

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
BOARD ACTION SUMMARY

DEPT: Public Works BOARD AGENDA #: 9:10 AM

AGENDA DATE: May 23, 2017

SUBJECT:

Public Hearing to Consider an Environmental Alternative and Adopt and Certify the Environmental Impact Report for the Seventh Street Bridge Project

BOARD ACTION AS FOLLOWS:

No. 2017-282

On motion of Supervisor Monteith, Seconded by Supervisor Withrow
and approved by the following vote.

Ayes: Supervisors: Olsen, Withrow, Monteith, DeMartini, and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended


2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST:


ELIZABETH A. KING, Clerk of the Board of Supervisors

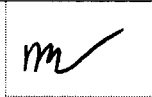
File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Public Works

Urgent

Routine



BOARD AGENDA #: 9:10 AM

AGENDA DATE: May 23, 2017

CEO CONCURRENCE: _____

4/5 Vote Required: Yes No

SUBJECT:

Public Hearing to Consider an Environmental Alternative and Adopt and Certify the Environmental Impact Report for the Seventh Street Bridge Project

STAFF RECOMMENDATIONS:

1. Conduct a Public Hearing to consider an environmental alternative and adopt and certify the Environmental Impact Report, dated March 2017, for the Seventh Street Bridge Project.
2. Adopt Alternative 2B as the least impactful bridge alternative.
3. Consider and adopt the Mitigation Monitoring and Reporting Program dated March 2017.
4. Consider and adopt the Findings and Statements Required Under the California Environmental Quality Act for the Seventh Street Bridge Project.

DISCUSSION:

The Seventh Street Bridge was built in 1916 and consists of a series of "canticrete" type trusses supported on reinforced concrete piers and abutments all founded on concrete or timber piling. Canticrete is the obsolete combination of underlying steel structural members covered with concrete, this type of bridge was constructed for approximately 7 years, from 1914 to 1921. The entire bridge span is approximately 1,170 feet in length and the Average Daily Traffic (ADT) volume is approximately 15,700 vehicles, which is one of our highest traffic volume roads, according to the most recent Traffic survey.

The bridge is eligible for inclusion on the National Register of Historic Places, as it is the last major Beaux Arts Bridge in the Central Valley. The Beaux Arts movement was part of the City Beautiful Movement at the turn of the last century. The City Beautiful Movement strived to bring monumental architecture to enhance the public places of a city. This bridge served as the signature gateway to Modesto long before the State Highways were present as this road was part of the highway between Modesto and Turlock.

The Seventh Street Bridge is amongst the lowest rated bridges within California. On a scale of 1 to 100, with 100 being the best, the Seventh Street Bridge has a sufficiency rating of 2. Although the bridge is still open for vehicles now there is significant spalling, advanced signs of alkali silica reaction, exposed and deteriorating steel reinforcing and considerable deflection at the cantilevered sections. This bridge has been weight restricted to 4 tons gross load since

Public Hearing to Consider an Environmental Alternative and Adopt and Certify the Environmental Impact Report for the Seventh Street Bridge Project

1979, which is very low compared to the standard weight for a bridge is 40 tons. The bridge has been weight restricted from legal loads for 79 of the 100 years that the bridge has been in existence. Seventh Street Bridge was designed and built before the modern truck and the design load was more applicable to horse drawn wagons than trucks. The bridge is listed as Structurally Deficient on the Caltrans Structures Maintenance and Investigation Local Bridge List. Structurally Deficient means that the bridge has low scores on the bridge deck and superstructure from our Caltrans bridge report and that the bridge is eligible for replacement utilizing Federal funding.

The technical environmental studies have been on-going since 2012. The Seventh Street Bridge Project Draft Environmental Impact Report (EIR) had a 45-day public review period, from August 23, 2016 to October 6, 2016, including a public meeting held on August 29, 2016. In addition, Stanislaus County, in cooperation with the City of Modesto, has held several additional public scoping and information meetings beginning in 2013, as listed below. They were all publicized through postcards sent by U.S. mail, notices in local English and Spanish language newspapers, City and County websites, and a dedicated project website (<http://www.SeventhStreetBridge.org>). These meetings were conducted as open houses with a presentation by the consultant project manager followed by a period for questions and comments from the audience. Informational display boards and exhibits were presented and staff from Stanislaus County, City of Modesto, and the consultant team were on hand to receive comments and answer questions. Attendees were provided with a print agenda and comment sheets. A public stenographer recorded questions, comments, and suggestions.

- Public Scoping Meeting - October 14, 2013: Sixteen members of the public and elected officials signed in at the meeting.
- Public Information Meeting - February 24, 2014: Thirty-three members of the public and elected officials signed in at the meeting.
- Public Information Meeting - January 14, 2015: Meeting held to discuss aesthetic aspects of the project. Twenty-three members of the public and elected officials signed in at the meeting.
- Public Information Meeting - February 25, 2015: Second meeting to review aesthetics. Sixteen members of the public and elected officials signed in at the meeting.
- Draft EIR Public Meeting – August 28, 2016: Thirty members of the public and elected officials signed in at the meeting.
- Landmark Commission – November 28, 2016: Meeting to discuss mitigation measures and potential future demolition of the existing bridge.
- City Council – February 14, 2017: Staff presentation to Modesto City Council.

Through the environmental process, four alternatives have been developed as described below:

Alternative 2A: Existing Bridge Alignment (Arch Bridge). Alternative 2A would use the existing Seventh Street Bridge alignment as part of the new bridge alignment. Seventh Street over the river would be closed during construction. Because this alternative does not require staged construction of the bridge, it accommodates a tied-arch structure over the Tuolumne River that avoids piers in the river's low-flow channel. In the floodplain, a precast concrete girder

Public Hearing to Consider an Environmental Alternative and Adopt and Certify the Environmental Impact Report for the Seventh Street Bridge Project

structure would be used. Although Alternative 2A has the best looking bridge with the distinctive arch, this alternative would require an addition \$10 million each from the City and County as local match as this bridge is \$20 million more than Alternative 2B. Therefore, Alternative 2A was eliminated from further consideration as the local match was too high.

Alternative 2B would demolish the existing historic bridge and replace it with a four-lane bridge with pedestrian and bicycle facilities. This design would accommodate standard trucks and would stand high enough above the flood stage to allow the safe passage of water below and the continued use of the bridge during floods. Bridge landings are designed to minimize right-of-way needed. Property acquisition would total 1.14 acres, including one entire commercial property and portions of ten others, and the relocation of eight residences south of the Tuolumne River. South of the bridge, Seventh Street would be designed to curve around the existing businesses and mobile home park as much as possible while still following Caltrans design standards. The intersection with Crows Landing Road would be improved with a signal. The preliminary estimated cost of this alternative ranges from \$36.9 to \$43.4 million.

Alternative 3 would allow Seventh Street and Crows Landing Road to intersect at very close to a 90 degree angle, for maximum visibility. Total property acquisition would be 4.6 acres, including four entire commercial properties and portions of six others, and the relocation of nineteen residences south of the Tuolumne River. The bridge design would be similar to Alternative 2B. The preliminary estimated cost of this alternative ranges from \$42.5 to \$46.7 million.

Alternative 4 includes building a parallel two-lane bridge downstream of the old bridge and retrofitting the existing bridge to carry truck loads and eliminate the structural deficiencies. This alternative attempts to preserve the historic bridge in place, with minimal alterations. The cost of this alternative cannot be easily estimated, as the design of the existing historic bridge prevents its inspection. The condition of the steel is impossible to evaluate because it is completely encased in concrete, with some small areas of steel exposed to view. However, in order to determine needed repairs, most of the concrete would need to be removed, eliminating the historic integrity of the structure. Furthermore, the bridge's design makes it impossible to widen without making significant changes to its structure and appearance. Total property acquisition would be 4.9 acres, including four entire commercial properties and portions of eight others, and the relocation of nineteen residences south of the Tuolumne River. The preliminary estimated cost of this alternative ranges from \$43.9 to \$48.3 million.

The City of Modesto has been formally consulted with during this process twice, once during a presentation to the Landmark Commission on November 28, 2016 and the second with a presentation to City Council on February 14, 2017. City Council took action with Resolution 2017-66 which recommends Alternative 2B to the Board of Supervisors as the preferred alternative and to recommend future demolition of the existing Seventh Street Bridge. Alternative 2B is also the staff recommended alternative as it is the lowest cost and least impactful right-of-way alternative.

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

Public Hearing to Consider an Environmental Alternative and Adopt and Certify the Environmental Impact Report for the Seventh Street Bridge Project

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 closure of 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.

The final step in the environmental process is to conduct the public hearing for the EIR. This will be an opportunity for the public to further comment. Following the California Environmental Quality Act (CEQA) action at the Board of Supervisors, Caltrans is processing the National Environmental Policy Act (NEPA) document and is anticipated to have the NEPA process complete in Winter of 2017. After NEPA and CEQA certification right-of-way and utility relocations will commence in the Spring of 2018 and is anticipated to take 2 years. Construction is anticipated to begin in Spring of 2020.

Schedule:

NEPA Certification	Winter 2017
Right-of-way and Utility Relocations	Spring 2018
Construction Begins	Spring 2020
Construction Ends	Fall 2021

POLICY ISSUE:

Stanislaus County California Environmental Quality Act (CEQA) guidelines and procedures, in accordance with California Code of Regulations, Title 14, Chapter 3, §15000 et. seq., as amended on May 13, 2008, require that the Board of Supervisors consider the Environmental Impact Report as the decision making body.

FISCAL IMPACT:

The staff recommended alternative, Alternative 2B, is anticipated to have a preliminary cost of \$36.9 to \$43.4 million, of which the project is eligible for 88.53% Federal Funding with a local match of approximately \$4.98 million, which will be split 50/50 with the City of Modesto.

ATTACHMENT 1

FINAL EIR

Final Environmental Impact Report 7th Street Bridge Project, Modesto, California

Prepared for

Stanislaus County

March 2017



2485 Natomas Park Drive
Suite 600
Sacramento, CA 95833

Preface

This document, together with the Draft Environmental Impact Report for the 7th 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 7th Street Bridge Project in Modesto, California (Draft EIR¹) 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, Toubé 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

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

CHAPTER 1 AGENCIES, ORGANIZATIONS, AND INDIVIDUALS ON DRAFT EIR NOTIFICATION LIST

- 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
- Laracuenta, 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 Grempe
- 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
- Muhummad, 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 Nathllely
- Palacios, Jose
- Patton Music Company Inc.
- Pepsi Cola Bottling Company
- Perez, Jose
- Praxair Inc.
- Progressive Missionary Church

CHAPTER 1 AGENCIES, ORGANIZATIONS, AND INDIVIDUALS ON DRAFT EIR NOTIFICATION LIST

- 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
7th 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

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
7th 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 7th 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 7th 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 7th 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)
7th Street Bridge Project, Modesto, California

No.	Avoidance and Minimization Measure
1	<u>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.</u>
2	<u>Channel access points will be flagged and used during site construction to minimize impacts to riverine and riparian habitats.</u>
3	<u>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.</u>
4	<u>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.</u>
5	<u>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.</u>
6	<u>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.</u>
7	<u>The contractor will prepare and implement a Stormwater Pollution Prevention Plan as required during permitting.</u>
8	<u>Discharging pollutants from vehicle and equipment cleaning into any storm drains or watercourses will be prohibited.</u>
9	<u>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.</u>
10	<u>Spill containment kits will be maintained onsite at all times during construction activities and staging or fueling of equipment.</u>

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

No.	Avoidance and Minimization Measure
11	<u>Water will be applied in construction areas, including access roadways, to control dust. Soil stockpiles will be covered when weather conditions require.</u>
12	<u>Coir rolls, straw wattles, or similar materials will be used at the bases of slopes during construction to capture sediment.</u>
13	<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>
14	<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>
15	<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>
16	<u>Per USFWS (1996) guidelines,² 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>
17	<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>
18	<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>
19	<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>
20	<u>Maintenance and fueling of construction equipment and vehicles will not occur within 150 feet of the flowing water of the Tuolumne River.</u>
21	<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>
22	<u>Debris from demolition and construction activities will be disposed of off-site at an approved location where it cannot enter surface waters.</u>
23	<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>
24	<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>
25	<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>
26	<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>
27	<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>
28	<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>

² 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/Listed_plant_survey_guidelines.pdf. September 23.

