Addendum to the Initial Study/ Mitigated Negative Declaration for Del Puerto Creek Sediment Removal Project

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California Department of Water Resources

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Introduction

The Department of Water Resources (DWR), as the Lead Agency under the California Environmental Quality Act (CEQA), for the Del Puerto Sediment Removal Project adopted a Final Initial Study and Mitigated Negative Declaration (IS/MND) and filed a Notice of Determination (NOD) documenting project approval on April 29, 2015(SCH. 2015032042; Appendix A and Appendix B respectively).

The project as originally described was intended to encompass routine maintenance activities following the initial sediment removal effort, and included the acquisition of permits including:

• US Army Corps of Engineers (ACOE) Nationwide Permit 3 – Routine Maintenance Activities pursuant to Section 404 of the Federal Clean Water Act.

• US Fish and Wildlife Service (USFWS) – Endangered Species Act (ESA) Section 7 Consultation

• California Department of Fish and Wildlife Region 4 (CDFW) - Streambed Alteration Agreement pursuant to Section 1602 of the California Department of Fish and Game Code.

• Regional Water Quality Control Board (RWQCB) Region 5 - Water Quality Certification pursuant to Section 401 of the Federal Clean Water Act.

• RWQCB – Waste Discharge Requirement (WDR) pursuant to Section 402 of the Federal Clean Water Act

• RWQCB - National Pollutant Discharge Elimination Systems (NPDES) Construction General Permit Low Erosivity Waiver

• DWR Real Estate – Temporary Entry Permit

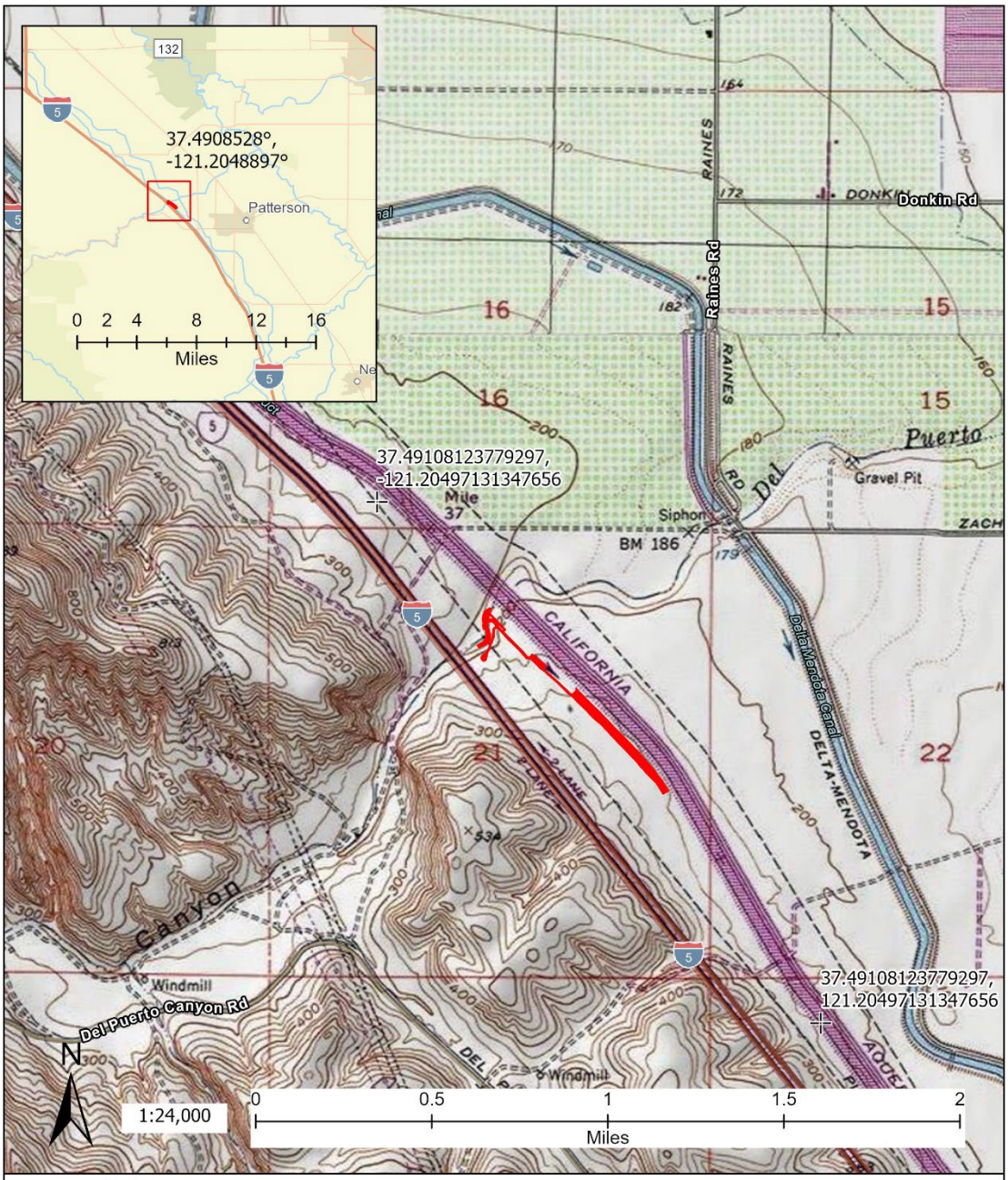
Purpose

Due to delays in conducting regular maintenance activities which resulted in slight changes to the project scope and the need to obtain new permits for current and future maintenance needs, DWR is preparing this addendum to document that these minor changes do not result in significant impacts on the environment as demonstrated in the 2015 Final IS/MND. Furthermore, sections that were not part of the 2015 IS/MND environmental checklist,

including energy, tribal cultural resources and wildfire are thoroughly reviewed below in this addendum.

Project Description

The Del Puerto Creek Sediment Removal Project is located between Interstate 5 and the Governor Edmond G. Brown California Aqueduct, approximately 4 miles northwest of the city of Patterson, Stanislaus County, California. The proposed project is within Section 21, Township 5 South, Range 7 East of the Mount Diablo Meridian, in the "Patterson, CA" 7.5-minute U.S. Geological Survey (USGS) topographic quadrangle (quad) at Latitude 37.4910, Longitude -121.2047. Elevation on the site ranges from approximately 241 feet above mean sea level (msl) along the top of the levee to approximately 191 feet above msl at the low flow channel of the stream (Figure 1).



