MOORE BIOLOGICAL CONSULTANTS

June 26, 2015

Mr. Rod Hawkins
Hawkins & Associates Engineering
436 Mitchell Road
Modesto, California 95354

Subject: "BELKORP AG PROJECT", STANISLAUS COUNTY, CALIFORNIA: BIOLOGICAL ASSESSMENT

Dear Rod:

Thank you for asking Moore Biological Consultants to prepare this biological assessment for the Belkorp AG site in Keyes (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 potentially jurisdictional waters or wetlands, and search for suitable habitat for or presence of special-status species within the site. This report details the methodology and results of our investigation.

Project Overview

The proposed commercial project is an agricultural tractor and supply center in the northeast quadrant of the intersection of Highway 99 and Keyes Road. The project will include an approximately 57,000 ft^2 building with landscaping and parking. There will be equipment display areas to the west of the store along Highway 99 and to the east of the store along North Golden State Boulevard (see site plan in Attachment A). An approximately 1-acre detention basin will be constructed to the south of the store. The primary access to the site will be from North Golden State Boulevard.

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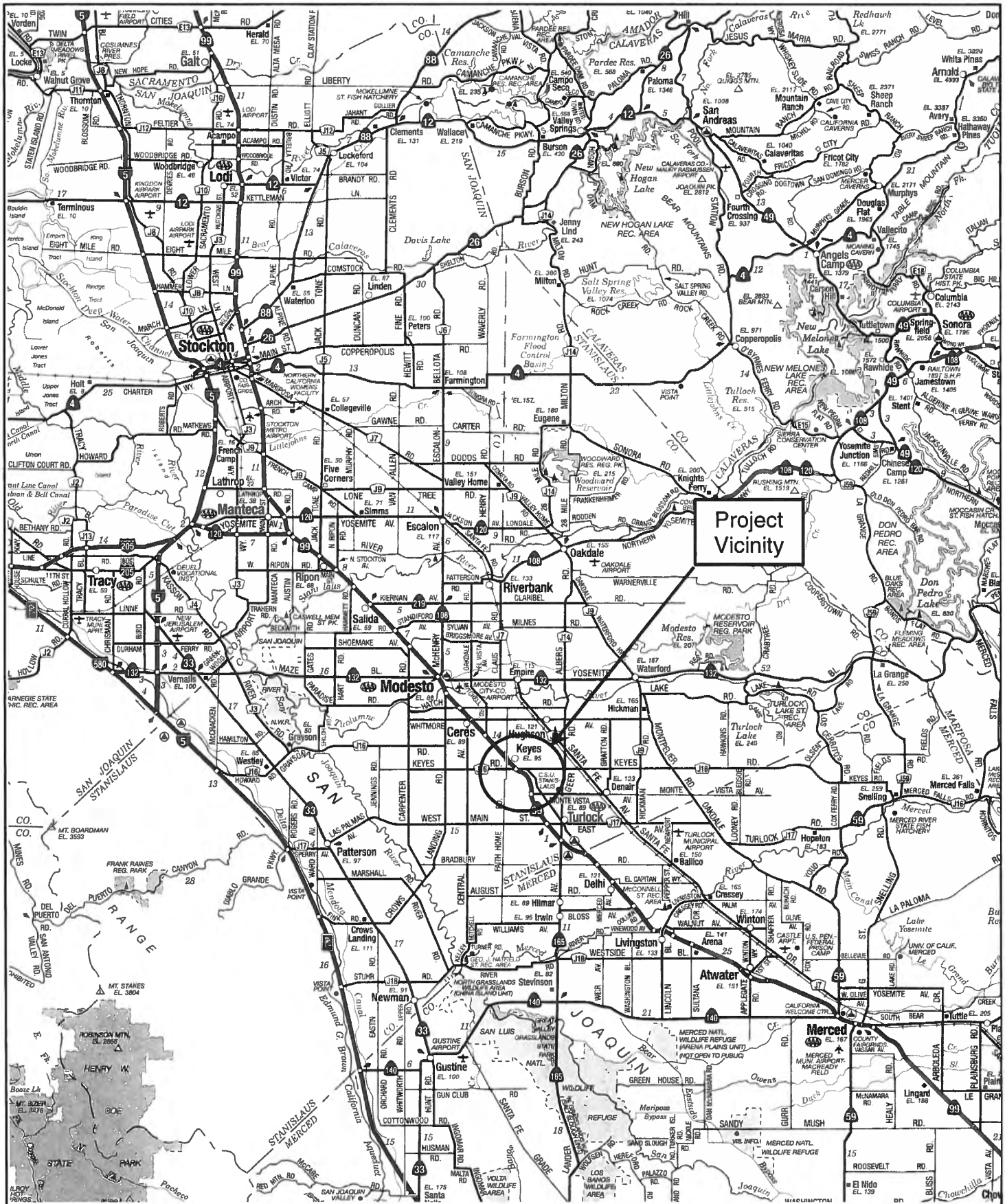
EXHIBIT H



Source: Calif. State Automobile Association

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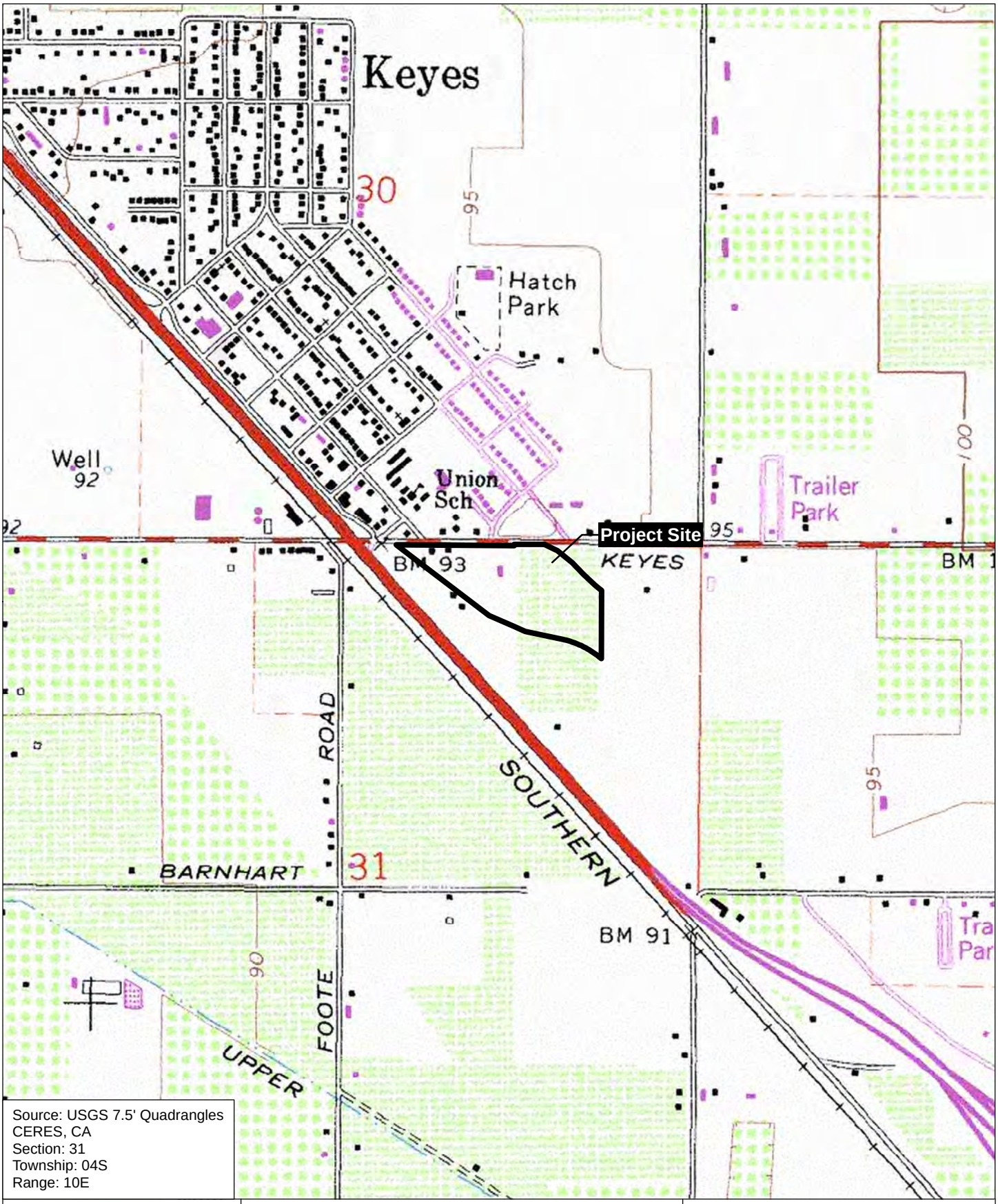
0 18 Miles

N W E S

FIGURE 1

PROJECT VICINITY



Source: USGS 7.5' Quadrangles
CERES, CA
Section: 31
Township: 04S
Range: 10E

Figure 2

Moore Biological Consultants

0 500 1,000

1 inch = 1,000 feet

N W E S

Map Date: June 2015

PROJECT LOCATION

Belkorp AG

Stanislaus County, CA

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Methods

Prior to the field survey, we conducted a search of California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDB, 2015). The CNDDB search encompassed the USGS 7.5-minute Ceres and Denair topographic quadrangles, which encompasses approximately 120 square miles surrounding the project 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 same topographic quadrangles was also reviewed (Attachment B). This information was used to identify wildlife and plant species that have been previously documented in the project vicinity or have the potential to occur based on suitable habitat and geographical distribution. The USFWS on-line-maps of designated critical habitat were also downloaded and plotted with respect to the site.

A field survey of the site was conducted on June 10, 2015. The survey consisted of walking throughout the project site making observations of current habitat conditions and noting surrounding land use, general habitat types, and plant and wildlife species. The survey included an assessment of the project site for presence or absence of potentially jurisdictional Waters of the U.S. (a term that includes wetlands) as defined by the U.S. Army Corps of Engineers (ACOE, 1987; 2008), special-status species, and suitable habitat for special-status species (e.g., blue elderberry shrubs, vernal pools). Additionally, trees within and near the project site were assessed for the potential use by nesting raptors, especially Swainson's hawk (*Buteo swainsoni*). The project site was also searched for burrowing owls (*Athene cunicularia*) or ground squirrel burrows that could be utilized by burrowing owls.

Results

GENERAL SETTING: The project site is located south of Keyes, in Stanislaus County, California (Figure 1). The site is in Section 31, Township 4 South, Range 10 East of the USGS 7.5-minute Ceres topographic quadrangle (Figure 2). The site is nearly level and is at an elevation of approximately 90 feet above mean sea level. The west part of the site was previously developed and there are old foundations and roads remaining. The east part of the site was leveled cropland, but has been fallow for years. The entire site is disturbed weedy grassland (Figure 3 and photographs in Attachment C).

Surrounding land uses in this portion of Stanislaus County are primarily agricultural. North Golden State Boulevard bounds the site on the northeast and Highway 99 bounds the site on the southwest. The town of Keyes is located just north of the site, across Nunes Road and there is a vineyard west of the site, across Highway 99. There are open fields to the east of the site, across North Golden State Boulevard (Figure 3 and photographs in Attachment C).

VEGETATION: Due to the amount of disturbance from agriculture, development, and periodic mowing and/or disking for weed abatement, vegetation in the project site is primarily annual grass and weed species. California annual grassland series (Sawyer and Keeler-Wolf, 1995) best describes the disturbed grassland vegetation. Grasses including oats (*Avena* sp.), soft chess brome (*Bromus hordeaceus*), ripgut brome (*Bromus diandrus*), red brome (*Bromus madritensis*), foxtail barley (*Hordeum murinum*), and perennial ryegrass (*Lolium perenne*) are dominant grass species. Other grassland species such as black mustard (*Brassica nigra*), hairy fleabane (*Conyza bonariensis*), prickly lettuce (*Lactuca serriola*), yellow star-thistle (*Centaurea solstitialis*), filaree (*Erodium* spp.), and common mallow (*Malva neglecta*) are intermixed with the grasses. Table1 is a list of plant species observed in the site.

C:\Users\Matt\Documents\Fremont Environmental Consulting\Projects\Moore Biological\Belkorp AG\MXD\belkorp ag_Figure 3 aerial.mxd

Figure 3

Moore Biological Consultants

0 100 200

1 inch = 200 feet

N W E S

Map Date: June 2015

AERIAL

Belkorp AG

Stanislaus County, CA

TABLE 1

PLANT SPECIES OBSERVED IN THE PROJECT SITE

Ailanthus altissima	tree-of-heaven
Amsinckia menziesii	rancher's fireweed
Avena fatua	wild oat
Brassica nigra	black mustard
Bromus diandrus	ripgut brome
Bromus hordeaceus	soft chess brome
Bromus madritensis	red brome
Carya sp.	pecan
Centaurea solstitialis	yellow star-thistle
Chamomilla suaveolens	pineapple weed
Convolvulus arvensis	morning glory
Conyza bonariensis	hairy fleabane
Conyza canadensis	horseweed
Cynodon dactylon	Bermuda grass
Datura innoxia	datura
Eremocarpus setigerus	dove weed
Erodium botrys	filaree
Erodium circutarium	red-stem filaree
Grindelia camporum	common gumweed
Helianthus annuus	common sunflower
Heterotheca grandiflorum	telegraph weed
Hordeum murinum	foxtail barley
Lactuca serriola	prickly lettuce
Lepidium latifolium	perennial pepperweed
Lolium perenne	perennial ryegrass
Malva neglecta	common mallow
Morus alba	mulberry
Nerium sp.	oleander

TABLE 1 (continued)
PLANT SPECIES OBSERVED IN THE PROJECT SITE

Pinus sp.	ornamental pine
Populus fremontii	Fremont cottonwood
Raphanus sativus	wild radish
Salix sp.	willow
Salsola iberica	Russian thistle
Sambucus mexicana	blue elderberry
Senecio vulgaris	common groundsel
Sorghum halepense	Johnsongrass
Tribulus terrestris	puncture vine
Trichostema lanceolatum	vinegar weed
Washingtonia filifera	California fan palm
Vicia sp.	vetch

The only trees in the site are in the north part of the site near Nunes Road (see photographs in Attachment C). The trees in the north part of the site include several relatively small tree-of-heaven (*Ailanthus altissima*), a Fremont cottonwood (*Populus fremontii*), a few mulberry (*Morus alba*) and pines (*Pinus* sp.), and two fan palms (*Washingtonia filifera*). There are also some ornamental trees along the Highway 99 frontage, intermixed with oleanders (*Nerium* sp.) This ornamental strip appears to be off-site, but may span the site boundary.

There are two small blue elderberry (*Sambucus mexicana*) shrubs in the northeast corner of the site, near the intersection of Highway 99 and North Golden State Boulevard (Figure 3 photograph in Attachment C). No other blue elderberry shrubs were observed in the project site. There are several blue elderberry shrubs in the parcel just southeast of the site, including a very large shrub approximately 30 feet east of the site.

WILDLIFE: A variety of bird species were observed during the field survey; all of these are common species found in agricultural and riparian areas of Stanislaus County (Table 2). Red-tailed hawk (*Buteo jamaicensis*), turkey vulture (*Cathartes aura*), American kestrel (*Falco sparverius*), American crow (*Corvus brachyrhynchos*), mourning dove (*Zenaida macroura*), northern mockingbird (*Mimus polyglottos*), western kingbird (*Tyrannus verticalis*), red-winged blackbird (*Agelaius phoeniceus*), Brewer's blackbird (*Euphagus cyanocephalus*), and house finch (*Carpodacus mexicanus*) are representative of the avian species observed in the site.

Only a few of the trees in the site are large enough to support nesting raptors. The cottonwood contains a large raptor stick nest that was not occupied during the recent survey and is tattered and appears to have been from last year's nesting season. It is possible that songbirds nest in the smaller trees, shrubs, and grasslands in the site.

A limited variety of mammals common to agricultural areas likely occur in the project site. Black-tailed hare (*Lepus californicus*) was the only mammal observed during the recent survey; sign of raccoon (*Procyon lotor*) was also observed. Coyote (*Canis latrans*), striped skunk (*Mephitis mephitis*), desert cottontail (*Sylvilagus audubonii*), and Virginia opossum (*Didelphis virginiana*) are expected to occur in the project site on occasion. California ground squirrels (*Spermophilus beecheyi*) are common in the area and may occur on-site. No California ground squirrels were observed during the recent survey, although a few old ground squirrels were observed in parts of the site.

Due to lack of suitable habitat, few amphibians and reptiles are expected to use habitats in the site. Western fence lizard (*Sceloporus occidentalis*) was the only reptile observed in the site; no amphibians were observed. Common species such as Pacific chorus frog (*Pseudacris regilla*) and western terrestrial garter snake (*Thamnophis elegans*) may occur in the site on occasion.