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

No.	<u>Avoidance and Minimization Measure</u>
29	<u>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.</u>
30	<u>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.</u>
31	<u>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 had 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.</u>
32	<u>The extent of dewatering will be limited to the minimum footprint (within coffered areas) necessary to support construction activities.</u>
33	<u>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.</u>
34	<u>The contractor will monitor turbidity levels in the river during construction and implement a plan that avoids unacceptable sedimentation and turbidity.</u>
35	<u>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.</u>
36	<u>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.</u>
37	<u>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.</u>
38	<u>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.</u>
39	<u>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.</u>
40	<u>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.</u>
41	<u>Rock slope protection (RSP), sheet piles, and other erosion control materials will be pre-washed to remove sediment and/or contaminants.</u>
42	<u>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.</u>
43	<u>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.</u>
44	<u>Environmentally Sensitive Areas will be fenced to prevent encroachment of equipment and personnel into riparian areas, river channels and banks, and other sensitive habitats.</u>

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

No.	<u>Avoidance and Minimization Measure</u>
45	<u>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.</u>
46	<u>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.</u>
47	<u>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.</u>
48	<u>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.</u>
49	<u>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.</u>
50	<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>
51	<u>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.</u>
52	<u>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.</u>
53	<u>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.</u>
54	<u>The use of RSP at bridge abutments will be limited to the minimum necessary to protect the abutments under flood conditions.</u>
55	<u>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.</u>
56	<u>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.</u>
57	<u>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).</u>
58	<u>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.</u>
59	<u>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.</u>

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

No.	<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.³</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>

³ 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. June.

Table 3.6-1. Avoidance and Minimization Measures from the Natural Environment Study (NES)
7th 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"> • <u>Preconstruction surveys for presence/absence</u> • <u>Dewatering of work areas and cofferdams to prevent rewatering</u> • <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>
75	<p>The following measures for burrowing owl will be implemented:</p> <ul style="list-style-type: none"> • <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).⁴</u> • <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> • <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> • <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, 2012⁵).</u>
76	<p>The following measures for Swainson's hawk will be implemented:</p> <ul style="list-style-type: none"> • <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, 2000⁶).</u> • <u>If active nest trees are found and may be affected, CDFW will be notified immediately and consultation may be required.</u> • <u>The project may be designed or reconfigured to avoid and/or minimize impacts to nesting Swainson's hawks.</u> • <u>CDFG (1994⁷) 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>
77	<p>The following measures for red bats will be implemented:</p> <ul style="list-style-type: none"> • <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> • <u>Develop a site-specific bat mitigation plan to:</u> <ul style="list-style-type: none"> – <u>Humanely exclude bats from roosting in trees that are planned for removal or trimming</u> – <u>Humanely exclude bats from roosting on the existing bridge structure</u> • <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>
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"> • <u>Include provisions to remove relict nests from the existing bridge understructure outside of the typical nesting season.</u> • <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>
79	<p><u>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).</u></p>

⁴ California Burrowing Owl Consortium. 1993. *Burrowing Owl Survey Protocol and Mitigation Guidelines*. April.

⁵ 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.

⁶ 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.

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

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

No.	Avoidance and Minimization Measure
80	<u>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)</u>
81	<u>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.</u>
82	<u>A bird exclusion plan will be developed in the event that nesting is identified on the bridge structure.</u>

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 7th 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 7th 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 7th 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 7th 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. 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.

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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.

2

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 7th 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).⁸

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 7th 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 7th 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.

⁸ 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

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>
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.

Sent from my iPhone

| 1

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 7th 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

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

Comments

Name (Please print): SARJIT SINGH DBA STAR AUTO SALES Date: 8/29/11

Street address: 514 CROWSLANDING RD City: MODESTO

State: CA Zip: 95355 Email: SARJIT_SINGH@YAHOO.COM

Please add my name to the 7th 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 GOING
TO RELOCATE
BUSINESS LOCATED THERE FOR 2 YEARS.
* WHAT COUNTY WILL DO TO ASSIST 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:

7th 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

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

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

On Monday, August 29, 2016 12:40 PM, Elaine Ixcot <ptdixiegal@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 bringe on the same spot, please restore the Lion's at the ends of the new bridge....

| 1
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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.

Sincerly,
Elaine D. Ixcot
805 Tully Rd. # 5
Modesto, Ca. 95350
209 576-8391.

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 7th 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 7th 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

RECEIVED
SEP 07 2016
BY:

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

Comments

Name (Please print): Yehia Ahmed Qassem Shaibi Date: 8/31/16
Street address: 764 Richland Ave City: MODESTO CA
State: Cal. Zip: 95351 Email: _____

Please add my name to the 7th 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 Crowlanding 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:

7th Street Bridge Project
Attn: Public Outreach Coordinator
P.O. Box 4436, Stockton, CA 95204
Hotline: 209-464-8707, ext. 1
Hotline@buethcommunications.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 7th 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 7th Street roadway itself, as shown by the right-of-way boundary marker indicated on Figure 1). Alternative 2B would raise 7th 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

RECEIVED
SEP 08 2016
BY:

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

Comments

Name (Please print): Bill Hudelson Stanislaus Food Products Date: 9/1/2016

Street address: 1202 D Street City: Modesto

State: CA Zip: 95354 Email: hud_sf@hotmail.com

Please add my name to the 7th Street Bridge Project mailing list.

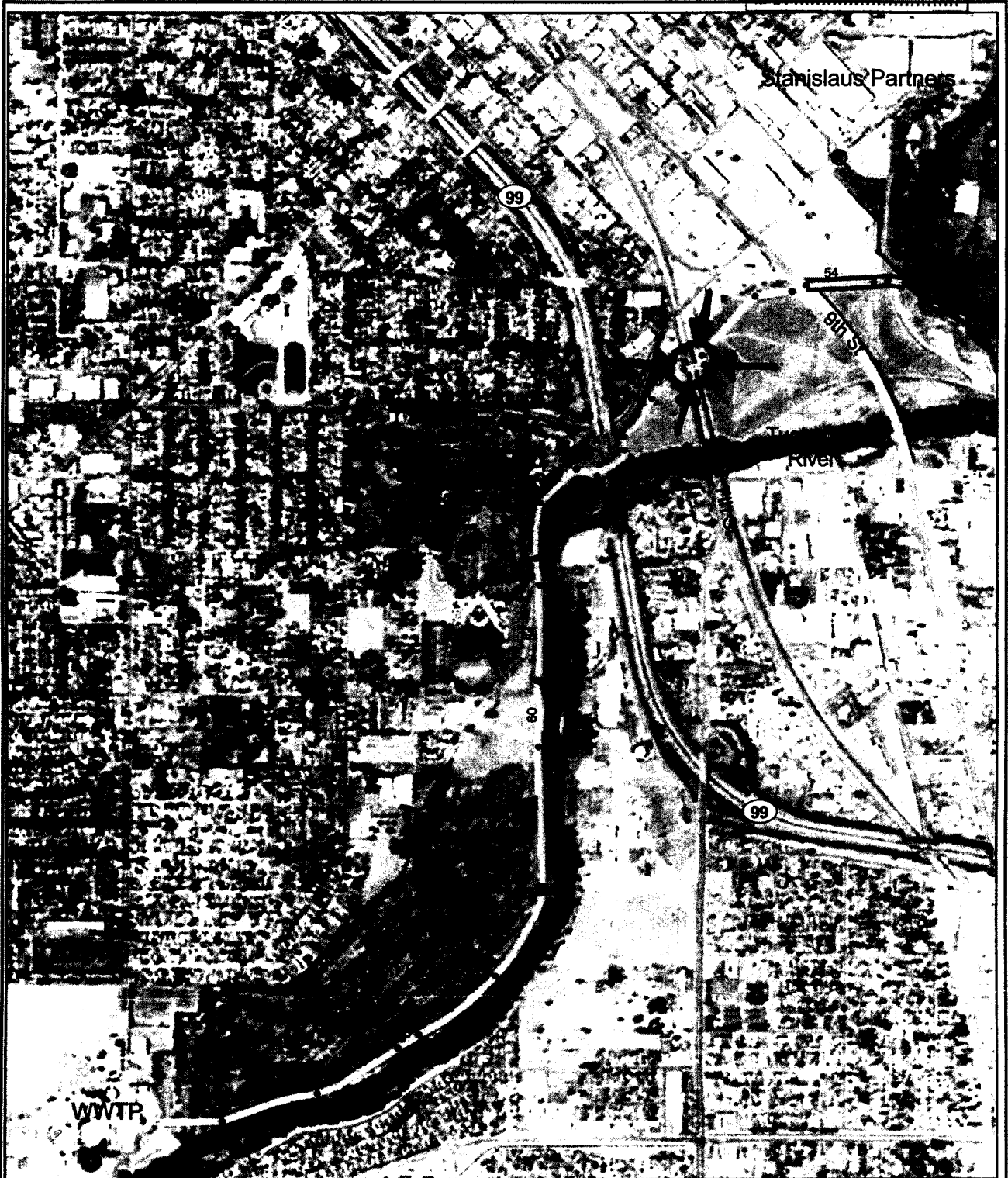
I would like the following comments filed in the record. (Please print.) _____

Near the north bank of the Tuolumne River there is a large concrete pipe that transports process water from the canneries, Fruit Lay, and Gallo to the Sutter Avenue Wastewater facility. 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.

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Please mail or e-mail to:

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



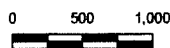
LEGEND

- 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



Scale in Feet

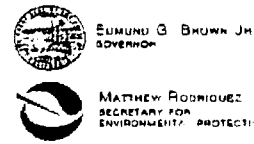


Comment Letter 7: Letter from Bill Hudelson, September 1, 2016

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



Central Valley Regional Water Quality Control Board

clear
2016/11/14
E

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

STATE CLEARINGHOUSE

CERTIFIED MAIL

91 7199 9991 7035 8362 8936

COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, 7TH 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 7th 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

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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/.

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

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).

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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.

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

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/.

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

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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.

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.

¹ 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.

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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

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

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/app_approval/index.shtml; or contact water board staff at (916) 464-4611 or via email at 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.

