

## **APPENDIX A**

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# **NOTICE OF PREPARATION (NOP) AND COMMENTS**



### Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613  
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

**2013032010**

**Project Title:** Northwest Newman Master Plan

Lead Agency: City of Newman Contact Person: Stephanie Ocasio  
 Mailing Address: Community Development Dept, P.O. Box 787 Phone: (209) 243-2338  
 City: Newman Zip: 95360 County: Stanislaus

**Project Location:** County: Stanislaus City/Nearest Community: Newman

Cross Streets: Jensen Road and State Route 33 Zip Code: 95360

Longitude/Latitude (degrees, minutes and seconds): 37 ° 19 ' 48 " N / -121 ° 1 ' 48 " W Total Acres: 361

Assessor's Parcel No.: Multiple Section: \_\_\_\_\_ Twp.: \_\_\_\_\_ Range: \_\_\_\_\_ Base: \_\_\_\_\_

Within 2 Miles: State Hwy #: SR-33 Waterways: CCID Main Canal

Airports: none Railways: Union Pacific Schools: various

**Document Type:**

CEQA:  NOP  Draft EIR NEPA:  NOI Other:  Joint Document  
 Early Cons  Supplement/Subsequent EIR  EA  Final Document  
 Neg Dec (Prior SCH No.) \_\_\_\_\_  Draft EIS  Other: \_\_\_\_\_  
 Mit Neg Dec Other: \_\_\_\_\_  FONSI

**Local Action Type:**

General Plan Update  Specific Plan  Rezone  Annexation  
 General Plan Amendment  Master Plan  Prezone  Redevelopment  
 General Plan Element  Planned Unit Development  Use Permit  Coastal Permit  
 Community Plan  Site Plan  Land Division (Subdivision, etc.) Other: \_\_\_\_\_

**RECEIVED**

**Development Type:**

Residential: Units 1416 Acres \_\_\_\_\_  Transportation: Type \_\_\_\_\_  
 Office: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  Mining: Mineral \_\_\_\_\_  
 Commercial: Sq.ft. 279900 Acres 61.4 Employees \_\_\_\_\_  Power: Type \_\_\_\_\_  
 Industrial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  Waste Treatment: Type \_\_\_\_\_ MGD  
 Educational: Elementary School on 10.2 Acres  Hazardous Waste: Type \_\_\_\_\_  
 Recreational: 40.2 Acres of Parks  Other: Business Park, 936,100 Sq.ft., 25.7 Acres  
 Water Facilities: Type \_\_\_\_\_ MGD \_\_\_\_\_

MAR 04 2013

**STATE CLEARINGHOUSE**

**Project Issues Discussed in Document:**

Aesthetic/Visual  Fiscal  Recreation/Parks  Vegetation  
 Agricultural Land  Flood Plain/Flooding  Schools/Universities  Water Quality  
 Air Quality  Forest Land/Fire Hazard  Septic Systems  Water Supply/Groundwater  
 Archeological/Historical  Geologic/Seismic  Sewer Capacity  Wetland/Riparian  
 Biological Resources  Minerals  Soil Erosion/Compaction/Grading  Growth Inducement  
 Coastal Zone  Noise  Solid Waste  Land Use  
 Drainage/Absorption  Population/Housing Balance  Toxic/Hazardous  Cumulative Effects  
 Economic/Jobs  Public Services/Facilities  Traffic/Circulation  Other: see Attachment A

**Present Land Use/Zoning/General Plan Designation:**

Identified as Master Plan Area 3 in the City's General Plan

**Project Description:** (please use a separate page if necessary)

The Plan proposes development of Business Park and Community Commercial uses along SR-33 with various densities of residential uses to the west of those including parks and a new elementary school. See Attachment A for more details.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

**Reviewing Agencies Checklist**

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".  
If you have already sent your document to the agency please denote that with an "S".

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Air Resources Board                 | <input type="checkbox"/> Office of Emergency Services                        |
| <input type="checkbox"/> Boating & Waterways, Department of             | <input type="checkbox"/> Office of Historic Preservation                     |
| <input checked="" type="checkbox"/> California Highway Patrol           | <input type="checkbox"/> Office of Public School Construction                |
| <input checked="" type="checkbox"/> Caltrans District # <u>10</u>       | <input type="checkbox"/> Parks & Recreation, Department of                   |
| <input type="checkbox"/> Caltrans Division of Aeronautics               | <input type="checkbox"/> Pesticide Regulation, Department of                 |
| <input checked="" type="checkbox"/> Caltrans Planning                   | <input type="checkbox"/> Public Utilities Commission                         |
| <input type="checkbox"/> Central Valley Flood Protection Board          | <input checked="" type="checkbox"/> Regional WQCB # <u>5S</u>                |
| <input type="checkbox"/> Coachella Valley Mtns. Conservancy             | <input type="checkbox"/> Resources Agency                                    |
| <input type="checkbox"/> Coastal Commission                             | <input type="checkbox"/> S.F. Bay Conservation & Development Comm.           |
| <input type="checkbox"/> Colorado River Board                           | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy |
| <input type="checkbox"/> Conservation, Department of                    | <input type="checkbox"/> San Joaquin River Conservancy                       |
| <input type="checkbox"/> Corrections, Department of                     | <input type="checkbox"/> Santa Monica Mtns. Conservancy                      |
| <input type="checkbox"/> Delta Protection Commission                    | <input type="checkbox"/> State Lands Commission                              |
| <input type="checkbox"/> Education, Department of                       | <input type="checkbox"/> SWRCB: Clean Water Grants                           |
| <input type="checkbox"/> Energy Commission                              | <input type="checkbox"/> SWRCB: Water Quality                                |
| <input checked="" type="checkbox"/> Fish & Game Region # <u>4</u>       | <input type="checkbox"/> SWRCB: Water Rights                                 |
| <input type="checkbox"/> Food & Agriculture, Department of              | <input type="checkbox"/> Tahoe Regional Planning Agency                      |
| <input type="checkbox"/> Forestry and Fire Protection, Department of    | <input type="checkbox"/> Toxic Substances Control, Department of             |
| <input type="checkbox"/> General Services, Department of                | <input checked="" type="checkbox"/> Water Resources, Department of           |
| <input type="checkbox"/> Health Services, Department of                 | <input type="checkbox"/> Other: _____  |
| <input type="checkbox"/> Housing & Community Development                | <input type="checkbox"/> Other: _____  |
| <input type="checkbox"/> Integrated Waste Management Board              |  |
| <input checked="" type="checkbox"/> Native American Heritage Commission |  |

**Local Public Review Period (to be filled in by lead agency)**

Starting Date 3/5/2013 Ending Date 4/4/2013

**Lead Agency (Complete if applicable):**

Consulting Firm: <u>Lamphier-Gregory, Inc.</u>	Applicant: <u>City of Newman Community Development Dept.</u>
Address: <u>1944 Embarcadero</u>	Address: <u>938 Fresno Street, P.O. Box 787</u>
City/State/Zip: <u>Oakland, CA 94110</u>	City/State/Zip: <u>Newman, CA 95360</u>
Contact: <u>Rebecca Gorton</u>	Phone: <u>(209) 862-3725</u>
Phone: <u>510-535-6690</u>	

Signature of Lead Agency Representative:  Date: 1 MAR 13

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.



