Wastewater System Upgrades Project

Final Master Environmental Impact Report

State Clearinghouse # 2013082006

Lead Agency:
City of Modesto
Utilities Department

Prepared By:
Jerry Haag, Urban Planner

November 2014

City of Modest EA/UP&P No. 2014-05

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Introduction

A Draft Environmental Impact Report (DEIR) dated June 2014 was prepared for this project and distributed for public review in July 2014. The DEIR addressed certain proposed improvements anticipated to be undertaken at the Jennings Road Treatment Facility south of Modesto, at the main Sutter Treatment Facility in the southern portion of Modesto. Other proposed project elements analyzed in the document included wastewater collection system improvements as noted below.

Under the California Environmental Quality Act (CEQA) and implementing CEQA Guidelines, after completion of the Draft EIR, lead agencies are required to consult with and obtain comments from public agencies and organizations having jurisdiction by law over elements of the project and to provide the general public with an opportunity to comment on the Draft EIR. Lead agencies are also required to respond to substantive comments on environmental issues raised during the EIR review period.

As the lead agency for this project, the City of Modesto held a public review period between July 24, 2014 and September 11, 2014.

This Comments and Responses document augments the DEIR and, together with the DEIR, comprise the Final Master EIR (FMEIR) for this project. This document contains all public comments received during the 45-day public review period regarding the DEIR and responses to those comments. Included within the document is an annotated copy of each comment letter, identifying specific comments, followed by a response to that comment.

This document also contains clarifications and minor corrections to information presented in the DEIR. In the course of preparing the responses to comments, the City generated new information as well as clarifications and modifications to the DEIR. The City has carefully reviewed the responses in this document, especially any new information or clarifications and modifications to the DEIR text, against the recirculation standards of CEQA Guidelines section 15088.5. None of the new information or clarifications/modifications in this document constitutes significant new information as defined in the Guidelines, such as new or substantially more severe significant impacts or different feasible alternatives or mitigations, therefore the City has determined that no recirculation of the DEIR is required.

Project Description

The anticipated subsequent projects within the scope of this MEIR include the following:

- *Collection system improvements*. Upgrades and extensions to the wastewater collection system would include the River Trunk Realignment wastewater upgrade and the installation of a new 10-inch sewer main on Oakdale Road from the existing terminus of the Sonoma Trunk on Sylvan Road to Mable Avenue.

- *Lift station improvements*. The proposed River Trunk Realignment may include construction of a pump station and junction structure.

- *Jennings Facility Improvements*. The City anticipates repairing, rehabilitating or replacing existing fixed film reactors at the Jennings Facility. Other proposed actions would include relocating primary treatment equipment from the Sutter Facility to the Jennings Road Facility, including primary clarifiers, anaerobic digesters, sludge handing equipment, digester gas handling equipment and related equipment. Site access (driveway) location(s) and internal vehicular circulation routes may also be modified.

- *Sutter Facility Improvements*. The existing parking lot is proposed to be rehabilitated and expanded within the current Facility boundary. The City also proposes to remove a number of currently vacant buildings on this site and to relocate an existing septic receiving station near the entrance of the Facility to improve customer access as well as to restrict traffic through the facility.

Clarifications and Modifications to the DEIR

The following clarifications and modifications to the DEIR are incorporated by reference into the DEIR document.

1) EIR Summary Table has been revised to include Hazards and Hazardous Materials impacts and mitigation measures and to correct the status of Impact NOISE-2. See Attachment 2 of this document.

2) Page 15, the typographic error on this page is changed from "f" to "if."

3) Page 36, Project Description, the DEIR describes proposed relocation of wastewater treatment equipment and facilities from the Sutter Facility to the Jennings Facility. City of Modesto has decided not to pursue relocation of equipment and facilities from the Sutter Facility to the Jennings Facility. Other improvements at the Sutter facility, including rehabilitation of the parking lot, removal of a number of older buildings on the site and relocation of a septic receiving station on the site.

4) Page 54, the typographic error shown on is corrected from "cops" to "crops."

5) Page 54, the typographic error shown is corrected from "he" to "the."

6) Page 64, the typographic error shown is corrected from "darns" to "dams."

7) Page 77, Hydrology & Water Quality—Mitigation Measure HYD-2 is deleted since no improvements are proposed at the Sutter Facility as part of this document.

8) Page 100, Table 4.4-2 should be identified as "Appendix 8.3 Table."

9) Appendix 8.3 is hereby updated and revised as Attachment 3 to this document.

10) No page, Table 7-1 from the City of Modesto Urban Area General Plan Final EIR is hereby included in the MEIR as Attachment 1 to this document.

Summary of DEIR Comment Letters

Comment letters were received by the City of Dublin during the public comment period on the DSEIR from the following agencies, organizations and other interested parties.

	Commenter	Date
	State Agencies	
1.1	State Clearinghouse	9/3/14
1.2	Central Valley Flood Protection Board	8/5/14
1.3	State Water Resources Control Board	8/6/14
1.4	Department of Transportation	8/22/14
	Local Agencies	
	None	

Annotated Comment Letters and Responses

(Note: The following comment letters are not paginated)

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT

EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

September 3, 2014

Letter 1.1

Jennifer Pratt
City of Modesto
PO Box 642
Modesto, CA 95353

Subject: Wastewater Master Plan Update
SCH#: 2013082006

Dear Jennifer Pratt:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on September 2, 2014, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

Document Details Report
State Clearinghouse Data Base

SCH#	2013082006
Project Title	Wastewater Master Plan Update
Lead Agency	Modesto, City of

Type	EIR Draft EIR
Description	The proposed project includes a number of upgrades to the City's municipal wastewater system to meet current wastewater discharge requirements without increasing the overall system treatment capacity.

Lead Agency Contact

Name	Jennifer Pratt		
Agency	City of Modesto		
Phone	209 342 4570	*Fax*	
email			
Address	PO Box 642		
City	Modesto	*State* CA	*Zip* 95353

Project Location

County	Stanislaus			
City	Modesto			
Region				
Lat / Long				
Cross Streets	Various			
Parcel No.	Various			
Township		*Range*	*Section*	*Base*

Proximity to:

Highways	Hwy 99
Airports	Livermore Municipal
Railways	
Waterways	Tuolumne & San Joaquin Rivers
Schools	No
Land Use	Various

Project Issues	Aesthetic/Visual; Agricultural Land; Air Quality; Biological Resources; Drainage/Absorption; Noise; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Wetland/Riparian; Wildlife; Landuse; Cumulative Effects
Reviewing Agencies	Resources Agency; Department of Conservation; Department of Fish and Wildlife, Region 4; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 10; Air Resources Board; CA Department of Public Health; State Water Resources Control Board, Divison of Financial Assistance; Regional Water Quality Control Bd., Region 5 (Sacramento); Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission; Central Valley Flood Protection Board

Date Received	07/18/2014	*Start of Review*	07/18/2014	*End of Review*	09/02/2014

STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY EDMUND G. BROWN JR., GOVERNOR
CENTRAL VALLEY FLOOD PROTECTION BOARD
3310 El Camino Ave., Rm. 151
SACRAMENTO, CA 95821
(916) 574-0609 FAX: (916) 574-0682
PERMITS: (916) 574-2380 FAX: (916) 574-0682

August 5, 2014

Letter 1.2

Ms. Jennifer Pratt
City of Modesto
P.O. Box 642
Modesto, California 95353

Subject: CEQA Comments: City of Modesto Municipal Wastewater System Upgrade Project, Draft Master Environmental Impact Report, SCH No. 2013082006

Location: Stanislaus County

Dear Ms. Pratt:

Central Valley Flood Protection Board (Board) staff has reviewed the subject document and provides the following comments:

The proposed project is located within or adjacent to the Tuolumne River and San Joaquin River which are under Board jurisdiction. The Board enforces its Title 23, California Code of Regulations (23 CCR) for the construction, maintenance, and protection of adopted plans of flood control that protect public lands from floods. Adopted plans of flood control include federal-State facilities of the State Plan of Flood Control, regulated streams, and designated floodways. The geographic extent of Board jurisdiction includes the Central Valley, and all tributaries and distributaries of the Sacramento and San Joaquin Rivers, and the Tulare and Buena Vista basins (23 CCR, Section 2). 1.2.1

Pursuant to 23 CCR a Board permit is required prior to working in the Board's jurisdiction for the following: 1.2.2

- Placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, projection, fill, embankment, building, structure, obstruction, encroachment, excavation, the planting, or removal of vegetation, and any repair or maintenance that involves cutting into the levee (23 CCR Section 6);

- Existing structures that predate permitting, or where it is necessary to establish the conditions normally imposed by permitting. The circumstances include those where responsibility for the encroachment has not been clearly established or ownership and use have been revised (23 CCR Section 6);

- Vegetation plantings require submission of detailed design drawings; identification of vegetation type; plant and tree names (both common and scientific); quantities of each type of plant and tree; spacing and irrigation method; a vegetative management plan for maintenance to prevent the interference with flood control operations, levee maintenance, inspection, and flood fight procedures (23 CCR Section 131).

Other local, federal and State agency permits may be required and are the responsibility of the applicant to obtain.

Board permit application forms and our complete 23 CCR regulations can be found on our website at http://www.cvfpb.ca.gov/. Maps of the Board's jurisdiction including all tributaries and distributaries of the Sacramento and San Joaquin Rivers, and Board designated floodways are also available on a Department of Water Resources website at http://gis.bam.water.ca.gov/bam/. **1.2.3**

Additional Considerations Related to Potential Impacts of Vegetation and Hydraulics

Accumulation and establishment of woody vegetation that is not managed may have negative impacts on channel capacity and may increase the potential for levee over-topping or other failure. When vegetation develops and becomes habitat for wildlife, maintenance to initial baseline conditions typically becomes more difficult as the removal of vegetative growth may be subject to federal and State resource agency requirements for on-site mitigation. The proposed project should include mitigation measures to avoid decreasing floodway channel capacity. **1.2.4**

Adverse hydraulic impacts of proposed encroachments could impede flood flows, reroute flood flows, and/or increase sediment accumulation. The proposed project should include mitigation measures for channel and levee improvements and maintenance to prevent and/or reduce hydraulic impacts. If possible off-site mitigation outside of the Board's jurisdiction should be used when mitigating for vegetation removed at the project location.

If you have any questions please contact James Herota at (916) 574-0651, or via email at james.herota@water.ca.gov.

Sincerely,

Len Marino, P.E.
Chief Engineer

cc: Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, California 95814

CALIFORNIA
Water Boards

State Water Resources Control Board

AUG 0 6 2014

Letter 1.3

Jennifer Pratt
City of Modesto
Post Office Box 642
Modesto, CA 95353

Dear Ms. Pratt:

MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) FOR CITY OF MODESTO (CITY); CITY OF MODESTO MUNICIPAL WASTEWATER SYSTEM UPGRADE PROJECT (PROJECT); STANISLAUS COUNTY; STATE CLEARINGHOUSE NO. 2013082006

We understand that the City may be pursuing Clean Water State Revolving Fund (CWSRF) financing for this Project. As a funding agency and a state agency with jurisdiction by law to preserve, enhance, and restore the quality of California's water resources, the State Water Resources Control Board (State Water Board) is providing the following information and comments for the environmental document prepared for the Project. 1.3.1

The CWSRF Program is partially funded by the United States Environmental Protection Agency and requires additional "CEQA-Plus" environmental documentation and review. Three enclosures are included that further explain the CWSRF Program environmental review process and the additional federal requirements. For the complete environmental application package, please visit: http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/srf_forms.shtml. The State Water Board is required to consult directly with agencies responsible for implementing federal environmental laws and regulations. Any environmental issues raised by federal agencies or their representatives will need to be resolved prior to State Water Board approval of a CWSRF financing commitment for the proposed Project. For further information on the CWSRF Program, please contact Mr. Ahmad Kashkoli, at (916) 341-5855.

It is important to note that prior to a CWSRF financing commitment, projects are subject to provisions of the Federal Endangered Species Act (ESA), and must obtain Section 7 clearance from the United States Department of the Interior, Fish and Wildlife Service (USFWS), and/or the United States Department of Commerce National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS) for any potential effects to special status species.

Please be advised that the State Water Board will consult with the USFWS, and/or the NMFS regarding all federal special-status species that the Project has the potential to impact if the Project is to be financed by the CWSRF Program. The City will need to identify whether the Project will involve any direct effects from construction activities, or indirect effects such as growth inducement, that may affect federally listed threatened, endangered, or candidate species that are known, or have a potential to occur in the Project site, in the surrounding areas, or in the service area, and to identify applicable conservation measures to reduce such effects.

In addition, CWSRF projects must comply with federal laws pertaining to cultural resources, specifically Section 106 of the National Historic Preservation Act (Section 106). The State Water Board has responsibility for ensuring compliance with Section 106 and the State Water Board must consult directly with the California State Historic Preservation Officer (SHPO). SHPO consultation is initiated when sufficient information is provided by the CWSRF applicant. The City must retain a consultant that meets the Secretary of the Interior's Professional Qualifications Standards (http://www.nps.gov/history/local-law/arch_stnds_9.htm) to prepare a Section 106 compliance report.

Note that the City will need to identify the Area of Potential Effects (APE), including construction and staging areas, and the depth of any excavation. The APE is three-dimensional and includes all areas that may be affected by the Project. The APE includes the surface area and extends below ground to the depth of any Project excavations. The records search request should extend to a ½-mile beyond the Project APE. The appropriate area varies for different projects but should be drawn large enough to provide information on what types of sites may exist in the vicinity.

Other federal environmental requirements pertinent to the Project under the CWSRF Program include the following (for a complete list of all environmental requirements, please visit: http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/docs/forms/application_environmental_package.pdf):

A. Compliance with the Federal Clean Air Act: (a) Provide air quality studies that may have been done for the Project; and (b) if the Project is in a nonattainment area or attainment area subject to a maintenance plan; (i) provide a summary of the estimated emissions (in tons per year) that are expected from both the construction and operation of the Project for each federal criteria pollutant in a nonattainment or maintenance area, and indicate if the nonattainment designation is moderate, serious, or severe (if applicable); (ii) if emissions are above the federal de minimis levels, but the Project is sized to meet only the needs of current population projections that are used in the approved State Implementation Plan for air quality, quantitatively indicate how the proposed capacity increase was calculated using population projections.

B. Protection of Wetlands: Identify any portion of the proposed Project area that should be evaluated for wetlands or United States waters delineation by the United States Army Corps of Engineers (USACE), or requires a permit from the USACE, and identify the status of coordination with the USACE.

C. Compliance with the Farmland Protection Policy Act: Identify whether the Project will result in the conversion of farmland. State the status of farmland (Prime, Unique, or Local Statewide Importance) in the Project area and determine if this area is under a Williamson Act Contract.

D. Compliance with the Migratory Bird Treaty Act: List any birds protected under this act that may be impacted by the Project and identify conservation measures to minimize impacts.

E. Compliance with the Flood Plain Management Act: Identify whether or not the Project is in a Flood Management Zone and include a copy of the Federal Emergency Management Agency flood zone maps for the area.

F. Compliance with the Wild and Scenic Rivers Act: Identify whether or not any Wild and Scenic Rivers would be potentially impacted by the Project and include conservation measures to minimize such impacts.