2

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

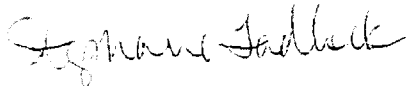
7th Street Bridge Project
Stanislaus County

- 6 -

15 September 2016

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

If you have questions regarding these comments, please contact me at (916) 464-4644 or 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.⁹ 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.

⁹ 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/. Revised July 2016 (with Approved Amendments).

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

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



Established in 1938

JENNIFER LUCCHESI, *Executive Officer*
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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 7th Street Bridge Project, Stanislaus County

Dear Mr. Leamon:

The California State Lands Commission (CSLC) staff has reviewed the Draft EIR for the 7th 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 7th Street Bridge, in addition to four bridges located in the San Joaquin, Stanislaus, and Tuolumne Rivers. For the upgrade or replacement of the 7th 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).

Project Description

Stanislaus County is proposing to replace or repair the existing 7th 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 7th 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,

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.

2

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.

3

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

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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 7th 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 7th 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 7th 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.

5

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.

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.

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.

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Mitigation Monitoring Program

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.

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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. 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. 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.

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 Study¹⁰ (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.

¹⁰ California Department of Transportation (Caltrans). 2016. *7th 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 7th 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)¹¹ and also in the latest *Final Draft Guidance for Assessing and Mitigating Air Quality Impacts* (2015)¹² 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 7th 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

¹¹ 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%20u%20guidance%20-%20dec%2017%202009.pdf>. December 17.

¹² 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. March 19.

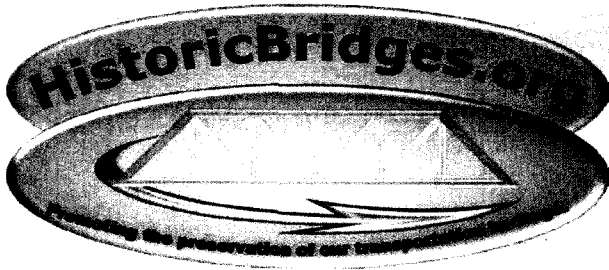
practices (BMPs) to minimize pollutant discharges; this is the approach described under Impact HYDRO-1 in Draft EIR Section 3.9.4, Environmental Impacts. Project construction activities would occur in conformance with the Construction General Permit and subject to review under the local MS4 permit. The 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

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 7th 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 7th 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

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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.

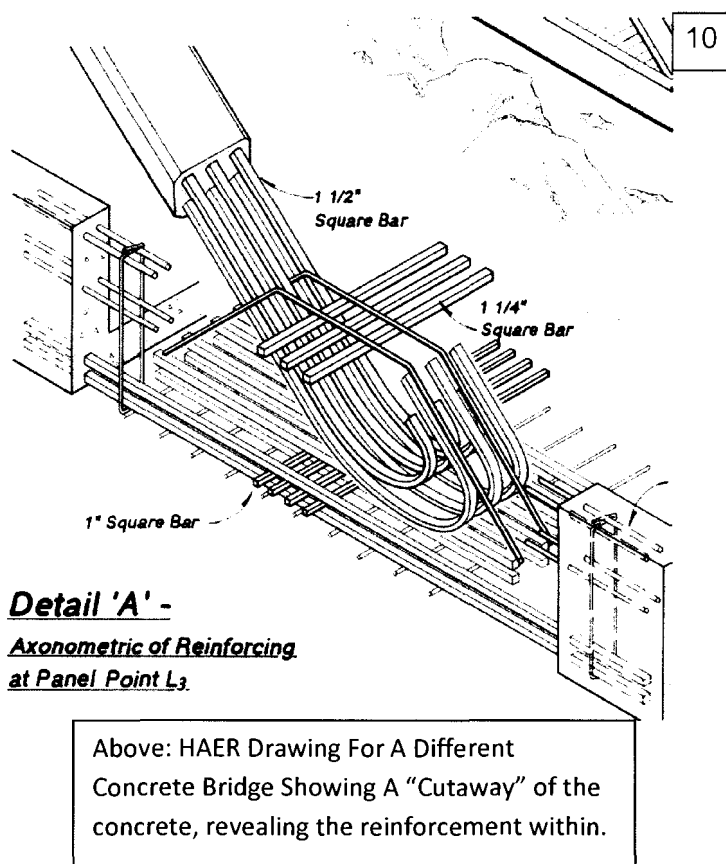
Conclusions

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



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

Response to Comment 10-1

The commenter discusses the historical significance of the 7th 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:¹³

- Stanislaus County shall investigate the feasibility of removing historic elements from the 7th 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

¹³ 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 7th 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 cantcrete 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: graciemarx@aol.com

Please add my name to the 7th 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 7th 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

7th 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 7th 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 7th 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).

ATTACHMENT 2

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Monitoring and Reporting Program 7th Street Bridge Project, Modesto, California

Prepared for
Stanislaus County

March 2017



2485 Natomas Park Drive
Suite 600
Sacramento, CA 95833

P R E F A C E

Section 21081 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program (MMRP) whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the MMRP is to ensure compliance with the mitigation measures during project implementation.

The Environmental Impact Report (EIR) for the 7th Street Bridge Project concluded that the implementation of the project could result in significant impacts to the environment, and therefore mitigation measures were incorporated into the proposed project and are required as a condition of project approval. This MMRP addresses those measures in terms of how and when they will be implemented (see Table 1). Proposed project oversight is the responsibility of Stanislaus County.

This document does not discuss those subjects for which the EIR concluded that the impacts from implementation of the project would be less than significant.

Table 1. Mitigation Monitoring and Reporting Program

Environmental Impacts	Mitigation Measures	Responsibility for Implementation	Method of Compliance	Timing of Compliance
Transportation and Traffic Resources				
TRANS-1. Increased traffic at SR 99/Crows Landing Road and SR 99/Tuolumne Blvd. intersections.	MM TRANS-1. 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 have committed to improving these intersections in the future as part of a locally sponsored project that could include signalization of the ramp intersections.	Stanislaus County	The County will work with the Stanislaus Council of Governments to program these improvements into the 2018 Regional Transportation Plan.	After project construction.
TRANS-2. Temporary increased traffic on SR 99 because of potential full closure of the 7 th Street Bridge.	MM TRANS-2. A temporary short-term significant impact is identified on the SR 99 SB mainline segment between Tuolumne Boulevard and Crows Landing Road during the PM peak hour as a result of the potential full closure of the existing 7 th Street Bridge. To mitigate this impact, a Traffic Management Plan (TMP) will be implemented before construction begins. As part of the TMP, public information will be distributed by using local news television and radio broadcasts, informational flyers and mailers, Web sites, and other outreach options. Signs will be installed and public notices will be distributed regarding construction work before disruptions occur; the notifications will identify detours to maintain access. The TMP will also include procedures to do the following: <ul style="list-style-type: none"> • Notify and coordinate with emergency responders of potential road closure before construction. • Ensure access for emergency vehicles to and around the project site. • Notify and coordinate with transit operators of potential road closures before construction. 	Stanislaus County	The County will ensure that the TMP is completed and include these provisions in the construction specifications. The construction contractor shall provide evidence of compliance to the County.	Prior to and during construction.
Biological Resources				
BIO-1. Impacts to protected species and habitats.	MM BIO-1. Implement the avoidance and minimization measures listed in the Natural Environment Study. Implement compensatory mitigation as described in the Natural Environment Study or as required by the National Marine Fisheries Service or California Department of Fish and Wildlife.	Construction Contractor	The County will include these provisions in the construction specifications. The construction contractor shall provide evidence of compliance to the County.	During all phases of construction

Table 1. Mitigation Monitoring and Reporting Program

Environmental Impacts	Mitigation Measures	Responsibility for Implementation	Method of Compliance	Timing of Compliance
Cultural Resources				
CUL-1. Potential to find unanticipated archaeological resources.	<p>MM CUL-1. If previously unidentified cultural materials are unearthed during construction of the project, work will be halted in that area until a qualified archaeologist can assess the significance of the find. Then a mitigation plan will be created before ground-disturbing activities may resume. Additional archaeological survey will be needed if project limits are extended beyond the present survey limits.</p>	Construction Contractor	The County will include these provisions in the construction specifications.	During all phases of construction
CUL-2. Potential to find unanticipated human remains.	<p>MM CUL-2. To minimize potential impacts on and disturbances to human remains and associated or unassociated funerary objects exposed during construction, the following measures will be implemented:</p> <ul style="list-style-type: none"> • Pursuant to State Health and Safety Code Section 7050.5(e) and PRC Section 5097.98, if human bone or bone of unknown origin is found at any time during on- or offsite construction, all work will stop near the find, and the Stanislaus County Coroner's Facility will be notified immediately. If the remains are determined to be Native American, the County Coroner will notify the California State Native American Heritage Commission, which will identify the person believed to be the most likely descendant. The archaeologist, project proponent, and most likely descendant will make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines Section 15064.5(d)). The agreed-upon treatment plan will address the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. California PRC allows 48 hours to reach agreement on a treatment plan. If the most likely descendant and the other parties do not agree on the reburial method, the project would follow PRC Section 5097.98(b), which states that "the landowner or his or her authorized representative will re-inter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance." • The treatment plan will be implemented and findings will be recorded in a professional report by the archaeologist and submitted to the Stanislaus County Coroner's Facility, Stanislaus County, the City of Modesto, and the CHRIS/Northwest Information Center. 	Construction Contractor	The County will include these provisions in the construction specifications.	During all phases of construction

Table 1. Mitigation Monitoring and Reporting Program

Environmental Impacts	Mitigation Measures	Responsibility for Implementation	Method of Compliance	Timing of Compliance
<p>CUL-3a. Demolition of historic property.</p>	<p>MM CUL-3a. Prior to the start of any work that could adversely affect characteristics that qualify the 7th Street Bridge as a historic property, Stanislaus County shall ensure that the bridge shall be the subject of recordation by photography and drawing following the standards of the Historic American Engineering Record (HAER) prior to the start of the undertaking.</p> <ul style="list-style-type: none"> • The appropriate level of documentation shall specifically follow HAER criteria at the level specified by the National Park Service (NPS) Regional HAER coordinator. Documentation shall be completed by a qualified professional who meets the standards for History, Architectural History, or Architecture (as appropriate) set forth by the Secretary of the Interior’s Professional Qualification Standards, (36 CFR, Part 61). • The draft documentation will be submitted for review and approval by the NPS. The final documentation will be distributed to the Library of Congress, the California SHPO, Caltrans District 10, and the Caltrans Transportation History Library in Sacramento. Stanislaus County shall also offer copies of the documentation and provide copies upon request to, at a minimum, the City of Modesto Landmark Preservation Committee; Stanislaus County Public Library, Modesto Branch; McHenry Museum & Historical Society; and the California State University, Stanislaus, Special Collections. 	<p>Stanislaus County</p>	<p>The County will prepare the HAER as part of final design.</p>	<p>Prior to construction</p>
<p>CUL-3b. Demolition of historic property.</p>	<p>MM CUL-3b. Stanislaus County shall implement measures to interpret the 7th Street Bridge’s historic significance for the public. A Caltrans PQS Architectural Historian or Principal Architectural Historian shall review and approve the format, text, photographs, and visual simulations / animations. All interpretive materials shall also be made available for review and approval by the SHPO prior to fabrication, installation, or publication.</p> <ul style="list-style-type: none"> • Stanislaus County shall install an interpretive display within the pedestrian plaza. The display shall include historical data taken from the HAER documentation and/or other cited archival sources and shall also include photographs. Displayed photographs shall include information about the subject, the date of the photograph, and photo credit / photo collection credit. The interpretive display installed in the pedestrian plaza shall be sufficiently durable to withstand typical Modesto weather conditions for at least ten years, like fiber-glass embedment panels, that meet NPS, or similar, signage standards. The interpretive display shall be installed in the pedestrian plaza within 12 months of the completion of the new 7th Street Bridge. • Stanislaus County shall investigate the feasibility of removing historic elements from the 7th 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 of the concrete lions, railing/bench segments, an obelisk, and one of the bridge’s bronze plaques. The concrete lion installed in the pedestrian plaza may be replicated from an original if it is determined that the historic lions are too deteriorated. Stanislaus County shall ensure that the selected features are adequately stored and 	<p>Stanislaus County</p>	<p>The County will incorporate interpretive exhibits into the final design.</p>	<p>Prior to project completion.</p>

