



U.S. Department of Housing and Urban Development

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Environmental Assessment Determinations and Compliance Findings for HUD-assisted Projects 24 CFR Part 58

Project Information

Project Name: West Modesto Sewer Infrastructure Project

Responsible Entity: Stanislaus County Planning and Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

Grant Recipient (if different than Responsible Entity):

State/Local Identifier: DUNS#073136772

Reviewer: Miguel A. Galvez, Deputy Director
(209) 525-6330
Galvezm@Stancounty.com

Certifying Officer Name and Title: Angela Freitas, Director

Grant Recipient (if different than Responsible Entity):

Consultant/Preparer: Dokken Engineering
110 Blue Ravine Road, Suite 200
Folsom, CA 95630

Direct Comments to: Amy Storck, Associate Environmental Planner
(916) 858-0642
astorck@dokkenengineering.com

Project Location: City of Modesto, Stanislaus County, California

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

Stanislaus County (County), in cooperation with the Department of Housing and Urban Development (HUD) and State Water Resources Control Board (SWRCB), proposes to install

sanitary sewer mains and laterals in three separate unincorporated neighborhoods within west Modesto in Stanislaus County, California (Figures 1, 2, and 3). It is estimated that the project will include the installation of up to 80,000 linear feet of gravity mains and approximately 1,004 new house laterals in the Spencer/Marshall (144 services), Beverly/Waverly (527 services), and Rouse/Colorado (333 services) neighborhoods. The Spencer/Marshall neighborhood is generally located approximately 0.3 mile west of Highway 99 and is accessible from State Route 132 and Spencer Avenue.

The Beverly/Waverly neighborhood is located approximately 0.9 mile west of Highway 99 and is accessible from Paradise Road. The Rouse/Colorado neighborhood is located approximately 0.6 mile west of Highway 99 and is accessible from Tuolumne Boulevard and Roselawn Avenue (see Figures 1 through 3). The following street intersections and road segment are part of the project site: the California/Marshall Avenue intersection; Paradise Road/Pine Tree intersection; and approximately 100' east of the Lombardy Drive/Ritsch Lane intersection.

The Spencer/Marshall, Beverly/Waverly, and Rouse/Colorado neighborhoods are disadvantaged communities located in west Modesto with predominantly residential parcels that currently rely on septic tanks for the treatment of sewage. The project is proposed in response to health and safety concerns associated with failing septic systems which could lead to the degradation of groundwater quality. The project will include the installation of a new sewer system with approximately 80,000 linear feet of sewer main and street reconstruction. The completed project will allow property owners to abandon their existing septic tanks and connect to a public sewer system. The new sewer infrastructure will connect into the City of Modesto's existing public sewer system. Upon completion of the project, project ownership will be transferred to the City of Modesto for operation and maintenance.

Existing private septic systems and water services will remain active during project construction. No road closures are anticipated to occur and access to each residence will be maintained. Minor temporary detours for local traffic may take place. Temporary construction easements, utility easements, and encroachment permits may be needed on a limited basis to accommodate the installation of the proposed improvements. Construction for the Spencer/Marshall area is anticipated to last six months, for the Beverly/Waverly area eighteen months, and for the Rouse/Colorado area twelve months.

This project is federally funded with Community Development Block Grant funds administered by HUD. To fund the project's construction and final design, the County anticipates receiving grant funding from the Clean Water State Revolving Fund program administered by the State Water Resources Control Board. As such, the project requires compliance with both the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). Stanislaus County is the lead agency for CEQA purposes and the responsible entity for NEPA purposes.

Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:

The purpose of the project is to install sanitary sewer mains and laterals in three separate unincorporated neighborhoods within west Modesto in Stanislaus County, California. The project is needed in response to health and safety concerns associated with failing septic systems in disadvantaged communities which could also lead to the degradation of groundwater quality.

Existing Conditions and Trends [24 CFR 58.40(a)]: The project sites (Areas 7, 9, and 21) are located along paved roadways in residential parcels within west Modesto in Stanislaus County. The landscape is characterized by an urban, built environment with landscapes, hardscapes, and paved roads. Land use within each of the three areas and adjacent to them consist of residential and commercial neighborhood activities.

Funding Information

Grant Number	HUD Program	Funding Amount
B-17-UC-06-0010	CDBG 14.288	\$1,271,380.24

Estimated Total HUD Funded Amount: \$12,000,000.00

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: \$15,000,000.00

Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<i>Is your project within 15,000 feet of a military airport or 2,500 feet of a civilian airport?</i> No. There are no military airfields in Stanislaus County. California Department of Transportation

		<p>Division of Aeronautics 2016 California Public Use Airports and Military Airfields, available at: http://www.dot.ca.gov/hq/planning/aeronaut/documents/maps/PublicUseAirports_MilitaryAirfieldsMap.pdf</p> <p>The project is not within the vicinity of an airport land use plan or within 2 miles of a public airport or public use airport. The nearest airport land is the Modesto City-County Airport Harry Sham Field located just over 2 miles east of Area 9.</p> <p>As the project is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport, the review is in compliance with this section.</p>
<p>Coastal Barrier Resources</p> <p>Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p><i>Is the project located in a CBRS Unit?</i></p> <p>No. There are no Coastal Barrier Resource System units in the State of California.</p> <p>http://www.fws.gov/cbra/maps/mapper.html</p> <p>As the project is not located within a CBRS Unit, the review is in compliance with this section.</p>
<p>Flood Insurance</p> <p>Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p><i>Does this project involve financial assistance for construction, rehabilitation, or acquisition of a mobile home, building, or insurable personal property?</i></p> <p>No. The project is a sewer main installation project and does not involve financial assistance for any mobile homes, buildings, or personal property.</p> <p><i>Is the structure, part of the structure, or insurable property located in a FEMA-designated Special Flood Hazard Area?</i></p> <p>No. Area 7 is located within FEMA flood Zone X – “Areas of Minimal Flood Hazard”; the northern half of Area 9 contains Zone X while the southern half contains “0.2 Percent Annual Chance Flood Hazard”; and Area 21 contains entirely Zone X, except for the southwest corner near the intersection of Paradise and South Carpenter Roads. Construction would not occur within a</p>

		<p>100-year flood hazard area, as mapped on the federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. https://msc.fema.gov/portal</p> <p>As the project is not located in a FEMA designated Special Flood Hazard Area, the review is in compliance with this section.</p>
<p>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5</p>		
<p>Clean Air</p> <p>Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p><i>Does your project include new construction?</i></p> <p>Yes, the project includes new construction.</p> <p><i>Is your project's air quality management district or county in non-attainment or maintenance status for any criteria pollutants?</i></p> <p>Yes. According to the EPA at: http://www.epa.gov/green-book, the project site lies in an area which is in nonattainment status for 1-hour ozone, 8-hour ozone, and PM 2.5. This area is in maintenance status for PM 10 and carbon monoxide.</p> <p><i>Will your project exceed any of the de minimis or threshold emissions levels of non-attainment and maintenance level pollutants or exceed the screening levels established by the state or air quality management district?</i></p> <p>No. According to the Stanislaus County General Plan and Support Documentation, adopted on August 23, 2016 and the San Joaquin Valley Air Quality Management District, the project meets regional conformity requirements established by the federal Clean Air Act and would not significantly obstruct the implementation of the applicable air quality plans for the area. The project would not result in a cumulatively considerable net increase of any criteria pollutant, as each Area (7, 9, and 21) would have approximately two weeks of construction-related activities at each road within the neighborhood occurring within existing roadways. Project construction would include temporary, short-term impacts from trucks and equipment use at each</p>

		<p>location; however, emissions are anticipated to be minimal.</p> <p>As the project would not exceed screening levels established by the air quality management district in which it lies, the project is in compliance with this section.</p>
<p>Coastal Zone Management</p> <p>Coastal Zone Management Act, sections 307(c) & (d)</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>Is the project located in, or does it affect, a Coastal Zone as defined in the Coastal Management Plan?</p> <p>No. The project is not located in an area subject to Coastal Management Act. The nearest coastline is more than 50 miles away from the project site. See https://coast.noaa.gov/czm/media/StateCZBoundaries.pdf</p> <p>As the project is not located in or near any coastal zones as defined in the California Coastal Management Plan, the review is in compliance with this section.</p>
<p>Contamination and Toxic Substances</p> <p>24 CFR Part 50.3(i) & 58.5(i)(2)</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p><i>Evaluate the site for contamination. Were any on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of the project occupants or conflict with the intended use of the property?</i></p> <p>No. Review of the information available through Geotracker and Envirostor indicated that there are no current or historical clean-up sites or hazardous waste facilities within the project area. The closest occurrence is approximately 15 feet west of Area 9. There is a potential that the project could affect yellow thermoplastic pavement markings and other types or colors of street or municipal markings containing lead-based paint. Observations made during the field investigation on February 22, 2018, indicated that the roads within the project area are constructed with painted concrete and/or asphalt, therefore standard Best Management Practices for lead-containing structures would be implemented prior to construction.</p> <p>As there are no onsite or nearby substances that could harm occupants or conflict with the intended use of property, the review is in compliance with this section.</p>

<p>Endangered Species</p> <p>Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p><i>Does the project involve any activities that have the potential to affect species or habitats? Are federally listed species or designated critical habitats present in the action area?</i></p> <p>No. Prior to field work, literature research was conducted through the USFWS Information for Planning and Conservation (IPaC) Species List Generator (USFWS 2016), California Department of Fish and Wildlife (CDFW 2016) California Natural Diversity Database (CNDDDB 2016), the California Native Plant Society Electronic Inventory of Rare and Endangered Plants (CNPS 2016), and National Marine Fisheries Service West Coast Region Species List (NMFS 2016) to identify habitats and special-status species having the potential to occur within the Project Biological Study Area. No Federally listed species are anticipated to occur within the project area. Please see Appendix A – Biological Resources Technical Report.</p> <p>Because the project does not activities with the potential to affect species or habitat, the review is in compliance with this section.</p>
<p>Explosive and Flammable Hazards</p> <p>24 CFR Part 51 Subpart C</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p><i>Does the project include a hazardous facility?</i></p> <p>No.</p> <p><i>Does the project include any of the following activities: developments, construction, rehabilitation that will increase residential densities or conversion?</i></p> <p>No.</p> <p><i>Are there any current or planned stationary aboveground storage containers containing common liquid industrial fuels or gases?</i></p> <p>No. Review of the information available through Geotracker and Envirostor indicated that there are no current or historical clean-up sites or hazardous waste facilities within the project area.</p> <p>Because the project vicinity does not contain explosive or flammable materials as defined by</p>

		HUD, the review is in compliance with this section.
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<i>Does your project include any activities that could convert agricultural land to non-agricultural purpose? Does important farmland occur on the project site?</i> No. All three areas (7, 9, and 21) of the project site are located entirely within “Urban and Built-Up” land and proposed project activities would take place within existing paved roadways. Therefore, no conversion of farmland and no impacts to farmland would occur. As no important farmland occurs on the project site, the review is in compliance with this section.
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<i>Does 24 CFR 55.12(c) exempt this project from compliance with HUD’s floodplain management regulation in Part 55?</i> No. <i>Provide a FEMA/FIRM map showing the site. Does your project occur in a floodplain?</i> Area 7 is located within FEMA flood Zone X – “Areas of Minimal Flood Hazard”; the northern half of Area 9 contains Zone X while the southern half contains “0.2 Percent Annual Chance Flood Hazard”; and Area 21 contains entirely Zone X, except for the southwest corner near the intersection of Paradise and South Carpenter Roads. Construction would not occur within a 100-year flood hazard area or designated floodplain, as mapped on the federal Flood Hazard Boundary. https://msc.fema.gov/portal As the project does not occur in a floodplain, the review is in compliance with this section.
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<i>Is Section 106 review required for your project?</i> Yes. Dokken Engineering obtained a records search for the project area and a 500-foot radial study area, conducted by Central California

		<p>Information Center (CCIC) personnel, located at California State University, Stanislaus on February 27, 2018. The request also included a search of the National Register of Historic Places, the California Register of Historical Resources, the <i>California Inventory of Historical Resources</i> (1976), the <i>California Historical Landmarks</i> (1996), the <i>California Points of Historical Interest</i> listing (May 1992 and updates), the Historic Property Data File (HPDF) and the Archaeological Determinations of Eligibility (ADOE), the <i>Survey of Surveys</i> (1989), and other pertinent historic data available at the CCIC for Stanislaus County and the City of Modesto. The project would have no impact on historical resources as defined under Section 106 and 110; no residential properties exist in the project area. On February 23, 2018, Dokken Engineering sent a letter and a map depicting the project vicinity to the NAHC in west Modesto asking the NAHC to review the Sacred Lands File (SLF) for any Native American cultural resources that might be affected by the project. On February 28, 2018, Ms. Sharaya Souza, NAHC Staff Services Analyst sent a response that a review of the SLF returned negative results.</p> <p>As there are no historic properties within the proposed project area, the review is in compliance with this section.</p>
<p>Noise Abatement and Control</p> <p>Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p><i>What activities does your project involve?</i></p> <p>The project involves installing sewer mains within existing roadway.</p> <p><i>Complete the Preliminary Screening to identify potential noise generators in the vicinity.</i></p> <p>Noise generators within the project area include State Route 132 and residential traffic within neighborhoods. The project would not result in any additional noise generating activities. No long-term, operational noise impacts would occur as a result of the project. Short-term, temporary, construction-related noise would occur from the use of construction equipment and vehicles; however, ambient noise would cease once the project is complete. Construction would be conducted in accordance with applicable Federal, State, and local noise standards. Construction</p>

		<p>noise would be short-term, intermittent, and overshadowed by local traffic and the ambient noise level of the project site. The Stanislaus County Code specifically prohibits the operation of any construction equipment that would cause a greater sound level than 75 decibels at or beyond the property line of any property between the hours of 7:00 P.M. to 7 A.M. Construction of the project would abide by all local noise ordinances. http://qcode.us/codes/stanislauscounty/view.php?topic=10-10_46</p> <p>As noise levels fall within the acceptable range, the review is in compliance with this section.</p>
<p>Sole Source Aquifers</p> <p>Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p><i>Is the project located on a sole source aquifer?</i></p> <p>No. The project is not located in an area dependent upon a sole source aquifer. The nearest designated sole source aquifer is in Fresno County, more than 50 miles from the project site. https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=9ebb047ba3ec41ada1877155fe31356b</p> <p>As the project is not located on a sole source aquifer, the review is in compliance with this section.</p>
<p>Wetlands Protection</p> <p>Executive Order 11990, particularly sections 2 and 5</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p><i>Does this project involve new construction that will impact an on or off-site wetland?</i></p> <p>No. The project site (Areas 7, 9, and 21) is not located in federally protected wetlands, and project-related activities would not involve the removal, filling, or hydrological interruption of waters, as work would be confined in existing roadways of residential neighborhoods.</p> <p>As no wetlands will be affected, the review is in compliance with this section.</p>
<p>Wild and Scenic Rivers</p> <p>Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p><i>Is your project within proximity of a NWSRS river?</i></p> <p>No. There are no Wild and Scenic Rivers within the project corridor. The nearest Wild and Scenic River to the project site is the Tuolumne River</p>

		<p>approximately 40 miles north east of the project area.</p> <p>https://www.rivers.gov/california.php</p> <p>As the project is not within proximity of a Wild and Scenic River, the review is in compliance with this section.</p>
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ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p><i>Were any adverse environmental impacts identified in any other compliance review portion of this project's total environmental review?</i></p> <p>No.</p> <p>As no adverse environmental impacts were identified in any other compliance review portion of this projects total environmental review, the review is in compliance with this section.</p>

Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

Impact Codes: Use an impact code from the following list to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
LAND DEVELOPMENT		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	2	Land use within each of the three areas and adjacent to them consist of residential and commercial neighborhood activities. The project does not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project area. The project is consistent with the land use and zoning in the Stanislaus County General Plan. (Source: Stanislaus County General Plan and Support Documentation, adopted on August 23, 2016)
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	2	The project would occur within an established roadway and would not add a net impervious surface to the project area. Therefore, additional erosion or creation and contribution to runoff water would not occur.
Hazards and Nuisances including Site Safety and Noise	3	<p><u>Hazards</u></p> <p>Temporary closure of sidewalks and/or pedestrian facilities may occur during installation of the sewer mains. Area 7 is near several schools, including Mark Twain Junior High School, Franklin Elementary School, Pearson Elementary School, and Modesto City Schools. Area 21 is located directly adjacent to Burbank Elementary School. Should work require the temporary closure of sidewalks or pedestrian facilities in these areas, signage and alternate routes will be provided. Additionally, construction is anticipated to occur in the summer of 2019 when most schools are closed.</p> <p><u>Noise</u></p> <p>No long-term, operational noise impacts would occur as a result of the project. Short-term, temporary, construction-related noise would occur from the use of construction equipment and vehicles; however, ambient noise would cease once the project is complete. Construction would be conducted in accordance with applicable Federal, State, and local noise standards. Construction noise would be short-term, intermittent, and overshadowed by local traffic and the ambient noise level of the project site. The Stanislaus County Code specifically prohibits the operation of any construction equipment that would cause a greater sound level than 75 decibels at or beyond the property line of any property between the hours of 7:00 P.M. to 7 A.M. Construction of the project would abide by all local noise ordinances.</p> <p>(Source: Envirostor, Geotracker, and County noise ordinance http://qcode.us/codes/stanislauscounty/view.php?topic=10-10_46)</p>

Energy Consumption	2	The project is a sewer main installation project to service existing facilities and would not require additional energy use or demands on utilities.
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Environmental Assessment Factor	Impact Code	Impact Evaluation
SOCIOECONOMIC		
Employment and Income Patterns	2	The project is a sewer main installation project and would not affect employment or income patterns.
Demographic Character Changes, Displacement	2	The project is a sewer main installation project and would not cause displacement or require demographic character changes.

Environmental Assessment Factor	Impact Code	Impact Evaluation
COMMUNITY FACILITIES AND SERVICES		
Educational and Cultural Facilities	2	Temporary closure of sidewalks and/or pedestrian facilities may occur during installation of the sewer mains. Area 7 is near several schools, including Mark Twain Junior High School, Franklin Elementary School, Pearson Elementary School, and Modesto City Schools. Area 21 is located directly adjacent to Burbank Elementary School. Should work require the temporary closure of sidewalks or pedestrian facilities in these areas, signage and alternate routes will be provided. Additionally, construction is anticipated to occur in the summer of 2019 when most schools are closed.
Commercial Facilities	2	The project is a sewer main installation project and would not affect demand for, or access to, commercial facilities.
Health Care and Social Services	2	The project is a sewer main installation project and would not affect demand for, or access to, health care or social services.
Solid Waste Disposal / Recycling	2	The project is a sewer main installation project and would not result in additional solid waste disposal or recycling.
Waste Water / Sanitary Sewers	1	The project would result in the installation of new sewer lines in Areas 7, 9, and 21 of west Modesto, Stanislaus County, and would result in additional wastewater that would need to be treated. However, wastewater treatment requirements of the Central Valley Regional Water Quality Control Board requirements and thresholds would not be exceeded. The County received a determination from the City of Modesto's Utility Director, William Wong, the waste water treatment provider for the City of Modesto, on January 12, 2018, verifying that the facility has adequate capacity to serve the additional wastewater that would be generated

		from Areas 7, 9, and 21. All neighborhoods where sewer mains are proposed to be installed were previously studied in the City's Wastewater Master Plan and identified to be incorporated into the City's wastewater system. The proposed project's connection to the City of Modesto's sewer system is subject to an out-of-boundary service agreement approved by LAFCO. (Source: Stanislaus County General Plan and Support Documentation, adopted on August 23, 2016.)
Water Supply	2	The project would result in the installation of new sewer lines in Areas 7, 9, and 21 of west Modesto, Stanislaus County, and would result in additional wastewater that would need to be treated. However, wastewater treatment requirements of the Central Valley Regional Water Quality Control Board requirements and thresholds would not be exceeded. The County received a determination from the City of Modesto's Utility Director, William Wong, the waste water treatment provider for the City of Modesto, on January 12, 2018, verifying that the facility has adequate capacity to serve the additional wastewater that would be generated from Areas 7, 9, and 21.
Public Safety - Police, Fire and Emergency Medical	3	The project would temporarily result in one-lane closures within Areas 7, 9, and 21; however, a transportation management plan would be implemented prior to construction and at least one lane would remain open, traveling in each direction, for the duration of construction activities.
Parks, Open Space and Recreation	2	There are no parks, open space, or recreation areas within the proposed project area. The project would not affect access to any City parks or recreation areas during construction.
Transportation and Accessibility	3	The project would not conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, and performance or safety of such facilities. This takes into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrians and bicycle paths, and mass transit. No road closures are anticipated to occur and access to each residence would be maintained. A traffic management plan would be implemented prior to construction to ensure that one lane traveling in each direction in the roadways (of Areas 7, 9, and 21) would remain open. (Source: Stanislaus County General Plan and Support Documentation, Circulation Element, adopted on August 23, 2016).

Environmental Assessment Factor	Impact Code	Impact Evaluation
NATURAL FEATURES		
Unique Natural Features, Water Resources	2	There are no unique natural or water features located within or adjacent to the proposed project area. See Appendix A – Biological Resources Technical Report.
Vegetation, Wildlife	2	The project would install new sewer lines and connect into an existing sewer main within existing roadways throughout Areas 7, 9, and 21. The project site consists of Urban/Paved and Residential Landscaped vegetative communities; no riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations by the California Department of Fish and Game, or US Fish and Wildlife Service exist in the project area. See Appendix A – Biological Resources Technical Report.
Other Factors		None.

Additional Studies Performed: A Biological Resources Technical Report and Cultural Resources Inventory Report was prepared in April of 2018 to evaluate potential impacts to biological and cultural resources within the study area. No impacts to biological or cultural resources are anticipated.

Field Inspection (Date and completed by): February 22, 2018, by Dokken Engineering.

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]: Various state and federal agencies were notified of the proposed project during circulation of the CEQA Draft Initial Study with Proposed Negative Declaration, including California Department of Fish and Wildlife, State Water Resources Control Board, U.S. Army Corps of Engineers, and U.S. Fish and Wildlife Service, among others. All agency comments were addressed within Appendix D of the Final Initial Study with Negative Declaration which can be viewed at <http://www.stancounty.com/planning/cdbg/index.shtm>. Please see Appendix B – Response to Public Comments. The following sources were also consulted during preparation of this review:

- Stanislaus County General Plan 2016
- Google Earth
- Ecos.fws.gov
- Epa.maps.arggis.com
- Geogracker.waterboards.ca.gov
- Msc.fema.gov
- www.dot.ca.gov
- www.envirostor.dtsc.ca.gov
- www.epa.gov
- www.valleyair.org

List of Permits Obtained: A general construction permit will be obtained prior to construction. Should the County determine during final design that work within Caltrans right-of-way on State Route 132 is necessary, an encroachment permit will also be obtained. No other permits are required for this project.

Public Outreach [24 CFR 50.23 & 58.43]: The CEQA environmental document was circulated to inform the public about the project May 4, 2018, through June 4, 2018. A Notice of Intent to Request Release of Funds (NOI/RROF) and Notice of Findings of No Significant Impact (FONSI) will also be posted for 15 days for public review and comment.

Cumulative Impact Analysis [24 CFR 58.32]: No cumulative effects are anticipated because no resources would be adversely affected by the Project. All project effects would be localized and of limited extent.

