



## Referral Early Consultation

**Date:** November 8, 2022

**To:** Distribution List (See Attachment A)

**From:** Jeremy Ballard, Associate Planner  
Planning and Community Development

**Subject:** TIME EXTENSION FOR VESTING TENTATIVE PARCEL MAP APPLICATION  
NO. PLN2018-0090 – HONCHARIW – FRYMIRE ROAD

**Respond By:** November 23, 2022

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**\*\*\*\*PLEASE REVIEW REFERRAL PROCESS POLICY\*\*\*\***

The Stanislaus County Department of Planning and Community Development is soliciting comments from responsible agencies under the Early Consultation process to determine: a) whether or not the project is subject to CEQA and b) if specific conditions should be placed upon project approval.

Therefore, please contact this office by the response date if you have any comments pertaining to the proposal. Comments made identifying potential impacts should be as specific as possible and should be based on supporting data (e.g., traffic counts, expected pollutant levels, etc.). Your comments should emphasize potential impacts in areas which your agency has expertise and/or jurisdictional responsibilities.

These comments will assist our Department in preparing a staff report to present to the Planning Commission. Those reports will contain our recommendations for approval or denial. They will also contain recommended conditions to be required should the project be approved. Therefore, please list any conditions that you wish to have included for presentation to the Commission as well as any other comments you may have. Please return all comments and/or conditions as soon as possible or no later than the response date referenced above.

Thank you for your cooperation. Please call (209) 525-6330 if you have any questions.

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**Applicant:** Nick Honchariw, Trustee of Honchariw Revocable Trust

**Project Location:** Southeast corner of Cemetery and Frymire Roads, abutting the Stanislaus River, west of the Community of Knights Ferry.

**APN:** 002-044-003 and 002-044-004

**Williamson Act Contract:** N/A

**General Plan:** Agriculture/Historical

**Current Zoning:** General Agriculture (A-2-5) / Historical Site District (HS)

**Project Description:** Request for a one-year time extension for Vesting Tentative Parcel Map Application No. PLN2018-0090 – Honchariw – Frymire Road. The map was approved on September 5, 2019 by the Planning Commission, to subdivide two parcels, totaling 32.2± acres, into three 5-acre parcels (Parcels 1, 2, and 3) with a 17.2± acre designated remainder. The extension is requested to fulfill conditions of approval. If approved, the map will be alive until September 5, 2023.

Full document with attachments available for viewing at:  
<http://www.stancounty.com/planning/pl/act-projects.shtm>



**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

1010 10<sup>TH</sup> Street, Suite 3400, Modesto, CA 95354  
 Planning Phone: (209) 525-6330 Fax: (209) 525-5911  
 Building Phone: (209) 525-6557 Fax: (209) 525-7759

**TIME EXTENSION FOR VESTING TENTATIVE PARCEL MAP APPLICATION NO. PLN2018-0090 –  
 HONCHARIW – FRYMIRE ROAD**

Attachment A

Distribution List

	CA DEPT OF CONSERVATION Land Resources / Mine Reclamation		STAN CO ALUC
X	CA DEPT OF FISH & WILDLIFE		STAN CO ANIMAL SERVICES
	CA DEPT OF FORESTRY (CAL FIRE)	X	STAN CO BUILDING PERMITS DIVISION
	CA DEPT OF TRANSPORTATION DIST 10		STAN CO CEO
	CA OPR STATE CLEARINGHOUSE		STAN CO CSA
X	CA RWQCB CENTRAL VALLEY REGION	X	STAN CO DER
	CA STATE LANDS COMMISSION		STAN CO ERC
	CEMETERY DISTRICT		STAN CO FARM BUREAU
	CENTRAL VALLEY FLOOD PROTECTION	X	STAN CO HAZARDOUS MATERIALS
	CITY OF:		STAN CO PARKS & RECREATION
	COMMUNITY SERVICES DIST:	X	STAN CO PUBLIC WORKS
	COOPERATIVE EXTENSION		STAN CO RISK MANAGEMENT
	COUNTY OF:		STAN CO SHERIFF
X	DER GROUNDWATER RESOURCES DIVISION		STAN CO SUPERVISOR DIST:
X	FIRE PROTECTION DIST: MODESTO		STAN COUNTY COUNSEL
	GSA:		StanCOG
	HOSPITAL DIST:		STANISLAUS FIRE PREVENTION BUREAU
X	IRRIGATION DIST: OID		STANISLAUS LAFCO
	MOSQUITO DIST:		STATE OF CA SWRCB DIVISION OF DRINKING WATER DIST. 10
	MOUNTAIN VALLEY EMERGENCY MEDICAL SERVICES		SURROUNDING LANDOWNERS
	MUNICIPAL ADVISORY COUNCIL:		TELEPHONE COMPANY: AT&T
	PACIFIC GAS & ELECTRIC		TRIBAL CONTACTS (CA Government Code §65352.3)
	POSTMASTER:		US ARMY CORPS OF ENGINEERS
	RAILROAD:		US FISH & WILDLIFE
	SAN JOAQUIN VALLEY APCD		US MILITARY (SB 1462) (7 agencies)
	SCHOOL DIST 1:		USDA NRCS
	SCHOOL DIST 2:		WATER DIST:
	WORKFORCE DEVELOPMENT		
	STAN CO AG COMMISSIONER		
	TUOLUMNE RIVER TRUST		

## STANISLAUS COUNTY CEQA REFERRAL RESPONSE FORM

**TO:** Stanislaus County Planning & Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

**FROM:** \_\_\_\_\_

**SUBJECT:** TIME EXTENSION FOR VESTING TENTATIVE PARCEL MAP APPLICATION NO.  
PLN2018-0090 – HONCHARIW – FRYMIRE ROAD

Based on this agency's particular field(s) of expertise, it is our position the above described project:

- \_\_\_\_\_ Will not have a significant effect on the environment.  
\_\_\_\_\_ May have a significant effect on the environment.  
\_\_\_\_\_ No Comments.

Listed below are specific impacts which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) – (attach additional sheet if necessary)

- 1.
- 2.
- 3.
- 4.

Listed below are possible mitigation measures for the above-listed impacts: *PLEASE BE SURE TO INCLUDE WHEN THE MITIGATION OR CONDITION NEEDS TO BE IMPLEMENTED (PRIOR TO RECORDING A MAP, PRIOR TO ISSUANCE OF A BUILDING PERMIT, ETC.):*

- 1.
- 2.
- 3.
- 4.

In addition, our agency has the following comments (attach additional sheets if necessary).

\_\_\_\_\_  
\_\_\_\_\_

Response prepared by:

Name	Title	Date

**FW: Time Extension For Vesting Tentative Parcel Map Application No. PLN2018-0090-Honchariw-Frymire Road**

Nick Honchariw   
To: Jeremy Ballard <BALLARDJ@stancounty.com>

Sat, Sep 3, 2022 at 4:42 PM

Good morning, Jeremy ---

Please consider this as my formal request for extension of our Vesting Tentative Parcel Map No. PLN2018-0090 --- Honchariw -- Frymire Road. I am delivering to your offices an original signed copy of this email request together with our payment of the extension fees.

Please confirm your receipt.

Thanks  
[Quoted text hidden]

*Nick Honchariw*  
9/3/2022

Charge Visa  
Check Honchariw



Check enclosed.





# STANISLAUS COUNTY PLANNING COMMISSION

September 5, 2019

## STAFF REPORT

### VESTING TENTATIVE PARCEL MAP APPLICATION NO. PLN2018-0090 HONCHARIW – FRYMIRE ROAD

**REQUEST: TO SUBDIVIDE TWO PARCELS, TOTALING 32.2 ACRES, INTO THREE 5-ACRE PARCELS AND A 17.2± ACRE DESIGNATED REMAINDER.**

#### APPLICATION INFORMATION

Applicant:	Nick Honchariw, Trustee of the Honchariw Revocable Trust
Property owner:	Nick Honchariw, Trustee of the Honchariw Revocable Trust
Agent:	Kevin Cole, Giuliani and Kull, Inc.
Location:	17442 Cemetery Road, on the southern corner of Cemetery and Frymire Roads, abutting the Stanislaus River, in the Community of Knights Ferry.
Section, Township, Range:	17-1-12
Supervisory District:	One (Supervisor Olsen)
Assessor's Parcel:	002-044-004 and 002-044-003
Referrals:	See Exhibit J - Environmental Review Referrals
Area of Parcel(s):	32.2 Acres Proposed Parcels 1-3: 5.0 acres each Designated Remainder: 17.2± acres
Water Supply:	Proposed Parcels 1-3: Private well Designated Remainder: Knights Ferry Community Service District
Sewage Disposal:	Private septic system
General Plan Designation:	Proposed Parcels 1-3: Agriculture Designated Remainder: Historical/Agriculture
Community Plan Designation:	Designated Remainder: Historical Proposed Parcels 1-3: Not Applicable
Existing Zoning:	Proposed Parcels 1-3: A-2-5 (General Agriculture) Designated Remainder: H-S (Historical Site District)/A-2-5 (General Agriculture)
Sphere of Influence:	Not Applicable
Williamson Act Contract No.:	Not Applicable
Environmental Review:	Mitigated Negative Declaration
Present Land Use:	Single-family dwelling, multiple storage buildings, and open space.
Surrounding Land Use:	The Stanislaus River and the Community of Knights Ferry to the east, Ranchettes and pastures to the north, south, and west.

## **RECOMMENDATION**

Staff recommends the Planning Commission approve this request based on the discussion below and on the whole of the record provided to the County. If the Planning Commission decides to approve the project, Exhibit A provides an overview of all the findings required for project approval, which include parcel map findings.

## **PROJECT DESCRIPTION**

The request is to subdivide two parcels, totaling 32.2± acres, into three 5-acre parcels (Parcels 1, 2, and 3) with a 17.2± acre designated remainder. As proposed, Parcels 1, 2, and 3 will be zoned A-2-5 (General Agriculture), and the designated remainder will be split zoned with 4.26± acres zoned A-2-5 and the remaining 12.94± acres zoned as H-S (Historical Site) (see Exhibit B – *Maps*). If approved, each parcel and the designated remainder will have access to a County-maintained road: Cemetery Road or Frymire Road. No construction is proposed as part of this request; however, any future development of Parcels 1 through 3 would be served by individual private domestic well and private septic systems. The designated remainder is currently improved with one single-family dwelling and multiple detached accessory storage buildings. Existing development on the site utilizes a private septic system and is served by the Knights Ferry Community Services District.

## **SITE DESCRIPTION**

The project site is located at 17442 Cemetery Road, on the southern corner of Cemetery and Frymire Roads, in the Community of Knights Ferry (see Exhibit B – *Maps*). The designated remainder abuts the Stanislaus River and is improved as described in the project description. The undeveloped portion of the site consists primarily of unirrigated grassland, oak woodland habitat, and the riparian corridor of the Stanislaus River.

Surrounding land uses consist of the Stanislaus River and the Community of Knights Ferry to the east, and ranchettes and pastures to the north, south, and west.

## **BACKGROUND**

The project site has been approved to be subdivided into eight lots ranging from 0.50 acres to five acres in size and a 12.03-acre designated remainder. The approved subdivision, Vesting Tentative Subdivision Map (VTSM) Application No. 2006-06 – Knights Ferry Overlook, was approved by the Board of Supervisors on May 22, 2012. On August 15, 2019, the Stanislaus County Planning Commission approved a time extension of the 2006 VTSM Application to May 22, 2020. Under state law, the life of the map may be extended for an additional four years.

The 2006 VTSM Application was originally denied by both the Planning Commission and the Board of Supervisors. As a result, the applicant filed suit against the County and on January 24, 2012, a writ of mandate was issued in conjunction with the Stanislaus County Superior Court and the California Fifth Appellate District Court in favor of the applicant. The Court required the County to vacate the denial of the 2006 VTSM Application, which was formally vacated on April 17, 2012.

Since the 2012 approval of the 2006 VTSM Application, the applicant, the County, and the Knights Ferry Community Service District have been in ongoing litigation regarding implementation of the conditions of approval applied to the VTSM.

In 2014, the County adopted new site area requirements for parcels within the H-S (Historical Site) zoning district. Specifically, Section 21.44.070 of the County Code was amended to establish a minimum building site area of five acres for areas outside of the specifically described core area of the Knights Ferry community. As such, the originally approved 2006 VTSM Application could not be approved under the new zoning criteria, as the site is located outside of the Knights Ferry community core area, which is defined as:

“Sites bordered to the south by the Stanislas River, 250 feet west of Sonora Road (to the west), 250 feet north of Valentine Street (to the north), and 250 feet east of Lynde Street (to the east).”

If the proposed parcel map is approved, both the parcel map and the 2006 VTSM approved in 2012 will be alive concurrently; however, once either map is recorded the other map becomes null and void.

## **ISSUES**

No issues have been identified as a part of this request. Standard conditions of approval have been added to the project. A response to the project's Initial Study was received from the State of California Department of Fish and Wildlife regarding potential biological resources on-site. Further discussion of the response can be found in the *Environmental Review* section of the report.

## **GENERAL PLAN CONSISTENCY**

The project consists of two separate parcels that each have a different General Plan Designation. APN No. 002-044-003 has a General Plan and Knights Ferry Community Plan Designation of Historical and APN No. 002-044-004 is designated as Agriculture in the Stanislaus County General Plan (see Exhibit B-2 – *Maps*). The Historical designation is intended to preserve areas of local, regional, state, or national historic significance. Historical areas should be protected by zoning controls emphasizing the need for new development or rehabilitation to be compatible with the historic nature of the area. Due to the unique nature of this kind of designation, population density and building intensity for any new projects must be reviewed on an individual basis.

The Agriculture designation recognizes the value and importance of agriculture by acting to preclude incompatible urban development within agricultural areas and, as such, should generally be zoned with 40- to 160-acre minimum parcel sizes. Exceptions to the 40- to 160-acre minimum parcel sizes are recognized for land in a ranchette area. Ranchette areas, designated with minimum lot size requirements of 3, 5, 10, and 20 acres, are areas which have experienced significant existing parcelization of property, poor soil, location, or other factors which limit the agricultural productivity of the area.

As required by the County's General Plan Land Use Element Policy, the project was referred to the Knights Ferry Municipal Advisory Council (MAC) and was considered at two meetings held on September 27, 2018, and July 25, 2019. At both meetings, the MAC voted to put forth no comment on the proposed project.

Staff believes the proposed design of the parcel map is in conformance with the General Plan and Community Plan designation of Historical and General Plan Designation of Agriculture.

## **ZONING & SUBDIVISION ORDINANCE CONSISTENCY**

The project consists of two separate parcels that each lie within a separate zoning district. APN No. 002-044-003 is zoned H-S (Historical Site) and APN No. 002-044-004 is zoned A-2-5 (General Agriculture) (see Exhibit B-3 – *Maps*). The three proposed parcels within the A-2-5 (General Agriculture) zoning district meet the minimum five-acre requirement of the district. Each of the three parcels within the A-2-5 (General Agriculture) zoning district could be developed with one single-family dwelling.

The designated remainder parcel is currently improved with one single-family dwelling and multiple storage buildings all located within the portion zoned H-S (Historical Site). The 4.26± acre portion of the designated remainder that is within the A-2-5 zoning district could not be subdivided any further as it is under the 5-acre minimum parcel size. Any further development of the designated remainder is subject to compliance with the H-S zoning district requirements, which allows for a broad range of uses, beyond those already existing, through the discretionary review of a Historical Site Permit to be considered by a five-person subcommittee of the County Planning Commission.

The proposed parcels meet the Subdivision Ordinance's access and design criteria required for creation of new parcels, and staff believes that all of the required findings, as outlined in Exhibit A, can be made.

## **ENVIRONMENTAL REVIEW**

A Biological Assessment (hereafter referenced as the "Assessment") was prepared for this project to review any potential impacts to biological resources on-site (see Exhibit E – *Biological Assessment Conducted on December 28, 2018 by Moore Biological Consultants*). A full discussion of the Assessment can be found in Section IV – Biological Resources of the Initial Study (see Exhibit D – *Initial Study*). The Assessment concluded that no endangered species or plant life were located on the project site; however, the report detailed existing oak trees, potential jurisdictional Waters of the United States, potential blue elderberry shrubs and trees, and identified shrubs and grasslands as potential habitat for protected raptors and migratory birds. Therefore, mitigation measures have been applied, as recommended by the Assessment, to reduce potential impacts to those identified biological resources.

Section V – Cultural Resources of the Initial Study, provides an overview of the field survey of the site conducted on August 29, 2005, for prehistoric and historic resources. The field survey identified a prehistoric bedrock milling site and several historic features, including a road, lateral, building, mining tailings, and abutments reported to be a former ferry mooring. A mitigation measure as recommended by the archeologist who conducted the field survey has been added to the project requiring assessment of on-site features or structures, prior to ground-disturbing activities or demolition, to assess eligibility for the California Register of Historical Places.

Pursuant to the California Environmental Quality Act (CEQA), the proposed project's Initial Study was circulated to interested parties and responsible agencies for review and comment. Subsequent to the circulation of the environmental review, a response was received from the State of California Department of Fish and Wildlife (CDFW) regarding the Biological Assessment. The response raised concerns with the proposed project and potential impacts to special-status species that include the California Tiger Salamander, Swainson's Hawk, the Western Pond Turtle, the Hartweg's Golden Sunburst, and a potential for lake and streambed alterations (see Exhibit H – *State of California Department of Fish and Wildlife Referral Response, dated August 5, 2019*).

Additionally, CDFW recommended mitigation measures to address their concerns raised. In response to the CDFW letter, Diane Moore, the biologist who prepared the Assessment, submitted a letter addressing the concerns raised (see Exhibit I – *Correspondence from Diane Moore, dated August 29, 2019*). In her letter, Ms. Moore stated that each species discussed in the CDFW response are not known to occur within the project site or vicinity, but are instead known to occur multiple miles away. Additionally, Ms. Moore stated the following: 1) the habitat on the project is not adequate or accessible for both the California Tiger Salamander and Western Pond Turtle; 2) as addressed in the Assessment, adequate mitigation measures are already in place to survey the site for any migratory or nesting birds, such as the Swainson's Hawk; 3) previous documentation of Hartweg's Golden Sunburst found occurrences miles from the project site and according to the California Native Plant Society, those occurrences are presumed to be no longer viable; and 4) a survey of the entire site was performed and no evidence was found that indicated any of the species listed by CDFW occur on-site. Ms. Moore also stated that because any feasible development of the proposed parcels would occur over 200 feet above the Stanislaus River, no streambed alterations are necessary or warranted. Ms. Moore's response letter has been forwarded to CDFW, and as of the time this report was written, no response has been received.

Based on Ms. Moore's response and the mitigation measures already in place as proposed, staff believes the mitigation monitoring plan prepared for this project provides adequate protection to any biological resources on-site (see Exhibit F – *Mitigation Monitoring Plan*).

A Mitigated Negative Declaration has been prepared for approval prior to action on the parcel map itself, as the project will not have a significant effect on the environment with mitigation incorporated (see Exhibit G - *Mitigated Negative Declaration*). Conditions of approval reflecting referral responses have been placed on the project (see Exhibit C - *Conditions of Approval*).

\*\*\*\*\*

**Note:** Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project; therefore, the applicant will further be required to pay \$2,411.75 for the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and the Clerk-Recorder filing fees. The attached Conditions of Approval ensure that this will occur.

Contact Person:                      Jeremy Ballard, Associate Planner, (209) 525-6330

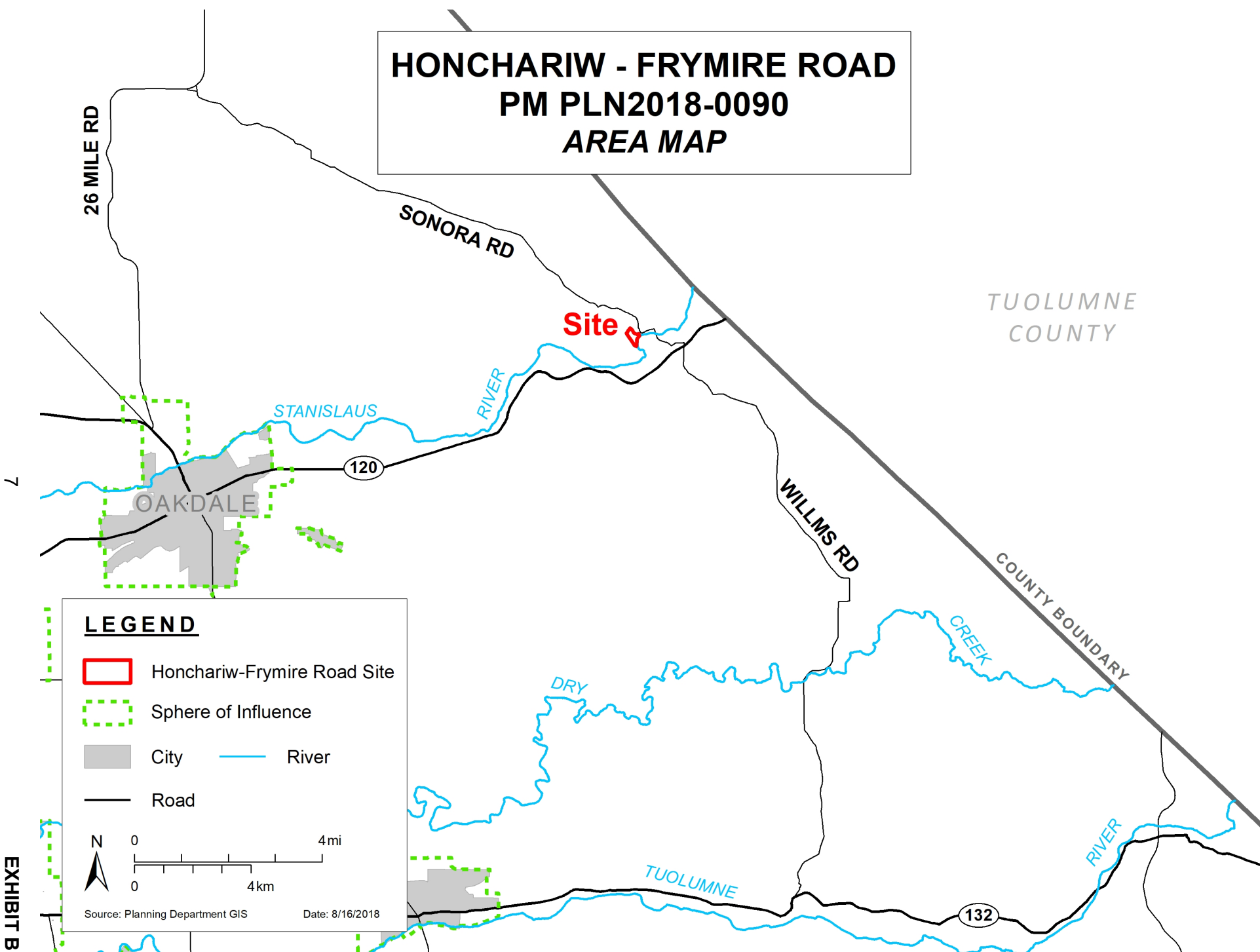
Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps
- Exhibit C - Conditions of Approval
- Exhibit D - Initial Study
- Exhibit E - Biological Assessment Conducted on December 28, 2018 by Moore Biological Consultants
- Exhibit F - Mitigation Monitoring Plan
- Exhibit G - Mitigated Negative Declaration
- Exhibit H - State of California Department of Fish and Wildlife Referral Response, dated August 5, 2019.
- Exhibit I - Correspondence from Diane Moore, dated August 29, 2019.
- Exhibit J - Environmental Review Referrals

## **Findings and Actions Required for Project Approval**

1. Adopt the Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgment and analysis.
2. Order the filling of a Notice of Determination with the Stanislaus County Clerk-Recorder pursuant of Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find that:
  - a. The proposed parcel map is consistent with applicable general and specific plans as specified in Section 65451 of California Code, Government Code.
  - b. The design or improvement of the proposed parcel map is consistent with applicable general and specific plans.
  - c. The site is physically suitable for the type of development.
  - d. The site is physically suitable for the proposed density of development.
  - e. The designs of the parcel map or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat.
  - f. The design of the parcel map or type of improvements is not likely to cause serious public health problems.
  - g. The design of the parcel map or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the Planning Commission may approve a map if it finds that alternate easements, for access or for use, will be provided and that these will be substantially equivalent to ones previously acquired by the public.
  - h. That the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
4. Approve Vesting Tentative Parcel Map Application No. PLN2018-0090 – Honchariw – Frymire Road, subject to the attached Conditions of Approval.

**HONCHARIW - FRYMIRE ROAD  
PM PLN2018-0090  
AREA MAP**



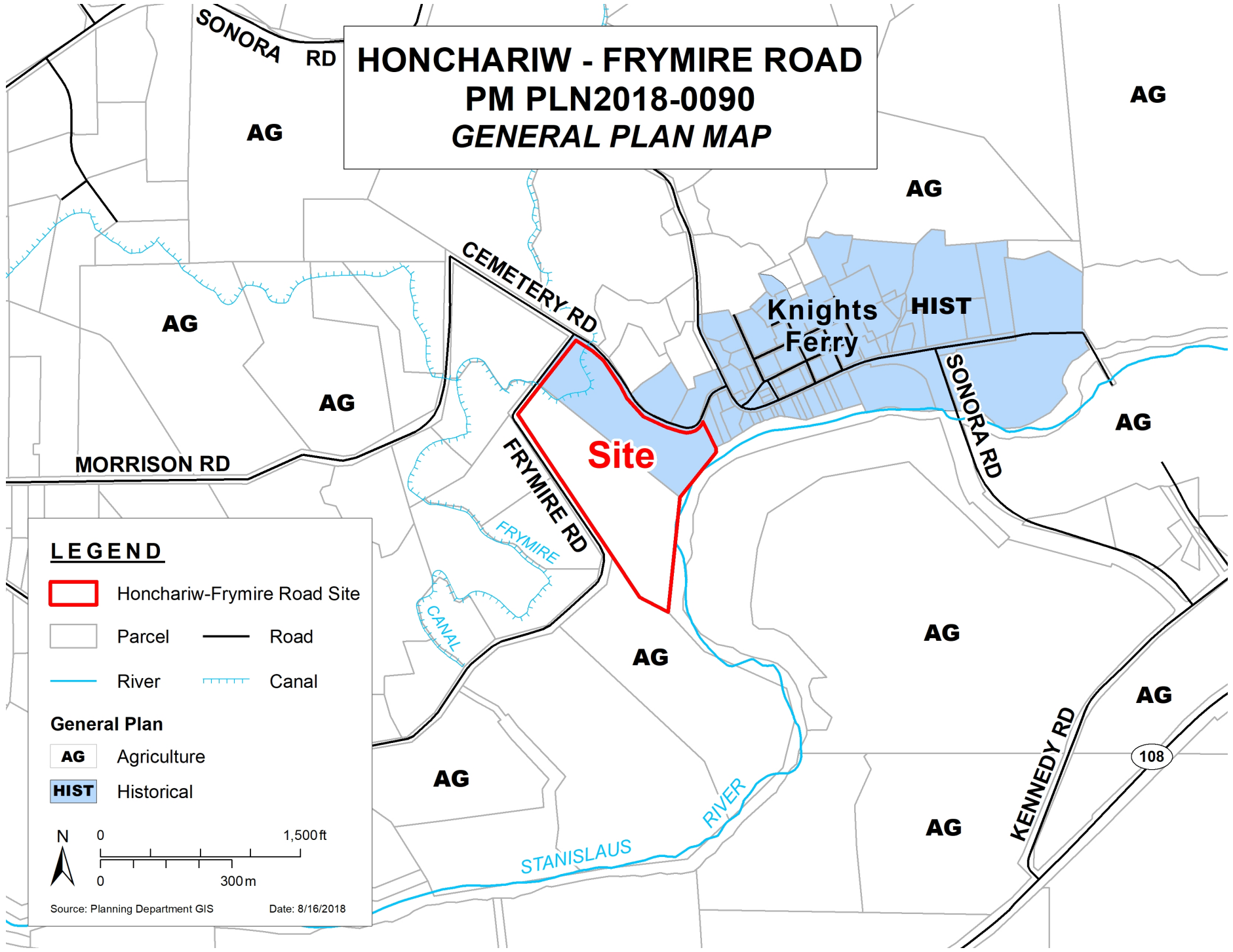
**LEGEND**

- Honchariw-Frymire Road Site
- Sphere of Influence
- City
- River
- Road

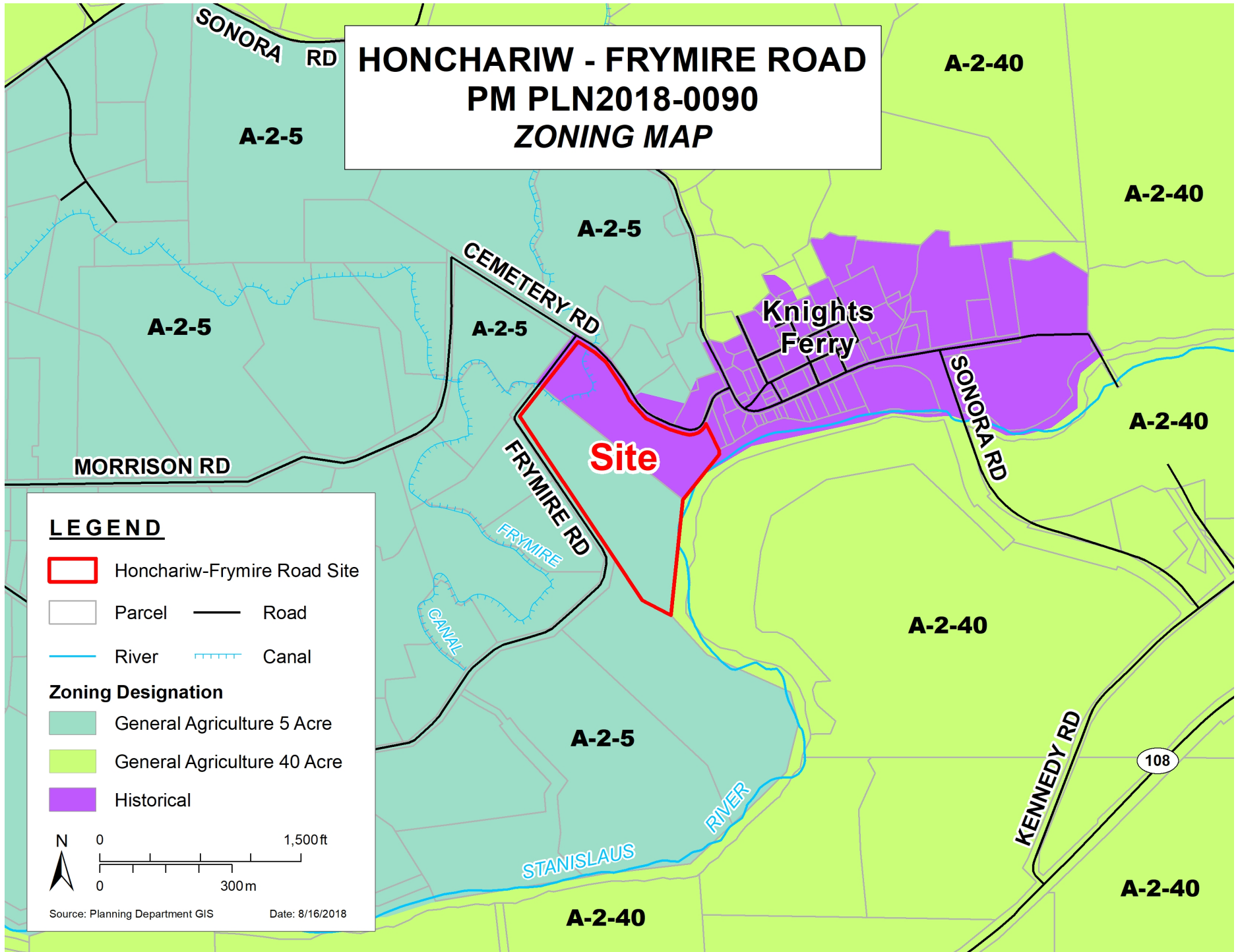
Source: Planning Department GIS      Date: 8/16/2018

