RESOURCE MANAGEMENT AGENCY

Community and Economic Development
Department of Planning and Building

Norman L. Allinder, AICP
Director

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PLANNING COMMISSION DATE: February 4, 2014

AGENDA ITEM: #1

PM	**#4178**	**Parcel Map, General Plan Amendment, and**
GP	**#2013-006**	**Rezone**
CZ	**#2013-010**	
APN	**#035-191-053**	**Applicant/Owner: Daggett & Associates/Hendrix**
CEQA	**MND #2013-33**	**Mitigated Negative Declaration**

REQUEST:

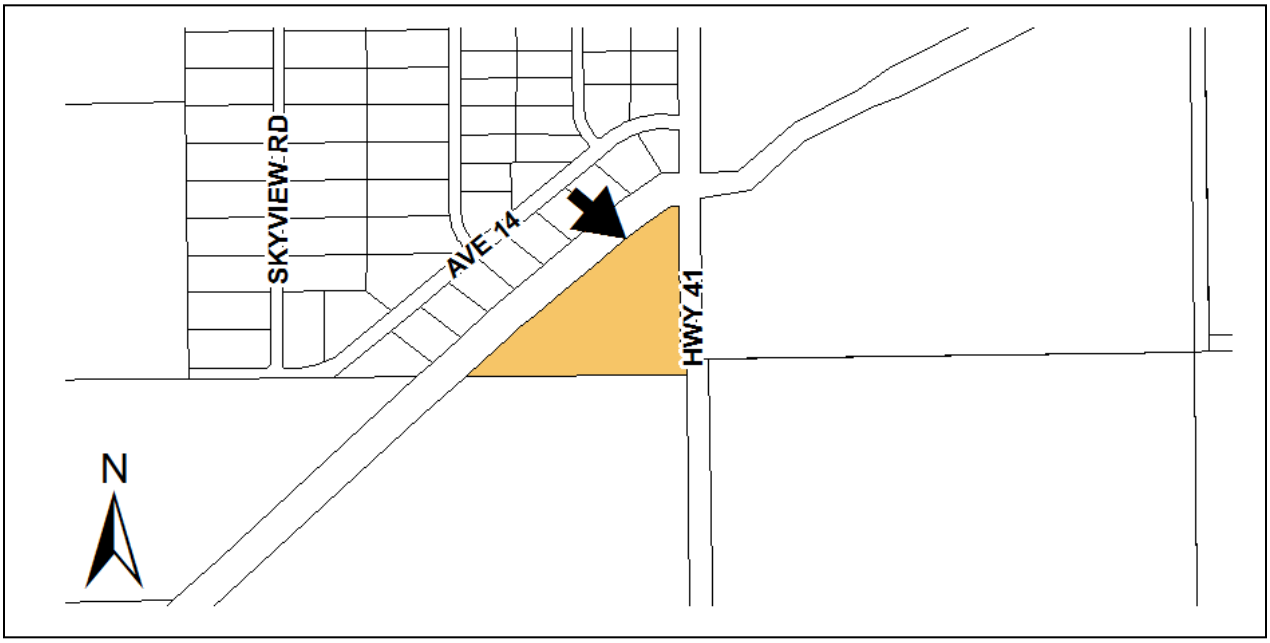
The application is for a division of 9.56 acres into 8 parcels, a General Plan Amendment to CC (Community Commercial) and a rezone to CRM (Commercial Rural Median).

LOCATION:

The project is located on the west side of Highway 41 approximately 500 feet south of the intersection of Avenue 14 (14108 Highway 41), Madera.

ENVIRONMENTAL ASSESSMENT:

A Mitigated Negative Declaration (MND #2013-33) has been prepared and is subject to approval by the Planning Commission.



RECOMMENDATION: To Recommend approval of Parcel Map #4178, General Plan Amendment #2013-006, Rezone #2013-010, and Mitigated Negative Declaration #2013-33 and Mitigation Monitoring Program subject to Conditions.

GENERAL PLAN DESIGNATIONS (Exhibit A-1):

SITE: AE (Agricultural Exclusive) Designation

PROPOSED: CC (Community Commercial) Designation

SURROUNDING: AE (Agricultural Exclusive) and OS (Open Space) Designations

O'NEALS AREA PLAN DESIGNATION (Exhibit A-2):

SITE: RCA & PL (Resource Conservation Area and Public Lands) Designation

PROPOSED: CC (Community Commercial)

ZONING (EXHIBIT B)

SITE: ARV-20 (Agricultural Rural Valley-20 Acre) District

PROPOSED: CRM (Commercial Rural Median) District

SURROUNDING: ARV-20 (Agricultural Rural Valley-20 Acre), ARE-40 (Agricultural Rural Exclusive-40 Acre), and OS (Open Space) Districts

LAND USE:

SITE: Agricultural

SURROUNDING: Agricultural, Open Space (canal), and residential

SIZE OF PROPERTY (EXHIBIT C): 9.56 Acres

ACCESS (EXHIBIT C):

The property is accessed from State Route 41.

WILLIAMSON ACT:

The property involved in this proposal is not subject to a Williamson Act (Agricultural Preserve) contract.

BACKGROUND AND PRIOR ACTIONS:

In 1989, a General Plan Amendment (GP 89-06) application was submitted to change the existing RCA & PL (Resource Conservation Area and Public Lands) designation in the O'Neals Area Plan to RDA (Rural Development Area). The Planning Commission recommended denial and the Board of Supervisors denied the application without prejudice.

A General Plan Amendment (GP 93-03) and a Rezoning (CZ 93-04) were submitted in 1993 to change the existing RCA & PL O'Neals Area Plan designation to Commercial, Local designation and to change the existing ARV-20 (Agricultural Rural Valley-20 Acre) district to CRM/MHA (Commercial Rural Median/Manufactured Housing Architectural Review Overlay) district. The

Planning Commission recommended denial of the application and the Board of Supervisors denied the application without prejudice.

In 1996, a Conditional Use Permit (CUP 96-34) was submitted to allow for a roadside stand. The application was approved by the Planning Commission; however, the applicant failed to comply with the conditions of approval and the permit became void in 1998.

In 2012, a Subdivision Map (S #2009-001), General Plan Amendment (GP #2009-002, and Rezone (CZ #2009-005) to allow a subdivision of 8 lots and to change the General Plan designation to CC (Community Commercial) and zone district to CRM/MHA) Commercial Rural Median/Manufactured Housing Architectural Review Overlay). The Planning Commission recommended denial and the Board of Supervisors denied the application.

On February 11, 2013, the Board of Supervisors approved a General Plan Text Change to the O'Neals Area Plan allowing for rural commercial development to be limited to locations adjacent to major activity nodes and major transportation corridors.

PROJECT DESCRIPTION:

The application is for a division of 9.56 acres into 8 parcels, a General Plan Amendment to CC (Community Commercial) and a rezone to CRM (Commercial Rural Median) to allow for consistency with the General Plan. The map is being processed as a parcel map per section 66426 (c) of the Subdivision Map Act:

> "A tentative and final map shall be required for all subdivisions creating five or more parcels, five or more condominiums as defined in Section 783 of the Civil Code, a community apartment project containing five or more parcels, or for the conversion of a dwelling to a stock cooperative containing five or more dwelling units, except where any one of the following occurs:
>
> (c)The land consists of a parcel or parcels of land having approved access to a public street or highway, which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths."

ORDINANCES/POLICIES:

Madera County County Code 18.34 governs allowed uses within the CRM (Commercial Rural Median) district.

Madera County County Code 17.72 governs the requirements for processing and reviewing parcel maps.

Madera County General Plan Policy Document (page 10) outlines the allowable uses within the CC (Community Commercial) designation.

