AUGUST 2024

PREPARED FOR:
COUNTY OF SAN JOAQUIN

MESSICK BRIDGE REPLACEMENT PROJECT

FINAL
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

PREPARED BY:

Michael Baker
INTERNATIONAL

FINAL
INTIAL STUDY/MITIGATED NEGATIVE DECLARATION

MESSICK BRIDGE
REPLACEMENT PROJECT

SCH #: 2024070265

LEAD AGENCY:

County of San Joaquin
1810 East Hazelton Avenue
Stockton, California 95205
Contact: Mr. Brian Newburg
209.468.3040

PREPARED BY:

Michael Baker International
5 Hutton Centre Drive, Suite 500
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949.472.3505

August 2024

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1.0 Introduction

1.0 INTRODUCTION

The Messick Bridge Replacement Project (herein referenced as the "project") is located along Messick Road within the northeastern portion of unincorporated San Joaquin County (County), approximately 2.15 miles north of East Fremont Street (Highway 26) and 5.50 miles east of Waterloo Road (Highway 88). The project proposes to demolish the existing Messick Road Bridge that spans over Mosher Creek and replace it with a new bridge structure that meets current State and federal bridge design standards. The replacement bridge structure would be 55 feet and 4 inches long and 29 feet and 6 inches wide, including 10-foot lanes and three-foot shoulders in each direction. The number of spans associated with the bridge would be reduced from the current three-span configuration to a single span. The proposed structure would be supported by abutments at each bank of the creek founded on Cast in Steel Shell (CISS) or Cast in Drilled Hole (CIDH) piles. Wing walls would be constructed adjacent to the abutments and rock slope protection would be placed along the exterior of each wing wall.

In accordance with the California Environmental Quality Act (CEQA) Guidelines, an Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared for the proposed project. The IS/MND was made available for public review and comment pursuant to CEQA Guidelines Section 15070. The public review period commenced on July 8, 2024 and expired on August 6, 2024. The IS/MND and supporting attachments were available for review by the general public on the County's website at https://www.sjgov.org/department/pwk/home/news-and-updates and at the San Joaquin County, Department of Public Works, 1810 East Hazelton Avenue, Stockton, CA 95205.

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2.0 Responses to Comments

2.0 RESPONSES TO COMMENTS

During the public review period, correspondence related to the IS/MND was received from a number of public agencies. The following is a list of the agencies that submitted correspondence related to the IS/MND during the public review period:

Comment Letter No.	Person, Firm, or Agency	Letter Dated
1	Dave Kereazis, Associate Environmental Planner Department of Toxic Substances Control	July 11, 2024
2	Peter Minkel, Engineering Geologist Central Valley Regional Water Quality Control Board	August 6, 2024
3	Laurel Boyd, Associate Habitat Planner San Joaquin Council of Governments	July 22, 2024

Although the *CEQA Guidelines* do not require a Lead Agency to prepare written responses to comments received (see *CEQA Guidelines* Section 15088), the County has elected to prepare the following written responses with the intent of conducting a comprehensive and meaningful evaluation of the proposed project. The number designations in the responses are correlated to the bracketed and identified portions of each comment letter.

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COMMENT LETTER 1

Department of Toxic Substances Control

Meredith Williams, Ph.D.
Director
8800 Cal Center Drive
Sacramento, California 95826-3200

Yana Garcia
Secretary for
Environmental Protection

Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

July 11, 2024

Brian Newburg
Engineer
San Joaquin County
1810 East Hazelton Avenue
Stockton, CA 92505
bnewburg@sjgov.org

RE: MITIGATED NEGATIVE DECLARATION FOR THE MESSICK BRIDGE REPLACEMENT PROJECT DATED JULY 8, 2024, STATE CLEARINGHOUSE NUMBER 2024070265

Dear Brian Newburg,

The Department of Toxic Substances Control (DTSC) received a Mitigated Negative Declaration (MND) for the Messick Bridge Replacement Project (Project). The Project would include the demolition of the existing Messick Road Bridge and construction of a new bridge over Mosher Creek. The replacement bridge structure would be 55 feet and 4 inches long and 29 feet and 6 inches wide, including 10-foot lanes and three-foot shoulders in each direction. The number of spans associated with the bridge would be reduced from the current three-span configuration to a single span. The proposed structure would be supported by abutments at each bank of the creek founded on Cast in Steel Shell or Cast in Drilled Hole piles. Wing walls would be constructed adjacent to the abutments and rock slope protection would be placed along the exterior of each wing wall.