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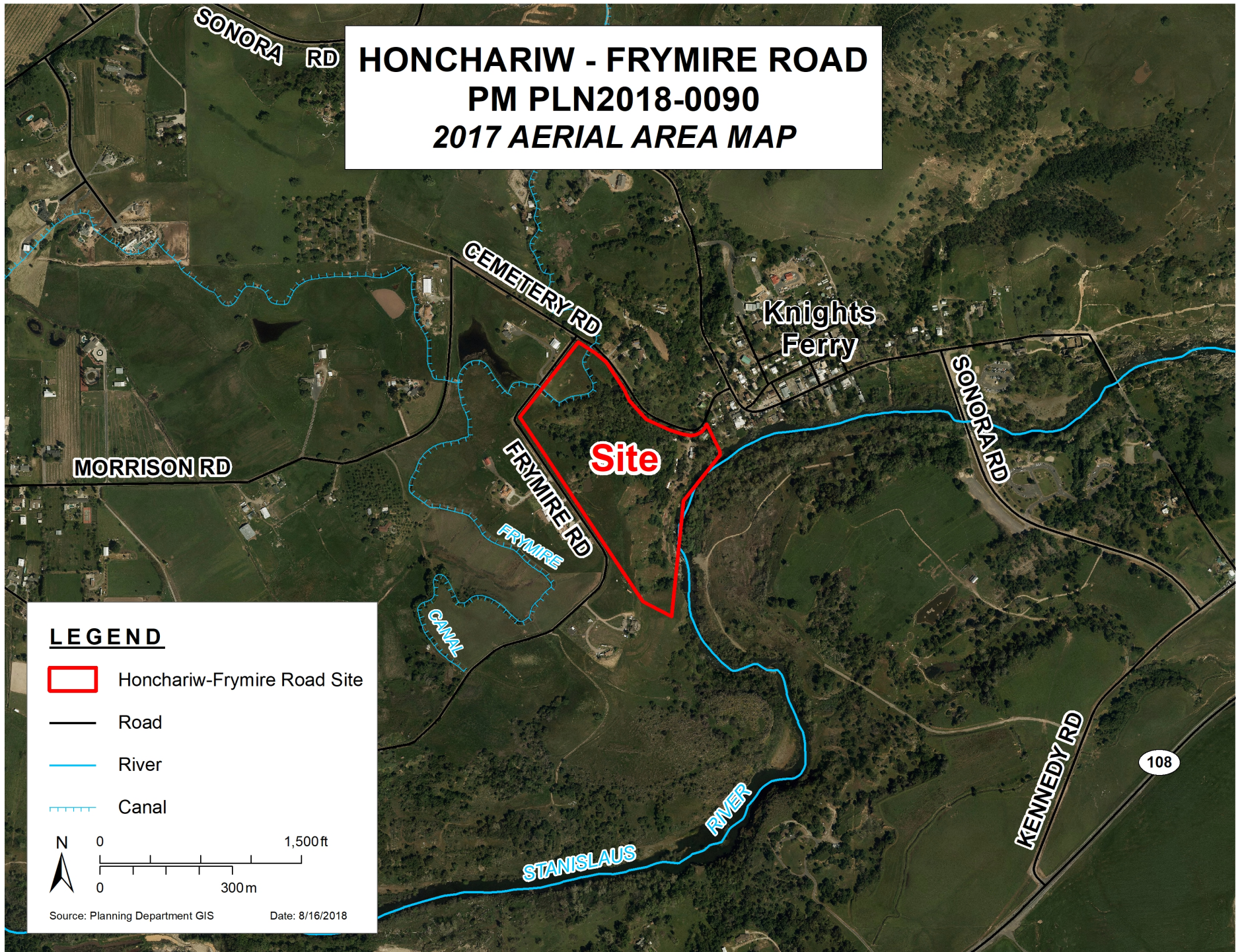
EXHIBIT B





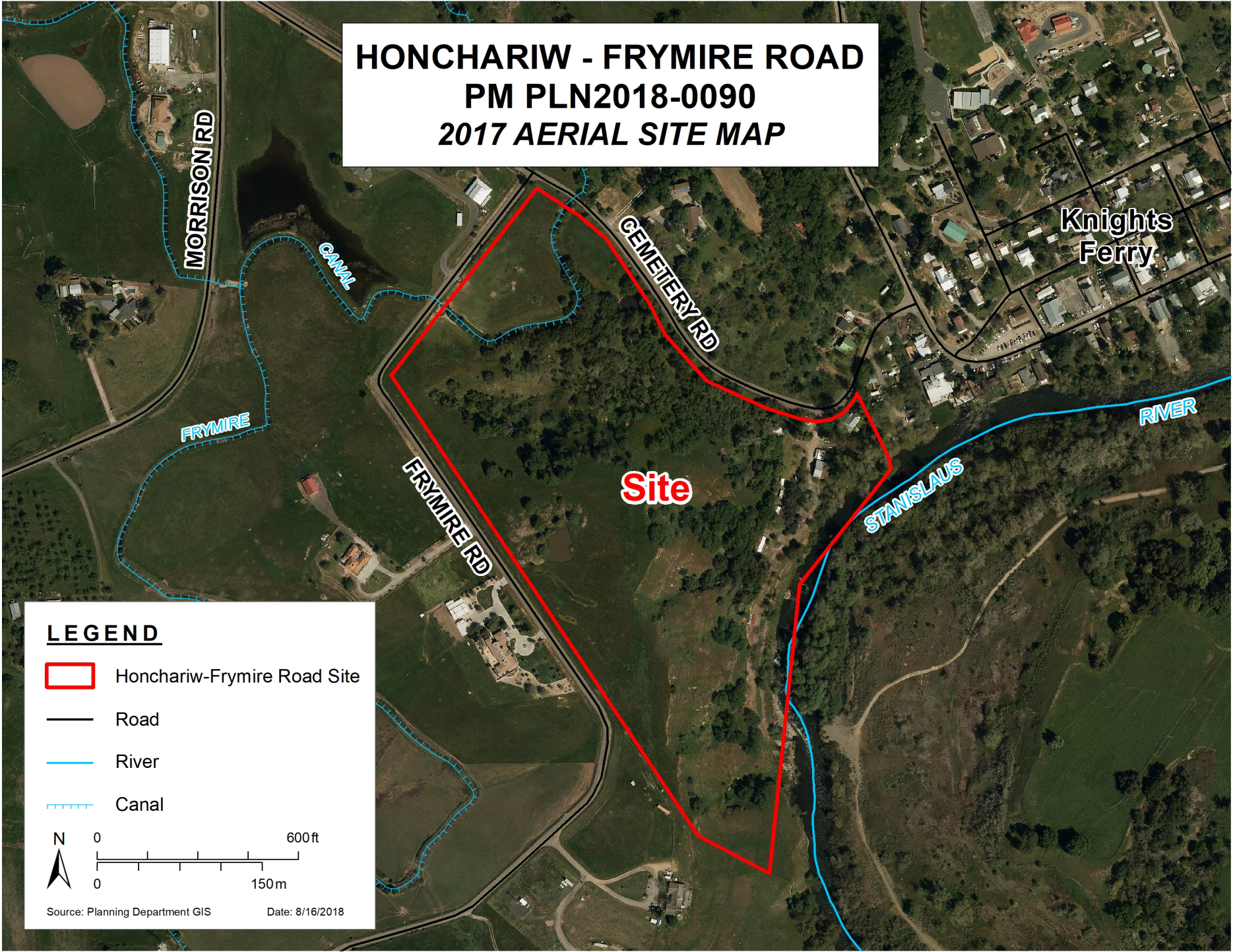






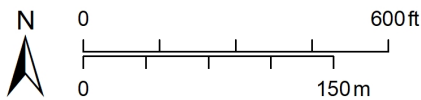


**HONCHARIW - FRYMIRE ROAD  
PM PLN2018-0090  
2017 AERIAL SITE MAP**



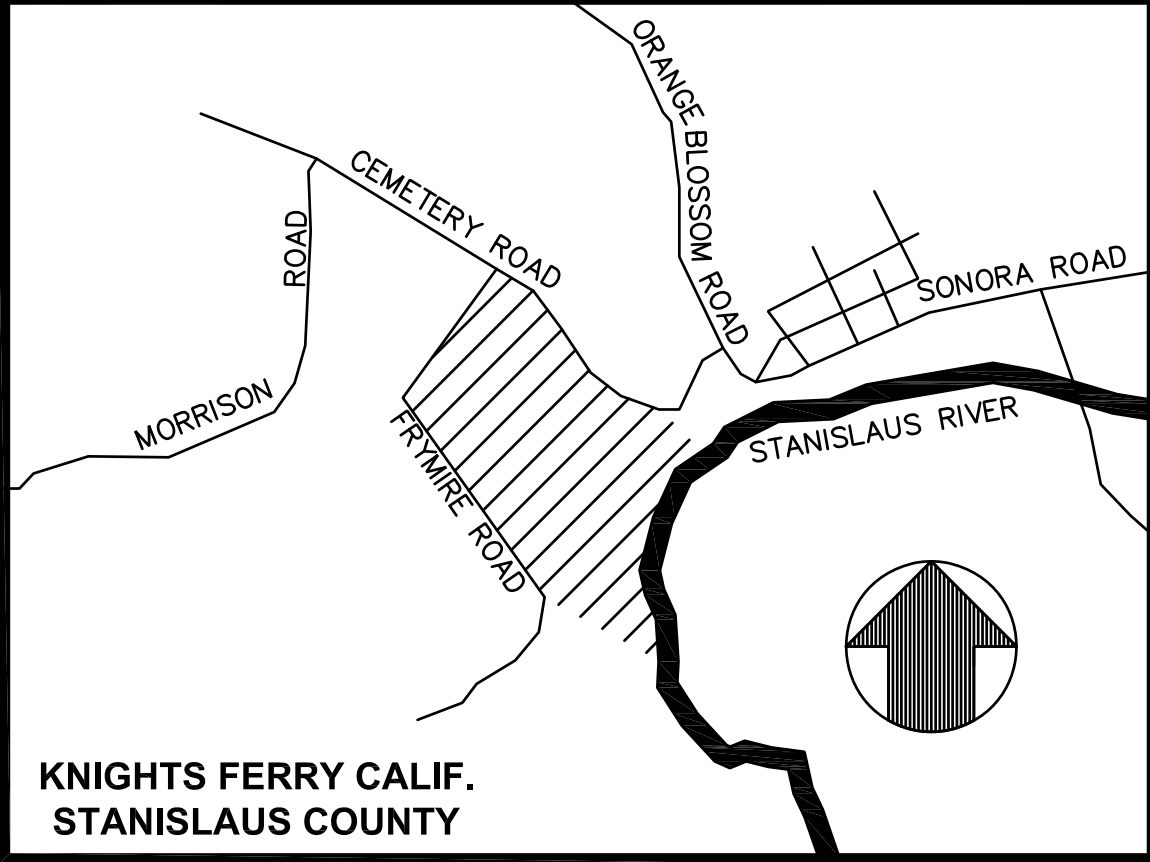
**LEGEND**

-  Honchariw-Frymire Road Site
-  Road
-  River
-  Canal



Source: Planning Department GIS      Date: 8/16/2018





VICINITY MAP

OWNER/APPLICANT: HONCHARIW REVOCABLE TRUST  
3 VIA PARAISO WEST  
TIBURON, CA 94920  
(415) 435-8302

PREPARED BY: GIULIANI & KULL, INC.  
440 S. YOSEMITE AVENUE SUITE A  
OAKDALE, CA 95361  
(209) 847-8726

SURVEYOR: KEVIN S. COLE  
PLS 8853

TOTAL AREA: 32.20 AC.±  
NO. OF PARCELS: 4 + REMAINDER  
A.P.N.: 002-044-003, 002-044-004  
ZONING: A-2-5 & HS  
WATER: KNIGHTS FERRY AND INDIVIDUAL WELLS  
SANITARY SEWER: SEPTIC SYSTEM  
STORM DRAIN: ON-SITE DISPOSAL  
SLOPE OF LAND: VARIES 1%-50%  
SOIL TYPES AS REPORTED BY USDA  
NATURAL RESOURCES CONSERVATION  
SERVICE: COMETA SANDY LOAM, AMADOR  
SANDY LOAM  
WATER TABLE ELEVATION = 170'

TENTATIVE PARCEL MAP

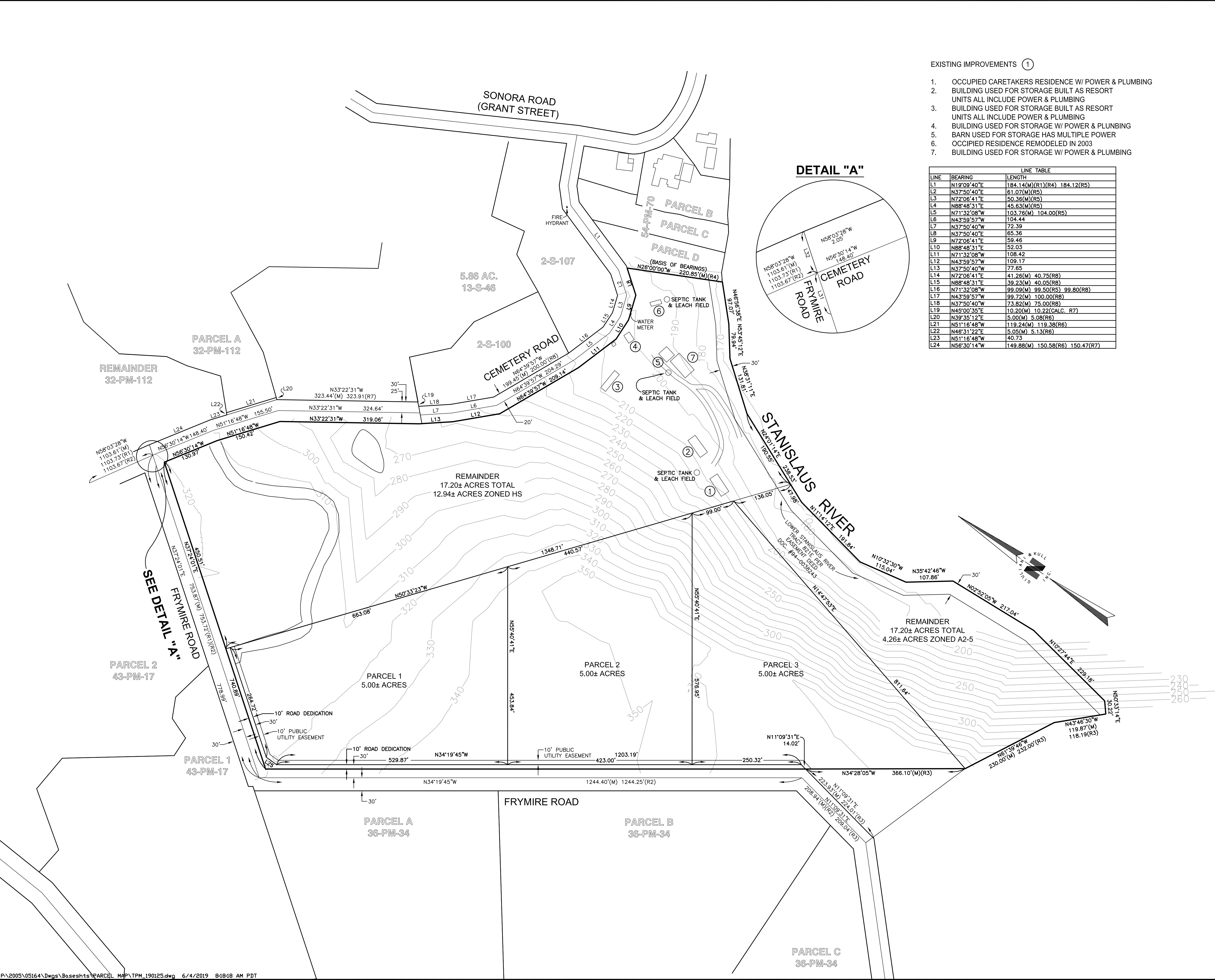
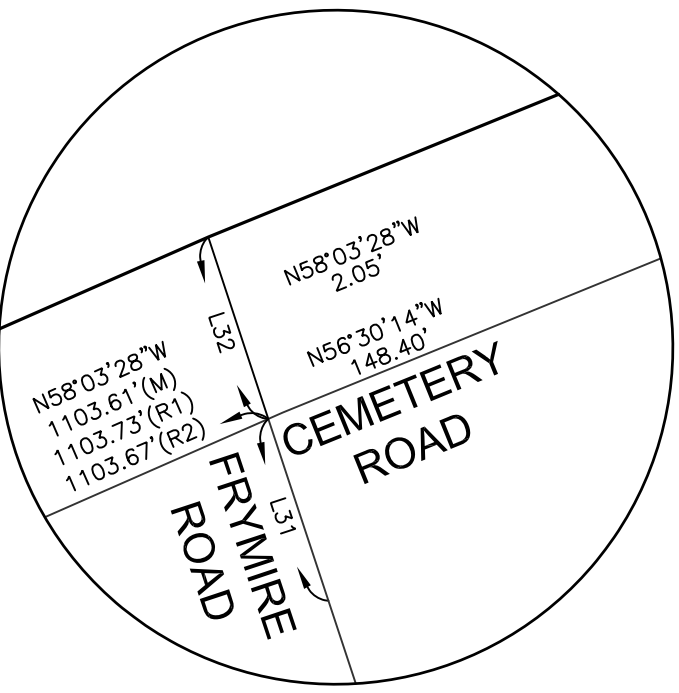
PORTION OF PARCEL 1 AND 2 AS DESCRIBED IN DEED FROM GEORGE D. CHENEY TO IWAN S. HONCHARIW, RECORDED ON PAGE 160, VOLUME 2587, OFFICIAL RECORDS OF STANISLAUS COUNTY ON OCTOBER 24, 1973, LYING 30 FEET MEASURED AT RIGHT ANGLES TO THE EXISTING RIGHT BANK OF THE STANISLAUS RIVER, PARCEL 1 AND 2 STANISLAUS COUNTY, CALIFORNIA SCALE 1" = 100' MAY 2019

**Giuliani & Kull, Inc.**  
Engineers • Planners • Surveyors  
440 S. Yosemite Avenue, Suite A, Oakdale, CA 95361  
(209) 847-8726 Fax (209) 847-7323  
Auburn • Oakdale • San Jose

- EXISTING IMPROVEMENTS ①
1. OCCUPIED CARETAKERS RESIDENCE W/ POWER & PLUMBING
  2. BUILDING USED FOR STORAGE BUILT AS RESORT UNITS ALL INCLUDE POWER & PLUMBING
  3. BUILDING USED FOR STORAGE BUILT AS RESORT UNITS ALL INCLUDE POWER & PLUMBING
  4. BUILDING USED FOR STORAGE W/ POWER & PLUMBING
  5. BARN USED FOR STORAGE HAS MULTIPLE POWER
  6. OCCUPIED RESIDENCE REMODELED IN 2003
  7. BUILDING USED FOR STORAGE W/ POWER & PLUMBING

LINE	BEARING	LENGTH
L1	N19°09'40"E	184.14(M)(R1)(R4) 184.12(R5)
L2	N37°50'40"E	61.07(M)(R5)
L3	N72°06'41"E	50.36(M)(R5)
L4	N88°48'31"E	45.63(M)(R5)
L5	N71°32'08"W	103.76(M) 104.00(R5)
L6	N43°59'57"W	104.44
L7	N37°50'40"W	72.39
L8	N37°50'40"E	65.36
L9	N72°06'41"E	59.46
L10	N88°48'31"E	52.03
L11	N71°32'08"W	108.42
L12	N43°59'57"W	109.17
L13	N37°50'40"W	77.65
L14	N72°06'41"E	41.26(M) 40.75(R8)
L15	N88°48'31"E	39.23(M) 40.05(R8)
L16	N71°32'08"W	99.09(M) 99.50(R5) 99.80(R8)
L17	N43°59'57"W	99.72(M) 100.00(R8)
L18	N37°50'40"W	73.82(M) 75.00(R8)
L19	N45°00'35"E	10.20(M) 10.22(CALC. R7)
L20	N39°35'12"E	5.00(M) 5.08(R6)
L21	N51°16'48"W	119.24(M) 119.38(R6)
L22	N46°31'22"E	5.05(M) 5.13(R6)
L23	N51°16'48"W	40.73
L24	N56°30'14"W	149.88(M) 150.58(R6) 150.47(R7)

DETAIL "A"



**CONDITIONS OF APPROVAL**

**VESTING TENTATIVE PARCEL MAP APPLICATION NO. PLN2018-0090 –  
HONCHARIW – FRYMIRE ROAD**

**Department of Planning and Community Development**

1. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2019), the applicant is required to pay a California Department of Fish and Wildlife (formerly the Department of Fish and Game) fee at the time of filing a “Notice of Determination.” Within five days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$2,411.75**, made payable to **Stanislaus County**, for the payment of California Department of Fish and Wildlife and Clerk-Recorder filing fees.  
  
Pursuant to Section 711.4 (e) (3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.
2. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at vesting date of June 4, 2019.
3. The applicant/owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
4. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and may be subject to additional regulations/permits, as determined by the SJVAPCD.
5. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Clerk-Recorder’s Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.
6. Should any archeological or human remains be discovered during development, work shall be immediately halted within 150 feet of the find until it can be evaluated by a qualified archaeologist. If the find is determined to be historically or culturally significant, appropriate mitigation measures to protect and preserve the resource shall be formulated and implemented. The Central California Information Center shall be notified if the find is deemed historically or culturally significant.

7. The recorded parcel map shall contain the following statement:

“All persons purchasing lots within the boundaries of this approved map should be prepared to accept the inconveniences associated with the agricultural operations, such as noise, odors, flies, dust, or fumes. Stanislaus County has determined that such inconveniences shall not be considered to be a nuisance if agricultural operations are consistent with accepted customs and standards.”

8. If the final map for Vesting Tentative Subdivision Map Application No. 2006-06 is recorded prior to the recording of Vesting Tentative Parcel Map Application No. PLN2018-0090, the parcel map shall become null and void.
9. Prior to the issuance of building permits for a dwelling, the owner/developer shall pay a fee of \$339.00 per dwelling to the County’s Sheriff’s Department.

**Department of Public Works**

10. The recorded parcel map shall be prepared by a licensed land surveyor or a registered civil engineer licensed to practice land surveying in California.
11. All structures not shown on the tentative parcel map shall be removed prior to the parcel map being recorded.
12. Prior to the recording of the parcel map the new parcels shall be surveyed and fully monumented.
13. All existing non-public facilities and/or utilities that do not have lawful authority to occupy the Frymire Road or Cemetery Road rights-of-way shall be relocated onto private property upon request of the Department of Public Works.
14. Prior to recording the parcel map or offered on the map, Frymire Road shall be dedicated to Stanislaus County through an Irrevocable Offer of Dedication for Parcels 1 through 3. Frymire Road is classified as a sixty-foot-wide Local Road. The required half width of a local road is 30 feet on the parcel’s side of the centerline. The existing right-of-way is 20 feet south and east of the centerline. The remaining ten feet of right-of-way shall be dedicated as an Irrevocable Offer of Dedication.
15. A ten-foot-wide public utility easement shall be provided on the map for the street frontage adjacent to the right-of-way. All new utilities shall be underground and located in public utility easements.

**Department of Environmental Resources (DER)**

16. The existing on-site septic systems shall be contained within the designated remainder boundaries as required per DER setback standards.
17. On-site wastewater disposal systems for Parcels 1, 2, and 3 shall be by individual Primary and Secondary wastewater treatment units, operated under conditions and guidelines

established by Measure X. A statement shall be placed on the final map to be recorded, the statement shall read:

“As per Stanislaus County Code 16.10.020 and 16.10.040, all persons purchasing lots within the boundaries of this approved map should be prepared to accept the responsibilities and costs associated with the operation and maintenance of the required primary and secondary on-site wastewater treatment system. All persons are required to provide adequate maintenance and operate the on-site wastewater treatment system as prescribed by the manufacturer, so as to prevent groundwater degradation.”

18. Each parcel shall have an approved independent water supply (if not provided by public water service). Prior to the issuance of a building permit, each parcel shall have its own well. A drilling permit shall be obtained from the Department of Environmental Resources.

**Department of Environmental Resources – Hazardous Materials Division**

19. The applicant shall contact the Department of Environmental Resources if any discovery of underground storage tanks, former underground storage tank locations, buried chemicals, buried refuse, or contaminated soil are found during construction.

**Building Permits Division**

20. The parcels are located in the State Responsibility Area; therefore, all future structures shall be required to be constructed in accordance of Chapter 7A of the most current adopted California Building Code and California Residential Code.

**Oakdale Irrigation District (OID)**

21. The Frymire lateral shall remain in place for the benefit of the downstream historic Knights Ferry Water Rights holders provided the lateral continues to be used for the conveyance of water.
22. The parcels are not entitled to irrigation water from OID or water under historic Knights Ferry Water Rights allotment. No connections to water service from the Frymire Lateral are or will be permitted for the benefit of the parcels.

**City of Modesto Fire Department (Contracted with Oakdale Rural Fire Protection District)**

23. Prior to improvements being constructed, fire code permits shall be obtained where required per Title 24, Part 9 of the California Fire Code.
24. Approved fire apparatus access roads shall be provided and installed for every facility, building, or portion of a building hereafter constructed or moved into the jurisdiction. All fire apparatus access roads shall meet the design requirements of the California Fire Code. This includes but is not limited to dimensions, surface, turning, radii, and grade.

25. Fire apparatus access roads shall have an unobstructed width of no less than 20 feet, exclusive of shoulders, and an unobstructed vertical clearance of no less than 13 feet six inches.
  - a. The surface of the road shall be all-weather and designed to support an imposed load of fire apparatus weighing at least 75,000 pounds.
  - b. Roads shall not exceed ten percent grade.
  - c. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area to turn around a fire apparatus in accordance with the California Fire Code.
26. Hazardous vegetation and fuels shall be managed to reduce the severity of potential exterior wildfire exposure to buildings and reduce the risk of fire spreading to buildings as required.
27. Defensible space shall be maintained around all buildings and structures as required.

**Central Valley Regional Water Quality Control Board**

28. Prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a "Notice of Intent" (pursuant to State Water Resources Control Board Order 99-08-DWQ and National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002), is necessary, and shall prepare all appropriate documentation, including a Storm Water Pollution Prevention Plan (SWPPP). Once complete, and prior to construction, a copy of the SWPPP shall be submitted to the Stanislaus County Department of Public Works.
29. Prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a Phase I and II Municipal Separate Storm Sewer System (MS4) Permit, an Industrial Storm Water General Permit, Clean Water Act Section 404 Permit, Clean Water Act Section 401 Permit, or Waste Discharge Requirement (WDR) permits are required.

**MITIGATION MEASURES**

**(Pursuant to California Public Resources Code 15074.1: Prior to deleting and substituting for a mitigation measure, the lead agency shall do both of the following: 1) Hold a public hearing to consider the project; and 2) Adopt a written finding that the new measure is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment.)**

1. Prior to any construction or ground disturbing activity that will require removal of a healthy oak tree with a diameter of 12 inches or more, an oak tree protection and replacement plan shall be provided by the property owner to the Department of Planning and Community Development and to the California Department of Fish and Wildlife (CDFW) for review and approval.



2. All construction and grading on the site shall be designed in such a way to avoid the placement of any fill material within seasonal drainages, wetlands, and other jurisdictional Waters of the United States occurring within the project site, as identified in Figure 4 of the Biological Assessment conducted by Moore Biological Consultants, dated March 20, 2019. If complete avoidance is infeasible, impacts shall be minimized to the maximum extent practicable, and permits from the U.S. Army Corps of Engineers, the California Department of Fish and Wildlife, and the Central Valley Regional Water Quality Control Board shall be secured prior to the placement of any fill material (e.g., culverts, fill dirt, rock, clean beach sand) within jurisdictional Waters of the U.S.
3. Prior to any construction or ground disturbing activity, a 100-foot development-free fenced buffer shall be established around any blue elderberry shrub existing on the project site. If full avoidance is not possible, consultation with United States Fish and Wildlife Services shall be undertaken to further assess the potential impacts to valley elderberry longhorn population and determine any needed mitigation. Mitigation usually involves planting replacement shrubs at an approved mitigation site or payment of fees to an approved mitigation bank or in-lieu species fund.
4. To prevent disturbance to raptors and migratory birds, any on-site vegetation removal shall occur during the non-breeding season (September 1 through January 31). If vegetation removal occurs between February 1 to August 31, a pre-construction nesting bird survey shall be conducted by a qualified biologist. If active nests are found within the survey area, vegetation removal should be delayed until the biologist determines nesting is complete.
5. Prior to any construction or ground disturbance within 200 feet of the Stanislaus River, a pre-construction survey shall be conducted by a qualified biologist to determine if any special-status species occur near the area to be disturbed. If special-status species are determined to occur, all work shall cease, and a protection plan shall be developed and implemented.
6. Prior to ground-disturbing activities or demolition of the existing on-site features or structures, the sites and isolated features identified within the 2005 Archeological Survey Report, conducted by the Far Western Anthropological Research Group, shall be evaluated by eligibility to the California Register of Historic Places, and shall be registered if determined to be eligible. Historic-era sites and features shall be evaluated by a historic archaeologist; the prehistoric bedrock mortar features/site shall be evaluated by a prehistoric archaeologist. All recommendations shall be followed.

