INITIAL STUDY WITH PROPOSED MITIGATED NEGATIVE DECLARATION

STANISLAUS COUNTY URBAN POCKET PROJECT

AREA 44 RIVERDALE PARK TRACT

Prepared by

WOOD RODGERS

BUILDING RELATIONSHIPS ONE PROJECT AT A TIME

Prepared for Stanislaus County

June 2024

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GENERAL INFORMATION ABOUT THIS DOCUMENT

What's in this document:

The Stanislaus County Public Works Department has prepared this Initial Study, which examines the potential environmental impacts of the Stanislaus County Urban Pockets Project in Area 44 (Project). The document explains the proposed Project details; the existing environment that could be affected by the Project; potential impacts; and proposed avoidance, minimization, and/or mitigation measures.

Project Description

Stanislaus County is proposing to install a new sanitary sewer system, domestic water supply system, and storm drain system in Area 44, an unincorporated urban pocket of Stanislaus County located in the community of Riverdale Park, within the Stanislaus Local Agency Formation Commission (LAFCO) adopted Sphere of Influence (SOI) for the City of Modesto. The proposed Project would additionally install safety improvements throughout the area, including sidewalks, Americans with Disabilities Act (ADA) compliant curb ramps, crosswalks, and street lighting.

What you should do:

- Please read the document. Hard copies of the document are available for review at:

  Stanislaus County, Public Works Department
  1010 10th Street, Suite 4204
  Modesto, CA 95354

  An electronic copy of the document is also available for review at:
  https://www.stancounty.com/publicworks/projects.shtm

- Please submit your comments in writing no later than August 2, 2024 to:

  Stanislaus County, Public Works Department
  ATTN: Mr. Danny Mauricio
  1010 10th Street, Suite 4204
  Modesto, CA 95354

  You may also submit your comments via e-mail to mauriciod@stancounty.com. For emailed comments, please include the Project title in the subject line and include the commentor's name and mailing address.

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TABLE OF CONTENTS

List of Figures

List of Tables

List of Appendices

LIST OF ABBREVIATIONS

ACE	Area of Conservation Emphasis
ACHP	Advisory Council on Historic Preservation
AIRFA	American Indian Religious Freedom Act
APE	Area of Potential Effects
BIOS	Biogeographic Information and Observation System
BMPs	Best Management Practices
BSA	Biological Study Area
CAA	Clean Air Act
CalNAGPRA	California Native American Graves Protection and Repatriation Act
Caltrans	California Department of Transportation
CCAP	Climate Change Action Plan
CARB	California Air Resources Board
CDC	California Department of Conservation
CDFW	California Department of Fish and Wildlife
CESA	California Endangered Species Act
CEQA	California Environmental Quality Act
CGP	Construction General Permit
CNDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CRHR	California Register of Historical Resources
CWA	Clean Water Act
DCP	Dust Control Plan
District	San Joaquin Valley Air Pollution Control District
DWR	California Department of Water Resources
EFH	Essential Fish Habitat
EOP	Emergency Operations Plan
FEMA	Federal Emergency Management Agency
FESA	Federal Endangered Species Act
FIRM	Flood Insurance Rates Maps
FMMP	Farmland Mapping and Monitoring Program
GHG	Greenhouse Gases
IPaC	Information for Planning and Consultation
IPCC	Intergovernmental Panel on Climate Change
ITA	Indian Trust Assets
MBTA	Migratory Bird Treaty Act
MND	Mitigated Negative Declaration
MLD	Most Likely Descendent
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission

NHPA	National Historic Preservation Act
NOAA	National Oceanic and Atmospheric Administration
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resource Conservation Service
NRHP	National Register of Historic Places
OHP	Office of Historic Preservation
Porter-Cologne Act	Porter-Cologne Water Quality Act (Porter-Cologne Act)
RWQCB	Regional Water Quality Control Board
SIP	State Implementation Plan
SLF	Sacred Lands File
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TCL	Traditional Cultural Landscapes
TCP	Traditional Cultural Properties
TCR	Tribal Cultural Resource
UCMP	University of California Museum of Paleontology
USACE	United States Army Corps of Engineers
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
WoS	Waters of the State
WOTUS	Waters of the United States

1.0 Introduction

1.1 Project Description

Area 44 is an existing residential neighborhood located within the Stanislaus Local Agency Formation Commission (LAFCO) adopted Sphere of Influence (SOI) for the City of Modesto, CA's (City). The area is an unincorporated Urban Pocket of Stanislaus County. The project area limits within Area 44 generally include the following boundary roads and generally all of the roads within this boundary. This area is generally described as follows:

- Beginning on the east – Approximately of 4,200 linear feet on the fully paved northern half-width (10 feet) of W. Hatch Rd. from the intersection of W. Hatch Rd. with S. Carpenter Rd to Parkdale Dr.
- Then northward/looping eastwardly/southward – Approximately 3,300 linear feet of the fully paved 20-foot full width of Parkdale Dr. (loop). from W. Hatch Rd. to W. Hatch Rd.
- The roadways interior to the aforementioned defined boundary will receive improvements to the full width of the roadways.

As stipulated by the County's General Plan Sphere of Influence Policy, Area 44 will receive infrastructure and safety improvements in accordance with City of Modesto standards, allowing the area to be potentially eligible for future annexation into the City. All improvements will occur within the existing County right of way and no right of way acquisitions are anticipated for the Project. Temporary construction easements may be required to facilitate the construction of the proposed improvements.

Under the proposed Project, infrastructure and safety improvements are anticipated to include:

- Sidewalk with Roadbed Widening: The project area roadway shoulders are undulating and vary in material from pavement to earthen and do not satisfy the Americans with Disabilities Act (ADA) for accessible pathways for people with disabilities. The current condition poses challenges to the abled pedestrians and bicyclists due to the very irregular surface which also results in severe ponding after every rain event. Throughout the area City standard curb, gutter, and sidewalk will be constructed to accommodate ADA accessibility requirements and enhanced pedestrian safety, and the roadbed will be widened to the edge of gutter to provide a consistent paved travel and parking area that will also enhance bicyclist safety.
- ADA Curb Ramps: Curb returns with pedestrian ramps will be constructed at corners within the project area.
- Crosswalks: New crosswalk and stop bar striping will be added at intersections per City standards. Existing crosswalks removed during construction will be replaced in-kind.
- Lighting: Four 25' streetlights will be relocated along roadways within the Project area to enhance safety at intersections and along streets per City standards and where needed.
- Utility Pole Relocation: With the construction of new curb, gutter & sidewalk and pedestrian curb ramps, existing utility poles for overhead utilities may be required to be relocated outside of the pedestrian and roadway areas.
- Drainage Systems: Many areas throughout the project lack positive drainage as evidenced by pooling water. Regrading will be required to promote drainage to new drainage systems which will enhance safety for access along the streets. The following storm drain infrastructure is included in the preliminary project plans:

- 192 linear feet of 8-inch PVC pipe
- 641 linear feet of 12-inch concrete pipe
- 1369 linear feet of 24-inch concrete pipe
- 3353 linear feet of 48-inch horizontal drain
- 49 catch basins
- 73 60-inch man holes
- 15 48-inch man holes

- Water and Sewer Pipes: Water and sewer pipelines will be expanded within some roadways to enhance reliable distribution of healthy drinking water and reliable heathy sanitary sewer improvements. Up to 211 new wastewater connections and up to 140 new water connections/services would be provided to residences within the Project area.
- Sewer Lift Station: A sewer lift station will be required to capture waste from homes in this lower lying area and pump by force main in W. Hatch Rd. to a gravity system east of S. Carpenter Rd.
- Roadbed: In addition to the roadbed widening with the placement of sidewalks, roadbed reconstruction could be required with the placement of utilities and drainage systems as the construction of such infrastructure work would likely obliterate the existing very narrow roadbed.
- Other / Miscellaneous: Any mailboxes or other private improvements residing within the existing or proposed right of way will need to be relocated. Fire hydrants, water meters/boxes, sewer cleanouts and other utility boxes may need to be relocated outside of existing or proposed right of way. Construction staging areas will be needed in the project areas as determined by the contract but could include available open private lots and or available and accessible drainage basin areas.

Potholing of existing utilities is required to verify locations as necessary to account for and or avoid design conflicts. Approximate 6-inch to 8-inch diameter vacuum excavated potholes will be implemented. Field exploration and testing is required to assess the soil and ground water conditions for pavement, streetlight foundation, and utility trenching recommendations. This work involves drilling, logging, and sampling of borings. The borings will extend between 5 to 20 feet below existing grade with a truck-mounted drill rig. Borings in roadways will be backfilled with cement grout and capped with dyed black concrete. The spoils from each boring will be removed from the site by the drilling contractor. If utilizing existing drainage basin to accommodate roadway drainage, some borings may be converted to percolation tests to help determine the potential stormwater infiltration rates across the project site.

Typical equipment for roadway construction would include construction earthmoving equipment/excavators, dump trucks, material trucks and pavers. Construction staging can occur within the right of way, and a traffic control plan will be necessary.

Construction is expected to begin in the latter half of 2024 or early 2025 and would require approximately 12 months.

Construction Standards and Best Management Practices Carried out as per the Project:

During construction, temporary pavement delineation may be placed, maintained, and removed for travel lanes open to public traffic. Whenever the work causes obliteration of pavement delineation, temporary pavement delineation or permanent traffic stripes will be in place prior to opening the traveled way to public traffic. In addition, traffic control measures will be implemented to maintain and control traffic through the

construction zones and/or detour routes and will conform to the County temporary traffic control guidelines and the most current edition of the California Manual of Uniform Traffic Control Devices (CA-MUTCD) published by the U.S. Department of Transportation as amended for use in California. Minimum standards for the application of uniform traffic control devices such as traffic cones, barricades, regulatory signs, warning signs, and guide signs will be implemented during construction activities.

The County will manage temporary and intermittent construction traffic by requiring contactors to identify haul routes for project construction vehicles in advance of initiating construction activities within the project area. Changes to approved haul routes will also require County review and approval prior to implementing any revised routing.

Lastly, best management practices (BMPs) will be implemented. Residue from cutting operations will be prevented from flowing into storm drains or across lanes occupied by traffic and will be removed from the pavement surface. BMPs will be conducted to ensure minimum interference with roads, streets, walks, or other occupied areas. Where hauling routes use highways or City streets, the loads will be trimmed, and all material removed from shelf areas of the vehicles. Haul route permits will be acquired prior to hauling activities. Temporary drainage inlet protection will be maintained and BMPs followed to provide sediment holding capacity and to reduce runoff velocities into drainage inlets.

1.4 Permits and Approvals Needed

The following permits, licenses, agreements, and certifications are required for Project construction:

Table 1. Permits and Approvals Needed

Agency	Permit/Approval	Status
California Department of Transportation	Encroachment Permit	To be obtained prior to construction
Federal Emergency Management Agency	Floodplain Development Permit	To be obtained prior to construction
San Joaquin Valley Unified Air Pollution Control District	Authority to Construct Permit	To be obtained prior to construction
State Water Resources Control Board	402 Construction General Permit	To be obtained prior to construction

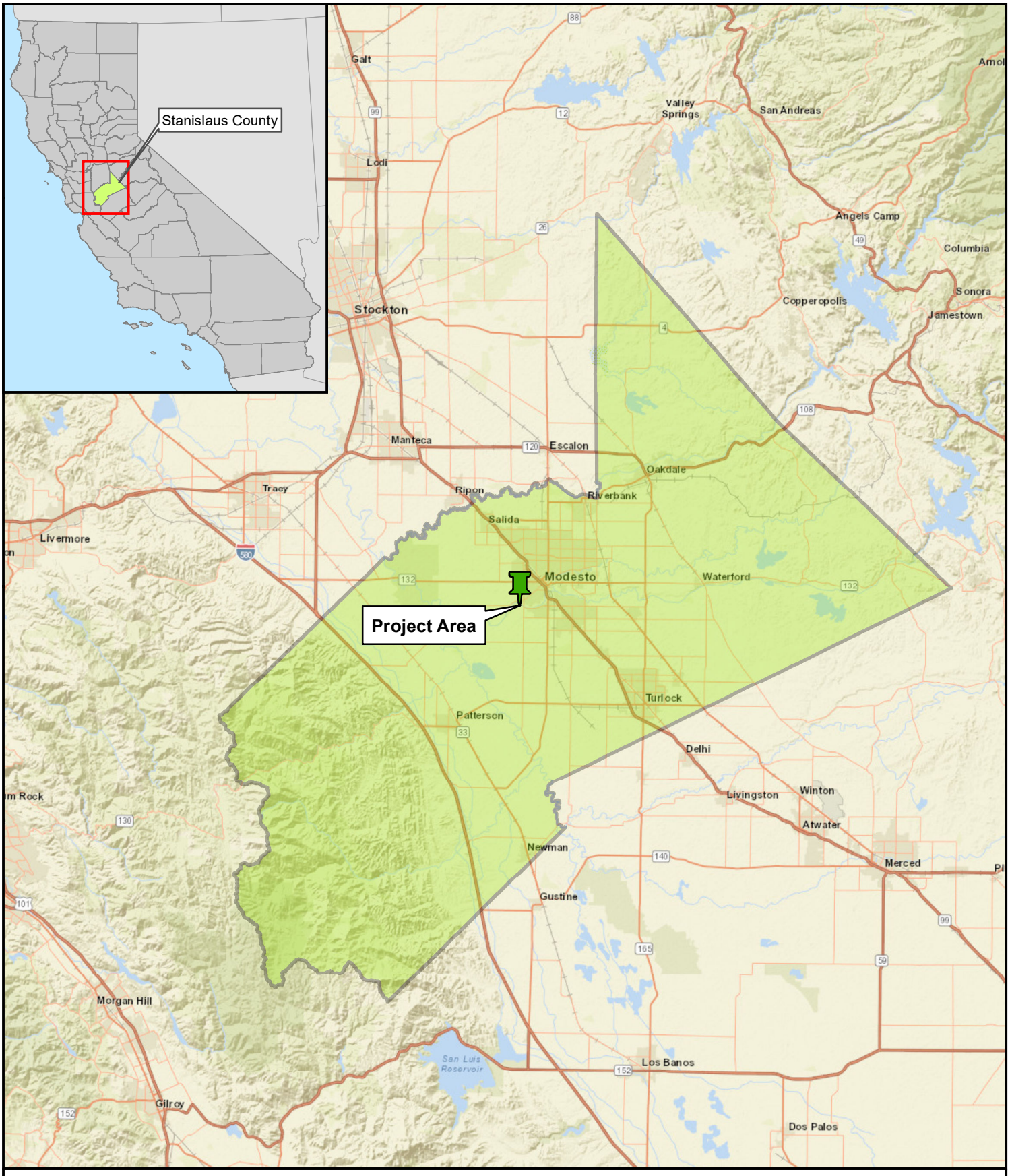

FIGURE 1

PROJECT VICINITY

STANISLAUS URBAN POCKETS PROJECT - AREA 44

STANISLAUS COUNTY, CALIFORNIA

JULY 2023

WOOD RODGERS

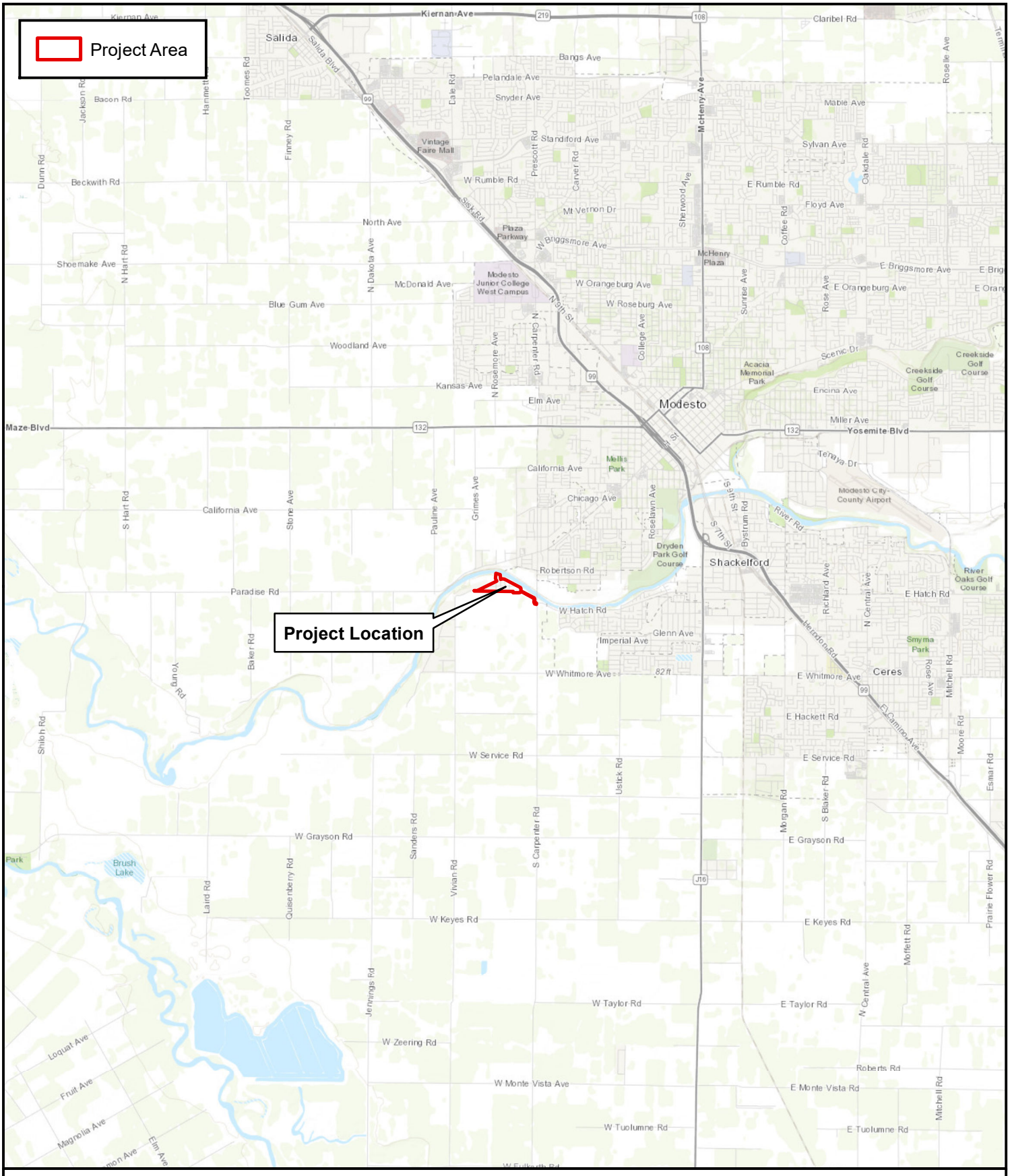

FIGURE 2

PROJECT LOCATION

STANISLAUS URBAN POCKETS PROJECT - AREA 44

STANISLAUS COUNTY, CALIFORNIA

JULY 2023

0 0.5 1 2

Miles

NORTH

WOOD RODGERS

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FIGURE 3

PROJECT AREA

STANISLAUS URBAN POCKETS PROJECT - AREA 44

STANISLAUS COUNTY, CALIFORNIA

JULY 2023

0 100200 400

Feet

NORTH

WOOD RODGERS

2.0 CEQA Initial Study Environmental Checklist Form

1. **PROJECT NAME:** Stanislaus County Urban Pocket Project – Area 44 Riverdale Park Tract

2. **LEAD AGENCY / PROJECT APPLICANT**

   Stanislaus County Public Works
   1010 10th Street, Suite 4204
   Modesto, CA 95354

3. **LEAD AGENCY CONTACT PERSON:**

   Mr. Danny Mauricio, Engineer II, (209) 525-7564, mauriciod@stancounty.com

4. **PROJECT LOCATION:** The Project site, identified as Area 44, is an existing residential neighborhood within the Stanislaus LAFCO adopted SOI for the City of Modesto.

5. **GENERAL PLAN LAND USE DESIGNATION:** Low-Density Residential, Planned Development

6. **ZONING:** Rural Residential (R-A), Planned Development (P-D).

7. **PROJECT DESCRIPTION:** Area 44 will receive infrastructure and safety improvements in accordance with City of Modesto standards, including new domestic water, sanitary sewer, and storm drain facilities, as well as the installation of sidewalks, ADA-compliant curb ramps, crosswalks, and street lighting. See Section 1.1 for a comprehensive project description.

8. **ENVIRONMENTAL SETTING/SURROUNDING LAND USES:** The Project would occur in an area designated primarily as "Low-Density Residential" land use by the Stanislaus County General Plan (2016), with limited "Planned Development" areas incorporated. Stanislaus County zoning primarily designates the Project area as "Rural Residential" land with additional "Planned Development" regions.

   Area 44 is located in Riverdale Park, a community within the sphere of influence of the City of Modesto. All roadways in the area consist of an approximately 20-foot-wide paved surface with unpaved grass or gravel shoulders on each side. The terrain is generally flat throughout the Project site. Area 44 is not incorporated into the City of Modesto, and therefore does not receive water, sewer, and stormwater drainage services consistent with the surrounding properties. Providing updated infrastructure and safety services in compliance with City and County ordinances would allow for the potential future annexation of Area 44 into the City of Modesto.

9. **OTHER REQUIRED AGENCY APPROVALS (e.g., permits, financing approval, or participation agreement.):** San Joaquin Valley Unified Air Pollution Control District, California Department of Fish and Wildlife, Central Valley Regional Water Quality Control Board, and Federal Emergency Management Agency.

