

Summary Form for Electronic Document Submittal

Form F

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

SCH # _____

Project Title: Martin Marietta Ready-Mix Concrete Batch Plant

Lead Agency: County of Merced

Contact Name: Tiffany Ho, Deputy Director of Planning

Email: Tiffany.Ho@countyofmerced.com Phone Number: (209) 385-7654 ext. 4407

Project Location: Unincorporated Merced County, on the west side of State Route 59 just north of the Merced River
City *County*

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

The project site is located in unincorporated Merced County, on the west side of State Route 59 just north of the Merced River. The proposed project is the construction and operation of a ready-mix concrete batch plant. The batch plant will be constructed of steel and the site will include storage units, material bunkers, and stockpiles; similar to certain features located at the existing, adjacent mine site. The footprint of the proposed structure will be approximately 1,875 square feet with a maximum height of 90 feet. Operation of the proposed plant includes mixing concrete ingredients, such as Portland cement, sand and gravel, and admixtures. The mix is then distributed to concrete mixer trucks, where water is added before the concrete is ready to be used at job sites. An estimated 15 concrete mixer trucks will be used at the project site and will be typical multi-axle trucks with a spinning drum and concrete chute. Hazardous materials will be present on the project site, which include admixtures, motor vehicle lubes and fuels. These hazardous materials will be stored in accordance with all applicable Federal, State, and Local regulations, which could include applicable permits from Merced County Division of Environmental Health, preparing a Hazardous Materials Business Plan, Hazardous Materials Management Plan, etc. The project site may be used to serve operations of the existing mining site related to material storage and asphalt and concrete recycling stockpiling, as well as vehicle parking.

The nature of concrete requires it to be delivered to the market (construction job site) within several hours. The structure and consistency of the concrete can be changed by ambient conditions, such as excessive heat during the day; therefore, most deliveries are conducted in the early morning hours. Concrete is commonly used in public works projects, which for the safety of the public and the workforce, are routinely conducted during overnight hours. Therefore, the proposed plant would operate 24 hours a day, 7 days a week.

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

Biological Resources

Impact:

Project development could result in impacts to the American badger from disturbance, injury, or mortality during construction.

Mitigation Measure:

BIO-1 Not more than 14 days prior to the commencement of ground-disturbing construction activities, a qualified wildlife biologist shall conduct surveys of the grassland habitat on site to identify any potential American badger burrows/dens. If the survey results are negative (i.e., no badger dens observed), a letter report confirming absence shall be prepared and submitted to the Merced County Community and Economic Development Department prior to issuance of a building permit and no further mitigation is required.

If the results are positive (badger dens are observed), the qualified biologist shall determine if the dens are active by installing a game camera for three days and three nights to determine if the den is in use.

- a. If the biologist determines that a den may be active, coordination with the California Department of Fish and Wildlife shall be undertaken to develop a suitable strategy to avoid impacts to American badger. The strategy may include the following: the biologist shall install a one-way door in the den opening and continue use of the game camera. Once the camera captures the individual exiting the one-way door, the den can be excavated with hand tools to prevent badgers from reusing them. If the biologist determines that the den is a maternity den, construction activities shall be delayed during the maternity season (February to August), or until the badgers leave the den on their own accord or the biologist determines that the den is no longer in use.
- b. If the game camera does not capture an individual entering/exiting the den, the den can be excavated with hand tools to prevent badgers from reusing them.
- c. After dens have been excavated and the absence of American badger confirmed, a letter report shall be prepared and submitted to the Merced County Community and Economic Development Department, prior to issuance of a building permit.

Impact:

Project development could result in impacts to the burrowing owl from disturbance, injury, or mortality during construction.

Mitigation Measure:

BIO-2 The project applicant shall implement the following measures for the protection of burrowing owl:

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

measures are required.

- b. Because burrowing owls occupy habitat year-round, seasonal no-disturbance buffers, as outlined in the Burrowing Owl Survey Protocol and Mitigation Guidelines (CBOC 1993) and the Staff Report on Burrowing Owl Mitigation (CDFW 2012), shall be in place around occupied habitat prior to and during any ground disturbance activities. The following table includes buffer areas based on the time of year and level of disturbance (CDFW 2012), unless a qualified biologist approved by the California Department of Fish and Wildlife verifies through non-invasive measures that either: 1) birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

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

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

Impact:

Project development could result in impacts to the western pond turtle from disturbance, injury, or mortality during construction.

Mitigation Measure:

BIO-3 The project applicant shall implement the following measures for the protection of western pond turtle:

- a. Within 24 hours prior to vegetation removal or ground-disturbing activities within 200 feet of aquatic habitat, the project applicant shall retain a qualified biologist to conduct a preconstruction survey for western pond turtle. If any western pond turtles are found in or adjacent to the development area, construction activities shall not commence until the individuals have left the area or the qualified biologist relocates the western pond turtle to nearby suitable habitat a minimum of 300 feet from the construction area. Western pond turtle relocation shall only be conducted in coordination with the California Department of Fish and Wildlife.
- b. During all initial ground-disturbing activities within 200 feet of aquatic habitat, the qualified biologist shall monitor construction activity to assess the potential impacts to turtles, if present. If a western pond turtle nest is discovered during initial ground-disturbing activity, all work shall stop and the California

Department of Fish and Wildlife shall be contacted for guidance on how to proceed. Relocation of pond turtles and/or their nests shall only be conducted in coordination with the California Department of Fish and Wildlife.