TABLE 2

WILDLIFE SPECIES DOCUMENTED IN THE PROJECT SITE

Birds	
Turkey vulture	*Cathartes aura*
Red-tailed hawk	*Buteo jamaicensis*
American kestrel	*Falco sparverius*
Mourning dove	*Zenaida macroura*
Western scrub jay	*Aphelocoma coerulescens*
Western kingbird	*Tyrannus verticalis*
American crow	*Corvus brachyrhynchos*
Northern mockingbird	*Mimus polyglottos*
White-crowned sparrow	*Zonotrichia leucophrys*
Red-winged blackbird	*Agelaius phoeniceus*
Brewer's blackbird	*Euphagus cyanocephalus*
House finch	*Carpodacus mexicanus*
House sparrow	*Passer domesticus*
Mammals	
Black-tailed hare	*Lepus californicus*
Raccoon	*Procyon lotor*
California ground squirrel	*Spermophilus beecheyi*
Reptiles	
Western fence lizard	*Sceloporus occidentalis*

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, their tributaries, and adjacent wetlands. State and federal agencies regulate these habitats and Section 404 of the Clean Water Act

requires that a permit be secured prior to the discharge of dredged or fill materials into any waters of the U.S., including wetlands. Both CDFW and ACOE have jurisdiction over modifications to riverbanks, lakes, stream channels and other wetland features.

“Waters of the U.S.”, as defined in 33 CFR 328.4, encompasses Territorial Seas, Tidal Waters, and Non-Tidal Waters; Non-Tidal Waters includes interstate and intrastate rivers and streams, as well as their tributaries. The limit of federal jurisdiction of Non-Tidal Waters of the U.S. extends to the “ordinary high water mark”. The ordinary high water mark is established by physical characteristics such as a natural water line impressed on the bank, presence of shelves, destruction of terrestrial vegetation, or the presence of litter and debris. Jurisdictional wetlands and Waters of the U.S. include, but are not limited to, perennial and intermittent creeks and drainages, 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.

There are no rivers, streams, lakes, ponds, vernal pools, seasonal wetlands, or marshes in the site. The only area in the project site supporting wetland vegetation is a small (0.01+/- acre) rectangular detention basin in the northeast part of the site, associated with the old foundations (see photographs in Attachment C). This 5+/- feet deep basin was dry and does not appear to hold water other than during rain events. Portions of a small willow in this basin are dead, presumably due to lack of water. This basin was constructed in uplands, is isolated from creeks and other potentially jurisdictional wetlands or Waters of the U.S. and does not meet the technical and/or regulatory criteria of jurisdictional wetlands or Waters of the U.S.

No other potentially jurisdictional wetlands or Waters of the U.S. were observed within the site. The body of the site vegetated with upland grasses and weeds.

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.

Special-status species also include other 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 presence of species with legal protection under the Endangered Species Act often represents a major constraint to development, particularly when the species are wide-ranging or highly sensitive to habitat disturbance and where proposed development would result in a take of these species.

Special-status plants are those which are designated rare, threatened, or endangered and candidate species for listing by the USFWS. Special-status plants also include species considered rare or endangered under the conditions of Section 15380 of the California Environmental Quality Act 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.

The likelihood of occurrence of listed, candidate, and other special-status species in the work areas is generally low. Table 3 provides a summary of the listing status and habitat requirements of special-status species that have been documented in the greater project vicinity or for which there is potentially suitable

TABLE 3

SPECIAL-STATUS PLANT AND WILDLIFE SPECIES DOCUMENTED IN THE GREATER PROJECT VICINITY

Common Name	Scientific Name	Federal Status[1]	State Status[1]	CNPS List[2]	Habitat	Likeliness of Occurrence in the Project Site
PLANTS						
Heartscale	*Atriplex cordulata*	None	None	1B	Valley and foothill grassland, chenopod scrub	Unlikely: the disturbed grassland in the site does not provide suitable habitat for heartscale. The nearest occurrence of this species in the CNDDB (2015) search area is approximately 1.5 miles southeast of the site.
Subtle oracle	*Atriplex subtilis*	None	None	1B	Valley and foothill grassland; usually in alkaline soils.	Unlikely: the disturbed grassland in the site does not provide suitable habitat for subtle oracle. The site is below the elevation range of this species (CNPS, 2010). The nearest occurrence of subtle oracle in the CNDDB (2015) search area is approximately 1.5 miles south of the site.
San Joaquin Valley Orcutt grass	*Orcuttia inaequalis*	T	E	1B	Vernal pools.	Unlikely: there are no vernal pools or seasonal wetlands in the site. The nearest occurrence of San Joaquin Valley Orcutt grass in the CNDDB (2015) search area is approximately 8 miles northeast of the site. The site is not in designated critical habitat this species (USFWS 2005a)
WILDLIFE						
BIRDS						
Swainson's hawk	*Buteo swainsoni*	None	T	N/A	Nesting: large trees, usually within riparian corridors. Foraging: agricultural fields and annual grasslands.	Low: the disturbed grassland in the site provides marginal foraging habitat; only a few trees in the site are large enough for nesting raptors. It is unlikely Swainson's hawks utilize this small patch of land for a significant amount of foraging when there are expansive alfalfa and hay fields nearby providing better habitat. The nearest occurrence of nesting Swainson's hawks in the CNDDB (2015) search area is approximately 2.5 miles southeast of the site.

TABLE 3

SPECIAL-STATUS PLANT AND WILDLIFE SPECIES DOCUMENTED IN THE GREATER PROJECT VICINITY

Common Name	Scientific Name	Federal Status[1]	State Status[1]	CNPS List[2]	Habitat	Likeliness of Occurrence in the Project Site
Tricolored blackbird	*Agelaius tricolor*	None	SC	N/A	Nests in dense brambles and emergent wetland vegetation associated with open water habitat.	Unlikely: there is no suitable emergent wetland vegetation in the site for nesting. This species may occasionally fly over or forage in the area. The nearest occurrence of tricolored blackbird in the CNDDB (2015) search area is approximately 6 miles southwest of the site.
Burrowing owl	*Athene cunicularia*	None	None	N/A	Open, dry annual or perennial grasslands, deserts and scrublands characterized by low-growing vegetation.	Unlikely: the formerly paved and graveled areas and disturbed grassland in the site provide marginal foraging habitat for burrowing owl, but very little suitable burrow habitat was observed in the site. There are no occurrences of this species in the CNDDB (2015) search area.
MAMMALS						
Townsend's big-eared bat	*Corynorhinus townsendii townsendii*	None	T	N/A	Requires caves, mines, buildings, or other human-made structures for roosting.	Unlikely: the site does not provide suitable habitat for this species. Townsend's big-eared bat may fly over or forage above the site. The nearest occurrence of this species in the CNDDB (2015) search area is along the Tuolumne River, approximately 5 miles north of the site.
REPTILES & AMPHIBIANS						
California tiger salamander	*Ambystoma californiense*	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 areas within or near the site that could provide breeding habitat for California tiger salamander and the site is not suitable for aestivation. There are no occurrences of this species in the CNDDB (2015) search area. The site is not within an area designated critical habitat for California tiger salamander (USFWS, 2005b).

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TABLE 3

SPECIAL-STATUS PLANT AND WILDLIFE SPECIES DOCUMENTED IN THE GREATER PROJECT VICINITY

Common Name	Scientific Name	Federal Status[1]	State Status[1]	CNPS List[2]	Habitat	Likeliness of Occurrence in the Project Site
California red-legged frog	*Rana aurora draytonii*	T	SC	N/A	Lowlands and foothills in or near permanent sources of water with vegetation.	Unlikely: there is no suitable aquatic habitat for California red-legged frog in or near the site. California red-legged frog is not known from the area and there are no recorded occurrences of this species in the CNDDB (2015) search area. The site is not in designated for California red-legged frog critical habitat (USFWS, 2006).
Giant garter snake	*Thamnophis gigas*	T	T	N/A	Freshwater marsh and low gradient streams; adapted to drainage canals and irrigation ditches, primarily for dispersal or migration.	Unlikely: there is no suitable habitat in or near the site for giant garter snake. Giant garter snake is not known from the area and there are no recorded occurrences of this species in the CNDDB (2015) search area.
FISH						
Delta smelt	*Hypomesus transpacificus*	T	T	N/A	Shallow lower delta waterways with submersed aquatic plants and other suitable refugia.	Unlikely: there is no aquatic habitat in the site. There are no occurrences of delta smelt recorded in the CNDDB (2015) in the search area. There is no designated critical habitat for delta smelt (USFWS, 1994) in or near the site.
Central Valley steelhead	*Oncorhynchus mykiss*	T	None	N/A	Riffle and pool complexes with adequate spawning substrates within Central Valley drainages.	Unlikely: there is no aquatic habitat in the site. Central Valley steelhead is recorded in the CNDDB (2015) in the Tuolumne River approximately 5 miles north of the site. The site is not within designated critical habitat for Central Valley steelhead (NOAA, 2005).
Hardhead	*Mylopharodon concephalus*	None	SC	N/A	Major tributaries to Central Valley drainages.	Unlikely: there is no suitable perennial or near-perennial aquatic habitat in or near the site for hardhead. This species is recorded in the CNDDB (2015) in the Tuolumne River approximately 5 miles north of the site.

TABLE 3

SPECIAL-STATUS PLANT AND WILDLIFE SPECIES DOCUMENTED IN THE GREATER PROJECT VICINITY

Common Name	Scientific Name	Federal Status[1]	State Status[1]	CNPS List[2]	Habitat	Likeliness of Occurrence in the Project Site
INVERTEBRATES						
Vernal pool tadpole shrimp	*Lepidurus packardi*	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. There are no occurrences of vernal pool tadpole shrimp recorded in the CNDDB (2015) within the search area. The site is not within designated critical habitat for vernal pool tadpole shrimp (USFWS, 2005a).
Vernal pool fairy shrimp	*Branchinecta lynchi*	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 CNDDB (2015) within the search area. The site is not within designated critical habitat for any vernal pool shrimp species (USFWS, 2005a).
Valley elderberry longhorn beetle	*Desmocerus californicus dimorphus*	T	None	N/A	Elderberry shrubs in the Central Valley and surrounding foothills	Unlikely: the blue elderberry shrubs in the site are small and show no evidence of occupancy. The nearest occurrence of valley elderberry longhorn beetle in the CNDDB (2015) search area steelhead is along the Tuolumne River, approximately 5 miles north of the site.

Notes:

1 T= Threatened; E = Endangered; SC = Species of Special Concern per California Department of Fish and Wildlife.

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

habitat in the greater project vicinity. 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.

SPECIAL-STATUS PLANTS: Three species of special-status plants were identified in the CNDDB (2015) search area (Table 3 and Attachment A). These include heartscale (*Atriplex cordulata*), subtle oracle (*Atriplex subtilis*), and San Joaquin Valley Orcutt grass (*Orcuttia inaequalis*). The USFWS species list (Attachment A) does not contain any special-status plants.

Special-status plants generally occur in relatively undisturbed areas in vegetation communities such as vernal pools, marshes and swamps, seasonal wetlands, riparian scrub, and areas with unusual soils. The leveled ruderal grassland in the site is highly disturbed and does not provide suitable habitat for any of these plants in Table 3 or other special-status plants. Due to lack of suitable habitat, no special-status plant species are expected to occur in the site.

SPECIAL-STATUS WILDLIFE: The potential for intensive use of habitats within the project site by special-status wildlife species is very low. Special-status wildlife identified in the CNDDB (2015) search are Swainson's hawk, tricolored blackbird (*Agelaius tricolor*), Central Valley steelhead (*Oncorhynchus mykiss*), hardhead (*Mylopharodon conocepehalus*), valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) (Table 3 and Attachment A). Although not recorded in the CNDDB (2015) within the search area, giant garter snake (*Thamnophis gigas*), California red-legged frog (*Rana aurora draytonii*), delta smelt (*Hypomesus transpacificus*), vernal pool tadpole shrimp (*Lepidurus packardi*), and vernal pool fairy shrimp (*Branchinecta lynchi*) were added to Table 3 as they are on the USFWS Species List (Attachment B). Burrowing owl was added to Table 3 as it is widespread throughout the Central Valley and could occur in the project site.

While the project site may have provided habitat for special-status wildlife species at some time in the past, farming and development have substantially modified natural habitats in the greater project vicinity. Of the wildlife species identified in the CNDDB, Swainson's hawk is the only species that has potential to occur in the site on more than a transitory or very occasional basis. Other special-status birds including tricolor blackbird, and burrowing owl, may fly over the area on occasion, but would not be expected to nest in or immediately adjacent to the project site.

SWAINSON'S HAWK: The Swainson's hawk is a migratory hawk listed by the State of California as a Threatened species. The Migratory Bird Treaty Act and Fish and Game Code of California protect Swainson's hawks year-round, as well as their nests during the nesting season (March 1 through September 15). Swainson's hawk are found in the Central Valley primarily during their breeding season, a population is known to winter in the San Joaquin Valley.

Swainson's hawks prefer nesting sites that provide sweeping views of nearby foraging grounds consisting of grasslands, irrigated pasture, hay, and wheat crops. Most Swainson's hawks are migratory, wintering in Mexico and breeding in California and elsewhere in the western United States. This raptor generally arrives in the Central Valley in mid-March, and begins courtship and nest construction immediately upon arrival at the breeding sites. The young fledge in early July, and most Swainson's hawks leave their breeding territories by late August.

The site is within the nesting range of Swainson's hawks and the CNDDB (2015) contains a few records of nesting Swainson's hawks in the greater project vicinity (Attachment B). The nearest occurrence of nesting Swainson's hawks in the CNDDB (2015) search area is approximately 2.5 miles southeast of the site. This species has also been documented nesting along the Tuolumne River approximately 5 miles north of the site.

Swainson's hawks were not observed in or near the site during the recent survey, which was conducted during the heart of the Swainson's hawk nesting season. The formerly paved areas and weedy grassland in the site provide marginal Swainson's hawk foraging habitat. It is unlikely Swainson's hawks utilize this small patch of land adjacent to a major highway for more than very occasional foraging when there are expansive alfalfa and hay fields in the region providing higher quality foraging habitat

BURROWING OWL: The Migratory Bird Treaty Act and Fish and Game Code of California protect burrowing owls year-round, as well as their nests during the nesting season (February 1 through August 31). Burrowing owls are a year-long resident in a variety of grasslands as well as scrub lands that have a low density of trees and shrubs with low growing vegetation; burrowing owls that nest in the Central Valley may winter elsewhere.

The primary habitat requirement of the burrowing owl is small mammal burrows for nesting. The owl usually nests in abandoned ground squirrel burrows, although they have been known to dig their own burrows in softer soils. In urban areas, burrowing owls often utilize artificial burrows including pipes, culverts, and piles of concrete pieces. This semi-colonial owl breeds from March through August, and is most active while hunting during dawn and dusk. There are no occurrences of burrowing owls in the CNDDB (2015) search area.

No burrowing owls or ground squirrels were observed in the site. The grassland in the site is tall and weedy and provides marginal foraging habitat for burrowing owl. While a few old ground squirrel burrows were observed within the site, none had evidence of burrowing owl occupancy (i.e. whitewash, feathers and/or pellets). The site is well within the species range and burrowing owls may fly over or forage in the site on an occasional basis. It is possible that burrowing owls could nest in the site in the future, if burrow habitat is available.

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 guidelines further direct that buffer areas between 20 and 100 feet from the driplines of the shrubs that are subject to temporary ground disturbance should be restored or re-vegetated.

As mentioned above, there are two small blue elderberry shrubs in the northeast corner of the site, near the intersection of Highway 99 and North Golden State Boulevard (Figure 3 and photograph in Attachment C). There are also several blue elderberry shrubs in the parcel just southeast of the site, including a very large shrub approximately 30 feet east of the east edge of the site. The elderberry shrubs in the site each have a few stems between 1 and 3 inches in diameter at ground level and both shrubs are only about 5 to 6 feet tall. None of the shrub's stems have bore holes that appear suggestive of past occupancy by valley elderberry longhorn beetle. These small elderberry shrubs in the site likely established in the past decade when seeds from the shrubs to the east were dropped by birds.

OTHER SPECIAL-STATUS SPECIES: Special-status birds may fly over the area on occasion, but would not be expected to nest in or immediately adjacent to the project site. The site does not provide suitable aquatic habitat for any type of fish, giant garter snake, California tiger salamander, or California red-legged frog. There are no vernal pools or seasonal wetlands in the site for vernal pool branchiopods (i.e., fairy and tadpole shrimp).