10. CALIFORNIA NATIVE AMERICAN TRIBES CONSULTATION:

a. Have California Native American Tribes traditionally and culturally affiliated with the Project area requested consultation pursuant to Public Resources Code Section 21080.3.1?

☐Yes ☒ No

b. 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.?

☐Yes ☒No

11. PREVIOUS ENVIRONMENTAL DOCUMENTATION: None

12. SUMMARY OF ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The summary of environmental factors checked below would be potentially affected by this Project, involving at least one impact that is a "Potentially Significant Impact" or a "Less-Than-Significant Impact with Mitigation Incorporated" as indicated by the checklist on the following pages.

☐ **Aesthetics**	☐ **Greenhouse Gas Emissions**	☐ **Public Services**
☐ **Agriculture & 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**

13. PREPARATION: This Initial Study for the subject Project was prepared by:

6/25/2024

Eralise Spokely, Environmental Planner
Wood Rodgers, Inc.

Date

14. DETERMINATION: (TO BE COMPLETED BY THE LEAD AGENCY)

Based on the 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 (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR of NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

A copy of the Initial Study documenting reasons to support the Mitigated Negative Declaration is on file at Stanislaus County Public Works, 1010 10th Street, Suite 4204, Modesto, CA 95354.

Danny Mauricio
Engineer II
Stanislaus County Public Works

Date

Evaluation of Environmental Impacts

This checklist identifies physical, biological, social, and economic factors that might be affected by the proposed project. Potential impact determinations include Potentially Significant Impact, Less Than Significant with Mitigation, Less Than Significant Impact, and No Impact. In many cases, background investigation performed in connection with a project will indicate that there are no impacts to a particular resource. A No Impact answer reflects this determination. The questions in this checklist are intended to encourage the thoughtful assessment of impacts and do not represent thresholds of significance.

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2. All answers must 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.

3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must 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.

4. "Less than Significant with Mitigation 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 "Earlier Analyses," as described in (5) below, may be cross-referenced).

5. Earlier analyses may be 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 should identify the following:

   a. Earlier Analysis Used. Identify and state where they are available for review.

   b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

   c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources: A source list should be attached, and other sources used, or individuals contacted should be cited in the discussion.

8. The explanation of each issue should identify:

   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.

9. Tribal consultation, if requested as provided in Public Resources Code Section 21080.3.1, must begin prior to release of a negative declaration, mitigated negative declaration, or environmental impact report for a project. Information provided through tribal consultation may inform the lead agency's assessment as to whether tribal cultural resources are present, and the significance of any potential impacts to such resources. Prior to beginning consultation, lead agencies may request information from the Native American Heritage Commission regarding its Sacred Lands File, per Public Resources Code sections 5097.9 and 5097.94, as well as the California Historical Resources Information System administered by the California Office of Historic Preservation.

2.1 AESTHETICS

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	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 nonurbanized 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 point). 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?	☐	☐	☒	☐

DISCUSSION

a) Would the project have a substantial adverse effect on a scenic vista?

No impact. No designated scenic vistas or State Scenic Highways are located within or near to the Project site. The Project area is located approximately 150 feet south of the Tuolumne River; however, this segment of the river is not a designated Wild and Scenic River. The nearest river within the National Wild and Scenic Rivers System is the mainstem Tuolumne River from its source to Don Pedro Reservoir, located approximately 44.5 miles east of the Project area (Wild and Scenic Rivers 2023) in Tuolumne County. All Project construction and operations would occur within existing roadways and would not impact the river or any surrounding scenic resources. Therefore, no impact would occur.

b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No impact. The Project site is not located within a State Scenic Highway designated by Caltrans' State Scenic Highway Program, nor is the site visible from a State Scenic Highway (Caltrans 2018). The nearest officially designated State Scenic Highway is Interstate 5 within Stanislaus County, approximately 13.5 miles west of the Project area. Therefore, no impact to scenic resources within a State Scenic Highway would result from the development of the Project.

c) Would the project, in nonurbanized 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 point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Less Than Significant Impact. The Project is located in an urbanized area and would consist of infrastructure and safety improvements within previously disturbed areas within county right of way. The Project would require roadwork and minor vegetation removal, and construction would temporarily change public views for drivers, pedestrians, local residents, and other people in the vicinity of the site. However, these impacts would be short-term and would cease upon Project completion. As work is proposed within existing roadways that would be returned to previous conditions or better post-construction conditions, impacts to the visual character or quality of the site and its surroundings would be considered less than significant.

d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less Than Significant Impact. The Project would relocate four existing 25' streetlights along roadways at 330' maximum spacing per City of Modesto Standard Specifications. Street lighting would be distantly spaced and would not be concentrated in a particular portion of the Project area so as to adversely affect views in the vicinity. Furthermore, street lighting would be constructed consistent with City Standard Specifications to ensure lights are adequately shielded and lighting is directed down towards the roadway and not into adjacent residences. Construction lighting would be temporary, intermittent, and would be directed only into the active construction area to avoid potential light pollution to adjacent residences. Any impacts to the day or nighttime views in the area are anticipated to be less than significant.

MITIGATION MEASURES

No mitigation is required

FINDINGS

The Project would not adversely affect any designated scenic resource or vista, nor substantially change the current visual environment. The Project would introduce new street lighting into the area, which would be spaced at 330' and would not impair views in the area. Therefore, the Project is anticipated to have a **Less Than Significant Impact** on aesthetics in the area.

2.2 AGRICULTURE AND FOREST RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. 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 the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.				
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 non-agricultural 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 non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☒	☐

AFFECTED ENVIRONMENT

The Stanislaus County General Plan (2016) designated the Project area as primarily "Low-Density Residential" land use, with small portions of "Planned Development" and "Agricultural" land uses. The California Department of Conservation (CDC) Farmland Mapping and Monitoring Program (FMMP) designated the site primarily as "Urban and Built-Up Land". However, areas of "Prime Farmland" are present on the southern edge of Hatch Road in the easternmost and westernmost portions of the Project area, along with designated "Nonagricultural and Natural Vegetation" land (CDC 2023). Tujunga and Hanford Series soils within the Project area are classified by the NRCS as "Prime farmland if irrigated", however, no active production farmland is present within the Project impact area (USDA 2023).

DISCUSSION

a) Would the project 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 non-agricultural use?

Less Than Significant Impact. According to the CDC FMMP Stanislaus County Farmland Map (2020), the Project site is located primarily within "Urban and Built-Up Land" areas and proposed Project activities would take place within existing county right of way. No permanent acquisition of private property will be required, and no active production farmland is in use in the Project area. The installation of water, sewer, storm drainage, and safety improvements would further urbanize the existing residential and commercial uses and would reduce the likelihood for surrounding areas to be returned to agriculture in the future.

However, the Project area is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance by the FMMP; therefore, the Project would not convert farmland from these categories to non-agricultural use and impacts would be less than significant.

b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

Less Than Significant Impact. No Williamson Act contracted land is located within the vicinity of the Project site. As discussed in response "a", installation of the proposed infrastructure and safety improvements could reduce the potential for the area to be used for agriculture in the future. However, the area is currently developed with single-family dwellings within private property and no current production agriculture is present onsite. Therefore, the project is not expected to conflict with existing zoning for agricultural use or Williamson Act contracts and impacts would be less than significant.

c) Would the project 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))?

No Impact. There is no 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)) within the Project area. Therefore, the Project would have no conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned as Timberland Production, and no impact would occur.

d) Would the project result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. There are no designated forest lands or forest resources located within the Project area. Therefore, the Project would not result in the loss of forest land or conversion of forest land to non-forest use, and no impact would occur.

e) Would the project involve other changes in the existing environment which, due to their location or nature, could result in the conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

Less Than Significant Impact. The Project area has already been developed with single-family residences and commercial buildings, and no production farmland is present. The proposed infrastructure and safety improvements would reduce the potential for surrounding areas to be used for agriculture in the future; however, the Project would not directly convert active farmland to non-agricultural use. No forest land is present within the Project area. The Project would have a less than significant impact on the conversion of agricultural or forest resources.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

According to the California Department of Conservation, the Project would occur on Urban and Built-Up Land within an existing residential area, and any surrounding farmland would not be impacted. The Project is anticipated to require temporary construction easements; however, no permanent acquisition of any

property is anticipated. Construction of proposed infrastructure and safety improvements would encourage residential uses and reduce the potential for surrounding areas to be used for agriculture in the future. However, as no production farmland is present onsite, the Project would have a **Less Than Significant Impact** relating to agricultural and forest resources.

2.3 AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	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 non- attainment 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?	☐	☐	☒	☐

REGULATORY SETTING

Federal Regulations

The Clean Air Act (CAA) as amended in 1990 is the federal law that governs air quality. Its counterpart in California is the California Clean Air Act of 1988. These laws set standards for the quantity of pollutants that can be found in the air. At the federal level, these standards are called National Ambient Air Quality Standards (NAAQS). Standards have been established for six criteria pollutants that have been linked to potential health concerns. These criteria pollutants are: carbon monoxide (CO), nitrogen dioxide (NO_2), ozone (O_3), particulate matter (PM), lead (Pb), and sulfur dioxide (SO_2).

State Regulations

Responsibility for achieving California's air quality standards, which are more stringent than federal standards, is placed on the California Air Resources Board (CARB) and local air districts, and these standards are to be achieved through district-level air quality management plans that will be incorporated into the State Implementation Plan (SIP). In California, the United States Environmental Protection Agency (USEPA) has delegated authority to prepare SIPs to the CARB, which, in turn, has delegated that authority to individual air districts.

The CARB has traditionally established state air quality standards while maintaining oversight authority in air quality planning, developing programs for reducing emissions from motor vehicles, developing air emission inventories, collecting air quality and meteorological data, and approving state implementation plans.

The responsibilities of air districts include overseeing stationary source emissions, approving permits, maintaining emissions inventories, maintaining air quality stations, overseeing agricultural burning permits, and reviewing air quality-related sections of the environmental documents required by CEQA.

AFFECTED ENVIRONMENT

The Project, located within Stanislaus County, is situated in the San Joaquin Valley Air Basin and is subject to the San Joaquin Valley Unified Air Pollution Control District (District) requirements and regulations.

DISCUSSION

a) Would the project conflict with or obstruct implementation of the applicable air quality plan?

No Impact. The Project is consistent with the site land use and zoning; construction of the Project would not conflict with or obstruct implementation of any regional air quality plan, SIP, or Federal Implementation Plan (FIP). Additionally, any potential air quality impacts would be temporary and intermittent during construction and would cease upon completion of the project. Therefore, no impact would occur.

b) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Less Than Significant Impact. The CARB is required to designate areas of the state as attainment, non-attainment, or unclassified for any state standard. An "attainment" designation for an area signifies that pollutant concentrations do not violate the standard for that pollutant in that area. A "non-attainment" designation indicates that a pollutant concentration violated the standard at least once within a calendar year. The area air quality attainment status of the San Joaquin Valley is shown below on **Table 2**.

Table 2. NAAQS and CAAQS Attainment Status for San Joaquin Valley

Pollutant	Designation/Classification	
	Federal Standards	**State Standards**
Ozone – 8-Hour	Nonattainment/Extreme	Nonattainment
PM_{10}	Attainment	Nonattainment
$PM_{2.5}$	Nonattainment	Attainment
Carbon Monoxide	Unclassified/Attainment	Attainment
Nitrogen Dioxide	Unclassified/Attainment	Attainment
Sulfur Dioxide	Unclassified/Attainment	Attainment
Sulfates	No Federal Standard	Attainment
Lead	Unclassified/Attainment	Attainment
Hydrogen Sulfide	No Federal Standard	Unclassified
Visibility Reducing Particles	No Federal Standard	Unclassified
Sources: District 2012		

Operational Emissions

The completed Project would have no operational emissions. Therefore, no impact relating to air quality would occur due to operation of the completed Project. The project is exempt from the requirement that a conformity decision be made based on 40 CFR 93.126, as the project consists of "pavement surfacing and/or rehabilitation", "shoulder improvements", "lighting improvements", and "bicycle and pedestrian facilities".

Construction Emissions

Construction activities associated with the Project would result in temporary incremental increases in air pollutants (such as ozone precursors and particulate matter) due to the operation of gas-powered equipment and earth-moving activities. However, as the Project does not have the potential for operational emissions and construction emissions would be short-term, emissions resulting from construction are not anticipated to exceed the Air Quality Thresholds of Significance for criteria pollutants outlined by the District, which are evaluated on a rolling 12-month period.

According to the District's Guidance for Assessing and Mitigating Air Quality Impacts (2015), for projects in which construction activities would disturb equal to or greater than 1-acre of surface area, the District recommends that an approved Dust Control Plan (DCP) or Construction Notification form be prepared before issuance of the first grading permit. These plans would be prepared in accordance with District Regulation VIII in order to reduce ambient concentrations of fine particulate matter (PM10) and fugitive dust resulting from construction activities. District Regulation VIII describes specific BMPs for controlling particulate matter, including the use of dust suppressants and the cessation of construction when winds produce visible dust emissions of 20% opacity, as well as specifying all information that must be contained in the Project's DCP. The District sets forth further BMPs to minimize air quality impacts resulting from the construction process. Construction vehicle emissions would be mitigated by utilizing construction-related equipment powered by engines meeting at least Tier II emission standards, as outlined in Section 2423 of Title 13 of the California Code of Regulations and Part 89 of Title 40 of the Code of Federal Regulations (District 2015). Vehicle operation hours would also be limited. District measures to control construction emissions, including the use of clean diesel fuel and idling limits, are compliant with emission control strategies adopted by CARB to ensure conformity with the SIP and federal NAAQS.

With incorporation of District air quality BMPs (including construction phase BMPs), and implementation of an approved DCP, Project impacts related to air quality would be considered less than significant in accordance with District Air Quality Guidelines.

c) Would the project expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant Impact. Sensitive receptors are defined by the District as people who have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptor locations include schools, parks, playgrounds, day care centers, nursing homes, hospitals, and residential dwelling units. The Project would occur in an unincorporated residential area completely surrounded by single-family homes, and within one mile of other sensitive receptors including Zeal Kids Home Daycare, Harriette Kirschen Elementary School, Robertson Road Elementary School, and Golden Valley Health Center. The nearest sensitive receptors are located approximately 34 feet from the existing roadways in Area 44; however, the proposed Project would not generate any substantial pollutant concentrations and, with the implementation of BMPs, temporary incremental increases of air pollutants would be minimized and reduced in accordance with District rules and regulations. Therefore, the Project would not expose sensitive receptors to substantial pollutant concentrations and the Project would have a less than significant effect.

d) Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less Than Significant Impact. While offensive odors rarely cause physical harm, they can be unpleasant, leading to considerable annoyance and distress among the public, and can generate citizen complaints to local governments and air districts. Project-related odor emissions would be limited to the times construction-related activities would require machine equipment. Emissions from equipment may be evident in the immediate surrounding area during these times; however, construction activities would be short-term and would quickly disperse after equipment utilization. Connection to the main sewer line, which is an underground, closed system, could result in temporary odors; however, it would quickly disperse following the completion of construction. Therefore, due to the short-term nature of the construction activities, impacts associated with development of the Project are considered less than significant.

BEST MANAGEMENT PRACTICES

Prior to construction, the Project proponent or Project contractor shall obtain a District approved Authority to Construct and a Permit to Operate, as well as an approved DCP, and shall implement all District construction phase BMPs where applicable.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

The Project would not cause operational long-term air quality impacts; however, the Project would cause temporary incremental emissions from construction. With the implementation of District approved construction BMPs, the Project would comply with all federal, state, and District regulations, and would result in a **Less Than Significant Impact** relating to air quality.

2.4 BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	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, or regulations, or by the California Department of Fish and Game, U.S. Fish and Wildlife Service, or NOAA Fisheries?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game 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, filling, 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?	☐	☐	☐	☒

REGULATORY SETTING

This section describes the federal, state, and local plans, policies, and laws that are relevant to biological resources within the Biological Study Area (BSA). Applicable permits and approvals that will be required before construction of the Project are provided in Section 1.5.

Federal Regulations

Federal Endangered Species Act
The Federal Endangered Species Act (FESA) of 1973 (16 U.S.C. section 1531 et seq.) provides for the conservation of endangered and threatened species listed pursuant to Section 4 of the Act (16 U.S.C. section 1533) and the ecosystems upon which they depend. These species and resources have been identified by the United States Fish and Wildlife Services (USFWS) or the National Marine Fisheries Service.

Clean Water Act
The Clean Water Act (CWA) was enacted as an amendment to the Federal Water Pollutant Control Act of 1972, which outlined the basic structure for regulating discharges of pollutants to waters of the United States (WOTUS). The CWA serves as the primary federal law protecting the quality of the nation's surface waters, including lakes, rivers, and coastal wetlands. The CWA empowers the USEPA to set national water quality standards and effluent limitations, and it includes programs addressing both point-source and non-point-source pollution. Point-source pollution originates or enters surface waters at a single, discrete location, such as an outfall structure or an excavation or construction site. Non-point-source pollution originates over a broader area and includes urban contaminants in stormwater runoff and sediment loading from upstream areas. The CWA operates on the principle that all discharges into the nation's waters are unlawful unless they are specifically authorized by a permit. Permit review is CWA's primary regulatory tool.

The United States Army Corps of Engineers (USACE) regulates discharges of dredged or fill material into WOTUS. These waters include wetlands and non-wetland bodies of water that meet specific criteria, including a direct or indirect connection to interstate commerce. USACE regulatory jurisdiction pursuant to Section 404 of the CWA is founded on a connection, or nexus, between the water body in question and interstate commerce. This connection may be direct (through a tributary system linking a stream channel with traditional navigable waters used in interstate or foreign commerce), or it may be indirect (through a nexus identified in USACE regulations).

The Regional Water Quality Control Board (RWQCB) has jurisdiction under Section 401 of the CWA and regulates any activity that may result in a discharge to surface waters. Typically, the areas subject to jurisdiction of the RWQCB coincide with those of the USACE (i.e., WOTUS, including any wetlands). The RWQCB also asserts authority over "Waters of the State" (WoS) under waste discharge requirements pursuant to the Porter-Cologne Water Quality Control Act.

State Regulations

California Environmental Quality Act
California State law created the CEQA to inform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities and to work to reduce these negative environmental impacts.

California Endangered Species Act
The California Endangered Species Act (CESA) (California Fish and Game (CFG) Code Section 2050 et seq.) requires the California Department of Fish and Wildlife (CDFW) to establish a list of endangered and threatened species (Section 2070) and to prohibit the incidental taking of any such listed species except as allowed by the Act (Sections 2080-2089). In addition, CESA prohibits "take" of candidate species (those species under consideration for listing).

The CESA also requires the CDFW to comply with CEQA (Pub. Resources Code Section 21000 et seq.) when evaluating incidental take permit applications (CFG Code Section 2081(b) and California Code Regulations, Title 14, section 783.0 et seq.), and the potential impacts that the Project or activity for which the application was submitted may have on the environment. The CDFW's CEQA obligations include consultation with other public agencies that have jurisdiction over the Project or activity [California Code Regulations, Title 14, Section 783.5(d)(3)]. The CDFW cannot issue an incidental take permit if issuance would jeopardize the continued existence of the species [CFG Code Section 2081(c); California Code Regulations, Title 14, Section 783.4(b)].

Natural Community Conservation Planning Act
The Natural Community Conservation Planning Act (NCCP) of 1991 was intended to provide an alternative and/or a collaborative approach to FESA and CESA. It was designed to represent a new approach to conservation. Instead of focusing on individual species (e.g., FESA/CESA), the NCCA focuses on protecting intact ecosystems across an entire region or landscape. NCCP programs have become increasingly common in the development of regional plans that combine the habitat conservation plan (HCP) and NCCP processes.

Section 3503 and 3503.5: Bird and Raptors
CFG Code Section 3503 prohibits the destruction of bird nests and Section 3503.5 prohibits the killing of raptor species and destruction of raptor nests. Trees and shrubs are present in and adjacent to the BSA and could contain nesting sites.

Section 3513: Migratory Birds
CFG Code Section 3513 prohibits the take or possession of any migratory non-game bird as designated in the Migratory Bird Treaty Act (MBTA) or any part of such migratory non-game bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

Local Regulations

Stanislaus County General Plan
The Stanislaus County General Plan (2016) contains numerous policies that support habitat conservation and open space preservation. Primarily found in the Conservation and Open Space Element of the General Plan, these policies work together with those of other elements to form a framework for extraordinary landscape protections.

AFFECTED ENVIRONMENT

This section describes the natural resources present within and immediately surrounding the Project area designated as the Project BSA. The Project BSA was defined as the area necessary for all project activities, plus an additional 100-foot buffer. The Project BSA encompasses approximately 60.49 acres.

This section provides the following: 1) discussion on the special-status species and sensitive habitats that have been identified or are potentially occurring in the Project BSA; 2) an analysis of the impacts that could occur to biological resources due to implementation of the Project; and 3) appropriate mitigation measures to reduce or avoid significant impacts. The analysis of biological resources presented in this section is based on a review of the current Project description, literature research, biological field survey, and aquatic resources delineation conducted by a Wood Rodgers qualified biologist.

The Project would occur in unincorporated Stanislaus County in the California Dry Steppe Province ecological subregion, Great Valley Section, and ecological subsection 262Ag (Hardpan Terraces) of California (USDA 2007). The Project area is located within the USGS *Brush Lake* 7.5-Minute Quadrangle.

