

# Final Environmental Impact Report 7<sup>th</sup> Street Bridge Project, Modesto, California

*Prepared for*  
**Stanislaus County**

March 2017



2485 Natomas Park Drive  
Suite 600  
Sacramento, CA 95833



# Preface

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This document, together with the Draft Environmental Impact Report for the 7<sup>th</sup> Street Bridge Project in Modesto, California (Draft EIR), constitutes the Final Environmental Impact Report (Final EIR) for the project. The Draft EIR was circulated to affected public agencies and interested parties for a 45-day review period from August 23, 2016 to October 6, 2016. This Final EIR document consists of comments received by the Lead Agency (Stanislaus County) on the Draft EIR during the public review period, responses to those comments, and revisions that were made to the text of the Draft EIR.

Under the California Environmental Quality Act (CEQA), the Final EIR is an informational document prepared by the Lead Agency that must be considered by the decision makers before approving the proposed project. CEQA Guidelines Section 15132 specifies that a Final EIR shall consist of the following:

- The Draft EIR or a revision of the draft
- Comments and recommendations received on the Draft EIR, either verbatim or in summary
- A list of persons, organizations, and public agencies that provided comments on the Draft EIR
- The responses of the Lead Agency to the significant environmental points raised in the public review and consultation process
- Other information added by the Lead Agency

In conformance with the CEQA Guidelines, this Final EIR provides objective information regarding the potential environmental consequences of the proposed project. The Final EIR also examines mitigation measures to reduce or eliminate significant environmental impacts. The Final EIR will be used by Stanislaus County, the City of Modesto, and responsible agencies in making decisions regarding the project. The CEQA Guidelines require that, while the information in the Final EIR does not control Stanislaus County's ultimate decision on the project, the County must respond to each significant effect identified in the Final EIR by issuing written findings for each significant effect before it approves a project.

Per Section 21081 of the California Public Resources Code, no public agency shall approve or carry out a project for which a certified EIR identifies one or more significant effects on the environment that would occur if the project is approved and carried out unless both of the following occur:

- (A) The public agency makes one or more of the following findings with respect to each significant effect:
- (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment.
  - (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
  - (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.
- (B) With respect to significant effects that were subject to a finding under paragraph (3) of subdivision (A), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

This Final EIR will be made available to the public and commenting public agencies at least 10 days before the EIR certification hearing.

All documents referenced in this EIR are available for public review at the Stanislaus County Department of Public Works, 1716 Morgan Road, Modesto, on weekdays during normal business hours.



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## SECTION 1

# Agencies, Organizations, and Individuals on Draft EIR Notification List

Copies of the Draft Environmental Impact Report for the 7<sup>th</sup> Street Bridge Project in Modesto, California (Draft EIR<sup>1</sup>) and/or the Notice of Availability for the Draft EIR were sent to the following agencies, organizations, and individuals:

- 10th Street Certified Farmers Market, Marion Bogdarich
- A.C. Trucking Company, Al Nunes
- Altamont Corridor Express (San Joaquin Regional Rail Commission), Brian Schmidt
- Altamont Corridor Express (San Joaquin Regional Rail Commission), Stacey Mortensen, Executive Director
- Aero Graphics, Casey Francis
- Aguilar, Adriana and Carlos
- Alberto, Irma and Alejandro
- All Bonanza Dismantlers
- Alliance-SBDC, David White, CEO
- Allied Machine
- Alvarado, Cesar
- American Medical Response
- Anaya, Carlos
- Apostolic Jubilee Center
- Arnold, Rick and Lori
- Arrow Inn, Modesto
- Aveytia, Toube and Juan
- Bailey's Heating & Air Inc.
- Baker, Robert
- Ballew, Constance and Ronald
- Barron, Trinidad and Samuel
- Bays-Carnahan, Edna
- BCK Real Estate Services LLC, Tom Krehbiel
- Beard Land Improvement Company
- Beard, Betty
- Bearden Family Limited
- Building Industry Association of the Greater Valley, John Beckman
- Bible Way Tabernacle
- Big Bear Car Wash
- Billings, Ronald
- Boss, Larry
- Bottling Group LLC
- Brave Bull
- Brinton, Michael
- Broad Acres Mobile Home Park
- Bruce, Emily
- Buddington, Kathleen and Richard
- Budget Inn, Modesto
- Buehner, Larry
- Burke, Steve
- C & C Marine
- Cable Family Ltd. Partnership
- Caesar Family LP
- California Auto Parts
- California Central Valley Flood Protection, Leslie Gallagher, President
- California Flavor Nuts
- California State Assembly, Honorable Kristin Olsen
- California State Lands Commission, Cy Oggins, Chief
- California State Senate, Honorable Anthony Cannella
- California State Senate, Honorable Cathleen Galgiani

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<sup>1</sup> CH2M HILL, Inc. 2016. *Public Review Draft: Environmental Impact Report 7<sup>th</sup> Street Bridge Project, Modesto, California*. Prepared for Stanislaus County. Online: <http://www.7thstreetbridge.org/>. August.

- California State Senate, Honorable Tom Berryhill
- California State University Stanislaus, Ellen Junn
- California Trucking Association, Eric Sauer
- California Trucking Association, Michael Campbell, CEO
- California Trucking Association, Shelly Hardcastle
- California Valley Miwok Tribe, Silvia Burley
- Calkins, Scott
- Capitol Door Sales
- CBFA California Ltd. Partnership
- Central Baptist Church
- Central California Art Association at Mistlin Gallery, Rick Allen
- Central Valley Hispanic Chamber, Christine Schweininger, President
- Central Valley Property Inc.
- Central Valley Recycling
- Century 21, Ernie Nunes
- Chase, Eleanor
- Chavarin, Juan
- Chevron Station at 1541 Crows Landing Road
- Christoulakis, Bobby and Mike
- Church of Christ, Modesto
- City Tow, Modesto
- Collins Electrical Company, Brian Gini
- CrossPoint Community Church
- Crows Landing Flea Market
- DeLano, Lee
- Don's Mobile Glass
- Driftwood Mobile Home Park
- Dryden Golf Course
- Duarte, Mary
- E & J Gallo Winery, Drew Layland, Senior Manager
- Eagle Valley Investments Inc.
- Egenberger, Bunthany and Joseph
- El Concilio, Yamilet Valladolid, Site Supervisor
- Escarcega, Juan
- Farmland Working Group, Denny Jackman
- Farriester, Lillie
- Farriester's Auto, Mark Farriester
- Fechter, Alejandrina
- First Apostolic Christian Church
- Fletcher, Timothy
- Florez, Sandy
- Folwell, Susan and Thomas
- Freudenthal, Sharon and Fred
- Friendly Village of Modesto
- Friends of the Tuolumne, Dave and Allison Boucher
- Gama, Rosio
- Garcia, Esther and Ernest
- Garcia, Ramon
- Garcia, Refujia
- Garcia, Ricardo
- Gas-n-Shop
- Gomez, Jose and Yolanda
- Gonsalves, Victoria and Jeffrey
- Granite Construction, Jeremy Newswander
- Great Valley Center, Dejeune M. Shelton
- Great Valley Museum, Brandon Guzman
- Guajardo, Patricia and Xavier
- Guardiola, Robert
- Gudino, Martin
- Haldar, David
- Heard, Sally
- Henderson, Kitty
- Historic Bridges, Nathan Holth
- Hogue, Mikael
- Hummer, Myriam and Michael
- Iglesias Pentecostal Unida de Modesto, Randy G. Keyes
- Irby, Daniel
- Jackman, Denny
- Janopaul, Bridget M.
- Johnson, Kimberly and Harold
- Kassim, Fatima

- King-Kennedy Memorial Center
- Landmark Preservation Commission, Dolores Niemi
- Landmark Preservation Commission, Kent Faulkner
- Laracuente, Barbara and James
- Lau Family Partners
- Levario Jr., Ernesto
- Levario, Julia
- Liggett Bottling Co
- Lion's Market, Abdul Hussain
- Lo Bello, James
- Locker, Vernita and Lloyd
- Luna, Sandro and Susana
- Maddux Youth Center
- Maldonado, Luz
- Mancini Hall Senior Center
- Manson, Ora Jean
- Martinez, Jose Luis
- Martinez, Marivel and Federico
- Mary Howell
- McCoy Properties LP
- McCoy, Alice
- MCCV, Jennifer Carlson
- McHenry Museum and Historical Society, Don Scott
- McHenry Museum and Historical Society, Laura Mesa
- Mendoza, Livier and Roberto
- Mission Hill Truck School
- Modesto Auto Wreckers
- Modesto Car Toys
- Modesto Certified Farmers Market
- Modesto Chamber of Commerce, Cecil Russell, CEO
- Modesto City Airport
- Modesto City Schools, Becky Fortuna
- Modesto City Schools, Deborah Strom, Supervisor of Transportation
- Modesto City Schools, Pam Able, Superintendent
- Modesto City Schools, Planning, Becky Meredith, Director
- Modesto Convention and Visitors Bureau, Jennifer Mullen, CEO
- Modesto Culture Commission, Ellen LaCoste
- Modesto Downtown Improvement District, Nancy Young, Executive Director
- Modesto Fire Department, Sean Slamon, Chief
- Modesto Flea Market
- Modesto Garden Club
- Modesto Irrigation District
- Modesto Junior College, Jill Stearns, President
- Modesto Livestock Auction and Market, Luann Gremp
- Modesto Mobile Village
- Modesto Municipal Golf Course, John Griston
- Modesto Peace/Life Center
- Modesto Regional Fire Authority, Gary Hinshaw, Chief
- Modesto Symphony Orchestra
- Modesto Youth Theatre
- Moreno, Anna Marie
- Moreno, David
- Moreno, Miguel
- Muhammad, Talha
- Murillo, John
- Neder, Ron
- New Bethany Missionary Baptist Church, Quintin Kenoly
- North Valley Yokuts Tribe, Katherine Perez
- O'Brien, Sandra and Lawrence
- Owens, Heather
- Padilla, Lucia Nathlley
- Palacios, Jose
- Patton Music Company Inc.
- Pepsi Cola Bottling Company
- Perez, Jose
- Praxair Inc.
- Progressive Missionary Church

- PS1 Landscape Architecture, Daniel Machado
- Quik Stop at 1500 Crows Landing Road
- RaLanco Investment Corporation, Bruce Ramsey
- Ramirez, Juan
- Ramos, Dorothy
- Ramos, Nora
- Rayco Industrial Supply
- Rodriguez, Ezekiel
- Rommel, Diana and Billie
- Sabala, Mary and Josephine
- Salcedo, Josephine
- Saletta, Betty
- Salvation Army
- Santillan, Leticia and Antonio
- Sawhney, Dinesh
- Serrao Properties LLC
- Seven-Up Bottling Co., Anthony J. Varni
- Shackelford Elementary, Cecilia Franco, Principal
- Shaibi, Yehai
- Shiva's Motel
- Sierra Club, Brad Barker
- Sierra Club-Yokuts Group
- Sierra Vista Child and Family Services, Judy Kindle, Executive Director
- Sierra Vista Kirk Baucher School
- Silva, Karen and Forrest
- Simon, Jesus R.
- Singh, Amarjit & Kishmir
- Sirle, Rufina
- Solar Cool Properties LLC
- Southern Pacific Railroad
- Southern Sierra Miwuk Nation, Anthony Brochini, Chairperson
- Southern Sierra Miwuk Nation, Jay Johnson, Spiritual Leader
- Southern Sierra Miwuk Nation, Les James, Spiritual Leader
- Southwest Tires
- StanCOG, Arthur Chen
- StanCOG, Rosa De Leon Park, Executive Director
- StanCOG Board, Bill Zoslocki, Vice Chair
- StanCOG Board, Dick Monteith
- StanCOG Board, Ed Katen
- StanCOG Board, Garth Soiseth
- StanCOG Board, Jenny Kenoyer
- StanCOG Board, Jill Silva
- StanCOG Board, Jim DeMartini
- StanCOG Board, Luis Molina
- StanCOG Board, Manny Grewal
- StanCOG Board, Michael Van Winkle
- StanCOG Board, Mike Kline
- StanCOG Board, Nick Candea
- StanCOG Board, Richard O'Brien
- StanCOG Board, Terry Withrow
- StanCOG Board, Tom Dunlop
- StanCOG Board, Vito Chiesa, Chairman
- StanCOG Board, William O'Brien
- Stanislaus Alliance, Jeff Rowe
- Stanislaus Audubon Society
- Stanislaus Connections, Jim Costello
- Stanislaus Consolidated Fire Protection District
- Stanislaus County Arts Council
- Stanislaus Distributing Co.
- Stanislaus Food Products, Bill Hudelson
- Stanislaus Food Products, Dino and Tom Cortopassi
- Stanislaus Local Agency Formation Commission, Sara Lytle-Pinhey
- StaRT Transit Center, Michael Keith, Manager
- Stateside Equipment Leasing
- Stejskal, Lisa and Jeffrey
- Stinnett, Alta and Dorwen
- Stones of Bethel Church
- Sunrise Village Mobile Home Park, Jeanne Collins, Co-Manager

- Sunrise Village Mobile Home Park, Jerry Binkley
- Sunrise Village Mobile Home Park, Tim Collins
- Super Save Mini Mart
- Talha, Muhammad
- The Modesto Bee, Garth Stapley
- The Modesto Bee, Joe Kieta, Editor
- The Modesto Bee, Ken Riddick, Publisher
- Thiel Motors, Don Thiel
- Thomas, Scott
- Three Rivers Christian Fellowship
- TMI Trust Company
- Toledo, Esther and Danny
- Toor, Lal and Malkit
- Truck Tops Inc.
- Tule River Indian Tribe, Ryan Garfield, Chairperson
- Tuolumne Pre-school
- Tuolumne River Preservation Trust, Patrick Koepele, Executive Director
- Tuolumne River Regional Park Citizens Advisory Committee
- Twin Falls Enterprises Inc.
- U.S. House of Representatives, Honorable Jeff Denham
- U.S. Senate, Honorable Barbara Boxer
- U.S. Senate, Honorable Dianne Feinstein
- U.S. Senator Feinstein (attn. Shelly Abajian)
- Union Pacific Railroad
- Universal Life Church
- USA Gas
- Valencia, Denise
- Vallerand, Barry
- Valley Builders Exchange, Inc., Karen Bowden
- Valley Tire Sales
- Varni Bros. LLC
- VFW Post 3199, Ron Richter, Commander
- Victory Outreach
- W.H. Breshears, Inc., Mike Foren
- W.H. Breshears, Inc., Tim Coppetti, President and CEO
- West Coast Chrome
- Westfall, Melynda and Frank
- Wille Electric Supply, Larry Robinson, President
- Wille Electric Supply, Rob Robinson
- Wille Electric Supply, Seth Neumann
- Williams, Melissa
- Winn, Desiree
- Yonan, Sami
- Zumwalt, Leanna and Larry

In addition, copies of the Draft EIR were provided to the State Clearinghouse in Sacramento for distribution to state agencies, including the California Department of Fish and Wildlife, State Lands Commission, Office of Historic Preservation, Department of Parks and Recreation, and the Central Valley Regional Water Quality Control Board.



