

To:
[] Office of Planning and Research
For U.S. Mail:
P.O. Box 3044
Sacramento, California 95812-3044

Street Address:
1400 Tenth Street
Sacramento, California 95814

From:
California Department of Fish and Wildlife (CDFW)
Central Region
1234 E. Shaw Avenue
Fresno, California 93710
Contact: Annette Tenneboe
Phone: (559) 243-4014, ext. 231

Lead Agency
City of Modesto
1010 Tenth Street, 4th Floor
Modesto, California 95353
Contact: William Wong
Phone: (209) 541-5801

SUBJECT: Filing of Notice of Determination pursuant to Public Resources Code § 21108

State Clearinghouse Number: 2014042068

Project Title: North Valley Regional Recycled Water Program – Turlock Segment (California Endangered Species Act Incidental Take Permit No. 2081-2017-038-04 (ITP) Major Amendment No. 1 (Amendment)).

Project Location: Project facilities will be constructed in the northwestern portion of the San Joaquin Valley about three miles east of the City of Patterson, Stanislaus County. Specifically, the Project extends from the pumping facility at the Jennings Wastewater Treatment Plant, east through the Modesto Ranch Lands (i.e., effluent spray fields), south along Jennings Road, east along East Las Palmas Road/South Main Avenue (Main Avenue), and south along South Carpenter Road to the City’s outfall site at Harding Drain.

Project Description: The Project involves installing a 38,700-foot pipeline to convey recycled water from the City of Turlock’s Harding Drain Outfall Site to Modesto’s Jennings Treatment Plant. At the Jennings Treatment Plant the pipeline will connect with the Modesto Segment of the North Valley Regional Recycled Water Program, which will convey the recycled water to the Delta Mendota Canal. The recycled water will be provided to the Del Puerto Water District service area and Central Valley Improvement Act-designated wildlife refuges. The pipeline will be installed using a combination of open-cut (trench) and trenchless (microtunneling) methods.

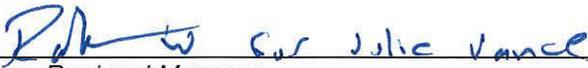
The Project could result in take of Swainson’s hawk (Buteo swainsoni) in the form of mortality (“kill”) due to vehicle strikes, nest abandonment, or impacts to nests resulting in the loss of young, fledglings, or eggs within .05 mile of the Project Area. Swainson’s hawk is listed as threatened under the California Endangered Species Act. Permittee will mitigate through the purchase of three (3) Covered Species credits at a CDFW-approved Conservation Bank. The Amendment authorizes three specific changes to the ITP as originally issued. It amends the Covered Activities to include the installation of shade areas, amend Compensatory Mitigation Condition of Approval 6.3 to clarify when daily monitoring by the Designated Biologist(s) may cease, and increase the overall allowable take authorization and amend Compensatory Mitigation Condition of Approval 8 to add Condition of Approval 8.1.1, requiring the Permittee to purchase one (1) additional Covered Species credit from a CDFW-approved mitigation or conservation bank and provide proof of credit purchase to CDFW by September 15, 2019.

This is to advise that CDFW, acting as [] the lead agency / [] a responsible agency] approved the above-described project on August 8, 2019 and made the following determinations regarding the above described project:

- 1. The project [] will / [] will not] have a significant effect on the environment (This determination is limited to effects within CDFW’s permitting jurisdiction as a responsible agency).
2. [] An environmental impact report / [] A negative declaration] was prepared by the lead agency for the original project.
3. Additional mitigation measures [] were / [] were not] made a condition of CDFW’s approval of the project.
4. A mitigation reporting or monitoring plan [] was / [] was not] adopted by CDFW for this project.
5. A Statement of Overriding Considerations [] was / [] was not] adopted by CDFW for this project.
6. Findings [] were / [] were not] made by CDFW pursuant to Public Resources Code § 21081(a).
7. Compliance with the environmental filing fee requirement at Fish and Game Code § 711.4 (check one):
[] Payment is submitted with this notice.
[] A copy of a receipt showing prior payment was submitted to CDFW.

Notice of Determination

Responsible Agency statement: The EIR prepared by the lead agency for the Project is available to the general public at the office location listed above for the lead agency. CDFW's administrative record of proceedings related to the incidental take permit is available to the public for review at CDFW's regional office.

Signature  Date: _____
Julie A. Vance, Regional Manager

Date Received for filing at OPR: _____ Governor's Office of Planning & Research

AUG 08 2019

STATE CLEARINGHOUSE