

Memorandum



North Valley Regional Recycled Water Program

Subject: Scoping Report

Prepared For: Bureau of Reclamation, NVRRWP Staff

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Date: June 23, 2014

This Scoping Report has been prepared to summarize the scoping process completed for the North Valley Regional Recycled Water Program (NVRRWP) Environmental Impact Report/Environmental Impact Statement (EIR/EIS). It provides an overview of the scoping process completed for both the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) and summarizes the comments received during scoping.

1 NEPA Scoping Process

On April 22, 2014 the NEPA Lead Agency, the U.S. Bureau of Reclamation (Reclamation), published a Notice of Intent (NOI) in the Federal Register. The Federal Register Notice established a 36-day public review period, which closed on May 28, 2014. During the public review period, NVRRWP held a local scoping meeting, which is described below. Reclamation received 6 comments during the NOI public review period.

2 CEQA Scoping Process

The City of Modesto, the CEQA Lead Agency, circulated a Notice of Preparation (NOP) on April 22, 2014. The NOP began a 30-day public review period, which ended May 22, 2014. The NOP was mailed to the State Clearinghouse, and was mailed directly to 13 responsible and trustee agencies. A postcard announcing the availability of the NOP and NOI and the date of the scoping meeting was mailed to 116 organizations and individuals. The NOP was also posted in the local newspaper, The Modesto Bee, and an announcement of the meeting was published in the "News & Notes" section of the newspaper.

The NVRRWP held a publicly advertised scoping meeting on May 13, 2014 at the location below:

3:00 pm – 7:00 pm
City of Modesto City Hall, Room 2001
1010 10th Street, Modesto

The scoping meeting was held in an open house format, and comment cards were provided for those attending the meeting to facilitate submittal of written comments. Because of the format of the meeting there were no verbal comments.

In addition to the scoping meeting, presentations were made to interested stakeholders, including the Farm Bureau and Almond Board of California, and Del Puerto Water District sent notices about the project to 200 landowners/customers. During the NOP review period, the City of Modesto received 13 comment submittals.

3 Comment Summary

A total of 15 comment submittals (letters, comment cards, phone calls and emails) were received (some comment submittals were sent to both Reclamation and the City of Modesto). Comment submittals are included in Attachment A. Table 1 provides a summary of the comments received during the public scoping process, and identifies the commenter, affiliation, date and comment format, summary of comments, and disposition of each comment.

Table 1: NOP/NOI Scoping Summary

Commenter, Affiliation	Format/Date	Comments	Response
State Water Resources Control Board	Letter, May 2, 2014	<ul style="list-style-type: none"> • Project is subject to Federal Endangered Species Act and must obtain Section 7 Clearance from U.S. Fish and Wildlife Service and/or National Marine Fisheries Service • Project must comply with Section 106 of National Historic Preservation Act and must identify an Area of Potential Effects (APE) • Project must comply with Clean Air Act • Project must comply with other federal requirements, including Coastal Zone Management Act, Protection of Wetlands, Farmland Protection Policy Act, Migratory Bird Treaty Act, Flood Plain Management Act and Wild and Scenic Rivers Act • Please provide a copy of draft CEQA document, and notice of any hearing or meetings held regarding project environmental review. 	<ul style="list-style-type: none"> • A Biological Assessment meeting requirements for Section 7 consultation will be prepared • A Cultural Resources Study meeting requirements for Section 106 consultation will be prepared • Air quality conformity will be addressed in the Air Quality Section of the EIR/EIS • Compliance will be addressed in appropriate sections, including Biological Resources, Agriculture and Hydrology Sections of the EIR/EIS • A copy of the Draft EIR/EIS will be provided to the SWRCB
San Joaquin Valley Air Pollution Control District	Letter, May 6, 2014	<ul style="list-style-type: none"> • Identify and quantify criteria pollutant emissions during construction and operation • Discuss methodology, model assumptions, inputs and results, including project phasing, project design elements and mitigation, and evaluation of cumulative effects • Project is subject to District Rules including those regarding fugitive dust and internal combustion engines • Project is not subject to Indirect Source Review 	<ul style="list-style-type: none"> • This will be included in the Air Quality Section of the EIR/EIS • This will be included in the Air Quality Section of the EIR/EIS • This will be addressed in the Air Quality Section of the EIR/EIS • Agreed

Commenter, Affiliation	Format/Date	Comments	Response
Central Valley Regional Water Quality Control Board	Letter, May 9, 2014	<ul style="list-style-type: none"> • Projects that disturb one or more acre of soil are subject to Construction Storm Water General Permit • New development must reduce pollutants and runoff flows using Best Management Practices in accordance with MS4 Permits • Storm water discharges from industrial sites must comply with the Industrial Storm Water General Permit • If the project will involve discharge of fill material in navigable waters or wetlands, a Section 404 Permit would be needed • If a 404 Permit is required then a Water Quality Certification would be needed from the Regional Board • If there is fill in a non-jurisdictional water of the state the project would require a Waste Discharge Requirements (WDR) • Discharge of water from construction dewatering would need to be covered under the Low or Limited Threat General NPDES Permit 	<ul style="list-style-type: none"> • This requirement will be identified in the Water Quality/Hydrology Section of the EIR/EIS. • This requirement will be identified in the Water Quality/Hydrology Section of the EIR/EIS. • Facilities proposed as part of the NVRRWP are not expected to require coverage under the Industrial Storm Water General Permit. • If applicable, this requirement will be identified in the Biological Resources Section of the EIR/EIS. • If applicable, this requirement will be identified in the Water Quality/Hydrology Section of the EIR/EIS. • If applicable, this requirement will be identified in the Biological Resources Section of the EIR/EIS. • This requirement will be identified in the Water Quality/Hydrology Section of the EIR/EIS.
U.S. Army Corps of Engineers	Letter, May 9, 2014	<ul style="list-style-type: none"> • Prepare wetland delineation to identify any areas within Corps jurisdiction in the project area • Range of alternatives considered should include alternatives that avoid impacts to wetlands or other waters of the U.S. • If effects on wetlands or water of the U.S. cannot be avoided, mitigation plans should compensate for loss 	<ul style="list-style-type: none"> • Results of a preliminary wetlands delineation will be included in the EIR/EIS • Project will be designed to avoid fill of wetlands to the extent possible • Mitigation will be provided for any unavoidable impacts caused by the project.

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Stanislaus County Planning & Community Development Department	Comment Card, May 13, 2014	<ul style="list-style-type: none"> Define long-term Will the project affect current groundwater recharge flows and patterns? Is there a financial report that estimates project costs and cost impacts to rate payers? 	<ul style="list-style-type: none"> Del Puerto Water District (DPWD) hopes to enter into a 40-year contract with Reclamation to convey recycled water through the Delta-Mendota Canal. This will be evaluated in the Water Quality/Hydrology Section of the EIR/EIS. Funding issues are outside the scope of the EIR/EIS, which focuses on environmental impacts. Financial information is available in the Feasibility Study for the project, which is posted on the Project website: http://www.nvr-recycledwater.org/documents.asp Additional financial analyses and funding opportunities will be evaluated outside the scope of the EIR/EIS.
California Department of Fish and Wildlife	Phone call May 20, 2014	<ul style="list-style-type: none"> Would like to know about water volume and timing of water available for refuges Concerned about water quality including salinity, selenium and pharmaceutical residuals in treated water Will there be dispersion/dilution modeling in the Delta-Mendota Canal (DMC) 	<ul style="list-style-type: none"> This information will be included in the Project Description Chapter of the EIR/EIS The Water Quality/Hydrology Section of the EIR/EIS will evaluate the quality of the recycled water. Results of dispersion/dilution modeling will be included in the Water Quality/Hydrology Section of the EIR/EIS

Commenter, Affiliation	Format/Date	Comments	Response
Turlock Irrigation District	Letter, May 20, 2014	<ul style="list-style-type: none"> • The scope of the affected Project area is too narrowly limited to the area of Stanislaus County west of the San Joaquin River (SJR) • The affected geographic area is located both east and west of the SJR and includes the Modesto, Turlock and Delta-Mendota subbasins. • The scope of the affected area must be expanded to include the area east of the SJR. • The NEPA and CEQA notices fail to include the Turlock and Modesto subbasins in the scope of the EIR/EIS and therefore fail to include mitigation for export of groundwater-based effluent. • Use of recycled water from Modesto and Turlock needs to be examined within the context of all three subbasins because adverse groundwater issues have arisen in the Turlock and Modesto subbasins due the drought. • Affected geographic area needs to expressly include the Turlock and Modesto groundwater subbasins, with greater focus placed on the Turlock Subbasin 	<ul style="list-style-type: none"> • The geographic scope for analysis of each environmental resource will be defined in each Section of the EIR/EIS, and will vary depending on the resource. The area will not be limited to Stanislaus County west of the San Joaquin River. • The Water Quality/Hydrology Section of the EIR/EIS will address the potential for groundwater impacts caused by the project in the Modesto, Turlock and Delta-Mendota subbasins. • The Water Quality/Hydrology Section of the EIR/EIS will address the potential for groundwater impacts caused by the project east of the SJR, including the Modesto, Turlock and Delta-Mendota subbasins. • Neither of the Notices identified a geographic scope for the analysis of effects on groundwater. The geographic scope for analysis of each environmental resource will be defined in each Section of the EIR/EIS, and will include the Modesto, Turlock and Delta-Mendota basins. Because impacts have not yet been determined there was no mitigation included in the Notices. • The Water Quality/Hydrology Section of the EIR/EIS will address the potential for groundwater impacts caused by the east of the SJR, including the Modesto, Turlock and Delta-Mendota subbasins. The analysis will compare the existing condition, in which treated wastewater is discharged to the San Joaquin River, to the proposed project, which would convey recycled water to the DMC instead of to the river. • The Water Quality/Hydrology Section of the EIR/EIS will address the potential for groundwater impacts from the project east of the SJR, including the Modesto, Turlock and Delta-Mendota subbasins.

Commenter, Affiliation	Format/Date	Comments	Response
		<ul style="list-style-type: none"> Because a significant portion of the treated sewage effluent would be exported from the Turlock Subbasin the EIR/EIS needs to analyze in depth mitigation measures for the export of groundwater. EIR/EIS needs to discuss probable reductions in surface water supplies from proposed actions by Federal and State regulatory agencies, and the resulting increased pressure on groundwater due to reduced surface water availability. EIR/EIS needs to describe how the project could reduce groundwater pressures within each of the three subbasins, and feasibility of providing a portion of the project's recycled water to the Turlock and Modesto Subbasins. EIR/EIS should discuss how much incremental Level 4 water for wildlife refuges would be provided by the project in Critical, Dry, Below Normal, Above Normal, and Wet water years, and address what alternate water supplies are available to the wildlife refuges during each year type. EIR/EIS needs to describe how recycled water would be allocated amount DPWD, refuges, and the Turlock Subbasin during each of the five water year types. 	<ul style="list-style-type: none"> The Water Quality/Hydrology Section of the EIR/EIS will address the potential for groundwater impacts from the project east of the SJR, including the Modesto, Turlock and Delta-Mendota subbasins. However, it should be noted that the project does not include export of groundwater, and would not increase pumping of groundwater. The EIR/EIS would evaluate the extent to which groundwater recharge along the San Joaquin River could be reduced by discontinuing discharges to the river. The EIR/EIS will evaluate cumulative impacts on groundwater associated with the project combined with other reasonably foreseeable projects/actions. The comment is suggesting an alternative that would provide recycled water to additional users. Evaluation of delivery of recycled water to the Turlock and Modesto subbasin areas is not included in the scope or purpose of the project as proposed. The Project Description will discuss the quantity and timing for providing water to the refuges. One purpose of the Project is to provide additional water to the refuges, but it is outside the scope of the EIR/EIS to identify other potential sources of water for refuges. The Project Description will describe how water is allocated between DPWD and the refuges. However, providing recycled water to the Turlock Subbasin is not part of the project as proposed.