ANALYSIS:

The parcel is currently utilized for small scale farming (strawberries in 2012) and includes a single family dwelling on the western side of the property. A eucalyptus tree grove is located on the northeastern corner of the property. A Madera Irrigation District canal is located on the northeastern corner of the property. Beyond the canal to the north lies commercial development along Highway 41 and rural residential development west of the commercial area. To the south of the project site is open land utilized for dry farming and grazing.

County Code section 17.78.010 states that a water system with service to earch parcel shall be installed in each and every subdivision created within Madera County located below the five hundred-foot contour elevation. The subject parcel is below the 500 foot contour line and is therefore required to have a community water system. Code section 17.47.020 states that all proposed subdivisions in the county west of the elevation line designated as the "five hundred-foot contour line" in the foothills of the county shall have installed community sewer disposal systems. Again, the subject property is below, or west of, the 500 foot contour line and is therefore required to have a community sewer system.

Development of the project as proposed would include grading in order to develop the lots as proposed, along with access roads. All grading is to comply with the Department of Engineering requirements. Potential erosion is to be controlled through compliance with National Pollution Discharge Elimination System permits and through an approved Storm Water Pollution Prevention Plan.

A biological report was prepared by the applicant in 2011 for the previous land division proposal. Analysis of grassland onsite and to the south found no sensitive floral species or plant habitat. A species assessment conducted for the site and the property to the south revealed that the potential for sensitive animal species was either low or absent. The biological report evaluated the proposal's distance from identified wet features south of the property boundary, influences of topography, agricultural practices, species habitat needs, and results from previous studies. As a result of the analysis, it was concluded that the prior noted factors contribute to a low probability of the proposal contributing to a "take" of any sensitive species or any modification of associated habitat.

Caltrans is currently developing a Project Initiation Document related to a freeway corridor study on State Route 41 between 0.3 mile south of Avenue 11 and 0.6 mile north of Road 208. This study includes possible alignment changes and future interchanges in the vicinity of the project site. Completion of the study is scheduled for April 2016. The proposal was circulated to Caltrans for review. Their comments indicated concern for the existing State Route 41 becoming a

frontage road or a new frontage road constructed west of State Route 41 to be determined when the freeway corridor study is completed. The Institute of Traffic Engineers (ITE) Trip Generation Manual estimates potential trips at 153.85 per establishment. A maximum of eight establishments could be developed on the eight commercial lots. Therefore, potential trips are estimated at 1,230.8 for the proposed development.

Since a Mitigated Negative Declaration has been authorized for this project under the provisions of Section 711.4(c) of the Fish and Game Code, an "Environmental Document Application/Filing Fee" is required in conjunction with the processing of this project and the filing of the required Notice of Determination. In addition, a fifty dollar ($50.00) "County Administrative Fee" must be included. A single check made payable to the County of Madera is required. (The fee is to be submitted to the Planning Department.) State law (Section 21089(b) of the Public Resources Code) provides that project approval is not operative or final until these Fish and Game fees are paid.

Comments were received from the Road, Fire, and Environmental Health Departments, as well as the Assessor's Office, Caltrans, and the Golden Valley Unified School District.

GENERAL PLAN CONSISTENCY STATEMENT:

The proposed general plan designation of CC (Community Commercial) which allows for retail, wholesale, services, restaurants, professional and administrative offices, hotels and motels, public and quasi-public uses, and similar and compatible uses is consistent with the proposed zone district of CRM (Commercial Rural Median) which allows for retail sales, customer service and restricted retail sales establishments and professional offices as by-right uses.

FINDINGS

The Madera County Parcel Map Ordinance requires that the following findings of fact must be made by the Planning Commission to recommend approval of this entitlement:

1. *The proposed map is consistent with applicable general and specific plans.* This proposal includes a rezone to CRM (Commercial Rural Median) and a General Plan Amendment to CC (Community Commercial) to create consistency. The proposed parcel sizes meet the one acre minimum parcel size of the proposed zone district.

2. *The design or improvements of the proposed subdivision is consistent with applicable general and specific plans.* The proposed General Plan amendment will allow for the proposed zone district and proposed parcel sizes.

3. *The site is physically suitable for the type of development.* No development is proposed as part of this project. The proposed parcel sizes meet the required minimum parcel size of one acre.

4. *The site is physically suitable for proposed density or development.* The proposed parcel sizes meet the required minimum parcel size of one acre.

5. *The design of the subdivision or the proposed improvements is not likely to cause serious public health problems.* Improvements to roadways, water and sewer systems are required as a part of this project. By complying with all statutes and codes of the responsible agencies, the impacts to public health will be less than significant.

6. *The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat.* The proposal is a minor division of land. No species of concern exist on the project site. The surrounding area is predominantly agriculture.

7. *The design of the subdivision 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 unless subject to section 66414.01 of the Government Code which indicates that a tentative map, or a parcel map for which a tentative map was not required, if an environmental impact report was prepared with respect to the project and a finding was made pursuant to paragraph (3) of the subdivision (a) of section 21081 of the Public Resources Code that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.* There are no easements on the property in which the public at large has access through.

8. *The parcel map committee may approve the map if it finds that alternate easements, for access or use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public.* No easements will be affected or created as a result of this project.

RECOMMENDATION:

Staff recommends approval of Parcel Map #4178, General Plan Amendment #2013-006, and Rezone #2013-010, Mitigated Negative Declaration #2013-33 and Mitigation Monitoring and Reporting Program, subject to conditions as shown in the Conditions Monitoring Program.

CONDITIONS:

See attached Conditions Monitoring Program

ATTACHMENTS:

1. Exhibit A-1, General Plan Map
2. Exhibit A-2, O'Neals Area Plan Map
3. Exhibit B, Zoning Map
4. Exhibit C, Assessor's Map
5. Exhibit D, Tentative Parcel Map
6. Exhibit E, Aerial Map
7. Exhibit F, Topographical Map
8. Exhibit G, Operational Statement
9. Exhibit H, Environmental Health Comments
10. Exhibit I, Fire Comments
11. Exhibit J, Road Department Comments
12. Exhibit K, Golden Valley Unified School District Comments
13. Exhibit L, Caltrans Comments
14. Exhibit M, Biological Constraints Analysis
15. Exhibit N, Initial Study
16. Exhibit O, Mitigated Negative Declaration

CONDITIONS OF APPROVAL

PROJECT NAME: Parcel Map #4178, General Plan Amendment #2013-006, and Rezone #2013-010, Daggett & Associates

PROJECT LOCATION: West side of Highway 41 approximately 500 feet south of the intersection of Avenue 14 (14108 Highway 41), Madera
PROJECT DESCRIPTION: divide a 9.56 acre lot into 8 parcels for commercial use. The existing Resource Conservation Area and Public Lands (RCA & PL) O'Neals Area Plan designation is proposed to be changed to CC (Community Commercial) Designation. The existing Agricultural Rural Valley – 20 Acre Minimum zoning is proposed to change to CRM (Commercial Rural Median).

