



**INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION**

for the

**Travelers Station
Southwest Corner Hwy 101 & SR 129**

Prepared for County of San Benito, California

Resource Management Agency

March 2022

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Notice of Intent to Adopt a Mitigated Negative Declaration and Notice of Availability for Public Review

TO: Responsible Agencies, Trustee agencies, other County Departments and Interested parties
FROM: San Benito County Resource Management Agency

Notice is hereby given that the Initial Study for Planning File NO. PLN 200017 is available for public review. The County, as Lead Agency, intends to adopt a Mitigated Negative Declaration for this project, which finds that the project will not have a significant effect on the environment. The public review period in which comments will be accepted for the proposed Mitigated Negative Declaration begins March ____, 2022 and ends at 5 p.m. on April ____, 2022. The Initial Study, Mitigation Negative Declaration and all supporting documents are available for review at the address listed below. Comments may be addressed to Stan Ketchum, Principal Planner. Written comments are preferred. Please use the project file number in all communications.

1. Project Title and File Number: San Benito Travelers Station
Conditional Use permit & Site/Architectural Approval
File Number: PLN200017

2. Lead Agency: San Benito County Resources Agency, Planning Division
2301 Technology Parkway, Hollister CA 95023

3. Contact Person: Stan Ketchum, Principal Planner
(408) 802-5800

4. Project Location: Southwest Corner of U.S. 101 & CA 129

5. Project Sponsor: Omar Mohssin
Salinas Valley Investment Company
12 Maher Road, Royal Oaks, CA 95076

6. Project Description.

The project is proposed on a 2.6-acre site, located at the southwest corner of the intersection of U.S. Hwy 101 and State Route 129. The third side of the triangular site is boarded by Searle Road. The proposed Traveler's Station is comprised of a 4,000 sq. ft. convenience store, auto fueling and truck fueling services, propane sales, electric vehicle charging stations and a County Informational Kiosk. Travelers Station will operate 24 hours a day

CHAPTER 1 INTRODUCTION AND PROJECT DESCRIPTION:

The proposed project is a 2.6 acres site, located at the southwest corner of the intersection of U.S. Hwy 101 and State Route 129. The third side of the triangular site is boarded by Searle Road. The site's location is adjacent to the south bound on-ramp from S.R. Hwy 129, as it enters U.S. Hwy 101. San Juan Bautista is the nearest city and is located approximately 3.5 miles, to the west. The proposed use of the property will involve the development of a vacant, fallow site for the construction of "Travelers Station"; a facility intended to provide a variety of uses to serve the traveling public as well as area residents. "Travelers Station" proposes the construction of a 4,000 sq. ft. convenience store, auto fueling and, truck fueling services, propane sales, electric charging stations and a County Informational Kiosk advising visitors as well as area-wide residents of attractions, events, and opportunities available throughout the county. "Travelers Station" will operate every day, 24 hours a day, to meet the motoring and convenience needs of the public. Project plans and architectural drawings are available in the appendices.

Access to the site will be from Searle Road, by two full movement driveways and one 'right in' and 'right out' only access. In addition to the new driveways, frontage improvements along Searle Road will also be included in the project design. The widening of Searle Road will incorporate a stacking lane for exiting from Searle Road onto S.R. Hwy 129. All roadway improvements will be installed per County requirements. The site will be graded to accommodate the proposed use and will include landscaping the site with native drought tolerant planting. The proposed grading will also address onsite storm drainage necessary to comply with county storm water detention standards. All dry utilities will be undergrounded once on site.

Water service to the site will be provided by an existing onsite well. Additional water storage, adequate to provide necessary fire protection, will be installed as a part of the project design, in accordance with California Fire Code, Public Resources Codes 4290 and 4291, and Ordinances 822 and 823 of the San Benito County Code of Ordinances. A Water Quality and Quantity Study has been performed by Maggiora Brothers and is presented and discussed in detail in Chapter 4, item XIX, Utilities and Service Systems. Sewer service will be provided by an onsite, "mounded" septic system. The "mounded" septic system has been designed by LandSet Engineering, Inc. LandSet Engineering's conclusions, septic and percolation tests are presented in more detail in the Project Appendices section of the Initial Study/Mitigated Negative Declaration (Appendix 6)

1. Regional Setting:

The project site is located in the unincorporated area of San Benito County, California. San Benito County is located in the Coast Range mountains, south of San Jose / Gilroy and west of the Central Valley. The County is surrounded by the counties of Santa Cruz and Monterey to the west, Santa Clara County to the north and the counties of Merced and Fresno to the east and south, respectively. The County of San Benito is served by S.R. 25, which runs north



FIGURE 1

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ENGINEERING & SURVEYING
 400 PARK CENTER DRIVE, SUITE #4
 HOLLISTER, CA 95023
 OFFICE (831) 636-1104 FAX (831) 636-1837

SAN BENITO TRAVELER'S STATION
HIGHWAYS 129 & 101, SAN BENITO COUNTY
LOCATION MAP

Job No.:	19019
Designed:	MJK
Scale:	NO SCALE
Date:	10-6-2021
Sheet:	1
	of 1

ASSESSOR PARCEL MAP

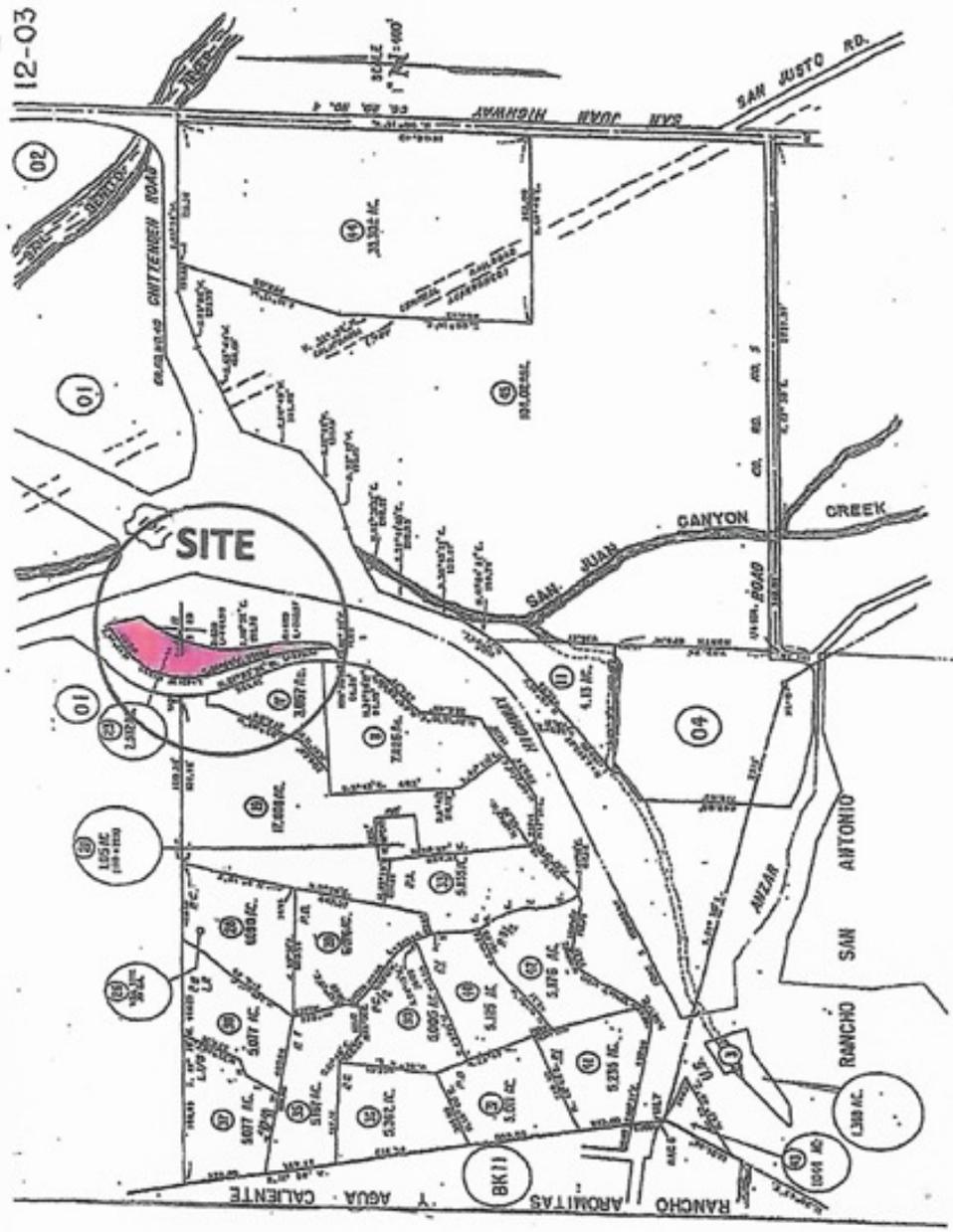


FIGURE 2

and south through the middle of the county, S.R. 152 and S.R. 156 which run north and south through the northern portion of the county and U.S. Hwy 101 which runs north and south through the northwest corner of the county. U.S. Highway 101 provides a major connection between the San Francisco Bay Area and the coastal communities on the Monterey Peninsula. San Benito County occupies over 890,000 acres or approximately 1,391 square miles. According to the California Department of Conservation (DOC), approximately 672,370 acres of land in San Benito County were classified as “agricultural land” in 2015, accounting for approximately 76 percent of the land within the county.

The climate of the region varies by season, with rainfall concentrated in the winter months. Summer conditions in San Benito County are typically characterized by warm temperatures and low humidity. Temperatures average in the low 80’s F during the day and in the 50’s F at night. During the summer months, the prevailing winds are typically from the south and/or west. Winter conditions are characterized by occasional rainstorms interspersed with stagnant and sometimes foggy weather. The daytime average temperature is in the low 60’s F and nighttime temperatures average in the upper 40’s F. During the winter season, winds predominate from the south, but north winds are a frequent occurrence. Rainfall occurs mainly from late October to early May, with a typical average of approximately 13 inches per year. The rainfall amount, however, can vary significantly from year to year.

2. Surrounding Land Uses and Setting:

The surrounding area is primarily grazing land with some more intense agricultural activities. The adjacent properties have the following land uses: (Figure 4)

NORTH: Agriculture level land, S.R. 129, U.S. Hwy 101 & the south bound off-ramp

SOUTH: Agriculture/Grazing, Vacant land, Searle Road

EAST: U.S. Hwy 101 & north bound on-ramp to U.S. Hwy 101

WEST: Searle Road, Agriculture (Greenhouses), Grazing land in flat and hillside land

The project site is a fallow 2.6-acre parcel, that has not been in active agricultural use for over 12 years. The site has been annually plowed or mowed in order to comply with weed abatement requirements. There is an existing well with overhead power service to the well pump. The site’s access is taken off Searle Road, a two-lane county maintained public right of way. Searle Road intersects with SR 129 at the northwest corner of the subject property. Widening of Searle Road and restriping will allow for an additional turn lane at the intersection of Searle Road and S.R. 129, per the project Traffic Analysis (Keith Higgins, Traffic Engineer- Appendix 3).

Proposed site development will require grading of the relatively flat site to maintain the north to south minimal slope for onsite drainage design. A mounded septic system is proposed at the northwestern portion of the site, with water being provided by the existing onsite well.



FIGURE 4

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SAN BENITO TRAVELER'S STATION
HIGHWAYS 129 & 101, SAN BENITO COUNTY
SURROUNDING LAND USES

Job No.:	19019
Designed:	MJK
Scale:	1"=200'
Date:	10-6-2021
Sheet:	1
	of 1

Existing Eucalyptus trees, currently on site will be maintained and incorporated into the project landscape design. The balance of the site will be landscaped with native species of drought tolerant plants. The site is located at a lower elevation than the S.R. 129 roadway and over-pass, on the properties' northern boundary; making visibility of site improvements limited from S.R. 129 and U.S. Hwy 101. An informational "Freeway Sign" is proposed at the northeast corner of the site, for the motoring public.

The proposed building onsite has been designed using a single-story structure which utilizes elements and building materials suggestive of a "farm/ranch", architectural style. (Figure 6). Since S.R. 129 and U.S. Hwy 101 are both designated as "Scenic Highways" within San Benito County; attention was given to the visual impact for onsite improvements, regardless of the somewhat limited view of the property.

3. Site Characteristics:

- Seismic Zone: No portion of this project property lies within a seismic special study zone. The San Andreas Fault is approximately 2.5 miles to the east of the site. The source of the location identification is the San Benito County General Plan, Figure 10-2 "Geologic Faults in San Benito County"
- Fire Hazard: The subject site is located within a High Fire Hazard zone according to the San Benito County Severity Fire Zones.
- Flood Plain: No portion of this project property lies within a floodplain.
- Archeological Sensitivity: The site is not identified as a "Highly Sensitive" site.
- Habitat Conservation Area: The project site is located in an area designated as "annual grasslands"
- Landslide: The project site is not located in a hillside area, and therefore is not designated as a "Landslide" area.
- Soils: The site has "the fine fraction of the near surface and subsurface fine to coarse grained, clayey or silty sands and sandy silts" (Soils Survey Group, Inc. Site Testing)

4. Planning and Zoning:

The project site has a General Plan Land Use Designation of Commercial Regional and is zoned C-1 Commercial Thoroughfare. This General Plan Designation is intended for properties located on major roadway interchanges. The zoning designation on the site is consistent with the General Plan Land Use designation and will not require a zone change. The Commercial Regional designation is intended "to provide areas that function as destinations for commercial activity serving the regional population. This designation intends to accommodate the location of commercial uses at key intersections along Interstate 101 and other major State Routes. "These uses could include shopping centers, truck and automobile stations, tourist-serving commercial uses, and hotels/motels".

The underlying zoning (C-1) Commercial Thoroughfare is consistent with the existing General Plan Land Use designation of Commercial Regional. Other applicable General Plan and Zoning policies are discussed in the relevant sections throughout this initial study.

5. Required Permits:

The initial Study / Mitigated Negative Declaration (IS/MND) is an informational document for both agency decisions-makers and the public. The County Resource Agency (RMA) is the Lead Agency responsible for adoption of this IS/MND. It is anticipated that the proposed project would require permits and approvals from the following agencies:

6. Local Agencies:

The following is a list of the anticipated discretionary permits, approvals and ministerial actions required by the County of San Benito:

- Adoption of IS/MND and Mitigation Monitoring and Reporting Program (“MMRP”)
- Approval of the proposed project (Site & Architectural approval)
- Building Permit
- Grading Permit
- Encroachment Permit
- Sewage Disposal Permit from San Benito County Environmental Health

7. Regional and State Agencies:

- Regional Quality Control Board (“RWQCB”) National Pollutant Discharge Elimination System (“NPDES”) and Alternative Sewage Disposal Permit
- Caltrans Encroachment Permit
- General Storm Water Permit and Storm Water Pollution Protection Plan (“SWPPP”)
- California Department of Fish and Wildlife (CDFW) 2081 Incidental Take Permit (ITP)

CHAPTER 2 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

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

CHAPTER 3 ENVIRONMENTAL DETERMINATION

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.



Signature

3/31/22

Date

I. AESTHETICS

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

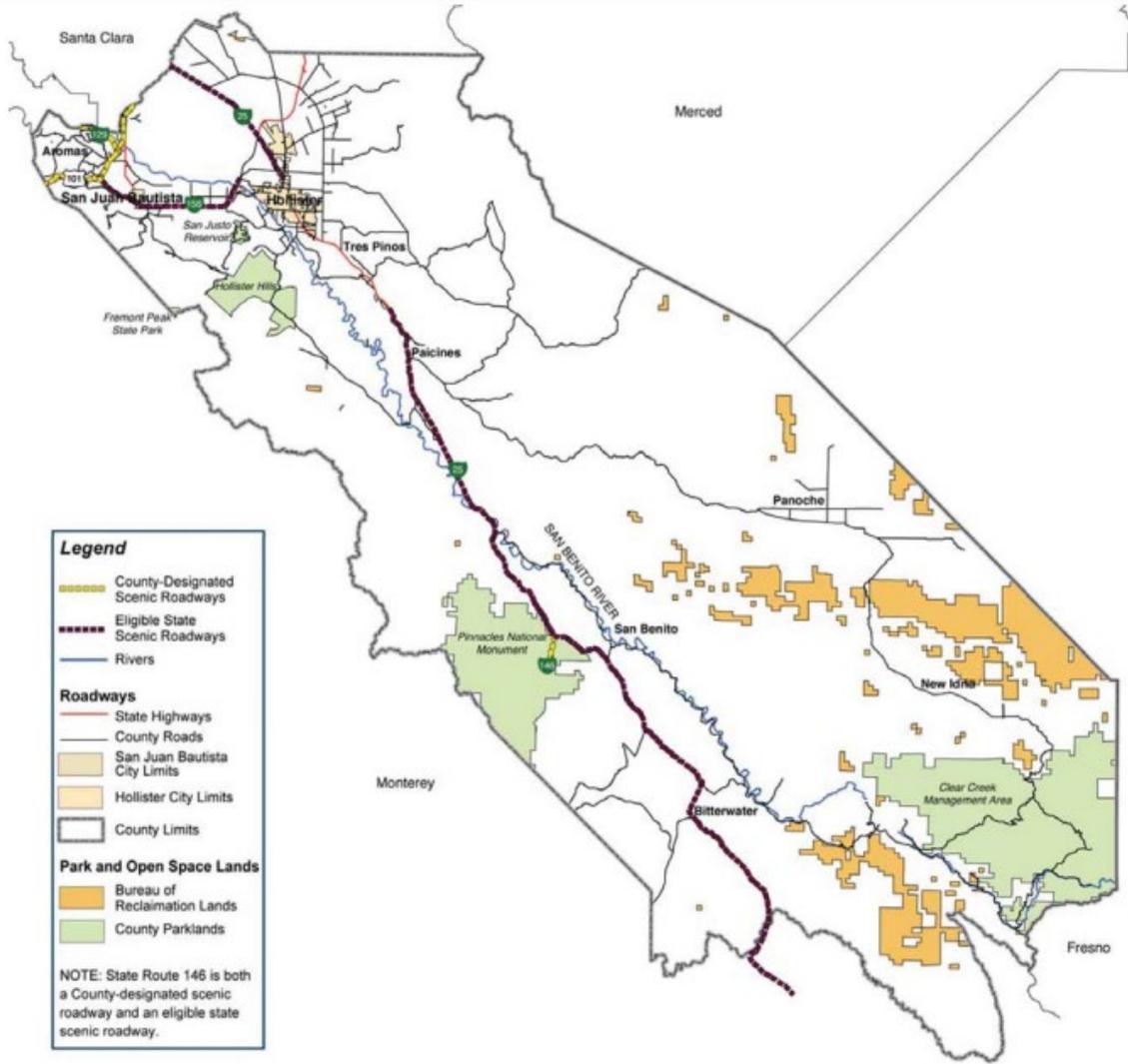
Environmental Setting:

Visual Character of the Project Vicinity:

The project site and the vicinity are characterized primarily by rural/grazing lands with a “hard” eastern edge of U.S. Hwy 101. The surrounding land is predominately grazing and hillside land to the north, south and west. To the north is the most active agricultural lands, across SR 129. The grazing and agricultural lands afford views of landscapes that are representative of San Benito County as a whole. The majority of scenic resources within the county consist of rolling terrain that provides mid to long-range views of rangeland, croplands, rural residential uses, varying agricultural uses (including some orchards), some sparse oak woodland, and historic mining uses and geologic resources in the western part of the county. Views toward rolling hillsides, open spaces, and distant views of the Diablo Range and the ridge lines to the east and west are also scenic resources. (Figure 5)

Visual Character of the Site:

The project site consists of a total of 2.6 acres of a relatively flat fallow site backing up to the trees on the property and on the adjacent Caltrans land. The site is surrounded by public roadways on all sides.



Source: Planning Partners, November 2011

Figure 5-1
 County-Designated and Eligible
 State Scenic Highways

2035 San Benito County General Plan Revised DEIR



FIGURE 5

Viewsheds:

The best view of the site is from one of the adjacent public roadways, U.S. Hwy 101 southbound on-ramp, Searle Road to the west and south and SR 129 to the north.

Scenic Highways:

SR 129, SR 146, and US Highway 101 are county designated Scenic Highways. The State has also designated SR 25, SR 198 and SR 156 as eligible for State Scenic Highway designation. The project site is located adjacent to SR 129 and US Highway 101, both designated as Scenic Highways.

Light & Glare:

The project site currently does not include any sources of light or glare. In the immediate vicinity the only significant light source is from passing vehicle traffic on the adjacent roadways.

