



Water Well 22

INITIAL STUDY – MITIGATED NEGATIVE DECLARATION

PUBLIC REVIEW DRAFT

JULY 2024

Prepared for
City of Atwater
750 Bellevue Road
Atwater, CA 95301



Table of Contents

1	INTRODUCTION.....	7
1.1	Regulatory Information.....	7
1.2	Document Format.....	7
2	ENVIRONMENTAL CHECKLIST FORM.....	9
2.1	Project Title.....	9
2.2	Lead Agency Name and Address.....	9
2.3	Contact Person and Phone Number	9
2.4	Study Prepared By.....	9
2.5	Project Location	9
2.6	Latitude and Longitude	9
2.7	General Plan Designation.....	12
2.8	Zoning.....	12
2.9	Description of Project	15
2.10	Project Setting and Surrounding Land Uses.....	15
2.11	Other Public Agencies Whose Approval is Required.....	16
2.12	Consultation with California Native American Tribes.....	16
3	DETERMINATION.....	17
3.1	Environmental Factors Potentially Affected	17
3.2	Determination.....	17
4	EVALUATION OF ENVIRONMENTAL IMPACTS	19
4.1	AESTHETICS.....	19
4.1.1	Environmental Setting	19
4.1.2	Impact Assessment	20
4.1.3	Mitigation Measures.....	21
4.2	AGRICULTURE AND FORESTRY RESOURCES	22
4.2.1	Environmental Setting	22
4.2.2	Impact Assessment	23
4.2.3	Mitigation Measures.....	24
4.3	AIR QUALITY.....	25



4.3.1	Environmental Setting	25
4.3.2	Impact Assessment	30
4.3.3	Mitigation Measures	31
4.4	BIOLOGICAL RESOURCES	32
4.4.1	Environmental Setting	33
4.4.2	Impact Assessment	38
4.4.3	Mitigation Measures	40
4.5	CULTURAL RESOURCES	41
4.5.1	Environmental Setting	41
4.5.2	Impact Assessment	42
4.5.3	Mitigation Measures	43
4.6	ENERGY	44
4.6.1	Environmental Setting	44
4.6.2	Impact Assessment	45
4.6.3	Mitigation Measures	45
4.7	GEOLOGY AND SOILS	46
4.7.1	Environmental Setting	47
4.7.2	Impact Assessment	47
4.7.3	Mitigation Measures	49
4.8	GREENHOUSE GAS EMISSIONS	50
4.8.1	Environmental Setting	50
4.8.2	Impact Assessment	52
4.8.3	Mitigation Measures	55
4.9	HAZARDS AND HAZARDOUS MATERIAL	56
4.9.1	Environmental Setting	56
4.9.2	Impact Assessment	59
4.9.3	Mitigation Measures	62
4.10	HYDROLOGY AND WATER QUALITY	63
4.10.1	Environmental Setting	64
4.10.2	Impact Assessment	65



4.10.3	Mitigation Measures	68
4.11	LAND USE PLANNING	69
4.11.1	Environmental Setting	69
4.11.2	Impact Assessment	69
4.11.3	Mitigation Measures	70
4.12	MINERAL RESOURCES	71
4.12.1	Environmental Setting	71
4.12.2	Impact Assessment	71
4.12.3	Mitigation Measures	72
4.13	NOISE	73
4.13.1	Environmental Setting	73
4.13.2	Impact Assessment	74
4.13.3	Mitigation Measures	75
4.14	POPULATION AND HOUSING	76
4.14.1	Environmental Setting	76
4.14.2	Impact Assessment	76
4.14.3	Mitigation Measures	77
4.15	PUBLIC SERVICES	78
4.15.1	Environmental Setting	78
4.15.2	Impact Assessment	79
4.15.3	Mitigation Measures	80
4.16	RECREATION	81
4.16.1	Environmental Setting	81
4.16.2	Impact Assessment	81
4.16.3	Mitigation Measures	81
4.17	TRANSPORTATION	82
4.17.1	Environmental Setting	82
4.17.2	Impact Assessment	84
4.17.3	Mitigation Measures	85
4.18	TRIBAL CULTURAL RESOURCES	86



4.18.1	Environmental Setting	86
4.18.2	Impact Assessment	86
4.18.3	Mitigation Measures	87
4.19	UTILITIES AND SERVICE SYSTEMS.....	88
4.19.1	Environmental Setting	88
4.19.2	Impact Assessment	89
4.19.3	Mitigation Measures	90
4.20	WILDFIRE.....	91
4.20.1	Environmental Setting	91
4.20.2	Impact Assessment	91
4.20.3	Mitigation Measures	92
4.21	MANDATORY FINDINGS OF SIGNIFICANCE	93
4.21.1	Impact Assessment	93
4.21.2	Mitigation Measures.....	94
5	MITIGATION MONITORING AND REPORTING PROGRAM.....	95
6	REPORT PREPARATION	96
7	APPENDICES	97
7.1	Appendix A: CNDDDB Occurrence Report.....	97
7.2	Appendix B: CHRIS Search Record.....	98
7.3	Appendix C: NAHC SLF Results Letter.....	99

Figures

Figure 2-1	Project Location	10
Figure 2-2	Project Site Aerial Image	11
Figure 2-3	City of Atwater General Plan Land Use Designation (Existing).....	13
Figure 2-4	City of Atwater Zoning District (Existing)	14
Figure 4-5	CNDDDB Species Occurrences	36

Tables

Table 2-1	Existing Uses, General Plan Designations, and Zone Districts of Surrounding Properties.....	15
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Table 4-1 SJVAPCD Recommended Air Quality Thresholds of Significance F 28

Table 4-2 SPAL Significance Thresholds 30

Table 4-3 Special-Status Species Occurrences within 5-mile radius of Project site 35

Table 4-4 Essential Habitats and Potential Existence of Special-Status Species on Site..... 37

Table 4-5 Consistency with General Plan Energy Conservation Policies 45

Table 4-6 Scoping Plan Priority GHG Reduction Strategies Consistency Analysis 53



1 INTRODUCTION

Precision Civil Engineering, Inc. (PCE) has prepared this Initial Study/Mitigated Negative Declaration (IS/MND) on behalf of the City of Atwater (City) to address the environmental effects of the proposed Water Well 22 (Project). This document has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code *Section 21000 et. seq.* The City of Atwater is the Lead Agency for this proposed Project. The site and the proposed Project are described in detail in **SECTION 2 ENVIRONMENTAL CHECKLIST FORM**.

1.1 Regulatory Information

An Initial Study (IS) is a document prepared by a lead agency to determine whether a project may have a significant effect on the environment. In accordance with California Code of Regulations Title 14 (Chapter 3, Section 15000, et seq.), also known as the CEQA Guidelines, *Section 15064 (a)(1)* states that an environmental impact report (EIR) must be prepared if there is substantial evidence in light of the whole record that the proposed Project under review may have a significant effect on the environment and should be further analyzed to determine mitigation measures or project alternatives that might avoid or reduce project impacts to less than significant levels.

A negative declaration (ND) may be prepared instead if the lead agency finds that there is no substantial evidence in light of the whole record that the project may have a significant effect on the environment. An ND is a written statement describing the reasons why a proposed Project, not otherwise exempt from CEQA, would not have a significant effect on the environment and, therefore, why it would not require the preparation of an EIR (CEQA Guidelines *Section 15371*). According to CEQA Guidelines *Section 15070*, a ND or mitigated ND shall be prepared for a project subject to CEQA when either:

a. The IS shows there is no substantial evidence, in light of the whole record before the agency, that the proposed Project may have a significant effect on the environment, or

b. The IS identified potentially significant effects, but:

- 1. Revisions in the project plans or proposals made by or agreed to by the applicant before the proposed Mitigated Negative Declaration and Initial Study is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur is prepared, and*
- 2. There is no substantial evidence, in light of the whole record before the agency, that the proposed Project as revised may have a significant effect on the environment.*

1.2 Document Format

This IS/MND contains five (5) chapters plus appendices. **SECTION 1 INTRODUCTION** provides bases of the IS/MND's regulatory information and an overview of the Project. **SECTION 2 ENVIRONMENTAL CHECKLIST FORM** provides a detailed description of Project components. **SECTION 3 DETERMINATION** concludes that the Initial Study is a mitigated negative declaration, identifies the environmental factors potentially affected based on the analyses contained in this IS, and includes with the Lead Agency's determination based upon those analyses. **SECTION 4 EVALUATION OF ENVIRONMENTAL IMPACTS** presents the CEQA checklist and environmental analyses for all impact areas and the mandatory findings of significance. A brief discussion of the reasons why the Project impact is anticipated to be potentially significant, less than significant with mitigation incorporated, less than significant, or why no impacts are expected is included. **SECTION 5 MITIGATION MONITORING AND REPORTING PROGRAM** presents the mitigation measures recommended in the IS/MND for the Project. The CNDDDB Occurrence Report,



CHRIS Search Record, and NAHC SLF Results Letter are provided as [Appendix A](#), [Appendix B](#), and [Appendix C](#) respectively, at the end of this document.



2 ENVIRONMENTAL CHECKLIST FORM

This section describes the components of the proposed Project in more detail, including project location, project objectives, and required project approvals.

2.1 Project Title

Water Well 22

2.2 Lead Agency Name and Address

City of Atwater
750 Bellevue Road
Atwater, CA 95301

2.3 Contact Person and Phone Number

Lead Agency/Applicant

City of Atwater
Greg Thompson, Deputy City Manager/Community Development Director
(209) 357-6370
gthompson@atwater.org

2.4 Study Prepared By

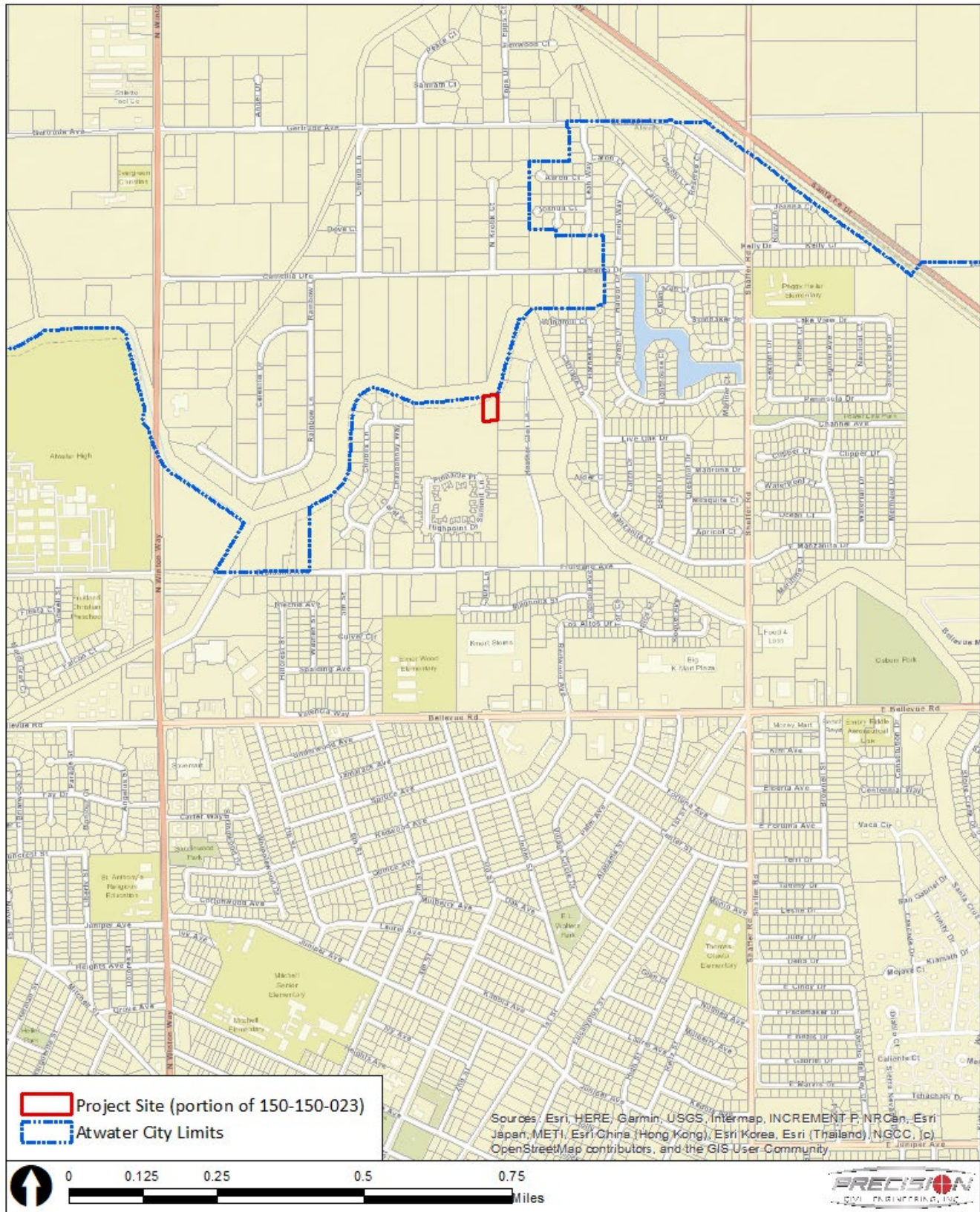
Precision Civil Engineering
1234 O Street
Fresno, CA 93721
(559) 449-4500

2.5 Project Location

The Project site is in the jurisdiction of the City of Atwater, Merced County, California, located south of the Merced Irrigation Canal between Heather Glen Lane and Chardonnay Way (**Figure 2-1**). The Project site includes a portion of the parcel identified by the Merced County Assessor as Assessor's Parcel Number (APN) 150-150-023-000, totaling approximately 0.71 acres. **Figure 2-2** shows the aerial image of the Project site. The Project site is a portion of Section 36, Township 6 South, Range 12 East, Mount Diablo Base and Meridian.

2.6 Latitude and Longitude

The centroid of the Project site is 37.36798953105515, -120.60363757342593.



CITY OF ATWATER - Water Well Project

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Figure 2-1 Project Location



Figure 2-2 Project Site Aerial Image

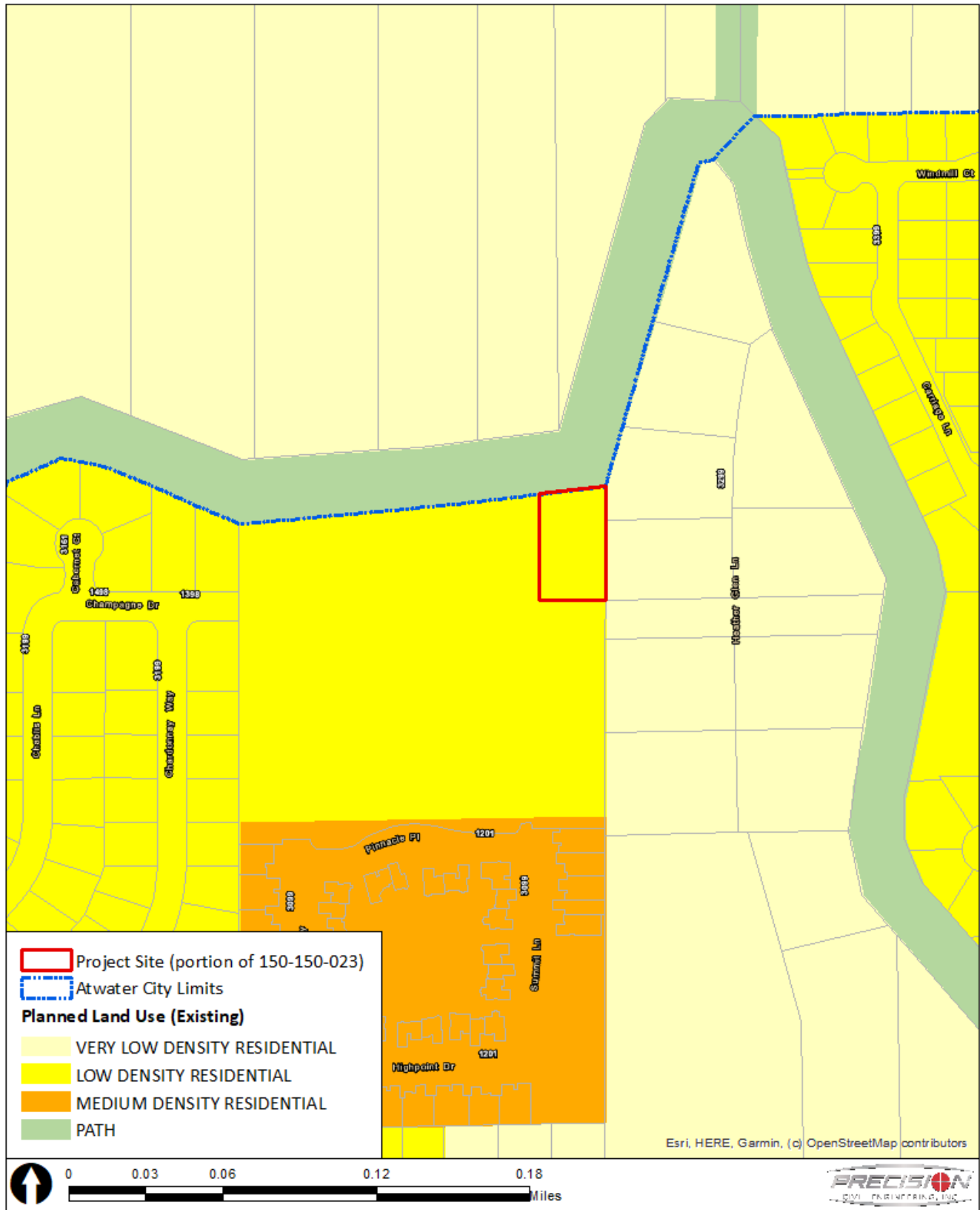


2.7 General Plan Designation

The Project site has a City of Atwater General Plan (General Plan) land use designation of Low Density Residential (**Figure 2-3**). According to the General Plan, the Low Density Residential land use designation provides for residential developments for typical residential subdivisions, with a permitted density range of 3.1 to 7.0 dwelling units per acre. Typical land uses include single family residences and residential accessory uses, churches, schools, parks, community care facilities, and necessary public utility and safety facilities.

2.8 Zoning

The Project site is in the PD 7 – Planned Development zoning district (**Figure 2-4**). According to *Chapter 17.44* of the Atwater Municipal Code (AMC), the PD zoning district to “provide a flexible zone district which will implement the City General Plan and achieve a higher standard of quality of development than typically found in conventional zones.” Permitted uses include various residential, commercial, industrial, office, public facilities, etc., which are determined in the master plan that is approved for the specific PD zone.



CITY OF ATWATER - Water Well Project

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Figure 2-3 City of Atwater General Plan Land Use Designation (Existing)

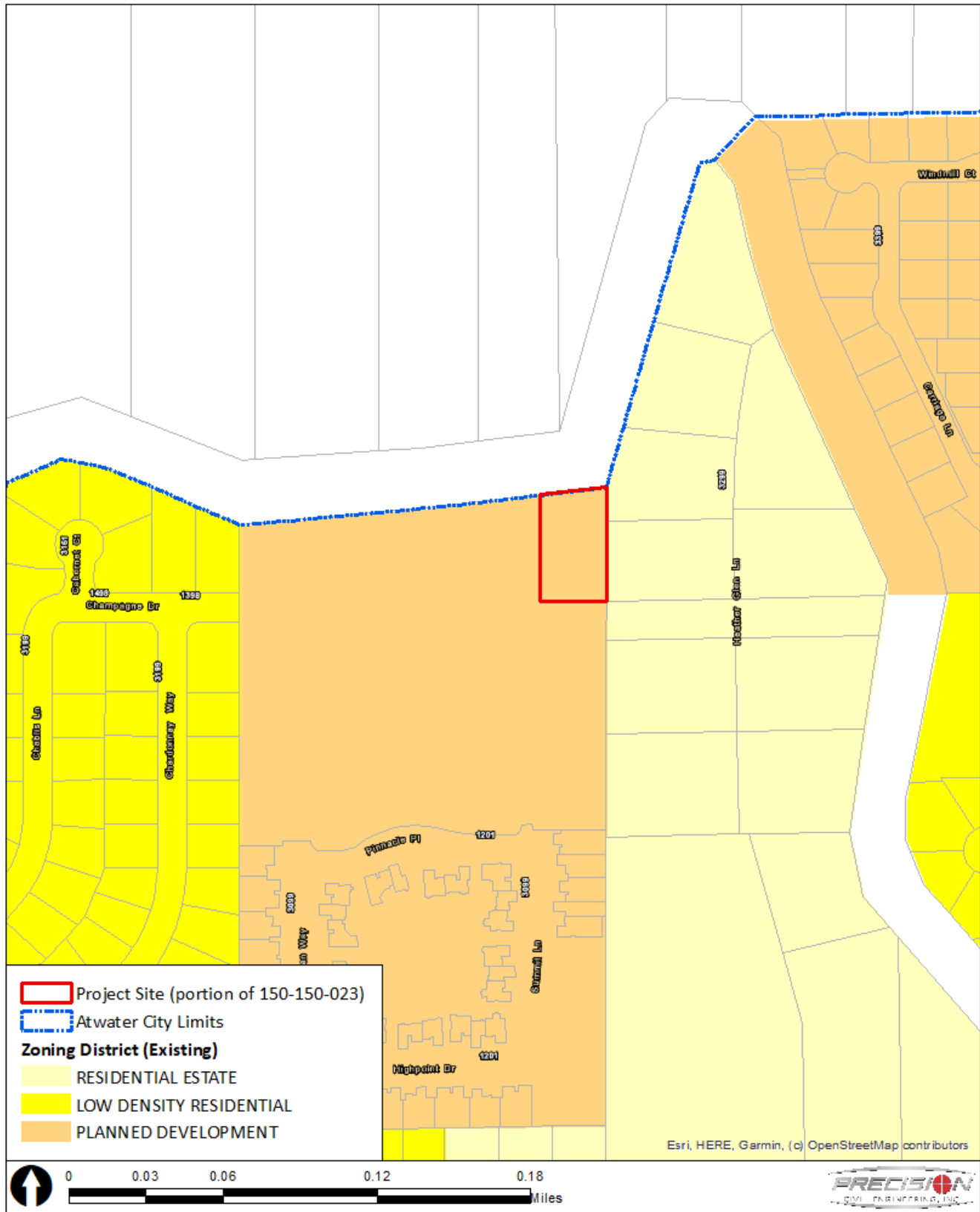


Figure 2-4 City of Atwater Zoning District (Existing)



2.9 Description of Project

The City of Atwater (Applicant) proposes to construct a new water well (Project) on the northeastern portion of the parcel identified as APN 150-150-023-000, totaling approximately 0.71 acres. The Project site is located south of the Merced Irrigation Canal between Heather Glen Lane and Chardonnay Way. The Project entails the construction of a domestic water well to serve water to the City of Atwater residents. The water well is designed to discharge approximately 2,000 gallons per minute (gpm) when it is in operation and be fixed with a variable frequency drive to adjust the amount of water delivered based on the pressure in the system. The water well is projected to be constructed with a Granulated Activated Carbon (GAC) System consisting of 6 GAC vessels to remove 1,2,3-trichloropropane (TCP), which is a groundwater pollutant, from the water. A backwash tank will be constructed on-site to allow for the proper maintenance of the GAC vessels. A 500-gallon sodium hypochlorite tank will also be constructed on-site to disinfect the water. A concrete masonry unit (CMU) wall is proposed to be installed along the Project site property line for screening and anti-theft/vandalism. A paved roadway will be constructed to allow access to the well site off of Champagne Way, which connects the Project site west to existing single-family residences.

Project Operations

The water well is anticipated to operate up to 365 days per year. The well will be active at all times ready to serve but will only pump water when demand exists, which is typically early morning and afternoon. The site will be secured most of the time; however, operations and maintenance crews will access the site a few times week to deliver disinfection chemicals and perform routine maintenance.

Site Preparation

Site preparation would include typical grading activities to ensure an adequately graded site for drainage purposes. Other site preparation would include minor excavation for the installation of utility infrastructure. There are no existing improvements or structures on the site, so there would be no demolition required.

2.10 Project Setting and Surrounding Land Uses

Project Setting

The Project site for the water well is currently vacant with no improvements or structures. An aerial image of the Project site is shown in **Figure 2-2**. The existing biotic conditions and resources of the Project site can be defined primarily as ruderal and herbaceous vegetation with heavy alternation due to discing and grading. No trees, shrubs, or water features are present on the site.

Surrounding Land Uses

The Project site is generally surrounded by residential use, vacant land, and the Merced Irrigation Canal. As referenced in **Table 2-1**, properties to the north, south, east, and west are planned and zoned for residential, with the exception that properties to the north are zoned for agricultural in the County. An irrigation canal is located adjacent north to the Project site.

Table 2-1 Existing Uses, General Plan Designations, and Zone Districts of Surrounding Properties

Direction from the Project Site	Existing Land Use	Planned Land Use	Zone District
---------------------------------	-------------------	------------------	---------------



North	Canal, Single-Family Residences	Path, Very Low Density Residential	A-1 – General Agriculture (County)
South	Vacant	Low Density Residential	PD-7 – Planned Development
East	Vacant, Single-Family Residences	Very Low Density Residential	R-E – Residential Estates
West	Vacant	Low Density Residential	PD-7 – Planned Development

2.11 Other Public Agencies Whose Approval is Required

The Project would require approval by the City of Atwater City Council. The Project will require review, permits, and/or approvals, such as a well construction permit. Other approvals may be required as identified through the approval process. In addition, other agencies may have the authority to issue permits prior to implementation of the Project including but not limited to: San Joaquin Valley Air Pollution Control District, California Department of Health Services, Office of Drinking Water, California State Water Resources Control Board, Pacific Gas & Electric Company (PG&E), and Merced Irrigation District (MID).

2.12 Consultation with California Native American Tribes

The State requires lead agencies to consider the potential effects of proposed projects and consult with California Native American tribes during the local planning process for the purpose of protecting Traditional Tribal Cultural Resources through the CEQA Guidelines. Pursuant to PRC *Section 21080.3.1*, the lead agency shall begin consultation with the California Native American tribe that is traditionally and culturally affiliated with the geographical area of the proposed project. Such significant cultural resources are either sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a tribe which is either on or eligible for inclusion in the California Historic Register or local historic register, or, the lead agency, at its discretion, and support by substantial evidence, choose to treat the resources as a Tribal Cultural Resources (PRC *Section 21074(a)(1-2)*). According to the most recent census data, California is home to 109 currently recognized Indian tribes.

Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See PRC *Section 21083.3.2*.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per PRC *Section 5097.96* and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that PRC *Section 21082.3(c)* contains provisions specific to confidentiality.

A consultation list of tribes with traditional lands or cultural places located within Merced County was requested and received from the California Native American Heritage Commission (NAHC) on February 7, 2024. The listed tribes include Amah Mutsun Tribal Band, Dumna Wo-Wah Tribal Government, North Fork Rancheria of Mono Indians*, North Valley Yokuts Tribe, Southern Sierra Miwuk Nation, Table Mountain Rancheria*, Tule River Indian Tribe*, and Wuksachi Indian Trib/Eshom Valley Band. The NAHC also conducted a Sacred Lands File (SFL) search which was negative. **Federally recognized tribe.*

The City of Atwater conducted formal tribal consultation pursuant to AB 52 (Chapter 532, Statutes 2014) on January 22, 2024, with the eight (8) tribes listed above. Consultation for AB 52 ended on February 21, 2024. No response was received.



