STANISLAUS ELEMENTARY SCHOOL 1,2,3-TCP MITIGATION PROJECT
DRAFT INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION
MODESTO, STANISLAUS COUNTY, CALIFORNIA

NOVEMBER 14, 2024

PREPARED FOR:

CITY OF MODESTO

1010 10TH STREET MODESTO, CA 95354

P.O. BOX 642, MODESTO, CA 95353

MODESTO
CALIFORNIA

PREPARED BY:

ARDURRA GROUP

ARDURRA

INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION

For the proposed:

Stanislaus Elementary School 1,2,3-TCP Mitigation Project
Draft Initial Study/ Mitigated Negative Declaration

MODESTO, STANISLAUS COUNTY, CALIFORNIA

NOVEMBER 14,

CITY OF MODESTO
1010 10TH Street
Modesto, CA 95353
Jim Alves, P.E.
209-571-5557

PREPARED BY:

ARDURRA GROUP
3737 Birch Street, Suite 250
Newport Beach, CA 96220
Lori Trottier, AICP CEP
949-235-3094

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City of Modesto
Initial Study/ Mitigated Negative Declaration Environmental Checklist

I. PURPOSE

The purpose of this Initial Study/Mitigated Negative Declaration (IS/MND) is to evaluate and disclose to the public the level of significance of anticipated temporary and permanent physical changes in the environmental from constructing new water mains in Kiernan Avenue, Dale Road, and Tully Road, which are needed to extend the City of Modesto's water system to the school and to supply potable water to the Stanislaus Elementary School. The extension of the City's existing water system is considered a Project under the California Environmental Quality Act (CEQA) because it requires discretionary approval and permits and does not meet the definition of an exemption under CEQA Statute and Guidelines (Public Resources Code 21000-21189 and California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387).

The school's existing water supply is from a well that has been contaminated with 1, 2, 3 Trichloropropane (1,2, 3 TCP), which is harmful to humans. Due to presence of 1,2,3-TCP in Well 02, the Stanislaus Elementary School must be served from an alternative water source pursuant to state regulations. The intended purpose of this IS/MND document is to evaluate environmental impacts from the construction of approximately 12,000 linear feet of 12-inch potable water pipeline for potable water supply to the school and is referred to as the "Project" in this document. The objectives of the Project are summarized as follows:

- Replacement of well water serving Stanislaus Elementary School with a source of drinking water that meets water quality standards;
- Sufficient hydraulic capacity to meet 4,000 gallons per minute (gpm) fire flow requirements while maintaining a 20-pounds per square inch (psi) residual pressure at the School; and,
- Consistency with identified future improvements approved in the City's General Plan and Master Plans.

This document is written to inform decision makers and the public on the environmental impacts from all phases of implementation of the Project pursuant to CEQA Statute and Guidelines. Levels of significance of environmental impacts are identified within Section 5.0 of this document according to the CEQA thresholds of significance that are found in Appendix G of the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387). In this regard, the City of Modesto, as the Lead Agency, as well as Trustee and Responsible Agencies will utilize information in this document during their evaluation of the Project for discretionary approvals and permits. This document was circulated for 30-day public review and copies were made available to the public to inform stakeholders and interested parties on the potential environmental impacts of the Project and the levels of significant impacts that may result from implementation of the Project.

As the Lead Agency, the City of Modesto will use the information in this document as a basis for findings on whether the Project should require an EIR, Mitigated Negative Declaration, or Negative Declaration for compliance with CEQA as well as whether to approve the Project as proposed. This document and the City's findings on the Project will provide an administrative record for decision making the Project. This document includes environmental analysis of all Project phases, including construction and long-term operations and maintenance, and is intended to fully disclose all reasonably anticipated impacts from the Project. Previously, this Project was considered conceptually as part of the City's approved Water Master Plan (SCH# 2016082069); this IS/MND analyzes environmental impacts of the most feasible design alternative for Project implementation involving a location and metrics that were not specifically evaluated in the City's Water Master Plan or General Plan for environmental impacts pursuant to the CEQA Checklist, Appendix G of the CEQA Guidelines.

This document is an IS/MND, including an Initial Study (IS) and a Mitigated Negative Declaration (MND) that have been prepared pursuant to the CEQA Statute (Public Resources Code 21000-21189) and CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387) to evaluate and fully

disclose to the public and decision makers, the reasons why the Project will have less than significant impacts with the incorporation of mitigation measures. As a first step in CEQA compliance, an Initial Study (IS) was prepared to describe all anticipated phases of the Project and to analyze impacts resulting from the Project implementation pursuant to Section 15063 (d) of the CEQA Guidelines. The IS utilizes the CEQA Environmental Checklist found in Appendix G of the most recent CEQA Guidelines as the foundation for environmental analysis and includes systematic discussion of existing conditions and impacts from short-term construction, long-term operation and maintenance, cumulative impacts, as well as potential for growth inducement resulting from Project Implementation. The IS incorporates by reference pertinent technical information and conclusions from the Environmental Impact Report (SCH# 201404081) that was prepared for the City of Modesto's most recent General Plan, Water Master Plan (SCH# 201608269) and the Geotechnical Report for the Stanislaus Elementary School Expansion. The IS identifies where no impacts are anticipated, based on previously certified environmental reports, and where no further analysis is needed. Technical studies have been prepared for the Project documenting level of impacts from Project implementation on Air Quality, Greenhouse Gases, Energy, Noise, Cultural Resources and Biological Resources. Potentially significant environmental impacts resulting from Project implementation have been quantified and/or described qualitatively in these technical reports, which are appended to this IS/MND. Mitigation measures have been proposed for each potentially significant Project impact identified in the IS. The IS describes the effectiveness of mitigation measures for the Project. Furthermore, the mitigation measures for that have been identified in the IS to reduce Project impacts have been incorporated in the Mitigation Monitoring and Reporting Program (MMRP) for the Project pursuant to Public Resources Code, Section 21081.6. The MMRP identifies timing and responsible parties for implementation and will be used by the City and the Project contractor during construction to track implementation of mitigation measures and best management practices that are identified as required to reduce potentially significant impacts to less than significance.

The analysis in the IS concludes that a Mitigated Negative Declaration is the appropriate level of environmental review for CEQA compliance on the Project and that all potentially significant impacts will be mitigated to less than significance with the incorporation of best management practices, engineering standards, and mitigation measures for the Project listed in the MMRP, pursuant to the provisions of the California Environmental Quality Act (CEQA), Public Resources Code 21000, et seq. and State and Local CEQA Guidelines. The City of Modesto is the Project applicant and lead agency for CEQA. The City will utilize the information in this document for decision-making, to approve or deny the Project based on the Initial Study and other Project information in the administrative record.

Decision to Prepare a Mitigated Negative Declaration

The Project Description (Section II) describes the proposed installation of 12,000 linear feet of potable water pipeline and existing well abandonment, which would provide drinking water to the Stanislaus Union Elementary School, replacing water service via Well #2, for the school located at 1931 Kiernan Avenue, Modesto, CA, 95356. The Project involves extension of the City of Modesto Water Division's Service area to include the school and will not result in cumulative or growth inducing impacts due to consistency with the City's approved General Plan and Water Master Plan. The Project is ineligible for a CEQA exemption. Section VI of this document identifies potentially significant effects on Aesthetics, Agriculture and Forestry Resources, Biological Resources, Cultural Resources, Energy, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Transportation, Public Services, Utilities and Services, and Wildfire which require implementation of Project-specific mitigation measures. Mitigation measures that have been proposed for the Project, to reduce potentially significant impacts to less than significant levels, will be implemented during Project construction; and as a result, this IS/MND indicates Project consistency with CEQA Guidelines §15070, that a mitigated negative declaration is appropriate when:

a. The Project Initial Study identifies potentially significant effects, but: Revisions to the Project plan were made that would avoid, or reduce the effects to a point where clearly no significant effects would occur, and
b. There is no substantial evidence that the Project, as revised, may have a significant effect on the environment.

DEFINITIONS

Environmental Checklist Terminology

The Initial Study is based on the Environmental Checklist Form within Section 15063 (d) (3) of the State CEQA Guidelines (CEQA 2022), also referred to as "Appendix G Checklist" or the "Environmental Checklist" for CEQA compliance, which is included in Section IV. of this report. The responses to questions about the proposed Project, found in Section IV., indicate less than significant environmental impacts with mitigation are anticipated from Project implementation. Therefore, Section III of this document, indicates the conclusion of the environmental analysis for the Project and the Environmental Determination of Less than Significant with Mitigation for the Project can be applied to CEQA clearance for decision making. The standard Appendix G Environmental Checklist has been used to evaluate impacts and includes an explanation for each answer within Section VI. The following terminology is used to describe the level of significance of Project-related impacts.

Area of Potential Effects: The footprint of development (both horizontal and vertical) where direct impacts from the Project will occur and the Local Vicinity where indirect impacts from a Project could occur.

Impact: A physical change in the environment on a sensitive or regulated resource.

Less Than Significant Impact: Level of changes in the environment when there is potential for an impact based on the location of resources or the location or nature of the Project; however, the extent of the change is not expected to exceed thresholds of significance identified in the Appendix G Checklist and other agency standards.

Less Than Significant Impact with Mitigation: The level of changes in the environment with the implementation of a Project, which includes application of mitigation measures or avoidance measures, standard conditions, best management practices, applicable codes and ordinances, and regulations, intended to reduce changes in the environment from a Project when a Project has the potential to significantly change the environment, and impacts are reduced to below thresholds of significance of Appendix G and other agency standards.

Local Vicinity: The area and parcels surrounding a Project Location where direct or indirect impacts from Project implementation may occur.

Mitigation: Feasible measures that could be applied to Project design and construction to minimize significant adverse impacts, which are tailored to specific circumstances of a particular Project and place. Mitigation requirements on a Project, restricts Project-related activities beyond what is expected from standard application of ordinances and are intended to tailor characteristics of a Project and Project activities to a particular location.

No Impact: Level of changes from a Project when there are either no pertinent resources that could be affected or the characteristics of the Project clearly indicate no changes to the environment could occur from a Project.

Potentially Significant Impacts: The noticeable changes from a Project resulting in inconsistency with established regulations or damage to pertinent environmental resources.

Project: An action or series of actions requiring discretionary approval, triggering CEQA review, for discretionary approval by an agency.

Project Site/Project Area: The physical footprint of construction and areas where disturbance and construction activities will occur throughout Project construction.

Threshold of Significance: A guideline or standard established for public health, safety, welfare, protection of natural resources or stewardship of the environment.

Significant: Noticeable and/or exceeding regulations. Substantial or potentially substantial adverse change to any of the physical conditions within the area affected by the Project.

II. PROJECT DESCRIPTION

A. Title: Stanislaus Elementary School 1,2,3- TCP Mitigation Project

B. Address or Location: City of Modesto, CA and unincorporated Stanislaus County, CA 95356;

- Kiernan Avenue, between Tully Road and Dale Road, approximately 12,000 linear feet (LF);
- Dale Road, between Kiernan Avenue and existing "dead-end" connection point, approximately 570 LF;
- Tully Road, between the northeastern corner of Kiernan Avenue and Tully Road intersection and existing "dead-end" connection point, approximately 850 LF;
- Stanislaus Elementary School 1931 Kieran Avenue, Modesto, CA 9535; Unincorporated Stanislaus County.

C. Lead Agency: City of Modesto
City of Modesto Public Works, Utilities Department
1010 Tenth Street, Third Floor
Modesto, CA 95354

D. City Contact Person: Jim Alves, Senior Civil Engineer
City of Modesto
City of Modesto Public Works, Utilities Department
1010 Tenth Street, Third Floor
Modesto, CA 95354
209.571.5557
jalves@modestogov.com

E. Current General Plan Designation(s): Public right-of-way;
Agriculture (General Agriculture AG 40 Acre)

F. Current Zoning Classification(s): Public right-of-way;
AG-40

G. Surrounding Land Uses:
The surrounding land uses are primarily agricultural fields and Urban Commercial. See *Table 1: Surrounding Land Uses and Table 2: Existing Diverse Uses Within the Local Vicinity of the Project Alignment* below.

TABLE 1: SURROUNDING LAND USES
WATER IMPROVEMENTS

	Land Use	Stanislaus County General Plan	City of Modesto General Plan	Zoning
Project Location	County and City Right-of-Way; Stanislaus Elementary School	General Agriculture (Deciduous Fruits and Nuts)	Village Residential (VR)-Kiernan / Carver North Comprehensive Planning District	AG-40
North	Large-scale agriculture	General Agriculture (Deciduous Fruits and Nuts, Field Crops)	Village Residential (VR)	AG-40
South	Large-scale agriculture; Kaiser Permanente Modesto Medical Center	Community Commercial; Urban Vacant; Urban Industrial; General Agriculture (Pasture, Deciduous Fruits and Nuts)	Village Residential (VR); Business Park (BP); Mixed Use (MU)	AG 10; Modesto
East	Large-scale agriculture	General Agriculture (Deciduous Fruits and Nuts, Field Crops)	Business Park (BP)	AG-40
West	Large-scale agriculture	General Agriculture (Deciduous Fruits and Nuts)	Business Park (BP)	AG-40

Source: (1) Stanislaus County GIS, Updated May 2023. (2) Modesto General Plan EIR, 2019.

TABLE 2: EXISTING DIVERSE USES WITHIN THE LOCAL VICINITY OF THE PROJECT ALIGNMENT

Item No.[1]	Establishment	Diverse Use[2] Type	Zoning (Stanislaus County GP)	Land Use (City of Modesto GP)	Distance from Project Alignment (miles)
Adjacent to Dale Road					
2	Smallcakes Decadent Coffee	Café	City of Modesto	MU[4]	0.13 mi from Dale Road existing "dead-end" connection point
3	Residence Inn by Marriot Modesto North	--	City of Modesto	MU	0.13 mi from Dale Road existing "dead-end" connection point
4	El Rio Memory Care Community	Senior Care	City of Modesto	BP[5]	0.22 mi from Dale Road existing "dead-end" connection point
5	Kaiser Permanente Modesto Medical Center & Emergency Center (w Helipad)	Hospital	City of Modesto	BP	0.3 mi from Dale Road existing "dead-end" connection point
6	Courtyard by Marriot Modesto North	--	City of Modesto	MU	0.21 mi from Dale Road existing "dead-end" connection point
7	Kinsley Yard Luxury Apartments	Housing	City of Modesto	BP	0.32 mi 0.22 mi from Dale Road existing "dead-end" connection point
18	Arco Gas Station	Gas Station	City of Modesto	BP	0.13 mi from Dale Road existing "dead-end" connection point
Adjacent to Kiernan Avenue					
1	Grover Ornamental Nursery & Landscape Services	Other retail	A-2-40	VR[3]	0.01 mi from Kieran Avenue ROW
8	Westra RV Storage	Other retail	A-2-40	VR	0.02 mi from Kieran Avenue ROW
9	Darby's Pet Paradise	Other retail	A-2-40	VR	0.02 mi from Kieran Avenue ROW
10	Unitarian Universalist Fellowship of Stanislaus	Place of Worship	A-2-10	VR	0.02 mi from Kieran Avenue ROW
14	Stanislaus Elementary School	Education facility	A-2-40	VR	Portion of Project Site
17	Derrell's Mini Storage	Industrial	A-2-40	BP	0.3 mi from Tully Road and Kieran Avenue intersection
19	Central Valley Cresent	Office Building	A-2-40	VR	0.02 mi from Kieran Avenue ROW
20	Electrical substation	Industrial	A-2-40	VR	0.02 mi from Kieran Avenue ROW
Adjacent to Tully Road					
11	Modesto Landmark Missionary Baptist Church	Place of Worship	A-2-10	VR	0.02 mi from Tully Road ROW
12	Hindu Temple of Modesto		A-2-10	VR	0.02 mi from Tully Road ROW
13	Big Valley Grace Community Church		City of Modesto	VR	0.2 mi from Tully Road existing "dead-end" connection point
15	Big Valley Christian High School	Education Facility	City of Modesto	MU	0.9 mi from Tully Road existing "dead-end" connection point
16	Modesto Fire Station 11	Fire Station	City of Modesto	VR	0.6 mi from Tully Road existing "dead-end" connection point

Reference: Figure 2A: Water Improvements Local Vicinity Map.
Source: City of Modesto General Plan Master EIR, 2019.
Google Maps, 2023.
Stanislaus County General Plan & ALUC EIR, 2016.
Note: (1) Item Number Corresponds with Figure 2A: Water Improvements Local Vicinity Map
(2) Diverse Use Business Types are defined as publicly available businesses and entities providing goods or services intended to meet daily needs. Diverse Uses are intended to meet daily needs and is publicly available. Automated facilities such as ATMs or vending machines are not included (USGBC).
(3) Village Residential: land-use designation that provides for the development of urban "villages" defined by mixed-use Compact, pedestrian- and transit-oriented development (Modesto GP EIR, 2019).
(4) Mixed- Use: designation describe areas within City Limits that are generally developed (as of January 1, 1995) and contain a mixture of all of some residential, commercial, office, and institutional (Modesto GP EIR, 2019).
(5) Business Park

H. Project Description:

Stanislaus Union School District (SUSD)

BACKGROUND

The Project is proposed to extend the City's water service to the north to connect Stanislaus Elementary School directly to the City of Modesto's existing potable water system. Currently, Stanislaus Elementary School is reliant on groundwater extraction as a primary source of potable water. In the northeastern corner and along the eastern property line of Stanislaus Elementary School, SUSD has one active well (Well 02), PS Code 5000249-004, one inactive well (Well 01), PS Code CA5000249-001, an 8000 gallon (gal) static tank with a usable capacity of 7,435-gal, distribution piping, and appurtenances.

Well 01 is inactive and disconnected from the distribution system; however, Well 02 has provided water for the SUSD service area since 2008. Well 02 is located in the northeastern corner of the SUSD service area boundary. Well 02 is approximately 335 feet deep and is capable of achieving a production rate of 100 gallons per minute and averaging 1,405,033 gallons of water during 2020 through 2022. The existing distribution system consists of 2-inch to 8-inch diameter pipe, gate valve, 800-gallon static tank, and fire hydrant, which services the all the buildings on the school's property.

According to the State Water Resources Control Board (SWRCB), Division of Drinking Water (DDW), the Stanislaus Union School District (SUSD), Water System No. CA5000249, is a non-transient non-community public water system at the Stanislaus Elementary School (School), serving approximately 390 students and staff through one service connection. DDW regulates the water system under Domestic Water Supply Permit No. 5000249-08-09-155, issued by the Stanislaus County Department of Environmental Resources (Environmental Health) on October 15th, 2008.

The school's water comes from groundwater extracted by Well 02; however, Well 02 is currently contaminated with 1,2,3- Trichloropropane (TCP). 1,2,3-TCP, is a manmade chemical commonly used in pesticides by local farmers; contamination of drinking water wells due to past land uses has led to widespread contamination of drinking water wells in the Central Valley. In 1992, the State of California added 1,2,3-TCP to their list of chemicals known to cause cancer; seven years later, the State established a drinking water notification level for the chemical.

On May 24th, 2019, the Stanislaus County Division of Environmental Health, who ensure acceptable water quality standards are being met through regular monitoring practices, issued compliance order (No. DER-19R-006), indicating that SUSD currently violates California Health and Safety Code (CHSC), Section 116555(a)(1)[1], and California Code of Regulations (CCR) Title 22, Section 64444, Maximum Contaminant Levels (MCL)- Organic Chemicals[2]. Violations are based on samples collected from Well 02 between 2018 and 2023. Stanislaus Elementary School's groundwater supply is nine times the allowable maximum contamination level (MCL) of 0.005 µg/L (See *Table 3: Well 02 1,2,3-TCP Monitoring Results*); as a result, the school needs to take additional measures to provide safe drinking water to their customers, compliant with primary drinking water standards.

[1] **CHSC, Section 116555(a)(1)**: requires all public water systems to comply with primary drinking water standards. Primary drinking water standards include maximum levels of contaminants, specific treatment standards, and monitoring and reporting requirements in accordance with regulations from the State Water Board (Stanislaus County, Division of Environmental Health, Compliance Order No. DER-19R-006, 2019)

[2] **CCR, Title 22, Section 64445.1(c)(5)(B)**: indicates that a water system is in violation, if any sample would cause the running average to exceed the maximum contamination level (MCL) (Stanislaus County, Division of Environmental Health, Compliance Order No. DER-19R-006, 2019)

TABLE 3: WELL 02 1,2,3-TCP MONITORING RESULTS

Sampling Date	Detected Level (µg/L)	MCL (µg/L)	% of MCL
05-04-2023	0.033	0.005	660
02-09-2023	0.046	0.005	920
11-18-2022	0.052	0.005	1040
08-04-2022	0.063	0.005	1260
05-11-2022	0.054	0.005	1080
02-08-2022	0.045	0.005	900
11-16-2021	0.035	0.005	700
08-12-2021	0.027	0.005	540
05-11-2021	0.030	0.005	600
02-09-2021	0.022	0.005	440
11-12-2020	0.028	0.005	560
08-12-2020	0.023	0.005	460
05-12-2020	0.017	0.005	340
02-13-2020	0.048	0.005	960
11-13-2019	0.015	0.005	300
08-13-2019	0.019	0.005	380
05-15-2019	0.016	0.005	320
02-14-2019	0.014	0.005	280
11-13-2018	0.013	0.005	260
08-16-2018	0.011	0.005	220
06-11-2018	0.009	0.005	180
03-06-2018	0.006	0.005	120
03-02-2018	0.006	0.005	120
02-13-2018	0.007	0.005	140

As a result, the City of Modesto Utilities Department proposes to extend water infrastructure and its water service to include Stanislaus Elementary School, which is located on the north side of Kiernan Avenue and north of the northern City Limits boundary within Modesto's approved Sphere of Influence; and the northwestern corner of Tully Road, just north of the City of Modesto's approved Sphere of Influence, but within the City's Water Master Plan area. The Project would mitigate 1,2,3-Trichloropropane (1,2,3-TCP) contamination within Stanislaus Elementary School's groundwater supply. The proposed Project is a joint effort between the City of Modesto Utilities Department, State of California, Water Resources Control Board, and Self-Help Enterprises. The Project is consistent with approved planning goals and polices within the City of Modesto General Plan (2019), and the City's Water System Master Plan (2019).

CITY OF MODESTO WATER MASTER PLAN

The City of Modesto's Water Master Plan (WMP) establishes an improvement plan for water service to its 76,000 existing service connections and future development outlined in the City's General Plan. Key objectives within the City's Water Master Plan consistent with the proposed Project include the following:

- To clearly define the City's long-term supply needs (from both groundwater and the Modesto irrigation District's (MID's) surface water supplies) and identify the associated infrastructure required to deliver these supplies to existing and future customers;
- To ensure adequate water infrastructure and services are available to serve new growth within the General Plan, the City's Sphere of Influence (SOI), and the outlying service areas;
- To provide transmissions and distribution pipelines to safely and reliably convey water throughout the water system; and
- To provide safe and reliable drinking water that meets regulatory water quality requirements.

Water improvements proposed by the Project are consistent with the City of Modesto's planned improvements within the Water Mater Plan Study Area (See **Figure 4: Proposed Improvements within City of Modesto Water Master Plan**). Proposed improvements within the City's WMP, support the buildout of the City's Sphere of Influence, which consist of the extension of 12-inch-diameter or larger water mains, fire hydrants, and valves, within the Project Location (Modesto Water Master Plan DEIR (SCH# 2016082069), 2019).

ENVIRONMENTAL SETTING

PROJECT LOCATION

The Project is within northwest unincorporated Stanislaus County in central San Joaquin Valley, "Central Valley" south and east of the Stanislaus River (See **Figure 1: Regional Location Map**). Portions of the Project are within city limits, unincorporated County of Stanislaus; The Project is within the Study Area of the City's Water Master Plan. The Project is in an area that gently slopes from northeast to southwest, which occupies an east/west oriented right-of-way alignment between Sections 1 (Township 3 South, Range 8 East) and 36 (Township 2 South, Range 8 East), and Sections 6 (Township 3 South, Range 9 East) and 31 (Township 2 South, Range 9 East) Mt. Diablo Base and Meridian. The alignment continues briefly south before terminating on Dale Road at the western end and continues briefly both south and north along Tully Road before terminating at the eastern end. It is depicted on the United States Geological Survey (USGS) Salida, California (1987) 7.5-minute topographic quadrangle.

Other cities near the Project within Stanislaus County include the City of Riverbank, approximately 5 miles east, and the City of Ripon, approximately 6.3 miles northwest. Regionally, the Project is accessible via US Highway 99 (I-99), approximately 4.1 miles west of the proposed alignment; and State Route 219 (SR-219), also known as Kiernan Avenue, where a portion of the Project Alignment is proposed. Since 1960, Stanislaus County has experienced an influx in population induced by growth pressures from the San Francisco Bay Area, resulting in nine (9) incorporated cities that make up more land area than unincorporated Stanislaus County areas. However, despite growth of urban areas, Stanislaus County remains the sixth most productive agricultural county in California; in 2015, approximately $3.9 billion in revenue was generated as result of Stanislaus County's agricultural sector (Modesto GP EIR, 2019). This area has historically been in use for agriculture accordant with historic land use in the surrounding Central Valley. The County's climate and gently sloping terrain make this area ideal for agricultural production for primarily deciduous fruits & nuts. The Project is located in the northwestern service area of the Stanislaus Union School District. The school district serves residents primarily within unincorporated Stanislaus County and north Modesto.

The Project will be constructed in public-right-of-way outside of travel lanes and outside of the center median for Kiernan Avenue, either within or adjacent to existing paved street areas, to the north of the Kiernan/ Carver North Comprehensive Planning District (CPD), and north of the City Limits of Modesto (See **Figure 3B: City of Modesto General Plan Land Use Map**). The Project proposes a 12-inch service pipe extending from the proposed water main within the Kiernan Avenue public right-of-way to the southeastern corner of Stanislaus Elementary School Property (APN 004-068-008) for water delivery to the existing school. The Project also proposes water mains connecting with the City's existing water system within public rights-of-way for Dale Road; and Tully Road, in addition to Kiernan Avenue. These areas where the Project will be constructed are collectively referred to as the "Project Site" for CEQA analysis and as summarized as follows:

TABLE 4: PROJECT ALIGNMENT

Public ROW	Length (LF[1])	Direction of Pipeline Construction	Lat/Long; Elevation	Area of Disturbance
Tully Road	~ 850	**North** from existing "dead-end" connection point, extending **east** at the southern perimeter of Kiernan Avenue's eastbound lanes; and continuing **north** from Kiernan Avenue's eastbound lane and terminating in the northeastern corner of Kiernan Ave. & Tully Road intersection.	**Beginning of proposed alignment**: Latitude 37.710473 °N/Longitude 121.013059°W; 22-25 ft AMSL	**Open Trenching**: 6-ft x 8-ft for 12,000 linear feet **Jack and Bore Pits**: ***5 Jacking Pits:*** 12-ft wide x 10-ft long x 15-ft deep ***5 Receiving Pits:*** 12-ft wide x 24-ft long x 15-ft deep
Kieran Avenue	~ 10,730	**West** from Tully Road and Kieran Avenue intersection.	---	
Dale Road	~570	**South** from Kiernan Avenue and Dale Road intersection to existing "dead-end" connection point.	**End of Proposed Alignment**: Latitude 37.710636 °N/Longitude -121.050073°W; 22-25 ft AMSL	

Reference: See Figure 2A: Water Improvements Local Vicinity Map
Notes: 1) LF= Linear Feet
2) Average dimensions of trenching are 6-feet wide by 8-feet deep.
3) AMSL= Above Mean Sea Level

Tully Road is a divided two-lane County public right-of-way, classified as a minor arterial (MA) under the Stanislaus County circulation element (Stanislaus County GP, *Figure II-1 Road Circulation Diagram*). Tully Road is a two (2)-lane road with a center median contain turn pockets, driveway and bicycle access, and on-street parking.

Kiernan Avenue is a divided eight-lane highway with dedicated right turns and bike lanes in both directions. Kiernan Avenue is a CALTRANS right-of-way also known as State Route 219 (SR-219) and classified as a Principal Arterial (OPA) under the Stanislaus County circulation element (Stanislaus County GP, *Figure II-1 Road Circulation Diagram*). Kiernan Avenue contains an unvegetated center median, bicycle lanes, turn pockets, and pedestrian access along developed portions of the right-of-way.

Dale Road is a divided four lane arterial within the Project alignment. Dale Road is a City public right-of-way, classified as a minor arterial (MA) under the Stanislaus County circulation element (Stanislaus County GP, *Figure II-1 Road Circulation Diagram*). Dale Road contains paved and unpaved pedestrian access along northbound and southbound lanes, and bicycle lanes.

LOCAL VICINITY

The Project is surrounded by agriculture, orchards, and low-density structures consisting of low- to mid-rise residential, commercial, industrial, institutional land uses. (**Figure 2A: Water Improvements Local Vicinity Map, Figure 3A: Stanislaus County Land Use Map,** *Table 1: Surrounding Land Uses,* and *Table 2: Existing Diverse Uses within the Local Vicinity of the Project Alignment)*. There is a PG&E substation at the southwest corner of Kiernan Avenue and Tully Road. Stanislaus Elementary School is on the north side of Kiernan Avenue approximately 6,300 feet east of Dale Road. The closest natural landmarks to the Project are the Stanislaus River (approximately 2.8 miles north) and the Sierra Nevada Mountain Range in the East (approximately 15 miles) and the Coastal Mountains in the west (approximately 18 miles); due to distance, these natural landmarks are not visible from the Project Site.

Existing infrastructure in the Local Vicinity follows the north/south and east west street grid established by existing roadways and includes buried sewer and 12-inch potable water pipeline, communication conduit and manmade culverts along the north and south sides of Kiernan Avenue. The unpaved median in Kiernan Avenue also serves for surface water detention. There are storm drain inlets located on the west and east side of Dale Road, near the Kiernan Avenue and Dale Road intersection. Overhead 12,000-volt and 69,000-volt electrical lines are along the south side of Kiernan Avenue, west side of Tully Road, and Dale Road. A surficial concrete-lined, irrigation system, consisting of canals and laterals, surrounding the Project in the Local Vicinity convey water from the Stanislaus River for agriculture in the local vicinity. Within the Kiernan Avenue public right-of-way, a 30-inch irrigation line runs north and south. The terrain in the Local Vicinity is flat or gently sloping toward the southwest.

PROJECT DESCRIPTION

The proposed Project is the consolidation of Stanislaus Union School District (SUSD) service area (Water System No. CA5000249) with the City of Modesto, through an extension of water service, and the abandonment of the existing Well 02. Stanislaus Elementary School is one of six schools located within SUSD (five (5) elementary schools; one (1) junior high school); however, Stanislaus Elementary School is the only school currently being serviced by Water System No. CA5000249 since it is the only school within the district located outside of Modesto's Water System and City Limits.

PROPOSED WATER IMPROVEMENTS

Water improvements will construct a total of approximately 12,000 linear feet of 12-inch potable water pipeline along Tully Road; Kiernan Avenue; and Dale Road. See *Table 4: Project Alignment*. The pipeline will extend from the existing dead-end 12- inch potable water main along Tully Road, approximately 700 feet south from the Tully Road and Kiernan Avenue intersection. From the existing connection point, the potable water pipeline will continue north towards Kiernan Avenue. At the southeastern corner of the Kiernan Avenue and Tully Road intersection, a 12-inch cross connection with valves & blind flange will be installed for the pipeline to extend east along Kiernan Avenue and north along Tully Road. The pipeline will extend north for approximately 150 LF along Tully Road, terminating in the northeastern corner of the Kiernan Avenue and Tully Road intersection, where a fire hydrant will be installed to ensure proper fire flow is maintained throughout the City's service area. The pipeline will be stubbed north of the fire hydrant for future extension and will also extend west towards Dale Road along the southside of Kiernan Avenue. The Project will install twelve (12) additional fire hydrants on the south side of Kiernan Avenue right-of-way. The pipeline will connect to another proposed 12-inch cross connection with values & blind flanges and connect with the existing dead-end 12- inch potable water main along Dale Road, approximately 570 feet from the Dale Road and Kiernan Avenue intersection. See Figure 2A- Water Improvements Local Vicinity Map.

Due to the connection to two existing dead-end 12-inch pipelines along Tully Road and Dale Road, the proposed water improvements will meet fire flow requirements (33 psi at 4,000 gpm); meet the City's operational and performance criteria; and result in high pipeline turnover rates which benefit water quality within the distribution system. The entire alignment will be buried underground using open trench construction as well as jack and bore construction to avoid direct impacts to existing utilities and structures. Temporary areas of disturbance as a result of trenching are anticipated to be 4-feet wide and 8-feet deep along the entire 12,000 linear feet of Project Alignment, consisting of approximately 1.1 acres. Jack and bore construction will consist of not more than a total of 5 jack and bore locations, each, including two pits[3], one entry (jacking) and one exit pit. Jacking pits are approximately 12-ft wide by 10-ft long by 15-ft deep and receiving pits that are approximately 12-feet wide by 204-feet long x 15-feet deep, resulting in approximately 0.03 acres of disturbance. As a result, earthwork quantities are approximately 3,348 cubic yards (CY) of export and 4,680 CY of import.

[3] For the purposes of noise, air quality/GHG, and traffic modeling, assumptions to were made about the location of jacking and receiving pits based on a "worst-case scenario". Under "worst-case" conditions, boring locations are located closest to sensitive receptors adjacent to the Project Alignment: one (1) along the east side of Dale Road, approximately 150 feet from sensitive receptors; three (3) along the north side of Kiernan Avenue, bordering the southern perimeter of Stanislaus Elementary School, approximately 50 ft from the closest sensitive receptors; and one (1) along the west side of Tully Road, approximately 50 ft from the closest sensitive receptors.

One service pipe will be located near the southeastern corner of the Stanislaus Elementary School property line, which will be installed using jack and bore construction. Following the installation of the Project Alignment, the existing Well 02 is intended to be abandoned. Abandonment and permanent sealing of SUSD Well 02 will occur separately from the Project in accordance with requirements set forth by the Environmental Resources Department of Stanislaus County.

PROJECT OBJECTIVES

Due to presence of 1,2,3-TCP in Well 02, the Stanislaus Elementary School's water system needs additional water services. Therefore, the intended outcome of the proposed Project is the following:

- Provide Stanislaus Elementary School with a source of drinking water that meets water quality standards;
- Provide sufficient hydraulic capacity to meet 4,000 gallons per minute (gpm) fire flow requirements while maintaining a 20-pounds per square inch (psi) residual pressure at the School;
- Build a Project that is consistent with the City's 2017 Water Master Plan (WMP) identified future improvements.

To achieve these objectives, the Project proposes to extend the City of Modesto's Water system to the school and stop the extraction of contaminated groundwater from Well 02.

PROJECT ELEMENTS

CONSTRUCTION ACTIVITIES

Project construction is anticipated to begin in the third quarter of 2025 and conclude in the second quarter of 2026, lasting for approximately eleven months. Construction activities will occur between 7:30AM and 4:30PM, Monday through Friday; weekend work will be avoided when feasible, however, weekend or night work might occur to accommodate traffic. The installation rate of the water and sewer mains are expected to average 100 feet per day.

Construction activities will involve approximately six to eight crew members[4] at any one time for a total of 16 people on the job. Crew members will get to the construction site utilizing personal vehicles, approximately 16 vehicles at any one time, accessing the construction site via local roadways (Carver Road, Dale Road, Tully Road, etc.) or regional transportation routes (State Route (SR) 99; SR 219 (Kiernan Avenue); SR 108). Personal vehicles will be parked along the Public right-of-way, adjacent to the Project Alignments within the roadway, shoulder or the streets, or in a designated laydown yard on the Stanislaus Elementary School property. Temporary fencing will be constructed around each work area to secure construction sites and prevent theft/ vandalism that has the potential to occur overnight, concluding daily construction activities. In addition to fencing, active construction will either be backfilled or covered with trench plates at the end of each day. Water for construction and potable water during construction activities will be supplied by the City of Modesto's water system.

CONSTRUCTION EQUIPMENT

During Project implementation, construction activities will involve the utilization of various diesel-powered equipment along various segments of the Project Alignment for the duration of Project construction. Potential equipment on-site during construction includes one (1) scraper, five (5) tractors/ loaders/ backhoes, one (1) off-highway trucks, one (1) plate compactor, one (1) excavator, one (1) other material handling equipment, one (1) paving equipment, one (1) other construction equipment, two (2) pumps, one (1) skid steer loaders, one (1) surfacing equipment, one (1) rubber tiered dozer, and one (1) crane. During temporary Project construction, equipment will be kept at a designated laydown yard or the Project contractor's own facilities.

[4] The number of construction crew members is an assumption based on the scale of the proposed Project and type of infrastructure being implemented.

STAGING

Staging areas will be located inside existing public right-of-way along various locations of the Project Alignment or on adjacent parcels. These staging locations will depend on the portion of the alignment under construction. Staging will also be located within a portion of the Stanislaus Elementary School parking lot.

SCHEDULE AND PHASING

The Project Construction is not anticipated to be phased. As mentioned above, the contractor will lay approximately 100 feet of pipeline per day for approximately eight months until the entire Project Alignment has been implemented. Utility potholing and determining locations of existing "dead-end" connections will occur prior to open trench construction and excavation.

LONG-TERM OPERATIONS AND MAINTENANCE

The proposed Project Alignment is anticipated to be operational for 50 or more years following initial construction. The City will operate and manage the potable water conveyance pipeline to Stanislaus Elementary School, serving approximately 360 students and staff. The City of Modesto does not anticipate additional staffing needs for long-term operation and maintenance of the proposed Project. Monthly worker trips over the lifetime of the proposed Project will be required to conduct routine inspections and ensure proper long-term maintenance. Since a portion of the proposed Project will occur within the CALTRANS right-of-way (Kiernan Avenue), the City will establish a long-term maintenance agreement with CALTRANS pursuant to a parallel encroachment policy exception for an arterial.

I. Lead Agency:

The City of Modesto will be the Lead Agency for the proposed Project, pursuant to the State Guidelines for Implementation of CEQA Section 15050. Actions that would be required from the City of Modesto include, but are not limited to the following:

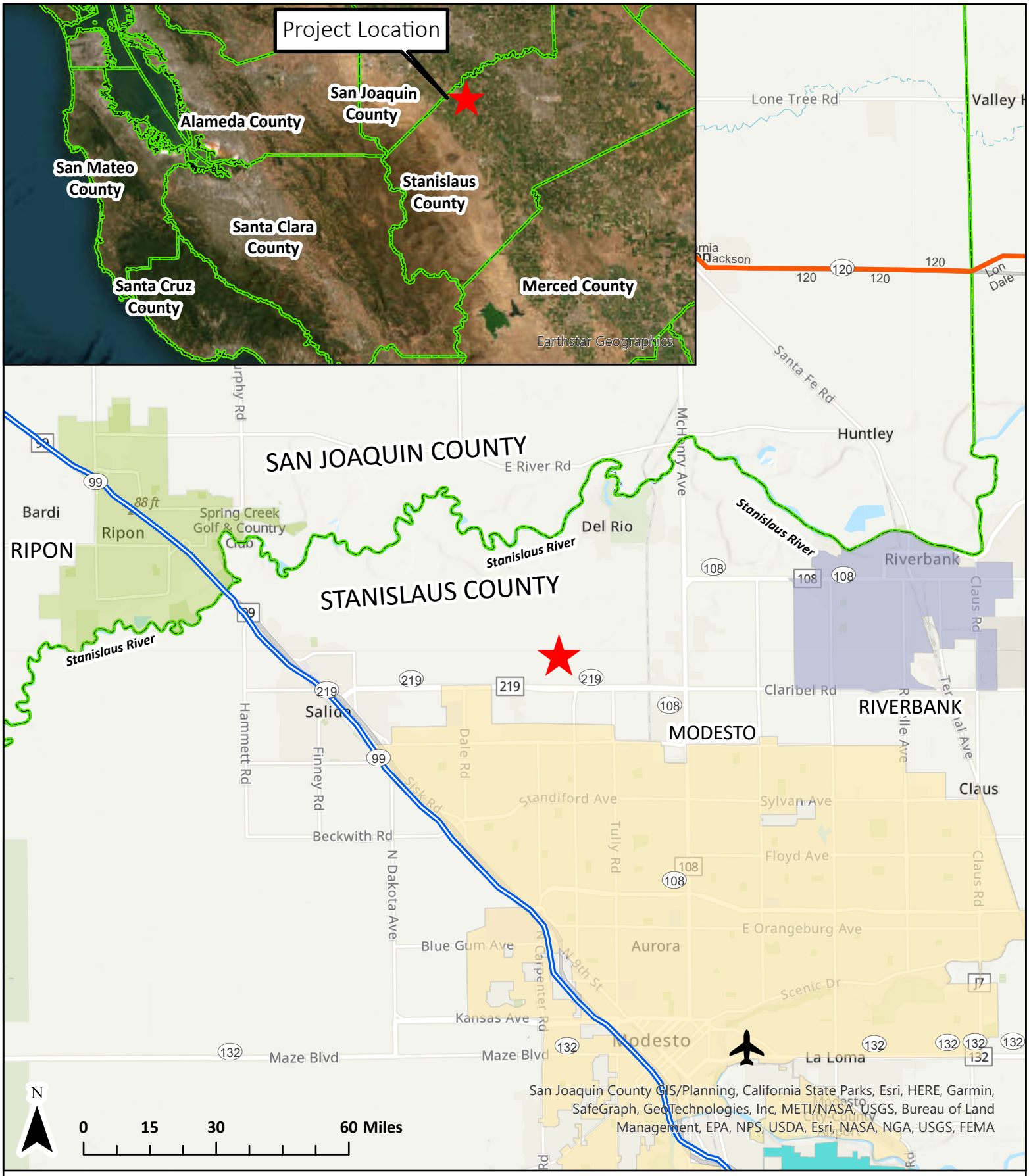
- Stanislaus Union School District water service area, Water System No. CA5000249, and the City of Modesto's Water Service Area will be consolidated with a Boundary Service Agreement between City of Modesto and the Stanislaus School District that includes a condition that the School District will waive its right to contest future annexation.