Regulatory Setting:

This section describes the existing laws, regulations and policies relevant to a review of aesthetic impacts in San Benito County. For the most part, the aesthetic quality of the project would be subject to State and Local laws, regulations and policies. There are no applicable federal statutory framework laws governing the project.

State:

The project site is located at the intersection of two state designated Scenic Highways, SR 129 and US Highway 101. State Scenic Highways are designated by Caltrans to promote the protection and enhancement of the natural scenic beauty of California's highways and adjacent corridors. California's Scenic Highway Program was created by the Legislature in 1963. The state laws governing the Scenic Highway Program are found in the Streets and Highway Code, Section 260 et. Seq.

Local:

San Benito County regulates the design of the built environment through its General Plan and Code Ordinances.

2035 General Plan

The 2035 General Plan Land Use Element, Circulation Element, and Natural and Cultural Resources Element provide the following goals, policies and objectives pertaining to aesthetics applicable to the proposed project. Consistency with specific 2035 General Plan policies that apply to the proposed project are further evaluated in Land Use and Planning.

Land Use Element:

- **Goal LU-1.** To Maintain San Benito County's rural character and natural beauty while providing areas for needed future growth
- **Goal LU-2.** To Promote energy efficiency through innovative and sustainable building and site design.
- **Goal LU-5.** To promote the development of regional, thoroughfare, and locally serving commercial uses at key opportunities sites in the unincorporated county.

- **Goal LU-7.** To preserve San Benito County’s historic identity and rural community character.
- **Goal ED-5.** To expand tourism opportunities in order to make the county a premier destination

Public Facilities and Services Element:

- **Goal PSF-5.** To ensure wastewater treatment facilities and septic systems are available and adequate to collect, treat, store and safely dispose of wastewater.

Natural and Cultural Resources Element

- **Goal NCR-8.** To enhance and preserve the attractive visual qualities of scenic vistas and corridors in the county.
- **Goal NCR- 8.3** The County shall review all projects involving grading within Scenic Corridors to protect valuable soil resources, preserve the natural environment, and avoid significant adverse impacts with scenic areas (RDR)
- **Goal NCR-9.** The County shall promote the preservation of dark skies necessary for nighttime astronomical viewing at local observatories.

Health and Safety Element

- **Goal HS-5.** To improve local and regional air quality to protect residents from the adverse effects of poor air quality.

Responses:

- a) No Impact– The proposed project is in an isolated setting, surrounded by public roadways on all sides. The site is not located in a hillside area, but visitors to the site will be afforded views of the adjacent hillside/grazing lands.
- b) Less than Significant Impact – The proposed project is located along two state designated scenic highways. The view of the project site is limited to sighting, only from SR 129. The views from US Hwy 101 are restricted due to the existing mature trees along the eastern boundary and the elevated south bound on-ramp immediately adjacent to the site. SR 129 does have visual access to the site at the intersection of Searle Road and SR 129. General Plan Policies NCR 8-1 through 8-8 were reviewed for any potential conflict with the proposed development of the project site. The proposed project utilizes building materials, and architectural elements that reflect the agricultural identity associated with rural San Benito County. The project has incorporated within the project design, a landscape plan that uses native species along the SR 129 frontage, where no landscaping currently exists.
- c). Less than Significant Impact – The visual makeup of the surrounding area consists of grazing land on the adjacent hillside areas to the south and west, and US Hwy 101 to the east, with SR 129 located to the north. The project site is unique in that it is the only site in the county located at an existing US Hwy 101 interchange that is surrounded on all sides by existing public rights of way. The scenic value of the site is limited; however, with the project site

bringing travelers to stop in this rural area of the county, it will afford them the opportunity to experience limited scenic vistas to the west (hillside grazing lands)

- d.). Less than Significant Impact – The proposed project will increase the light generated from this piece of property. The project will have new lighting being generated, but it will be “down lit” to minimize any generated light that will impact adjacent properties. Given the existing use of the adjacent roadways surrounding the site, freeway on and off ramps and turning movement light glare from passing vehicles, the site and surrounding areas already are experiencing existing light/glare from existing traffic movements. The project will include a lighting design that will render the project Less Than Significant.

II. AGRICULTURE AND FORESTRY SERVICES

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
II. AGRICULTURE AND FORESTRY SERVICES. In determining whether impacts to agricultural resource are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. 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 Dept. 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 the Forest Protocols adopted by the California Air Resources Board. Would the project:				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of non-forest Farmland, to non-agricultural use or conversion of forest land uses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting:

Regional Agricultural Resources:

San Benito County supports some of the most productive farmland in the State. Agriculture makes a substantial contribution to the San Benito County economy and accounts for a large amount of the privately-owned land in the county. The primary crops are fruits and nuts, vegetables, other row crops, and small grains. The county lands also support the livestock industry, namely beef cattle, and sheep.

Agricultural/Urban Interface Issues:

Existing agricultural operations are located to the west of the project site. The agricultural uses are limited to grazing and greenhouses, with state and federal highways located adjacent to the remaining property lines. There are no urban uses adjacent to the site, or active agricultural operations that development of the project would impact.

Potential Concerns for Adjacent Agricultural Uses:

- Restrictions on activity arising from neighbor concern/complaints
- Loss of Revenue and competitiveness
- Competition for water and land
- Pilferage, trespassing and littering
- Dust from adjacent construction activities

Regulatory Setting:

State:

Farmland Mapping and Monitoring Programs (FMMP)

Within the State of California Natural Resources Agency, The Department of Conservation (DOC) provides services and information that promote informed land-use decisions and sound management of the State's natural resources. As noted above the DOC manages the FMMP, which supports agriculture throughout California by developing maps and statistical data for analyzing land use impact to farmland.

The developed maps are called the Important Farmlands Inventory (IFI). The IFI categorizes land based on the productive capabilities of the land. There are many factors that determine the agricultural value of land, including the suitability of soils for agricultural use, whether the soils are irrigated, the depth of soil, water-holding capacity, and physical and chemical characteristics. To categorize soil capabilities under the FMMP, two soil classification systems are used: the Capability Classification System and the Storie Index (which takes into account other factors as well, such as slope and texture). The FMMP data is updated every two years.

FMMP Important Farmland on the Project Site. (Figures 6 & 7)

The DOC's FMMP maps were reviewed to identify Important Farmland (comprising of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance) on the project site. To classify land as Prime Farmland under the DOC's definition, the FMMP must determine that land has the best combination of physical and chemical features able to sustain long term agricultural production, with the soil quality, growing season, and moisture supply needed to produce sustained high yields. The FMMP designates Farmland of Statewide Importance as land other than Prime Farmland which has a good combination of physical and chemical characteristics for the production of crops. In order to be classified as Prime Farmland or Farmland of Statewide Importance by FMMP, land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date. The FMMP also classifies land which does not meet the criteria for Prime Farmland or Farmland of Statewide Importance, but which has been used for the production of specific high economic value crops at some time in the last four years, as Unique Farmland. Examples of crops on Unique Farmland are oranges, olives, avocados, rice, grapes and cut flowers.

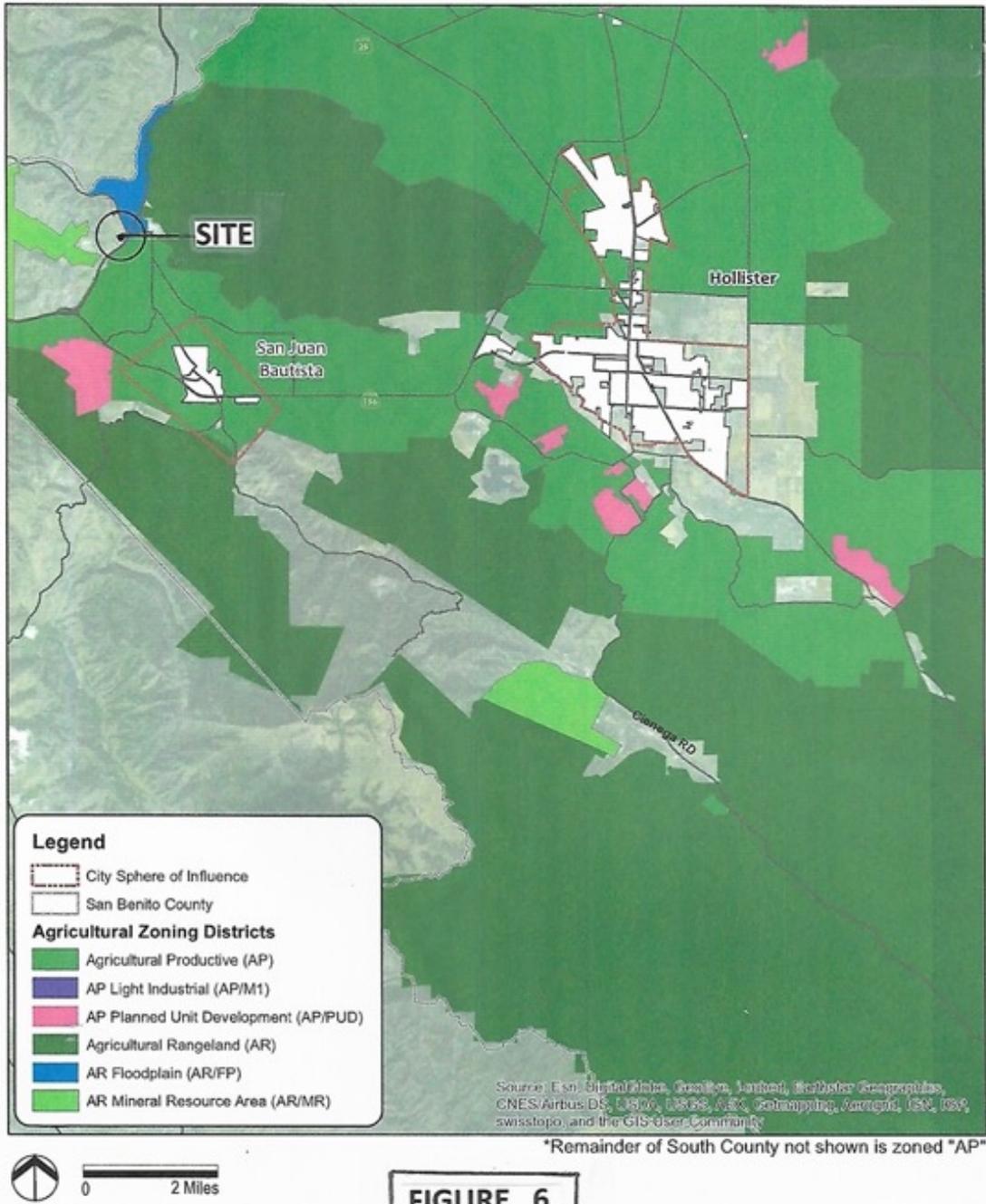


FIGURE 6

Agricultural Zoning in San Benito County

2035 San Benito County General Plan Revised DEIR

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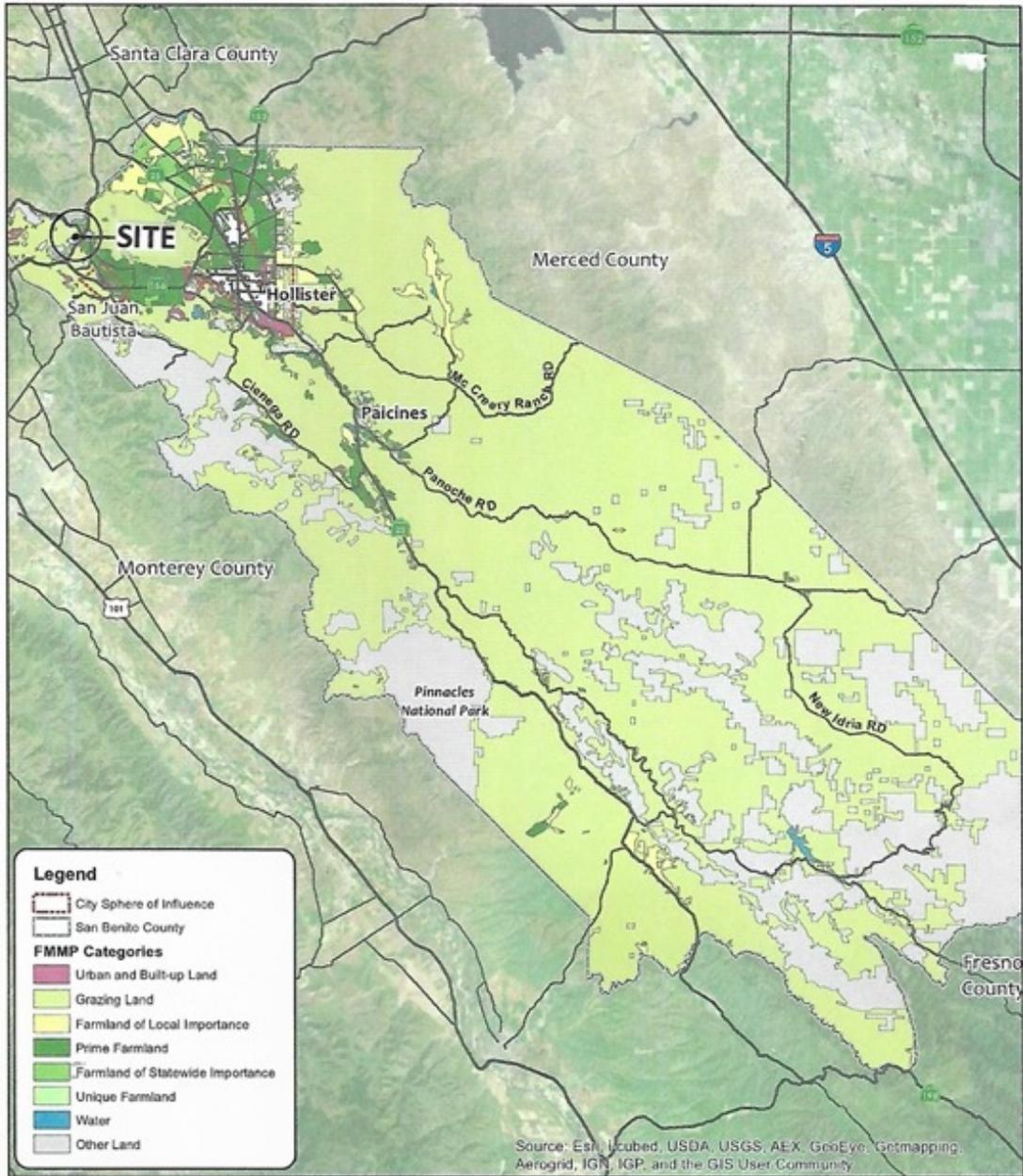


FIGURE 7

Prime Farmland in San Benito County

2035 San Benito County General Plan Revised DEIR



Williamson Act Land

The Williamson Act, also known as the California Land Conservation Act of 1965, enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to use as agricultural or related open space. In return, landowners receive property tax assessments which are much lower than normal because they are based upon farming and open space uses as opposed to full market value.

Local:

2035 General Plan

The 2035 General Plan Land Use Element, and Natural and Cultural Resources Element provide the following goals, policies, and objectives pertaining to agricultural resources that are relevant to this analysis. Consistency with specific 2035 General Plan policies that apply to the project is further evaluated in the Land Use and Planning Section.

Land Use

- **Goal LU-1.** To maintain San Benito County’s rural character and natural beauty while providing areas for needed future growth.
- **Goal LU-3.7.** The County shall encourage visitor serving uses in areas designated Agriculture (e.g.) wine tasting rooms, hotels and bed and breakfast Inns), especially within the Wine/Hospitality Priority Area, provided they do not adversely affect the agricultural production activities of the area. (RDR/MPSP)

Natural and Cultural Uses

- **Goal NCR-1.** To preserve and enhance valuable open space lands that provide wildlife habitat and conserve natural, historical, archaeological, paleontological, tribal and visual resources of San Benito County.

San Benito County Code of Ordinances

The County’s Code of Ordinances contains several regulations and standards implementing the General Plan Policies identified above, that are relevant to an evaluation of agricultural resources.

- Chapter 19.01, Article 1. Agricultural Community Disclosure (Rights-To-Farm)
- Chapter 19.01, Article 2. Agricultural Preserves (Williamson Act)
- Chapter 25.07: Agricultural Districts

Project Setting:

The project site consists of 2.6 acres that has not been in agricultural use for over 15 years (Communication with previous landowner) due to size, location of the parcel and soil constraints. The property is currently fallow and has been maintained with annual weed abatement activities for fire prevention, during the stated time period. The San Benito County General Plan 2035 has designated this land as “Grazing Land” (Prime Farmlands Figure 7)

Responses:

- a) No Impact – The Farmland Mapping & Monitoring Program (FMMP) of the California Department of Conservation classifies the project site as grazing land. The project site is not designated as Prime Farmland, Unique Farmland or Farmland of Statewide Importance. As such the project would have no impact.
- b) No Impact - The project site is not party to a Williamson Act contract.
- c) No Impact – There are no forest land, timberland, or timberland production areas, as zoned by applicable state and local laws and regulations, located within the County, or otherwise present on the site.
- d) No Impact – County Code 19.33 establishes regulations for conservation and protection of woodlands in unincorporated San Benito County for lots with a least 10% of their area in woodlands cover. Since this site does not contain woodlands, this Code section does not apply.
- e) No Impact – The project site is an irregular, isolated site, surrounded by public roadways (State and Federal designated Highways). The property is designated as Commercial Thoroughfare, and consistent with the San Benito County General Plan 2035.

III. AIR QUALITY

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

a. Conflict with or obstruct implementation of the applicable airquality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainmentunder an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Expose sensitive receptors to substantial pollutantconcentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in other emissions (such as those leading to odors)adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting:

Climate and Topography:

The project site is located within the North Central Coast Air Basin (NCCAB), which includes Monterey County, San Benito County and Santa Cruz County. The property is in the northeastern corner of the NCCAB, which covers an area of approximately 5,159 sq. miles along the central coast of California. The Monterey Bay Air Resources District (MBARD) is responsible for local control and monitoring of criteria air pollutants throughout the NCCAB. The regional temperatures average highs in the low 70's F and lows in the mid 40's F. Precipitation averages approximately 13.5 inches per year.

Climate, or the average weather condition affects air quality in several ways. Wind patterns can remove or add air pollutants emitted by stationary or mobile sources. Inversion, a condition where warm air traps cooler air underneath it, can hold pollutants near the ground by limiting upward mixing (Dilution). Topography also affects the local climate, as valleys often trap emissions by limiting lateral dispersal.

Air Pollutants of Primary Concern:

The State and Federal Clean Air Acts mandate the control and reduction of certain air pollutants. Under these acts, the U.S. Environmental Protection Agency (USEPA) and the California Air Resources Board (CARB) have established ambient air quality standards for certain "criteria" pollutants. Ambient air pollutant concentrations are affected by the rates and distributions of corresponding air pollutant emissions, as well as by the influences of climate and topography, as discussed above. The primary determinant of concentrations of non-reactive pollutants (such as carbon monoxide "CO" and particulate matter) is proximity to major sources. Ambient CO levels usually closely follow the spatial and temporal distributions of vehicular traffic. A discussion of primary criteria pollutants is provided below.

Ozone

Ozone is a colorless gas with a pungent odor. Most ozone in the atmosphere is formed as a result of the interaction of ultraviolet light, reactive organic gases (ROG) and oxides of nitrogen (NOX). ROG which is the organic compound fraction relevant to ozone formation and sufficiently equivalent to volatile organ compounds (VOC's) for the purposes of this analysis, is composed of non-methane hydrocarbons. NOX is made of different chemical combinations of nitrogen and oxygen, mainly nitric oxide (NO) and nitrogen dioxide (NO₂). A highly reactive molecule, ozone readily combines with many different components of the atmosphere.

Carbon Monoxide

Carbon Monoxide (CO) is an odorless, colorless gas. CO causes a number of health problems including fatigue, headache, confusion and dizziness. The incomplete combustion of petroleum fuels in on-road vehicles and at power plants is a major cause of CO. CO is also produced during the winter from wood stoves and fireplaces. CO tends to dissipate rapidly into the atmosphere; consequently, violations of the State CO standard are generally associated with major roadway intersections during peak hour traffic conditions. "Hot spots" can occur at intersections with heavy peak hour traffic.

