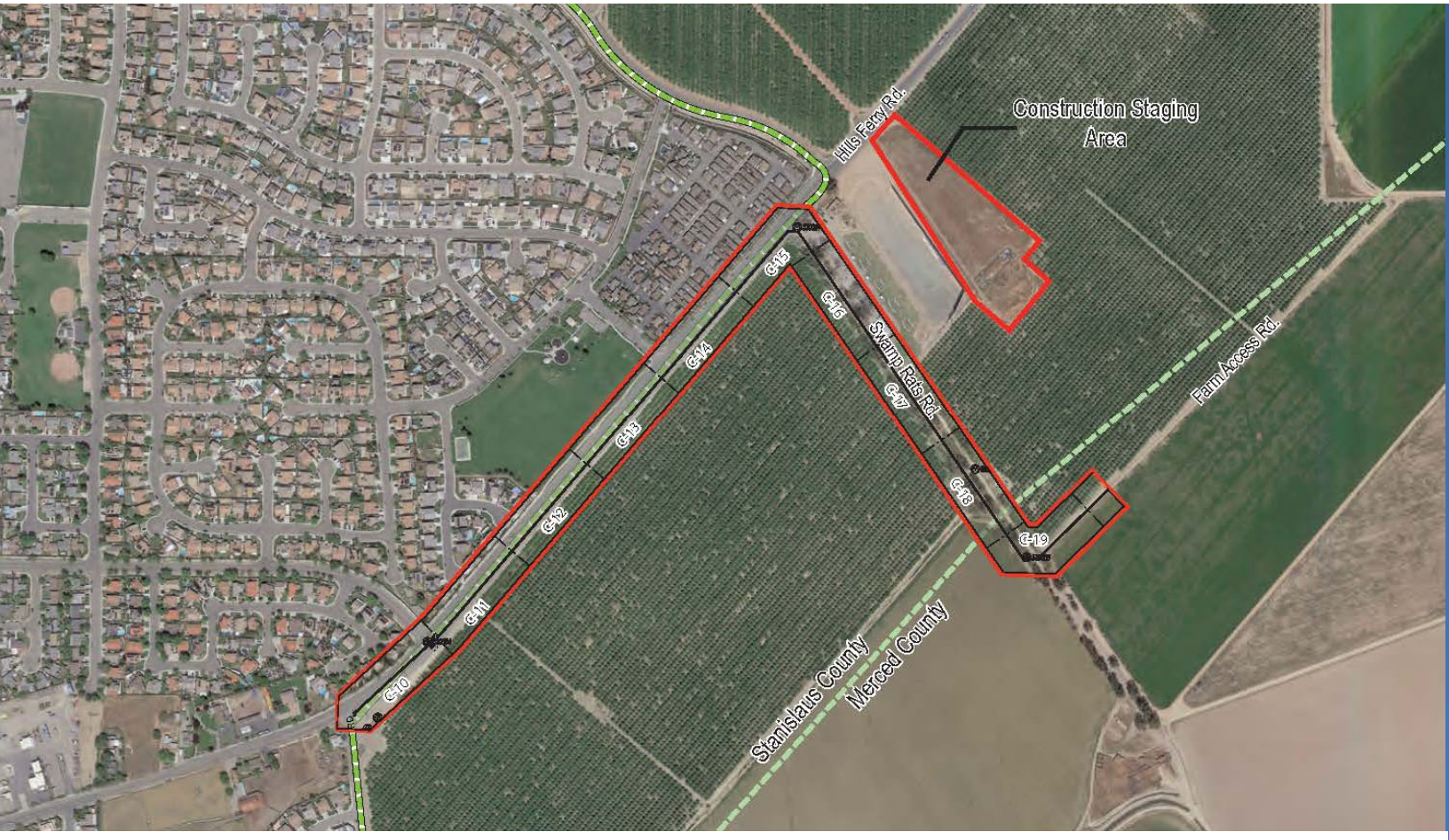
Public Review Draft Mitigated Negative Declaration

Newman Influent Trunk Sewer Improvements – Phase II

April 2023



Prepared by

EMC Planning Group

MITIGATED NEGATIVE DECLARATION

In Compliance with the California Environmental Quality Act (CEQA)

Project Name	Newman Influent Trunk Sewer Improvements – Phase II
Lead Agency	City of Newman
Project Proponent	City of Newman
Project Location	City of Newman and unincorporated Stanislaus County and unincorporated Merced County
Project Description	Proposed Phase II improvements consist 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.
Public Review Period	Begins-April 26, 2023 Ends-May 25, 2023
Written Comments To	Kathryn Reyes, Public Works Director City of Newman 938 Fresno Street, P. O. Box 787, Newman, CA 95360 kreyes@cityofnewman.com
Proposed Findings	The City of Newman is the custodian of the documents and other material that constitute the record of proceedings upon which this decision is based. The CEQA-Plus Initial Study indicates that the proposed project has the potential to result in significant adverse environmental impacts. However, the mitigation measures identified in the initial study would reduce the impacts to a less than significant level. There is no substantial evidence, in light of the whole record before the lead agency, City of Newman, that the project, with mitigation measures incorporated, may have a significant effect on the environment. See the following project-specific mitigation measures:

Mitigation Measures

Biological Resources

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.

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 (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.

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.

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.

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

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

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

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 stating of construction equipment and unnecessary idling of equipment within 200 feet of noise-sensitive land uses.

PUBLIC REVIEW DRAFT CEQA-PLUS INITIAL STUDY

NEWMAN INFLUENT TRUNK SEWER IMPROVEMENTS – PHASE II

PREPARED FOR

City of Newman

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April 2023

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Tables

A. BACKGROUND

Project Title	Newman Influent Trunk Sewer Improvements – Phase II
Lead Agency Contact Person and Phone Number	Kathryn Reyes, Public Works Director City of Newman 209-862-4448
Date Prepared	March 16, 2023
Study Prepared by	EMC Planning Group Inc. 601 Abrego Street Monterey, CA 93940
Project Location	City of Newman County of Stanislaus County of Merced
Project Sponsor Name and Address	City of Newman 938 Fresno Street P.O. Box 787 Newman, CA 95360
General Plan Designation	City of Newman: Rural Residential, Agricultural, Single Family Residential, Light Industrial Stanislaus County: Agricultural Merced County: Agriculture
Zoning	Stanislaus County: General Agriculture 40 Acre Merced County: A-1 General Agriculture

Regional Setting

The City of Newman (city) lies on the west side of the San Joaquin Valley, along the southern boundary of Stanislaus County, just west of the confluence of the San Joaquin River and the Merced River. The southeastern city limit adjoins unincorporated Merced County. The project site is located along and immediately east of the northeast city limit. Figure 1, Location Map, shows the general location of the proposed project.

Background

The City of Newman owns and operates a wastewater treatment and reclamation facility (WWTRF) located northeast of the city. The WWTRF treats all of the wastewater from Newman, which is collected in two parallel trunk lines, an 18-inch in diameter pipe, and a 21-inch in diameter pipe, that extend from the corner of Canal School Road and Hills Ferry Road through

active agricultural fields to the headworks of the WWTRF. Access to the existing lines is constrained by their location in active agricultural fields. To provide a long-term solution for multiple failures that have occurred over time in the existing lines, the *Preliminary Environmental Constraints Assessment* (Stantec 2022b) (constraints assessment), was prepared. As noted in the constraints assessment, the city has decided to replace the entire two-mile long influent sewer trunk line to prevent future catastrophic system failures in the existing pipelines that would result in spills and hazards to the environment.

Figure 2, Aerial Photograph, shows the existing sewer influent trunk line in blue and the location of the WWTRF approximately one mile northeast of Newman, west of the San Joaquin River, and southeast of Hills Ferry Road. The city's trunk line improvements would be constructed in two phases, Phase I, shown in orange and Phase II, shown in red. To address immediate trunkline deficiencies near the WWTRF, the city filed an emergency CEQA categorical exemption for the Phase I construction of replacement pipe extending from the headworks toward the city. The city is currently accepting bids to construct the Phase I improvements. No federal funding was requested for the Phase I improvements.

Description of Project

Environmental Setting

The proposed Phase II improvement (proposed project) alignment is shown in Figure 3, Proposed Project. The project site is bounded by Hills Ferry Road, a residential subdivision and a park on the northwest and a nut orchard on the southeast. Swamp Rats Road is bounded on both sides by rows of eucalyptus trees and on the northeast side by a residence, several outbuildings, and Newman Swamp Rats Shooting Range. Beyond the rows of eucalyptus trees on Swamp Rats Road are extensive orchards, and a disked field is located southeast of the final section of the Phase II route. Aquatic features near the project site include the Newman Waste-Way, a canal approximately one half-mile to the east. The plan set sheet numbers shown on Figure 3 correspond with the sheets within the proposed plans included in Appendix A. The plan set shown in Appendix A includes plans for both Phase I and Phase II, however, only Phase II is analyzed in this initial study.

Physical Improvements

Proposed Phase II improvements consist 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 (Aronow, email message, December 12, 2022).

Construction of the proposed improvements within the Canal School Road and Hills Ferry Road would occur within the 40-foot to 60-foot-wide public rights-of-way and on privately owned roads would occur within the roadbeds that are generally 20 feet wide. Construction of the proposed project would include trenching up to approximately 10 feet deep and up to 10 feet wide in pavement and dirt roads along the new sewer route. Construction and access easements

would be required for the portion of the proposed project along the privately owned roads. Although the proposed route avoids placing the trunk line within actively farmed areas, the area of potential disturbance (access, trenching and temporary excavation spoil stockpiling) shown on the project plans, is about 30 feet wide and overlaps slightly with tilled acreage. Farming activities within this area may be temporarily suspended during construction. Proposed construction activities in public rights-of-way would include removal and replacement of asphalt, removing and resetting traffic signs, and replacing pavement markings and bicycle lane markings within public right-of-way. The existing 21-inch and 18-inch sewer trunk lines would be abandoned in place and there would be no increase in WWTRF treatment capacity.

The total disturbance area would be approximately 2.37 acres (5,125 plus 40 feet linear feet = 5,165 linear feet x approximately 20-foot-wide disturbance area = 103,300/43,560 = 2.37 acres.

Tree Removal and Construction Schedule and Staging

One tree, a goldenrain tree (*Koelreuteria bipinnata*), outside of the Newman city limits in Merced County would be removed according to the plan set (Drawing No. C-19).

Construction is expected to begin sometime in 2024, and is expected to last for approximately 10 months. An approximately five-acre construction equipment and materials staging area would be located on a vacant parcel located in unincorporated Stanislaus County north of Swamp Rats Road and the Newman Swamp Rats Shooting Range. The staging area would be accessed from Hills Ferry Road, and is identified in Figure 3, Proposed Project. This parcel has not been in agricultural production since about 2014 (Google, Inc. 2023).

Funding

The proposed project is eligible for funding from the State Water Resources Control Board (State Water Board), Division of Financial Assistance, which administers the Clean Water State Revolving Fund (CWSRF) Program pursuant to 40 Code of Federal Regulations Part 35. The city is seeking funding from these programs to assist in financing the proposed project. The CWSRF loan fund is capitalized by federal grants, state match money, loan repayments, and other earnings of the fund. Projects that are supported with funds directly made available by federal capitalization grants (i.e., projects funded in amounts equaling the grant), called federally assisted projects, must comply with several federal and state legal requirements including California Environmental Quality Act (CEQA) review. Therefore, this CEQA Plus document considers the potential environmental impacts associated with Phase II of the influent trunk improvements (proposed project).

Property Ownership

No federal lands are affected. Parcels to be affected by the proposed project are owned by the following entities:

1. City of Newman – Wastewater Treatment and Reclamation Facility (WWTRF)
2. County of Stanislaus –Public Roadways
3. Possible Easements - Private Roadways (Assessor's Parcel Numbers 049-042-004 – 007)

Project Objectives

The City of Newman Influent Sewer Improvement Project objectives are to:

- Completely replace the existing 18-inch and 21-inch trunk lines with a single line with sufficient capacity to service existing and future needs of the City, and of a material resistant to deterioration and damage from vehicle traffic;
- Construct the project within existing right-of-way and farm roads to minimize capital costs and avoid traversing agricultural lands in active cultivation during construction or long-term maintenance activity;
- Minimize conflicts with existing facilities; and
- Allow for maintenance access to the system.

Improving the city's influent sewer trunk line will have multiple benefits for the city and its residents. Addressing the trunks failing condition will prevent the risk of sewer overflows and spills that can be a hazard to public safety, the environment, existing infrastructure, and potential damage to private property.

