

**Addendum to the Modesto Regional Water Treatment Plant  
Phase Two Expansion Project**

**Final Subsequent Environmental Impact Report**

**for the**

**North Water Storage Tank**

**EA/UTL No. 2015-04**

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# **Chapter 1: INTRODUCTION AND PROJECT DESCRIPTION**

## **INTRODUCTION**

The City of Modesto (“City”) is proposing the development of a water storage tank to serve the North area in accordance with the North Tank project, tank site N-1 as assessed in the Modesto Regional Water Treatment Plant (MRWTP) Phase Two Expansion Project Final Subsequent Environmental Impact Report (FSEIR).

Given the passage of time since the preparation of the FSEIR, this document presents an update of the circumstances of the proposed water storage tank. Previously, the City and the Modesto Irrigation District (MID) prepared and certified a subsequent Environmental Impact Report (EIR) for the Phase Two Expansion project (SCH No.2004022013). The FSEIR was certified in July 2005 and the Phase Two Expansion project was approved in October, 2005. This Addendum will be the second addendum to the FSEIR, the first Addendum having been prepared in connection with site selection for the South Tank project in 2008.

Additionally, subsequent to the preparation and consideration of the FSEIR, consideration of Greenhouse Gas Emissions/Climate Change has become a consideration for California Environmental Quality Act (CEQA) assessment. This topic was assessed, and mitigation(s) identified, in the City of Modesto Final Master Environmental Impact Report for the Urban Area General Plan update (FMEIR UAGP) (SCH No. 2007072023). This Addendum incorporates the analysis of this report and serves as an Addendum to that document as well.

Specifically, this Addendum assesses the extent to which the environmental effects of the currently proposed site are adequately addressed by the previously prepared and considered FSEIR (and FMEIR UAGP as related to climate change). This document contains the evidence for determining whether the environmental effects of the proposed North Tank project continues to be covered by the previously prepared FSEIR (and FMEIR UAGP), and is an Addendum to both these EIR.

## **USE OF ADDENDUM TO PREVIOUS ENVIRONMENTAL IMPACT REPORT**

Section 15164(a) of the State CEQA Guidelines states that an addendum to a previously certified EIR can be prepared if “some changes or additions are necessary but none of the conditions described in Section 15162 [of the CEQA Guidelines] calling for preparation of a subsequent EIR have occurred.” The addendum need not be circulated for public review, and must be considered with the FSEIR prior to making a decision on the project.

The proposed alternative location on site and its development generally falls within the scope of the previously certified FSEIR, as the project is identical to that proposed and evaluated in the report. Due to the passage of time, this Addendum was prepared to determine and to document that the analysis in the FSEIR continues to be relevant. This Addendum includes information and analysis supporting the finding that none of the conditions set forth in Section 15162 of the State CEQA Guidelines will occur as a result of the passage of time and therefore preparation of a subsequent EIR is not required.

The proposed project is one of the sub-projects assessed in the FSEIR at project level, and the circumstances under which the alternative location on site and its development will implemented are not substantially different from those under which the FSEIR was originally certified. No new information has become available that shows the project will have significant effects not discussed in the previously

certified FSEIR, that significant effects previously examined will be substantially more severe than was shown in the previously certified FSEIR, or that mitigation measures or alternatives previously found infeasible or unacceptable are now feasible or could be implemented.

## **PROJECT DESCRIPTION**

The current project is the implementation of the North Tank on site N-1, at the northeast corner of Tully Road and Bangs Avenue (37° 42' 24" N 121° 00' 34" W). This project is one of the sub-projects identified and analyzed in the FSEIR, site location N-1, on a parcel of 6.3 acres in Stanislaus County APN 046-012-006. The proposed site is shown in Figure 1 of this Addendum.

Development of the site will be identical to that proposed, described, and evaluated in the FSEIR.

## **PROJECT LOCATION AND HISTORY**

The Modesto Surface Water Treatment project was first initiated between the City and MID and in the 1980's, and Phase I of the project was the subject of an EIR that was completed in March 1990 by URS Consultants in conjunction with the MID. This first phase included construction of a diversion structure, a treatment facility, and backbone distribution facilities including transmission lines and terminal reservoirs (tanks). The project was approved in 1990.

With increasing demand, the City and MID then undertook study of the MRWTP Phase Two Expansion Project, including preparation of a FSEIR, prepared by the environmental consulting firm Jones and Stokes for the City and MID. The Phase Two Expansion project included construction of expanded treatment facilities and additional downstream facilities, including transmission pipelines and tanks. The FSEIR specifically analyzed an additional 6 million gallon reservoir tank, known as the North Tank, to be located on a site in northeast Modesto area. Three sites, N-1, N-2, and N-3 were identified and evaluated.

The subject site, located at the northeast corner of Tully Road and Bangs Avenue, is designated as site N-1. The site is designated as Business Park on the Modesto Urban Area General Plan. Surrounding land uses are generally agricultural, with future designations for Business Park to the north, east, and south and Residential to the west across Tully Rd.

