

# **Addendum to the Modesto Irrigation District Comprehensive Water Resources Management Plan Programmatic Environmental Impact Report**

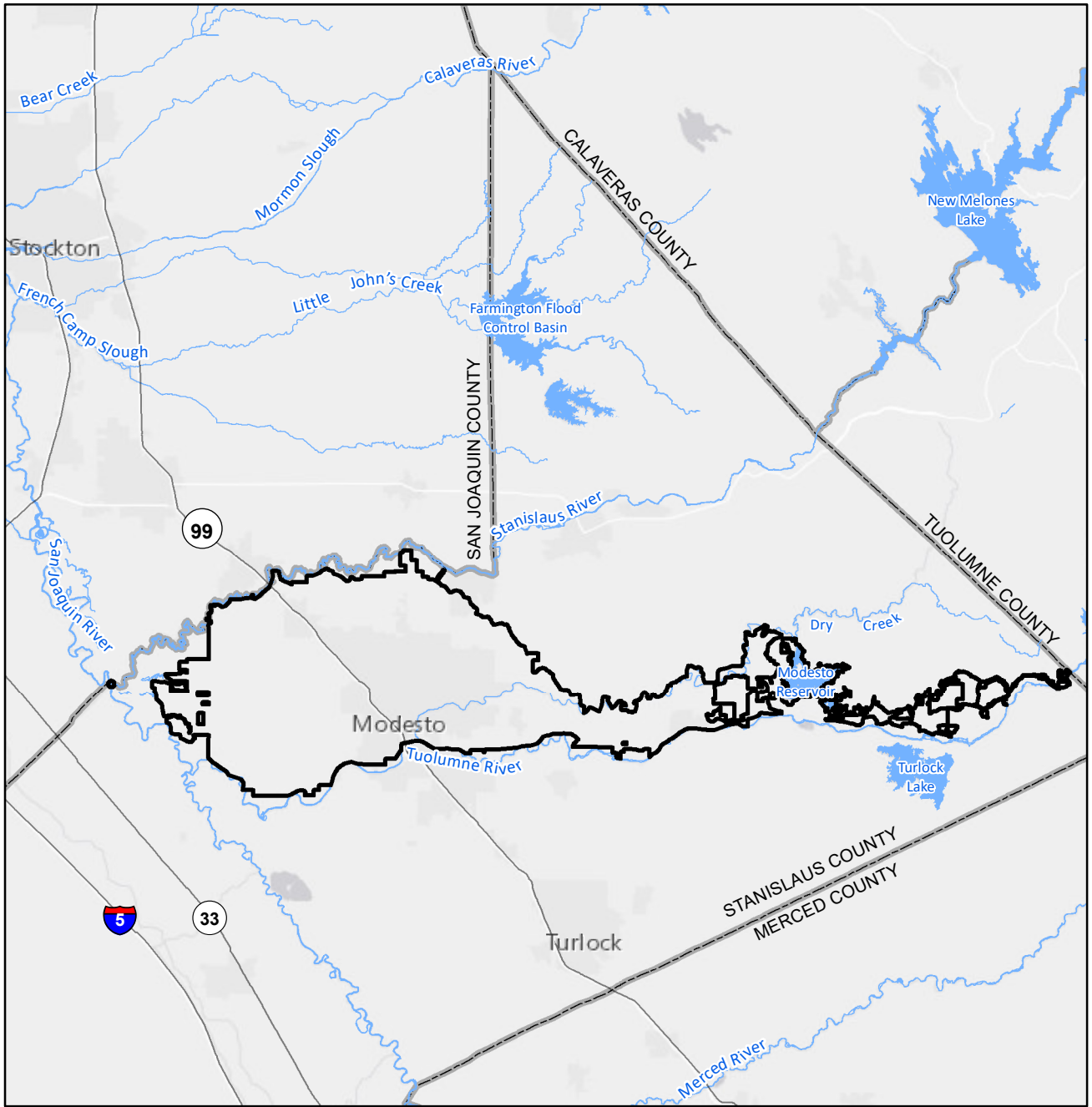
**State Clearinghouse No. 2018092056**

The *Modesto Irrigation District* [MID or District] *Comprehensive Water Resources Management Plan Final Programmatic Environmental Impact Report* (PEIR) was certified on April 25, 2023. The Proposed, now adopted, Program evaluated in the PEIR included capital improvement projects and annual maintenance activities identified as the result of a comprehensive evaluation of the District's water resources, on-farm systems, land use patterns and projections, infrastructure, and finances. As described in Section 2 of the PEIR, *Program Description and Alternatives*, the District is now implementing the capital improvement projects and annual maintenance activities of the Program throughout the PEIR Program Area to address current system operation and limitations; land use, regulatory, resource, and customer-driven issues; and uphold MID's mission. The PEIR Program Area includes the MID service area, which includes lands within unincorporated Stanislaus County (County) and the cities of Modesto, Riverbank, and Waterford (Figure 1).





The capital improvement projects and annual maintenance activities covered in the PEIR include the following:

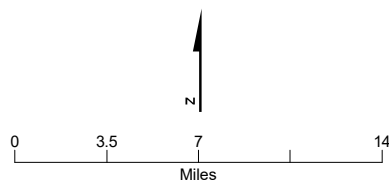
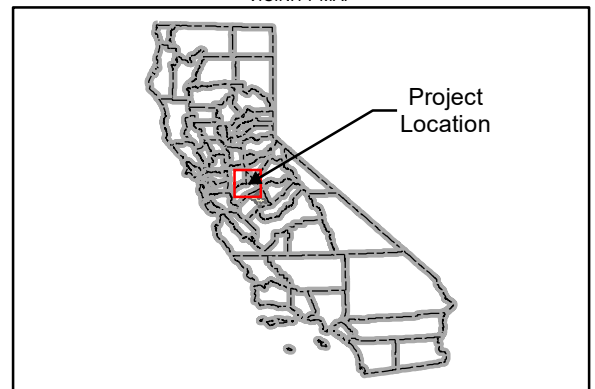
- **Regulating Reservoirs** – three regulating reservoirs to meet future water delivery demands for customers and increase operational flexibility
- **Canal, Lateral, and Tunnel Improvements** – projects to ensure canal, lateral, and tunnel operational reliability
- **Flow Control** – projects to provide operational reliability necessary to maintain a high level of customer service (for example, long-crested and sharp-crested weirs, control gates, headworks, pump stations, and check structures)
- **Groundwater Management** – projects that include well testing, maintenance and rehabilitation, and replacing existing wells for conjunctive use
- **Measurement and Automation** – projects to minimize operational spills and service interruptions, replace aging supervisory control and data acquisition (SCADA) system infrastructure, and achieve Senate Bill X7-7 compliance (for example, flow control and measurement devices)

Through this Addendum, MID proposes a minor modification to the PEIR with regard to implementation of the **Long-term Groundwater Replenishment Program (Long-term GRP)**, which may include minor improvements to MID's existing infrastructure that would be made by the District to facilitate water deliveries to program participants. The infrastructure improvements associated with the Long-term GRP and assessed in this Addendum are similar to those projects covered in the PEIR, specifically those projects under the Flow Control and Measurement and Automation categories identified previously and described in more detail in Section 2.1.2 of the PEIR, *System Improvements*.



VICINITY MAP

- LEGEND**
-  PEIR Program Area
  -  County
  -  Water Body
  -  River, Creek, Canal



**FIGURE 1**  
**PEIR Program Area**  
 Modesto Irrigation District  
 Modesto, California

As with the projects evaluated in the PEIR, the infrastructure improvements associated with the Long-term GRP and discussed in this Addendum are programmatic. As described in Section 2.1.1 of the PEIR, *Site-Specific Project Environmental Evaluation Checklist*, prior to the start of construction of projects pursuant to the Long-term GRP and analyzed in this Addendum, individual projects would be evaluated using the Site-Specific Project Environmental Evaluation Checklist (EEC) (see Appendix A to this Addendum) to determine whether additional environmental review is required. This approach would ensure all potential impacts are identified and properly mitigated in accordance with the Mitigation Monitoring and Reporting Plan (MMRP) (see Appendix B to this Addendum). In addition to complying with the EEC and MMRP, the District also would implement the project commitments and best management practices included in Section 2.4 of the PEIR, *Project Commitments*, to avoid or minimize potential impacts.

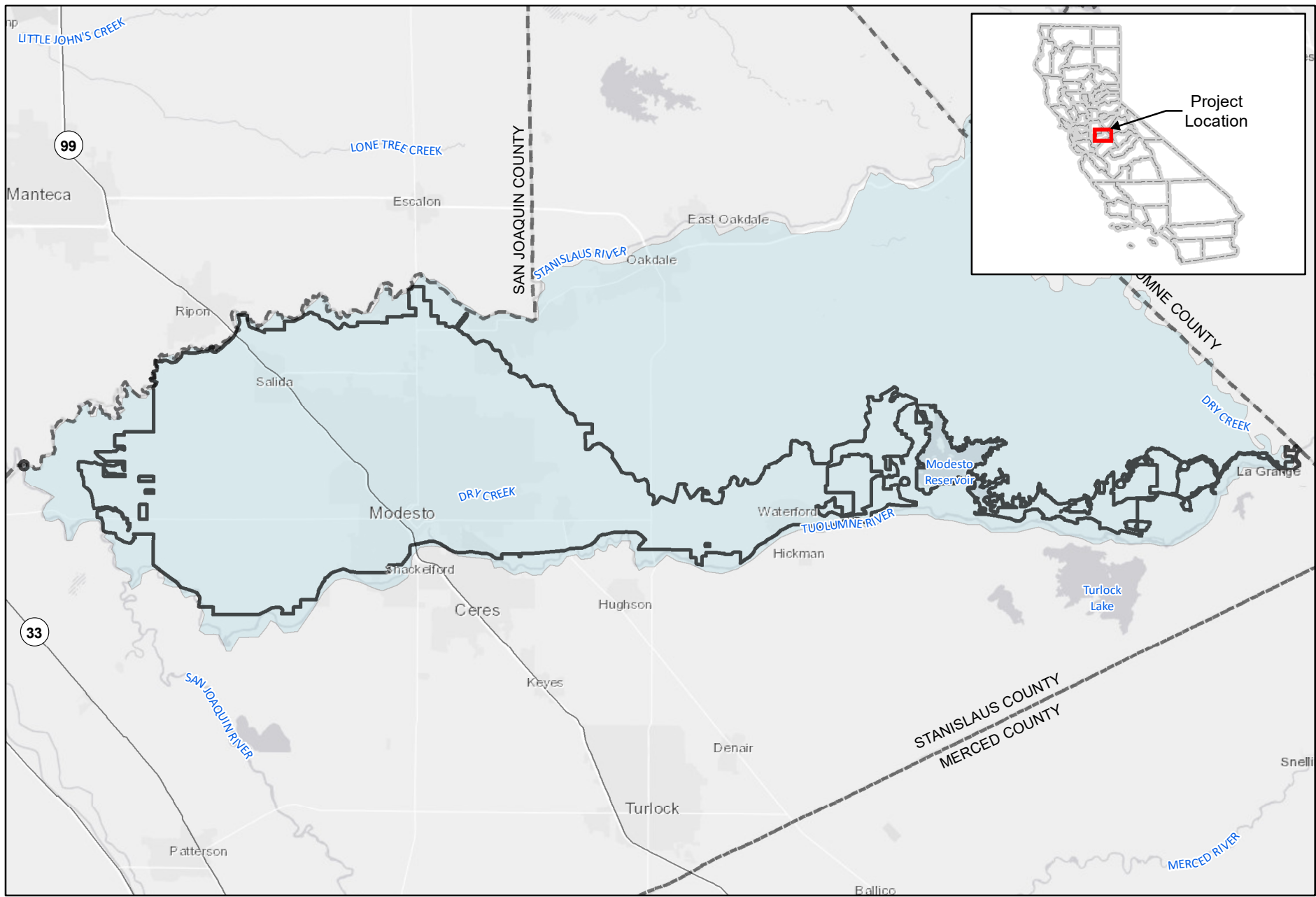
## **Background**

In 2017, MID initiated an annual Groundwater Replenishment Program to deliver surface water for in-lieu recharge to eligible landowners outside of the MID service area, but within a sphere of influence. As hydrological conditions allowed, MID adopted annual Groundwater Replenishment Programs. In the years when such annual programs existed, an average of 2,100 acre-feet (AF) of water has been delivered annually to landowners outside of the MID service area. In 2022, in compliance with the Sustainable Groundwater Management Act, the Stanislaus and Tuolumne Rivers Groundwater Basin Association (STRGBA) Groundwater Sustainability Association (GSA) and the County of Tuolumne GSA submitted a Groundwater Sustainability Plan (GSP) for the Modesto Subbasin. The Modesto Subbasin has been designated as a high-priority basin by the California Department of Water Resources. The Modesto Groundwater Subbasin comprises a portion of the San Joaquin Valley Basin, including the MID service area (Figure 2). The Modesto Subbasin GSP identified multiple projects and management actions to achieve sustainability goals by 2042, including the MID In-lieu and Direct Recharge Project that would be implemented through MID's Long-term GRP.