3 DETERMINATION

3.1 Environmental Factors Potentially Affected

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

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

For purposes of this Initial Study, the following answers have the corresponding meanings:

"No Impact" means the specific impact category does not apply to the project, or that the record sufficiently demonstrates that project specific factors or general standards applicable to the project will result in no impact for the threshold under consideration.

"Less Than Significant Impact" means there is an impact related to the threshold under consideration, but that impact is less than significant.

"Less Than Significant with Mitigation Incorporation" means there is a potentially significant impact related to the threshold under consideration, however, with the mitigation incorporated into the project, the impact is less than significant. For purposes of this Initial Study "mitigation incorporated into the project" means mitigation originally described in the GP PEIR and applied to an individual project, as well as mitigation developed specifically for an individual project.

"Potentially Significant Impact" means there is substantial evidence that an effect may be significant related to the threshold under consideration.

3.2 Determination

On the basis of this initial evaluation (to be completed by the Lead Agency):

- ☐ 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 (EIR) 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 EIR 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 or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Approved By:

Greg Thomson, Deputy City Manager/Community Development Director
City of Atwater, Community Development Department

8-2-24

Date



4 EVALUATION OF ENVIRONMENTAL IMPACTS

4.1 AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock out-croppings, and historic buildings within a state scenic highway?				X
c) In non-urbanized areas, substantially degrade the existing visual character or quality 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?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

4.1.1 Environmental Setting

Generally, aesthetics may include scenic vistas and scenic resources (e.g. trees, rock outcroppings, historic buildings, and highways). The City of Atwater's visual features predominately includes urbanized and agricultural land uses. The Atwater General Plan (General Plan) recognizes the city's scenic resources to be "open space areas" (i.e., agricultural lands) in addition to several transportation routes or "scenic corridors", including Bellevue Road. The General Plan does not identify or designate "scenic vistas." The identified scenic corridors include Atwater Boulevard, First Street, Bellevue Road, Shaffer Road, Winton Way, Broadway from Winton Way to First Street, Buhach Road, Third Street, Part of Grove Avenue, and all entrances to the city. Although there are two (2) state-designated scenic highways in the County of Merced (SR 152 and Interstate 5), these highways are not within city limits and thus, the City does not designate them as scenic resources. Lastly, the General Plan identifies places of contemporary historical significance in the city including the Bloss Manson, Bloss Library, and Castle Air Museum.



The Project site is currently vacant with no improvements. The site is generally flat and does not contain any geologic formations. The site is surrounded by existing residential development to the east, vacant land south, east, and west, and the Merced Irrigation Canal to the north.

California Scenic Highway Program

The California Scenic Highway Program was established in 1963 with the purpose of protecting and enhancing the natural scenic beauty of California highways and adjacent corridors, through special conservation treatment. A highway may be designated scenic depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view. There are no officially designated State Scenic Highways within or in the vicinity (i.e., 0.5-miles from the Project site) of the City of Atwater, inclusive of the Project site.¹

4.1.2 Impact Assessment

Except as provided in PRC Section 21099, would the project:

a) Have a substantial adverse effect on a scenic vista?

No Impact. The Project site is vacant and surrounded by residential development and vacant lands. As discussed in the **Environmental Setting**, the Project site is not near state-designated scenic highways and is not within the vicinity of any historic buildings or places of contemporary historical significance according to the General Plan. As a result, the Project would not adversely affect scenic vistas and no impact would occur because of the Project.

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

No Impact. According to the California State Scenic Highway Program, there are no officially designated State Scenic Highways within or in the vicinity of the City of Atwater, inclusive of the Project site. As such, the proposed Project would not damage scenic resources, including trees, rock out-croppings, and historic buildings within a state scenic highway and no impact would occur as a result of the Project.

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage 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 site is in a generally urbanized area surrounded by urban development, including residential uses. Development of the Project site will not have a significantly different character from the surrounding area. Further, the proposed use is consistent with the planned land use designation and is subject to compliance with applicable zoning and other regulations governing scenic quality, which will ensure the minimization of any visual impact by upholding the visual character or quality of public views of the site and its surroundings. The well equipment and subsequent system proposed on the Project site would be shielded from

¹ Caltrans. California State Scenic Highway System Map. Accessed on May 24, 2023, <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>



public view by the installation of the CMU wall proposed around the property line. Therefore, a less than significant impact would occur because of the Project.

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

Less than Significant Impact. Generally, lighting impacts are associated with artificial lighting in evening hours either through interior lighting from windows or exterior lighting (e.g., street lighting, parking lot lighting, landscape lighting, cars, and trucks). Although no physical development is proposed, future development of the Project site would incrementally increase the amount of light from streetlights, exterior lighting, and vehicular headlights. Such sources could create adverse effects on day or nighttime views in the area.

As mentioned above, the Project would introduce new light sources into the area, including temporary light and glare resulting from construction activities that could adversely affect day or nighttime views. Although construction activities are anticipated to occur primarily during daylight hours, it is possible that some activities could occur during dusk or early evening hours (pursuant to Atwater Municipal Code *Section 8.44.050*, construction activities are allowed between 7:00 AM and 7:00 PM). Construction during these time periods could result in light and glare from construction vehicles or equipment. However, construction would occur primarily during daylight hours and would be temporary in nature. Once construction is completed, any light and glare from these activities would cease to occur.

Regarding operations, the Project includes lighting fixtures to provide interior emergency lighting, lamps, outdoor security lighting, etc. Lighting design would be required to comply with the AMC, which contains specific, enforceable requirements and/or restrictions intended to prevent light and glare impacts (pursuant to Atwater Municipal Code *Section 8.32.030*, the City does not allow lights, lighted signs, or other devices that direct or reflect glare onto public right-of-way or neighboring properties). The lighting design guide covers outdoor spaces including regulations for mounted luminaires (i.e., high efficacy, motion sensor controlled, time clocks, energy management control systems, etc.). As such, conditions imposed on the Project by the City of Atwater, in addition to Title 24 requirements, would reduce light and glare impacts to a less than significant impact.

4.1.3 Mitigation Measures

None required.



4.2 AGRICULTURE AND FORESTRY RESOURCES

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farm-land), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
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))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
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?			X	

4.2.1 Environmental Setting

The Project site is located within the Atwater city limits and is planned for residential uses and zoned for planned development. The site is generally flat and does not contain any geologic formations. The Project site is generally surrounded by residential use, vacant land, and the Merced Irrigation Canal. The Project site for the water well is currently vacant with no improvements or structures. The existing biotic conditions and resources of the Project site can be defined primarily as ruderal and herbaceous vegetation with heavy alternation due to discing and grading. No trees, shrubs, or water features are present on the site. Lastly, the Project site does not contain any agricultural or forestry resources such as agricultural land, forest land, or timberland.



Farmland Monitoring and Mapping Program

The California Department of Conservation manages the Farmland Mapping and Monitoring Program (FMMP) that provides maps and data for analyzing land use impacts to farmland. The FMMP produces the Important Farmland Finder as a resource map that shows quality (soils) and land use information. Agricultural land is rated according to soil quality and irrigation status, in addition to many other physical and chemical characteristics. The highest quality land is called “Prime Farmland” which is defined by the FMMP as *“farmland with the best combination of physical and chemical features able to sustain long term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.”*² Maps are updated every two years. According to the FMMP, California Important Farmland Finder, the Project site is classified as “Farmland of Local Importance.”³ Lands adjacent east to the Project site are classified as “Urban and Built-up Land” and the Merced Irrigation Canal is classified as Grazing Land.

California Land Conservation Act

The California Land Conservation Act of 1965 (i.e., the Williamson Act) allows local governments to enter contracts with private landowners to restrict parcels of land agricultural or open space uses. In return, property tax assessments of the restricted parcels are lower than full market value. The minimum length of a Williamson Act contract is 10 years and automatically renews upon its anniversary date; as such, the contract length is essentially indefinite. The Project site is not subject to the Williamson Act.

4.2.2 Impact Assessment

Would the project:

- 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?*

No Impact. According to the FMMP, the Project site is designated as “Farmland of Local Importance.” As such, the Project site is not located on lands designated as “Prime Farmland,” “Unique Farmland,” or “Farmland of Statewide Importance.” Therefore, the Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use and no impact would occur.

- b) *Conflict with existing zoning for agricultural use or a Williamson Act contract?*

No Impact. The Project site is not zoned for agricultural use and is not subject to the Williamson Act. Therefore, the Project would not conflict with existing zoning for agricultural use, or a Williamson Act contract and no impact would occur.

² California Department of Conservation. Important Farmland Categories. Accessed on February 1, 2024, <https://www.conservation.ca.gov/dlrp/fmmp/Pages/Important-Farmland-Categories.aspx>

³ California Department of Conservation. (2018). California Important Farmland Finder. Accessed on February 1, 2024, <https://maps.conservation.ca.gov/DLRP/CIFF/>



- 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))?*

No Impact. The Project site does is not planned or zoned for forest land or timberland. Further, the Project site would not cause the rezoning of forest land, timberland, or timberland zoned Timberland Production. As a result, the Project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production and no impact would occur.

- d) *Result in the loss of forest land or conversion of forest land to non-forest use?*

No Impact. The Project site does not contain forest land and is not planned or zoned for forest land or forest uses. Implementation of the Project would therefore not result in the loss of forest land or conversion of forest land to non-forest use. As a result, no impact would occur.

- 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?*

Less than Significant Impact. While the Project site is classified as “Farmland of Local Importance” according to the FMMP, the site is planned and zoned for urban uses and does not contain agricultural or forestry uses or resources. The properties in the vicinity of the Project site are also planned for urban uses and do not contain agricultural or forestry uses or resources. As a result, the Project would not involve other changes in the existing environment that could result in the conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. Therefore, a less than significant impact would occur because of the Project.

4.2.3 Mitigation Measures

None required.



4.3 AIR QUALITY

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
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?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			X	

4.3.1 Environmental Setting

Atwater lies within the central portion of the San Joaquin Valley Air Basin that is bounded by the Sierra Nevada Mountain range to the east, Coastal Ranges to the west, and Tehachapi mountains to the south. The San Joaquin Valley Air Pollution Control District (SJVAPCD) regulates air quality in eight counties including: Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare. The SJVAPCD oversees the SJVAB.

Impacts on air quality result from emissions generated during short-term activities (construction) and long-term activities (operations). Construction-related emissions consist mainly of exhaust emissions (NO_x and PM) from construction equipment and other mobile sources, and fugitive dust (PM) emissions from earth moving activities. Operational emissions are source specific and consist of permitted equipment and activities and non-permitted equipment and activities.

Air pollution in the SJVAB can be attributed to both human-related (anthropogenic) and natural (non-anthropogenic) activities that produce emissions. Air pollution from significant anthropogenic activities in the SJVAB includes a variety of industrial-based sources as well as on- and off-road mobile sources. Four main sources of air pollutant emissions in the SJVAB are motor vehicles, industrial plants, agricultural activities, and construction activities. All four of the major pollutant sources affect ambient air quality throughout the SJVAB. These sources, coupled with geographical and meteorological conditions unique to the area, stimulate the formation of unhealthy air. Air pollutants can remain in the atmosphere for long periods and can build to unhealthy levels when stagnant conditions that are common in the San Joaquin Valley occur. Pollutants are transported downwind from urban areas with many emission sources which are also recirculated back to the urban areas.

Further, the SJVAB is in non-attainment for ozone, PM₁₀, and PM_{2.5}, which means that certain pollutants' exposure levels are often higher than the normal air quality requirements. Air quality standards have been set to protect



public health, particularly the health of vulnerable people. Therefore, if the concentration of those contaminants exceeds the norm, some susceptible individuals in the population are likely to experience health effects. Concentration of the pollutant in the air, the length of time exposed and the individual's reaction are factors that affect the extent and nature of the health effects.

San Joaquin Valley Air Pollution Control District

The SJVAPCD is the agency primarily responsible for ensuring that NAAQS and CAAQS are not exceeded and that air quality conditions are maintained in the SJVAB, within which the Project is located. Responsibilities of the SJVAPCD include, but are not limited to, preparing plans for the attainment of ambient air quality standards, adopting and enforcing rules and regulations concerning sources of air pollution, issuing permits for stationary sources of air pollution, inspecting stationary sources of air pollution and responding to citizen complaints, monitoring ambient air quality and meteorological conditions, and implementing programs and regulations required by the FCAA and the CCAA.

The SJVAPCD rules and regulations that may apply to projects that will occur during buildout of the project include but are not limited to the following:

Rule 2010 – Permits Required. The purpose of this rule is to require any person constructing, altering, replacing or operating any source operation which emits, may emit, or may reduce emissions to obtain an Authority to Construct or a Permit to Operate. This rule also explains the posting requirements for a Permit to Operate and the illegality of a person willfully altering, defacing, forging, counterfeiting or falsifying any Permit to Operate.

Rule 2201 – New and Modified Stationary Source Review Rule. The purpose of this rule is to provide for the following:

The review of new and modified Stationary Sources of air pollution and to provide mechanisms including emission trade-offs by which Authorities to Construct such sources may be granted, without interfering with the attainment or maintenance of Ambient Air Quality Standards; and

No net increase in emissions above specified thresholds from new and modified Stationary Sources of all nonattainment pollutants and their precursors.

Rule 4001 – New Source Performance Standards. This rule incorporates the New Source Performance Standards from Part 60, Chapter 1, Title 40, Code of Federal Regulations (CFR).

Rule 4002 – National Emission Standards for Hazardous Air Pollutants. This rule incorporates the National Emission Standards for Hazardous Air Pollutants from Part 61, Chapter I, Subchapter C, Title 40, Code of Federal Regulations (CFR) and the National Emission Standards for Hazardous Air Pollutants for Source Categories from Part 63, Chapter I, Subchapter C, Title 40, Code of Federal Regulations (CFR).

Rule 4102 – Nuisance. The purpose of this rule is to protect the health and safety of the public and applies to any source operation that emits or may emit air contaminants or other materials.

Rule 4601 – Architectural Coatings. The purpose of this rule is to limit VOC emissions from architectural coatings. This rule specifies architectural coatings storage, cleanup, and labeling requirements.



Rule 4641 – Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations. The purpose of this rule is to limit VOC emissions from asphalt paving and maintenance operations. This rule applies to the manufacture and use of cutback asphalt, slow cure asphalt and emulsified asphalt for paving and maintenance operations.

Regulation VIII – Fugitive PM₁₀ Prohibitions. The purpose of Regulation VIII (Fugitive PM₁₀ Prohibitions) is to reduce ambient concentrations of fine particulate matter (PM₁₀) by requiring actions to prevent, reduce or mitigate anthropogenic fugitive dust emissions.

Rule 9510 – Indirect Source Review. The purposes of this rule are to:

1. Fulfill the District's emission reduction commitments in the PM₁₀ and Ozone Attainment Plans.
2. Achieve emission reductions from the construction and use of development projects through design features and on-site measures.
3. Provide a mechanism for reducing emissions from the construction of and use of development projects through off-site measures.

Thresholds of Significance

To assist local jurisdictions in the evaluation of air quality impacts, the SJVAPCD has published the *Guide for Assessing and Mitigating Air Quality Impacts* (GAMAQI). SJVAPCD recommends a three-tiered approach to air quality analysis based on project size to allow quick screening for CEQA impacts:

1. **Small Project Analysis Level (SPAL):** Based on the District's New Source Review, the District pre-quantified emissions and determined values as thresholds of significance for criteria pollutants. Residential, commercial, retail, industrial, educational, and recreational land uses are eligible to use this for screening. The SPAL was published on November 13, 2020, by the SJVAPCD to determine potential impacts in GAMAQI. ⁴ SPAL is based on a CalEEMod version 2016.3.2.
2. **Cursory Analysis Level (CAL):** CAL is used to determine significance on projects that exceed the SPAL criteria. Analysis includes using CalEEMod to estimate emissions and air pollutants.
3. **Full Analysis Level (FAL):** this level of analysis is usually required for an EIR. It requires a full air quality report that describes impacts on the public.

GAMAQI also includes recommended thresholds of significance to be used for the evaluation of short-term construction, long-term operational, odor, toxic air contaminant, and cumulative air quality impacts. Accordingly, the SJVAPCD-recommended thresholds of significance are used to determine whether implementation of the proposed Project would result in a significant air quality impact. Projects that exceed these recommended thresholds would be considered to have a potentially significant impact on human health and welfare. The thresholds of significance are summarized, as follows:

⁴ San Joaquin Valley Air Pollution Control District. (2020). "Small Project Analysis Levels (SPAL)". Accessed on February 1, 2024: <https://www.valleyair.org/transportation/CEQA%20Rules/GAMAQI-SPAL.PDF>



Criteria Air Pollutants

SJVAPCD adopted thresholds of significance for criteria air pollutants, as shown in **Table 4-1**. The thresholds of significance are based on a calendar year basis. For construction emissions, the annual emissions are evaluated on a rolling 12-month period. The following summarizes these thresholds:

Short-Term Emissions of Particulate Matter (PM_{10}): Construction impacts associated with the proposed Project would be considered significant if the feasible control measures for construction in compliance with Regulation VIII as listed in the SJVAPCD guidelines are not incorporated or implemented, or if project-generated emissions would exceed 15 tons per year (TPY).

Short-Term Emissions of Ozone Precursors (ROG and NOX): Construction impacts associated with the proposed Project would be considered significant if the project generates emissions of Reactive Organic Gases (ROG) or NO_x that exceeds 10 TPY.

Long-Term Emissions of Particulate Matter (PM_{10}): Operational impacts associated with the proposed Project would be considered significant if the project generates emissions of PM₁₀ that exceed 15 TPY.

Long-Term Emissions of Ozone Precursors (ROG and NOX): Operational impacts associated with the proposed Project would be considered significant if the project generates emissions of ROG or NOX that exceeds 10 TPY.

Table 4-1 SJVAPCD Recommended Air Quality Thresholds of Significance.⁵

Pollutant	Significance Threshold	
	Construction Emissions (tons/year)	Operational Emission (tons/year)
CO	100	100
NO _x	10	10
ROG	10	10
SO _x	27	27
PM ₁₀	15	15
PM _{2.5}	15	15

Conflict with or Obstruct Implementation of Applicable Air Quality Plan

Air Quality Plans (AQPs) are plans for reaching the attainment of air quality standards. The applicable AQP for the SJVAB is the GAMAQI. Due to the region's nonattainment status for ozone, PM_{2.5}, and PM₁₀, if the Project-generated emissions of either of the ozone precursor pollutants (i.e., ROG and NO_x) or PM₁₀ would exceed the SJVAPCD's significance thresholds, then the Project would be considered to be conflicting with the AQP. In addition, if the Project would result in a change in land use and corresponding increases in vehicle miles traveled, the Project may result in an increase in vehicle miles traveled that is unaccounted for in regional emissions inventories contained in regional air quality control plans. Vehicle Miles Traveled are analyzed in **Section 4.17**.

⁵ SJVAPCD. (2015). Guidance for Assessing and Mitigating Air Quality Impacts. Accessed on February 21, 2024, <https://www.valleyair.org/transportation/GAMAQI-2015/FINAL-DRAFT-GAMAQI.PDF>



Local Mobile-Source CO Concentrations

Local mobile source impacts associated with the proposed Project would be considered significant if the project contributes to CO concentrations at receptor locations in excess of the CAAQS (i.e., 9.0 ppm for 8 hours or 20 ppm for 1 hour).

Toxic Air Contaminants

Exposure to toxic air contaminants (TAC) would be considered significant if the probability of contracting cancer for the Maximally Exposed Individual (i.e., maximum individual risk) would exceed 10 in 1 million or would result in a Hazard Index greater than one (1).

As recommended by the SJVAPCD, the latest approved California Air Pollution Control Officer's Association (CAPCOA) methodology was utilized as the TAC screening methodology. According to the CAPCOA Guidance Document titled "Health Risk Assessments for Proposed Land Use Projects," there are two types of land use project that have the potential to cause long-term public health risk impacts. These project types are as follows:

- *Type A: Land use projects with toxic emissions that impact receptors, and*
- *Type B: Land use project that will place receptors in the vicinity of existing toxics sources.*

In this Guidance document, Type A projects examples are (project impacts receptors):

- *combustion related power plants,*
- *gasoline dispensing facilities,*
- *asphalt batch plants,*
- *warehouse distribution centers,*
- *quarry operations, and*
- *other stationary sources that emit toxic substances.*

Odor

The intensity of an odor source's operations and its proximity to sensitive receptors influences the potential significance of odor emissions. Specific land uses that are considered sources of undesirable odors include landfills, transfer stations, composting facilities, sewage treatment plants, wastewater pump stations, asphalt batch plants and rendering plants. The SJVAPCD has identified these common types of facilities that have been known to produce odors in the SJVAB and has prepared screening levels for potential odor sources ranging from one to two miles of distance from the odor-producing facility to sensitive receptors. Odor impacts would be considered significant if the project has the potential to frequently expose members of the public to objectionable odors.

Ambient Air Quality

The SJVAPCD applies the following guidance in determining whether an ambient air quality analysis should be performed: when assessing the significance of project-related impacts on air quality, it should be noted that the impacts may be significant when on-site emission increases from construction activities or operational activities exceed the 100 pounds per day screening level of any criteria pollutant after implementation of all enforceable mitigation measures. Under such circumstances, the SJVAPCD recommends that an ambient air quality analysis be performed.



Small Project Analysis Level

The SPAL identifies pre-quantified emissions and determined values related to project type, size, and number of vehicle trips. According to the SPAL, projects that fit specified descriptions are deemed to have a less than significant impact on air quality and as such are excluded from quantifying criteria pollutant emissions for CEQA purposes.

Methodology

SJVACPD's Guidelines recommend using the CalEEMod software program to calculate project emissions. CalEEMod is a statewide model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions from land use projects. The model quantifies direct emissions from construction and operation (including vehicle use), as well as indirect emissions, such as emissions from energy use, solid waste disposal, vegetation planting and/or removal, and water use. The model also identifies mitigation measures to reduce criteria pollutant and GHG emissions.

4.3.2 Impact Assessment

Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less than Significant Impact. The Project would not conflict with the applicable air quality plan if the Project does not exceed the adopted quantitative thresholds for criteria pollutant emissions that are established in the GAMAQI, as demonstrated in the **Thresholds of Significance** above. As stated above, the SJVAPCD recommends a three-tiered approach to analyze projects for significant impacts on air quality. The first tier is the Small Project Analysis Level (SPAL), which adopts a threshold of significance according to the use type, size, and number of vehicle trips of a project. As demonstrated below, the proposed Project would not have any significant effects relating to air quality pursuant to SPAL.

Based on the Project description, the most applicable land use type for the proposed Project is General Light Industry. Though the Project does not have an established intensity range, it is assumed that the water well's floor area ratio of the water well would not exceed 1.0. For the purposes of this analysis, we assume that the Project would be developed at the assumed maximum intensity, which is 15,464 square feet (0.71 acres * 43560 * 0.5 FAR = 15,463.8 square feet). The corresponding threshold for this land use compared to the Project is shown in **Table 4-2**. As shown, the Project is below all thresholds and therefore, the Project is assumed to result in air quality impacts that are below the identified thresholds of significance and thus, a less than significant impact would occur.

Table 4-2 SPAL Significance Thresholds

	SPAL Threshold	Proposed Project	Exceed Threshold?
Size/Unit	280,000 square feet	15,464 square feet	<u>No</u>
Average Daily One-way Trips for All Fleet Types (Except Heavy-Heavy Duty Trucks (HHDT))	550	0	<u>No</u>
Average Daily One-way for HHDT trips only (50-mile trip length)	70	0	<u>No</u>

Note: It is expected that the Project would only generate occasional maintenance vehicle trips.



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?

Less than Significant. The SJVAB is in non-attainment for ozone, PM₁₀, and PM_{2.5}, which means that certain pollutants' exposure levels are often higher than the normal air quality requirements. The requirements have been set to protect public health, particularly the health of vulnerable populations. Therefore, if the concentration of those contaminants exceeds the norm, some susceptible individuals in the population are likely to experience health effects. Concentration of the pollutant in the air, the length of time exposed and the individual's reaction are factors that affect the extent and nature of the health effects as analyzed in criterion a) above, the Project would have a less than significant impact on air quality and are excluded from quantifying criteria pollutant emissions for CEQA purposes. Therefore, the Project would not result in significant cumulative health impacts because the emissions are not at a level that would be considered cumulatively significant. As such, the Project would have a less than significant impact.

c) Expose sensitive receptors to substantial pollutant concentrations?

Less than Significant Impact. Sensitive receptors are defined as people that have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptors include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residential dwelling units. The nearest sensitive receptors to the Project site are single-family residences located adjacent to the east of the Project site. As stated under criterion a) above, emissions during construction or operation would not reach the significance thresholds and would not be anticipated to result in concentrations that reach or surpass ambient air quality requirements.

Further, anticipated development that would result from Project implementation would not be uses that would generate toxic emissions (i.e., Type A uses identified by the CAPCOA guidelines). Although emissions would be emitted during construction of the site (i.e., through diesel fuel and exhaust from equipment), emissions would be temporary and last only during construction activities. In addition, construction activities would be required to comply with all rules and regulations administered by the SJVAPCD including but not limited to Rule 9510 (Indirect Source Review), Regulation VIII (Fugitive PM₁₀ Prohibitions), Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 4402 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). Impacts would be less than significant.

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

Less than Significant Impact. Specific uses and operations that are considered sources of undesirable odors include landfills, transfer stations, composting facilities, sewage treatment plants, wastewater pump stations, asphalt batch plants and rendering plants. The Project would not consist of such land uses; rather, implementation of the proposed Project would facilitate a water well, and thus is unlikely to produce odors that would be considered to adversely affect a substantial number of people. Therefore, a less than significant impact would occur.

4.3.3 Mitigation Measures

None required.



4.4 BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		
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?				X
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?				X
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?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.				X



4.4.1 Environmental Setting

The Project site is located within the Atwater city limits and is planned for residential use and zoned for planned development. The Project site for the water well is currently vacant with no improvements or structures. The existing biotic conditions and resources of the Project site can be defined primarily as ruderal and herbaceous vegetation with heavy alternation due to discing and grading. No trees, shrubs, or water features are present on the site.

U.S. Fish and Wildlife – Special-Status Species Database

The U.S. Fish and Wildlife Service (USFWS) operates an “Information for Planning and Consultation” (IPaC) database, which is a project planning tool for the environmental review process that provides general information on the location of special-status species that are “known” or “expected” to occur (**note:** the database does not provide occurrences; refer to the California Department of Fish and Wildlife – Natural Diversity Database below).⁶ Specifically, the IPaC database identifies ten (10) special-status species that are potentially affected by activities in the Project site including: San Joaquin Kit Fox (endangered), Northwestern Pond Turtle (proposed threatened), California Tiger Salamander (threatened), Western Spadfoot (proposed threatened), Monarch Butterfly (candidate), Valley Elderberry Longhorn Beetle (threatened), conservancy fairy shrimp (endangered), vernal pool fairy shrimp (threatened), vernal pool tadpole shrimp (endangered), and Colusa grass (threatened).