CRITICAL HABITAT: The site is not within designated critical habitat for delta smelt (USFWS, 1994), California red-legged frog (USFWS, 2006), California tiger

salamander (USFWS, 2005a), federally listed vernal pool shrimp or plants (USFWS, 2005b), valley elderberry longhorn beetle (USFWS, 1980), or Central Valley steelhead (NOAA, 2005).

Conclusions and Recommendations

- The site is disturbed grassland vegetated with ruderal grasses and weeds. The west part of the site was developed in the past and old foundations and pavement remain. On-site habitats are biologically unremarkable.

- No potentially jurisdictional Waters of the U.S. or wetlands were observed in the project site. A small detention basin along the north edge of the site does not meet the technical and/or regulatory criteria of jurisdictional wetlands or Waters of the U.S.

- Due to high levels of disturbance and a lack of suitable habitat, it is unlikely that special-status plants occur in the site.

- No special-status wildlife species are expected to occur in or near the site on more than a very occasional or transitory basis. Swainson's hawk and burrowing owl could potentially nest in the site and may use the site for occasional foraging. However, the weedy grassland in the site provides marginal foraging habitat and use of the site by either Swainson's hawk or burrowing owl is expected to be limited.

- Although considered unlikely, valley elderberry longhorn beetle could potentially occur in the small blue elderberry shrubs in the northeast part of the site. These small shrubs show no evidence of occupancy by valley elderberry longhorn beetle and removal of the shrubs is expected to have no effect on this species. Prior to removing the

shrubs, it is recommended the applicant obtain concurrence from USFWS regarding removing the shrubs.

- Prior to securing concurrence to remove the blue elderberry shrubs, the shrubs should be protected with a no-disturbance buffer extending 10 feet from the driplines of the shrubs. Construction in the vicinity of the blue elderberry shrubs should also occur between June 15 and April 15. During this time period, valley elderberry longhorn beetle (if present) would be within the interior portion of the stems of the shrubs and would not move (i.e., fly or walk) into the construction area

- Pre-construction surveys for nesting Swainson's hawks within 0.25 miles of the project site are recommended if construction commences between March 1 and September 15. If active nests are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determination should utilize criteria set forth by CDFW (CDFG, 1994).

- Pre-construction surveys for burrowing owls in the site should be conducted if construction commences between February 1 and August 31. If occupied burrows are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determination should be pursuant to criteria set forth by CDFW (CDFG, 2012).

- Trees, shrubs, and grasslands in the site could be used by other birds protected by the Migratory Bird Treaty Act of 1918. If vegetation removal or construction commences during the general avian nesting season (March 1 through July 31), a pre-construction survey for nesting birds is recommended. If active nests are found, work in the vicinity of the nest should be delayed until the young fledge.

We hope this information is useful. Please call me at (209) 745-1159 with any questions.

Sincerely,

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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Jennings, M.R. and M.P. Hayes. 1994. Amphibian and Reptile Species of Special Concern in California. Prepared for California Department of Fish and Game, Rancho Cordova, California. November.

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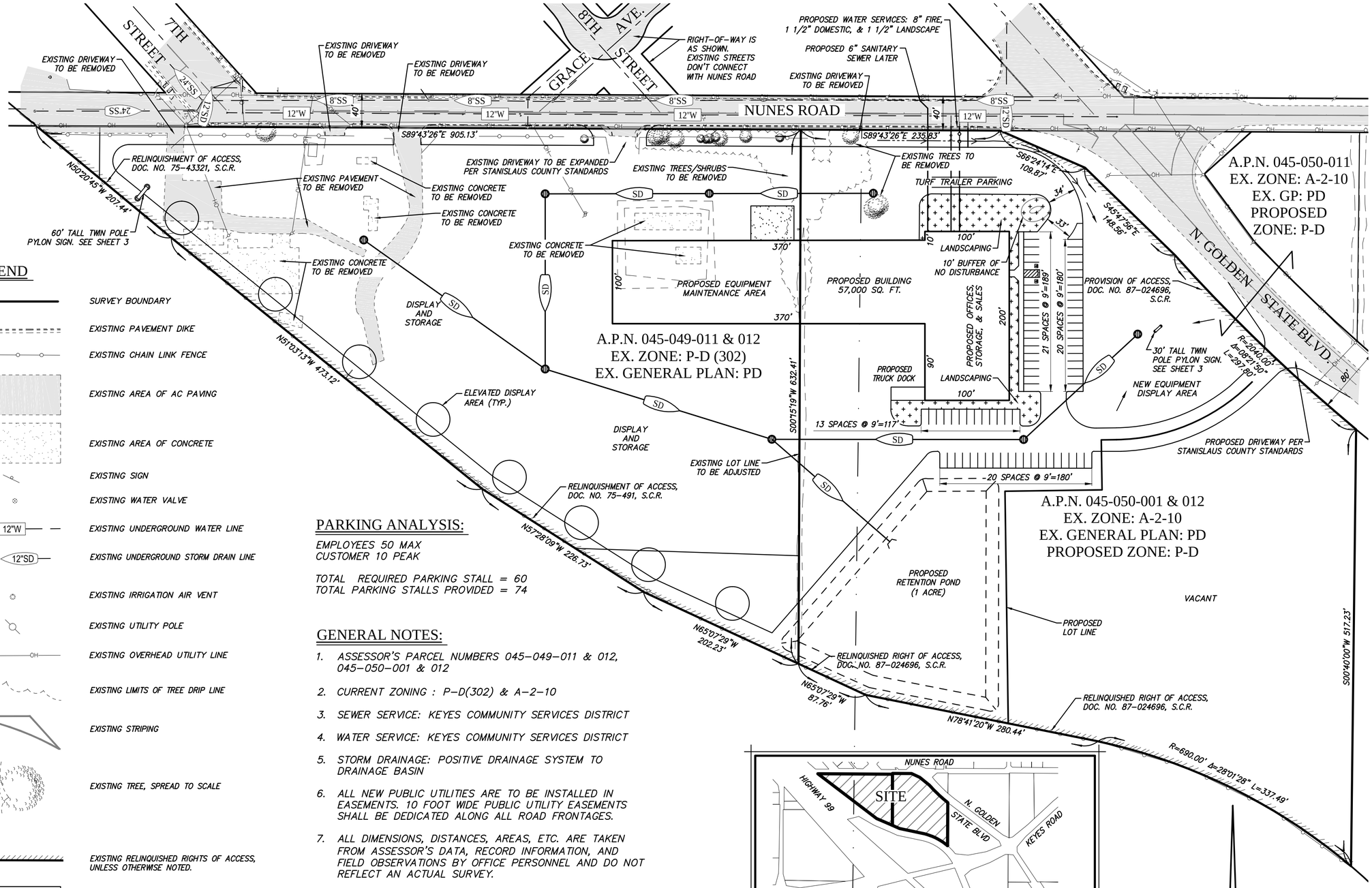
Attachment A

Site Plan



LEGEND

- SURVEY BOUNDARY
- EXISTING PAVEMENT DIKE
- EXISTING CHAIN LINK FENCE
- EXISTING AREA OF AC PAVING
- EXISTING AREA OF CONCRETE
- EXISTING SIGN
- EXISTING WATER VALVE
- 12"W — EXISTING UNDERGROUND WATER LINE
- 12"SD — EXISTING UNDERGROUND STORM DRAIN LINE
- EXISTING IRRIGATION AIR VENT
- EXISTING UTILITY POLE
- OH — OH — EXISTING OVERHEAD UTILITY LINE
- EXISTING LIMITS OF TREE DRIP LINE
- EXISTING STRIPING
- EXISTING TREE, SPREAD TO SCALE
- EXISTING RELINQUISHED RIGHTS OF ACCESS, UNLESS OTHERWISE NOTED.
- PROPOSED AREA OF AC PAVING
- PROPOSED AREA OF CONCRETE
- PROPOSED AREA OF DROUGHT TOLERANT LANDSCAPING

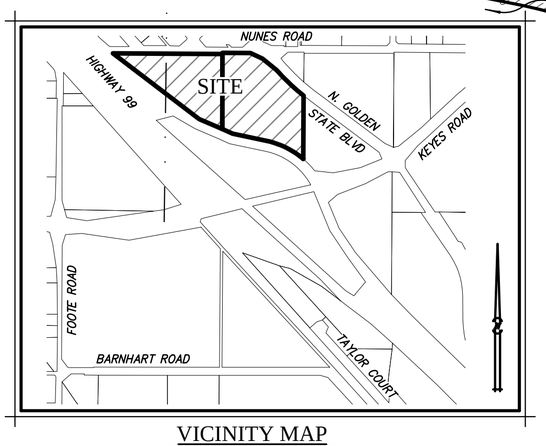
PARKING ANALYSIS:

EMPLOYEES 50 MAX
CUSTOMER 10 PEAK

TOTAL REQUIRED PARKING STALL = 60
TOTAL PARKING STALLS PROVIDED = 74

GENERAL NOTES:

1. ASSESSOR'S PARCEL NUMBERS 045-049-011 & 012, 045-050-001 & 012
2. CURRENT ZONING : P-D(302) & A-2-10
3. SEWER SERVICE: KEYES COMMUNITY SERVICES DISTRICT
4. WATER SERVICE: KEYES COMMUNITY SERVICES DISTRICT
5. STORM DRAINAGE: POSITIVE DRAINAGE SYSTEM TO DRAINAGE BASIN
6. ALL NEW PUBLIC UTILITIES ARE TO BE INSTALLED IN EASEMENTS. 10 FOOT WIDE PUBLIC UTILITY EASEMENTS SHALL BE DEDICATED ALONG ALL ROAD FRONTAGES.
7. ALL DIMENSIONS, DISTANCES, AREAS, ETC. ARE TAKEN FROM ASSESSOR'S DATA, RECORD INFORMATION, AND FIELD OBSERVATIONS BY OFFICE PERSONNEL AND DO NOT REFLECT AN ACTUAL SURVEY.
8. ALL IMPROVEMENTS SHALL BE CONSTRUCTED PER STANISLAUS COUNTY AND KEYES COMMUNITY SERVICES DISTRICT STANDARDS.
9. STREET LIGHTING SHALL BE INSTALLED AS PER STANISLAUS COUNTY REQUIREMENTS.
10. LANDSCAPING TO BE DROUGHT TOLERANT AND COMPLYING WITH MOST RECENT STANDARDS.



VICINITY MAP
NO SCALE

RODRICK H. HAWKINS:R.C.E. 50188
CROLIE E. LINDSAY: R.C.E. 31900 L.S. 4709
KEVIN GENASCI: L.S. 8660

SYM.	DATE	DESCRIPTION	APPD.

BY: RCS
CHK: RHH
DATE: 3/2015
SCALE: 1"=80'
JOB #: 3233

PLOT PLAN EXHIBIT
REZONE

4618 NUNES ROAD, KEYES
STANISLAUS COUNTY, CALIFORNIA

HAWKINS & ASSOCIATES
ENGINEERING, INC.
436 MITCHELL RD.
MODESTO, CA. 95354
PH: (209) 575 - 4295 FX: (209) 578 - 4295

SHEET 1. OF 3.

Attachment B

CNDDB Summary Report and Exhibits

& USFWS Species List

Selected Elements by Scientific Name

California Department of Fish and Wildlife

California Natural Diversity Database

Query Criteria: Quad is (Ceres (3712058) or Denair (3712057))

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Agelaius tricolor tricolored blackbird	ABPBXB0020	None	Endangered	G2G3	S1S2	SSC
Atriplex cordulata var. cordulata heartscale	PDCHE040B0	None	None	G3T2	S2	1B.2
Atriplex subtilis subtle orache	PDCHE042T0	None	None	G1	S1	1B.2
Buteo swainsoni Swainson's hawk	ABNKC19070	None	Threatened	G5	S3	
Corynorhinus townsendii Townsend's big-eared bat	AMACC08010	None	Candidate Threatened	G3G4	S2	SSC
Desmocerus californicus dimorphus valley elderberry longhorn beetle	IICOL48011	Threatened	None	G3T2	S2	
Lasiurus cinereus hoary bat	AMACC05030	None	None	G5	S4	
Lytta moesta moestan blister beetle	IICOL4C020	None	None	G2	S2	
Mylopharodon conocephalus hardhead	AFCJB25010	None	None	G3	S3	SSC
Oncorhynchus mykiss irideus steelhead - Central Valley DPS	AFCHA0209K	Threatened	None	G5T2Q	S2	
Orcuttia inaequalis San Joaquin Valley Orcutt grass	PMPOA4G060	Threatened	Endangered	G1	S1	1B.1

Record Count: 11

SALIDA

RIVERBANK

WATERFORD

PAULSELL

BRUSH LAKE

CERES

DENAIR

MONTPELIER

HATCH

TURLOCK

Project Site

subtle orache heartscale

San Joaquin Valley Orcutt grass

CNDDB Plant

Belkorp AG

Stanislaus County, CA

Map Date: June 2015

N

0 0.5 1

Miles

Source: CDFW; National Geographic Society

SALIDA

RIVERBANK

WATERFORD

PAULSELL

steelhead - Central Valley DPS

Townsend's big-eared bat

Swainson's hawk

valley elderberry longhorn beetle

valley elderberry longhorn beetle

moestan blister beetle

hardhead

hardhead

valley elderberry longhorn beetle

BRUSH LAKE

CERES

DENAIR

MONTPELIER

Project Site

Swainson's hawk

Swainson's hawk

HATCH

TURLOCK

hoary bat

CNDDB Wildlife

Belkorp AG

Stanislaus County, CA

Map Date: June 2015

N

0 0.5 1

Miles

Source: CDFW; National Geographic Society

US Fish & Wildlife Service

IPaC Trust Resource Report

Project Description

NAME

Belkorp AG

PROJECT CODE

NY5M3-FJE4R-GUTLA-BIQTE-LKUULM

LOCATION

Stanislaus County, California

DESCRIPTION

No description provided

U.S. Fish & Wildlife Contact Information

Species in this report are managed by:

Sacramento Fish And Wildlife Office
Federal Building
2800 COTTAGE WAY, ROOM W-2605
Sacramento, CA 95825-1846
(916) 414-6600

Endangered Species

Proposed, candidate, threatened, and endangered species that are managed by the Endangered Species Program and should be considered as part of an effect analysis for this project.

This unofficial species list is for informational purposes only and does not fulfill the requirements under Section 7 of the Endangered Species Act, which states that Federal agencies are required to "request of the Secretary of Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action." This requirement applies to projects which are conducted, permitted or licensed by any Federal agency.

A letter from the local office and a species list which fulfills this requirement can be obtained by returning to this project on the IPaC website and requesting an Official Species List from the regulatory documents section.

Amphibians

California Red-legged Frog Rana draytonii — **Threatened**

CRITICAL HABITAT
There is **final** critical habitat designated for this species.

https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=D02D

California Tiger Salamander Ambystoma californiense — **Threatened**

CRITICAL HABITAT
There is **final** critical habitat designated for this species.

https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=D01T

Crustaceans

Vernal Pool Fairy Shrimp Branchinecta lynchi — **Threatened**

CRITICAL HABITAT
There is **final** critical habitat designated for this species.

https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=K03G

Vernal Pool Tadpole Shrimp Lepidurus packardi — **Endangered**

CRITICAL HABITAT
There is **final** critical habitat designated for this species.

https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=K048

Fishes

Delta Smelt Hypomesus transpacificus **Threatened**

CRITICAL HABITAT
There is **final** critical habitat designated for this species.

https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=E070

Steelhead Oncorhynchus (=Salmo) mykiss **Threatened**

CRITICAL HABITAT
There is **final** critical habitat designated for this species.

https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=E08D

Insects

Valley Elderberry Longhorn Beetle Desmocerus californicus dimorphus **Threatened**

CRITICAL HABITAT
There is **final** critical habitat designated for this species.

https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=I01L

Reptiles

Giant Garter Snake Thamnophis gigas **Threatened**

CRITICAL HABITAT
No critical habitat has been designated for this species.

https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=C057

Critical Habitats

Potential effects to critical habitat(s) within the project area must be analyzed along with the endangered species themselves.

There is no critical habitat within this project area

Attachment C

Photographs

Paved area in the northwest tip of the site, looking southeast; 06/10/15.

Weedy grassland in the southeast part of the site, looking northwest; 06/10/15.

Nunes Road along the north edge of the site, looking east from 7th Street; 06/10/15.


Landscaped strip along Highway 99, looking southeast from the northwest corner of the site; 06/10/15.

Cottonwood in the north-central part of the site, looking west; 06/10/15. A large raptor stick nest in this tree is tattered and appears to be from the 2014 nesting season.

Old foundations, palms and a pecan tree in the northwest part of the site, looking northwest; 06/10/15. Aerial photographs from the early 2000s' show development in this part of the site.

Two small blue elderberry shrubs in the northeast part of the site, looking northwest; 06/10/15.