Commenter, Affiliation	Format/Date	Comments	Response
		<ul style="list-style-type: none"> Reclamation is required to identify alternatives to be considered, but the Notice of Intent provides no information on alternative uses. EIR/EIS needs to analyze use of a portion of the recycled water for groundwater recharge in the Turlock Subbasin. Cities of Turlock, Ceres and Modesto have an obligation to investigate the use of their recycled water for irrigation within their own cities. EIR/EIS needs to describe to what extent existing uses of reclaimed water in the Turlock and Modesto Subbasins would be terminated or curtailed as a result of the project. 	<ul style="list-style-type: none"> Alternative uses would not achieve the objectives of the project, which are to provide water to DPWD and to refuges. Alternative options for conveying water to the DMC are being considered and will be presented in the EIR/EIS. The project, as proposed does not include recharge in the Turlock Subbasin. The Water Quality/Hydrology Section of the EIR/EIS will address the potential for groundwater impacts caused by the project in the Modesto, Turlock and Delta-Mendota subbasins. As noted above, the analysis will compare the existing condition, in which treated wastewater is discharged to the San Joaquin River, to the proposed project, which would convey recycled water to the DMC instead of to the river. Such an investigation is outside the scope of the EIR/EIS. The EIR/EIS will evaluate the impact of the project, as proposed, and will consider alternatives for accomplishing the project objectives of providing water to DPWD and to the wildlife refuges. There will be no change to the existing uses of recycled water; these uses are as follows: <ul style="list-style-type: none"> Turlock Irrigation District Walnut Energy Center Modesto Ranch Irrigation (adjacent to treatment plant) City of Turlock Pedretti Park

Commenter, Affiliation	Format/Date	Comments	Response
		<ul style="list-style-type: none"> EIR/EIS should also evaluate a Combined Alignment where the single SJR crossing is located at the end of the Harding Drain Bypass Pipeline. The EIR/EIS should analyze the history of each POTW's compliance with existing water quality standards, and describe how the Project will prevent discharge to the DMC or agricultural use before the DMC of any recycled water that does not meet water quality standards. EIR/EIS needs to define what it means to deliver water to DPWD at a cost that "supports regional economic sustainability". EIR/EIS needs to identify "all-in" cost per acre-foot of recycled water for DPWD, the "all-in" cost components and how those cost components will be determined 	<ul style="list-style-type: none"> The EIR/EIS will evaluate an SJR crossing located at the end of the Harding Drain Bypass Pipeline as part of the Separate Alignments Alternative, and the alignment between Modesto and Turlock would be the same whether the single crossing was located near the Modesto Publicly Owned Treatment Works (POTW) or the Harding Drain Bypass. It will thus not be necessary to evaluate a different configuration of the Combined Alignment. The Project Description of the EIR/EIS will discuss how the treatment system and monitoring of water quality will be done to ensure adequate water quality for discharge to the DMC. The project does not include agricultural use of recycled water before it is discharged into the DMC. A discussion of the history of POTW compliance is outside the scope of the EIR/EIS. The objective cited in the comment is intended to reflect the fact that recycled water needs to be provided at a cost that is affordable to the land owners within DPWD and is fair, reasonable, and agreed to by the Cities of Modesto and Turlock. This objective reflects the fact that the project would not be feasible if the water were not affordable to local irrigators. Cost information is available in the Feasibility Study for the project, which is posted on the Project website: http://www.nvr-recycledwater.org/documents.asp. The Feasibility Study identifies the cost components included in the cost estimate and provides cost per acre-foot for the recommended alternative and for other options that were considered. Additional detailed cost and financial information is outside the scope of the environmental document.

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		<ul style="list-style-type: none"> EIR/EIS needs to provide similar cost information for Incremental Level 4 water supply. Will cost for recycled water be the same for DPWD and for refuges? The comment lists resources which need to be considered in preparation of the EIR/EIS 	<ul style="list-style-type: none"> Detailed cost and financial information is outside the scope of the environmental document. This type of cost information is outside the scope of the environmental document. The references provided in the comment will be reviewed in preparation of the EIR/EIS.
Stanislaus County Environmental Review Committee	Letter May 23, 2014	<ul style="list-style-type: none"> Project should be coordinated with the South County Corridor StanCOG Study. 	<ul style="list-style-type: none"> The Cities of Modesto and Turlock will coordinate with the County regarding the South County Corridor Study.
California Department of Fish and Wildlife	Letter May 20, 2014	<ul style="list-style-type: none"> Special status species potentially occurring in the project area include: Swainson's hawk, white-tailed kite, golden eagle, bald eagle, giant garter snake, burrowing owl, western pond turtle, and tricolored blackbird. The California Department of Fish and Wildlife (CDFW) is a Trustee Agency for the Project. CDFW would need to issue an Incidental Take Permit if the project would result in take of any species listed by the State as threatened or endangered. CDFW has regulatory authority over activities in streams or lakes. The Project may require a Streambed Alteration Agreement. CDFW has jurisdiction over actions that could disturb nesting birds or result in take of birds. 	<ul style="list-style-type: none"> The Biological Resources Section of the EIR/EIS will address the potential for these species to be present in the project area. The EIR/EIS will identify CDFW as a Trustee Agency. The Biological Resources Section of the EIR/EIS will address the potential for take of state-listed species, and will include mitigation to avoid or mitigate potential effects. The Project would include a pipeline crossing the San Joaquin River, which would be constructed using trenchless technology so as to avoid impacts to the river. A Streambed Alteration Agreement would still be required for the Project, and the Project would include provisions to ensure that the river is not affected by "frac-out" during construction. The Biological Resources Section of the EIR/EIS will address the potential for impacts from the project on birds, and will include mitigation to avoid or mitigate potential effects.

Commenter, Affiliation	Format/Date	Comments	Response
		<ul style="list-style-type: none"> • The Project could result in pollution of Waters of the State from storm water runoff, sediment, and/or construction debris. • Take of fully-protected species, including bald eagle, white-tailed kite, and golden eagle, is prohibited. • CDFW recommends measures to protect nesting birds, including construction outside the nesting season, preconstruction surveys, enforcement of no-disturbance buffers around identified nests, and monitoring by a qualified biologist. • A qualified biologist should conduct surveys for Swainson's hawk, and no-disturbance buffers should be established around any active nests. • A qualified biologist should conduct surveys for protected raptors, and no-disturbance buffers should be established around any active nests. • Surveys should be conducted for burrowing owls, and CDFW recommendations regarding avoidance should be followed. • Potential impacts to giant garter snake should be addressed and impacts should be avoided or minimized. • U.S. Fish and Wildlife Service should be consulted regarding any potential impacts to federally listed species. 	<ul style="list-style-type: none"> • Potential water quality impacts from the project will be identified in the Water Quality/Hydrology Section of the EIR/EIS, which will include measures to avoid or mitigate potential effects. • The Biological Resources Section of the EIR/EIS will address the potential for impacts from the project on protected species, and will include mitigation to avoid effects. • The Biological Resources Section of the EIR/EIS will address the potential for impacts from the project on birds, and will include mitigation to avoid or mitigate potential effects. • The Biological Resources Section of the EIR/EIS will address the potential for impacts from the project on Swainson's hawk, and will include mitigation to avoid or mitigate potential effects. • The Biological Resources Section of the EIR/EIS will address the potential for impacts from the project on protected raptors, and will include mitigation to avoid or mitigate potential effects. • The Biological Resources Section of the EIR/EIS will address the potential for impacts from the project to burrowing owls, and will include mitigation to avoid or mitigate potential effects. • The Biological Resources Section of the EIR/EIS will address the potential for impacts from the project to giant garter snake, and will include mitigation to avoid or mitigate potential effects. • The U.S. Bureau of Reclamation, as NEPA lead agency, will consult with U.S. Fish and Wildlife Service.

Commenter, Affiliation	Format/Date	Comments	Response
California State Lands Commission	Letter May 22, 2014	<ul style="list-style-type: none"> • The pipeline crossing of the San Joaquin River would require a lease from the California State Lands Commission (CSLC). • The Project Description should have a thorough description of proposed activities, including types of equipment, methods of construction and timing and length of activities. • Mitigation measures should be specific, feasible, enforceable obligations, or should include performance standards. • California Department of Fish and Wildlife, California Natural Diversity Data Base and U.S. Fish and Wildlife Service databases should be consulted to identify special status species that could occur in the area. The EIR should analyze potential for occurrence, impacts to special status species, and consult with agencies to identify mitigation. • GHG emissions analysis should be conducted, and mitigation should be identified. • The EIR should evaluate impacts to cultural resources in the Project area, including potential for shipwrecks to occur in submerged lands. • Title to all shipwrecks, archaeological sites, and historic or cultural resources in submerged lands is vested in the State under the jurisdiction of CSLC, who should be consulted if any cultural resources are discovered on state sovereign land during construction. 	<ul style="list-style-type: none"> • The EIR/EIS will identify the jurisdiction of CSLC and the need for a lease for the pipeline crossing the San Joaquin River. • The Project Description for the EIR/EIS will provide the requested information. • Mitigation measures will be developed as requested by the comment. • The Biological Resources Section of the EIR/EIS will address the potential for impacts from the project on sensitive species, and will include mitigation to avoid effects. • The EIR/EIS will include a section on greenhouse gas (GHG) emissions, which will quantify emissions and identify mitigation measures, if needed. • The Cultural Resources Section of the EIR/EIS will address the potential for impacts from the project on cultural resources, including shipwrecks, and will include mitigation to avoid effects. The City's consultant has requested shipwrecks data from the CSLC. • The City will consult with CSLC if any resources are found within areas under CSLC jurisdiction.