U.S. Fish and Wildlife – Critical Habitat Report

Once a species is listed under the federal Endangered Species Act, NOAA Fisheries is required to determine whether there are areas that meet the definition of Critical Habitat. Per NOAA Fisheries, Critical Habitat is defined as:

- *Specific areas within the geographical area occupied by the species at the time of listing that contain physical or biological features essential to conservation of the species and that may require special management considerations or protection; and*
- *Specific areas outside the geographical area occupied by the species if the agency determines that the area itself is essential for conservation.*⁷

The process of Critical Habitat designation is complex and involves the consideration of scientific data, public and peer review, economic, national security, and other relevant impacts.

According to the Critical Habitat for Threatened & Endangered Species Report updated January 12, 2024, the City of Atwater, inclusive of the Project site and its immediate vicinity (0.5-mile radius from the site) are not located within a federally designated Critical Habitat.⁸ No critical habitats are identified in the city limits. The closest federally designated Critical Habitat is located approximately 2.9 miles northeast of the Project site designated for the San Joaquin Valley Orcutt grass (*Orcuttia inaequalis*).

⁶ U.S. Fish and Wildlife Service. Information and Planning Consultation Online System. Accessed on February 1, 2024, <https://ecos.fws.gov/ipac/>

⁷ National Oceanic and Atmospheric Administration (NOAA). Critical Habitat. Accessed on February 1, 2024, <https://www.fisheries.noaa.gov/national/endangered-species-conservation/critical-habitat#key-regulations>

⁸ U.S. Fish & Wildlife. (2021). ECOS Environmental Conservation Online System - USFWS Threatened & Endangered Species Active Critical Habitat Report (updated January 12, 2024). Accessed February 1, 2024, <https://ecos.fws.gov/ecp/report/table/critical-habitat.html>



U.S. Fish & Wildlife Service – National Wetlands Inventory

The USFWS provides a National Wetlands Inventory (NWI) with detailed information on the abundance, characteristics, and distribution of U.S. wetlands. A search of the NWI shows no federally protected wetlands (including but not limited to marsh, vernal pool, coastal, etc.) on the Project site or within the immediate vicinity (0.5-mile radius) of the Project site.⁹ The NWI does not identify any water features within the Project site. The closest water feature is the irrigation canal identified is a 45.86-acre R2UBHx riverine habitat, adjacent north of the Project site. R2UBHx indicates Riverine System (R) of a lower perennial (2) with an unconsolidated bottom (UB) that is permanently flooded (H) and has been excavated by humans (x) (i.e., canal). Additionally, the Project site is not within or adjacent to a riparian area nor does the site contain water features.

Environmental Protection Agency – WATERS Geoviewer

The U.S. Environmental Protection Agency (EPA) WATERS GeoViewer provides a GeoPlatform based web mapping application of water features by location. According to the WATERS GeoViewer, there is a catchment within the Project site, where a catchment is defined as a local drainage area for a specific stream segment. An irrigation canal runs to the north of the Project site. There are no streams, canals, or waterbodies on the Project site.¹⁰

California Department of Fish and Wildlife – Natural Diversity Database

The California Department of Fish and Wildlife (CDFW) operates the California Natural Diversity Database (CNDDDB), which is an inventory of the status and locations of rare plants and animals in California in addition to the reported occurrences of such species.¹¹ According to the CDFW CNDDDB, there are 11 special-status species with a total of 24 occurrences that have been observed and reported to the CDFW in or near the Atwater Quad as designated by the United States Geological Survey (USGS). Of the 11 species, there are five (5) federally or state-listed species: tricolored blackbird, vernal pool fairy shrimp, Swainson's hawk, Colusa grass, and San Joaquin kit fox.¹² **Appendix B** lists the CNDDDB-identified animal and plant species within the Atwater Quad, including their habitat and occurrences.

The CNDDDB also provides CNDDDB-known occurrences within a set geographic radius. **Figure 4-5** shows the CNDDDB-identified occurrences of animal and plant species within the five (5)-mile radius of the Project site. **Table 4-3** lists all federally or state-listed special-status species CNDDDB-known occurrences within the five (5)-mile radius of the Project site. As shown, the nearest occurrence is the San Joaquin kit fox occurrence that is in a non-specific area along the irrigation canal, inclusive of the Project site, dated 1999. Other species that are not federally or state-listed that are near the Project site include burrowing owl. The CNDDDB ranks occurrences by the condition of habitat and ability of the species to persist over time. As shown, the occurrences within the five (5)-mile radius of the

⁹ U.S. Fish & Wildlife Service. National Wetlands Inventory. Accessed February 1, 2024, <https://www.fws.gov/wetlands/data/Mapper.html>

¹⁰ U.S. Environmental Protection Agency. WATERS GeoViewer. Accessed February 1, 2024, <https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=074cfede236341b6a1e03779c2bd0692>

¹¹ California Department of Fish and Wildlife. California Natural Diversity Database. Accessed February 1, 2024, <https://wildlife.ca.gov/Data/CNDDDB>

¹² California Department of Fish and Wildlife. Biogeographic Information and Observation System 6. Accessed February 1, 2024, <https://apps.wildlife.ca.gov/rarefind/view/RareFind.aspx#>



Project site are ranked as poor, fair, and good. **Table 4-4** provides an analysis of essential habitats and the potential for the existence of the special-status species to exist on the Project site.

Table 4-3 Special-Status Species Occurrences within 5-mile radius of Project site

Species	Date	Rank	Distance to site
San Joaquin kit fox	1999/08/20	Poor	Within the site (non-specific area)
California tiger salamander	2016/02/17	Fair	2.6 miles northeast (specific area)
Succulent owl's-clover	1997/04/19	Poor	2.8 miles northeast (specific area)
Swainson's hawk	2007/06/28	Good	2.8 miles southeast
Vernal pool fairy shrimp	2016/02/18	Good	2.9 miles northeast
Vernal pool fairy shrimp	1997/02/13	Fair	3.3 miles southeast
Swainson's hawk	2008/05/14	Fair	4.2 miles southeast
Tricolored blackbird	1971/05/09	Unknown	4.8 miles south

Only federally or state-listed threatened/endangered species are listed in the table.

Extirpated or possible extirpated occurrences are not shown in the table.

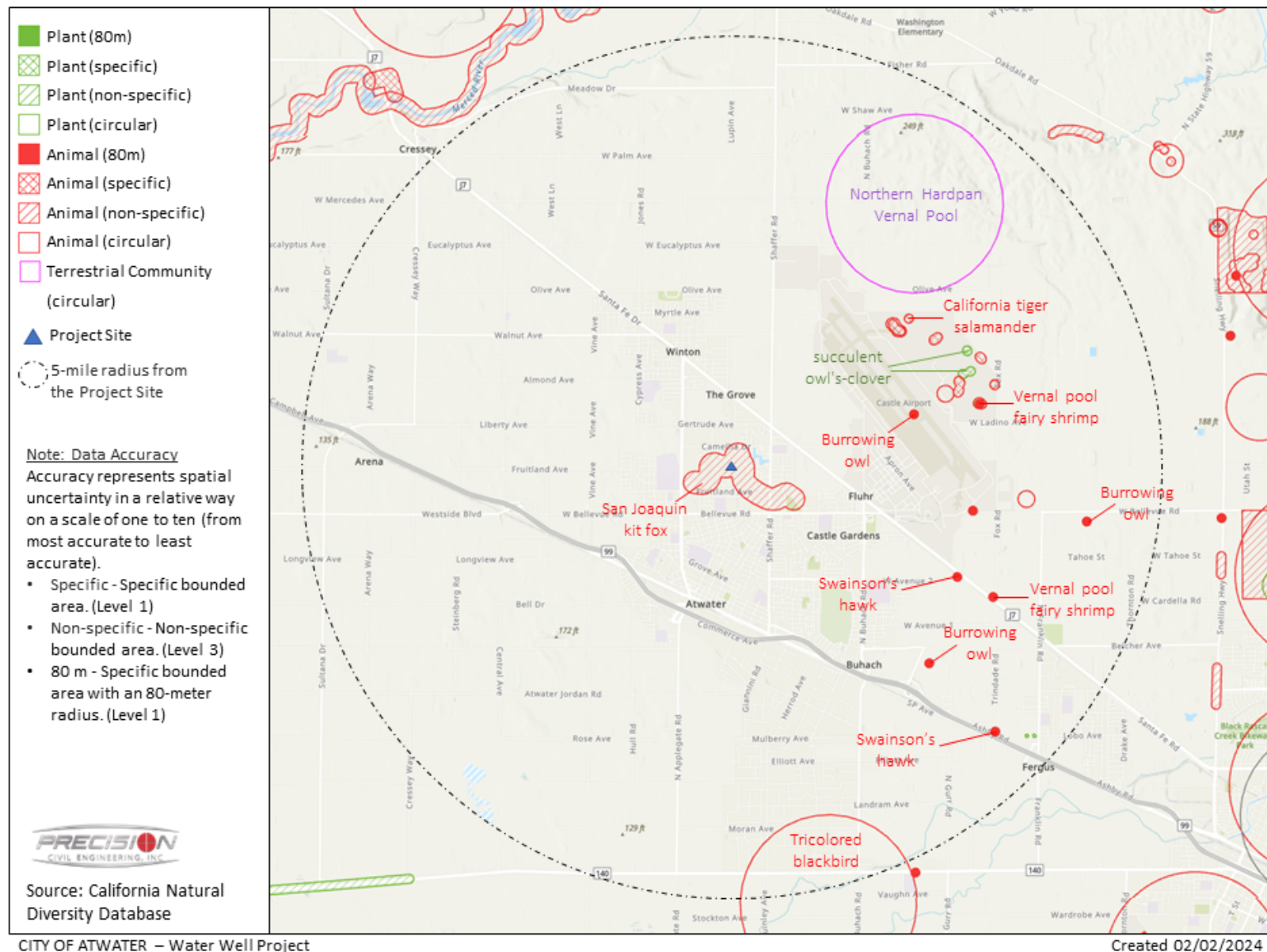


Figure 4-1 CNDDDB Species Occurrences



Table 4-4 Essential Habitats and Potential Existence of Special-Status Species on Site

Special-Status Species	General Habitat	Micro Habitat	Assessment
San Joaquin kit fox	Annual grasslands or grassy open stages with scattered shrubby vegetation.	Need loose-textured sandy soils for burrowing, and suitable prey base.	The Project site consists of sand and is covered by ruderal vegetation, which could be suitable habitat for San Joaquin kit fox.
Succulent owl's-clover	Vernal pools.	Moist places, often in acidic soils. 20-705 m.	The Project site does not contain water features. As such, the site does not provide suitable habitat.
California tiger salamander	Lives in vacant or mammal-occupied burrows throughout most of the year; in grassland, savanna, or open woodland habitats.	Need underground refuges, especially ground squirrel burrows, and vernal pools or other seasonal water sources for breeding.	The Project site does not contain grassland, burrows, woodland, or waterbodies. As such, the site does not provide suitable habitat.
Vernal pool fairy shrimp	Endemic to the grasslands of the Central Valley, Central Coast mountains, and South Coast mountains, in astatic rain-filled pools.	Inhabit small, clear-water sandstone-depression pools and grassed swale, earth slump, or basalt-flow depression pools.	The Project site does not contain grassland or waterbodies. As such, the site does not provide suitable habitat.
Swainson's hawk	Breeds in grasslands with scattered trees, juniper-sage flats, riparian areas, savannas, and agricultural or ranch lands with groves or lines of trees.	Requires adjacent suitable foraging areas such as grasslands, or alfalfa or grain fields supporting rodent populations.	The Project site does not contain grassland, alfalfa, or grain fields. As such, the site does not provide suitable habitat.
Tricolored Blackbird	Highly colonial species, most numerous in central valley and vicinity. Largely endemic to California.	Requires open water, protected nesting substrate, and foraging area with insect prey within a few km of the colony.	The Project site does not contain any open water. As such, the site does not provide suitable habitat.

California Fish and Game Code

Sections 3503, 3503.5, and 3513 of the California Fish and Game Code specifically protect native birds and raptors. Mitigation for avoidance of impacts to nesting birds is typically necessary to comply with these Sections of the Fish and Game Code in CEQA. ¹³

Section 3503: *It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.*

Section 3503.5: *It is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.*

¹³ The California Biologist's Handbook. California Fish and Game Code. Accessed on February 2, 2024, <https://biologistshandbook.com/regulations/state-regulations/state-fish-and-game-code/#:~:text=Section%203503,any%20regulation%20made%20pursuant%20thereto.%E2%80%9D>



Section 3513: *It is unlawful to take or possess any migratory nongame bird as designated in the Migratory Bird Treaty Act or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Treaty Act.*

City of Atwater General Plan (2000)

The Atwater General Plan Open Space and Conservation Element identified 21 special-status species to have the potential to occur and five (5) species have been observed in or near the Atwater Planning Area. It maps the location of special-status species in the city's Planning area, and none are located within or in the immediate vicinity of the Project site. The Atwater General Plan ¹⁴ outlined policies related to the conservation of biological resources:

GOAL CO-6. *Minimize impacts of development on wildlife and wildlife habitat, particularly special status species.*

Policy CO-6.1. *Consider opportunities for habitat preservation and enhancement in conjunction with public facility projects, particularly parks and storm drainage facilities.*

Policy CO-6.2. *Encourage the preservation of corridors between natural habitat areas to allow for the movement of wildlife and to prevent the creation of "biological islands."*

Implementation Program CO-6.a. *When new development or redevelopment activities are proposed in locations with the potential for special status species to occur, require the project applicant to submit a report by a qualified biologist addressing the presence or absence of any special status species on the development site. The report shall include recommendations for avoiding or minimizing impacts on any special status species or habitat found to be present.*

4.4.2 Impact Assessment

Would the project:

- 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 Wildlife or the U.S. Fish and Wildlife Service?*

Less than Significant with Mitigation Incorporated. The existing biotic conditions and resources of the Project site can be defined primarily as ruderal and herbaceous vegetation with heavy alternation due to discing and grading. No trees, shrubs, or water features are present on the site. An irrigation canal is located adjacent north to the Project site.

As described in **Table 4-5**, the site conditions provide low suitability for habitat for special-status candidate, sensitive, or special-status species that may occur on the Project site or vicinity. However, there is one (1) recorded occurrence of San Joaquin kit fox on the Project site dated 1999. The Project site consists of sand and is covered by ruderal vegetation, which could be suitable habitat for San Joaquin kit fox. However, the Project site is small and is located within an urbanized area with surrounding residential development. Nevertheless, there is potential for San Joaquin kit fox to be present in the area and subject to impacts by Project activities, which would cause a significant

¹⁴ City of Atwater, California. (2000). City of Atwater 2000 General Plan Open Space and Conservation Element. Accessed on February 2, 2024, https://www.atwater.org/docs/generalplan/CHAPTER_4_OPEN_SPACE_AND_C.PDF



impact. As such, the Project incorporates ***Mitigation Measure BIO-1*** to protect, avoid, and minimize impacts to the San Joaquin kit fox.

Regarding birds and raptors, there are no existing trees and shrubs throughout the Project site that could provide habitat for birds and raptors that are protected under CFGC Sections 3503 and 3503.5.

Through incorporation of the mitigation measure, potentially significant impacts would be reduced to less than significant with mitigation incorporated and 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 in local or regional plans, policies, or regulations, or by the CDFW or USFWS.

Mitigation Measure BIO-1: Prior to ground-disturbing activities, a qualified wildlife biologist shall conduct a biological clearance survey between 14 and 30 days prior to the onset of construction.

The clearance survey shall include walking transects to identify presence of San Joaquin kit fox and other special-status species. The pre-construction survey shall be walked by no greater than 30-foot transects for 100% coverage of the Project site and a 50-foot buffer, where feasible. If no evidence of special-status species is detected, no further action is required.

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

No Impact. According to the General Plan and CDFW and USFWS databases, there are no known riparian habitats or other sensitive natural communities identified on the Project site or within the immediate vicinity of the Project. In addition, the site does not contain any water features that would provide habitat for riparian species. For these reasons, it can be determined that the Project site does not provide any riparian or sensitive natural community habitat and thus, no impact would occur because of the Project.

- 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?*

No Impact. Based on the search of the NWI, the Project site does not contain any federally protected wetlands. As a result, it can be determined that the Project site would not result in any impact on state or federally protected wetlands and no impact would occur because of the Project.

- 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?*

Less than Significant Impact. Wildlife movement corridors are linear habitats that function to connect two (2) or more areas of significant wildlife habitat. These corridors may function on a local level as links between small habitat patches (e.g., streams in urban settings) or may provide critical connections between regionally significant habitats (e.g., deer movement corridors). Wildlife corridors typically include vegetation and topography that facilitate the movements of wildlife from one area of suitable habitat to another, in order to fulfill foraging, breeding, and territorial needs. These corridors often provide cover and protection from predators that may be lacking in surrounding habitats. Wildlife corridors generally include riparian zones and similar linear expanses of contiguous habitat.



According to the **Figure 4-5**, we can see that the occurrence of the San Joaquin kit fox on the Project site, dated 1999, moves along the irrigation canal. As such, the irrigation canal might be a movement corridor for the San Joaquin kit fox. However, the development of a water well, as proposed by the Project, does not require modifications to the irrigation canal, and *Mitigation Measure BIO-1* ensures that the Project would have a less than significant impact on the San Joaquin kit fox. Additionally, as described in **Table 4-5**, the Project site does not contain habitat that could support wildlife species in nesting, foraging, or escaping from predators. This is based on the existing conditions of the site including the site's heavy disturbance and lack of cover, vegetation, water features, and surrounding urban development (i.e., residential development). Due to these conditions, it can be determined that the Project would not interfere with wildlife movement and a less than significant impact would occur.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact. The Atwater General Plan Open Space and Conservation Element outlined policies related to conservation of biological resources, as listed in the Environmental Setting above. In addition, *Chapter 12.32* of the Atwater Municipal Code (AMC) identifies the city's tree policies and *Section 12.32.080* addresses new construction. Planting, maintenance, and removal of existing trees on the Project site would be subject to compliance with these standards and regulations. There are no existing trees on the Project site. As such, the Project would have no impact.

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?

No Impact. The Project site is within the PG&E San Joaquin Valley Operation and Maintenance Habitat Conservation Plan (HCP). The HCP covers PG&E's routine operations and maintenance activities and minor new construction, on any PG&E gas and electrical transmission and distribution facilities, easements, private access routes, or lands owned by PG&E. The Project would not conflict or interfere with HCP. The Project is also located in the planning area of the Recovery Plan for Upland Species of the San Joaquin Valley, which addresses recovery goals for several species. The Project would not conflict with the plan since the site does not provide appropriate habitat for most of the species mentioned, would comply to applicable General Plan policies regarding habitat conservation, and incorporates *Mitigation Measure BIO-1* to mitigate for potential impacts on the San Joaquin kit fox. The City, County, and Regional Planning Agency do not have any other adopted or approved plans for habitat or natural community conservation. For these reasons, the Project would have no impact.

4.4.3 Mitigation Measures

The Project shall implement and incorporate, as applicable, the Biological Resources related mitigation measure BIO-1 as identified above and in the **MITIGATION MONITORING AND REPORTING PROGRAM** contained in **SECTION 5**.



4.5 CULTURAL RESOURCES

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

4.5.1 Environmental Setting

Generally, the term ‘cultural resources’ describes property types such as prehistoric and historical archaeological sites, buildings, bridges, roadways, and tribal cultural resources. As defined by CEQA, cultural resources are considered “historical resources” that meet criteria in *Section 15064.5(a)* of the CEQA Guidelines. If a Lead Agency determines that a project may have a significant effect on a historical resource, then the project is determined to have a significant impact on the environment. No further environmental review is required if a cultural resource is not found to be a historical resource.

California Historical Resource Information System Record Search

The Central California Information Center (CCIC) was requested to conduct a California Historical Resources Information System (CHRIS) Record Search for the Project site and surrounding “Project Area” (0.5-mile radius from perimeter of Project site). Results of the CHRIS Record Search were provided on December 15, 2023 (Record Search File Number 12750I). Full results are provided in [Appendix C](#).

The CHRIS Record Searches generally review file information based on results of Class III pedestrian reconnaissance surveys of project sites conducted by qualified individuals or consultant firms which are required to be submitted, along with official state forms properly completed for each identified resource, to the Regional Archaeological Information Center. Guidelines for the format and content of all types of archaeological reports have been developed by the California Office of Historic Preservation, and reports will be reviewed by the regional information centers to determine whether they meet those requirements.

The results of the CCIC CHRIS Record Search indicate:

- (1) There are no formally recorded prehistoric or historic archaeological resources or historic buildings or structures within the project area.
- (2) The project area is within the overall boundary of the proposed Merced Irrigation District (P-24-001909), but no contributing water conveyance features are referenced within the project area. The Office of



Historic Preservation Built Environment Resource Directory (BERD) shows this proposed multi-county district with a National Register of Historic Places (NRHP) evaluation of 6Y, determined ineligible for the NRHP by consensus through the Section 106 process, not evaluated for the California Register of Historical Resources or for local listing.

- (3) The General Land Office survey plat for T6S R12E (dated 1853) does not reference any historical land divisions or features with Section 36.
- (4) The Livingston Canal immediately north of the project area has been recorded as P-24-000552. The Office of Historic Preservation Built Environment Resource Directory (BERD) shows this resource with a National Register of Historic Places (NRHP) evaluation of 6Y, determined ineligible for the NRHP by consensus through the Section 106 process, not evaluated for the California Register of Historical Resources or for local listing.

Further, the CCIC provided the following comments and recommendations:

- (1) Since the project area has not been subject to previous investigations, there may be unidentified features involved in your project that are 45 years or older and considered as historical resources requiring further study and evaluation by a qualified professional of the appropriate discipline.
- (2) If ground disturbance is considered a part of the current project, we recommend further review for the possibility of identifying prehistoric or historic-era archaeological resources.
- (3) Mitigate archaeological resources that could potentially be encountered during construction.

California Native American Heritage Commission (NAHC)

A consultation list of tribes with traditional lands or cultural places located within Merced County was requested and received from the California Native American Heritage Commission (NAHC) on February 7, 2024. The listed tribes include Amah Mutsun Tribal Band, Dumna Wo-Wah Tribal Government, North Fork Rancheria of Mono Indians*, North Valley Yokuts Tribe, Southern Sierra Miwuk Nation, Table Mountain Rancheria*, Tule River Indian Tribe*, and Wuksachi Indian Trib/Eshom Valley Band. The NAHC also conducted a Sacred Lands File (SFL) search which was negative. **Federally recognized tribe*. The NAHC also conducted a Sacred Lands File (SFL) check which received negative results. Correspondence is provided in [Appendix D](#).

AB 52 Tribal Consultation

The City of Atwater conducted formal tribal consultation pursuant to AB 52 on January 22, 2024, with the eight (8) tribes listed above. Consultation for AB 52 ended on February 21, 2024. No response was received.

4.5.2 Impact Assessment

Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?***

No Impact. According to the CHRIS Record Search conducted on December 15, 2023, there are no local, state, or federal designated historical resources on the Project site or within the Project area. Further, the Project site has been highly disturbed as it has been used for agricultural operations. As such, the Project would not cause a change to a historical resource pursuant to *Section 15064.5* and therefore, the Project would have no impact.



b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Less than Significant Impact. Based on the CHRIS Records Search conducted on December 15, 2023, there are no known archeological resources pursuant to *Section 15064.5* on the Project site. In addition, the Project would be subject to compliance with General Plan *Policy CO-9.1* and *Implementation Program CO-9.a* to ensure proper handling for archaeological resources during the development process. As a result, the Project would have a less than significant impact.

Policy CO-9.1. *Ensure consideration and proper handling of prehistoric, cultural, and archaeological resources during the development process.*

Implementation Program CO-9.a. *Attach the following standard condition to all discretionary development projects: "If a previously unknown archaeological site is uncovered during in the course of development, all development activity in the vicinity of the site shall cease until a qualified archaeologist completes an investigation. The archaeologist shall submit a report to the City that includes a determination of the significance of the site and recommendations on its disposition."*

c) Disturb any human remains, including those interred outside of formal cemeteries?

Less Than Significant Impact. There is no evidence that human remains exist on the Project site. Nevertheless, there is some possibility that a non-visible buried site may exist and may be uncovered during ground disturbing construction activities which would constitute a significant impact. If any human remains are discovered during construction, then the Project would be subject to CCR *Section 15064.5(e)*, PRC *Section 5097.98*, and California Health and Safety Code *Section 7050.5*. Regulations contained in these sections address and protect human burial remains. Compliance with these regulations would ensure impacts to human remains, including those interred outside of formal cemeteries, are less than significant. As such, the Project would have a less than significant impact.

4.5.3 Mitigation Measures

No impact.



4.6 ENERGY

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	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?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

4.6.1 Environmental Setting

Appendix F – Energy Conservation of the CEQA Guidelines requires consideration of energy implications in project decisions, including a discussion of the potential energy impacts with emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy resources (Public Resources Code Section 21100(b)(3)). Per Appendix F, a project would be considered inefficient, wasteful, and unnecessary if it violated existing energy standards, had a negative effect on local and regional energy supplies and requirements for additional capacity, had a negative effect on peak and base period demands for electricity and other energy forms, and effected energy resources.

The California Energy Commission updates the Building Energy Efficiency Standards (Title 24, Parts 6 and 11) every three years as part of the California Code of Regulations. The standards were established in 1978 in an effort to reduce the state's energy consumption. They apply to new construction of, and additions and alterations to, residential and nonresidential buildings and relate to various energy efficiencies including but not limited to ventilation, air conditioning, and lighting.¹⁵ The California Green Building Standards Code (CALGreen), Part 11, Title 24, California Code of Regulations, was developed in 2007 to meet the state goals for reducing Greenhouse Gas emissions pursuant to AB32. CALGreen covers five (5) categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.¹⁶ The 2019 Building Energy Efficiency Standards went into effect on January 1, 2020. Additionally, the California Air Resources Board (CARB) oversees air pollution control efforts, regulations, and programs that contribute to reduction of energy consumption. Compliance with these energy efficiency regulations and programs ensures that development will not result in wasteful, inefficient, or unnecessary consumption of energy sources. Lastly, the Energy Action Plan

¹⁵ California Energy Commission. 2019 Building Energy Efficiency Standards. Accessed on February 2, 2024, <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency>

¹⁶ California Department of General Services. (2020). 2019 California Green Building Standards Code. Accessed on February 2, 2024, <https://codes.iccsafe.org/content/CGBC2019P3>



(EAP) for California was approved in 2003 by the California Public Utilities Commission (PUC). The EAP established goals and next steps to integrate and coordinate energy efficiency demand and response programs and actions.¹⁷

4.6.2 Impact Assessment

Would the project:

- a) *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 proposes the construction of a water well and subsequent infrastructure. There are no unusual project characteristics or construction processes that would require the use of equipment that would be more energy intensive than is used for comparable activities. All construction equipment shall conform to current emissions standards and related fuel efficiencies. In addition, through compliance with applicable CARB regulations (Airborne Toxic Control Measure), California Code of Regulations (Title 13, Motor Vehicles), and Title 24 standards, it can be determined that the proposed Project would not consume energy in a manner that is wasteful, inefficient, or unnecessary. For these reasons, the Project would result in a less than significant impact.