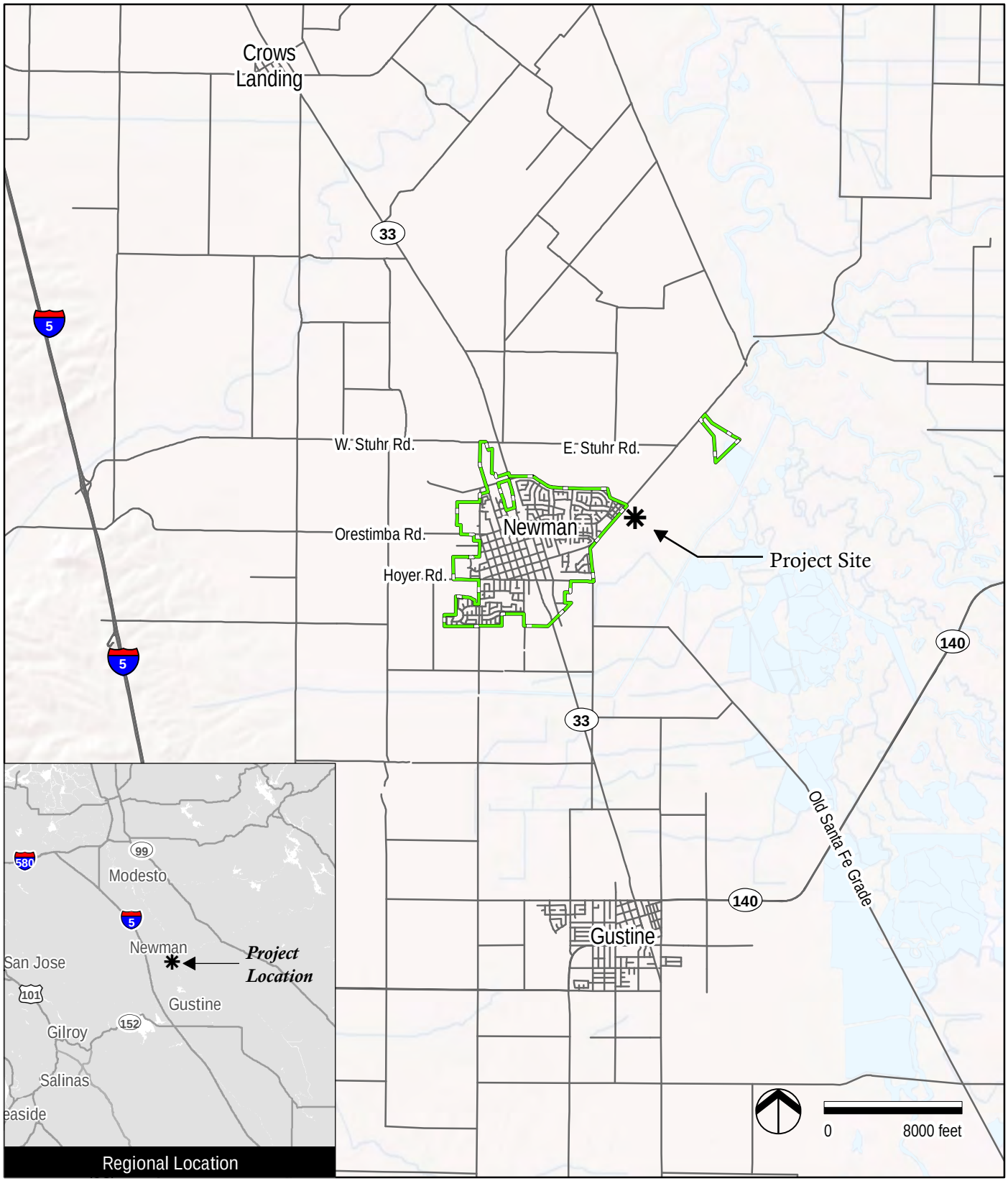
Other Public Agencies Whose Approval is or May be Required

- State Water Resources Control Board, Division of Financial Assistance
- Regional Water Quality Control Board
- County of Stanislaus
- County of Merced

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

The City of Newman has not received any requests for consultation pursuant to Public Resources Code section 21080.3.1from California Native American tribes traditionally and culturally affiliated with the project area. However, because the proposed project may receive federal fundings, tribal consultation has been initiated to comply with federal requirements. See Section 18.0, Tribal Cultural Resources, in this CEQA-Plus initial study.



Source: ESRI 2014

Figure 1

Project Location

Newman Sewer Influent Trunk Line Improvements – Phase II CEQA-Plus Initial Study

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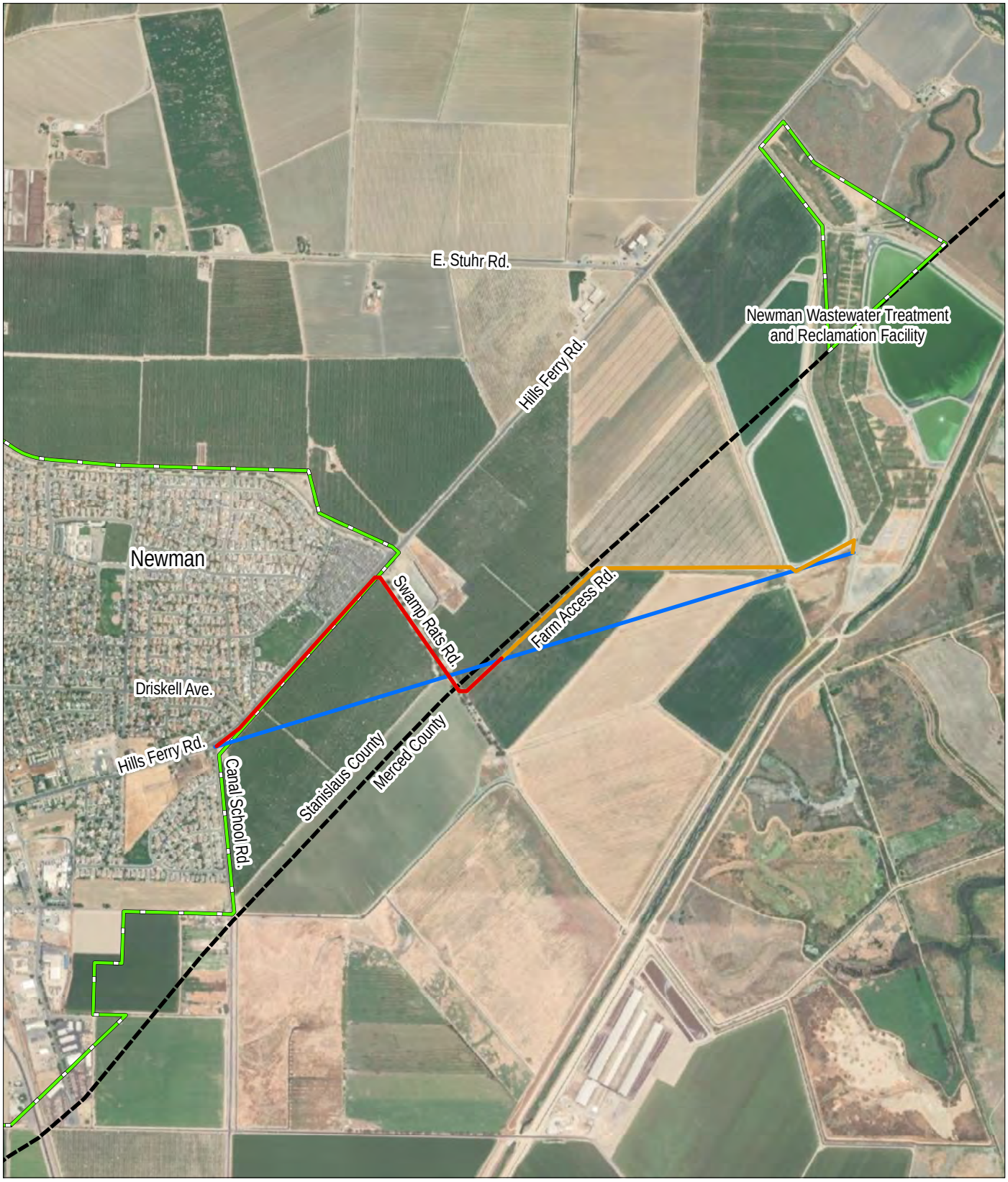

Source: Stanislaus County GIS 2022, Google Earth 2022, Stantec 2022

Figure 2

Aerial Photograph

Newman Sewer Influent Trunk Line Improvements – Phase II CEQA-Plus Initial Study

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Source: Stantec 2022

Figure 3

Proposed Project

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B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

☐ Aesthetics	☐ Greenhouse Gas Emissions	☐ Public Services
☐ Agriculture and Forestry Resources	☐ Hazards & Hazardous Materials	☐ Recreation
☐ Air Quality	☐ Hydrology/Water Quality	☐ Transportation
☐ Biological Resources	☐ Land Use/Planning	☐ Tribal Cultural Resources
☐ Cultural Resources	☐ Mineral Resources	☐ Utilities/Service Systems
☐ Energy	☐ Noise	☐ Wildfire
☐ Geology/Soils	☐ Population/Housing	☐ Mandatory Findings of Significance

C. 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 (1) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (2) 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.

_____ April 20, 2023

Kathryn Reyes, Public Works Director Date

D. EVALUATION OF ENVIRONMENTAL IMPACTS

Notes

1. All answers take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
2. Once it has been determined that a particular physical impact may occur, then the checklist answers indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
3. "Negative Declaration: Less-Than-Significant Impact with Mitigation Measures Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less-Than-Significant Impact." The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less-than-significant level (mitigation measures from section XVII, "Earlier Analyses," may be cross-referenced).
4. Earlier analyses are used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. [Section 15063(c)(3)(D)] In this case, a brief discussion would identify the following:
    a. "Earlier Analysis Used" identifies and states where such document is available for review.
    b. "Impact Adequately Addressed" identifies which effects from the checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and states whether such effects were addressed by mitigation measures based on the earlier analysis.
    c. "Mitigation Measures"—For effects that are "Less-Than-Significant Impact with Mitigation Measures Incorporated," mitigation measures are described which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
5. Checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances, etc.) are incorporated. Each reference to a previously prepared or outside document, where appropriate, includes a reference to the page or pages where the statement is substantiated.
6. "Supporting Information Sources"—A source list is attached, and other sources used or individuals contacted are cited in the discussion.
7. The explanation of each issue identifies:
    a. The significance criteria or threshold, if any, used to evaluate each question; and
    b. The mitigation measure identified, if any to reduce the impact to less than significant.

1. AESTHETICS

Except as provided in Public Resources Code Section 21099 (Modernization of Transportation Analysis for Transit-Oriented Infill Projects), would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b.	Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c.	In non-urbanized 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 points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☐	☒
d.	Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

Comments:

a, c, d. A permanent change to the visual character or visual quality of a project site could be considered a potentially substantial change. During construction, disturbance areas would include public rights-of-way, private roadways, areas directly adjacent to the private roadways for access, trenching and temporary excavation spoil stockpiling, and a staging area for construction (as shown on Figure 3, Proposed Project). Disturbed areas, construction equipment, and related construction materials would be temporarily visible. Construction would occur only during daylight hours and upon project completion, the subsurface improvements would not be visible and all disturbed areas would be returned to their previous condition. Therefore, the proposed project would not have a permanent adverse effect on a scenic vista, substantially degrade the existing visual character or quality of public views of the site and its surroundings, or result in new sources of light and glare.

b. The closest state designated scenic highway is State Route 5, which is over five miles distant from the project site (California Department of Transportation 2022), and the project site would not be visible from State Route 5. Therefore, the proposed project would not affect scenic resources within a state scenic highway.

2. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts on agricultural resources are significant environmental effects and in assessing impacts on agriculture and farmland, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?	☐	☐	☒	☐
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
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))?	☐	☐	☐	☒
d.	Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Comments:

a. According to the *2018 Stanislaus County Important Farmland Map*, the portion of the site along Hills Ferry Road and Swamp Rats Road within Stanislaus County is classified as Unique Farmland. The construction staging area is designated as vacant or disturbed land and does not include any important farmland. Additionally, according to the *2018 Merced County Important Farmland Map,* the portion of the project along the dirt farm road that lies within Merced County is classified as Unique Farmland. Although the proposed route

avoids placing the trunk line within actively farmed areas, the area of potential disturbance (access, trenching, and temporary excavation spoil stockpiling) shown on the project plans is about 30 feet wide on each side of the trench and overlaps slightly with tilled acreage identified as Unique Farmland. Farming activities within this area may be temporarily suspended during construction. However, any temporarily disturbed area would be returned to its previous condition upon project completion and permanent conversion of the land designated as Unique Farmland is not required or proposed. Therefore, the impact would be less than significant.

b. The proposed project site includes land with agricultural zoning designations. There are no parcels subject to Williamson Act contracts within the project site; all parcels are under active crop production. Proposed construction would occur within paved rights-of-way and unpaved farm roads. Project implementation would not conflict with land zoned for agricultural uses or land under Williamson Act contract.

c, d. There are no forested areas or land zoned for forest land in the project site. Therefore, no impact to timber or forest resources would occur.

e. While the proposed sewer alignment would be within roads that run through or adjacent to areas of active agricultural land and may cause a temporary inconvenience to farming operations during construction, the proposed project does not include any components that would result in the conversion of farmland or forest land. The proposed project would reduce or eliminate disruptions to active agricultural activities by decommissioning in place, the existing sewer influent trunk line that runs through agricultural fields, and by placing the new sewer influent trunk within existing roads.

3. 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:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
c.	Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d.	Result in other emissions, such as those leading to odors adversely affecting a substantial number of people?	☐	☐	☒	☐

Comments:

The city of Newman is within the San Joaquin Valley Air Basin (air basin), which is under the jurisdiction of the San Joaquin Valley Air Pollution Control District ("air district" or "SJVAPCD"). This section is based primarily on the air district's Guidance for Assessing and Mitigating Air Quality impacts (GAMAQI) (SJVAPCD 2015) and the results of emissions modeling using the California Emission Estimation Model (CalEEMod) version 2020.4 software. CalEEMod results are included in Appendix B.

a, b. The air district is responsible for assuring that national and state ambient air quality standards are attained and maintained in the air basin. CEQA requires that proposed projects be analyzed for conflicts with applicable air quality plans. An air quality plan describes air pollution control strategies to be implemented by a city, county, or region classified as a non-attainment area. The main purpose of an air quality plan is to bring the area into compliance with the requirements of the federal and State ambient air quality standards.

The air basin encompasses the San Joaquin Valley with Sierra Nevada Mountains to the east, the Coast Ranges to the west, and the Tehachapi mountains to the south. Airflow is considerably affected by summertime inversions at lower elevations than the surrounding topography and as a result can lead to a buildup of ozone and ozone precursor pollutants within the basin. Wintertime inversions trap air near the ground and can lead to buildup of particulate matter air pollutants.

According to the air district's website (SJVAPCD 2022), the primary air pollutants of concern in the air basin are ozone and particulate matter, for which the air basin is in nonattainment for the federal and state standards for ozone (eight-hour) and $PM_{2.5}$, and with the state standards for ozone (one hour) and PM_{10}. The air basin is either unclassified or in attainment with all other state and federal ambient air quality standards.

