



Date: May 7, 2015

TO: Stanislaus County Planning Commission

FROM: Department of Planning and Community Development

SUBJECT: TENTATIVE PARCEL MAP APPLICATION NO. PLN2014-0019 BURROUGHS

DISCUSSION

Tentative Parcel Map Application No. PLN2014-0019 Burroughs was originally scheduled to be heard during the April 16, 2105 Planning Commission meeting. Due to a lack of quorum, the April 16, 2015 meeting was canceled and all agenda items were rescheduled to be heard during the regularly scheduled May 7, 2015 Planning Commission meeting.

RECOMMENDATION

Staff recommends the Planning Commission approve this request based on the discussion provided within the attached April 16, 2015 Planning Commission Staff Report and on the whole of the record provided to the County. If the Planning Commission decides to approve the project, Exhibit A of the April 16, 2015 PC Staff Report provides an overview of all of the findings required for project approval which includes parcel map findings.

Attachments:

- 1 - PM PLN2014-0019 – Burroughs April 16, 2015 Planning Commission Staff Report (with Attachments)

STANISLAUS COUNTY PLANNING COMMISSION

April 16, 2015

STAFF REPORT

TENTATIVE PARCEL MAP APPLICATION NO. PLN2014-0019 BURROUGHS

REQUEST: TO CREATE A 5-ACRE PARCEL AND AN 8.81-ACRE PARCEL FROM A 13.81 ACRE PARCEL.

APPLICATION INFORMATION

Applicant/Owner:	Lynn C. & Barbara Burroughs
Agent:	Kevin Cole, Giuliani & Kull, Inc.
Location:	15960 Orange Blossom Road, near the community of Knights Ferry
Section, Township, Range:	19-1-11
Supervisorial District:	One (Supervisor O'Brien)
Assessor's Parcel:	002-063-018
Referrals:	See Exhibit H Environmental Review Referrals
Area of Parcel(s):	Parcel 1: 5.00 Acres Parcel 2: 8.81 Acres
Water Supply:	Well
Sewage Disposal:	Septic
Existing Zoning:	A-2-5 (General Agriculture)
General Plan Designation:	Agriculture
Sphere of Influence:	N/A
Community Plan Designation:	N/A
Williamson Act Contract No.:	N/A
Environmental Review:	Mitigated Negative Declaration
Present Land Use:	Residential, mixed oak woodland, grassland
Surrounding Land Use:	Ranchettes on rangeland to the west; ranchettes on rangeland and the Twin Cypress Mobile Home Park to the east; row crops to the north; and ranchettes, pasture lands, and the Stanislaus River to the south

RECOMMENDATION

Staff recommends the Planning Commission approve this request based on the discussion below and on the whole of the record provided to the County. If the Planning Commission decides to approve the project, Exhibit A provides an overview of all of the findings required for project approval which includes parcel map findings.

PROJECT DESCRIPTION

The project is a request to create a 5-acre parcel and an 8.81-acre parcel from a 13.81-acre parcel in the A-2-5 zoning district. The existing parcel is served by private septic and well. No agricultural irrigation infrastructure exists on the project site. The proposed parcel split is configured as a flag lot, including a 30 foot wide access from Orange Blossom Road to the proposed 8.81-acre parcel. Both parcels are proposed to take access from the publically maintained Orange Blossom Road.

SITE DESCRIPTION

The site is located at 15960 Orange Blossom Road, near the community of Knight's Ferry, northeast of the City of Oakdale. The property has never been farmed and currently consists of mixed oak woodlands, a few relatively small patches of grassland, and a homesite in the south portion of the parcel. If approved, the existing home will be located on proposed parcel 2, and will have access to Orange Blossom Road with a 30 foot wide driveway as provided by the proposed flag lot configuration of the parcel map. The northern half of the existing parcel is designated as Grazing Land and the southern half is designated as Rural Residential Land on the California Department of Conservation farmland maps. The project site is not enrolled in a Williamson Act contract.

The surrounding properties range in size from 131 to 7 acres. Parcels located on the south side of Orange Blossom Road are zoned A-2-5 and are generally smaller in size. Parcels located on the north side of Orange Blossom Road are zoned A-2-40 and are generally 38 acres and larger. Twin Cypress Mobile Home Park is located four parcels to the east of the project site. The Stanislaus River is located approximately half a mile south of the project site. Downtown Knights Ferry is located one and a half miles to the east of the project site.

ISSUES

Issues discussed in this Staff Report include the no build provision, lot width to depth ratio requirements, and biological resources.

GENERAL PLAN CONSISTENCY

The site is currently designated Agriculture in the Stanislaus County General Plan, which is consistent with the site's A-2-5 (General Agriculture) zoning district. The agricultural designation recognizes the value and importance of agriculture by acting to preclude incompatible urban development within agricultural areas.

The proposed project is addressed by the following goals, objectives, and policies of the Land Use, Conservation/Open Space, and Agricultural Elements of the General Plan:

Land Use Element

Goal Two, Policy Fourteen, Implementation Measure 1 of the Land Use Element requires all development proposals that require discretionary action to be carefully reviewed to ensure that approval will not adversely affect an existing agricultural area and to ensure compatibility between land uses. The proposed parcel sizes of 5 and 8.81 acres are consistent with the A-2-5 zoned properties surrounding the project site and are, therefore, deemed to be compatible.

Conservation/Open Space Element

To assure compatibility between natural areas and development, all development requests must be reviewed, and mitigation measures applied if needed, to ensure that sensitive areas are left undisturbed (Goal One, Policies Two and Three). Additionally, the Conservation/Open Space Element requires that all discretionary projects that will potentially impact oak woodlands and other native hardwood habitats include management plans for the protection of the habitat. The property has never been farmed and currently consists of mixed oak woodlands and a few relatively small patches of grassland. A referral response received from the California State Department of Fish and Wildlife (CDFW) recommended biological studies for oaks and other sensitive species that may exist on the site. A Biological Assessment (BA) for the project site was conducted by Moore Biological Consultants. Based on the information provided in the BA, mitigation measures have been applied to the project to prevent any potential for negative impacts to the valley elderberry longhorn beetle, special-status bats, tree nesting raptors, and oaks over 12 inches in diameter. With application of these mitigation measures, impacts to biological species are considered to be less than significant and the project is considered to be consistent with the Conservation/Open Space Element of the General Plan.

Agricultural Element

According to Policy 2.8 of the Agricultural Element of the General Plan, the subdivision of agricultural land consisting of unirrigated farmland, unirrigated grazing land, or land enrolled under the Williamson Act, into parcels of less than 160-acres in size shall be allowed provided a “no build” restriction is placed on the construction of any residential development on the newly created parcel(s). Given that the intent of the “no build” restriction is to prevent the creation of parcels for ‘residential purposes’ and given that the zoning itself (A-2-5) is recognized within the Agricultural Element of the General Plan to be appropriate for ranchette uses, a “no build” restriction is not being applied to this project. The zoning designation of the subject site allows for the creation of residential parcel lot sizes of at least five acres.

ZONING & SUBDIVISION ORDINANCE CONSISTENCY

The site is currently zoned A-2-5 (General Agriculture) which requires a minimum lot size of five (5) acres for the creation of new parcels. The project meets the minimum parcel size designation of five (5) acres.

Chapter 21.20.050 of the Stanislaus Zoning Code mirrors the “no build” restriction contained within Section 2.8 of the Agricultural Element of the General Plan. As stated under the General Plan Consistency Section of this Staff Report, given that the zoning itself (A-2-5) is recognized within the Agricultural Element of the General Plan to be appropriate for ranchette uses, a “no build” restriction is not being applied to this project.

Proposed parcel 2 is designed as a flag lot with a lot street frontage of 30 feet wide and a lot depth length of 1,079 feet. The flag lot parcel width varies from 30 feet at the street to 70 feet wide along the “pole” portion of the lot. The buildable or “flag” portion of the lot measures 550 feet wide by 650 feet deep. These dimensions exceed Section 20.52.160(A) - “Lots - Width to Depth Ratio” of the Stanislaus County Subdivision Ordinance which requires that the depth of lots not exceed the road frontage by more than three times where the total frontage is less than three hundred feet, nor more than four times where the total frontage is three hundred feet or more. Section 20.52.160(B) allows the width to depth ratio to be greater than required provided it is demonstrated to the satisfaction of

the department when the tentative parcel or subdivision map is submitted and the resulting parcel(s):

1. *Can be used for its intended purpose;*
2. *Will not be detrimental to the continued agricultural use of said parcel(s) when designated as agricultural on the land use element of the general plan;*
3. *Is/are consistent with the potential subdivision of the total property as well as any approved city zoning and development plans;*
4. *Will not be detrimental to the public welfare nor injurious to other property in the neighborhood of the proposed subdivision.*

The A-2 zoning district has no minimum lot frontage width or depth requirement. With respect to the lot width to depth ratio, staff has reviewed the request and believes all of the required findings can be made in this case. As designed, the proposed parcels can both be utilized in accordance with the A-2 zoning district and will not be detrimental to continued agricultural use of the parcel or any surrounding parcels. Proposed parcel 2 is designed to provide a driveway adequate for emergency vehicles.

ENVIRONMENTAL REVIEW

As discussed in Section IV – Biological Resources of the Initial Study prepared for this project, a biological assessment was prepared and mitigation measures were applied as recommended by that study to reduce potential impacts to biological resources. (See Exhibit D - *Initial Study and Initial Study Comments*.) A Mitigated Negative Declaration has been prepared for approval prior to action on the map itself as the project will not have a significant effect on the environment. (See Exhibit E - *Mitigated Negative Declaration*.) Conditions of approval reflecting referral responses have been placed on the project. (See Exhibit C - *Conditions of Approval and Mitigation Measures*)

Note: Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project; therefore, the applicant will further be required to pay **\$2,267.00** for the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and the Clerk Recorder filing fees. The attached Conditions of Approval ensure that this will occur.

Contact Person: Kristin Doud, Associate Planner, (209) 525-6330

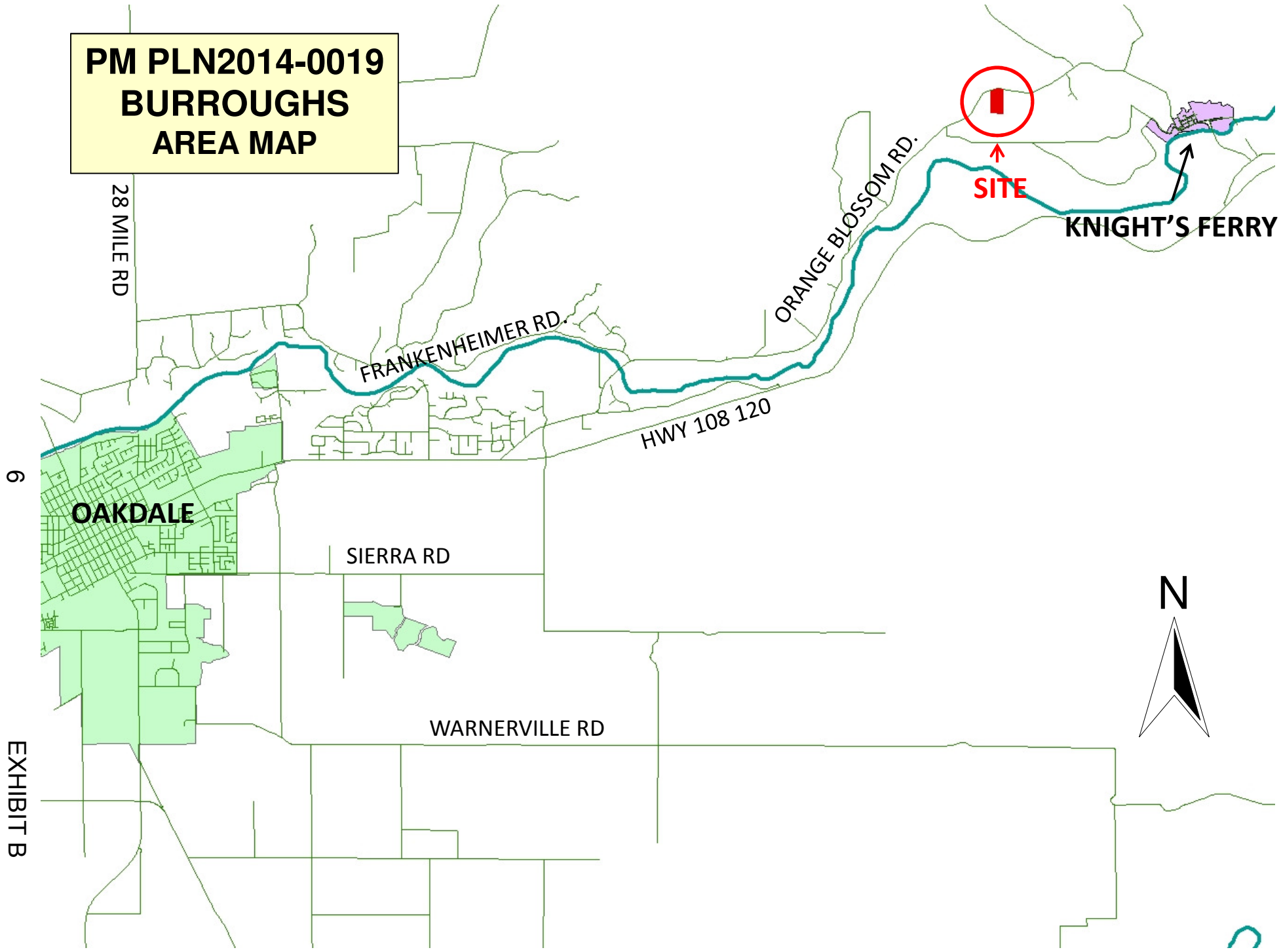
Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps
- Exhibit C - Conditions of Approval and Mitigation Measures
- Exhibit D - Initial Study and Initial Study Comments
- Exhibit E - Mitigated Negative Declaration
- Exhibit F - Mitigation Monitoring Plan
- Exhibit G - Baseline Biological Resources Assessment: "Burrough's Tentative Map" Site, Stanislaus County, California – Moore Biological Consultants (November 4, 2014)
- Exhibit H - Environmental Review Referrals

Exhibit A
Findings and Actions Required for Project Approval

1. Adopt the Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgment and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find that:
 - (a) The proposed map is consistent with applicable general and community plans as specified in Section 65451;
 - (b) The design or improvement of the proposed Parcel Map is consistent with applicable general and specific plans;
 - (c) The site is physically suitable for the type of development;
 - (d) The site is physically suitable for the proposed density of development;
 - (e) The design of the Parcel Map or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
 - (f) The design of the Parcel Map or type of improvements are not likely to cause serious public health problems;
 - (g) The design of the Parcel Map or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided and that these will be substantially equivalent to ones previously acquired by the public;
 - (h) The proposed parcels can be used for their intended purpose;
 - (i) The proposed parcels will not be detrimental to the continued agricultural use of said parcel(s) when designated as agricultural on the land use element of the general plan;
 - (j) The proposed parcels are consistent with the potential subdivision of the total property;
 - (k) The proposed parcels will not be detrimental to the public welfare nor injurious to other property in the neighborhood of the proposed subdivision; and
 - (l) The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
4. Approve Tentative Parcel Map Application No. PLN2014-0019 – Burroughs, subject to the attached conditions of approval and mitigation measures.