- b) *Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

Less than Significant Impact. As discussed under criterion a), the construction and operations of the Project would be subject to compliance with applicable energy efficiency regulations. Thus, applicable state and local regulations and programs would be implemented to reduce energy waste from construction and operations. **Table 4-5** demonstrates that the Project does not conflict with or obstruct with the energy conservation/efficiency policies identified in the General Plan.

Table 4-5 Consistency with General Plan Energy Conservation Policies

General Plan Energy Conservation Policies	Consistency/Applicability Determination
<i>Policy CO-7.1. Encourage the incorporation of energy conservation features into new development, such as high-density development, bikeways and pedestrian paths, proper solar orientation, and transit routes and facilities.</i>	Consistent. The development of the Project proposes a water well to provide water to the City of Atwater. As such, the location of the Project conserves energy due to its proximity to existing development in the City.

Therefore, through compliance, the Project would not conflict with or obstruct any state or local plan for energy efficiency and a less than significant impact would occur because of the Project.

4.6.3 Mitigation Measures

None required.

¹⁷ State of California. (2008). Energy Action Plan 2008 Update. Accessed on February 2, 2024, https://docs.cpuc.ca.gov/word_pdf/REPORT/28715.pdf



4.7 GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Directly or Indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
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.				X
ii. Strong seismic ground shaking?			X	
iii. Seismic-related ground failure, including liquefaction?				X
iv. Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
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?			X	
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?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?				X
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	



4.7.1 Environmental Setting

Atwater is located within the San Joaquin Valley which is part of the Great Valley Geomorphic Providence that is bounded to the east by the Sierra Nevada Mountain range, to the west by the Coastal Range, and to the south by the Tehachapi mountains. Atwater has infrequent and low historic seismic activity. In addition, the city has no known active earthquake faults (i.e., faults showing activity within the last 11,000 years) and is not in any Alquist-Priolo Special Studies Zones.^{18 19}

The nearest faults are approximately 20 miles to the northeast in the Sierra Nevada Range (i.e., the Bear Mountain Fault) and approximately 30 miles to the southwest in the Diablo/Coastal Range (i.e., the San Joaquin, O'Neill, and Ortigalita Faults). The Ortigalita Fault is the nearest fault within the Alquist-Priolo earthquake fault zone; the fault has not been historically active. Earthquakes from nearby faults would most likely generate ground motion of shaking, but there is no history of this causing damage in the area. Compliance with the California Building Code (CBC) would be sufficient to prevent significant damage during seismic events.

Subsurface Soils

A search of the Web Soil Survey by the USDA Natural Resources Conservation Service indicates that the following soils comprise the Project site:²⁰

AnA: Atwater sand, 0 to 3 percent slopes, well drained, and negligible runoff. The depth to water table is 42 inches to cemented horizon. The AnA soils account for 100% of the Project site.

California Building Code

The California Code of Regulations (CCR) Title 24 is assigned to the California Building Standards Commission, which, by law, is responsible for coordinating all building standards. The California Building Code incorporates by reference the International Building Code with necessary California amendments. About one-third of the text within the California Building Standards Code has been tailored for California earthquake conditions. Construction within the City of Atwater is governed by the seismic safety standards of Chapter 16 of the Code. These standards are applicable to all new buildings and are required to provide the necessary safety from earthquake related effects emanating from fault activity.

4.7.2 Impact Assessment

Would the project:

- a) *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*

¹⁸ According to the California Department of Conservation, "An active fault, for the purposes of the Alquist-Priolo Act, is one that has ruptured in the last 11,000 years."

¹⁹ California Department of Conservation. "CGS Seismic Hazard Program: Alquist-Priolo Fault Hazard Zones." Accessed on February 2, 2024, <https://gis.data.ca.gov/maps/ee92a5f9f4ee4ec5aa731d3245ed9f53/explore?location=37.213952%2C-117.946341%2C7.19>

²⁰ United States Department of Agriculture Natural Resources Conservation Service. "Web Soil Survey." Accessed on February 2, 2024, <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>



- 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.*

No Impact. There are no known active earthquake faults in the City of Atwater, inclusive of the Project site, nor is the City of Atwater within an Alquist-Priolo earthquake fault zone as established by the Alquist-Priolo Fault Zoning Act. As such, development of the Project in an area void of earthquake faults would not cause rupture of a known earthquake fault. Therefore, no impact would occur as a result of the Project.

- ii. Strong seismic ground shaking?*

Less than Significant Impact. The Project site is in an area that is traditionally characterized by relatively low seismic activity. Additionally, development of the Project site would be required to comply with current seismic protection standards in the California Building Code (CBC), which would limit potential damage to structures and thereby reduce potential impacts including the risk of loss, injury, or death. Compliance with the CBC would ensure a less than significant impact.

- iii. Seismic-related ground failure, including liquefaction?*

No Impact. No liquefaction nor lateral spreading have been observed in Atwater from any historic earthquake. Liquefaction and lateral spreading potential in Atwater are considered very low as due to the nature of the underlying soils, relatively deep-water table, and history of low ground shaking potential. In addition, there are no geologic hazards or unstable soil conditions known to exist on the Project site. The site is relatively flat with stable soils and no apparent unique or significant landforms. As CEQA requires an analysis of a Project's impact on the environment rather than the environment's impacts on a Project, no impacts would occur. Therefore, because the Project does not have any aspect that could result in seismic-related ground failure, including liquefaction, the Project would have no impact.

- iv. Landslides?*

No Impact. Landslides are not expected to affect the Project site as the City of Atwater is not located in a zone where landslides, subsidence, or liquefaction could possibly occur. The topography of the Project site is relatively flat with stable, native soils, and the site is not in the immediate vicinity of rivers or creeks that would be more susceptible to landslides. Therefore, no impact would occur because of the Project.

- b) Result in substantial soil erosion or the loss of topsoil?*

Less than Significant Impact. Soil erosion and loss of topsoil can be caused by natural factors, such as wind and flowing water, and human activity. The Project site is relatively flat and mostly paved, which limits the potential for substantial soil erosion. Development of the Project site would require typical site preparation activities such as grading and trenching which may result in the potential for short-term soil disturbance or erosion impacts. Soil disturbance during construction is largely caused by the use of water. Excessive soil erosion could cause damage to existing structures and roadways.

The likelihood of erosion occurring during construction would be reduced through site grading and surfacing, which would be subject to review and approval by the City for compliance with applicable standards. Development of the Project would be required to comply with AMC Chapter 12.22 – *Stormwater Management and Discharge Control Ordinance*, which requires that any person performing construction activities in the City shall prevent pollutants



from entering the storm water conveyance system and comply with all applicable Federal, State, and local laws, ordinances or regulations, including but not limited to, the current California NPDES general permit for storm water discharges associated with construction activity (construction general permit). All construction projects, regardless of size, having soil disturbance or activities exposed to storm water must, at a minimum, implement best management practices (BMPs) for erosion and sediment controls, soil stabilization, dewatering, source controls, pollution prevention measures, and prohibited discharges. Implementation of the BMPs minimizes the potential for the Project to result in substantial soil erosion or loss of topsoil. In addition, the City's Public Works and Building Departments prepare a standard set of conditions for proposed development to the control of dust emissions during grading and other earth moving activities. With these provisions in place, impacts to soil and topsoil by the Project would be considered less than significant.

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?

Less than Significant Impact. Ground subsidence is the settling or sinking of surface soil deposits with little or no horizontal motion. Soils with high silt or clay content are subject to subsidence. Subsidence typically occurs in areas with groundwater withdrawal or oil or natural gas extraction. The topography of the site is relatively flat with stable, native soils and no apparent unique or significant landforms. Future development of the Project site would be required to comply with current seismic protection standards in the CBC which would significantly limit potential seismic-related hazards such as landslides, lateral spreading, subsidence, liquefaction, or collapse. Compliance with the CBC would ensure a less than significant impact.

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

No Impact. The Project site is relatively flat with native soils of sand, which is not expansive. As such, the Project would result in a less than significant impact.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No Impact. The Project will not involve the installation of a septic tank or alternative wastewater disposal system. Thus, no impact would occur.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less than Significant Impact. As discussed in the Cultural Resources section above, there are no known paleontological resources or unique geological features known to the City of Atwater on this site. As such, the Project's impact to less than significant.

4.7.3 Mitigation Measures

None required.



4.8 GREENHOUSE GAS EMISSIONS

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

4.8.1 Environmental Setting

In assessing the significance of impacts from GHG emissions, *Section 15064.4(b)* of the CEQA Guidelines states that a lead agency may consider the following:

- *The extent to which the project may increase or reduce GHG emissions as compared to the environmental setting;*
- *Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project;*
- *The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions.*

The California Air Resources Board (CARB) 2022 Climate Change Scoping Plan, guidance from the SJVAPCD, and City of Atwater General Plan are discussed below and are utilized as thresholds of significance.

2022 Climate Change Scoping Plan

The CARB 2022 Climate Change Scoping Plan is the adopted statewide plan for reduction and mitigation of GHGs to implement Assembly Bill (AB) 1279. AB 1279 was issued on August 12, 2022, to require California to achieve “net zero greenhouse gas emissions” as soon as possible and to further reduce anthropogenic GHG emissions thereafter. It sets a statewide goal to reduce emissions 85% below 1990 levels no later than 2045.

Consequently, the Scoping Plan involves several measures for cost-effective reduction of GHG emissions, including continuing existing programs such as Renewable Portfolio Standard, Advanced Clean Cars, Low Carbon Fuel Standard, etc., and achieving new mandates to decarbonize several sectors. Along with reducing emissions, environmental justice policies are included to address the ongoing air quality disparities.

Appendix D of the 2022 Scoping Plan include recommendations to build momentum for local government actions to align with State goals, including through CEQA review. The Appendix outlines the priority GHG reduction



strategies for local governments, including transportation electrification, VMT reduction, and building decarbonization.²¹

SJVAPCD CEQA Air Quality Guidelines

The SJVAPCD's Guidance for Valley Land Use Agencies in Addressing GHG Impacts for New Projects Under CEQA (2009) provides screening criteria for climate change analyses, as well as draft guidance for the determination of significance.^{22,23} These criteria are used to evaluate whether a project would result in a significant climate change impact (see below). Projects that meet one of these criteria would have less than significant impact on the global climate.

- *Does the project comply with an adopted statewide, regional, or local plan for reduction or mitigation of GHG emissions? If no, then:*
- *Does the project achieve 29% GHG reductions by using approved Best Performance Standards (BPS)? If no, then*
- *Does the project achieve AB 32 targeted 29% GHG emission reductions compared with Business As Usual (BAU)?*

Assembly Bill (AB) 32 was enacted by the California State legislature in 2006 with the aim to reduce GHG emissions to levels of 1990 by 2020. Recommended actions to achieve these aims were adopted by the California Air Resources Board (CARB) in 2008 (i.e., the Climate Change Scoping Plan). However, the 29% GHG emission reductions compared to BAU threshold is outdated since it is aimed to meet AB 32's 2020 goals, thus this threshold would not be used for analysis.

The City of Atwater does not have an adopted Climate Action Plan or GHG Reduction Plan. Because BPS have not yet been adopted and identified for specific development projects, and because the City of Atwater has not yet adopted a plan for reduction of GHG with which the Project can demonstrate compliance, the California Air Resources Board (CARB) 2022 Climate Change Scoping Plan and guidance from the San Joaquin Valley Air Pollution Control District (SJVAPCD) will be used as the threshold of significance.

San Joaquin Valley Air Pollution Control District

SJVAPCD adopted *Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA* and the policy *District Policy—Addressing GHG Emission Impacts for Stationary Source Projects Under CEQA When Serving as the Lead Agency* in 2009. It recognized that project-specific emissions are cumulative and could be considered cumulatively considerable without mitigation. SJVAPCD suggested that the requirement to reduce GHG emissions for all projects is the best method to address this cumulative impact.

²¹ California Air Resources Board. (2022). 2022 Scoping Plan Appendix D. Accessed on February 2, 2024, <https://ww2.arb.ca.gov/sites/default/files/2022-11/2022-sp-appendix-d-local-actions.pdf>

²² San Joaquin Valley Air Pollution Control District. (2009). Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA. Accessed February 2, 2024, <http://www.valleyair.org/Programs/CCAP/12-17-09/3%20CCAP%20-%20FINAL%20LU%20Guidance%20-%20Dec%2017%202009.pdf>.

²³ San Joaquin Valley Air Pollution Control District. (2000). Environmental Review Guidelines: Procedures for Implementing the California Environmental Quality Act. Accessed February 2, 2024, http://www.valleyair.org/transportation/CEQA%20Rules/ERG%20Adopted%20_August%202000_.pdf



The SJVAPCD requires quantification of GHG emissions for all projects which the lead agency has determined that an EIR is required.

City of Atwater General Plan

At the local level, while the City of Atwater General Plan does not meet criteria of the CEQA Guidelines 15064.4(b)(3) for an appropriate GHG emissions reduction plan or program, the General Plan does have goals and policies relevant to climate change and minimizing GHG emissions and other pollutants, with an overall aim to reduce air quality impacts on the environment. These goals and policies are outlined in the Open Space and Conservation Element (CO), “Air Quality”, and Safety Element (SF), “Wind Erosions and Dust Storms”.

GOAL CO-3. *Strive to reduce air emissions and obtain goals set in local and regional air quality attainment plans.*

Policy CO-3.1. *Cooperate with the San Joaquin Valley Unified Air Pollution Control District (APCD) in implementing air quality improvement plans prepared by the District.*

Policy CO-3.2. *Encourage land use development projects that would result in fewer adverse air quality impacts, such as mixed use and pedestrian-oriented projects.*

Policy CO-3.3. *Encourage the use of modes of transportation other than automobiles.*

GOAL SF-7. *Prevent activities that contribute to increased wind erosion.*

Policy SF-7.1. *Require all projects that involve grading or other earth moving activities to implement dust control measures to reduce dust emissions.*

4.8.2 Impact Assessment

Would the project:

- a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

Less than Significant Impact. The 2023 CEQA Guidelines do not establish a quantitative threshold of significance for GHG impacts, leaving lead agencies the discretion to establish such thresholds for their respective jurisdictions. Since the SJVAPCD does not have established GHG significance emissions thresholds and the City of Atwater does not have an adopted CAP for CEQA tiering purposes, the following utilizes qualitative analysis for greenhouse gas emission impacts.

Construction Emissions: In regard to construction, the SJVAPCD does not recommend assessing pollution associated with construction, as pollution-related construction will be temporary. These construction GHG emissions are a one-time release. As such, it can be anticipated that these construction emissions would not generate a significant contribution to global climate change over the lifetime of the Project.

Operational Emissions: Long-term operational related GHG emissions include vehicle emissions, emissions associated with utility and water usage, and wastewater and solid waste generation. The operations of the Project, including a water well and subsequent infrastructure, will generate minimal vehicle emissions since only maintenance vehicles are required for operation.

Further, the Project would not exceed the thresholds of significance for construction or operational emissions as discussed in **Section 4.3**. Additionally, as discussed in more detail below, the Project would be generally consistent



with the applicable goals and policies related to GHG reduction measures, including CARB’s 2022 Scoping Plan and SJVAPCD guidelines, and the City of Atwater General Plan goals and policies that aim to reduce air emissions and improve air quality, which reduces GHG emissions as a result. Cumulatively, these emissions would not generate a significant contribution to global climate change over the lifetime of the proposed Project. As such, it can be determined that the Project would not occur at a scale or scope with potential to contribute substantially or cumulatively to the generation of GHG emissions and therefore the impact would be less than significant.

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

Less than Significant Impact. The compatibility of the Project with the 2022 Scoping Plan and MCAP, MCAG RTP/SCS, SJVAPCD CCAP, and applicable goals in the Atwater General Plan.

Consistency with the 2022 Climate Change Scoping Plan

Based on the evaluation shown in **Table 4-6**, the Project is consistent with the reduction measures identified in the 2022 Scoping Plan. The reduction measures are derived from the 2022 Scoping Plan Table 1 – Priority GHG Reduction Strategies, which provides 3 priority areas to assist jurisdictions with developing local climate action plans.

Table 4-6 Scoping Plan Priority GHG Reduction Strategies Consistency Analysis

Priority Areas	Priority GHG Reduction Strategies	Consistency/Applicability Determination
Transportation Electrification	Convert local government fleets to ZEVs and provide EV charging at public sites.	Not Applicable. The Project is not accessible to the public.
	Create a jurisdiction-specific ZEV ecosystem to support deployment of ZEVs statewide (such as building standards that exceed state building codes, permit streamlining, infrastructure siting, consumer education, preferential parking policies, and ZEV readiness plans).	Not Applicable. This is a city-wide strategy thus is not applicable to the Project.
VMT Reduction	Reduce or eliminate minimum parking standards.	Not Applicable. This is a city-wide strategy thus is not applicable to the Project.
	Implement Complete Streets policies and investments, consistent with general plan circulation element requirements.	Not Applicable. Roadways are proposed to provide access to the existing Champagne Way. However, the Project site will not be accessible to the public in the future.
	Increase access to public transit by increasing density of development near transit, improving transit service by increasing service frequency, creating bus priority lanes, reducing or eliminating fares, microtransit, etc.	Not Applicable. The Project is not accessible to the public, thus does not need to consider proximity to transit.
	Increase public access to clean mobility options by planning for and investing in electric shuttles, bike share, car share, and walking	Not Applicable. The Project is not accessible to the public, thus does not need to consider mobility options.
	Implement parking pricing or transportation demand management pricing strategies.	Not Applicable. The Project is not accessible to the public, thus does not need to consider parking strategies.
	Amend zoning or development codes to enable mixed-use, walkable, transit-oriented, and compact infill development (such as increasing the allowable density of a neighborhood)	Not Applicable. This is a city-wide strategy thus is not applicable to the Project.
	Preserve natural and working lands by implementing land use policies that guide development toward infill	Consistent. The Project is proposed on a site surrounded by existing urban development.



	areas and do not convert “greenfield” land to urban uses (e.g., green belts, strategic conservation easements)	
Building Decarbonization	Adopt all-electric new construction reach codes for residential and commercial uses.	Not Applicable. This is a city-wide strategy thus is not applicable to the Project. In addition, the Project does not propose residential or commercial use.
	Adopt policies and incentive programs to implement energy efficiency retrofits for existing buildings, such as weatherization, lighting upgrades, and replacing energy-intensive appliances and equipment with more efficient systems (such as Energy Star-rated equipment and equipment controllers).	Not Applicable. This is a city-wide strategy thus is not applicable to the Project. In addition, the Project does not include retrofits for existing buildings.
	Adopt policies and incentive programs to electrify all appliances and equipment in existing buildings such as appliance rebates, existing building reach codes, or time of sale electrification ordinances	Not Applicable. This is a city-wide strategy thus is not applicable to the Project. In addition, the Project does not include retrofits for existing buildings.
	Facilitate deployment of renewable energy production and distribution and energy storage on privately owned land uses (e.g., permit streamlining, information sharing)	Not Applicable. This is a city-wide strategy thus is not applicable to the Project. In addition, the Project is located on public land.
	Deploy renewable energy production and energy storage directly in new public projects and on existing public facilities (e.g., solar photovoltaic systems on rooftops of municipal buildings and on canopies in public parking lots, battery storage systems in municipal buildings)	Not Applicable. No solar PV systems are proposed since the Project proposes a water well. Other pipelines will be constructed underground.

Consistency with the MCAG RTP/SCS

MCAG’s 2018 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) includes a series of goals for the region that would reduce GHG emissions based on the land use consistency and the reduction of vehicle trips. Relevant goals and policies include:

Goal 12 Sustainable Communities: Reduce per capita greenhouse gas emissions through compact growth and alternative transportation strategies. Protect and enhance the natural environment. Support vehicle electrification and the provision of electrification infrastructure in public and private parking facilities and structures.

Policy 12.1. Prioritize infill and growth in existing communities.

Most goals and policies are implemented at the regional or city level. Since the proposed Project is an infill development (i.e., surrounded by urban development) in an urbanized area and will be subject to local regulations, the Project would be consistent with goals and policies identified in the RTP/SCS.

Consistency with the Atwater General Plan

The Project complies with the General Plan goals and policies as listed in the Environmental Settings since it is generally compliant with the SJVAPCD air quality attainment plans.

In conclusion, the Project contains features that would reduce GHG emissions in compliance with CARB 2022 Climate Change Scoping Plan, MCAG RTP/SCS, and the General Plan. As such, the Project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, and therefore the impact would be less than significant.



4.8.3 Mitigation Measures

None required.



4.9 HAZARDS AND HAZARDOUS MATERIAL

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
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?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
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?			X	
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 for people residing or working in the project area?			X	
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				X

4.9.1 Environmental Setting

For the purposes of this section, the term “hazardous materials” refers to “injurious substances,” which include flammable liquids and gases, poisons, corrosives, explosives, oxidizers, radioactive materials, and medical supplies and waste. These materials are either generated or used in various commercial and industrial activities. Hazardous



wastes are injurious substances that have been or will be disposed of. Potential hazards arise from the transport of hazardous materials, including leakage and accidents involving transporting vehicles. There also are hazards associated with the use and storage of these materials and waste. Hazardous materials are grouped into the following four categories based on their properties:

- Toxic: causes human health effect
- Ignitable: has the ability to burn
- Corrosive: causes severe burns or damage to materials
- Reactive: causes explosions or generates toxic gases

“Hazardous wastes” are defined in California Health and Safety Code *Section 25141(b)* as wastes that: “...because of their quantity, concentration, or physical, chemical, or infectious characteristics, [may either] cause or significantly contribute to an increase in mortality or an increase in serious illness or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.” Hazardous waste is any hazardous material that is discarded, abandoned, or slated to be recycled. If improperly handled, hazardous materials and hazardous waste can result in public health hazards if released into the soil or groundwater or through airborne releases in vapors, fumes, or dust. Soil and groundwater having concentrations of hazardous constituents higher than specific regulatory levels must be handled and disposed of as hazardous waste when excavated or pumped from an aquifer. The California Code of Regulations, Title 22, Sections 66261.20-24 contains technical descriptions of toxic characteristics that could cause soil or groundwater to be classified as hazardous waste.

Hazardous waste generators may include industries, businesses, public and private institutions, and households. Federal, state, and local agencies maintain comprehensive databases that identify the location of facilities using large quantities of hazardous materials, as well as facilities generating hazardous waste. Some of these facilities use certain classes of hazardous materials that require risk management plans to protect surrounding land uses. The release of hazardous materials would be subject to existing federal, state, and local regulations and is similar to the transport, use, and disposal of hazard materials.

Regulatory Setting

The California Environmental Protection Agency (CalEPA) was established in 1991 to protect the environment. CalEPA oversees the Unified Program through Certified Unified Program Agencies (CUPAs), which consolidates six (6) environmental programs to ensure the handling of hazardous waste and materials in California. The local CUPA in Merced County, Department of Public Health, Division of Environmental Health (MCDEH), is responsible for administering the following six (6) CUPA programs:

- *Hazardous Materials Business Plan (HMBP)*
- *California Accidental Release Program (CalARP)*
- *Underground Storage Tank Program (UST)*
- *Aboveground Storage Tank Program (APSA)*
- *Hazardous Waste Generator Program*
- *Tiered Permitting Program*



The Department of Toxic Substances Control (DTSC) is another agency in California that regulates hazardous waste, conducts inspections, provide emergency response for hazardous materials-related emergencies, protect water resources from contamination, removing wastes, etc. DTSC acts under the authority of Resource Conservation and Recovery Act (RCRA) and California Health and Safety Code. The DTSC implements the California Code of Regulations (CCR) Title 22 Division 4.5 to manage hazardous waste. Government Code *Section 65962.5* requires that DTSC shall compile and update at least annually a list of:

- (1) All hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code (“HSC”).*
- (2) All land designated as hazardous waste property or border zone property pursuant to Article 11 (commencing with Section 25220) of Chapter 6.5 of Division 20 of the Health and Safety Code.*
- (3) All information received by the Department of Toxic Substances Control pursuant to Section 25242 of the Health and Safety Code on hazardous waste disposal on public land.*
- (4) All sites listed pursuant to Section 25356 of the Health and Safety Code.*
- (5) All sites included in the Abandoned Site Assessment Program.*

This list of hazardous waste sites in California, referred to as the Cortese List, is then distributed to each city and county. According to the CCR Title 22, soil excavated from a site containing hazardous materials is considered hazardous waste, and remediation actions should be performed accordingly. Cleanup requirements are determined case-by-case by the jurisdiction.

Record Search

The United States Environmental Protection Agency (EPA) Superfund National Priorities List (NPL) ²⁴, California Department of Toxic Substance Control’s EnviroStor database ²⁵, and the State Water Resources Control Board’s GeoTracker database ²⁶ include hazardous release and contamination sites. A search of each database was conducted on February 2, 2024. The searches revealed no sites are present on or immediately adjacent to the Project site.

Project Design

The Project design and operation incorporates the following measures in regard to hazards and hazardous materials:

- Ongoing monitoring of GAC absorption medium and frequent change-out to prevent saturation of the absorption site on carbon particles which trap and hold organic contaminants that would allow TCP and other contaminants to enter the drinking water supply.
- A 500-gallon sodium hypochlorite tank will be constructed on-site to disinfect the drinking water supply.

²⁴ United States Environmental Protection Agency. Superfund National Priorities List. Accessed February 2, 2024, <https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=33cebcdffd1b4c3a8b51d416956c41f1>

²⁵ California Department of Toxic Substances Control. Envirostor. Accessed February 2, 2024, <https://www.envirostor.dtsc.ca.gov/public/>

²⁶ California State Water Resources Control Board. GeoTracker. Accessed February 2, 2024, <https://geotracker.waterboards.ca.gov/>



- Containment of spent GAC in a sealed change-out system, with regeneration/disposal of the used carbon in a licensed facility (to be made a contract requirement of vendors who are hired by the City for GAC changeout). A backwash tank will be constructed on-site to allow for the proper maintenance of the GAC vessels.
- Removal and disposal of contaminated GAC is an activity which may require special handling as hazardous waste. Spent GAC potentially produced by this operation must be stored and labeled in accordance with federal, state, and local governments' requirements. Management of the carbon filtration facilities must be contracted to a fully licensed operator authorized by appropriate federal and state agencies.
- Securing the well site by constructing a concrete masonry unit (CMU).

