

# RECLAMATION

*Managing Water in the West*

U.S. Department of the Interior  
Bureau of Reclamation

## NOTICE OF INTENT TO AWARD

This Funding Announcement is not a request for applications. This announcement is to provide public notice of the Bureau of Reclamation's intention to fund the following project activities without full and open competition.

| ABSTRACT                                          |                                                                                                                                                                                                                                                  |
|---------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Funding Announcement</b>                       | BOR-MP-18-N010                                                                                                                                                                                                                                   |
| <b>Project Title</b>                              | Engineering Design for the Arroyo Canal Fish Screen and Sack Dam Fish Passage Project                                                                                                                                                            |
| <b>Recipient</b>                                  | Henry Miller Reclamation District #2131                                                                                                                                                                                                          |
| <b>Principal Investigator / Program Manager</b>   | Palmer McCoy                                                                                                                                                                                                                                     |
| <b>Anticipated Federal Amount</b>                 | \$2,903,366.51                                                                                                                                                                                                                                   |
| <b>Anticipated Non-Federal Amount</b>             | \$0                                                                                                                                                                                                                                              |
| <b>New Award or Continuation?</b>                 | New                                                                                                                                                                                                                                              |
| <b>Anticipated Period of Performance</b>          | Approximately 3 years and 2 months                                                                                                                                                                                                               |
| <b>Award Instrument</b>                           | Grant                                                                                                                                                                                                                                            |
| <b>Statutory Authority</b>                        | Public Law 111-11, San Joaquin River Restoration Settlement, Title X, Part I: Section 10002, Section 10004 (b)(2); Stipulation of Settlement CIV NO. S-88-1658-LKK/GGH (San Joaquin River Restoration Settlement) – Paragraph 11 (a) (6) and (7) |
| <b>CFDA # and Title</b>                           | 15.555                                                                                                                                                                                                                                           |
| <b>Single Source Justification Criteria Cited</b> | (4) Unique Qualifications and (2) Continuation                                                                                                                                                                                                   |
| <b>Reclamation Point of Contact</b>               | Emily Thomas                                                                                                                                                                                                                                     |

## OVERVIEW

The Arroyo Canal Fish Screen and Sack Dam Fish Passage project is a partnership with Henry Miller Irrigation District to improve the District's diversion facilities at Arroyo Canal, and modernize their infrastructure to allow for fish passage and fish screening at their diversion point on the San Joaquin River. This project will construct a new diversion dam to replace the aging Sack Dam, and a new fish screen at the headworks to Arroyo Canal to prevent fish entrainment into the canal. Sack Dam and Arroyo Canal are the sole diversion and conveyance facilities for the District, which provides agricultural water supply to approximately 47,000 acres of highly productive lands in the San Joaquin Valley along with conveyance of water supply to Federal and State wildlife refuges and private duck clubs.

Paragraph 11(a) of the Stipulation of Settlement in NRDC vs. Rodgers requires: (6) Screening the Arroyo Canal water diversion immediately upstream of Sack Dam to prevent entrainment of anadromous fish, and (7) Modifications at Sack Dam adequate to ensure fish passage. This purpose of this Grant Agreement is to fund the engineering design of these two features.

## RECIPIENT INVOLVEMENT

Henry Miller Irrigation District is substantially involved in this project that modifies the Arroyo Canal headworks. They are the primary entity overseeing the design and environmental contracts and will make key decisions on material and methods used to construct the screen and ladder.

## RECLAMATION INVOLVEMENT

No substantial involvement on the part of Reclamation is anticipated for the successful completion of the objectives to be funded by this award. It is anticipated that Reclamation's involvement will consist of standard federal stewardship responsibilities such as monitoring project performance, technical assistance at the request of the recipient, etc.

## SINGLE-SOURCE JUSTIFICATION

| <b>DEPARTMENT OF THE INTERIOR<br/>SINGLE SOURCE POLICY REQUIREMENTS</b>                                                                                                                                                                                                                                                                                                                                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Department of the Interior Policy (505 DM 2) requires a written justification which explains why competition is not practicable for each single-source award. The justification must address one or more of the following criteria as well as discussion of the program legislative history, unique capabilities of the proposed recipient, and cost-sharing contribution offered by the proposed recipient, as applicable. |
| In order for an assistance award to be made without competition, the award must satisfy one or more of the following criteria:<br><br>(1) Unsolicited Proposal – The proposed award is the result of an unsolicited assistance application which represents a unique or innovative idea, method, or approach which                                                                                                          |

is not the subject of a current or planned contract or assistance award, but which is deemed advantageous to the program objectives;