Table 1. Mitigation Monitoring and Reporting Program

Environmental Impacts	Mitigation Measures	Responsibility for Implementation	Method of Compliance	Timing of Compliance
	<p>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 7th Street Bridge.</p> <ul style="list-style-type: none"> Stanislaus County shall place historical information from the HAER report on a County or City of Modesto website, with a link provided on a public library website. The historical information shall be made available to the public within 6 months following the demolition of the 7th Street Bridge and shall be available to the public for a minimum period of 3 years. The text shall be written for popular consumption, but also be properly cited following historical documentation standards. The information link shall also be made available to the Caltrans Transportation Library and History Center at Caltrans Headquarters in Sacramento for inclusion on their website. Stanislaus County shall provide visual simulations and/or animations of the 7th Street Bridge on the website. The simulations and/or animations will be based from the LIDAR data collected of the structure and may include still images, flythrough images, and point cloud(s). These images are intended to supplement the photographs included in the HAER report. The visual simulations and/or animations shall be made available to the public within 6 months following the demolition of the 7th Street Bridge and shall be available to the public for a minimum period of 3 years. 			
<p>CUL-4. Potential to find unanticipated paleontological resources.</p>	<p>MM CUL-4. The following MMs would reduce potential adverse impacts on paleontological resources to a less than significant level:</p> <ul style="list-style-type: none"> Prior to working on the site, all personnel involved in earth-moving activities will receive Paleontological Resources Awareness Training. Workers will be informed that fossils may be encountered during deeper excavations, are of scientific importance, and need to be reported immediately if they are encountered. The training will provide information on the appearance of fossils, their scientific importance, the role of paleontological monitors, and proper notification procedures. A Paleontological Resources Monitoring and Mitigation Program (PRMMP) will be developed before construction to assess the need for construction monitoring. Project design plans will be reviewed to determine whether sensitive geologic units will be disturbed. If monitoring is determined to be necessary, the program will include monitoring and coordination protocols; emergency discovery procedures; and provisions for museum storage of any specimens recovered. Provisions will be made to suspend monitoring should construction activities be restricted to previously disturbed fill and to adjust monitoring protocols based on updated evaluations of sensitivity subsequent to initial excavations. 	<p>Construction Contractor</p>	<p>The County will include these provisions in the construction specifications. The County will ensure development of a PRMMP prior to construction to assess the need for paleontological construction monitoring.</p>	<p>Prior to and during all phases of construction</p>

Table 1. Mitigation Monitoring and Reporting Program

Environmental Impacts	Mitigation Measures	Responsibility for Implementation	Method of Compliance	Timing of Compliance
Hazards and Hazardous Materials				
HAZ-1. Potential release of hazardous materials.	<p>MM HAZ-1. To minimize potential hazards and hazardous materials impacts, the following measures will be implemented:</p> <ul style="list-style-type: none"> • A Certified Asbestos Inspector will be retained to conduct an evaluation regarding ACM in the building materials of the bridge. • The white and yellow road striping paint will be characterized for Pb in the white road striping paint and for Pb and chromium in the yellow road striping paint. If found, hazardous materials would be disposed of according to Caltrans guidance. • An ADL assessment will be conducted to characterize soils that would be disturbed by the project according to the Caltrans-DTSC ADL variance. • The former orchard soils will be assessed for metals such as Pb and arsenic, organochlorine pesticides, and organophosphates. • In the Crows Landing Road and 7th Street vicinity locations where right-of-way will be acquired, the properties will be assessed for soil and groundwater impacts from petroleum hydrocarbon compounds such as gasoline and gasoline additives, diesel, motor oil, automatic transmission fluid, and hydraulic fluid. • Where right-of-way is being acquired adjacent to the agricultural products business, a limited assessment of groundwater impacts from pesticides and fertilizers will be conducted to determine possible effects on the study area. • If hazardous materials are found, federal, state, and local regulations and ordinances will be followed for hazardous material handling and disposal. 	Construction Contractor	<p>The County will conduct these studies as part of the final design.</p> <p>The construction contractor shall provide evidence of compliance to the County.</p>	Prior to construction and during demolition.

ATTACHMENT 3

FINDINGS AND STATEMENTS REQUIRED UNDER CEQA

Findings and Statements Required Under
the California Environmental Quality Act
for the
7th Street Bridge Project, Modesto, California

Prepared Pursuant to
Sections 15091 and 15093 of the State CEQA Guidelines
and Section 21081 of the Public Resources Code

by

Stanislaus County

March 2017

1. Introduction

1.1 Overview and Organization

The 7th Street Bridge Project (project) is proposed by Stanislaus County and the City of Modesto to improve movement and safety along the 7th Street corridor in Modesto, California. The project's objectives are to correct the structural and hydraulic deficiencies of the existing bridge spanning the Tuolumne River, expand its vehicular capacity, and improve safety for motorists, bicyclists, and pedestrians.

Stanislaus County prepared an Environmental Impact Report (EIR) that analyzes the anticipated environmental impacts of four alternatives that meet the project objectives: Alternatives 2A, 2B, 3, and 4. To support its certification of the Final EIR and adoption of Preferred Alternative 2B, the County makes the following findings of fact and statements of overriding considerations (collectively, Findings). These Findings contain the County's written analysis and conclusions regarding the project's environmental effects, mitigation measures, alternatives to the project, and the overriding considerations which, in the County's view, justify the approval of the project despite its potential environmental effects. These Findings are based upon the entire record of proceedings for the EIR, as described below.

Alternatives that meet the project's objectives are briefly summarized below and described in more detail in Chapter 2 of the Draft EIR (CH2M, 2016).

- **Alternative 2A: Existing Bridge Alignment (Arch Bridge)**. Alternative 2A would use the existing 7th Street Bridge alignment as part of the new bridge alignment. 7th Street over the river would be closed during construction. Because this alternative does not require staged construction of the bridge, it accommodates a tied-arch structure over the Tuolumne River that avoids piers in the river's low-flow channel. In the floodplain, a precast concrete girder structure would be used. Because of the loss of bicycle and pedestrian access across the bridge during construction, this alternative includes either a temporary bicycle/pedestrian bridge downstream of the construction zone or temporary transit service to accommodate access across the river. The intersection of 7th Street with B Street/Tuolumne River Boulevard would be reconfigured to accommodate four lanes of traffic. The intersection of 7th Street with Crows Landing Road would be similar to the existing "Y" configuration, but the intersection would be signalized and would prioritize traffic flow onto and from Crows Landing Road. The modified intersections north and south of the bridge would require one full property acquisition and 10 partial property acquisitions.
- **Alternative 2B: Existing Bridge Alignment (Standard Bridge)**. This alternative would be the same as Alternative 2A, but with a more standard structure type used for the low-flow crossing of the Tuolumne River for cost efficiency (as compared to Alternative 2A). Precast concrete girders would be used for the entire bridge superstructure, making this the lowest cost alternative. This alternative would require seven piers, including one in the low-flow channel of the river.
- **Alternative 3: Existing Alignment with Staged Construction**. Similar to Alternatives 2A and 2B, this alternative would use the existing 7th Street Bridge alignment as part of the new bridge alignment. However, Alternative 3 would construct the bridge in two stages so that the existing bridge could remain open while one-half of the new bridge is constructed immediately downstream of (and adjacent to) the existing bridge. Traffic would then be diverted to the new structure while the

existing bridge is demolished and the second half of the new bridge is constructed. The new bridge would be a concrete box girder structure type with seven piers, including one in the low-flow channel. The intersection of 7th Street with B Street/Tuolumne River Boulevard would be approximately the same as Alternatives 2A and 2B. The intersection of 7th Street with Crows Landing Road would be completely reconfigured. The existing configuration emphasizes northbound (NB) traffic continuity along 7th Street, with a “Y” intersection at Crows Landing Road. The new configuration would emphasize both NB and southbound (SB) traffic continuity to the Crows Landing Road corridor, with a signalized intersection at 7th Street. This configuration would require acquisition of more right-of-way than Alternatives 2A and 2B, including four full property acquisitions and seven partial property acquisitions.

- **Alternative 4: Retrofit and New Two-Lane Bridge.** Alternative 4 is focused on a comprehensive retrofit of the existing 7th Street Bridge, with full truck carrying capacity provided and with the addition of a new, two-lane bridge (precast concrete girder) constructed downstream of the existing bridge. The new bridge would be constructed first, and would be used by all traffic until the retrofit is complete. When the retrofit of the 7th Street Bridge is complete, it would be opened to one-directional traffic in the NB direction and the adjacent new bridge would be converted to only SB traffic. Intersection improvements at B Street/Tuolumne River Boulevard would be the same as Alternatives 2A, 2B, and 3. Intersection improvements at Crows Landing Road would be the same as Alternative 3. This alternative would require seven piers, including one in the low-flow channel of the river.

The content and format of the Findings are designed to meet the requirements of the California Environmental Quality Act (CEQA).^{1,2} The EIR identifies significant environmental effects that would result from the project. For each significant effect identified, the County is adopting one or more of the findings specified in Section 15091 of the CEQA Guidelines. For most significant effects, the mitigation measures identified in the EIR and adopted by the County Board of Supervisors would avoid or substantially lessen the significant effects to a level of less than significance. As provided for in Section 15093 of the CEQA Guidelines, the County is balancing the economic, legal, social, technological, or other benefits of the project against the unavoidable environmental effects. With regard to those unavoidable effects, the County is adopting a Statement of Overriding Considerations. The County also is adopting a Mitigation Monitoring and Reporting Program (MMRP). The County finds that the MMRP, which is incorporated by reference and made a part of these Findings, meets the requirements of Public Resources Code (PRC) Section 21081.6 by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects.

1.2 Statutory Requirements

CEQA and particularly the CEQA Guidelines (Section 15091) require that:

No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

¹ California Environmental Quality Act (CEQA), Public Resources Code §§ 21000 et seq.

² CEQA Guidelines, California Code of Regulations Title 14, Division 6, Chapter 3, § 15000 et seq.