# **ATTACHMENT A: NORTHWEST NEWMAN MASTER PLAN DESCRIPTION AND PROPOSED ANALYSIS**

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## **SITE LOCATION AND CONDITIONS**

### **LOCATION AND EXISTING CONDITIONS**

The Northwest Newman Master Plan (Plan) area is located north of the current boundary of Newman, but is within the City's primary Sphere of Influence. The Plan area includes approximately 351 acres of land bounded by Stuhr Road to the north, State Route 33 to the east, the CCID canal to the west and the existing City boundary/Jensen Road to the south, as shown on Figure 1 (page 6 of this attachment).

The Plan area is generally flat. Properties within the Plan area currently contain a mix of agricultural uses, primarily row crops, ranchettes and single family residences, highway-oriented commercial and light industrial land uses. Agricultural uses predominate in the central, northern and western portions of the study area. Residential ranchettes and single family dwellings are generally located in the southern and central portions of the area with a mix of residential, high-way serving commercial and light industrial uses fronting along State Route 33 (SR 33).

The nearby unincorporated areas are predominately agricultural with a few ranchettes. Nearby properties within the city of Newman are mostly single family homes with Orestimba High School just south of the Plan area on Hardin Road and some commercial/industrial uses along SR 33.

## **PROJECT DESCRIPTION**

The Newman General Plan requires the approval of Master Plans for several unincorporated areas of the Newman Planning Area, including the proposed Plan area, which is identified as Master Plan Area 3 in the City's General Plan. Completion and approval of a Master Plan is required by the General Plan prior to annexation of these properties into the City. The Master Plan will establish the location and intensity of various land uses, the location of major roadways, identify provision of public facilities, parks and utilities, establish design guidelines, and provide for methods of financing improvements and implementation. A General Plan map amendment and pre-zoning will be required with approval of the Master Plan.

The preliminary land use plan for the Plan area is shown on Figure 2 (page 7 of this attachment). The Plan is intended to meet the purposes, goals, and objectives of the General Plan for the long-term development of this portion of the Newman planning area and could undergo minor modifications as planning progresses.

Table 1 summarizes the proposed land uses with a description following.

**Table 1: Master Plan Land Uses**

Land Use Type	Acres	Density/Intensity	Max. Yield
<b>Non-Residential Uses</b>			
Business Park (BP)	61.4	0.35 FAR	936,100 sq. ft.
Community Commercial (CC)	25.7	0.25 FAR	279,900 sq. ft.
<i>Total Non-Residential</i>	<u>87.1</u>		<u>1,216,000</u>
<b>Residential Uses</b>			
High Density Residential (HDR)	8.5	20 du/ac.	170 DU
Planned Mixed Residential (PMR)	171.2	7 du/ac.	1,198 DU
Very Low Density Residential (VLR) <sup>1</sup>	16.1	3 du/ac	48 DU
<i>Total Residential</i>	<u>196.4</u>		<u>1,416</u>
<b>Other Uses</b>			
Parks <sup>2</sup>	31.2		31.2
Elementary School	10.2	400 Students	10.2
Trails/Open Space <sup>3</sup>	8.3		8.3
Flood Levee R.O.W <sup>4</sup>	4.2		4.2
Major Roads	14.0		14.0
<i>Total Non-Residential</i>	<u>67.9</u>		<u>67.9</u>
<b>Total Plan Acres</b>	<b>350.8</b>		
Park Expansion <sup>5</sup>	10.0		10.0
Notes:			
1) Assumes construction of a flood protection levee on the west side of the VLR area with a width of 120 feet. Trail included along top of levee.			
2) Parks will be dual use, including storm drainage areas			
3) Assumes 40-foot wide combination trail/drainage swale adjacent to W. Stuhr Rd. and Jensen Rd.			
4) Portion of proposed 120-ft, wide levee in proposed Sports Park included in the Sports Park acreage.			
5) The Park Expansion is located outside of the Plan area, so is not included in the total Plan acreage.			

Business Park (BP) uses are located in the northeast portion of the Plan area fronting on State Route 33. Business Park uses allow for office, research and development, wholesale businesses, limited regional commercial uses, and public and quasi-public uses.

The Community Commercial (CC) land use designation is intended for land-extensive commercial uses rather than intensive uses that are programmed for the Downtown area. Allowed uses include retail and wholesale establishments, professional offices (subject to discretionary approval), public and quasi-public and similar uses. The Plan designates properties fronting on the west side of SR-33 north and south of the extension of Jensen Road for CC uses.

High Density Residential (HDR) uses are located just to the west of the Community Commercial area and south of the extension of Jensen Road. Allowed residential product types include single-family attached and multi-family residences, assisted living quarters, as well as public and quasi-public and similar land uses.

Planned Mixed Residential (PMR) is the predominant land use within the Master Plan area and is located in the central, northern, southern and western portions of the area. The PMR land use allows for a range of residential building types, including single family attached and detached dwellings, secondary dwellings, parks, open spaces, public uses and similar uses. The General Plan requirement for residential development in this land use category is for a maximum of 75 percent of the dwellings in a PMR subarea to be at a density of 6 dwellings or less per gross acre. At least 10 percent of the total number of dwellings are to be developed at a density of 12 dwellings per gross acre or greater.

An area for Very Low Density Residential (VLR) use is proposed on the northwest portion of the Plan area. The VLR land use designation allows for single-family detached dwellings on larger lots, accessory uses, public and similar uses.

One elementary school site is provided in the western-central portion of the Plan area just west of the planned extension of Fig Lane.

Proposed parks are distributed throughout the Plan area, ranging in size between 5 to 10 acres, including a sports park located on the western edge of the Plan area. A 10 acre expansion to the proposed sports park is envisioned to the south of the Plan area. While this portion is outside the Plan area, it is a foreseeable expansion and will be included in environmental analysis.

## PROPOSED ANALYSIS

An Initial Study Checklist has not been prepared for this Notice of Preparation since the Lead Agency has determined that the proposed Plan has the potential to significantly affect the environment. A comprehensive programmatic Environmental Impact Report will be prepared for the Plan, which will address all environmental topic areas. Because traffic is often a concern for the City, other agencies, and the public, the scope of the traffic study is excerpted below to facilitate early comments:

### TRANSPORTATION AND CIRCULATION

KD Anderson and Associates, Inc. (KDA) will complete the traffic analysis for the project. KDA will quantify the trip generation associated with the land uses within the proposed Plan area based on published Institute of Transportation Engineers (ITE) rates and/or rates employed in the General Plan city-wide traffic model. The directional distribution of project trips will be determined based on “select link” analysis and consideration of existing travel patterns at intersections in Newman. This information will be incorporated into a TRAFFIX sub-area assignment model for use in loading the project’s trips onto the local street system. The General Plan traffic model will be modified and used to forecast future traffic volumes.

The following scenarios will be analyzed for a.m. and p.m. peak hour conditions:

1. Existing
2. Existing plus other projects
3. Cumulative long term conditions (2025)

The following twelve intersections and thirteen roadway segments were chosen for analysis based on existing vicinity conditions, anticipated trip distribution, and coordination with City staff.