\*\*\*\*\*

*Please note: If Conditions of Approval/Development Standards are amended by the Planning Commission or Board of Supervisors, such amendments will be noted in the upper right-hand corner of the Conditions of Approval/Development Standards; new wording is in **bold**, and deleted wording will have a ~~line through it~~.*



**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

1010 10<sup>TH</sup> Street, Suite 3400, Modesto, CA 95354  
Planning Phone: (209) 525-6330 Fax: (209) 525-5911  
Building Phone: (209) 525-6557 Fax: (209) 525-7759

## CEQA INITIAL STUDY

Adapted from CEQA Guidelines APPENDIX G Environmental Checklist Form, Final Text, December 30, 2009

1. **Project title:** Vesting Tentative Parcel Map Application No. PLN2018-0090 – Honchariw – Frymire Road
2. **Lead agency name and address:** Stanislaus County  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354
3. **Contact person and phone number:** Jeremy Ballard, Associate Planner
4. **Project location:** 17442 Cemetery Road, on the southern corner of Cemetery and Frymire Roads, abutting the Stanislaus River, in the Community of Knights Ferry (APNs: 002-044-004 & -003).
5. **Project sponsor's name and address:** Nick Honchariw, Trustee of the Honchariw Revocable Trust
6. **General Plan designation:** Historical/Agriculture
7. **Zoning:** HS (Historical Site District) / A-2-5 (General Agriculture)
8. **Description of project:**

Request to subdivide two parcels, totaling 32.2± acres, into three 5-acre parcels (Parcels 1, 2, & 3) with a 17.2± acre Remainder parcel. As proposed, Parcels 1, 2, and 3 will be zoned A-2-5 (General Agriculture), and the Remainder will be split zoned with 4.26± acres zoned A-2-5 and the remaining 12.94± zoned as HS (Historical Site District). If approved, each parcel will have frontage on a County-maintained road. The proposed Remainder currently utilizes a private septic system and is served by the Knights Ferry Community Service District for domestic water. Proposed Parcels 1, 2, and 3 would be served by private water and wastewater disposal systems for any future residential development. The project site is currently improved with one single-family dwelling and multiple storage buildings which are located on the Remainder.
9. **Surrounding land uses and setting:** The Stanislaus River and the Community of Knights Ferry to the east, Ranchettes and pastures to the north, south and west.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** CalTrans  
Stanislaus County Department of Public Works  
Department of Environmental Resources  
Army Corps of Engineers
11. **Attachments:** Maps  
Application  
Early Consultation Referral Response  
Biological Assessment conducted on December 28, 2018 by Moore Biological Consultants

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**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.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                      | <input type="checkbox"/> Agriculture & Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources    | <input type="checkbox"/> Geology / Soils                    |
| <input type="checkbox"/> Greenhouse Gas Emissions        | <input type="checkbox"/> Hazards & Hazardous Materials    | <input type="checkbox"/> Hydrology / Water Quality          |
| <input type="checkbox"/> Land Use / Planning             | <input type="checkbox"/> Mineral Resources                | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population / Housing            | <input type="checkbox"/> Public Services                  | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation                  | <input type="checkbox"/> Utilities / Service Systems      | <input type="checkbox"/> Mandatory Findings of Significance |
| <input type="checkbox"/> Wildfire                        | <input type="checkbox"/> Energy                           |   |

**DETERMINATION: (To be completed by the Lead Agency)**

On the basis of this initial evaluation:

- ☐ I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- ☐ I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- ☐ I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

\_\_\_\_\_  
Jeremy Ballard  
Prepared by

\_\_\_\_\_  
July 12, 2019  
Date

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

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

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, than the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.

4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration.

Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

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

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

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

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

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

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

a) the significant criteria or threshold, if any, used to evaluate each question; and

b) the mitigation measure identified, if any, to reduce the impact to less than significant.

## ISSUES

I. AESTHETICS – Except as provided in Public Resources Code Section 21099, could the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	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 outcroppings, and historic buildings within a state scenic highway?			X	
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?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

**Discussion:** The project site is surrounded by rural residential development to the north, west, and south. The site is located southwest of the Community of Knights Ferry and is bordered to the east by the Stanislaus River. The project site is currently designated, in part, as Historical Site (HS) District. The HS zoning designation is used to recognize the unique character of historical areas within the County. Due to the historic character of the Community of Knights Ferry, special building standards have been instituted, and building permits in this district are reviewed for conformance by a Historical Design Review Committee to ensure that any development is compatible with the aesthetic guidelines set forth in the General Plan. As such, any further development within the Historical Site District-designated areas of the project site will be subject to these design guidelines during the building permitting process and will be reviewed by the Stanislaus County Planning Division to ensure compatibility. Further residential development of the proposed Remainder that is within the HS zoning district would be subject to first obtaining a Historical Site Permit. If approved, a condition of approval will be added to the project requiring any new construction and rehabilitation to meet these aesthetic requirements. A condition will also be added to minimize potential impacts from on-site lighting which requires all exterior lighting be designed to provide adequate illumination without a glare effect. The proposed project is not anticipated to have a substantial negative effect on a scenic vista, damage scenic resources, or substantially degrade the existing visual character of the site or its surroundings.

**Mitigation:** None.

**References:** Application information; Stanislaus County Zoning Ordinance; the Stanislaus County General Plan; and Support Documentation<sup>1</sup>.

II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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?				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	

**Discussion:** The project site is comprised of two parcels, totaling 32.2± acres in size, in the A-2-5 (General Agriculture, 5-Acre Minimum) and HS (Historical Site District) zoning districts. Neither parcel is enrolled in a Williamson Act contract. The project site consists primarily of unirrigated grassland and oak woodland habitats and is adjacent to a riparian corridor. The proposed Remainder is currently developed with one single-family dwelling and multiple accessory storage structures. All existing improvements are located within the Historical Site District-zoned areas of the Remainder while a portion of the Remainder and proposed Parcels 1, 2, and 3 are vacant.

The California Department of Conservation's Farmland Mapping and Monitoring Program lists the project site as comprised of Nonagricultural or Natural Vegetation and Urban and Built-Up Land. According to the United States Department of Agricultural Natural Resources Conservation Service's Soil Survey, the project site consists of approximately 2.5% Columbia sandy loam, drained, 0 to 2 percent slopes, rarely flooded (Storie Index Rating 67); 17% Cometa, sandy loam, 2 to 8 percent slopes (Index Rating 51); 27.5% Redding loam, 0 to 4 percent slopes, dry (Index Rating 19); and 53% Miltonhills-Amador complex, 15 to 45 percent slopes (Index Ratings 16 & 28). The Storie Index is a widely known and accepted method of rating soils for land use and agricultural productivity in California (Storie, 1978). Soils that receive an index grade of 61 to 80 are considered good, 41 to 60 fair, 21 to 40 poor, 11 to 20 very poor. Based on the Storie Index ratings of the project site's soils, the site is not considered prime farmland.

This project proposes to divide two parcels, totaling 32.2± acre parcels, into three 5-acre parcels and a 17.2± acre Remainder, which is split zoned. Area's zoned A-2-5 have been recognized by the County as areas with significant existing parcelization, poor soil, and location and other factors which limit the agricultural productivity of the area. The project will not conflict with any agricultural activities in the area and/or lands enrolled in the Williamson Act, as the resulting parcels will meet the minimum parcel size requirements of the A-2-5 and HS zoning districts. No construction is proposed as part of this project; however, one single family dwelling may be maintained per parcel on proposed Parcels 1, 2, and 3, in accordance with Zoning Ordinance §21.20.020 and §21.44.020, once the final parcel map has been recorded and all applicable conditions are met.

Oakdale Irrigation District (OID) responded to the project referral indicating that the Frymire Lateral—open ditch irrigation infrastructure—crosses both existing parcels. According to the comment letter, the project site is located outside the OID service boundary and has no entitlements to irrigation water under the historic Knights Ferry Water Rights allotment; therefore, no connections to this infrastructure is or will be permitted for the benefit of the proposed parcels. In order to irrigate in the future, the proposed parcels will need to utilize private irrigation facilities, such as a private well. Any construction of a new well for irrigation purposes would be subject to the County's well permitting program, which would evaluate any environmental concerns.

The project site does not contain forest land or timberland, and it is not subject to an existing Williamson Act contract. Therefore, the project would not negatively impact Important Farmland, agriculturally zoned land, land subject to a Williamson Act contract, or timberlands. Impacts to agricultural resources are considered less than significant.

**Mitigation:** None.

**References:** Referral response from Oakdale Irrigation District, dated September 27, 2018; California State Department of Conservation Farmland Mapping and Monitoring Program – Stanislaus County Farmland 2019; USDA NRCS Soil Survey; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. -- Would the project:				
	Potentially Significant Impact	Less Than Significant With Mitigation Included	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 odors adversely affecting a substantial number of people?			X	

**Discussion:** The proposed project is located within the San Joaquin Valley Air Basin (SJVAB) and, therefore, falls under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). In conjunction with the Stanislaus Council of Governments (StanCOG), the SJVAPCD is responsible for formulating and implementing air pollution control strategies. The SJVAPCD's most recent air quality plans establish a comprehensive air pollution control program leading to the attainment of state and federal air quality standards in the SJVAB, which has been classified as "extreme non-attainment" for ozone, "attainment" for respirable particulate matter (PM-10), and "non-attainment" for PM 2.5, as defined by the Federal Clean Air Act.

The primary source of air pollutants generated by this project would be classified as being generated from "mobile" sources. Mobile sources would generally include dust from roads, farming, and automobile exhausts. Mobile sources are generally regulated by the Air Resources Board of the California EPA which sets emissions for vehicles and acts on issues regarding

cleaner burning fuels and alternative fuel technologies. If approved, the resulting parcels may develop one single-family dwelling each, while the Remainder would be required to obtain a separate historical site permit that includes further environmental analysis. According to the Federal Highway Administration, the average daily vehicle trip per household is 9.6, which would equal 28.8 vehicle trips per day as a result of this project approval (3 additional dwellings x 9.6 = 28.8). The estimated vehicle trips associated with three additional single-family dwellings is considered to be a less than significant impact on air quality. As such, the District has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the Basin.

Construction activities associated with new development can temporarily increase localized PM10, PM2.5, volatile organic compound (VOC), nitrogen oxides (NOX), sulfur oxides (SOX), and carbon monoxide (CO) concentrations within a project's vicinity. The primary source of construction-related CO, SOX, VOC, and NOX emission is gasoline and diesel-powered, heavy-duty mobile construction equipment. Primary sources of PM10 and PM2.5 emissions are generally clearing and demolition activities, grading operations, construction vehicle traffic on unpaved ground, and wind blowing over exposed surfaces.

No construction is proposed as part of this request; however, construction activities indirectly associated with the proposed project would consist primarily of residential development. These activities may require short-term use of heavy-duty construction equipment due to demolition, construction, or grading resulting from development of the lots and due to the topography of the site. A condition of approval will be applied to the project requiring all construction, demolition, and grading-related activities to occur in compliance with all SJVAPCD regulations; therefore, construction emissions would be less than significant without mitigation.

Because construction and operation of the project would occur in compliance with SJVAPCD standards, the proposed project is not anticipated to increase the frequency or severity of existing air quality standards or the interim emission reductions specified in the air plans.

For these reasons, the proposed project would be consistent with the applicable air quality plans. Also, the proposed project would not conflict with applicable regional plans or policies adopted by agencies with jurisdiction over the project and would be considered to have a less than significant impact.

The project was referred to SJVAPCD, and no response has been received to date.

**Mitigation:** None.

**References:** Application Material; San Joaquin Valley Air Pollution Control District's Small Project Analysis Level (SPAL) guidance Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>IV. BIOLOGICAL RESOURCES -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>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?</b>		X		
<b>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 U.S. Fish and Wildlife Service?</b>		X		
<b>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?</b>		X		



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

**Discussion:** The project is located within the Knights Ferry Quad of the California Natural Diversity Database (CNDDB). As part of this parcel map request, a Biological Assessment was conducted on December 28, 2018. The assessment included consultation of the California Department of Fish and Wildlife's CNDDB, review of aerial photography, and a field survey of the site by a qualified biologist. The entire Biological Study is provided as an attachment to this document.

The site assessment identified the project site as containing upland annual grasslands and oak woodland habitats, primarily supporting common species of plants and wildlife. Parcels 1, 2, and 3 are mainly comprised of flat terrace grasslands but also contain a few seasonal wetlands and an elongated vernal pool. Parcel 3 contains a few oak trees and small seasonal wetlands created from remnant mining activities. Oak woodlands are more prominent on the proposed Remainder. Other features located on the Remainder include steep bluffs sloping towards the riparian corridor of the north bank of the Stanislaus River, a stock pond which appears to draw water from the on-site Frymire Lateral open ditch canal, and an ephemeral channel. The Frymire Lateral open ditch may potentially be abandoned by OID, according to a referral response received on September 27, 2018, but the ditch will remain for downstream historic Knights Ferry Water Rights holders.

Review of the CNDDB indicated several special-status wildlife species that have a low to high likelihood to occur on the project site: the Forked hare-leaf (*Lagophylla dichotoma*) which occurs in both grasslands and woodlands; the Townsend's big-eared bat (*Corynorhinus townsendii*), Western red bat (*Lasiurus blossevillei*), and Pallid bat (*Antrozous pallidus*), which typically reside in woodland and bluff habitats. These species have a low likelihood to appear on the project site and are unlikely to occur on the grassland portion of the project site where residential development is likely to occur. Similarly, the Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) lives on elderberry shrubs which were documented on Remainder parcel in 2005; however, both were surveyed as being at least 250 feet from grassland terraces. The Western pond turtle (*Emys marmorata*) is indicated as possibly occurring on the project site along the riparian corridor within the proposed Remainder, and Steelhead (*Oncorhynchus mykiss irideus*) are present within the Stanislaus River. Because grasslands don't provide an aquatic habitat for these species, any future development resulting from this request is unlikely to significantly impact these species.

The following findings and conclusions were discussed:

If approved, residential development as an indirect result of the project may lead to removal of trees. Dwellings are likely to be constructed in open grasslands, and they will likely involve minimal tree removal as oak trees are favored for their aesthetic purposes. Policy four of the County's Conservation Element of the General Plan states that all discretionary projects that will potentially impact oak woodlands shall develop a management plan for protection and enhancement. As such, a Mitigation Measure has been incorporated into the project which states that, prior to any development, an oak woodland management plan shall be prepared by the applicant and reviewed by County staff.

Potential "Waters of the United States" or wetlands include the stock pond located on the Remainder parcel, the Frymire Lateral canal in the north tip of the project site, and the ephemeral channels that drain east into the Stanislaus River. Avoidance of these features is recommended. Mitigation has been incorporated into the project to minimize impact to any potential on-site Waters of the U.S.

With the exception of the Elderberry Shrubs, the assessment reported that it is unlikely for any special status plant species to occur onsite due to the lack of suitable habitat. The likelihood of special status wildlife species occurring on the site is also low. If they do, it is likely that they occupy the site on very occasional or transitory basis. Special status bats and birds

may roost or nest in the site on occasion during certain migratory seasons. Mitigation has been added to the project limiting construction during the time periods when these animals may be nesting on-site. Vernal pool shrimp are not likely to be present in on-site vernal pools nor were spadefoot larvae or California tiger salamander detected due to lack of suitable habitats.

The project will not conflict with a Habitat Conservation Plan, a Natural Community Conservation Plan, or other locally approved conservation plans. Impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors are considered to be less than significant with mitigation included.

An Early Consultation was referred to the California Department of Fish and Wildlife (formerly the Department of Fish and Game), and no response has been received to date.

#### Mitigation:

1. Prior to any construction or ground disturbing activity that will require removal of a healthy oak tree with a diameter of 12 inches or more, an oak tree protection and replacement plan shall be provided by the property owner to the Department of Planning and Community Development and to the California Department of Fish & Wildlife (CDFW) for review and approval.
2. All construction and grading on the site shall be designed in such a way to avoid the placement of any fill material within seasonal drainages, wetlands, and other jurisdictional Waters of the United States occurring within the project site, as identified in Figure 4 of the Biological Assessment conducted by Moore Biological Consultants, dated March 20, 2019. If complete avoidance is infeasible, impacts shall be minimized to the maximum extent practicable, and permits from the U.S. Army Corps of Engineers, the California Department of Fish and Wildlife, and the Central Valley Regional Water Quality Control Board shall be secured prior to the placement of any fill material (e.g., culverts, fill dirt, rock, clean beach sand) within jurisdictional Waters of the U.S.
3. Prior to any construction or ground disturbing activity, a 100-foot development-free fenced buffer shall be established around any blue elderberry shrub existing on the project site. If full avoidance is not possible, consultation with United States Fish and Wildlife Services shall be undertaken to further assess the potential impacts to valley elderberry longhorn population and determine any needed mitigation. Mitigation usually involves planting replacement shrubs at an approved mitigation site or payment of fees to an approved mitigation bank or in-lieu species fund.
4. To prevent disturbance to raptors and migratory birds, any on-site vegetation removal shall occur during the non-breeding season (September 1 through January 31). If vegetation removal occurs between February 1 to August 31, a pre-construction nesting bird survey shall be conducted by a qualified biologist. If active nests are found within the survey area, vegetation removal should be delayed until the biologist determines nesting is complete.
5. Prior to any construction or ground disturbance within 200 feet of the Stanislaus River, a pre-construction survey shall be conducted by a qualified biologist to determine if any special-status species occur near the area to be disturbed. If special status species are determined to occur, all work shall cease, and a protection plan shall be developed and implemented.

**References:** Referral response from Oakdale Irrigation District dated September 27, 2018; California Department of Fish and Wildlife's Natural Diversity Database Quad Species List; Biological Assessment conducted on December 28, 2019 by Moore Biological Consultants; Stanislaus County General Plan and Support Documentation<sup>1</sup>

V. CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5?		X		

<b>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?</b>		<b>X</b>		
<b>c) Disturb any human remains, including those interred outside of formal cemeteries?</b>			<b>X</b>	

**Discussion:** The project site is located southwest of the historic Community of Knights Ferry and within the Mexican Land Grant area formerly known as the Rancheria Del Rio Estanislao. A Cultural Resources Assessment, written by Susan Alvarez of Far Western Anthropological Research Group, Inc., was conducted on September 2005 as part of a previous application request for the project site. This study included a records search with the Central California Information Center (CCIC), consultation with the Native American community, and a pedestrian survey.

A record search, dated August 2, 2005, was conducted by the Central California Information Center (CCIC) for the project site. This search indicated that there are no historical or prehistoric resources formally reported to the CCIC; however, the California Journal of Mines and Geology Volume 43, No. 2 references a clay mine in the Knights Ferry Quad. Additionally, 25 recorded historical resources were identified within a one-half mile radius of the project area. No construction is proposed as part of this request; however, standard conditions of approval regarding the discovery of cultural resources during future construction will be added to the project.

A sacred land inventory search was conducted as part of this assessment by Native American organizations and individuals. A letter, dated August 5, 2005, received by the Native American Heritage Commission (NAHC) and e-mail correspondence, dated September 7, 2005, from Katherine Perez of the Northern Valley Yokut indicated no presence of Native American cultural resources in the vicinity of the project area; however, Ms. Perez recommended that ground-disturbing activities be monitored by both a qualified archeologist and Native American.

On August 29, 2005, Darren Andolina, archeologist for Far Western, conducted a field survey of prehistoric and historic resources within the project site. The examination of the parcel identified a prehistoric bedrock milling site with about 200 mortar cups along the bank of the Stanislaus River; however, no cultural resources associated with the bedrock were identified. In addition, several historic features dating as far back to 1848 were also located within the project site, including a road, the Frymire Lateral dating back to 1850, building, mining tailings, and abutments reported to be a former ferry mooring. All prehistoric and historic resources identified in this survey are contained on the proposed Remainder parcel with the exception of a portion of mining tailings on proposed Parcel 2 and a section of the OID Frymire Lateral which crosses the northwest corner of proposed Parcel 1.

The Cultural Resource Assessment concluded that no further assessment is recommended as part of this project request. To mitigate potential impacts to any archeological or cultural resources on the project site, mitigation has been applied requiring evaluation of the existing features or structures for eligibility to the California Register of Historic Places.

#### **Mitigation:**

6. Prior to ground-disturbing activities or demolition of the existing on-site features or structures, the sites and isolated features identified within the 2005 Archeological Survey Report, conducted by the Far Western Anthropological Research Group, shall be evaluated by eligibility to the California Register of Historic Places and shall be registered if determined to be eligible. Historic-era sites and features shall be evaluated by a historic archaeologist; the prehistoric bedrock mortar features/site shall be evaluated by a prehistoric archaeologist. All recommendations shall be followed.

**References:** Central California Information Center Report for the project site, dated August 2, 2005; Letter from the Native American Heritage Commission, dated August 5, 2005; E-mail correspondence from Katherine Perez of Northern Valley Yokut, dated September 7, 2005; Cultural Resources Assessment by Susan Alvarez of Far Western Anthropological Research Group, Inc. dated September 2005; Stanislaus County General Plan and Support Documentation<sup>1</sup>

VI. ENERGY. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	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	

**Discussion:** The CEQA Guidelines Appendix F states that energy consuming equipment and processes, which will be used during construction or operation, such as energy requirements of the project by fuel type and end use; energy conservation equipment and design features; energy supplies that would serve the project; and total estimated daily vehicle trips to be generated by the project and the additional energy consumed per trip by mode; shall be taken into consideration when evaluating energy impacts. Additionally, the project's compliance with applicable state or local energy legislation, policies, and standards must be considered.

This project proposes to divide two parcels, totaling 32.2± acre parcels, into three 5-acre parcels and a 17.2± acre Remainder. No construction is proposed. According to the Federal Highway Administration, the average daily vehicle trip per household is 9.6, which would equal 28.8 vehicle trips per day as a result of this project approval (3 additional dwellings x 9.6 = 28.8). Therefore, traffic generated as a result of this subdivision would be minimal, primarily consisting of temporary construction activities and residential vehicle trips. A condition of approval will be added to this project to address any future occurring development's compliance with Title 24, Green Building Code, for projects that require energy efficiency. Additionally, a condition of approval will be added requiring any site lighting to meet industry standards for energy efficiency.

The project was referred to Pacific Gas & Electric (PG&E), which provides the project site with gas and electric, and no response was received to date.

With existing requirements in place that the project is required to meet and with the proposed additional measures providing energy efficient improvements, it does not appear this project will result in significant impacts to the wasteful, inefficient, or unnecessary consumption of energy resources.

**Mitigation:** None

**References:** 2016 California Green Building Standards Code Title 24, Part 11(Cal Green); 2016 California Energy Code Title 24, Part 6; Stanislaus County General Plan and Support Documentation<sup>1</sup>

VII. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	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 direct or indirect risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			X	
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	

**Discussion:** The USDA Natural Resources Conservation Service's Eastern Stanislaus County Soil Survey indicates that the property is made up of Columbia sandy loam, Cometa sandy loam, Redding loam, and Miltonhills-Amador complex. As contained in Chapter 5 of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5; however, as per the California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F), and a soils test may be required at building permit application. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency. Any structures resulting from this project will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. Any addition or expansion of a septic tank or alternative wastewater disposal system would require the approval of the Department of Environmental Resources (DER) through the building permit process, which also takes soil type into consideration within the specific design requirements.

The project site is not located near an active fault or within a high earthquake zone. Landslides are not likely on proposed Parcels 1, 2, and 3 because of their flat terrain. The proposed Remainder contains relatively steep bluffs sloping down towards the north bank of the Stanislaus River; however, no construction is proposed. In the event that further development is to take place on the Remainder, it will be subject to first obtaining a Historical Site Permit which requires environmental review for any potential impacts.

DER, Public Works, and the Building Permits Division review and approve any building or grading permit to ensure their standards are met. Conditions of approval regarding these standards will be applied to the project and will be triggered when a building permit is requested.

A records search, conducted by the Central California Information Center (CCIC), for the project site indicated that there are no historical or prehistoric resources formally reported to the CCIC; however, the California Journal of Mines and Geology Volume 43, No. 2 references a clay mine in the Knights Ferry Quad. A condition of approval to address future development regarding the discovery of paleontological resources during the construction process will be added to the project.

**Mitigation:** None.

**References:** Central California Information Center Report for the project site, dated August 2, 2005; Stanislaus County General Plan and Support Documentation<sup>1</sup>

VIII. GREENHOUSE GAS EMISSIONS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	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>b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</b>			<b>X</b>	
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**Discussion:** The principal Greenhouse Gasses (GHGs) are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), sulfur hexafluoride (SF<sub>6</sub>), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H<sub>2</sub>O). CO<sub>2</sub> is the reference gas for climate change, because it is the predominant greenhouse gas emitted. To account for the varying warming potential of different GHGs, GHG emissions are often quantified and reported as CO<sub>2</sub> equivalents (CO<sub>2</sub>e). In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill [AB] No. 32), which requires the California Air Resources Board (ARB) to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020.

This project proposes to divide two parcels, totaling 32.2± acre parcels, into three 5-acre parcels and a 17.2± acre Remainder. Minimal greenhouse gas emissions will occur during construction. Construction activities are considered to be less than significant as they are temporary in nature and are subject to meeting SJVAPCD standards for air quality control. According to the Federal Highway Administration, the average daily vehicle trip per household is 9.6, which would equal 28.8 vehicle trips per day as a result of this project approval (3 additional dwellings x 9.6 = 28.8). Therefore, traffic generated as a result of this subdivision would be minimal, primarily consisting of temporary construction activities and residential vehicle trips. The project was referred to the San Joaquin Valley Air Pollution Control District, and no response was received to date. Staff will include a condition of approval on the project requiring that the applicant be in compliance with the District's rules and regulations. It is not anticipated that the project will create any significant impacts to greenhouse gas emissions.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>IX. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</b>				<b>X</b>
<b>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?</b>				<b>X</b>
<b>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</b>				<b>X</b>
<b>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?</b>			<b>X</b>	
<b>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?</b>				<b>X</b>

<b>f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</b>			<b>X</b>	
<b>g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?</b>				<b>X</b>

**Discussion:** The County's Department of Environmental Resources (DER) is responsible for overseeing hazardous materials and has not indicated any significant impacts in relation to the proposed project. The project request is not recognized as connected to any use of generators and/or consumer of hazardous materials, therefore no significant impacts associated with hazards or hazardous materials are anticipated to occur as a result of the proposed project. The project was referred to the DER HAZMAT Division, and no response was received to date.

The project site is not located within an airport land use plan or a wildlands area. The project site is located within a medium fire severity zone in the Oakdale Rural Fire Protection District and designated as a State Responsibility Area (SRA). The project was referred to the Oakdale Rural Fire Protection district; a referral response from Stanislaus Consolidate Fire Protection District (as of July 1, 2019, the site will be served by the City of Modesto Fire Department) requiring fire apparatus access roads be installed for every new structure that has been added to the project. In addition, all hazardous vegetation and fuels shall be managed to reduce the severity of potential wildfire exposure to buildings and reduce the risk of fire spreading. Defensible space shall be maintained around all existing and proposed buildings. During the building permit phase, each permit request will be reviewed by the appropriate fire authority to ensure all activities meet the appropriate federal, state, or local fire code requirements.

**Mitigation:** None.

**References:** Referral response from Stanislaus Consolidated Fire Protection District dated October 2, 2018; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<b>X. HYDROLOGY AND WATER QUALITY -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?</b>			<b>X</b>	
<b>b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?</b>			<b>X</b>	
<b>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:</b>			<b>X</b>	
<b>(i) result in substantial erosion or siltation on – or off-site;</b>			<b>X</b>	
<b>(ii) substantially increase the rate of amount of surface runoff in a manner which would result in flooding on- or off-site;</b>			<b>X</b>	
<b>(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</b>			<b>X</b>	
<b>(iv) impede or redirect flood flows?</b>			<b>X</b>	

<b>d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?</b>			<b>X</b>	
<b>e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?</b>			<b>X</b>	

**Discussion:** Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act (FEMA). The project site is located in FEMA Flood Zone X, which includes areas determined to be outside the 0.2% annual chance floodplains. All flood zone requirements will be addressed by the Building Permits Division during the building permit process. No construction is proposed; however, future development indirectly resulting from this project may alter the current absorption patterns of water upon this property.

As discussed in Section IV - Biological Resources of this document, several potential "Waters of the U.S." have been identified on the project site, including the stock pond located on the Remainder parcel, the Frymire Lateral canal in the north tip of the project site, and the ephemeral channels that drain east into the Stanislaus River. Other water features include vernal pools and seasonal wetlands located on proposed Parcels 1, 2, and 3. With Mitigation Measure No. 2 applied to the project requiring all necessary permits from both CDFW and ACOE, impacts associated with drainage, water quality, and runoff are expected to have a less than significant impact.

