

# 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: Newman Influent Trunk Sewer Improvements – Phase II

Lead Agency: City of Newman

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Project Location: Newman Stanislaus and Merced  
*City* *County*

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

The proposed project is Phase II of the City of Newman's sewer line improvements located along the northeast border of the city limits and runs along Swamp Rats Road within the County of Stanislaus and along Farm Access Road within the County of Merced. The project consists of approximately 5,125 feet of 36-inch in diameter sewer line and 16 sewer manholes between Canal School Road and the Phase I connection. The connection to Phase I is shown on Sheet C-20 of the project plans and includes an additional 40 feet of 24 inch by 38-inch oval storm drains with four storm drain manholes.

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

## ***Biological Resources***

### Impact

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.

### Mitigation Measure

BIO-1 The City of Newman will implement U.S. Fish and Wildlife Service *Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance* (USFWS 2011) 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 will 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 will include all work areas and a minimum 200-foot buffer of the project site. The preconstruction surveys will 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 will be determined and mapped.

If a natal/pupping den is discovered within the project area or within 200 feet of the project boundary, the City of Newman will 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 will 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 will be observed:

- a. Project-related vehicles will 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 will be minimized. Off-road traffic outside of designated project area will 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 will 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 will 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 will 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 will 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 will be disposed of in closed containers and removed at least once a week from a construction or project site.

- e. No firearms will 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 will be permitted on site during construction activities.
- g. Use of rodenticides and herbicides on the project site during construction will 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 will 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 will be used because of proven lower risk to kit fox.
- h. In the case of trapped animals, escape ramps or structures will 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 will immediately report the incident to the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service.
- j. The City of Newman will prepare and maintain weekly reports on construction monitoring activities in the City of Newman Public Works Department.

#### Impact

The project could result in the loss or disturbance of individual animals if burrowing owls are present on or adjacent to the project site during construction activities.

#### Mitigation Measure

BIO-2 To avoid loss of or harm to burrowing owl, the City of Newman will implement the following measures:

- a. Prior to issuance of a grading permit, and to avoid/minimize impacts to burrowing owls potentially occurring within the project site, the City of Newman will retain a biologist qualified in ornithology to conduct surveys for burrowing owl. The qualified biologist will 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 will 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 will be prepared and submitted to the California Department of Fish and Wildlife and the City of Newman Public Works Department, where it will be kept on file, 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), will 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<br>(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 will 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 will be conducted at a rate sufficient to detect burrowing owls if they return.
- d. If surveys locate occupied burrows in or near construction areas, the City of Newman will consult with the California Department of Fish and Wildlife 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 will be prepared by the biologist and submitted to the California Department of Fish and Wildlife and the City of Newman Public Works Department, where it will be kept on file, and no further measures are required.

### Impact

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

### Mitigation Measure

BIO-3 The City of Newman will implement the following measures to avoid loss of or harm to Swainson's hawk and other raptors:

- a. Tree and vegetation removal will 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, the City of Newman will 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 will 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, will be followed for surveys for Swainson's hawk. If no nests are found, a report documenting the results of the survey will be submitted to the City of Newman Public Works Department and no further mitigation will be required.

- c. Impacts on nesting Swainson's hawks and other raptors will be avoided by establishing appropriate buffers around active nest sites identified during preconstruction raptor surveys. No project activity will 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) will 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 will 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.

### Impact

Construction activities at the project site 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 Measure

BIO-4 The City of Newman will implement following measures to avoid loss of or harm to special-status bat species:

- a. Approximately 14 days prior to tree removal or construction activities, a qualified biologist will conduct a habitat assessment for bats and potential roosting sites in trees to be removed and in trees or buildings within 50 feet of the construction easement. These surveys will include a visual inspection of potential roosting features (bats need not be present) and a search for presence of guano within the project site, construction access routes, and 50 feet around these areas. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable potential nest or roost habitat for bats will be surveyed. Assumptions can be made on what species is present due to observed visual characteristics along with habitat use, or the bats can be identified to the species level with the use of a bat echolocation detector such as an "Anabat" unit. Potential roosting features found during the survey will be flagged or marked.
- b. If no roosting sites or bats are found, a letter report confirming absence will be prepared by the biologist and submitted to the California Department of Fish and Wildlife and the City of Newman Public Works Department, where it will be kept on file, and no further mitigation is required.
- c. If bats or roosting sites are found, bats will not be disturbed without specific notice to and consultation with California Department of Fish and Wildlife.
- d. If bats are found roosting outside of the nursery season (May 1 through October 1), California Department of Fish and Wildlife will be consulted prior to any eviction or other action. If avoidance or postponement is not feasible, a Bat Eviction Plan will be submitted to California Department of Fish and Wildlife for written approval prior to project implementation. A request to evict bats from a roost includes details for excluding bats from the roost site and monitoring to ensure that all bats have exited the roost prior to the start of activity and are unable to re-enter the roost until activity is completed. Any bat eviction will be timed to

avoid lactation and young-rearing. If bats are found roosting during the nursery season, they will be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 50-foot buffer zone (or different size if determined in consultation with the California Department of Fish and Wildlife) will be established around the roosting site within which no construction activities including tree removal or structure disturbance will occur until after the nursery season.

### Impact

Construction activities, including ground disturbance, can impact nesting birds protected under the federal Migratory Bird Treaty Act and California Fish and Game Code, should nesting birds be present during construction.

### Mitigation Measure

BIO-5 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), the City of Newman will engage a qualified biologist to 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 by the biologist and submitted to the California Department of Fish and Wildlife and the City of Newman Public Works Department, where it will be kept on file, 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 will be established. The buffer will be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist will 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 will 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 will 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 by the biologist and submitted to the City of Newman Public Works Department, where it will be kept on file, and no further measures are required.

## ***Cultural Resources***

### Impact

Project-related excavation could uncover previously unknown archaeological resources or buried human remains.

## Mitigation Measure

CR-1 The following information will be included on all bid and construction documents and shall be implemented during all project ground-disturbing activity.

If any prehistoric or historic subsurface archaeological resources, including tribal cultural resources, are discovered during ground-disturbing activities, the following measures will be implemented:

- a. All work within 50 meter (165 feet) of the resources will be halted and a qualified archaeologist will 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 Public Works Department and the archaeologist will meet to determine the appropriate avoidance measures or other appropriate mitigation.
- c. All significant prehistoric cultural materials and or tribal cultural resources recovered will 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 will 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) will 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.

CR-2 The following information will be included on all bid and construction documents and shall be implemented during all project ground-disturbing activity.

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 will cease and necessary steps to ensure the integrity of the immediate area will be taken. The Stanislaus County Coroner will 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 will 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 will 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 City will coordinate with the owner to, 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 site.

Mitigation Measure

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 of Newman Public Works Department Director or his/her designate.”

**Noise**

Impacts

Development of the proposed project could result in temporary construction noise levels exceeding the City’s established noise standards.

Vibration levels generated during project construction activities may at times be perceptible at neighboring land uses.

Mitigation Measure

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

- a. 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.
- b. Avoid staling of construction equipment and unnecessary idling of equipment within 200 feet of noise-sensitive land uses.

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.

State Water Resources Control Board, Division of Financial Assistance

Regional Water Quality Control Board

County of Stanislaus

County of Merced

