Amador County has adopted the following mitigation measures to reduce impacts related to increased traffic on State Route 88 in relation to growth within its jurisdiction:

Mitigation Measure 4.14-1a: Implement Program D-1a(6), Development Proposal Evaluation

Mitigation Measure 4.14-1b: Implement Program F-4, Transportation Improvements

Mitigation Measure 4.14-1c: Implement State Highway Roadway Improvements

These measures consist of policies and programs to be implemented by Amador County to conduct traffic studies for new development, identify the need for transportation improvements and collect mitigation fees to fund roadway improvements. The full text of the mitigation measures is included in the County MMRP on pages 48 through 50. Even with implementation of these mitigation measures, the County General Plan EIR found that for certain segments of State Highway 88, some of which are in the CAWP service area, the impacts still could remain significant and unavoidable.
Findings

The AWA Board finds that: (1) the County, not AWA, has the authority, responsibility, and jurisdiction to impose mitigation on growth within the CAWP service area relative to the noted indirect traffic impacts, and that the County adopted Mitigation Measures 4.14-1a, 14.14-1b and 4.14-1c to reduce the noted impacts from such growth, did not find any other feasible mitigation measures to mitigate such impacts, and determined that such impacts in certain instances would not be reduced to a level of less than significance; (2) as set out in Chapter 6 of the EIR, no mitigation measures were identified in the comments on the EIR that either addressed this impact or were within the legal authority of AWA to implement; and (3) the impacts are overridden by the Project benefits noted in Section 4.1 above and as more particularly described in the Statement of Overriding Considerations set out below and in the County’s CEQA Findings of Fact and Statement of Overriding Considerations adopted in connection with the County’s approval of its General Plan.


Impact

The County General Plan EIR at Section 4.14 also determined that growth consistent with the General Plan in the CAWP service area would result in traffic levels that could produce unacceptable LOS conditions on specific local surface roadway segments. Because of the lack of funding for roadway improvements and the uncertainty related to the timing of future development projects, funding might not be in place and all improvements might not be feasible prior to increases in traffic that would result in inadequate LOS.

Mitigation

Amador County has adopted the following mitigation measures to reduce traffic impacts on local roads in relation to growth within its jurisdiction:

Mitigation Measure 4.14-1a: Implement Program D-1a(6), Development Proposal Evaluation

Mitigation Measure 4.14-1b: Implement Program F-4, Transportation Improvements

Mitigation Measure 4.14-2: Implement Local Roadway Improvements

These measures consist of policies and programs to be implemented by Amador County to conduct traffic studies for new development, identify the need for transportation improvements and collect mitigation fees to fund roadway improvements. The full text of the mitigation measures is included in the County MMRP on pages 48 through 50. Even with the implementation of these mitigation measures, the County General Plan EIR found that the impacts to certain local roadway segments in the CAWP service area still could be significant and unavoidable.

Findings

The AWA Board finds that: (1) the County, not AWA, has the authority, responsibility, and jurisdiction to impose mitigation on growth within the CAWP service area relative to the noted indirect traffic impacts, and that the County adopted Mitigation Measures 4.14-1a, 14.14-1b and
4.14-2 to reduce the noted impacts from such growth, did not find any other feasible mitigation measures to mitigate such impacts, and determined that such impacts in certain instances would not be reduced to a level of less than significance; (2) as set out in Chapter 6 of the EIR, no mitigation measures were identified in the comments on the EIR that either addressed this impact or were within the legal authority of AWA to implement; and (3) the impacts are overridden by the Project benefits noted in Section 4.1 above and as more particularly described in the Statement of Overriding Considerations set out below and in the County’s CEQA Findings of Fact and Statement of Overriding Considerations adopted in connection with the County’s approval of its General Plan.

LAND USE AND PLANNING AT THEORETICAL BUILDOUT
(INDIRECT IMPACT)

Significant Indirect Effect: Amador County General Plan Impact, Land Use and Planning Impacts at Theoretical Buildout

Impact

The Amador County General Plan EIR includes a theoretical buildout scenario, which assumes that existing housing and structures, which are at a lower density or intensity than would be permitted under the General Plan planning period of 2030, would be replaced with new development at the maximum intensity permitted, disrupting and potentially dividing existing communities. This would be a new significant and unavoidable impact for which no mitigation is proposed in the General Plan EIR.