#### Study Intersections

1. SR 33 / Stuhr Road (2011)
2. SR 33 / Jensen Road / Sherman Parkway (2011)
3. SR 33 / Yolo Street (2011)
4. Stuhr Road / Draper Road (2011)
5. Jensen Road / Fig Lane (2011)
6. Orestimba Road / Yolo Street / Hardin Road (2011)
7. Fig Lane / Yolo Street (2011)

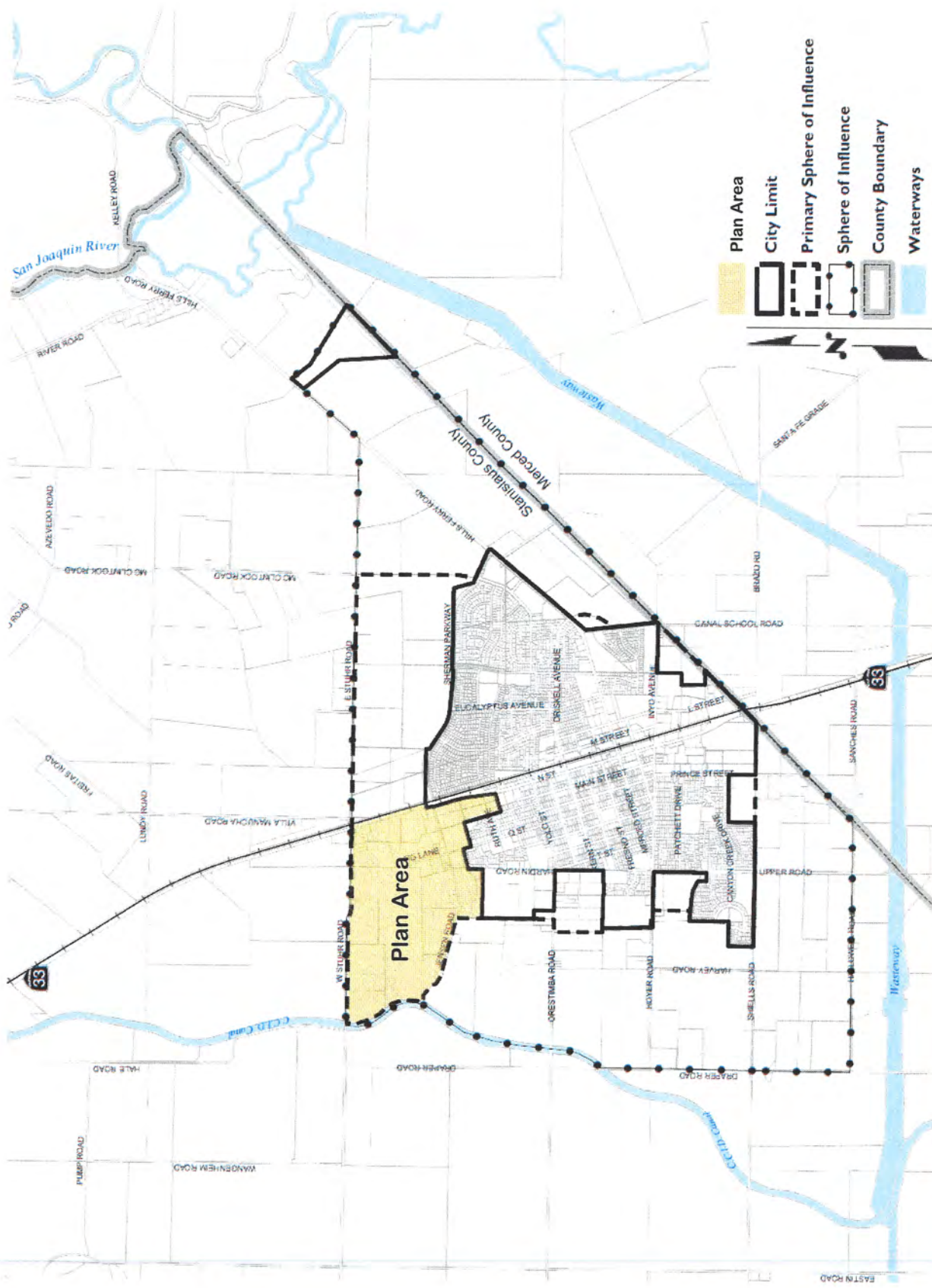
Plus the following new intersections:

8. Stuhr Road / New North-South Parkway
9. Stuhr Road / Fig Lane
10. SR 33 / Industrial Access
11. SR 33 / North Retail Commercial Access
12. SR 33 / South Retail Commercial access