Del Puerto Creek, an intermittent creek that historically drains into the San Joaquin River, passes under the California Aqueduct (CAAQ) through a concrete underchute structure approximately 6 miles downstream of the creek. The concrete underchute structure for Del Puerto Creek consists of a 16-foot diameter culvert, wing walls, a head wall, an end wall, and concrete aprons on the inlet and outlet. The inlet apron extends approximately 53 feet from the opening of the culvert, upstream into the creek. Additionally, 278 feet of the channel was engineered and altered as part of the original structure. During high flow events, sediment and gravel are deposited in front and on top of the inlet apron via natural fluvial processes thereby reducing channel capacity and the ability of the underchute to convey natural streamflow past the CAAQ, which in turn threatens the integrity of the CAAQ levee.

In 2015, DWR prepared an ISMND to analyze the potential environmental effects of maintenance activities to Del Puerto Creek to remove the silt/cobble from 200 feet upstream of the underchute's inlet and returning the drainage to its intended condition at or slightly below the level of the concrete apron. The project included improvements to access roads, sediment removal, access ramp improvements, bank stabilization, and improvements to an adjacent drainage ditch that channels runoff from the CAAQ levee directly into the creek. After the initial sediment removal, DWR intended that biennial maintenance would occur to keep the drainage to its intended condition.

As a result of delays to the planned biennial maintenance, DWR proposes to extend sediment removal and bank stabilization by 278 feet for a total of 478 feet of the channel sediment removal directly adjacent to the inlet apron on the upstream portion of Del Puerto Creek. Sediment removal will include bank stabilization efforts, removal of an invasive tree, and the stabilization of 50 feet of impacted area with clean imported soil and rip-rap (Table 1). Additionally, a ramp will be repaired and temporarily extended into the channel during the project to allow equipment access into the channel; the rock drainage adjacent to the channel will be repaired as needed; the access road will be improved as needed; and spoils will be disposed nearby (Figure 2).

Table 1: Summary of Changes to Project Features and Footprint, in acres

Feature	2015 Final IS/MND Maximum area (acres)	Proposed Changes Maximum Area (acres)
Access road improvements	0.938	0.695
Access ramp improvement	0.132	0.049
Sediment removal from creek bed	0.207	0.479
Sediment removal from underchute structure	0.053	0.037
Bank stabilization and invasive tree tobacco removal (proposed change)	0.027 (south side); < 0.037 (north side); Total rip-rap below OHWM: 0.0138	Soil fill: 0.018; Rip-rap:0.005
Rocked drain repair	0.033	0.058
Spoils site	0.067	3.274
Unimproved staging area	0.313	0.195
Total affected area	1. 807	4.81
Total affected area outside of waterway	1.547	4.294

Figure 2: Del Puerto Sediment Removal Project Footprint

Environmental Checklist

The Environmental Checklist for CEQA has additional sections that were not present during the preparation of the Final 2015 IS/MND. These additional sections are italicized below for emphasis and are fully analyzed in the subsequent Environmental Analysis section.

☐ Aesthetics	☐ Agricultural & Forestry	☐ Air Quality
☒ Biological Resources	☒ Cultural Resources	☐ *Energy*
☐ Geology Soils	☐ Greenhouse Gas	☒ Hazards & Hazardous Materials
☒ Hydrology/Water	☐ Land Use/Planning	☐ Mineral Resources
☐ Noise	☐ Population/Housing	☐ Public Services
☐ Recreation	☐ Transportation	☒ *Tribal Cultural Resources*
☐ Utilities/Service	☐ *Wildfire*	☒ Mandatory Findings of

Environmental Determination

This Addendum was prepared to evaluate the proposed changes to the original project as described in the March 2015 Final IS/MND for the Del Puerto Sediment Removal Project, as required by CEQA Guidelines sections 15162 and 15164 and Public Resources Code section 21166. Based on this analysis, DWR has determined that the proposed changes would not have any new potentially significant environmental effects not already addressed in the March 2015 Final IS/MND. Mitigation measures that were previously adopted and made a part of the Approved Project would continue to be implemented to avoid, minimize and mitigate potential impacts to environmentally sensitive resources as a result of the Approved Project and the Proposed Changes.

Environmental Analysis

The following section will evaluate impacts to each CEQA checklist item as it relates to the proposed project changes described in this Addendum.

Aesthetics

The project site is located within view of the West Side Freeway, a section of Interstate 5 (I-5) through San Joaquin and Stanislaus counties that is a designated scenic highway (CalTrans 2021). Del Puerto Creek in the vicinity of the proposed project and the scenic highway contains no trees, is a seasonally dry creek with a cobble bottom, and flows through an underchute of the Aqueduct with a wide concrete apron. The habitat adjacent to the creek consists largely of annual grasses and sparse shrubs in a low area between the raised I-5 and the Aqueduct levee. The surrounding landscape consists of rolling hills to the west and south, orchard to the north and east beyond the aqueduct, some of which is no longer in production.

Would the project have a substantial adverse effect on a scenic vista?

Less-than-significant impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as no views will be blocked by the construction, and although the spoils area will be located closer to the project site between Interstate 5 and the California Aqueduct, the topography of the land that lies between the Interstate and the spoils area are such that the spoils will not block or alter the view of the Aqueduct from the Interstate and therefore the project activities would not alter the overall view of the landscape. Additionally, the project is short in duration.

Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Less-than-significant impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as the project activities would not damage any scenic resources.

In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Less-than-significant impact. The proposed changes to the project do not

alter the determination in the 2015 Final IS/MND as the project activities would not alter the overall view of the landscape, specifically as it is experienced from publicly accessible vantage points.

Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?
No impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as the project would not create any additional lighting and all work will be conducted during daytime hours.

Conclusion
The proposed changes do not alter the determination of the 2015 Final IS/MND.

Agricultural & Forestry

The project site is surrounded by ruderal undeveloped grasslands, the California Aqueduct, I-5, and agricultural land. The proposed project would be located on DWR property associated with the Aqueduct and utilizes an existing access road on an adjacent private property mapped as Prime Farmland.

Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
Less-than-significant impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as no farmland will be converted as a result of the project activities.

Would the project conflict with existing zoning for agricultural use or a Williamson Act contract?
No impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as the land surrounding the project site is not enrolled land under the Williamson Act. Therefore, there would be no impact to existing zoning for agricultural use or a Williamson Act contract.

Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?
No impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as no forest land or timberland exists on, or adjacent to the project site. As such, no forest land or timberland would be impacted by the construction of the project.

Would the project result in the loss of forest land or conversion of forest land to non-forest use?
No impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as the project site does not include any forest land. Therefore, there would be no impact.

Would the project involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?
No impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as proposed activities would not

alter the existing land use of the project site and no impacts to farmland or forest land would occur. Therefore, there would be no impact.

Conclusion

The proposed changes do not alter the determination of the 2015 Final IS/MND.

Air Quality

The proposed project is located in Stanislaus County, which is within the San Joaquin Valley Air Basin (SJVAB) and is under jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD).