1-1

DTSC recommends and requests consideration of the following comments:

1. In Section 6.1.1.3 of the Phase I Environmental Site Assessment titled **ACMs (Bridge Structure)**, it states, “Asbestos is a strong, incombustible, and corrosion resistant material, which was used in many commercial products since prior to the 1940s and up until the early 1970s. If inhaled, asbestos fibers can result in serious health problems. Asbestos containing-materials (ACMs) are building materials containing more than one percent (1%) asbestos (some state and regional regulators impose a one-tenth of one percent (0.1%) threshold). Due to the type of bridge structure and the age (1931), it is unlikely that ACMs are associated with the existing on-site bridge structure. It is the opinion of Michael Baker that no REC has resulted in this regard.” This section contradicts and should be clarified or edited. 1-2
2. If buildings or other structures are to be demolished on any areas included in the proposed Project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's Preliminary Endangerment Assessment (PEA) Guidance Manual. 1-3
3. If soil and fill material will be imported, DTSC recommends it should be tested to assess any contaminants of concern meet screening levels as outlined in the PEA Guidance Manual. Additionally, DTSC advises referencing the DTSC Information Advisory Clean Imported Fill Material Fact Sheet if importing fill is necessary. To minimize the possibility of introducing contaminated soil and fill material there should be documentation of the origins of the soil or fill material and, if applicable, sampling be conducted to ensure that the imported soil and fill material are suitable for the intended land use. The soil sampling should include analysis based on the source of the fill and knowledge of the prior land use. 1-4

Additional information can be found by visiting DTSC's Human and Ecological Risk Office (HERO) webpage.

DTSC appreciates the opportunity to comment on the MND for the Messick Bridge Replacement Project. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like any clarification on DTSC's comments, please respond to this letter or via email for additional guidance. 1-5

Sincerely,

Dave Kereazis

Dave Kereazis
Associate Environmental Planner
HWMP-Permitting Division – CEQA Unit
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

cc: (via email)

Governor's Office of Planning and
Research State Clearinghouse
State.Clearinghouse@opr.ca.gov

Tamara Purvis
Associate Environmental Planner
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Tamara.Purvis@dtsc.ca.gov

Scott Wiley
Associate Governmental Program Analyst
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Scott.Wiley@dtsc.ca.gov

RESPONSE TO COMMENT LETTER NO. 1

Dave Kereazis, Associate Environmental Planner
Department of Toxic Substances Control
July 11, 2024

1-1 This comment provides a brief introduction of the project. Since it does not pertain to the environmental analysis within the Draft IS/MND, no further response is necessary.

1-2 This comment states the Phase I Initial Site Assessment (Phase I ISA) evaluation of the potential association of asbestos containing materials (ACMs) with the existing on-site bridge structure and requests clarification. ACMs were used in many commercial products since prior to the 1940s (likely the late 1930s) through the early 1970s. Since the bridge was built in 1931, prior to asbestos being widely utilized in construction material, and since the bridge structure is made of timber, it is unlikely that ACMs are associated with the existing on-site bridge structure. In the unlikely event unknown asbestos and hazardous substances are discovered during project construction, the construction contractor would follow Caltrans Standard Specifications Section 14-11.02. No revisions to the Draft IS/MND are required.

1-3 This comment states that if buildings or other structures are to be demolished on-site as part of the project, surveys would need to be performed. Sampling would need to be conducted in accordance with DTSC's Preliminary Endangerment Assessment (PEA) Guidance Manual. Additionally, removal, demolition, and disposal of hazardous materials would need to be conducted in accordance with current California environmental regulations and policies. The project proposes to demolish the existing Messick Road Bridge that spans over Mosher Creek and replace it with a new bridge structure that meets current State and federal bridge design standards. Based on the Phase I ISA, it is unlikely that lead-based paints (LBPs), ACMs, and polychlorinated biphenyls (PCBs) are present on-site. Roadway re-striping on Messick Road was last conducted in June 2021. Thus, based on the age of traffic striping material (less than one year), the presence of LBPs in traffic striping materials is unlikely. Additionally, LBPs are not associated with the existing timber bridge. As stated in Response 1-2, above, ACMs were used in many commercial products since prior to the 1940s (likely the late 1930s) through the early 1970s. Since the bridge was built in 1931, prior to asbestos being widely utilized in construction material, and since the bridge structure is made of timber, it is unlikely that ACMs are associated with the existing on-site bridge structure. As discussed in Draft IS/MND Section 4.9, *Hazards and Hazardous Materials*, the project would require the removal and disposal of potential treated wood associated with the on-site bridge structure. To reduce potential impacts related to the disposal of treated wood waste, Mitigation Measure HAZ-1 would require treated wood waste be removed and disposed of in a properly-authorized landfill. With incorporation of Mitigation Measure HAZ-1 as well as implementation of federal, State, and local laws and regulations, including Caltrans Standard Specifications Section 14-11.14, impacts during the construction process would be less than significant. No pole-mounted transformers containing PCBs were observed on-site. No buildings or other structures are proposed to be demolished as part of the project.