**PM PLN2014-0019
BURROUGHS
AREA MAP**



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EXHIBIT B

**PM PLN2014-0019
BURROUGHS
GENERAL PLAN MAP**

AGRICULTURE



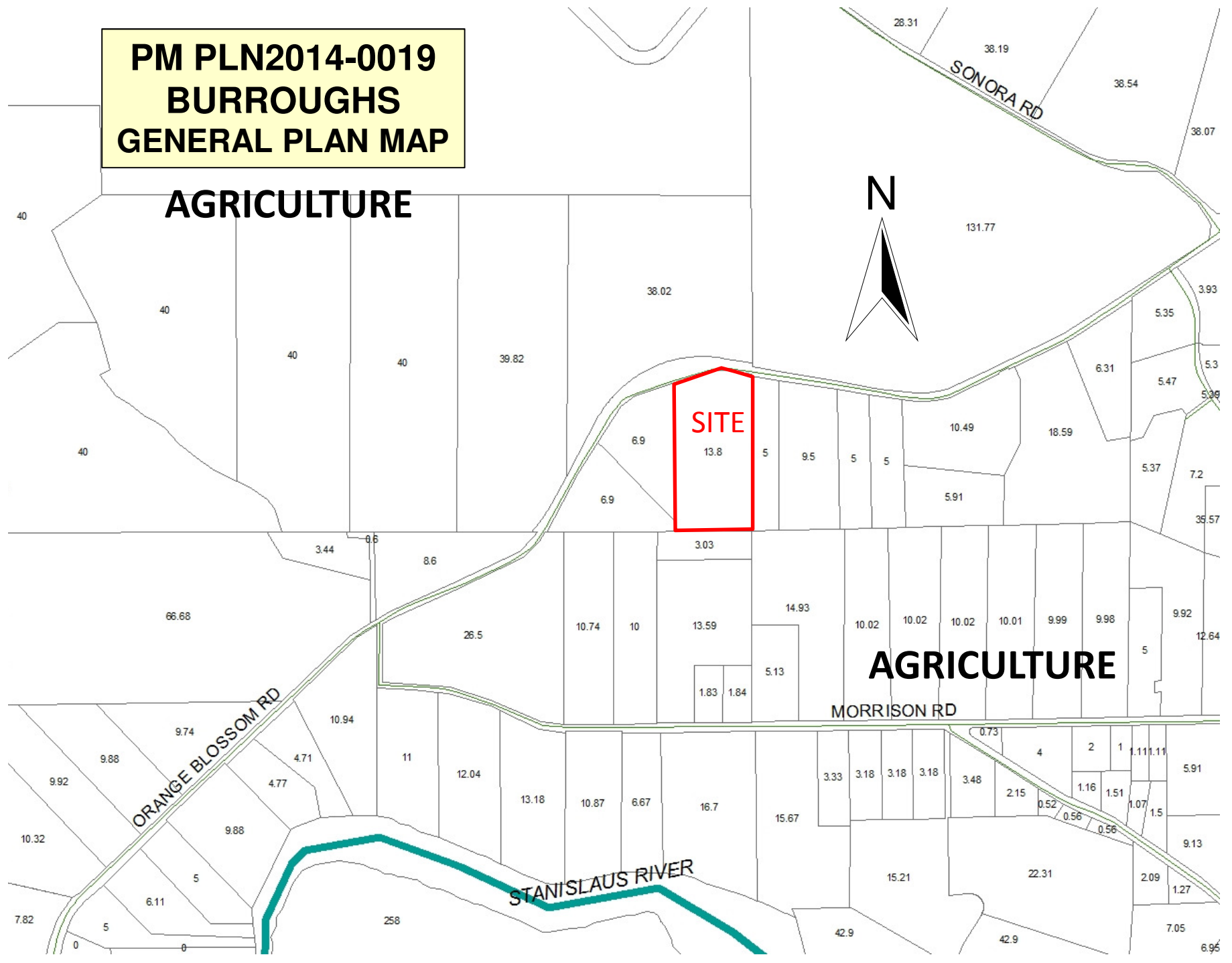
SITE
13.8

AGRICULTURE

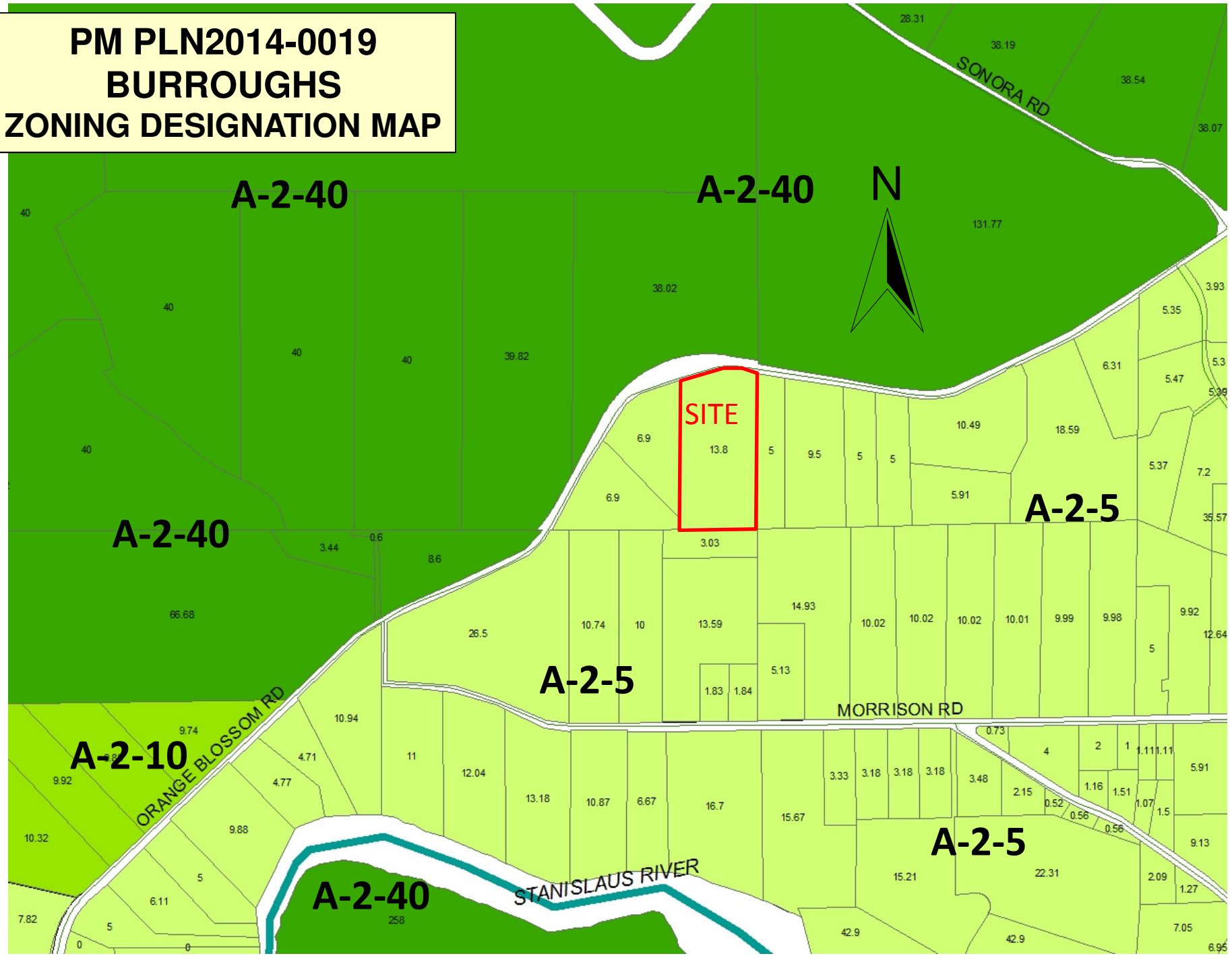
MORRISON RD

ORANGE BLOSSOM RD

STANISLAUS RIVER



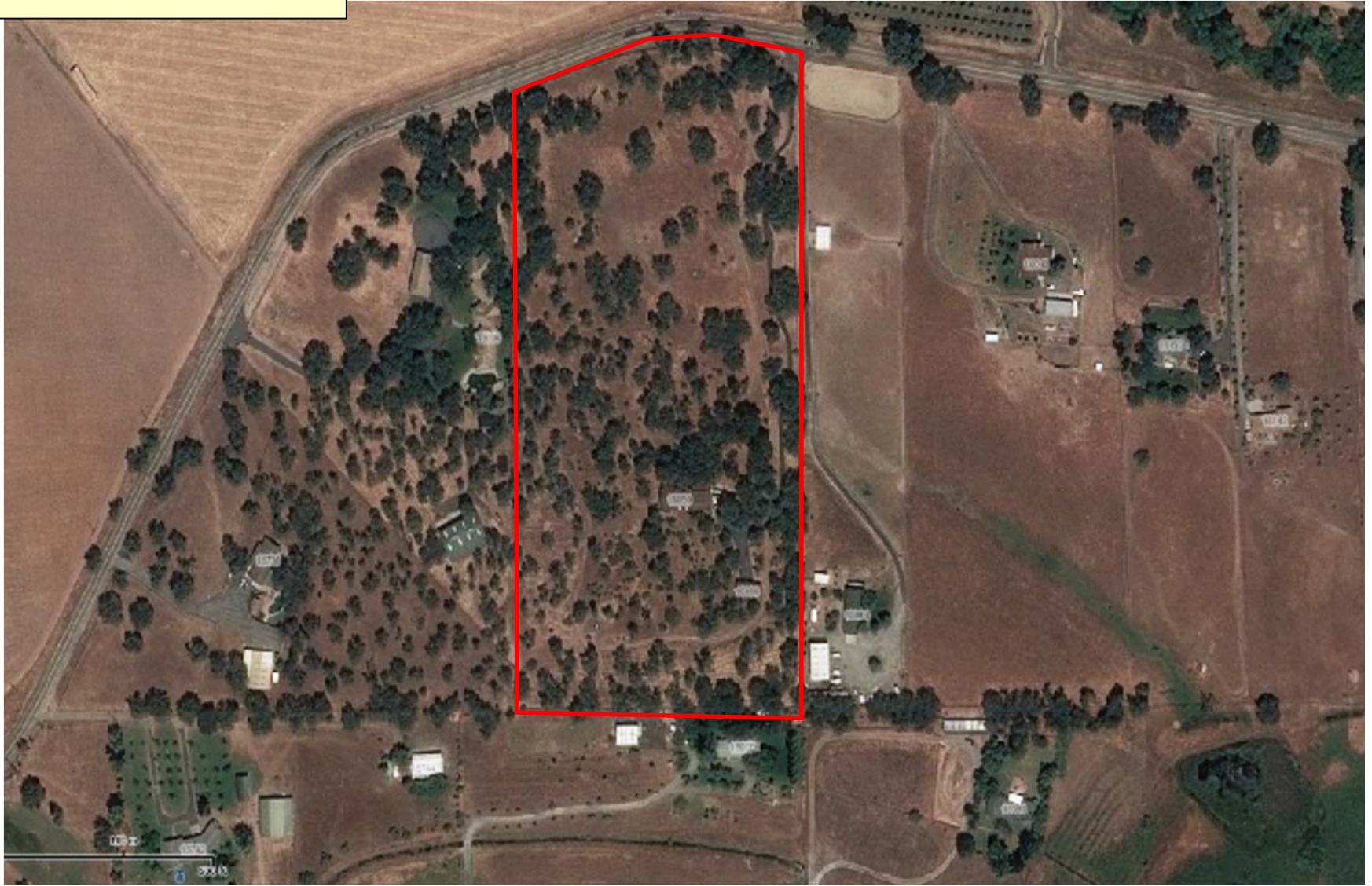
**PM PLN2014-0019
BURROUGHS
ZONING DESIGNATION MAP**



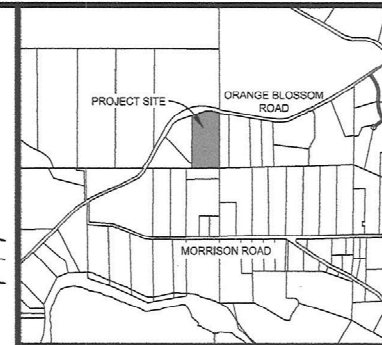
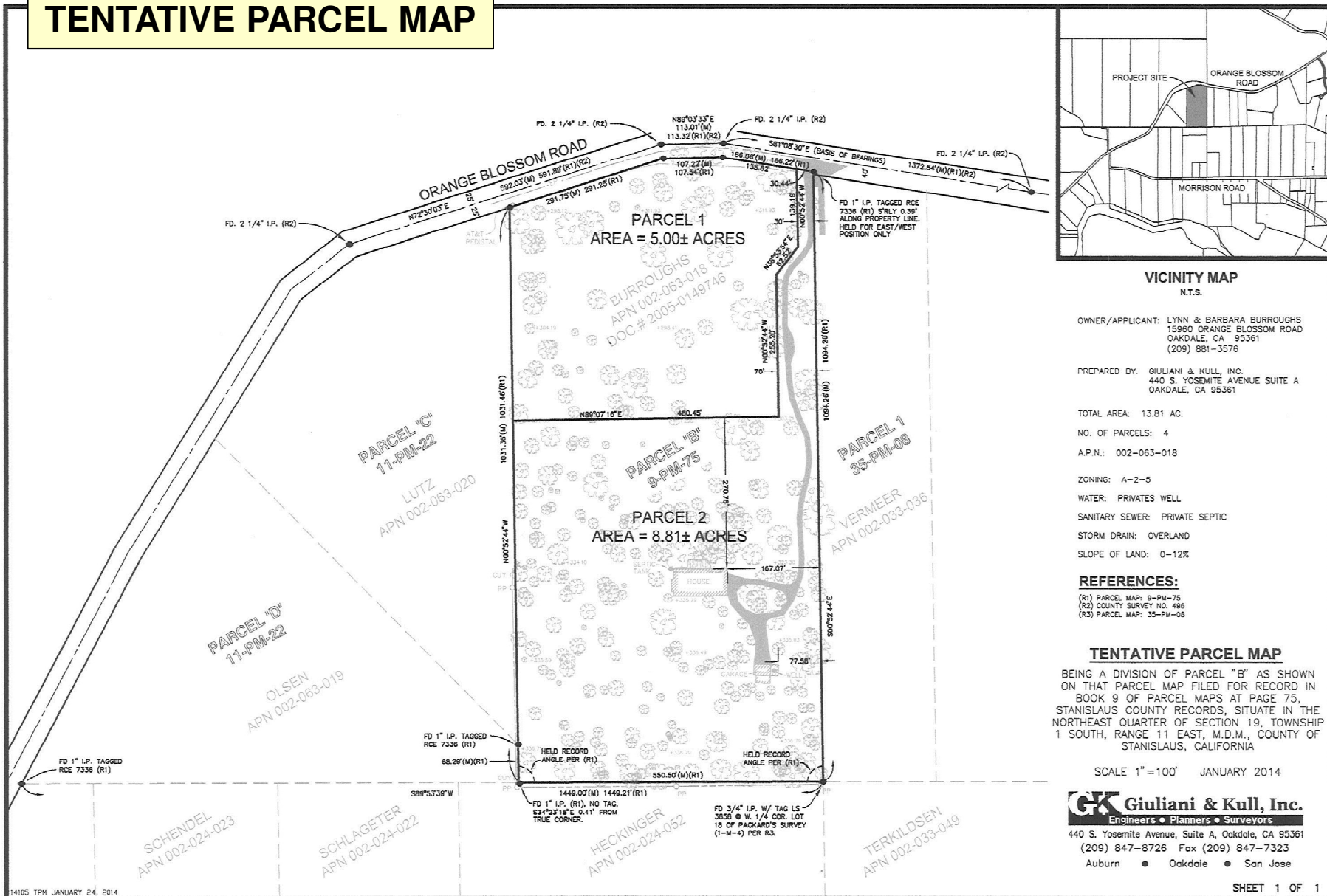
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EXHIBIT B-2

**PM PLN2014-0019
BURROUGHS
2013 AERIAL MAP**



PM PLN2014-0019 BURROUGHS TENTATIVE PARCEL MAP



OWNER/APPLICANT: LYNN & BARBARA BURROUGHS
15960 ORANGE BLOSSOM ROAD
OAKDALE, CA 95361
(209) 881-3576

PREPARED BY: GIULIANI & KULL, INC.
440 S. YOSEMITE AVENUE SUITE A
OAKDALE, CA 95361

TOTAL AREA: 13.81 AC.

NO. OF PARCELS: 4

A.P.N.: 002-063-018

ZONING: A-2-5

WATER: PRIVATES WELL

SANITARY SEWER: PRIVATE SEPTIC

STORM DRAIN: OVERLAND

SLOPE OF LAND: 0-12%

REFERENCES:

- (R1) PARCEL MAP: 9-PM-75
- (R2) COUNTY SURVEY NO. 486
- (R3) PARCEL MAP: 35-PM-08

TENTATIVE PARCEL MAP

BEING A DIVISION OF PARCEL "B" AS SHOWN ON THAT PARCEL MAP FILED FOR RECORD IN BOOK 9 OF PARCEL MAPS AT PAGE 75, STANISLAUS COUNTY RECORDS, SITUATE IN THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 1 SOUTH, RANGE 11 EAST, M.D.M., COUNTY OF STANISLAUS, CALIFORNIA

SCALE 1"=100' JANUARY 2014

GK Giuliani & Kull, Inc.
Engineers • Planners • Surveyors

440 S. Yosemite Avenue, Suite A, Oakdale, CA 95361
(209) 847-8726 Fax (209) 847-7323
Auburn • Oakdale • San Jose

CONDITIONS OF APPROVAL

**TENTATIVE PARCEL MAP APPLICATION NO. PLN2014-0019
BURROUGHS**

Department of Planning and Community Development

1. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2015), the applicant is required to pay a California Department of Fish and Wildlife (formerly the Department of Fish and Game) fee at the time of filing a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$2,267.00**, made payable to **Stanislaus County**, for the payment of California Department of Fish and Wildlife and Clerk Recorder filing fees.

Pursuant to Section 711.4 (e) (3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.

2. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
3. Prior to the issuance of building permits for a dwelling, the owner/developer shall pay a fee of \$339.00 per dwelling to the County Sheriff's Department.
4. The applicant/owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
5. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.
6. The recorded parcel map shall contain the following statement:

"All persons purchasing lots within the boundaries of this approved map should be prepared to accept the inconveniences associated with the agricultural operations, such as noise, odors, flies, dust, or fumes. Stanislaus County has determined that such inconveniences shall not be considered to be a nuisance if agricultural operations are consistent with accepted customs and standards."

Department of Public Works

7. The recorded parcel map shall be prepared by a licensed land surveyor or a registered civil engineer licensed to practice land surveying.
8. All structures not shown on the tentative parcel map shall be removed prior to the parcel map being recorded.
9. The new parcels shall be surveyed and fully monumented prior to the recording of the final map.
10. Orange Blossom Road is classified as an 80-foot Collector Road. The required roadway ½ width is 40-feet south of Orange Blossom Road's centerline. If 40-feet of road right-of-way south of Orange Blossom Road's centerline does not exist, the remainder of the 40-feet not previously dedicated shall be dedicated with an Irrevocable Offer of Dedication with the recording of the final map.

Department of Environmental Resources

11. Each parcel shall have an approved independent water supply (if not provided public water service). Prior to the issuance of building permit, each parcel shall have its own well. A drilling permit shall be obtained from the Department of Environmental Resources. (Stanislaus County Policy and State Model Well Standards Ordinance).
12. The existing septic system(s) is/are required to be contained within the proposed parcel "2" boundaries as per required Department setback standards.
13. Parcels "1" and "2" are subject to the conditions and guidelines established by Measure X for on-site wastewater disposal systems, including the requirement for both Primary and Secondary Wastewater Treatment units.
14. The following statement shall be placed on the recorded parcel map:

"As per Stanislaus County Code 16.10.020 and 16.10.040, all persons purchasing lots within the boundaries of this approved map shall be prepared to accept the responsibilities and costs associated with the operation and maintenance of the required primary and secondary onsite wastewater system. All persons are required to provide adequate maintenance and operate the onsite wastewater treatment system as prescribed by the manufacturer, so as to prevent groundwater degradation."