The SJVAB is designated as a nonattainment/extreme area for the state 1-hour ozone standard and federal 8-hour ozone standard, nonattainment for the state 8-hour ozone standard, the state PM10 standard, and the state and federal PM2.5 standards. The SJVAB is considered an attainment area or unclassified for federal PM 10 and the other criteria pollutants (SJVAPCD 2021).

To meet federal Clean Air Act requirements, the SJVAPCD has adopted a 2020 Reasonably Available Control Technology (RACT) Demonstration for the 2015 8-Hour Ozone Standard (2020), a 2007 PM10 Maintenance Plan and Request for Redesignation (2007), and 2018 Plan for the 1997, 2006, and 2012 PM2.5 Standards (SJVAPCD 2018).

Current air quality thresholds of significance for the SJVAPCD are:

Pollutant/ Precursor	Construction Emissions (tpy)	Operations Emissions for Permitted Equipment/Activities (tpy)	Operations Emissions for Non-permitted Equipment/Activities (tpy)
CO	100	100	100
NOx	10	10	10
ROG	10	10	10
SOx	27	27	27
PM10	15	15	15
PM2.5	15	15	15

Source: SJVAPCD 2015a

Does the project conflict with or obstruct implementation of the applicable air quality plan?

Less-than-significant impact. Activities conducted in Stanislaus County are required to comply with provisions of the SJVAPCD Rules and Regulations and Air Quality Plans that maintain compliance with federal standards for ozone, PM10 and CO. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as they would only result in minor changes to VMT as a result of construction equipment on the project site compared to the original project description, and operational emissions associated with the proposed changes would not exceed the SJVAPCD thresholds of significance.

Would the project result in a cumulatively considerable net increase of any project region is non-attainment under an applicable federal or state ambient air quality standard?

Less-than-significant impact with mitigation incorporated. The SJVAPCD's published Guide for Assessing Air Quality Impacts (SJVAPCD 2015b) requires the quantification of construction emissions using the latest available approved models, this requirement is not needed if the project is deemed to be less than significant based upon a Small Project Analysis Level (SPAL) which can be determined using the tool provided by the district. The level of significance for SPAL is 18,278 hp-hr, which is the level calculated for the construction of a 250-unit construction project (SJVAPCD 2012). The proposed changes to the project would not exceed this threshold and therefore do not require quantification, and do not alter the determination in the 2015 Final IS/MND as the continued implementation of the mitigation measures outlined in the 2015 Final IS/MND constitute sufficient mitigation to reduce construction-related PM10 emissions to less-than-significant levels and minimize adverse air quality effects.

Expose sensitive receptors to substantial pollutant concentrations?

Less-than-significant impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as project changes will not result in changes to the closest sensitive receptor identified from the prior project, which is approximately 1.1 miles away.

Result in other emissions such adversely affecting a substantial number of people?

Less-than-significant impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as the proposed changes will not generate any additional odors beyond those described in the 2015 Final IS/MND.

Conclusion

The proposed changes do not alter the determination of the 2015 Final IS/MND.

Biological Resources

The project site is located in eastern Stanislaus County, within the San Joaquin Valley Subregion of the Great Central Valley Geographic region of California (Jepson Flora Project 2021). The regional climate is generally Mediterranean in nature with warm, dry summers and rainy winters. The San Joaquin Valley Subregion is typically dryer and hotter than other areas of the central valley due to the lack of coastal weather influences associated with the Sacramento-San Joaquin River Delta.

Del Puerto Creek is located within the Lower Del Puerto Creek watershed, which meets the Kern Canyon-San Joaquin River watershed, and eventually drains into the San Joaquin River Delta and the Pacific Ocean.

Hydrology within the project site is largely influenced by the levee of the Aqueduct to the east, as well as the berm of I-5 to the west. These two features create a valley where water is channeled into the section of Del Puerto Creek within the project site. Water is further routed to the creek via the rock drain that channels runoff from the Aqueduct levee directly to the creek bed. Water then flows east through the concrete underchute structure and along Del Puerto Creek to the confluence of the San Joaquin river, approximately 6 miles northeast of the project site.

DWR biologists compiled an updated list of sensitive species and plant communities that have the potential to occur in the project area. The list was developed from a review of the following sources:

- USFWS IPAC Resource List. Accessed Sept 1, 2021 (USFWS 2021);
- The California Native Plant Society's (CNPS) Online Inventory of Rare and Endangered Plants within "Patterson, CA" 7.5-minute US Geological Survey (USGS) quadrangle (quad) and the eight surrounding quads (Solyo, Westley, Brush Lake, Copper Mountain, Crows Landing, Wilcox Ridge, Orestimba Peak, and Newman) Accessed Sept 1, 2021 (CNPS 2021; and
- California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB) within "Patterson, CA" 7.5-minute USGS quad and the eight surrounding quads. Accessed September 1, 2021 (CDFW 2021a).

Updated field surveys were conducted at the project site on March 22, April 24, and July 12, 2021. The site was surveyed via meandering transects, focusing on areas of potential impacts and/or sensitive habitats.

Habitat Types

Dominant habitat types within the proposed project footprint include non-native annual grassland, sagebrush scrub, and riverine. Each of these habitat types is described further below.

The project area is comprised of a portion of Del Puerto Creek, an ephemeral channel with steep partially eroding and rip-rap lined banks, located between the CAAQ and Interstate 5 (I-5). The creek bed is characterized by a meandering cobble lined low flow channel bordered with deposited soil and gravel from high flow events. There is some ruderal vegetation within the channel bed but most of the vegetation grows along the banks. Sporadic vegetation in the channel bed included gumplant (Grindelia camporum), salt heliotrope (Heliotropium curassavicum), and sunflower (Helianthus annuus). Vegetation on the banks consisted of primarily of California sagebrush (Artemisia californica), mustard (Hirschfeldia incana), perennial pepperweed (Lepidium latifolium), Italian thistle (Carduus pycnocephalus), and tree tobacco (Nicotiana glauca). The invasive tree tobacco plants are in an area approximately 18 feet by 5 feet in length. Small burrows and cracks are found along the channel banks.

The access roads, rock drain, and staging area are upland of the creek. Habitat in this area consists of non-native annual grasses dominated by non-native annual grassland dominated by bromes (Bromus spp.) and wild oat (Avena spp.). Scattered California sagebrush (Artemisia californica; UPL) also occurs in these areas.

The spoils area is composed of what appears to be gravel, mollusk shells, and soil from natural deposition. Low lying vegetation is sparse throughout the spoils area. Along the north side of the spoils area is a v-ditch filled with non-native annual grasses and other ruderal vegetation. The north side of the spoils area is a steep bank also filled with non-native annual grasses and other ruderal vegetation. A multitude of burrows are found within this bank.