The site contains one single-family dwelling and residential accessory structures. The existing dwellings currently receive potable water from the Knights Ferry Community Service District (KFCSD) and is served by a private septic system. No new wells are proposed as part of this project; however, the project was referred to the DER, and a condition will be placed on the project that once divided, each proposed parcel is required to have an independent private water supply and wastewater disposal system prior to issuance of a building permit. To implement the 2014 Stanislaus County Groundwater Ordinance (Chapter 9.37 of the Stanislaus County Code), the County has developed its Discretionary Well Permitting and Management Program to prevent the unsustainable extraction from new wells subject to the Stanislaus County Groundwater Ordinance. A condition of approval will be placed on the project requiring a drilling permit to be obtained prior to the construction of new wells. The Eastern San Joaquin Groundwater Authority covers the Eastern San Joaquin Groundwater Sub-basin (ESJ Sub-basin) and is tasked with ensuring compliance with the Sustainable Groundwater Management Act (SGMA). The Eastern San Joaquin Water Resources Model (ESJWRM) was developed primarily to evaluate the current and recent historical groundwater conditions of the ESJ Sub-basin and simulate various future condition scenarios as part of the Groundwater Sustainability Plan (GSP) preparation process under the SGMA. The site is in ESJWRM Subregion #18. Private groundwater pumping quantities on an individual well basis are largely unknown, though aggregate estimates for private pumping are often included in planning documents (e.g., AWMPs, UWMPs, groundwater management plans). The domestic wells are not anticipated to have a significant effect on groundwater supplies.

Although no construction is proposed, any future dwellings will be served by private septic systems; the construction of which must be reviewed and approved by DER and must adhere to current Local Agency Management Program (LAMP) standards. LAMP standards include minimum setbacks from wells to prevent negative impacts to groundwater quality. DER is also requiring the on-site wastewater disposal system for parcels 1 through 3 to be operated under conditions and guidelines established by Measure X, which will be added as a condition of approval.

A portion of the Frymire Lateral open ditch crosses both parcels comprising the project site; however, the project site is located outside the OID Boundary and is therefore not entitled to irrigation water under the historic Knights Ferry Water Rights allotment. A referral response from OID indicated that none of the proposed parcels or Remainder are eligible to receive water service from the Frymire Lateral, nor will they be permitted to connect to the service in the future. OID indicated that they may formally abandon the Frymire Lateral in the future; however, the private ditch would remain in place for the benefit of downstream historic Knights Ferry Water Rights holders.

A referral response received from the Central Valley Regional Water Quality Control Board (RWQCB) provided a list of the Board's permits and programs that may be applicable to the proposed project. The developer will be required to contact RWQCB to determine which permits/standards must be met prior to construction as a condition of approval.



**Mitigation:** None.

**References:** Referral response from Oakdale Irrigation District dated September 27, 2018; Referral response from the Department of Environmental Resources dated October 2, 2018; Referral response from Department of Environmental Resources dated October 2, 2018; Biological Assessment conducted on December 28, 2019 by Moore Biological Consultants; Biological Assessment conducted on March 31, 2005 by Moore Biological Consultants; Stanislaus County General Plan and Support Documentation<sup>1</sup>

XI. LAND USE AND PLANNING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	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	

**Discussion:** The project site is designated Agriculture and Historical by the Stanislaus County General Plan land use diagrams and zoned A-2-5 (General Agriculture) and HS (Historical Site District). The applicant is requesting to divide two parcels, totaling 32.2± acres identified as Assessor's Parcel Numbers 002-044-003 & 002-044-004, into three 5-acre parcels and a 17.2± acre Remainder, which would be split zoned. The Remainder parcel would consist of 12.94± acres zoned HS with the remaining 4.26± acres zoned A-2-5. The proposed parcels all meet the minimum parcel size for the A-2-5 zoning district, which is 5 acres. The proposed Remainder also meets the minimum parcel size for the Historical Site District, which is also 5 acres. If developed further, new or expanded uses on the proposed Remainder will require discretionary permitting via a Historical Site Permit and be reviewed for environmental impacts through a separate CEQA-compliance process. Likewise, development which may occur on proposed Parcels 1, 2, and 3 will require either additional discretionary permitting or will be permitted by-right due to conformance with prior adopted environmental assessments.

The project site lies within the Knights Ferry Municipal Advisory Council (MAC). Per the County's General Plan, the proposed project was referred to the Knights Ferry MAC and was presented to the MAC on their regularly scheduled meeting on September 27, 2018. Subsequent to the MAC meeting, the MAC did not provide comment on the project.

The project site abuts the Stanislaus River to the southeast, with the proposed Remainder located along the length of this frontage. Pursuant to the Subdivision Map Act, Section 66478.1, any subdivision which fronts on a shoreline shall provide public access to and along said shoreline via an easement or fee. A condition of approval has been added requiring suitable river access via easement be recorded prior to issuance of a building or grading permit or sale of the proposed Remainder parcel, whichever comes first.

In addition, Stanislaus County's Right-to-Farm Ordinance §9.32.050 protects the development of agricultural lands for agricultural uses and all associated inconveniences such as noise, odors, flies, dust, or fumes. A condition requiring a Right-to-Farm notice on the recorded parcel map, disclosing such inconveniences to residents of property on or near agricultural lands, will be added to the project.

The project site was previously subject to a Vesting Tentative Subdivision Map and Exception request which proposed 8 parcels ranging in size from 0.5± to 5± acres with a 12.03± acre Remainder. This prior request was approved by the Stanislaus County Board of Supervisors on May 22, 2012. The VTSM is currently alive and has recently requested a one-year time extension. Irrespective of the number of approved tentative maps, only one map may be recorded for the project site. This will be incorporated into the project as a condition of approval.

The project would not conflict with any applicable land use plan, policy, or regulation intended to avoid or mitigate an environmental effect. No natural community conservation plans have been adopted in Stanislaus County, so the project would not result in any conflict.

**Mitigation:** None.

**References:** Application Material, VTSM APP No. 2006-06 – Knights Ferry Overlook Project Material, Government Code Section 66478.1, Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>XII. MINERAL RESOURCES -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</b>			X	
<b>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?</b>			X	

**Discussion:** The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173 (and portions of Special Report Nos. 91-03, 160, and 199 which include Stanislaus County). The project site is located in the Knights Ferry Quad. According to the 1993 Aggregate Resource areas of Stanislaus County survey, the project location is in the vicinity of ARA – 41 and – 38 of the geological area of the Stanislaus River. According to the Central California Information Center records search from the Cultural Resource Assessment conducted for the project site, there are trace placer tailings from a historic gold mine “Frymire Ranch” present on the project site, and the California Journal of Mines and Geology Volume 43, No. 2 references a clay mine in the Knights Ferry Quad; however, the County has no known records of such a mine. If present, mineral resources would not be precluded from extraction as a result of this application and would be subject to a separate discretionary permit requiring CEQA-compliance.

**Mitigation:** None.

**References:** Central California Information Center Report for the project site, dated August 2, 2005; State Division of Mining & Geology – Special Report 173 (1993); Stanislaus County General Plan Open Space/Conservation Element and Support Documentation<sup>1</sup>

<b>XIII. NOISE -- Would the project result in:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</b>			X	
<b>b) Generation of excessive groundborne vibration or groundborne noise levels?</b>			X	
<b>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?</b>			X	

**Discussion:** The Stanislaus County General Plan identifies noise levels up to 60 dB Ldn (or CNEL) as the normally acceptable level of noise for low-density residential and related uses, which is 15 db Ldn fewer than what is considered normally acceptable for agricultural uses (75 dB Ldn). In addition, Stanislaus County's Right-to-Farm Ordinance §9.32.050 protects the development of agricultural lands for agricultural uses and all associated inconveniences such as noise, odors, flies, dust, or fumes. A condition requiring a Right-to-Farm notice on the recorded parcel map disclosing such inconveniences to residents of property on or near agricultural lands will be added to the project. Although the project site is zoned in part for Agriculture, given the topography, lack of irrigation, and size of the proposed parcels, it is unlikely to be utilized for such purposes. The project would not conflict with any applicable land use plan, policy, or regulation intended to avoid or mitigate an environmental effect. The County has no record of a private airstrip in the vicinity. No natural community conservation plans have been adopted in Stanislaus County, so the project would not result in any conflicts.

On-site grading and construction resulting from this project may result in a temporary increase in the area's ambient noise levels; however, noise impacts associated with on-site activities and traffic are not anticipated to exceed the normally acceptable level of noise. The site itself is impacted by the noise generated from the Stanislaus River. The area's ambient noise level will temporarily increase during grading/construction. As such, the project will be conditioned to abide by County regulations related to hours and days of construction.

No construction is being proposed; however, the A-2 zoning district permits one single-family dwelling per parcel provided all County Code requirements can be met. Development of a single-family dwelling on proposed Parcels 1, 2, and 3 is not proposed, but would be permitted in conformance with the A-2 General Agriculture zoning district upon recordation of the final parcel map. If developed further, new or expanded uses on the proposed Remainder will require discretionary permitting via a Historical Site Permit and be reviewed for environmental impacts through a separate CEQA-compliance process. Any future development, as a result of this project, is not expected to increase the area's ambient noise level.

**Mitigation:** None.

**References:** Title 10 Stanislaus County Code; Stanislaus County General Plan and Support Documentation<sup>1</sup>

XIV. POPULATION AND HOUSING -- Would the project:				
	Potentially Significant Impact	Less Than Significant With Mitigation Included	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

**Discussion:** The site is not included in the vacant sites inventory for the 2016 Stanislaus County Housing Element, which covers the 5<sup>th</sup> cycle Regional Housing Needs Allocation (RHNA) for the County and will therefore not impact the County's ability to meet their RHNA. Minimal population growth will be induced; if the project request is approved, one single-family residence may be constructed per parcel, for a total of three new dwellings. No existing housing will be displaced as a result of this project.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>XV. PUBLIC SERVICES --</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Would the project result in the 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:</b>				
<b>Fire protection?</b>			<b>X</b>	
<b>Police protection?</b>			<b>X</b>	
<b>Schools?</b>			<b>X</b>	
<b>Parks?</b>			<b>X</b>	
<b>Other public facilities?</b>			<b>X</b>	

**Discussion:** The County has adopted Public Facilities Fees, as well as Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. First year costs of the Sheriff's Department have been standardized based on studies conducted by the Sheriff's Department, and as such, a Sheriff's fee of \$339 is required to be paid for all new (not replacement) dwellings. No construction is proposed as part of this project; however, should any construction occur on the property in the future, all adopted public facility fees will fund police, fire, roads, and other services. The fee will be required to be paid at the time of building permit issuance.

This project was circulated to all applicable school, fire, police, irrigation, and public works departments and districts during the Early Consultation referral period, and no concerns were identified with regard to public services. With public facility fees in place, no impacts to public services are anticipated. On July 1, 2019, the project site will be served by the City of Modesto Fire Department for emergency fire services.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>XVI. RECREATION --</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</b>			<b>X</b>	
<b>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?</b>			<b>X</b>	

**Discussion:** This project is not anticipated to significantly increase demands for recreational facilities, as such impacts are typically associated with residential development. No construction is proposed; however, if approved, each parcel will be able to maintain one single-family dwelling per parcel. All parcels are large enough to provide recreational opportunities should the applicant or a future property owner intend to utilize the proposed parcels as such.

The project site abuts the Stanislaus River to the southeast, with the proposed Remainder located along the length of the river frontage. Pursuant to The Subdivision Map Act, Section 66478.1, any subdivision which fronts on a shoreline shall provide public access to and along said shoreline via an easement or fee. A condition of approval has been added requiring suitable river access via easement be recorded prior to a building or grading as well as sale of the proposed Remainder parcel.

**Mitigation:** None.

**References:** Government Code Section 66478.1; Stanislaus County General Plan and Support Documentation<sup>1</sup>

XVII. TRANSPORTATION-- Would the project:				
	Potentially Significant Impact	Less Than Significant With Mitigation Included	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) Would the project conflict or be inconsistent with CEQA Guidelines section 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	

**Discussion:** The project proposes to divide two parcels, totaling 32.2± acres, into three 5-acre parcels and a 17.2± acre Remainder. The project will receive access via County-maintained Frymire and Cemetery Roads. If approved, each parcel will be able to maintain one single-family dwelling per parcel. Increased traffic related to development as an indirect result of this project is insignificant; therefore, staff has no evidence to support that this project will significantly impact any transit, roadway, bicycle, or pedestrian facilities.

This project was referred to the California Department of Transportation (Caltrans) – District 10, and no comments were received regarding the proposed project.

Section 15064.3 of the CEQA Guidelines establishes specific considerations for evaluating a project's transportation impacts. The CEQA Guidelines identify vehicle miles traveled (VMT), which is the amount and distance of automobile travel attributable to a project, as the most appropriate measure of transportation impacts. Other relevant considerations may include the effects of the project on transit and non-motorized travel. Vehicle miles traveled exceeding an applicable threshold of significance for land use projects may indicate a significant impact. Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high-quality transit corridor should be presumed to cause a less than significant transportation impact. Projects that decrease vehicle miles traveled in the project area, compared to existing conditions, should be presumed to have a less than significant transportation impact.

The Environmental Impact Report (EIR) prepared for Stanislaus County's 2016 General Plan Update considered vehicle miles traveled (VMT) in the County as considered by the General Plan planning horizon of 2035. The EIR identified that total daily VMT is expected to increase within the unincorporated area by 2035. However, the daily VMT in the unincorporated area is expected to decrease slightly, on both a per-household and a service population basis, indicating that development that could occur under the General Plan would decrease the average distance between goods and services within the unincorporated County. Therefore, implementation of the General Plan policies is expected to have a less than significant impact on VMT. The proposed project site was considered in the General Plan EIR and would therefore be expected to have a less than significant impact to VMT.

Frymire and Cemetery Road are both identified as rural local roads with an ultimate right of way of 60 feet wide. The General Plan EIR identifies it as operating at a level of service (LOS) A under cumulative conditions (2035). Given the small scale of the project and minimal distance traveled, it is not anticipated that the project would substantially affect the level of service on Orange Blossom Road or any other nearby roadways.

The project was also referred to the Department of Public Works who responded by requiring dedication of right of way on Frymire road and a 10' wide public-utility easement on Parcels 1 through 3. Furthermore, the referral response stated that building No. 4 shown on the Remainder parcel may be located within the existing County's Right of Way along Cemetery Road and has required that prior to the final map being recorded the building be either demolished or relocated. Lastly, the referral response stated once the Remainder parcel is developed, the applicant shall dedicate the appropriate right of way widths along both Frymire and Cemetery Roads including the intersection of these roads. Conditions of approval will be added to the project to reflect the referral response from the Public Works Department.

**Mitigation:** None.

**References:** Referral response from Public Works, dated June 4, 2019; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<b>XIX. UTILITIES AND SERVICE SYSTEMS -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?</b>			X	
<b>b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?</b>			X	
<b>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?</b>			X	
<b>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?</b>			X	
<b>e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?</b>			X	

**Discussion:** Limitations on providing services have not been identified. No construction is proposed as part of this request; however, the project was referred to DER, and conditions requiring each parcel to have its own approved independent water supply and wastewater disposal system have been added to the project. Parcels 1 through 3 will be required to develop a new well in accordance with County requirements. Although no construction is proposed, any future dwellings will be served by private septic systems; the construction of which must be reviewed and approved by DER and must adhere to current Local Agency Management Program (LAMP) standards. LAMP standards include minimum setbacks from wells to prevent negative impacts to groundwater quality. DER is also requiring the on-site wastewater disposal system for Parcels 1 through 3 to be operated under conditions and guidelines established by Measure X, which will be added as a condition of approval.

The proposed Remainder is currently and will continue to receive municipal water service from the Knights Ferry Community Service District. The Department of Public Works will review and approve grading and drainage plans prior to construction. Conditions of approval will be added to the project to reflect this requirement.

**Mitigation:** None.

**References:** Referral response from Department of Environmental Resources dated October 2, 2018; Stanislaus County General Plan and Support Documentation<sup>1</sup>

XX. WILDFIRE – If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	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 and 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	

**Discussion.** The Stanislaus County Local Hazard Mitigation Plan identifies risks posed by disasters and identifies ways to minimize damage from those disasters. With the Wildfire Hazard Mitigation Activities of this plan in place, impacts to an adopted emergency response plan or emergency evacuation plan are anticipated to be less than significant. The terrain of the site is relatively flat. Access will be provided via the County-maintained Frymire and Cemetery Roads. Emergency vehicle access will be required as part of any building permit for future development of each parcel. Wildfire Hazard Mitigation Objective WF03 is to maintain the roads for the safety of travelers for wildfire. The existing County-maintained roads ensures the road will be maintained and is less likely to exacerbate fire risk.

The project site is served by the Oakdale Rural Fire Protection District in conjunction with Stanislaus Consolidated Fire Protection District. As of July 1, 2019, the site will be served by the City of Modesto Fire Department in conjunction with Oakdale Rural Protection District. The site is located in a State Responsibility Area (SRA). All future structure will be required to be constructed in accordance with Chapter 7A of the most current adopted version of the California Building Code and California Residential Code. If approved, residential development resulting from this project request will likely occur on the flat areas of each proposed parcel, outside the floodway and 0.2% floodplain. The project was referred to Oakdale Rural Fire District, and conditions requiring management of hazardous vegetation, maintenance of defensible space around all structures, and installation of fire apparatus roads for every structure will be added to the project which will lessen the risk of wildfire. Wildfire risk and risks associated with postfire land changes are considered to be less than significant.

**Mitigation:** None.

**References:** Referral response from Stanislaus County Building Permits Division dated October 1, 2018; Referral response from Stanislaus Consolidated Fire Protection District dated October 2, 2018; Stanislaus County General Plan and Support Documentation<sup>1</sup>

XXI. MANDATORY FINDINGS OF SIGNIFICANCE --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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 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	

**Discussion:** Any potential impacts, as a result of this project, have been mitigated to less than significant.

**Mitigation:** None.

**References:** Initial Study; Stanislaus County General Plan and Support Documentation<sup>1</sup>

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<sup>1</sup>Stanislaus County General Plan and Support Documentation adopted in August 23, 2016, as amended. **Housing Element** adopted on April 5, 2016.



# MOORE BIOLOGICAL CONSULTANTS

March 20, 2019

Mr. Nick Honchariw  
3 Via Paraiso West  
Tiburon, CA 94920

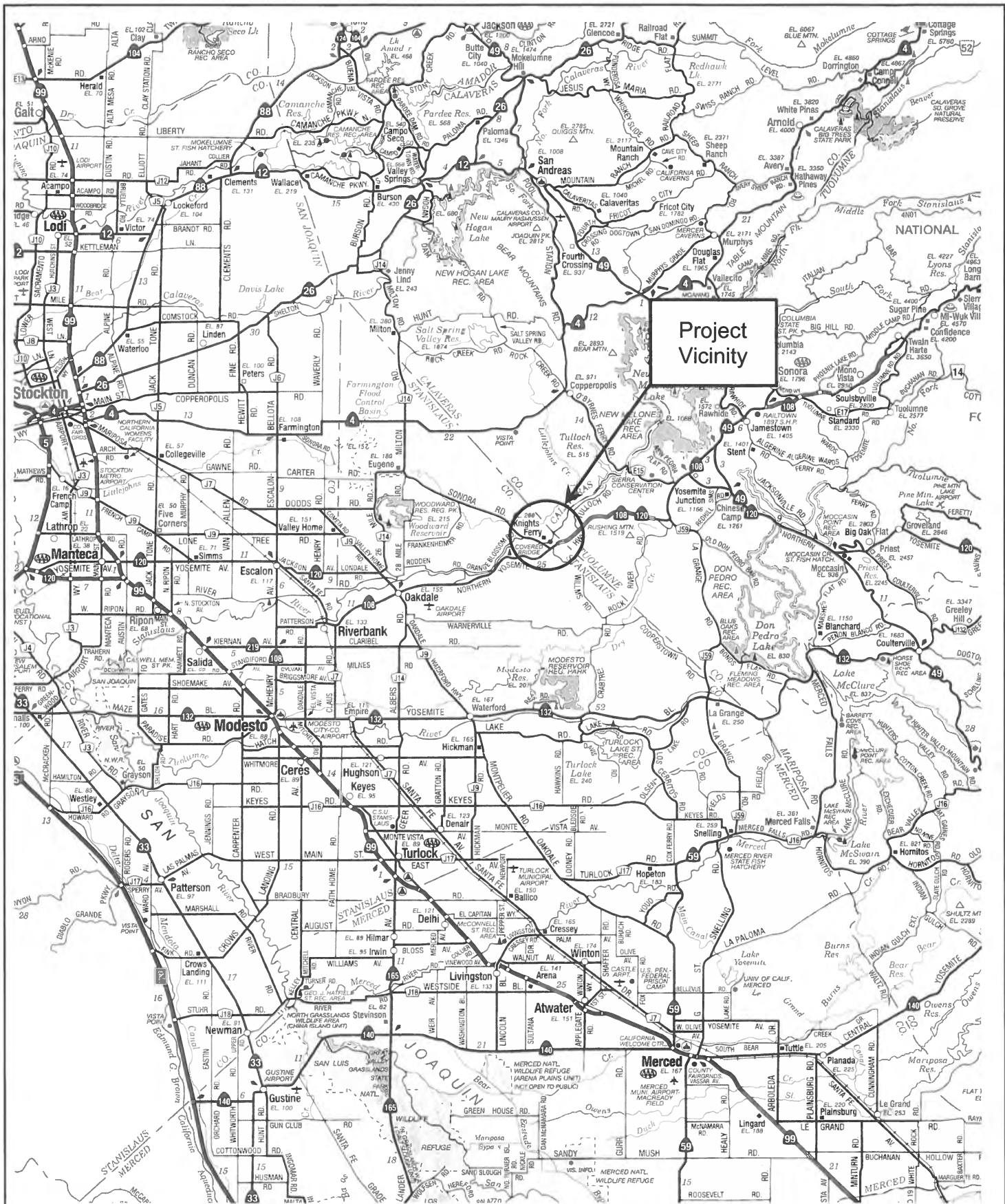
Subject: BIOLOGICAL ASSESSMENT: 32+/- ACRE "KNIGHTS FERRY  
OVERLOOK", PROJECT, STANISLAUS COUNTY, CALIFORNIA

Dear Nick:

Thank you for asking Moore Biological Consultants to conduct a biological assessment of this 32+/- acre site near Knights Ferry, in Stanislaus County, California (Figures 1 and 2). The purposes of this assessment are to describe existing biological resources in proposed new parcels in the property, identify potentially significant impacts to biological resources from the proposed project, and provide recommendations for how to reduce those impacts to a less-than-significant level. The work involved reviewing databases, aerial photographs, and documents, and conducting field surveys. This report details the methodology and results of our investigation.

## Project Overview

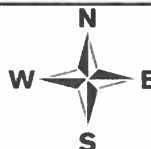
The project site is 32+/- acres near Knights Ferry that is currently comprised of two legal parcels (APN 002-044-003 and 002-044-004). The proposed project is the creation of three new 5+/- acre residential parcels along Frymire Road, while the remaining 17+/- acres will become a "Remainder Parcel" (see Tentative Map in Attachment A). Water for the new parcels will be from individual wells and each new parcel will require a septic system.



Source: Calif. State Automobile Association

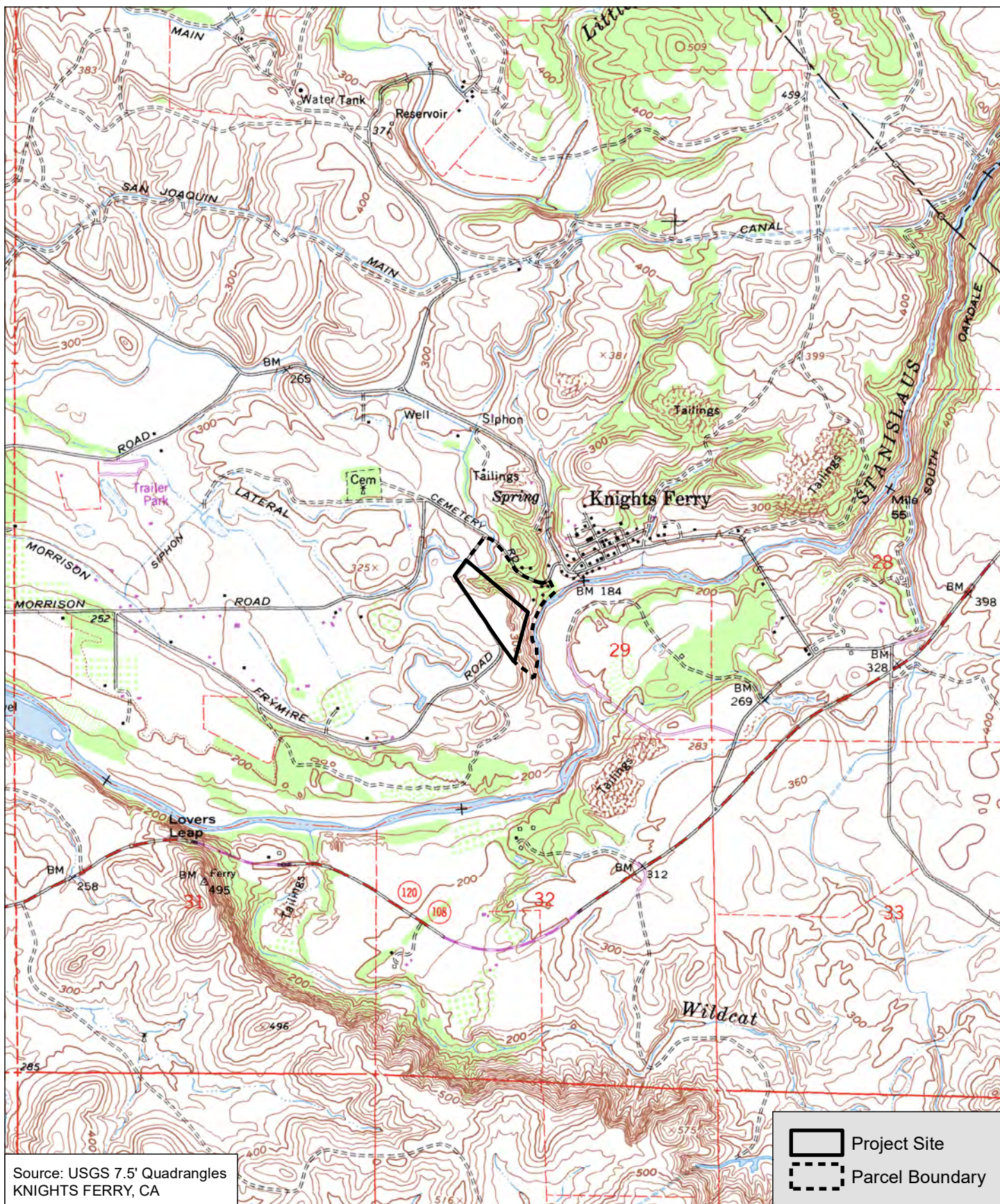
**Moore Biological  
Consultants**

0 18 Miles



**FIGURE 1  
PROJECT VICINITY**





**Figure 2**

Moore Biological  
Consultants

0 1,000 2,000



**USGS**

**Knight's Ferry Overlook**  
Stanislaus County, CA



## Methods

Prior to the 2018 field survey, we conducted an updated search of California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDDB, 2018). The CNDDDB search included the USGS 7.5-minute Knight's Ferry topographic quadrangle, encompassing approximately 60+/- square miles surrounding the site (Attachment B). The United States Fish and Wildlife Service (USFWS) IPaC Trust Resource Report of Federally Threatened and Endangered species that may occur in or be affected by projects in the project vicinity was also reviewed (Attachment B). This information was used to identify special-status wildlife and plant species that have been previously documented in the vicinity or have the potential to occur based on suitable habitat and geographical distribution. Additionally, the CNDDDB depicts the locations of sensitive habitats. The USFWS on-line-maps of designated critical habitat in the area were also downloaded.

Moore Biological Consultants conducted an initial field survey of the site on March 31, 2005; this initial survey was associated with a prior development proposal. This updated survey in support of the proposed project was conducted on December 28, 2018. The surveys consisted of walking throughout the site making observations of habitat conditions and noting surrounding land uses, habitat types, and plant and wildlife species. The fieldwork included an assessment of potentially jurisdictional Waters of the U.S. and wetlands as defined by the U.S. Army Corps of Engineers (ACOE, 1987; 2008) and a search for special-status species and suitable habitat for special-status species (e.g., vernal pools, blue elderberry shrubs, cliffs, caves, areas with unique soils). Additionally, trees in and near the site were assessed for the potential use by bats, nesting raptors, and other nesting birds. The site was also searched for burrowing owls (*Athene cunicularia*) or ground squirrel burrows that could be utilized by burrowing owls.

## Results

The 32+/- acre site is near the town of Knight's Ferry, in Stanislaus County, California (Figure 1). The site is within Section 29, within Township 1 South, Range 12 East of the USGS 7.5-minute Knight's Ferry topographic quadrangle (Figure 2). The grassland terraces in Parcels 2-4 that are suitable for residential development are at an elevation of approximately 300 to 340 feet above mean sea level; the remainder of the project site is in lower elevations. The majority of the project site slopes down generally to the east, and drains in to the Stanislaus River; the extreme northwest tip of the site slopes and drains to the northwest.

Land uses in this part of Stanislaus County are a mixture of agriculture, rangeland, open space, recreation, and residential development (Figure 3). Cemetery Road is along the northeast edge of the overall parcel and Frymire Road borders the northwest edge and the majority of the southwest edge of the site. There are ranchette-style homes on relatively large parcels surrounding the northeast, northwest, and southwest edges of the site. The Stanislaus River flows along the southeast edge of the parcel and there is an intense sloping bluff descending down from the grassland terraces in Parcels 2-4 to the riparian corridor of the Stanislaus River.

The portion of the site where the new 5-acre lots are proposed primarily consists of a relatively flat grassy terrace (Figure 3 and photographs in Attachment C). The proposed new lots also contain portions of the bluff that descends down to the Stanislaus River and some areas of oak woodlands. There is an area of remnant dredger tailings in Parcel 3 with a few oak trees and pockets of relatively small seasonal wetlands. Additionally, there are a few seasonal wetlands and a vernal pool scattered across the grassland terraces on Parcels 2-4. Oak woodlands are more prominent in the Remainder Parcel, especially near Cemetery Road and in the Stanislaus River riparian corridor. The Remainder Parcel also contains a stock pond, ephemeral channel, and an irrigation canal; no work will be conducted in the Remainder Parcel.