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		<ul style="list-style-type: none"> The EIR should address potential impacts on recreational uses of the San Joaquin River 	<ul style="list-style-type: none"> The Recreation Section of the EIR/EIS will address the potential for impacts from the project on recreational use of the river, and will include mitigation if needed to avoid effects.
Mark Serpa	Letter May 26, 2014	<ul style="list-style-type: none"> Concerned that there may be less water available in the groundwater table because project will not use recycled water to improve groundwater problem Concerned about water quality. 	<ul style="list-style-type: none"> The Water Quality/Hydrology Section of the EIR/EIS will address the potential for the project to result in groundwater impacts. The Water Quality/Hydrology Section of the EIR/EIS will address the potential for the project to result in water quality impacts.
Amber Madden	Letter May 26, 2014	<ul style="list-style-type: none"> Concerned that there may be less water available in the groundwater table because project will not use recycled water to improve groundwater problem Concerned about water quality. 	<ul style="list-style-type: none"> The Water Quality/Hydrology Section of the EIR/EIS will address the potential for the project to result in groundwater impacts. The Water Quality/Hydrology Section of the EIR/EIS will address the potential for the project to result in water quality impacts.
Matt Anderson	Letter May 26, 2014	<ul style="list-style-type: none"> Concerned that there may be less water available in the groundwater table because project will not use recycled water to improve groundwater problem Concerned about water quality. 	<ul style="list-style-type: none"> The Water Quality/Hydrology Section of the EIR/EIS will address the potential for the project to result in groundwater impacts. The Water Quality/Hydrology Section of the EIR/EIS will address the potential for the project to result in water quality impacts.

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Robert Gioletti & Sons, Dairy, Inc.	Letter May 28, 2014	<ul style="list-style-type: none"> Concerned that redirecting recycled water from the Harding Drain will create a deficit of water for those farming west of Turlock, which would require additional groundwater pumping or more surface water deliveries from Don Pedro. 	<ul style="list-style-type: none"> The NVRRWP does not reduce flows within the Harding Drain. Wastewater flows have been removed from the Harding Drain as part of the Harding Drain Bypass project. The issue of flow reductions in the Harding Drain was previously addressed in the Harding Drain Bypass Pipeline project Environmental Impact Report (EIR) in 2004/2005 by the City of Turlock. In March of 2014, the City of Turlock completed construction of the Harding Drain Bypass pipeline which effectively removes Turlock's wastewater flows from the Harding Drain. Turlock's recycled water will now be discharged directly to the San Joaquin River. Therefore, the City of Turlock's wastewater will no longer be discharged to the Harding Drain – regardless of the status of the North Valley Regional Recycled Water Project.
U.S. Environmental Protection Agency	Letter May 30, 2014	<ul style="list-style-type: none"> EIS needs to clearly identify underlying purpose and need that is the basis for the range of alternatives. The EIS should include a comprehensive description of the regulatory context of the project, including any permits that will be needed. All reasonable alternatives that fulfill the project's purpose and need should be evaluated in detail, and should include options for avoiding significant environmental effects. Project should describe rationale for determining significance of impacts and thresholds of significance should consider context of the action and its effects. 	<ul style="list-style-type: none"> The purpose and need for the project was identified in the Notice of Intent that was published in the Federal Register, and will be included in the EIS. The purpose and need identifies Reclamation's role in the project. The EIS will identify permits that are expected to be required. The project partners will work with the Central Valley Regional Water Quality Control Board to determine the appropriate permitting vehicle for discharge to the Delta-Mendota Canal. The EIS will evaluate a range of alternatives, and will include discussion of alternatives that were considered during the project planning phases, but were determined to be infeasible, or not to achieve the project objectives. The EIS will identify significance thresholds. Because this is a combined NEPA/CEQA document significance thresholds will consider the CEQA checklist and its listing of impacts that would be considered significant.

Commenter, Affiliation	Format/Date	Comments	Response
		<ul style="list-style-type: none"> Impacts of alternatives should be compared and potential impacts quantified to the greatest extent possible. The No Action Alternative should describe the current wastewater discharge regimes in Turlock and Modesto, specify the regulatory vehicle that governs discharge and include details of all discharge permits. Any existing compliance concerns should be identified. Each action alternative should describe the distribution of project water between irrigation and wildlife refuges. The range of alternatives should explore aquifer recharge as an alternate use for recycled water and should evaluate impacts of spreading basins and their uses in flood management. The EIR/EIS should include a robust discussion of water quality impacts, including identification of applicable water quality standards and beneficial uses of receiving waters The EIR/EIS should describe impacts from reduced discharge volume including impacts to San Joaquin River flow. 	<ul style="list-style-type: none"> The EIS will present a tabular comparison of alternatives and will include quantification where possible. This information will be included in the EIR/EIS. The Project Description will describe how water is allocated between DPWD and the refuges. While aquifer recharge is a viable use for recycled water, it does not achieve the project objective of providing a reliable long-term water supply to DPWD, and it would not provide water for the refuges. Aquifer recharge is thus not a viable option for achieving the project purpose or addressing the need for water supply. The Water Quality/Hydrology Section of the EIR/EIS will address the potential for the project to result in water quality impacts. The Water Quality/Hydrology Section of the EIR/EIS will address the potential for the project to affect flows in the San Joaquin River.

Commenter, Affiliation	Format/Date	Comments	Response
		<ul style="list-style-type: none"> • The water quality analysis should describe DPWD customers and whether any would be irrigating selenium-enriched land. • Analysis should include a description of Waters of the U.S. in wildlife refuges and how any discharges to Waters of the U.S. will impact water quality. • The EIR/EIS should describe future environmental impacts of climate change on the project area and how the project will cope with, contribute to, or be affected by those impacts. • Submissions of environmental documents to EPA Headquarters should be made through <i>e-NEPA</i>. 	<ul style="list-style-type: none"> • The project would not allow irrigation of any areas that are not already being irrigated. Recycled water would provide a long-term agricultural water supply to a CVP contractor who has experienced a substantial reduction in CVP allocations due to drought conditions and Delta pumping restrictions. Substitution of recycled water for CVP water would not result in any new impacts associated with selenium runoff. In addition, DPWD irrigators are not located on any areas that have been identified as selenium-enriched. • Recycled water would be discharged to the DMC, and would not be discharged directly to Waters of the U.S. in the wildlife refuges. The Water Quality/Hydrology Section of the EIR/EIS will address the effect of the project on water quality in the DMC. • The project would provide a long-term reliable water source for an area where water supplies may be reduced over time. Supplies of recycled water are far less subject to effects of climate change than other water sources. The EIR/EIS will discuss the effect of the project on climate change. • Reclamation will submit environmental documents to EPA as requested.

3.1 Issues Identified in Comments

Most of the comment submittals identified overall regulatory and environmental analysis requirements for the project. Issues identified during the scoping period are summarized below. Responses to each issue are identified in Table 1.

3.1.1 Water Quality Impacts

- Quality of water including levels of salinity, selenium and pharmaceutical residuals
- Dispersion/dilution modeling in the Delta-Mendota Canal
- Safeguards to ensure that recycled water that does not meet water quality standards is not discharged to the Delta-Mendota Canal.

3.1.2 Groundwater Impacts

- Impact on current groundwater recharge flows and patterns.
- Groundwater impacts on both sides of San Joaquin River, including Modesto, Turlock and Delta-Mendota Subbasins
- Export of groundwater from the Turlock and Modesto Subbasin
- Increasing pressure on groundwater supplies

3.1.3 Water Supply

- Potential future reductions in surface water supplies
- Potential reduction of existing use of recycled water in Turlock and Modesto

3.1.4 Alternatives

- Request for alternative that provides groundwater recharge in the Turlock and Modesto Subbasins
- Combined Alignment with single San Joaquin River crossing located at the end of the Harding Drain Bypass Pipeline

3.1.5 Project Description/Water Allocation

- Allocation of water between DPWD and wildlife refuges

3.1.6 Cumulative Impacts/Coordination with Other Projects

- Coordination with South County Corridor StanCOG Study

3.2 Comments Outside the Scope of the EIR/EIS

Detailed comments regarding cost of recycled water, and effects on ratepayers are not directly related to the environmental impact analysis, and will not be addressed in the EIR/EIS. The Feasibility Report for the project provides basic cost information, including overall cost and cost per acre-foot, that was used to evaluate whether project alternatives meet the objective of providing affordable water. The Feasibility Report is available on the project website: <http://www.nvr-recycledwater.org/documents.asp>. Additional financial analyses and funding opportunities will be evaluated outside the scope of the EIR/EIS.

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Attachment A – Communications Received During Scoping

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State Water Resources Control Board

MAY 02 2014

William Wong
City of Modesto
1010 Tenth Street, 4th Floor
Modesto, CA 95353

Dear Mr. Wong:

NOTICE OF PREPARATION (NOP) FOR CITY OF MODESTO (CITY); NORTH VALLEY REGIONAL RECYCLED WATER PROGRAM (PROJECT); STANISLAUS COUNTY; STATE CLEARINGHOUSE NO. 2014042068

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 on the preparation of the California Environmental Quality Act (CEQA) for the Project.

The State Water Board, Division of Financial Assistance, is responsible for administering the CWSRF Program. The primary purpose for the CWSRF Program is to implement the Clean Water Act and various state laws by providing financial assistance for wastewater treatment facilities necessary to prevent water pollution, recycle water, correct nonpoint source and storm drainage pollution problems, provide for estuary enhancement, and thereby protect and promote health, safety and welfare of the inhabitants of the state. The CWSRF Program provides low-interest funding equal to one-half of the most recent State General Obligation Bond Rates with a 20-year term. Applications are accepted and processed continuously. Please refer to the State Water Board's CWSRF website at:

www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/index.shtml.

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 USFWS, and/or NMFS regarding all federal special-status species that the Project has the potential to impact if the Project is to be funded under 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 on-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 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. Compliance with the Coastal Zone Management Act: Identify whether the Project is within a coastal zone and the status of any coordination with the California Coastal Commission.

- C. 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.
- D. 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 and Statewide Importance) in the Project area and determine if this area is under a Williamson Act Contract.
- E. 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.
- F. 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.
- G. 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 the preparation of the draft CEQA document for the Project, please provide us a copy of the document to review if the City is considering CWSRF financing. In addition, we would appreciate notices of any hearings or meetings held regarding environmental review for the Project.

Thank you for providing us a copy of your NOP, and the consideration of the CWSRF for the financing of the City's Project. 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 Vicki Lin at (916) 327-9117, or by email at Vicki.lin@waterboards.ca.gov.

Sincerely,



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# 2014042068)
P.O. Box 3044
Sacramento, CA 95812-3044

May 6, 2014

William Wong
City of Modesto
Utility Planning and Projects Department
1010 Tenth Street, 4th Floor
Modesto, CA 95353

Agency Project: North Valley Regional Recycled Water Program

District CEQA Reference No: 20140255

Dear Mr. Wong:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Notice of Preparation for the North Valley Regional Recycled Water Program. The City of Modesto, Del Puerto Water District (DPWD) and City of Turlock (Partner Agencies) propose to implement a regional solution to address water supply shortages within DPWD's service area. The project proposes to deliver up to 59,000 acre feet per year of recycled water produced by the cities of Modesto and Turlock via the Delta-Mendota Canal. Recycled water would be conveyed from Modesto and Turlock through pipelines from their wastewater treatment facilities, crossing the San Joaquin River, and ending at the Delta-Mendota Canal. The water would then be conveyed directly to Del Puerto Water District customers. The proposed project facilities consist of pipelines and pump stations. The District offers the following comments:

Emissions Analysis

- 1) The District is currently designated as extreme nonattainment for the 8-hour ozone standard, attainment for PM10 and CO, and nonattainment for PM2.5 for the federal air quality standards. At the state level, the District is designated as nonattainment for the 8-hour ozone, PM10, and PM2.5 air quality standards. The District recommends that the Air Quality section of the Environmental Impact Report (EIR) include a discussion of the following impacts:
 - a) **Criteria Pollutants:** Project related criteria pollutant emissions should be identified and quantified. The discussion should include existing and post-project emissions.