Special Status Species

For the purposes of this Initial Study, special status has been defined to include those species that meet the definitions of rare or endangered plants or animals under CEQA including species that are:

- Listed as endangered or threatened under the FESA (or formally proposed for, or candidates for, listing);
- Listed as endangered or threatened under CESA (or proposed for listing);

- Designated as endangered or rare, pursuant to California Fish and Game Code Section 1901;
- Designated as fully protected, pursuant to California Fish and Game code Sections 3511, 4700, or 5050;
- Designated as a species of special concern to the CDFW; or
- Included in California Native Plant Society's Inventory of Rare Plants (Rare Plant Rank 1 through 4).

An updated table located in Appendix A provides a summary of regionally occurring special-status species based on queries of the CNDDB, the CNPS database, as well as a species list from the USFWS. The presence of each species or its habitat during the biological surveys is used as the rationale to determine if the species has the potential to occur within the project area. Special-status species without potential to occur within the project area are not discussed further. Based on this analysis, a total of six plants and nine special-status wildlife species with the potential to occur within the project area. Two species were not previously discussed in the 2015 Final IS/MND, and therefore are discussed in detail below.

Foothill Yellow-legged Frog (*Rana boylii*)

Foothill yellow-legged frog, West/Central Coast clade, is listed as endangered under CESA and is not listed under FESA. The West/Central Coast clade has a current range that encompasses the region south from the San Francisco Bay in the Diablo Range through the Coast Range to Salinas Valley and includes Stanislaus County west of the California Aqueduct (Aqueduct), and east draining creeks from the Coast range that flow under the Aqueduct (CDFW 2019). Foothill yellow-legged frogs are rough skinned grey, reddish, brown or olive, small to medium sized, frogs with faint dorsolateral folds. There is often yellow coloration on the ventral surface of the hind legs, and white with mottling on the chin, throat and chest (Thomson et al 2016). Foothill yellow-legged frogs are found primarily in streams and rivers, and breed in the springtime in the shallow portions of rivers or streams, often near confluences with tributaries, characterized by cobblestone substrate which is used for egg deposition. Tadpoles metamorph before winter rains, in the late summer early fall. Metamorphs and adults will use various habitats within the rivers and streams, including riffles and runs, and will move into tributaries or upland habitat to avoid flooding events following heavy winter rains (Thomson et al 2016). Little is known about upland habitat use.

The nearest documented CNDDB record for this species is approximately 3 miles away, upstream of the project area in Del Puerto Creek. Foothill

yellow-legged frog has a moderate potential to occur within the project area when there is water in the creek, based upon the presence of suitable seasonal aquatic habitat, however all project activities will occur during the dry season when frogs are not expected to be present, and with the incorporation of mitigation measures outlined in the 2015 Final IS/MND for the Del Puerto Creek Sediment Removal Project, impacts to this species as a result of construction activities would be less than significant.

Crotch Bumblebee (*Bombus crotchii*)
Crotch bumble bee has a NatureServe ranking of G3G4/S1S2 and a Candidate Endangered species under CESA but is not listed under FESA (CDFW 2021b). This species is a colonial nesting bee. The current range of this species in California is central and southern coastal California to the Sierra-Cascade Crest, and south into Baja Mexico. Habitat for this species consists of open grassland and scrub, and food plants include Asclepais, Chaenactis, Lupinus, Medicago, Phacelia, and Salvia (Williams et al. 2014; Hatfield et al 2015). Like most other species of bumble bees, Crotch bumble bees typically nest in underground cavities such as animal burrows, though nests have also been reported from above-ground structures that provide suitable cavities. Colonies are established by mated queens who produce female workers to forage for pollen and nectar, defend the colony, and feed developing larvae, with individual colonies remaining active for only one season (Koch et al. 2012). Colonies emerge in spring from overwintering. Males will perch in search of mates, and chase moving objects.

The nearest documented CNDDB record for this species is less than 3 miles away in the vicinity of Patterson. Crotch bumble bee has moderate potential to occur within the project area based on the presence of suitable habitat, however with the incorporation of mitigation measures outlined in the 2015 Final IS/MND for the Del Puerto Creek Sediment Removal Project, impacts to this species as a result of construction activities would be less than significant.

Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game and the U.S. Fish and Wildlife Service?

Less than significant with mitigation incorporated. As discussed above, the project area provides potentially suitable habitat for the following special-status species, in addition to those discussed in the 2015 Final IS/MND: Foothill yellow-legged frog and crotch bumble bee. However, evaluation of

these two additional species as well as the changes to the project do not alter the determination in the 2015 Final IS/MND as mitigation measures outlined in that document will continue to be implemented and are sufficient to ensure that impacts to special-status species through habitat modification will remain less than significant.

Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?

Less-than-significant impact with mitigation incorporated. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as the project changes will not result in the loss of any riparian habitat or sensitive natural community and will result in the restoration of natural flow in the channel. Furthermore, mitigation measures outlined in the 2015 Final IS/MND will continue to be implemented.

Would the project have a substantial adverse effect on federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Less-than-significant impact with mitigation incorporated. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND, because although these activities will result in temporary impacts to the bed of the creek, as well as permanent impacts to the banks of the creek, project changes will result in the restoration of natural flow in the channel, and mitigation measures outlined in the 2015 Final IS/MND will continue to be implemented.

Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Less-than-significant impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as construction activities will be temporary in nature, are designed to restore the functions of the stream channel to levels that existed prior to the sediment accumulation, will not block wildlife movement across the creek, and will be conducted during the dry season as to reduce impacts to migratory fish and amphibian species.

Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No impact. The Stanislaus County General Plan was updated and adopted of August 23, 2016 (Stanislaus County 2015) and contains several goals and policies for the protection of natural resources including waterways and sensitive species. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as the project will continue to implement mitigation measures as described in the 2015 Final IS/MND as stipulated in Policy Three of the Stanislaus County General Plan Conservation/Open Space Element, and the project area does not include any oak woodland or other native hardwood habitat specified by Policy Four of the Stanislaus County General Plan Conservation/Open Space Element.

Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No impact. During the preparation of the 2015 Final IS/MND, it was understood that planning for a multi-species HCP/NCCP for Western Stanislaus County was currently underway, however, this HCP has not been completed, nor have any other HCPs that incorporate the project location, and therefore the proposed changes to the project do not alter the determination in the 2015 Final IS/MND.

Conclusion
The proposed changes do not alter the determination of the 2015 Final IS/MND.

