

# Summary Form for Electronic Document Submittal

Form F

Lead agencies may include 15 hardcopies of this document when submitting electronic copies of Environmental Impact Reports, Negative Declarations, Mitigated Negative Declarations, or Notices of Preparation to the State Clearinghouse (SCH). The SCH also accepts other summaries, such as EIR Executive Summaries prepared pursuant to CEQA Guidelines Section 15123. Please include one copy of the Notice of Completion Form (NOC) with your submission and attach the summary to each electronic copy of the document.

SCH # \_\_\_\_\_

Project Title: Caton Ranch Annexation and Subdivision

Lead Agency: City of Newman

Contact Name: Michael E. Holland, City Manager

Email: mholland@cityofnewman.com Phone Number: (209) 862-3725

Project Location: Newman Stanislaus  
*City* *County*

Project Description (Proposed actions, location, and/or consequences).

The 20.94-acre project site, APNs 026-071-001 and -004, is located at 29101 and 29113 Prince Street in unincorporated Stanislaus County at the southern edge of the Newman city limits, within the City of Newman's Primary Sphere of Influence.

The project proposes pre-zoning and annexation (including a Pre-Annexation Agreement), and a subdivision map to allow for construction of 112 low density and medium density single-family homes on the site. The project also includes a 1.91-acre dual usage park site on the eastern side of the property along with the development of various rights-of-way onsite with new water, sewer, and storm drain facilities.

Identify the project's significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect.

## Agricultural Resources

Impact:

Convert Prime Farmland, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use.

Mitigation:

The City general plan EIR determined that even with implementation of mitigation measures, goals, and policies, the impact related to the conversion of agricultural resources (i.e., Prime Farmland) would remain significant and unavoidable. Therefore, when adopting the general plan, the City has adopted a statement of overriding considerations finding that the benefits of placing Medium Density Residential uses at the site outweighed the impacts of the loss of prime and unique farmlands. Because the proposed project is consistent with the City general plan, CEQA Guidelines section 15183 applies here and no further analysis of the conversion of prime and unique farmlands is necessary.

## Air Quality

### Impact:

Construction emissions as a result of the project could cause increased cancer risks for an infant as emissions exceed the air district's thresholds.

### Mitigation:

AQ-1 The following measure shall be included on all grading and construction documents:

All mobile diesel-powered off-road equipment larger than 50 horsepower and operating on the site for more than two days continuously shall meet, at a minimum, US EPA particulate matter emissions standards for Tier 2 engines or equivalent.

## Biological Resources

### Impact:

Construction activities associated with the project could result in the loss of or harm to individual kit foxes if they are present on the site or seek shelter during construction within artificial structures, such as stored pipes or exposed trenches.

### Mitigation:

BIO-1 The U.S. Fish and Wildlife Service Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance (USFWS 2011) shall be implemented prior to initiation of and during any construction activity on the project site to avoid unintended take of individual San Joaquin kit foxes.

Preconstruction/pre-activity surveys for San Joaquin kit fox shall be conducted no less than 30 days prior to the beginning of ground disturbance and/or construction activities or any project activity that may impact San Joaquin kit fox. The surveys shall include all work areas and a minimum 200-foot buffer of the project site. The preconstruction surveys shall identify kit fox habitat features on the project site, evaluate use by kit fox and, if possible, assess the potential impacts of the proposed activity. The status of all dens shall be determined and mapped.

If a natal/pupping den is discovered within the project area or within 200 feet of the project boundary, the applicant shall consult with the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service to establish an appropriate avoidance buffer. The avoidance buffer shall be maintained until such time as the burrow is no longer active and/or an incidental take permit is determined to be required and is obtained.

In addition, the following measures shall be observed:

- a. Project-related vehicles shall observe a 20-mph speed limit in all project areas; this is particularly important at night when kit foxes are most active. To the extent possible, night-time construction shall be minimized. Off-road traffic outside of designated project area shall be prohibited.
- b. To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of the project, all excavated, steep-walled holes or trenches more than two feet deep shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the procedures under number 11 of the Construction and Operational Requirements in the Standardized Recommendations must be followed.
- c. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipe becoming trapped or injured. All construction pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at a construction site for one or more overnight periods shall be

thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the U.S. Fish and Wildlife Service has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity, until the fox has escaped.