Physical Conditions

Soils
The United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (USDA 2023) identifies soils within the BSA as:

- Tujunga loamy sand, 0 to 3 percent slopes
- Hanford sandy loam, 0 to 3 percent slopes

Hydrological Resources
According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM), the proposed Project site falls within FEMA Zone AE, designated as a Special Flood Hazard Area with Basal Flood Elevation or Depth (see **Appendix A**). A Floodplain Development Permit from FEMA would therefore be required. However, Project construction would remain in existing roadways and would not impact any hydrological resources. The Project area does not encompass any waterways under the jurisdiction of the Central Valley Flood Protection Board; therefore, no encroachment permit would be required.

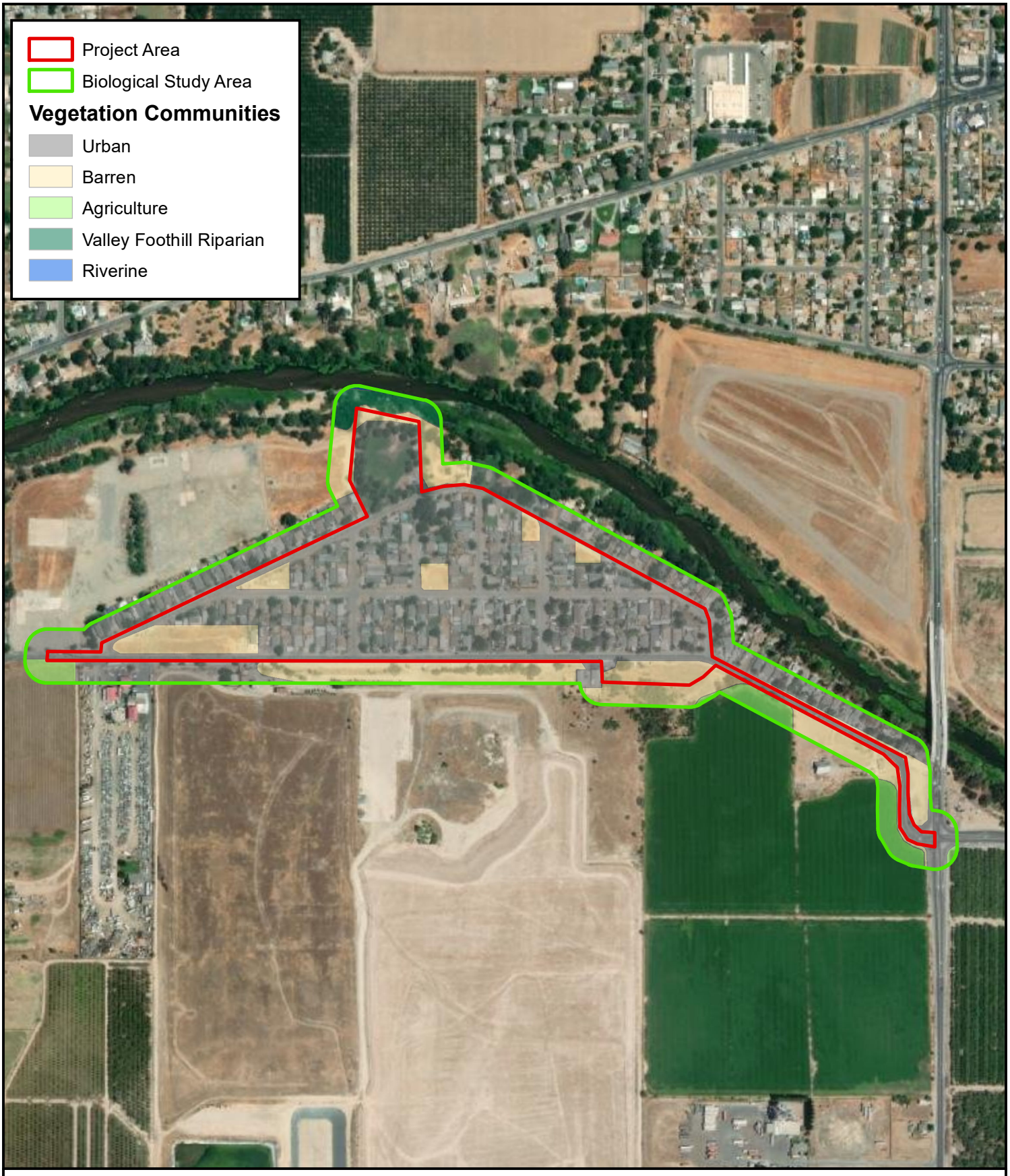

FIGURE 4

VEGETATION COMMUNITIES

STANISLAUS URBAN POCKETS PROJECT - AREA 44

STANISLAUS COUNTY, CALIFORNIA

NOVEMBER 2023

0 100 200 400

Feet

NORTH

WOOD RODGERS

\\woodrodgers.loc\ProductionData\Jobs\Jobs\8500_Stanislaus-Urban-Pockets\8500003_CEQA\GIS\Data\Task_Specific_Folder\Environmental\Area 44.gdb\F4_Vegetation Communities.mxd 11/17/2023 1:41:04 PM esp

Vegetation Communities
The BSA is dominated by urban land cover with primarily non-native vegetation. Land use within the Project vicinity is designated by the Stanislaus County General Plan (2016) as Low Density Residential and Planned Development with land use zoning of Rural Residential (R-A) and Planned Development (P-D). Dominant land cover and vegetative communities within the BSA consist primarily of urban and barren cover classes.

Urban
Urban habitats have a variety of vegetation structures and are generally categorized as five types of vegetation areas: tree grove, street strip, shade tree/lawn, lawn, and shrub cover. Urban habitats within the BSA consist of rural-residential lots composed of ornamental planting and non-native grass lawns.

Barren
Barren habitats are man-made infrastructures and are defined by the absence of any vegetation. Any habitat with <2% total vegetation cover by herbaceous, desert, or non-wildland species and <10% cover by tree or shrub species would be considered barren habitat (CDFW 1988). Barren habitats within the BSA consists of the roadways and gravel roadside shoulders.

Valley Foothill Riparian
Valley foothill riparian habitat is recognized as partially closed canopy or dense stands of winter-deciduous, broad-leaved species such as valley oak, cottonwood, and California sycamore along rivers and drainages throughout the Sacramento and San Joaquin Valley. Valley foothill riparian habitat within the BSA occurs in and around the Riverdale Park and Fishing Access area near the Tuolumne River.

DISCUSSION

a) *Would the project 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, or regulations, or by the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, or NOAA Fisheries?*

Less Than Significant with Mitigation. Prior to field work, literature research was conducted through the USFWS Information for Planning and Consultation (IPaC) official species list generator, National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS) Protected Resources Application, the CDFW California Natural Diversity Database (CNDDB), and the California Native Plant Society (CNPS) Electronic Inventory of Rare and Endangered Plants. Literature and database searches (see **Appendix B**) were completed to identify habitats and special-status species that have the potential to occur in the Project vicinity.

Field surveys, habitat assessments, and analyses of special status species occurrences were conducted to determine the potential for species to occur within the BSA. Field surveys were conducted on July 12, 2023, by Wood Rodgers biologists Andrew Dellas and Eralise Spokely. Field surveys included walking meandering transects through the entire BSA, observing vegetation communities, compiling notes on observed flora and fauna, and assessing the potential for existing habitat to support sensitive plants and wildlife.

The potential for each species to occur within the BSA was determined by analyzing the habitat requirements for each species, comparing them to available habitat within the BSA, and analyzing the regional occurrences of the species. Based on these analyses, it was determined that one special status wildlife species - Swainson's hawk (*Buteo swainsoni*) - would have the potential to occur within the BSA. The Tuolumne River does provide habitat for anadromous fish species; however, the Project would not

directly or indirectly impact the river, and no take of anadromous fish species would occur as a result of the Project. Additionally, no effect to Essential Fish Habitat (EFH) would occur as a result of the Project. No special status plant species were determined to have the potential to occur within the BSA. **Table 3** contains a comprehensive list of all regional special status species as listed by USFWS, NMFS, CDFW, and CNPS, as well as rationale for the potential for occurrence.

The following is a discussion of Swainson's hawk, potential Project effects, and any avoidance, minimization and/or mitigation measures required to reduce Project impacts to a less than significant level.

Discussion of Swainson's Hawk

Swainson's Hawk

Swainson's hawk (*Buteo swainsoni*) is state listed as threatened, but the species has no federal status. Swainson's hawks migrate annually from wintering areas in South America to breeding locations in northwestern Canada, the western U.S., and Mexico. In California, Swainson's hawks nest throughout the Sacramento and San Joaquin Valleys in large trees in riparian habitats and in isolated trees in or adjacent to agricultural fields. The breeding season extends from late March through late August, with peak activity from late May through July. Swainson's hawks forage in large, open agricultural habitats, including alfalfa and hay fields (CDFW 1994). The breeding population in California has declined by an estimated 91% since 1900; this decline is attributed to the loss of riparian nesting habitats and the conversion of native grassland and woodland habitats to agriculture and urban development (CDFW 1994).

Survey Results for Swainson's Hawk

The BSA is located in proximity to the Tuolumne River and surrounding riparian areas. Agricultural land is present on the opposite bank of the river from the Project area. Two Swainson's hawks were observed soaring within the BSA during biological surveys conducted July 12th, 2023; however, no nests were observed. Due to the close proximity of known habitat and presence of individuals in the area, the species is determined to have a moderate to high potential to occur.

Project Effects to Swainson's Hawk

The Project would not require the removal of any large trees or other sensitive Swainson's hawk habitat during construction. The Project would additionally not have any adverse impacts on the riparian areas in the vicinity of the Tuolumne River. Therefore, direct impacts to Swainson's hawk individuals or nest sites are not anticipated. However, Swainson's hawk is known to be sensitive to construction noise and the presence of the human form in close proximity to nesting sites. With the incorporation of mitigation measure **BIO-1**, which includes a pre-construction nesting survey for Swainson's hawk and other migratory birds and raptors, the Project is not anticipated to have direct or indirect effects to nesting sites, and no take would occur. With the absence of take of Swainson's hawk, no Incidental Take Permit for Project effects to the species is anticipated.

Table 3. Species Potential Determinations

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Effects Determination	Potential for Occurrence/Rationale
Amphibian Species						
California tiger salamander - central California DPS	*Ambystoma californiense pop. 1*	FT, ST	Inhabits annual grasslands, oak savanna, mixed woodland edges, and lower elevation coniferous forest. Requires underground refuges, especially ground squirrel burrows, vernal pools, or other seasonal water sources for breeding. Breeding occurs December through February in fish-free ephemeral ponds.	A	No Effect	**Presumed Absent:** The BSA does not contain fish-free ephemeral ponds necessary for breeding. The only known occurrence of the species in Stanislaus County is in 1912, and this population is known to be extirpated. Due to the lack of suitable habitat and lack of recent regional occurrences, the species is presumed absent in the BSA.
western spadefoot	*Spea hammondii*	SSC	Inhabits open areas with sandy or gravelly soils within mixed woodlands, grasslands, coastal sage scrub, chaparral, sandy washes, lowlands, river floodplains, alluvial fans, playas, alkali flats, foothills, and mountains. Burrows underground from most of the year and is active above ground during rainfall. Requires vernal, shallow, temporary pools formed by heavy winter rains for reproduction. These pools must be free of bullfrogs, fish, and crayfish. Breeds from late winter to March.	A	No Effect	**Presumed Absent:** The BSA does not contain vernal pools or other shallow, temporary pools necessary for reproduction. Additionally, there have been no recent CNDDB occurrences of the species in Stanislaus County. Due to the lack of recent regional occurrences and suitable habitat, the species is presumed absent from the BSA.
foothill yellow-legged frog - central coast DPS	*Rana boylii pop. 4*	FC, SE	Inhabits shallow streams and riffles with rocky substrate and open, sunny banks in a variety of habitats including chaparral and woodland forests. Tadpoles require water for at least three or four months to complete development. Breeds March to May, with eggs laid in clusters on the downstream side of rocks in shallow, slow-moving water, attached to rocks, pebbles, and vegetation. Occurs from elevations near sea level to 6,700 feet.	HP	No Effect	**Presumed Absent:** A small portion of the BSA is located in proximity to the Tuolumne River and surrounding riparian areas, which may contain potential habitat for the species. However, there are no recent CNDDB occurrences of the species in Stanislaus County. Due to the lack of recent regional occurences, the species is presumed absent from the BSA.
Bird Species						

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Effects Determination	Potential for Occurrence/Rationale
burrowing owl	*Athene cunicularia*	SSC	The species inhabits arid, open areas with sparse vegetation cover such as deserts, abandoned agricultural areas, grasslands, and disturbed open habitats. Can be associated with open shrub stages of pinyon-juniper and ponderosa pine habitats. Nests in old small mammal burrows, but may dig own burrow in soft soil. Nests are lined with excrement, pellets, debris, grass, and feathers. The species may use pipes, culverts, and nest boxes, and even buildings where burrows are scarce. Breeding occurs March through August (below 5,300 feet).	HP	No Effect	**Presumed Absent:** The BSA does contain potentially suitable burrowing owl habitat in the Riverdale Park and Fishing Access area. However, no burrows or nests were observed within the BSA during biological surveys conducted on July 12th, 2023. Additionally, there is only one recent (2003) CNDDB occurrence of the species in Stanislaus County, located approximately 11.5 miles southwest of the project area. Due to the distance from recent occurrences, the species is presumed absent from the BSA.
cackling (=Aleutian Canada) goose	*Branta hutchinsii leucopareia*	DL	A smaller variation of the highly variable Canada goose species. Inhabits tundra habitats in summer, and lakes, marshes, and fields in winter. Nests are usually located near water, open tundra, or cliff edges. The species feeds by grazing on stems and shoots of a wide array of grasses, sedges, and aquatic plants. Feeds in flocks by walking on land or by submerging head and neck underwater. Individuals mate for life. Nests consist of plant material lined with down feathers. Females lay 4-6 eggs, and young are led from nest 1-2 days after hatching. The species is highly migratory, with flocks nesting in Alaska and Canada, and wintering in California and the Gulf Coast.	HP	No Effect	**Presumed Absent:** The BSA does contain potentially suitable habitat in the Riverdale Park and Fishing Access area. However, no individuals of this species were observed during biological surveys conducted July 12th, 2023. Additionally, there have been no recent CNDDB occurrences of the species in Stanislaus County, and no recent ebird.org reports. Due to the lack of suitable habitat and recent regional occurrences, the species is presumed absent from the BSA.
least Bell's vireo	*Vireo bellii pusillus*	FE, SE	Summer resident of southern California inhabiting low elevation riparian habitats in the vicinity of water and dry river bottoms. Prefers willows, baccharis,	A	No Effect	**Presumed Absent:** The BSA does not contain riparian habitats necessary for this species. Additionally, the nearest recent (2009) occurrence of the species is located

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Effects Determination	Potential for Occurrence/Rationale
			mesquite and other low, dense vegetation as nesting site. Forages in dense brush and occasionally tree tops. The species is known to occur in all four southern California national forests, with the largest population in the Los Padres National Forest (below 2,000 feet).			approximately 11.5 miles west of the project area. Due to the absence of suitable habitat within the BSA and the distance from recent occurrences, the species is presumed absent.
Swainson's hawk	*Buteo swainsoni*	ST	Inhabits grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, and agricultural or ranch lands with groves or lines of trees. Requires adjacent suitable foraging areas such as grasslands, alfalfa or grain fields that support a stable rodent prey base. Breeds march to late August.	HP	No Take with implementation of Avoidance and Minimization Measures	**Moderate to High Potential:** The BSA is located in proximity to the Tuolumne River and surrounding riparian areas. Agricultural land is present on the opposite bank of the river from the Project area. Two Swainson's hawks were observed soaring within the BSA during biological surveys conducted July 12th, 2023; however, no nests were observed. The project would not require the removal of any large trees and would not impact any known Swainson's hawk habitat; therefore, no take is anticipated. Due to the close proximity of known habitat and presence of individuals in the area, the species is determined to have a moderate to high potential to occur.
tricolored blackbird	*Agelaius tricolor*	ST, SSC	Inhabits freshwater marsh, swamp and wetland communities, but may utilize agricultural or upland habitats that can support large colonies, often in the Central Valley area. Requires dense nesting habitat that is protected from predators, is within 3-5 miles from a suitable foraging area containing insect prey and is within 0.3 miles of open water. Suitable foraging includes wetland, pastureland, rangeland, at dairy farms, and some irrigated croplands (silage, alfalfa, etc.). Nests in dense	A	No Effect	**Presumed Absent:** There are no freshwater marshes, swamps, or dense vegetation within the BSA. The nearest recent (2005) CNDDB occurrence of the species is located approximately 7.5 miles west of the project area. There has been one recent (2014) ebird.org occurrence located approximately 3 miles east of the project area in downtown Modesto. Due to the lack of suitable habitat within the BSA and distance from recent occurences, the species is presumed absent.

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Effects Determination	Potential for Occurrence/Rationale
			cattails, tules, willow, blackberry, wild rose, or tall herbs. Nests mid-March to early August, but may extend until October or November in the Sacramento Valley region.			
song sparrow ("Modesto" population)	*Melospiza melodia pop. 1*	SSC	An endemic bird found exclusively in the north-central portion of the Central Valley, with highest densities in the Butte Sink and Sacramento-San Joaquin River Delta. The species is usually found in open brushy habitats, along the borders of ponds or streams, abandoned pastures, desert washes, thickets, or woodland edges. In addition, there is a strong affinity for emergent freshwater marshes dominated by tules and cattails, riparian willow thickets, and valley oak forests with a blackberry understory. Nests found in base of shrubs or clumps of grass, requiring low, dense vegetation for cover, usually near water. Breeds from March through August.	HP	No Effect	**Presumed Absent:** The BSA is located in the vicinity of open brush habitat near the Tuolumne River, the Riverdale Park and Fishing Access area. However, there are no recent CNDDB occurrences near the BSA. Numerous ebird.org occurrences of the species are clustered within the area of the San Joaquin River National Wildlife Refuge, approximately 8 miles west of the Project area. Due to the distance from known recent occurrences, the species is presumed absent.
loggerhead shrike	*Lanius ludovicianus*	SSC	The species is associated with open canopied valley foothill hardwood, valley foothill hardwood-conifer, valley foothill riparian, pinyon-juniper, juniper, desert riparian, and Joshua tree habitats. Inhabits open habitats with scattered shrubs, trees, posts, fences, utility lines, or other perches. Rarely found in urbanized areas, but will inhabit open cropland. Nests are built on stable branches in densly-foilaged shrubs or trees. Breeds from March through May.	HP	No Effect	**Presumed Absent:** The BSA is located in proximity to riparian areas surrounding the Tuolumne River. However, there are no recent occurrences around the BSA, and recent occurrences are clustered within the San Joaquin River National Wildlife Refuge, approximately 8 miles west of the BSA. Due to the distance from known recent occurrences, the species is presumed absent.
western yellow-billed cuckoo	*Coccyzus americanus occidentalis*	FT, SE	Species inhabits riparian forests, along broad, lower flood bottoms of larger river systems. Nests in large blocks of	A	No Effect	**Presumed Absent:** The BSA does not contain dense vegetation or riparian forests suitable for the species. Additionally, there

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Effects Determination	Potential for Occurrence/Rationale
			riparian jungles often mixed with cottonwoods. Nesting appears to be preferred in riparian forest habitats with a dense understory; requires water near nesting site. Breeds June to August.			are no recent CNDDB occurrences in the vicinity of the BSA. Due to the lack of suitable habitat and recent occurrences, the species is presumed absent from the BSA.
Fish Species						
steelhead - Central Valley DPS	*Oncorhynchus mykiss pop. 11*	FT	This species is known to occur along most of the California coast line and inhabits freshwater streams and tributaries in northern and central California. The preferred habitat consists of estuaries, freshwater streams and near shore habitat with productive costal oceans. Spawning occurs in small freshwater streams and tributaries occurs from January through March and could extend into spring. Spawning occurs where cool, well oxygenated water is available year-round. Approximately 550-1,300 eggs are deposited in an area with good intergravel flow. The fry emerge from the gravel about 4-6 six weeks after hatching and remain in shallow protected areas associated with stream margin. Juveniles may remain in freshwater for the rest of their life cycle or return to the ocean. The principal remaining wild populations spawn annually in Deer and Mill Creeks in Tehama County, in the lower Yuba River, and a small population in the lower Stanislaus River.	HP	No Effect	**Low Potential:** The BSA is located in proximity to the Tuolumne River; therefore, potential habitat is present. The most recent CNDDB occurrence of the species in the river is in 2014, and there have been no reports since. Additionally, the project would not directly impact the Tuolumne River or any riverine or riparian habitats, so no effect to fish species is anticipated.Due to the presence of potential habitat, along with the infrequency of occurrences within the area, the species is considered to have a low potential to occur within the BSA.
green sturgeon - southern DPS	*Acipenser medirostris pop. 1*	FT	Most marine of the sturgeon species. Predominately spawns in the upper Sacramento River, with some recorded in the Rogue River, Klamath and Trinity Rivers (Klamath River basin). In the	HP	No Effect	**Presumed Absent:** The BSA is located near the Tuolumne River; therefore, potential habitat may be present. However, Green Sturgeon are not known to occur in the Tuolumne River. The nearest recent

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Effects Determination	Potential for Occurrence/Rationale
			Sacramento River, green sturgeon spawn above Hamilton City up to Keswick Dam. Known to occupy other river bodies including the lower Feather River; spawning not recorded. Large cobbles preferred for spawning, but may utilize a range of substrates from bedrock to sand. Spawning occurs March-July.			(2017) CNDDB occurrence of the species is located approximately 10.5 miles north of the Project area in the Stanislaus River. Due to the lack of known occurrences in the area of the BSA, the species is presumed absent.
hardhead	*Mylopharodon conocephalus*	SSC	Resident of Sacramento-San Joaquin and Russian River drainages in California. Inhabits low to mid-elevation lakes, reservoirs and streams, with preference to pools and runs with deep (>80 cm) clear water, slow (20-40 cm/sec) velocities and sand-gravel-boulder substrates. The species prefers water temperatures at or above 68ºF and adequate flows to maintain dissolved oxygen levels. Spawning occurs in April-May in Central Valley streams and may extend into August in the foothill streams of the Sacramento-San Joaquin drainage (sometimes extending to August) in gravel or rocky substrate. Juveniles require adequate vegetative cover along stream or lake margins.	HP	No Effect	**Low Potential:** The BSA is located near the Tuolumne River; therefore, potential habitat may be present. Hardhead are historically associated with the Tuolumne River, and the most recent CNDDB occurrence of the species in the river is in 2008. There have been no subsequent occurrences. The project would not directly impact the river, and no effect on any fish species is anticipated. Due to the presence of potential habitat, along with the infrequency of occurrences within the Tuolumne River, the species is considered to have a low potential to occur within the BSA.
Sacramento splittail	*Pogonichthys macrolepidotus*	SSC	Historically inhabited low moving rivers, sloughs, and alkaline lakes of the Central Valley; now restricted to the Delta, Suisun Bay and associated marshes. Species is adapted to fluctuating environments with tolerance to water salinities from 10-18 ppt., low oxygen levels (< 1.0 mg/L) and temperatures of 41-75°F. Spawns late February- early July, with a peak in	A	No Effect	**Presumed Absent:** The BSA is not located in the vicinity of the Sacramento Delta, Suisun Bay, or any associated marshes. Additionally, there have been no occurrences of the species in any waterway in Stanislaus County. Due to the lack of suitable habitat and occurrences within the area, the species is presumed absent from the BSA.