Building Permits Division

15. Building permits are required and the project must conform with the California Code of Regulations, Title 24.

Oakdale Rural Fire Protection District

16. All new buildings shall comply with the California Fire Code as amended by the Oakdale Rural Fire Protection District and California Public Resources Code.

Regional Water Quality Control Board

17. Prior to ground disturbance or issuance of a building permit, the Regional Water Quality Control Board shall be consulted to obtain any necessary permits and to implement any necessary measures, including but not limited to Construction Storm Water General Permit, Phase I and II Municipal Separate Storm Sewer System (MS4) Permits, Industrial Storm Water General Permit, Clean Water Act Section 404 Permit, Clean Water Act Section 401 Permit (Water Quality Certification), Waste Discharge Requirements, Regulatory Compliance for Commercially Irrigated Agriculture, Low or Limited Threat General NPDES Permit, and any other applicable Regional Water Quality Control Board permit.

MITIGATION MEASURES

(Pursuant to California Public Resources Code 15074.1: Prior to deleting and substituting for a mitigation measure, the lead agency shall do both of the following:

- 1) Hold a public hearing to consider the project; and***
- 2) Adopt a written finding that the new measure is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment.)***

18. Prior to any construction or ground disturbing activity, a 100-foot development-free buffer shall be established around each blue elderberry shrub identified on Figure 4 of the Baseline Biological Assessment, conducted by Moore Biological Consultants on November 4, 2014. Each elderberry shrub identified on Figure 4 shall be fenced during construction. If full avoidance is not possible, consultation with USFWS shall be undertaken to further assess the potential impacts to valley elderberry longhorn population and determine any needed mitigation. Mitigation usually involves planting replacement shrubs at an approved mitigation site or payment of fees to an approved mitigation bank or in-lieu species fund.
19. To prevent disturbance of raptor and special-status bat habitat, all large mature trees planned for removal in connection with any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops, shall be removed only during the non-breeding season (September 1 through January 31 for raptors and mid-November through early-March for special-status bats). However, if it is not possible to conduct such removals during the non-breeding season, then prior to any construction or grading or any change in the farming practices described above on a newly created parcel, a qualified biologist shall conduct a survey for tree-nesting raptors and special-status bats in all trees on the portion of the parcel to be affected by the construction, grading or agricultural conversion. Such surveys shall be conducted not less than ten days prior to the start of construction, grading or agricultural conversion. If nesting raptors are detected on or adjacent to the portion of the parcel which will be disturbed, then a construction/grading/conversion-free buffer shall be established around all active nests. The precise dimension of such buffer shall be not less than 250 feet and shall be determined in accordance with the nest location and the species occupying the nest; provided that if the nest is occupied by Swainson's Hawks, the buffer shall be not less than one-half mile. The buffer areas shall be enclosed with temporary fencing, and no workers or construction or other equipment shall enter the enclosed setback areas. Such buffers shall remain in place for the duration of the breeding season (February 1 through August 31 for raptors and late-March through early-November for special-status bats).

20. Prior to any construction or ground disturbing activity that will require removal of a healthy oak tree with a diameter of 12 inches or more, an oak tree protection and replacement plan shall be provided by the property owner to the Department of Planning and Community Development and to the California Department of Fish & Wildlife (CDFW) for review and approval.

*Please note: If Conditions of Approval/Development Standards are amended by the Planning Commission or Board of Supervisors, such amendments will be noted in the upper right-hand corner of the Conditions of Approval/Development Standards; new wording is in **bold**, and deleted wording will have a ~~line through it~~.*



Stanislaus County Planning and Community Development

1010 10th Street, Suite 3400
Modesto, California 95354

Phone: (209) 525-6330
Fax: (209) 525-5911

CEQA INITIAL STUDY

Adapted from CEQA Guidelines APPENDIX G Environmental Checklist Form, Final Text, December 30, 2009

1. **Project title:** Tentative Parcel Map Application No. PLN2014-0019- Burroughs
2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
3. **Contact person and phone number:** Kristin Doud, Associate Planner
(209) 525-6330
4. **Project location:** 15690 Orange Blossom Road, near the community of Knight's Ferry, northeast of the City of Oakdale. APN: 002-063-018
5. **Project sponsor's name and address:** Kevin Cole – Giuliani & Kull, Inc.
440 S. Yosemite Ave,
Oakdale, CA 95361
6. **General Plan designation:** Agriculture
7. **Zoning:** A-2-5 (General Agriculture)
8. **Description of project:**

This is a request to create a 5-acre parcel and an 8.81-acre parcel from a 13.81 acre parcel in the A-2-5 zoning district. The existing parcel is served by private septic and well. No agricultural irrigation infrastructure exists on the project site. The proposed parcel split is configured as a flag lot, including a 30 foot wide access from Orange Blossom Road to the proposed 8.81-acre parcel. Both parcels are proposed to take access from the publically maintained Orange Blossom Road. A biological assessment was completed for this project and mitigation measures have been applied to reduce potential impacts to biological resources to a less than significant level.
9. **Surrounding land uses and setting:**

The surrounding properties range in size from 131 to 7 acres in size. Parcels located on the south side of Orange Blossom Rd. are zoned A-2-3 and are generally smaller in size. Parcels located on the north side of Orange Blossom Rd. are zoned A-2-40 and are generally 38 acres and larger. Twin Cypress Mobile Home Park is located four parcels to the east of the project site. The Stanislaus River is located approximately 1/2 mile south of the project site. Downtown Knights Ferry is located 1 1/2 miles to the east of the project site.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Stanislaus County Department of Public Works, Stanislaus County Department of Environmental Resources, CA Department of Fish and Wildlife

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture & Forestry Resources | <input type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Kristin Doud, Associate Planner
Prepared By

February 13, 2015
Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration.

Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

- a) **Earlier Analysis Used.** Identify and state where they are available for review.
 - b) **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) **Mitigation Measures.** For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
 - 7) **Supporting Information Sources:** A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
 - 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
 - 9) The explanation of each issue should identify:
 - a) the significant criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significant.

ISSUES

I. AESTHETICS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	
<p>Discussion: The site is not considered to be a scenic resource or a unique scenic vista. Community standards generally do not dictate the need or desire for architectural review of agricultural or residential subdivisions. The project site is improved with one single family home. If the project is approved, one additional single family dwelling may be constructed, provided the no-build provision and mitigation measures are met. Currently, the surrounding land uses consist of ranchettes on the south side of Orange Blossom Road and agricultural production with scattered single-family homes and agricultural accessory structures on the north side of Orange Blossom Road. No substantial change to the visual character, or damage to scenic resources are anticipated to result from the parcel map. Any new development resulting from this project will be consistent with the existing surrounding land uses.</p>				
<p>Mitigation: None.</p>				
<p>References: Application Materials, Stanislaus County General Plan and Support Documentation¹.</p>				
II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X	

<p>c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</p>			X	
<p>d) Result in the loss of forest land or conversion of forest land to non-forest use?</p>				X
<p>e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?</p>			X	

Discussion: The existing property is zoned A-2-5 (General Agriculture) and is not enrolled in a Williamson Act contract. The project site is not farmed and is utilized as a home site. The northern half of the existing parcel is designated as Grazing Land and the southern half of the parcel is designated as Rural Residential Land by the California Department of Conservation. Soils with a Class I or Class II rating and with a Storie Index Rating between 80-100 are considered to be prime. The parcel consists of Grade 4 Pentz fine sandy loam soil, with 2 to 15 percent slopes, with has a Storie Index Rating of 27, which does not meet the criteria to be considered prime. According to Stanislaus Zoning Code 21.20.050, creation of new parcels by division, that are enrolled in Williamson Act contract, and are less than 160 acres will adhere to a “no build” restriction of any residential development until the proper criteria is met. At this time no residential development is being proposed as part of this project. However, a condition of approval will be placed on the project to address the restriction. The project site contains no forest land. The project was referred to the California Department of Conservation but no comments have been received at this time.

Mitigation: None.

References: Stanislaus County Zoning Code; California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2012; Tentative Parcel Map, 1964 Eastern Stanislaus County Soil Survey; Stanislaus County General Plan and Support Documentation¹.

<p>III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. -- Would the project:</p>	<p>Potentially Significant Impact</p>	<p>Less Than Significant With Mitigation Included</p>	<p>Less Than Significant Impact</p>	<p>No Impact</p>
<p>a) Conflict with or obstruct implementation of the applicable air quality plan?</p>			X	
<p>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</p>			X	
<p>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</p>			X	
<p>d) Expose sensitive receptors to substantial pollutant concentrations?</p>				X

e) Create objectionable odors affecting a substantial number of people?				X
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Discussion: The project site is within the San Joaquin Valley Air Basin, which has been classified as “severe non-attainment” for ozone and respirable particulate matter (PM-10) as defined by the Federal Clean Air Act. The San Joaquin Valley Air Pollution Control District (SJVAPCD) has been established by the State in an effort to control and minimize air pollution. As such, the District maintains permit authority over stationary sources of pollutants.

The primary source of air pollutants generated by this project would be classified as being generated from “mobile” sources. Mobile sources would generally include dust from roads, farming, and automobile exhausts. Mobile sources are generally regulated by the Air Resources Board of the California Environmental Protection Agency (EPA), which sets emissions for vehicles and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the District has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the Basin.

Zoning code would allow for one single-family home to be located on Proposed Parcel 1, provided the conditions from the no-build restriction and mitigation measures are met. Proposed Parcel 2 has an existing single family dwelling and would not be permitted any additional dwelling units. The project may generate increased air pollutants due to construction and trips generated from the additional single family home. According to the Federal Highway Administration the average daily vehicle trips per household is 9.6. The impacts to air quality associated with these additional daily trips are considered to be less than significant. The temporary construction of the additional homes should not create a significant or cumulative impact on air quality. This project has been referred to the SJVAPCD, but no comments have been received at this time.

Mitigation: None.

References: Federal Highway Administration 2010 Status of the Nation’s Highway, Bridges, and Transit: conditions and Performance (Ch. 1: Ex 1-3); Stanislaus County Zoning Code; San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; Stanislaus County General Plan and Support Documentation¹.

IV. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?		X		
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		X		
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	

<p>f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?</p>		<p>X</p>		
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Discussion: The property has never been farmed and currently consists of mixed oak woodlands, a few relatively small patches of grassland, and a homesite in the south portion of the site. A referral response received from California State Department of Fish and Wildlife (CDFW) detailed the possible wildlife and plant life in the project area. The response recommended biological studies for Oak Woodlands, native plant species, nesting birds, Swainson’s Hawk, Fully Protected Raptors, California Tiger Salamander (CTS), and Burrowing Owls. A Biological Assessment (BA), conducted by Moore Biological Consultants, was provided by the applicant in November 2014. The BA included a search of CDFW’s California Natural Diversity Database (CNDDDB, 2014) and a field survey, conducted on October 8, 2014. The BA indicated that the site contained mostly Blue Oaks under 12 inches in diameter at breast height, two Blue Elderberry shrubs, and a number of native plant species. No active nests were found, but a few unoccupied raptor stick nests were observed in trees on the site. The BA indicated a high likelihood that there were one or more pairs of raptors, plus a variety of songbirds, who nest in the trees and shrubs on-site each year. Additionally, the BA indicated that a variety of other protected migratory birds (mostly songbirds) likely nest in the shrubs and grasslands during most years. The BA indicated that no potential jurisdictional Waters of the U.S. or wetlands were present on the site. Based on the information provided in the BA, mitigation measures have been applied to the project to prevent any potential for negative impacts to the valley elderberry longhorn beetle, special-status bats, tree nesting raptors, and Oaks over 12 inches in diameter. All mitigation measures apply prior to any construction or ground disturbing activity. With application of these mitigation measures, impacts to biological species are considered to be less than significant.

- Mitigation:**
1. *Prior to any construction or ground disturbing activity, a 100-foot development-free buffer shall be established around each blue elderberry shrub identified on Figure 4 of the Baseline Biological Assessment, conducted by Moore Biological Consultants on November 4, 2014. Each elderberry shrub identified on Figure 4 shall be fenced during construction. If full avoidance is not possible, consultation with USFWS shall be undertaken to further assess the potential impacts to valley elderberry longhorn population and determine any needed mitigation. Mitigation usually involves planting replacement shrubs at an approved mitigation site or payment of fees to an approved mitigation bank or in-lieu species fund.*

 2. *To prevent disturbance of raptor and special-status bat habitat, all large mature trees planned for removal in connection with any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops, shall be removed only during the non-breeding season (September 1 through January 31 for raptors and mid-November through early-March for special-status bats). However, if it is not possible to conduct such removals during the non-breeding season, then prior to any construction or grading or any change in the farming practices described above on a newly created parcel, a qualified biologist shall conduct a survey for tree-nesting raptors and special-status bats in all trees on the portion of the parcel to be affected by the construction, grading or agricultural conversion. Such surveys shall be conducted not less than ten days prior to the start of construction, grading or agricultural conversion. If nesting raptors are detected on or adjacent to the portion of the parcel which will be disturbed, then a construction/grading/conversion-free buffer shall be established around all active nests. The precise dimension of such buffer shall be not less than 250 feet and shall be determined in accordance with the nest location and the species occupying the nest; provided that if the nest is occupied by Swainson’s Hawks, the buffer shall be not less than one-half mile. The buffer areas shall be enclosed with temporary fencing, and no workers or construction or other equipment shall enter the enclosed setback areas. Such buffers shall remain in place for the duration of the breeding season (February 1 through August 31 for raptors and late-March through early-November for special-status bats).*

 3. *Prior to any construction or ground disturbing activity that will require removal of a healthy oak tree with a diameter of 12 inches or more, an oak tree protection and replacement plan shall be provided by the property owner to the Department of Planning and Community Development and to the California Department of Fish & Wildlife (CDFW) for review and approval.*

References: Baseline Biological Resources Assessment conducted by Moore Biological Consultants, dated November 4, 2014; California Department of Fish and Game California Natural Diversity Database; Referral Response from California State Department of Fish and Wildlife dated March 21, 2014; Stanislaus County General Plan and Support Documentation¹

V. CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?			X	
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	
d) Disturb any human remains, including those interred outside of formal cemeteries?			X	
<p>Discussion: According to the Central California Information Center (CCIC), there are no known historic, archaeological, nor any human remains. However, the records search also indicated that the project is located in the Knights Ferry area which is known for being inhabited by Native Americans in the prehistoric and post-contact area. The area is also known for the locales of Knights Ferry and Buena Vista historic ranching, mining, milling, and irrigation. There is no development being proposed as part of this project; however, a condition of approval will be placed on the project that requires if any construction activities do occur and any resources are found, construction activities will be halted and the appropriate agencies will be contacted.</p>				
<p>Mitigation: None.</p>				
<p>References: Central California Information Center Report Dated January 27, 2014, and Stanislaus County General Plan and Support Documentation¹.</p>				
VI. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil creating substantial risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			X	

Discussion: As contained in Chapter Five of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5; however, as per the California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required as part of the building permit process. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency. Any structures resulting from this project will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. Any earth moving is subject to Public Works Standards and Specifications which consider the potential for erosion and run-off prior to permit approval. Likewise, any addition of a septic tank or alternative waste water disposal system would require the approval of the Department of Environmental Resources (DER) through the building permit process, which also takes soil type into consideration within the specific design requirements.

Mitigation: None.

References: California Building Code, Stanislaus County General Plan and Support Documentation - Safety Element¹.

VII. GREENHOUSE GAS EMISSIONS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

Discussion: The principal Greenhouse Gases (GHGs) are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H₂O). CO₂ is the reference gas for climate change because it is the predominant greenhouse gas emitted.

The main factor that would contribute to greenhouse gas emissions from this project would be from vehicle and truck trips generated. Although no development is being proposed as a part of this project, there is potential to construct one additional single family dwelling if the project is approved. According to the Federal Highway Administration the average daily vehicle trips per household is 9.6. The GHG emissions associated with these additional daily trips are considered to be less than significant. Additionally, any future development must comply with Title 24 Building Code Regulations which include measures for energy-efficient buildings that require less electricity and reduce fuel consumption, which in turn decreases GHG emissions.

The proposed project should not generate greenhouses gas emissions, either directly or indirectly, that may have a significant impact on the environment or conflict with any plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Mitigation: None.				
References: Federal Highway Administration 2010 Status of the Nation's Highway, Bridges, and Transit: conditions and Performance (Ch. 1: Ex 1-3); Application Materials; Stanislaus County General Plan and Support Documentation ¹ .				
VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			X	
Discussion: There are no known hazardous materials on the site. Pesticide exposure is a risk in agricultural areas. Sources of exposure include contaminated groundwater which is consumed and drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commission and can only be accomplished after first obtaining permits. DER is responsible for overseeing hazardous materials in this area. The project is located in an area rated as a Moderate Fire risk. The property is served for fire protection by the Oakdale Rural Fire Protection District and will pay fire impact fees for all new construction. A project referral was sent to Oakdale Rural Fire but no comment has been received at this time. The Project is not located in the vicinity of an airport or private airstrip.				
Mitigation: None.				
References: County Records; Application Materials; Stanislaus County General Plan and Support Documentation ¹ .				