Alternatives [24 CFR 58.40(e); 40 CFR 1508.9] Under the Build Alternative, sanitary sewer mains and laterals would be installed in three disadvantaged communities within west Modesto in Stanislaus County, California. The Build Alternative would address current health and safety concerns associated with failing septic systems which could lead to the degradation of groundwater quality. The Build Alternative would allow property owners to abandon their existing septic tanks and connect to a public sewer system.

No Action Alternative [24 CFR 58.40(e)]: Under the No Action Alternative, sanitary sewer mains and laterals would not be installed in three disadvantaged communities within west Modesto. As a result, these communities would continue to rely on septic tanks for the treatment of sewage thereby increasing the risk of failure of these systems leading to the degradation of groundwater quality.

Summary of Findings and Conclusions: The Build Alternative meets the purpose and need of the proposed project and would not result in a significant impact on the quality of the human environment.

Avoidance/Minimization Measures and Conditions [40 CFR 1505.2(c)]

Summarize below all measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the avoidance and minimization plan.

Law, Authority, or Factor	Avoidance and Minimization Measures
California Department of Fish and Wildlife	<ul style="list-style-type: none"> • In accordance with the Swainson's Hawk Technical Advisory Committee <i>Recommended Timing and Methodology For Swainson's Hawk Nesting Surveys in California's Central Valley</i> (2000), protocol level surveys would be conducted by a qualified biologist during the appropriate survey periods immediately prior to construction to determine presence/absence of the species. If Swainson's hawk nests are discovered within 1/2 mile of the Project Area, appropriate protective measures would be developed in coordination with CDFW. • If vegetation removal is to take place during the nesting season (March 1st –September 1st), a pre-construction nesting bird survey must be conducted by a qualified biologist prior to vegetation removal. Within 2 weeks of the nesting bird survey, all vegetation cleared by the biologist must be removed by the contractor. • A minimum 300 foot no-disturbance buffer would be established around any active nests of raptor species. A 100 foot no-disturbance buffer would be established around any active nests for other migratory birds. If an active nest is discovered during construction, the contractor must immediately stop work in the nesting area until the appropriate buffer is established. The contractor is prohibited from conducting work that could disturb the birds (as determined by the project biologist and in coordination with wildlife agencies) in the buffer area until a qualified biologist determines the young have fledged. A reduced buffer can be established if determined appropriate by the project biologist and approved by CDFW.
State and County Code	<ul style="list-style-type: none"> • If previously unidentified cultural materials are unearthed during construction, work shall be halted in that area until a qualified archaeologist can assess the significance of the find and develop a plan for documentation and removal of resources if necessary. Additional archaeological survey would be needed if project limits are extended beyond the present survey limits. • Section 5097.94 of the Public Resources Code and Section 7050.5 of the California Health and Safety Code protect Native American burials, skeletal

	<p>remains and grave goods, regardless of age and provide method and means for the appropriate handling of such remains. If human remains are encountered, work should halt in that vicinity and the county coroner should be notified immediately. At the same time, an archaeologist should be contacted to evaluate the situation. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission within twenty-four hours of such identification. CEQA details steps to be taken if human burials are of Native American origin.</p>
Best Management Practices	<ul style="list-style-type: none"> • The project would affect yellow thermoplastic pavement markings and other types or colors of street or municipal markings containing lead-based paint. If such markings are affected as a result of the project, such markings would be collected, tested, and/or disposed of in accordance with applicable regulations. Therefore, to avoid impacts from pavement striping during construction, it is recommended that testing and removal requirements for yellow striping and pavement marking materials be performed in accordance with applicable local, State, and Federal laws.
Best Management Practices	<ul style="list-style-type: none"> • The Construction Stormwater General Permit would ensure the County would prepare and implement a SWPPP to keep all products of erosion from moving off-site into receiving waters. • All erosion control measures and stormwater control measures would be properly maintained until the site has returned to a pre-construction state. • All disturbed areas would be restored to pre-construction contours. • All construction materials would be hauled off-site after completion of construction.
County Noise Ordinance	<ul style="list-style-type: none"> ○ Do not operate construction equipment or run the equipment engines from 7:00 P.M. to 7:00 A.M. or on Sundays, with the exception that you may operate equipment within the project limits during these hours to: <ul style="list-style-type: none"> • Service traffic control facilities • Service construction equipment • Equip an internal combustion engine with the manufacturer recommended muffler.

	<ul style="list-style-type: none"> Do not operate an internal combustion engine on the job site without the appropriate muffler.
Best Management Practices	<ul style="list-style-type: none"> Temporary impacts to traffic flow as a result of construction activities would be minimized through construction phasing and signage and a traffic control plan. Should the County determine during final design that work within the Department's right of way on SR-132 is necessary, an Encroachment Permit will be obtained prior to construction.

Determination:

☒ **Finding of No Significant Impact** [24 CFR 58.40(g)(1); 40 CFR 1508.27]

The project will not result in a significant impact on the quality of the human environment.

☐ **Finding of Significant Impact** [24 CFR 58.40(g)(2); 40 CFR 1508.27]

The project may significantly affect the quality of the human environment.

Preparer Signature: _____ Date: _____

Amy Storck, Associate Environmental Planner
Dokken Engineering

Reviewer Signature: _____ Date: _____

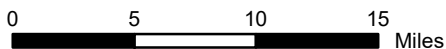
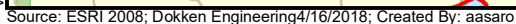
Miguel Galvez/Deputy Director
Stanislaus County Planning Department

Certifying Officer Signature: _____ Date: _____

Angela Freitas, Director,
Planning & Community Development Department

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

FIGURES 1 THROUGH 3



HUD Project No: B-17-UC-06-0010
West Modesto Sewer Infrastructure Project
Stanislaus County, California

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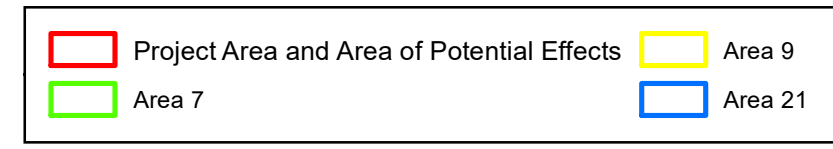
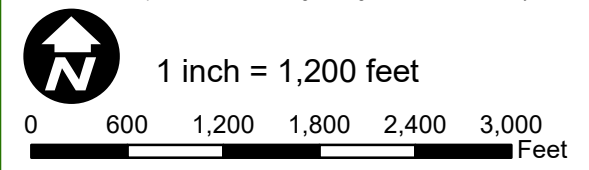
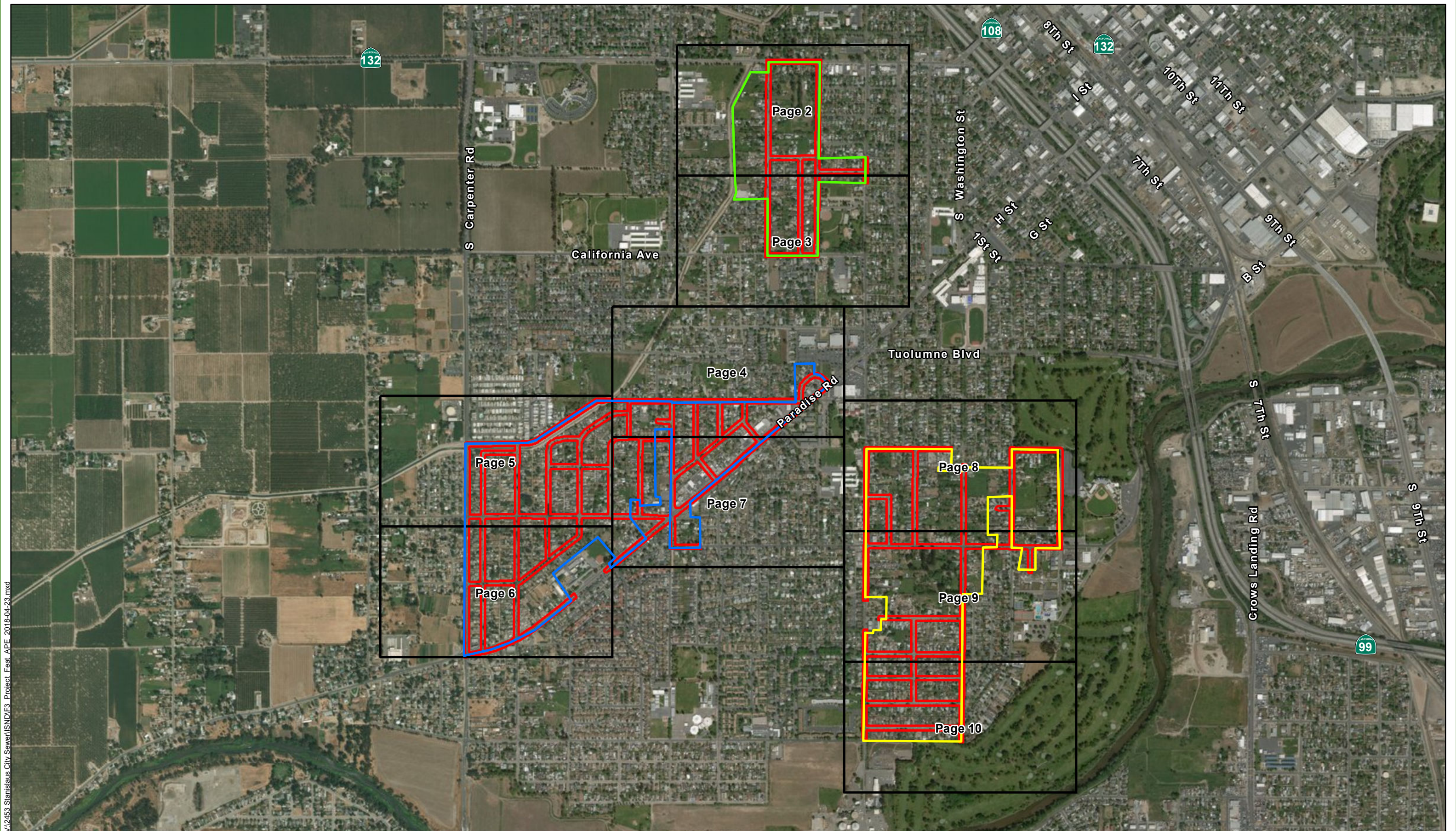
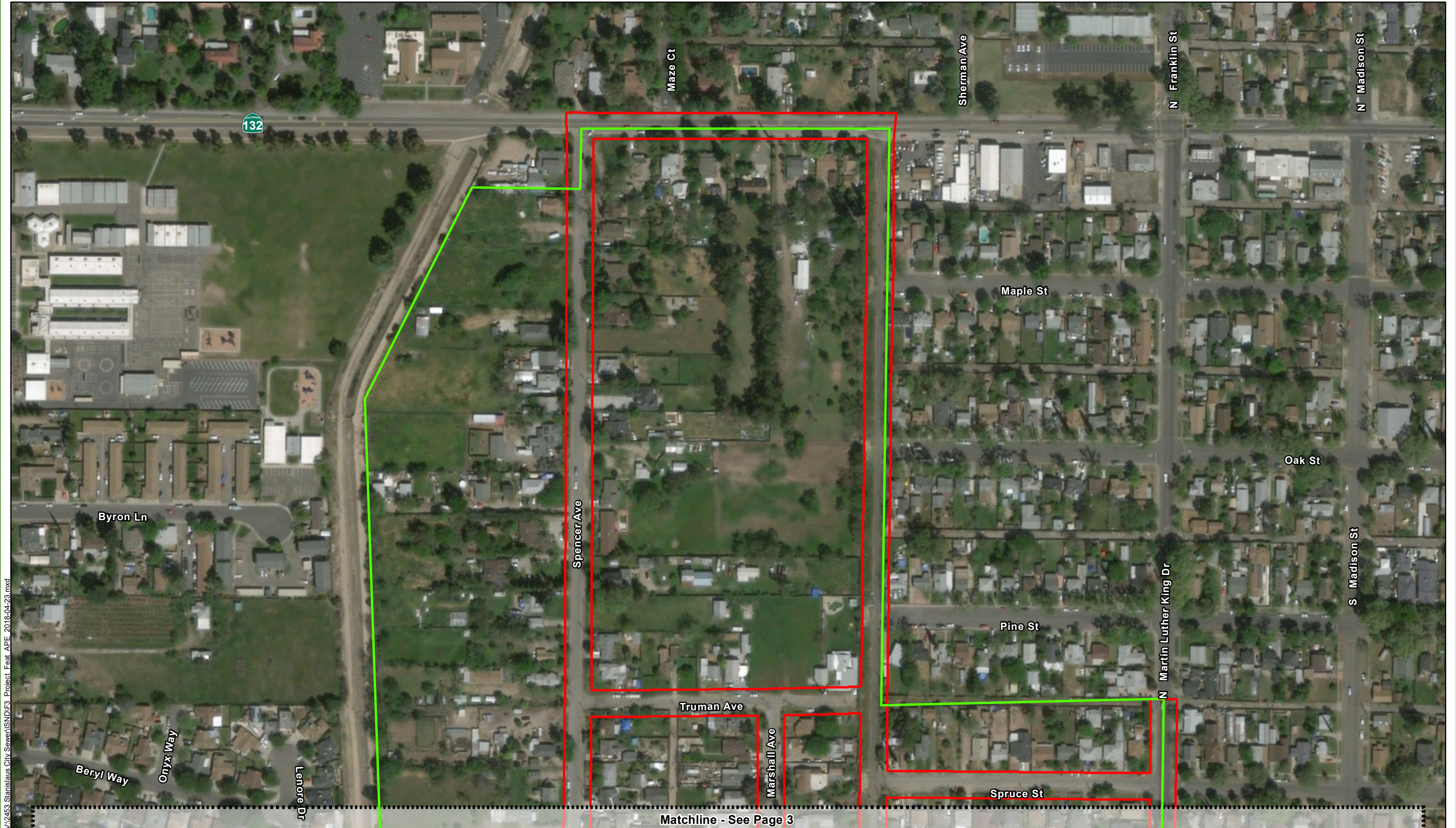


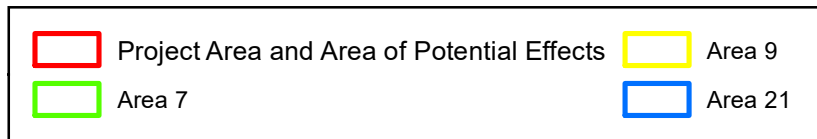
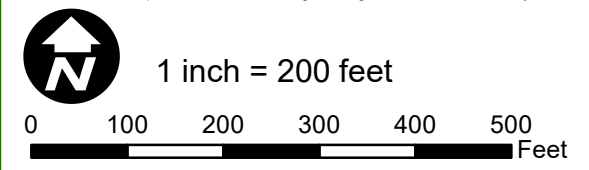
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Stanislaus County, California

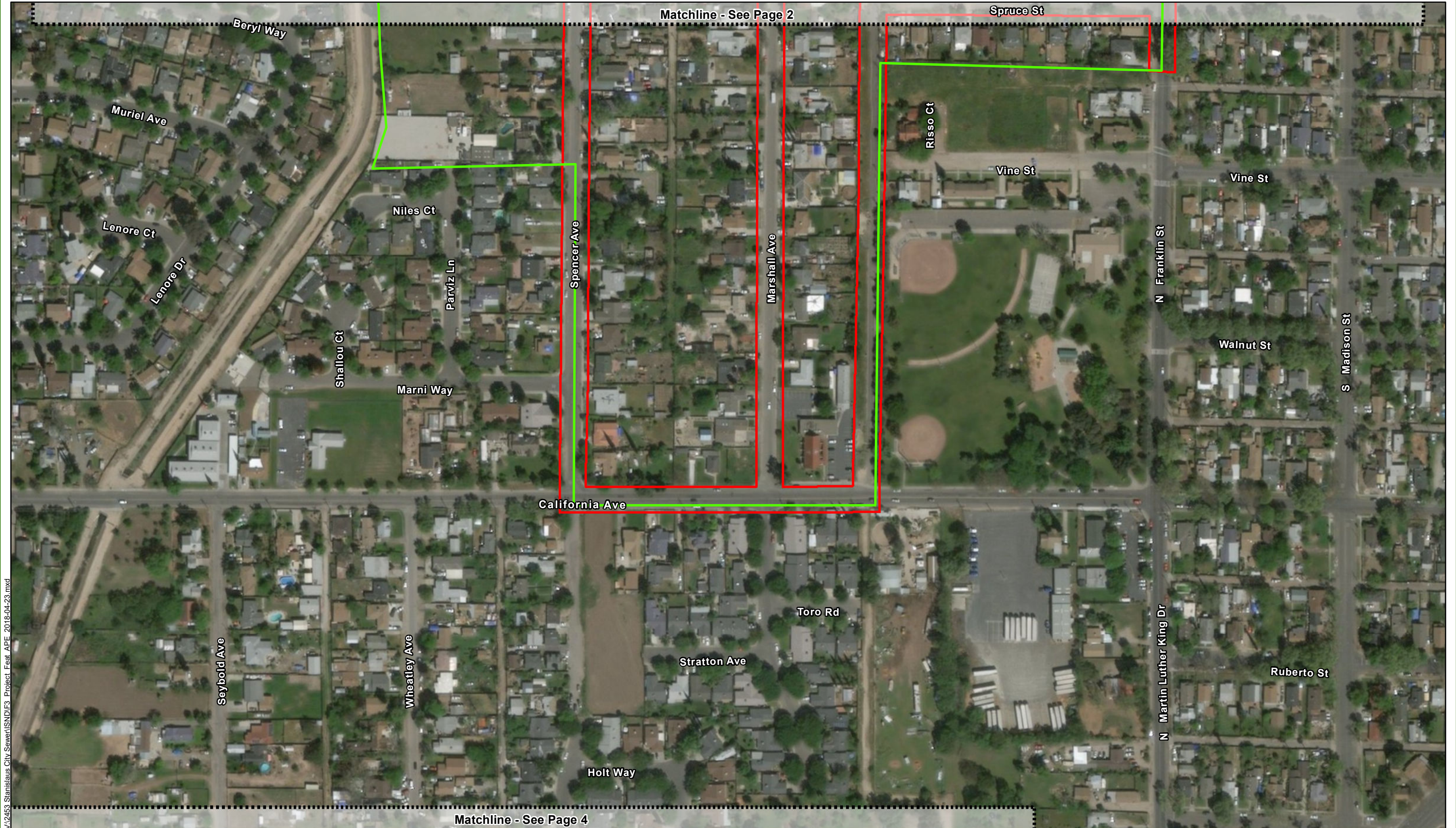




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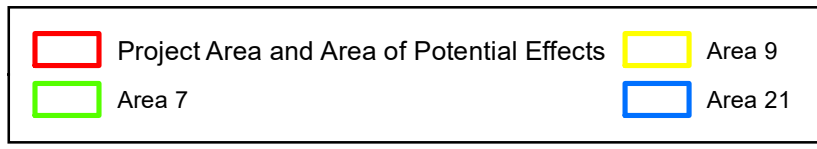
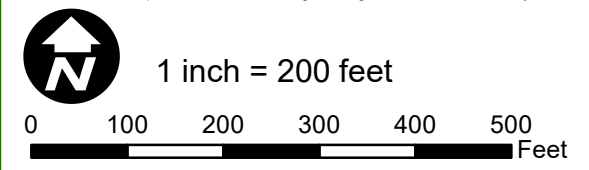
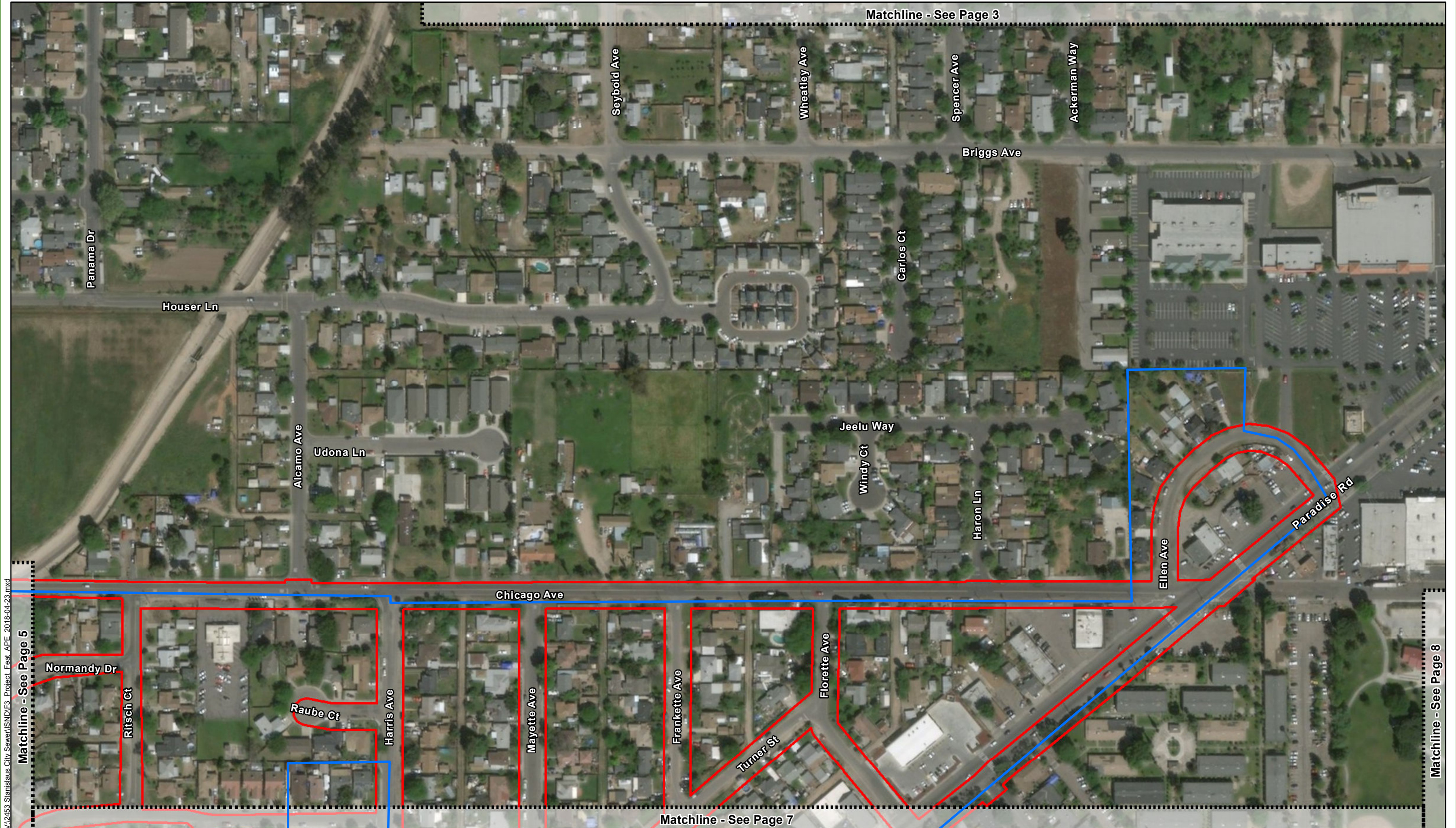
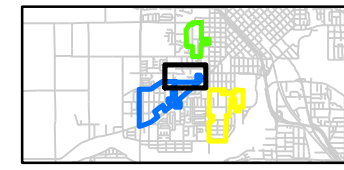
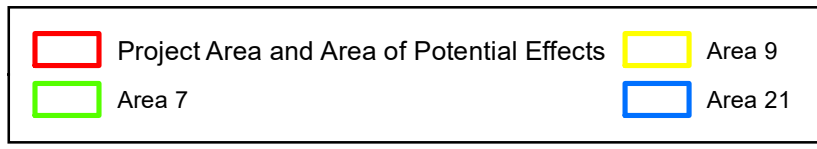
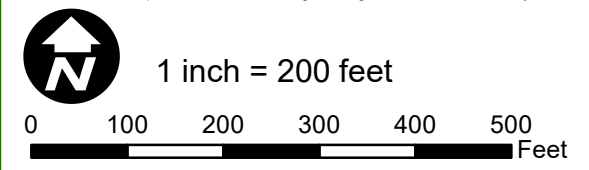


