



## Legislation Details (With Text)

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**File created:** 10/25/2018    **In control:** City Council

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**Title:** Actions pertaining to receiving Unreleased Restoration Flows from Millerton Lake:  
1. Adopt findings of statutory exemption pursuant to CEQA Guidelines Section 15282(u).  
2. \*\*\*RESOLUTION - Authorizing The Execution Of Contracts Annually For Unreleased Restoration Flows Between The United States Bureau of Reclamation and the City Of Fresno Through February 28, 2025. (Citywide) (Subject to Mayor's veto)

**Sponsors:** Department of Public Utilities

**Indexes:**

**Code sections:**

**Attachments:** 1. USBR RESO.pdf, 2. 2018-11-08 Agreement No 19-WC-20-5330.pdf

Date	Ver.	Action By	Action	Result
11/8/2018	1	City Council	approved	Pass

## REPORT TO THE CITY COUNCIL

**November 8, 2018**

**FROM:** MICHAEL CARBAJAL, Director  
Department of Public Utilities

## SUBJECT

Actions pertaining to receiving Unreleased Restoration Flows from Millerton Lake:

1. Adopt findings of statutory exemption pursuant to CEQA Guidelines Section 15282(u).
2. \*\*\*RESOLUTION - Authorizing The Execution Of Contracts Annually For Unreleased Restoration Flows Between The United States Bureau of Reclamation and the City Of Fresno Through February 28, 2025. (Citywide) (Subject to Mayor's veto)

## RECOMMENDATION

The Administration recommends that Council adopt findings of a statutory exemption pursuant to CEQA Guidelines Section 15282(u), and authorize the Director of Public Utilities or designee to purchase Unreleased Restoration Flows (URFs) from Millerton Lake from the U.S. Bureau of Reclamation (Bureau) each year if available and the City is able to take them through February 28, 2025.

## EXECUTIVE SUMMARY

Depending upon precipitation and hydrology, the Bureau's San Joaquin River Restoration Program (SJRRP) Administrator may announce the availability of additional water supply from Millerton Lake through URFs annually. Each year the SJRRP Administrator determines the water supply required to accommodate SJRRP demands; and if all of the water allocated to the SJRRP is not required to meet the demands, then the SJRRP Administrator may issue a declaration announcing that URFs may be released to Friant Division Contractors from Millerton Lake. The URF program is authorized through February 28, 2025. The City has requested URFs for Water Year 2018-2019 and each year will request URFs if they are needed and would be beneficial to the City.

This Resolution is required by the Bureau for the City to accept URFs. The Administration recommends that the Fresno City Council adopt the attached Resolution to authorize the Director to purchase URFs from Millerton Lake for a purchase price yet to be determined, in Water Year 2019-20 and each year through February 28, 2025. URFs are a type of water supply incorporated into the City's 9D contract, which has been approved previously by the Fresno City Council.

## **BACKGROUND**

On December 22, 2010, the City entered into a contract (9D Contract) with the Bureau providing for a Class 1 allocation of Central Valley Project (CVP) Water (Project Water) from Millerton Lake. In accordance with the 9D Contract, on an annual basis the USBR shall make available for delivery to the City 60,000 acre-feet of Class 1 water for municipal and industrial purposes, subject to the terms and conditions of the 9D Contract and regional hydrologic conditions. The Bureau's water year for Millerton Lake operations runs from March 1<sup>st</sup> to February 28<sup>th</sup> each year.

On or about February 20<sup>th</sup> of each year, the 9D Contract requires the Bureau to announce an initial declaration of Project Water to be made available to the City and other Friant Division Contractors. The annual declaration can be adjusted during the year depending upon CVP operational conditions and regional hydrologic conditions. Once the annual declaration is made, the 9D Contract requires the City to submit to the Bureau a written schedule defining when the City will take delivery of surface water from Millerton Lake. The 9D Contract requires the City to submit its delivery schedule by March 1<sup>st</sup> of each year.

One of the features of the City's 9D Contract is the ability for the City to purchase additional types of water supply from Millerton Lake when such additional types of water supply are available. Additional types of water supply referenced in the City's 9D contract include: 215 Releases (non-storable flood flows); Uncontrolled Season Releases (i.e. preemptive flood-releases); Recirculated Water Flows; Recovered Water Flows (RWA); and Unreleased Restoration Flows (the URFs at issue). While all of these types of water supply are incorporated into the City's 9D contract which has been approved by the Fresno City Council, the Bureau requests that Council adopt a resolution of intent to make payment for these additional types of water supply from Millerton Lake when they are available. This agenda item is to adopt a similar resolution to purchase Unreleased Stream Restoration Flows from Millerton Lake.

The Administration recommends that Council approve the attached Resolution to take delivery of Unreleased Restoration Flows from Millerton Lake if they are made available by the SJRRP Administrator for purchase, by entering into contract with the Bureau for URFs each year through February 28, 2025, upon approval as to form by the City Attorney's Office. The current URF Contract has been reviewed and approved as to form by the City Attorney's Office.

## **ENVIRONMENTAL FINDINGS**

Staff has performed a preliminary environmental assessment of this project and has determined that it falls within the Statutory Exemption set forth in CEQA Guideline Section 15282(u), which exempts temporary changes in the point of diversion, place of use, or purpose of use due to a transfer or exchange of water or water rights as set forth in Section 1729 of the Water Code, because the purchased water will be temporarily diverted from its standard path in the San Joaquin River to senior water rights holders.

## **LOCAL PREFERENCE**

Local preference was not considered because the purchase of surface water does not include a bid or award of a construction or services contract.

## **FISCAL IMPACT**

There is no financial obligation for the General Fund for this surface water purchase. The funding source for this surface water purchase will be the Water Enterprise Fund. For Fiscal Year 2019, the Water Division allocated \$250,000 in the appropriated budget for other potential water charges, specifically, carry over charges for Millerton Lake water supplies. Projected savings from this amount along with those from CVP water deliveries that could be accessed if the full contracted allocation of 60,000 acre-feet is not delivered, can be used for the purchase of 215, URF, Uncontrolled Season, and Recirculated Water, if those water supplies become available. For subsequent fiscal years, the Water Division will continue to allocate contingency funds for URFs and other water supplies if they become available.

Attachments:

Resolution

Agreement No. 19-WC-20-5330