FINAL MASTER ENVIRONMENTAL IMPACT REPORT

for the

TUOLUMNE RIVER REGIONAL PARK MASTER PLAN

TRRP Joint Powers Authority

SCH# 2000022028

September 2001

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T R R P J o i n t P o w e r s A u t h o r i t y

SCH# 2000022028

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Tuolumne River Regional Park (TRRP) Master Plan
Final Master Environmental Impact Report (MEIR)

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CHAPTER I. INTRODUCTION

In June 2001, the City of Modesto distributed to public agencies and the general public the Draft Master Environmental Impact Report (MEIR) for the Tuolumne River Regional Park (TRRP) Master Plan. The TRRP Master Plan is a long-range plan for a proposed riverfront park south of downtown Modesto, California. The TRRP would be funded through a Joint Power Agency (JPA) including the City of Modesto, City of Ceres, and County of Stanislaus. The project site is over 500 acres along a seven-mile stretch of the Tuolumne River, generally bounded by Mitchell Road to the east and Carpenter Road to the west. The Master Plan provides a long-range vision for the park to guide projects that are intended to enhance the natural environment and create recreational and educational opportunities at the park.

In accordance with the California Environmental Quality Act (CEQA) Guidelines, a 45-day public review period for the Draft EIR has been completed, ending August 1, 2001. All comments on the Draft EIR and responses thereto, are presented in this document. Chapter II includes corrections to the Draft EIR and Chapter III includes all the comments on the Draft EIR, including responses to significant environmental issues raised in the comments, as required in the State CEQA Guidelines Section 15132. All comment letters are labeled alphabetically to correspond with an index table (Table III-1) in Chapter III. Each comment is assigned a letter and number (e.g., "A-1") that corresponds to the response following the comment.

In accordance with State CEQA Guidelines Section 15132(d), the City has responded to environmental issues raised during the Draft MEIR review and comment period. The focus of the responses to comments is on the disposition of significant environmental issues that are raised in the comments, as specified by the State CEQA Guidelines Section 15088(b). Accordingly, detailed responses to comments are provided on environmental issues only, and not on comments that may have been raised on the merits of the proposed Master Plan. Comments on the plan's merits are noted for the JPA's consideration when it reviews the proposed Master Plan for approval.

The entire MEIR consists of two volumes: The Draft Master Environmental Impact Report and this document. Together, these two volumes constitute the Final MEIR.

CHAPTER II. REVISIONS TO THE DRAFT MEIR

This chapter presents specific changes to the Draft MEIR that are being made in response to comments from the public and/or reviewing agencies. In each case, the revised page and location on the page is set forth, followed by the revision. Text in ***bold italics*** represents language that has been added to the MEIR's text. Words with ~~strikeout~~ indicates text has been deleted from the MEIR.

Page I-2, 3rd paragraph (list of subsequent projects) is revised as follows:

These projects are as follows:

- Landfill closure plan and subsequent development over the landfill
- Regional sports complex
- Special events, including those at the amphimeadow
- Treatment plant redesign or relocation[1]
- Removal of Dennett Dam
- River overlook, fishing piers, ***and pedestrian bridges*** (not specifically located)
- Development and grading of children's playgrounds and projects in the former ranch complex in the Gateway P{arcel (with regards to hazardous materials site investigations only. Discussion provided in chapter IV-G).
- Development and grading for projects in all areas of the TRRP except the Gateway Parcel (with regards to hazardous materials site investigations only. Disucssion provided in chapter IV-G)[2].

Page I-7, Section D. Areas of Controversy/Issues to be Resolved is revised as follows:

D. AREAS OF CONTROVERSY/ISSUES TO BE RESOLVED

The TRRP Master Plan was prepared through an interactive process that involved the public as well as representatives of local, regional, State, and federal agencies, including monthly interaction with the TRRP Citizen's Advisory Committee (CAC), which was appointed by the TRRP Commission. These outreach efforts, and the comments gathered through the NOP process, revealed the following issues:

- Several commentors on the NOP were concerned about the size of the proposed amphimeadow. In addition, a few commentors stated that the TRRP should not include this use.

- Concern was expressed about the potential for the proposed project to negatively affect fish and wildlife resources.
- Traffic and parking impacts during special events were identified as potential issues.
- Several commentors noted that vegetation removal and ground disturbing activities could result in erosion impacts, which in-turn could be harmful to fish and spawning habitat.
- The potential for negative impacts on cultural resources was identified.
- Security issues were identified for current and future park users.
- Several commentors were concerned about the effect of the park on homeless people.
- Issues related to flood control, including possible inundation of the amphimeadow, were raised.
- ***Some commentors stated that the TRRP should not include the Loop Road in the Gateway Parcel.***

Pages II-5 through II-19, Table II-2 is revised as follows:

Table II-2
Summary of Significant Impacts and Mitigation Measures

Significant Impact	Significance Before Mitigation	Mitigaiton Measures	Significance With Mitigation
Traffic and Circulation Needs			
Impact Traffic-1: The increase in traffic associated with special events at the amphmeadow would exceed the City of Modesto's LOS "D" standard within the project vicinity. Because this impact would be associated with amphimeadow visitors arriving and departing special events, this impact would be short-term. However, this short-term increase in traffic would create a noticeable increase in traffic congestion above typical patterns, which could create substantial annoyance by area residents or commuters. This is considered a significant impact.	**S**	**Mitigation Measure Traffic-1:** Pursuant to Public Resources Code Section 21157(b)(3), implementation of special events at the amphimeadow is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. As part of this assessment, the overall traffic impact from these events shall be determined. At that time, a traffic management plan shall be created which identifies ways to reduce congestion during the events. The traffic management plan should identify the following: • Routes that will be used to access the park by visitors, emergency vehicles and by staff; • Applicable signage to inform the public of access routes and advance message signing located far enough from the site to allow the public to select alternative routes and avoid the area of the event; • Methods and duration of protection for pedestrian crossings; and • Location and responsibilities of traffic control personnel and duration of their activities. Locations for uniformed traffic control officers and event volunteers should be noted. Implementation of this mitigation measure would reduce traffic impacts associated with the amphimeadow, however, for a short time immediately before and after an event, congestion would still occur. For this reason, this impact is considered significant and unavoidable.	**SU**
Impact Traffic-2: The increase in traffic associated with large special events in the Gateway Parcel would exceed the City of Modesto's LOS "D" standard within the project vicinity. Because this impact would be associated with visitors arriving and departing special events, this impact would be short-term. However, this short-term increase in traffic would create a noticeable increase in traffic congestion above typical patterns, which could create substantial annoyance by area residents or commuters. This is considered a significant impact.	**S**	**Mitigation Measure Traffic-2:** Pursuant to Public Resources Code Section 21157(b)(3), implementation of large special events at the Gateway Parcel is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. As part of this assessment, the overall traffic impact from these events shall be determined. At that time, a traffic management plan shall be created which identifies ways to reduce congestion during the events and include the elements identified in Mitigation Measure Traffic-1.	**SU**

Significant Impact	Significance Before Mitigation	Mitigaiton Measures	Significance With Mitigation
		Implementation of this mitigation measure would reduce traffic impacts associated with large special events, however, for a short time immediately before and after an event, congestion would still occur. For this reason, this impact is considered significant and unavoidable.	
Impact Traffic-3: Parking demand for the Regional Sports Complex during concurrent and consecutive games, such as scheduled during a tournament, would exceed the parking capacity in the Carpenter Road Area. This is a potentially significant impact.	**S**	**Mitigation Measure Traffic-3:** Pursuant to Public Resources Code Section 21157(b)(3), implementation of the Regional Sports Complex is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for the Regional Sports Complex, additional environmental review will be required. As part of this assessment, the overall parking requirements of the facilities shall be determined. At that time, a parking management plan shall be created which matches the use of the site to the available parking supply. The following measures may be included in the parking management plan: a) Park managers could schedule events in a manner that minimizes concurrent parking demand. b) If required, identify overflow parking lots and appropriate signage directing visitors to designated lots. While the balance of the TRRP parking supply is not particularly close to the Sports Complex, Robertson Elementary School is located on the north side of Robertson Road. Saturday use of school parking could be feasible. c) If necessary, additional parking may be required at the Sports Complex, or the number of fields may need to be reduced to effectively balance parking demand. No overflow into the adjacent neighborhoods shall be allowed. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.	**LTS**
Impact Traffic-4: An event attracting 3,000 persons to the amphimeadow would exceed the parking capacity in the Gateway Parcel. Overflow parking could displace industrial and commercial employee or patron parking, and could also result in short-term traffic congestion resulting from people looking for additional parking. This is considered a potentially significant impact.	**S**	**Mitigation Measure Traffic-4:** Pursuant to Public Resources Code Section 21157(b)(3), implementation of special events at the amphimeadow is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. As part of this assessment, the overall parking requirements of the facilities shall be determined. At that time, an event parking management plan shall be created.	**LTS**

Significant Impact	Significance Before Mitigation	Mitigaiton Measures	Significance With Mitigation
		The parking management plan shall identify the locations of off-site parking sufficient for the prescribed event, note the location of signing to direct visitors to designated lots, the number and location of parking management personnel, and coordinate parking with traffic/access management activities. During special events it would be possible to provide coordinated bus service from downtown parking lots and garages to the Gateway Parcel. In addition, during the off-season, the City of Modesto may develop agreements with property owners to use employee parking facilities for special event overflow parking. To ensure that satellite parking areas are successful, information regarding the availability of on-site and off-site parking would need to be conveyed to approaching motorists on a "real time" basis. Signs noting "lots full" and directing motorists to ancillary parking areas would be needed. No overflow into the adjacent neighborhoods shall be allowed. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.	
Impact Traffic-5: Implementation of the TRRP Master Plan could result in significant off site parking impacts when large special events are held. Events associated with Cinco De Mayo and other annual festivals are likely to result in parking demands that extend well beyond the limits of the TRRP. Overflow parking could displace industrial and commercial employee or patron parking, and could also result in short-term traffic congestion resulting from people looking for additional parking. This is a significant impact.	**S**	**Mitigation Measure Traffic-5:** Pursuant to Public Resources Code Section 21157(b)(3), implementation of large special events at the Gateway Parcel is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. As part of this assessment, the overall parking requirements of the facilities shall be determined. At that time, an event parking management plan shall be created to reduce parking impacts on the surrounding neighborhood during large special events. Development of an events parking management plan will be needed when the plans for the Gateway Parcel are finalized in order to make optimal use of satellite parking facilities, transit opportunities, etc, and to minimize impacts into adjoining areas. The parking management plan should include the elements identified in Mitigation Measure Traffic-4. However, even with implementation of the event parking management plans there will likely be significant traffic impacts in the immediate vicinity of TRRP when large special events are staged. With event attendance reaching 15,000, there would not be a feasible measure available to ensure that employees and patrons of the surrounding neighborhoods would not be displaced. For this reason, this is a significant and unavoidable impact.	**SU**

Significant Impact	Significance Before Mitigation	Mitigaiton Measures	Significance With Mitigation
Degradation of Air Quality			
Impact Air-1: The Master Plan does not specify feasible SJVAPCD construction control mitigation measures as part of the projects' construction activities. Because construction significance is determined by means of whether SJVAPCD construction mitigation measures are implemented, construction emissions would be considered a short-term significant air quality impact.	**S**	**Mitigation Measure Air-1:** The following mitigation measures shall be implemented to reduce short-term, construction-generated emissions: a) All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, ~~chemical stabilizer/suppressant~~, or vegetative ground cover. b) All on-site unpaved roads and off-site, unpaved access roads shall be effectively stabilized of dust emissions using water or ~~chemical stabilizer/suppressant~~. c) All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking. d) When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained. e) All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. (The use of dry rotary brushes is prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Blower devices shall not be used.) f) Following the addition of materials to, or the removal of materials from, the surfaces of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water ~~or chemical stabilizer/suppressant~~. g) On-site vehicle speeds on unpaved roads shall be limited to 15 mph. h) Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from adjacent project areas with a slope greater than one percent. i) Wheel washers shall be installed for all exiting trucks and equipment, or wheels shall be washed to remove accumulated dirt prior to leaving the site.	**LTS**

Significant Impact	Significance Before Mitigation	Mitigaiton Measures	Significance With Mitigation
		j) Excavation and grading activities shall be suspended when winds exceed 20 mph. k) Areas subject to excavation and grading at any one time shall be limited to the fullest extent possible. l) On-site equipment shall be maintained and properly tuned in accordance with manufacturers' specifications. m) When not in use, on-site equipment shall not be left idling. The SJVAPCD has determined that implementation of the above mitigation measures would reduce short-term construction-generated emissions to less-than-significant levels.	
Impact Air-2: Events occurring at the Gateway Parcel, such as special events and concerts, could result in potential increases in carbon monoxide concentrations, or "hot spots," in excess of State or federal air quality standards. These carbon monoxide concentrations could negatively impact sensitive receptors, which may be located in the project vicinity or walking to and from the special events. This impact is potentially significant impact.	**S**	**Mitigation Measure Air-2:** When special events, including concerts, occur at the Gateway Parcel, the City of Modesto shall implement a traffic and parking management control plan, as recommended in mitigation measures contained in Chapter IV-A of this MEIR. The smooth flow of traffic would decrease the potential for carbon monoxide "hot spots," which could occur if vehicles are idling for long periods of time in high concentrations. However, it is unlikely that traffic congestion would be decreased enough to reduce the potential for high carbon monoxide concentrations when people are gathering or leaving large special events. For this reason, this is considered a significant and unavoidable impact for special events and concerts at the Gateway Parcel.	**SU**
Generation of Noise			
Impact Noise-1: Noise generated by activities conducted at the proposed sports complex could result in a noticeable increase (i.e., 3 dBA, or greater) in ambient noise levels at nearby residences that could potentially exceed the City's "normally acceptable" threshold of 60 dBA CNEL. This increase in noise would be attributable to noise from spectators and players, and amplified announcing that could accompany the games. In consideration of the potential for the sports complex to generate significant increases in ambient noise levels at nearby sensitive receptors (i.e., residences), this impact has been identified as potentially significant.	**S**	**Mitigation Measure Noise-1:** Pursuant to Public Resources Code Section 21157(b)(3), implementation of the Regional Sports Complex is identified as a "subsequent project" in this MEIR. When a detailed implementation plan is developed for this project, additional environmental review will be required. As part of this assessment, a detailed noise analysis shall be conducted. The following shall be required as part of the final noise mitigation developed for the project: a) Activities at the proposed sports complex shall be limited to between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, and between the hours of 9:00 a.m. and 9:00 p.m. on weekends. ***The sports complex could stay open until 10:00 p.m. However, sporting events shall be scheduled to end at 9:00 p.m.***	**LTS**

Significant Impact	Significance Before Mitigation	Mitigaiton Measures	Significance With Mitigation
		b) An acoustical engineer with experience in the prediction and mitigation of outdoor sound levels shall be consulted prior to design and construction of the proposed sports complex. The acoustical design documentation shall demonstrate that the proposed sports complex would not result in a noticeable increase (i.e., 3 dBA, or greater) in ambient noise levels at nearby residences. c) If the acoustical analysis determines that regular activities at the sports complex would result in a 3 dBA or greater increase in ambient noise levels, noise control measures shall be required, such at noise barriers, requiring sound systems to be directed away from residences and other sensitive receptors, or disallowing amplified announcing. It shall be demonstrated that implementation of feasible noise control measures would reduce increases in noise levels at surrounding residences to less than 3 dBA. Implementation of the above measures would ensure that a noticeable increase in noise would not occur at nearby sensitive land uses, and would reduce this potential impact to a less-than-significant level.	
Impact Noise-2: Noise associated with events at the amphimeadow could reach approximately 74 dBA at the nearest residential land uses (assuming amplification of community events), which would exceed the City's "normally acceptable" threshold of 60 dBA CNEL. This noise level would be a noticeable increase (i.e., 3 dBA, or greater). ***The increase in noise levels at the Dry Creek riparian area could potentially affect wildlife species, including State and federally-protected species. This is a potentially significant impact.***	**S**	**Mitigation Measure Noise-2:** ***To minimize the impacts of noise associated with events at the amphimeadow, the following measures shall be implemented:*** a) An acoustical engineer with experience in the prediction and mitigation of outdoor theater sound levels shall be consulted prior to design and construction of the proposed amphimeadow to identify and incorporate all feasible mitigation measures available for reducing noise-related impacts to nearby ***residences and other*** noise-sensitive receptors ***and riparian areas.*** Measures may include, but are not limited to, construction of ***temporary*** noise barriers, and limitations on speaker orientation, noise-generation levels, or hours of activity. **b)** ***Prior to the design and construction of the proposed amphimeadow, an acoustical engineer shall examine potential noise levels at the nearest riparian habitat. Project proponents shall consult with appropriate resource agencies to ensure noise levels would not have an adverse impact on State and federally-protected wildlife species. If it is shown that noise levels could negatively affect State and federally-protected species, appropriate measures to avoid such impacts would be***	**SU**

Significant Impact	Significance Before Mitigation	Mitigaiton Measures	Significance With Mitigation
		developed during the consultation, including locational considerations for the amphimeadow, limits on the noise levels generated through amplification, and/or directional restrictions for speaker orientation. ***The acoustical report and provision of project-specific mitigation measures shall be developed prior to the issuance of building permits for the amphimeadow.*** Implementation of the above mitigation measure would help to reduce noise generated by activities associated with the amphimeadow. ***These measures would reduce the potential noise impacts to State and federally-protected wildlife species to a less-than-significant level.*** However, noticeable increases (i.e., 3 dBA or greater) in ambient noise levels at nearby ***residences and other*** noise-sensitive receptors ~~would~~ ***could*** still be anticipated as a result of music and performance amplification, which would be required with 3,000 people in attendance, as proposed. As a result, this impact is considered significant and unavoidable.	
Impact Noise-3: The crowds associated with special events held during the daytime would not cause a significant increase in ambient noise levels at nearby residences. In addition, the resultant increase in ambient noise levels at these nearby residences would not be anticipated to exceed the City's "normally acceptable" noise standard of 60 dBA CNEL. However, the use of amplified sound systems or special events occurring during the nighttime could potentially result in a significant increase in the ambient noise levels at these nearby residences. ***In addition, a substantial increase in noise levels from amplified sound could potentially affect wildlife species, including State and federally-protected species.*** This is a potentially significant impact.	**S**	**Mitigation Measure Noise-3:** ***To minimize the impacts of noise associated with large special events, the following measures shall be implemented:*** a) ~~Special events~~ ***The use of amplified sound systems*** shall be limited to between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, and between the hours of 9:00 a.m. and 9:00 p.m. on weekends. This would reduce potential noise impacts during the nighttime. ***Consistent with City of Modesto practices, the park could stay open until 10:00 p.m.*** ***b) Prior to the first large special event using sound amplification, an acoustical engineer shall examine potential noise levels at the nearest riparian habitat to the area to be used for the events, and suggest measures such as orientation of speakers and maximum allowable decibel levels to limit noise levels in those areas. Project proponents shall consult with appropriate resource agencies to ensure noise levels would not have an adverse impact on State and federally-protected wildlife species. If it is shown that noise levels could negatively affect State and federally-protected species, appropriate measures to avoid such impacts would be developed during the consultation. The identified mitigation measures would be implemented at all subsequent***	**SU**

