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Central Valley Regional Water Quality Control Board

22 April 2016

Nathan Houx
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CLEAN WATER ACT §401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; CITY OF MODESTO, TUOLUMNE RIVER REGIONAL PARK GATEWAY PARCEL PHASE 2 PROJECT (WDID#5B50CR00073), STANISLAUS COUNTY

This Order responds to the 8 July 2015 application submitted by the City of Modesto (Applicant) for the Water Quality Certification of the Tuolumne River Regional Park Gateway Parcel Phase 2 Project (Project), permanently impacting 0.03 acre/120 linear feet of waters of the United States.

This Order serves as certification of the United States Army Corps of Engineers' Nationwide Permit # 27 and section 10 of the Rivers and Harbors Act (SPK-2005-00407) under § 401 of the Clean Water Act, and a Waste Discharge Requirement under the Porter-Cologne Water Quality Control Act and State Water Board Order 2003-0017-DWQ.

WATER QUALITY CERTIFICATION STANDARD CONDITIONS:

1. This Order serves as a Water Quality Certification (Certification) action that is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to § 13330 of the California Water Code and § 3867 of the California Code of Regulations.
2. This Certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to § 3855(b) of the California Code of Regulations, and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial Certification action shall be conditioned upon total payment of the full fee required under § 3860(c) of the California Code of Regulations.

4. This Certification is no longer valid if the Project (as described) is modified, or coverage under § 404 of the Clean Water Act has expired.
5. All reports, notices, or other documents required by this Certification or requested by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) shall be signed by a person described below or by a duly authorized representative of that person.
 - (a) For a corporation: by a responsible corporate officer such as: 1) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function; 2) any other person who performs similar policy or decision-making functions for the corporation; or 3) the manager of one or more manufacturing, production, or operating facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (b) For a partnership or sole proprietorship: by a general partner or the proprietor.
 - (c) For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.
6. Any person signing a document under Standard Condition number 5 shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

TECHNICAL CERTIFICATION CONDITIONS:

In addition to the above standard conditions, the Applicant shall satisfy the following:

1. The Applicant shall notify the Central Valley Water Board in writing seven (7) days in advance of the start of any work within waters of the United States.
2. Except for activities permitted by the United States Army Corps of Engineers under § 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.
3. The Applicant shall maintain a copy of this Certification and supporting documentation (Project Information Sheet) at the Project site during construction for review by site personnel and agencies. All personnel (employees, contractors, and subcontractors)

performing work on the proposed Project shall be adequately informed and trained regarding the conditions of this Certification.

4. The Applicant shall perform surface water sampling:
 - a) when performing any in-water work;
 - b) in the event that Project activities result in any materials reaching surface waters; or
 - c) when any activities result in the creation of a visible plume in surface waters.

The sampling requirements in Table 1 shall be conducted upstream out of the influence of the Project, and 300 feet downstream of the work area. The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff.

Table 1:

Parameter	Unit	Type of Sample	Minimum Sampling Frequency	Required Analytical Test Method
Turbidity	NTU	Grab ⁽¹⁾	Every 4 hours during in-water work	(2, 4)
Settleable Material	mL/L	Grab ⁽¹⁾	Every 4 hours during in-water work	(2)
Visible construction related pollutants ⁽³⁾	Observations	Visual Inspections	Continuous throughout the construction period	—

⁽¹⁾ Grab samples shall not be collected at the same time each day to get a complete representation of variations in the receiving water.

⁽²⁾ Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant, the method shall be approved by Central Valley Water Board staff.

⁽³⁾ Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.

⁽⁴⁾ A hand-held field meter may be used, provided the meter utilizes a USEPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring shall be maintained onsite.

Surface water sampling shall occur at mid-depth. A surface water monitoring report shall be submitted within two weeks of initiation of in-water construction, and every two weeks thereafter. In reporting the sampling data, the Applicant shall arrange the data in tabular form so that the sampling locations, date, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the Project complies with Certification requirements. The report shall include surface water sampling results, visual observations, and identification of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria below.