SECTION 2

# List of Comment Letters Received on the Draft EIR

Section 4 of this document contains the comment letters that Stanislaus County received on the Draft EIR, as well as comments dictated orally to the stenographer at the public meeting held on August 29, 2016 (which are also referred to herein as “comment letters” for simplicity). Each comment letter has been assigned a number, as shown below in Table 1. Each individual comment within each letter also has been assigned a number, noted in the right margin of the letters as presented in Section 4. Table 1 lists the commenting party and date of each comment letter.

**Table 1. List of Comment Letters**  
*7<sup>th</sup> Street Bridge Project, Modesto, California*

No.	Agency/Organization/Individual	Comment Letter Date
1-1	Larry Buehner (dictated to stenographer)	August 29, 2016
1-2	Jeanne Collins (dictated to stenographer)	August 29, 2016
2	Dean Phillips	August 29, 2016
3	Betty Saletta	August 29, 2016
4	Satjit Singh, DBA Star Auto Sales	August 29, 2016
5	Elaine Ixcot	August 29, 2016
6	Yehia Ahmed Qassem Shaibi	August 31, 2016
7	Bill Hudelson	September 1, 2016
8	Central Valley Regional Water Quality Control Board, Stephanie Tadlock, Environmental Scientist	September 15, 2016
9	California State Lands Commission, Cy R. Oggins, Chief, Division of Environmental Planning and Management	October 5, 2016
10	Nathan Holth	October 6, 2016
11	Gracie Marx	October 10, 2016



### SECTION 3

## Revisions to the Text of the Draft EIR

This section contains revisions to the Draft EIR. The original Draft EIR text is presented in regular text, slightly indented. Revised or new language is underlined. Deletions are shown with a line through the text.

Table ES-1, Summary of Impacts and Mitigation Measures for Project. **Delete** the following text in the row for Section 3.6, Biological Resources.

**Table ES-1. Summary of Impacts and Mitigation Measures for Project**  
*7<sup>th</sup> Street Bridge Project, Modesto, California*

EIR Section	Project Before Mitigation	Impact and Mitigation Summary	Significance after Mitigation
3.6 Biological Resources	Significant	Implementing mitigation measures MM-BIO-1 through MM-BIO-25 would avoid and minimize construction effects on sensitive species and habitats.	Less than Significant

Section 1.4, Permits and Approvals. Bulleted list. **Revise** the following bullet:

- State Lands Commission. A new land use lease or an amendment to an existing land use lease is required for projects within rivers or other lands areas designated as State of California sovereign lands including navigable waters within the Tuolumne River.

Section 2.2, Overview of Alternatives. **Add** the following text to paragraph 1:

The purpose of the 7<sup>th</sup> Street Bridge project is to: (1) correct structural and hydraulic deficiencies, including removal of load restrictions on the bridge; (2) expand vehicular capacity of the 7<sup>th</sup> Street corridor; and (3) improve safety for vehicles, bicyclists, and pedestrians. Four Alternatives have been developed to achieve the project purpose. All Alternatives share common elements, including closure of the existing “jughandle” connection from 7<sup>th</sup> Street to Zeff Road/River Road, scour protection at abutments, and access improvements (for example, new driveways) for affected properties. Architectural details, such as visual character (for example, color and texture) and lighting, have not yet been developed, but can be equally applied to all Alternatives. All Alternatives would include the development of a new pedestrian plaza that would connect the new bridge with the proposed Gateway Parcel of the Tuolumne River Regional Park and to the Tuolumne River itself. During the final design phase, project staff will coordinate with the Tuolumne River Regional Park Joint Powers Authority to develop a design that provides access to the Gateway Parcel and to the river. The pedestrian plaza would include interpretive displays and selected features that would be preserved from the existing bridge such as concrete lions, railing/bench segments, bronze plaques, and other features such as an obelisk as feasible.

Section 3.1.5, Mitigation Measures. **Add** the following text to EIR Mitigation Measure TRANS-1:

**Mitigation Measure (MM) Trans-1:** Significant impacts are identified for both study intersections at SR 99. Significant impacts are identified for both study intersections at SR 99 in the Design Year condition – primarily the SR 99/Crows Landing Road intersections and to a lesser extent the SB SR 99/Tuolumne Boulevard intersection. To mitigate this impact, Stanislaus County and the City of

Modesto will program future improvements to these intersections into the 2018 Regional Transportation/Plan Sustainable Communities Strategy (RTP/SCS). have committed to improving these intersections in the future as part of a locally sponsored project that Intersection improvements could include signalization of the ramp intersections. Implementation of this MM would reduce traffic impacts to less-than-significant level.

Section 3.6.5, Mitigation Measures. **Add** the following text to paragraph 2 and insert Table 3.6-1 below it:

According to the analysis presented in Section 3.6.2.5, project impacts would be less than significant with the incorporation of MMs. For Impacts BIO-1(a through e), BIO-2a, BIO-4, and BIO-7, mitigation is needed to reduce impacts to less than significant.

**MM BIO-1:** For the habitats and species of special concern that occur or have the potential to occur in the project area, implement the avoidance and minimization efforts listed in the Natural Environment Study (Appendix F). AMMs would avoid or reduce the potential biological effects of the project on each species or resource group to a less than significant level, as discussed in NES, Appendix F, Chapter 4.1 for riverine and riparian habitat, 4.2 for special-status plant species, 4.3 for special-status animal species, and 4.4 for other sensitive resources. AMMs include seasonal restrictions, preconstruction surveys, construction worker awareness training, best management practices, and similar actions which would limit the potential for impacts prior to and during construction. Where necessary, implement the additional compensatory mitigation for anadromous fish conservation listed in the Natural Environment Study or as required by the National Marine Fisheries Service or California Department of Fish and Wildlife (see NES, Appendix F, Chapters 4.3.2 to 4.3.6). The full list of the AMMs from the NES is presented in Table 3.6-1.

**Table 3.6-1. Avoidance and Minimization Measures from the Natural Environment Study (NES)  
7<sup>th</sup> Street Bridge Project, Modesto, California**

No.	Avoidance and Minimization Measure
1	Consider bridge designs that minimize the permanent placement of structures or fill in the river corridor. Bridge design Alternatives 2A, 2B, and 3 will permanently occupy up to 0.01 acre of the Tuolumne River channel, while removing 0.13 acre of permanent fill (existing bridge piers) from the channel.
2	Channel access points will be flagged and used during site construction to minimize impacts to riverine and riparian habitats.
3	No refueling or handling of chemicals will be allowed in or within 100 feet of the active channel of the Tuolumne River. The contractor will establish proper staging and refueling areas to conduct these activities.
4	In-water work (e.g., existing pier demolition and new pier construction) will be limited to the time of the year specified in wildlife agency permits (assumed to be June 1 through October 31). In-water work that is necessary outside of the permitted seasonal window will be isolated from the flowing channel with cofferdams or similar structures. The contractor will prepare an isolation and dewatering plan for agency approval prior to working in wet areas outside of the seasonal window.
5	Before the onset of construction activities, a qualified person will conduct an education program for all construction personnel. The training will include a description of all sensitive species with the potential to occur in the Biological Study Area (BSA), and will review the mandatory conditions of approval agency permits and approvals.
6	Environmentally sensitive areas (ESAs) will be clearly flagged for the duration of site construction. Access to and use of ESAs will be restricted. Vehicle fueling and staging areas will be located at least 100 feet from flagged ESAs.
7	The contractor will prepare and implement a Stormwater Pollution Prevention Plan as required during permitting.
8	Discharging pollutants from vehicle and equipment cleaning into any storm drains or watercourses will be prohibited.
9	Concrete waste materials will not be allowed to enter the flowing water of the Tuolumne River. Waste materials will be disposed of offsite, at an approved location, where they cannot enter surface waters.
10	Spill containment kits will be maintained onsite at all times during construction activities and staging or fueling of equipment.

**Table 3.6-1. Avoidance and Minimization Measures from the Natural Environment Study (NES)**  
*7<sup>th</sup> Street Bridge Project, Modesto, California*

<u>No.</u>	<u>Avoidance and Minimization Measure</u>
<u>11</u>	<u>Water will be applied in construction areas, including access roadways, to control dust. Soil stockpiles will be covered when weather conditions require.</u>
<u>12</u>	<u>Coir rolls, straw wattles, or similar materials will be used at the bases of slopes during construction to capture sediment.</u>
<u>13</u>	<u>Graded areas will be protected from excessive erosion using a combination of silt fences, fiber rolls along toes of slopes or along edges of designated staging areas, and erosion-control netting (such as jute or coir) as appropriate on sloped areas.</u>
<u>14</u>	<u>Borrow or fill material used in the BSA shall be native or, if from offsite, certified to be non-toxic and weed free.</u>
<u>15</u>	<u>Compensatory mitigation for the permanent loss of riverine habitat under Alternative 4 would likely be negotiated with the National Marine Fisheries Service (NMFS) and other permitting agencies.</u>
<u>16</u>	<u>Per USFWS (1996) guidelines,<sup>2</sup> the botanical surveys conducted in association with this project can be used to evaluate habitat and potential for rare plant occurrence for 3 years, or until August 2015. If ground-disturbing activities are scheduled to begin after this date, pre-disturbance botanical surveys will be conducted to reassess site conditions and habitat suitability.</u>
<u>17</u>	<u>Equipment will be operated during the least sensitive diurnal, seasonal, and meteorological periods relative to the potential effects on listed salmon and steelhead, and their habitat, to the extent feasible.</u>
<u>18</u>	<u>Equipment will be inspected on a daily basis for leaks and completely cleaned of any external petroleum products, hydraulic fluid, coolants, and other deleterious materials prior to operating the equipment.</u>
<u>19</u>	<u>A Spill Prevention, Control, and Countermeasures (SPCC) Plan will be developed to provide consistent, appropriate responses to spills that may reasonably be expected with implementation of the project. The SPCC Plan will be kept on-site during construction and the appropriate materials and equipment will also be on-site during construction to ensure the SPCC Plan can be implemented. Personnel will be knowledgeable in the use and deployment of the materials and equipment so response to an accidental spill will be timely.</u>
<u>20</u>	<u>Maintenance and fueling of construction equipment and vehicles will not occur within 150 feet of the flowing water of the Tuolumne River.</u>
<u>21</u>	<u>Maintenance and construction activities will be avoided at night to the extent practicable. When night work cannot be avoided, disturbance of sensitive species and managed habitats (including Essential Fish Habitat) will be avoided and minimized by restricting substantial use of temporary lighting to the least sensitive seasonal and meteorological windows. Lights on work areas will be shielded and focused to minimize fugitive lighting.</u>
<u>22</u>	<u>Debris from demolition and construction activities will be disposed of off-site at an approved location where it cannot enter surface waters.</u>
<u>23</u>	<u>An underslung work platform, temporary work trestle, or similar structure will be installed to keep bridge debris and construction, maintenance, and repair materials from falling into the river during demolition and construction.</u>
<u>24</u>	<u>Temporary sediment basins, if installed, will be cleaned of sediment and the site restored to pre-construction contours (elevations, profile, and gradient) and function post-construction.</u>
<u>25</u>	<u>Construction staging and storage areas will be located a minimum of 150 feet from the flowing water of the Tuolumne River and from sensitive plant communities such as native riparian vegetation.</u>
<u>26</u>	<u>Excavated material will not be stored or stockpiled in the channel. Any excavated material that will not be placed back in the channel or on the bank after construction will be end-hauled to an approved disposal site.</u>
<u>27</u>	<u>Gravel and large woody debris (LWD) excavated from the channel that is temporarily stockpiled for reuse in the channel will be stored in a manner that prevents mixing with river flows.</u>
<u>28</u>	<u>"Wet-work" area(s) will be isolated from flowing water using cofferdams, gravel berms, or other methods approved by permitting agencies. Seasonal in-water work areas will be specified by regulatory agencies during project permitting, but are assumed to be June 1 through October 31.</u>

<sup>2</sup> United States Fish and Wildlife Service (USFWS). 1996. *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed, and Candidate Plants*. Online: <https://www.fws.gov/sacramento/ES/Survey-Protocols-Guidelines/Documents>Liste...> September 23.