Following are specific comments on the City's draft MEIR:

1. Page 15 of the MEIR in the BIO-2 Mitigation Measure reads "f no burrowing owls are located during these surveys, no additional action would be warranted."; "f" in this statement should be corrected to "If". 1.3.2

2. On page 28, the impact "NOISE-2" within table 2.1 contains a follow up mitigation measure which states "Less-than-significant impact and no mitigation required." However, when this impact is described in detail on page 145, it mentions that the impact is "less-than-significant with adherence to existing City requirements". Please reflect this detail in the summary table (Table 2.1.) under the mitigation measure for NOISE-2. 1.3.3

3. Page 54 says "Dairy products and almonds are the leading cops grown and harvested in the Modesto area." In this statement, "cops" should be changed to "crops." 1.3.4

4. Page 54 mentions "The Project is located within the Stanislaus County in the approximate center of the San Joaquin Valley, one of he premier agricultural production areas of the nation." The word "he" should be replaced with "the." 1.3.5

5. On page 64, the MEIR references "The New Exchequer Darn" and the "Pine Flat Darn"; it also mentions "the La Grange, Don Pedro, and New Exchequer Darns" on the same page. In these statements, "Darn(s)" should be replaced by "Dam(s)." 1.3.6

6. On page 74, it describes the biological species surveys and when the surveys occurred. If the City is coming to the State Water Board for financing, a new site survey will need to be done with California Natural Diversity Database (CNDDB) and California Native Plant Society (CNPS), as well as a renewed USFWS sensitive species search, all conducted within one year of applying for CWSRF financing. A biological report will be needed to discuss the sensitive species found and how likely they are to occur in the Project area or surrounding areas. 1.3.7

7. The coast horned lizard (*Phrynosoma coronatum frontale*), San Joaquin whipsnake (*Masticophis flagellum ruddocki*), California legless lizard (*Anniella pulchra*), mountain plover (*Charadrius montanus*), black tern (*Chlidonias niger*), yellow warbler (*Dendroica petechia*), bald eagle (*Haliaeetus leucocephalus*), and yellow breasted chat (*Icteria virens*) are all listed in Appendix 8.3 as "Low Potential for Occurrence." Each of these birds have recommended mitigation measures in the Appendix 8.3 table, and each of the mentioned reptile species have "no further action recommended" for mitigation. Please discuss all of these species in more detail in Section 4.4 Biological Resources alongside the other wildlife and plant species. These species are missing from the "Federal–listed species with low or no potential to occur" starting on page 93. 1.3.8

8. Page 100 mentions table 4.1-1. Please specify where this table can be located, and incorporate it into the "List of Tables" in the Table of Contents. 1.3.9

9. The protection measures for sensitive wildlife and plant habitat is covered in Modesto's Urban Area General plan and is summarized in the MEIR on page 102-103. The fourth measure listed in this summary mentions potential measures listed in Table 7-1 in the Final Master Environmental Impact Report. Table 7-1 is missing from the text, please incorporate this table into the listed tables and indicate what page this table is located on. 1.3.10

10. The MEIR goes into detail on the Hazards and Hazardous Materials impacts and mitigation measures beginning on page 158. Please include a brief statement of these in Table 2.1: "Summary of Impacts and Mitigation Measures" on page 9. 1.3.11

11. In reference to the comment made by the City in response to the letter from the Native American Heritage Commission (Appendix 8.2 starting on page 170); it is important that the City develops procedures consistent with Section 106 of the National Historic Preservation Act to determine if the Project area contains any cultural places, and discloses mitigation measures that will be implemented if the Project has the potential to adversely impact a historical resource, regardless of the distance or amount of subsurface grading or trenching that is anticipated. If the City decides to come to the State Water Board for financing, a cultural resources report will need to be prepared. This includes a ½ mile radius records search around the APE and include site records, a site survey, consultations with Native American tribes and organizations, and clearly defined maps including any historical properties located within the APE. 1.3.12

12. On page 171, the Biological Species Table in Appendix 8.3 contains a key to the status codes of the species listed. Please add the key definition for "WL", as it was used to describe the status of the white-faced ibis (*Plegadis chihi).* 1.3.13

13. On page 171, on Appendix 8.3, the Recommendation section refers to "Impact E.9" and "Mitigation Measures E.12.1 – E.12.3" multiple times. Where can details of the impact statement and mitigation measures be found? They are not present on pages 103 and 104 alongside Impacts E.1 – E.8 and E.11. 1.3.14

Please provide us with the following documents applicable to the proposed Project if seeking CWSRF financing: (1) one copy of the draft and final MEIR, (2) the resolution certifying the MEIR and a Mitigation Monitoring and Reporting Program (MMRP) making California Environmental Quality Act (CEQA) findings, (3) all comments received during the review period and the City's response to those comments, (4) the adopted MMRP, and (5) the Notice of Determination filed with the Stanislaus County Clerk and the Governor's Office of Planning and Research, State Clearinghouse. In addition, we would appreciate notices of any hearings or meetings held regarding environmental review of any projects to be funded by the State Water Board. 1.3.15

Thank you for the opportunity to review the City's draft MEIR. If you have any questions or concerns, please feel free to contact me at (916) 341-5855, or by email at Ahmad.Kashkoli@waterboards.ca.gov, or contact Elysar Naja at Elysar.Naja@waterboards.ca.gov.

Sincerely,

Ahmad Kashkoli

Ahmad Kashkoli
Senior Environmental Scientist

Enclosures (3)

1. Clean Water State Revolving Fund Environmental Review Requirements
2. Quick Reference Guide to CEQA Requirements for State Revolving Fund Loans
3. Basic Criteria for Cultural Resources Reports

cc: State Clearinghouse
(Re: SCH# 2013082006)
P.O. Box 3044
Sacramento, CA 95812-3044

National Historic Preservation Act (NHPA)

Section 106 of the NHPA requires an analysis of the effects on "historic properties." The Section 106 process is designed to accommodate historic preservation concerns for federal actions with the potential to affect historic properties. Early consultation with appropriate government agencies, Indian tribes, and members of the public, will ensure that their views and concerns are addressed during the planning phase.

Historic properties (i.e., buildings, structures, objects, and archaeological sites 50 years or older) are properties that are included in the National Register of Historic Places or meet the criteria for the National Register.

Required Documents:

- A draft State Historic Preservation Officer consultation request letter; and
- A cultural resources report on historic properties conducted according to the Secretary of the Interior's Standards, including:
  - A clearly defined Area of Potential Effect (APE), specifying the length, width, and depth of excavation, with a map clearly illustrating the project APE;
  - A records search, less than one year old, extending to a half-mile beyond the project APE;
  - Written description of field methods;
  - Identification and evaluation of historic properties within the project's APE; and
  - Documentation of consultation with the Native American Heritage Commission and local Native American tribes.

ADDITIONAL INFORMATION

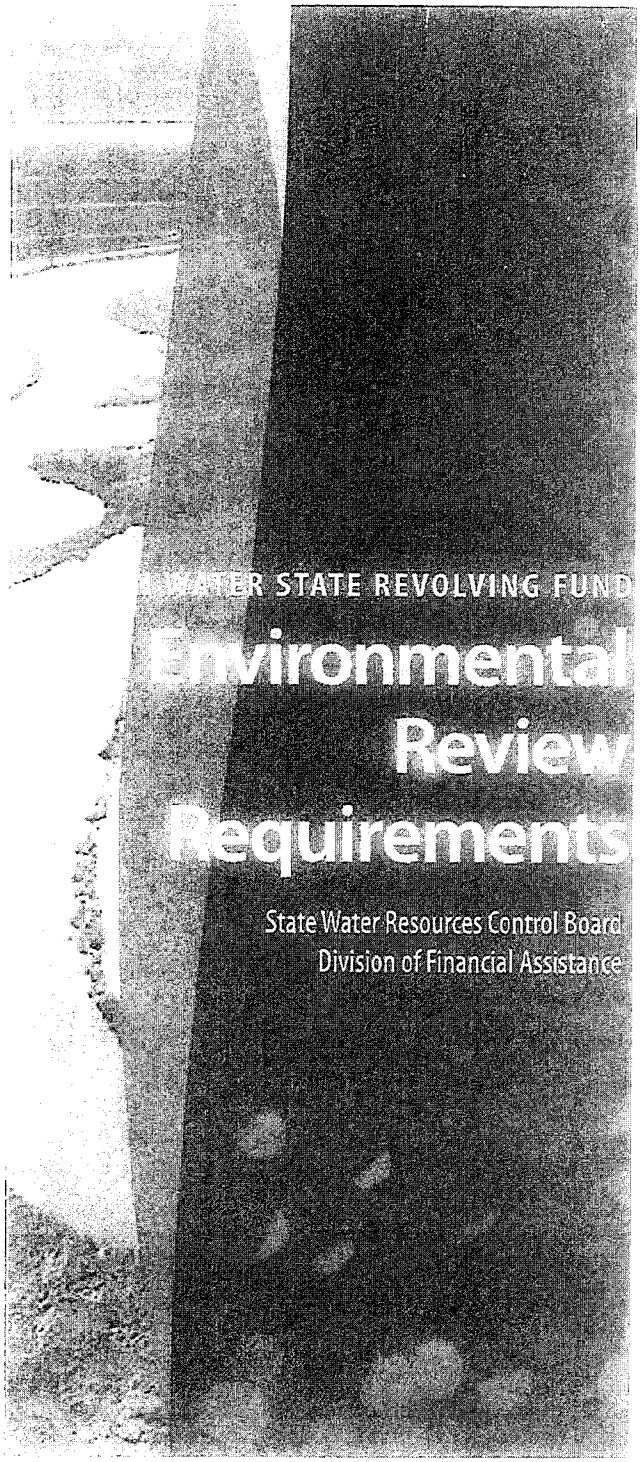
If your project has the potential to affect biological resources or historic properties, the consultation process can be lengthy. Please contact the State Water Board staff early in your planning process to discuss what additional information may be needed for your specific project.

Please contact your State Water Board Project Manager or Mr. Ahmad Kashkoli at (916) 341-5855 or *Ahmad.Kashkoli@waterboards.ca.gov* for more information related to the CWSRF Program environmental review process and requirements.

We've got the green...
to keep California's water clean.
CLEAN WATER STATE REVOLVING FUND

California Water Boards

www.waterboards.ca.gov



CLEAN WATER STATE REVOLVING FUND

Environmental Review Requirements

State Water Resources Control Board
Division of Financial Assistance

ENVIRONMENTAL REVIEW REQUIREMENTS

The Clean Water State Revolving Fund (CWSRF) Program is partially funded by the United States Environmental Protection Agency (EPA), and is subject to federal environmental regulations as well as the California Environmental Quality Act (CEQA). All applicants seeking CWSRF financing must comply with both CEQA and the federal cross-cutting regulations. The "**Environmental Package**" provides the forms and instructions needed to complete the environmental review requirements for CWSRF financing. The forms and instructions are available at: *http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/srf_forms.shtml.*

Lead Agency/Applicant

The applicant will generally act as the "Lead Agency" for environmental review. It will prepare, circulate, and consider the environmental documents prior to approving the project. It also provides the State Water Board with copies of the CEQA documents, and a completed "**Environmental Evaluation Form for Environmental Review and Federal Coordination**" *(http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/docs/forms/application_environmental_package.pdf)* with supporting documents as part of the "**Environmental Package.**"

Responsible Agency/State Water Board

The State Water Board acts on behalf of EPA to review and consider the environmental documents before approving financing. The State Water Board may require additional studies or documentation to make its own CEQA findings, as well as circulate CEQA documents and other environmental reports to relevant federal agencies for consultation before making a determination about the project financing.

The Applicant must address all relevant federal agencies' comments before project financing is approved.

FEDERAL CROSS-CUTTING REGULATIONS

The CWSRF Program requires consultation with relevant federal agencies on the following federal environmental regulations, if applicable to the project:

- Clean Air Act
- Coastal Barriers Resources Act
- Coastal Zone Management Act
- Endangered Species Act
- Environmental Justice
- Farmland Protection Policy Act
- Floodplain Management
- Magnuson-Stevens Fishery Conservation and Management Act
- Migratory Bird Treaty Act
- National Historic Preservation Act
- Protection of Wetlands
- Safe Drinking Water Act, Sole Source Aquifer Protection
- Wild and Scenic Rivers Act

The following is a brief overview of requirements for some of the key regulations.

Clean Air Act (CAA)

The CAA general conformity analysis only applies to projects in areas not meeting the National Ambient Air Quality Standards or subject to a maintenance plan.

If project emissions are below the federal "de minimis" levels then:

- A general conformity analysis is not required.

If project emissions are above the federal "de minimis" levels then:

- A general conformity determination for the project must be made. A general conformity determination can be made if facilities are sized to meet the needs of current population projections used in an approved State Implementation Plan for air quality.
- Using population projections, applicants must explain how the proposed capacity increase was calculated.

An air quality modeling analysis is necessary of all projects for the following criteria pollutants, regardless of attainment status:

- Carbon monoxide
- Lead
- Oxides of nitrogen
- Ozone
- Particulate matter (PM2.5 and PM10)
- Sulfur dioxide

Endangered Species Act (ESA)

The ESA requires an analysis of the effects on federally listed species. The State Water Board will determine the project's potential effects on federally listed species, and will initiate informal/formal consultation with the United States Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service, as necessary under Section 7 of the ESA.

Required Documents:

- ✓ A species list, less than one year old, from the USFWS and the California Department of Fish and Wildlife's Natural Diversity Database;
- ✓ A biological survey conducted during the appropriate time of year;
- ✓ Maps or documents (biological reports or biological assessments, if necessary); and
- ✓ An assessment of the direct or indirect impacts to any federally listed species and/or critical habitat. If no effects are expected, explain why and provide the supporting evidence.

CLEAN WATER STATE REVOLVING FUND

California Environmental Quality Act Requirements

State Water Resources Control Board
Division of Financial Assistance

The State Water Resources Control Board (State Water Board), Division of Financial Assistance, administers the Clean Water State Revolving Fund (CWSRF) Program. The CWSRF Program is partially funded by grants from the United States Environmental Protection Agency. All applicants seeking CWSRF financing must comply with the California Environmental Quality Act (CEQA), and provide sufficient information so that the State Water Board can document compliance with federal environmental laws. The "Environmental Package" provides the forms and instructions needed to complete the environmental review requirements for CWSRF Program financing. It is available at: *http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/srf_forms.shtml*

LEAD AGENCY

The applicant is usually the "Lead Agency" and must prepare and circulate an environmental document before approving a project. Only a public agency, such as a local, regional or state government, may be the "Lead Agency" under CEQA. If a project will be completed by a non-governmental organization, "Lead Agency" responsibility goes to the first public agency providing discretionary approval for the project.

RESPONSIBLE AGENCY

The State Water Board is generally a "Responsible Agency" under CEQA. As a "Responsible Agency," the State Water Board must make findings based on information provided by the "Lead Agency" before financing a project.

ENVIRONMENTAL REVIEW

The State Water Board's environmental review of the project's compliance with both CEQA and federal cross-cutting regulations must be completed before a project can be financed by the CWSRF Program.