- Plan check, review, and inspection of the proposed pipeline to ensure water conveyance pipelines are designed according to the City of Modesto's Design Standards

- Adoption of the Project-specific CEQA Initial Study/ Mitigated Negative Declaration

J. Other Public Agencies Whose Approval is Required:

- State Water Resources Control Board, Division of Drinking Water (DDW)
- Stanislaus County for Tully Avenue rehabilitation after Project construction
- Pacific Gas and Electric (PG&E)
- City of Modesto Utilities Dept Engineering Services Division
- City of Modesto Engineering Dept.
- City of Modesto Utilities Department Water Operations Division
- Encroachment Permit from CALTRANS
- Stanislaus Union School District



Legend

- County Line
- Modesto
- Riverbank
- Highway
- State Route
- Project Location
- Modesto City-County Airport

City of Modesto

Stanislaus Elementary School 1,2,3-TCP Mitigation Project

Figure 1. Regional Location Map

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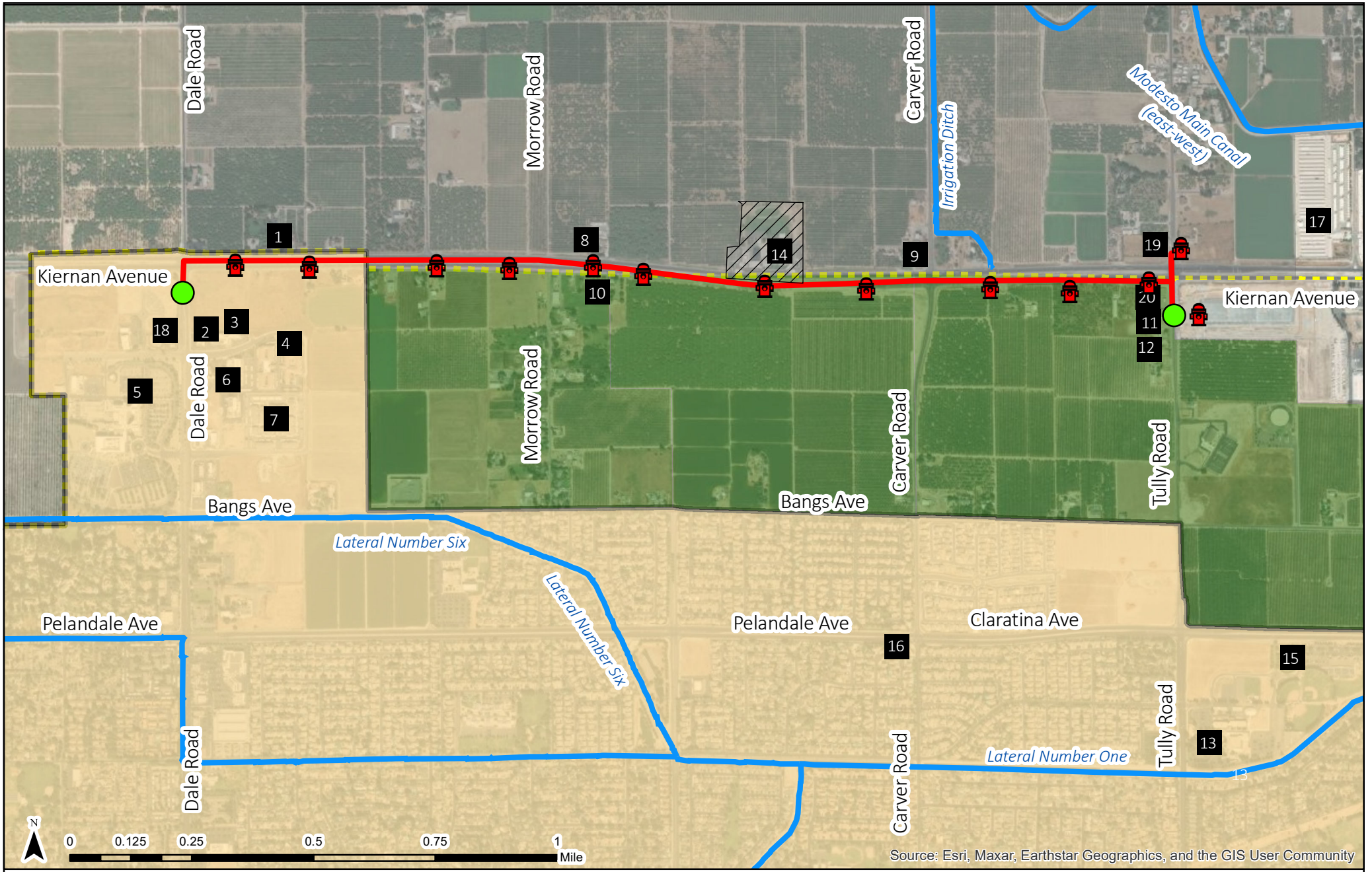

A-2-10 (General Agriculture 10 AC)
A-2-40 (General Agriculture 40 AC)
City of Modesto & City Limits
Connection Point to Existing Pipeline
Project
Stanislaus Elementary School Property Site
Business Locations *Numbers correspond withTable 2 in IS/MND
Fire Hydrant
Hydrological Flowlines
City of Modesto Sphere of Influence

City of Modesto
Stanislaus Elementary School 123-TCP Mitigation Project

Figure 2. Water Improvements
Local Vicinity Map

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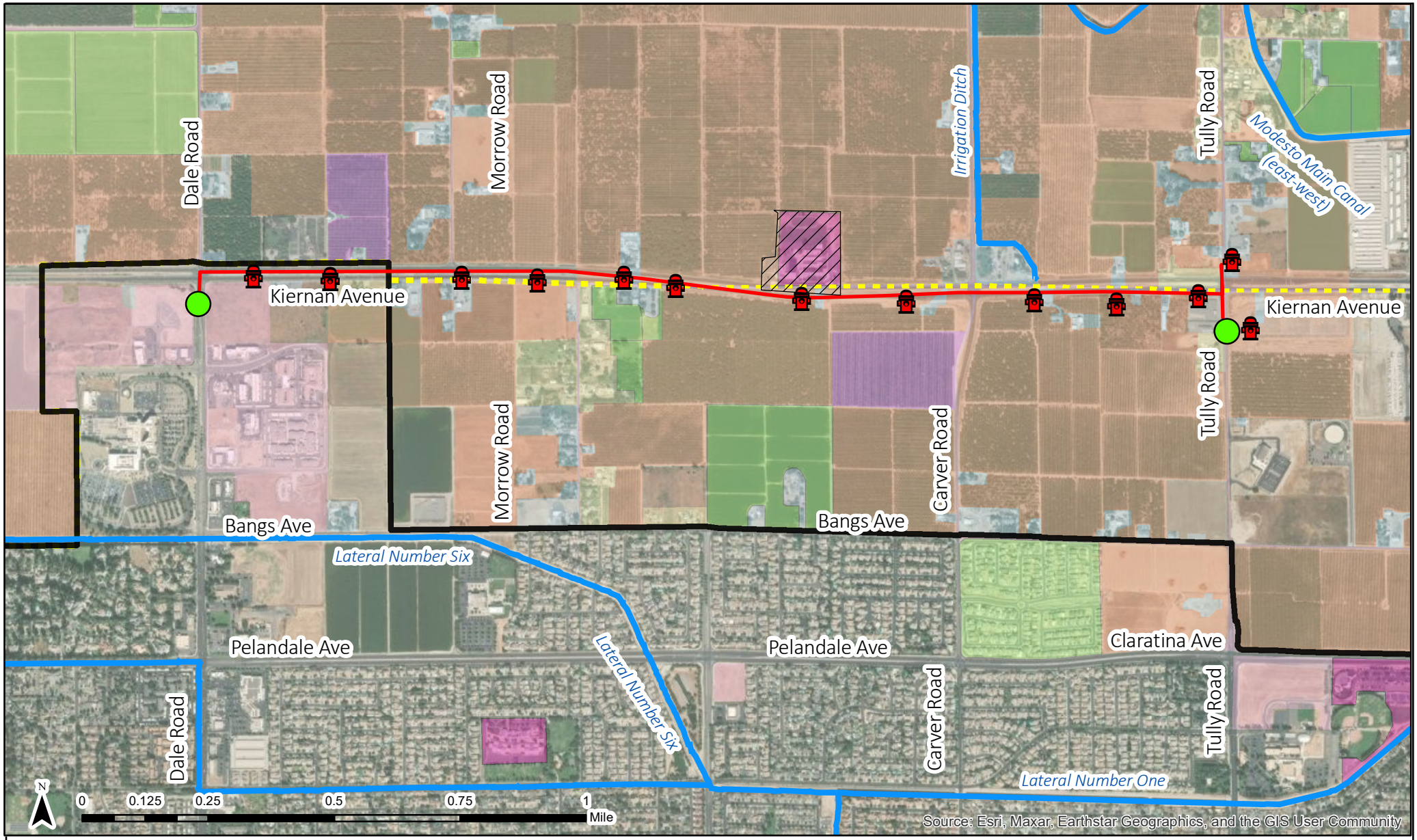

Fire Hydrant
Project
Hydrological Flowlines
Modesto City Limits
Modesto Sphere of Influence
P| PASTURE
F | FIELD CROPS
D | DECIDUOUS FRUITS AND NUTS
S | SEMIAGRICULTURAL AND INCIDENTAL TO AGRICULTURE
UC | URBAN COMMERCIAL
UI | URBAN INDUSTRIAL
UR | URBAN RESIDENTIAL
UV | URBAN VACANT
Stanislaus Elementary School Property Site
Connection Point to Existing Pipeline

City of Modesto
Stanislaus Elementary School 123-TCP Mitigation Project

Figure 3A. Stanislaus County Land Use Map

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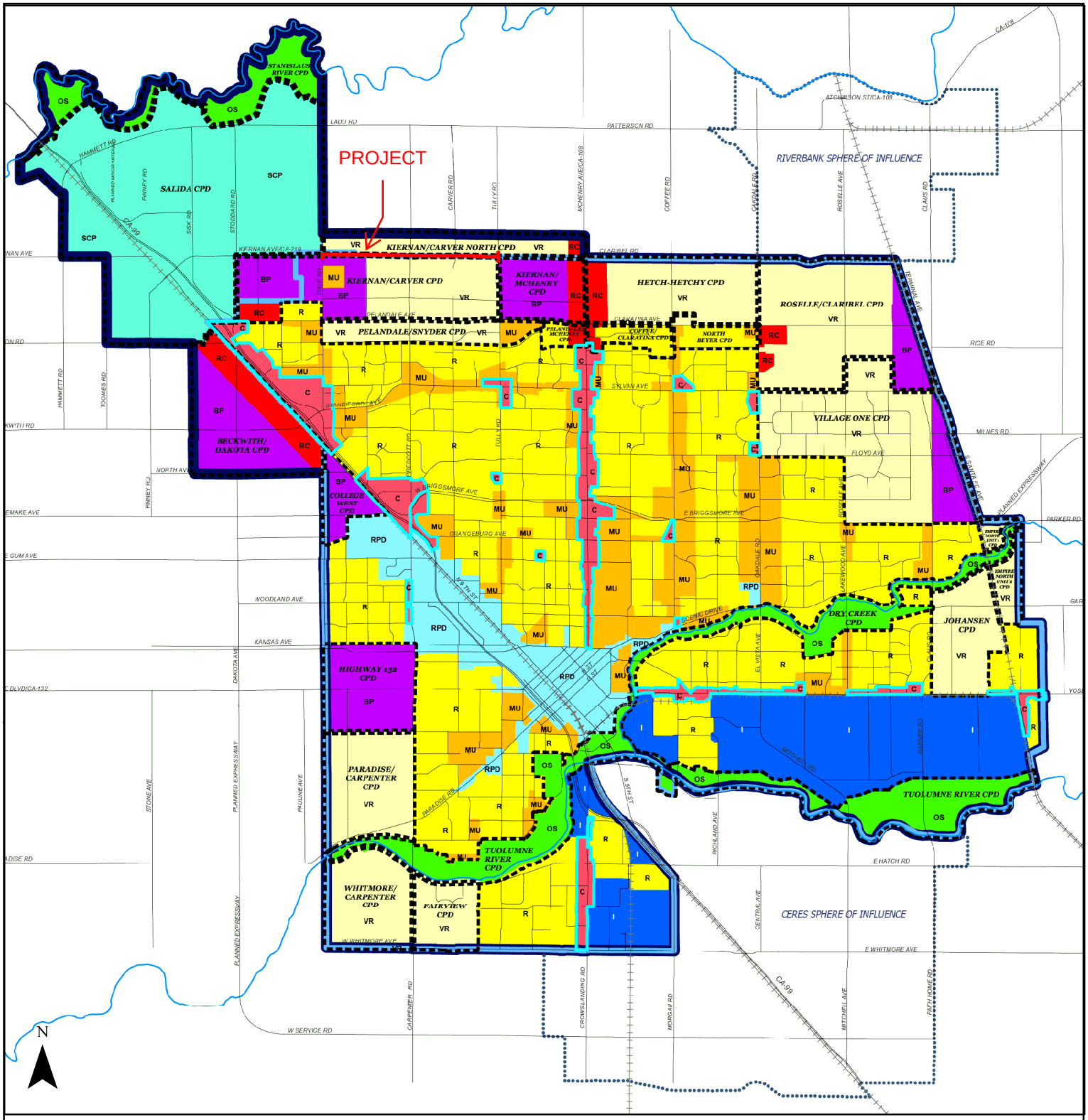

LEGEND

ADOPTED GENERAL PLAN LAND USE DESIGNATIONS

R	Residential	BP	Business Park
VR	Village Residential	OS	Open Space
MU	Mixed Use	RPD	Redevelopment Planning District
C	Commercial	SCP	Salida Community Plan
RC	Regional Commercial		
I	Industrial		

BOUNDARIES

- CPD — COMPREHENSIVE PLANNING DISTRICTS
- MODESTO SPHERE OF INFLUENCE
- ADJACENT COMMUNITY BOUNDARY
- GENERAL PLAN BOUNDARY

Source: City of Modesto General Plan, 2019

City of Modesto

Stanislaus Elementary School 123-TCP Mitigation Project

Figure 3B. City of Modesto General Plan Land Use Map

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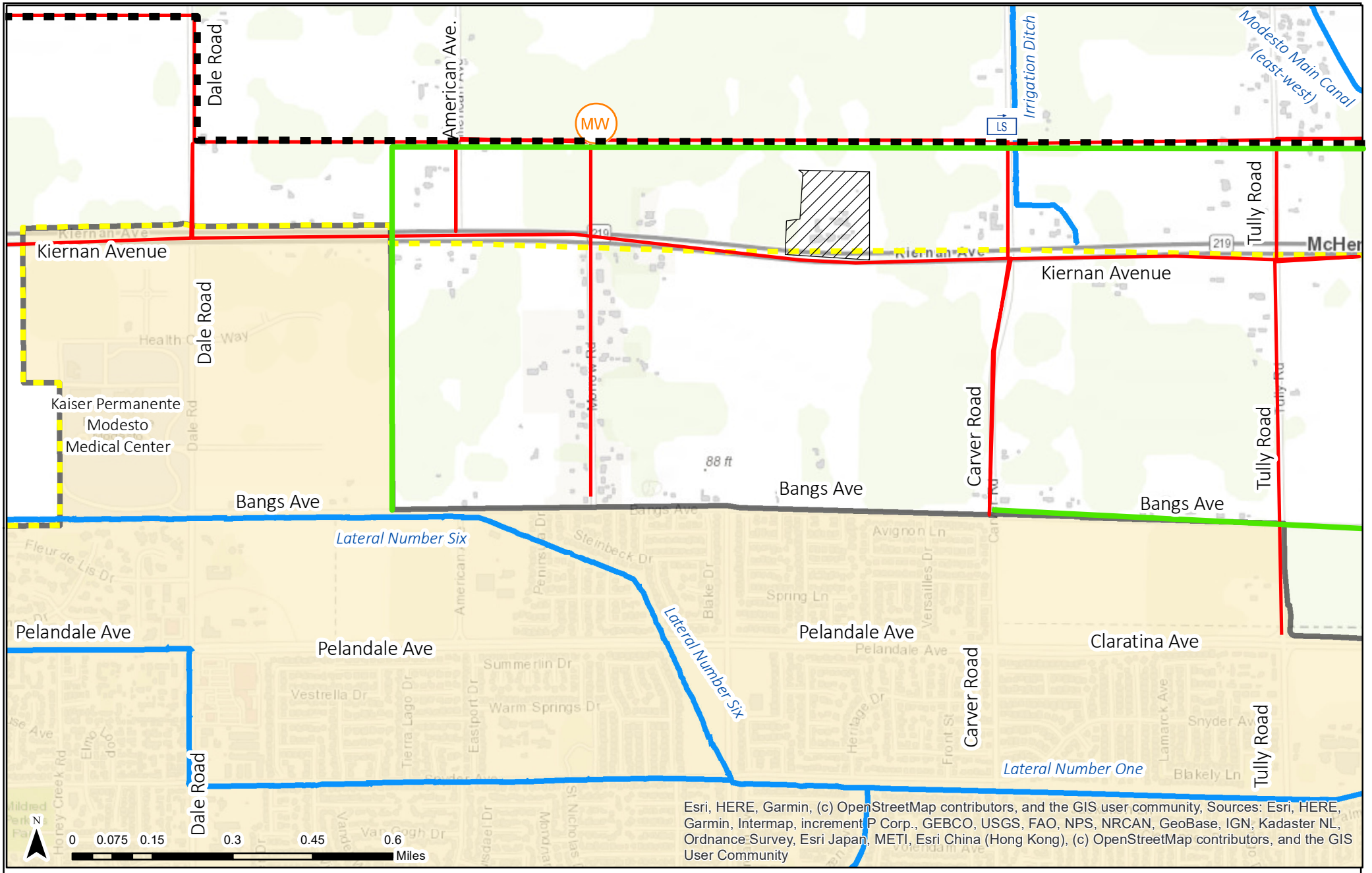

Legend

- Water & Wastewater Master Plan Study Area
- City of Modesto Sphere of Influence
- Hydrological Flowlines
- City of Modesto & City Limits
- Proposed Water Pipelines
- MW Propsoed Future Well
- Existing Stanislaus Elementary School Property Site
- Proposed Sewer Service Pipeline Improvement
- LS Proposed Sewer Lift Station Improvement

City of Modesto

Stanislaus Elementary School 123-TCP Mitigation Project

Figure 4: Proposed Improvements within City of Modesto Water and Wastewater Master Plans

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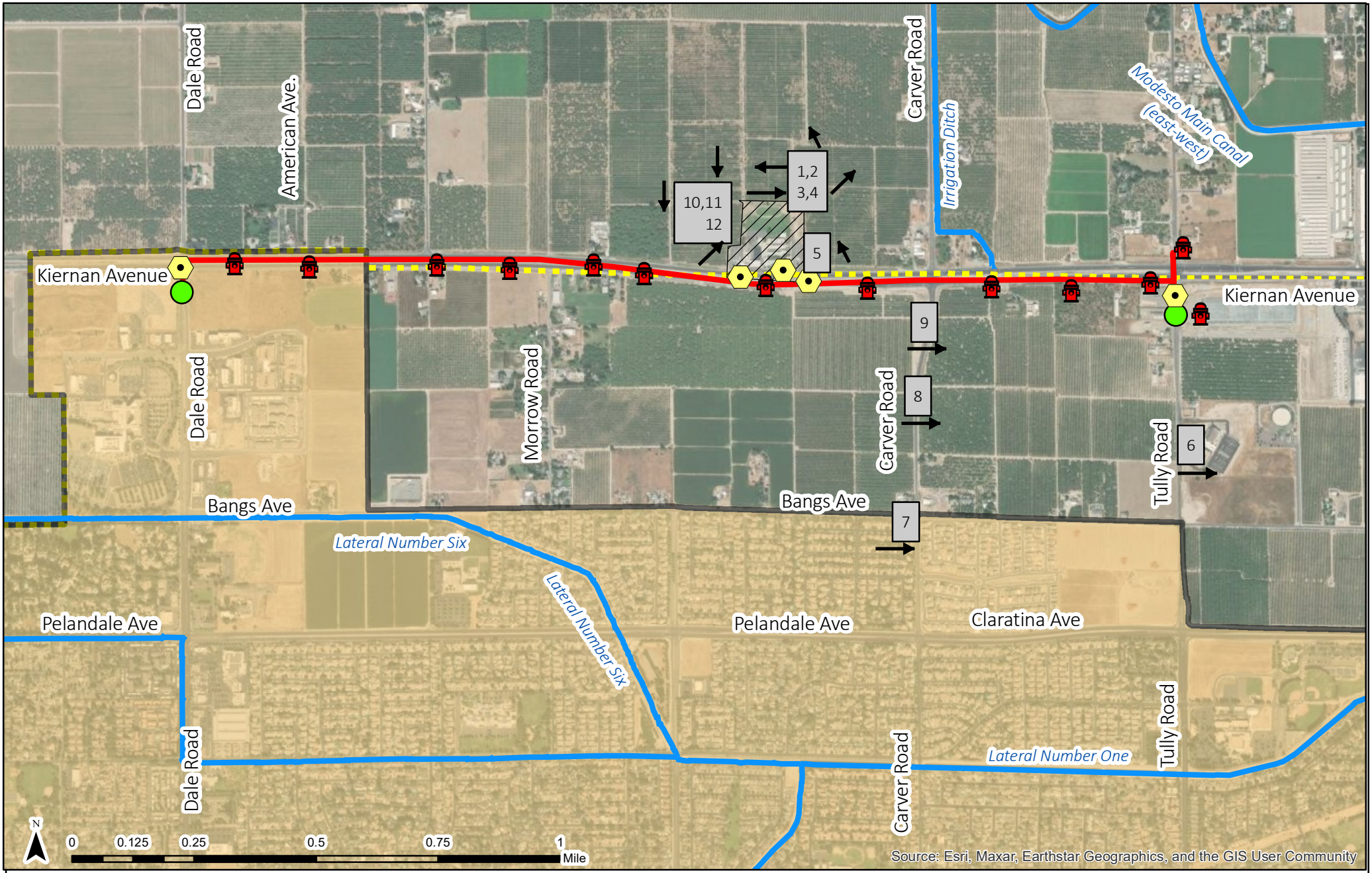

Photo Location

City of Modesto & City Limits

Connection Point to Existing Pipeline

Project

Stanislaus Elementary School Property Site

City of Modesto Sphere of Influence

Boring Location (Entry & Receiving Pits)

Hydrological Flowlines

Proposed Fire Hydrant

Note: Boring Locations are based on "worst-case conditions" for the purposes of Air Quality/GHG and Noise modeling.

City of Modesto

Stanislaus Elementary School 123-TCP Mitigation Project

Figure 5. Photo Location Map

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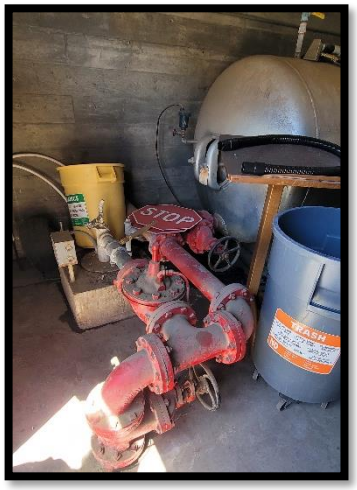


Photo 1: Looking West towards the existing SUSD-owned Well 02 near the eastern property line of Stanislaus Elementary School.

Photo 2: Looking Northwest at two tanks south of Well 02 near the eastern property line of Stanislaus Elementary School.

Photo 3: Looking East towards Well 02 above ground appurtenances near the eastern property line of the School.

Photo 4: Looking Northeast towards Well 02 above ground appurtenances near the eastern property line of the School.

Photo 5: Looking Northwest at the static tank located along the eastern property line of Stanislaus Elementary School.

Photo 6: Looking East at on-going construction within the parcel on the east side of Tully Road.

Photo 7: Looking East from the southwestern corner of intersection of Bangs Ave and Carver Road.

Photo 8: Looking East along Carver Road towards the agricultural land uses along the eastern perimeter of the ROW.

Photo 9: Looking East along Carver Road towards the agricultural land uses along the eastern perimeter of the ROW.

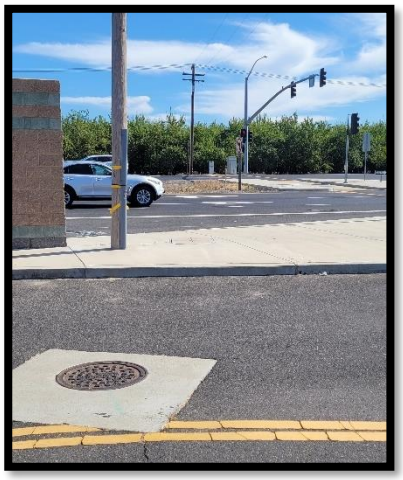


Photo 10: Looking South from the southern perimeter of Stanislaus Elementary School property line, towards intersection.

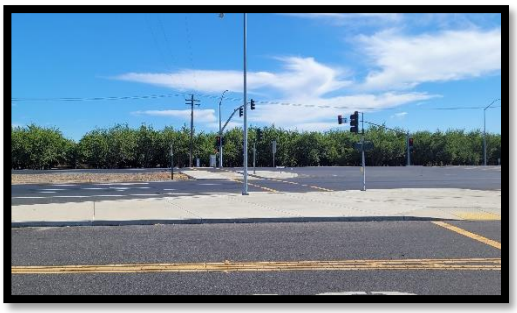


Photo 11: Looking South towards the intersection near the southwestern corner of Stanislaus Elementary School.

Photo 12: Looking Northeast towards the buildings directly north of Stanislaus Elementary School drop-off line and parking lot.

III. FINDINGS / DETERMINATION

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this Project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☒ Aesthetics (short-term)	☒ Agriculture & Forestry Resources	☐ Air Quality
☒ Biological Resources	☒ Cultural Resources	☐ Energy
☒ Geology & Soils	☐ Greenhouse Gas Emissions	☒ Hazards & Hazardous Materials
☒ Hydrology & Water Quality	☐ Land Use & Planning	☐ Mineral Resources
☒ Noise	☐ Population & Housing	☒ Public Services
☐ Recreation	☒ Transportation	☒ Tribal Cultural Resources
☒ Utilities & Service Systems	☒ Wildfire	☐ Mandatory Findings of Significance

DETERMINATION (To be completed by the Lead Agency):

On the basis of this initial evaluation:

☐ I find that the proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the Project have been made by or agreed to by the Project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed Project MAY have a “potentially significant” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed Project, nothing further is required.

Project Manager, Jim Alves P.E.	City of Modesto Senior Civil Engineer	Date

IV. WITHIN THE SCOPE ANALYSIS OF THIS DOCUMENT

The Master EIR allows projects to be found within the scope of the MASTER EIR if certain criteria are met. If the following statements are found to be true for all 20 impact categories included in this Initial Study, then the proposed Project is addressed by the Master EIR analysis and is within the scope of the Master EIR. Any "No" response must be discussed.

		YES	NO
(1)	The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.	☒	☐
(2)	City policies that reduce, avoid, or mitigate environmental effects will continue to be in effect and, therefore, would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place as "mitigating policies" attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using the Master EIR's mitigating policies only.	☐	☒
(3)	Federal, State, regional, and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).	☒	☐
(4)	No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input was received from responsible or trustee agencies or other qualified sources.	☒	☐
(5)	The Project will occur within the boundaries of the City's planning area as established in the Urban Area General Plan.	☒	☐
(6)	Implementation of the Project will comply with all appropriate mitigating policies contained and enumerated in the 2019 Urban Area General Plan Master EIR.	☒	☐

Discussion:

(1) The Lead Agency for the proposed Project is the City of Modesto.

(2) City policies that would reduce, avoid, or mitigate environmental effects will continue to be in effect and therefore, would be applied to the proposed Project where appropriate. However, Project impacts would be mitigated to a less-than-significant level using proposed Mitigation Measures, which have been tailored to be specific to the Project and will not conflict with existing City policies.

(3) Federal, State, regional, and Stanislaus County regulations do not create less restrictive assumptions than what is assumed in the Master EIR.

(4) No specific information concerning the known or potential presence of significant resources is identified in any reports prepared for the proposed Project, or through formal or informal input received from responsible or trustee agencies or other qualified sources.

(5) The proposed Project will occur within the boundaries of the City's planning area as established in the Urban Area General Plan.

(6) Implementation of the proposed Project will comply with all appropriate mitigating policies and numerated in the 2019 Urban Area General Plan Master EIR. A list of relevant policies are attached to this document.

V. CURRENCY OF THE MASTER EIR DOCUMENT

The Master EIR should be reviewed on a regular basis to determine its currency, and whether additional analysis / mitigation should be incorporated into the Master EIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed Sections 1 through 20 of this document in light of the criteria listed below to determine whether the Master EIR is current. The analyses contained within the Master EIR are current as long as the following circumstances have not changed. Any "no" response must be explained.

		YES	NO
(1)	Certification of the Urban Area General Plan Master EIR occurred less than five (5) years prior to the filing of the application for this subsequent Project.	☒	☐
(2)	The proposed Project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent Project because the City can make the following findings:	☒	☐
(a)	No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified;	☒	☐
(b)	No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available; and,	☒	☐
I	Policies that require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development, remain in full force and effect.	☒	☐

Discussion:

(1) The General Plan Master EIR (SCH# 201404081) was last certified on March 5, 2019. The analysis contained in the Master EIR is adequate for subsequent Projects, as documented in the discussion below2)The Project is consistent with the analysis contained in the Master EIR. This is documented in the discussion of the 20 individual evaluation topics within this initial study.

(2) There have been no substantive changes to the Urban Area General Plan since the Master EIR was certified that would create additional significant environmental effects that were not analyzed by the Master EIR.

(3) There has been no new information that would affect the adequacy of the analysis contained in the Master EIR.

(4) All policies contained in the Master EIR that require site-specific mitigation or avoidance of impacts remain in effect and will be applied to the Project as appropriate.

VI. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, discloses whether the proposed Project may cause any Project-specific significant effect(s) to the environment that was not examined in the Final Master EIR for the Urban Area General Plan, and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the Project is "within the scope" of the Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for Projects that are determined to be within the scope of the Master EIR. Adoption of the findings specified in Section III.1, above, after completion of the Initial Study fulfills the City's obligation in that situation. All environmental effects cited reflect 2040 conditions resulting from the Urban Area General Plan, as identified in the Master EIR.

The environmental impact analysis in the Master EIR for the Urban Area General Plan is organized in twenty subject / topical areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of reference, the sections are numbered in the same order as the analyses in Chapter V.

1. AESTHETICS/ VISUAL RESOURCES

Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
I. **AESTHETICS**. Except as provided in Public Resources Code Section 21099, would the Project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the Project is in an urbanized area, would the Project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☒	☐	☐

REGULATORY COMPLIANCE

<u>California Scenic Highway Program</u>

In 1963, the State's Legislature passed the California's Scenic Highway Program to protect scenic highway corridors from changes that would impact the visual aesthetics of lands surrounding highways. The program is managed by California's Department of Transportation (Caltrans), who have taken "responsibility for the protection and enhancement of California's natural scenic beauty by identifying those portions of the State highway system which, together with adjacent scenic corridors, require special conservation treatment" (CA DOT 2022). Caltrans coordinates with local government agencies, communities, and citizens to comply with the California Scenic Highway Program and preserve the State's scenic resources.

DISCUSSION

a) **Have a substantial adverse effect on a scenic vista?**

RESPONSE:

No Impact. Visually prominent features surrounding the Project Alignment consist of orchards, agricultural fields, low density, low to medium profile buildings, and commercial and industrial facilities. According to the City of Modesto's

General Plan, there are no designated scenic vistas or state scenic highways in the UAGP[5] planning area (Modesto GP EIR, 2019). The proposed Project will install approximately 12,000 linear feet of potable water main using open trench excavation and jack and bore construction. As a result, the pipeline will be located approximately 6 feet underground within the paved public right-of-way. The only above-ground improvements are the thirteen (13) proposed fire hydrants. One is within the northeastern corner of the Kiernan Avenue and Tully Road intersection, on the north side of the Project and 12 new fire hydrants will be installed along the south side of Kiernan Avenue. The fire hydrants will be installed and painted with Caterpillar Yellow Polyurethane high duty industrial enamel pursuant to the City of Modesto's Standard Specifications (*Section 2.16 Permit Construction Notes, B. Water (5); Section 6.05 Design, H. Fire Hydrants*). The fire hydrants are a standard above ground appurtenance that are not anticipated to detract from scenic vista. After construction is complete, areas disturbed during construction will be returned to pre-project conditions and the fire hydrants will remain to provide adequate fire flow to the Project Location. Underground or above ground Project components are not anticipated to have substantial adverse impacts to scenic resources including designated scenic vistas or viewports.

For the reasons above, no impact on existing scenic vistas are anticipated as a result of the proposed Project. No Mitigation Measures are needed.

b) **Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?**

RESPONSE:

No Impact. See Response 1, a) above. The closest scenic resource to the Project Location is Stanislaus River, located approximately 2.8 miles north of the UAGP planning area; and the closest state-designated highway is Interstate 5 (I-5), approximately 23 miles west of the Project Location. Due to the Project's Location in relation to the closest state scenic highway, no impacts are anticipated. Therefore, no Mitigation Measures are needed.

c) **In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the Project is in an urbanized area, would the Project conflict with applicable zoning and other regulations governing scenic quality?**

RESPONSE:

Less than Significant Impact. The Project Location is relatively flat and surrounded by a mixture of agricultural and low- to mid-rise land uses. Public views of the Project Location and surrounding area consist of paved streets and the adjacent land and structures associated primarily with local agriculture (i.e. orchards, vacant parcels, commercial businesses, industrial operations, utilities, and institutional facilities). State Highway CA-219 (Kiernan Avenue) and the utilities along this route are visually prominent in this area due to the width of the CA-219 right-of-way, accommodating eight-lanes and a center median. The connecting east-west street grid combined with flat topography restrict public views to the view corridors created by existing arterials: Tully Road, and Dale Road and the front setbacks of adjacent parcels.

Project plans indicate that permanently modified public views are not anticipated because the Project is a buried pipeline and above ground appurtenances consisting of thirteen (13) fire hydrants within existing developed public right-of-way. The Project will return surfaces of the public right-of-way to pre-project conditions once construction is complete; and utilize the fire hydrants for future fire suppression. The Project Alignment does not conflict with existing land use designations or requirements in the City's Zoning Code, General Plan, Design Guidelines, and improvement programs. Temporary impacts related to open trench construction, staging within public right-of-way and on adjacent parcels would only occur during construction and will be intermittent based on construction activities.

As a result, less than significant impacts are anticipated to occur to the existing visual character or quality of public views of the site and its surroundings. No Mitigation Measures are needed.

d) **Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?**

RESPONSE:

[5] UAGP is the **Urban Area General Plan**. As defined by the City of Modesto's General Plan, the UAGP is defined by three subareas within Modesto's planning area: 1) the Downtown Area, 2) the Baseline Developed Area, 3) the Planned Urbanized Area. The Project Location is located within the Planned Urbanized Area, near the northernmost boundary of the General Plan area.

Less than Significant with Mitigation Incorporated. See Response 1, a) through c). Construction will occur during daytime hours (7:30AM- 4:30AM) on weekdays and may include weekend or night work to avoid traffic. During Project construction, equipment and vehicles with reflective surfaces resulting in new temporary sources of light and glare will be used according to agency standards. Construction is subject to an approved encroachment permit, which includes a Traffic Control Plan incorporating signage, lighting, detours and barriers, incorporating CALTRANS, City of Modesto, and County standards for safety. Due to the potential for nighttime construction, Mitigation Measure **MM AES-01: Construction Lighting Plan** and **MM AES-02: Coordination with Private Landowners** is proposed to require that the City Engineer shall verify that plans and specifications for the Project show temporary construction lighting shielded and focused down on active areas of construction as well as downlit/shielded to reduce spillover onto the active right-of-way and adjacent properties; and coordination with private landowners occurs at least four (4) weeks prior to construction activities. The contractor is responsible for implementation and proper use of approved lighting throughout construction.

Since, the Project will construct underground infrastructure and fire hydrants that do not propose new permanent sources of substantial light or glare and do not involve substantive changes to City of Modesto operations and maintenance, less than significant long-term impacts are anticipated.

Potentially significant temporary impacts from to nighttime construction will be reduced to less than significance with the implementation of Mitigation Measure **MM AES-01: Construction Lighting Plan** and **MM AES-02: Coordination with Private Landowners**, which will be implemented throughout the duration of construction activities.

MITIGATION MEASURES

MM AES-01: Construction Lighting Plan- Prior to Project approval, the City of Modesto Utilities Department shall verify that Plans and Specifications for the Project show temporary lighting measures prior to and throughout nighttime construction activities (dusk to dawn) which minimize lighting on adjacent parcels. Plans and Specifications for the Project shall include directing light sources away from residential properties and structures that may be occupied on a 24-hour basis such as hotels. City inspectors shall verify that uplighting is minimized to the maximum extent by angling light sources down and fitting light sources with covered bulbs, shields, and dimmers and temporary boundary fencing around active areas of construction throughout the duration of nighttime construction.

MM AES-02: Coordination with Private Landowners- At least four (4) weeks prior to the start of construction, the City and the contractor shall coordinate with private owners and obtain written landowner approval for construction activities on private property in the form of a signature on the plan sheet showing the proposed work. Restoration work on private property shall be agreed upon approved by the landowner and the City in advance of construction. Restoration shall be certified by the landowner and the City upon completion as adequately meeting the City's private landowner's requirements.

2. AGRICULTURE AND FORESTRY RESOURCES

Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
AGRICULTURE AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the Project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☒	☐
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☒	☐	☐
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

REGULATORY COMPLIANCE

<u>The California Land Conservation Act or Williamson Act</u>

The California Land Conservation Act or Williamson Act was established after World War II in response to increasing conservation pressures on agricultural lands. The Act allows local agencies to contract with private landowners, allowing reduced property tax in exchange for restricting use of land for agriculture or open space only. In 1965, Assembly Bill 1227 was enacted to establish a contract process to manage the rate of conservation of agricultural lands to urban uses. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing the quality of agricultural land and level of impacts on agriculture and environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project; and the forest carbon measurement methodology providing in Forest Protocols adopted by the California Air Resources Board.

Natural Resource Conservation Service (NRCS)

NRCS offers technical and financial assistance to farmers and ranchers under the 2014 Farm Bill. Established in 1935 as the Soils Conservation Service Agency, within the United States Department of Agriculture, NRCS provides technical and financial support for soils and related natural resource conservation on private lands. NRCS maintains a web database of soils maps. NRCS soil maps for land surrounding the Project indicate fertile soils conducive to farming.

DISCUSSION

a) **Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

RESPONSE:

Less than Significant Impact. Agriculture is the County's leading sector for economic growth, generating over $3.8 billion in 2015 (Stanislaus County GP EIR, 2016; Modesto GP EIR, 2019) and comprising significant acreage in use as farmland within Stanislaus County. As such, the County and City of Modesto have deployed various polices aiding in the conservation and protection of agricultural land and operations. Policies include buffers around adjacent agricultural land uses, support for the continuation of agricultural uses, and ensuring land use compatibility enables continuation of agricultural uses through minimization of conflict. In 2016, the City's current General Plan reported that the County contained approximately 249,967 acres of Prime Farmland, 33,172 acres of Farmland of Statewide Importance, 116,210 acres of Unique Farmland, and 26,029 acres of Farmland of Local Importance (California Department of Conservation, 2016; Modesto GP EIR, 2019).