**Table 3.6-1. Avoidance and Minimization Measures from the Natural Environment Study (NES)**  
*7<sup>th</sup> Street Bridge Project, Modesto, California*

No.	Avoidance and Minimization Measure
29	Cofferdams or other diversions will affect no more of the river channel than is necessary to support completion of the maintenance or construction activity. Immediately upon completion of in-channel work, temporary fills, cofferdams, diversions, and other in-channel structures that will not remain in the river (i.e., materials other than clean, spawning-sized gravel) will be removed in a manner that minimizes disturbance to the aquatic environment.
30	All structures and imported materials placed in the river channel or on the banks during construction that are not designed to withstand high flows will be removed before such flows occur.
31	Temporary fills, cofferdams, and diversions that are left in the river channel will be composed of washed, rounded, spawning-sized gravel between 0.4 to 4 inches in diameter; gravel in contact with flowing water will be left in place, modified (i.e., manually spread out using hand tools if necessary) to ensure adequate passage for all life stages of fish present in the BSA, and then allowed to disperse naturally by high winter flows; materials placed above the Ordinary High Water Mark must be clean washed rock or contained to prevent material conveyance to the river or mixing with clean gravel.
32	The extent of dewatering will be limited to the minimum footprint (within coffered areas) necessary to support construction activities.
33	A wood block, bubble curtain, or similar protection will be installed (prior to the driving of piles) to further reduce the effects of noise and vibration to fish associated with pile-driving activities if it is determined that such activities must occur in the water.
34	The contractor will monitor turbidity levels in the river during construction and implement a plan that avoids unacceptable sedimentation and turbidity.
35	Water pumped from areas isolated from surface water to allow construction to occur in the dry will be discharged to an upland area providing overland flow and infiltration before returning to the river. Upland areas may include sediment basins of sufficient size to allow infiltration rather than overflow or adjacent dry gravel/sand bars if the water is clean and no visible plume of sediment is created downstream of the discharge. Other measures may be used to settle and filter water such as Baker tanks.
36	A NMFS-approved fish biologist will be onsite to observe de-watering activities and to capture/rescue any fish that are observed in an isolated area during dewatering activities.
37	Drilling will be conducted in dry river channel areas, to the extent practicable. If drilling must occur where water is present, the work area will be isolated from live water prior to work.
38	When geotechnical drilling takes place within the river channel, including gravel beds and bars, drilling mud will be bentonite without additives; initial drilling through gravel will be accomplished using clean water as a lubricant; after contact with bedrock or consolidated material, drilling mud (i.e., bentonite clay) may be used. All drilling fluids and materials will be self-contained and removed from the site after use; drilling will be conducted inside a casing so that all spoils are recoverable in a collection structure.
39	Stream width, depth, velocity, and slope that provide upstream and downstream passage of adult and juvenile fish will be preserved according to current NMFS and California Department of Fish and Wildlife (CDFW) guidelines and criteria or as developed in cooperation with NMFS and CDFW to accommodate site-specific conditions.
40	Flow through new and replacement structures must meet the velocity, depth, and other passage criteria for salmonid streams as described by the current NMFS and CDFW guidelines or as developed in cooperation with NMFS and CDFW to accommodate site-specific conditions.
41	Rock slope protection (RSP), sheet piles, and other erosion control materials will be pre-washed to remove sediment and/or contaminants.
42	Temporary material storage piles (e.g., RSP) will not be placed in the 100-year floodplain during the rainy season (October 15 through May 31), unless material can be relocated within 12 hours before the onset of a storm.
43	When concrete is poured to construct bridge footings or other infrastructure in the vicinity of flowing water, work must be conducted to prevent contact of wet concrete with water (e.g., within a cofferdam). Concrete or concrete slurry will not come into direct contact with flowing water.
44	Environmentally Sensitive Areas will be fenced to prevent encroachment of equipment and personnel into riparian areas, river channels and banks, and other sensitive habitats.

**Table 3.6-1. Avoidance and Minimization Measures from the Natural Environment Study (NES)**  
*7<sup>th</sup> Street Bridge Project, Modesto, California*

No.	Avoidance and Minimization Measure
45	Trees as identified in any special contract provisions or as directed by the Project Engineer will be preserved. Hazard trees greater than 24 inches in diameter at breast height (DBH) will be removed only under the supervision of the Project Biologist. Trees will be felled in such a manner as not to injure standing trees and other plants to the extent practicable.
46	Where vegetation removal is temporary to support construction activities, native species will be re-established that are adapted to the project location and that contribute to a diverse community of woody and herbaceous plants.
47	Disturbance and removal of aquatic vegetation will be minimized. The limits of disturbance will be identified; native vegetation, river channel substrate, and LWD disturbed outside these limits should be replaced if damaged. The minimum amount of wood, sediment and gravel, and other natural debris will be removed using hand tools, where feasible, only as necessary to maintain and protect culvert and bridge function, ensure suitable fish passage conditions, and minimize disturbance of the riverbed.
48	Soil compaction will be minimized by using equipment that can reach over sensitive areas and that minimizes the pressure exerted on the ground. Where soil compaction is unintended, compacted soils will be loosened after heavy construction activities are complete.
49	LWD subject to damage or removal will be retained and replaced on site after project completion as long as such action would not jeopardize infrastructure or private property or create a liability. LWD not replaced on-site will be stored or offered to other entities for use in other mitigation/restoration projects where feasible.
50	Vegetation disturbance will be minimized by locating temporary work areas to avoid patches of native aquatic vegetation, substantial LWD, and spawning gravel. Where vegetation removal is temporary to support construction activities, native species will be re-established that are specific to the project location and that comprise a diverse community of aquatic plants.
51	Where river bed material is removed temporarily to facilitate construction, it will be stored adjacent to the site, then placed back in the channel post-construction at approximately pre-project depth and gradient.
52	Existing roadways will be used for temporary access roads whenever reasonable and safe. The number of access and egress points and total area affected by vehicle operation will be minimized; disturbed areas will be located to reduce damage to existing native aquatic vegetation, substantial large woody debris, and spawning gravel.
53	Modified or disturbed portions of rivers, banks, and riparian areas will be restored as nearly as possible to natural and stable contours (elevations, profile, and gradient). At project completion, the riverbank toe will not extend farther into the active channel than the existing riverbank toe location.
54	The use of RSP at bridge abutments will be limited to the minimum necessary to protect the abutments under flood conditions.
55	Bank stabilization will incorporate bioengineering solutions consistent with site-specific engineering requirements, when feasible. Where RSP is necessary, native riparian vegetation and/or LWD may be incorporated into the RSP.
56	Stanislaus County shall retain a qualified biologist with expertise in the areas of anadromous salmonid biology, including handling, collecting, and relocating salmonids, salmonid/habitat relationships, and biological monitoring of salmonids. Stanislaus County shall ensure that all biologists working on the project will be qualified to conduct fish collections in a manner which minimizes potential risks to salmonids.
57	If individuals of sensitive aquatic species may be present and subject to potential injury or mortality from construction activities, a qualified biologist will conduct a preconstruction visual survey (i.e., bank observations).
58	When sensitive aquatic species are present in the BSA and it is determined that they could be injured or killed by construction activities, a qualified project biologist will identify appropriate methods for capture, handling, exclusion, and relocation of individuals or resources that could be affected. Where such resources cannot be feasibly captured, handled, excluded, or relocated (e.g., salmonid redd), actions that could injure or kill individual organisms or harm resources will be avoided or delayed until the species leaves the affected area or the organism reaches a stage that can be captured, handled, excluded, or relocated.
59	The project biologist will conduct, monitor, and supervise all capture, handling, exclusion, and relocation activities; ensure that sufficient personnel are available for safe and efficient collection of listed species; and ensure that proper training of personnel has been conducted in identification and safe capture and handling of sensitive aquatic species.

**Table 3.6-1. Avoidance and Minimization Measures from the Natural Environment Study (NES)**  
*7<sup>th</sup> Street Bridge Project, Modesto, California*

<u>No.</u>	<u>Avoidance and Minimization Measure</u>
60	<u>Electrofishing may be used when other standard fish capture methods are likely to be ineffective or other methods fail to remove all fish from the site; the project biologist must have appropriate training and experience in electrofishing techniques and all electrofishing must be conducted according to the NMFS (2000) Guidelines for Electrofishing.<sup>3</sup></u>
61	<u>Individual organisms will be relocated the shortest distance possible to habitat unaffected by construction activities. Within occupied habitat, capture, handling, exclusion, and relocation activities will be completed no earlier than 48 hours before construction begins to minimize the probability that listed species will recolonize the affected areas.</u>
62	<u>Within temporarily drained river channel areas, salvage activities will be initiated before or at the same time as river area draining and completed within a time frame necessary to avoid injury and mortality of sensitive aquatic species.</u>
63	<u>The project biologist will continuously monitor in-water activities (e.g., placement of cofferdams, dewatering of isolated areas) for the purpose of removing and relocating any listed species that were not detected or could not be removed and relocated prior to construction. The project biologist will be present at the work site until all sensitive species to be removed from a project site have been removed and relocated.</u>
64	<u>The project biologist will maintain detailed records of the species, numbers, life stages, and size classes of listed species observed, collected, relocated, injured, and killed, as well as recording the date and time of each activity or observation.</u>
65	<u>Before construction activities begin, the project environmental coordinator or biologist will discuss the implementation of the required best management practices (BMPs) with the maintenance crew or construction resident engineer and contractor, and identify and document environmentally sensitive areas and potential occurrence of listed species.</u>
66	<u>Before construction activities begin, the project environmental coordinator or biologist will conduct a worker awareness training session for all construction personnel that describes the listed species and their habitat requirements, the specific measures being taken to protect individuals of listed species in the project area, and the boundaries within which project activities will be restricted.</u>
67	<u>Stanislaus County will designate a biological monitor to monitor on-site compliance with all project BMPs and any unanticipated effects on listed species. Non-compliance with BMPs and unanticipated effects on listed species will be reported to the resident engineer or maintenance supervisor immediately. When non-compliance is reported, the resident engineer or maintenance supervisor will implement corrective actions immediately to meet all BMPs; where unanticipated effects on listed species cannot be immediately resolved, the resident engineer or maintenance supervisor will stop work that is causing the unanticipated effect until the unanticipated effects are resolved. The biological monitor should be approved by NMFS.</u>
68	<u>Work within water will be restricted to the period from June 1 to October 31, per the NMFS Biological Opinion and CDFW Lake or Streambed Alteration Agreement for the project. Extensions beyond October 31 may be conditionally granted by NMFS and CDFW.</u>
69	<u>Temporary falsework will be constructed to ensure that materials used during bridge demolition and construction do not enter the river channel.</u>
70	<u>"Wet-work" area(s) will be isolated from flowing water using cofferdams, gravel berms, or other methods approved by permitting agencies. Seasonal in-water work areas will be specified by regulatory agencies during project permitting, but are assumed to be June 1 through October 31.</u>
71	<u>A fish biologist will be onsite to observe de-watering activities and to capture/rescue any fish that are observed in an isolated area during dewatering activities.</u>
72	<u>Vegetation disturbance will be minimized by locating temporary work areas to avoid patches of native aquatic vegetation, substantial LWD, and spawning gravel. Where vegetation removal is temporary to support construction activities, native species will be re-established that are specific to the project location and that comprise a diverse community of aquatic plants.</u>
73	<u>Purchase in-lieu fee program credit at a 3:1 ratio for 154 square feet of permanent impacts to designated California Central Valley steelhead critical habitat within the stream channel resulting from the proposed project.</u>

<sup>3</sup> National Marine Fisheries Service (NMFS). 2000. *Guidelines for Electrofishing Waters Containing Salmonids Listed Under the Endangered Species Act*. Online: [http://www.westcoast.fisheries.noaa.gov/publications/reference\\_documents/esa\\_refs/section4d/electro2000.pdf](http://www.westcoast.fisheries.noaa.gov/publications/reference_documents/esa_refs/section4d/electro2000.pdf). June.

**Table 3.6-1. Avoidance and Minimization Measures from the Natural Environment Study (NES)**  
*7<sup>th</sup> Street Bridge Project, Modesto, California*

No.	Avoidance and Minimization Measure
74	<p>The following measures for western pond turtle will be implemented:</p> <ul style="list-style-type: none"> <li>• <u>Preconstruction surveys for presence/absence</u></li> <li>• <u>Dewatering of work areas and cofferdams to prevent rewatering</u></li> <li>• <u>Stanislaus County will ensure that a qualified biologist is on site during major ground-disturbing activities and dewatering to capture and relocate turtles as necessary</u></li> </ul>
75	<p>The following measures for burrowing owl will be implemented:</p> <ul style="list-style-type: none"> <li>• <u>Prior to ground-disturbing activities in the BSA, Stanislaus County will conduct surveys for burrowing owls using the guidance provided by the California Burrowing Owl Consortium (1993).</u><sup>4</sup></li> <li>• <u>Active burrows will be avoided by establishing a no-work buffer of 50 meters during the non-nesting period of September 1 to January 31, unless modified by the CDFW.</u></li> <li>• <u>Active burrows will be avoided by establishing a no-work buffer of 75 meters during the nesting period (February 1 to August 31), unless modified by the CDFW.</u></li> <li>• <u>Unless agreed to otherwise by Stanislaus County and CDFW, compensatory mitigation for impacts to burrowing owl and its suitable foraging habitat will follow CDFW guidance (CDFG, 2012)</u><sup>5</sup>.</li> </ul>
76	<p>The following measures for Swainson's hawk will be implemented:</p> <ul style="list-style-type: none"> <li>• <u>Stanislaus County will complete surveys for nesting Swainson's hawk within the BSA and within an appropriate buffer around the BSA following guidelines of the Swainson's hawk Technical Advisory Committee (SHTAC, 2000)</u><sup>6</sup>.</li> <li>• <u>If active nest trees are found and may be affected, CDFW will be notified immediately and consultation may be required.</u></li> <li>• <u>The project may be designed or reconfigured to avoid and/or minimize impacts to nesting Swainson's hawks.</u></li> <li>• <u>CDFG (1994)<sup>7</sup> provides recommendations for seasonal work restrictions and buffers from active nests while conducting project activities. Stanislaus County will work with CDFW to identify and establish appropriate buffers around active nests during the period March 1 to September 15.</u></li> </ul>
77	<p>The following measures for red bats will be implemented:</p> <ul style="list-style-type: none"> <li>• <u>During the summer or early fall immediately preceding bridge demolition, complete surveys to confirm what bat species are using the existing bridge structure and in what capacity.</u></li> <li>• <u>Develop a site-specific bat mitigation plan to:</u> <ul style="list-style-type: none"> <li>– <u>Humanely exclude bats from roosting in trees that are planned for removal or trimming</u></li> <li>– <u>Humanely exclude bats from roosting on the existing bridge structure</u></li> </ul> </li> <li>• <u>Bats will not be excluded from using the existing bridge during the maternal roosting period of April 15 to August 31 unless otherwise agreed to by Stanislaus County and CDFW.</u></li> </ul>
78	<p>To avoid direct impacts to nesting cliff swallow, Stanislaus County, in consultation with CDFW, will develop and implement a nesting bird exclusion plan prior to site construction. This plan will:</p> <ul style="list-style-type: none"> <li>• <u>Include provisions to remove relict nests from the existing bridge understructure outside of the typical nesting season.</u></li> <li>• <u>Exclude birds from establishing new nests on the bridge structure (existing or new bridge) by hanging exclusion netting or some similar technique approved by CDFW.</u></li> </ul>
79	<p>A preconstruction nesting bird survey will be conducted to identify active nests within the BSA. Stanislaus County may remove unoccupied nests during the non-nesting period (September 1 to February 15).</p>

<sup>4</sup> California Burrowing Owl Consortium. 1993. *Burrowing Owl Survey Protocol and Mitigation Guidelines*. April.

<sup>5</sup> California Department of Fish and Game (CDFG). 2012. *Staff report on burrowing owl mitigation*. State of California, Natural Resources Agency, Department of Fish and Game. March 7.