DOCUMENT REVIEW

Applicants are encouraged to consult with State Water Board staff early during preparation of CEQA document if considering CWSRF financing. Applicants shall also send their environmental documents to the State Water Board, Environmental Review Unit during the CEQA public review period. This way, any environmental concerns can be addressed early in the process.

REQUIRED DOCUMENTS

The Environmental Review Unit requires the documents listed below to make findings and complete its environmental review. Once the State Water Board receives all the required documents and makes its own findings, the environmental review for the project will be complete.

- ✓ Draft and Final Environmental Documents: Environmental Impact Report, Negative Declaration, and Mitigated Negative Declaration as appropriate to the project
- ✓ Resolution adopting/certifying the environmental document, making CEQA findings, and approving the project
- ✓ All comments received during the public review period and the "Lead Agency's" responses to those comments
- ✓ Adopted Mitigation Monitoring and Reporting Plan, if applicable
- ✓ Date-stamped copy of the Notice of Determination or Notice of Exemption filed with the County Clerk(s) and the Governor's Office of Planning and Research
- ✓ CWSRF Evaluation Form for Environmental Review and Federal Coordination with supporting documents

We've got the **green**...
to keep California's **water clean**.
CLEAN WATER STATE REVOLVING FUND

Contact Information: For more information related to the CWSRF Program environmental review process and requirements, please contact your State Water Board Project Manager or Mr. Ahmad Kashkoli at 916-341-5855 or Ahmad.Kashkoli@waterboards.ca.gov

CALIFORNIA Water Boards
STATE WATER RESOURCES CONTROL BOARD
REGIONAL WATER QUALITY CONTROL BOARDS
waterboards.ca.gov

REVISED: FEB. 2014

CLEAN WATER STATE REVOLVING FUND

Basic Criteria for Cultural Resources Report Preparation

State Water Resources Control Board
Division of Financial Assistance

For Section 106 Consultation with the State Historic Preservation Officer (SHPO) under the National Historic Preservation Act

CULTURAL RESOURCES REPORT

The Cultural Resources Report must be prepared by a qualified researcher that meets the Secretary of the Interior's Professional Qualifications Standards. Please see the Professional Qualifications Standards at the following website at: *http://www.cr.nps.gov/local-law/arch_stnds_9.htm*

The Cultural Resources Report should include one of the four "findings" listed in Section 106. These include:

"No historic properties affected"
(no properties are within the area of potential effect (APE; including below the ground).

"No effect to historic properties"
(properties may be near the APE, but the project will not have any adverse effects).

"No adverse effect to historic properties"
(the project may affect "historic properties", but the effects will not be adverse).

"Adverse effect to historic properties"
Note: Consultation with the SHPO will be required if a "no adverse effect to historic properties" or an "adverse effect to historic properties" determination is made, to develop and evaluate alternatives or modifications to the proposed project that could avoid, minimize or mitigate adverse effects on "historic properties."

RECORDS SEARCH

- A records search (less than one year old) extending to a half-mile beyond the project APE from a geographically appropriate Information Center is required. The records search should include maps that show all recorded sites and surveys in relation to the APE for the proposed project, and copies of the confidential site records included as an appendix to the Cultural Resources Report.
- The APE is three-dimensional (depth, length and width) and all areas (e.g., new construction, easements, staging areas, and access roads) directly affected by the proposed project.

NATIVE AMERICAN and INTERESTED PARTY CONSULTATION

- Native American and interested party consultation should be initiated at the planning phase of the proposed project to gather information to assist with the preparation of an adequate Cultural Resources Report.
- The Native American Heritage Commission (NAHC) must be contacted to obtain documentation of a search of the Sacred Lands Files for or near the project APE.
- All local Native American tribal organizations or individuals identified by the NAHC must be contacted by certified mail, and the letter should include a map and a description of the proposed project.
- Follow-up contact should be made by telephone and a phone log maintained to document the contacts and responses.
- Letters of inquiry seeking historical information on the project area and local vicinity should be sent to local historical societies, preservation organizations, or individual members of the public with a demonstrated interest in the proposed project.

Copies of all documents mentioned above (project description, map, phone log and letters sent to the NAHC and Native American tribal organizations or individuals and interested parties) must be included in the Cultural Resources Report.

Contact Information: For more information related to the CWSRF Program Cultural Resources and Requirments, please contact Mr. Ahmad Kashkoli at 916-341-5855 or Ahmad.Kashkoli@waterboards.ca.gov

PRECAUTIONS

A finding of *"no known resources"* without supporting evidence is unacceptable. The Cultural Resources Report must identify resources within the APE or demonstrate with sufficient evidence that none are present.

"The area is sensitive for buried archaeological resources," followed by a statement that *"monitoring is recommended."* Monitoring is not an acceptable option without good-faith effort to demonstrate that no known resource is present.

If *"the area is already disturbed by previous construction"* documentation is still required to demonstrate that the proposed project will not affect "historic properties." An existing road can be protecting a buried archaeological deposit or may itself be a "historic property." Additionally, previous construction may have impacted an archaeological site that has not been previously documented.

SHPO CONSULTATION LETTER

Submit a draft consultation letter prepared by the qualified researcher with the Cultural Resources Report to the State Water Resources Control Board. A draft consultation letter template is available for download on the State Water Board webpage at: *http://www.waterboards.ca.gov/water_issues/programs/grants_loans/cwsrf_requirements.shtml*

California Water Boards

waterboards.ca.gov

DEPARTMENT OF TRANSPORTATION
P.O. BOX 2048 STOCKTON, CA 95201
(1976 E. DR. MARTIN LUTHER KING JR. BLVD. 95205)
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Serious drought
Help save water!

Letter 1.4

August 22, 2014

10-STA-99, PM - Various
City of Modesto Municipal Wastewater System Upgrade
SCH #2013082006

Jennifer Pratt
City of Modesto
P.O. Box 642
Modesto, CA 95353

Dear Ms. Pratt,

The California Department of Transportation (Department) appreciates the opportunity to comment on the Draft Master Environmental Impact Report (MEIR) for the **City of Modesto Municipal Wastewater System Upgrade** project. The MEIR, which is an update to the 2007 MEIR, proposes various improvement projects (wastewater collection system, lift station, and facilities) within the wastewater service area of the City of Modesto.

Upon review of the project, the Department has the following comments:

Should the City decide to proceed with any proposed projects/improvements that would impact the State Highway System (SHS) or encroach on the State's right-of-way (ROW), the proposal should be resubmitted for our review and comment through the Intergovernmental Review (IGR) process. **1.4.1**

If project construction activities encroach into the State's ROW, the project proponent must submit an application for an Encroachment Permit to District 10 Office of Permits and must include appropriate environmental studies and a copy of the environmental document adopted by the Lead Agency. These studies should include an analysis of potential impacts resulting from work performed under the permit, including impacts to the SHS. Potential impacts to any cultural, biological or other resources within the State's ROW, or potential impacts resulting from hazardous waste locations, should be identified and include measures to avoid, minimize, or mitigate those impacts. All work performed within/adjacent to the State's ROW will be subject to Caltrans Highway Design Manual and Standards and Specifications. **1.4.2**

If the proposed site is to be graded, a hydrology and hydraulic report is required to determine if grading would divert drainage from this proposed project and result in increased runoff to existing State facilities. The report must include hydraulic calculations for both existing and proposed conditions, using 25-year storm events at the project site location. The calculations should identify the affected drainage inlets, the amount of flow being intercepted and spread width calculations. **1.4.3**

If you have any questions, please contact Sinarath Pheng at (209) 942-6092 (e-mail: Sinarath.Pheng@dot.ca.gov) or myself at (209) 941-1921.

Sincerely,

TOM DUMAS, CHIEF
OFFICE OF METROPOLITAN PLANNING

c Scott Morgan, State Clearinghouse

Letter 1.1: Office of Planning & Research, State Clearinghouse

- Comment: The State Clearinghouse acknowledges that the City of Modesto has complied with State Clearinghouse review requirements.

  Response: Comment noted. No additional response is required.

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Letter 1.2: Central Valley Flood Protection Board

- Comment 1.2.1: The commenter notes that area covered by the MEIR is within or adjacent to the Tuolumne River and San Joaquin River. The Central Valley Flood Protection Board enforces Title 23 of the California Code of Regulations dealing with the construction, maintenance and protection of flood control facilities.

  Response: This comment is noted and no further response is required.

- Comment 1.2.2: The commenter states that a Board permit is required for any work on land under Board jurisdiction, including but not limited to construction or reconstruction of or similar activities affecting levees, planning and maintenance of vegetation. Other local, federal and State agency permits may be required and are the responsibility of the applicant to obtain.

  Response: This comment is noted and no further response is required.

- Comment 1.2.3: Board permit applications are found on the agency website.

  Response: This comment is noted and no further response is required.

- Comment 1.2.4: The commenter notes that accumulation of woody vegetation may have negative impacts on channel capacity and may lead to overtopping or levee failure. The proposed project should include mitigation measures to avoid decreasing floodway channel capacity. Adverse hydraulic impacts of proposed encroachments could impede flood flows, reroute flood flows and increase sedimentation. The proposed project should include mitigation measures for

channel and levee improvements and maintenance to prevent and reduce hydraulic impacts.

Response: This comment is noted. The commenter is advised that the City of Modesto currently operates an on-going levee and channel maintenance program to meet the concerns of decreasing channel capacity and other damage to levees and related improvements.

Letter 1.3: State Water Resources Control Board

- Comment 1.3.1: The commenter notes that the City may be pursuing financing for improvements pursuant to the Clean Water State Revolving Loan Fund. Projects using this financing are subject to the Federal Endangered Species Act and must obtain clearance from the US Fish & Wildlife Service and other agencies with respect to affected special-status species. The commenter also notes that the U.S. Fish & Wildlife Service and National Marine Fisheries Service will be contacted with respect to direct or indirect impacts to species In addition, projects using State Revolving Loan funding must comply with laws affecting cultural resources. The City will need to identify an Area of Potential Effect map showing the extent of any future construction activities. The commenter lists other environmental requirements for projects proposing to be fully or partially funded by the State Revolving Loan fund.

  Response: This comment is noted. The City is not currently proposing to use State Revolving Loan funds at this time. Future applications will comply with the requirements as outlined by the commenter.

- Comment 1.3.2: The commenter requests that the typographic error on page 15 be changed from "f" to "if."

  Response: This correction has been made as shown in the Corrections and Modifications section of the FEIR.

- Comment 1.3.3: Page 28 shows that Impact NOISE-2 has a follow up mitigation measure but then states that "no mitigation is required." Page 145 of DEIR states that Impact NOISE-2 is less-than-significant with adherence to existing City requirements.

  Response: The analysis on Page 145 of the EIR is correct and the noise impact discussed in the EIR would be less-than-significant with adherence to standard City noise standards.

- Comment 1.3.4: The commenter requests that the typographic error shown on page 54 be corrected from "cops" to "crops."

  Response: This correction has been made as shown in the Corrections and Modifications section of the FEIR.

- Comment 1.3.5: The commenter requests that the typographic error shown on page 54 be corrected from "he" to "the."

  Response: This correction has been made as shown in the Corrections and Modifications section of the FEIR.

- Comment 1.3.6: The commenter requests that the typographic error shown on page 64 be corrected from "darns" to "dams."

  Response: This correction has been made as shown in the Corrections and Modifications section of the FEIR.

- Comment 1.3.7: The commenter requests that new site biological surveys be completed for projects submitted to the State Water Board for financing of specific projects.

  Response: Additional site surveys will be completed by the City of Modesto for any future projects submitted for State Water Board as part of financing requests. Future surveys will be consistent with Water Board requirements.

- Comment 1.3.8: The commenter requests that additional detail for the following species identified in Appendix Table 8.3: horned lizard, San Joaquin whipsnake, California legless lizard, mountain plover, black tern, yellow warbler, bald eagle and yellow breasted chat. These species are missing from the table named "Federally-listed Species With Low or No Potential to Occur."

  Response: The species identified by the commenter are state-listed species, not federally listed under the Endangered Species Act. Mitigation measures included in the DEIR are anticipated to be adequate to ensure protection for these species in the unlikely event they are found to exist on one or more of the future individual project sites.

- Comment 1.3.9: Page 100 mentions Table 4.1-1. Please identify where this table exists.

  Response: This table should be identified as "Appendix 8.3 Table." This is included in the Corrections and Modifications section of this Final Master EIR.

- Comment 1.3.10: The commenter notes Table 7-1 contained in the Urban Area General Plan Final EIR lists protection measures for wildlife and plant habitats. This table should be included in the EIR.

  Response: Table 7-1 is attached to this Final EIR as Attachment 1.

- Comment 1.3.11: The commenter notes that Hazards and Hazardous Materials impacts and associated mitigation measures are not included in the DEIR summary table.

  Response: See Revised Table 2.1 attached to this document as Attachment 2 and referenced in the Corrections and Modifications section.

- Comment 1.3.12: The commenter references a letter from the Native American Heritage Commission. It is important that the City adopt procedures consistent with Section 106 of the National Historic Preservation Act to determine if the project has the potential to significantly impact a historic resource. If the City requests State Revolving Loan funding for specific projects, a cultural resources report will be required

  Response: This comment is noted. If the City requests State Revolving Loan funding for specific projects in the future, a cultural resources report will be prepared at that time.

- Comment 1.3.13: The commenter requests that the meaning of he symbol "WL" found on page 171 of the DEIR.

  Response: The code "WL" means Wait-Listed.

- Comment 1.3.14: On page 171, on Appendix 8.3, the references to recommended mitigation measures do not match the text of the body of the EIR.

  Response: The commenter is correct, in preparing the text of the DEIR, the numbering of biological impacts and mitigation measures were changed. The intent of the table in Appendix 8.3 was merely to list potentially occurring biological species in and adjacent to the project area. The table has been revised and is included as Attachment 3 of this document.

- Comment 1.3.15: The commenter requests one copy of the Draft and Final EIRs, a copy of the Resolution certifying the EIR and the MMRP, all comments received during the comment period and responses and a copy of the Notice of Determination.

Response: This request has been referred to the City of Modesto Utility Department for appropriate action.

Letter 1.4: State Department of Transportation

- Comment 1.4.1: The commenter notes that any project improvements that would impact or encroach onto a State Highway will require additional Caltrans review through the Intergovernmental Review process.

  Response: This comment is noted. Projects identified in the MEIR would not impact State Highways or encroach into a state right-of-way. However, if such impacts or encroachments would occur in the future, Caltrans will be contacted for required additional review.

- Comment 1.4.2: The commenter notes that if any construction activities will encroach into a state right-of-way an encroachment permit must be obtained from Caltrans.

Response: The commenter is directed to the Response to Comment 1.4.1.

- Comment 1.4.3: If the proposed site is to be graded, a hydrology and hydraulic study will be required to determine if grading would divert drainage from the project site and increase runoff onto a State facility. All studies must include hydraulic calculations as well as affected drainage inlets and the amount of flow being intercepted.

  Response: This comment is noted. If grading and stormwater runoff from future wastewater projects will affect State facilities, appropriate drainage studies will be prepared and submitted to Caltrans.

Attachment 1-
Urban Area General Plan Table 7.1

Table V-7-1 from Urban Area General Plan

The protected habitat shall be required to be managed so as to contribute to the long-term conservation of the species and ecosystems on which they depend.

