

# 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: Garden of Peace Cemetery

Lead Agency: Merced County Community and Economic Development

Contact Name: Valeria Renteria

Email: Valeria.Renteria@countyofmerced.com Phone Number: 209-385-7654 x 4422

Project Location: n/a Merced  
*City* *County*

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

The proposed project is located at 17205 South Jasper Sears Road in unincorporated Merced County and is a cemetery, with a 1,500 square foot prayer room with permanent restrooms and a proposed septic system, and a proposed overhang/canopy prayer room. The project would include an unpaved parking lot for 20 vehicles and a 24-foot-wide gravel road within the project site. The project also includes a proposed 24-foot road easement connecting the entrance of the cemetery to Jasper Sears Road and a 15-foot gravel road running south of the proposed area of rest. The proposed area of rest covers the only usable, gently rolling area of the property, which is approximately 50 acres. According to the applicant, one acre of land can contain 1,000 graves; therefore, the project site is anticipating a total of approximately 50,000 to 60,000 graves, which can take up to 200 years to fill up completely.

The cemetery would be open from 10:00 A.M. to 5:00 P.M., seven days a week. However, staff and visitors would only come to the site when there is a burial. It is expected that no more than 20 people would visit the cemetery at one time. The cemetery would include one full-time employee and up to two part-time, temporary employees who would be on-call and be on-site only when there is a burial. The burial services involve the digging of a grave (four feet by eight feet) and would only occur once per day, at most.

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

Impact:

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

Mitigation Measures:

BIO-1 Prior to approval of a building permit for Phase I activities, a qualified biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of special-status species potentially occurring in the project vicinity, including, but not limited to, American badger, San Joaquin kit fox, burrowing owl, Swainson's hawk, golden eagle, and nesting birds and raptors. Their habitats, general measures that are being implemented to conserve species as they relate to the project, and the boundaries within which construction activities will occur will be explained. Informational handouts with photographs clearly illustrating the species' appearances shall be used in the training session. All new construction personnel shall undergo this mandatory environmental awareness training. The project applicant shall document evidence of completion of this training by a letter report prepared by the biologist and submitted to the Merced County Community and Economic Development Department,

where it will be kept on file, prior to issuance of a building permit.

The qualified biologist will train biological monitors selected from the construction crew by the construction contractor (typically the project foreman). Before the start of work each day, the monitor will check for animals under any equipment such as vehicles and stored pipes within active construction zones. The monitor will also check all excavated steep-walled holes or trenches greater than one foot deep for trapped animals. If a special-status species is observed within an active construction zone, the qualified biologist will be notified immediately and all work within 50 feet of the individual will be halted and all equipment turned off until the individual has left the construction area.

BIO-2 Not more than 14 days prior to the commencement of Phase I ground-disturbing construction activities, and once every five years during operation of the cemetery, 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 for Phase I and once every five years during operation of the cemetery 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 for Phase I and once every five years during operation of the cemetery.

#### Impact:

Loss of or harm to individual kit foxes could result if they are present on the site or seek shelter during construction within artificial structures, such as stored pipes or exposed trenches.

#### Mitigation Measure:

BIO-3 The U.S. Fish and Wildlife Service Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance (USFWS 2011) shall be implemented prior to initiation of and during any construction activity on the project site to avoid unintended take of individual San Joaquin kit foxes.

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

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

In addition, the following measures shall be observed:

- a. Project-related vehicles shall observe a 20-mph speed limit in all project areas. Night-time construction shall be prohibited. Off-road traffic outside of the designated project area shall be prohibited.
- b. To prevent inadvertent entrapment of kit foxes or other animals during the construction of Phase I, all excavated, steep-walled holes or trenches more than two feet deep shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the procedures under number 11 of the Construction and Operational Requirements in the Standardized Recommendations must be followed.
- c. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipe becoming trapped or injured. All construction pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the U.S. Fish and Wildlife Service has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity, until the fox has escaped.
- d. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers and removed at least once a week from a construction or project site.
- e. No firearms shall be allowed on the project site during construction activities.
- f. To prevent harassment, mortality of kit foxes or destruction of dens by dogs or cats, no pets shall be permitted on site during construction activities.
- g. Use of rodenticides and herbicides on the project site during construction or operation shall be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional project related restrictions deemed necessary by the U.S. Fish and Wildlife Service. If rodent control must be conducted, zinc phosphide shall be used because of proven lower risk to kit fox.
- h. In the case of trapped animals, escape ramps or structures shall be installed immediately to allow the animal(s) to escape.
- i. Any contractor, employee, or agency personnel who inadvertently kills or injures a San Joaquin kit fox shall immediately report the incident to the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service.