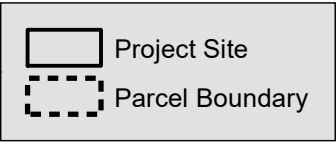
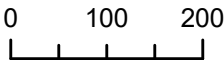




**Figure 3**

Moore Biological  
Consultants

Map Date: 01/08/2019  
Aerial Source: NAIP (2017)



**AERIAL**

Knight's Ferry Overlook  
Stanislaus County, CA



VEGETATION: California annual grassland series and Mixed oak series (Sawyer and Keeler-Wolf, 1995) best describe the habitat types in the site (Figure 3 and photographs in Attachment C). Annual grassland covers the grassland terraces in Parcels 2-4 and part of the Remainder Parcel. The rest of the Remainder Parcel primarily supports oak woodland vegetation; there is also oak woodland vegetation on the steep areas in Parcels 2-4.

The grassland areas within the site are vegetated with native and non-native annual and perennial grassland species. Oats (*Avena fatua*), foxtail barley (*Hordeum murinum*), soft chess brome (*Bromus hordeaceus*), ripgut brome (*Bromus diandrus*), and perennial ryegrass (*Lolium perenne*) are dominant grasses in the site. Other grassland species such as black mustard (*Brassica nigra*), fiddleneck (*Amsinckia menziesii*), Italian thistle (*Carduus pycnocephalus*), rose clover (*Trifolium hirtum*), wild radish (*Raphanus sativus*), yellow star thistle (*Centaurea solstitialis*) and filaree (*Erodium botrys*) are intermixed with the grasses. Plant species observed in the site are listed in Table 1.

The oak woodland contain blue oak (*Quercus douglasii*), interior live oak (*Quercus wislizenii*), and valley oak (*Quercus lobata*). The oaks in the site vary in size, structure, and health. Many of the oak trees have multiple stems, with most of the stems being 12+/- inches in diameter at breast height (DBH) (see photographs in Attachment C). There are lesser numbers of relatively larger single-trunk oaks. Other trees species in the oak woodlands include California buckeye (*Aesculus californicus*) and toyon (*Heteromeles arbutifolia*). The oak woodlands also contain a subset of the grasses and other herbaceous vegetation found in the on-site grasslands.

No blue elderberry (*Sambucus mexicana*) shrubs were observed in Parcels 2-4 in the project site during either the 2005 or 2018 survey. During the March 2005 field survey, two blue elderberry shrubs were observed in the Remainder Parcel, one along the edge of the Stanislaus River corridor and one in the oak woodlands to the east of Parcel 2.

TABLE 1  
PLANT SPECIES OBSERVED IN THE SITE

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<i>Aesculus californica</i>	California buckeye
<i>Ailanthus altissima</i>	tree-of-heaven
<i>Aira caryophyllea</i>	silver European hairgrass
<i>Amsincka menziesii</i>	rancher's fireweed
<i>Asclepias fascicularis</i>	narrow-leaf milkweed
<i>Avena s fatua</i>	wild oat
<i>Avena sp.</i>	oat
<i>Brassica nigra</i>	black mustard
<i>Briza minor</i>	quaking grass
<i>Brodiaea elegans</i>	elegant brodiaea
<i>Bromus diandrus</i>	ripgut brome
<i>Bromus hordeaceus</i>	soft chess brome
<i>Callitriche marginata</i>	water starwort
<i>Carduus pycnocephalus</i>	Italian thistle
<i>Centaurea solstitialis</i>	yellow star thistle
<i>Cichorium intybus</i>	chickory
<i>Claytonia perfoliata</i>	miner's lettuce
<i>Collinsia heterophylla</i>	Chinese house
<i>Cyperus eragrostis</i>	tall flat sedge
<i>Eremocarpus setigerus</i>	turkey mullein
<i>Erodium botrys</i>	filaree
<i>Eryngium vaseyi</i>	coyote thistle
<i>Eschscholzia californica</i>	California poppy
<i>Geranium dessectum</i>	geranium
<i>Glyceria occidentalis</i>	manna grass
<i>Grindelia camporum</i>	gumplant
<i>Heteromeles arbutifolia</i>	toyon
<i>Holocarpha virgata</i>	tarweed
<i>Hordeum marinum</i>	seaside barley
<i>Hordeum murinum</i>	foxtail barley
<i>Juncus balticus</i>	Baltic rush
<i>Layia pentachaeta</i>	layia
<i>Lasthenia crysanth</i>	goldfields
<i>Lolium perenne</i>	perennial ryegrass
<i>Lomatium utriculatum</i>	foothill lomatium

---



TABLE 1 (continued)  
PLANT SPECIES OBSERVED IN THE SITE

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<i>Lotus purshianus</i>	lotus
<i>Lupinus albifrons</i>	silver bush lupine
<i>Mentha pulegium</i>	pennyroyal
<i>Nassella pulchra</i>	purple needle grass
<i>Orthocarpus erianthus</i>	butter and eggs
<i>Pholistoma auritum</i>	pholistoma
<i>Plagiobothrys nothofulvus</i>	popcornflower
<i>Plantago lanceolata</i>	English plantain
<i>Populus fremontii</i>	Fremont cottonwood
<i>Prunus</i> sp.	plum, almond
<i>Punica granatum</i>	pomegranate
<i>Quercus douglasii</i>	blue oak
<i>Quercus lobata</i>	valley oak
<i>Quercus wislizenii</i>	interior live oak
<i>Ranunculus bonariensis</i>	carter's buttercup
<i>Ranunculus muricatus</i>	spiny-fruit buttercup
<i>Rubus discolor</i>	Himalayan blackberry
<i>Rubus ursinus</i>	California blackberry
<i>Rumex crispus</i>	curly dock
<i>Rumex pulcher</i>	fiddle dock
<i>Salix</i> sp.	willow
<i>Sambucus mexicana</i>	blue elderberry
<i>Sidalcea calycosa</i>	vernal pool sidalcea
<i>Silybum marianum</i>	milk thistle
<i>Taeniatherum caput-medusae</i>	Medusa-head grass
<i>Toxicodendron diversilobum</i>	poison oak
<i>Trichostema lanceolatum</i>	vinegar-weed
<i>Trifolium hirtum</i>	rose clover
<i>Trifolium wormskjoldii</i>	cow clover
<i>Triteleia laxa</i>	Ithuriel's spear
<i>Typha</i> sp.	cat-tail
<i>Umbellularia californica</i>	California bay laurel
<i>Verbena lasiostachys</i>	common verbena
<i>Vicia americana</i>	American purple vetch
<i>Vicia sativa</i>	common vetch
<i>Vulpia myuros</i>	rattail fescue
<i>Xanthium strumarium</i>	rough cocklebur

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WILDLIFE: A variety of wildlife species that are common in Stanislaus County were observed in the site. Turkey vulture (*Cathartes aura*), red-tailed hawk (*Buteo jamaicensis*), acorn woodpecker (*Melanerpes formicivorus*), northern flicker (*Colaptes auratus*), western kingbird (*Tyrannus verticalis*), California scrub jay (*Aphelocoma californica*) and Brewer's blackbird (*Euphagus cyanocephalus*) are some of the more common birds observed at the site. Wildlife species observed in the site are listed in Table 2.

There are numerous potential nest trees in and near the site that are suitable for nesting raptors and other protected migratory birds. A few stick nests were observed within some of the trees within and near the site. Given the presence of large trees and raptor foraging habitat (i.e., open fields) in and near the site, it is likely one or more pairs of raptors, plus a variety of songbirds, nest in trees in the site each year. Further, it is considered likely that numerous songbirds nest within trees, shrubs, and grassland habitats in or adjacent to the site each year.

Several mammals are expected to use habitats in or move through the site on occasion. Western gray squirrel (*Sciurus griseus*) and mule deer (*Odocoileus hemionus*) were observed within in the site; sign of Bottae's pocket gopher (*Thomomys bottae*) was also observed. Raccoon (*Procyon lotor*), desert cottontail (*Sylvilagus audubonii*), California ground squirrel (*Spermophilus beecheyi*), coyote (*Canis latrans*), black-tailed hare (*Lepus californicus*) and striped skunk (*Mephitis mephitis*) are known from the greater project vicinity and are expected to occur within the project site. Mountain lions (*Felis concolor*) and bobcats (*Felis rufus*) may occur on-site on occasion; however, no evidence of either of these species was observed. Small rodents including mice (*Mus musculus*, *Reithrodontomys megalotis*, and *Peromyscus maniculatus*) and voles (*Microtus californicus*) also likely occur. The oaks and other trees in site may also provide suitable roosting habitat for bats.

TABLE 2  
WILDLIFE SPECIES OBSERVED IN THE SITE

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**Birds:**

Canada goose	<i>Branta canadensis</i>
Mallard	<i>Anas platyrhynchos</i>
Turkey vulture	<i>Cathartes aura</i>
Red-shouldered hawk	<i>Buteo lineatus</i>
Red-tailed hawk	<i>Buteo jamaicensis</i>
American kestrel	<i>Falco sparverius</i>
American coot	<i>Fulica americana</i>
Mourning dove	<i>Zenaida macroura</i>
Acorn woodpecker	<i>Melanerpes formicivorus</i>
Black phoebe	<i>Sayornis nigricans</i>
Western kingbird	<i>Tyrannus verticalis</i>
Tree swallow	<i>Tachycineta bicolor</i>
California scrub jay	<i>Aphelocoma californica</i>
American crow	<i>Corvus brachyrhynchos</i>
Spotted towhee	<i>Pipilo maculatus</i>
California towhee	<i>Melospiza crissalis</i>
Song sparrow	<i>Melospiza melodia</i>
White-crowned sparrow	<i>Zonotrichia leucophrys</i>
Dark-eyed junco	<i>Junco hyemalis</i>
Western meadowlark	<i>Sturnella neglecta</i>
Brewer's blackbird	<i>Euphagus cyanocephalus</i>
House finch	<i>Haemorhous mexicanus</i>
American goldfinch	<i>Spinus tristis</i>

**Mammals:**

Botta's pocket gopher	<i>Thomomys bottae</i>
Western gray squirrel	<i>Sciurus griseus</i>
Mule deer	<i>Odocoileus hemionus</i>

**Amphibians and Reptiles:**

Pacific chorus frog	<i>Pseudacris regilla</i>
Western fence lizard	<i>Sceloporus occidentalis</i>

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Based on habitat types present, a variety of amphibians and reptiles may use habitats within the immediate project vicinity. Pacific chorus frog (*Pseudacris regilla*) and western fence lizard (*Sceloporus occidentalis*) were observed in the project site during the surveys. The site is within the range of bullfrog (*Rana catesbeiana*) northern alligator lizard (*Gerrhonotus coeruleus*), mountain king snake (*Lampropeltis zonata*), western rattlesnake (*Crotalis viridis*), and common garter snake (*Thamnophis sirtalis*); these and other common amphibian and reptile species may also occur on-site.

WATERS OF THE U.S. AND WETLANDS: Waters of the U.S., including wetlands, are broadly defined under 33 Code of Federal Regulations (CFR) 328 to include navigable waterways, their tributaries, and adjacent wetlands. State and federal agencies regulate these habitats and Section 404 of the Clean Water Act requires that a permit be secured prior to the discharge of dredged or fill materials into any waters of the U.S., including wetlands. ACOE, CDFW, and the California Regional Water Quality Control Board (RWQCB) have jurisdiction over modifications to riverbanks, lakes, stream channels and other wetland features.

“Waters of the U.S.”, as defined in 33 CFR 328.4, encompasses Territorial Seas, Tidal Waters, and Non-Tidal Waters; Non-Tidal Waters includes interstate and intrastate rivers and streams, as well as their tributaries. The limit of federal jurisdiction of Non-Tidal Waters of the U.S. extends to the “ordinary high water mark”. The ordinary high water mark is established by physical characteristics such as a natural water line impressed on the bank, presence of shelves, destruction of terrestrial vegetation, or the presence of litter and debris.

Jurisdictional wetlands are vegetated areas that meet specific vegetation, soil, and hydrologic criteria defined by the ACOE *Wetlands Delineation Manual* and Regional Supplement (ACOE, 1987; 2008). Jurisdictional wetlands are usually adjacent to or hydrologically associated with Waters of the U.S; isolated wetlands are outside federal jurisdiction.

On February 14, 2019, the Environmental Protection Agency (EPA) and ACOE proposed a new definition of "Waters of the United States" that is intended to clarify the limits of jurisdiction under the Clean Water Act; the Proposed Rule is currently out for public comment. The Proposed Rule proposes as a baseline concept that "Waters of the U.S." are waters within the ordinary meaning of the term, such as oceans, rivers, streams, lakes, ponds, and wetlands. The Proposed Rule clarifies that "Waters of the U.S." encompass traditional navigable waters, including the territorial seas; tributaries that contribute perennial or intermittent flow to such waters; certain ditches; certain lakes and ponds; impoundments of otherwise jurisdictional waters; and wetlands adjacent to other jurisdictional waters. Under the Proposed Rule, not all waters are "Waters of the U.S.". For example, many ditches, constructed features (excavated basins), isolated waters and wetlands, and ephemeral tributaries would no longer meet the definition of "Waters of the U.S.".

WATERS OF THE STATE: Under the Porter-Cologne Water Quality Control Act, "Waters of the State" fall under the jurisdiction of the State Water Resource Control Board (SWRCB) and California Regional Water Quality Control Boards (RWQCBs). The RWQCBs are required to prepare and periodically update water quality control basin plans, which set forth water quality standards for surface water and groundwater, as well as actions to control non-point and point sources of pollution to achieve and maintain these standards.

Projects that affect Waters of the State may also be required to meet waste discharge requirements (WDRs) of the RWQCBs. SWRCB's Resolution 2008-0026 identified a need to protect Waters of the State that are not subject to CWA Section 404 permitting and associated CWA Section 401 Water Quality Certification. In January 2019, the SWRCB released the State Wetland Definition and Procedures for Discharges of Dredged or Fill Materials to Waters of the State. If and when it is adopted, the Central Valley Regional Water Quality Board is expected to require WDRs for the fill of isolated wetlands that not subject to CWA Section 404 that authorize the impacts by issuing WDRs or in

some cases, a WDR waiver. Various RWQCBs have issued General Orders for WDRs for certain activities, such as maintenance dredging of up to 100,000 cubic yards of material in the legal delta (Order R5-2009-0085).

Jurisdictional wetlands and Waters of the U.S. include, but are not limited to, perennial and intermittent creeks and drainages, lakes, seeps, and springs; emergent marshes; riparian wetlands; and seasonal wetlands. Wetlands and Waters of the U.S. provide critical habitat components, such as nest sites and a reliable source of water, for a wide variety of wildlife species.

There are several different aquatic features within the overall parcel boundary that may potentially be classified as jurisdictional Waters of the U.S. or wetlands. Potential Waters of the U.S or wetlands include an irrigation canal in the north tip of the parcel, a few ephemeral drainages that drain easterly into the Stanislaus River, several seasonal wetlands, and a stock pond (Figure 4).








The Stanislaus River is a navigable jurisdictional Water of the U.S and is located along the eastern boundary of the site (see attached photographs). The Stanislaus River is depicted on the USGS topographic map as a perennial “blue-line” stream (Figure 2). The river is located in a deep canyon, a few hundred feet in elevation below the grassland terraces in Parcels 2-4 that are suitable for residential development.

There are also a few intermittent tributaries to the Stanislaus River, all of which primarily located in the Remainder Parcel. The upstream tips of two of these drainages extend up into the lower elevation parts of Parcels 2 and 4, well below the grassland terraces.

Despite being constructed, the irrigation lateral in the site (the “Frymire Lateral”) is a potentially jurisdictional Water of the U.S. Portions of this lateral are cement-lined, while others are dirt and the lateral is depicted on the USGS topographic map as a perennial “blue-line” stream (Figure 2). The Frymire Lateral appears





<b>Figure 4</b>  Moore Biological Consultants	<div>0 100 200</div> <div>Map Date: 01/09/2019 Aerial Source: NAIP (2017)</div>	<div></div>	<div> Project Site  Parcel Boundary</div>	 Seasonal Wetland	<b>Potential Waters of the U.S.</b>  Knight's Ferry Overlook Stanislaus County, CA
				<div> Stock Pond  Ephemeral Creek  Irrigation Lateral</div>	



to originate from the South San Joaquin Main Canal, which is located a few miles north of the site. Water in the South San Joaquin Main Canal is derived via gravity from the Stanislaus River a few miles east of the site and the water in the Frymire Lateral appears to be derived via gravity from the Main Canal.

Downstream of the site, excess water in the Frymire Lateral is released back in to the Stanislaus River. The Frymire Lateral has potential to fall under ACOE jurisdiction due to this hydrologic connectivity with Waters of the U.S. both upstream and downstream of the site.

The stock pond near Cemetery Road was likely constructed in the past for either livestock watering or historical mining activities. The pond is generally circular and well shaded and appears to be perennial. Some old pipes in the Remainder Parcel appear to convey water from the Frymire Lateral into the stock pond.

Waters of the U.S or wetlands in the grassland terraces in Parcels 2-4 proposed for development include a few natural seasonal wetlands and a few seasonal wetlands that appear to be created from remnant mining activities (see photographs in Attachment C). The most notable seasonal wetland in the site is an elongated vernal pool near the west edge of the site that has a maximum depth of approximately 10 inches. The remaining wetlands are shallower and are better classified as seasonal wetlands than vernal pools. The seasonal wetlands in the site support hydrophytic wetland species such as coyote thistle (*Erygium vaseyi*), seaside barley (*Hordeum marinum*), perennial ryegrass (*Lolium perenne*), sidalcea (*Sidalcea calycosa*), and goldfields (*Lasthenia* sp.).

**SPECIAL-STATUS SPECIES:** Special-status species are plants and animals that are legally protected under the state and/or federal Endangered Species Act or other regulations. The Federal Endangered Species Act (FESA) of 1973 declares that all federal departments and agencies shall utilize their authority to conserve endangered and threatened plant and animal species. The California Endangered Species Act (CESA) of 1984 parallels the policies of FESA and pertains to native California species. Both FESA and CESA prohibit



unauthorized “take” (i.e., killing) of listed species, with take broadly defined in both acts to include activities such as harassment, pursuit and possession.

Special-status wildlife species also includes species that are considered rare enough by the scientific community and trustee agencies to warrant special consideration, particularly with regard to protection of isolated populations, nesting or denning locations, communal roosts, and other essential habitat. The federal Migratory Bird Treaty Act and Fish and Game Code of California protect special-status bird species year-round, as well as their eggs and nests during the nesting season. Fish and Game Code of California also provides protection for mammals and fish.

Special-status plants are those which are designated rare, threatened, or endangered and candidate species for listing by the USFWS. Special-status plants also include species considered rare or endangered under the conditions of Section 15380 of the California Environmental Quality Act Guidelines, such as those plant species identified on Lists 1A, 1B and 2 in the Inventory of Rare and Endangered Vascular Plants of California (CNPS, 2018). Finally, special-status plants may include other species that are considered sensitive or of special concern due to limited distribution or lack of adequate information to permit listing or rejection for state or federal status, such as those included on CNPS List 3.

Table 3 summarizes the listing status and habitat requirements of special-status species that have been documented in the CNDDDB (2018) in the greater vicinity of the site, or for which there is potentially suitable habitat in or near the site. This table also includes an assessment of the likelihood of occurrence of each of these species in the site. The evaluation of the potential for occurrence of each species is based on the distribution of regional occurrences (if any), habitat suitability, and field observations.

**SPECIAL-STATUS PLANTS:** Special-status plants recorded in the CNDDDB (2018) within the search area (i.e., the USGS 7.5-minute Knight’s Ferry topographic

TABLE 3

## SPECIAL-STATUS PLANT AND WILDLIFE SPECIES DOCUMENTED OR POTENTIALLY-OCCURRING IN THE PROJECT VICINITY

Common Name	Scientific Name	Federal Status <sup>1</sup>	State Status <sup>1</sup>	CNPS List <sup>2</sup>	Habitat	Potential for Occurrence in the Project Site
<b>PLANTS</b>						
Beaked clarkia	<i>Clarkia rostrata</i>	None	None	1B	North facing slopes in valley and foothill grassland and cismontane woodlands.	Unlikely: the grasslands and oak woodlands in parts of the project site provide potentially suitable habitat for this species; however, the grassland terraces in Parcels 2-4 that are suitable for residential development do not provide suitable habitat for beaked clarkia. The nearest documented occurrence of this species is an historical (1938) sighting for which the precise location is not known; it is mapped nonspecifically surrounding the town of Knight's Ferry (CNDDDB, 2011).
Dwarf downingia	<i>Downingia pusilla</i>	None	None	2	Vernal pools.	Unlikely: the seasonal wetlands in the project site provide potentially suitable habitat for; however, dwarf downingia is usually found in larger and deeper seasonal wetlands than those in the site. The nearest documented occurrence of this species is an historical (1937) record for which the precise location is not known; it is mapped nonspecifically approximately 3 miles southeast of the site (CNDDDB, 2011).
Stanislaus monkeyflower	<i>Erythranthe marmorata</i>	None	None	1B	Lower and upper montane coniferous forest and cismontane woodland. Meadows and seeps.	Unlikely: the grasslands and oak woodlands in parts of the project site provide potentially suitable habitat for this species; however, the site is at the very low end of the elevation range of Stanislaus monkeyflower (CNPS, 2018). The nearest occurrence of this species in the CNDDDB (2011) search area is an historical (1895) record for which the precise location is not known; it is mapped nonspecifically surrounding the town of Knight's Ferry.

TABLE 3

## SPECIAL-STATUS PLANT AND WILDLIFE SPECIES DOCUMENTED OR POTENTIALLY-OCCURRING IN THE PROJECT VICINITY

Common Name	Scientific Name	Federal Status <sup>1</sup>	State Status <sup>1</sup>	CNPS List <sup>2</sup>	Habitat	Potential for Occurrence in the Project Site
Forked hare-leaf	<i>Lagophylla dichotoma</i>	None	None	1B	Cismontane woodland, valley and foothill grassland; sometimes on clay.	Low: the grasslands and oak woodlands in the site provide potentially suitable habitat for this species. The nearest occurrence of forked hare-leaf in the CNDDDB (2011) is a historical (1938) record for which the precise location is not known; it is mapped nonspecifically surrounding the town of Knight's Ferry (CNDDDB, 2011).
Colusa grass	<i>Neostapfia colusana</i>	T	E	1B	Large, deep vernal pools.	Unlikely: the seasonal wetlands within the project site are too shallow to support this species. The nearest documented occurrence is approximately 4 miles southeast of the site (CNDDDB, 2011).
Hartweg's golden sunburst	<i>Pseudobahia bahiifolia</i>	E	E	1B	Clay soils on north-facing slopes, moist areas along shady creeks, and vernal pools within grassland and woodlands.	Unlikely: the grasslands and oak woodlands in parts of the project site provide potentially suitable habitat for this species; however, the grassland terraces in Parcels 2-4 that are suitable for residential development do not provide suitable habitat for Hartweg's golden sunburst. The nearest documented occurrence of this species is an historical (1939) record for which the precise location is not known; it is mapped nonspecifically approximately 1.5 miles east of the site (CNDDDB, 2011). Additionally, this species is noted as "Possibly Extirpated" in the CNDDDB (2011).
<b>WILDLIFE</b>						
<b>MAMMALS</b>						
San Joaquin kit fox	<i>Vulpes macrotis mutica</i>	E	T	N/A	Inhabits open, dry annual or perennial grasslands and scrublands with loose textured soils for denning.	Unlikely: the project site does not contain suitable habitat for San Joaquin kit fox and is well outside the known range of this species. There are no occurrences of San Joaquin kit fox recorded in the CNDDDB (2011) within the search area.

TABLE 3

## SPECIAL-STATUS PLANT AND WILDLIFE SPECIES DOCUMENTED OR POTENTIALLY-OCCURRING IN THE PROJECT VICINITY

Common Name	Scientific Name	Federal Status <sup>1</sup>	State Status <sup>1</sup>	CNPS List <sup>2</sup>	Habitat	Potential for Occurrence in the Project Site
Townsend's big-eared bat	<i>Corynorhinus townsendii</i>	None	SC	N/A	Wide variety of habitats, most common in mesic sites; roosts primarily in caves, tunnels, and mines, and in large cavities in trees.	Low: the bluff descending down to the river and the oak woodland habitats in parts of the project site provide potentially suitable habitat for this species; however, the grassland terraces in Parcels 2-4 that are suitable for residential development do not provide suitable roosting habitat for Townsend's big-eared bat may roost. The nearest occurrence of Townsend's big-eared bat in the CNDDDB (2011) search area is a nonspecific record mapped within half of a mile of the site.
Western mastiff bat	<i>Eumops perotis californicus</i>	None	SC	N/A	Open, dry habitats with crevices in cliff faces, high buildings, trees and tunnels for roosting.	Low: the bluff descending down to the river and the oak woodland habitats in parts of the project site provide potentially suitable habitat for this species; however, the grassland terraces in Parcels 2-4 that are suitable for residential development do not provide suitable roosting habitat for western mastiff bat. The nearest occurrence of western mastiff bat in the CNDDDB (2011) search area is approximately 0.5 miles east of the site.
Western red bat	<i>Lasiurus blossevillii</i>	None	SC	N/A	Roosts in trees in a wide variety of habitats between the coast western Sierra Nevada mountains.	Low: the oak woodland habitats in parts of the site provide potentially suitable habitat for western red bat; however, the grassland terraces in Parcels 2-4 that are suitable for residential development do not provide suitable roosting habitat for this species. The nearest occurrence of this species in the CNDDDB (2011) search area is within approximately 0.5 miles east of the site.

TABLE 3

## SPECIAL-STATUS PLANT AND WILDLIFE SPECIES DOCUMENTED OR POTENTIALLY-OCCURRING IN THE PROJECT VICINITY

Common Name	Scientific Name	Federal Status <sup>1</sup>	State Status <sup>1</sup>	CNPS List <sup>2</sup>	Habitat	Potential for Occurrence in the Project Site
Pallid bat	<i>Antrozous pallidus</i>	None	SC	N/A	Open and dry habitats with rocky areas; roosts primarily in caves, tunnels, and mines, and in large cavities in trees.	Low: the bluff descending down to the river and the oak woodland habitats in parts of the project site provide potentially suitable habitat for this species; however, the grassland terraces in Parcels 2-4 that are suitable for residential development do not provide suitable roosting habitat for pallid bat. The nearest occurrence of pallid bat in the CNDDDB (2011) search area is approximately 0.5 miles east of the site.
<b>REPTILES &amp; AMPHIBIANS</b>						
California tiger salamander	<i>Ambystoma californiense</i>	T	T	N/A	Require seasonal water sources for breeding and small mammal burrows for summer refugia.	Unlikely: no potentially suitable California tiger salamander breeding habitat was observed within or adjacent to the project site; the seasonal wetlands in the site are too small and shallow to pond water long enough in the spring to support successful reproduction. The stock pond in the remainder parcel is perennial and likely contains fish. The nearest documented occurrence of this species is approximately 2 miles southwest of the site (CNDDDB, 2011).
California red-legged frog	<i>Rana aurora draytonii</i>	T	SC	N/A	Lowlands and foothills in or near permanent sources of water with vegetation.	None: the project site does not contain suitable habitat for this species. There are no occurrences of California red-legged frog recorded in the CNDDDB (2011) within the search area. The site is not within designated critical habitat for California red-legged frog (USFWS, 2006).
Western spadefoot	<i>Spea hammondi</i>	None	SC	N/A	Require seasonal water sources for breeding and egg-laying.	Unlikely: the seasonal wetlands in the site appear too small and shallow to support successful reproduction of western spadefoot. The nearest documented occurrence of this species is approximately 2 miles southwest of the site (CNDDDB, 2011).

TABLE 3

## SPECIAL-STATUS PLANT AND WILDLIFE SPECIES DOCUMENTED OR POTENTIALLY-OCCURRING IN THE PROJECT VICINITY

Common Name	Scientific Name	Federal Status <sup>1</sup>	State Status <sup>1</sup>	CNPS List <sup>2</sup>	Habitat	Potential for Occurrence in the Project Site
Western pond turtle	<i>Emys marmorata</i>	None	SC	N/A	Perennial bodies of water with basking site such as log and snags.	Possible: The Stanislaus River contains suitable basking and rearing habitat to support this species; however, the grassland terraces in Parcels 2-4 that are suitable for residential development do not provide suitable aquatic habitat for this species. The closest documented occurrence of western pond turtle in the CNDDDB (2011 ) search area is an undated historical record mapped nonspecifically near the Stanislaus River just downstream of the site (CNDDDB, 2011 ).
<b>FISH</b>						
Steelhead – Central Valley DPS	<i>Oncorhynchus mykiss irideus</i>	T	None	N/A	Riffle and pool complexes with adequate spawning substrates within Central Valley drainages.	Present: Central Valley steelhead occur in the Stanislaus River, along the edge of the Remainder Parcel. The nearest occurrences of Central Valley steelhead recorded in the CNDDDB (2011 ) search area are numerous records in the Stanislaus River. The Stanislaus River is also designated critical habitat for Central Valley steelhead (NOAA, 2005).
Delta smelt	<i>Hypomesus transpacificus</i>	T	T	N/A	Shallow lower delta waterways with submersed aquatic plants and other suitable refugia.	None: this species only occurs in Delta waterways. There are no occurrences of delta smelt recorded in the CNDDDB (2011 ) within the search area. The site is not within designated critical habitat for delta smelt (USFWS, 1994).
<b>INVERTEBRATES</b>						
Vernal pool fairy shrimp	<i>Branchinecta lynchi</i>	T	None	N/A	Vernal pools	Unlikely: the seasonal wetlands in the site provide potentially suitable habitat for vernal pool fairy shrimp. However, this species was not found during 2008-2009 wet-season surveys conducted by ECORP Consulting. The nearest occurrence of vernal pool fairy shrimp in the CNDDDB (2011 ) search area is approximately 2.5 miles southeast of the site. The site is not within designated critical

TABLE 3

## SPECIAL-STATUS PLANT AND WILDLIFE SPECIES DOCUMENTED OR POTENTIALLY-OCCURRING IN THE PROJECT VICINITY

Common Name	Scientific Name	Federal Status <sup>1</sup>	State Status <sup>1</sup>	CNPS List <sup>2</sup>	Habitat	Potential for Occurrence in the Project Site
Conservancy fairy shrimp	<i>Branchinecta conservatio</i>	E	None	N/A	Vernal pools and seasonal wetlands.	habitat for this species (USFWS 2005b). Unlikely: the seasonal wetlands in the project site provide potentially suitable habitat for Conservancy fairy shrimp. However, no shrimp of any species were found during the ECORP 2008-2009 wet-season surveys. There are no occurrences of this species in the CNDDDB (2018) search area. The site is not within designated critical habitat for Conservancy fairy shrimp (USFWS 2005b).
Vernal pool tadpole shrimp	<i>Lepidurus packardii</i>	E	None	N/A	Vernal pools.	Unlikely: the seasonal wetlands in the project site provide potentially suitable habitat for vernal pool tadpole shrimp. However, no shrimp of any species were found during the ECORP 2008-2009 wet-season surveys. The nearest occurrence of this species in the CNDDDB (2018) search area is approximately 1.5 miles east of the site. The site is not within designated critical habitat for vernal pool tadpole shrimp (USFWS 2005b).
Valley elderberry longhorn beetle	<i>Desmocerus californicus dimorphus</i>	T	None	N/A	Elderberry shrubs in the Central Valley and surrounding foothills	Low: while two blue elderberry shrubs were documented in the Remainder Parcel during the 2005 survey, both shrubs are 250+ feet or further from the grassland terraces in Parcels 2-4 that are suitable for residential development. No blue elderberry shrubs were observed in 2018 in or adjacent to the grassland terraces in Parcels 2-4. The nearest occurrence of valley elderberry longhorn beetle in the CNDDDB (2018) search area is approximately 1 mile southeast of the site.