The Project is proposed for construction within existing developed areas, primarily paved public right-of-way, as shown on the Department of Conservation Farmland Mapping and Monitoring Program's California Important Farmland Finder Website (CA Department of Conservation, 2015; See **Figure 7. Farmland Adjacent to the Project Alignment**). Therefore, the Project will not directly convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to alternative uses. The Project will be implemented within the existing right-of-way, and avoiding the median and travel lanes, and on a portion of Assessor's Parcel Number (APN) 004-068-008 designated as Urban and Built-Up Land[6], within the Stanislaus Elementary School property boundaries (Modesto GP EIR- *Figure V-4-1: Important Farmland Within City of Modesto Planning Area*). The pipeline will directly serve Stanislaus Elementary School with potable water, replacing the groundwater well at this site; therefore, a service pipe will connect to the school's infrastructure on the southeastern corner of School's property and be installed using jack and bore construction beneath Kiernan Avenue.

The Project is located adjacent to agricultural land uses and will be implemented within existing road rights-of-way and urban/ built up land with no direct impacts on agriculture. The Project will implement BMPs and mitigation measures during construction so that there will be no indirect impacts on adjacent farmland. The Project does not propose to convert agricultural land uses to developed land uses. Due to consistency between the Project and the General Plan and Water Master Plan, the Project is not considered growth inducing and will not result in significant indirect impacts on Farmland. The Project is a planned extension of water services that supports the planned buildout of the approved General Plan and City of Modesto Water Master Plan.

For these reasons, Project impacts on Farmland are considered to be less than significant and Project implementation will not result in conversion of agricultural land.

b) **Conflict with existing zoning for agricultural use, or a Williamson Act contract?**

RESPONSE:

Less than Significant with Mitigation Incorporated. See Response 2, a). According to the City of Modesto's Water Master Plan, Figure 5-2: Williamson Act Contracts, the Project Alignment is adjacent to land designated under the Williamson Act Contract along the south side of Kiernan Avenue (APN 046-006-002, -032); the north side of Kiernan Avenue (APN 046-069-042; and 003-009-036, -046); west side of Tully Road (APN 046-006-011); and east side of Tully Road (APN 046-006-012) (See **Figure 7. Farmland Adjacent to the Project Alignment**). The 12,000 linear feet of potable water main will stay within the bounds of the public right-of-way and will implement BMPs to confine construction impacts within the developed right-of-way with less than significant impacts on the surrounding areas. Staging areas will be located along various portions of the Project Alignment and will not occur outside of the public right-of-way. However, to avoid and minimize conflicts between agricultural production and non-agricultural uses during Project construction, Mitigation Measure **MM AG-01: Buffer and Setback Guidelines** will be implemented, which will require the Project contractor to implement a 6-foot-high fence; litter control and other maintenance standards such as post-construction sweeping, clean-up drips and leaks, etc. pursuant to Mitigation Measure **MM HYDRO-02: Stormwater BMPs throughout Project Construction**.

With the implementation of mitigation measures, the Project will not conflict with existing zoning for agricultural use or a Williamson Act contract (See **Figure 2A. Water Improvements Local Vicinity Map; Figure 7. Farmland Adjacent to the**

[6] According to the Department of Conservation, Urban Built-Up Land is land that is occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, construction, institutional, public administration, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes (CA Department of Conservation, n.d.)

Project Alignment) and Mitigation Measure MM AG-01: Buffer and Setback Guidelines and MM HYDRO-02: Stormwater BMPs throughout Project Construction implemented during construction activities.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

RESPONSE:

No Impact. According to the Stanislaus County GP EIR, Stanislaus County does not include lands zoned for forestland or timberland; therefore, no impacts on these resources would occur. As a result, no impacts to timberland, or timberland zoned Timberland Production are anticipated. No Mitigation Measures are needed.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

RESPONSE:

No Impact. According to the Stanislaus County GP EIR, Stanislaus County does not include forestland; therefore, no impacts on these resources are anticipated. No Mitigation Measures are needed.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use

RESPONSE:

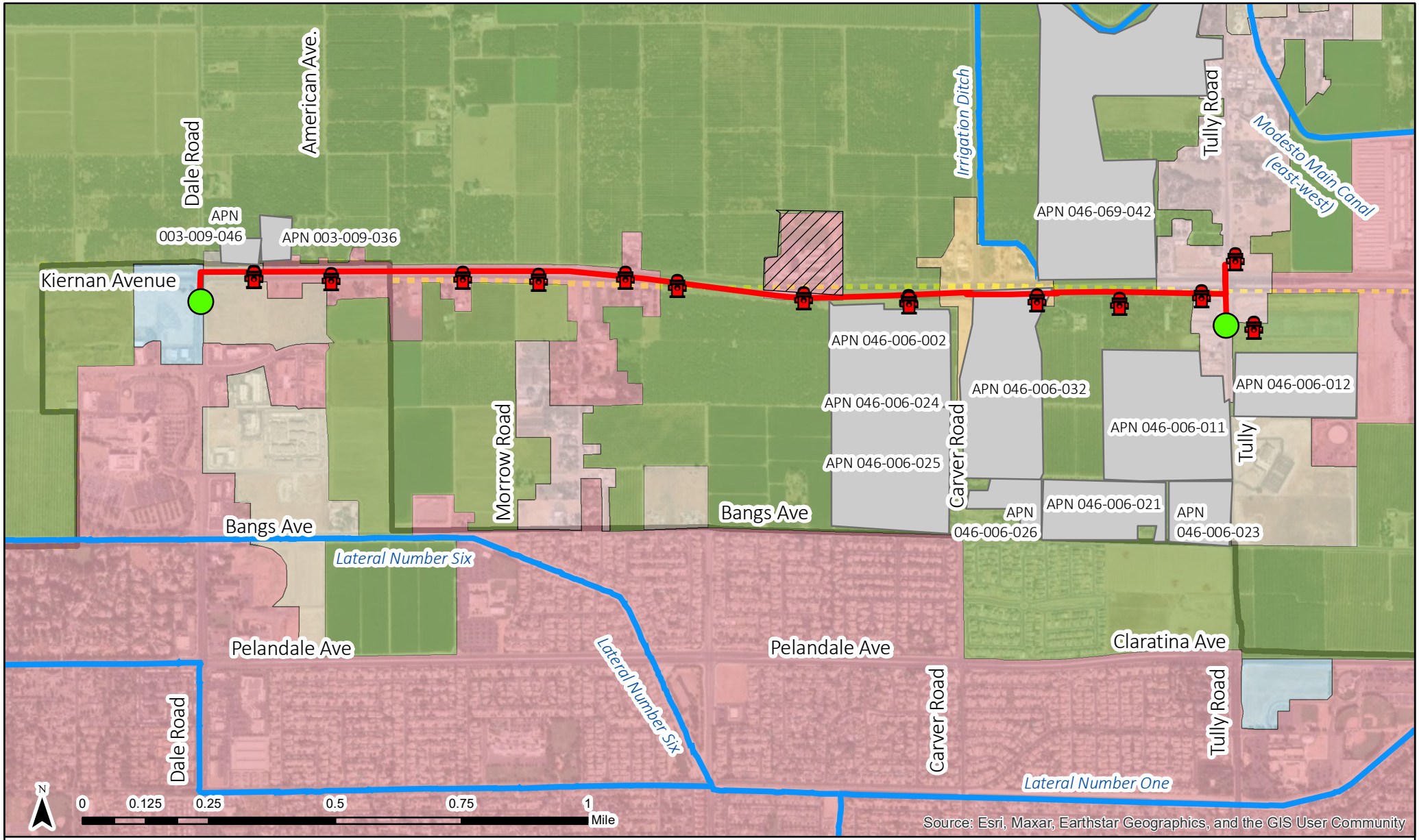
No Impact. The Project is located within paved right-of-way that is maintained by CALTRANS (Kiernan Avenue), County (Tully Road), and City (Dale Road). The Project is proposed to carry out city plans outlined in the City General Plan and Water Master Plan. Changes associated with construction will occur entirely within the public right-of-way, which will be returned to preconstruction conditions upon completion of construction with the exception of a fire hydrants that will be installed with the Project. Fire hydrants are standard city infrastructure which will be used for future fire suppression associated with the planned buildout of the approved local land use plans. Therefore, localized changes due to Project implementation will not result in Farmland or forest land conversion to non-agricultural or non-forest use. Likewise, there will be no indirect impacts in this regard due to Project consistency with the applicable Water Master Plan document. Therefore, no impact is anticipated, and no additional Mitigation Measures are needed.

MITIGATION MEASURE

MM AG-01: Buffer and Setback Guidelines- Throughout Project construction and earthworks, the City Inspectors shall verify that Project contractor incorporates and implements the following measures where portions of the Project Alignment and the adjoining agricultural operation share a common parcel line:

- *Buffer*: Establish a 6-foot-high chain link fence with a shade cloth between construction activities within the public right-of-way and agricultural land uses;
- *Refuse Disposal and Containers*: Refuse containers with fastened lids shall be placed and used in areas of active construction and staging. Refuse containers shall be emptied and the refuse removed from the construction areas and disposed of off-site at an appropriate disposal site at the end of each day.
- *Site Inspections*: At the beginning and end of each day, the Project contractor shall conduct a site inspection so that all debris is removed from the Project Site.

See Mitigation Measure MM HYDRO-02: Stormwater BMPs throughout Project Construction in Section 10) Hydrology and Water Quality.



Legend

- Fire Hydrant
- Project
- Hydrological Flowlines
- Prime Farmland
- Grazing Land
- Vacant or Disturbed Land
- Stanislaus Elementary School Property Site
- Rural Residential Land
- Semi-agricultural and Rural Commercial Land
- Urban and Built-Up Land
- Modesto City Limits
- Modesto Sphere of Influence
- Williamson Act Contract Land (CA DOC 2022)
- Connection Point to Existing Pipeline

Source: CA Department of Conservation, Williamson Act Enrollment Finder, 2022

City of Modesto
Stanislaus Elementary School 123-TCP Mitigation Project

Figure 7. Farmland Adjacent to the Project Alignment

ARDURRA

3. AIR QUALITY

Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
AIR QUALITY. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the Project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☒	☐	☐
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

REGULATORY COMPLIANCE

Federal and State Ambient Air Quality Standards

The Federal Clean Air Act was first implemented by the U.S. Environmental Protection Agency (EPA) in 1970 to enforce federal ambient air quality standards (NAAQS) for six criteria air pollutants, which include particulate matter of aerodynamic radius of 10 micrometers or less (PM 10), particulate matter of aerodynamic radius of 2.5 micrometers of less (PM 2.5), carbon monoxide (CO), nitrogen dioxide (NO2), ground-level ozone, and lead. Federal standards are designed to protect public health and the environment with a reasonable margin of safety (Reference *Table 5: Federal and State Pollutant Standards*).

TABLE 5: FEDERAL AND STATE POLLUTANT STANDARDS

Air Pollutant	Concentration/ Averaging Time		Most Relevant Effect
	California Standards	Federal Primary Standards	
Ozone (O3)	0.09 ppm/1-hour 0.07 ppm/8-hour	0.070 ppm/8-hour	(a) Decline in pulmonary function and localized lung edema in humans and animals; (b) Risk to public health implied by alterations in pulmonary morphology and host defense in animals; (c) Increased mortality risk; (d) Risk to public health implied by altered connective tissue metabolism and altered pulmonary morphology in animals after long-term exposures and pulmonary function decrements in chronically exposed humans; (e) Vegetation damage; and (f) Property damage.
Carbon Monoxide (CO)	20.0 ppm/1-hour 9.0 ppm/8-hour	35.0 ppm/1-hour 9.0 ppm/8-hour	(a) Aggravation of angina pectoris and other aspects of coronary heart disease; (b) Decreased exercise tolerance in persons with peripheral vascular disease and lung disease; (c) Impairment of central nervous system functions; and

			(d) Possible increased risk to fetuses.
Nitrogen Dioxide (NO2)	0.18 ppm/1-hour 0.03 ppm/annual	100 ppb/1-hour 0.053 ppm/annual	(a) Potential to aggravate chronic respiratory disease and respiratory symptoms in sensitive groups; (b) Risk to public health implied by pulmonary and extra-pulmonary biochemical and cellular changes and pulmonary structural changes; and (c) Contribution to atmospheric discoloration.
Sulfur Dioxide (SO_2)	0.25 ppm/1-hour 0.04 ppm/24-hour	75 ppb/1-hour 0.14 ppm/annual	(a) Bronchoconstriction accompanied by symptoms which may include wheezing, shortness of breath and chest tightness, during exercise or physical activity in persons with asthma.
Suspended Particulate Matter (PM10)	50 µg/m^3/24-hour 20 µg/m^3/annual	150 µg/m^3/24-hour	(a) Exacerbation of symptoms in sensitive patients with respiratory or cardiovascular disease; (b) Declines in pulmonary function growth in children; (c) Increased risk of premature death from heart or lung diseases in elderly.
Suspended Particulate Matter (PM2.5)	12 µg/m^3 / annual	35 µg/m^3/24-hour 12 µg/m^3/annual	
Sulfates	25 µg/m^3/24-hour	No Federal Standards	(a) Decrease in ventilatory function; (b) Aggravation of asthmatic symptoms; (c) Aggravation of cardio-pulmonary disease; (d) Vegetation damage; (e) Degradation of visibility; (f) property damage.
Lead	1.5 µg/m^3/30-day	0.15 µg/m^3/3-monthrolling	(a) Learning disabilities; (b) Impairment of blood formation and nerve conduction.
Visibility Reducing Particles	Extinction coefficient of 0.23 per kilometer-visibility of 10 miles ormore due to particles when humidity is lessthan 70 percent.	No Federal Standards	Visibility impairment on days when relative humidity is less than 70 percent.

Source : https://ww2.arb.ca.gov/sites/default/files/2020-07/aaqs2.pdf

The California Air Resources Board (CARB) and the EPA designate air basin boundaries across the state for the purpose of regulating air quality pursuant to the Clean Air Act through monitoring, permitting, and establishing standards for criteria pollutants. California air quality standards (CAAQS) that are established by CARB and air quality monitoring provides feedback on the effectiveness of the State Implementation Plan (SIP) for attainment of NAAQS and CAAQS pursuant to the Clean Air Act. Section 176(c) of the Federal Clean Air Act specifically prohibits federal participation in any project that is in conflict with the SIP. Air basins exceeding established standards are designated as "nonattainment" areas. If there is inadequate or inconclusive data to make a definitive attainment designation, they are considered "unclassified." National nonattainment areas are further designated as marginal, moderate, serious, severe, or extreme according to the extent of deviation from standards. Each standard has unique criteria for attainment, based on specific air quality statistics related to levels of probable health risk and potential environmental damage (CARB). *Table 6: San Joaquin Valley Air Pollution Control District Attainment Status* displays the current attainment standards of SJVAPCD.

TABLE 6 : SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTIRCT ATTAINMENT STATUS

Pollutant	State Status	Federal Attainment Status
Ozone- One hour	No Federal Standard	Nonattainment/ Sever
Ozone- Eight hour	Nonattainment/ Extreme	Nonattainment
PM10	Attainment	Nonattainment
PM2.5	Nonattainment	Nonattainment
Carbon Monoxide (CO)	Attainment/ Unclassified	Attainment/ Unclassified
Nitrogen Monoxide (NO)	Attainment/ Unclassified	Attainment
Sulfur Dioxide (SO2)	Attainment/ Unclassified	Attainment
Lead	No Designation/ Classification	Attainment
Hydrogen Sulfide	No Federal Standard	Unclassified
Sulfates	No Federal Standard	Attainment
Visibility Reducing Particles	No Federal Standard	Unclassified
Vinyl Chloride	No Federal Standard	Attainment

Source: SJVAPCD 2020.

San Joaquin Valley Air Pollution Control District

The Project is within the San Joaquin Valley Air Pollution Control District (SJVAPCD) Jurisdiction. The District extends over eight counties within California's Central Valley region (approximately 250 miles long). SJVAPCD's responsibilities as an Air Pollution Control District are to protect public health while developing effective, active air pollution controls for economic prosperity and growth opportunities with the Central Valley. SJVAPCD regulates air quality in the basin by monitoring and reporting levels of ten criteria air pollutants within its jurisdiction and by setting standards for achieving compliance with state and federal air quality regulations for each criteria pollutant in addition to their own significance thresholds (See *Table 7: SJVAPCD Air Quality Significance Thresholds* and *Table 5: Federal and State Pollutant Standards*). SJVAPCD operates a total of 38 air monitoring stations throughout San Joaquin Valley. Air monitoring sites are operated in collaboration with California Air Resources Board (CARB), the National Park Services, and tribal nations (Valley Air District 2022).

TABLE 7 : SJVAPCD AIR QUALITY SIGNIFICANCE THRESHOLDS

Air Quality Thresholds of Significance			
Pollutant/ Precursor	Construction Emissions	Operational Emissions	
		Permitted Equipment and Activities	Non-Permitted Equipment and Activities
	Emissions (tons/ year)	Emissions (tons/year)	Emissions (tons/ year)
CO	100	100	100
NOx	10	10	10
ROG	10	10	10
SOx	27	27	27
PM10	15	15	15
PM2.5	15	15	15
Air Quality Thresholds of Significance – Toxic Air Containments			
Carcinogens	Maximally Exposed Individual risk equals or exceeds 20 in one million		
Non-Carcinogens	Acute: Hazard index equals or exceeds 1 for the Maximally Exposed Individual		
	Chronic: Hazard Index equals or exceeds 1 for the Maximally Exposed Individual		

Source: http://www.valleyair.org/transportation/ceqa_idx.htm

SJVAPCD regulations target activities known to contribute to high levels of criteria pollutant emissions. Source pollutants are grouped into two categories, either point source or non-point source and are regulated through discretionary review and approvals. The SJVAPCD process allows for review of proposed activities and conditional approval incorporating emissions reduction measures to achieve pollutant attainment and maintenance of air quality standards of the SIP adopted by the State Air Resources Board (ARB) and U.S. EPA. Projects that propose to construct, modify, or operate a facility that may emit pollutants from a stationary source into the atmosphere, must obtain an Authority to Construct, and thereafter a Permit to Operate from the District, which may require implementation of BMPs or conditions of approval with projects to target specific criteria pollutants and reduce emissions. Likewise, local agencies work cooperatively with SJVAPCD through the discretionary entitlement process to incorporate BMPs and conditions of approval for construction activities and long-term operations.

Pursuant to U.S Environmental Protection Agency's (EPA) health-based national air quality standards (NAAQS) established by the Clean Air Act for criteria pollutants, the District has adopted 650 rules that have significantly reduced emission levels to comply with EPA's NAAQS standards and the SIP. Rules that are typically applicable to infrastructure projects include but are not limited to the following:

District Rule 4101 Visible Emissions- This rule prohibits the emissions of visible air contaminants to the atmosphere. The rule prohibits the discharge into the atmosphere from any single source of emission, any air contaminant, other than uncombined water vapor, for a period or periods aggregating more than three (3) minutes in any one hour which is as dark or darker in shade as that designated as No. 1 on the Ringelmann Chart.

Rule 4102 Nuisance- The purpose of this rule is to protect the health and safety of the public. The rule prohibits anyone from discharging air contaminants or other materials which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such person or the public or which cause or have a natural tendency to cause injury or damage to business or property. The provisions of this rule do not apply to odors emanating from agricultural operations in the growing of crops or raising of fowl or animals.

Rule 4601 Architectural Coatings- The purpose of this rule is to limit VOC emissions from architectural coatings by regulating the storage, cleanup, and labeling requirements. Painting Practices: The rule requires that all containers containing architectural coatings (including any volatile material used for thinning or cleanup) be closed when not in use. The rule also sets limits on the number of VOCs in architectural coating and prohibits thinning such that the limits would be exceeded.

Rule 4641, Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations- This rule limits VOC emissions by restricting the application and manufacturing of cutback asphalt8, slow cure asphalt, or emulsified asphalt.

Rule 4702 Internal Combustion Engines (Certified Equipment for Internal Combustion Engines)- This rule requires stationary engines to meet certain exhaust limits for NOx and CO, but these limits are not applicable to standby engines as long as they are used fewer than 200 hours per year (e.g., for testing during non-emergencies).

District Regulation II (Permits)- District Regulation II (Permits) applies to permitted emission sources and includes rules such as SJVAPCD permit requirements (Rule 2010), New and Modified Stationary Source Review (Rule 2201), and implementation of Emission Reduction Credit Banking (Rule 2301). Many industrial projects and some commercial projects require SJVAPCD permits. Rule 2010 states that "any person who plans to or does operate, construct, alter, or replace any [permanent] source of emission of air contaminants" must obtain approval of the Air Pollution Control Officer and receive an Authority to Construct and a Permit to Operate.

District Regulation II ensures that stationary source emissions will be reduced or mitigated to below the SJVAPCD's significance thresholds. However, the Lead Agency can, and should, make an exception to this determination if special circumstances suggest that the emissions from any permitted or exempt source may cause a significant air quality impact. For example, if a source may emit objectionable odors, then odor impacts on nearby receptors should be considered a potentially significant air quality impact.

SJVAPCD implementation of New Source Review (NSR) ensures that there is no net increase in emissions above specified thresholds from New and Modified Stationary Sources for all nonattainment pollutants and their precursors. Furthermore, in general, permitted sources emitting more than the NSR Offset Thresholds for any criteria pollutant must offset all emission increases in excess of the thresholds. However, under certain circumstances, the SJVAPCD may be precluded by state law or other SJVAPCD rule requirements from requiring a stationary source to offset emissions increases.

District Regulation VIII (Fugitive PM10 Prohibition)- The purpose of Regulation VIII (Reg. VIII) is to reduce ambient concentrations of fine particulate matter (PM10) by requiring actions to prevent, reduce or mitigate anthropogenic fugitive dust emissions. Reg. VIII requires property owners, contractors, developers, equipment operators, farmers and public agencies to control fugitive dust emissions from specified outdoor fugitive dust sources.

District Rule 9510 (Indirect Source Review)- District Rule 9510 (ISR) is intended to reduce a project's impact on air quality through project design elements or mitigation by payments of applicable off-site mitigation fees. Compliance with Rule 9510 will reduce construction exhaust NOx and PM10 emissions by 20 percent and 45 percent respectively. Compliance with Rule

9510 will reduce operational emissions of NOx and PM10 emissions by 33.3 percent and 50 percent respectively. Individual development projects would be subject to ISR requirements.

The ISR rule also applies to any transportation or transit project where construction exhaust emissions equal or exceed two (2.0) tons NOx or two (2.0) tons of PM10. For projects subject to District Rule 9510, the SJVAPCD recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, be made a condition of project approval.

It should be noted that although compliance with District Rule 9510 substantially reduces project specific impacts on air quality, it may not be sufficient to reduce project specific emissions to less than significant levels.

District Rule 9410 (Employer Based Trip Reduction)- The eTRIP Rule (Rule 9410, Employer Based Trip Reduction), requires larger employers to establish an Employer Trip Reduction Implementation Plan (eTRIP). An eTRIP is a set of measures that encourages employees to use alternative transportation and ridesharing for their morning and evening commutes. Each measure contributes to a workplace where it is easier for employees to choose to use ridesharing or alternative transportation. Through this rule, single-occupancy vehicle trips are reduced, thus reducing emissions of oxides of nitrogen (NOx), volatile organic compounds (VOC) and particulate matter (PM).

EXISTING CONDITONS

The nearest air monitoring station to the Project is the Modesto Monitoring Station (Modesto Station). The Modesto Station is located approximately 4.89 miles southeast of the Project at 814 14th Street, Modesto. Data was also taken from the Turlock – S Minaret Street Monitoring Station (Turlock Station) located approximately 18.21 miles southeast of the Project at 900 S Minaret Street, Turlock, since the monitoring stations closest to the Project Site do not monitor all criteria pollutants. During the 2020 to 2022 monitoring period the following occurred at the Modesto Station each year, the State 1-hour concentration standard for ozone was exceeded between one and three days; State 8-hour ozone standard has been exceeded between five and 13 days each year over the past three years at the Modesto Station; the Federal 8-hour ozone standard was exceeded between four and 13 days each year over the past three years;. the State 24-hour concentration standards for PM10 was exceeded between 38 and 80 days each year over the last three years. Over the past three years at the Modesto Station, the Federal 24-hour standards for PM10 were exceeded by only seven days in 2020; and the Federal 24-hour standard for PM2.5 was exceeded between ten and 25 days each year.

DISCUSSION

The responses within this section are based on the Air Quality, Global Climate Change, and Energy Impact Analysis, received December 14th, 2023, revised October 4, 2024, for the Stanislaus Elementary School 1,2,3-TCP Mitigation Project by Ganddini Group (**Appendix A**). The study was performed to address the possibility of regional/local air quality impacts and global climate change impacts for short-term Project construction and long-term operations[7] The study provides calculated emissions estimates generated from latest CalEEMod computer model for evaluation of Project consistency with local (SJVAPCD) and national NAAQ standards that have been established for achieving healthful air.

a) Conflict with or obstruct implementation of the applicable air quality plan?

RESPONSE:

Less than Significant Impact with Mitigation Incorporated.

Short-term Construction Emissions

Construction-related criteria pollutant emissions for the construction of the proposed Project are shown below in *Table 8: Construction Related Regional Pollutant Emissions*. Based on anticipated Project construction, none of the analyzed criteria pollutants would exceed the SJVAPCD regional emissions thresholds. Project construction will contribute to PM10 an PM2.5 emissions during construction due to dust earthwork and pavement demolition and restoration as well as from diesel equipment use. Since the Project is located in a non-attainment area for PM10 and PM2.5, Mitigation Measure MM AQ-01 is recommended to implement dust control and implement equipment idling restrictions that will reduce the contribution of PM10 and PM2.5 from the Project.

[7] Air quality/GHG, modeling, assumptions were based on a "worst-case scenario". Under "worst-case" conditions, including earthwork associated with up to five (5) jack and bore locations ; therefore, air quality/ GHG modeling over estimated emissions related to Project construction.

TABLE 8: CONSTRUCTION RELATED REGIONAL POLLUTANT EMISSIONS

Activity	Pollutant Emissions (pounds/day)					
	ROG	NOx	CO	SO_2	PM10	PM2.5
Maximum Daily Emissions[1]	0.31	2.79	3.15	0.01	0.34	0.20
SJVAPCD Thresholds	10	10	100	27	15	15
Exceeds Thresholds?	No	No	No	No	No	No

Source: CalEEMod Version 2022.1.1.13
Notes: See **Appendix A** (Air Quality Global Greenhouse Gas Emissions, Energy Impact Analysis, Ganddini, 2024)
(1) Includes both on-site and off-site emissions. On -site grading PM-10 and PM-2.5 emissions show compliance with SCAQMD Rule 403 for fugitive dust.

Project emissions that were generated by CalEEMod were also compared with Federal conformity de minimus standards and are presented in *Table 9: Federal Conformity Analysis and De Minimus Thresholds* in tons per year (tpy) for the SJVAB. Table 9 shows that Project-related construction emissions would be less than the de minimus thresholds for all pollutants; the Project is therefore exempt from performing a comprehensive Air Quality Conformity Analysis and would be considered to be in conformity with the SIP, with less than significant impacts pursuant to federal standards from 40 CFR 93.153.

TABLE 9: FEDERAL CONFORMITY ANALYSIS AND DE MINIMUS THRESHOLDS

Activity	Pollutant Emissions (pounds/day)					
	ROG	NOx	CO	SO_2	PM10	PM2.5
De Minimus Threshold [1]	0.31	2.79	3.15	0.01	0.34	0.20
SJVAPCD Thresholds[2]	10	100	100	100	100	70
Exceeds Thresholds?	No	No	No	No	No	No

Source: CalEEMod Version 2022.1.1.28
Notes: See **Appendix A** (Air Quality Global Greenhouse Gas Emissions, Energy Impact Analysis, Ganddini, 2024)
(1) Federal General Conformity thresholds obtained from 40 CFR 93.153;
(2) Includes both on-site and off-site emissions. On-site PM2.5 and PM-10 emissions show compliance with SJVAPCD Regulation VIII for fugitive dust.

Long-term Operational Emissions

To conduct routine inspections and ensure proper long-term maintenance, the long-term operation of the Project will require a minimal number of monthly worker trips. Additional staffing needs for long-term operation and maintenance of the proposed Project are not anticipated. Therefore, operational emissions associated with the proposed Project would be negligible and would not be anticipated to exceed SJVAPCD regional thresholds or de minimus thresholds for federal conformity. Operation of the proposed Project would result in a less than significant regional air quality impact.

The proposed Project is that of the installation of a new water pipeline and additional City staffing needs for the long-term operation and maintenance of the Project are not anticipated. The operation of the Project is anticipated to include only monthly worker trips in order to conduct routine inspections and ensure proper long-term maintenance. Therefore, as the Project operation includes only a negligible amount of monthly maintenance trips, The Project will not generate measurable long-term traffic; therefore no CO "hot spot" modeling was not necessary, and no significant long-term air quality impact is anticipated to local air quality with the on-going use of the proposed Project.

As a result of the reasons above, the Project does not anticipate significant impacts to applicable air quality plans. No Mitigation Measures are needed.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard?

RESPONSE:

Less than Significant Impact. See Section 3. a). As stated in the *SJVAPCD Guidance for Assessing and Mitigating Air Quality Impacts*, when assessing whether there is a new significant cumulative effect, the Lead Agency shall consider whether the incremental effects of the Project are cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual Project are significant when viewed in connection with the effects of past Projects, the effects of other current Projects, and the effects of probable future Projects [CCR §15064(h)(1)]. Per CEQA Guidelines §15064(h)(3) a Lead Agency may determine that a Project's incremental contribution to a cumulative effect is not

cumulatively considerable if the Project will comply with the requirements in a previously approved plan or mitigation program, including, but not limited to an air quality attainment or maintenance plan that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area in which the Project is located.

Any proposed development Project within the jurisdiction of SJVAPCD that would individually have a significant air quality impact would also be considered to have a significant cumulative air quality impact. Therefore, if a Project is significant based on the SJVAPCD thresholds of significance for criteria pollutants, then it is also cumulatively significant.

The proposed Project does not exceed SJVAPCD or federal air quality thresholds. The Project will contribute dust and diesel emissions during construction within an air basin that is in non-attainment status for PM10 and PM2.5. As a result, the Project would result in a less than significant cumulative impact for operational emissions. Mitigation Measure MM-AQ-01 is proposed to reduce dust and equipment emissions by implementing appropriate dust control best management practices, such as regular sweeping of track-out areas, covered haul loads and cover stockpiles, as well as check equipment idling so that equipment that is not actively in use is not left idling more than 5 minutes. Therefore, less than significant short-term impacts are expected.

c) Expose sensitive receptors to substantial pollutant concentrations?

RESPONSE:

Less than Significant Impact.

Short-term Construction Emissions

Regulation of exposure to substantial pollutant concentrations targets health effects from criteria pollutant emissions. The applicable significance thresholds that are established for regional compliance with the state and federal ambient air quality standards are intended to protect public health from both acute and long-term health impacts form pollutant exposure. Because Project-related short-term and long-term emissions of criteria pollutants would be below the applicable thresholds, the Project would not expose sensitive receptors to substantial pollutant concentrations. Therefore, significant adverse impacts as a result of Project construction are not anticipated.

Long-term Operational Emissions

Long-term operation of the proposed Project includes only monthly worker for routine inspections and maintenance, which would be substantially similar to existing conditions. Therefore, regional emissions of criteria pollutants during operation of the Project would be anticipated to be below the applicable thresholds and would not contribute toward significant exposure to pollutants or incrementally to cumulatively significant pollutant levels and nonattainment of the ambient air quality standards. Therefore, significant adverse impacts to sensitive receptors as a result of substantial pollutant concentrations is not anticipated.

As a result, less than significant impacts are anticipated. No Mitigation Measures are needed.

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

RESPONSE:

Less than Significant Impact.

Short-term Construction Emissions

Potential sources that may emit odors during construction activities include the application of materials such as asphalt pavement. The Project would not be a permanent source of odor emissions and the objectionable odors that may be produced during the construction process are short-term in nature; the odor emissions are expected to cease upon the drying or hardening of the odor-producing materials. Due to the short-term nature and limited amounts of odor-producing materials being utilized, no significant impact related to odors would occur during the construction of the proposed Project. Diesel exhaust and VOCs that would be emitted during construction of the Project, may be objectionable to some; however, emissions would disperse rapidly from the Project Site and therefore should not reach an objectionable level at the nearest sensitive receptors.

Long-term Operational Emissions

The proposed Project is the consolidation of Stanislaus Union School District (SUSD) service area (Water System No. CA5000249) with the City of Modesto, through an extension of water and wastewater services. The proposed Project is neither a generator of odor emissions nor is it a sensitive receiver of existing odor emissions. Therefore, per the guidance

identified in the *SJVAPCD Guidance for Assessing and Mitigating Air Quality Impacts*, no significant impact related to odors would occur during the on-going operations of the proposed Project.

As a result, less than significant impacts are anticipated from the proposed Project; no Mitigation Measures are needed.

MITIGATION MEASURE

MM AQ-01: Dust Control and Construction Emissions- Throughout Project construction the contractor shall implement appropriate dust control best management practices, such as regular sweeping of track-out areas, covered haul loads and covered stockpiles, as well as check equipment idling so that equipment that is not actively in use is not left idling more than 5 minutes.

4. BIOLOGICAL RESOURCES

Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES – Would the Project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☒	☐
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan	☐	☐	☐	☒

REGULATORY COMPLIANCE

Federal Endangered Species Act

The Endangered Species Act (ESA) was enacted in 1973 and establishes protections for fish, wildlife, and plants that are listed as threatened or endangered along with the ecosystems these species depend on (16 U.S.C. 1531-1544) (USFWS 2023). The U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Services (NMFS) share the responsibility for implementing the ESA. Generally, USFSW oversees terrestrial and freshwater species, while the NMFS manages marine and anadromous species. USFWS was consulted regarding federally listed species and Critical Habitat occurring within proximity with the Project. Correspondence from USFWS dated October 8, 2024, can be found in Appendix B and includes Information for Planning and Consultation with USFW (IPaC) regarding biological resources under jurisdiction of USFWS, threatened, endangered, proposed and candidate species and critical habitat, that may be affected by the proposed Project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.) and has been incorporated into *Table 10: Potentially Occurring Sensitive Biological Resources.*

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) of 1918 establishes a conservation treaty intended to promote the sustainability of populations of protected migratory bird species. The MBTA prohibits killing, capture, selling, trading, and transport of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife (USFWS 2023). In addition, the MBTA makes it unlawful to remove nests, eggs, and feathers from any of the species protected under the act.

Migratory bird species that are protected by law depend on the bird family and species included in the four international treaties (Canada in 1916; Mexico in 1936; Japan in 1972; Russia in 1976). This list can be found under Title 50 Part 10.13 (10.13 list), which was last updated in 2020 to incorporate current scientific information on taxonomy and natural distribution. The MBTA applies to almost all avian species that are native to California. A migratory bird species is included on the list if it meets on one more of the following criteria:

1. It occurs in the United States or U.S. territories as the result of natural biological or ecological processes and is currently, or was previously listed as, a species or part of a family protected by one of the four international treaties or their amendments.
2. Revised taxonomy results in it being newly split from a species that was previously on the list, and the new species occurs in the United States or U.S. territories as the result of natural biological or ecological processes.
3. New evidence exists for its natural occurrence in the United States or U.S. territories resulting from natural distributional changes and the species occurs in a protected family.

The Migratory Bird Treaty Reform Act amends the MBTA so that nonnative birds or birds that have been introduced by humans to the United States or its territories are excluded from protection under the MBTA.

California Fish and Game Code

The California Fish and Game Code is composed of various statues that aid in the protection of biological resources, including Native Plant Protection Act (NPPA) of 1977 and the California Endangered Species Act (CESA) (California Fish and Game Code Sections 2050-2098). The NPPA designated plants as rare or endangered and prohibits the take of any such plants, unless authorized in limited circumstances by the Fish and Game Commission. CESA prohibits public agencies from approving projects that could jeopardize species listed under CESA as engendered or threatened.

In addition, California Fish and Game Code protects native and migratory birds including nests and eggs in addition to protecting various mammals (Section 4700), amphibians (Section 5050), and fish species (Section 5515). For this reason, California Fish and Game Code requires that California Department of Fish and Wildlife be notified of lake or streambed alteration activities. If activities are determined to adversely affect existing fish and wildlife resources by CDFW, a streambed alteration agreement must be authorized to ensure the protection of biological resources and water quality.

Stanislaus County General Plan

The Conservation/Open Space Element of the Stanislaus County General Plan is a framework designed to safeguard and manage the natural resources and open spaces located within the County. It encompasses the identification and mapping of key natural resources, including wildlife habitats, water bodies, and agricultural lands. The plan outlines strategies for sustainable resource management, prioritizing environmental protection with policies to maintain water and air quality and control pollution. A significant focus is placed on preserving open spaces for ecological values, including zoning regulations that support conservation and designating areas specifically for this purpose. Additionally, the plan emphasizes public access to these spaces to ensure sustainability and recreational opportunities and ongoing monitoring and adaptive management to address evolving environmental challenges.

City of Modesto General Plan

There are eight (8) habitat types identified within the City's plan area: Valley Foothill Riparian, Riverine, Fresh Emergent Wetland and Vernal Pool, Grassland, Pasture, Cropland, Orchard-Vinyard, and Urban. Most of these are associated with the Stanislaus River. The most applicable habitat types to the Project are Cropland, Orchard-Vineyard, and Urban, which have the capacity to provide habitat for nesting, foraging and dispersal of species of rodents, birds, raptors, and deer that have adapted to urban and disturbed environments. The City of Modesto General Plan requires biological assessments of development to determine impacts and appropriate mitigation measures for biological resources within the boundaries of its plan area. The Project is consistent with the General Plan and Water Master Plan regarding the permanent location and size of the water mains within the arterial streets where the Project will be implemented and would not require substantive changes from existing city operations and maintenance of the water system. For this reason, the discussion in this section focuses on temporary, short-term construction impacts.

DISCUSSION

The responses within this section are based on the Biological Resources Assessment for the "Proposed Stanislaus Elementary School Waterline Improvements Project" conducted by ELMT Consulting dated December 11th, 2023, and revised on October

5, 2024 (**Appendix B**). The report includes a field habitat assessment conducted on December 5th, 2023, by Project Biologist Jacob H. Llyod Davies, to document baseline conditions and assess the potential for special-status[8] plant and wildlife species to occur within the proposed Project Location that could pose a constraint to implementation of the Project. Standard field guides and texts were reviewed for specific habitat requirements of special-status and non-special-status biological resources, as well as the following resources:

- Google Earth Pro historic aerial imagery (1985-2023);
- United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS), Soil Survey3;
- query of the CDFW's QuickView Tool in the Biogeographic Information and Observation System (BIOS);
- CNDDB Rarefind 5, the California Native Plant Society's (CNPS) Electronic
- Inventory of Rare and Endangered Vascular Plants of California, Calflora Database,
- Compendia of special-status species published by CDFW;
- the United States Fish and Wildlife Service (USFWS) species listings;
- USFWS Critical Habitat designations for Threatened and Endangered Species; and
- USFWS Endangered Species Profiles.

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

RESPONSE:

Less than Significant with Mitigation Incorporated. Based on the literature review of the California Natural Diversity Database (CNDDB) and California Native Plant Society's (CPNS) Electronic Inventory, there are no areas within proximity of the Project with habitat that has been designated for conservation or regulatory protections; furthermore, no special-status plant species or special-status plant communities are recorded within the Salida quadrangle where the Project is located. The Project is proposed within existing paved right-of-way and based on a field survey and database review of the areas surrounding the Project have no habitat under conservation due to association with candidate, sensitive or special status species that have been identified pursuant to local or regional plans, policies or regulations pertaining to the Project location. According to the Stanislaus County General Plan and the City of Modesto General Plan, the closest sensitive habitat is north and upstream from the Project along the Stanislaus River. The Project will implement BMPs to eliminate off-site/indirect impacts on Riparian and Riverine habitats and will have no potential to impact these areas. Project implementation will not result in either direct or indirect impacts to habitat that is identified as sensitive or associated with candidate, sensitive or special status species in local or regional plans or by CDFW or USFWS. The Project is not located within federally designated Critical Habitat. The nearest Critical Habitat designation is located approximately 7 miles to the southeast for conservancy fairy shrimp (Branchinecta conservation) associated with vernal pools and will not be impacted by the Project.

Due to the location of the Project within mapped agricultural, Orchard and Cropland, preliminary research identified nineteen (24) special-status wildlife species, as having potential to occur within proximity of the Project, within the Salida USGS 7.5-minute quadrangle. (See *Table 10: Potentially Occurring Sensitive Biological Resources*). Areas that are adjacent to the Project have the potential to support threatened, endangered, proposed and candidate species pursuant to Section 7(C) of the Endangered Species Act of 1973 and the MBTA.

The Status of wildlife species at the Project Location is described in the following paragraphs:

[8] As used in this report, "special-status" refers to plant and wildlife species that are federally and State listed, proposed, or candidates; plant species that have been designated with a California Native Plant Society Rare Plant Rank; wildlife species that are designated by the CDFW as fully protected, species of special concern, or watch list species; and specially protected natural vegetation communities as designated by the CDFW.

