

Summary Form for Electronic Document Submittal

Form F

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

SCH # _____

Project Title: Rainbrook Run Subdivision

Lead Agency: City of Dos Palos

Contact Name: Brian Guerrero, Director of Community Development

Email: bguerrero@cityofdp.com Phone Number: (209) 392-2174

Project Location: Dos Palos Merced County
City *County*

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

The project site is located north of Blossom Street and east of Reynolds Avenue (APN 013-062-004). The proposed subdivision includes 102 single-family lots, an approximately 3.8-acre lot for multi-family (76 units are assumed), an approximately 2.6-acre park site to be dedicated to the City, and new roadway rights-of-way. The proposed project also includes a ten-foot public utility easement dedicated along all proposed roadway frontages. The project would require the construction of new water, wastewater, and storm drain facilities as well as electric power, natural gas, and telecommunications facilities.

The project site would also be detached from the jurisdiction of the Central California Irrigation District (CCID) as part of the overall development. There are two storm drainage options proposed at the site: (1) develop Lot B as an above-ground storm drain basin and discharge into the CCID canal; or (2) develop Lot B as an above-ground storm drain basin and connect to the existing lift station installed by Self Help Enterprises and allow stormwater to discharge through an existing outfall into the CCID canal.

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

Air Quality

Impact: Construction-related NO_x and PM₁₀ exhaust emissions associated with the project could exceed the air district's regulatory standards.

Mitigation Measure:

AQ-1 The applicant shall prepare a Dust Control Plan for review and approval by the City of Dos Palos Community Development Department. The Dust Control Plan must outline control measures for each phase of construction, which may include all or a combination of the following measures:

- a. Effective dust suppression (e.g., watering) for land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill and demolition activities;
- b. Effective stabilization of all disturbed areas of a construction site, including storage piles, not used for seven or more days;
- c. Control of fugitive dust from on-site unpaved roads and off-site unpaved roads;

- d. Removal of accumulations of mud or dirt at the end of the workday or once every 24 hours from public paved roads, shoulders and access ways adjacent to the site;
- e. Cease outdoor construction activities that disturb soils during high winds periods;
- f. Record keeping for each day dust control measures are implemented;
- g. Limit traffic speeds on unpaved roads to 15 mph;
- h. Install erosion control measures to prevent silt runoff to public roadways;
- i. Landscape or replant vegetation in disturbed areas as quickly as possible;
- j. Prevent the tracking of dirt on public roadways. Limit access to the construction sites, so tracking of mud or dirt on to public roadways can be prevented. If necessary, use wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site;
- k. Suspend grading activity when winds (instantaneous gusts) exceed 25 mph or dust clouds cannot be prevented from extending beyond the site; and
- l. Anyone who prepares or implements a dust control plan must attend a training course conducted by the air district. Construction sites are subject to air district inspections under this regulation.

Impact: The project could result in health risks from potential exposures to construction toxic air contaminant emissions.

Mitigation Measure:

AQ-2 The applicant shall prepare a Construction Management Plan for review and approval by the City of Dos Palos Community Development Department or his/her designee. The Construction Management Plan shall include the following measures to reduce TAC emissions during construction:

- a. Heavy-duty diesel vehicles will have 2010 or newer model year engines, in compliance with the California Air Resources Board's Truck and Bus Regulation;
- b. Idling of construction equipment and heavy-duty diesel trucks will be avoided where feasible, and if idling is necessary, it will not exceed three minutes;
- c. All construction equipment will be maintained and properly tuned in accordance with manufacturer's specifications and will be checked by a certified visible emissions evaluator; and
- d. All non-road diesel construction equipment will, at a minimum, meet Tier 3 emission standards listed in the Code of Federal Regulations Title 40, Part 89, Subpart B, §89.112. Further, where feasible, construction equipment will use alternative fuels such as compressed natural gas, propane, electricity, or biodiesel.

Biological Resources

Impact: The project could result in the loss or harm to the giant garter snake.

Mitigation Measures:

BIO-1 Giant Garter Snake. The project applicant shall implement the following measures for the protection of giant garter snake (USACE No Date).

1. Avoid construction activities within 200 feet from the banks of giant garter snake aquatic habitat. Confine movement of heavy equipment to existing roadways to minimize habitat disturbance.
2. Construction activity within habitat shall be conducted between May 1 and October 1. This is the active period for giant garter snakes and direct mortality is lessened, because snakes are expected to actively move and avoid danger.
3. Confine clearing to the minimal amount of area necessary to facilitate construction activities. A qualified biologist shall flag and designate avoided giant garter snake habitat within or adjacent to the project area as Environmentally Sensitive Areas. This area shall be avoided by all construction personnel.
4. 24 hours prior to construction activities, the project area shall be surveyed for giant garter snakes. Survey of the project area shall be repeated if a lapse in construction activity of two weeks or greater has occurred. If a snake is encountered during construction, activities shall cease until appropriate corrective measures have been completed or it has been determined that the snake will not be harmed. Report any sightings and any incidental take to the Service immediately by telephone at (916) 414- 6600.
5. After completion of construction activities, any temporary fill and construction debris shall be removed and, wherever feasible, restored to pre-project conditions.
6. If work is scheduled between October 2 and April 30 contact the Service's Sacramento Fish and Wildlife Office to determine if additional measures are necessary to minimize and avoid take.
7. Follow the conservation measures in the table below to minimize the effects of loss and disturbance of habitat on giant garter snakes; restoration or habitat replacement may be required.