1 T= Threatened; E = Endangered; C = Candidate for listing; SC = Species of Special Concern per California Department of Fish and Wildlife.

2 CNPS List 1B includes species that are rare, threatened, or endangered in California and elsewhere; List 2 includes plants that are rare, threatened or endangered in California but are more common elsewhere.

quadrangle) include beaked clarkia (*Clarkia rostrata*), dwarf downingia (*Downingia pusilla*), Stanislaus monkeyflower (*Erythranthe marmorata*), forked hare-leaf (*Lagophylla dichotoma*), Colusa grass (*Neostapfia colusana*), and Hartweg's golden sunburst (*Pseudobahia bahiifolia*) (Table 3 and Attachment B). The USFWS IPaC Trust Report does not include any special-status plants.

Special-status plants found in the low Sierra Nevada foothills generally occur in relatively undisturbed areas within unique vegetation communities such as chaparral, seeps and springs, marshes and swamps, and areas with unique soils i.e., serpentine, gabbroic). The site primarily consists of annual grassland and oak woodland vegetation and no unique habitat types or highly suitable habitat for special-status plants were observed in the site.

The seasonal wetlands in the project site provide potentially suitable habitat for dwarf downingia, Colusa grass, and Hartweg's golden sunburst. However, all of these plants are usually found in larger and deeper seasonal wetlands and vernal pools than those in the site. Beaked clarkia and Stanislaus monkeyflower could potentially occur in parts of the site, but the grassland terraces in Parcels 2-4 do not provide suitable habitat for either species. The grasslands in the site provide potentially suitable habitat for forked hare-leaf. As the only occurrence of this species in the CNDDb (2018) search area is an historical (1895) record, the likelihood of occurrence in the site is low.

**SPECIAL-STATUS WILDLIFE:** The potential for intensive use of habitats within the site by special-status wildlife species is generally low. Special-status wildlife species recorded in the CNDDb (2018) in the search area include Townsend's big-eared bat (*Corynorhinus townsendii*), western mastiff bat (*Eumops perotis californicus*), western red bat (*Lasiurus blossevilli*), pallid bat (*Antrozous pallidus*), California tiger salamander (*Ambystoma californiense*), western spadefoot (*Spea hammondi*), western pond turtle (*Emys marmorata*), Central Valley steelhead (*Oncorhynchus mykiss*), vernal pool fairy shrimp (*Branchinecta lynchi*), vernal pool tadpole shrimp (*Lepidurus packardii*), and valley elderberry longhorn beetle



(*Desmocerus californicus dimorphus*). San Joaquin kit fox (*Vulpes macrotis mutica*), California red-legged frog (*Rana aurora draytonii*), delta smelt (*Hypomesus transpacificus*), and Conservancy fairy shrimp (*Branchinecta conservatio*), are not recorded in the CNDDDB (2018) within the search area, but are on the USFWS IPaC Trust Report (Attachment B).

Only a few of the species identified in Table 3 have potential to occur in the site on more than an occasional or transitory basis. Special-status birds may fly over the site on occasion, but none would be expected to nest in the area due to lack of preferred nesting habitat. For example, there are no marshes with open water and cattails for nesting tricolored blackbirds (*Agelaius tricolor*). No burrowing owls or suitable burrow habitat were observed in the site. A few special-status species with potential to occur in the greater project vicinity are discussed below.

VERNAL POOL INVERTEBRATES: In 1994, USFWS listed three species of Central Valley fairy shrimp and one species of tadpole shrimp as threatened or endangered species under FESA. The vernal pool fairy shrimp was listed as threatened, while Conservancy fairy shrimp, longhorn fairy shrimp (*B. longiantenna*), and vernal pool tadpole shrimp were listed as endangered. All of these species occur in vernal pools and other seasonal wetland habitats throughout much of the Central Valley. In most years, following cold winter rains which fill vernal pools, shrimp hatch, grow for a period ranging from a couple of weeks to a couple of months, then lay eggs and die. The eggs drift to the mud at the bottom of the pools, and remain in the dirt throughout the summer when the pools dry out. They hatch the following winter.

The nearest occurrences of vernal pool fairy shrimp and vernal pool tadpole shrimp in the CNDDDB (2018) search area are approximately 2.5 miles southeast of the site and approximately 1.5 miles east of the site, respectively. Vernal pools and seasonal wetlands in the site provide suitable habitat for vernal pool fairy shrimp and vernal pool tadpole shrimp. However, no listed vernal pool shrimp species were found during wet-season protocol-level surveys conducted

by ECORP Consulting in 2008-2009. Due to these negative survey results and lack of documented occurrences in close proximity to the site, it is considered very unlikely that listed vernal pool shrimp species occur in the site.

**CALIFORNIA TIGER SALAMANDER:** In 2004, the California tiger salamander was listed as threatened under FESA (USFWS, 2004), and in 2010, it was also listed as threatened under CESA. In August 2005, USFWS designated critical habitat for the Central Valley population of California tiger salamander (USFWS, 2005a). Review of the USFWS maps of designated critical habitat for California tiger salamander (Attachment D) indicates that the project site is not within a Critical Habitat Unit for California tiger salamander.

California tiger salamanders require stock ponds without game fish or deep, large vernal pools, which hold water well into the spring (i.e., April or May) for breeding (Jennings and Hayes, 1994). Grasslands containing ground squirrel burrows and other smaller mammal burrows near breeding ponds are used for over-summering. Following heavy winter rains, the adults emerge from their burrows, migrate to breeding ponds, spend a few days in the ponds breeding, and then return to their burrows. Following larval metamorphosis, the young emerge from the ponds, disperse across upland habitats, and spend the summer months in subterranean refugia. While most salamanders aestivate in burrows within several hundred feet of their breeding ponds, they have been documented over-summering up to a mile or more from their breeding ponds. The nearest documented occurrence of this species is approximately 2 miles southwest of the site (CNDDDB, 2018).

No potentially suitable California tiger salamander breeding habitat was observed within or adjacent to the project site; the seasonal wetlands in the site are too small and shallow to pond water long enough in the spring to support successful reproduction. The stock pond in the remainder parcel is perennial and likely contains fish, which predate upon California tiger salamander larvae and

preclude use of the pond for breeding. Similarly, the large stock pond to the north of site, across Frymire Road, is perennial and likely contains fish.

The on-site grassland and woodland habitats contain cracks and small mammal burrows that are marginally suitable for over-summering salamanders, however, the site is notably lacking ground squirrels and ground squirrel burrows. Further, larval salamanders would have been detected during the wet-season shrimp surveys conducted by ECORP Consulting in 2008-2009 if they were in fact present and were not. The combined lack of suitable breeding habitat, negative survey results, absence of high quality aestivation habitat, and lack of observations of this species in the vicinity renders it extremely unlikely for California tiger salamander to occur within or immediately adjacent to the site.

**WESTERN SPADEFOOT:** The western spadefoot is a State of California Species of Concern, but is not listed under FESA or CESA. Western spadefoot is a subterranean species that occupies rodent burrows and other underground retreats in grasslands, prairie, savanna, and scrub vegetation communities. This toad remains underground most of the year coming to the surface only during the rainy season, when it moves to ephemeral water channels and pools to breed. The nearest documented occurrence of this species is approximately 2 miles southwest of the site (CNDDB, 2018).

The vernal pool and seasonal wetlands in the site provide potentially suitable habitat for western spadefoot. However, larval spadefoot would have been detected during the wet-season shrimp surveys conducted by ECORP Consulting in 2008-2009 if they were in fact present and were not. The combined lack of negative survey results and lack observations of this species in closer proximity to the site renders it unlikely for western spadefoot to occur on the site.

**VALLEY ELDERBERRY LONGHORN BEETLE:** The valley elderberry longhorn beetle (VELB) is listed as a federally threatened species and its host plant is the blue

elderberry shrub. Eggs are laid on the leaves or stems of the shrubs and upon hatching, the larvae bore in to the stem where they remain for 2+/- years feeding on the interior portions of the stems. Following several larval instars, the larvae chews an exit hole in the stem, pupates, and emerges after approximately a month as an adult. The adults live only 4 to 5 days, mate, lay eggs, and die. The nearest occurrence of valley elderberry longhorn beetle in the CNDDDB (2018) search area is approximately 1 mile southeast of the site.

The USFWS (2017) *Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle* direct that, if possible, elderberry shrubs should be avoided by a ground disturbance set back of at least 165 feet from the drip line of each shrub. A number of measures are also recommended to avoid and minimize project impacts to VELB and/or its habitat including fencing, worker training, and timing of construction, among others. In cases where complete avoidance is not feasible, the Framework recommends compensatory mitigation for the loss of actual or potential VELB habitat. Mitigation is usually achieved through the purchase of credits at a USFWS-approved mitigation bank, and transplantation of the impacted shrub to the bank, if feasible. In the case of a single shrub in a riparian setting such as at the project site, the Framework recommends the purchase of 2 credits at a USFWS-approved bank and transplantation of the impacted shrub to the bank, if feasible.

As described above, no blue elderberry shrubs were observed in Parcels 2-4 in the project site during either the 2005 or 2018 survey. During the March 2005 field survey, two blue elderberry shrubs were observed in the Remainder Parcel, one along the edge of the Stanislaus River corridor and one in the oak woodlands to the east of Parcel 2. Residential development in Parcels 2-4 will not involve ground disturbance within 165 feet from the drip line of any blue elderberry shrubs.

OTHER SPECIAL-STATUS SPECIES: Townsend's big-eared bat, western mastiff bat, pallid bat, spotted bat, and other special-status bats may fly over or forage in

the site, but few would be expected to use the site intensively. Some of these bats may use the bluff descending down to the river or some of the trees in the site for roosting, but would not be expected to roost on the grassland terraces in Parcels 2-4.

The site is not within the known range of San Joaquin kit fox. The site does not provide aquatic habitat for any type of fish or California red-legged frog. Western pond turtle is known to occur in the Stanislaus River and could potentially occur in the stock pond in the Remainder Parcel. However, this species is unlikely to occur in the grassland terraces in Parcels 2-4 due to lack of perennial aquatic habitat.

CRITICAL HABITAT: The site is not within designated critical habitat for California red-legged frog (USFWS, 2006), California tiger salamander (USFWS, 2005b), any vernal pool shrimp or plant species (USFWS, 2005a), or other federally listed species (Attachment D).

## **Discussion, Conclusions and Recommendations**

- The site primarily consists of upland grassland and woodland habitats. Similar woodlands and upland grasslands are widespread in Stanislaus County, supporting a variety of mostly common plant and wildlife species.
- The future development of homes on the project site may result in the removal of a few trees. The homes are expected to be built in relatively open grassland areas in the site and residential development will likely involve limited tree removal, because oaks and other trees are valued by residents for aesthetic purposes, wildlife habitats, and privacy. The potential removal of a few trees in the site is a less than significant impact.

- Potential Waters of the U.S or wetlands include an irrigation canal in the north tip of the parcel, a few ephemeral drainages that drain easterly into the Stanislaus River, a vernal pool, several seasonal wetlands, and a stock pond.
- Avoidance of jurisdictional Waters of the U.S. is recommended, if possible. If complete avoidance is infeasible, impacts should be minimized to the maximum extent practicable, and permits from ACOE, CDFW, and the Regional Water Quality Control Board (RWQCB) will then be needed prior to the placement of any fill material (e.g., culverts, fill dirt, rock) within jurisdictional Waters of the U.S.
- Due to a lack of suitable habitat, it is unlikely special-status plants occur in the site.
- The likelihood of occurrence of special-status wildlife species in the site is generally low. No special-status wildlife species are expected to occur at or near the site on more than a very occasional or transitory basis. Special-status bats and birds may roost and/or nest in the site on occasion.
- Listed vernal pool shrimp are unlikely to occur in the seasonal wetlands in the site because they were not detected during wet-season protocol-level surveys conducted at the site. Similarly, western spadefoot larvae would have been detected during the shrimp surveys and were not. The combined lack of suitable breeding habitat, negative survey results, absence of high quality aestivation habitat, and lack of observations of this species in the vicinity renders it extremely unlikely for California tiger salamander to occur within or immediately adjacent to the site.

- On-site trees, shrubs, grasslands, and other vegetation may be used by nesting birds protected by the Migratory Bird Treaty Act of 1918 and Fish and Game Code of California. In order to avoid take of protected raptors and migratory birds, any vegetation removal should be scheduled for between September 1 and January 31, if possible. If vegetation removal occurs between February 1 and August 31, a pre-construction nesting bird survey should be conducted by a qualified biologist. If active nests are found within the survey area, vegetation removal should be delayed until the biologist determines nesting is complete.

Thank you again for asking Moore Biological Consultants to assist with this project. Please call me at (209) 745-1159 with any questions.

Sincerely,



Diane S. Moore, M.S.  
Principal Biologist



## References and Literature Consulted

ACOE (U.S. Army Corps of Engineers). 1987. Technical Report Y87-1. U.S. Army Corps of Engineers Waterways Experiment Station, Vicksburg, MI.

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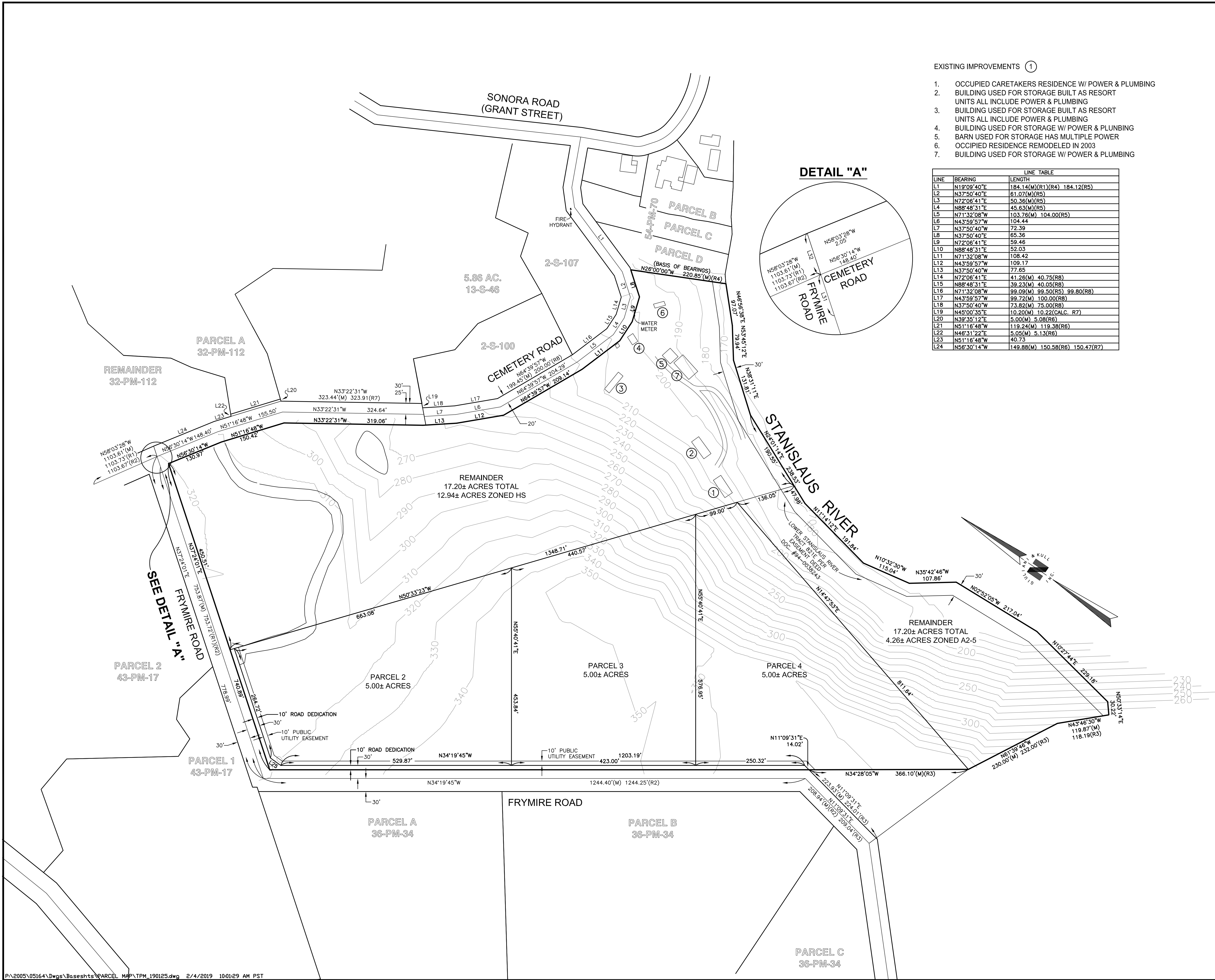
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- USFWS. 1994. Final Critical Habitat for the Delta Smelt (*Hypomesus transpacificus*). Federal Register Vol. 59, No. 242, December 19, 1994, pp. 65256 – 65279.
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- USFWS. 2005b. Part II, Department of the Interior, Fish and Wildlife Service. 50 CFR Part 17: Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for Four Vernal Pool Crustaceans and Eleven Vernal Pool Plants in California and Southern Oregon; Evaluation and Economic Exclusions from August 2003 Final Designation, Final Rule. Federal Register Vol. 70, No. 154, August 11.
- USFWS. 2006. Part II, Department of the Interior, Fish and Wildlife Service. 50 CFR Part 17: Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for California Red-Legged Frog, and Special Rule Exemption Associated with Final Listing for Existing Routine Ranching Activities, Final Rule. Federal Register Vol. 71, No. 71, April 13.
- USFWS. 2017. Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle (*Desmocerus californicus dimorphus*). U.S. Fish and Wildlife Service; Sacramento, California. 28pp.

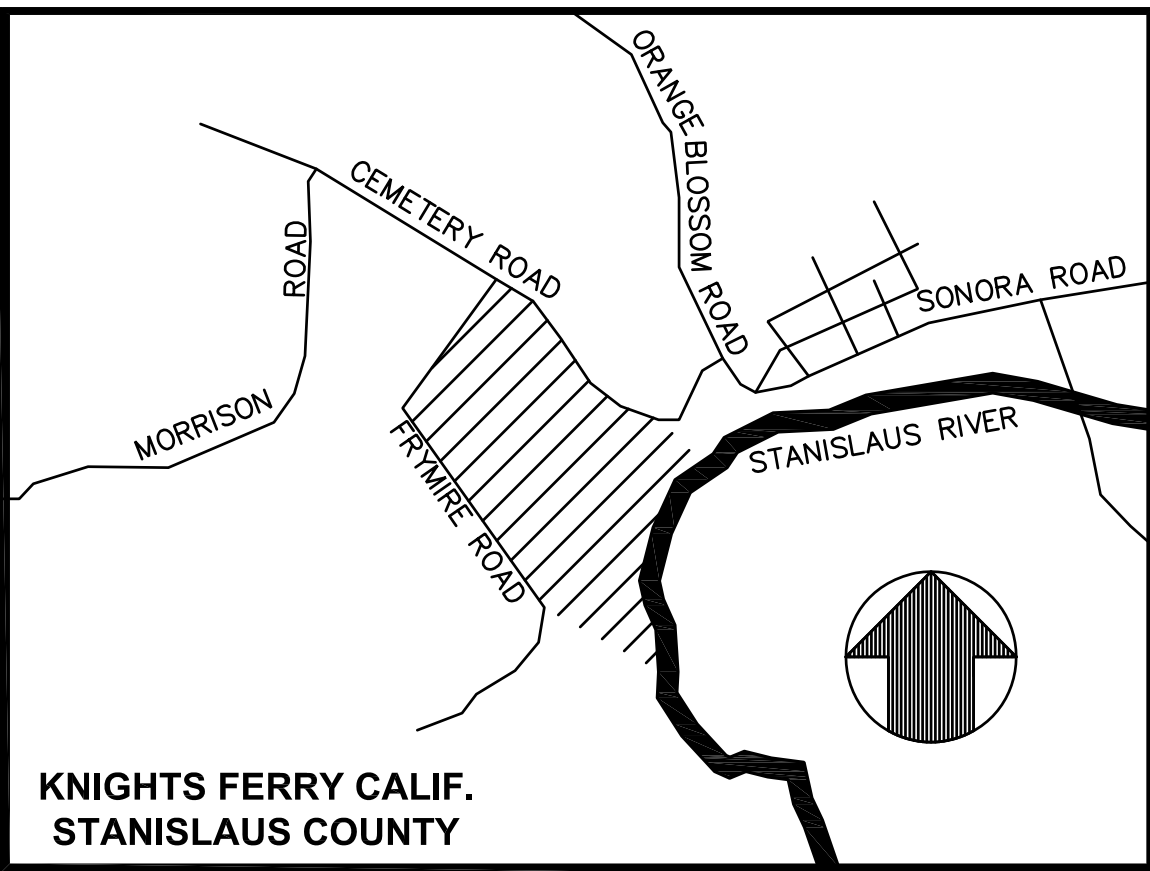
# Attachment A

## Tentative Map



- EXISTING IMPROVEMENTS ①
1. OCCUPIED CARETAKERS RESIDENCE W/ POWER & PLUMBING
  2. BUILDING USED FOR STORAGE BUILT AS RESORT UNITS ALL INCLUDE POWER & PLUMBING
  3. BUILDING USED FOR STORAGE BUILT AS RESORT UNITS ALL INCLUDE POWER & PLUMBING
  4. BUILDING USED FOR STORAGE W/ POWER & PLUMBING
  5. BARN USED FOR STORAGE HAS MULTIPLE POWER
  6. OCCUPIED RESIDENCE REMODELED IN 2003
  7. BUILDING USED FOR STORAGE W/ POWER & PLUMBING

LINE TABLE		
LINE	BEARING	LENGTH
L1	N19°09'40"E	184.14(M)(R1)(R4) 184.12(R5)
L2	N37°50'40"E	61.07(M)(R5)
L3	N72°06'41"E	50.36(M)(R5)
L4	N88°48'31"E	45.63(M)(R5)
L5	N71°32'08"W	103.76(M) 104.00(R5)
L6	N43°59'57"W	104.44
L7	N37°50'40"W	72.39
L8	N37°50'40"E	65.36
L9	N72°06'41"E	59.46
L10	N88°48'31"E	52.03
L11	N71°32'08"W	108.42
L12	N43°59'57"W	109.17
L13	N37°50'40"W	77.65
L14	N72°06'41"E	41.26(M) 40.75(R8)
L15	N88°48'31"E	39.23(M) 40.05(R8)
L16	N71°32'08"W	99.09(M) 99.50(R5) 99.80(R8)
L17	N43°59'57"W	99.72(M) 100.00(R8)
L18	N37°50'40"W	73.82(M) 75.00(R8)
L19	N45°00'35"E	10.20(M) 10.22(CALC. R7)
L20	N39°35'12"E	5.00(M) 5.08(R6)
L21	N51°16'48"W	119.24(M) 119.38(R6)
L22	N46°31'22"E	5.05(M) 5.13(R6)
L23	N51°16'48"W	40.73
L24	N56°30'14"W	149.88(M) 150.58(R6) 150.47(R7)



**VICINITY MAP**

OWNER/APPLICANT: HONCHARIW REVOCABLE TRUST  
3 VIA PARAISO WEST  
TIBURON, CA 94920  
(415) 435-8302

PREPARED BY: GIULIANI & KULL, INC.  
440 S. YOSEMITE AVENUE SUITE A  
OAKDALE, CA 95361  
(209) 847-8726

SURVEYOR: KEVIN S. COLE  
PLS 8853

TOTAL AREA: 32.20 AC.±

NO. OF PARCELS: 4 + REMAINDER

A.P.N.: 002-044-003, 002-044-004

ZONING: A-2-5 & HS

WATER: KNIGHTS FERRY AND INDIVIDUAL WELLS

SANITARY SEWER: SEPTIC SYSTEM

STORM DRAIN: ON-SITE DISPOSAL

SLOPE OF LAND: VARIES 1%-50%

SOIL TYPES AS REPORTED BY USDA  
NATURAL RESOURCES CONSERVATION  
SERVICE: COMETA SANDY LOAM, AMADOR  
SANDY LOAM

WATER TABLE ELEVATION = 170'

**VESTING TENTATIVE  
PARCEL MAP**

PORTION OF PARCEL 1 AND 2 AS  
DESCRIBED IN DEED FROM GEORGE D.  
CHENEY TO IWAN S. HONCHARIW,  
RECORDED ON PAGE 160, VOLUME 2587,  
OFFICIAL RECORDS OF STANISLAUS  
COUNTY ON OCTOBER 24, 1973, LYING  
30 FEET MEASURED AT RIGHT ANGLES TO  
THE EXISTING RIGHT BANK OF THE  
STANISLAUS RIVER, PARCEL 1 AND 2  
STANISLAUS COUNTY, CALIFORNIA  
SCALE 1" = 100' JANUARY 2019

**Giuliani & Kull, Inc.**  
Engineers • Planners • Surveyors  
440 S. Yosemite Avenue, Suite A, Oakdale, CA 95361  
(209) 847-8726 Fax (209) 847-7323  
Auburn • Oakdale • San Jose

Attachment B

CNDDDB Summary Report and Exhibits  
& USFWS IPaC Trust Report



# Selected Elements by Scientific Name

## California Department of Fish and Wildlife

### California Natural Diversity Database



Query Criteria: Quad<span style='color:Red'> IS </span>(Knights Ferry (3712076))

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<b><i>Ambystoma californiense</i></b> California tiger salamander	AAAAA01180	Threatened	Threatened	G2G3	S2S3	WL
<b><i>Antrozous pallidus</i></b> pallid bat	AMACC10010	None	None	G5	S3	SSC
<b><i>Branchinecta lynchi</i></b> vernal pool fairy shrimp	ICBRA03030	Threatened	None	G3	S3	
<b><i>Calicina breva</i></b> Stanislaus harvestman	ILARAU8020	None	None	G1	S1	
<b><i>Clarkia rostrata</i></b> beaked clarkia	PDONA050Y0	None	None	G2G3	S2S3	1B.3
<b><i>Corynorhinus townsendii</i></b> Townsend's big-eared bat	AMACC08010	None	None	G3G4	S2	SSC
<b><i>Desmocerus californicus dimorphus</i></b> valley elderberry longhorn beetle	IICOL48011	Threatened	None	G3T2	S2	
<b><i>Downingia pusilla</i></b> dwarf downingia	PDCAM060C0	None	None	GU	S2	2B.2
<b><i>Emys marmorata</i></b> western pond turtle	ARAAD02030	None	None	G3G4	S3	SSC
<b><i>Erythranthe marmorata</i></b> Stanislaus monkeyflower	PDPHR01130	None	None	G2?	S2?	1B.1
<b><i>Eumops perotis californicus</i></b> western mastiff bat	AMACD02011	None	None	G5T4	S3S4	SSC
<b><i>Fritillaria agrestis</i></b> stinkbells	PMLIL0V010	None	None	G3	S3	4.2
<b><i>Lagophylla dichotoma</i></b> forked hare-leaf	PDAST5J070	None	None	G2	S2	1B.1
<b><i>Lasionycteris noctivagans</i></b> silver-haired bat	AMACC02010	None	None	G5	S3S4	
<b><i>Lasiurus blossevillii</i></b> western red bat	AMACC05060	None	None	G5	S3	SSC
<b><i>Lasiurus cinereus</i></b> hoary bat	AMACC05030	None	None	G5	S4	
<b><i>Lepidurus packardii</i></b> vernal pool tadpole shrimp	ICBRA10010	Endangered	None	G4	S3S4	
<b><i>Monadenia mormonum buttoni</i></b> Button's Sierra sideband	IMGASC7071	None	None	G2T1	S1S2	
<b><i>Myotis yumanensis</i></b> Yuma myotis	AMACC01020	None	None	G5	S4	
<b><i>Neostapfia colusana</i></b> Colusa grass	PMPOA4C010	Threatened	Endangered	G1	S1	1B.1