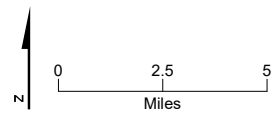
## **Long-term Groundwater Replenishment Program**

MID's Long-term GRP is a voluntary, 20-year program that allows participants to enroll and receive MID surface water in certain years to assist in the replenishment of groundwater within the Modesto Subbasin. In wet and above-normal water years in which MID irrigators and the City of Modesto have received full uncapped allocations, MID would make up to 60,000 AF of surface water available to participants. Surface water delivered by the District to participants of the Long-term GRP would be within MID's existing pre- and post-1914 water rights. Implementation of the Long-term GRP would not take priority over MID's in-District customers.

Participation in the GRP would be limited to record owners of real property located within the Modesto Subbasin. Parcels receiving replenishment water must be currently developed lands solely reliant on groundwater or where participants can demonstrate application of replenishment water would improve groundwater conditions through conjunctive use programs. Participants must meet all of the program requirements and agree to comply with all terms and conditions set forth in the Program Application and Agreement for the Long-term GRP (Appendix C to this Addendum). Participants would be responsible for securing and constructing all necessary private facilities, infrastructure improvements, and/or encroachments required for the delivery of water and any related regulatory approvals necessary to participate in the GRP, including all federal, State of California (State), County, and/or local agency requirements. In addition, water received through the Long-term GRP would be put to reasonable and beneficial uses at all times.



**LEGEND**  
 PEIR Program Area  
 Counties  
 Modesto Groundwater Subbasin



**FIGURE 2**  
**Modesto Subbasin**  
 Modesto Irrigation District  
 Modesto, California

The Long-term GRP would benefit groundwater supply by recharging groundwater levels in the Modesto Subbasin. The use of both in-lieu and conjunctive use water would result in net benefits for groundwater supply. The Long-term GRP also would benefit the sustainability indicators described in the Modesto Subbasin GSP and the disadvantaged communities located within the Modesto Subbasin (STRGBA GSA and County of Tuolumne GSA, 2022). Benefits of the Long-term GRP would be evaluated through the GSA's annual groundwater monitoring program (STRGBA GSA and County of Tuolumne GSA, 2022).

Independent from MID's approval of an applicant's participation in the Long-term GRP, participants would be separately and entirely responsible for securing and constructing any necessary private facilities, infrastructure improvements, and/or encroachments required for the delivery of water and any related regulatory approvals necessary to participate in the Long-term GRP, including all federal, State, County, and/or local agency requirements. For example, landowners may have existing canal delivery points (turnouts) and pipelines in place or be adjacent to an MID canal but may require a turnout and the installation of a short length of new pipeline. Other landowners may not be adjacent to MID canals and, therefore, would require a new turnout and the installation of a considerable length of new pipeline, whether through developed agricultural ground or native ground. These activities could occur within the Modesto Subbasin (Figure 2). It is entirely speculative what these improvements may be, and any such improvements would not be constructed or permitted by the District. Potential participant actions to secure and construct all necessary private facilities, infrastructure improvements, and/or encroachments required for the delivery of water are described generally as they relate to the implementation of the Long-term GRP, but neither the PEIR nor the Addendum evaluate such potential improvements due to the speculative and uncertain nature of such specific actions, locations, and timing.

### **Purpose and Need for an Addendum**

Implementation of the Long-term GRP would require minor improvements to MID's existing infrastructure similar to those described in the PEIR, specifically those projects under the Flow Control and Measurement and Automation categories described in Section 2.1.2 of the PEIR, *System Improvements*. The minor infrastructure improvements analyzed in this Addendum would occur within the PEIR Program Area (Figure 1). Typical infrastructure improvements would include installation of control gates and structures on and adjacent to MID's canal and piping conveyance system to deliver irrigation water.

Through this Addendum, MID proposes a minor modification to the PEIR, to include MID's infrastructure improvements needed to support implementation of the Long-term GRP. The minor modification included in this Addendum would not change any of the analyses or conclusions contained in the PEIR.

### **Preparation of this California Environmental Quality Act Addendum**

The District has prepared this Addendum to assess the proposed minor modification to the approved Program evaluated in the PEIR and provide California Environmental Quality Act (CEQA) coverage for MID's minor additional infrastructure improvements needed to support implementation of the Long-term GRP.

Section 15160 of the CEQA Guidelines explains that there are several mechanisms and variations in environmental documents that can be tailored to different situations and intended uses of environmental review. Specifically, Section 15160 states that the "... variations listed [including Subsequent [environmental impact reports] EIRs, Supplemental EIRs, and Addendums] are not exclusive. Lead agencies may use other variations consistent with the Guidelines to meet the needs of other circumstances." This provision allows lead agencies to tailor the use of CEQA mechanisms (such as this Addendum) to fit the circumstances presented to the lead agency by a project.

Specifically, Section 15164 of the CEQA Guidelines states the following:

*(a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.*

*(b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.*

*(c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.*

*(d) The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.*

*(e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.*

Section 15162 of the CEQA Guidelines provides the criteria for preparing a Subsequent EIR or Negative Declaration. Specifically, a Subsequent EIR or new Negative Declaration is required when there are substantial changes to a project that involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects; substantial changes occur with respect to the circumstances under which the project is undertaken that will require major revisions of the previously approved EIR; or new information of substantial importance, which was not known and could not have been known with reasonable diligence at the time the previous EIR was certified, shows more or more severe significant effects, new feasible mitigation measures, or alternatives are available but not adopted.

As required in subsection (e) of Section 15164 of the CEQA Guidelines, substantial evidence supporting the lead agency's decision not to prepare a Subsequent EIR or new Negative Declaration pursuant to CEQA Guidelines Section 15162 is provided in the following Environmental Impact Analysis subsection. The environmental impact analysis evaluates the potential impacts of the proposed modifications in relation to the current environmental conditions and in consideration of the environmental findings for the Proposed Program in the PEIR. The analysis of the proposed modifications supports the determination that no new significant environmental impacts would occur that require the preparation of a Subsequent EIR or Negative Declaration, as provided in Section 15162 of the CEQA Guidelines. Therefore, the District is preparing this Addendum to the approved PEIR as the appropriate approach to meet the requirements of CEQA.

### **Proposed Program Modifications**

The Proposed Program modifications evaluated in this Addendum include the minor infrastructure improvements that would be made by the District to facilitate water deliveries from MID facilities to Long-term GRP participants, though not, as explained previously, any private improvements that might be needed for participants to receive such deliveries.



### Infrastructure Improvements

Infrastructure improvements needed to support the Long-term GRP include installation of control gates and flow control and measurement devices. These infrastructure improvements are similar to those described under the Flow Control (Section 2.1.2.3 in the PEIR) and Measurement and Automation (Section 2.1.2.5 in the PEIR) categories in the PEIR. Infrastructure improvements analyzed in this Addendum would be limited to those concerning the District’s existing infrastructure within the PEIR Program Area.

It is anticipated that at least 10 infrastructure improvement projects would be implemented under the Long-term GRP, with up to 20 projects implemented over the entire program duration. Approximately half of the projects (up to 10 projects) are anticipated to be constructed within the first year, with 1 to 2 projects per year occurring in additional years depending on need and water availability for the Long-term GRP.

### Project Construction

Construction activities, including staging and laydown areas, associated with the proposed infrastructure improvements (for example, control gates and flow control and measurement devices) would typically be contained within temporary construction footprints spanning less than 1 acre within or adjacent to the existing canal and existing facilities and/or District right-of-way (ROW). Because of limited construction needs, these projects would not require additional areas for staging. Access to each project location would be via public roadways and existing District roads. Work would occur outside of the irrigation season (between October 15 and March 15) to avoid affecting water deliveries.

Generally, the infrastructure improvement projects are expected to take up to 2 weeks to install. Most of the improvements would involve the installation of control gates, which would include demolition of concrete or gunite and installation of concrete support for the gate. As shown in Table 1, construction equipment could include a backhoe, excavator, water truck, dump truck, and/or concrete truck along with typical worker vehicles similar to construction assumptions described for the Flow Control (Table 2-6 in the PEIR) and Measurement and Automation (Table 2-10 in the PEIR) categories in the PEIR.

**Table 1. Construction Work Days, Workforce, and Equipment**

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Activity	Work Days	Personnel Required	Equipment Required
Demolition/Modification of Existing Facilities	5 days	6	1 backhoe (with hydraulic hammer) 1 excavator 1 water truck 1 dump truck 1 concrete truck/pumping equipment
Construction	5 days	up to 10	1 backhoe (with hydraulic hammer) 1 water truck 1 dump truck 1 concrete truck/pumping equipment
Dust Control (overlaps construction activities)	10 days	1	1 water truck

### **Operation and Maintenance**

Operation and maintenance (O&M) activities would generally include activities similar to those that currently occur within the MID service area, including regular access to the canals and control structures by MID operation staff to operate and maintain flow control gates, and routine maintenance and inspections of facilities. During the winter shutdown, typically between late October to early March, vegetation control, inspections, and repairs are also expected to be required as is the case now for current associated facilities. The District's work to automate infrastructure (for example, installing automatic flow control gates or automatic trash cleaning racks) and expand remote monitoring control capabilities (for example, completing measurement upgrades, adding monitoring sites, and installing additional SCADA infrastructure) is anticipated to reduce the frequency with which MID operation staff would be required to visit project sites. Furthermore, routine maintenance and inspections of facilities would continue to be required.

### **Environmental Impact Analysis**

The following provides a review of those resource areas in the PEIR potentially affected by the minor modifications to the Proposed Program. The minor modification to the Proposed Program would be subject to all applicable mitigation measures in the MMRP (see Appendix B to this Addendum) adopted, pursuant to the certified PEIR, for the Program.

### **Aesthetics and Visual Resources**

The Proposed Program modifications include minor improvements to MID's infrastructure that are similar to those described in the PEIR. As detailed in the PEIR, these infrastructure improvements would not be implemented in or within view of any State- or County-designated scenic vista point, scenic corridor, scenic highway, or public viewpoint. Construction would generally occur during daytime hours on weekdays, unless otherwise approved by the applicable local agency and in coordination with affected landowners. The proposed facilities and improvements associated with the Proposed Program modifications would be operated only to support surrounding agricultural uses, would be consistent with the existing agricultural character in the PEIR Program Area, and thus would not substantially alter the existing agricultural landscape. Therefore, the Proposed Program modifications would not result in any new or more severe impacts on aesthetics and visual resources than those previously analyzed in the PEIR.

### **Land Use and Agricultural Resources**

The Proposed Program modifications include minor improvements to MID's infrastructure that would be consistent with and would support existing agricultural land use in the PEIR Program Area. Construction of individual projects, including staging and laydown areas, would typically be contained within temporary construction footprints spanning less than 1 acre within or adjacent to existing canals and facilities within the District ROW. Although construction activities related to MID's infrastructure could potentially occur on Important Farmland, agricultural uses would be fully restored once these temporary construction activities are complete. O&M activities associated with the infrastructure improvements also would be consistent with existing activities that the District currently implements. Therefore, the Proposed Program modifications would not result in a change in the existing environment that could result in the conversion of farmland to nonagricultural use.



Similar to the infrastructure improvements evaluated in the PEIR, and as disclosed in the PEIR, the minor improvements to MID's infrastructure under the Proposed Program modifications could potentially result in the permanent loss of Williamson Act contract lands or Important Farmland if they were located on lands designated as Prime Farmland, Unique Farmland, and Farmland of Statewide Importance. However, given that the projects would result in permanent impacts of less than 1 acre, the potential impact on Important Farmland and Williamson Act contract lands would not be new or more severe than the impacts already disclosed in the PEIR. In addition, the minor infrastructure improvements included in this Addendum would support existing agricultural land use. Therefore, the Proposed Program modifications would not result in any new or more severe impacts on agricultural resources or land uses than those previously analyzed and disclosed in the PEIR.