Fish, Amphibians, Reptiles

No fish, amphibians, reptiles, or hydrogeomorphic features (e.g., perennial creeks, ponds, lakes, reservoirs) that would provide suitable habitat for fish were observed on or within the vicinity of the site during field surveys. Therefore, no fish are expected to occur and are presumed absent.

Birds

Bird species, which are adapted to Urban, Cropland, and Orchards were detected during the field investigation and include Cooper's hawk (Accipiter cooperii), California scrub-jay (Aphelocoma california), red-tailed hawk (Buteo jamaicensis), killdeer (Charadrius vociferans), yellow-rumped warbler (Setophaga coronate), European starling (Sturnus vulgaris), and white-crowned sparrow (Zonotrichia leucophrys). Cooper's hawk is a special-status wildlife species listed on the California Watch List that was observed foraging near the Project location during the field survey, although not included in the research results of the CNDDB Salida quadrangle as potentially occurring at the Project Site. Research for the Project indicates Swainson's hawk may occur in this area; however, it was not observed during the field survey. The Swainson's hawk (Buteo swainsoni) is listed as a California state threatened species under the California Endangered Species Act. While perching opportunities are present along the existing roadways, no suitable foraging or nesting habitat is present for these species where active construction or staging for the Project will occur. Suitable foraging and nesting habitat occurs within the active agricultural lands and ornamental landscaping in the surrounding area; Fish and Game Code sections 3503, 3503.5, 3515, 4150 and 4152 are applicable to the Project and mitigation measures are proposed to prevent take and provide protection to nongame birds, migratory birds, birds of prey, their nests, and eggs that may be in areas that are adjacent to the Project. Due to the likelihood of nesting birds and birds of prey adjacent the Project area, all future potential activities that may incur a direct or indirect take to nongame birds within proximity must be implemented for avoidance, minimization, and/or mitigation of potentially significant impacts. Therefore, Mitigation Measure **MM BIO-01: Pre-construction Bird and Wildlife Clearance Surveys, Training, Monitoring, and Inspections** includes preconstruction surveys, daily site inspections, and monitoring if needed. In addition, **MM BIO-02: Swainson's hawk** requires preconstruction surveys consistent CDFW accepted protocol for Swainson's hawk. Proposed areas of disturbance for construction within paved and developed areas, would not result in direct significant impacts consisting of the removal of foraging or nesting habitat for local avian species beyond perching opportunities.

Surrounding agriculture and ornamental landscaping provide viable nesting habitat for year-round and seasonal avian residents, as well as migrating songbirds that could occur in the area that are adapted to routine disturbance. In addition, suitable nesting opportunities for raptors occur throughout adjacent areas, and disturbed land surrounding the site has the potential to provide suitable nesting opportunities for ground-nesting species such as killdeer, which was observed in adjacent to the Project Location. Nesting birds and some raptors are protected pursuant to the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (Sections 3503, 3503.5, 3511, and 3513) which prohibit the take, possession, or destruction of migratory birds, their nests, or eggs. California Fish and Game Codes protects the nests of any bird. Construction within proximity of active nests, is a potentially significant impact of the Project. Therefore, Mitigation Measures **MM BIO-01 Pre-construction Bird and Wildlife Clearance Surveys, Monitoring, and Inspections and MM BIO-02 Swainson's hawk** will be conducted by the City's Biologist. Pre-construction surveys will be provided (15) fifteen and (3) three days prior to any vegetation removal or ground disturbing activities to ensure that no nesting birds or raptors will be disturbed during construction [t]. Implementation of **MM BIO-01 Pre-construction Bird and Wildlife Clearance Surveys, Monitoring, and Inspections and MM BIO-02 Swainson's hawk** will reduce potentially significant impacts to less than significance.

Mammals

The Project is proposed within developed right-of-way and will not directly change foraging or cover habitat for local mammalian species; however, mammals may utilize agriculture and landscaped areas for foraging in adjacent areas, which may be temporarily and indirectly impacted by noise and increased activity from Project construction. Trash generated during construction may attract mammals that are accustom to high levels of human activity. Likewise, staging, stockpiles and temporary trenches could contribute to entrapment if not properly secured. No mammalian species were detected during the field investigation. Common mammalian species that may be expected to occur include coyote (Canis latrans), opossum (Didelphis virginiana), and raccoon (Procyon lotor). In addition, local bat species such as western red bat (Lasiurus frantzii) that are adapted to routine disturbance may utilize surrounding agriculture and ornamental landscaping for roosting purposes. Project impacts are less than significant with the implementation of Mitigation Measure **MM BIO-01: Pre-construction Bird and Wildlife Clearance Surveys, Training, Monitoring, and Inspections,** which will require daily routine inspections by the contractor and handling by the City's biologist should wildlife be encountered during construction.

TABLE 10: POTENTIALLY OCCURRING SENSITIVE BIOLOGICAL RESOURCES

Scientific Name Common Name	Status	Habitat	Observed On-Site	Potential to Occur
Acipenser medirostris pop. 1 green sturgeon-southern DPS	Fed: THR CA: None	San Joaquin and Delta River systems. Spawn primarily in the upper mainstem of the Sacramento River but can also be found spawning in the Yuba and Feather Rivers. Remain in freshwater for a few years, then migrate to saltwater to feed, grow, and mature. Adults enter San Francisco Bay between mid-February and early May and migrate upstream to spawn. Congregate in bays and estuaries in Washington, Oregon, and California in the summer and fall, and northern Vancouver Island, B.C. in the winter and spring.	No	**Presumed Absent**. There is no suitable habitat present within or adjacent to the Project Location.
Actinemys marmorata Northwestern pond turtle	Fed: Proposed THR CA: None	Inhabits a variety of aquatic environments, primarily in the western United States and northern Baja California, Mexico. Their preferred habitats include slow-moving freshwater bodies such as ponds, lakes, marshes, and streams with abundant vegetation and basking sites. These turtles are often found in areas with muddy or sandy bottoms, where aquatic plants thrive, providing both food and cover. They rely on open, sunny spots for basking to regulate their body temperature but also need nearby hiding places like logs, overhanging banks, or dense vegetation for protection from predators. Terrestrial environments near water are equally important for nesting and overwintering, as females lay their eggs in well-drained, open soil away from aquatic habitats. This species thrives in areas with a balance of aquatic and terrestrial features.	No	**Presumed Absent**. There is no suitable habitat present within or adjacent to the Project Location.
Agelaius tricolor tricolored blackbird	Fed: None CA: THR; SSC	Range is limited to the coastal areas of the Pacific coast of North America, from Northern California to upper Baja California. Can be found in a wide variety of habitat including annual grasslands, wet and dry vernal pools and other seasonal wetlands, agricultural fields, cattle feedlots, and dairies. Occasionally forage in riparian scrub habitats along marsh borders. Basic habitat requirements for breeding include open accessible water, protected nesting substrate (freshwater marsh dominated by cattails, willows, and bulrushes [Schoenoplectus sp.]), and either flooded or thorny or spiny vegetation and suitable foraging space providing adequate insect prey	No	**Presumed Absent**. There is no suitable habitat present within or adjacent to the Project Location.
Ambystoma californiense pop. 1 California tiger salamander-central California DPS	Fed: THR CA: THR; WL	Can be found in annual grasslands and oak woodlands with hot, dry summers and cool, rainy winters. Reside underground throughout most of the year in abandoned small mammal burrows. Require ephemeral pools for breeding.	No	**Presumed Absent**. There is no suitable habitat present within or adjacent to the Project Location.
Bombus caliginosus obscure bumble bee	Fed: None CA: None	Colonial species found along the western coast between British Columbia, Canada, and California. Inhabits native grasslands, coastal scrub, and open woodland with high flowering plant diversity and successional flower availability. This species typically nests underground, often utilizing abandoned rodent burrows, and prefers well-drained soils that are easy to excavate for nesting.	No	**Presumed Absent**. There is no suitable habitat present within or adjacent to the Project Location.
Bombus crotchii Crotch bumble bee	Fed: None CA: CE	Colonial species that lives almost exclusively from coastal California east towards the Sierra-Cascade Crest and can be found uncommonly in western Nevada and south	No	**Presumed Absent**. There is no suitable habitat present within

Scientific Name Common Name	Status	Habitat	Observed On-Site	Potential to Occur
		through Baja California. Inhabits grassland and scrub habitats in hotter and drier climates than most other bumblebee species and is only capable of tolerating a narrow range of climatic conditions. This species usually nests underground, often in abandoned rodent dens		or adjacent to the Project Location.
Bombus pensylvanicus American bumble bee	Fed: None CA: None	Prefers farmlands, meadows, grasslands, and open fields. Nests below grass or underground. Feeds on pollen of a wide variety of flowering plants including vetches, clovers, goldenrods, and many crop species.	No	**Presumed Absent**. There is no suitable habitat present within or adjacent to the Project Location.
Branchinecta lynchi Vernal pool fairy shrimp	Fed: THR CA: None	Associated with vernal pools. Can be found in association with other ephemeral habits including alkali pools, seasonal drainages, stock ponds, vernal swales, and rock outcrops.	No	**Presumed Absent**. There is no suitable habitat present within or adjacent to the Project Location.
Buteo swainsoni Swainson's hawk	Fed: None CA: THR	Typical habitat is open desert, grassland, or cropland containing scattered, large trees or small groves. Breeds in stands with few trees in juniper-sage flats, riparian areas, and in oak savannah in the Central Valley. Forages in adjacent grassland or suitable grain or alfalfa fields or livestock pastures.	No	**Low**. Suitable perching opportunities are present within the Project Location and suitable foraging habitat is present in the surrounding area. No suitable nesting opportunities are present. This species is only expected to occur on-site incidentally while foraging nearby.
Danaus plexippus Monarch butterfly	Fed: Candidate CA: None	Wide range of habitats due to its migratory nature. Monarchs are found in open fields, meadows, prairies, and along roadsides where milkweed plants grow, which are crucial for egg-laying and caterpillar development. In their summer breeding grounds, they prefer areas rich in nectar-producing flowers, such as wildflowers, and warm climates that support their growth. During migration, monarchs often stop in coastal areas, forests, and urban gardens. Their overwintering habitat, however, is more specialized: in North America, they gather in dense fir and pine forests in the mountains of central Mexico, seeking cool, humid microclimates that help them conserve energy. These diverse habitats, both in breeding and overwintering, are vital to the monarch's survival.	No	**Presumed Absent**. There is no suitable habitat present within or adjacent to the Project Location.
Desmocerus californicus dimorphus valley elderberry longhorn beetle	Fed: THR CA: None	Found only within the valley floor and lower foothill region within riparian and foothill oak communities in the Central Valley, of California. Dependent on elderberry as host plant.	No	**Presumed Absent**. There is no suitable habitat present within or adjacent to the Project Location.
Entosphenus tridentatus pacific lamprey	Fed: None CA: SSC	Spend most of their lives in freshwater streams before entering the ocean as adults. Young lamprey burrow in muddy bottoms of backwater pools and eddies. Spawn in medium and large-sized, low-gradient rivers and streams.	No	**Presumed Absent**. There is no suitable habitat present within or adjacent to the Project Location.
Hysterocarpus traskii traskii Sacramento-San Joaquin tule perch	Fed: None CA: None	Found in deep waters of low-elevation lakes, streams, and estuarine environments. Require cool, well-oxygenated water. Occupy deep pools with complex vegetative cover.	No	**Presumed Absent**. There is no suitable habitat present within or adjacent to the Project Location.
Lavinia exilicauda	Fed: None	Inhabits warm, lowland waters, including clear streams, turbid sloughs, lakes, and reservoirs. Generally found in	No	**Presumed Absent**. There is no suitable

Scientific Name Common Name	Status	Habitat	Observed On-Site	Potential to Occur
exilicauda Sacramento hitch	CA: SSC	pools or runs among aquatic vegetation associated with streams.		habitat present within or adjacent to the Project Location.
Lepidurus packardi Vernal pool tadpole shrimp	Fed: END CA: SSC	Is an aquatic crustacean that inhabits temporary freshwater environments, particularly seasonal vernal pools in California's Central Valley. These pools form during the rainy season and are characterized by shallow, ephemeral water bodies that dry up during the warmer months. Tadpole shrimp are well-adapted to these unpredictable conditions, thriving in pools with muddy or clay-rich substrates. They rely on the short-lived nature of these pools, which limits predation by fish and other aquatic predators. The species is typically found in areas where the pools have little to no vegetation, though algae and microorganisms serve as their primary food sources.	No	**Presumed Absent**. There is no suitable habitat present within or adjacent to the Project Location.
Lytta moesta moestan blister beetle	Fed: None CA: None	General habitat appears to be grasslands and vernal pools, but details are lacking. Adults are thought to feed primarily on legumes in the genera Lupinus and Trifolium but have also been documented feeding on non-native Erodium species. Juveniles are thought to parasitize solitary bee species.	No	**Presumed Absent**. There is no suitable habitat present within or adjacent to the Project Location.
Mustela frenata xanthogenys San Joaquin long-tailed weasel	Fed: None CA: None	Occurs in woodlands, thickets, and open areas such as farmland, usually near a water source. Uses abandoned mammal burrows to den, preferably under stumps or beneath rock piles.	No	**Presumed Absent**. There is no suitable habitat present within or adjacent to the Project Location.
Mylopharodon conocephalus hardhead	Fed: None CA: SSC	Found at low to mid-elevations in relatively undisturbed large stream habitat with high water clarity. Limited to well-oxygenated streams and reservoir surface waters. Common in small aggregations in pools and runs during the day. Primarily bottomfeed but can feed on drifting material and insects at the water's surface.	No	**Presumed Absent**. There is no suitable habitat present within or adjacent to the Project Location.
Oncorhynchus mykiss irideus pop. 11 steelhead – central valley DPS	Fed: None CA: SSC	Occurs primarily in tailwaters of dammed rivers, undammed creeks and four hatchery-supported systems of Battle Creek, and the Feather, American, and Mokelumne Rivers.	No	**Presumed Absent**. There is no suitable habitat present within or adjacent to the Project Location.
Oncorhynchus tshawytscha pop. 13 Chinook salmon-central valley fall/late fall-run ESU	Fed: None CA: SSC	Spend early life growing and feeding in freshwater streams, estuaries, and associated wetlands. Adults live in coastal oceanic areas. This population includes naturally spawned spring-run individuals, originating from the Sacramento River and its tributaries, as well as the Feather River Hatchery program.	No	**Presumed Absent**. There is no suitable habitat present within or adjacent to the Project Location.
Phrynosoma blainvillii coast horned lizard	Fed: None CA: SSC	Occurs in a wide variety of vegetation types including coastal sage scrub, annual grassland, chaparral, oak woodland, riparian woodland and coniferous forest. In inland areas, this species is restricted to areas with pockets of open microhabitat, created by disturbance (i.e. fire, floods, roads, grazing, fire breaks). The key elements of such habitats are loose, fine soils with a high sand fraction; an abundance of native ants or other insects; and open areas with limited overstory for basking and low, but relatively dense shrubs for refuge.	No	**Presumed Absent**. There is no suitable habitat present within or adjacent to the Project Location.
Pogonichthys macrolepidotus Sacramento splittail	Fed: None CA: SSC	Primarily inhabits slow-moving or still waters, such as lakes, large rivers, and reservoirs. Dense aquatic vegetation is required to provide shelter, breeding grounds, and forage. Capable of tolerating a range of turbidity and temperature variations, but prefer clearer,	No	**Presumed Absent**. There is no suitable habitat present within or adjacent to the Project Location.

Scientific Name Common Name	Status	Habitat	Observed On-Site	Potential to Occur
		warmer waters. Often found in deeper waters with substrates composed of mud, sand, or gravel.		
Rhaphiomidas trochilus San Joaquin Valley giant flower-loving fly	Fed: None CA: None	Inhabits arid or semi-arid environments such as deserts and scrublands characterized by low vegetation and open spaces. Adapted to high temperatures and low humidity. Presumed to be a generalist nectivore preferring large, brightly colored flowers. Larvae likely develop in sandy soils.	No	**Presumed Absent**. There is no suitable habitat present within or adjacent to the Project Location.
Spea hammondii Western spadefoot	Fed: Proposed THR CA: SSC	Prefers open areas with sandy or gravelly soils, in a variety of habitats including mixed woodlands, grasslands, coastal sage scrub, chaparral, sandy washed, lowlands, river floodplains, alluvial fans, playas, alkali flats, foothills, and mountains. Rainpools which do not contain bullfrogs, fish, or crayfish are necessary for breeding.	No	**Presumed Absent**. There is no suitable habitat present within or adjacent to the Project Location.

Source: (ELMT, 2023). See **Appendix B**

Notes:

U.S. Fish and Wildlife Service (Fed) - Federal
END- Federal Endangered
THR- Federal Threatened

California Department of Fish and Wildlife (CA) - California
END- California Endangered
THR- California Threatened
Candidate- Candidate for listing under the California Endangered Species Act
FP- California Fully Protected
SSC- Species of Special Concern
WL- Watch List

California Native Plant Society (CNPS)
California Rare Plant Rank
1B Plants Rare, Threatened, or Endangered in California and Elsewhere
2B Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere
3 Plants About Which More Information is Needed – A Review List
4 Plants of Limited Distribution – A Watch List

CNPS Threat Ranks
0.1- Seriously threatened in California
0.2- Moderately threatened in California
0.3- Not very threatened in California

b) **Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

RESPONSE:

Less Than Significant Impact. Upon the review of USFWS NWI and USGS National Hydrology, one (1) riverine resource within proximity of the Project was mapped as occurring roughly adjacent to the north of a portion of Kiernan Avenue near the location where the Project will be implemented; however, this feature occurs outside of the limits of disturbance for construction and mitigation measures **MM HYDRO-01: Local SWPPP** and **MM HYDRO-02: Stormwater BMPs Throughout Project Construction**. will be implemented to eliminate erosion and water quality impacts outside of active construction and staging areas. No impacts to this feature will occur. In addition, several blueline streams and riverine resources are also mapped in the surrounding area, all of which correlate to a network of canals that support irrigation for local agriculture.

No impacts are anticipated to occur to riparian habitat or other sensitive natural communities in local or regional plans, policies, regulations or by the California Department of Fish Game or U.S. Fish and Wildlife Service. Chapter 15 of the City of Modesto's Municipal Code requires compliance with the Clean Water Act through water quality management and erosion control for all construction. The contractor will be required to implement a Local Storm Water Pollution Prevention Plan including BMPs throughout construction to reduce impacts on riparian habitat and other sensitive off-site and downstream resources. The long-term operation and maintenance of the Project will not result in substantive changes to the existing maintenance currently implemented by the city. Therefore, significant impacts will not result from Project implementation.

c) **Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

RESPONSE:

No Impact. No jurisdictional drainage and/or wetland features were found where the Project will be constructed. According to field investigation and review of USFWS National Wetland Inventory (NWI) and Environmental Protection Agency (EPA) Water Program "My Waters" data layers for the Project, in addition to one (1) riverine resource mapped of Kiernan Avenue, there are several blueline streams and riverine resources are also mapped in the Local Vicinity, all of

which correlate to a network of canals that support irrigation for local agriculture. Since the City of Modesto requires implementation of a Local SWPPP, no impacts to Corps, Regional Board, or CDFW jurisdictional features will occur due to project implementation. Regulatory approvals will not be required, and no further surveys are recommended for jurisdictional delineation of state or federally protected wetlands.

As a result, no impacts are anticipated; therefore, no Mitigation Measures are needed.

d) **Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

RESPONSE:

No Impact. The proposed Project has not been mapped as occurring within any recognized wildlife corridor or linkage. According to CDFW, the nearest mapped wildlife corridor to the site occurs approximately 1.75 miles to the north and upstream within and along the Stanislaus River, beyond existing development and active agriculture. No impacts to any mapped wildlife corridors will occur from Project implementation. The site does occur in proximity to a variety of land uses that provide movement and stopover opportunities for local wildlife; Project activities will be confined to developed land and will implement mitigation measures **MM BIO-01: Pre-construction Bird and Wildlife Clearance Surveys, Training, Monitoring, and Inspections,** therefore less than significant impacts to suitable migratory or stopover habitat are expected to occur.

No Mitigation Measures are needed.

e) **Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

RESPONSE:

No Impact. The proposed Project does not anticipate the removal of trees due to Project activities. Therefore, conflicts with local tree preservation policies or ordinances are not anticipated. Therefore, no impacts are anticipated. No Mitigation Measures are needed.

f) **Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

RESPONSE:

No Impact. The Project Alignment does not occur within or adjacent to any areas designated for conservation. Therefore, project implementation will not result in impacts to areas covered under the Conservation/Open Space Element of the Stanislaus County General Plan.

MITIGATION MEASURE

MM BIO-01: Pre-construction Bird and Wildlife Clearance Surveys, Training, Monitoring, and Inspections

a) **Migratory Birds and Birds of Prey Survey and Report:** Pre-construction clearance surveys shall be conducted fifteen (15) days and three (3) days prior to construction, for nesting migratory birds, raptors, and birds of prey, by the City's Qualified Biologist. A negative survey report from the City's Qualified Biologist shall be on file with the City prior to the start of any vegetation removal or ground disturbing activities so that no nesting birds, including birds of prey or raptors, will be disturbed during construction. The City's Biologist conducting the clearance survey should document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur and copies of the report kept on file in the construction management office for the Project and at City Hall. If there is a lapse in construction longer than 7 days, pre-construction surveys and reports shall be repeated by the City's Qualified Biologist and kept on file with the City and construction management office.

b) **Crew Training:** Crew training shall be provided by the City's Qualified Biologist prior to construction to inform construction staff of the types of birds and wildlife that may be encountered during construction and the appropriate next steps that should be taken to avoid take.

c) **Active Nests:** If an active avian nest is discovered, construction activities should stay outside of a no-disturbance buffer established by the City's Qualified Biologist. The size of the no-disturbance buffer will be determined by the City's Qualified Biologist and will depend on the level of noise and/or surrounding anthropogenic disturbances, line of sight between the nest and the construction activity, type and duration of construction activity, ambient noise,

species habituation, and topographical barriers. These factors will be evaluated on a case-by-case basis when developing buffer distances. Limits of construction to avoid an active nest will be established and installed by the City's Qualified Biologist in the field with flagging, fencing, or other appropriate barriers; and construction personnel will be instructed on the sensitivity of nest areas.

d) **Monitoring and Inspections:** The contractor shall inspect construction and materials staging/stockpiles daily at the start and end of each day for wildlife and verify that storage areas are covered and secured, and that debris/refuse is removed from the job site daily. If wildlife is encountered within construction and staging areas, the contractor shall immediately contact the City's Qualified Biologist to determine and implement appropriate handling, establishment of a buffer, and next steps for passive relocation and entrapment prevention. A biological monitor should be present to delineate the boundaries of buffer areas and to monitor any type of wildlife present near construction so that active nests, protected species, and nesting behavior are not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive or wildlife is protected under natural conditions, construction activities within the buffer area can occur. If wildlife is encountered within construction areas or within buffers, the City's Qualified Biologist shall be immediately notified to determine and implement the appropriate next steps.

MM BIO-02: Swainson's hawk:

a) **Swainson's hawk:** Prior to start of construction, a preconstruction Swainson's Hawk survey shall be conducted within a minimum of a half-mile radius around the Project in accordance with the five-period schedule, provided by the Swanson's Hawk Technical Advisory Committee, as follows:

- January to March 20- One (1) Survey, All Day
- March 20 to April 5- Three (3) Surveys, Sunrise to 1000 / 1600 to Sunset
- April 5 to April 20- Three (3) Surveys, Sunrise to 1200 / 1630 to Sunset
- April 21 to June 10- Monitoring
- June 10 to July 30- Three (3) Surveys, Sunrise to 1200 / 1600 to Sunset

b) **Swainson's hawk Nests:** If an occupied nest of the SWHA is found and may be impacted by construction, the City's Biologist should consult with CDFW and demonstrate compliance with CESA. In addition, the City's Biologist shall establish an adequate buffer between construction activities and the active nests that will prevent disruption of the nests until the young have fledged the nests.

5. CULTURAL RESOURCES

Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
V. CULTURAL RESOURCES. Would the Project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	☐	☐	☒	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	☐	☒	☐	☐
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☒	☐	☐

REGULATORY COMPLIANCE

California Public Resources Code 15064.5

The following regulations are applicable to cultural resources that could be found at the Project location:
California Code of Regulations Title 14 Subsection 15064.5 generally defines historically significant cultural resources as any object, building, structure, site, area, place, record, or manuscript which is:

- A resource listed or eligible for listing by the State Historical Resources Commission, for listing in the California Register of Historical Resources (CRHR)
- A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code, or identified as significant in an historical resource survey meeting the requirements section 5024.1(g), (listed as historical by local ordinance)
- A resource a lead agency determines to be historically significant.

California Code of Regulations §15064.5 relating to historical resources pertains to environmental changes impacting any object, building, structure, site, area, place, record, or manuscript associated with:

- Events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- The lives of persons important in our past.
- The distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- Resources which have yielded, or may be likely yield, information important in prehistory or history.

Properties that are listed in or eligible for listing in the National Register of Historic Places pursuant to Section 106 of the National Historic Preservation Act are considered eligible for listing in the CRHR and thus are significant historical resources for the purpose of CEQA (PRC Section 5024.1(d)(1)).

Section 106 of the National Historic Preservation Act

The NHPA establishes the federal government policy on historic preservation and the programs, including the National Register, through which this policy is implemented. Under the NHPA, significant cultural resources (referred to as historic properties) include any prehistoric or historic district, site, building, structure, or object included in, or determined eligible for inclusion in, the National Register. Historic properties also include resources determined to be National Historic Landmarks. National Historic Landmarks are nationally significant historic places designated by the Secretary of the Interior because they possess exceptional value or quality in illustrating or interpreting United States heritage. A property is considered historically significant if it meets one of the National Register criteria and retains sufficient historic integrity to convey its significance. This act also established the Advisory Council on Historic Preservation, an independent agency responsible for implementing Section 106 of NHPA by developing procedures to protect cultural resources included in, or eligible for inclusion in, the National Register.

Eligibility for the National Register rests on two factors: significance and integrity. In order to be eligible for inclusion in the National Register, a property must meet one or more of the significance criteria listed below (36 C.F.R. § 60.4) and retain integrity:

- Criterion A—Association with “events that have made a significant contribution to the broad patterns of our history.”
- Criterion B—Association with “the lives of persons significant in our past.”
- Criterion C—Resources “that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.”
- Criterion D—Resources “that have yielded, or may be likely to yield, information important to history or prehistory.”

In addition to being significant under one or more of these criteria, National Register eligibility (as well as California Register of Historical Resources requires that a resource retain sufficient integrity to convey its significance. Integrity is evaluated through consideration of characteristics that existed during a resource’s period of significance. Integrity is evaluated with regard to the retention of seven elements:

- Location—The place where the resource was constructed
- Design—The combination of elements that create the form, plans, space, structure, and style of the resource
- Setting—The physical environment of the resource, including the landscape and spatial relationship of the buildings
- Materials—The physical elements that were combined or deposited during a particular period of time and in a particular pattern of configuration to form the resource
- Workmanship—The physical evidence of the crafts of a particular culture or people during any given period of history
- Feeling—The resource’s expression of the aesthetic or historic sense of a particular period of time
- Association—The direct link between an important historic event or person and a resource

CEQA Section 21083.2

CEQA Section 21083.2 requires that the CEQA Lead Agency determine whether a project may have a significant effect on unique archaeological resources. A unique archaeological resource is defined in as an archaeological artifact, object, or site about which it can be clearly demonstrated that there is a high probability that it:

- Contains information needed to answer important scientific research questions, and there is demonstrable public interest in that information;
- Has a special or particular quality, such as being the oldest of its type or the best available example of its type; or
- Is directly associated with a scientifically recognized important prehistoric or historic event or person.

California Health and Safety Code Section 8100

Section 8100 of the California Health and Safety Code defines a cemetery as six or more human burials at one location. Disturbance of Native American cemeteries is a felony (Health and Safety Code Section 7052). Section 7050.5 of the Health and Safety Code requires that if human remains are found during construction or excavation, the activities be stopped until the county coroner can determine if the remains are Native American. If the remains are determined to be Native American, the coroner must then contact the Native American Heritage Commission, pursuant to PRC Section 5097.

DISCUSSION

The following responses are based on a Cultural Resources Assessment conducted by BCR Consulting LLC, dated December 14th, 2023. An HPIR was prepared for the Project and is dated October 7, 2024 (See **Appendix C**). Conclusions and recommendations are based on research, a cultural resources records search, a Sacred Lands File search, and intensive-level pedestrian cultural resources field survey. David Brunzell M.A., R.P.A, acted as Principal Investigator, provided Project oversight, and authorized the technical report with contributions from BCR Consulting Staff Archeologist Doug Kazmier, B.A., and BCR Consulting Archeological Crew Chief Nicholas Sheptuk, B.A. Central Information Center (CCIC) staff completed the cultural resources records search through its archive at California State University, Stanislaus. Mr. Kazimer completed the field survey.

a) **Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?**

RESPONSE:

Less than Significant Impact. Public Resources Code, Section 5024.1; 14 CCR 15064.5 defines historical resources are resources listed or eligible for listing on the California Register of Historical Resources" (CRHR). Based on research and a field survey described in the following paragraphs, there are no known historical resources that could be impacted by the Project.

Natural Setting

The elevation of the Project Alignment ranges from approximately 86 to 95 feet above mean sea level (AMSL)The Project Location is underlain with local geologic units composed of Quaternary deposits from the Pleistocene Modesto Formation. These deposits do not appear to be a source of prehistoric tool materials.

Cultural Setting

Human groups began to settle in this regional between 9,500- 11,500 year before the present. The Project Location is situated within the traditional boundaries of the Northern Yokuts. This tribe used perennial water sources for trade routes. The Yokuts formed "true tribes" and an array of unique dialects. The first people to established contact with the Yokuts were the Europeans. The Mexican era (1821-1848) saw little notable cultural exchange between Mexicans and Yokuts, although an 1833 malaria epidemic devastated the local native population (Wallace 1978:460). In the American era the Anglo settlement, occurred after California's annexation into the United States and disrupted Yokuts influence. Mining and ranching represented the early historical focus of the San Joaquin Valley, although abundant natural water, a mild climate, and arable land soon led to the successful development of agriculture. The resulting diversion of local water and escalating land values transformed the physical and economic character of the area and has allowed it to remain one of the world's most productive agricultural regions to this day (Preston 1981).

To determine whether cultural resources may be found during construction of the Project, research was conducted by the Central California Information Center (CCIC) at California State University, Stanislaus on November 7th, 2023. This included a review of all recorded historic and prehistoric cultural as well as a review of known cultural resources, and survey and excavation reports generated from projects located within one half-mile of proposed construction. Data from

the CCIC revealed that 11 cultural resource studies have taken place resulting in 13 cultural resources recorded within one-half mile radius of the Project. See *Table 11: Cultural Resources within One-Half Mile of the Project Location*.

TABLE 11: CULTURAL RESOURCES WITHIN ONE-HALF MILE OF THE PROJECT LOCATION

USGS 7.5 Min Quad	Primary No.	Resource Description	Within Project	Studies Within One-Half Mile
Salida, California (1987)	P-50-0075	MID Lateral	0.5 Miles SSE)	ST-3697*, 3879, 4054*, 4749, 4829, 5470, 5900, 6306, 7244*, 7725, 8007*
	P-50-1918	Bangs #1	(0.35 Miles SW	
	P-50-1925	Chappell Ditch	Adjacent North	
	P-50-2002	Modesto Main/ La Grange MID Old Canal	0.25 miles N	
	P-50-2024	Fluence Property	0.3 miles E	
	P-50-2025	5024 Tunson Rd., Modesto	0.3 Miles E	
	P-50-2026	: 907 Kiernan Rd. (SR 219), Modesto	0.3 Miles E	
	P-50-2165	Essa Property	Adjacent W	
	P-50-2166	Kumar Property	0.2 miles N	
	P-50-2167	Harrell Property	0.2 miles N	
	P-50-2259	10-STA-219 EA	Adjacent S	
	P-50-2260	1348 Kiernan Ave.	Adjacent S	
	P-50-2301	1349 Bangs Ave.	0.4 miles S	

Source: BCR Consulting, 2023
Notes: * Occurred Within the Project Area.

Following research, a field survey was conducted by Mr. Kazmier on December 10th, 2023 by walking parallel transects spaced approximately 15 meters apart long both sides of the Project Alignment. No cultural resources (including prehistoric or historic archeological or historic architectural resources) were found at the surface. The Project Alignment has been subject to disturbances from construction and maintenance of roads, drainage, and other infrastructure. As well as agricultural activities and the dumping of modern refuse. The conclusions from the field survey indicate adverse effects to any historical resources under CEQA or Section 106 of the NHPA are unlikely; therefore, cultural resources work, or monitoring is not recommended for the Project. There is potential to uncover buried resources during earthwork. Therefore, Mitigation Measure **MM-CUL-01, Worker Environmental Awareness Training,** is proposed Impacts are anticipated to be less than significant. No Mitigation Measures are needed.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

RESPONSE:

Less than Significant with Mitigation Incorporated. Section identifies archaeological resources and Native American burials in archaeological sites, in addition to historic structures, as important cultural resources requiring protection from disturbance, vandalism, or inadvertent destruction, all of which are considered potentially significant impacts.

While the records search and field survey did not identify cultural resources within the Project Site and the Project Site has been previously disturbed, ground-disturbing activities involving deeper cuts, if proposed by the Project, have the potential to discover buried deposits not observed on the surface; therefore, Mitigation Measure **MM CUL-02: Cultural Resources Discovery** will be implemented to ensure ground-disturbing activities do not cause significant impacts to archeological resources pursuant to Section 15064.5 or Section 106 of the NHPA.

With the implementation of Mitigation Measure **MM CUL-01: Cultural Resources Discovery** less than significant impacts are anticipated.

c) Disturb any human remains, including those interred outside of dedicated cemeteries?

RESPONSE:

Less than Significant with Mitigation Incorporated. The Project Location has not been used as a cemetery; therefore, the likelihood of discovering human remains at the Project Location is relatively low. However, in the unlikely event that

human reman are discovered during earth works, Mitigation Measure **MM CUL-03: Human Remains** is proposed and shall be implemented by the Project contractor to result in less than significant impact.

MITIGATION MEASURES

MM CUL-01: Worker Environmental Awareness Training (WEAP). Prior to the initiation of ground-disturbing activities, the City shall hire a Qualified Archaeologist according U.S. Secretary of the Interior Professional Qualifications Standards for Archaeology to write and prepare a WEAP training program. The City may provide personnel to deliver the WEAP training to field personnel regarding archaeological resources and the possibility of buried prehistoric or historic cultural deposits. If any subsurface cultural resources are encountered during Project construction activities within 50 feet of the encounter shall be halted and the City and the City's qualified archeologist shall be called to examine these materials, determine their significance, and implement the appropriate next steps such as:

a) Preservation in place, or
b) Excavation, recovery, and curation by qualified professionals.

MM CUL-02: Cultural Resources Discovery. In the event that field personnel encounter buried cultural materials, work in the immediate vicinity of the find should cease and a qualified archaeologist shall be called to assess the significance of the find. The qualified archaeologist shall have the authority to stop or divert construction excavation as necessary. If the qualified archaeologist finds that any cultural resources present meet eligibility requirements for listing on the California Register or the National Register, plans for the treatment, evaluation, and mitigation of impacts to the find will need to be developed. Prehistoric or historic cultural materials that may be encountered during ground-disturbing activities include:

- historic artifacts such as glass bottles and fragments, cans, nails, ceramic and pottery fragments, and other metal objects;
- historic structural or building foundations, walkways, cisterns, pipes, privies, and other structural elements;
- prehistoric flaked-stone artifacts and debitage (waste material), consisting of obsidian, basalt, and or cryptocrystalline silicates;
- groundstone artifacts, including mortars, pestles, and grinding slabs;
- dark, greasy soil that may be associated with charcoal, ash, bone, shell, flaked stone, groundstone, and fire affected rocks.

MM CUL-03: Human Remains: If human remains are encountered during the undertaking, State Health and Safety Code Section 7050.5 states that no disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC.

6. ENERGY

Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
ENERGY. Would the Project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation?	☐	☒	☐	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

REGULATORY COMPLIANCE

California Energy Commission

The California Energy Commission (CEC) is a planning and policy agency responsible for forecasting future energy needs, promoting energy efficiency, maintaining energy data, developing energy technology, promoting renewable energies, and planning for energy emergencies throughout California. The Title 24 Building Energy Efficiency Standards were developed by the CEC and are updated periodically (SJ 2035 GP DEIR).

Green Building Standards Code

The Green Building Standards (CalGreen) was first adopted in 2009. The Building Standards are updated every three years and pertain to sustainable practices for residential and commercial construction projects in California. Pursuant to CalGreen, construction projects must meet a mandatory set of minimum requirements and extensive voluntary measures. The Code covers planning and design, energy efficiency, water efficiency and conservation, materials conservation and resource efficiency, and indoor environmental quality.

DISCUSSION

a) **Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation?**

RESPONSE:

Less than Significant with Mitigation Incorporated. Modesto Irrigation District (MID) provides the City of Modesto with energy resources. MID owns and operates approximately 1,800 miles of power lines throughout their service area (MID 2017; Modesto GP EIR, 2019). At the Project Location, MID maintains 12,000-volt and 68,000-volt electrical power lines along the south side of Kiernan Avenue as well as 12,000-volt power lines along the west side of Tully Road. Within the Local Vicinity of the proposed Project, approximately 25 ft from the Tully Road and Kiernan Avenue intersection, MID operates an electrical substation that services surrounding land uses.

The proposed Project will extend the service boundary of the City's potable water system and is intended to implement the City's fire flow standards and deliver clean potable water to Stanislaus Elementary School. The Project would not conflict with the planned buildout of the City's Water Master Plan and school activities would not increase because of the Project. Therefore, the Project is not anticipated to generate significant energy demands beyond existing baseline consumption levels and forecasting projections. The 12,000 linear feet of potable water main will connect to the City's existing water infrastructure and would be maintained with the City's existing maintenance resources. For these reasons, additional sources of power are not required for the proposed Project. The looped structure of the proposed alignment will allow the pipeline to maintain fire flow requirements (4000 gpm at 33 psi). Project construction will temporarily increase use of diesel-powered equipment for trenching and jack and bore construction. However, long-term operation and maintenance is anticipated to result in a minimal number of daily worker trips to conduct routine inspections. Energy from long-term operation will include transportation energy demands (energy consumed by employee and patron vehicles accessing the Project Site) and facilities energy demands (energy consumed by building and site maintenance activities). Therefore, the increase in project generated trips is minimal and the project's transportation and operational energy consumption would not be considered inefficient, wasteful, or otherwise unnecessary.

Using the CalEEMod data input for the air quality and greenhouse gas analyses (**Appendix A**), the Project's construction phase would consume electricity and fossil fuels as a single energy demand, that is, once construction is completed their use would cease. CARB's 2017 Emissions Factors Tables show that on average, aggregate fuel consumption (gasoline and diesel fuel) would be approximately 18.5 hp-hr-gal; consuming an estimated 105,782 gallons of diesel fuel throughout Project construction. In addition, the construction worker trips will result in an estimated 3,167 gallons of fuel which will be consumed for construction worker trips (based 82,944 VMT); an estimated 2,429 gallons of fuel would be consumed for vendor and hauling trips (based on 15,154 VMT) (Ganddini, 2023).

In addition, the Project will comply with California Air Resources Board (CARB) adopted idling regulation for on-road diesel-fueled equipment weighing more than 10,000 pounds. The regulations indicate that heavy duty vehicles are prohibited from idling more than five (5) minutes in any one location (Stanislaus County GP EIR, 2016). Compliance with the existing regulation will be implemented with the Project as Mitigation Measure **MM EN-01: Idling Regulation for On-Road Disel-Fueled Equipment** to reduce impacts to less than significance during diesel-powered equipment use throughout construction activities.

For the reasons above, the proposed Project is anticipated have less than significant impacts to energy resources during Project construction and long-term operation with the implementation of Mitigation Measure **MM EN-01: Idling Regulation for On-Road Disel-Fueled Equipment**.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

RESPONSE:

No Impact. See Response 6, a). Plans for the Project indicate consistency with state and local plans for sustainability including the CALTRANS, Stanislaus, and City of Modesto Climate Change Vulnerability Assessments. Reference *Section 8. Greenhouse Gas Emissions* for more information.

The standard application of the City's plan review processes will result in compliance with state and local development standards implementing energy efficiency requirements. The Project does not propose to disrupt electrical substations or transmission lines, as mapped by the California Energy Commission and California Office of Emergency Services. Therefore, the Project remains complaint with the City's Climate Change Vulnerability Assessment since these "infrastructure assets"[9] will not be disrupted.