- d. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers and removed at least once a week from a construction or project site.
- e. No firearms shall be allowed on the project site during construction activities.
- f. To prevent harassment, mortality of kit foxes or destruction of dens by dogs or cats, no pets shall be permitted on site during construction activities.
- g. Use of rodenticides and herbicides on the project site during construction shall be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional project-related restrictions deemed necessary by the U.S. Fish and Wildlife Service. If rodent control must be conducted, zinc phosphide shall be used because of proven lower risk to kit fox.
- h. In the case of trapped animals, escape ramps or structures shall be installed immediately to allow the animal(s) to escape.
- i. Any contractor, employee, or agency personnel who inadvertently kills or injures a San Joaquin kit fox shall immediately report the incident to the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service.
- j. The applicant shall submit weekly reports on construction monitoring activities to the City of Newman Community Development Department. An occupancy permit shall not be issued without receipt of the weekly reports.
- k. Implementation of this mitigation measure would reduce the potential significant impact to San Joaquin kit fox to a less-than-significant level by requiring pre-construction surveys for kit fox and the implementation of avoidance, minimization, and mitigation measures should they be found on the project site.

Impact:

Construction activities associated with the project could result in the loss or disturbance of nesting habitats for the burrowing owl.

Mitigation:

BIO-2 To avoid loss of or harm to burrowing owl, the following measures shall be implemented:

- a. Prior to issuance of a grading permit, and to avoid/minimize impacts to burrowing owls potentially occurring within the project site, the applicant shall retain a biologist qualified in ornithology to conduct surveys for burrowing owl. The qualified biologist shall conduct a two-visit (i.e., morning and evening) presence/absence survey at areas of suitable habitat on and adjacent to the project site boundary no less than 14 days prior to the start of construction or ground disturbance activities. Surveys shall be conducted according to the methods for take avoidance described in the Burrowing Owl Survey Protocol and Mitigation Guidelines (CBOC 1993) and the Staff Report on Burrowing Owl Mitigation (CDFW 2012). If no burrowing owls are found, a letter report confirming absence shall be prepared and submitted to the City of Newman Community Development Department and no further measures are required.
- b. Because burrowing owls occupy habitat year-round, seasonal no-disturbance buffers, as outlined in

the Burrowing Owl Survey Protocol and Mitigation Guidelines (CBOC 1993) and the Staff Report on Burrowing Owl Mitigation (CDFW 2012), shall be in place around occupied habitat prior to and during any ground disturbance activities. The following table includes buffer areas based on the time of year and level of disturbance (CDFW 2012), unless a qualified biologist approved by the California Department of Fish and Wildlife verifies through non-invasive measures that either: 1) birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

Location	Time of Year	Level of Disturbance Buffers (meters)		
		Low	Med	High
Nesting Sites	April 1 – Aug 15	200 m	500 m	500 m
Nesting Sites	Aug 16 – Oct 15	200 m	200 m	500 m
Nesting Sites	Oct 16 – Mar 31	50 m	100 m	500 m

- c. If burrowing owl is found and avoidance is not possible, burrow exclusion may be conducted by qualified biologists only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. Occupied burrows shall be replaced with artificial burrows at a ratio of one collapsed burrow to one constructed artificial burrow (1:1). Evicted burrowing owls may attempt to colonize or re-colonize an area that would be impacted, thus ongoing surveillance during project activities shall be conducted at a rate sufficient to detect burrowing owls if they return.
- d. If surveys locate occupied burrows in or near construction areas, consultation with the California Department of Fish and Wildlife shall occur to interpret survey results and develop a project-specific avoidance and minimization approach. Once the absence of burrowing owl has been confirmed, a letter report shall be prepared and submitted to the City of Newman Community Development Department.