Cultural Resources

A full cultural resources effects analysis was conducted in April of 2013 for the 2015 Final IS/MND. DWR Cultural Resources staff conducted an additional field survey on March 22, 2021, and an updated Cultural Resources Review Report was prepared on July 21, 2021 (Appendix E). The 2013 cultural resources review found that the project footprint was adjacent to the CAAQ, with the spoils location on top of the CAAQ's levee. No other cultural resources were identified or recorded within the project footprint. The 2021 project moved the spoil location away from the levee, and as a result, the 2021 cultural resources study identified no cultural resources within the project footprint, with the CAAQ adjacent to it.

Would this project cause a substantial adverse change in the significance of a historical resource pursuant to section 15064.5?

Less-than-significant impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as the project activities are still designed to prolong the efficiency and function of the waterway and associated features and are in compliance with the regular maintenance work currently being implemented along the Aqueduct. All activities are envisioned to keep the Aqueduct operating as it was historically, moving and delivering water. The proposed activities follow the Secretary of the Interior's Standards for the Treatment of Historic Properties and will not materially alter in an adverse manner those physical characteristics that convey the Aqueduct's historical significance and that justify its inclusion in the California Register of Historical Resources under criteria 1 or 3.

Would this project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Less-than-significant impact with mitigation incorporated. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as the findings of the updated field site visit did not alter the findings of the initial site visits conducted for the 2015 Final IS/MND that no cultural resources were identified within the project footprint. Furthermore, the mitigation measures outlined in that document, CUL-1: Halt Ground-Disturbing Construction Activities if Cultural Materials are Discovered and CUL-2: Halt Construction Activities if Any Human Remains Are Discovered, will continue to be implemented.

Would this project disturb any human remains, including those interred outside of formal cemeteries?

Less-than-significant impact with mitigation incorporated. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as no evidence of human remains at the project site was found in documentary research, and it is extremely unlikely that buried human remains are present due to the heavily disturbed ground at the project footprint. Additionally, the mitigation measure CUL-2 states that, as outlined by Sections 7050.5 of the California Health and Safety Code and Section 5097.98 of the California Public Resources Code, work will halt if any human remains are uncovered during project work. This mitigation measure will continue to be implemented.

Conclusion

The proposed changes do not alter the determination of the 2015 Final IS/MND.

Energy

Energy systems in California include electricity from renewable and non-renewable sources, natural gas, petroleum, and other fuels. The production of electricity requires the consumption or conversion of energy resources, including natural gas, coal, hydropower, nuclear, and renewable sources such as wind, solar, geothermal, and biomass/ cogeneration, into energy. Energy production and energy use both result in the depletion of nonrenewable resources (e.g., oil, natural gas, coal, etc.) and emission of pollutants.

According to the California Energy Commission, gasoline remains the dominant fuel within the transportation sector, with diesel fuel and aviation fuels following. In 2016, California consumed approximately 15 billion gallons of gasoline and approximately 3.35 billion gallons of diesel fuel. An increasing amount of electricity is being used for transportation energy, which is chiefly attributed to the acceleration of light-duty plug-in electric vehicles. In 2016, transportation in California consisting of light-duty vehicles, medium/heavy-duty vehicles, trolleys, and rail transit consumed approximately 1.53 million megawatt hours (CEC 2017).

The California Air Resources Board's (CARB) On-Road Heavy-Duty Diesel Vehicles (Truck and Bus) Regulation requires diesel trucks that operate in California to be upgraded to reduce emissions. Lighter and older heavier trucks must be replaced starting in 2015. By 2023 nearly all trucks would have 2010 model year engines or equivalent. As of January 1, 2020, only vehicles compliant with the Truck and Bus regulation will be eligible for registration in California (CARB 2021). The In-Use Off-Road Diesel Vehicle Regulation is intended to reduce emissions from in-use, off-road, heavy-duty diesel vehicles in California by impose limits on idling, requiring all vehicles to be reported to CARB, restrict the addition of older vehicles into fleets, and require fleets to reduce emissions by retiring, replacing, or repowering older engines, or installing exhaust retrofits. The In-Use Off-Road Diesel Vehicle Regulation would subsequently help to improve fuel efficiency and reduce GHG emissions.

Energy was not evaluated during the preparation of the 2015 Final IS/MND as the section was added to the checklist after this time.

Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Less than significant impact. The project would consume energy in the form of gasoline and diesel fuel through the operation of front-end loader, backhoe, excavator, dozer, grader, skid-steers, low boy truck/trailer, water truck, and 10-ton dump truck usage during project activities. There is no operational energy use associated with the project. Consumption of energy resources would be temporary and would cease upon the completion of activities. Additionally, vehicles used for project activities would be required to comply with all federal and state efficiency standards. The temporary nature of the project ensures project activities would not result in wasteful, inefficient, or unnecessary energy consumption.

Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

No impact. The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Project activities would employ efficient vehicles in compliance with CARB standards, is temporary in nature, and would not include generating or altering an existing energy source. Therefore, the project would have no impact as it would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Conclusion

The proposed changes do not result in significant impacts for energy and do not alter the overall determination of the 2015 Final IS/MND with the addition of this checklist section.

Geology and Soils

As discussed in the 2015 Final IS/MND, the topography of the project site consists primarily of flat ground, with slopes along the banks of Del Puerto Creek, as well as slopes (presumed to be fill material) from the Aqueduct levees.

Several known faults exist within Stanislaus County, located west of I-5 in the Diablo Mountain Range. The Diablo Range has unstable geologic formations that, due to structure, slope, runoff, lack of vegetation, earthquake and human activity are susceptible to ground failure and landslide. The southern portion of the Diablo Range includes the Ortigalita Fault, part of which is designated as an Alquist-Priolo Earthquake Fault Zone. (Stanislaus County 2015). The proposed project is located east of I-5, outside of the Diablo Range, and subsequently, outside of an Alquist-Priolo Earthquake Fault Zone and areas susceptible to ground failure and landslides.

The project area falls within two separate soil map units: Zacharias gravelly clay loam, 2 to 5 percent slopes and Cortina gravelly sandy loam, 0 to 5 percent slopes, rarely flooded (NRCS 2021). Both of these soil types are gravelly, well drained to somewhat excessively drained and are derived from rocky alluvial deposits. Cortina gravelly sandy loam is considered a hydric soil (NRCS 2021).

Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.)

No impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as the project location has not changed and is still located in the valley portion of Stanislaus County, outside of the areas susceptible to ground failure and landslides, and there are no known faults that pass through or are immediately adjacent to the project site.

Strong seismic ground shaking?

Less-than-significant impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as the project location has

not changed and is located East of I-5, outside of the areas that are extremely susceptible to ground failure and sliding.

Seismic-related ground failure, including liquefaction?

Less-than-significant impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as the project location has not changed and is not known to be within an area of liquefaction.

Landslides?