Nitrogen Dioxide

Nitrogen Dioxide (NO₂) is a by-product of fuel combustion, with the primary source being motor vehicles and industrial boilers and furnaces. The principal form of nitrogen oxide produced by combustion is nitric oxide (NO), but NO reacts rapidly to form NO₂, creating the mixture of NO and NO₂ commonly called NOX. Nitrogen dioxide is an acute irritant. A relationship between NO₂ and chronic pulmonary fibrosis may exist, and an increase in bronchitis in young children at concentrations below 0.3 parts per million (ppm) may occur. Nitrogen dioxide absorbs blue light and causes a reddish-brown cast to the atmosphere and reduced visibility. It can also contribute to the formation of MP10 (particulate matter 10 microns or less in size) and rain.

Particulate Matter

Suspended particulate matter (airborne dust) consists of particles small enough to remain suspended in the air for long periods. Fine particulate matter includes particles small enough to be inhaled, pass through the respiratory system, and lodge in the lungs, with resultant health effects. Particulate matter can include materials such as sulfates and nitrates, which are particularly damaging to the lungs. These include particulates that are small enough to be considered "inhalable" i.e., 10 microns or less in size (PM₁₀) and PM_{2,5}.

Current Ambient Air Quality:

Local Air basins and CARB monitor ambient air quality to assure that air quality standards are met, and if they are not met, to develop strategies to meet the standards. Air quality monitoring stations measure pollutant ground-level concentrations. Depending on whether the standards are met or exceeded, the local air basin is classified as in "attainment" or "non-attainment". Some areas are unclassified, which means no monitoring data is available. Unclassified areas are considered to be in attainment.

Regulatory Setting:

This analysis has been prepared pursuant to CEQA and its associated Guidelines; in accordance with local, State and Federal laws, including those administered by MBARD, CARB and USEPA. The principal air quality regulatory mechanisms include the following:

- Federal Clean Air Act (FCAA) in particular, the 1990 amendment
- California Clean Air Act (CCAA)
- California Health and Safety Code, in particular Chapter 3.5, (Toxic Air Contaminants) (section 39650 et. seq.) and Part 6 (Air Toxics “Hot spots” information and assessment) (section 44300 et. seq.)
- MBARD’s Rules and Regulations and air quality planning documents

Federal:

As discussed more fully below, the federal and state governments have been empowered by the Clean Air Acts to regulate the emission of airborne pollutants and have established ambient air quality standards for the protection of public health. USEPA is the federal agency designated to administer air quality regulation, while CARB is the state equivalent in California.

Federal Clean Air Act:

USEPA is charged with implementing national air quality programs. USEPA’s air quality mandates are drawn primarily from the federal CAA. The CAA was passed in 1963 by the U.S. Congress and has been amended several times. The 1970 CAA amendments strengthened previous legislation and laid the foundation for the regulatory scheme of the 1970’s and 1980’s. In 1977, Congress again added several provisions including non-attainment requirements for areas not meeting NAAQS and the prevention of Significant Deterioration program. The 1990 CAA amendments represent the latest in a series of federal efforts to regulate the protection of air quality in the United States.

State

California Clean Air Act:

The California Clean Air Act (CCAA) , signed into law in 1988, requires all areas of the state to achieve and maintain the CAAQS by the earliest practical date. CARB is the state air pollution control agency and is a part of the California Environmental Protection Agency (CalEPA). CARB is the agency responsible for coordination and oversight of state and local air pollution control programs in California, and for implementing the requirements of the CCAA. CARB monitors local district compliance with California and General laws, approves local air quality plans, submits the State Implementation Plan to the USEPA, monitors air quality, determines and updates area designation and maps, and set emissions standard for new mobile sources, consumer products, small utility engines, off-road vehicles, and fuels.

California Ambient Air Quality Standards:

The CCAA requires CARB to establish CAAQS, similar to the NAAOS, CAAQS have been established for the following pollutants: ozone, CO, NO₂, SO₂, PM₁₀, PM_{2.5}, lead, vinyl chloride, hydrogen sulfide, sulfates and visibility-reducing particulates. In most cases the CAAQS are more stringent

than the NAAQS pollutants. The CCAA requires that all local air districts in the State endeavor to achieve and maintain the CAAQS by the earliest practical date. The CCAA specifies that local air districts should focus particular attention on reducing the emissions from transportation and area-wide emission sources and provides districts with the authority to regulate indirect sources.

California Air Resources Board Air Quality and Land Use Handbook:

In April 2005, CARB released the final version of its Air Quality and Land Use Handbook: “A Community Health Perspective”. This guidance document is intended to encourage local land use agencies to consider the risks from air pollution before they approve the siting of sensitive land uses (e.g., residences) near sources of TAC’s (e.g., Freeways and high traffic roads, commercial distribution centers, rail yards, ports, refineries, dry cleaners, gasoline station and industrial facilities). These advisory recommendations include general setbacks or buffers from air pollution sources. However, unlike industrial or stationary sources of air pollution, the siting of new sensitive land uses does not require air quality permits or approval by air districts and as noted above, the CARB handbook provides guidance rather than binding regulations.

Regional:

MBARD regulates air quality in the NCCAB. MBARD is responsible for attainment planning, related to criteria air pollutants as well as district rule development and enforcement. To assist agencies with air quality analyses prepared for CEQA assessments, MBARD published the CEQA Air Quality Guidelines document in 2008. The purpose of the Guidelines is to assist in the review and evaluation of air quality impacts from projects that are subject to CEQA. The Guidelines are an advisory document intended to provide lead agencies, consultants, and project proponents with uniform procedures for assessing potential air quality impacts and preparing the air quality section of environmental. The Guidelines are also intended to help these entities anticipate areas of concern from the MBARD in its role as a lead and/or responsible agency for air quality.

Air Quality Management Plan:

In accordance with the CCAA, the MBARD developed the 2017 Air Quality Management Plan (AQMP) for the Monterey Bay Region. The 2017 AQMP discusses MNARD’s efforts for achieving the 8-hour ozone requirement as the region has already attained the 1-hour standard. The plan includes an updated air quality trends analysis, which reflects the 8-hour standard, as well as an updated emission inventory, which includes the latest information on stationary, area, and mobile emission sources.

Local:

2035 General Plan

The 2035 San Benito County General Plan, containing the Health and Safety Element provides the following goals, policies and objectives pertaining to air quality and that are relevant to this analysis:

Health and Safety Element:

- **Goal HS-5.** To improve local and regional air quality to protect residents from the adverse effects of poor air quality.

Sensitive Receptors:

Certain population groups are more sensitive to air pollution than the general population, in particular sensitive receptors include children, the elderly, acutely ill and chronically ill persons, especially those with cardio-respiratory diseases. Sensitive receptors that are in proximity to localized sources of particulate matter, toxics and CA are of particular concern. As described in the MBARD's 2008 CEQA Guidelines, a sensitive receptor is defined as: any residence including private homes, condominiums, apartments, and living quarters; education resources such as preschools and kindergarten through grade twelve (K-12) schools; daycare centers; and health care facilities such as hospitals or retirement and nursing homes.

Summary Response to Impacts:

In a review of the MBARD's CEQA Air Quality Guidelines, Section 5 "INITIAL STUDY / DETERMINING SIGNIFICANCE" Construction impacts along with Activity impacts thresholds are set forth. The proposed project falls below the minimum threshold levels for both Construction and Activity designations.

Construction: The construction impacts apply to projects where 2.2 acres of grading activity take place on a project site. In the case of the Travelers Station, a total of 1.9 acres of grading activity will take place; 0.3 acres below the threshold level.

Activity Thresholds: As a commercial project, Travelers Station is not considered as a destination service provider, but a "capture" site. A "capture" site is one that has more than 50% of its generated vehicle trips that are assigned to existing "passerby/capture trips". The Traffic study prepared by Keith Higgins has identified 57.6% of all trips associated with the project are from "passerby/capture" trips. In addition to capturing these trips, it will also reduce travel distances and time these types of trips originally make to secure goods and services which are now available at the project site. These are commonly referred to as "redirected" trips.

Responses:

- a) Less Than Significant Impact – CEQA Guidelines Sec. 15125(b) requires an evaluation of project consistency with applicable regional plans. The Monterey Bay Air Resources District (MBARD) 2017 Air Quality Management Plan (AQMP) addresses attainment of the state ozone standards and federal air quality standards. The AQMP projects growth in emissions based on population forecasts prepared by the regional agency AMBAG and other indicators. The proposed project would not result in an increase in population. The proposed project would be consistent with the MBARD 2017 AQMP. In addition, as noted in response b) and the "Summary of Response to Impacts" section, the proposed project would not result in a significant increase in emissions. For these reasons, implementation of the proposed project is not anticipated to result in a substantial increase in either direct or indirect emissions that would conflict with or obstruct implementation of the AQMP. This impact is considered a Less Than Significant Impact.

b) Less Than Significant Impact - Grading and filling during construction could result in impacts to air quality. Site disturbance activities could result in short term, localized decrease in air quality due to the generation of particulate emissions (PM10). The MBARD 2008 CEQA Air Quality Guidelines establish certain standards of significance for evaluating potential air quality effects of projects, subject to the requirements of CEQA (see Table 5-1, page 5-14, of the MBARD 2008 CEQA Guidelines). According to MBARD a project would violate an air quality standard and/or contribute to an existing or projected violation if it would:

- Emit 137 pounds per day or more of volatile organic compounds or NOx
- Directly emit 550 pounds per day of CO
- Generate traffic that significantly affects levels of service. (replace by VMT studies)
- Directly emit 82 lbs./day or more of PM10 on site during operation or construction
- Generate traffic on unpaved roads of 82 lbs./day or more of PM10; or
- Directly emit 150 lbs./day or more of oxides of Sulfur (“Sox”)
- Grading a site of 2.2 acres or greater

Construction. According to the MBARD’s criteria for determining construction impacts (as updated February 2008), a project would result in a potentially significant impact if it would result in 8.1 acres of minimal earthmoving per day or 2.2 acres per day with major grading and excavation. Since the project will not be grading over 2.2 acres, it would be considered below the threshold. In addition, the project would also implement standard construction Best Management Practices (BMP’s) related to dust suppression, which would include: 1) watering active construction areas, 2) prohibiting grading activities during periods of high wind (over 15 mph), 3) covering trucks hauling soils and 4) covering exposed stockpiles. The implementation of BMP’s would further ensure that potential construction related emissions would be minimized. Since the project is under the threshold for construction air quality impacts, this impact is considered to be Less Than Significant.

Operational. Based on preliminary modeling, the MBARD establishes screening criteria for development projects which provide an indication of whether a development could result in a potentially significant impact on ozone. These are levels at which indirect sources and area sources could potentially emit 137 lbs./day or more of VOC or NOX. The proposed project is below the screening criteria identified in Exhibit 5-4 “INDIRECT SOURCES WITH POTENTIALLY SIGNIFICANT IMPACTS ON OZONE”. Convenience Market with gas pumps must exceed 9,200 square feet in size to be considered “Potentially Significant”. Since the proposed project is 4,000 square feet in size, it falls below the threshold level for this type of use. Potential operational air quality emissions associated with project traffic would also be below applicable MBARD thresholds of significance. As a result, the proposed project is not anticipated to result in substantial operational air quality impacts, this is considered a Less Than Significant Impact.

- c) Less Than Significant Impact – Project construction and operation would not result in a significant air quality impact (see response c) above). All impacts would be below applicable MBARD thresholds of significance, including thresholds for ozone precursors. As there are not significant impacts, project construction and operation would not result in a cumulatively considerable new increase in any criteria pollutant. Air quality impacts associated with the project would not be significant. This represents a Less Than Significant Impact.
- d) Less Than Significant Impact – A “sensitive receptor” is generally defined as any residence including private homes, condominiums, apartments, or living quarters; education resources such as preschools and kindergarten through grade twelve (K-12) schools; daycare centers, and health care facilities such as hospitals or retirement and nursing homes. There are several existing single-family residences within the vicinity of the proposed project. The closest residence is located over ¼ mile to the southwest. The MBARD’s 2008 CEQA Air Quality Guidelines state that a project would have a significant impact to sensitive receptors if it would cause a violation of any CO, PM10 or toxic air contaminant standards at an existing or reasonably foreseeable sensitive receptor. As previously stated, the project will employ standard construction BMP’s. This will allow emissions of CO resulting from construction of the proposed project to be below applicable MBARD thresholds standards of significance. For these reasons, construction activities would be considered to have a Less Than Significant Impact.

IV. BIOLOGICAL RESOURCES

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES. Would the project:				
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 Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting:

The Site is 2.6 acres in size and is relatively level with a slight slope from north to south on the property. Access to the site is off a county road, Searle Road, with two full movement access drives and one limited exit (right only). There is a line of existing Eucalyptus trees along the eastern property line. These trees straddle the common property line between Caltrans and the project site. There are no wetlands or water ways, either seasonal or permanent, on site or adjacent to the project site. The existing vegetation on the site is characterized as ruderal (weedy) fields, with less intensive coyote brush.

Federal

Federal Endangered Species Act

The United States Fish and Wildlife Service (USFWS) enforce the provisions stipulated in the Federal Endangered Species Act of 1973 (FESA. 16 USC Section 1531 et seq.). Species identified as threatened or endangered are protected from take, which is defined as direct or indirect harm, unless a Section 10 permit is granted. Pursuant to the requirements of the FESA, an agency reviewing a proposed project within its jurisdiction must determine whether any federally listed species may be present on the project site and determine whether the proposed project will have

a potentially significant impact on them. Under the FESA, habitat loss is considered to be an impact to a species. Therefore, project related impacts to those species or their habitats would be considered significant and would require mitigation.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) of 1918 established federal responsibilities for the protection of nearly all species of birds, their eggs and nest. The Migratory Bird Treaty Reform Act of 2004 further defined species protected under the act and excluded all non-native species. Section 16 U.S.C. 703-712 of the act states “unless and except as permitted by regulations, it shall be unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take capture, or kill” a migratory bird. Currently there are 836 migratory birds protected nationwide by the MBTA, of which 58 are legal to hunt.

State

California Code of Regulations and California Fish and Game Code

The official listing of endangered and threatened animals and plants is contained in the California Code of Regulations Title 14 Section 670.5. A state candidate species is on that the California Fish and Game Code has formally noticed as being under review by CDFW for inclusion on the state list pursuant to Sections 2074.2 and 2075.5 of the California Fish and Game Code.

Legal protection is also provided for wildlife species in California that are identified as “fully protected animals”. CDFW is unable to authorize incidental take of fully protected species when activities are proposed in areas habited by these species. Senate Bill 618 (2011) allows the CDFW to issue Incidental Take permits of fully protected species under the CESA.

California Environmental Quality Act (CEQA)

Under CEQA, the Lead Agency analyzes whether projects would have a substantial adverse effect on a candidate, sensitive, or special-status species (Public Resources Code Section 2100 (c)). These “special-status” species generally include those listed under the FESA and the CESA, and species that are not currently protected by statute or regulation, but would be considered rare, threatened, or endangered under the criteria included in the State CEQA Section 15380.

Although threatened and endangered species are protected, no specific federal or state list of protected species may be considered rare if it can be shown to meet certain specified criteria. CEQA provides an agency with the ability to protect a species from the potential impacts of a project until the representative government agency has an opportunity to designate the species as protected, if warranted.

California Native Plant Protection Act

The California Native Plant Protection Act of 1977 (California Fish and Game Code Section 1900-1913) empowers the Fish and Game Commission to list native plant species, subspecies, or varieties as endangered or rare following a public hearing. To the extent that the location of such plants is known, CDFW must notify property owners that a listed plant is known to occur on their property.

Nesting and Migratory Birds

California Fish and Game Code Subsections 3503 and 3800 prohibit the possession, take, or needless destruction of birds, their nests and eggs, and the salvage of dead nongame birds. Subsection 3513 states that it is unlawful to take or possess any migratory nongame bird as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

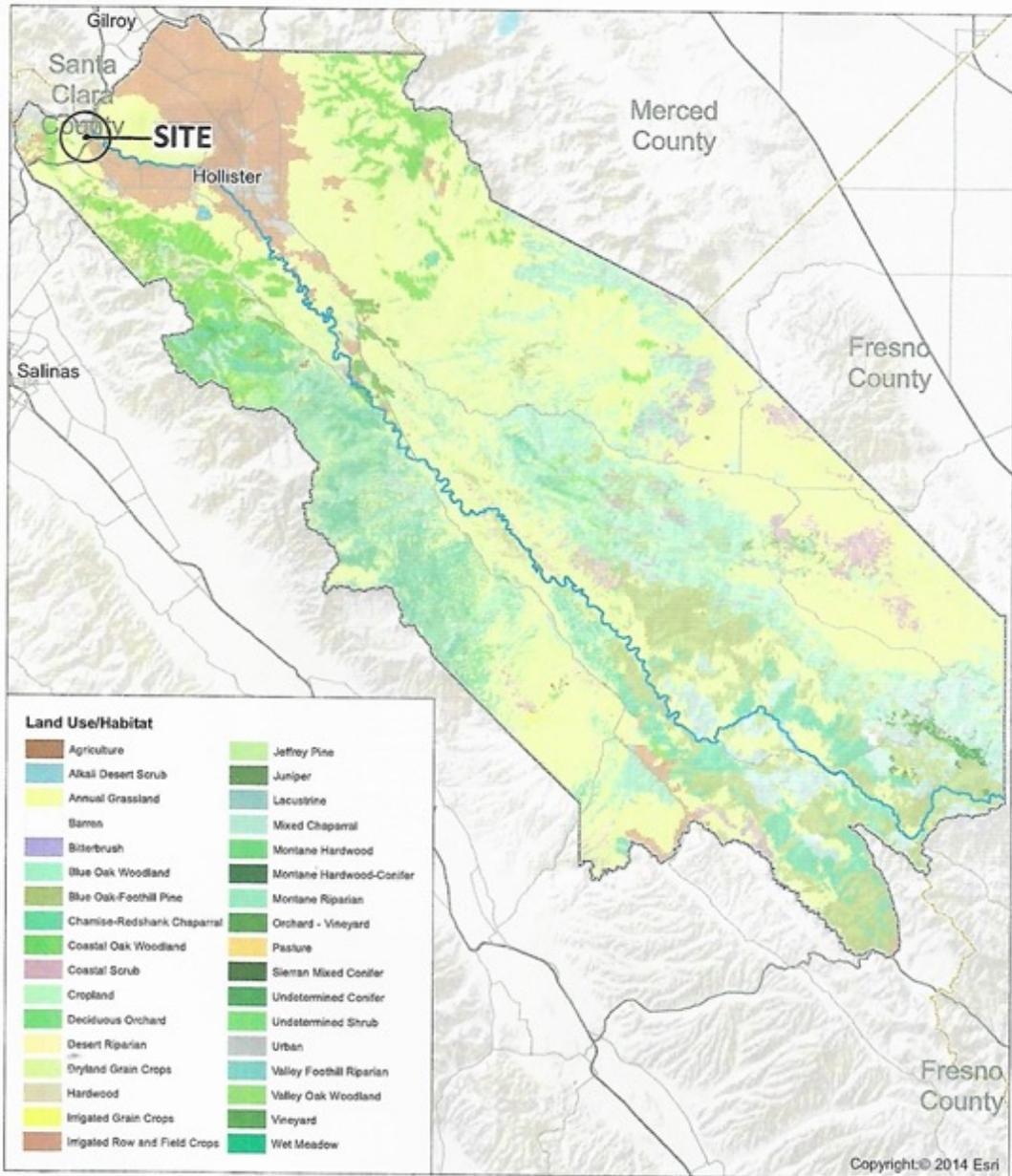
Local:

2035 General Plan.

The 2035 General Plan Land Use and Natural and Cultural Resources Elements provide the following goals, policies and objectives pertaining to biological resources that are relevant to this analysis. Further evaluation of the project's consistency with specific 2035 General Plan policies is set forth in the Land Use and Planning section. Figures 8 and 9 from the 2035 General Plan EIR indicate the site is in an agricultural use area, and is not in an area of critical habitat area.