If no sampling is required, the Applicant shall submit a written statement stating, "No sampling was required" within two weeks of initiation of in-water construction, and every two weeks thereafter.

5. The Central Valley Water Board adopted a *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised June 2015 (Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Turbidity and settleable matter limits are based on water quality objectives contained in the Basin Plan and are part of this Certification as follows:

- a) Activities shall not cause turbidity increases in surface water to exceed:
 - i. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTUs;
 - ii. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
 - iii. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
 - iv. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs; and
 - v. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

Appropriate averaging periods may be applied, provided that beneficial uses will be fully protected.

Exceptions to the above limits will be considered when a dredging operation can cause an increase in turbidity. In those cases, an allowable zone of dilution within which turbidity in excess of the limits may be tolerated will be defined for the operation and prescribed in a discharge permit.

- b) Activities shall not cause settleable matter to exceed 0.1 mL/L in surface waters as measured in surface waters within 300 feet downstream of the Project.
6. The Applicant shall notify the Central Valley Water Board immediately if the above criteria for turbidity, settleable matter, or other water quality objectives are exceeded.
7. In-water work shall occur during periods of low flow (i.e., water level is below the construction area) and no precipitation.
8. Activities shall not cause visible oil, grease, or foam in the receiving water.
9. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway. The Applicant must perform frequent inspections of construction

equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.

10. The Applicant shall develop and maintain onsite a project-specific Spill Prevention, Containment and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the Project. The Plan must detail the Project elements, construction equipment types and location, access and staging and construction sequence.
11. Raw cement, concrete (or washing thereof), asphalt, drilling fluids, lubricants, paints, coating material, oil, petroleum products, or any other substances which could be hazardous to fish and wildlife resulting from or disturbed by project-related activities, shall be prevented from contaminating the soil and/or entering waters of the United States.
12. Concrete must be completely cured before coming into contact with waters of the United States. Surface water that contacts wet concrete must be pumped out and disposed of at an appropriate off-site commercial facility, which is authorized to accept concrete wastes.
13. Silt fencing, straw wattles, or other effective management practices must be used along the construction zone to minimize soil or sediment along the embankments from migrating into the waters of the United States through the entire duration of the Project.
14. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the Project area.
15. All areas disturbed by Project activities shall be protected from washout and erosion.
16. All temporarily affected areas shall be restored to pre-construction contours and conditions upon completion of construction activities.
17. Hydroseeding shall be performed with California native seed mix.
18. All materials resulting from the Project shall be removed from the site and disposed of properly.
19. If temporary surface water diversions and/or dewatering are anticipated, the Applicant shall develop and maintain on-site a Surface Water Diversion and/or Dewatering Plan(s). The Plan(s) must be developed prior to initiation of any water diversions. The Plan(s) shall include the proposed method and duration of diversion activities. The Plan(s) must be consistent with this Certification and must be made available to the Central Valley Water Board staff upon request.
20. When work in a flowing stream is unavoidable and any dam or other artificial obstruction is being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream, to maintain beneficial uses of waters of the State below the dam. Construction, dewatering, and removal of temporary cofferdams shall not violate Technical Certification Condition 5 of this Certification.