Significant Impact	Significance Before Mitigation	Mitigaiton Measures	Significance With Mitigation
		events. If the sound requirements for a subsequent event should differ significantly from the event used to identify the mitigation measures, consultation with an acoustical engineer and appropriate resource agencies shall occur. Implementation of this mitigation measure would reduce noise impacts associated with large special events. ***These measures would reduce the potential noise impacts to State and federally-protected wildlife species to a less-than-significant level.*** However, the use of amplified sound systems during special events could result in a significant increase in the ambient noise levels at nearby residences. For this reason, this impact is considered significant and unavoidable.	
Loss of Sensitive Plant and Wildlife Habitat			
Impact Bio-1: The negative impacts to riparian habitats would be temporary during construction activities and implementation of the TRRP Master Plan would result in a net increase in riparian habitat overtime, once riparian vegetation in replanted areas have been re-established. However, the short-term loss of existing riparian habitat would be considered a significant impact because this habitat has been identified as a sensitive natural plant community by federal, State, and local agencies.	**S**	**Mitigation Measure Bio-1:** To minimize disturbance to riparian habitat outside of the proposed area of disturbance, the following measures shall be implemented: a) For any TRRP Master Plan project, prior to any grading or tree removal, riparian habitat outside of the proposed work areas will be protected by installing orange barrier fencing around habitat to be preserved and restricting vehicular or mechanical use of equipment in these areas. The project proponent shall retain a qualified biologist to serve as a compliance monitor and to ensure that all mitigation measures pertaining to riparian habitat protection are properly implemented. b) Prior to project implementation, a Section 404 permit shall be obtained from USACE and a Section 1600 Streambed Alteration Agreement shall be obtained from CDFG. Additional mitigation for impacts to riparian areas will be developed through consultation with USACE and CDFG. A detailed riparian restoration plan shall be submitted to USACE as part of the 404 permit application. The plan must be approved by USACE prior to project implementation. Mitigation monitoring shall be conducted annually be a qualified biologist for 5 years or until the success criteria are met. Annual monitoring reports shall be submitted to USACE and CDFG. Implementation of the above mitigation measures in consultation with USACE and CDFG would ensure that impacts to riparian habitat are less-than-significant.	**LTS**

Significant Impact	Significance Before Mitigation	Mitigaiton Measures	Significance With Mitigation
Impact Bio-2: The project area includes jurisdictional Waters of the U.S. (i.e., marsh and riverine habitats) subject to the regulatory authority of USACE. Any construction or restoration activity that occurs in or adjacent to the Tuolumne River could potentially impact these areas. Although most of the jurisdictional Waters of the U.S. are located between the banks of the Tuolumne River and within the Dry Creek channel, it is possible that additional jurisdictional areas are located outside of the channel. All adverse impacts to jurisdictional Waters of the U.S. would be considered significant.	**S**	**Mitigation Measure Bio-2:** The following mitigation measures shall be implemented to ensure impacts to Waters of the U.S. are less-than-significant. a) For any TRRP Master project, prior to grading or tree removal, a qualified biologist shall make a determination whether potential jurisdictional Waters of the U.S., including wetlands are present in the project area. b) If potential jurisdictional Waters of the U.S., including wetlands, are present, a determination shall be made through the formal Section 404 wetland delineation process if any jurisdictional areas would be filled or otherwise disturbed as a result of the project. Authorization of a Section 404 and Section 10 permit shall be secured from USACE and a Section 1600 agreement shall be secured from CDFG, as appropriate. c) As part of the permitting process, mitigation for impacts to jurisdictional Waters of the U.S., will be identified and implemented. Waters of the U.S. will be replaced or rehabilitated on a "no-net-loss" basis in accordance with USACE regulations. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods agreeable to USACE. d) For all projects with the potential to effect jurisdictional Waters of the U.S., all grading plans will include adequate setback for waters to be preserved. Measures to minimize erosion and runoff into seasonal and perennial Waters of the U.S. will be prepared for all projects covered by the Master Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation and the potential discharge of pollutants into preserved drainages. ***All runoff controls shall be monitored and maintained to ensure storm events, vandalism, or other activities do not diminish the effectiveness of these controls. Monitoring should occur after major storm events and on a scheduled basis to address potential vandalism of the control measures. Specific control measures and the appropriate maintenance program will be developed during project design.***	**LTS**

Significant Impact	Significance Before Mitigation	Mitigaiton Measures	Significance With Mitigation
Impact Bio-3: Potential impacts to fish and fish habitat resulting from implementation of the TRRP Master Plan could include both adverse and beneficial impacts. Impacts to most fish species would be less-than-significant because the impacts are short-term and no important habitat for these species would be permanently altered. However, any adverse impacts to steelhead, fall-run chinook salmon, and Sacramento splittail would be considered potentially significant because these species are all federally listed. Impacts to steelhead, fall-run chinook salmon, and Sacramento splittail are considered potentially significant because the project would result in the short-term loss and disturbance of habitat for these species.	**S**	**Mitigation Measure Bio-3:** The following mitigation shall be implemented for any project covered by the TRRP Master Plan that has the potential to affect perennial aquatic habitat. a) The operation of heavy equipment in the active river channel shall not occur. Temporary sediment settling basins and structures such as sediment fencing or straw bales shall be used to prevent sediment-laden runoff from entering the river channel. ***All runoff controls shall be monitored and maintained to ensure storm events, vandalism, or other activities do not diminish the effectiveness of these controls. Monitoring should occur after major storm events and on a scheduled basis to address potential vandalism of the control measures. Specific control measures and the appropriate maintenance program will be developed during project design.*** b) River-adjacent construction activities shall occur during summer months when flows are low and rain is unlikely. Construction of bridges and near-river facilities shall be conducted during the summer when flows are low and rain is unlikely or as otherwise appropriate ~~would~~ ***to*** avoid impacts during fish migrations and sensitive life stages. ***Construction shall not occur near the river from September through December, as this is the period when most ESA species would be in the river in appreciable numbers.*** c) The project proponent shall consult with NMFS and USFWS under Section 7 of ESA to determine a future course of action, including whether incidental take authorization is needed. Through consultation and negotiations with the federal agencies, appropriate mitigation and avoidance measures will be determined and implemented. Implementation of the above mitigation measures in consultation with NMFS and USFWS would ensure that impacts to sensitive fish species are less-than-significant.	**LTS**

Significant Impact	Significance Before Mitigation	Mitigaiton Measures	Significance With Mitigation
Impact Bio-4: Because the project could potentially remove elderberry bushes, which are habitat occupied by the valley elderberry longhorn beetle, this is considered a potentially significant impact.	**S**	**Mitigation Measure Bio-4:** The following measures shall be implemented to ensure that impacts to the valley elderberry longhorn beetle are less-than-significant: a) Prior to any construction activity or grading for any Master Plan project, a qualified biologist shall conduct a survey to determine the number and location of elderberry shrubs on the project site. b) If no elderberry shrubs are found on the project site or if all elderberry shrubs will be avoided by at least 100 feet, impacts to the valley elderberry longhorn beetle will be less-than-significant and no further mitigation is necessary. If elderberry shrubs are found within the project area, the project proponent will consult with USFWS under Section 7 of ESA to determine a future course of action, including whether incidental take authorization is needed. Through consultation and negotiations with USFWS, appropriate mitigation and avoidance measures will be determined and implemented.	**LTS**
Impact Bio-5: Raptor nests could be affected by the removal of large trees and nearby construction activity during the breeding season (February 1 to August 31). This impact is considered potentially significant.	**S**	**Mitigation Measure Bio-5:** Implementation of the following mitigation measures would ensure that impacts to nesting raptors are less-than-significant: a) If construction is proposed during the raptor nesting season (1 February to August 31), a focused survey for raptor nests shall be conducted by a qualified biologist to identify active nests within 1/4 mile of the project area. The survey shall be conducted no less than 14 days and no more than 30 days prior to the beginning of construction and shall be within the nesting season. b) If nesting raptors are found during the focused survey, no construction shall occur within 500 feet of an active nest until the young have fledged (as determined by a qualified biologist), without prior approval by CDFG. Construction within 500 feet may be permitted if a nest monitor is present to ensure that disturbance to the nesting raptors is minimizes to the maximum extent practicable.	**LTS**

Significant Impact	Significance Before Mitigation	Mitigaiton Measures	Significance With Mitigation
Disturbance of Archaeological or Historical Sites			
Impact CR-1: Project grading and earthmoving activities could disturb previously undiscovered historic resources or archaeological sites. This is a potentially significant impact.	**S**	**Mitigation Measure CR-1:** Construction personnel shall be instructed about the potential for discovery of unknown cultural resources, and the need for proper and timely reporting of such findings. If previously undiscovered historic or unique archaeological resources (including but not limited to charcoal, obsidian or chert flakes, grinding bowls, shell fragments, bone, pockets of dark, friable soils, glass, metal, ceramics, wood or similar debris) are discovered, the following measures shall be implemented to ensure that impacts to these resources are less-than-significant. a) Work shall halt within 100 feet of the discovery until a professional archaeologist certified by the Registry of Professional Archaeologists (RPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), as determined necessary. b) If the discovery is Native American, federally-recognized tribes in the county shall be consulted about the find to incorporate their suggestions for mitigation or protection. c) If the discovery is historic, archival research may be necessary by a qualified historian. If the project may alter the archaeological integrity and data values of the discovery, it will be evaluated for the California Register. If the resource is eligible for the California Register of Historical Resources, data recovery measures shall be implemented by a professional meeting the Secretary of Interior's Professional Qualifications Standards.	**LTS**
Impact CR-2: Project grading and earthmoving activities could disturb previously undiscovered human remains. This is a potentially significant impact.	**S**	**Mitigation Measure CR-2:** Construction personnel shall be instructed about the potential for discovery of human remains, and the need for proper and timely reporting of such finds. In the event that such remains are encountered, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains, in accordance with State law. The Stanislaus County coroner would be contacted and appropriate measures implemented. These actions would be consistent with the State Health and Safety Code Section 7050.5, which prohibits disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery.	**LTS**

Significant Impact	Significance Before Mitigation	Mitigaiton Measures	Significance With Mitigation
		The County Coroner, upon recognizing the remains as being of Native American origin, shall contact the Native American Heritage Commission within 24 hours. The Commission has various powers and duties to provide for the ultimate disposition of any Native American remains, as does the assigned Most Likely Descendant. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.	
Flooding and Water Quality			
Impact Hydro-1: Construction of the Regional Sports Complex and Nature Interpretive Center in the 100-year floodplain could increase water surface elevations during a 100-year flood. This is considered a potentially significant impact.	**S**	**Mitigation Measure Hydro-1:** The ultimate design of the Regional Sports Complex and the Nature Interpretive Center shall be developed in accordance with local ordinances governing construction within the floodplain. Special attention shall be given to flood proofing proposed structures to withstand flooding and to minimize flood damages. Final design should include a detailed drainage plan to alleviate flooding and drain standing water once floodwaters have receded. The final design plans shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed development does not result in any increase in flood damages within the community during the occurrence of the base flood. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.	**LTS**
Impact Hydro-2: The proposed grading in the Carpenter Road, Gateway Parcel, and Legion Park areas could increase water surface elevations during a 100-year flood. This is considered a potentially significant impact.	**S**	**Mitigation Measure Hydro-2:** Detailed grading plans shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed grading does not result in any increase in base flood water surface elevations. The grading design shall not significantly increase river flow velocities. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.	**LTS**
Impact Hydro-3: Construction of overlook structures, fishing piers, boat docks, and any other structures within the floodway could increase water surface elevations during flood events and could cause localized bank erosion. This is considered a potentially significant impact.	**S**	**Mitigation Measure Hydro-3:** The following mitigation measures shall be implemented to avoid hazards related to construction in the floodway: a) Once detailed plans have been developed for the proposed structures, hydrologic and hydraulic analyses shall be performed in accordance with standard engineering practices to ensure that the proposed structures do not result in any increase in base flood water surface elevations.	**LTS**

Significant Impact	Significance Before Mitigation	Mitigaiton Measures	Significance With Mitigation
		b) Scour analyses shall be performed once detailed plans have been developed for the proposed structures. If necessary, erosion control measures shall be incorporated in the final design. ***The most natural bank stabilization approach shall be used for erosion control. Where feasible and appropriate, the project proponents will use biotechnical bank protection methods that allow restoration of riparian streambank vegetation and shaded riverine aquatic habitat. Examples of biotechnical methods include live vegetation, live log crib walls, large woody debris bundles, erosion mats, and brush mattresses (brush layering).*** c) Structures shall be designed to allow adequate open space to pass flow and floating debris traveling downstream. d) Structures shall be designed to withstand the forces of floodwaters to minimize damages during flood events. Implementation of these mitigation measures would reduce this impact to a less-than-significant level.	
Impact Hydro-4: The proposed riparian planting scheme may increase the hydraulic roughness of the channel and overbank areas and could lead to increases in the water surface elevations. This is considered a potentially significant impact.	**S**	**Mitigation Measure Hydro-4:** Detailed riparian planting schemes shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed structures do not result in any increase in base flood water surface elevations. The riparian planting scheme shall be designed to prevent creating floating debris dams during flood events that would impact flood conveyance. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.	**LTS**
Impact Hydro-5: The proposed the amphimeadow is likely to suffer frequent flooding inundation. This is considered a potentially significant impact.	**S**	**Mitigation Measure Hydro-5:** The elevation of the amphimeadow shall be raised to reduce the frequency of inundation. Detailed grading and construction plans for the amphimeadow shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that construction of the amphimeadow would not result in any increase in water surface elevations. Water shear and scour analyses shall be also be performed and if necessary surface protection shall be provided for the banks and surrounding area to prevent scour and erosion.	**LTS**

Significant Impact	Significance Before Mitigation	Mitigaiton Measures	Significance With Mitigation
		The most natural bank stabilization approach shall be used for erosion control. Where feasible and appropriate, the project proponents will use biotechnical bank protection methods that allow restoration of riparian streambank vegetation and shaded riverine aquatic habitat. Examples of biotechnical methods include live vegetation, live log crib walls, large woody debris bundles, erosion mats, and brush mattresses (brush layering). Implementation of this mitigation measure would reduce this impact to a less-than-significant level.	
Impact Hydro-6: Construction of the Pedestrian Bridge Over Dry Creek. Construction of the proposed pedestrian bridge on Dry Creek could increase water surface elevations during flood events and could cause localized bank erosion and scour.	**S**	**Mitigation Measure Hydro-6:** The following mitigation measures shall be implemented to avoid potential flood hazards caused by the proposed pedestrian bridge: a) Construction plans shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed pedestrian bridge would not result in any increase in base flood water surface elevations during the base flood. b) The pedestrian bridge shall have adequate clearance above the base floodwater surface elevation so as not to impede flow or trap floating debris. c) The pedestrian bridge shall be designed to withstand the forces of floodwaters to minimize damages during flood events. d) Scour analyses of the bridge piers and abutments shall be performed once detailed plans have been developed for the proposed bridge. If necessary, erosion control measures shall be incorporated into the final design. ***The most natural bank stabilization approach shall be used for erosion control. Where feasible and appropriate, the project proponents will use biotechnical bank protection methods that allow restoration of riparian streambank vegetation and shaded riverine aquatic habitat. Examples of biotechnical methods include live vegetation, live log crib walls, large woody debris bundles, erosion mats, and brush mattresses (brush layering).*** Implementation of these mitigation measures would reduce this impact to a less-than-significant level.	**LTS**

Significant Impact	Significance Before Mitigation	Mitigaiton Measures	Significance With Mitigation
Impact Hydro-7: Changes in channel and overbank configuration may cause increased localized velocities, which could lead to scour and erosion occurring at existing bridge locations.	**S**	**Mitigation Measure Hydro-7:** Once detailed grading plans have been developed, scour analyses of bridge piers and abutments shall be performed in accordance with standard engineering practices to determine if changes in channel and overbank configuration are likely to cause scour and erosion at existing bridge locations. If necessary, armoring and erosion control measures shall be installed at existing bridge locations. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.	**LTS**
Exposure to Hazardous Materials			
Impact HazMat-1: Development or grading of areas within the Gateway Parcel could expose construction workers and/or the public to hazardous materials from potential soil and groundwater contamination from past spills or releases at the Breshears facility during and/or following redevelopment. This is considered a potentially significant impact.	**S**	**Mitigation Measure HazMat-1:** Prior to ground disturbance on the Gateway Parcel, the RWQCB shall be contacted to identify the status of the Breshears investigations and remediation. If no additional investigations have been conducted, soil and groundwater sampling in the areas adjacent to the Breshears facility may be required to identify impacts to the Gateway Parcel, if any, from the Breshears operation. If a significant likelihood of contamination is revealed, a Phase II and/or III assessment may be required, which would involve soil and/or water quality sampling. The RWQCB shall direct the appropriate action for the Gateway Parcel. All RWQCB recommended measures shall be implemented prior to ground disturbance or development at the Gateway Parcel. Completion of this measure shall be a condition of approval for any grading, demolition, or building permit within the Gateway Parcel. Implementation of this measure would ensure that potential impacts related to existing soil and groundwater contamination in the Gateway Parcel adjacent to the Breshears facility are reduced to a less-than-significant level.	**LTS**
Impact HazMat-2: Development or grading of areas within the former ranch complex area of the Gateway Parcel could expose construction workers and/or the public to hazardous materials during and/or following redevelopment. This is considered a potentially significant impact.	**S**	**Mitigation Measure HazMat-2:** A site investigation shall be conducted by a qualified professional (e.g., a California registered environmental assessor) to identify any potential chemical impacts to soil in the former ranch complex. If the results of the investigation(s) indicated the presence of hazardous materials, site remediation may be required by the applicable State or local regulatory agencies. Implementation of this measure would ensure that potential impacts related to existing soil contamination in the former ranch complex area are reduced to a less-than-significant level.	**LTS**

Significant Impact	Significance Before Mitigation	Mitigaiton Measures	Significance With Mitigation
Impact HazMat-3: Potential health risks could result from placement of sensitive land uses, such as children's playgrounds, in former agricultural areas due to residual concentrations of agricultural chemicals in the soil. This is considered a potentially significant impact.	**S**	**Mitigation Measure HazMat-3:** A Phase II assessment including soil sampling, shall be performed to assess agricultural chemicals in areas designated for children's playgrounds and other sensitive land uses. If chemicals are present in soils at concentrations at or above applicable regulatory agency action levels for the intended land use, remediation requirements in accordance with State and federal regulations would be required. Implementation of this measure will ensure that this impact is reduced to a less-than-significant level.	**LTS**
Impact HazMat 4: Development or redevelopment of properties within the TRRP area (exclusive of the Gateway Parcel, which has been the subject of a Phase I analysis) could expose construction workers and/or the public to hazardous materials from existing soil and groundwater contamination during and/or following redevelopment. Sensitive receptors located near the development could be affected by releases of hazardous materials. This is considered a potentially significant impact.	**S**	**Mitigation Measure HazMat-4:** A Phase I Environmental Site Assessment (ESA) shall be conducted in accordance with American Society for Testing and Materials (ASTM) guidelines prior to the approval of development for any parcel within the TRRP Master Plan area. The Phase I ESA will include the findings of a site reconnaissance and investigation of prior uses of the property that could have resulted in contamination. If a significant likelihood of contamination is revealed by the Phase I ESA, a Phase II and/or III assessment may be required, which would involve soil and/or water quality sampling and could result in remediation requirements in accordance with State and federal regulations. Implementation of this measure will ensure that this impact is reduced to a less-than-significant level.	**LTS**
Increased Demand for Fire Services			
Impact Fire-1: Inadequate emergency access to TRRP is considered a potentially significant impact.	**S**	**Mitigation Measure Fire-1:** The MFD and SCFPD shall be consulted prior to finalization of the detailed site plans to ensure adequate emergency vehicle access is provided. Emergency access requirements of MFD and SCFPD shall be accommodated.	**LTS**
Impact Fire-2: The increased risk of loss, injury or death involving wildland fires due to increased visitation to open space grasslands and riparian forests adjacent to urban areas is considered a potentially significant impact.	**S**	**Mitigation Measure Fire-2:** The Modesto Parks and Recreation Department shall create and implement a vegetation management program targeted toward fire prevention and control. This program would expand upon the fuel reduction and management plan outlined in the TRRP Master Plan. The TRRP vegetation management program shall: • Characterize existing and proposed vegetation fuels, • Identify potential ignition sources and locations, • Identify assets at risk in case of a fire, • Identify specific maintenance measures to reduce fuel loads,	**LTS**

Significant Impact	Significance Before Mitigation	Mitigaiton Measures	Significance With Mitigation
		• Identify buffer zones between residential structures on adjacent developed parcels and vegetation in the TRRP, and • Make recommendations for fire resistant plantings. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.	