The air district adopted the *2018 Plan for the 1997, 2006, and 2012 $PM_{2.5}$ Standards* on November 15, 2018 (SJVAPCD 2018) (2018 $PM_{2.5}$ Plan) that set forth an attainment target to address the EPA federal 1997 annual $PM_{2.5}$ standard by 2020. However, this target could not be met within the established timeframe due to significant wildfire impacts and data collection issues at the air monitoring site in Bakersfield. In response, the air district prepared and adopted the *Attainment Plan Revision for the 1997 Annual $PM_{2.5}$ Standard* (SJVAPCD 2021) that revises the attainment target date to December 31, 2023.

The air district has adopted thresholds, rules and regulations to implement the 2018 $PM_{2.5}$ Plan and address ozone and particulate matter emissions in the air basin. The air district's Indirect Source Review Rule (Rule 9510) includes emissions reduction measures for ozone precursor and PM_{10} emissions generated by construction and operational activities. Construction emissions that exceed air district thresholds would be subject to the air district-approved mitigation measures stated under Rule 9510. Additionally, air district Rule 3180 requires the payment of fees based on estimated costs to reduce the emissions from other sources plus expected costs to cover administration of the program to address the unmitigated portion of a project's emissions.

The air district controls fugitive dust PM_{10} emissions through Regulation VIII, the purpose of which is to reduce ambient concentrations of PM_{10} by requiring actions to prevent, reduce or mitigate anthropogenic (human caused) fugitive dust emissions. Emissions reduction measures also reduce $PM_{2.5}$ emissions. Regulation VIII requires the preparation of dust control plans that include district-approved measures to reduce fugitive dust, and the payment of fees to cover costs for reviewing plans and conducting field inspections.

The proposed project would generate criteria air pollutant emissions during construction that would contribute to regional ambient air quality conditions. As noted previously, criteria air pollutant emissions generated during construction were modeled using CalEEMod. According to the results, construction of the project would not generate emissions that would exceed air district thresholds for any criteria air pollutant. Therefore, project emissions of ozone precursors and fugitive dust would be less than significant and would not conflict with or jeopardize successful implementation of the 2018 $PM_{2.5}$ Plan.

Modeled emissions show that the largest volumes generated during construction would be 1.25 tons of NOx annualized over one year. Therefore, the proposed project's contribution to cumulative emissions of ozone precursors or PM, for which the air basin is in nonattainment, would not be cumulatively considerable. Results for all modeled criteria air pollutants are summarized and compared to air district thresholds in Table 1, Unmitigated Construction Emissions.

Table 1 Unmitigated Construction Emissions (Tons per Year)

	ROG	NO_x	CO	SO_x	Total PM_{10}[2]	Total $PM_{2.5}$[2]
Construction Emissions[1]	0.15	1.25	1.01	< 0.01	0.37	0.18
Air District Thresholds	10.00	10.00	100.00	27.00	15.00	15.00
Exceed Thresholds? (Yes/No)	NO	NO	NO	NO	NO	NO

SOURCE: EMC Planning Group 2022, SJVAPCD 2022

NOTE:

1. Amounts are rounded and may vary.
2. Total PM_{10} and $PM_{2.5}$ volumes include exhaust and fugitive dust emissions.

Although modeled construction emissions do not exceed the air district standards, the city is required to comply with the emissions reduction measures identified in Rule 9510 and Regulation VIII to ensure that the project construction emissions are reduced and the proposed project is consistent with the air district's efforts to achieve the basin-wide reduction targets established in the 2018 $PM_{2.5}$ Plan.

Rule 9510 requires that projects reduce construction NOx exhaust emissions by 20 percent and construction PM_{10} exhaust emissions by 45 percent. These reductions are typically achieved by using newer or retrofitted construction fleets, reducing construction traffic, electrifying the construction site and stationary equipment, and implementing idling restrictions for equipment and trucks. Compliance with Rule 9510 would further reduce the project's less than significant construction NOx and PM_{10} emissions.

Regulation VIII calls for the implementation of fugitive dust control measures during construction. A dust control plan is required subject to review and approval by the air district prior to construction as part of the city's grading and building permit application process. The dust control plan must outline control measures for each phase of construction, which may include all or a combination of the following measures, consistent with Regulation VIII:

- Effective dust suppression (e.g., watering) for land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill and demolition activities.
- Effective stabilization of all disturbed areas of a construction site, including storage piles, not used for seven or more days.
- Control of fugitive dust from on-site unpaved roads and off-site unpaved access roads.
- Removal of accumulations of mud or dirt at the end of the workday or once every 24 hours from public paved roads, shoulders and access ways adjacent to the site.
- Cease outdoor construction activities that disturb soils during periods with high winds.
- Record keeping for each day dust control measures are implemented.
- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.

- Landscape or replant vegetation in disturbed areas as quickly as possible.
- Prevent the tracking of dirt on public roadways. Limit access to the construction sites, so tracking of mud or dirt on to public roadways can be prevented. If necessary, use wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
- Suspend grading activity when winds (instantaneous gusts) exceed 25 mph or dust clouds cannot be prevented from extending beyond the site.
- Anyone who prepares or implements a dust control plan must attend a training course conducted by the air district. Construction sites are subject to air district inspections under this regulation.

The city is required to implement the above measures consistent with Regulation VIII. Compliance with Regulation VIII ensures that the less-than-significant construction PM_{10} emissions are further reduced.

c. Diesel particulate matter is emitted by construction equipment and is a toxic air contaminant (TAC). Long term exposures to TACs can result in respiratory illness and cancer. Construction activity would result in temporary emissions of diesel particulate matter. Prevailing winds in Stanislaus County are from the north and northwest. Located within 30-50 feet of the project site, sensitive receptors north of Canal School Road and Hills Ferry Road could occasionally be exposed to construction equipment exhaust and dust emissions that can lead to increased health risks.

Construction emissions would be short term and would occur downwind of the receptor locations on Canal School Road and Hills Ferry Road. Additionally, modeled PM_{10} emissions (assumed to diesel particulate matter) volumes are substantially lower than the air district thresholds and with implementation of the emissions reduction measures outlined in the air district's Regulation VIII and Rule 9510, equipment and dust emissions would be further reduced. Once construction activity moves to the privately owned farm roads, no sensitive receptors are present that could be exposed to project TAC emissions.

d. Odors are objectionable emissions of one or more pollutants that are a nuisance to healthy persons and may trigger asthma episodes in people with sensitive airways. Nuisance odors are commonly associated with refineries, landfills, sewage treatment, agriculture, etc. The proposed trunk line is not anticipated to produce offensive odors during project construction or after the project is completed and operational. Therefore, the proposed project would not create significant objectionable odors affecting a substantial number of people.

4. BIOLOGICAL RESOURCES

Would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☒	☐	☐
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☐	☐	☒
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, filing, hydrological interruption, or other means?	☐	☐	☐	☒
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?	☐	☐	☐	☒
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Comments:

Methodology

The following analysis evaluates the potential for biological resources to be impacted by the proposed Newman Influent Trunk Sewer Project – Phase II (hereafter, sewer trunk line). The evaluation is primarily based on review of the proposed project description, results of records research relevant to the project area, a reconnaissance-level biological field survey of the project site, and information in the technical memorandum: *Preliminary Environmental Constraints Assessment*

for the City of Newman Influent (Stantec 2022b). The reconnaissance-level survey was conducted by EMC Planning Group senior biologist Patrick Furtado, M.S., on November 14, 2022. Prior to performing the field survey, Mr. Furtado conducted background research including the review of construction site plans, aerial photographs, natural resource database mapping and reports, and other relevant scientific literature. This included searching the U.S. Fish and Wildlife Service (USFWS) *Information for Planning and Consultation* (IPaC) official species list (USFWS 2023), the California Department of Fish and Wildlife (CDFW) *California Natural Diversity Database* (CDFW 2022a), and the California Native Plant Society (CNPS) *Inventory of Rare and Endangered Plants* (CNPS 2022) to identify special-status plants, wildlife, and habitats known to occur in the vicinity of the project site. A review of the *National Wetlands Inventory* (NWI) database was also conducted to identify jurisdictional aquatic features (wetlands, drainages, and/or riparian areas) on or adjacent to the project site (USFWS 2022a).

The reconnaissance-level biological field survey of the project site documented existing plant communities and wildlife habitats and evaluated the potential for special-status species to occur in the project area. Biological resources were documented in field notes, including species observed, dominant plant communities, significant wildlife habitat characteristics, and riparian and wetland habitat. Qualitative estimations of plant cover, structure, and spatial changes in species composition were used to determine plant communities and wildlife habitats. Habitat quality and disturbance levels were described. Plant species were identified in the field or collected for subsequent identification. Searches for reptiles and amphibians were performed by overturning and then replacing rocks and debris, as well as assessment of potentially suitable habitat areas found on the site. Birds were identified by visual and/or auditory recognition and mammals were identified by diagnostic signs (including scat and tracks).

Environmental Setting and Existing Conditions

The city is located on the west side of the San Joaquin Valley in Stanislaus County, adjacent to the boundary with Merced County. The project site is located along and immediately east of the northeast city limits (Figure 1, Location Map). The site is within the Central Valley Bioregion, which encompasses a diversity of plant communities, which range from oak woodlands and grasslands to riparian forests. The bioregion is also California's top agricultural area.

The project site is mapped on the Newman and Gustine U.S. Geological Survey (USGS) quadrangle maps, with approximate elevations of 83 feet above sea level at Canal School Road (start of Phase II sewer trunk line) and 75 feet above sea level at the proposed construction staging area along Hills Ferry Road.

The sewer trunk line route begins along the northeastern city limit of Newman at the intersection of Canal School Road and Hills Ferry Road. It then travels northeast along Hills Ferry Road for 2800 feet before turning southeast and away from Newman on Swamp Rats Road. After traveling for 1700 feet on Swamp Rats Road, the sewer line route turns northeast again on a dirt farm road ("Farm Access Road") where it ends after approximately 300 feet (Stantec 2022a). The last 400 feet of the sewer line route is within Merced County.

Hills Ferry Road is bounded by a residential area and a park on the northwest and a nut orchard on the southeast. Swamp Rats Road is bounded on both sides by rows of eucalyptus trees and on the northeast side by a residence, several outbuildings, and a developed shooting range. Beyond the rows of eucalyptus trees are extensive orchards and a disked field is located southeast of the final section of the Phase II route. Aquatic features near the project site include the Newman Waste-Way, a canal approximately one half-mile to the east.

The project site is limited to roads and roadsides with adjacent agricultural and developed land. No native plant communities or habitats are present or adjacent to the project site. The agricultural lands include orchards, disked fields, and ruderal (weedy) areas. These developed and agricultural habitats adjacent to the project site support a low diversity of plants and wildlife species that are adapted to these intensely managed and relatively disturbed environments. Figure 4, Habitat Map, shows the proposed sewer trunk line project area and plant and wildlife habitats present.

The ruderal roadside habitat is sparsely vegetated with non-native grasses such as wild oats (*Avena fatua*) and weedy forbs such as cheeseweed (*Malva parviflora*). Other weedy plants observed along the sewer line route include prickly lettuce (*Lactuca serriola*), milk thistle (*Silybum marianum*), sweetclover (*Melilotus* sp.), Russian thistle (*Salsola tragus*), and curly dock (*Rumex crispus*). Tree species included non-native blue gum eucalyptus (*Eucalyptus globulus*), goldenrain tree (*Koelreuteria bipinnata*), and tree of heaven (*Ailanthus altissima*). Plant cover required by many animal species is likely removed through the regular application of herbicides as part of routine agricultural operations.

Small rodent burrows were observed along most of the sewer trunk line route and are likely used by Botta's pocket gopher (*Thomomys bottae*) and California ground squirrel (*Otospermophilus beecheyi*). Other wildlife observed along the sewer trunk line include many bird species such as killdeer (*Charadrius vociferus*), American kestrel (*Falco sparverius*), red-tailed hawk (*Buteo jamaicensis*), Brewer's blackbird (*Euphagus cyanocephalus*), mourning dove (*Zenaida macroura*), western meadowlark (*Sturnella neglecta*), northern harrier (*Circus hudsonius*), and ring-necked pheasant (*Phasianus colchicus*). Coyote (*Canis latrans*) tracks and scat were also observed along the sewer line route.

Common mammal species that could utilize the agricultural/ruderal habitat along the sewer trunk line route include raccoon (*Procyon lotor*), striped skunk (*Mephitis mephitis*), black-tailed jackrabbit (*Lepus californicus*), gray fox (*Urocyon cinereoargenteus*), and Virginia opossum (*Didelphis virginiana*). Species of small rodents including mice (*Mus musculus, Reithrodontomys megalotis*, and *Peromyscus maniculatus*) and California vole (*Microtus californicus*) are also likely to occur along the route. Common reptiles that could occur along the sewer line route include western fence lizard (*Sceloporus occidentalis*), Pacific gopher snake (*Pituophis catenifer catenifer*), and common garter snake (*Thamnophis sirtalis*). Bird species that could use the agricultural/ruderal habitat along the sewer trunk line route include great horned owl (*Bubo virginianus*), barn owl (*Tyto alba*), turkey vulture (*Cathartes aura*), common raven (*Corvus corax*), western kingbird (*Tyrannus verticalis*), and barn swallow (*Hirundo rustica*).

A proposed staging area is located just north of the sewer line route on Hills Ferry Road. This approximately five-acre site consists of mowed grasses with dozens of small rodent burrows. The southeast end of this area is covered in earthen mounds and shrubs.

a. **Special-Status Species.** Special-status species are those listed as Endangered, Threatened, or Rare, or as candidates for listing by the USFWS and/or CDFW; as Species of Special Concern or Fully Protected species by the CDFW; or as Rare Plant Rank 1B or 2B species by CNPS. Appendix C, Special-Status Species in the Project Vicinity, presents tables with database search results, and lists special-status species documented within the project vicinity, their listing status and suitable habitat description, and their potential to occur on the project site. Figure 5, California Natural Diversity Database Map, presents a map of database results.