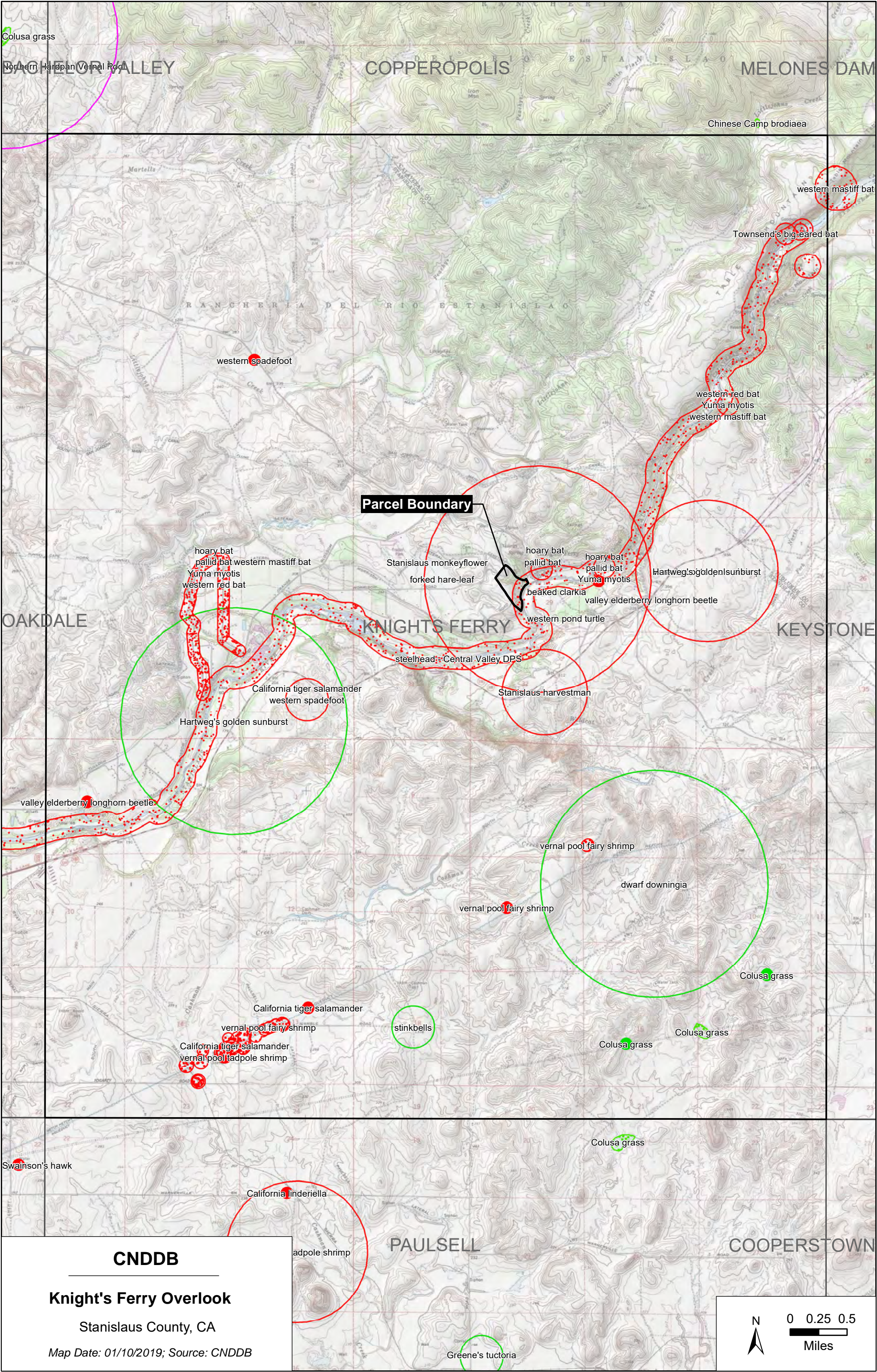
Selected Elements by Scientific Name  
California Department of Fish and Wildlife  
California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<b><i>Northern Hardpan Vernal Pool</i></b> Northern Hardpan Vernal Pool	CTT44110CA	None	None	G3	S3.1	
<b><i>Oncorhynchus mykiss irideus pop. 11</i></b> steelhead - Central Valley DPS	AFCHA0209K	Threatened	None	G5T2Q	S2	
<b><i>Pseudobahia bahiifolia</i></b> Hartweg's golden sunburst	PDAST7P010	Endangered	Endangered	G2	S2	1B.1
<b><i>Spea hammondi</i></b> western spadefoot	AAABF02020	None	None	G3	S3	SSC

Record Count: 24







# IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

## Location

Stanislaus County, California



## Local office

Sacramento Fish And Wildlife Office

☎ (916) 414-6600

📠 (916) 414-6713

Federal Building  
2800 Cottage Way, Room W-2605  
Sacramento, CA 95825-1846

# Endangered species

**This resource list is for informational purposes only and does not constitute an analysis of project level impacts.**

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species<sup>1</sup> and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries<sup>2</sup>).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information.
2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

## Mammals

NAME

STATUS

San Joaquin Kit Fox *Vulpes macrotis mutica*  
 No critical habitat has been designated for this species.  
<https://ecos.fws.gov/ecp/species/2873>

Endangered

## Amphibians

NAME	STATUS
California Red-legged Frog <i>Rana draytonii</i> There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. <a href="https://ecos.fws.gov/ecp/species/2891">https://ecos.fws.gov/ecp/species/2891</a>	Threatened
California Tiger Salamander <i>Ambystoma californiense</i> There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. <a href="https://ecos.fws.gov/ecp/species/2076">https://ecos.fws.gov/ecp/species/2076</a>	Threatened

## Fishes

NAME	STATUS
Delta Smelt <i>Hypomesus transpacificus</i> There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. <a href="https://ecos.fws.gov/ecp/species/321">https://ecos.fws.gov/ecp/species/321</a>	Threatened

## Insects

NAME	STATUS
Valley Elderberry Longhorn Beetle <i>Desmocerus californicus dimorphus</i> There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. <a href="https://ecos.fws.gov/ecp/species/7850">https://ecos.fws.gov/ecp/species/7850</a>	Threatened

## Crustaceans

NAME	STATUS
Conservancy Fairy Shrimp <i>Branchinecta conservatio</i> There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. <a href="https://ecos.fws.gov/ecp/species/8246">https://ecos.fws.gov/ecp/species/8246</a>	Endangered
Vernal Pool Fairy Shrimp <i>Branchinecta lynchi</i> There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. <a href="https://ecos.fws.gov/ecp/species/498">https://ecos.fws.gov/ecp/species/498</a>	Threatened

Vernal Pool Tadpole Shrimp *Lepidurus packardii* Endangered  
 There is **final** critical habitat for this species. Your location is outside the critical habitat.  
<https://ecos.fws.gov/ecp/species/2246>

# Flowering Plants

NAME	STATUS
Colusa Grass <i>Neostapfia colusana</i> There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. <a href="https://ecos.fws.gov/ecp/species/5690">https://ecos.fws.gov/ecp/species/5690</a>	Threatened
Hartweg's Golden Sunburst <i>Pseudobahia bahiifolia</i> No critical habitat has been designated for this species. <a href="https://ecos.fws.gov/ecp/species/1704">https://ecos.fws.gov/ecp/species/1704</a>	Endangered

# Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

# Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the [FAQ below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)
<b>Bald Eagle</b> <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. <a href="https://ecos.fws.gov/ecp/species/1626">https://ecos.fws.gov/ecp/species/1626</a>	Breeds Jan 1 to Aug 31
<b>Clark's Grebe</b> <i>Aechmophorus clarkii</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Jan 1 to Dec 31
<b>Common Yellowthroat</b> <i>Geothlypis trichas sinuosa</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA <a href="https://ecos.fws.gov/ecp/species/2084">https://ecos.fws.gov/ecp/species/2084</a>	Breeds May 20 to Jul 31

<p><b>Costa's Hummingbird</b> <i>Calypte costae</i></p> <p>This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA</p> <p><a href="https://ecos.fws.gov/ecp/species/9470">https://ecos.fws.gov/ecp/species/9470</a></p>	Breeds Jan 15 to Jun 10
<p><b>Golden Eagle</b> <i>Aquila chrysaetos</i></p> <p>This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p> <p><a href="https://ecos.fws.gov/ecp/species/1680">https://ecos.fws.gov/ecp/species/1680</a></p>	Breeds Jan 1 to Aug 31
<p><b>Lewis's Woodpecker</b> <i>Melanerpes lewis</i></p> <p>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p> <p><a href="https://ecos.fws.gov/ecp/species/9408">https://ecos.fws.gov/ecp/species/9408</a></p>	Breeds Apr 20 to Sep 30
<p><b>Long-billed Curlew</b> <i>Numenius americanus</i></p> <p>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p> <p><a href="https://ecos.fws.gov/ecp/species/5511">https://ecos.fws.gov/ecp/species/5511</a></p>	Breeds elsewhere
<p><b>Nuttall's Woodpecker</b> <i>Picoides nuttallii</i></p> <p>This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA</p> <p><a href="https://ecos.fws.gov/ecp/species/9410">https://ecos.fws.gov/ecp/species/9410</a></p>	Breeds Apr 1 to Jul 20
<p><b>Oak Titmouse</b> <i>Baeolophus inornatus</i></p> <p>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p> <p><a href="https://ecos.fws.gov/ecp/species/9656">https://ecos.fws.gov/ecp/species/9656</a></p>	Breeds Mar 15 to Jul 15
<p><b>Song Sparrow</b> <i>Melospiza melodia</i></p> <p>This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA</p>	Breeds Feb 20 to Sep 5
<p><b>Spotted Towhee</b> <i>Pipilo maculatus clementae</i></p> <p>This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA</p> <p><a href="https://ecos.fws.gov/ecp/species/4243">https://ecos.fws.gov/ecp/species/4243</a></p>	Breeds Apr 15 to Jul 20
<p><b>Tricolored Blackbird</b> <i>Agelaius tricolor</i></p> <p>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p> <p><a href="https://ecos.fws.gov/ecp/species/3910">https://ecos.fws.gov/ecp/species/3910</a></p>	Breeds Mar 15 to Aug 10



## Wrentit *Chamaea fasciata*

Breeds Mar 15 to Aug 10

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

## Yellow-billed Magpie *Pica nuttalli*

Breeds Apr 1 to Jul 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9726>

# Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ “Proper Interpretation and Use of Your Migratory Bird Report” before using or attempting to interpret this report.

## Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is  $0.25/0.25 = 1$ ; at week 20 it is  $0.05/0.25 = 0.2$ .
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

## Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

## Survey Effort (I)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

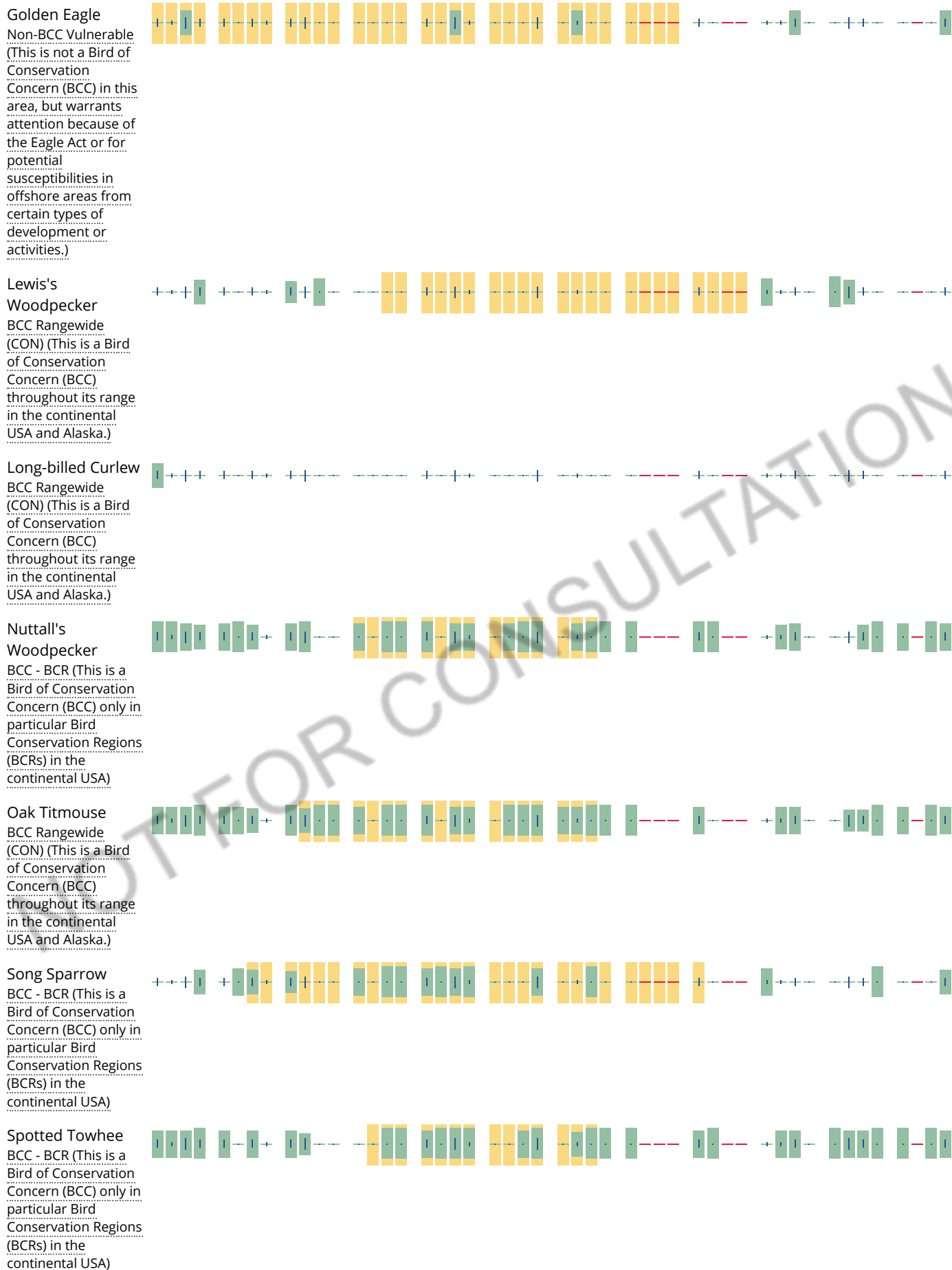
No Data (–)

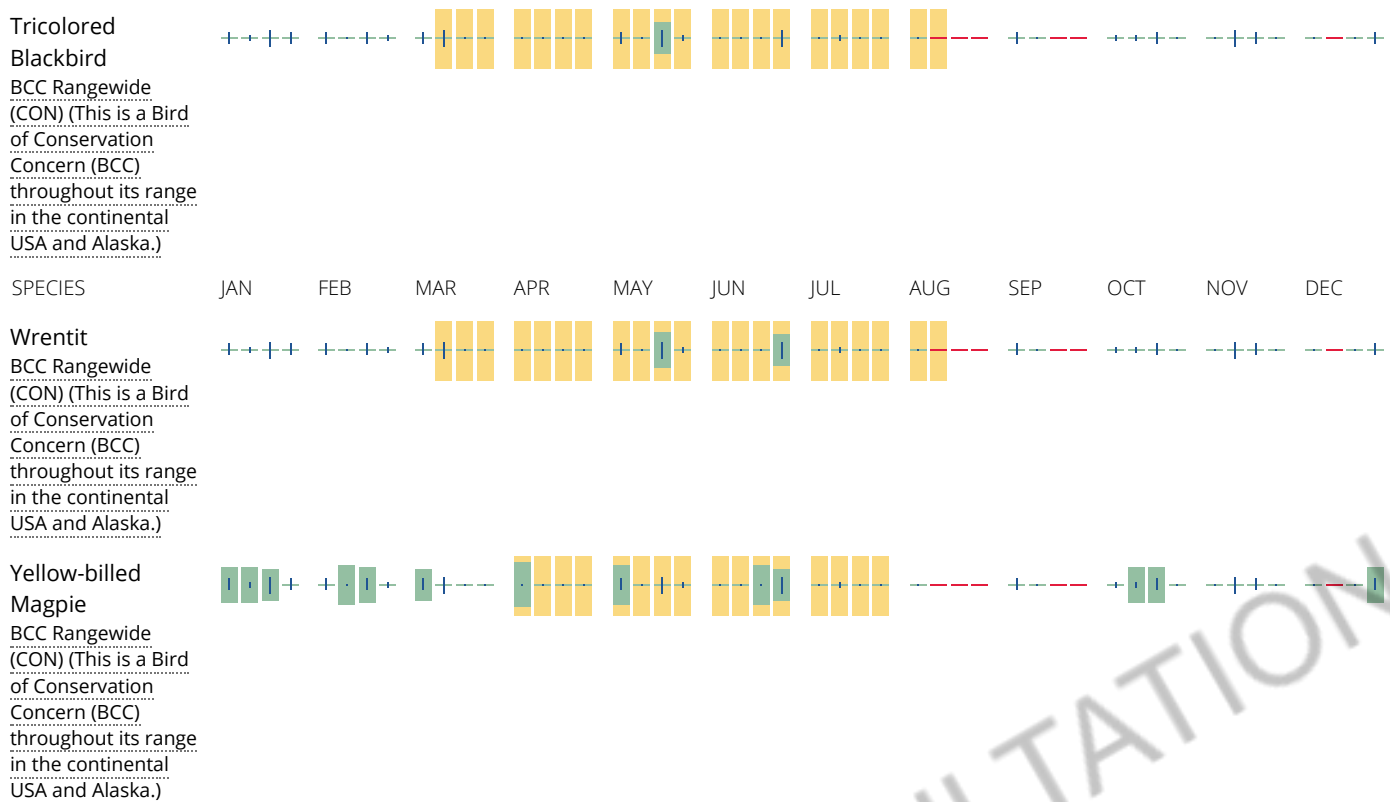
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.







Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) and/or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [E-bird Explore Data Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go to the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

### **How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?**

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

### **What are the levels of concern for migratory birds?**

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

### **Details about birds that are potentially affected by offshore projects**

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

### **What if I have eagles on my list?**

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

### **Proper Interpretation and Use of Your Migratory Bird Report**

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look

carefully at the survey effort (indicated by the black vertical bar) and for the existence of the “no data” indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ “Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds” at the bottom of your migratory bird trust resources page.

## Facilities

### National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

### Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

## Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

FRESHWATER EMERGENT WETLAND

[PEM1C](#)

[PEM1Cx](#)

[PEM1A](#)



## [PEM1F](#)

### FRESHWATER FORESTED/SHRUB WETLAND

#### [PFOA](#)

#### [PSSC](#)

### FRESHWATER POND

#### [PUBFh](#)

#### [PUSC<sub>x</sub>](#)

### RIVERINE

#### [R2UBH](#)

#### [R3UBH](#)

#### [R4SBC<sub>x</sub>](#)

#### [R4SBC](#)

#### [R5UBF<sub>x</sub>](#)

#### [R5UBF](#)

A full description for each wetland code can be found at the [National Wetlands Inventory website](#)

### Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

### Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

### Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

# Attachment C

## Photographs



Parcel 4, looking northwest along Frymire Road from the south tip of Parcel 4; 12/28/18.



Parcel 2, looking northeast from Frymire Road; 12/28/18.





East edge of the bluff in Parcel 4, looking north; 12/28/18.



Stanislaus River, looking northeast from the edge of the bluff in Parcel 3; 12/28/18.





Seasonal wetland in an area that appears to have been excavated during historical mining in Parcel 3, looking northwest; 12/28/18.



Vernal pool in the southwest part of Parcel 3, looking northwest; 12/28/18.





Seasonal Wetland in the northeast part of Parcel 2, looking northwest; 12/28/18.



Oakdale Irrigation District's Frymire Lateral along the east edge of Parcel 2, looking northwest; 12/28/18.





Edge of the bluff in Parcel 2, looking east down a canyon that continues downslope into the Remainder Parcel; 12/28/18.



Oak woodlands in the central part of the Remainder Parcel, looking southeast; 12/28/19.





Annual grassland in the northwest part of the remainder Parcel, looking northwest; 12/28/18.



Stock pond in the Remainder Parcel, looking northeast; 12/28/18.





Stanislaus River, looking east from the top of the bluff near the boundary of Parcel 3 and Parcel 4; 03/31/05.

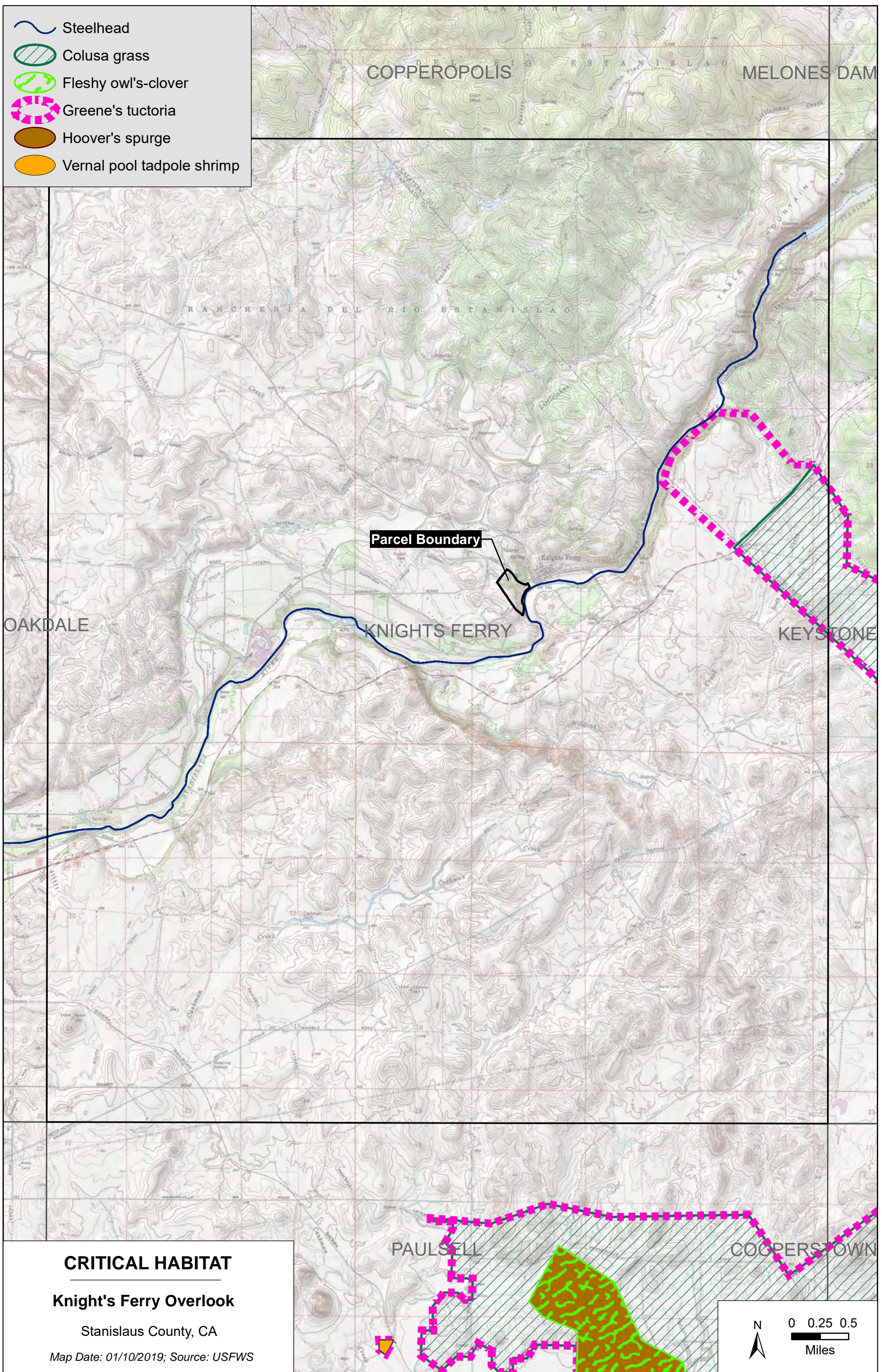


Blue elderberry shrub along the Stanislaus River in the Remainder Parcel, looking north; 03/31/05.

Attachment D

Designated Critical Habitat









**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

1010 10th Street, Suite 3400, Modesto, CA 95354

Planning Phone: (209) 525-6330 Fax: (209) 525-5911

Building Phone: (209) 525-6557 Fax: (209) 525-7759

## **Stanislaus County**

### **Planning and Community Development**

# **Mitigation Monitoring and Reporting Program**

Adapted from CEQA Guidelines sec. 15097 Final Text, October 26, 1998

**July 12, 2019**

1. Project title and location: Vesting Tentative Parcel Map Application No. PLN2018-0090 – Honchariw – Frymire Road  
  
17442 Cemetery Road, on the southern corner of Cemetery and Frymire Roads, abutting the Stanislaus River, west of the community of Knights Ferry (APNs: 002-044-003 & -004)
2. Project Applicant name and address: Nick Honchariw  
3 Via Paraiso W  
Tiburon, CA 94920
3. Person Responsible for Implementing Mitigation Program (Applicant Representative): Nick Honchariw
4. Contact person at County: Jeremy Ballard, Associate Planner (209) 525-6330

#### **MITIGATION MEASURES AND MONITORING PROGRAM:**

List all Mitigation Measures by topic as identified in the Mitigated Negative Declaration and complete the form for each measure.

#### **IV. BIOLOGICAL RESOURCES**

- No.1 Mitigation Measure: Prior to any construction or ground disturbing activity that will require removal of a healthy oak tree with a diameter of 12 inches or more, an oak tree protection and replacement plan shall be provided by the property owner to the Department of Planning and Community Development and to the California Department of Fish & Wildlife (CDFW) for review and approval.
- Who Implements the Measure: Applicant/Developer
- When should the measure be implemented: Prior to any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel
- When should it be completed: Prior to commencement of construction or grading or any change in farming practices
- Who verifies compliance: Stanislaus County Planning and Community Development Department, Planning Division and California Department of Fish and Wildlife
- Other Responsible Agencies: N/A
- No.2 Mitigation Measure: All construction and grading on the site shall be designed in such a way to avoid the placement of any fill material within seasonal drainages, wetlands, and other jurisdictional Waters of the United



States occurring within the project site, as identified in Figure 4 of the Biological Assessment conducted by Moore Biological Consultants, dated March 20, 2019. If complete avoidance is infeasible, impacts shall be minimized to the maximum extent practicable, and permits from the U.S. Army Corps of Engineers, the California Department of Fish and Wildlife, and the Central Valley Regional Water Quality Control Board shall be secured prior to the placement of any fill material (e.g., culverts, fill dirt, rock, clean beach sand) within jurisdictional Waters of the U.S.

Who Implements the Measure:	Applicant/Developer
When should the measure be implemented:	Prior to any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel
When should it be completed:	Prior to commencement of construction or grading or any change in farming practices
Who verifies compliance:	Stanislaus County Planning and Community Development Department, Planning Division and Department of Public Works
Other Responsible Agencies:	U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, National Marine Fisheries Service, California Regional Water Quality Control Board, U.S. Army Corps of Engineers
No.3 Mitigation Measure:	Prior to any construction or ground disturbing activity, a 100-foot development-free fenced buffer shall be established around any blue elderberry shrub existing on the project site. If full avoidance is not possible, consultation with United States Fish and Wildlife Services shall be undertaken to further assess the potential impacts to valley elderberry longhorn population and determine any needed mitigation. Mitigation usually involves planting replacement shrubs at an approved mitigation site or payment of fees to an approved mitigation bank or in-lieu species fund.
Who Implements the Measure:	Applicant/Developer
When should the measure be implemented:	Prior to any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel
When should it be completed:	Prior to commencement of construction or grading or any change in farming practices
Who verifies compliance:	Stanislaus County Planning and Community Development Department, Planning Division and Department of Public Works

Other Responsible Agencies:		U.S. Fish and Wildlife Service and California Department of Fish and Wildlife
No.4	Mitigation Measure:	To prevent disturbance to raptors and migratory birds, any on-site vegetation removal shall occur during the non-breeding season (September 1 through January 31). If vegetation removal occurs between February 1 to August 31, a pre-construction nesting bird survey shall be conducted by a qualified biologist. If active nests are found within the survey area, vegetation removal should be delayed until the biologist determines nesting is complete.
	Who Implements the Measure:	Applicant/Developer
	When should the measure be implemented:	Prior to any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel
	When should it be completed:	Prior to commencement of construction or grading or any change in farming practices
	Who verifies compliance:	Stanislaus County Planning and Community Development Department, Planning Division and California Department of Fish and Wildlife
	Other Responsible Agencies:	N/A
No.5	Mitigation Measure:	Prior to any construction or ground disturbance within 200 feet of the Stanislaus River, a pre-construction survey shall be conducted by a qualified biologist to determine if any special-status species occur near the area to be disturbed. If special status species are determined to occur, all work shall cease, and a protection plan shall be developed and implemented.
	Who Implements the Measure:	Applicant/Developer
	When should the measure be implemented:	Prior to any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel
	When should it be completed:	Prior to commencement of construction or grading or any change in farming practices
	Who verifies compliance:	Stanislaus County Planning and Community Development Department, Planning Division
	Other Responsible Agencies:	U.S. Fish and Wildlife Service, California Department of Fish and Wildlife.

## **V. CULTURAL RESOURCES**

No.6	Mitigation Measure:	Prior to ground-disturbing activities or demolition of the existing on-site features or structures, the sites and isolated features identified within the 2005 Archeological Survey Report, conducted by the Far
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Western Anthropological Research Group, shall be evaluated by eligibility to the California Register of Historic Places, and shall be registered if determined to be eligible. Historic-era sites and features shall be evaluated by a historic archaeologist; the prehistoric bedrock mortar features/site shall be evaluated by a prehistoric archaeologist. All recommendations shall be followed.

Who Implements the Measure:	Applicant/Developer
When should the measure be implemented:	Prior to any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel
When should it be completed:	Prior to commencement of construction or grading or any change in farming practices
Who verifies compliance:	Stanislaus County Planning and Community Development Department, Planning Division
Other Responsible Agencies:	California Register of Historic Places and Central California Information Center, Native American Heritage Commission

I, the undersigned, do hereby certify that I understand and agree to be responsible for implementing the Mitigation Program for the above listed project.

\_\_\_\_\_  
Signature on File  
**Person Responsible for Implementing  
Mitigation Program**

\_\_\_\_\_  
July 9, 2019  
**Date**



## MITIGATED NEGATIVE DECLARATION

**NAME OF PROJECT:** Vesting Tentative Parcel Map Application No. PLN2018-0090 – Honchariw – Frymire Road

**LOCATION OF PROJECT:** 17442 Cemetery Road, on the southern corner of Cemetery and Frymire Roads, abutting the Stanislaus River, west of the Community of Knights Ferry (APNs: 002-044-003 & -004).

**PROJECT DEVELOPER:** Nick Honchariw, Trustee of the Honchariw Revocable Trust

**DESCRIPTION OF PROJECT:** Request to subdivide two parcels, totaling 32.2± acres, into three 5-acre parcels ("Parcels 1, 2, & 3") with a 17.2± acre remainder parcel. As proposed, Parcels 1, 2, and 3 will be zoned A-2-5 (General Agriculture,), and the remainder will be split zoned with 4.26± acres zoned A-2-5 and the remaining 12.94± zoned as HS (Historical Site District). If approved, each parcel will have frontage on a County-maintained road. The proposed remainder currently utilizes a private septic system and is served by the Knights Ferry Community Service District for domestic water. Proposed Parcels 1, 2, and 3 would be served by private water and wastewater disposal systems for any future residential development. The project site is currently improved with one single-family dwelling and multiple storage buildings which are located on the remainder.