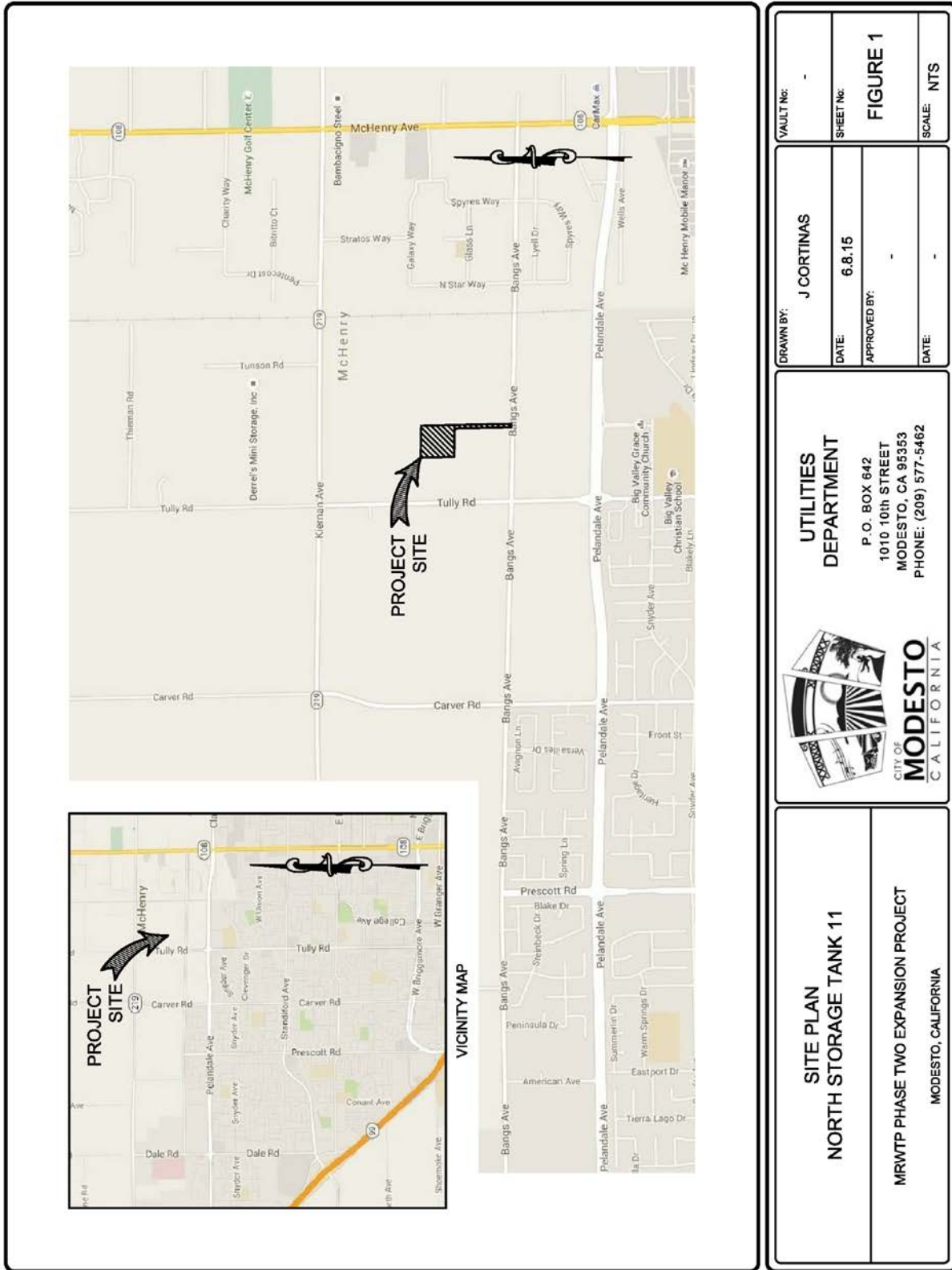


Figure 1. North Tank Site N-1

## Chapter 2: EVALUATION OF ENVIRONMENTAL IMPACTS

This chapter evaluates the environmental impacts of the proposed alternative location on site in relation to the impacts evaluated in the FSEIR (and, for Greenhouse Gases, the FMEIR UAGP). Section numbers are keyed to the section numbers in the FSEIR. Mitigation measures referred to in this section are included in Appendix A.

Impacts:

LS	=	Less than Significant
PS	=	Potentially Significant but Mitigable
S	=	Significant but Mitigable
SU	=	Significant and Unavoidable

### 3.1 AESTHETICS and VISUAL RESOURCES

The proposed site is located in the Kiernan-McHenry CPD, designated for business park use. The visual characteristics of the site are identified in the FSEIR. As was the case at the time of preparation of the FSEIR, residential development is relatively remote from the project site; the closest existing residential area is about ¼ mile away southwest of the Tully Rd/Pelandale Ave intersection. The FSEIR found that construction of a tank on site N-1 would result in less than significant impact on views of open space during construction, and significant and unavoidable impact on such views during operation. The FSEIR identified the following Impacts and Mitigation Measures:

**Impact AES-3:** Adverse Effect on Views of Open Space During Construction (LS)  
Environmental Commitments CS-1 through CS-3

**Impact AES-4:** Adverse Effect on Views of Open Space During Operation (SU)  
Environmental Commitments SD-1 through SD-7

**Impact AES-5:** Changes in Light and Glare (LS)  
Environmental Commitments SD-3 and SD-4

No changes in the project are proposed and no significant changes in the surrounding circumstances would give rise to new impacts. Therefore, impacts associated with Aesthetics and Visual Resources including light and glare would remain the same as those identified in the FSEIR.