APPLICANT: Daggett & Associates
CONTACT PERSON/TELEPHONE NUMBER: (559) 673-5284

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
Engineering					
	No comments				
Environmental Health					
1	Each structure located on the subject property, that requires a utility system to supply water service and/or sewer service to each must be done so by the current and legal owners of this property.				
2	This development shall be served by the utilities of a Public Water System and of a community sewer treatment system.				
3	This development will require the creation of a Public Water System, including the application to the State Department of Health Services Drinking Water Program and preparation of a TMF (Technical, Managerial and Financial) report. In addition, the construction/specifications of any water well must comply with Public Well Standards and the creation of a Public Water System is required. Contact a Water Program Specialist within this Department at (559) 675-7823 for further details or water system questions.				
4	The sewage disposal system utilized within this development will be required to become a community sewage treatment system that meets all the required waste water treatment standards in accordance with the California Regional Water Quality Control Board (RWQCB). The applicant must submit an application to the RWQCB for the creation of a community sewage treatment system and ensure specifications and construction comply with all applicable standards.				
5	The construction and then ongoing operation must be done in a manner that shall not allow any type of public nuisance(s) to occur including, but not limited to the following nuisance(s): Vector(s), Odor(s), Noise(s), Dust, Lighting and/or Litter accumulation to any surrounding uses. Adjacent occupied home owners are the most adversely affected by nuisances caused by even the most routine type of business operations within this type of development and its particular location to the populated areas of development. This must be accomplished under accepted and approved Best Management Practices (BMP) and as required by the County General Plan, County Ordinances and any other related State and/or Federal requisite and/or as determined by the Local Enforcement Authority (LEA),which is the MCEHD and any other county or state regulatory agency having jurisdiction.				
6	The owner/operator must obtain all the necessary Environmental Health Dept. permits prior to any construction activities on site.				
Fire Department					
1	The proposed use and size of the parcels require a fire hydrant system and water supply capable of meeting 2010 CFC Section B105 standards. Standards include, but are not limited to: required fire flow for the proposed land division is 1,500 gallons per minute (gpm) at 20-psi (pressure per square inch) residual for two hours.Fire flow shall be on-site, tested and approved prior to the recording of the final map.				
2	Hydrants shall be spaced so as to meet the minimum 500 foot separation standards as set forth in CFC Section CC105.1				
3	The proposed through fire apparatus access road shall be provided, constructed and maintained as follows: The roads shall be constructed to have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than15 feet. The roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an uninterrupted surface width so as to provide all-weather driving capabilities. All streets shall be signed and identified at intersections to allow for speedy response of emergency equipment. All cul-de-sac roads shall be posted "Not a Through Road" and shall terminate in a 40' radius turn bulb or acceptable hammer head. Roads shall be constructed and approved prior to recordation of the final map. (CFC, Sections 503.2.1, 503.2.3, 503.2.4, 503.3; CVC Section 22500.1)				
Planning					
1	The Final Map shall be prepared in conformance with Title 17 of the Madera County Code and the California Government Code (Subdivision Map Act).				
2	Supply the Planning Department with a land division guarantee (current within 30 days) covering the entire parcel proposed for division, as well as any portion of road right-of-way being offered for dedication to the County of Madera.				
3	Identify this proposal as Parcel Map #4178				
4	The final map shall utilize a written and graphic scale of 1 inch = 100 feet (or larger), unless written authorization is received from the Planning Department to deviate therefrom.				
5	The final map shall indicate all structures which exist on the property with setback distances to the nearest two property lines. If there are no structures, add a note so stating.				

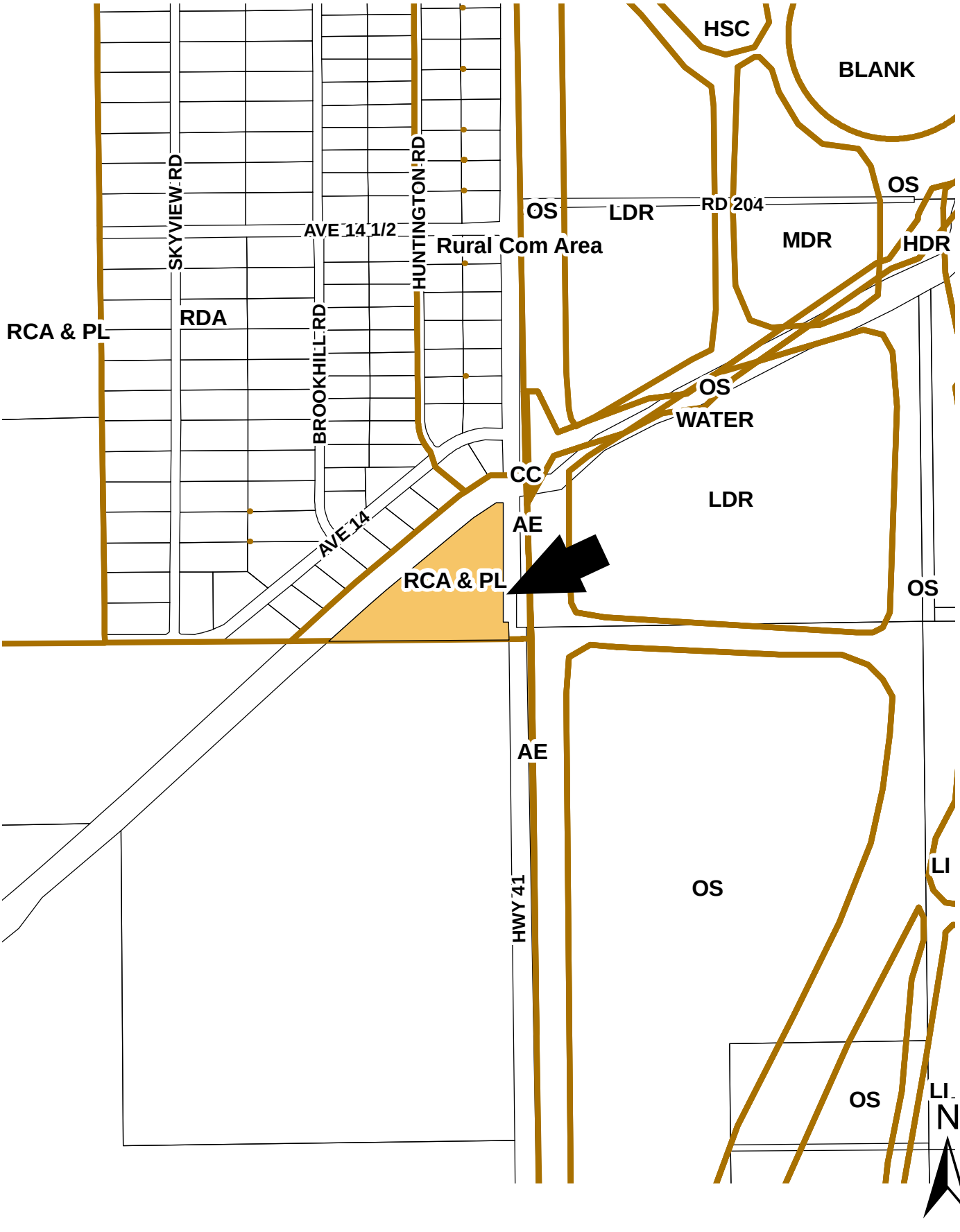
No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
6	Payment of all payable liens (estimated taxes, pending supplemental taxes, supplemental taxes, current taxes, delinquent taxes, and/or penalties, etc.), if any, must be made to the County of Madera prior to review by the County Counsel's Office.				
7	A recording fee, based upon the number of final map pages, shall be supplied to the Planning Department and made payable to the County of Madera for use in final map recordation.				
8	A Notice of Right-to-Farm shall be recorded simultaneously with the approved final parcel map in compliance with Madera County Code Section 6.28.060. A separate $17.00 recording fee shall be supplied to the Planning Department by check made payable to the County of Madera for use in recording the required notice.				
9	This proposal must complete processing within two (2) years of lead agency tentative approval; that is, on or before February 4, 2016.				
Road Department					
1	All of the parcels shown on the Map shall access from the internal road system.				
2	Prior to Final Map, the internal roadway system (proposed roads) shall be constructed to a Class IV (4) County Standard from their intersections with Highway 41.				