Land Use Element

- **LU-1.8 Plan Environmental Content requirements.** The County shall require all submitted site plans, tentative maps and parcel maps to depict all environmentally sensitive and hazardous areas, including 100-year floodplains, fault zones, 30 per cent or greater slopes, severe erosion hazards, fire hazards, wetlands, and riparian habitats.
- **LU-1.10 Development Site Suitability.** The County shall encourage development sites to avoid natural and manmade hazards, including but not limited to, active seismic faults, landslides, slopes greater than 30 percent, and flood plains. Development sites shall also be on soil suitable for building and maintaining well and septic systems. The County shall require adequate mitigation for any development located on environmentally sensitive lands



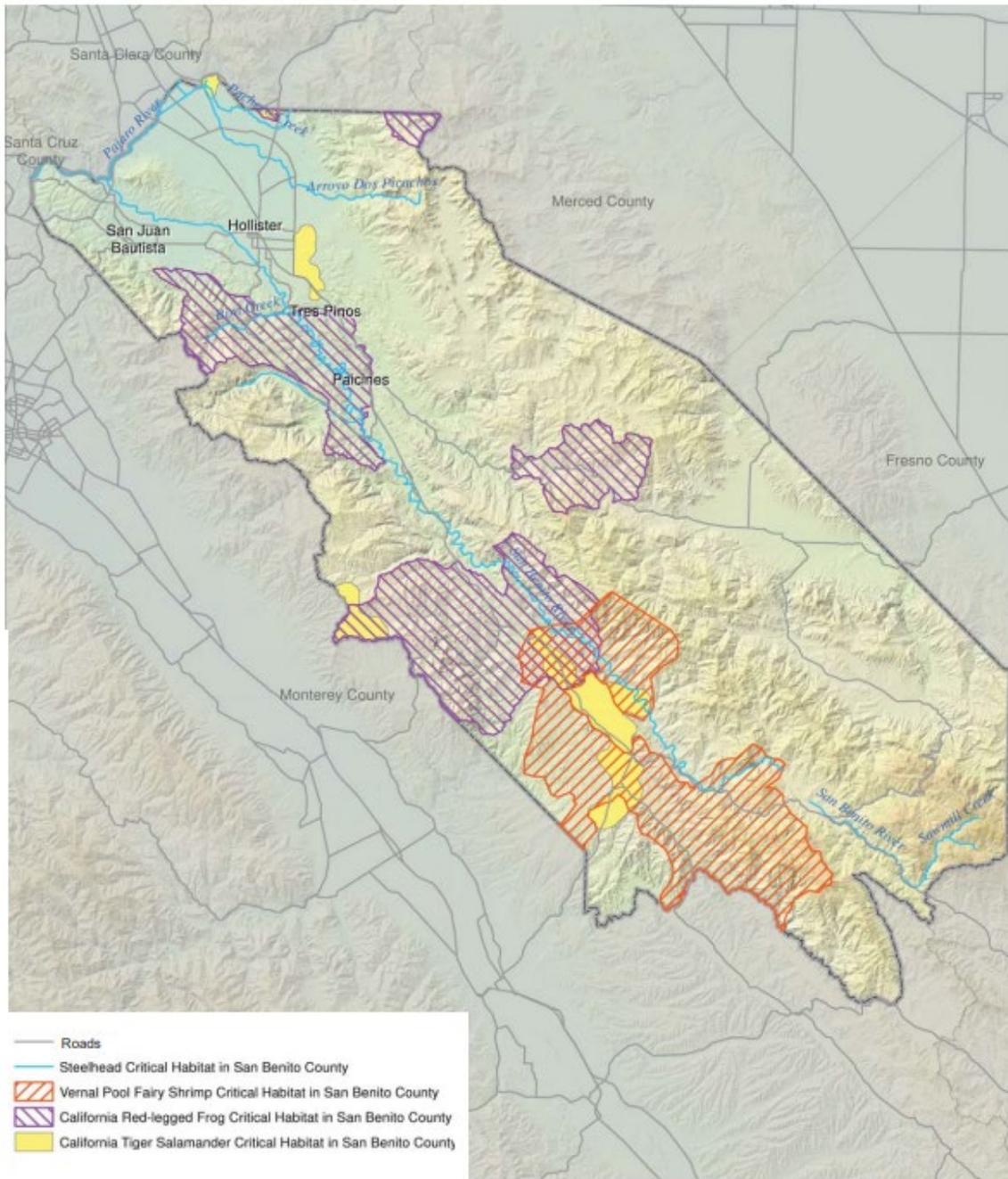
Source: CAL FIRE 2014, CALVEG 2006

FIGURE 8



Habitats in San Benito County

2035 San Benito County General Plan Revised DEIR



 Not to scale

Source: California red-legged frog, USFWS 2010; California tiger salamander, USFWS 2005;
 Vernal pool fairy shrimp, USFWS 2006; Steelhead, NOAA Fisheries 2005

Figure 8-4



USFWS Designated Critical Habitat within San Benito County

2035 San Benito County General Plan Revised DEIR

FIGURE 9

Natural and Cultural Resources Element

- **Goal NCR -1.** To Preserve and enhance valuable open-space lands that provide wildlife habitat and conserve natural, historical, archaeological, paleontological, tribal and visual resources of San Benito County.
- **Goal NCR -2.** To protect and enhance wildlife communities through a comprehensive approach that conserves, maintains and restores important habitat areas.

San Benito County Code of Ordinances:

Some resources are afforded protection through local ordinances such as those that protect trees, riparian corridors, and environmentally sensitive habitats. San Benito County has County code provisions which protect natural resources and addresses compliance with environmental regulations.

Responses:

- a) Less than Significant Impact With Mitigation – The proposed project involves the development of a fallow site, previously unused. There are no mapped riparian areas on the site, nor any sensitive natural communities identified in the development area. The site does not contain significant biological resources. There are large trees along the eastern boundary of the proposed project site, which are to be preserved when the project is developed. These trees could provide nesting habitat for birds, including migratory birds and raptors. Nesting birds are among the species protected under provisions of the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, and 2800. Construction of the project during the breeding season could result in the incidental loss of nesting, or otherwise lead to nest abandonment. Disturbance that causes abandonment and/or loss reproductive effort is considered a taking by the CDFW. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute an impact. Construction activities, such as site grading that disturb a nesting bird or raptor on-site immediately adjacent to the construction zone would also constitute an impact. Mitigation Measure MM BIO-1 requires that preparation of pre-construction surveys for nesting raptors and other migratory nesting birds be conducted by a qualified ornithologist. If nesting raptors are discovered, project construction activities will be adjusted based on the recommendations of the ornithologist. This will reduce the potential impact to Less Than Significant.
- b) No Impact – The proposed project involves the development of a site that has been fallow for over 15 years. There are no mapped riparian areas on the site, nor any sensitive natural communities identified in the development area.

- c) No Impact – The project site does not contain any state or federally protected Wetlands.
- d) Less Than Significant Impact with Mitigation – The proposed project site has not been identified as a wildlife corridor site given its location and adjacent uses, nor have any nesting areas been identified. In order to ensure no unanticipated wildlife impacts occur, Mitigation Measure MM BIO-1 requires that preparation of pre-construction surveys for nesting raptors and other migratory nesting birds be conducted by a qualified ornithologist. If nesting raptors are discovered, project construction activities will be adjusted based on the recommendations of the ornithologist. This will reduce the potential impact to Less Than Significant.
- e) No Impact – The proposed development does not propose to remove any of the “boarder” tree line and therefore, will not violate and existing County Code ordinances or policies intended to preserve native trees.
- f) Less Than Significant Impact – The proposed project is not located in an area covered by a Habitat Conservation Plan (HCP). However, the entire unincorporated area in San Benito County is proposed to be within a future HCP study area. All County projects are required to pay a Habitat Conservation Mitigation fee. This will bring the project into conformance with an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, region, or state habitat conservation plan. As a result, the impact will be Less Than Significant.

Mitigation

MM BIO-1

a) & d) To avoid any potential impact of construction during the nesting season, a pre-construction survey for nesting raptors and other migratory nesting birds shall be conducted by a qualified ornithologist. Projects that commence demolition and/or construction activities between February 1st and August 31st shall conduct a pre-construction survey for nesting birds no more than 14 days prior to initiation of construction, demolition activities or tree removal.

V. CULTURAL RESOURCES

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Setting:

The proposed project is 2.6 acres in size and is surrounded on all sides by public rights of ways. The property is relatively flat, with a slight slope from north to south across the site. When developed, approximately 70% of the site will be comprised of project improvements.

Regulatory Setting:

Cultural resources, including built environment and archaeological resources, may be designated as historic by National, State or local authorities. For a resource to qualify for listing in the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR) or a locally significant resource, it must meet one or more identified criteria of significance. The resource must also retain sufficient historic integrity, which is defined in *National Register Bulletin 15* as the “ability of a property to convey its significance”

Federal:

Cultural resources are considered during federal undertakings chiefly under section 106 of the National Historic Preservation act (NHPA) through one of its implementing regulations, 36 code of Federal Regulations (CFR) 800 (Protection of Historic Properties), as well as the National Environmental Policy Act (NEPA). Properties of traditional religious and cultural importance to Native Americans are considered under section 101 (d) (6) (A) of the NHPA. Other relevant federal laws include the Archaeological Data Preservation Act of 1974, American Indian Religious Freedom Act of 1978, Archaeological Resources Protection Act of 1979, and Native American Graves Protection and Repatriation Act of 1989.

American Indian Religious Freedom Act Of 1978 (42 U.S.C. §§ 1996 and 1996a)

The American Indian Religious Freedom Act of 1978 and Native American Graves and Repatriation act of 1990 (25 U.S.C.§§ 3001 *et.seq.*) establishes that traditional religious practices and beliefs, sacred sites, and the use of sacred objects shall be protected and preserved.

Secretary of the Interior’s Standards

The Secretary of the Interior is responsible for establishing professional standards and providing guidance related to the preservation and protection of all cultural resources listed in or eligible for listing in the NRHP.

State:

California Environmental Quality Act

CEQA requires a lead agency to analyze whether historic and/or archaeological resources may be adversely impacted by a proposed project. Under CEQA, a “project that may cause a substantial adverse change in the significance of a historic resource is a project that may have a significant effect on the environment” (California Public Resources Code, section 21084.1). Answering this question is a two-part process: first, the determination must be made as to whether the proposed project involves cultural resources; second, if cultural resources are present, the proposed project must be analyzed for a potential “substantial adverse change in the significance” of the resource.

California Register of Historical Resources

A cultural resource is evaluated under 4 (four) California Register criteria to determine its historical significance. A resource must be significant at the local, State, or national level in accordance with one or more of the following criteria set forth in the State CEQA Guidelines, section 15064.5(a)(3). According to CEQA, all buildings constructed over 50 years ago and that possess architectural or historical significance may be considered potential historic resources. Most resources must meet the 50-year threshold for historic significance however less than 50 years in age may be eligible for listing on the CRHR if it can be demonstrated that sufficient time has passed to understand their historical importance.

In addition, if a project can be demonstrated to cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to permit any or all these resources to be preserved in place or left in an undisturbed state. To the extent that resources cannot be left undisturbed, mitigation measures are required (Public Resources Code, section 21083.2A[a], [b], and [c].). Public Resources Code, section 21083.2(g) defines a “*unique archaeological resource* as an archaeological artifact, object or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- 1) Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
- 2) Has a special and particular quality such as being the oldest of its type or the best available example of its type.
- 3) is directly associated with a scientifically recognized important prehistoric or historic event or person.”

Regulations Pertaining to Human Remains

Section 15064.5 of the State CEQA Guidelines also assigns special importance to human remains and specifies procedures to be used when Native American remains are discovered. The disposition of human remains is governed by Health and Safety Code section 7050.5 and Public Resources Code sections 5097.94 and 5097.98, and, when the remains are of Native American origin, falls within the jurisdiction of the Native American Heritage Commission (NAHC). Section

7050.5 of the Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, the County Coroner must be notified within 48 hours and there shall be no further excavation or disturbance of the site, or any nearby area reasonably suspected to overlie adjacent remains until the County Coroner has determined whether or not the remains are subject to the coroner's authority. If the human remains are of Native American origin, the coroner must notify NAHC within 24 hours of this identification. The NAHC would identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. The State CEQA Guidelines. Section 15064.5 directs the lead agency (or applicant) under certain circumstances, to develop an agreement with the Native Americans for the treatment and disposition of the remains.

Public Resources Code Section 5097.5

Public Resources Code section 5097.5 prohibits excavation or removal of any "vertebrate paleontological site...or any other archaeological, paleontological or historic feature, situated on public lands, except with express permission of the public agency having jurisdiction over such lands, "Public lands are defined to include lands owned by or under the jurisdiction of the State or any city, county, district, authority or public corporation, or any agency thereof. Section 5097.5 states that any unauthorized disturbance or removal of archaeological, historical, or paleontological materials or sites located on public lands is a misdemeanor.

Local:

2025 General Plan

The 2035 General Plan Natural and Cultural Resources Element provides the following goals, policies, and objectives pertaining to archaeological, paleontological, Native American, tribal, cultural, and historic resources and unique geological formations that are relevant to this analysis. As noted above, a full discussion of the project's potential impacts to tribal resources is set forth in the Tribal Cultural Resources section.

Natural and Cultural Resources Element

- **Goal NCR-7.** To protect, preserve, and enhance the unique cultural and historic resources in the county.

San Benito County Code of Ordinances

The following section of the San Benito County Code. Pertains to cultural resources:

- Chapter 19.05: Archaeological Site Review

Responses:

a) No Impact. CEQA Guidelines §15064.5 describes a historic resource as: 1) any resource that is listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources; 2) a resource included in a local register of historical resources; and 3) any object, building, structure, site, area, place, record, or manuscript

which a lead agency determines to be historically significant based on substantial evidence in light of the whole record. A substantial change includes the physical demolition, destruction, relocation, or alteration of a resource or its immediate surroundings such that the significance would be materially impaired (CEQA Guidelines §15064.5(b)).

A cultural resource evaluation was conducted in January 2022 by Archaeological Resource Services. The results of the on-site study and archival research are “The property does not contain any archaeological resources that warrant a finding of significance, nor does the proposed project have any impact upon the known archaeological resources of the area. As such, further archaeological investigation is not warranted at this time.” Therefore, a no Impact finding is appropriate.

b) Less Than Significant Impact with Mitigation – Public Resources Code §21083.2 requires that lead agencies evaluate potential impacts to archaeological resources. Specifically, lead agencies must determine whether a project may have a significant effect or cause a substantial adverse change in the significance of an archaeological resource. Based on the results of the study by Archaeological Resource Service, the project site does not contain evidence of archaeological resources. Accordingly, the project would not significantly impact a known archaeological resource. While no archaeological resources have been documented on-site, previously unknown or buried archaeological resources could, nevertheless be present. The project could impact potentially unknown or buried resources during construction. Mitigation Measure MM CUL-1 below is established to reduce potential impacts to archaeological resources to Less Than Significant Impact with mitigation.

c) Less Than Significant Impact with Mitigation – No known human remains, or paleontological resources, including those interred outside of formal cemeteries, are known to occur within the project site. In addition, Native Americans were consulted during the course of the preparation of the Archaeological Resources Assessment (Basin Research Associates, 2018). The project site is not a Sacred Lands site and the presence of known Native American remains were not identified during the course of the consultation. While the likelihood of human remains, including those interred outside of a formal cemetery, with the project site is low, it is possible that previously unknown human remains may be present. Previously unknown human remains could be impacted during construction. In order to minimize potential impacts to Less Than Significant Impact, mitigation is necessary. The implementation of mitigation measure MM CUL-1, below, would ensure that potential adverse impacts would be reduced to Less Than Significant Impact with mitigation.

Mitigation

MM CUL-1

If archaeological resources or human remains are accidentally discovered on the project site during construction, work shall be halted by the construction manager within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented. Materials of particular concern would be concentrations of marine shell, burned animal bones, charcoal, and flaked or ground stone fragments. (Ref. Health and Safety Code 7050.5). If human remains are found at any time on the project site, work must be stopped by

the construction manager, and the County Coroner must be notified immediately. If the Coroner determines the remains are Native American, the Native American Heritage Commission will be notified as required by law. The Commission will designate a "Most Likely Descendant" who will be authorized to provide recommendations for management of the Native American human remains. (Ref. California Public Resource Code Section 5097.398; and Health and Safety Code Section 7050.5). If, at any time in the preparation for or process of excavation or otherwise disturbing the ground, any human remains of any age, or any significant artifact or other evidence of an archaeological site are discovered, the applicant or builder shall:

- a) Cease and desist from further excavation and disturbances within two hundred feet of the discovery or in any nearby area reasonably suspected to overlie adjacent remains.
- b) Arrange for staking completely around the area of discovery by visible stakes no more than ten feet apart, forming a circle having a radius of not less than one hundred feet from the point of discovery; provided, however, that such staking need not take place on adjoining property unless the owner of the adjacent property authorizes such staking. Said staking shall not include flags or other devices which may attract vandals.
- c) Notify the Sheriff-Coroner if the discovery of human and/or questionable remains have been discovered. The Resource Management Agency Director shall also be notified.
- d) Subject to the legal process, grant all duly authorized representatives of the Coroner and the Resource Management Agency Director permission to enter onto the property and to take all actions consistent with Chapter 19.05 of the San Benito County Code and consistent with §7050.5 of the Health and Human Safety Code and Chapter 10 (commencing with §27460) of Part 3 f Division 2 of Title 3 of the Government Code.

The statement above shall be included in the grading permit and construction plans for the proposed project.

VI. ENERGY

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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VI. ENERGY. Would the project:

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting:

The site is currently undeveloped and requires no consumption of energy resources in its current state. The surrounding lands are either undeveloped or are public rights of way (US 101, SR 129 and Searle Road). The development of the proposed Travelers Station will require installation of electrical service to operate the store and fueling pump activity. In addition, three electrical charging stations are proposed to support electrical vehicle use. The service islands and site lighting will also increase the power requirements. A typical commercial development can be expected to have a building size equal to approximately 25% of the total project site, with the remainder in landscaping and parking. The proposed Travelers Station building (4,000 sq. ft.) will occupy 3.5% of the site, well below the typical size for a project on a similar 2.6-acre site. Because of the smaller footprint, energy demands will be less than would be anticipated.

Regulatory Setting:

As traditional sources of energy are depleted, there is a need to develop alternative methods of power generation. The local regulation goals are intended to reduce the dependence on “old” methods of energy consumption and replace it with energy sources with less impact on the environment. An overall county goal of energy independence is referenced in the County General Plan Goal NCR-6.

Responses:

a)– b) No Impact – The project proposes a commercial service use consistent with the 2035 General Plan and Zoning. While the project may result in an incremental increase in energy use, the construction of the proposed project will not result in a significant impact. The issuance of building permits associated with the construction of the new facility will include conformance with current energy requirements that are a component of statewide and local building codes. In addition, Travelers Station has been designed to convert in the future to the use of solar energy based upon its site layout. Providing electrical charging stations on site will encourage the use of electrical vehicles, when owners of such vehicles know that a “charging

site” is conveniently located. By providing such facilities and future opportunities the project will have No Impact.

VII. GEOLOGY AND SOILS

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VII. GEOLOGY AND SOILS. Would the project:				
a) Directly or indirectly cause 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting:

Regional Setting:

The project site is located in the Coast Range geomorphic province in the Hollister Valley, on the south end of the Santa Clara Valley with the San Juan Valley and Gabilan Range situated to the west and the Diablo Range to the east. Tectonic processes formed the Hollister Valley during the Pleistocene time.

The predominant structural feature in the California Coast Ranges is the San Andreas Fault, which is the structural boundary between two tectonic plates: The Pacific Plate to the southwest of the fault and the North American Plate northeast of the fault.

Seismic Hazards

The project site is located within a seismically active region. Significant earthquakes have occurred in this area and are believed to be associated with crustal movements along a system of sub-parallel fault zones that generally trend in a northwesterly direction. According to the Alquist-Priolo Earthquake Fault Zone Map, the project site is not within the Earthquake Fault zone. The San Andreas Fault Zone, an active fault identified by the Alquist-Priolo Earthquake Fault Zone Act, is located approximately 1.2 KM southwest of the project site (see Figure 10).