<sup>6</sup> Swainson's Hawk Technical Advisory Committee (SHTAC). 2000. *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley*. May 31, 2000.

<sup>7</sup> California Department of Fish and Game (CDFG). 1994. *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swansonii) in the Central Valley of California*. November 8, 1994.

**Table 3.6-1. Avoidance and Minimization Measures from the Natural Environment Study (NES)***7<sup>th</sup> Street Bridge Project, Modesto, California*

<u>No.</u>	<u>Avoidance and Minimization Measure</u>
80	If occupied nests (i.e., nests with birds or eggs) are present within the BSA, work within 50 feet of the nest of passerine species or 300 feet of raptor species will be avoided. Work shall not be permitted within this buffer until a qualified biologist has determined that nests are no longer active (i.e., young have fledged, or nest has failed)
81	Trees will be removed during the non-nesting season Sept. 1 to Feb 15. If vegetation removal is required during the nesting season, an approved biologist will survey for active nesting 72 hours prior to vegetation removal.
82	A bird exclusion plan will be developed in the event that nesting is identified on the bridge structure.

Section 3.7.5, Mitigation Measures. **Add** the following text to EIR Mitigation Measure CUL-3b (second bullet):

- Stanislaus County shall investigate the feasibility of removing historic elements from the 7<sup>th</sup> Street Bridge prior to its demolition. If feasible, Stanislaus County shall remove the selected features and install them within the pedestrian plaza. These features may include one or more of the concrete lions, railing/bench segments, an obelisk, and one or more of the bridge's bronze plaques. The concrete lion(s) installed in the pedestrian plaza may be replicated from an original if it is determined that the historic lions are too deteriorated. The plaza also will include a salvaged cutaway portion of the existing bridge that shows the underlying steel structure supporting the "canticrete" bridge design. This salvaged cutaway will be selected to show how the original bridge design featured an internal steel structure encased in concrete. Interpretation of the cutaway should include images of the original bridge design drawings, if those images are available, and otherwise will follow the requirements for interpretive exhibits described above. Stanislaus County shall ensure that the selected features are adequately stored and protected during the interim between their removal and installation in the pedestrian plaza. The selected features shall be installed in the pedestrian plaza within 12 months of the completion of the new 7<sup>th</sup> Street Bridge.

Section 5.2.7, Utilities and Service Systems. **Add** the following text to paragraph 1:

Project construction would result in a temporary increase in construction jobs, but it is anticipated these jobs would be filled by construction-related companies in Modesto and Stanislaus County (see [Draft EIR] Section 5.2.4) and would not result in changed demands for utilities and service systems. The project would be designed to protect and avoid the wastewater pipeline that passes along the north bank of the Tuolumne River, parallel to and just south of B Street. The project would require some minor utility work to reconfigure local water and sewer lines and the City would install a new 16 inch water line on the new bridge. This minor work would have negligible impacts.

# Comments and Responses

During the review of the public comments received on the Draft EIR, Stanislaus County identified one recurring theme that was expressed by many commenters: statements of opinion regarding their preference for selection of a preferred alternative. Instead of repeating responses to this theme throughout the individual responses to comments that follow in this section, Stanislaus County and the City of Modesto are responding to them in the Master Response shown below. When individual comments can be addressed (or partially addressed) by this Master Response, the individual response directs the reader to the following text.

## Master Response 1: Selection of Preferred Alternative

Four bridge replacement or retrofit alternatives have been the focus of discussion during all project reviews to date, and all four were included in the Draft EIR for review of their relative environmental impacts. Based on several factors including the public and agency comments received on the Draft EIR, Stanislaus County is recommending the selection of Alternative 2B, Existing Bridge Alignment (Standard Bridge), to be carried forward as the preferred alternative. If Alternative 2B is adopted by the Stanislaus County Board of Supervisors as part of the Final EIR certification process, it would be advanced to the final stages of project development leading to construction.

The primary determining factor in selecting Alternative 2B is cost. Alternative 2B is the lowest cost alternative, and is supported by Caltrans for that reason. As described throughout the public review, Caltrans is a critical funding partner, and their participation is needed in order to construct the new bridge. Caltrans has indicated that they would not contribute funding toward the Alternative 2A arch bridge structure. Given competing local priorities, Stanislaus County and the City of Modesto cannot support fully funding the Alternative 2A arch bridge.

In addition, Alternative 2B requires the least amount of property acquisition and displacement, and therefore is expected to cause the least disruption to nearby property owners, businesses, and residents. As described during public meetings, the tradeoff for Alternative 2B's reduced footprint has been the willingness of the local community to accept closing the bridge during construction. Based on feedback received during public review, it appears that temporary bridge closure (mitigated by a temporary pedestrian and bicycle crossing and by increased transit service) is acceptable to the community.

Although Alternative 4, Retrofit and New Two-Lane Bridge, would preserve the existing 7<sup>th</sup> Street Bridge, it is not being selected as the preferred alternative. Primarily, this is because of cost; Alternative 4 is more expensive than Alternative 2B and also has much greater potential for higher-than-expected costs due to the unknown condition of the underlying steel structure. In addition, as described in the Draft EIR (see Impact CUL-3), Alternative 4 would have significant cultural resources impacts due to the physical changes to the bridge and the indirect changes in the bridge's historical context. Impacts to the historic bridge would be significant under all alternatives.



1. Comments Dictated to  
Stenographer at Public Meeting  
(August 29, 2016)  
(1-1, Larry Buehner, and  
1-2, Jeanne Collins)



# Comments Dictated to the Stenographer at the Public Meeting on the Draft EIR

Two comments from members of the public were dictated to the stenographer present at the August 29, 2016 public meeting on the 7<sup>th</sup> Street Bridge Project Draft Environmental Impact Report, as presented below. The meeting was held from 6:00 p.m. – 8:00 p.m. in the Basement Training Room of the Stanislaus County Administrative Offices at 1010 Tenth Street, Modesto, California.

These comments are reprinted from the *Public Meeting to Review Draft Environmental Impact Report Summary Report* for the project. The complete public meeting summary report, including the transcript of a question-and-answer session with project staff, is available online at [www.7thStreetBridge.org](http://www.7thStreetBridge.org). The written comments submitted by the public at this meeting are each presented as separate letters in Chapter 4 of the Final Environmental Impact Report, along with the responses from the County.

## **1-1. Larry Buehner**

*I'm not exactly in the bridge area, but I'm a little further south on Crows Landing Road. And we have a big traffic problem trying to get out on Crows Landing as it is. And I realize what they're saying, different pot of money, different phase. But I'd like to see this EIR, if it hasn't already addressed the additional traffic flow, to address that for another phase. We need some red lights down there by the freeway area to where Crows Landing -- all that traffic will be coming out of south Modesto to where they could get on the freeway and a red light to slow it down so some of the side streets can get out onto Crows Landing Road. Because it's hard right now, let alone with additional traffic to get out.*

*And then also, hopefully we can address how the big rigs can get across the railroad track at the north end of the bridge. Because that's good industrial area and Modesto is out of industrial area. And we can make that industrial area bigger if the big rigs can get in and out of there. Right now, it's just traffic grid locked especially during the season right now with all of the produce that's running.*

## **1-2. Jeanne Collins**

*On project 2-B -- 2-A and 2-B, we need to see if we can get a left turn to go downtown instead of -- because a lot of people go downtown instead of going the other direction. And see if we can figure out a signal to where we can put a signal in our park, in Sunrise Village. We need a way to where we can turn left.*

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**Comment Letter 1: Comments Dictated to Stenographer at Public Meeting****Comment 1-1: Larry Buehner, August 29, 2016****Response to Comment 1-1**

Thank you for your question. Current and future traffic flow in the bridge area and along Crow's Landing Road were analyzed in the traffic study and in the Draft EIR (see Draft EIR Section 3.1). These studies identified increased future traffic at the SR 99/Crows Landing Road intersection and, to a lesser extent, at the southbound SR 99/Tuolumne Boulevard intersection. To address the increased traffic, Stanislaus County and the City of Modesto have committed to improve these intersections as part of a separate locally sponsored project that could include addition of traffic signals. In addition, there is a separate project to widen Crows Landing Road between SR 99 and 7<sup>th</sup> Street from two lanes to four lanes that is listed in the 2014 Stanislaus Council of Governments Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS).<sup>8</sup>

**Comment 1-2: Jeanne Collins, August 29, 2016****Response to Comment 1-2**

Thank you for your question. Design engineers are evaluating the best option for reconfiguring the 7<sup>th</sup> Street/Crow's Landing Road intersection for optimal safety and traffic flow. The intersection reconfiguration will also affect ingress and egress from Sunrise Village. Safe and efficient access to Sunrise Village is being taken into consideration and the current challenges of entering Sunrise Village from the south and exiting Sunrise Village to the north are recognized.

In response to this comment, the County considered an optional configuration using a roundabout to account for all traffic movements – along 7<sup>th</sup> Street and Crows Landing Road, and into and out of Sunrise Village. The option has some potential to benefit Sunrise Village residents, but with tradeoffs such as increased right-of-way acquisition. The County will consider this and other reasonable options during final design.

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<sup>8</sup> Stanislaus Council of Governments (Stancog). 2014. *2014 Regional Transportation Plan Sustainable Communities Strategy, Stanislaus County*. Online: <http://www.stancog.org/pdf/rtp/final-2014-rtpscs.pdf>. June.



## 2. Letter from Dean Phillips, August 29, 2016



**From:** [Judith Buethe](#)  
**To:** [leamond@stancounty.com](#); [Franck, Matthew/SAC](#); [Elwood, Jennifer/SAC](#)  
**Cc:** [Melissa](#)  
**Subject:** 7th St Bridge [EXTERNAL]  
**Date:** Monday, August 29, 2016 10:46:30 AM

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Team,

See attached.

Judith

-----Original Message-----

From: Dean Phillips [<mailto:weathermandean@gmail.com>]  
Sent: Monday, August 29, 2016 5:44 AM  
To: Judith Buethe <[judith@buethecommunications.com](mailto:judith@buethecommunications.com)>  
Subject: 7th St Bridge

Judith:

Everything has a useful life, and the 7th St Bridge has passed that point. Keeping it in any form will just be a maintenance headache.

Save the lions, and build a new bridge.

Dean Phillips.

1

Sent from my iPhone



**Comment Letter 2: Letter from Dean Phillips, August 29, 2016****Response to Comment 2-1**

This comment expresses support for Project Alternative 2B, the alternative selected by the County as the Preferred Alternative (see Master Response 1). This comment also expresses support for saving the existing 7<sup>th</sup> Street Bridge lions. As discussed in Draft EIR Section 3.7.5 (Mitigation Measure [MM] CUL-3), Stanislaus County intends to preserve one or more of the concrete lions and install them in the new pedestrian plaza that will be created as part of this project. However, if the original lions are determined to be too deteriorated, replicas will be created and installed. Text has also been added to Draft EIR Section 2.2, Overview of Alternatives, to reflect this (see page 3-1 above).



### 3. Letter from Betty Saletta, August 29, 2016



County of Stanislaus~City of Modesto  
7th Street Bridge Project  
*7th Street Bridge Project*

### Comments

Name (Please print): Betty Satalte Date: 8-29-16

Street address: 4255 Wellsford Rd. City: Oakdale

State: CA Zip: 95361 Email: satalte@sculptureca.com

Please add my name to the 7<sup>th</sup> Street Bridge Project mailing list.

I would like the following comments filed in the record. (Please print.)

Attached document.

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Please mail or e-mail to:

7<sup>th</sup> Street Bridge Project

Attn: Public Outreach Coordinator

P.O. Box 4436, Stockton, CA 95204

Hotline: 209-464-8707, ext. 1

Hotline@buethecommunications.com

## Environmental Impact Assessment of a public Saletta Sculpture

- The project:

Lion sculpture in bronze, life size, to replace the 4 existing lions.

- The 4 lions will be created and produced in cast bronze. With a life expectancy of at least 500 years.

- The cast bronze sculptures will require 1½ inch wide by 6 inch deep holes for cementing into concrete.

Or can be attached to a stainless steel base with 1 inch all-thread bolts. Contact of bronze to other metal must be with a stainless steel buffer. Cast bronze is approximately 96% copper.

- No air or water pollution output.

- Alternative would be cast concrete, fiberglass, or carved stone.

Each with a limited life expectancy, requiring repair or replacement.

- Bronze sculpture will enhance the population's esthetical appreciation of the art.

- It will stimulate interest of children and offer opportunity for shared expression.

**Comment Letter 3: Letter from Betty Saletta, August 29, 2016****Response to Comment 3-1**

As discussed in MM CUL-3 in Section 3.7.5 of the Draft EIR, Stanislaus County will install one or more of the concrete lions in the new pedestrian plaza that will be created as part of this project. However, if the original lions are determined to be too deteriorated, replicas will be created and installed. The commenter suggests that bronze replicas are likely the best option given the condition of the existing lions. MM CUL-3b, using language reviewed and accepted by the State Historic Preservation Officer (SHPO), is flexible on exactly how the lions will be preserved. As part of the final design process, project engineers and historical design specialists will determine if the existing lions can be moved without further damage, and assess the relative merits of restoration versus recreating the lions using concrete or another material such as bronze.



## 4. Letter from Satjit Singh, DBA Star Auto Sales, August 29, 2016



County of Stanislaus ~ City of Modesto  
**7th Street Bridge Project**  
7th Street Bridge Project

### Comments

Name (Please print): SARJIT SINGH DBA STAR AUTO <sup>SARJIT</sup> Date: 8/29/16

Street address: 514 CROWSLANDING RD City: MODESTO

State: CA Zip: 95355 Email: SARJIT\_SINGH@YAHOO.COM

Please add my name to the 7<sup>th</sup> Street Bridge Project mailing list.

I would like the following comments filed in the record. (Please print.)

RELOCATION OF BUSINESS

\* STAR AUTO SALES - 514 CROWSLANDING RD.  
IN ALL OPTIONS MY BUSINESS IS GONE  
TO RELOCATE  
BUSINESS LOCATED THERE FOR 2 YEARS.  
\* WHAT COUNTY WILL DO TO REST THE BUSINESS  
\* WHAT HAPPENS TO CUSTOMER / BUILD  
\* FOR ALL THESE YEARS  
IS THERE ANY GOODWILL PROVIDED  
TO BUSINESS, SINCE BUSINESS LOSING  
ALL THE OPTION.