IX. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X
<p>Discussion: The property includes rolling hills and is at elevations between 250 to 270 feet above mean sea level. The Stanislaus River is located approximately ½ mile to the south of the project site. If the project is approved, the zoning code will allow for one additional home to be built on the proposed parcel 1. Proposed parcel 2 currently has one single family dwelling and would not be permitted to construct any additional homes. Any future development would require the review and approval DER in terms of meeting current septic and well facility standards. Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act. The project site itself is not located within a recognized flood zone and, as such, flooding is not an issue with respect to this project. This project was referred to the California Department of Water Resources, and no response was received. According to a referral response from Oakdale Irrigation District (OID), dated March 14, 2014, the project site is not currently served by the District.</p>				
<p>Mitigation: None.</p>				
<p>References: Referral response from Oakdale Irrigation District dated March 14, 2014; Referral response from Stanislaus County Department of Environmental Resources dated March 05, 2014; Application Materials; County Records; Stanislaus County General Plan and Support Documentation¹.</p>				

X. LAND USE AND PLANNING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
<p>Discussion: The project is consistent with the Agriculture General Plan designation and A-2-5 (General Ag) zoning of the site. The project site is improved with one single family home. If the project is approved, one additional single family dwelling may be constructed, provided the no-build provision and mitigation measures are met. The features of the project will not physically divide an established community and/or conflict with any known habitat conservation plan or natural community plan. This project is not known to conflict with any applicable land use plan, policy, or regulation of any agency with jurisdiction over the project.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				
XI. MINERAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
<p>Discussion: The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources on the site.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				
XII. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

Discussion: The project would generate no noise beyond what is already experienced in the area due to existing farming operations and single family homes. No construction is proposed, but any future construction as a result of this project is not allowed to exceed the noise levels described within Chapter 10.46.060 Specific noise source standards of the Noise Control Ordinance of the Stanislaus County Code. The project is not located in the vicinity of any airport or airstrip.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

XIII. POPULATION AND HOUSING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

Discussion: The project does not propose any significant type of growth inducing features; therefore, adverse affects created by population growth should not occur. The proposed parcels will be restricted by the A-2-5 (General Ag) zoning district, which allows one permanent dwelling per parcel and a maximum of two permanent dwellings on parcels twenty (20) acres or greater are permitted as per County Code Section 21.20.020 (B). Currently, there is one single family dwelling on proposed parcel 2. If the project is approved, one additional single family dwelling may be constructed, on proposed parcel 1, provided the no-build provision and mitigation measures are met. However, no residential development is being proposed as part of the project.

Mitigation: None.

References: Application Materials, and Stanislaus County General Plan and Support Documentation¹.

XIV. PUBLIC SERVICES --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?			X	
Police protection?			X	
Schools?			X	
Parks?			X	
Other public facilities?			X	
<p>Discussion: The County has adopted a standardized mitigation measure requiring payment of all applicable Public Facilities Fees, as well as one for the Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. In addition, first year costs of the Sheriff's Department have been standardized based on studies conducted by the Sheriff's Department. Should a single-family dwelling be placed on proposed parcel 1, a less than significant impact will occur as fees are put in place to offset the demand for more services. These fees will be required upon issuance of any building permit and will be placed as conditions of approval for this project.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				
XV. RECREATION --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X
<p>Discussion: Currently, there are no recreation facilities that would be affected by the proposed project.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				

XVI. TRANSPORTATION/TRAFFIC -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			X	
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?			X	
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?			X	
<p>Discussion: Proposed parcel 1 fronts on the publically maintained Orange Blossom Road. Proposed parcel 2 is a flag lot and is configured with a 30 foot wide driveway, which also takes access from Orange Blossom Road. A project referral received from Stanislaus County Public Works dated May 5, 2014, requested an Irrevocable Offer of Dedication if the 40 foot half width south of the centerline of Orange Blossom Road does not already exist. Staff will execute this request in the conditions of approval for the project. Although no development is being proposed as a part of this project, there is potential to construct one additional single family dwelling if the project is approved. According to the Federal Highway Administration the average daily vehicle trips per household is 9.6. The additional car trips generated by these potential dwelling units will not have a significant impact on the level of service on Orange Blossom Road or the surrounding road network.</p>				
<p>Mitigation: None.</p>				
<p>References: Referral response from Stanislaus County Department of Public Works dated May 5, 2014; Federal Highway Administration 2010 Status of the Nation's Highway, Bridges, and Transit: conditions and Performance (Ch. 1: Ex 1-3); Applications Materials; Stanislaus County General Plan and Support Documentation¹.</p>				
XVII. UTILITIES AND SERVICE SYSTEMS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X	
<p>Discussion The existing single family dwelling is served by on-site private septic and well. Any future residential development will have wastewater treatment provided by individual onsite septic systems and water provided by onsite domestic wells, which will be subject to DER approval, and must comply with all relevant health and safety regulations. Additionally, any future construction will require a grading permit from the Department of Public Works, which evaluates storm water drainage.</p>				
<p>Mitigation: None.</p>				
<p>References: Referral response from Stanislaus County Department of Environmental Resources dated March 05, 2014; Application Materials; Department of Environmental Health Project Comments; County Records; Stanislaus County General Plan and Support Documentation¹.</p>				
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	

<p>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p>			<p>X</p>	
---	--	--	-----------------	--

Discussion: Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area.

I:\Planning\Staff Reports\PM\2014\PM PLN2014-0019 - Burroughs\CEQA-30-Day-Referral\Initial Study.wpd

¹Stanislaus County General Plan and Support Documentation adopted in October 1994, as amended. Optional and updated elements of the General Plan and Support Documentation: **Agricultural Element** adopted on December 18, 2007; **Housing Element** adopted on August 28, 2012; **Circulation Element** and **Noise Element** adopted on April 18, 2006.



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

March 19, 2015

Kristin Doud
Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354

Subject: Tentative Parcel Map Application No. PLN2014-0019 - Burroughs
SCH#: 2014022074

Dear Kristin Doud:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on March 18, 2015, 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.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2014022074
Project Title Tentative Parcel Map Application No. PLN2014-0019 - Burroughs
Lead Agency Stanislaus County

Type MND Mitigated Negative Declaration
Description This is a request to create a 5-acre parcel and an 8.81 acre parcel from a 13.81 acre parcel. The existing parcel is served by private septic and well. No agricultural irrigation infrastructure exists on the project site. The proposed parcel split is configured as a flag lot, including a 30 foot wide access from Orange Blossom Road to the proposed 8.81-acre parcel. Both parcels are proposed to take access from the publically maintained Orange Blossom Road. A biological assessment was completed for this project and mitigation measures have been applied to reduce potential impacts to biological resources to a less than significant level.

Lead Agency Contact

Name Kristin Doud
Agency Stanislaus County
Phone (209) 525-6330
email
Address 1010 10th Street, Suite 3400
City Modesto
Fax
State CA **Zip** 95354

Project Location

County Stanislaus
City
Region
Lat / Long
Cross Streets Orange Blossom Road
Parcel No. 002-063-018
Township 1S **Range** 11E **Section** 19 **Base** MDB&M

Proximity to:

Highways Hwy 108/120
Airports
Railways
Waterways Stanislaus River
Schools Knights Ferry ES
Land Use PLU: Ranchette
Z: A-2-5
GPD: Agriculture

Project Issues

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 4; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 10; Air Resources Board; Regional Water Quality Control Bd., Region 5 (Sacramento); Native American Heritage Commission

Date Received 02/17/2015 **Start of Review** 02/17/2015 **End of Review** 03/18/2015

Central Valley Regional Water Quality Control Board

12 March 2015

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

CERTIFIED MAIL
7014 2120 0001 3978 0483

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, TENTATIVE PARCEL MAP APPLICATION NO. PLN2014-0019 - BURROUGHS PROJECT, SCH# 2014022074, STANISLAUS COUNTY

Pursuant to the State Clearinghouse's 17 February 2015 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Tentative Parcel Map Application No. PLN2014-0019 – Burroughs Project, located in Stanislaus County.

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

Construction Storm Water General Permit

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

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

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

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

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

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

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

Clean Water Act Section 401 Permit – Water Quality Certification

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

Waste Discharge Requirements

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

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program.

There are two options to comply:

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

Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

Low or Limited Threat General NPDES Permit

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

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

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

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

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf

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



Trevor Cleak
Environmental Scientist

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



CHIEF EXECUTIVE OFFICE

Stan Risen
Chief Executive Officer

Patricia Hill Thomas
*Chief Operations Officer/
Assistant Executive Officer*

Keith D. Boggs
Assistant Executive Officer

Jody Hayes
Assistant Executive Officer

1010 10th Street, Suite 6800, Modesto, CA 95354
Post Office Box 3404, Modesto, CA 95353-3404

Phone: 209.525.6333 Fax 209.544.6226

STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

March 5, 2015

Kristin Doud, Associate Planner
Stanislaus County Planning and Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

**SUBJECT: ENVIRONMENTAL REFERRAL – BURROUGHS – TENTATIVE PARCEL MAP
APPLICATION NO. PLN2014-0019 – INITIAL STUDY AND NOTICE OF
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION**

Ms. Doud:

Thank you for the opportunity to review the Initial Study phase of the above-referenced project.

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

The ERC appreciates the opportunity to comment on this project.

Sincerely,

Delilah Vasquez
Management Consultant
Environmental Review Committee

DV:ss

cc: ERC Members





March 10, 2015

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

**Re: TENTATIVE PARCEL MAP APPLICATION NO. PLN2014-0019 - BURROUGHS
APN: 002-063-018**

To whom it may concern:

Thank you for the opportunity to review the above-noted project. As shown on the enclosed Project Site Map, the project is located outside the Oakdale Irrigation District (OID) boundaries and is not entitled to receive irrigation services. As such and given there are no OID facilities within the project vicinity, OID foresees no impact to any OID facilities or its operations from the proposed project. If OID can be of any further assistance, please do not hesitate to contact me at (209) 840-5525.

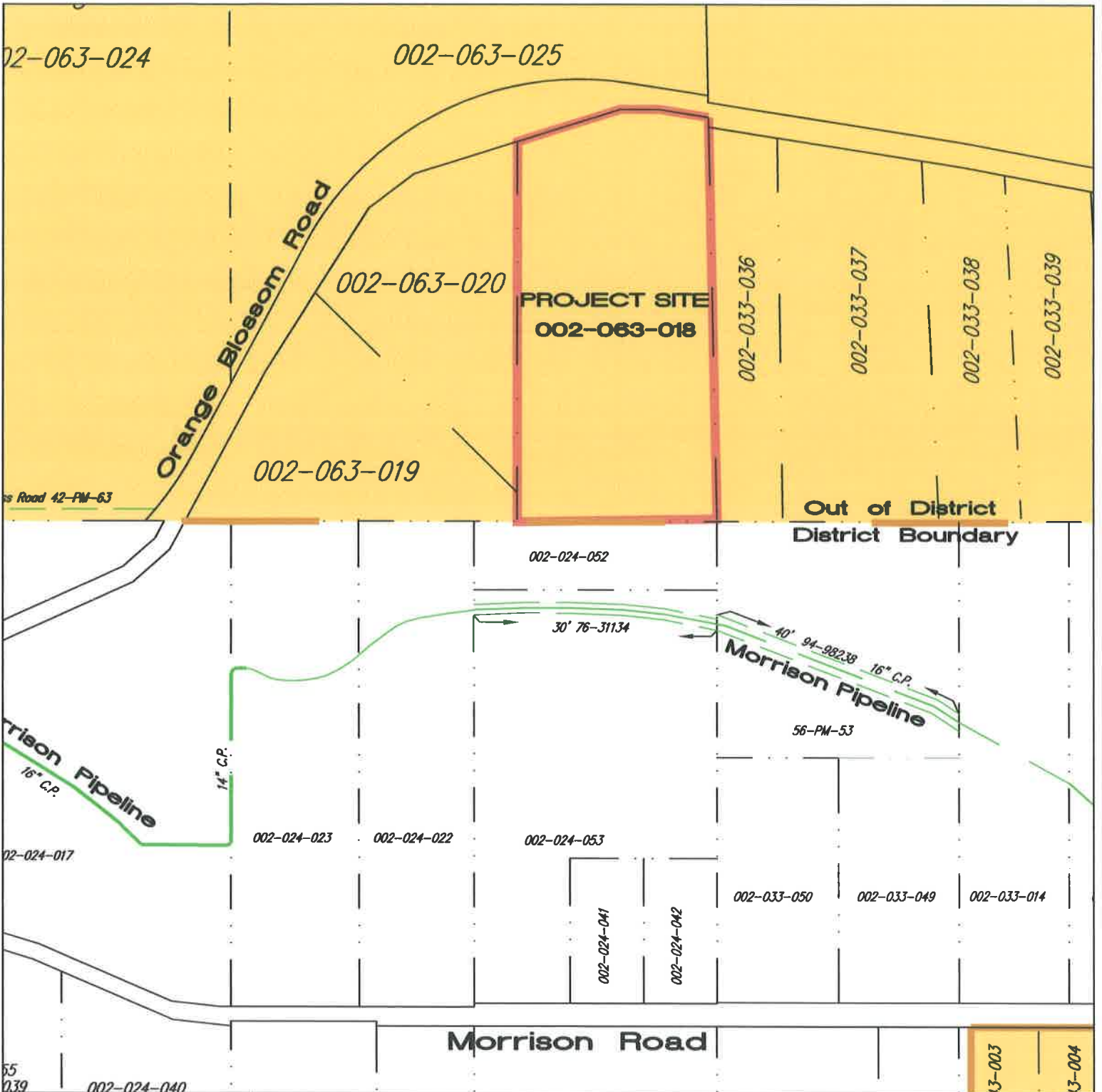
Sincerely,

OAKDALE IRRIGATION DISTRICT

Eric C. Thorburn, P.E.
Water Operations Manager

Enclosure: Project Site Map

cc: Administration Files



OAKDALE IRRIGATION DISTRICT
 1205 EAST F STREET
 OAKDALE CALIFORNIA 95361

PROJECT SITE MAP
 APN: 002-063-018



DATE: MARCH 4, 2015
 DRAWN BY: CMK
 CHECKED BY: ECT

TENTATIVE PARCEL MAP REVIEW

NOT TO SCALE
 SHEET 1 of 1

MITIGATED NEGATIVE DECLARATION

NAME OF PROJECT: Tentative Parcel Map Application No. 2014-0019 - Burroughs

LOCATION OF PROJECT: 15690 Orange Blossom Road, near the community of Knight's Ferry, northeast of the City of Oakdale (APN: 002-063-018)

PROJECT DEVELOPER: Kevin Cole – Giuliani & Kull, Inc.
440 S. Yosemite Ave,
Oakdale, CA 95361

DESCRIPTION OF PROJECT: This is a request to create a 5-acre parcel and an 8.81-acre parcel from a 13.81 acre parcel in the A-2-5 zoning district. The existing parcel is served by private septic and well. No agricultural irrigation infrastructure exists on the project site. The proposed parcel split is configured as a flag lot, including a 30 foot wide access from Orange Blossom Road to the proposed 8.81-acre parcel. Both parcels are proposed to take access from the publically maintained Orange Blossom Road. A biological assessment was completed for this project and mitigation measures have been applied to reduce potential impacts to biological resources to a less than significant level.

Based upon the Initial Study, dated **February 13, 2015**, the Environmental Coordinator finds as follows:

1. This project does not have the potential to degrade the quality of the environment, nor to curtail the diversity of the environment.
2. This project will not have a detrimental effect upon either short-term or long-term environmental goals.
3. This project will not have impacts which are individually limited but cumulatively considerable.
4. This project will not have environmental impacts which will cause substantial adverse effects upon human beings, either directly or indirectly.

The aforementioned findings are contingent upon the following mitigation measures (if indicated) which shall be incorporated into this project:

1. *Prior to any construction or ground disturbing activity, a 100-foot development-free buffer shall be established around each blue elderberry shrub identified on Figure 4 of the Baseline Biological Assessment, conducted by Moore Biological Consultants on November 4, 2014. Each elderberry shrub identified on Figure 4 shall be fenced during construction. If full avoidance is not possible, consultation with USFWS shall be undertaken to further assess the potential impacts to valley elderberry longhorn population and determine any needed mitigation. Mitigation usually involves planting replacement shrubs at an approved mitigation site or payment of fees to an approved mitigation bank or in-lieu species fund.*
2. *To prevent disturbance of raptor and special-status bat habitat, all large mature trees planned for removal in connection with any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops, shall be removed only during the non-breeding season (September 1 through January 31 for raptors and mid-November through early-March for special-status bats). However, if it is not possible to conduct such removals during the non-breeding season, then prior to any*

construction or grading or any change in the farming practices described above on a newly created parcel, a qualified biologist shall conduct a survey for tree-nesting raptors and special-status bats in all trees on the portion of the parcel to be affected by the construction, grading or agricultural conversion. Such surveys shall be conducted not less than ten days prior to the start of construction, grading or agricultural conversion. If nesting raptors are detected on or adjacent to the portion of the parcel which will be disturbed, then a construction/grading/conversion-free buffer shall be established around all active nests. The precise dimension of such buffer shall be not less than 250 feet and shall be determined in accordance with the nest location and the species occupying the nest; provided that if the nest is occupied by Swainson's Hawks, the buffer shall be not less than one-half mile. The buffer areas shall be enclosed with temporary fencing, and no workers or construction or other equipment shall enter the enclosed setback areas. Such buffers shall remain in place for the duration of the breeding season (February 1 through August 31 for raptors and late-March through early-November for special-status bats).

3. *Prior to any construction or ground disturbing activity that will require removal of a healthy oak tree with a diameter of 12 inches or more, an oak tree protection and replacement plan shall be provided by the property owner to the Department of Planning and Community Development and to the California Department of Fish & Wildlife (CDFW) for review and approval.*

The Initial Study and other environmental documents are available for public review at the Department of Planning and Community Development, 1010 10th Street, Suite 3400, Modesto, California.

Initial Study prepared by: Kristin Doud, Associate Planner

Submit comments to: Stanislaus County
Planning and Community Development Department
1010 10th Street, Suite 3400
Modesto, California 95354

Stanislaus County

Planning and Community Development

1010 10th Street, Suite 3400
Modesto, CA 95354

Phone: (209) 525-6330
Fax: (209) 525-5911

Mitigation Monitoring Plan

Adapted from CEQA Guidelines sec. 15097 Final Text, October 26, 1998

November 14, 2014

1. Project title and location: Tentative Parcel Map Application No. 2014-0019 - Burroughs

15690 Orange Blossom Road, near the community of Knight's Ferry, northeast of the City of Oakdale. (APN: 002-063-018)
2. Project Applicant name and address: Lynn and Barbara Burroughs
15960 Orange Blossom Rd.
Oakdale, CA 95361
3. Person Responsible for Implementing Mitigation Program (Applicant Representative): Property owners of subject project site
4. Contact person at County: Kristin Doud, Associate Planner, (209) 525-6330

MITIGATION MEASURES AND MONITORING PROGRAM:

List all Mitigation Measures by topic as identified in the Mitigated Negative Declaration and complete the form for each measure.