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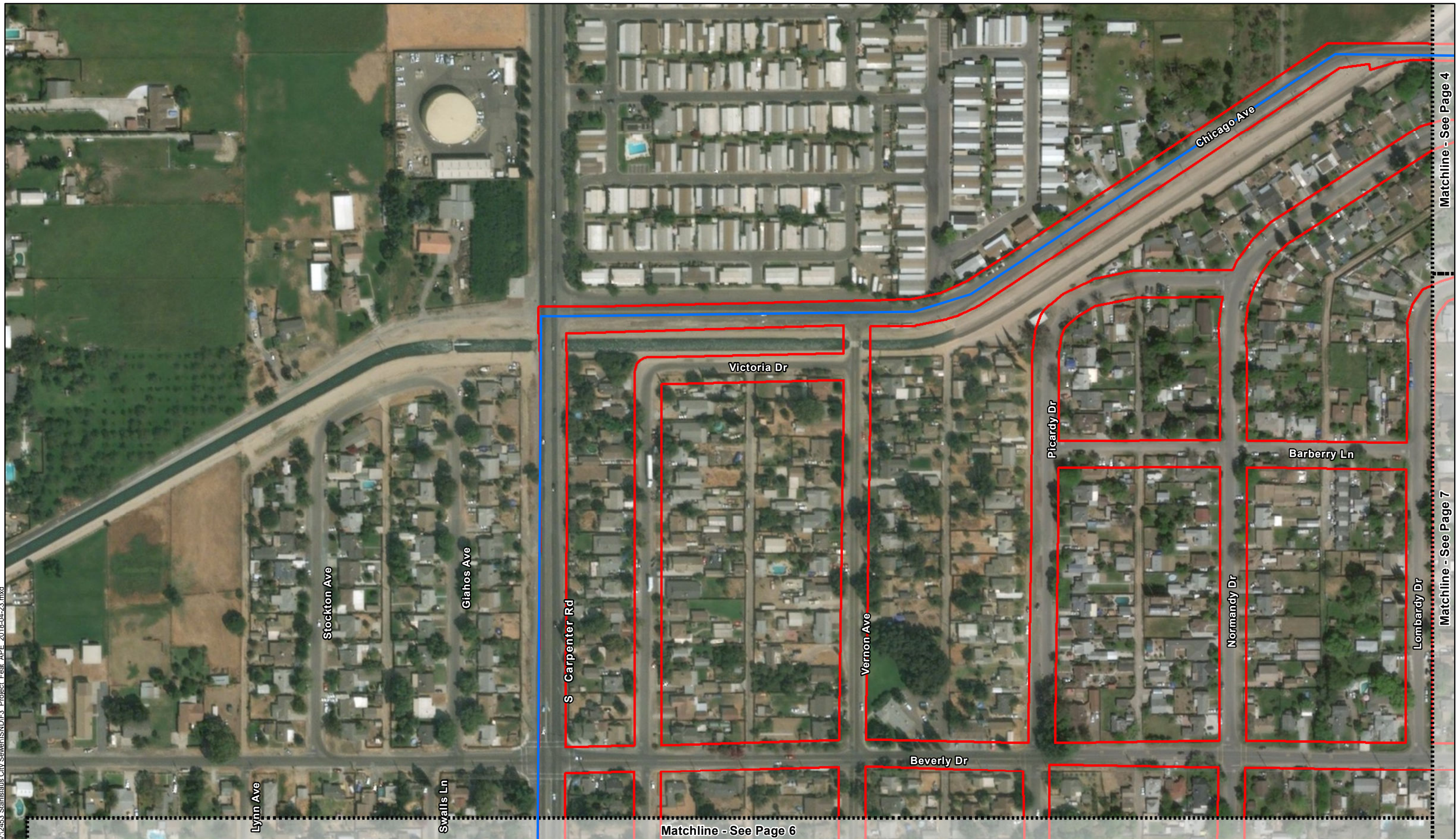


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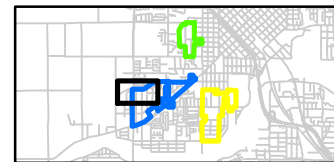
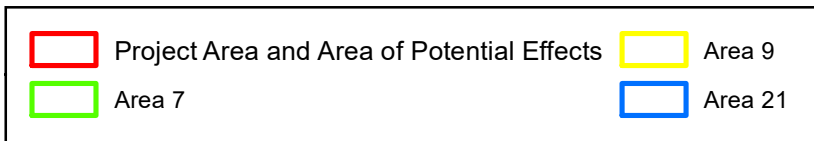
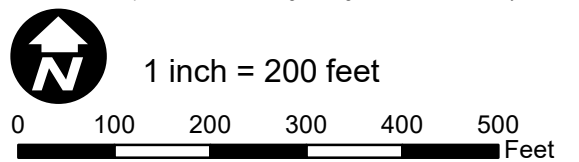
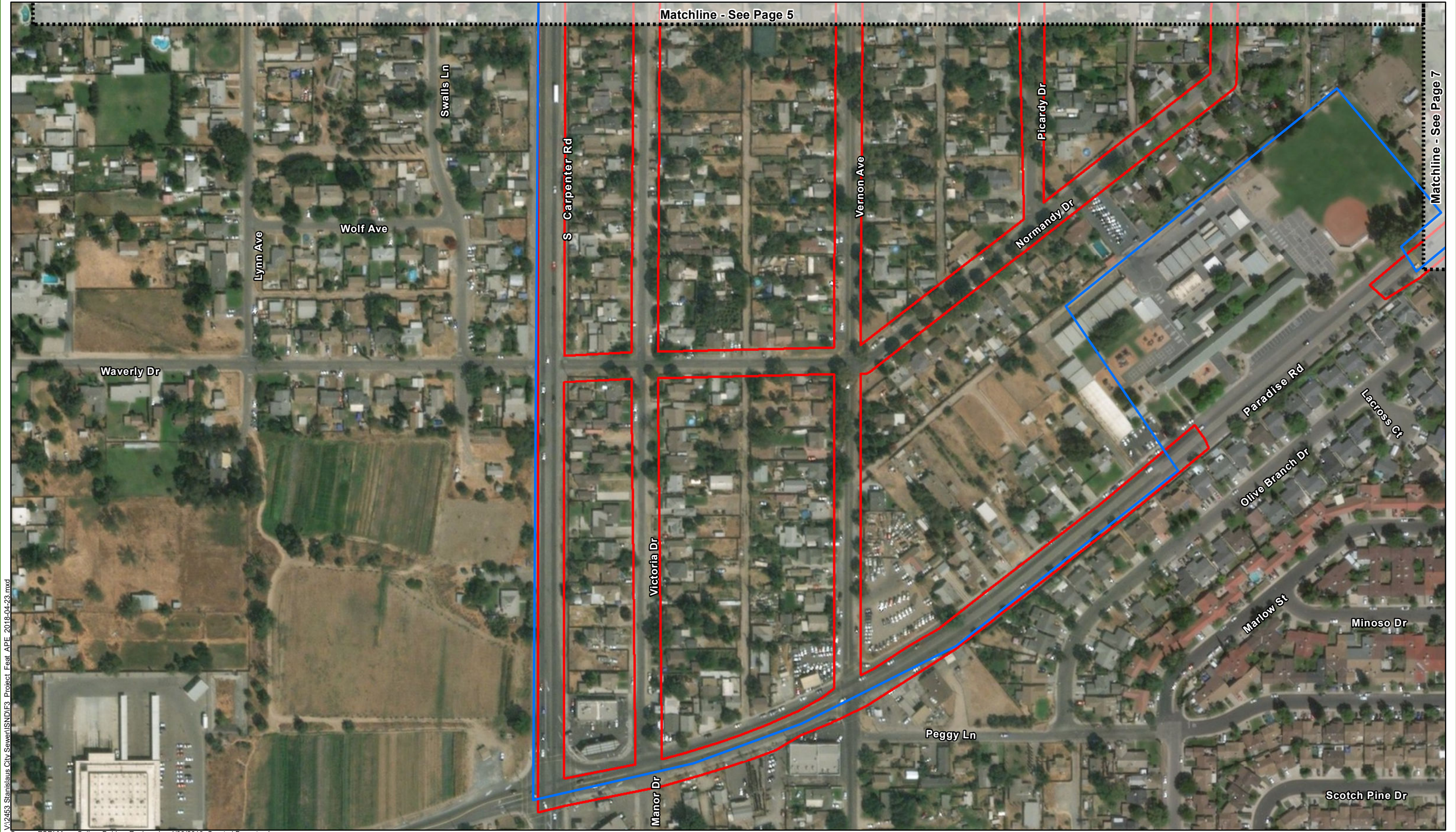


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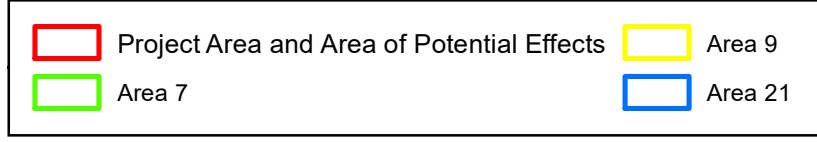
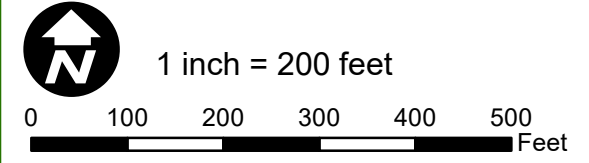


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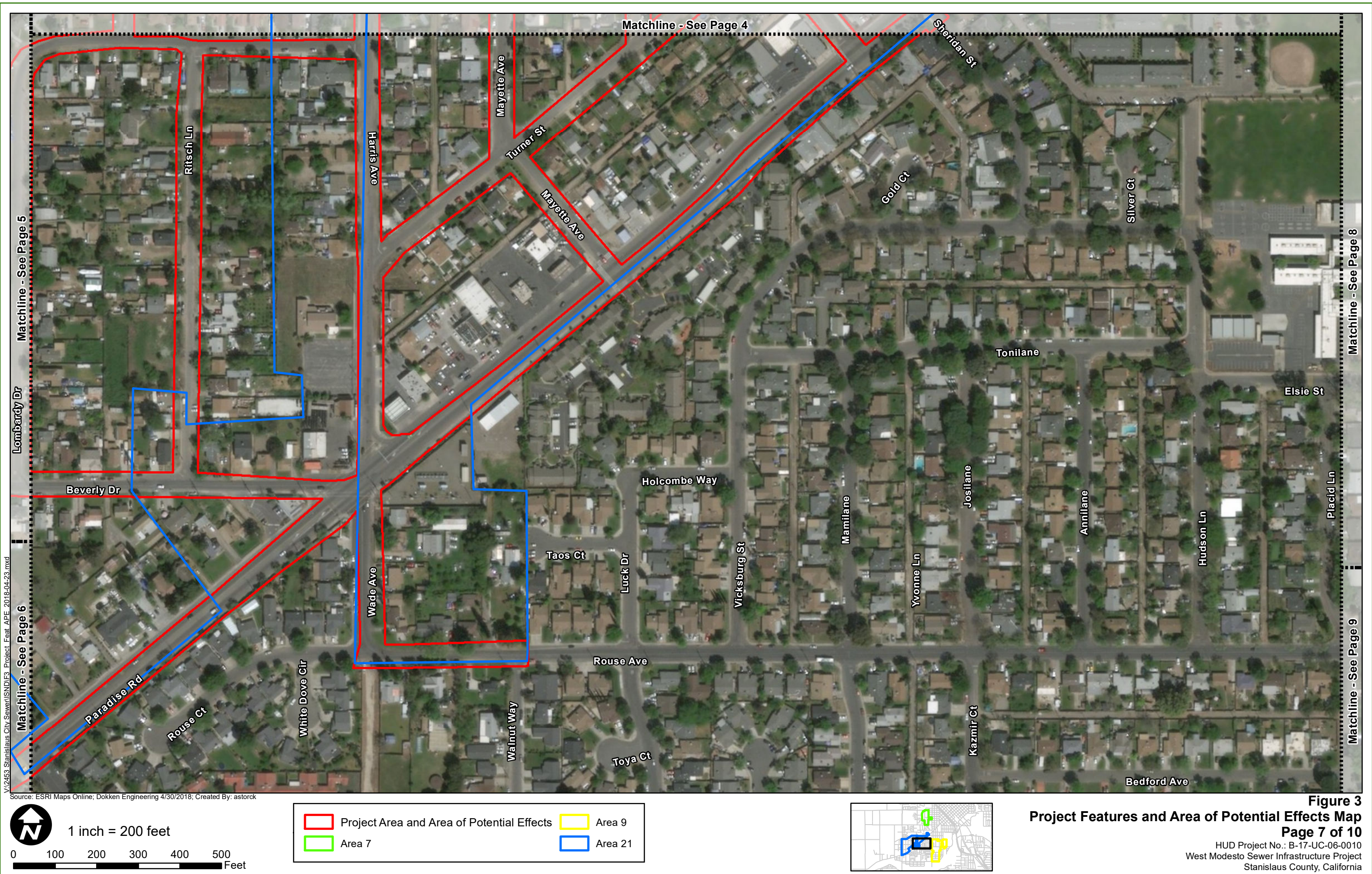
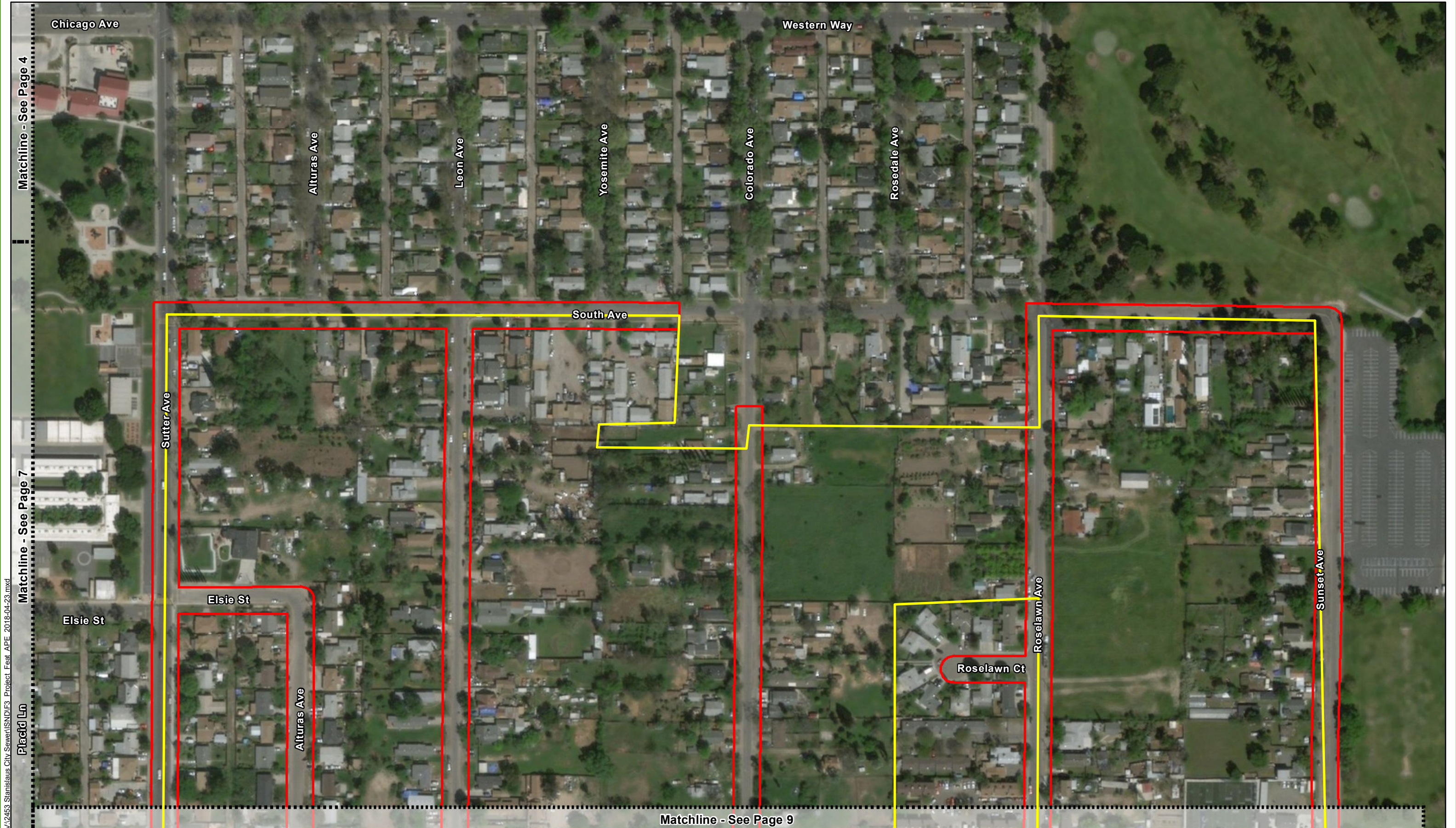
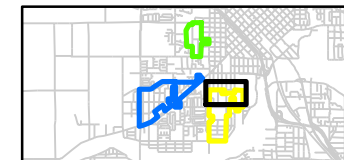
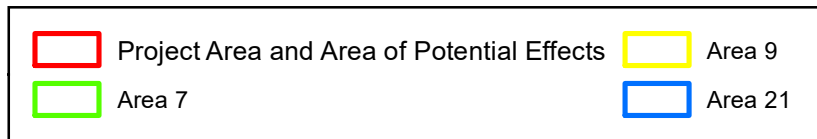
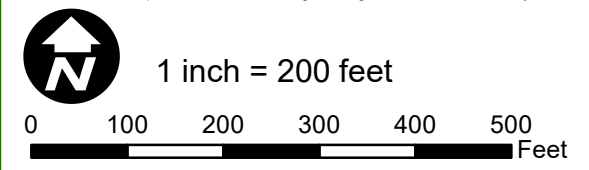


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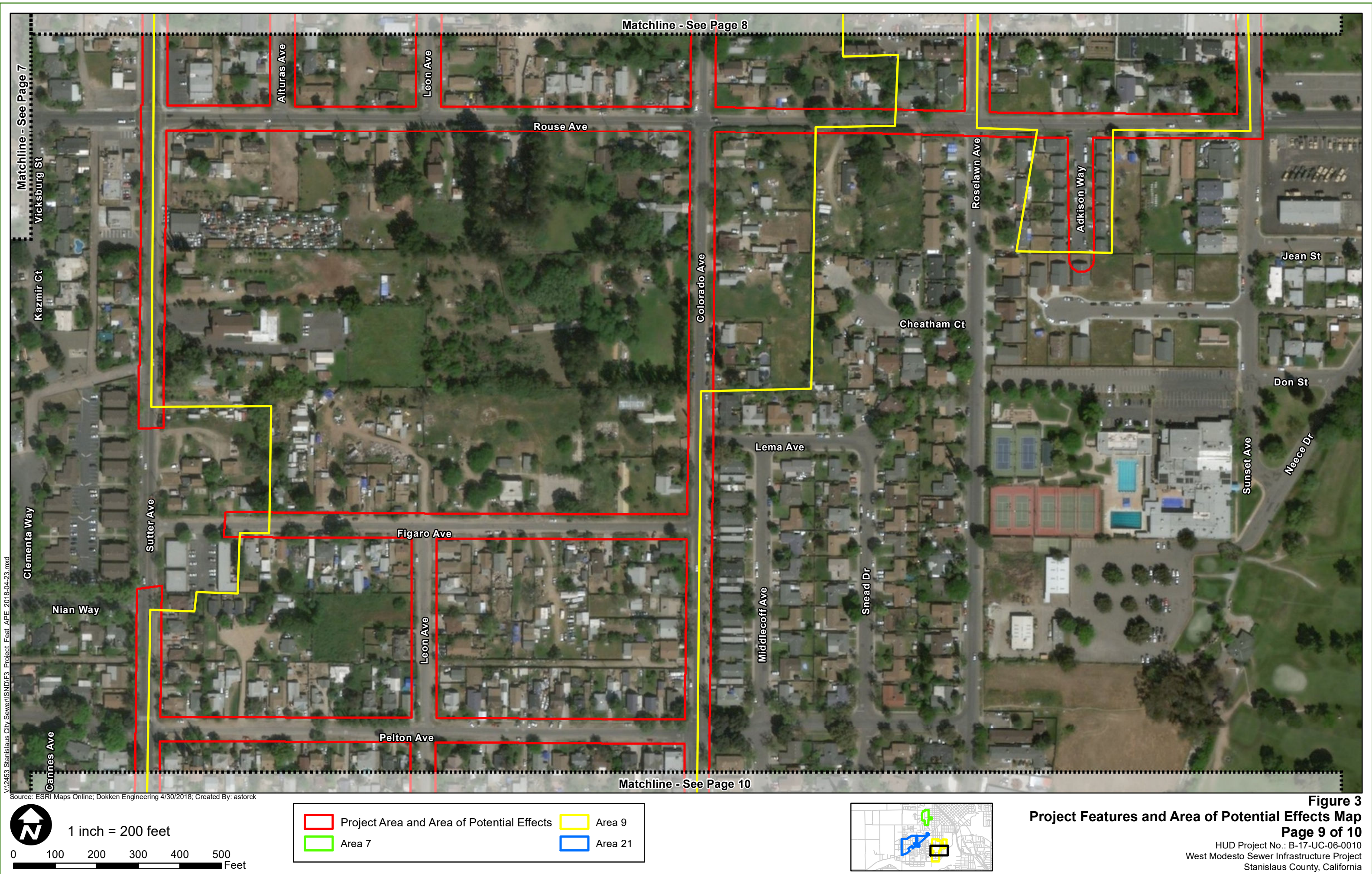




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West Modesto Sewer Infrastructure Project
Stanislaus County, California

APPENDIX A – BIOLOGICAL RESOURCES TECHNICAL REPORT

Biological Resources Technical Report
West Modesto Sewer Infrastructure Project
Stanislaus County, California



Prepared for:



Planning and Community Development Department
1010 10th Street, Suite 3400
Modesto, CA 95354

Prepared by:

Dokken Engineering
110 Blue Ravine Road, Suite 200
Folsom, California 95630

April 2018

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List of Abbreviations

amsl	above mean sea level
BO	Biological Opinion
BMP's	Best Management Practices
BSA	Biological Study Area
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFG	California Fish and Game
CFR	Code of Federal Regulations
CNDDB	California Natural Diversity Database
CNPS	California Native Plant Society
County	County of Stanislaus
CVRWQB	Central Valley Regional Water Control Board
CWA	Clean Water Act
EO	Executive Order
EPA	Environmental Protection Agency
ESA	Environmentally Sensitive Area
FESA	Federal Endangered Species Act
FGC	Fish and Game Code
FHWA	Federal Highways Administration
HUD	United States Department of Housing and Urban Development
ITP	Incidental Take Permit
MBTA	Migratory Bird Treaty Act
NEPA	National Environmental Policy Act
Project	West Modesto Sewer Infrastructure Project
RWQCB	Regional Water Quality Control Board
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
U.S.	United States
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey

Summary

Stanislaus County (County), in cooperation with the Department of Housing and Urban Development (HUD) and State Water Resources Control Board (SWRCB), proposes to install sanitary sewer mains and laterals in three separate unincorporated neighborhoods within West Modesto in Stanislaus County, California. The Spencer/Marshall (Area 7), Beverly/Waverly (Area 21), and Rouse/Colorado (Area 9) neighborhoods are disadvantaged communities located in West Modesto with predominantly residential parcels that currently rely on septic tanks for the treatment of sewage. The project is proposed in response to health and safety concerns associated with failing septic systems which could lead to the degradation of groundwater quality. The project will include the installation of a new sewer system with approximately 80,000 linear feet of sewer main and street reconstruction. The completed project will allow property owners to abandon their existing septic tanks and connect to a public sewer system.