### 3.2 AGRICULTURAL RESOURCES

The proposed site is located on a parcel which is currently fallow and surrounded by agricultural fields at the northeast corner of Tully Road and Bangs Avenue, an area designated in the Modesto Urban Area General Plan for Business Park. The site's agricultural resource characteristics are identified in the FSEIR. The FSEIR identified the following Impacts and Mitigation Measures:

**Impact AG-4:** Conversion of Prime Farmland to Non Agricultural Use (SU)  
Mitigation Measure AG-4: Compensation for Loss of Farmland

**Impact AG-6:** Conflict with Agricultural Uses on Nearby Properties and Long Term Conversion of Farmland to Non-Agricultural Use (SU)  
No mitigation feasible

No changes in the project are proposed. Therefore, impacts associated with Agricultural Resources would remain the same as those identified in the FSEIR.

### **3.3 AIR QUALITY**

The FSEIR identified the following Impacts and Mitigation Measures:

**Impact Air-5:** Temporary Increase in Construction-Related Emissions during Construction Activities of the City of Modesto Facilities (SU)

Environmental commitment AQ-1, AQ-2, GC-3, GC-4, GC-5, GC-6, GC-7, and GC-10

**Impact Air-6:** Emissions during operation of standby generators (SU)

No mitigation feasible

**Impact Air-7:** Construction-Related Diesel Health Risk (LS)

No mitigation feasible

**Impact Air-8:** Growth-Related Vehicle Emissions (SU)

No mitigation feasible

No changes in the project are proposed, and no changes to the air quality circumstances under which the project is undertaken have occurred. Therefore, impacts associated with Air Quality would remain the same as those identified in the FSEIR.

### **3.4 WATER RESOURCES**

The proposed project is as proposed and evaluated in the FSEIR. The proposed location on site would not result in any change or addition to any water resource impacts. The FSEIR identified the following potential Impacts and Mitigation Measures:

**Impact WR-10:** Change in Drainage Patterns (LS):

Environmental commitment WQ-1

**Impact WR-11:** Construction-Related Water Quality Effects (LS):

Environmental Commitments WQ-1 through WQ-3

**Impact WR-12:** Water Quality Impacts from Increased Drainage (PS):

Environmental Commitment WQ-1 and Mitigation Measures WR-12a, WR-12b, and WR-12c

**Impact WR-13:** Water Quality Impacts from Project Operations (LS)

No mitigation required

**Impact WR-14:** Changes in Groundwater Quantity (LS)

No mitigation required

**Impact WR-15:** Flood Hazards (LS)

No mitigation required

**Impact WR-16: Seiche, Tsunami, or Mudflow Hazards (LS)**

No mitigation required

No changes in the project are proposed, and no changes to the water resources circumstances under which the project is undertaken have occurred. Therefore, impacts associated with Water Resources would remain the same as those identified in the FSEIR.

### **3.5 NOISE**

The proposed site is located in the Kiernan/McHenry SP area, designated for Business Park, is surrounded by agricultural use, and is about 1/4 mile from existing residential use. The site characteristics related to noise are unchanged from those identified in the FSEIR. The FSEIR identified the following potential Impacts and Mitigation Measures:

**Impact NZ-3: Exposure of Noise-Sensitive Receptors to Construction Noise (LS)**

Environmental Commitments NR-1 through NR- 3, GC-9 and GC-10

**Impact NZ-4: Exposure of Noise-Sensitive Receptors to Construction Noise (LS)**

No mitigation required

No changes in the project are proposed, and no changes to the noise-related circumstances under which the project is undertaken have occurred. Therefore, impacts associated with Noise would remain the same as those identified in the FSEIR.

### **3.6 POPULATION AND HOUSING**

The FSEIR identified the following potential Impacts and Mitigation Measures:

**Impact POP-2: Substantial Induction of Growth in the City of Modesto (SU)**

No feasible mitigation

No changes in the project are proposed. Therefore, impacts associated with Population and Housing would remain the same as those identified in the FSEIR.

### **3.7 RECREATION**

The proposed site is located in the Kiernan/McHenry Specific Plan area, designated for business park use. The proposed location on site would not result in any change or addition to any recreation impacts in the project area. The FSEIR identified the following potential Impacts and Mitigation Measures:

**Impact REC-2: Temporary Disruption to Recreational Opportunities during Construction (LS)**

No Mitigation required

No changes in the project are proposed, and no changes to the recreation-related circumstances under which the project is undertaken have occurred. Therefore, impacts associated with Recreation would remain the same as those identified in the FSEIR.

### **3.8 CULTURAL RESOURCES**

The proposed site is located in the Kiernan/McHenry Specific Plan area. The proposed site would not result in any change or addition to any cultural resource impacts. The FSEIR identified the following potential Impacts and Mitigation Measures:

**CR-1:** Disturbance to Previously Undiscovered Archeological Resources (PS)  
Mitigation Measure CR-1

**CR-2:** Disturbance to Previously Undiscovered Human Remains (PS)  
Mitigation Measure CR-2

No changes in the project are proposed, and no changes to the Cultural Resources circumstances under which the project is undertaken have occurred. Therefore, impacts associated with Cultural Resources would remain the same as those identified in the FSEIR.