Less-than-significant impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as the project location has not changed and the project landscape is generally flat, and not in an area susceptible to landslides.

Would the project result in substantial soil erosion or the loss of topsoil?

Less-than-significant impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as the project location has not changed and the proposed changes do not substantially alter the project activities in a way that would result in loss of topsoil or result in substantial soil erosion.

Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

Less-than-significant impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as the project location has not changed and the project is located in an area that is not susceptible to landslides, has a very low risk of liquefaction, and contains no known faults within or immediately adjacent to it.

Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial direct or indirect risks to life or property?

Less-than-significant impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as the project will not include the construction of any structures that would create a substantial risk to life or property.

Conclusion

The proposed changes do not alter the determination of the 2015 Final IS/MND.

Greenhouse Gas Emissions

In May 2012, DWR adopted the DWR Climate Action Plan-Phase I: Greenhouse Gas Emissions Reduction Plan (GGERP), which details DWR's efforts to reduce its greenhouse gas (GHG) emissions consistent with Executive Order S-3-05 and the Global Warming Solutions Act of 2006 (Assembly Bill (AB) 32). DWR specifically prepared its GGERP as a "Plan for the Reduction of Greenhouse Gas Emissions" for purposes of CEQA Guidelines section 15183.5. That section provides that such a document, which must meet certain specified requirements, "may be used in the cumulative impacts analysis of later projects." Because global climate change, by its very nature, is a global cumulative impact, an individual project's compliance with a qualifying GHG Reduction Plan may suffice to mitigate the project's incremental contribution to that cumulative impact to a level that is not "cumulatively considerable." (See CEQA Guidelines, § 15064, subd. (h)(3)).

An updated GGERP was prepared to ensure that the project changes would not substantially alter the determination made in the 2015 Final IS/MND.

Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less-than-significant impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as the updated GGERP analysis continues to be consistent with the GGERP.

Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less-than-significant impact. The proposed changes to the project do not alter the determination as the BMPs previously outlined in the 2015 Final IS/MND will continue to be implemented and as such the proposed project's incremental contribution to the cumulative impact of increasing atmospheric levels of GHGs will continue to be less than cumulatively considerable.

Conclusion

The proposed changes do not alter the determination of the 2015 Final IS/MND.

Hazards & Hazardous Materials

Construction and maintenance for the proposed project will require the use of minor amounts of hazardous materials in the form of fuel and lubricants for construction equipment and would not require extensive or on-going use of acutely hazardous materials or substances.

Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less-than-significant impact with mitigation incorporated. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as the project would continue to be consistent with existing practices used by DWR. All hazardous materials would be stored and used in accordance with applicable federal, state, and local regulations. In addition, proper spill management, including response plans and spill kits, would be implemented and maintained onsite, as is currently required by DWR. None of the project components would generate new sources of hazardous materials. Furthermore, the mitigation measures specified in the 2015 Final IS/MND would continue to be implemented.

Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?

Less-than-significant impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as the materials used would be consistent with those used in the prior project and as such are not acutely hazardous.

Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as the distance to the nearest school is over 2.5 miles away and there will be no hazardous emissions or handling of hazardous or acutely hazardous materials, substances, or wastes within one-quarter mile of an existing or proposed school.

Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Less-than-significant impact. An updated search of the Cortese List and search for sites with reported hazardous material spills, leaks, ongoing

investigations and/or remediation near the project site was performed using the DTSC online EnviroStor database (DTSC 2021) and the State Water Resources Control Board GeoTracker database (SWRCB 2021). There are no hazardous sites within 4 miles of the project area therefore, the proposed changes to the project do not alter the determination in the 2015 Final IS/MND.

For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

No impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as the project is not located within an airport land use plan.

Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as the project would not require any road or land closures during construction, nor would the project impair or interfere with emergency access to the California Aqueduct, including any emergency response or evacuation routes.

Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

Less-than-significant impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as site preparation measures including grading of access roads and staging areas will significantly reduce the risk of fire during project activities by removing potential fire fuel from areas that will be traversed by vehicles and equipment. With these measures in place, the project would not increase the risk of loss, injury or death due to wildland fire.

Conclusion

The proposed changes do not alter the determination of the 2015 Final IS/MND.

Hydrology and Water Quality

Del Puerto Creek is historically a west-side tributary to the San Joaquin River, draining the eastern slopes of the Diablo Range. The construction of the SWP and I-5 divided this waterway along its length, and cement underchute structures were built to maintain a downstream connection with the San Joaquin River. Within the project area, the decreased slope and size of the streambed reduces the creek's channel capacity. The Aqueduct levee and the berm of I-5 create a valley where water is channeled into this section of Del Puerto Creek. Flows from the creek rarely reach the San Joaquin River except during flood events (USACE 2002). The creek is ephemeral; water is present in this drainage during the late fall/early winter until spring and is otherwise dry the rest of the year.

Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

Less-than-significant impact with mitigation incorporated. Although the removal of silt/cobble from the drainage, along with the erosion repair along the creek embankments has the potential to result in siltation, the proposed changes to the project do not alter the determination in the 2015 Final IS/MND as DWR will adhere to the requirements of the Regional Water Quality Control Board, and work will be done while the creek is dry, which will ensure that impacts to water quality would be less than significant.

Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Proposed Project may impede sustainable groundwater management of the basin?

Less-than-significant impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as the project will not use groundwater during construction and road improvements will be conducting using porous material, which will not impede groundwater discharge.

Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner which would:

Result in substantial erosion or siltation on- or off-site?

Less-than-significant impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as the project would not significantly increase drainage flow or substantially alter the existing drainage patterns in the area, as the course of the existing channel will not

be altered. Additionally, erosion control methods will be employed to reduce potential for erosion and siltation at the project site.

Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

Less-than-significant impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as the project is not be expected to alter existing drainage patterns or increase runoff.

Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Less-than-significant impact with mitigation incorporated. While there is a potential for a release of pollutants into adjacent waters from equipment used for the proposed projects (frontend loader, backhoe, excavator, dozer, grader, skid-steers, low boy truck/trailer, water truck, dump truck), the proposed changes to the project do not alter the determination in the 2015 Final IS/MND as work will be conducted while the creek is dry, and no equipment shall be stored overnight in the waterway and mitigation measures will continue to be employed as described in the 2015 Final IS/MND.

Would the project in flood hazard, tsunami, or seiche zones, risk release of pollutants due to Proposed Project inundation?

No impact. The project area is not located within the 100-year floodplain, tsunami zone or seiche zone, therefore, there would be no impact.

Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

No impact. The project is located within the Central Valley Region of the San Joaquin Valley Hydrological Basin Planning Area. The Water Quality Control Plan (Basin Plan) for the California Regional Water Quality Control Board Central Valley Region Fifth Edition (CRWQCB 2018) was revised in May 2018. The project activities will not conflict with or obstruct the implementation of this plan as the work will be in accordance with the requirements of the RWQCB, will be conducted while the creek is dry, and no equipment shall be stored overnight in the waterway. The project is located within the North and Central Delta-Mendota Region of the Delta-Mendota Subbasin of the Delta-Mendota Sustainable Groundwater Management Area. The project will not use groundwater during construction and road improvements will be conducting using porous material, which will not

impede groundwater discharge, and therefore will not conflict with or obstruct the implementation of the Groundwater Sustainability Plan for the Northern and Central Delta-Mendota Regions (San Luis and Delta Mendota Water Authority 2019).

Conclusion

The proposed changes do not alter the determination of the 2015 Final IS/MND.

Land Use and Planning

The project is located in an area where adjacent lands are designated for Agriculture by the Stanislaus General Plan. Surrounding land uses include I-5, the State Water Project, and agriculture.

Physically divide an established community?

No impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as the project area is located on DWR property and utilizes an existing access road on adjacent property designated as agricultural. The project would not alter the existing use of the site and would not divide an established community.

Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

No impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as the project area is owned and maintained by DWR and utilizes an existing access road on adjacent private property. The proposed project falls under maintenance requirements necessary to ensure the proper and safe function of the SWP. Implementation of the proposed project would not alter or change the existing land use or water conveyance operations of DWR. Thus, the proposed projects would not conflict with any land use policies or regulations, and no impacts would occur.

Conclusion

The proposed changes do not alter the determination of the 2015 Final IS/MND.

Mineral Resources

The CGS has mapped aggregate availability in the state, and no aggregate resources zones have been identified on or within the vicinity of the project.

in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as there are no known mineral resource recovery sites or aggregate resource zones are located on the project sites.

Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

No impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as there are no known mineral resource recovery sites or aggregate resource zones are located on the project sites.

Conclusion

The proposed changes do not alter the determination of the 2015 Final IS/MND.

Noise

Noise created by the project is temporary and will only be generated by construction equipment. Construction will occur only on weekdays during normal work hours (7:00am to 5:00pm), and construction equipment would temporarily and not significantly elevate noise levels above the ambient conditions associated with I-5.

Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards?

Less-than-significant impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as the types of noise generated by the proposed changes would be the same as those generated by the original project, and the nearest residential receptor is approximately 1.1 miles northeast of the limits of construction. The softer, pervious ground, such as the agricultural fields, that exist between the proposed project and the nearest residential receptor act to reduce sound. Due to the terrain and the distance to the nearest residence, this impact would be less than significant.

Generation of excessive ground borne vibration or ground borne noise levels?

Less-than-significant impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as the types of noise generated, the distance to the nearest structure, and the minor nature of the project including the proposed changes would be the same as those generated by the original project.

For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as the project site is not located within two miles of a public airport.

Conclusion

The proposed changes do not alter the determination of the 2015 Final IS/MND.

Population and Housing

The project is located on DWR-owned property associated with the Aqueduct and utilizes an access road on adjacent private property designated as agriculture. The area is devoid of densely populated public housing, with a few rural residences located over a mile from the project site.

Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

No impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as the project would not increase or extend the established infrastructure.

Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as the project would not displace any people or result in the need for replacement housing.

Conclusion

The proposed changes do not alter the determination of the 2015 Final IS/MND.

Public Services

Fire protection services in the unincorporated areas of Stanislaus County are provided by the West Stanislaus County Fire Protection District, with a mutual aid agreement with the Patterson Fire Department. The closest fire station, Station 52, located at 1950 Keystone Pacific Parkway, Patterson, CA is approximately 3.8 miles from the proposed project site. Police services are provided by the Stanislaus County Sheriff's Department. The project is located on DWR property associated with the Aqueduct and utilizes an access road on adjacent private property designated as agriculture. The paved maintenance road that runs adjacent to the Aqueduct is open for bicycling. However, this paved road is on the opposite side of the Aqueduct from the project area. The project area is closed to the public, and not open for recreational opportunities.

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services including:

Fire protection?

No impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as construction of the project would not require additional fire protection facilities and access to the site would be maintained during project activities in accordance with Stanislaus County fire policies and regulations.

Police Protection?

No impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as the project would not require additional police protection facilities or services.

Schools?

No impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as would not generate new students or increase the demands upon local school systems.

Parks?

No impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as no parks are in the immediate

vicinity of the project area, which is located on DWR property associated with the Aqueduct and utilizes an access road on adjacent private property designated as agriculture.

Other public facilities?

No impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as no public facilities exist in the project area that would be affected by the project activities.

Conclusion

The proposed changes do not alter the determination of the 2015 Final IS/MND.

Recreation

The paved maintenance road that runs adjacent to the Aqueduct is designated as a portion of the California Aqueduct Bikeway and is open for bicycling. The San Joaquin Valley section of the bikeway extends 67 miles down the west side of the valley, from Bethany Reservoir (west of Tracy) to the San Luis Reservoir State Recreation Area (west of Los Banos). This section of the bikeway has been designated a National Recreation Trail by the Secretary of the Interior. However, this paved road is on the east side of the Aqueduct. The project area, located on the west side of the Aqueduct, is closed to the public, and not open for recreational opportunities.

Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

No impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as the project involves maintenance activities on DWR-owned property on the west side of the Aqueduct, which is closed to the public, and will not affect any existing recreational facilities or activities.

Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?

No impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as the project will not impact existing recreational facilities and is not constructing or expanding a recreational facility.

Conclusion

The proposed changes do not alter the determination of the 2015 Final IS/MND.

Transportation

The project area is located on lands associated with the Aqueduct and is on the west side of the Aqueduct in an area not accessible to the public. All access roads are located on DWR property and an adjacent private property. The project area (and west side of the Aqueduct) is restricted to public access by the use of locked gates.

Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

No impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as all construction equipment would be transported to the project site once and would be left in the staging area after each workday, haul trips to the designated spoils site would utilize DWR owned access roads, and there would be o road closures associated with the project.

Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?

Less than significant impact. The project, including its proposed changes, are not inconsistent with CEQA Guidelines section 15064.3 due to the limited duration of the project and minimization of vehicles that will travel to and from the site during the project activities.

Would the project substantially increase hazards due to geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as the project does not include any change to roadway design or incompatible uses in the project vicinity.

Would the project result in inadequate emergency access?

No impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as construction equipment that would be used for the proposed project, once transported to the project site, would not interfere with any emergency access on I-5, Del Puerto Canyon Road, or any other local or regional roads in the vicinity of the project site. The proposed project would not include any road or lane closures.