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Effects Determination	Potential for Occurrence/Rationale
			March-April; requires flooded vegetation for spawning activity and protective cover for young.			
Invertebrate Species						
valley elderberry longhorn beetle	*Desmocerus californicus dimorphus*	FT	Species requires elderberry shrubs as host plants. Typically occurs in moist valley oak woodlands associated with riparian corridors in the lower Sacramento River and upper San Joaquin River drainages. (Sea level-3,000 feet).	A	No Effect	**Presumed Absent:** Elderberry shrubs were identified within the BSA during a biological survey conducted on July 12th, 2023. However, no characteristic bore holed were observed in the stems of the shrubs. Additionally, the nearest recent (2009) CNDDB occurrence of the species is located approximately 9.8 miles north of the project area. Due to the distance from recent regional occurrences, the species is presumed absent.
vernal pool fairy shrimp	*Branchinecta lynchi*	FT	In California inhabits portions of Tehama county, south through the Central Valley, and scattered locations in Riverside County and the Coast Ranges. Species associated with smaller and shallower cool-water vernal pools approximately 6 inches deep and short periods of inundation. In the southernmost extremes of the range, the species occurs in large, deep cool-water pools. Inhabited pools have low to moderate levels of alkalinity and total dissolved solids. The shrimp are temperature sensitive, requiring pools below 50 F to hatch and dying within pools reaching 75 F. Young emerge during cold-weather winter storms.	A	No Effect	**Presumed Absent:** The BSA does not contain vernal pools. Additionally, the nearest recent (2012) CNDDB occurrence of the species is located approximately 8.8 miles northeast of the project area. Due to the lack of suitable habitat and distance of recent occurrences, the species is presumed absent from the BSA.
vernal pool tadpole shrimp	*Lepidurus packardi*	FE	Inhabits vernal pools and swales containing clear to highly turbid waters such as pools located in grass bottomed swales of unplowed grasslands, old alluvial soils underlain by hardpan, and	A	No Effect	**Presumed Absent:** The BSA does not contain vernal pools. Additionally, the nearest recent (2011) CNDDB occurrence of the species is located approximately 8.8 miles northeast of the project area. Due to

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Effects Determination	Potential for Occurrence/Rationale
			mud-bottomed pools with highly turbid water.			the lack of suitable habitat and the distance of recent occurrences, the species is presumed absent from the BSA.
Crotch bumble bee	*Bombus crotchii*	SCE	This species is known to occur in central California, Nevada south to Baja California and into Mexico. Inhabits coastal areas, deserts and the Central Valley. The species nests underground in grassland, shrubland and chaparral habitats. The species has a short tongue and primarily feeds on the following plants Asclepias, Chaenactis, Lupinus, Medicago, Phacelia and Salvia.	HP	No Effect	**Presumed Absent:** Potential habitat for this species may be present in the open grassland area of the Riverdale Park and Fishing Access. However, there have been no recent CNDDB occurrences of the species in Stanislaus County. Due to the lack of recent occurrences, the species is presumed absent from the BSA.
Conservancy fairy shrimp	*Branchinecta conservatio*	FE	Inhabits relatively large and turbid clay bottomed playa vernal pools. Species requires pools to continuously hold water for a minimum of 19 days and must remain inundated into the summer months. Occupied playa pools typically are 1 to 88 acres in size, but species may utilize smaller, less turbid pools.	A	No Effect	**Presumed Absent:** the BSA does not contain vernal pools. Additionally, there have been no recent occurrences of the species in Stanislaus County. Due to the lack of recent occurrences and suitable habitat, the species is presumed absent from the BSA.
Mammal Species						
Townsend's big-eared bat	*Corynorhinus townsendii*	SSC	Species occurs throughout California in all habitats except subalpine and alpine communities. Requires caves, mines tunnels, buildings or man-made structures for day and night roosts. Rarely roots in tree cavities, limited to males and non-reproductive females. Young born May-June (0-6,561 feet elevation).	HP	No Take	**Presumed Absent:** The BSA occurs primarily in a residential area; therefore, habitat for the species may be present in buildings and man-made structures. However, the nearest recent (2012) occurrence is located approximately 7.5 miles east of the project area. Due to the distance to regional occurrences, the species is presumed absent.
San Joaquin kit fox	*Vulpes macrotis mutica*	FE, ST	Inhabits open, level (less than 5 percent slopes) alkali scrub/shrub and arid grassland communities with scattered shrubby vegetation and short vegetative structure. Preferred substrates are loose, relatively stone-free, sandy soils and are	HP	No Effect	**Presumed Absent:** Potential habitat may be present in the Riverdale Park and Fishing Access point, as it is primarily a sparsely vegetated grassland. However, no dens or burrows were observed during biological surveys of the area conducted

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Effects Determination	Potential for Occurrence/Rationale
			unlikely to utilize locations with high water tables, subject to flooding, impenetrable hardpans, close proximity to parent material (such as bedrock) or soils that are intensively irrigated. Species feeds preferentially on kangaroo rats but will consume other food sources; habitat must have an appropriate prey base capable of sustaining a kit fox population. Utilizes subsurface dens for shelter and reproduction; young disperse in August or September.			on July 12th, 2023, and the nearest recent (2004) CNDDB occurrence of the species is located approximately 12.8 miles southwest of the project area. Due to the distance from known recent occurrences, the species is presumed absent from the BSA.
riparian brush rabbit	*Sylvilagus bachmani riparius*	FE, SE	Lives in riparian oak forests with a dense understory of wild rose and native vines. Historically found along the San Joaquin River and once confined to the Caswell Memorial State Park, the species has been reintroduced to parts of it's historical range including the San Joaquin River National Wildlife Refuge and portions of the Delta. Grazes in grasslands, meadows, and riparian areas close to the brushy areas. Nest in shallow cavities in the ground. Breeding season is from December to May. Occurs from elevation near sea level to 3000ft.	A	No Effect	**Presumed Absent:** The BSA does not contain riparian oak forest habitats with a dense understory of native vines. Additionally, no nests were observed during biological surveys of the area conducted on July 12th, 2023. Recent CNDDB occurrences of the species are clustered in and around the San Joaquin River National Wildlife Refuge, approximately 8 miles west of the Project area. Due to the lack of suitable habitats and distance from recent occurrences, the species is presumed absent from the BSA.
riparian (=San Joaquin Valley) woodrat	*Neotoma fuscipes riparia*	FE	Inhabits dense chaparral, oark woodland, riparian woodland, and mixed coniferous forest with lots of dead branches and fallen woody material. Generally prefers a moist habitat but may inhabit drier habitats, such as pinyon-juniper woodland. Occurs with an overstory of trees and a dense shrubby understory. Needs low growing woody protection to	A	No Effect	**Presumed Absent:** The BSA does not contain dense vegetation, woodlands, or forests necessary for this species. Additionally, recent CNDDB occurrences of the species are clustered within the San Joaquin River National Wildlife Refuge, approximately 8 miles west of the Project area. Due to the lack of suitable habitats

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Effects Determination	Potential for Occurrence/Rationale
			provide shelter and protection. Nests are located in tree cavities, logs, and talus slopes. Breed from December to September, with majority of litters born in mid-spring.			and distance from recent occurrences, the species is presumed absent from the BSA.
American badger	*Taxidea taxus*	SSC	Prefers treeless, dry, open stages of most shrub and herbaceous habitats with friable soils and a supply of rodent prey. Species also inhabits forest glades, meadows, marshes, brushy areas, hot deserts, and mountain meadows. Species maintains burrows within home ranges estimated between 338-1,700 acres, dependent on seasonal activity. Burrows are frequently re-used, but new burrows may be created nightly. Young are born in March and April within burrows dug in relatively dry, often sandy, soil, usually in areas with sparse overstory cover. Species is somewhat tolerant of human activity, but is sensitive to automobile mortality, trapping, and persistent poisons (up to 12,000 feet).	HP	No Effect	**Presumed Absent:** Potential habitat may be present in the Riverdale Park and Fishing Access point, as it is primarily an open grassland. However, no dens or large burrows were observed during biological surveys of the area conducted on July 12th, 2023, and there have been no recent occurrences within the vicinity of the BSA. Due to the lack of recent regional occurrences, the species is presumed absent from the BSA.
Reptile Species						
Northern California legless lizard	*Anniella pulchra*	SSC	Occurs in moist, warm, loose soil with plant cover. Moisture is essential. Requires moisture to aid in shedding skin. Occurs in sparsely vegetated areas of beach dunes, chaparral, pine-oak woodlands, desert scrub, sandy washes, and stream terraces with sycamores, cottonwoods, or oaks. Leaf litter under trees and bushes in sunny areas and dunes stabilized with bush lupine and mock heather often indicate suitable habitat. Often can be found under surface objects such as rocks, boards,	HP	No Effect	**Presumed Absent:** The BSA may contain potential habitat for this species in the Riverdale Park and Fishing Access point due to the sandy, sparsely vegetated areas near the Tuolumne River and the presence of oak and sycamore trees. However, there has only been one recent (2018) CNDDB occurrence of the species in Stanislaus County, located approximately 14.5 miles southwest of the Project area. Due to the distance to recent regional occurrences, the species is presumed absent from the BSA.

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Effects Determination	Potential for Occurrence/Rationale
			driftwood, and logs. Sometimes is found in suburban gardens in Southern California. Occurs from the southern edge of the San Joaquin River in northern Contra Costa County south to the Ventura County. Probably breeds from early spring to July, and bears live young.			
western pond turtle	*Emys marmorata*	SSC	A fully aquatic turtle of ponds, lakes, rivers, streams, creeks, marshes, and irrigation ditches with aquatic vegetation. Suitable habitat includes woodland, forests, and grasslands. Requires logs, rocks, cattail mats, and exposed banks for basking. Suitable upland habitat (sandy banks or grassy open field) is required for reproduction, which begins in April and ends with egg laying as late as August (sea level to 4,700 feet).	HP	No Effect	**Presumed Absent:** The Riverdale Park and Fishing Access area within the BSA would contain suitable habitat for the species. However, there are no recent occurrences of the species in the vicinity of the BSA, with the nearest recent (2005) CNDDB occurrence located approximately 31.5 miles southwest of the Project area. Therefore, the species is presumed absent.
San Joaquin coachwhip	*Masticophis flagellum ruddocki*	SSC	A non-venomous snake with large, smooth, tan, or pinkish red scales and a long, thin, whip-like tail. Active primarily in the daytime and able to withstand high temperatures. It can move very quickly and is often seen basking in roadways or in sunny areas. Primarily feeds on small bats, birds, bird eggs, amphibians, or other small reptiles like lizards. High speed capability makes the species effective hunters. Emerges from winter nesting sites in late April-May, and mates in May. Nests in rodent burrows and under surface objects in open, dry, treeless areas in valley grassland and saltbush scrub habitats.	HP	No Effect	**Presumed Absent:** The BSA may contain potential habitat for this species in the Riverdale Park and Fishing Access point due to the sparsely vegetated, grassy areas and the presence of small rodent burrows in the area during biological surveys conducted July 12th, 2023. However, there have been no recent CNDDB occurrences of the species in Stanislaus County. The most recent observance occurred in 1998, approximately 13 miles southwest of the project area. Due to the lack of recent regional occurrences, the species is presumed absent from the BSA.
Plant Species						

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Effects Determination	Potential for Occurrence/Rationale
heartscale	*Atriplex cordulata var. cordulata*	CRPR 1B.2	An annual herb that is native to California, and endemic to California. It is equally likely to occur in wetlands and non-wetlands, and can occur in shadscale scrub, valley grassland, and wetland-riparian communities. It is found primarily in the Central Valley and its San Joaquin Valley and prefers saline and alkaline soils.	HP	No Effect	**Presumed Absent:** Potentially suitable habitat and soil pH are present in the BSA. However, occurrences of the species are clustered primarily around the San Joaquin River, with the nearest (1934) occurrence located approximately 8.5 miles south of the project area. Due to the lack of recent occurrences, the species is presumed absent.
prairie wedge grass	*Sphenopholis obtusata*	CRPR 1B.1	A perennial grasslike herb that is native to California, and found elsewhere in North America and beyond. It prefers meadow habitats and can occur in foothill woodland and wetland-riparian communities.	A	No Effect	**Presumed Absent:** The BSA does not contain meadows, the preferred habitat of the species. Additionally, there have been no occurrences of this species in Stanislaus County; therefore, it is presumed absent.
subtle orache	*Atriplex subtilis*	CRPR 1B.2	An annual herb that is native to California. It prefers grassland habitats in proximity to vernal pools.	A	No Effect	**Presumed Absent:** The BSA does not vernal pools. Additionally, the most recent occurrence in Stanislaus County is in 1936. Therefore, it is presumed absent.
alkali milk-vetch	*Astragalus tener var. tener*	CRPR 1B.2	An annual herb that is native and endemic to California. It usually occurs in wetlands and occasionally in non-wetlands. Preferred habitats are playas and vernal pools, and the species can occur in freshwater wetlands, alkali sinks, valley grassland, and wetland-riparian communities.	A	No Effect	**Presumed Absent:** There are no vernal pools or playas within the BSA. Additionally, there have been no occurrences of the species in Stanislaus County since 1940. Due to the absence of suitable habitat in the area and the lack of recent occurrences, the species is presumed absent.
alkali-sink goldfields	*Lasthenia chrysantha*	CRPR 1B.1	An annual herb that is native and endemic to California. It is equally likely to occur in wetlands and non-wetlands, and prefers alkali sink, valley grassland, and wetland-riparian communities. Grows primarily in vernal pools and alkali flats.	A	No Effect	**Presumed Absent:** There are no vernal pools or alkali flats in the BSA. Additionally, no occurrences of this species have been reported in Stanislaus County since 1957; therefore, the species is presumed absent from the BSA

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Effects Determination	Potential for Occurrence/Rationale
California alkali grass	*Puccinellia simplex*	CRPR 1B.2	An annual grasslike herb that is native to California, and also found elsewhere in western North America. Primarily occurs in wetlands and occasionally in non-wetlands. Occurs in valley grassland and wetland-riparian communities.	HP	No Effect	**Presumed Absent**: Potential habitat is present in the vicinity of the BSA. However, the most recent occurrence of the species in Stanislaus County is in 1942. The species is presumed absent from the BSA due to lack of recent regional occurrences.
Delta button-celery	*Eryngium racemosum*	CRPR 1B.1	An annual or perennial herb that is native and endemic to California. It occurs in freshwater wetlands, specifically riparian areas.	HP	No Effect	**Presumed Absent:** Potential habitat is present in the vicinity of the BSA with the presence of riparian corridors surrounding the Tuolumne River. However, the most recent occurrence of the species in Stanislaus County is in 1965. Therefore, the species is presumed absent.
lesser saltscale	*Atriplex minuscula*	CRPR 1B.1	An annual herb that is native and endemic to California. Primarily occurs in non-wetlands, but can occasionally be found in wetlands. The preferred habitat of this species is playas, though it also occurs in shadscale scrub, alkali sink, and valley grassland communities. Requires strongly saline clay loam or sandy loam soil textures	A	No Effect	**Presumed Absent:** The BSA does not contain playa habitats or alkali sink and shadscale scrub vegetation communities. The most recent occurrence of the species in Stanislaus County is dated to 1954. Due to lack of suitable habitat and recent occurrences, the species is presumed absent from the BSA.
vernal pool smallscale	*Atriplex persistens*	CRPR 1B.2	An annual herb in the goosefoot family. Occurs in the bottoms of alkaline vernal pools.	A	No Effect	**Presumed Absent:** the BSA does not contain vernal pools. The species is presumed absent due to the lack of suitable habitat within the BSA.
big tarplant	*Blepharizonia plumosa*	CRPR 1B.1	A species of tarweed endemic to Central California, specifically growing along the Central Coast Range as far south as San Luis Obispo.	A	No Effect	**Presumed Absent:** Occurrences of the species are primarily clustered in the San Francisco Bay Area and in surrounding mountain ranges. The only observance of the species in Stanislaus County dates to 1878 in the City of Grayson. Therefore, the species is presumed absent from the BSA

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Effects Determination	Potential for Occurrence/Rationale
diamond-petaled California poppy	*Eschscholzia rhombipetala*	CRPR 1B.1	A relative of the California poppy that is endemic to California. It occurs in valley grassland communities.	HP	No Effect	**Presumed Absent:** The BSA does contain potential grassland habitat within the Riverdale Park and Fishing Access area. However, there have been no occurrences of the species in Stanislaus County. Therefore the species is presumed absent from the BSA.
Lemmon's jewelflower	*Caulanthus lemmonii*	CRPR 1B.2	An annual herb that is native to California. It can tolerate low water conditions and occurs at elevations between 395 and 3705 ft.	A	No Effect	**Presumed Absent:** The elevation of the BSA is not suitable for this species. Occurrences are clustered in the vicinity of the Central Coast Range and the most recent occurrence of the species in Stanislaus County is in 1938. Therefore, it is presumed absent from the BSA.
shining navarretia	*Navarretia nigelliformis ssp. radians*	CRPR 1B.2	An annual herb that is native and endemic to California. It primarily occurs in vernal pool habitats.	A	No Effect	**Presumed Absent**: The BSA does not contain vernal pools. The species is presumed absent due to lack of suitable habitat within the BSA.
spiny-sepaled button-celery	*Eryngium spinosepalum*	CRPR 1B.2	A species in the carrot family that is native and endemic to California. It primarily occurs in vernal pools and associated wetlands.	A	No Effect	**Presumed Absent:** The BSA does not contain vernal pools or any similar wetlands. Additionally the most recent occurrence of the species in Stanislaus County is in 1937. Therefore, the species is presumed absent from the BSA.

Federal Designations (FESA, USFWS): **FE:** Federally listed, endangered **FC:** Federal candidate **FT:** Federally listed, threatened **DL:** Federally listed, delisted	**State Designations (CESA, CDFW):** **SE:** State-listed, endangered **SCE:** Candidate Endangered **ST:** State-listed, threatened **SCT:** Candidate Threatened	**CDFW Designations** **SSC:** Species of Special Concern **FP:** Fully Protected
California Native Plant Society (CNPS) California Rare Plant Rank (CRPR) ***Note: according to CNPS (Skinner and Pavlik 1994), plants on Lists 1B and 2 meet definitions for listing as threatened or endangered under Section 1901, Chapter 10 of the California Fish and Game Code. This interpretation is inconsistent with other definitions.*** **1A:** Plants presumed extinct in California. **1B:** Plants rare and endangered in California and throughout their range. **2:** Plants rare, threatened, or endangered in California but more common elsewhere in their range. **3:** Plants about which need more information; a review list. **Plants 1B, 2, and 3 extension meanings:** **_.1** Seriously endangered in California (over 80% of occurrences threatened / high degree and immediacy of threat) **_.2** Fairly endangered in California (20-80% occurrences threatened) **_.3** Not very endangered in California (<20% of occurrences threatened or no current threats known)		
Habitat Potential Absent [A] - No habitat present and no further assessment required. Habitat Present [HP] - Habitat is, or may be present. Critical Habitat [CH] – Project is within designated Critical Habitat.	**Potential for Occurrence Criteria:** **Present**: Species was observed on site during a site visit or focused survey. **Moderate to High**: Habitat strongly associated with the species occurs on site and recent (<20 years extant occurrence(s) recorded within the project vicinity. **Low**: Low-quality habitat is present and recent (<20 years) extant occurrence(s) recorded within the project vicinity. **Presumed Absent**: No habitat is present within the project area, or low-quality habitat is present but no recent (<20 years) extant occurrence(s) recorded within the project vicinity.	
Sources: CDFW 2021; CNDDB 2021; CNPS 2021; Calflora 2021; Jepson, 2nd Ed. 2021; NMFS 2021; USFWS 2021		

Migratory Birds and Raptors

Project Effects to Migratory Birds
Native birds, protected under the MBTA and similar provisions under the CFG Code, have the potential to nest within the Project area. To mitigate potential impacts to migratory birds, measure BIO-1 will be incorporated into the Project. Therefore, no take is anticipated of migratory birds or raptors protected under the MBTA and CFG Code.