### **Air Quality**

The Proposed Program modifications include minor improvements to MID's infrastructure similar to those described under the Flow Control and Measurement and Automation categories in the PEIR. As shown in Table 1, construction equipment could include a backhoe, excavator, water truck, dump truck, and/or concrete truck along with typical worker vehicles similar to assumptions described for the Flow Control (Table 2-6 in the PEIR) and Measurement and Automation (Table 2-10 in the PEIR) categories in the PEIR. Up to 10 projects are anticipated to be constructed within the first year (2024), with 1 to 2 projects per year occurring in additional years depending on need and water availability for a total of up to 20 projects over the program duration. Construction emissions resulting from implementation of the Proposed Program modifications would be similar to those described in the PEIR, and would primarily consist of vehicle and equipment exhaust emissions of carbon monoxide (CO), nitrogen oxides (NO<sub>x</sub>), particular matter less than 10 micrometers in aerodynamic diameter (PM<sub>10</sub>), particular matter less than 2.5 micrometers in aerodynamic diameter less (PM<sub>2.5</sub>), sulfur dioxide (SO<sub>2</sub>), and reactive organic gas (ROG). In addition, site preparation and disturbance would result in fugitive dust emissions.

Appendix D to the PEIR included an air quality emission analysis of the now-adopted Program based on the potential for overlapping projects in each year of the planning horizon. The timing and phasing for implementation of any specific project is dependent on many factors, such as funding availability, year-to-year repair and rehabilitation priorities, and project-specific environmental review. Based on the analysis in the PEIR, worst-case emissions of NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub> would occur in 2025; and the worst-case emissions of ROG and SO<sub>2</sub> would occur in 2030. Therefore, MID would construct no more than one additional infrastructure improvement in these years.

Potential air quality impacts of the Proposed Program modifications were evaluated following the methodology described in Section 3.3.3.1 of the PEIR, *Impact Assessment Assumptions and Methodology*. To be conservative, emission assumptions for a typical Flow Control project were used to estimate emissions for the infrastructure improvements included in this Addendum. Based on the limited size (less than 1 acre) and duration (fewer than 2 weeks) of the infrastructure improvements, the additional emissions from construction of the Proposed Program modifications would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or State ambient air quality standard. Emissions of nonattainment pollutants of ozone precursors (NO<sub>x</sub>), PM<sub>10</sub>, and PM<sub>2.5</sub> would remain below the San Joaquin Valley Air Pollution Control District CEQA thresholds in all years. The Proposed Program modifications would not conflict with or obstruct implementation of the applicable air quality plan. Therefore, construction of the Proposed Program modifications would not result in any new or more severe impacts on air quality than those previously analyzed in the PEIR.

O&M activities associated with the Proposed Program modifications would include activities similar to those that currently occur within the PEIR Program Area and would result in only minor emission increases during project operation. In addition, the project commitments described in Section 2.4 of the PEIR, *Project Commitments*, would be incorporated to assist in avoiding or minimizing potential air quality impacts. Therefore, O&M associated with the Proposed Program modifications would not result in any new or more severe impacts on air quality than those previously analyzed in the PEIR.

### **Biological Resources**

Construction of minor improvements to MID's infrastructure, including staging and laydown areas, would be contained within temporary construction footprints spanning less than 1 acre within or adjacent to existing canals and facilities within the District ROW. As described in the PEIR, impacts associated with construction in previously disturbed areas adjacent to active District facilities within the District ROW would be less than significant given the lack of habitat or species presence. Therefore, construction associated with the Proposed Program modifications would not result in any new or more severe impacts on biological resources than those previously analyzed in the PEIR.

As part of implementation of the Proposed Program modifications, the District intends to use the EEC (see Appendix A to this Addendum) as described in Section 2.1.1 of the PEIR, *Site-Specific Project Environmental Evaluation Checklist*, to help identify and address potential impacts on biological resources. Mitigation, if necessary, would be implemented as required in mitigation measures MM-BR-1a through 1n and MM-BR-2 in the MMRP for the PEIR (see Appendix B to this Addendum). In addition, as identified in Section 2.4 of the PEIR, *Project Commitments*, the following project commitments would continue to be implemented under the Proposed Program modifications to assist in avoiding or minimizing potential impacts:

- **Initial Siting Evaluation/Site-specific Resource Evaluation** – MID and a qualified biologist (as necessary) will use a standardized approach/checklist (see Appendix A to this Addendum) to evaluate the potential for biological and other impacts and screen out or modify proposed facility locations to the extent possible.
- **Conduct Appropriate Surveys** – A qualified biologist will determine whether suitable habitat is present and warrants any species-specific focused surveys and, if necessary, conduct focused protocol surveys for a given species.
- **Avoid, Minimize, or Mitigate Impacts on Sensitive Habitat and Special-Status Species** – All proposed facilities and associated construction areas will be situated to avoid sensitive species and associated habitats to the extent possible. Current avoidance distances by habitat type are listed in Table 3.4-3 of the PEIR. Such distances would be adjusted as appropriate given potential future agency guidance/requirements during the overall Proposed Program implementation period.
  - If avoidance (including buffer distances) of sensitive resources could not be achieved or maintained because of other constraints and/or necessary project purposes, the District would identify appropriate mitigation (such as mitigation replacement ratios and conservation easements) in consultation with federal and State resource agencies and obtain all permits and authorizations necessary.

Long-term O&M activities associated with the Proposed Program modifications would not be expected to change. O&M activities would generally include activities similar to those that currently occur within the PEIR Program Area, including regular access to the canals and control structures by MID operation staff to operate and maintain flow control gates, and routine maintenance and inspections of facilities. During the irrigation season, canals and laterals would be accessed on an as needed basis by MID operation staff in field vehicles. Operation staff would operate any manual flow control gates and conduct routine maintenance and inspections. During the winter shutdown, typically between late October and early March, vegetation control, inspections, and repairs would be required. All of these activities are currently performed under existing O&M routines. Therefore, O&M associated with the Proposed Program modifications would not result in any new or more severe impacts on biological resources than those previously analyzed in the PEIR.

### **Cultural and Tribal Cultural Resources**

The Proposed Program modifications include minor improvements to MID's infrastructure similar to those described in the PEIR. Construction of individual projects, including staging and laydown areas, would typically be contained within temporary construction footprints spanning less than 1 acre within or adjacent to existing canals and facilities in previously disturbed areas within the District ROW.

As described in the PEIR, review of background materials, including archival materials, maps, geological data, and Native American Heritage Commission materials, indicate a reasonable potential for additional resources to be present in the PEIR Program Area and vicinity. Therefore, construction activities associated with the Proposed Program modifications would have the potential to affect currently unknown significant historic-period archaeological and built environment resources, tribal cultural resources, and human remains similar to impacts described in the PEIR. In addition, although no Native American tribal cultural resources were identified in the PEIR or during consultation with Native American Heritage Commission- and MID-identified tribal contacts, such resources may be uncovered during construction activities associated with the Proposed Program modifications and would have impacts similar to those described in the PEIR.

Overall, the potential for impacts from construction activities associated with the Proposed Program modifications is similar to the impacts described in the PEIR. The full extent of the projects' design and construction footprints is unknown at this time. As the projects are further developed, the District would use the EEC (see Appendix A to this Addendum) to identify potential impacts. If necessary, potentially significant impacts would be mitigated to a less-than-significant level with implementation of mitigation measures MM-CUL-1 through 5 specified in the MMRP (see Appendix B to this Addendum). Therefore, the Proposed Program modifications would not result in any new or more severe impacts on cultural, paleontological, or tribal cultural resources than those previously analyzed in the PEIR.

O&M activities associated with the Proposed Program modifications would not involve earthmoving activities, facility removals and upgrades, or other demolition. Regular maintenance activities would be completed as part of the operation, including activities such as vegetation clearance or facility repairs. Such activities are expected to be limited to previously disturbed areas and consistent with ongoing O&M activities in the PEIR Program Area. Therefore, O&M associated with the Proposed Program modifications would not result in any new or more severe impacts on significant historic-period archaeological or built environment resources, tribal cultural resources, and/or human remains than those previously analyzed in the PEIR.

## Geology and Soils

Construction activities associated with the Proposed Program modifications would result in a range of ground disturbances and movements, and could result in localized soil erosion, sedimentation, and inadvertent permanent soil loss within the PEIR Program Area. As described in the PEIR, there are no seismic hazard zones within the PEIR Program Area. The PEIR Program Area generally does not contain unstable soils and the potential for landslides, lateral spreading, or subsidence is unlikely. Similarly, no paleontological resources are anticipated to occur. Implementation of the project commitments described in Section 2.4 of the PEIR, *Project Commitments*, would be incorporated to assist in avoiding or minimizing potential impacts from construction. Therefore, the Proposed Program modifications would not result in any new or more severe impacts on geology and soils than those previously analyzed in the PEIR.

## Greenhouse Gases

Construction activities associated with the Proposed Program modifications would result in greenhouse gas (GHG) emissions and would include emissions from construction equipment, haul trucks, and worker commute vehicles. As described in the PEIR, the worst-case annual carbon dioxide equivalent (CO<sub>2</sub>e) emissions during construction would be less than 0.1 percent of the County's total annual GHG emissions. Projects implemented under the Proposed Program modifications would use best management practices during construction, such as minimizing unnecessary construction vehicle trips and idling time, which would reduce GHG emissions. O&M activities associated with the Proposed Program modifications would require similar equipment and vehicle trips as are required under current operation, resulting in only minor GHG emission increases. Implementation of the Proposed Program modifications would not hinder or otherwise conflict with Assembly Bill 32 or the Assembly Bill 32 scoping plan or plan updates for reducing GHG emissions. Therefore, the Proposed Program modifications would not result in any new or more severe GHG impacts than those previously analyzed in the PEIR.

## Hydrology and Water Quality

The Proposed Program modifications include minor improvements to MID's infrastructure similar to those described in the PEIR. Construction of individual projects would require the use of standard construction equipment and typical worker vehicles. Construction activities associated with the Proposed Program modifications would occur primarily within temporary construction footprints spanning less than 1 acre within or adjacent to existing canals and facilities in previously disturbed areas within the District ROW and would not involve substantial alteration of the existing drainage patterns at project sites. Construction activities would be managed so as not to cause on- or off-site flooding. Therefore, construction of the Proposed Program modifications would not result in any new or more severe impacts related to flooding than those previously analyzed in the PEIR.

As described in the PEIR, it is possible that the O&M of construction equipment could result in hazardous materials spills if materials are misused or improperly handled and stored; however, with implementation of a Stormwater Pollution Prevention Plan, as required by the Construction General Permit Order issued by the California State Water Resources Control Board, construction would not violate water quality standards or waste discharge requirements. In addition, the project commitments described in Section 2.4 of the PEIR, *Project Commitments*, would be incorporated to assist in avoiding or minimizing potential hydrology and water quality impacts. Therefore, O&M associated with the Proposed Program modifications would not result in any new or more severe impacts than those previously analyzed in the PEIR.

MID's primary source of water is surface water runoff from the Tuolumne River watershed. Implementation of the Long-term GRP would not take priority over MID's in-District customers, and MID would continue to make available surface water supplies to meet existing in-District customer demand. There would be no change in the amount or timing of releases of water from storage, streamflow in the Tuolumne River, water quality, timing of diversion, return flows, effects on legal users of water, or change in the purposes of use authorized by MID's water rights. Therefore, the Proposed Program modifications would not result in any new or more severe impacts on hydrology than those previously analyzed in the PEIR.

Implementation of the Long-term GRP would benefit groundwater supply by recharging groundwater levels in the Modesto Subbasin. The use of both in-lieu and conjunctive use water would result in a net benefit to the groundwater supply. In the Modesto Subbasin GSP, the MID In-lieu and Direct Recharge Project being implemented through MID's Long-term GRP was estimated to provide an average annual recharge benefit of 28,800 AF per year to the Modesto Subbasin (STRGBA GSA and County of Tuolumne GSA, 2022). In wet and above-normal water years in which MID irrigators and the City of Modesto have received full uncapped allocations, MID would make up to 60,000 AF of surface water available to participants for groundwater recharge in the Modesto Subbasin. Benefits of the Long-term GRP would be evaluated through the GSA's annual groundwater monitoring program (STRGBA GSA and County of Tuolumne GSA, 2022). Therefore, implementation of the Proposed Program modifications would be beneficial to groundwater resources in the Modesto Subbasin.