3	Prior to Final Map, the proposed roads shall be offered-for-dedication as public roads having a minimum right of way width of 60 feet, or labeled as Private Roads. Additional road right-of-way may be required to provide for turning movements of truck traffic. Cross access easement agreements will be recorded for Private Road use.				
4	Prior to recordation, all driveway locations shall be indicated on the Map for review and approval. (MCC §17.72.185)				
5	All driveways shall be constructed to a Commercial Standard.				
6	Prior to recordation, the applicant shall indicate that access is waived along Highway 41 (Parcel 6, 7 and 8) by proper nomenclature, and include a corresponding note in the legend. (General Plan Table I-3)				
7	All road or road related construction shall comply with County Standard road specifications and for any concept not mentions, CALTRANS Standards (MCC §17.32.090, Ordinance No. 278N, Section 8, 2004, Design Standards).				
8	The proposed location of the road right of way will be approved by the Road Department. All proposed road improvements and appurtenances will be located within the right of way. In the event that cut and/or fill or any proposed improvement necessitates additional right of way, it will be included on the final map… Proposed right-of-way must:				
a	Continue along the centerline of existing right of way (where applicable);				
b	Include 90 degree angles where road right of way intersections exist and/or are proposed;				
c	Centerline curve radii must meet either CALTRANS or AASHTO standards; and				
d	Will extend to property lines and/or existing right of way in such a manner as to permit future access (MCC §17.72.020).				
9	Prior to the recordation of the Final Parcel Map, the developer must either construct or post security to construct at a later date all road related improvements within the proposed parcel map to a Class IV (Four) Standard. These roadways are subject to possible air district approval (SJVAPCD) and could require some type of dust control application. The proposed road construction will be approved by the Road Department. Where road construction is proposed within an existing public right of way, the developer will apply for Encroachment and Construction Permits at the Road Department. Prior to any construction, these permits must be approved by the Road Department. Where road construction is proposed within an area to be offered-for-dedication to the County, but such action has not been recorded, the developer will apply for a construction Permit at the Road Department. Prior to any constructing this permit must be approved by the Road Department. The application materials for these permits will include a plan and profile for all proposed road structure, or related improvements drawn to a scale approved by the Road Department, copies of R-Value tests, calculations of storm drainage facilities, calculations of cut and fill, and an engineer's cost estimate. The plans will include: Existing and				
	calculations of cut and fill, and an engineer's cost estimate. The plans will include: Existing and proposed property lines, topographic contours at intervals not less than 10 feet, existing fences, buildings, and any infrastructure, existing tree drip lines and the identification of types of trees. A vicinity map. Typical cross sections and construction details, proposed improvements and any other information deemed appropriate by the Road Department. (MCC §17.32.040, §17.72.184, §17.72.186, ST-2 & 5 and General Plan Policy, Goal 2.A.1 & 2.A.2; and ST-25.1, 26.1 & 27.5)				
10	The design and construction of all roads and road appurtenances will be the responsibility of the developer, who will employ a California Registered Civil Engineer and/or a California Licensed Land Surveyor to do all survey work and, an California Registered Civil Engineer to all road and road appurtenance design, construction supervision, and inspection (MCC §17.32.050).				
11	Upon completion of all road construction and prior to the recordation of the Final Map, the applicant's Civil Engineer will provide documentation of all road and road appurtenance construction will include:				
a	A written statement signed and stamped by a California Registered Civil Engineer, which attests to the fact that the road and all road appurtenances were designed and constructed in accordance with county code and adopted standards;				
b	Copies of compaction tests and inspections logs; and				
c	Reproducible as-built plans, signed and stamped by a California Registered Civil Engineer or, California Licensed Land Surveyor (MCC §17.32.060, Ord. 278N, Section 8, 2004, Design Standards).				
12	All construction documentation must be submitted for review and approved by the Road Department prior to the recordation of the final map except when a bond or other acceptable form of security is offered. When such security is accepted by the Board of Supervisors in order to defer construction, construction documentation will be submitted for review and approval to the Road Department 30 days following construction completion (MCC §17.32.070).				
13	The geometric design of all roads and road appurtenances will be in accordance with County standard road specifications and, for any concept not mentioned, whether CALTRANS or AASHTO standards. Pavement design will be based upon R-Value tests and will conform to County Standard Specifications. A traffic index will be prescribed by the Road Department. In the event that traffic generation calculations are required, the developer will use the Institute of Transportation Engineers latest standards. If such standards do not describe the land uses under study, the Road Department will approve alternate sources (MCC §17.32.080).				