Impact:

If burrowing owl is present on or adjacent to the project site, construction activities could result in the loss or disturbance of individual animals.

Mitigation Measures:

BIO-1 (see above)

BIO-4 To avoid loss of or harm to burrowing owl, the following measures shall be implemented:

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

b. Because burrowing owls occupy habitat year-round, seasonal no-disturbance buffers, as outlined in the *Burrowing Owl Survey Protocol and Mitigation Guidelines* (CBOC 1993) and the *Staff Report on Burrowing Owl Mitigation* (CDFW 2012), shall be in place around occupied habitat prior to and during any ground disturbance activities associated with Phase I. 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, 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 County of Merced Community and Economic Development Department.

Impact:

The change in land use from grassland to developed uses as a result of construction of Phase I would cause a loss of Swainson's hawk foraging habitat.

Mitigation Measures:

BIO-1 (see above)

BIO-5 If there is an active nest within ten miles of Phase I, the following measures shall be implemented to mitigate for the loss of Swainson's hawk and golden eagle foraging habitat:

- a. Prior to ground-disturbing activities, suitable Swainson's hawk and golden eagle foraging habitat shall be preserved to ensure replacement of foraging habitat lost as a result of the project, as determined by a qualified biologist, in consultation with California Department of Fish and Wildlife.
- b. The habitat value shall be based on Swainson's hawk nesting distribution and an assessment of habitat quality, availability, and use within Merced County. The mitigation ratio shall be consistent with the guidelines included in the *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California* (CDFG 1994). These guidelines specify that the mitigation ratio shall be 1:1 if there is an active nest within one mile of the project site, 0.75:1 if there is an active nest within five miles but greater than one mile away, and 0.5:1 if there is an active nest within 10 miles but greater than five miles away. If there is an active nest within one mile of the project site, the mitigation ratio can be reduced to 0.5:1 if all of the mitigation land can be actively managed for prey production. Such mitigation shall be accomplished through either the transfer of fee title or perpetual conservation easement. Preservation of all or a portion of the remainder of the subject parcel may be considered suitable mitigation. The mitigation land shall be located within the known foraging area within Merced County.
- c. There is one potentially active Swainson's hawk nest within five miles of the project site (CNDDDB Occ. No. 980) and one potentially active golden eagle nest one mile west of the project site (Observed during the July 2023 survey). To mitigate for the loss of foraging habitat for these nests, replacement foraging habitat shall be preserved at a mitigation ratio of 0.75:1 in consultation with California Department of Fish and Wildlife. Such mitigation shall be accomplished through either the transfer of fee title or perpetual conservation easement. The mitigation land shall be located within the known foraging area within Merced County.

Prior to construction of Phase I, an updated database search and field survey for Swainson's hawk and golden eagle nests within ten miles of the project site shall be conducted by qualified biologists. If additional nests are observed, foraging habitat shall be preserved following the mitigation ratios outlined above.

Impact:

The change in land use from grassland to developed uses would cause a loss of golden eagle foraging habitat at the project site.

Mitigation Measures:

BIO-1 (see above)

BIO-5 (see above)

Impact:

If protected bird species are nesting 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.

Mitigation Measures:

BIO-1 (see above)

BIO-6 To avoid impacts to nesting birds during the nesting season (January 15 through September 15), all Phase I 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 Phase I construction, with the final survey conducted within 48 hours prior to construction. Appropriate minimum survey radii surrounding each work area are typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys will be conducted at the appropriate times of day to observe nesting activities. Locations off the site to which access is not available may be surveyed from within the site or from public areas. If no nesting birds are found, a letter report confirming absence will be prepared and submitted to the County of Merced Community and Economic Development Department and no further mitigation is required.

b. If the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize “normal” bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g., defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active. Once the absence of nesting birds has been confirmed, a letter report will be prepared and submitted to the County of Merced Community and Economic Development Department.