### **Noise**

The Proposed Program modifications include minor improvements to MID's infrastructure that would result in noise impacts from temporary activities during construction periods. Noise levels resulting from construction would depend on several factors, such as the number and type of machines operating, the level of operation, and the distance between sources, sound, and noise receptors. As described in Section 2.4 of the PEIR, *Project Commitments*, a number of project commitments would be implemented to reduce noise resulting from temporary construction activities, including restricting construction activity to hours set forth in local noise regulations and locating stationary noise-generating equipment as far as possible from nearby sensitive receptors. Therefore, the Proposed Program modifications would not result in any new or more severe impacts due to noise than those previously analyzed in the PEIR.

### **Public Services and Utilities**

The Proposed Program modifications include minor improvements to MID's infrastructure similar to those described in the PEIR. As described in Section 2.4 of the PEIR, *Project Commitments*, projects would be designed and constructed to avoid utility-provider facilities wherever possible. If avoidance is not possible, MID would coordinate with service providers to relocate facilities without interrupting service to customers. Construction activities requiring water supplies would be primarily limited to the use of water for dust suppression and would be met through existing water supplies and associated entitlements. Operation of the Proposed Program modifications would not require new or expanded water rights, and no additional water would be required beyond quantities currently managed by the District. The majority of stormwater runoff within the PEIR Program Area is channeled through MID facilities, including channels and laterals. All Proposed Program modifications would be designed to avoid impacts on existing stormwater drainage facilities, and the expansion of existing facilities would not be required. Therefore, the Proposed Program modifications would not result in any new or more severe impacts on public services or utilities than those previously analyzed in the PEIR.

## Transportation

Construction activities associated with the Proposed Program modifications would result in temporary increases in traffic along roadways in the vicinity of proposed projects during construction. As described in Section 2.4 of the PEIR, *Project Commitments*, to minimize the impacts from anticipated construction traffic on annual average daily traffic or vehicle miles traveled within the PEIR Program Area, MID would obtain appropriate encroachment permits and, if necessary, develop a traffic control plan (with Stanislaus County, as determined appropriate) to address emergency responder access and management of local traffic. Construction activities associated with the Proposed Program modifications would not substantially reduce the performance or safety of bicycle, pedestrian, or public transit facilities in the PEIR Program Area. O&M activities would generally include activities similar to those that currently occur within the PEIR Program Area, including regular access to the canals and control structures by MID operation staff to operate and maintain flow control gates, and routine maintenance and inspections of facilities. Therefore, the Proposed Program modifications would not result in any new or more severe impacts on transportation and traffic than those previously analyzed in the PEIR.

## Cumulative and Growth-inducing Impacts

Impacts of the Proposed Program modifications would be similar to those described in the PEIR, such that when considered together with the projects evaluated in Section 4.1 of the PEIR, *Cumulative Impacts*, no new cumulative impacts would occur. Similarly, no new growth-inducing impacts beyond those discussed in Section 4.2 of the PEIR, *Growth-inducing Impacts*, would be anticipated given the Long-term GRP would support existing agricultural production and groundwater recharge in the Modesto Subbasin.

## Conclusion

The Proposed Program modifications, including the minor improvements to MID's infrastructure needed to implement the Long-term GRP, would not result in any new or more severe significant impacts than those identified in the PEIR certified April 25, 2023.

## Reference

Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Association (STRGBA GSA) and County of Tuolumne Groundwater Sustainability Association (County of Tuolumne GSA). 2022. *Groundwater Sustainability Plan*. Adopted January 31.



**Appendix A**  
**Site-Specific Project Environmental**  
**Evaluation Checklist**



# Modesto Irrigation District Comprehensive Water Resources Management Plan Site-specific Project Environmental Evaluation Analysis and Checklist

The following checklist/analysis approach would be conducted for all Modesto Irrigation District (MID) Comprehensive Water Resources Management Plan (CWRMP) projects to determine whether a given project would require additional environmental documentation beyond the Programmatic Environmental Impact Report (PEIR) and/or to avoid locations (where feasible) that would potentially result in significant environmental impacts. The checklist below provides a standardized approach to site-specific resource evaluations for general project locations that were previously identified as well as those projects that were not sufficiently developed during the PEIR phase to determine the necessity of further site-specific analysis.

The evaluation criteria identified below are based on those developed in the PEIR. If the potential for a significant impact is identified with respect to these criteria, the specific mitigation measure(s) included in the PEIR would be identified, and it would be documented that implementation of such measure(s) would result in impacts being reduced to a less than significant level.

Completion of the checklist would document whether a proposed project:

- **would not** result in significant impacts/would not require additional documentation because either (1) the proposed project has no potential to result in a potentially significant impact, or (2) the analysis/mitigation identified in the PEIR addresses the potential impact; or
- **would** result in potentially significant impacts not addressed in the PEIR and would require additional documentation or analysis.

Identification of project locations would account for potential environmental resources (including the potential for avoidance) that could result in significant impacts. The checklist would be used to document if potential impacts would be considered less than significant; and thus, further analysis and/or mitigation would not be required. If a project location is required (and cannot be feasibly avoided) where the potential for impacts on biological resources exists, a qualified biologist would visit such proposed project location(s) as specified in the PEIR during the preparation of this checklist. The intent of these visits would be to determine the occurrence of sensitive habitats, including vernal pools, wetlands, and riparian habitat at proposed project locations. Site visits would consist of reconnaissance-level surveys in which observations of special-status species would be recorded, and the general potential for special-status species to occur would be assessed depending on the quality, characteristics, and location of the habitat at the project site. Additionally, environmental permits or clearances that are anticipated to potentially be required would also be indicated as such where indicated below.

## Project Analysis and Checklist

(to be completed by MID and/or survey staff)

Project name and type: \_\_\_\_\_

\_\_\_\_\_

Date(s) of review: \_\_\_\_\_

Name of person or persons who completed the review: \_\_\_\_\_

\_\_\_\_\_

Project location (attach map): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Project description: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Would the project require or result in potentially significant impacts on the following:

Resource	Yes	No
<b>General – All Resources</b>		
Would the project involve a new or larger footprint that was not included in the PEIR?		
Would the project result in new impacts not previously identified in the PEIR?		
Would the project require new mitigation measures not identified in the PEIR?		
Would the project involve construction methods or construction staging not described in the PEIR?		
Are there new sensitive receptors (i.e., hospitals, schools, residents, etc.) or have conditions changed that were not present during preparation of the PEIR?		
<b>Aesthetics</b>		
Are there sensitive receptors nearby (i.e., residents, motorists)?		
Would the project include aboveground structures not similar to those included in the PEIR?		
Would the project result in new light sources or glare?		
<b>Agricultural Resources/Land Use</b>		
Has the land use or habitat type changed since preparation of the PEIR?		
<b>Air Quality/Greenhouse Gas Emissions</b>		
Would the project require substantial construction or earth movement (i.e., fugitive dust)?		
<b>Biological Resources</b>		
Is there native ground present in or adjacent to the project site?		
<b>Cultural and Tribal Cultural Resources</b>		
Are there any known cultural resources located within the project site?		
<b>Geology and Soils</b>		
Would the project require substantial earth movement (i.e., erosion)?		
<b>Hazards and Hazardous Materials</b>		
Are there any known hazardous materials sites located within the project site?		
<b>Hydrology/Water Quality</b>		
Would the project significantly change the topography of the site (i.e., stormwater runoff, flooding)?		
<b>Mineral Resources</b>		
Is the project site known to contain significant mineral resources?		
<b>Noise</b>		
Would construction require heavy equipment not described in the PEIR?		
<b>Population and Housing</b>		
Would the project displace people?		
Would the project result in an increase in population growth?		
<b>Public Services, and Utilities and Service Systems</b>		
Are there new government/public facilities (i.e., parks, schools, fire protection, police protection, etc.) that were not present during preparation of the PEIR?		
<b>Recreation</b>		
Are there new recreation facilities (e.g., neighborhood or regional parks) that were not present during preparation of the PEIR?		
<b>Transportation/Traffic</b>		
Would the project substantially affect or generate traffic conflicts?		

Answering “Yes” to any of the above-listed resource questions does not automatically indicate that the project would have a potentially significant effect on the environment that was not addressed in the PEIR, and that additional environmental review is necessary. However, it does indicate that further evaluation and study is warranted.

This site-specific project environmental evaluation checklist is not meant to substitute for Appendix G of the CEQA Guidelines. The intent of the checklist is to provide a general evaluation of the potential for proposed projects to result in significant environmental impacts not addressed in the PEIR. Future projects considered to potentially result in a variety of potential impacts should use the full checklist provided in Appendix G of the CEQA Guidelines.

On the basis of this review:

- The proposed project **would not have a potentially significant effect** on the environment; therefore, no further environmental documentation is required.
- The proposed project **would have a potentially significant effect** on the environment; however, by following the mitigation measures identified in the PEIR, the impact(s) would be reduced to a less than significant level, and no further documentation or analysis is required.
- The proposed project **would have a potentially significant effect on the environment that was not addressed in the PEIR**, and additional environmental review is required.

### Potential Project Required Permits or Approvals

- Section 404 Permit – U.S. Army Corps of Engineers*
- Section 10 or 7 Endangered Species Act – U.S. Fish and Wildlife Service/National Marine Fisheries Service*
- Section 1602 Lake or Streambed Alteration Agreement – California Department of Fish and Wildlife (CDFW)*
- Section 2081 Incidental Take Approval – CDFW*
- Section 401 Water Quality Certification – Central Valley Regional Water Quality Control Board (CVRWQCB)*
- National Pollutant Discharge Elimination System (NPDES), General Construction Permit – (CVRWQCB)*
- Grading Permit – Stanislaus County Department of Public Works*
- Encroachment Permit – Stanislaus County Department of Public Works*
- Transportation Permit – Stanislaus County Department of Public Works*
- Grading Permit – City of Modesto Community & Economic Development, Division of Land Development & Engineering*
- Encroachment Permit – City of Modesto Community & Economic Development, Division of Land Development & Engineering*
- Transportation (Over Sized) Permit – City of Modesto Community & Economic Development, Division of Land Development & Engineering*
- Approval of plans and specifications to construct or enlarge a dam or reservoir and certificate of approval to store water – Department of Water Resources, Division of Safety of Dams*
- Indirect Source Review – San Joaquin Valley Air Pollution Control District*
- Landowner agreements*

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Signature

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Date



**Appendix B**  
**Mitigation Monitoring and Reporting Plan**



Mitigation Monitoring and Reporting Program  
Modesto Irrigation District  
Comprehensive Water Resources  
Management Plan

*Prepared for*

Modesto Irrigation District

April 2023



CH2M HILL, Inc.  
2485 Natomas Park Drive, Suite 600  
Sacramento, CA 95833

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# Acronyms and Abbreviations

CEQA	California Environmental Quality Act
CWRMP	Modesto Irrigation District Comprehensive Water Resources Management Plan
District	Modesto Irrigation District
MID	Modesto Irrigation District
MMRP	Mitigation Monitoring and Reporting Program
PEIR	Programmatic Environmental Impact Report





# Mitigation Monitoring and Reporting Program

## 1.1 Introduction

The Modesto Irrigation District (MID or District) published a Programmatic Environmental Impact Report (PEIR) for the MID Comprehensive Water Resources Management Plan (CWRMP) in accordance with requirements of the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., and Title 14 of the *California Code of Regulations*, Section 15168. The PEIR evaluated potentially significant environmental impacts associated with implementation of the CWRMP and concluded that CWRMP implementation could result in significant adverse environmental effects (“impacts”). The PEIR identifies feasible mitigation to reduce all significant impacts to a level of less than significant.

Public Resources Code Section 21081.6 requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program (MMRP) when the Lead Agency approves a project or program for which measures to mitigate or avoid significant effects on the environment are required. The mitigation measures identified in the PEIR are incorporated into this MMRP and summarized in Table 1.

This MMRP meets the requirements of Section 15097 of the CEQA Guidelines and will be used by the District to ensure that all mitigation measures adopted as a condition of CWRMP approval are implemented. The MMRP includes both monitoring and reporting. Implementation of the CWRMP will occur through 2040, and reporting will be completed for each mitigation measure according to the requirements that are applicable at the time. Where possible, this MMRP will be coordinated with the MMRPs of responsible agencies.