1. *Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR. [Referred to herein as "Finding 1"]*
2. *Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. [Referred to herein as "Finding 2"]*
3. *Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR. [Referred to herein as "Finding 3"]*

For those significant effects that the agency determines are not feasible to mitigate to a less-than-significant level, the public agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment (see PRC Section 21081(b)). The Guidelines state in Section 15093 that:

If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable.

1.3 Record of Proceedings and Custodian of Record

For purposes of CEQA and these Findings, the record of proceedings for the County's decisions on the project consist of: (a) matters of common knowledge to the County, including, but not limited to, federal, state and local laws and regulations and policies, and (b) the following documents, which are in custody of Stanislaus County, Department of Public Works, 1716 Morgan Road, Modesto, CA 95358:

- Notice of Preparation and other public notices issued by the County in conjunction with the project
- Draft Environmental Impact Report, dated August 2016
- All testimony, documentary evidence, and all correspondence submitted in response to the Draft EIR by agencies or members of the public during the public comment period on the Draft EIR, and the County's responses to those comments
- Final Environmental Impact Report, dated March 2017, including all documents incorporated therein by reference
- Mitigation Monitoring and Reporting Program, dated March 2017
- All findings, statements of overriding consideration, and resolutions adopted by the County in connection with the project, and all documents cited or referred to therein
- All final technical reports and addenda, studies, memoranda, maps, correspondence and all planning documents prepared by the County or the County's consultants relating to the project
- All documents submitted to the County by agencies or members of the public in connection with development of the project
- All references listed in the References section of the Draft EIR
- Meeting agenda, minutes and staff reports of the County relating to the project

- Other documents regarding coordination and consultation with the public and public agencies and other documents designated by the County

1.4 Preparation and Consideration of the Final EIR and Independent Judgment Findings

Pursuant to PRC Section 21082.1(c)(3), the County finds, with respect to the County's preparation, review and consideration of the Final EIR, that:

- The County retained the independent firm of CH2M to prepare the EIR, and CH2M prepared the EIR under the supervision and at the direction of Stanislaus County Public Works Department.
- The County circulated the Draft EIR for review by responsible agencies and the public from August 23, 2016, to October 6, 2016, for a period of 45 days and submitted it to the State Clearinghouse for review and comment by State agencies.
- A public meeting was held (August 29, 2016) to receive oral comments on the Draft EIR. Copies of the document were distributed to state, regional, and local agencies, as well as organizations and individuals for review and comment.
- The EIR has been completed in compliance with CEQA.
- The project will have significant, unavoidable impacts as described and discussed in the EIR.
- The EIR is adequate under CEQA to address the potential environmental impacts of the project.
- The EIR has been presented to the County and the Board of Supervisors has independently reviewed and considered information contained in the EIR.

By these Findings, the County ratifies, adopts and incorporates the analyses, explanations, findings, responses to comments, and conclusions of the EIR, except as specifically described in these Findings.

2. Findings Regarding Less-Than-Significant Impacts; Mitigation Incorporated

The County finds that, as discussed below, the following potentially significant impacts would be reduced to less than significant with implementation of the corresponding mitigation measures of the project.

2.1 Transportation

2.1.1 Impacts

- **Impact TRANS-2:** Construction of the 7th Street Bridge could conflict with an applicable congestion management project including but not limited to Level of Service (LOS) standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.
 - **Design Year Conditions:** Under the Opening Day/No Project condition, the intersections of State Route (SR) 99 SB Ramps/Tuolumne Boulevard, 7th Street/Tuolumne Boulevard/B Street, and 7th Street/Crows Landing Road would deteriorate to LOS F levels in the PM peak hour.
 - **Construction Phase:** Temporary bridge closures under Alternatives 2A and 2B and subsequent increase of parallel routes would cause short-term significant impacts.

2.1.2 Findings

The County adopts Finding 1. The County adopts the following mitigation measures to reduce potentially significant impacts related to aesthetics to less-than-significant levels:

- **Mitigation Measure TRANS-1:** 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 have committed to improving these intersections in the future as part of a locally sponsored project that could include signalization of the ramp intersections. Implementation of this Mitigation Measure (MM) would reduce traffic impacts to less-than-significant level.
- **Mitigation Measure TRANS-2:** A temporary short-term significant impact is identified on the SR 99 SB mainline segment between Tuolumne Boulevard and Crows Landing Road during the PM peak hour as a result of the potential full closure of the existing 7th Street Bridge. To mitigate this impact, a Traffic Management Plan (TMP) will be implemented before construction begins. As part of the TMP, public information will be distributed by using local news television and radio broadcasts, informational flyers and mailers, Web sites, and other outreach options. Signs will be installed and public notices will be distributed regarding construction work before disruptions occur; the notifications will identify detours to maintain access. The TMP will also include procedures to do the following:
 - Notify and coordinate with emergency responders of potential road closure before construction.
 - Ensure access for emergency vehicles to and around the project site.
 - Notify and coordinate with transit operators of potential road closures before construction.

Due to the temporary nature of this traffic impact, implementation of this MM would reduce the impacts to a less-than-significant level.

2.1.3 Facts in Support of Findings

Facts in support of the findings are described in Draft EIR Section 3.7 (Transportation) and in Final EIR Section 4 (Comments and Responses).

2.2 Biological Resources

2.2.1 Impacts

- **Impact BIO-1:** Construction of the 7th Street Bridge could cause a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species.
- **Impact BIO-2:** Implementation of the 7th Street Bridge could cause substantial effects on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations.
- **Impact BIO-4:** Construction of the 7th Street Bridge may interfere with the movement of fish or wildlife species.
- **Impact BIO-7:** Construction of the 7th Street Bridge could cause or promote the introduction or spread of invasive species.

2.2.2 Findings

The County adopts Finding 1. The County adopts the following mitigation measure to reduce potentially significant impacts related to biological resources to less-than-significant levels:

- **Mitigation Measure 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 measures (AMMs) listed in the Natural Environment Study (Draft EIR 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 Draft EIR Appendix F, Section 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, and these measures have been proven effective by the U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), and California Department of Fish and Wildlife (CDFW). Where necessary, implement the additional compensatory mitigation for anadromous fish conservation listed in the Natural Environment Study or as required by the NMFS or CDFW (see Draft EIR Appendix F, Chapters 4.3.2 to 4.3.6). The full list of the 82 AMMs from the NES is presented in Final EIR Table 3.6-1.

2.2.3 Facts in Support of Findings

Facts in support of the findings are described in Draft EIR Section 3.6 (Biological Resources) and Final EIR Section 4 (Comments and Responses).

2.3 Cultural Resources

2.3.1 Impacts

- **Impact CUL-1:** Construction of the 7th Street Bridge could cause a substantial adverse change in the significance of archeological resources (pursuant to CEQA § 45064.5).
- **Impact CUL-2:** Construction of the 7th Street Bridge could disturb human remains, including those interred outside of formal cemeteries.
- **Impact CUL-4:** Construction of the 7th Street Bridge could cause a substantial adverse change in the significance of paleontological resources.

2.3.2 Findings

The County adopts Finding 1. The County adopts the following mitigation measures to reduce potentially significant impacts related to cultural resources to less-than-significant levels:

- **Mitigation Measure CUL-1:** To minimize potential impacts on unknown prehistoric and historic era archaeological sites and resources, the following measure will be implemented:
 - If previously unidentified cultural materials are unearthed during construction of the project, work will be halted in that area until a qualified archaeologist can assess the significance of the find. Then a mitigation plan will be created before ground-disturbing activities may resume. Additional archaeological survey will be needed if project limits are extended beyond the present survey limits.
- **Mitigation Measure CUL-2:** To minimize potential impacts on and disturbances to human remains and associated or unassociated funerary objects exposed during construction, the following measures will be implemented:
 - Pursuant to State Health and Safety Code Section 7050.5(e) and PRC Section 5097.98, if human bone or bone of unknown origin is found at any time during on- or offsite construction, all work will stop near the find, and the Stanislaus County Coroner's Facility will be notified immediately. If the remains are determined to be Native American, the County Coroner will notify the California State Native American Heritage Commission, which will identify the person believed to be the most likely descendant. The archaeologist, project proponent, and most likely descendant will make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines Section 15064.5[d]). The agreed-upon treatment plan will address the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. California PRC allows 48 hours to reach agreement on a treatment plan. If the most likely descendant and the other parties do not agree on the reburial method, the project would follow PRC Section 5097.98(b), which states that "the landowner or his or her authorized representative will re-inter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance."
 - The treatment plan will be implemented and findings will be recorded in a professional report by the archaeologist and submitted to the Stanislaus County Coroner's Facility, Stanislaus

County, the City of Modesto, and the California Historical Resources Information System (CHRIS)/Northwest Information Center.

- **Mitigation Measure CUL-4:** The following MMs would reduce potential adverse impacts on paleontological resources to a less-than-significant level:
 - Prior to working on the site, all personnel involved in earth-moving activities will receive Paleontological Resources Awareness Training. Workers will be informed that fossils may be encountered during deeper excavations, are of scientific importance, and need to be reported immediately if they are encountered. The training will provide information on the appearance of fossils, their scientific importance, the role of paleontological monitors, and proper notification procedures.
 - A Paleontological Resources Monitoring and Mitigation Program (PRMMP) will be developed before construction to assess the need for construction monitoring. Project design plans will be reviewed to determine whether sensitive geologic units will be disturbed. If monitoring is determined to be necessary, the program will include monitoring and coordination protocols; emergency discovery procedures; and provisions for museum storage of any specimens recovered. Provisions will be made to suspend monitoring should construction activities be restricted to previously disturbed fill and to adjust monitoring protocols based on updated evaluations of sensitivity subsequent to initial excavations.

2.3.3 Facts in Support of Findings

Facts in support of the findings are described in Draft EIR Section 3.7 (Cultural Resources) and Final EIR Section 4 (Comments and Responses).

2.4 Hazards and Hazardous Materials

2.4.1 Impacts

- **Impact HAZ-2:** Construction of the 7th Street Bridge could expose the public or the environment to hazardous materials through reasonably foreseeable upset and accident conditions involving the release of hazardous materials.

2.4.2 Findings

The County adopts Finding 1. The County adopts the following mitigation measure to reduce potentially significant impacts related to hazards and hazardous materials to less-than-significant levels:

- **Mitigation Measure HAZ-1:** To minimize potential hazards and hazardous materials impacts, the following measures will be implemented.
 - A Certified Asbestos Inspector will be retained to conduct an evaluation regarding asbestos-containing materials in the building materials of the bridge.
 - The white and yellow road striping paint will be characterized for lead in the white road striping paint and for lead and chromium in the yellow road striping paint. If found, hazardous materials will be disposed of according to California Department of Transportation (Caltrans) guidance.

- An aerially deposited lead (ADL) assessment will be conducted to characterize soils that would be disturbed by the project according to Caltrans’-DTSC ADL variance.
- The former orchard soils will be assessed for metals such as lead and arsenic, organochlorine pesticides, and organophosphates.
- In the Crows Landing Road and 7th Street vicinity locations where right-of-way will be acquired, the properties will be assessed for soil and groundwater impacts from petroleum hydrocarbon compounds such as gasoline and gasoline additives, diesel, motor oil, automatic transmission fluid, and hydraulic fluid.
- Where right-of-way is being acquired adjacent to the agricultural products business, a limited assessment of groundwater impacts from pesticides and fertilizers will be conducted to determine possible effects on the study area.
- If hazardous materials are found, federal, state, and local regulations and ordinances will be followed for hazardous material handling and disposal.