Findings

The AWA Board finds that: (1) the County, not AWA, has the authority, responsibility, and jurisdiction to impose mitigation on growth within the CAWP service area relative to the noted impacts, and that the County did not find any feasible mitigation measures to mitigate such impacts and determined that such impacts would not be reduced to a level of less than significance; (2) as set out in Chapter 6 of the EIR, no mitigation measures were identified in the comments on the EIR that either addressed this impact or were within the legal authority of AWA to implement; and (3) the impacts are overridden by the Project benefits noted in Section 4.1 above and as more particularly described in the Statement of Overriding Considerations set out below and in the County’s CEQA Findings of Fact and Statement of Overriding Considerations adopted in connection with the County’s approval of its General Plan. 4.6

MITIGATION MONITORING AND REPORTING PROGRAM

Public Resources Code section 21081.6 requires that when a public agency is making the findings required by Public Resources Code section 21081, the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval to mitigate or avoid significant effects on the environment. Because no mitigation measures have been adopted by AWA to mitigate or avoid the indirect significant growth inducing effects of the Project, an AWA mitigation monitoring and reporting Program has not been prepared for the Project. Instead, as discussed above, the mitigation measures relating to growth inducing impacts are within the responsibility and jurisdiction of the County of Amador and the County has adopted and will implement the County MMRP.
4.7 STATEMENT OF OVERRIDING CONSIDERATIONS

The AWA Board adopts and makes this Statement of Overriding Considerations to explain why the Project’s benefits override and outweigh certain indirect significant and unavoidable impacts stemming from the Project’s growth inducing effects.

CEQA requires the lead agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the proposed project. The lead agency may decide to accept significant and unavoidable adverse environmental effects, if the specific economic, legal, social, technological, or other benefits of the proposed project outweigh the unavoidable, adverse effects (CEQA Guidelines Section 15093.)

AWA, as set forth in the Draft EIR and above, has determined that implementing the Project would remove a constraint on growth in the CAWP service area that would result in certain growth inducing environmental effects that could be significant and unavoidable. These impacts include: conflicts with existing agricultural uses and conversion of forestland; exposure to toxic air contaminants; impacts to sensitive species; impacts associated with construction of new water and wastewater infrastructure; reduction in LOS on local roadways and highways within the CAWP service area; disruption of existing communities through new development; and accommodation of population growth. Amador County, as the land use permitting authority in the CAWP service area, has the legal authority, responsibility, and jurisdiction to mitigate the effects of growth within its jurisdiction. The County has adopted numerous mitigation measures set out in the County MMRP in connection with its General Plan approval to attempt to reduce the identified effects to less than significant levels, but in certain instances found for the reasons explained in Section 4.5 above that the effects remained significant. As also explained above, AWA is not a land use permitting authority and therefore is without the authority to impose mitigation in relation to the identified growth inducing effects. As explained in Section 4.2 above, none of the other project alternatives evaluated in the Draft EIR were able to reduce the identified indirect significant and unavoidable effects to a level of non-significance and may result in other significant environmental effects. The other alternatives also would not attain the Project’s most basic objectives as enumerated below, and therefore were found to be infeasible.

The benefits of the Project include the following:

- **Provides access to additional water storage in Lower Bear River Reservoir without constructing any new facilities;**
- **Increases water supply resiliency and reliability for current and future customers in central Amador County;**
- **Addresses AWA's legal obligation to exert every reasonable effort to augment and expand its supplies and facilities to meet the projected increasing demands for water service within the CAWP service area consistent with the County General Plan;**
- **Avoids potential impacts to area groundwater supplies that could occur in the absence of additional surface water;**
• Fulfills and helps to implement the County development and growth-related goals and objectives of the 2016 Amador County General Plan;

• The Project will facilitate new development that is economically beneficial to the County of Amador and will generate water service charges, property taxes, and other revenues for AWA and the County;

• The Project will facilitate new development that will generate new construction and other jobs in the CAWP service area and the County generally; and

• The Project will facilitate new residential development in the CAWP service area that will expand the available housing stock in the area.

The Board hereby finds, in accordance with Section 15093 of the CEQA Guidelines, that these benefits of the Project outweigh the Project’s potential unavoidable growth inducing effects. These benefits constitute overriding considerations, and the potentially indirect significant and unavoidable adverse environmental impacts of the Project are rendered acceptable in light of these overriding considerations.