Where it is determined that state and/or federally listed species are present, consultation shall be carried out with the CDFG and/or USFWS in accordance with the California and/or federal Endangered Species Acts to determine mitigation measures to avoid and minimize impacts to those species. If other special-status species are determined to be present and cannot be avoided, species-specific mitigation measures shall be implemented to minimize impacts to those species through informal consultation with CDFG and/or USFWS. The mitigation measures and other recommendations of these agencies shall be incorporated into the development plan. Where a Community Plan is prepared, these shall become policies of the plan. (UAGP Policy VII-E.3[b])

SWPH-12: Additional measures to protect sensitive habitats may be implemented. Potential measures to be implemented may include measures listed in Table V-7-1 in the Final Master Environmental Impact Report. (UAGP Policy VII-E.3[c])

SWPH-13: Table V-7-1 presents additional environmental protections.

Table V-7-1. Policies For Sensitive Biological Habitats

(Note: This table does not use the standard nomenclature in order to be consistent with the reference contained in the Urban Area General Plan.)

a.	Avoid disturbance in wetland areas, including vernal pools and riparian communities along rivers and streams. Avoidance of these areas would include implementing a no-disturbance buffer at least 100 feet from the high water mark of channels that have no riparian vegetation and 250 feet from the outermost high water edge of the all marsh wetlands, vernal pools, and swales. Riparian vegetation shall be protected with a 200-foot wide no-disturbance buffer delineated from the high water mark of the surface water body. If complete avoidance is not possible, the disturbance to the wetland shall be minimized to the maximum extent possible, with restoration of the disturbed area provided. The topsoil within the wetland shall be removed and kept separate from other spoils to be used in restoration. New vegetation should consist of similar native species to those removed. Activities within or near wetlands shall occur only under permit (either individual or nationwide) from the U.S. Army Corps of Engineers. Prior to development, wetland areas shall be delineated by a qualified biologist in accordance with the delineation standards of the Corps.
b.	Where wetlands or other sensitive habitats cannot be avoided, replacement habitat at a nearby off-site location shall be provided in accordance with the requirements of the applicable federal or state agency. The replacement habitat should be substantially equivalent to the nature of the habitat lost and should be provided at a ratio suitable to assure that, at a minimum, there is no net loss of habitat acreage or value. The replacement habitat shall be set aside in perpetuity for habitat use. Typically, the U.S. Fish and Wildlife Service and California Department of Fish and Game require a ratio of three replacement acres for every one acre of riparian or wetland habitat lost.
c.	Confine work in or near streams, wetlands, and vernal pools to the dry season between May 1 and October 1. Minimize road widths at stream or wetland crossings, and construct roads at right angles to reduce adverse impacts to riparian corridors.
d.	Preserve existing and mature native trees to the extent feasible, except when such trees are diseased or otherwise constitute a hazard to persons or property. During construction, all activities and storage of equipment should occur outside the drip lines of any trees to be preserved.
e.	All areas within identified riparian corridors shall be maintained in a natural state, or limited to recreation and open space uses. Recreation should be limited to passive forms of recreation, with any facilities constructed to be non-intrusive to wildlife or sensitive species.
f.	New landscaping within or immediately adjacent to the identified riparian corridors should employ native

species ecologically consistent with natural riparian habitats.
g. Within the identified riparian corridors, environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses consistent with these values shall be allowed (e.g., nature education and research, fishing, habitat enhancement and protection).
h. Any tree removal shall occur during the nonbreeding season for birds (mid-September through January). If construction activities or tree removal must occur during the breeding season (February through mid-September), surveys for active nests shall be conducted by a qualified biologist no more than 30 days prior to the start of construction. A minimum no-disturbance buffer of 250 feet shall be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.
i. The study site may contain elderberry shrubs. All projects within the study area should evaluate the project site conditions for the potential for elderberry shrubs removal. If elderberry shrubs are present, appropriate mitigation should be discussed and prior to any subsequent project approvals, early consultation with USFWS is recommended. The removal and trimming of elderberry shrubs is regulated by the U.S. Fish and Wildlife Service (USFWS).
j. Burrowing owls are known to occur within the study area. Impacts to burrowing owls and their nest burrows must be avoided in order to comply with the Federal Migratory Bird Treaty Act (MBTA) and Department of Fish and Game (DFG) Code Sections 3503, 3503.5, and 3513. If any ground-disturbing activities occur during the burrowing owl nesting season (approximately February 1 through August 31), implementation of avoidance measures is required. DFG recommends that a preconstruction site survey be conducted no more than 30 days before the onset of any ground-disturbing activities. Further, if preconstruction surveys determine that during the nonbreeding season burrowing owls occupy the site, a passive relocation effort shall be installed. DFG's Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game 1995) recommends that impacts to occupied burrows be avoided by implementation of a no-construction buffer zone of a minimum of 250 feet, unless a qualified biologist approved by DFG verifies through noninvasive methods that either: 1) the burrowing owls have not begun egg laying and incubation; or 2) that juveniles from the occupied nest are foraging independently and are capable of independent survival. Failure to implement this buffer zone could cause adult burrowing owls to abandon nests, cause eggs or young to be directly impacted (crushed), and/or result in reproductive failure. The DFG Staff report on Burrowing Owl Mitigation also recommends that a minimum of 6.4 acres of foraging habitat per pair or unpaired resident burrowing owl should be acquired and permanently protected to offset the loss of foraging and burrowing habitat.
k. The State-threatened Swainson's hawk is known to nest within the study area. Due to loss of suitable foraging habitat and existing nesting habitat that may occur during area development, mitigation measures compensating for these potential losses of habitat should be included. DFG's Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (California Department of Fish and Game 1994) recommends that for projects that occur within 1 mile of an active nest tree, 1.5 acres of habitat be protected in perpetuity for every acre of Swainson's hawk foraging habitat affected; for projects that occur within 5 miles of a active nest tree, 0.75 acre of habitat should be protected in perpetuity for every acre of foraging habitat impacted; and for projects within 10 miles of an active nest tree, 0.5 acre of habitat should be protected in perpetuity for every acre of foraging habitat impacted. The project sponsor should provide funding of a sufficient long-term endowment for the management of the protected properties. The project area contains mature trees that could be used as nesting habitat. DFG considers the removal of known raptor nest trees, even outside of the nesting season, to be a significant impact under CEQA and, in the case of Swainson's hawk, could also result in "take" under the CESA. This is especially true in species such as Swainson's hawk, which exhibit high site fidelity to their nest and nest trees year after year (California Department of Fish and Game 1994). To avoid such impacts, surveys for nesting raptors should be conducted following the survey methodology developed by the Swainson's Hawk Technical Advisory Committee (2000) prior to any disturbance within 5 miles of a potential nest tree). Impacts to known nest trees should be avoided at all times of year. If avoidance of a known nest tree is not feasible, consultation with DFG is warranted prior

to taking any action, and a determination of "take" potential under CESA or under Fish and Game Code Sections 3503.5 and 3513 will be made. Project-related "take" (as defined in Section 86 of the Fish and Game Code) of Swainson's hawk must be completely avoided or a State Incidental Take Permit, pursuant to Section 2081 of the Fish and Game Code, would be warranted.

(3) Comprehensive Planning Districts in Riparian Corridors

SWPH-14: All three riparian corridors within the planning area (Dry Creek, Stanislaus River, Tuolumne River) are designated as Comprehensive Planning Districts under the Urban Area General Plan. Development within these areas will be subject to a Comprehensive Plan and a Focused EIR prepared for that plan. (UAGP Exhibit III-1.) Preparation of a Park Master Plan shall suffice as the Comprehensive Plan for these areas. However, until a Park Master Plan is completed for these areas, the Tuolumne River Regional Park Master Plan shall be the guiding plan for the Dry Creek CPD. The TRRP Master Plan shall suffice as the Comprehensive Plan for Tuolumne River Comprehensive Planning District. (UAGP Policies III-5.7[b] and III-24.7[b] and [c]). The Comprehensive Planning Districts for these three corridors specify that land uses will be limited to "open space" use (i.e., low-impact recreational facilities, public ownership, agriculture, low-density residential uses not exceeding one dwelling per 10 acres). Other open space policies specific to the riparian corridors require that riverfront vegetation be consistent with riparian habitat, environmentally sensitive habitat areas be protected against significant disruptions of habitat values, and land uses be limited to those dependent on the riparian resource. (UAGP Policies VII-B.8 [j] through [q]) Measures in Table V-7-1 shall also apply to the Comprehensive Planning Districts for the riparian corridors.

The Dry Creek Comprehensive Planning District intends for its 510 acres to become a linear park (UAGP Exhibit II-5). The 810-acre Stanislaus River Comprehensive Planning District is to become a regional park (UAGP Exhibit II-21).

The Tuolumne River Comprehensive Planning District contains 1,380 acres, including a significant amount of public land owned by a joint-powers authority (JPA) made up of Modesto, Ceres, and Stanislaus County. It is a Regional Park designed to serve the residents of Modesto, Ceres, Stanislaus County, and the greater San Joaquin Valley area (UAGP Exhibit II-24). The JPA has completed and the City has certified a Master EIR for the Tuolumne River Regional Park (TRRP) Master Plan. The TRRP Master EIR contains mitigation measures addressing impacts on sensitive plant and wildlife habitat relating to recreation facility development and conservation activities within the TRRP.

5. Policies Which Avoid Impacts

The following City policies are in effect and have been determined to reduce, avoid, or mitigate environmental impacts within the existing city limits and within the UAGP area. Federal and state policies are included because they reduce or avoid cumulative impacts. The policy reference numbers are listed below, the full text of these policies is found above in Section A-4 above, *Existing Regulatory Policies Applying to the Study Area.*

Attachment 2-
Revised MEIR Summary Table

Table 2.1. Summary of Impacts and Mitigation Measures

Revised November 2014

Impact	Topic/ Impact	Mitigation Measure	Level of Significance After Mitigation
HYD-1	**Hydrology and Water Quality.** Grading, trenching and similar ground disturbance could release loose soil, debris and other material into nearby waterways.	**HYD-1.** Prior to commencement of grading or other earth-disturbing activities and commencement of operation of the expanded parking lot at the Sutter Facility, the City shall prepare a Stormwater Pollution Prevention Plan (SWPPP) that shall include specific, detailed measures to minimize erosion of graded material, debris and other material from both construction site where ground disturbance would occur or the expanded parking lot at the Sutter Facility. The SWPPP shall include measures to: a) limit runoff-off of construction chemicals, debris and similar materials off of construction sites. b) provide construction personnel with information to minimize runoff from the site. c) placement of facilities to limit runoff, including but not limited to silt fences, sediment basins and similar facilities around the perimeter of graded areas. d) installation of vegetated swales around the perimeter of the expanded Primary Facility	**Less-than-Significant**

Impact	Topic/ Supplemental Impact	Supplemental Mitigation Measure	Net Supplemental Impact After Mitigation
		parking lot and at drainage inlets. e) frequent sweeping of the parking lot to remove dust, litter and similar debris. f) installation of signs at drainage inlets to make users aware of not to litter.	
HYD-2	**Hydrology and Water Quality.** Surface water near the Sutter facility could be impacted by runoff of soil, litter, debris and petroleum products following construction of the proposed parking lot.	See Mitigation Measure HYD-1	**Less-than-Significant**
BIO-1	**Biological Resources.** Construction of wastewater facilities adjacent to the Tuolumne River could damage the habitat of the valley elderberry longhorn beetle.	**BIO-1. Prior to construction of any wastewater project element near the Tuolumne River, the following shall be implemented:** a) The project area and immediately adjacent area shall be surveyed and mapped by a qualified biologist for the presence of the valley elderberry longhorn beetle and its elderberry host species plant. Mitigation is not required for plants with no stems measuring 1.0 inch (2.5 cm) or greater in diameter at ground level and surveys are valid for a	**Less-than-Significant**

Impact	Topic/ Supplemental Impact	Supplemental Mitigation Measure	Net Supplemental Impact After Mitigation
		period of two years. b) Appropriate state or federal biological resource agencies shall be consulted if resources are identified that meet the U.S. Fish & Wildlife Service programmatic formal consultation criteria. c) If suitable habitat for the valley elderberry longhorn beetle occurs in a project component area, these areas shall be designated as avoidance areas that will be protected from disturbance during construction. Any valley elderberry longhorn beetle habitat that cannot be avoided should be considered impacted and appropriate mitigation shall be implemented as described in the remainder of this measure. Core avoidance areas include all areas within 20 feet of the dripline of any elderberry plant with a stem measuring 1.0 inch or greater in diameter at ground level. Such core areas should not be disturbed during construction. Buffer avoidance areas include all the area within 100 feet of	

Impact	Topic/ Supplemental Impact	Supplemental Mitigation Measure	Net Supplemental Impact After Mitigation
		any elderberry plant with a stem measuring 1.0 inch or greater at ground level. If complete avoidance within a 100-foot wide buffer cannot be provided, the USFWS must be consulted before any disturbances within the buffer area are considered. In addition, the USFWS must be provided with a map identifying the avoidance areas and written details describing the avoidance and protective measures. Protective measures include: • Temporary construction fencing shall be constructed to provide a minimum setback of at least 20 feet from the dripline of each potential host elderberry plant. • A tailgate education program on the valley elderberry longhorn beetle shall be given to each construction worker and all personnel working within the project area to avoid adverse effects on the beetle. • Signs every 50 feet (15.2 m) along the edge of the fence shall be	

Impact	Topic/ Supplemental Impact	Supplemental Mitigation Measure	Net Supplemental Impact After Mitigation
		placed along the exclusion fence to help identify the area as a protected area for the valley elderberry longhorn beetle for the duration of construction. Restoration and maintenance activities should be implemented if activities occur within the 100-foot buffer zone. Restoration and maintenance activities include: • Restore any damage done to the buffer area (area within 100 feet of elderberry plants) during construction. Provide erosion control and re-vegetate with appropriate native plants. • Buffer areas must continue to be protected after construction. Measures such as fencing, signs, weeding, and trash removal are usually appropriate. • No insecticides, herbicides, fertilizers, or other chemicals that might harm the beetle or its host plant should be used in the buffer areas, or within 100 feet of any	

Impact	Topic/ Supplemental Impact	Supplemental Mitigation Measure	Net Supplemental Impact After Mitigation
		elderberry plant with one or more stems measuring 1 inch or greater in diameter at ground level. • The applicant must provide a written description of how the buffer areas are to be restored, protected, and maintained after construction is completed. • Mowing of grasses/ground cover may occur from July through April to reduce fire hazard. No mowing should occur within 5 feet of elderberry plant stems. Mowing must be done in a manner that avoids damaging plants (e.g., stripping away bark through careless use of mowing/trimming equipment). d. If elderberry shrubs cannot be avoided, elderberry plants with one or more stems measuring 1.0 inch or greater in diameter at ground level should be transplanted to a mitigation area. The following guidelines shall be followed.	