The Project will remain compliant with federal transportation regulations since the Project is already within a developed area and will avoid impacts on Kiernan Avenue with jack and bore construction. Local roadways that will be temporarily disturbed during construction within Dale Road and Tully Road will be restored to pre-project conditions or better upon completion of the Project. Therefore, to the Project will not interfere with intermodal transportation plans or projects proposed pursuant to the ISTEA. Regarding Pavley (AB 1493) regulations, an individual project does not have the ability to comply or conflict with these regulations because they are intended for agencies and their adoption of procedures and protocols for reporting and certifying GHG emission reductions from mobile sources. The vehicles and equipment associated with the proposed Project construction and long-term maintenance would be required to comply with federal and state fuel efficiency standards; however, as stated previously the Project requires a minimal number of vehicle trips during operation.

Regarding the State's Renewable Energy Portfolio Standards, as applicable, the Project would be required to meet or exceed the energy standards established in the California Green Building Standards Code, Title 24, Part 11 (CALGreen). CALGreen Standards. These standards require that new buildings reduce water consumption, employ building commissioning to increase building system efficiencies, divert construction waste from landfills, and install low pollutant-emitting finish materials.

[9] Infrastructure assets are structures that provide various services to the Modesto community members. Structures consist of the Modesto Airport; bridges; major roads, highways, and truck routes (Kiernan Avenue, Dale Road, and Tully Road); Electric vehicle charging stations; biking and hiking trails; evacuation routes; railways and train stations; transit facilities; single access roads; communications facilities; **electrical substations and transmissions lines**; power plants; natural gas pipelines; dams and reservoirs; flood control infrastructure; parks and open space; solid waste facilities; and water and wastewater infrastructure.

MM EN-01: Idling Regulation for On-Road Disel-Fueled Equipment. Throughout Project construction, on-road diesel-fueled equipment weighing more than 10,000 pounds must comply with CARB adopted idling regulation which states that heavy duty vehicles are prohibited from idling more than five (5) minutes in any one location. This regulation will be enforced throughout Project construction by the Project contractor and inspections by the City of Modesto Engineering Department and/or the Utilities Department.

7. GEOLOGY AND SOILS

Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
VII. GEOLOGY AND SOILS. Would the Project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☐	☒
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☒	☐	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐

DISCUSSION

The responses within these sections are based on technical reports outlining the baseline conditions of the soil composition. Specifically, the IS/MND used the following resources:

- **Appendix C**: Cultural Resources Assessment, Stanislaus Elementary School 1,2,3-TCP Mitigation Project, Modesto, Stanislaus County, California, prepared by BCR Consulting LLC on December 14th, 2023.
- **Appendix D**: Soils and Geotechnical Investigation, Stanislaus Elementary School 1,2,3-TCP Mitigation Project, Modesto, Stanislaus County, California, prepared by Universal Engineering Services on June 1st, 2023.

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

RESPONSE:

No Impact. Fault areas classified under the Alquisto-Priolo fault zones are considered the highest risk fault; however, the Project Area does not contain Alquisto-Priolo designated fault zones or potentially active faults within or near the Project (Modesto Water Master Plan, 2019). According to the Department of Conservation, Fault Activity Map of California, the Project Area is not located near a mapped fault line (CA DOC, 2015). The closest fault lines are Vernalis Fault, approximately 21 miles east and the Great Valley Fault, approximately 17.9 miles west of the Project. The Vernalis Fault and Great Valley Fault are Quaternary faults that have been inactive for the last 11,700-700,000 years (USGS, n.d.; Modesto Water Master Plan, 2019- Table 9-1. Regional Faults in Proximity to the Study Area). Since the Project Location is not within mapped fault zones or within the confines of active fault traces or their associated Alquist- Priolo Fault Zones, it is unlikely for the potential for ground displacement, directly affecting the Project, to occur. In addition, during a site reconnaissance conducted by the Geotechnical Engineer and a review of aerial photographs, no indication of surface rupture or fault-related surface disturbances were observed.

For these reasons, no impact is anticipated in association with fault rupture. This includes the risk of loss, injury, or death, which are not anticipated to occur at the Project Location. Therefore, no Mitigation Measures are needed.

ii. **Strong seismic ground shaking?**

RESPONSE:

Less than Significant Impact. See Response 7, a) i). The Project Location is not mapped within any seismic hazard zones and there are no published maps available on the CGS website that cover the construction area. Historic ground shaking has occurred within the Project Area with the closest earthquake occurred on December 23rd, 1985, with a magnitude of 2,5 and the epicenter located approximately 6.7 miles northwest of the site (Universal Engineering, 2023). Other notable events include a 3.5 magnitude earthquake on February 2nd, 1979, located 9.1 miles southwest of the Project Location.

All of California is subject to potential seismic activity, and areas within proximity of fault zones are subject to regulations minimizing risk associated with ground shaking. The Project Area is subject to ground shaking, as is all areas of California. Due to its geographic location and the state's overall susceptibility to earthquakes and there is nothing unique about the location of the Project that would make it more susceptible to strong seismic ground shaking. The severity of shaking is dependent on proximity with active faults and the estimated maximum ground acceleration of the fault. The Project is located more than 17 miles from fault lines. The Project will be implemented according to applicable engineering standards for safety and resilience regarding seismicity and pipe bed reinforcements that apply to the Project location. The Project will comply with the Modesto Engineering & Transportation Department Standard Specifications, which include guidelines for water main design. These are applicable to the Project and will be implemented through design review and inspections performed by the City.

As a result, less than significant impacts from strong seismic ground shaking are anticipated. No Mitigation Measures are needed.

iii. Seismic-related ground failure, including liquefaction?

RESPONSE:

Less than Significant Impact. Reference Response 7, a) i) and ii). Liquefaction, as defined by the California Department of Conservation, is "the transformation of granular materials from a solid state into a liquefied state as a consequence of increased pore-water pressure" (CA Department of Conservation 2023). Additionally, liquefaction is anticipated in areas where the groundwater is less than 30 feet from the surface.

According to the California Department of Conservation, Earthquake Zones of Required Investigation Map, the City of Modesto is not within areas identified as having high susceptibility to liquefaction or landslide potential (CA DOC n.d.). Low liquefaction potential at the Project Site is a result of the Project being underlain with primarily Alluvial Fan Deposits (Qf) (CA DOC, 2015). These deposits consist of gravel, sand, and small pieces of sediment like silt, which result as a product of flowing water interacting with hills or mountains dating back to the Pleistocene-age (National Geographic 2022). In addition to preliminary research, a Geotechnical Engineer performed liquefaction analysis on borings based on the Liquefaction Potential Index (LPI). The LPI in combination with the seismic settlements for soil conditions, indicated the Project Location has low potential for liquefaction during seismic events (Universal Engineering Services, 2023). The Project will undergo design review and inspection for compliance with the City's Engineering Standards.

For these reasons, the proposed Project is not highly susceptible to seismic-related ground failure, including liquefaction. Impacts are anticipated to be less than significant, and no Mitigation Measures are needed.

iv. Landslides?

RESPONSE:

Less than Significant Impact. See Response 7, a) i) through iii) above. According to the Department of Conservation, Landslide Inventory Map, the Project Area is not highly susceptible to landslides (CA Department of Conservation, 2015). The Project Site is relatively flat and does not contain slopes. The highest point of elevation to the Project Location is west near the Coastal Mountains (approximately 18 miles from the Project). Construction will require earthworks including open trench construction and jacking/receiving pits, that have the potential to create temporary steep slopes subject to failure. However, these slopes are subject to temporary reinforcements pursuant to CAL-OSHA standards for building and utility trenching operations (29 CRF Section 1926.650; 29 CRF Section 1926.625), the California Division of Industrial Safety, and City of Modesto's Standard Specifications, *Chapter 8. Utility, Excavation, and Trench Section*.

As a result of the implementation of Standard Specifications (Modesto, 2014) and Engineering Specifications Design Guidelines and Standard Provisions (Modesto, 2021), from the City of Modesto and the Project Location's relatively flat topography, potential impacts from landslides over throughout temporary Project construction and long-term operational use of the proposed Project Components is anticipated to be less than significant. No Mitigation Measures are needed.

b) Result in substantial soil erosion or the loss of topsoil?

RESPONSE:

Less than Significant with Mitigation Incorporated. See Response 7, a) i) through iv) above. Project construction will require open cut trenching for the pipeline approximately 6-feet deep, which will temporarily disturb stable ground surface pavement within the public right-of-way leaving soils susceptible to erosion during active construction. Jack and bore, will be implemented in five locations along the Project Alignment during construction, other processes such as truck traffic, equipment access, and materials hauling may also temporarily disrupt topsoil resulting in dust and erosion. Therefore, soil erosion and potential loss of some topsoil may occur during construction, especially during high winds and rains. However, the Project will implement the City's Standard Specifications, *Chapter 15. Erosion and Sediment Control Standards* throughout Project construction. Chapter 15 of the City's Erosion and Sediment Control standards require dust control compliant with City of Modesto and SJVAPCD, stockpile management, stabilization of entrance and egress from construction site, site cleanup, inspection, etc. In addition, the Project will incorporate recommendations from the geotechnical engineer to ensure loss of topsoil does not occur throughout Project construction and earthwork activities pursuant to MM GEO-01: Site Clearing, MM GEO-02: Stripping, MM GEO-03: Discing, MM GEO- 04: Aeration for Soils with High Moisture Content, MM GEO-05: Existing Pavement, MM GEO-06: Scarification and Compaction, MM GEO-07: Engineered Fill Construction, MM GEO-08: Excavation and Fill Slopes, MM GEO-09: Monitoring during

Excavation, MM GEO-01: Utility Backfill Trench, and **MM GEO-11: Pavement Design.** Mitigation measures specify site clearing procedures; removal processes for existing pavement; backfill and engineering fill requirements; appropriate trenching procedures; and required monitoring by a Geotechnical Engineers' representative.

Therefore, substantial erosion or the loss of topsoil will be mitigated to less than significant levels with the incorporation of the City's Standard Specifications (Modesto, 2014) and the Engineering Department Design Guidelines and General Provisions (Modesto, 2021), as well as recommendations from the Geotechnical Engineer pursuant to Mitigation Measures **MM GEO-01 through MM GEO-11**. As a result, less than significant impacts are anticipated.

c) **Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

RESPONSE:

Less than Significant Impact. According to the Department of Conservation, Geologic Map of California, the Project Area is underlain with a geologic composition comprised of alluvial fan deposits from the Pleistocene- Holocene age (approximately 2,580,000 to 11,700 years ago) (CA DOC, 2015). The Project Location is located within the Great Valley geomorphic province of California, a 500-mile, northwest rending structural trough, generally constrained to the west by the Cost Ranges and the east by the foothills of the Sierra Nevada Range (Norris and Webb, 1990). The Project Location and surrounding areas are flat and level and will be subject to disturbance during earthwork accordant with CAL-OSHA standards for safety and engineering standards established by the City Engineer and inspectors. Monitoring and inspections throughout construction-related ground disturbances that can alter soil stability, will ensure the Project is compliant with the City's Standard Specifications (Modesto, 2014), *Chapter 15. Erosion and Sediment Control Standards;* as well as Engineering Specifications Design Guidelines and Standard Provisions (Modesto, 2021) to ensure trench and backfill are stable throughout construction.

For these reasons, less than significant impact is anticipated from geologic units or soils that are unstable resulting in potential on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. Therefore, no Mitigation Measures are needed.

d) **Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?**

RESPONSE:

Less than Significant Impact. See Response 7, a) through c). Expansive soils undergo shrinking and swelling with changes in moisture. These characteristics are attributed to higher clay content within the soil. As expansive soils dry, the clay causes soils to shrink; when the moisture is reintroduced, the soils swell up. Developing infrastructure on low expansive potential is preferred since the soil will not change its volume depending on the moisture and will therefore provide a foundation that is more static. The Project is located within public right-of-way that have likely been filled with Class II aggregate base; upon the competition of earthworks, the Project contractor will likely reuse existing fill, but the trench bed and backfill will be engineered fill. The Geotechnical Engineer performed testing and revealed the soils are not expansive; therefore, Mitigation Measures are not considered necessary for the Project (Universal Engineering Services, 2023). The Project will be implemented using engineered fill per City of Modesto standards and will not be highly susceptible to risk to life and property.

For these reasons above, the Project will not increase the potential for direct and indirect risks to life and property due to expansive soils, nor will the Project increase exposure to expansive soil hazards. Therefore, less than significant impacts are anticipated, and no Mitigation Measures are needed.

e) **Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?**

RESPONSE:

No Impact. Septic tanks or alternative wastewater disposal systems are not proposed with the Project. The Project will implement a potable water infrastructure extension and does not propose any changes to exiting septic or alternative wastewater disposal systems. Therefore, no impacts are anticipated; no Mitigation Measures are needed.

f) **Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

RESPONSE:

Less than Significant with Mitigation Incorporated. The geologic units underlying the Project area are mapped as alluvial deposits dating from the Quaternary - specifically, the Pleistocene Modesto Formation (Rapp et al. 1977, A mineral land classification study of the Stanislaus River area, San Joaquin and Stanislaus counties, California). Quaternary alluvial units are considered to be fossiliferous and highly paleontologically sensitive. According to a letter received form the Western Science Center on November 20th, 2023, the Project Area nor the Local Vicinity (within a one-mile radius), does not contain any fossil localities. However, the Quaternary alluvial units similar to those under the Project Alignment have produced large quantities of fossils. Therefore, any fossil specimen recovered from the Project would be scientifically significant. As a result, the Project proposed Mitigation Measure **MM PALEO-01: Paleontological Monitoring** to ensure significant impacts do not occur throughout ground disturbing activities.

MITIGATION MEASURES

The following Mitigation Measures are recommendations made by the Geotechnical Engineering based on the Geotechnical Engineering and Geologic Hazards Investigation, **Appendix D**.

MM GEO-01: Site Clearing. Prior to site grading, the Contractor shall clear all construction areas of existing structures including all asphalt concrete pavements, rubble, deleterious debris, if any, and any other surface and subsurface items designated for removal to expose undisturbed firm and stable native soils. This work shall be verified by the City Inspector. Where practical, the clearing should extend a minimum of five feet beyond the limits of the proposed structure areas of the site. Existing underground utilities to be abandoned should be completely removed, including existing trench backfill. Depressions from removal of underground structures (e.g., foundations, utilities, etc.) should be cleaned of loose soil and properly backfilled pursuant to **MM GEO-10: Utility Trench Backfill**.

MM GEO-02: Stripping. After completion of clearing operations, the Contractor shall remove any remaining vegetation and organically contaminated topsoil should be removed by stripping. Materials form stripping may be stockpiled for later use or disposed of off-site and should not be used in general fill construction, but may be used in non-structural areas, provided they are kept at least five feet from structural areas, moisture conditions and compacted. Compliance shall be verified by the City or County Inspector.

MM GEO-03: Discing. Depending on site conditions and quantity of organics at time of grading, discing may be suitable in lieu of stripping. However, the decision must be made by a licensed Geotechnical Engineer at the time of earthwork construction. Discing operation, if approve, should be observed by the Geotechnical Engineer's representative and be continuous until the organics are adequately mixed into the surface soils to provide a compactable mixture of soil containing minor amounts of organic matter. Pockets or concentrations of organics will not be allowed. Compliance shall be verified by the Inspector.

MM GEO- 04: Aeration for Soils with High Moisture Content. Upon the discovery of high moisture content within subgrade soils and excavated soils, considerable aeration to reach a moisture content that will permit the specified degree of compaction to be achieved shall be implemented by the Contractor and verified by Inspector. Aeration may include deep ripping to the top of the hardpan, mixing wetter soils with drier soils onsite, and/or windrows to dry the existing subgrade soils and the Project schedule should allow for adequate drying of the subgrade to achieve compactable moisture content.

MM GEO-05: Existing Pavement. Existing Pavement and flatworks (asphalt concrete and concrete) that are not incorporated into the new design should be broken up and removed from the site. Alternatively, pulverized asphalt and Portland cement concrete rubble may be used as fill by the Contractor as verified by the Inspector provided it is processes into fragments less than three inches in largest dimension, is mixed with soil or aggregate base to form a compactable mixture, and its use is approved by the Owner.

MM GEO-06: Scarification and Compaction. Compaction of all subgrade soils should be performed using a heavy, self-propelled, sheepsfoot compactor capable of achieving the required compaction and must be performed by the Contractor in the presence of the Geotechnical Engineers' representative. It is recommended that construction bid documents contain unit price (price per cubic pard) for additional excavation due to unstable wet soil or the presence of unsuitable materials and replacement with engineered fill.

MM GEO-07: Engineered Fill Construction. If imported fill materials are required for the Project, imported fill materials should be granular materials with a Plasticity Index of 15 or less; an expansion Index of 20 or less; an organic content less than four percent; do not contain particles greater than three inches in maximum dimension, and shall be within a compactable moisture content. The Geotechnical Engineer must approve the imported fill three days prior to being transported on the Project Site and the contract must have appropriate documentation that the imported fill is clean of known contamination per DTSC and within acceptable corrosion limits.

MM GEO-08: Excavation and Fill Slopes. Permanent excavation and fill slopes should be constructed by the Contractor and verified by the Inspector as no steeper than two horizontals to one vertical (2H:1V) and should be vegetated as soon as practical following grading to minimize erosion in addition to the implementation of the following erosion control measures pursuant to MM HYDRO-01: Local SWPPP and MM HYDRO-02: Stormwater BMPs Throughout Project Construction.

MM GEO-09: Monitoring during Excavation. Throughout earthworks and excavation activities, the Geotechnical Engineer's representative shall be present on a regular basis during all earthwork operations to observe and test the engineered fill and to verify compliance with Geotechnical Engineer recommendations as well as Project plans and specifications.

MM GEO-10: Utility Trench Backfill. Utility trench backfill shall be mechanically compacted by the Contractor and verified by the Inspector as engineered fill. Bedding and initial backfill around and over the pipe should conform to the pipe manufacturers recommendations for the pipe materials selected and applicable sections of the governing agency standards. On-site soils shall be used as trench backfill. Utility backfills should be placed in thin lift, thoroughly moisture conditioned to at least the optimum moisture content, and compacted to at least 90 percent of the maximum dry density as determined by ASTM D1557. Within the upper six inches of pavement subgrade soil compaction of untreated soils should be increased to at least 95 percent relative compaction at less than the optimum moisture content. The lift thickness will depend on the type of compaction equipment used to backfill utility trenches.

MM GEO-11: Pavement Design. New pavements should match adjacent pavement sections and be constructed in accordance with design requirements of the applicable jurisdiction, Kiernan Avenue (CalTrans) Tully Road (County of Stanislaus) Dale Road (City of Modesto). Recommended construction per the Project Geotechnical Engineer is as follows:

PAVEMENT DESIGN ALTERNATIVES

Traffic Index (TI)	Pavement Use	Pavement Subgrades R-value= 40	
		Type A Asphalt Concrete (inches)	Class 2 Aggregate Base (inches)
4.5	Automobile Parking	2 ½ *	4.0
6.0	Entry-Exit Drives, Truck Traffic and Fire Lanes	3	7.0
		3 ½ *	6.0

Notes: *= Asphalt concrete thickness includes CALTRANS factor for safety.

The upper six inches of pavement subgrade soils should be compacted to at least 95 percent relative compaction at no less than the optimum moisture content (ASTM D1577). Pavement subgrades should be proof-rolled with a fully loaded, water truck to placement of aggregate base to identify soft/unstable areas that may require removal and re-compaction. In addition, there should be at least six inches of PCC pavement in areas subject to heavy wheel loading; and supported on at least four inches of compacted Class 2 aggregate base on the prepared subgrade.

MM PALEO-01: Paleontological Monitoring. Prior to the initiation of earthworks and ground distributing activities, the City of Modesto Utilities Department is responsible for hiring a qualitied paleontologist and developing a paleontological resource mitigation program that will be put in place to monitor, salvage, and curate any recovered fossils from the study area. The City Utilities Department will verify that paleontological monitoring is implemented during earthwork in native soils.

8. GREENHOUSE GAS EMISSIONS

Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
VIII. GREENHOUSE GAS EMISSIONS. Would the Project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

REGULATORY COMPLIANCE

Greenhouse Gases (GHGs) trap heat in the atmosphere and can occur both naturally and from human activities. Sources of naturally occurring GHG include volcanic activity, respiration, and decomposition of plants. Climate data indicates a relationship between increased industrialization and continuously elevated atmospheric temperatures attributed to GHG. Human activities that are considered as a continuous source of GHG emissions include electricity production, transportation, manufacturing, and agriculture. Greenhouse gases are formed via mixing of chemicals emitted into the atmosphere. Specific chemicals that are known to result in GHG include water vapor, carbon dioxide (CO2), methane (CH4), nitrogen oxide (N2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF6) (State Guidelines, Section (State CEQA Guidelines, Section 15364.5 and Health and Safety Code, Section 38505(g)). Levels of GHGs in the atmosphere enhance the Greenhouse Gas Effect, resulting trapped heat within Earth's atmosphere leading to the continual warming of the Earth's climate. According to the 2007 IPCC Report, global temperatures are anticipated to increase by approximately 0.2 degrees Celsius per decade (IPCC 2007). Due to the impacts greenhouse gas emissions have on the planet, Senate Bill (SB) 97 was signed into legislation in 2007. SB 97 required CEQA documents prepare feasible mitigation of greenhouse gas emissions and evaluate potential effects.

U.S. Environmental Protection Agency

The federal government administers a wide array of public-private partnerships to reduce the GHG intensity generated in the United States. The U.S. EPA is responsible for implementing federal policies and programs to address GHGs, which primarily focus on energy efficiency, renewable energy, methane and other non-CO2 gases, agricultural practices, and implementation of technologies to achieve GHG reductions.

Federal Clean Air Act

GHG Emissions

Section 102(2)(C) of the National Environmental Policy Act (NEPA), Federal agencies must disclose and consider the reasonably foreseeable effects of their proposed actions including the extent to which a proposed action would result in reasonably foreseeable GHG emissions that contribute to climate change. The Council on Environmental Quality (CEQ) published their *National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions and Climate Change* in January 2023.34 The CEQ guidance document assists agencies in analyzing greenhouse gas (GHG) and climate change effects under NEPA.

The CEQA guidance document identifies and explains that the following steps should be taken when analyzing a proposed action's climate change effects under NEPA:

(1) Quantify the reasonably foreseeable GHG emissions (including direct and indirect emissions) of a proposed action, the no action alternative, and any reasonable alternatives.
(2) Disclose and provide context for the GHG emissions and climate impacts associated with a proposed action and alternatives, including by, as relevant, monetizing climate damages using estimates of the SC-GHG, placing emissions in the context of relevant climate action goals and commitments, and providing common equivalents

(3) Analyze reasonable alternatives, including those that would reduce GHG emissions relative to baseline conditions, and identify available mitigation measures to avoid, minimize, or compensate for climate effects.

CARB

Scoping Plan

The CARB Board approved a Climate Change Scoping Plan in December 2008. The Scoping Plan outlines the State's strategy to achieve the 2020 greenhouse gas emissions limit. The Scoping Plan "proposes a comprehensive set of actions designed to reduce overall greenhouse gas emissions in California, improve our environment, reduce our dependence on oil, diversify our energy sources, save energy, create new jobs, and enhance public health" (California Air Resources Board 2008). The measures in the Scoping Plan have been in place since 2012.

This Scoping Plan calls for an "ambitious but achievable" reduction in California's greenhouse gas emissions, cutting approximately 30 percent from business-as-usual emission levels projected for 2020, or about 10 percent from today's levels. On a per-capita basis, that means reducing annual emissions of 14 tons of carbon dioxide for every man, woman and child in California down to about 10 tons per person by 2020.

CALTRANS

Climate Change Vulnerability Assessment

The CALTRANS Climate Change Vulnerability Assessment helps to better understand the vulnerabilities of California's State Highway System as a result of changing climate and increases in severe weather events. The following study has three main objectives:

- Understand the types of weather-related and longer-term climate change events that will likely occur with greater frequency and intensity in future years;
- Conduct a vulnerability assessment to determine those Caltrans assets vulnerable to various climate-influenced natural hazards; and
- Develop a method to prioritize candidate projects for actions that are responsive to climate change concerns, when financial resources become available.

Stanislaus County

Regional Sustainability Toolbox

The County of Stanislaus developed the Stanislaus Regional Sustainability Toolbox (RST) in collaboration with all nine of the municipalities within the County. The RST includes multiple planning tools to achieve an overall reduction in Greenhouse Gas Emissions.

San Joaquin Air Pollution Control District

The SJVAPCD does not have an adopted threshold of significance for GHG emissions; however, the SJVAPCD has adopted the *Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA* (December 17, 2009) and *District Policy – Addressing GHG Emission Impacts for Stationary Source Projects Under CEQA When Serving as the Lead Agency* (December 17, 2009).

City of Modesto

Climate Change Vulnerability Assessment

The City of Modesto's Climate Change Vulnerability Assessment (CCVA) was adopted pursuant to State of California requirements for addressing climate change vulnerabilities and climate change resiliency as part of the General Plan (Modesto CCVA, 2022). The Climate Change Vulnerability Assessment looks to identify exposure to current and projected climate change hazards (i.e., agricultural and ecosystem pest, air quality, drought, extreme heat, flooding, human health hazards, severe weather, etc.); identify sensitivities and potential impacts; assess adaptive capacity; and prioritize vulnerability scoring.

DISCUSSION

The responses within this section are based on **Appendix A**- Air Quality, Global Climate Change, and Energy Impact Analysis for the Stanislaus Elementary School 1,2,3-TCP Mitigation Project dated December 14th, conducted by Ganddini. Results from the study are based on modeling from CalEEMod Version 2022.1.1.21, which was used to calculate the GHG emissions from

the construction of the proposed Project. The construction-related GHG emissions were included in the analysis and were based on a 30-year amortization rate.

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

RESPONSE:

Less than Significant Impact. The proposed Project is that of the installation of approximately 12,000 linear feet of 12-inch diameter pipe. Therefore, the proposed Project has the potential to generate GHG emissions from mobile sources and construction equipment. However, it should be noted that mobile sources were not included in the analysis as additional staffing needs for long-term operation and maintenance of the proposed Project are not anticipated and only a minimal number of daily worker trips will be needed for routine inspections and maintenance. Therefore, additional vehicle trips and emissions associated with the operation of the proposed Project would be negligible.

Based on the parameters above, GHG emissions were calculated for the proposed Project and (without credit for any reductions from sustainable design, and/or regulatory requirements) and are anticipated to be 23.1 MTCO2e (amortized over 30-years) for Project construction. See *Table 12: Project-Related Greenhouse Gas Emissions* below.

TABLE 12: PROJECT-RELATED GREENHOUSE GAS EMISSSIONS

Category	Greenhouse Gas Emissions (Metric Tons/Year)					
	Bio-CO2	NonBio-CO2	CO2	CH4	N2O	CO2e
Construction Emissions[1]	0.00	23.00	23.00	0.00	0.00	23.10
Total Emissions	0.00	23.00	23.00	0.00	0.00	23.10

Source: **Appendix A**- Air Quality, Greenhouse Gas, Energy Technical Memorandum, Ganddini 2024.
Notes: CalEEMod Version 2022.1.1.14
(1) Construction GHG emissions CO2e based on a 30-year amortization rate.

Since the City of Modesto does not have thresholds of significance, projects complying with an approved GHG emissions reduction plan or GHG mitigation program that avoids or substantially reduces GHG emissions within the geographic area in which the Project is located would be determined to have a less than significant individual and cumulative impact for GHG emissions; therefore, the Project and its GHG emissions have been compared to the goals of the CARB Scoping Plan under CEQA. The Project is consistent with the CARB Scoping Plan as shown within *Table 13: Project Consistency with CARB Scoping Plan Policies and Measures*; therefore, the Project anticipates less than significant impacts.

Under NEPA, a Project's GHG emissions is set forth by the CEQ Guidance Document. Since the guidance document does not provide a numerical threshold, the Code of Federal Regulations Title 40, Chapter 1, Subchapter C, Part 98 includes mandatory GHG reporting requirements consisting of 25,000 MTCOe per year to assess projects. Therefore, a threshold of 25,000 MTCO2e per year was utilized to assess the impacts of the GHG emissions in relation to NEPA. The proposed Project's GHG emissions do not exceed the threshold of 25,000 MTCO2e per year; as a result, the Project is less than significant pursuant to NEPA.

The Project is consistent with CEQA Guidelines Section 15064h (3)[10] the City, as lead agency, has determined that the Project's contribution to cumulative GHG emissions and global climate change would be less than significant if the Project is consistent with the applicable regulatory plans and policies to reduce GHG emissions.

As a result, the Project does not anticipate significant impacts, less than significant impacts are anticipated. No Mitigation Measures are needed.

[10] The State CEQA Guidelines were amended in response to SB 97. In particular, the State CEQA Guidelines were amended to specify that compliance with a GHG emissions reduction program renders a cumulative impact insignificant. Per State CEQA Guidelines Section 15064(h)(3), a project's incremental contribution to a cumulative impact can be found not cumulatively considerable if the project will comply with an approved plan or mitigation program that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area of the project. To qualify, such a plan or program must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency. Examples of such programs include a "water quality control plan, air quality attainment or maintenance plan, integrated waste management plan, habitat conservation plan, natural community conservation plan, [and] plans or regulations for the reduction of greenhouse gas emissions."

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

RESPONSE:

Less than Significant Impact. At a level of 23.1 MTCO2e per year, the Project's GHG emissions would be in compliance with the reduction goals of the CARB Scoping Plan, AB-32 and SB-32. Furthermore, the Project will comply with applicable Green Building Standards and the City of Modesto's policies regarding sustainability (as dictated by the City's General Plan). Given the Project's consistency with the CARB Scoping Plan, the Project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs. Given this consistency, it is concluded that the Project's incremental contribution to greenhouse gas emissions and their effects on climate change would not be cumulatively considerable.

Impacts are considered to be less than significant; no Mitigation Measures are needed.

TABLE 13: PROJECT CONSISTENCY WITH CARB SCOPING PLAN POLICIES AND MEASURES

2008 Scoping Plan Measures to Reduce Greenhouse Gas Emissions	Project Compliance with Measure
California Light-Duty Vehicle Greenhouse Gas Standards – Implement adopted standards and planned second phase of the program. Align zero- emission vehicle, alternative and renewable fuel and vehicle technology programs with long-term climate change goals.	No Conflict. These are CARB enforced standards; vehicles that access the Project (that are required to comply with the standards) will comply with the strategy.
Energy Efficiency – Maximize energy efficiency building and appliance standards; pursue additional efficiency including new technologies, policy, and implementation mechanisms. Pursue comparable investment in energy efficiency from all retail providers of electricity in California.	No Conflict. The Project will be compliant with any applicable portions of the current Title 24 standards.
Low Carbon Fuel Standard – Develop and adopt the Low Carbon Fuel Standard.	No Conflict. These are CARB enforced standards; vehicles that access the Project (that are required to comply with the standards) will comply with the strategy.
Vehicle Efficiency Measures – Implement light-duty vehicle efficiency measures.	No Conflict. These are CARB enforced standards; vehicles that access the Project (that are required to comply with the standards) will comply with the strategy.
Medium/Heavy-Duty Vehicles – Adopt medium and heavy-duty vehicle efficiency measures.	No Conflict. These are CARB enforced standards; vehicles that access the Project (that are required to comply with the standards) will comply with the strategy.
Green Building Strategy – Expand the use of green building practices to reduce the carbon footprint of California's new and existing inventory of buildings.	No Conflict. The California Green Building Standards Code (proposed Part 11, Title 24) was adopted as part of the California Building Standards Code in the CCR. Part 11 establishes voluntary standards, that are mandatory in the 2019 edition of the Code, on planning and design for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air contaminants. In addition, the 2022 edition of the Code took effect January 1, 2023. The Project is the installation of a water pipeline, however, it Project will be subject to any applicable portions of these mandatory standards.
High Global Warming Potential Gases – Adopt measures to reduce high global warming potential gases.	No Conflict. CARB identified five measures that reduce HFC emissions from vehicular and commercial refrigeration systems; vehicles that access the Project that are required to comply with the measures will comply with the strategy.
Recycling and Waste – Reduce methane emissions at landfills. Increase waste diversion, composting, and commercial recycling. Move toward zero waste.	No Conflict. The state is currently developing a regulation to reduce methane emissions from municipal solid waste landfills. The Project will be required to comply with local programs, such as City and/or County recycling and waste reduction programs, which comply, with the 75 percent reduction required by 2020 per AB 341.
Water – Continue efficiency programs and use cleaner energy sources to move and treat water.	No Conflict. The Project is the installation of a new water pipeline and will comply with all applicable City ordinances and CAL Green requirements.
2017 Scoping Plan Recommended Actions to Reduce GHG Emissions	**Project Compliance with Recommended Action**

Implement Mobile Source Strategy: Further increase GHG stringency on all light-duty vehicles beyond existing Advanced Clean Car regulations.	No Conflict. These are CARB enforced standards; vehicles that access the Project (that are required to comply with the standards) will comply with the strategy.
Implement Mobile Source Strategy: At least 1.5 million zero emission and plug-in hybrid light-duty electric vehicles by 2025 and at least 4.2 million zero emission and plug-in hybrid light-duty electric vehicles by 2030.	No Conflict. These are CARB enforced standards; vehicles that access the Project (that are required to comply with the standards) will comply with the strategy.
Implement Mobile Source Strategy: Innovative Clean Transit: Transition to a suite of to-be-determined innovative clean transit options. Assumed 20 percent of new urban buses purchased beginning in 2018 will be zero emission buses with the penetration of zero-emission technology ramped up to 100 percent of new sales in 2030. Also, new natural gas buses, starting in 2018, and diesel buses, starting in 2020, meet the optional heavy-duty low-NOX standard.	No Conflict. These are CARB enforced standards; vehicles that access the Project (that are required to comply with the standards) will comply with the strategy.
Implement Mobile Source Strategy: Last Mile Delivery: New regulation that would result in the use of low NOX or cleaner engines and the deployment of increasing numbers of zero-emission trucks primarily for class 3-7 last mile delivery trucks in California. This measure assumes ZEVs comprise 2.5 percent of new Class 3–7 truck sales in local fleets starting in 2020, increasing to 10 percent in 2025 and remaining flat through 2030.	No Conflict. These are CARB enforced standards; vehicles that access the Project (that are required to comply with the standards) will comply with the strategy.
Implement SB 350 by 2030: Establish annual targets for statewide energy efficiency savings and demand reduction that will achieve a cumulative doubling of statewide energy efficiency savings in electricity and natural gas end uses by 2030.	No Conflict. The Project is the installation of a water pipeline. However, the Project will be compliant with any applicable portions of the current Title 24 standards.
By 2019, develop regulations and programs to support organic waste landfill reduction goals in the SLCP and SB 1383.	No Conflict. The project will be required to comply with local programs, such as City and/or County recycling and waste reduction programs, which comply, with the 75 percent reduction required by 2020 per AB 341.
2022 Scoping Plan Priority Key Actions and Recommendations	**Project Compliance with Recommended Actions**
100 percent of light-duty vehicle sales are ZEVs by 2035.	Not Applicable. This action is in regard to vehicle sales, with an aim to have 100 percent of light-duty vehicle sales be ZEVs by 2035. The proposed Project would not interfere with such policymaking.
VMT per capita reduced 25 percent below 2019 levels by 2030 and 30 percent below 2019 levels by 2045.	No Conflict. The Project would not result in an unmitigated impact to VMT. Additional staffing needs for long-term operation and maintenance of the proposed Project are not anticipated and only a minimal number of daily worker trips are anticipated to conduct routine inspections and ensure proper long-term maintenance. Therefore, the additional vehicle trips from the existing operations associated with the operation of the proposed Project would be minimal.
All electric appliances in new construction beginning 2026 (residential) and 2029 (commercial).	Not Applicable. This action is in regard to residential and commercial appliances and the proposed Project is a water pipeline installation Project and would not interfere with such policymaking.
For existing residential buildings, 80 percent of appliance sales are electric by 2030 and 100 percent of appliance sales are electric by 2035 (appliances replaced at end of life). For existing commercial buildings, 80 percent of appliance sales are electric by 2030 and 100 percent of appliance sales are electric by 2045 (appliances replaced at end of life)	Not Applicable. This action is in regard to appliance sales and the proposed Project is a water pipeline installation Project and would not interfere with such policymaking.

Source: **Appendix A** (Ganddini, 2023); CARB Scoping Plan (2008, 2017, & 2022)

9. HAZARDS AND HAZARDOUS MATERIALS

Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
IX. HAZARDS AND HAZARDOUS MATERIALS. Would the Project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☒	☐	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the Project area?	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☒	☐	☐
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐

REGULATORY COMPLIANCE

U.S. Environmental Protection Agency (EPA)

The EPA provides federal regulations regarding the adequate hazardous waste management. The EPA was given authority by Congress to develop the Resource Conservation and Recovery (RCRA) program through the RCRA Act. The Act created the

framework from the proper management of hazardous and non-hazardous solid waste. Under RCRA, the EPA regulates hazardous waste from generation to disposal, referred to as "cradle to grave."

Over the years, the EPA has led several hazardous waste initiatives to meet growing challenges that come with hazardous waste management. The EPA has created standards, exclusions, and exemptions for certain types of wastes including Universal Waste, Household Hazardous Waste, Pharmaceutical hazardous waste, etc.

California Department of Toxic Substances Control (DTSC)

California Department of Toxic Substances Control (DTSC) has primary responsibility for regulating hazardous materials in California under authority of Resource Conservation and Recovery Act and the California Health and Safety Code and California Hazardous Waste Control Law. Other entities with responsibility for hazardous materials regulation include:

- Regional Water Quality Control Board – under authority of the Porter Cologne Water Quality Control Act of 1969
- California Department of Pesticide Regulations, Department of Food and Agriculture, and the Department of Public Health – under authority of California Code of Regulations Title 3 and Title 22
- California Department of Industrial Relations, Division of OSHA – under authority of California Code of Regulations Title 8
- California Air Toxic "Hot Spots" (AB 2588) Program – under authority of the California Safety Code & SJVAPCD Air Toxics Program

In addition to various regulations, the DTSC also provides an Emergency Response Unit (ERU). The ERU is in place to issue "statewide response to actual and potential released of hazardous substances that pose an acute threat to public health and/ or the environment" (DTSC 2022).

California Division of Occupational Safety and Health (CAL-OSHA)

CAL-OSHA enforces worker safety requirements, which contains standards specifically for hazardous waste operations, emergency response, safety, and preparedness. CAL-OSHA standards must be implemented during general industry and construction activities.

National Pollutant Discharge Elimination System

The National Pollutant Discharge Elimination System (NPDES) is a permit program led and managed by the U.S. Environmental Protection Agency Office of Wastewater Management in coordination with EPA regional offices. The NPDES permit program ensures water quality is not degraded by the discharge of stormwater from construction Projects. The NPDES General Construction Permit applies to Projects that plan to disturb more than one acre or lore of land during construction. Compliance with permitting requirements called for a Storm Water Pollution Prevention Plan (SWPPP).

Certified Unified Program Agency (CUPA)

The Certified Unified Program Agency (CUPA) is a program that consolidates the administrative requirements, permit, inspections, and enforcement activities of multiple environmental and emergency response programs. California Environmental Protection Agency and other state agencies set the standards for the Program, while local governments enforce their standards via CUPAs. Stanislaus's CUPA is part of the Environmental Health Department, which was an action approved by the State for Stanislaus. This department administers/ oversees the Hazardous Waste Management Plan, Underground Storage Tank Program, Above Ground Storage Tank Program, California Accidental Release Prevention Program, Household Hazardous Waste Collection Program, Medical Waste Program, Hazardous Materials Disclosure Program (including Hazardous Materials Business Plans) (Stanislaus County GP EIR, 2016).

Stanislaus County Local Hazard Mitigation Plan

The Stanislaus County Local Hazard Mitigation Plan (LHMP) is intended to reduce impacts to hazards for prevention of negative public health and the environmental implications. The LHMP establishes plans for disasters in order to improve response times and outcomes in the event disaster occurs. The LHMP results in direct benefits (reduced loss of life; reduced loss of property and essential services; reduce economic hardships; reduced construction costs; increased cooperation and communication within the community through the planning processes; and expedited post-disaster funding) and indirect benefits (disaster resilience; environmental quality; economic vitality; and improved quality of life) (Stanislaus County LHMP 2017).

The basic elements involved in our Hazard Mitigation Plan include:

- Prerequisite - This section addresses the formal adoption of the plan by each governing body to demonstrate the commitment of the community and elected officials to the County's goal of becoming disaster-resistant.
- Community Profile - This section provides the history and background of the County, including population trends and the demographic and economic conditions that have shaped the area.
- Planning Process - This section identifies the planning process, the Planning Team members, the meetings held as part of the planning process, documents the outreach efforts, and the review and incorporation of existing plans, reports, and other appropriate information.
- Risk Assessment - This section describes the process through which the Planning Team and our local partners identified, screened, and selected the hazards to be profiled. The hazard analysis includes the description, location, extent, and probability of future events for each hazard.
- Mitigation Plan/Strategy - The mitigation strategy section provides a plan for reducing the potential losses identified in the vulnerability analysis. Mitigation goals and potential actions to minimize the risks and losses associated with each hazard will be described along with a strategy for implementation.
- Plan Maintenance - This section describes the method and schedule for monitoring, evaluating and updating the plan to ensure that the LHMP remains an active and applicable document.