As the CWRMP is implemented, a standardized approach will be used to guide site-specific resource evaluations. Appendix A to the Draft PEIR contains the site-specific project Environmental Evaluation Checklist, which will be used to help evaluate each project implemented as part of the CWRMP. This approach will facilitate the consistent identification of applicable impacts and implementation of mitigation requirements (as necessary) identified in the Final PEIR (as well as others that might be identified in subsequent site-specific environmental documents) for all CWRMP elements.

## 1.2 Mitigation Implementation and Monitoring

The District will be responsible for implementation and monitoring of the mitigation measures identified in the PEIR. Although implementation of required mitigation measures is ultimately the responsibility of the District, other entities have been assigned the responsibility of implementing certain measures as applicable. In these cases, the District would oversee implementation to ensure compliance with the MMRP. The District will designate specific personnel who will be responsible for monitoring mitigation measure implementation. Designated District personnel will have authority to require implementation of mitigation measures and to temporarily halt project activities that are inconsistent with mitigation objectives or CWRMP approval conditions.

The District will be responsible for demonstrating compliance with other agency permit conditions to the appropriate regulatory agency. The District will also be responsible for ensuring that construction personnel understand and implement their responsibilities regarding the performance requirements of the MMRP and other contractual requirements related to implementation of the mitigation measures as part of the CWRMP.

Table 1 provides the following information:

- **Mitigation Measure Number:** Lists mitigation measures by number, as designated in the PEIR, by resource topic.

- **Mitigation Measure:** Provides the text of the mitigation measures adopted by the District and incorporated into the Program.
- **Implemented By:** The District is responsible for making sure that the mitigation measures identified in the PEIR are fully enforceable by adopting and incorporating them into the Program. During Program implementation, other entities may be assigned the responsibility of implementing the measure.
- **When Implemented:** All mitigation measures identified in the PEIR have been adopted and incorporated into the Program. The District will ensure that the timing and duration of the mitigation measures occur in accordance with the appropriate activity or permit requirement, as necessary.
- **Monitoring or Reporting Action:** If a mitigation measure requires monitoring or reporting actions (often the result of a permit condition), the District will ensure those actions are performed in accordance with the mitigation or permit.

## 1.3 References

California Burrowing Owl Consortium. 1993. "Burrowing Owl Survey Protocol and Mitigation Guidelines." Pages 171-177 in J.L. Lincer and K. Steenhof (editors). *The Burrowing Owl, Its Biology and Management*. Raptor Research Report Number 9.

California Department of Fish and Game (CDFG). 1994. *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California*.

California Department of Fish and Wildlife (CDFG). 2012. *Staff Report on Burrowing Owl Mitigation Staff Report on Burrowing Owl Mitigation*. State of California, California Natural Resources Agency. March 7.

California Department of Fish and Wildlife (CDFW). 2018. *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*. State of California, California Natural Resources Agency. March 20.

California Department of Fish and Wildlife (CDFW). 2015. *Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015*. March 19.

Modesto Irrigation District (MID). 2022. *Modesto Irrigation District Comprehensive Water Resources Management Plan, Programmatic Environmental Impact Report*. Prepared by CH2M for Modesto Irrigation District.

Swainson's Hawk Technical Advisory Committee (SHTAC). 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.

U.S. Fish and Wildlife Services (USFWS) and California Department of Fish and Game (CDFG). 2003. *Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander*. Sacramento, California. October.

U.S. Fish and Wildlife Service (USFWS). 2001. Least Bell's Vireo Survey Guidelines. <https://www.fws.gov/sites/default/files/documents/survey-protocol-for-least-bells-vireo.pdf>.

U.S. Fish and Wildlife Service (USFWS). 2017a. *Survey Guidelines for the Listed Large Branchiopods*. U. S. Fish and Wildlife Service, Pacific Southwest Region, Sacramento, California. Revised November 2017.

U.S. Fish and Wildlife Service (USFWS). 2017b. *Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle (*Desmocerus californicus dimorphus*)*. Sacramento, California.

U.S. Fish and Wildlife Service (USFWS). 2022. *Draft Habitat Assessment Guidelines & Survey Protocol for the Riparian Brush Rabbit and the Riparian Woodrat*. Accessed December 29, 2022. <https://www.fws.gov/sites/default/files/documents/survey-protocols-for-the-riparian-brush-rabbit-and-riparian-woodrat.pdf>.

**Table 1. Mitigation Monitoring and Reporting Program***Modesto Irrigation District Comprehensive Water Resources Management Plan*

Mitigation Measure Number	Mitigation Measure	Implemented		Monitoring or Reporting Action (if applicable)
		By	When	
<b>Chapter 3.4 Biological Resources</b>				
<b>MM-BR-1a</b>	<p><b>Nesting birds</b></p> <p>The following measures will be implemented to avoid adverse effects on nesting birds (not including Swainson’s hawk or other special-status raptor species) that nest within or immediately adjacent to the project site:</p> <ul style="list-style-type: none"> <li>• Project construction activities may occur during the bird non-nesting season; however, if project construction must occur during the breeding season (February through mid-September), MID will be responsible for ensuring that implementation of the project does not result in violation of the Migratory Bird Treaty Act or Fish and Game Code 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).</li> <li>• To evaluate project-related impacts to nesting birds, a qualified biologist will conduct preconstruction surveys for active nests no more than 10 days prior to the start of ground disturbance to maximize the probability that nests that could potentially be affected by the project are detected. These surveys will cover a sufficient area around the work site to identify nests and determine their status. A “sufficient area” means any area potentially affected by the project. In addition to direct impacts (such as, nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, a qualified biologist will conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, a qualified biologist will continuously monitor nests to detect behavioral changes resulting from the project. If behavioral changes occur, the work causing that change will cease, and MID will consult with CDFW for additional avoidance and minimization measures.</li> <li>• If continuous monitoring of identified nests by a qualified biologist is not feasible, a minimum no-disturbance buffer of 250 feet will be established around active nests of non-listed bird species, and a 500-foot no-disturbance buffer will be established around active nests of non-listed raptors. These buffers will remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant on the nest or parental care for survival. Variance from these no-disturbance buffers is possible when there are compelling <u>biological or ecological</u> reasons to do so, such as when the construction area would be concealed from a nest site by topography. A qualified biologist will advise and support any variance from these buffers.</li> </ul>	MID, qualified biologist, and construction contractor	Before and during construction	Reporting in accordance with CDFW requirements at the time of construction.

**Table 1. Mitigation Monitoring and Reporting Program**  
*Modesto Irrigation District Comprehensive Water Resources Management Plan*

Mitigation Measure Number	Mitigation Measure	Implemented		Monitoring or Reporting Action (if applicable)
		By	When	
	<p>The following measures will be implemented to avoid adverse effects on nesting colonies of great blue heron (<i>Ardea herodias</i>) and great egret (<i>Ardea alba</i>):</p> <ul style="list-style-type: none"> <li>Active nesting colonies of great blue heron or great egret will be avoided with a 400-foot buffer between the colony and active construction that uses heavy equipment or that involves tree removal.</li> <li>Minor modification activities may occur if they are short in duration (3 days or less), do not use heavy machinery, do not remove more than 900 square feet of vegetation, and avoid all activities within a 250-foot buffer between an active colony and construction activities.</li> <li>If construction is initiated during the non-nesting season (September 1 through January 31), construction activities may occur within 100 feet of the nearest portion of the nest colony site. However, no woody vegetation (particularly large trees) within 200 feet of the nest colony site may be removed.</li> </ul>			
<b>MM-BR-1b</b>	<p><b>Burrowing owl</b>                      Adverse effects on burrowing owls will be mitigated as follows:</p> <ul style="list-style-type: none"> <li>A qualified biologist will conduct a habitat assessment in advance of implementation of project construction activities, to determine if the project area or its vicinity contains suitable habitat for burrowing owl.</li> <li>Where suitable habitat is present on or in the vicinity of the project area, presence or absence of burrowing owl will be assessed by having a qualified biologist conduct surveys following the California Burrowing Owl Consortium (1993) <i>Burrowing Owl Survey Protocol and Mitigation Guidelines</i> and the CDFG (2012) <i>Staff Report on Burrowing Owl Mitigation</i>. Specifically, these documents suggest three or more surveillance surveys conducted during daylight, with each visit occurring at least 3 weeks apart during the peak breeding season of April 15 to July 15, when burrowing owls are most detectable. These surveys will include a minimum 500-foot survey radius around the project area.</li> </ul>	Qualified biologist and construction contractor	Before and during construction	Reporting in accordance with CDFW requirements at the time of construction.

**Table 1. Mitigation Monitoring and Reporting Program***Modesto Irrigation District Comprehensive Water Resources Management Plan*

Mitigation Measure Number	Mitigation Measure	Implemented		Monitoring or Reporting Action (if applicable)																							
		By	When																								
	<ul style="list-style-type: none"> <li>No-disturbance buffers, as outlined by CDFG (2012), will be implemented prior to and during any ground-disturbing activities; and impacts to occupied burrows will be avoided in accordance with the following table unless a qualified biologist approved by CDFW 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.</li> </ul> <table border="1"> <thead> <tr> <th rowspan="2">Location</th> <th rowspan="2">Time of Year</th> <th colspan="3">Level of Disturbance</th> </tr> <tr> <th>Low</th> <th>Medium</th> <th>High</th> </tr> </thead> <tbody> <tr> <td>Nesting Sites</td> <td>April 1 to Aug 15</td> <td>200 meters</td> <td>500 meters</td> <td>500 meters</td> </tr> <tr> <td>Nesting Sites</td> <td>Aug 16 to Oct 15</td> <td>200 meters</td> <td>200 meters</td> <td>500 meters</td> </tr> <tr> <td>Nesting Sites</td> <td>Oct 16 to Mar 31</td> <td>50 meters</td> <td>100 meters</td> <td>500 meters</td> </tr> </tbody> </table> <ul style="list-style-type: none"> <li>If burrowing owls are found within these recommended buffers and avoidance is not possible, CDFG (2012) states that evicting birds from burrows is considered a potentially significant impact under CEQA. If it is necessary for project implementation, burrow exclusion would be conducted by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. Mitigation would be implemented in the form of replacement of occupied burrows with artificial burrows at a minimum ratio of one burrow collapsed to one artificial burrow constructed (1:1) to mitigate for evicting burrowing owls and the loss of burrows. Burrowing owls may attempt to colonize or re-colonize an area that will be affected; thus, ongoing surveillance would be conducted at a rate that is sufficient to detect burrowing owls if they return.</li> </ul>	Location	Time of Year	Level of Disturbance			Low	Medium	High	Nesting Sites	April 1 to Aug 15	200 meters	500 meters	500 meters	Nesting Sites	Aug 16 to Oct 15	200 meters	200 meters	500 meters	Nesting Sites	Oct 16 to Mar 31	50 meters	100 meters	500 meters			
Location	Time of Year			Level of Disturbance																							
		Low	Medium	High																							
Nesting Sites	April 1 to Aug 15	200 meters	500 meters	500 meters																							
Nesting Sites	Aug 16 to Oct 15	200 meters	200 meters	500 meters																							
Nesting Sites	Oct 16 to Mar 31	50 meters	100 meters	500 meters																							
<b>MM-BR-1c</b>	<p><b>Swainson's hawk and white-tailed kite</b></p> <p>Adverse effects on nesting Swainson's hawks will be mitigated as follows:</p> <ul style="list-style-type: none"> <li>A qualified wildlife biologist will conduct surveys for nesting Swainson's hawk following the entire survey methodology developed by the Swainson's Hawk Technical Advisory Committee (2000) prior to any project construction activities.</li> <li>If project-specific construction activities will take place during the Swainson's hawk nesting season (March 1 through September 15) and active Swainson's hawk nests are present, a minimum 0.5-mile no-disturbance buffer will be delineated and maintained around each nest, regardless of when or how it was detected, until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant on the nest or parental care for survival.</li> </ul>	MID, qualified biologist, and construction contractor	Before and during construction	Reporting in accordance with CDFW requirements at the time of construction.																							