With the incorporation of avoidance, minimization, and/or mitigation measures, the Project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species. Project impacts would be considered less than significant.

b) *Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

No Impact. Riparian habitat is present within the BSA; however, the Project would consist of infrastructure and safety improvements in previously disturbed areas within County right of way; therefore, no impacts to riparian habitats or any other sensitive natural communities would occur.

c) *Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

No Impact. There are no state or federally protected wetlands within the Project impact area. The Project would have no substantial adverse effect on state or federally-protected wetlands through direct removal, filling, hydrological interruption, or other means. No impact would occur.

d) *Would the project 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?*

No Impact. The Project site consists primarily of urban and barren land cover in an existing residential area. According to CDFW's Biogeographic Information and Observation System (BIOS), the Project area lies within a "Terrestrial Connectivity, Area of Conservation Emphasis (ACE) level 4 hexagon supporting "Conservation Planning Linkages" (CDFW 2023). This indicates that the Project would be located within a 2.5 square-mile hexagon representing the best connections between core natural areas to maintain habitat connectivity. However, the Project does not include any permanent or temporary impoundments or barriers to native wildlife migration within the region. Therefore, the Project would not interfere with the movement of any native resident, migratory fish, or wildlife species, and no impact would occur.

e) *Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

No Impact. There are no local policies or ordinances protecting biological resources, including trees, in Stanislaus County. Furthermore, the project is not anticipated to require the removal of trees during the construction process. Therefore, the project would not conflict with any local policies or ordinances protecting biological resources. No impact would occur.

f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. The Project is not located within the planning area of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, the Project would not conflict with any such plan and no impact would occur.

AVOIDANCE AND MINIMIZATION MEASURES

The following construction BMPs shall be incorporated into the Project:

- Contract specifications will include the following BMPs, where applicable, to reduce erosion and conform to water quality standards during construction:

  - Implementation of the Project shall require approval of a site-specific Storm Water Pollution Prevention Plan (SWPPP) that would implement effective measures to protect water quality, which may include a hazardous spill prevention plan and additional erosion prevention techniques;
  - Existing vegetation shall be protected in place where feasible to provide an effective form of erosion and sediment control;
  - Stabilizing materials shall be applied to the soil surface to prevent the movement of dust from exposed soil surfaces on construction sites as a result of wind, traffic, and grading activities;
- Vehicle maintenance, staging and storing equipment, materials, fuels, lubricants, solvents, and other possible contaminants shall be a minimum of 100 feet from the Tuolumne River. Any necessary equipment washing shall occur where the water cannot flow into surface waters. The Project specifications shall require the contractor to operate under an approved spill prevention and clean-up plan;
  - Raw cement, concrete or concrete washings, asphalt, paint or other coating material, oil or other petroleum products, or any other substances that could be hazardous to aquatic life shall be prevented from contaminating the soil or entering surface waters;
  - Any surplus concrete rubble, asphalt, or other debris from construction shall be taken to an approved disposal site.

MITIGATION MEASURES

BIO-1 Vegetation removal or earthwork shall be minimized during the nesting season (February 1 – August 31). If vegetation removal and/or ground disturbance is required during the nesting season, a pre-construction nesting bird and raptor survey (to encompass all migratory birds and raptors, including the Swainson's hawk) must be conducted within three (3) days prior to commencement of construction activities.

The pre-construction nesting bird and raptor survey shall extend up to 500-feet from the Project site to ensure that nesting raptors are not indirectly affected by construction noise. If no active nests are detected during the survey, no additional mitigation is required, and construction can proceed.

If migratory birds or raptors are found to be nesting in or adjacent to the Project site, a 250-foot no-disturbance buffer shall be established around raptor nests (500-foot for

Swainson's hawk) and a 50-foot buffer around non-raptor nests to avoid disturbance and/or avoid take. Contractor shall direct construction resources to perform other construction activities in other areas of the Project at no additional cost. The buffer shall be maintained around the nest until the end of the breeding season or until a qualified biologist determines that the young have fledged and are foraging on their own. The extent of these buffers shall be determined by the biologist and shall depend on the species identified, level of noise or construction disturbance, line of sight between nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers.

FINDINGS

Considering the information obtained for literature search, biological surveys, and analysis of potential impacts from Project design, and in conjunction with the implementation of project-specific avoidance, minimization, and mitigation measures, Project effects relating to biological impacts would be considered **Less Than Significant with Mitigation.**

2.5 CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐

REGULATORY SETTING

Federal Regulations

National Historic Preservation Act

Section 106 of the National Historic Preservation Act (NHPA) requires federal undertakings to consider the effects of the action on historic properties. Historic properties are defined by the Advisory Council on Historic Preservation (ACHP) regulations (36 Code of Federal Regulations [CFR] Part 800) and consist of any prehistoric or historical archaeological site, building, structure, historic district, or object included in, or eligible for inclusion in, the National Register of Historic Places (NRHP) maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to Native American tribes or Native Hawaiian organizations that meet the National Register criteria (36 CFR Part 800.16[l]).

To determine whether an undertaking could affect NRHP-eligible properties, cultural resources (including archaeological, historical, and architectural properties) must be inventoried and evaluated for listing in the NRHP.

For projects involving a lead federal agency, cultural resource significance is evaluated in terms of eligibility for listing in the NRHP. For a property to be considered for inclusion in the NRHP, it must be at least 50 years old and meet the criteria for evaluation set forth in 36 CFR Part 60.4.

The quality of significance in American history, architecture, archaeology, engineering, and culture must be present in districts, sites, buildings, structures, and objects that possess integrity of design, setting, materials, workmanship, feeling, and association. For inclusion on the NRHP, these properties must also meet one or more of the four criteria listed here:

1. Criterion A – They are associated with events that have made a significant contribution to the broad patterns of our history;
2. Criterion B – They are associated with the lives of persons significant in our past;
3. Criterion C – They embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. Criterion D – They have yielded or may be likely to yield, information important in prehistory or history.

If a cultural resources professional meeting the Secretary of Interior's Qualification Standards determines that a particular resource meets one of these criteria, it is considered as an eligible historic property for listing in the NRHP. Among other criteria considerations, a property that has achieved significance within the last 50 years is not considered eligible for inclusion in the NRHP unless certain exceptional conditions are met.

Resources listed on the NRHP, or that are eligible to be listed on the NRHP are automatically considered historical resources for the purposes of CEQA.

Native American Graves Protection and Repatriation Act of 1990 (PL 101-601; 25 U.S.C. 3001)
Under the Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. 3001) and implementing regulations 43 CFR Part 10, federal agencies are responsible for the protection of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony that are discovered on lands under the agency's jurisdiction. All human remains and potential human remains must be treated with respect and dignity at all times.

State Regulations

California Register of Historical Resources: Public Resources Code (PRC) Section 5024
The term "historical resource" includes, but is not limited to, any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of PRC (PRC Section 5020.1[j]).

Historical resources may be designated as such through three different processes:

1. Official designation or recognition by a local government pursuant to local ordinance or resolution (PRC Section 5020.1[k]);
2. A local survey conducted pursuant to PRC Section 5024.1(g); or
3. The property is listed in or eligible for listing in the NRHP (PRC Section 5024.1[d][1]).

The process for identifying historical resources is typically accomplished by applying the criteria for listing in the California Register of Historical Resources (CRHR), which states that a historical resource must be significant at the local, state, or national level under one or more of the four criteria listed below. It is associated with events that have made a significant contribution to the broad patterns of:

1. It is associated with California's history and cultural heritage;
2. It is associated with the lives of persons important in our past;
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values; or
4. It has yielded, or may be likely to yield, information important in prehistory or history. (CCR 14 Section 4852).

To be considered a historical resource for the purpose of CEQA, the resource must also have integrity, which is the authenticity of a resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance. Resources, therefore, must retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. Integrity is evaluated with regard to the retention of location, design, setting, materials,

workmanship, feeling, and association. It must also be judged with reference to the particular criteria under which a resource is eligible for listing in the CRHR (CCR 14 Section 4852[c]).

Unique Archeological Resources
The PRC also requires the Lead Agency to determine whether or not a project would have a significant effect on unique archaeological resources (PRC Section 21083.2[a]).

The PRC defines a unique archaeological resource as follows.

- An archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:
    - Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information;
    - Has a special and particular quality such as being the oldest of its type or the best available example of its type; or
    - Is directly associated with a scientifically-recognized important prehistoric or historic event or person (PRC Section 21083.2).

In most situations, resources that meet the definition of a unique archaeological resource also meet the definition of a historical resource. As a result, it is current professional practice to evaluate cultural resources for significance based on their eligibility for listing in the CRHR.

California Health and Safety Code Section 7050.5
Regarding the discovery of human remains on non-federal lands, Section 7050.5 of the California Health and Safety Code (CHSC) states the following:

a) Every person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor, except as provided in Section 5097.99 of the [PRC]. The provisions of this subdivision shall not apply to any person carrying out an agreement developed pursuant to subdivision (l) of Section 5097.94 of the [PRC] or to any person authorized to implement Section 5097.98 of the [PRC].

b) In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the California Government Code [CGC], that the remains are not subject to the provisions of Section 27491 of the CGC or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the PRC. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains.

c) If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission (NAHC) (CHSC Section 7050.5).

Of particular note to cultural resources is subsection I. After notification, NAHC would follow the procedures outlined in PRC Section 5097.98, which include notification of the most likely descendants (MLD), if possible, and recommendations for treatment of the remains. The MLD would have 24 hours after notification by the NAHC to make their recommendation (PRC Section 5097.98). In addition, knowing or willful possession of Native American human remains or artifacts taken from a grave or cairn is a felony under State law (PRC Section 5097.99).

California Graves Protection and Repatriation Act of 2001
Sections 8010 and 8011 of the CHSC also address the protection of Native American human remains and cultural items and state:

8010. This chapter shall be known, and may be cited as the California Native American Graves Protection and Repatriation Act (CALNAGPRA) of 2001.

8011. It is the intent of the Legislature to do all of the following:

(a) Provide a seamless and consistent state policy to ensure that all California Indian human remains and cultural items be treated with dignity and respect.

(b) Apply the state's repatriation policy consistently with the provisions of the Native American Graves Protection and Repatriation Act (25 U.S.C. Sec. 3001 et seq.), which was enacted in 1990.

(c) Facilitate the implementation of the provisions of NAGPRA with respect to publicly funded agencies and museums in California.

(d) Encourage voluntary disclosure and return of remains and cultural items by an agency or museuI(e) Provide a mechanism whereby lineal descendants and culturally affiliated California Indian tribes that file repatriation claims for human remains and cultural items under the Native American Graves Protection and Repatriation Act (25 U.S.C. Sec. 3001 et seq.) or under this chapter with California state agencies and museums may request assistance from the commission in ensuring that state agencies and museums are responding to those claims in a timely manner and in facilitating the resolution of disputes regarding those claims.

(f) Provide a mechanism whereby California tribes that are not federally recognized may file claims with agencies and museums for repatriation of human remains and cultural items.

Local Regulations

Stanislaus County has not implemented any ordinance or regulation relating to archaeological, historical, or cultural resources. However, all federal and state regulations pertaining to cultural resources and consultations would apply to projects occurring within the County.

DISCUSSION

a) Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

No Impact. The Project area includes public roadways and adjacent residential land uses. Improvements to roadways, streetlights, water, sewer, and storm drain facilities, sidewalks and other related infrastructure would have no potential to impact adjacent residential or commercial structures or any other potential historic resources.

b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

Less Than Significant with Mitigation. The project area has been heavily disturbed by prior development of the roadways and residences. No evidence of archaeological resources were observed during field surveys of the project area, and project improvements are not expected to require deep excavation that would increase the potential for an unexpected sub-surface discovery. Measure **CR-1** will be included to handle the unlikely scenario of an unexpected discovery of subsurface archaeological material. Should such a scenario occur during Project implementation, all work would cease within 50 feet of the find and a qualified archaeologist would determine the appropriate next steps to identify the found materials.

c) *Would the project disturb any human remains, including those interred outside of dedicated cemeteries?*

Less Than Significant Impact. There is no evidence of the presence of human remains in the project area. However, this does not preclude the possibility of the existence of buried human remains. California law recognizes the need to protect historic-era and Native American human burials, skeletal remains, and items associated with Native American interments from vandalism and inadvertent destruction.

Damage to or destruction of human remains during Project construction or other Project-related activities would be considered a significant impact. However, in accordance with the California Health and Safety Code Sections 7050.5 and 7052, Public Resources Code Section 5097.98, and CEQA Section 15064.5, if human remains are uncovered during ground-disturbing activities, all such activities in the vicinity of the find would be halted immediately, and Stanislaus County's designated representative would be notified. The County's representative would immediately notify the Stanislaus County Coroner and a qualified professional archaeologist. The County Coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or State lands (Health and Safety Code Section 7050.5[b]). If the Coroner determines that the remains are those of a Native American, he or she must contact the NAHC by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]).

The County's responsibilities for acting upon notification of a discovery of Native American Human remains are identified in detail in the California Public Resources Code Section 5097.9. The County or its appointed representative and the professional archaeologist would contact the Most Likely Descendent (MLD), as determined by the NAHC, regarding the remains. The MLD, in cooperation with Stanislaus County, would determine the ultimate disposition of the remains. Since the proposed Project would be in compliance with the existing regulations of the California Health and Safety Code, the Public Resources Code, and CEQA, impacts to human remains would be less than significant and no mitigation is required.

MITIGATION MEASURES

CR-1: If unrecorded cultural resources are encountered during Project-related ground-disturbing activities, even in the absence of an on-site archaeological monitor, a qualified cultural resources specialist shall be contacted to assess the potential significance of the find. If an inadvertent discovery of cultural materials (e.g., unusual amounts of shell, animal bone, bottle glass, ceramics, structure/building remains) is made during Project-related construction activities and ground disturbances in the area of the find will be halted, and a qualified professional archaeologist will be notified regarding the discovery. The archaeologist will determine whether the resource is potentially significant per the CRHR and develop appropriate mitigation, such as avoidance or data recovery.

If the find is determined to be an important cultural resource, the County will make available contingency funding and a time allotment sufficient to allow recovery of an archaeological

sample or to implement an avoidance measure. Construction work can continue on other parts of the project while archaeological mitigation takes place.

FINDINGS

Project impacts relating to cultural resources would be **Less than Significant with Mitigation** incorporated.

2.6 ENERGY

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Result in 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?	☐	☐	☐	☒

DISCUSSION

a) Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Less Than Significant Impact. The Project would comply with standard construction BMPs and the Stanislaus County General Plan relating to the efficient use of energy resources. The installation of new street lighting within the area would result in additional energy consumption; however, all additional street lighting will utilize LED lamps to enhance energy efficiency, in compliance with City and County Standard Specifications. Therefore, the Project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during Project construction or operation, and impacts would be less than significant.

b) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

No Impact. The Project would not conflict with or obstruct any state or local plans for renewable energy or energy efficiency. Therefore, no impact would occur.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

The Project would have a **Less Than Significant Impact** relating to energy or energy resources.

2.7 GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) 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?	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) 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, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☒	☐
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒

DISCUSSION

a) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) 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?

ii) Strong seismic ground shaking?

iii) Seismic-related ground failure, including liquefaction?

iv) Landslides?

No Impact. According to the CDC Fault Activity Map of California (CDC 2015), there are no known active faults within the Project area or directly adjacent to the Project area. The nearest fault is the Vernalis Fault (undifferentiated Quaternary), located approximately 9.5 miles west of the Project area. The Project would consist of minor ground disturbance and would not substantially change the existing conditions in such a way that it would result in new risks for exposing people or structures to potential, substantial adverse effects (including risk of loss, injury, or death involving rupture of a known fault; strong, seismic ground shaking; seismic-related ground failure; or landslides). Stanislaus County has not yet been mapped by the

California Geographic Survey Seismic Hazard Program to determine landslide potential. However, the Project area (Area 44) is situated on flat or very gently sloping topography where the potential for slope failure due to seismic activity, including liquefaction, is minimal. As a result of the flat topography and distance from fault zones, the project would have no impact on seismic activity.

b) Would the project result in substantial soil erosion or the loss of topsoil?

No Impact. The Project does not include the loss of topsoil, nor would it result in substantial soil erosion, as work would be conducted beneath paved roadways and previously disturbed areas in an existing residential area. Therefore, no impact would occur.

c) Would the project 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?

No Impact. The Project area is not located on a geologic unit or soil that is known for unstable conditions or would become unstable as a result of Project construction or operations. Therefore, no impact would occur.

d) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

No Impact. Natural soils within the Project area consist primarily of Tujunga series loamy sand. This soil type is not known as an expansive soil, as defined in Table 18-1-B of the Uniform Building Code, and construction within these soil types would not create substantial risks to life or property. Therefore, no impact would occur.

e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

Less Than Significant Impact. The Project would not utilize septic tanks or an alternative waste water disposal system on site. By providing new connections to the updated City sewer system, the Project does have potential to reduce septic system usage in Area 44, thereby reducing septic load on surrounding soil. However, septic system removal is not a component of the proposed Project. Therefore, Project impacts would be considered less than significant.

f) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

No Impact. According to the University of California Museum of Paleontology (UCMP), there are no known recorded findings of fossils within the Project area (UCMP 2023). Additionally, no findings of unique paleontological resources, sites, or unique geological features were identified within the Project area during the record search and pedestrian survey. Therefore, no impact would occur.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

The Project would have a **Less Than Significant Impact** relating to geology and soils.

`2.8 GREENHOUSE GAS EMISSIONS

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	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?	☐	☐	☒	☐

REGULATORY SETTING

While climate change has been a concern since at least 1988, as evidenced by the establishment of the United Nations and World Meteorological Organization's Intergovernmental Panel on Climate Change (IPCC), the efforts devoted to greenhouse gas (GHG) emissions reduction and climate change research and policy have increased dramatically in recent years. These efforts are primarily concerned with the emissions of GHG related to the human activities that include CO_2, CH_4, NO_X, nitrous oxide, tetrafluoromethane, hexafluoroethane, sulfur hexafluoride, HFC-23 (fluoroform), HFC-134a (s, s, s, 2 –tetrafluoroethane), and HFC-152a (difluoroethane).

On June 1, 2005, California Governor Arnold Schwarzenegger signed Executive Order S-3-05. The goal of this Executive Order is to reduce California's GHG emissions to: 1) 2000 levels by 2010; 2) 1990 levels by 2020; and 3) 80 percent below the 1990 levels by the year 2050. In 2006, this goal was further reinforced with the passage of Assembly Bill 32 (AB 32), the Global Warming Solutions Act of 2006. AB 32 sets the same overall GHG emissions reduction goals while further mandating that CARB create a plan which includes market mechanisms, and implement rules to achieve *"real, quantifiable, cost-effective reductions of greenhouse gases."* Executive Order S-20-06 further directs state agencies to begin implementing AB 32, including the recommendations made by the state's Climate Action Team.

With Executive Order S-01-07, Governor Schwarzenegger set forth the low carbon fuel standard for California. Under this executive order, the carbon intensity of California's transportation fuels was reduced by at least 10 percent by 2020.

Climate change and GHG reduction is also a concern at the federal level; however, at this time, no legislation or regulations have been enacted specifically addressing GHG emissions reductions and climate change. California, in conjunction with several environmental organizations and several other states, sued to force the U.S. EPA to regulate GHG as a pollutant under the Clean Air Act (Massachusetts vs. [EPA] et al., 549 U.S. 497 (2007). The court ruled that GHG does fit within the Clean Air Act's definition of a pollutant, and that the U.S. EPA does have the authority to regulate GHG. Despite the Supreme Court ruling, there are no promulgated federal regulations to date limiting GHG emissions. [1]

According to the Association of Environmental Professionals white paper, "Alternative Approaches to Analyzing Greenhouse Gas Emissions and Global Climate Change in CEQA Documents" (June 29, 2007), an individual project does not generate enough GHG emissions to significantly influence global climate change. Rather, global climate change creates a cumulative impact. This means that a project may participate in a potential impact through its incremental contribution combined with the contributions of all other sources of GHG. In assessing cumulative impacts, it must be determined if a project's incremental effect is "cumulatively considerable." (See CEQA Guidelines sections 15064(i)(1) and 15130.) To make this determination, the incremental impacts of the Project must be compared with the effects of past, current,

[1] http://www.epa.gov/climatechange/endangerment.html

and probable future projects. To gather sufficient information on a global scale of all past, current, and future projects in order to make this determination is a difficult if not impossible task.

As the Project would have no effects on traffic capacity, any additional GHG emissions would only occur during, and result from, necessary temporary construction activities.

