

FILED

**PROPOSED MITIGATED NEGATIVE DECLARATION**

2019 SEP 11 PM 12:19

Pursuant to: Division 13, Public Resources Code

STANISLAUS CO. CLERK-RECORDER

Adam Loera

**1. Project Name:** *Whittle's Ranch Crossings of Hoods Creek*

**2. Description of Project:** Stockton East Water District (District or SEWD) is proposing to construct three (3) crossings over Hoods Creek for the Whittle family and/Whittle Ranch, Inc. (collectively Whittles). The properties are privately owned by the Whittles. The constructed facilities will install low water culvert crossings consist of precast box culverts with foundations. All crossings will be up to 24 feet wide and have lengths of 65 feet long, 70 feet long, and 89 feet long. Each crossing will arrive on site as multiple precast box culvert section, each approximately 6 feet long. The full crossing width and length will be accomplished by securing multiple sections of precast box culverts together and adjacent to each other.

**3. Project Location:** The proposed project is located in the northeast area of Stanislaus County, south of Highway 4 and east of Milton Road, near the town of Eugene.

**4. Date:** September 12, 2019

**5. Lead Agency:** Stockton East Water District

**6. Name and Address of Applicant:** Stockton East Water District  
6767 East Main Street  
Stockton, CA 95215

**7. Contact Person:** Justin Hopkins, District Engineer, 209.444.3150

**8. Declaration:**

Stockton East Water District has determined that there is no substantial evidence that the above project, as mitigated, may have a significant effect on the environment and proposes that a Mitigated Negative Declaration be adopted. The determination is based on the attached Initial Study and the following finds:

- a) *The project will not degrade environmental quality, substantially reduce habitat, cause a wildlife population to drop below self-sustaining levels, reduce the number or restrict the range of special-status species, or eliminate important examples of California history or prehistory.*
- b) *The project does not have the potential to achieve short-term, to the disadvantage of long-term, environmental goals.*

Date removed from posting 10/20/2019

- c) *The project will not have impacts that are individually limited, but cumulatively considerable.*
- d) *The project will not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.*
- e) *No substantial evidence exists that the project will have a negative or adverse effect on the environment.*
- f) *The project incorporates all applicable mitigation measures identified in the Initial Study.*
- g) *This Mitigated Negative Declaration reflects the independent judgment of the lead agency.*

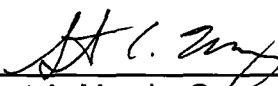
Written comments on the Initial Study and proposed Mitigated Negative Declaration shall be submitted no later than 5 PM on October 14, 2019.

**Submit comments:**  
Justin Hopkins,  
District Engineer  
Stockton East Water District  
6767 East Main Street  
Stockton, CA 95215

**Posting Period:**  
September 12, 2019 to October 14, 2019

**Initial Study approved by:**

Dated: 9/10/19

  
\_\_\_\_\_  
Scot A. Moody, General Manager  
Stockton East Water District

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: Whittle's Ranch Crossings of Hoods Creek

Lead Agency: Stockton East Water District Contact Person: Justin Hopkins
Mailing Address: PO Box 5157 Phone: (209) 444-3150
City: Stockton Zip: 95205 County: San Joaquin

Project Location: County: Stanislaus City/Nearest Community: Eugene
Cross Streets: Milton Road and Dunton Road Zip Code: 95361
Longitude/Latitude (degrees, minutes and seconds): 34 ° 54 ' 53 " N / 120 ° 51 ' 55 " W Total Acres: 0.32
Assessor's Parcel No.: 001-009-031 & 001-018-009 Section: 21 Twp.: 1N Range: 10E Base: MDB&M
Within 2 Miles: State Hwy #: 4 Waterways: Hoods Creek
Airports: Railways: Schools:

Document Type:

CEQA: [ ] NOP [ ] Draft EIR NEPA: [ ] NOI Other: [ ] Joint Document
[ ] Early Cons [ ] Supplement/Subsequent EIR [ ] EA [ ] Final Document
[ ] Neg Dec (Prior SCH No.) [ ] Draft EIS [ ] Other:
[ x ] Mit Neg Dec Other:

Local Action Type:

[ ] General Plan Update [ ] Specific Plan [ ] Rezone [ ] Annexation
[ ] General Plan Amendment [ ] Master Plan [ ] Prezone [ ] Redevelopment
[ ] General Plan Element [ ] Planned Unit Development [ ] Use Permit [ ] Coastal Permit
[ ] Community Plan [ ] Site Plan [ ] Land Division (Subdivision, etc.) [ x ] Other: Water Crossing

Development Type:

[ ] Residential: Units Acres
[ ] Office: Sq.ft. Acres Employees [ x ] Transportation: Type Low water crossing
[ ] Commercial: Sq.ft. Acres Employees [ ] Mining: Mineral
[ ] Industrial: Sq.ft. Acres Employees [ ] Power: Type MW
[ ] Educational: [ ] Waste Treatment: Type MGD
[ ] Recreational: [ ] Hazardous Waste: Type
[ ] Water Facilities: Type MGD [ ] Other:

Project Issues Discussed in Document:

[ ] Aesthetic/Visual [ ] Fiscal [ ] Recreation/Parks [ ] Vegetation
[ ] Agricultural Land [ ] Flood Plain/Flooding [ ] Schools/Universities [ ] Water Quality
[ x ] Air Quality [ ] Forest Land/Fire Hazard [ ] Septic Systems [ ] Water Supply/Groundwater
[ x ] Archeological/Historical [ ] Geologic/Seismic [ ] Sewer Capacity [ ] Wetland/Riparian
[ x ] Biological Resources [ ] Minerals [ ] Soil Erosion/Compaction/Grading [ ] Growth Inducement
[ ] Coastal Zone [ ] Noise [ ] Solid Waste [ ] Land Use
[ ] Drainage/Absorption [ ] Population/Housing Balance [ ] Toxic/Hazardous [ ] Cumulative Effects
[ ] Economic/Jobs [ ] Public Services/Facilities [ ] Traffic/Circulation [ ] Other:

Present Land Use/Zoning/General Plan Designation:

Agriculture

Project Description: (please use a separate page if necessary)

The project will construct three (3) low water culvert crossings of Hoods Creek to provide Whittle Ranch, Inc., access to lands severed by the Stockton East Water District's conveyance project.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

## Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".  
If you have already sent your document to the agency please denote that with an "S".

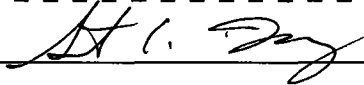
|  |  |
|--|--|
| <input type="checkbox"/> Air Resources Board                         | <input type="checkbox"/> Office of Historic Preservation                       |
| <input type="checkbox"/> Boating & Waterways, Department of          | <input type="checkbox"/> Office of Public School Construction                  |
| <input type="checkbox"/> California Emergency Management Agency      | <input type="checkbox"/> Parks & Recreation, Department of                     |
| <input type="checkbox"/> California Highway Patrol                   | <input type="checkbox"/> Pesticide Regulation, Department of                   |
| <input type="checkbox"/> Caltrans District # _____                   | <input type="checkbox"/> Public Utilities Commission                           |
| <input type="checkbox"/> Caltrans Division of Aeronautics            | <input checked="" type="checkbox"/> Regional WQCB # <u>5</u>                   |
| <input type="checkbox"/> Caltrans Planning                           | <input type="checkbox"/> Resources Agency                                      |
| <input type="checkbox"/> Central Valley Flood Protection Board       | <input type="checkbox"/> Resources Recycling and Recovery, Department of       |
| <input type="checkbox"/> Coachella Valley Mtns. Conservancy          | <input type="checkbox"/> S.F. Bay Conservation & Development Comm.             |
| <input type="checkbox"/> Coastal Commission                          | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy   |
| <input type="checkbox"/> Colorado River Board                        | <input type="checkbox"/> San Joaquin River Conservancy                         |
| <input type="checkbox"/> Conservation, Department of                 | <input type="checkbox"/> Santa Monica Mtns. Conservancy                        |
| <input type="checkbox"/> Corrections, Department of                  | <input type="checkbox"/> State Lands Commission                                |
| <input type="checkbox"/> Delta Protection Commission                 | <input type="checkbox"/> SWRCB: Clean Water Grants                             |
| <input type="checkbox"/> Education, Department of                    | <input type="checkbox"/> SWRCB: Water Quality                                  |
| <input type="checkbox"/> Energy Commission                           | <input type="checkbox"/> SWRCB: Water Rights                                   |
| <input checked="" type="checkbox"/> Fish & Game Region # <u>2</u>    | <input type="checkbox"/> Tahoe Regional Planning Agency                        |
| <input type="checkbox"/> Food & Agriculture, Department of           | <input type="checkbox"/> Toxic Substances Control, Department of               |
| <input type="checkbox"/> Forestry and Fire Protection, Department of | <input type="checkbox"/> Water Resources, Department of                        |
| <input type="checkbox"/> General Services, Department of             | <input checked="" type="checkbox"/> Other: <u>U.S. Army Corps of Engineers</u> |
| <input type="checkbox"/> Health Services, Department of              | <input type="checkbox"/> Other: _____  |
| <input type="checkbox"/> Housing & Community Development             |  |
| <input type="checkbox"/> Native American Heritage Commission         |  |

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**Local Public Review Period (to be filled in by lead agency)**