Seyed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

- i) **Construction Emissions:** Construction emissions are short-term emissions and should be evaluated separate from operational emissions. The District recommends preparation of an Environmental Impact Report (EIR) if annual construction emissions cannot be reduced or mitigated to below the following levels of significance: 10 tons per year of oxides of nitrogen (NO_x), 10 tons per year of reactive organic gases (ROG), or 15 tons per year particulate matter of 10 microns or less in size (PM₁₀).
 - **Recommended Mitigation:** To reduce impacts from construction related exhaust emissions, the District recommends feasible mitigation for the project to utilize off-road construction fleets that can achieve fleet average emissions equal to or cleaner than the Tier II emission standards, as set forth in §2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 Code of Federal Regulations. This can be achieved through any combination of uncontrolled engines and engines complying with Tier II and above engine standards.
 - ii) **Operational Emissions:** Permitted (stationary sources) and non-permitted (mobile sources) sources should be analyzed separately. The District recommends preparation of an Environmental Impact Report (EIR) if the sum of annual permitted and non-permitted emissions cannot be reduced or mitigated to below the following levels of significance: 10 tons per year of oxides of nitrogen (NO_x), 10 tons per year of reactive organic gases (ROG), or 15 tons per year particulate matter of 10 microns or less in size (PM₁₀).
- 2) In addition to the discussions on potential impacts identified above, the District recommends the EIR also include the following discussions:
- a) A discussion of the methodology, model assumptions, inputs and results used in characterizing the project's impact on air quality. To comply with CEQA requirements for full disclosure, the District recommends that the modeling outputs be provided as appendices to the EIR. The District further recommends that the District be provided with an electronic copy of all input and output files for all modeling.
 - b) A discussion of the components and phases of the project and the associated emission projections, including ongoing emissions from each previous phase.
 - c) A discussion of project design elements and mitigation measures, including characterization of the effectiveness of each mitigation measure incorporated into the project.

- d) A discussion of whether the project would result in a cumulatively considerable net increase of any criteria pollutant or precursor for which the San Joaquin Valley Air Basin is in non-attainment. More information on the District's attainment status can be found online by visiting the District's website at: <http://valleyair.org/aqinfo/attainment.htm>.

District Rules and Regulations

- 3) The proposed project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), and Rule 4702 (Internal Combustion Engines). The above list of rules is neither exhaustive nor exclusive. More information regarding compliance with District rules and regulation can be obtained by:
- Visiting the District's website at <http://www.valleyair.org/rules/1ruleslist.htm> for a complete listing of all current District rules and regulation; or
 - Visiting the District's website at http://www.valleyair.org/busind/comply/PM10/compliance_PM10.htm for information on controlling fugitive dust emissions
- 4) Based on the information provided to the District, the proposed project does not meet the definition of a development project. Therefore, the District concludes the proposed project is not subject to District Rule 9510 (Indirect Source Review).
- 5) The District recommends that a copy of the District's comments be provided to the project proponent.

If you have any questions or require further information, please contact Georgia Stewart by phone at (559) 230-5937 or by e-mail at georgia.stewart@valleyair.org.

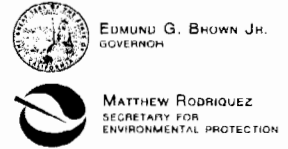
Sincerely,

Arnaud Marjollet
Director of Permit Services



For: Chay Thao
Permit Services Manager

AM: gs



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

9 May 2014

William Wong
City of Modesto
1010 Tenth Street, 4th Floor
Modesto, CA 95353

CERTIFIED MAIL
7013 2250 0000 3465 9830

COMMENTS TO REQUEST FOR REVIEW FOR THE NOTICE OF PREPARATION OF DRAFT ENVIRONMENTAL IMPACT REPORT, NORTH VALLEY REGIONAL RECYCLED WATER PROGRAM PROJECT, SCH# 2014042068, STANISLAUS COUNTY

Pursuant to the City of Modesto's 22 April 2014 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Notice of Preparation of the Draft Environmental Impact Report* for the North Valley Regional Recycled Water Program Project, located in Stanislaus County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit, or any other federal permit, is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

Waste Discharge Requirements

If USACOE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

Low or Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

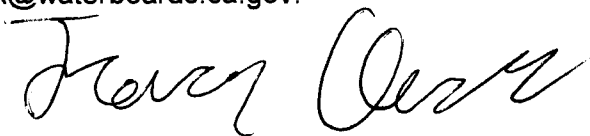
For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf

If you have questions regarding these comments, please contact me at (916) 464-4684 or tcleak@waterboards.ca.gov.

A handwritten signature in black ink, appearing to read "Trevor Cleak". The signature is fluid and cursive, with the first name "Trevor" written in a larger, more prominent script than the last name "Cleak".

Trevor Cleak
Environmental Scientist

cc: State Clearinghouse Unit, Governor's Office of Planning and Research, Sacramento



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

May 9, 2014

Regulatory Division SPK-2014-00413

William Wong
City of Modesto,
Utility Planning and Projects Department
1010 Tenth Street
Modesto, California 95354

Dear Mr. Wong:

We are responding to your April 22, 2014 request for comments on the North Valley Regional Recycled Water Program Draft Environmental Impact Report. The project is located in the Del Puerto Water District's service area, on the west side of the San Joaquin River in San Joaquin, Stanislaus and Merced Counties, South of the Sacramento-San Joaquin River Delta, in California.

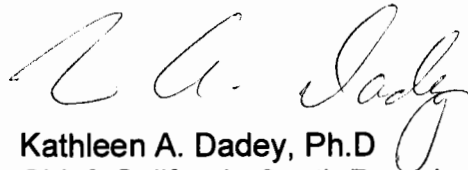
The Corps of Engineers' jurisdiction within the study area is under the authority of Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States, and Section 10 of the Rivers and Harbors Act. Waters of the United States include, but are not limited to, rivers, perennial or intermittent streams, lakes, ponds, wetlands, vernal pools, marshes, wet meadows, and seeps. Project features that result in the discharge of dredged or fill material into, or activities crossing waters of the United States, will require Department of the Army authorization prior to starting work. This would include the crossing of the San Joaquin River that is mentioned in the notice provided by the City of Modesto.

To ascertain the extent of waters on the project site, the applicant should prepare a wetland delineation, in accordance with the "Minimum Standards for Acceptance of Preliminary Wetlands Delineations", under "Jurisdiction" on our website at the address below, and submit it to this office for verification. A list of consultants that prepare wetland delineations and permit application documents is also available on our website at the same location.

The range of alternatives considered for this project should include alternatives that avoid impacts to wetlands or other waters of the United States. Every effort should be made to avoid project features which require the discharge of dredged or fill material into waters of the United States. In the event it can be clearly demonstrated there are no practicable alternatives to filling waters of the United States, mitigation plans should be developed to compensate for the unavoidable losses resulting from project implementation.

Please refer to identification number SPK-2014-00413 in any correspondence concerning this project. If you have any questions, please contact Stephen Willis at our California South Branch Office, 1325 J Street, Room 1350, Sacramento, California 95814-2922, by email at Stephen.M.Willis2@usace.army.mil, or by telephone at 916-557-7355. For more information regarding our program, please visit our website at www.spk.usace.army.mil/Missions/Regulatory.aspx.

Sincerely,

A handwritten signature in cursive script, appearing to read "K. A. Dadey".

Kathleen A. Dadey, Ph.D
Chief, California South Branch

RECLAMATION

Managing Water in the West

North Valley Regional Recycled Water Program EIR/EIS Scoping Meeting

COMMENT CARD

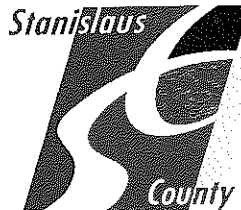
The Bureau of Reclamation is preparing an Environmental Impact Statement in accordance with the National Environmental Policy Act.

Please provide your written comments to the mailing address on the back,
or fax **559-487-5397**, or e-mail blawrence@usbr.gov

Reclamation must receive all comments by Wednesday, May 28, 2014. Thank you.

(Please print clearly)

1. Please define the term of time for "long term"
2. Will the transporting of the recycled water & treated water away from the city of Turlock and Modesto affect current ground water recharge flows and patterns.
3. Is there a financial report that estimates project costs and cost impacts to rate payers?



MIGUEL A. GALVEZ
Manager III

PLANNING & COMMUNITY DEVELOPMENT
DEPARTMENT

www.stancounty.com/planning
1010 10th Street, Suite 3400
Modesto, CA 95354

Phone: 209.525.6330
Fax: 209.525.5911

email: galvezm@stancounty.com

STRIVING TO BE THE BEST

From: [Lawrence, Benjamin](#)
To: [Robin Cort](#); [ELIZABETH VASQUEZ](#); [Scott Taylor](#); [NED GRUENHAGEN](#)
Cc: [Anthea Hansen](#)
Subject: Contact from Fish and Wildlife Service re: North Valley Recycled Water Program
Date: Tuesday, May 20, 2014 12:05:14 PM

All,

I got a call this morning from Andy Gordus with the Fish and Wildlife Service. He was mainly looking for general project information and how the refuges could be affected.

His first area of interest was water volume and timing. I told him we haven't worked out all of the details, but the cities discharge year-round, and we don't expect agricultural users and the refuges to need water at the same time, so timing should be compatible.

His other questions were about water quality. He mentioned salinity and selenium, but he seemed most interested in pharmaceutical residuals in the treated water. He asked about dispersion/dilution modeling in the DMC, and I told him that would be part of the CEQA/NEPA/NPDES process.

It was generally a positive discussion. I'm sure we'll be hearing more from him in the future.

Ben Lawrence
Natural Resource Specialist
Bureau of Reclamation
South-Central California Area Office
Fresno, CA 93721
(559) 487-5039
blawrence@usbr.gov



SUBMITTED VIA E-MAIL (blawrence@usbr.gov and wwong@modestogov.com) AND U.S. MAIL

May 20, 2014

United States Bureau of Reclamation
Attn: Benjamin Lawrence
1243 N Street, SCC-412
Fresno, CA 93721

William Wong
City of Modesto
Deputy Director, Utility Planning & Projects Department
1010 Tenth Street, 4th Floor
Modesto, CA 95354

Subject: Scoping Comments for the Proposed North Valley Regional Recycled Water Program EIS/EIR

Dear Mr. Lawrence and Mr. Wong:

Turlock Irrigation District (TID) is thankful for the opportunity to provide the following scoping comments for the above proposed project EIS/EIR.

TID was formed in 1887 as the first publicly owned irrigation district in California. Today, TID serves water to approximately 5,800 growers who irrigate approximately 150,000 acres within TID's irrigation boundary, in addition to providing electric service to nearly 100,000 accounts. The conjunctive use of Tuolumne River surface water applied on farmland to recharge groundwater resources is a key water management strategy that has been employed by TID for decades.