Given the disturbed and agriculturally developed condition of the project site, the lack of native vegetation, and the site's isolation from high quality habitat areas, most special-status plant and animal species known to occur in the region are not expected to occur on the project site due to lack of suitable habitats. No special-status plant or animal species were observed during the biological survey.

Special-status plant and wildlife species recorded as occurring in the vicinity of the project site but are not likely to occur on the project site due to lack of suitable habitat include Delta button-celery (*Eryngium racemosum*), alkali milk-vetch (*Astragalus tener* var. *tener*), California tiger salamander (*Ambystoma californiense*), California red-legged frog (*Rana draytonii*), tricolored blackbird (*Agelaius tricolor*), California horned lark (*Eremophila alpestris actia*), giant garter snake (*Thamnophis gigas*), western spadefoot (*Spea hammondii*), and western pond turtle (*Emys marmorata*).

Special-status wildlife species with a low potential to occur on the project site include San Joaquin kit fox (*Vulpes macrotis mutica*), burrowing owl (*Athene cunicularia*), Swainson's hawk (*Buteo swainsoni*), hoary bat (*Lasiurus cinereus*), pallid bat (*Antrozous pallidus*), western red bat (*Lasiurus blossevillii*), loggerhead shrike (*Lanius ludovicianus*), and protected nesting birds. These species are discussed further below.

San Joaquin Kit Fox. The San Joaquin kit fox is a federally-listed endangered species and a state-listed threatened species. The present range of the San Joaquin kit fox extends from the southern end of the San Joaquin Valley, north to Tulare County, and along the interior Coast Range valleys and foothills to central Contra Costa County. San Joaquin kit foxes typically inhabit annual grasslands or grassy open spaces with scattered shrubby vegetation but can also be found in some agricultural habitats and urban areas. This species needs loose-textured sandy soils for burrowing, and they also need areas that provide a suitable prey base, including black-tailed hare, desert cottontails, and California ground squirrels, as well as birds, reptiles, and carrion.

Source: Stanislaus County GIS 2022, Google Earth 2022, Stantec 2022

Figure 4

Habitat Map

Newman Sewer Influent Trunk Line Improvements – Phase II CEQA-Plus Initial Study

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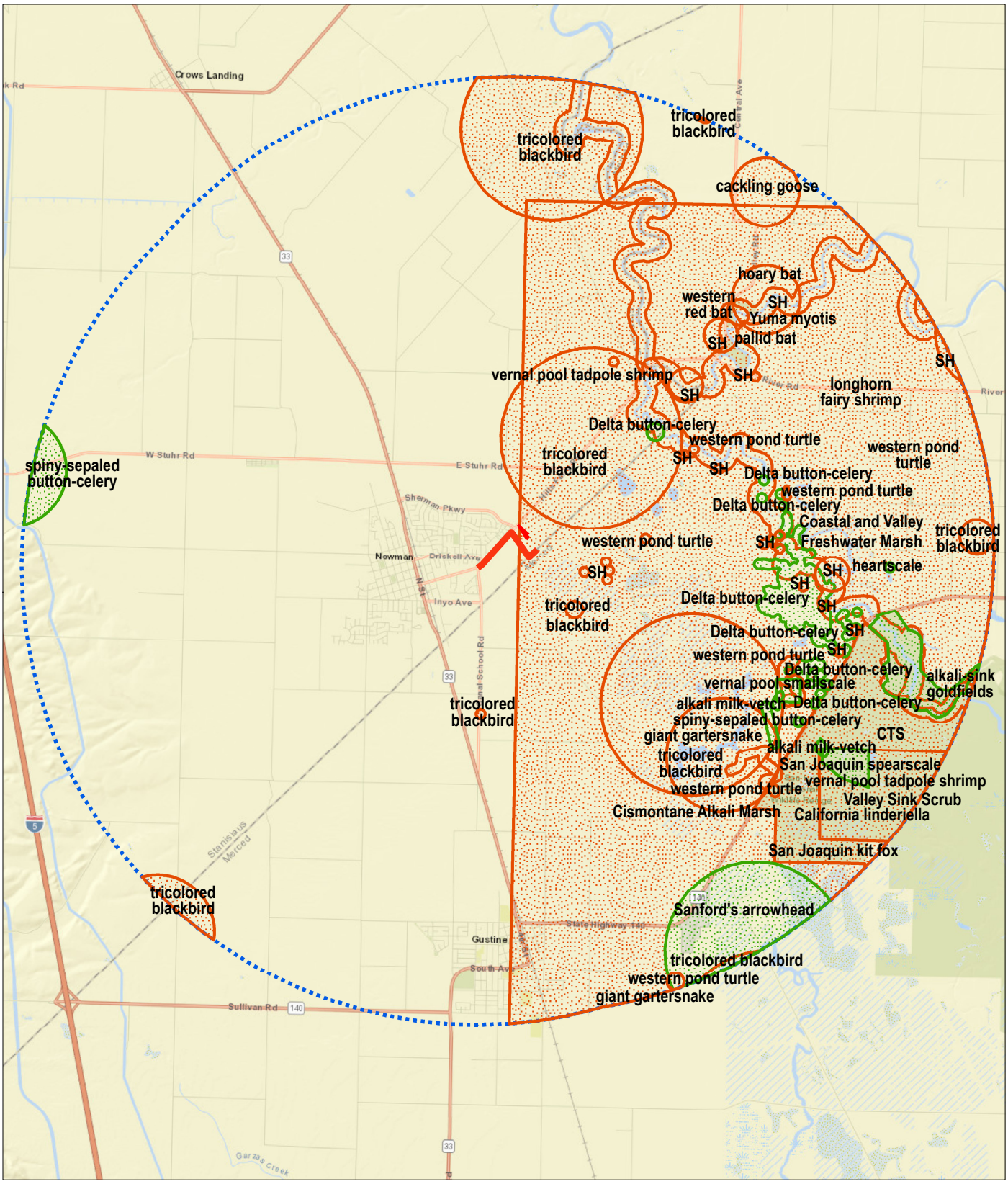

0 8000 feet

Sewer Line Phase 2

Staging Area

5-Mile Radius

Special-Status Plants

Special-Status Wildlife

Source: ESRI 2022, CNDDB 2022

CTS - California Tiger Salamander

SH- Swainson's Hawk

Figure 5

California Natural Diversity Database Map

Newman Sewer Influent Trunk Line Improvements – Phase II CEQA-Plus Initial Study

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According to the California Department of Fish and Wildlife, kit foxes have become established in urban settings of the Central Valley, such as Bakersfield, Taft, and Coalinga (Harrison et. al 2011). When kit foxes have easy access to trash and pet food, they often lose fear of people and urban environments. The project site's location adjacent to the urban edge of Newman could potentially attract kit foxes. Observations of this species have been documented approximately six miles to the southwest of the project site (Occurrence No. 414, CNDDB 2022a) and approximately four miles to the southeast of the project site (Occurrence No. 600, CNDDB 2022a).

The likelihood of this species occurring on the project site is considered low. However, loss of or harm to individual kit foxes could result if they are present on the project site or seek shelter during construction within artificial structures, such as stored pipes or exposed trenches. Loss or harm to San Joaquin kit fox is considered a significant adverse impact. Implementation of the following mitigation measure would reduce the potential impact to San Joaquin kit fox to a less-than-significant level.

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, including staging 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.

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.

Burrowing Owl. Burrowing owl is a California Species of Special Concern. Burrowing owls live and breed in burrows in the ground, especially in abandoned California ground squirrel burrows. Optimal habitat conditions include large open, dry and nearly level grasslands or prairies with short to moderate vegetation height and cover, areas of bare ground, and populations of burrowing mammals. This species has been observed approximately ten miles southwest of the project site (Occurrence No. 199, CNDDB 2022a) and approximately 12 miles northwest of the project site within the City of Patterson (Occurrence No. 588, CNDDB 2022a). The project site's ruderal and agricultural habitat provides marginally suitable foraging habitat for burrowing owl, and scattered ground squirrel burrows observed on the site could be utilized for nesting habitat. If burrowing owl is present on or adjacent to the project site, construction activities could result in the loss or disturbance of individual animals. Loss or harm to any individual burrowing owl would be a significant adverse environmental impact. Implementation of the following mitigation measures would reduce the potential impact to burrowing owl to a less-than-significant level.

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 (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.

Implementation of this mitigation measure would reduce the potential significant impact to burrowing owl to a less-than-significant level by requiring pre-construction surveys for active nests/burrows and the implementation of avoidance, minimization, and mitigation measures should they be found on the project site.

Swainson's hawk. Swainson's hawk is listed as a threatened species under the California Endangered Species Act (CESA). Swainson's hawk is a long-distance migrator. Their nesting grounds occur in northwestern Canada, the western U.S., and Mexico and most populations migrate to wintering grounds in the open pampas and agricultural areas of South America (Argentina, Uruguay, southern Brazil). This round-trip journey may exceed 14,000 miles. The birds return to the nesting grounds and establish nesting territories in early March.

Swainson's hawk nests in the Central Valley of California are generally found in scattered trees or along riparian systems adjacent to agricultural fields or pastures. Breeding season occurs from approximately February 1st to September 15th, with peak activities occurring from late May through July. Swainson's hawk forage for small rodents in large, open agricultural habitats, including alfalfa and hay fields. Suitable foraging habitat for Swainson's hawk is found in the open agricultural fields at the project site and potential nesting habitat can be found in the row of mature eucalyptus trees along the sewer trunk line route.

Nine observations of this species have been recorded within five miles of the project site (CNDDB 2022a). There are two active (within the past five years) Swainson's hawk nests within five miles of the project site (CNDDB Occurrences Nos. 2449 and 2451).

The proposed project would not result in a permanent loss of foraging habitat and any temporary impacts on foraging habitat (e.g., disturbance from construction activities) is not anticipated to be significant (e.g., extensive foraging habitats are available in the project vicinity).

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. Loss or harm to Swainson's hawk is considered a significant adverse impact. The California Department of Fish and Game's (now California Department of Fish and Wildlife) *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California* (CDFG 1994) provides guidance on how impacts on Swainson's hawk are to be mitigated. Implementation of the following mitigation measures would reduce the potential impact to Swainson's hawk to a less-than-significant level.

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.

Implementation of these mitigation measures would reduce the potential significant impact to Swainson's hawk to a less-than-significant level by requiring foraging habitat mitigation and pre-construction surveys for Swainson's hawk nests on or near the project site.

Bats. Trees in the project area and/or buildings or structures adjacent to the project site could provide roosting habitat for special-status bat species known to occur in the vicinity of the project site: hoary bat, pallid bat, and western red bat. These bat species inhabit a wide variety of habitats including grasslands, woodlands, and forests. All three species roost in dense foliage of medium to large trees. 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. Loss or harm to special-status bats is considered a significant adverse impact. Implementation of the following mitigation measure would reduce the potential impact to special-status bat species to a less-than-significant level.

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 and/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.

Implementation of this mitigation measure would reduce the potential significant impact to special-status bat species to a less-than-significant level by requiring pre-construction surveys for bats and potential roosting sites and, if found, avoiding any disturbance.

Nesting Birds. In addition to Swainson's hawk, protected nesting bird species and raptor species have the potential to nest in buildings or structures, on open ground, or in any type of vegetation, including trees, during the nesting bird season (January 15 through September 15). The project site and surrounding properties contain a variety of trees shrubs, and open grassland areas suitable for nesting. 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. If protected bird species are nesting on or adjacent to the project site during the bird nesting season, then noise-generating construction activities could result in the loss of fertile eggs, nestlings, or otherwise lead to the abandonment of nests. One tree, a goldenrain tree, outside of the Newman city limits in Merced County would be removed according to the plan set (Drawing No. C-19). Implementation of the following mitigation measure would reduce the potential impact to nesting birds to a less-than-significant level.

Mitigation Measure

BIO-5 To avoid impacts to 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.

Implementation of this mitigation measure would reduce the potential significant impact to nesting birds to a less-than-significant level by requiring pre-construction surveys for active bird nests and the implementation of avoidance, minimization, and mitigation measures should they be found on the project site.

b. **Riparian Habitat or Sensitive Natural Communities.** There were no riparian habitat or sensitive natural communities observed at the project site.

c. **Wetlands and Waters of the U.S.** A review of the National Wetlands Inventory online database was conducted to identify potential jurisdictional aquatic features on or adjacent

to the project site (USFWS 2022a). Results showed the sewer trunk line route running parallel to an agricultural drainage ditch along the southern section of Swamp Rats Road and identified on the NWI as "riverine" habitat (Figure 4, Habitat Map). However, no open drainage ditch or other aquatic feature was observed in this area during the field survey. Therefore, the proposed project would not result in any impact to wetlands and waters of the U.S.

d. **Wildlife Movement.** Wildlife movement corridors provide connectivity between habitat areas, enhancing processes like nutrient flow, gene flow, seasonal migration, pollination, and predator-prey relationships. Increasing connectivity is a critical strategy for addressing habitat loss and fragmentation, a top threat to biodiversity.

The project site is not located within any previously defined essential connectivity areas as mapped by the California Essential Habitat Connectivity Project and is also adjacent to existing developed areas (CDFW 2022c). The project site is not likely to facilitate major wildlife movement due to current active disturbance. As such, the proposed project would have a less-than-significant impact on wildlife movement.

e. **Local Biological Resource Policies/Ordinances.** The city's general plan (City of Newman 2007) has goals in place for conserving local biological resources. The Natural Resources Element provides direction regarding the conservation, development, and use of natural resources in and around Newman, including agricultural land, water quality, vegetation and wildlife, and air quality.

One tree, a goldenrain tree, outside of the Newman city limits in Merced County would be removed according to the plan set (Drawing No. C-19). Merced County does not have a tree removal ordinance.

The Stanislaus County General Plan (Stanislaus County 2015) contains goals, policies, and implementation measures to protect special-status plants and wildlife and their habitats. This includes the utilization of the CEQA process, along with the California Department of Fish and Wildlife's California Natural Diversity Data Base, and the California's Native Plant Society plant lists as the primary sources of information on special status wildlife and plants.