This Biological Resources Technical Report is a review and evaluation of the potential impacts to threatened, endangered, proposed listed or sensitive species and protected habitat resources as a result of the proposed project. Reconnaissance level surveys were conducted within the proposed project's Biological Study Area (BSA), which is approximately 419 acres and encompasses the construction area with an approximate 30-foot buffer.

An analysis was conducted to assess the biological resources within the proposed project area that potentially could be impacted by the project's activities. The results of which determined that there are no environmental resources that may be impacted by the construction of the proposed project. The potential impacts of the proposed project are summarized below.

No bodies of water are located within or adjacent to the proposed project site; therefore the proposed project does not anticipate any impacts to jurisdictional waters. All planned construction activities will take place within paved roadway, and no special status plant species were identified within the BSA; therefore, no impacts to special status plants is anticipated. The project has a low to moderate potential for Swainson's hawk (*Buteo swainsoni*) to be present within the vicinity of the BSA; however the species is unlikely to nest or forage within the BSA as the BSA is located within established roadway systems. Considering no trees will be removed and the BSA is located within a heavily disturbed and urban area, no impacts or take of Swainson's hawk are anticipated. During the construction phase of the project, Best Management Practices (BMPs) will be implemented to further reduce potential impacts to biological resources present in the BSA.

1.0 Introduction

This Biological Resources Technical Report was prepared for the Stanislaus County West Modesto Sewer Infrastructure Project (project). The project includes three dense residential neighborhoods. The Spencer/Marshall neighborhood (Area 7) is generally located approximately 0.3 mile west of Highway 99 and is accessible from State Route 132 and Spencer Avenue. The Beverly/Waverly (Area 21) neighborhood is located approximately 0.9 mile west of Highway 99 and is accessible from Paradise Road. The Rouse/Colorado (Area 9) neighborhood is located approximately 0.6 mile west of Highway 99 and is accessible from Tuolumne Boulevard and Roselawn Avenue. The project area is associated with the Brush Lake, Ceres, Salida, and Riverbank, California United States Geological Survey (USGS) 7.5-minute quadrangles (Figures 1 and 2).

1.1 History

The Spencer/Marshall, Beverly/Waverly, and Rouse/Colorado neighborhoods are first depicted on historic topographic maps in 1954. Houses in the area date back to 1915 but were predominantly constructed in the 1930s and 1940s. The BSA was established by creating a 30-foot buffer around the project area. The BSA includes all ground-disturbing activities required to install the sewer main and area(s) sufficient for staging equipment and spoil dirt areas.

In its entirety, the Spencer/Marshall, Beverly/Waverly, and Rouse/Colorado neighborhoods encompass 419 acres and are dense residential neighborhoods, which currently rely on septic tanks for the treatment of sewage. Due to safety concerns associated with failing septic systems which could lead to the degradation of groundwater quality, 80,000 linear feet of sewer main and street construction is planned.

1.2 Project Description

Stanislaus County (County), in cooperation with the United States Department of Housing and Urban Development (HUD) and State Water Resources Control Board (SWRCB), proposes to install sanitary sewer mains and laterals in three separate unincorporated neighborhoods within West Modesto in Stanislaus County, California. It is estimated that the project will include the installation of up to 80,000 linear feet of gravity mains and approximately 1,004 new house laterals in the Spencer/Marshall (144 services), Beverly/Waverly (527 services), and Rouse/Colorado (333 services) neighborhoods. The project includes street construction of affected road segments. The Spencer/Marshall neighborhood is generally located approximately 0.3 mile west of Highway 99 and is accessible from State Route 132 and Spencer Avenue. The Beverly/Waverly neighborhood is located approximately 0.9 mile west of Highway 99 and is accessible from Paradise Road. The Rouse/Colorado neighborhood is located approximately 0.6 mile west of Highway 99 and is accessible from Tuolumne Boulevard and Roselawn Avenue (see Figure 3). The following street intersections and road segment are part of the project site: the

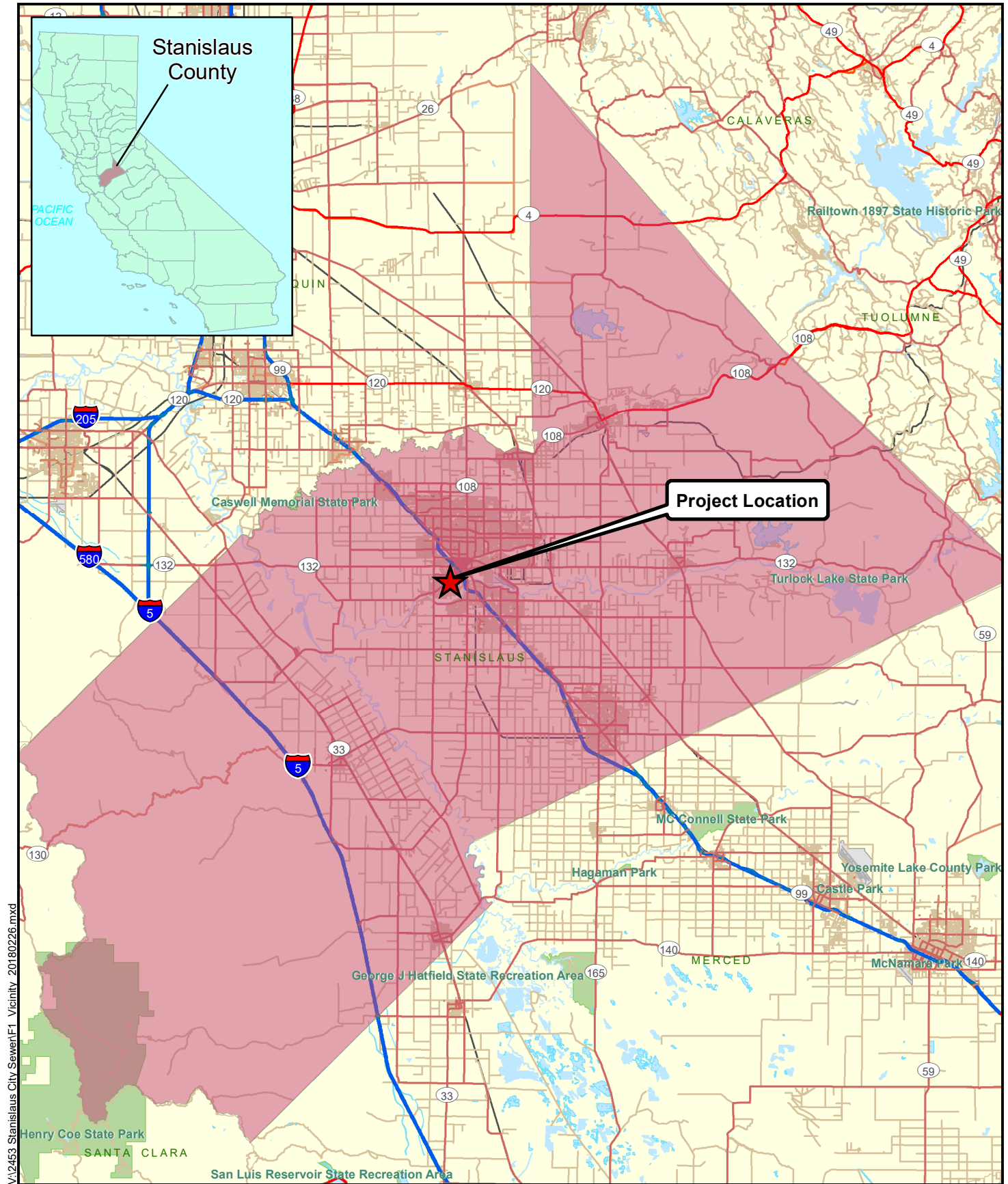


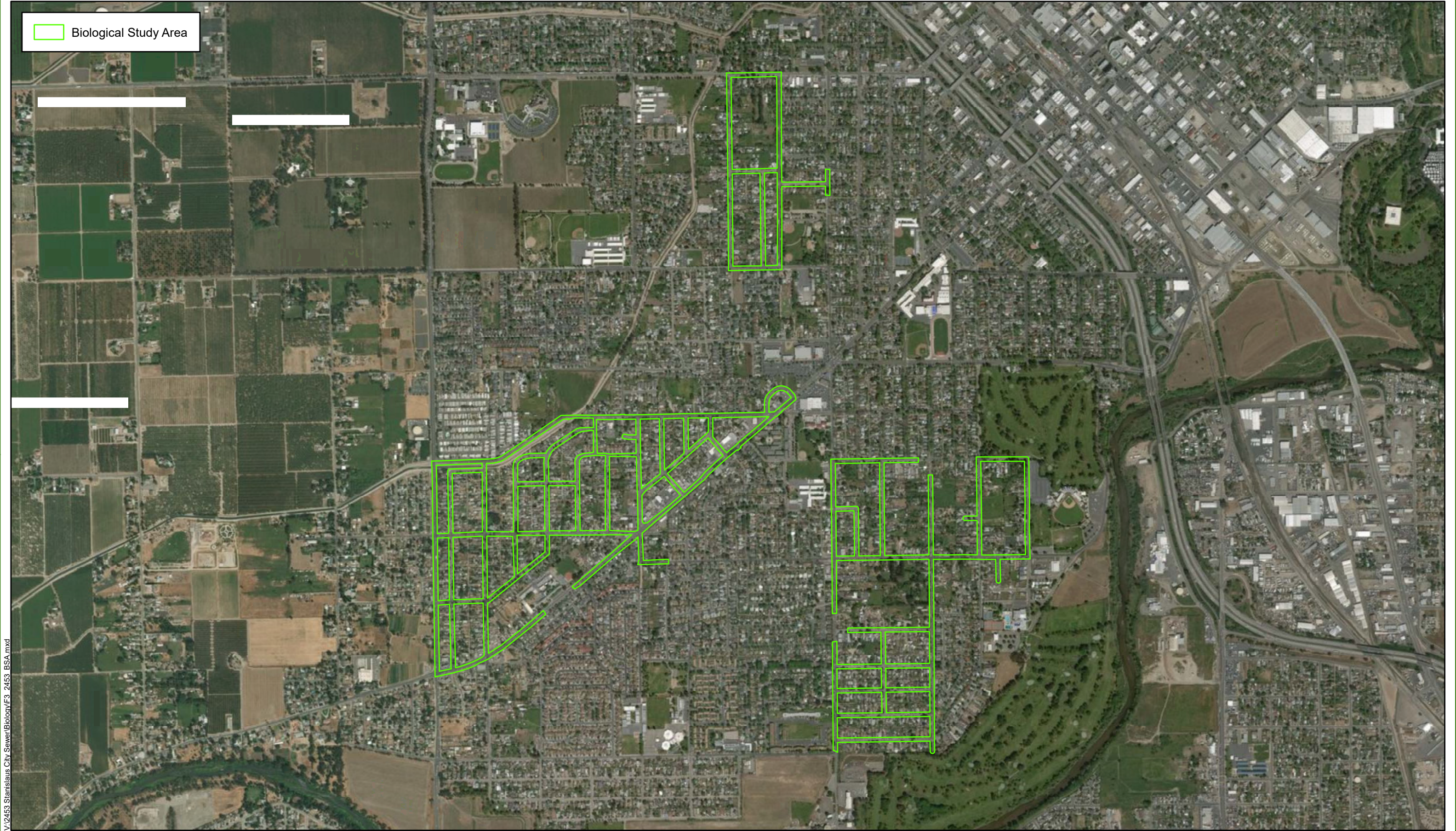
FIGURE 1
Project Vicinity

HUD Project #: B-17-UC-06-0010
West Modesto Sewer Infrastructure Project
Stanislaus County, California



0 5 10 15 Miles

Biological Study Area



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Source: ESRI Maps Online; Dokken Engineering 3/8/2018; Created By: vcothran



1 inch = 1,200 feet



Figure 3
Biological Study Area

HUD Project #: B-17-UC-06-0010
West Modesto Sewer Infrastructure Project
Stanislaus County, California

California/Marshall Avenue intersection; Paradise Road/Pine Tree intersection; and approximately 100' east of the Lombardy Drive/Ritsch Lane intersection. The Spencer/Marshall, Beverly/Waverly, and Rouse/Colorado neighborhoods are disadvantaged communities located in West Modesto with predominantly residential parcels that currently rely on septic tanks for the treatment of sewage. The project is proposed in response to health and safety concerns associated with failing septic systems which could lead to the degradation of groundwater quality. The project will include the installation of a new sewer system with approximately 80,000 linear feet of sewer main and street reconstruction. The completed project will allow property owners to abandon their existing septic tanks and connect to a public sewer system. The new sewer infrastructure will connect into the City of Modesto's existing public sewer system. Upon completion of the project, project ownership will be transferred to the City of Modesto for operation and maintenance.

Existing private septic systems and water services will remain active during project construction. No road closures are anticipated to occur and access to each residence will be maintained. Minor temporary detours for local traffic may take place. Temporary construction easements, utility easements, and encroachment permits may be needed on a limited basis to accommodate the installation of the proposed improvements. Construction for the Spencer/Marshall area is anticipated to last six months, for the Beverly/Waverly area eighteen months, and for the Rouse/Colorado area twelve months.

This project is federally funded with Community Development Block Grant funds administered by HUD. To fund the project's construction and final design, the County anticipates receiving grant funding from the Clean Water State Revolving Fund program administered by the State Water Resources Control Board. As such, the project requires compliance with both the NEPA and CEQA. Stanislaus County is the lead agency for CEQA purposes and the responsible entity for NEPA purposes.

2.0 Study Methods

2.1 Regulatory Requirements

This section describes the general Federal, State, and local plans, policies, and laws that are relevant to biological resources within the BSA.

Federal Regulations

National Environmental Policy Act

NEPA provides an interdisciplinary framework for environmental planning by Federal agencies and contains action-forcing procedures to ensure that Federal agency decision makers take environmental factors into account. NEPA applies whenever a Federal agency proposes an action, grants a permit, or agrees to fund or otherwise authorize any other entity to undertake an action that could possibly affect environmental resources. This project is federally funded with Community Development Block Grant funds administered by HUD. As such, Stanislaus County is the responsible entity for NEPA purposes.

Federal Endangered Species Act

The Federal Endangered Species Act (FESA) of 1973 (16 U.S.C. section 1531 et seq.) provides for the conservation of endangered and threatened species listed pursuant to Section 4 of the Act (16 U.S.C. section 1533) and the ecosystems upon which they depend. These species and resources have been identified by the United States Fish and Wildlife Service (USFWS).

Clean Water Act

The Clean Water Act (CWA) was enacted as an amendment to the Federal Water Pollutant Control Act of 1972, which outlined the basic structure for regulating discharges of pollutants to Waters of the United States (U.S.). CWA serves as the primary Federal law protecting the quality of the nation's surface waters, including lakes, rivers, and coastal wetlands. CWA empowers the U.S. Environmental Protection Agency (EPA) to set national water quality standards and effluent limitations, and includes programs addressing both point-source and non-point-source pollution. Point-source pollution originates or enters surface waters at a single, discrete location, such as an outfall structure or an excavation or routine maintenance site. Non-point-source pollution originates over a broader area and includes urban contaminants in storm water runoff and sediment loading from upstream areas. CWA operates on the principle that all discharges into the nation's waters are unlawful unless they are specifically authorized by a permit; permit review is CWA's primary regulatory tool.

The Regional Water Quality Control Board (RWQCB) has jurisdiction under Section 401 of CWA and regulates any activity which may result in a discharge to surface waters. Typically, the areas subject to jurisdiction of the RWQCB coincide with those of the USACE (i.e., waters of the U.S.

including any wetlands). The RWQCB also asserts authority over “waters of the State” under waste discharge requirements pursuant to the Porter-Cologne Water Quality Control Act.

Executive Order 13112: Prevention and Control of Invasive Species

Executive Order (EO) 13112 (signed February 3, 1999) directs all Federal agencies to prevent and control introductions of invasive species in a cost-effective and environmentally sound manner. The EO requires consideration of invasive species in NEPA analyses, including their identification and distribution, their potential impacts, and measures to prevent or eradicate them.

Executive Order 13186: Migratory Bird Treaty Act

EO 13186 (signed January 10, 2001) directs each Federal agency taking actions that could adversely affect migratory bird populations to work with USFWS to develop a Memorandum of Understanding that will promote the conservation of migratory bird populations. Protocols developed under the Memorandum of Understanding will include the following agency responsibilities:

- avoid and minimize, to the maximum extent practicable, adverse impacts on migratory bird resources when conducting agency actions;
- restore and enhance habitat of migratory birds, as practicable; and
- prevent or abate the pollution or detrimental alteration of the environment for the benefit of migratory birds, as practicable.

The EO is designed to assist Federal agencies in their efforts to comply with the Migratory Bird Treaty Act (MBTA) (50 Code of Federal Regulations [CFR] 10 and 21) and does not constitute any legal authorization to take migratory birds. Take is defined under the MBTA as “the action of or attempt to pursue, hunt, shoot, capture, collect, or kill” (50 CFR 10.12) and includes intentional take (i.e., take that is the purpose of the activity in question) and unintentional take (i.e., take that results from, but is not the purpose of, the activity in question).

State Regulations

California Environmental Quality Act

CEQA is a State law created to inform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities and to work to reduce these negative environmental impacts. The County is the CEQA lead agency for this Project.

California Endangered Species Act

The California Endangered Species Act (CESA) (California Fish and Game (CFG) Code Section 2050 et seq.) requires the California Department of Fish and Wildlife (CDFW) to establish a list of endangered and threatened species (Section 2070) and to prohibit the incidental taking of any such listed species except as allowed by the Act (Sections 2080-2089). In addition, CESA prohibits take of candidate species (under consideration for listing).

CESA also requires CDFW to comply with CEQA (Pub. Resources Code Section 21000 et seq.) when evaluating incidental take permit applications (CFG Code Section 2081(b) and California Code Regulations, Title 14, section 783.0 et seq.), and the potential impacts the project or activity for which the application was submitted may have on the environment. CDFW's CEQA obligations include consultation with other public agencies which have jurisdiction over the project or activity [California Code Regulations, Title 14, Section 783.5(d)(3)]. CDFW cannot issue an incidental take permit if issuance would jeopardize the continued existence of the species [CFG Code Section 2081(c); California Code Regulations, Title 14, Section 783.4(b)].

Section 1602: Streambed Alteration Agreement

Under CFG Code 1602, public agencies are required to notify CDFW before undertaking any project that will divert, obstruct, or change the natural flow, bed, channel, or bank of any river, stream, or lake. Preliminary notification and project review generally occurs during the environmental process. When an existing fish or wildlife resource may be substantially adversely affected, CDFW is required to propose reasonable project changes to protect the resources. These modifications are formalized in a Streambed Alteration Agreement that becomes part of the plans, specifications, and bid documents for the project.

Section 3503 and 3503.5: Bird and Raptors

CFG Code Section 3503 prohibits the destruction of bird nests and Section 3503.5 prohibits the killing of raptor species and destruction of raptor nests. There are no trees or shrubs within the BSA; however trees and shrubs are present adjacent to the BSA and could contain nesting sites.

Section 3513: Migratory Birds

CFG Code Section 3513 prohibits the take or possession of any migratory non-game bird as designated in the MBTA or any part of such migratory non-game bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

Local Regulations

Stanislaus County General Plan

The project has been designed to be consistent with the 2015 Stanislaus County General Plan adopted on August 23, 2016 by the Board of Supervisors.

Requirements within the 2015 Stanislaus County General Plan, Conservation/Open Space Element, related to biological resources include the protection, maintenance, and use of the County's natural resources, with special emphasis on scarce resources and those that require special control and management. The County of Stanislaus protects thirteen land cover types including oak woodland, blue oak-foothill pine, valley foothill riparian, chaparral, diablan sage scrub, annual grassland, vernal pool/annual grassland complex, freshwater emergency wetland, riverine, lacustrine, agriculture, urban, and barren.

2.2 Studies Required

Literature Search

Prior to field work, literature research was conducted through the USFWS Information for Planning and Consultation (IPaC) official species list generator (Appendix A), the CDFW California Natural Diversity Database (CNDDDB) (Appendix B), and the California Native Plant Society (CNPS) Electronic Inventory of Rare and Endangered Plants (Appendix C) to identify habitats and special-status species having the potential to occur within the BSA. A complete list of regional species of concern was generated and is available in Table 1.

Survey Methods

Prior to field surveys, the BSA was created by adding an additional 30-foot buffer around the Project area locations. The BSA was defined to include all ground-disturbing activities in addition to area(s) sufficient for staging equipment and spoil dirt areas (Figure 3). The horizontal BSA within the Rouse/Colorado (Area 9) neighborhood extends approximately 0.5 miles east-west and 0.74 mile north-south. The horizontal BSA within the Beverly/Waverly (Area 21) neighborhood extends approximately 0.6 miles east-west and 0.8 mile north-south. The horizontal BSA within the Spencer/Marshall (Area 7) neighborhood extends approximately 0.5 miles east-west and 0.4 mile north-south. The vertical extent of the BSA within each area includes removal of the existing paved roadway for installation of the sewer mains with a maximum depth of excavation 10 feet below ground surface. The BSA includes a total of approximately 419 acres. Field surveys, habitat assessments and analysis of historic occurrences were conducted to determine the potential for special species to occur within the BSA. Field surveys included walking meandering transects through the BSA, observing vegetation communities, compiling notes on observed flora and fauna, and assessing the potential for existing habitat to support sensitive plants and wildlife.

Personal Survey Dates

Habitat and site assessments were conducted within the BSA on February 22, 2018 to assess the vegetative communities on-site, identify biological resources which may be impacted by the proposed project and evaluate the potential for special-status species to occur on-site.

Agency Coordination and Professional Contacts

An official species list of federally listed species with the potential to be affected by the project was obtained from USFWS on February 26, 2018. This species list is available in Appendix A.

A list of special status species and habitats with the potential to occur within the project vicinity was obtained from CDFW through CNDDDB on February 26, 2018. This species list is available in Appendix B.

