

STATE WATER RESOURCES CONTROL BOARD

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DIV OF WATER RIGHTS SACRAMENTO

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Tel: (916) 341-5300 Fax: (916) 341-5400
<http://www.waterboards.ca.gov/waterrights>

Submitted July 31, 2014
Revised January 16, 2015

ENVIRONMENTAL INFORMATION FOR PETITIONS

(REVISED)

This form is required for all petitions.

Before the State Water Resources Control Board (State Water Board) can approve a petition, the State Water Board must consider the information contained in an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). This form is not a CEQA document. If a CEQA document has not yet been prepared, a determination must be made of who is responsible for its preparation. As the petitioner, you are responsible for all costs associated with the environmental evaluation and preparation of the required CEQA documents. Please answer the following questions to the best of your ability and submit any studies that have been conducted regarding the environmental evaluation of your project. If you need more space to completely answer the questions, please number and attach additional sheets.

DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED

For a petition for change, provide a description of the proposed changes to your project including, but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated, increase in water diversion and use (up to the amount authorized by the permit), changes in land use, and project operational changes, including changes in how the water will be used. For a petition for extension of time, provide a description of what work has been completed and what remains to be done. Include in your description any of the above elements that will occur during the requested extension period.

The City of Modesto proposes to deliver up to 30,600 acre-feet per year of its recycled wastewater to Del Puerto Water District and several wildlife refuges through the Delta-Mendota Canal. The Project would convey recycled water from the City's wastewater treatment facility through a pipeline, and discharge it into the Delta-Mendota Canal. Del Puerto would divert the recycled water from the Delta-Mendota Canal or the water would be transported to San Luis Reservoir for storage during low water demand periods. The City also proposes to provide water to several Central Valley Project Improvement Act-designated refuges located south of the Delta.

The Project pipeline and related facilities are scheduled for completion in 2018.

Modesto is the CEQA lead agency for the Project. Modesto's consultant completed a draft EIR/EIS for the project in consultation with the Bureau. Electronic copies of that draft EIR/EIS and all appendices are enclosed as Attachment 5 (CD-ROM). The Bureau issued a Notice of Intent to Prepare a Draft EIS/EIR on April 22, 2014. (See 79 Fed.Reg. 22530-22531.)

Additional Project information is available at <http://www.nvr-recycledwater.org>.

Insert the attachment number here, if applicable:

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Coordination with Regional Water Quality Control Board

For change petitions only, you must request consultation with the Regional Water Quality Control Board regarding the potential effects of your proposed change on water quality and other instream beneficial uses. (Cal. Code Regs., tit. 23, § 794.) In order to determine the appropriate office for consultation, see: http://www.waterboards.ca.gov/waterboards_map.shtml. Provide the date you submitted your request for consultation here, then provide the following information.

Date of Request

July 31, 2014

Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation?

Yes No

Will a waste discharge permit be required for the project?

Yes No

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Local Permits

For temporary transfers only, you must contact the board of supervisors for the county(ies) both for where you currently store or use water and where you propose to transfer the water. (Wat. Code § 1726.) Provide the date you submitted your request for consultation here.

Date of Contact

For change petitions only, you should contact your local planning or public works department and provide the information below.

Person Contacted: Date of Contact:

Department: Phone Number:

County Zoning Designation:

Are any county permits required for your project? If yes, indicate type below. Yes No

- Grading Permit Use Permit Watercourse Obstruction Permit
 Change of Zoning General Plan Change Other (explain below)

If applicable, have you obtained any of the permits listed above? If yes, provide copies. Yes No

If necessary, provide additional information below:

Potentially required permits from Stanislaus County (and Merced County, pending project alternatives) include encroachment, grading, building, and tree removal.

The City will acquire all required permits after the pending environmental review is complete.