Liquefaction:

Soil liquefaction occurs when ground shaking from an earthquake causes a sediment layer saturated with groundwater to lose strength and take on the characteristics of a fluid, thus becoming similar to quicksand. In the case of the subject site, liquefaction was addressed by Surveys Group Incorporated (See Appendix 5) and addressed as follows:

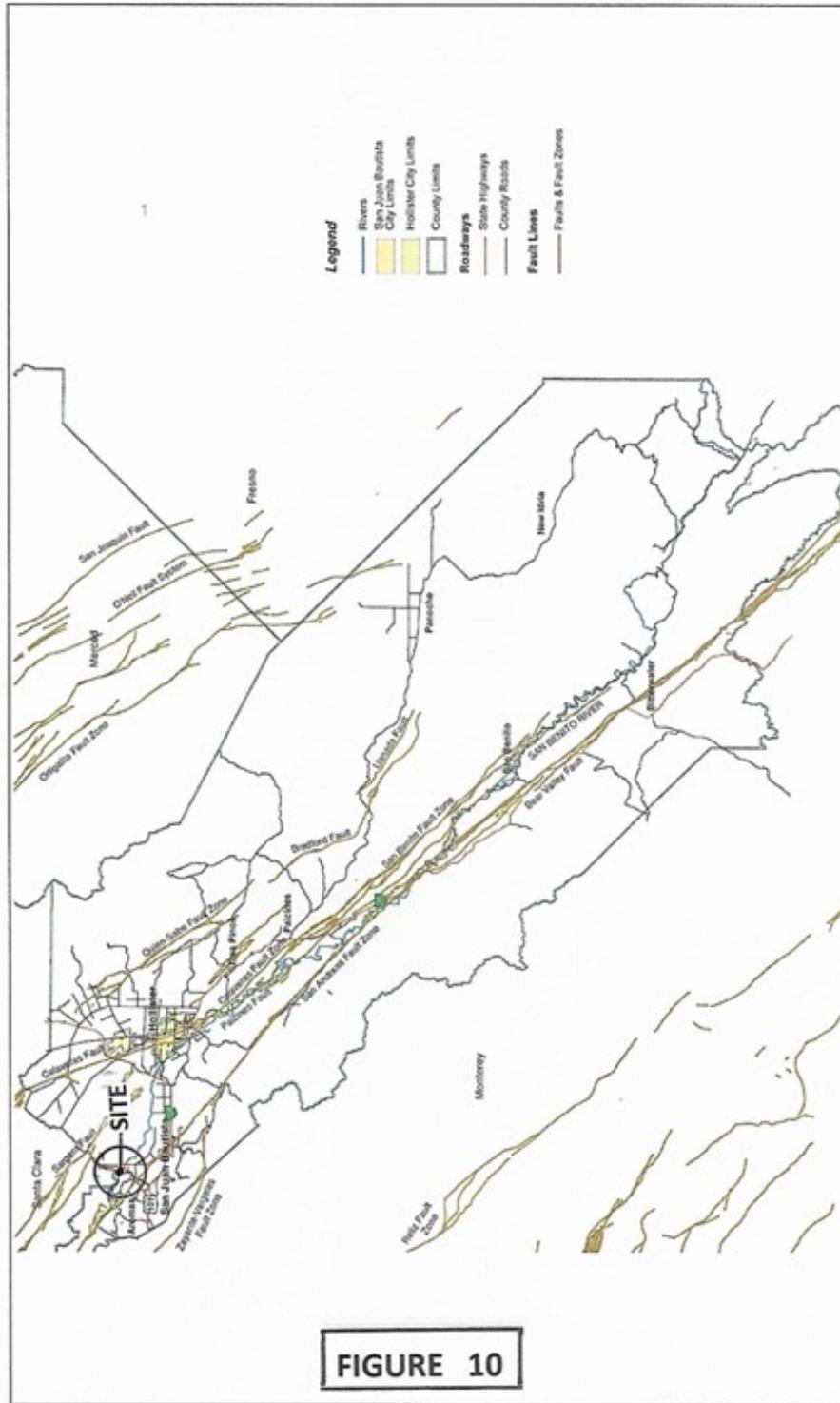
“Liquefaction and lateral spreading tend to occur in loose, fine saturated sands and in places where the liquefied soils can move toward a free face (e.g., a cliff or ravine). The deeper soils underlying the project site are typically very stiff, sandy silty soils and no ground water was encountered in the borings to a maximum explored depth of 31.5 feet. Considering the deeper silty soils, the absence of shallow groundwater, the potential risk for occurrence of damaging liquefaction or lateral spreading is considered to be low during a strong seismic event.”

Landslides:

“Landslide” is a general term for the dislodging and falling of rock and soil down a sloped surface. “Mudslide” is a general term used for a flow of very wet rock or soil. In the case of the subject property neither of the two issues apply. The site is relatively flat with no chance of landslides or mudslides occurring on the property.

Soil Characteristics:

Based upon the Geotechnical / Soils Report prepared for the property by Surveys Group Incorporated, the site’s soil profile is as follows: “The near surface soil consists of medium dense, silty, clayey, fine to coarse grained sand with gravel to a depth of three feet. Below this depth, the soil consists of stiff, fine grained, sandy silty clay to a depth of ten feet overlying very stiff, fine grained sandy silt to a depth of 20.0 feet. Below this depth, the soil consists of medium dense, silty, fine-grained sand to a depth of 23 feet overlying stiff to very stiff, silty clay to the bottom of the boring at 31.5 feet.”



Source: San Benito County Planning and Building Department 2010, U.S. Geological Survey 2010

Figure 10-2
Geologic Faults in San Benito County
 2035 San Benito County General Plan Revised DEIR



Regulatory Setting

Federal:

Storm water related erosion is one major source of soil-related impacts. Storm water discharges from construction activities (such as clearing, grading, excavation and stockpiling) that disturb one or more acres, or smaller sites that are part of a larger common plan of development or sale, are regulated under the National Pollutant Discharge Elimination System (NPDES) storm water program. Prior to discharging storm water, construction operators must obtain coverage under an NPDES permit. In California, the General Permit for Discharges of Storm water Associated with Construction activity are regulated by SWRCB and administered through the local RWQCB.

State:

Alquist-Priolo Earthquake Fault Zoning Act:

The Alquist-Priolo Earthquake Fault Zoning Act was signed into California law on December 22, 1972, to mitigate the hazard of surface faulting to structures for human occupancy. The Alquist-Priolo Act provides for special seismic design considerations if developments are planned in areas adjacent to active or potentially active faults.

Seismic Hazards Mapping Act:

The Seismic Hazards Mapping Act (SHMA) of 1990) Public Resources Code, section 2690-2699.6) directs the Department of Conservation, California Geological Survey to identify and map areas prone to earthquake hazards of liquefaction, earthquake-induced landslides and amplified ground shaking. The purpose of the SHMA is to reduce the threat to the public safety and to minimize the loss of life and property by identifying and mitigating these seismic hazards. The SHMA was passed by the Legislature following the 1989 Loma Prieta earthquake. The Seismic Hazards Mapping Act addresses geo-seismic hazards, other than surface faulting and applies to public buildings and most private buildings intended for human occupancy.

California Building Code:

The 2019 California Building Code (CBC) incorporates by reference and amends requirements in the 2018 International Building Code pertaining to geologic hazards, including seismically resistant construction and foundation and soil investigations prior to construction. The CBC also establishes grading requirements that apply to excavation and fill activities and requires the implementation of erosion control measures. The County is responsible for enforcing CBC.

Local:

2035 General Plan:

The 2035 General Plan Land Use Element, and Health and Safety element provide the following goals, policies and objectives pertaining to geology and soils that are relevant to this analysis. Consistency with specific 2035 General Plan policies that apply to the project is further evaluated in the Land Use and Planning Section.

Health and Safety Element:

- **Goal HS-1.** To maintain the necessary level of fire, EMS, law enforcement, and disaster preparedness for the protection of the health, safety and welfare of people living working and residing in San Benito County.

San Benito County Code of Ordinances

The County's Code contains several regulations and standards implementing the General Plan Policies identified above that address geology and soils. Building plans for development on the project site would be reviewed for consistency with the following ordinances:

- Chapter 19.17 Grading, Drainage and Erosion Control
- Chapter 21.01 Building Regulations Ordinance
- Chapter 23.25 Design Requirements
- Chapter 23.31 Article III. Storm Drainage Design Standards
- Chapter 25.41 Article V. Seismic Safety Division

Responses:

a.i) Less Than Significant Impact: The potential for surface rupture is low as no active faults cross the project site outside the Alquist-Priolo Earthquake Zones. Potential effects associated with the rupture of known faults are discussed separately below; refer to Response a.ii for more information. This represents a Less Than Significant Impact.

a.ii) Less Than Significant Impact – The fault is located approximately 1.2 KM Southwest of the project site. Due to the site's location in a seismically active region and with the Earthquake Zone, the project could be subject to strong seismic ground shaking during its design life. Incorporation of geotechnical study recommendations and building code requirements will be incorporated in the project design in order to reduce impacts to a Less Than Significant Impact level.

a.iii) Less Than Significant Impact - Based on the results of the Preliminary Soil report, liquefaction potential of the site should be low. As a result, the proposed project is not expected to result in any adverse environmental effects due to Liquefaction hazards, therefore any potential impacts would be Less Than Significant

a.iv) No Impact: Based upon the project's site topographic features of a relatively flat site, and the immediate adjacent lands which are also relatively flat, the likelihood of any landslides caused by or impacting this site from adjacent sites is very unlikely.

b.) Less than Significant Impact – Grading proposed for the project will be limited due to the nature of the existing soil profile. Topsoil for the proposed mounded septic system will be imported and stabilized for long term operation. All ground disturbance activities will be subject to the requirements of Chapter 19.17 of the San Benito County Code which regulates excavation, grading, drainage and erosion control measures and activities. A grading permit is required for all activities that would exceed 50 cubic yards of grading. All proposed developments are required to submit an erosion control plan and drainage plan and demonstrate compliance with

the National Pollution Discharge Elimination System (NPDES) prior to issuance of a grading permit. Compliance with the above regulations would ensure that all potential adverse impacts would be reduced to a Less Than Significant Impact level.

c.- d.) Less Than Significant - The site is in a relatively flat valley floor area which does not contain a geological unit or soil that is unstable or would potentially become unstable, or highly expansive soils. Design of the proposed project would be required to comply with the recommendations contained within mitigation measure GEO-1. Therefore, impacts relating to substantial soil erosion on, or off-site landslide, lateral spreading, subsidence, liquefaction or collapse are expected to be Less Than Significant Impact.

e.) Less Than Significant Impact – Percolation tests were performed by LandSet Engineering for a potential Septic System. Based on the outcome of the testing, it was determined “that the site soils yield percolation rates satisfactory for development per the requirements set forth by San Benito County for alternative disposal fields”. LandSet Engineers recommended installation of a mounded septic system to meet County standards. Use of a mounded system will reduce impacts to Less Than Significant.

f.) No Impact – The site is underlain by moist clayey soils and limited medium grained gravel content and does not contain a paleontological resource or site of unique geological features. The inadvertent discovery of any paleontological resources would be addressed through the provisions of County Ordinance 6109. Therefore, there will No Impacts.

VIII. GREENHOUSE GAS EMISSIONS

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VIII. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Regulatory Setting:

Regional Setting

The MBARD provides Greenhouse Gas (GHG) impact assessment guidance in its 2017 California Environmental Quality Act Air Quality Guidelines. This guidance documentation has not been finalized and is still being developed by the Monterey Bay Air Resources District. Based on the absence of such a guidance document, the project has used guidance from adjacent air districts, the Bay Area Air Quality Management District (BAAQMD) and the San Luis Obispo Air Pollution Control District (SLOAPCD) as a means of evaluation.

Local

2035 General Plan

The 2035 San Benito County General Plan, containing the Health and Safety Element provides the following goals, policies and objectives pertaining to air quality, that are relevant to this analysis:

Health and Safety Element:

- **Goal HS-5.** To improve local and regional air quality to protect residents from the adverse effects of poor air quality.

Sensitive Receptors:

Certain population groups are more sensitive to air pollution than the general population, in particular sensitive receptors include children, the elderly, acutely ill and chronically ill persons, especially those with cardio-respiratory diseases. Sensitive receptors that are in proximity to localized sources of particulate matter, toxics and CA are of particular concern. As described in the MBARD's 2008 CEQA Guidelines, a sensitive receptor is defined as: any residence including private homes, condominiums, apartments, and living quarters; education resources such as preschools and kindergarten through grade twelve (K-12) schools; daycare centers; and health care facilities such as hospitals or retirement and nursing homes.

A Greenhouse Gas analysis was performed by EMC Planning Group, Inc. and is contained in Appendix 7. As described above, guidance from the adjacent BAAQMD and SLOAPCD was used to analyze the potential GHG impacts of the proposed project. The BAAQMD provided GHG impact assessment guidance in its 2017 California Environmental Quality Act (CEQA) Air Quality

Guidelines. As part of that guidance, it derived a bright line threshold of 1,100 MT CO_{2e}/year. The SLOAPCD did the same in its 2012 CEQA Air Quality Handbook, and established a bright line threshold of 1,150 MT CO_{2e}/year. The substantial evidence used by each agency to develop their respective thresholds is included in their CEQA guidance documentation.

The thresholds referenced above were developed to guide new development within each district with the goal of meeting the state's Assembly Bill 32 statewide GHG emissions reduction target of 20 percent below 1990 levels by 2020. AB 32 was passed in 2006. Senate Bill 32 (SB32), passed in 2016, set a deeper GHG reduction target of 40 percent below 1990 levels by 2030. Consequently, the bright line thresholds identified above are no longer valid after 2020. Reducing these bright line thresholds by an additional 20 percent, to 880 MT CO_{2e}/year and 920 MT CO_{2e}/year, respectively, would approximate bright line values of 40 percent below 1990 levels to meet the 2030 emissions reduction target. Neither agency has adopted these scaled-down values as thresholds of significance, nor has the air district or County adopted either value as such. Rather, as noted above, these values are being used to qualitatively assess the relative magnitude of non-mobile source emissions from the proposed project. The non-mobile source project emissions of 20 MT CO_{2e}/year are a fraction of both values. Consequently, project GHG emissions should be considered to have a less than significant impact.

Responses:

a-b) Less Than Significant Impact - As previously described, neither the county nor the Air District have adopted plans for reducing GHG emissions. Consequently, the significance of mobile source GHG impacts is evaluated in the context of state legislation embodied in SB743, and non-mobile source GHG's are evaluated in the context of scaled qualified thresholds of significance guidance from adjacent air districts used in the past as part of their respective plans for reducing GHG emissions. Because the project impacts from GHG emissions have been determined to be less than significant based on a Greenhouse Gas Analysis, performed by EMC Planning Group, Inc. and contained in Appendix 7, the project would have a Less Than Significant Impact.

IX. HAZARDS AND HAZARDOUS MATERIALS

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
IX. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting:

The following databases were searched in June 2020 for records relating to any known hazardous materials contamination at the project site:

- SWRCB Geo Tracker database
- The Department of Toxic Substances Control (DTSC) EnviroStor database
- The Cortese List

Based on a search of the above databases, no hazardous materials contamination has been documented within the project site.

Other Potential Hazards:

Other hazards that are relevant to this analysis are wildland fire hazards and hazardous materials transported on nearby roadways. These potential hazards are discussed more fully below.

Wildland Fire Hazards

According to the San Benito County Community Wildlife Protection Plan, wildfires are any fire on undeveloped land. Wildfires are often caused by human activities, such as unattended campfires and smoking (U.S. Department of the Interior), and can result in loss of valuable wildlife habitat, soil erosion, and damage to life and property.

The level of wildlife fire risk for an area is determined by several factors, including:

- Climate conditions or changes in weather
- Terrain factors, including aspect and slope
- Fuel and vegetation characteristics
- Property boundary and outlying high-risk area
- Historic propensity of wildlife activity (CoreLogic 2013)

The California Department of Forestry and Fire Protection (CAL FIRE) has mapped the relative fire threat for San Benito County. The Fire and Resource Assessment Program (FRAP) fire threat analysis rates areas of the county into five separate categories, including little/none, moderate, high, very high, or extreme. The FRAP also assesses the wildlife urban interface, an area with or adjacent to an at-risk community that is identified in recommendations to the Secretary in a community wildfire protection plan.

Regulatory Setting:

The management of hazardous materials and hazardous wastes is regulated at federal, state, and local levels, including, among others, through programs administered by the USEPA; agencies within the CalEPA, such as the DTSC; federal and State occupational safety agencies; and the San Benito County Environmental Health Division. Regulations pertaining to flood hazards are further discussed in Hydrology and Water Quality, and regulations for geologic and soil-related hazards are discussed in Geology and Soils.

Definition of Hazardous Materials

A material is considered hazardous if it appears on a list of hazardous materials prepared by a federal, State, and local agency, or if it has characteristics defined as hazardous by such an agency. A hazardous material is defined in Title 22, section 66261.10 of the California Code of Regulations. Chemical and physical properties can cause a substance to be considered hazardous. Such properties include toxicity, ignitability, corrosivity and reactivity. California Code, Title 22, Sections 66261.20 through 66261.24 define the aforementioned properties. The release of hazardous materials into the environment could potentially contaminate soils, surface water, and groundwater supplies.

Federal:

The Federal Toxic Substance Control Act and the Resource Conservation and Recovery Act

These Acts, signed in 1976, established a program administered by the USEPA for the regulation of the generation, transportation, treatment, storage, and disposal of hazardous waste. The

Resource Conservation and Recovery Act (RCRA) was amended in 1984 by the Hazardous and Solid Waste Act (HSWA), which affirmed and extended the “cradle to grave” system of regulating hazardous wastes. Among other things, the use of certain techniques for the disposal of some hazardous wastes was specifically prohibited by HSWA.

The Comprehensive Environmental Response, Compensation and Liability Act

This Act was enacted in 1980 and amended by the Superfund Amendments and Reauthorization Act (SARA) in 1986. This law provides broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Among other things, the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) established requirements concerning closed and abandoned hazardous waste sites, provided for liability of persons responsible for releases of hazardous waste at these sites, and established a trust fund to provide for cleanup when no responsible party could be identified. CERCLA also enabled revision of the National Contingency Plan (NCP), which provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also established the National Priorities List (NPL).

Hazardous Materials Transportation Act

The Secretary of the U.S. Department of Transportation (DOT) receives the authority to regulate the transportation of hazardous materials from the Hazardous Materials Transportation Act (HMTA). This Act administers container design, labelling, shipper and carrier responsibilities, training requirements, and incident reporting requirements. These regulations are contained in Title 49 – Transportation, Code of Federal Regulations, Parts 100 to 180 and include all modes of transportation – air, highway, rail, and water (Federal Motor Carrier Safety Administration (FMCSA)).

State:

The California Environmental Protection Agency and Department of Toxic Substances Control

The California Environmental Protection Agency (CalEPA) is the primary agency in California that regulates hazardous waste, cleans up existing contamination, and looks for ways to reduce the hazardous waste produced in California. The Department of Toxic Substances Control (DTSC) regulates hazardous waste in California primarily under the authority of RCRA and the California Health and Safety Code.

DTSC also administers the California Hazardous Waste Control Law (HWCL) to regulate hazardous wastes. While the HWCL is generally more stringent than the RCRA, until the USEPA approves the California program, both State and federal laws apply in California. The HWCL lists 791 chemicals and approximately 300 common materials that may be hazardous; establishes criteria for identifying packaging and labeling hazardous wastes, proscribes management controls; establishes permit requirements for treatment, storage, disposal and transportation; identifies some wastes that cannot be disposed of in landfills.

Government Code Section 65962.5 requires the DTSC, the State Department of Health Services, the SWRCB, and CalRecycle to compile and annually update lists of hazardous waste sites and

land designated as hazardous waste sites throughout the State. The Secretary for Environmental Protection consolidates the information submitted by these agencies and distributes it to each city and county where sites on the lists are located. Before the lead agency accepts an application for any development project as complete, the applicant must consult these lists to determine if the site at issue is included.

If any soil is excavated from a site containing hazardous materials, it would be considered a hazardous waste if it exceeded specific criteria in Title 22 of the California Code of Regulations. Remediation of hazard wastes found at a site may be required if excavation of these materials is performed; it also may be required if certain other activities are proposed. Even if soil or groundwater at a contaminated site does not have the characteristics required to be defined as hazardous waste, remediation of the site may be required by regulatory agencies subject to jurisdictional authority. Cleanup requirements are determined on a case-by-case basis by the agency taking the lead jurisdiction.

California Department of Forestry and Fire Protection

Public Resources Code section 4291 requires that owners of property within the responsibility area of CALFIRE to create defensible spaces around structures where firefighters can provide protection during a wildfire. CALFIRE guidelines for compliance with section 4291 have been incorporated into the *San Benito County Community Wildlife Protection Plan*, which the County Board of Supervisors adopted in May 2010. According to these guidelines, a firebreak should be maintained by removing and clearing away all flammable vegetation and other combustible growth within 30 feet of each building and structure. Single specimens of trees or other vegetation may be retained if they are well-spaced, well-pruned, and not conducive to the spread of fire. At a distance of 30 to 100 feet from a structure, section 4291 requires maintenance of a Reduced Fuel Zone with clearing treatments.

Local:

2035 General Plan

The 2035 General Plan Land Use Element, Natural and Cultural Resources Element, and Health and Safety Element provide the following goals, policies, and objectives pertaining to hazards and hazardous materials that are relevant to this analysis:

Natural and Cultural Resources Element

- **NCR-8.3 Grading within Scenic Corridors.** The County shall review all projects involving grading within Scenic Corridors to protect valuable soil resources, preserve natural environment, and avoid significant adverse impacts within scenic areas.