4.9.2 Impact Assessment

Would the project:

- a) *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 proposes a water well and subsequent infrastructure. The Project is designed to provide water to the City of Atwater. Uses related to this type of project typically do not include production or services that would require the routine transport, use, or disposal of hazardous materials. Further, operations that are likely to routinely transport, use, or dispose of hazardous materials would not otherwise be permitted in the existing Planned Development zone district, which allows residential, commercial, industrial, office, and public facilities uses. While construction activities may include the temporary transport, storage, use or disposal of potentially hazardous materials (e.g., fuels, lubricating fluids, cleaners, solvents, etc.), such activities would be regulated by the Department of Toxic Substances Control through the California Hazardous Waste Control Law and Hazardous Waste Control Regulations as well as by SJVAPCD through Rule 7050 (i.e., asbestos-containing material for surfacing applications). Compliance would ensure that construction-related impacts would be less than significant. For these reasons, the Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials and a less than significant impact would occur.

GAC Filtration System

A granular activated carbon (GAC) filtration system would be constructed on the well site to remove contaminants such as 1,2,3-trichloropropane (TCP), from the pumped ground water. This system will consist of six (6) vessels. A backwash tank will be constructed on-site to allow for the proper maintenance of the GAC vessels. A 500-gallon sodium hypochlorite tank will also be constructed on-site to disinfect the water. Contaminants will accumulate in these vessels until the GAC in the vessel is no longer effective in removing these contaminants. At that time, the compounds concentrated in the GAC make it a waste product which must be removed from the vessels and disposed of or regenerated by licensed operators in appropriate facilities. Mishandling of spent GAC could result in potential environmental consequences. However, based on a determination made by the Environmental Protection Agency on December 23, 1986, the spent GAC is not considered hazardous waste, subject to the following conditions:

- *The pesticide contamination in the water is a result of normal pesticide use.*



- *The pesticide contamination in the water is not a result of deliberate discharge of these pesticides into the potable water source.*
- *The pesticides do not fall under the definition of characteristic hazardous waste in Title 40 C.F.R. Section 261.20.*

Pesticides in the City groundwater supply are, in fact, a result of normal pesticide uses in past farming operations, rather than a result of deliberate discharge of these pesticides into the potable water source. A review of the Environmental Fact Sheet on the Toxicity Characteristic Rule published by the EPA on March 1990 discloses that DBCP is not listed or defined as "characteristic hazardous waste" in Title 40 C.F.R. *Section 261.20*. Therefore, the spent GAC resulting from the operation of a filtration process is not considered a hazardous waste by EPA.

Additional information relating to the GAC water filtration process was given by Cindy Forbes, district engineer for the Water Programs Division, California Department of Health Services, which is responsible for the enforcement of state and federal safe drinking water acts and implementation regulations. In a deposition taken on March 19, 1990, in the Superior Court, she indicated that the GAC filtration water treatment process is the only viable treatment alternative available for the removal of DBCP. It is also a proven technology for the treatment of drinking water recognized nationally by water districts, municipalities and other public entities.

The Atwater Public Works Department, owner/operator of the pump station, proposes that the management of the carbon supply and change-out process be contracted to a fully licensed operator authorized by appropriate federal and state agencies. This management process will include the supply and installation of the virgin carbon in the vessels as well as the removal of spent carbon from the vessels and its transportation pursuant to Local, State and Federal Laws to a facility licensed to decontaminate such carbon through regeneration or incineration.

The exchange of clean virgin carbon for spent carbon is a "closed loop" process wherein the bulk carbon is hydraulically transferred through pressure hoses between the treatment vessels and the tanker trucks. This process is similar to but far less hazardous than the common transfer of gasoline from a tanker truck to gas station storage tanks, which does not require an E.I.R.

Based on this analysis, it is determined that environmental effects related to the use, handling, or accidental release of spent GAC are not significant.

Chlorine Hazards

The Project would use sodium hypochlorite for chlorine injection. The American Water Works Association Research Foundation notes that *"chlorine is well established as a respiratory irritant and at high enough concentrations inhalation of chlorine can be fatal. However, if a person survives the acute phases, there is little permanent damage. Ingestion of bleach also presents a hazard, but this damage appears to be primarily due to the high alkalinity of the product."* Beyond the minimal hazard to public health from the malfunction or molestation of the disinfection equipment currently in use, measures currently in effect to further reduce health risks are:

- Maintenance personnel are trained in the safe transportation and handling of these substances and Level 1 Hazardous Materials Response.
- The water well system, including chlorination facilities, will be surrounded by a CMU wall. The relatively large porosity of this enclosure will assist ambient air movement in dispersing any off gases.
- Placards will be posted at the site advising that these chemicals are under use.



Additionally, Merced County Environmental Health Department requires a Hazardous Materials Business Plan for GAC and/or chlorination facilities. The Project will be subject to measures set forth in the Plan to minimize and prevent harm to public health and safety and the environment from potential hazards and hazardous materials.

In conclusion, through Project design and intended safety measures described above, the Project would not have a potentially significant adverse impact from hazards or hazardous materials related to the Project. Therefore, the Project would have a less than significant impact.

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?

Less than Significant Impact. As described under criterion a), the Project is not anticipated to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Therefore, the Project would not 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. Therefore, a less than significant impact would occur.

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

No Impact. As described under criteria a) and b), the Project is not anticipated to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials and would not create upset and accident conditions involving the release of hazardous materials into the environment. Further, there are no schools within one-quarter mile of the Project site. Therefore, no impact would occur.

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?

Less than Significant Impact. According to NPL, EnviroStor, and GeoTracker, the Project site does not include a hazardous material release site. Since there are no active hazardous material release sites on the Project site pursuant to Government Code Section 65962.5, the Project would not create a significant hazard to the public of the environment and there would be a less than significant impact.

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 for people residing or working in the project area?

Less than Significant Impact. The nearest public airport or public use airport is the Merced-Castle Airport located approximately 1.7 miles east of the Project site. Merced-Castle Airport has a single 11,802-foot long, 150-foot wide runway, which is aligned with the prevailing wind direction in a northwest/southeast alignment. The airport is open 24/7 for general aviation operations. According to the Merced County Airport Land Use Compatibility Plan (ALUCP) adopted on June 21, 2012, the Project site is not within the Airport Influence Area (AIA). As such, the Project would have a less than significant impact.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?



No Impact. The Project site is currently vacant with no improvements or structures. The Project site is generally surrounded by existing infrastructure including roadways and utilities within the site's vicinity. Development of the Project would include connecting the site to the existing Champagne Way. Development of the Project would be reviewed and conditioned to compliance with applicable standards for on-site emergency access including turn radii and fire access. For these reasons, it can be determined that Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan and there would be no impact.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

No Impact. The Project site is located in an urbanized area generally surrounded by urban uses. In addition, the site is not identified by Cal Fire to be in a Moderate, High, or Very High Fire Hazard Severity Zone (FHSZ). Future development of the site would result in the construction of structures and installation of infrastructure that would be reviewed and conditioned by the City for compliance with all applicable standards, specifications, and codes. In addition, any structure to be occupied by humans would be required to be constructed in adherence to the Wildland Urban Interface Codes and Standards of the CBC Chapter 7A. Compliance with such regulations would ensure that the Project meets standards to help prevent loss, injury, or death involving wildland fires. For these reasons, the Project would have a less than significant impact.

4.9.3 Mitigation Measures

None required.



4.10 HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	
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 a substantial erosion or siltation on- or off-site;			X	
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site:			X	
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			X	
iv. Impede or redirect flood flows?			X	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	



4.10.1 Environmental Setting

The Project site is within city limits and will be connected to the city's water and stormwater services. The city's water and stormwater services are described as follows.

Water

The City provides water service for residences, commercial establishments, manufacturing plants, institutional facilities, and parks within the city limits. The City operates nine (9) wells to provide water to its customers. All wells are located within the City except for Well #21, which is located at the northeast corner of the Castle Airport facility adjacent to the U.S. Federal prison.²⁷ In 2016, the City produced an average of eight million gallons per day (mgd). The system has a capacity to pump 15,388 gallons per minute (gpm) and two (2) million gallons of storage. As of 2016, the system serves approximately 6,800 residential connections, 520 commercial connections, six (6) industrial connections, and 45 irrigation connections.²⁸ The water is distributed through a grid system of pipelines ranging from four (4) to 14 inches in diameter. The system supplies the City with drinking water and provides water for fire protection through fire hydrants.

The City has an overall Supervisory Control and Data Acquisition (SCADA) system that allows for remote monitoring and control of the water system via radio control. This system enhances quick response times to problem situations and fathers real-time, accurate data. The system can accurately determine water production quantities. To protect groundwater resources and minimize the future need to import water from other sources, the City and MID are engaged in efforts to reduce water consumption. New Atwater connections are metered, and per State law, un-metered connections will be metered in the future.²⁹

The city's water supply is obtained from the Merced Subbasin, which is part of the larger San Joaquin River Groundwater Basin and is regulated under the Sustainable Groundwater Management Act by the Merced Irrigation-Urban Groundwater Sustainability Agency GSA). The Merced Groundwater Subbasin Groundwater Sustainability Plan (GSP), adopted in December 2019, was developed to address the subbasin's critical overdraft and bring it into balance by 2040. The Subbasin is heavily reliant on groundwater. Of note, the City and MID are working to reduce water consumption. The City has met Assembly Bill No. 2572 requirements for water meter installation in all residences built in/after 1992; such requirements seek to reduce consumption. Implementation of the Merced Groundwater Subbasin GSP will ensure that groundwater supply is sustainability managed.

In an effort to ensure future growth on the eastern side of the City , in 2016 the City negotiated a settlement with the private Meadowbrook Water Company to relocate their "service area" from the area east of Buhach Road, north of State Highway 99 located within the City Sphere of Influence, to an area north of Santa Fe Drive and south of Cardella Road further to the northeast (the Meadowbrook Water Company was sold to Cal American Water Company in late 2016).

²⁷ City of Atwater. (July 2018). Drinking Water Quality Report. Accessed February 2, 2024, <https://www.atwater.org/wp-content/uploads/2019/12/2017-CCR.pdf>

²⁸ City of Atwater; EMC Planning Group, Inc. (2017). 2014-2043 5th Cycle Housing Element Update. Accessed February 2, 2024, <https://www.atwater.org/city-of-atwater-2014-2023-5th-cycle-housing-element/>

²⁹ City of Atwater. (July 2018). Drinking Water Quality Report. Accessed February 2, 2024, <https://www.atwater.org/wp-content/uploads/2019/12/2017-CCR.pdf>



Atwater General Plan established goals and policies related to groundwater use that would potentially influence implementation of the GSP, as listed below. The GSP anticipates that implementation of the GSP will reinforce Atwater's General Plan goals in addition to the groundwater quality monitoring and remediation described therein.

GOAL CO-1. *Support efforts to monitor and remediate existing groundwater contamination within the planning area.*

Policy CO-1.1. *Encourage responsible agencies to continue monitoring and remediation of contamination of the aquifer underneath the CAADC site.*

Policy CO-1.2. *Encourage the County of Merced to pursue remediation of groundwater contamination in the unincorporated portions of the Planning Area.*

GOAL CO-2. *Prevent the creation of new groundwater contamination or the spread of existing contamination.*

Policy CO-2.1. *Work with the Regional Water Quality Control Board (RWQCB) to protect, improve, and enhance groundwater quality in the region.*

Policy CO-2.2. *Educate the public on the proper handling and disposal of hazardous materials and household hazardous waste.*

According to the Atwater General Plan, most of the city of Atwater lies outside the 100-year floodplain designated by the Federal Emergency Management Agency (FEMA). The Seismic and Public Safety Element addresses flood hazards and dam inundation areas through several goals and policies, as listed below.

GOAL SF-4. *Avoid damage to persons and property resulting from flooding.*

Policy SF-4.1. *Restrict development within the 100-year floodplain in a manner that effectively prevents damage to persons and property.*

GOAL SF-5. *Reduce potential flood impacts resulting from dam failures.*

Policy SF-5.1. *Ensure that the City's Emergency Plan is updated to include dam failure inundation as a potential emergency and procedures for the efficient and orderly notification and evacuation of potential dam inundation areas.*

Policy SF-5.2. *Request that the U.S. Army Corps of Engineers provide information relative to the potential dam inundation area associated with Castle Reservoir.*

Stormwater

The Project site is located within the City of Atwater Storm Drainage Master Plan Drainage Zone R. The City of Atwater, County of Merced, City of Merced, and MID together form a Storm Water Management Group with the purpose to develop a plan to share costs in order to assure the continuity of program elements between agencies and fulfill the requirements set forth by the RWQCB General Permit. The City's storm drainage system generally consists of retention basins with a discharge to a natural drain or MID canal. There are 13 detention basins and 16 storm water lift stations in the city, with pumping capacities ranging from 75 gpm to 8,000 gpm. The City has an agreement with MID for storm water discharge that includes a fee for maintenance of the canal system. MID sets a maximum rate of discharge for each development. In some situations, where service is not available, the City requires private basins to be constructed on Project sites.

4.10.2 Impact Assessment



Would the project:

- a) *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

Less than Significant Impact. To eliminate any potential contamination, the Project proposes a Granulated Activated Carbon (GAC) System, which will remove groundwater pollutant (i.e., 1,2,3-trichloropropane (TCP)) prior to distribution. The Division of Drinking Water (DDW) established a drinking water Maximum Contaminant Level (MCL) for TCP in 2017. Construction and operation of GAC system would manage the TCP level below the MCL.

Further, runoff resulting from the Project would be managed in compliance with the approved grading and drainage plans. Additionally, the Project will be subject to review and approval by the State Water Resources Control Board (SWRCB), which would ensure that water quality standards are met. Thus, compliance with existing regulations including the General Construction Permit and AMC in addition to approved plans would reduce potential impacts related to water quality and waste discharge to less than significant levels.

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

Less than Significant Impact. The City's long-term water resource planning for existing and future demand is addressed in the City's 2015 Urban Water Management Plan (UWMP).³⁰ This plan is intended to serve as a tool for planning and phasing the construction of future domestic water supply infrastructure for the projected buildout of the City of Atwater, in accordance with the General Plan.

According to these plans, the City uses groundwater wells as the sole source of supply; the City does not use any other water sources including surface water, storm water, recycled water, or desalinated water. As such, groundwater should be viewed as a sustainable resource. The City's existing system facilities include nine (9) wells with a total rated pumping capacity of 15,388 gpm. The water is distributed through a grid system of pipelines ranging from four (4) to 14 inches in diameter. While the City does not have a Groundwater Management Plan, it is actively managing its water system and use in an attempt to maximize the resource and minimize the need to import surface water. The City has experienced steady growth and in turn, has developed additional groundwater supplies. Along with the adoption of the UWMP, the City adopted its Water Shortage Contingency Plan, which consists of four (4) stages to allow the City to reduce its water demand in addition to several restrictions and prohibitions on end users.

Given that the Project proposes a water well, the Project would decrease groundwater supplies. The water well is designed to discharge approximately 2,000 gallons per minute (gpm) when it is in operation and be fixed with a variable frequency drive to adjust the amount of water delivered based on the pressure in the system. The construction and operation of the proposed water well will increase the City's groundwater production capacity; however, actual groundwater production will only meet existing demands. As such, as previously accounted for and analyzed within the General Plan, it can be presumed that the existing and planned water distribution system and supplies should be adequate, and the Project would thereby not interfere substantially with groundwater recharge

³⁰ City of Atwater (2018, 2019 rev.). 2015 Urban Water Management Plan. Accessed February 2, 2024, https://www.atwater.org/wp-content/uploads/2021/03/Atwater_UWMP-2015-March-2019-Final.pdf



or impede sustainable groundwater management of the basin. In addition, adherence to connection requirements and recommendations pursuant to the City's water supply planning efforts (i.e., compliance with efficient landscaping, etc.) should not negatively impact the City's water provision. In addition, landscaping, if any, shall be subject to the Model Water Efficient Landscape Ordinance (MWELO) which requires new development to meet water efficiency standards. Thus, although operation of the well may result in localized and temporary lowering of groundwater levels, there would be no net increase in groundwater production or significant lowering of groundwater levels due to the Project in the long term. For these reasons, a less than significant impact would occur as a result of the Project.

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?

Less than Significant Impact. Erosion is a natural process in which soil is moved from place to place by wind or from flowing water. The effects of erosion within the Project site can be accelerated by ground-disturbing activities associated with development. Siltation is the settling of sediment to the bed of a stream or lake which increases the turbidity of water. Turbid water can have harmful effects to aquatic life by clogging fish gills, reducing spawning habitat, and suppressing aquatic vegetation growth.

Soil erosion and loss of topsoil can be caused by natural factors, such as wind and flowing water, and human activity. The Project site is relatively flat and mostly paved due to previous development, which limits the potential for substantial soil erosion. Development of the Project site would require typical site preparation activities such as grading and trenching which may result in the potential for short-term soil disturbance or erosion impacts. Soil disturbance during construction is largely caused by the use of water. Excessive soil erosion could cause damage to existing structures and roadways.

The likelihood of erosion occurring during construction would be reduced through site grading and surfacing, which would be subject to review and approval by the City for compliance with applicable standards. As such, the likelihood of erosion would be reduced through compliance with regulations including the General Construction Permit and approved grading and drainage plans as described under criterion a). With these provisions in place, the impact on soil and topsoil by the Project would be considered less than significant.

ii. Substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?

Less than Significant Impact. Compliance with regulations and approval by the City would ensure that surface runoff is controlled in a manner which would not result in flooding on- or off-site. For this reason, the Project would have a less than significant impact.

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?

Less than Significant Impact. As previously mentioned, the Project would be subject to the review and approval process through the City of Atwater. Through the review and approval process, future development would be reviewed and conditioned for compliance with the General Construction Permit and approved grading and drainage plans as described under criteria a) and c)-ii. Therefore, the review and approval process conducted by the City



would ensure that surface runoff is controlled in a manner which would not exceed capacity or contribute to additional sources of polluted runoff. For this reason, a less than significant impact would occur because of the Project.

iv. Impede or redirect flood flows?

Less than Significant Impact. Although the construction of the proposed Project would increase impervious surfaces, the Project will not impede flood flows. In addition, the review and approval process conducted by the City would ensure that surface runoff is controlled in a manner which would not cause significant impacts. For this reason, a less than significant impact would occur because of the Project.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Less than Significant Impact. The Project site is designated as Zone X on the most recent Flood Insurance Rate Map (FIRM) No. 06047C0405G, dated December 2, 2008.³¹ Zone X is a flood hazard area with a 0.2 percent annual chance of flood hazard and one (1) percent annual chance flood with average depth less than one foot or with drainage areas of less than one (1) square mile. In addition, the City, inclusive of the Project site, has historically been subject to low to moderate ground shaking and has a relatively low probability of shaking. Seiches are unlikely to form due to the low seismic energy produced in the area. Therefore, as a low-risk area, the Project would have a less than significant impact as it relates to the risk release of pollutants due to project inundations.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less than Significant Impact. The Project site is located within the jurisdiction of the Merced Irrigation-Urban GSA and is therefore subject to the 2019 Merced Groundwater Subbasin GSP. As described under criterion (b) above, the Project would not decrease groundwater supplies or interfere substantially with groundwater recharge in the long term. In addition, the GSP anticipates that implementation of the GSP will reinforce Atwater's General Plan goals in addition to the groundwater quality monitoring and remediation described therein. Therefore, based on compliance with such plans, it can be determined that the Project would not conflict with or obstruct implementation of water quality control plans or sustainable groundwater management plans. For these reasons, a less than significant impact would occur because of the Project.

4.10.3 Mitigation Measures

None required.

³¹ FEMA. FEMA Flood Map Service Center: Search by Address. Accessed February 2, 2024, <https://msc.fema.gov/portal/search?AddressQuery=255%20E%20Bellevue%20Rd%20Atwater%2C%20CA%2095301#searchresultsanchor>



4.11 LAND USE PLANNING

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Physically divide an established community?			X	
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?			X	

4.11.1 Environmental Setting

The Project site is currently vacant with no improvements and is within the Atwater city limits. The Project site is generally surrounded by residential uses, vacant land, and the Merced Irrigation Canal. Properties to the north, south, east, and west are planned and zoned for residential, with the exception that properties to the north are zoned for agricultural in the County. An irrigation canal is located adjacent north to the Project site.

4.11.2 Impact Assessment

Would the project:

a) Physically divide an established community?

Less than Significant Impact. Typically, physical division of an established community is associated with new, intersecting roadways, or new incompatible uses inconsistent with the planned or existing land uses.

Surrounding Land Uses

The Project site is generally surrounded by residential use, vacant land, and the Merced Irrigation Canal. Properties to the north, south, east, and west are planned and zoned for residential, with the exception that properties to the north are zoned for agricultural in the County. An irrigation canal is located adjacent north to the Project site. The Project site is currently vacant with no improvements, has a planned land use designation for residential, and is consistent with surrounding properties in the area.

Circulation System

Connection from the existing Champagne Way to the site is proposed. This would result in physical division of an established community since the connection will not alternate or run through existing development. The Project site would be accessible by the existing circulation system, including existing pedestrian, bicycle, and transit systems, and would not require the development of new, dividing roadways or permanent roadway closures.

Utility Infrastructure

The Project proposes a water well and subsequent systems. As such, implementation of the Project would add to the utility infrastructure. However, the Project would not result in the physical separation of the established community due to its small size and location. For these reasons, a less than significant impact would occur because of the Project.



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?

Less than Significant Impact. The Project is consistent with the City's General Plan and AMC. Through the entitlement process, the Project is reviewed for compliance with applicable regulations inclusive of those adopted for the purpose of avoiding or mitigating environmental effects. Overall, the entitlement process would ensure that the Project complies with the General Plan, AMC, and any other applicable policies. As such, the Project would have a less than significant impact.

4.11.3 Mitigation Measures

None required.



4.12 MINERAL RESOURCES

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	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?				X
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?				X

4.12.1 Environmental Setting

For the purposes of CEQA, mineral resources are land areas or deposits deemed significant by the California Department of Conservation (DOC). Mineral resources include oil, natural gas, and metallic and nonmetallic deposits, including aggregate resources. The California Geological Survey (CGS) classifies and designates areas within California that contain or potentially contain significant mineral resources. Lands are classified into Aggregate and Mineral Resource Zones (MRZs), which identify known or inferred significant mineral resources. According to the California Department of Conservation, CGS's Surface Mining and Reclamation Act (SMARA) Mineral Lands Classification (MLC) data portal, the Project site is in the "MRZ-3 sg" zone, which are "areas containing known or inferred concrete aggregate resources of undetermined mineral resource significant (sand and gravel)".³² In addition, the City of Atwater, inclusive of the Project site, is not within a CalGEM-recognized oilfield and there are no oil and gas wells on-site.³³

4.12.2 Impact Assessment

Would the project:

- 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?*

No Impact. The Project site is not located in an area designated for mineral resource preservation or recovery. Therefore, the Project would not 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. Therefore, no impact would occur as a result of the Project.

- 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?*

³² California Department of Conservation. (2009). Mineral Lands Classification. Accessed on February 2, 2024, <https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc>

³³ California Department of Conservation. Well Finder. Accessed on February 2, 2024, <https://maps.conservation.ca.gov/doggr/wellfinder/>



No Impact. As described above, the Project site is not located in an area designated for mineral resource preservation or recovery and as a result, the Project would not 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. Further, the site is not delineated in the General Plan, a Specific Plan, or other land use plan as a locally important mineral resource recovery site, thus it would not result in the loss of availability of a locally important mineral resource. Therefore, no impact would occur as a result of the Project.

4.12.3 Mitigation Measures

None required.



4.13 NOISE

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Generation of excessive groundborne vibration or groundborne noise levels?			X	
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?				X

4.13.1 Environmental Setting

In general, there are two (2) types of noise sources: 1) mobile source and 2) stationary sounds. Mobile source noises are typically associated with transportation including automobiles, trains, and aircraft. Stationary sounds are sources that do not move such as machinery or construction sites. Two (2) noise generating activities of the Project would include construction (short-term, temporary) and operational (long-term) noise.

Sensitive land uses include residential, schools, churches, nursing homes, hospitals, and open space/recreation areas. Commercial, farmland, and industrial areas are not considered noise sensitive and generally have higher tolerances for exterior and interior noise levels. The nearest sensitive land uses are single-family residential subdivisions adjacent to the Project site on the east. The single-family residence is approximately 140 from the Project site and screened by a fence.

The Atwater General Plan Noise Element and Atwater Municipal Code *Chapter 8 – Health and Safety* outlines policies and regulations to mitigate health effects of noise in the community and prevent exposures to excessive noise levels. Specific to residential uses in the city of Atwater, 55-60 dB is an acceptable level of community noise exposure. Anything above 75 dB is considered to be generally unacceptable. ³⁴

Existing Ambient Noise Environment

³⁴ General Plan, Figure 13.1 Land Use Compatibility Guidelines for Development, 1990



The Project site's existing noise environment is impacted by minimal noise sources. As previously discussed, the Project site is within an area with residential land uses and vacant land. Associated noise from residential uses includes vehicles and typical neighborhood noise (i.e. talking, car doors shutting, dogs barking, etc.), which are usually minimized by trees and landscaping. The Project site is not located within the Airport Influence Area of the Merced-Castle Airport, nor is it within the Airport's CNEL noise contour.

Construction Noise Exposure

The Atwater General Plan Noise Element and Atwater Municipal Code *Chapter 8 – Health and Safety* outlines policies and regulations to mitigate health effects of noise in the community and prevent exposures to excessive noise levels. Specific to residential uses in the city of Atwater, 55-60 dB is an acceptable level of community noise exposure. Anything above 75 dB is considered to be generally unacceptable. Construction phases would include site preparation, grading, building construction, architectural coating, and paving. Of all construction phases, it is anticipated that grading would produce the loudest noise. Short-term construction noises also include traffic noise generated from transporting construction equipment and materials and construction worker commuting. These activities would raise noise levels near the site. Ambient noise from construction activities would cease upon completion of construction.

4.13.2 Impact Assessment

Would the project:

- a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards?***

Less than Significant Impact. Noise generating activities of the Project would include traffic noise and stationery-source noise, such as operations and construction as described below. It is not anticipated that Project would generate substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards, given the type of development proposed (i.e., water well).

Operational Noise Exposure

The operation of a water well is not noise-generating; however, the system can produce noise from the operations of machinery such as compressors, pumps, fans, and cooling equipment. The Project site is bounded by residential uses to the east, vacant land to the south, and west, east, and the irrigation canal to the north. The nearest sensitive land use is a single-family residence approximately 140 feet east of the site, screened by a fence. As such, it is expected that the operational noise generated by the water well system will be minimal and most likely not audible to any residential uses.

Stationary Noise Exposure

In general, there are two (2) types of noise sources: 1) mobile source and 2) stationary sounds. Mobile source noises are typically associated with transportation including automobiles, trains, and aircraft. Stationary sounds are sources that do not move such as machinery or construction sites. Two (2) noise generating activities of the Project would include construction (short-term, temporary) and operational (long-term) noise.



Sensitive land uses include residential, schools, churches, nursing homes, hospitals, and open space-recreation areas. Commercial, farmland, and industrial areas are not considered noise sensitive and generally have higher tolerances for exterior and interior noise levels. The nearest sensitive land uses are single-family residential subdivisions adjacent to the Project site on the east. The single-family residence is approximately 140 feet from the Project site and screened by a fence. Although the nearby residential uses would experience elevated noise levels from construction, these activities would be temporary and would generally take place in accordance with AMC *Section 8.44.050* which regulates permissible hours of construction between the hours of 7:00 am and 7:00 pm, Monday through Friday, and 9:00 am and 5:00 pm, Saturdays and Sundays.