One of several large blue elderberry shrubs in the parcel just east of the site; 06/10/15. The shrub is approximately 30 feet east of the east edge of the site.

Old detention basin along Nunes Road, looking west; 06/10/15. This small basin is in the vicinity of the old foundations and was likely constructed when the site was previously developed.

Attachment D

Designated Critical Habitat

Critical Habitat

- Colusa grass
- Greene's tuctoria
- Hairy Orcutt grass
- Hoover's spurge
- Vernal pool fairy shrimp
- Vernal pool tadpole shrimp

Project Site

Critical Habitat

Belkorp AG

Stanislaus County, CA

Map Date: June 2015

N

0 0.5 1

Miles

Source: USFWS; National Geographic Society

ARCHAEOLOGICAL INVENTORY SURVEY

Belkorp Development Project,
circa 14 acres, Stanislaus County, California.

Prepared for

Hawkins & Associates Engineering, Inc.
436 Mitchell Road
Modesto, CA 95354

Author

Sean Michael Jensen, M.A.

Keywords *for Information Center Use:*
Archaeological Inventory Survey, circa 14-acres, Stanislaus County, CEQA, USGS Keyes, Ca. 7.5' Quad., No Significant Historical Resources, No Unique Archaeological Resources.

April 30, 2015

GENESIS SOCIETY - PARADISE, CALIFORNIA

ARCHAEOLOGICAL - HISTORICAL - CULTURAL RESOURCE MANAGEMENT SERVICES

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ATTACHMENTS

Project Location and Archaeological Survey Area Map.
Copy of Records Search from CCIC, 9275N, dated March 23, 2015.
Correspondence to the Native American Heritage Commission (NAHC).

1. INTRODUCTION

Project Background

This report details the results of an archaeological inventory of the proposed Belkorp Development Project which involves approximately 14-acres, bound by Nunes Road on the north, South Golden State Boulevard to the east, and State Route 99 to the south-southwest, within the community of Keyes, in Stanislaus County, California. The proposed project involves construction of a new commercial facility, including construction of new structures, parking areas, access roads, placement of utilities, etc.

Since the project could involve physical disturbance to ground surface and sub-surface components in conjunction with proposed commercial development, it has the potential to impact cultural resources that may be located within the APE. In this case, the APE consists of the circa 14-acre property. Evaluation of the project's potential to impact cultural resources must be undertaken in conformity with Stanislaus County rules and regulations, and in compliance with requirements of the California Environmental Quality Act of 1970, Public Resources Code, Section 21000, et seq. (CEQA), and The California CEQA Environmental Quality Act Guidelines, California Administrative Code, Section 15000 et seq. (Guidelines as amended).

Scope of Work

At the most general level, compliance with CEQA requires completion of projects in conformity with the standards contained in Section 15064.5 of the CEQA Guidelines, as amended. Based on this and other relevant Sections of the Guidelines, the following specific tasks were considered an adequate and appropriate Scope of Work for the present project:

- Conduct a records search at the Central California Information Center of the California Historical Resources Information System at CSU-Stanislaus, and review state data bases and other relevant background information. The goals of the records search and data base review are to determine (a) the extent and distribution of previous archaeological surveys, (b) the locations of known archaeological sites and any previously recorded archaeological districts, and (c) the relationships between known sites and environmental variables. This step is designed to ensure that, during subsequent field survey work, all archaeological and historical sites considered significant per CEQA are discovered, correctly identified, fully documented, and properly interpreted.

- Conduct a pedestrian field survey of the project area. Based on map review, a complete coverage intensive survey was considered appropriate, given the presence of potentially high archaeological sensitivity throughout the project area. The purpose of the pedestrian survey is to ensure that any previously recorded sites identified during the records search are re-located and existing evaluations updated based on current site and field conditions. For previously undocumented sites identified which might qualify as "cultural resources" per CEQA, the field survey would involve formally recording these on DPR-523 Forms.

- Upon completion of the records search and pedestrian survey, prepare an archaeological inventory survey report that identifies project effects and recommends appropriate mitigation measures for any prehistoric or historic sites recommended significant under CEQA and which might be affected by the project.

The remainder of the present document constitutes the Final Report for this project, detailing the results of the records search and field survey and containing recommendations for treatment of significant sites that could be impacted by the project. All field survey procedures followed guidelines provided by the State Historic Preservation Office (Sacramento) and conform to accepted professional standards.

Location

The Belkorp Development Project area involves approximately 14-acres, bound by Nunes Road on the north, South Golden State Boulevard to the east, and State Route 99 to the south-southwest, within the community of Keyes, in Stanislaus County, California. Lands affected are located within a portion of Section 31 of T4S, R10E, as shown on the USGS Keyes, California, 7.5' quadrangle (see attached ***Project Location Map***).

The most important natural surface water source within the project area is the Tuolumne River which flows roughly east-west approximately 5 miles north of the project area. No permanent sources of surface water are located within the project property.

Based on a review of topographic and other maps, and notwithstanding prior impacts to surface and subsurface soil components resulting from intensive agricultural, residential and commercial development, the study area appeared to contain lands ranging from low to moderate in sensitivity for historic-era resources, and generally low in sensitivity for prehistoric resources.

2. RECORDS SEARCH and SOURCES CONSULTED

Several sources of information were considered relevant to evaluating the types of archaeological sites and site distribution that might be encountered within the project area. The information evaluated prior to conducting pedestrian field survey includes soil types and geomorphological features, data maintained by the Central California Information Center at CSU-Stanislaus, and review of available published and unpublished documents relevant to regional prehistory, ethnography, and early historic developments.

Records at Central California Information Center

Prior to conducting the intensive-level field survey, a search of archaeological records maintained by the Central California Information Center at CSU-Stanislaus was conducted (CCIC File # 9275N, dated March 23, 2015). This search included the APE, and lands immediately adjacent to the APE, the findings of which included:

- ***Previous Archaeological Survey:*** According to the information center, none of the present APE has been subjected to formal archaeological survey. Chavez (1976) conducted a survey adjacent to the north side of the APE (CCAIC Report # ST-859).

- ***Recorded Cultural Resources:*** According to the Information Center, no prehistoric or historic archaeological resources have been recorded within, or immediately adjacent to, the APE.

Other Sources Consulted

In addition to the archaeological records of Stanislaus County as maintained by the Central California Information Center, the following sources were also consulted:

- The National Register of Historic Places (1986, Supplements to 2014).
- The California Register of Historical Resources (2014).
- The California Inventory of Historic Resources (1976).
- California State Historical Landmarks (1996).
- California Points of Historical Interest (1992).
- OHP Historic Property Data File (3/20/14).
- OHP Archaeological Determination of Eligibility (4/5/12).
- The Survey of Surveys (1989).
- Caltrans State and Local Bridges Inventory.
- GLO Plat T4S, R10E, Sheet # 44-245, dated 1853-54.
- 1953 USGS Keyes, CA 7.5' quadrangle.
- 1969 USGS Keyes, CA 7.5' quadrangle (Photorevised 1987).
- Published and unpublished documents relevant to environment, ethnography, prehistory and early historic developments in the vicinity, providing context for assessing site types and distribution patterns for the project area (summarized below under ***Environmental and Cultural Context***).

Native American Consultation

In addition to examining the records of Stanislaus County at the CCIC and reviewing published and other sources of information, consultation was undertaken with the Native American Heritage Commission (NAHC) re. sacred land listings for the property. An information request letter was delivered to the NAHC on April 28, 2015. To date, the NAHC has yet to respond.

3. Environmental and Cultural Context

Environmental Context

Situated within the central San Joaquin Valley, the APE occupies relatively flat terrain which was likely subjected to agricultural development during the latter portion of the 19th century, and which has been subjected to intensive agricultural, residential and commercial activities over the past century. Elevation within the APE averages approximately 93 feet above mean

sea level. The most important natural surface water source within the project area is the Tuolumne River which flows roughly east-west approximately 5 miles north of the project area. No permanent sources of surface water are located within the project property.

Generally, environmental conditions within the Central Valley have remained stable throughout the past 8-10,000 years, although minor fluctuations in overall precipitation and temperature regime have been documented, and these undoubtedly influenced prehistoric patterns of land use and settlement.

Cultural Context

Prehistory: The earliest residents of the study area are represented by the Fluted Point and Western Pluvial Lakes Traditions, which date from about 11,500 to 7,500 years ago (Moratto 2004). Within portions of the Central Valley, fluted projectile points have been found at Tracy Lake (Heizer 1938) and around the margins of Buena Vista Lake in Kern County. Similar materials have been found to the north, at Samwel Cave near Shasta Lake and near McCloud and Big Springs in Siskiyou County. These early peoples are thought to have subsisted using a combination of generalized hunting and lacustrine exploitation (Moratto 2004).

These early cultural assemblages were followed by an increase in Native population density after about 7,500 years ago. One of the most securely dated of these assemblages in north-central California is from the Squaw Creek Site located north of Redding. Here, a charcoal-based C-14 date suggests extensive Native American presence around 6,500 years ago, or 4,500 B.C. Most of the artifactual material dating to this time period has counterparts further south, around Borax (Clear) Lake and the Farmington Area a short distance east of Sacramento. Important artifact types from this time period include large wide-stemmed projectile points and manos and metates.

In the Central Valley of California in the general vicinity of the project area, aboriginal populations continued to expand between 6,500 and 4,500 years ago. Penutian-speaking Native American peoples are thought to have arrived in the area during this period, eventually displacing the earlier Hokan-speaking populations in both upland and valley zones. Presumably introduced by these later Penutian-speaking arrivals were more extensive use of bulbs and other plant foods, animal and fishing products more intensively processed with mortars and pestles, and perhaps the bow and arrow and associated small stemmed- and corner-notched projectile points. The Penutian-speaking peoples occupying the project area at the time of initial contact with European American populations were the Yokuts.

Ethnography: As noted above, the project area is located within land claimed by the Penutian-speaking Yokuts at the time of initial contact with European American populations *circa*. A.D. 1850 (Kroeber 1925:474-573; Wallace 1978: Figure 1). The Yokuts occupied an area extending from the crest of the Coast "Diablo" Range easterly into the foothills of the Sierra Nevada, north to the American River, and south to the upper San Joaquin River.

The basic social unit for the Yokuts was the family, although the village may also be considered a social, as well as a political and economic, unit. Villages were often located on flats adjoining streams, and were inhabited mainly in the winter as it was necessary to go out

into the hills and higher elevation zones to establish temporary camps during food gathering seasons (i.e., spring, summer and fall). Villages typically consisted of a scattering of small structures, numbering from four or five to several dozen in larger villages, each house containing a single family of from three to seven people. Larger villages, with from twelve to fifteen or more houses, might also contain an earth lodge.

As with most California Indian groups, economic life for the Yokuts revolved around hunting, fishing and the collecting of plant foods, with deer, acorns, avian, and aquatic resources representing primary staples. The collection and processing of these various food resources was accomplished with the use of a wide variety of wooden, bone and stone artifacts. The Yokuts were very sophisticated in terms of their knowledge of the uses of local animals and plants, and of the availability of raw material sources which could be used in manufacturing an immense array of primary and secondary tools and implements. However, only fragmentary evidence of their material culture remains, due in part to perishability, and in part to the impacts to archaeological sites resulting from later (historic) land uses.

Historic Context: Interior California was initially visited by Anglo-American fur trappers, Russian scientists, and Spanish-Mexican expeditions during the early part of the 19th Century. These early explorations were followed by a rapid escalation of European-American activities, which culminated in the massive influx fostered by the discovery of gold at Coloma in 1848.

Early Spanish expeditions arrived from Bay Area missions as early as 1804, penetrating the northwestern San Joaquin Valley (Cook 1976). By the mid-1820s, hundreds of fur trappers were annually traversing the Valley on behalf of the Hudson's Bay Company (Maloney 1945). By the late 1830s and early 1840s, several small permanent European-American settlements had emerged in the Central Valley and adjacent foothill lands, including Ranchos in the interior Coast Range, and of course the settlement at New Helvetia (Sutter's Fort) at the confluence of the Sacramento and American Rivers (Sacramento).

With the discovery of gold in the Sierra Nevada, large numbers of European-Americans, Hispanics, and Chinese arrived in and traveled through the Valley. The Valley's east-side mining communities' demands for hard commodities led quickly to the expansion of ranching and agriculture throughout the Great Central Valley and the interior valleys of the Coast Range. Stable, larger populations arose and permanent communities slowly emerged in the Central Valley, particularly along major transportation corridors. Of particular importance in this regard was the transformation brought about by the railroads.

The Southern Pacific and Central Pacific Railroads and a host of smaller interurban lines to the north and east around the cities of Sacramento, Stockton and Modesto began intensive projects in the late 1860s. By the turn of the century, nearly 3,000 miles of lines connected the cities of Modesto and Stockton with points south and north. Many of the valley's cities, including many in Stanislaus and adjacent Counties, were laid out as isolated railroad towns in the 1870s and 1880s by the Southern and Central Pacific, which not only built and settled, but continued to nurture the infant cities until settlement could be independently sustained.

One community that originated, at least in part, separate from the railroad was Ceres, which is located a short distance north of the community of Keyes and the present APE. Named

after the Roman goddess of agriculture, Ceres was founded by Daniel Whitmore in 1870 with the construction of a residence/post office in 1870. In that same year, Ephraim Hatch donated land to the Central Pacific Railroad when they constructed a right-of-way through his land (Hohenthal, et al. 1972).

In 1875, Whitmore filed a map, which was prepared by his brother R. K. Whitmore, for the planned community of Ceres. Residential lots were subsequently sold, and agricultural activities intensified within the area. In order to serve the burgeoning population, as well as the increased agricultural commodities from the area, the San Francisco & San Joaquin Valley Railroad (SF&SJV) was constructed in the region in 1895. In 1898, the Atchison Topeka & Santa Fe Railroad bought the SF&SJV (Brotherton 1981).

In order to accommodate the expanding agricultural land use in the area, water conveyance became a critical issue for the region. The Turlock Irrigation District (TID) was formed in 1887, with construction of the La Grange Dam on the Tuolumne River in 1893 reflecting a substantial effort to this end. Over the next decade, a system of canals was constructed to serve the region.

Agricultural development intensified through the end of the 19th and into the 20th Centuries, spurred initially and then supported by the railroads that provided the means for bulk product to be transported to a much larger market. By the end of the 19th Century, a very substantial portion of the Valley was being intensively cultivated, with increasing mechanization occurring throughout all of the 20th Century and substantial expansion of cultivated acreage occurring with the arrival of water from the CVP.

4. ARCHAEOLOGICAL SURVEY and CULTURAL INVENTORY

Survey Coverage

All of the circa 14-acre APE was subjected to intensive pedestrian survey by means of walking systematic transects, spaced at 20 meter intervals.

In searching for cultural resources, the surveyor took into account the results of background research and was alert for any unusual contours, soil changes, distinctive vegetation patterns, exotic materials, artifacts, feature or feature remnants and other possible markers of cultural sites.

Field work was undertaken on April 26, 2015 by Sean Michael Jensen. Mr. Jensen is a professional archaeologist, with 28 years experience in archaeology and history, who meets the Secretary of Interior's Standards for Professional Qualification, as demonstrated in his listing on the California Historical Resources Information System list of qualified archaeologists and historians. No special problems were encountered and all survey objectives were satisfactorily achieved.

General Observations

According to documentation obtained by Fisco (2014a, 2014b) the western half of the present APE consisted of agricultural land and residential property from at least 1916. Between 1957 and 1967, that same portion of the property was home to a commercial sales facility, and between 1998 and 2005 had been converted to residential development. By 2012, the portion of the property was vacant. The remaining portion of the property appears to have been utilized for agriculture until around 1984. According to the property owner, a residence and barn which occupied the property were subjected to a controlled training fire undertaken by the local fire department.

Several concrete slabs, paved parking areas, and paved drives were observed throughout the property, especially concentrated within the northwestern portion of the APE. These features are the remnants of the aforementioned activities and subsequent wholesale demolition.

All of these activities (farming, ranching, commercial development, residential development, subsequent razing of all structures) have severely impacted the surface and subsurface soils within the APE. Additional disturbances include placement of buried and overhead utilities, and adjacent road construction and maintenance.

Prehistoric Resources

No prehistoric resources were identified during the present pedestrian survey. The absence of such resources may best be explained by the absence of a permanent source of surface water within, or nearby the project area, and to the degree of disturbance to which the entire property has been subjected.

Historic-Era Resources

No evidence of historic-era resources was observed within the APE during the present pedestrian survey. As noted above, several concrete slabs, paved parking areas, and paved drives were observed throughout the property, especially concentrated within the northwestern portion of the APE. These features are the remnants of the aforementioned activities and subsequent wholesale demolition. Consistent with contemporary standards and practices (*sec*. Caltrans), these features represent a "property type" exempt from evaluation. Consequently, these features do not achieve the threshold to qualify as a significant historical resource, and warrant no further consideration.

