

Notice of Determination

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

Street Address:
1400 Tenth Street
Sacramento, CA 95814

From:
Department of Fish and Wildlife
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 95434
Contact: Andrea Boertien
Phone: (209) 234-3449



Lead Agency
City of Tracy
3900 Holly Drive
Tracy, CA 95304
Contact: Kul Sharma
Phone: (209) 831-6320

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

State Clearinghouse Number: 2000012039

Project Title: Tracy Wastewater Treatment Plant Effluent Outfall Pipeline Improvements Project (Lake or Streambed Alteration Agreement No. 1600-2019-0013-R3)

Project Location: The new pipeline will affect a total of five (5) water bodies in San Joaquin County, in order from the Waste Water Treatment Plant (WWTP) to the new outfall: Sugar Cut (or Constructed Channel 9), Constructed Channel 7, Tom Pain Slough, Paradise Cut, and Old River. Start of pipeline at the Tracy WWTP: Latitude 37° 46' 1.37", Longitude -121° 25' 16.63". Sugar Cut (Constructed Channel 9) crossing: Latitude 37° 46' 9.17", Longitude -121° 25' 10.54". Constructed Channel 7 crossing: 37° 46' 28.76", Longitude -121° 52' 52.55". Tom Paine Slough crossing: Latitude 37° 47' 3.94", Longitude -121° 24' 53.18". Paradise Cut crossing: Latitude 37° 48' 6.65", Longitude -121° 24' 18.45". Old River crossing/outfall: Latitude 37° 48' 20.5", Longitude -121° 24' 15.52"

Project Description: The California Department of Fish and Wildlife (CDFW) has executed Lake and Streambed Alteration Agreement number 1600-2019-0013-R3, pursuant to section 1602 of the Fish and Game Code to the project Applicant, City of Tracy.

The project is limited to construction and operation of a WWTP outfall. The new project would consist of a new 42-inch diameter outfall pipeline, located parallel to the existing pipeline, and new diffuser in Old River. In total, the proposed pipeline crosses two constructed channels and three water bodies. These crossings include: 1) Sugar Cut (Constructed Channel 9); 2) Constructed Channel 7; 3) Tom Paine Slough; 4) Paradise Cut; and 5) Old River) before reaching the outfall diffuser in Old River. The new outfall diffuser will be located approximately 800 feet west of the existing diffuser.

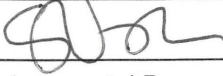
This is to advise that CDFW, acting as a Responsible Agency, approved the above described project on July 18, 2019 and has made the following determinations regarding the project pursuant to California Code of Regulations section 15096, subdivision (i):

1. The project will / will not have a significant effect on the environment. This determination is limited to effects within CDFW's permitting jurisdiction as a Responsible Agency.
2. CDFW considered the environmental impact report prepared by the Lead Agency for this project pursuant to California Code of Regulations section 15096, subdivision (f).
3. Mitigation measures were / were not made a condition of CDFW's approval of the project.
4. A mitigation reporting or monitoring plan was / was not adopted by CDFW for this project.
5. A statement of overriding considerations was / was not adopted by CDFW for this project.
6. Findings were / were not made by CDFW pursuant to California Code of Regulations section 15091.

The final environmental impact report prepared for the project is available to the general public at the office location listed above for the Lead Agency. CDFW's record of project approval as Responsible Agency is available at CDFW's regional office.

Notice of Determination

Signature



Date:

July 18, 2019

James Starr, Environmental Program Manager

Date Received for filing at OPR: _____

Governor's Office of Planning & Research

JUL 23 2019

STATE CLEARINGHOUSE

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
AGREEMENT REGARDING PROPOSED LAKE OR STREAM ALTERATION
NO. 1600-2019-0013-R3**

City of Tracy
Tracy Wastewater Treatment Plant Effluent Outfall Pipeline Improvements Project

CEQA FINDINGS

INTRODUCTION:

The California Environmental Quality Act ("CEQA"; Public Resources Code §21000, *et seq.*), and the State CEQA Guidelines ("Guidelines"; 14 Cal. Code Regs. 15000, *et seq.*) require that prior to reaching a decision on a project, a responsible agency must consider the environmental effects of the project as shown in the document prepared by the lead agency.

As the lead agency for the Tracy Wastewater Treatment Plant Effluent Outfall Pipeline Improvements Project, the City of Tracy, certified an environmental impact report on 10/15/02.

The California Department of Fish and Wildlife ("CDFW") is issuing an agreement regarding proposed Lake or Streambed Alteration to the project applicant, City of Tracy, represented by Kul Sharma at 3900 Holly Road, Tracy, CA 95304. For the Tracy Wastewater Treatment Plant Effluent Outfall Pipeline Improvements Project, the applicant is proposing to construct and operate a wastewater treatment plant outfall pipeline to accommodate future development and population growth in the City of Tracy. Currently effluent is conveyed in a 33-inch diameter pipe, approximately 3.5 miles north of the treatment plant and is discharged through a submerged diffuser into Old River. The new project would consist of a new 42-inch diameter outfall pipeline, located parallel to the existing pipeline, and new diffuser in Old River. In total, the proposed pipeline crosses two constructed channels and three water bodies. These crossings include: 1) Sugar Cut (Constructed Channel 9); 2) Constructed Channel 7; 3) Tom Paine Slough; 4) Paradise Cut; and 5) Old River) before reaching the outfall diffuser in Old River. The new outfall diffuser will be located approximately 800 feet west of the existing diffuser.


CDFW is a responsible agency under CEQA for the purpose of approving the Lake and Streambed Alteration Agreement necessitated by the lead agency's proposed project. As a CEQA responsible agency, CDFW is required by Guidelines §15096 to review the environmental document certified by the lead agency approving the project and to make certain findings concerning the project's potential to cause significant, adverse environmental effects. However, when considering alternatives and mitigation measures approved by the lead agency, a responsible agency is more limited than the lead agency. CDFW has responsibility for mitigating or avoiding only the direct or indirect environmental effects of the Lake and Streambed Alteration Agreement that it approves.

FINDING:

CDFW has considered the environmental impact report prepared by the lead agency. CDFW has independently concluded that the Lake and Streambed Alteration Agreement should be issued under the terms and conditions specified therein. CDFW finds that with the mitigation measures incorporated into the Lake and Streambed Alteration Agreement, there will be no significant effects from the proposed project.

The Project is Approved.

Date: 7/19/20

By: 
James Starr, Environmental Program Manager
Department of Fish and Wildlife
Bay Delta Region



Governor's Office of Planning & Research
JUL 23 2019
STATE CLEARINGHOUSE