The 2030 Merced County General Plan (Merced County 2013) contains goals, policies, and implementation programs to protect habitat and wetland values including riparian corridors, wetlands, grasslands, rivers and waterways, oak woodlands, vernal pools, wildlife movement, and migration corridors.

Mitigation measures contained in this section will mitigate impacts to biological resources to a less-than-significant level. With these considerations, the proposed project would not conflict with local regulations related to biological resources.

f. **Conservation Plans.** There are no critical habitat boundaries, habitat conservation plans, natural community conservation plans, or other approved local, regional, or state habitat conservation plans applicable to the proposed project site.

5. CULTURAL RESOURCES

Would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Cause a substantial adverse change in the significance of a historical resource pursuant to section 15064.5?	☐	☐	☐	☒
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5?	☐	☒	☐	☐
c.	Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☒	☐	☐

Comments:

This section is based on the observations of an archaeological pedestrian survey conducted in December 2022 by EMC Planning Group and the results of an archival records search with the Central Coast Information Center archival search conducted by Stantec Consulting, Inc. (May 2022), and the observations and conclusions in a *Historic Property Investigation Report for the Newman Influent Sewer Trunk Improvement Project – Phase II* prepared by the EMC Planning Group staff archaeologist (2023). Cultural reports are exempt from the California Public Records Act and therefore, is not included as an appendix to this initial study. In addition, email communications requesting information that tribes may have available were sent out to the tribes listed on the Native American Heritage Commission contact list on November 21, 2022, December 1, 2022, and December 8, 2022. Follow up phone calls were conducted on December 5, 2022 and December 15, 2022. No responses were received. This documentation is included in Appendix B of the historic property investigation report.

a, b. According to the records search results no significant or potentially significant historic or archaeological resources are present within the project site. A number of reports have been prepared for areas within one half mile, but only two historic records are recorded within one-half mile of the project site. No archaeological records were reported within one-half mile of the project site. The two historic records are a segment of the Miller Ditch and a portion of the city that is located within the State Route 33 (N Street) right-of-way located between post mile 0.1 near the Stanislaus-Merced County line and post mile 0.5 north of Inyo Avenue (California Department of Parks and Recreation 2003 as cited by EMC Planning Group 2023). This portion of the city contains numerous historic-era buildings located approximately one-half mile or more west of the intersection of Canal Road and Hills Ferry Road and would not be affected by the proposed project.

The recorded segment of the Miller Ditch was not determined to be eligible for inclusion on either the National Register of Historic Places or the California Register of Historical Resources (California Department of Parks and Recreation 2020 as cited by EMC Planning Group 2023). An unsurveyed portion of the ditch extends to the Newman Wasteway. Within this area, the Miller ditch is located within 200 feet of the APE before turning east to the Newman Wasteway located about one half mile from the eastern portion of the project site.

The archaeological pedestrian survey did not reveal any trace evidence of prehistoric archaeological resources such as shell fragments, groundstone, debitage, or charring from hearths within the project site. No surface evidence of historic archaeological resources such as ceramics, cans, or historic glass were present. However, during project-related excavation there is always the potential to discover previously unknown historic or unique archaeological resources, which may be potentially significant. Implementation of the following mitigation measure would reduce this potential significant impact to a less-than-significant level.

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.

c. Although there are no formal cemeteries or Native American burial grounds known to exist at the site or in the vicinity, there is a potential that construction activities could accidentally uncover human remains. Disturbance of Native American skeletal remains during the project's construction would be a significant, adverse environmental impact. Implementation of the following mitigation measure would ensure potential impacts are less than significant.

Mitigation Measure

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.

6. ENERGY

Would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b.	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

Comments:

a. The proposed project would demand energy during its construction, primarily in the form of fuel used in construction equipment. Common construction equipment types such as excavators, backhoes, compactors and haul trucks would be employed. Construction equipment fuel use would not be wasteful or inefficient as existing equipment that conforms to existing applicable regulatory standards would be used and the project is fundamental to maintaining a basic utility to the residents of the city. The completed project would not result in any operational energy increase.

b. The project is a short-term construction activity and does not represent a project type for which inclusion of renewable energy production is possible. Therefore, the project has no potential to conflict with a policy or plan for renewable energy. The replacement sewer line would not increase operational demand for electricity relative to the existing demand. For these reasons, the project does not have potential to conflict with a policy or plan for energy efficiency.

7. GEOLOGY AND SOILS

Would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	(1) 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?	☐	☐	☐	☒
	(2) Strong seismic ground shaking?	☐	☐	☐	☒
	(3) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
	(4) Landslides?	☐	☐	☐	☒
b.	Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
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?	☐	☐	☐	☒
d.	Be located on expansive soil, creating substantial direct or indirect risks to life or property?	☐	☐	☐	☒
e.	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
f.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐

Comments:

The analysis presented below is based primarily upon the California Department of Conservation Alquist-Priolo Earthquake Fault Zone Map (California Department of Conservation 2022), and information obtained from the general plan EIR (City of Newman 2006).

a. 1)-4) The project site is located within a seismically active region. The proposed project does not include the construction of structures for human habitation that could directly or indirectly result in substantial adverse effects, including the risk of loss, injury, or death from fault rupture, or seismic-related ground-shaking or liquefaction. The topography of the project site is relatively flat with no risk of related landslides.

Faults. According to the most recent Alquist-Priolo Earthquake Fault Zone Map, there are no known earthquake faults within the vicinity of the project site (California Department of Conservation 2022).

Ground-shaking. Although the project area may experience ground shaking in the event of an earthquake, the proposed project would include a new underground sewer trunk line. The proposed project would be designed and constructed consistent with local and State standards which are required to adhere to state seismic design parameters identified in the California Building Code and would not include construction or of structures for human habitation that could result in directly or indirectly result in substantial adverse effects, including the risk of loss, injury, or death from strong seismic shaking.

Liquefaction. Liquefaction is a phenomenon where loose, saturated, non-cohesive soils such as silts, sands, and gravels undergo a sudden loss of strength during earthquake shaking. According to the General Plan (page HS-5), liquefaction potential in Newman exists in low-lying areas composed of unconsolidated, saturated, clay-free silts and sands. However, the expected degree of ground shaking is moderate and it is unlikely that significant liquefaction would occur (City of Newman 2007). The proposed project would be designed and constructed consistent with local, regional and State standards including seismic design parameters identified in the California Building Code.

b. Proposed construction activity could expose excavated soils to wind and water erosion. Dischargers whose projects disturb one or more acres of soil including underground facilities (Linear Underground Projects) are required to gain coverage under the National Pollutant Discharge Elimination System (NPDES) General Construction Permit (Order 2009-0009-DWQ) (Construction General Permit). The proposed project would disturb more than one acre of land and would be required to adhere to the provisions of the Construction General Permit. The Construction General Permit requires development and implementation of a storm water pollution prevention plan (SWPPP) that uses storm water "Best Management Practices (BMPs)" to control runoff, erosion and sedimentation from the site both during and after construction (California State Water Resources Control Board 2010). Following construction, surfaces would be restored to pre-construction conditions. With implementation of the standard construction BMPs, the potential for soil erosion during construction would be less than significant.

c. The proposed trunk line would be constructed according to current engineering standards and would not include any components or characteristics that would undermine the roadways' stability. Therefore, the proposed project would not cause the roadways to become unstable or potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

d. Expansive soils refer to the potential of soil to expand when wet and contract when dry. After the new trunk line is placed within the trench, the trench would be backfilled with material that supports the long-term structural integrity of the trunk line and to ensure it would not be exposed to expansive soils. No impacts associated with expansive soils would be anticipated with project implementation.

e. The project would not include components that would require the use of septic tanks or alternative wastewater disposal systems.

f. According to the city's general plan EIR, the University of California Berkeley database of paleontological resources noted that the majority of known fossil resources in Stanislaus County are located in the east foothills, the west hills and in and around the City of Modesto. The vertebrate fossils found closest to Newman were located east of Gustine and southeast of Patterson, both of which are approximately four miles south and twelve miles north of the city, respectively, in the vicinity of Interstate 5 (City of Newman 2006, p 4.5-10). However, the 2016 Stanislaus County General Plan EIR (Figure 3.6-5 General Paleontological Sensitivity Map of Stanislaus County) identifies the city location within a high paleontological sensitivity zone. Paleontological resources have not been discovered within the immediate vicinity of the project site and the sewer alignment would be within previous disturbed areas where the likelihood of the existence of unique paleontological resources or unique geologic features is low. Therefore, it is possible that paleontological resources could be accidentally discovered during excavations or other related construction activities associated with development of the project site. Directly or indirectly destroying a unique paleontological site is considered a significant, adverse environmental impact. Implementation of the following mitigation measure would ensure this potential impact would be less than significant.

Mitigation Measure

GEO-1 The following language will 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 designee."

8. GREENHOUSE GAS EMISSIONS

Would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b.	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

Comments:

a. The project is a short-term construction activity. Greenhouse gas (GHG) emissions from construction represent a very small portion of a land use project's lifetime GHG emissions – operational emissions constitute the vast majority of such emissions. In this case, the proposed project would not generate an increase in operational GHG emissions from electricity demand for effluent pumping because the proposed project is replacing existing sewer effluent lines with no increase in capacity and the existing electricity demand from related effluent pumping would not change.

Neither the city nor the air district have adopted thresholds of significance for greenhouse gas construction emissions. One adjacent air district, the Bay Area Air Quality Management District, adopted the *Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans* in 2022, which contains its GHG impact analysis guidance. The guidance does not contain a construction-related GHG impact threshold because construction emissions are considered by the Bay Area Air Quality Management District to represent a small fraction of cumulative GHG emissions. Another adjacent air district, the Sacramento Metropolitan Air Quality Management District, has adopted the *Justification for Greenhouse Gas Emissions Thresholds of Significance* in 2014. This guidance includes a construction emissions threshold of 1,100 metric tons of carbon dioxide equivalent (MT CO_2e) per year. To be conservative, this latter threshold is being used as reference for the proposed project. As described in Section 3, Air Quality, criteria air emissions and GHG emissions for the project have been modeled. Results are included in Appendix B. The project would generate a maximum of 214.84 MT CO_2e during construction. This volume would not exceed the referenced threshold of significance. Therefore, the impact is less than significant.

b. As noted in item "a" above, the reference plan for reducing GHG emissions being utilized is the Sacramento Metropolitan Air Quality Management District's *Justification for Greenhouse Gas Emissions Thresholds of Significance*. The proposed project would not be conflict with the construction emissions threshold in the plan. Therefore, the project would have no impact.

9. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
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?	☐	☐	☒	☐
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, create a significant hazard to the public or the environment?	☐	☐	☒	☐
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 a public-use airport, result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
g.	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

Comments:

a, b. The proposed project is an underground sewer trunk line and would not involve the routine transport, use, or disposal of hazardous materials. The transport, use, and storage of hazardous materials during construction and maintenance activities would be conducted in accordance with applicable federal, state, and local statutes and regulations. Therefore, the proposed project would not create a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

c. The closest school to the project site, Hurd Barrington Elementary School, is approximately one mile from the closest portion of the proposed sewer trunk line route (Google, Inc. 2022). See also response to a and b above. Therefore, operation of the project does not present a reasonably foreseeable release of hazardous materials within one quarter mile of a school.

d. A review was completed of the California Department of Toxic Substances Control's Cortese List (Envirostor) (California Department of Toxic Substances Control 2022a); the State Water Control Board list of leaking underground storage tank sites (Geotracker) (State Water Resources Control Board 2022a); the State Water Control Board list of solid waste disposal sites with waste constituents above hazardous waste levels outside the waste management unit (State Water Resources Control Board 2022b); the list of "active" Cease and Desist Orders and Cleanup and Abatement Orders from the State Water Resources Control Board (State Water Resources Control Board 2022c); and the California Department of Toxic Substances Control's list of hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code (California Department of Toxic Substances Control 2022b).

   Based on this review, it was determined that there are two hazardous materials sites (Stanford/Rose Property- ID 50460002 and Gonzales Property-ID 50460001) along the proposed sewer trunk line route on Hills Ferry Road. Both of these sites had residual contamination that was found in the soil and/or groundwater, likely associated with operation of the Old Valley Pipeline that was used to transport heavy petroleum (crude oil) from Bakersfield to Richmond, California (Department of Toxic Substances Control 2022c). According to the Regional Water Quality Control Board's Geotracker, cleanup was completed for both the Gonzales and Stanford/Rose properties in 2005 and 2009, respectively, and the cases have been closed (State Water Resources Control Board 2022d). Therefore, construction of the proposed project, portions of which may cross these sites, would not create a significant hazard to the public or the environment from associated risks.

e. The proposed project is not located within an airport land-use plan or within two miles of a public airport or a public-use airport and would not result in a safety hazard or excessive noise for people residing or working in the project area.

f. The project route does not serve as an emergency evacuation route and does not interfere with an adopted emergency response or evacuation plan (County of Stanislaus 2021).

g. The project site is not located within a wildlands area and the danger of wildfires is low (City of Newman 2006, p. 4.7-11). The project is an underground force main and would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

10. HYDROLOGY AND WATER QUALITY

Would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☐	☒
b.	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☒
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:				
(1)	Result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
(2)	Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☐	☒
(3)	Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☐	☒
(4)	Impede or redirect flood flows?	☐	☐	☐	☒
d.	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
e.	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒

Comments:

a. Upon project completion the project area would be restored to its original condition and would not result in any long-term water quality impacts. A short-term increase of sediment discharge may occur during construction that could affect surface water quality. However, as previously discussed in Section 8, underground facilities (Linear Underground Projects) including any conveyance or pipeline affecting more than one acre must obtain coverage under the NPDES General Construction Permit (Order 2009-

0009-DWQ). Under the Construction General Permit, the Contractor will be required to develop and implement a SWPPP that contains best management practices to control sediment and other construction-related pollutants in storm water discharges from the construction site Adherence to the Construction General Permit would ensure that the proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.

b. The proposed project would not require the use of groundwater resources and would have no effect on groundwater supplies. Temporary dewatering activities may be necessary if perched groundwater is encountered during trenching activities. However, the dewatering activities would not be expected to affect long-term groundwater supplies. The wastewater trunk line would be installed within existing roadways, where it would have no effect on groundwater recharge.

c. 1) The proposed construction would not modify the existing drainage patterns on the project site to the extent that substantial erosion would occur on or off the site. A short-term increase of sediment discharge may occur during construction, earthmoving and trenching activities that would remove some soil cover, disturb soil particles, and temporarily alter site drainage patterns, creating conditions conducive to wind and water erosion. However, as previously discussed, linear underground projects affecting more than one acre are subject to the NPDESs General Construction Permit. The project is subject to compliance with the Construction General Permit, as applicable, including preparation and implementation of a SWPPP, prior to the commencement of any clearing, grading, or excavation. Best management practices would be incorporated into the project to control the discharge of storm water pollutants including sediments associated with construction activities, which would substantially reduce the already minimal offsite sediment transport and associated water quality degradation. Compliance with the General Construction Permit requirements ensures that temporary erosion impacts would be less than significant.