**Table 1. Mitigation Monitoring and Reporting Program**  
*Modesto Irrigation District Comprehensive Water Resources Management Plan*

Mitigation Measure Number	Mitigation Measure	Implemented		Monitoring or Reporting Action (if applicable)
		By	When	
	<ul style="list-style-type: none"> <li>In the event an active Swainson’s hawk nest is detected and a 0.5-mile no-disturbance buffer is not feasible, consultation with CDFW will occur to discuss how to implement the project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081, subdivision (b), will be necessary to comply with the California Endangered Species Act. Alternatively, the applicant can assume presence of Swainson’s hawk and obtain an ITP.</li> <li>Compensation for the loss of Swainson’s hawk foraging habitat as described in the CDFW Staff Report Regarding Mitigation for Impacts to Swainson’s Hawks (CDFG, 1994) will be provided to reduce impacts to foraging habitat to less than significant. The Staff Report Regarding Mitigation for Impacts to Swainson’s Hawks recommends that mitigation for habitat loss occur for any project proposed within 10 miles from known nest sites.</li> <li>If the project requires the removal of known Swainson’s hawk nest trees, even outside of the nesting season, they will be replaced with appropriate native tree species planting at a ratio of 3:1 at or near the project area or in another area that will be protected in perpetuity, to offset the local and temporal impacts of nesting habitat loss.</li> </ul> <p>Adverse effects on nesting white-tailed kite will be mitigated as follows:</p> <ul style="list-style-type: none"> <li>To avoid potential project-related impacts, prior to commencing project-related construction activities, a qualified avian biologist will conduct surveys for nesting white-tailed kites within areas of project activity and a 0.25-mile buffer.</li> <li>A minimum no-disturbance buffer of 0.25 mile will be delineated around active nests of white-tailed kites until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant on the nest or parental care for survival. MID will not allow reductions in the no-disturbance buffer size for white-tailed kites or any fully protected bird of prey species absent a compelling biological or ecological reason to do so. In the event that nesting white-tailed kites are detected during surveys, MID will consult with CDFW to discuss project implementation and take avoidance.</li> </ul>			
<b>MM-BR-1d</b>	<p><b>Tricolored blackbird</b></p> <p>Adverse effects on nesting tricolored blackbird colonies will be mitigated as follows:</p>	MID, qualified biologist, and construction contractor	Before and during construction	Reporting in accordance with CDFW requirements at the time of construction.

**Table 1. Mitigation Monitoring and Reporting Program***Modesto Irrigation District Comprehensive Water Resources Management Plan*

Mitigation Measure Number	Mitigation Measure	Implemented		Monitoring or Reporting Action (if applicable)
		By	When	
	<ul style="list-style-type: none"> <li>Project construction activities will be timed to avoid the avian nesting season of February 1 through September 15. However, if project activity that could disrupt nesting must take place during that time, a qualified biologist will conduct surveys for nesting tricolored blackbird no more than 10 days prior to the start of implementation to evaluate presence or absence of tricolored blackbird nesting colonies in proximity to project activities and to evaluate potential project-related impacts.</li> <li>If an active tricolored blackbird nesting colony is found during surveys, a minimum 300-foot no-disturbance buffer will be established, in accordance with CDFW's (2015) <i>Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015</i>, until the breeding season has ended or until a qualified biologist has determined that nesting has ceased and the young have fledged and are no longer reliant on the colony or parental care.</li> <li>In the event that an active tricolored blackbird nesting colony is detected during surveys, MID will consult with CDFW to discuss whether the project can avoid take and, if take avoidance is not feasible, to acquire an ITP pursuant to Fish and Game Code section 2081, subdivision (b), prior to any project activities.</li> </ul>			
<b>MM-BR-1e</b>	<p><b>Western pond turtle</b> Adverse effects on western pond turtle will be mitigated as follows:</p> <ul style="list-style-type: none"> <li>A qualified biologist will conduct focused surveys for western pond turtle within 10 days prior to project construction activities. In addition, focused surveys for nests will occur during the egg-laying season of March through August.</li> <li>Any western pond turtle nests that are discovered will remain undisturbed with a no-disturbance buffer maintained around the nest until the eggs have hatched and neonates are no longer in the nest or project areas. If western pond turtle individuals are discovered at the site during surveys or project activities, they will be allowed to move out of the area of their own volition without disturbance.</li> </ul>	Qualified biologist and construction contractor	Before and during construction	Reporting in accordance with CDFW requirements at the time of construction.

**Table 1. Mitigation Monitoring and Reporting Program**  
*Modesto Irrigation District Comprehensive Water Resources Management Plan*

Mitigation Measure Number	Mitigation Measure	Implemented		Monitoring or Reporting Action (if applicable)
		By	When	
<b>MM-BR-1f</b>	<p><b>California tiger salamander</b></p> <p>Adverse effects on California tiger salamander (CTS) will be mitigated as follows:</p> <ul style="list-style-type: none"> <li>• A qualified biologist will conduct a habitat assessment well in advance of project construction, to determine if any project area or its vicinity contains suitable habitat (upland or breeding) for CTS.</li> <li>• If the project area contains suitable habitat for CTS, a qualified biologist will evaluate potential project-related impacts to CTS prior to ground-disturbing activities using the USFWS (2003) <i>Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander</i>. The survey will include a 100-foot buffer around the areas in wetland and upland habitats that could support CTS.</li> <li>• Avoidance for CTS will include a minimum 50-foot no-disturbance buffer delineated around all small mammal burrows and a minimum 250-foot no-disturbance buffer around potential breeding pools within and adjacent to the project area. Any impacts that could alter the hydrology or result in sedimentation of breeding pools will be avoided.</li> <li>• If CTS occupy the project area and if take cannot be avoided, take authorization would be obtained prior to initiating project activities by acquiring an ITP pursuant to Fish and Game Code section 2081, subdivision (b), before project ground- or vegetation-disturbing activities occur. Alternatively, in the absence of protocol surveys, the applicant can assume presence of CTS within the project area and obtain an ITP.</li> </ul>	MID, qualified biologist, and construction contractor	Before and during construction	Reporting in accordance with CDFW requirements at the time of construction.
<b>MM-BR-1g</b>	<p><b>Vernal pool invertebrates</b></p> <ul style="list-style-type: none"> <li>• In advance of any project construction or modified hydrology occurring in non-cultivated areas, a qualified biologist will conduct protocol-level surveys in accordance with the USFWS (2017a) <i>Survey Guidelines for the Listed Large Branchiopods</i> at the appropriate time of year to determine the existence and extent of fairy shrimp and tadpole shrimp. If through surveys it is determined that these species are occupying or have the potential to occupy the project site, MID will consult with CDFW to determine appropriate avoidance and minimization measures, including adequate implementation of no-disturbance buffers.</li> <li>• Adverse effects on federally listed and other special-status vernal pool invertebrates will be mitigated through formal consultation with USFWS, with the likely consulting federal agency being USACE. In the event of no federal nexus, the District will coordinate directly with USFWS through Section 10 of the FESA.</li> </ul>	MID, qualified biologist, and construction contractor	Before and during construction	Reporting in accordance with CDFW requirements at the time of construction.



**Table 1. Mitigation Monitoring and Reporting Program***Modesto Irrigation District Comprehensive Water Resources Management Plan*

Mitigation Measure Number	Mitigation Measure	Implemented		Monitoring or Reporting Action (if applicable)
		By	When	
<b>MM-BR-1h</b>	<p><b>Valley elderberry longhorn beetle</b></p> <p>Adverse effects on valley elderberry longhorn beetle will be mitigated consistent with the <i>Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle (Desmocerus californicus dimorphus)</i> (USFWS, 2017b). The framework provides specific detail and guidance for the implementation of mitigation. Mitigation measures in the framework include the following:</p> <ul style="list-style-type: none"> <li>• Avoidance and minimization measures</li> <li>• Transplanting of elderberries</li> <li>• Monitoring</li> <li>• Compensatory mitigation measures</li> </ul>	MID, qualified biologist, and construction contractor	Before and during construction	Reporting in accordance with CDFW requirements at the time of construction.
<b>MM-BR-1i</b>	<p><b>Special-status bat species</b></p> <p>Adverse effects on special-status bat species will be mitigated as follows:</p> <ul style="list-style-type: none"> <li>• A qualified biologist will conduct a habitat assessment well in advance of project implementation to determine if the project area or its immediate vicinity contains suitable roosting habitat for special-status bat species.</li> <li>• If suitable habitat is present, presence of special-status bat roosts will be assessed by conducting surveys during the appropriate seasonal period of bat activity using methods such as evening emergence surveys or bat detectors to determine whether bats are present.</li> <li>• If bats are present, a 100-foot no-disturbance buffer will be established around the roost and a qualified biologist who is experienced with bats will monitor the roost for signs of disturbance to bats from project activity. If a bat roost is identified and work is planned to occur during the breeding season, a no-disturbance buffer to maternity roosts will be established, and CDFW will be consulted to determine measures to prevent breeding disruption or failure.</li> </ul>	Qualified biologist and construction contractor	Before and during construction	Reporting in accordance with CDFW requirements at the time of construction.
<b>MM-BR-1j</b>	<p><b>Special-status plant species</b></p> <p>Adverse effects on special-status plants will be mitigated as follows:</p>	MID, qualified biologist, and construction contractor	Before and during construction	Reporting in accordance with CDFW requirements at the time of construction.

**Table 1. Mitigation Monitoring and Reporting Program**  
*Modesto Irrigation District Comprehensive Water Resources Management Plan*

Mitigation Measure Number	Mitigation Measure	Implemented		Monitoring or Reporting Action (if applicable)
		By	When	
	<ul style="list-style-type: none"> <li>Individual project sites where construction activities will occur will be surveyed for special-status plants by a qualified botanist following the <i>Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities</i> (CDFW, 2018). This protocol, which is intended to maximize detectability, includes the identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. Because of the variations in annual rainfall, CDFW recommends plant surveys be conducted over one season (spring through fall) and repeated over two separate seasons to maximize detection of special-status plants.</li> <li>Special-status plant species will be avoided whenever possible by delineating and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then MID will consult with CDFW to determine appropriate minimization and mitigation measures for impacts to special-status plant species.</li> <li>If a state-listed plant species is identified during botanical surveys, MID will consult with CDFW to determine if the project can avoid take. If take cannot be avoided, take authorization is required. Take authorization would occur through issuance of an ITP, pursuant to Fish and Game Code section 2081, subdivision (b).</li> </ul>			
<b>MM-BR-1k</b>	<p><b>Least Bell's vireo</b>                      Adverse effects on least Bell's vireo will be mitigated as follows:</p> <ul style="list-style-type: none"> <li>A qualified biologist will conduct a habitat assessment in advance of any project construction activities, to determine where the project site or its immediate vicinity contains suitable habitat for least Bell's vireo.</li> <li>A qualified wildlife biologist will conduct surveys following the survey methodology developed by USFWS (2001) prior to initiation of project construction within the project area and implement a 500-foot buffer around the project area. In addition, if project construction will take place during the species' nesting season (April 1 through August 31), additional preconstruction surveys for active nests will be conducted by a qualified biologist no more than 10 days prior to the start of project activities such as construction or habitat removal.</li> </ul>	MID, qualified biologist, and construction contractor	Before and during construction	Reporting in accordance with CDFW requirements at the time of construction.

**Table 1. Mitigation Monitoring and Reporting Program***Modesto Irrigation District Comprehensive Water Resources Management Plan*

Mitigation Measure Number	Mitigation Measure	Implemented		Monitoring or Reporting Action (if applicable)
		By	When	
	<ul style="list-style-type: none"> <li>If a least Bell's vireo nest is found during protocol or preconstruction surveys, a minimum 500-foot no-disturbance buffer will be maintained until a qualified biologist has determined that the birds have fledged and are no longer reliant on the nest site or parental care.</li> <li>Impacts to known nest trees will be avoided at all times of year. Regardless of nesting status, if potential or known least Bell's vireo nesting habitat is removed, it will be replaced with appropriate native tree species, planted at a ratio of 3:1 (replaced to removed), in an area that will be protected in perpetuity, to offset the loss of nesting habitat.</li> <li>If a 500-foot no-disturbance nest buffer is not feasible, MID will consult with CDFW. Acquisition of an ITP for least Bell's vireo may be necessary prior to project implementation, to avoid unauthorized take, pursuant to Fish and Game Code section 2081, subdivision (b). Alternatively, the applicant can assume presence of least Bell's vireo within the project area and obtain an ITP.</li> </ul>			
<b>MM-BR-1I</b>	<p><b>Riparian brush rabbit and riparian woodrat</b></p> <p>Adverse effects on riparian brush rabbit and riparian woodrat will be mitigated as follows:</p> <ul style="list-style-type: none"> <li>Prior to project construction activities occurring in riparian habitat in proximity to the San Joaquin River or Stanislaus River, a qualified biologist will conduct protocol-level surveys in accordance with the USFWS (2022) <i>Draft Habitat Assessment Guidelines &amp; Survey Protocol for the Riparian Brush Rabbit and the Riparian Woodrat</i> at the appropriate time of year to determine the existence and extent of these species. If through surveys it is determined that riparian brush rabbit or riparian woodrat are occupying or have the potential to occupy the project site, MID will consult with CDFW to determine appropriate avoidance and minimization measures, including implementation of no-disturbance buffers.</li> <li>If riparian brush rabbit occupies the project area, and if take cannot be avoided, take authorization will be obtained prior to initiating project activities by acquiring an ITP pursuant to Fish and Game Code section 2081, subdivision (b), before project ground- or vegetation-disturbing activities occur. Alternatively, in the absence of protocol surveys, the applicant can assume presence and obtain an ITP.</li> </ul>	MID, qualified biologist, and construction contractor	Before and during construction	Reporting in accordance with CDFW requirements at the time of construction.