**Impact:**

Construction activities associated with the project could result in the disturbance of nesting sites occupied by Swainson’s hawk on or adjacent to the project site, if present.

**Mitigation:**

BIO-3 The following measures shall be implemented to avoid loss of or harm to Swainson’s hawk and other raptors:

- a. Tree and vegetation removal shall be completed during the nonbreeding season for raptors (September 16–January 31).
- b. To avoid, minimize, and mitigate potential impacts on Swainson’s hawk and other raptors nesting on or adjacent to the project site, retain a qualified biologist to conduct preconstruction surveys and identify active nests on and within 0.5 mile of the project site for construction activities conducted during the breeding season (February 1–September 15). The surveys shall be conducted before the approval of grading and/or improvement plans (as applicable) and no less than 14 days and no more than 30 days before the beginning of construction. Guidelines, provided in Recommended Timing and Methodology for Swainson’s Hawk Nesting Surveys in the Central Valley (Swainson’s Hawk Technical Advisory Committee 2000) or updated, current guidance, shall be followed for surveys for Swainson’s hawk. If no nests are found, a report documenting the results of the survey shall be

submitted to the City of Newman Community Development Department and no further mitigation will be required.

- c. Impacts on nesting Swainson's hawks and other raptors shall be avoided by establishing appropriate buffers around active nest sites identified during preconstruction raptor surveys. No project activity shall commence within the buffer areas until a qualified biologist has determined, in coordination with California Department of Fish and Wildlife, the young have fledged, the nest is no longer active, or reducing the buffer would not result in nest abandonment. California Department of Fish and Wildlife guidelines recommend implementation of 0.25- or 0.5-mile-wide buffers for Swainson's hawk nests, but the size of the buffer may be decreased if a qualified biologist, in consultation with California Department of Fish and Wildlife, determine that such an adjustment would not be likely to adversely affect the nest.

The appropriate no-disturbance buffer for other raptor nests (i.e., species other than Swainson's hawk) shall be determined by a qualified biologist based on site-specific conditions, the species of nesting bird, nature of the project activity, visibility of the disturbance from the nest site, and other relevant circumstances.

Monitoring of all active raptor nests by a qualified biologist during construction activities will be required if the activity has potential to adversely affect the nest. If construction activities cause the nesting bird to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then the no-disturbance buffer shall be increased until the agitated behavior ceases. The exclusionary buffer will remain in place until the chicks have fledged or as otherwise determined appropriate by a qualified biologist.

BIO-4 If there is an active nest within ten miles of the project site, the following measures shall be implemented to mitigate for the loss of Swainson's hawk foraging habitat:

- a. Prior to ground-disturbing activities, suitable Swainson's hawk foraging habitat shall be preserved to ensure replacement of foraging habitat lost as a result of the project, as determined by a qualified biologist, in consultation with California Department of Fish and Wildlife.
- b. The habitat value shall be based on Swainson's hawk nesting distribution and an assessment of habitat quality, availability, and use within Stanislaus County. The mitigation ratio shall be consistent with the guidelines included in the Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California (CDFG 1994). These guidelines specify that the mitigation ratio shall be 1:1 if there is an active nest within one mile of the project site, 0.75:1 if there is an active nest within five miles but greater than one mile away, and 0.5:1 if there is an active nest within 10 miles but greater than five miles away. If there is an active nest within one mile of the project site, the mitigation ratio can be reduced to 0.5:1 if all of the mitigation land can be actively managed for prey production. Such mitigation shall be accomplished through either the transfer of fee title or perpetual conservation easement. The mitigation land shall be located within the known foraging area within Stanislaus County.
- c. There are two active (within the past five years) Swainson's hawk nests within five miles of the project site (CNDDDB Occurrences Nos. 2449 and 2451). To mitigate for the loss of foraging habitat for these nests, replacement foraging habitat shall be preserved at a mitigation ratio of 0.75:1 in consultation with California Department of Fish and Wildlife. Such mitigation shall be accomplished through either the transfer of fee title or perpetual conservation easement. The mitigation land shall be located within the known foraging area within Stanislaus County.