IV. BIOLOGICAL RESOURCES

- No. 1 Mitigation Measure: Prior to any construction or ground disturbing activity, a 100-foot development-free buffer shall be established around each blue elderberry shrub identified on Figure 4 of the Baseline Biological Assessment, conducted by Moore Biological Consultants on November 4, 2014. Each elderberry shrub identified on Figure 4 shall be fenced during construction. If full avoidance is not possible, consultation with USFWS shall be undertaken to further assess the potential impacts to valley elderberry longhorn population and determine any needed mitigation. Mitigation usually involves planting replacement shrubs at an approved mitigation site or payment of fees to an approved mitigation bank or in-lieu species fund.

- Who Implements the Measure: Applicant/Developer
- When should the measure be implemented: Prior to any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel
- When should it be completed: Upon completion of construction or grading or any change in farming practices.
- Who verifies compliance: Stanislaus County Department of Planning and

Community Development and California
Department of Fish and Wildlife

Other Responsible Agencies: U.S. Fish and Wildlife Service

No. 2 Mitigation Measure: To prevent disturbance of raptor and special-status bat habitat, all large mature trees planned for removal in connection with any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops, shall be removed only during the non-breeding season (September 1 through January 31 for raptors and mid-November through early-March for special-status bats). However, if it is not possible to conduct such removals during the non-breeding season, then prior to any construction or grading or any change in the farming practices described above on a newly created parcel, a qualified biologist shall conduct a survey for tree-nesting raptors and special-status bats in all trees on the portion of the parcel to be affected by the construction, grading or agricultural conversion. Such surveys shall be conducted not less than ten days prior to the start of construction, grading or agricultural conversion. If nesting raptors are detected on or adjacent to the portion of the parcel which will be disturbed, then a construction/grading/conversion-free buffer shall be established around all active nests. The precise dimension of such buffer shall be not less than 250 feet and shall be determined in accordance with the nest location and the species occupying the nest; provided that if the nest is occupied by Swainson's Hawks, the buffer shall be not less than one-half mile. The buffer areas shall be enclosed with temporary fencing, and no workers or construction or other equipment shall enter the enclosed setback areas. Such buffers shall remain in place for the duration of the breeding season (February 1 through August 31 for raptors and late-March through early-November for special-status bats).

Who implements the Measure: Applicant/Developer

When should the measure be implemented: Prior to any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel

When should it be completed: Upon completion of construction or grading or any change in farming practices.

Who verifies compliance: Stanislaus County Department of Planning and Community Development, California Department of Fish and Wildlife

Other Responsible Agencies: U.S. Fish and Wildlife Service

No. 3 Mitigation Measure: Prior to any construction or ground disturbing activity that will require removal of a healthy oak tree with a diameter of 12 inches or more, an oak tree protection and replacement plan shall be provided by the property owner to the Department of Planning and Community Development and to the California Department of Fish & Wildlife (CDFW) for review and approval.

Who Implements the Measure:	Applicant/Developer
When should the measure be implemented:	Prior to construction
When should it be completed:	Prior to construction
Who verifies compliance:	Stanislaus County Department of Planning and Community Development, California Department of Fish and Wildlife

I, the undersigned, do hereby certify that I understand and agree to be responsible for implementing the Mitigation Program for the above listed project.

Signature on file _____
Person Responsible for Implementing
Mitigation Program

February 9, 2015 _____
Date

MOORE BIOLOGICAL CONSULTANTS

November 4, 2014

Mr. Kevin Cole
Giuliani & Kull, Inc.
440 S. Yosemite Ave.
Oakdale, CA 95361

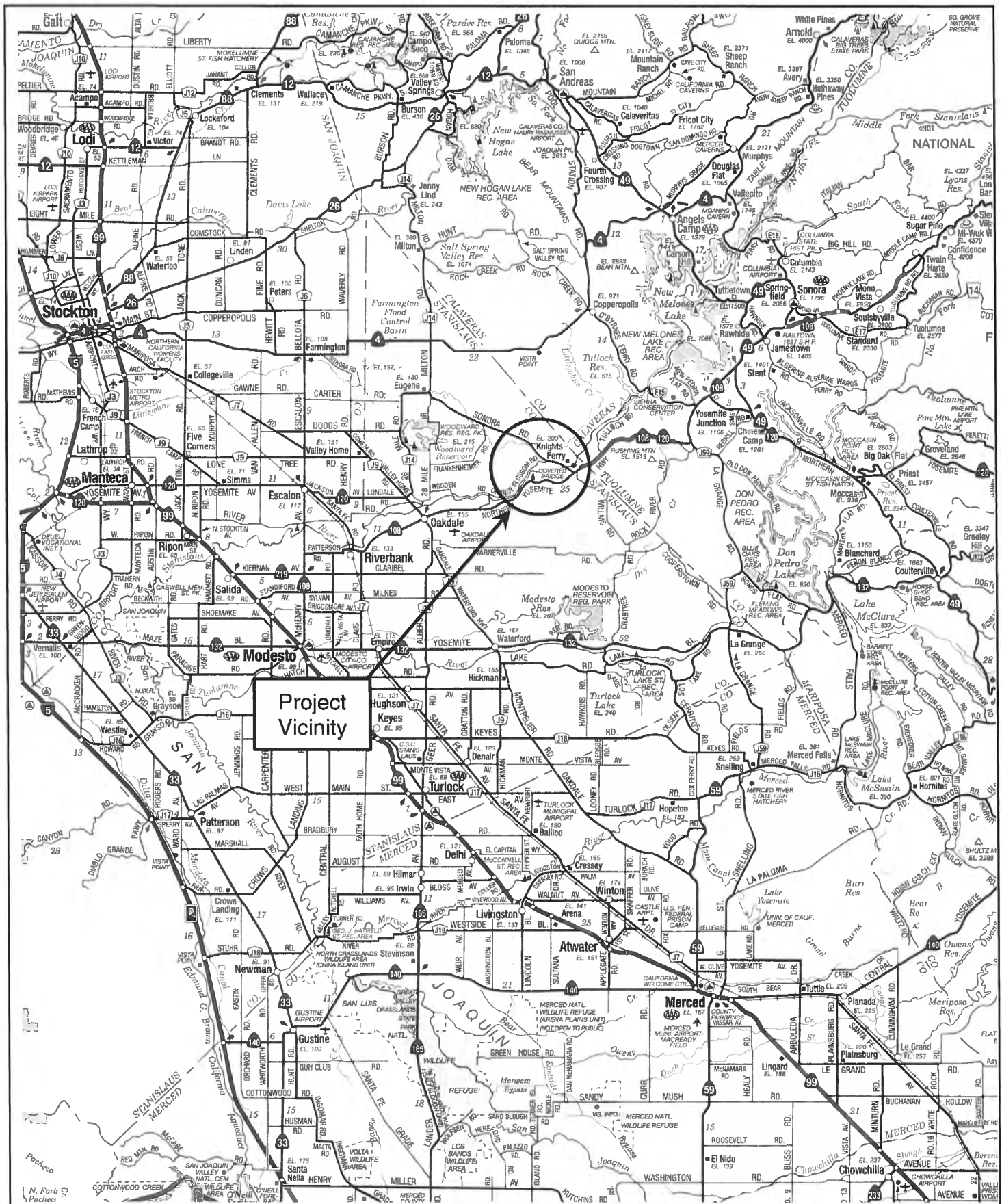
Subject: BASELINE BIOLOGICAL RESOURCES ASSESSMENT:
"BURROUGH'S TENTATIVE MAP" SITE, STANISLAUS COUNTY,
CALIFORNIA

Dear Kevin:

On behalf of Lynn and Barbara Burroughs, thank you for asking Moore Biological Consultants to conduct a baseline biological resources assessment of the 13.8+/- acre site in Stanislaus County, California (Figures 1 and 2). The focus of our work was to document existing biological resources in the site, conduct a survey to determine presence or absence of waters of the U.S. and wetlands, and search for suitable habitat for or presence of special-status species in the site. This letter report details the methodology and results of our investigation.

Project Overview:

The proposed project involves creating two parcels on the existing 13.8+/- acre parcel. There is an existing home site in the south half of the overall 13.8+/- acre parcel; the new parcel will be in the north part of the site adjacent to Orange Blossom Road. While there are no near-term plans for construction, development of a home site in the new north parcel in the future is anticipated as a result of the proposed project.



Source: Calif. State Automobile Association

**Moore Biological
Consultants**



**FIGURE 1
PROJECT VICINITY**

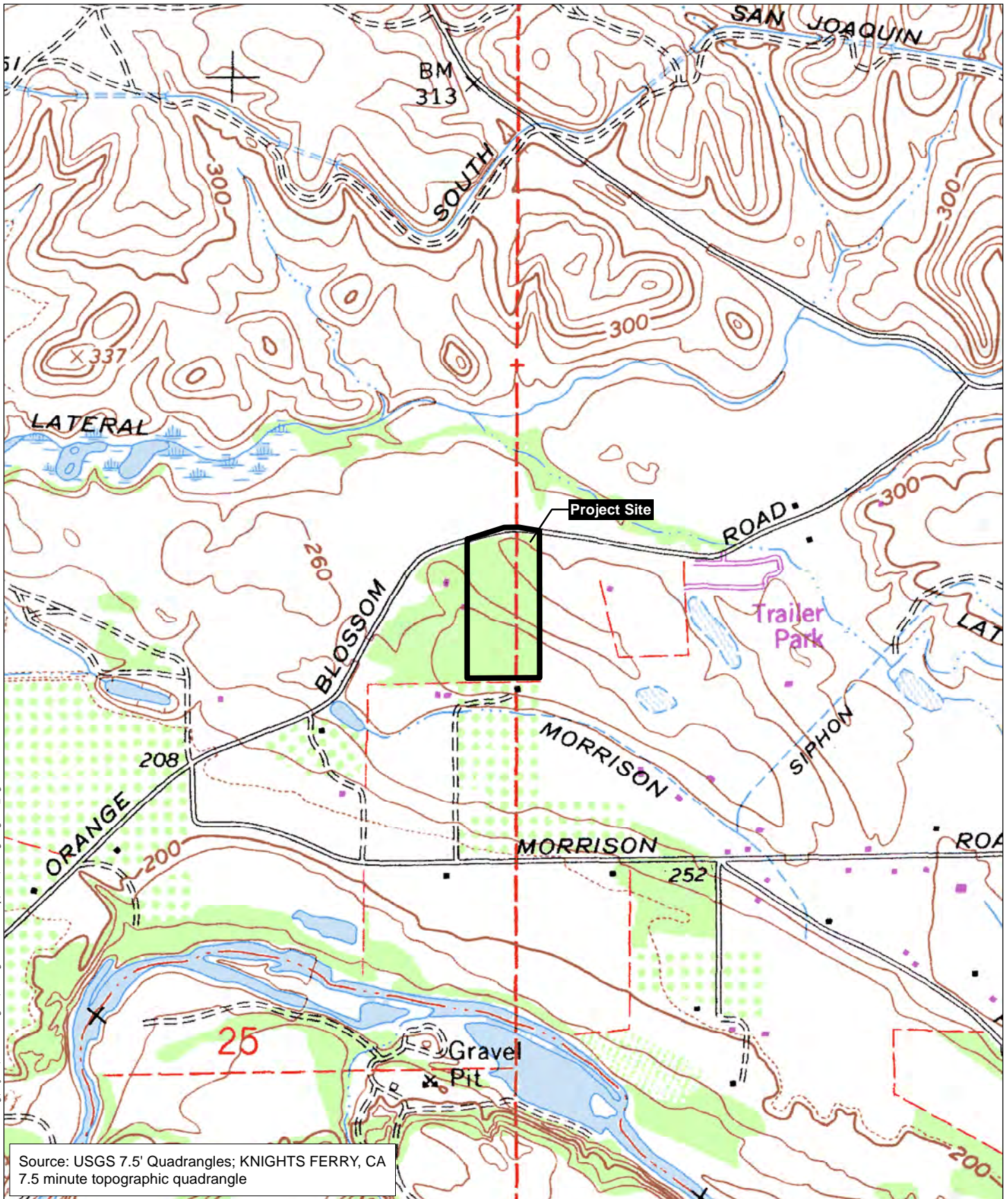
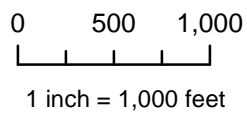


Figure 2

Moore Biological
Consultants



PROJECT LOCATION

Burroughs Tentative Map

Stanislaus County, CA

Regulatory Requirements:

Clean Water Act: The Clean Water Act (CWA) 33 U.S.C. 1251-1376) provides guidance for the restoration and maintenance of the chemical, physical, and biological integrity of the nation's waters.

Section 404 of the Clean Water Act

Section 404 of the CWA established a permit program administered by the U.S. Army Corps of Engineers (ACOE) regulating the discharge of dredged or fill material into waters of the United States (including wetlands). Implementing regulations by ACOE are found at 33 CFR Parts 320-330. Guidelines for implementation are referred to as the Section 404 (b)(1) Guidelines and were developed by the Environmental Protection Agency (EPA) in conjunction with ACOE (40 CFR Parts 230). The Guidelines allow the discharge of dredged or fill material into the aquatic system only if there is no practicable alternative that would have less adverse impacts.

Section 401 of the Clean Water Act

Section 401 of the CWA requires that an applicant for a Federal license or permit that allows activities resulting in a discharge to waters of the U.S. must obtain a state certification that the discharge complies with other provisions of CWA. The Regional Water Quality Control Board (RWQCB) administers the certification program in California.

Section 10 of the Rivers and Harbors Act

Section 10 of the Rivers and Harbors Act (33 U.S.C. 401 et seq.) is administered by ACOE. This section requires permits in navigable waters of the U. S. for all structures such as riprap and activities such as dredging. Navigable waters are defined as those subject to the ebb and flow of the tide and susceptible to use in their natural condition or by reasonable improvements as means to transport interstate or foreign commerce. The ACOE grants or denies permits based on

the effects on navigation. Most activities covered under this act are also covered under Section 404 of CWA.

Section 1600 of the Fish and Game Code

Under Section 1600 of the Fish and Game Code of California, project proponents are required to notify California Department of Fish and Wildlife (CDFW) prior to any project that would divert, obstruct or change the natural flow, bed, channel, or bank of any river, stream, or lake. Preliminary notification and project review generally occurs during the environmental process. When an existing fish or wildlife resource may be substantially adversely affected, CDFW is required to propose reasonable project changes to protect the resource. These modifications are formalized in a Streambed Alteration Agreement.

Federal Endangered Species Act

The Federal Endangered Species Act (FESA) of 1973 (16 U.S.C. 1531-1543) and subsequent amendments provide guidance for the conservation of endangered and threatened species and the ecosystems upon which they depend.

Section 7 requires Federal agencies, in consultation with, and with the assistance of the Secretary of the Interior or the Secretary of Commerce, as appropriate, to insure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of threatened or endangered species or result in the destruction or adverse modification of critical habitat for these species. The United States Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) share responsibilities for administering the Act. Regulations governing interagency cooperation under Section 7 are found at 50 CFR Part 402. The opinion issued at the conclusion of consultation will include a statement authorizing take that may occur incidental to an otherwise legal activity.

California Endangered Species Act

The California Endangered Species Act (CESA) (Fish and Game Code 2050 et seq.) establishes the policy of the State to conserve, protect, restore, and enhance threatened or endangered species and their habitats. CESA mandates that State agencies should not approve projects that would jeopardize the continued existence of threatened or endangered species if reasonable and prudent alternatives are available that would avoid jeopardy. CESA requires State lead agencies to consult with CDFW during the CEQA process to avoid jeopardy to threatened or endangered species. As an outcome of consultation, CDFW is required to issue a written finding indicating if a project would jeopardize threatened or endangered species and specifying reasonable and prudent alternatives that would avoid jeopardy. The Act provides for joint consultations when species are listed by both the State and Federal governments.

Methods:

Prior to the field surveys, we conducted a search of CDFW's California Natural Diversity Database (CNDDDB, 2014). The CNDDDB search was conducted on the USGS 7.5-minute Knight's Ferry topographic quadrangle, which encompasses approximately 60 square miles of lands surrounding the site that are at similar elevations and habitat types as those in the site. The United States Fish and Wildlife Service (USFWS) list of Federally Threatened and Endangered species that may occur in or be affected by projects in the Knight's Ferry topographic quadrangle (Attachment A) was also reviewed. This information was used to identify special-status wildlife and plant species that have been previously documented in the vicinity or have the potential to occur based on suitable habitat and geographical distribution.

A field survey was conducted by Moore Biological Consultants on October 8, 2014. The survey involved walking throughout the site making observations and

noting habitat conditions, surrounding land uses, and plant and wildlife species. We conducted an assessment of potentially jurisdictional Waters of the U.S. and wetlands as defined by ACOE, (1987; 2008), and a search for special-status species, and suitable habitat for special-status species (e.g., vernal pools, blue elderberry shrubs, caves, areas with unique soils). Additionally, trees near the site were assessed for the potential use by nesting raptors, especially Swainson's hawk (*Buteo swainsoni*) and the site was searched for burrows that could be used by nesting burrowing owls (*Athene cunicularia*).

