

FINAL MITIGATED NEGATIVE DECLARATION

In Compliance with the California Environmental Quality Act (CEQA)

Project Name	Hoyt Event Center
Lead Agency	County of Merced
Project Proponent	Lee Hoyt PO Box 227 Winton, CA 95388
Project Location	5197 Eucalyptus Avenue Winton, CA 95388 Unincorporated Merced County
Project Description	<p>The project site consists of approximately 3.6 acres within a 16-acre parcel. Existing uses on the site include a barn, single-family residence, and ancillary structures, all of which will remain. The proposed project involves repurposing the existing 72-foot by 64-foot barn into a private event center on approximately 1.9 acres. An adjacent area of approximately 1.7 acres will be used for event parking. No new structures are proposed for the project.</p> <p>Physical improvements include grading and paving 1.7 acres to develop a driveway and an event parking lot to accommodate 60 spaces, including two ADA-compliant spaces. Additionally, the Merced County Department of Public Works Road Division requires the proposed project to dedicate a 10-foot right-of-way along the Eucalyptus Avenue and Buhach Road frontages of the property (Gerardo Elias, Engineering Associate, Department of Public Works, March 11, 2021), although no improvements are currently proposed within that right-of-way.</p>
Public Review Period	Begins – March 13, 2025 Ends – April 14, 2025 (No comments were submitted or received)
Written Comments To	County of Merced Mark Hamilton, Planner III 2222 M Street, Merced, CA 95340 Email: Mark.Hamilton@countyofmerced.com

Proposed Findings

The County of Merced is the custodian of the documents and other material that constitute the record of proceedings upon which this decision is based.

The initial study indicates that the proposed project has the potential to result in significant adverse environmental impacts. However, the mitigation measures identified in the initial study would reduce the impacts to a less than significant level. There is no substantial evidence, in light of the whole record before the lead agency, County of Merced, that the project, with mitigation measures incorporated, may have a significant effect on the environment. See the following project-specific mitigation measures:

Mitigation Measures

Biological Resources

BIO-1 Swainson's Hawk. The following measures shall be implemented to avoid loss of or harm to Swainson's hawk:

- a. Road paving shall be completed outside of the nesting season for Swainson's hawk (September 16–March 14).
- b. If paving cannot be timed outside of nesting season, to avoid, minimize, and mitigate potential impacts on Swainson's hawk nesting on or adjacent to the project site, a qualified biologist shall be contracted to conduct preconstruction surveys and identify active nests on and within 0.5 mile of the project site for construction activities conducted before and during the breeding season (February 1–September 15). The surveys shall be conducted no less than 14 days and no more than 30 days before the beginning of construction. Guidelines, provided in Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in the Central Valley (Swainson's Hawk Technical Advisory Committee 2000) or updated, current guidance, shall be followed for surveys for Swainson's hawk. If no nests are found, a report documenting the results of the survey will be submitted to the Merced County Community and Economic Development Department and no further mitigation will be required.
- c. If found, impacts to nesting Swainson's hawks shall be avoided by establishing appropriate buffers around active nest sites identified during preconstruction raptor surveys. No project activity shall commence within the buffer areas until a qualified biologist has determined, in coordination with California Department of Fish and Wildlife, the young have fledged, the nest is no longer active, or reducing the buffer would not result in nest abandonment. California Department of Fish and Wildlife guidelines recommend implementation of 0.25- or 0.5-mile-wide

buffers for Swainson's hawk nests, but the size of the buffer may be decreased if a qualified biologist, in consultation with California Department of Fish and Wildlife, determine that such an adjustment would not be likely to adversely affect the nest.

- d. Monitoring of all Swainson hawk nests by a qualified biologist during construction activities will be required if the activity has potential to adversely affect the nest. If construction activities cause the nesting bird to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then the no-disturbance buffer shall be increased until the agitated behavior ceases. The exclusionary buffer will remain in place until the chicks have fledged or as otherwise determined appropriate by a qualified biologist.
- e. If impacts to Swainson's hawk cannot be avoided, consultation with the California Department of Fish and Wildlife will be conducted, and an Incidental Take Permit will be obtained. Compliance with permit conditions shall be required prior to the start of disturbance activities.

BIO-2 Protected Nesting Birds. To avoid impacts to mountain plover and other nesting birds during the nesting season (January 15 through September 15), all construction activities should be conducted between September 16 and January 14, which is outside of the bird nesting season. If construction or project-related work is scheduled during the nesting season (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), a qualified biologist shall conduct nesting bird surveys.