Planned recharge in wet years, combined with strategic pumping in dry years has been to the long-term benefit of the 347,000 acres that overlie the Turlock Subbasin. TID continues to search for alternatives to bolster the long-term sustainability of the Turlock Subbasin. This is one example of TID's willingness to find solutions to current and future groundwater problems that affect the entire Subbasin, not just the portion of the basin underneath TID's irrigation boundary. In addition to surface water application, TID sees promise in the future application of recycled water to TID irrigated lands and the Turlock Subbasin as a groundwater replenishment tool. Additionally, TID operates in accordance with a Groundwater Management Plan that was created in conjunction with the Turlock Groundwater Basin Association, of which TID is a founding member.

Section 3.5 of Reclamation's NEPA Handbook sets forth the USBR's scoping requirements. It states that the purpose of scoping is to obtain information that will focus the NEPA analysis on the potentially significant issues and deemphasize insignificant issues. The information gathered either identifies or can be used to identify all or some of the following: Significant resource issues, resources available for the

study, study constraints, alternatives to be considered, potentially affected geographic area, and potential effects.

1. USBR is required to identify and assess the “potentially affected geographical area.” Reclamation’s NEPA Handbook (2012), Section 3.5. The proposed scope of the affected Project area is too narrowly limited to the area of Stanislaus County located west of the San Joaquin River.

1.1. The stated “objective of the Proposed Action is to maximize use of a sustainable, alternative water supply for the region that addresses reductions in water supplies from the Central Valley Project (CVP) and offsets pressure on groundwater use.” Within Stanislaus County, only the area west of the San Joaquin River (SJR) receives CVP water supplies, whereas the affected geographic area is both west and east of the SJR. The affected geographic area of the proposed project includes San Joaquin River Hydrologic Region subbasins 5-22.02 (Modesto), 5-22.03 (Turlock), and 5-22.07 (Delta-Mendota) as described in DWR Bulletin 118.

1.2. All of the sewer effluent for the Proposed Action comes from the Turlock and Modesto subbasins, which are located east of the SJR. The source water for all of the effluent derived from the cities of Turlock, Ceres, and Modesto south of the Tuolumne River is 100% groundwater from the Turlock Subbasin. Both subbasins are experiencing greater pressure on groundwater use than the area west of the SJR. However, since there is no CVP water delivered east of the SJR, the scope of the affected geographic area must be expanded to include the area east of the SJR where the sewage effluent originates and where there is greater pressure on the groundwater subbasins.

1.3. Both the NEPA and CEQA notices of preparation fail to include the Turlock and Modesto Subbasins within the scope of the proposed EIS/EIR and, therefore, fail to include mitigation for the export of this groundwater-based sewage effluent from the Turlock Subbasin.

2. Stanislaus County Groundwater Issues

The Turlock Subbasin is described in the 2008 Turlock Groundwater Basin Groundwater Management Plan. The Subbasin is bounded by the Tuolumne River on the north, the Merced River on the south, the San Joaquin River on the west, and on the east by the western extent of the outcrop of crystalline basement rock in the foothills of the Sierra Nevada Mountains. The City of Turlock, the City of Ceres, and the portion of the City of Modesto south of the Tuolumne River (“South Modesto”) are within this Subbasin and within TID’s political and irrigation boundaries. The Subbasin underlies an area of approximately 347,000 acres, with irrigated crops (245,000 acres), native vegetation (69,000 acres), and urban development (20,000 acres) as the predominant land uses. Urban development and irrigated lands have expanded since 2008, most of which expanded uses are in 100% groundwater supplied areas.

While the Turlock Irrigation District provides surface water from the Tuolumne River for agricultural uses within the Subbasin, the City of Turlock, the City of Ceres, and South Modesto rely 100% on groundwater. Much of the cities’ groundwater ends up as sewer effluent treated at the City of Turlock’s and the City of Modesto’s respective publicly owned treatment plants or works (“POTW”). The proposed use of the recycled water from the two POTWs to offset pressure on groundwater use is at the heart of the proposed project and needs to be examined within the context of all three subbasins.

Stanislaus County has formed a Water Advisory Committee to address short-term and long-term groundwater management issues within the County that have been accentuated by the three-year drought. Adverse groundwater quantity and elevation issues have arisen within the Turlock and Modesto subbasins and have resulted in a lawsuit against the County for the issuance of new agricultural well permits in Eastern Stanislaus County.

3. Preliminary list of issues that the EIS/EIR will need to examine, discuss, and analyze. TID reserves the right to supplement the following list as more project information is provided by the NEPA and CEQA lead agencies and the project proponents:

3.1. As explained above, the USBR's stated "objective of the Proposed Action is to maximize use of a sustainable, alternative water supply for the region that addresses reductions in water supplies from the Central Valley Project (CVP) and offsets pressure on groundwater use." That objective is too narrowly worded. The affected geographic area of the project needs to expressly include the Turlock and Modesto groundwater subbasins with the greater focus placed on the Turlock Subbasin.

3.2. Because a significant portion of the project's treated sewage effluent to be exported to the Delta-Mendota Subbasin originates as Turlock Subbasin groundwater, the EIS/EIR needs to analyze in depth mitigation measures for that export.

3.3. Concurrent with inclusion of the Turlock and Modesto subbasins in the "affected geographic area" to be assessed by the EIS/EIR, the EIS/EIR needs to recognize and discuss the probable reductions in surface water supplies to those two subbasins from proposed actions by Federal and State regulatory agencies and the resulting increased pressure on those subbasins' groundwater uses due to reduced surface water availability.

3.4. Given the expected reduction in surface water supplies to the three subbasins, the EIS/EIR will need to describe and analyze how the project could reduce groundwater pressures within each of the three subbasins and feasibility of providing a portion of the project's recycled water to the Turlock and Modesto Subbasins.

3.5. The Notice states that the recycled water from the project would be allocated between Del Puerto Water District and South of Delta CVPIA wildlife refuges. The EIS/EIR will need to discuss how much Incremental Level 4 water for wildlife refuges is proposed to be met by the project during Critical, Dry, Below Normal, Above Normal, and Wet water years using the State Water Resources Control Board's "San Joaquin Valley Water Year Hydrologic Classification." The EIS/EIR will need to describe what alternate water supplies are available to the wildlife refuges during each of the five water year types.

3.6. The EIS/EIR will need to describe how the project's recycled water is proposed to be allocated among DPWD, Incremental Level 4 water supplies, and at least the Turlock Subbasin during each of the five water year types. The benefits and impacts of the Proposed Action cannot be adequately assessed until that allocation formula, and alternatives thereof, is described and analyzed in

the EIS/EIR.

3.7. USBR is required to identify and assess the “Alternatives to be considered.” Reclamation’s NEPA Handbook (2012), Section 3.5. USBR’s Notice of Intent to Prepare a Draft EIS/EIR provides no information on alternative uses for the project’s recycled water.

a. As described above, the EIS/EIR will need to describe and analyze the use of a portion of the recycled water for groundwater recharge within the Turlock Subbasin through direct recharge or in-lieu groundwater recharge. This in depth analysis is required both as a mitigation measure for the export of the Turlock Subbasin groundwater-based sewer effluent and as an alternative use for the project’s recycled water.

b. The cities of Turlock, Ceres, and Modesto have an obligation to investigate the use their recycled water for the irrigation of city parks, medians, landscaping, golf courses, and other areas in order to offset the potable water currently being used for those purposes. The EIS/EIR needs to address the cities’ alternative uses of the project’s recycled water to reduce potable water use within their own cities. The sale of the project’s recycled water would appear to discourage the cities from making the capital investments needed to increase in-city uses of the recycled water, especially if coupled with an agreement with TID to purchase Tuolumne River water to supplement the cities’ groundwater supplies.

3.8. Related to 3.6 b. above, the EIS/EIR will need to describe to what extent existing uses of reclaimed water within the Turlock and Modesto Subbasins will be terminated or curtailed as a result of exporting the recycled water out of those subbasins.

3.9. The EIS/EIR will need to describe and analyze proposed alternative recycled water pipeline alignments both east and west of the SJR and the locations of proposed SJR crossings. From the May 13, 2014 scoping meeting, TID now understands that the so-called “Separate Alignments” project configuration, where there would be a separate SJR crossing and pipeline to the DMC from each POTW is not the preferred project and that the so-called “Combined Alignment” is the preferred project. The Combined Alignment consists of a single SJR crossing connected to the City of Modesto POTW and the construction of a 37,800 linear feet, 42-inch inner diameter pipeline from the end of the City of Turlock’s Harding Drain Bypass Project pipeline to the City of Modesto POTW via South Carpenter Road, West Main Avenue, and Jennings Road. Alternative alignments for this connecting pipeline should be investigated. A Combined Alignment whereby the single SJR crossing is located at the end of the Harding Drain Bypass Project pipeline should also be investigated.

3.10. The EIS/EIR will need to describe and analyze the history of each POTW’s compliance with existing water quality standards. The EIS/EIR will also need to describe and analyze how each POTW will prevent the discharge into the DMC or for agricultural use before the DMC of any recycled, which fails to meet the required water quality standards for discharge into the DMC or for unrestricted agricultural water use.

3.11. One of the objectives of the Proposed Action is to “Deliver agricultural water to DPWD at a cost that supports regional economic sustainability.” The EIS/EIR will need to define what the term “supports regional economic sustainability” means. Further, it will need to identify the projected “all-in”

cost per acre-foot of recycled water from the project for agricultural use by DPWD, the “all-in” cost components, and how those cost components will be determined.

3.12. Similarly, the EIS/EIR will need to identify the projected “all-in” cost per acre-foot of recycled water from the project for Incremental Level 4 water supply, the “all-in” cost components, and how those cost components will be determined.

3.13. Will the projected “all-in” costs per acre-foot of recycled water from the Proposed Action be the same for both agricultural use by DPWD and for wildlife refuge use? If not, why not? Is the Federal Government requiring that water for wildlife refuge use be priced at a lower per-acre-foot cost?

4. The following is a very preliminary list of resources available, which need to be considered by USBR in preparing the EIS/EIR:

Department of Water Resources, State of California (2003). *California’s Groundwater Bulletin 118 Update 2003*. Sacramento, CA; Department of Water Resources.

Department of Water Resources, State of California (2014). *Public update for drought response: Groundwater basins with potential water shortages and gaps in groundwater monitoring*. Sacramento, CA; Department of Water Resources.

Durbin, Timothy J. (2008). *Assessment of Future Groundwater Impacts Due to Assumed Water-Use Changes – Turlock Groundwater Basin, California*. Carmichael, CA; Timothy J. Durbin, Inc., Consulting Hydrologists.

Stanislaus County Water Advisory Committee (2014). Various documents produced. Modesto, CA; Stanislaus County.

Stantec Consulting Inc. (2007). *West Park Water System Master Plan*. Modesto, CA; Stantec Consulting Inc.

Turlock Irrigation District (2008). *Turlock Groundwater Basin Groundwater Management Plan*. Turlock, CA; Turlock Irrigation District.

If you have any questions or need any information to clarify or supplement the above comments, please contact Tou Her at 209.883.8365 or e-mail tbher@tid.org.