Results

The 13.8+/- acre site is approximately 1.5 miles west of Knight's Ferry in Stanislaus County, California (Figure 1). The site is within unnumbered Sections within Township 1 South, Range 11 East and Township 1 South, Range 12 East, of the USGS 7.5-minute Knight's Ferry topographic quadrangle (Figure 2). The site is rolling hills and is at elevations of approximately 250 to 270 feet above mean sea level. The site consists of mixed oak woodlands and a few relatively small patches of grassland; there is a home site in the south part of the site, which is accessed by a driveway along the east parcel boundary (Figure 3).

Land uses in this part of Stanislaus County are primarily open space, rangeland, and recreation, with widely scattered residential uses. There are nursery trees (i.e., almond and other tree seedlings) to the north of the site across Orange Blossom Road, and a walnut orchard to the northwest. The residential parcels to the east and south of the site are also used for equestrian purposes and are mostly open grassland. The west side of the site is bounded by a home site surrounded by oak woodlands, similar those on the site.

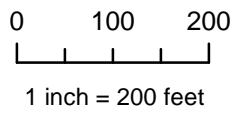
VEGETATION: Mixed oak series and California annual grassland series (Sawyer and Keeler-Wolf, 1995) best describe the habitat types in the site and adjacent lands (Figure 3 and photographs in Attachment B). Oak woodlands cover most of the site, interspersed with a few small patches of grassland. There has been



C:\Users\MattF\Documents\Fremont Environmental Consulting\Projects\Moore Biological Burroughs Tentative Map\MXD\burroughs figure 3_aerial.mxd

Figure 3

Moore Biological Consultants



AERIAL

Burroughs Tentative Map

Stanislaus County, CA

disturbance at the site from grazing, disking and mowing for fire suppression, and construction and maintenance of farm roads and fences. The site was heavily grazed by horses and/or other livestock earlier in the year and the site supported very sparse grassland vegetation.

Blue oaks (*Quercus douglasii*) are the most common trees throughout the site; valley oaks (*Quercus lobata*) are less common and primarily found in the north part of the site. The oak woodland understory is relatively open in most places, supporting a few scrub oak (*Quercus berberidifolia*), buckbrush (*Ceanothus cuneatus*), and manzanita (*Arctostaphylos* sp.) shrubs. Two blue elderberry (*Sambucus mexicana*) shrubs were located in the site (Figure 4). No other blue elderberry shrubs were observed in or adjacent to the site.

The trees in the site vary in size, structure, and health. Many of the trees are blue oaks with multiple stems, with most of the stems being less than 12 inches in diameter at breast height (DBH). There are lesser numbers of relatively larger single-trunk interior blue oaks. Valley oaks primarily occur in the north part of the site; there are some notable valley oaks near Orange Blossom Road (see photographs in Attachment B). Some oaks apparent in aerial photographs taken a few years ago have died in the past few years; many of these dead trees have been felled and removed. There are some standing dead oaks (snags) remaining, a few of which appear to have died in the past year, possibly from the drought and/or old age.

Native and non-native grasses including oats (*Avena fatua*), foxtail barley (*Hordeum murinum*), soft chess brome (*Bromus hordeaceus*), ripgut brome (*Bromus diandrus*), and perennial ryegrass (*Lolium perenne*), are dominant in the on-site grasslands and oak woodland understory. Other grassland species such as prickly lettuce (*Lactuca serriola*), rose clover (*Trifolium hirtum*), black mustard (*Brassica nigra*), vetch (*Vicia* spp.), and filaree (*Erodium botrys*) are intermixed with the grasses. Table 1 is a list of plant species observed in the site.



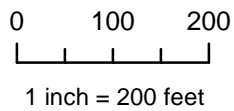
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Google

Imagery ©2014

Figure 4

Moore Biological Consultants



ELDERBERRIES

Burroughs Tentative Map

Stanislaus County, CA

TABLE 1
PLANT SPECIES OBSERVED IN THE SITE

<i>Arctostaphylos</i> sp.	manzanita
<i>Avena</i> sp.	oat
<i>Brassica nigra</i>	black mustard
<i>Bromus diandrus</i>	ripgut brome
<i>Bromus hordeaceus</i>	soft chess brome
<i>Ceanothus cuneatus</i>	buck brush
<i>Convolvulus arvensis</i>	field bindweed
<i>Eremocarpus setigerus</i>	dove weed
<i>Erodium botrys</i>	filaree
<i>Hordeum murinum</i>	foxtail barley
<i>Lolium perenne</i>	perennial ryegrass
<i>Medicago polymorpha</i>	California bur clover
<i>Quercus berberdifolia</i>	scrub oak
<i>Quercus douglasii</i>	blue oak
<i>Quercus lobata</i>	valley oak
<i>Raphanus sativus</i>	wild radish
<i>Sambucus mexicana</i>	blue elderberry
<i>Toirilis nodosa</i>	torilis
<i>Trifolium hirtum</i>	rose clover
<i>Vicia sativa</i>	common vetch

WILDLIFE: A limited variety of wildlife species that are common in Stanislaus County were observed in the site. Turkey vulture (*Cathartes aura*), red-tailed hawk (*Buteo jamaicensis*), acorn woodpecker (*Melanerpes formicivorous*), western kingbird (*Tyrannus verticalis*), and mourning dove (*Zenaida macroura*) are some of the more common birds observed at the site (Table 2).

TABLE 2
WILDLIFE SPECIES DOCUMENTED IN THE SITE

Birds

Turkey vulture	<i>Cathartes aura</i>
Red-tailed hawk	<i>Buteo jamaicensis</i>
Mourning dove	<i>Zenaida macroura</i>
Great-horned owl	<i>Bubo virginianus</i>
Acorn woodpecker	<i>Melanerpes formicivorus</i>
Northern flicker	<i>Colaptes auratus</i>
Black phoebe	<i>Sayornis nigricans</i>
Western kingbird	<i>Tyrannus verticalis</i>
Western scrub jay	<i>Aphelocoma coerulescens</i>
Western bluebird	<i>Sialia mexicana</i>
American robin	<i>Turdus migratorius</i>
White-crowned sparrow	<i>Zonotrichia leucophrys</i>
Western meadowlark	<i>Sturnella neglecta</i>
Brewer's blackbird	<i>Euphagus cyanocephalus</i>

Mammals

Mule deer	<i>Odocoileus hemionus columbianus</i>
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Reptiles

Western fence lizard	<i>Sceloporus occidentalis</i>
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A few old raptor stick nests were observed in trees in the site. The 2014 survey was conducted after the end of the avian nesting season and no active nests were located in the site. Given the presence of numerous oaks throughout the site, it is considered likely that one or more pairs of raptors, plus a variety of songbirds, nest in trees and shrubs in or near the site each year. A variety of other protected migratory birds (mostly songbirds) likely nest in the on-site shrubs and grasslands during most years.

No mammals were observed in the site, however, sign of mule (black-tail) deer (*Odocoileus*) was observed. While none were observed, a few other mammals are expected to use habitats in or move through the site on occasion. Coyote (*Canis latrans*), black-tailed hare (*Lepus californicus*), raccoon (*Procyon lotor*), striped skunk (*Mephitis mephitis*), and Virginia opossum (*Didelphis virginiana*) are expected to occur in the area. Mountain lions (*Felis concolor*) and bobcats (*Felis rufus*) are known to exist in the low Sierra Nevada foothills and may occur in the area; however, no evidence of either of these species was observed during the recent survey. A number of species of small rodents including mice (*Mus musculus*, *Reithrodontomys megalotis*, and *Peromyscus maniculatus*) and voles (*Microtus californicus*) also likely occur. The oak woodlands in the site also provide suitable foraging and/or roosting habitat for a variety of bats.

Based on habitat types present and absence of aquatic habitats in the site, only a few species of amphibians and reptiles are expected to occur on-site. Western fence lizard (*Sceloporus occidentalis*) was the only reptile observed in the site; no amphibians were observed. The site is within the range of northern alligator lizard (*Gerrhonotus coeruleus*), common king snake (*Lampropeltis getulus*), western rattlesnake (*Crotalis viridis*), Pacific chorus frog (*Pseudacris regilla*), and common garter snake (*Thamnophis sirtalis*); these and other common amphibian and reptile species may occur on-site.

WATERS OF THE U.S. AND WETLANDS: Waters of the U.S., including wetlands, are broadly defined under 33 Code of Federal Regulations (CFR) 328 to include navigable waterways, many of their tributaries, and adjacent wetlands. State and federal agencies including CDFW and ACOE, and California Regional Water Quality Control Board have jurisdiction over these habitats. Jurisdictional wetlands are vegetated areas that meet specific vegetation, soil, and hydrologic criteria defined by the ACOE *Wetlands Delineation Manual* and Regional Supplement (ACOE, 1987; 2008). Waters of the U.S. are drainage features or water bodies as described in 33 CFR 328.4.

Jurisdictional wetlands and Waters of the U.S. include, but are not limited to, perennial and intermittent creeks and drainages, irrigation canals, lakes, seeps, and springs; emergent marshes; riparian wetlands; and seasonal wetlands. Wetlands and Waters of the U.S. provide critical habitat components, such as nest sites and a reliable source of water, for a wide variety of wildlife species. No potential jurisdictional Waters of the U.S. or wetlands were observed in the site. The site consists of sloping wooded hillsides that generally slope and drain to the northwest. There are no creeks or drainages in the site exhibiting attributes of jurisdictional Waters of the U.S. such as an ordinary high water mark impressed along the banks, staining, deposition of debris, or other evidence of surface flow; there are also no open bodies of water such as ponds or lakes in the site. There are no rivers, streams, or lakes in the site that would potentially fall under CDFW jurisdiction as outlined in Section 1600 of Fish and Game Code of California.

There are also no potential jurisdictional wetlands in the site. The site consists of upland woodland and grassland habitats, and no areas within the site appear to have any potential to fall under the jurisdiction of ACOE as regulated wetlands. No areas were observed in the site meeting the mandatory criteria of jurisdictional wetlands (i.e., a dominance of hydrophytic vegetation, presence of hydric soils, and evidence of wetland hydrology). Specifically, there are no vernal pools, seasonal wetlands, swamps, marshes, or wetlands of any other type within the site.

SPECIAL-STATUS SPECIES: Special-status species are plants and animals that are legally protected under the state and/or federal Endangered Species Act or other regulations. The Federal Endangered Species Act (FESA) of 1973 declares that all federal departments and agencies shall utilize their authority to conserve endangered and threatened plant and animal species. The California Endangered Species Act (CESA) of 1984 parallels the policies of FESA and pertains to native California species. Both FESA and CESA prohibit

unauthorized “take” (i.e., killing) of listed species, with take broadly defined in both acts to include activities such as harassment, pursuit and possession.

Special-status wildlife species also includes species that are considered rare enough by the scientific community and trustee agencies to warrant special consideration, particularly with regard to protection of isolated populations, nesting or denning locations, communal roosts, and other essential habitat. The federal Migratory Bird Treaty Act and Fish and Game Code of California protect special-status bird species year-round, as well as their eggs and nests during the nesting season. Fish and Game Code of California also provides protection for mammals and fish.

Special-status plants include species that are designated rare, threatened, or endangered and candidate species for listing by the U.S. Fish and Wildlife Service (USFWS). Special-status plants also include species considered rare or endangered under the conditions of Section 15380 of the California Environmental Quality Act (CEQA) Guidelines, such as those plant species identified on Lists 1A, 1B and 2 in the Inventory of Rare and Endangered Vascular Plants of California by the California Native Plant Society (CNPS, 2010). Finally, special-status plants may include other species that are considered sensitive or of special concern due to limited distribution or lack of adequate information to permit listing or rejection for state or federal status, such as those included on List 3 in the CNPS Inventory.

Table 3 summarizes the listing status and habitat requirements of special-status species that have been documented in the CNDDDB (2014) in the greater vicinity of the site, or for which there is potentially suitable habitat in or near the site. This table also includes an assessment of the likelihood of occurrence of each of these species in the site. The evaluation of the potential for occurrence of each species is based on the distribution of regional occurrences (if any), habitat suitability, and field observations.

TABLE 3

SPECIAL-STATUS PLANT AND WILDLIFE SPECIES DOCUMENTED OR POTENTIALLY-OCCURRING IN THE PROJECT VICINITY

Common Name	Scientific Name	Federal Status ¹	State Status ¹	CNPS List ²	Habitat	Potential for Occurrence in the Project Site
PLANTS						
Beaked clarkia	<i>Clarkia rostrata</i>	None	None	1B	Cismontane woodland and valley and foothill grassland; blooms April - May.	Unlikely: while on-site habitats are potentially suitable for beaked clarkia, they are also highly disturbed by grazing. The site is at the low end of the elevation range of beaked clarkia (CNPS, 2014). As the location of the only occurrence of this species in the CNDDDB (2014) search area is not known, it is mapped non-specifically in Knight's Ferry approximately 1.5 miles southeast of the site; this old record is from 1938 and the CNDDDB contains no more recent records of beaked clarkia within the search area.
Dwarf downingia	<i>Downingia pusilla</i>	None	None	2	Vernal pools; blooms March - May.	Unlikely: there are no vernal pools or seasonal wetlands in the site. The nearest occurrence of dwarf downingia recorded in the CNDDDB (2014) search area is approximately 4 miles southeast of the site.
Forked hare-leaf	<i>Lagophylla dichotoma</i>	None	None	1B	Valley and foothill grassland and cismontane woodlands, often in areas with clay soils; blooms April - May.	Unlikely: while on-site habitats are potentially suitable for forked hare-leaf, they are also highly disturbed by grazing. As the location of the only occurrence of this species in the CNDDDB (2014) search area is not known, it is mapped non-specifically in Knight's Ferry approximately 1.5 miles southeast of the site; this old record is from 1938 and the CNDDDB contains no more recent records of forked hare-leaf within the search area.
Colusa grass	<i>Neostapfia colusana</i>	T	E	1B	Large, deep vernal pools; blooms May - August.	Unlikely: there are no vernal pools or seasonal wetlands in the site. The nearest documented occurrence of Colusa grass in the CNDDDB (2014) search area approximately 5.5 miles southeast of the site. The site is not within designated critical habitat for Colusa grass or other vernal pool plant species (USFWS, 2005a).

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TABLE 3

SPECIAL-STATUS PLANT AND WILDLIFE SPECIES DOCUMENTED OR POTENTIALLY-OCCURRING IN THE PROJECT VICINITY

Common Name	Scientific Name	Federal Status ¹	State Status ¹	CNPS List ²	Habitat	Potential for Occurrence in the Project Site
Hartweg's golden sunburst	<i>Pseudobahia bahiifolia</i>	E	E	1B	Valley and foothill grassland and cismontane woodlands in areas with heavy clay and often acidic soils; blooms March - April.	Unlikely: on-site habitats are not suitable for Hartweg's golden sunburst; the site is highly disturbed by grazing and no clay soils were observed in the site. The nearest occurrence of Hartweg's golden sunburst recorded in the CNDDDB (2014) search area is a population observed in 1939 approximately 2 miles southwest of the site is described as "possibly extirpated" (i.e., it no longer exists) and no extant populations are known to occur within the Knight's Ferry topographic quadrangle (CNPS, 2010).
Greene's tuctoria	<i>Tuctoria greenei</i>	E	R	1B	Vernal pools within the Central Valley; blooms May - September.	Unlikely: there are no vernal pools or seasonal wetlands in the site. There are no occurrences of Greene's tuctoria recorded in the CNDDDB (2014) search area. The site is not within designated critical habitat for Greene's tuctoria or other vernal pool plant species (USFWS, 2005a).
MAMMALS						
Western mastiff bat	<i>Eumops perotis californicus</i>	None	SC	N/A	Open, dry habitats with crevices in cliff faces, high buildings, trees and tunnels for roosting.	Possible: while there are no cliffs or notable rock outcrops in the site, trees in the site may provide suitable roosting habitat. This species may also fly over or forage in the site on occasion. The nearest occurrence of western mastiff bat in the CNDDDB (2014) search area is approximately 1 mile west of the site.
Pallid bat	<i>Antrozous pallidus</i>	None	SC	N/A	Open, dry habitats with rocky areas for roosting.	Possible: although there are some notable cliffs and rock outcrops in the project vicinity, there are no notable rocky areas in the site. This species may fly over or forage in the site on occasion. The nearest occurrence of pallid bat in the CNDDDB (2014) search area is approximately 1 mile west of the site.

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TABLE 3

SPECIAL-STATUS PLANT AND WILDLIFE SPECIES DOCUMENTED OR POTENTIALLY-OCCURRING IN THE PROJECT VICINITY

Common Name	Scientific Name	Federal Status ¹	State Status ¹	CNPS List ²	Habitat	Potential for Occurrence in the Project Site
Western red bat	<i>Lasiurus blossevillii</i>	None	SC	N/A	Roosts in trees in a wide variety of habitats between the coast western Sierra Nevada mountains.	Possible: trees in the site may be used by this species for roosting. Western red bat may also fly over or forage in the site on occasion. The nearest occurrence of western red bat in the CNDDDB (2014) search area is approximately 1 mile west of the site.
Townsend's big-eared bat	<i>Corynorhinus townsendii</i>	None	C	N/A	Wide variety of habitats, most common in mesic sites.	Possible: trees within the site may be suitable roost sites for this species. This species may also fly over or forage in the site on occasion. The nearest occurrence of Townsend's big-eared bat in the CNDDDB (2014) search area is approximately 5 miles northeast of the site.
San Joaquin kit fox	<i>Vulpes macrotis mutica</i>	E	T	N/A	Inhabits open, dry grasslands and scrublands with loose textured soils.	Unlikely: there is no suitable habitat in or near the site for San Joaquin kit fox. This species is not known from this part of the Sierra Nevada. There are no occurrences of this species recorded in the CNDDDB (2014) search area.
REPTILES & AMPHIBIANS						
California red-legged frog	<i>Rana aurora draytonii</i>	T	SC	N/A	Lowlands and foothills in or near permanent sources of water with vegetation.	Unlikely: there is no suitable perennial or near-perennial aquatic habitat in the site for California red-legged frog. There are no occurrences of California red-legged frog recorded in the CNDDDB (2014) search area. The site is not within designated critical habitat for California red-legged frog (USFWS, 2006).
California tiger salamander	<i>Ambystoma californiense</i>	T	T	N/A	Breeds in seasonal water bodies such as deep vernal pools or stock ponds. Requires small mammal burrows for summer refugia.	Unlikely: there are no vernal pools or seasonal stock ponds in or near the site to provide breeding habitat for California tiger salamander. The nearest occurrence of this species in the CNDDDB (2014) search area is approximately 1.5 miles southwest of the site. The site is not in designated critical habitat for California tiger salamander (USFWS, 2005b).