Please mail or e-mail to:

**7<sup>th</sup> Street Bridge Project**  
Attn: Public Outreach Coordinator  
P.O. Box 4436, Stockton, CA 95204  
Hotline: 209-464-8707, ext. 1  
Hotline@buethecommunications.com



**Comment Letter 4: Letter from Satjit Singh, DBA Star Auto Sales, August 29, 2016****Response to Comment 4-1**

Thank you for your question. Affected parties will be contacted regarding the relocation assistance and benefits when the right-of-way phase of the project begins. The federal Uniform Relocation Assistance and Real Properties Acquisition Policies Act (Uniform Act) and the California Relocation Assistance Act provide advisory services and monetary benefits to permanently and temporarily displaced parties. A general overview of the relocation assistance and benefits is provided in Draft EIR Section 2.3 and Appendix A (Draft Relocation Impact Report).



## 5. Letter from Elaine Ixcot, August 29, 2016



**From:** [Judith Buethe](#)  
**To:** [Elaine Ixcot](#)  
**Subject:** RE: Lion's Bridge [EXTERNAL]  
**Date:** Monday, August 29, 2016 1:13:24 PM

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Dear Ms. Ixcot:

Thank you for your email, which I am forwarding to the engineers and environmental specialists working on the project.

We appreciate your taking the time to provide your comments.

Judith Buethe  
Public Outreach Coordinator

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**From:** Elaine Ixcot [mailto:[ptdixielegal@att.net](mailto:ptdixielegal@att.net)]  
**Sent:** Monday, August 29, 2016 12:47 PM  
**To:** Judith Buethe <[judith@buethecommunications.com](mailto:judith@buethecommunications.com)>  
**Subject:** Fw: Lion's Bridge

On Monday, August 29, 2016 12:40 PM, Elaine Ixcot <[ptdixielegal@att.net](mailto:ptdixielegal@att.net)> wrote:

Good afternoon,

I read about the meeting on the Lion's Bridge this am in the MoBee. I am soooo sorry I will not be able to attend because of a prior engagement!

I am very intersted in our beautiful bridge and the Lion's who have resided at each end for the past century.

My request is.... if another bridge is constructed on a near by site.... Could we please have our now standing Lion's Bridge as a walking bridge? Please, Please, Please. If this is not possible and they reconstrut the brige on the same spot, please restore the Lion's at the ends of the new bridge....

My first request is my utmost request as we would still have our beautiful/original bridge.

I am a long time resident of Modesto (almost 79 years) and have given this matter a lot of thought.

Please don't destroy our history.

Sincerely,

Elaine D. Ixcot

805 Tully Rd. # 5

Modesto, Ca. 95350

209 576-8391.

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2



**Comment Letter 5: Letter from Elaine Ixcot, August 29, 2016****Response to Comment 5-1**

Thank you for your question. A project alternative that would maintain the existing 7<sup>th</sup> Street Bridge for bicycle and pedestrian use was initially considered based on public feedback during the scoping process (see Draft EIR Section 2.5.2, New Downstream Bridge with Bridge Retrofit for Bicycle/Pedestrian Use). This alternative would require construction of a new downstream bridge for vehicle traffic only and would also require retrofitting the existing bridge similar to Alternative 4, Retrofit and New Two-Lane Bridge, for structural safety.

As discussed in Draft EIR Section 2.5.2, this alternative was eliminated from consideration for several reasons. In terms of financial considerations, the 7<sup>th</sup> Street Bridge project is supported by federal transportation funding administered by Caltrans, but use of the funds is limited. Caltrans would not fund retrofitting the existing bridge for only non-vehicular use. Local funding is not sufficient to pay for the retrofit without Caltrans support. In addition, as a non-vehicular bridge in the Tuolumne River Parkway, maintenance would be the responsibility of a local parks agency. The maintenance needs of such a large structure would likely exceed the financial capacity of local parks agencies.

Other considerations included the fact that the new downstream bridge would be slightly narrower, but would still require a high level of property acquisition. Also, retrofitting the existing bridge would not provide increased flood flow capacity as the existing bridge would remain within the Tuolumne River floodway. For these reasons, this Alternative was eliminated from further consideration.

**Response to Comment 5-2**

Thank you for your question about placing the existing lions on the new bridge. Early on, this was considered as part of a project alternative but it was determined that the lions would not be appropriate to the style of the new bridge and that lions would be placed instead in the new pedestrian plaza. As discussed in Draft EIR Section 3.7.5, Stanislaus County would install one or more of the concrete lions in the new pedestrian plaza that will be created as part of this project. However, if the original lions are determined to be too deteriorated, replicas will be created and installed. Text has also been added to Draft EIR Section 2.2 to reflect this (see page 3-1 above).



## 6. Letter from Yehia Ahmed Qassem Shaibi, August 31, 2016



County of Stanislaus~City of Modesto  
**7th Street Bridge Project**  
7th Street Bridge Project



### Comments

Name (Please print): Yehia Ahmed Qassim Shabibi Date: 8/3/16

Street address: 764 Richland Ave City: MODESTO CA

State: Calif. Zip: 95357 Email: \_\_\_\_\_

Please add my name to the 7<sup>th</sup> Street Bridge Project mailing list.

I would like the following comments filed in the record. (Please print.) I am the owner of the Lions Market @ 439 7th St & Owner of 514 Crows Landing at the corner of Tuolumne Ave & 7th St. All 3 properties are being rented out. Before my final vote (I am leaning towards Plan #2) I would like to know how project #2 will affect the ingress & egress to the Lions Market. I do not want to be left in a position where traffic does not flow easily in & out of my store.

Please mail or e-mail to:

**7<sup>th</sup> Street Bridge Project**  
**Attn: Public Outreach Coordinator**  
 P.O. Box 4436, Stockton, CA 95204  
 Hotline: 209-464-8707, ext. 1  
[Hotline@buethecommunications.com](mailto:Hotline@buethecommunications.com)

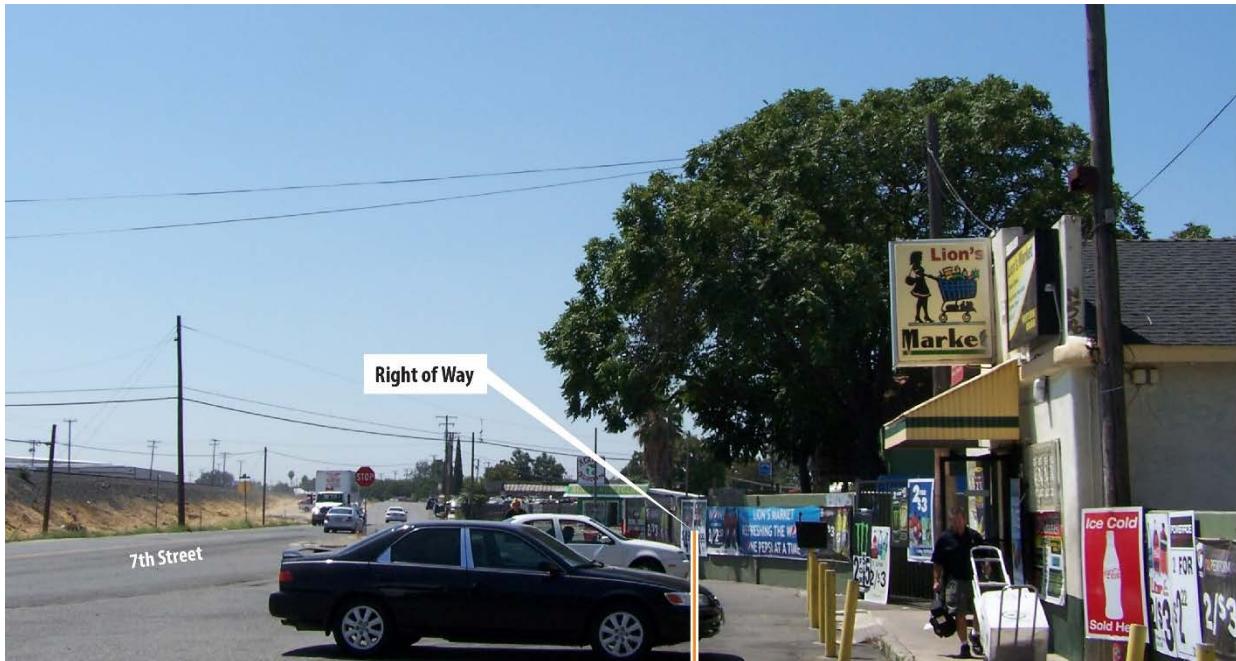


## Comment Letter 6: Letter from Yehia Ahmed Qassem Shaibi, August 31, 2016

### Response to Comment 6-1

As described in Master Response 1, Alternative 2B is recommended for approval; this alternative would preserve Lion's Market but would affect vehicle access and parking. In addition, Alternative 2B would require a small acquisition of approximately 0.027 acre (1,175 square feet) on the south side of the Lion's Market property (see Draft EIR Table 2-1).

Currently, Lion's Market is accessed directly from 7<sup>th</sup> Street and vehicles park within the frontage area; this parking area is mostly within the publicly owned County right-of-way (i.e., Stanislaus County's property rights extend beyond the boundaries of the 7<sup>th</sup> Street roadway itself, as shown by the right-of-way boundary marker indicated on Figure 1). Alternative 2B would raise 7<sup>th</sup> Street approximately 4 feet above the existing ground level directly in front of Lion's Market. While not impacting the building structure itself, parking in front of Lion's Market would no longer be possible. In order to replace the lost access in front of Lion's Market, the County would construct a new driveway just south of the market; this will provide access behind the market where new parking can be installed. Because the project would not take an existing private parking lot (existing on-street parking is within the County right of way), the County would not be responsible for installing the new parking area, just for providing access. See Draft EIR Figure 2-1A, which shows the proposed new driveway including an adjacent sidewalk.



**Figure 1. View of Lion's Market Looking South.**

*The photograph shows the current parking area in front of the store. The approximate boundary of the Stanislaus County right-of-way (which will not change as a result of the project) is shown as a vertical line.*

In summary, Lion's Market would be preserved but parking and access would be much different. Note that the information presented in the Draft and Final EIR is based on preliminary roadway design, and is subject to modification during development of the final design, which will occur after the project approval process is complete.



## 7. Letter from Bill Hudelson, September 1, 2016



County of Stanislaus~City of Modesto  
7th Street Bridge Project

RECEIVED  
7  
SEP 08 2016  
BY: .....

## Comments

Name (Please print): Bill Hurlelson Stanislaus Ford Products Date: 9/1/2016

Street address: 1202 D Street City: Modesto

State: CA Zip: 95354 Email: hud\_sfpc@hotmail.com

Please add my name to the 7<sup>th</sup> Street Bridge Project mailing list.

I would like the following comments filed in the record. (Please print.)

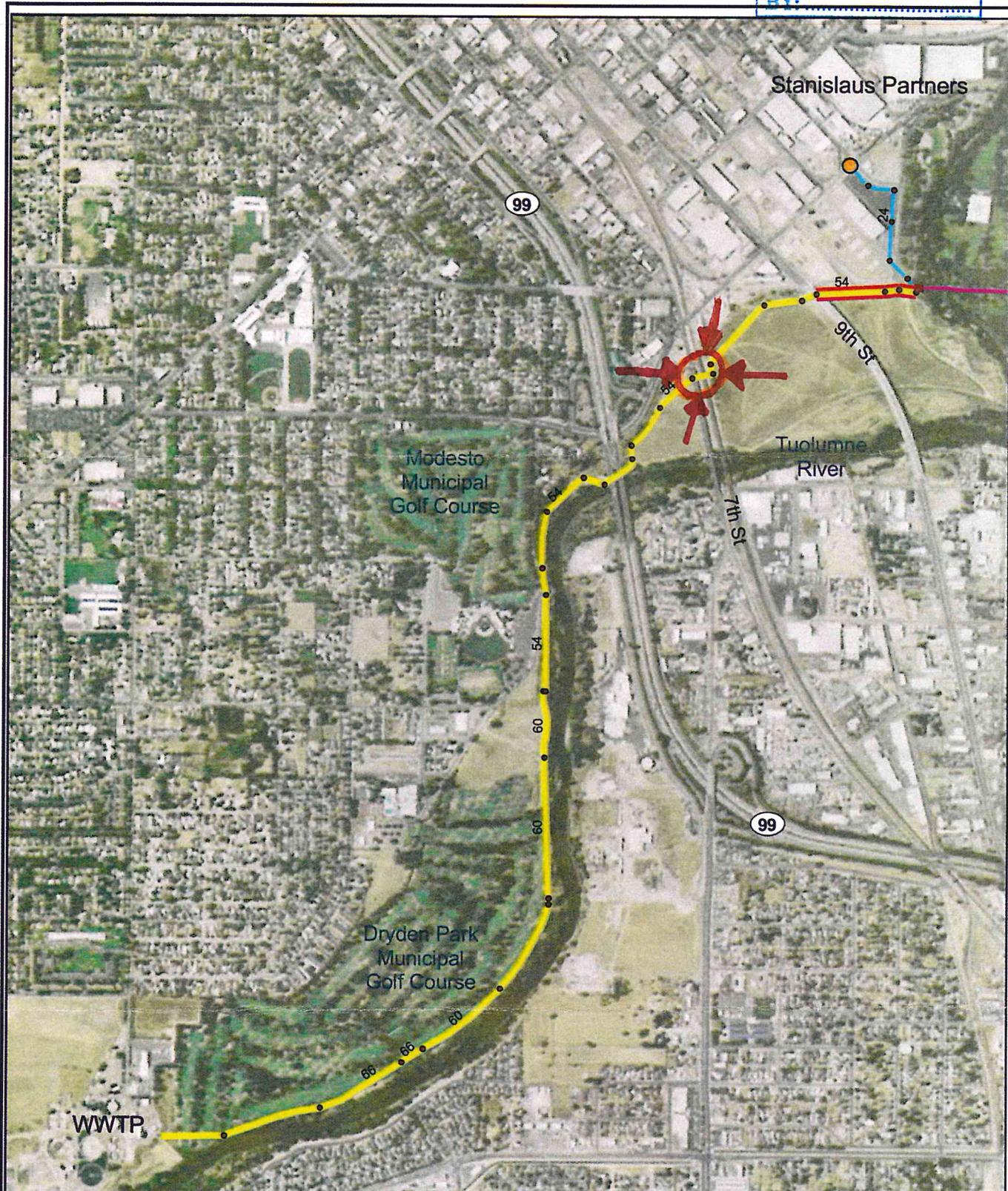
Near the north bank of the Tuolumne River there is a large concrete pipe that transports process water from the canneries, Frito Lay, and Gatto to the Sutter Avenue Wastewater factory. There is no backup pipe currently if this pipe were to break. From June through early October, 15 to 20 million gallons per day goes through this pipe. If this pipe was broken by construction activities for the bridge, thousands of workers would be without pay and millions of dollars of fruit would rot in the fields per day. Please prepare a plan on how to mitigate the risk of this potential disaster occurring during demolition of the old bridge or construction of the new bridge. See attached map for the location of the pipe. Please confirm receipt of our comments by phone, 548-3464 or email.