Although the Board finds and determines that, with the exception of the Project’s growth inducing effects set forth in Section 4.5 above, all other environmental effects of the Project analyzed in the EIR would be less than significant, the Board also finds that to the extent that any such impacts set forth in Section 4.4 above (Effects Found Not to be Significant) have any residual impacts, such impacts are acceptable in light of the benefits provided by the Project.
Notice of Determination

To:  
 Office of Planning and Research  
 U.S. Mail:  
 P.O. Box 3044  
 Sacramento, CA 95812-3044

☑ County Clerk  
 County of: Amador  
 Address: 810 Court Street  
 Jackson, CA 95642

From:  
 Public Agency: Amador Water Agency (AWA)  
 Address: 12800 Ridge Road  
 Sutter Creek, CA 95685

☐ Contact: Gene Mancebo  
 Phone: 209-223-3018

Lead Agency (if different from above):

Address:  
 Contact:  
 Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2016092008

Project Title: Central Amador Water Project Water Right Application

Project Applicant: Amador Water Agency

Project Location (include county): Amador County

Project Description:
AWA is requesting a water right permit from SWRCB to store up to 1,400 acre-feet per year (AFY) in Lower Bear River Reservoir and to directly divert up to 1,050 AFY that is currently diverted by Jackson Valley Irrigation District further downstream. The permit would allow: 1) a maximum direct diversion rate from the Bear River and North Fork Mokelumne River of up to 5 cubic feet per second; 2) up to 1,400 AFY diverted into storage at Lower Bear River Reservoir; and 3) up to 1,050 AF of water that may be beneficially used annually, whether by direct diversion or rediversion of water released from storage. The diversion would use existing facilities; no new construction is needed. This is to advise that the Amador Water Agency has approved the above described project and has made the following determinations regarding the above described project.

1. The project [☑] will [□] will not have a significant effect on the environment.
2. [☑] A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [□] were [☑] were not made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [□] was [☑] was not adopted for this project.
5. A statement of Overriding Considerations [□] was [☑] was not adopted for this project.
6. Findings [☑] were [□] were not made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

Amador Water Agency, 12800 Ridge Road, Sutter Creek, CA 95685

Signature (Public Agency): ___________________________ Title: General Manager

Date: ___________________________ Date Received for filing at OPR: ___________________________

Authority cited: Sections 21083, Public Resources Code.  
Reference Section 21000-21174, Public Resources Code.  
Revised 2011
Board Meeting: October 26, 2017

AGENDA ITEM 5.B.1

STAFF REPORT

Water Revenues and Production
September 28, 2017

Requested Action:
No requested action, update only

Background:
Over the past couple of years through the drought and mandatory water conservation, staff has been monitoring and presenting the water sales and water production comparison in year over year format. Staff continues to monitor and evaluate the rebound of water use since the lifting of mandatory conservation. The attached water sales spreadsheet compares current September water revenue to each year back to FY14-15. Water production is also attached. Currently production is approximately 90% of Water production in 2013.

Alternatives: There are no alternatives recommended

Fiscal Impact: None

Reviewed by Committee: No

Recommendation: None - Update only

Prepared by: Cris L. Thompson, Assistant General Manager
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SEPTEMBER PLANT PRODUCTION IN MG

155.14

164.00

130.25

152.14

168.82

2013   2014   2015   2016   2017
RESOLUTION NO. 2017-17
OF THE BOARD OF DIRECTORS
OF THE AMADOR WATER AGENCY
HONORING DEBORAH VONLOEHR UPON HER RETIREMENT FROM
THE AMADOR WATER AGENCY

WHEREAS, Deborah VonLoehr is retiring as Accounting Clerk II of the Amador Water Agency after serving 17 years of dedicated and outstanding service; and

WHEREAS, Deborah has served with distinction as the Accounting Clerk II of the Amador Water Agency; and

WHEREAS, the Water Agency benefited greatly from Deborah’s expertise and experience; and

WHEREAS, Deborah throughout her tenure as Accounting Clerk II of the Water Agency, consistently worked to improve and expand the Water Agency’s ability to provide for the accurate and efficient Accounts Payable and Misc Accounts Receivable needs of the Water Agency; and