21. Any temporary dam or other artificial obstruction constructed shall only be built from clean materials such as sandbags, gravel bags, water dams, or clean/washed gravel which will cause little or no siltation. Stream flow shall be temporarily diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.
22. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete, asphalt, paint, coating material, drilling fluids, or other construction-related potentially hazardous substances to surface water and/or soil is prohibited. In the event of a prohibited discharge, the Applicant shall notify the Central Valley Water Board Contact within 24-hours of the discharge.
23. The Applicant shall apply for a name change or amendment to this Certification should any of the following occur: a) a change in the ownership of all or any portion of the Project; b) any change in the Project description; c) any change involving discharge amounts, temporary impacts, or permanent impacts; or d) amendments, modifications, revisions, extensions, or changes to the United States Army Corps of Engineers' Nationwide Permit # 27, the National Marine Fisheries decision document(s), or the California Department of Fish and Wildlife Streambed Alteration Agreement.
24. The Applicant shall submit a copy of the final, signed and dated Lake or Streambed Alteration Agreement to the Central Valley Water Board Contact within 14 days of issuance by the California Department of Fish and Wildlife.
25. The Applicant shall comply with all California Department of Fish and Wildlife requirements, including those requirements described in the Lake or Streambed Alteration Agreement.
26. The Applicant shall comply with all National Marine Fisheries requirements, including those requirements described in the Letter of Concurrence (NMFS # WCR-201503664).
27. The Applicant shall submit a copy of the Letter of Concurrence to the Central Valley Water Board Contact within 14 days of issuance by the National Marine Fisheries.
28. The Applicant shall implement each of the mitigation measures specified in the certified Environmental Impact Report for the Project, as they pertain to biology, hydrology and water quality impacts as required by § 21081.6 of the Public Resource Code and § 15097 of the California Code of Regulations.
29. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. The applicability of any state law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance with this Certification.

- (a) If the Applicant or a duly authorized representative of the Project fails or refuses to furnish technical or monitoring reports, as required under this Certification, or falsifies any information provided in the monitoring reports, the applicant is subject to civil liability, for each day of violation, and/or criminal liability.
 - (b) In response to a suspected violation of any condition of this Certification, the Central Valley Water Board may require the Applicant to furnish, under penalty of perjury, any technical or monitoring reports the Central Valley Water Board deems appropriate, provided that the burden, including cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) The Applicant shall allow the staff of the Central Valley Water Board, or an authorized representative(s), upon the presentation of credentials and other documents, as may be required by law, to enter the Project premises for inspection, including taking photographs and securing copies of project-related records, for the purpose of assuring compliance with this Certification and determining the ecological success of the Project.
30. The Applicant shall provide evidence of all on-site compensatory mitigation to the Central Valley Water Board with the Notice of Completion. As required by the U.S. Army Corps of Engineers, the Applicant will create 5.9 acres of seasonally wet riparian habitat within the created riparian terraces and 1.2 acres of seasonal wet riparian habitat at the backwater channel to Dry Creek for a total of 7.1 acres of newly created riparian habitat. The riparian habitat within the terraces will be located below the ordinary high mark (OHWM), and the backwater channel will be inundated to the OHWM, with riparian species planted around the OHWM.

Compensatory mitigation must comply with the effective policy, which ensures no overall net loss of wetlands for impacts to waters of the State, at the time of Certification.

NOTIFICATIONS AND REPORTS:

31. The Applicant shall provide a Notice of Completion (NOC) no later than 30 days after the Project completion. The NOC shall demonstrate that the Project has been carried out in accordance with the Project description in the Certification and in any approved amendments. The NOC shall include a map of the Project location(s), including final boundaries of any on-site restoration area(s), if appropriate, and representative pre and post construction photographs. Each photograph shall include a descriptive title, date taken, photographic site, and photographic orientation.
32. The Applicant shall submit all notifications, submissions, materials, data, correspondence, and reports in a searchable Portable Document Format (PDF). Documents less than 50 MB must be emailed to: centralvalleysacramento@waterboards.ca.gov. In the subject line of the email, include the Central Valley Water Board Contact, Project name, and WDID number as shown in the subject line above. Documents that are 50 MB or larger must be transferred to a disk and mailed to the Central Valley Water Board Contact.