If required, pre-construction Swainson's hawk surveys may be required to identify additional nests within ten miles of the project site. If additional nests are observed, foraging habitat shall be preserved following the mitigation ratios outlined above.

Impact:

Construction activities associated with the project could result in the disturbance of roost and natal sites

occupied by special-status bats on or adjacent to the project site, if present.

Mitigation:

BIO-5 A qualified bat biologist shall perform a bat roost habitat assessment at least 30 days from the start of project activities. If bats or evidence of bats (guano, dead bats) are found to be absent and no suitable habitat exists, a letter report shall be submitted to the City of Newman Community Development Department and no further actions are required. If evidence of past roosting is found, suitable habitats shall be modified to render them unsuitable prior to project activities and a preconstruction survey shall occur within 14 days of the start of project activities. If live bats are found to be present, the qualified bat biologist shall determine whether bats are engaged in maternity roosting, or hibernation. If they are engaged in maternity or hibernation, direct and indirect project impacts shall be avoided, and a no disturbance buffer of at least 100-feet shall be established until such time the bat biologist determines they may be humanely evicted. If active day roosting bats require eviction, the bat biologist shall prepare an eviction plan to submit to the lead agency and CDFW, if there is a state nexus. The eviction plan shall be implemented until it can be determined that all bats have vacated, at which point any remaining buffers may be removed and project activities may commence.

Impact:

Noise-generating construction activities associated with the project could impact nesting birds, should they be present during construction.

Mitigation:

BIO-6 To avoid impacts to loggerhead shrike and other nesting birds during the nesting season (January 15 through September 15), all construction activities should be conducted between September 16 and January 14, which is outside of the bird nesting season. If construction or project-related work is scheduled during the nesting season (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), a qualified biologist shall conduct nesting bird surveys.

- a. Two surveys for active bird nests will occur within 14 days prior to start of construction, with the final survey conducted within 48 hours prior to construction. Appropriate minimum survey radii surrounding each work area are typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys will be conducted at the appropriate times of day to observe nesting activities. Locations off the site to which access is not available may be surveyed from within the site or from public areas. If no nesting birds are found, a letter report confirming absence will be prepared and submitted to the City of Newman Community Development Department and no further mitigation is required.
- b. If the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize "normal" bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g., defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active. Once the absence of nesting birds has been confirmed, a letter report will be prepared and submitted to the City of Newman Community Development Department.

Impact:

Project development could result in the loss of jurisdictional wetlands and other waters of the U.S.

#### Mitigation:

BIO-7 Prior to initiation of ground disturbance or construction activities within the project boundary, the applicant will retain a qualified biologist to determine the extent of potential wetlands and waterways regulated by the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW).

If the USACE claims jurisdiction, the applicant shall obtain a Clean Water Act Section 404 Nationwide Permit. If the impacts to the drainage features do not qualify for a Nationwide Permit, the applicant will proceed in obtaining an Individual Permit from the USACE. The applicant will then coordinate with the RWQCB to obtain a Clean Water Act Section 401 Water Quality Certification. If necessary, the applicant will coordinate with the CDFW to obtain a Streambed Alteration Agreement.

To compensate for temporary and/or permanent impacts to Waters of the U.S. that would be impacted as a result of the proposed project, mitigation shall be provided as required by the regulatory permits. Mitigation would be provided through one of the following mechanisms:

- a. A Wetland Mitigation and Monitoring Plan shall be developed that outlines mitigation and monitoring obligations for temporary impacts to wetlands and other waters as a result of construction activities. The Wetland Mitigation and Monitoring Plan would include thresholds of success, monitoring and reporting requirements, and site-specific plans to compensate for wetland losses resulting from the project. The Wetland Mitigation and Monitoring Plan shall be submitted to the appropriate regulatory agencies for review and approval during the permit application process.
- b. To compensate for permanent impacts, the purchase and/or dedication of land to provide suitable wetland restoration or creation shall ensure a no net loss of wetland values or functions. If restoration is available and feasible, a minimum 1:1 impact to mitigation ratio would apply to projects for which mitigation is provided in advance.