### **3.9 BIOLOGICAL RESOURCES**

The proposed site is located on a currently fallow parcel within the Kiernan/McHenry Specific Plan area. The FSEIR identified the following potential Impacts and Mitigation Measures:

**Bio-3:** Loss of up to 15 Acres of Foraging Habitat of Swainson's Hawk, White-tailed Kite, and other Special-Status and Non-Special-Status Migratory Birds and Raptors (PS)  
Mitigation Measure Bio-3

**Bio-4:** Potential Disturbance of Nesting Swainson's Hawks (PS)  
Mitigation Measure Bio-4

**Bio-5:** Loss of Western Burrowing Owl Nesting and Foraging Habitat (PS)  
Mitigation Measure Bio-5

No changes in the project are proposed, and no changes to the Biological Resources circumstances under which the project is undertaken have occurred. Therefore, impacts associated with Biological Resources would remain the same as those identified in the FSEIR.

### **3.10 TRANSPORTATION/TRAFFIC**

The proposed site is located on a parcel in the Kiernan/McHenry Specific Plan area. The FSEIR identified the following potential Impacts and Mitigation Measures:

**Impact TR-3:** Temporary Traffic Increases and Potential for LOS Degradation during Construction of Water Storage Tanks and Control Valves (PS)  
Environmental Commitment TC-1

**Impact TR-4:** Temporary Traffic Increases and Potential for LOS Degradation During Construction of Tank and Main Pipelines (LS)  
Environmental Commitment TC-1 and Mitigation Measure TR-4



**Impact TR-5:** Temporary Traffic Increases and Potential for Degradation of Traffic Safety During Construction of Tank and Main Pipelines (LS)  
Environmental Commitment TC-1

**Impact TR-6:** Interference with Emergency Access and Circulation during Construction of Tank and Main Pipelines (LS)  
Environmental Commitment TC-1

**Impact TR-9:** Potential for Increased Traffics and Los Degradation from Operation and Maintenance (LS)  
No Mitigation required

No changes in the project are proposed, and no changes to the traffic and transportation circumstances under which the project is undertaken have occurred. Therefore, any impacts associated with Traffic and Transportation would remain the same as those identified in the FSEIR.

## **CLIMATE CHANGE**

This topic is addressed in Chapter 4, Section 21 of the FMEIR UAGP. This report concludes that development of the urban area would have a cumulative contribution to Global climate change and that policies CL-3 through CL-26 of the General Plan serve to reduce emissions of greenhouse gases in connection with development of the Urban Area. These policies would be applicable to the broader planning and implementation of development in the City but do not directly affect the proposed project.

## **GROWTH INDUCING IMPACTS/CUMULATIVE IMPACTS**

The development of the proposed site is specifically identified in the FSEIR. No change or addition to any growth inducing or cumulative impacts beyond that identified in the FSEIR would occur with implementation of this project.

## Appendix A: MITIGATION MEASURES

### Aesthetics and Visual Resources

#### Environmental Commitments:

- CS-1 Construction staging areas for equipment, personal vehicle parking, and material storage shall be sited as far as possible from major roadways, and locations shall be approved by the City or MID as appropriate. The locations of the staging areas shall be reflected in the contract documents.
- CS-2 Opportunities for screening staging areas with existing topography and vegetation will be maximized. If chain-link security fencing is placed around such areas, slats or screening of an earth tone or other neutral color should be used unless obstruction of views into the area poses a security concern.
- CS-3 Construction work hours will be limited to reduce construction impacts on residences near the selected downstream facilities locations.
- SD-1 To reduce visibility from roads and sensitive land uses, the north and west storage tanks and aboveground pressure valve buildings will be placed well away from the site boundaries. These storage tanks and pressure valves will be designed to conform to the existing character of the surrounding land use through use of matching paint colors, fencing materials, and landscaping. The painting palette for each site will be selected to match the colors and tones of the surrounding neighborhood. Building materials used in the tanks and valves will be selected to match the character of surrounding land uses.
- SD-2 To reduce visibility of the structure's height and bulk, partial burial of the north and west water storage tanks and/or control valves will be implemented where feasible. If located in aboveground structures, block wall screening and landscaping will be used.
- SD-3 To minimize any effects from introduced light sources and reflected light, all structures and hardware surfaces (with the exception of the southeastern tank) will be finished with paint or other treatments to minimize daytime glare and reflectivity, including components such as grates, railings, piping, roofs, and other metal fixtures. All surfaces affected by the proposed project will be covered with non-glare surfacing.
- SD-4 To reduce the effects of night illumination, all lights (with the exception of those at the southeastern tank) will be shielded and directed away from sensitive uses and the sky. Lighting will be internally directed with low-level intensity, sufficient only to detect movement within facility grounds. The quantity of lights used shall be the minimum required for property security to minimize incidental light. The lights shall be focused only where needed (such as building entrances) and should not provide a general "wash" of light on building surfaces. Lights shall be cutoff-type fixtures that cast low-angle illumination to minimize incidental spillover of light onto adjacent properties and open space. All lights shall provide good color rendering and natural light qualities. Low-pressure sodium and high-pressure sodium fixtures that are not color-corrected shall not be used. The lighting design shall also meet minimum safety and security standards.
- SD-5 To ensure compatibility with surrounding land uses, gates and fencing consistent with the neighborhood will be installed around the north and west tanks. Gates and fencing that are visible

from public roadways should be similar to those existing in nearby rural residential neighborhoods. Appropriate fencing materials would include block wall construction with adequate landscaping around the perimeter of facility walls. Appropriate gate materials include wood or black wrought iron (or aluminum fashioned to mimic iron).