Impact	Topic/ Supplemental Impact	Supplemental Mitigation Measure	Net Supplemental Impact After Mitigation
		• A qualified biologist shall monitor the project and mitigation sites for the duration of the transplanting to ensure no unauthorized take or loss of individuals occurs. • Elderberry plants will be transplanted after shrubs have lost their leaves and are dormant, usually from November through the first two weeks in February. • Transplanting shall be conducted according to standard procedures set forth by the USFWS, which includes planting additional seedlings or cuttings at various ratios for plants removed for translocating. • A mitigation area set aside for translocated plants shall provide habitat for the beetle in perpetuity. The mitigation area should provide at least 1,800 square feet for each transplanted elderberry shrub and follow	

Impact	Topic/ Supplemental Impact	Supplemental Mitigation Measure	Net Supplemental Impact After Mitigation
		USFWS guidelines for other associated native plants to be planted within the area. This mitigation area shall be weeded by mechanical means (no herbicides) once a year. The mitigation area will be monitored for the general condition of the mitigation area, the condition of the elderberry plants, and the associated native plants, for a period of 10 consecutive years with surveys and reports every year, or for 15 years of monitoring with surveys and reports on years 1, 2, 3, 5, 7, 10, and 15. Reports shall be provided to the USFWS.	
BIO-2	**Biological Resources.** Construction of wastewater facilities could impact the habitat of burrowing owl.	**BIO-2.** Prior to construction of any wastewater project components on vacant fields, the following shall be implemented: a. In conformance with Federal and State regulations regarding the protection of raptors, a pre-construction survey for burrowing owls shall be completed, in conformance with	**Less-than-Significant**

Impact	Topic/ Supplemental Impact	Supplemental Mitigation Measure	Net Supplemental Impact After Mitigation
		CDFW guidelines, prior to the start of construction within suitable habitat. f no burrowing owls are located during these surveys, no additional action would be warranted. However, if breeding or resident owls are located on, or immediately adjacent to, the site, the following mitigation measures shall be implemented: • No burrowing owls shall be evicted from burrows during the nesting season (February 1 through August 31). Eviction outside the nesting season may be permitted pending evaluation of eviction plans and receipt of formal written approval from the CDFW authorizing the eviction. • A 250-foot buffer, within which no new activity shall be permissible, shall be maintained between project activities and nesting burrowing owls. This protected area would remain in effect until August 31, or at the	

Impact	Topic/ Supplemental Impact	Supplemental Mitigation Measure	Net Supplemental Impact After Mitigation
		CDFW's discretion and based upon monitoring evidence, until the young owls are foraging independently. • If accidental take (disturbance, injury, or death of owls) occurs, the CDFW shall be notified immediately. b. If a pre-construction survey finds that burrowing owls occupy the project site and avoiding construction in occupied areas is not feasible, then habitat compensation on off-site mitigation lands should be implemented. Habitat Management lands comprising existing Burrowing owl foraging and breeding habitat shall be acquired and preserved. An area of 6.5 acres (2.6 ha) (the amount of land found to be necessary to sustain a pair or an individual owl) should be secured for each pair of owls, or individual in the case of an odd number of birds.	

Impact	Topic/ Supplemental Impact	Supplemental Mitigation Measure	Net Supplemental Impact After Mitigation
		As part of an agreement with the CDFW, the project applicant should secure the performance of its mitigation duties by providing the CDFW with security in the form of funds that would: • Allow for the acquisition and/or preservation of 6.5 acres (2.6 ha) of Habitat Management lands. • Provide initial protection and enhancement activities on the Habitat Management lands, potentially including but not limited to such measures as fencing, trash clean-up, artificial burrow creation, grazing or mowing, and any habitat restoration deemed necessary by CDFW. • Establish an endowment for the long-term management of the Habitat Management lands. • Reimburse the CDFW for reasonable expenses incurred as	

Impact	Topic/ Supplemental Impact	Supplemental Mitigation Measure	Net Supplemental Impact After Mitigation
		a result of the approval and implementation of this agreement. Pending CDFW approval, Habitat Management lands providing foraging habitat for Swainson's Hawk (see "Loss of Swainson's Hawk Foraging Habitat" below) may also be used to mitigate impacts to burrowing owl provided the Habitat Management lands provide existing burrowing owl foraging and breeding habitat.	
BIO-3	**Biological Resources. Construction of wastewater facilities may impact nesting raptors.**	**BIO-3**. Prior to construction of any wastewater project components on vacant fields, the following shall be implemented: a) To the extent practicable, construction shall be scheduled to avoid the nesting season, which extends from January through August. b) If it is not possible to schedule construction between August and January, then one of the following options shall be implemented: - With the approval of the CDFW, trees containing	**Less-than-Significant**

Impact	Topic/ Supplemental Impact	Supplemental Mitigation Measure	Net Supplemental Impact After Mitigation
		known or potential raptor nest sites may be removed to discourage future nesting attempts on the condition that no raptor pair is currently utilizing the site; or, - Pre-construction surveys for nesting raptors shall be conducted by a qualified ornithologist or wildlife biologist to ensure that no raptor nests would be disturbed during project implementation. A pre-construction survey shall be conducted prior to the initiation of demolition/construction activities during the early part of the breeding season (January through April) and prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the qualified person shall inspect all trees in and immediately adjacent to the impact areas for raptor nests.	

Impact	Topic/ Supplemental Impact	Supplemental Mitigation Measure	Net Supplemental Impact After Mitigation
		- If an active raptor nest is found close enough to the construction area to be disturbed by these activities, the ornithologist, in consultation with CDFW, shall determine the extent of a construction-free buffer zone to be established around the nest.	
BIO-4	**Biological Resources.** Construction of wastewater facilities may impact sensitive biological resources and habitat area within the Tuolumne River.	**BIO-4**. Construction of wastewater facilities near the banks of the Tuolumne or San Joaquin Rivers shall adhere to the following: a. Pre-construction surveys shall be conducted prior to project-related activities that would impact the resources of the San Joaquin River or Tuolumne River in order to identify potentially significant impacts to potential steelhead and Chinook salmon and their habitats. If the San Joaquin River, the Tuolumne River, or their tributaries could be impacted by project activities, USACE permits and a Streambed Alteration Agreement from CDFW and	**Less-than-Significant**

Impact	Topic/ Supplemental Impact	Supplemental Mitigation Measure	Net Supplemental Impact After Mitigation
		permits from NMFS may be required. If project activities impact regulated habitats, USACE permits, NMFS permits and a Streambed Alteration Agreement from CDFW would be required. Early consultation with the USACE, CDFW and NMFS is recommended to determine adequate protocols, as project modification and/or protection measures may be necessary and would require agency approval. b. If construction activities would result in impacts to any of the special-status species identified as possibly occurring in the project area, protection for that species shall be implemented. These shall be determined through coordination with the City of Modesto, CDFW, USFWS, and NMFS.	
BIO-5	**Biological Resources.** Construction of project facilities may impact Swainson hawk foraging habitat.	**BIO-5**. If project facilities are constructed on lands identified as potential foraging habitat for Swainson's hawk, then the impacts shall be mitigated by providing offsite	**Less-than-Significant**

Impact	Topic/ Supplemental Impact	Supplemental Mitigation Measure	Net Supplemental Impact After Mitigation
		Habitat Management lands as described in the CDFW protocol. The final acreage of offsite management lands to be provided would depend on the distance between the project area and the nearest active nest site. Prior to grading of any site with potential foraging habitat, protocol-level surveys should be conducted to determine the nearest active nest.	
BIO-6	**Biological Resources.** Construction of project facilities may impact Swainson species by removing trees with active nests.	**BIO-6.** The following steps shall be taken to minimize impacts to Swainson Hawk nesting areas. a. In order to assure that nesting Swainson's hawks will not be disturbed by construction activities at the Jennings Facility site, in developing areas where collection system extensions are being constructed on or within one mile of undeveloped properties that could have trees with active nests, a qualified ornithologist shall conduct pre-construction surveys of the project site and adjacent areas within one mile of the project site. Survey Period I occurs from	**Less-than-Significant**

Impact	Topic/ Supplemental Impact	Supplemental Mitigation Measure	Net Supplemental Impact After Mitigation
		January 1 to March 20, Period II from March 20 to April 5, Period III from April 5 to April 20, Period IV from April 21 to June 10, and Period V from June 10 to July 30. Surveys are not recommended during Period IV because identification is difficult as the adults tend to remain within the nest for longer periods of time. No fewer than three surveys shall be completed, in at least each of the two survey periods immediately prior to project initiation. If a nest site is found, consultation with CDFW shall be required to ensure project initiation will not result in nest disturbance. b. Nest trees on the project site(s) should not be removed unless avoidance measures are determined to be infeasible. If a nest tree must be removed, a Management Authorization (including conditions to off-set the loss of the nest tree) must be obtained. The Management Authorization will specify the	

Impact	Topic/ Supplemental Impact	Supplemental Mitigation Measure	Net Supplemental Impact After Mitigation
		tree removal period, generally between October 1 and February 1. If construction or other project related activities which may cause nest abandonment or forced fledging are necessary within the buffer zone, monitoring of the nest site by a qualified biologist should be required to determine if the nest is abandoned. If it is abandoned, and if the nestlings are still alive, the City shall fund the recovery and hacking (controlled release of captive reared young) of nestling(s).	
BIO-7	**Biological Resources.** Construction or improvements to the Jennings Facility may cause impacts to wetlands and waters of the US.	**BIO-7.** If project facilities are constructed on or adjacent to wetland areas and those areas potentially under the jurisdiction of the USACE and/or CDFW, pre-construction surveys shall be conducted. If these areas would be impacted by project activities, USACE permits and a Streambed Alteration Agreement from CDFW would be required. These agencies would request adequate measures to offset impacts to riparian	**Less-than-Significant**

Impact	Topic/ Supplemental Impact	Supplemental Mitigation Measure	Net Supplemental Impact After Mitigation
		and aquatic resources. Early consultation with the USACE and CDFW is recommended to determine adequate protocol, as project modification and/or mitigation measures may be necessary and would require agency approval.	
BIO-8	**Biological Resources.** Construction activities could cause impacts to riparian habitats under the jurisdiction of the California Department of Fish and Wildlife and/or the U.S. Army Corps of Engineers.	**BIO-8**. Prior to performing construction activities in or adjacent to a riparian area, a survey should be conducted to determine whether special-status species or habitats are present on or immediately adjacent to the construction area. If it is determined that such species or habitats are present, and if the temporary impacts are determined to be significant, coordination with CDFW, USFWS, NMFS, and USACE shall occur to determine appropriate avoidance steps or detailed mitigation measures to carry out prior to and during construction. These measures could include establishing a riparian buffer between the construction area and the identified resource or habitat, and monitoring during construction by	**Less-than-Significant**

Impact	Topic/ Supplemental Impact	Supplemental Mitigation Measure	Net Supplemental Impact After Mitigation
		appropriately qualified scientist(s).	
BIO-9	**Biological Resources.** Construction activities could impact the habitat for western pond turtles, the nesting and foraging habitat for loggerhead shrikes, and foraging habitat for short-eared owls, northern harriers, and the habitat for western yellow-billed cuckoo, Modesto song sparrow, long-billed curlew, white-faced ibis, and tricolored blackbirds.	No Mitigation Required	**Less-than-Significant**
BIO-10	**Biological Resources.** Construction activities may result in direct, temporary, and indirect impacts on roosting special-status bats.	BIO-10 Special-status bat roost habitat may be removed between September 1 and October 31 without surveys or special measures to protect bats. However, if evidence of roosting is observed during vegetation removal, structure demolition, and/or disturbance in other suitable roosting habitat, work should be halted and a qualified wildlife biologist should be contacted for recommendations on how to proceed. Consultation with CDFW may be required to determine appropriate actions. Removal of potential roost habitat should not be conducted during the hibernation season, between November 1 and March 31.	**Less-than-Significant**

Impact	Topic/ Supplemental Impact	Supplemental Mitigation Measure	Net Supplemental Impact After Mitigation
		Emergence surveys are not effective at determining bat presence (due to suppressed flight and foraging activities) during this period. If removal of suitable roosting habitat is to occur between April 1 and August 31, a qualified biologist shall assess the suitability of affected habitat no later than 30 days prior to the start of construction to determine if there are signs of roosting activity. If suitable habitat is present that contains signs of roost activity, evening emergence surveys and/or internal searches to determine presence/absence of bat maternity roosts shall be conducted. All active roosts identified during surveys shall be protected by a 250-foot exclusion buffer around the roost or as determined appropriate by a qualified biologist.	
BIO-11	**Biological Resources.** Construction activities may result in direct, temporary, and indirect impacts on special-status species not addressed in this MEIR.	**BIO-11**. Prior to implementation of individual project components, the City shall: a) Conduct an inquiry of special-status plants and wildlife near the construction area. This	**Less-than-Significant**

Impact	Topic/ Supplemental Impact	Supplemental Mitigation Measure	Net Supplemental Impact After Mitigation
		includes a review of the CNDDB, CNPS, CDFW RareFind 5 Database. b) Pre-construction surveys shall be conducted prior to project-related activities that would impact sensitive species and their habitats. If it is determined that suitable habitat for special-status species is present in a proposed project area, potential impacts, along with avoidance and minimization measures, shall be evaluated as part of the biological resources assessment report. Impacts on special-status bat species are typically avoided and minimized by conducting pre-construction surveys and using work windows to remove occupied habitat. If sensitive species and their habitats are impacted, permits from USACE, CDFW, USFWS, and/or NMFS may be required. Early consultation with the USACE, CDFW and NMFS is recommended to determine adequate protocols, as project	

Impact	Topic/ Supplemental Impact	Supplemental Mitigation Measure	Net Supplemental Impact After Mitigation
		modification and/or mitigation measures may be necessary and would require agency approval. c) Appropriate species protection methods shall then be implemented.	
BIO-12	**Biological Resources.** Upgrading activities of the Jennings Facility may result in changes to treated effluent into local rivers.	Less-than-significant impact and no mitigation required	**Less-than-Significant**
AIR-1	**Air Quality & Greenhouse Gas.** Some project components, including continued operation of the Jennings Road and Sutter facilities, could generate odors that would affect surrounding sensitive receptors.	**AIR-1.** Prior to operation of future facilities that could generate substantial odors, the City shall develop an Odor Control Plan and install odor control systems. The Plan shall specify the installation of necessary odor control facilities and include measures to ensure on-going maintenance of odor control facilities.	**Less-than-Significant**
AIR-2	**Air Quality & Greenhouse Gas.** Future operations of wastewater facilities could emit greenhouse gasses exceeding the regional standard of significance.	**AIR-2.** Each individual project component that includes new stationary equipment, such as the relocation of the primary treatment equipment from the Sutter facility to the Jennings facility and the proposed River Trunk Lift Station shall be	**Less-than-Significant**

Impact	Topic/ Supplemental Impact	Supplemental Mitigation Measure	Net Supplemental Impact After Mitigation
		analyzed for significant GHG impacts. For each project-level analysis, appropriate BPS will be implemented or a 29 percent GHG emission reduction compared to BAU will be demonstrated. Means of mitigating GHG impacts to a less-than-significant level include, but are not limited to, technological controls for stationary sources (such as for boilers, generators, and process heaters) and the GHG emission reduction measures (such as energy efficiency, transportation, and site design measures) for development projects listed in the SJVAPCD CCAP.	
NOISE-1	Noise. Project operations could substantially increase noise levels at nearby noise sensitive receptors.	NOISE-1. The following measures apply to the modified Facility entrance and new septic receiving station. Noise from the activities and equipment shall be controlled so as to comply with the noise limits shown in Table 4.6-1. This will limit the increase in the ambient to approximately 3 dBA L_{dn} and minimize possible disturbance due to nighttime noise resulting from mechanical equipment. A noise study	**Less-than-Significant**

Impact	Topic/ Supplemental Impact	Supplemental Mitigation Measure	Net Supplemental Impact After Mitigation
		shall be prepared when the design for the facility is completed to determine what control measures, if any, are necessary to meet City noise exposure noise limits. These measures may include, but are not limited to, constructing a noise barrier at the property line or around high activity areas, limited operating hours and equipment muffling using sound attenuators or mufflers.	
NOISE-2	Noise. The construction of project components would temporarily increase ambient noise levels in the project vicinity above levels existing without the project.	Less-than-significant impact and no mitigation required	**Less-than-Significant**
HAZ-1	Hazards and Hazardous Materials. Grading, trenching and similar ground disturbance could uncover contaminated soil or groundwater that could be released into the environment.	HAZ-1. Prior to commencing excavatic grading or trenching of any project component: a) A preconstruction survey shall be conducted of the project area that may include completion of a Phase I Environmental Site Assessment by a qualified consultant, b) If potentially significant concentrations of hazardous materials are found in site soils	**Less-than-Significant**

Impact	Topic/ Supplemental Impact	Supplemental Mitigation Measure	Net Supplemental Impact After Mitigation
		or groundwater, soil and/or groundwater sampling and analysis shall be completed by a qualified environmental professional. c) If warranted based on the soil sampling, a site remediation plan shall be prepared by a qualified environmental professional and approved by appropriate regulatory agencies. d) The City's contractor shall completed a Health and Safety Plan prior to commencement of work and filed with the City and appropriate regulatory agencies. e) Waste Disposal and Hazardous Materials Transportation Plan shall be prepared dealing with appropriate methods for safe handling and disposal of hazardous materials.	