Sincerely,

Tou Her
Assistant General Manager, Water Resources
Turlock Irrigation District



CHIEF EXECUTIVE OFFICE

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Chief Executive Officer

Patricia Hill Thomas
**Chief Operations Officer/
Assistant Executive Officer**

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STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

May 23, 2014

William Wong, Acting Director
City of Modesto, Utility Planning and Projects Department
1010 Tenth Street, 4th Floor
Modesto, CA 95357

**SUBJECT: ENVIRONMENTAL REFERRAL – CITY OF MODESTO, UTILITY PLANNING
AND PROJECTS DEPARTMENT – NOTICE OF PREPARATION OF A DRAFT
ENVIRONMENTAL IMPACT REPORT AND SCOPING MEETING FOR THE
NORTH VALLEY REGIONAL RECYCLED WATER PROGRAM**

Mr. Wong:

Thank you for the opportunity to review the Notice of Preparation of a Draft Environmental Impact Report and Scoping Meeting for the above-referenced project.

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and submits the following comments:

The ERC is requesting / recommending that the City of Modesto Utility Planning and Projects Department coordinate their project with the South County Corridor StanCOG study.

The ERC appreciates the opportunity to comment on this project. If you have any questions regarding this request/recommendation, please contact me at the number listed above.

Sincerely,

Delilah Vasquez, Management Consultant
Environmental Review Committee

DV:ss

cc: ERC Members



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



May 20, 2014



William Wong
City of Modesto
1010 10th Street, 4th Floor
Modesto, California 95353

**Subject: Notice of Preparation
North Valley Regional Recycled Water Program
SCH#: 2014042068**

Dear Mr. Wong:

The California Department of Fish and Wildlife (Department) has reviewed the North Valley Regional Recycled Water Program (Project) submitted by the City of Modesto. The City of Modesto, Del Puerto Water District (DPWD), and City of Turlock propose to implement a regional solution to address water supply shortage within DPWD's service area on the west side of the San Joaquin River in San Joaquin, Stanislaus, and Merced Counties, south of the Sacramento-San Joaquin River Delta (Delta). Specifically, the Project proposes to deliver up to 59,000 acre feet per year of recycled water produced by the cities of Modesto and Turlock via the Delta-Mendota Canal (DMC), a feature of the Central Valley Project owned by the United States Bureau of Reclamation (USBR). Recycled water would be conveyed from Modesto and Turlock through pipelines from their wastewater treatment facilities, crossing the San Joaquin River, and ending at the DMC. The recycled water would be conveyed directly to DPWD customers. In addition to uses within DPWD's service area, the Project proposes to provide water to Central Valley Project Improvement Act designated Refuges located south of the Delta to meet their need for water supply. The overall objective of the proposed Project is to maximize beneficial use of a sustainable, alternative water supply within the region to address reductions in water supplies from the Central Valley Project, and reduce the reliance on groundwater use. Two construction alternatives are proposed for the pipeline and pump stations in Stanislaus County. Alternative 1 is a separate alignment alternative involving two connections to the DMC routed along Lemon Avenue and Zacharias Avenue, and along Pomegranate Avenue and West Marshall Avenue. Alternative 2 is a combined alignment alternative that involves Turlock's Harding Drain Pipeline being routed to the Modesto treatment facility and then connecting to the DMC with one connection along Lemon Avenue and Zacharias Avenue.

Special status species such as the State threatened Swainson's hawk (*Buteo swainsoni*), the State fully protected white-tailed kite (*Elanus leucurus*) and golden eagle (*Aquila chrysaetos*), the State endangered and fully protected bald eagle (*Haliaeetus*

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leucocephalus), the State and federally threatened giant garter snake (*Thamnophis gigas*), and the State Species of Special Concern burrowing owl (*Athene cunicularia*), western pond turtle (*Actinemys marmorata*), and tricolored blackbird (*Agelaius tricolor*) may occur in or adjacent to the Project area. The Department recommends that Project-related impacts to these biological resources are evaluated and addressed prior to Project approval and implementation. The Department also recommends that the avoidance, minimization, and mitigation measures provided in this comment letter are included as enforceable conditions of Project approval in the Environmental Impact Report (EIR) document to reduce potential impacts to biological resources to less than significant. Our specific comments follow.

Department Jurisdiction

Trustee Agency Authority: The Department is a Trustee Agency with responsibility under the California Environmental Quality Act (CEQA) for commenting on projects that could impact plant and wildlife resources. Pursuant to Fish and Game Code Section 1802, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species. As a Trustee Agency for fish and wildlife resources, the Department is responsible for providing, as available, biological expertise to review and comment upon environmental documents and impacts arising from project activities, as those terms are used under CEQA (Division 13 [commencing with Section 21000] of the Public Resources Code).

Responsible Agency Authority: The Department has regulatory authority over projects that could result in the “take” of any species listed by the State as threatened or endangered, pursuant to Fish and Game Code Section 2081. If the Project could result in the “take” of any species listed as threatened or endangered under the California Endangered Species Act (CESA), the Department may need to issue an Incidental Take Permit (ITP) for the Project. CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (sections 21001{c}, 21083, Guidelines sections 15380, 15064, 15065). Impacts must be avoided or mitigated to less than significant levels unless the CEQA Lead Agency makes and supports a Statement of Overriding Consideration (SOC). The CEQA Lead Agency’s SOC does not eliminate the Project proponent’s obligation to comply with Fish and Game Code Section 2080. The Project has the potential to reduce the number or restrict the range of endangered, rare, or threatened species (as defined in Section 15380 of CEQA).

Lake or Stream Alteration Agreement (LSAA): The Department also has regulatory authority with regard to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife resource, pursuant to Fish and Game Code sections 1600 *et seq.* If any Project-planned activities will substantially divert or obstruct the natural flow of any river, stream or lake; substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake; or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into

any river, stream, or lake; a Lake or Streambed Alteration Notification to the Department is warranted and an LSAA may be necessary to comply with Fish and Game Code. The Department is required to comply with CEQA in the issuance or the renewal of a Stream Alteration Agreement. Therefore, for efficiency in environmental compliance, we recommend that the stream disturbance be described, and mitigation for the disturbance be developed as part of the environmental review process. This will reduce the need for the Department to require extensive additional environmental review to issue an LSAA, if necessary, for this Project in the future. For additional information on notification requirements, please contact our staff in the Stream Alteration Program at (559) 243-4593.

Bird Protection: The Department has jurisdiction over actions which may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

Water Pollution: Pursuant to Fish and Game Code Section 5650, it is unlawful to deposit in, permit to pass into, or place where it can pass into "Waters of the State" any substance or material deleterious to fish, plant life, or bird life, including non-native species. It is possible that without mitigation measures this Project could result in pollution of Waters of the State from storm water runoff, sediment, and/or construction debris. The Department recommends consultation with the Central Valley Regional Water Quality Control Board and the United States Army Corps of Engineers regarding potential impacts to Waters of the State.

Fully Protected Species: The Department has jurisdiction over fully protected species of birds, mammals, amphibians, reptiles, and fish pursuant to Fish and Game Code Sections 3511, 4700, 5050, and 5515. Take of any fully protected species is prohibited and the Department cannot authorize their take. Bald eagle, white-tailed kite, and golden eagle are fully protected species that could be present within or adjacent to the Project area. Application of avoidance and minimization measures in the CEQA document is advised if this species is detected.

Potential Project Impacts and Recommendations

Nesting Birds: The trees, shrubs, and grasses within and in the vicinity of the Project site likely provide nesting habitat for songbirds and raptors. The Department encourages Project implementation to occur during the non-nesting bird season. However, if ground or vegetation-disturbing activities must occur during the breeding season (February through mid-September), the Project applicant is responsible for ensuring that implementation of the Project does not result in any violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above. Prior to work commencing, the recommends surveys for active nests be conducted by a qualified wildlife biologist no more than 10 days prior to the start of any ground or

vegetation disturbance and that the surveys be conducted in a sufficient area around the work site to identify any nests that are present and to determine their status. A sufficient area means any nest within an area that could potentially be affected by the Project. In addition to direct impacts, such as nest destruction, nests may be affected by noise, vibration, odors, and movement of workers or equipment. Identified nests should be continuously surveyed for the first 24 hours prior to any construction-related activities to establish a behavioral baseline. Once work commences, all nests should be continuously monitored to detect any behavioral changes as a result of the Project. If behavioral changes are observed, the work causing that change should cease and the Department consulted for additional avoidance and minimization measures. If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, the Department recommends a minimum no-disturbance buffer of 500-foot no-disturbance buffer around the nests of unlisted raptors and 250 feet around active nests of other non-listed bird species 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. Variance from these no-disturbance buffers may be implemented when there is compelling biological or ecological reason to do so, such as when the Project area would be concealed from a nest site by topography. Any variance from these buffers is advised to be supported by a qualified wildlife biologist and it is recommended the Department be notified in advance of implementation of a no-disturbance buffer variance.

Swainson's Hawk (SWHA): This State threatened species is known to nest and forage within Stanislaus County. To evaluate potential Project-related impacts, the Department recommends that a qualified wildlife biologist conduct surveys for nesting raptors following the survey methodology developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000) prior to ground-disturbing activities.

If ground and vegetation disturbing Project activities will occur during the normal bird breeding season (February 1 through September 15), the Department recommends that additional pre-construction surveys for active nests be conducted by a qualified biologist no more than 10 days prior to the start of construction. The Department recommends a minimum no-disturbance buffer of 0.5 miles around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and is no longer reliant upon the nest or parental care for survival to avoid potential take of SWHA. We also recommend the buffer is clearly delineated for Project employees. If a 0.5 mile buffer is not feasible, we recommend consultation with the Department to discuss how to implement the Project and avoid "take". If "take" cannot be avoided, an ITP is warranted to comply with CESA.

Fully Protected Raptors: The State fully protected white tailed kite, State fully protected golden eagle, and the State endangered and fully protected bald eagle are known to nest and forage in Stanislaus County. Projects within occupied territories have the potential to significantly impact the species. The Department recommends that focused surveys be conducted by experienced biologists prior to Project implementation. To avoid impact to these species, following the survey methodology

developed by the Department (CDFG, 2010) is advised. In the event that the species are found within ½-mile of a proposed activity site, implementation of avoidance measures are warranted. The Department recommends that a qualified wildlife biologist be on-site during all ground-disturbing/construction related activities and that a 0.5 mile no-disturbance buffer be put into effect. If the 0.5 mile no-disturbance buffer cannot feasibly be implemented, contacting the Department is advised to assist with providing and implementing additional avoidance measures. The Department recommends fully addressing mitigation measures for fully protected raptor species in the EIR.