5. PROJECT EFFECTS

A project may have a significant impact or adverse effect on significant historical resources/unique archaeological resources/historic properties if the project will or could result in the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance or values of the historic resource would be materially impaired. Actions that would materially impair a cultural resource or historic

property are actions that would alter or diminish those attributes of a site that qualify the site for inclusion in State site registers or the National Register of Historic Places.

Based on the specific findings detailed above under ***Pedestrian Survey and Inventory***, no significant historical resources/unique archaeological resources are present within the project area and no historical resources/unique archaeological resources will be affected by the undertaking, as presently proposed.

6. PROJECT SUMMARY

This report details the results of an archaeological inventory of the proposed Belkorp Development Project which involves approximately 14-acres, bound by Nunes Road on the north, South Golden State Boulevard to the east, and State Route 99 to the south-southwest, within the community of Keyes, in Stanislaus County, California. The proposed project involves construction of a new commercial facility, including construction of new structures, parking areas, access roads, placement of utilities, etc.

A search of State data bases, including all records and documents available at the Central California Information Center, and intensive pedestrian survey, failed to identify significant historical resources/unique archaeological resources within the 14-acre APE.

Based on the findings of the present archaeological inventory, no significant historical resources and no unique archaeological resources will be affected within the 14-acre APE. Despite these negative findings, the following general provisions are considered appropriate:

1) ***Consultation in the event of inadvertent discovery of human remains***: Evidence of human burial or scattered human remains related to prehistoric occupation of the area could be inadvertently encountered anywhere within the project area during future construction activity or other actions involving disturbance to the ground surface and subsurface components. In the event of such an inadvertent discovery, the County Coroner would have to be informed and consulted, per State law. Ultimately, the goal of consultation is to establish an agreement between the most likely lineal descendant designated by the Native American Heritage Commission and the project proponent(s) with regard to a plan for treatment and disposition of any human remains and artifacts which might be found in association. Such treatment and disposition may require reburial of any identified human remains/burials within a "preserve" or other designated portion of the development property not subject to ground disturbing impacts.

2) ***Consultation in the event of inadvertent discovery of cultural material***: The present evaluation and recommendations are based on the findings of an inventory-level surface survey only. There is always the possibility that significant unidentified cultural materials could be encountered on or below the surface during the course of future development or construction activities. This caveat is particularly relevant considering the constraints generally to archaeological field survey, and particularly where past ground disturbance has occurred, as in the present case. In the event of an inadvertent discovery of previously unidentified cultural material, archaeological consultation should be sought immediately.

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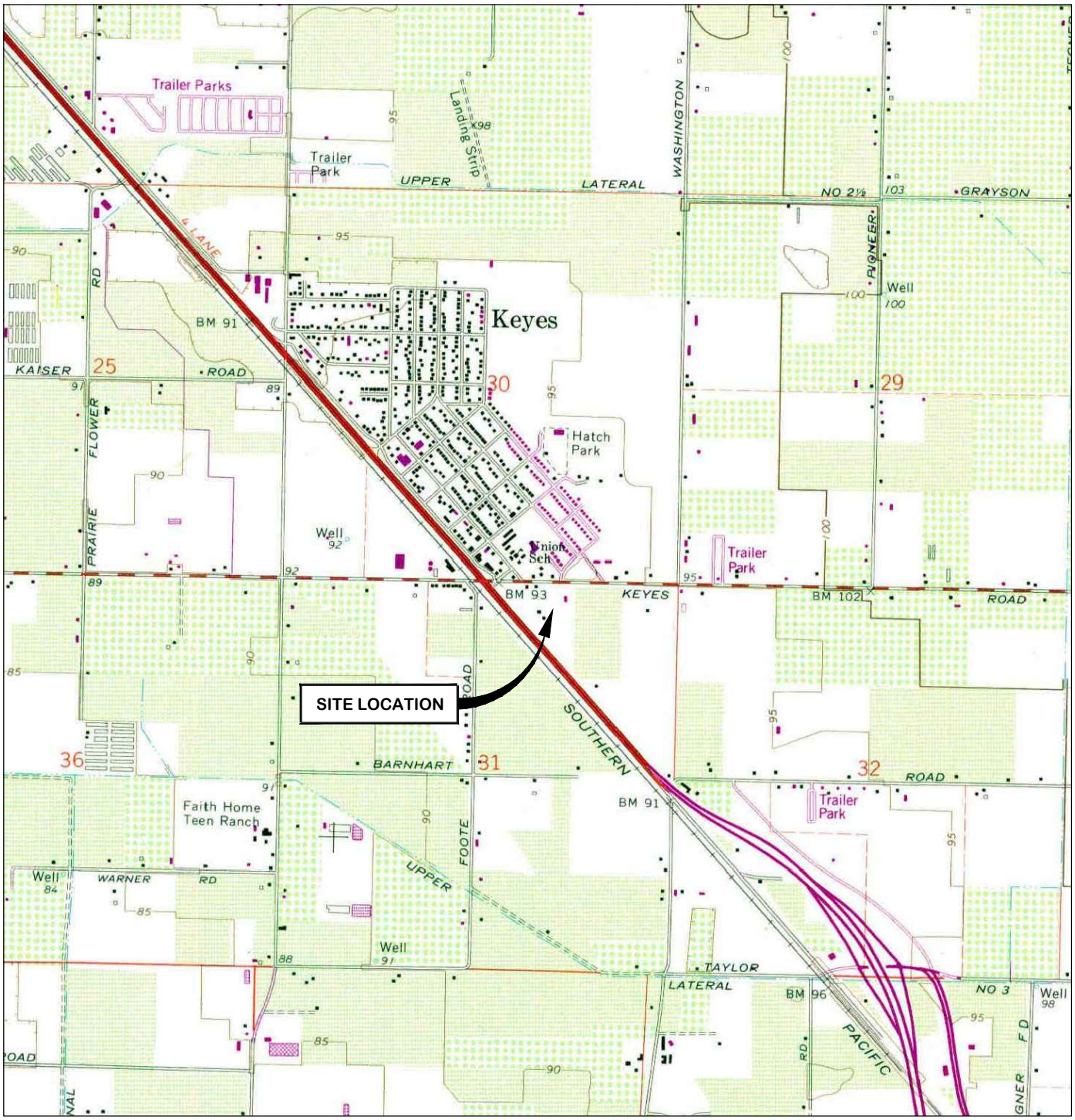

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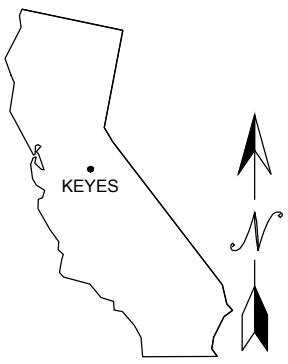

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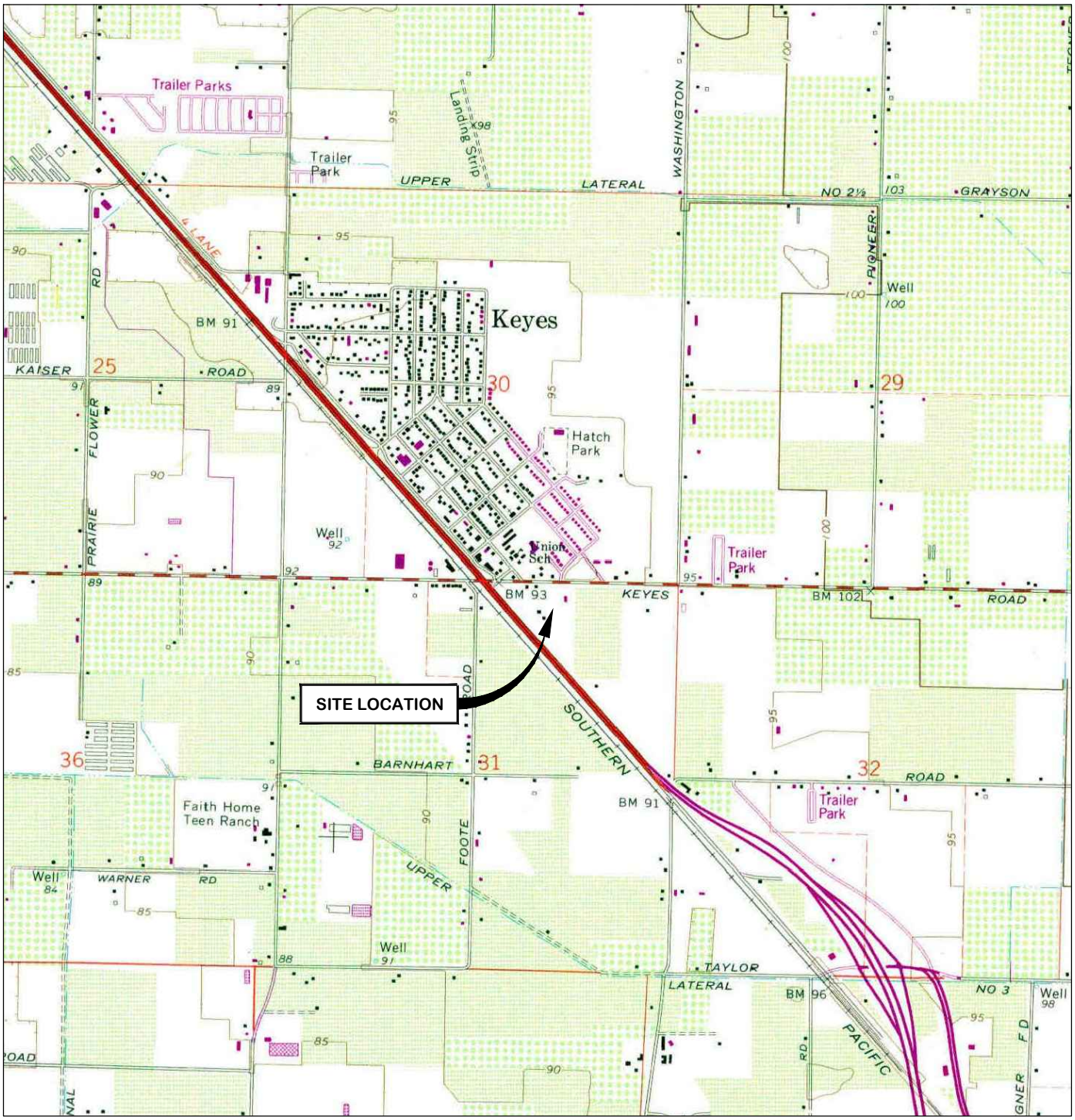
FIGURE 1

SITE VICINITY MAP
COCHRAN PROPERTY
4612 NUNES ROAD
KEYES, CALIFORNIA

FARALLON PN: 527-017

Drawn By: GPF Checked By: GH Date: 11/25/2014 Disk Reference: 527-017c



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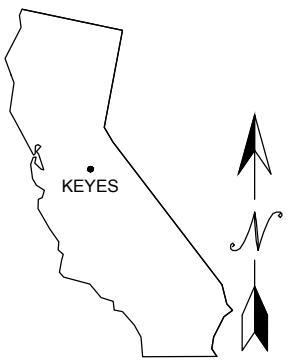

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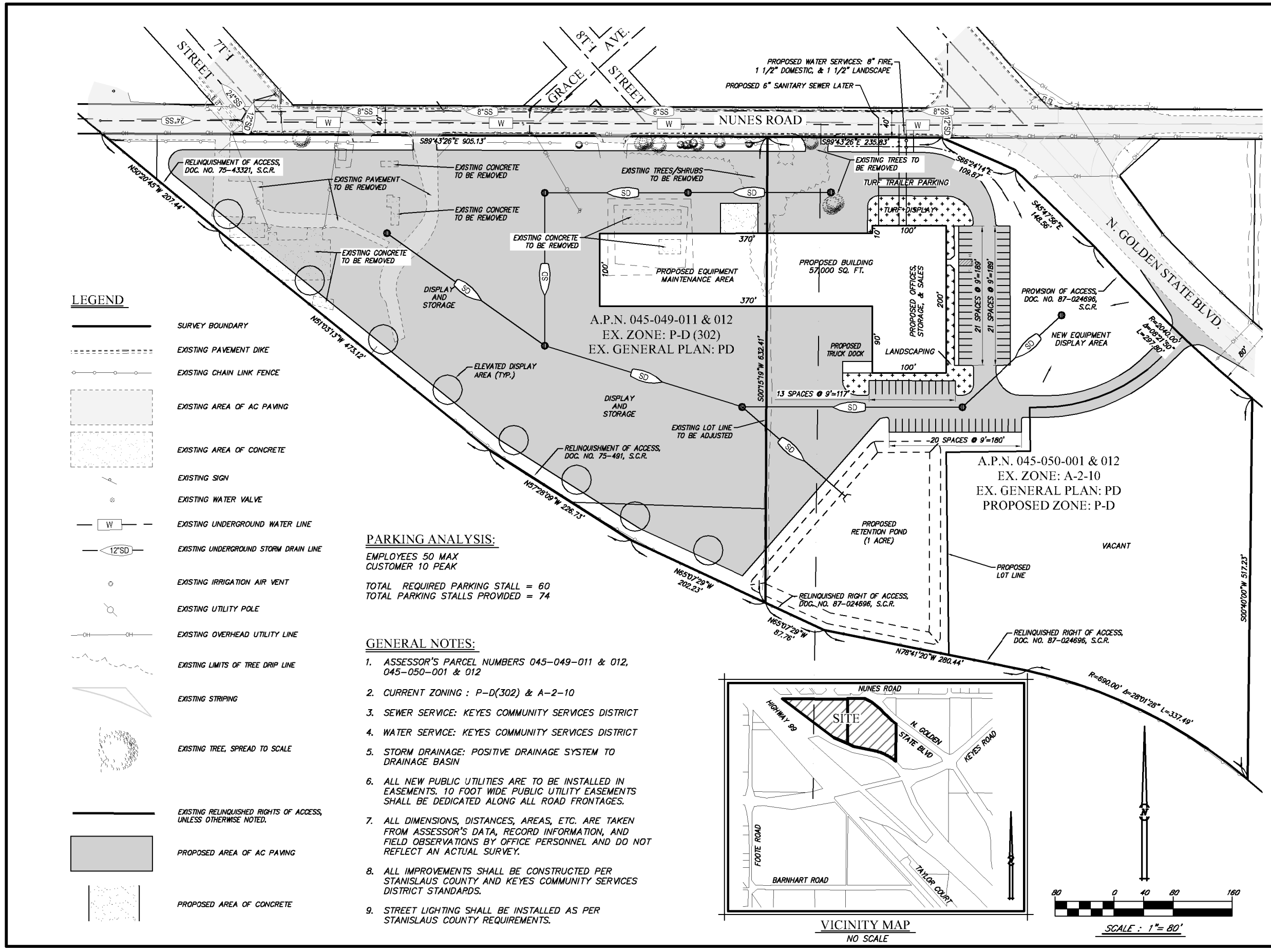
FIGURE 1

SITE VICINITY MAP
SUCKOW PROPERTY
STANISLAUS COUNTY APNs 045-050-001, -011, -012
KEYES, CALIFORNIA

FARALLON PN: 527-017

Drawn By: GPF Checked By: CH Date: 11/25/2014 Disk Reference: 527-017s



LEGEND

- SURVEY BOUNDARY
- EXISTING PAVEMENT DIKE
- EXISTING CHAIN LINK FENCE
- EXISTING AREA OF AC PAVING
- EXISTING AREA OF CONCRETE
- EXISTING SIGN
- EXISTING WATER VALVE
- EXISTING UNDERGROUND WATER LINE (W)
- EXISTING UNDERGROUND STORM DRAIN LINE (12"SD)
- EXISTING IRRIGATION AIR VENT
- EXISTING UTILITY POLE
- EXISTING OVERHEAD UTILITY LINE (OH)
- EXISTING LIMITS OF TREE DRIP LINE
- EXISTING STRIPING
- EXISTING TREE, SPREAD TO SCALE
- EXISTING RELINQUISHED RIGHTS OF ACCESS, UNLESS OTHERWISE NOTED.
- PROPOSED AREA OF AC PAVING
- PROPOSED AREA OF CONCRETE

PARKING ANALYSIS:

EMPLOYEES 50 MAX
CUSTOMER 10 PEAK

TOTAL REQUIRED PARKING STALL = 60
TOTAL PARKING STALLS PROVIDED = 74

GENERAL NOTES:

1. ASSESSOR'S PARCEL NUMBERS 045-049-011 & 012, 045-050-001 & 012
2. CURRENT ZONING : P-D(302) & A-2-10
3. SEWER SERVICE: KEYES COMMUNITY SERVICES DISTRICT
4. WATER SERVICE: KEYES COMMUNITY SERVICES DISTRICT
5. STORM DRAINAGE: POSITIVE DRAINAGE SYSTEM TO DRAINAGE BASIN
6. ALL NEW PUBLIC UTILITIES ARE TO BE INSTALLED IN EASEMENTS. 10 FOOT WIDE PUBLIC UTILITY EASEMENTS SHALL BE DEDICATED ALONG ALL ROAD FRONTAGES.
7. ALL DIMENSIONS, DISTANCES, AREAS, ETC. ARE TAKEN FROM ASSESSOR'S DATA, RECORD INFORMATION, AND FIELD OBSERVATIONS BY OFFICE PERSONNEL AND DO NOT REFLECT AN ACTUAL SURVEY.
8. ALL IMPROVEMENTS SHALL BE CONSTRUCTED PER STANISLAUS COUNTY AND KEYES COMMUNITY SERVICES DISTRICT STANDARDS.
9. STREET LIGHTING SHALL BE INSTALLED AS PER STANISLAUS COUNTY REQUIREMENTS.