Conclusion

The proposed changes do not alter the determination of the 2015 Final IS/MND.

Tribal Cultural Resources

The original cultural resources technical document for this project was prepared in April 2013, with the IS/MND prepared in March of 2015, which predates Assembly Bill 52 (AB 52). As a result, the original IS/MND did not contain a Tribal Cultural Resources section. Tribal cultural resources include any site, feature, place, sacred place, object, or cultural landscape with cultural value to a California Native American Tribe. These must be listed or eligible for listing in the California Register of Historical Resources (CRHR) or in a local register of historical resources, or else be determined by the CEQA lead agency as a significant resource pursuant to state laws and regulations. Key state laws and regulations provide for the definition, protection, and management of tribal cultural resources.

Would the Proposed Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is?

Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code 5020.1 (k), or

No Impact. The 2013 and 2021 efforts undertaken for this project did not identify any cultural resources within the project footprint, and one historic built-environment resource adjacent to the footprint, the CAAQ itself. No California Native American tribe has identified the CAAQ as having any tribal cultural value. Additionally, tribes that were listed by the Native American Heritage Commission (NAHC) were contacted in 2021 with an invitation to consult with DWR on the project and to identify any Tribal Cultural Resources associated with the project. Those tribes were: California Valley Miwok Tribe, North Valley Yokuts Tribe, Southern Sierra Miwuk Nation, Calaveras Band of Mi-Wuk Indians, Wuksache Indian Tribe/Eshom Valley Band, Muwekma Ohlone Tribe of the SF Bay Area, Sheep Rancheria of Me-wuk Indians of CA, and The Confederated Villages of Lisjan. At time of writing, no responses have been received.

A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

No Impact. No potential prehistoric archaeological sites were identified in the project footprint by either cultural resources review. Additionally, attempts were made to contact local Tribes, including an NAHC Sacred Lands File search requested in July 2021. The NAHC responded with negative results in August 2021, but notification letters were prepared and mailed in October 2021. Attempts were made to follow up by phone and by email with each contacted Tribe throughout November and December of 2021, but at time of writing, none of the Tribes have expressed an interest in consultation.

Conclusion

The original IS/MND was written before the inclusion of AB-52 and by extension the inclusion of Tribal Cultural Resources sections in CEQA documents. However, efforts undertaken as part of the cultural resources review did not identify any Tribal Cultural resources within the project footprint, and do not alter the overall determination of the 2015 Final IS/MND with the addition of this checklist section.

Utilities and Service Systems

The project site does not currently generate wastewater or require the use of a wastewater treatment facility. No facilities that would produce wastewater exist within the project area. Del Puerto Creek channels water from the Diablo Mountain Range into the San Joaquin River acting as a natural runoff feature; however, no stormwater runoff facilities or water conveyance facilities are present within the project area.

Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Less than significant impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as project activities at the site would not contribute substantial additional sources of polluted runoff during the maintenance activities.

Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

No impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as the project is short in duration and would not increase the current water use at the project site.

Result in a determination by the wastewater treatment provider that serves or may serve the Proposed Project that it has adequate capacity to serve the Proposed Project's Proposed Projected demand, in addition to the provider's existing commitments?

No impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as the project would not generate wastewater.

Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

No impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as all vegetation and sediment removed will be transported by dump truck to the spoils site and the project will comply with all applicable federal, state, and local regulations.

Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

No impact. The proposed changes to the project do not alter the determination in the 2015 Final IS/MND as the project will comply with all applicable federal, state, and local regulations.

Conclusion

The proposed changes do not alter the determination of the 2015 Final IS/MND.

Wildfire

In California wildfire protection jurisdictions are separated and overseen by three areas of government: Local, State and Federal. The project is located within the West Stanislaus County Fire Protection District and is considered to be within a Local Responsibility Areas (LRA). The California Department of Forestry and Fire Protection (CalFire) has determined the Fire Hazard Severity Zone (FHSZ) (the zone classification is based on a multitude of factors: fire behavior models using vegetation density, adjacent wildland areas, and distance to wildland areas, another factor being the probability of a fire threatening nearby structures) in the vicinity of the project location to be moderate (CalFire 2007).

Substantially impair an adopted emergency response plan or emergency evacuation plan?

No Impact. The project is located on DWR owned access roads adjacent to the California Aqueduct and will not interfere with any emergency access on I-5, Del Puerto Canyon Road, or any other local or regional roads in the vicinity of the project site. Therefore, the project activities will not impair an adopted emergency response plan or emergency evacuation plan.

Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose Proposed Project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Less than significant impact. The project area is classified as having a moderate FHSZ, and dry vegetation at the site poses a potential fire hazard if it were to be inadvertently ignited by vehicles; however, site preparation measures including grading of access roads and staging areas will significantly reduce the risk of fire during project activities by removing potential fire fuel from areas that will be traversed by vehicles and equipment, therefore risks of wildlife that could expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire are less than significant.

Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

No impact. The project does not require the installation or maintenance of associated infrastructure (roads, fuel breaks, emergency water sources, powerlines or other utilities). Therefore, Proposed Project activities would

have no impact on exacerbating wildfire risk or resulting in temporary or ongoing impacts to the environment.

Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No impact. This Proposed Project would not alter the current runoff regime and drainage of the Impact Areas, nor would it impact people or structures in a way that could pose significant risks through downslope or downstream flooding or landslides as a result of runoff, post-fire slope instability, or drainage changes. Therefore, no impact would occur as a result of the Proposed Project.

Conclusion

The proposed changes do not result in significant impacts for wildfire and do not alter the overall determination of the 2015 Final IS/MND with the addition of this checklist section.

Mandatory Findings of Significance

The Mandatory Findings of Significance conclusion of a less-than-significant impact, with mitigation, from the 2015 Final IS/MND remains unchanged, as the proposed changes do not result in any new potentially significant impacts. Additionally, no changes in circumstance or new information of substantial importance have been identified for the Mandatory Findings of Significance that could result in any potentially significant impacts.

Environmental Determination

This Addendum was prepared to evaluate the proposed changes to the original project as described in the March 2015 Final IS/MND for the Del Puerto Sediment Removal Project, as required by CEQA Guidelines sections 15162 and 15164, Public Resources Code section 21166, and Friends II. Based on this analysis, DWR has determined that the proposed changes would not have any new potentially significant environmental effects not already addressed in the March 2015 Final IS/MND. Mitigation measures that were previously adopted and made a part of the Approved Project would continue to be implemented to avoid, minimize and mitigate potential impacts to environmentally sensitive resources as a result of the Approved Project and the Proposed Changes.

Based on this determination a decision has been made to move forward with the proposed changes as analyzed in this Addendum.

Gerald Snow 2/8/2022

Gerald Snow Date

California Department of Water Resources

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