**Table 1. Mitigation Monitoring and Reporting Program**  
*Modesto Irrigation District Comprehensive Water Resources Management Plan*

Mitigation Measure Number	Mitigation Measure	Implemented		Monitoring or Reporting Action (if applicable)
		By	When	
<b>MM-BR-1m</b>	<p><b>Crotch bumble bee, Morrison bumble bee, and obscure bumble bee</b>                      Adverse effects on bumble bees will be mitigated as follows:</p> <ul style="list-style-type: none"> <li>• Small mammal burrows and thatched/bunch grasses within individual project sites where construction activities will occur will be surveyed for these species and their nests during the optimal flight period of April 1 through July 31 during the peak blooming period of preferred plant species prior to project implementation. Avoidance of detected queens or workers will be encouraged, to allow crotch bumble bee, Morrison bumble bee, and obscure bumble bee to leave the project site of their own volition. Avoidance and protection of detected nests prior to or during project implementation will be accomplished through delineation and observance of a 50-foot no-disturbance buffer.</li> <li>• Upon any detection of crotch bumble bee prior to or during project implementation, MID will consult with CDFW to discuss how to avoid take. If take cannot be avoided, take authorization would be obtained through issuance of an ITP, pursuant to Fish and Game Code section 2081, subdivision (b).</li> </ul>	MID, qualified biologist, and construction contractor	Before and during construction	Reporting in accordance with CDFW requirements at the time of construction.
<b>MM-BR-1n</b>	<p><b>Other state-listed species of special concern</b>                      Adverse effects on other state-listed species of special concern will be mitigated as follows:</p> <ul style="list-style-type: none"> <li>• A qualified biologist will conduct a habitat assessment in advance of project construction activities to determine if project areas or their immediate vicinity contain suitable habitat for American badger, Merced kangaroo rat, California legless lizard, Blainville’s horned lizard, and western spadefoot.</li> <li>• If suitable habitat is present, a qualified biologist will conduct focused surveys for applicable species and their requisite habitat features to evaluate potential impacts resulting from ground and vegetation disturbance.</li> <li>• Whenever possible, impacts will be avoided via delineation and observance of a 50-foot no-disturbance buffer around dens of mammals like the American badger as well as the entrances of burrows that can provide refuge for small mammals, reptiles, and amphibians.</li> </ul>	Qualified biologist and construction contractor	Before and during construction	Reporting in accordance with CDFW requirements at the time of construction.

**Table 1. Mitigation Monitoring and Reporting Program***Modesto Irrigation District Comprehensive Water Resources Management Plan*

Mitigation Measure Number	Mitigation Measure	Implemented		Monitoring or Reporting Action (if applicable)
		By	When	
MM-BR-2	<p><b>Wetland, vernal pool, and riparian habitats</b></p> <p>Adverse effects on wetlands, vernal pools, and riparian habitat will be mitigated as follows:</p> <ul style="list-style-type: none"> <li>Formal stream mapping and wetland delineation will be conducted by a qualified biologist or hydrologist, as warranted, to determine the baseline location, extent, and condition of streams (including any floodplain) and wetlands within and adjacent to the project area. Although there is overlap, state and federal definitions of wetlands differ, and complete stream mapping commonly differs from delineations used by USACE, specifically to identify the extent of waters of the United States. The wetland delineation will identify both state and federal wetlands in the project area as well as the extent of all streams, including floodplains, if present. Site map(s) depicting the extent of any activities that may affect wetlands, lakes, or streams will be included with any project site evaluations, to clearly identify areas where stream/riparian and wetland habitats could be affected from project activities.</li> <li>The potential direct and indirect impacts to stream/riparian and wetland/vernal pool habitat will be analyzed according to each project activity. Based on those potential impacts, any subsequent documents tiering off of this PEIR will also include measures to avoid, minimize, and/or mitigate those impacts. Impacts to riparian habitat, including biotic and abiotic features, will take into account the effects to stream function and hydrology from riparian habitat loss or damage, as well as potential effects from the loss of riparian habitat to special-status species already identified herein. Losses to vernal pools, swales, and other wetland or riparian habitats will be offset with corresponding habitat restoration incorporating native vegetation to replace the value to fish and wildlife provided by the habitats lost from project implementation. If onsite restoration to replace habitats is not feasible, offsite mitigation will be provided by restoring or enhancing in-kind riparian or wetland habitat and providing for the long-term management and protection of the mitigation area, to ensure its persistence.</li> </ul>	Qualified biologist and construction contractor	Before and during construction	Reporting in accordance with CDFW requirements at the time of construction.

**Table 1. Mitigation Monitoring and Reporting Program***Modesto Irrigation District Comprehensive Water Resources Management Plan*

Mitigation Measure Number	Mitigation Measure	Implemented		Monitoring or Reporting Action (if applicable)
		By	When	
<b>Chapter 3.5 Cultural and Tribal Cultural Resources</b>				
<b>MM-CUL-1</b>	<b>Conduct cultural resources inventory</b> The Proposed Program could cause a substantial adverse change in the significance of a cultural resource as defined in CEQA Guidelines §15064.5. During the planning and design phase for individual projects and prior to ground-disturbing activities, MID will appoint a qualified CRS to conduct an inventory of the project locations and make evaluations for cultural resources. The archaeological and architectural resources surveys will consist of intensive pedestrian surveys to assess impacts on cultural resources when ground disturbance will occur within previously undisturbed areas. The CRS will meet the Secretary of the Interior’s professional qualifications standards, as published in 36 CFR 61.	MID and qualified CRS	Before construction	Reporting in accordance with CEQA, SHPO, and NAHC requirements at the time of construction.
<b>MM-CUL-2</b>	<b>Monitoring plan</b> A qualified CRS will complete a construction monitoring program to be implemented according to recommendations. Monitoring and mitigation include required activities that may prescribe measures to ensure avoidance of resources, or compensate for the loss of significant cultural and tribal cultural resources because of unavoidable impacts resulting from the exigencies of a project’s construction. The objectives of monitoring are to protect extant historical resources and unique archaeological resources, to identify at the time of discovery any archaeological materials exposed during ground disturbance, and to protect such resources from damage until recommendations of eligibility for the CRHR can be made.	Qualified CRS and construction contractor	During construction	Reporting to regulatory agencies as defined in construction monitoring program.
<b>MM-CUL-3</b>	<b>Conduct cultural resources awareness training</b> A qualified CRS will prepare the cultural resources portion of the Worker Environmental Awareness Program, and worker environmental awareness training will be required for all personnel before working at construction sites. The training will emphasize and educate workers regarding sensitivity for cultural and tribal cultural resources on the site and procedures should such resources be encountered.	Qualified CRS and construction contractor	Before construction	MID to confirm trainings were held.  No applicable reporting action.
<b>MM-CUL-4</b>	<b>Protect resources upon discovery</b> If cultural resources are discovered during ground-disturbing activities, construction and maintenance work near the discovery would cease, and the area would be protected by a 50-foot buffer until the find could be evaluated by a qualified archaeologist. Mitigation measures recommended by the archaeologist will be implemented, and cultural resource mitigation measures will be consistent with guidance and standards in §15126.4 of the CEQA Guidelines. Protective measures may include avoidance and protection-in-place of the resource, as well as protecting the cultural character and integrity of the resource, protecting the traditional use of the resource, and protecting the confidentiality of the resource.	MID, qualified archaeologist, and construction contractor	During construction	A qualified archaeologist shall determine the significance of the discovery, evaluate the uniqueness of the find, and prepare a written report documenting the find and recommending further actions, if necessary.

**Table 1. Mitigation Monitoring and Reporting Program***Modesto Irrigation District Comprehensive Water Resources Management Plan*

Mitigation Measure Number	Mitigation Measure	Implemented		Monitoring or Reporting Action (if applicable)
		By	When	
<b>MM-CUL-5</b>	<b>Protect human remains upon discovery</b> If human remains are discovered, the discovery would be treated in accordance with the requirements of §7050.5(b) of the California Health and Safety Code. Pursuant to §7050.5(c) of the California Health and Safety Code. If the coroner determines that the human remains are of Native American origin, Stanislaus County would ensure that the discovery is treated in accordance with the provisions of PRC §5097.98(a) through (d).	Construction contractor and other county and tribal representatives, as appropriate	During construction	Reporting in accordance with Stanislaus County and NAHC requirements at the time of construction, as applicable.

## Notes:

CDFW = California Department of Fish and Wildlife

CFR = *Code of Federal Regulations*

CRHR = California Register of Historic Resources

CRS = Cultural Resources Specialist

CTS = California tiger salamander

FESA = federal Endangered Species Act

MM = Mitigation Measure

NAHC = Native American Heritage Commission

PRC = Public Resources Code

SHPO = State Historic Preservation Officer

USACE = U.S. Army Corps of Engineers

USFWS = U.S. Fish and Wildlife Service





**Appendix C**  
**Program Application and Agreement for the**  
**Long-Term Groundwater Replenishment Program**





**LONG-TERM GROUNDWATER REPLENISHMENT PROGRAM (“GRP”)**  
 Program Application and Agreement

<b>Applicant Information</b>				
Applicant Year:  Applicant Name:  Applicant Mailing Address:   Applicant Phone Number:				

Property Address Where Applicant Would Apply Water Provided by the GRP	Property APN#(s) Where Applicant Would Apply Water Provided by the GRP (“Applicable Land”)	Total Acreage Of Applicable Land	Total Acreage To Be Irrigated or For Conjunctive Use with Water Provided by the GRP	Crops To Be Irrigated with Water Provided by the GRP

(Attach additional addresses if more than one address exists for the Applicable Land.)

Proposed Method(s) of Irrigation:  
 \_\_\_\_\_

If a pump is used for irrigation, provide the pumping rate in Gallons Per Minute (“GPM”):  
 \_\_\_\_\_ GPM

Proposed MID conveyance facility from which GRP water will be delivered:  
 \_\_\_\_\_

**Estimated Fees:**

Category	\$ per Acre-Foot	Estimated af/acre	Total Acres	Cost
In-Lieu Water Mandatory Purchase of 12”	\$ 200			

In-Lieu Water (greater than 12” up to 48”)	\$ 200			
Conjunctive Use Water (12” up to 48”)	\$ 125			
Total Cost				

**GRP TERMS AND CONDITIONS**

**Background:** On August 8, 2023, Modesto Irrigation District (“MID”) Board of Directors (“Board”) Resolution 2023-40 authorized the form application and agreement for the Long-Term Groundwater Replenishment Program (“GRP”). Pursuant to Resolution 2023-40, the GRP will commence with the 2024 Irrigation Season, as set by MID Board, and will continue for a total of twenty (20) years. The GRP is a voluntary program that allows a participant to enroll and receive MID surface water in certain years to assist in the replenishment of groundwater within the Modesto Subbasin consistent with the Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Plan (“GSP”). At no time shall the GRP injure or take priority over MID’s in-district customers.

**1.0** In order to participate in the GRP, Landowners Applicable Land must be located within the Modesto Subbasin. Two types of water will be provided: 1) in-lieu water for irrigation purposes associated with agricultural production; or 2) conjunctive use water to be applied for direct recharge into the subbasin. An example includes but is not limited to water for urban use or recharge projects.

**2.0 Definitions:**

Applicant: The signatory authorized to execute this Application and Agreement

Applicable Land: Property where Applicant applies water provided by the GRP

Modesto Subbasin: The basin as defined by the GSP

In-Lieu Water: Replenishment water used for agricultural irrigation purposes only

Conjunctive Use Water: Coordinated use of surface and groundwater supplies to maximize the overall water resources and assist in improving overall health of the Modesto Subbasin

Replenishment Water: Any water made available through the GRP, including both In-Lieu and Conjunctive Use Water

Trigger Year(s): The time when MID shall make water available to GRP participants in accordance with sound management of its water portfolio. The trigger shall occur when MID sets a 42" uncapped allocation for the irrigation season

Minimum Quantity: The minimum amount of In-Lieu Water which must be purchased in each year GRP water is available (*i.e.*, a Trigger Year)

### **3.0 Terms:**

3.1 Participation in the GRP shall be limited to record owners of real property located within the Modesto Subbasin who meet all of the requirements and agree to comply with all terms and conditions set forth in this Agreement (“Landowner”).