WHEREAS, Deborah at all times made significant contributions towards the goals of the Water Agency, including maintaining a positive attitude throughout the good times and the challenging times; and

WHEREAS, Deborah has also provided excellent customer service to the Agency’s customers; billing the Camanche customers for a number of years and providing customer service back up on telephones and at the counter; and

WHEREAS, Deborah has done an excellent job of learning Springbrook, creating screenshot documents (and liking it) to provide job task processes for her peers and any new staff; and

WHEREAS, Deborah’s Chili Relleno Casserole was always a welcome dish at the Agency’s Cinco de Mayo celebration.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Amador Water Agency that said Board does hereby adopt this resolution honoring Deborah VonLoehr upon the occasion of her retirement from service to the Amador Water Agency, and expresses its sincere thanks and appreciation for her many years of faithful and compassionate service.

The foregoing Resolution was duly passed and adopted by the Board of Directors at a Regular Board Meeting held this 26th day of October, 2017, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Gary Thomas, President
Board of Directors
Thank you, Deborah, for your dedication and 17 years of service to the Amador Water Agency.
STAFF REPORT

Amador County Asset Transfer Agreement
Amendment 1

Requested Action:

Discussion and possible action to approve and execute Amendment 1 to the September 23, 2003 Asset Transfer Agreement with Amador County which will transfer remaining funds associated with an improvement bond for the Lake Camanche Village system to the Water Agency.

Background:

In 2003, the Water Agency accepted the transfer of certain water and wastewater facilities and assets then owned and operated by the County. These included the Lake Camanche Village water and wastewater systems, the Martell wastewater system, and the CAWP water systems known as CSA 1 & 2. The transfer agreement specifically excluded certain fund accounts associated with the then on-going collection and payment of an improvement bond. The improvement bond has been paid off and there are now remaining funds. These improvement bonds were associated with improvements in the Lake Camanche Village. Water Agency staff has been working with the County to turn those funds over to the Agency. County legal counsel noticed the exclusion the transfer agreement and prepared an amendment to allow the transfer of the funds to the Water Agency. The funds should be restricted for uses that benefit the Lake Camanche water and wastewater systems.

Alternatives:

Decline the amendment or offer suggested changes.

Fiscal impact:

This action would provide a benefit of more than $431,000 to the Water Agency for the Lake Camanche Village systems.
Reviewed by Legal Counsel: Yes

Recommendation:

Approve the Amendment 1 to the September 23, 2003 Asset Transfer Agreement with Amador County which will transfer remaining improvement bond funds to the Water Agency associated with facilities transferred to the Agency.

Prepared by: Gene Mancebo, General Manager
FIRST AMENDMENT TO ASSET TRANSFER AGREEMENT

THIS FIRST AMENDMENT TO ASSET TRANSFER AGREEMENT (this “Agreement”) is entered into as of ______________, 2017 by and between the COUNTY OF AMADOR, a political subdivision of the State of California (“County”) and AMADOR WATER AGENCY, a public agency created by the Amador Water Agency Act (Chapter 95 of West’s California Water Code-Appendix), a special act of the Legislature of the State of California (“AWA”).

RECITALS

A. County and AWA executed an Asset Transfer Agreement (the “Original Agreement”) dated as of September 23, 2003 whereby the County transferred to AWA certain water and sewage disposal systems within the County of Amador upon the terms and conditions set forth in the Original Agreement.

B. Certain financial accounts were included in the Original Agreement to be transferred from the County to AWA; however, Cash Account 101488 was specifically excluded from the assets to be transferred. As part of the Original Agreement, the parties acknowledged that the funds in Cash Account 101488 consisted of payments from individual property owners prior to the County making installment payments on the outstanding water improvement bonds.

C. The water improvement bonds have now been fully paid and the parties agree that the funds remaining in Cash Account 101488 should now be transferred to AWA subject to the terms and conditions set forth in this First Amendment.

NOW, THEREFORE, the parties agree to modify the Original Agreement as follows:

1. Within thirty (30) days of the date of this First Amendment, the County shall transfer to AWA all the remaining funds in Cash Account 101488, which is approximately $431,842.

2. AWA shall use the transferred funds only to support the water and sewer systems that were transferred to AWA pursuant to the Original Agreement.