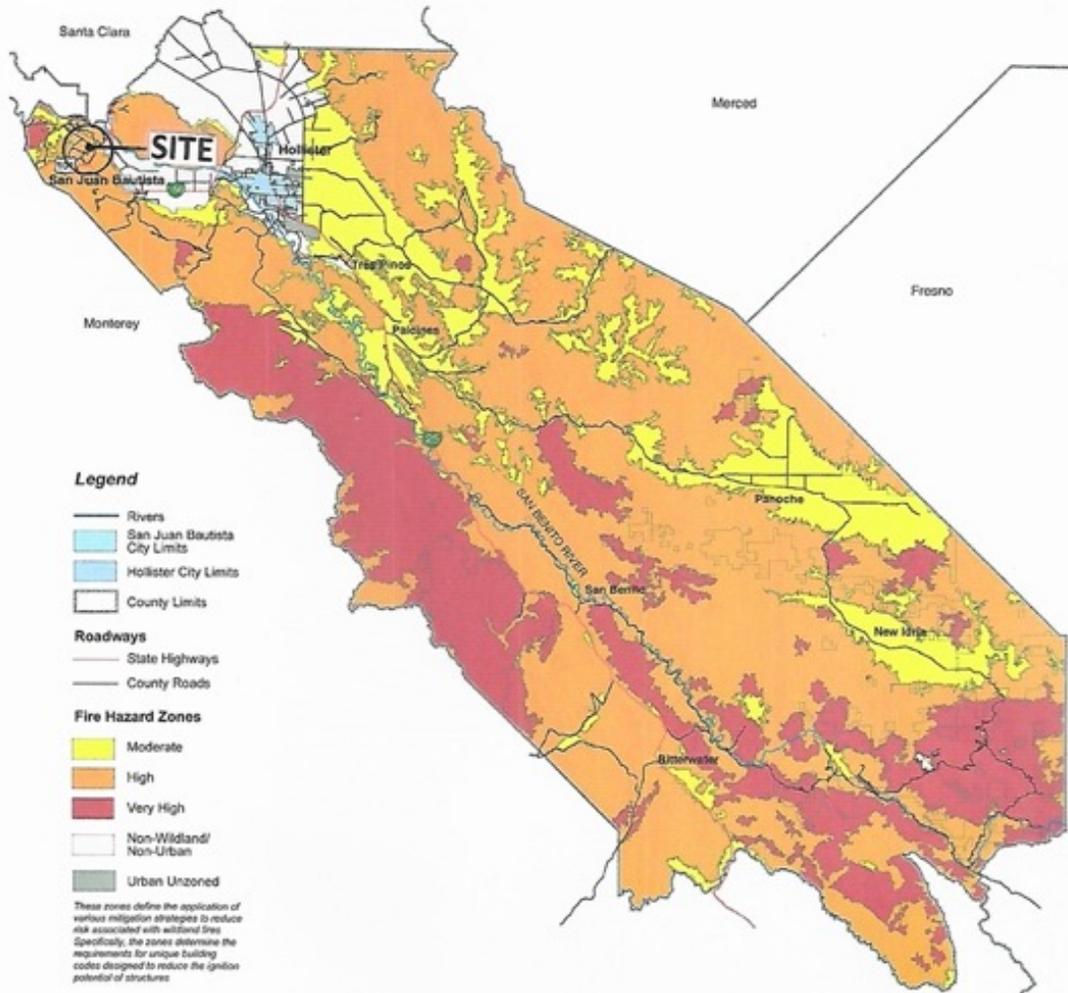


FIGURE 11

Not to scale

Source: San Benito County Planning and Building Department 2010, California Department of Forestry and Fire Protection (CAL FIRE) Fire and Resource Assessment Protection Program (FRAP) 2010

Figure 12-1

E M C

Fire Hazard Severity Zones in San Benito County

2035 San Benito County General Plan Revised DEIR

Health and Safety Element

- **Goal HS-1.** To maintain the necessary level of fire, EMS, law enforcement, and disaster preparedness for the protection of the health, safety, and welfare of people living, working, and residing in San Benito County.
- **Goal HS-4.** To minimize the risk of wildfire and urban fire hazards.

San Benito County Code of Ordinances

The County's Code contains several regulations and standards implementing the General Plan Goals and Policies identified above that address hazards and hazardous materials. Building plans for development on the project site would be reviewed for consistency with the following ordinances:

- Chapter 11.07: Hazardous Substances
- Chapter 21.01 Building Regulations, Article II California Building Standards Code
- Title 23: Subdivisions

Responses:

- a), b) Less Than Significant Impact – Construction and operation of the project would not create a significant impact due to routine transport, use or disposal of hazardous materials. Construction activities would however require the temporary use of hazardous substances, such as fuel for construction equipment, oil, solvents, or paints. Removal and disposal of hazardous materials from the project site would be conducted by an appropriately licensed contractor, if necessary. Any handling, transporting, use or disposal of hazardous materials would comply with applicable laws, regulations, policies, and programs set forth by various federal, state, and local agencies. Required compliance with applicable hazardous materials laws and regulations would ensure that construction-related hazardous material use would not result in significant impacts. These impacts would be temporary in nature and would be considered a Less Than Significant Impact. Hazardous materials used during the future operation of the project may vary, but would be limited to gasoline, oil, diesel fuels, and propane along with solvents, cleaning agents, and similar materials used for daily commercial and maintenance activities. Transport, unloading and on-site storage of all fuels will be in State and Federal approved facilities, and consistent with all State of California Department of Toxic Substance Control requirements. The use of common household products represents a low risk to people and the environment when used as intended. Typically, only small quantities of hazardous materials would be used on-site during construction and the operation of the project, and not in sufficient quantities to create a significant hazard in the unlikely event of upset or accident. Therefore, long-term operational impacts associated with hazardous materials would be Less Than Significant Impact.
- c) No Impact – There are no schools located within one quarter mile of the proposed project site.

- d) No Impact – The project site is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5. There would be no impact in connection with the proposed project.
- e) No Impact - There are no public or private airports within the project vicinity. The Hollister Municipal Airport and Frazier Lake Airpark are located more than 10 miles from the site. The closest private airstrip is the Christensen Ranch Airport, which is located 16 miles from the project site. The project site is not located within 2 miles of any of these airports or private airstrips and would not create a safety hazard for people residing in the project area. There would be no impact in connection with the proposed project.
- f) No Impact – San Benito County has prepared a Multi-Jurisdictional Local Hazard Mitigation Plan (“LHMP”) with the cities of Hollister and San Juan Batista and with two water agencies. The LHMP designates certain roadways in the County for primary evacuation routes. Panoche Road is the primary evacuation roadway for the County. The project site located on Searle Road would not impair implementation of or physically interfere with designated evacuation routes or otherwise conflict with an adopted emergency response plan or emergency evacuation plan. There would be no impact in connection with the proposed project.
- g) Less Than Significant Impact - The CalFire prepares maps of Fire Hazard Safety Zones, which are used to develop recommendations for local land use agencies and for general planning purposes. The project site is located in a high fire hazard severity zone as delineated by CalFire (see Figure 11). While the project is in a semi-rural area, it is not adjacent to wildlands. While wildfire could occur on-site or on adjacent properties, the proposed project would comply with the applicable fire safety provisions of the California Building Code as well as standard conditions of approval, thereby reducing the risk of damage from fire to the maximum extent practicable. All development on this property shall be required to meet the standards set forth in the latest editions of the California Fire Code, Public Resources codes 4290 and 4291, and the San Benito County Code and other related codes as they apply to a project of this type and size. The impact is less than significant.

X. HYDROLOGY AND WATER QUALITY

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
X. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) result in a substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) 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; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting:

Regional Setting:

San Benito County is located in the Coastal Ranges of central California and covers 1,391 square miles. The valley covers a portion of the Pajaro River watershed and is drained by tributaries of the Pajaro River. The project site is located in the northwest portion of the county at the intersection of SR 129 and US Hwy 101.

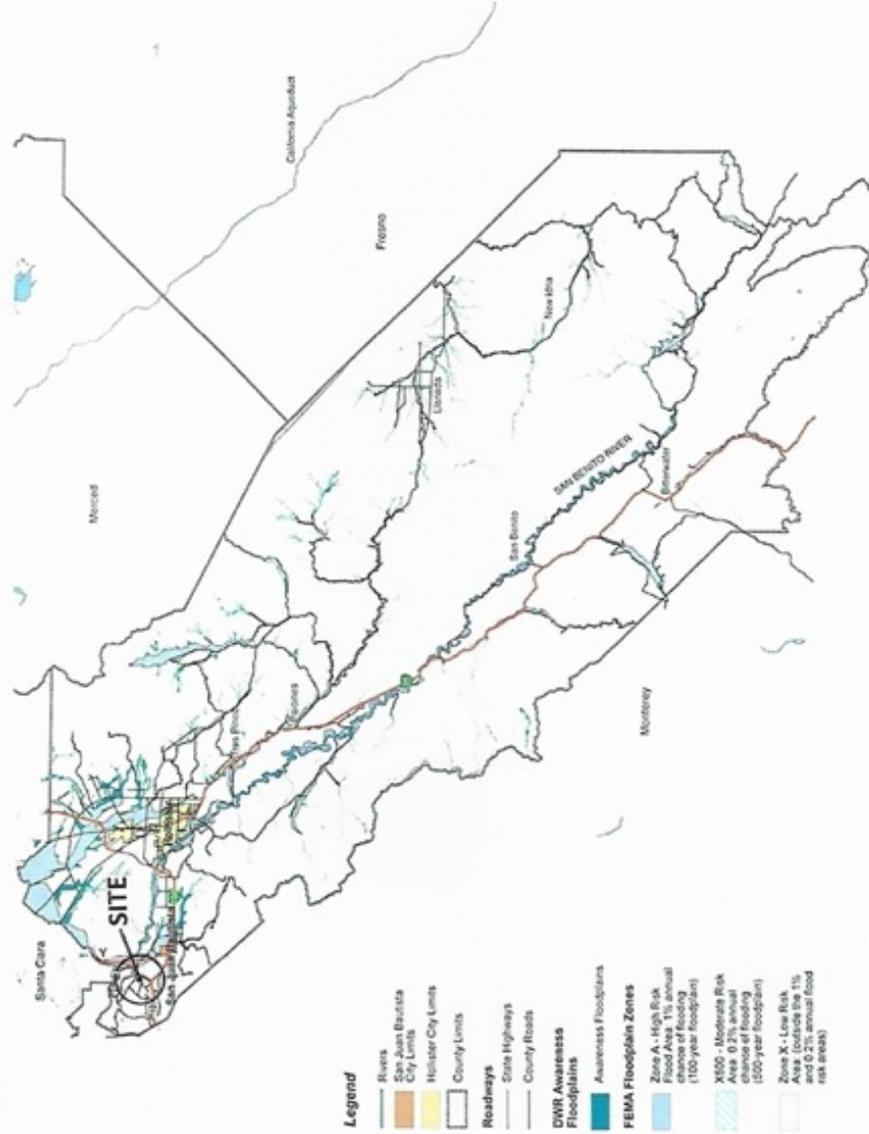
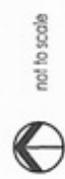


FIGURE 12

Source: FEMA Flood Insurance Rate Maps 2009; DWR Floodplain Awareness Maps 2008; San Benito County Planning and Building Department 2010



San Benito County Regulatory and Non-Regulatory Flood Hazard Areas
 2035 San Benito County General Plan Revised DEIR



State:

The USEPA had delegated direct authority for implementation and oversight of federal water quality laws within California to the State Water Quality Control Board (SWRCB) and the nine Regional Water Quality Control Boards (RWQCB). San Benito County falls under the jurisdiction of the Central Coast RWQCB.

Water Board:

The SWRCB and the nine RWQCB's have the responsibility in California to protect and enhance water quality, both through their designation as the lead agencies in implementing the section 319 non-point source program of the federal CWA, and through the State's primary water pollution control legislation, the Porter-Cologne Water Quality Control Act (Water Code, 1300 et seq.). The SWRCB establishes statewide policies and regulations for the implementation of water quality control programs mandated by federal and State water quality statutes and regulations. The RWQCB's develop and implement Water Quality Control Plans (Basin Plans) that consider regional beneficial uses, water quality characteristics, and water quality problems. All projects resulting in discharges, whether to land or water, are subject to California Water Code section 13263 and are required to obtain approval of Waste Discharge Requirements (WDR's) by the RWQCB's. Land and groundwater-related WDR's (i.e., non-NPDES WDR's) regulate discharges of privately or publicly treated domestic wastewater and process and wash-down wastewater. WDR's for discharges to surface water also serve as NPDES permits, which are further described below.

Construction activity on projects that disturb one or more acres of soil, or less than one acre but a part of a larger common plan of development that in total disturbs one or more acres, must obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit. 99-08-DWQ). Construction activity subject to this permit includes clearing, grading, and 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 a facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Program (SWPPP). The SWPPP should identify storm water collection and discharge points, drainage patterns across the project site, and Best Management Practices that the discharger would use to protect storm water runoff and the placement of those Best Management Practices.

Responses:

- a) Less Than Significant Impact – Temporary soil disturbance would occur during construction of the proposed project as a result of earth moving activities, such as excavation and trenching for underground fuel storage, foundations and utilities, soil compaction and moving, cut and fill activities and grading. If not managed properly, disturbed and imported soils could be susceptible to high rates of erosion from wind and rain, resulting in sediment transport via storm water runoff from the project site. Moreover, the project would increase the extent of impervious surfaces on the site thereby potentially generating additional sources of polluted runoff. The types of

pollutants contained in the runoff would be typical of Auto Service station uses and may include sediments and contaminants such as oils and fuels. The project will be required to comply with the requirements of the Central Coast Regional Water Quality Control Board (CCRWQCB) and San Benito County Code for construction and post construction storm water management. Therefore, impacts to water quality would be Less Than Significant.

- b) Less Than Significant Impact – The proposed project will receive water from the existing onsite well. As a result, the project would not significantly deplete groundwater and would adhere to San Benito County Code Article I. Groundwater Aquifer Protections, which limit extraction of groundwater. In addition, stormwater runoff from the site would be managed according to CCRWQCB and County regulations, which will require on-site retention, detention and infiltration, as shown on the proposed project grading plan. The proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or lowering of the local groundwater table the site. Impacts would be Less Than Significant Impact.

- c) i-iii Less Than Significant Impact – The proposed project will alter drainage patterns on the site where the impervious surfaces are installed. The project would be required to comply with standard BMPs including standard County requirements related to erosion control. More specifically, the applicant would be required to submit detailed grading plans to the County prior to the issuance of any grading permit demonstrating compliance with applicable County requirements to manage on-site drainage and erosion. There are no streams, creeks or rivers in close proximity to the project site. The project site is not located in a Flood Hazard Area (see Figure 12). Construction of the project would not result in the impedance or redirection of flood flows. The project would have a Less Than Significant Impact to drainage and erosion potential.

- d) No Impact – The project is not in an area that is susceptible to seiche, tsunami, or mudflow.

- e) No Impact – The project will not conflict with, or obstruct, the implementation of a water quality control plan or sustainable groundwater management plan.

XI. LAND USE AND PLANNING

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XI. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting:

The proposed project is located at the Southwest corner of SR 129 and US Hwy 101, and consisting of 2.6 acres in total in unincorporated San Benito County. The site is bordered on all sides by public rights of way; north – SR 129, east – US Hwy 101 and south and west by Searle Road, a county right of way. The development of the property will involve converting a vacant/fallow 2.6-acre site and constructing “Travelers Station”, a facility intended to provide a variety of uses to serve the traveling public, as well as local residents. Travelers Station proposes a 4,000 sq. ft. convenience store, auto fueling service, truck fueling service, propane service, electric charging stations and a County Informational directory of San Benito County Points of Interest.

Regulatory Setting:

The County’s adopted General Plan, the County’s Zoning Ordinance, and other relevant County Code provisions regulate land use planning in unincorporated San Benito County. The requirements and restrictions of each of these regulatory documents that pertain to land use are set forth below, and the project’s consistency with these and other General Plan goals, objectives and policies applicable to the project are further described in the analysis.

2035 General Plan

The project site has a General Plan Land Use Designation of Commercial Regional. This General Plan Designation is intended for properties located on major roadway interchanges. The Commercial Regional designation is intended to accommodate the location of commercial uses at key intersections along Interstate 101 and other major State Routes. These uses could include shopping centers, truck and automobile stations, tourist-serving commercial uses, and hotels/motels. The surrounding land to the north and west have the same General Plan Land Use Designation of Regional Commercial. (Refer to Figures 13 & 14)

The 2035 General Plan, adopted on July 21, 2015, includes various elements that provide the following goals, policies and objectives pertaining to land use that are relevant to this analysis:

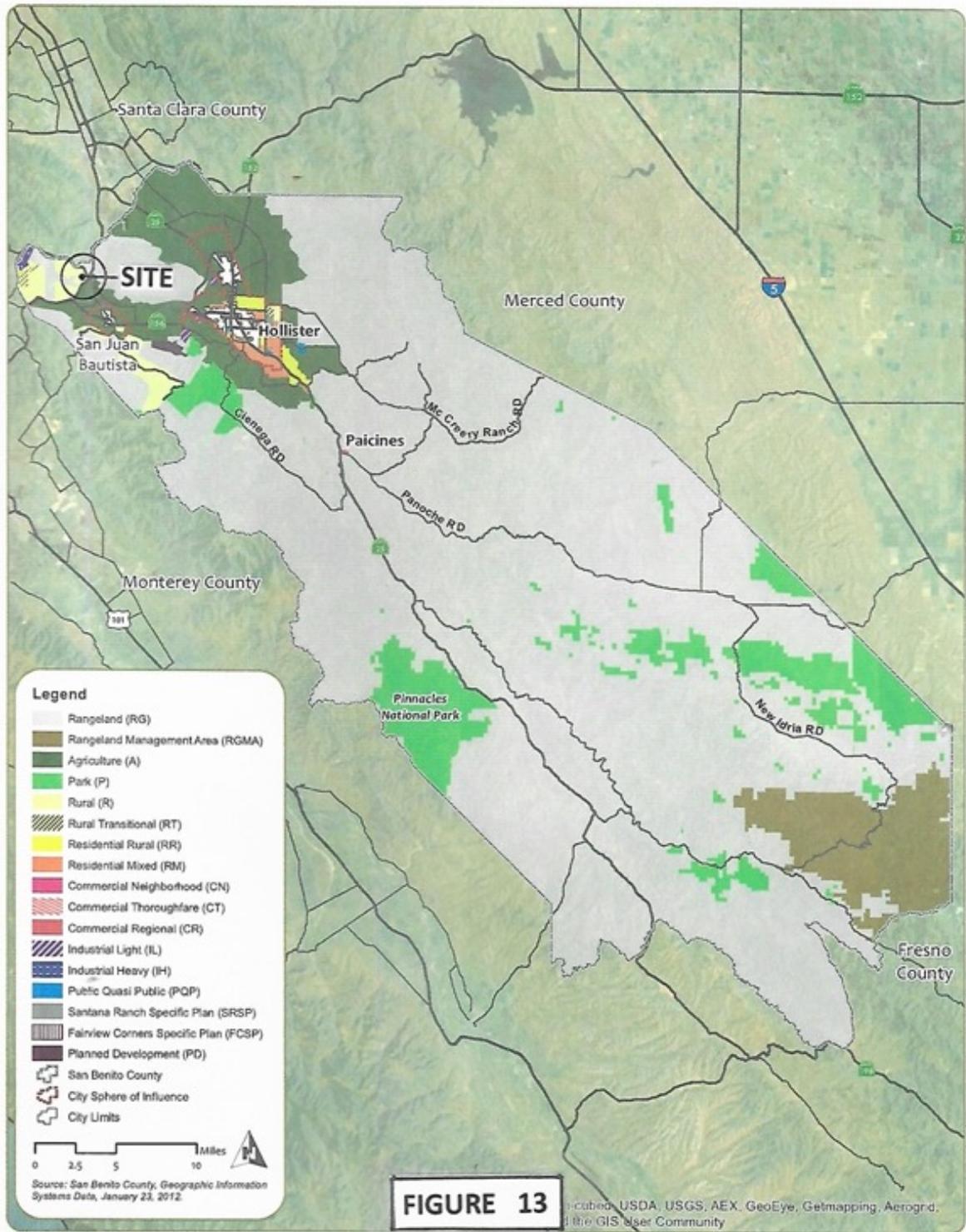


Figure 3-1
Land Use Diagram (Countywide)