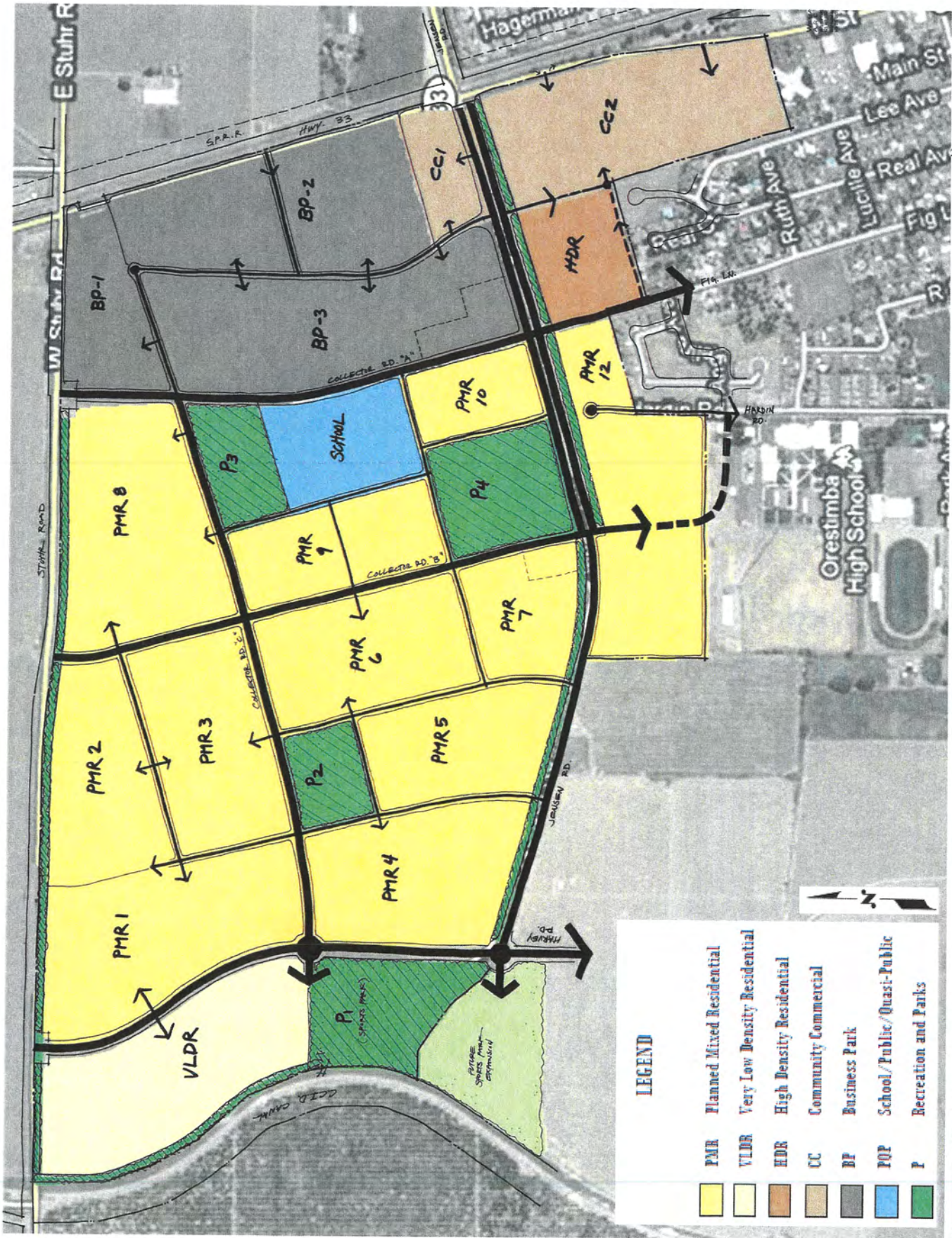
## Road Segments

1. SR 33 from Lundy Road to Stuhr Road
2. SR 33 from Stuhr Road to Jensen Road
3. SR 33 from Jensen Road to Yolo Street
4. Stuhr Road from Draper Road to SR 33
5. Stuhr Road from SR 33 to Hills Ferry Road
6. Draper Road from Stuhr Road to Orestimba Road
7. Fig Lane from Jensen Road to Yolo Street
8. Jensen Road from Fig Lane to SR 33
9. Sherman Parkway from SR 33 to Balsam Drive
10. Orestimba Road from Draper Road to Hardin Road
11. Yolo Street from Hardin Road to Fig Lane
12. Yolo Street from Fig Lane to SR 33
13. Hardin Road from Orestimba Road to Angelina Avenue



**Figure 1: Site Location and Vicinity**  
 Source: Newman General Plan as modified by Lamphier-Gregory





**Figure 2: Preferred Plan**  
 Source: William Hezmalhalch Architects as modified by Lamphier-Gregory

March 19, 2013

Stephanie Ocasio, City Planner  
Newman Community Development Dept.  
PO Box 787  
Newman, CA 95360

**SUBJECT: NORTHWEST NEWMAN MASTER PLAN - NOTICE OF PREPARATION**

Dear Ms. Ocasio:

Thank you for the opportunity to review the Notice of Preparation (NOP) for the City's Environmental Impact Report (EIR) to be drafted for the Northwest Newman Master Plan. As Lead Agency, the City of Newman is responsible for considering the effects, both individual and collective, of all activities involved in the project (Public Resources Code §21000 et seq). LAFCO, as a Responsible Agency, will utilize the CEQA documents prepared by the City in reviewing the proposed annexation of the Master Plan area. The following comments are provided for the City's consideration:

- Agricultural Resources - One of LAFCO's main charges, as set forth by the Legislature, is to protect and promote agriculture. On September 26, 2012, the Commission adopted an Agricultural Preservation Policy (see attached). The Policy requires that applicants prepare a "Plan for Agricultural Preservation" for annexation or sphere of influence proposals containing agricultural lands. The Plan must include information such as the proposal's direct and indirect impacts to agricultural resources, the availability of other lands in the City's existing boundaries, and relevant General Plan policies. The Plan must also specify the method or strategy proposed to minimize the loss of agricultural lands. The information provided in the Plan should be consistent with the environmental documentation prepared by the City.
- Williamson Act Lands - The proposed Master Plan area includes 14.05 acres with an active Williamson Act Contract (portion of Contract #76-2249). The Williamson Act is considered a mechanism to preserve agricultural land both in the short and long term. Government Code §56856.5 prohibits the Commission from approving an annexation that contains Williamson Act lands unless it makes specific findings.

Should the proposed annexation be approved, the City must succeed to the Williamson Act contract and adopt the rules and procedures required by the Williamson Act, including but not limited to the rules and procedures required by Government Code §§51231, 51237, and 51237.5. The EIR should discuss the location of these lands as it relates to general plan policies, development, and financing scenarios that would preserve the agricultural viability of this land for as long as possible.

- Plan for Services - Pursuant to LAFCO policies, the proposal must show that the City has the necessary services available to serve the proposed annexation area. This analysis must

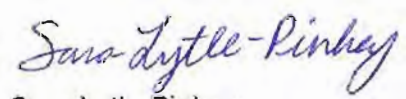


include detailed evidence of current service levels, sufficient sewer capacity, sufficient quantities and quality of water, police and fire services, and financing mechanisms. This information can also be used to prepare a "Plan for Services", required by LAFCO Policy and State Law (Government Code §56653), which requires information on the present and future level of services, and evidence that the annexing agency can at least maintain the current level of public services already provided within its boundaries.

- Municipal Service Review - The Commission approved a Municipal Service Review prepared concurrently with the City's most recent Sphere of Influence expansion on January 28, 2009. According to the document, the City's wastewater treatment plant had sufficient capacity to serve development within the existing City, but was approaching capacity. This document is typically updated every 5 years or to facilitate review of an application to LAFCO. The current Municipal Service Review should be updated to reflect any changes that may have occurred since 2008/2009, including any expansions of service capacity, planned infrastructure improvements, updated utility master plan documents, etc.
- Special Districts - The proposed Master Plan area is currently within the boundaries of the West Stanislaus Fire Protection District and the Central California Irrigation District (CCID). Commission policies recognize that city spheres generally take precedence over these districts. Pursuant to LAFCO policy, the Commission will deny proposals that would result in significant unmitigable adverse effects upon other service recipients or other agencies servicing the affected area unless the approval is conditioned to avoid such impacts. The environmental analysis should identify whether or not the City intends to detach the territory from these districts and include a discussion of any impacts as a result.

If you have any questions regarding these comments, please contact our office at (209) 525-7660.

Sincerely,



Sara Lytle-Pinhey  
Assistant Executive Officer

Attachment: Agricultural Preservation Policy (Adopted Sept. 26, 2012)



## NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 653-6251  
[ds\\_nahc@pacbell.net](mailto:ds_nahc@pacbell.net)  
[www.nahc.ca.gov](http://www.nahc.ca.gov)  
(916) 657-5390 - Fax



March 12, 2013

Ms. Stephanie Ocasio, Planner

**City of Newman**

P.O. Box 787  
Newman, CA 95360

RE: SCH# 2013032010 CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) – **“Northwest Newman Master Plan Project;”** located in the Community of Newman; Stanislaus County, California

Dear Ms. Ocasio:

The Native American Heritage Commission (NAHC) has reviewed the CEQA Notice regarding the above referenced project. In the 1985 Appellate Court decision (170 Cal App 3<sup>rd</sup> 604), the court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources impacted by proposed projects, including archaeological places of religious significance to Native Americans, and to Native American burial sites.