Burrowing Owl: Burrowing owl has the potential to be present in and adjacent to the Project area. It is possible Project activities could impact this species. Burrowing owls have the potential to be year-round residents, dispersing juveniles, migrants, transients or new colonizers and can utilize the Project site year round. Therefore, the Department recommends the survey methodology described in the Staff Report on Burrowing Owl Mitigation dated March 7, 2012 (CDFG 2012) be followed prior to ground-disturbing activities. In the event that burrowing owls are found, the Department's Staff Report on Burrowing Owl Mitigation (CDFG 2012) recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist approved by the Department verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	200 m*	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

* meters (m)

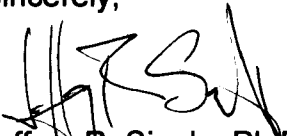
Giant Garter Snake: There is the potential for this State and federally listed species to utilize the surface waters and upland habitat along the San Joaquin River. The Department advises that potential impacts to the species be fully addressed in the EIR for the Project. The Department recommends "Appendix C Standard Avoidance and Minimization Measures During Construction Activities in Giant Garter Snake (*Thamnophis gigas*) Habitat" of the United States Fish and Wildlife Service's (USFWS) "Programmatic Consultation with the United States Army Corps of Engineers, 404 Permitted Projects with Relatively Small Effects on the Giant Garter Snake within Butte, Colusa, Glenn, Fresno, Merced, Sacramento, San Joaquin, Solano, Stanislaus, Sutter and Yolo Counties, California", be followed to avoid and minimize potential impacts to giant garter snake. This document can be found at <http://www.fws.gov/sacramento/es/Survey-Protocols-Guidelines/Documents/ggs%20appendix%20c.pdf>.

Please note that these measures do not authorize take of giant garter snake pursuant to CESA. We recommend consultation with the Department to discuss how to implement the Project and avoid "take" under CESA after a habitat assessment for this species is completed. If "take" cannot be avoided, an ITP is warranted to comply with CESA.

Federally Listed Species: The Department also recommends consulting with the USFWS on potential impacts to federally listed species including, but not limited to giant garter snake. "Take" under the Federal Endangered Species Act (FESA) is more broadly defined than CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with FESA is advised well in advance of Project implementation.

More information on survey and monitoring protocols for sensitive species can be found at the Department's website (www.dfg.ca.gov/wildlife/nongame/survey_monitor.html). If you have any questions on these issues, please contact Jim Vang, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 243-4014, extension 254, or by electronic mail at Jim.Vang@wildlife.ca.gov.

Sincerely,



Jeffrey R. Single, Ph.D.
Regional Manager

cc: Thomas Leeman
United States Fish and Wildlife Service
2800 Cottage Way, Suite W-2605
Sacramento, California 95825

California Regional Water Quality Control Board
Central Valley Region
1685 "E" Street
Fresno, California 93706-2020

United States Army Corps of Engineers
1325 "J" Street, Suite #1350
Sacramento, California 95814-2928

Literature Cited

CDFG. 2010. Bald Eagle Breeding Survey Instructions. California Department of Fish and Game, April 2010.

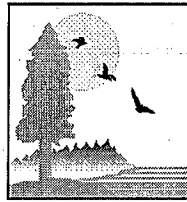
CDFG. 2012. Staff Report on Burrowing Owl Mitigation. California Department of Fish and Game.

SWHA TAC. 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. Swainson's Hawk Technical Advisory Committee, May 31, 2000.

USFWS. Programmatic Consultation with the United States Army Corps of Engineers 404 Permitted Projects with Relatively Small Effects on the Giant Garter Snake within Butte, Colusa, Glenn, Fresno, Merced, Sacramento, San Joaquin, Solano, Stanislaus, Sutter and Yolo Counties, California, Appendix C Standard Avoidance and Minimization Measures During Construction Activities in Giant Garter Snake (*Thamnophis gigas*) Habitat USFWS.

CALIFORNIA STATE LANDS COMMISSION

100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

*Established in 1938*

May 22, 2014

JENNIFER LUCCHESI, Executive Officer

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from Voice Phone 1-800-735-2922

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Contact FAX: (916) 574-1885

File Ref: SCH #2 014042068

City of Modesto
William Wong
1010 Tenth Street, 4th Floor
Modesto, CA 95353

**Subject: Notice of Preparation (NOP) for an Environmental Impact Report (EIR)
for the North Valley Regional Recycled Water Program in San Joaquin,
Stanislaus, and Merced Counties**

Dear Mr. Wong,

The California State Lands Commission (CSLC) staff has reviewed the subject NOP for an EIR for the North Valley Regional Recycled Water Program (Project), which is being prepared by the city of Modesto (Modesto). Modesto, as a public agency proposing the Project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The CSLC is a trustee agency because of its trust responsibility for projects that could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters. Additionally, because the Project involves work on sovereign lands, the CSLC will act as a responsible agency.

CSLC Jurisdiction and Public Trust Lands

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not

limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On navigable non-tidal waterways, including lakes, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, except where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

After reviewing the information contained in the NOP, CSLC staff has determined the Project will be located along areas of the natural bed of the San Joaquin River on State-owned sovereign land under the jurisdiction of the CSLC. Therefore, a lease from the CSLC will be required for Modesto to implement the Project on sovereign lands. Please contact Wendy Hall (see contact information below) for further information about the extent of the CSLC's sovereign ownership and leasing requirements.

Please also be advised that the waterways involved in the Project are subject to a public navigational easement. This easement provides that the public has the right to navigate and exercise the incidences of navigation in a lawful manner on State waters that are capable of being physically navigated by oar or motor-propelled small craft. Such uses may include, but are not limited to, boating, rafting, sailing, rowing, fishing, fowling, bathing, skiing, and other water-related public uses. The activities completed under the Project must not restrict or impede the easement right of the public.

These comments are made without prejudice to any future assertion of State ownership or public rights, should circumstances change, or should additional information become available. This letter is not intended, nor should it be construed as a waiver or limitation of any right, title, or interest of the State of California in any lands under its jurisdiction.

Project Description

Modesto, Del Puerto Water District (DPWD), and city of Turlock (Partner Agencies) proposed to implement a regional solution to address water supply shortages within DPWD's service area on the west side of the San Joaquin River in San Joaquin, Stanislaus, and Merced Counties; south of the Sacramento-San Joaquin River Delta (Delta). The Project proposes to deliver up to 59,000 acre feet per year (AFY) of recycled water produced from Modesto and Turlock through pipelines from their wastewater treatment facilities, crossing the San Joaquin River, and ending at the Delta-Mendota Canal (DMC). The recycled water would then be conveyed directly to DPWD customers.

The overall objective of the proposed Project is to maximize beneficial use of a sustainable, alternative water supply within the region to address reductions in water supplies from the Central Valley Project (CVP), and to reduce reliance on groundwater. Since DMC is a feature of the Central Valley Project owned by the United States Bureau of Reclamation (USBR), the Project also proposes to provide water to Central Valley Project Improvement Act (CVPIA) designated Refuges located south of the Delta to

meet their need for water supply. Specifically, the objectives of the Project are as follows:

- Establish an alternative, reliable, long-term water supply of up to 59,000 AFY of recycled water for DPWD;
- Maximize the beneficial use of recycled water to DPWD customers and south of Delta CVPIA designated wildlife refuges;
- Maximize Project Partners' control of operations and delivery of water;
- Establish a long-term water right to allow for the beneficial reuse of recycled water;
- Maximize use of existing facilities for treatment / delivery of recycled water;
- Provide supplemental annual water supplies to south of Delta CVPIA designated refuges as available to meet Federal requirements;
- Avoid or minimize, through incorporation of design constraints and management practices, impacts to environmental resources such as surface water, groundwater levels, land subsidence, groundwater quality and biological resources including sensitive species; and
- Deliver agricultural water to DPWD at a cost that supports regional economic sustainability.

Environmental Review

CSLC staff requests that Modesto consider the following comments when preparing the Draft EIR.

General Comments

1. **Project Description:** A thorough and complete Project Description should be included in the EIR in order to facilitate meaningful environmental review of potential impacts, mitigation measures, and alternatives. The Project Description should be as precise as possible in describing the details of all allowable activities (e.g., types of equipment or methods that may be used), as well as the details of the timing and length of activities. Thorough descriptions will facilitate CSLC staff's determination of the extent and locations of its leasing jurisdiction, make for a more robust analysis of the work that may be performed, and minimize the potential for subsequent environmental analysis to be required.
2. **Mitigation Measures:** The EIR should not include any deferred mitigation measures. The mitigation measures should either be presented as specific, feasible, enforceable obligations, or should be presented as formulas containing "performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way" (State CEQA Guidelines, § 15126.4, subd. (b)).

Biological Resources

3. Sensitive Species: Modesto should conduct queries of the California Department of Fish and Wildlife's (CDFW), California Natural Diversity Database (CNDDDB), and U.S. Fish and Wildlife Service's (USFWS) Special Status Species Database to identify any special-status plant or wildlife species that may occur in the Project area. The EIR should analyze the potential for such species to occur in the Project area and, if impacts to special-status species are found to be significant, consult with the above agencies to identify feasible mitigation measures.

Climate Change

4. Greenhouse Gases: A greenhouse gas (GHG) emissions analysis consistent with the California Global Warming Solutions Act (AB 32) and required by the State CEQA Guidelines should be included in the EIR. This analysis should identify a threshold for significance for GHG emissions, calculate the level of GHGs that will be emitted as a result of construction and ultimate build-out of the Project, determine the significance of the impacts of those emissions, and, if impacts are significant, identify mitigation measures that would reduce them to less than significant.

Cultural Resources

5. Submerged Resources: The EIR should evaluate potential impacts to cultural resources in the Project area. The CSLC maintains a shipwrecks database that can assist with this analysis. The database includes known and potential vessels located on the State's tide and submerged lands; however, the locations of many shipwrecks remain unknown. Therefore, CSLC staff requests that Modesto contact Senior Staff Counsel Pam Griggs at the contact information noted at the end of this letter to obtain shipwrecks data from the database and CSLC records for the Project site. Please also note that any submerged archaeological site or submerged historic resource that has remained in State waters for more than 50 years is presumed to be significant.
6. Title to Resources: The EIR should also mention that the title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands and school lands of California is vested in the State and under the jurisdiction of the CSLC. CSLC staff requests that Modesto consult with Senior Staff Counsel Pam Griggs at the contact information noted at the end of this letter, should any cultural resources on state sovereign be discovered during construction of the proposed Project.

Public Access

7. Recreational Activities: The public recreational activities such as, but not limited to, kayaking, swimming, rafting, sailing, rowing, bathing, skiing, and water-related public uses of the San Joaquin River (as explained above under the "CSLC Jurisdiction and Public Trust Lands" section) may be impacted from carrying out the proposed Project. CSLC staff requests that these possible impacts be thoroughly addressed in the EIR. If impacts are potentially significant, CSLC staff recommends proposing feasible mitigation measures to reduce these impacts to less-than-significant. Such mitigation measure may include posting public notice signs before carrying out Project-related activities.

Thank you for the opportunity to comment on the NOP for the Project. As a responsible agency, the CSLC will need to rely on the Final EIR for the issuance of a lease as specified above and, therefore, we request that you consider our comments prior to certification of the EIR. Please send copies of future Project-related documents, including electronic copies of the Final EIR, Mitigation Monitoring and Reporting Program (MMRP), Notice of Determination (NOD), CEQA Findings and, if applicable, Statement of Overriding Considerations when they become available, and refer questions concerning environmental review to Afifa Awan, Environmental Scientist, at (916) 574-1891 or via e-mail at Afifa.Awan@slc.ca.gov. For questions concerning archaeological or historic resources under CSLC jurisdiction, please contact Senior Staff Counsel Pam Griggs at (916) 574-1854 or via email at Pamela.Griggs@slc.ca.gov. For questions concerning CSLC leasing jurisdiction, please contact Wendy Hall, Public Land Manager at (916) 574-0994, or via email at Wendy.Hall@slc.ca.gov.