2)-4) As noted, the project is subject to compliance with the requirements of the Construction General Permit, including preparation and implementation of a SWPPP prior to the commencement of any clearing, grading, or excavation. Best management practices would be incorporated into the project to control the discharge of storm water. The proposed project would restore all disturbed areas to their original condition upon project completion. Implementation of the proposed project would not permanently physically alter proposed project area. Therefore, the proposed project would not 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 impede or redirect flood flows. There would be no impact.

d. The project site is not located within a seiche or tsunami risk area. A portion of the proposed route (along Swamp Rats Road and the unnamed private farm road) is within the FEMA 100-year Flood Zone A (Federal Emergency Management Agency 2023).

Implementation of required best management practices to control erosion and sediment in storm water discharges from active construction areas would ensure the risk of release of pollutants during a flood event would be less than significant.

e. As discussed in item "a" consistent with the San Joaquin River Groundwater Sustainability Agency's Groundwater Sustainability Plan the proposed project is subject to compliance with the NPDES General Construction Permit and would not substantially degrade water quality during construction or during project operation. Additionally, the proposed project would not use groundwater. Therefore, the proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

11. LAND USE AND PLANNING

Would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Physically divide an established community?	☐	☐	☐	☒
b.	Cause any 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?	☐	☐	☐	☒

Comments:

a, b. The proposed project site is located within existing public and private roadways and would not impact any residences or result in the physical division of an established community, and would not conflict with any applicable land use plans, policies or regulations adopted by the city, the County of Stanislaus, or the County of Merced for the purpose of avoiding or mitigating environmental effects.

12. MINERAL RESOURCES

Would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Result in loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b.	Result in the loss of availability of a locally important mineral resource recovery site delineated in a local general plan, specific plan, or other land-use plan?	☐	☐	☐	☒

Comments:

a, b. The California Surface Mining and Reclamation Act of 1975 (SMARA) was enacted in response to land use conflicts between urban growth and essential mineral production. SMARA requires the State Geologist to classify land according to the presence or absence of significant mineral deposits. Local governments must consider this information before land with important mineral deposits is committed to land uses incompatible with mining. According to the general Plan EIR, neither the city nor the Stanislaus County or Merced County areas surrounding the city have designated important mineral resource recovery areas (City of Newman 2006, p. 4.6-4). No adverse effects on mineral resources would occur.

13. NOISE

Would the project result in:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
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 in applicable standards of other agencies?	☐	☒	☐	☐
b.	Generation of excessive ground-borne vibration or ground borne noise levels?	☐	☒	☐	☐
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, expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Comments:

The project site consists of agricultural farm roads and improved rights-of-way. Land uses adjoining the site consist of residential uses west of Hills Ferry Road and some light industrial uses west of Canal School Road. The noise environment of the project area is defined primarily by motor vehicles (e.g., automobiles, trucks, and motorcycles) utilizing the roadways and farm equipment in the fields. Noise-sensitive land uses, or sensitive receptors, are generally defined as residences, hospitals, schools, libraries, and certain types of recreational uses. The nearest sensitive receptors to the project site are the residences along the north side of Hills Ferry Road, some of which are located within 30 feet of the proposed sewer trunk line location.

a. The exterior noise threshold for single family residences is 60 dBA (City of Newman 2007). According to the general plan EIR, typical highest maximum noise levels generated by construction typically range from about 90 to 105 dBA at a distance of 50 feet from the noise source. Typical hourly average construction generated noise levels are about 81 dBA to 89 dBA measured at a distance of 50 feet from the center of the site during busy construction periods. Construction generated noise levels drop off at a rate of about 6 dBA per doubling of distance between the source and receptor (City of Newman 2006, p. 4.10-14).

   Construction noise is not considered to be a significant impact if construction is limited to allowed hours and construction equipment is adequately maintained and muffled. The proposed project would be required to comply with the city's general plan Policy HS-6.9, which is related to construction noise and timing and is outlined in Mitigation Measure

N-1 presented below. Compliance with this mitigation would ensure that less than significant impacts occur in relation to temporary construction noise levels exceeding the city's established noise standards. Implementation of the following mitigation measure would ensure construction impacts would be less than significant.

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 staging of construction equipment and unnecessary idling of equipment within 200 feet of noise-sensitive land uses.

b. Vibration levels generated during project construction activities may at times be perceptible at neighboring land uses, but due to the type of proposed project and distance of adjacent residences, vibration levels would not be expected to cause cosmetic or structural damage to buildings. Additionally, implementation of mitigation measure N-1 limits construction hours and requires a detailed construction plan be prepared that identifies a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize disturbance. The proposed project would not result in exposure of persons to or generation of excessive ground-borne vibration or ground borne noise levels.

c. The proposed project is not located within the vicinity of a private airstrip or an airport land-use plan or within two miles of a public airport or public-use airport.

14. POPULATION AND HOUSING

Would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	☐	☐	☐	☒
b.	Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Comments:

a, b. The proposed project is the replacement of an existing sewer line that does not increase flow or treatment capacity. The proposed project does not require the removal of housing or displacement of occupants. Therefore, the proposed project would not directly or indirectly induce any population growth.

15. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of or 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 following public services:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Fire protection?	☐	☐	☐	☒
b. Police protection?	☐	☐	☐	☒
c. Schools?	☐	☐	☐	☒
d. Parks?	☐	☐	☐	☒
e. Other public facilities?	☐	☐	☐	☒

Comments:

a-e. Implementation of the proposed project would not result in the development of new housing, businesses, or other development that would increase demand for fire or police protection or new schools, parks, or other public facilities. Therefore, there would be no physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts.

16. RECREATION

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Comments:

a-b. Implementation of the proposed project would not result in the development of new housing, businesses, or other development that would increase the use of existing or demand for new neighborhood and regional parks or other recreational facilities. No impact would occur.

17. TRANSPORTATION

Would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☐	☒
b.	Conflict or be inconsistent with CEQA guidelines section 15064.3, subdivision (b)?	☐	☐	☐	☒
c.	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
d.	Result in inadequate emergency access?	☐	☐	☐	☒

Comments:

a. Proposed construction activities would require temporary traffic control along Hills Ferry Road and Canal School Road. The proposed project would temporarily and incrementally increase vehicle traffic on area roadways during construction from workers, delivery vendors and construction equipment. No increase in traffic volumes that would permanently affect traffic facilities would occur. Therefore, the proposed project would not conflict with any policy, ordinance or program addressing congestion management on area roadways or circulation.

b. CEQA Guidelines Section 15064.3(b) applies to land use and transportation projects that would be expected to increase VMT during operations. The proposed project would not result in increased VMT because operational conditions of the wastewater conveyance system would not change with the proposed project. The proposed project would not conflict or be inconsistent with the CEQA Guidelines Section 15064.3, subdivision (b).

c. The proposed project is a construction project that would occur within existing rights-of-way and farm roads and does not include changes to the existing traffic network. Therefore, there would be no impact.

d. During trench excavation and trunk line placement, daytime road delays would occur along the proposed force main route that would require restricting vehicle traffic to one lane within the construction area. However, the project site does not contain any emergency facilities and does not serve as an emergency evacuation route. The proposed project would not interfere with an adopted emergency response or evacuation plan.

18. TRIBAL CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, or 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:				
(1) 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	☐	☐	☐	☐
(2) 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 subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☐	☐

Comments:

The City of Newman has not received any requests for consultation pursuant to Public Resources Code section 21080.3.1 from California Native American tribes traditionally and culturally affiliated with the project area. However, because the proposed project may receive federal fundings, tribal consultation has been initiated to comply with federal requirements.

AB52 Consultation

EMC Planning Group contacted the Native American Heritage Commission and obtained the Native American Contact List for Merced and Stanislaus Counties in December 2022. Letters offering consultation pursuant to Public Resources Code section 21080.3.1 were mailed on March 13, 2023, to each of the contacts on the list. As of April 17, 2023, the City had received no responses. Therefore, further consultation did not occur and was not required.

See also Section 5.0, Cultural Resources, for mitigation measures to be implemented.

19. UTILITIES AND SERVICES SYSTEMS

Would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Require or result in the relocation or construction of new or expanded water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	☒
b.	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☐	☒
c.	Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
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?	☐	☐	☒	☐
e.	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒

Comments:

a, c. The proposed project replaces an existing sewer trunk line at the same capacity as the existing sewer trunk line, and would not require or result in the relocation or construction of new or expanded water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities that would cause significant environmental impacts. The proposed project does not require a determination by the wastewater treatment provider that it has adequate capacity to serve the project.

b. The proposed project may require the use of water for construction purposes but would have no effect on long-term water supplies following implementation of the proposed project.

d, e. The proposed project includes abandoning the existing sewer trunk line in place. Constructing the new sewer trunk line would not generate significant volumes of solid waste. Solid waste produced during construction would be minimal and would not

generate solid waste in excess of State or local standards or in excess of the landfill's remaining capacity. Disposal would be collected and sent to the Fink Road Landfill located over 13 miles northwest of the project site. According to CalRecycle, the landfill has a permitted daily maximum of 2,400 tons of solid waste per day (CalRecycle 2023). As a consequence, the proposed project would not impair the attainment of solid waste reduction goals.

20. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
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 wildfire?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Comments:

a-d. The proposed project is not located on or near state responsibility areas or lands classified as very high fire hazard severity zones (CalFire 2021a; CalFire 2021b). Therefore, the proposed project would not expose people or structures to a significant risk involving wildfires nor exacerbate the risk of wildfire and analysis is not necessary.

21. MANDATORY FINDINGS OF SIGNIFICANCE

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
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 an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
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)	☐	☒	☐	☐
c.	Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

Comments:

a. **Biological Resources.** Based on the information and analysis provided in this initial study, implementation of the proposed project would not substantially degrade the quality of the environment and would not 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, or reduce the number or restrict the range of rare or endangered plants or animals. However, potential, significant impacts to special-status wildlife species are identified in this initial study. With implementation of mitigation measures BIO-1 through BIO-5, the proposed project's potential impacts to special-status wildlife species would not be significant.

Cultural Resources. Implementation of the proposed project would not threaten to eliminate important examples of the major periods of California history or prehistory. The archival research, Sacred Lands file search, and field reconnaissance determined that that there are no historic or potentially historic unique archaeological resources within the project site or vicinity. However, there is always the potential to disrupt previously undiscovered potentially historic and significant archaeological. The analysis in Section 5.0, Cultural Resources, concludes that excavation activities may result in the loss of unknown prehistoric or historic subsurface archaeological resources or disturbance of

human remains onsite. Implementation of Mitigation Measures CR-1 and CR-2 would reduce the potential impacts to previously undiscovered potentially historic and significant archaeological resources to less than significant.

b. Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant 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 result in temporary air quality, greenhouse gas, and noise impacts during construction and could have the potential to impact sensitive biological resources, undiscovered cultural resources, and paleontological resources during construction. With the implementation of the identified best management practices and mitigation measures, construction impacts would be mitigated to a less than significant level. Because the nature of the identified impacts is temporary and would be mitigated, the proposed project would not have a cumulatively considerable impact.

c. Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly.

   Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. The proposed project construction would generate criteria air pollutant emissions and noise in proximity to residences. However, implementation of mitigation measures AQ-1 and N-1 would reduce potential impacts to a less than significant level.

E. COMPLIANCE WITH FEDERAL LAWS AND REGULATIONS

This section summarizes the federal environmental laws and regulations that apply to the project and describes the project's compliance with those laws and regulations. The federal regulations addressed in this section are based on guidance from the State Water Resources Control Board (SWRCB) for CEQA-Plus environmental review related to State Revolving Fund loans.

ARCHAEOLOGICAL AND HISTORIC PRESERVATION ACT

Passed and signed into law in 1974, the Archaeological and Historic Preservation Act (AHPA) amended and expanded the Reservoir Salvage Act of 1960. The AHPA provides for the preservation of historical and archeological data that might otherwise be irreparably lost or destroyed as the result of (1) flooding, the building of access roads, the erection of workmen's communities, the relocation of railroads and highways, and other alterations of the terrain caused by the construction of a dam by any agency of the United States, or by any private person or corporation holding a license issued by any such agency or (2) any alteration of the terrain caused as a result of any federal construction project or federally licensed activity or program.

According to the Advisory Council on Historic Preservation, if a project will affect historic properties that have an archeological value, the AHPA may impose additional requirements on an agency. As discussed in Section 5, "Cultural Resources," and below under National Historic Preservation Act, the archival research did not identify any historic-era or archaeological resources eligible for inclusion on the National Register of Historic Resources located within or adjacent to the Area of Potential Effects (APE). Therefore, there are no historic properties within the project area that have known archaeological or historic value and the AHPA does not apply.