Page IV-A-14, Table A-7 is revised as follows:

Table A-7
Existing Plus Traffic Volumes on Roadways
(in Weekday Average Daily Volume)

Street	Location	Class	Lanes	LOS D Threshold	Existing		Plus Project		
					Vol	LOS	TRRP	Ex+Proj Vol	LOS
Carpenter Rd	Paradise Rd to Hatch Rd	Expressway	4	33,750	~~19,320~~ ***19,300***	A	210	~~19,530~~ ***19,510***	A
Robertson Rd	Carpenter Rd to Sutter Ave	Collector	2	11,250	5,700	A	~~270~~ *330*	~~5,970~~ ***6,030***	A
Hancock St	John St to Robertson Rd	Local	2	11,250	<400	A	300	700	A
Sutter Ave	Robertson Rd to Paradise Ave	Collector	2	11,250	6,880	A	300	7,180	A
Roselawn Ave	Colorado Ave to Tuolumne Blvd	Collector	2	11,250	unavailable		40	unavailable	
Tuolumne Blvd	Paradise Rd to SB Hwy 99 ramps	Arterial	4	33,750	~~9,756~~ ***9,800***	A	265	~~10,021~~ ***10,065***	A
	NB Hwy 99 ramps to Seventh St	Arterial	4	33,750	~~15,454~~ ***15,000***	A	475	~~15,929~~ ***15,475***	A
Hatch Road	Carpenter Rd to Crows Landing Rd	Expressway	4	33,750	unavailable		90	unavailable	
Crater Ave	Aztecs Road to Dallas Street	Local	2	11,250	<400	A	10	410	A
Seventh St	B Street to Crows Landing Rd	Arterial	4	33,750	~~16,555~~ ***16,600***	A	10	~~16,565~~ ***16,610***	A
Ninth St	B Street to River Road	Arterial	4	33,750	~~20,623~~ ***20,600***	A	110	~~20,733~~ ***20,710***	A
B Street	Seventh St to Ninth St	Arterial	4	33,750	~~15,079~~ ***15,000***	A	475	~~15,554~~ ***15,475***	A
	Ninth St to Eleventh St	Collector	2	11,250	~~10,885~~ ***10,900***	D	150	~~11,035~~ ***11,050***	D
Tenth St	South of B Street	Local	2	11,250	<400	A	0	<400	A

Eleventh St	D Street to B St	Collector	2	11,250	~~4,131~~ ***4,100***	A	540	~~4,671~~ ***4,640***	A
Morton Ave	B Street to Yosemite Blvd.	Collector	2	11,250	7,200	A	325	7,525	A
Yosemite Blvd.	D Street to Mitchell Rd	Arterial	4	33,750	29,000	D	685	29,685	D
Santa Cruz Ave	Yosemite Blvd. to Oregon St	Collector	2	11,250	6,600	A	300	6,900	A
Tioga Ave	Yosemite Blvd. to Monterey St	Collector	2	11,250	unavailable		210	unavailable	
River Road	Seventh St to Herndon St	Collector	2	11,250	5,300	A	10	5,300	A
	Herndon Ave to Mitchell Rd	Collector	2	11,250	3,100	A	10	3,110	A

Page IV-A-22, Table A-9 is revised as follows:

Table A-9
Year 2025 Plus TRRP Traffic Volumes on Roadways
(in Average Weekday Daily Volume)

Street	Location	Class	Lanes	LOS D Threshold	Year 2025 Without TRRP Master Plan		Year 2025 With TRRP Master Plan		
							Volume		LOS
					Vol	LOS	TRRP	2025 w/ project	
Carpenter Rd	Paradise Rd to Hatch Rd	Expressway	6	67,500	~~52,408~~ ***50,989***	D	210	~~52,618~~ ***51,199***	D
Robertson Rd	Carpenter Rd to Sutter Ave	Collector	2	11,250	7,055	A	270	7,325	A
Hancock St	John St to Robertson Rd	Local	2	11,250	<400	A	300	700	A
Sutter Ave	Robertson Rd to Paradise Ave	Collector	2	11,250	2,986	A	300	3,286	A
Roselawn Ave	Colorado Ave to Tuolumne Blvd	Collector	2	11,250	~~7,709~~ ***3,426***	A	40	~~7,749~~ ***3,466***	A
Tuolumne Blvd	Paradise Rd to SB Hwy 99 ramps	Arterial	4	33,750	26,553	C	265	26,818	C
	NB Hwy 99 ramps to Ninth St	Arterial	4	33,750	17,192	A	475	17,667	A
	Ninth Street to Yosemite Blvd	Collector	2-4	11,250 33,750	9,832	C A	685	10,517	D A
Hatch Road	Carpenter Rd to Crows Landing Rd	Expressway	4	46,750	28,599	A	90	28,689	A
Crater Ave	Aztecs Road to Dallas Street	Local	2	11,250	<400	A	10	410	A
Seventh St	B Street to Crows Landing Rd	Arterial	4	33,750	12,760	A	10	12,770	A
Ninth St	D Street to Tuolumne Blvd	Arterial	4	33,750	43,335	F	540	43,875	F
	Tuolumne Blvd to River Road	Arterial	4	33,750	43,992	F	110	43,932	F
Eleventh St	D Street to B St	Collector	2	11,250	2,423	A	10	2,433	A
Yosemite Blvd.	D Street to Mitchell Rd	Arterial	6	50,000	41,799	C	685	42,484	C
Santa Cruz Ave	Yosemite Blvd. to Oregon St	Collector	2	11,250	7,585	A	300	7,885	A
Tioga Ave	Yosemite Blvd. to Monterey St	Collector	2	11,250	~~3,441~~ ***3,481***	A	210	~~3,651~~ ***3,691***	A
River Road	Seventh St to Herndon St	Collector	2	11,250	~~4,102~~ ***4,112***	A	10	~~4,112~~ ***4,122***	A
	Herndon Ave to Mitchell Rd	Collector	2	11,250	3,929	A	10	3,939	A
SR 99	Tuolumne Blvd to Crows Landing Rd	Arterial Freeway	8	180,000	169,910	D	90	170,000	D

Page IV-B-13, Mitigation Measure Air-1 a), b), and f) are revised as follows:

Mitigation Measure Air-1: The following mitigation measures shall be implemented to reduce short-term, construction-generated emissions:

a) All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water~~, chemical stabilizer/suppressant,~~ or vegetative ground cover.

b) All on-site unpaved roads and off-site, unpaved access roads shall be effectively stabilized of dust emissions using water ~~or chemical stabilizer/suppressant.~~

f) Following the addition of materials to, or the removal of materials from, the surfaces of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water ~~or chemical stabilizer/suppressant~~.

Page IV-C-12, 5th paragraph and Page IV-C-13 are revised as follows:

The amphimeadow would be constructed at the eastern end of the Gateway Parcel. The proposed amphimeadow ~~stage~~ ***performance area*** would face westward so that amplified sound would be directed away from ***the Dry Creek riparian area,*** existing land uses and nearby noise-sensitive receptors. ~~Seating~~ ***Natural contour seating for the audience*** would be located within the meadow area west of the ~~stage~~ ***performance area*** and would accommodate up to 3,000 people. The proposed use of the amphimeadow has not yet been specified, although it would likely be used for regional and community events, such as plays, recitals, community celebrations, and concerts. The Master Plan does not prohibit amplified musical events, such as concerts.

Noise levels generated by amphitheaters are primarily a function of the type of performance ***to*** be ***held*** ~~provided~~. Noise levels can vary substantially depending on the use. For instance, sound levels associated with symphony orchestra typically average approximately 90 dBA; whereas, sound levels from a rock concert with an amplified speaker system can reach levels of approximately 120 dBA at 6 feet (Cunniff 1977; Lipscomb and Taylor 1978). Assuming a normal rate of six decibels per doubling of distance from the source and a maximum of 120 dBA at 6 feet, predicted maximum noise levels at 100 feet from the front of the stage would be approximately 96 dBA. Because noise associated with such events are typically directional, noise levels at equivalent distances to the rear and sides of the amphimeadow stage would likely be considerably less than sound levels at areas located directly in front of the stage.

The nearest noise-sensitive receptors are residential dwellings located approximately 1,000 feet south of the project site, across the Tuolumne River. Based on the monitoring conducted for this analysis, the average daytime noise level in the vicinity of these nearby residences is approximately 54 dBA Leq. Assuming a maximum noise

generation potential of 120 dBA at 6 feet, predicted "worst-case" noise levels at the property line of the nearest residence would be approximately 74 dBA, which would result in a substantial increase in ambient noise levels, particularly during the quieter late evening and nighttime hours. In addition, the resultant increase in ambient noise levels at these nearby residences would exceed the City's "normally acceptable" noise standard of 60 dBA CNEL. As a result, noise generated by the proposed amphimeadow uses would be considered to have a significant impact to nearby noise-sensitive land uses.

The amphimeadow is located near the Dry Creek riparian corridor, which provides valuable habitat for wildlife. Research of noise-related effects to various terrestrial species is somewhat limited and responses to various noise levels can vary greatly by species. However, although research is limited, it is generally recognized that at low to moderate ambient noise levels (i.e., 60 dBA, or less) wildlife most frequently change their behaviors when there are reoccurring abrupt and substantial increases in the ambient noise levels, such as shotgun blasts or sonic booms. The use of amplification at the amphimeadow would not likely include such abrupt noises. However, although speakers would be pointed away from Dry Creek, the amplified sound could result in substantial increases in ambient noise levels in the Dry Creek riparian area. The increase in noise levels could potentially affect wildlife species, including State and federally-protected species. This is a potentially significant impact.

Impact Noise-2: Noise Associated with the Amphimeadow. Noise associated with events at the amphimeadow could reach approximately 74 dBA at the nearest residential land uses (assuming amplification of community events), which would exceed the City's "normally acceptable" threshold of 60 dBA CNEL. This noise level would be a noticeable increase (i.e., 3 dBA, or greater). ***In addition, the increase in noise levels at the Dry Creek riparian area could potentially affect wildlife species, including State and federally-protected species. This is a potentially significant impact.***

Page IV-C-17, Mitigation Measure Noise-1(a) is revised as follows:

a) Activities at the proposed sports complex shall be limited to between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, and between the hours of 9:00 a.m. and 9:00 p.m. on weekends. ***The sports complex could stay open until 10:00 p.m. However, sporting events shall be scheduled to end at 9:00 p.m.***

Page IV-C-18, 3rd and 4th paragraphs are revised as follows:

Impact Noise-2: Noise Associated with the Amphimeadow. Noise associated with events at the amphimeadow could reach approximately 74 dBA at the nearest residential land uses (assuming amplification of community events), which would exceed the City's "normally acceptable" threshold of 60 dBA CNEL. This noise level would be a

noticeable increase (i.e., 3 dBA, or greater). ***The increase in noise levels at the Dry Creek riparian area could potentially affect wildlife species, including State and federally-protected species. This is a potentially significant impact.***

Mitigation Measure Noise-2: ***To minimize the impacts of noise associated with events at the amphimeadow, the following measures shall be implemented:***

a) An acoustical engineer with experience in the prediction and mitigation of outdoor theater sound levels shall be consulted prior to design and construction of the proposed amphimeadow to identify and incorporate all feasible mitigation measures available for reducing noise-related impacts to nearby ***residences and other*** noise-sensitive receptors ***and riparian areas***. Measures may include, but are not limited to, construction of ***temporary*** noise barriers, and limitations on speaker orientation, noise-generation levels, or hours of activity.

b) ***Prior to the design and construction of the proposed amphimeadow, an acoustical engineer shall examine potential noise levels at the nearest riparian habitat. Project proponents shall consult with appropriate resource agencies to ensure noise levels would not have an adverse impact on State and federally-protected wildlife species. If it is shown that noise levels could negatively affect State and federally-protected species, appropriate measures to avoid such impacts would be developed during the consultation, including locational considerations for the amphimeadow, limits on the noise levels generated through amplification, and/or directional restrictions for speaker orientation.***

The acoustical report and provision of project-specific mitigation measures shall be developed prior to the issuance of building permits for the amphimeadow. Implementation of the above mitigation measure would help to reduce noise generated by activities associated with the amphimeadow. ***These measures would reduce the potential noise impacts to State and federally-protected wildlife species to a less-than-significant level.*** However, noticeable increases (i.e., 3 dBA or greater) in ambient noise levels at nearby ***residences and other*** noise-sensitive receptors ~~would~~ ***could*** still be anticipated as a result of music and performance amplification, which would be required with 3,000 people in attendance, as proposed. As a result, this impact is considered significant and unavoidable.

Pages IV-C-14 and IV-C-15 are revised as follows:

However, if the use of amplified sound systems are allowed at such seasonal events, noticeable increases in daytime noise levels at nearby residences would likely occur. In addition, events occurring during the quieter evening and nighttime hours (with or without the allowed use of amplified sound systems) would also be anticipated to result

in noticeable increases in ambient noise levels at these residences and, as such, would be anticipated to result in increased levels of annoyance to occupants of these residences. ***In addition, as discussed previously, a substantial increase in noise levels from amplified sound during large special events held in the TRRP could potentially affect wildlife species, including State and federally-protected species. This is a potentially significant impact.***

Impact Noise-3: Noise Associated with Special Events. The crowds associated with special events held during the daytime would not cause a significant increase in ambient noise levels at nearby residences. In addition, the resultant increase in ambient noise levels at these nearby residences would not be anticipated to exceed the City's "normally acceptable" noise standard of 60 dBA CNEL. However, the use of amplified sound systems or special events occurring during the nighttime could potentially result in a significant increase in the ambient noise levels at these nearby residences. ***In addition, a substantial increase in noise levels from amplified could potentially affect wildlife species, including State and federally-protected species.*** This is a potentially significant impact.

Page IV-C-18, the last paragraph, and Page IV-C-19 are revised as follows:

Impact Noise-3: Noise Associated with Special Events. The crowds associated with special events held during the daytime would not cause a significant increase in ambient noise levels at nearby residences. In addition, the resultant increase in ambient noise levels at these nearby residences would not be anticipated to exceed the City's "normally acceptable" noise standard of 60 dBA CNEL. However, the use of amplified sound systems or special events occurring during the nighttime could potentially result in a significant increase in the ambient noise levels at these nearby residences. ***In addition, a substantial increase in noise levels from amplified sound could potentially affect wildlife species, including State and federally-protected species.*** This is a potentially significant impact.

Mitigation Measure Noise-3: ***To minimize the impacts of noise associated with large special events, the following measures shall be implemented:***

a) ~~Special events~~ ***The use of amplified sound systems*** shall be limited to between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, and between the hours of 9:00 a.m. and 9:00 p.m. on weekends. This would reduce potential noise impacts during the nighttime. ***Consistent with City of Modesto practices, the park could stay open until 10:00 p.m.***

b) Prior to the first large special event using sound amplification, an acoustical engineer shall examine potential noise levels at the nearest riparian habitat to the area to be used for the events, and suggest measures such as orientation of speakers and maximum allowable decibel levels to limit noise levels in those areas. Project proponents shall consult with appropriate resource agencies to

ensure noise levels would not have an adverse impact on State and federally-protected wildlife species. If it is shown that noise levels could negatively affect State and federally-protected species, appropriate measures to avoid such impacts would be developed during the consultation. The identified mitigation measures would be implemented at all subsequent events. If the sound requirements for a subsequent event should differ significantly from the event used to identify the mitigation measures, consultation with an acoustical engineer and appropriate resource agencies shall occur.

Implementation of this mitigation measure would reduce noise impacts associated with large special events. ***These measures would reduce the potential noise impacts to State and federally-protected wildlife species to a less-than-significant level.*** However, the use of amplified sound systems during special events could result in a significant increase in the ambient noise levels at nearby residences. For this reason, this impact is considered significant and unavoidable.

Page IV-D-25, 3rd paragraph is revised as follows:

In order to maintain public safety, areas such as parking lots, access roads, the amphimeadow, the regional sports complex, and limited pathways may be illuminated at night. Lighting may diminish the quality of habitat for wildlife and limit use of the riparian corridor by nocturnal species. However, lighting is proposed only for the access areas and not the more natural areas of the TRRP. ***Portable lighting may be provided for some large special events and events held at the amphimeadow. All lights would be groundward-focused and positioned to avoid glare and light spillage into riparian areas. Only enough lighting necessary for safety purposes would be used in the TRRP.*** Because riparian vegetation would be enhanced throughout the park to form a continuous corridor and river access points would be limited, potential impacts from trail use, nighttime lighting, and other human activity would be less-than-significant.