Stanislaus County Emergency Operations Plan

The Stanislaus County Emergency Operations Plan (EOP) is a plan for response to potential disasters within County Limits. The EOP addresses the planned response to emergency situations and recovery efforts throughout the County. In order to adequately address such issues, the EOP establishes the following:

- Establishes the emergency management organization required to mitigate any significant emergency or disaster affecting Stanislaus County.
- Identifies the roles and responsibilities required to protect the health and safety of Stanislaus County residents, public and private property, and the environmental effects of natural, man-made, and technological emergencies and disasters.
- Establishes the operational concepts associated with a field response to emergencies, the Stanislaus County Emergency Operations Center (EOC) activities, and the recovery process.

The Stanislaus County Emergency Operations Center (EOC) serves the Stanislaus Operational Area for coordination and communications between the Stanislaus County Operational Area Member Jurisdictional EOCs and the Inland Region. The EOC also coordinates with local mutual aid coordinators including fire, law enforcement, emergency management, public-works, and medical-health specific resources.

City of Modesto Fire Department

The City's Fire Department responds to emergencies related to hazardous materials within City Limits and provides review and approval on individual projects that would generate and/or transport hazardous waste. Depending on project requirements, approvals may require a hazardous material transportation program. City policies for hazardous waste management are outlined in the City's General Plan and discussed in the following section. The City Fire Department reviews and approves hazardous materials transportation programs pursuant to UAGP Policy VI.M.4.

DISCUSSION

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

RESPONSE:

Less than Significant Impact. As defined by the California Health and Safety Code Section 25501, "hazardous material" is any materials with "quantity, concentration, or physical or chemical characteristics" that "poses a significant or potential hazard to human health and safety or to the environmental of released into the workplace or the environment" (CHSC Section 25501). Within Modesto City Limits and the Urban Area General Plan (UAGP), hazardous materials come from groundwater point source pollution (Leaking Underground Storage Tanks, Superfund Sites (the "Modesto Groundwater Contamination" site), etc.); and nonpoint source pollution (animal wastes, solvents, household chemicals, etc.) (Modesto EIR GP, 2019).

Response to human-induced and natural hazards within City Limits is the City's primary duty. The City's municipal code is intended to protect the health, safety, and welfare of its population. Stanislaus County is one of California's leading agricultural producers. Hazardous Materials associated within agricultural and livestock production include pesticide use and other potentially hazardous chemicals. However, Stanislaus County and the City of Modesto have established Hazardous Waste Management Plans that mitigate potential upsets during routine transport, use, and disposal of hazardous materials. The Hazardous Waste Management Plans indicate the Best Management Practices and procedures needed prior to, during, and upon disposal of hazardous materials, and are established by the Stanislaus County Hazardous Material Division of the Department of Environmental Resources. BMPs include waste must be in its original container, no leaking, waste per visit must not exceed 15 gallons or 125 lbs, and discard must occur completely empty containers into the trash.

Project construction will involve the use of heavy equipment and chemicals including the transport of diesel fuel for construction equipment to and from the Project. As a result, the Project will comply with Modesto General Plan Policy HM-3 (See *Table 14: Consistency with Modesto Hazardous Waste Policies and Mitigation Measures*), which indicates the Project will comply with all Federal, State, and Local Regulations pertaining to transport, use, or disposal of hazardous materials via enforcement of the County's Hazardous Waste Management Plan and City of Modesto's plan check and review process. See Regulatory Compliance above. In addition, due to the consistency with Modesto's General Plan Policies and Proposed Mitigation Measures as shown in *Table 14: Consistency with Modesto Hazardous Waste Policies and Mitigation Measures* below, the Project displays conformance with the approved General Plan.

Upon the completion of Project construction, the Project does not anticipate the use of hazardous materials at the Project Location. As a result of the reasons above, less than significant impacts related to a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. No Mitigation Measures are needed.

TABLE 14: CONSISTENCY WITH MODESTO HAZARDOUS WASTE APPLICABLE GP MITIGATING POLICIES

City of Modesto Policies for Hazardous Materials Management	Project Compliance
HM-3. Comply with all existing federal and state laws which regulate the generation, transportation, storage, and disposal of hazardous materials. (Policy VI.M.1)	Throughout Project construction, the Project will comply with regulations on hazardous waste, disposal, and storage pursuant to the County of Stanislaus Hazardous Waste Management Plan enforced via the City of Modesto's plan check and review process and in coordination with Stanislaus CUPA. The City of Modesto, CALTRANS, and State plan check, review process and on-site inspections will ensure the Plan plans and activities are compliant prior to the issuance of building permits.
HM-5. In the event that site inspection or construction activities uncover chemical contamination, underground storage tanks, abandoned drums, or other hazardous materials or wastes at a parcel, the inspection report preparer shall so notify the City. The City shall notify the County Health Services Department. Under the direction of these agencies, a site remediation plan would be prepared by the project applicant. The plan would (1) specify measures to be taken to protect workers and the public from exposure to potential site hazards and (2) certify that the proposed remediation measures would clean up the wastes, dispose the wastes, and protect public health in accordance with federal, state, and local requirements. Permitting or work in the areas of potential hazard shall not proceed until the site remediation plan is on file with the City. If a parcel is found to be contaminated to a level that prohibits the proposed use, the potential for reduction of the hazard should be evaluated. Site remediation is theoretically capable of removing hazards to levels sufficiently low to allow any use at the site. In practice, both the technical feasibility of the remediation and its cost (financial feasibility) should be evaluated in order to determine the overall feasibility of locating a specific use on a specific site. In some cases, it may require restriction to industrial use or a use that involves complete paving and covering of the parcel.	The Project will implement the following policy (HM-5) into Project Specifications for Project conformance to the City's General Plan and minimize impacts during Project construction in the unlikely event of discoveries that involve hazardous materials. However, pursuant to Mitigation Measure **MM HAZ-03: Hazardous Materials Manifest and Plan** in the unlikely event of hazardous materials discovery, the Project contractor will notify the City of Modesto. These discoveries are not likely during Project construction, since the pipeline will be laid in the public right-of-way within areas comprised of engineered fills. According to EnviStor and GeoTracker, managed by the Department of Toxic Substances and California State Water Resources Control Board, the Project Alignment does not contain sites of known contamination. Site of known contamination adjacent to the Project Area will be avoided if possible.

In accordance with OSHA requirements, any activity performed at a contaminated site shall be preceded by preparation of a separate site health and safety plan (prepared by the project applicant and filed with the City) for the protection of workers and the public. All reports, plans, and other documentation shall be added to the administrative record. (Policy VI.M.3)	
HM-7. Prior to the issuance of all building permits, identify the site in relation to all Comprehensive Environmental Response, Compensation and Liability Information System sites and to known or suspected uncontrolled or abandoned hazardous waste sites. All projects within 2,000 feet of these facilities should conduct hazardous materials studies as necessary to identify the type and extent of contamination, if any, and the extent of risk to human health and public safety. If necessary, a remedial action program should be developed and implemented as in UAGP Policy VI.M.3. (Policy VI.M.5)	The Project involves the abandonment of Well 02 with known contamination of 1,2,3-TCP. Prior to and during the abandonment process, the Project shall implement a remedial action program to remove groundwater contamination of 1.2.3-TCP. Remediation efforts shall be conducted in coordination with the State Department of Drinking Water, City of Modesto, and Self-Help Enterprises pursuant to Mitigation Measure **MM HAZ-01: Abandonment of Contaminated Well 02**. The proposed Mitigation Measure will ensure that groundwater contamination and potential plumes do not migrate under other areas within the City of Modesto by deploying groundwater extraction methods (i.e.., oxidation reduction, in-situ chemical reduction, etc.).

b) **Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

RESPONSE:

Less than Significant with Mitigation Incorporated. The handling, use, and disposal of small quantities of hazardous materials during Project construction is regulated through the standard application and compliance with the City's Municipal Code via plan check and inspection process. Likewise, the location of the Project does not involve substantial foreseeable risk from upset and accidents under existing conditions. However, due to the use of small quantities of hazardous materials, the Project will implement Mitigation Measure **MM HAZ-03: Hazardous Materials Manifest and Plan**. As a result, impacts during construction of the Project are considered to be less than significant with mitigation incorporated.

According to the Stanislaus County's Local Hazard Mitigation Plan (LHMP) 2017, the Project Location is not located within a high-risk for wildland fire, flooding, or earthquakes (Stanislaus County LHMP 2017). As shown within the LHMP, higher risk areas are located outside of City Limits, primarily east and west of the City of Modesto (approximately 15 and 18 miles away from the Project). The Project Area is located within the New Melones Dam Inundation Zone (Stanislaus LHMP; 2016 Stanislaus County- Dam Inundation Hazard). However, this is not elevated at the Project Location or Project Vicinity beyond what is associated with existing and planned land use within Dam Inundation Zones; therefore, the City of Modesto anticipates and considers this existing hazard within planning documents including the City's General Plan and Water Master Plan.

An existing hazardous waste facility and site adjacent to the Project Alignment, according to GeoTracker and EnviStor, is located at the Dale Road and Kiernan Avenue intersection is an inactive cleanup program site from the Kaiser Permanente Modesto Hospital that was under investigation but has remained inactive and considered complete since 2004. The closest active LUST Clean Up Site to the Project Location is approximately 10 miles from the Project Area within southeast Modesto located on 150 North Riverside Dr., Modesto, CA 95354. The active LUST Clean-Up Site contains gasoline, MTBE, and other fuel oxygenates; however, the site has been eligible for closure since July 20th, 2023, and is not upgradient from the Project; therefore no related impacts are expected.

Project construction involves installation of a new water main within engineered fill for existing roads and the abandonment of Well 02, which is currently contaminated with 1,2,3-TCP. It is not anticipated that construction of the water mains within engineered fill for existing roads would encounter contaminated soils; likewise, the contractor is required to implement CAL-OSHA standards for safe materials handling; therefore, no impacts related to pipeline construction are anticipated.

For the reasons above, impacts related to a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment is anticipated being less than significant due to proposed Mitigation Measure **MM HAZ-02: Hazardous Materials Manifest and Plan.**

c) **Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

RESPONSE:

Less than Significant with Mitigation Incorporated. A portion of the Project will be installed within the Stanislaus Elementary School property lines. Other education facilities closest to the Project Alignment include Big Valley Christian High School, approximately 0.9 miles from the Tully Road existing "dead-end" connection point.

The extension of a service pipe and Well 02 abandonment will take place within the southeastern corner of the elementary school within areas of fill from the original construction of the school, which are not anticipated to be contaminated; and open trench construction as well as jack and bore[11] construction are proposed along the Kiernan Avenue right-of-way directly in front of the southern property line of Stanislaus Elementary School; construction activities are subject to CAL-OSHA standards for worker safety in regard to hazardous materials and will take place during the school's nonoperating hours, when students are not on campus. The proposed Project will incorporate Mitigation Measure **MM HAZ-01: Coordination with SUSD** and significant impacts related to the emissions or handle of hazardous or acutely hazardous materials, substances, or waste within one-quarter miles of an existing or proposed school.

For the reasons above, less than significant impacts with proposed Mitigation Measures are anticipated to existing educational facilities.

d) **Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

RESPONSE:

No Impact. Government Code section 65962.5 is an updated list of Hazardous Waste Substances, also referred to as the Cortese List. The California Department of Toxic Substances Control Publishes the list as the EnviroStor Website (DTSC Cortese List 2022).

Based on a preliminary search on the EnviroStor Website, utilizing the City name, Zip Code, and County, three results were found. None of the results were located at the Project Location or adjacent land use addresses. Since the Project Location is not included on the Cortese List of sites that have known or potential contamination and is not located where facilities permitted to treat, store, or dispose of hazardous waste, no impacts are anticipated with the Project regarding Government Code section 65962.5. For this reason, mitigation measures are not required.

e) **For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the Project area?**

RESPONSE:

No Impact. The closest airport to the Project Location is Modesto City-County Airport, approximately 9 miles southeast of the Project Location. Since the closest airport is over two (2) miles from a public airport or public use airport, the Project will not result in impacts to a safety hazards or excessive noise for people working or residing in the Project Area. No Mitigation Measures are needed.

f) **Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

[11] As mentioned within the Project Description, "worst-case" conditions for air quality/ GHG, noise, and traffic modeling anticipate boring locations are located closest to sensitive receptors adjacent to the Project Alignment: one (1) along the east side of Dale Road, approximately 150 feet from sensitive receptors; three (3) along the north side of Kiernan Avenue, bordering the southern perimeter of Stanislaus Elementary School, approximately 50 ft from the closest sensitive receptors; and one (1) along the west side of Tully Road, approximately 50 ft from the closest sensitive receptors.

RESPONSE:

Less than Significant with Mitigation Incorporated. According to the City of Modesto Water Master Plan*, Figure 11-1. City of Modesto Emergency Evacuation Routes*, Kiernan Avenue is an established evacuation route. As a result, the Project will implement a Traffic Control Plan that maintains emergency access along Kiernan Avenue pursuant to Modesto and CALTRANS Encroachment Permit Standards and Regulations as well as Mitigation Measure MM TRAF-01: Traffic Control Plan that will ensure emergency access is maintained in accordance with the adopted 2010 Multi-Jurisdictional Hazard Mitigation Plan.

The closest fire stations to the Project Location are Modesto Fire Station 11, approximately 0.6 miles south of the Tully Road "dead-end" connection point, and Salida Fire Station 13, approximately 1.5 miles north of Tully Road and Kiernan intersection. In addition, Kaiser Permanente Modesto Hospital is located approximately 0.33 miles from the designated evacuation route. As a result, the Traffic Control Plan will be reviewed by the Modesto Fire Department, Salida Fire Protection District, and Kaiser Permanente Modesto Hospital, a critical emergency facility, to ensure appropriate measures are taken to maintain access to excavation routes as well as Kaiser Permanente Modesto Hospital under emergency conditions. Long-term operation of the Project will not differ substantively from existing conditions.

Therefore, the impact related to interference with an adopted emergency response plan or emergency evacuation plan during Project construction with the implementation of Mitigation Measure MM TRAF-01: Traffic Control Plan would result in less than significant impact.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

RESPONSE:

Less than Significant Impact. Project implementation will not result in permanently increased population, activity, or structures at the Project Area and in the Local Vicinity. The Project will not substantively affect inspection frequencies in the long term. Construction will temporarily increase activity and population from the construction crew during work hours. Due to the scope of the Project, approximately 18 workers are expected during construction, and this is not expected to result in significantly elevated exposure to risk of people or structures either directly or indirectly involving wildland fires as described in responses a) through f) and Section 20, Wildland Fire.

MITIGATION MEASURES

MM HAZ-01: Coordination with Stanislaus Union School District. Prior to start of Project construction, the Contractor shall provide the construction schedule to the Stanislaus Union School District, specifically Stanislaus Elementary School so that construction occurs when the school site is not in use. The contractor shall coordinate with the school district on an ongoing basis during construction and shall keep records of this coordination at the Project Site for review by the grading and building inspectors.

MM HAZ-02: Hazardous Materials Manifest and Plan. Prior to the issuance of permits, the contractor shall provide a manifest of construction materials and a plan for proper handling, disposal, contingency, and emergency response to the City of Modesto Engineering Department, Stanislaus Consolidated Fire Protection District, and Stanislaus County for verification of adequate contingency measures for storage, use, and handling of potentially hazardous materials used, stored, and handled onsite during construction. Contractor compliance shall be monitored throughout construction. In the unlikely event of hazardous materials discovery within the Project Area, the Contractor shall notify the City of Modesto, as well as coordinate with Stanislaus Consolidated Fire Protection District and Stanislaus County.

See Mitigation Measure MM TRAF-01: Traffic Control Plan in Section 17) Transportation.

10. HYDROLOGY AND WATER QUALITY

Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
X. HYDROLOGY AND WATER QUALITY. Would the Project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☒	☐	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☒	☐
i. result in a substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
i. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	☒	☐
iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
iv. impede or redirect flood flows?	☐	☐	☒	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to Project inundation?	☐	☐	☐	☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☒	☐	☐

REGULATORY COMPLIANCE

The Clean Water Act

Clean Water Act (CWA) implementation is overseen by the U.S. EPA with the intent to "restore and maintain the chemical, physical, and biological integrity of the nation's waters" (Modesto Water Master Plan EIR, 2019). EPA has assigned implementation authority for the CWA to other trustee and responsible agencies, such as the United States Army Corps of Engineers, as well as state and local agencies including the State Water Quality Control Board, Regional Water Quality Control Boards, County of Stanislaus, and City of Modesto. The CWA is an important instrument for Waterboards across California in the management of water quality and is the foundation of various regulatory and non-regulatory programs (education,

outreach, voluntary efforts, partnerships with stakeholders, etc.) to monitor water quality and to reduce pollutant discharges into waterways. Regulated waterways under the CWA include lakes, streams, creeks, rivers as well as groundwater and recharge basins. The CWA contains several provisions protecting water quality, including Sections 303(c)(2)(B), 303(d), 305(b), 401, 402(p), and 404, and the Toxics Rule:

Section 303(c)(2)(B) establishes water quality standards and designated beneficial uses within various water bodies (e.g., drinking water, recreation, biological preservation, etc.). This Section of the CWA requires the State to review and update standards for designated uses.

Section 303(d) of the Clean Water Act pertains to impaired waters. The State is required to submit a list of waters that do not meet water quality standards and are impaired due to pollutants. The State must develop Total Maximum Daily Loads (TMDLs) for these water bodies, which establishes a maximum threshold of a pollutant allowed within a waterbody.

Section 401 gives the State the authority to issue water quality certifications for federal licenses to conduct activities including, but not limited to Federal Permits and construction or operation of large facilities by an individual permittee, which may result in any discharge into surface waters. Individual permits can be issued for projects that exceed the approved threshold of the National Pollutant Discharge Elimination System (NPDES) Permit issued to the local agency. As a result, prior to the issuance of a permit that might result in a discharge to navigable waters, the State must certify that the activity will comply with State water quality standards, either through an individual permit issued for a specific project or verification by the local agency that a project conforms with the general permit issued to the local agency (city or county) for a specific activity identified via plan check and discretionary approval.

Section 402(p) of the Clean Water Act pertains to National Pollutant Discharge Elimination System (NPDES) program. This section focuses on regulating point source stormwater discharges associated with industrial activity, requiring industrial facilities to obtain permits for their stormwater discharges.

Section 404 of the Clean Water Act regulates discharge of fill materials into "Waters of the United States", including wetlands. The Army Corps of Engineers (Corps) is responsible for the issuance of the Section 404 permit if any project proposes to fill wetlands or "waters of the United States."

Toxic Rules of the Clean Water Act includes various regulations related to toxic substances within water bodies. The EPA establishes thresholds for toxic pollutants discharges into navigable waters.

National Pollutant Discharge Elimination System (NPDES)

The National Pollutant Discharge Elimination System (NPDES) is a permit program led and managed by the U.S. Environmental Protection Agency Office of Wastewater Management in coordination with EPA regional offices. However, while the EPA retains oversight authority, responsibility for implementation is delegated to the State via Water Quality Control Board and Regional Water Quality Control Boards. The State agencies require local agencies (e.g., Cities and Counties) to develop a National Pollutant Discharge Elimination System Program for local level by the local agencies via the discretionary permit process. The NPDES stormwater permitting program is a permitting system for the discharge of any pollutant into surface waters (Modesto Water Master Plan, 2019).

The State Water Quality Control Board established the NPDES permit program and issues discretionary permits for Municipal General Construction NPDES) to private entities and local agencies under authority of the CWA. Approved Municipal permit programs are implemented by individual local agencies and co permittees (e.g., counties, cities, and special districts); local agencies may also be required to submit application for individual 401 permits under certain circumstances as discussed above. The City of Modesto's NPDES General Construction Permit applies to projects that plan to disturb more than one acre of land during Project construction. This permit requires project Applicants to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP). According to the City of Modesto's 2014 Standard Specifications, a Project that disturbs less than one (1) acre shall develop a Local SWPPP or Erosion Control Plan and implement stormwater Best Management Practices (BMPs) during construction inclusive of erosion control, spill prevention, response procedures, nature and location of chemical utilized and stored during Project construction, and methods to prevent adverse impacts of any discharge of chemicals, substances, or materials.

Federal Emergency Management Agency

The Federal Emergency Management Agency (FEMA) is a Federal agency that oversees floodplains and the National Flood Insurance Program (NFIP), adopted under the National Flood Insurance Act of 1968. FEMA provides flood management protections set forth by their adopted standards. In addition, FEMA has developed the National Flood Hazard Layer (NFHL) to assist local jurisdictions with flood potential on the identification of land uses at risk. According to the FEMA flood map, various locations along the Project Alignment are identified as regulatory floodways and Zone AE, high- risk flood zones.

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Act protects the waters of the state for the use and enjoyment of the people. The Act regulates activities that foreseeably degrade water quality within the state, to attain the highest reasonable water quality and to protect beneficial uses of surface water bodies, wetland and groundwater. The Porter-Cologne Water Quality Act is administered in a regional level, within the framework of the State Water Resources Control Board (SWRCB) and nine Regional Water Quality Control Boards (RWQCB) across the state of California. Under the Act, each RWQBC must formulate and adopt their own water quality control plan that establishes water quality objectives to ensure the reasonable protection of beneficial uses and prevention of nuisance either from point source or non-point source discharges (CA.gov 2023).

Delta Protection Act

The Delta Protection Act was enacted in 1992, "declaring the Delta a natural resource of statewide, national, and international significance, containing irreplaceable resources" (California Delta Protection Commission). The Act recognizes the preservation and protection of this resource for cultural, recreational, and agricultural uses for California residents. Regulations under the California Code of Regulations, Title XIV, Division 9, are enforced by the State of California Delta Protection Commission and ensure potential threats from urban encroachment do not impact agriculture, wildlife habitat, and recreation uses.

Central Valley Regional Water Quality Control Board

The Central Valley Regional Water Quality Control Board (RWQCB) regulates water quality within Stanislaus County and is given water permitting authority by the U.S. EPA. The primary responsibly of the Regional Board is to protect the quality of the waters within the Region for all beneficial uses through the formulation and adoption of water quality plans which are tailored for specific groundwater or surface water basins. In addition, the Regional Water Quality Control Board enforces regulations for industrial, domestic, and agricultural water discharges contained within the Porter-Cologne Water Quality Control Act.

The Central Valley RWQCB is the largest and most diverse region in California. The Region spans from northern Los Angeles to the Oregon Border, approximately 60,000 square miles, and composes nearly 40 percent of the state.

DISCUSSION

Water quality control measures are regulated by permits issued by the State Water Resources Control Board (SWRCB) Order No. 2009-009-DWQ, National Pollutant Discharge Elimination System (NPDES) Construction General Permit No. CAS000002, and the Central Valley Regional Water Quality Control Board Order No. R5-2008-0092 City of Modesto NPDES Stormwater Quality Control Measures and Modesto City Ordinance Chapter 10, Title 5: Stormwater Management and Discharge Controls (Modesto Standard Specifications, 2014).

a) **Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?**

RESPONSE:

Less than Significant with Mitigation Incorporated. Surface waters throughout the Local Vicinity include rivers, a surficial concrete-lined irrigation system, with open irrigation canals and laterals, as well as a developed storm drain system including drainage ditches, swales, and the City's improved storm drain structures to the south of Stanislaus Elementary School, along Kiernan Avenue. These drainage features are for a combination of agricultural irrigation and storm water management and generally flow from northeast to southwest.

Water used for irrigation is primarily from the Stanislaus River, Tuolumne River, and the Sacramento- San Joaquin Delta for agriculture in the Local Vicinity (See *Table 15: Receiving Waters 303(d) Contamination and Beneficial Uses*. Receiving waters closest irrigation components to the Project Area consist of Stanislaus River, approximately 2.8 miles north of Stanislaus Elementary School; concrete-lined channel traversing east-west through the City of Modesto (Lateral Number

One, stemming from Modesto Main Channel, owned and maintained by Modesto Irrigation District) approximately 1.3 miles south from Stanislaus Elementary School feeding into both the Stanislaus River and Tuolumne River. The Stanislaus River is generally upstream from the Project; however hydrologically connected to the Project Area via irrigation canals in the Local Vicinity.

The existing storm drain system includes channels in the roadway median and shoulders of Kiernan Avenue as well as the developed storm drain structures in Dale Road and Tully Road including catch basins at the roadway surfaces and underground pipes. Developed parcels contribute storm runoff via inlets, which discharge to the underground storm drain systems in Dale Road and Tully Road. Surface water flows consist of runoff during and after rain events, which sheet flow over streets and undeveloped parcels, and discharge into adjacent components of the storm drain system along each side of the road and into the City's and County's existing improved drainage system.

Impacts from pollutants in surface waters in the Local Vicinity are typically from pollutants combining with storm runoff during and after precipitation. In the Local Vicinity, this includes pollutants from agricultural and domestic land uses, as well as industrial processes. Surface water degradation occurs more frequently within the Tuolumne River than the Stanislaus River due to upstream agricultural return flows and gas well wastes (Stanislaus County 2016). See *Table 15: Receiving Waters 303(d) Contamination and Beneficial Uses* which outlines the list of pollutants in excess of the standards established to protect the beneficial uses of water bodies in accordance with Section 30(d) of the Federal Clean Water Act.

TABLE 15: RECEIVING WATERS 303(d) CONTAMINATION AND BENEFICAL USES

Receiving Waters	Section 303 (d) , Category 5 Listings: Contaminant	Designated Beneficial Uses
Stanislaus River Goodwin Dam to San Joaquin River	Chlorpyrifos, DDE (Dichlorodiphenyl-dichloroethylene), DDT (Dichlorodiphenyl-trichloroethane), Diuron, Electrical Conductivity, Escherichia coli (*E. coli*) , Group A Pesticides, Mercury, Temperature, water, Toxaphene	AGR, IND, PROC, REC1, REC2, WARM, WILD, COLD, NAV, SPWN, POW
Tuolumne River New Don Pedron Dam to San Joaquin River	Chlorpyrifos, Diazinon Group A Pesticides, Mercury, Temperature, water, Unknown Toxicity	AGR, REC1, REC2, WARM, COLD, SPWN,

Source: Modesto GP EIR, 2019; Table 12-1: beneficial Uses for Water Bodies Potentially Proposed Program; Table 12-2. Section 303(d) Category 5 Listing for Water Body Segments Potentially Affected by the Proposed Project

Note: The Project Site is located in the San Jacinto River Watershed basin. It's ultimate end point of runoff is at Lake Elsinore and settles and remains in Lake Elsinore. However, there are extremely rare instances in case of emergencies, there is an overflow/ highpoint a quarter way up in Temescal Canyon that spills into the Santa Ana River. Which connects to the Pacific.

(1) AGR= Agricultural Supply- uses of water for farming, horticulture, or ranching, including but not limited to, irrigation, stock watering, or support of vegetation for range grazing (CA Waterboards).
(2) IND= Industrial Service Supply- use of water for industrial activities that do not depend primarily on water quality, including, but not limited to, mining, cooling water supply, hydraulic conveyance, gravel washing, fire protection, and oil well repressurization (CA Waterboards).
(3) MUN= Municipal and Domestic Supply- use of water for community, military, or individual water supply systems, including, but not limited to, drinking water supply (CA Waterboards).
(4) PROC= Industrial Process Supply- use of water for industrial activities that depend primarily on water quality (CA Waterboards).
(5) REC1= Water Contact Recreation- uses of water for recreational activities involving body contact with water where ingestion of water is reasonably possible (CA Waterboards); REC2= Noncontact Water Recreation- use of water for recreational activities involving proximity to water, but not normally involving contact with water where water ingestion is reasonably possible (CA Waterboards).
(6) WARM= Warm Freshwater Habitat- uses of water that supports warm water ecosystems including, but not limited to, preservation or enhancement of aquatic habitats, vegetation, fish, or wildlife, including invertebrates (CA Waterboards).
(7) WILD= Wildlife Habitat- uses of water that supports wildlife habitats, including, but not limited to, the preservation and enhancement of vegetation and prey species used by wildlife, such as waterfowl (CA Waterboards).
(8) COLD= Cold freshwater habitat (Modesto GP EIR, 2019)
(9) NAV= Navigation (Modesto GP EIR, 2019)
(10) SPWN= spawning, reproduction and/or early development (Modesto GP EIR, 2019)
(11) POW= power (Modesto GP EIR, 2019)

The primary receiving water bodies, Tuolumne River and Stanislaus River, are natural riverbeds. However, manmade, irrigation canals or sloughs feed into the Stanislaus and Tuolumne River west of the Project Location and are heavily relied upon for local agricultural uses. Non-point sources of pollution due to agriculture and urban runoff contribute heavily to the accumulation of pollution within these receiving waters that degrade water quality.

Project construction is anticipated to result in approximately 0.03 acres of disturbance due to proposed open trench and jack and bore construction activities. Construction activities are anticipated to impact less than one acre and would therefore not trigger requirements for an NPDES Construction Permit under the County's Storm Water Management Program. The City of Modesto will require the contractor to prepare and implement a Local Stormwater Pollution Prevention Plan (SWPPP) pursuant to Chapter 15, Erosion & Sediment Control Standards for Construction Activities of the City of Modesto's Municipal Code; therefore, Mitigation Measure **MM HYDRO-01: Local SWPPP** is included in the MMRP for the Project to reduce impacts on pollutants from construction entering the City's storm water system. The SWPPP must comply with City Standard Specification No. *2.12 Pre-construction Requirements,* which include Best Management Practices listed in MM HYDRO-02. Project consistency with the City's Standard Specifications will result in consistency with applicable General Plan mitigating polices during construction. Mitigation Measure **MM HYDRO-02: Stormwater BMPs throughout Project Construction** Requires that the Project will be compliant with the goals and policies of the City's General Plan and Water Master Plan. See *Table 16: Consistency with Modesto GP Floodway and Water Quality Applicable Mitigating Policies*. BMPs will be enforced through the standard application and plan check review and inspection from the City of Modesto's water quality management processes (Local SWPPP) and are the responsibility of the contractor and City Engineer.

For the reasons above, the Project impacts related to violation of any water quality standard or waste discharge requirements or otherwise substantially degrade surface or ground water quality are less than significant with the implementation of Mitigation Measures **MM HYDRO-01: Local SWPPP** and **MM HYDRO-02: Stormwater BMPs throughout Project Construction**.

TABLE 16: CONSISTENCY WITH MODESTO GP FLOODWAY AND WATER QUALITY APPLICABLE MITIGATING POLICIES

City of Modesto General Plan Mitigating Policies	Project Compliance
FWQ-11 & SD-10. Construction activities shall comply with the requirements of the City's Stormwater Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (Policy VI.G.3)	Throughout Project construction, as implemented by the Contractor and verified by the City Engineer, the Project will comply with requirements of the City's Stormwater Management Plan through the adoption of the Local SWPPP pursuant City Standard Specifications.
FWQ-13 & SD-12. Ensure that new development complies with the City of Modesto's *Stormwater Management Program: Guidance Manual for New Development Stormwater Quality Control Measures*. (Policy VI.G.5)	The Project will ensure compliance with the City of Modesto's Stormwater Management Program by adopting a Local SWPPP during Project construction and implementing the City of Modesto's Best Management Practices for construction and renovations; and Heavy Equipment and Earth Moving Activities pursuant to Mitigation Measures **MM HYDRO-01: Local SWPPP** and **MM HYDRO-02: Stormwater BMPs throughout Project Construction,** implemented by the Contractor and verified by the City Engineer.
FWQ- 15, -16 & SD-14. Design development projects to preserve and, where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands and buffers. Minimize disturbance of natural water bodies or natural drainage systems that might result from development, including road construction. (Policy VI.G.7) **SD-15.** Integrate Low Impact Development principles into proposed development projects' design. Low Impact Development is a storm water management and land development strategy that promotes conservation and use of natural on-site features combined with engineered small-scale hydrologic devices. In designing development projects, minimize the amount of impervious surface in order to maximize on-site infiltration of stormwater runoff and minimize the potential for storm water runoff from the site. (Policy VI.G.8)	The Project will return to existing conditions as verified by the City, County and CALTRANS; therefore, long-term impacts to surface waters or stormwater is not anticipated as a result of the Project. As mentioned above, the Project will implement BMPs pursuant to Mitigation Measure **MM HYDRO-02: Stormwater BMPs throughout Project Construction** to minimize impacts on surface or groundwater quality.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?

RESPONSE:

No Impact. The Project is located within the San Joaquin Valley Groundwater Basin, specifically within the Modesto Groundwater Subbasin under the jurisdiction of the Central Valley Regional Water Quality Control Board (CVRWQCB). According to the Department of Water Resources, groundwater within the Modesto Subbasin declined on average 15 feet between 1970 and 2000 (DWR, 2004; Modesto General Plan EIR, 2019). This reduction is attributed to pumping to support urban and agricultural land use. On April 23rd, 2023, borings indicated groundwater occurred at depth about 40 feet below ground surface (Universal Engineering Services, 2023).

The Project proposes to install approximately 12,000 linear feet of 12-inch potable water main within existing public right-of-way and will convert water supply for the existing Stanislaus Elementary School from a well to the City's potable water system Construction may temporarily increase water demand from the City's existing adjacent potable water system; however, this increase is temporary and is not anticipated to be substantial due to the size of the Project and the anticipated intermittent use of water during the various construction activities. Upon completion of Project construction, the area will return to pre-Project conditions, and will result in no substantive changes on groundwater use or recharge. The Project will have no impact on water demand since increased school enrollment is not anticipated to directly result from Project implementation. Furthermore, the Project will not indirectly support population growth beyond what has already been approved in the General Plan due to Project consistency with the approved Water Master Plan. The existing well within Stanislaus Elementary School property boundaries will be abandoned pursuant to a Demolition and Abandonment Plan that will be prepared for the Project by the Contractor prior to start of construction in accordance with City Standard Specifications No. *Chapter 13. Demolition and Abandonment Plan*. Mitigation Measure MM HYDRO-03: Demolition and Abandonment Plan.

For the reasons above, the Project will not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin. No impacts are anticipated.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i. result in a substantial erosion or siltation on- or off-site;

RESPONSE:

Less than Significant Impact. The Project will not result in substantial erosion or siltation on-or off-site due to permanent changes in drainage patterns. Construction will temporarily alter drainage patterns and implementation of Mitigation Measures MM HYDRO—01, and MM HYDRO-02: Stormwater BMPs throughout Project Construction, will protect water quality in surface waters during construction. The Project will return disturbed surfaces to pre-project conditions and will not permanently change the direction or volume of surface flows discharging into the municipal storm drain system or involve direct modification of the topography or additional impervious surfaces at the Project Location. The proposed fire hydrants will not substantively change the area of impervious surfaces or the volume, rate, or patterns of surface flows. Likewise, the Project does not involve modifications of a stream or river. The Project is not near a stream or river and would be located south of the nearest irrigation canal located on the north side of Kiernan Avenue and east of Darby's Pet Paradise. According to Project plans, the Project will follow existing conditions and will result in surfaces restored to pre-project conditions with the exception of the fire hydrants. Project improvements will result in no substantive permanent changes in impervious surfaces or topography. Additional impervious surfaces are not proposed for the Project and the construction of these project components will include drainage plans meeting the applicable city, county, and Caltrans standards for compliance with existing conditions in areas adjacent to the Project for discretionary approvals. Therefore, substantial changes to the rate or volume of surface runoff from the proposed Project will not occur. During construction the Project will remove approximately 0.3 acres of impervious surfaces and temporarily disrupt soils and existing drainage. However, substantial erosion or siltation either on-or-off-site would not occur due to implementation of a SWPPP by the contractor as verified by the City of Modesto Utilities Department.

As a result, less than significant impacts to substantial increases in the rate or amount of surface runoff in a manner which would result in substantial erosion or siltation on- or off-site are not anticipated.

ii. **substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;**

RESPONSE:

Less than Significant Impact. Increased impervious surfaces are not proposed with the Project. According to plans, the Project will not substantially change existing topography and surface conditions. Runoff at the Project Site will not change from existing conditions since impervious surfaces are not proposed; therefore the Project will not substantially increase the rate or amount of surface runoff. The Project Site will remain the same post-construction.

For the reasons below, less than significant impacts are anticipated related to the amount of surface runoff and flooding either on- or off-site. No Mitigation Measures are needed.

iii. **create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or**

RESPONSE:

Less than Significant Impact. The Project does not anticipate permanent increases in impervious surfaces or significant alterations in drainage patterns. Likewise, the Project would not result in changed land use or new sources of pollution which could enter runoff. The Project location will be returned to pre project conditions after construction. Therefore, the volume and rate of runoff with the Project in place will remain substantially consistent with existing conditions and no impacts on existing or planned stormwater drainage systems will occur. Since the Project Location will return to pre-Project conditions, with the exception of the fire hydrants, after Project construction is complete, the Project will not result in changes to topography, area of impervious surfaces or introduce new sources of pollution. During construction water quality BMPs will be implemented by the contractor pursuant to Mitigation Measures Hydro-01 through Hydro-03 of the MMRP. Implementation of these mitigation measures for erosion control during construction will result in runoff conditions that are substantially similar to existing conditions.

As a result, less than significant impacts are anticipated, and no additional Mitigation Measures are needed.

iv. **impede or redirect flood flows?**

RESPONSE:

Less than Significant Impact. According to the FEMA Flood Hazard Map, the Project Location and Local Vicinity are not located in a designated flood zone that many result in potential inundation at the Project Location (FEMA 2015). The entire Project is within Zone X defined as “Area of Minimal Flood Hazard” potential (Universal Engineering Services, 2023).

In addition, plans for Project development indicate general consistency between the completed Project and the existing drainage patterns at the site and surrounding the Project Site. Construction will temporarily modify topography and could alter localized drainage to redirect surface flows within Kiernan Avenue right-of-way around active construction. Due to the scale of the Project, involving approximately 75 linear feet of active construction daily, significant impacts are not anticipated. Since the Project does not propose to permanently impede or redirect flood flows within the Project Area, the impacts are considered less than significant. No Mitigation Measures are needed.

d) **In flood hazard, tsunami, or seiche zones, risk release of pollutants due to Project inundation?**

RESPONSE:

No Impact. See Section 5.10.3, Response a) through c) iv above. The California Department of Conservation does not place the Project Location within a zone at risk for a tsunami (CA Department of Conversation, 2015). The Project Area is located within southwestern San Joaquin Valley, which is not geographically close to ocean or large bodies of water.

For the reasons above, the proposed Project is anticipated to have no impacts related to release of pollutants due to Project inundation in a flood hazard, tsunami or seiche zone. Therefore, no Mitigation Measures are needed.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

RESPONSE:

Less than Significant with Mitigation Incorporated. See Section 5.10.3, Responses a) through d) above. The Project Area is located within the San Joaquin Valley Groundwater Basin and Modesto Groundwater subbasin. The Project will follow current requirements for pollution source control and flood control or sustainable ground water management plan. A Local Storm Water Pollution Prevention Plan (SWPPP) pursuant to the NPDES will be incorporated into Project specifications. In addition, the Project contractor will implement stormwater pollution prevention measures and erosion control pursuant to Modesto General Plan Policies (See *Table 16: Consistency with Modesto GP Floodway and Water Quality Applicable Mitigating Policies* above) Mitigation Measures MM HYDRO-02: Stormwater BMPs throughout Project Construction, and Modesto Standard Specifications No. *2.12 Pre-construction Requirements*; *2.02 Improvement Plan Submittal*

For the reasons above, Project impacts are less than significant with mitigation incorporated during construction activities.