The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resources, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

- ✓ Contact the appropriate Information Center for a record search to determine:
  - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources, which we know that it has.
  - The NAHC recommends that known cultural resources recorded on or adjacent to the APE be listed in the draft Environmental Impact Report.
- ✓ If an additional archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey. We suggest that this be coordinated with the NAHC, if possible.
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure pursuant to California Government Code Section 6254.10.
- ✓ Contact has been made to the the Native American Heritage Commission for:
  - A Sacred Lands File Check, and cultural resources have been identified to your agency.
  - A list of appropriate Native American Contacts for consultation concerning the project site has been provided and is attached to this letter.
  - Lack of surface evidence of archeological resources does not preclude their subsurface existence once ground-breaking activity begins. If that occurs, the NAHC suggests that inadvertent discoveries be coordinated with the NAHC;

Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally

**Native American Contacts  
Stanislaus County  
March 11, 2013**

Tule River Indian Tribe  
Neil Peyron, Chairperson  
P.O. Box 589  
Porterville , CA 93258  
chairman@tulerivertribe-nsn.  
(559) 781-4271  
(559) 781-4610 FAX

Yokuts

Southern Sierra Miwuk Nation  
Anthony Brochini, Chairperson  
P.O. Box 1200  
Mariposa , CA 95338  
tony\_brochini@nps.gov  
209-628-0085 cell

Miwok  
Pauite  
Northern Valley Yokut

Buena Vista Rancheria  
Rhonda Morningstar Pope, Chairperson  
1418 20th Street, Suite 200  
Sacramento , CA 95811  
rhonda@buenavistatribe.  
916 491-0011  
916 491-0012 - fax

Me-Wuk / Miwok

Tuolumne Band of Me-Wuk  
Kevin Day, Chairperson  
P.O. Box 699  
Tuolumne , CA 95379  
receptionist@mlode.com  
(209) 928-3475 - Tribal  
Office  
(209) 928-1677 - Fax

Me-Wuk - Miwok

California Valley Miwok Tribe  
Silvia Burley, Chairperson  
10601 N Escondido PL  
Stockton , CA 95212  
office@cvmnt.net  
209-931-4567  
209-931-4333

Miwok

Tuolumne Band of Me-Wuk  
Mary Camp, Tribal Administrator  
P.O. Box 699  
Tuolumne , CA 95379  
receptionist@mlode.com  
(209) 928-3475 - Tribal  
Office  
(209) 928-1677 - Fax

Me-Wuk - Miwok

North Valley Yokuts Tribe  
Katherine Erolinda Perez  
PO Box 717  
Linden , CA 95236  
(209) 887-3415  
canutes@verizon.net

Ohlone/Costanoan  
Northern Valley Yokuts  
Bay Miwok

Calaveras Band of Mi-Wuk Indians  
Gloria Grimes, Chairperson  
PO Box 899  
West Point , CA 95255  
CBmiwukindians@aol.com  
(209-470-8688

Mi-Wuk

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2013032010; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Northwest Newman Master Plan; located in the City of Newman; Stanislaus County, California.

Native American Contacts  
Stanislaus County  
March 11, 2013

Southern Sierra Miwuk Nation  
Les James, Spiritual Leader  
PO Box 1200  
Mariposa , CA 95338  
209-966-3690

Miwok  
Pauite  
Northern Valley Yokut

Calaveras Band of Mi-Wuk Indians  
Adam Lewis, Tribal Preservation Assistant  
PO Box 899  
West Point , CA 95255

Mi-Wuk

Tuolumne Band of Me-Wuk  
Stanley Cox, Cultural Resources Dr  
P.O. Box 699  
Tuolumne , CA 95379  
receptionist@mlode.com  
(209) 928-3475 - Tribal  
Office  
(209) 928-1677 - Fax

Me-Wuk - Miwok

Tuolumne Band of Me-Wuk  
Reba Fuller  
P.O. Box 699  
Tuolumne , CA 95379  
rfuller@mlode.com  
(209) 928-3475 - Tribal  
Office  
(209) 928-1677 - Fax

Me-Wuk - Miwok

Calaveras Band of Mi-Wuk Indians  
Debra Grimes, Cultural Res. Specialist  
PO Box 1015  
West Point , CA 95255  
Dmiwuk@aol.com  
209-770-4137  
209-470-8688

Mi-Wuk

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April 15, 2013

Stephanie Ocasio  
City of Newman  
Community Development  
P.O. Box 787  
Newman, CA 95360

**Project: Northwest Newman Master Plan**

**District CEQA Reference No: 20130230**

Dear Ms. Ocasio:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Notice of Preparation for the project referenced above. The Master Plan will establish the location and intensity of various land uses and roadways, identify provisions for public facilities, parks, and utilities, and establish design guidelines for implementation of the plan. At full buildout the project would include: 1,416 dwelling units; 936,100 sf business park space; 279,900 sf community commercial space; an elementary school; parks; roadways; and open space.

While project-specific data may not be available until specific approvals are being granted, the Environmental Impact Report (EIR) should include a discussion of policies, which when implemented, will reduce or mitigate impacts on air quality at the individual project level. To aid the City of Newman in addressing project specific issues at the program level the District offers the following comments and recommendations:

**Land Use Planning**

1. Nearly all development projects within the San Joaquin Valley Air Basin, from general plans to individual development projects have the potential to generate air pollutants, making it more difficult to attain state and federal ambient air quality standards. Land use decisions are critical to improving air quality within the San Joaquin Valley Air Basin because land use patterns greatly influence transportation needs and motor vehicle emissions are the largest source of air pollution. Land use decisions and project design elements such as preventing urban sprawl,

**Seyed Sadredin**  
Executive Director/Air Pollution Control Officer

---

**Northern Region**  
4800 Enterprise Way  
Modesto, CA 95356-8718  
Tel: (209) 557-6400 FAX: (209) 557-6475

**Central Region (Main Office)**  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061

**Southern Region**  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: 661-392-5500 FAX: 661-392-5585

encouraging mix-use development, and project designs that reduce vehicle miles traveled (VMT) have proven benefit for air quality. The District recommends that the Master Plan include or incorporate by reference, policies that will reduce or mitigate VMT impacts to the extent feasible. VMT can be reduced through encouragement of mixed-use development, walkable communities, etc. Recommended design elements can be found on the District's website at:

<http://www.valleyair.org/ISR/ISROnSiteMeasures.htm>.

To aid agencies in addressing VMT impacts the District has prepared the following guidance documents: *Air Quality Guidelines for General Plans*, and *AB 170 Requirements for General Plans*. These documents provide general information and recommendations for policies that are effective in reducing impacts from growth and development projects. These documents are available on the District's web site at:

[http://www.valleyair.org/transportation/Guidelines\\_for\\_General\\_Plans.htm](http://www.valleyair.org/transportation/Guidelines_for_General_Plans.htm).