3. AWA agrees to defend, indemnify, and hold harmless the County, its officers, agents, and employees from and against any liability, loss, damage, claims, cause of action, judgments, costs, staff time, losses, expenses, and any other costs of defense arising out of, resulting, or anyway related to the transfer and subsequent use of the funds in Cash Account 101488.

4. Except as set forth in this First Amendment, the Original Agreement shall remain unmodified and in full force and effect.
IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

COUNTY OF AMADOR

BY: ____________________________
    Chairman, Board of Supervisors

AWA

BY: ____________________________
    President, Board of Directors

ATTEST:
JENNIFER BURNS, Clerk of the Board of Supervisors

ATTEST:
Clerk of the Board of Directors

BY: ____________________________

APPROVED AS TO FORM:
Office of the County Counsel

APPROVED AS TO FORM:
Counsel for AWA

BY: ____________________________
    Gregory Gillott

BY: ____________________________
STAFF REPORT

Upper Mokelumne River Watershed Authority

Letter of Support for the

Cabbage Patch Restoration Project and Grant Application

Requested Action:

Discussion and possible action to approve the attached letter of support for the Cabbage Patch Restoration Project and Upper Mokelumne River Watershed Authority's (UMRWA) application for grant funding from Prop. 1.

Background:

The Cabbage Patch Restoration Project is a sister project to the Pumpkin Hollow Restoration Project which is currently under way. See the attached flyer.

The roughly 1,100-acre (final acreage to be determined by USFS) Cabbage Patch Restoration Project is located on the Calaveras Ranger District of the Stanislaus National Forest in Calaveras County. The project, with an estimated total cost of about $1.2 million, is wholly within the Cornerstone Project boundaries and in proximity to Pumpkin Hollow. Much like Pumpkin Hollow the purpose of this project is to reduce forest fuels and improve ecological resilience. Additionally, this proposed project would include resources for a landscape-level water-cycle research project sponsored by the Sierra Nevada Research Institute at the University of California Merced. Dr. Roger Bales of UC Merced has provided information regarding the Institute’s snow study and expressed an interest in potentially supporting this research if an appropriate grant funding opportunity was identified.
If UMRWA obtains the SNC grant funding the Cabbage Patch project will be pursued under a new/additional Supplemental Project Agreement (SPA) consistent with the terms of the May 18, 2016 Master Stewardship Agreement between the US Forest Service and UMRWA. The SNC Board of Directors anticipates awarding grants at its March and/or June 2018 meetings. The USFS will provide the necessary matching funds. The UMRWA Board approved moving forward with the grant application at its October 6, 2017 meeting.

This potential project will further the Water Agency’s participation in watershed health improvement projects and help to reduce the severity of forest fires in the watershed through fuel reduction.

**Alternatives:**
Decline to provide a letter of support.

**Fiscal Impact:**
Limited to staff time for this action.

**Reviewed by Committee:** No

**Recommendation:**
Approve the attached letter of support for the Cabbage Patch Restoration Project and Upper Mokelumne River Watershed Authority’s (UMRWA) application for grant funding from Prop.

Prepared by: Gene Mancebo, General Manager
**AWA Partners in Sierra Nevada Watershed Improvements**

**Pumpkin Hollow Restoration Project**

- Reduce wildfire risk
- Improve and protect our water supply
- Improve and protect air quality
- Protect wildlife habitat
- Reduce greenhouse gas emissions
- Improve local socio-economic conditions

To reduce the risk of catastrophic fire and protect water resources in the forests of the Mokelumne watershed, the source of Amador County's water supply, AWA is partnering with other agencies and the U.S. Forest Service in a series of forest improvement projects.

The first of these, Pumpkin Hollow Restoration, is a 972-acre project near the headwaters of the Mokelumne River in the Stanislaus National Forest (near State Hwy 4). This area is a high-priority risk due to dense vegetation growth prone to wildfire and disease.

Much of the work at Pumpkin Hollow involves thinning brush and removing small trees. Contractors, local and others, will perform the work, in some cases creating job opportunities and demand for local services. The Greater Valley Conservation Corps and CHIPS will also be teaming up to perform some of the work by hand-cutting trees and removing brush to create firebreaks.