Page IV-D-27, the fourth paragraph is revised as follows:

Overhead cover resulting from overhanging vegetation and leaf fall provides nutrients for micro-and macro invertebrates and aquatic organisms. Short-term reductions in overhead cover due to the removal of riparian vegetation could result in temporary adverse impacts to species relying on this habitat feature within the TRRP project area. However, because ample overhead cover would be available to these species in adjacent areas where riparian vegetation remained undisturbed, adverse impacts would be expected to be minimal.

Page IV-D-30, Mitigation Measure Bio-2 (d) is revised as follows:

d) For all projects with the potential to effect jurisdictional Waters of the U.S., all grading plans will include adequate setback for waters to be preserved. Measures to minimize erosion and runoff into seasonal and perennial Waters of the U.S. will be prepared for all projects covered by the Master Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation and the potential discharge of pollutants into preserved drainages. ***All runoff controls shall be monitored and maintained to ensure storm events, vandalism, or other activities do not diminish the effectiveness of these controls. Monitoring should occur after major storm events and on a scheduled basis to address potential vandalism of the control measures. Specific control measures and the appropriate maintenance program will be developed during project design.***

Page IV-D-31, Mitigation Measure Bio-3 is revised as follows:

Mitigation Measure Bio-3: The following mitigation shall be implemented for any project covered by the TRRP Master Plan that has t he potential to affect perennial aquatic habitat.

a) The operation of heavy equipment in the active river channel shall not occur. Temporary sediment settling basins and structures such as sediment fencing or straw bales shall be used to prevent sediment-laden runoff from entering the river channel. ***All runoff controls shall be monitored and maintained to ensure storm events, vandalism, or other activities do not diminish the effectiveness of these controls. Monitoring should occur after major storm events and on a scheduled basis to address potential vandalism of the control measures. Specific control measures and the appropriate maintenance program will be developed during project design.***

b) River-adjacent construction activities shall occur during summer months when flows are low and rain is unlikely. Construction of bridges and near-river facilities shall be conducted during the summer when flows are low and rain is unlikely or as otherwise appropriate ~~would~~ ***to*** avoid impacts during fish migrations and sensitive life stages. ***Construction shall not occur near the river from September through December, as this is the period when most ESA species would be in the river in appreciable numbers.***

c) The project proponent shall consult with NMFS and USFWS under Section 7 of ESA to determine a future course of action, including whether incidental take authorization is needed. Through consultation and negotiations with the

federal agencies, appropriate mitigation and avoidance measures will be determined and implemented.

Implementation of the above mitigation measures in consultation with NMFS and USFWS would ensure that impacts to sensitive fish species are less-than-significant.

Page IV-F-4, the second sentence in the third paragraph is revised as follows:

The maximum flow recorded for Dry Creek (~~December 22, 1996~~ ***December 23, 1955***) was ~~approximately 5,000 cfs (unregulated) (USACE 1998)~~ ***7710 cfs.***

Page IV-F-12, the last sentence of the first paragraph is revised as follows:

The proposed design of the Gateway Parcel includes cutting back the right bank and developing a rolling hill landscape. The proposed design would increase flow conveyance through the reach without increasing the elevation of the existing right overbank area. Increasing conveyance lowers velocities throughout the Gateway Parcel reach. Water surface elevations, through the majority of the reach, would be reduced due to the proposed changes. At the Ninth Street Bridge (RM 16.25) however, the water surface would be raised slightly (approximately 0.15 feet) under the ~~proposed~~ ***conceptual*** grading plan. This increase in water surface elevation would attenuate out by location RM 21 (approximately 1,200 feet downstream of Codoni). The slight increase in water surface elevation in the Tuolumne River ***(an increase of less than 0.1 foot)*** would ~~have no effect~~ ~~**on**~~ ***not have a significant effect on the water surface elevation of*** Dry Creek at its confluence (RM 16.44).

Page IV-F-15, Mitigation Measure Hydro-3 (b) is revised as follows:

b) Scour analyses shall be performed once detailed plans have been developed for the proposed structures. If necessary, erosion control measures shall be incorporated in the final design. ***The most natural bank stabilization approach shall be used for erosion control. Where feasible and appropriate, the project proponents will use biotechnical bank protection methods that allow restoration of riparian streambank vegetation and shaded riverine aquatic habitat. Examples of biotechnical methods include live vegetation, live log crib walls, large woody debris bundles, erosion mats, and brush mattresses (brush layering).***

Page IV-F-16, Mitigation Measure Hydro-5 is revised as follows:

Mitigation Measure Hydro-5: The elevation of the amphimeadow shall be raised to reduce the frequency of inundation. Detailed grading and construction plans for the amphimeadow shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that construction of the

amphimeadow would not result in any increase in water surface elevations. Water shear and scour analyses shall ~~be~~ also be performed and if necessary surface protection shall be provided for the banks and surrounding area to prevent scour and erosion. ***The most natural bank stabilization approach shall be used for erosion control. Where feasible and appropriate, the project proponents will use biotechnical bank protection methods that allow restoration of riparian streambank vegetation and shaded riverine aquatic habitat. Examples of biotechnical methods include live vegetation, live log crib walls, large woody debris bundles, erosion mats, and brush mattresses (brush layering).*** Implementation of this mitigation measure would reduce this impact to a less-than-significant level.

Page IV-F-16, Mitigation Measure Hydro-6 (d) is revised as follows:

c) Scour analyses of the bridge piers and abutments shall be performed once detailed plans have been developed for the proposed bridge. If necessary, erosion control measures shall be incorporated into the final design. ***The most natural bank stabilization approach shall be used for erosion control. Where feasible and appropriate, the project proponents will use biotechnical bank protection methods that allow restoration of riparian streambank vegetation and shaded riverine aquatic habitat. Examples of biotechnical methods include live vegetation, live log crib walls, large woody debris bundles, erosion mats, and brush mattresses (brush layering).***

CHAPTER III. COMMENTS AND RESPONSES

All comments on the Draft MEIR are listed in Table III-1. Each letter and comment has a letter/number designation assigned for cross-referencing purposes. This list represents all written comments received during the comment period. The verbatim comment letters, and responses to environmental comments raised in those letters are presented.

Table III-1
Comments Received on the Draft MEIR

Letter	Commentor and Agency or Organization	Date
A	California Department of Toxic Substances Control	June 27, 2001
B	California Department of Water Resources	June 27, 2001
C	The Tuolumne River Preservation Trust	July 24, 2001
D	Jeanne Hammond	July 27, 2001
E	California State Lands Commission	July 30, 2001
F	Stanislaus Council of Government (StanCog)	August 1, 2001
G	Federal Emergency Management Agency (FEMA)	August 2, 2001
H	State of California Governor's Office of Planning and Research, State Clearinghouse	August 2, 2001
I	Jeffrey S. Stuart	August 2, 2001
J	California Department of Transportation (Caltrans)	August 6, 2001
K	Modesto Irrigation District	August 7, 2001
L	City of Modesto	August 8, 2001
M	Friends of the Tuolumne, Inc.	August 8, 2001
N	Sierra Club, Yokuts Group, Mother Lode Chapter	August 8, 2001
O	Stanislaus County Environmental Review Committee	August 8, 2001
P	United States Department of the Interior, Fish and Wildlife Service	August 8, 2001

LETTER
A

Department of Toxic Substances Control

Edwin F. Lowry, Director
1001 "I" Street, 25th Floor
P.O. Box 806
Sacramento, California 95812-0806

Winston H. Hickox
Agency Secretary
California Environmental
Protection Agency

Gray Davis
Governor

June 27, 2001

Fred Allen
City of Modesto
1010 Tenth Street, Suite 4400
Modesto, California 95354

Re: Tuolumne River Regional Park Master Plan

The Department of Toxic Substances Control (DTSC) is in receipt of the environmental document identified above. Based on a preliminary review of this document, we have determined that additional review by our regional office will be required to fully assess any potential hazardous waste related impacts from the proposed project. The regional office and contact person listed below will be responsible for the review of this document in DTSC's role as a Responsible Agency under the California Environmental Quality Act (CEQA) and for providing any necessary comments to your office:

A-1

James Tjosvold
Site Mitigation
8800 Cal Center Drive
Sacramento, California 95826-3200

If you have any questions concerning DTSC's involvement in the review of this environmental document, please contact the regional office contact person identified above.

Sincerely,

for

Guenther W. Moskat, Chief
Planning and Environmental Analysis Section

Letter A California Department of Toxic Substances Control (DTSC) June 27, 2001

A-1 The commentor states that DTSC has received the TRRP Master Plan MEIR and identifies the regional office and contact person responsible for the review of the MEIR. This comment is noted. No other letters were received from DTSC concerning the MEIR.

LETTER
B

STATE OF CALIFORNIA -- THE RESOURCES AGENCY GRAY DAVIS, *Governor*

DEPARTMENT OF WATER RESOURCES
1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791

JUN 27 2001

Mr. Fred Allen
Parks Planning and Development Manager
City of Modesto
1010 Tenth Street, Suite 4400
Modesto, California 95354

Dear Mr. Allen:

Staff for the Department of Water Resources has reviewed the Draft Master Environmental Impact Report for the Tuolumne River Regional Park Master Plan and has the following comments:

The project as proposed is within the Tuolumne River Designated Floodway and is within the jurisdiction and under the authority of The Reclamation Board. The California Code of Regulations, Title 23, Waters, Article 3, require that a Board permit be obtained before the start of any work including excavation and construction activities on or adjacent to any floodway within the jurisdiction of the Board. Recognizing the scope of your proposed project, the timely filing of an application is strongly recommended to minimize any delays due to the application review and permitting process.

B-1

If you have any questions, please call me at (916) 653-9900, or Sterling Sorenson of my staff, at (916) 653-0402.

Sincerely,

For

Nader Noori, Chief
Floodway Protection Section
Division of Flood Management

Letter B California Department of Water Resources
June 27, 2001

B-1 The commentor states that the project is within the Tuolumne River Designated Floodway and is within the jurisdiction and under the authority of the Reclamation Board. The commentor also states that a Board permit is required before the start of any work, including excavation and construction activities on or adjacent to any floodway within the jurisdiction of the Board. Project proponents will file applications for all required permits when detailed grading and construction plans have been developed.

LETTER
C

OFFICES

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18750 Main Street
P.O. Box 612
Groveland CA 95321
ph/fax 209/962-0641

July 24, 2001

AUG 7 2001

Mr. Patrick Kelly
Principle Planner
City of Modesto
P.O. Box 642
Modesto, CA 95353

SUBJECT: TUOLUMNE RIVER REGIONAL PARK DRAFT MASTER ENVIRONMENTAL IMPACT REPORT

Dear Mr. Kelly

The Tuolumne River Preservation Trust has reviewed the Draft Master Environmental Impact Report for the Tuolumne River Regional Park (TRRP). We would like to commend your efforts to incorporate features of the Habitat Restoration Plan for the Lower Tuolumne River Corridor and your consideration of flood conveyance. Specific elements that we feel are very beneficial and an improvement to the riparian ecosystem include the riparian trees and vegetation planned to line the river, the 100 acres of riparian forest and wetlands planned for the Carpenter Road parcels, the 185-foot wide riparian restoration corridor in the Gateway parcel, and the outdoor education emphasis of the Legion Park area.

We offer the following comments on other elements of the plan:

IMPACTS OF NOISE ON WILDLIFE: The production of noise, both in relation to the amphimeadow and the large special events, is likely to be significant. Many species of wildlife use or potentially use the area for nesting, migrating, and foraging habitat. The Draft MEIR lists 16 threatened, endangered, and special status bird species, 5 mammalian species, and 4 reptilian species that occur or whose habitat occurs in the project area. The effects of noise on these species will extend beyond the immediate area in which the event is being held. These events will occur in 5 - 6 months of the year, making it likely that one or more of the species will be affected in some detrimental way by noise. These impacts need to be evaluated in the Master EIR.

IMPACTS OF LIGHTING ON WILDLIFE: The planned lighting for the park, especially that associated with the amphimeadow and special events is a similar concern to noise production. Many birds, mammals, and reptiles are nocturnal and therefore require darkness for foraging, hunting, and nesting. Please describe the potentially significant effects of lighting on birds and wildlife within and outside the project area. Mitigation should include measures to reduce the harmful effects of lighting on wildlife, including groundward-focused fixtures to reduce overall light pollution.

1 of 3

C-1

C-2

C-3

OTHER BIOLOGICAL CONSIDERATIONS: Significant Impact Bio-3 describes potentially significant impacts to fish and fish habitat, specifically mentioning steelhead, fall-run chinook salmon, and Sacramento splittail, while omitting other threatened, endangered, and special status fish species, including Kern Brook lamprey, river lamprey, and Pacific lamprey. Please include evaluations of the impacts the overall project and its components on all of these species. C-4

TRAFFIC: Mitigation Measure Traffic-3 states that "additional parking may be required at the Sports Complex" but it does not indicate where that additional parking may be located. Would this take the form of parking garages, more parking lots at the expense of wetland or other habitat, or some other solution? The measure also states "no overflow parking into the adjacent neighborhoods shall be allowed." How will this be accomplished? Will street parking require a permit, which can be obtained only by local residents, or is there some other plan in place to mitigate this potential impact? We feel that increased parking at the expense of habitat and open space is unacceptable and other solutions should be sought. C-5 C-6

HYDROLOGIC IMPACTS OF EVENTS: The hydrologic impacts of events at the amphimeadow, large-special events, and the sports complex needs to be carefully considered in the EIR. Figure F-2 clearly shows that nearly the entire Gateway Parcel lies within the 100-yr floodplain. The proposed amphimeadow, lying at a lower elevation adjacent to Dry Creek, probably is subject to flooding at a much higher frequency than the rest of the Gateway Parcel. Please provide a more detailed flood-frequency analysis of events that would inundate the amphimeadow. We believe that large events that are scheduled for the Gateway Parcel and the amphimeadow, especially those scheduled in the spring and early summer, could have an impact on dam operations upstream. It is conceivable that political pressure to move forward with a scheduled special event or sporting event could result in lower releases from Don Pedro causing problems later in maintaining low flows. We feel that large events of any type should not impact flood control releases from Don Pedro dam. C-7 C-8

HYDROLOGIC IMPACTS OF STRUCTURES: It is stated in the EIR that the TRRP integrates restoration strategies for the sand-bedded zone outlined in the Restoration Plan for the Lower Tuolumne River Corridor (Restoration Plan). A specific objective of the Restoration Plan is to remove rip-rap and berms to allow channel migration within the floodway. Mitigation Measures Hydro-3 and -6 prescribes "erosion control measures" to protect overlook structures, fishing piers, boat docks, and the Pedestrian Bridge over Dry Creek. This is in direct conflict with the Restoration Plan. Please give a more complete evaluation of the potential need for rip-rap and other types of bank stabilization in the EIR. If necessary, amend the EIR so that it no longer includes this as a potential mitigation measure to maintain consistency with the Restoration Plan. C-9

HYDROLOGIC IMPACTS OF INCREASED SURFACE RUNOFF: Contribution of increased surface runoff is not considered in the EIR, in terms of impacts to water surface elevations. There are many planned impermeable surfaces within the TRRP, including the Regional Sports Complex, the Nature Interpretive Center, the Loop Road, and trails. All of these will contribute to increased runoff directly to the Tuolumne River, and therefore increased surface elevations. Please include an analysis of this impact in the EIR. A potential mitigative alternative is to include soft-surfaces for roads and trails, such as cinder, which will allow groundwater infiltration instead of surface runoff. This will also help reduce impacts to surface water quality. C-10

HYDROLOGIC IMPACTS OF THE GATEWAY PARCEL: The Draft EIR states that the proposed design of the Gateway Parcel would raise water surface elevations at the Ninth Street Bridge (River Mile 16.25), which would attenuate out by location to River Mile 21. It also states that this increase in water surface elevation would have no effect on Dry Creek at its confluence. However, the EIR does not provide a description of the analysis that resulted in this finding. We find it untenable that an increase in water surface elevation on the Tuolumne would have no effect on the water surface elevation of Dry Creek given the fact that it would increase out to RM 31 on the Tuolumne.

C-11

HYDROLOGIC IMPACT OF PEDESTRIAN BRIDGE: Mitigation Measure Hydro-6 states that the pedestrian bridge shall have adequate clearance above the base floodwater surface elevation, but it does not describe what this floodwater surface elevation is, or the recurrence interval of the flood associated with it. Please include this in the description.

C-12

ALTERNATIVES: We feel that in consideration of fish and wildlife that depend on the river and surrounding ecosystem, the alternative of no large special events and no amplified music and noise in the amphimeadow are much preferable to alternatives that include these features. Please consider closely the impacts to fish and wildlife and how to best accommodate environmental needs.

C-13

Thank you for your consideration of our comments.

Sincerely,

Patrick Koepele

Patrick Koepele
Central Valley Program Director

Letter C The Tuolumne River Preservation Trust
July 24, 2001

C-1 This comment is an introduction to the comment letter. The commentor identifies elements of the plan that they find beneficial to the riparian ecosystem. No specific comments are made on the Draft MEIR. No response is needed.

C-2 The commentor states that the production of noise, both in relation to the amphimeadow and large special events, is likely to have a significant effect on wildlife and should be evaluated in the MEIR. Special events, including those at the amphimeadow, have been identified as a subsequent project in the MEIR. Additional environmental review will be conducted when detailed plans are available. The increase in noise levels at the Dry Creek riparian area from amplification of events held at the amphimeadow and large special events could potentially affect wildlife species, including State and federally-protected species. Impacts Noise-2 and Noise-3 have been revised in Chapter II of this Final MEIR to clarify the potential impacts associated with project-generated noise. Mitigation Measures Noise-2 and Noise-3 have been expanded to ensure that potential noise impacts to State and federally-protected wildlife species are addressed. When detailed plans for the amphimeadow are developed, a more detailed analysis of the potential noise levels at the nearest riparian habitat will be conducted.

C-3 The commentor states that the lighting for the park, especially that associated with the amphimeadow and special events, could have potentially significant effects on birds and wildlife within and outside the project area. The commentor states that mitigation measures to reduce the harmful effects of lighting on wildlife, should include groundward-focused fixtures to reduce overall light pollution. Page IV-D-25 has been revised in Chapter II of this Final MEIR to respond to this comment. Further clarification has been provided to note that if portable lighting is provided in the amphimeadow or for large special events, it would be groundward-focused to avoid light spillage into riparian habitat.

C-4 The commentor notes that that Impact Bio-3 describes potentially significant impacts to fish and fish habitat, but does not specifically evaluate potential impacts to Kern Brook lamprey, river lamprey, and Pacific lamprey. The potential adverse impacts to Kern Brook lamprey, river lamprey, and Pacific lamprey would be the same as impacts to the federally-listed fish identified in Impact Bio-3. Mitigation Measure Bio-3 provides for the protection of these species by restricting operation of heavy equipment in the active river channel; use of temporary control measures to prevent sediment-laden runoff from entering the river channel; and restricting construction operations to the summer.