Insert the attachment number here, if applicable:

Federal and State Permits

Check any additional agencies that may require permits or other approvals for your project:

- Regional Water Quality Control Board Department of Fish and Game
- Dept of Water Resources, Division of Safety of Dams California Coastal Commission
- State Reclamation Board U.S. Army Corps of Engineers U.S. Forest Service
- Bureau of Land Management Federal Energy Regulatory Commission
- Natural Resources Conservation Service

Have you obtained any of the permits listed above? If yes, provide copies. Yes No

For each agency from which a permit is required, provide the following information:

| Agency | Permit Type | Person(s) Contacted | Contact Date | Phone Number |
|--------|-------------|---------------------|--------------|--------------|
| | | | | |
| | | | | |
| | | | | |

If necessary, provide additional information below:

See Attachment 6 for a Summary of Permits and Regulatory Actions for the project.

Insert the attachment number here, if applicable:

Construction or Grading Activity

Does the project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed, bank or riparian habitat of any stream or lake? Yes No

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Archeology

Has an archeological report been prepared for this project? If yes, provide a copy. Yes No

Will another public agency be preparing an archeological report? Yes No

Do you know of any archeological or historic sites in the area? If yes, explain below. Yes No

If necessary, provide additional information below:

See Chapter 3.5 (Cultural Resources) in the draft EIR/EIS.

Insert the attachment number here, if applicable:

Photographs

For all petitions other than time extensions, attach complete sets of color photographs, clearly dated and labeled, showing the vegetation that exists at the following three locations:

- Along the stream channel immediately downstream from each point of diversion
- Along the stream channel immediately upstream from each point of diversion
- At the place where water subject to this water right will be used


Maps See Attachment 7 (Photographs). There is no photograph of the place of use because the water will be used for irrigation of more than 100,000 acres in several locations.

For all petitions other than time extensions, attach maps labeled in accordance with the regulations showing all applicable features, both present and proposed, including but not limited to: point of diversion, point of redirection, distribution of storage reservoirs, point of discharge of treated wastewater, place of use, and location of instream flow dedication reach. (Cal. Code Regs., tit. 23, §§ 715 et seq., 794.)

Pursuant to California Code of Regulations, title 23, section 794, petitions for change submitted without maps may not be accepted.

All Water Right Holders Must Sign This Form:

I (we) hereby certify that the statements I (we) have furnished above and in the attachments are complete to the best of my (our) ability and that the facts, statements, and information presented are true and correct to the best of my (our) knowledge. Dated at .


Water Right Holder or Authorized Agent Signature

Water Right Holder or Authorized Agent Signature

NOTE:

- Petitions for Change may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game. (Cal. Code Regs., tit. 23, § 794.)
- Petitions for Temporary Transfer may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game and the board of supervisors for the county(ies) where you currently store or use water and the county(ies) where you propose to transfer the water. (Wat. Code § 1726.)

City of Modesto's Environmental Information for Petitions Form
Attachment 5

(CD-ROM with draft EIR/EIS)

City of Modesto's Environmental Information for Petitions Form
Attachment 6

**(Summary of Permits and Regulatory Actions for
the Recommended Project)**

Table 10-1: Summary of Permits and Regulatory Actions for the Recommended Project