MITIGATION MEASURES

MM HYDRO-01: Local SWPPP. Prior to Plan approval and Bid Award, the City of Modesto Utilities staff shall verify that a Local SWPPP is developed and incorporated in the plan set for implementation during Project construction for construction areas. The Local SWPPP should identify the Water Quality Manager for the Project, be kept on site in the construction trailer for the duration of construction and shall incorporate daily updates on water quality compliance activities by the Water Quality Manager, conforming with the approved Local SWPPP. The objectives of the Local SWPPP are to identify pollutant sources from construction that may affect the quality of stormwater discharge, to implement source control practices for each pollutant source, and to either filter or contain and dispose of polluted water and materials prior to discharge from construction areas. The intent of the SWPPP is to minimize pollutants in stormwater discharges from the Project into the existing drainage system from construction, and to protect receiving water quality and beneficial uses downstream. The Local SWPPP may include, but is not limited to, the following elements:

a. Detail erosion control measures pursuant to CASQA Factsheet EC-1 to EC-16 implementing BMPs intended to control sedimentation and erosion in disturbed areas during construction activities. BMPs include:
    i. Incorporation of erosion control into the construction schedule (EC-1);
    ii. Minimal land disturbance and avoidance measures in sensitive land areas (EC-2) including natural water bodies or natural drainage systems.
    iii. Stabilization measures in disturbed areas via Hydraulic mulch (EC-3), Hydroseeding (EC-4), Soil binders (EC-5), straw mulch (EC-6), geotextiles and mats (EC-7), wood mulching (EC-8), compost blankets (EC-14), nonvegetative stabilization (EC-16);
    iv. Collect sediment-laden runoff in temporary sediment basins (EC-9), velocity dissipation devices (EC-10), slop drains (EC-11), streambank stabilization (EC-12); Soil testing prior to start of construction to ensure selection of appropriate BMPs and prepare soil for vegetation enhancements (EC-15);
2. Detail sediment control measures pursuant to CASQA Factsheet SE-1 to SE-14 implementing soil prevention and control measures:
    i. Protect all stockpiles from stormwater run-on using temporary perimeter sediment barriers such as compost berms (SE-13), temporary silt dikes (SE-12), fiber rolls (SE-5), silt fences (SE-1), sandbags (SE-8), gravel bags (SE-6), or biofilter bags (SE-14).
3. Detail drain inlet protection in the public right-of-way pursuant to CASQA Factsheet SE-10 implement SE-2, Sediment Basin or SE-3, Sediment Trap and/or used in conjunction with other drainage control, erosion control, and sediment control BMPs to protect the site;
4. Detail stabilized entrance and egress from construction site to minimize track-out.
5. Detail on-site concrete wash out area to minimize track-out.
6. Detail stockpile management, material storage & delivery areas to minimize dust and control loose materials.
7. Detail solid waste management practices implementing waste disposal in covered waste receptacles.
8. Detail location of temporary sanitary waste facilities implementing proper disposal practices including:
    i. Place covered trash and recycling cans in accessible areas for use near active construction.

ii. Cover and maintain dumpsters. Check frequently for leaks. Never clean a dumpster by hosing it down on-site where wash water can enter the storm drain system.
iii. Dispose of trash daily.
iv. Sweeping areas around dumpsters and prohibiting the disposal of liquid chemicals or waste in dumpsters.

9. List name and contact number of person responsible for implementation of and adherence to Local SWPPP.
10. State size of project in square feet or acres or cubic yards.

MM HYDRO-02: Stormwater BMPs throughout Project Construction. Prior to start of Project construction and on an ongoing basis throughout construction, the City of Modesto Utilities Department shall verify that Best Management Practices for Construction from the SWPPP or functional equivalent are implemented by the contractor and verified with inspections throughout construction activities. Inspections by the City of Modesto will ensure that the Project contractor maintains the following BMPs for general business practice, vehicle maintenance, clean up, education, and erosion prevention:

General Business Practice

1. Schedule activities such as excavation, saw cutting, and paving during dry weather.
2. Keep materials out of the rain. Store them under cover with temporary roofs or plastic sheets/tarps, protected from rainfall, runoff, and wind.
3. Use as little water as possible for dust control to avoid excess runoff of sediment.
4. Keep pollutants off exposed surfaces.
5. Make sure portable toilets are in good working order. Check frequently for leaks.

Vehicle Maintenance

6. Maintain all vehicles and heavy equipment per manufacturers specifications. Inspect frequently for leaks.
7. Designate one area for vehicle parking, vehicle refueling, and routine equipment maintenance. The designated area should be well away from gutters and storm drains and fitted with spill containment.
8. Perform major vehicle maintenance and vehicle/equipment washing off site.
9. Use drip pans or drop cloths to catch drips and spills.
10. Do not use diesel fuel to lubricate equipment or parts.

Clean Up

11. Ensure that there are appropriate spill kits on site and that all employees are trained on the locations and use of the kits.
12. Never hose down streets to clean up tracked dirt. Use wet/dry sweep or vacuum methods.
13. Clean up leaks, drips, and other spills immediately. This will prevent contaminated soil or residue on paved surfaces.
14. Never hose down surfaces where materials have spilled. Use dry cleanup methods whenever possible.
15. Clean up spills on dirt areas by digging up and properly disposing of contaminated soil.
16. Sweep up dry spilled materials immediately. Never attempt to bury them or “wash them away” with water.
17. Report significant spills to the appropriate spill response agencies immediately.

Employee and Client Education

18. Educate your employees. Include water quality training in new employee orientations and conduct annual review sessions.
19. Educate your customers. Post BMPs where clients and employees can see them. Handling Materials and Wastes
20. Practice source reduction – minimize waste when ordering materials. Only order the amounts needed to complete the job.
21. Use recycled and recyclable materials whenever possible.
22. Never bury waste materials or leave them in the street.
23. Dispose of all waste properly.

Erosion Prevention

24. Reestablish stable upper/top crust on disturbed surfaces. This includes application of water or chemical stabilizers. Re-vegetation (permanent or temporary) is an excellent form of erosion control for any site.
25. Avoid excavation and grading activities during wet weather.
26. Construct diversion dikes to channel runoff around the site. Line channels with grass or roughened pavement to reduce runoff velocity.
27. Plant permanent vegetation as soon as possible, once excavation and grading activities are complete.

11. LAND USE AND PLANNING

Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
XI. LAND USE AND PLANNING. Would the Project:				
a) Physically divide an established community?	☐	☐	☒	☐
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

DISCUSSION

a) Physically divide an established community?

RESPONSE:

Less than Significant Impact. The Project will be implemented within existing developed roads and within the parcel for the Stanislaus Elementary School to serve the existing school use. Although the Project will result in temporary disruption of these areas during construction it will not divide the established community or approved land use on either a temporary or permanent basis. The other parcels adjacent to the Project and the surrounding local vicinity are developed with agricultural land uses and are planned for development with village residential (VR) pursuant to the City of Modesto General Plan Land Use Map. See **Figure 3B. City of Modesto General Plan Land Use Map**.

The Project involves subsurface installation of a potable water main within the public right-of-way that is planned to avoid existing travel lanes, utilities, structures, and existing habitable buildings. Underground improvements along Dale Road and Tully Road will connect to existing dead-end 12-inch potable water mains owned and operated by the City of Modesto. Upon the competition of the Project improvements to the public right-of-way, surfaces will return to pre-Project conditions with the exception of the above ground fire hydrants. However, the above-ground improvements will provide future fire suppression for the surrounding area and remove gaps in the service area. Backfilling and repaving of the public right-of-way will occur pursuant to CalTrans 2014 Manual on Uniform Traffic Control Devices, Stanislaus County 2016 General Plan EIR Circulation Element, and City of Modesto Standard Specifications, *3.02 Design: C) Pavement Design*. In addition, due to temporary Project construction, the contractor will implement a traffic control plan for work within the paved right-of-way pursuant to the City's Standard Specifications, *Chapter 8. Utility and Trench Sections: Traffic Control Plan*, and CALTRANS standards, *Part 7 Traffic Control for School Areas* and *Part 6. Temporary Traffic Control*. The traffic control plan will ensure that safe and consistent through access is maintained during short-term Project construction along Dale Road, Kiernan Avenue, and Tully Road.

As a result, the Project does not anticipate impacts to physical division of an established community. Project implementation will not divide an established community and are consistent with concepts evaluated in the City's Water Master Plan. No Mitigation Measures are needed.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

RESPONSE:

Less than Significant Impact. The Project Alignment will be implemented mostly within the public right-of-way. The Project does not propose to change existing land use patterns or conflict with existing plans, policies, or regulations. The Project is intended to extend the City of Modesto's water system to serve the existing school, replacing well water with water from the City's potable water system, and to correct deficiencies in the water system by replacing capped mains with a loop system serving established and approved land use in the Local Vicinity

The Project Area is within the Kiernan/Carver North Comprehensive Planning District (CPD) and Kiernan Business Park Specific Plan (SCH #2007052071); therefore, the City's Land Use policies LUP-22 through LUP-25, which support the

buildout of CPDs and Specific Plans that require new public facilities, water, wastewater, and stormwater infrastructure, are consistent with Project plans and previously approved specific plans (Modesto General Plan, 2019; Kiernan Business Park Specific Plan, 2009- Figure III.12: Proposed Water Facilities System).

Since the proposed Project will not exceed what has been anticipated under the City's Water Master Plan, and City General Plan, Project implementation is not expected to cause significant environmental impact due to conflicts with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The Project is intended to mitigate 1,2,3-TCP contamination within the SUSD Water System and provide the SUSD service area with safe, drinking water complaint with drinking water standards. The Project will not

As a result, less than significant impacts are anticipated. No Mitigation Measures are necessary.

12. MINERAL RESOURCES

Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
MINERAL RESOURCES. Would the Project:				
a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

DISCUSSION

a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?

RESPONSE:

No Impact. Stanislaus County's mineral production consists of mineral from the construction processes (sand, gravel), industrial processes (diatomite, clay, mineral pigments, magnesite, quartz, dimension stone), and metallic minerals (chromite, placer gold, manganese, mercury, platinum, and silver) (California Department of Conservation, Division of Mines and Geology 1993; Modesto GP EIR, 2019). The only mineral resources that are actively mined throughout the County include sand and gravel. No areas within the City of Modesto's UAGP planning area are classified as Mineral Resource Zones under the Surface Mining and Reclamation Act. The planning area is underlain by areas zoned under MRZ-3a for sand and gravel and minerals with undetermined significance.

The Project is being implemented to achieve City standards for fire flow and state drinking water standards and does not conflict with the approved General Plan or Water Master Plan. The Project would support the approved land use in the City's General Plan and would not induce substantial additional growth and development; therefore, indirect project impacts on mineral resources would not occur as a result of the Project. Best Management Practices to maintain continuous access to adjacent properties and manage drainage and water quality. Areas disturbed during project construction will be restored to pre-project conditions, with the exception of the fire hydrants, which will serve the local area. For these reasons, significant impacts would not result from the project.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

RESPONSE:

No Impact. See Response 12, a). There are no locally important mineral resource recovery sites delineated in the County's General Plan and City of Modesto. The Project would not induce additional growth beyond what is approved with existing zoning and general plan. Therefore, Project implementation will not result in direct or indirect impacts on mineral resources or the loss of availability of a locally important mineral resources recovery site delineated on a local general plan or other land use plan. No impacts are anticipated.

13. NOISE

Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
XIII. NOISE. Would the Project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) For a Project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?	☐	☐	☐	☒

REGULATORY FRAMEWORK

Federal Noise Control Act of 1972

In 1972, the U.S. Environmental Protection Agency (EPA) Office of Noise Ambient and Control issued the Federal Noise Control Act, which established programs and guidelines to identify and address the effects of noise on public health, welfare, and the environment. The EPA established Levels of Environmental Noise recommended that Ldn should not exceed 55 dBA outdoors or 45 dBA indoors to prevent significant activity interference and annoyance in noise-sensitive areas (e.g. residences, schools, hospitals, etc.). 55 dBA was identified as an "adequate margin of safety" for noise level increase relative to a baseline noise exposure level of 55 dBA Ldn. The standards set by the EPA's Federal Noise Control Act are advisory exposure levels below which there would be no risk to a community from any health or welfare effect of noise.

In 1981, EPA administrators determined that subjective issues such as noise would be better addressed at lower levels of government. Consequently, in 1982 responsibilities for regulating noise control policies were transferred to State and local governments. However, noise control guidelines and regulations contained in EPA rulings in prior years remain in place by designated Federal agencies, allowing more individualized control for specific issues by designated Federal, State, and local government agencies.

City of Modesto

General Plan

The City of Modesto General Plan Chapter VII – Environmental Resources and Open Space contains noise related policies which apply to the proposed Project. Applicable policies are presented below.

Policies

Construction activities are to comply with Modesto Municipal Code Title 4, Chapter 9. Implement noise-reducing construction practices as conditions of approval where substantial construction-related noise impacts would be likely to occur, such as with extended periods of pile driving, or where construction is expected to continue or where sensitive receptors would be affected by construction noise. Conditions of approval may include, but are not limited to:

a) Require construction equipment, including air compressors and pneumatic equipment to have properly maintained mufflers;
b) Require impact tools to be equipped with shrouds or shields;

c) Require that the quietist equipment available be used; and
d) Require sections of haul routes that affect the fewest number of people.
e) Incorporate construction practices and acoustic treatment in new residential construction to reduce typical indoor noise levels to 45 dB. Developers of residential buildings within the 65 dBA contours shown in the General Plan Master EIR shall demonstrate that interior noise has been reduced to 45 dB. Other types of development should be protected against noise intrusion at least to the levels..
f) At noise-sensitive land uses, increases in noise should not exceed 3 dBA where any other noise threshold or standard would be exceeded, and/or 5 dBA where noise levels would otherwise fall within acceptable limits, for the existing conditions scenario as compared to the buildout scenario.
g) Additional study and/or mitigation for outdoor recreation areas will be required if:
h) For single-family dwellings, noise exceeds 65 dBA Ldn in one or more backyards;
i) For multi-family dwellings, noise exceeds 65 dBA Ldn at common recreation areas, such as swimming pools or play areas or at private patios and balconies; or,
j) For other uses, noise exceeds the level considered "conditionally acceptable".
k) Limit trucking to specific routes, times, and speeds that avoid or minimize adverse effects on sensitive receptors.
l) For construction activities involving high-powered vibratory tools or pile driving within 200 feet of an existing structure, demonstrate that Project construction would not exceed the CALTRANS construction vibration thresholds to ensure that no damage to sensitive structures would occur.

Municipal Code

The City of Modesto Municipal Code addresses noise regulations and standards in Chapter 9 Noise Regulations. According to Section 4-9.104 the following specific acts are subject to exemptions and declared to be public nuisances in violation of Section 4-9.102:

a) The loud and raucous discharge into the open air of the steam of any steam equipment or exhaust from any stationary internal-combustion engine;
b) The loud and raucous operation or use of any of the following before 7:00 AM or after 9:00 PM daily (except Saturday and Sunday and state or federal holidays, when the prohibited time shall be before 9:00 AM and after 9:00 PM):
    a. A hammer, or any other device or implement used to pound or strike an object.
    b. An impact wrench or other tool or equipment powered by compressed air.
    c. A hand-powered saw.
    d. Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower. Except as included in subsection (a)(6), motor vehicles, powered by an internal-combustion engine and subject to the California Vehicle Code, are excluded from this prohibition.
    e. Any electrically powered (whether by alternating current electricity or by direct current electricity) tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as, but not limited to, a saw, drill, lathe or router.
    f. Any of the following: heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, back hoe), ground drilling and boring equipment (such as but not limited to derrick or dredge), hydraulic crane, and boom equipment, portable power generator or pump, pavement equipment (such as but not limited to pneumatic hammer, pavement breaker, tamper, compacting equipment), pile-driving equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck and hot kettle pump.
    g. Any construction, demolition, excavation, erection, alteration, or repair activity.

DISCUSSION

The responses in this section are based on the Noise Impact Analysis for Stanislaus Elementary School 1,2,3-TCP Mitigation Project conducted by Ganddini Group, dated December 14th, 2023 (**Appendix E**). Results from the noise impact analysis are based on long-term 24-hour noise measurements were taken from December 5th, 2023, to December 6th, 2023, for the purposes of determining noise impacts associated with on-site and off-site construction related noise. Locations for the long-term and short-term noise measurements are shown in **Figure 8: Noise Measurements** below.

a) **Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

RESPONSE:

Less than Significant with Mitigation Incorporated. Long-term noise measurements and short-term noise measurements were taken at various location along the Project Alignment to determined existing ambient noise levels. The short-term ambient noise levels ranged between 62.6 and 72.9 dBA Leq. Long-term hourly noise measurement ambient noise levels ranged from 43.6 to 59.8 dBA Leq. The dominant noise source in the Project vicinity was vehicle traffic associated with Dale Road, Kiernan Avenue, Tully Road, Carver Road, American Avenue, and other surrounding roadways. Existing sensitive land uses in the Project area that may be affected by Project noise include the existing residential, school, and transient lodging uses located adjacent or near Kiernan Avenue between Tully Road to Dale Road. See *Table 1. Surrounding Land Uses*.

Construction Noise On-site

Construction-related noise sources are regulated by the Federal Transit Administration (FTA); and City of Modesto's Municipal Code, which prohibits the loud and raucous operation or use of construction equipment outside of the hours between the hours of 7:00 AM and 9:00 PM daily except on Saturday, Sunday, and state or federal holidays in which the hours are to be between 9:00 AM and 9:00 PM. Exemptions are giving under subsection (b) in the event of an urgent necessity and in the interest of public health and safety. Therefore, the Project will result in significant impacts if construction occurs outside of time zones specified within the City of Modesto Municipal Code; and if noise levels exceed dBA Leq for an 8-hour period at residential and noise-sensitive outdoor areas, according to the Federal Transit Administration construction noise criteria.

Based on calculations of Project construction noise at nearby sensitive receptors using FTA methodology and "worst-case conditions", construction noise will range between 82 and 98 dBA Leq. Since the exact location of the pipeline within the road right of way or adjacent property is not known at this time, conservative assumptions were used. For example, there are existing single-family adjacent to the pipeline route. Because the construction noise standards apply at the property line, the worst-case scenario was assumed to be 25 feet. Project construction noise will exceed the FTA noise threshold of 80 dBA Leq for an 8-hour period at residential and noise-sensitive outdoor areas. Although FTA standards only apply to residential land uses, impacts to commercial land uses, schools and parks were also considered.

Construction noise levels at the retail uses near the jack and bore site near the intersection of Dale Road and Kiernan Avenue may reach up to 82.5 dBA Leq. Retail land uses are not considered sensitive. Therefore, this impact is less than significant, and no mitigation is required.

Construction noise levels at the Elementary School may reach up to 92.0 dBA Leq at a distance of 50 feet on school grounds; construction noise levels at single-family homes near Tully Road and Kiernan Avenue may reach up to 92.0 dBA Leq at a distance of 50 feet on school grounds; construction noise along the pipeline alignment at residential land uses could reach up to 97.7 dBA Leq. These impacts are anticipated to be significant. As a result, Mitigation Measure MM NOI-01: Construction Noise, will be implementing during Project construction.

Construction Noise Off-site

Roadway noise levels were calculated for land uses adjacent to Kiernan Avenue in the Project vicinity based on the FHWA Traffic Noise Prediction Model methodology. As shown in the CalEEMod output files provided in the Air Quality, Global Climate Change, and Energy Impact Analysis prepared for the proposed Project (see **Appendix A**), the greatest number of construction-related vehicle trips per day would be a maximum of up to approximately 37 vehicle trips per day (32 for worker trips, 2 for vendor trips, and 2.44 for hauling trips). The most recent traffic count for Kiernan Avenue along the Project alignment is approximately 14,200 average daily trips (ADT)6. Roadway noise levels were calculated for the following scenarios:

Existing (without Project): This scenario refers to the existing year traffic noise conditions.
Existing Plus Project Construction: This scenario refers to the existing year plus Project construction traffic noise conditions.

Modeling results show that the existing noise level along Kiernan Avenue is 73.4 dBA CNEL and the existing plus Project noise level would be 73.5 dBA CNEL. The proposed Project would result in a noise increase of less than one decibel and impacts would be less than significant. No mitigation measures are required.

With the implementation of Mitigation Measure **MM NOI-01: Construction Noise**, the Project will result in less than significant impact throughout on-site and off-site constriction activities.

b) Generation of excessive groundborne vibration or groundborne noise levels?

RESPONSE:

Less than Significant Impact. The California Transportation and Construction Vibration Guidance Manual (CALTRANS, 2020) establishes criteria for groundborne vibration. The guidelines recommend that the threshold at which there is a risk of architectural damage is a peak particle velocity (PPV) of 0.25 inches/second (in/sec) for historic buildings, PPV of 0.3 in/sec at older residential structures, and a PPV of 0.5 in/sec at new residential structures and modern commercial/industrial buildings. According to CALTRANS, groundborne vibration becomes an annoyance when PPV of 0.4 in/sec is exceeded (CALTRANS, 2020).

The closest structures to the proposed construction activities include single family residential structures as close as 25 feet. Plate compactors are the most vibratory equipment that may be used near an existing structure. The peak particle velocity (PPV) per square foot associated with these vibratory plates is 0.21 at a distance of 25 feet (see *Table 17: Construction Equipment Vibration Source Levels* below). They are not, however, expected to be utilized within 25 feet of an existing structure. Other equipment anticipated to be used during Project construction generate lower PPV. Therefore, groundborne vibration generated by Project construction would not exceed the levels necessary to cause architectural damage. Use of plate compactors would not exceed the threshold for annoyance due to vibration (PPV of 0.4 in/sec) at residential receptors along the Project route. This impact would be less than significant.

TABLE 17: CONSTRUCTION EQUIPMENT VIBRATION SOURCE LEVELS

Equipment		PPV at 25 ft, in/sec	Approximate Lv* at 25 ft
Pile Driver (impact)	Upper range	1.518	112
	typical	0.644	104
Pile Driver (sonic)	Upper range	0.734	105
	typical	0.170	93
Clam shovel drop (slurry well)		0.202	94
Hydromill (slurry wall)	In soil	0.008	66
	In rock	0.017	75
Vibratory Roller		0.210	94
Hoe Ram		0.089	87
Large Bulldozer		0.089	87
Cassion Drilling		0.089	87
Loaded Trucks		0.076	86
Jackhammer		0.035	79
Small Bulldozer		0.003	58

Source: Noise Impact Analysis, Ganddini 2023 (**Appendix E**)
Notes: Based on Federal Transit Administration Transit Noise and Vibration Impact Assessment Manual, 2018.
*RMS velocity in decibels, VbB re 1 micro-in/sec

Substantial sources of groundborne vibration during post-construction Project operations will include the movement of passenger vehicles and trucks on paved and generally smooth surfaces. Loaded trucks generally have a PPV of 0.076 at a distance of 25 feet (CALTRANS, 2020), which is a substantially lower PPV than that of a vibratory roller (0.210 in/sec PPV at 25 feet). Therefore, groundborne vibration levels generated by Project operations would not exceed those modeled for Project construction.

As a result, less than significant impacts are anticipated. No Mitigation Measures are required.

c) **For a Project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?**

RESPONSE:

No Impact. The closest airport to the Project Site is the Modesto City-County Airport located approximately 6 miles to the southeast of the Project Alignment. The proposed Project is that of the installation of approximately 12,000 linear feet of 12-inch potable water pipeline along Tully Road; Kieran Avenue; and Dale Road. Therefore, due to both the nature of the proposed Project and the distance to the nearest airport, the proposed Project would not expose people residing or working in the area to excessive noise levels.

As a result, impacts are not anticipated; therefore, no Mitigation Measures are required.

MITIGATION MEASURES

MM NOI-01: Construction Noise. Throughout Project construction, the following construction noise impacts must be implemented by the Project contractor and City of Modesto Utilities Department in order for noise levels during construction activities to be considered less than significant:

1. During all Project site excavation and grading on-site, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturer standards.
2. The contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the Project site. One-inch plywood or acoustical blankets capable of achieving a reduction level of at least 10 dB shall be used to keep equipment noise from exceeding the 80 dBA noise level standard.
3. Equipment shall be shut off and not left to idle when not in use.
4. Whenever possible, electric power will be used in lieu of internal combustion engine power.
5. The contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise/vibration sources and sensitive receptors nearest the Project site during all Project construction.
6. Jackhammers, pneumatic equipment, and all other portable stationary noise sources shall be shielded, and noise shall be directed away from sensitive receptors.
7. The Project proponent shall mandate that the construction contractor prohibit the use of music or sound amplification on the Project site during construction.
8. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment.
9. The quietest equipment available will be utilized when feasible; and,
10. Haul routes that affect the fewest number of people will be utilized whenever possible.
11. Construction activities near and at the school site shall be limited to only when the school is not in use.

Figure 8: Noise Measurements

14. POPULATION AND HOUSING

Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
XIV. POPULATION AND HOUSING. Would the Project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

DISCUSSION

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

RESPONSE:

No Impact. In 2010, the population of Stanislaus County reached approximately 514,453 residents (Stanislaus County GP EIR, 2016). As of July 1st, 2022 the City of Modesto's population has risen to 218,069 according to the US Census (US Census, 2022). According to the City of Modesto's General Plan, population is projected to increase by approximately 27.6 percent between the study years for the General Plan between 2015 to 2050; as of 2023, roughly 250,000 residents are serviced by the City of Modesto's eight water systems (City of Modesto, 2023). Population growth into Modesto's UAGP over the years has been a result of urban expansion from growth pressure within San Francisco Bay Area. The City's General Plan Circulation Element, Land Use Element, Housing Element, and Water Master Plan intend "to accommodate future growth in a controlled manner" (Modesto GP EIR, 2019).

The Project intends to install approximately 12,000 linear feet of potable water main in conformance with the City's Water Master Plan and General Plan. The Project intends to mitigate 1,2,3-TCP contamination at the Stanislaus Elementary School by consolidating the City's existing infrastructure with planned improvements that will connect to Stanislaus Union School District's Water System. Since the Project is consistent with previously approved City documents and does not propose the construction of any structures (i.e. residences or commercial establishments) that would result in direct population growth or increased students at the school campus, the Project des not anticipated impacts.

As a result, the proposed Project is not anticipated to result in unplanned population growth by either implementing new homes or businesses, increasing school capacity, or indirectly extending infrastructure. Therefore, impacts are not anticipated, and no Mitigation Measures are needed.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

RESPONSE:

No Impact. See Response 14, a). The Project Alignment is within the public right-of-way along Dale Road, Kiernan Avenue, and Tully Road and will implement traffic control best management practices to maintain access to adjacent parcels along these roads during construction. Surrounding land uses consist of primarily agriculture fields and a mixture of commercial, industrial, institutional, and residential land use. No housing will be affected, and no people will be displaced temporarily or permanently by the extension of potable water pipeline.

For these reasons, no impacts related to the displacement of substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere is not anticipated to occur. Mitigation Measures are not needed.

15. PUBLIC SERVICES

Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
XV. PUBLIC SERVICES. Would the Project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:	☐	☒	☐	☐
i. Fire Protection?	☐	☒	☐	☐
ii. Police Protection?	☐	☒	☐	☐
iii. Schools?	☐	☒	☐	☐
iv. Parks?	☐	☐	☒	☐
v. Other public facilities?	☐	☐	☐	☒

DISCUSSION

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

i. **Fire Protection?**

RESPONSE:

Less than Significant with Mitigation Incorporated. The Project is partially within the jurisdiction of Stanislaus Fire Protection District (SFPD) and Modesto Fire Department. The SFPD contains 56 full time personnel and two part time personnel with 5 fire stations that provide fire and emergency medical services. The Fire District services approximately 199 square miles of unincorporated Stanislaus County. The closest Fire Station to Stanislaus Elementary School is Station 26, approximately 6.9 miles to the northeast. The Modesto Fire Department contains 11 fully staffed stations and a future station planned within northeastern Modesto City Limits equipped to handle structural fires and emergencies (Modesto GP EIR, 2019). The other notable fire stations close to the Project Location are Modesto Fire Station 11, approximately 0.6 miles south of the Tully Road "dead-end" connection point, and Salida Fire Station 13, approximately 1.5 miles north of Tully Road and Kiernan intersection. Since the Project Location is within two fire jurisdictions, Mitigation Measure **MM PUB-01: Coordination with Local Agencies for Traffic Control** will help ensure coordination between the City of Modesto and Stanislaus County Fire Protection agencies.

The Project will remove existing dead end water mains in Tully Road and Dale Road, connecting existing mains in these roadways and extending potable water to the existing school, as well as improving water reliability for fire response within the Local Vicinity. The Project will replace a water well with a looped water zone within the City's overall water system. A later connection will be constructed with the Project to connect the proposed water main in Kiernan to the school's existing water meter; and extend north along Tully Road, where the installation of a fire hydrant will occur in the northeastern corner of the intersection for future fire suppression, where gaps in the City's water distribution network currently exist. Improvements will remain consistent with City of Modesto Standard Specifications and Water Master Plan. The Project will not increase school use or capacity. Likewise, population and level of activity within the local vicinity will not increase or result in the need for an additional fire station, equipment, or staff over the long-term. Project will not change land use, either directly or indirectly, from what was considered

and approved in the existing General Plan and Water Master Plan. Therefore, there will not be an increased need for fire response beyond what has already been identified in the City's approved Water Master Plan and General Plan. The Project proposes to maintain fire flow requirements (33 pounds per square inch at 4000 gallons per minute) pursuant to Modesto Policy FS-1.

Construction will occur within eleven (11) months, requiring a crew of approximately 16, which is not of a duration or scale that would result in substantial need for changes in the existing public services or physically altered facilities beyond what is already been planned and approved. During construction an approved traffic control plan, including input from the Fire Department, will be followed by the construction crew to reduce conflicts and delays from construction within the public right-of-way. This will allow fire protection services to function according to agency standards. Therefore, Fire Department and emergency response through the construction zone will be maintained pursuant to agency input and standards without the need for new or physically altered government facilities. As a result, less than significant impacts are expected during construction on fire and emergency services.

The standard application of the City's plan check, inspection process will verify the implementation of fire protection performance objectives during construction and long-term operation. In addition, Mitigation Measure **MM PUB-01: Coordination with Local Agencies for Traffic Control,** will help to facilitate fire protection services are maintained throughout Project construction activities.

For these reasons, impacts are considered less than significant with the implementation of Mitigation Measure **MM PUB-01: Coordination with Local Agencies for Traffic Control.**

ii. **Police Protection?**

RESPONSE:

Less than Significant with Mitigation Incorporated. See Section 13, a) i). The Project is partially within District 63 of the Modesto Police Department; Dale Road and the intersection of Dale Road and Kiernan Avenue is within the service boundaries of the City's Police Department. Kiernan Avenue, Tully Road and Stanislaus Elementary School are within the jurisdiction of the Stanislaus Sherriff's Department, and traffic laws are enforced by the State Highway Patrol along Kiernan Avenue within the boundaries of the Project. The closest police stations to the Project are California Highway Patrol Modesto Area Office, approximately 1.9 miles east of the proposed Project Alignment, and Modesto Police Department (3005 Evergreen Avenue #600, Modesto, CA 95350), approximately 3.2 miles south of the Project Alignment.

During construction an approved traffic control plan will be followed. To ensure proper coordination for the implementation of the traffic control plan occurs between the City Utilities Department, Engineering Department, City Police, County Sheriff, and Highway Patrol, Mitigation Measure **MM PUB-01: Coordination with Local Agencies for Traffic Control.** This will allow services to function according to agency standards, and access will remain open throughout construction along the Project Alignment. The proposed Project will not permanently increase population or change land use resulting in increased need for police services either directly or indirectly.

Since the Project is a part of the approved Water Master Plan, intended to benefit the school and the City's public works facilities, the Project will not impact the level of police protection at the Project Location. The Project does not propose to increase population or change land use.

As a result of the reasons above, less than significant impacts to police protection are expected. No Mitigation Measures are needed.

iii. **Schools?**

RESPONSE:

Less than Significant with Mitigation Incorporated. The Project Area is serviced by Stanislaus Union School District. As mentioned within Section 2. Project Description, the Project is located within the property lines of Stanislaus Elementary School. Other education facilities closest to the Project Alignment include Big Valley Christian High School, approximately 0.9 miles from the Tully Road existing "dead-end" connection point. However, due to the Project Location relative to Big Valley Christian High School temporary, impacts during intermittent Project construction nor long-term maintenance are anticipated. Stanislaus Union School District would review plans for

the service pipe to the elementary school and the construction schedule would be coordinated with the school district pursuant to Mitigation Measure **MM HAZ-02: Coordination with Stanislaus Union School District**.

Project Activities anticipated to occur within 0.25 miles of Stanislaus Elementary School include installation of 12,000 linear feet of potable water main and thirteen (13) fire hydrants using open trench construction and jack and bore construction. The installation of a service pipe for water service to the school as well as an extension, fire hydrant, and stub north of the water main in Kiernan Avenue will be installed with jack and bore construction to connect the proposed main along Kiernan Avenue to the southeastern corner of the elementary school and the northeastern corner of the Tully Drive/Kiernan Avenue intersection. Potentially significant impacts as a result of construction activities are anticipated. Construction activities may temporarily prohibit young children from biking and walking during peak hours for drop-off and pick-up, especially during the installation of the service pipe. As mentioned above, the Project's traffic control plan pursuant to City Standards and Specifications will maintain access to Stanislaus Elementary School during the academic school year and hours of operation. However, environmental impacts including noise and air quality may prohibit open trenching and jack and bore construction from occurring during education hours. As a result, the Project should implement Mitigation Measure **MM HAZ-02: Coordination with Stanislaus Union School District**, which will specify construction hours within a 400-foot radius of Stanislaus Elementary School for protection to sensitive receptors throughout the School's operations and ensure coordination occurs with SUSD prior to construction activities.

Additionally, the Project will not increase population or density either directly or indirectly within the planning area; therefore, the project will not result in changes to school enrollment.

iv. **Parks?**

RESPONSE:

Less than Significant Impact. The Project is public works improvement and will not result in any short-term or permanent changes in demand for parks services. As mentioned within Section 16. Recreation, the closest parkland and open spaces are approximately 1 mile east of the proposed Project. The Project does not propose to change land use resulting, either directly or indirectly, in an increase in density or population that would affect park use. Therefore, long-term impacts are not anticipated.

In addition, the Project Alignment is planned to be constructed with the public right-of-way; therefore, an approved traffic control plan will be implemented in compliance with City Standard Specifications. As a result, access to existing park land adjacent to Project Components is not anticipated to be impacted by Project construction. Less than significant impacts are anticipated; no Mitigation Measures are needed.

v. **Other public facilities?**

RESPONSE:

No Impact. The Project Alignment is north of Modesto City Limits, adjacent to primarily agricultural, industrial, and commercial land uses under jurisdiction of the City and Stanislaus County. See *Table 1. Surrounding Land Uses* and *Table 2. Existing Diverse Uses Within Local Vicinity of the Project Alignment*. The City Utilities Department will facilitate coordination on the Project between other city departments, County and the state. Therefore, construction is not anticipated to result in significant temporary or permanent changes to public facilities.

MITIGATION MEASURES

MM PUB-01: Coordination with Local Agencies and Special Districts for Traffic Control. Prior to start of construction, Modesto's City Engineering Division must ensure coordination is facilitated between local agencies and special districts within Modesto City Limits and Stanislaus County including Stanislaus Consolidated Fire Protection District, Modesto Fire Department, California Highway Patrol, Stanislaus County Sherrif's Department, Stanislaus School District, and Modesto Police Department. Coordination between Local Agencies shall involve the review of the Project's traffic control plan and construction schedule prior to City of Modesto's approval to ensure all agency Best Management Practices and standards are incorporated into the traffic control plan. This coordination shall also include Stanislaus Elementary School so that installation of the service pipe does not occur during school hours or pick-up and drop-off times to avoid conflicts with the operation of the school.

16. RECREATION

Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
RECREATION.				
a) Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

REGULATORY COMPLIANCE

The Quimby Act

The Quimby Act of 1965, Section 66477 of the California Government Code, enables local governments, cities, or counties to require the dedication of land or impose a requirement of the payment of the in-lieu fees for development of community parks as well as setting minimal standards for parks.

DISCUSSION

a) **Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

RESPONSE:

No Impact. The closest parkland and open spaces to the Project Alignment are McKinley Colony Park, approximately 1.7 miles south of the proposed Project, and the Virginia Corridor Trailway traversing in a north-south direction, approximately 1.0 miles east of the Project Alignment (Modesto GP EIR, 2019; Figure VI-11-1: Existing Park System in City Limits). Due to distance, the Project will not directly impact parks. The Project will support long-term goals outlined in the City of Modesto's General Plan and Water Master Plan. The Project is a subterranean water main that will connect Stanislaus Elementary School to the City of Modesto's potable water system, replacing reliance on a well for drinking water. As such, a lateral connection will be constructed between the new main in Kiernan Avenue and the school's water meter located near the south and east parcel boundaries of the school, approximately 500 feet from the Stanislaus Elementary School playground. Construction of the service pipe is not anticipated to disrupt sensitive receptors or the physical deterioration of the playground, since trenching will occur outside of the play area limits and construction is proposed outside of the school's operating hours.

The Project is a subterranean public works improvement that will temporarily disrupt the public right-of-way using open trench and jack and bore methods. Through access within the streets will be maintained during construction with the implementation of an approved traffic control plan by the contractor; therefore, construction would not alter traffic resulting temporary changes to park utilization within the Local Vicinity or outlying areas. Upon completion, the public right-of-way and Project Location will be restored to existing conditions. The Project does not propose structures or buildings that will directly increase population or level of activity, resulting in permanently increased use of neighborhood and regional parks or other recreational facilities. The Project will temporarily increase daytime, weekday population at the Project location during construction; however, significantly increased park uses, resulting in substantial or accelerated physical deterioration of nearby parks, is not expected during construction due to the size of the Project and anticipated size of the construction crew.

As a result, the Project will have no impact on recreational facilities. No Mitigation Measures are required.

b) **Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?**

RESPONSE:

No Impact. The Project will not construct or expand recreational facilities. The Project is a subterranean utility that will not permanently affect land use or transportation. During construction the contractor will be required to implement mitigation measures and BMPs to reduce physical effects of construction on the environment to less than significance. Upon completion of construction the Project will restore areas affected by construction to existing conditions. Therefore, the Project will have no temporary or permanent impacts related to construction or expansion of recreational facilities which will have an adverse physical effect on the environment, and no mitigation is required.

17. TRANSPORTATION

Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
XVII. TRANSPORTATION. Would the Project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?	☐	☒	☐	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
d) Result in inadequate emergency access?	☐	☒	☐	☐

REGULATORY COMPLIANCE

CEQA Guidelines

In December 2018, CEQA Guidelines Section 15064.3, subdivision (b) was adopted by the California Natural Resources Agency. The updated guidelines outline the specific considerations for evaluating a project's transportation impacts; identifying "vehicle miles traveled" (VMT) as the most appropriate measure for determining impact levels. The updated guidelines focus primarily on transit priority areas, shifting the focus from driver delay to GHG reductions, the utilization of multimodal networks, and mixed land uses.

Section 15064.3 subdivision (b) considers all the following acceptable criteria for analyzing transportation impacts:

(1) **Land Use Projects**. Vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact. Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact. Projects that decrease vehicle miles traveled in the project area compared to existing conditions should be presumed to have a less than significant transportation impact.

(2) **Transportation Projects**. Transportation projects that reduce, or have no impact on, vehicle miles traveled should be presumed to cause a less than significant transportation impact. For roadway capacity projects, agencies have discretion to determine the appropriate measure of transportation impact consistent with CEQA and other applicable requirements. To the extent that such impacts have already been adequately addressed at a programmatic level, such as in a regional transportation plan EIR, a lead agency may tier from that analysis as provided in Section 15152.

(3) **Qualitative Analysis**. If existing models or methods are not available to estimate the vehicle miles traveled for the particular project being considered, a lead agency may analyze the project's vehicle miles traveled qualitatively. Such a qualitative analysis would evaluate factors such as the availability of transit, proximity to other destinations, etc. For many projects, a qualitative analysis of construction traffic may be appropriate.

(4) **Methodology**. A lead agency has discretion to choose the most appropriate methodology to evaluate a project's vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to estimate a project's vehicle miles traveled and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate vehicle miles traveled and any revisions to model outputs should be documented and explained in the environmental document prepared for the project. The standard of adequacy in Section 15151 shall apply to the analysis described in this section.

Source: CEQA Guidelines Section 15064.3- Determining the Significance of Transportation Impacts.

DISCUSSION

a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

RESPONSE:

Less than Significant Impact. As mentioned within Section II. Project Description, the Project Alignment will be constructed within the public right-of-way Dale Road, a minor arterial[12] within the city of Modesto's jurisdiction; Kiernan Avenue, Principal Arterial[13] within CALTRANS right-of-way; and Tully Road, a minor arterial within the County public right-of-way.

The Project plans to install 12,000 linear feet of potable water pipeline within the public Right-of-Way, in addition to Project Components on City-owned parcels. No permanent changes to the City of Modesto's circulation system are proposed with the Project; however, Project construction is anticipated to cause temporary and intermittent traffic impacts. As anticipated within the Project's Air Quality, Greenhouse Gas, & Energy Technical Memorandum (**Appendix A**), construction worker trips will generate an estimated 82,944 vehicle miles travelled (VMT) during Project construction. Project construction is anticipated to take eleven (11) months.

b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?

RESPONSE:

Less than Significant with Mitigation Incorporated. CEQA Guidelines Section 15064.3, subdivision (b) pertains to vehicle miles traveled that are expected from a Project. The Project does not propose changes to existing or approved land use and will not facilitate permanently increased traffic trips or increased VMT. As mentioned above, **Appendix A**, Air Quality, Greenhouse, & Energy Technical Memorandum anticipates temporary Project construction will generate 82,944 construction works trips and 15,154 vendor and hauling trips during temporary Project construction activities, totaling 98,098 VMT. As a result of temporary increases in truck trips along local roadways, the Project will implement Mitigation Measure **MM TRAF-01: Traffic Control Plan** to ensure BMPs for temporary increases in VMT minimize disruptions to agricultural production, Stanislaus Elementary School pick-ups and drop-off, or the roadways within the Local Vicinity. The traffic control plan includes land closures, barricades, signage along roadways, and designated work areas/ limits for construction activities. Long-term increases in VMT as a result of the Project are not anticipated. In addition, the traffic control plan will ensure City of Modesto, Stanislaus County, and CALTRANS standards for traffic control are being implemented throughout Project construction. In addition to **MM TRAF-01: Traffic Control Plan**, the Project proposes to obtain an encroachment permit pursuant to **MM TRAF-02: Encroachment Permit**, which will ensure that the Project Manager is compliant with standards established by CANTRANS, Stanislaus County, and the City of Modesto.