VICINITY MAP
NO SCALE

SCALE : 1"= 80'

RODRICK H. HAWKINS:R.C.E. 50188
CROLIE E. LINDSAY: R.C.E. 31900 L.S. 4709
KEVIN GENASCI: L.S. 8660

SYM	DATE	DESCRIPTION	APPD

BY: RCS
CHK: RHH
DATE: 3/2015
SCALE: 1"=80'
JOB #: 3233

PLOT PLAN EXHIBIT
REZONE/ PLAN AMENDMENT

4618 NUNES ROAD, KEYES
STANISLAUS COUNTY, CALIFORNIA

HAWKINS & ASSOCIATES ENGINEERING, INC.
436 MITCHELL RD.
MODESTO, CA. 95354
PH: (209) 575 - 4295 FX: (209) 578 - 4295

SHEET 1. OF 2.

CENTRAL CALIFORNIA INFORMATION CENTER
California Historical Resources Information System
Department of Anthropology – California State University, Stanislaus
One University Circle, Turlock, California 95382
(209) 667-3307 - FAX (209) 667-3324

Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus & Tuolumne Counties

Date: 3/23/2015

Records Search File #: 9275N
Project: Subdivision Map, APN 045-049-0011 and 012; and 045-050-001 and 012

Louretta Halstead, Office Manager
Hawkins & Associates Engineering, Inc.
436 Mitchell Road
Modesto, CA 95354

lhalstead@hawkins-eng.com

Dear Ms. Halstead:

We have conducted a records search as per your request for the above-referenced project area located on the Ceres USGS 7.5-minute quadrangle map in Stanislaus County.

Search of our files includes review of our maps for the specific project area and the immediate vicinity of the project area, and review of the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), the *California Inventory of Historic Resources* (1976), the *California Historical Landmarks* (1990), and the California Points of Historical Interest listing (May 1992 and updates), the Directory of Properties in the Historic Property Data File (HPDF) and the Archaeological Determinations of Eligibility (ADOE) (Office of Historic Preservation current electronic files dated 03-20-2014), the *Survey of Surveys* (1989), the Caltrans State and Local Bridges Inventory, GLO Plats (T4S R10E, Sheet #44-245, dated 1853-54) and other pertinent historic data available at the CCIC for each specific county.

The following details the results of the records search:

Prehistoric or historic resources within the project area: None have been formally reported to the Information Center. For your information the 1953 edition of the Ceres USGS 7.5' quadrangle shows several buildings that would be 62 years in age (or older), considered as possible historic resources within the project area. In viewing the current Google Earth map for the project area, it is evident that the buildings have been demolished and only foundations remain.

Prehistoric or historic resources within the immediate vicinity of the project area: None have been formally reported to the Information Center.

Resources that are known to have value to local cultural groups: None have been formally reported to the Information Center.

Previous investigations within the project area: None have been formally reported to the Information Center.

Previous investigations within the immediate vicinity of the project area: Only one investigation has been conducted along the northern edge of the project area, referenced as follows:

CCIC Report #ST-00859
Chavez, D., 1976. An Archaeological Reconnaissance of the Robert's Ferry Reservoir and Water Extraction and Conveyance Systems, Stanislaus County, California: Phase II

Recommendations/Comments: Based on existing data in our files the project area has a moderate-high sensitivity for the possible discovery of historical resources—the 1953 map shows buildings that would be 62 years in age and considered as possible historical resources. Google Earth satellite imagery shows that only foundations remained at some point in time. Even if the foundations have been removed, there could be buried historical remains within the project area. It is recommended that survey by a qualified historical resources consultant be completed to record any potential historical remains prior to implementation of the project or issuance of any discretionary permit.

The Statewide Referral List for Historical Resources Consultants is posted for your use on the internet at http://chrisinfo.org

Please be advised that a historical resource is defined as a building, structure, object, prehistoric or historic archaeological site, or district possessing physical evidence of human activities over 45 years old. The project area has not been subject to previous investigations and there are previously unrecorded historical features involved in your project that are 45 years or older and considered as historical resources requiring further study and evaluation by a qualified professional of the appropriate discipline.

We advise you that in accordance with State law, if any historical resources are discovered during project-related activities, all work is to stop and the lead agency and a qualified professional are to be consulted to determine the importance and appropriate treatment of the find. If Native American remains are found the County Coroner and the Native American Heritage Commission, Sacramento (916-373-3710) are to be notified immediately for recommended procedures.

We further advise you that if you retain the services of a historical resources consultant, the firm or individual you retain is responsible for submitting any report of findings prepared for you to the Central California Information Center, including one copy of the narrative report and two copies of any records that document historical resources found as a result of field work. If the consultant wishes to obtain copies of materials not included with this records search reply, additional copy or records search fees may apply.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the State Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the CHRIS Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

We thank you for contacting this office regarding historical resource preservation. Please let us know when we can be of further service. Please sign and return the attached **Access Agreement Short Form.**

Note: Billing will be transmitted separately via email (msr270@csustan.edu) by our Financial Services office ($150.00), payable within 60 days of receipt of the invoice.

Sincerely,

E. A. Greathouse, Coordinator
Central California Information Center
California Historical Resources Information System

GENESIS SOCIETY

a Corporation Sole

7053 MOLOKAI DRIVE
PARADISE, CALIFORNIA 95969
(530) 680-6170 VOX
(530) 876-8650 FAX
seanjensen@comcast.net

April 28, 2015

Native American Heritage Commission
1550 Harbor Boulevard,
West Sacramento, California 95691

Subject: ***Lemos Parcel Project, circa 144-acres, Stanislaus County, California.***

Dear Commission:

We have been requested to conduct the archaeological survey, for the above-cited project, and are requesting any information you may have concerning archaeological sites or traditional use areas for this area. Any information you might supply will be used to supplement the archaeological and historical study being prepared for this project.

Project Name:	Lemos Parcel Split Project, circa 144-acres
County:	Stanislaus
Map:	USGS Paulsell, 7.5'
Location:	Portion of Section 13 of T3S, R11E.

Thanks in advance for your assistance.

Regards,

Sean Michael Jensen, Administrator

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

August 7, 2015

1. Project title and location: Rezone Application No. PLN2015-0032 – Belkorp AG

   4618 Nunes Road, east of Highway 99, west of N. Golden State Blvd., in the Keyes area. (APN: 045-049-011, 045-049-012, 045-050-001, 045-050-011, 045-050-012).

2. Project Applicant name and address: Belkorp AG
   2413 Crows Landing Road
   Modesto, CA 95358

3. Person Responsible for Implementing Mitigation Program (Applicant Representative): Tim Stokes, Belkorp AG

4. Contact person at County: Rachel Wyse, 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.

I. AESTHETICS

No. 1 Mitigation Measure: New multi-story development shall minimize the use of reflective surface and have those reflective surfaces which are used to be oriented in such a manner so as to reduce glare impacts along roadways.

Who Implements the Measure:	Applicant
When should the measure be implemented:	During building design
When should it be completed:	Prior to issuance of the Final Occupancy Permit
Who verifies compliance:	Stanislaus County Planning and Community Development Department, Building Permits Division
Other Responsible Agencies:	Stanislaus County Planning and Community Development Department, Planning Division

No. 2 Mitigation Measure: New development shall include cut-off luminaries and/or shields. All exterior lighting shall be designed (aimed down and towards the site) to provide adequate illumination without a glare effect. Low intensity lights shall be used to minimize the visibility of the lighting from nearby areas, and to prevent "spill over" of light onto adjacent residential properties.

Who Implements the Measure:	Applicant
When should the measure be implemented:	During building design
When should it be completed:	Prior to issuance of the Final Occupancy Permit
Who verifies compliance:	Stanislaus County Planning and Community Development Department, Building Permits Division
Other Responsible Agencies:	Stanislaus County Planning and Community Development Department, Planning Division

IV. BIOLOGICAL RESOURCES

No. 3 Mitigation Measure: Although considered unlikely, valley elderberry longhorn beetle could potentially occur in the small blue elderberry shrubs in the northeast part of the site. These small shrubs show no evidence of occupancy by valley elderberry longhorn beetle and removal of the shrubs is expected to have no effect on this species. Prior to removing the shrubs, the applicant shall obtain concurrence from US Fish and Wildlife Service (USFWS) regarding removing the shrubs.

Who Implements the Measure:	Applicant
When should the measure be implemented:	Prior to removal of the small blue elderberry shrubs.
When should it be completed:	After United States Fish and Wildlife (USFW) approval of a plan to remove the small blue elderberry shrubs.
Who verifies compliance:	USFW
Other Responsible Agencies:	California Department of Fish and Wildlife (CDFW); Stanislaus County Planning and Community Development Department, Planning Division.

No. 4 Mitigation Measure: Prior to securing concurrence to remove the blue elderberry shrubs, the shrubs should be protected with a no-disturbance buffer extending 10 feet from the driplines of the shrubs. Construction in the vicinity of the blue elderberry shrubs should occur between June 15 and April 15. During this time period, valley elder berry longhorn beetle (if present) would be within the interior portion of the stems of the shrubs and would not move (i.e., fly or walk) into the construction area.

Who Implements the Measure:	Applicant
When should the measure be implemented:	Prior to grading and/or grubbing of site.
When should it be completed:	After April 15, the 10 foot buffer area can be removed.
Who verifies compliance:	Stanislaus County Planning and Community Development Department, Planning Division
Other Responsible Agencies:	USFW and/or Stanislaus County Planning and

Community Development Department.

No. 5 Mitigation Measure: Pre-construction surveys for nesting Swainson's hawks within 0.25 miles of the project site are recommended if construction commences between March 1 and September 1. If active nests are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determination shall utilize criteria set forth by CDFW (CDFG, 1994).

Who Implements the Measure:	Applicant
When should the measure be implemented:	Prior to any commencement of any construction activity between March 1 and September 1 of the year.
When should it be completed:	As determined by a qualified biologist when construction activities take place between March 1 and September 1 during the year.
Who verifies compliance:	California Department of Fish and Wildlife (CDFW) in consultation with a qualified biologist (Moore Biological Consultants).
Other Responsible Agencies:	CDFW and/or Stanislaus County Planning and Community Development Department.

No. 6 Mitigation Measure: Pre-construction surveys for burrowing owls in the site should be conducted if construction commences between February 1 and August 31. If occupied burrows are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determinations shall be pursuant to criteria set forth by CDFW (CDFG, 2012).

Who Implements the Measure:	Applicant
When should the measure be implemented:	Prior to any commencement of any grading, grubbing or construction activity between February 1 and August 31 of the year.
When should it be completed:	Prior to any grading, grubbing or construction activities.
Who verifies compliance:	California Department of Fish and Wildlife (CDFW) in consultation with a qualified biologist (Moore Biological Consultants).
Other Responsible Agencies:	CDFW and/or Stanislaus County Planning and Community Development Department.

No. 7 Mitigation Measure: Trees, shrubs, and grasslands in the site could be used by other birds protected by the Migratory Bird Treaty Act of 1918. If vegetation removal or construction commences during the general avian nesting season (March 1 through July 31), a preconstruction survey for nesting birds shall be completed. If active

nests are found, work in the vicinity of the nest shall be delayed until the young fledge.

Who Implements the Measure:	Applicant
When should the measure be implemented:	Prior to any commencement of any grading, grubbing or construction activity between March 1 and July 31 of the year.
When should it be completed:	Prior to any grading, grubbing or construction activities.
Who verifies compliance:	California Department of Fish and Wildlife (CDFW) in consultation with a qualified biologist (Moore Biological Consultants).
Other Responsible Agencies:	CDFW and/or Stanislaus County Planning and Community Development Department, Planning Division.

XVI. TRANSPORTATION/TRAFFIC

No. 8 Mitigation Measure: The applicant shall pay the Keyes Community Plan Mitigation Funding Program fees for Highway Commercial per the Keyes community Plan adopted on April 18, 2000. The fees were calculated in 2003 at $751.47 per 1,000 square feet of floor space. With the fees adjusted for inflation using the Engineering News-Record index, the July 2015 fees are $1137 per 1,000 square feet. These fees will be paid prior to building permit issuance.

Who Implements the Measure:	Applicant.
When should the measure be implemented:	Prior to issuance of a building permit.
When should it be completed:	Prior to issuance of a building permit.
Who verifies compliance:	Stanislaus County Planning and Community Development Department, Building Division.
Other Responsible Agencies:	Keyes Community Service District.

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

August 6, 2015 — Date

Stanislaus County
Striving to be the Best

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10th Street, Suite 3400, Modesto, CA 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:**	Rezone Application No. PLN2015-0032 – Belkorp AG
2.	**Lead agency name and address:**	Stanislaus County 1010 10th Street, Suite 3400 Modesto, CA 95354
3.	**Contact person and phone number:**	Rachel Wyse, Associate Planner
4.	**Project location:**	4618 Nunes Road, east of Highway 99, west of N. Golden State Blvd., in the Keyes area. (APN: 045-049-011, 045-049-012, 045-050-001, 045-050-011, 045-050-012).
5.	**Project sponsor's name and address:**	Belkorp AG – Tim Stokes 2413 Crows Landing Road Modesto, CA 95358
6.	**General Plan designation:**	Planned Development
7.	**Community Plan designation**	HC (Highway Commercial)
8.	**Zoning:**	PD 302 (Planned Development) and A-2-10 (General Agriculture)

9. Description of project:

Request to rezone a 17.3± acre project site, from expired PD 302 and A-2-10 to a new PD (Planned Development), to allow H-1 uses and to establish an agricultural equipment dealership, construct a 57,000 square foot, two-story building for service maintenance, retail sales, parts, and administrative offices, allow outdoor display areas for agricultural equipment, develop a 74-space parking lot and driveways and construct an approximately one acre drainage basin south of the proposed building. Golden State Boulevard will provide primary access to the site. All existing driveways on Nunes Road shall be removed, except for a secondary access, south of the 8th Street/Grace Avenue intersection, on the northern boundary of the site. Acreage southeast of the building on APN 045-050-012 and APN 045-050-011 will be rezoned but left vacant and unimproved. This acreage may be utilized by other businesses provided the appropriate land use and building permits are obtained.

The project site is currently vacant and unimproved, except for the northwestern portion of the site which has the remnant foundations, three driveways, and drainage basin associated with the previous on-site trucking business. An Archaeological and Biological Survey were conducted on the 17.3± site. The archaeological survey determined that no historical, archaeological, or cultural resources were likely to occur on site. The biological survey determined that no special status plants, wildlife, or Waters of the US were likely to occur on the site, nor were they present at the time of the biological survey.

As additional background information, in April of 2000, the Board of Supervisors adopted a new Community Plan for the unincorporated community of Keyes along with an Environmental Impact Report (EIR). That EIR identified potential environmental issues and a series of Mitigation Measures were developed to reduce their impacts to less than significant level. Those individual mitigations, as appropriate case by case, apply to projects within the area of the Keyes Community Plan. The Mitigation Monitoring and Reporting Plan (MMRP) for the Keyes EIR is attached to this

Initial Study. Appropriate mitigation measures in each subject are listed alone or alongside mitigation measures identified as a part of the Early Consultation referral for this project. Some mitigation measures listed are based on the Keyes Community Plan MMRP, but have been modified and updated due to changes in development standards, so as to provide equal or greater protection than the original MMRP mitigation measures. In some cases, standard Conditions of Approvals now address previously identified Mitigation Measures. The details of the Keyes EIR mitigation measures can be found in the attached Keyes Community Plan MMRP.

10. Surrounding land uses and setting:

Vacant A-2-10 zoned property with a Planned Development General Plan to the east; Hwy 99, and vineyards to the south and west; Nunes Road, residences, and Keyes Union School District to the north.