STORM WATER QUALITY CONDITIONS:

The Applicant shall also satisfy the following additional storm water quality conditions:

1. During the construction phase, the Applicant must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include the following:
 - (a) the Storm Water Pollution Prevention Plan must be prepared during the Project planning and design phases and implemented, as appropriate, before construction; and
 - (b) an effective combination of erosion and sediment control Best Management Practices (BMPs) must be implemented and adequately working prior to the rainy season and during all phases of construction.
2. The Applicant must minimize the short and long-term impacts on receiving water quality from the Project by implementing the following post-construction storm water management practices and as required by local agency permitting the Project, as appropriate:
 - (a) minimize the amount of impervious surface;
 - (b) reduce peak runoff flows;
 - (c) provide treatment BMPs to reduce pollutants in runoff;
 - (d) ensure existing waters of the State (e.g., wetlands, vernal pools, or creeks) are not used as pollutant source controls and/or treatment controls;
 - (e) preserve and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones;
 - (f) limit disturbances of natural water bodies and natural drainage systems caused by development (including development of roads, highways, and bridges);

- (g) use existing drainage master plans or studies to ensure incorporation of structural and non-structural BMPs to mitigate the projected pollutant load increases in surface water runoff;
 - (h) identify and avoid development in areas that are particularly susceptible to erosion and sediment loss, or establish development guidance that protects areas from erosion/sediment loss; and
 - (i) control post-development peak storm water run-off discharge rates and velocities to prevent or reduce downstream erosion, and to protect stream habitat.
3. The Applicant shall ensure that all development within the Project provides verification of maintenance provisions for post-construction structural and treatment control BMPs as required by the local agency permitting the Project. Verification shall include one or more of the following, as applicable:
- (a) the developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; or
 - (b) written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; or
 - (c) written text in Project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a home owner's association, or other appropriate group, for maintenance of structural and treatment control BMPs; or
 - (d) any other legally enforceable agreement that assigns responsibility for storm water BMPs maintenance.

CENTRAL VALLEY WATER BOARD CONTACT:

Peter Minkel, Engineering Geologist
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-8114
Peter.Minkel@waterboards.ca.gov
(916) 464-4684

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The City of Modesto is the Lead Agency under CEQA for the Regional Park Gateway Parcel Phase 2 Project pursuant to § 21000 et seq. of the Public Resources Code. The City of Modesto certified the Tuolumne River Regional Park Master Plan Master Environmental Impact Report on 13 December 2001 and approved the Tuolumne River Regional Park Gateway Precise Plan Negative Declaration on 13 September 2005. The City of Modesto filed a Notice of Determination with the State Clearinghouse on 16 September 2005 (State Clearing House No. 2000022028) and 20 September 2005 (State Clearinghouse No. 2005062005), respectively.

The Central Valley Water Board is a responsible agency for the project. The Central Valley Water Board has determined that the Tuolumne River Regional Park Master Plan Master

Environmental Impact Report and the Tuolumne River Regional Park Gateway Precise Plan Negative Declaration are in accordance with the requirements of the California Environmental Quality Act.

With regard to the remaining impacts identified in the Tuolumne River Regional Park Master Plan Master Environmental Impact Report, the corresponding mitigation measures proposed are within the responsibility and jurisdiction of other public agencies.

WATER QUALITY CERTIFICATION:

I hereby issue an Order certifying that any discharge from the City of Modesto, Tuolumne River Regional Park Gateway Parcel Phase 2 Project (WDID#5B50CR00073) will comply with the applicable provisions of § 301 ("Effluent Limitations"), § 302 ("Water Quality Related Effluent Limitations"), § 303 ("Water Quality Standards and Implementation Plans"), § 306 ("National Standards of Performance"), and § 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. Through this Order, this discharge is also regulated under State Water Resources Control Board Water Quality Order No. 2003-0017 DWQ "Statewide General Waste Discharge Requirements For Dredged Or Fill Discharges That Have Received State Water Quality Certification (General WDRs)".

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in compliance with the conditions of this Certification, the City of Modesto's application package, and the attached Project Information Sheet; and b) compliance with all applicable requirements of the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised June 2015.