Creating space between healthy, mature trees reduces the spread of fire, improves water saturation of the soil, and slows evaporation of the winter snowpack. Maintaining the snowpack longer into the summer season improves the water supply downstream.

Severe wildfires degrade downstream water quality by causing tons of topsoil to erode into streams and rivers, muddying the water and clogging water supply infrastructure and river habitat.

AWA is partnered with three counties and 4 other water districts in the Upper Mokelumne River Watershed Authority (UMRWA). UMRWA secured a $500,000 grant from the Sierra Nevada Conservancy Prop. 1 Healthy Watersheds program, matched by funds from the U.S. Forest Service to pay for the work at Pumpkin Hollow.

By restoring and protecting the health of Sierra forests, streams and meadows through this and future projects, the partner agencies are working to preserve the important benefits the watershed provides.

**Upper Mokelumne River Watershed Authority (UMRWA)**

Amador County • Amador Water Agency • Alpine County • Alpine County Water District
Calaveras County • Calaveras County Water District • Calaveras Public Utility District
East Bay Municipal Utility District • Jackson Valley Irrigation District

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Fire suppression and the lack of forest thinning have led to dense, overgrown forests throughout the Sierra Nevada. Photo courtesy University of California.

Rim Fire, Stanislaus National Forest. Photo courtesy U.S. Forest Service.
October 26, 2017

Rob Alcott, Executive Officer
Upper Mokelumne River Watershed Authority
15083 Camanche Parkway South
Valley Springs, CA 95252

Subject: Support for the Upper Mokelumne River Watershed Authority’s Sierra Nevada Conservancy Grant Application for the Cabbage Patch Restoration Project

Dear Mr. Alcott:

The Amador Water Agency Board of Directors is pleased to submit this letter of support for the Cabbage Patch Restoration Project and UMRWA’s application for Prop 1 grant funding. The Cabbage Patch Project represents another significant step by the UMRWA – US Forest Service partnership in implementing the Cornerstone CLFR Project. This project, planned and programmed to multiply the benefits of the Pumpkin Hollow Restoration Project, will leverage USFS and grant funding to implement critical fuel treatment projects that reduce wildfire risk and protect water supplies and water quality in the Upper Mokelumne River watershed.

Since the Upper Mokelumne River Watershed Authority and USFS partnership was established by a Master Stewardship Agreement in April 2016 the Pumpkin Hollow Project, with essential support by the Sierra Nevada Conservancy, the partnership has completed all environmental, financial and contracting tasks necessary to initiate project work. Contractors are now performing programmed fuel reduction treatments with all project work planned for completion in 2018. The subject Cabbage Patch Restoration Project will allow the UMRWA – USAF – SNC partnership to continue the important work begun with Pumpkin Hollow, and I strongly encourage you to approve UMRWA’s Cabbage Patch grant application. Doing so will allow us to leverage matching USFS funding for a total investment of another million dollars into the health of the Upper Mokelumne River watershed.

Please let me know if there’s anything else that we can do to support the UMRWA’s pursuit of Proposition 1 watershed restoration funding. We look forward to the completion of the Cabbage Patch Restoration Project and the many significant water quality, supply and community benefits it will provide.

Sincerely,

Gary Thomas, President
Board of Directors
Assistant General Manager Report

October 2017

a. CDBG Phase 2- Working on the application to submit to the County by October 27, 2017. Public Hearing at the County has been scheduled for November 14, 2017. Labor Compliance and Environmental consulting contracts have been executed.

b. Monthly Safety Committee Meeting - ordered additional safety vests as requested. Working with Supervisors and the management team to determine a uniform standard where possible for the purchase of personal protective wear, specifically rain gear for field staff at this time.

c. Information Technology - working with Pro IT and Operations Manager: Replacement of historian server - in progress. Server Replacements for Tanner, Lone and Camanche – strive to create standard for all plants where possible. Buckhorn servers were replaced last fiscal year. PC replacement - reviewed standard administrative PC for purchase through Pro-IT. Continue the process of replacing the outdated, out of warranty desktops. Administration including Engineering has been completed, the focus now is the field staff computers. Ryan Dunn from ProIT will attend the November Board Meeting.

d. Researching Office 365 subscription options which includes Sharepoint. The Agency's Sharepoint is currently outdated and can not be upgraded. This program facilitates inquiry and developer status which is shared between Engineering and Customer service. Sharepoint is also currently on an outdated server which needs to be decommissioned.