For improvements on the project site, the applicant shall comply with terms and conditions of the permits, including measures to protect and maintain water quality, restore work sites, and mitigation to offset temporary and/or permanent wetland impacts. applicant shall be responsible for implementation of this mitigation measure prior to issuance of a grading permit.

#### Cultural Resources:

##### Impact:

Project-related excavation and construction could result in the accidental discovery and disturbance of archaeological resources.

##### Mitigation:

CR-1 If any prehistoric or historic subsurface archaeological resources, including tribal cultural resources, are discovered during ground-disturbing activities:

- a. All work within 50 feet of the resources shall be halted and a qualified archaeologist shall be consulted to assess the significance of the find according to CEQA Guidelines Section 15064.5.
- b. If any find is determined to be significant, representatives from the City of Newman Community Development Department and the archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation.
- c. All significant prehistoric cultural materials and or tribal cultural resources recovered shall be, returned to Native American tribes traditionally and culturally affiliated with the area.
- d. In considering any suggested mitigation proposed by the consulting archaeologist to mitigate impacts to historical resources or unique archaeological resources, the City shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, proposed project

design, costs, and other considerations.

- e. If avoidance is infeasible, other appropriate measures (e.g., data recovery) would be implemented.
- f. Work may proceed on other parts of the project site while mitigation for historical resources or unique archaeological resources is being carried out.

Impact:

Construction activities associated with the project could result in the disturbance of Native American skeletal remains.

Mitigation:

CR-2 California Health and Safety Code Section 7050.5 and the CEQA Guidelines Section 15064.5(e) contain the mandated procedures of conduct following the discovery of human remains. According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The Stanislaus County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the Native American Heritage Commission within 24 hours, who would, in turn, notify the person the Native American Heritage Commission identifies as the Most Likely Descendant of any human remains. Further actions shall be determined, in part, by the desires of the Most Likely Descendant. The Most Likely Descendant has 48 hours to make recommendations regarding the disposition of the remains following notification from the Native American Heritage Commission of the discovery. If the Most Likely Descendant does not make recommendations within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the Most Likely Descendant's recommendations, the owner or the descendent may request mediation by the Native American Heritage Commission.

Geology and Soils:

Impact:

Paleontological resources could be accidentally discovered during excavations or other related construction activities associated with development of the project.

Mitigation:

GEO-1 The following language shall be included in all demolition and grading permits: "If paleontological resources are discovered during demolition and earthmoving activities, work shall stop within 100 feet of the find until a qualified paleontologist can assess if the find is unique and, if necessary, develop appropriate treatment measures in consultation with the City Community Development Department."

Greenhouse Gas Emissions:

Impact:

The project could be inconsistent with GHG reduction targets identified in the Sacramento Metropolitan Air Quality Management District's *CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plan*.

Mitigation:

GHG-1 The proposed project shall be designed to: 1) include no natural gas infrastructure, and 2) include electric vehicle support improvements to make the project EV ready, with improvements made consistent with the latest adopted version the CALGreen Tier 2 standards, except that all EV capable spaces shall be instead EV ready. Inclusion of these design elements in the final project plans shall be verified by the City Building Official prior to issuance of a building permit.



Noise:

Impact:

Temporary noise levels associated with construction of the project could exceed the City's established noise standards.

Mitigation:

N-1 The following shall be implemented by the project developer during construction of the project, pursuant to General Plan Policy HS-6.9:

- Construction activities shall normally be limited to the hours of 7AM to 7PM Monday through Friday, and 8AM to 7PM on Saturday. Construction Use available noise suppression devices and properly maintain and muffle loud construction equipment.
- Avoid staging of construction equipment and unnecessary idling of equipment within 200 feet of noise-sensitive land uses.

*Revised September 2011*

If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

n/a

Provide a list of the responsible or trustee agencies for the project.

Stanislaus Local Agency Formation Commission  
California Department of Fish and Wildlife  
U.S. Fish and Wildlife Service  
United States Army Corps of Engineers  
Regional Water Quality Control Board