Original Signed By Adam Laputz for :

Pamela C. Creedon
Executive Officer

Enclosure: Project Information Sheet

Attachment: Figure 1 – Project Location Map
Figure 2 – Site Map

cc: Distribution List, page 15

PROJECT INFORMATION SHEET

Application Date: 8 July 2015

Applicant: Nathan Houx
City of Modesto
P.O. Box 642
Modesto, CA 95353

Applicant Representative: Tom Barnard
AECOM Technical Services
2020 L Street, Suite 400
Sacramento, CA 95811

Project Name: Tuolumne River Regional Park Gateway Parcel Phase 2 Project

Application Number: WDID#5B50CR00073

Date on Public Notice: 31 July 2015

Date Application Deemed Complete: 18 August 2015

Type of Project: Recreation – Outdoor Recreation

Approved Months of Project Implementation: June 2016 to December 2016

Project Location: Section 32, Township 3 South, Range 9 East, MDB&M.
Latitude: 37°37'38.94"N and Longitude: 120°59'42.74" W

County: Stanislaus County

Receiving Water(s) (hydrologic unit): Tuolumne River, San Joaquin Hydrologic Basin, San Joaquin Valley Floor Hydrologic Unit #535.50 Turlock HA

Water Body Type: Streambed

Designated Beneficial Uses: The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised June 2015 (Basin Plan) has designated beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the project include, but are not limited to: Municipal and Domestic Water Supply (MUN); Agricultural Supply (AGR); Industrial Supply (IND); Hydropower Generation (POW); Groundwater Recharge (GWR); Water Contact Recreation (REC-1); Non-Contact Water Recreation (REC-2); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); Preservation of Biological Habitats of Special Significance (BIOL); Rare, Threatened, or Endangered Species (RARE); Migration of Aquatic Organisms (MIGR); Spawning,

Reproduction, and/or Early Development (SPWN); and Wildlife Habitat (WILD). A comprehensive and specific list of the beneficial uses applicable for the project area can be found at http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/index.shtml.

303(d) List of Water Quality Limited Segments: The Tuolumne River is the receiving water for the Tuolumne River Regional Park Gateway Parcel Phase 2 Project. The Tuolumne River, is on the 303(d) list for chlorpyrifos, diazinon, group A pesticides, mercury, temperature, and unknown toxicity. This project, as conditioned with mitigation measures to prevent transport of sediment due to project activities, will minimize impacts to the Tuolumne River. The most recent list of approved water quality limited segments is found at: http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2012.shtml.

Project Description: The Tuolumne River Regional Park Gateway Parcel Phase 2 Project (Project) is located between the Tuolumne River, State Route 99, and Tuolumne Boulevard, within the City of Modesto in Stanislaus County (see Figure 1). A 401 Water Quality Certification was issued on 20 July 2006 (WDID#5B50CR00029) and amended on 2 October 2007 (WDID 5B50CR00029A) for Phase 1. Phase 2 of the Project consists of constructing a Riverwalk Trail system with 12-foot wide pervious pavement with an adjacent 4-foot wide decomposed granite trail. In addition, a backwater channel will be created to collect local runoff from the site and provide aquatic habitat during high river flows. A portion of the site will be graded to create a maximum 200-foot-wide (at the widest point), 625-foot-long channel extending from the Tuolumne River up onto the Phase 2 Project site. A fish terrace between the river and backwater channel will allow for unimpeded movement between the Tuolumne River and the channel. The channel will have a maximum depth of 10-11 feet at its deepest point. The north bank of the Tuolumne River will be altered by grading and reducing the existing bank by approximately 16 feet within the footprint of the created backwater channel, in order to allow seasonal high water flows to enter the backwater channel to support wetland habitat. A pre-fabricated steel plank bridge, 15-foot wide and 100-foot long, will be constructed over the mouth of the backwater channel as part of the trail system.

Impacts to 0.03 acre/120 linear feet of waters of the United States are from the work conducted on the north bank of the Tuolumne River (e.g., construction of the backwater channel). All other project activities will not impact waters of the United States.

No dewatering will occur within the Project area. No wet concrete will be placed into the Tuolumne River. The Project will permanently impact 0.03 acre/120 linear feet of waters of the United States.

Preliminary Water Quality Concerns: Construction activities may impact surface waters with increased turbidity and settleable matter.

Proposed Mitigation to Address Concerns: The Applicant will implement Best Management Practices to control sedimentation and erosion.