2.4.3 Facts in Support of Findings

Facts in support of the findings are described in Draft EIR Section 3.8 (Hazards and Hazardous Materials) and Final EIR Section 4 (Comments and Responses).

3. Significant and Unavoidable Environmental Effects

The Final EIR identifies the following significant or potentially significant impacts as remaining significant and unavoidable because the impacts cannot be mitigated to a less-than-significant level. As stated in CEQA Guidelines Section 15091, the County finds that “specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives” identified in the Final EIR. The County further finds that the project has been designed in a manner that reduces impacts to the extent feasible, while achieving the specific economic, legal, social and technological benefits of the project. With regard to each significant effect that is not avoided or that is not substantially lessened, the County is adopting a Statement of Overriding Considerations (see Section 5.0 below) in accordance with CEQA Guidelines Section 15093.

3.1 Transportation

3.1.1 Impacts

- **Impact TRANS-2:** Construction of the 7th Street Bridge could conflict with an applicable congestion management project including but not limited to LOS standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.
 - **Interim Improvements:** Operations with interim improvements in place are expected to maintain LOS E operations until 2026, but degrade to LOS F by 2027. The intersection LOS would

temporarily fall below the City's LOS threshold until the ultimate improvements are constructed. This would result in a potentially significant, yet temporary, impact at the intersection of 7th Street/B Street/Tuolumne Boulevard under the interim conditions.

3.1.2 Findings

The County adopts Finding 3; however, no feasible mitigation measures have been identified to reduce this potentially significant impact to a less-than-significant level. Therefore, it would remain significant and unavoidable. Because use of the construction methods identified above and in the Final EIR is necessary to implement the project, and the project will achieve the objectives outlined below and in the Final EIR, the County concludes that the project's benefits outweigh the significant unavoidable impacts of the project.

It should also be noted that local funding may be sufficient to construct the project in one phase, such that interim improvements are not necessary. In that case, there would be no impact.

3.1.3 Facts in Support of Findings

Facts in support of the findings are described in Draft EIR Chapter 2 (Project Description) and Section 3.1 (Transportation), Final EIR Section 4 (Comments and Responses), and these Findings, which includes the Statement of Overriding Considerations.

3.2 Noise

3.2.1 Impacts

- **Impact NOI-1:** Construction of the 7th Street Bridge could result in generation of noise levels in excess of standards.
- **Impact NOI-2:** Operation of the 7th Street Bridge could result in a substantial temporary or permanent increase in ambient noise levels in the vicinity above levels existing without the project.

Noise levels in the vicinity of the bridge are expected to increase from existing conditions even in the absence of the 7th Street Bridge Project. Adding the project (all alternatives) would not further increase future noise levels in most areas, and would slightly improve future noise levels for some receptors in Sunrise Village Mobile Home Park. Nevertheless, noise levels would exceed Federal Highway Administration Noise Abatement Criteria (NAC) at Sunrise Village Mobile Home Park. Future noise levels under the proposed project also would exceed NAC at several locations within the Gateway Parcel, and adding the project (all alternatives) would further worsen noise impacts in the downstream area due to the larger bridge crossing. Although most noise impacts would occur without the project, noise levels would exceed NAC in the future at several receptors.

3.2.2 Findings

The County adopts Finding 3. For Impacts NOI-1 and NOI-2, noise level increases would be significant. The Noise Study Report (Draft EIR Appendix C) includes a noise abatement analysis, focusing on the potential for noise barriers (soundwalls) to be used. As described in Draft EIR Appendix C, noise abatement barriers along the 7th Street Bridge were determined to be infeasible. The ineffectiveness of noise barriers is primarily the result of the fact that the main source of traffic noise is from the vehicles

on SR 99; a barrier along 7th Street would not be effective at abating that traffic noise source. Other types of noise abatement measures, such as changing the project alignment or acquiring additional property as a noise buffer, also were considered but were determined to be infeasible. Because feasible mitigation is not available for traffic noise, impacts would be significant and unavoidable.

3.2.3 Facts in Support of Findings

Facts in support of the findings are described in Draft EIR Chapter 2 (Project Description) and Section 3.2 (Noise), Final EIR Section 4 (Comments and Responses), and these Findings, which includes the Statement of Overriding Considerations.

3.3 Cultural Resources

3.3.1 Impacts

- **Impact CUL-3:** Construction of the 7th Street Bridge could result in substantial adverse changes in the significance of a known historical resource.

The 7th Street Bridge is considered historic and eligible for listing under the National Register of Historic Places and California Register of Historic Resources. All four alternatives under consideration would have an adverse effect on the 7th Street Bridge. Alternatives 2A, 2B, and 3 would demolish the bridge, which would be a direct adverse effect to a historic property. Alternative 4 would build a new bridge adjacent to and downstream of the 7th Street Bridge and retrofit the existing bridge. This alternative would result in a direct adverse effect because removing the sidewalks, installing safety barriers, and replacing the floor beams would alter the historic property in ways not consistent with the Secretary of the Interior's (SOI's) standards. Alternative 4 would also result in an indirect adverse effect because adding a parallel new bridge would introduce visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features. Other retrofit activities, including installing a longitudinal beam, connecting mid-span joints with hanger plates, and replacing the diaphragm walls on the piers, could constitute alterations of the historic property that are not consistent with SOI standards and would result in a direct adverse effect.

3.3.2 Findings

The County adopts Finding 1 and Finding 3. The County adopts the following mitigation measures to reduce potentially significant impacts related to cultural resources:

- **Mitigation Measure CUL-3a:** Prior to the start of any work that could adversely affect characteristics that qualify the 7th Street Bridge as a historic property, Stanislaus County shall ensure that the bridge shall be the subject of recordation by photography and drawing following the standards of the Historic American Engineering Record (HAER) prior to the start of the undertaking.
 - The appropriate level of documentation shall specifically follow HAER criteria at the level specified by the National Park Service (NPS) Regional HAER coordinator. Documentation shall be completed by a qualified professional who meets the standards for History, Architectural History, or Architecture (as appropriate) set forth by the SOI's Professional Qualification Standards (36 CFR Part 61).

- The draft documentation will be submitted for review and approval by the NPS. The final documentation will be distributed to the Library of Congress, the California State Historic Preservation Officer (SHPO), Caltrans District 10, and the Caltrans Transportation History Library in Sacramento. Stanislaus County shall also offer copies of the documentation and provide copies upon request to, at a minimum, the City of Modesto Landmark Preservation Committee; Stanislaus County Public Library, Modesto Branch; McHenry Museum & Historical Society; and the California State University, Stanislaus, Special Collections.
- **Mitigation Measure CUL-3b:** Stanislaus County shall implement measures to interpret the 7th Street Bridge’s historic significance for the public. A Caltrans Professionally Qualified Staff (PQS) Architectural Historian or Principal Architectural Historian shall review and approve the format, text, photographs, and visual simulations/animations. All interpretive materials shall also be made available for review and approval by the SHPO prior to fabrication, installation, or publication.
 - Stanislaus County shall install an interpretive display within the pedestrian plaza. The display shall include historical data taken from the HAER documentation and/or other cited archival sources and shall also include photographs. Displayed photographs shall include information about the subject, the date of the photograph, and photo credit/photo collection credit. The interpretive display installed in the pedestrian plaza shall be sufficiently durable to withstand typical Modesto weather conditions for at least 10 years, like fiberglass embedment panels, that meet NPS, or similar, signage standards. The interpretive display shall be installed in the pedestrian plaza within 12 months of the completion of the new 7th Street Bridge.
 - Stanislaus County shall investigate the feasibility of removing historic elements from the 7th 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 7th Street Bridge.
 - Stanislaus County shall place historical information from the HAER report on a County or City of Modesto website, with a link provided on a public library website. The historical information shall be made available to the public within 6 months following the demolition of the 7th Street Bridge and shall be available to the public for a minimum period of 3 years. The text shall be written for popular consumption, but also be properly cited following historical documentation standards. The information link shall also be made available to the Caltrans Transportation Library and History Center at Caltrans Headquarters in Sacramento for inclusion on their website.
 - Stanislaus County shall provide visual simulations and/or animations of the 7th Street Bridge on the website. The simulations and/or animations will be based from the LIDAR (light detection

and ranging) data collected of the structure and may include still images, flythrough images, and point cloud(s). These images are intended to supplement the photographs included in the HAER report. The visual simulations and/or animations shall be made available to the public within 6 months following the demolition of the 7th Street Bridge and shall be available to the public for a minimum period of 3 years.

While the above mitigation measures will be implemented to reduce impacts to cultural resources, no feasible MMs have been identified to reduce these impacts to a less-than-significant level. Therefore, these impacts would remain significant and unavoidable. Because use of the construction methods identified above and in the Draft EIR are necessary to implement the project, and the project would achieve the objectives outlined below and in the Draft EIR, the County concludes that the project's benefits outweigh the significant unavoidable impacts of the project.

3.3.3 Facts in Support of Findings

Facts in support of the findings are described in Draft EIR Chapter 2 (Project Description) and Section 3.7 (Cultural Resources), Final EIR Section 4 (Comments and Responses), and these Findings, which includes the Statement of Overriding Considerations.

4. Findings Regarding Project Alternatives

4.1 Introduction

The EIR analyzes the four project alternatives (described above in Section 1.1) that meet all project objectives: (1) correct structural and hydraulic deficiencies, including removal of load restrictions on the bridge; (2) expand vehicular capacity of the 7th Street corridor; and (3) improve safety for motorists, bicyclists, and pedestrians. Other alternatives considered in the EIR include the No Project and two alternatives that were initially considered but subsequently rejected and therefore not evaluated in detail: Alternative 1 (New Downstream Bridge) and New Downstream Bridge with Bridge Retrofit for Bicycle/Pedestrian Use. The two alternatives considered but not evaluated in detail are discussed below.

The number of alternatives evaluated in detail was determined to be an adequate range of reasonable alternatives as required under CEQA Guidelines Section 15126.6. The environmental impacts of each alternative are identified in the EIR. The environmentally superior alternative, Alternative 2A, is identified in Section ES.4 of the Draft EIR.

4.2 Alternatives Analysis

The County finds that the range of alternatives studied in the EIR along with recognition of the project objectives reflects a reasonable attempt to identify and evaluate various alternatives that would be capable of reducing project environmental impacts while accomplishing most project objectives. The County is required to determine whether any alternative identified in the EIR is environmentally superior. The following summarizes the No Project Alternative and alternatives considered but not evaluated in detail.

4.2.1 No Project

Under the No Project Alternative, Stanislaus County and the City of Modesto would not replace or retrofit the 7th Street Bridge. Basic maintenance activities would continue to occur such that the bridge remains usable for passenger car and light truck traffic for as long as possible.

4.2.2 Alternative 1: New Downstream Bridge

This alternative would provide a new, four-lane bridge downstream of the existing bridge. The new bridge would be either a concrete box girder or precast concrete girder structure type, with approximately seven piers in the Tuolumne River floodplain including one pier in the low-flow channel of the river itself. When the new bridge is operational, the existing bridge would be removed. The intersection of 7th Street with B Street/Tuolumne River Boulevard would be reconfigured to accommodate four lanes of traffic, and the intersection of 7th Street with Crows Landing Road would be reconfigured to emphasize traffic continuity to the more heavily used Crows Landing Road corridor. Both intersections would be shifted to the west because of the downstream location of the new bridge.