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
14	Prior to recordation, all centerline information for the proposed road right-of-way is required to be indicated on the Map for review and approval. There shall also be a note on the map referencing the recorded document number for the road right of way (MCC §17.72.100.G).				
15	As a condition of approval, the applicant shall make satisfactory provisions for the maintenance of all roads created by the map as required by the County, such as a Private/Home Owners' Association or other similar means acceptable to the County. (MCC §17.72.030 and §17.32.310)				
16	As a condition of approval, the applicant shall pay for the fabrication and installation of all appropriate signs (MCC §11.04.220.D).				
17	As a condition of approval, the applicant shall remove the reference of existing 30 feet of Right-Of-Way Easement with-in Parcel One. This deed does not pertain to this map.				
CALTRANS					
1	The applicant shall comply with all Caltrans conditions of approval and requirements.				

EXHIBIT A-1

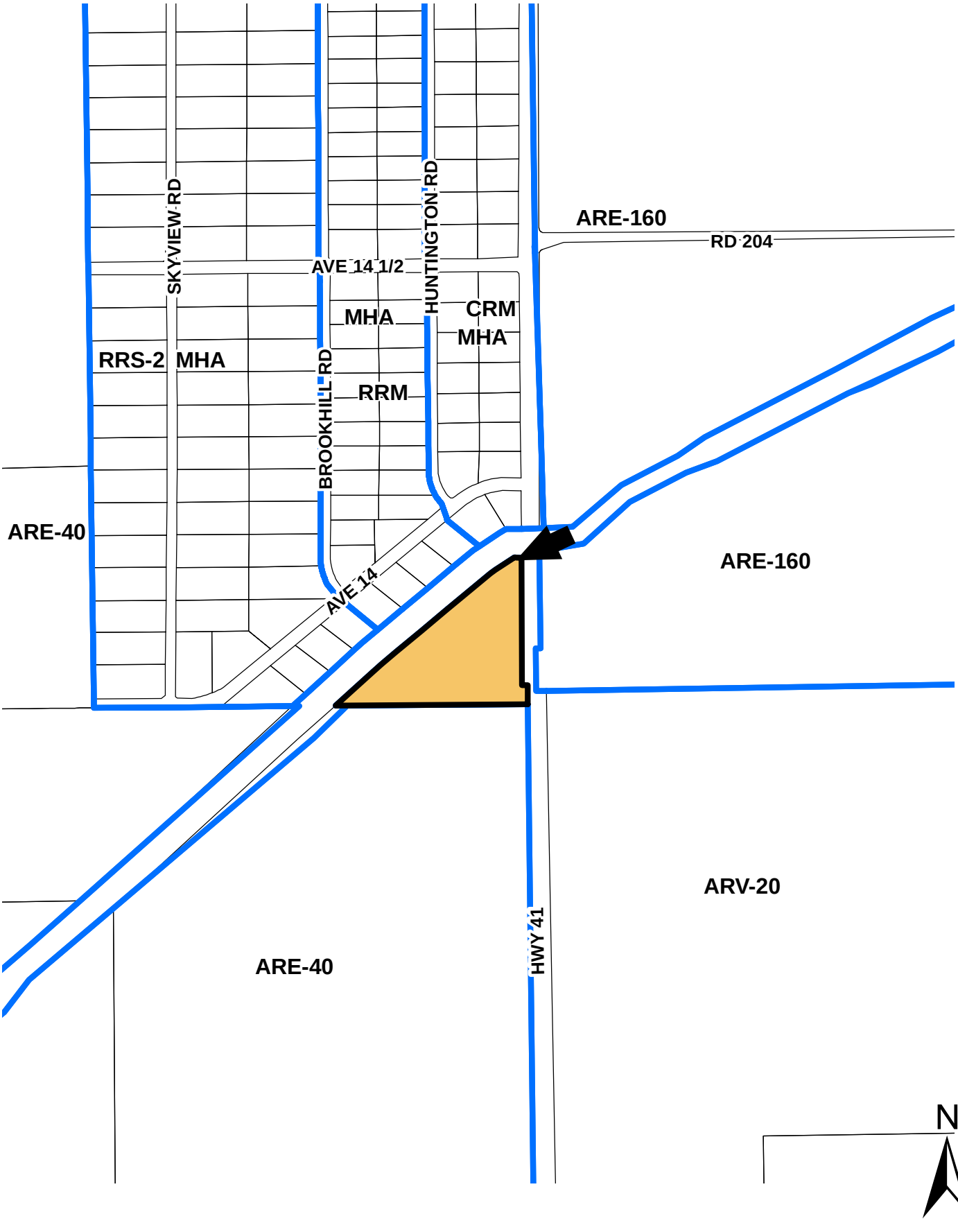
GENERAL PLAN MAP

EXHIBIT A-2



O'NEALS AREA PLAN

EXHIBIT B

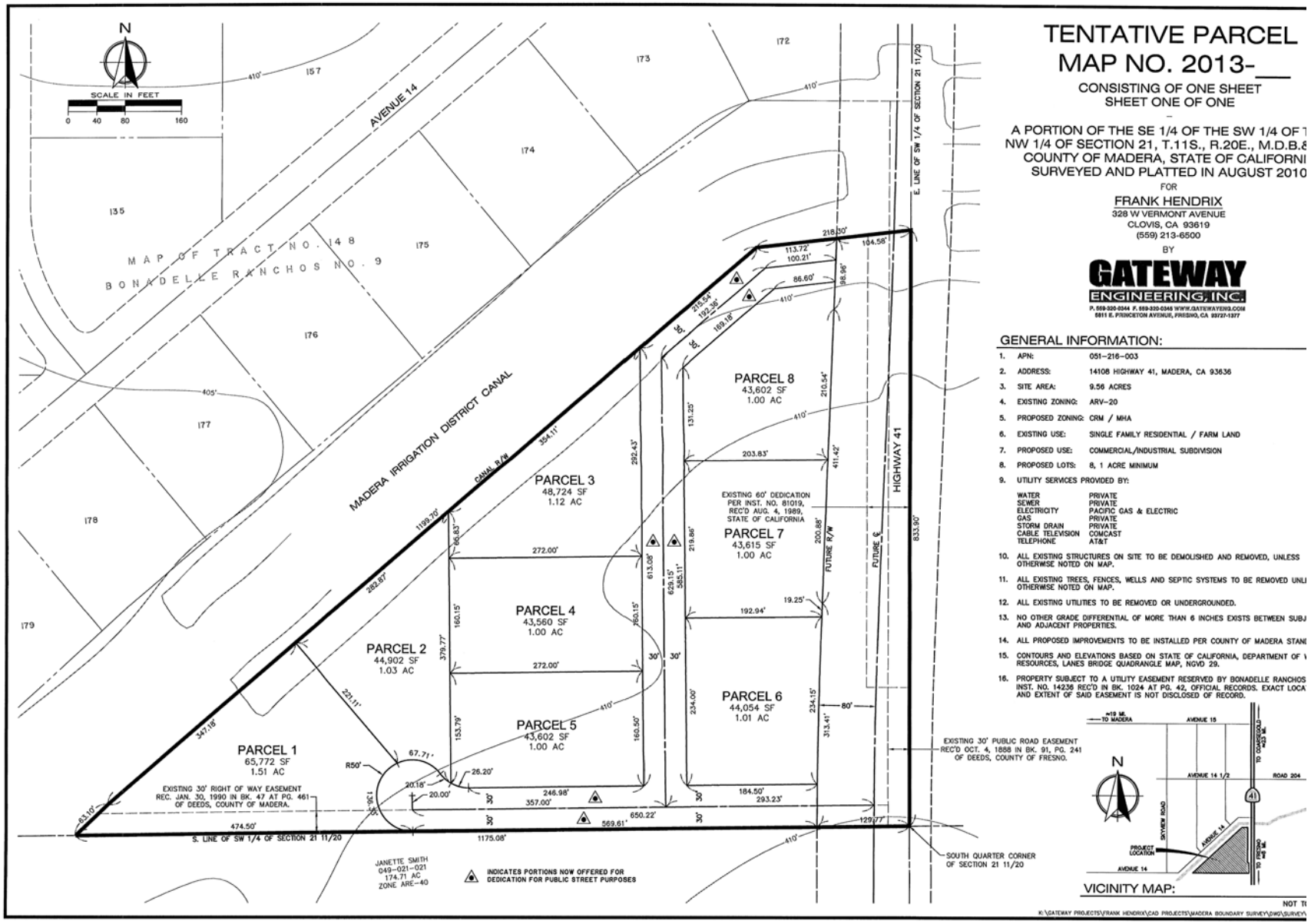


ZONING MAP

EXHIBIT C

ASSESSOR'S MAP

EXHIBIT D



TENTATIVE PARCEL MAP NO. 2013-___

CONSISTING OF ONE SHEET
SHEET ONE OF ONE

A PORTION OF THE SE 1/4 OF THE SW 1/4 OF T
NW 1/4 OF SECTION 21, T.11S., R.20E., M.D.B.&
COUNTY OF MADERA, STATE OF CALIFORNI
SURVEYED AND PLATTED IN AUGUST 2010

FOR

FRANK HENDRIX
328 W VERMONT AVENUE
CLOVIS, CA 93619
(559) 213-6500

BY

GATEWAY ENGINEERING, INC.
P. 559-320-0344 F. 559-320-0345 WWW.GATEWAYENG.COM
5811 E. PRINCETON AVENUE, FRESNO, CA 93727-1377

GENERAL INFORMATION:

1. APN: 051-216-003
2. ADDRESS: 14108 HIGHWAY 41, MADERA, CA 93636
3. SITE AREA: 9.56 ACRES
4. EXISTING ZONING: ARV-20
5. PROPOSED ZONING: CRM / MHA
6. EXISTING USE: SINGLE FAMILY RESIDENTIAL / FARM LAND
7. PROPOSED USE: COMMERCIAL/INDUSTRIAL SUBDIVISION
8. PROPOSED LOTS: 8, 1 ACRE MINIMUM
9. UTILITY SERVICES PROVIDED BY:

WATER	PRIVATE
SEWER	PRIVATE
ELECTRICITY	PACIFIC GAS & ELECTRIC
GAS	PRIVATE
STORM DRAIN	PRIVATE
CABLE TELEVISION	COMCAST
TELEPHONE	AT&T

10. ALL EXISTING STRUCTURES ON SITE TO BE DEMOLISHED AND REMOVED, UNLESS OTHERWISE NOTED ON MAP.
11. ALL EXISTING TREES, FENCES, WELLS AND SEPTIC SYSTEMS TO BE REMOVED UNLI OTHERWISE NOTED ON MAP.
12. ALL EXISTING UTILITIES TO BE REMOVED OR UNDERGROUNDED.
13. NO OTHER GRADE DIFFERENTIAL OF MORE THAN 6 INCHES EXISTS BETWEEN SUBJ AND ADJACENT PROPERTIES.
14. ALL PROPOSED IMPROVEMENTS TO BE INSTALLED PER COUNTY OF MADERA STAN
15. CONTOURS AND ELEVATIONS BASED ON STATE OF CALIFORNIA, DEPARTMENT OF W RESOURCES, LANES BRIDGE QUADRANGLE MAP, NGVD 29.
16. PROPERTY SUBJECT TO A UTILITY EASEMENT RESERVED BY BONADELLE RANCHOS INST. NO. 14236 REC'D IN BK. 1024 AT PG. 42, OFFICIAL RECORDS. EXACT LOCA AND EXTENT OF SAID EASEMENT IS NOT DISCLOSED OF RECORD.