SD-6 A combination of earth berms, landscaping, and/or tree screening along the perimeter of the north and west tank sites will be provided. Trees can be used for screening purposes. (See SD-7 regarding landscaping program)

SD-7 A landscaping program will be implemented for the north and west tank sites and aboveground pressure valve buildings. The landscaping program should be developed by a licensed landscape architect in cooperation with the project engineer. The primary goal of the program should be to guide location, selection, installation, and maintenance of landscaping along public roadways and around new facilities to screen views, minimize exposed surface area, and maintain consistency with the surrounding character. Species selection should reflect and respect the existing mature plantings associated with residences in the area and the remaining native vegetation. The program should mandate maintenance of the landscaping for optimum survivorship, vigor, and appearance, including provisions for irrigation, pruning, mulching, and replacement planting. The owner of the facility will be responsible for maintenance of vegetation on the tank sites.

The plant palette of the landscaping shall reflect species that are native and indigenous to the project area. The species used should include trees, shrubs, and an herbaceous understory of varying heights, as well as evergreen and deciduous types. Plant variety will increase the effectiveness of the screen by providing multiple layers, seasonality, more diverse habitat, and reduced susceptibility to disease. Large shrubs that may be used as part of the landscaping for their density and color are *Heteromeles arbutifolia* (toyon), *Fremontodendron* "Ken Taylor" (hybrid flannel bush), *Ceanothus* "Ray Hartman" (Treasure Island blueblossom), and *Cercis occidentalis* (western redbud). Potential tree species that may be used for their height and structure include *Platanus acerifolia* "Bloodgood" (London plane), *Sequoia sempervirens* 'Aptos Blue' (coast redwood), and *Quercus suber* (cork oak).

## Air Quality

### Environmental Commitments:

AQ-1 The project will comply with San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD Regulation VIII to control the generation of construction-related fugitive dust (PM10) emissions during construction activities.

AQ-2 MID and/or the City, as applicable, will require all construction contractors employed during any phase of project construction to ensure that diesel and gasoline-powered equipment is correctly tuned and maintained according to manufacturer specifications and California air quality regulations. This requirement will be incorporated into project construction documents (plans and specifications) to ensure that it is contractually enforceable. The project applicant will similarly ensure that all vehicles and other equipment used for operation and maintenance activities once the project is on line are tuned and maintained per manufacturer specifications and current California regulations.

- GC-3 Existing landscaping that is removed or damaged during construction will be replaced. Areas without landscaping that are disturbed by construction will be allowed to return to a natural vegetated state. Standard erosion control practices will be implemented in compliance with current state regulations to ensure restoration is successful and to minimize soil loss.
- GC-4 Planned road improvements (e.g., raised medians, turn lanes, street alignments) will be coordinated to minimize disruptions associated with this project and other projects.
- GC-5 Work area in residential areas will be restricted to the maximum length of open trench for a given segment at any given time (i.e., 200 to 500 feet). (Note, site N-1 is not presently within or in close proximity to any residential area).
- GC-6 Dust suppression and cleanup provisions (e.g., street sweeping, sidewalk cleaning, and debris removal) will be implemented, as needed by the City of Modesto and MID.
- GC-7 Roadway surfaces damaged by construction activities, including hauling operations, will be restored to preexisting conditions. (City of Modesto and MID facilities)
- GC-10 Community facilities affected by construction will be restored to preexisting conditions.

## **Water Quality**

### Environmental Commitments:

- WQ-1 Because the proposed project is anticipated to result in the disturbance of more than 1 acre, coverage under the Central Valley Regional Water Quality Control Board's (RWQCB's) NPDES General Permit for Discharges of Storm Water Runoff Associated with Construction Activity (General Construction Permit) will be obtained. Obtaining coverage under the General Construction Permit requires that MID and the City obtain permit coverage and prepare a stormwater pollution prevention plan (SWPPP) for their respective portions of the project.

The SWPPP is required to describe the best management practices (BMPs) that will be implemented to control accelerated erosion, sedimentation, and other pollutants during and after project construction. The specific BMPs that will be incorporated into the erosion and sediment control plan and SWPPP will be determined during the final design phase of the Phase Two project, and will be implemented by the construction contractor in accordance with the RWQCB Field Manual. As a performance standard, these measures selected will represent the Best Available Technology that is economically achievable, and will be selected to achieve maximum sediment removal and water quality protection.

At a minimum, the SWPPP shall provide for the following measures during construction:

- regular and thorough street sweeping program;
- detailed Hazardous Materials Spill Prevention Control and Countermeasure Plan (see environmental commitment WQ-2); and
- pavement inspection and repair program.