1-4 This comment provides a recommendation to test imported soil and fill material to assess any contaminants of concern exceeding screening thresholds for the intended land use and collect documentation of the soil and fill material origins. In accordance with County and Caltrans quality assurance standard procedures, imported soil and fill material, if required, would be tested for contaminants of concern and documentation of origin would be collected (Caltrans Standard Specifications Section 19-7.01D).

1-5 This comment provides a conclusion statement and includes a link to DTCS's Human and Ecological Risk Office (HERO) website and email contact information. Since it does not pertain to the environmental analysis within the Draft IS/MND, no further response is necessary.

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COMMENT LETTER 2

6 August 2024

Brian Newburg
San Joaquin County
1810 East Hazelton Avenue
Stockton, CA 95205
bnewburg@sjgov.org

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, MESSICK BRIDGE REPLACEMENT PROJECT, SCH#2024070265, SAN JOAQUIN COUNTY

Pursuant to the State Clearinghouse's 8 July 2024 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Messick Bridge Replacement Project, located in San Joaquin 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.

2-1

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.

2-2

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 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 Implementation Policy is available on page 74 at:
https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_201805.pdf

2-2 (cont'd)

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

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

2-3

Clean Water Act Section 401 Permit – Water Quality Certification
If an USACE 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. For more information on the Water Quality Certification, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE 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 Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at:https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/ 2-3 (cont'd)

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

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 Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. 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. 2-4

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/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

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 *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

2-4 (cont'd)

NPDES Permit

If the proposed project discharges waste that could r G. the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/help/permit/

2-5

If you have questions regarding these comments, please contact me at (916) 464-4684 or Peter.Minkel2@waterboards.ca.gov.

Peter G. Minkel
Engineering Geologist

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

RESPONSE TO COMMENT LETTER NO. 2

Peter Minkel, Engineering Geologist
Central Valley Regional Water Quality Control Board
August 6, 2024

2-1 This comment provides an introduction to the comment letter. Since it does not pertain to the environmental analysis within the Draft IS/MND, no further response is necessary.

2-2 This comment provides an overview of the regulatory setting and includes a brief summary of the elements of a basin plan and review cycles. The comment states that "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 comment concludes that, "the environmental review document should evaluate potential impacts to both surface and groundwater quality." The Draft IS/MND Section 4.10, *Hydrology and Water Quality*, analysis is based on the *San Joaquin County Messick Bridge Replacement Project Water Quality Technical Memorandum* (Water Quality Memorandum) and *Design Hydraulic Study for Messick Road Bridge at Mosher Creek, San Joaquin County, California* (Hydraulic Study) prepared for the project. Response 4.10(a) (pages 4.10-1 through 4.10-4 of the Draft IS/MND) provides a description of the project setting including the watershed, water body in which the project discharges to, flow pattern, beneficial uses, impaired water bodies, and project pollutants of concern and analyzes potential short-term construction and long-term operational surface and groundwater quality impacts.

As discussed in Response 4.10(a) of the Draft IS/MND, construction activities would include, but not be limited to pile driving, excavation, grading, and vegetation clearing and trimming along the Creek embankments and within the Creek during bridge abutment replacement, installation of riprap, removal of existing piers, and other construction activities associated with project implementation. Since construction is expected to occur during the dry period of the Mosher Creek annual hydrologic cycle, direct impacts to water quality are not expected to occur. However, the project would implement temporary construction best management practices (BMPs) and adhere to the U.S. Army Corps of Engineers (USACE) Section 404, Central Valley Regional Water Quality Control Board (RWQCB) Sections 401 and 402, and California Department of Fish and Wildlife (CDFW) 1602 Streambed Alteration Agreement permitting requirements. The project would also adhere to the National Pollutant Discharge Elimination System (NPDES) Dewatering Permit, if required. At project completion, the proposed project would slightly increase impervious areas on-site (0.02 acres of new impervious surface). However, the project would implement post construction (structural and non-structural) BMPs and runoff reduction measures to minimize impacts related to water quality and stormwater runoff. Thus, the Draft IS/MND concluded that impacts in this regard would be less than significant in this regard.

2-3 This comment provides the parameters in which a project would require a Clean Water Act Section 404 and 401, and Waste Discharge Requirement (WDR) permits. As stated in Response 2-2, above, the project would require the following permits: USACE Section 404, Central Valley RWQCB Sections 401 and 402, and CDFW 1602 Streambed Alteration Agreement. As discussed in Draft IS/MND Section 4.10, the project would adhere to applicable permitting requirements.