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TABLE 3

SPECIAL-STATUS PLANT AND WILDLIFE SPECIES DOCUMENTED OR POTENTIALLY-OCCURRING IN THE PROJECT VICINITY

Common Name	Scientific Name	Federal Status ¹	State Status ¹	CNPS List ²	Habitat	Potential for Occurrence in the Project Site
Western pond turtle	<i>Emys marmorata</i>	None	SC	N/A	Permanent or semi-permanent bodies of water in a variety of habitats; require basking sites such as logs.	Unlikely: there is no aquatic habitat in the site. The nearest occurrence of western pond turtle in the CNDDDB (2014) search area is approximately 1.5 miles southeast of the site.
Western spadefoot	<i>Spea hammondi</i>	None	SC	N/A	Breeds and lays eggs in seasonal water bodies such as deep vernal pools or stock ponds.	Unlikely: there are no vernal pools or seasonal stock ponds within or near the site to provide breeding habitat for western spadefoot. The nearest occurrence of this species recorded in the CNDDDB (2014) search area is approximately 1.5 miles southwest of the site.
FISH						
Central Valley steelhead	<i>Oncorhynchus mykiss</i>	T	None	N/A	Riffle and pool complexes with adequate spawning substrates within Central Valley drainages.	None: there is perennial or near-perennial aquatic habitat in the site for Central Valley steelhead. The nearest occurrence of this species recorded in the CNDDDB (2014) search area is in the Stanislaus River, approximately 1 mile south of the site. There site is not within designated critical habitat for Central Valley steelhead (NOAA, 2005).
Winter-run Chinook salmon	<i>Oncorhynchus tshawytscha</i>	E	E	N/A	Deep flowing pools and riffle complexes with adequate spawning substrates in the Sacramento River system.	Unlikely: there is no perennial or near-perennial aquatic habitat in the site for winter-run Chinook salmon. There are no occurrences of this species recorded in the CNDDDB (2014) within the search area.
Spring-run Chinook salmon	<i>Oncorhynchus tshawytscha</i>	T	T	N/A	Deep flowing pools and riffle complexes with adequate spawning substrates in the Sacramento River system.	Unlikely: there is no perennial or near-perennial aquatic habitat in the site for spring-run Chinook salmon. There are no occurrences of this species recorded in the CNDDDB (2014) within the search area.

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TABLE 3

SPECIAL-STATUS PLANT AND WILDLIFE SPECIES DOCUMENTED OR POTENTIALLY-OCCURRING IN THE PROJECT VICINITY

Common Name	Scientific Name	Federal Status ¹	State Status ¹	CNPS List ²	Habitat	Potential for Occurrence in the Project Site
Delta smelt	<i>Hypomesus transpacificus</i>	T	T	N/A	Shallow lower delta waterways with submersed aquatic plants and other suitable refugia.	None: this species only occurs in Delta waterways. There are no occurrences of delta smelt recorded in the CNDDDB (2014) within the search area. There is no designated critical habitat for delta smelt (USFWS, 1994) in or near the site.
INVERTEBRATES						
Valley elderberry longhorn beetle	<i>Desmocerus californicus dimorphus</i>	T	None	N/A	Elderberry shrubs in the Central Valley and surrounding foothills	Unlikely: no blue elderberry shrubs were observed within or adjacent to the site. The nearest occurrence of this species in the CNDDDB (2014) search area is approximately 3.5 miles southwest of the site.
Vernal pool tadpole shrimp	<i>Lepidurus packardi</i>	E	None	N/A	Vernal pools and seasonally wet depressions within the Central Valley.	Unlikely: there are no vernal pools or seasonal wetlands in the site. The nearest occurrence of vernal pool tadpole shrimp in the CNDDDB (2014) search area is approximately 3 miles southeast of the site. The site is not within designated critical habitat for vernal pool tadpole shrimp (USFWS, 2005a).
Vernal pool fairy shrimp	<i>Branchinecta lynchi</i>	T	None	N/A	Vernal pools and seasonally inundated depressions in the Central Valley.	Unlikely: there are no vernal pools or seasonal wetlands in the site. There are no occurrences of vernal pool fairy shrimp recorded in the CNDDDB (2014) search area. The site is not within designated critical habitat for any vernal pool shrimp species (USFWS, 2005a).
Conservancy fairy shrimp	<i>Branchinecta conservatio</i>	E	None	N/A	Vernal pools and seasonally inundated depressions in the Central Valley.	Unlikely: there are no vernal pools or seasonal wetlands in the site. There are no occurrences of Conservancy fairy shrimp recorded in the CNDDDB (2014) search area. The site is not in designated critical habitat for any vernal pool species (USFWS, 2005a).

Notes:

¹ T= Threatened; E = Endangered; R = Rare; C = Candidate for listing; SC = California Species of Special Concern.

² CNPS List 1B includes species which are rare, threatened, or endangered in California and elsewhere.

SPECIAL-STATUS PLANTS: Special-status plants recorded in the CNDDDB (2014) within the search area (i.e., the USGS 7.5-minute Knight's Ferry topographic quadrangles) or included on the USFWS Species List include beaked clarkia (*Clarkia rostrata*), dwarf downingia (*Downingia pusilla*), forked hare-leaf (*Lagophylla dichotoma*), Colusa grass (*Neostapfia colusana*), Hartweg's golden sunburst (*Pseudobahia bahiifolia*), and Greene's tuctoria (*Tuctoria greenei*). These species, along with most of the special-status plants found in the low Sierra Nevada foothills generally occur in relatively undisturbed areas within unique vegetation communities such as vernal pools, marshes, swamps, and areas with unique soils (i.e., serpentine, gabbroic). For example, dwarf downingia, Colusa grass, and Greene's tuctoria grow in vernal pools and other mesic (i.e., wet) habitats; there are no vernal pools or other wetlands in the site.

The site is at the low end of the elevation range of beaked clarkia and the location of the only record of this species in the CNDDDB (2014) search area is not really known. This old record is from 1938 and the CNDDDB contains no more recent records of beaked clarkia within the search area. Similarly, the location of the only record of forked hare-leaf in the CNDDDB (2014) search area is also not known; this his old record is also from 1938 and the CNDDDB contains no more recent records of forked hare-leaf within the search area. Finally, the site does not contain clay soils that would support Hartweg's golden sunburst and no extant populations of this species are known to occur within the Knight's Ferry topographic quadrangle (CNPS, 2010).

The site consists of oak woodland and annual grassland vegetation and no unique habitat types or suitable habitat for special-status plants occur within the site. Due to lack of suitable habitat, high levels of disturbance, and absence of nearby populations, it is unlikely special-status plant species occur in the site.

SPECIAL-STATUS WILDLIFE: The potential for intensive use of habitats within the site by special-status wildlife species is also low. Special-status wildlife species recorded in the CNDDDB (2014) in the search area and/or those on the USFWS

Species List include western mastiff bat (*Eumops perotis californicus*), pallid bat (*Antrozous pallidus*), western red bat (*Lasiurus blossomvelli*), Townsend's big-eared bat (*Corynorhinus townsendii*), San Joaquin kit fox (*Vulpes macrotis mutica*), California red-legged frog (*Rana aurora draytonii*), California tiger salamander (*Ambystoma californiense*), western pond turtle (*Emys marmorata*), western spadefoot (*Spea hammondi*), Central Valley steelhead (*Oncorhynchus mykiss*), winter-run Chinook salmon (*Oncorhynchus tshawytscha*) spring-run Chinook salmon (*Oncorhynchus tshawytscha*), delta smelt (*Hypomesus transpacificus*), valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), vernal pool tadpole shrimp (*Lepidurus packardii*), vernal pool fairy shrimp (*Branchinecta lynchi*), and Conservancy pool fairy shrimp (*Branchinecta conservatio*).

Of the species identified in Table 3, valley elderberry longhorn beetle is the only species with to occur in the site on more than an occasional or transitory basis and is discussed below. If present, valley elderberry longhorn beetle could be adversely impacted if there was disturbance to one or more of the blue elderberry shrubs in the site. While not known to occur near the site or expected to occur on the site, California tiger salamander, a species of regional interest, which is also discussed below.

The site is outside the range of San Joaquin kit fox. The site does not provide suitable aquatic habitat for any type of fish, western pond turtle, foothill yellow-legged frog, or California red-legged frog. There are no vernal pools or seasonal wetlands in the site for California tiger salamander, western spadefoot, or vernal pool branchiopods (i.e., fairy and tadpole shrimp). Special-status birds may fly over the site on occasion, but few would be expected to nest in the area. The site provides potentially suitable nesting habitat for Swainson's hawks, but is outside (i.e., east) of the known nesting range of the species. No burrowing owls or suitable burrow habitat were observed in the site. Western mastiff bat, pallid bat, and other special-status bats may fly over or forage in the site; these bats may also roost on occasion in on-site trees.

VALLEY ELDERBERRY LONGHORN BEETLE: The valley elderberry longhorn beetle is listed as a federally threatened species and its host plant is the blue elderberry shrub. The United States Fish and Wildlife Service (USFWS, 1999) *Conservation Guidelines for the Valley Elderberry Longhorn Beetle* identifies stems in excess of 1 inch diameter at ground level as potential habitat for the beetle. These guidelines direct that, if possible, elderberry shrubs should be avoided by a ground disturbance set back of at least twenty feet from the drip line of each shrub. The nearest occurrence of valley elderberry longhorn beetle in the CNDDDB (2014) search area is approximately 3.5 miles southwest of the site.

There are two blue elderberry shrubs and clusters of shrubs in the site (Figure 4 and photographs in Attachment B). No valley elderberry longhorn beetles or evidence of past occupancy by the species were observed in the shrubs in the project site. No newly cut boreholes from adults emerging in 2014 or older boreholes from prior seasons were observed on the stems. Despite these negative findings, valley elderberry longhorn beetle could be impacted if project disturbance occurred near the shrubs and valley elderberry longhorn beetles are in fact occupying one or more of the shrubs.

CALIFORNIA TIGER SALAMANDER: In 2004, the California tiger salamander was listed as threatened under FESA and in 2010, it was also listed as threatened under CESA. In August 2005, USFWS designated critical habitat for the Central Valley population of California tiger salamander (USFWS, 2005b). For breeding, California tiger salamanders require stock ponds without game fish, or deep, large vernal pools, which hold water well into the spring (i.e., April or May) (Jennings and Hayes, 1994). Following breeding, the young disperse to nearby grasslands and woodlands and spend the summer months in subterranean refugia such as small mammal burrows. While most salamanders aestivate in burrows within several hundred feet of their breeding ponds, they have been documented over-summering up to a mile or more from their breeding ponds.

The only occurrence of California tiger salamander in the CNDDDB (2014) search area is a 1993 observation approximately 1.5 miles southwest of the site. The site is not within designated critical habitat for California tiger salamander (USFWS, 2005b). The on-site grasslands could potentially be used by this species for aestivation if there were breeding ponds nearby. There are no vernal pools or seasonal stock ponds in or near the site to provide breeding habitat for California tiger salamander. Due to lack of breeding habitat on the site or on surrounding parcels, high levels of disturbance on the site and surrounding parcels, and absence of nearby populations, it is unlikely California tiger salamander occurs in the site.

CRITICAL HABITAT: The Stanislaus River, which is approximately 1 mile south of the site, is designated critical habitat for Central Valley steelhead (NOAA, 2005). The site is not within designated critical habitat for California red-legged frog (USFWS, 2006), California tiger salamander (USFWS, 2005b), any vernal pool shrimp or plant species (USFWS, 2005a), or other federally listed species.

Discussion, Conclusions and Recommendations:

- The site consists of moderately to highly disturbed oak woodlands and upland grasslands. Similar woodlands and upland grasslands are widespread in this part of Stanislaus County, supporting a variety of mostly common plant and wildlife species.
- Development of a second home on the project site will result in the conversion of a small area (1+/- acre) of oak woodland habitat to residential uses. Similar oak woodlands occur throughout the west slope of the Sierra Nevada in Stanislaus County and numerous other counties. This loss of a small area oak woodland habitat is viewed as a less than significant impact.

- No potential jurisdictional wetlands or Waters of the U.S. were observed in the body of the site. The site consists of upland grassland and woodlands.
- Due to high levels of disturbance, and a lack of suitable habitat and unusual soils, it is unlikely special-status plants occur in the site.
- The likelihood of occurrence of special-status wildlife species in the site is considered low. Valley elderberry longhorn beetle is the only species with to occur in the site; no special-status wildlife species are expected to occur at or near the site on more than a very occasional or transitory basis. Special-status bats and birds may roost and/or nest in the site on occasion.
- Disturbance to the blue elderberry shrubs should be avoided by prohibiting grading activities within 20 feet of the drip lines of the elderberry shrubs. In the event a 20-foot buffer can not be accommodated, consultation with USFWS is recommended to better evaluate the potential project impacts to valley elderberry longhorn beetle and obtain any needed permits.
- To prevent potential impacts to special-status bats that may roost in the site, tree removal is recommended when daytime temperatures are 50° F or higher to ensure bats are active and can abandon any potential roosts as disturbance from the clearing activities occurs. Mid-November through early-March is outside of the maternity season and the low elevation of the site is expected to preclude hibernation activities. Therefore, clearing activities between mid-November through early-March is also recommended to substantially decrease the probability of occupancy of the site by bats.
- The on-site trees, shrubs, and grasslands may be used by nesting birds protected by the Migratory Bird Treaty Act of 1918 and Fish and Game

Code of California. In order to avoid take of protected raptors and migratory birds, vegetation removal should be scheduled for between September 1 and January 31, if possible. If vegetation removal occurs between February 1 and August 31, a pre-construction nesting bird survey should be conducted by a qualified biologist. The survey would involve canvassing the site and a 250-foot buffer areas around the site with binoculars. The survey should be conducted within two weeks prior to the beginning of vegetation removal in order to identify active nests within 250 feet of the reclamation area. If active nests are found within the survey area, vegetation removal should be delayed until the qualified biologist determines nesting is complete.

Thank you again for asking Moore Biological Consultants to prepare this baseline biological resources assessment. Please call me at (209) 745-1159 with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Diane S. Moore', with a stylized flourish at the end.

Diane S. Moore, M.S.
Principal Biologist

References and Literature Consulted

ACOE (U.S. Army Corps of Engineers). 1987. Technical Report Y87-1. U.S. Army Corps of Engineers Waterways Experiment Station, Vicksburg, MI.

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USFWS. 2005b. Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the California Tiger Salamander, Central Population; Final Rule. Federal Register Vol. 70, No. 162, August 23, 2005, pp. 49390 – 49458.

USFWS. 2006. Part II, Department of the Interior, Fish and Wildlife Service. 50 CFR Part 17: Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for California Red-Legged Frog, and Special Rule Exemption Associated with Final Listing for Existing Routine Ranching Activities, Final Rule. Federal Register Vol. 71, No. 71, April 13.