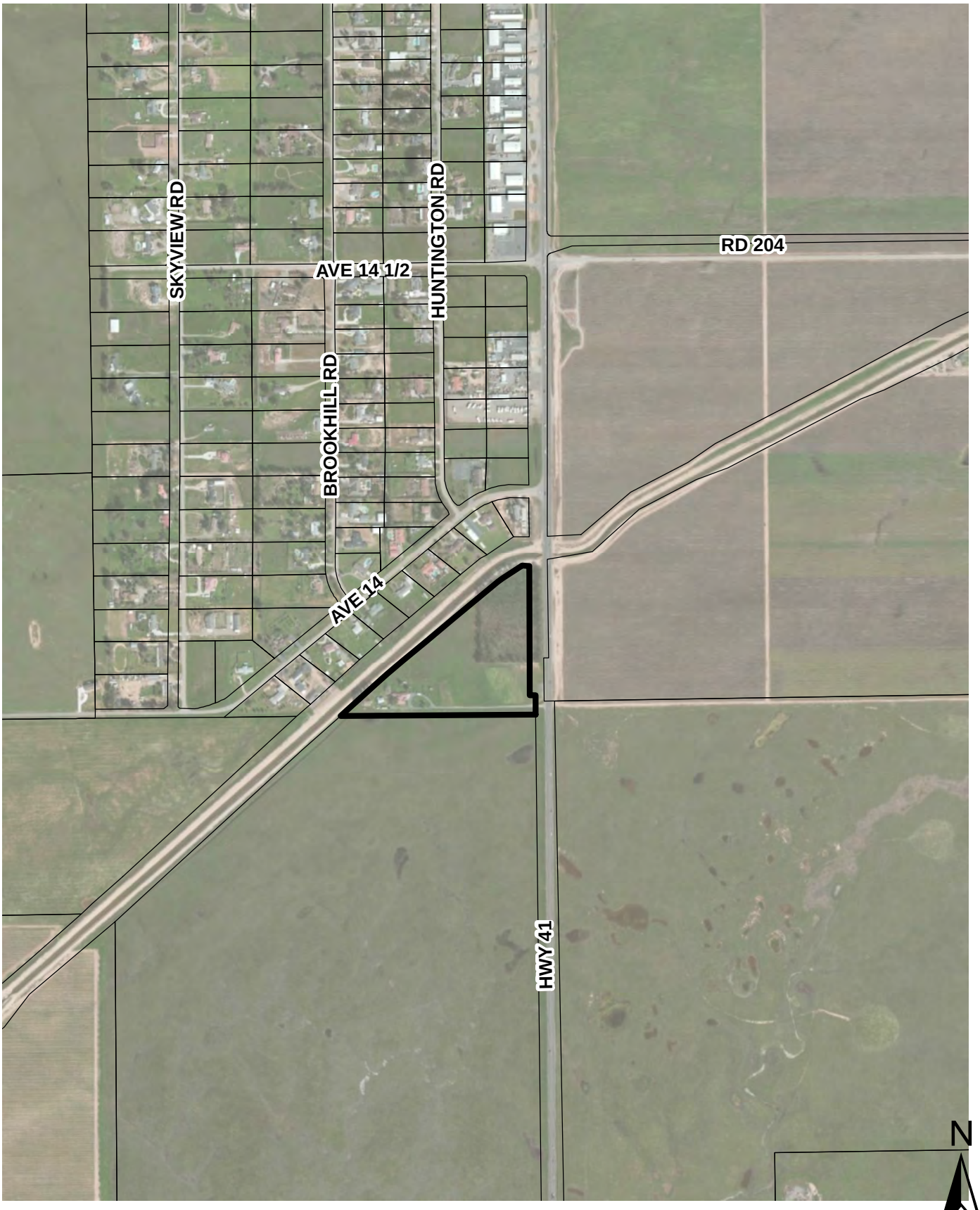
VICINITY MAP:

NOT T

K:\GATEWAY PROJECTS\FRANK HENDRIX\CAD PROJECTS\MADERA BOUNDARY SURVEY\DWG\SURVEY\

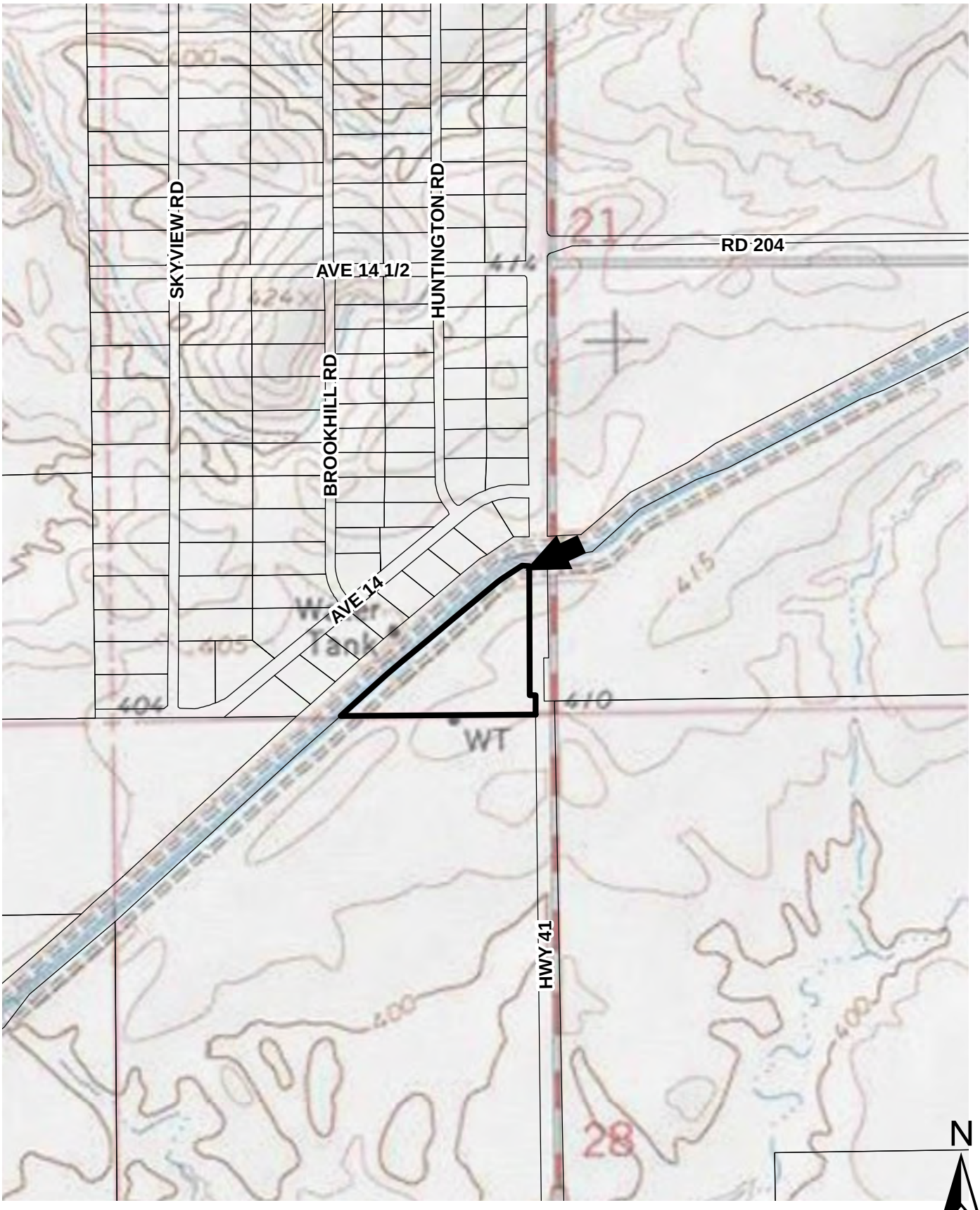
SITE PLAN

EXHIBIT E



AERIAL MAP

EXHIBIT F



TOPOGRAPHICAL MAP

September 19, 2013

OPERATIONAL/ENVIRONMENTAL STATEMENT - HENDRIX

1. Assessor's Parcel No. 051-216-003
   Applicant:
   Daggett & Associates
   111 South A Street
   Madera, CA 93638
   559.673.5284

   Acreage: 12.05 A.C.
   Engineer:
   Gateway Engineering
   5811 East Princeton
   Fresno, CA 93727
   559.320.0344

2. The nature of this proposal is to provide a land division for a proposed commercial development.

3. The existing use of the property is for farming.

4. N/A

5. N/A

6. N/A.

7. N/A

8. N/A

9. N/A

10. N/A

11. N/A

12. Access will be provided to the project by State Highway 41.

13. N/A

14. N/A

15. New buildings will be constructed.

16. There will be landscaping and fencing.

17. Land uses:

North:	Commercial and Residential
South:	Grazing land
East:	Vineyards
West:	Residential

18. This operation will not generate noise above existing parcels

19. An estimate of water usage per lot would be 50 gal/day. Water will be supplied to the proposed development by individual wells and pressure systems.

20. An estimate of waste water generated per lot per month would be 200 gal. It would be disposed of thru individual septic tanks per lot.

21. An estimate of solid waste generated would be one partial dumpster per week per lot. The solid waste would be transported to the Madera County Land Fill.

22. There would be grading for roads, building pads and drainage. Some eucalyptus trees would have to be removed.

23. There are no archeological or historically significant sites located on this property.

24. There are no bodies of water on this site. There is Madera Canal #1 on the north property line

25. There are no ravines, gullies and natural drainage on this property.

26. There will not be hazardous materials or waste produced as part of this project.

27. Public services required for this project would only be fire and police protection.

28. This development would not impact the surrounding area in that with our proposed general plan amendment, rezone and parcel map, it would be contiguous to the property north of this project.

29. This development would have a very minimal impact on fire and police protection.

30. N/A

31. There are no slopes over 10%.

EXHIBIT H

RESOURCE MANAGEMENT AGENCY

Environmental Health Department

Jill Yaeger, Director

- 2037 West Cleveland Avenue
- Madera, CA 93637
- (559) 675-7823

MEMORANDUM

TO: Jamie Bax

FROM: Environmental Health Department

DATE: January 16, 2014

RE: Daggett & Associates - Parcel Map - Madera (051-216-003-000)

Comments

Each structure located on the subject property, that requires a utility system to supply water service and/or sewer service to each must be done so by the current and legal owners of this property.

This development shall be served by the utilities of a Public Water System and of a community sewer treatment system.

This development will require the creation of a Public Water System, including the application to the State Department of Health Services Drinking Water Program and preparation of a TMF (Technical, Managerial and Financial) report. In addition, the construction/specifications of any water well must comply with Public Well Standards and the creation of a Public Water System is required. Contact a Water Program Specialist within this Department at (559) 675-7823 for further details or water system questions.

The sewage disposal system utilized within this development will be required to become a community sewage treatment system that meets all the required waste water treatment standards in accordance with the California Regional Water Quality Control Board (RWQCB). The applicant must submit an application to the RWQCB for the creation of a community sewage treatment system and ensure specifications and construction comply with all applicable standards.

The construction and then ongoing operation must be done in a manner that shall not allow any type of public nuisance(s) to occur including, but not limited to the following nuisance(s): Vector(s), Odor(s), Noise(s), Dust, Lighting and/or Litter accumulation to any surrounding uses. Adjacent occupied home owners are the most adversely affected by nuisances caused by even the most routine type of business operations within this type of development and its particular location to the populated areas of development. This must be accomplished under accepted and approved Best Management Practices (BMP) and as required by the County General Plan, County Ordinances and any other related State and/or Federal requisite and/or as determined by the Local Enforcement Authority (LEA),which is the MCEHD and any other county or state regulatory agency having jurisdiction.

The owner/operator must obtain all the necessary Environmental Health Dept. permits prior to any construction activities on site.

MADERA COUNTY FIRE DEPARTMENT

IN COOPERATION WITH
CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION

EXHIBIT I

2037 W. CLEVELAND
MADERA, CALIFORNIA 93637
(559) 661-6333
(559) 675-6973 FAX

DEBORAH KEENAN
MADERA COUNTY FIRE MARCHAL

MEMORANDUM

TO: Jamie Bax

FROM: Madera County

DATE: January 16, 2014

RE: Daggett & Associates - Parcel Map - Madera (051-216-003-000)

Comments

The proposed use and size of the parcels require a fire hydrant system and water supply capable of meeting 2010 CFC Section B105 standards. Standards include, but are not limited to: required fire flow for the proposed land division is 1,500 gallons per minute (gpm) at 20-psi (pressure per square inch) residual for two hours.Fire flow shall be on-site, tested and approved prior to the recording of the final map.

Hydrants shall be spaced so as to meet the minimum 500 foot separation standards as set forth in CFC Section CC105.1

The proposed through fire apparatus access road shall be provided, constructed and maintained as follows: The roads shall be constructed to have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than15 feet. The roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an uninterrupted surface width so as to provide all-weather driving capabilities. All streets shall be signed and identified at intersections to allow for speedy response of emergency equipment. All cul-de-sac roads shall be posted "Not a Through Road" and shall terminate in a 40' radius turn bulb or acceptable hammer head. Roads shall be constructed and approved prior to recordation of the final map. (CFC, Sections 503.2.1, 503.2.3, 503.2.4, 503.3; CVC Section 22500.1)

EXHIBIT J

ROAD DEPARTMENT
COUNTY OF
MADERA
2037 WEST CLEVELAND AVENUE/MADERA, CALIFORNIA 93637
(559) 675-7811 / FAX (559)675-7631

JOHANNES HOEVERTSZ
Road Commissioner

MEMORANDUM

TO: Jamie Bax

FROM: Road Department

DATE: January 16, 2014

RE: Daggett & Associates - Parcel Map - Madera (051-216-003-000)

The Road Department has reviewed the Tentative Parcel Map #4178 and if mitigated by the conditions listed below this project will not have a substantial impact upon traffic:

The property is located along the westerly side of State Route 41 approximately ¼ mile south of its intersection with Avenue 14. The proposed project proposes to divide 9.56± acres of land (APN 051-216-003) into 8 (eight) parcels being variable in size of 1 acre or more. The property is zoned as ARV-20 (Agriculture, Rural, Valley, Twenty Acre District) in this vicinity and Agriculture Exclusive according to the General Plan. It is proposed to be changed to CRM / MHA.

This project obtains access via State Route 41. The Road Department does not have jurisdiction over State Routes which are controlled by Caltrans (CA Department of Transportation).