BALD AND GOLDEN EAGLE PROTECTION ACT

The bald eagle will continue to be protected by the Bald and Golden Eagle Protection Act (Act) even though it has been delisted under the Endangered Species Act. This law, originally passed in 1940, provides for the protection of the bald eagle and the golden eagle (as amended in 1962) by prohibiting the take, possession, sale, purchase, barter, offer to sell, purchase or barter, transport, export or import, of any bald or golden eagle, alive or dead, including any part, nest, or egg, unless allowed by permit (16 U.S.C. 668(a); 50 CFR 22). "Take" includes pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb (16 U.S.C. 668c; 50 CFR 22.3). The 1972 amendments increased civil penalties for violating provisions of the Act to a maximum fine of $5,000 or one-year imprisonment with $10,000 or not more than two years in prison for a second conviction. Felony convictions carry a maximum fine of $250,000 or two years of imprisonment. The fine doubles for an organization. Rewards are provided for information leading to arrest and conviction for violation of the Act.

No bald or golden eagles were observed during the survey and no habitat was identified within the project boundaries. As discussed in Section D. Biological Resources, habitat for protected nesting birds and raptors was identified and a mitigation measure requiring preconstruction nesting bird surveys is included. If these birds were to move into the project vicinity, surveys for nesting birds and raptors would identify and provide protection to nests. No further mitigation is required.

CLEAN AIR ACT

Regulatory Background

The proposed project area is located in the San Joaquin Valley Air Basin (hereinafter "air basin"). Air quality within the air basin is regulated by the U.S. Environmental Protection Agency (EPA) and the California Air Resources board (CARB) at the federal and state levels, respectively, and locally by San Joaquin Air Pollution Control District (hereinafter "air district"). At the federal level, EPA implements the national air quality programs. EPA's air quality mandates are drawn primarily from the federal Clean Air Act (CAA), enacted in 1970. The most recent major amendments were made by Congress in 1990. The CAA requires EPA to establish National Ambient Air Quality Standards (NAAQS). EPA has established primary and secondary NAAQS for the following criteria air pollutants: ozone, carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), particulate matter (i.e., respirable particulate matter with an aerodynamic diameter less than or equal to 10 microns [PM_{10}] and fine particulate matter with an aerodynamic diameter less than or equal to 2.5 microns [$PM_{2.5}$]), and lead. The CAA also requires each state to prepare an air quality control plan referred to as a State Implementation Plan (SIP).

The SIPs are a compilation of new and previously submitted plans, programs (such as monitoring, modeling, permitting, etc.), air district rules, state regulations, and federal controls. California grants air districts explicit statutory authority to adopt indirect source regulations and transportation control measures to reduce air pollutant emissions. Local air districts prepare SIP elements and submit them to CARB for review and approval. CARB forwards SIP revisions to the EPA for approval and publication in the Federal Register.

The CAA Amendments added requirements for states with nonattainment areas to revise their SIPs to incorporate additional control measures to reduce air pollution. Each state's SIP is modified periodically to reflect the latest emissions inventories, planning documents, and rules and regulations of the air basins as reported by their jurisdictional agencies. EPA reviews all state SIPs to check for consistency with the mandates of the CAA and its amendments and to determine whether implementing them will achieve air quality goals. If EPA determines a SIP to be inadequate, a Federal Implementation Plan that imposes additional control measures may be prepared for nonattainment areas. If the state fails to submit an approvable SIP or to implement the plan within the mandated time frame, sanctions may be applied to transportation funding and stationary air pollution sources in the air basins.

On November 30, 1993, EPA promulgated the general conformity regulations, which were established to ensure that federal actions do not cause or contribute to new violations of the EPA designates each county (or portions of counties) within California as attainment, maintenance, or nonattainment based on the area's ability to maintain ambient air concentrations below the applicable NAAQS. Areas are designated as attainment if ambient air concentrations of a criteria pollutant or precursor are below the NAAQS. Areas are designated as nonattainment if ambient air concentrations exceed the NAAQS. Areas previously designated as nonattainment that subsequently demonstrated compliance with the NAAQS are designated as maintenance areas.

NAAQS, do not worsen existing violations of the NAAQS, and do not delay attainment of the NAAQS. These regulations apply to a proposed federal action, except actions covered by federal transportation conformity, in an area designated as a nonattainment or maintenance area with respect to the NAAQS if the total direct and indirect emissions of the relevant criteria pollutant and precursor emissions caused by the proposed action would be equal to or exceed specified de minimis amounts. If these criteria are met, a determination of conformity would be required of the federal agency overseeing the project.

As reported previously in Section 3, Air Quality, the air basin is in nonattainment for NAAQS for ozone (eight-hour) and $PM_{2.5}$. The EPA's de minimus standards for Ozone and $PM_{2.5}$ are 10 tons per year and 70 tons per year, respectively. As reported in Section 3, the proposed project's unmitigated ozone and $PM_{2.5}$ emissions from construction activity would be less than 1.5 tons annualized over one year. No change in operational emissions at the WWTRF would occur. Therefore, the proposed project would not result in any emissions that would exceed the NAAQS, cause or contribute to new violations of the NAAQS, worsen existing violations of the NAAQS, or delay attainment of the NAAQS. Subsequently, the effect of the proposed project's ozone and $PM_{2.5}$ emissions on the environment is less than significant.

COASTAL BARRIERS RESOURCES ACT

The Coastal Barrier Resources Act (PL 97-348) designated various undeveloped coastal barrier islands, depicted by specific maps, for inclusion in the Coastal Barrier Resources System (System). Areas so designated were made ineligible for direct or indirect federal financial assistance that might support development, including flood insurance, except for emergency life-saving activities. Exceptions for certain activities, such as fish and wildlife research, are provided, and National Wildlife Refuges and other, otherwise protected areas are excluded from the System. The System includes relatively undeveloped coastal barriers along the Atlantic and Gulf coasts, as well as the Great Lakes and Puerto Rico and the Virgin Islands.

The project area and surrounding lands are not located in the System. Therefore, compliance with this Act is not applicable.

COASTAL ZONE MANAGEMENT ACT

The Coastal Zone Management Act (PL 92-583), administered by National Oceanic and Atmospheric Administration Fisheries Service's (NOAA Fisheries) Office of Ocean and Coastal Resource Management, provides for management of the nation's coastal resources, including the Great Lakes, and balances economic development with environmental conservation.

The Act outlines two national programs, the National Coastal Zone Management Program and the National Estuarine Research Reserve System. The 34 coastal programs aim to balance competing land and water issues in the coastal zone, while estuarine reserves serve as field laboratories to provide a greater understanding of estuaries and how humans impact them. The Act's overall program objectives remain balanced to "preserve, protect, develop, and where possible, to restore or enhance the resources of the nation's coastal zone."

The project area and surrounding lands are not located within California's coastal zone, which generally extends 1,000 yards inland from the mean high tide line; therefore, compliance with this Act is not applicable.

ENDANGERED SPECIES ACT

Pursuant to the federal Endangered Species Act (ESA) (PL 93-205), the U.S. Fish and Wildlife Service and NOAA Fisheries have regulatory authority over federally listed species. Under ESA, a permit to "take" a listed species is required for any federal action that may harm an individual of that species. Take is defined under ESA Section 9 as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." Under federal regulation, take is further defined to include habitat modification or degradation where it would be expected to result in death or injury to listed wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. ESA Section 7 outlines procedures for federal interagency cooperation to conserve federally listed species and designated critical habitat. Section 7(a)(2) requires federal agencies to consult with the U.S. Fish and Wildlife Service and/or NOAA Fisheries to ensure that they are not undertaking, funding, permitting, or authorizing actions likely to jeopardize the continued existence of listed species.

As discussed in Section 4, Biological Resources, potential project impacts to state and federally listed special-status species and their habitats have been identified and mitigation measures to minimize these impacts are presented. Implementation of the mitigation measures during construction minimizes or avoids significant effects to federally listed special-status species. Therefore, incidental take authorization will not be obtained for this project. Consultation with NOAA Fisheries will not be needed.

ENVIRONMENTAL JUSTICE

Executive Order (EO) 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations" (59 Federal Register 7629 (1994]), directs federal agencies to identify and address disproportionately high and adverse health or environmental effects of their actions on minority and low-income populations, to the greatest extent practicable and permitted by law. The EO also directs each federal agency to develop a strategy for implementing environmental justice. EO 12898 is also intended to promote nondiscrimination in federal programs that affect human health and the environment, as well as provide minority and low-income communities access to public information and public participation.

The Council on Environmental Quality (CEQ) has oversight of the federal government's compliance with EO 12898. To facilitate compliance, CEQ prepared and issued, in consultation with EPA, Environmental Justice Guidance under the National Environmental Policy Act (NEPA) (CEQ 1997). According to the CEQ's Environmental Justice Guidance, the first step in conducting an environmental justice analysis is to define minority and low-income populations. Based on these guidelines, a minority population is present in a project area if either (a) the minority population of the affected area exceeds 50 percent or (b) the minority population

percentage of the affected area is meaningfully greater than the minority population percentage in the general population. By the same rule, a low-income population exists if the project area consists of 50 percent or more people living below the poverty threshold, as defined by the U.S. Census Bureau, or is significantly greater than the poverty percentage of the general population.

The second step of an environmental justice analysis requires a finding of a high or adverse effect. The CEQ guidance indicates that when determining whether the effects are high and adverse, agencies are to consider whether the risks or rates of impact "are significant (as employed by NEPA) or above generally accepted norms." The final step requires a finding that the effect on the minority or low-income population be disproportionately high and adverse. The CEQ offers a non-quantitative definition stating that an effect is disproportionate if it appreciably exceeds the risk or rate to the general population.

The following population characteristics are considered in this analysis:

- race and ethnicity per the 2017-2021 American Community Survey 5-Year Estimates; and
- median and per capita income as it relates to the federal poverty threshold.

For purposes of this analysis, estimates of city demographics and income and poverty status was obtained for 2017 through 2021 from the U.S. Census Bureau, which, for purposes of this analysis, is considered "existing conditions." Although the proposed Phase II sewer trunk alignment traverses small portions of Stanislaus County and Merced County, these portions of the sewer line are not located near residences and, therefore, no disproportionately high or adverse effects would occur to any minority or non-minority residents of Stanislaus County or Merced County. The analysis addresses only the City of Newman.

Demographics, Income and Poverty

Table 2, Demographics Data, presents city demographic information from the 2017-2021 American Community Survey. The American Community Survey estimated that approximately 71 percent of the city's population identified themselves as white; less than one percent identified themselves as black; less than one percent identified themselves as American Indian/Alaska Native; and approximately four percent identified themselves as Asian. Approximately 71.5 percent of the city's population identified themselves as Hispanic or Latino (U.S. Census Bureau 2021b).

Table 3, Income and Poverty Status, presents data for city household income, per capita income, and poverty status within the city per the 2017-2021 American Community Survey 5-Year Estimates. The percent of individuals living below the poverty level was 7.7 percent (U.S. Census Bureau 2021b).

Table 2 Demographics Data

Race	Percent of Population
White	71.2
Black of African American	0.3
American Indian and Alaska Native	0.8
Asian	4.4
Native Hawaiian and Other Pacific Islander	0
Other Race Not Identified Above	8.6
Hispanic or Latino of Any Race	
Hispanic or Latino	71.5
Not Hispanic or Latino	23.7

SOURCE: U.S. Census Bureau 2021

Table 3 Income and Poverty Status

Type	Number	Percent of Total Population
	Newman	Newman
Households	3,510	--
Median Household Income	$76,895	--
Per Capita Income	$27,167	--
Poverty Status- Individuals	--	7.7

SOURCE: U.S. Census Bureau 2021b

Impact Evaluation

To make a finding that disproportionately high and adverse effects would likely fall on a minority or low-income population, three conditions must be met simultaneously: (1) there must be a minority or low-income population in the affected area, (2) a high and adverse effect must exist, and (3) the effect must be disproportionately high and adverse on the minority or low-income population.

(1) Is there a Minority or Low-Income Population in the Affected Area?

According to the EPA, either the county or state percentages can be used when the scope of the "general population." A definition of "meaningfully greater" is not given by the CEQ or EPA, although the EPA notes that any affected area that has a percentage of minorities that is above the State's percentage is potentially a minority community and any affected area with a minority percentage at least double that of the state is definitely a minority community under Executive Order 12898.

As described above, in the 2017-2021 American Community Survey, approximately 72 percent of the population in the city identified themselves as Hispanic or Latino (Table 2), which is greater,

but not more than twice the statewide average (approximately 40 percent) (U.S. Census Bureau 2021a; 2021b). Therefore, the city may qualify as a potential minority community.

Approximately 7.7 percent of individuals in the city were below the poverty level (Table 3), which was below the state average (approximately 12.3 percent of individuals) ((U.S. Census Bureau 2021a; 2021b). Therefore, for purposes of this analysis, a disproportionately high low-income population is not present in the project area or the area served by the project.

(2) Is there a High and Adverse Effect? and (3) Is the Effect Disproportionately High and Adverse on the Minority Population?

Construction of the proposed project would result in short term adverse effects from noise and potential emissions exposures to only those residences on Canal School Road and Hills Ferry Road located within 30 feet of the proposed Phase II trunk line trench. Operations of the new sewer line would improve the reliability and operating efficiency of the wastewater system for all residents of the city, and eliminate failures and hazardous waste spills that can affect water quality. Therefore, the proposed project would have a beneficial overall impact for both minority and non-minority populations.

Temporary construction impacts associated with the project would occur along roadways in the project area. Nearby residences could be subject to construction-related impacts, including increased air pollutants, noise. However, these impacts would be short-term, and construction would take place during daylight hours when most residents may not be home (i.e., during working and school hours). In addition, the operation of the improvements would not negatively affect residences in the surrounding neighborhood. Therefore, construction and operation of the project would not have a disproportionately high and adverse effect on the minority population.