C-5 The commentor is concerned that Mitigation Measure Traffic-3 states that "additional parking may be required at the Sports Complex" but does not indicate where the additional parking may be located. Implementation of the Regional Sports Complex has been identified in the MEIR as a "subsequent project". When detailed implementation plans are developed, additional environmental

review will be required. As described on page I-3 of the Draft MEIR, if the JPA determines, based on an Initial Study, that a proposed subsequent project will have no additional significant effects on the environmental that was not identified in the Master EIR, then the JPA shall make a written finding based on the Initial Study that the subsequent project is within the scope of the project covered by the Master EIR. No new environmental documentation or findings shall be required in this case. Conversely, if a finding is made that the proposal may cause a significant environmental effect not studied in the Master EIR, subsequent focused environmental documentation will be prepared.

Mitigation Measure Traffic-3 states that during focused environmental review, the overall parking requirements of the facilities shall be determined and at that time, a parking management plan shall be created which matches the use of the site to the available parking supply. The proposed parking plan, and any proposed parking facilities, would be evaluated further when detailed plans for the Regional Sports Complex are developed.

C-6 The commentor notes that that Mitigation Measure Traffic-3 states "no overflow parking into the adjacent neighborhoods shall be allowed", and requests information on how this would be accomplished. As noted in response to comment C-5, when detailed plans for the Regional Sports Complex are developed, a parking management plan shall be created which matches the use of the site to the available parking supply. Mitigation Measure Traffic-3 identifies several measures that may be included in the parking management plan to ensure that no parking overflow would occur in the adjacent neighborhoods. The detailed design of the sports complex and proposed parking facilities would be balanced to address expected parking demand. The parking management plan may outline temporary controls, such as temporary parking permits, that may be implemented in case an unusually large event is expected, to ensure overflow from the event would not occur in the adjacent neighborhoods.

C-7 The commentor states that the Gateway Parcel is located in the 100-year floodplain and the amphimeadow is subject to a higher frequency of flooding than the rest of the Gateway Parcel. The commentor requests a detailed flood-frequency analysis of events that would inundate the amphimeadow. The Master Plan is a conceptual document. The exact location of the amphimeadow has not been determined. Detailed flood-frequency analysis will be conducted during development of grading plans and detailed design for the amphimeadow. The amphimeadow has been identified as a subsequent project in the MEIR. Additional environmental review, including additional hydraulic analysis, will be conducted when detailed plans are developed.

C-8 The commentor questions whether political pressure to hold special events at the TRRP would result in lower releases from Don Pedro dam, potentially causing problems in maintaining low flows in the Tuolumne River. New Don Pedro dam regulates flows in the stretch of the Tuolumne River by the TRRP. The dam is subject to Federal Energy Regulatory Commission (FERC) relicensing and operation conditions, including minimum streamflow requirements. It is unlikely

that activities in the TRRP would overcome the established FERC streamflow requirements. Some scheduled flow releases could cause flooding conditions at the TRRP. The frequency and duration of typical flow releases from New Don Pedro would be considered when detailed plans for the amphimeadow are developed. Events at the amphimeadow would not be scheduled to conflict with scheduled flow releases from Don Pedro Dam.

C-9 The commentor questions whether the erosion control measures prescribed in Mitigation Measures Hydro-3 and Hydro-6 are in conflict with the Lower Tuolumne River Corridor Restoration Plan, and requests that the MEIR be amended so that it no longer includes the use of rip-rap and other types of bank stabilization. Erosion control measures taken to protect piers and boat launches would not significantly affect the natural river channel migration. Mitigation Measures Hydro-3, Hydro-5, and Hydro-6 have been revised in Chapter II of this Final MEIR to clarify that the most natural bank stabilization approach shall be used for erosion control.

C-10 The commentor requests analysis of the increased surface runoff into the Tuolumne River and subsequent increase in surface elevations from planned impermeable surfaces within the TRRP, including the Regional Sports Complex, the Nature Interpretive Center, the Loop Road, and trails. The commentor recommends ways to allow groundwater infiltration instead of surface runoff. As noted on page IV-F-11 of the Draft MEIR, development on the TRRP site would increase the amount of impervious surfaces, which may generate a small increase in runoff. The increase in runoff is not anticipated to substantially alter the drainage pattern of the site or area. Much of the runoff would be distributed to the "stormwater wetlands" and vegetated swales within the park in order to filter the water before it reaches the river. The detention of stormwater in the constructed wetlands would allow groundwater infiltration. The small increase in runoff from the park is not anticipated to substantially increase surface water elevations during large storm events.

In addition, as noted on page 15 of the Master Plan, the park design presents an opportunity to partially treat the stormwater runoff from adjacent urban and agricultural areas before it enters the river. Because numerous storm drains throughout the area currently empty near the Tuolumne River, this is would improve the current situation.

C-11 The commentor questions the MEIR finding that an increase in water surface elevation on the Tuolumne River due to the proposed design of the Gateway Parcel would have no effect on the water surface elevation of Dry Creek. As noted on page IV-F-12 of the Draft MEIR, the conceptual design and grading plan for the Gateway Parcel would create riparian terraces, changing the configuration of the river bank and resulting in reduced water surface elevations through the majority of the reach. However at the Ninth Street Bridge (RM 16.25), water surface would be raised slightly as water backs up from the bridge piers. This increase in water surface elevation would attenuate out by RM 21 as the river reaches equilibrium and pre-project flow conditions. Using conceptual

grading plans, the slight increase in water surface elevation in the Tuolumne River would result in an increase of less than 0.1 foot on the water surface elevation of Dry Creek at its confluence. This would not be a significant effect. Page IV-F-12 has been revised in Chapter II of this Final MEIR to reflect this clarification.

C-12 The commentor notes that Mitigation Measure Hydro-6 states that the pedestrian bridge shall have adequate clearance above the base floodwater surface elevation. The commentor requests that the MEIR identify what the floodwater surface elevation is in the area proposed for the pedestrian bridge and the recurrence interval of the flood associated with it. The Master Plan is a conceptual plan. The exact location of the pedestrian bridge across Dry Creek has not yet been determined. However, for purposes of the Master Plan, the bridge has been shown to be located approximately 200 feet from the confluence of Dry Creek and the Tuolumne River. According to U.S. Army Corps of Engineers data, the water surface elevation during the 100-year flow at this location is approximately 75 feet National Geodetic Vertical Datum (NGVD)[1]. It should also be clarified that bridge features that accommodate high flows and avoid debris build-up will be considered during detailed design. Examples of such bridge features include break-away anchor bolts, seasonal height adjustments, removable railings, and bridges that can be temporarily removed. Pedestrian bridges are considered a subsequent project and will undergo additional environmental review when detailed plans are available. Pedestrian bridges were inadvertently left out of the list of subsequent projects on Page I-2 of the Draft MEIR. Page I-2 has been revised in this Final MEIR to correct this omission.

C-13 The commentor states their opinion that the alternative of no large special events and no amplified music and noise in the amphimeadow is preferable when considering fish and wildlife. This comment is noted for the record.

[1] NGVD is approximately equivalent to Mean Sea Level.

LETTER
D

27 July 2001
Mr. Patrick Kelly
Principal Planner
City of Modesto
P.O. Box 642
Modesto, CA 95353

Dear Mr. Patrick Kelly,

I am writing to comment on the Tuolumne River Regional Park Master Plan EIR. The comments I have are in regard to the Biological Resources section, specifically on the potential for noise impacts resulting from ongoing noise disturbances associated with the proposed amphimeadow. The EIR should address any potential for noise impacts related to wildlife resulting from the amphimeadow used for periodic events (cited as approximately 10 per year per Jim Niskanen). The EIR states that there is potential nesting habitat for raptors on site, including Swainson's Hawk, a state-listed threatened species. Short-term construction-related impacts to nesting raptors have been addressed in the EIR. The potential for long-term periodic noise impacts resulting from scheduled amplified events at the amphimeadow could affect nesting raptors (during the breeding season). Siting for the amphimeadow and choice of a 250-person (no amplification) versus 3,000-person (amplification) venue should take into consideration proximity to wildlife habitat.

D-1

D-2

Thank you for your time and consideration,

Jeanne Hammond
PRBO Biologist
4990 Shoreline Highway
Stinson Beach, CA 94970
510.849.3405

Letter D Jeanne Hammond
July 27, 2001

D-1 The commentor requests that the potential for noise impacts to wildlife resulting from the use of the amphimeadow, and specifically, the long-term periodic noise impacts to nesting raptors (during the breeding season) resulting from scheduled amplified events, should be addressed in the MEIR. The amphimeadow has been identified as a subsequent project in the MEIR. Additional environmental review, including analysis of the potential effects on nesting raptors, will be conducted when detailed plans are available. The increase in noise levels at the Dry Creek riparian area from amplification of events held at the amphimeadow and large special events could potentially affect wildlife species, including nesting raptors. Impacts Noise-2 and Noise-3 have been revised in Chapter II of this Final MEIR to clarify the potential impacts associated with project-generated noise. Mitigation Measures Noise-2 and Noise-3 have been expanded to ensure that potential noise impacts to State and federally-protected wildlife species are addressed.

D-2 The commentor states that siting and design of the amphimeadow, including the choice between a 250-person (no amplification) versus 3,000-person (amplification) venue, should take into consideration proximity to wildlife habitat. This comment is noted for the record.

LETTER
E

STATE OF CALIFORNIA — GRAY DAVIS, *Governor*

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

PAUL D. THAYER, *Executive Officer*
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California Relay Service From TDD Phone **1-800-735-2922**
from Voice Phone **1-800-735-2929**

Contact Phone: **(916) 574-1868**
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July 30, 2001

File Ref: SD 2000-08-17.1

Mr. Fred Allen
Parks Planning and
Development Manager
City of Modesto
1010 Tenth Street
Suite 4400
Modesto, CA 95353

Dear Mr. Allen:

Staff of the California State Lands Commission (CSLC or Commission) has reviewed the proposed Tuolumne River Regional Park (TRRP) Master Plan, SCH#2000022028. The CSLC is a responsible agency under the California Environmental Quality Act. Based on this review, we offer the following comments.

Jurisdiction

The State acquired sovereign ownership of all tidelands and submerged lands and beds of navigable waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all the people of the State for statewide Public Trust purposes which include waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. The landward boundaries of the State's sovereign interests in areas that are subject to tidal action are generally based upon the ordinary high water marks of these waterways as they last naturally existed. In non-tidal navigable waterways, the State holds a fee ownership in the bed of the waterway between the two ordinary low water marks as they last naturally existed. The entire non-tidal navigable waterway between the ordinary high water marks is subject to the Public Trust. The State's sovereign interests are under the jurisdiction of the State Lands Commission.

It appears that the proposed project involves the Tuolumne River which is State sovereign land under the jurisdiction of the State Lands Commission. Any activities involving the Tuolumne in this location are subject to the Commission's leasing jurisdiction. Please contact Diane Jones, Public Land Management Specialist, at 916-574-1843.

E-1

Commission staff are pleased that the City is interested in restoring a continuous, native riparian corridor along the length of the Tuolumne River and we look forward to working with the City on various components of this Master Plan. E-2

We appreciate the opportunity to comment on the proposed Master Plan.

Sincerely,

Stephen L. Jenkins, Assistant Chief
Division of Environmental
Planning and Management

cc: Diane Jones

Letter E California State Lands Commission
July 30, 2001

E-1 The commentor states that the proposed project involves the Tuolumne River which is State sovereign land under the jurisdiction of the State Lands Commission and that any activities involving the Tuolumne in this location are subject to the Commission's leasing jurisdiction. The California State Lands Commission will be contacted prior to implementation of activities along the Tuolumne River.

E-2 The commentor states that the State Lands Commission is pleased that the TRRP Master Plan includes restoring a continuous, native riparian corridor along the Tuolumne River. This comment is noted.

LETTER
F

Excellence in Regional Planning

StanCOG
Stanislaus Council Of Governments

City of Ceres • City of Hughson • City of Modesto • City of Newman • City of Oakdale • City of Patterson
City of Riverbank • City of Turlock • City of Waterford • County of Stanislaus

August 1, 2001

Mr. Fred Allen
Parks, Planning and Development Manager
City of Modesto
Recreation and Neighborhoods Departmer
1010 10th Street, Suite 4400
Modesto, CA 95353

Re: Tuolumne River Regional Park (TRRI

Dear Mr. Allen:

Thank you for providing StanCOG the opportunity to comment on the aforementioned project. StanCOG believes this project may have an adverse impact on the environment and requests that a Transportation Management Plan be developed to address the following comments. **F-1**

Regional Plans The effect on regional plans must be addressed as noted in the CEQA Guidelines, Sections 15063(d)(5) and 15125(d).

2001 StanCOG Bicycle Action Plan: Bicycles are an important asset to the cirrculation within Stanislaus County and the City of Modesto. Currently, bicycles are not included in the Transportation and Circulation element as a mode of transportation within the Draft Master Environmental Impact Report. Bicycles offer a clean alternative to automobiles by aiding the overall air quality of the region. **F-2**

If the project is not consistent with adopted regional plans, StanCOG would consider this to be a significant impact, requiring mitigation. Requiring modifications in the project that would cause the project to be consistent with adopted regional plans would eliminate any potential impact.

Although there is no statutory requirement to consider regional plans that are currently under way, the City may wish to do so. These plans include: **F-3**

- Central Stanislaus Freight Study: StanCOG is currently in the process of developing recommendations for improved access and mobility throughout the County. This study includes a project which could significantly alter the Tuolumne Boulevard Interchange either through modifications to the

900 H Street, Suite D • Modesto, CA 95354 • 209.558.7830 • Fax 209.558.7833

interchange. Additionally, Caltrans District 10 should be contacted with regards to congestion on the State Highway System during large special events and shows at the Amphimeadow. The Study is scheduled to be adopted in July 2001 and incorporated into the 2001 Regional Transportation Plan and EIR by December 2001.

F-4

Please call StanCOG at (209) 558-7830 if you should have any questions.

Regards,

Debra A. Whitmore
Senior Planner

cc: Helen Wang, City of Modesto
Carlos Yamzon, Caltrans District 10

chron
v:data\tiffani\referrals

Letter F Stanislaus Council of Government (StanCOG)
August 1, 2001

F-1 The commentor states that the project may have an adverse impact on the environment and requests that a Transportation Management Plan be developed to address the following comments (F-2, F-3, F-4). No response is needed for this introductory paragraph. Specific comments are addressed for comments F-2, F-3, F-4.

F-2 The commentor notes that the Transportation and Circulation element within the Draft MEIR does not include bicycles as a mode of transportation, and the effect on regional plans, including the 2001 StanCOG Bicycle Action Plan should be considered in the MEIR. The 2001 StanCOG Bicycle Action Plan and the TRRP Master Plan share common goals of encouraging the use of bicycles as a mode of transportation. Bicycles offer a clean alternative to automobiles by aiding the overall air quality of the region. The TRRP Master Plan supports the extension of regional bikeways. The Master Plan would create a network of Class I (off-street) bicycle and pedestrian paths that would be an alternative means of transportation. As noted on page 9 of the Master Plan, The TRRP would include a paved pedestrian and bicycle path, linking the Dry Creek parkway, the Hetch Hetchy right-of-way, and other greenways in the area, existing and planned. Circulation patterns on the Gateway Parcel would be predominately oriented towards pedestrian and bicycle travel.

F-3 The commentor notes that the Central Stanislaus Freight Study includes a project that could significantly alter the Tuolumne Boulevard Interchange. The Central Stanislaus Freight Study identifies various alternatives to improve the movement of freight through Central Stanislaus County. The Study was adopted July 2001 and the alternatives identified in the Study will be incorporated into the regional transportation plan, which is expected to be adopted December 2001. It has been noted in the Study that some of the alternatives under consideration could affect the Tuolumne Boulevard Extension and thus may hinder access to the Gateway Parcel. It is not known at this time when an alternative would be selected for implementation. The status of the Central Stanislaus Freight Study alternative selection will be considered when detailed designs are developed for the Gateway Parcel. If the Tuolumne Boulevard Extension project changes in response to the Central Stanislaus Freight Study, then the access plans to the Gateway Parcel would be altered as necessary.

F-4 The commentor states that Caltrans District 10 should be contacted with regards to congestion on the State Highway System during large special events and shows at the amphimeadow. As noted in Mitigation Measure Traffic-1 and Traffic-2, on pages IV-A-23 and 24 of the Draft MEIR, a traffic management plan shall be created which identifies ways to reduce congestion during special events and the amphimeadow and from large special events. Caltrans District 10 will be contacted during the development of the traffic management plans to identify measures to reduce potential congestion on the State Highway system during these events.

LETTER
G

Federal Emergency Management Agency

Washington, D.C. 20472

AUG 02 2001

Mr. Fred Allen
Parks Planning and Development Manager
Recreation and Neighborhoods Department
City of Modesto
1010 Tenth Street, Suite 4400
P.O. Box 642
Modesto, CA 95353

Dear Mr. Allen:

With a letter dated June 14, 2001, you submitted to the Federal Emergency Management Agency (FEMA) a copy of the report entitled *Draft Master Environmental Impact Report for the Tuolumne River Regional Park Master Plan*, prepared by EDAW, Inc., dated May 2001. You asked FEMA to review the information and submit comments on the proposed construction projects for the Cities of Modesto and Ceres and Stanislaus County, California, that are outlined in the draft Master Environmental Impact Report (MEIR). The draft MEIR describes new construction, grading, and stream habitat restoration associated with creation of the Tuolumne River Regional Park. The improvements are intended to enhance the natural environment and provide new educational and recreational opportunities along the Tuolumne River.

G-1

According to the draft MEIR, the proposed project will be constructed entirely within the effective Special Flood Hazard Area (SFHA), the area subject to inundation by the base (1-percent-annual-chance) flood, and within portions of the effective regulatory floodway along the Tuolumne River. The project area is shown on Panels 060387 0015 D and 0020 D of the effective Flood Insurance Rate Map (FIRM) for the City of Modesto, California, dated May 7, 2001, and on Panels 060384 0290 B, 0485 B, 0505 B, and 0510 B of the effective FIRM for the unincorporated areas of Stanislaus County, California, also dated May 7, 2001. According to the draft MEIR, the City of Ceres will also be affected by the proposed project. Although the City of Ceres participates in the National Flood Insurance Program (NFIP) , the community has not been mapped.