Impact Duration	Impact Acres	Compensation
1 Season	Less than 20 (temporary)	Restoration
2 Seasons	Less than 20 (temporary)	Restoration plus 1:1 replacement
More than 2 seasons and temporary	Less than 20 and temporary	3:1 Replacement (or restoration plus 2:1 replacement)
Permanent Loss	Less than 3 acres	3:1 replacement

The project applicants shall be responsible for implementation of this mitigation measure with oversight by City of Dos Palos Community Development Department. Compliance with this measure shall be documented and submitted to the City of Dos Palos Community Development Department.

BIO-2 Worker Environmental Awareness Program (WEAP). Prior to the project commencement, a qualified biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of special-status species potentially occurring in the project vicinity, including, but not limited to, giant garter snake, mountain plover, Swainson's hawk, nesting birds, and roosting bats. Their habitats, general measures that are being implemented to conserve species as they relate to the project, and the boundaries within which construction activities will occur will be explained. Informational handouts with photographs clearly illustrating the species' appearances shall be used in the training session. All new construction personnel shall undergo this mandatory environmental awareness training. The project applicant shall document evidence of completion of this training by a letter report prepared by the biologist and submitted to the City of Dos Palos Community Development Department, where it will be kept on file.

Impact: The project could result in the loss or harm to Swainson's hawk or their foraging habitat.

Mitigation Measures:

BIO-3 Swainson's Hawk Preconstruction Surveys. The following measures shall be implemented to avoid loss of or harm to Swainson's hawk and other raptors:

- a. Construction activities shall be completed during the nonbreeding season for raptors (September 16–January 31).
- b. If construction activities cannot be timed outside of nesting season, to avoid, minimize, and mitigate potential impacts on Swainson's hawk and other raptors nesting on or adjacent to the project site, the applicant shall retain a qualified biologist to conduct preconstruction surveys and identify active nests on and within 0.5 mile of the project site for construction activities conducted during the breeding season (February 1–September 15). The surveys shall be conducted before the approval of grading and/or improvement plans (as applicable) and no less than 14 days and no more than 30 days before the beginning of construction. Guidelines, provided in Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in the Central Valley (Swainson's Hawk Technical Advisory Committee 2000) 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 shall be submitted to the City of Dos Palos Community 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.

Monitoring of all Swainson's 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.

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

BIO-4 Swainson's Hawk Habitat Mitigation. An active nest tree was documented within three miles of the project area in 2010. It is unknown whether more recent observations of nests have occurred within ten miles of the project site. Preliminary consultation with the California Department of Fish and Wildlife shall occur to determine whether mitigation for the loss of foraging habitat on the project site is required per the guidelines outlined in the California Department of Fish and Wildlife's 1994 *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California*. Suitable foraging habitat includes fallow land, alfalfa or other low growing crops. Prior to the issuance of building permits, the project applicant shall provide the City of Dos Palos Community Development Department with evidence that the applicant has consulted with the

California Department of Fish and Wildlife and compensated for the loss of Swainson's hawk foraging habitat if determined necessary.

Projects causing the loss of foraging habitat within ten miles of an active nest tree used during one or more of the last five years shall provide Habitat Management land for each acre of urban development authorized per the guidelines outlined in the California Department of Fish and Wildlife's 1994 *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California*. All Habitat Management lands protected under this requirement may be protected through fee title acquisition or conservation easement (acceptable to the California Department of Fish and Wildlife) on agricultural lands or other suitable habitats which provide foraging habitat for Swainson's hawk.

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

Mitigation Measure:

BIO-5 The following measures shall be implemented to avoid loss of or harm to special-status bat species:

1. Approximately 14 days prior to tree removal or any construction activities, a qualified biologist shall conduct a habitat assessment for bats and potential roosting sites in trees or buildings within 50 feet of the construction easement. These surveys shall include a visual inspection of potential roosting features (bats need not be present) and a search for presence of guano within the project site, construction access routes, and 50 feet around these areas. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable potential nest or roost habitat for bats shall be surveyed. Assumptions can be made on what species is present due to observed visual characteristics along with habitat use, or the bats can be identified to the species level with the use of a bat echolocation detector such as an "Anabat" unit. Potential roosting features found during the survey shall be flagged or marked.
2. If no roosting sites or bats are found, a letter report shall be prepared by the biologist and submitted to City of Dos Palos Community Development Department, where it shall be kept on file, and no further measures are required.
3. 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.
4. 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.