Overall, Project construction is not expected to result in a significant impact because the noise would be regulated by the AMC. Noise would thereby be generated during daylight hours and not during evening or more noise-sensitive time periods; and the increase in noise would cease upon completion of the Project. For these reasons, a less than significant impact would occur.

Although the Project would result in increased ambient noise level at the Project site, compliance with the General Plan policies and AMC requirements would result in the Project's compliance with applicable standards. Overall, the Project would result in a less than significant impact in regard to noise.

b) Generation of excessive groundborne vibration or groundborne noise levels?

Less than Significant Impact. Ground borne vibration may result from operations and/or construction, depending on the use of equipment (e.g., pile drivers, bulldozers, jackhammers, etc.), distance to affected structures, and soil type. Depending on the method, equipment-generated vibrations could spread through the ground and affect nearby buildings. It is not anticipated that the Project would generate excessive ground borne vibration or ground borne noise levels, given the type of development. Further, construction or operation of the Project would not involve equipment that would generate substantial groundborne vibration or ground borne noise levels. As discussed under criterion project-generated stationary noise sources would be regulated by the AMC. Through compliance with the AMC, the Project would result in a less than significant impact.

c) 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 expose people residing or working in the project area to excessive noise levels?

No Impact. The nearest public airport or public use airport is the Merced-Castle Airport located approximately 1.7 miles east of the Project site. According to the Merced County Airport Land Use Compatibility Plan (ALUCP) adopted on June 21, 2012, the Project site is not within the Airport Influence Area (AIA) and is therefore not subject to land use compatibility policies. Therefore, the Project would have no impact.

4.13.3 Mitigation Measures

None required.



4.14 POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	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)?				X
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X

4.14.1 Environmental Setting

CEQA Guidelines *Section 15126.2(d)* requires that a CEQA document discuss the ways in which the proposed Project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. The CEQA Guidelines provide an example of a major expansion of a wastewater treatment plant that may allow for more construction within the service area. The CEQA Guidelines also note that the evaluation of growth inducement should consider the characteristics of a project that may encourage or facilitate other activities that could significantly affect the environment. Direct and Indirect Growth Inducement consists of activities that directly facilitate population growth, such as construction of new dwelling units. A key consideration in evaluating growth inducement is whether the activity in question constitutes “planned growth.”

4.14.2 Impact Assessment

Would the project:

- 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)?*

No Impact. The nature of the proposed Project, construction of a water well, would not result in an increase in population. The Project is not proposing a use that is not proposing new homes, nor will it result in additional infrastructure or amenities that would induce growth. In addition, the Project is generally consistent with the General Plan, thus, the Project would not cause unplanned growth in the city. No impact would occur because of the Project.

- b) *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*



No Impact. The Project site is currently vacant with no structures. The site does not contain any existing housing or residential uses. Since the site does not currently provide housing, future development of the Project site would not result in the physical displacement of people or housing. No impact would occur because of the Project.

4.14.3 Mitigation Measures

None required.



4.15 PUBLIC SERVICES

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) 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:				
i. Fire protection?			X	
ii. Police protection?			X	
iii. Schools?				X
iv. Parks?				X
v. Other public facilities?				X

4.15.1 Environmental Setting

The Project is located within Atwater city limits and thus would receive public services provided by the City of Atwater and will be subject to fees to provide such services, as applicable. The services provided are described as follows.

Fire Protection Services

Fire protection services in the city are provided by Cal Fire; the City also has a mutual aid agreement with the City of Merced that was established in 1993. The City of Atwater operates two (2) fire stations: Station 41 at 699 Broadway Avenue and Station 42 at 2006 Avenue Two. In 2017, the City updated the Municipal Service Review and cited a response time of less than seven (7) minutes for 90 percent of responses. The Project would be reviewed by Cal Fire and is subject to regulations and standards such as the California Uniform Fire Code (UFC), which includes regulations on construction, maintenance, and building use.

Police Protection Services

Police protection services within the city are provided by the Atwater Police Department. The Police Department currently operates from the main police station located at Bellevue Road. The Police Department divides the city into two (2) sectors, north and south. The Police Department reviews all projects to ensure that building and site designs consider utilization of crime prevention features and techniques.



Schools

Educational services within the Project area are primarily served by Atwater Elementary School District and the Merced Union High School District. Funding for schools and school facilities impacts is outlined in Education Code Section 17620 and Government Code *Section 65995 et. seq.*, which governs the amount of fees that can be levied against new development. These fees are used to construct new or expanded school facilities. Payment of fees authorized by the statute is deemed “full and complete mitigation.”

Parks and Recreation

Park and Recreational facilities are overseen by the Atwater Recreation Department. According to the Atwater General Plan, the City’s park standard is 3.37 park acres per 1,000 population. To mitigate any impacts to park and recreational facilities, residential projects may be conditioned by the City to pay the Park and Recreation Facilities Tax in addition to any requirements of the Quimby Act.

4.15.2 Impact Assessment

Would the project:

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the 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:*

- i. Fire protection?*

Less than Significant Impact. The Project will be served by Cal Fire. Fire Station 41 is approximately 1.6 miles from the Project site. The Project’s proximity to the fire station would support adequate service ratios, response times, and other performance objectives for fire protection services. In addition, Cal Fire will review the Project for requirements related to fire hydrants and fire apparatus access to the structures proposed on site. For these reasons, it can be determined that the Project can be served by existing facilities and would not result in the need for new or altered facilities and as a result, a less than significant impact would occur.

- ii. Police protection?*

Less than Significant Impact. The Project will be served by the Atwater Police Department. Due to the nature of the Project, construction of a water well, the proposed Project will not result in an increase in population and will have minimal on-site employees visiting the site. Therefore, there would be no increased demand for police protection that would result in the need for new or expanded government facilities. Therefore, the proposed Project would have a less than significant impact.

- iii. Schools?*

No Impact. Due to the nature of the Project, construction of a water well, the proposed Project will not result in an increase in population. Therefore, there would be no increased demand for schools that would result in the need for new or expanded government facilities. Therefore, the proposed Project would have no impact.

- iv. Parks?*

No Impact. Park and recreational facilities are typically impacted by an increase in use from residential development. The Project proposes a water well, which will not result in an increase in population. Therefore, there



would be no increased demand for parks that would result in the need for new or expanded government facilities. Therefore, the proposed Project would have no impact.

v. Other public facilities?

No Impact. Due to the nature of the Project, construction of a water well, the proposed Project will not result in an increase in population. Therefore, there would be no increased demand for other public services, such as courts, libraries, hospitals, etc., that would result in the need for new or expanded government facilities. Therefore, the proposed Project would have no impact.

4.15.3 Mitigation Measures

None required.



4.16 RECREATION

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) 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?				X
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?				X

4.16.1 Environmental Setting

Park and Recreational facilities are overseen by the Atwater Recreation Department. According to the Atwater General Plan, the City's park standard is 3.37 park acres per 1,000 population. To mitigate any impacts to park and recreational facilities, residential projects may be conditioned by the City to pay the Park and Recreation Facilities Tax in addition to any requirements of the Quimby Act.

4.16.2 Impact Assessment

Would the project:

- a) *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. Because of the nature of the proposed Project, a water well, there would be no increased demand for recreational services associated with the Project. There are no permanent employees or residents that would result from the construction of this facility. Therefore, the proposed Project would have no impact on the physical condition of existing recreational facilities.

- b) *Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?*

No Impact. Given that the proposed Project will not cause an increased need for recreational facilities (as described in criteria a) above), the Project will not require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment. In addition to this, the Project is not proposing additional recreational facilities, thus the Project will have no impact in this regard.

4.16.3 Mitigation Measures

None required.



4.17 TRANSPORTATION

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

4.17.1 Environmental Setting

The Project site for the water well is currently vacant with no improvements or structures. The Project site would include the construction of a roadway that connects to the existing Champagne Way.

CEQA Guidelines

Under Senate Bill 743 (SB743), traffic impacts are related to Vehicle Miles Traveled (VMT). The VMT metric became mandatory on July 1, 2020. Senate Bill (SB) 743 requires that relevant CEQA analysis of transportation impacts be conducted using a metric known as vehicle miles traveled (VMT) instead of Level of Service (LOS). VMT measures how much actual automobile travel (additional miles driven) a proposed Project would create on California roads. If the project adds excessive automobile travel onto roads, then the project may cause a significant transportation impact. Therefore, LOS measures of impacts on traffic facilities are no longer a relevant CEQA criteria for transportation impacts.

To implement SB 743, the CEQA Guidelines were amended by adding *Section 15064.3*. According to *Section 15064.3*, VMT measures the automobile travel generated from a proposed project (i.e., the additional miles driven). Here, 'automobile' refers to on-road passenger vehicles such as cars and light-duty trucks. If a proposed project adds excessive automobile travel on California roads thereby exceeding an applicable threshold of significance, then the project may cause a significant transportation impact.

Among its provisions, *Section 15064.3(b)* establishes criteria for analyzing transportation impacts. Specifically, *Section 15064.3(b) (1)* establishes a less than significant presumption for certain land use projects that are proposed within ½-mile of an existing major transit stop or along a high-quality transit corridor. If this presumption does not apply to a land use project, then the VMT can be qualitatively or quantitatively analyzed.



In the case that quantitative models or methods are not available to the lead agency to estimate the VMT for the project being considered, provisions of CEQA Guidelines *Section 15064.3(b)(3)* permits the lead agency to conduct a qualitative analysis. The qualitative analysis may evaluate factors including but not limited to the availability of transit, proximity to other destinations, and construction traffic.

Lastly, *Section 15064.3(b)(4)* of the CEQA Guidelines states that “[a] lead agency has discretion to evaluate a project’s vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to estimate a project’s vehicle miles traveled and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate vehicle miles traveled and any revision to model outputs should be documented and explained in the environmental document prepared for the project. The standard of adequacy in *Section 15151* shall apply to the analysis described in this section.”

SB 743 Technical Advisory

In April 2018, the Governor’s Office of Planning and Research (OPR) issued the Technical Advisory on Evaluating Transportation Impacts in CEQA (Technical Advisory) (revised December 2018) to provide technical recommendations regarding VMT, thresholds of significance, and mitigation measures for a variety of land use project types.

The Technical Advisory includes screening thresholds for agencies to use in order to identify when a project should be expected to cause a less-than-significant impact without conducting a detailed study.

- *Screening Thresholds for Small Project.* Absent substantial evidence indicating that a project would generate a potentially significant level of VMT, or inconsistency with a Sustainable Communities Strategy (SCS) or general plan, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than significant transportation impact. This threshold is based on a CEQA categorical exemption for existing facilities, including additions to existing structures of up to 10,00 square feet, so long as the project is in an area where public infrastructure is available to allow for maximum planned development and the project is not in an environmentally sensitive area.
- *Map-Based Screening Threshold for Residential and Office Projects.* Residential and office projects that locate in areas with low VMT, and that incorporate similar features (i.e., density, mix of uses, transit accessibility), will tend to exhibit similarly low VMT. Maps created with VMT data, for example from a travel survey or a travel demand model, can illustrate areas that are currently below threshold VMT. Because new development in such locations would likely result in a similar level of VMT, such maps can be used to screen out residential and office projects from needing to prepare a detailed VMT analysis.
- *Presumption of Less Than Significant Impact Near Transit Thresholds.* Proposed CEQA Guideline *Section 15064.3*, subdivision (b)(1), states that lead agencies generally should presume that certain projects (including residential, retail, and office projects, as well as projects that are a mix of these uses) proposed within ½ mile of an existing major transit stop or an existing stop along a high quality transit corridor will have a less-than-significant impact on VMT. This presumption would not apply, however, if project-specific or location-specific information indicates that the project will still generate significant levels of VMT.
- *Presumption of Less Than Significant Impact for Affordable Residential Development.* Adding affordable housing to infill locations generally improves jobs-housing match, in turn shortening commutes and



reducing VMT. Therefore, a project consisting of a high percentage of affordable housing may be a basis for the lead agency to find a less-than-significant impact on VMT.

According to the Technical Advisory, lead agencies, using more location-specific information, may develop their own more specific thresholds, which may include other land use types.

MCAG VMT Thresholds and Guidelines

In 2022, Merced County Association of Governments (MCAG) adopted VMT Thresholds and Implementation Guidelines for the seven (7) jurisdictions: City of Atwater, City of Dos Palos, City of Gustine, City of Livingston, City of Los Banos, City of Merced, and the County of Merced. The Guidelines include project screening criteria, methodologies for estimating project specific VMT, regional and local thresholds, and VMT mitigation strategies.³⁵ The project screening criteria listed in the Guidelines are similar to those identified in the TA, including:

- *Transit Priority Area/High Quality Transit Corridor: within 0.5 miles of a transit stop, consistent with the RTP/SCS, FAR>0.75, limited parking, does not reduce the number of affordable housing units.*
- *Local serving Retail <50,000 sf.*
- *Low Trip Generator: <1,000 ADT for projects consistent with the General Plan and <500 ADT for projects inconsistent with the General Plan.*
- *100 percent Affordable Housing Units.*
- *Institutional/Government and Public Service Uses.*
- *Project located in low VMT zones.*

4.17.2 Impact Assessment

Would the project:

- a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?***

Less Than Significant Impact. The proposed Project would be required to comply with all project level requirements implemented by a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. The Project would be reviewed by the City to ensure compliance with the General Plan, AMC, and other policies regarding traffic. In addition, the proposed Project would not affect the current roadway system through the construction of a new access road extending from the existing Champagne Way to the Project site. Since the Project proposes the development of a water well, only occasional maintenance is required, thus, the Project is expected to generate minimal traffic. Given that transportation impacts are minimal, the Project would not conflict with any applicable plan (including the RTP), ordinance, or policies establishing measures of effectiveness for the performance of the circulation system.

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

³⁵ Merced County Association of Governments. (2022). VMT Thresholds and Implementation Guidelines. Accessed February 21, 2024, https://www.mcagov.org/DocumentCenter/View/3872/MCAG-SB-743-VMT-Thresholds-and-Implementation-Guidelines_11-10-2022?bidId=



Less than Significant Impact. SB 743 requires that relevant CEQA analysis of transportation impacts be conducted using a metric known as VMT instead of LOS. Due to the nature of the Project, it is not expected that the Project will generate daily vehicle trips. During operations, it is expected that trucks may visit the site occasionally to provide maintenance. As such, the Project is a “Low Trip Generator” as well as an “Institutional/Government and Public Service Uses” as defined in the MCAG VMT Guidelines, and thus, can be screened out as having a less than significant impact on VMT. In addition, the Project does not generate additional residences or permanent employees, thus would not result in induced development. As a result, the Project would have a less than significant impact.

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

Less than Significant Impact. A drivable road surface will be constructed to allow access to the Project site off of Champagne Way. This is not expected to interfere with existing traffic circulation. Consequently, the Project would be required to submit Improvement plans through the Building Permit process for review and approval by the City to ensure offsite improvements would be consistent with adopted City of Atwater standards. Compliance with such standards, specifications, and plans would ensure that any traffic hazards are minimized. As a result, implementation of the Project would result in a less than significant impact related to hazards due to roadway design features or incompatible uses.

d) Result in inadequate emergency access?

Less than Significant Impact. The Project does not involve a change to any emergency response plan. In addition, the Project site is subject to review by the City to ensure adequate site access including emergency access. In the case that Project construction requires lane closures, access through existing roadways would be maintained through standard traffic control and therefore, potential lane closures would not affect emergency evacuation plans. Thus, a less than significant impact would occur because of the Project.

4.17.3 Mitigation Measures

None required.



4.18 TRIBAL CULTURAL RESOURCES

Would the project: Cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC 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 Incorporated	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 PRC section 5020.1(k), or,				X
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 PRC section 5024.1. In applying the criteria set forth in subdivision (c) of PRC section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			X	

4.18.1 Environmental Setting

See [Section 4.5](#).

4.18.2 Impact Assessment

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:

- 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*

No Impact. Based on the CHRIS Records Search conducted on December 15, 2023, there are no known local, state, or federal designated historical resources pursuant to *Section 5020.1(k)* on the Project site. As such, the Project would have no impact.

- 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.*



Less than Significant Impact. The Project site and its resources have not been determined by the City to be significant pursuant to *Section 5024.1*. Nevertheless, there is some possibility that a non-visible buried site may exist and may be uncovered during ground disturbing construction activities which would constitute a significant impact. If any human remains are discovered during construction, then the Project would be subject to CCR Section 15064.5(e), PRC Section 5097.98, and California Health and Safety Code Section 7050.5. Regulations contained in these sections address and protect human burial remains. Compliance with these regulations would ensure impacts to human remains, including those interred outside of formal cemeteries, are less than significant. As such, the Project would have a less than significant impact.

4.18.3 Mitigation Measures

No Impact.



4.19 UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	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 effect?			X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
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?			X	
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?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?				X

4.19.1 Environmental Setting

The Project proposes a water well, which will be connected to water, sewer, stormwater, and wastewater services provided by the City of Atwater and may be subject to fees to be provided such services. The Project would be served by private companies for the provision of solid waste collection and disposal and electricity and natural gas, as needed. Each utility system is described below.

Water

Water supply, usage, and services are described in [Section 4.10](#).

Wastewater

The City provides sewage disposal and treatment using a pipeline system, pump stations, and a wastewater treatment plant (WWTP) facility. The WWTP is located west of State Route 99 on Bert Crane Road and handles an



average flow of three (3) million gallons per day (MGD). Based on the Atwater Operations and Maintenance Manual, the design average dry weather treatment capacity for the treatment plant is six (6) MGD.

Solid Waste

Solid waste in the city is collected by a private contractor, Allied Waste, and then transported and disposed in one (1) of two (2) Merced County Landfills. The Merced County Association of Governments (MCAG) is responsible for managing and implementing regional solid waste disposal services, known as the Merced County Regional Waste Management Authority (RWA). The RWA owns and operates the two (2) regional landfills within Merced County and administers integrated waste management contracts and grants on behalf of member jurisdictions.

Stormwater

Stormwater services are described in **Section 4.10**.

Natural Gas and Electricity

Major electrical transmission lines run through the northern and southern portions of the city. Electrical and natural gas service is largely provided by PG&E, primarily from fossil fuel and hydroelectric sources. State Route 99 contains a major natural gas main and crude oil pipeline. The gas main pipeline has an offshoot line running directly north through down, beginning approximately at Atwater Boulevard and First Street.

4.19.2 Impact Assessment

Would the project:

- 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?***

Less than Significant Impact. The Project proposes the construction of a new water well. Environmental impacts caused by the proposed Project are analyzed in other sections of this IS. Regarding other utilities, it is expected that the Project will be served by existing utility infrastructure near the site since the Project is an infill site surrounded with existing residential development. As such, the Project would not require or result in the relocation or construction of new or expanded sewer, wastewater treatment, electric power, natural gas, or telecommunications facilities. Through the entitlement review process for future development, the city and responsible agencies would review the Project to ensure compliance with applicable connection requirements. Compliance would ensure that the Project would not cause significant environmental effects related to utilities and service systems. For these reasons, a less than significant impact would occur because of the Project.

- b) 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. As discussed in detail in **Section 4.10**, the City's long-term water resource planning is addressed in the City's 2015 UWMP. According to these plans, the city uses groundwater wells as the sole source of supply; the city does not use any other water sources including surface water, storm water, recycled water, or desalinated water. As such, groundwater should be viewed as a sustainable resource.



The Project is constructed to provide water supply through upgrades to the city's water supply system, by constructing a new water supply well station. As discussed in [Section 4.9](#), operation of the well will not in and of itself signify a corresponding increase in groundwater use. As such, the Project would not result in insufficient water supplies.

- 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?*

Less than Significant Impact. The Project is constructed for water supply operations, which would generate minimal wastewater, e.g., for purposes of occasional maintenance. In addition, the Project would generate less wastewater than the operations (i.e., residential) anticipated in the General Plan. Because the Project has been previously accounted for and analyzed within the General Plan, it can be presumed that the Project will not result in insufficient wastewater capacity. As such, the Project would have no impact.

- 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?*

Less than Significant Impact. The Project is constructed for water supply operations, which would generate minimal solid waste. In addition, the Project would generate less solid waste than the operations (i.e., residential) anticipated in the General Plan. Because the Project has been previously accounted for and analyzed within the General Plan, it can be presumed that the Project will not generate solid waste to exceed the existing capacity of the city's landfill infrastructure. In addition, the Project is required to comply with state and local law which include management and reduction statutes and regulations to ensure that solid waste is handled, transported, and disposed accordingly. As such, the Project would have no impact.

- e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

No Impact. The Project would be required to comply with state and local law which include management and reduction statutes and regulations to ensure that solid waste is handled, transported, and disposed accordingly. Through compliance with local and state law, it can be determined that future development would also comply with federal, state, and local management and reduction statutes and regulations related to solid waste. As a result, no impact would occur because of the Project.

4.19.3 Mitigation Measures

None required.



4.20 WILDFIRE

If located in or near state responsibility or lands classified as very high fire hazard severity zones, Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?				X
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?				X
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?				X
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?				X

4.20.1 Environmental Setting

The Project site is located on a relatively flat property within the city limits and is in an area planned for urban uses, including residential development. According to the Atwater General Plan, grass and brush lands are the most likely places for wildlands in Merced County; however, Atwater lies outside of these areas and as a result, the risk of wildland fire is low.³⁶ Further, the Project site is not identified by the California Department of Forestry and Fire Protection (Cal Fire) or the City of Atwater as a Very High Fire Hazard Severity Zone (VHFHSZ); rather, the site is within an “area of local responsibility” as defined by Cal Fire and is considered an area of low fire risk.³⁷ Lastly, the Project would be required to be developed and operated in compliance with all regulations of the current California Fire Code.

4.20.2 Impact Assessment

³⁶ City of Atwater, California. (2000). City of Atwater 2000 General Plan.

³⁷ Cal Fire, “FHSZ Viewer.” Accessed on February 5, 2024, <https://egis.fire.ca.gov/FHSZ/>



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

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

No Impact. The Project would not substantially impair access to the existing roadway network. Safe and convenient vehicular circulation would be provided in addition to adequate access for emergency vehicles. Circulation and emergency vehicle access have been reviewed by the City and it has been determined that the Project would be suitable for such circulation and access. Therefore, the Project would not substantially impair any emergency response plan and no impact would occur as a result of the Project.

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?

No Impact. The Project site is located on a relatively flat property with minimal slope and is not in an area that is subject to strong prevailing winds or other factors that would exacerbate wildfire risks. Further, the site is not identified by Cal Fire or the City as a VHFHSZ. Therefore, no impact would occur because of the Project.

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?

No Impact. The City, inclusive of the Project site, is not located in or near state responsibility or lands classified as very high fire hazard severity zones. The Project site is currently vacant with no improvements. A paved roadway will be constructed to allow access to the Project site off of Champagne Way, which connects the Project site west to existing single-family residences. Future development of the site would be reviewed and conditioned by the City for compliance with applicable standards, specifications, and codes related to the installation and maintenance of infrastructure. Such infrastructure would be typical for urban uses and would not exacerbate fire risks or result in temporary or ongoing impacts to the environment. Therefore, no impact would occur as a result of the Project.

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?

No Impact. The Project site is located on relatively flat property with minimal slope and is not subject to downslope, downstream following, or landslides. Therefore, the Project would not expose people or structure to significant risk and no impact would occur as a result of the Project.

4.20.3 Mitigation Measures

None required.



4.21 MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	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, 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?		X		
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)?		X		
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X		

4.21.1 Impact Assessment

a) *Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory?*

Less than Significant with Mitigation Incorporated. The analyses of environmental issues contained in this Initial Study indicate that the Project is not expected to have substantial impact on the environment or on any resources identified in the Initial Study. Standard requirements that will be implemented through the entitlement process and the attached mitigation monitoring and reporting program have been incorporated in the project to reduce all



potentially significant impacts to less than significant, including *Mitigation Measure BIO-1*. Therefore, the Project would have a less than significant impact with mitigation incorporated.

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 with Mitigation Incorporated. CEQA Guidelines *Section 15064(i)* states that a Lead Agency shall consider whether the cumulative impact of a project is significant and whether the effects of the project are cumulatively considerable. The assessment of the significance of the cumulative effects of a project must, therefore, be conducted in connection with the effects of past projects, other current projects, and probable future projects. Due to the nature of the Project and consistency with environmental policies, incremental contributions to impacts are considered less than cumulatively considerable. Standard requirements that will be implemented through the entitlement process and the attached mitigation monitoring and reporting program have been incorporated in the project to reduce all potentially significant impacts to less than significant, including *Mitigation Measure BIO-1*. The Project would not contribute substantially to adverse cumulative conditions, or create any substantial indirect impacts (i.e., increase in population could lead to an increased need for housing, increase in traffic, air pollutants, etc.). As such, Project impacts are not considered to be cumulatively considerable given the insignificance of project induced impacts. The impact is therefore less than significant with mitigation incorporated.

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

Less than Significant with Mitigation Incorporated. The analyses of environmental issues contained in this Initial Study indicate that the project is not expected to have substantial impact on human beings, either directly or indirectly. Standard requirements that will be implemented through the entitlement process and the attached mitigation monitoring and reporting program have been incorporated in the project to reduce all potentially significant impacts to less than significant, including *Mitigation Measure BIO-1*. Therefore, the Project would have a less than significant impact with mitigation incorporated.

4.21.2 Mitigation Measures.

None required.



5 MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM

June 2023

This mitigation measure monitoring and reporting checklist was prepared pursuant to California Environmental Quality Act (CEQA) Guidelines *Section 15097* and *Section 21081.6* of the PRC (PRC). The timing of implementing each mitigation measure is identified in in the checklist, as well as identifies the entity responsible for verifying that the mitigation measures applied to a project are performed. Project applicants are responsible for providing evidence that mitigation measures are implemented. As lead agency, the City of Atwater is responsible for verifying that mitigation is performed/completed.

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initials
Biological Resources					
Mitigation Measure BIO-1: Prior to ground-disturbing activities, a qualified wildlife biologist shall conduct a biological clearance survey between 14 and 30 days prior to the onset of construction. The clearance survey shall include walking transects to identify presence of San Joaquin kit fox and other special-status species. The pre-construction survey shall be walked by no greater than 30-foot transects for 100% coverage of the Project site and a 50-foot buffer, where feasible. If no evidence of special-status species is detected, no further action is required.	Submittal of Documentation and/or Onsite Verification	14 to 30 days prior to Project Construction	City of Atwater		



6 REPORT PREPARATION

Names of Persons Who Prepared or Participated in the Initial Study:

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7 APPENDICES

7.1 Appendix A: CNDDDB Occurrence Report

Downloaded from the California Natural Diversity Database dated February 2, 2024.