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Table 1. Special Status Species with Potential to Occur in the Project Vicinity

Common Name	Species Name	Status		General Habitat Description	Habitat Present	Potential for Occurrence and Rationale
Amphibian Species						
California red-legged frog	Rana draytonii	FESA: CESA: CNPS:	T -- P	Inhabits lowlands and foothills in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation. Requires 11-20 weeks of permanent water for larval development and must have access to estivation habitat; estivation occurs late summer-early winter. Breeds from March-July January-July Occurs from elevations near sea level to 5,200 feet.	A	Presumed Absent: The BSA does not contain suitable permanent sources of deep water. There are no CNDDDB occurrences within 23 miles (2005) of the BSA. Due to the lack of suitable habitat requirements of the species and the distance to recent extant occurrences, the species is presumed absent from the BSA.
California Tiger Salamander	Ambystoma californiense	FESA: CESA: CNPS:	T T T	Inhabits annual grasslands and the grassy understory of Valley-Foothill Hardwood communities. Requires underground refuges, especially ground squirrel burrows and vernal pools or other seasonal water sources for breeding	A	Presumed Absent: The BSA does not have suitable valley grassland habitat for the species. No recent or historical occurrences of the species are within the vicinity of the BSA. Additionally, the nearest presumed extant occurrence is approximately 9.10 (1912) miles from the BSA. Due to the lack of suitable habitat requirements of the species and the lack of recent extant occurrences, the species is presumed absent from the BSA.
Avian Species						
Bald Eagle	Haliaeetus leucocephalus	FESA: CESA: CNPS:	-- E --	Inhabits ocean shore, lake margins, and rivers for both nesting and wintering. Most nests are within one mile of water. Nests in large, old-growth, or dominant live trees with open branches, especially ponderosa pine. Roosts communally in winter.	A	Presumed Absent: The BSA does not contain suitable habitat. The nearest CNDDDB occurrence is approximately 23 miles (1992) from the BSA. Due to the lack of suitable habitat requirements of the species in the BSA, the species is presumed absent from the BSA.
Burrowing Owl	Athene cunicularia	FESA: CESA: CNPS:	BCC -- --	Inhabits open, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing	A	Presumed Absent: The BSA does not contain suitable habitat. The nearest CNDDDB occurrence is approximately 6.5

Common Name	Species Name	Status		General Habitat Description	Habitat Present	Potential for Occurrence and Rationale
				vegetation. Subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel.		miles (2003) from the BSA. Due to the lack of suitable habitat requirements of the species in the BSA, the species is presumed absent from the BSA.
Swainson's hawk	<i>Buteo swainsoni</i>	FESA: CESA: CNPS:	-- T --	Inhabits grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, and agricultural or ranch lands with groves or lines of trees. Requires adjacent suitable foraging areas such as grasslands, alfalfa or grain fields that support a stable rodent prey base. Breeds March to late August.	A	Low to Moderate Potential: The BSA contains scattered trees and adjacent agriculture lands contain suitable foraging habitat. The nearest CNDDDB occurrence is approximately 3.95 miles (2007) from the BSA. Due to the presence of suitable habitat requirements for the species in the BSA and the number of recent occurrences, species is consider to have a low to moderate potential of occurring within the BSA.
Tricolored blackbird	<i>Agelaius tricolor</i>	FESA: CESA: CNPS:	-- CE SSC	Inhabits freshwater marsh, swamp and wetland communities, but may utilize agricultural or upland habitats that can support large colonies, often in the Central Valley area. Requires dense nesting habitat that is protected from predators, is within 3-5 miles from a suitable foraging area containing insect prey and is within 0.3 miles of open water. Suitable foraging includes wetland, pastureland, rangeland, at dairy farms, and some irrigated croplands (silage, alfalfa, etc.). Nests mid-March - early August, but may extend until October/November in the Sacramento Valley region.	A	Presumed Absent: The BSA does not contain suitable foraging habitat or nesting habitat as required by the species. The nearest CNDDDB occurrence is approximately 4.9 miles (2014) from the BSA. Due to the lack of suitable habitat requirements of the species in the BSA, the species is presumed absent from the BSA.
Fish Species						
Chinook salmon – Central Valley spring-run ESU	<i>Oncorhynchus tshawytscha</i> pop. 6	FESA: CESA: CNPS:	T T --	Spring-run Chinook enter the Sacramento-San Joaquin River system to spawn, requiring larger	A	Presumed Absent: The BSA does not include suitable water for the species, and was confirmed through CNDDDB that

Common Name	Species Name	Status		General Habitat Description	Habitat Present	Potential for Occurrence and Rationale
				gravel particle size and more water flow through their redds than other salmonids. Remaining runs occur in Butte, Mill, Deer, Antelope, and Beegum Creeks, tributaries to the Sacramento River. Known to occur in Siskiyou and Trinity counties.		the BSA is outside the range of the species. The species is presumed absent from the BSA.
Delta smelt	<i>Hypomesus transpacificus</i>	FESA: CESA: CNPS:	T E --	Occurs within the Sacramento-San Joaquin Delta and seasonally within the Suisun Bay, Carquinez Strait and San Pablo Bay. Most often occurs in partially saline waters	A	Presumed Absent: The BSA does not contain suitable saline waters for the species, and it was confirmed through CNDDDB that the BSA is outside the range of the species. The species is presumed absent from the BSA.
Steelhead – Central Valley DPS	<i>Oncorhynchus mykiss irideus pop. 11</i>	FESA: CESA: CNPS:	-- T	Originates below natural and manmade impassable barriers from the Sacramento and San Joaquin Rivers and their tributaries.	A	Presumed Absent: The BSA does not include suitable waters for the species, and was confirmed through CNDDDB that the BSA is outside the range of the species. The species is presumed absent from the BSA.
Invertebrate Species						
Valley elderberry longhorn beetle	<i>Desmocerus californicus dimorphus</i>	FESA: CESA: CNPS:	T -- --	Species requires elderberry shrubs as host plants. Typically occurs in moist valley oak woodlands associated with riparian corridors in the lower Sacramento River and upper San Joaquin River drainages. (Sea level-3,000 feet).	A	Presumed Absent: The BSA does not contain riparian habitat and lacks elderberry shrubs. The nearest recent occurrence is approximately 0.5 (1999) miles from the BSA. Due to the lack of suitable elderberry host plants and the lack of recent occurrences, the species is presumed absent from the BSA.
Vernal pool fairy shrimp	<i>Brachinecta lynchi</i>	FESA: CESA: CNPS:	T -- --	In California, species inhabits portions of Shasta county, south through the Central Valley, and scattered locations in Riverside County and the Coast Ranges. Species is associated with smaller and shallower cool-water vernal pools approximately 6 inches deep and short periods of inundation. In the southernmost extremes of the range,	A	Presumed Absent: The BSA does not contain suitable vernal pool features. The nearest extant occurrence is approximately 6.75 miles (2012) from the BSA. Due to the lack of suitable vernal pool habitat, the species is presumed absent from the BSA.

Common Name	Species Name	Status		General Habitat Description	Habitat Present	Potential for Occurrence and Rationale
				the species occurs in large, deep cool-water pools. Inhabited pools have low to moderate levels of alkalinity and total dissolved solids. The shrimp are temperature sensitive, requiring pools below 50 F to hatch and dying within pools reaching 75 F. Young emerge during cold-weather winter storms.		
Vernal pool tadpole shrimp	<i>Lepidurus pakardii</i>	FESA: CESA: CNPS:	E -- --	Inhabits vernal pools and swales containing clear to highly turbid waters such as pools located in grass bottomed swales of unplowed grasslands, old alluvial soils underlain by hardpan, and mud-bottomed pools with highly turbid water.	A	Presumed Absent: The BSA does not contain suitable vernal pool features. The nearest extant occurrence is approximately 6.75 miles (2011) from the BSA. Due to the lack of suitable vernal pool habitat, the species is presumed absent from the BSA.
Reptile Species						
Giant garter snake	<i>Thamnophis gigas</i>	FESA: CESA: CDFW:	T T --	Inhabits marsh, swamp, wetland (including agricultural wetlands), sloughs, ponds, rice fields, low gradient streams and irrigation/drainage canals adjacent to uplands. Species requires adequate water during the active season (April-November), emergent, herbaceous wetland vegetation, such as cattails and bulrushes, for escape cover and foraging habitat and mammal burrows estivation. Requires grassy banks and openings in waterside vegetation for basking and higher elevation uplands for cover and refuge from flood waters during winter dormant season.	A	Presumed Absent: The BSA is a residential development and does not contain suitable irrigation/drainage canals or upland habitat. The nearest CNDDDB occurrence of the species is approximately 21 miles (2016) from the BSA. Due to the lack of suitable habitat and lack of local occurrences, the species is presumed absent from the BSA..
Plant Species						
Heartscale	<i>Atriplex cordulata</i> var. <i>cordulata</i>	Fed: State: CNPS:	-- -- 1B.2	An annual herb found in saline and alkaline flats within valley or foothill grasslands, meadows and seeps,	A	Presumed Absent: The BSA does not contain suitable valley grasslands communities for the species, and lacks

Common Name	Species Name	Status		General Habitat Description	Habitat Present	Potential for Occurrence and Rationale
				and chenopod scrub. Flowers April-October (0 - 1837 feet).		saline and alkaline flats. The nearest CNDDDB occurrence is approximately 8.58 miles (1936) away from the BSA. Due to the lack of suitable habitat and lack of local occurrences the species is presumed absent from the BSA.
Subtle orache	<i>Atriplex subtilis</i>	Fed: State: CNPS:	-- -- 1B.2	An annual herb found in alkaline flats, within valley and foothill grasslands. Flowers June, August, and September (131- 328 feet).	A	Presumed Absent: The BSA does not contain valley grasslands and is outside the elevation range for the species. Due to the lack of suitable habitat and the BSA being outside of the range of this species, it is presumed absent.
Prairie wedge grass	<i>Sphenopholis obtusata</i>	Fed: State: CNPS:	-- -- 2B.2	A perennial herb inhabiting mesic, Cismontane woodland and meadows and seeps. Flowers April - July (984 – 6,562 feet).	A	Presumed Absent: The BSA does not mesic habitat and is outside the elevation range for the species. Due to the lack of suitable habitat and the BSA being outside of the range of this species, it is presumed absent.

Federal Designations (Fed): (FESA, USFWS) E: Federally listed, endangered T: Federally listed, threatened DL: Federally listed, delisted CE: Candidate Endangered CT: Candidate Threatened	State Designations (CA): (CESA, CDFW) E: State-listed, endangered T: State-listed, threatened CE: Candidate Endangered CT: Candidate Threatened
Other Designations CDFW_SSC: CDFW Species of Special Concern CDFW_FP: CDFW Fully Protected California Native Plant Society (CNPS) Designations: <i>*Note: according to CNPS (Skinner and Pavlik 1994), plants on Lists 1B and 2 meet definitions for listing as threatened or endangered under Section 1901, Chapter 10 of the California Fish and Game Code. This interpretation is inconsistent with other definitions.</i> 1A: Plants presumed extinct in California. 1B: Plants rare and endangered in California and throughout their range. 2: Plants rare, threatened, or endangered in California but more common elsewhere in their range. 3: Plants about which need more information; a review list. Plants 1B, 2, and 4 extension meanings: _.1 Seriously endangered in California (over 80% of occurrences threatened / high degree and immediacy of threat) _.2 Fairly endangered in California (20-80% occurrences threatened) _.3 Not very endangered in California (<20% of occurrences threatened or no current threats known)	
Habitat Potential Absent [A] - No habitat present and no further work needed. Habitat Present [HP] - Habitat is, or may be present. The species may be present. Critical Habitat [CH] – Project is within designated Critical Habitat.	
Potential for Occurrence Criteria: Present: Species was observed on site during a site visit or focused survey. High: Habitat (including soils and elevation factors) for the species occurs on site and a known occurrence has been recorded within 5 miles of the site. Low-Moderate: Either low quality habitat (including soils and elevation factors) for the species occurs on site and a known occurrence exists within 5 miles of the site; or suitable habitat strongly associated with the species occurs on site, but no records were found within the database search. Presumed Absent: Focused surveys were conducted and the species was not found, or species was found within the database search but habitat (including soils and elevation factors) do not exist on site, or the known geographic range of the species does not include the survey area.	
Source: (CDFW 2017), (CNDDDB 2017), (CNPS 2017), (Calflora 2017) (Jepson, 2nd Ed.), USFWS 2017.	

A list of special status plants with the potential to occur within the project vicinity was obtained from CNPS on February 26, 2018. This species list is available in Appendix D.

Limitations That May Influence Results

No limitations were present influencing results of this document. All surveys were conducted during appropriate weather and temperature conditions. The collection of biological field data is normally subject to environmental factors that cannot be controlled or reliably predicted. Consequently, the interpretation of field data must be conservative and consider the uncertainties and limitations necessarily imposed by the environment. However, due to the experience and qualifications of the consulting biologists involved in the surveys, this limitation is not expected to severely influence the results or substantially alter the findings.

3.0 Results: Environmental Setting

3.1 Description of the Existing Biological and Physical Conditions Study Area

Physical Conditions

The BSA is located in the western portion of Modesto and is associated with the Brush Lake, Salida, Ceres, and Riverbank, California USGS 7.5-minute quadrangles. The BSA topography is relatively flat with only a slight decrease in elevation from ± 80 -ft above mean sea level (amsl) in the western portion of the BSA, to ± 100 -ft amsl in the east (Figure 4).

Biological Conditions in the Study Area

Wetlands and Waters

Based on field survey results, the USGS Brush Lake, Salida, Ceres, and Riverbank, California 7.5-minute quadrangle topographic maps, and the USFWS National Wetland Inventory, there are no water features located within the BSA. The closest water feature is the Modesto Irrigation District canal system located approximately 100 feet north west of Area 21.

Vegetation

Dominant vegetation communities within the BSA include barren, urban, and ornamental plants used for landscaping. A majority of the BSA is within existing roadways that do not contain any vegetative species (Figure 5). Property adjacent to the BSA is typically barren/urban and/or residential areas that have been heavily disturbed. Historical aerial imagery shows the BSA has been heavily developed for over 50 years and that surrounding areas have remained highly disturbed agricultural fields.

Wildlife

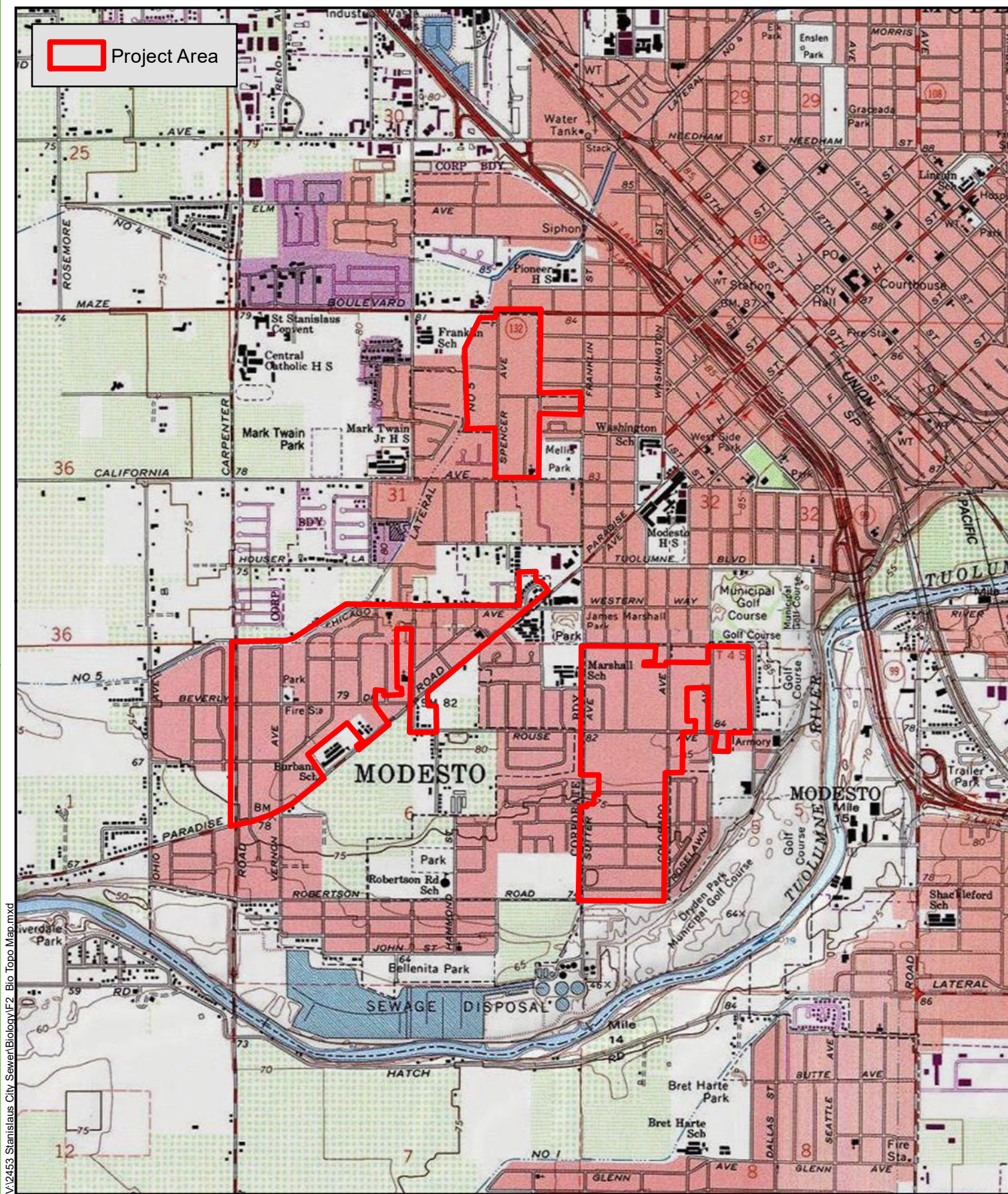
Wildlife present within the BSA is limited to wildlife species typically found in the temperate climate of the California Central Valley. Adjacent habitat is highly disturbed agriculture fields and barren/urban landscape. A complete list of wildlife species observed, or identified through sign, within the BSA is provided in Appendix E.

Habitat Connectivity

The CDFW Biogeographic Information & Observation System (2014c) was reviewed to determine if the BSA is located within an Essential Connectivity Area. The BSA does not occur within an Essential Connectivity Area; therefore, the project is not likely to adversely affect migratory corridors.

3.2 Regional Species and Habitats and Natural Communities of Concern

Plant and animal species are considered to have a special status if they have been listed as such by Federal or State agencies or by one or more special interest groups, such as CNPS. Prior to the field surveys, literature searches of the USFWS, CNDDDB, and CNPS databases were conducted to identify regionally sensitive species with potential to occur within the BSA. Table 1 provides a list of regional species of special concern returned by database searches, describes the habitat requirements for each species, and states if the species was determined to have potential to occur within the BSA.



1 inch = 2,000 feet

0 0.5 1 Miles

FIGURE 4

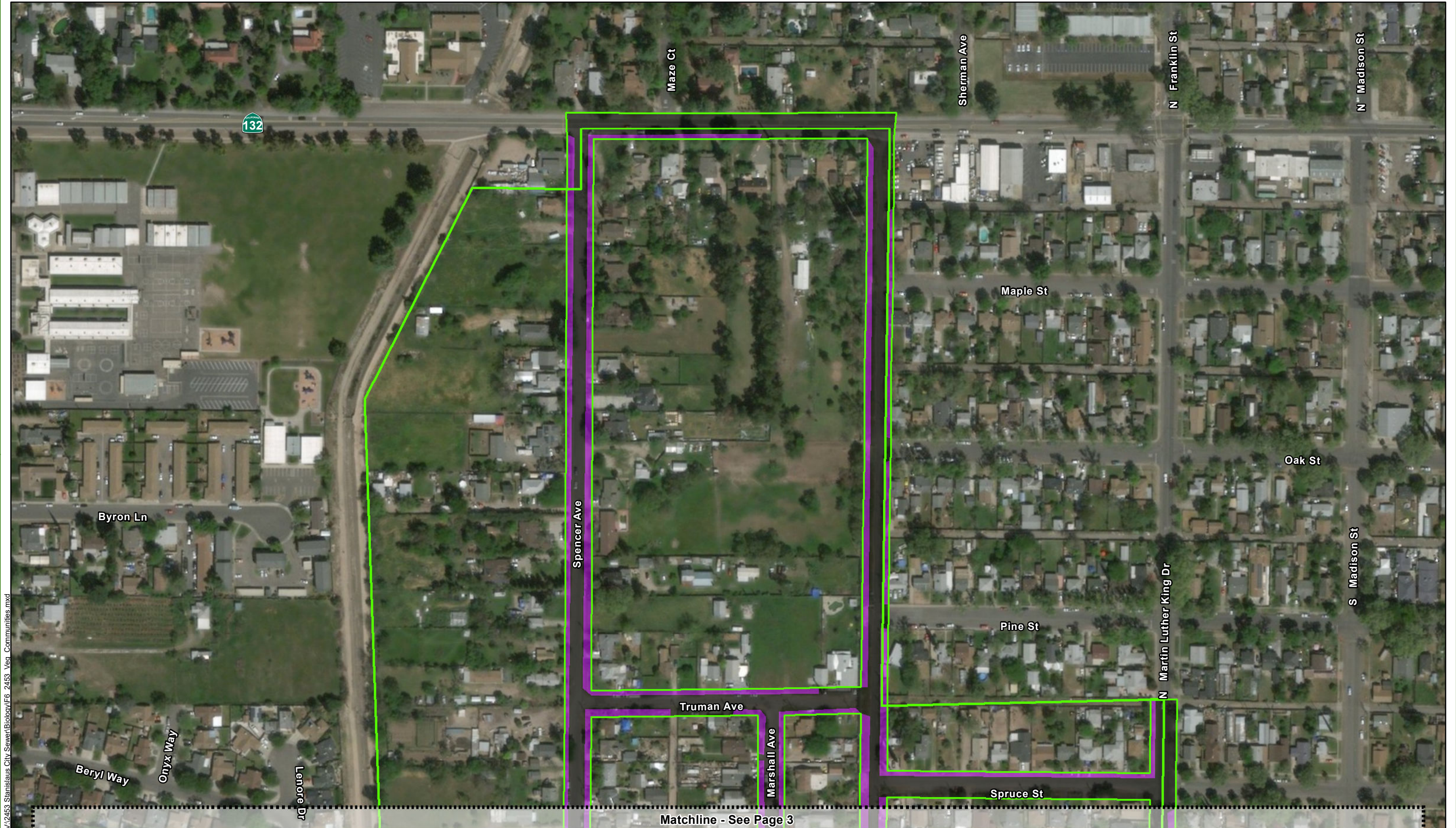
Topographic Map

USGS 7.5-minute Quads: Salida, Riverbank, Brush Lake, and Ceres

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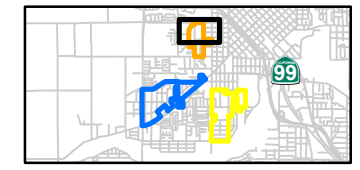
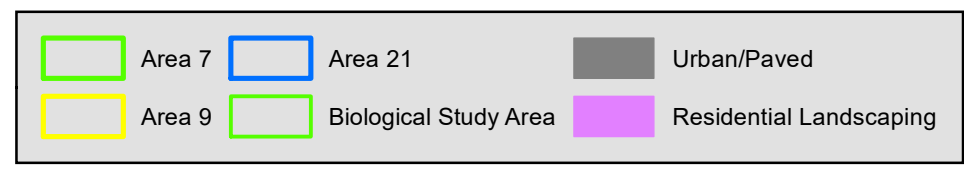
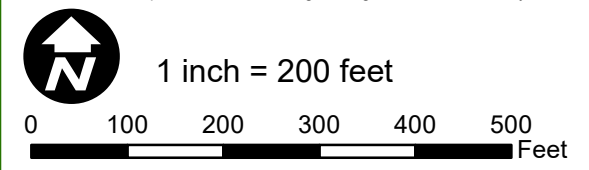
West Modesto Sewer Infrastructure Project