Please mail or e-mail to:

7<sup>th</sup> Street Bridge Project  
Attn: Public Outreach Coordinator  
P.O. Box 4436, Stockton, CA 95204  
Hotline: 209-464-8707, ext. 1  
Hotline@buethecommunications.com

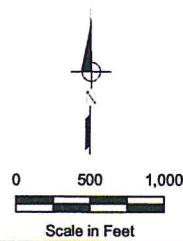
SEP 08 2016

BY:



LEGEND

- Manhole
- Wastewater Model Point Load
- Concrete Siphon Structure
- Bypass 4 Segment: 24.1 mgd
- Modeled Bypass Reach
- Cannery Segregation Spur Line



**FIGURE 7**

**City of Modesto  
CSL Bypass Plan**

**BYPASS 4**



**Comment Letter 7: Letter from Bill Hudelson, September 1, 2016**

**Response to Comment 7-1**

Thank you for asking about the wastewater pipeline. Our utility investigation identified the pipeline and it is shown on our general plans. This pipeline will be protected and will not be affected by construction. Bridge columns and foundations have been designed to avoid it. Further design and avoidance measures will be drafted during the final design phase. Text has been added to the Draft EIR Section 5.2.7, Utilities, to specifically discuss this pipeline (see Section 3, Revisions to the Text of the Draft EIR, above).



## 8. Letter from Central Valley Regional Water Quality Control Board, September 15, 2016





EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## Central Valley Regional Water Quality Control Board

*Clear 10/6/16*

15 September 2016

David Leamon  
Stanislaus County  
Department of Public Works  
1716 Morgan Road  
Modesto, CA 95358

Governor's Office of Planning & Research

SEP 19 2016

CERTIFIED MAIL

91 7199 9991 7035 8362 8936

STATE CLEARINGHOUSE

### COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, 7<sup>TH</sup> STREET BRIDGE PROJECT, SCH# 2013092059, STANISLAUS COUNTY

Pursuant to the State Clearinghouse's 23 August 2016 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Environment Impact Report* for the 7<sup>th</sup> Street Bridge Project, located in Stanislaus County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

#### I. Regulatory Setting

##### Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments

1

only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/).

### **Antidegradation Considerations**

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:  
[http://www.waterboards.ca.gov/centralvalleywater\\_issues/basin\\_plans/sacsjr.pdf](http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf)

In part it states:

*Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*

*This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

## **II. Permitting Requirements**

### **Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml).

#### **Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/).

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

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#### **Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml).

#### **Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

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<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

**Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

**Waste Discharge Requirements – Discharges to Waters of the State**

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit2.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml).

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**Dewatering Permit**

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0003.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf)

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2013-0145\\_res.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf)

**Regulatory Compliance for Commercially Irrigated Agriculture**

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: [http://www.waterboards.ca.gov/centralvalley/water\\_issues/irrigated\\_lands/approval/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/approval/index.shtml); or contact water board staff at (916) 464-4611 or via email at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).

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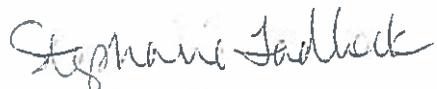
**Low or Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0074.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf)

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0073.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf)

If you have questions regarding these comments, please contact me at (916) 464-4644 or [Stephanie.Tadlock@waterboards.ca.gov](mailto:Stephanie.Tadlock@waterboards.ca.gov).



Stephanie Tadlock  
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

**Comment Letter 8: Letter from Central Valley Regional Water Quality Control Board,  
September 15, 2016**

**Response to Comment 8-1**

This comment is regarding the Central Valley Regional Water Quality Control Board (RWQCB) Basin Plan.<sup>9</sup> The EIR recognizes this plan and addresses it in Draft EIR Section 3.9.1.3, Hydrology and Water Quality; in addition, the RWQCB permits and approvals required for the project are listed in Draft EIR Section 1.4.

The EIR also recognizes antidegradation considerations associated with wastewater discharges to surface water and groundwater. Potential impacts to surface water and groundwater are evaluated in Draft EIR Sections 3.8, Hazards and Hazardous Materials, and 3.9, Hydrology and Water Quality. The project will comply with the City of Modesto's Municipal Regional Permit (National Pollutant Discharge Elimination System [NPDES] Permit No. CAS083526) and Stormwater Management Program that was approved by RWQCB.

**Response to Comment 8-2**

This comment addresses various permits which are discussed below:

Construction Storm Water General Permit – As discussed in Draft EIR Sections 3.9.1 and 3.9.4, the project will obtain a Construction General Permit and develop and implement a Storm Water Pollution Prevention Plan.

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits – The project will comply with the MS4 permit requirements which are discussed in Draft EIR Section 3.9.1, Hydrology and Water Quality. Stanislaus County is under a Phase II MS4 and the City of Modesto is under a Phase I MS4.

Industrial Storm Water General Permit – Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ. However, this project does not constitute an industrial site; therefore this permit does not apply.

Clean Water Act (CWA) Section 401 and 404 Permits – As discussed in Draft EIR Section 3.9.4, the project will comply with provisions set forth in U.S. Army Corps of Engineers (USACE) 404 Permit and RWQCB Section 401 Water Quality certification. Under Section 404, discharge of dredge or fill material into Waters of the United States must be approved. Under Section 401, the County would obtain certification from the state that the discharge would comply with other provisions of the CWA.

Waste Discharge Requirements - Discharges to Waters of the State – The USACE has determined that Waters of the U.S. are present in the project footprint. In terms of waters of the state in the project footprint, the project will comply with the California Porter-Cologne Water Quality Control Act as discussed in Draft EIR Section 3.9, Hydrology and Water Quality.

Dewatering Permit – The project is not likely to include surface or groundwater dewatering to be discharged to land. Bridge piles would be installed using drilled shafts and significant groundwater dewatering is not expected. However, if surface or groundwater discharge to land does prove to be necessary, a permit will be obtained.

Regulatory Compliance for Commercially Irrigated Agriculture – These regulations do not apply to the project because the project footprint does not include any land used for commercially irrigated agriculture.

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<sup>9</sup> California Regional Water Quality Control Board, Central Valley Region (RWQCB). 2016. *The Water Quality Control Plan (Basin Plan) for the California Regional Water Quality Control Board Central Valley Region: The Sacramento River Basin and the San Joaquin River Basin*. Fourth Edition. Online: [http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/). Revised July 2016 (with Approved Amendments).

CHAPTER 4 COMMENTS AND RESPONSES

**Low or Limited Threat General NPDES Permit** – The proposed project is not anticipated to include substantial construction dewatering nor discharge of groundwaters to waters of the United States. However, if these activities do prove to be necessary, the County will apply for a Low Threat General Order or Limited Threat General Order from RWQCB.

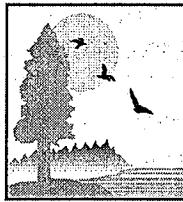
## 9. Letter from California State Lands Commission, October 5, 2016



STATE OF CALIFORNIA

EDMUND G. BROWN JR., Governor

**CALIFORNIA STATE LANDS COMMISSION**  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202



*Established in 1938*

JENNIFER LUCCHESI, Executive Officer  
(916) 574-1800 Fax (916) 574-1810  
California Relay Service TDD Phone 1-800-735-2929  
from Voice Phone 1-800-735-2922

Contact Phone: (916) 574-1890  
Contact FAX: (916) 574-1885

October 5, 2016

File Ref: SCH # 2013092059

David Leamon  
Stanislaus County Department of Public Works  
1716 Morgan Road  
Modesto, CA 95358

**Subject: Draft Environmental Impact Report (EIR) for the 7<sup>th</sup> Street Bridge Project, Stanislaus County**

Dear Mr. Leamon:

The California State Lands Commission (CSLC) staff has reviewed the Draft EIR for the 7<sup>th</sup> Street Bridge Project (Project), which is being prepared by Stanislaus County, Department of Public Works (County). The County, as a public agency proposing to carry out a project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The CSLC is a trustee agency because of its trust responsibility for projects that could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters. Additionally, because the Project involves work on sovereign lands, the CSLC will act as a responsible agency.

#### **CSLC Jurisdiction and Public Trust Lands**

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6009, subd. (c), 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On navigable non-tidal waterways, including lakes, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark,

except where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

Based upon the information provided and a review of in-house records, CSLC staff has determined that the Project as proposed will be located on State-owned sovereign land in the Tuolumne River, under jurisdiction of the CSLC. On April 12, 1988, the CSLC authorized the issuance of a 49-year General Lease – Public Agency Use, PRC 7183.9, with the County of Stanislaus. This lease authorized the 7<sup>th</sup> Street Bridge, in addition to four bridges located in the San Joaquin, Stanislaus, and Tuolumne Rivers. For the upgrade or replacement of the 7<sup>th</sup> Street Bridge, formal authorization from the CSLC will be required, and an application for either a lease amendment or a new lease must be submitted. For questions concerning leasing jurisdiction of the CSLC, please contact George Asimakopoulos (see contact information below).

1

### **Project Description**

Stanislaus County is proposing to replace or repair the existing 7<sup>th</sup> Street Bridge across the Tuolumne River in the city of Modesto. The Project meets the County's goals and objectives as follows:

- Correct structural and hydraulic deficiencies, including removal of load restrictions on the bridge;
- Expand vehicular capacity of the 7<sup>th</sup> Street corridor; and
- Improve safety for vehicles, bicyclists, and pedestrians.

The Project includes four alternatives to repair or replace the existing Bridge. A preferred alternative has not been identified. CSLC staff understands the Project alternatives to include different combinations of the following components with potential to require in-water work within the bed of the Tuolumne River:

- Demolition of the existing Bridge;
- Piling removal from Bridge demolition and installation of new pilings with new bridge construction, including potential for installation of a temporary coffer dam;
- Installation of a temporary work platform over the river bed;
- Construction of a temporary bicycle and pedestrian bridge; and
- Modification of the existing bridge for bicycle and pedestrian uses.

Alternatives for new bridge construction include locations either along or slightly downstream of the existing bridge, with removal of the existing bridge after construction of the new bridge is completed. Alternatives would also include varying bridge crossing types, including the span length and number and location of bridge piers.

### **Environmental Review**

CSLC staff requests that the following information be included in the EIR.

#### **Project Description**

1. The Project Description explains that construction of the cast-in-drilled-hole (CIDH) concrete piles and columns are anticipated to occur outside of the low-flow channel,

2

because piles and columns for all alternatives are outside of the normal low-flow channel. The Project Description also suggests that piers K and L of the existing bridge have been located outside of the low flow channel for the past few years. However, if it is a very wet year prior to bridge demolition and new construction, then the low-flow channel may be wider, creating potential for in-water work requiring the installation of a coffer dam or gravel berm to provide access for drilling equipment. Please provide more detail in the Project Description and construction plan figures regarding the approximate location of the ordinary low and high water mark elevations for all proposed construction activities proposed within or adjacent to the low-flow channel. Specifically, please address what work activities have potential to occur below the ordinary low and high water mark elevations. For construction plan figures representing cross sections for the four alternatives, please identify if pilings K and L are associated with the proposed locations for pilings Two and Three in proximity to the low-flow channel, and if proposed bridge elevations are proposed above the 100-year or 200-year floodplain.

### Aesthetics

2. The Project Description explains that architectural features for proposed bridge construction will be determined during final design phase. This determination limits the ability to assess visual impacts of bridge construction at the Project area. For example, visual simulations for proposed bridge construction would allow assessment of the size, scale, color, glare, lighting, and building materials, to ensure bridge architecture is compatible and appropriate for the Project area. Pursuant to Appendix G of the State CEQA Guidelines, the EIR must assess these types of aesthetic impacts, among other scenic impact considerations.

### Biological Resources

3. Mitigation Measure BIO-1 in the Draft EIR refers to the avoidance and minimization measures (AMMs) listed in Appendix F, Natural Environment Study, to reduce all potentially significant biological impacts to a less than significant level. Because these AMMs are introduced in various attachments and surveys within Appendix F, CSLC staff requests that you compile them in a comprehensive table for easy reference and assessment. In the Biological Resources section of the EIR, please clearly identify all proposed AMMs referenced with Mitigation Measure BIO-1.

Further, it appears that AMMs for special status species and critical habitat may have been developed without direct consultation with State and federal resource agencies, including the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and National Oceanic and Atmospheric Administration's National Marine Fisheries Service. CSLC staff understands that the U.S. Army Corps of Engineers will also be preparing separate environmental documentation pursuant to the National Environmental Policy Act, which is expected to include consultation with the above federal agencies. However, since the EIR is intended to provide a stand-alone analysis of the Project, a discussion on consultation with the above State and federal agencies should be included in the Final EIR to support proposed mitigation for State and federal special status species and habitats. The Federal Endangered Species Act expressly requires consultation and potential application for an

incidental take permit when a federal agency is not directly involved with another agencies approval of a project that has potential to adversely affect federal special status species and habitats.

4

### Cultural Resources

4. **Historic Structures:** For the existing bridge constructed in approximately 1915, the Draft EIR provides a comprehensive assessment on the history and existing qualities of the structure as having federal, State, and local status as a historically significant structure, and that the Project will have significant unavoidable impacts on the historic significance of the bridge. Therefore, approval of the Project will require a Statement of Overriding Considerations. The Draft EIR includes mitigation measures CUL-3a and CUL-3b as proposed mitigation for expected adverse effects, as summarized below:

- Historic American Engineering Record documentation before any work that could adversely affect characteristics that qualify the 7<sup>th</sup> Street Bridge as a historical resource, completed by a qualified professional, and approved by the National Park Service. The final documentation shall be distributed to the entities listed in the mitigation measure (MM).
- Interpretation of the 7<sup>th</sup> Street Bridge's historic significance to the public, to include:
  - An interpretive display within the pedestrian plaza as described in MM CUL-3b;
  - Removal of historic elements from the 7<sup>th</sup> Street Bridge prior to its demolition and installation within the pedestrian plaza if feasible; and
  - Historical information about the Bridge on a County or city of Modesto website with visual simulations and/or animations of the Bridge on the website.