- WQ-2 As part of its NPDES General Construction Permit, a Hazardous Material Spill Prevention Control and Countermeasure Plan will be prepared for the use of construction equipment for the proposed

project, and will minimize the potential for, and effects from, spills of hazardous, toxic, or petroleum substances during construction of the project. This plan will describe storage procedures and construction site housekeeping practices and identify the parties responsible for monitoring and spill response. The measures and monitoring procedures required under the General Construction Permit will minimize the potential for release of hazardous materials to the environment. The City and/or MID, as applicable, will review and approve the Hazardous Materials Spill Prevention Control and Countermeasure Plan before allowing construction to begin. The project proponent will routinely inspect the action area to verify that the BMPs specified in the plan are properly implemented and maintained, and immediately notify the contractor if there is a noncompliance issue and shall require compliance.

WQ-3 The federal reportable spill quantity for petroleum products, as defined in the U.S. Environmental Protection Agency's (EPA's) Code of Federal Regulations (CFR) (40 CFR 110) is any oil spill that (1) violates applicable water quality standards, (2) causes a film or sheen upon or discoloration of the water surface or adjoining shoreline, or (3) causes a sludge or emulsion to be deposited beneath the surface of the water or adjoining shorelines.

If a spill is reportable, the contractor's superintendent would notify the Stanislaus County Department of Environmental Resources and the California Department of Toxic Substances Control (DTSC), which have spill response and clean-up ordinances to govern emergency spill response. A written description of reportable releases must be submitted to the RWQCB. This submittal must include a description of the release, including the type of material and an estimate of the amount spilled, the date of the release, an explanation of why the spill occurred, and a description of the steps taken to prevent and control future releases. The releases would be documented on a spill report form.

If a reportable spill has occurred and results determine that project activities have adversely affected groundwater quality in excess of water quality standards, a detailed analysis will be performed by a Registered Environmental Assessor to identify the likely cause of contamination. This analysis will conform to American Society for Testing and Materials (ASTM) standards, and will include recommendations for reducing or eliminating the source or mechanisms of contamination. Based on this analysis, the City, MID, and/or their contractors will select and implement measures to control contamination, with a performance standard that groundwater quality must be returned to baseline conditions. These measures will be subject to approval by the City and MID.

#### Mitigation Measures:

WR-12a: Street Sweeping: To minimize the amount of pollutants entering the storm drain system, water storage tank roadways and other paved areas will be cleaned regularly using street sweeping equipment. Additionally, litter and debris that may accumulate on the project site will be regularly collected and properly disposed of at a landfill in accordance with proper waste disposal procedures. These activities shall be the responsibility of City and/or its contractors.

WR-12b: Best Management Practices to Maximize Storm Water Quality: BMPs shall be used on the tank sites to maximize storm water quality during project operations. The BMPs shall include a combination of source control and treatment systems, and shall be selected to be consistent with the City's Comprehensive Stormwater Management Program.

BMPs may include but not be limited to the following:

- Grass strips, high infiltration substrates, and grassy swales shall be used where feasible throughout the tank sites to reduce runoff, serve as biofilters, and provide initial storm water treatment. This type of treatment would apply particularly to paved areas.
- Physical devices shall be placed at outlets of pipes and channels to reduce the velocity or the energy of exiting water. Outlet protection helps to prevent scour and to minimize the potential for downstream erosion by reducing the velocity or energy of concentrated storm water flows.
- Pervious/porous pavement shall be used to reduce runoff when economically feasible. The pavement is a unique cement-based concrete product that has a porous structure which allows rainwater to pass directly through the pavement and into the soil.

The City and/or its contractors shall inspect following construction to ensure that all identified BMPs have been properly installed. The project shall adopt a regular maintenance and monitoring schedule to ensure that these BMPs function properly during project operations. If necessary, additional BMPs shall be designed and implemented if those originally constructed do not achieve the identified performance standard.

WR-12c: Appropriate Design on Retention Facilities: All infiltration features shall be constructed to maximize the distance between the base of the infiltration feature and the groundwater table, and in no case shall the bottom of the feature be less than 10 feet above the groundwater table.

## Noise

Environmental Commitments:

NR-1: The construction contractor will employ noise-reducing construction practices such that noise from construction does not exceed applicable City or County noise ordinance limits. Measures that may be used to limit noise may include but are not limited to:

- locating equipment as far as practical from noise-sensitive receptors, including residences and occupied hospital facilities;
- using sound control devices (e.g., properly operating mufflers) on construction equipment and vehicles;
- using noise-reducing enclosures around noise-generating equipment (i.e., engines), and shrouds or shields around impact tools; and
- limiting the hours of construction activities to the hours indicated in subsection (b) of section 4-9.103 from the City's Noise Ordinance (between 9:00 p.m. and 7:00 a.m., daily and 9:00 p.m. and 9:00 a.m. Saturdays, Sundays, and Federal and State holidays) when work is within 150 feet of residences.

NR-2 The construction contractor will prepare a detailed Noise Control Plan based on the construction methods proposed. This plan will identify specific measurements that will be taken to ensure compliance with the noise limits specified above. The noise control plan will be reviewed and approved by the City/MID before any noise-generating construction activity begins.