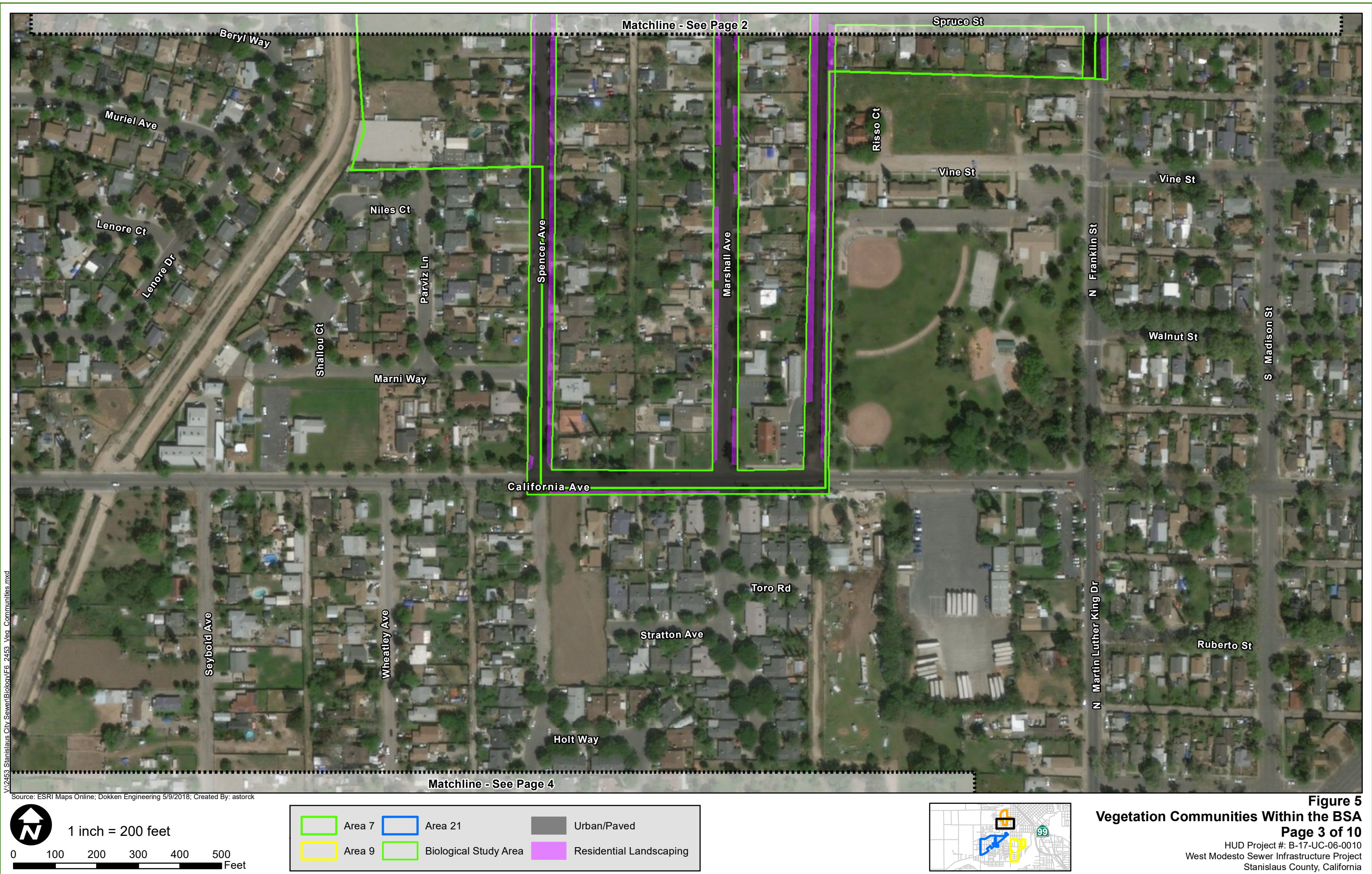
Stanislaus County, California

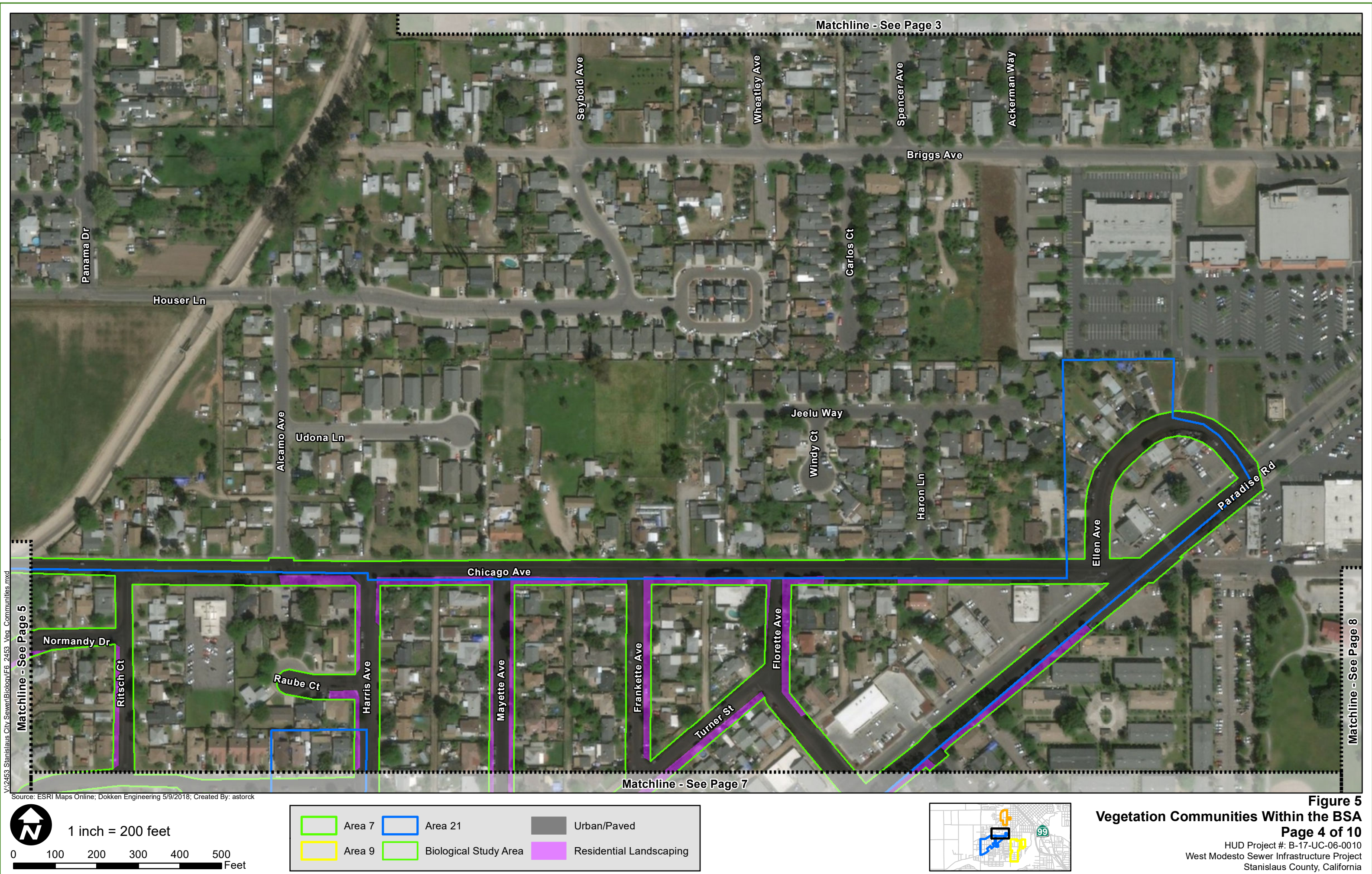


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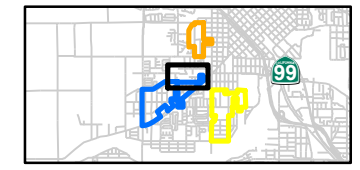
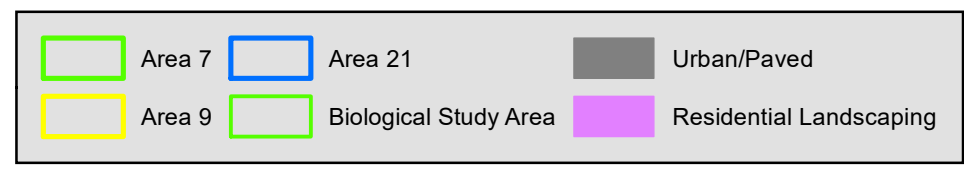
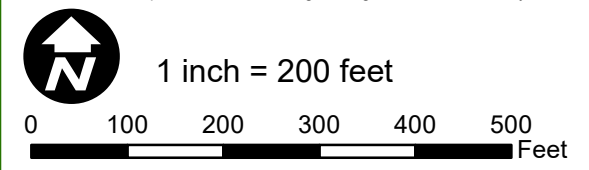
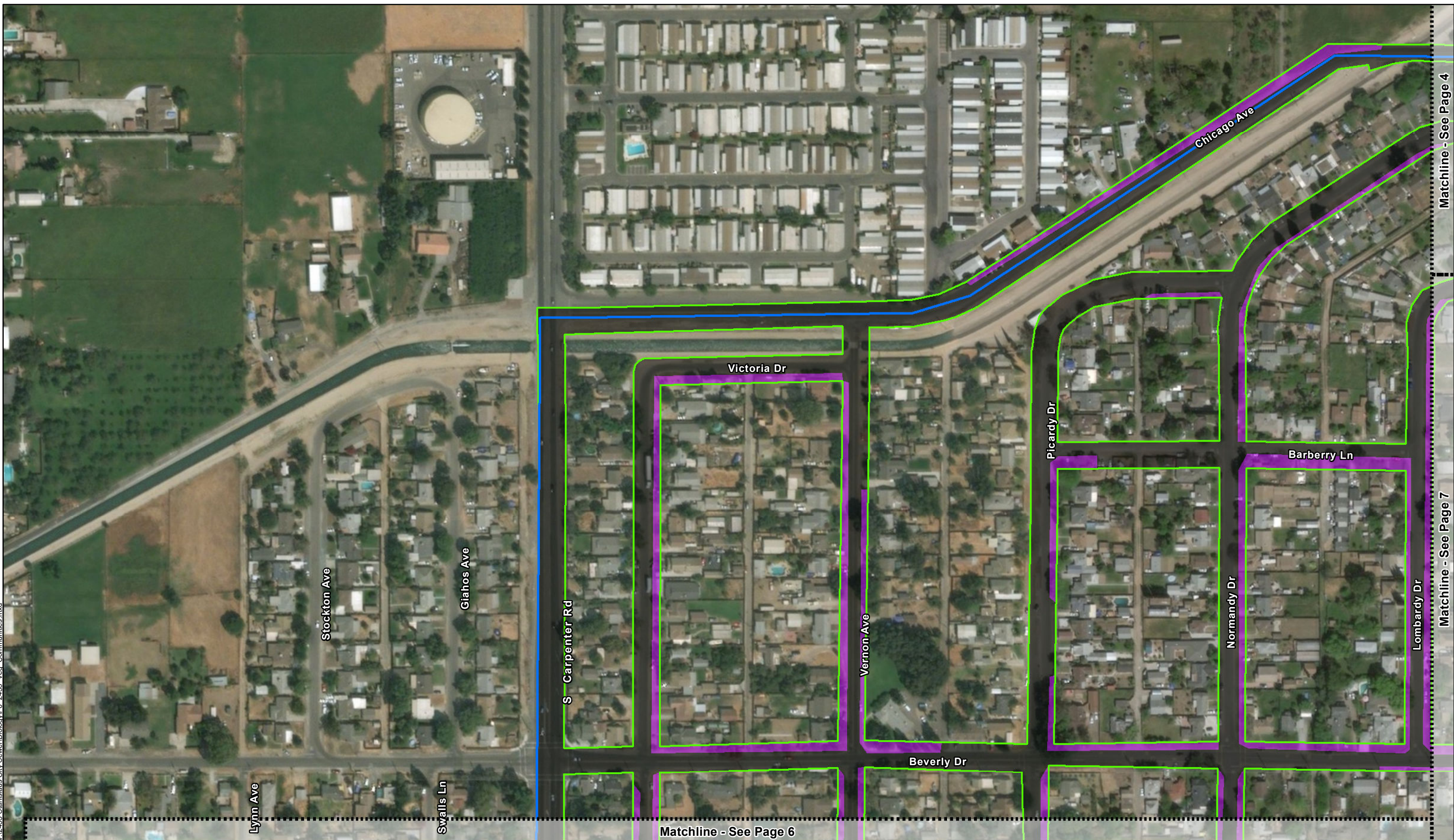


Figure 5
Vegetation Communities Within the BSA
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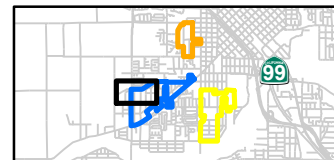
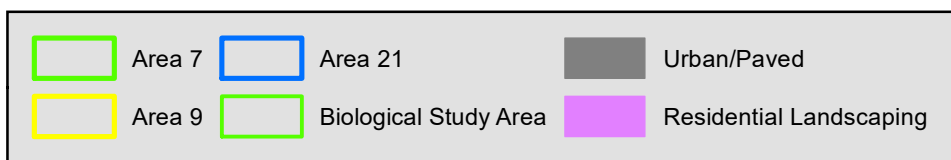
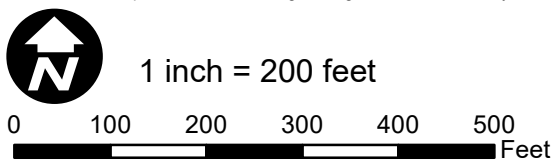
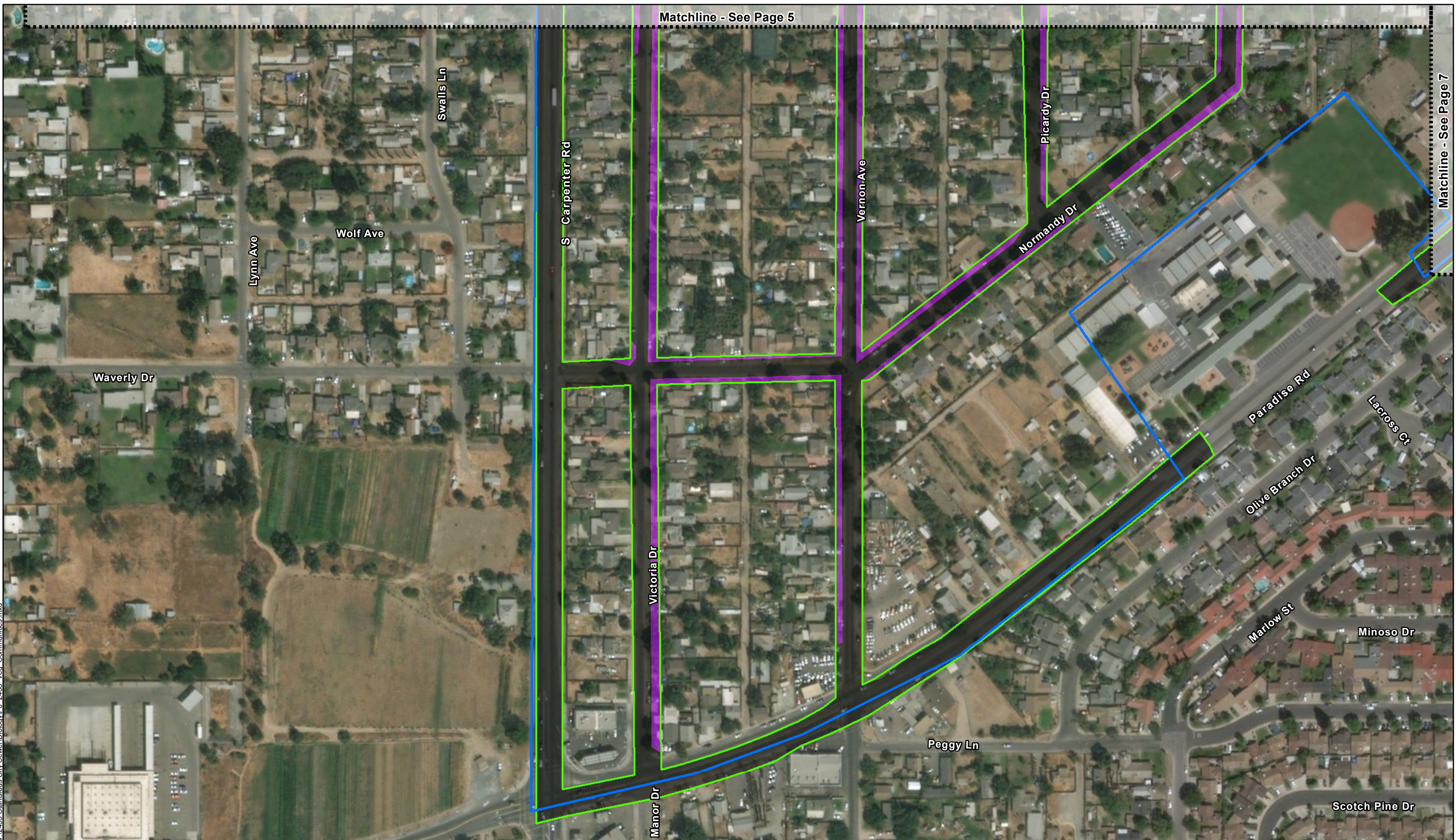


Figure 5
Vegetation Communities Within the BSA
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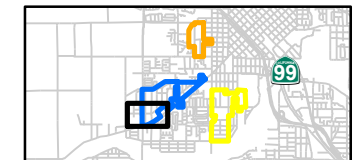
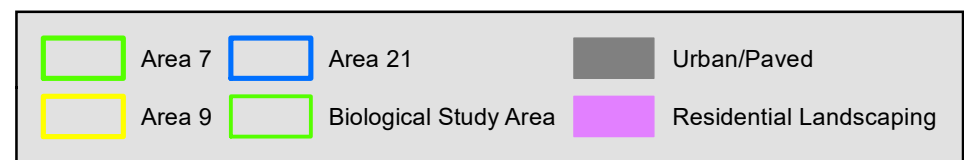
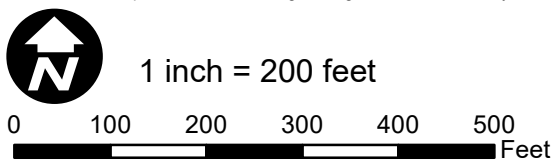
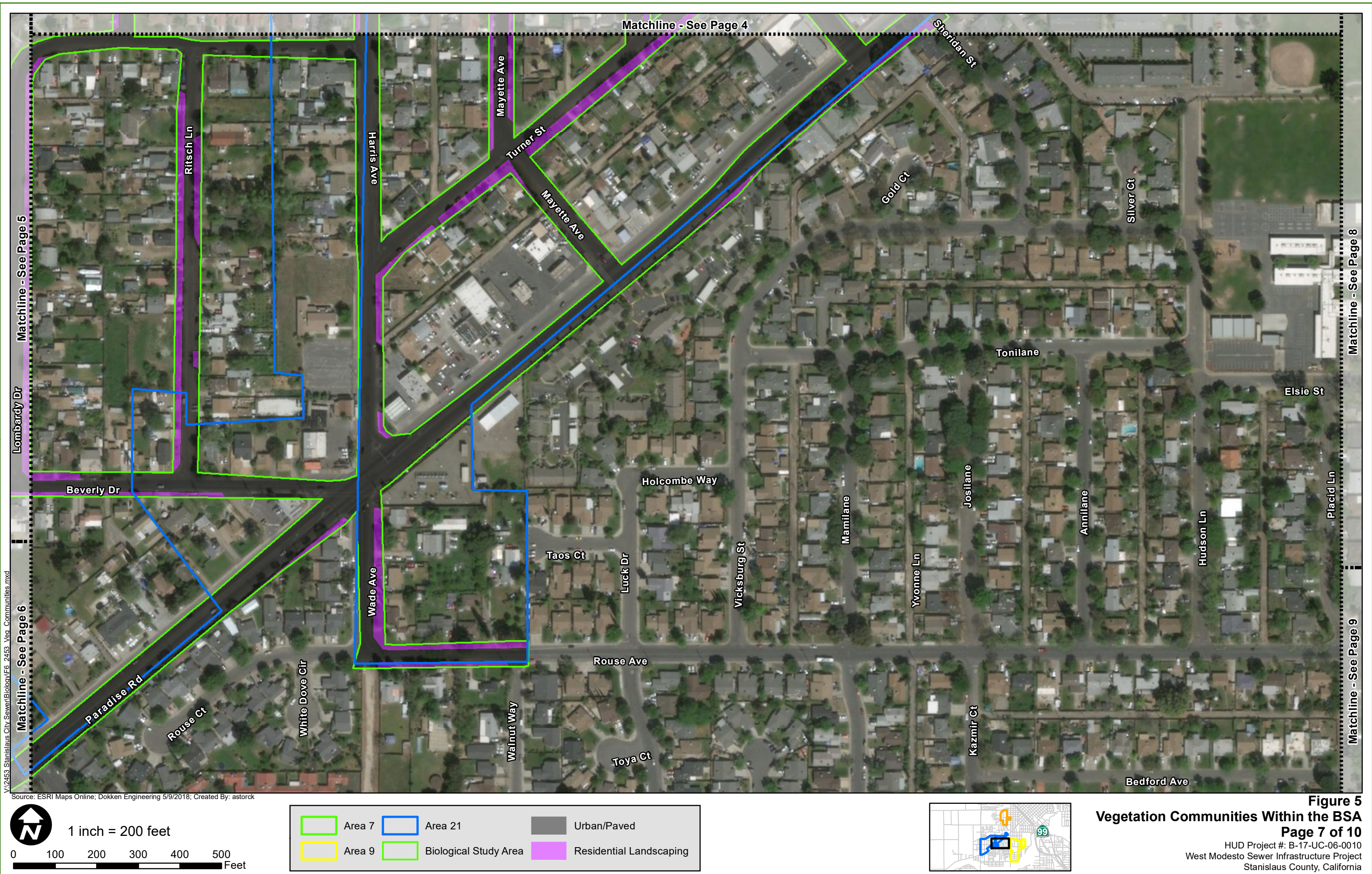
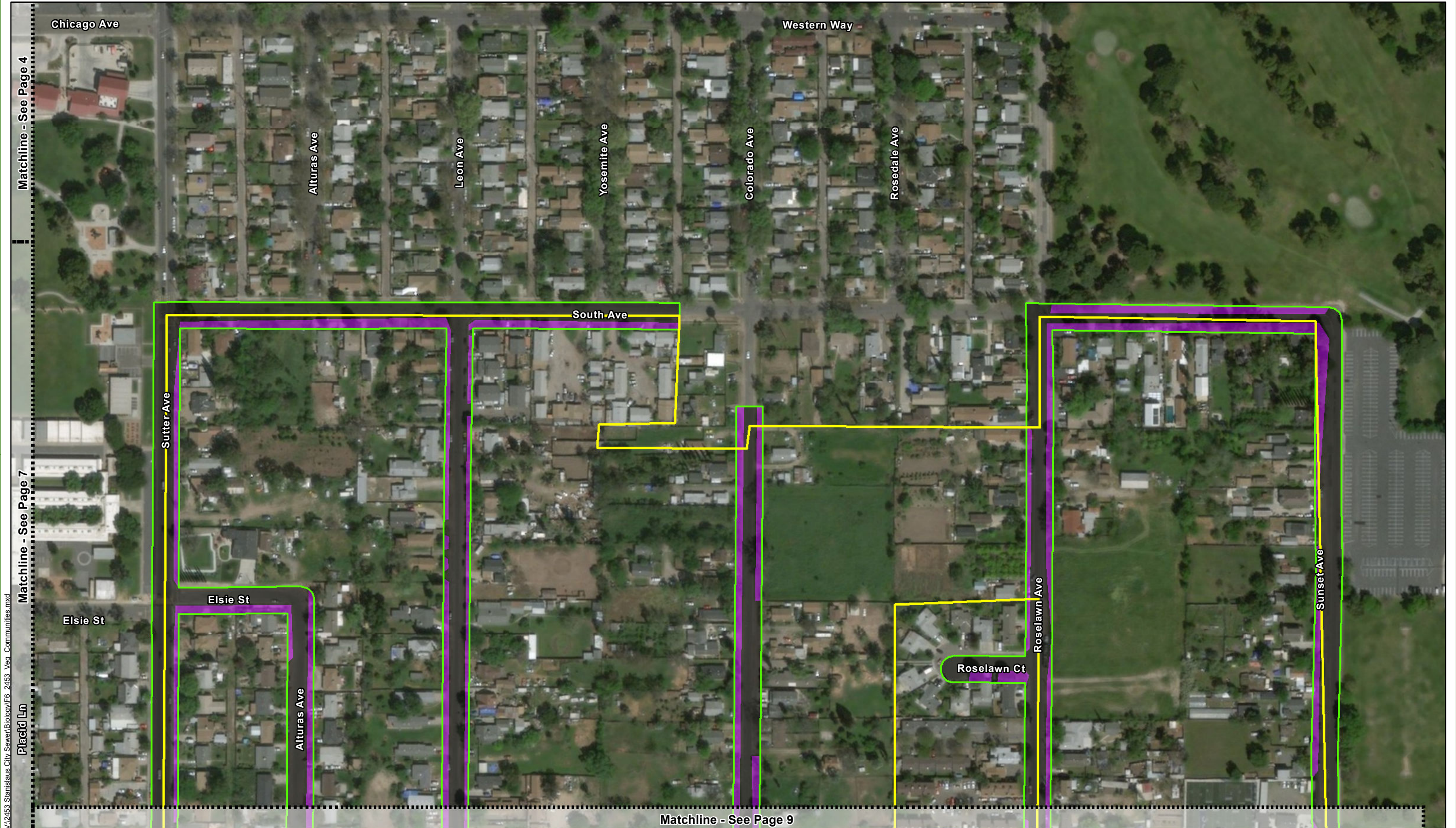