DISCUSSION

a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less Than Significant Impact. The Project would not generate GHG emissions through operation of the completed Project. Short-term GHG emissions would occur during construction through the use of gas-powered construction vehicles. GHG emissions generated from temporary construction activities would not exceed the District's CEQA thresholds of significance for criteria pollutants. However, the District has not yet established numerical GHG emission thresholds, instead establishing performance-based standards to assess project-specific GHG emissions impacts. According to these standards, based on AB 32, if the Project complies with an adopted statewide, regional, or local plan for GHG emissions reduction or mitigation, complies with District approved Best Performance Standards (BPS) for the specific Project type, or achieves AB 32 targeted 29% GHG Emission Reductions compared to Business As Usual (BAU), the GHG emissions associated with the Project would be considered less than significant (District 2015). The Project would comply with the performance standards established by the District and is not expected to generate GHG emissions in quantities that would individually or cumulatively contribute to a significant impact on the environment. Therefore, the Project would have a less than significant impact on the generation of greenhouse gas emissions.

b) Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less Than Significant Impact. The Project would generate short-term GHG emissions during construction. As indicated under section (a) above, the short-term construction GHG emissions would not exceed the District's performance-based significance thresholds which are based on AB 32 GHG reduction targets. Further, the District's Climate Change Action Plan (CCAP) does not include GHG emissions reduction measures that are applicable to the proposed Project. Therefore, the Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. However, due to the generation of short-term constriction emissions, project impacts would be less than significant.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

The Project would have a **Less Than Significant Impact** relating to GHG emissions.

2.9 HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	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, would it 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 public use airport, would the project 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?	☐	☐	☐	☒

REGULATORY SETTING

Hazardous materials and hazardous wastes are regulated by many state and federal laws. These include not only specific statutes governing hazardous waste, but also a variety of laws regulating air and water quality, human health, and land use.

Hazardous waste in California is regulated primarily under the authority of the federal Resource Conservation and Recovery Act of 1976 and the California Health and Safety Code. Other California laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning.

Worker health and safety and public safety are key issues when dealing with hazardous materials that may affect human health and the environment. Proper disposal of hazardous material is vital if it is disturbed during Project construction.

DISCUSSION

a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less Than Significant Impact. The Project would involve the use of heavy equipment for hauling soils and materials handling. The use of this equipment may require the use of fuels or other common materials that have hazardous properties (e.g., fuels are flammable). These materials would be used in accordance with all applicable laws and regulations and, if used properly, would not pose a hazard to people or the environment. The use of hazardous materials would be temporary, and the Project would not include a

permanent use of source hazardous materials. Therefore, the Project would not create a significant hazard to the public or environment.

b) Would the project 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?

Less Than Significant Impact. Review of the information available through Geotracker and Envirostor indicate that there are no current or historic clean-up sites or hazardous waste facilities within the Project area. There is a potential that the Project could affect yellow thermoplastic pavement markings and other types or colors of street or municipal markings containing lead-based paint. Observations made during the field investigation on July 12, 2023, indicated that the roads within the Project area are constructed with painted concrete and/or asphalt, therefore standard Best Management Practices for lead-containing structures would be implemented prior to construction.

c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Less Than Significant Impact. The Project area is located within one mile from Zeal Kids Home Daycare, Harriette Kirschen Elementary School, and Robertson Road Elementary School. However, construction activities would not involve handling or transportation of acutely hazardous materials that would impact nearby schools. Furthermore, construction emissions would be temporary and intermittent, and would remain below District thresholds of significance. Therefore, impacts would be considered less than significant.

d) Would the project 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, would it create a significant hazard to the public or the environment?

No Impact. The proposed Project is not on a site included in the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, which is also known as the Cortese List. No sites on the Cortese List are located within the Project area; therefore, no impact would occur.

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 public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

No Impact. The Project is not located within an airport land use plan or within two miles of a public airport or public use airport. Therefore, the Project would not result in a safety hazard or excessive noise for people residing near or working in the Project area, and no impact would occur.

f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less Than Significant Impact. The Project would not impair or alter any existing emergency response plan or emergency evacuation plan. However, construction of the Project may cause short-term traffic impact, which may also affect emergency response vehicles. No road closures are anticipated to occur and access to each residence would be maintained. A traffic management plan would be implemented prior to construction (see Transportation/Traffic Section). Therefore, Project impacts would be considered less than significant.

g) *Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

No Impact. The Project would not occur within a designated wildland area, or where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. Therefore, the Project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires, and no impact would occur.

AVOIDANCE AND MINIMIZATION MEASURES

The following construction BMPs shall be incorporated into the Project to minimize the potential impacts discussed in section (b) above:

- Where the Project would affect yellow thermoplastic pavement markings and other types or colors of street or municipal markings that may contain lead-based paints, markings would be collected, tested, and/or disposed of in accordance with applicable regulations. To avoid impacts from pavement striping during construction, it is recommended that testing and removal requirements for yellow striping and pavement markings be performed in accordance with applicable local, State, and Federal laws.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

The Project would have a **Less Than Significant Impact** relating to hazards and hazardous materials.

2.10 HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	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 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:				
(i) result in substantial erosion or siltation on- or off-site;	☐	☐	☐	☒
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	☒	☐
(iii) 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	☐	☐	☐	☒
(iv) 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?	☐	☐	☐	☒

REGULATORY SETTING

Federal Regulations

The Clean Water Act (CWA) was enacted as an amendment to the Federal Water Pollutant Control Act of 1972, which outlined the basic structure for regulating discharges of pollutants to WOTUS. The CWA serves as the primary federal law protecting the quality of the nation's surface waters, including lakes, rivers, and coastal wetlands. The CWA empowers the USEPA to set national water quality standards and effluent limitations, and includes programs addressing both point-source and non-point-source pollution. Point-source pollution originates or enters surface waters at a single, discrete location, such as an outfall structure or an excavation or construction site. Non-point-source pollution originates over a broader area and includes urban contaminants in stormwater runoff and sediment loading from upstream areas. The CWA operates on the principle that all discharges into the nation's waters are unlawful unless they are specifically authorized by a permit; permit review is the CWA's primary regulatory tool.

The USACE regulates discharges of dredged or fill material into WOTUS. These waters include wetlands and non-wetland bodies of water that meet specific criteria, including a direct or indirect connection to interstate commerce. USACE regulatory jurisdiction pursuant to Section 404 of the CWA is founded on a connection, or nexus, between the water body in question and interstate commerce. This connection may be direct (through a tributary system linking a stream channel with traditional navigable waters used in interstate or foreign commerce) or may be indirect (through a nexus identified in USACE regulations).

The RWQCB has jurisdiction under Section 401 of the CWA and regulates any activity that may result in a discharge to surface waters. Typically, the areas subject to jurisdiction of the RWQCB coincide with those

of USACE (i.e., WOTUS, including any wetlands). The RWQCB also asserts authority over "Waters of the State" (WoS) under waste discharge requirements pursuant to the Porter-Cologne Water Quality Control Act.

On April 21, 2020, the U.S. EPA and the USACE published the "Navigable Waters Protection Rule" to redefine the extent of the WOTUS, and CWA jurisdiction. Under the final rule, four categories of water are federally regulated under: 1) the territorial seas and traditional navigable waters; 2) the perennial and intermittent tributaries to those waters; 3) certain lakes, ponds, and impoundments; and 4) wetlands adjacent to jurisdictional waters. The final rule also detailed 12 categories of exclusions or features that are not considered "waters of the United States" that include features that only contain water in direct response to rainfall (e.g., ephemeral features), groundwater, many ditches, prior converted cropland, and waste treatment systems.

Porter-Cologne Water Quality Act
Also known as the California Water Code, the Porter-Cologne Water Quality Act (Porter-Cologne Act), was created in 1969 to govern water quality regulation in California and protect water quality as well as beneficial uses of water. The Porter-Cologne Act applies to all WoS, including surface water, groundwater, and wetlands at both point and non-point sources of pollution. The act established the overarching California State Water Resources Control Board and nine semiautonomous Regional Water Boards. The Porter-Cologne Act requires the adoption of water quality control plans that give direction to managing water pollution in California. Usually, basin plans get adopted by the Regional Water Boards and are updated when needed. The plans incorporate the beneficial uses of the WoS and then provide objectives that should be met in order to maintain and protect these uses.

DISCUSSION

a) *Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

Less Than Significant Impact. The Project would disturb greater than 1 linear acre of land, therefore a Construction General Permit (CGP) is required, consistent with Water Quality Order No. 2022-0057-DWQ, issued by the State Water Resources Control Board under the National Pollutant Discharge Elimination System (NPDES) to address storm water runoff. The CGP would require the County and/or the contractor to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) with the intent of keeping all products of erosion from moving off-site into receiving waters. The SWPPP includes BMPs to prevent construction pollutants from entering stormwater runoff. Further, the Project would be required to comply with Stanislaus County Improvement Standards Chapter 4 "Storm Drainage", which would include design standards as well as construction BMPs for erosion and sediment control. Therefore, construction and operation of the Project would not violate any water quality standards or waste discharge requirements established by the Central Valley RWQCB in its Basin Plan for the Sacramento River and San Joaquin River Basins. Impacts would be considered less than significant.

b) Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such the project may impede sustainable groundwater management of the basin?

Less Than Significant Impact. New water supply infrastructure would use existing water supply resources in conjunction with the City of Modesto water supply. Groundwater is the sole source of potable water in the City, which is drawn from the Turlock subbasin and distributed through 110 active supply wells. According to the City of Modesto Water Master Plan (2017), sufficient water supplies are available to meet the demands of both North Modesto and South Modesto through 2050 for normal/wet year supply and

demand conditions. Additionally, the City indicates that increase groundwater production required to meet project demand is not anticipated to have any adverse effects on the underlying groundwater subbasins, either through subsidence of diminished water resources (Modesto 2017). The Project would not be constructed immediately above a pre-existing well as no City-operated wells are located within the Project area. Therefore, Project impacts would be considered less than significant relating to groundwater supplies and recharge.

c) *Would the project 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:*

(i) result in substantial erosion or siltation on- or off-site;

(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;

(iii) 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

(iv) impede or redirect flood flows?

Less than Significant Impact. The proposed Project would include construction BMPs within the Project SWPPP to control erosion and siltation on- and offsite. The Project includes the construction of safety improvements, such as sidewalks and ADA-compliant curbs, which would contribute to new impervious surfaces with the Project area. However, the increases in impervious surface would be considered nominal in the current landscape within the Project area, as the majority of the site consists of previously paved surfaces. Therefore, the implementation of planned safety improvements is not anticipated to substantially increase the rate or amount of surface runoff in a manner which would result in on- or offsite flooding. Additionally, the Project would install storm drainage facilities within the Project area, which would minimize potential runoff impacts resulting from new impervious surfaces. Construction activity would adhere to federal, state, and local regulations, as well as the Project's SWPPP, and County Improvement Standards. Therefore, the Project is anticipated to have a less than significant impact on erosion, runoff, or flood flows.

d) *Would the project, in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?*

Less Than Significant Impact. The Project area is located within a FEMA Special Flood Hazard Area (SFHA) with Base Flood Elevation or Depth (Zone AE) (Appendix A). A FEMA Floodplain Development Permit is required for any work within a SFHA that includes construction activities such as excavation, grading, filling, and paving. The Permit ensures that projects within designated floodplains are constructed properly and in compliance with current FEMA floodplain regulations. With the inclusion of construction BMPs to control any potentially polluted runoff or stormwater from entering floodways, along with floodplain permitting, any significant impacts would be reduced to a less than significant level. Therefore, Project impacts would be less than significant.

e) *Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

No Impact. The Project would not conflict with or obstruct a water quality control plan or sustainable groundwater management plan. Therefore, no impact would occur.

AVOIDANCE AND MINIMIZATION MEASURES

The following construction BMPs shall be incorporated into the Project:

- The County shall secure a Construction General Permit for the Project, and ensure the contractor prepares a SWPPP, and implements all construction BMPs to keep products of erosion from moving offsite into receiving waters.
- All erosion control and stormwater control measures shall be properly maintained until the site has returned to pre-construction conditions.
- All disturbed areas shall be returned to pre-construction contours.
- All construction materials shall be hauled offsite after completion of construction.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

With compliance of the Stanislaus County Improvement Standards and all required regulatory permitting, the Project will have a **Less Than Significant Impact** relating to hydrology and water quality.

2.11 LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☐	☒
b) Cause a 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?	☐	☐	☐	☒

DISCUSSION

a) Would the project physically divide an established community?

No Impact. The Project would install infrastructure and safety improvements with the goal of annexing an unincorporated area of Stanislaus County into the City of Modesto. The Project would not physically divide an established community. Therefore, no impact would occur.

b) Would the project cause a 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?

No Impact. The Project would be consistent with the Stanislaus County General Plan, Stanislaus County Improvements Standards, and applicable Stanislaus County Ordinances. Therefore, the Project would not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, no impact would occur.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

The Project would not physically divide an established community or conflict with any land plan, policy or regulation. Therefore, the Project would have **No Impact** relating to land use and planning.

2.12 MINERAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Result in the 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 on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

DISCUSSION

a) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No Impact. The Project area does not have any known mineral resources that would be of value to the region and the residents of the state; therefore, no impact would occur.

b) Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact. The Project area does not contain any areas that are listed as locally-important mineral resource recovery sites according to the Stanislaus County General Plan (2015); therefore, no impact would occur.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

The Project would have **No Impact** relating to mineral resources.

2.13 NOISE

Would the project result in:	Potentially Significant Impact	Less Than Significant with Mitigation	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 applicable standards of other agencies?	☐	☐	☒	☐
b) Generation of excessive groundborne vibration or groundborne 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, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

AFFECTED ENVIRONMENT

Noise-sensitive land uses generally include those uses where exposure to noise would result in adverse effects, as well as uses where quiet is an essential element of their intended purpose. The Stanislaus County General Plan (2016) defines noise-sensitive land uses as: Schools, hospitals, convalescent homes, churches, sensitive wildlife habitat, and other uses deemed noise sensitive by local jurisdiction. The Project is located within a rural residential area, predominately surrounded by single-family homes, and within relative proximity (within one mile) to Zeal Kids Home Daycare, Harriette Kirschen Elementary School, Robertson Road Elementary School, and Golden Valley Health Center.

DISCUSSION

a) Would the project result in 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 applicable standards of other agencies?

Less Than Significant Impact. Anticipated construction equipment used for the Project includes heavy earthmoving and pavement-breaking equipment, dump trucks, and paving equipment; the loudest of which would be jackhammers. According to the Construction Noise Handbook (2018) published by the Federal Highway Administration, the average actual measured noise level emitted by jackhammers is 89 dBA at a distance of 50 feet.

The overall noise goal for the County is to limit the exposure of the community to excessive noise levels. The Stanislaus County General Plan (2015) and the Stanislaus County Code Chapter 10.46 establishes noise standards for maximum allowable noise exposure due to transportation sources and performance standards for fixed noise sources. Transportation noise standards (60 dBA) are applied at the outdoor activity area of noise sensitive land use (residential) where it is not possible to reduce noise in outdoor activity areas to 60 dBA or less using a practical application of the best-available noise reduction measures. Fixed noise sources are not to exceed 55 dBA and 75 dBA during daytime hours (7:00 A.M. to 10:00 P.M.) and 45 dBA and 65 dBA during nighttime hours (10:00 P.M. to 7:00 A.M.) as measured at the property line of noise sensitive land uses. Construction equipment noise cannot exceed 75 dBA between the hours of 7:00 P.M. to 7:00 A.M. However, County Code Section 10.46.080 indicates that construction activities performed by or at the direction of any public entity are exempt from Noise Control standards provided in County Code Chapter 10.46. No long-term, operational noise impacts would occur as a result of the Project. Short-term, temporary, construction-related noise would occur intermittently from the use of construction equipment and vehicles; however, ambient construction noise would only occur during permissible hours and would

cease upon completion of the Project. The Project is anticipated to comply with all local and regional regulations and includes construction BMPs to minimize the potential for excessive construction noise impacts. Therefore, impacts would be considered less than significant.

b) Would the project result in the generation of excessive ground borne vibration or ground borne noise levels?

Less Than Significant Impact. The Project would occur within an existing residential neighborhood. The Project would not require pile driving or sources of excessive ground borne vibration. The temporary construction activities within the Project area are anticipated to create ground borne noise; however, this would occur during appropriate times per County noise ordinance requirements. Therefore, any ground borne noise and vibration impacts within the County noise standards would be considered less than significant.

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, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The Project is not located within the vicinity of a private airstrip or an airport land use plan and is not within two miles of a public airport or public use airport. Therefore, the Project would not expose people residing or working in these areas to excessive noise levels, and no impact would occur.

AVOIDANCE AND MINIMIZATION MEASURES

The following construction BMPs shall be incorporated into the Project:

- Do not operate construction equipment or run the equipment engines from 7:00 P.M. to 7:00 A.M. or on Sundays, with the exception that you may operate equipment within the Project limits during these hours to:

    - Service traffic control facilities
    - Service construction equipment
    - Equip an internal combustion engine with the manufacturer recommended muffler.
    - Do not operate an internal combustion engine on the job site without the appropriate muffler.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

The Project would cause temporary construction-related noise; however, the Project would be required to be compliant with noise regulations provided in Stanislaus County Code Section 10.46.060. Therefore, the Project would have a **Less Than Significant Impact** relating to Noise.

2.14 POPULATION AND HOUSING

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

DISCUSSION

a) Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Less Than Significant Impact. The Project is located within Area 44 which is zoned Rural Residential (R-A) and Planned Development (P-D), and is designated as Low Density Residential and Planned Development by the Land Use Element of the County General Plan. The purpose of the Project is to install a new domestic water supply system, sanitary sewer system, and a storm drain system within existing roadways in Area 44 in Stanislaus County, along with various safety improvements. The installation of infrastructure and safety improvements in Area 44 would allow the area to be eligible for future annexation into the City; however, because the area is already an urbanized neighborhood, these infrastructure improvements are not expected to induce substantial unplanned population growth. Additionally, Accessory Dwelling Units (ADUs) are allowed by Stanislaus County within unincorporated R-A and P-D zoning districts; therefore, new water and sewer connections in the area have the potential to result in an incremental increase in allowable ADUs. However, population growth generated by potential future ADUs would not be substantial and would not result in a strain on public services or facilities. The Project would not include the construction of new residential or commercial areas that would directly contribute to population growth in the area. Therefore, Project impacts would be considered less than significant.

b) Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact. Implementation of the Project is not anticipated to require right-of-way acquisition and would not displace any existing housing or necessitate the construction of replacement housing elsewhere. Therefore, no impact would occur.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

The Project would have **Less Than Significant Impact** relating to population or housing.

2.15 PUBLIC SERVICES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 public services:				
Fire protection?	☐	☐	☒	☐
Police protection?	☐	☐	☒	☐
Schools?	☐	☐	☒	☐
Parks?	☐	☐	☒	☐
Other public facilities?	☐	☐	☒	☐

DISCUSSION

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 public services: fire protection, police protection, schools, parks, and/or other public facilities?

Less Than Significant Impact. The Project would not create an unplanned increase in demand for fire or police services, schools, or recreation facilities, nor would it necessitate new or physically altered governmental facilities. However, response times could potentially be temporarily altered during construction. A traffic management plan would be implemented prior to construction to ensure that one lane traveling in each direction would be maintained in affected roadways, which will be addressed in Section 2.17 – *Transportation*. Therefore, impacts would be considered less than significant.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

The Project would have **Less Than Significant Impact** relating to public services.

2.16 RECREATION

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	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?	☐	☐	☐	☒

DISCUSSION

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?

No Impact. The construction and/or operation of the completed Project would not increase the use of existing parks or other recreational facilities due to the location and nature of the Project, and no impact would occur.

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?

No Impact. The Project does not include recreational facilities, nor does it require the construction or expansion of other recreational facilities, and no impact would occur.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

The Project would have **No Impact** relating to recreation.

2.17 TRANSPORTATION/TRAFFIC

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	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?	☐	☐	☒	☐

DISCUSSION

a) Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Less Than Significant Impact. The Project would not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system. This takes into account all elements and modes of transportation, including intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit. No road closures are anticipated to occur and access to each residence would be maintained. Traffic control measures would be implemented to maintain and control traffic throughout construction zones and/or detour routes and would conform to the County temporary traffic control guidelines. A traffic management plan would additionally be implemented prior to construction to ensure that one lane traveling in each direction remains open in affected roadways. Therefore, Project impacts would be considered less than significant.

b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

No Impact. The Project is not a transportation project that would increase or alter vehicle miles traveled (VMT) within the circulation system and would not conflict with CEQA Guidelines section 15064.3. In addition, with the implementation of the traffic management plan prepared as part of the Project, no increase to VMT is anticipated due to construction-related detours. Therefore, no impact would occur.

c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No Impact. The Project would not substantially increase hazards due to a geometric design feature or incompatible uses. Design features would comply with Stanislaus County standards as appropriate. Therefore, no impact would occur.

d) Would the project result in inadequate emergency access?

Less Than Significant Impact. The Project would temporarily result in one-lane closures within Area 44, which could potentially impact the response time of emergency services. However, a transportation

management plan would be implemented prior to construction and at least one lane of traffic would remain open in each direction in affected roadways. Therefore, impacts would be less than significant.

AVOIDANCE AND MINIMIZATION MEASURES

The following construction BMPs shall be incorporated into the Project:

- The County and/or contractor shall prepare a Traffic Management Plan to avoid and minimize temporary disruption to traffic flow as a result of Project construction.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

The Project would have a **Less Than Significant Impact** relating to transportation/traffic.