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In the Final EIR or as part of the record of Project approval, please provide documentation that the California State Historic Preservation Officer concurs that the proposed measures mitigate the significant impacts to the extent feasible under CEQA.

### Greenhouse Gas (GHG) Emissions

5. The Draft EIR states that performance based standards required by the San Joaquin Valley Air Pollution Control District (SJVAPCD) are used in lieu of an adopted GHG threshold to assess Project-specific GHG emission impacts on climate change. CSLC staff encourages the County to consult further with the SJVAPCD for guidance on using a numerical threshold for Project GHG emissions. If supported by the SJVAPCD, please update the EIR to apply a numerical GHG threshold, and compare Project construction and operation emissions against the threshold to determine level of significance. Without a numerical threshold, the GHG analysis lacks a meaningful assessment of GHG emissions produced by the Project. Instead, the analysis and impact significance determinations rely on generalizations that the Project will comply with future mandates to reduce GHG emissions, and that the Project will reduce future vehicle miles traveled.

6

Recreation

6. The Draft EIR explains that the Project area has been vacant with regard to existing recreational support facilities, but that the Project area is currently being developed as part of the Gateway Parcel Precise Plan, which will serve as a new regional park as part of the Tuolumne River Regional Park Master Plan. Please update the EIR to provide further detail on how the Project will enhance public access to the park, and whether construction activities have potential to overlap and affect environmental resources.

Please note that promotion of public access to and use of California's navigable waters is a mandate of the California Constitution (Art. X, § 4), a condition of statehood in the Act of Admission (Vol. 9, Statutes at Large, page 452), and a responsibility of all public agencies pursuant to the Public Trust Doctrine. In this case, the Legislature has provided for a process to be followed regarding promoting access at bridge sites in California Streets and Highways Code section 991. During the design hearing process and prior to CSLC consideration of approval of a bridge project, the County is required to prepare a report on the feasibility of providing public access to the waterway, for recreational purposes, and determine if such public access will be provided. Please update the EIR to include an assessment of whether the Project will enhance public access to the proposed regional park, as a means to comply with Streets and Highways Code (§ 991) requirements.

7

The EIR should also discuss how members of the public will receive prior notice of Project-related activities in the area. CSLC staff recommends identifying alternate access points, if needed, and posting signage in advance, at or around the Project area in order to minimize impacts to recreational users. Additional discussions of notification and operational or construction practices should be addressed in the EIR in order to minimize impacts to members of the public.

Water Quality/Hydrology

7. Mercury/Methylmercury: The EIR study area includes the Tuolumne River. The Project area has been listed by the Central Valley Regional Water Quality Control Board (CVRWQCB) as being impaired by mercury under the Clean Water Act. Mercury is a sediment-associated pollutant. Activities that disturb sediment and cause turbidity release mercury and make it available for uptake by fish. Some potential Project activities, such as removing piles or structures from the river, may enhance mercury transport in the river. Sediment disturbance from these activities may release mercury and increase the likelihood of exposure by the public. Please identify a threshold of significance for mercury release, include an estimate of the amount of mercury released by Project-related activities, determine the significance of the impacts of those emissions using the threshold, and if the impacts are potentially significant, identify mitigation measures or Project changes that would reduce them to less than significant.

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As background, on April 22, 2010, the CVRWQCB identified the CSLC as both a State agency that manages open water areas in the Sacramento-San Joaquin Delta Estuary and a nonpoint source discharger of methylmercury (Resolution No. R5-

2010-0043), because subsurface lands under the CSLC's jurisdiction are impacted by mercury from legacy mining activities dating back to California's Gold Rush. Pursuant to a CVRWQCB Total Maximum Daily Load (TMDL), the CVRWQCB is requiring the CSLC to fund studies to identify potential methylmercury control methods in the Delta and to participate in an Exposure Reduction Program. The goal of the studies is to evaluate existing control methods and evaluate options to reduce methylmercury in open waters under jurisdiction of the CSLC. Any action taken that may result in mercury or methylmercury suspension upstream of the Sacramento-San Joaquin Delta Estuary may affect the CSLC's efforts to comply with the CVRWQCB TMDL.

8

### Mitigation Monitoring Program

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8. The Draft EIR does not appear to include a Mitigation Monitoring Program (MMP) identifying reporting and implementation requirements for all proposed mitigation measures. Pursuant to State CEQA Guidelines (§21081.6), a public agency shall adopt a monitoring program of mitigation measures and ensure their enforceability. Therefore, CSLC staff recommends that the Final EIR include a MMP.

Thank you for the opportunity to comment on the Draft EIR for the Project. As a responsible agency, the CSLC will need to rely on the Final EIR for the issuance of any amended or new lease as specified above and, therefore, we request that you consider our comments as you develop the Final EIR. Please send additional information on the Project to CSLC staff as plans become finalized.

Please send copies of future Project-related documents, including electronic copies of the Final EIR, MMP, Notice of Determination, CEQA Findings, and Statement of Overriding Considerations when they become available, and refer questions concerning environmental review to Jason Ramos, Senior Environmental Scientist, at (916) 574-1814 or via e-mail at [Jason.Ramos@slc.ca.gov](mailto:Jason.Ramos@slc.ca.gov). For questions concerning archaeological or historic resources under CSLC jurisdiction, please contact Assistant Chief Counsel, Pam Griggs, at (916) 574-1854 or via e-mail at [Pamela.Griggs@slc.ca.gov](mailto:Pamela.Griggs@slc.ca.gov). For questions concerning CSLC leasing jurisdiction, please contact George Asimakopoulos, Public Land Management Specialist, at (916) 575-0990 or via e-mail at [George.Asimakopoulos@slc.ca.gov](mailto:George.Asimakopoulos@slc.ca.gov).

Sincerely,



Cy R. Oggins, Chief  
Division of Environmental Planning  
and Management

cc: Office of Planning and Research  
G. Asimakopoulos, CSLC  
J. Ramos, CSLC  
S. Haaf, CSLC  
P. Griggs, CSLC

## Comment Letter 9: Letter from California State Lands Commission, October 5, 2016

### **Response to Comment 9-1**

Thank you for explaining the terms of the land use lease in better detail. We modified the language of the bullet point discussing the State Lands Commission lease in Draft EIR Section 1.4 (see page 3-1 of this Final EIR) and will apply for a new lease or an amendment to the existing lease.

### **Response to Comment 9-2**

The commenter asks about work within their jurisdiction – in other words, activities subject to the land use lease. Based on our understanding of State Lands Commission jurisdiction, the land use lease would cover project features in the area between the ordinary low water mark and the ordinary high water mark, or from approximately 44 feet to 50 feet above mean sea level, respectively. Within this area, existing Piers K and L would be removed, and new Piers 2 and 3 would be installed. For Alternative 2B, the location of the new piers is shown on Draft EIR Figure 2-3. Pier 3 would be in approximately the same location as Pier K. Pier 2, however, would be installed much closer to the river bank, approximately 50 feet south of Pier L. Pier L is in the middle of the existing river channel, but modern design standards allow for a longer span.

Construction activity also would require the use of temporary trestles and small, temporary cofferdams; both would be removed following completion of construction activity.

### **Response to Comment 9-3**

Regarding aesthetic impacts, we currently know enough about project alternatives to conduct visual impact analyses that satisfy CEQA and Caltrans. The visual impact analyses and visual simulations were based on a basic, preliminary version of the proposed alternatives. We know the bridge design, dimensions, and building materials under consideration and so were able to assess these features. Additional finishing treatments such as color and minor architectural features, some of which have not yet been selected, would not alter the general conclusions of the visual impact analysis. In addition, these embellishments would tend to improve the visual outcome of the project and would not create new impacts.

### **Response to Comment 9-4**

As requested, a table containing a complete list of NES AMMs, Table 3.6-1, has been created and inserted into Draft EIR Section 3.6.5 (see page 3-2 above).

Various consultation and permitting activities are required for project construction (see Draft EIR Section 1.4, Permits and Approvals). As noted by the commenter, some consultation activities are required prior to completing environmental review. In terms of biological resources, consultation is ongoing between Caltrans and the National Marine Fisheries Service, and a Biological Opinion is expected shortly. Also, the U.S. Army Corps of Engineers approved a preliminary jurisdiction determination of Waters of the United States, which is included as an appendix to the Natural Environment Study<sup>10</sup> (see Draft EIR Appendix F). These processes are ongoing, but are expected to be completed soon based on continuing work between Caltrans, Stanislaus County, and the regulatory agencies. Stanislaus County can certify the Final EIR while these processes are still underway, but note that these processes must be completed prior to Caltrans action to complete the National Environmental Policy Act review. Other agencies have been notified of the project, and Stanislaus County will apply for other permits, as required, prior to construction.

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<sup>10</sup> California Department of Transportation (Caltrans). 2016. *7<sup>th</sup> Street Bridge Project Natural Environment Study*. June.

### **Response to Comment 9-5**

The commenter summarizes the Draft EIR's discussion of impacts to the historic 7<sup>th</sup> Street Bridge and proposed mitigation. In terms of the State Historic Preservation Officer (SHPO), a draft Memorandum of Agreement (MOA) has been prepared and reviewed by SHPO staff; the current language of Mitigation Measures CUL-3a and CUL-3b incorporates their suggested changes. Final adoption of the SHPO MOA is expected to occur at about the same time as Stanislaus County certifies the Final EIR. In addition, Caltrans will require the MOA to be fully executed before completing their review process under the National Environmental Policy Act.

### **Response to Comment 9-6**

Our approach to greenhouse gas (GHG) assessment is consistent with the guidance of San Joaquin Valley Air Pollution Control District (SJVAPCD) and Caltrans. SJVAPCD does not have numerical GHG emission thresholds. SJVAPCD did not comment on the Draft EIR but indicated in the *Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA* (2009)<sup>11</sup> and also in the latest *Final Draft Guidance for Assessing and Mitigating Air Quality Impacts* (2015)<sup>12</sup> that the district does not have a numerical GHG emission threshold. The guidance suggests that significance of GHG emission impacts should be determined based on: 1) whether the project is included in an approved GHG reduction plan, 2) whether it applies Best Performance Standards, or 3) whether the project would achieve 29 percent reduction of GHG compared to business as usual. For the 7<sup>th</sup> Street Bridge Project, our conclusion of "less than significant" was based on the fact that the project is included in the region's approved Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), which is the region's GHG reduction plan.

### **Response to Comment 9-7**

A pedestrian plaza will be built as part of the project that will provide access to the Gateway Parcel of the Tuolumne River Regional Park and to the Tuolumne River itself. During the final design phase, project staff will coordinate with the Tuolumne River Regional Park Joint Powers Authority to develop a design that provides access to these features. We have updated Draft EIR Section 2.2, Overview of Alternatives, to reflect this (see page 3-1 above).

Project construction has the potential to overlap with construction of the park. Community outreach will be developed during the final design phase to notify any park users of project construction. Notification will be similar to the outreach developed under the traffic management plan discussed in MM Trans-2 in Draft EIR Section 3.1.5, Mitigation Measures.

### **Response to Comment 9-8**

As described in the Draft EIR, the Tuolumne River is listed as impaired by mercury and other pollutants (see Table 3.9-2). The Draft EIR states that there is an approved Total Maximum Daily Load (TMDL) implementation plan for sediment, but not for the other pollutants listed in Draft EIR Table 3.9-2.

In terms of mercury, the TMDL is expected to be completed in 2021. Until the new TMDL is complete, it is not possible to articulate a quantitative threshold of significance as the commenter suggests. In our experience with TMDL waste load allocations, quantitative thresholds are usually reserved for point-source discharges (such as wastewater treatment plants) or to urban areas under a municipal regional (i.e., MS4) permit. In contrast, individual construction projects typically follow best management

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<sup>11</sup> San Joaquin Valley Air Pollution Control District (SJVAPCD). 2009. *Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA*. Online: <http://www.valleyair.org/programs/ccap/12-17-09/3%20ccap%20-%20final%20lu%20guidance%20-%20dec%2017%202009.pdf>. December 17.

<sup>12</sup> San Joaquin Valley Air Pollution Control District (SJVAPCD). 2015. *FINAL DRAFT Guidance for Assessing and Mitigating Air Quality Impacts*. Online: [http://www.valleyair.org/transportation/GAMAQI\\_3-19-15.pdf](http://www.valleyair.org/transportation/GAMAQI_3-19-15.pdf). March 19.

practices (BMPs) to minimize pollutant discharges; this is the approach described under Impact HYDRO-1 in Draft EIR Section 3.9.4, Environmental Impacts. Project construction activities would occur in conformance with the Construction General Permit and subject to review under the local MS4 permit. The required Stormwater Pollution Prevention Plan would prescribe BMPs to minimize pollutant discharges from all construction activities including any necessary in-water work (e.g., cofferdam installation) that might cause sediment to be mobilized.

Note also that the Natural Environment Study includes specific measures for sediment control during construction. For example, steelhead avoidance and minimization efforts include isolating wet work areas from flowing water using cofferdams, gravel berms, or similar methods (see NES Section 4.3.2.3). These requirements are incorporated into the Draft EIR as MM BIO-1.

**Response to Comment 9-9**

A Mitigation Monitoring and Reporting Program (MMRP) document has been prepared, and will be considered for adoption by Stanislaus County as part of the Final EIR review and certification process.



# 10. Letter from Nathan Holth, October 6, 2016





**Nathan Holth**  
2767 Eastway Drive  
Okemos, MI 48864

269-290-2593  
[nathan@historicbridges.org](mailto:nathan@historicbridges.org)

**October 6, 2016**

David A. Leamon, PE  
Stanislaus County Public Works  
Deputy Director  
Construction Administration and Operations  
1716 Morgan Road  
Modesto, CA 95358  
209-525-4151 office  
209-409-4733 cell

Subject: 7th Street (Lion) Bridge Memorandum of Agreement Comments

Dear Mr. Leamon:

The following are my comments for the above listed project.