According to the draft MEIR, the proposed alternative projects presented in the MEIR will have a negligible impact on flood hazards along the Tuolumne River. However, the information submitted to FEMA was not sufficient to confirm this statement. Although all the proposed project alternatives would involve construction and grading activities within the SFHA, the draft MEIR includes proposed plans to mitigate any increases in Base Flood Elevations (BFEs) that would result from the project. Development may take place within the SFHA provided that it is in compliance with local floodplain ordinances, which must meet the minimum NFIP requirements as specified in Section 60.3 of the NFIP regulations. Development within the regulatory floodway must conform to NFIP regulations that prohibit any encroachment that would increase BFEs within the community by more than 0.0 foot.

G-2

If officials of the City of Modesto or Stanislaus County determine that the BFEs or SFHA or floodway boundary delineations will be affected as a result of the proposed project, they must submit the appropriate scientific or technical data in accordance with the requirements of Part 65 of the NFIP regulations and request revision(s) to the affected flood maps. Section 65.3 of the NFIP regulations requires that a community submit the data as soon as practicable, but no later than 6 months after the data becomes available to the community.

This letter constitutes FEMA's comments on the proposed project described in the draft MEIR. Thank you for the opportunity to review this proposed project. If you have any questions regarding this matter, please contact me, either by telephone at (202) 646-3843 or by facsimile at (202) 646-4596.

G-3

Sincerely,

Max H. Yuan, P.E., Project Engineer
Hazards Study Branch
Hazard Mapping Division

For: Matthew B. Miller, P.E., Chief
Hazards Study Branch
Hazard Mapping Division

Letter G Federal Emergency Management Agency (FEMA)
August 2, 1001

G-1 The commentor provides a brief description of the Master Plan and identifies the location of the project site on applicable Flood Insurance Rate Maps (FIRM) for the City of Modesto and Stanislaus County. This is an introduction to the comment letter, no response is needed.

G-2 The commentor notes that development in the 100-year floodplain must comply with National Flood Insurance Program (NFIP) requirements and local floodplain ordinances. The commentor states that if the base flood elevations floodway boundary delineations would be affected as a result of the proposed project, then the appropriate scientific or technical data and flood map revision(s) must be submitted to FEMA. When detailed grading and construction plans are developed, the JPA would submit the required data and flood map revision requests to FEMA, if necessary, prior to project construction.

G-3 The commentor concludes the comment letter. No response is required.

LETTER
H

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse

Gray Davis
GOVERNOR

Steve Nissen
DIRECTOR

August 2, 2001

Fred Allen
City of Modesto
1010 Tenth Street, Suite 4400
Modesto, CA 95354

Subject: Tuolumne River Regional Park Master Plan
SCH#: 2000022028

Dear Fred Allen:

The State Clearinghouse submitted the above named Draft EIR 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 August 1, 2001, 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.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "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."

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.

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.

H-1

Sincerely,

Terry Roberts

Terry Roberts
Senior Planner, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
916-445-0613 FAX 916-323-3018 WWW.OPR.CA.GOV/CLEARINGHOUSE.HTML

Document Details Report
State Clearinghouse Data Base

SCH# 2000022028
Project Title Tuolumne River Regional Park Master Plan
Lead Agency Modesto, City of

Type EIR Draft EIR

Description The Tuolumne River Regional Park Master Plan is a land use vision and framework for improvements that will create a regional river-front Park approximately 500 acres in size along the Tuolumne River and south of downtown Modesto.

Lead Agency Contact

Name Fred Allen
Agency City of Modesto
Phone 209 577-5353 **Fax**
email
Address 1010 Tenth Street, Suite 4400
City Modesto **State** CA **Zip** 95354

Project Location

County Stanislaus
City Modesto
Region
Cross Streets Carpenter and Mitchell Roads
Parcel No. various
Township 4S **Range** 9E **Section** 2, 7 **Base**

Proximity to:

Highways 99, 108 and 132
Airports Modesto City/County
Railways UP, Modesto & Empire Traction Co
Waterways Tuolumne River
Schools
Land Use Open Space/Low Density Residential.

Project Issues Air Quality; Archaeologic-Historic; Flood Plain/Flooding; Drainage/Absorption; Noise; Schools/Universities; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Wetland/Riparian; Wildlife

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 4; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; Caltrans, District 10; Department of Housing and Community Development; Department of Health Services; Regional Water Quality Control Bd., Region 5 (Sacramento); Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission; State Lands Commission; Integrated Waste Management Board

Date Received 06/18/2001 **Start of Review** 06/18/2001 **End of Review** 08/01/2001

Note: Blanks in data fields result from insufficient information provided by lead agency.

Letter H State of California Governor's Office of Planning and Research, State Clearinghouse
August 2, 2001

H-1 This letter acknowledges that the TRRP Master Plan MEIR was submitted to the State Clearinghouse and the document has been distributed to the listed agencies and departments. This letter is noted, no response is needed.

LETTER
I

Mr. Patrick Kelly
Principal Planner
City of Modesto
P.O. Box 642
Modesto, CA 95353

AUG 7 2001

August 2, 2001

Dear Mr. Kelly:

I have reviewed both the Master Plan for the TRRP and the Draft Master Environmental Impact Report for the TRRP. There are a few topics that I have identified as having potential problems. I will address these problems and provide my suggestion for their solutions.

In the proposed configuration for the Gateway Parcel, the planned pathways will bisect the meadow in numerous locations, which will in effect cut up the continuity of the meadow and lessen it's potential for bird and wildlife habitat. Intrusion by park visitors walking through the meadow during spring nesting periods will potentially disturb any ground nesting or low shrub nesting bird species near these pathways. Likewise, the continuity of small mammal traveling corridors between bedding and foraging sites will be disrupted by the pathways and human contact. I-1

I suggest that the pathways be situated to maximize long corridors of meadow grasses and shrubs which are not transected by the pathways. This would benefit the habitat while also allowing visitors to view the wildlife, albeit from a further distance than currently proposed.

Secondly, the proposal to have large events in the Gateway parcel (~10,000 - 15,000 people) will likely have detrimental effects on the quality of the habitat for birds and other wildlife. Further degradation of the habitat is also likely from the amount of post event refuse left behind by the crowds. I-2

I recommend that strict controls be implemented to minimize the crowds from entering into sensitive meadow and riparian sections. This would minimize trampling of vegetation and associated wildlife habitat which would otherwise be damaged with uncontrolled access.

A viable alternative to the creation of large parking lots at the Gateway parcel and sports complex would be to utilize satellite parking and establish a shuttle bus service. This would minimize traffic congestion at the park, improve air quality, and retain the aesthetic appeal of the park.

I propose that if event shuttle buses (utilizing current City buses) are used to ferry event goers from parking structures downtown or from nearby vacant lots used for temporary parking, local congestion around the TRRP would be minimized and better crowd control could be enforced. Such procedures have been used effectively in beach communities for years. Furthermore, if bicycle paths were to be extended not only along the river as planned, but also into the surrounding communities and further east along Dry Creek and into it's neighborhoods, vehicular traffic might be reduced by making bicycling into the park a more attractive and viable alternative. Such bicycle paths have been used in communities like Davis and Stanford, CA to decrease vehicular traffic within the community during special events like football games and concerts. I-3

Finally, in the Master EIR, section IV D (e), comments are made regarding impacts of the floodplain recontouring. The suggestion that the long term benefits of the project outweigh the possible (and most likely probable) negative short term impacts begs the question of the real and detrimental effects that will happen in the short term. Increased solar irradiation on the water surface from the removal of shade providing riparian trees will increase water temperatures in sensitive shallow I-4

water habitats on the north bank of the Tuolumne River. This will potentially make the near shore habitat unusable for emigrating fry and smolts due to increased water temperatures and lack of overhead coverage from predators. Influx of nutrients from overhanging vegetation and leaf fall will be eliminated until the "new" riparian corridor has become established. This reduction in allochthonous inputs will decrease productivity of micro- and macroinvertebrates in this reach dependent on this nutrient source for growth. Furthermore, following recontouring, the banks will be essentially denuded of vegetation and will become a source of silt during runoff events even with protective barriers in place. Additional erosion of the river banks will probably occur due to the loss of stabilizing root systems from riparian vegetation.

I-4

I-5

To mitigate these negative impacts, I suggest that the recontouring be done in stages along the TRRP reach and that any large woody debris be placed along the banks of the Tuolumne River in bundles or mats. With proper placement, the mats and bundles will provide much needed protective habitat and velocity refuges for juvenile salmon during their outward migration. Additionally, the brush piles will also serve as excellent habitat for aquatic invertebrates which will then be available to the salmon juveniles and smolts to feed on. Furthermore, with appropriate placement, the mats and bundles can be used to direct the river flow into a more natural channel, thus providing a deeper main channel with bend pools for adult salmon to hold in during their spawning run upstream. Currently, the Tuolumne River in the sand bed reach is a relatively broad and shallow river. The river channel could be recontoured using the woody debris from the riparian/ floodplain grading to make a more "fish friendly" low water channel with a more complex and diverse habitat. With proper attention to the river's hydraulics, the "waste" from the floodplain recontouring could be used to enhance the instream aquatic habitat and provide an environmentally beneficial alternative to the current plans.

I-6

I believe that my recommendations deserve consideration during the review and comment period. The suggestions I have offered will hopefully be used to enhance the plans for the TRRP and maximize the potential for this project. If implemented in a thoughtful and responsible manner, the Tuolumne River Regional Park can live up to it's goals and enhance the lives of the people and wildlife that come into contact with it.

I-7

Sincerely:

Jeffrey S. Stuart, MS, BA
Aquatic Biologist
1108 Wickford Circle
Modesto, CA 95355

Letter I Jeffrey S. Stuart
August 2, 2001

I-1 The commentor is concerned that the planned pathways in the Gateway Parcel would bisect the meadow in numerous locations, which will lessen it's potential for bird and wildlife habitat. The majority of the Gateway Parcel site currently consists of disked open land, providing little valuable habitat for wildlife. Implementation of the TRRP Master Plan would improve the habitat value for wildlife throughout the park, including the Gateway Parcel. The planned riparian restoration work and increased vegetation on the site would greatly enhance existing aquatic and terrestrial habitat, attracting more wildlife to the park. Specifically the planting of wildflower meadows, new groves of native trees, and restoration of the native riparian corridor in the Gateway Parcel would result in an improvement in habitat value for wildlife. A thin strip of riparian vegetation and stand of valley oaks that currently exists along the Tuolumne River and Dry Creek would be protected and enhanced. Although the proposed location of trails through the meadow in the Gateway may result in some disturbance to wildlife, the TRRP Master Plan would result in a net increase in habitat value.

I-2 The commentor is concerned that large special events in the Gateway parcel and the amount of post-event refuse left behind by the crowds would have detrimental effects on the quality of the habitat for birds and other wildlife. The commentor recommends strict controls be implemented to minimize the crowds from entring into sensitive meadow and riparian sections. As noted in response to comment I-1, implementation of the TRRP Master Plan would result in better quality habitat for wildlife. During special events, people would generally be confined to areas designated for recreational use. While some people may stray in sensitive habitat areas, it would not have a significant effect on wildlife species or habitats. Event organizers would be responsible to event maintenance and required to clean-up any refuse left by people attending the event.

I-3 The commentor recommends the use of satellite parking and shuttle bus service to events held in the TRRP and the extension of bicycle paths into the surrounding communities to reduce traffic. The TRRP Master Plan supports the use of alternative means of transportation to access the park. As noted in Mitigation Measure Traffic-4 and Mitigation Measure Traffic-5 on page IV-A-25 of the Draft MEIR, an event parking management plan shall be created prior to events held at the amphimeadow and large special events in the Gateway Parcel. During special events it would be possible to provide coordinated bus service from downtown parking lots and garages to the Gateway Parcel. The Master Plan also encourages the use of bicycles as a mode of transportation. A network of Class I (off-street) bicycle and pedestrian paths would be constructed in the TRRP. The Master Plan supports the extension of regional bikeways in the surrounding communities. However, extension of bikeways outside of the TRRP site is outside the scope of the Master Plan, and thus is not studied further in the MEIR.

I-4 The commentor is concerned about the short-term detrimental effects of the removal of shade, and subsequent increase in water temperatures, from floodplain recontouring on emigrating fry and smolts. As noted on page IV-D-27, although reduced stream shading has the potential to result in increased water temperatures, this is considered unlikely in the TRRP area because removal of riparian vegetation as a result of project construction and bank restoration would be confined to a few specific locations on the north bank of the Tuolumne River and the west bank of Dry Creek. The north bank of the Tuolumne River, because of the angle to the sun (due to latitude) and the east-west orientation of the Tuolumne River, generally does not provide as much shade to the channel as vegetation on the south bank. Therefore, no significant adverse water temperature impacts are expected.

I-5 The commentor is concerned that the influx of nutrients from overhanging vegetation and leaf fall would be eliminated during floodplain contouring, thereby reducing the productivity of micro-and macro-invertebrates in this reach of the river. As noted on page IV-D-27, because ample overhead cover, and the nutrients provided by it to aquatic organisms, would be available to these species in adjacent areas where riparian vegetation remained undisturbed, impacts would not be considered significant. No mature oaks will be removed during implementation of the TRRP Master Plan.

I-6 The commentor is concerned that that during bank recontouring, the banks would be denuded of vegetation and would become a source of silt during runoff events even with protective barriers in place. The commentor recommends several measures to reduce these negative impacts. Mitigation Measures Hydro-3, Hydro-5, and Hydro-6 have been revised in Chapter II of this Final MEIR to clarify that where feasible, the most natural bank stabilization approach shall be used for erosion control. Mitigation Measure Bio-3 on page IV-D-31 of the MEIR, includes measures to prevent sediment-laden runoff from entering the river channel and requires that the project proponents consult with NMFS and USFWS under Section 7 of ESA to ensure impacts to sensitive fish species are less-than-significant.

I-7 The commentor requests that the recommendations provided in the comment letter be considered to enhance the plans for the TRRP. The measures recommended by the commentor are noted for the record and have been incorporated where appropriate.

LETTER
J

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY GRAY DAVIS, Governor

DEPARTMENT OF TRANSPORTATION

P.O. BOX [illegible] STOCKTON, CA 95201
TDD (209) 948-7981
(209) 948-7936

August 6, 2001

STA-99-PM-R14.927
Notice of Completion
Draft Environmental Impact Report
Tuolumne River Regional Park
Master Plan
SCH #200022028

Fred Allen
City of Modesto
Recreation and Neighborhoods
Parks Planning Division
1010 10th St., Suite 4400
Modesto, CA 95354

Dear Mr. Allen

Thank you for the opportunity to review the above-referenced document, notice of completion of a draft environmental impact report for the Tuolumne River Regional Park Master Plan which is located between Mitchell and Carpenter Roads in the Modesto Urban Area.

Transportation Planning has circulated these documents through our normal interdepartmental review process and we have the following comment on this project.

The Environmental Branch has the following comments:

- It has come to our attention that if the Master Plan is concluded as is, Section 4f issues within the Department of Transportation Act may arise. State Route 999 passes over the proposed park and bike path. There is no provision, at this time, which addresses the necessity for bridge construction work and temporary construction access. The City of Modesto, Stanislaus County, and the City of Ceres will also have to consider these restrictions if FHWA funding is used to construct their bridges.

- A possible solution would be to identify the bridge rights-of-way for transportation. This would document the joint planned use of the land by the County and Cities as well as the park.

J-1

The Traffic Operations/Safety Branch has the following comments:

- Caltrans requests the proponent provide a traffic study for this project. Additional comments will be made by Caltrans to determine any mitigation for impacts created by the proposed development.

J-2

If you have any questions or concerns regarding this project, please contact John E. Williamson of my staff at (209) 948-7936 or email john_e_williamson@dot.ca.gov.

Letter J California Department of Transportation (Caltrans)
August 6, 2001

J-1 The commentor is concerned that there is no provision, at this time, that addresses the necessity for bridge construction work and temporary construction access by Caltrans. The commentor recommends that the bridge rights-of-way for transportation be identified. The Master Plan does not preclude Caltrans' access for bridge construction work. Although bridge rights-of-way have not been identified, the JPA acknowledges that Caltrans may need access to the bridge for construction and maintenance activities. Caltrans will be consulted when detailed construction plans are developed to ensure adequate access is provided for bridge maintenance.

J-2 The commentor requests the proponent provide a traffic study for this project. A traffic analysis was conducted to assess the potential impacts to traffic and circulation that would result from implementation of the Master Plan. Potential impacts and mitigation measures are identified on pages IV-A-15 through IV-A-26 of the MEIR.

LETTER
K

MID Modesto Irrigation District
Water and Power

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

August 07, 2001

City of Modesto
Recreation and Neighborhoods
Department
P. O. Box 642
Modesto, CA 95353

Regarding: **Tuolumne River Regional Park Master Plan**

Thank you for giving the District the opportunity to comment

ELECTRICAL:

No apparent impacts for the Electrical Division

IRRIGATION:

MID Water Division's primary concern with the Tuloumne River Region Park is the Proposed construction of facilities within the 100-year floodplain. Two of the major facilities within this area included the Amphimeadow and the Sports Complex. The draft MEIR devotes a great deal of time and effort in discussing the facility impacts and the City's plan to mitigate these impacts. MID has reviewed the City's EIR comments and feels the construction issues are adequately covered. However, two items should be noted as the City moves to finalize their EIR. First is the minimum flow of Dry Creek noted in the third paragraph on Page IV-F-4. Our records for this DWR gage show the maximum flow record to be 7710 cfs and occurring December 23, 1955. The second item pertains to the maximum operating flows in the Tuloumne River at Modesto. Historically the maximum flow measured at the Ninth Street Bridge under normal conditions is 9000 cfs. Currently the Army Corps of Engineers and Department of Water Resources are conducting the Sacramento-San Joaquin River Basins Comprehensive Study. As part of this study, modifications to reservoir operations are being considered. This re-operation could result in the doubling of the allowable flood releases from Don Pedro during flood operations. A maximum release of 15,000 to 18,000 cfs is possible and should be used as a guide in the placement of any permanent facilities and equipment.

K-1

K-2

K-3

DOMESTIC WATER:

K-4

No comments at this time.

8-7-01
Date

Beverly Hatcher
Risk and Property Analyst

Letter K Modesto Irrigation District
August 7, 2001

K-1 The commentor states that the TRRP Master Plan proposes construction of facilities within the 100-year floodplain and notes that the construction issues are adequately covered. This comment is noted.

K-2 The commentor states that the maximum flow recorded for Dry Creek was 7710 cfs, occurring December 23, 1955. The MEIR has been revised in Chapter II of this Final MEIR to reflect this comment.

K-3 The commentor provides information about modifications to the reservoir operations currently being considered in the Sacramento-San Joaquin River Basins Comprehensive Study. The commentor notes the potential change in the maximum allowable flood releases from Don Pedro dam during flood operations and recommends it be used as a guide in the placement of any permanent facilities and equipment. Any future facility siting under the Master Plan will use the best available information on current and planned operations of Don Pedro dam. Facility siting would take into consideration changes in dam operations that could change the areas designated in the 100-year floodplain or floodway.

