

**2010 Water System Engineer's Report
Final Program Environmental Impact Report**

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EA/PW 2008-18*

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Purpose of This Document

This document and the draft environmental impact report (EIR) that was circulated for public review between December 7, 2009 and January 21, 2010 constitute the final EIR for the 2010 Water System Engineer's Report. The information presented in this final EIR is being provided in accordance with the requirements of the State California Environmental Quality Act (CEQA) Guidelines and includes the following Chapters:

- Chapter 1, "Introduction," discusses the purpose of this document, public review process, CEQA requirements, and use of this document.
- Chapter 2, "Responses to Comments," contains the comments received during the public review period for the draft EIR and the written responses to those comments.

As mentioned in the draft EIR, this document is intended to be a program EIR, pursuant to State CEQA Guidelines Section 15168. A program EIR assesses the impacts of a series of actions that can be characterized as one large project.

Public Review Process

The draft EIR was distributed to various public agencies, citizen groups, and interested individuals for a 45-day public review period, beginning on December 7, 2009 and ending January 21, 2010.

CEQA Requirements

As lead agency under CEQA, the City has provided each public agency that commented on the draft EIR with a copy of its responses to comments at least 10 days before certifying the final EIR.

Use of This Document

The final EIR allows the public and the lead agency to review revisions to the draft EIR, comments, responses to comments, and other components of the EIR before approval of the project. This final EIR, including the draft EIR incorporated by reference, will serve as the environmental document used by the City when considering approval of the project.

After completing the final EIR and before approving the project, the City, as lead agency, must make the following three certifications (State CEQA Guidelines Section 15090):

- The final EIR has been completed in compliance with CEQA.

- The final EIR was presented to the decision-making body of the lead agency, and the decision-making body reviewed and considered the information in the final EIR before approving the project.
- The final EIR reflects the lead agency's independent judgment and analysis.

Separately from certification of the final EIR, when approving the project the City must adopt findings of fact describing the disposition of each of those impacts (State CEQA Guidelines Section 15091[a]). For each significant impact, the lead agency must make one of the following findings:

- Changes or alterations have been required in or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the EIR.
- Such changes or alterations are within the responsibility and jurisdiction of another public agency, not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

Each finding must be accompanied by a brief explanation of the rationale for the finding. In addition, the City must adopt, in conjunction with the findings, a mitigation monitoring or reporting program for the mitigation measures (State CEQA Guidelines Section 15091[d]). These measures must be fully enforceable through permit conditions, agreements, or other measures.

In addition, because this project would result in significant and unavoidable impacts, the City must state in writing its reasons for approving the action (State CEQA Guidelines Section 15093[b]). This statement of overriding considerations will be supported by substantial information in the record, including the final EIR.

Other agencies, such as the Cities of Turlock and Waterford, may use this Final EIR as the basis for approving portions of this project that are under their jurisdictions and that are analyzed in this program EIR.

Chapter 2

Comments and Responses

This chapter contains responses to comments submitted by the following entities during the review period of the Draft EIR:

- Stanislaus County Environmental Review Committee.
- Modesto Irrigation District.

A third letter was received from the State Clearing House (SCH), but because the letter stated that there were no comments from the SCH or other state agencies, it is not included here.

Letter 1 Stanislaus County Environmental Review Committee (ERC)

Response to Comment 1

We thank the ERC for their comments. No response is necessary.

Response to Comment 2

Almost all of the community of Salida's existing urban area is addressed in the PEIR by being included in the Project's Study Area (although there are a few developed parcels being served by private water wells). The PEIR addresses reasonably foreseeable growth throughout the Study Area based on buildout of the existing land uses within the City of Modesto's Sphere of Influence (SOI), plus development in the City's outlying water service areas that are outside the SOI.

In 1995, the City acquired the former Del Este Water Company (DEW Co), which, along with other areas in the County, served water to the developed areas in Salida. The Salida Community Plan area is much larger than the former DEW Co service (tariff) area. At this time, it is primarily the former tariff area the City intends to serve. The reason for not including the entire Salida Community Plan in the study area is the same reason that the entire City General Plan area was not studied—because analyzing costly, detailed utility plans for large areas of undeveloped land that may be decades away from developing is impractical for this level of analysis due to the numerous uncertainties.

There are currently no plans to serve this larger area that would identify the location, size, and timing of future facilities. Figures 10 and 11 of the Draft EIR illustrate that there are no new facilities planned for Salida as a part of this project. Further, the City has not made a commitment to any specific facilities in the larger Salida Community Plan area outside of the tariff area.

Also, see response in Modesto Urban Area General Plan Final EIR, p IX-69.

Response to Comment 3

This comment expresses ERC's view that the Communities of Del Rio, Hickman and Grayson have been addressed in their entirety in the document. This does not require a response.

Letter 2 Modesto Irrigation District (MID)

Response to Comment 1

We thank the MID for their comments. No response is necessary.

Response to Comment 2

The commenter asserts that the MID reserves its future rights to utilize its property in a manner it deems necessary for the installation and maintenance of various facilities. This is recognized and does not require a response.