#### Impact:

Both Phase I and II could impact these adjacent waterways and result in the loss of jurisdictional wetlands and other waters of the U.S. Improvements along the road easement where it crosses the ephemeral drainage may also result in the loss of jurisdictional wetlands and other waters of the U.S.

#### Mitigation Measures:

BIO-7 No development or construction activities shall occur within 50 feet of the stream centerline (100 feet total width, based on existing topography). Along with the temporary silt fencing discussed above, the applicant shall construct a permanent wildlife-friendly wooden jack fence along the stream at a 40-foot distance from the stream centerline that will allow free travel of wildlife under, over, or around the fence while still maintaining an effective barrier from disturbance from Phase I construction and Phase II operations. The bottom rail of the fencing shall be 18 inches above ground and the top rail at 40 inches above ground. This fence shall be maintained for the lifespan of all cemetery operations at the site.

BIO-8 Prior to initiation of ground disturbance or construction along the road easement that affect the drainage channel, the applicant will retain a qualified biologist to determine the extent of potential wetlands and waterways regulated by the United States Army Corps of Engineers, Regional Water Quality Control Board, and California Department of Fish and Wildlife.

If the USACE claims jurisdiction, the applicant shall obtain a Clean Water Act Section 404 Nationwide Permit. If the impacts to the drainage does not qualify for a Nationwide Permit, the applicant will proceed in obtaining an Individual Permit from the United States Army Corps of Engineers. The applicant will then coordinate with the Regional Water Quality Control Board to obtain a Clean Water Act Section 401 Water Quality Certification. If necessary, the applicant will coordinate with the California Department of Fish and Wildlife to obtain a Streambed Alteration Agreement.

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

a. A Wetland Mitigation and Monitoring Plan shall be developed that outlines mitigation and monitoring obligations for temporary impacts to wetlands and other waters as a result of construction activities. The Wetland Mitigation and Monitoring Plan would include thresholds of success, monitoring and reporting requirements, and site-specific plans to compensate for wetland losses resulting from the project. The Wetland Mitigation and Monitoring Plan shall be submitted to the appropriate regulatory agencies for review and approval during the permit application process.

b. To compensate for permanent impacts, the purchase and/or dedication of land to provide suitable wetland restoration or creation shall ensure a no net loss of wetland values or functions. If restoration is available and feasible, a minimum 1:1 impact to mitigation ratio would apply to projects for which mitigation is provided in advance.

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

BIO-9 Prior to initiation of Phase I ground disturbance or construction activities, the applicant shall protect waterways adjacent to the project site through the use of best management practices for erosion control and vehicle/equipment fueling. This will include the installation of silt fencing between the project site and adjacent waterways. The silt fencing will prevent soil from washing off the project site into waterways and exclude construction activities from the drainage channels.

Potential fuel spills and leaks from construction vehicle/equipment fueling operations shall be prevented from entering waterways. Designated fueling areas should be on a level grade and must be at least 50 feet from any waterway. The fueling area should be protected by a berm to prevent any runoff from leaving the fueling area.

Impact:

The project may result in light pollution during the winter months.

Mitigation Measure:

BIO-10 All exterior light fixtures at the cemetery shall be hooded, with lights directed downward. Prior to issuance of a building permit, plans for lighting shall be subject to the review and approval by the Merced County Community and Economic Development Department to verify that light pollution reduction measures are included.

Impact:

Project construction activities could damage or destroy unknown buried significant historic or unique archaeological resources.

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:

Project-related ground-disturbing activities 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 reburial 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.

Impact:

Strong seismic ground-shaking would occur at the project site.

Mitigation Measure:

GEO-1 The applicant shall obtain a soils/geotechnical report for use in the structural design of the proposed prayer room. This report will also provide recommendations for the design of the septic system proposed on the site. This report must be submitted for review and approval by the County Building and Safety Division prior to issuance of a building permit.



Impact:

The proposed project involves construction and grading activities that could result in soil erosion on the project site.

Mitigation Measure:

GEO-1 (see above)

Impact:

Implementation of the project could result in impacts associated with on-or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse and expansive soils.

Mitigation Measure:

GEO-1 (see above)

Impact:

Paleontological resources could be accidentally discovered during construction activities associated with development of the project site.

Mitigation Measure:

GEO-2        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."

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

n/a

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

- United States Army Corps of Engineers
- Regional Water Quality Control Board
- California Department of Fish and Wildlife