e. Fleet Management - Ongoing monitoring of maintenance on aged vehicles. Budgeted lease vehicles have been ordered. Working with purchasing agent to investigate card lock and or digital system for the Agency's gas pump.

f. CMMS: Working with Maintenance Connection on the integration with Springbrook - Should have an implementation process and schedule by the end of the month. This will improve timecard, work order and billable job processing. Have also requested on site training for staff for CMMS program.
g. Working with meter readers to identify areas where radio reads will benefit the Agency by reducing meter reading times to improve efficiency and safety conditions (snow, rough terrain)

h. Grant Administration: Processed grant reimbursement requests for period ending September 30, 2017. Project Planning and Expense updates- working on expenditure updates through October – Information will be provided at the first meeting in November.

i. Working with Gold Star distributing for the bottled water program- Letter sent to customers with service to begin in November

j. Attended ACWA Regulatory Summit with Operations Manager- Discussed Water Loss Audit Reporting, and upcoming regulations

k. Completed Laserfiche training for records management- need to work on implementation of the Agency’s records retention schedule within Laserfiche

l. Watercode updates are in progress

m. Policy manual updates are in progress.

o. Review of Budget and Finance material for meeting

Prepared by: Cris Thompson, Assistant General Manager
General Manager Report
October 26, 2017

1. EBMUD wholesale agreement – revised draft- expect to bring to AWA Board November
2. ERC membership- Application request and supplemental information provided- Additional AWA Board Agenda request- Scheduled for November 9, 2017
3. Asset Transfer Agreement Amendment - funds from Camanche Improvement Bond- On today’s Agenda
4. Lone WTP- Notice of Award – bid review with discussions with contractor and attorney- Notice of Award issued to Vinciguerra Construction.
5. Meetings on Bay-Delta Water Quality Control Plan and possible Voluntary Agreement- report to Board in closed session
6. Tanner Backwash Project- meeting scheduled with Amador Airport Land Use Commission in November, project status report, preliminary design report, design revisions to be within available funding, and discussion regarding request for time extension for the Drought Grant funding.
7. CDBG Application- general review of and revisions for project description, Engineering report & cost estimate review and comments, discussions with Amador County regarding road repaving, investigation and discussions regarding road right of way within the Buckhorn Ridge Subdivision, and general discussions with County CAO for coordination of application.
8. Outside Service Agreement with the City of Plymouth, draft provided, Council approved, and expecting executed agreement this week
10. Sustainable Ground Water Management / Amador County Groundwater Management Authority-On-going meetings- review of grant application for Groundwater Sustainability Plan and obtaining letters of support.
11. Meeting with Engineer/developer: Millsap off Tucker Hill Road- Difficult service & undersized existing water line requiring new line and potential AWA participation for future extension.
12. Legal discussions regarding FEMA & CEQA requirements for mitigation of impending winter and storm damage from last year.
13. **CAWP Water Right EIR**: Final review and documents for today's meeting
14. **First Mace Meadow**- Investigation, and meetings to provide fire flow from existing AWA storage tank for more reliable fire protection and elimination of a First Mace Meadow pump.
15. Participate in meeting with Lone Cemetery and City Manager regarding alternative connection for treated water and possible raw water connection. Calculation of raw water reimbursement to the City.
17. Engineering Department oversight: Review and discussions regarding delays on Buckhorn DBP project, remaining work for completion of Camanche Tank project, and other general projects.
18. GSL operation and initiated discussions for low level operation and coordination with PG&E
19. Miscellaneous items/meetings Budget & Finance Committee, Reorganization Ad Hoc Committee, CAMRA, Cosumnes Working Group & TAC meetings, Manager meeting with City manager & County CAO, Personnel Committee, Mokelumne ERC meeting, Mountain Counties Symposium on Bay-Delta flows (tomorrow), and ACWA Region 3 Board meeting..
20. Upcoming significant items: Prepare Contract on the Lone Hydro, Strategic Plan Review and update, Follow-up on CAWP Water Right License, Completion of CDBG Application, Bay-Delta Water Quality Control Plan & Voluntary Agreement, review all contract/funding deadlines, review and involvement in all current projects as needed, review Engineering Manager applications to date