Alternative 1 allows for a very simple construction process, in that the existing bridge would be used until the new, four-lane bridge was fully operational. There would be no phased construction, and no need to consider major traffic detours. However, the downstream location of the new bridge would require greater encroachment into private property (especially Sunrise Village Mobile Home Park and Wille Electric). At the time the alternative was developed, it was thought that its superior constructibility might outweigh the greater right-of-way acquisition costs such that Alternative 1 would be the least-cost alternative. A more detailed examination showed that other alternatives have a similarly high degree of constructibility, and also that Alternative 2B would be the least-cost alternative. With the high level of property acquisition (and associated social and economic effects) and with no compelling fiduciary motive, it was determined that Alternative 1 should be eliminated from further consideration.

4.2.3 New Downstream Bridge with Bridge Retrofit for Bicycle/Pedestrian Use

During the scoping phase of the project, several commenters suggested maintaining the existing 7th Street Bridge for bicycle and pedestrian use. For this purpose, this alternative would require construction of a new downstream bridge similar to Alternative 1, but for vehicle traffic only. All bicycles and pedestrians would use the existing 7th Street Bridge. To ensure structural safety, retrofit of the existing bridge similar to Alternative 4 would be required.

This alternative was eliminated from detailed consideration for several reasons. The new downstream bridge would be slightly narrower than under Alternative 1, but would still cause the high level of property acquisition that would occur under Alternative 1. Also, retrofitting the existing bridge would not provide increased flood flow capacity as the existing bridge would remain within the Tuolumne River floodway. An important additional consideration is financial. The 7th 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.

This alternative also would have financial constraints associated with maintenance. As a non-vehicular bridge in the Tuolumne River Parkway, maintenance would be the responsibility of a local parks agency (for example, the Stanislaus County Parks and Recreation Department). The maintenance needs of such a large structure would likely exceed the financial capacity of local parks agencies. For these reasons, this alternative was eliminated from further consideration.

4.3 Environmentally Superior Alternative

CEQA requires that an environmentally superior project alternative be specified, if one is identified. In general, the environmentally superior alternative is supposed to minimize adverse impacts to the environment while achieving most of the basic objectives of the project.

The No Project Alternative would avoid or substantially lessen the significant and unavoidable transportation and cultural resources impacts of the project. Therefore, the No Project Alternative would be considered the environmentally superior alternative; however, it would not meet any of the project objectives.

CEQA Guidelines Section 15126.6, subdivision (e)(2) states: “If the environmentally superior alternative is the ‘no project’ alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.” As discussed in Section ES.4 of the Draft EIR, Alternatives 2A, 2B, 3, and 4 all would meet project objectives. The impacts of these alternatives would be similar, as all would cause a similar disruption during construction and similar long-term beneficial and adverse impacts. The following five key differences help to distinguish the alternatives:

- The existing 7th Street Bridge would remain under Alternative 4, whereas it would be demolished under the other alternatives. Although the historic bridge would not be demolished, it has been determined that Alternative 4 would still have significant and unavoidable impacts to the historic bridge. This is because the extensive retrofit work would change its historic character, and because the new downstream bridge would change its historic context.
- Traffic detours would be required during bridge construction activities under Alternatives 2A and 2B, with detours required for over 1 year.
- Because of differences in the new 7th Street/Crows Landing Road intersection, disruptions to communities on the southern side of the Tuolumne River would be greater under Alternatives 3 and 4 than under Alternatives 2A and 2B.
- Alternative 2A would not require piers in the Tuolumne River low-flow channel, thereby avoiding direct impacts to the biological resources within the river. Piers would be adjacent to the channel. The other alternatives would all require a pier in the channel.
- Although all alternatives would have less-than-significant aesthetic impacts, the distinctive arch bridge construction under Alternative 2A provides an enhanced visual appearance as compared to the other alternatives.

Based on the analysis in the EIR, including the five key differences listed above, Alternative 2A is the environmentally superior alternative. However, although several key benefits derive from the tied-arch construction, the high cost of this alternative may preclude its adoption.

4.4 Preferred Alternative

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 7th 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 of the existing bridge. 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 historic bridge and the indirect changes in the bridge's historical context.

5. Statement of Overriding Considerations

CEQA requires the County as the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of the project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of the project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable (CEQA Guidelines, § 15093(a)). CEQA requires the County to support, in writing, the specific reasons for considering the project acceptable when significant effects are not avoided or substantially lessened, based on substantial evidence in the EIR or administrative record (CEQA Guidelines, § 15093(b)).

The County finds that the mitigation measures identified in the EIR and the MMRP, when implemented, would avoid or substantially lessen virtually all of the significant effects identified in the EIR for the project. However, certain significant impacts remain unavoidable. Despite the ultimate occurrence of these expected effects, the County Council, in accordance with PRC Section 21081(b) and CEQA Guidelines Section 15093, has balanced the benefits of the project against the unavoidable adverse impacts associated with the project discussed below and has adopted all feasible MMs. The County has also (i) independently reviewed the information in the EIR and the record of proceedings; (ii) made a good faith effort to eliminate or substantially lessen the impacts resulting from the project to the extent feasible by adopting the MMs as identified in the EIR; and (iii) balanced the project's benefits against the project's significant unavoidable impacts. The County has also examined alternatives to the project, and has determined that adoption and implementation of the project is the most desirable, feasible, and appropriate action. The County Board of Supervisors has chosen to approve the Final EIR because in its judgment, it finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the project's significant effects on the environment. Substantial evidence supports the

various benefits and can be found at a minimum in Sections 2 and 3 of these Findings, the EIR, and the documents that make up the record of proceedings (see Section 1.3).

5.1 Significant and Unavoidable Impacts

Based on the information and analysis set forth in the EIR and the record of proceedings, construction of the project would result in the following significant unavoidable impacts even with the implementation of all feasible mitigation measures:

- **Impact TRANS-2:** Construction of the 7th Street Bridge could conflict with an applicable congestion management project including but not limited to LOS standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.
- **Impact NOI-1:** Construction of the 7th Street Bridge could result in generation of noise levels in excess of standards.
- **Impact NOI-2:** Operation of the 7th Street Bridge could result in a substantial temporary or permanent increase in ambient noise levels in the vicinity above levels existing without the project.
- **Impact CUL-3:** Construction of the 7th Street Bridge could result in substantial adverse changes in the significance of a known historical resource.

5.2 Overriding Considerations

The 7th Street corridor is one of several north-south roadways connecting downtown Modesto with areas south of the Tuolumne River. Draft EIR Figure 1-1 shows the location of 7th Street along with other road crossings upstream (9th Street) and downstream (SR 99) of the existing bridge.

The 7th Street Bridge is listed on the Caltrans local bridge list with a sufficiency rating of 2 (Caltrans, 2012). Sufficiency rating values range from 0 (low) to 100 (high). The low sufficiency rating is due to structural deficiencies (because of excessive deflections in the structure), functional deficiencies (because of its inadequate width), and load restrictions of 4 tons (CH2M, 2013). The structure is also vulnerable to collapse during an earthquake (CH2M, 2013) or flood event (WRECO, 2012). The 7th Street Bridge's sufficiency rating is one of the worst in California, and the structural and functional deficiencies must be corrected and load carrying capacity restored so it may continue to be used.

7th Street is an important two-lane arterial roadway that carries traffic to and from downtown Modesto, linking the surrounding neighborhoods and communities. Currently, traffic estimates for the 7th Street Bridge are 15,900 average trips per day (Fehr & Peers, 2015). Projected future traffic on the 7th Street Bridge is estimated at 20,100 average trips per day (Fehr & Peers, 2015). With no improvements, the 7th Street Bridge is anticipated to operate at unacceptable LOS "F" in the future. For this reason, the Stanislaus Council of Governments (StanCOG) 2014 Regional Transportation Plan identified the need to increase the 7th Street Bridge vehicular capacity from two lanes to four lanes (StanCOG, 2014). In the project area, 7th Street is designated as a four-lane road by the City of Modesto and Stanislaus County (City of Modesto, 2008; Stanislaus County, 2016).

Currently, the 7th Street Bridge has a narrow, substandard pedestrian walkway along each side that places pedestrians very close to vehicular traffic. The bridge does not provide dedicated bicycle infrastructure. Vehicles and bicycles must share a single, narrow travel lane with no shoulder which increases vehicle/bicycle conflicts. The substandard pedestrian walkways and lack of bicycle

infrastructure is inconsistent with the Modesto Non-Motorized Transportation Master Plan, which calls for a complete network of bikeways, walkways, trails, and paths that serve all non-motorized groups (City of Modesto, 2006). The Modesto Non-Motorized Transportation Master Plan designates a Class II Bike Lane along the 7th Street Bridge corridor. The master plan defines a Class II Bike Lane as “striped and stenciled lane for one-way travel on a street or highway” (City of Modesto, 2006).

The 7th Street Bridge project would correct each of these existing deficiencies. These considerations identify why, in the County’s judgment, the project and its benefits to the County outweigh its unavoidable significant environmental impacts. The substantial evidence supporting these various considerations is found in the EIR and the contents of the record of proceedings for the project.

7th Street Bridge Project

Public Hearing

May 23, 2017



Project History

- History of the 7th Street Bridge
 - Constructed in 1916
 - Unique Canticrete Arch Bridge
- Condition of the Existing Bridge
 - Functionally obsolete
 - Load restricted to 4 tons
 - Substandard walkway for pedestrians and bicycles; no shoulder for vehicles
 - Structurally deficient
 - Vulnerable to collapse from earthquake or flood event
 - Excessive cracking displacements and cracking of bridge



Purpose and Need

- Correct structural and hydraulic deficiencies
 - Remove load restrictions
- Expand vehicular capacity
- Improve safety for vehicles, bicyclists, and pedestrians



Alternative 2 - Existing Alignment



Alternative 2 - Existing Alignment

- Requires a turning movement from 7th Street to Crows Landing
- Diverts traffic to SR 99 and 9th Street during construction and constructs entire bridge in one stage
- Temporary transit and pedestrian accommodations
- Lesser right of way impacts than Alternatives 3 & 4 by avoiding significant impacts south of River



Alternative 3 - Westward Shift (Staged)