K-4 The commentor notes that they have no comments on the issue of domestic water at this time. No response is needed.

LETTER
L

CITY OF MODESTO
MEMORANDUM

Date: August 8, 2001

To: Fred Allen, Parks Planning and Development manager
From: Helen Wang, Transportation Planner HW
Subject: Draft Master EIR for the Tuolumne River Regional Park Master Plan

Thank you for the opportunity to review the above-mentioned Draft MEIR dated May 2001. My comments are as follows:

1. Some numbers in Figure A-2 and Table A-7 Existing Plus Tuolumne River Regional Park Traffic Volumes do not match. Figure A-3 and Table A-9 also need to be matched. **L-1**

2. . Table A-5. Regional Sports Complex Trip Generation. This table only assumes weeknight practices. Weekday practices and weekday games with spectators should be included. City Stockton has a regional four-diamonds softball field. It has three games a day on each of the four fields, on all five weekdays. They also have many weekend games. A similar frequenc usage should be assumed for the Regional Sports Complex in Modesto in the future Focused EIR. **L-2**

3. Table A-5. Trip generation assumed for "Saturday Soccer Games on one field (30 players)" seems too low. The traffic impact study assumes that a soccer game would generate 23 in-tri and 9 out-trips before the game and assumes the same numbers of trips after the game. It see as if no spectators are assumed for the game. Since one field will be a tournament level play field with bleachers, a large number of spectators could be expected. The future focused EIR traffic impact study should analyze games with spectators. **L-3**

4. With the TRRP development, what is its impact on SR-99/Tuolumne Blvd. ramp intersection What kinds of traffic control are needed there? The MEIR traffic impact study needs to addr the issue. **L-4**

cc: Firoz Vohra, Traffic Engineer

Letter L City of Modesto
August 8, 2001

L-1 The commentor notes that some numbers in Figure A-2 and Table A-7 and Figure A-3 and Table A-9 do not match. The traffic volumes forecasts presented in these tables and figures in the Draft MEIR were inconsistent. Values in the figures were rounded off and values in the tables were not. During the traffic analysis, traffic volumes were generated for each segment of a roadway. For simplification purposes, the figures and tables present one value for the entire roadway rather than present values for each segment of the roadway. In some cases, the values presented in the tables and figures were taken from different segments of the roadway. The analysis for the traffic and circulation chapter were based on the volumes generated for each segment, and not on the simplified figures presented in the tables and figures. The values presented in the two tables have been changed in Chapter II of this Final MEIR to correspond to those in the figures. These changes do not affect the analysis conclusions, impacts or mitigation measures.

L-2 The commentor states that Table A-5 does not assume weekday games and practices at the Regional Sports Complex. The commentor recommends that the frequency of usage assumed for the Regional Sports Complex should be three games a day on five week days in the future Focused EIR. As described on page IV-A-10 of the Draft MEIR, the extent of organized activities at the Sports Complex has not yet been determined. The Sports Complex has been identified as a subsequent project in the MEIR. Additional environmental review will be conducted when detailed plans are developed for the Regional Sports Complex.

L-3 The commentor states that they believe the trip generation assumed for "Saturday Soccer Games on one Field" (30 players) seems too low and recommends the future focused EIR traffic impact study should assume more spectators attending the games. Please see response to comment L-2. Additional environmental review will be conducted when detailed plans for the Sports Complex are developed, and specifically, when the number and types of fields are determined.

L-4 The commentor requests that the MEIR traffic impact study address the potential impact on SR-99/Tuolumne Blvd. ramp intersections with implementation of the TRRP Master Plan. Implementation of the proposed Master Plan could potentially impact the SR-99/Tuolumne Boulevard ramp intersection during large special events. As noted in Mitigation Measure Traffic-1 and Traffic-2, on pages IV-A-23 and 24 of the Draft MEIR, a traffic management plan shall be created which identifies ways to reduce congestion during special events at the amphimeadow and from large special events. Caltrans District 10 will be contacted during the development of the traffic management plans to identify measures to reduce potential congestion on the State Highway system and ramp intersections during these events.

LETTER
M

FRIENDS OF THE TUOLUMNE, INC.
2412 Hilo Lane
Ceres, CA 95307
(209) 537-5628
Working for the Benefit of the River
dboucher@netfeed.com

August 8, 2001

Mr. Patrick Kelly
Principal Planner
City of Modesto
P.O. Box 642
Modesto, CA 95353

Dear Mr. Kelly:

Based on our review of the Draft Master Environmental Impact Report for the Tuolumne River Regional Park, we have these comments:

Although the noise from the proposed amplified sound is studied for its impact on people, no report was made on its impact on resident and feeding wildlife. Per Jim Niskanen, 10 or more events each year are expected. Therefore, although the impact may be short-term for each event, the cumulative impact must be analyzed. When the numerous events are scheduled during the nesting, chick-raising, and feeding seasons, the cumulative impacts must be considered. M-1

Because the use is expected to be frequent, the study must also include the impact from night lights on the nesting and chick-raising birds, and nocturnal animals. M-2

What consideration was given to reducing these impacts by curtailing amplified sound and night lights so that by dusk the park becomes more compatible with wildlife needs? By encouraging wildlife, the natural aspect of the park will be protected for users seeking an opportunity to enjoy the wildlife. A discussion of the impacts reducing the enjoyment for passive users (walkers, picnickers, and bicyclers) needs to be included. M-3

Pollution from the amphimeadow was not discussed. Fertilizer and pesticides used to maintain the amphimeadow (so that sitting will be pleasurable) must be studied. The amphimeadow is so close to Dry Creek that the designed riparian buffer will not be adequate to filter out pollution and prevent its contamination of Dry Creek and, therefore, the Tuolumne River. Also, has any necessary M-4 M-5

mosquito abatement been studied as to its effect on birds and mammals that feed on mosquitos? Will irrigation water kill the resident oak trees that are targeted for retention? M-5 M-6

The loop road was treated as a "given." However, the plan is incomplete unless a "none" or reduced alternative is given for the loop road. Other configurations, or no loop road are alternatives that were frequently requested at the public workshops. The EIR should respect the public concern and address the alternatives. Chapter "I.D. Areas of Controversy" should include the loop road, based on both public comments at the workshops and written comments received by the City of Modesto Recreation and Neighborhoods Department during the outreach process. M-7

One of the questions that needs to be studied is the impact of traffic if the parking is reduced at Gateway. Would reduced parking opportunities encourage more people to use the alternative parking sites and, therefore, reduce the negative impacts of increased traffic on the Ninth Street Bridge. Also, Table II-5 states that the impact would be "short-term." However, the cumulative impact of having regularly scheduled negative impact events should be fully analyzed. Short-term is not the only criteria that should be used—frequency of impact is an important element. M-8 M-9

Page II-17 Mitigation Measure Hydro-5 states that the proposed amphimeadow may require surface protection for the banks and surrounding area to prevent scour and erosion. These mitigation measures may cause detrimental impacts on the riparian corridor habitat. This needs to be more fully explained.

Page II-17 Mitigation Measure Hydro-6 states that the proposed pedestrian bridge may require erosion control. These erosion controls may cause negative impacts on the adjacent riparian corridor and need to be fully explained. M-10

How far up Dry Creek will the pedestrian bridge be built? What impact will the location have on birds and mammals using the Tuolumne River riparian corridor? What impact will the location have on foot traffic down to the river? What impact will the location have on animals using Dry Creek riparian corridor—birds and mammals? M-11

The Gateway plan included areas for boat launch. The potential results of having boat launches close to the launch in Legion Park need to be fully explored. What type of activity will close launches encourage? Is the Park equipped to have a launch in Gateway with adequate restroom facilities immediately near the launch? What will be the results if no restroom facilities are immediately nearby? M-12

Page IV-D-18 states that the Cooper's hawk is known to occur in the project vicinity. Since the Cooper's hawk is a California Species of Special Concern, what measures will be taken to reduce the impact on its foraging during the M-13

special events? At what hours is foraging normal and at what hours will the crowds impact the area? How often? To what degree?

M-13

Page IV-D-24 states that the negative impacts to riparian habitats would be temporary during construction activities. Building an amphimeadow and encouraging amplified sound and night lights will cause regular and significant negative impacts. The EIR must fully evaluate the negative impacts and cannot look only to the construction phase when proposing permanent facilities within the floodplain and immediately adjacent to Dry Creek.

M-14

Page IV-D-25 states that the park would form a continuous riparian corridor. However, because the amphimeadow is designed to intrude on the riparian area along Dry Creek, a study needs to be done concerning the impediment to animal movement and activity caused by the location of the amphimeadow. Stating that the trail use, nighttime lighting, and other human activity would be less-than-significant cannot be accepted when the amphimeadow is designed to be within 50 feet of Dry Creek. A riparian vegetative corridor needs much more width to offset the effects of large, noisy, and nighttime activities.

M-15

Page VII-8 states that placing an amphitheater and holding special events would result in significant short-term traffic, parking, and air quality impacts in any conceivable location within an urban area. Mention should be made of the significant and regular negative impacts on wildlife and the ability of the public to enjoy the river's atmosphere. Not all the negative impacts have been addressed. Some negative impacts would not result in other urban locations. Why is urban a necessary criteria? This is not a Modesto City Park.

M-16

Page VII-8: One of the main objectives of the Master Plan is to "provide a variety of recreational experiences, including opportunities for both active and passive activities." An analysis should be completed that addresses the conflict between passive uses such as picnicking, bicycling, bird-watching, fishing, and walking and the proposed special events 10 weekends each season. By moving activities that do not relate to the river away from the river, such significant conflicts can be eliminated.

M-17

The Draft EIR states that the Plan is consistent with the Modesto Urban Area General Plan. We do not agree. The General Plan states that "riverfront vegetation will be consistent with riparian habitat zones. Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and only uses dependent on such resources shall be allowed within such areas (e.g. nature education and research, fishing and habitat protection." This appears to mean that the riverfront vegetation will be an effective riparian area. Because the amphimeadow is designed to be only 50 feet from Dry Creek, it would violate the intent of the General Plan of enhancing the riparian area in a natural manner. Also, concerts are not dependent on such resources.

M-18

The Stanislaus County General Plan (1994) emphasizes the conservation and management of natural resources and the preservation of open space lands within the county. There are a number of goals and policies within this element of the general plan which relate directly to the TRRP. Goal I of the general plan encourages the protection and preservation of natural and scenic areas throughout the County. Goal 3 reads: Areas of sensitive wildlife habitat and plant life (e.g. vernal pools, riparian habitat, flyways and other waterfowl habitats, etc.) including those habitats and plant species listed in the General Plan Support Document or by state or federal agencies shall be protected from development. This indicates that an amphimeadow developed within 50 feet of Dry Creek will violate the Stanislaus County General Plan as well as the Modesto Urban Area General Plan.

M-18

Sincerely,

Allison Boucher

Allison Boucher
Treasurer

Letter M Friends of the Tuolumne, Inc.
August 8, 2001

M-1 The commentor requests that the MEIR evaluate cumulative impacts on resident and feeding wildlife from amplified sound when numerous events are scheduled during the nesting, chick-raising, and feeding seasons. Special events, including those at the amphimeadow, have been identified as a subsequent project in the MEIR. Additional environmental review will be conducted when detailed plans are available. The increase in noise levels in nearby riparian areas from amplification of large special events and events held at the amphimeadow could potentially affect wildlife species, including State and federally-protected species. Impacts Noise-2 and Noise-3 have been revised in Chapter II of this Final MEIR to clarify the potential impacts associated with project-generated noise. Mitigation Measures Noise-2 and Noise-3 have been expanded to ensure that potential noise impacts to State and federally-protected wildlife species are addressed.

M-2 The commentor requests that the MEIR study the potential impact from night lights on the nesting and chick-raising birds, and nocturnal animals. Page IV-D-25 has been revised in Chapter II of this Final MEIR to address this comment. Further clarification has been provided to note that if lighting is provided in the amphimeadow or for large special events, it would be groundward-focused and not spill into riparian habitat.

M-3 The commentor requests that the MEIR include a discussion of the potential reduction of the enjoyment for passive users (walkers, picnickers, and bicyclers) that may occur due to impacts on wildlife from amplified sound and lighting. The Master Plan creates active and passive areas within the park. The more active, people-intensive activities would be focused on the Gateway Parcel. The implementation of Mitigation Measures Noise-2 and Noise-3 (as revised in Chapter II of this Final MEIR) and use of groundward-focused lighting that would avoid glare and light spillage into riparian areas would ensure potential impacts to wildlife from noise and lighting at the amphimeadow would be less-than-significant. In addition, as noted in the response to comment I-1, implementation of the TRRP Master Plan would result in a net increase in habitat and net benefit for wildlife. Thus, implementation of the Master Plan would not reduce the opportunity for passive users to enjoy wildlife.

M-4 The commentor requests that fertilizer and pesticides used to maintain the amphimeadow should be studied in the MEIR. The commentor is concerned that the designed riparian buffer between Dry Creek and the amphimeadow would not be adequate to filter out pollution and prevent contamination from Dry Creek and the Tuolumne River. A goal of the Master Plan is to minimize or eliminate the use of pesticides and fertilizers that may run off into the river. Page 26 of the Master Plan states, "In general, the TRRP landscape should be maintained without the use of chemical pesticides or herbicides in order to prevent water pollution and harm to wildlife and visitors. In rare circumstances, it may be necessary to use spot applications of these chemicals. This practice should be

kept to a minimum, excluded from the riparian zone near the water's edge, accomplished with products that biodegrade quickly, and done with respect to the needs of nesting wildlife. Since the majority of the plants are native to the area, and are adapted to the local soil types, use of any type of fertilizer or soil amendment is not recommended, except perhaps in irrigated turf zones (applied only as needed)." In addition, stormwater runoff would also be treated onsite using constructed wetlands and vegetated swales where possible. Runoff from the amphimeadow would be channeled through vegetated swales with plants such as tules, sedges, and cattails, to purify runoff and reducing the amount of non-pint source pollution that enters Dry Creek and the Tuolumne River.

M-5 The commentor asks if mosquito abatement has been studied as to its effect on birds and mammals that feed on mosquitos. Mosquito abatement practices would not change with implementation of the Master Plan.

M-6 The commentor asks if irrigation water would kill the resident oak trees that are targeted for retention. As noted on page IV-D-24 of the Draft MEIR, areas that require summer irrigation, such as lawn, would not be planted in the vicinity of oaks to protect them from fungus infection. An objective of the Master Plan is to protect and enhance sensitive habitats and natural areas including wetlands and riparian corridors, and specifically to preserve and enhance stands of exiting mature trees. The Master Plan has been amended to clarify that irrigation will not be used in close proximity to resident oak trees. If irrigation is necessary adjacent to resident oaks, an arborist would be consulted to ensure that impacts to the existing oaks would not occur.

M-7 The commentor stated that a "no Loop Road" alternative was requested at the public workshops and requests that Chapter I.D. Areas of Controversy include the Loop Road. Revisions have been made in Chapter II of this Final MEIR to reflect this comment. A "no Loop Road" alternative was not examined in the MEIR because it would not reduce any of the potentially significant impacts identified through the environmental review. As described on page 42 of the Master Plan, the Loop Road would facilitate access for the handicapped and those who cannot comfortably walk across the park's entire width. The road would also provide access for maintenance and operation vehicles into the park. The Loop Road would be 20 feet wide, including one slow moving 12-foot travel lane, and one 8-foot parallel parking lane. The road would be designed with raised textured crosswalks to slow traffic and provide pedestrians a safe crossing. Conceptual drawings show the southern edge of the Loop Road located approximately 500 feet from the Tuolumne River.

M-8 The commentor requests that a traffic analysis be conducted to determine if traffic impacts on the Ninth Street Bridge would be reduced if fewer parking spaces are provided in the Gateway Parcel than is proposed in the Master Plan. The amount of parking provided by the Master Plan was determined considering typical parking demand for a regional park. A total of 925 new spaces are planned throughout the TRRP to accommodate the anticipated increase in park visitation. A reduction in parking supply is not part of the proposed project. As

noted in Mitigation Measure Traffic-4 and Traffic-5 on page IV-A-25 of the Draft MEIR, an event parking management plan shall be created prior to events held at the amphimeadow and large special events in the Gateway Parcel. During special events it would be possible to provide coordinated bus service from downtown parking lots and garages to the Gateway Parcel to reduce potential traffic impacts. The Master Plan also encourages the use of bicycles as a mode of transportation.

M-9 The commentor requests that the cumulative impact of having regularly scheduled special events with significant short-term traffic impacts be analyzed. The Draft MEIR identified potentially significant short-term increases in traffic when large special events are held in the TRRP. However, the congestion from a large special event held one day would not cumulatively contribute to the congestion caused by a special event held on another day. It is noted that the short-term increase in traffic would create a noticeable increase in traffic congestion above typical patterns, which could create annoyance by area residents or commuters. Mitigation Measures Traffic-1 and Traffic-2 would reduce traffic impacts associated with special events, however, for a short time immediately before and after an event, congestion would still occur. It is anticipated that large special events could occur up to 10 times per year. Special events in the amphimeadow would likely occur more frequently.

M-10 The commentor is concerned that bank protection to prevent scour and erosion identified in Mitigation Measure Hydro-5 and Hydro-6 may cause detrimental impacts on the riparian corridor habitat. Mitigation Measures Hydro-3, Hydro-5, and Hydro-6 have been revised in Chapter II of this Final MEIR to clarify that where feasible, the most natural bank stabilization approach shall be used for erosion control.

M-11 The commentor requests information about the location of the pedestrian bridge on Dry Creek and potential impacts of the location of the bridge on birds and mammals using the Tuolumne River and Dry Creek riparian corridors. The Master Plan is a conceptual plan. The exact location of the pedestrian bridge has not yet been determined. However, for purposes of the Master Plan, the bridge has been shown to be located approximately 200 feet from the confluence of Dry Creek and the Tuolumne River. The pedestrian bridge would not pose a barrier to the movement of wildlife in the riparian corridors. Although human use of the pedestrian bridge could cause some disturbance to wildlife in the riparian corridor, implementation of the Master Plan would result in a net increase in habitat for wildlife.

M-12 The commentor requests more information about the potential results of having a boat launch in the Gateway Parcel close to the boat launch in Legion Park. The Master Plan proposes boat piers or launches in Legion Park, the Golf Course Area, and the Carpenter Road Area. No boat launches are proposed for the Gateway Parcel. It is assumed that the commentor is referring to the level of use of the boat launches and implying that there would be unwanted activities at the boat launches. These are social considerations and are not considered

environmental impacts. This comment is noted for the record. The JPA will take it under advisement when considering the project.

M-13 The commentor requests information about how special events would affect the foraging of Cooper's hawk. Cooper's hawk forages during the day. As noted in Response to comment I-1, the Gateway Parcel site currently consists primarily of disked open land which provides minimal habitat value. Implementation of the Master Plan would result in a net increase in wildlife habitat. The use of the Gateway Parcel for special events would not substantially diminish the foraging habitat and food for Cooper's hawk or other birds.