2.18 TRIBAL CULTURAL RESOURCES

Would the project 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, 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:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) 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	☐	☒	☐	☐
b) 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.	☐	☐	☐	☒

REGULATORY SETTING

Federal Regulations

Indian Trust Assets

Indian Trust Assets (ITAs) are legal interests in property that is held in trust by the United States for Native American tribes or individuals. Examples of potential ITAs are lands, minerals, fishing rights, and water rights. Management of ITAs is based on the following orders, agreements, and regulations:

- Executive Order 13175, Consultation and Coordination with Indian Tribal Governments 65 FR 67249
- Memorandum on Government-to-Government Relations With Native American Tribal Governments (FR Volume 59, Number 85, signed April 29, 1994)
- Secretarial Order No. 3175 – Departmental Responsibilities for Indian Trust Resources
- Secretarial Order No. 3206 – American Indian Tribal Rights, Federal -Tribal Trust Responsibilities, and the Federal Endangered Species Act (ESA)
- Secretarial Order No. 3215 – Principles for the Discharge of the Secretary's Trust Responsibility
- Secretarial Order No. 3342 – Identifying Opportunities for Cooperative and Collaborative Partnerships with Federally Recognized Indian Tribes in the Management of Federal Lands and Resources
- Secretarial Order No. 3335 – Reaffirmation of the Federal Trust Responsibility to Federally Recognized Tribes and Individual Indian Beneficiaries

American Indian Religious Freedom Act of 1978

The American Indian Religious Freedom Act of 1978 (AIRFA; 42 U.S.C. § 1996) protects the rights of Native Americans to exercise their traditional religions by ensuring access to sites, the use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites.

Historic Sites Act of 1935
The Historic Sites Act of 1935 (54 U.S.C. 320101–320106, formerly 16 U.S.C. 461–467) declares *"...that it is a national policy to preserve for public use historic sites, buildings, and objects of national significance…,"* asserting historic preservation as a government duty under jurisdiction of the United States Secretary of the Interior.

National Historic Preservation Act
As discussed and defined in Section 2.5, Cultural Resources, Section 106 of the NHPA requires federal agencies to take into account the effects of their undertakings on historic properties. For purposes of the discussion regarding tribal cultural resources, it is important to underscore that historic properties include properties of traditional religious and cultural importance to a Native American tribe or Native Hawaiian organization that meet the National Register criteria (36 C.F.R. § 800.16[l]).[1]

Traditional Cultural Properties and Traditional Cultural Landscapes
Traditional Cultural Properties (TCPs) are properties associated with cultural practices or beliefs of a living community that are: 1) rooted in that community's history; and 2) important in maintaining the continuing cultural identity of a community. TCPs can refer to properties of importance to any community, including Indigenous communities. The appropriate terminology for sites of importance to Native American/Indian tribes is *'historic property of religious and cultural significance to an Indian tribe [and Native Hawaiian organization"*" (ACHP 2008:19; ACHP 2011:14). Traditional cultural landscapes (TCL) encompass the same meaning and utility, as well as inclusivity of Indigenous communities. The Secretary of the Interior's Guidelines for the treatment of cultural landscapes define a cultural landscape as *"a geographic area (including both cultural and natural resources and the wildlife or domestic animals therein), associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values"* (Birnbaum and Peters 1996:4). Historic vernacular landscapes *"evolved through use by the people whose activities or occupancy shaped them"* and ethnographic *landscapes "contain a variety of natural and cultural resources that associated people define as heritage resource"* (Birnbaum and Peter 1996:4; Ball et al. 2015:7).

National Register Bulletin 38 provides examples of TCPs and TCLs that fit the definition in the guidelines (Parker and King 1998:1):

- A location associated with the traditional beliefs of a Native American group about its origins, its cultural history, or the nature of the world;
- A rural community whose organization, buildings and structures, or patterns of land use reflect the cultural traditions valued by its long-term residents;
- An urban neighborhood that is the traditional home of a particular cultural group, and that reflects its beliefs and practices;
- A location where Native American religious practitioners have historically gone, and are known or thought to go today, to perform ceremonial activities in accordance with their traditional cultural rules of practice; and
- A location where a community has traditionally carried out economic, artistic, or other cultural practices important in maintaining its historic identity.

TCPs and TCLs are eligible for inclusion on the NRHP if they meet the criteria set forth in 36 C.F.R. § 60.4, National Register Criteria for Evaluation. The steps in the identification and evaluation of TCPs are the following (abbreviated from Parker and King 1998:11-14):

1. Potential Traditional Cultural Properties must be identified through consultation with the affected community or Tribe.

2. The investigation must consider the beliefs and practices associated with a potential Traditional Cultural Properties from the perspective of the community or Tribe

3. The potential Traditional Cultural Properties must be a property, that is, a tangible place on the landscape, rather than an intangible belief or practice.

4. The property must retain integrity of relationship with the beliefs and practices that give it meaning to the community or Tribe.

5. The property must retain integrity of condition, such that the elements of the property associated with the beliefs and practices that give it significance are present.

6. The property must meet one or more of the four criteria for eligibility on the National Register (see Section 2.5.1.1 Cultural Resources – Regulatory Setting – Federal).

Cultural resources routinely not considered for eligibility for inclusion in the NRHP are religious properties, moved properties, birthplaces and graves, cemeteries, reconstructed properties, commemorative properties, and properties achieving significance within the past 50 years. However, these resources, can be evaluated as eligible if they meet one or more of the NRHP eligibility criteria for evaluation, retain integrity, and meet special criteria requirements called criteria considerations. The most notable of the seven considerations (A through G) is Criteria Consideration G, which specifies that a property that has achieved significance within the last 50 years can qualify for the NRHP only if it is of exceptional importance. As noted by Parker and King (1998:17–18), *"a significance ascribed to a property only in the past 50 years cannot be considered traditional."* However, they also note: *"The fact that a property may have gone unused for a lengthy period of time, with use beginning again only recently, does not make the property ineligible for the [National] Register"* (Parker and King 1998:14).

If a property is determined to be a TCP, it becomes the responsibility of the lead agency to assess whether the proposed Project would have an effect on the property, and should the effect be adverse, would it alter or destroy the elements that make the property significant and eligible. If a proposed Project is determined to have an adverse effect, the lead agency is responsible for seeking measures that would mitigate the adverse effects to TCPs.

State Regulations

Tribal Cultural Resources

As defined at PRC § 21074, a tribal cultural resource (TCR) is a site, feature, place, cultural landscape, sacred place or object that is of cultural value to a California Native American tribe and is either: 1) on or eligible for the CRHR or a local historic register; or 2) the lead agency, at its discretion, chooses to treat the resource as a TCR. TCRs are similar to TCPs in terms of their characteristics, identification, and treatment, and may include a cultural landscape to the extent that the landscape is geographically defined in terms of the size and scope of the landscape. Additionally, as defined at PRC § 21074(c), a historical resource, a unique archaeological resource, or a non-unique archaeological resource may also be a TCR if it conforms to the criteria of a TCR in PRC § 21074(a). CEQA mandates that lead agencies determine whether a Project will have a significant impact on TCRs that are eligible for listing on the CRHR (i.e., a historical resource), or are determined to be significant by the lead agency in order to appropriately mitigate any such impacts.

Under the CEQA Guidelines, even if a resource is not included on any local, state, or federal register, or identified in a qualifying historical resources survey, a lead agency may still determine that any resource is a historical resource (i.e., TCR) for the purposes of CEQA if there is substantial evidence supporting such a determination (CEQA Guidelines § 15064.5[a]). A lead agency must consider a resource to be historically significant if it finds that the resource meets the criteria for listing in the CRHR. A resource may be eligible for inclusion in the CRHR if it:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage (Criterion 1);
- Is associated with the lives of persons important in our past (Criterion 2);
- Embodies the distinctive characteristics of a type, period, region, or method of construction or represents the work of an important creative individual or possesses high artistic values (Criterion 3); and
- Has yielded, or may be likely to yield, information important in prehistory or history (Criterion 4).

In accordance with CEQA Guidelines, cultural resources investigations are necessary to identify TCRs that may have significant impacts as a result of a Project (14 CCR §15064.5). The following steps are routinely implemented in a cultural resources investigation for CEQA compliance:

1. Identify cultural resources in the proposed Project area.
2. Evaluate against the CRHR criteria of significance (listed below).
3. Evaluate the impacts of the proposed Project on all cultural/tribal resources.
4. Develop and implement measures to mitigate proposed Project impacts on historical resources or resources deemed significant by the lead agency.

As TCRs hold cultural value to a California Native American tribe, consultation with local Native American tribes is an integral component of each of the cultural resources investigation steps described above.

Assembly Bill 52 and Consultation

The lead agency for CEQA is responsible for consultation with Native American tribes regarding the potential for a Project to impact TCRs, pursuant to Assembly Bill 52 and PRC §§ 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, 21084.3, and 5097.94(m). Assembly Bill 52 recognizes that *"…tribes may have expertise with regard to their tribal history and practices, which concern the tribal cultural resources with which they are traditionally and culturally affiliated…"* and that consultation will occur between a lead agency and Native American tribes for covered Projects.

PRC §21080.3.1 (a) and Government Code §65352.4 define consultation as *"the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement. Consultation between government agencies and Native American tribes shall be conducted in a way that is mutually respectful of each party's sovereignty. Consultation shall also recognize the tribes' potential needs for confidentiality with respect to places that have traditional tribal cultural significance."*

As described in Section 2.5, Cultural Resources, a proposed Project may induce a significant impact to a historical resource, unique archaeological resource, or a TCR if it causes a substantial adverse change

(i.e., physical demolition, destruction, relocation, or alteration) to the resource or immediate surroundings (14 CCR 15064.5[b]), thereby demolishing or significantly altering the physical characteristics that qualify it for listing on the CRHR or local registers (PRC §§ 5020.01[k] and 5024.1[g]). A Project that may cause a substantial adverse change in the significance of a TCR is a Project that may have a significant effect on the environment (PRC § 21084.2). A lead agency shall establish measures to avoid impacts that would alter significant characteristics of a TCR, when feasible (PRC §21084.3).

Native American Historical, Cultural, and Sacred Sites
Pursuant to PRC 5097.94 the NAHC has authority and duty to "*identify and catalog places of special religious or social significance to Native Americans, and known graves and cemeteries of Native Americans on private lands"* and has the power and duty to make recommendations for acquisition by the state or other public agencies regarding Native American sacred places that are located on private lands, are inaccessible to Native Americans, and have cultural significance to Native Americans.

California Native American Graves Protection and Repatriation Act of 2001
The California Native American Graves Protection and Repatriation Act of 2001 (CalNAGPRA) requires all state agencies and museums that receive state funding and that have possession or control over collections of human remains or cultural items to provide a process for the identification and repatriation of these items to the appropriate tribes.

Local Regulations

Stanislaus County has not implemented any ordinance or regulation relating to archaeological, historical, or tribal cultural resources. However, all federal and state regulations pertaining to cultural resources and consultations would apply to Projects occurring within the County.

AFFECTED ENVIRONMENT

The APE is located within the territory of native Northern Valley Yokuts speakers. Their territory extended from north of the Calaveras River south to the source of the San Joaquin River. The western limit is recorded as the eastern side of the Coast Range, while the eastern limit is the foothills of the Sierra Nevada Mountains. Two studies identified the project area and the Tuolumne River region as belonging to Taulamni or Tauhalames Northern Yokuts (Duke Cultural Resources Management, LLC, 2022). Tribal Cultural Resources could include, but are not limited to, Native American human remains, funerary objects, items or artifacts, sites, features, places, landscapes, or objects with cultural values to the tribe.

NATIVE AMERICAN CONSULTATION

Within Stanislaus County, there are no California Native American tribes traditionally or culturally affiliated with the project area who have requested in writing that they be consulted for the purposes of AB 52, pursuant to PRC Section 21080.3.1.

DISCUSSION

If a lead agency determines that a project may cause a substantial adverse change to a TCR, the lead agency must consider measures to mitigate that impact. Consultation concludes when either: 1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a TCR; or 2) a party, acting in good faith, and after reasonable effort, concludes that mutual agreement cannot be reached (PRC § 21080.3.2). Under existing law, environmental documents must not include information about the locations of an archaeological site or sacred lands or any other information that is exempt from public disclosure pursuant to the Public Records act.

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, 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)

Less than Significant with Mitigation. Thus far, there has been no indication that the Project area is sensitive for subsurface archaeology of any kind, including tribal resources. Construction would involve shallow ground disturbance that could impact tribal resources should they be present; however, the Project will include mitigation measure **CR-1** as well as a protocol should human remains be discovered (see Section 2.5 Cultural Resources) that would engage with the appropriate tribal groups should an unlikely/unexpected discovery occur.

b) Would the project cause a substantial adverse change in the significance of 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.

No Impact. No tribal cultural resources have been identified in the project area. The proposed project would not cause a substantial adverse change in the significance of any cultural or tribal resources.

MITIGATION MEASURES

The Project would include measure **CR-**1, discussed in Section 2.5 – *Cultural Resources*, to mitigate potential impacts in the event of unexpected subsurface archaeological discovery.

FINDINGS

Project impacts to tribal cultural resources would be considered **Less Than Significant with Mitigation** incorporated.

2.19 UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or 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 adequate 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 statutes and regulations related to solid waste?	☐	☐	☒	☐

Discussion

a) Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Less Than Significant Impact. The Project would install new sewer and water mains in Area 44 and would result in additional wastewater that would require treatment. However, City of Modesto Utilities Department provided concurrence on March 8, 2024, that the City has adequate capacity to accommodate projected wastewater resulting from the 211 new sewer connections provided by the Project. Wastewater treatment requirements and thresholds of the Central Valley Regional Water Quality Control Board would not be exceeded. Therefore, Project impacts would be less than significant.

b) Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less Than Significant Impact. The new water mains installed by the Project would be connected to the City's existing water system, which primarily uses groundwater, in addition to surface water supplies during wet years. According to the City Water Master Plan (2017), sufficient water supplies are available to meet the demands of both North Modesto and South Modesto through 2050 for normal/wet year supply and demand conditions. In dry years, the City indicates that groundwater production would increase to meet demand. However, the City's increase in groundwater production in response to shortages in treated surface water supplies is within the operational yield estimates for the Modesto and Turlock Subbasins and is not anticipated to have any adverse effects on the underlying groundwater subbasins either through subsidence or diminished water resources (Modesto 2017). Furthermore, the East Stanislaus Integrated Regional Water Management Plan (2013) states that the City has adequate water supplies to meet projected water demands through 2035 during all hydrologic conditions. Therefore, Project implementation would not exceed the City's groundwater supply projections, and impacts would be less than significant.

c) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Less Than Significant Impact. The Project area is not within the service area of the Modesto wastewater collection system. However, Area 44 is included in the growth area for Sewer Tributary Area 10 of the Modesto system. Flows from Area 10 are currently conveyed through the Imperial and South Trunks and collected at the Sutter Wastewater Treatment Plant (WWTP), located at 1221 Sutter Avenue and operated by the City of Modesto. To extend sewer services to Area 44, the Project would install 211 new wastewater connections to private properties within the Project area. The Project received confirmation from Jim Alves, P.E. at the City of Modesto Utilities Department on March 8, 2024, that capacity for the requested 211 new sanitary sewer connections is available. Therefore, the Project would not exceed the capacity of the existing wastewater treatment infrastructure of the City and impacts would be considered less than significant.

d) Would the project 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?

Less Than Significant Impact. The Project would not generate substantial solid waste during operation. Solid waste may be generated during construction; however, the quantity would not exceed local landfill capacities. Additionally, any generation of solid waste would be temporary and would only occur during the construction period. Therefore, impacts associated with the development of solid waste would be considered less than significant.

e) Would the project comply with federal, state, and local statutes and regulations related to solid waste?

Less Than Significant Impact. The Project would comply with federal, state, and local statutes and regulations related to solid waste; therefore, impacts associated with compliance with statutes and regulations pertaining to solid waste would be considered less than significant.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

The Project would have a **Less Than Significant Impact** to utilities and service systems.

2.20 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 with Mitigation	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 a 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?	☐	☐	☐	☒

DISCUSSION

a) Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

No Impact. The Stanislaus County Emergency Operations Plan (EOP), developed in 2021, addresses the planned response to extraordinary emergency situations associated with natural disasters or human-caused emergencies in or affecting Stanislaus County. Project construction or operation would not impair the adopted EOP, and no impact would occur.

b) Would the project, 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 a wildfire?

No Impact. According to the Stanislaus County CAL FIRE, Fire Hazard Severity Zone Map (CAL FIRE 2022), the Project area is not within a State-Responsibility or Local-Responsibility Area listed as having a high or moderate potential for wildfire. Therefore, the Project is not anticipated to exacerbate wildfire risks due to slope, prevailing winds, or other factors. No impact would occur.

c) Would the project 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?

No Impact. Project construction would involve the installation of utilities such as water and sewer lines and a storm drain system which may require maintenance in the future; however, maintenance activities would not be part of the Project, and the Project would not exacerbate fire risk, or result in temporary or ongoing impacts to the environment. No impact would occur.

d) Would the project 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?

No Impact. The Project would consist of infrastructure and safety improvements within an existing residential area that is not within a post-fire area. Project construction and operation would ne expose people or structures to significant risks within a post-fire area. No impact would occur.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

The Project would have **No Impact** relating to wildfire.

2.21 MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Does the project have the potential to 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 a rare or endangered plant or animal 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?	☐	☐	☒	☐

DISCUSSION

a) Does the project have the potential to 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 a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less Than Significant Impact. Based upon the review and analysis of potential adverse effects to the environment provided in this Initial Study (including the Project-specific avoidance and minimization measures), the proposed Project would not substantially degrade the overall quality of the environment within the Project area.

Any potentially significant impacts to biological, historical or cultural resources would be reduced to a less-than-significant level with the incorporation of Project-specific avoidance, minimization, and mitigation measures for Swainson's hawk, cultural resources, and tribal cultural resources, as discussed previously in Sections 2.4, 2.5, and 2.18 respectively. Therefore, the Project impacts would be considered less than significant.

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)?

Less Than Significant Impact. The proposed Project area is located approximately 0.6 miles southwest of a different project - the West Modesto Sewer Infrastructure Project within the Beverly/Waverly neighborhood, or Area 21. The Area 21 project would install a new sewer system in the area, which currently lacks sewer infrastructure consistent with surrounding cities. An anticipated construction date has not yet been determined. Although these two projects contain similar components, both projects contain measures to avoid potentially significant impacts to the environment. Additionally, sewer improvements within Area 21 are not funded by the American Rescue Plan Act (ARPA).

Area 44 is additionally a component of a series of county-wide infrastructure projects funded by ARPA intended to address the public health and safety needs of unincorporated pocket areas within adopted spheres of influence of incorporated cities. A total of 42 unincorporated urban pockets are located throughout the County: 3 urban pockets are contained within the SOI of the City of Riverbank, 6 are within the SOI of the City of Turlock, and 33 are within the SOIs of the cities of Modesto and Ceres. Although each urban pocket is adjacent to, or surrounded by an incorporated city, these areas are lacking key services that would typically be expected of urbanized neighborhoods. Therefore, the purpose of each ARPA project is to provide infrastructure and safety improvements, including water, sewer, and storm drainage advancements, to these communities.

Area 44 was recommended as the priority community toward which the County Board of Supervisors will invest ARPA funds allocated to Supervisorial District 3; therefore, ARPA infrastructure improvements to Area 44 will not be implemented concurrently with those of other unincorporated communities in District 3. Other Supervisorial Districts within the County recommended priority communities in the SOIs of Riverbank, Turlock, and Ceres which will be implemented concurrently, the nearest of which is the Herndon Community (Area 40) within the SOI of the City of Ceres, approximately 3.5 miles east of Area 44. Each ARPA project would have minimal environmental impacts since they all occur in areas that have already been developed into urban neighborhoods. Furthermore, each ARPA project that does have a potential for environmental impacts will include a project level environmental analysis similar to this Initial Study to identify measures to avoid potentially significant impacts to the environment; therefore, the Project would not be expected to result in cumulatively considerable impacts when viewed in connection with all ARPA infrastructure improvement projects or other past, current, or planned projects within the County. Cumulative Project impacts would be less than significant.

c) *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

Less Than Significant Impact. The Project would not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. With respect to the analysis provided in this Initial Study, potential effects of the Project on human beings would be temporary and related to Project construction. Specifically, any Project impacts on human beings would be considered less-than-significant relating to air, noise, hazards and hazardous materials, transportation/traffic, and utilities and service systems. No significant adverse effects to human beings would occur, and Project effects are considered less than significant.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

Through compliance with applicable Stanislaus County codes, regulations, and regulatory permitting, along with the project-specific avoidance and minimization measures noted previously, the Project will not have a significant impact relating to degradation of the quality of the environment, nor have impacts that are individually limited, but cumulatively considerable; nor have environmental effects which would cause substantial adverse effects, either directly or indirectly, on human beings. Therefore, there are no potentially significant determinations for mandatory findings of significance.

3.0 Comments and Coordination

This chapter summarizes Stanislaus County efforts to identify, address and resolve project-related issues through early and continuing coordination.

3.1 CONSULTATION AND COORDINATION WITH PUBLIC AGENCIES

Consultation and/or coordination with the following agencies was, or will be initiated for the Project:

- San Joaquin Valley Unified Air Pollution Control District
- California Department of Fish and Wildlife
- Central Valley – Regional Water Quality Control Board
- State Water Resources Control Board
- California Department of Transportation
- Federal Emergency Management Agency
- U.S. Fish and Wildlife Service

3.2 PUBLIC PARTICIPATION

The public comment period for the Project will occur from July 3, 2024, to August 2, 2024. All written comments received by Stanislaus County will be incorporated into the Final IS/MND and added in an appendix. Any additions or corrections to the IS/MND subsequent to public comments will be addressed within the final document.

4.0 Distribution List

A Notice of Availability was prepared and posted with the Stanislaus County Clerk-Recorder Office and distributed to all owners and occupants of property parcels contiguous to the Project area. Additionally, the Draft IS was distributed to the following agencies and interested parties (unless IS hardcopies specified).