### **National Historical Context**

Firstly, I would like to recognize the historic significance of this bridge, which centers around the fact that the bridge is not a "true" arch bridge, but is instead a concrete cantilever arch bridge. As a resident of Michigan, which is home to one of the longest examples of this type, Detroit's Belle Isle Bridge, plus several other smaller examples designed by Wayne County, I have taken a particular interest in this otherwise exceedingly rare bridge type. Aside from the 7<sup>th</sup> Street Lion Bridge in Modesto (built 1916), the only other large, multi-span bridges of this type in the entire country that I am aware of are the Vachel Lindey Bridge in Springfield, Illinois (built 1933), the approach spans of the Hanover Street Bridge in Baltimore, Maryland (built 1916), and the Belle Isle Bridge in Detroit, Michigan (built 1923). While all of these bridges share a cantilever function, and use a reinforcement of riveted trusses, these bridges can be further subdivided into classes based on the design details of their steel reinforcement. For example, the Belle Isle Bridge and the Hanover Street Bridge include a trussed/braced arch rib with eyebars that act like stays running from the crown of the arch back to the top of the pier. In contrast, the Lion Bridge, a design of San Francisco-based Leonard and Day, utilized a closed spandrel design with an underlying riveted steel truss that extends throughout the depth of the arch. This California variation has been described as "canticrete" construction. It is (based on my cursory research) tied with the Hanover Street Bridge as the oldest known surviving example of large-scale concrete cantilever arch construction in America.

I have presented the above information to establish my interpretation of the historic significance of this type of bridge. Certainly the state-level significance for the 7<sup>th</sup> Street Lion Bridge is high, and the bridge may rise to "national significance" given the rarity of concrete cantilever arch bridges of any design nationwide. How many "canticrete" bridges remain in California? I believe the Lion Bridge is the largest (and possibly one of the only) surviving examples of the canticrete design, the product of a notable in-state designer. In any case, I believe the rarity and significance of the bridge warrants extraordinary mitigation for a proposed adverse effect (demolition). I also presented the above information on this bridge type and design to help establish that what is structurally significant about this bridge isn't just the

appearance of the bridge as a concrete arch, but also the underlying steel reinforcement and the arrangement of that reinforcement. That said, I offer the following comments and ideas for additional mitigation.

### Mitigation Already Proposed:

1. HAER Documentation: I recommend this include digital scans of the original drawings if they exist. Shop drawings (for the reinforcement) and site plans as well. If no original drawings exist, then I recommend HAER Measured Drawings. This bridge is rare and significant enough to warrant this classification of HAER Documentation (Level 1 HAER Documentation). The demolition of such a unique structure is an irreversible loss for which the preservation of other bridges cannot make up for. No other bridges of this design and size (canticrete subset of cantilever arch) exist to my knowledge.
2. Pedestrian Plaza: I think this is a good idea, and it goes along well with additional mitigation I outline in the next section.
3. Interpretive panels: I suggest that these be detailed, describing and showing the reinforcement, etc. Visitors should learn what a "cantilever" is and what a true "arch" is and why these spans are "cantilevers" that act differently than a true arch. A nationwide context of concrete cantilever arch bridges should be provided. I can assist with providing information, original drawings, and historical photos of some of the other bridges of this type elsewhere in the country if desired.
4. Installation of Salvaged Materials: I also think this is a good idea. However, as the proposed items for salvage are decorative elements which do not convey the bridges National Register Criterion C (Engineering/Design) significance, I have additional ideas for salvaged materials below.

### Additional Suggested Mitigation

This bridge's underlying steel reinforcement is the source of its unusual design. Unlike modern rebar, it is



**Construction Photo of Pajaro River Bridge: This Photo Shows A Canticrete Bridge With Its Trusses, Before Concrete Encasement**  
**Source: The Architect and Engineer of California, 1919.**  
**Digitized By Google.**

a self-supporting riveted steel truss. Historical photos of this bridge type (an under-construction photo of another canticrete bridge in California shows this). My suggestion is to have one portion of the bridge superstructure demolished more carefully in a way which would remove the concrete but not destroy the steel reinforcement. Not sure of the method, perhaps hydrodemolition or some other less destructive method. "Dropping" the span in the river as proposed in the

project documentation would need to be avoided for this portion. This salvaged steel structure would then be incorporated into the kiosk. In terms of how much and exactly what parts should be salvaged I suggest be determined by cost, visually appearance, and ability to convey the cantilever function. This might be one "arch" of reinforcing (and potentially additional reinforcing from adjacent spans to maintain and demonstrate balance). The arch could be artistically incorporated (ie an arch you walk under to enter the kiosk area). In terms of portions salvaged, it might also be two "arms" of reinforcement as they extend from either end of each pier as self-supporting cantilever arms.

I realize removing, cleaning, painting, and reusing the steel reinforcement from even a single span likely represents a fair amount of effort. Indeed, it is my assumption that no more than one or two spans might

be salvaged in this manner. However, given the rarity and significance of this bridge, I strongly feel this effort is justified. It would preserve for interpretation the unusual design. It would also offer value in the sense that it allows people to see something that is impossible to see if this type of bridge is rehabilitated and preserved.

My idea involves complete removal of the concrete. However, if it was feasible, another idea would be to only partially remove the concrete from the arch being salvaged (ie at the ends of the arms), so as to create a "cutaway" look at the internal reinforcing, which the rest would remain in concrete. However, I am suspecting that moving the arches intact with concrete on them might be more difficult. To illustrate this approach, I am including a HAER drawing for another reinforced concrete bridge. My idea here would be to illustrate in reality what HAER was illustrating in drawings. Half of the reinforcing exposed, the other half remaining encased.

## Conclusions

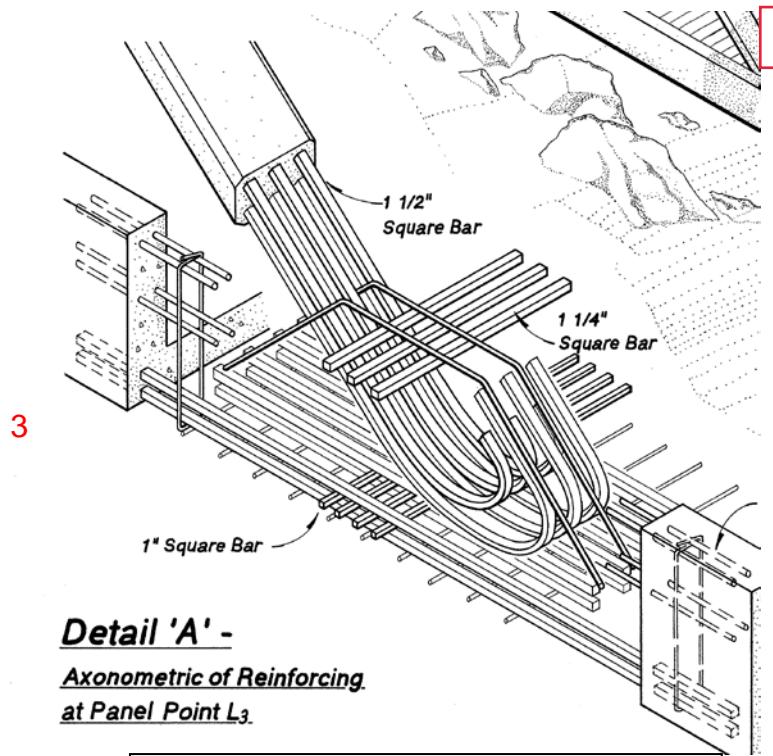
I believe the proposed mitigation is a step in the right direction. I sincerely hope my ideas for additional mitigation and enhancement of the proposed mitigation will be given serious consideration. I would also like to advise against an attempt to make the proposed replacement bridge visually resemble the historic bridge. In my strong opinion such efforts (as I have observed them on other projects) do little to honor the heritage, engineering, and craftsmanship of the historic bridge they replace. Worse, they may insult the efforts of those who designed and built the original bridge, by replacing real, functioning, engineered structures with fake facades that both convey a false sense of history and also wrongly suggest that aesthetics were the only reason the historic bridge was built in this form. I make this statement in specific reference to concrete arch bridges, because I have seen new pre-stressed concrete beam bridges constructed with fake arch facades placed to cover up the beams and make it look like an arch bridge. I see little value to such an effort.

Sincerely,



Nathan Holth

Author/Webmaster, HistoricBridges.org



Above: HAER Drawing For A Different Concrete Bridge Showing A "Cutaway" of the concrete, revealing the reinforcement within.



## Comment Letter 10: Letter from Nathan Holth, October 6, 2016

### Response to Comment 10-1

The commenter discusses the historical significance of the 7<sup>th</sup> Street Bridge, including information that corroborates Stanislaus County's technical studies (summarized in Section 3.7.2 of the Draft EIR). Stanislaus County agrees with the commenter's statements about the bridge.

### Response to Comment 10-2

The commenter summarizes the proposed mitigation and offers suggestions. Responses to each suggestion are as follows.

- Mitigation Measure CUL-3a requires that the existing bridge be documented following the standards of the Historic American Engineering Record (HAER). The commenter suggests items to include in the HAER report, including digital scans of the original drawings. Digital scans of the as-built construction drawings are available from Stanislaus County, and will be included in the HAER report. Note also that a detailed photo-simulation of the existing bridge using light detection and ranging (LIDAR) technology was prepared in 2015. As described in Mitigation Measure CUL-3b, LIDAR simulations and animations will be included in the HAER report and made available to the public.
- The pedestrian plaza is a key project feature, and the Draft EIR project description has been updated to include specific language about the plaza (see page 3-1 above).
- As a consulting party, the commenter will have an opportunity to review the final pedestrian plaza design, including text used for the interpretive panels. Stanislaus County will reach out to the commenter when the final design process begins.
- The commenter introduces his suggestion to use salvaged materials in the pedestrian plaza. See detailed Response to Comment 10-3 below.

### Response to Comment 10-3

The commenter suggests that the plaza be modified to include an additional feature: an interpretive display of a salvaged portion of the existing bridge structure. This display would include the exposed steel reinforcement, which is currently encased in concrete – in other words, a cutaway that reveals the internal structure of the “canticrete” (i.e., having cantilevered steel trusses encased in concrete) bridge.

The County agrees with this suggestion, and as previously noted on page 3-7 above, Draft EIR Mitigation Measure CUL-3b (second bullet) has been updated as follows:<sup>13</sup>

- Stanislaus County shall investigate the feasibility of removing historic elements from the 7<sup>th</sup> Street Bridge prior to its demolition. If feasible, Stanislaus County shall remove the selected features and install them within the pedestrian plaza. These features may include one or more of the concrete lions, railing/bench segments, an obelisk, and one or more of the bridge's bronze plaques. The concrete lion(s) installed in the pedestrian plaza may be replicated from an original if it is determined that the historic lions are too deteriorated. The plaza also will include a salvaged portion of the existing bridge that shows the underlying steel structure supporting the “canticrete” bridge design. This salvaged cutaway will be selected to show how the original bridge design featured an internal steel structure encased in concrete. Interpretation of the cutaway should include images of the original bridge design drawings, if those images are available, and otherwise will follow the requirements for interpretive exhibits described above. Stanislaus County shall ensure that the selected features are adequately stored and protected during the interim between their removal

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<sup>13</sup> Note that this update will also be incorporated into other documents as needed, including the Memorandum of Agreement that documents the County's (and Caltrans') adherence to the National Historic Preservation Act.

and installation in the pedestrian plaza. The selected features shall be installed in the pedestrian plaza within 12 months of the completion of the new 7<sup>th</sup> Street Bridge.

Details about the salvage operation, integration of the salvaged material into the plaza, and interpretation will be developed during final design and in consultation with the construction contractor (to be selected later). Please note, however, that the salvaged material will not be at the scale suggested by the commenter (“one or two spans”); given the minimum 54-foot span length, this would be cost-prohibitive and would overwhelm the plaza. The final design will specify that the area to be salvaged will be a reasonably sized representation of the steel structure underlying the canticrete bridge.

**Response to Comment 10-4**

This summary comment is addressed in the responses above. Stanislaus County looks forward to working with the commenter during final design.

# 11. Letter from Gracie Marx, October 10, 2016



County of Stanislaus ~ City of Modesto  
**7th Street Bridge Project**  
7th Street Bridge Project

### Comments

Name (Please print): Gracie Marx Date: 10-10-2016

Street address: 496 Thompson Way City: Escalon

State: CA Zip: 95320 Email: graciemrx@aol.com

Please add my name to the 7<sup>th</sup> Street Bridge Project mailing list.

I would like the following comments filed in the record. (Please print.)

Parents arrived in Escalon 1948. I grew up in Escalon / Ripon. IT was an adventure to travel to Modesto as a child. If the journey included the 7<sup>th</sup> st. bridge, Wow! undiscrivable! The "LION BRIDGE", is a memory of my childhood. Please, please keep the original lions. Do not change the bridge. Too many landmarks erased. Those who appreciate and hold memories of Modesto close to their hearts, will thank you. Don't wipe out what little we have left of our past.

Please mail or e-mail to:

with tears,  
 Gracie Marx

7<sup>th</sup> Street Bridge Project

Attn: Public Outreach Coordinator

P.O. Box 773, Stockton, CA 95201-0773

Hotline: 209-464-8707, ext. 101

Hotline@buethecommunications.com



**Comment Letter 11: Letter from Gracie Marx, October 10, 2016****Response to Comment 11-1**

Thank you for your comment. One alternative (Alternative 4) that was under consideration would have retrofitted the existing 7<sup>th</sup> Street Bridge and constructed a new, two-lane bridge just downstream of the existing bridge. That alternative is not being carried forward for adoption; as described in Master Response 1, Stanislaus County is recommending construction of Alternative 2B.

A project alternative that maintains the existing 7<sup>th</sup> Street Bridge for bicycle and pedestrian use was initially considered based on public feedback during the scoping process (see Draft EIR Section 2.5.2). This alternative would require construction of a new downstream bridge for vehicle traffic only and would require retrofit of the existing bridge similar to Alternative 4, for structural safety. As described in the Response to Comment 5-1 above, this alternative was not carried forward for detailed consideration.

Regarding the lions, early on it was determined that the lions would not be appropriate to the style of the new bridge and that lions would be placed instead in the new pedestrian plaza. As discussed in MM CUL-3 in Draft EIR Section 3.7.5, Stanislaus County will install one or more of the concrete lions in the new pedestrian plaza that will be created as part of this project. However, if the original lions are determined to be too deteriorated, replicas will be created and installed. Text has been added to Draft EIR Section 2.2, Overview of Alternatives, to reflect this (see page 3-1 above).