As a result, the Project does not anticipate conflicts or inconsistencies with CEQA Guidelines related to VMT with the implementation of Mitigation Measure **MM TRAF-01: Traffic Control Plan** and **MM TRAF-02: Encroachment Permit.**

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

RESPONSE:

No Impact. The Project will be constructed below ground surface. The only above ground features are the fire hydrants for fire suppression; twelve fire hydrants are proposed on the south side of Kiernan Avenue and one will be in the northeastern corner of the Tully Road and Kiernan Avenue intersection; the fire hydrants will be installed per the City of Modesto's Standard Specification within the margins of the public right-of-way and will be designed to avoid permanent hazards from a geometric design feature. During construction, the Project will require transport of heavy equipment to the Project location and the use of heavy equipment. Work within public right-of-way requires review and approval of an encroachment permit by the City, which will include a traffic control plan with BMPS such as temporary barriers and detours and will not allow permanent changes to Kiernan Avenue; no new driveways will be constructed with the project. Therefore, no impacts are anticipated.

[12] A Minor Arterial is meant to carry moderate- to high-volume traffic to and from collectors to other Minor Arterials, Principal Arterials, Expressways, and Freeways with a secondary function of land access. Minor Arterials located within areas zoned for heavy or light industrial or that are expected to carry large or heavy trucks shall be constructed to Industrial Major Collector standards (Stanislaus County GP EIR, 2016)

[13] A Principal Arterial is to move high volumes of people and goods between urban areas within the County at higher speeds, while still providing access to abutting properties as permitted by the standards for each Principal Arterial class. Principal Arterials serve a similar function to that of Freeways and Expressways and provide access to the interregional freeway system (Stanislaus County GP EIR, 2016).

d) Result in inadequate emergency access?

RESPONSE:

Less than Significant with Mitigation Incorporated. In the long-term, The Project location will return to pre-project conditions. However, the addition of the fire hydrants will result in a permanent above-ground structures that will change the existing landscape; this is not anticipated to be a significant impact since the fire hydrants will provide additional fire suppression to the surrounding area. There will be no impact on vehicular access near the Project Alignment or in the Local Vicinity.

However, potential for delay within the Local Vicinity during Project construction is likely, since equipment will temporarily block access, although continuous access will be maintained to developed properties throughout the duration of construction with the implementation of the City's Standard Specifications. Therefore, throughout Project construction, the Project contractor will implement a traffic control plan pursuant to Mitigation Measure MM TRAF-01: Traffic Control Plan. The traffic control plan will be available to first responders including Modesto Police Department, Stanislaus Sherrif's Department, Stanislaus Consolidated Fire Protection District, and Modesto Fire Department throughout construction activities.

As a result, the Project anticipates less than significant impacts due to the implementation of Mitigation Measure MM TRAF-01: Traffic Control Plan.

MITIGATION MEASURES

MM TRAF-01: Traffic Control Plan- The City of Modesto Engineering Department shall approve a Traffic Control Plan prepared by a licensed traffic engineer, for all project-affected roadways and intersections prior to mobilization of the Project. The Traffic Control Plan shall comply with requirements in encroachment permits issued by Stanislaus County, City of Modesto and Caltrans. The Traffic Control Plan shall be implemented the contractor continuously during construction and shall include, but not be limited to, the following measures from CALTRANS, Stanislaus County, and the City of Modesto:

City of Modesto:

1. Public Notification: Two weeks, one week and 24 hours prior to beginning any work in an area or the project, provide written public notice to all residents, businesses, churches, property owners, tenants, and applicable parties adjacent to and within a 1/4-mile radius of the project area (Pursuant to Modesto Standard Specification No. *12.04 Traffic Control Requirements*);
2. Right-of-way Lane Access: A minimum of one 11-foot-wide lane shall be open in each direction at non intersections, and a minimum of one 11-foot-wide lane for each striped movement at an intersection, for traffic during working hours, unless otherwise described by the Contract Documents (Pursuant to Modesto Standard Specification No. *12.04 Traffic Control Requirements*)
3. Work Schedule: Normal work schedule is limited to the hours of 7:00 a.m. to 3:30 p.m. outside of the full path of the traveled way. Normal work schedule is limited to the hours of 8:30 a.m. to 3:30 p.m. when any work by the Contractor is within the traveled way, unless otherwise described by the Contract Documents (Pursuant to Modesto Standard Specification No. *12.04 Traffic Control Requirements*)
4. Private Driveways: Notify the owner of the private driveway fifteen (15) calendar days prior to implementing the Traffic Control Plan (Pursuant to Modesto Standard Specification No. *12.04 Traffic Control Requirements*);
5. Trenches: Backfill all trenches at the end of each workday (Pursuant to Modesto Standard Specification No. *12.04 Traffic Control Requirements*);
6. Aggregate base: Provide aggregate base and compact all areas within the roadway and shoulder (Pursuant to Modesto Standard Specification No. *12.04 Traffic Control Requirements*);
7. Temporary Paving & Delineators: Provide temporary paving and temporary delineators or striping at the end of each workday (Pursuant to Modesto Standard Specification No. *12.04 Traffic Control Requirements*);
8. Schools: Notify schools within ½ mile of the work zone, two weeks, one week and 24 hours before implementing the approved Traffic Control Plan in the vicinity of the school;
9. Signs: Post "No Parking, Tow Away" signs on barricades along the roadway at least 48 hours prior to the construction work in that area;

City of Modesto's BMPs are based on CATRANS standards and traffic control measures outlined within the CALTRANS Manual on Uniform Traffic Control Devices (CAMUTCD, 2014 Edition).

MM TRAF-02: Encroachment Permit- Prior to the issuance of permits and active Project construction, the City's Engineering and Utilities Departments in coordination with Stanislaus County and CALTRANS, must obtain an approved encroachment permit for work within the public right-of-way with plans showing no new driveways along Kiernan. Throughout Project construction, the Project contractor will be responsible for the enforcement of the encroachment permit.

18. TRIBAL CULTURAL RESOURCES

Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
XVIII. TRIBAL CULTURAL RESOURCES.				
a) Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	☐	☐	☒	☐
i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	☒	☐
ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☒	☐

REGULATORY COMPLIANCE

NHPA Section 106 Native American Consultation

Section 106 of the NHPA requires tribal consultation in all steps of the process when a federal agency project or effort may affect historic properties that are either located on tribal lands, or when any Native American tribe or Native Hawaiian organization attaches religious or cultural significance to the historic property, regardless of the property's location (U.S. General Services Administration 2022).

Assembly Bill (AB) 52

Assembly Bill (AB) 52 became effective on July 1st, 2015, and requires lead agencies to provide notice to any California Native American tribes that have requested notice of projects. Upon the receipt of the notice, the tribe has 30 days to request consultation with the lead agency. AB 52 created a new category of resources formally known as "Tribal Cultural Resources".

Public Resources Code 21074 defines "Tribal cultural resources as any of the following "Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either: (A) Included or determined to be eligible for inclusion in the California Register of Historical Resources and/or (B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1. This may include a resource determined by the Lead Agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe."

DISCUSSION

a) **Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:**

i. **Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or**

RESPONSE:

Less than Significant Impact. The cultural records search indicated that no cultural resources have been found or recorded on the current Project Location and the Project Location is vacant. Therefore, it is not anticipated that the Project will not have impacts on resources that are listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources.

In addition to the cultural resources search, a Sacred Lands File (SLF) search was conducted with the Native American Heritage Commission (NAHC). The results of the SLF search, received on November 29th, 2023, were negative, indicating the absence of cultural resources in the Project Area (See **Appendix C**).

Therefore, based on the results from the SLF, impacts to tribal cultural resources pursuant to Public Resources Code Section 21074 and 5020.1(k) are less than significant. However, impact is subject to change depending on the result of trial outreach explained in response b) below.

ii. **A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

RESPONSE:

Less than Significant Impact (Pending Response to Scoping Letters). See Response a) above. As mentioned in the Cultural Resources section, the Project Area is located within the traditional boundaries of the Northern Yokuts. This tribe along with others who are relatively close to the Project Alignment and were historically present within the region are believed to have knowledge of cultural resources in the Project Area. Therefore, within the NAHC response letter from November 29th, 2023, the NAHC suggested that other cultural resources should be contacted for more information regarding known and recorded sites. The NAHC provided a list of Native American tribes that could assist in identifying potentially significant cultural resources due to these tribes' presence in the Project Area. These tribes included the Calaveras Band of Mi-Wuk Indians, Calavera Band of Mi-Wuk Indians- Grimes, California Valley Miwok Indians, Confederated Villages of Lisjan Nation, North Valley Yokuts, Southern Serra Miwuk Nation, Tule River Indian Tribe, Wilton Rancheria, and the Wuksachi Indian Tribe/ Eshom Valley Band.

The City of Modesto completed Tribal Consultation pursuant to AB52 and Section 106 of the NHPA Native American Consultation. Based on preliminary review of the SLF, significant impacts were not anticipated. Scoping letters were sent to the tribes on September 10, 2024. Follow-up phone calls were completed on September 11, 2024. No responses were received. Tribal consultation is considered complete indicating no significant impacts anticipated from the Project and no mitigation measures are required.

19. UTILITIES AND SERVICES

Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
UTILITIES AND SERVICE SYSTEMS. Would the Project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b) Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☐	☒
c) Result in a determination by the wastewater treatment provider, which serves or may serve the Project that it has adequate capacity to serve the Project's Projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☐	☒
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒

DISCUSSION

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

RESPONSE:

Less than Significant Impact. As mentioned within Section 2. Project Description, storm water inlets are located on the west and east side of Dale Road, near the Kiernan Avenue and Dale Road intersection. Overhead 12,000-volt and 69,000-volt electrical lines are operated and maintained by Modesto Irrigation District (MID) along the north side of Kiernan Avenue, west side of Tully Road, and east side of Dale Road. Modesto Irrigation District operates and maintains a surficial concrete-lined, irrigation system, consisting of canals and laterals, surrounding the Project in the local vicinity, which convey water from the Stanislaus River for agriculture in the Local Vicinity. Within the Kiernan Avenue public right-of-way, a 30-inch irrigation line runs north and south. In addition, PG&E

owns gas lines within Tully Road, Kiernan Road, and Dale Road right-of-way. See **Figure 9. Existing and Proposed Utilities**.

At the Project Location, water and wastewater services are provided by the Stanislaus Union School District (SUSD) Water System No. CA500249. SUSD Water System is within the Stanislaus Elementary School property limits and provide water services with one active well (Well 02), PS Code 5000249-004, one inactive well (Well 01), PS Code CA5000249-001, an 8000 gallon (gal) static tank with a usable capacity of 7,435-gal, distribution piping, and appurtenances. SUSD contains an on-site septic system for wastewater services. Project implementation requires the construction of approximately 12,000 linear feet of potable water main and consolidation of SUSD Water System into the City of Modesto's water distribution network. Consolidation and expansion of the water system is required due to 1,2,3-TCP contamination of the SUSD Water System groundwater well (Well 02). The Project is proposed to expand the water system will improve the quality of water resources for the existing SUSD consumer base, who are currently reliant upon bottled drinking water. Improvements to the water system are outlined within the City's Water Master Plan and General Plan, which identify, and quantify available water supplies, projected water use, maintenance needs, and system reliability pursuant to California Water Code Section 10610 et seq. (Urban Water Management Plan). The Project does not propose to develop infrastructure or public utility improvements that have not already been considered and approved by the City of Modesto.

Since the proposed Project is anticipated to connect to existing 12-inch "dead-end" connection points along Dale Road and Tully Road, conflicts with existing utilities have the potential to occur. However, Best Management Practices (BMPs) within Project plans intend to reduce potential conflicts with existing utilities through potholing prior to Project construction in accordance with Modesto Standard Specification No. *6.08 Installation* and proposed jack and bore construction[14] under existing utilities to avoid relocation.

As a result, the Project anticipates less than significant impacts. No mitigation measures are needed.

b) Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?

RESPONSE:

No Impact. The proposed Project is consistent with the of the City's Water Master Plan and would not induce growth beyond what is currently approved in the City's General Plan. Therefore, the Project will improve the City's water infrastructure according to planned buildout of the City's General Plan and Water Master Plan by replacing two dead end water mains with a looped system between Dale Avenue and Tully Avenue. The Project will also extend the proposed water main through the Kiernan Avenue and Tully Road intersection for the installation of a fire hydrant in the northeastern corner and future extension of the City's Water Master Plan. The fire hydrant will provide fire suppression for adjacent properties and fill gaps in the City's require water infrastructure pursuant to Modesto's Standard Specifications.

The Project does not propose to develop infrastructure that would increase population or density at any of the Project Locations or Local Vicinity. As a result, no impacts are foreseen, as the Project is not anticipated to substantially impact water supplies that serve the Project and reasonably foreseeable future development during normal and multiple dry years. No Mitigation Measures are needed.

c) Result in a determination by the wastewater treatment provider, which serves or may serve the Project that it has adequate capacity to serve the Project's Projected demand in addition to the provider's existing commitments?

RESPONSE:

[14] The jack and bore location will be video inspected to ensure that City Storm Drain and Sanitary Sewer utilities within 5 feet of the proposed boring locations are not disrupted. This will occur pursuant to City of Modesto Standard Specification No. *8.03 Design*.

No Impact. Wastewater flows at the Project Location collect within an on-site septic tank. Since the proposed Project does not anticipate an increase in the generation of wastewater over the long-term, SUSD's septic system does not need to account for increased capacity due to Project activities. Therefore, changes to the facilities existing commitments are not anticipated. No impacts are anticipated, and Mitigation Measures are not required for the Project.

d) **Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?**

RESPONSE:

Less than Significant Impact. The California Integrated Waste Management Board (CIWMB) oversees, manages, and tracks waste generated within California. Assembly Bill (AB) 939 and Senate Bill 1322 shaped the CIWMB and required that all California cities and counties implement programs to reduce, recycle, and compost at least 50 percent of wastes by 2000 (PRC Section 41780). To remain compliant with CIWMB, cities and counties track diverted waste by counting the materials disposed at landfills and subtracting that amount from the base-year amount.

The Project does not propose to increase population or density at the Project Site. Therefore, waste management services or submittal of an approved Waste Management and Recycling Plan for the Project location is not necessary. The Project will install new infrastructure and may result in disposal of some debris during construction. As a result, the contractor will implement minimum housekeeping practices according to the California Stormwater BMPs Handbook pursuant to Standard Condition SC UTL-01: Waste Management Plan for the Project, which will include temporary lidded bin at the Site for collection, disposal, recycling, and transport of construction waste.

Upon completion of construction, no waste is expected to result after Project construction; regular disposal agreements/ methods are not required. However, during Project construction Standard Condition SC UTL-01: Waste Management Plan will be implemented to prevent minimize impacts throughout Project construction. No Mitigation Measures are needed.

e) **Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?**

RESPONSE:

No Impact. The Project will not increase solid waste production over the long term since the Project does not propose to convert the land use from open space to development. No impacts are anticipated, and no mitigation measures are required. Temporary construction activities will comply with the City's Standard Specifications for waste management referenced in Section 19. d).

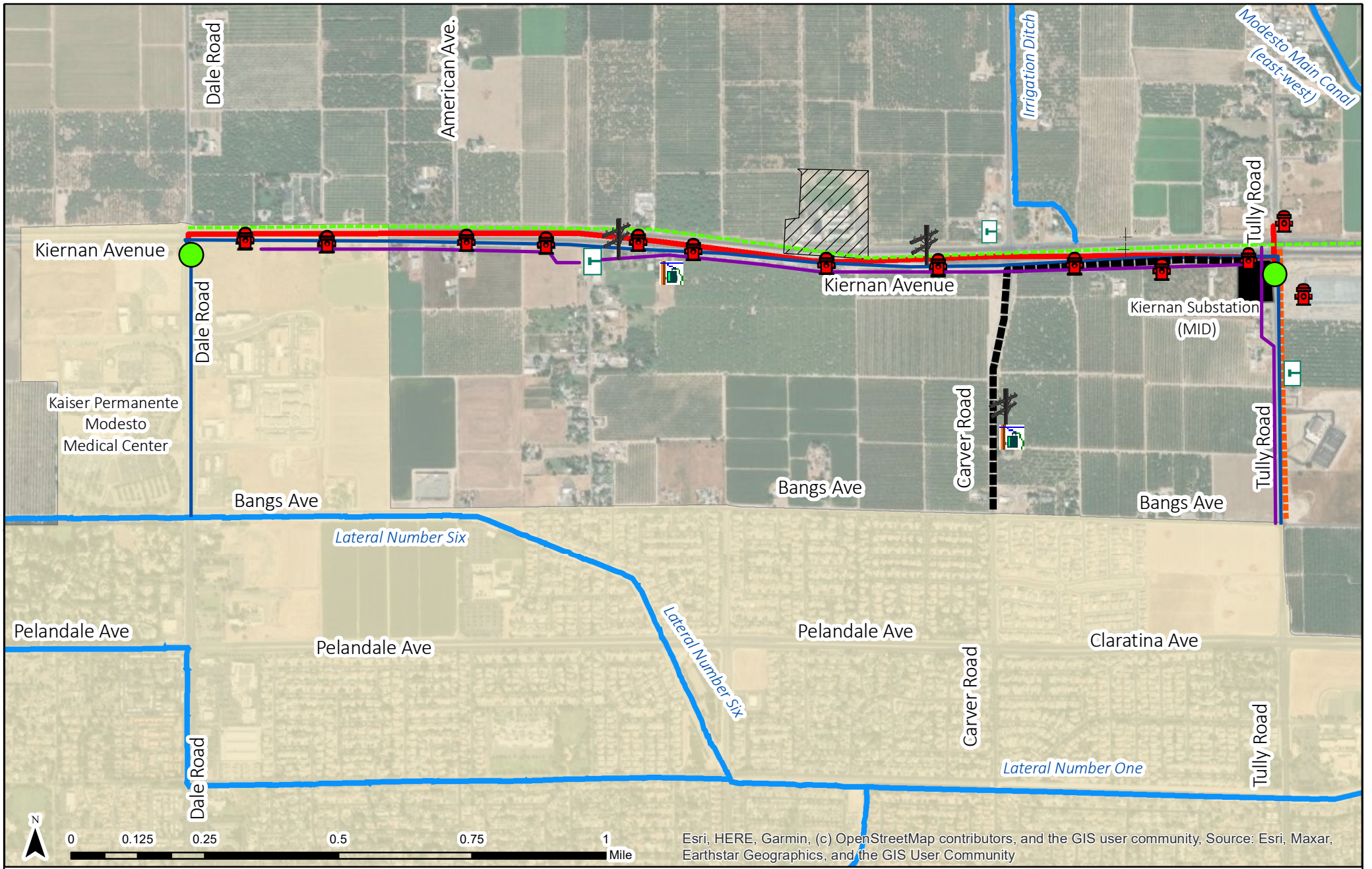
MITIGATION MEASURE

SC UTL-01: Waste Management Plan- Prior to Project construction, the City's Utilities Department shall ensure Project specifications include standards conditions pertaining to good housekeeping practices. The City's standard plan check and review process will ensure the following measures are included in Project Specifications and maintain throughout active construction within the Project Area:

1. Site Clean Up: The Contractor shall keep the Project Site clean and free of dust, mud, and debris resulting from the Contractor's operations. Daily clean up throughout the project shall be required as the Contractor progresses with the work. Extra precautions and cleanup efforts shall be made prior to weekends, holidays and predicted storm events.
2. Continuous Street Sweeping throughout active construction.
   Spillage of earth, gravel, concrete, asphalt, or other materials resulting from hauling operations along or across any public traveled way shall be removed immediately by the Contractor at his expense. If site is not kept sufficiently clean, the City will take measures to clean it and back charge the Contractor.
3. Solid Waste Management: Refer to CASQA Factsheet WM-5 and WM-6.
   a. Select designated waste collection areas onsite.

b. Inform trash-hauling contractors that you will accept only watertight dumpsters for onsite use. Inspect dumpsters for leaks and repair any dumpster that is not watertight.
c. Locate containers in a covered area or in a secondary containment.
d. Provide an adequate number of containers with lids or covers that can be placed over the container to keep rain out or to prevent loss of wastes when it is windy.
e. Cover waste containers at the end of each workday and when it is raining.
f. Plan for additional containers and more frequent pickup during the demolition phase of construction.
g. Collect site trash daily, especially during rainy and windy conditions.
h. Remove this solid waste promptly since erosion and sediment control devices tend to collect litter.
i. Make sure that toxic liquid wastes (used oils, solvents, and paints) and chemicals (acids, pesticides, additives, curing compounds) are not disposed of in dumpsters designated for construction debris.
j. Do not hose out dumpsters on the construction site. Leave dumpster cleaning to the trash hauling contractor.
k. Arrange for regular waste collection before containers overflow.
l. Clean up immediately if a container does spill. ν Make sure that construction waste is collected, removed, and disposed of only at authorized disposal areas.

4. Material Storage and Delivery Area: Refer to CASQA Factsheet WM-1.
    a. Chemicals must be stored in watertight containers with appropriate secondary containment or in a storage shed.
    b. Temporary storage areas should be located away from vehicular traffic.
    c. Material delivery and storage areas should be located away from waterways, if possible.
    d. Employees and subcontractors should be trained on the proper material delivery and storage practices.
5. Concrete Waste Management: Refer to CASQA Factsheet WM-8.
    a. Store dry and wet materials under cover, away from drainage areas. Refer to WM-1, Material Delivery and Storage for more information
    b. Perform washout of concrete trucks in designated areas only, where washout will not reach stormwater.
    c. Do not wash sweepings from exposed aggregate concrete into the street or storm drain. Collect and return sweepings to aggregate base stockpile or dispose in the trash.
6. Spill Prevention and Control: Refer to CASQA Factsheet WM-3.
    a. Ensure that stockpile coverings are installed securely to protect from wind and rain.
7. Temporary Sanitary Waste Facilities: Refer to CASQA WM-10
    a. Instruct employees and subcontractors how to safely differentiate between non-hazardous liquid waste and potential or known hazardous liquid waste.
    b. Instruct employees, subcontractors, and suppliers that it is unacceptable for any liquid waste to enter any storm drainage device, waterway, or receiving water.
    c. Educate employees and subcontractors on liquid waste generating activities and liquid waste storage and disposal procedures. ν Hold regular meetings to discuss and reinforce disposal procedures (incorporate into regular safety meetings).



- Fire Hydrant
- Project
- Hydrological Flowlines
- Modesto City Limits
- Existing Overhead Transformer (MID)
- Connection Point to Existing Pipeline
- Existing Stanislaus Elementary School Property Site
- 12,000 volt primary overhead (MID)
- Existing Gas Lines (PG&E)
- 69,000 volt transmission overhead (MID)
- Telephone Lines (AT&T)
- Underground Electrical Transformer (MID)
- Electrical Poles (MID)

City of Modesto

Stanislaus Elementary School 123-TCP Mitigation Project

Figure 9: Existing & Proposed Utilities

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20. WILDFIRE

Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☒	☐	☐
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

REGULATORY COMPLIANCE

2019 CEQA Guidelines

In 2019, CEQA Guidelines were amended to address the need to evaluate wildfire impacts since it has worsened in recent history.

While wildfires have been prevalent throughout California's history and more acres of California have burned in the past decade than in the previous 90 years (CALFIRE, Top 20 Largest California Wildfires 2022). Wildfires are caused from natural sources, such as lightening or meteors, and from human activities such as downed powerlines, electrical sources, associated with development (CA Attorney General 2022). As development expands, there is greater potential for wildland fire to occur at wildland-urban interfaces. Approximately one-third of California's housing units are currently located within these areas (CA Attorney General 2022). As a result of the increased risk to wildfire risks within the state of California, CEQA recognizes best practices to disclose, analyze, and mitigate wildfire impacts can be found within local jurisdictions by utilizing general plan documents.

CALFIRE Fire Hazard Severity Zones

The CALFIRE Hazard Severity Zone (FHSZs) is "a mapped area that designated zones (based on factors such as fuel, slope, and fire weather) with varying degrees of fire hazard" (CALFIRE 2022). CALFIRE released a FHSZ Viewer that identifies areas where wildfires are prone to occur (CALFIRE FHSZ Viewer, 2022). The utilization of this tool is meant to limit wildfire damage in preliminary phases of planning to mitigate and prevent activities or land uses that would cause greater risk for a wildfire. According to CALFIRE's FHSZ Viewer, the Project Components are not within designated Fire Hazard Severity Zones (CALFIRE FHSZ Viewer). The closest lands that are categorized as such are east and west of the Project Location, approximately 15 and 18 miles from the Project Location, outside of City Limits.

DISCUSSION

a) **Substantially impair an adopted emergency response plan or emergency evacuation plan?**

RESPONSE:

Less than Significant with Mitigation Incorporated. The Project is located primarily within the Dale Road, Kiernan Avenue, and Tully Road right-of-way. According to the City of Modesto Water Master Plan*, Figure 11-1. City of Modesto Emergency Evacuation Routes*, Kiernan Avenue is an established evacuation route. As mentioned within Section 9. Hazards and Hazardous Waste, Response e), the Project will implement a Traffic Control Plan pursuant to Mitigation Measure **MM TRAF-01: Traffic Control Plan** to ensure emergency access and safety throughout construction activities are maintained.

Due to the Project Location's proximity to the closest CALFIRE Fire Hazard Severity Zone (CALFIRE FHSZ Viewer), Project implementation is not anticipated to involve significant impacts to evacuation routes and emergency response plans within vulnerable, fire-prone areas. An emergency at the Project Location will be served by Stanislaus Consolidated Fire Protection District Station 26, located at 3318 Topeka St in downtown Riverbank, approximately 6.9 miles northeast of Stanislaus Elementary School. Station 26 is equipped with one (1) Type 1 Engine, one (1) Type 6 Grass, and one (1) water rescue boat; and staffed with 3 personnel. Other notable fire stations in proximity to the Project Location include Modesto Fire Station 11, approximately 0.6 miles south of the Tully Road "dead-end" connection point, and Salida Fire Station 13, approximately 1.5 miles north of Tully Road and Kiernan intersection. Fire stations closest to the Project Location will also assist in providing access to evacuation routes during disasters according to The City of Modesto Emergency Operations Plan and Local Hazard Mitigation Plan.

Due to required implementation of CAL-OSHA standards for worker safety and safety requirements outlined in the City of Modesto's Standard Specifications including erecting and maintain barricades, guards, warning signs, and lights (Standard Specification No. *12.06 General Irrigation, Part B Rules and Regulations*); and bracing excavations and utilize shoring methods to protect trenches (Standard Specification No. *8.04 Materials, Part D Bracing Excavations*, the Project is not anticipated to require additional or unique emergency response services.

As a result of the reasons above, the Project will implement Project Mitigation Measure **MM TRAF-01: Traffic Control Plan** during Project construction to reduce impacts to a less than significant level.

b) **Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?**

RESPONSE:

Less Than Significant. Project construction would increase traffic and activity on a temporary and intermittent basis along Dale Road, Kiernan Avenue, and Tully Road; at Stanislaus Elementary School and in the Project Area. However, due to the size of the construction crew (approximately 18 workers) and scale of the project (approximately 100 linear feet of active construction daily), as well as safety measures that will be implemented by the contractor during construction, this increase is not expected to be significant.

The Project Site is relatively flat and does not contain steep slopes that may exacerbate wildfire risks. In addition, Modesto experiences significant seasonal variation in wind speeds over the course of the year; but primarily experiences calm winds during most of the year between August and April, averaging 5.7 miles per hour (Waetherspark.com, 2023). The Project Location is not within a CALFIRE Fire Hazard Severity Zone, as a result the Project Area is not susceptible to fire. However, deciduous fruit orchards and other agricultural land uses abutting the Project Alignment and Stanislaus Elementary School that may be susceptible to fire if BMPs are not implemented during Project construction. For this reason, Best Management Practices for construction will ensure safety at the job site through proper materials and equipment storage and regular inspections of equipment on-site are performed to ensure flammable gasoline is not leaking.

Therefore, the impacts due to slope, prevailing winds, and other factors related to wildfire are less than significant.

c) **Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?**

RESPONSE:

No Impact. The Project proposes installation and long-term maintenance of a subterranean water main, which will not exacerbate fire risk or result in elevated long-term fire risk. The Project is intended to improve reliability of the City's water system within the Local Vicinity and will support fire flow and fire response within the Local Vicinity. Project plans indicate open trench and jack and bore construction will be used to install approximately 12,000 linear feet of potable water pipeline within the CALTRANS, County, and City right-of-way. The City of Modesto's Standard Specifications require use of trench plates and exclusion fencing for active areas of construction and the contractor will be required to implement CAL-OSHA standards for worker safety which will manage continuous access, emergency response, and fire risk during construction. Therefore, Project construction is not expected to substantially exacerbate fire risk on a temporary or intermittent basis.

The Project will consolidate Stanislaus Union School District's Water System with the City of Modesto's Water Distribution Network to provide potable water services for Stanislaus Elementary School and abandon on-site Well 02 pursuant to Stanislaus County and California Department of Water Resources requirements, which is currently contaminated with 1,2,3-TCP. Prior to construction activities, the Project Area will be potholed and marked by the Project contractor to avoid existing infrastructure including gas lines, electrical, power lines, etc. and to avoid potential disruptions. Existing utilities along the Project Area are outlined in Section 19. Utilities and Services. See **Figure 9. Existing and Proposed Utilities**.

Upon the competition of the proposed construction, substantial changes in maintenance activities due to Project implementation would not be needed. On-site inspections may occur at the Project Location in substantial conformance with existing inspections and would not interfere with existing land use and activities in the Local Vicinity beyond existing conditions as well as what has already been approved and considered by the City of Modesto's Water Master Plan and General Plan documents.

For the reasons above, no impacts are anticipated. No Mitigation Measures are needed.

d) **Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?**

RESPONSE:

No Impact. Refer to Response 20. c). The City's Standard Specifications and CAL-OSHA standards will be implemented to reduce short-term localized temporary and intermittent risks during construction related to drainage, runoff and soil instability. According to CALFIRE's Fire Hazard Safety Zone Map, the area is designated as Local Responsibility exhibiting no high-moderate fire hazards. Therefore, based on this assessment, the Project Location is not in an area with unique features or elevated risk from wildfire, slope, flooding, runoff, landslides, and drainage. In addition, the Project would not substantively change long-term level of activity, topography, or land use patterns at the Project Location or in the Local Vicinity. The prevailing land use to within the Local Vicinity is agriculture, industrial, and commercial within a setting consisting of gently sloping topography. The Project does not propose to change existing land use or change existing topography via grading. Upon Project competition, the Project Area will return to pre-Project conditions; the only above-ground changes consist of the fire hydrants which will provide fire suppression to the surrounding areas. The Project is consistent with the City's Municipal Code and will be verified during the standard application of the City's plan check and inspection process prior to and during construction.

For these reasons, no impacts are anticipated. No Mitigation Measures are needed.

MITIGATION MEASURES

See Mitigation Measure **MM TRAF-01: Traffic Control Plan** in Section 17) Transportation.

21. MANDATORY FINDINGS OF SIGNIFICANCE

Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
MANDATORY FINDINGS OF SIGNIFICANCE. Would the Project:				
a) Does the Project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Does the Project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a Project are considerable when viewed in connection with the effects of past Projects, the effects of other current Projects, and the effects of probable future Projects.)	☐	☒	☐	☐
c) Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

DISCUSSION

a) **Does the Project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

RESPONSE:

Less than Significant with Mitigation Incorporated. The discussion for Environmental Checklist indicates only short-term, temporary impacts will occur with Project implementation. Mitigation measures to reduce all potentially significant impacts to less than significance are provided in this document. Due to its location within street right-of-way and developed land, the Project has very limited potential to result in direct significant impacts on wildlife or habitat. Mitigation Measures **MM BIO-01: Preconstruction Nesting Bird Clearance Survey** has been incorporated in this ISMND to require preconstruction surveys and nest protections if needed and will reduce impacts on nesting migratory birds and Swainson's hawk which are protected under federal and state regulations and may be found in proximity with Project construction. Less than significant impacts with mitigation would occur.

The Project is anticipated to be implemented within areas that have been previously disturbed and within engineered fill. Mitigation measures requiring preconstruction training for cultural resources and treatment protocols for buried resources, should they be encountered, have been included in this document. Therefore, impacts on major periods of

California history or prehistory would be avoided and/or reduced to a less than significant levels by implementation of mitigation measures **MM CUL-01: Worker Environmental Awareness Training, MM CUL-02: Cultural Resources Discovery, and MM CUL-03: Human Remains**.

b) **Does the Project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a Project are considerable when viewed in connection with the effects of past Projects, the effects of other current Projects, and the effects of probable future Projects.)**

RESPONSE:

Less than Significant with Mitigation Incorporated. As the preceding sections identify, the Project would extend the City of Modesto's existing water service area and replace a substandard water well for the Stanislaus Elementary School. The Project would improve system reliability, water quality and fire flow. It will not change level of maintenance activity required to operate the City's water delivery system as a whole or increase school attendance or capacity. The Project is consistent with the planned buildout of the General Plan and the Water Master Plan. Consequently, Project operation would not increase the level of impact on any resource above what is currently anticipated with full buildout of the General Plan as analyzed in the Certified General Plan EIR and the EIR for the City's Water Master Plan.

As the preceding sections identify, the Project would not require increased ongoing operations and maintenance-related activity, that would differ materially from what is now occurring. The Project would improve system reliability, it would likely decrease the level of maintenance activity required to operate the District's wastewater collection system as a whole.

Potentially significant impacts have been identified for ten resources in the Project vicinity: aesthetics, agricultural resources, biological resources, cultural resources, geology and soils, hazardous materials, hydrology, transportation, and tribal resources. Project impacts will be reduced to less than significance with the implementation of recommended mitigation measures identified herein: aesthetics (**MM AES-01: Construction Lighting Plan, MM AES-02: Coordination with Private Landowners**), agricultural resources (**MM AG-01: Buffer and Setback Guidelines**), biological resources (**MM BIO-01: Preconstruction Nesting Bird Clearance Survey**), cultural resources (**MM CUL-01: Worker Environmental Awareness Training, MM CUL-02: Cultural Resources Discovery, and MM CUL-03: Human Remains**), geology and soils (**MM GEO-01 through MM GEO-11**), hazardous materials (**MM HAZ-01: Coordination with Stanislaus Union School District**), hydrology (**MM HYDRO-01: Local SWPPP, MM HYDRO-02: Stormwater BMPs throughout Project Construction, MM HYDRO-03: Demolition and Abandonment Plan**), transportation and wildfire (**MM TRAF-01: Traffic Control Plan**).

For the reasons stated above, the Project does not have the potential to achieve short-term, to the disadvantage of long-term, environmental goals.

c) **Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?**

RESPONSE:

Less than Significant with Mitigation Incorporated. The Project will improve the quality of drinking water for an elementary school and would not result in substantial adverse effects on human beings, either directly or indirectly. The City has committed to a number of standards and best management practices to reduce potential impacts as well as mitigation measures for the project which will be implemented to reduce potentially significant impacts to less than significant levels:

- As discussed in the Project Description, to manage traffic in the safest and most efficient manner possible, the City will require the Project Contract Documents to include a Traffic Control Plan with detailed delineation of work zones, work hours, lane closures, signage locations, and provisions to maintain safe and uninterrupted residential, business, recreational, and institutional access while providing for vehicle, pedestrian, bicyclist and transit passage through work area. Development of the Traffic Control Plan will be coordinated with the City's staff (**MM TRAF-01: Traffic Control Plan**).
- Construction noise will be controlled by requiring the contractor in the Project Contract Documents to follow all applicable laws and policies as discussed in the Environmental Commitments portion of the Project Description as well as the noise analysis and limit construction activities near the school to hours when this facility is not in use. (**MM NOI-01: Construction Noise**).

- Construction and demolition would also generate dust and would require the use of diesel and gasoline internal combustion equipment that emits various pollutants, but the project would have limited (less than significant) potential to impact air quality and human health because of the proposed implementation of fugitive dust control measures as well as the short duration of construction activity and the small number of pieces of equipment in use at any given time(MM hydro-01: Local SWPPP and MM HYDRO-02: Stormwater BMPs Throughout Project Construction).

- Construction of the Project would involve monitoring during ground-disturbing activities for cultural, archaeological and paleontological resources, as well as documentation and repatriation of found artifacts which is are considered full mitigation for the project (MM CUL-01: Worker Environmental Awareness Training, MM CUL-02: Cultural Resources Discovery, and MM CUL-03: Human Remains).

With the implementation of mitigation measures, the cumulative impacts of the project would be less than significant. The project would have substantial benefits to the community by modernizing and improving the reliability of the City's wastewater infrastructure; reducing overall maintenance needs and costs; and substantially reducing the potential for failures that can result in major repairs and/or service shutdowns.

VII. REPORT PREPRATION

This section lists those individuals who contributed to the preparation of this Initial Study/ Mitigated Negative Declaration.

7.1 CITY OF MODESTO

Jim Alves	Senior Civil Engineer (City of Modesto)

7.2 AGENCIES OF PERSONS CONTACTED

The following agencies or persons were contacted during the preparation of this document.

Contact	Affiliation
Lori Trottier, AICP CEP	Ardurra Group
Riley Christie, ENV SP, LEED AP ND	Ardurra Group
Omar Khelifi	Ardurra Group
Dolores Salgado	Ardurra Group
Travis McGill	ELMT
David Brunzell	BCR Consulting
Cate Howe	Ganddini
Giancarlo Ganddini	Ganddini
Kate Wilson	Ganddini
Roma Stromberg	Ganddini

VIII. REFERENCES

The following references were utilized during preparation of this Initial Study/ Environmental Checklist.

PROJECT DESCRIPTION

1. City of Modesto Water Master Plan, Draft Environmental Impact Report, Project No. 15.042, October 2019
2. City of Modesto Wastewater Master Plan, Draft Environmental Impact Report, Project No. 15.043, June 2019,
3. City of Modesto General Plan Master Environmental Impact Report, SCH#2014042081, March 2019, https://www.modestogov.com/2070/Master-Environmental-Impact-Report-EIR
4. Stanislaus County General Plan and Airport Land Use Compatibility Plan Update, Draft Program Environmental Impact Report, adopted April 2016, https://www.stancounty.com/planning/pl/gp/current/DraftEIR.pdf
5. Feasibility Study/ Preliminary Engineering Report for Stanislaus Elementary School 1,2,3-TCP Mitigation, August 2023, prepared by Ardurra Group

AESTHETICS

6. City of Modesto General Plan Master Environmental Impact Report, SCH#2014042081, March 2019, https://www.modestogov.com/2070/Master-Environmental-Impact-Report-EIR
    a. Section 19. Effects on Visual Resources
7. Stanislaus County General Plan and Airport Land Use Compatibility Plan Update, Draft Program Environmental Impact Report, adopted April 2016, https://www.stancounty.com/planning/pl/gp/current/DraftEIR.pdf
    a. Aesthetics
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AGRICULTURE AND FORESTRY RESOURCES

9. City of Modesto General Plan Master Environmental Impact Report, SCH#2014042081, March 2019, https://www.modestogov.com/2070/Master-Environmental-Impact-Report-EIR
    a. Section 4. Effects on Agricultural Lands
    b. Figure V-4-1: Important Farmland Within City of Modesto Planning Area
    c. Figure 5-2: Williamson Act Contracts
10. California Department of Conservation, California Important Farmland Finder, 2022, https://maps.conservation.ca.gov/dlrp/ciff/
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12. California Department of Conservation. 2016a. Williamson Act Lands GIS data for Stanislaus County. Available at: ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/2016/.

AIR QUALITY

13. **Appendix A**- Air Quality, Global Climate Change, and Energy Impact Analysis for Stanislaus Elementary School 1,2,3-TCP Mitigation Project, Gandini Group, December 14th, 2023.
14. City of Modesto General Plan Update Air Quality and Greenhouse Gas Assessment, Modesto, California, February 13th, 2018, updated June 12th, 2018, https://www.modestogov.com/DocumentCenter/View/15054/EIR-14-001-DOC-AQ-GHG-Technical-Appendix-6-12-18-PDF?bidId=
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21. **Appendix A**- Air Quality, Global Climate Change, and Energy Impact Analysis for Stanislaus Elementary School 1,2,3-TCP Mitigation Project, Gandini Group, December 14th, 2023.
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IX. APPENDICIES

Appendices Provided Under Separate Cover