M-14 The commentor requests the MEIR evaluate the negative impacts of amplified sound and night lights from the amphimeadow. The amphimeadow has been identified as a subsequent project in the MEIR. Additional environmental review will be conducted when detailed plans are available. The increase in noise levels at the nearby riparian areas from amplification of large special events and events held at the amphimeadow could potentially affect wildlife species, including State and federally-protected species. Impacts Noise-2 and Noise-3 have been revised in Chapter II of this Final MEIR to clarify the potential impacts associated with project-generated noise. Mitigation Measures Noise-2 and Noise-3 have been expanded to ensure that potential noise impacts to State and federally-protected wildlife species are addressed. Page IV-D-25 of the Draft MEIR has been revised in Chapter II of this Final MEIR to clarify that if lighting is provided in the amphimeadow or for large special events, it would be groundward-focused and not spill into riparian habitat.

M-15 The commentor requests the MEIR evaluate the impediment to animal movement and activity caused by the location of the amphimeadow close to Dry Creek. The commentor states that a riparian vegetative corridor needs more width to offset the effects of large, noisy, and nighttime activities. The Master Plan is a conceptual plan. The exact location of the amphimeadow has not yet been determined. As noted previously, an objective of the Master Plan is to protect and enhance sensitive vegetative and wildlife habitats and natural areas, including maintaining and enhancing wildlife corridors. Implementation of the Master Plan would increase the wildlife habitat value throughout the park and would create a continuous riparian corridor. Although some projects, like the amphimeadow, could potentially present small barriers to wildlife movement, it would not significantly restrict the movement of wildlife. Further, the amphimeadow is identified as a subsequent project in the MEIR. Additional environmental review will be conducted when detailed plans are available. At that time, this issue would be examined again.

M-16 The commentor states that not all the negative impacts of the amphimeadow have been identified and that the MEIR should discuss the negative impacts on wildlife and the ability of the public to enjoy the river's atmosphere. The amphimeadow has been identified as a subsequent project in the MEIR. Additional environmental review will be conducted when detailed plans are available. It is assumed the commentor is referring to the potential impacts of

noise and lighting associated with events held at the amphimeadow. Impacts Noise-2 and Noise-3 and page IV-D-25 of the Draft MEIR have been revised in Chapter II of this Final MEIR to address these concerns. The commentor questions why an urban location is a necessary criteria for the TRRP. As noted on page III-9 of the MEIR, one of the objectives of the project is to include both active and passive recreation opportunities. For this reason, a location in the urbanized area of the community is most appropriate.

M-17 The commentor requests that an analysis should be completed that addresses the conflict between passive uses such as picnicking, bicycling, bird-watching, fishing, and walking and the proposed special events 10 weekends each season. The commentor notes that conflicts can be eliminated by moving activities that do not relate to the river away from the river. An objective of the Master Plan is to protect and enhance sensitive wildlife habitats and natural areas including wetlands and riparian corridors. Another objective of the Master Plan is to create active and passive areas within the park. Specifically, a goal of the plan is to focus the passive activities on the linear and more natural portions of the park, east and west of the Gateway Parcel. The more active, people-intensive activities would be focused on the Gateway Parcel, where vehicular access is good and the noise and intensity of these uses will not be disruptive to the passive areas of the park.

M-18 The commentor states that they do not agree with a statement in the Draft MEIR that the TRRP Master Plan is consistent with the Modesto Urban Area General Plan or the Stanislaus County General Plan. The commentor specifically states that because the amphimeadow is designed to be only 50 feet from Dry Creek, it would violate the intent of the General Plan of enhancing the riparian area in a natural manner, stating that concerts are not dependent on such resources. The Master Plan is a conceptual plan and the exact location of the amphimeadow has not yet been determined. An increased set-back is worthy of study when detailed design and grading plans are developed. An objective of the Master Plan is to protect and enhance sensitive wildlife habitats and natural areas including wetlands and riparian corridors. Implementation of the Master Plan would result in a net increase in wildlife habitat, and both active and passive recreation opportunities. The amphimeadow would be located outside of the Dry Creek riparian corridor. Enhancement of the riparian vegetation in Dry Creek would occur under the Master Plan. Potential impacts from events held at the amphimeadow on wildlife in the Dry Creek riparian corridor would be reduced to a less-than-significant level with implementation of Mitigation Measures Noise-2 and Noise-3, as revised in Chapter II of this Final MEIR.

LETTER
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YOKUTS GROUP

MOTHER LODE CHAPTER -- SIERRA CLUB

P. O. BOX 855
MODESTO, CALIFORNIA 95353

RECEIVED
AUG 8 2001

Mr. Patrick Kelly, Principal Planner
City of Modesto
P.O. Box 642
Modesto, CA 95353

re: Draft MEIR Tuolumne River Regional Park

Dear Mr. Kelly,

I have several minor questions and then a comment about this document.

The several discussions on traffic to and from the various planned activities and facilities speak only to the parking problems. What about the annoyance, and possible danger, to the neighbors from the increased traffic on their streets? **N-1**

On page IV-B-13, Mitigation Measure 1 speaks of using a chemical stabilizer. *Is it hazardous to wildlife long- or short-term? How long will it take to break* down? How long to migrate to the river? **N-2**

On pages IV-C-2 --15, the description of the noise degradation does not include the effects on the resident wildlife. Since one of the goals of this plan is supposedly to encourage wildlife to come to the area, their likely reaction to the noise degradation we will be inflicting on them should be discussed. **N-3**

Page IV-D-24 mentions boat launching piers. How many?
Page IV-D-25 talks about overlooks and access piers. Are these in addition to **N-4**

the boat piers? How many are planned?

N-4

I would also question the completeness of the draft MEIR. On page VII-E it is stated that the sole justification for choosing the absolute worst of the four possible plans is that there is no alternative convenient site for the ten-plus festivals planned for the Gateway Parcel. Since there ARE convenient alternative sites, I believe that the MEIR must examine each one and explain why it is not acceptable.

The most obvious example of an alternative venue is Thurman Field -- quite near by -- easy to get to -- has seating for 4,000 and ample parking. The concession facilities are also in place. We just spent a good deal of money to make this a very nice facility. Why can it not being used for the festivals?

Graceada Park is also nearby, convenient and is used for festivals. Why is it not acceptable *for these ten-plus?*

Other gatherings have been held successfully in roped-off streets downtown. Again, *convenient with plenty of parking. Why is that not an acceptable alternative?*

I'm sure there are more sites than these that could be used if one wanted to look for them. *To ruin what could be a perfectly lovely spot with a plan that has so many "unavoidable"* negative consequences on the flimsy -- and incorrect -- excuse that "there are no alternative sites" is just not acceptable.

N-5

Sincerely,

Caroline Mitton

Caroline Mitton,
Conservation Co-chair

Letter N Sierra Club, Yokuts Group, Mother Lode Chapter
August 8, 2001

N-1 The commentor requests the MEIR evaluate the annoyance and possible danger to the neighbors from increased traffic on their streets from TRRP activities and facilities. As noted on page IV-A-15, the short-term increase in traffic from events at the Gateway Parcel would create a noticeable increase in traffic congestion above typical patterns, which could create annoyance by area residents or commuters. As required by Mitigation Measures Traffic-1 and Traffic-2 on page IV-A-23 of the Draft MEIR, traffic management plans shall be create which identifies ways to reduce congestion during special events.

N-2 The commentor notes that Mitigation Measure Air-1 on page IV-B-13 of the Draft MEIR describes the use of a chemical stabilizer (to reduce dust emissions from construction activities). The commentor requests information about the potential impacts of the chemical stabilizer on wildlife and how long it will take to breakdown and migrate to the river. Mitigation Measure Air-1 has been revised in Chapter II of this Final MEIR to address this comment.

N-3 The commentor notes that the discussion of noise degradation on page IV-C-2 and IV-C-15 does not include the effects on the resident wildlife. Special events, including those at the amphimeadow, have been identified as a subsequent project in the MEIR. Additional environmental review will be conducted when detailed plans are available. The increase in noise levels at the nearby riparian areas from amplification of large special events and events held at the amphimeadow could potentially affect wildlife species, including State and federally-protected species. Impacts Noise-2 and Noise-3 have been revised in Chapter II of this Final MEIR to clarify the potential impacts associated with project-generated noise. Mitigation Measures Noise-2 and Noise-3 have been expanded to ensure that potential noise impacts to State and federally-protected wildlife species are addressed.

N-4 The commentor asks how many boat launches, overlooks, and access piers are proposed in the Master Plan. The Master Plan designates river access points to focus human activity along the riverfront in specific areas in order to limit human disturbance in the riparian corridor. Table III-2 identifies the type of proposed river access points and where they would be located in the TRRP.

Table III-2
TRRP River Access Points

Area of TRRP	River Overlook	Fishing Pier	Canoe and Kayak Launch
Airport Area	1		
Legion Park	1		1
Gallo/Mancini Area	2		
Gateway Parcel	1	2	
Golf Course Area	1		1
Carpenter Road Area	1		1
Total	**7**	**2**	**3**

N-5 The commentor requests that the MEIR evaluate alternative sites for large special events and explain why they are or are not acceptable alternatives to holding the events in the Gateway Parcel. The commentor recommends Thurman Field, Graceada Park, and roped-off streets downtown as alternative sites for special events.

As noted on page VII-8 of the Draft MEIR, "one of the main objectives of the Master Plan is to 'provide a variety of recreational experiences, including opportunities for both active and passive activities.' The opportunities provided by the Tuolumne River for joint restoration and recreation are not afforded by other locations within the region." An advantage of the Gateway Parcel is that it could be designed to accommodate regional community events and provide an opportunity for people to enjoy the natural environment and learn about the natural riparian processes of the region. Also noted on page VII-8, holding special events would result in significant short-term traffic, parking, and air quality impacts in any conceivable location within an urban area.

Thurman Field is a Class A minor league baseball field that seats approximately 4,000 people. The field's parking lot accommodates approximately 2,500 vehicles. Thurman Field is owned by the City of Modesto and is not under the control of the JPA. Scheduling conflicts could occur during the baseball season. Although Thurman Field could possibly be used for concerts in the future, the field is not suitable for the type of daytime regional community events envisioned to be held in the Gateway Parcel of the TRRP. Although regional events could be accommodated on the baseball field, it does not have a natural setting. Thus, this location would not provide the opportunity for people throughout the region to enjoy and learn about the Tuolumne River and it's natural processes before or after the scheduled special event. Although Thurman Field's parking lot would accommodate more visitors than the parking proposed in the Gateway Parcel, parking demand would exceed supply during large special events. Holding large special events at Thurman Field would not avoid the identified parking traffic, and air quality impacts of the Master Plan.

Graceada Park is a 12-acre park located to the north of Downtown Modesto. The park also includes and a 2,500-person amphitheater and play equipment. Seasonally, "concerts in the park" are held in the park's amphitheater. No parking is provided within the park so during these events, parking spills into the surrounding residential neighborhood. The park is owned by the City of Modesto and is not under the control of the JPA. There is no direct access from the regional highways so park visitors would have to drive through the City of Modesto to reach the park for regional events, resulting in increased traffic impacts. The park is not designed to accommodate large regional community events and would not avoid the identified parking, traffic, and air quality impacts of the Master Plan.

Streets in downtown Modesto have been roped off for large events such as the X-Fest in the past. For these types of events, it is convenient to have easy access to restaurants and bars in downtown Modesto. Although large regional special events could be accommodated by roping off the streets of downtown Modesto, the downtown location would not provide the natural opportunities afforded by a location adjacent to the Tuolumne River. Although the parking supply in downtown would most likely be able to meet the demands of event visitors on weekends, this alternative would not avoid the identified traffic and air quality impacts of the TRRP Master Plan. In addition, to increase the number of annual events in the downtown where vehicle access would be limited may not be desirable for local merchants.

LETTER
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Stanislaus County
Striving to be the Best

CHIEF EXECUTIVE OFFICE
Reagan M. Wilson
Chief Executive Officer
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Phone: 209.525.6333 Fax: 209.544.6225

August 8, 2001

Fred Allen
Manager
Parks Planning and Development
1010 10th Street, Suite 4400
Modesto, CA 95354

SUBJECT: **ENVIRONMENTAL REFERRALS- TUOLUMNE RIVER REGIONAL PARK (TRRP) MASTER PLAN- CITY OF MODESTO**

Mr. Allen:

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

O-1

The ERC appreciates the opportunity to comment on this project.

Sincerely,

W. Richard Jantz, Deputy Executive Officer
Keith D. Boggs, Senior Management Consultant
Environmental Review Committee

KDB:lbh

cc: ERC Members

Letter O Stanislaus County Environmental Review Committee
August 8, 2001

O-1 The commentor states that they have reviewed the TRRP Master Plan MEIR and have no comments at this time. This comment is noted, no response is needed.

LETTER
P

United States Department of the Interior
FISH AND WILDLIFE SERVICE
Stockton Fish and Wildlife Office
4001 North Wilson Way, Stockton, CA 95205-2486
209-946-6400 FAX: 209-946-6355

August 8, 2001

Mr. Fred Allen
Parks Planning and Development Manager
City of Modesto
1010 Tenth Street, Suite 4400
P.O. Box 642
Modesto, CA 95353
(209)577-5344
(209)579-5077

Dear Mr. Allen:

I have read the Draft Master Environmental Impact Report for the Tuolumne River Regional Park and have the following comments:

The EIR must fully evaluate construction and post-construction impacts when proposing permanent public access facilities within the Tuolumne River and Dry Creek floodplains. In addition, the EIR must also consider both the duration and frequency of potential impacts. **P-1**

Mitigation Measures Bio-2 and 3 make mention of implementing sediment runoff controls, however language regarding the maintenance of these controls, silt fences in particular, needs to be included for these devices to be effective. Storm events (i.e. rain, wind), and vandalism diminishes the effectiveness of these controls; hence, appropriate measures need to be in place to properly maintain these sediment control devices. **P-2**

Be advised that under the Endangered Species Act, harassment is the equivalent of a "take", therefore construction activities near the river channel, either on Dry Creek or the Tuolumne River, should coincide with periods when ESA recognized species are not likely to be in the river in appreciable numbers. In addition, post-project noise and activities from the proposed special events included in the Master Plan has the potential to impact or harass ESA species. These potential impacts to ESA species must be considered and addressed. **P-3** **P-4**

In general, activities that do not relate to the river, such as special events, should not be conducted near the river; hence, the location of the amphimeadow should be reconsidered to eliminate conflicts with recreational activities related to the river. If this alternative is not feasible at this stage, then pollution sources originating from the amphimeadow needs to be discussed. Of particular concern would be solid waste (food and beverage containers, cigarette butts, etc.,) and surface runoff entering Dry Creek. The amphimeadow, as designed, is very close to Dry Creek such that the riparian buffer may not be adequate to filter out surface runoff pollution and prevent its contamination of Dry Creek and the Tuolumne River. In addition, the amphimeadow's proximity to Dry Creek would likely encourage foot traffic down to the river and increase the probability of solid waste inputs to Dry Creek. Obviously, the Master Plan has the greatest potential for producing these impacts. P-5 P-6

The impacts of fertilizer and pesticide use in public areas of the TRRP to riparian and aquatic habitat must be evaluated. P-7

Please consider these comments in your final TRRP plan.

Sincerely,

Cesar Cadena Blanco, Ph.D.
Fishery Biologist
U.S. Fish and Wildlife Service
Stockton Fish and Wildlife Office
4001 North Wilson Way
Stockton, CA 95205
(209)946-6400 ext.305

Letter P United States Department of the Interior Fish and Wildlife Service
August 8, 2001

P-1 The commentor states that the MEIR must fully evaluate construction and post-construction impacts when proposing permanent public access facilities within the Tuolumne River and Dry Creek floodplains, and the duration and frequency of potential impacts. The MEIR has identified construction and post-construction environmental effects that could result with implementation of the TRRP Master Plan. Because the TRRP Master Plan is a long-range plan, additional design work would be completed prior to the implementation of individual park improvement projects. The MEIR identifies subsequent projects for which there is not sufficient information reasonably available to support a full assessment of potential impacts in this MEIR. When detailed implementation plans are developed for these Master Plan projects, additional environmental review would be required.

P-2 The commentor requests that language in Mitigation Measures Bio-2 and Bio-3 regarding the maintenance of sediment runoff controls, and silt fences in particular, be included in the MEIR. Mitigation Measures Bio-2 and Bio-3 have been revised in Chapter II of this Final MEIR to address this comment.

P-3 The commentor states that construction activities near the river channel, either on Dry Creek or the Tuolumne River should coincide with periods when ESA recognized species are not likely to be in the river in appreciable numbers. Mitigation Measure Bio-3 has been revised in Chapter II of this Final MEIR to address this comment.

P-4 The commentor states that post-project noise and activities from the proposed special events included in the Master Plan has the potential to impact or harass ESA species, and must be addressed in the MEIR. The increase in noise levels at nearby riparian areas from amplification of large special events and events held at the amphimeadow could potentially affect wildlife species, including State and federally-protected species. Impacts Noise-2 and Noise-3 have been revised in Chapter II of this Final MEIR to clarify the potential impacts associated with project-generated noise. Mitigation Measures Noise-2 and Noise-3 have been expanded to ensure that potential noise impacts to State and federally-protected wildlife species are addressed. In addition, special events, including those at the amphimeadow, have been identified as a subsequent project in the MEIR. Additional environmental review will be conducted when detailed plans are available.

P-5 The commentor recommends that the location of the amphimeadow should be reconsidered to eliminate conflicts with recreational activities related to the river. This comment is on the Master Plan and not the MEIR. This comment is noted for the record, no response is needed.

P-6 The commentor requests the MEIR discuss pollution sources originating from the amphimeadow, particularly solid waste (food and beverage containers, cigarette buts, etc.) and surface runoff entering Dry Creek. The commentor is concerned that the riparian buffer between the amphimeadow and Dry Creek would not be adequate to filter out surface runoff pollution and prevent its contamination of Dry Creek and the Tuolumne River. Event organizers would be responsible for event maintenance and would be required to clean-up any refuse left by people attending the event. See response to comment M-4 for a discussion of the creation of stormwater wetlands and vegetative swales to purify runoff and reduce the amount of non-point source pollution that enters Dry Creek and the Tuolumne River.

P-7 The commentor requests the MEIR evaluate the impacts of fertilizer and pesticide use in public areas of the TRRP to riparian and aquatic habitat. A goal of the Master Plan is to minimize or eliminate the use of pesticides and fertilizers that may run off into the river. See response to comment M-4 for a discussion of the use of pesticides and fertilizers in the TRRP and the creation of stormwater wetlands and vegetative swales to purify runoff and reduce the amount of non-point source pollution that enters Dry Creek and the Tuolumne River.