### **Emissions Analysis**

- 1) The District is currently designated as extreme nonattainment for the 8-hour ozone standard, attainment for PM10 and CO, and nonattainment for PM2.5 for the federal air quality standards. At the state level, the District is designated as nonattainment for the 8-hour ozone, PM10, and PM2.5 air quality standards. The District recommends that the Air Quality section of the Environmental Impact Report (EIR) include a discussion of the following impacts:
  - a) **Criteria Pollutants:** Project related criteria pollutant emissions should be identified and quantified. The discussion should include existing and post-project emissions.
    - i) **Construction Emissions:** Construction emissions are short-term emissions and should be evaluated separate from operational emissions. The District recommends preparation of an Environmental Impact Report (EIR) if annual construction emissions cannot be reduced or mitigated to below the following levels of significance: 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), or 15 tons per year particulate matter of 10 microns or less in size (PM10).
      - *Recommended Mitigation:* To reduce impacts from construction related exhaust emissions, the District recommends feasible mitigation for the project to utilize off-road construction fleets that can achieve fleet average emissions equal to or cleaner than the Tier II emission standards, as set forth in §2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 Code of Federal Regulations. This can be achieved through any combination of uncontrolled engines and engines complying with Tier II and above engine standards.



- ii) **Operational Emissions:** Permitted (stationary sources) and non-permitted (mobile sources) sources should be analyzed separately. The District recommends preparation of an Environmental Impact Report (EIR) if the sum of annual permitted and non-permitted emissions cannot be reduced or mitigated to below the following levels of significance: 10 tons per year of oxides of nitrogen (NO<sub>x</sub>), 10 tons per year of reactive organic gases (ROG), or 15 tons per year particulate matter of 10 microns or less in size (PM<sub>10</sub>).
  - iii) **Recommended Model:** Project related criteria pollutant emissions should be identified and quantified. Emissions analysis should be performed using CalEEMod (**C**alifornia **E**mission **E**stimator **M**odel), which uses the most recent approved version of relevant Air Resources Board (ARB) emissions models and emission factors. CalEEMod is available to the public and can be downloaded from the CalEEMod website at: [www.caleemod.com](http://www.caleemod.com).
- b) **Nuisance Odors:** The project should be evaluated to determine the likelihood that the project would result in nuisance odors. Nuisance odors are subjective, thus the District has not established thresholds of significance for nuisance odors. Nuisance odors may be assessed qualitatively taking into consideration of project design elements and proximity to off-site receptors that potentially would be exposed objectionable odors.
- c) **Health Impacts:** Toxic air contaminants (TACs) are defined as air pollutants that which may cause or contribute to an increase in mortality or serious illness, or which may pose a hazard to human health. The most common source of TACs can be attributed to diesel exhaust fumes that are emitted from both stationary and mobile sources. Health impacts may require a detailed health risk assessment (HRA).
- i) The location of development projects is a major factor in determining whether they will result in localized air quality impacts. The potential for adverse air quality impacts increase as the distance between the source of emissions and receptors decrease. From a health risk perspective there are two types of land use projects that have the potential to cause long-term public health risk impacts: those that locate new toxic sources in the vicinity of existing receptors and those that locate new receptors in the vicinity of existing toxic sources.

Accurate quantification of health risks and operational emissions requires detailed site specific information, e.g. type of emission source, proximity of the source to sensitive receptors, and trip generation information. The required level of detail is typically not available until project specific approvals are being granted. Therefore, the District recommends that potential health risks be further reviewed when approving future projects. This recommendation includes projects that would otherwise appear to be exempt from CEQA requirements, such as projects that could be categorically exempt or allowed land uses under current zoning.

- ii) Various tools exist to perform a screening level analysis for emissions from new stationary sources, such as prioritization charts, SCREEN3, and various spreadsheets available from the District's website. For projects being impacted by existing emission sources, one screening tool is contained in the ARB Handbook: *Air Quality and Land Use Handbook: A Community Health Perspective*. The document includes a table with recommended buffer distances associated with various types of common sources. The ARB handbook can found on the ARB's website at:

<http://www.arb.ca.gov/ch/landuse.htm>.

If the screening level analysis indicates that TACs are a concern, the District recommends that a more detailed HRA be performed. If an HRA is to be performed, it is recommended that the project proponent contact the District to review the proposed modeling approach. The project would be considered to have a significant health risk if the HRA demonstrates that project related health impacts would exceed the District's significance threshold of 10 in a million.

More information on TACs, prioritizations and HRAs can be obtained by:

- E-mailing inquiries to: [hramodeler@valleyair.org](mailto:hramodeler@valleyair.org); or
- Visiting the District's website at:

[http://www.valleyair.org/busind/pto/Tox\\_Resources/AirQualityMonitoring.htm](http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm).

- 2) In addition to the discussions on potential impacts identified above, the District recommends the EIR also include the following discussions:
  - a) A discussion of the methodology, model assumptions, inputs and results used in characterizing the project's impact on air quality. To comply with CEQA requirements for full disclosure, the District recommends that the modeling outputs be provided as appendices to the EIR. The District further recommends that the District be provided with an electronic copy of all input and output files for any modeling referenced in the EIR.
  - b) A discussion of the components and phases of the project and the associated emission projections, including ongoing emissions from each previous phase.
  - c) A discussion of project design elements and mitigation measures, including characterization of the effectiveness of each mitigation measure incorporated into the project.
    - i) The following policies/mitigation measures are recommended to reduce or mitigate impacts from criteria pollutant emissions:
      - (1) Use of off-road construction fleets that can achieve fleet average emissions equal to or less than the Tier II emission standards, as set

forth in §2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 Code of Federal Regulations. The District recommends incorporating, as a condition of project approval, a requirement that off-road construction equipment used on site achieve fleet average emissions equal to or less than the Tier II emissions standard of 4.8 NO<sub>x</sub> g/hp-hr. This can be achieved through any combination of uncontrolled engines and engines complying with Tier II and above engine standards.

- (2) For projects exceeding the applicability thresholds identified in Section 2.0 of District Rule 9510, a condition of project approval requiring demonstration of compliance with Rule 9510, prior to the issuance of grading and/or building permits.
  - (3) Air quality impacts from projects exceeding the District's thresholds of significance for criteria pollutants after the implementation of mitigation measures can be mitigated to less than significant through payment of funds into an emissions reduction program. The District recommends incorporating, as a condition of project approval, demonstration of participation in a Voluntary Emission Reduction Agreement (VERA) with the District prior to the issuance of grading and/or building permits. More information regarding participation in a VERA can be obtained by calling (559) 230-6000 and asking to speak to a District CEQA staff member.
  - (4) For projects subject to District permitting requirements, demonstration of compliance with District Rule 2201, such as a copy of the Authority to Construct (ATC), before issuance of the first building permit, be made a condition of project approval.
- i) The following policies/mitigation measures are recommended to mitigate potential health impacts of individual projects:
- Development projects resulting in toxic air contaminant emissions will be located an adequate distance from residential areas and other sensitive receptors in accordance to ARB's *Air Quality and Land Use Handbook: A Community Health Perspective*.
  - A health risk screening and/or assessment will be performed to assess potential risks to sensitive receptors for the following projects:
    - Projects whose proposed locations are within the established buffer distances identified in ARB's handbook;
    - Projects whose land uses are not specifically identified in ARB's handbook (such as shopping centers), but there is sufficient information to reasonably conclude that sensitive receptors would be exposed to significant sources of toxic air contaminants; and
    - Projects that would otherwise appear to be exempt from CEQA requirements, but there is sufficient information to reasonably

conclude that sensitive receptors would be exposed to significant sources of toxic air contaminants, such as industrial use projects allowed by right.