- c. Disturbance to aquatic vegetation shall be avoided to the extent possible. Placement of all staging areas, access roads, and other construction related facilities shall be located a minimum of 100 feet away from aquatic habitat.
- d. Within 200 feet of aquatic habitat, all construction-related holes shall be covered at the end of each workday to prevent entrapment of western pond turtles.
- e. The qualified biologist shall prepare a report documenting the results of the preconstruction survey for submittal to the Merced County Community and Economic Development Department prior to issuance of a building permit.

Impact:

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

Mitigation Measure:

BIO-4 The following measures shall be implemented to avoid loss of or harm to Swainson's hawk:

- a. Vegetation removal shall be completed during the nonbreeding season for raptors (September 16–January 31).
- b. To avoid, minimize, and mitigate potential impacts on Swainson's hawk and other raptors nesting on or adjacent to the project site, the applicant shall retain a qualified biologist to conduct preconstruction surveys and identify active nests on and within 0.5 mile of the project site for construction activities conducted during the breeding season (February 1–September 15). The surveys shall be conducted before the approval of building 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) shall be followed for surveys for Swainson's hawk. If no nests are found, a letter report will be prepared by the biologist and submitted to the California Department of Fish and Wildlife and the Merced County Community and Economic Development Department, where it will be kept on file, and no further measures are required.
- c. If found during protocol-level surveys, impacts to nesting Swainson's hawks shall be avoided by establishing appropriate buffers around active nest sites. No project activity shall commence within the buffer areas until a qualified biologist has determined, in coordination with California Department of Fish and Wildlife, the young have fledged, the nest is no longer active, or reducing the buffer would not result in nest abandonment. California Department of Fish and Wildlife guidelines recommend implementation of 0.25- or 0.5-mile-wide buffers for Swainson's hawk nests, but the size of the buffer may be decreased if a qualified biologist, in consultation with California Department of Fish and Wildlife, determine that such an adjustment would not be likely to adversely affect the nest.

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

remain in place until the chicks have fledged or as otherwise determined appropriate by a qualified biologist.

- d. If impacts to Swainson's hawk cannot be avoided, consultation with the California Department of Fish and Wildlife will be conducted, and an Incidental Take Permit will be obtained. Compliance with permit conditions shall be required prior to the start of disturbance activities.

Impact:

Project development, tree removal, and construction activities at the project site could result in the disturbance of elderberry longhorn beetle habitat, including the riparian woodland habitat on the southwest edge of the project site.

Mitigation Measure:

BIO-5 If disturbance proposed within 100 feet of an elderberry shrub would affect valley elderberry longhorn beetle; the project applicant shall avoid, minimize, and compensate for effects on valley elderberry longhorn beetle consistent with the methods described in the Conservation Guidelines for the Valley Elderberry Longhorn Beetle (USFWS 1999), as updated. These methods include establishing and maintaining a buffer zone, protective measures such as barrier fencing and signage, restoration and maintenance of the work area, transplanting affected shrubs, and planting new elderberry plants and associated native species in protected areas. If impacts cannot be avoided, the project applicant shall obtain Incidental Take Authorization from the U.S. Fish and Wildlife Service and implement all required conservation measures. Implementation of this mitigation measure would reduce the potential significant impact to Valley elderberry longhorn beetle to a less-than-significant level by requiring buffers around individual elderberry plants, obtaining Incidental Take Authorization from the USFWS, and implementing conservation measures if impacts cannot be avoided.

Impact:

Project development and construction activities at the project site could result in the disturbance of roost and/or natal sites occupied by special-status bats on or adjacent to the project site, if present.

Mitigation Measure:

BIO-6 The following measures shall be implemented to avoid loss of or harm to special-status bat species:

- a. Approximately 14 days prior to construction activities, a qualified biologist shall conduct a habitat assessment for bats and potential roosting sites in trees or buildings within 50 feet of the construction easement. These surveys shall 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 shall 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 shall be flagged or marked.
- b. If no roosting sites or bats are found, a letter report will be prepared by the biologist and submitted to the Merced County Community and Economic Development Department, where it will be kept on file, and no further measures are required.
- c. If bats or roosting sites are found, bats shall 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 shall 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 shall be timed to avoid lactation and young-rearing. If bats are found roosting during the nursery season, they shall 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) shall be established around the roosting site within which no construction activities including tree removal or structure disturbance shall occur until after the nursery season.

Impact:

If protected bird species are nesting on or adjacent to the project site during the bird nesting season, then project development, tree removal, and noise-generating construction activities could result in the loss of fertile eggs, nestlings, or otherwise lead to the abandonment of nests.