- (2) Continuation – The activity to be funded is necessary to the satisfactory completion of, or is a continuation of an activity presently being funded, and for which competition would have a significant adverse effect on the continuity or completion of the activity;
- (3) Legislative intent – The language in the applicable authorizing legislation or legislative history clearly indicates Congress' intent to restrict the award to a particular recipient of purpose;
- (4) Unique Qualifications – The applicant is uniquely qualified to perform the activity based upon a variety of demonstrable factors such as location, property ownership, voluntary support capacity, cost-sharing ability if applicable, technical expertise, or other such unique qualifications;
- (5) Emergencies – Program/award where there is insufficient time available (due to a compelling and unusual urgency, or substantial danger to health or safety) for adequate competitive procedures to be followed.

Reclamation did not solicit full and open competition for this award based the following criteria:

#### **(4) UNIQUE QUALIFICATIONS AND (2) CONTINUATION**

##### **Single Source Justification Description:**

The Arroyo Canal Fish Screen and Sack Dam Fish Passage project is a partnership with Henry Miller Reclamation District #2131 to improve the district's diversion facilities at Arroyo Canal, and modernize their infrastructure to allow for fish passage and fish screening at their diversion point on the San Joaquin River. This project will construct a new diversion dam to replace the aging Sack Dam, and a new fish screen at the headworks to Arroyo Canal to prevent fish entrainment into the canal. Sack Dam and Arroyo Canal are the sole diversion and conveyance facilities for the District, which provides agricultural water supply to approximately 47,000 acres of highly productive lands in the San Joaquin Valley along with conveyance of water supply to Federal and State wildlife refuges and private duck clubs.

Henry Miller Reclamation District #2131 (District) is uniquely qualified as the infrastructure that is proposed to be modified and modernized has been owned and operated by the irrigation district for over a hundred years. They also will ultimately be operating these facilities in the long term. In addition, substantial work on design and environmental compliance was completed on the project in 2013 to 2015. However, an unexpected interruption in the process occurred due to the documentation of subsidence which changed some of the key engineering assumptions used in the original designs and required the District to change its operation into the future as subsidence would limit the ability to provide water to the full irrigation district. In 2017, the District decided to move forward with a partial head pumping plan and therefore the design of the associated fish passage projects are now ripe for completion. This grant agreement continues the work halted in 2015.

## STATUTORY AUTHORITY

### SEC. 10002. PURPOSE.

The purpose of this part is to authorize implementation of the Settlement.

### SEC. 10004. IMPLEMENTATION OF SETTLEMENT.

(2) OTHER AGREEMENTS.—The Secretary is authorized to enter into contracts, memoranda of understanding, financial assistance agreements, cost sharing agreements, and other appropriate agreements with State, tribal, and local governmental agencies, and with private parties, including agreements related to construction, improvement, and operation and maintenance of facilities, subject to any terms and conditions that the Secretary deems necessary to achieve the purposes of the Settlement.

STIPULATION OF SETTLEMENT CIV NO. S-88-1658-LKK/GGH-PARAGRAPH 11(a) (6) and (7):

Paragraph 11. The following are the necessary improvements, which shall be developed and implemented in accordance with all applicable federal and state laws and regulations:

(a) Phase 1 Improvements. The parties anticipate that the highest priority improvements as described in Paragraphs 11(a)(1) through (1) can be developed and implemented in accordance with the milestone dates in the timeline set forth in Exhibit C. The Secretary, however, agrees that such highest priority improvements shall be completed no later than December 31, 2013, subject to Paragraphs 21(c), 24, and 36 of this Settlement. If one or more force majeure events under Paragraph 24 prevent the Secretary from completing any of the improvements called for in Paragraphs 11(a)(1) through (1) by the date stated herein, the Secretary shall, in addition to complying with the provisions of Paragraph 24, follow the requirements otherwise provided for in Paragraphs 13(i) and 15(d) pending completion of such improvements.

(6) Screening the Arroyo Canal water diversion immediately upstream of Sack Dam to prevent entrainment of anadromous fish;

(7) Modifications at Sack Dam adequate to ensure fish passage;

Paragraph 11(a) of the Stipulation of Settlement in NRDC vs. Rodgers requires: (6) Screening the Arroyo Canal water diversion immediately upstream of Sack Dam to prevent entrainment of anadromous fish, and (7) Modifications at Sack Dam adequate to ensure fish passage. This agreement will fund the engineering design of these two features.