- d) A discussion of whether the project would result in a cumulatively considerable net increase of any criteria pollutant or precursor for which the San Joaquin Valley Air Basin is in non-attainment. More information on the District's attainment status can be found online by visiting the District's website at:

<http://valleyair.org/aqinfo/attainment.htm>.

### **District Rules and Regulations**

- 3) Individual development projects would be subject to District Rule 9510 (Indirect Source Review) if upon full build-out the project would include or exceed any one of the following:

- 50 dwelling units
- 2,000 square feet of commercial space;
- 25,000 square feet of light industrial space;
- 100,000 square feet of heavy industrial space;
- 20,000 square feet of medical office space;
- 39,000 square feet of general office space; or
- 9,000 square feet of educational space; or
- 10,000 square feet of government space; or
- 20,000 square feet of recreational space; or
- 9,000 square feet of space not identified above.

District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payments of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit.

The District recommends that a mitigation measure be included that requires, for any project within the scope of this EIR subject to Rule 9510, demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, be made a condition of project approval.

District ISR staff is available to meet with the Lead Agency or project proponent to further discuss the requirements of Rule 9510 for individual development projects. More information on District Rule 9510 can be obtained by:

- Calling the District's ISR staff at (559) 230-6000;
- E-mailing inquiries to: [ISR@valleyair.org](mailto:ISR@valleyair.org); or
- Visiting the District's website at: <http://www.valleyair.org/ISR/ISRHome.htm>.

- 4) Individual development projects may also be subject to District regulations including, but limited to: Regulation VIII (Fugitive PM10 Prohibitions), District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 4002 (National Emission Standards for Hazardous Air Pollutants), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). To avoid potential delays in project development, the District strongly encourages project proponents contact the District's Small Business Assistance (SBA) Office early in the planning phase to discuss whether an Authority to Construct (ATC) and Permit to Operate (PTO) are required, and to identify other District rules or regulations that apply to their project.

The District recommends that a mitigation measure be included that requires, for any project within the scope of this EIR that is subject to District permits, demonstration of compliance with District permitting requirements, such as a copy of the ATC, before issuance of the first building permit, be made a condition of project approval.

- 5) The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (209) 557-6446. Current District rules can be found online at the District's website at:

[www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm).

The District recommends that a copy of the District's comments be provided to the project proponent. If you have any questions or require further information, please call Jessica Willis at (559) 230-5818.

Sincerely,

David Warner  
Director of Permit Services



For: Arnaud Marjollet  
Permit Services Manager

DW:jw

cc: File





## Central Valley Regional Water Quality Control Board

22 March 2013

Stephanie Ocasio  
City of Newman  
P.O. Box 787  
Newman, CA 95360

CERTIFIED MAIL  
7012 2210 0002 1419 9470

### **COMMENTS TO NOTICE OF PREPARATION FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, NORTHWEST NEWMAN MASTER PLAN PROJECT, SCH NO. 2013032010, STANISLAUS COUNTY**

Pursuant to the State Clearinghouse's 4 March 2012 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Notice of Preparation for the Draft Environmental Impact Report* for the Northwest Newman Master Plan Project, located in Stanislaus County.

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

#### **Construction Storm Water General Permit**

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

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml).

### **Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

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

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

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/).

### **Industrial Storm Water General Permit**

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

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

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml).

### **Clean Water Act Section 404 Permit**

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

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

### **Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACOE permit, or any other federal permit, is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

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

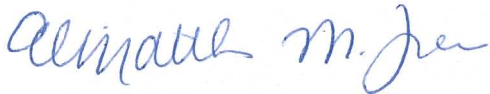
**Waste Discharge Requirements**

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

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

[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit2.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml).

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



for

Trevor Cleak  
Environmental Scientist

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

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 10

P.O. BOX 2048, STOCKTON, CA 95201

(1976 E. DR. MARTIN LUTHER KING JR. BLVD. 95205)

PHONE (209) 948-7943

FAX (209) 948-3670

TTY 711

*Flex your power!  
Be energy efficient!*

April 4, 2013

**10-STA-33-PM 001.64  
Northwest Newman Master Plan  
SCH 2013032010**

Stephanie Ocasio  
City of Newman  
P.O. Box 787  
Newman, CA 95360

Dear Ms. Ocasio:

The California Department of Transportation (Department) appreciates the opportunity to review and comment on the Northwest Newman Master Plan Draft Environmental Impact Report. The plan proposes the development of a business park and community commercial uses along State Route 33 (SR-33) with various densities of residential uses that include parks and a new elementary school. The Department has the following comments:

The current level of service (LOS) for SR-33 through Newman is LOS D, the minimum acceptable LOS. The project, as proposed, will lower the LOS of SR-33 to LOS F and will have a direct negative impact to SR-33 without mitigation.

According to the 2030 General Plan page TC-21, SR-33 through Newman will be widened and will include a Class I Bikeway. It is important to mention this as it appears SR-33 cannot be widened to the east due to the railroad preventing acquisition of right-of-way (ROW). All ROW acquired for the widening of SR-33 would likely have to come from the west of SR-33. Initial reviews within the Department indicate that a 4-lane widening may be inadequate for the project as proposed on certain portions of SR-33 through Newman.

The Traffic Impact Study (TIS) to be completed for the project should be in accordance with "Caltrans Guide for the Preparation of TIS" dated December 2002. The TIS should include the following:

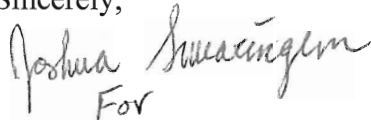
1. TIS should include existing conditions, proposed project only, cumulative conditions, cumulative conditions plus proposed project, and cumulative conditions plus proposed phases.
2. Estimation of the projects total trip generation.
3. Estimations of the directional distribution and network of project trips.

Stephanie Ocasio  
April 4, 2013  
Page 2

4. The TIS should provide an analysis of project related and cumulative impacts to the interchange and mainline in the project area. The interchange analysis should include ramps; merge/diverge points and ramp intersections (ramp termini).
5. Detail of traffic simulation and analysis results should be provided for review.
6. Discussion of identified mitigation measures/improvements and funding responsibility should be included in the TIS.
7. The TIS should include the I-5/Stuhr Road interchange as part of the studied intersections.

If you have any questions or would like to discuss our comments in more detail, please contact Joshua Swearingen at (209) 948-7142 (e-mail: [joshua\\_swearingen@dot.ca.gov](mailto:joshua_swearingen@dot.ca.gov)) or me at (209) 941-1921.