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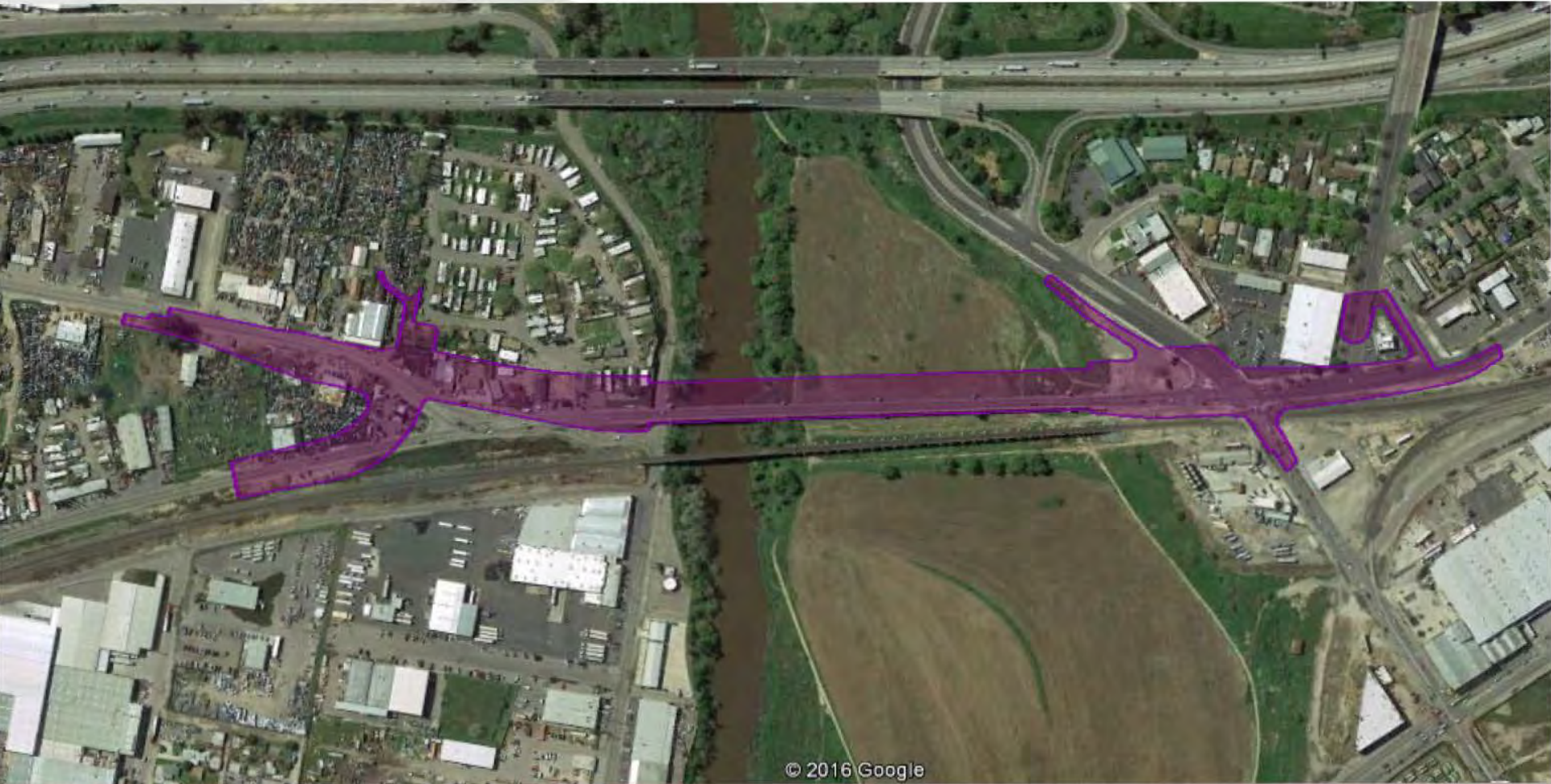


Alternative 3 - Existing Alignment (Staged)

- Maintains traffic along 7th Street corridor during construction
- Constructs the bridge half at a time (2 stages)
- Accommodates direct movement from 7th Street to Crows Landing
- Significant right of way impacts south of River



Alternative 4 - Rehabilitate Existing Bridge



Alternative 4 - Rehabilitate Existing Bridge

- Allows existing bridge to remain
 - Unknown cost to fix, higher cost, would remain functionally obsolete
- Maintains traffic along 7th Street corridor during construction
- Accommodates direct movement from 7th Street to Crows Landing
- Significant right of way impacts south of River
- Pedestrians and bicyclists on new bridge only



Property Acquisition

- Commercial Property

- Alt 2: One full acquisition and 10 partial acquisitions, totaling 1.14 acres
- Alt 3: Four full acquisitions and six partial acquisitions, totaling 4.6 acres
- Alt 4: Four full acquisitions eight partial acquisitions, totaling 4.9 acres



Property Acquisition

- Residential Property
 - Alt 2: Eight relocations
 - Five cottages in Sunrise Village
 - Three mobile homes in Sunrise Village
 - Alt 3/Alt 4: Nineteen relocations will be required
 - Eight cottages in Sunrise Village
 - Ten mobile homes in Sunrise Village
 - One caretaker residents on Crows Landing Road
- Property changes to public land (roads, parks)



Environmental Process

- Two Processes: Local and Caltrans
- Local process is CEQA
 - Draft EIR published in the Fall
 - Final EIR and Preferred Alternative - Now
- Caltrans manages federal environmental review – NEPA Env Assessment pending
- County and Caltrans will jointly secure all permits and authorizations



Environmental Impacts

- All potential impacts considered
- Some focus areas:
 - Traffic impacts
 - Noise impacts
 - Historic bridge
 - Fisheries and riparian habitat



Traffic Impacts

- Regional vehicle miles traveled decreases
 - VMT in 2040 (No Project): 102K
 - VMT in 2040 (New Bridge): 100K
 - Current VMT: 68K
- Bridge average daily traffic increases
 - ADT in 2040 (No Project): 20,100
 - ADT in 2040 (New Bridge): 29,000
 - Current ADT: 15,900



Traffic Impacts

- Intersection level of service improves:
 - Future (No Project) 7th and B: LOS F (131 secs)
 - Future (New Bridge) 7th and B: LOS E (76 secs)
 - Existing 7th and B: LOS D (48 secs)
- Some intersections have decreased LOS
 - Hwy 99 ramps (Tuolumne and Crows Landing)
 - 9th Street and B Street
 - Interim partial buildout of 7th Street and B Street



Traffic Impacts

- Bridge closure under Alternative 2
 - Construction done faster and cheaper
 - 9 months faster (Alt 2B compared to Alt 3)
 - Traffic shifts to Hwy 99 and 9th Street
 - Small pedestrian bridge connecting to park
 - Enhanced transit options



Noise Impacts

- Overall increases in traffic will make future traffic noise worse than existing conditions
- Sunrise Village Mobile Home Park
 - Project will not have a noticeable change
 - Hwy 99 is key noise source – project barriers not feasible or effective
- Tuolumne River Regional Park
 - Project will have a noticeable change due to downstream bridge footprint



Noise Impacts

- Construction activities may adversely affect Sunrise Village Mobile Home Park and Tuolumne River Parkway
 - Most severe noise source would be impact pile driving to install temporary trestles
 - Stanislaus County and City of Modesto generally allow construction noise as long as activities are during the daytime



Historic Bridge Impacts

- 7th Street Bridge is a recognized historic bridge
- Alts 2A, 2B, and 3 require bridge demolition
 - Significant and Unavoidable Impact
- Alt 4 includes bridge retrofit
 - Significant and Unavoidable Impact
 - Retrofit would alter the historic features and new downstream bridge would alter the historic context



Historic Bridge Mitigation



Fish and Riparian Zone

- Avoidance and minimization measures for fish and wildlife species
- Stream and riparian zone impacts: 154 sq.ft.
 - Mitigate at 3:1 (462 sq.ft.)
- Caltrans is closely involved, and protections will be ensured by the National Marine Fisheries Service and the California Department of Fish and Wildlife





NNG = non-native grasslands
RIP = Riparian
RIV = Riverine
DEV = Developed

Fish and Riparian Zone



Other Impacts

Detailed Section

Air Quality

Greenhouse Gases

Energy

Visual Resources

Archaeological Resources

Hazardous Materials

Hydrology

Water Quality

Land Use

Also Considered

Agriculture

Geology and Soils

Mineral Resources

Population and Housing

Public Services

Recreation

Utilities and Service Systems



Recommendations

1. Conduct a Public Hearing to consider an environmental alternative and adopt and certify the Environmental Impact Report, dated March 2017, for the Seventh Street Bridge Project.
2. Adopt Alternative 2B as the least impactful bridge alternative.
3. Consider and adopt the Mitigation Monitoring and Reporting Program dated March 2017.
4. Consider and adopt the Findings and Statements Required Under the California Environmental Quality Act for the Seventh Street Bridge Project.





AFFIDAVIT OF PUBLICATION

Table with 6 columns: Account #, Ad Number, Identification, PO, Cols, Lines. Row 1: 341787, 0003085756, STANISLAUS COUNTY BOARD OF SUPERVISORS NOTICE C, Public Hearing 5/23 Liz King, 3, 60

Attention:

CO STAN BOARD OF SUPERVISORS
1010 10TH ST STE 6700
MODESTO, CA 95354

Declaration of Publication
C.C.P. S2015.5

STATE OF CALIFORNIA)
) ss.
County of Stanislaus)

STANISLAUS COUNTY BOARD OF SUPERVISORS
NOTICE OF INTENTION TO RESCHEDULE THE TIME
FOR PUBLIC HEARINGS TO BE HELD ON MAY 23, 2017
NOTICE IS HEREBY GIVEN that the Stanislaus County Chief Executive Officer will recom-
mend that the Board of Supervisors open the scheduled public hearings for the May 23, 2017,
9:00 a.m. regular meeting and continue the hearings to after 12:00 p.m. on May 23, 2017, as list-
ed below, or as soon thereafter as the matters may be heard. These public hearings will be held
in the Basement Chambers, 1010 10th St., in Modesto, CA.
12:05 p.m. Public Hearing to Consider the Change in Methodology for Calculating Assessments
for the County Service Area 8 - Honey Bee Estates, Empire
12:10 p.m. Public Hearing to Consider an Environmental Alternative and Adopt and Certify the
Environmental Impact Report for the Seventh Street Bridge Project
12:15 p.m. Public Hearing to Consider Rezone Application No. PLN2016-0066 Bronco Wine Com-
pany. APN: 041-046-021. A CEQA Mitigated Negative Declaration will be considered.
12:20 p.m. Public Hearing to Consider Appeal of the Planning Commission's Approval of Use
Permit Application No. PLN2015-0130, The Fruit Yard Amphitheater. APN: 009-017-004. A
CEQA Mitigated Negative Declaration will be considered.
NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given
the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, peti-
tions, etc.) will be retained by the County. If a challenge to the above matter is made in court,
persons may be limited to raising only those issues they or someone else raised at the public
hearing described in this notice, or in written correspondence delivered to the Board. For fur-
ther information call (209) 525-4494. DATED: May 16, 2017. ATTEST: Elizabeth A. King, Clerk
of the Board of Supervisors of the County of Stanislaus, State of California. BY: Pam Villarreal,
Assistant Clerk.
MOD - 3085756 5/20, 21

I am a citizen of the United States and a
resident of the County aforesaid; I am
over the age of eighteen years, and not a
party to or interested in the above entitled
matter. I am a printer and principal clerk of
the publisher of the The Modesto Bee,
which has been adjudged a newspaper
of general circulation by the Superior
Court of the County of Stanislaus, State of
California, under the date of February 25,
1951 Action No. 46453. The notice of
which the annexed is a printed copy has
been published in each issue thereof on
the following dates, to wit:

May 20, 2017, May 21, 2017

I certify (or declare) under penalty of
perjury that the foregoing is true and
correct and that this declaration was
executed at Modesto, California on:

Date: 22nd, day of May, 2017

Cynthia A. Villarreal

Signature