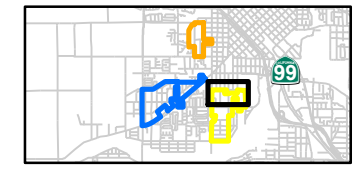
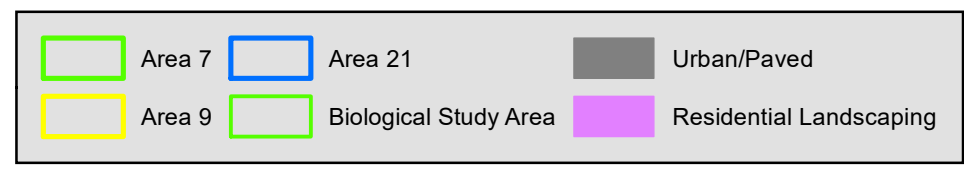
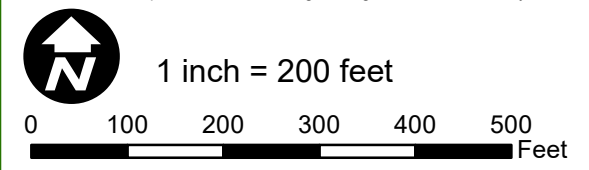
Figure 5
Vegetation Communities Within the BSA
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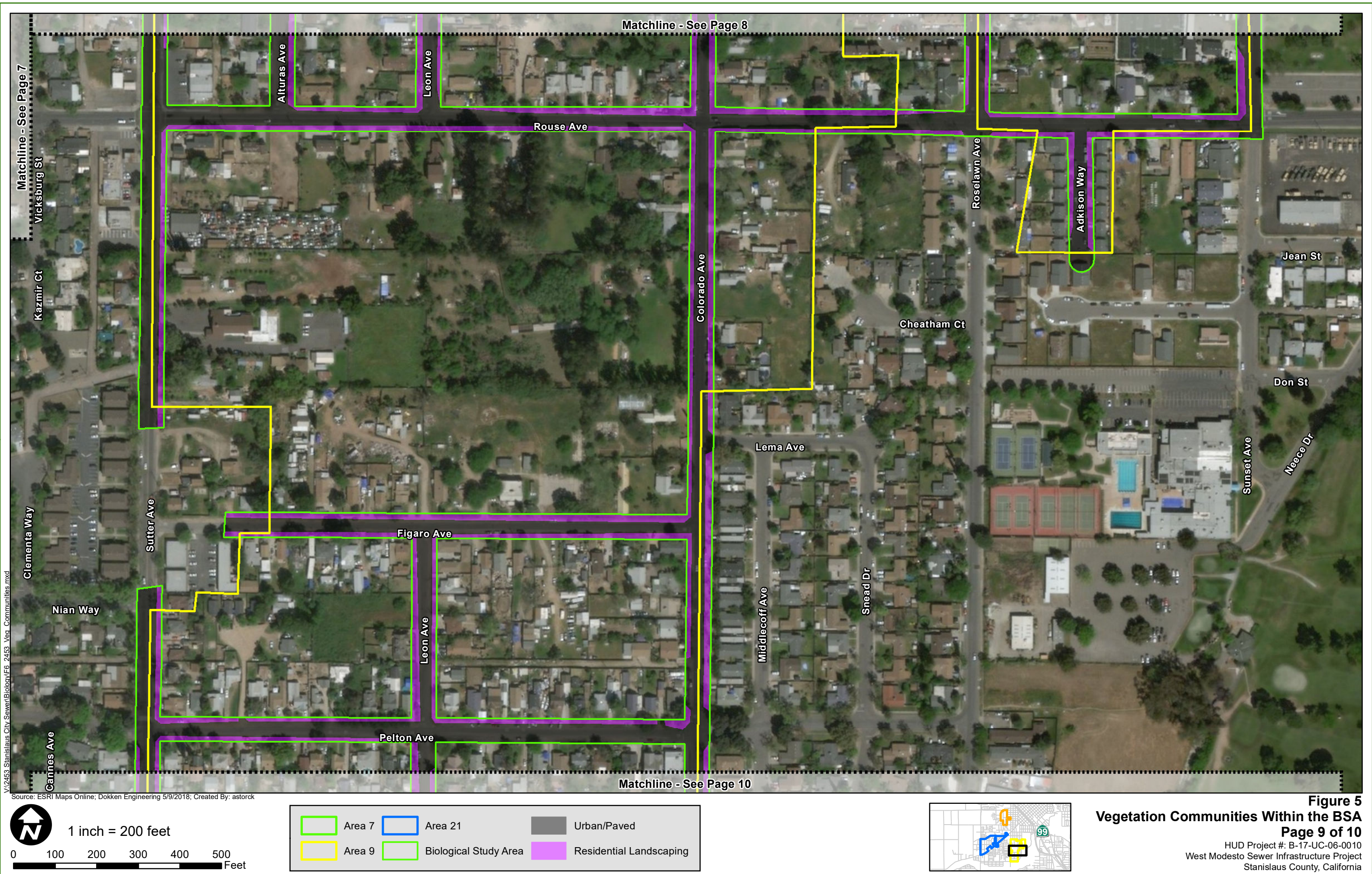




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Source: ESRI Maps Online; Dokken Engineering 5/9/2018; Created By: astorck





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Source: ESRI Maps Online; Dokken Engineering 5/9/2018; Created By: astorck

1 inch = 200 feet

Area 7

Area 21

Urban/Paved

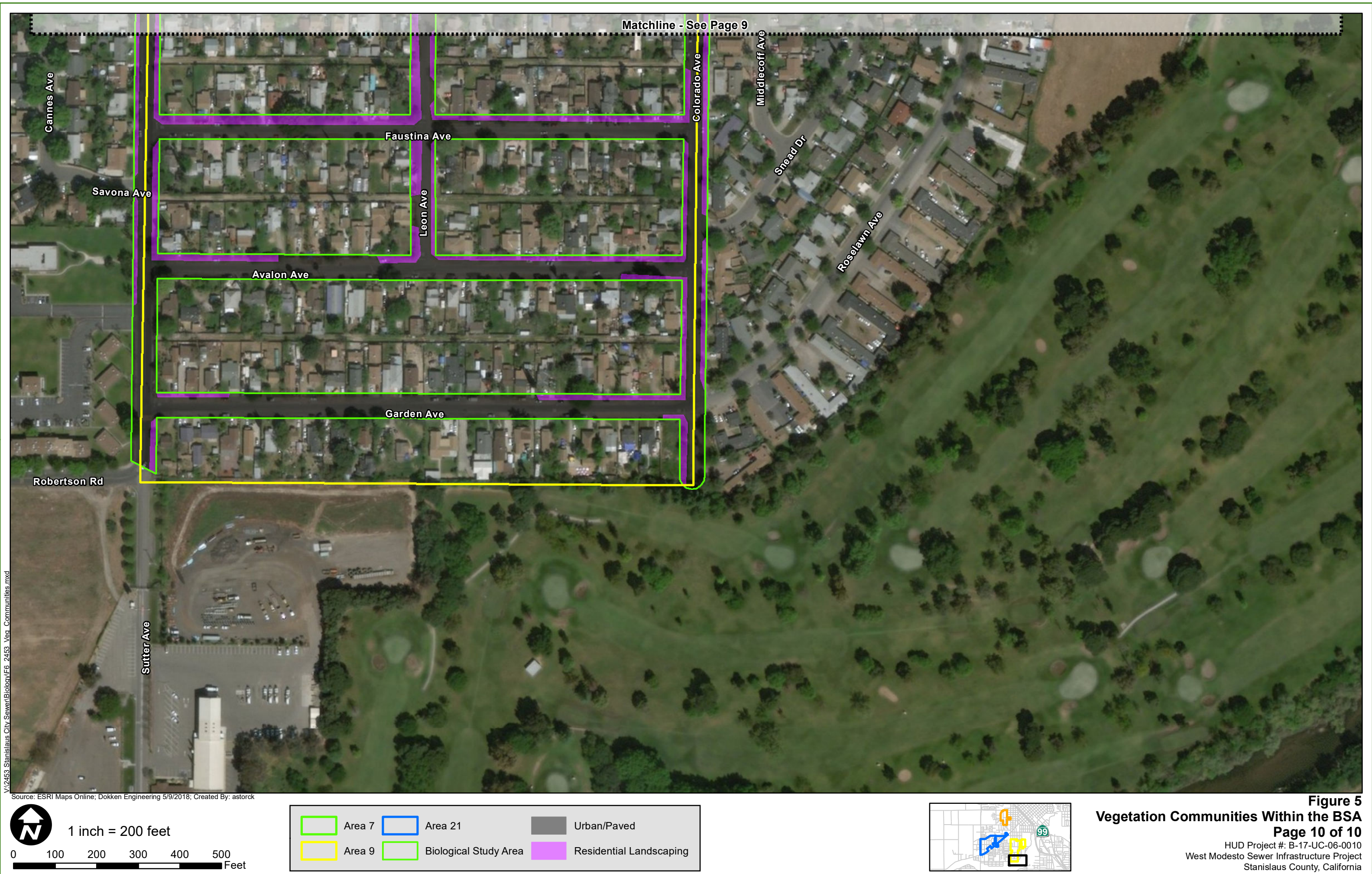
Area 9

Biological Study Area

Residential Landscaping



Figure 5
Vegetation Communities Within the BSA
Page 9 of 10
 HUD Project #: B-17-UC-06-0010
 West Modesto Sewer Infrastructure Project
 Stanislaus County, California



4.0 Results: Biological Resources, Discussion of Impacts & Mitigation

4.1 Habitats and Natural Communities of Special Concern

Jurisdictional Waters

The proposed project is located entirely within a heavily disturbed and urban area. The closest water body is the Modesto Irrigation District canal system, a jurisdictional water of the U.S., which is located adjacent to Area 21; however, no work would occur within or adjacent to the canal. No other bodies of water are located within or adjacent to the BSA. No impacts to waters of the U.S. or State are anticipated.

Jurisdictional Waters Avoidance and Minimization Efforts

No bodies of water are located within or adjacent to the proposed project site; therefore the proposed project does not anticipate any impacts to jurisdictional waters. BMPs will be incorporated into the design to minimize any potential impacts that might occur to regional water quality.

BIO-1: Implementation of the project will require approval of a site-specific SWPPP that would implement effective measures to protect water quality which may include a hazardous spill prevention plan and additional erosion prevention techniques. To conform to water quality requirements, the SWPPP must include the following:

- Vehicle maintenance, staging and storing equipment, materials, fuels, lubricants, solvents, and other possible contaminants must be a minimum of 50-ft from surface waters. Any necessary equipment washing must occur where the water cannot flow into surface waters.
- The project specifications will require the contractor to operate under an approved spill prevention and clean-up plan;
- Routine maintenance work must be conducted according to site-specific routine maintenance plans that minimize the potential for sediment input to surface waters;
- Raw cement, concrete or concrete washings, asphalt, paint or other coating material, oil or other petroleum products, or any other substances that could be hazardous to aquatic life must be prevented from contaminating the soil or entering surface waters;
- Any concrete rubble, asphalt, or other debris from routine maintenance activities must be taken to an approved disposal site.

4.2 Special Status Plant Species

Prior to field surveys, a list of regional special status plant species with potential to occur within the project vicinity was compiled from database searches (Appendix C). The potential for each species to occur within the BSA was determined by analyzing the habitat requirements of each species and comparing the habitat requirements to available habitat within the BSA (Table 1). The Dominant communities found throughout the BSA includes barren/urban (419 acres) and landscaping (15 acres) (see Figure 5).

Special Status Plant Survey Results

After comparison with habitat requirements and the habitat available within the BSA, no special status plants have the potential to occur within the BSA. Furthermore, all proposed construction activities will take place within paved roadway, where all vegetative species are presumed absent.

Special Status Plant Species Avoidance and Minimization Efforts/Compensatory Mitigation

All planned construction activities will take place within paved roadway, and no special status plant species are identified within the BSA; therefore, no impacts to special status plants is anticipated. No avoidance and minimization measures are proposed at this time.

4.3 Special Status Wildlife Species

Prior to field surveys, a list of regional special status wildlife species with potential to occur within the project vicinity was compiled from database searches (Appendix A and B). The potential for each species to occur within the BSA was determined by analyzing the habitat requirements for each species, comparing them to available habitat within the BSA, and analyzing the regional occurrences of the species (Table 1). Based on the results of the CNDDDB search and biological surveys on February 22, 2018, only one special status wildlife species has potential to occur; Swainson's hawk (*Buteo swainsoni*)

4.3.1 Discussion of Special Status Wildlife

Swainson's Hawk

The Swainson's hawk is State listed as threatened. Swainson's hawk migrates annually from wintering areas in South America to breeding locations in northwestern Canada, the western U.S., and Mexico. The species is a typical nesting buteo of grasslands, but also use sage flats and even swaths of agriculture intermixed with native habitat. Nests are placed in trees, often in the only tree visible for miles. In California, Swainson's hawks nest throughout the Sacramento and San Joaquin Valley in large trees in riparian habitats and in isolated trees in or adjacent to agricultural fields. The Swainson's hawk is somewhat of a generalist, and will eat whatever prey is available. When in North America, the hawk's diet consists of insects, small mammals and birds, and occasional reptiles and amphibians. When the hawk is in South America, the diet of the species is primarily insects. The primary cause of decline for this species is due to massive killing of more than 20,000 Swainson's hawks by pesticides used for agricultural purposes in areas of Argentina.

Project Impacts to Swainson's Hawk

Swainson's hawk was not observed during the biological surveys and the species is unlikely to nest or forage within the BSA as the BSA is located within established roadway systems. Large nesting and suitable foraging habitat is located within adjacent agriculture fields and city parks; however considering no trees containing existing Swainson's hawk nests will be removed, and all work will occur within paved roadway, no impacts or take of Swainson's hawk are anticipated.

Avoidance and Minimization Efforts/Compensatory Mitigation

All planned construction activities will take place within paved roadway and no trees containing existing Swainson's hawk nests will be removed; therefore, no impacts to Swainson's hawk is anticipated. No avoidance and minimization measures are proposed at this time.

5.0 Conclusion and Regulatory Determination

5.1. Federal Endangered Species Act Consultation Summary

No Federally protected plants or wildlife species are presumed present within the BSA; therefore, Section 7 consultation for Federally protected species is not required.

5.2. Essential Fish Habitat Consultation Summary

No Essential Fish Habitat is present within the BSA; therefore, consultation for Essential Fish Habitat is not required.

5.3. California Endangered Species Act Consultation Summary

The Swainson's hawk is State listed as threatened and is considered to have a low to moderate potential of occurring within the BSA. Based on habitat assessments and an analysis of local occurrences, it was determined that Swainson's hawk does not have the potential of occurring within the BSA. No direct impacts to Swainson's hawk are anticipated.

5.4. Wetlands and Other Waters Coordination Summary

No impacts to water of the State or U.S. are anticipated, therefore mitigation is not necessary.

5.5. Other Wildlife Species

General Wildlife

To minimize and avoid potential effects to wildlife, the following avoidance and minimization measures have been incorporated into the Project design:

BIO-2: The contractor must not apply rodenticide or herbicide within the BSA during construction.

BIO-3: The contractor must dispose of all food-related trash in closed containers and must remove it from the BSA each day during construction. Construction personnel must not feed or attract wildlife to the BSA.

BIO-4: If any wildlife is encountered during the course of construction, said wildlife must be allowed to leave the construction area unharmed.

BIO-5: Plastic mono-filament netting (erosion control matting) or similar material that could trap wildlife must not be used. Acceptable substitutes include jute, coconut coir matting, or tackified hydroseeding compounds.

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Appendix A: USFWS Species List

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Stanislaus County, California



Local office

Sacramento Fish And Wildlife Office

☎ (916) 414-6600

📠 (916) 414-6713

Federal Building

2800 Cottage Way, Room W-2605

Sacramento, CA 95825-1846

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species

¹ are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service.

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information.

The following species are potentially affected by activities in this location:

Reptiles

NAME	STATUS
Giant Garter Snake <i>Thamnophis gigas</i> No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/4482	Threatened

Amphibians

NAME	STATUS
California Red-legged Frog <i>Rana draytonii</i> There is final critical habitat for this species. Your location is outside the critical habitat. https://ecos.fws.gov/ecp/species/2891	Threatened
California Tiger Salamander <i>Ambystoma californiense</i> There is final critical habitat for this species. Your location is outside the critical habitat. https://ecos.fws.gov/ecp/species/2076	Threatened

Fishes

NAME	STATUS
Delta Smelt <i>Hypomesus transpacificus</i> There is final critical habitat for this species. Your location is outside the critical habitat. https://ecos.fws.gov/ecp/species/321	Threatened

Insects

NAME	STATUS
Valley Elderberry Longhorn Beetle <i>Desmocerus californicus dimorphus</i> There is final critical habitat for this species. Your location is outside the critical habitat. https://ecos.fws.gov/ecp/species/7850	Threatened

Crustaceans

NAME	STATUS
Vernal Pool Fairy Shrimp <i>Branchinecta lynchi</i> There is final critical habitat for this species. Your location is outside the critical habitat. https://ecos.fws.gov/ecp/species/498	Threatened
Vernal Pool Tadpole Shrimp <i>Lepidurus packardii</i> There is final critical habitat for this species. Your location is outside the critical habitat. https://ecos.fws.gov/ecp/species/2246	Endangered

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered

species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act

¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see maps of where birders and the general public have sighted birds in and around your project area, visit E-bird tools such as the [E-bird data mapping tool](#) (search for the name of a bird on your list to see specific locations where that bird has been reported to occur within your project area over a certain timeframe) and the [E-bird Explore Data Tool](#) (perform a query to see a list of all birds sighted in your county or region and within a certain timeframe). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME

BREEDING SEASON (IF A
BREEDING SEASON IS INDICATED

FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)

Allen's Hummingbird *Selasphorus sasin*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9637>

Breeds Feb 1 to Jul 15

Bald Eagle *Haliaeetus leucocephalus*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1626>

Breeds Jan 1 to Aug 31

Black Swift *Cypseloides niger*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/8878>

Breeds Jun 15 to Sep 10

Burrowing Owl *Athene cunicularia*

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

<https://ecos.fws.gov/ecp/species/9737>

Breeds Mar 15 to Aug 31

California Thrasher *Toxostoma redivivum*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds Jan 1 to Jul 31

Clark's Grebe *Aechmophorus clarkii*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds Jan 1 to Dec 31

Costa's Hummingbird *Calypte costae*

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

<https://ecos.fws.gov/ecp/species/9470>

Breeds Jan 15 to Jun 10

Golden Eagle *Aquila chrysaetos*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1680>

Breeds Jan 1 to Aug 31

Lawrence's Goldfinch *Carduelis lawrencei*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9464>

Breeds Mar 20 to Sep 20

Lewis's Woodpecker *Melanerpes lewis*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9408>

Breeds Apr 20 to Sep 30

Long-billed Curlew *Numenius americanus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/5511>

Breeds elsewhere

Marbled Godwit *Limosa fedoa*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9481>

Breeds elsewhere

Nuttall's Woodpecker *Picoides nuttallii*

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

<https://ecos.fws.gov/ecp/species/9410>

Breeds Apr 1 to Jul 20

Oak Titmouse *Baeolophus inornatus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9656>

Breeds Mar 15 to Jul 15

Rufous Hummingbird *Selasphorus rufus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/8002>

Breeds elsewhere

Short-billed Dowitcher *Limnodromus griseus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9480>

Breeds elsewhere

Tricolored Blackbird *Agelaius tricolor*

Breeds Mar 15 to Aug 10

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/3910>

Whimbrel *Numenius phaeopus*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9483>

Willet *Tringa semipalmata*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Wrentit *Chamaea fasciata*

Breeds Mar 15 to Aug 10

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Yellow-billed Magpie *Pica nuttalli*

Breeds Apr 1 to Jul 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9726>

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) and/or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the counties which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [E-bird Explore Data Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: The [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird entry on your migratory bird species list indicates a breeding season, it is probable that the bird breeds in your project's counties at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the BGEPA should such impacts occur.