FARMLAND PROTECTION POLICY ACT

The purpose of the federal Farmland Protection Policy Act (FPPA) of 1981 (Public Law 97-98) is to minimize federal contributions to the conversion of farmland to nonagricultural uses by ensuring that federal programs are administered in a manner compatible with state government, local government, and private programs designed to protect farmland. The Natural Resources Conservation Service (NRCS) is the agency primarily responsible for implementing the FPPA.

U.S. Department of Agriculture (USDA) Regulations (7 CFR Part 658) implementing the FPPA requires federal agencies to conduct a farmland conversion impact rating (using USDA Form AD-1006) when a project may convert farmlands to non-agricultural uses. This impact rating should be done when the impacts of a project will affect farmlands in the following categories:

- prime farmland - the highest quality land for food and fiber production having the best chemical and physical characteristics for producing;
- unique farmland - land capable of yielding high value crops such as citrus fruits, olives; and
- farmlands designated as important by state and local governments, with the approval of the Secretary of Agriculture.

As discussed in Section 2, Agricultural Resources, the project is the construction of a subsurface sewer trunk line that would be located within existing roadways. However, to enable access for construction and maintenance equipment, the area of potential disturbance overlaps slightly with adjacent tilled acreage that is identified as Unique Farmland. Farming activities within the area of potential disturbance may need to be temporarily suspended during construction or future maintenance activities, but would be returned to its previous condition upon project completion. Therefore, the proposed project would not convert Unique Farmland to non-agricultural uses, and no significant adverse effect would occur. Subsequently, consultation with NRCS (including submittal of the Farmland Conservation Impact Rating form) is not required for the project.

FISH AND WILDLIFE COORDINATION ACT

Projects that may impact a stream or other water body by impounding, diverting, deepening a channel, or otherwise controlling or modifying flow for any purpose (including navigation and drainage) will require consultation with the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife. The FWCA is not applicable to those projects in which the maximum surface area impoundment of water is less than ten (10) acres, or to activities for or in connection with programs primarily for land management and use carried out by federal agencies with respect to federal lands under their jurisdiction.

The proposed project will not impact a stream or other water body by impounding, diverting, deepening a channel, or otherwise controlling or modifying flow for any purpose. The FWCA is therefore not applicable to this project.

FISH AND WILDLIFE CONSERVATION ACT

The Fish and Wildlife Conservation Act of 1980 (16 USC 2901 et seq.) encourages federal agencies to conserve and promote conservation of non-game fish and wildlife species and their habitats. In addition, the Fish and Wildlife Conservation Act (16 USC 661 et seq.) requires federal agencies undertaking projects affecting water resources to consult with the U.S. Fish and Wildlife Service and the state agency responsible for fish and wildlife resources whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened, or the stream or other body of water will otherwise be controlled or modified for any purpose whatsoever, including navigation and drainages. The 1988 amendment (Public Law 100-653, Title VIII) to the Fish and Wildlife Conservation Act requires the Secretary of the Interior, through the U.S. Fish and Wildlife Service, to "identify species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become candidates for listing under the Endangered Species Act of 1973."

As discussed in Section 4, Biological Resources, no impacts to potentially jurisdictional wetlands and waters of the U.S., have been identified. Additionally, the proposed project would not impound, divert, deepen any channel The proposed project is in compliance with the Fish and Wildlife Conservation Act.

FLOODPLAIN MANAGEMENT ACT

EO 13690, "The Federal Flood Risk Management Standard" (January 30, 2015) revises EO 11988, "Floodplain Management" (May 24, 1977), and directs federal agencies to take the appropriate actions to reduce risk to federal investments, specifically to "update their flood-risk reduction standards." The goal of this directive is to improve the resilience of communities and federal assets against the impacts of flooding and recognizes the risks and losses due to climate change and other threats. The Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRMs) are used to determine if properties are located within Special Flood Hazard Areas.

As explained in Section 10, Hydrology and Water Quality, a portion of the proposed route (along Hills Ferry Road) is within the FEMA 100-year Flood Zone A. However, the proposed project is construction of an underground sanitary sewer trunk within existing public rights-of-way and privately owned farm roads. Once construction is complete all roadways would be returned to pre-project conditions. Therefore, the project would not result in adverse effects related to exposures of people or structures to increased risks of flooding.

MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT

In response to growing concern about the status of United States fisheries, Congress passed the Sustainable Fisheries Act of 1996 (Public Law [PL] 104-297) to amend the Magnuson-Stevens Fishery Conservation and Management Act (PL 94-265), the primary law governing marine fisheries management in the Federal waters of the United States. The Magnuson-Stevens Conservation and Management Act, as amended (U.S.C. 180 et seq.), requires that Essential Fish Habitat (EFH) be identified and described in federal fishery management plans. Federal agencies must consult with NOAA Fisheries on any activity which they fund, permit, or carry out, that may adversely affect EFH. NOAA Fisheries is required to provide EFH conservation and enhancement recommendations to the federal agencies. EFH is defined as those waters and substrates necessary to fish for spawning, breeding, feeding, or growth to maturity.

The project site is not located within an identified EFH. Therefore, the proposed project would not impact marine fisheries.

MARINE MAMMAL PROTECTION ACT

The Marine Mammal Protection Act (MMPA) was enacted on October 21, 1972. All marine mammals are protected under the MMPA. The MMPA prohibits, with certain exceptions, the "take" of marine mammals in the United States waters and by the United States citizens on the high seas, and the importation of marine mammals and marine mammal products into the United States.

The project site is not located within a marine environment. Therefore, compliance with this Act is not applicable to the proposed project.

MIGRATORY BIRD TREATY ACT

The Migratory Bird Treaty Act (MBTA) (16 U.S.C. Section 703, et seq.), first enacted in 1918, provides for protection of international migratory birds and authorizes the Secretary of the Interior to regulate the taking of migratory birds. The MBTA provides that it will be unlawful, except as permitted by regulations, to pursue, take, or kill any migratory bird, or any part, nest, or egg of any such bird. The current list of species protected by the MBTA can be found in Title 50 of the Code of Federal Regulations (CFR), Section 10.13 (50 CFR 10.13). The list includes nearly all birds native to the United States.

As discussed in Section 4, Biological Resources, the project area provides potential nesting habitat for burrowing owl, Swainson's hawk, common raptors, and other common nesting birds. Any tree removal, ground-disturbing, or other construction work activities during the nesting season for these species (approximately February 1 through September 15) could result in nest abandonment and the mortality of eggs and chicks. However, implementation of Mitigation Measures BIO-3 and BIO-5 would prevent take of MTBA species by requiring nest surveys and non-disturbance buffers around active nests, which would prevent nest abandonment and loss of eggs or young.

NATIONAL HISTORIC PRESERVATION ACT

Federal protection of resources is legislated by (a) the National Historic Preservation Act (NHPA) of 1966 as amended by 16 U.S. Code 470, (b) the Archaeological Resource Protection Act of 1979, and (c) the Advisory Council on Historical Preservation. These laws and organizations maintain processes for determination of the effects on historical properties eligible for listing in the National Register of Historic Places (NRHP). Federal and federally-sponsored programs and projects are reviewed pursuant to Section 106 of the NHPA. Section 106 of the NHPA requires federal agencies to consider the effects of proposed federal undertakings on historic properties. NHPA requires federal agencies to initiate consultation with the State Historic Preservation Officer as part of the Section 106 review process.

Determination of Effects

A Historic Property Identification Report was prepared for the proposed project (EMC Planning Group 2023). This section includes a summary of the report conclusions.

The APE setting begins at the intersection of Canal School Road and Hills Ferry Road at the city limit with Stanislaus County, and terminates in Merced County at the sewer line connection to Phase 1 (refer to Figure 2 and Figure 3). The APE consists of existing public road rights-of-way and privately-owned roadways.

As discussed in the HPIR and summarized in Section 5, Cultural Resources, the archival research did not identify any historic resources located in or within ½ mile of the APE. No previously recorded archaeological resources are located within the APE or within a one-quarter mile radius of the APE. No significant cultural materials, prehistoric or historic, were noted within the APE boundaries during surface reconnaissance. No sites or structures within the APE (north of Canal

Street and Hills Ferry Road) appear to be potentially eligible for inclusion in the National Register of Historic Places (NRHP). Therefore, the project would have no effect on historic properties (EMC Planning Group 2023).

PROTECTION OF WETLANDS

The purpose of EO 11990 (May 24, 1977) is to "minimize the destruction, loss or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands." To meet these objectives, EO 11990 requires federal agencies, in planning their actions, to consider alternatives to wetland sites and limit potential damage if an activity affecting a wetland cannot be avoided. EO 11990 applies to: acquisition, management, and disposition of federal lands and facilities construction and improvement projects which are undertaken, financed, or assisted by federal agencies; and federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulation, and licensing activities.

As discussed in Section 6. Biological Resources, the proposed sewer trunk line project will not impact potentially jurisdictional wetlands or Waters of the U.S.

RIVERS AND HARBORS ACT, SECTION 10

If a project involves the construction of structures or any other regulated activities in, under, or over navigable waters of the United States, a Section 10 Permit from the USACE is required. Regulated activities include the placement/removal of structures, work involving dredging, disposal of dredged material, filling, excavation, or any other disturbance of soils/sediments or modification of a navigable waterway. Navigable waters of the United States are those waters of the United States that are subject to the ebb and flow of the tide shoreward to the mean high-water mark and/or are presently used, or have been used in the past, or may be susceptible to use to transport interstate or foreign commerce. Tributaries and backwater areas associated with navigable waters of the United States, and located below the OHW elevation of the adjacent navigable waterway, are also regulated under Section 10.

As discussed in Section 4, Biological Resources, the proposed project will not impact potentially jurisdictional wetlands or Waters of the U.S.

SAFE DRINKING WATER ACT, SOLE SOURCE AQUIFER PROTECTION

The Safe Drinking Water Act (42 USC Section 300f et seq.) was established to protect the quality of drinking water in the United States. This law focuses on all waters actually or potentially designed for drinking use, whether from above ground or underground sources.

The Act authorizes the EPA to establish minimum standards to protect tap water and requires all owners or operators of public water systems to comply with these primary (health-related) standards. The 1996 amendments to the Act require that EPA consider a detailed risk and cost assessment, and best available peer-reviewed science, when developing these standards. State governments, which can be approved to implement these rules for EPA, also encourage attainment of secondary standards (nuisance-related). Under the Act, EPA also establishes minimum standards for state programs to protect underground sources of drinking water from endangerment by underground injection of fluids.

The project and surrounding lands are not located within a sole source aquifer, as designated by EPA Region 9 (U.S. Environmental Protection Agency 2022).

WILD AND SCENIC RIVERS ACT

The Wild and Scenic Rivers Act (16 USC Section 1271 et seq.) establishes a National Wild and Scenic Rivers System for the protection of rivers with important scenic, recreational, fish and wildlife, and other values. Rivers are classified as wild, scenic, or recreational. The act designates specific rivers for inclusion in the System and prescribes the methods and standards by which additional rivers may be added.

The project site is not within the vicinity of a designated wild and scenic river (Bureau of Land Management 2016).

WILDERNESS ACT

Except as specifically provided for in the Wilderness Act (Act), and subject to existing private rights, there will be no commercial enterprise and no permanent road within any wilderness area designated by this Act and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving health and safety of persons within the area), there will be no temporary road, no use of motor vehicles, motorized equipment, or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such areas.

No segment of the project is located within a designated Wilderness Area according to the USDA (2023).

F. ALTERNATIVES

Introduction

This chapter includes a discussion of alternatives to the proposed project in compliance with State Water Resources Control Board CEQA-Plus requirements related to State Revolving Fund loans and per U.S. Environmental Protection Agency guidance for environmental information documents related to Special Appropriation Fund Grants. These alternatives are provided to meet the CEQA-Plus requirements and are not required for compliance with CEQA. The proposed project is described in Section A "Project Description," and evaluated throughout this CEQA-Plus Initial Study and therefore is not discussed below.

Alternative 1: No Project

Under the No Project Alternative, the city would continue to operate the existing sewer line and would repair the line on an as needed basis. Risks of continued sewage spills into agricultural fields and drainage ditches or catastrophic failure are high. Access to repair the existing sewer line within active agricultural fields would continue to interrupt agricultural operations. Risks of sewer overflows and spills that can be a hazard to public safety, the environment, existing infrastructure, and private property. The No Project alternative would not achieve any of the project objectives and would result in greater long-term construction and operational environmental impacts associated with multiple sewer line failures or potential catastrophic failure.

Alternative 2: Replacement Within the Existing Alignment

Under the Replacement within the Existing Alignment Alternative, the city would construct a new sewer line parallel to the existing lines within the existing easement between the intersection of Canal School Road and Hills Ferry Road and the terminus of the already-approved Phase I replacement trunk line (refer to Figure 2). While most of Alternative 2's environmental impacts would be similar to those of the proposed project, the route is farther from the residences along Hills Ferry Road, and therefore, would lessen impacts from exposures to construction noise and equipment exhaust and dust emissions. However, the existing route largely traverses farmland that is under active agricultural production. Significant interruptions to agricultural practices during construction and routine maintenance activities would occur due the trunk line's location below actively cultivated fields with no roadway access. Alternative 2 fails to meet all project objectives as this alternative would not be constructed within roads to minimize capital costs and instead crosses agricultural lands in active cultivation.

Summary

The proposed project would best achieve the project objectives with the greatest ease of operation, maintenance, and reliability and the fewest environmental impacts. The proposed project would reduce or eliminate disruptions to active agricultural activities by decommissioning the existing sewer influent trunk line that runs through agricultural fields in place and by placing the new sewer influent trunk within existing roads. The no project alternative would not achieve

any of the project objectives and would potentially result in greater impacts associated with future sewer line failures. The alternative route is similar to the proposed project, and would result in similar environmental impacts; however, may have fewer noise and air quality construction impacts on sensitive receptors. However, it would have greater adverse effects to agricultural operations and would not achieve all of the project objectives. Because all of the alternatives either do not meet all of the project objectives or result in greater environmental impacts compared to the proposed project, the proposed project as described in Section A, "Project Description," was selected as the preferred alternative.

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