Starting Date September 12, 2019 Ending Date October 14, 2019  
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**Lead Agency (Complete if applicable):**

|                        |  |
|------------------------|--|
| Consulting Firm: _____ | Applicant: <u>Stockton East Water District</u> |
| Address: _____         | Address: <u>PO Box 5157</u>                    |
| City/State/Zip: _____  | City/State/Zip: <u>Stockton, CA 95205</u>      |
| Contact: _____         | Phone: <u>209-948-0333</u>                     |
| Phone: _____           |  |

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Signature of Lead Agency Representative:  Date: 9/10/19

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

# Sample Summary for Electronic Document Submittal

15 copies of this document may be included when a Lead Agency is submitting electronic copies of environmental impact reports, negative declarations, mitigated negative declarations, or notices of preparation to the SCH. The SCH will still accept other summaries, such as an EIR summary prepared pursuant to CEQA Guidelines Section 15123, attached to the electronic copies of the document.

SCH # \_\_\_\_\_

Lead Agency: Stockton East Water District

Project Title: Whittle's Ranch Crossings of Hoods Creek

Project Location: Eugene Stanislaus  
*City* *County*

Please provide a Project Description (Proposed Actions, location, and/or consequences).

Stockton East Water District (District or SEWD) is proposing to construct three (3) crossings over Hoods Creek for the Whittle family and/Whittle Ranch, Inc. (collectively Whittles). The properties are privately owned by the Whittles. The constructed facilities will install low water culvert crossings consisting of precast box culverts with foundations. All crossings will be up to 24 feet wide and have lengths of 65 feet long, 70 feet long, and 89 feet long. Each crossing will arrive on site as multiple precast box culvert section, each approximately 6 feet long. The full crossing width and length will be accomplished by securing multiple sections of precast box culverts together and adjacent to each other.

The proposed project is located in the northeast area of Stanislaus County, south of Highway 4 and east of Milton Road, near the town of Eugene.

With mitigation, the project will not have a significant effect on the environment.

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

**Disturbance of American Badger (Special Status Specie)**  
BIO-01: Every individual working on the Project must attend a biological awareness training session delivered by a qualified biologist. This training program shall include information regarding sensitive habitats, special-status species and the importance of avoiding impacts to these species and their habitat.  
BIO-02: No less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities, a qualified biologist will conduct a survey to determine if American badger den sites are present at the site. If dens are found, they will be monitored for badger activity. If the qualified biologist determines that dens may be active, the entrances of the dens will be blocked with soil, sticks, and debris for three to five days to discourage the use of these dens prior to Project disturbance activities. The den entrances will be blocked to an incrementally greater degree over the 3 to 5-day period. After the qualified biologist determines that badgers have stopped using active dens, the dens will be hand-excavated with a shovel to prevent re-use during construction. No disturbance of active dens will take place when cubs may be present and dependent on parental care, as determined by a qualified biologist.

**Disturbance of Migratory Birds**  
BIO-03: If vegetation removal is to take place during the nesting season (February 1–August 31), a pre-construction nesting bird survey must be conducted within 7 days prior to the start of construction. A minimum 100-foot no-disturbance buffer will be established around any active nest of migratory birds and a minimum 300-foot no-disturbance buffer will be established around any nesting raptor species. The contractor must immediately stop work in the nesting area until the

## **Continued**

appropriate buffer is established and is prohibited from conducting work that could disturb the birds (as determined by the Project biologist and in coordination with wildlife agencies) in the buffer area until a qualified biologist determines the young have fledged

### **Disturbance of Wetlands**

BIO-04: Prior to the start of construction activities, the Project limits in proximity to Shirley-Hoods Creek and the wetland will be marked with high visibility Environmentally Sensitive Area (ESA) fencing or staking to ensure construction will not further encroach into waters or any other biologically sensitive resources detected during preconstruction surveys.

### **Disturbance of Cultural Resources**

CR-01: If previously unidentified historical or cultural materials are unearthed during construction, work shall be halted in that area until a qualified archaeologist can assess the significance of the find and develop a plan for documentation and removal of resources, if necessary.

CR-02: Prior to project construction, the District shall perform cultural sensitivity training for all employees, contractors, consultants, volunteers, or other District representatives that will be present during construction. The cultural sensitivity training shall be administered by a qualified archaeologist.

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

N/A

Please provide a list of the responsible or trustee agencies for the project.

Stockton East Water District  
6767 East Main Street  
Stockton, CA 95215

This document can be viewed  
in its entirety in the binder  
provided. If interested, please  
let the Clerk know.

**PROPOSED MITIGATED  
NEGATIVE DECLARATION:  
PROJECT NAME: WHITTLE/S  
RANCH CROSSINGS OF HOODS  
CREEK.**