Sincerely,



Cy R. Oggins, Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
Afifa Awan, DEPM, CSLC
Warren Crunk, Legal, CSLC
Jennifer DeLeon, DEPM, CSLC
Pamela Griggs, Legal, CSLC
Wendy Hall, LMD, CSLC
Eric Milstein, Legal, CSLC
Mara Noelle, DEPM, CSLC

May 26, 2014

William Wong
City of Modesto, Utility Planning & Projects Dept.
1010 Tenth Street, Suite 4600
Modesto, CA 95354

Benjamin Lawrence
Bureau of Reclamation
1243 N Street, SCC-412
Fresno, CA 93721

Re: North Valley Regional Recycled Water Project

Mr. Wong and Mr. Lawrence,

I have a few concerns with the proposed North Valley Regional Recycled Water Project. My main worry is that, as a City of Turlock resident who relies entirely on the city to pump groundwater for mine and others water supply, I'm concerned there may be less water available in the groundwater table. The reason why I say this is that the project is not looking to see if it's possible to use Turlock's recycled water to improve the current groundwater problem in our area that I keep reading about.

Water quality is also a concern of mine, for the same reason I mention above. If the water is pumped here, used here, and recycled here, shouldn't it be reused here?

Sincerely,

Name	Mark Serpa
Address	2520 Tigers Dr. Turlock, Ca. 95382 209-678-1686
e-mail	mserpa@customlockandalarm.com

May 26, 2014

William Wong
City of Modesto, Utility Planning & Projects Dept.
1010 Tenth Street, Suite 4600
Modesto, CA 95354

Benjamin Lawrence
Bureau of Reclamation
1243 N Street, SCC-412
Fresno, CA 93721

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Sincerely,



Amber Madden

2700 Lander Ave #4

Turlock, Ca. 95380

amidaynow@hotmail.com

May 26, 2014

William Wong
City of Modesto, Utility Planning & Projects Dept.
1010 Tenth Street, Suite 4600
Modesto, CA 95354

Benjamin Lawrence
Bureau of Reclamation
1243 N Street, SCC-412
Fresno, CA 93721

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Water quality is also a concern of mine, for the same reason I mention above. If the water is pumped here, used here, and recycled here, shouldn't it be reused here?

Sincerely,

A handwritten signature in black ink, appearing to read 'William Wong', written in a cursive style.

ROBERT GIOLETTI & SONS DAIRY, INC.

118 N. BLAKER ROAD
TURLOCK, CALIFORNIA 95380
(209) 667-6024 or (209) 602-9110
giodairy@sbcglobal.net

May 28, 2014

Benjamin Lawrence
Bureau of Reclamation
1243 N Street, SCC-412
Fresno, CA 93721

William Wong
City of Modesto, Utility Dept.
1010 Tenth Street, Suite 4600
Modesto, CA 95354

Re: North Valley Recycled Water Project

Dear Mr. Lawrence and Mr. Wong:

I am writing to voice my concerns about the present proposal to redirect the City of Turlock's recycled water from the Turlock Irrigation District's Harding Drain to the Delta-Mendota Canal as part of the "North Valley Project."

My family and I have owned and operated a dairy and farming business in Turlock, California, for four generations. We employ 40 people in both operations. We have relied on TID water to irrigate our crops throughout these years, and still rely on TID to irrigate approximately 1750 acres of forage crops and over 250 acres of almonds, year around.

We receive TID water from the Harding Drain to irrigate 70 acres and another 440 acres that are in combination therewith. I am concerned about the prospect that the City of Turlock may redirect its recycled water away from the Harding Drain and into the Delta-Mendota Canal. I am concerned that this plan will adversely affect the water supply to my family's fields, particularly at crucial points when our crops absolutely need water to grow. Removing water that originated in the TID basin and exporting it across the river will probably create a deficit of water for those of us farming west of Turlock. Such water would have to be replaced by increased groundwater pumping or more surface water deliveries from Don Pedro, creating an additional burden for all involved. Therefore, I feel strongly that the reliability and quality of our water supply is in jeopardy should this diversion take effect.

Any material interruption in water supply will adversely affect our whole operation, as we rely on the ability to grow quality forage crops to feed our dairy cattle, and we rely on our orchard crop to diversify our business. There are many families relying on our operations for their livelihood, so I am asking that you please carefully consider these and other impacts to farmers utilizing the Harding Drain to irrigate their crops.

I thank you in advance for your consideration. Please feel free to contact me if you would like to discuss this matter further.

Kindest Regards,



Justin Gioletti



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

MAY 30 2014

Benjamin Lawrence
U.S. Bureau of Reclamation
1243 N Street, SCC-412
Fresno, CA 93721

Subject: Notice of Intent to Prepare a Draft Environmental Impact Statement for the North Valley Regional Recycled Water Program, San Joaquin, Stanislaus, and Merced Counties, CA

Dear Mr. Lawrence:

The U.S. Environmental Protection Agency has reviewed the Federal Register Notice published April 22, 2014 requesting comments on the U.S. Bureau of Reclamation's decision to prepare a Draft Environmental Impact Statement / Environmental Impact Report for the North Valley Regional Recycled Water Program. Our comments are provided pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

Reclamation, along with the Del Puerto Water District, is beginning the preparation of a DEIS / EIR to evaluate alternatives that would provide recycled water from the Cities of Turlock and Modesto via the Central Valley Project's Delta-Mendota Canal to the Del Puerto Water district for irrigation and annual Incremental Level 4 water to Central Valley Project Improvement Act-designated wildlife refuges.

EPA recognizes the impacts of the current drought on water availability and delivery in California and encourages the use of recycled wastewater to address water supply concerns and to reduce pressure on groundwater use. To assist in the scoping process for the project, EPA has identified several issues for consideration in the development of the DEIS.

Purpose and Need

The DEIS for the proposed project should clearly identify the underlying purpose and need that is the basis for proposing the range of alternatives (40 CFR 1502.13). The *purpose* of the proposed action is typically the specific objectives of the activity, while the *need* for the proposed action may be to eliminate a broader underlying problem or take advantage of an opportunity.

The purpose and need should be a clear, objective statement of the rationale for the proposed project, as it provides the framework for identifying project alternatives. The DEIS should concisely identify why the project is being proposed, why it is being proposed now, and should focus on the specific desired outcomes of the project (e.g. secure reliable water supply, maximize beneficial use of recycled water) rather than prescribing a predetermined resolution. The purpose and need should also clearly describe Reclamation's role in the project, particularly as it relates to Central Valley Project water allocation and water contract delivery.

Regulatory Framework

The DEIS for the proposed project should include a comprehensive description of the regulatory context of the project. This section should include a description of any permits that the project will require (e.g. National Pollutant Discharge Elimination System permits for discharges to Waters of the United States).

EPA notes that the State Water Resources Control Board has published a proposed statewide General Order titled "General Waste Discharge Requirements for Recycled Water Use"¹ and is expected to consider adoption of this proposal in early June 2014. Should this proposal be adopted, aspects of the North Valley Regional Recycled Water Program may be regulated by these requirements and require coverage under the order.

Range of Alternatives

All reasonable alternatives that fulfill the project's purpose and need should be evaluated in detail, including alternatives outside the legal jurisdiction of Reclamation (40 CFR Section 1502.14(c)). The DEIS should provide a clear discussion of the reasons for the elimination of alternatives which are not evaluated in detail.

A robust range of alternatives will include options for avoiding significant environmental impacts. The DEIS should clearly describe the rationale used to determine whether impacts of an alternative are significant or not. Thresholds of significance should be determined by considering the context and intensity of an action and its effects (40 CFR 1508.27).

The environmental impacts of the proposal and alternatives should be presented in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public (40 CFR 1502.14). The potential environmental impacts of each alternative should be quantified to the greatest extent possible (e.g. acres of wetlands impacted; change in water quality).

The No Action Alternative should clearly describe the current wastewater discharge regimes in Turlock and Modesto. It should specify the regulatory vehicle that governs the discharge regimes and include details of all permits and transfers related to the current discharge. The description of the No Action Alternative should also indicate if there are existing compliance concerns regarding any aspects of current permits and waste discharge requirements, such as volumetric or pollutant limits.

Each action alternative should describe the proposed percentage distribution of project water for irrigation and wildlife refuges and the mechanism by which this distribution might change over time.

The range of alternatives should explore aquifer recharging as an alternate use for the recycled wastewater. Such an analysis should include the environmental impacts of spreading basins and their uses in flood management.

Water Quality

Each of the Action Alternatives should include a robust discussion of impacts to water quality.

This should include identifying the applicable water quality standards and beneficial uses of receiving waters that receive discharges from the proposed project.

¹ http://www.waterboards.ca.gov/water_issues/programs/land_disposal/docs/wd/wdr_general_order.pdf

The analysis should include a description of the impacts from reduced discharge volume to the current discharge locations and waters, including but not limited to any impacts to flow of the San Joaquin River.

Water quality analyses should also include a description of the Del Puerto Water District's irrigation customers, specifically if the customers are situated on and intending to irrigate selenium-enriched land. The analysis should account and mitigate for any selenium-contaminated irrigation runoff from such irrigation.

Further, the analysis should include a description of the Waters of the U.S. within the wildlife refuges that may receive project water and how any discharges to Waters of the U.S. will impact water quality in these locations.

Climate Change

Scientific evidence supports the concern that continued increases in greenhouse gas emissions resulting from human activities will contribute to climate change. Global warming is caused by emissions of carbon dioxide and other heat-trapping gases. On December 7, 2009, the EPA determined that emissions of GHGs contribute to air pollution that "endangers public health and welfare" within the context of the Clean Air Act. Substantially higher temperatures and rising sea levels two of the direct impacts experienced in the west that can be attributed, at least partially, to climate change. We encourage Reclamation to draw on its extensive research into the expected effects of climate change on the arid west to create a well-informed document for the public and the decision makers.²

The DEIS should describe future environmental impacts of climate change on the project area and how the project will cope with, contribute to, or be affected by those impacts.

Please note that, as of October 1, 2012, EPA Headquarters no longer accepts paper copies or CDs of EISs for official filing purposes. Submissions must be made through EPA's electronic EIS submittal tool: *e-NEPA*. To begin using *e-NEPA*, you must first register with EPA's electronic reporting site - https://cdx.epa.gov/epa_home.asp. Electronic filing with EPA Headquarters does not change the requirement to submit a hard copy to the EPA Region 9 Office for review.

We appreciate the opportunity to provide comments on the preparation of the DEIS. Please send one hard copy and one CD of the DEIS to this office at the same time it is officially filed with our Washington D.C. Office. If you have any questions, please contact me at (415) 947-4167 or prijatel.jean@epa.gov.

Sincerely,



Jean Prijatel
Environmental Review Section
Enforcement Division

² <http://www.usbr.gov/climate/docs/ClimateChangeLiteratureSynthesis3.pdf>