Sincerely,



Joshua Swearingen  
For

Tom Dumas, Chief  
Office of Metropolitan Planning





**CHIEF EXECUTIVE OFFICE**

**Monica Nino**  
**Chief Executive Officer**

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

**Stan Risen**  
**Assistant Executive Officer**

**Keith D. Boggs**  
**Assistant Executive Officer**

*1010 10<sup>th</sup> Street, Suite 6800, Modesto, CA 95354  
Post Office Box 3404, Modesto, CA 95353-3404*

**STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE**

April 2, 2013

Stephanie Ocasio, City Planner  
City of Newman Community Development  
PO Box 787  
Newman, CA 95360

**SUBJECT: ENVIRONMENTAL REFERRAL – CITY OF NEWMAN – NORTHWEST  
NEWMAN MASTER PLAN**

Ms. Ocasio:

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and has determined that it may have a significant effect on the environment.

The following specific comments/conditions are submitted by the Department of Agriculture and Weights & Measures:

1. This project takes land out of current agricultural production;
2. The proposed build out may increase pressure to develop nearby agricultural land;
3. This project will increase the chances of exposure of human population to pesticides, fertilizers, dust, and odors resulting from normal farming operations;
4. This project has the potential to impact endangered species such as the Kit Fox;
5. Park (P1) area proposed next to CCID Canal and Agricultural land might increase the chances of pesticide complaints.

The Department of Agriculture and Weights & Measures provides the following additional comments:

1. Agricultural Buffers policies may apply;
2. Agricultural lands need to be protected;
3. Endangered species protection needs to be addressed.

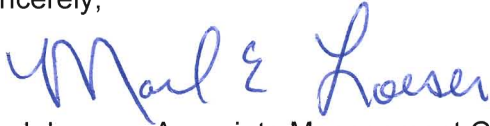
**ENVIRONMENTAL REFERRAL – CITY OF NEWMAN – NORTHWEST NEWMAN  
MASTER PLAN**

**Page 2**

In addition, the ERC attaches hereto and incorporates herein by reference comments/conditions from the Department of Public Works and the Department of Environmental Resources (Hazardous Materials).

The ERC appreciates the opportunity to comment on this project.

Sincerely,

A handwritten signature in blue ink that reads "Mark E Loeser". The signature is written in a cursive style with a blue horizontal line underneath it.

Mark Loeser, Associate Management Consultant  
Environmental Review Committee

ML:ss

cc: ERC Members

Attachments



DEPARTMENT OF PUBLIC WORKS

Matt Machado, PE  
Director

Laurie Barton, PE  
Deputy Director, Engineering/Operations

Diane Haugh  
Assistant Director, Business/Finance

CHIEF EXECUTIVE OFFICE

2013 MAR 27 P 2:19

1716 Morgan Road, Modesto, CA 95358  
Phone: 209.525.4130 Fax: 209.541.2505

[www.stancounty.com/publicworks](http://www.stancounty.com/publicworks)

March 27, 2013

TO: Environmental Review Committee, Mark Loeser and Sheryl Swartz, CEO's Office

FROM:  Angie Halverson, Senior Land Development Coordinator

SUBJECT: City of Newman, Northwest Newman Master Plan, Notice of Preparation (NOP) of a Draft Environmental Impact Report

The City of Newman proposes development of a Business Park and Community Commercial uses along State Route 33. West of that, the City proposes various densities of residential uses, including parks and a new elementary school. Stanislaus County Public Works would like to see the Draft Environmental Impact Report (DEIR) to include the following areas of discussion:

1. A Flood Plain Analysis should be done for the Northwest Newman Master Plan. This should not only take into account the 100 year flood plain, but the 200 year flood plain also, per SB 5 requirements.
2. Provisions should be included for a financing plan for future levee projects along the Central California Irrigation District levee that borders the Northwest Master Plan area.
3. Study intersections for the Master Plan should include two additional intersections that will be affected by this project. These intersections are:
  - 3.1. Stuhr Road at Eastin Road
  - 3.2. Stuhr Road at Villa Manucha Road
4. Study road segments should include three additional segments. Please include:
  - 4.1. Eastin Road - Stuhr Road to Anderson Road
  - 4.2. Stuhr Road - Draper Road to Eastin Road
  - 4.3. Stuhr Road - Eastin Road to I-5

Stanislaus County Public Works would like to thank the City of Newman for the opportunity to work with the City on this project.



**DEPARTMENT OF ENVIRONMENTAL RESOURCES**

3800 Cornucopia Way, Suite C, Modesto, CA 95358-9494  
Phone: 209.525.6700 Fax: 209.525.6774

TO: STANISLAUS COUNTY PLANNING & COMMUNITY DEVELOPMENT  
FROM: DEPARTMENT OF ENVIRONMENTAL RESOURCES  
RE: ENVIRONMENTAL REVIEW COMMENTS  
PROJECT TITLE: **ENVIRONMENTAL REFERRAL - CITY OF NEWMAN - NORTHWEST NEWMAN MASTER PLAN**

Based on this agency's particular field(s) of expertise, it is our position the project described above:

- Will not have a significant effect on the environment.
- May have a significant effect on the environment.
- No comments.
- See comments below.

1. The applicant shall determine, to the satisfaction of the Department of Environmental Resources (DER), that a site containing (or formerly containing) residences or farm buildings, or structures, has been fully investigated (via Phase I study, and Phase II study if necessary) prior to the issuance of a grading permit. DER recommends research be conducted to determine if pesticides were used on the proposed development site; if confirmed, suspect site areas should be tested for organic pesticides and metals. Any discovery of underground storage tanks, former underground storage tank locations, buried chemicals, buried refuse, or contaminated soil shall be brought to the immediate attention of DER.
2. The applicant should contact the Department of Environmental Resources regarding appropriate permitting requirements for hazardous materials and/or wastes. Applicant and/or occupants handling hazardous materials or generating hazardous wastes must notify the Department of Environmental Resources relative to the following: (Calif. H&S, Division 20)
  - A. Permits for the underground storage of hazardous substances at new or the modification of an existing tank facilities.
  - B. Requirements for registering as a handler of hazardous materials in the County.
  - C. Submittal of hazardous materials Business Plans by handlers of materials in excess of 55 gallons or 500 pounds of a hazardous material or of 200 cubic feet of compressed gas.
  - D. The handling of acutely hazardous materials may require the preparation of a Risk Management Prevention Program which must be implemented prior to operation of the facility. The list of acutely hazardous materials can be found in SARA, Title III, Section §302.
  - E. Generators of hazardous waste must notify the Department relative to the: (1) quantities of waste generated; (2) plans for reducing wastes generated; and (3) proposed waste disposal practices.
  - F. Permits for the treatment of hazardous waste on-site will be required from the hazardous materials division.



- G. Medical waste generators must complete and submit a questionnaire to the department for determination if they are regulated under the Medical Waste Management Act.
3. Public Resources Code Section 21151.8 requires that the school district consult with its administering agency to identify facilities within one-fourth mile of a proposed school site which might reasonably be anticipated to handle hazardous or acutely hazardous materials, substances, or waste. Inquiries pursuant to Public Resources Code Section 21151.8 should be submitted to the Stanislaus County Department of Environmental Resources.

Response prepared by:



AMBER MINAMI  
HAZARDOUS MATERIALS SPECIALIST  
DEPARTMENT OF ENVIRONMENTAL RESOURCES

March 18, 2013  
Date

cc: CEO'S OFFICE – Mr. Mark Loeser