2-4 This comment provides the parameters in which a project would require a dewatering permit. As discussed in Draft IS/MND Section 4.10, the project could require a diversion of Mosher Creek during construction of the proposed project if the Creek is not dry. In the event that groundwater and any other non-stormwater dewatering activities are necessary, a dewatering plan would be prepared, and a dewatering permit would be obtained. The project would adhere to applicable permitting requirements.

2-5 This comment provides the parameters in which a project would require a NPDES permit. As discussed in Draft IS/MND Section 4.10, construction activities would disturb less than one acre; therefore, the project would not be required to obtain coverage under the NPDES Construction General Permit. The County or County representative will continue to coordinate with the Central Valley RWQCB during the final design phase of the project to determine if additional permitting and/or documentation is required.

RECEIVED
JUL 11 2024
San Joaquin Council of Governments

NOTICE OF AVAILABILITY/INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION FOR THE MESSICK BRIDGE REPLACEMENT PROJECT

This serves as the San Joaquin County's Notice of Availability/Intent to Adopt an Initial Study/Mitigated Negative Declaration (IS/MND) for the Messick Bridge Replacement Project, prepared in accordance with the California Environmental Quality Act (CEQA), CEQA Guidelines, and local implementation procedures.

Name of Project: Messick Bridge Replacement Project

Project Location: Messick Road, between Duncan Road and Clements Road, unincorporated San Joaquin County, CA 95236

Lead Agency: San Joaquin County, 1810 East Hazelton Avenue, Stockton, CA 95205

Project Description: The Messick Bridge Replacement Project (project) is located in the northeastern portion of unincorporated San Joaquin County (County). Locally, the project site is located along Messick Road, approximately 2.15 miles north of East Fremont Street (Highway 26) and 5.50 miles east of Waterloo Road (Highway 88). The proposed project would include the demolition of the existing Messick Road Bridge and construction of a new bridge over Mosher Creek. The replacement bridge structure would be 55 feet and 4 inches long and 29 feet and 6 inches wide, including 10-foot lanes and three-foot shoulders in each direction. The number of spans associated with the bridge would be reduced from the current three-span configuration to a single span. The proposed structure would be supported by abutments at each bank of the creek founded on Cast in Steel Shell (CISS) or Cast in Drilled Hole (CIDH) piles. Wing walls would be constructed adjacent to the abutments and rock slope protection would be placed along the exterior of each wing wall. The project site is not listed as a hazardous waste site pursuant to Government Resources Code Section 65962.5.

The project would require the following agreements, permits and approvals: CEQA Approval from the County of San Joaquin, a Section 404 Nationwide Permit from the U.S. Army Corps of Engineers; Section 1602 Streambed Alteration Agreement from the California Department of Fish and Wildlife; and Section 401 Water Quality Certification from the Regional Water Quality Control Board.

3-1

NOTICE IS HEREBY GIVEN THAT the County proposes to adopt an IS/MND for the above-referenced project. The IS/MND is based on the finding that by implementing identified mitigation measures, the project's potentially significant environmental effects would be reduced to a less than significant level. The reasons to support such a finding are documented in the IS/MND prepared by the County.

The IS/MND and supporting materials are available for review at the following locations:

- San Joaquin County, Department of Public Works, 1810 East Hazelton Avenue, Stockton, CA 95205
- San Joaquin County, Department of Public Works, website: https://www.sjgov.org/department/pwk/home/news-and-updates

Written comments regarding the above-referenced IS/MND must be submitted to the County of San Joaquin Public Works Department **prior to 5:00 p.m. on Tuesday, August 6, 2024**. All correspondence and any questions regarding the above-referenced IS/MND should be directed to the following:

Name: Brian Newburg, Engineer
Address: County of San Joaquin, Public Works Department
1810 East Hazelton Avenue
Stockton, California 95205
Phone: 209.468.3040
E-mail: bnewburg@sjgov.org

Public Review Period: ***Begins*** **– July 8, 2024** ***Ends*** **– August 6, 2024**

Public Hearing: A public hearing has not yet been scheduled. A separate notice of public hearing will be circulated pursuant to applicable County of San Joaquin public noticing requirements once a public hearing has been scheduled.

RESPONSE TO COMMENT LETTER NO. 3

Laurel Boyd, Associate Habitat Planner
San Joaquin Council of Governments
July 22, 2024

3-1 This comment provides a copy of the stamped notice of receipt of the Notice of Availability/Intent to Adopt (NOA/NOI) a Mitigated Negative Declaration for the Messick Bridge Replacement Project by the San Joaquin Council of Governments (SJCOG). Since it does not pertain to the environmental analysis within the Draft IS/MND, no further response is necessary.