Attachment 3-
Revised Appendix 8.3 Biological Species Table

Revised Table 8.3

Potential for Special Status Plant and Wildlife Species to Occur in the Project Area. List compiled from the California Department of Fish and Wildlife (CDFW) Natural Diversity Database (CNDDB), U.S. Fish and Wildlife Service (USFWS) Species Lists, and California Native Plant Society (CNPS) Electronic Inventory search of the Hatch, Crow's Landing, Patterson, Riverbank, Ceres, Denair, Salida, Ripon, Westley, and Brush Lake 7.5' quadrangles and a review of other CDFW lists and publications (Jennings and Hayes 1994, Zeiner et al. 1990).

SPECIES	STATUS*	HABITAT	POTENTIAL FOR OCCURRENCE
MAMMALS			
pallid bat *Antrozous pallidus*	SSC	Roosts in outcrops, caverns, hollow trees, buildings, and bridges.	**Moderate Potential.** May occur in areas with suitable roosting habitat.
Townsend's big-eared bat *Corynorhinus townsendii*	SSC	Roosts in caverns and buildings.	**Moderate Potential.** May occur in areas with suitable roosting habitat.
Fresno kangaroo rat *Dipodomys nitratoides exilis*	FE	Habitat is on elevated grassy patches on alkali plains or in grassy terrain with scattered alkali patches. Both habitat types are characterized by easily dug friable soils in which the Fresno kangaroo rat digs burrow complexes.	**No Potential**. The project area is over 70 miles from the only known current population; although no individuals have been captured since 1992. No documented occurrences have been found in the project area vicinity.
western mastiff bat *Eumops perotis*	SSC	Found in a wide variety of open, arid and semi-arid habitats. Distribution appears to be tied to large rock structures which provide suitable roosting sites, including cliff and building crevices and cracks in boulders.	**Moderate Potential.** May occur in areas with suitable roosting habitat.
western red bat *Lasiurus blossevillii*	SSC, WBWG	This species is typically solitary, roosting primarily in the foliage of trees or shrubs. Day roosts are commonly in edge habitats adjacent to streams or open fields, in orchards, and sometimes in urban areas. There may be an association with intact riparian habitat (particularly willows, cottonwoods, and sycamores).	**Moderate Potential.** May occur in areas with suitable roosting habitat.

SPECIES	STATUS*	HABITAT	POTENTIAL FOR OCCURRENCE
hoary bat *Lasiurus cinereus*	WBWG	Prefers open habitats or habitat mosaics, with access to trees for cover and open areas or habitat edges for feeding. Roosts in dense foliage of medium to large trees. Feeds primarily on moths. Requires water.	**Moderate Potential.** May occur in areas with suitable roosting habitat.Species probably forages in the area.
western small-footed myotis *Myotis ciliolabrum*	WBWG	Occurs in deserts, chaparral, riparian zones, and western coniferous forest; it is most common above piñon-juniper forest. Individuals are known to roost singly or in small groups in cliff and rock crevices, buildings, concrete overpasses, caves, and mines.Feeds on a wide variety of small insects.	**Moderate Potential.** May occur in areas with suitable roosting habitat.
long-eared myotis *Myotis evotis*	WBWG	Found in brush, woodland and forest habitats from sea level to 9000 feet. Prefers coniferous woodlands and forests. Individuals roost under exfoliating tree bark, and in hollow trees, caves, mines, cliff crevices, sinkholes, and rocky outcrops on the ground. They also sometimes roost in buildings and under bridges.	**Moderate Potential.** May occur in areas with suitable roosting habitat.
fringed myotis *Myotis thysanodes*	WBWG	Associated with a wide variety of habitats including mixed coniferous-deciduous forest and redwood/sequoia groves. Buildings, mines, rocks, cliff faces, bridges and large snags are important day and night roosts; hibernacula may include caves, mines and buildings.	**Moderate Potential.** May occur in areas with suitable roosting habitat.

SPECIES	STATUS*	HABITAT	POTENTIAL FOR OCCURRENCE
long-legged myotis *Myotis volans*	WBWG	Generally associated with coniferous forests but occurs seasonally in riparian and desert habitats. Uses abandoned buildings, cracks in the ground, cliff crevices, exfoliating tree bark, and hollows within snags as summer day roosts; hibernacula include caves and mine tunnels.	**Moderate Potential.** May occur in areas with suitable roosting habitat.
riparian (=San Joaquin Valley) woodrat *Neotoma fuscipes riparia*	FE, SSC	Riparian areas along the San Joaquin, Stanislaus, and Tuolumne Rivers. Need areas with mix of brush and trees. Need suitable nesting sites in trees, snags or logs.	**Low Potential**. Although individual woodrats have been found along the San Joaquin and Tuolumne, the project area is over 10 miles from the sole known surviving population. No documented occurrences have been found in the project area vicinity.
riparian brush rabbit *Sylvilagus bachmani riparius*	FE, SE	Riparian areas on the San Joaquin River in northern Stanislaus County. Dense thickets of wild rose, willows, and blackberries.	**No Potential**. The project area is over 10 miles from the only known surviving populations. No documented occurrences have been found in the project area vicinity.
American badger *Taxidea taxus*	SSC	Most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable soils. Requires friable soils and open, uncultivated ground. Preys on burrowing rodents.	**Moderate Potential**. Likely occurs in spray field south of Jennings facility.
San Joaquin kit fox *Vulpes macrotis mutica*	FE, ST	Found in annual grasslands or grassy open stages of vegetation dominated by scattered brush, shrubs, and scrub.	**Low Potential**. May rarely disperse through project area. Surrounding intensive agriculture dominated by orchards and other irrigated land probably limits habitat suitability.

BIRDS			
tricolored blackbird *Agelaius tricolor*	BCC, SSC	Breeds near freshwater marsh with dense emergent vegetation near trees and shrubs. Nests in stands of cattails or bulrushes, occasionally uses willows, thistles, mustard, and blackberry shrubs.	**Moderate Potential**. Documented to occur within 2 miles of the Jennings facility to the north and south (CDFW 2013).

short-eared owl *Asio flammeus*	SSC	Found in open, treeless areas with elevated sites for perches, and dense vegetation for roosting and nesting.	**Moderate Potential**. Potentially occurs. Suitable foraging is present in pasture habitats of the project area for wintering birds.
Western burrowing owl *Athene cunicularia hypugea*	SSC	Nests and forages in low-growing grasslands that support burrowing mammals. May also use artificial structures for roosting and nesting.	**Moderate Potential**. Potentially occurs. Suitable nesting and foraging habitat is present within the project area. Observed in agricultural habitats around the Jennings facility.
golden eagle *Aquila chrysaetos*	BCC, CFP	Rolling foothills mountain areas, sage-juniper flats, desert. Cliff-walled canyons provide nesting habitat in most parts of range; also, large trees in open areas.	**Moderate Potential**. May occur as a winter visitor and migrant..
ferruginous hawk *Buteo regalis*	BCC	Winter visitor. Frequents open grasslands, sagebrush flats, desert scrub, low foothills surrounding valleys, and fringes of pinyon-juniper habitats.	**Moderate Potential**. May forage in spray field south of Jennings facility.
Swainson's hawk *Buteo swainsoni*	ST	Summer resident. Typical habitat is open desert, grassland, or cropland containing scattered, large trees or small groves.	**High Potential**. Presumed present. There are records of Swainson's Hawks nesting in the vicinity of the Secondary Plant as well as along the Tuolumne River near the Modesto Airport. Foraging habitat exists throughout the project area.
mountain plover *Charadrius montanus*	BCC, FPT, SSC	Winter visitor. Frequents plowed fields, and open plains with low, herbaceous or scattered shrub vegetation.	**Low Potential.** May rarely occur in Jennings spray field during migration.
black tern *Chlidonias niger*	SSC	Uses fresh emergent wetlands, lakes, ponds, moist grasslands, and agricultural fields.	**Low Potential.** May rarely forage in spray field south of Jennings facility.
Northern harrier *Circus cyaneus*	SSC	Forages in open to herbaceous stages of many habitats. Nests on ground in shrubby vegetation, usually near wet areas.	**High Potential**. Likely forages in spray field south of Jennings facility; potential for nesting is reduced due to spraying activity and grazing.

western yellow-billed cuckoo *Coccyzus americanus occidentalis*	FC, SE, BCC	Riparian forest nester, along the broad, lower flood-bottoms of larger river systems. Nests in riparian jungles of willow, often mixed with cottonwoods, with lower story of blackberry, nettles, or wild grape.	**Unlikely**. Limited suitable habitat exists along the San Joaquin River, Believed to be extirpated as a breeding species from the project area.
yellow warbler *Dendroica petechia*	SSC	Associated with riparian forest and willow thickets.	**Low Potential.** Suitable nesting and foraging habitat is not present within the project area along the San Joaquin River. Breeding populations considered extirpated in the Central Valley.
white-tailed kite *Elanus leucurus*	CFP	Forages in open to herbaceous stages of many habitats. Nests in shrubs and trees adjacent to grasslands.	**High Potential**. Likely forages in fields adjacent to both Jennings and Sutter Plants. Remote trees associated with the site may provide suitable nest sites.
prairie falcon *Falco mexicanus*	BCC, SSC	Associated primarily with perennial grasslands, savannahs, and rangeland.	**Moderate Potential**. Probably occurs as a winter visitor and migrant.
bald eagle *Haliaeetus leucocephalus*	SE, CFP	Frequents ocean shores, lake margins, and rivers for both nesting and wintering. Requires large bodies of water, or free-flowing rivers with abundant fish and adjacent snags or other perches. Most nests are located within 1 mile of water. Nests in large, old-growth, or dominant live tree with open branchwork. Roosts communally in winter.	**Low Potential.** May occasionally visit project area in winter; no nesting habitat.
yellow-breasted chat *Icteria virens*	SSC	Summer resident; inhabits riparian thickets of willow and other brushy tangles near watercourses. Nests in low, dense riparian, consisting of willow, blackberry, wild grape; forage and nest within 10 feet of ground.	**Low Potential.** The project area is outside the known range of populations in the San Joaquin Valley.

loggerhead shrike *Lanius ludovicianus*	SSC	Prefers open habitats with scattered shrubs, posts, or other perches.	**Present**. Forages in spray field south of Jennings facility. Trees associated with unoccupied ranch house may provide suitable nest sites. Observed in area of updated project activities.
Modesto song sparrow *Melospiza melodia mailliardi*	SSC	Associated with emergent freshwater marshes dominated by tules and cattails, and riparian willow thickets and will also nest along vegetated irrigation canals and levees.. (	**Moderate Potential**. Typical emergent wetland habitat is present along the Tuolumne and San Joaquin Rivers and the various other water bodies at the Sutter and Jennings Plants
long-billed curlew *Numenius americanus*	BCC	Forages in annual grassland, shallow wetlands and flood-irrigated alfalfa fields.	**Moderate**. Likely forages in fields adjacent to Jennings facility.
white-faced ibis *Plegadis chihi*	WL	Forages in shallow wetlands and flood-irrigated alfalfa fields	**Moderate**. Likely forages in fields adjacent to Jennings facility. However, species was delisted from SSC to WL in 2011.
least bell's vireo *Vireo bellii pusillus*	FE, SE	Obligate riparian species preferring early successional riparian habitat including cottonwood-willow forests, oak woodlands and mulefat scrub.	**Unlikely.** Typical nesting habitat is not present in the areas of proposed improvements. One documented occurrence within 10 miles of the Project area to the north in the San Joaquin River NWR (CDFW 2013).
California tiger salamander *Ambystoma californiense*	FT, SSC	Generally found in grasslands with ground squirrel burrows for summer estivation, and seasonal pools for breeding.	**Low Potential.** Conversion to agriculture and other ground disturbance have resulted in poor habitat conditions.
Foothill yellow-legged frog *Rana boylii*	SSC	Partly-shaded, shallow streams and riffles with a rocky substrate in a variety of habitats.	**Low Potential**. Potential to occur in San Joaquin River tributaries, however conversion to agriculture and other ground disturbance have resulted in poor habitat conditions. Unlikely to occur in area of updated project activities.
California red-legged frog *Rana draytonii*	FT, SSC	Associated with perennial to intermittent ponds, slow, low-gradient streams, and wetlands.	**No Potential**. Probably extirpated from valley floor.

western spadefoot *Scaphiopus hammondii*	SSC	Temporary rainpools in grasslands containing small mammal burrows and/or friable soils for subterranean estivation.	**Low Potential**. Conversion to agriculture and other ground disturbance have resulted in poor habitat conditions.
REPTILES			
California legless lizard *Anniella pulchra*	SSC	Found primarily in areas with moist, sandy or loose organic soils or where there is plenty of leaf litter.	**Low Potential.** Few records in northern Stanislaus County (Jennings and Hayes 1994). Arid conditions, agricultural activities and other ground disturbance likely preclude presence.
western pond turtle *Clemmys marmorata*	SSC	Occurs in perennial ponds, lakes, rivers, and streams with suitable basking habitat and submerged shelter.	**Moderate Potential**. Typical habitat occurs within MEIR Project area. Documented to occur more than 10 miles south of the project area (CDFW 2013). Likely to occur in areas of updated project activities.
blunt-nosed leopard lizard *Gambelia sila*	FE, SE	Resident of sparsely-vegetated alkali and desert scrub habitats, in areas of low topographic relief. Seeks cover in mammal burrows under shrubs or structures.	**Low Potential**. No records in northern Stanislaus County (USFWS 1998).
San Joaquin whipsnake *Masticophis flagellum ruddocki*	SSC	Occurs in open, dry, vegetative associations with little or no tree cover.	**Low Potential**. No records in northern Stanislaus County (Jennings and Hayes 1994).
coast horned lizard *Phrynosoma coronatum frontale*	SSC	Inhabits open country, especially sandy areas, washes, flood plains and wind-blown deposits in a wide variety of habitats.	**Low potential.** Few records in northern Stanislaus County (Jennings and Hayes 1994). Agricultural and other ground disturbance impacts have reduced habitat suitability.
giant garter snake *Thamnophis gigas*	FT, ST	Marshes, sloughs, ponds, canals, ditches, and rice fields. Requires emergent vegetation, basking areas, and flood refugia.	**Low Potential.** Typical aquatic habitat is present in Project area. However, the project area is acknowledged to be in a gap between the Merced County and Delta populations.