The Applicant will conduct turbidity and settleable matter testing during in-water work, stopping work if Basin Plan criteria are exceeded or observations indicate an exceedance of a water quality objective.

All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities to provide 1:1 mitigation for temporary impacts.

Excavation/Fill Area: None

Dredge Volume: Approximately 300 cubic yards of native soil will be dredged from 0.03 acre of waters of the United States.

California Integrated Water Quality System Impact Data: The Project will permanently impact 0.03 acre/120 linear feet of stream bed habitat from dredging activities.

Table 2: Impacts from Dredging Activities

Aquatic Resource Type	Temporary			Permanent					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	Cubic-yards	Linear-feet	Acres	Cubic-yards	Linear-feet	Acres	Cubic-yards	Linear-feet
Stream Channel	--	--	--	0.03	300	120	--	--	--

United States Army Corps of Engineers File Number: SPK-2005-00407

United States Army Corps of Engineers Permit Type: Nationwide Permit #27 and Section 10 of the Rivers and Harbors Act

California Department of Fish and Wildlife Lake or Streambed Alteration Agreement: The Applicant applied for a Lake or Streambed Alteration Agreement on 13 July 2015.

Possible Listed Species: Valley Elderberry Beetle, Longhorn Kern Brook Lamprey, River Lamprey, Pacific Lamprey, Steelhead Trout, Chinook Salmon, Sacramento Splittail, Western Pond Turtle, California Horned Lizard, Osprey, White Tailed Kite, Bald Eagle, Cooper's Hawk, Swainson's Hawk, Merlin, Western Burrowing Owl, California Horned Lark, Loggerhead Shrike, California Yellow Warbler, Merced Kangaroo Rat, and San Joaquin Pocket Mouse,

Status of CEQA Compliance: The City of Modesto certified the Regional Park Gateway Parcel Phase 2 Environmental Impact Report (State Clearinghouse No. 2000022028) on 13 December 2001 and approved the Negative Declaration for the Tuolumne River Regional Park Gateway Precise Plan on 13 September 2005 (State Clearinghouse Number No. 2005062005). The City filed a Notice of Determination for the Tuolumne River Regional Park Master Plan Environmental Impact Report with the State Clearing House on 13 December 2001 and the Tuolumne River Regional Park Master Plan Negative Declaration on 20 September 2005.

The Central Valley Water Board will file a Notice of Determination with the State Clearinghouse as a responsible agency within five (5) days of the date of this Certification.

Compensatory Mitigation: Upon completion, the City of Modesto shall provide evidence of all on-site and off-site compensatory mitigation to the Central Valley Water Board. Applicant will create 5.9 acres of seasonally wet riparian habitat within the created riparian terraces and 1.2 acres of seasonal wet riparian habitat at the backwater channel to Dry Creek for a total of 7.1 acres of newly created riparian habitat. The riparian habitat within the terraces will be located below the ordinary high mark (OHWM), and the backwater channel will be inundated to the OHWM, with riparian species planted around the OHWM.

Application Fee Provided: Total fees of \$600.00 have been submitted to the Central Valley Water Board as required by § 3833(b)(3)(A) and § 2200(a)(3) of the California Code of Regulations.

DISTRIBUTION LIST

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Source: AECOM 2014

Figure 1 Location of the Tuolumne River Regional Park Gateway Parcel

Figure 1 – Project Location Map

Legend		Item	Description
1	Observation Area - 20' Wide Viewing Area	6	Hydroseeding Area - Green Area
2	Nature Seating Area - 2 Locations	7	Backwater Channel - Blue Area
3	Footpath - to Backwater Channel from Riverwalk	8	Container Planting Areas
4	Outdoor Classroom	9	10' Wide Existing Trail Connection
5	Pedestrian Bridge	10	Riverwalk Trail - Start/End Points 3 Locations



Source: Data provided by AECOM in 2015

Figure 2 Tuolumne River Regional Park Gateway Parcel Phase 2 Components

Figure 2 – Site Map