11. 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
Stanislaus Fire Prevention Bureau
LAFCO
Keyes Community Services District
Turlock Irrigation District
San Joaquin Valley Air Pollution Control District
Regional Water Quality Control Board
CA Department of Fish and Wildlife

12. Attachments:

Maps
Archaeological Survey
Biological Survey
Mitigation Monitoring Plan (MMP)
Keyes Community Plan MMP
Mitigated Negative Declaration

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

☒ **Aesthetics**	☐ **Agriculture & Forestry Resources**	☐ **Air Quality**
☒ **Biological Resources**	☐ **Cultural Resources**	☐ **Geology / Soils**
☐ **Greenhouse Gas Emissions**	☐ **Hazards & Hazardous Materials**	☐ **Hydrology / Water Quality**
☐ **Land Use / Planning**	☐ **Mineral Resources**	☐ **Noise**
☐ **Population / Housing**	☐ **Public Services**	☐ **Recreation**
☐ **Transportation / Traffic**	☐ **Utilities / Service Systems**	☐ **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.**

Rachel Wyse Prepared by

August 6, 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, than 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). References 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**		

Discussion: The project site is bordered by State Route (SR) 99, Nunes Road, and North Golden State Boulevard, in the unincorporated community of Keyes, just north of the Keyes Road Overpass and the northbound SR 99 on and off ramps. The project site is within the Keyes Community Plan boundaries. The Keyes Community Plan, adopted by the Board of Supervisors in April of 2000, identifies the project site as a Gateway area to Keyes, visible from SR 99, that should be designed and landscaped to improve and enhance the appearance of the site and area. A separate landscape plan has not been submitted to date; however, the site plan indicates the use of drought tolerant landscaping in the display area and existing landscaping on the Nunes Road and SR 99 frontages. A final landscape plan, in compliance with the State Water Model Ordinance and in awareness of the drought, will be required at the time of building permit submittal.

There is no existing design criteria for the Keyes Community; however, the Keyes Community Plan encourages attractive and orderly development which preserves a small town atmosphere; the development of large, non-residential sites, with generous landscaping and Highway Commercial type uses along SR 99/Keyes Road Interchange; and the development of "Gateway" treatments and positive, high quality landscaped edges along SR 99 and major roads. These requirements will be addressed through PD development standards, consistent with the Keyes Community Plan, for this project, with design attention paid to the appearance of the rear of the building facing SR 99 and the Keyes Road Interchange, signage, and "Gateway" and landscape treatments.

Operating hours are Monday thru Saturday, from 7:00 a.m. to 6:00 p.m. Due to the orientation of the driveways, it is possible that vehicle lights will have an impact on homes 258± feet to the north of the project's proposed driveway on Nunes Road, during the winter months. Because the proposed business will close by 6:00 p.m., this impact is expected to be less than significant; however, to insure that the neighbors to the north are not impacted, a condition of approval will be added to the project requiring that traffic leaving the site near dusk, shall utilize the Golden State Boulevard entrance/exit. The North Golden State Boulevard driveway is across from the vacant, northeastern-most portion of the subject parcel which will also be rezoned to Planned Development. Consequently, traffic utilizing the Golden State exit is not expected to result in impacts caused by vehicle lights. The building will have wall pack security lights and 30-foot light poles will be installed in the parking lot as required for parking lot safety. Improvements to the site will result in a new source of substantial light and glare which could adversely affect day and/or nighttime views in the area. Mitigation measures have been added to reduce illumination impacts to less than significant. *Keyes MMRP Mitigation Measures Nos. 16, 17 on Page 18 of the MMRP.*

Mitigation:

1. *New multi-story development shall minimize the use of reflective surface and have those reflective surfaces which are used to be oriented in such a manner so as to reduce glare impacts along roadways.*

2. *New development shall include cut-off luminaries and/or shields. All exterior lighting shall be designed (aimed down and towards the site) to provide adequate illumination without a glare effect. Low intensity lights shall be used to minimize the visibility of the lighting from nearby areas, and to prevent "spill over" of light onto adjacent residential properties.*

References: Application information; Keyes Community Plan, EIR and MMRP adopted April, 2000; and the Stanislaus County General Plan and Support Documentation[1].

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

Discussion: The project site is classified as Urban and Built-Up Land by the Farmland Mapping and Monitoring Program and contains Dinuba and Hanford sandy loam soils. The site is currently zoned as expired P-D (302), which was approved as Rezone 2005-14 – Cherokee Plaza/Patricia Cochran on May 23, 2006, to allow construction of a 50,000 square foot beauty college, restaurants, and retail services on seven acres of the current project site. Prior to this rezone, the property was zoned PD (55) in 1979 to allow a trucking business which utilized the site in one form or another until 2005. This site is not enrolled in a Williamson Act Contract.

The existing Stanislaus County General Plan designation and Keyes Community Plan designation for this site is Planned Development and Highway Commercial respectively. According to the Keyes Community Plan, Planned Development in this area is expected to function similar to the General Plan designations of Highway Commercial and Planned Industrial with a focus on light industrial uses east of SR 99 and heavy industrial uses west of SR 99. The parcels north of the site are zoned H-1 (Highway Frontage), R-1 (Single-Family) R-2 (Medium Density Residential) and R-3 (Multi-Family). There are vacant A-2-10 zoned properties with a Planned Development General Plan to the east; Highway 99, and vineyards to the south and west; Nunes Road, residential homes, and Keyes Union School District to the north. A-2-10 zoned parcels in the immediate vicinity appear to be vacant and unimproved and fallow, as per the County's Geographical Information System (GIS) 2013 aerial photos and site visit. The County has a Right-to-Farm Ordinance in place to protect the agricultural users in the area from unjust nuisance complaints; however, there does not appear to be any agricultural crops in the immediate vicinity of the project site.

Lands within the Keyes Community Plan area, with a General Plan of Agriculture are subject to farmland mitigation upon submittal of a General Plan Amendment/Rezone application. Because the project site is within the Keyes Community Plan area already designated as Highway Commercial and designated as Planned Development in the County General Plan, it is not subject to the Keyes Community Plan's one to one [acre] farmland mitigation. *Keyes MMRP Mitigation Measures Nos. 4.1-1 and 4.1-4 on Page 4 of the MMRP.*

Mitigation: None

References: Rezone 2005-14 - Cherokee Plaza/Patricia Cochran (P-D [302]); Stanislaus County Zoning Ordinance; the California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2004; Department of Conservation California Farmland Finder; USDA – NRCS Web Soil Survey; Stanislaus County GIS; Keyes Community Plan MMRP; and the Stanislaus County General Plan and Support Documentation[1].

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:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Included**	**Less Than Significant Impact**	**No Impact**
a) Conflict with or obstruct implementation of the applicable air quality plan?			**X**	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			**X**	
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)?			**X**	
d) Expose sensitive receptors to substantial pollutant concentrations?			**X**	
e) Create objectionable odors affecting a substantial number of people?				**X**

Discussion: The proposed project is located within the San Joaquin Valley Air Basin (SJVAB) and, therefore, falls under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). In conjunction with the Stanislaus Council of Governments (StanCOG), the SJVAPCD is responsible for formulating and implementing air pollution control strategies. The SJVAPCD's most recent air quality plans are the 2007 PM10 (respirable particulate matter) Maintenance Plan, the 2008 PM2.5 (fine particulate matter) Plan, and the 2007 Ozone Plan. These plans establish a comprehensive air pollution control program leading to the attainment of state and federal air quality standards in the SJVAB, which has been classified as "extreme non-attainment" for ozone, "attainment" for respirable particulate matter (PM-10), and "non-attainment" for PM 2.5, as defined by the Federal Clean Air Act.

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 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. The project will increase traffic in the area and, thereby, impacting air quality. The applicant estimates that there will be a maximum of 50 employees on shift, approximately 30 daily customers, 10 of which would visit the site during peak hours, and up to 10 truck trips per day, resulting in a 5% increase in truck traffic for the area. The nearest sensitive receptors are the residences and Keyes Elementary School and School District approximately 200± feet north of the project site.

Potential impacts on local and regional air quality are anticipated to be less than significant, falling below SJVAPCD thresholds, as a result of the nature of the proposed project and project's operation after construction. Implementation of the proposed project would fall below the SJVAPCD significance thresholds for both short-term construction and long-term operational emissions, as discussed below. Because construction and operation of the project would not exceed the SJVAPCD significance thresholds, the proposed project would not increase the frequency or severity of existing air quality standards or the interim emission reductions specified in the air plans.

For these reasons, the proposed project would be consistent with the applicable air quality plans. Also, the proposed project would not conflict with applicable regional plans or policies adopted by agencies with jurisdiction over the project and would be considered to have a less than significant impact.

Construction activities associated with new development can temporarily increase localized PM10, PM2.5, volatile organic compound (VOC), nitrogen oxides (NOX), sulfur oxides (SOX), and carbon monoxide (CO) concentrations a project's vicinity. The primary source of construction-related CO, SOX, VOC, and NOX emission is gasoline and diesel-powered, heavy-duty mobile construction equipment. Primary sources of PM10 and PM2.5 emissions are generally clearing and demolition activities, grading operations, construction vehicle traffic on unpaved ground, and wind blowing over exposed surfaces.

Construction activities associated with the proposed project would consist primarily of construction of the 57,000 square foot store, associated parking lot, and drainage basin. These activities would not require any substantial use of heavy-duty construction equipment and would require little or no demolition or grading as the site is presently unimproved and considered to be topographically flat. Consequently, emissions would be minimal. Furthermore, all construction activities would occur in compliance with all SJVAPCD regulations; therefore, construction emissions would be less than significant without mitigation.

Operational emissions would be generated by mobile sources as a result of passenger vehicles going to and from work and the estimated 30 customers per day. The project's Early Consultation referral and the Keyes Community Plan Mitigation Monitoring and Reporting Plan (MMRP) was referred to SJVAPCD with a request that staff review the MMRP's mitigation measures and revise or amend as needed. SJVAPCD staff indicated that the project was subject to the SJVAPCD's Rule 9510 Indirect Sources Rule (ISR), and that the MMRP's mitigation measures did not need to be added to this project. *Keyes MMRP Mitigation Measures Nos. 4.4-1(a) and 4.4-2(a) on Pages 11-14 of the MMRP.*

Mitigation: None.

References: Email referral response from the San Joaquin Valley Air Pollution Control District dated July 31, 2015; San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; and the Stanislaus County General Plan and Support Documentation[1]

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 U.S. 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**

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?				**X**

Discussion: The property is currently unimproved and zoned P-D (302) (Planned Development) on the western half of the project site and A-2-10 on the eastern half of the project site. Early consultation referral responses have not been received from the U.S. Fish and Wildlife Service; however, the California Department of Fish and Wildlife (CDFW) (formerly the Department of Fish and Game) responded with several project recommendations for nesting birds, such as Swainson's hawk (SWHA) and Burrowing Owl. SWHA recommendations included: pre-construction surveys for ground disturbing activities occurring during the breeding season (February through mid-September) and compensation for the loss of SWHA habitat. Burrowing Owl recommendations include pre-construction surveys for burrowing owl regardless of when construction will occur to identify any burrowing owl that may occur on the project site. Should Burrowing Owl(s) be found, it is recommended that: 1) impacts to occupied burrows be avoided in accordance with the table provided (in their referral response) which includes burrowing owl location, time of year, and level of disturbance, and; 2) that foraging habitat be acquired and permanently protected to offset the loss of foraging and burrow habitat, and; 3) replacement of occupied burrows with artificial burrow at a ratio of one burrow collapsed to one artificial burrow constructed, as mitigation for the potential significant impact of evicting a burrowing owl, if a biologist knowledgeable with the species determines that suitable burrows are a potential limiting factor for burrowing owl. (See CDFW referral response dated April 27, 2015)

A biological survey, dated June 26, 2015, and completed by Diane Moore, of Moore Biological Consultants, was conducted in response to the CDFW referral response. A field survey of the site was conducted on June 10, 2015, and consisted of walking throughout the project site, making observations of current habitat conditions, and nothing surrounding land use, general habitat types, and plant and wildlife species. The survey included an assessment of the project site for presence or absence of potentially jurisdictional Waters of the U.S. (a term that includes wetlands) as defined by the U.S. Army Corps of Engineers, special-status species, and suitable habitat for special-status species. Additionally, trees within and near the project site were assessed for the potential use by nesting raptors, especially SWHA; and, the site itself was searched for burrowing owls or ground squirrel burrows that could be utilized by burrowing owl. The survey found that while the project site may have provided habitat for special-status wildlife species at some time in the past, farming and development have substantially modified natural habitats in the greater project vicinity. Of the wildlife species identified in the California Natural Diversity Database (CNDDB), Swainson's hawk is the only species that has the potential to occur in the site on more than a transitory or very occasional basis. Other special-status birds including tricolor blackbird, and burrowing owl, may fly over the area on occasion, but would not be expected to nest in or immediately adjacent to the project site. No burrowing owls or ground squirrels were observed in the site. Two small blue elderberry shrubs in the northeast corner of the site lacked bore holes indicative of valley elderberry longhorn beetle (VELB), nor were VELB identified within the subject shrubs. In conclusion, based on the biological survey, the site does not appear to have or provide likely habitat for special-status flora or fauna, nor were any special-status species, Waters of the U.S., or wetlands found on site. Conclusion and recommendations of the biological survey can be found on pages 21-22 of the attached biological survey. Mitigation measures, as recommended by the survey are incorporated below.

There is no evidence to suggest that this project would result in impacts to sensitive and endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. There are no known sensitive or protected species or natural communities located on the site and/or in the surrounding area. The project will not conflict with a Habitat Conservation Plan, a Natural Community Conservation Plan, or other locally approved conservation plans. *Keyes MMRP Mitigation Measures Nos. 4.2-1(a) and 4.2-5 on Pages 5-8 of the MMRP.*

Mitigation:

3. *Although considered unlikely, valley elderberry longhorn beetle could potentially occur in the small blue elderberry shrubs in the northeast part of the site. These small shrubs show no evidence of occupancy by valley elderberry longhorn beetle and removal of the shrubs is expected to have no effect on this species. Prior to removing the shrubs, the applicant shall obtain concurrence from US Fish and Wildlife Service regarding removing the shrubs.*
4. *Prior to securing concurrence to remove the blue elderberry shrubs, the shrubs should be protect with a no-disturbance buffer extending 10 feet from the driplines of the shrubs. Construction in the vicinity of the blue elderberry shrubs should occur between June 15 and April 15. During this time period, valley elder berry longhorn beetle (if present) would be within the interior portion of the stems of the shrubs and would not move (i.e., fly or walk) into the construction area.*
5. *Pre-construction surveys for nesting Swainson's hawks within 0.25 miles of the project site are recommended if construction commences between March 1 and September 1. If active nests are found, a qualified biologist*

should determine the need (if any) for temporal restrictions on construction. The determination shall utilize criteria set forth by CDFW (CDFG, 1994).

6. *Pre-construction surveys for burrowing owls in the site should be conducted if construction commences between February 1 and August 31. If occupied burrows are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determinations shall be pursuant to criteria set forth by CDFW (CDFG, 2012).*
7. *Trees, shrubs, and grasslands in the site could be used by other birds protected by the Migratory Bird Treaty Act of 1918. If vegetation removal or construction commences during the general avian nesting season (March 1 through July 31), a preconstruction survey for nesting birds shall be completed. If active nests are found, work in the vicinity of the nest shall be delayed until the young fledge.*

References: Referral response from CDFW dated April 27, 2015; Biological Survey dated June 26, 2015, conducted by Moore Biological Consultants; California Department of Fish and Wildlife (formerly the Department of Fish and Game) California Natural Diversity Database and the Stanislaus County General Plan and Support Documentation[1]

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**	

Discussion: It does not appear this project will result in significant impacts to any archaeological or cultural resources. A records search indicated that there were no prehistoric or historic resources on-site; nor had any local cultural group reported to the Central California Information Center (CCIC) that the property had cultural value. The project was referred to the Native American Heritage Commission (NAHC) which responded with recommendations and procedures in regards to the discovery of archaeological or cultural resources. A condition of approval will be placed on the project that requires that if any resources are found, construction activities will halt at that time and investigated further.

Mitigation: None

References: Archaeological Inventory Study dated April 30, 2015; Stanislaus County General Plan and Support Documentation[1]

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 5 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. The project was referred to the Department of Public Works and the Building Permits Division. Both Departments responded with comments to address these concerns and will be incorporated into the project as conditions of approval and/or development standards. Previously identified as *Keyes MMRP Mitigation Measures Nos. 1 and 2 on Pages 14 and 15 of the MMRP of the MMRP.*

Mitigation: None.