3.0 Mitigation Monitoring and Reporting Program

3.0 MITIGATION MONITORING AND REPORTING PROGRAM

CEQA requires that when a public agency completes an environmental document which includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a reporting or monitoring plan. This requirement ensures that environmental impacts found to be significant will be mitigated. The reporting or monitoring plan must be designed to ensure compliance during project implementation (*Public Resources Code* Section 21081.6).

In compliance with *Public Resources Code* Section 21081.6, the attached *Mitigation Monitoring and Reporting Program* has been prepared for the proposed Messick Bridge Replacement Project. This *Mitigation Monitoring and Reporting Program* is intended to provide verification that all mitigation measures identified in the Initial Study prepared for the project are monitored and reported. Monitoring will include 1) verification that each mitigation measure has been implemented; 2) recordation of the actions taken to implement each mitigation; and 3) retention of records in the project file.

This *Mitigation Monitoring and Reporting Program* delineates responsibilities for monitoring the project, but also allows the San Joaquin County to have discretion in determining how best to monitor implementation. Monitoring procedures will vary according to the type of mitigation measure. Adequate monitoring consists of demonstrating that monitoring procedures took place and that mitigation measures were implemented.

Reporting consists of establishing a record that a mitigation measure is being implemented, and generally involves the following steps:

- The County distributes reporting forms to the appropriate entities for verification of compliance.
- Departments/agencies with reporting responsibilities will review the Initial Study, which provides general background information on the reasons for including specified mitigation measures.
- Problems or exceptions to compliance will be addressed to the County, as appropriate.
- Periodic meetings may be held during project implementation to report on compliance of mitigation measures.
- Responsible parties provide the County with verification that monitoring has been conducted and ensure, as applicable, that mitigation measures have been implemented. Monitoring compliance may be documented through existing review and approval programs such as field inspection reports and plan review.
- The County prepares a reporting form periodically during the construction phase and an annual report summarizing all project mitigation monitoring efforts.
- Appropriate mitigation measures will be included in construction documents and/or conditions of permits/approvals.

Minor changes to the *Mitigation Monitoring and Reporting Program*, if required, would be made in accordance with CEQA and would be permitted after further review and approval by the County. Such changes could include reassignment of monitoring and reporting responsibilities, plan redesign to make any appropriate improvements, and/or modification, substitution or deletion of mitigation measures subject to conditions described in *CEQA Guidelines* Section 15162. No change will be permitted unless the *Mitigation Monitoring and Reporting Program* continues to satisfy the requirements of *Public Resources Code* Section 21081.6.

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MITIGATION MONITORING AND REPORTING CHECKLIST

Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
AESTHETICS							
AES-1	If evening and/or nighttime construction is required for the project, all construction-related lighting fixtures shall be oriented downward and away from adjacent sensitive receptors. Lighting shall consist of the minimal wattage necessary to provide safety at the construction site. The San Joaquin County Department of Public Works shall prepare a construction lighting plan concurrent with the Grading Permit application.	Preparation and Approval of Construction Lighting Plan	Concurrent with Grading Permit Application	San Joaquin County			
BIOLOGICAL RESOURCES							
BIO-1	Prior to the commencement of construction, a qualified biologist shall prepare and present a Workers Environmental Awareness Program (WEAP) to all contractors, subcontractors, and workers expected to be on-site throughout the entire construction period. The WEAP shall include a brief review of any special-status vegetation communities and special-status species, including habitat requirements and where they might be found, and other sensitive biological resources that could occur in and adjacent to the project site. The WEAP shall address the biological mitigation measures listed in the project's approved Mitigation Monitoring and Reporting Program, as well as applicable conditions and provisions of any associated environmental permits (e.g., Section 404 permit, Section 401 Certification, Section 1602 Lake or Streambed Alteration Agreement), including, but not limited to, preconstruction biological surveys, preconstruction	Prepare and Present a Workers Environmental Awareness Program	Prior to Commencement of Construction	San Joaquin County or Designated Representative; Qualified Biologist			

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	installation of perimeter sediment and erosion control, best management practices, and any recurrent nesting bird surveys (as needed).						
BIO-2	Project materials shall not be cast from the limits of disturbance into nearby habitats and project-related debris, spoils, and trash shall be contained and removed to a proper disposal facility. San Joaquin County shall ensure that the contractor properly implement this project specification prior to and during construction.	Containment and Removal of Debris, Spoils, and Trash; Review and Approval of Final Project Plans and Specifications	During Final Design Review; Prior to Commencement of Construction; During Construction	San Joaquin County or Designated Representative; Project Construction Contractor			
BIO-3	Prior to the commencement of construction activities, the limits of construction shall be clearly delineated by a survey crew, defined with silt fencing or orange construction fencing, and checked by a qualified biologist. San Joaquin County or County representative shall ensure that the project specifications are identified on the project design plans during final design review and shall ensure that the contractor properly implement the project specification prior to construction.	Delineate Construction Limits; Review and Approval of Final Project Plans and Specifications	During Final Design Review; Prior to Commencement of Construction	San Joaquin County or Designated Representative; Project Biologist; Project Construction Contractor			
BIO-4	Prior to the start of construction, San Joaquin County or County representative shall retain a qualified biological monitor. The biological monitor shall be on-site during all vegetation removal, ground disturbance activities, and at other times as determined necessary during the environmental approval process. The biological monitor shall have authority to halt construction should any special-status species be detected within the construction area or its immediate vicinity.	Retain a Qualified Biological Monitor Prior to Construction; Monitor During Construction	Prior to Commencement of Construction; During Construction	San Joaquin County or Designated Representative; Qualified Biological Monitor			
BIO-5	If project-related activities are to be initiated during the nesting season (January 1 to August 31), a	Completion of Pre-	No More Than Three (3) Days	San Joaquin County or Designated			