Facilities

Wildlife refuges and fish hatcheries

REFUGE AND FISH HATCHERY INFORMATION IS NOT AVAILABLE AT THIS TIME

Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

THERE ARE NO KNOWN WETLANDS AT THIS LOCATION.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

Appendix B: CNDDDB Species List



Selected Elements by Common Name
California Department of Fish and Wildlife
California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
burrowing owl <i>Athene cucularia</i>	ABNSB10010	None	None	G4	S3	SSC
cackling (=Aleutian Canada) goose <i>Branta hutchinsii leucopareia</i>	ABNJB05035	Delisted	None	G5T3	S3	
California tiger salamander <i>Ambystoma californiense</i>	AAAAA01180	Threatened	Threatened	G2G3	S2S3	WL
Crotch bumble bee <i>Bombus crotchii</i>	IIHYM24480	None	None	G3G4	S1S2	
great blue heron <i>Ardea herodias</i>	ABNGA04010	None	None	G5	S4	
hardhead <i>Mylopharodon conocephalus</i>	AFCJB25010	None	None	G3	S3	SSC
heartscale <i>Atriplex cordulata</i> var. <i>cordulata</i>	PDCHE040B0	None	None	G3T2	S2	1B.2
moestan blister beetle <i>Lytta moesta</i>	IICOL4C020	None	None	G2	S2	
northern California legless lizard <i>Anniella pulchra</i>	ARACC01020	None	None	G3	S3	SSC
obscure bumble bee <i>Bombus caliginosus</i>	IIHYM24380	None	None	G4?	S1S2	
prairie wedge grass <i>Sphenopholis obtusata</i>	PMPOA5T030	None	None	G5	S2	2B.2
snowy egret <i>Egretta thula</i>	ABNGA06030	None	None	G5	S4	
steelhead - Central Valley DPS <i>Oncorhynchus mykiss irideus</i> pop. 11	AFCHA0209K	Threatened	None	G5T2Q	S2	
subtle orache <i>Atriplex subtilis</i>	PDCHE042T0	None	None	G1	S1	1B.2
Swainson's hawk <i>Buteo swainsoni</i>	ABNKC19070	None	Threatened	G5	S3	
Townsend's big-eared bat <i>Corynorhinus townsendii</i>	AMACC08010	None	None	G3G4	S2	SSC
tricolored blackbird <i>Agelaius tricolor</i>	ABPBXB0020	None	Candidate Endangered	G2G3	S1S2	SSC
valley elderberry longhorn beetle <i>Desmocerus californicus dimorphus</i>	IICOL48011	Threatened	None	G3T2	S2	
vernal pool fairy shrimp <i>Branchinecta lynchi</i>	ICBRA03030	Threatened	None	G3	S3	
vernal pool tadpole shrimp <i>Lepidurus packardii</i>	ICBRA10010	Endangered	None	G4	S3S4	

Record Count: 20

Appendix C: CNPS Species List

Plant List

Inventory of Rare and Endangered Plants

3 matches found. *Click on scientific name for details*

Search Criteria

Found in Stanislaus County, Found in Quads 3712161, 3712068 3712151 and 3712058;

 [Modify Search Criteria](#)  [Export to Excel](#)  [Modify Columns](#)  [Modify Sort](#)  [Display Photos](#)

Scientific Name	Common Name	Family	Lifeform	Blooming Period	CA Rare Plant Rank	State Rank	Global Rank
<u>Atriplex cordulata var. cordulata</u>	heartscale	Chenopodiaceae	annual herb	Apr-Oct	1B.2	S2	G3T2
<u>Atriplex subtilis</u>	subtle orache	Chenopodiaceae	annual herb	Jun, Aug, Sep (Oct)	1B.2	S1	G1
<u>Sphenopholis obtusata</u>	prairie wedge grass	Poaceae	perennial herb	Apr-Jul	2B.2	S2	G5

Suggested Citation

California Native Plant Society, Rare Plant Program. 2018. Inventory of Rare and Endangered Plants of California (online edition, v8-03 0.39). Website <http://www.rareplants.cnps.org> [accessed 27 February 2018].

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Contributors

[The Calflora Database](#)

[The California Lichen Society](#)

[California Natural Diversity Database](#)

[The Jepson Flora Project](#)

[The Consortium of California Herbaria](#)

[CalPhotos](#)

Questions and Comments

rareplants@cnps.org



Appendix D: List of Species Observed

Animal Species Observed within the BSA

Common Name	Scientific Name	Native (N)/ Non-native (X)
Avian		
American crow	<i>Corvus brachyrhynchos</i>	N
Anna's hummingbird	<i>Calypte anna</i>	N
Black phoebe	<i>Sayornis nigricans</i>	N
Bushtit	<i>Psaltiriparus minimus</i>	N
California scrub-jay	<i>Apelocoma californica</i>	N
Domestic chicken	<i>Gallus gallus domesticus</i>	X
Goose spp.	<i>Branta spp.</i>	N
Great-tailed grackle	<i>Quiscalus mexicanus</i>	N
Gull spp.	<i>Laridae Family</i>	N
House finch	<i>Haemorhous mexicanus</i>	N
Mourning dove	<i>Zenaida macroura</i>	N
Red-shouldered hawk	<i>Buteo lineatus</i>	N
Red-tailed hawk	<i>Buteo jamaicensis</i>	N
Rock pigeon	<i>Columba livia</i>	N
White crowned sparrow	<i>Zonotrichia leucophrys</i>	N
Mammals		
Domestic cat	<i>Felis catus</i>	X
Domestic Dog	<i>Canis lupus familiaris</i>	X

APPENDIX B – RESPONSE TO PUBLIC COMMENTS

West Modesto Sewer Infrastructure Project Response to Public Comments

Comment	
<p>1</p> <div data-bbox="219 1018 289 1081">A</div> <div data-bbox="219 1144 289 1207">B</div> <div data-bbox="219 1312 289 1396">C</div>	<p>Commenter: Tom Dumas/California Department of Transportation Letter, Received May 17, 2018</p> <div data-bbox="313 359 1435 1780"> <p>STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY</p> <p>DEPARTMENT OF TRANSPORTATION P.O. BOX 2048 STOCKTON, CA 95201 (1976 E. CHARTER WAY/1976 E. DR. MARTIN LUTHER KING JR. BLVD. 95205) TTY: California Relay Service (800) 735-2929 PHONE: (209) 941-1921 FAX: (209) 948-7194</p> <p>JOHN BOURNE, GOVERNOR</p>  <p><i>Serious Drought! Help save water!</i></p> <p>May 17, 2018</p> <p>10-STA-132 PM 014.207 West Modesto Sewer Infrastructure Project CEQA Initial Study</p> <p>Miguel A. Galvez Stanislaus County Planning and Community Development 1010 10th Street, Suite 3400 Modesto, CA 95354</p> <p>Dear Mr. Galvez:</p> <p>The California Department of Transportation appreciates the opportunity to have reviewed the West Modesto Sewer Infrastructure Project. The project proposes the installation of sanitary sewer mains and laterals in three unincorporated neighborhoods. The project area encompasses Maze Boulevard (State Route 132) between Spencer Avenue and the Helen White Memorial Trail. The Department has the following comments:</p> <ul style="list-style-type: none"> As this project progresses, please submit estimated traffic counts to Caltrans for review. Depending on the amount of construction traffic generated by this project, a Traffic Impact Study might be required. An Encroachment Permit will be required for work (if any) done within the Department's right of way. This work is subject to the California Environmental Quality Act. Therefore, environmental studies may be required as part of the encroachment permits application. A qualified professional must conduct any such studies undertaken to satisfy the Department's environmental review responsibilities. Ground disturbing activities to the site prior to completion and/or approval of required environmental documents may affect the Department's ability to issue a permit for the project. Furthermore, if engineering plans or drawings will be part of your permit application, they should be prepared in standard units. A Transportation Management Plan may be required as part of the Encroachment Permit. Based on Google Maps Street View of the Spencer Avenue/SR 132 intersection, Spencer Avenue appears too narrow to accommodate semi truck traffic. If large trucks will be used for this project, the intersection should be improved to provide access and mitigate impacts. <p>If you have any other questions or would like to discuss our comments in more detail, please contact Nicholas Fung at (209) 948-7190 or myself at (209) 941-1921.</p> <p>Sincerely,  FOR TOM DUMAS, CHIEF OFFICE OF METROPOLITAN PLANNING</p> <p><i>"Caltrans improves mobility across California"</i></p> </div>

West Modesto Sewer Infrastructure Project

Response to Public Comments

	<p><u>Response:</u> Thank you for your comments. They have been included within the final environmental document.</p> <p>Response to Comment 1A: Traffic counts for construction activities are unknown at this time and will be determined prior to construction. Temporary impacts to traffic flow as a result of construction activities would be minimized through construction phasing and signage, and a traffic control plan.</p> <p>Response to Comment 1B: Should the County determine during final design that work within the Department's right of way on SR-132 is necessary, an Encroachment Permit would be obtained prior to construction. Measure TR-2 has been included in the final document:</p> <p>TR-2: Should the County determine during final design that work within the Department's right of way on SR-132 is necessary, an Encroachment Permit will be obtained prior to construction.</p> <p>Response to Comment 1C: The County does not anticipate using large trucks on Spencer Avenue for this project; however, should the County determine prior to construction that larger vehicles will be necessary for construction, entry to Spencer Avenue will only be permitted through California Avenue. Additionally, temporary traffic control would occur for the duration of construction on Spencer Avenue.</p>
--	--

West Modesto Sewer Infrastructure Project Response to Public Comments

2

Commenter: Patrick Cavanah/County of Stanislaus Environmental Review Committee Letter, Received May 21, 2018



CHIEF EXECUTIVE OFFICE

Jody L. Hayes
Chief Executive Officer

Patricia Hill Thomas
Chief Operations Officer/
Assistant Executive Officer

Keith D. Boggs
Assistant Executive Officer

Patrice M. Dietrich
Assistant Executive Officer

STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

May 21, 2018

Miguel Galvez, Deputy Director
Stanislaus County Planning and Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

**SUBJECT: ENVIRONMENTAL REFERRAL – WEST MODESTO SEWER
INFRASTRUCTURE PROJECT – INITIAL STUDY AND NOTICE OF INTENT
TO ADOPT A NEGATIVE DECLARATION**

Mr. Galvez:

Thank you for the opportunity to review the above-referenced project.

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and has no comments at this time.

The ERC appreciates the opportunity to comment on this project.

Sincerely,

Patrick Cavanah
Sr. Management Consultant
Environmental Review Committee

PC:ss

cc: ERC Members

STRIVING TOGETHER TO BE THE BEST!

1010 10th Street, Ste. 6800, Modesto, CA 95354 Post Office Box 3404
Modesto, California 95353 Phone: 209.525.6333 Fax: 209.544.6226

Response:

Thank you for your comments. They have been included within the final environmental document.

West Modesto Sewer Infrastructure Project Response to Public Comments

3

Commenter: Chad Tienken/Modesto Irrigation District, Received May 30, 2018



1231 Eleventh St.
P.O. Box 4060
Modesto, CA 95352
(209) 526-7373

May 24, 2018

Department of Planning and Community Development
Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354

RE: West Modesto Sewer Infrastructure Project

To whom it may concern:

Modesto Irrigation District's (MID) Operates an expansive system of canals, ditches, and pipelines which provide irrigation service to lands within its irrigation service area. Stanislaus County's (County) proposed West Modesto Sewer Infrastructure Project (Project) lies within MID's irrigation service area. The County's proposed Project may require the upgrade and relocation of existing irrigation infrastructure.

Should the proposed Project impact existing irrigation infrastructure, MID's Civil Engineering Department staff recommends an early consultation meeting to discuss MID requirements.

If you any questions or concerns please feel free to contact me at (209) 526-7459.

Sincerely,


Chad J. Tienken, P.E., P.L.S.
Civil Engineering Manager

cc: Administration Files
Jason Word, Irrigation Field Services Manager
Irrigation Supervisors (2)

ORGANIZED 1887 • IRRIGATION WATER 1904 • POWER 1923 • DOMESTIC WATER 1994

Response:

Thank you for your comments. They have been included within the final environmental document. Potential impacts to utilities will be determined during the design phase of the project. Should the proposed Project require the relocation of any existing irrigation infrastructure, the County will coordinate with Modesto Irrigation District as soon as feasible.

West Modesto Sewer Infrastructure Project Response to Public Comments

4

Commenter: Stephanie Tadlock/Central Valley Regional Water Quality Control Board
Letter, Received May 31, 2018



Central Valley Regional Water Quality Control Board

29 May 2018

Miguel Galvez
County of Stanislaus
1010 10th Street, Suite 3400
Modesto, CA 95354

CERTIFIED MAIL
91 7199 9991 7039 6992 3556

COMMENTS TO REQUEST FOR REVIEW FOR THE NEGATIVE DECLARATION, WEST MODESTO SEWER INFRASTRUCTURE PROJECT, SCH# 2018052010, STANISLAUS COUNTY

Pursuant to the State Clearinghouse's 4 May 2018 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Negative Declaration* for the West Modesto Sewer Infrastructure Project, located in Stanislaus County.

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

I. Regulatory Setting

Basin Plan

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

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

KARL E. LONGLEY ScD, P.E., CHAIR | PAMELA C. CREEDON P.E., BCEE, EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley



West Modesto Sewer Infrastructure Project

Response to Public Comments

West Modesto Sewer Infrastructure Project - 2 -
Stanislaus County

29 May 2018

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

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:
http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/.

Antidegradation Considerations

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

In part it states:

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

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

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

II. Permitting Requirements

Construction Storm Water General Permit

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

West Modesto Sewer Infrastructure Project

Response to Public Comments

West Modesto Sewer Infrastructure Project - 3 -
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(SWPPP).

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

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

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

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

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

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water

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

West Modesto Sewer Infrastructure Project

Response to Public Comments

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Stanislaus County

29 May 2018

drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

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

Clean Water Act Section 401 Permit – Water Quality Certification

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

Waste Discharge Requirements – Discharges to Waters of the State

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

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

Dewatering Permit

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

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

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

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

West Modesto Sewer Infrastructure Project

Response to Public Comments

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Stanislaus County

29 May 2018

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf

Regulatory Compliance for Commercially Irrigated Agriculture

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

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

Low or Limited Threat General NPDES Permit

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

West Modesto Sewer Infrastructure Project

Response to Public Comments

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Stanislaus County

29 May 2018

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

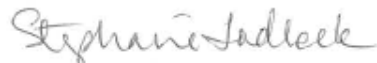
For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml

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



Stephanie Tadlock
Environmental Scientist

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

Response:

Thank you for your comments. They have been included within the final environmental document. No work would occur within flowing water. No impacts to waters of the U.S. or State would occur as a result of the project. Short-term, construction-related earth disturbing activities could potentially cause soil erosion and sedimentation to local waterways. Standard BMPs would be included in the Project to avoid or minimize the release of pollutants, including chemical toxins, into the environment during construction.

West Modesto Sewer Infrastructure Project Response to Public Comments

5

Commenter: Tessa Lenz/State Water Resources Control Board
Letter, Received May 31, 2018



State Water Resources Control Board

MAY 31 2018

Miguel Galvez
Deputy Director
Stanislaus County Planning and Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354



NEGATIVE DECLARATION (ND) FOR THE COUNTY OF STANISLAUS (COUNTY); WEST
MODESTO SEWER INFRASTRUCTURE PROJECT (PROJECT); STANISLAUS COUNTY;
STATE CLEARINGHOUSE NO. 2018052010

Dear Mr. Galvez:

We understand that the County may be pursuing Clean Water State Revolving Fund (CWSRF) financing for this Project. As a funding agency and a state agency with jurisdiction by law to preserve, enhance, and restore the quality of California's water resources, the State Water Resources Control Board (State Water Board) is providing the following information on the ND to be prepared for the Project.

The State Water Board's Division of Financial Assistance (DFA) is responsible for administering the CWSRF Program. The primary purpose for the CWSRF Program is to implement the Clean Water Act and various state laws by providing financial assistance for wastewater treatment facilities necessary to prevent water pollution, recycle water, correct nonpoint source and storm drainage pollution problems, provide for estuary enhancement, and thereby protect and promote health, safety and welfare of the inhabitants of the state.

The CWSRF Program is partially funded by the United States Environmental Protection Agency and requires additional "California Environmental Quality Act (CEQA)-Plus" environmental documentation and review. Three enclosures are included that further explain the CWSRF Program environmental review process and the additional federal requirements. For the complete environmental application package please visit: http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/srf_forms.shtml. The State Water Board is required to consult directly with agencies responsible for implementing federal environmental laws and regulations. Any environmental issues raised by federal agencies or their representatives will need to be resolved prior to the State Water Board approval of a CWSRF financing commitment for the proposed Project. For further information on the CWSRF Program, please contact Mr. Ahmad Kashkoli, at (916) 341-5855.

It is important to note that prior to a CWSRF financing commitment, projects are subject to provisions of the Federal Endangered Species Act (ESA), and must obtain Section 7 clearance from the United States Department of the Interior, Fish and Wildlife Service (USFWS), and/or the United States Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS) for any potential effects to special-status species.

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov



West Modesto Sewer Infrastructure Project

Response to Public Comments

Mr. Galvez
Stanislaus County

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Please be advised that the State Water Board will consult with the USFWS, and/or the NMFS regarding all federal special-status species that the Project has the potential to impact if the Project is to be financed by the CWSRF Program. The County will need to identify whether the Project will involve any direct effects from construction activities, or indirect effects such as growth inducement, that may affect federally listed threatened, endangered, or candidate species that are known, or have a potential to occur in the Project site, in the surrounding areas, or in the service area, and to identify applicable conservation measures to reduce such effects.

In addition, CWSRF projects must comply with federal laws pertaining to cultural resources, specifically Section 106 of the National Historic Preservation Act (Section 106). The State Water Board has responsibility for ensuring compliance with Section 106, and must consult directly with the California State Historic Preservation Officer (SHPO). SHPO consultation is initiated when sufficient information is provided by the CWSRF applicant. If the County decides to pursue CWSRF financing, please retain a consultant that meets the Secretary of the Interior's Professional Qualifications Standards (http://www.nps.gov/history/local-law/arch_sinds_9.htm) to prepare a Section 106 compliance report.

Note that the County will need to identify the Area of Potential Effects (APE), including construction and staging areas, and the depth of any excavation. The APE is three-dimensional and includes all areas that may be affected by the Project. The APE includes the surface area and extends below ground to the depth of any Project excavations. The records search request should extend to a 1/2-mile beyond project APE. The appropriate area varies for different projects but should be drawn large enough to provide information on what types of sites may exist in the vicinity.

Other federal environmental requirements pertinent to the Project under the CWSRF Program include the following (for a complete list of all federal requirements please visit: http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/docs/forms/application_environmental_package.pdf):

- A. An alternative analysis discussing environmental impacts of the Project in either the CEQA document (Negative Declaration) or in a separate report.
- B. A public meeting or hearing for adoption/certification of all environmental documents, except for those with little to no environmental impacts.
- C. Compliance with the Federal Clean Air Act: (a) Provide air quality studies that may have been done for the Project; and (b) if the Project is in a nonattainment area or attainment area subject to a maintenance plan; (i) provide a summary of the estimated emissions (in tons per year) that are expected from both the construction and operation of the Project for each federal criteria pollutant in a nonattainment or maintenance area, and indicate if the nonattainment designation is moderate, serious, or severe (if applicable); (ii) if emissions are above the federal *de minimis* levels, but the Project is sized to meet only the needs of current population projections that are used in the approved State Implementation Plan for air quality, quantitatively indicate how the proposed capacity increase was calculated using population projections.
- D. Compliance with the Coastal Zone Management Act: Identify whether the Project is within a coastal zone and the status of any coordination with the California Coastal Commission.

West Modesto Sewer Infrastructure Project

Response to Public Comments

Mr. Galvez
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- E. Protection of Wetlands: Identify any portion of the proposed Project area that should be evaluated for wetlands or United States waters delineation by the United States Army Corps of Engineers (USACE), or requires a permit from the USACE, and identify the status of coordination with the USACE.
- F. Compliance with the Farmland Protection Policy Act: Identify whether the Project will result in the conversion of farmland. State the status of farmland (Prime, Unique, or Local and Statewide Importance) in the Project area and determine if this area is under a Williamson Act Contract.
- G. Compliance with the Migratory Bird Treaty Act: List any birds protected under this act that may be impacted by the Project and identify conservation measures to minimize impacts.
- H. Compliance with the Flood Plain Management Act: Identify whether or not the Project is in a Flood Management Zone and include a copy of the Federal Emergency Management Agency flood zone maps for the area.
- I. Compliance with the Wild and Scenic Rivers Act: Identify whether or not any Wild and Scenic Rivers would be potentially impacted by the Project and include conservation measures to minimize such impacts.

Following are specific comments on the County's draft ND:

- 1. Please change the language from "Recommended" to "Required" Avoidance and Minimization Measures throughout the ND to assure they are implemented.
- 2. For the three (3) Biological Resources, Avoidance and Minimization Measures (Page 45-46), please include that the surveys will be conducted by a "qualified biologist" for each measure.

Please provide us with the following documents applicable to the proposed Project following the County's CEQA process: (1) one copy of the draft and final ND, (2) the resolution adopting the ND and making CEQA findings, (3) all comments received during the review period and the County's response to those comments, and (4) the Notice of Determination filed with the Stanislaus County Clerk and the Governor's Office of Planning and Research, State Clearinghouse. We would appreciate notices of any hearings or meetings held regarding environmental review of any projects to be funded by the State Water Board.

Thank you for the opportunity to review the County's draft ND. If you have any questions or concerns, please feel free to contact me at (916) (916) 341-5686, or by email at Tessa.lenz@waterboards.ca.gov, or contact Ahmad Kashkoli at (916) 341-5855, or by email at Ahmad.Kashkoli@waterboards.ca.gov.

Sincerely,





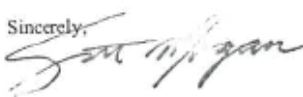
Tessa Lenz
Environmental Scientist

Enclosures: See next page

Response to Specific Comment 1:

Thank you for your comments. They have been included within the final environmental document. Should the County apply for funding under the CWSRF Program, all project documents will comply with Federal environmental requirements. Per Specific Comment 1, language has been changed throughout the IS/ND document to state "Required Avoidance and Minimization Measures".

West Modesto Sewer Infrastructure Project Response to Public Comments

	<p><u>Response to Specific Comment 2:</u> All required avoidance and minimization measures for biological resources have been updated to state that surveys will be conducted by a qualified biologist.</p>
6	<p>Commenter: Scott Morgan/State Clearinghouse Letter, Received June 7, 2018</p> <div data-bbox="308 455 1429 1921">  <p>EDMUND G. BROWN JR. GOVERNOR</p> <p>STATE OF CALIFORNIA GOVERNOR'S OFFICE of PLANNING AND RESEARCH</p>  <p>KEN ALEX DIRECTOR</p> <p>June 5, 2018</p> <p>Miguel Galvez Stanislaus County 1010 10th Street, Suite 3400 Modesto, CA 95354</p> <p>Subject: West Modesto Sewer Infrastructure Project SCH#: 2018052010</p> <p>Dear Miguel Galvez:</p> <p>The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on June 4, 2018, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.</p> <p>Please note that Section 21104(c) of the California Public Resources Code states that:</p> <p>"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."</p> <p>These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.</p> <p>This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.</p> <p>Sincerely, </p> <p>Scott Morgan Director, State Clearinghouse</p> <p>Enclosures cc: Resources Agency</p> <p>1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044 1-916-322-2318 FAX 1-916-558-3184 www.opr.ca.gov</p> </div>

West Modesto Sewer Infrastructure Project

Response to Public Comments

	<p><u>Response to Specific Comment 1:</u></p> <p>Thank you for your comments. They have been included within the final environmental document. All comments from responding agencies have been addressed and included within Appendix D of the final document.</p>
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