- a. Execution of this Application and Agreement constitutes certification to MID that the signatory is authorized to execute this Application and Agreement on behalf of the Landowner and the Landowner shall provide adequate proof of his/her authority to execute this Application and Agreement concurrently with submittal of this Application and Agreement.
- b. Execution of this Application and Agreement constitutes certification to MID that the Landowner is in compliance with the Irrigated Lands Regulatory Program and/or the Dairy Program.
- c. All MID accounts for Landowner, if the Applicant is an existing MID customer, shall be current as of the date this Application and Agreement is executed by the Landowner and at all times thereafter while participating in the GRP.

3.2 Tenants or leaseholders are responsible for obtaining all property owner approvals as well as a copy of the title or grant deed to the applicable real property prior to any delivery of replenishment water. Irrespective of MID requiring confirmation of property ownership, tenants or leaseholders bear any and all responsibility to acquire property owner approvals as needed to participate in the GRP.

3.3 Properly executed Application and Agreement forms will be accepted by MID on a first come, first served basis for the first fifty percent (50%) of available water. The remaining available water will be held in reserve for distribution on a parity basis for applications received in the first thirty (30) days commencing with the setting of MID’s annual Water Allocation. All Application and Agreement forms are subject to water availability as conditions could change following submission of properly executed Application and Agreement forms.

3.4 Applicant and Landowner accept without condition that MID, at its sole discretion, will determine Landowner eligibility to participate in the GRP.

3.5 Landowner shall pay a one-time \$1,000.00 non-refundable application fee at the time this Application and Agreement is submitted to MID.

3.6 Landowner shall be responsible for securing and constructing any and all necessary or appropriate private encroachments through adjacent parcels for the delivery of replenishment water and any related regulatory approvals, if needed. MID shall have no obligation whatsoever related to Landowner acquiring necessary approvals to participate in the GRP.

3.7 MID is under no obligation, now or in the future, to furnish, construct or maintain any diversion or service structures or facilities that are located on real property subject to this Application and Agreement.

3.8 All private facilities necessary for participation in the GRP, which are located within MID rights-of-way, shall be installed at the Landowner's sole expense for installation and any necessary regulatory approvals. All plans for such facilities must be submitted to and approved by MID.

3.9 Landowner shall provide direct vehicle ingress and egress to MID and its agents during the term of this Application and Agreement.

3.10 Landowner shall be solely responsible for any and all permitting or other regulatory requirements necessary to participate in the GRP, including all Federal, State, County and/or local agency requirements.

3.11 Upon termination of this Application and Agreement, the Landowner shall pay all costs incurred with retiring and/or removing any and all facilities installed by or on behalf of Landowner to facilitate participation in the GRP which are no longer needed for replenishment water deliveries as determined by MID.

3.12 Landowner shall comply with the current Rules and Regulations Governing the Distribution of Irrigation Water in the Modesto Irrigation District, which may be modified by MID from time to time. Non-compliance with any policy or rule of MID may result in forfeiture of replenishment water deliveries and any other remedy available by law to MID.

3.13 Neither MID's approval of the Application nor Applicant's receipt of water through the GRP shall be construed as a guarantee, representation or promise that any participant in the GRP or any other Landowner outside of MID's irrigation boundary will ever receive any water in any subsequent year. Instead, Landowner accepts that the GRP is a voluntary, discretionary program during which water may only be made available during Trigger Years and/or that may come before the MID Board of Directors as hydrology warrants, and even if so, only upon approval by the MID Board of Directors to amend or alter the GRP for that particular year's irrigation season based upon hydrological conditions in any given year.

3.14 MID makes no representation, guarantee or warranty to Landowner regarding the availability of Replenishment Water or the quantity, quality, or delivery times of said water during Trigger Years. When MID schedules water deliveries, MID customers shall be given priority. The District retains full authority to revise the availability of Replenishment Water at its sole discretion based upon existing hydrological conditions and anticipated demands.

3.15 The GRP may be discontinued or modified for any reason at any time at MID's sole discretion. MID reserves the right to amend, add or otherwise withdraw the terms set forth in this Application and Agreement due to hydrologic and regulatory uncertainties, either of which enable MID to exercise its sole discretion which Applicant fully accepts. MID shall present the Program to the Board for consideration and discussion at a minimum of five year intervals with respect to Price and any other terms the Board wishes to revisit.

3.16 GRP monitoring shall be conducted consistent with the GSP monitoring program. GRP participants agree to fully cooperate with and provide any data required by the GSP monitoring program.

3.17 The Applicant shall warrant that water received through the GRP is put to reasonable and beneficial uses at all times. The use of In-Lieu water shall result in a net benefit to the groundwater supply by reducing the Applicant's reliance upon groundwater resources for agricultural crop activities. The use of conjunctive use water shall result in a net benefit to the groundwater supply by recharging the Modesto Subbasin.

#### **4.0 Price:**

4.1 In-Lieu Water Price: Landowners who are approved to participate in the GRP shall pay to MID \$200 per acre-foot of water delivered, with a minimum amount of 12" of water up to 48", under this Application and Agreement. Further, regardless of acreage signed-up and In-Lieu Water requested, a minimum \$500 charge must be paid in every Trigger Year. No GRP deliveries will be scheduled until MID receives payment equal to 50% of the total estimated amount owed, along with the one-time, non-refundable application fee identified above. The price will be automatically increased annually based on the percentage increase that occurs, if one in fact occurs, in MID's approved Water Operations O&M annual budget for that irrigation year.

- a. **Guaranteed Minimum Purchase:** In Trigger Years where water is available for the GRP, Landowner is required to purchase a minimum 12" per irrigated acre (Minimum Quantity). Irrigated acreage will be confirmed by MID. In non-trigger years (*i.e.*, no 42" uncapped allocation for MID customers) or when out-of-district deliveries are otherwise curtailed or suspended by Board action, no Minimum Quantity is required to be purchased and a refund or credit will be provided for any In-Lieu Water already paid for and not delivered due to the Board action resulting in curtailment or suspension that year.
- b. The receipt and use of In-Lieu Water shall be for agricultural irrigation purposes only, and the Landowner shall warrant that the water received is put to reasonable and beneficial uses at all times. Non-beneficial uses include, but are not limited to, water used for lawns, pasture without livestock benefit, hunting and/or wildlife habitat, recreational ponds, and other uses or practices as determined solely by MID. Water shall not be used directly or indirectly for any domestic, commercial or industrial purposes. MID shall not be responsible for any improper uses of water set forth above nor for any waste of water.

- c. The receipt and use of In-Lieu Water through the GRP is limited to use upon the Applicable Land specified in this Application and Agreement, all of which must be solely reliant upon groundwater from the Modesto Subbasin. GRP participants are prohibited from transferring or reselling Replenishment Water and groundwater from Applicable Lands.
- d. Consistent with the intent of the GRP, Applicant agrees to refrain from use of groundwater resources on any Applicable Land subject to this Application and Agreement during the period In-Lieu Water is available and/or shall use the In-Lieu Water in conjunction with other available water sources such that the overall reliance on groundwater is reduced during the period of time the In-Lieu Water is available thereby resulting in an overall net benefit to the Modesto Subbasin groundwater.
- e. MID is under no obligation in the future to enter into subsequent agreements for the irrigation of lands outside MID's irrigation boundary, irrespective of hydrologic or regulatory conditions and whatever improvements or efforts undertaken by an Applicant who in previous years received GRP water.
- f. In order to receive water deliveries, all accounts must be current and in good standing prior to delivery. Unpaid balances, should they occur, shall be considered delinquent 31 days after invoicing. Termination from the Program may occur at MID's discretion as a result of delinquent payments. Additionally, all unpaid balances shall accrue interest and penalties as set forth in the MID Rules and Regulations.

4.2 Conjunctive Use Water Price: Landowners who are approved to participate in the GRP shall pay to MID \$125 per acre-foot of water delivered, with a minimum amount of 12" and up to 48" of water, under this Application and Agreement. Further, regardless of acreage signed-up and Conjunctive Use Water requested, a minimum \$500 charge must be paid in every Trigger Year. No GRP deliveries will be scheduled until MID receives payment equal to 50% of the total estimated amount owed, along with the one-time, non-refundable application fee identified above. The price will be automatically increased annually based on the percentage increase that occurs, if one in fact occurs, in MID's approved Water Operations O&M annual budget for that irrigation year.

- a. The receipt and use of Conjunctive Use Water shall be for any reasonable and beneficial use consistent with the provisions of Water Code section 1242, and the Landowner shall warrant that the water received is put to reasonable and beneficial uses at all times. MID shall not be responsible for any improper uses of water set forth above.
- b. The receipt and use of Conjunctive Use Water through the GRP is limited to use upon the Applicable Land specified in this Application and Agreement. GRP participants are prohibited from transferring or reselling Replenishment Water and groundwater from Applicable Lands.



- c. Consistent with the intent of the GRP, Applicant agrees to refrain from use of groundwater resources on any Applicable Land subject to this Application and Agreement during the period Conjunctive Use Water is available and/or shall use the Conjunctive Use Water in conjunction with other available water sources such that the overall reliance on groundwater is reduced during the period of time the Conjunctive Use Water is available thereby resulting in an overall net benefit to the Modesto Subbasin groundwater.
- d. MID is under no obligation in the future to enter into subsequent agreements for the irrigation of lands outside MID's irrigation boundary, irrespective of hydrologic or regulatory conditions and whatever improvements or efforts undertaken by an Applicant who in previous years received GRP water.
- e. In order to receive water deliveries, all accounts must be current and in good standing prior to delivery. Unpaid balances, should they occur, shall be considered delinquent 31 days after invoicing. Termination from the Program may occur at MID's discretion as a result of delinquent payments. Additionally, all unpaid balances shall accrue interest and penalties as set forth in the MID Rules and Regulations.

## **5.0 Length of Program:**

5.1 The GRP shall be a twenty year program beginning with the first irrigation season following adoption and completion of any applicable California Environmental Quality Act requirements. The Program's length is consistent with and in support of the GSP and the Sustainable Groundwater Management Act compliance timelines and provisions.

## **AGREEMENT**

Landowner agrees to comply with the Long-Term Groundwater Replenishment Program Terms and Conditions set forth above and with MID's Rules and Regulations Governing the Distribution of Irrigation Water within the Modesto Irrigation District, all of which are incorporated herein by reference and are available upon request if not already in the possession of the Landowner.

Landowner warrants and represents that Landowner is legally entitled to enter into this Agreement.

This Agreement is entered into solely for the benefit of Landowner and MID. Neither Landowner nor MID shall assign this Agreement nor any of the rights, interests or obligations hereto. Provided that in the event of the death of any Landowner, the assignment of such deceased Landowner's share or interest in the Agreement by probate proceedings or through the laws of succession of the State of California, shall not constitute a breach of this condition against assignment, provided the transferee of such share or interest shall promptly acknowledge that he or she is bound by the terms and conditions hereof.

This Agreement may be executed in counterparts, with each deemed an original, and all of which taken together shall constitute a single instrument, constituting the entire agreement between the parties with respect to the matters contained herein.

Landowner will defend, indemnify, and hold MID and its directors, officers, representatives, agents and employees and each of them from and against any and all claims, damages, losses, judgments, liabilities, expenses, and other costs, including regulatory challenges and litigation costs and attorney’s fees, arising out of or resulting from, or in connection with the performance of this Application and Agreement or in any manner associated with Landowners’ participation in the GRP.

I, the undersigned, do hereby attest that I have accurately represented my identity, that I am the owner of the Applicable Land subject to this Application and Agreement, and that I am duly authorized to execute this Agreement and participate in the GRP.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge and that this verified Application and Agreement was executed in Stanislaus County on \_\_\_\_\_, 20\_\_.

*The parties hereby execute this Agreement as of the date below.*

**LANDOWNER**

**MODESTO IRRIGATION DISTRICT**

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

(If more than one Landowner, attach additional Landowner signature pages)

**FOR MID USE ONLY:**

(Circle One) <u>Approval / Rejection</u>	Date: _____	Name: _____ Title: _____
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