FISHES			
Green sturgeon *Acipenser medirostris*	FT, SSC, NMFS	Spawn in deep pools or "holes" in large, turbulent, freshwater river mainstems. Adults live in oceanic waters, bays, and estuaries when not spawning. Species is known to forage in estuaries and bays.	**High Potential.** Although most green sturgeon are generally found in marine waters and migrate through San Francisco Bay to spawn in the Sacramento River, there are occurrences of this species in the San Joaquin River and larger tributaries.
Delta smelt *Hypomesus transpacificus*	FT, SE	Endemic to the Sacramento Delta, where it is distributed from the Suisun Bay upstream through the Delta in Contra Costa, Sacramento, San Joaquin, Solano and Yolo counties. The delta smelt is a pelagic and euryhaline species	**No Potential.** Critical habitat for delta smelt occurs in the nine quadrangle search, approximately 12 miles north of the Project area but does not extend south of the Stanislaus River. The aquatic habitat within the project area is not suitable for this species.
San Joaquin roach [Sacramento-San Joaquin roach] *Lavinia symmetricus ssp.*	SSC	Usually associated with small, warm intermittent streams. Widely distributed in Sacramento and San Joaquin river drainages.	**High Potential**. Potential to occur in San Joaquin River and tributaries.
Hardhead *Mylopharodon conocephalus*	SSC	Widely distributed in low-to midelevation streams in the main Sacramento- San Joaquin drainage.	**High Potential.** Potential to occur in the San Joaquin River in area of Jennings Plant outfall.
Steelhead - Central Valley ESU *Oncorhynchus mykiss irideus*	FT	Populations in the Sacramento and San Joaquin Rivers and their tributaries. Adults migrate upstream to spawn in cool, clear, well-oxygenated streams. Juveniles remain in fresh water for 1 or more years before migrating downstream to the ocean.	**High Potential**. The project area is outside the current range for this ESU. However, steelhead is anticipated to return to the San Joaquin River following the implementation of the San Joaquin River Restoration Program.

Chinook salmon, Central Valley spring-run ESU *Oncorhynchus tshawytscha*	FT, ST	Anadromous, spending most of life cycle in the ocean. Federal listing includes populations spawning in the Sacramento River and its tributaries. Adults migrate upstream to spawn in cool, clear, well-oxygenated streams. Juveniles remain in fresh water for one or more years before migrating downstream to the ocean.	**High Potential**. Suitable aquatic habitat is present in the Project area. Chinook salmon is anticipated to return to the San Joaquin River following the implementation of the San Joaquin River Restoration Program.
Chinook salmon - Central Valley fall/late fall-run ESU *Oncorhynchus tshawytscha*	FC, SSC	Populations spawning in the Sacramento and San Joaquin Rivers and their tributaries. Adults migrate upstream to spawn in cool, clear, well-oxygenated streams. Juveniles remain in fresh water for 1 or more years before migrating downstream to the ocean.	**High Potential**. Suitable aquatic habitat is present in the project area. Chinook salmon is anticipated to return to the San Joaquin River following the implementation of the San Joaquin River Restoration Program.
Chinook salmon, Sacramento River winter-run ESU *Oncorhynchus tshawytscha*	FE, SE, NMFS	Occurs in the Sacramento River below Keswick Dam. Spawns in the Sacramento River but not in tributary streams. Requires clean, cold water over gravel beds with water temperatures between 6 and 14 degrees C for spawning. Adults migrate upstream to spawn in cool, clear, well-oxygenated streams. Juveniles typically migrate to the ocean soon after emergence from the gravel.	**No Potential.** The project area is outside the range, including the migratory route, for this ESU.

Sacramento splittail *Pogonichthys macrolepidotus*	SSC	Endemic to the lakes and rivers of the Central Valley, but now confined to the Sacramento Delta, Suisun Bay and associated marshes. Occurs in slow-moving river sections and dead end sloughs. Requires flooded vegetation for spawning and foraging for young. Splittail are primarily freshwater fish, but are tolerant of moderate salinity and can live in water where salinity levels reach 10-18 parts per thousand.	**High Potential.** Potentially occurs. Has been observed in Tuolumne River within the Modesto reach in recent past.
INVERTEBRATES			
Conservancy fairy shrimp *Branchinecta conservatio*	FE	Vernal pools. Usually requires at least 49 days of inundation to reach maturation; as little as 19 days if conditions are optimal.	**No Potential**. Suitable vernal pool and seasonal wetland habitat are not present in the project area.
longhorn fairy shrimp *Branchinecta longiantenna*	FE	Vernal pools. Usually requires at least 43 days of inundation to reach maturation; as little as 23 days if conditions are optimal.	**No Potential**. Suitable vernal pool and seasonal wetland habitat are not present in the project area.
vernal pool fairy shrimp *Branchinecta lynchi*	FT	Vernal pools. Usually requires at least 41 days of inundation to reach maturation; as little as 18 days if conditions are optimal.	**No Potential**. Suitable vernal pool and seasonal wetland habitat are not present in the project area.
vernal pool tadpole shrimp *Lepidurus packardi*	FE	Vernal pools. Typically requires 7 weeks to reach maturity.	**No Potential**. Suitable vernal pool and seasonal wetland habitat are not present in the project area.
valley elderberry longhorn beetle *Desmocerus californicus dimorphus*	FT	Elderberry shrubs required for reproduction and foraging.	**High Potential**. Elderberry shrubs are present in the project area.
PLANTS			
alkali milk-vetch *Astragalus tener* var *tener*	1B	Found on playas and valley foothill grassland on clay; blooms March-June.	**Low Potential**. Playa-like habitats, seasonal wetlands and valley foothill grassland are not present in the project area.

heartscale *Atriplex cordulata*	1B	Generally found in saline or alkaline soils associated with chenopod scrub and valley foothill grasslands. Blooms May-October.	**Low Potential**. Chenopod scrub or valley and foothill grasslands are not present in the project area.
brittlescale *Atriplex depressa*	1B	Chenopod scrub, playas, and valley foothill grassland on alkaline or clay soils.	**Low Potential**. Chenopod scrub or valley and foothill grasslands are not present in the project area.
San Joaquin spearscale *Atriplex joaquiniana*	1B	Generally found in alkaline soils associated with chenopod scrub and valley foothill grasslands. Blooms April-September.	**Low Potential**. Chenopod scrub or valley and foothill grasslands are not present in the project area.
lesser saltscale *Atriplex minuscula*	1B	Chenopod scrub, playas, valley and foothill grasslands. Sandy, alkaline soils. 15-200m elevation. Blooms April-October.	**Low Potential**. Chenopod scrub or valley and foothill grasslands are not present in the project area.
vernal pool smallscale *Atriplex persistens*	1B	Alkaline vernal pools.	**No Potential**. Vernal pools are not present in the project area.
subtle orache *Atriplex subtilis*	1B	Valley and foothill grassland. 40-100m elevation. Blooms June-October.	**Low Potential**. Valley and foothill grasslands are not present in the project area.
big tarplant *Blepharizonia plumosa*	1B	Clay substrates in valley and foothill grassland. 30-505m elevation. Blooms July-October.	**Low Potential**. Valley and foothill grasslands are not present in the project area.
round-leaved filaree *California macrophylla*	1B	Clay substrates in cismontane woodland and valley and foothill grassland. 15-1,200m elevation. Blooms March-May.	**Low Potential**. Cismontane woodland and valley and foothill grasslands are not present in the project area.
Lemmon's jewelflower *Caulanthus lemmonii*	1B	Pinyon and juniper woodland, valley and foothill grassland. 80-1,220m elevation. Blooms March-May.	**No Potential**. Pinyon-juniper woodlands and Valley and foothill grasslands are not present in the project area.
hispid bird's-beak *Cordylanthus molle* ssp *hispidum*	1B	Occurs in alkaline playas and meadows. Blooms June-September.	**Low Potential**. Alkaline playas and meadows are not present in the project area.
Hospital Canyon larkspur *Delphinium californicum* ssp *interius*	1B	Found in cismontane woodland. Blooms April-June.	**No Potential**. Cismontane woodland is not present in the project area.

four-angled spikerush *Eleocharis quadrangulata*	CBR	Freshwater marshes; blooms July-September.	**Low Potential.** Slough near pipeline route may provide marginal habitat. Although previously a CNPS Rank 2, this species has been de-ranked.
delta button-celery *Eryngium racemosum*	SE, 1B	Occurs in vernally mesic clay depressions; blooms June-August.	**Low Potential.** Limited areas of suitable habitat may be present in the greater project area.
diamond-petaled California poppy *Eschscholzia rhombipetala*	1B	Clay soils in valley foothill grassland. 0-975m elevation. Blooms March-April.	**Low Potential.** Valley foothill project area. Believed to be extinct.
prostrate navarretia *Navarretia prostrata*	1B	Alkaline soils in grassland or vernal pools.	**Low Potential.** Vernal pools and grassland habitats are not present.
San Joaquin Valley orcutt grass *Orcuttia inaequalis*	SE, FT, 1B	Vernal pools. 10-755m elevation. Blooms April-September.	**Low Potential.** Suitable vernal pool habitat is not present in the project area.
Sanford's arrowhead *Sagittaria sanfordii*	1B	Standing or slow-moving freshwater ponds, marshes, and ditches.	**Low Potential.** Slough near pipeline route may provide marginal habitat.
prairie wedge grass *Sphenopholis obtusata*	2B	Mesic areas in cismontane woodland, meadows and seeps. 300-2,000m. Blooms April-July.	**Low Potential.** Cismontane woodlands, meadows and seeps are not present in the project area.
slender-leaved pondweed *Stuckenia filiformis*	2	Shallow freshwater wetlands. Blooms May-July.	**Low Potential.** Slough near pipeline route may provide marginal habitat but habitat is not present in the project area.

*** Key to status codes:**

FC	Federal Candidate
FD	Federal Delisted
FE	Federal Endangered
FPT	Federal Proposed Threatened
FT	Federal Threatened
BCC	USFWS Birds of Conservation Concern

CFP	CDFW Fully Protected Animal
MMPA	Species protected under the Marine Mammal Protection Act
NMFS	Species under the Jurisdiction of the National Marine Fisheries Service
SE	State Endangered
SR	State Rare
ST	State Threatened
WL	Wait Listed
SSC	CDFW Species of Special Concern

WBWG 1Western Bat Working Group (High or Medium) Priority species
CNPS Rare Plant Ranks
CBR – Considered but rejected
Rank 1A – Plants presumed extinct in California
Rank 1B – Plants rare, threatened, or endangered in California and elsewhere
Rank 2A – Presumed extirpated in California, but more common elsewhere
Rank 2B – Rare, threatened, or endangered in California, but more common elsewhere
Rank 3 – Plants about which CNPS needs more information (a review list)
Rank 4 – Plants of limited distribution (a watch list)
CNPS Threat Ranks
0.1 – Seriously threatened in California (over 80% of occurrences threatened/high degree and immediacy of threat)
0.2 – Fairly threatened in California (20-80% occurrences threatened/moderate degree and immediacy of threat)
0.3 – Not very threatened in California (<20% of occurrences threatened/low degree and immediacy of threat or no current threats known)

Attachment 4-
Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
HYD-1 (Hydrology & Water Quality). Prior to commencement of grading or other earth-disturbing activities and commencement of operation of the expanded parking lot at the Sutter Facility, the City shall prepare a Stormwater Pollution Prevention Plan (SWPPP) that shall include specific, detailed measures to minimize erosion of graded material, debris and other material from both construction site where ground disturbance would occur or the expanded parking lot at the Sutter Facility. The SWPPP shall include measures to: a) limit runoff-off of construction chemicals, debris and similar materials off of construction sites. b) provide construction personnel with information to minimize runoff from the site. c) placement of facilities to limit runoff, including but not limited to silt fences, sediment basins and similar facilities around the perimeter of graded areas. d) installation of vegetated swales around the perimeter of the expanded Primary Facility parking lot and at drainage inlets. e) frequent sweeping of the parking lot to remove dust, litter and similar debris. f) installation of signs at drainage inlets to	City of Modesto Utilities Department	City of Modesto Utilities Department	Prior to grading or earth disturbing activities	

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
make users aware of not to litter.				
BIO-1 (Biological Resources). Prior to construction of any wastewater project element near the Tuolumne River, the following shall be implemented: a) The project area and immediately adjacent area shall be surveyed and mapped by a qualified biologist for the presence of the valley elderberry longhorn beetle and its elderberry host species plant. Mitigation is not required for plants with no stems measuring 1.0 inch (2.5 cm) or greater in diameter at ground level and surveys are valid for a period of two years. b) Appropriate state or federal biological resource agencies shall be consulted if resources are identified that meet the U.S. Fish & Wildlife Service programmatic formal consultation criteria. c) If suitable habitat for the valley elderberry longhorn beetle occurs in a project component area, these areas shall be designated as avoidance areas that will be protected from disturbance during construction. Any valley elderberry longhorn beetle habitat that cannot be avoided should be considered impacted and appropriate mitigation shall be implemented as described	City of Modesto Utilities Department	City of Modesto Utilities Department	Prior to construction near Tuolumne River	

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
in the remainder of this measure. Core avoidance areas include all areas within 20 feet of the dripline of any elderberry plant with a stem measuring 1.0 inch or greater in diameter at ground level. Such core areas should not be disturbed during construction. Buffer avoidance areas include all the area within 100 feet of any elderberry plant with a stem measuring 1.0 inch or greater at ground level. If complete avoidance within a 100-foot wide buffer cannot be provided, the USFWS must be consulted before any disturbances within the buffer area are considered. In addition, the USFWS must be provided with a map identifying the avoidance areas and written details describing the avoidance and protective measures. Protective measures include: • Temporary construction fencing shall be constructed to provide a minimum setback of at least 20 feet from the dripline of each potential host elderberry plant. • A tailgate education program on the valley elderberry longhorn beetle shall be given to each construction worker and all personnel working within the project area to avoid adverse effects on the beetle. • Signs every 50 feet (15.2 m) along the edge of				