Multiple Occurrences per Page
California Department of Fish and Wildlife
California Natural Diversity Database



Query Criteria: Quad> IS <(Atwater (3712035))

<i>Buteo swainsoni</i>				Element Code: ABNKC19070			
Swainson's hawk							
Listing Status:	Federal:	None	CNDDB Element Ranks:	Global:	G5		
	State:	Threatened		State:	S4		
	Other:	BLM_S-Sensitive, IUCN_LC-Least Concern					
Habitat:	General:	BREEDS IN GRASSLANDS WITH SCATTERED TREES, JUNIPER-SAGE FLATS, RIPARIAN AREAS, SAVANNAHS, AND AGRICULTURAL OR RANCH LANDS WITH GROVES OR LINES OF TREES.					
	Micro:	REQUIRES ADJACENT SUITABLE FORAGING AREAS SUCH AS GRASSLANDS, OR ALFALFA OR GRAIN FIELDS SUPPORTING RODENT POPULATIONS.					
Occurrence No.	1690	Map Index:	69604	EO Index:	70377	Element Last Seen:	2007-06-28
Occ. Rank:	Good			Presence:	Presumed Extant	Site Last Seen:	2007-06-28
Occ. Type:	Natural/Native occurrence			Trend:	Unknown	Record Last Updated:	2007-07-02
Quad Summary:	Atwater (3712035)						
County Summary:	Merced						
Lat/Long:	37.35010 / -120.55762			Accuracy:	80 meters		
UTM:	Zone-10 N4136510 E716330			Elevation (ft):	170		
PLSS:	T07S, R13E, Sec. 04, SW (M)			Acres:	0.0		
Location:	JUST SOUTH OF CANAL CREEK, WHERE IT INTERSECTS WITH SANTA FE ROAD, SOUTH OF CASTLE AIR FORCE BASE AND EAST OF ATWATER.						
Detailed Location:	NEST TREE IS FOUND WITHIN A GROVE OF MATURE EUCALYPTUS TREES, AT THE EASTERN END. COUNTY AVENUE TWO IS ABOUT 100 YARDS TO THE SOUTH OF THE NEST TREE.						
Ecological:	NEST TREE IS A EUCALYPTUS; SURROUNDED BY AN IRRIGATION CANAL, SANTA FE RAILROAD, AND SANTA FE DRIVE TO THE NORTH. FALLOW FIELDS TO THE SOUTH AND EAST.						
General:	SWHA PAIR ACTIVITY AROUND NEST FIRST OBSERVED IN MAY 2007; 1 FLEDGLING OBSERVED IN NEST ON 28 JUN 2007, WITH FEMALE PERCHED ON NEST EDGE AND MALE PERCHED 50' TO THE SW.						
Owner/Manager:	MERCED IRRIGATION DISTRICT						
Occurrence No.	1759	Map Index:	83231	EO Index:	84236	Element Last Seen:	2008-05-14
Occ. Rank:	Fair			Presence:	Presumed Extant	Site Last Seen:	2008-05-14
Occ. Type:	Natural/Native occurrence			Trend:	Unknown	Record Last Updated:	2011-06-29
Quad Summary:	Atwater (3712035)						
County Summary:	Merced						
Lat/Long:	37.30219 / -120.56613			Accuracy:	80 meters		
UTM:	Zone-10 N4131174 E715712			Elevation (ft):	145		
PLSS:	T07S, R13E, Sec. 29, NE (M)			Acres:	0.0		
Location:	ALONG MCSWAIN ROAD (SR 140) ABOUT 0.3 MI EAST OF N GURR RD, AT MCSWAIN SCHOOL.						
Detailed Location:	IN EUCALYPTUS GROVE ABOUT 250 FEET EAST OF PERSIMMON WAY. BLACK RASCAL CREEK TO THE NORTH & BEAR CREEK TO THE SOUTH. MAPPED TO PROVIDED COORDINATES & MAPS.						
Ecological:	NEST IN TALLEST EUCALYPTUS TREE IN GROVE BORDERING ELEMENTARY SCHOOL. SURROUNDING LANDS ARE MOSAIC OF RESIDENTIAL, ROW CROP, SCHOOL, & PASTURE. VISIBLE DISTURBANCES INCLUDE TRAFFIC ON SR 140, AGRICULTURE ACTIVITIES & SCHOOL YARD CHILDREN.						
General:	ONE ADULT OBSERVED SITTING IN NEST WITH ONE ADULT SOARING CLOSE TO NEST TREE ON 14 MAY 2008. ASSUMED TO BE IN INCUBATION STAGE.						
Owner/Manager:	UNKNOWN						



Multiple Occurrences per Page
California Department of Fish and Wildlife
California Natural Diversity Database



Occurrence No.	1760	Map Index:	83232	EO Index:	84238	Element Last Seen:	2008-05-14
Occ. Rank:	Fair			Presence:	Presumed Extant	Site Last Seen:	2008-05-14
Occ. Type:	Natural/Native occurrence			Trend:	Unknown	Record Last Updated:	2011-06-29
Quad Summary:	Atwater (3712035)						
County Summary:	Merced						
Lat/Long:	37.32504 / -120.54987			Accuracy:	80 meters		
UTM:	Zone-10 N4133746 E717088			Elevation (ft):	155		
PLSS:	T07S, R13E, Sec. 16 (M)			Acres:	0.0		
Location:	JUST NORTH OF HWY 99, AT ASHBY RD & TRINIDADE RD INTERSECTION, JUST NW OF FERGUS, 4 MI NW OF MERCED POST OFFICE.						
Detailed Location:	CENTER OF SECTION 16. MAPPED TO PROVIDED COORDINATES & MAPS.						
Ecological:	NEST TREE IN ROW OF EUCALYPTUS TREES ALONG TRINIDADE ROAD. SURROUNDING LANDS ARE MOSAIC OF ROW CROP, RESIDENTIAL, INDUSTRIAL, ORCHARD, AND PASTURE. VISIBLE DISRBANCES: AGRICULTURE RELATED ACTIVITIES.						
General:	1 LIGHT MORPH & 1 DARK MORPH ADULTS OBSERVED IN TREE EATING PREY THAT WAS CAUGHT IN FIELD DIRECTLY SOUTH OF HWY 99 ON 14 MAY 2009. NEST WAS IN INCUBATION STAGE AT TIME OF OBSERVATION.						
Owner/Manager:	UNKNOWN						
Occurrence No.	2683	Map Index:	A0387	EO Index:	101947	Element Last Seen:	2016-04-13
Occ. Rank:	Unknown			Presence:	Presumed Extant	Site Last Seen:	2016-04-13
Occ. Type:	Natural/Native occurrence			Trend:	Unknown	Record Last Updated:	2016-06-08
Quad Summary:	Atwater (3712035)						
County Summary:	Merced						
Lat/Long:	37.28872 / -120.54212			Accuracy:	1/10 mile		
UTM:	Zone-10 N4129734 E717881			Elevation (ft):	147		
PLSS:	T07S, R13E, Sec. 28, SE (M)			Acres:	18.0		
Location:	ALONG BAILEY AVE ABOUT 1 MILE EAST OF GURR RD, ABOUT 1.5 MILES W OF MERCED MUNICIPAL AIRPORT, WEST OF THE CITY OF MERCED.						
Detailed Location:	LOCATION GIVEN AS "TREES AT 3014 BAILEY AVE" AND APPEARS TO BE IN THE VICINITY OF THORNTON LATERAL AT BAILEY AVE.						
Ecological:	RESIDENCE WITH "PINE AND EUCALYPTUS TREES AT END OF DRIVEWAY" SURROUNDED BY AGRICULTURE. PHOTOGRAPH SHOWS 2 SWHA PERCHED IN A REDWOOD/SEQUOIA. ADDITIONAL NEST TREES MAY BE ALONG SOUTH SLOUGH & BEAR CREEK. AG LIKELY USED FOR FORAGING.						
General:	RESIDENT REPORTS 5 PAIRS SOARING ABOVE FIELDS & "NEST[ING] IN TREES ON PROPERTY" IN APR 2016. ALSO, JUVENILES SEEN WITH ADULTS IN SPRING OF 2015. THOUGH REPORT IS PLAUSIBLE, BIRD NUMBERS & SPECIFIC NEST INFORMATION IS QUESTIONABLE; NIMBY?						
Owner/Manager:	PVT						



Multiple Occurrences per Page
California Department of Fish and Wildlife
California Natural Diversity Database



Buteo regalis

Element Code: ABNKC19120

ferruginous hawk

Listing Status: **Federal:** None **CNDDDB Element Ranks:** **Global:** G4
State: None **State:** S3S4
Other: CDFW_WL-Watch List, IUCN_LC-Least Concern
Habitat: **General:** OPEN GRASSLANDS, SAGEBRUSH FLATS, DESERT SCRUB, LOW FOOTHILLS AND FRINGES OF PINYON AND JUNIPER HABITATS.
Micro: EATS MOSTLY LAGOMORPHS, GROUND SQUIRRELS, AND MICE. POPULATION TRENDS MAY FOLLOW LAGOMORPH POPULATION CYCLES.

Occurrence No. 60 **Map Index:** 67366 **EO Index:** 67534 **Element Last Seen:** 2006-10-04
Occ. Rank: Fair **Presence:** Presumed Extant **Site Last Seen:** 2006-10-04
Occ. Type: Natural/Native occurrence **Trend:** Unknown **Record Last Updated:** 2006-12-12

Quad Summary: Atwater (3712035)

County Summary: Merced

Lat/Long: 37.36272 / -120.54352 **Accuracy:** 1/10 mile
UTM: Zone-10 N4137942 E717542 **Elevation (ft):** 175
PLSS: T06S, R13E, Sec. 33, SE (M) **Acres:** 0.0

Location: NORTH OF W BELLEVUE ROAD AND JUST EAST OF CANAL CREEK, EAST OF CASTLE AIR FORCE BASE.

Detailed Location: LOCATION MAPPED ACCORDING TO UTM COORDINATES AND MAP.

Ecological:

General: 1 ADULT OBSERVED FLYING/FORAGING OVER OPEN HAY FIELD ON 4 OCT 2006. CURRENT/SURROUNDING LAND: LOW DENSITY AGRICULTURAL PROPERTIES WITH HIGHLY DISTURBED LAND. VISIBLE DISTURBANCE: LONG TERM MANIPULATION OF LAND.

Owner/Manager: UNKNOWN

Athene cunicularia

Element Code: ABNSB10010

burrowing owl

Listing Status: **Federal:** None **CNDDDB Element Ranks:** **Global:** G4
State: None **State:** S2
Other: BLM_S-Sensitive, CDFW_SSC-Species of Special Concern, IUCN_LC-Least Concern, USFWS_BCC-Birds of Conservation Concern
Habitat: **General:** OPEN, DRY ANNUAL OR PERENNIAL GRASSLANDS, DESERTS, AND SCRUBLANDS CHARACTERIZED BY LOW-GROWING VEGETATION.
Micro: SUBTERRANEAN NESTER, DEPENDENT UPON BURROWING MAMMALS, MOST NOTABLY, THE CALIFORNIA GROUND SQUIRREL.



Multiple Occurrences per Page
California Department of Fish and Wildlife
California Natural Diversity Database



Occurrence No.	812	Map Index:	64827	EO Index:	64906	Element Last Seen:	2006-05-25
Occ. Rank:	Unknown			Presence:	Presumed Extant	Site Last Seen:	2006-05-25
Occ. Type:	Natural/Native occurrence			Trend:	Unknown	Record Last Updated:	2006-06-07
Quad Summary:	Atwater (3712035)						
County Summary:	Merced						
Lat/Long:	37.27390 / -120.50677				Accuracy:	specific area	
UTM:	Zone-10 N4128172 E721057				Elevation (ft):	150	
PLSS:	T07S, R13E, Sec. 35, SE (M)				Acres:	18.4	
Location:	SE END OF MERCED MUNICIPAL AIRPORT, ON THE SW EDGE OF MERCED.						
Detailed Location:	BURROWS ARE FOUND IN TWO DISTINCT AREAS, ABOUT 0.2 MILE APART. BOTH ARE LOCATED AT SOUTHERN END OF AIRPORT RUNWAY.						
Ecological:	HABITAT CONSISTS OF DISTURBED (MOWED) NON-NATIVE GRASSLAND.						
General:	6 ACTIVE BURROWS (WITH 6 ADULTS) OBSERVED ON 25 MAY 2006.						
Owner/Manager:	CITY OF MERCED						

Occurrence No.	876	Map Index:	67347	EO Index:	67514	Element Last Seen:	2006-10-06
Occ. Rank:	Fair			Presence:	Presumed Extant	Site Last Seen:	2006-10-06
Occ. Type:	Natural/Native occurrence			Trend:	Unknown	Record Last Updated:	2006-12-11
Quad Summary:	Atwater (3712035)						
County Summary:	Merced						
Lat/Long:	37.35908 / -120.53123				Accuracy:	80 meters	
UTM:	Zone-10 N4137567 E718642				Elevation (ft):	175	
PLSS:	T07S, R13E, Sec. 03, NE (M)				Acres:	0.0	
Location:	0.1 MILE SOUTH OF BELLEVUE ROAD AND 0.5 MILE EAST OF FRANKLIN ROAD, EAST OF CASTLE AIR FORCE BASE.						
Detailed Location:							
Ecological:	HABITAT CONSISTS OF LOW-DENSITY AGRICULTURAL PROPERTY CONTAINING NUMEROUS DETENTION BASINS; LAND IS HIGHLY DISTURBED/MAINPULATED.						
General:	1 ADULT OBSERVED AT BURROW ON 6 OCT 2006 AND DURING TWO OTHER VISITS TO THE PROPERTY.						
Owner/Manager:	UNKNOWN						

Occurrence No.	877	Map Index:	67348	EO Index:	67516	Element Last Seen:	2006-10-24
Occ. Rank:	Fair			Presence:	Presumed Extant	Site Last Seen:	2006-10-24
Occ. Type:	Natural/Native occurrence			Trend:	Unknown	Record Last Updated:	2006-12-11
Quad Summary:	Atwater (3712035)						
County Summary:	Merced						
Lat/Long:	37.33611 / -120.56332				Accuracy:	80 meters	
UTM:	Zone-10 N4134944 E715864				Elevation (ft):	160	
PLSS:	T07S, R13E, Sec. 08, SE (M)				Acres:	0.0	
Location:	0.25 MILE WEST OF GURR ROAD AND 0.4 MILE SOUTH OF AVENUE ONE, SE OF ATWATER.						
Detailed Location:							
Ecological:	HABITAT CONSISTS OF LOW-DENSITY AGRICULTURAL PROPERTY AND RUDERAL FIELD.						
General:	1 ADULT OBSERVED ON 24 OCT 2006 AND DURING ONE OTHER VISIT TO THE PROPERTY.						
Owner/Manager:	UNKNOWN						



Multiple Occurrences per Page
California Department of Fish and Wildlife
California Natural Diversity Database



Occurrence No.	988	Map Index:	70100	EO Index:	70964	Element Last Seen:	2007-07-16
Occ. Rank:	Excellent			Presence:	Presumed Extant	Site Last Seen:	2007-07-16
Occ. Type:	Natural/Native occurrence			Trend:	Unknown	Record Last Updated:	2007-10-03
Quad Summary:	Atwater (3712035)						
County Summary:	Merced						
Lat/Long:	37.29057 / -120.51700				Accuracy:	non-specific area	
UTM:	Zone-10 N4129998 E720101				Elevation (ft):	154	
PLSS:	T07S, R13E, Sec. 26 (M)				Acres:	28.0	
Location:	MERCED MUNICIPAL AIRPORT, SW OF MERCED.						
Detailed Location:							
Ecological:	HABITAT SURROUNDING BURROW SITES CONSISTS OF DISTURBED ANNUAL GRASSLAND DOMINATED BY PERENNIAL RYEGRASS (LOLIUM PERENNE), YELLOW STAR THISTLE (CENTAUREA SOLSTITIALIS), CURLY DOCK (RUMEX CRISPUS), AND SPRING VETCH (VICIA SATIVA SSP. SATIVA).						
General:	9 INDIVIDUALS OBSERVED ON 16 JUL 2007.						
Owner/Manager:	CITY OF MERCED						

Agelaius tricolor

Element Code: ABPBXB0020

tricolored blackbird

Listing Status:	Federal:	None	CNDDDB Element Ranks:	Global:	G1G2
	State:	Threatened		State:	S2
	Other:	BLM_S-Sensitive, CDFW_SSC-Species of Special Concern, IUCN_EN-Endangered, USFWS_BCC-Birds of Conservation Concern			
Habitat:	General:	HIGHLY COLONIAL SPECIES, MOST NUMEROUS IN CENTRAL VALLEY AND VICINITY. LARGELY ENDEMIC TO CALIFORNIA.			
	Micro:	REQUIRES OPEN WATER, PROTECTED NESTING SUBSTRATE, AND FORAGING AREA WITH INSECT PREY WITHIN A FEW KM OF THE COLONY.			

Occurrence No.	65	Map Index:	13166	EO Index:	24755	Element Last Seen:	1971-05-09
Occ. Rank:	Unknown			Presence:	Presumed Extant	Site Last Seen:	1971-05-09
Occ. Type:	Natural/Native occurrence			Trend:	Unknown	Record Last Updated:	2016-01-27
Quad Summary:	Atwater (3712035)						
County Summary:	Merced						
Lat/Long:	37.29715 / -120.58380				Accuracy:	1 mile	
UTM:	Zone-10 N4130574 E714161				Elevation (ft):	135	
PLSS:	T07S, R13E, Sec. 30 (M)				Acres:	0.0	
Location:	ABOUT 1.8 MI ESE OF HWY 140 & APPLGATE RD INTERSECTION, 2.6 MI S OF HWY 99 & BUHACH RD INTERSECTION, W OF MERCED.						
Detailed Location:	LOCATION DESCRIBED AS "SOUTH SIDE OF HIGHWAY 140; 4.5 MILES WEST OF MERCED." COLONY DATA STORED IN UC DAVIS TRICOLORED BLACKBIRD PORTAL; SITE NAME "SOUTH BUHACH ROAD AT HIGHWAY 140" & "WEST MERCED." EXACT LOCATION UNKNOWN.						
Ecological:	BLACKBERRIES IN IRRIGATED PASTURES. COLONY APPROXIMATELY 1/25 ACRE. DOMINANT SURROUNDING LAND USE WAS HALF ALFALFA AND HALF RESIDENTIAL, NO SUITABLE NESTING HABITAT IN 2014. 4.5 MILES MEASURED FROM HWY 99 & HWY 140 INTERSECTION.						
General:	ABOUT 1500 BIRDS OBSERVED ON 9 MAY 1971 BY DEHAVEN; PRESUMED NESTING, AREA TOO INACCESSIBLE TO REACH. 0 BIRDS OBSERVED ON 18 APR 2014; UNCLEAR IF THIS SURVEY WAS AT THE SAME LOCATION AS THE 1971 LOCATION.						
Owner/Manager:	UNKNOWN						



Multiple Occurrences per Page
California Department of Fish and Wildlife
California Natural Diversity Database



Occurrence No.	633	Map Index:	97347	EO Index:	98620	Element Last Seen:	1933-04-26
Occ. Rank:	Unknown			Presence:	Presumed Extant	Site Last Seen:	1933-04-26
Occ. Type:	Natural/Native occurrence			Trend:	Unknown	Record Last Updated:	2015-08-27
Quad Summary:	Sandy Mush (3712025), Atwater (3712035)						
County Summary:	Merced						
Lat/Long:	37.26050 / -120.51959				Accuracy:	4/5 mile	
UTM:	Zone-10 N4126655 E719959				Elevation (ft):	150	
PLSS:	T08S, R13E, Sec. 02 (M)				Acres:	0.0	
Location:	ABOUT 2.6 MI SW OF HWY 59 & CHILDS AVE INTERSECTION, 5.4 MI NNW OF HWY 59 & SANDY MUSH RD, SW OF MERCED.						
Detailed Location:	LOCATION DESCRIBED ONLY AS "THREE MILES SOUTHWEST OF MERCED." EXACT LOCATION UNKNOWN. MAPPED AS BEST GUESS TO AREA THAT APPEARED TO HISTORICALLY HAVE WATER (HARTLEY SLOUGH) BASED ON A 1918 USGS TOPO MAP FOR ATWATER QUAD.						
Ecological:	HABITAT ONLY DESCRIBED AS CATTAIL MARSH. COLONY PRESUMED EXTIRPATED BY BEEDY (1991). FURTHER RESEARCH NEEDED TO DETERMINE STATUS OF COLONY.						
General:	A BREEDING COLONY COMPOSED OF ABOUT 100 NESTS OBSERVED ON 26 APR 1933.						
Owner/Manager:	UNKNOWN						

Occurrence No.	634	Map Index:	97352	EO Index:	98624	Element Last Seen:	1933-05-19
Occ. Rank:	None			Presence:	Possibly Extirpated	Site Last Seen:	1933-05-19
Occ. Type:	Natural/Native occurrence			Trend:	Unknown	Record Last Updated:	2015-08-27
Quad Summary:	Merced (3712034), Atwater (3712035)						
County Summary:	Merced						
Lat/Long:	37.28790 / -120.50908				Accuracy:	1 mile	
UTM:	Zone-10 N4129719 E720811				Elevation (ft):	150	
PLSS:	T07S, R13E, Sec. 35 (M)				Acres:	0.0	
Location:	ABOUT 2 MI NW OF HWY 59 & VASSAR AVE INTERSECTION, 2.9 MI W OF HWY 99 & CHILDS AVE INTERSECTION, SW EDGE OF MERCED.						
Detailed Location:	MAPPED AS BEST GUESS TO CANALS JUST SW OF MERCED CITY PROPER. CANALS IDENTIFIED USING 1917 & 1947-48 USGS TOPO MAPS FOR MERCED & ATWATER QUADS. EL CAPITAN CANAL & MERCED LATERAL WERE POSSIBLE CANALS FOR COLONY LOCATION.						
Ecological:	HABITAT DESCRIBED AS CATTAILS ALONG CANAL. COLONY PRESUMED EXTIRPATED BY BEEDY (1991). VERY LITTLE TO NO HABITAT VISIBLE IN AERIAL PHOTOS. COLONY DATA STORED IN UC DAVIS TRICOLORED BLACKBIRD PORTAL; SITE NAME "SOUTHWEST MERCED."						
General:	A BREEDING COLONY COMPOSED OF ABOUT 1500 NESTS OBSERVED ON 19 MAY 1933 (NEFF 1937).						
Owner/Manager:	UNKNOWN						



Multiple Occurrences per Page
California Department of Fish and Wildlife
California Natural Diversity Database



Occurrence No.	635	Map Index:	97354	EO Index:	98627	Element Last Seen:	1933-04-27
Occ. Rank:	None			Presence:	Possibly Extirpated	Site Last Seen:	1933-04-27
Occ. Type:	Natural/Native occurrence			Trend:	Unknown	Record Last Updated:	2015-08-27
Quad Summary:	Merced (3712034), Atwater (3712035)						
County Summary:	Merced						
Lat/Long:	37.31620 / -120.48409				Accuracy:	1 mile	
UTM:	Zone-10 N4132919 E722944				Elevation (ft):	175	
PLSS:	T07S, R14E, Sec. 19 (M)				Acres:	0.0	
Location:	ALONG BEAR CREEK, JUST E OF HWY 59 & SANTA FE AVE INTERSECTION, 2.4 MI NW OF HWY 140 & CHILDS AVE INTERSECTION, MERCED.						
Detailed Location:	MAPPED AS BEST GUESS BY CNDDb TO PROVIDED LOCATION DESCRIPTION OF "NORTH OF MERCED." FEATURE MAPPED ALONG BEAR CREEK ALONG THE NORTHERN SIDE OF MERCED. CREEK HISTORICALLY BOUNDED THE N SIDE OF MERCED (USGS 1917 & 1948 TOPO, MERCED QUAD).						
Ecological:	HABITAT DESCRIBED AS CATTAIL MARSH. COLONY PRESUMED EXTIRPATED BY BEEDY (1991). AREA APPEARS TO HAVE BEEN HEAVILY DEVELOPED SINCE TIME OF DETECTION BASED ON AERIAL IMAGERY. COLONY DATA STORED IN UC DAVIS TRBL PORTAL; SITE "NORTH MERCED."						
General:	A BREEDING COLONY COMPOSED OF ABOUT 250 NESTS OBSERVED ON 27 APR 1933 (NEFF 1937).						
Owner/Manager:	UNKNOWN						

Occurrence No.	639	Map Index:	97371	EO Index:	98652	Element Last Seen:	2014-04-19
Occ. Rank:	Unknown			Presence:	Presumed Extant	Site Last Seen:	2014-04-19
Occ. Type:	Natural/Native occurrence			Trend:	Unknown	Record Last Updated:	2015-08-28
Quad Summary:	Merced (3712034), Atwater (3712035), Yosemite Lake (3712044), Winton (3712045)						
County Summary:	Merced						
Lat/Long:	37.37760 / -120.49598				Accuracy:	2/5 mile	
UTM:	Zone-10 N4139704 E721709				Elevation (ft):	190	
PLSS:	T06S, R13E, Sec. 25, SW (M)				Acres:	0.0	
Location:	JUST E OF HWY 59 & NEVADA ST INTERSECTION, ABOUT 0.6 MI NNE OF BREEZE RD & UTAH ST INTERSECTION, N OF MERCED.						
Detailed Location:	MAPPED ACCORDING TO PROVIDED LOCATION IN PORTAL. ENTRANCE TO MERCED HORSEMEN'S ARENA VISIBLE IN GOOGLE STREET VIEW. COLONY DATA STORED IN THE UC DAVIS TRICOLOR BLACKBIRD PORTAL; SITE NAME "MERCED HORSEMEN'S ARENA."						
Ecological:	HABITAT WAS TRITICALE BEFORE BEING HARVESTED ON 22 APR 2014. DISTANCE TO STORED GRAINS WAS "100-500" METERS. DISTANCE TO WATER WAS OVER 100 METERS.						
General:	ABOUT 2,000-2,500 BIRDS OBSERVED ON 19 APR 2014; BEHAVIOR CLASSIFIED AS SINGING, BREEDING, AND COLONY QUIET (INCUBATION INFERRED). COLONY WAS DESTROYED DUE TO HARVEST ON 22 APR 2014.						
Owner/Manager:	UNKNOWN, PVT						



Multiple Occurrences per Page
California Department of Fish and Wildlife
California Natural Diversity Database



Vulpes macrotis mutica

Element Code: AMAJA03041

San Joaquin kit fox

Listing Status: **Federal:** Endangered

CNDDDB Element Ranks: **Global:** G4T2

State: Threatened

State: S3

Other:

Habitat: **General:** ANNUAL GRASSLANDS OR GRASSY OPEN STAGES WITH SCATTERED SHRUBBY VEGETATION.

Micro: NEED LOOSE-TEXTURED SANDY SOILS FOR BURROWING, AND SUITABLE PREY BASE.

Occurrence No. 23 **Map Index:** 42082 **EO Index:** 42082 **Element Last Seen:** 1999-08-20

Occ. Rank: Poor **Presence:** Presumed Extant **Site Last Seen:** 1999-08-20

Occ. Type: Natural/Native occurrence **Trend:** Unknown **Record Last Updated:** 1999-12-27

Quad Summary: Atwater (3712035)

County Summary: Merced

Lat/Long: 37.36666 / -120.60137 **Accuracy:** non-specific area

UTM: Zone-10 N4138247 E712407 **Elevation (ft):** 160

PLSS: T06S, R12E, Sec. 36 (M) **Acres:** 286.7

Location: LIVINGSTON CANAL, FROM APROXIMATLY BELLEVUE ROAD TO WINTON WAY, ATWATER.