| Agency | Regulatory Requirement | Project Stage | Brief Description |
|--|---|-------------------|---|
| CA Department of Conservation | Williamson Act Cancellation | Planning / Design | If any ag land that has a Williamson Act Contract with the state government is converted to non-ag land (e.g. pump station is put on a corner of an existing ag parcel), that portion of land will need to have the Williamson Act Contract cancelled on it. |
| CA Natural Resources Agency | CEQA Compliance (TBD as lead agency) | Planning | California Environmental Quality Act (CEQA), is a statute that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible. |
| CA Office of Historic Preservation | Section 106 Consultation | Planning | Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to coordinate with the State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP) regarding the effects a project may have on properties listed, or eligible for listing, in the National Register of Historic Places (NRHP) (16 USC 470 et seq.). |
| CA State Lands Commission | State Lands Lease Agreement | Planning | Depending on the lands near the San Joaquin River, a lease agreement with the State Lands Commission may be required. |
| Federal Government | NEPA Compliance (USBR as lead agency) | Planning | National Environmental Policy Act (NEPA) is the Federal equivalent of CEQA. NEPA can be done in conjunction with CEQA, pending USBR preference. |
| Natural Resource Conservation Service | Farmland Conversion Assessment | Planning | As part of compliance with the Farmland Preservation and Farmland Protection Act (FPPA), federal agencies assisting in projects that may convert important farmland to non-farm use must contact a local office of the Natural Resources Conservation Service (NRCS). NRCS uses a land evaluation and site assessment system to establish a farmland conversion impact rating score on each alternative project site. This score is used as an indicator for the project sponsor to consider alternative sites if the potential adverse impacts on the farmland exceed the recommended allowable level. |
| RWQCB | 401 Water Quality Certification | Planning | Section 401 of the CWA requires that the discharge of dredged or fill material into waters of the United States does not violate effluent limitations or water quality standards established by the state. |
| RWQCB | Regulatory pathway for Discharge to the DMC | Planning | Based on preliminary discussions with the RWQCB, this will be likely be an NPDES permit |
| SWRCB | Wastewater Change Petition (Petition for Change) | Planning | Because the program will result in the removal of wastewater discharges to the SJR, a petition for change is needed from the SWRCB. Downstream water users are notified as part of the petition process. |
| US Army Corps of Engineers | 404 Permit for any fill of wetlands or waters of the US | Planning / Design | Activities that result in discharge of dredged or fill material into waters of the United States are regulated by the U.S. Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act (CWA). Discharges of dredged or fill material, including placement of structures, into waters of the United States, including wetlands, generally require a permit from USACE. |
| USBR | Warren Act Contract or Exchange Agreement | Planning | Under provisions of the Warren Act, Reclamation facilities can be utilized to convey and/or store water that is not a part of the CVP water supply (i.e., non-project water). DPWD presently has a Warren Act Agreement with Reclamation. Each Warren Act Agreement is specific to the source of water being conveyed and/or stored, and a new Warren Act Agreement will be required. Alternatively, an Exchange Agreement may be an appropriate vehicle for use of the DMC facilities for delivery of recycled water. |
| US Fish and Wildlife & National Marine Fisheries Service | Section 7 Consultation/Biological Opinions | Planning | Section 7 of the Endangered Species Act (ESA) requires all federal agencies, in consultation with USFWS and NMFS, to ensure that their actions do not jeopardize the continued existence of species listed as endangered or threatened or result in the destruction or adverse modification of the critical habitat of these species. Section 7 prohibits federal agencies from implementing an action that would result in the take of a species listed as threatened or endangered unless a biological opinion issued by USFWS or NMFS authorizes the take. Take includes harassing, harming, pursuing, hunting, wounding, killing or capturing, or attempting such activity. |

| Agency | Regulatory Requirement | Project Stage | Brief Description |
|---|--|---------------|--|
| San Joaquin Valley Air Pollution Control District (and Merced, pending Project Alternatives) Caltrans | Authority to Construct / Permit to Operate | Construction | Only needed if a generator greater than 50 hp is included at the pump station. |
| RWQCB | Encroachment Permit | Construction | Standard permit needed for work in County right-of-way. |
| RWQCB | Encroachment Permit | Construction | Standard permit needed for work in Caltrans right of way. |
| CA Dept. of Fish and Game | NOI for Coverage under Statewide Construction Storm water Permit (Section 402 CWA) | Construction | |
| CA Dept. of Fish and Game | NOI under Low-Threat Discharge Order for Coverage of Pipeline discharges for testing and startup | Construction | |
| CalIOSHA | Streambed Alteration Agreement for pipeline crossings of creeks | Construction | |
| County of Stanislaus (and Merced pending project alternatives) | Incidental Take Permit | Construction | |
| County of Stanislaus (and Merced pending project alternatives) | Construction Permit / Tunnel Classification | Construction | |
| County of Stanislaus (and Merced pending project alternatives) | Grading Permit | Construction | Standard permit needed for grading work. |
| County of Stanislaus (and Merced pending project alternatives) | Building Permit | Construction | Standard permit needed for building work. |
| UPRR | Tree Removal Permit | Construction | |
| Central Valley Flood Protection Board (CVFPB) | Encroachment Permit | Construction | Need permit for crossing CNFR / Union Pacific Railroad Road (UPRR). |
| | | Construction | Levee tunneling. |