References: California Building Code and the Stanislaus County General Plan and Support Documentation[1]

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 Gasses (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. To account for the varying warming potential of different GHGs, GHG emissions are often quantified and reported as CO2 equivalents (CO2e). In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill [AB] No. 32), which requires the California Air Resources Board (ARB) to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020. As a requirement of AB 32, the ARB was assigned the task of developing a Climate Change Scoping Plan that outlines the state's strategy to achieve the 2020 GHG emissions limits. This Scoping Plan includes a comprehensive set of actions designed to reduce overall GHG emissions in California, improve the environment, reduce the state's dependence on oil, diversify the state's energy sources, save energy, create new jobs, and enhance public health. The Climate Change Scoping Plan was approved by the ARB on December 22, 2008. According to the September 23, 2010, AB 32 Climate Change Scoping Plan Progress Report, 40 percent of the reductions identified in the Scoping Plan have been secured through ARB actions and California is on track to its 2020 goal.

Although not originally intended to reduce GHGs, California Code of Regulations (CCR) Title 24, Part 6: California's Energy Efficiency Standards for Residential and Nonresidential Buildings, was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. Since then, Title 24 has been amended with recognition

that energy-efficient buildings require less electricity and reduce fuel consumption, which in turn decreases GHG emissions. The current Title 24 standards were adopted to respond to the requirements of AB 32. Specifically, new development projects within California after January 1, 2011, are subject to the mandatory planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and environmental quality measures of the California Green Building Standards (CALGreen) Code (California Code of Regulations, Title 24, Part 11).

The proposed project would result in short-term emissions of GHGs during construction. These emissions, primarily CO2, CH4, and N2O, are the result of fuel combustion by construction equipment and motor vehicles. The other primary GHGs (HFCs, PFCs, and SF6) are typically associated with specific industrial sources and are not expected to be emitted by the proposed project. As described above in Section III - Air Quality, the use of heavy-duty construction equipment would be very limited; therefore, the emissions of CO2 from construction would be less than significant.

The project would also result in direct annual emissions of GHGs during operation. Direct emissions of GHGs from operation of the proposed project are primarily due to passenger vehicles and truck trips. This project would not result in emission of GHGs from any other sources. Consequently, GHG emissions are considered to be less than significant.

Mitigation: None.

References: Application Information; and the 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: The Department of Environmental Resources (DER) is responsible for overseeing hazardous materials and has not indicated any particular concerns in this area. The project was referred to the Environmental Resources Committee (ERC), which includes a DER hazardous waste specialist. Maintenance of agricultural equipment will occur

within the proposed building and may involve the use of potentially hazardous fluids and lubricants typically used in diesel and large engine repair. A hazardous waste plan will be required to be submitted as a part of normal business operations, and will be reviewed by the DER-HazMat Division and the Fire Department. The presence and use of engine fluids and lubricants is expected to have a less than significant impact due to existing, use, disposal, and storage requirements for any business engaging in engine repair.

Pesticide exposure is a risk in areas located in the vicinity of agriculture. Sources of exposure include contaminated groundwater, which is consumed, and drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. It does not appear that the neighboring, vacant, and A-2-10 zoned parcels are currently planted in crops. That said, any spraying activities on adjacent properties will be conditioned by the Agricultural Commissioner's Office. The project site is not located within an airport land use plan or a wildlands area, nor is the site listed on the EnviroStor database managed by the CA Department of Toxic Substances Control. The groundwater is not known to be contaminated in this area. Previously identified as *Keyes MMRP Mitigation Measures Nos. 11 and 12 on Page 16 of the MMRP.*

Mitigation: None.

References: www.envirostor.dtsc.ca.gov/public**;** 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**

Discussion: Run-off is not considered an issue because of several factors which limit the potential impact. These factors include the relatively flat terrain of the subject site, and relatively low rainfall intensities in the Central Valley. Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act. The project site itself is located in Zone X (outside the 0.2% floodplain) and, as such, exposure to people or structures to a significant risk of loss/injury/death involving flooding due levee/dam failure and/or alteration of a watercourse, at this location is not an issue with respect to this project.

By virtue of the proposed paving for the building pads, parking, and driveways, the current absorption patterns of water upon this property will be altered; however, current standards require that all of a project's stormwater be maintained on site and, as such, a Grading and Drainage Plan will be included in this project's conditions of approval. As a result of the development standards required for this project, impacts associated with drainage, water quality, and runoff are expected to have a less than significant impact. This project was referred to the Regional Water Quality Control Board (RWQCB) which responded with standards of development and requirements that will be incorporated into this project's conditions of approval. The Department of Public Works reviewed the project and responded with a condition regarding intersection impact fees, indicating that standard conditions of approval, in regards to grading and drainage, encroachment permits, and improvement plans, would be forthcoming. *Keyes MMRP Mitigation Measures Nos. 2 thru 6 on Page 15 and 16 of the MMRP.*

A condition of approval will be placed on the project requiring that the landscaping plans comply with the California State Water Model Ordinance and utilize drought tolerant plants. The project was referred to the Keyes Municipal Advisory Council and a response has not been received by the time this initial study was drafted.

Mitigation: None.

References: Referral response from the Department of Public Works dated July 31, 2015; referral response from the Regional Water Quality Control Board dated April 27, 2015; and the Stanislaus County General Plan and Support Documentation[1]

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**

Discussion: The project site is zoned expired P-D (304) (Planned Development) and A-2-10 and the General Plan and Keyes Community Plan designation for this site is Highway Commercial. As such, the proposed project will not conflict with any land use designations or applicable habitat conservation plan or natural community conservation plan and will not physically divide an established community, as the General Plan and Keyes Community Plan call for this type of development. The need for a rezone is due to the way that PD 302 was approved for a specific use within a specific time frame. Failure to meet those requirements resulted in the expiration of PD 302 and the need for further discretionary approval prior to development. In an effort to streamline future development, the project includes a request to allow H-1 uses with updated development standards and a streamlined, land use, permitting process.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation[1]

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**

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, nor is the project site located in a geological area known to produce resources.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation[1]

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 Stanislaus County General Plan[1] identifies noise levels up to 70 dB L_{dn} (or CNEL) as the normally acceptable level of noise for commercial uses. On-site grading and construction resulting from this project may result in a temporary increase in the area's ambient noise levels; however, noise impacts associated with on-site activities and traffic are not anticipated to exceed the normally acceptable level of noise. The site itself is impacted by the noise generated from existing nearby SR 99 and the Union Pacific railroad adjacent to southbound SR 99. The site is not located within an airport land use plan. *Keyes MMRP Mitigation Measures No. 14 on Page 17 of the MMRP.*

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation[1]

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 proposed use of the site may induce modest growth in the area by creating service extensions and/or new infrastructures in the form of Keyes Community Services District extension of water and sewer services. Extension of such services must be approved by Stanislaus County LAFCO. No housing or persons will be displaced by the project.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation[1]

XIV. PUBLIC SERVICES --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project result in the 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**	**X**	
Police protection?			**X**	
Schools?				**X**
Parks?			**X**	
Other public facilities?			**X**	

Discussion: The County has adopted 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. Such fees are required to be paid at the time of building permit issuance. Conditions of approval will be added to this project to ensure the proposed development complies with all applicable fire department standards with respect to access and water for fire protection. Building permit review by the Office of Emergency Services will address adequate turn-around for a fire apparatus and on-site water supply for fire suppression. The project was referred to the ERC, the Modesto Regional Fire Authority, and the Keyes Fire Department. *Keyes Community Plan Mitigation Measure Nos. 15 and 18 on pages 17 and 18 of the MMRP addresses this on a Community-wide basis.* A condition of approval may be added to this project requiring compliance with these mitigation measures which requires all new development pay a fair share towards fire protection and parks.

Mitigation: None.

References: Keyes Community Plan MMRP; Stanislaus County General Plan and Support Documentation[1]

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

Discussion: The proposed project does not have a residential component and is not anticipated to significantly increase demand on recreational facilities. A condition of approval may be added to the project requiring compliance with this mitigation measure which requires all new development pay a fair share towards parks. *Keyes MMRP Mitigation Measures No. 18 on Page 18 of the MMRP addresses this on a Community-wide basis.*

Mitigation: None.

References: Keyes Community Plan MMRP; Stanislaus County General Plan and Support Documentation[1]

XVI. TRANSPORATION/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

Discussion: This project was referred to the Department of Public Works and CalTrans. CalTrans responded with a request for additional information regarding the trucks to be used to transport the agricultural equipment and a recommendation that the project pay its fair share for any future improvements to the SR 99/Keyes Road intersection and ramps. This information was forwarded to the Department of Public Works who responded with the applicant's fair share amount, as determined by the Keyes Community Plan and updated for inflation. The fair share fees have been added as a mitigation measure. Moreover, current Public Facility Fees (PFF) will be imposed when the project applies for building permits.

On May 1, 2015, the Keyes Union School District submitted a letter commenting on the location of proposed driveways along Nunes Road as they are located in front of a head Start facility. The District also commented on the potential safety concern for students that may walk along the Nunes Road. The site plan was amended, eliminating the two western most driveways and moved the main site entrance off of Nunes Road to N. Golden State Blvd. A District response to these site plan changes had not been received at the time this initial study was prepared.

Traffic movements were reviewed in the Keyes Community Plan, which considered the subject project site as utilized for a commercial type use on a Planned Development zoning. The Keyes MMRP was forwarded to the Stanislaus County Department of Public Works, who responded with the aforementioned mitigation measure and indicated that standard conditions of approval, in regards to grading and drainage, access, and improvements would be forthcoming. *Keyes Community Plan MMRP Mitigation Measure Nos. 4.3-1 (et.al), 4.3-2 (et.al), and 4.3-3 (et.al.) on pages 8-10.*

Mitigation:

8. *The applicant shall pay the Keyes Community Plan Mitigation Funding Program fees for Highway Commercial per the Keyes community Plan adopted on April 18, 2000. The fees were calculated in 2003 at $751.47 per 1,000 square feet of floor space. With the fees adjusted for inflation using the Engineering News-Record index, the July 2015 fees are $1137 per 1,000 square feet. These fees will be paid prior to building permit issuance.*

References: Referral response from Caltrans dated May 4, 2015; referral response from the Department of Public Works dated July 29, 2015; and the Stanislaus County General Plan and Support Documentation[1]

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**	

Discussion: Limitations on providing services have not been identified. Although the site is not currently served by municipal services (sewer & water), the applicant is proposing to have the site be served by the Keyes Community Services District (CSD), the provider of sewer and water for this community. The Keyes CSD provided a letter stating that they are capable of providing water and sewer services to the project site (the westerly half); however, prior to connection the easterly half of the site must be annexed into the CSD via the LAFCO application and approval process. The water and sewer service is contingent on an agreement with the Keyes CSD regarding construction of infrastructure and the payment of fees. These requirements will be reflected in the project's conditions of approval/development standards. *Keyes Community Plan MMRP Mitigation Measure Nos. 2, 3, 4, and 6 on page 15.*

Mitigation: None

References: "Ability to Serve" letter from the Denair Community Services District (CSD) dated June 24, 2013; and the Stanislaus County General Plan and Support Documentation[1]

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

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.

[1] Stanislaus 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.

MITIGATED NEGATIVE DECLARATION

NAME OF PROJECT: Rezone Application No. PLN2015-0032 – Belkorp AG

LOCATION OF PROJECT: 4618 Nunes Road, east of Highway 99, west of N. Golden State Blvd., in the Keyes area, Stanislaus County (APN: 045-049-011, 045-049-012, 045-050-001, 045-050-011, 045-050-012)

PROJECT DEVELOPER: Rod Hawkins
Hawkins & Associates
436 Mitchell Rd
Modesto, CA 95354

DESCRIPTION OF PROJECT: Request to rezone a 17.3± acre project site, from expired PD 302 and A-2-10 to a new PD (Planned Development), to allow H-1 uses and to establish an agricultural equipment dealership, construct a 57,000 square foot, two story building for service maintenance, retail sales, parts, and administrative offices, allow outdoor display areas for agricultural equipment, develop a 74 space parking lot and driveways, and construct an approximately one acre drainage basin south of the proposed building. North Golden State Boulevard will provide primary access to the site.

Based upon the Initial Study, dated **August 6, 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. New multi-story development shall minimize the use of reflective surface and have those reflective surfaces which are used to be oriented in such a manner so as to reduce glare impacts along roadways.

2. New development shall include cut-off luminaries and/or shields. All exterior lighting shall be designed (aimed down and towards the site) to provide adequate illumination without a glare effect. Low intensity lights shall be used to minimize the visibility of the lighting from nearby areas, and to prevent “spill over” of light onto adjacent residential properties.

3. Although considered unlikely, valley elderberry longhorn beetle could potentially occur in the small blue elderberry shrubs in the northeast part of the site. These small shrubs show no evidence of occupancy by valley elderberry longhorn beetle and removal of the shrubs is expected to have no effect on this species. Prior to removing the shrubs, the applicant shall obtain concurrence from US Fish and Wildlife Service regarding removing the shrubs.

4. Prior to securing concurrence to remove the blue elderberry shrubs, the shrubs should be protect with a no-disturbance buffer extending 10 feet from the driplines of the shrubs. Construction in the vicinity of the blue elderberry shrubs should occur between June 15 and April 15. During this time period, valley elder berry longhorn beetle (if present) would be within the interior portion of the stems of the shrubs and would not move (i.e., fly or walk) into the construction area.

5. Pre-construction surveys for nesting Swainson's hawks within 0.25 miles of the project site are recommended if construction commences between March 1 and September 1. If active nests are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determination shall utilize criteria set forth by CDFW (CDFG, 1994).

6. Pre-construction surveys for burrowing owls in the site should be conducted if construction commences between February 1 and August 31. If occupied burrows are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determinations shall be pursuant to criteria set forth by CDFW (CDFG, 2012).

7. Trees, shrubs, and grasslands in the site could be used by other birds protected by the Migratory Bird Treaty Act of 1918. If vegetation removal or construction commences during the general avian nesting season (March 1 through July 31), a preconstruction survey for nesting birds shall be completed. If active nests are found, work in the vicinity of the nest shall be delayed until the young fledge.

8. The applicant shall pay the Keyes Community Plan Mitigation Funding Program fees for Highway Commercial per the Keyes community Plan adopted on April 18, 2000. The fees were calculated in 2003 at $751.47 per 1,000 square feet of floor space. With the fees adjusted for inflation using the Engineering News-Record index, the July 2015 fees are $1137 per 1,000 square feet. These fees will be paid prior to building permit issuance.

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: Rachel Wyse, Associate Planner

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

(I:\PLANNING\STAFF REPORTS\REZ\2015\REZ PLN2015-0032 - BELKORP AG\CEQA-30-DAY-REFERRAL\MITIGATED NEGATIVE DECLARATION KL.DOC)

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: REZONE APP. NO. PLN2015-0032 - Belkorp AG

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		X				X		X
CA OPR STATE CLEARINGHOUSE	X	X	X	X				X		X		X
CA RWQCB CENTRAL VALLEY REGION	X	X	X	X		X				X	X	
COMMUNITY SERVICES: KEYES	X	X	X		X							
COOPERATIVE EXTENSION	X	X			X							
FIRE PROTECTION DIST: KEYES	X		X		X							
IRRIGATION DISTRICT: TURLOCK	X	X	X	X		X				X	X	
MOSQUITO DISTRICT: EASTSIDE	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
MUNICIPAL ADVISORY COUNCIL: KEYES	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
POSTMASTER: KEYES	X	X	X		X							
RAILROAD: UNION PACIFIC	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X	X			X			X	X	
SCHOOL DISTRICT 1: KEYES UNION	X	X	X	X			X			X		X
SCHOOL DISTRICT 2: TURLOCK JOINT UNION HIGH	X	X	X		X							
STAN ALLIANCE	X	X	X		X							
STAN CO AG COMMISSIONER	X	X	X		X							
STAN CO BUILDING PERMITS DIVISION	X	X			X							
STAN CO CEO	X	X	X		X							
STAN CO DER	X	X	X	X		X				X	X	
STAN CO ERC	X	X		X				X		X		X
STAN CO FARM BUREAU	X	X	X		X							
STAN CO HAZARDOUS MATERIALS	X	X		X		X				X	X	
STAN CO SUPERVISOR DIST 2: CHIESA	X	X	X		X							
StanCOG	X	X	X		X							
STANISLAUS FIRE PREVENTION BUREAU	X	X	X		X							
STANISLAUS LAFCO	X	X	X	X		X				X	X	
SURROUNDING LAND OWNERS			X									
TELEPHONE COMPANY: AT&T	X	X	X		X							
US ARMY CORPS OF ENGINEERS	X	X	X		X							
US FISH & WILDLIFE	X	X	X		X							
USDA NRCS	X	X	X		X							