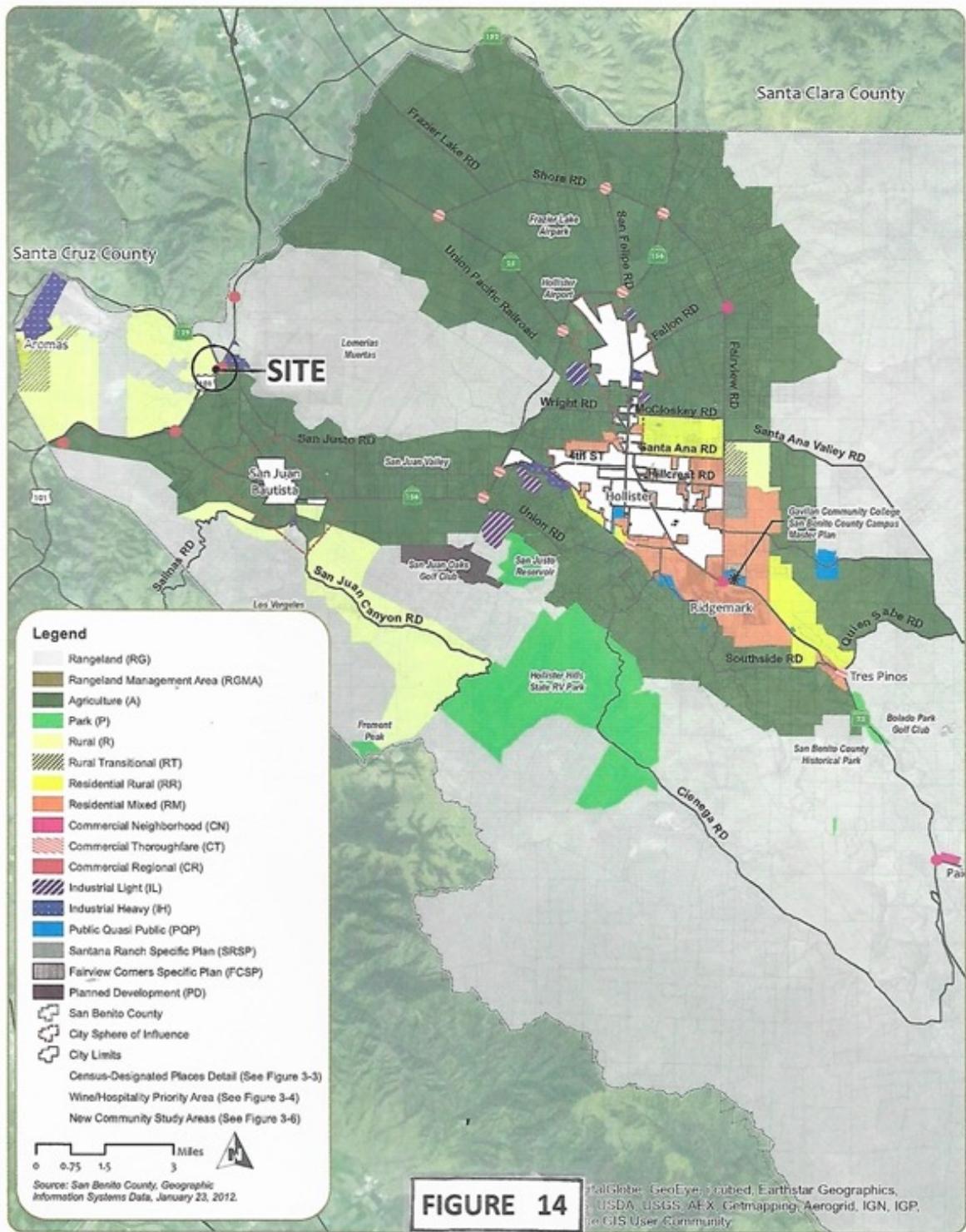


Figure 3-2
Land Use Diagram (North County Detail)

Land Use Element:

- **LU-1.3 Future Development timing;** The County shall ensure that future development does not outpace the ability of either the County or other public/private service providers to provide adequate services and infrastructure. The County shall review future development proposals for their potential to reduce the level of services provided to existing communities or place economic hardships on existing communities and the County may deny proposals that are projected to have these effects.
- **LU-1.8 Hillside Development Restrictions.** The county shall require all submitted site plans, tentative maps and parcel aps to depict all environmentally sensitive and hazardous areas, including: 100-year floodplains, fault zones, 30 percent slopes, severe erosion hazards, fire hazards, wetlands and riparian habitats.
- **LU-1.10 Development Site Suitability.** The County shall encourage specific development sites to avoid natural and manmade hazards, including but not limited to, active seismic fault, landslides, slopes greater than 30% and floodplains. Development sites shall also be on soil suitable for building and maintaining well and septic systems (i.e., avoid impervious soils, high percolation or high ground water areas, and provide setbacks from creeks). The County shall require adequate mitigation from any development located on environmentally sensitive lands.
- **LU-2.1 Sustainable Building Practices.** The County shall promote and where appropriate, require sustainable building practices that incorporate a “whole system” approach to designing and construction of buildings that consume less energy, water and other resources; facilitate natural ventilation; use of daylight efficiently; and are healthy, safe, comfortable and durable.
- **LU-2.2 Green Sustainable Building Practices.** The County shall encourage sustainable building practices that go beyond the minimum requirements of the Title 24 CalGreen Code (i.e., Tier 1 or 2 measures) and to design new buildings to achieve a green building standard such as Leadership in Energy and Environmental Design.
- **LU-2.4 Solar Access.** The County shall encourage new residential subdivision and new commercial, office, industrial, and public buildings to achieve a green building standard such as Leadership in Energy and Environmental Design (LEED).
- **LU-2.7 Sustainable Location Factor.** The County shall encourage new development in locations that provide connectivity between existing transportation facilities to increase efficiency, reduce congestion, and improve safety.
- **LU-5.2 New Commercial Thoroughfare Nodes:** The County shall encourage new Commercial Thoroughfare (CT) nodes, as shown on the Land Use Diagram, serving travelers and tourists along state routes. The County shall require these uses to have

adequate public services, be compatible with surrounding land uses, and respect the scenic character of the County (RDR).

- Regional (CR) nodes to be located at or near existing or future highway interchanges major intersections, and along existing or future transit facilities. Facilities should be located consistent with Figure 3-5 (and exclude the intersection of U.S. Highway 101 and State Route 156). In order to respect the scenic character of the county, new development at these commercial nodes shall be subject to design review before the County Planning Commission. Further, development within these commercial nodes is encouraged to contribute to the preservation of scenic areas along the designated scenic corridors within the County. The County shall also encourage additional access to new commercial centers through bicycle and pedestrian connections from residential uses as appropriate to the context. (RDR)
- **LU-5.4 New Commercial Nodes Vision:** The County shall encourage developers to reflect a cohesive vision for node development in site plans submitted as a part of applications for discretionary approval that recognizes the importance of the County's scenic resources and local character and quality of life attributes. (RDR)
- **LU-5.6 Visitor-Oriented Commercial Uses:** The County shall encourage visitor-oriented commercial uses that promote the local history, local economy (e.g. agriculture, wineries, recreation), and market locally produced agricultural products. (RDR)
- **LU-7.10 New Development Design.** The County shall encourage the design of new development to complement its surroundings, including nearby development, nearby open landscapes, and gateway.
- **C-1.5: Mitigating Transportation Impacts.** The County shall assess fees on all new development to ensure new development pays its fair share of the costs for new and expanded transportation facilities, as applicable, to County, City, Regional and/or State facilities.
- **PFS-1.1: Essential Facilities and Services.** The County shall ensure that adequate public facilities and services essential for public health and safety are provided to all county residents and businesses and maintained at acceptable service levels. Where public facilities and services are provided by other agencies, the County shall encourage similar service level goals.
- **PFS-1.11: Pay Fair Share.** The County shall require new development to pay its fair share of public facility and service costs.

San Benito County Code of Ordinances

The underlying zoning of the site is (C-1) Commercial Thoroughfare. This zoning is consistent with the existing General Plan Land Use designation of Commercial Regional. Other applicable General Plan and Zoning policies are discussed in the relevant sections throughout this initial study.

Responses:

- a) No Impact – The project would not physically divide an established community. There would be no impact in connection with the proposed project.

- b) Less Than Significant Impact – The project is consistent with the existing General Plan designation of Regional Commercial. The current zoning designation of Commercial Thoroughfare (C-1) is also consistent with the General Plan designation. The C-1 zone is intended for the Regional Commercial nodes located along major freeway corridors. Other applicable General Plan and Zoning policies are discussed in the relevant sections throughout this Initial Study/Mitigated Negative Declaration. This project would not conflict with applicable land use plans and regulations, and associated impacts would be Less Than Significant Impact.

XII. MINERAL RESOURCES

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XII. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting:

The subject property is not currently or has it historically been used as a viable site for mineral resources. The condition is supported by the recent Geological/Soils Report (Appendix 5), prepared for the site. Besides the lack of identifiable mineral resources, the size of the project site would not support mineral resource extraction activities.

Responses:

a-b) No Impact – The site has not been mapped for mineral resources and current agricultural uses around the site do not support mineral extraction operations. Furthermore, the site and the surrounding lands are designated in the 2035 San Benito County General Plan for Commercial Thoroughfare uses. There are no locally important mineral resource recovery sites on or adjacent to the project site in the 2035 General Plan. The General Plan does not include the project site as a zone for mineral extraction, as a result there would be No Impact.

XIII. NOISE

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XIII. NOISE. Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting:

The project site is located at the southwest corner of U.S. Hwy 101 and S.R. 129. Searle Road, a county public right of way is adjacent to the western boundary of the property. This location exposes the site to a high level of truck and auto generated noise sources. The existing high noise levels exceed any potential project generated noise.

Regulatory Setting:

Local:

Consistent with State law, San Benito County adopted noise policies in its General Plan Noise Element, as well as in the San Benito County Code.

2035 General Plan:

The 2035 General Plan Health and Safety Element includes noise standards, as shown in the tables below. These standards are applicable to new development proposed under the project and to the existing uses in the surrounding area. In addition, the 2035 General Plan Health and Safety Element provides the following goals, policies and objectives pertaining to noise that are relevant to this analysis:

Health and Safety Element

- HS-8.** To protect the health, safety, and welfare of County residents through the elimination of annoying or harmful noise levels.
Noise levels generated from the project will be at lower levels than currently exist from adjacent roadway noise generators.

- HS-8.1 Project Design.** The County shall require new development to comply with the noise standards shown in the tables 9-1 and 9-2 through property site and building design, such as building orientation, setbacks, barriers (e.g., earthen berms) and building construction practices. The County shall only consider the use of sound walls after all design-related noise mitigation measures have been evaluated or integrated into the proposed project or found infeasible.

Due to the site location being surrounded by public roadways, and in particular the eastern property line immediately adjacent to the US Hwy 101 south bound on-ramp, from which comes the loudest noise generation. Acceleration, changing of gears and stopping decompression noise, dominates the site and immediate surrounding area. The proposed building's location was selected to buffer the site from noise generated from the intersection of US Hwy 101 and SR 129.
- HS-8.2 Acoustical Analysis.** The County shall require an acoustical analysis to be performed prior to development approval where proposed land uses may produce or be exposed to noise levels exceeding the "normal acceptable" criteria (e.g., "conditionally acceptable", normally unacceptable") shown in Table 9-2. Land uses should be prohibited from locating or required to mitigate, in areas with a noise environment within the "unacceptable" range. In the case of the proposed project, onsite uses will not generate new noise levels that will exceed the existing ambient noise levels. Exposure to any existing adjacent site noise sources will be limited to time spent outside a vehicle or outside the onsite store.
- HS-8.8 Noise Exemption.** The County shall support the exemption of the following noise sources from the standards in this element: a) Emergency warning devices and equipment operated in conjunction with emergency situations, such as sirens and generators which are activated during power outages. The routine testing of such warning devices and equipment shall also be exempt provided such testing occurs during the hours of 7am to 10pm; b) Activities at schools, parks, or playgrounds, provided such activities occur during daytime hours c) Activities associated with County permitted temporary events and festivals.

The 2035 General Plan also states that the County shall control the operation of construction equipment at specific sound intensities and frequencies during daytime hours between 7am and 6pm on weekdays and 8am to 5pm on Saturdays. No construction is allowed on Sundays or federal holidays (Policy HS-8.3). However, the County Code (Chapter 19.39.051 (H)) specifies that temporary construction between the hours of 7am and 7pm, except Sundays and federal holidays, are exempted from the noise standards (as described below).

San Benito County Code of Ordinances:

The County’s Code contains several regulations and standards implementing the General Plan Policies identified above.

- Chapter 19.39.002 (B): Noise Control Regulations
- Chapter 25.37, Article III; Noise Level Standards

Sensitive Receptors

Noise exposure standards for various types of land uses reflect the varying noise sensitivities associated with each of these uses. Residences, hospitals, guest lodging, libraries, and churches are most sensitive to noise intrusion and therefore have more stringent noise exposure standards than manufacturing or agricultural uses that are not subject to impacts such as sleep disturbance. This project does not expose any project users or adjacent land uses to an increase in noise levels from the project property, therefore the project will have no impact.

Table 9-2 Land Use Compatibility Guidelines for Community Noise Environments						
Land Use Category	Community Noise Exposure Ldn/CNEL, dB					
	55	60	65	70	75	80
Residential – Low Density Single Family, Duplex, Mobile Homes						
Residential – Multi. Family						
Transient Lodging – Motels, Hotels						
Schools, Libraries, Churches, Hospitals, Nursing Homes						
Auditoriums, Concert Halls, Amphitheaters						
Sports Arenas, Outdoor Spectator Sports						
Playgrounds, Neighborhood Parks						
Golf Course, Riding Stables, Water Recreation, Cemeteries						
Office Buildings, Business Commercial and Professional						
Industrial, Manufacturing Utilities, Agriculture						

- CLEARLY ACCEPTABLE
The noise exposure is such that the activities associated with the land use may be carried out with essentially no interference from aircraft noise. (Residential areas: both indoor and outdoor noise environments are pleasant.)
- NORMALLY ACCEPTABLE
The noise exposure is great enough to be of some concern, but common building construction will make the indoor environment acceptable, even for sleeping quarters.

Table 1

Responses:

a) Less Than Significant Impact - The proposed development is in a rural setting dominated by two adjacent State and Federal Highways and a local County roadway. These existing uses (Highways, on and off ramp, acceleration noises sources) generate noise levels in excess of noise that will be generated by the proposed project. A note shall be placed on the project improvement plans to state that construction on the project site, in accordance with County Code 25.37.035 and County Code Chapter 19.39, shall be limited to the hours of 7am to 7pm Monday through Saturday, with no construction activities allowed on Sundays or Federal Holiday.

Complying with the County Codes and standards will ensure that the proposed project will have Less Than Significant Impact.

b). Less Than Significant Impact – Construction of the proposed project will not require significant soil compaction efforts in the vicinity of the adjacent homes; thus, the proposed project will not generate excessive ground-borne vibration or ground Bourne noise levels, thus the level of vibration would not create an impact.

c). No Impact – The project is not located within an airport land use plan or near any public airports. There will be No Impact.

XIV. POPULATION AND HOUSING:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XIV. POPULATION AND HOUSING. Would the project:				
a) Induce substantial unplanned 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Responses:

- a) No Impact – The proposed project will not induce substantial new population growth in the area, either directly or indirectly.

- b) No Impact – The proposed project will be constructed on a vacant site and will not displace any existing housing or people. Therefore, no persons will be displaced by the proposed project. The subject property is currently and historically has been a vacant, fallow site. No structures have been identified as having been on-site by Archeological Resource Services during their site research. The proposed project is not residential, and project research indicates the site did not contain any housing or people having resided in the area.

XV. PUBLIC SERVICES:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. PUBLIC SERVICES. Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting:

Regional Setting:

Police Services:

The San Benito County Sheriff’s Department provides police services to an approximately 1,391 square mile area including the project site, as well as the cities of Hollister and San Juan Bautista via an automatic aide agreement.

Fire Protection and Ambulance Services:

Fire Protection services in unincorporated San Benito County (including the project site), as well as the Cities of San Juan Bautista and Hollister, are provided primarily by the City of Hollister Fire Department. Both cities have automatic aide agreements with each other to provide back-up coverage should one department need assistance when they are engaged. The City of San Juan Bautista does have a volunteer fire station located at 311 Second Street, San Juan Bautista. The closest fully staffed fire station and EMT services is located at 492 Carpenteria Road, Aromas, CA. and is staffed by CalFire.

Local

2035 County General Plan

The 2035 General Plan Economic Development Element, Health and Safety Element, and Public Facilities and Services Element provide the following goals and policies pertaining to public services that are relevant to this analysis:

Health and Safety Element:

- **Goal HS-4.** To minimize the risk of wildland and urban fire hazards
- **HS-4.2 Fire Protection Water Standard.** The County shall develop, maintain, and implement an appropriate fire protection water standard to be applied to all urban and rural development.

Public Facilities and Services Element:

- **Goal PFS-1.** To provide residents and businesses quality, cost-effective, and sustainable public facilities and services
- **PFS-1.11 Pay Fair Share.** The County shall require new development to pay its fair share of public facility and service costs.

San Benito County Code of Ordinances:

The County's Code contains several regulations and standards implementing the General Plan Policies identified above. They are as follows:

- Chapter 5.01, Article III. Fees for County Services
- Chapter 5.01, Article VI. School Facilities Fees and Dedications
- Chapter 5.01, Article VIII. Fire Mitigation Fees
- Chapter 5.01, Article IX. Capital Improvements Impact Fees
- Chapter 23.15, Dedication, Reservations and Development Fees
- Chapter 23.27, Fire Design Standards
- Chapter 23.25, Design Requirements

Responses:

- a) Fire and Police Protection - Less Than Significant – Construction and implementation of the proposed project would require fire and police/sheriff protection services. This increase in service population would not require additional police/sheriff staff and vehicles such that new or expanded fire or police/sheriff facilities would need to be constructed. Construction of the proposed project would result in attracting additional travelers passing the site on either of the two highways to seek the services proposed to be provided at the new project. This increase has been accounted for in the County 2035 General Plan and does not represent a significant increase in service population. The

County of San Benito currently provides fire services by contracting with the California Department of Forestry and Fire Protection. This contractual agreement allows “CalFire” to provide initial response for fire suppression and EMS services. Back up and at times, initial response to Unincorporated fire and medical emergencies can be provided by the Cities of Hollister and San Juan Bautista via an existing Mutual Aide Agreement. This represents a Less Than Significant Impact.

Schools, Parks, & other Public Facilities - Less Than Significant – The proposed project would not require new schools, parks or other facilities, as the project is not associated with any population increases, since it is a Commercial project. The project is consistent with the 2035 General Plan and County zoning. In addition, as a condition of approval, the project applicant will also be required to pay the applicable County impact fees associated with a Commercial service facility. This represents a Less Than Significant Impact.

XVI. RECREATION:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. RECREATION. Would the project:				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting:

The proposed is not located on or near a neighborhood or regional recreational facility. Since the project is non-residential, demand by future residents for recreational activities and facilities will not exist. Users of the proposed project will be on site for a short time, while utilizing “Travelers Station” services.

Responses:

a & b) No Impact – The project will not add any demand on existing recreational facilities since the project will not generate any new residents using the existing recreational facilities. Based upon this, the project will have No Impact.

XVII. TRANSPORTATION:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII. TRANSPORTATION. Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting:

The project is located at the southwest corner of the intersection of SR 129 and US Hwy 101. Direct access to the project site is via a county road (Searle Road) which borders the property's westerly property line. SR 129 is a two-lane state highway used by both automobile and truck traffic. US Highway 101 is a 4-lane highway used by all types of vehicular travel. US Hwy 101 is a major carrier of regional and statewide trucking movement and is one of three major north south State circulation corridors.

Response:

- a) Less Than Significant Impact - The proposed project is intended to serve as a "Capture site" for passing vehicles on SR 129 and US Hwy. 101, by providing the traveling public with a service stop providing truck and auto fueling capabilities, snacks and drinks, along with pre-made sandwiches and convenience items for purchase. Three electric charging facilities will also be available for electric vehicles traveling through San Benito County. Since the project site is intended to serve the motoring public and local residents in the immediate vicinity, public transit, pedestrian facilities and bicycle lanes do not serve either this area or the site. A Traffic Study was conducted by Higgins Traffic Engineer and concluded "all study intersections would continue to operate at or better than their respective level of service standards under the existing, plus project conditions. No improvements will be required". The current level of services (LOS) at Searle Road and SR 129 is "C". (Refer to Appendix 3 "Travelers Station Traffic Impact Analysis – Sept. 2020"). This intersection is also near the intersection of SR 129 and US Hwy.101 south bound on and off ramps. This intersection currently operates A-C. The project will need to pay an established development impact fee required for new developed projects (TIF). No plans or congestion management efforts will be impacted by the proposed project. The project will be responsible for installation of frontage improvements and restriping of Searle Road.