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

Mitigation Measure:

- BIO-6 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 will occur within 14 days prior to start of ground disturbance, 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 will be conducted at the appropriate times of day to observe nesting activities. Locations off the site to which access is not available may be surveyed from within the site or from public areas. If no nesting birds are found, a letter report confirming absence will be prepared and submitted to the City of Dos Palos Community Development Department and no further mitigation is required.
 - b. If the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize “normal” bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g., defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active. Once the absence of nesting birds has been confirmed, a letter report will be prepared and submitted to the City of Dos Palos Community Development Department.

Impact: If the drainage channel along Erskine Avenue is considered jurisdictional, the proposed project’s removal of the drainage channel would be a significant adverse impact.

Mitigation Measures:

BIO-7 Jurisdictional Aquatic Features. If impacts to the drainage channel west of Erskine Avenue cannot be avoided, the applicant will retain a qualified biologist prior to approval of a grading permit to determine the extent of potential wetlands and waterways (“wetland delineation”) regulated by the Regional Water Quality Control Board.

Assuming features present are not under the jurisdiction of the U.S. Army Corps of Engineers and Waters of the State will be impacted, a Waste Discharge Requirement (or waiver) will be obtained from the Regional Water Quality Control Board.

BIO-8 Protection of Offsite Waters/Wetlands. Prior to the initiation of ground disturbance or construction activities, the applicant shall protect waterways adjacent to the project site through the use of best management practices for erosion control and vehicle/equipment fueling. This will include the installation of

silt fencing between the project site and the adjacent canal and fenced wetland. The silt fencing will prevent soil from washing off the project site into offsite waterways.

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

Cultural Resources

Impact: Unknown buried significant historic archaeological resources and/or unique archaeological resources could be present at the project site. Such resources, if present, could be damaged or destroyed by ground disturbing construction activities associated with the project.

Mitigation Measure:

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

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

Impact: Ground disturbing activities associated with the proposed project could damage or destroy previously undiscovered Native American human remains.

Mitigation Measure:

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

Section 7050.5 requires that excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If human remains are determined as those of Native American origin, the project proponent shall comply with the state relating to the disposition of Native American burials that fall within the jurisdiction of the NAHC (Public Resource Code [PRC] § 5097). The coroner shall contact the Native American Heritage Commission (NAHC) to determine the most likely descendant(s) (MLD). The MLD shall complete his or her inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The MLD will determine the most appropriate means of treating the human remains and associated grave artifacts, and shall oversee the disposition of the remains. In the event the NAHC is unable to identify an MLD or the MLD fails to make a recommendation within 48 hours after being granted access to the site, the landowner or his/her authorized representative shall rebury the Native American human remains and associated grave

goods with appropriate dignity within the project area in a location not subject to further subsurface disturbance if: a) the Native American Heritage Commission is unable to identify the MLD or the MLD failed to make a recommendation within 48 hours after being allowed access to the site; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

Geology and Soils

Impact: Implementation of the project could result in potential hazards associated with liquefaction hazards.

Mitigation Measure:

GEO-1 Prior to issuance of a grading permit, the project developer shall conduct an additional subsurface exploration at the project site and prepare a final geotechnical investigation that includes, but is not limited to, a detailed liquefaction analysis. The final geotechnical investigation shall be reviewed and approved approval by the City Engineer. Any recommendations provided in the final geotechnical investigation shall be implemented by the project developer.

Impact: It is possible that paleontological resources could be accidentally discovered and directly or indirectly destroyed during construction activities associated with development of the project site.

Mitigation Measure:

GEO-2 The following language shall be included on all grading permits: "If paleontological resources are discovered during earthmoving activities, work shall stop within 100 feet of the find until a qualified paleontologist can assess if the find is unique and, if necessary, develop appropriate treatment measures in consultation with the City of Dos Palos Community Development Department."

Greenhouse Gas Emissions

Impact: The project could result in significant operational impacts associated with greenhouse gas emissions.

Mitigation Measure:

GHG-1 The following language shall be incorporated into any plans associated with construction of residential components of the proposed project: 1) include no natural gas infrastructure (project shall be all-electric), and 2) include electric vehicle support improvements consistent with Tier 2 voluntary measures included in the 2022 version the CALGreen, except that all EV capable spaces shall be instead EV ready. Inclusion of these design elements into the proposed project shall be verified by the City of Dos Palos Community Development Department prior to issuance of a building permit.

Noise

Impact: Project construction could result in a temporary increase in ambient noise levels.

Mitigation Measure:

N-1 Prior to issuance of a grading permit, the following language shall be included on all grading and construction documents: "Construction activities are limited between the hours of 7:00 AM and 7:00 PM on weekdays and all construction equipment are properly muffled and maintained to further reduce noise generation."

Impact: The project's interior noise level could exceed the City's threshold.

Mitigation Measure:

N-2 Prior to issuance of an occupancy permit, the developer shall provide evidence to the Director of Community Development that mechanical ventilation or air conditioning is installed for all project residences.

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

n/a

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

Central Valley Regional Water Quality Control; and
Merced County Local Agency Formation Commission.