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
the fence shall be placed along the exclusion fence to help identify the area as a protected area for the valley elderberry longhorn beetle for the duration of construction. Restoration and maintenance activities should be implemented if activities occur within the 100-foot buffer zone. Restoration and maintenance activities include: • Restore any damage done to the buffer area (area within 100 feet of elderberry plants) during construction. Provide erosion control and re-vegetate with appropriate native plants. • Buffer areas must continue to be protected after construction. Measures such as fencing, signs, weeding, and trash removal are usually appropriate. • No insecticides, herbicides, fertilizers, or other chemicals that might harm the beetle or its host plant should be used in the buffer areas, or within 100 feet of any elderberry plant with one or more stems measuring 1 inch or greater in diameter at ground level. • The applicant must provide a written description of how the buffer areas are to be restored, protected, and maintained after				

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
construction is completed. • Mowing of grasses/ground cover may occur from July through April to reduce fire hazard. No mowing should occur within 5 feet of elderberry plant stems. Mowing must be done in a manner that avoids damaging plants (e.g., stripping away bark through careless use of mowing/trimming equipment). d. If elderberry shrubs cannot be avoided, elderberry plants with one or more stems measuring 1.0 inch or greater in diameter at ground level should be transplanted to a mitigation area. The following guidelines shall be followed. • A qualified biologist shall monitor the project and mitigation sites for the duration of the transplanting to ensure no unauthorized take or loss of individuals occurs. • Elderberry plants will be transplanted after shrubs have lost their leaves and are dormant, usually from November through the first two weeks in February. • Transplanting shall be conducted according				

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
to standard procedures set forth by the USFWS, which includes planting additional seedlings or cuttings at various ratios for plants removed for translocating. • A mitigation area set aside for translocated plants shall provide habitat for the beetle in perpetuity. The mitigation area should provide at least 1,800 square feet for each transplanted elderberry shrub and follow USFWS guidelines for other associated native plants to be planted within the area. This mitigation area shall be weeded by mechanical means (no herbicides) once a year. The mitigation area will be monitored for the general condition of the mitigation area, the condition of the elderberry plants, and the associated native plants, for a period of 10 consecutive years with surveys and reports every year, or for 15 years of monitoring with surveys and reports on years 1, 2, 3, 5, 7, 10, and 15. Reports shall be provided to the USFWS.				
BIO-2 (Biological Resources). Prior to construction of any wastewater project components on vacant fields, the following shall be implemented: a. In conformance with Federal and State	City of Modesto Utilities Department	City of Modesto Utilities Department	Prior to construction on vacant fields	

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
regulations regarding the protection of raptors, a pre-construction survey for burrowing owls shall be completed, in conformance with CDFW guidelines, prior to the start of construction within suitable habitat. f no burrowing owls are located during these surveys, no additional action would be warranted. However, if breeding or resident owls are located on, or immediately adjacent to, the site, the following mitigation measures shall be implemented: • No burrowing owls shall be evicted from burrows during the nesting season (February 1 through August 31). Eviction outside the nesting season may be permitted pending evaluation of eviction plans and receipt of formal written approval from the CDFW authorizing the eviction. • A 250-foot buffer, within which no new activity shall be permissible, shall be maintained between project activities and nesting burrowing owls. This protected area would remain in effect until August 31, or at the CDFW's discretion and based upon monitoring evidence, until the young owls are foraging independently.				

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
• If accidental take (disturbance, injury, or death of owls) occurs, the CDFW shall be notified immediately. b. If a pre-construction survey finds that burrowing owls occupy the project site and avoiding construction in occupied areas is not feasible, then habitat compensation on off-site mitigation lands should be implemented. Habitat Management lands comprising existing Burrowing owl foraging and breeding habitat shall be acquired and preserved. An area of 6.5 acres (2.6 ha) (the amount of land found to be necessary to sustain a pair or an individual owl) should be secured for each pair of owls, or individual in the case of an odd number of birds. As part of an agreement with the CDFW, the project applicant should secure the performance of its mitigation duties by providing the CDFW with security in the form of funds that would: • Allow for the acquisition and/or preservation of 6.5 acres (2.6 ha) of Habitat Management lands. • Provide initial protection and enhancement activities on the Habitat Management lands, potentially including but not limited				

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
to such measures as fencing, trash clean-up, artificial burrow creation, grazing or mowing, and any habitat restoration deemed necessary by CDFW. • Establish an endowment for the long-term management of the Habitat Management lands. • Reimburse the CDFW for reasonable expenses incurred as a result of the approval and implementation of this agreement. Pending CDFW approval, Habitat Management lands providing foraging habitat for Swainson's Hawk (see "Loss of Swainson's Hawk Foraging Habitat" below) may also be used to mitigate impacts to burrowing owl provided the Habitat Management lands provide existing burrowing owl foraging and breeding habitat.				
BIO-3 (Biological Resources). Prior to construction of any wastewater project components on vacant fields, the following shall be implemented: a) To the extent practicable, construction shall be scheduled to avoid the nesting season, which extends from January through August.	City of Modesto Utilities Department	City of Modesto Utilities Department	Prior to construction on vacant fields	

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
b) If it is not possible to schedule construction between August and January, then one of the following options shall be implemented: - With the approval of the CDFW, trees containing known or potential raptor nest sites may be removed to discourage future nesting attempts on the condition that no raptor pair is currently utilizing the site; or, - Pre-construction surveys for nesting raptors shall be conducted by a qualified ornithologist or wildlife biologist to ensure that no raptor nests would be disturbed during project implementation. A pre-construction survey shall be conducted prior to the initiation of demolition/construction activities during the early part of the breeding season (January through April) and prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the qualified person shall inspect all trees in and immediately adjacent to the impact areas for raptor nests. - If an active raptor nest is found close enough to the construction area to be disturbed by these activities, the ornithologist, in consultation with CDFW,				

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
shall determine the extent of a construction-free buffer zone to be established around the nest.				
BIO-4 (Biological Resources). Construction of wastewater facilities near the banks of the Tuolumne or San Joaquin Rivers shall adhere to the following: a. Pre-construction surveys shall be conducted prior to project-related activities that would impact the resources of the San Joaquin River or Tuolumne River in order to identify potentially significant impacts to potential steelhead and Chinook salmon and their habitats. If the San Joaquin River, the Tuolumne River, or their tributaries could be impacted by project activities, USACE permits and a Streambed Alteration Agreement from CDFW and permits from NMFS may be required. If project activities impact regulated habitats, USACE permits, NMFS permits and a Streambed Alteration Agreement from CDFW would be required. Early consultation with the USACE, CDFW and NMFS is recommended to determine adequate protocols, as project modification and/or protection measures may be necessary and would require agency approval.	City of Modesto Utilities Department	City of Modesto Utilities Department	Construction near Tuolumne or San Joaquin Rivers	

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
b. If construction activities would result in impacts to any of the special-status species identified as possibly occurring in the project area, protection for that species shall be implemented. These shall be determined through coordination with the City of Modesto, CDFW, USFWS, and NMFS.				
BIO-5 (Biological Resources). If project facilities are constructed on lands identified as potential foraging habitat for Swainson's hawk, then the impacts shall be mitigated by providing offsite Habitat Management lands as described in the CDFW protocol. The final acreage of offsite management lands to be provided would depend on the distance between the project area and the nearest active nest site. Prior to grading of any site with potential foraging habitat, protocol-level surveys should be conducted to determine the nearest active nest.	City of Modesto Utilities Department	City of Modesto Utilities Department	Prior to construction on vacant fields identified as Swainson Hawk habitat	
BIO-6 (Biological Resources). The following steps shall be taken to minimize impacts to Swainson Hawk nesting areas. a. In order to assure that nesting Swainson's hawks will not be disturbed by construction activities at the Jennings Facility site, in developing areas where collection system extensions are being constructed on or	City of Modesto Utilities Department	City of Modesto Utilities Department	Prior to construction on vacant fields identified as Swainson Hawk habitat	

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
within one mile of undeveloped properties that could have trees with active nests, a qualified ornithologist shall conduct pre-construction surveys of the project site and adjacent areas within one mile of the project site. Survey Period I occurs from January 1 to March 20, Period II from March 20 to April 5, Period III from April 5 to April 20, Period IV from April 21 to June 10, and Period V from June 10 to July 30. Surveys are not recommended during Period IV because identification is difficult as the adults tend to remain within the nest for longer periods of time. No fewer than three surveys shall be completed, in at least each of the two survey periods immediately prior to project initiation. If a nest site is found, consultation with CDFW shall be required to ensure project initiation will not result in nest disturbance. b. Nest trees on the project site(s) should not be removed unless avoidance measures are determined to be infeasible. If a nest tree must be removed, a Management Authorization (including conditions to off-set the loss of the nest tree) must be obtained. The Management Authorization will specify the tree removal period, generally between October 1 and February 1.				

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
If construction or other project related activities which may cause nest abandonment or forced fledging are necessary within the buffer zone, monitoring of the nest site by a qualified biologist should be required to determine if the nest is abandoned. If it is abandoned, and if the nestlings are still alive, the City shall fund the recovery and hacking (controlled release of captive reared young) of nestling(s).				
BIO-7 (Biological Resources). If project facilities are constructed on or adjacent to wetland areas and those areas potentially under the jurisdiction of the USACE and/or CDFW, pre-construction surveys shall be conducted. If these areas would be impacted by project activities, USACE permits and a Streambed Alteration Agreement from CDFW would be required. These agencies would request adequate measures to offset impacts to riparian and aquatic resources. Early consultation with the USACE and CDFW is recommended to determine adequate protocol, as project modification and/or mitigation measures may be necessary and would require agency approval.	City of Modesto Utilities Department	City of Modesto Utilities Department	Prior to construction near wetlands or other waters	
BIO-8 (Biological Resources). Prior to performing construction activities in or adjacent to a riparian area, a survey should be conducted	City of Modesto Utilities Department	City of Modesto Utilities Department	Prior to construction near riparian area	

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
to determine whether special-status species or habitats are present on or immediately adjacent to the construction area. If it is determined that such species or habitats are present, and if the temporary impacts are determined to be significant, coordination with CDFW, USFWS, NMFS, and USACE shall occur to determine appropriate avoidance steps or detailed mitigation measures to carry out prior to and during construction. These measures could include establishing a riparian buffer between the construction area and the identified resource or habitat, and monitoring during construction by appropriately qualified scientist(s).				
BIO-10 (Biological Resources). Special-status bat roost habitat may be removed between September 1 and October 31 without surveys or special measures to protect bats. However, if evidence of roosting is observed during vegetation removal, structure demolition, and/or disturbance in other suitable roosting habitat, work should be halted and a qualified wildlife biologist should be contacted for recommendations on how to proceed. Consultation with CDFW may be required to determine appropriate actions. Removal of potential roost habitat should not be conducted during the hibernation season,	City of Modesto Utilities Department	City of Modesto Utilities Department	Prior to construction near bat habitats	

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
between November 1 and March 31. Emergence surveys are not effective at determining bat presence (due to suppressed flight and foraging activities) during this period. If removal of suitable roosting habitat is to occur between April 1 and August 31, a qualified biologist shall assess the suitability of affected habitat no later than 30 days prior to the start of construction to determine if there are signs of roosting activity. If suitable habitat is present that contains signs of roost activity, evening emergence surveys and/or internal searches to determine presence/absence of bat maternity roosts shall be conducted. All active roosts identified during surveys shall be protected by a 250-foot exclusion buffer around the roost or as determined appropriate by a qualified biologist.				
BIO-11 (Biological Resources) Prior to implementation of individual project components, the City shall: a) Conduct an inquiry of special-status plants and wildlife near the construction area. This includes a review of the CNDDB, CNPS, CDFW RareFind 5 Database. b) Pre-construction surveys shall be conducted prior to project-related activities that would impact sensitive species and their habitats.	City of Modesto Utilities Department	City of Modesto Utilities Department	Prior to commencement of construction on or near habitat of special-status plants or wildlife	

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
If it is determined that suitable habitat for special-status species is present in a proposed project area, potential impacts, along with avoidance and minimization measures, shall be evaluated as part of the biological resources assessment report. Impacts on special-status bat species are typically avoided and minimized by conducting pre-construction surveys and using work windows to remove occupied habitat. If sensitive species and their habitats are impacted, permits from USACE, CDFW, USFWS, and/or NMFS may be required. Early consultation with the USACE, CDFW and NMFS is recommended to determine adequate protocols, as project modification and/or mitigation measures may be necessary and would require agency approval. c) Appropriate species protection methods shall then be implemented.				
NOISE-1 (operational noise). The following measures apply to the modified Facility entrance and new septic receiving station. Noise from the activities and equipment shall be controlled so as to comply with the noise limits shown in Table 4.6-1. This will limit the increase in the	City of Modesto Utilities Department	City of Modesto Utilities Department	During construction of facilities at the Sutter Plant	

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
ambient to approximately 3 dBA L_{dn} and minimize possible disturbance due to nighttime noise resulting from mechanical equipment. A noise study shall be prepared when the design for the facility is completed to determine what control measures, if any, are necessary to meet City noise exposure noise limits. These measures may include, but are not limited to, constructing a noise barrier at the property line or around high activity areas, limited operating hours and equipment muffling using sound attenuators or mufflers.				
AIR-1 (Air Quality and Greenhouse Gas). Prior to operation of future facilities that could generate substantial odors, the City shall develop an Odor Control Plan and install odor control systems. The Plan shall specify the installation of necessary odor control facilities and include measures to ensure on-going maintenance of odor control facilities.	City of Modesto Utilities Department	City of Modesto Utilities Department	Prior to operation of facilities that could generate significant odors	
AIR-2 (Air Quaity and Greenhouse Gas). Each individual project component that includes new stationary equipment, such as the relocation of the primary treatment equipment from the Sutter facility to the Jennings facility and the proposed River Trunk Lift Station shall be analyzed for significant GHG impacts. For each	City of Modesto Utilities Department	City of Modesto Utilities Department	Prior to operation of facilities that could generate significant greenhouse gasses	

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
project-level analysis, appropriate BPS will be implemented or a 29 percent GHG emission reduction compared to BAU will be demonstrated. Means of mitigating GHG impacts to a less-than-significant level include, but are not limited to, technological controls for stationary sources (such as for boilers, generators, and process heaters) and the GHG emission reduction measures (such as energy efficiency, transportation, and site design measures) for development projects listed in the SJVAPCD CCAP.				
HAZ-1 (Hazards and Hazardous Materials). Prior to commencing excavation, grading or trenching of any project component: a) A preconstruction survey shall be conducted of the project area that may include completion of a Phase I Environmental Site Assessment by a qualified consultant, b) If potentially significant concentrations of hazardous materials are found in site soils or groundwater, soil and/or groundwater sampling and analysis shall be completed by a qualified environmental professional. c) If warranted based on the soil sampling, a site remediation plan shall be prepared by a qualified environmental professional and	City of Modesto Utilities Department	City of Modesto Utilities Department	Prior to commencement of excavation, grading or trenching of any project component	

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
approved by appropriate regulatory agencies. d) The City's contractor shall completed a Health and Safety Plan prior to commencement of work and filed with the City and appropriate regulatory agencies. e) Waste Disposal and Hazardous Materials Transportation Plan shall be prepared dealing with appropriate methods for safe handling and disposal of hazardous materials.				