Detailed Location: ALONG CANAL AREA, MERCED COUNTY WATER DISTRICT.

Ecological: AREA IS FLAT WITH SANDY SOILS.

General: 1 OBSERVED IN BACKYARD, THEN TRAVELED WEST ALONG CANAL, 1999. 1 ADULT, 2 JUVENILES OBSERVED IN THE EARLY 1980'S, OVER A MONTH, FREQUENTING AN EXPOSED CONCRETE PIPE OPENING; AREA PREVIOUSLY BORDERED BY AG AND SOME RESIDENTIAL NOW HOUSING.

Owner/Manager: MER COUNTY



Multiple Occurrences per Page
California Department of Fish and Wildlife
California Natural Diversity Database



Emys marmorata

Element Code: ARAAD02030

western pond turtle

Listing Status: **Federal:** Proposed Threatened

CNDDDB Element Ranks: **Global:** G3G4

State: None

State: S3

Other: BLM_S-Sensitive, CDFW_SSC-Species of Special Concern, IUCN_VU-Vulnerable, USFS_S-Sensitive

Habitat: **General:** A THOROUGHLY AQUATIC TURTLE OF PONDS, MARSHES, RIVERS, STREAMS AND IRRIGATION DITCHES, USUALLY WITH AQUATIC VEGETATION, BELOW 6000 FT ELEVATION.

Micro: NEEDS BASKING SITES AND SUITABLE (SANDY BANKS OR GRASSY OPEN FIELDS) UPLAND HABITAT UP TO 0.5 KM FROM WATER FOR EGG-LAYING.

Occurrence No.	321	Map Index:	67349	EO Index:	67517	Element Last Seen:	2006-10-13
Occ. Rank:	Fair	Presence:	Presumed Extant	Site Last Seen:		2006-10-13	
Occ. Type:	Natural/Native occurrence	Trend:	Unknown	Record Last Updated:		2006-12-11	

Quad Summary: Atwater (3712035)

County Summary: Merced

Lat/Long: 37.36083 / -120.55443 **Accuracy:** 80 meters

UTM: Zone-10 N4137708 E716581 **Elevation (ft):** 175

PLSS: T06S, R13E, Sec. 33, SW (M) **Acres:** 0.0

Location: CANAL CREEK, 0.3 MILE WEST OF FOX ROAD AND 0.3 MILE NORTH OF BRADSHAW ROAD, CASTLE AIR FORCE BASE.

Detailed Location:

Ecological: HABITAT WITHIN CANAL CREEK CONSISTS OF HERBACEOUS VEGETATION. SURROUNDING LAND CONSISTS OF LOW-DENSITY AGRICULTURAL LAND, WHICH IS HIGHLY MANIPULATED FOR AGRICULTURE, DAIRY, AND CASTLE AFB.

General: 1 JUVENILE OBSERVED ON THE BANK OF CANAL CREEK ON 13 OCT 2006.

Owner/Manager: UNKNOWN

Branchinecta lynchi

Element Code: ICBRA03030

vernal pool fairy shrimp

Listing Status: **Federal:** Threatened

CNDDDB Element Ranks: **Global:** G3

State: None

State: S3

Other: IUCN_VU-Vulnerable

Habitat: **General:** ENDEMIC TO THE GRASSLANDS OF THE CENTRAL VALLEY, CENTRAL COAST MOUNTAINS, AND SOUTH COAST MOUNTAINS, IN ASTATIC RAIN-FILLED POOLS.

Micro: INHABIT SMALL, CLEAR-WATER SANDSTONE-DEPRESSION POOLS AND GRASSED SWALE, EARTH SLUMP, OR BASALT-FLOW DEPRESSION POOLS.



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California Department of Fish and Wildlife
California Natural Diversity Database



Occurrence No.	181	Map Index:	36115	EO Index:	31112	Element Last Seen:	1997-02-13
Occ. Rank:	Fair			Presence:	Presumed Extant	Site Last Seen:	1997-02-13
Occ. Type:	Natural/Native occurrence			Trend:	Unknown	Record Last Updated:	2014-10-02
Quad Summary:	Atwater (3712035)						
County Summary:	Merced						
Lat/Long:	37.34685 / -120.55031				Accuracy:	80 meters	
UTM:	Zone-10 N4136165 E716987				Elevation (ft):	165	
PLSS:	T07S, R13E, Sec. 04, SW (M)				Acres:	0.0	
Location:	JUST NW OF THE INTERSECTION OF FOX ROAD AND CARDELLA ROAD, 2 MILES EAST OF ATWATER.						
Detailed Location:							
Ecological:	HABITAT CONSISTED OF A ROADSIDE POOL, ADJACENT TO ATSF RAILROAD TRACKS, SURROUNDED BY AGRICULTURE.						
General:	1 ADULT COLLECTED ON 13 FEB 1997 (CASIZ #111133).						
Owner/Manager:	PVT						

Occurrence No.	305	Map Index:	46094	EO Index:	46094	Element Last Seen:	2002-01-28
Occ. Rank:	Good			Presence:	Presumed Extant	Site Last Seen:	2002-01-28
Occ. Type:	Natural/Native occurrence			Trend:	Unknown	Record Last Updated:	2014-10-10
Quad Summary:	Atwater (3712035)						
County Summary:	Merced						
Lat/Long:	37.35203 / -120.50373				Accuracy:	non-specific area	
UTM:	Zone-10 N4136848 E721098				Elevation (ft):	175	
PLSS:	T07S, R13E, Sec. 01, SW (M)				Acres:	17.8	
Location:	ABOUT 5 MILES EAST OF ATWATER, FROM INTERSECTION OF HIGHWAY 59 AND TAHOE STREET TO 0.2 MILE SOUTH ON HIGHWAY 59.						
Detailed Location:	CALTRANS RIGHT-OF-WAY ADJACENT TO WEST SHOULDER OF HIGHWAY 59. SAMPLE POOLS 5A, 5B, & 5B1.						
Ecological:	VERNAL POOLS IN OPEN GRASSLAND; SURROUNDING LAND USES WERE AGRICULTURE AND GRAZING AT TIME OF SURVEY.						
General:	8 COLLECTED IN 2000 (CASIZ #154910). 2 POOLS, EACH WITH 100 ADULTS, AND 1 POOL WITH 10 ADULTS OBSERVED FEB 2001; 16 COLLECTED (CASIZ #154907, 154908). 13 COLLECTED ON 28 JAN 2002 (CASIZ #162474, 162487).						
Owner/Manager:	CALTRANS						



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California Department of Fish and Wildlife
California Natural Diversity Database



Occurrence No.	306	Map Index:	46095	EO Index:	46095	Element Last Seen:	2002-01-11
Occ. Rank:	Good			Presence:	Presumed Extant	Site Last Seen:	2002-01-11
Occ. Type:	Natural/Native occurrence			Trend:	Unknown	Record Last Updated:	2014-10-10
Quad Summary:	Atwater (3712035)						
County Summary:	Merced						
Lat/Long:	37.33240 / -120.50482				Accuracy:	non-specific area	
UTM:	Zone-10 N4134668 E721059				Elevation (ft):	165	
PLSS:	T07S, R13E, Sec. 11, SE (M)				Acres:	31.4	
Location:	ABOUT 5 MI EAST OF ATWATER; ALONG HIGHWAY 59, FROM 0.2 TO 0.7 MI SOUTH OF THE INTERSECTION OF HWY 59 AND BELCHER AVE.						
Detailed Location:	SURVEYED POOLS WERE IN THE CALTRANS RIGHT-OF-WAY ADJACENT TO THE WEST SHOULDER OF HIGHWAY 59.						
Ecological:	VERNAL POOLS IN OPEN GRASSLAND SURROUNDED BY LAND USED FOR AGRICULTURE & GRAZING AT TIME OF 2000-01 SURVEYS. SPEA HAMMONDII, LINDERIELLA OCCIDENTALIS, & INDICATOR PLANTS ALSO FOUND. AIR PHOTOS SHOW DEVELOPMENT IN SE PORTION OF OCCURRENCE.						
General:	THOUSANDS OF ADULTS IN 2 POOLS & 10 IN 1 POOL, NOV 2000; 24 COLLECTED (IN CAS). HUNDREDS OF ADULTS IN 2 POOLS, FEB 2001; UP TO 51 COLLECTED FEB & DEC 2001 (IN CAS). 7 COLLECTED ON 11 JAN 2002 (CASIZ #162476).						
Owner/Manager:	CALTRANS						

Linderiella occidentalis

Element Code: ICBRA06010

California linderiella

Listing Status:	Federal:	None	CNDDDB Element Ranks:	Global:	G2G3
	State:	None		State:	S2S3
	Other:	IUCN_NT-Near Threatened			
Habitat:	General:	SEASONAL POOLS IN UNPLOWED GRASSLANDS WITH OLD ALLUVIAL SOILS UNDERLAIN BY HARDPAN OR IN SANDSTONE DEPRESSIONS.			
	Micro:	WATER IN THE POOLS HAS VERY LOW ALKALINITY, CONDUCTIVITY, AND TOTAL DISSOLVED SOLIDS.			

Occurrence No.	196	Map Index:	47479	EO Index:	47479	Element Last Seen:	2000-11-21
Occ. Rank:	Fair			Presence:	Presumed Extant	Site Last Seen:	2000-11-21
Occ. Type:	Natural/Native occurrence			Trend:	Unknown	Record Last Updated:	2002-03-25
Quad Summary:	Atwater (3712035)						
County Summary:	Merced						
Lat/Long:	37.35963 / -120.50374				Accuracy:	80 meters	
UTM:	Zone-10 N4137692 E721075				Elevation (ft):	175	
PLSS:	T07S, R13E, Sec. 02, NE (M)				Acres:	0.0	
Location:	5 MILES EAST OF ATWATER, 0.1 MILE SOUTH OF INTERSECTION OF WEST BELLEVUE ROAD AND HIGHWAY 59.						
Detailed Location:	POOL ALONG CULVERT LOCATED ON WEST SHOULDER OF HIGHWAY 59.						
Ecological:	HABITAT CONSISTS OF A SWALE. SURROUNDING AREA IS RURAL / GRAZING LAND.						
General:	21 NOV 2000: 500 ADULTS AND 500 JUVENILES OBSERVED IN SAMPLE POOL 6A.						
Owner/Manager:	CALTRANS						



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California Department of Fish and Wildlife
California Natural Diversity Database



Atriplex persistens

Element Code: PDCHE042P0

vernal pool smallscale

Listing Status: **Federal:** None

CNDDDB Element Ranks: **Global:** G2

State: None

State: S2

Other: Rare Plant Rank - 1B.2

Habitat: **General:** VERNAL POOLS.

Micro: ALKALINE VERNAL POOLS. 3-115 M.

Occurrence No.	4	Map Index:	36774	EO Index:	31771	Element Last Seen:	2011-10-15
Occ. Rank:	Excellent	Presence:	Presumed Extant	Site Last Seen:		2011-10-15	
Occ. Type:	Natural/Native occurrence	Trend:	Unknown	Record Last Updated:		2013-06-03	

Quad Summary: Sandy Mush (3712025), Atwater (3712035)

County Summary: Merced

Lat/Long:	37.24727 / -120.62010	Accuracy:	specific area
UTM:	Zone-10 N4124958 E711081	Elevation (ft):	110
PLSS:	T08S, R12E, Sec. 11, E (M)	Acres:	18.0

Location: NORTHWEST OF WHERE VENTURA ROAD GOES FROM E-W TO N-S, 6 MILES SOUTHWEST OF MERCED.

Detailed Location: RANGE ROAD/VENTURA ROAD ALSO NAMED JOHN SANDERS ROAD. SEVERAL POLYGONS MAPPED ACCORDING TO 2013 WITHAM DIGITAL DATA.

Ecological: ALKALI GRASSLAND WITH SHALLOW VERNAL POOLS. ASSOCIATED WITH HORDEUM MARINUM SSP. GUSSONEANUM, NEOSTAFFIA COLUSANA, AMARANTHUS ALBUS, FRANKENIA GRANDIFOLIA, CRYPsis SCHOENOIDES, CRESSA TRUXILLENSIS, ERYNGIUM VASEYI, AND DISTICHLIS SPICATA.

General: UNKNOWN NUMBER OF PLANTS SEEN IN 1987. 100'S OF PLANTS SEEN IN 2009. 100,000S OF PLANTS SEEN IN 2011. 1989 TAYLOR COLLECTION AND 1994 & 1995 STUTZ COLLECTIONS ALSO ATTRIBUTED HERE. ONE OF THE MOST OUTSTANDING ATPE OCCURRENCES.

Owner/Manager: PVT

Occurrence No.	7	Map Index:	36783	EO Index:	31780	Element Last Seen:	1926-06-18
Occ. Rank:	None	Presence:	Possibly Extirpated	Site Last Seen:		1926-06-18	
Occ. Type:	Natural/Native occurrence	Trend:	Unknown	Record Last Updated:		1998-04-29	

Quad Summary: Atwater (3712035)

County Summary: Merced

Lat/Long:	37.26480 / -120.53386	Accuracy:	1 mile
UTM:	Zone-10 N4127099 E718682	Elevation (ft):	140
PLSS:	T08S, R13E, Sec. 03 (M)	Acres:	0.0

Location: 3 MILES SOUTHWEST OF MERCED.

Detailed Location:

Ecological:

General: MAIN SOURCE OF INFORMATION FOR THIS SITE IS 1926 COLLECTION BY HOWELL. OCCURRENCE EXTIRPATED ACCORDING TO D. TAYLOR.

Owner/Manager: UNKNOWN



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California Department of Fish and Wildlife
California Natural Diversity Database



Sagittaria sanfordii

Element Code: PMALI040Q0

Sanford's arrowhead

Listing Status:	Federal: None	CNDDDB Element Ranks:	Global: G3
	State: None		State: S3
	Other: Rare Plant Rank - 1B.2, BLM_S-Sensitive		
Habitat:	General: MARSHES AND SWAMPS.		
	Micro: IN STANDING OR SLOW-MOVING FRESHWATER PONDS, MARSHES, AND DITCHES. 0-605 M.		

Occurrence No.	75	Map Index:	83260	EO Index:	84280	Element Last Seen:	2010-05-25
Occ. Rank:	Good	Presence:	Presumed Extant	Site Last Seen:			2010-05-25
Occ. Type:	Natural/Native occurrence	Trend:	Unknown	Record Last Updated:			2011-06-30

Quad Summary: Atwater (3712035)

County Summary: Merced

Lat/Long:	37.32415 / -120.54171	Accuracy:	specific area
UTM:	Zone-10 N4133667 E717814	Elevation (ft):	150
PLSS:	T07S, R13E, Sec. 16, E (M)	Acres:	1.0

Location: CANAL WEST OF FRANKLIN ROAD ACROSS FROM LOBO AVE, ABOUT 0.2 MILE NORTH OF STATE ROUTE 99, MERCED.

Detailed Location: TWO COLONIES MAPPED ACCORDING TO 2010 COORDINATES PROVIDED BY GRAENING.

Ecological: AGRICULTURAL CANAL; OCCASIONAL INUNDATION. ASSOCIATED WITH POLYGONUM HYDROPIPEROIDES, SORGHUM HALEPENSE, JUNCUS BALTICUS, LYTHRUM HYSSOPIFOLIA, AVENA BARBATA, ERODIUM BOTRYS, PLANTAGO LANCEOLATA, ETC.

General: ABOUT 750 PLANTS OBSERVED IN EASTERN COLONY AND 96 PLANTS OBSERVED IN WESTERN COLONY IN 2010.

Owner/Manager: UNKNOWN



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California Department of Fish and Wildlife
California Natural Diversity Database



Neostapfia colusana

Element Code: PMPOA4C010

Colusa grass

Listing Status: **Federal:** Threatened
State: Endangered
Other: Rare Plant Rank - 1B.1

CNDDDB Element Ranks: **Global:** G1
State: S1

Habitat: **General:** VERNAL POOLS.
Micro: USUALLY IN THE BOTTOMS OF LARGE, OR DEEP VERNAL POOLS; ADOBE SOILS. 5-125 M.

Occurrence No.	40	Map Index:	13099	EO Index:	6295	Element Last Seen:	2011-10-15
Occ. Rank:	Fair	Presence:	Presumed Extant	Site Last Seen:		2011-10-15	
Occ. Type:	Natural/Native occurrence	Trend:	Decreasing	Record Last Updated:		2013-05-20	

Quad Summary: Sandy Mush (3712025), Atwater (3712035)

County Summary: Merced

Lat/Long:	37.24933 / -120.61933	Accuracy:	specific area
UTM:	Zone-10 N4125188 E711145	Elevation (ft):	110
PLSS:	T08S, R12E, Sec. 11, E (M)	Acres:	19.0

Location: NORTHWEST OF JUNCTION OF RANGE ROAD AND VENTURA ROAD, 4.5 MILES NORTH OF THE MERCED NATIONAL WILDLIFE REFUGE.

Detailed Location: SEVERAL POLYGONS MAPPED ACCORDING TO A 1982 MAP WITH AERIAL PHOTO, A 1988 MAP BY BIOSYSTEMS ANALYSIS, AND 2013 WITHAM DIGITAL DATA.

Ecological: VERNAL POOLS APPARENTLY FORMED OVER LEWIS SALINE-ALKALINE SOILS. POOLS SURROUNDED BY VALLEY GRASSLAND. POOL ASSOCIATES INCLUDE AMARANTHUS ALBUS, POLYPOGON, CRYPSIS, ATRIPLEX, FRANKENIA, CRESSA, ERYNGIUM, DISTICHLIS, SIDA, NAVARRETIA, ETC.

General: >10,000 PLANTS IN 1982, 13,000+ IN 1986, 23,000 IN 1987, 1300 IN 1988, NONE IN 2009 & 2010, ~600 PLANTS IN 2011.

Owner/Manager: PVT



7.2 Appendix B: CHRIS Search Record

Prepared by CCIC dated December 15, 2023.



CENTRAL CALIFORNIA INFORMATION CENTER

California Historical Resources Information System

Department of Anthropology – California State University, Stanislaus

One University Circle, Turlock, California 95382

(209) 667-3307

Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus & Tuolumne Counties

Date: 12/15/2023

Records Search File #: 12750I

Project: Atwater Water Well

APN 150-150-023

Collin Mullaney, Associate Planner

Precision Civil Engineering, Inc.

1234 O Street

Fresno, CA 93721

559-449-4500 ext. 119

cmullaney@precisioneng.net

We have conducted a non-confidential extended records search as per your request for the above-referenced project area located on the Atwater USGS 7.5-minute quadrangle map in Merced County.

Search of our files includes review of our maps for the specific project area and the immediate vicinity of the project area, and review of the following:

National Register of Historic Places (NRHP)

California Register of Historical Resources (CRHR)

California Inventory of Historic Resources (1976)

California Historical Landmarks

California Points of Historical Interest listing

Office of Historic Preservation Built Environment Resource Directory (BERD) and the

Archaeological Resources Directory (ARD)

Survey of Surveys (1989)

Caltrans State and Local Bridges Inventory

General Land Office Plats

Other pertinent historic data available at the CCalIC for each specific county

The following details the results of the records search:

Prehistoric or historic resources within the project area:

- There are no formally recorded prehistoric or historic archaeological resources or historic buildings or structures within the project area.
- The project area is within the overall boundary of the proposed Merced Irrigation District (P-24-001909), but no contributing water conveyance features are referenced within the project area. The Office of Historic Preservation Built Environment Resource Directory (BERD) shows this proposed multi-county district with a National Register of Historic Places (NRHP) evaluation of 6Y, determined ineligible for the NRHP by consensus through the Section 106 process, not evaluated for the California Register of Historical

Resources or for local listing.

- The General Land Office survey plat for T6S R12E (dated 1853) does not reference any historical land divisions or features with Section 36.
- The 1918 and 1948 editions of the Atwater USGS quadrangle show the alignment of Fruitland Avenue/Mitchell Avenue south of the project area; the 1960 edition shows the entire City of Atwater street configuration.

Prehistoric or historic resources within the immediate vicinity of the project area: The Livingston Canal immediately north of the project area has been recorded as P-24-000552. The Office of Historic Preservation Built Environment Resource Directory (BERD) shows this resource with a National Register of Historic Places (NRHP) evaluation of 6Y, determined ineligible for the NRHP by consensus through the Section 106 process, not evaluated for the California Register of Historical Resources or for local listing.

Resources that are known to have value to local cultural groups: None has been formally reported to the Information Center.

Previous investigations within the project area: No project-specific survey has been formally reported to the Information Center, but the project area is with the boundary of an overview document, referenced as follows:

Holman, M. and R. Hellmann (Holman & Associates, for Jerry Haag, Environmental Consultant, Berkeley, CA)

2008 *An Archival Study to Identify Potential Cultural Resources Located in the City of Atwater General Plan and Program EIR Project Area, Merced County, California.*

CCaIC Report ME-06858

Recommendations/Comments:

Please be advised that a historical resource is defined as a building, structure, object, prehistoric or historic archaeological site, or district possessing physical evidence of human activities over 45 years old. Since the project area has not been subject to previous investigations, there may be unidentified features involved in your project that are 45 years or older and considered as historical resources requiring further study and evaluation by a qualified professional of the appropriate discipline.

If the current project does not include ground disturbance, further study for archaeological resources is not recommended at this time. If ground disturbance is considered a part of the current project, we recommend further review for the possibility of identifying prehistoric or historic-era archaeological resources.

If the proposed project contains buildings or structures that meet the minimum age requirement (45 years in age or older) it is recommended that the resource/s be assessed by a professional familiar with architecture and history of the county. Review of the available historic building/structure data has included only those sources listed above and should not be considered comprehensive.

If at any time you might require the services of a qualified professional the Statewide Referral List for Historical Resources Consultants is posted for your use on the internet at <http://chrisinfo.org>

If archaeological resources are encountered during project-related activities, work should be temporarily halted in the vicinity of the discovered materials and workers should avoid altering the materials and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. Project personnel should not collect cultural resources.

If human remains are discovered, California Health and Safety Code Section 7050.5 requires you to protect the discovery and notify the county coroner, who will determine if the find is Native American. If the remains are recognized as Native American, the coroner shall then notify the Native American Heritage Commission (NAHC). California Public Resources Code Section 5097.98 authorizes the NAHC to appoint a Most Likely Descendant (MLD) who will make recommendations for the treatment of the discovery.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the State Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the CHRIS Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

We thank you for contacting this office regarding historical resource preservation. Please let us know when we can be of further service. Thank you for transmitting the signed Access Agreement Short Form

Note: Billing will be transmitted separately via email from the Financial Services office

(\$150.00), due within 60 days of receipt of the invoice.

If you wish to include payment by Credit Card, you must wait to receive the official invoice from Financial Services so that you can reference the CMP # (Invoice Number), and then contact the link below:

<https://commerce.cashnet.com/ANTHROPOLOGY>

Sincerely,

E. A. Greathouse

E. A. Greathouse, Coordinator
Central California Information Center
California Historical Resources Information System

* Invoice Request sent to: ARBilling@csustan.edu, CSU Stanislaus Financial Services



7.3 Appendix C: NAHC SLF Results Letter

Prepared by NAHC dated February 7, 2024.

**NATIVE AMERICAN HERITAGE COMMISSION**

February 7, 2024

Shin Tu
Precision Civil EngineeringVia Email to: stu@precisioneng.netCHAIRPERSON
Reginald Pagaling
ChumashVICE CHAIRPERSON
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NomlakiSECRETARY
Sara Dutschke
MiwokPARLIAMENTARIAN
Wayne Nelson
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Isaac Bojorquez
Ohlone-CostanoanCOMMISSIONER
Stanley Rodriguez
KumeyaayCOMMISSIONER
Laurena Bolden
SerranoCOMMISSIONER
Reid Milanovich
CahuillaCOMMISSIONER
VacantEXECUTIVE SECRETARY
**Raymond C.
Hitchcock**
Miwok/Nisenan**NAHC HEADQUARTERS**
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC 00 000**Re: Native American Tribal Consultation, Pursuant to the Assembly Bill 52 (AB 52), Amendments to the California Environmental Quality Act (CEQA) (Chapter 532, Statutes of 2014), Public Resources Code Sections 5097.94 (m), 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2 and 21084.3, Atwater Water Well Project, Merced County**

Dear Mr. Tu:

Pursuant to Public Resources Code section 21080.3.1 (c), attached is a consultation list of tribes that are traditionally and culturally affiliated with the geographic area of the above-listed project. Please note that the intent of the AB 52 amendments to CEQA is to avoid and/or mitigate impacts to tribal cultural resources, (Pub. Resources Code §21084.3 (a)) ("Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.")

Public Resources Code sections 21080.3.1 and 21084.3(c) require CEQA lead agencies to consult with California Native American tribes that have requested notice from such agencies of proposed projects in the geographic area that are traditionally and culturally affiliated with the tribes on projects for which a Notice of Preparation or Notice of Negative Declaration or Mitigated Negative Declaration has been filed on or after July 1, 2015. Specifically, Public Resources Code section 21080.3.1 (d) provides:

Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency shall provide formal notification to the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, which shall be accomplished by means of at least one written notification that includes a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation pursuant to this section.

The AB 52 amendments to CEQA law does not preclude initiating consultation with the tribes that are culturally and traditionally affiliated within your jurisdiction prior to receiving requests for notification of projects in the tribe's areas of traditional and cultural affiliation. The Native American Heritage Commission (NAHC) recommends, but does not require, early consultation as a best practice to ensure that lead agencies receive sufficient information about cultural resources in a project area to avoid damaging effects to tribal cultural resources.

The NAHC also recommends, but does not require that agencies should also include with their notification letters, information regarding any cultural resources assessment that has been completed on the area of potential effect (APE), such as:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:

- A listing of any and all known cultural resources that have already been recorded on or adjacent to the APE, such as known archaeological sites;
- Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
- Whether the records search indicates a low, moderate, or high probability that unrecorded cultural resources are located in the APE; and
- If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.

2. The results of any archaeological inventory survey that was conducted, including:

- Any report that may contain site forms, site significance, and suggested mitigation measures.

All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code section 6254.10.

3. The result of any Sacred Lands File (SLF) check conducted through the Native American Heritage Commission was negative.

4. Any ethnographic studies conducted for any area including all or part of the APE; and

5. Any geotechnical reports regarding all or part of the APE.

Lead agencies should be aware that records maintained by the NAHC and CHRIS are not exhaustive and a negative response to these searches does not preclude the existence of a tribal cultural resource. A tribe may be the only source of information regarding the existence of a tribal cultural resource.

This information will aid tribes in determining whether to request formal consultation. In the event that they do, having the information beforehand will help to facilitate the consultation process.

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance, we can assure that our consultation list remains current.

If you have any questions, please contact me at my email address: Pricilla.Torres-Fuentes@nahc.ca.gov.

Sincerely,

Pricilla Torres-Fuentes

Pricilla Torres-Fuentes
Cultural Resources Analyst

Attachment