Based upon the Initial Study, dated **July 12, 2019**, the Environmental Coordinator finds as follows:

1. This project does not have the potential to degrade the quality of the environment, nor to curtail the diversity of the environment.
2. This project will not have a detrimental effect upon either short-term or long-term environmental goals.
3. This project will not have impacts which are individually limited but cumulatively considerable.
4. This project will not have environmental impacts which will cause substantial adverse effects upon human beings, either directly or indirectly.

The aforementioned findings are contingent upon the following mitigation measures (if indicated) which shall be incorporated into this project:

1. Prior to any construction or ground disturbing activity that will require removal of a healthy oak tree with a diameter of 12 inches or more, an oak tree protection and replacement plan shall be provided by the property owner to the Department of Planning and Community Development and to the California Department of Fish & Wildlife (CDFW) for review and approval.
2. All construction and grading on the site shall be designed in such a way to avoid the placement of any fill material within seasonal drainages, wetlands, and other jurisdictional Waters of the United States occurring within the project site, as identified in Figure 4 of the Biological Assessment conducted by Moore Biological Consultants, dated March 20, 2019. If complete avoidance is infeasible, impacts shall be minimized to the maximum extent practicable, and permits from the U.S. Army Corps of Engineers, the California Department of



Fish and Wildlife, and the Central Valley Regional Water Quality Control Board shall be secured prior to the placement of any fill material (e.g., culverts, fill dirt, rock, clean beach sand) within jurisdictional Waters of the U.S.

3. Prior to any construction or ground disturbing activity, a 100-foot development-free fenced buffer shall be established around any blue elderberry shrub existing on the project site. If full avoidance is not possible, consultation with United States Fish and Wildlife Services shall be undertaken to further assess the potential impacts to valley elderberry longhorn population and determine any needed mitigation. Mitigation usually involves planting replacement shrubs at an approved mitigation site or payment of fees to an approved mitigation bank or in-lieu species fund.
4. To prevent disturbance to raptors and migratory birds, any on-site vegetation removal shall occur during the non-breeding season (September 1 through January 31). If vegetation removal occurs between February 1 to August 31, a pre-construction nesting bird survey shall be conducted by a qualified biologist. If active nests are found within the survey area, vegetation removal should be delayed until the biologist determines nesting is complete.
5. Prior to any construction or ground disturbance within 200 feet of the Stanislaus River, a pre-construction survey shall be conducted by a qualified biologist to determine if any special-status species occur near the area to be disturbed. If special status species are determined to occur, all work shall cease, and a protection plan shall be developed and implemented.
6. Prior to ground-disturbing activities or demolition of the existing on-site features or structures, the sites and isolated features identified within the 2005 Archeological Survey Report, conducted by the Far Western Anthropological Research Group, shall be evaluated by eligibility to the California Register of Historic Places, and shall be registered if determined to be eligible. Historic-era sites and features shall be evaluated by a historic archaeologist; the prehistoric bedrock mortar features/site shall be evaluated by a prehistoric archaeologist. All recommendations shall be followed.

The Initial Study and other environmental documents are available for public review at the Department of Planning and Community Development, 1010 10th Street, Suite 3400, Modesto, California.

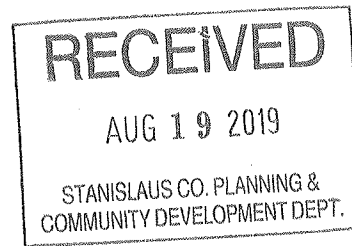
Initial Study prepared by: Jeremy Ballard, Associate Planner

Submit comments to: Stanislaus County  
Planning and Community Development Department  
1010 10th Street, Suite 3400  
Modesto, California 95354



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Central Region  
1234 East Shaw Avenue  
Fresno, California 93710  
(559) 243-4005  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



August 5, 2019

Jeremy Ballard, Associate Planner  
Stanislaus County Planning and Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, California 95354

**Subject: Vesting Tentative Parcel Map Application No. PLN2018-0090 –  
Honchariw – Frymire Road (Project)  
Mitigated Negative Declaration (MND)  
State Clearinghouse No.: 2019079051**

Dear Mr. Ballard:

The California Department of Fish and Wildlife (CDFW) received an MND from the Stanislaus County Planning and Community Development for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code.

#### **CDFW ROLE**

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, § 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA,

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<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

*Conserving California's Wildlife Since 1870*



CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's Lake and Streambed Alteration (LSA) regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

**Nesting Birds:** CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include, 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

**Water Pollution:** Pursuant to Fish and Game Code Section 5650, it is unlawful to deposit in, permit to pass into, or place where it can pass into "Waters of the State" any substance or material deleterious to fish, plant life, or bird life, including non-native species. It is possible that without mitigation measures implementation of the Project could result in pollution of Waters of the State from storm water runoff or construction-related erosion. Potential impacts to the wildlife resources that utilize the Stanislaus River include the following: increased sediment input from road or structure runoff, and toxic runoff associated with development activities and implementation. The Regional Water Quality Control Board and United States Army Corps of Engineers also have jurisdiction regarding discharge and pollution to Waters of the State.

In this role, CDFW is responsible for providing, as available, biological expertise during public agency environmental review efforts (i.e., CEQA), focusing specifically on project activities that have the potential to adversely affect fish and wildlife resources. CDFW provides recommendations to identify potential impacts and possible measures to avoid or reduce those impacts.

## **PROJECT DESCRIPTION SUMMARY**

**Proponent:** Stanislaus County Planning and Community Development

**Objective:** The Project proposes to subdivide two parcels, totaling approximately 32.2-acres, into three 5-acre parcels (Parcels 1, 2, and 3) with a 17.2-acre remaining parcel. As proposed, Parcels 1, 2, and 3 will be zoned A-2-5 (General Agriculture), and the remainder will be split zone with 4.26-acres A-2-5 and the remaining 12.94 zoned as HS (Historical Site District). If approved, each parcel will have frontage on a County-maintained road. The proposed remainder currently utilizes a private septic system and is served by the Knights Ferry Community Service District for domestic water. Proposed Parcels 1, 2, and 3 would be served by private water and wastewater disposal systems for any future residential development. The Project site is currently improved with one single-family dwelling and multiple storage buildings which are located on the remainder.

**Location:** The Project site is located at 17442 Cemetery Road, on the southern corner of Cemetery and Frymire Roads, abutting the Stanislaus River, in the Community of Knights Ferry.

**Timeframe:** Unspecified.

## COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist Stanislaus County Department of Planning and Community Development in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

Currently, the MND indicates that the Project's impacts would be less than significant with the implementation of mitigation measures described in the MND. However, as currently drafted, it is unclear whether the mitigation measures described will be enforceable or sufficient in reducing impacts to a level that is less than significant. In particular, CDFW is concerned regarding the adequacy of mitigation measures for special-status species including, but not limited to, the State and federally threatened California tiger salamander (*Ambystoma californiense*), the State threatened Swainson's hawk (*Buteo swainsoni*), the State species of special concern western pond turtle (*Actinemys marmorata*), and the State and federally endangered Hartweg's golden sunburst (*Pseudobahia bahifolia*).

If significant environmental impacts will occur as a result of Project implementation and cannot be mitigated to less than significant levels, an MND would not be appropriate. Further, when an MND is prepared, mitigation measures must be specific, clearly defined, and cannot be deferred to a future time. Preparation of a species-specific mitigation plan following determination that a project activity will have a direct impact on

special-status plant and wildlife species would be deferring mitigation to a future time. When an Environmental Impact Review (EIR) is prepared, the specifics of mitigation measures may be deferred, provided the lead agency commits to mitigation and establishes performance standards for implementation. Regardless of whether an MND or EIR is prepared, CDFW recommends that the CEQA document provide quantifiable and enforceable measures, as needed, that will reduce impacts to less than significant levels.

## **I. Environmental Setting and Related Impact**

**Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or the United States Fish and Wildlife Service (USFWS)?**

### **COMMENT 1: California Tiger Salamander (CTS)**

**Issue:** CTS have the potential to occur in the vicinity of Project site (CDFW 2019). Aerial photo shows that the Project site has upland habitat and vernal pools which may serve as aestivation and breeding habitat, respectively, for CTS. The MND, as currently drafted, does not have avoidance and minimization measures that would minimize take to a level that is less than significant.

**Specific Impacts:** Aerial photos show that the proposed Project site has upland habitat for aestivation and vernal pools as breeding habitat. Due to the potential ground-disturbing activities, potential impacts include: collapse of small mammal burrows, inadvertent entrapment, loss of upland refugia, water quality impacts to breeding sites, reduced reproductive success, reduction in health, and direct mortality of individuals.

**Evidence impact would be significant:** Up to 75% of historic CTS habitat has been lost to development (Searcy et al. 2013). Loss, degradation, and fragmentation of habitat are the primary threats to CTS. Contaminants and vehicle strikes are also sources of mortality for the species (CDFW 2015, USFWS 2017). The Project site is within the range of CTS and surrounded by suitable habitat (i.e., grasslands interspersed with burrows). CTS have been determined to be physiologically capable of dispersing up to approximately 1.5-miles from seasonally flooded wetlands (Searcy and Shaffer 2011) and have been documented to occur near the Project site (CDFW 2019). Given the presence of suitable habitat surrounding the Project site, Project activities have the potential to significantly impact local populations of CTS.

**Recommended Potentially Feasible Mitigation Measure(s)**

Because suitable habitat for CTS is present throughout the Project site, CDFW recommends conducting the following evaluation of individual Project site, editing the MND to include the following measures, and that these measures be made conditions of approval for the Project.

**Recommended Mitigation Measure 1: Focused CTS Site Assessment and Survey**

CDFW recommends that a qualified wildlife biologist assess the Project site to evaluate the potential for CTS. CDFW recommends that site assessments follow the USFWS's "Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander" (USFWS 2003). CDFW recommends that the qualified biologist determine the impacts of Project-related activities to all CTS upland habitat features within and/or adjacent to the construction footprint.

**Recommended Mitigation Measure 2: CTS Avoidance**

CDFW advises that a minimum 50-foot no-disturbance buffer be delineated around all small mammal burrows in suitable habitat within and/or adjacent to the Project sites' construction footprints. If avoidance is not feasible, consultation with CDFW is warranted to determine if the Project can avoid take.

**Recommended Mitigation Measure 3: CTS Take Authorization**

If through surveys it is determined that CTS are occupying or have the potential to occupy the Project site (i.e., small mammal burrows present) and take cannot be avoided, take authorization would be warranted prior to initiating ground-disturbing activities. Take authorization would occur through issuance of an Incidental Take Permit (ITP) by CDFW, pursuant to Fish and Game Code Section 2081(b). Alternatively, in the absence of protocol surveys, the applicant can assume presence of CTS within the Project site and obtain an ITP from CDFW.

**COMMENT 2: Swainson's Hawk (SWHA)**

**Issue:** SWHA have the potential to nest within and near the Project site. The proposed Project will involve activities near large trees that may serve as potential nest sites.

**Specific impacts:** Without appropriate avoidance and minimization measures for SWHA, potential significant impacts that may result from Project activities include:



nest abandonment, loss of nest trees, loss of foraging habitat that would reduce nesting success (loss or reduced health or vigor of eggs or young), and direct mortality. Any take of SWHA without appropriate incidental take authorization would be a violation of Fish and Game Code.

**Evidence impact is potentially significant:** SWHA exhibit high nest-site fidelity year after year and lack of suitable nesting habitat in the San Joaquin Valley limits their local distribution and abundance (CDFW 2016). Approval of the Project may lead to ground-disturbing activities that will involve noise, groundwork, and movement of workers that could affect nests and has the potential to result in nest abandonment, significantly impacting local nesting SWHA.

**Recommended Potentially Feasible Mitigation Measure(s)**

Because suitable habitat for SWHA is present throughout the Project site, CDFW recommends conducting the following evaluation of the Project site, editing the MND to include the following measures specific to SWHA, and that these measures be made conditions of approval for the Project.

**Recommended Mitigation Measure 4: SWHA Surveys**

To evaluate potential impacts, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting SWHA following the survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000) prior to project implementation. The survey protocol includes early season surveys to assist the project proponent in implementing necessary avoidance and minimization measures, and in identifying active nest sites prior to initiating ground-disturbing activities.

**Recommended Mitigation Measure 5: No-disturbance Buffer**

If ground-disturbing activities are to take place during the normal bird breeding season (March 1 through September 15), CDFW recommends that additional pre-activity surveys for active nests be conducted by a qualified biologist no more than 10-days prior to the start of Project implementation. CDFW recommends a minimum no-disturbance buffer of 0.5-mile be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

**Recommended Mitigation Measure 6: SWHA Take Authorization**

CDFW recommends that in the event an active SWHA nest is detected during surveys, consultation with CDFW is warranted to discuss how to implement the

project and avoid take. If take cannot be avoided, take authorization through the issuance of an ITP, pursuant to Fish and Game Code Section 2081(b) is necessary to comply with CESA.

### **COMMENT 3: Western pond turtle (WPT)**

**Issue:** WPT have the potential to occur in the Project site. WPT are known to nest in the spring or early summer within 100-meters of a water body, although nest sites as far away as 500-meters have also been reported (Thomson et al. 2016).

**Specific impact:** Without appropriate avoidance and minimization measures for WPT, potentially significant impacts associated with Project activities could include nest reduction, inadvertent entrapment, reduced reproductive success, reduction in health or vigor of eggs and/or young, and direct mortality.

**Evidence impact is potentially significant:** The Project site is directly adjacent to the Stanislaus River. Additionally, noise, vegetation removal, movement of workers, and ground disturbance as a result of Project activities have the potential to significantly impact WPT populations.

#### **Recommended Potentially Feasible Mitigation Measure(s)**

To evaluate potential impacts to WPT, CDFW recommends conducting the following evaluation of the Project site, editing the MND to include the following measures specific to WPT, and that these measures be made conditions of approval for the Project.

#### **Recommended Mitigation Measure 7: WPT Surveys**

CDFW recommends that a qualified biologist conduct focused surveys for WPT 10-days prior to Project implementation. In addition, CDFW recommends that focused surveys for nests occur during the egg-laying season (March through August) and that any nests discovered remain undisturbed until the eggs have hatched.

#### **Recommended Mitigation Measure 8: WPT Relocation**

CDFW recommends that if any WPT are discovered at the site immediately prior to or during Project activities, they be allowed to move out of the area on their own.

### **COMMENT 4: Special-Status plants**

**Issue:** Special-status plant species have been documented to occur in the vicinity of

the Project site (CDFW 2019). The Project site contains habitat that may support special-status plant species meeting the definition of rare or endangered under CEQA Section 15380 including, but not limited to, the federally and State endangered Hartweg's golden sunburst (*Pseudobahia bahiifolia*). The MND lacks avoidance and minimization measures that would reduce impacts to this special status plant species to a level that is less than significant.

**Specific impact:** Without appropriate avoidance and minimization measures for special-status plants, potential significant impacts resulting from ground- and vegetation-disturbing activities following Project approval include inability to reproduce and direct mortality.

**Evidence impact would be significant:** Special-status plant species known to occur in the vicinity of the Project sites are threatened by residential development, road maintenance, vehicles, grazing, trampling, and invasive, non-native plants (CNPS 2019).

**Recommended Potentially Feasible Mitigation Measure(s)**

To evaluate potential impacts to special-status plant species associated with the Project, CDFW recommends conducting the following evaluation of the Project site, editing the MND to include the following additional measures, and including the following mitigation measures as conditions of approval.

**Recommended Mitigation Measure 9: Special-Status Plant Habitat Assessment**

CDFW recommends that a qualified botanist conduct a habitat assessment in advance of project implementation, to determine if individual Project site or their immediate vicinity contain suitable habitat for special-status plant species.

**Recommended Mitigation Measure 10: Special-Status Plant Surveys**

CDFW recommends that the Project site be surveyed for special-status plants by a qualified botanist following the "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities" (CDFW 2018). This protocol, which is intended to maximize detectability, includes the identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. In the absence of protocol-level surveys being performed, additional surveys may be necessary.

### **Recommended Mitigation Measure 11: Special-Status Plant Avoidance**

CDFW recommends that special-status plant species be avoided whenever possible by delineating and observing a no-disturbance buffer of at least 50-feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species.

### **Recommended Mitigation Measure 12: State-listed Plant Take Authorization**

If a plant species listed pursuant to CESA is identified during botanical surveys, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization prior to any ground-disturbing activities may be warranted. Take authorization would occur through issuance of an ITP by CDFW, pursuant to Fish and Game Code Section 2081(b).

### **COMMENT 5: Lake and Streambed Alteration**

**Issue:** The Project site is directly adjacent to the Stanislaus River. Project-related activities that have the potential to change the bed, bank, and channel of streams and other waterways or alter riparian habitat, may be subject to CDFW's LSA regulatory authority pursuant Fish and Game Code Section 1600 *et seq.*

**Specific impact:** Work within or adjacent to stream channels has the potential to result in substantial change or use of material from the bed, bank, or channel (including removal of riparian vegetation), deposition of debris, waste, sediment, toxic runoff or other materials into water may cause water pollution and degradation of water quality.

#### **Evidence impact is potentially significant:**

##### Lake and Streambed Alteration

Project activities have the potential to impact the Stanislaus River may be subject to CDFW's LSA regulatory authority. Streams function in the collection of water from rainfall, storage of various amounts of water and sediment, discharge of water as runoff and the transport of sediment, and they provide diverse sites and pathways in which chemical reactions take place and provide habitat for fish and wildlife species. Disruption of stream systems due to potential impacts (i.e., ground-disturbing activities) from the Project site can have significant physical, biological, and chemical impacts that can extend into the adjacent properties, thereby adversely affecting the flora and fauna in the adjacent habitat.



**Recommended Potentially Feasible Mitigation Measure(s) (Regarding Environmental Setting)**

CDFW recommends conducting the following evaluation of the Project site and implementing the following mitigation measures.

**Recommended Mitigation Measure 13: Notification of Lake or Streambed Alteration**

Project-related activities that have the potential to substantially change the bed, bank, and channel of streams or alter riparian habitat, may be subject to CDFW's LSA regulatory authority pursuant to Fish and Game Code Section 1600 *et seq.*, therefore Notification is recommended. Fish and Game Code Section 1600 *et seq.* requires an entity to notify CDFW prior to commencing any activity that may:

(a) substantially divert or obstruct the natural flow of any river, stream, or lake, (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation), or (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial. CDFW is required to comply with CEQA in the issuance of an LSA Agreement. For additional information on notification requirements, please contact our staff in the LSA Program at (559) 243-4593.

**II. Editorial Comments and/or Suggestions**

**Federally Listed Species:** CDFW recommends consulting with the USFWS on potential impacts to federally listed species including, but not limited to, CTS. Take under the federal Endangered Species Act (ESA) is more broadly defined than CESA; take under ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with ESA is advised well in advance of any ground disturbing activities.

**Nesting birds:** CDFW encourages that Project implementation occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the breeding season (February through mid-September), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above.

To evaluate Project-related impacts on nesting birds, CDFW recommends that a qualified wildlife biologist conduct pre-activity surveys for active nests no more than 10-days prior to the start of ground or vegetation disturbance to maximize the probability

that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected by the Project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250-feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the construction area would be concealed from a nest site by topography. CDFW recommends that a qualified wildlife biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

## **ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be emailed to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

## **FILING FEES**

If it is determined that the Project has the potential to impact biological resources, an assessment of filing fees will be necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental

Jeremy Ballard  
Vesting TPM (PLN2018-0090) – Frymire Road  
August 5, 2019  
Page 12

review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CDFW appreciates the opportunity to comment on the Project to assist Stanislaus County Planning and Community Development in identifying and mitigating the Project's impacts on biological resources.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). If you have any questions, please contact Jim Vang, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 243-4014 extension 254, or by email at [Jim.Vang@wildlife.ca.gov](mailto:Jim.Vang@wildlife.ca.gov).

Sincerely,



Julie A. Vance  
Regional Manager

cc: United States Fish and Wildlife Service  
2800 Cottage Way, Suite W-2605  
Sacramento, California 95825

Regional Water Quality Control Board  
Central Valley Region  
1685 "E" Street  
Fresno, California 93706-2020

United States Army Corps of Engineers  
San Joaquin Valley Office  
1325 "J" Street, Suite #1350  
Sacramento, California 95814-2928

## REFERENCES

- California Department of Fish and Wildlife (CDFW), 2015. California Tiger Salamander Technical Review – Habitat, Impacts and Conservation. California Department of Fish and Wildlife, October 2015.
- CDFW. 2016. Five Year Status Review for Swainson's Hawk (*Buteo swainsoni*). California Department of Fish and Wildlife. April 11, 2016.
- CDFW. 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. California Department of Fish and Wildlife, March 2018.
- CDFW. 2019. Biogeographic Information and Observation System (BIOS). <https://www.wildlife.ca.gov/Data/BIOS>. Accessed August 2, 2019.
- California Native Plant Society (CNPS), Rare Plant Program. 2019. Inventory of Rare and Endangered Plants of California (online edition, v8-03 0.39). Website <http://www.rareplants.cnps.org> [accessed August 2, 2019].
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# MOORE BIOLOGICAL CONSULTANTS

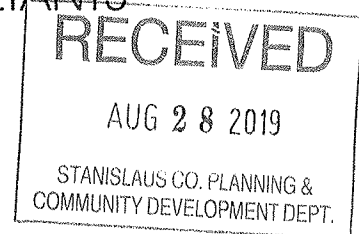
August 29, 2019

Mr. Jeremy Ballard

Stanislaus County Planning & Community Development Dept.

1010 10<sup>th</sup> Street, Ste. 3400

Modesto, CA 95354



Subject: "KNIGHTS FERRY OVERLOOK", PROJECT, STANISLAUS COUNTY,  
CALIFORNIA: REVIEW OF CDFW COMMENT LETTER

Dear Jeremy:

At the request of the Applicant, I reviewed California Department of Fish and Wildlife's (CDFW) August 5, 2019 comment letter on the Knights Ferry Overlook Project (PLN2018-0090). The CDFW letter is fairly generic and largely boilerplate, and raises a few potential issues that we believe are already addressed. I offer the following comments on the various issues raised by CDFW:

1. **California tiger salamander:** The CDFW letter states California tiger salamander (CTS) have potential to occur in the "project vicinity" citing the California Natural Diversity Database (CNDDDB, 2019) as the data source. Rebuttal: This species is not documented near the site in the CNDDDB; the nearest documented occurrence of this species is approximately 2 miles southwest of the site, on the south side of the Stanislaus River. The second nearest record is approximately 4 miles southwest of the site. The CNDDDB contains no records of on the north side of the river anywhere near the site; the nearest documented occurrence of CTS on the north side of the river is approximately 5 miles northwest of the site. In this part of Stanislaus County, CTS have been found in a northwest-to-southeast "band" along the Sierra foothills at an elevation range lower than the site. The site is not within the band of known records.

2. **California tiger salamander:** The CDFW letter states aerial photographs “show” the site contains suitable breeding and aestivation habitat for CTS. Rebuttal: The March 20, 2019 Biological Assessment (BA) contains a lengthy discussion of the suitability of the on-site habitats to support CTS based on field observations, review of databases and literature, review of aerial photographs, and sampling the wetlands when larvae would have been detected and were not (see BA pages 26-27). The BA concludes the combined lack of suitable breeding habitat, negative survey results, absence of high quality aestivation habitat, and lack of observations of this species in the vicinity renders it extremely unlikely for CTS to occur within or immediately adjacent to the site. CDFW’s recommended mitigation measures for CTS are not necessary.
3. **Swainson’s hawk:** The CDFW letter states Swainson’s hawk have potential to nest in the “project vicinity” citing the CNDDB (2019) as the data source. Rebuttal: This species is not documented near the site in the CNDDB; there are no records of Swainson’s hawk in the USGS 7.5-minute Knight’s Ferry topographic quadrangle, within which the site is almost centrally located. The site is east of the known nesting range of this species. In the highly unlikely event a Swainson’s hawk nested in the site, the County’s Mitigation Measure No. 4 would preclude removing an active nest tree. The potential future construction of homes on the new parcels would not comprise loud and intensive construction with potential to adversely impact Swainson’s hawks, if any, nesting nearby. CDFW’s recommended mitigation measures for Swainson’s hawk are not necessary.
4. **Western pond turtle:** The CDFW letter states western pond turtles occur in the Stanislaus River and have potential to be impacted by the proposed project, citing distances from water bodies this species has been known to nest. Rebuttal: The March 20, 2019 BA contains a discussion of the western pond turtle and acknowledges its occurrence in the Stanislaus

River (see BA page 22). The plateau in the proposed parcels on which development is feasible is 200+/- feet above the Stanislaus River, with a very steep hillside between the river and the plateau (see photograph looking down at the river in BA Attachment C). There is abundant nesting habitat for western pond turtle immediately adjacent to the Stanislaus River and a turtle would both not want to, nor could it, ascend the steep hillslope to get up on to the developable areas of the site. CDFW's recommended mitigation measures for western pond turtle are not necessary.

5. **Hartweg's golden sunburst:** The CDFW letter states that Hartweg's golden sunburst has potential to occur in the "vicinity of the project site" citing the CNDDDB (2019) as the data source. Rebuttal: This species is not documented near the site in the CNDDDB; the two records of Hartweg's golden sunburst in the USGS 7.5-minute Knight's Ferry topographic quadrangle are approximately 1.5 miles east and approximately 3 miles southwest of the site, respectively. California Native Plant Society (CNPS, 2019) database describes these records as "presumed extirpated" (i.e., they no longer exist). The March 20, 2019 BA also contains a lengthy discussion of the suitability of the on-site habitats to support special-status plants, including Hartweg's golden sunburst (see BA pages 17-19 and 24) and concludes the potential for special-status plants to occur on the plateau in the proposed parcels on which development is feasible is low. CDFW's recommended mitigation measures for special-status plants are not necessary.
6. **Lake and Streambed Alteration:** The CDFW letter suggests the project may need a Section 1602 Streambed Alteration Agreement because the site is adjacent to the Stanislaus River. Rebuttal: As discussed above, the plateau in the proposed parcels on which development is feasible is 200+/- feet above the Stanislaus River, with a very steep hillside between the river and the plateau. Construction of a few homes on the top of the plateau would not involve work in or near the Stanislaus River. CDFW's

recommended mitigation measure regarding submitting a Section 1602 Streambed Alteration notification is not necessary.

7. **“Editorial Comments and/or Suggestions”**: The CDFW letter recommends consultation with U.S. Fish and Wildlife Service (USFWS) on CTS and includes advice on compliance with the Migratory Bird Treaty Act and Fish and Game Code related to nesting birds via extensive monitoring. Rebuttal: As discussed above, it is extremely unlikely for CTS to occur within or immediately adjacent to the site. Therefore, consultation with USFWS is not warranted. The County’s Mitigation Measure No. 4 would preclude impacts to nesting birds and the extensive monitoring recommended by CDFW is not necessary. CDFW’s recommended consultation with USFWS is not necessary.

We hope this information is helpful. Please call me at (209) 745-1159 with any questions.

Sincerely,



Diane S. Moore, M.S.  
Principal Biologist

C: Nick Honchariw

## References and Literature Consulted

CNDDDB (California Natural Diversity Database). 2019. California Department of Fish and Wildlife’s Natural Heritage Program, Sacramento, California.

CNPS (California Native Plant Society, Rare Plant Program). 2019. Inventory of Rare and Endangered Plants of California (online edition, v8-03 0.38). Website <http://www.rareplants.cnps.org>

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS												
PROJECT: VESTING TENTATIVE PARCEL MAP APPLICATION NO. PLN2018-0090 - HONCHARIW - FRYMIRE ROAD												
REFERRED TO:				RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS	
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF FISH & WILDLIFE	X	X	X	X			X			X		X
CA DEPT OF FORESTRY (CAL FIRE)	X	X	X		X							
CA DEPT OF TRANSPORTATION DIST 10	X	X	X	X				X		X		X
CA OPR STATE CLEARINGHOUSE		X	X	X				X		X		X
CA RWQCB CENTRAL VALLEY REGION	X	X	X	X				X		X	X	
CA STATE LANDS COMMISSION	X	X	X		X							
CEMETERY DISTRICT	X	X	X		X							
COMMUNITY SERVICES / SANITARY DIST: KNIGHTS FERRY	X	X	X		X							
COOPERATIVE EXTENSION	X	X	X		X							
FIRE PROTECTION DIST: OAKDALE RURAL/ CITY OF MODESTO FIRE	X	X	X	X				X		X	X	
HOSPITAL DISTRICT: OAK VALLEY	X	X	X		X							
IRRIGATION DISTRICT: OAKDALE	X	X	X	X				X		X	X	
MOSQUITO DISTRICT: EASTSIDE	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
MUNICIPAL ADVISORY COUNCIL: KNIGHTS FERRY	X	X	X	X				X		X		X
NATIVE AMERICAN HERITAGE COMMISSION		X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X	X				X		X		X
SCHOOL DISTRICT 1: KNIGHTS FERRY UNION	X	X	X		X							
SCHOOL DISTRICT 2: OAKDALE JOINT UNIFIED	X	X	X		X							
STAN CO AG COMMISSIONER	X	X	X		X							
STAN CO BUILDING PERMITS DIVISION	X	X	X	X				X		X	X	
STAN CO CEO	X	X	X		X							
STAN CO DER	X	X	X	X				X		X	X	
STAN CO ERC	X	X	X	X				X		X		X
STAN CO FARM BUREAU	X	X	X		X							
STAN CO HAZARDOUS MATERIALS	X	X	X	X				X		X	X	
STAN CO PUBLIC WORKS	X	X	X	X				X		X	X	
STAN CO SHERIFF	X	X	X		X							
STAN CO SUPERVISOR DIST 1: OLSEN	X	X	X		X							
STAN COUNTY COUNSEL	X	X	X		X							
STANISLAUS FIRE PREVENTION BUREAU	X	X	X		X							
STANISLAUS LAFCO	X	X	X		X							
SURROUNDING LAND OWNERS		X	X		X							
TELEPHONE COMPANY: ATT	X	X	X		X							
US ARMY CORPS OF ENGINEERS	X	X	X		X							
US FISH & WILDLIFE	X	X	X		X							
US MILITARY AGENCIES (SB 1462) (5 agencies)	X	X	X		X							

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