Stanislaus County, Public Works Department
1010 10th Street, 4th Floor, Suite 4204
Modesto, CA 95354
(IS hardcopies)

State Government

Governor's Office of Planning and Research – California State Clearinghouse
CEQA Submit Online Database

Local Agencies

Stanislaus County Clerk-Recorder
1021 I Street, Suite 101
Modesto, CA 95354

Stanislaus LAFCO
1010 10th Street, 3rd Floor
Modesto, CA 95354

City of Modesto
Attn: Public Works Department
1010 10th Street
Modesto, CA 95354

Other Stakeholders

Pacific Gas & Electric Company
4040 West Lane
Stockton, California 95204-2436

5.0 List of Preparers

Wood Rodgers, Inc.

Eralise Spokely, Assistant Environmental Planner
Tim Chamberlain, Senior Environmental Planner
Andrew Dellas, MS, PWS, Senior Biologist / Environmental Planner

Stanislaus County

Danny Mauricio, Engineer II, Department of Public Works

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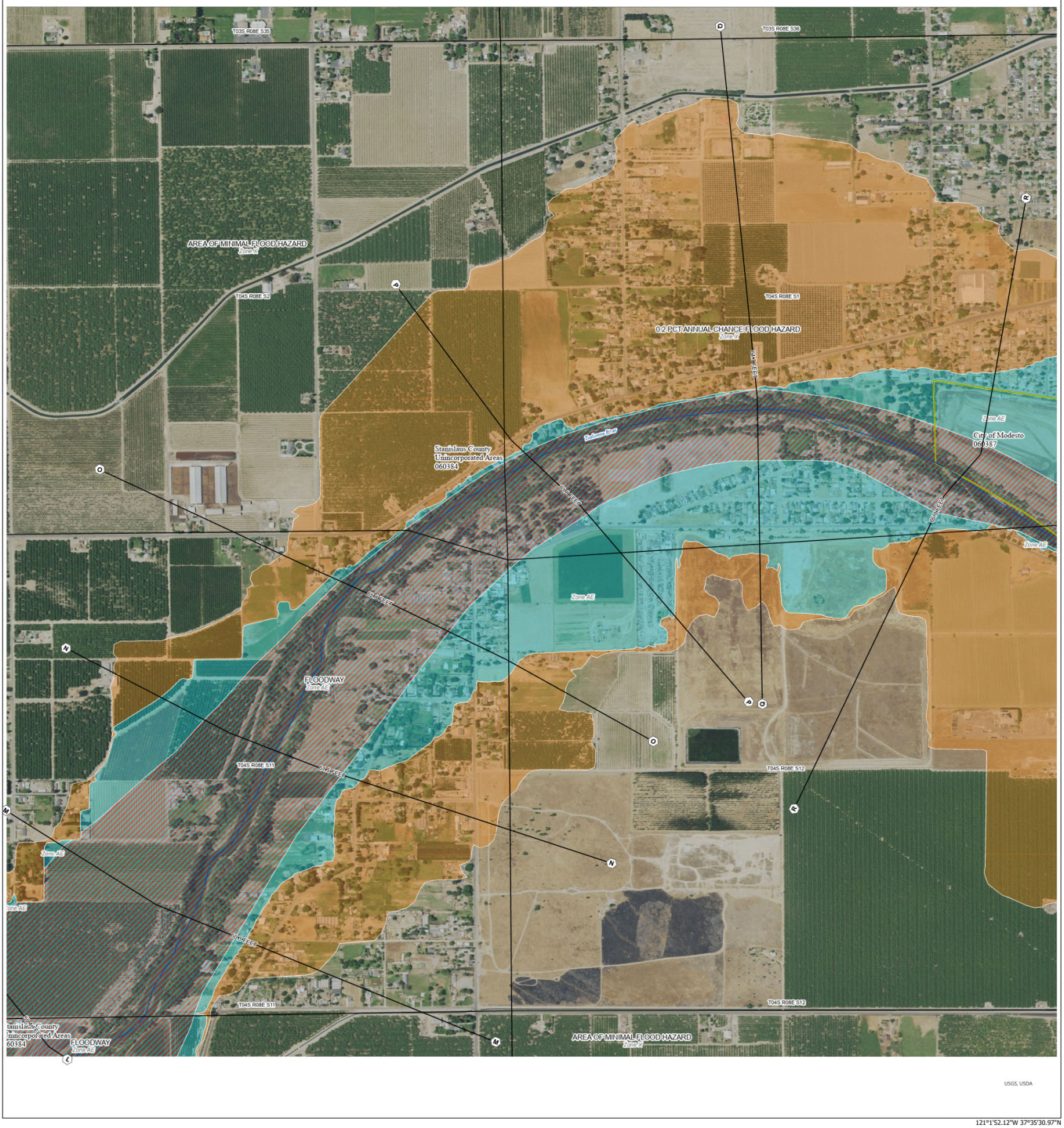
USDA 2007. Ecological Subregions: Sections and Subsections for the Conterminous United States. Available at: https://www.fs.usda.gov/research/treesearch/48672

USDA 2023. Natural Resource Conservation Service. Web Soil Survey. Available at: https://websoilsurvey.nrcs.usda.gov/app/

Appendix A.
FEMA FIRM Map

121°3'45.47"W 37°37'36.65"N



121°1'52.12"W 37°35'30.97"N

FLOOD HAZARD INFORMATION

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR DRAFT FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS
- Without Base Flood Elevation (BFE) Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD
- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee See Notes Zone X
- Area with Flood Risk due to Levee Zone D

OTHER AREAS
- NO SCREEN Area of Minimal Flood Hazard Zone X
- Effective LOMRs
- Area of Undetermined Flood Hazard Zone D

GENERAL STRUCTURES
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES
- 20.2 Cross Sections with 1% Annual Chance
- 17.5 Water Surface Elevation
- Coastal Transect
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary

NOTES TO USERS

For information and questions about this Flood Insurance Rate Map (FIRM), available products associated with this FIRM, including historic versions, the current map date for each FIRM panel, how to order products, or the National Flood Insurance Program (NFIP) in general, please call the FEMA Map Information eXchange at 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA Flood Map Service Center website at https://msc.fema.gov. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the website.

Communities annexing land on adjacent FIRM panels must obtain a current copy of the adjacent panel as well as the current FIRM Index. These may be ordered directly from the Flood Map Service Center at the number listed above.

For community and countywide map dates, refer to the Flood Insurance Study Report for this jurisdiction.

To determine if flood insurance is available in this community, contact your Insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

Basemap information shown on this FIRM was provided in digital format by the United States Geological Survey (USGS). The basemap shown is the USGS National Map: Orthoimagery. Last refreshed October, 2020.

This map was exported from FEMA's National Flood Hazard Layer (NFHL) on 7/21/2023 2:01 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time. For additional information, please see the Flood Hazard Mapping Updates Overview Fact Sheet at https://www.fema.gov/media-library/assets/documents/118418

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards. This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date.

SCALE

Map Projection:
GCS, Geodetic Reference System 1980;
Vertical Datum: NAVD88
For information about the specific vertical datum for elevation features, datum conversions, or vertical monuments used to create this map, please see the Flood Insurance Study (FIS) Report for your community at https://msc.fema.gov

1 inch = 500 feet 1:6,000

0 250 500 1,000 1,500 2,000 Feet

N

0 50 100 200 300 400 Meters

FEMA National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM
FLOOD INSURANCE RATE MAP

PANEL 531 OF 975

Panel Contains:

COMMUNITY	NUMBER	PANEL
STANISLAUS COUNTY	060384	0531
CITY OF MODESTO	060387	0531

MAP NUMBER
06099C0531F
EFFECTIVE DATE
August 24, 2021

Appendix B.
Special Status Species Database Query Results

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Sacramento Fish And Wildlife Office
Federal Building
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846
Phone: (916) 414-6600 Fax: (916) 414-6713

In Reply Refer To: 06/25/2024 16:15:23 UTC
Project Code: 2023-0108290
Project Name: Stanislaus County Urban Pockets - Area 44

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see https://www.fws.gov/program/migratory-bird-permit/what-we-do.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see https://www.fws.gov/library/collections/threats-birds.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit https://www.fws.gov/partner/council-conservation-migratory-birds.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Sacramento Fish And Wildlife Office
Federal Building
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846
(916) 414-6600

PROJECT SUMMARY

Project Code: 2023-0108290
Project Name: Stanislaus County Urban Pockets - Area 44
Project Type: Utility Infrastructure Maintenance
Project Description: Infrastructure and safety improvements in Area 44, a unincorporated urban pocket of Stanislaus County in Riverdale Park, within the sphere of influence of the City of Modesto

Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@37.6097949,-121.03860465445905,14z

Counties: Stanislaus County, California

ENDANGERED SPECIES ACT SPECIES

There is a total of 7 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

REPTILES

NAME	STATUS
Northwestern Pond Turtle *Actinemys marmorata* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1111	Proposed Threatened

AMPHIBIANS

NAME	STATUS
California Tiger Salamander *Ambystoma californiense* Population: U.S.A. (Central CA DPS) There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/2076	Threatened
Western Spadefoot *Spea hammondii* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5425	Proposed Threatened

INSECTS

NAME	STATUS
Monarch Butterfly *Danaus plexippus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate
Valley Elderberry Longhorn Beetle *Desmocerus californicus dimorphus* There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/7850	Threatened

CRUSTACEANS

NAME	STATUS
Vernal Pool Fairy Shrimp *Branchinecta lynchi* There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/498	Threatened
Vernal Pool Tadpole Shrimp *Lepidurus packardi* There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/2246	Endangered

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency:	Private Entity
Name:	Eralise Spokely
Address:	3741 Douglas Blvd
Address Line 2:	150
City:	Roseville
State:	CA
Zip:	95661
Email	espokely@woodrodgers.com
Phone:	9165035688

Selected Elements by Common Name

California Department of Fish and Wildlife

California Natural Diversity Database

Query Criteria: Quad IS (Brush Lake (3712151) OR Crows Landing (3712141) OR Salida (3712161) OR Riverbank (3712068) OR Ceres (3712058) OR Hatch (3712048) OR Patterson (3712142) OR Westley (3712152) OR Ripon (3712162))

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
alkali milk-vetch *Astragalus tener var. tener*	PDFAB0F8R1	None	None	G2T1	S1	1B.2
alkali-sink goldfields *Lasthenia chrysantha*	PDAST5L030	None	None	G2	S2	1B.1
American badger *Taxidea taxus*	AMAJF04010	None	None	G5	S3	SSC
American bumble bee *Bombus pensylvanicus*	IIHYM24260	None	None	G3G4	S2	
big tarplant *Blepharizonia plumosa*	PDAST1C011	None	None	G1G2	S1S2	1B.1
burrowing owl *Athene cunicularia*	ABNSB10010	None	None	G4	S2	SSC
cackling (=Aleutian Canada) goose *Branta hutchinsii leucopareia*	ABNJB05035	Delisted	None	G5T3	S3	WL
California alkali grass *Puccinellia simplex*	PMPOA53110	None	None	G2	S2	1B.2
California horned lark *Eremophila alpestris actia*	ABPAT02011	None	None	G5T4Q	S4	WL
California linderiella *Linderiella occidentalis*	ICBRA06010	None	None	G2G3	S2S3	
California tiger salamander - central California DPS *Ambystoma californiense pop. 1*	AAAAA01181	Threatened	Threatened	G2G3T3	S3	WL
Coastal and Valley Freshwater Marsh *Coastal and Valley Freshwater Marsh*	CTT52410CA	None	None	G3	S2.1	
Conservancy fairy shrimp *Branchinecta conservatio*	ICBRA03010	Endangered	None	G2	S2	
Crotch's bumble bee *Bombus crotchii*	IIHYM24480	None	Candidate Endangered	G2	S2	
Delta button-celery *Eryngium racemosum*	PDAPI0Z0S0	None	Endangered	G1	S1	1B.1
diamond-petaled California poppy *Eschscholzia rhombipetala*	PDPAP0A0D0	None	None	G1	S1	1B.1
Elderberry Savanna *Elderberry Savanna*	CTT63440CA	None	None	G2	S2.1	
foothill yellow-legged frog - central coast DPS *Rana boylii pop. 4*	AAABH01054	Threatened	Endangered	G3T2	S2	
great blue heron *Ardea herodias*	ABNGA04010	None	None	G5	S4	

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Great Valley Cottonwood Riparian Forest *Great Valley Cottonwood Riparian Forest*	CTT61410CA	None	None	G2	S2.1	
Great Valley Mixed Riparian Forest *Great Valley Mixed Riparian Forest*	CTT61420CA	None	None	G2	S2.2	
Great Valley Valley Oak Riparian Forest *Great Valley Valley Oak Riparian Forest*	CTT61430CA	None	None	G1	S1.1	
green sturgeon - southern DPS *Acipenser medirostris pop. 1*	AFCAA01031	Threatened	None	G2T1	S1	
hardhead *Mylopharodon conocephalus*	AFCJB25010	None	None	G3	S3	SSC
heartscale *Atriplex cordulata var. cordulata*	PDCHE040B0	None	None	G3T2	S2	1B.2
hoary bat *Lasiurus cinereus*	AMACC05032	None	None	G3G4	S4	
least Bell's vireo *Vireo bellii pusillus*	ABPBW01114	Endangered	Endangered	G5T2	S3	
Lemmon's jewelflower *Caulanthus lemmonii*	PDBRA0M0E0	None	None	G3	S3	1B.2
lesser saltscale *Atriplex minuscula*	PDCHE042M0	None	None	G2	S2	1B.1
loggerhead shrike *Lanius ludovicianus*	ABPBR01030	None	None	G4	S4	SSC
Menke's cuckoo wasp *Ceratochrysis menkei*	IIHYM71050	None	None	G2	S2	
merlin *Falco columbarius*	ABNKD06030	None	None	G5	S3S4	WL
moestan blister beetle *Lytta moesta*	IICOL4C020	None	None	G2	S2	
Northern California legless lizard *Anniella pulchra*	ARACC01020	None	None	G3	S2S3	SSC
obscure bumble bee *Bombus caliginosus*	IIHYM24380	None	None	G2G3	S1S2	
prairie falcon *Falco mexicanus*	ABNKD06090	None	None	G5	S4	WL
prairie wedge grass *Sphenopholis obtusata*	PMPOA5T030	None	None	G5	S2	2B.2
riparian (=San Joaquin Valley) woodrat *Neotoma fuscipes riparia*	AMAFF08081	Endangered	None	G5T1	S1	SSC
riparian brush rabbit *Sylvilagus bachmani riparius*	AMAEB01021	Endangered	Endangered	G5T1	S2	
Sacramento splittail *Pogonichthys macrolepidotus*	AFCJB34020	None	None	G3	S3	SSC

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
San Joaquin coachwhip *Masticophis flagellum ruddocki*	ARADB21021	None	None	G5T2T3	S3	SSC
San Joaquin kit fox *Vulpes macrotis mutica*	AMAJA03041	Endangered	Threatened	G4T2	S3	
San Joaquin Valley giant flower-loving fly *Rhaphiomidas trochilus*	IIDIP05010	None	None	G1	S1	
shining navarretia *Navarretia nigelliformis ssp. radians*	PDPLM0C0J2	None	None	G4T2	S2	1B.2
snowy egret *Egretta thula*	ABNGA06030	None	None	G5	S4	
song sparrow ("Modesto" population) *Melospiza melodia pop. 1*	ABPBXA3013	None	None	G5T3?Q	S3?	SSC
spiny-sepaled button-celery *Eryngium spinosepalum*	PDAPI0Z0Y0	None	None	G2	S2	1B.2
steelhead - Central Valley DPS *Oncorhynchus mykiss irideus pop. 11*	AFCHA0209K	Threatened	None	G5T2Q	S2	
subtle orache *Atriplex subtilis*	PDCHE042T0	None	None	G1	S1	1B.2
Swainson's hawk *Buteo swainsoni*	ABNKC19070	None	Threatened	G5	S4	
Townsend's big-eared bat *Corynorhinus townsendii*	AMACC08010	None	None	G4	S2	SSC
tricolored blackbird *Agelaius tricolor*	ABPBXB0020	None	Threatened	G1G2	S2	SSC
valley elderberry longhorn beetle *Desmocerus californicus dimorphus*	IICOL48011	Threatened	None	G3T3	S3	
vernal pool fairy shrimp *Branchinecta lynchi*	ICBRA03030	Threatened	None	G3	S3	
vernal pool smallscale *Atriplex persistens*	PDCHE042P0	None	None	G2	S2	1B.2
vernal pool tadpole shrimp *Lepidurus packardi*	ICBRA10010	Endangered	None	G3	S3	
western pond turtle *Emys marmorata*	ARAAD02030	Proposed Threatened	None	G3G4	S3	SSC
western ridged mussel *Gonidea angulata*	IMBIV19010	None	None	G3	S2	
western spadefoot *Spea hammondii*	AAABF02020	Proposed Threatened	None	G2G3	S3S4	SSC
western yellow-billed cuckoo *Coccyzus americanus occidentalis*	ABNRB02022	Threatened	Endangered	G5T2T3	S1	

Record Count: 60

CALIFORNIA NATIVE PLANT SOCIETY

CNPS Rare Plant Inventory

Search Results

21 matches found. Click on scientific name for details

Search Criteria: Quad is one of [**3712151:3712141:3712161:3712068:3712058:3712048:3712152:3712142:3712162**]

▲ SCIENTIFIC NAME	COMMON NAME	FAMILY	LIFEFORM	BLOOMING PERIOD	FED LIST	STATE LIST	GLOBAL RANK	STATE RANK	CA RARE PLANT RANK	CA ENDEMIC	DATE ADDED
Astragalus tener var. *tener*	alkali milk-vetch	Fabaceae	annual herb	Mar-Jun	None	None	G2T1	S1	1B.2	Yes	1994-01-01
Atriplex cordulata var. *cordulata*	heartscale	Chenopodiaceae	annual herb	Apr-Oct	None	None	G3T2	S2	1B.2	Yes	1988-01-01
Atriplex coronata var. *coronata*	crownscale	Chenopodiaceae	annual herb	Mar-Oct	None	None	G4T3	S3	4.2	Yes	1994-01-01
Atriplex minuscula	lesser saltscale	Chenopodiaceae	annual herb	May-Oct	None	None	G2	S2	1B.1	Yes	1994-01-01
Atriplex persistens	vernal pool smallscale	Chenopodiaceae	annual herb	Jun-Oct	None	None	G2	S2	1B.2	Yes	2001-01-01
Atriplex subtilis	subtle orache	Chenopodiaceae	annual herb	(Apr)Jun-Sep(Oct)	None	None	G1	S1	1B.2	Yes	1994-01-01
Blepharizonia plumosa	big tarplant	Asteraceae	annual herb	Jul-Oct	None	None	G1G2	S1S2	1B.1	Yes	1994-01-01
Caulanthus lemmonii	Lemmon's jewelflower	Brassicaceae	annual herb	Feb-May	None	None	G3	S3	1B.2	Yes	2001-01-01
Centromadia parryi ssp. *rudis*	Parry's rough tarplant	Asteraceae	annual herb	May-Oct	None	None	G3T3	S3	4.2	Yes	2007-05-22
Clarkia breweri	Brewer's clarkia	Onagraceae	annual herb	Apr-Jun	None	None	G4	S4	4.2	Yes	1974-01-01
Eryngium racemosum	Delta button-celery	Apiaceae	annual/perennial herb	(May)Jun-Oct	None	CE	G1	S1	1B.1	Yes	1974-01-01
Eryngium spinosepalum	spiny-sepaled button-celery	Apiaceae	annual/perennial herb	Apr-Jun	None	None	G2	S2	1B.2	Yes	1980-01-01
Eschscholzia hypecoides	San Benito poppy	Papaveraceae	annual herb	Mar-Jun	None	None	G4	S4	4.3	Yes	1974-01-01
Eschscholzia rhombipetala	diamond-petaled California poppy	Papaveraceae	annual herb	Mar-Apr	None	None	G1	S1	1B.1	Yes	1980-01-01
Hesperevax caulescens	hogwallow starfish	Asteraceae	annual herb	Mar-Jun	None	None	G3	S3	4.2	Yes	2001-01-01
Lasthenia chrysantha	alkali-sink goldfields	Asteraceae	annual herb	Feb-Apr	None	None	G2	S2	1B.1	Yes	2019-09-30

Lasthenia ferrisiae	Ferris' goldfields	Asteraceae	annual herb	Feb-May	None	None	G3	S3	4.2	Yes	2001-01-01
Leptosiphon ambiguus	serpentine leptosiphon	Polemoniaceae	annual herb	Mar-Jun	None	None	G4	S4	4.2	Yes	1994-01-01
Navarretia nigelliformis ssp. *radians*	shining navarretia	Polemoniaceae	annual herb	(Mar)Apr-Jul	None	None	G4T2	S2	1B.2	Yes	1994-01-01
Puccinellia simplex	California alkali grass	Poaceae	annual herb	Mar-May	None	None	G2	S2	1B.2		2015-10-15
Sphenopholis obtusata	prairie wedge grass	Poaceae	perennial herb	Apr-Jul	None	None	G5	S2	2B.2		1974-01-01

Showing 1 to 21 of 21 entries

Suggested Citation:

California Native Plant Society, Rare Plant Program. 2024. Rare Plant Inventory (online edition, v9.5). Website https://www.rareplants.cnps.org [accessed 13 March 2024].