- a. Two surveys for active bird nests shall occur within 14 days prior to start of paving activities, with the final survey conducted within 48 hours prior to ground disturbance. Appropriate minimum survey radii surrounding each work area are typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities. Locations off the site to which access is not available may be surveyed from within the site or from public areas. If no nesting birds are found, a letter report confirming absence will be prepared and submitted to the Merced County Community and Economic Development Department and no further mitigation is required.
- b. If the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist will conduct baseline monitoring of each nest to characterize "normal" bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if

birds show signs of unusual or distressed behavior (e.g., defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active. Once the absence of nesting birds has been confirmed, a letter report will be prepared by the biologist and submitted to the Merced County Community and Economic Development Department, where it will be kept on file, and no further measures are required.

BIO-3 Special-Status Bats. The following measures shall be implemented to avoid loss of or harm to special-status bat species:

- a. Approximately 14 days prior to paving activities, a qualified biologist shall conduct a habitat assessment for bats and potential roosting sites in trees or buildings within 50 feet of construction activities. These surveys shall include a visual inspection of potential roosting features (bats need not be present) and a search for presence of guano within the project site, construction access routes, and 50 feet around these areas. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable potential nest or roost habitat for bats shall be surveyed. Assumptions can be made on what species is present due to observed visual characteristics along with habitat use, or the bats can be identified to the species level with the use of a bat echolocation detector such as an “Anabat” unit. Potential roosting features found during the survey shall be flagged or marked.
- b. If no roosting sites or bats are found, a letter report shall be prepared by the biologist and submitted to the Merced County Community and Economic Development Department, where it shall be kept on file, and no further measures are required.
- c. If bats or roosting sites are found, bats shall not be disturbed without specific notice to and consultation with California Department of Fish and Wildlife.
- d. The nursery season is typically from May 1 to October 1. If bats are found roosting outside of the nursery season, California Department of Fish and Wildlife shall be consulted prior to any eviction or other action. If avoidance or postponement is not feasible, a Bat Eviction Plan shall be submitted to California Department of Fish and Wildlife for written approval prior to project implementation. A request to evict bats from a roost includes details for excluding bats from the roost site and monitoring to ensure that all bats have exited the roost prior to the start of activity and are unable to re-enter the roost until activity is completed. Any bat eviction shall be timed to avoid lactation and young-rearing. If bats are found roosting during the nursery season, they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the

roost after the adults leave for the night to listen for bat pups. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 50-foot buffer zone (or different size if determined in consultation with the California Department of Fish and Wildlife) shall be established around the roosting site within which no construction activities including tree removal or structure disturbance shall occur until after the nursery season.

Cultural Resources

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

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

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

Section 7050.5 requires that excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If human remains are determined as those of Native American origin, the project proponent shall comply with the state relating to the disposition of Native American burials that fall within the jurisdiction of the NAHC (Public Resource Code [PRC] § 5097). The coroner shall contact the Native American Heritage Commission (NAHC) to determine the most likely descendant(s) (MLD). The MLD shall complete his

or her inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The MLD will determine the most appropriate means of treating the human remains and associated grave artifacts, and shall oversee the disposition of the remains. In the event the NAHC is unable to identify an MLD or the MLD fails to make a recommendation within 48 hours after being granted access to the site, the landowner or his/her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity within the project area in a location not subject to further subsurface disturbance if: a) the Native American Heritage Commission is unable to identify the MLD or the MLD failed to make a recommendation within 48 hours after being allowed access to the site; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.”

Geology and Soils

GEO-1 Prior to issuance of a grading permit, the applicant shall prepare an erosion control plan indicating proposed methods for the control of runoff, erosion, and sediment control, subject to review and approval by the county. The erosion control plan will be implemented during grading and construction activities.

Greenhouse Gas Emissions

GHG-1 The proposed project shall be designed to include electric vehicle support improvements consistent with the latest adopted version of the CALGreen Tier 2 voluntary standards. Inclusion of these design elements in the final project plans shall be verified by the Merced County Building and Safety Official prior to issuance of a building permit.

Hydrology and Water Quality

HYD-1 Prior to issuance of a grading permit, the applicant shall prepare a drainage plan that complies with the Merced County Best Management Practices and standards established for compliance with non-point discharge emissions for storm water. The drainage plan shall incorporate Low Impact Development strategies and Best Management Practices to reduce storm water runoff, encourage infiltration, and reduce pollutant transmission. The drainage plan shall be subject to review and approval by the county and be implemented with development of the project.