Mitigation Measure:

BIO-7 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), a qualified biologist shall conduct nesting bird surveys.

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

and submitted to the Merced County Community and Economic Development Department, where it will be kept on file, and no further measures are required.

Impact:

Project activities such as vegetation removal, grading, access, and project construction could lead to a loss or degradation of riparian woodland in this area.

Mitigation Measure:

BIO-8 The applicant shall prepare an erosion control plan and implement protection measures during construction, including Best Management Practices such as time-of-year-restrictions, water pollution prevention, erosion control, and tree root protection to further minimize erosion and impacts to riparian habitat. Best Management Practices intended to reduce erosion of exposed soil into the freshwater pond may include, but are not limited to soil stabilization controls, watering for dust control, silt fencing, and fiber rolls. Standard erosion control and slope stabilization measures will be required for work performed in any area where erosion could lead to sedimentation of the freshwater pond.

The erosion control plan shall be subject to review and approval by the Merced County Public Works Department, prior to issuance of a building permit.

BIO-9 The applicant shall prepare a fencing plan and construct a permanent wildlife-friendly wooden jack fence around the freshwater pond and riparian woodland habitat that will allow free travel of wildlife under, over, or around the fence while still maintaining an effective barrier from disturbance from project construction and operation. The project shall also construct a wildlife-friendly wooden jack fence along the southern boundary of the project site between the existing dirt road and the riparian vegetation of the Merced River. The bottom rail of fencing shall be 18 inches above ground and the top rail at 40 inches above ground. These fences shall be maintained for the lifespan of all plant operations at the site.

The fencing plan shall be subject to review and approval by the Merced County Community and Economic Development Department, prior to issuance of a building permit.

Impact:

Light pollution from the artificial lighting of the plant for construction and long-term operation could alter the behavior of many wildlife species and interfere with their movement.

Mitigation Measure:

BIO-10 Nighttime lighting near the wildlife corridor along the Merced River shall be avoided. No artificial lighting shall be installed within 200-feet of the edge of riparian vegetation along the Merced River. Lighting shall be directed away from the Merced River. All exterior light fixtures at the plant will be hooded, with lights directed downward.

Cultural Resources

Impact:

If present, unknown buried historic resources at the project site could be damaged or destroyed by ground disturbing construction activities associated with the project.

Mitigation Measure:

CUL-1 In the event that archaeological resources are encountered during ground disturbing activities, contractor shall temporarily halt or divert excavations within a 50 meter (165 feet) of the find until it can be evaluated. All potentially significant archaeological deposits shall be evaluated to demonstrate whether the resource is eligible for inclusion on the California Register of Historic Resources, even if discovered during construction. If archaeological deposits are encountered, they will be evaluated and mitigated simultaneously in the timeliest manner practicable, allowing for recovery of materials and data by standard archaeological procedures. For prehistoric archaeological sites, this data recovery involves the hand-excavated recovery and non-destructive analysis of a small sample of the deposit. Historic resources shall also be sampled through hand excavation, though architectural features may require careful mechanical exposure and hand excavation.

Any previously undiscovered resources found during construction activities shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance by a qualified Archaeologist. Significant cultural resources consist of but are not limited to stone, bone, glass, ceramics, fossils, wood, or shell artifacts, or features including hearths, structural remains, or historic dumpsites.

Impact:

There remains the possibility that ground disturbing activities associated with the proposed project could damage or destroy previously undiscovered Native American human remains.

Mitigation Measure:

CUL-2 In the event that human remains (or remains that may be human) are discovered at the project site, Public Resource Code Section 5097.98 must be followed. All grading or earthmoving activities shall immediately stop within 50 meters (165 feet) of the find. The Merced County Coroner will be notified immediately, and the coroner shall be permitted to examine the remains as required by California Health and Safety Code Section 7050.5(b).

Section 7050.5 requires that excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If human remains are determined as those of Native American origin, the project proponent shall comply with the state relating to the disposition of Native American burials that fall within the jurisdiction of the NAHC (Public Resource Code [PRC] § 5097). The coroner shall contact the Native American Heritage Commission (NAHC) to determine the most likely descendant(s) (MLD). The MLD shall complete his or her inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The MLD will determine the most appropriate means of treating the human remains and associated grave artifacts, and shall oversee the disposition of the remains. In the event the NAHC is unable to identify an MLD or the MLD fails to make a recommendation within 48 hours after being granted access to the site, the landowner or his/her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity within the project area in a location not subject to further subsurface disturbance if: a) the Native American Heritage Commission is unable to identify the MLD or the MLD failed to make a recommendation within 48 hours after being allowed access to the site; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

Geology and Soils

Impact:

Paleontological resources could be accidentally discovered during construction activities associated with development

of the project site and could be directly or indirectly destroyed.

Mitigation Measure:

GEO-1 The following language shall be included on all building 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 Merced County Community and Economic Development Department.”

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

None.

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

San Joaquin Valley Air Pollution Control District
Central Valley Regional Water Quality Control Board