NR-3 Prior to construction, the City and/or MID will notify residences along the construction areas of the construction schedule in writing. MID/City will designate a noise disturbance coordinator, who will be responsible for responding to complaints regarding construction noise. The

coordinator will determine the cause of the complaint and will ensure that reasonable measures are implemented to correct the problem. A contact telephone number for the noise disturbance coordinator will be conspicuously posted on construction site fences and will be included in the written notification of the construction schedule sent to nearby residents in the identified range. These duties may be delegated to the City's contractor in the project specifications.

GC-9 Fact sheets and public updates to inform the community about progress of the project will be provided.

GC-10 Community facilities affected by construction will be restored to preexisting conditions.

## **Cultural Resources**

### Environmental Commitments:

CR-1 If paleontological resources are discovered during ground-disturbing activities, the construction contractor shall stop work in that area and within 100 feet of the find until a qualified paleontologist can assess the significance of the find and develop appropriate treatment measures. Treatment may include preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection, and may also include preparation of a report for publication describing the finds. The City or MID, as applicable, shall be responsible for ensuring that the recommendation of the paleontologist regarding treatment and reporting are implemented.

### Mitigation Measures:

CR-1 Stop work, contact qualified archaeologist, assess significance of the find, and develop appropriate treatment measures. If buried archaeological resources, such as chipped or ground stone, historic debris, building foundations, or human bone, are inadvertently discovered during ground-disturbing activities, work will stop in that area and within 100 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the MID, the City, and other appropriate agencies.

CR-2 Stop work, notify county coroner, and notify California Native American Heritage Commission if remains are Native American in origin. If human remains of Native American origin are discovered during project construction, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Pub. Res. Code Sec. 5097). If any human remains are discovered or recognized in any location other than a dedicated cemetery, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

a. the coroner of the county has been informed and has determined that no investigation of the cause of death is required; and

b. if the remains are of Native American origin,

1. the descendants of the deceased Native Americans have made a recommendation

to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or

2. the Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission.

According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100) and disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact the California Native American Heritage Commission.

## **Biological Resources**

### Mitigation Measures:

**Bio-3: Implement the DFG Guidelines for Swainson's Hawk Foraging Habitat Mitigation:** The City will retain a qualified wildlife biologist to conduct preconstruction surveys for Swainson's Hawk foraging habitat on undeveloped tank sites and/or pipelines outside of existing roadways. The preconstruction surveys will be conducted to determine where active Swainson's Hawk nests are present within 10 miles of the project construction sites and will include, at a minimum, a study of the eight previously recorded nest sites. If the project construction site is not suitable Swainson's Hawk foraging habitat, then no further mitigation is required. If agricultural habitat is removed within 10 miles of a known, active Swainson's Hawk nest, the City will compensate to the extent specified by DFG to replace lost foraging habitat. Habitat compensation ratios will depend on the distance of the affected habitat from known, active nests, as specified in DFG mitigation guidelines for Swainson's hawks. The publication Staff Report Regarding Mitigation for Impacts to Swainson's Hawk (*Buteo swainsoni*) in the Central Valley of California, published by DFG (1994), recommends mitigation for the removal of suitable Swainson's hawk foraging habitat at a ratio determined by the distance to the nearest active nest. The City will implement the measures identified or their functional equivalents, based on the recommendations of the qualified wildlife biologist.

**Bio-4: Retain a Qualified Biologist to Conduct a Preconstruction Survey for Nesting Swainson's Hawk:** If construction is scheduled to occur during the Swainson's Hawk breeding season (generally March 1-August 15), the City will retain a qualified wildlife biologist to conduct preconstruction surveys for nesting Swainson's Hawks on undeveloped tank sites and/or pipelines outside of existing roadways. The preconstruction surveys will be conducted to determine whether there is suitable nesting habitat within a 0.5-mile radius of the construction site. If no Swainson's Hawks are found nesting within the areas surveyed, then no further mitigation is required. If Swainson's Hawks are found nesting within a 0.5-mile radius of the construction site, DFG will be consulted to determine where a no-disturbance buffer would be required until after the young have fledged (as determined by a qualified wildlife biologist). Impact avoidance measures will be conducted pursuant to DFG mitigation guidelines. The City will implement the measures identified or their functional equivalents, based on the recommendations of the qualified wildlife biologist.



Bio-5: Conduct Preconstruction Surveys for Active Burrowing Owl Burrows and Implement the California Department of Fish and Game Guidelines for Burrowing Owl Mitigation, if Necessary: DFG (1994) recommends that preconstruction surveys be conducted to locate active Burrowing Owl burrows in the project area and in a 250-foot-wide buffer zone around the project area. The City will retain a qualified biologist to conduct preconstruction surveys for active burrows on undeveloped tank sites and/or pipelines outside of existing roadways. The preconstruction surveys will include a nesting season survey and a wintering season survey during the year immediately preceding construction. If no Burrowing Owls are detected, then no further mitigation is required. If active Burrowing Owls are detected in the survey area, the City will implement the following measures or their functional equivalents, based on the recommendations of the qualified wildlife biologist.