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	preconstruction nesting bird clearance survey shall be conducted by a qualified biologist no more than three days prior to the start of any vegetation removal or ground-disturbing activities. The qualified biologist shall survey all suitable nesting habitat within the project impact area, and areas within a biologically defensible buffer zone surrounding the project impact area. If no active bird nests are detected during the clearance survey, project activities may begin, and no additional avoidance and minimization measures shall be required. If an active bird nest is found, the species shall be identified, and a "no-disturbance" buffer shall be established around the active nest. The size of the "no-disturbance" buffer shall be increased or decreased based on the judgment of the qualified biologist and level of activity and sensitivity of the species. The qualified biologist shall periodically monitor any active bird nests to determine if project-related activities occurring outside the "no-disturbance" buffer disturb the birds and if the buffer should be increased. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, project activities within the "no-disturbance" buffer may occur following an additional survey by the qualified biologist to search for any new bird nests in the restricted area.	Construction Survey for Nesting Birds	Prior to Initiation of Ground Disturbance and Vegetation Removal Activities	Representative; Qualified Biologist			
BIO-6	Due to the assumed presence of a bat maternity roost on-site, a qualified bat biologist shall prepare a Bat Mitigation Plan during the final design phase of the project that addresses any permanent impacts to bats as well as specific avoidance and minimization measures devised for bats within the survey area.	Prepare Bat Mitigation Plan; During Final Design Phase	During Final Design Phase	San Joaquin County or Designated Representative; Qualified Bat Biologist			

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BIO-7	San Joaquin County or County representative shall provide compensation for permanent and direct impacts to bat-roosting habitat. Resident bats shall be humanely evicted/excluded, and alternate roosting habitat shall be provided to ensure no net loss of bat-roosting habitat. The design, numbers, and locations of these roost structures shall be determined in consultation with a qualified bat biologist. This action shall be coordinated with the California Department of Transportation, California Department of Fish and Wildlife, and a qualified bat biologist to ensure that the installed habitat provides adequate mitigation for impacts.	Bat Eviction/ Exclusion; Installation of Alternate Roosting Habitat Prior to Commencement of Construction	Prior to Commencement of Construction	San Joaquin County or Designated Representative; California Department of Transportation; California Department of Fish and Wildlife; Qualified Bat Biologist			
BIO-8	Direct impacts to bats and bat-roosting habitat are anticipated from the proposed project. Humane evictions and exclusions of roosting bats shall be performed under the supervision of a qualified bat biologist in the fall (September or October) or early spring (prior to April 1) prior to any work activities that results in direct impacts or direct mortality to roosting bats. This action shall be performed in coordination with the California Department of Fish and Wildlife. To avoid potential mortality of flightless juvenile bats, evictions and exclusions of bats shall not be performed during the maternity season (April 1 through August 31) or winter months.	Bat Eviction/ Exclusion; Prior to Commencement of Construction (fall [September or October] or early spring [prior to April 1])	Prior to Commencement of Construction (fall [September or October] or early spring [prior to April 1])	San Joaquin County or Designated Representative; California Department of Fish and Wildlife; Qualified Bat Biologist			
BIO-9	San Joaquin County or County representative shall ensure that the project specifications are identified on the project design plans during final design review and shall ensure during construction that all construction work takes place during the day, to the best extent feasible. Should evening and/or night construction be required, County or County	Nighttime Lighting and Noise Restrictions; Review and Approval of Final Project	Prior to Commencement of Construction; During Construction	San Joaquin County or Designated Representative; Project Construction Contractor			

Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
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	representative shall require that all lighting and noise be directed away from the surrounding habitat.	Plans and Specifications					
BIO-10	San Joaquin County shall ensure that final design specifically minimizes vegetation removal within the project footprint, where feasible. Prior to vegetation removal, the area shall be surveyed by a qualified bat biologist to minimize impacts to foliar roosting bats.	Minimize Vegetation Removal; Survey; Review and Approval of Final Project Plans and Specifications; Prior to and During Construction	Prior to Commencement of Construction; During Construction	San Joaquin County or Designated Representative; Project Construction Contractor; Qualified Bat Biologist			
BIO-11	Prior to and during construction, San Joaquin County shall require that the contractor properly implement the designs and specifications for bat exclusion and habitat replacement structures, as identified in the project specifications. The installation and maintenance of those structures shall be monitored by the designated qualified biologist.	Implement Bat Exclusion and Habitat Replacement Structures; Review and Approval of Final Project Plans and Specifications; Biological Monitoring; Prior to and During Construction	Prior to Commencement of Construction; During Construction	San Joaquin County or Designated Representative; Project Construction Contractor; Qualified Bat Biologist			
BIO-12	To ensure that impacts to bat-roosting habitat have been mitigated successfully, post-construction surveys and monitoring shall be conducted in order to determine that the artificial habitat adequately supports the same species and number of bats relative to seasonal uses.	Post-Construction Biological Surveys and Monitoring	Post-Construction	San Joaquin County or Designated Representative; Qualified Bat Biologist			

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BIO-13	The project contractor shall ensure that during construction, all construction equipment shall be inspected and cleaned prior to use in the project site to minimize the importation of non-native plant material. A post-construction weed abatement program shall be implemented by San Joaquin County should invasive plant species colonize the area within the limits of disturbance.	Clean and Inspect Construction Equipment for Non-Native Plant Material During Construction; Weed Abatement Program Post-Construction (if needed)	During Construction; Post-Construction	San Joaquin County or Designated Representative; Project Construction Contractor			
BIO-14	Prior to the start of construction, San Joaquin County shall develop a dust control plan to identify measures and equipment necessary to minimize dust from windblown storage piles, off-site tracking of dust, debris loading, truck hauling of debris, vehicle speed limits, and to identify other dust suppression measures.	Develop Dust Control Plan; Prior to Construction	Prior to Commencement of Construction	San Joaquin County or Designated Representative			
BIO-15	Following construction completion, San Joaquin County shall provide restoration and enhancement along the embankments on-site or in the immediate area of remaining valley oak riparian woodland and forest vegetation. Final details and mitigation ratio requirements for valley oak riparian woodland and forest shall be negotiated with the California Department of Fish and Wildlife during the final design phase of the project.	Vegetation Restoration and Enhancement; Post-Construction; Review and Approval of Final Project Plans and Specifications	During Final Design Phase; Post-Construction	San Joaquin County or Designated Representative; Project Biologist; California Department of Fish and Wildlife			
BIO-16	The following regulatory approvals shall be obtained by San Joaquin County prior to commencement of any construction activities within the identified jurisdictional areas: 1) a Section 404 permit from the	Obtain Regulatory Approvals	Prior to Commencement of Construction	San Joaquin County or Designated Representative			

Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
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	U.S. Army Corp of Engineers (i.e., Nationwide Permit No. 3: Maintenance); 2) Regional Water Quality Control Board Clean Water Act Section 401 Water Quality Certification; and 3) California Department of Fish and Wildlife Section 1602 Lake and Streambed Alteration Agreement.						
BIO-17	Following construction completion, restoration of the streambanks surrounding the project site (or similar mitigation) shall be performed by San Joaquin County as determined by the National Oceanic and Atmospheric Administration Fisheries during the Federal Endangered Species Act Section 7 consultation process.	Streambank Restoration (or similar mitigation); Post-Construction	Post-Construction	San Joaquin County or Designated Representative; National Oceanic and Atmospheric Administration Fisheries; Qualified Biologist			
CULTURAL RESOURCES							
CUL-1	In the event that any subsurface cultural resources are encountered during earth-moving activities, all work within 50 feet shall halt and the construction contractor shall immediately contact the San Joaquin County Public Works Transportation Planning Division, who shall then retain and engage an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology to evaluate the findings and make appropriate recommendations. The archaeologist may evaluate the find in accordance with federal, State, and local guidelines, including those set forth in the California Public Resources Code Section 21083.2, to assess the significance of the find and identify avoidance or other measures as appropriate. If the discovery proves to be significant under the California Environmental Quality Act (CEQA), additional work such as data recovery excavation may be warranted to mitigate any significant impacts.	Review of Archaeological Plan of Treatment (If Applicable); During Construction	During Construction, Excavation and Other Construction Activity	San Joaquin County or Designated Representative; Qualified Archaeologist; Consulting Native American tribes; Project Construction Contractor			

Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
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	In the event that an identified cultural resource is prehistoric or otherwise Native American in origin or potential significance, then consulting Native American tribes shall be contacted to obtain their input as to the significance and treatment of the find. Based on the recommendations of the qualified archaeologist and the results of consultation with Native American governments, the County shall make a determination, in its discretion and supported by substantial evidence, whether the find is significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1 and therefore constitutes a tribal cultural resource. If the County determines the resource is significant, then a plan of treatment shall be prepared and implemented by the qualified archaeologist as informed by the County's consultation with interested Native American tribal government(s).						
GEOLOGY AND SOILS							
GEO-1	If evidence of subsurface paleontological resources is found during ground-disturbing construction activities, excavation and other construction activities in that area shall cease and the construction contractor shall contact the San Joaquin County Public Works Transportation Planning Division. The County shall retain a certified paleontologist certified to evaluate the find prior to resuming ground-disturbing activities in the immediate vicinity of the find. If warranted, the paleontologist shall prepare and complete a standard Paleontological Resources Mitigation Program for the salvage and curation of identified resources.	Review of Paleontological Resources Mitigation Program; During Construction	During Construction, Excavation and Other Construction Activity	San Joaquin County or Designated Representative; Certified Paleontologist; Project Construction Contractor			

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HAZARDS AND HAZARDOUS MATERIALS							
HAZ-1	During construction, the project contractor shall remove and dispose of all treated wood waste consistent with California Health and Safety Code Department of Toxic Substances Control (DTSC) current regulations and Caltrans Standard Specifications Section 14-11.14.	Removal and Disposal of Treated Wood Waste	During Demolition	San Joaquin County or Designated Representative; Project Construction Contractor			
NOISE							
NOI-1	Prior to issuance of any grading permit, the County, or County representative, shall prepare a grading plan for review and approval by the County of San Joaquin Engineer, which stipulates the following: • All equipment shall have sound-control devices no less effective than those provided on the original equipment. Each internal combustion engine used for any purpose on the job or related to the job shall be equipped with a muffler of a type recommended by the manufacturer. No internal combustion engine should be operated on the job site without an appropriate muffler. • Construction methods or equipment that will provide the lowest level of noise impact (e.g., avoid impact pile driving near residences and consider alternative methods that are also suitable for the soil condition) should be used to the greatest possible extent. • Idling equipment shall be turned off. • Truck loading, unloading, and hauling operations shall be restricted so that noise and vibration are kept to a minimum through residential neighborhoods to the greatest possible extent.	Grading Plan; Review and Approval of Final Project Plans and Specifications	Prior to Issuance of Grading Permit	San Joaquin County or Designated Representative			

Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
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	• Temporary noise barriers shall be used and relocated, as needed, to protect sensitive receivers against excessive noise from construction activities involving large equipment and by small items such as compressors, generators, pneumatic tools, and jackhammers. Noise barriers can be made of heavy plywood, moveable insulated sound blankets, or other best available control techniques. • Newer equipment with improved noise muffling shall be used, and all equipment items shall have the manufacturer recommended noise-abatement measures (e.g., mufflers, engine covers, and engine vibration isolators) intact and operational. Newer equipment will generally be quieter in operation than older equipment. All construction equipment shall be inspected at periodic intervals to ensure proper maintenance and presence of noise-control devices (e.g., mufflers and shrouding). • Construction activities shall be minimized in residential areas during evening, nighttime, weekend, and holiday periods. Noise impacts are typically minimized when construction activities are performed during daytime hours; however, nighttime construction may be desirable (e.g., in commercial areas where businesses may be disrupted during daytime hours) or necessary to avoid major traffic disruption. Coordination with County of San Joaquin shall occur before construction can be performed in noise-sensitive areas. Per Section 9-1025.9(c) of the County of San Joaquin's Municipal Code, construction noise is exempted from the Noise Control provisions of						

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	the County of San Joaquin's Municipal Code if construction activities occur between 6:00 a.m. and 9:00 p.m. • Construction lay-down or staging areas shall be located at least 100 feet from any noise-sensitive land use (e.g., residences).						
TRANSPORTATION/TRAFFIC							
TR-1	Prior to the initiation of construction, San Joaquin County shall ensure that a Traffic Management Plan (TMP) be prepared for the proposed project and be submitted to the San Joaquin County Department of Public Works for review. The TMP shall include measures to minimize the potential impacts to the circulation system resulting from the closure of the Messick Road Bridge over Mosher Creek during the short-term construction process. It shall include, but not be limited to, measures such as construction signage, construction vehicle routing plans, and advanced notification of alternative routes for travelers along Messick Road during the project construction phase. The TMP shall be incorporated into project specifications for verification prior to final plan approval.	Traffic Management Plan; Review and Approval of Final Project Plans and Specifications	Prior to Commencement of Construction; Prior to Final Plan Approval	San Joaquin County or Designated Representative			

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