Attachment A

CNDDDB Query List & USFWS Species List



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



Query Criteria: Quad is (Knights Ferry (3712076))

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<i>Ambystoma californiense</i> California tiger salamander	AAAAA01180	Threatened	Threatened	G2G3	S2S3	SSC
<i>Antrozous pallidus</i> pallid bat	AMACC10010	None	None	G5	S3	SSC
<i>Calicina breva</i> Stanislaus harvestman	ILARAU8020	None	None	G1	S1	
<i>Clarkia rostrata</i> beaked clarkia	PDONA050Y0	None	None	G2G3	S2S3	1B.3
<i>Corynorhinus townsendii</i> Townsend's big-eared bat	AMACC08010	None	Candidate Threatened	G3G4	S2S3	SSC
<i>Desmocerus californicus dimorphus</i> valley elderberry longhorn beetle	IICOL48011	Threatened	None	G3T2	S2	
<i>Downingia pusilla</i> dwarf downingia	PDCAM060C0	None	None	GU	S2	2B.2
<i>Emys marmorata</i> western pond turtle	ARAAD02030	None	None	G3G4	S3	SSC
<i>Eumops perotis californicus</i> western mastiff bat	AMACD02011	None	None	G5T4	S4	SSC
<i>Fritillaria agrestis</i> stinkbells	PMLIL0V010	None	None	G3	S3	4.2
<i>Lagophylla dichotoma</i> forked hare-leaf	PDAST5J070	None	None	G1	S1	1B.1
<i>Lasionycteris noctivagans</i> silver-haired bat	AMACC02010	None	None	G5	S3S4	
<i>Lasiurus blossevillii</i> western red bat	AMACC05060	None	None	G5	S3?	SSC
<i>Lasiurus cinereus</i> hoary bat	AMACC05030	None	None	G5	S4?	
<i>Lepidurus packardii</i> vernal pool tadpole shrimp	ICBRA10010	Endangered	None	G3	S2S3	
<i>Monadenia mormonum buttoni</i> Button's Sierra sideband	IMGASC7071	None	None	G2T1	S1	
<i>Myotis yumanensis</i> Yuma myotis	AMACC01020	None	None	G5	S4?	
<i>Neostapfia colusana</i> Colusa grass	PMPOA4C010	Threatened	Endangered	G2	S2	1B.1
<i>Northern Hardpan Vernal Pool</i> Northern Hardpan Vernal Pool	CTT44110CA	None	None	G3	S3.1	
<i>Oncorhynchus mykiss irideus</i> steelhead - Central Valley DPS	AFCHA0209K	Threatened	None	G5T2Q	S2	



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



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<i>Pseudobahia bahiifolia</i> Hartweg's golden sunburst	PDAST7P010	Endangered	Endangered	G2	S2	1B.1
<i>Spea hammondi</i> western spadefoot	AAABF02020	None	None	G3	S3	SSC

Record Count: 22

U.S. Fish & Wildlife Service
Sacramento Fish & Wildlife Office
Federal Endangered and Threatened Species that Occur in
or may be Affected by Projects in the Counties and/or
U.S.G.S. 7 1/2 Minute Quads you requested

Document Number: 141028025854

Current as of: October 28, 2014

Quad Lists

Listed Species

Invertebrates

- Branchinecta conservatio*
Conservancy fairy shrimp (E)
- Branchinecta lynchi*
vernal pool fairy shrimp (T)
- Desmocerus californicus dimorphus*
valley elderberry longhorn beetle (T)
- Lepidurus packardii*
vernal pool tadpole shrimp (E)

Fish

- Hypomesus transpacificus*
delta smelt (T)
- Oncorhynchus mykiss*
Central Valley steelhead (T) (NMFS)
Critical habitat, Central Valley steelhead (X) (NMFS)
- Oncorhynchus tshawytscha*
Central Valley spring-run chinook salmon (T) (NMFS)
winter-run chinook salmon, Sacramento River (E) (NMFS)

Amphibians

- Ambystoma californiense*
California tiger salamander, central population (T)
- Rana draytonii*
California red-legged frog (T)

Mammals

- Vulpes macrotis mutica*
San Joaquin kit fox (E)

Plants

- Neostapfia colusana*
Colusa grass (T)
Critical habitat, Colusa grass (X)
- Pseudobahia bahiifolia*
Hartweg's golden sunburst (E)
- Tuctoria greenei*
Critical habitat, Greene's tuctoria (=Orcutt grass) (X)

Quads Containing Listed, Proposed or Candidate Species:

KNIGHTS FERRY (459C)

County Lists

Stanislaus County

Listed Species

Invertebrates

Branchinecta conservatio

Conservancy fairy shrimp (E)
Critical habitat, Conservancy fairy shrimp (X)

Branchinecta longiantenna

Critical habitat, longhorn fairy shrimp (X)
longhorn fairy shrimp (E)

Branchinecta lynchi

Critical habitat, vernal pool fairy shrimp (X)
vernal pool fairy shrimp (T)

Desmocerus californicus dimorphus

valley elderberry longhorn beetle (T)

Lepidurus packardii

Critical habitat, vernal pool tadpole shrimp (X)
vernal pool tadpole shrimp (E)

Fish

Acipenser medirostris

green sturgeon (T) (NMFS)

Hypomesus transpacificus

Critical habitat, delta smelt (X)
delta smelt (T)

Oncorhynchus mykiss

Central Valley steelhead (T) (NMFS)
Critical habitat, Central Valley steelhead (X) (NMFS)
South Central California steelhead (T) (NMFS)

Oncorhynchus tshawytscha

Central Valley spring-run chinook salmon (T) (NMFS)
winter-run chinook salmon, Sacramento River (E) (NMFS)

Amphibians

Ambystoma californiense

California tiger salamander, central population (T)
Critical habitat, CA tiger salamander, central population (X)

Rana draytonii

California red-legged frog (T)
Critical habitat, California red-legged frog (X)

Reptiles

Gambelia (=Crotaphytus) sila

blunt-nosed leopard lizard (E)

Masticophis lateralis euryxanthus
Alameda whipsnake [=striped racer] (T)

Thamnophis gigas
giant garter snake (T)

Birds

Sternula antillarum (=Sterna, =albifrons) browni
California least tern (E)

Vireo bellii pusillus
Least Bell's vireo (E)

Mammals

Dipodomys nitratooides exilis
Fresno kangaroo rat (E)

Neotoma fuscipes riparia
riparian (San Joaquin Valley) woodrat (E)

Sylvilagus bachmani riparius
riparian brush rabbit (E)

Vulpes macrotis mutica
San Joaquin kit fox (E)

Plants

Amsinckia grandiflora
large-flowered fiddleneck (E)

Brodiaea pallida
Chinese Camp brodiaea (T)

Castilleja campestris ssp. *succulenta*
Critical habitat, succulent (=fleshy) owl's-clover (X)
succulent (=fleshy) owl's-clover (T)

Chamaesyce hooveri
Critical habitat, Hoover's spurge (X)
Hoover's spurge (T)

Dudleya setchellii
Santa Clara Valley dudleya (E)

Neostapfia colusana
Colusa grass (T)
Critical habitat, Colusa grass (X)

Orcuttia inaequalis
Critical habitat, San Joaquin Valley Orcutt grass (X)
San Joaquin Valley Orcutt grass (T)

Orcuttia pilosa

Critical habitat, hairy Orcutt grass (X)
hairy Orcutt grass (E)

Pseudobahia bahiifolia

Hartweg's golden sunburst (E)

Tuctoria greenei

Critical habitat, Greene's tuctoria (=Orcutt grass) (X)
Greene's tuctoria (=Orcutt grass) (E)

Verbena californica

Red Hills (=California) vervain (T)

Candidate Species

Amphibians

Bufo canorus

Yosemite toad (C)

Birds

Coccyzus americanus occidentalis

Western yellow-billed cuckoo (C)

Key:

(E) *Endangered* - Listed as being in danger of extinction.

(T) *Threatened* - Listed as likely to become endangered within the foreseeable future.

(P) *Proposed* - Officially proposed in the Federal Register for listing as endangered or threatened.

(NMFS) Species under the Jurisdiction of the [National Oceanic & Atmospheric Administration Fisheries Service](#). Consult with them directly about these species.

Critical Habitat - Area essential to the conservation of a species.

(PX) *Proposed Critical Habitat* - The species is already listed. Critical habitat is being proposed for it.

(C) *Candidate* - Candidate to become a proposed species.

(V) Vacated by a court order. Not currently in effect. Being reviewed by the Service.

(X) *Critical Habitat* designated for this species

Important Information About Your Species List

How We Make Species Lists

We store information about endangered and threatened species lists by U.S. Geological Survey 7½ minute quads. The United States is divided into these quads, which are about the size of San Francisco.

The animals on your species list are ones that occur within, **or may be affected by** projects within, the quads covered by the list.

- Fish and other aquatic species appear on your list if they are in the same watershed as your quad or if water use in your quad might affect them.
- Amphibians will be on the list for a quad or county if pesticides applied in that area may be carried to their habitat by air currents.
- Birds are shown regardless of whether they are resident or migratory. Relevant birds on the county list should be considered regardless of whether they appear on a quad list.

Plants

Any plants on your list are ones that have actually been observed in the area covered by the list. Plants may exist in an area without ever having been detected there. You can find out what's in the surrounding quads through the California Native Plant Society's online [Inventory of Rare and Endangered Plants](#).

Surveying

Some of the species on your list may not be affected by your project. A trained biologist and/or botanist, familiar with the habitat requirements of the species on your list, should determine whether they or habitats suitable for them may be affected by your project. We recommend that your surveys include any proposed and candidate species on your list. See our [Protocol](#) and [Recovery Permits](#) pages.

For plant surveys, we recommend using the [Guidelines for Conducting and Reporting Botanical Inventories](#). The results of your surveys should be published in any environmental documents prepared for your project.

Your Responsibilities Under the Endangered Species Act

All animals identified as listed above are fully protected under the Endangered Species Act of 1973, as amended. Section 9 of the Act and its implementing regulations prohibit the take of a federally listed wildlife species. Take is defined by the Act as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect" any such animal.

Take may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or shelter (50 CFR §17.3).

Take incidental to an otherwise lawful activity may be authorized by one of two procedures:

- If a Federal agency is involved with the permitting, funding, or carrying out of a project that may result in take, then that agency must engage in a formal [consultation](#) with the Service.

During formal consultation, the Federal agency, the applicant and the Service work together to avoid or minimize the impact on listed species and their habitat. Such consultation would result in a biological opinion by the Service addressing the anticipated effect of the project on listed and proposed species. The opinion may authorize a limited level of incidental take.

- If no Federal agency is involved with the project, and federally listed species may be taken as part of the project, then you, the applicant, should apply for an incidental take permit. The Service may issue such a permit if you submit a satisfactory conservation plan for the species that would be affected by your project.

Should your survey determine that federally listed or proposed species occur in the area and are likely to be affected by the project, we recommend that you work with this office and the California Department of Fish and Game to develop a plan that minimizes the project's direct and indirect impacts to listed species and compensates for project-related loss of habitat. You should include the plan in any environmental documents you file.

Critical Habitat

When a species is listed as endangered or threatened, areas of habitat considered essential to its conservation may be designated as critical habitat. These areas may require special management considerations or protection. They provide needed space for growth and normal behavior; food, water, air, light, other nutritional or physiological requirements; cover or shelter; and sites for breeding, reproduction, rearing of offspring, germination or seed dispersal.

Although critical habitat may be designated on private or State lands, activities on these lands are not restricted unless there is Federal involvement in the activities or direct harm to listed wildlife.

If any species has proposed or designated critical habitat within a quad, there will be a separate line for this on the species list. Boundary descriptions of the critical habitat may be found in the Federal Register. The information is also reprinted in the Code of Federal Regulations (50 CFR 17.95). See our [Map Room](#) page.

Candidate Species

We recommend that you address impacts to candidate species. We put plants and animals on our candidate list when we have enough scientific information to eventually propose them for listing as threatened or endangered. By considering these species early in your planning process you may be able to avoid the problems that could develop if one of these candidates was listed before the end of your project.

Species of Concern

The Sacramento Fish & Wildlife Office no longer maintains a list of species of concern. However, various other agencies and organizations maintain lists of at-risk species. These lists provide essential information for land management planning and conservation efforts. [More info](#)

Wetlands

If your project will impact wetlands, riparian habitat, or other jurisdictional waters as defined by section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act, you will need to obtain a permit from the U.S. Army Corps of Engineers. Impacts to wetland habitats require site specific mitigation and monitoring. For questions regarding wetlands, please contact Mark Littlefield of this office at (916) 414-6520.

Updates

Our database is constantly updated as species are proposed, listed and delisted. If you address proposed and candidate species in your planning, this should not be a problem. However, we recommend that you get an updated list every 90 days. That would be January 26, 2015.

Attachment B

Photographs



Relatively large valley oaks on the hillside sloping down to Orange Blossom Road, looking northeast; 10/08/14.



Relatively large valley oaks in the northwest corner of the site, looking southeast; 10/08/14.



Hilltop in the northeast corner appearing suitable for a home site, looking northwest; 10/08/14.



Northern section of the access road along the east edge of the site, looking north; 10/08/14.



Open and relatively flat area in the north part of the site, looking west; 10/08/14.



Large dead valley oak tree in the north part of the site, looking southwest; 10/08/14. Several oaks in the site have died in the past couple of years, possibly due to drought and/or old age.



Small group of manzanita shrubs along the west fence line, looking southwest; 10/08/14.



Oak woodlands south of the existing home, looking southwest; 10/08/14.



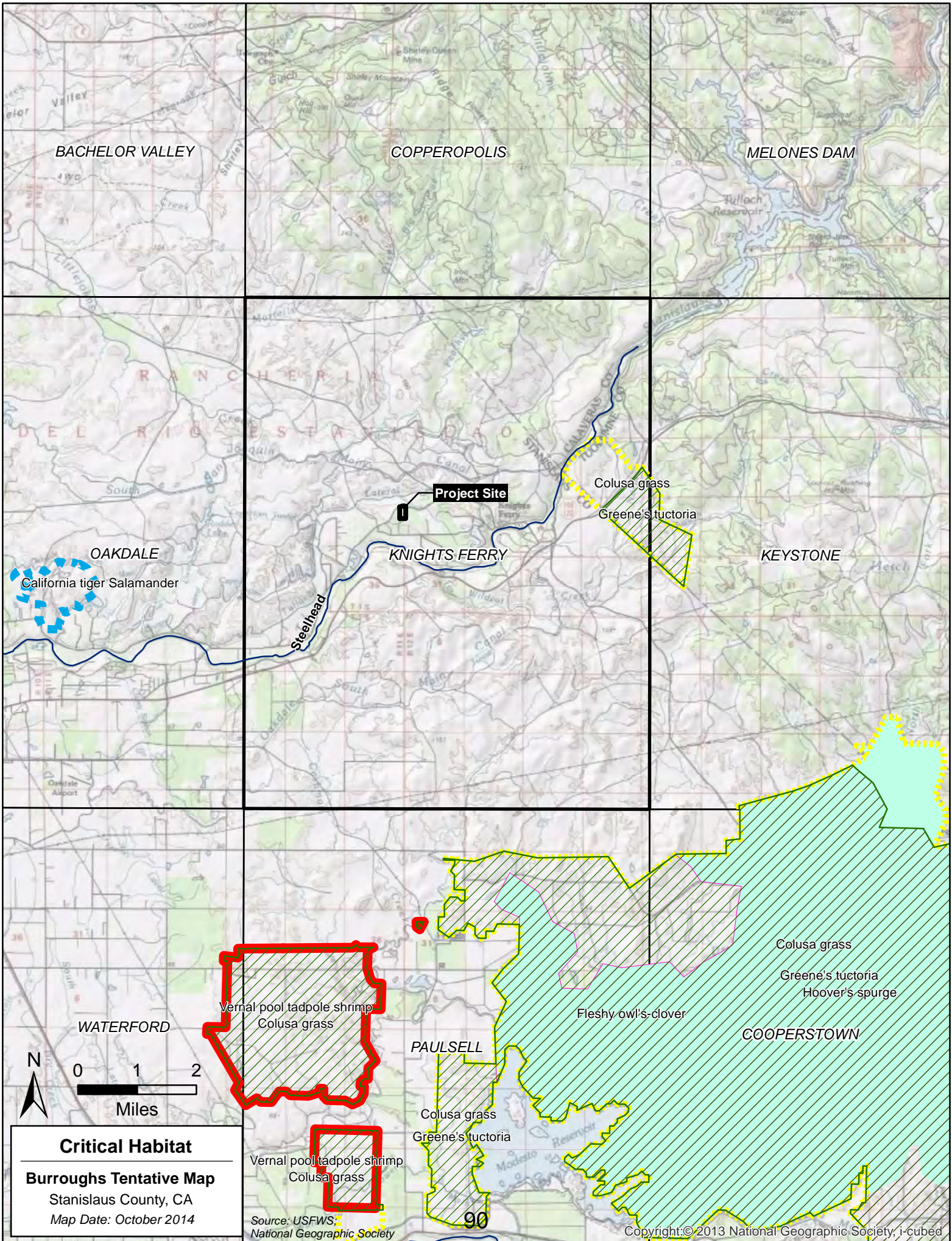
Blue elderberry shrub in the northeast part of the site, looking northwest; 10/08/14.



Blue elderberry shrub in the east-central part of the site, looking west; 10/08/14.

Attachment C

Federally Designated Critical Habitat



BACHELOR VALLEY

COPPEROPOLIS

MELONES DAM

OAKDALE

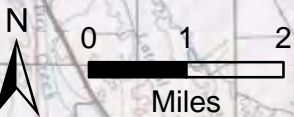
KNIGHTS FERRY

KEYSTONE

WATERFORD

PAULSELL

COOPERSTOWN



Critical Habitat
Burroughs Tentative Map
 Stanislaus County, CA
 Map Date: October 2014

Vernal pool tadpole shrimp
 Colusa grass

Colusa grass
 Greene's tuctoria

Fleshy owl's-clover

Colusa grass
 Greene's tuctoria
 Hoover's spurge

Source: USFWS,
 National Geographic Society

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SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: TENTATIVE PARCEL MAP APPLICATION NO. PLN2014-0019 - BURROUGHS

REFERRED TO:				RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS	
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF FISH & WILDLIFE	X	X	X	X			X		X			X
CA DEPT OF TRANSPORTATION DIST 10	X	X	X		X							
CA DEPT OF WATER RESOURCES	X	X	X		X							
CA OPR STATE CLEARINGHOUSE	X	X	X	X				X		X		X
COOPERATIVE EXTENSION	X	X	X		X							
FIRE PROTECTION DIST: OAKDALE	X	X	X		X							
HOSPITAL DISTRICT: OAK VALLEY	X	X	X		X							
IRRIGATION DISTRICT: OAKDALE	X	X	X	X				X		X		X
MODESTO REGIONAL FIRE AUTHORITY	X				X							
MOSQUITO DISTRICT: EASTSIDE	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
MUNICIPAL ADVISORY COUNCIL: KNIGHTS FERRY	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X		X							
SCHOOL DISTRICT 1: OAKDALE	X	X	X		X							
SCHOOL DISTRICT 2: KNIGHTS FERRY	X	X	X		X							
STAN CO AG COMMISSIONER	X	X			X							
STAN CO CEO	X	X			X							
STAN CO DER	X	X		X				X		X	X	
STAN CO ERC	X	X		X				X		X		X
STAN CO FARM BUREAU	X	X			X							
STAN CO HAZARDOUS MATERIALS	X	X			X							
STAN CO PUBLIC WORKS	X	X		X				X		X	X	
STAN CO SHERIFF	X	X			X							
STAN CO SUPERVISOR DIST 1: O'BRIEN	X	X			X							
STAN COUNTY COUNSEL	X	X			X							
STANISLAUS FIRE PREVENTION BUREAU		X	X	X				X		X	X	
STANISLAUS LAFCO	X	X	X		X							
SURROUNDING LAND OWNERS			X									
TELEPHONE COMPANY: AT&T	X	X	X		X							
US FISH & WILDLIFE	X	X	X		X							