- Occupied burrows will not be disturbed during the nesting season (February 1-August 31).
- When destruction of occupied burrows is unavoidable during the non-nesting season (September 1-January 31), unsuitable burrows will be enhanced (enlarged or cleared of debris) or new burrows created (installing artificial burrows) at a ratio of 2:1 on protected lands approved by DFG. Newly created burrows will follow guidelines established by DFG.
- If owls must be moved away from the project area, passive relocation techniques (e.g., installing one-way doors at burrow entrances) will be used instead of trapping. At least 1 week will be necessary to accomplish passive relocation and to allow owls to acclimate to alternate burrows.

If active Burrowing Owl burrows are found and the owls must be relocated, the City will offset the loss of foraging and burrow habitat in the project area by acquiring and permanently protecting a minimum of 6.5 acres of foraging habitat per occupied burrow identified in the project area. The protected lands should be located adjacent to the occupied Burrowing Owl habitat in the project area or at another occupied site near the project area. The location of the protected lands will be determined in coordination with DFD. The City will also prepare a monitoring plan and provide long-term management and monitoring of the protected lands. The monitoring plan will specify success criteria, identify remedial measures, and require an annual report to be submitted to DFG.

If avoidance is the preferred method of dealing with potential impacts, no disturbance should occur within 160 feet of occupied burrows during the nonbreeding season (September 1-January 31) or within 250 feet during the breeding season. Avoidance also requires that at least 6.5 acres of foraging habitat (calculated based on an approximately 300-foot foraging radius of an occupied burrow), contiguous with occupied burrow sites, be permanently preserved for each pair of breeding Burrowing Owls or single unpaired resident bird. The configuration of the protected site will be submitted to DFG for approval.

## **Transportation/Traffic**

Environmental Commitments:

TC-1: The City will require that the contractor prepare and implement a Traffic Control Plan in order to mitigate the project's construction-related traffic impacts. The Traffic Control Plan will ensure that adequate level of service is maintained, or in areas where level of service standards are not being met, that the project will not further degrade level of service. The Traffic Control Plan will

also reduce potential safety hazards and other risks associated with construction activities. The contractor will develop and implement a Traffic Control Plan as part of the overall Construction Management Plan, in accordance with City and Caltrans policies. The Traffic Control Plan will be implemented throughout the course of project construction, and will include the following elements to reduce traffic congestion and improve traffic safety along all impacted roadways.

- Ensure internal coordination on the part of the City regarding construction hours of operation and lane closures. Develop a plan for communicating construction plans with transit providers, emergency service providers, residences, and businesses located in the project vicinity, and anyone else who may be affected by project construction.
- Follow all City guidelines for lane closures caused by construction activities.
- Limit lane closures during peak commuting hours to the extent possible. Identify roadway segments or intersections that are at or approaching level of service (LOS) that exceeds local standards, and provide for construction-generated traffic to avoid these locations at the peak periods, either by traveling different routes or by traveling at non-peak times of day. No lane closures will be allowed during peak commuting hours where level of services standards are not currently met.
- Install traffic control devices as specified in the California Department of Transportation's *Manual of Traffic Controls for Construction and Maintenance Works Zones* (California Department of Transportation 1996).
- Require traffic controls in the construction zones, including flag persons wearing bright orange or red vests and using a "Stop/Slow" paddle to control oncoming traffic.
- Require that access to driveways and private roads outside the immediate construction zone be maintained at all times.
- Develop a business notification plan for access to local businesses in and adjacent to the construction zone.
- Provide alternate routes for bicyclists and pedestrians during sidewalk, bike lane, and recreation trail closures
- Provide notification to the public of temporary closures of roadways, sidewalks, bike lanes, and recreation trails. Require that advance notice signs of upcoming construction activities be posted at least 1 week in advance so that motorists, bicyclists, and pedestrians are able to avoid traveling through the project area during these times.
- Consult with emergency service providers and develop an access and circulation plan for use by emergency vehicles when lane closures and/or detours are in effect. If lane closures occur, provide advance notice to local fire and police departments to ensure that alternative evacuation and emergency routes are designed to maintain response times.
- Construction warning signs should be posted in accordance with local standards or those set forth in the Manual on Uniform Traffic Control Devices (FHWA 2001), in advance of beginning construction in a particular area and at any intersection that provides access to the construction area;
- Require that written notification be provided to all contractor employees regarding appropriate routes to and from the construction site, and the weight and speed limits on local roads used to access the construction site;
- Specify that signs be posted at all active construction areas giving the name and telephone number or e-mail address of the City staff person designated to receive complaints regarding construction traffic.

Mitigation Measures:

TR-4: Maintain Traffic Lanes and Limit Hours of Construction: The City of Modesto's selected

contractor will not conduct construction on arterial streets during the peak traffic lanes through pipeline construction. For pipeline segments with construction V/C ratios over 1.5 and construction duration that would exceed two weeks, if the contractor is unable to maintain the existing number of traffic lanes through pipeline construction zones, construction activities will be limited to evening hours.<sup>1</sup> This practice applies to the following routes:

- Carpenter Avenue, south of Maze Boulevard
- Yosemite Boulevard, near Codoni Avenue
- Briggsmore Avenue

<sup>1</sup>Construction V/C ratios were calculated for the peak traffic period. For segments with construction V/C ratios between 1.0 and 1.5, the off-peak (midday) construction V/C was not calculated but is anticipated to be close to or below 1.0. For this reason, midday construction for these segments is not anticipated to result in LOS failure and would be allowed.<sup>4</sup>