In addition, the project is not located in the County-wide Bicycle Plan exhibit in the 2035 San Benito County General Plan. The site is not intended to link-up with any proposed pedestrian pathway system and there is a lack of existing or future pedestrian & bicycle facilities. Given these conditions the project will have Less Significant Than Impact.

- b) Less Than Significant Impact – CEQA Guidelines (15064.3, b) Criteria for analyzing Transportation Impacts defines vehicle miles traveled (VMT) as the most appropriate metric to evaluate a project’s transportation impacts. With these changes, automobile delay, as measured by “Level of Service” and other similar metrics, no longer constitutes a significant environmental effect under CEQA. The California Office of Planning and Research (OPR) Technical Advisory on Evaluating Transportation Impacts in CEQA (pg. 16 – 17) states “Because new retail development typically redistributes shopping trips rather than creating new trips, estimating the total change in VMT (i.e., the difference in total VMT in the area affected with and without the project) is the best way to analyze a retail project’s transportation impact. Generally, retail development including stores larger than 50,000 square feet might be considered regional serving and therefore, would be required to perform a VMT study. Since the proposed project consists of only 4,000 square feet of building and is considered primarily a “Capture site”, it is exempted from needing to perform a VMT study. Because of this, the project would have a Less Than Significant Impact.

- c) No Impact – The proposed project will be served via an existing intersection of SR 129 and US Hwy 101 and Searle Road, which already has traffic signage in place that will effectively handle the increase traffic generation amounts. The Geometrics of the intersection will be restriped to accommodate the increase in traffic stacking distances. Because of these improvements, the project will have No Impact.

- d) No Impact – The project access design has been created to provide three different access points to the project site. Should one or two of the access points be blocked, an alternate access will be available. The site can be accessed from the north and south on Searle Road, should either access be limited. Based on these conditions, the project will have No Impact.

XVII. TRIBAL CULTURAL RESOURCES:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVIII. TRIBAL CULTURAL RESOURCES. Would the project:

- a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
 - i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
 - ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native

Environmental Setting:

The Project site is undeveloped and located at the south/west corner of the intersection of SR 129 and US Hwy 101. The 2.6-acre site (APN 012-030-023) is also bounded on the west side by the County maintained Searle Road. The site is General Planned and Zoned consistent for a Commercial Thoroughfare type land use, which is what the proposed project is designed to be.

Regulatory Setting:

Federal:

American Indian Religious Freedom Act of 1978 (42 U.S.C. 1996 & 1996a)

The American Indian Religious Freedom Act of 1978 and Native American Graves and Repatriation Act of 1990 (25 U.S.C. 3001 et seq.) establishes that traditional religious practices and beliefs, sacred sites, and the use of sacred objects shall be protected and preserved.

State:

Regulation Pertaining to Human Remains

Section 15064.5 of the State CEQA Guidelines also assigns special importance to human remains and specifies procedures to be used when Native American remains are discovered. The disposition of human remains is governed by Health and Safety Code, section 7050.5 and Public

Resources Code, section 5097.94 & 5097.98, and when the remains are of Native American origin, falls within the jurisdiction of the Native American Heritage Commission (NAHC). Section 7050.5 of the Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, the County Coroner must be notified within 48 hours and there shall be no further excavation or disturbance of the site, or any nearby area reasonably suspected to overlie adjacent remains until the County Coroner has determined whether the remains are subject to the coroner's authority. If the human remains are of Native American origin, the coroner must notify the NAHC within 24 hours of this identification. The NAHC would identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. The State CEQA Guidelines section 15064.5 directs the lead agency (or applicant) under certain circumstances, to develop an agreement with the Native Americans for the treatment and disposition of the remains.

Sacred Lands Inventory / Native American Consultation

The California Native American Heritage Commission (NAHC) works to identify, catalogue, and protect places of special religious or social significance, graves and cemeteries of Native Americans per authority given the Commission in Public Resources Code 5097.9. The NAHC was contacted to determine if there are sites listed in the Sacred Lands database located within or near to the project site. The NAHC responded that there is no record of the presence of Native American Sacred Sites on project site or in the immediate surrounding area.

Responses:

- a) No Impact. A report entitled "A Cultural Resources Evaluation for Travelers Station" was prepared for the project site, by Archeological Resource Services. The report confirmed that the proposed project would not cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines 15064.5. The project site does not contain any historic resources listed in the California Inventory of Historical Resources, California Historical Landmarks, or the National Register of Historic Places. Therefore, the proposed project would not cause a substantial adverse change in the significance of a historical resource as defined in the CEQA Guidelines. The project would have No Impact on historical resources.

- b) Less Than Significant Impact With Mitigation – Based on the results of the study by Archeological Resource Services, the project site does not contain evidence of any archeological resources. Accordingly, the project would not specifically impact a known archeological resource. No known human remains, including those interred outside of formal cemeteries, are known to occur within the project site. In addition, designated Native American representatives were consulted during the course of the preparation of the Archeological Resources Assessment. The project site is not a Sacred Lands site and the presence of known Native American remains was not identified during the course of consultation. While no archeological resources have been documented on-site, previously unknown or buried archeological resources could, nevertheless, be present.

The project could impact potentially unknown or buried resources during construction. Mitigation Measure MM CUL -1, below is established to ensure that potential impacts to archaeological resources to would be Less Than Significant Impact with Mitigation.

Mitigation:

MM TCR-1: If, at any time in the preparation for or process of excavation or otherwise disturbing the ground, discovery occurs of any human remains of any age, or any significant artifact or other evidence of an archaeological site are discovered, the applicant or builder shall:

- Cease and desist from further excavation and disturbances within two hundred feet of the discovery or in any nearby area reasonably suspected to overlie adjacent remains.
- Arrange for staking completely around the area of discovery by visible stakes no more than ten feet apart, forming a circle having a radius of not less than one hundred feet from the point of discovery; provided, however, that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking. Said staking shall not include flags or other devices which may attract vandals.
- Notify the Sheriff-Coroner of the discovery if human and/or questionable remains have been discovered. The Resource Management Agency Director shall also be notified.
- Subject to the legal process, grant all duly authorized representatives of the Coroner and the Resource Management Agency Director permission to enter onto the property and to take all actions consistent with Chapter 19.05 of the San Benito County Code and consistent with 7050.5 of the Health and Human Safety Code and Chapter 10 (commencing with section 27460) of Part 3 of Division 2 of Title 3 of the Government Code.

The statement above shall be included in the grading permit and construction plans for the proposed project.

XIX. UTILITIES AND SERVICE SYSTEMS:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XIX. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Settings:

Water services will be provided by an onsite well approved by the Regional Water Quality Control Board (RWQCB). Since the property is located in the unincorporated area of San Benito County, sewage disposal will be provided onsite by an engineered designed "Mounded Septic System" subject to RWQCB and San Benito County Health Department.

Regulatory Setting

State:

The USEPA has delegated direct authority for implementation and oversight of federal water quality laws within California to the SWRQCB and the nine RWQCB's. At the State level, San Benito County falls under the jurisdiction of the Central Coast RWQCB.

Water Board:

The California SWRCB and the nine RWQCB's have the responsibility in California to protect and enhance water quality, both through their designation as the lead agencies in implementing the section 319 non-point source program of the federal CWA, and through the State's primary water

pollution control legislation, and the Porter-Cologne Water Quality Control Act (Water Code 13000 et seq). The SWRCB establishes statewide policies and regulations for the implementation of water quality control programs mandated by federal and state water quality statutes and regulations. The RWQCB's develop and implement Water Quality Control (Basin Plans) that consider regional beneficial uses, water quality characteristics, and water quality problems. All projects resulting in discharges, whether to land or water, are subject to California Water Code section 13263 and are required to obtain approval of Waste Discharge Requirements (WDR's) by the RWQCB's. Land and groundwater related WDR's (i.e., non-NPDES WDR) regulate discharges of privately or publicly treated domestic wastewater and process and was-down wastewater. WDR's for discharge to surface waters also serve as NPDES permits, which are further described below. The Central Coast (Region 3) office of the RWQCB guides and regulates water quality in streams and aquifers throughout the central coast of California and the Monterey Bay region, including San Benito County, through designations of beneficial uses, establishment of water quality objectives, and administration of the NPDES permit program for storm water and construction site runoff. The Central Coast RWQCB is also responsible for providing permits and water quality certifications in the above-referenced areas (section 401) pursuant to the CWA.

Construction activity on projects that disturb one or more acres of soil, or less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, must obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 99-08-DWQ). Construction activity subject to this permit includes clearing, grading and 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 a facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Program (SWPPP). The SWPPP should identify storm water collection and discharge points, drainage patterns across the project site, and Best Management Practices that the discharge would use to protect storm water runoff and the placement of those Best Management Practices.

Local:

San Benito County Ordinances

Pursuant to Chapter 23.07 a project shall conduct soil testing and profiling, including percolation testing to determine the suitability of the site for the use of the sewage disposal system proposed.

Responses:

- a) Less Than Significant Impact – The construction and operation of the proposed project would not require construction of new or expanded wastewater treatment facilities that would exceed the wastewater treatment requirements of the CCRWQCB or cause significant environmental effects. The project will have a septic tank and drain field as its means of sewage disposal. The proposed septic system would be required to comply with San Benito County Code of Ordinances, Chapter 17.07 Sewers and Sewage Disposal that sets forth requirements for the construction of individual sewage disposal systems.

Percolation testing performed for the project site did reveal the need to have an engineered designed “Mounded Leach field” system to deal with any issues related to site soils being incapable of supporting a “traditional” onsite septic system. This represents a Less Than Significant Impact.

- b) No Impact - Water supply will be provided by an existing onsite well, which has been confirmed to have adequate water available to supply the project; therefore, there will be No Impact.
- c) No Impact – Wastewater treatment will be provided by an onsite septic system; therefore, there will be no demand on an existing treatment facility. Because of this the project will have No Impact.
- d) Less Than Significant Impact – The estimated volume of solid waste to be generated by the project was determined based on the CalRecycle solid waste generation rate for the proposed commercial service use. The proposed project would generate a total of approximately 10.2 pounds per day of solid waste. Assuming a 51% reduction in solid waste generation (the most recent reported diversion rate for the County), the proposed project would generate an estimated 5 pounds of solid waste per day. The maximum permitted at the John Smith Landfill (JSRL) is 1,000 tons per day and an average disposal at the landfill is approximately at 675 tons per day currently. Therefore, adequate landfill throughput capacity would be available to accommodate the proposed project, resulting in a Less Than Significant Impact.
- e) Less Than Significant Impact – All waste generated in connection with the project would be handled in accordance with all applicable federal, state, and local statutes and regulations to the extent they are applicable to the project. This represents a Less Than Significant Impact.

XX. WILDFIRE.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XX. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting:

The project site is located within an area classified as High Fire Hazard Severity Zone according to San Benito County Open GIS Portal mapping. The project site is physically located on a parcel that is surrounded by paved roadways on all sides. To the west and south is Searle Road, to the north is SR 129 and to the east is US Hwy 101. The site and the surrounding areas are identified as grassland, without any major tree stands except for a limited number of Eucalyptus trees along the eastern boundary, adjacent to the southbound onramp to US Hwy 101.

Response:

a - d) No impact - The project will be required to meet all requirements of the California Fire Code, Public Resources Codes 4290 and 4291, Ordinances 822 and 823 of the San Benito County Code and other related codes as they may apply to the project. The site, when developed, will be 80%+ impervious surfaces and will have onsite water storage from the existing well. The proposed structures will also be sprinkled to comply with County building requirements. These provisions will reduce the wildfire hazards of the proposed project to No Impact.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XXI. MANDATORY FINDINGS OF SIGNIFICANCE.				
a) Does the project have the potential to substantially 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, substantially 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Responses:

a) Less Than Significant Impact with Mitigation - The project would not:

1) “degrade the quality of the environment, 2) substantially reduce the habitat of a fish or wildlife species, 3) cause a fish or wildlife population to drop below self-sustaining levels, 4) threaten to eliminate a plant or animal community, 5) reduce the number or restrict the range of a rare or plant or animal, or 6) eliminate important examples of major periods of California history or prehistory.” The project, as proposed, would result in temporary and permanent impacts that would be mitigated to a Less Than Significant Impact level through the incorporation of mitigation measures identified in the IS/MND. Compliance with the mitigation measures contained in this document would ensure that all impacts are Less Than Significant Impact.

b) Less Than Significant Impact – Under CEQA “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. The proposed project would not result in a cumulatively considerable adverse environmental effect. This IS/MND contains mitigation to ensure that all impacts would be reduced to a Less Than Significant Impact level. The project would have temporary air quality impacts, and GHG emissions that would contribute to the overall regional and global GHG emissions. However, air quality impacts and GHG emissions would not exceed the MBARD’s thresholds of significance. In addition, the proposed project would not induce population growth beyond that incorporated in the San Benito

County General Plan; therefore, the project would not conflict with and/or obstruct the implementation of the MBARD 2012-2015 AQMP, or any other plans to address exceedance of State air quality standards. For these reasons, the project would have a Less Than Significant Cumulative Impact on the air quality and GHG. This project is consistent with the General Plan Land Use designation; thus, the potential effects of the project were already considered programmatically as part of the General Plan REIR. Overall, the project would not result in impacts that are individually, but cumulatively considerable.

- c) Less Than Significant Impact – The proposed project would not cause any adverse effects on human beings. Construction impacts, including impacts to sensitive receptors, would be temporary in nature and mitigated to a Less Than Significant Impact extent. The project would not have a substantial adverse effect on human beings, either directly or indirectly. This is considered a Less Than Significant Impact.

XXII. MITIGATION MEASURES SUMMARY TABLE

Travelers Station Summary Mitigation Measures		
Environmental Factor	Impact	Mitigation
Biological Resources	<p>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, by the California Department of Fish and Wildlife</p> <p>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?</p>	<p>MM BIO-1: a & d) To avoid any potential impact of construction during the nesting season, a pre-construction survey for nesting raptors and other migratory nesting birds shall be conducted by a qualified ornithologist. Projects that commence demolition and/or construction activities between February 1st and August 31st shall conduct a pre-construction survey for nesting birds no more than 14 days prior to initiation of construction, demolition activities or tree removal.</p>

<p>Cultural Resources</p>	<p>b) Cause a substantial adverse change in the significance of an archeological resource pursuant to Sec. 15064.5? c) Disturb any human remains, including Those interred outside of formal cemeteries?</p>	<p>MM CUL-1: b & c) If archaeological resources or human remains are accidentally discovered on the project site during construction, work shall be halted by the construction manager within 50 meters (150 feet) of the find until it can be Evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented. Materials of particular concern would be concentrations of marine shell, burned animal bones, charcoal, and flaked or ground stone fragments. (Ref. Health and Safety Code 7050.5). If human remains are found at any time on the project site, work must be stopped by the construction manager, and the County Coroner must be notified immediately. If the Coroner determines the remains are Native American, the Native American Heritage Commission will be notified as required by law. The Commission will designate a Most Likely Descendant who will be authorized to provide recommendations for management of the Native American human remains. (Ref. California Public Resource Code Section 5097.398; and Health and Safety Code Section 7050.5). If, at any time in the preparation for or process of excavation or otherwise disturbing the ground, any human remains of any age, or any significant artifact or other evidence of an archaeological site are discovered, the applicant or builder shall: a) Cease and desist from further excavation and disturbances within two hundred feet of the discovery or in any nearby area reasonably suspected to overlie adjacent remains. b) Arrange for staking completely around the area of discovery by visible stakes no more a than ten feet apart, forming a circle having a radius of not less than one hundred feet from the point of discovery; provided, however, that such staking</p>
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		<p>need not take place on adjoining property unless the owner of the adjacent property authorizes such staking. Said staking shall not include flags or other devices which may attract vandals.</p> <p>c). Notify the Sheriff-Coroner if the discovery of human and/or questionable remains have been discovered. The Resource Management Agency Director shall also be notified.</p> <p>d). Subject to the legal process, grant all duly authorized representatives of the Coroner and the Resource Management Agency Director permission to enter onto the property and to take all actions consistent with Chapter 19.05 of the San Benito County Code and consistent with §7050.5 of the Health and Human Safety Code and Chapter 10 (commencing with §27460) of Part 3 f Division 2 of Title 3 of the Government Code.</p> <p>The statement above shall be included in the grading permit and construction plans for the proposed project.</p>
<p>Tribal Cultural Resources</p>	<p>b) Causes substantial damage to a resource determined by the lead agency, in its discretion and supported by substantial evidence to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in this section, the lead Agency shall consider the significance of the resource to a California Native American tribe.</p>	<p>MM TCR-1: If, at any time in the preparation for or process of excavation or otherwise disturbing the ground, discovery occurs of any human remains of any age, or any significant artifact or other evidence of an archaeological site are discovered, the applicant or builder shall:</p> <ul style="list-style-type: none"> • Cease and desist from further excavation and disturbances within two hundred feet of the discovery or in any nearby area reasonably suspected to overlie adjacent remains. • Arrange for staking completely around the area of discovery by visible stakes no more than ten feet apart, forming a circle having a radius of not less than one hundred feet from the point of discovery; provided, however, that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking. Said staking shall not include flags or other devices which may attract vandals.

		<ul style="list-style-type: none">• Notify the Sheriff-Coroner of the discovery if human and/or questionable remains have been discovered. The Resource Management Agency Director shall also be notified.• Subject to the legal process, grant all duly authorized representatives of the Coroner and the Resource Management Agency Director permission to enter onto the property and to take all actions consistent with Chapter 19.05 of the San Benito County Code and consistent with 7050.5 of the Health and Human Safety Code and Chapter 10 (commencing with section 27460) of Part 3 of Division 2 of Title 3 of the Government Code. <p>The statement above shall be included in the grading permit and construction plans for the proposed project.</p>
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CHAPTER 5: LIST OF REFERENCES

1. San Benito County General Plan <http://cosb.us/wp-content/uploads/Adopted-2035 GPU>
2. San Benito County General Plan Housing Element
[http://www.cosb.us/wp-content/uploads/2014-2023_Sec5_San Benito_County_Housing_Element_2016-04-12_BofS_adopted](http://www.cosb.us/wp-content/uploads/2014-2023_Sec5_San_Benito_County_Housing_Element_2016-04-12_BofS_adopted)
3. San Benito County Environmental Resources and Constraints Inventory
4. San Benito County Ordinances
[http://library.amlegal.com.nxt/gateway.dll/California/sanbenitocounty_ca/anbenitocountycaliforniacodeofordinance?templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanbenitocounty_ca](http://library.amlegal.com.nxt/gateway.dll/California/sanbenitocounty_ca/anbenitocountycaliforniacodeofordinance?templates$fn=default.htm$3.0$vid=amlegal:sanbenitocounty_ca)
 - a. Zoning Ordinance (Chapter 25)
 - b. Grading Ordinance (Chapter 19)
5. Soil Survey for San Benito County, 021-000-009, 1069, US Dept. of Agriculture, SCS
6. Air Quality Management Plan, Monterey Bay Unified Air Pollution Control District
<http://www.co.montereyu.ca.us/home/showdocument?id=62318>
7. 5 CEQA Air Quality Guidelines, Monterey Bay Unified Air Pollution Control District
http://www.mbard.org/files/f665829dcl/CEQA_full+%281%29.pdf
8. Water Quality Control Plan for the Central Coast Basin, California Regional Water Quality Control Board, Central Coast Region, September 1994
http://www.waterboards.ca.gov/centralcoast/publications_forms/publications/basin_plan/docs/2019_basin_plan_r3_complete.pdf
9. Seismic Zones – San Benito County GIS Open Date Portal/State of California Special Studies Zone Official Map for the San Juan Bautista Quadrangle effective 7/1/1974
10. Fire Hazard Severity Zones the San Benito County GIS Open Date Portal/CalFire FRAP fire hazard severity zones in LRA map dated 11/7/07
11. FEMA Flood Zones – San Benito County GIS Open Data Portal/ FEMA FIRM 06069C159D
12. Wetland Riparian – San Benito County GIS Open Data Portal
13. Soils Survey for San Benito County, 012-030-023
14. Farmland – Farmland Mapping & Monitoring Program (FMMP) of the California Department of Conservation

CHAPTER 6: APPENDICES