The project area is near Maintenance District No 14. The Madera Irrigation District Canal separates the Maintenance District from this proposal and the roadways will not be connecting into this road system.

All driveways will be indicated on the Map for review and approval prior to recordation. The driveways will be designed and constructed to a Commercial Standard.

The internal roads may be noted as private roads. The interior roads will be constructed to a Class IV (4) Standard in accordance to the Madera County Standards. The interior roads shall be 60 feet in width and the curve radii will be that to allow for large truck movements.

The applicant is responsible for the maintenance, via a Home Owners Association or other means, of all improvements within the proposed subdivision.

All the centerline and recorded information for the road right-of-way must be shown on the map. All driveway accesses are to be indicated on the Map. Prior to any construction within the proposed road right-of-way, the applicant shall apply for and obtain an Encroachment Permit with the County.

THE ROAD DEPARTMENT HAS THE FOLLOWING RECOMMENDATIONS OF APPROVAL:

1.All of the parcels shown on the Map shall access from the internal road system.

2.Prior to Final Map, the internal roadway system (proposed roads) shall be constructed to a Class IV (4) County Standard from their intersections with Highway 41.

EXHIBIT K

NOTE: PLEASE WRITE LEGIBILY OR TYPE: Application(s): PM #4178

Return to: Jamie Bax, Planning Department Daggett & Associates

Responding Agency: Golden Valley USD Date: Dec. 10, 2013

Respondent's Signature:

1. Does your Agency or Department have a recommendation regarding the approval or denial of this proj

_____ Approve _____ Deny

If your Agency or Department recommends denial of this project, please list the reasons below.

GVUSD is neutral regarding approval or denial. At this time, we have insufficient information regarding the proposed use of the land in question to determine the potential impacts on GVUSD and its population.

2. If the project is approved, what conditions of approval are recommended?

Conditions of approval should include those necessary to ensure: safe travel to schools and mitigation of increased traffic in general; offset of noise impacts, particularly if those impacts are on schools; adequate school facilities; consideration of impacts related to interim school facilities; and appropriate infrastructure for schools.

3. Please identify any existing regulations, standards, or routine processing procedures which would mitigate the potential impacts?

Payment of applicable school mitigation fees pursuant to Education Code section 17620, et seq., and Government Code sections 65995 et seq. Additionally, we have attached a copy of Board Resolution No. 2011-05.

4. General Comments - Please attach on additional sheet.

NOTE: PLEASE WRITE LEGIBILY OR TYPE: Application(s): PM #4178

Return to: Jamie Bax, Planning Department Daggett & Associates

Responding Agency: Golden Valley Unified School District

Contact Person.: Andrew G. Alvarado Signature:

Telephone No.: (559) 645-7500 x 10 Date: Dec. 10, 2013

ENVIRONMENTAL REVIEW:

1. Is ther sufficient information for you to evaluate the probable environmental impacts of this project?

_____ Yes

_____ No, the following information is needed: There is insufficient information about the proposed use of the property, including the possibility of future residential or commercial development that would generate students who would travel to and attend GVUSD schools.

2. What potential impacts will the project result in (e.g. change in traffic volumes, water quality, land use, soils air quality, etc.)? Be as precise as possible and answer only for your area of expertise.

Without knowing more about the project, it is difficult to say, but potential impacts of development on GVUSD facilities and students include: adequacy of school facilities, impacts related to the need to add interim school facilities, noise impacts on schools, safe paths of travel to schools, and related traffic considerations.

3. Are the potential impacts identified in Question 2, significant enough to warrant the preparation of an EIR? Unknown

_____ Yes _____ No

RESOLUTION NO. #2011-05

RESOLUTION REGARDING SCHOOL FACILITIES FOR NEW DEVELOPMENT

WHEREAS, the County of Madera ("County") has identified the uninhabited land within the District's boundaries as the primary area for new residential development within the County;

WHEREAS, this new residential development is expected to result in rapid population growth and large increases in the student enrollment in the District;

WHEREAS, to house these new students, the District will need to enlarge existing schools, obtain new property, and construct new facilities;

WHEREAS, adequate school facilities benefit new developments and the community at large, and are necessary components of the community's social and infrastructure systems;

WHEREAS, Education Code section 17620, *et seq.*, and Government Code section 65995, *et seq.*, require developers to pay certain fees ("Statutory Fees") to offset certain costs associated with construction of new school facilities. The Legislature envisioned that these new facilities would be funded by such Statutory Fees in combination with State funds and other local resources;

WHEREAS, particularly due to the current State budget crisis and the near-depletion of funds from existing Statewide general obligation bonds, and with no new Statewide general obligation bond election yet established, State funding is an uncertain and unreliable source of revenue. Moreover, based on the current State facilities funding program, even if State funds again become available at some point in the future, there is time lag between applications for State funds and construction of a school, which typically occurs only after a school district has enrollment to support new construction, contributing to potential facilities shortfalls;

WHEREAS, particularly due to the State budget crisis that has resulted in significant cuts to school funding the District cannot afford to allocate general fund revenues to new construction;

WHEREAS, the existing residents in the District have already approved general obligation bond debt to pay for their fair share of new school facilities, current economic conditions do not support issuing further local general obligation bond debt to fund facilities related to new development, and existing residents should not have to pay for school facilities to house students from new development;

WHEREAS, even during stronger economic times, the combination of State funding, Statutory Fees and local resources has proven inadequate to provide for the acquisition of land and construction of school facilities sufficient to adequately house new students in accordance with the minimum standards set forth by the State, and in accordance with the standards in place in the District;

WHEREAS, while Senate Bill 50, which became effective in 1998, indicates that for purposes of CEQA review, payment of the Statutory Fees is presumed to mitigate the impact of development on the adequacy of school facilities, many developers and school districts have continued to address the shortfalls and State funding timing constraints through school facilities agreements that provide for developers to pay their fair share toward school facilities on a time schedule that addresses the influx of new students;

WHEREAS, alternative local financing options, such as establishing a Mello-Roos Community Facilities District ("CFD"), may also be utilized to offset the burden on the District's resources and address developer obligations;

WHEREAS, the District wishes to implement a plan to address its obligation to provide school facilities, but also provide the opportunity for planning and construction of new school facilities to serve new development that is consistent with the commitment of each developer;

WHEREAS, to ensure that adequate school facilities are planned and constructed in time to accommodate students generated by a particular new development, it has been the District's practice to meet with developers to negotiate agreements to address actual or anticipated funding shortfalls;

WHEREAS, to ensure that the District is meeting its obligations to provide school facilities, that it is treating all developers equally, and that it is not placing an undue burden on existing residents, the District wishes to establish a uniform approach to be used with all developers to address school facilities;

WHEREAS, such a uniform approach would be consistent with existing agreements in place between the District and developers that provide developers the opportunity to pay their fair share of the cost of school facilities and land required to serve the development if developers wish to locate permanent construction school facilities within or in proximity to their development;

WHEREAS, while facilities will be provided to all students generated by new development, developers who elect to enter into agreements with the District to offset their impacts should appropriately receive priority for access to adequate school facilities within or in reasonable proximity to their development;

WHEREAS, in light of the anticipated facilities funding shortfalls, without an agreement, the District cannot assure the availability of facilities of particular type, quality or location to serve a development;

WHEREAS, as part of its plan, the District also wishes to explore alternative financing options, including the possibility of forming a CFD over the uninhabited land in the District;

WHEREAS, in adopting its plan, the District does not intend to excuse any developer from paying any Statutory Fees.

NOW THEREFORE BE IT RESOLVED that the Board of Education of the Golden Valley Unified School District hereby finds, determines, and orders as follows:

Section 1. The foregoing recitals are true and correct and incorporated herein.

Section 2. The District is committed to providing adequate school facilities to house its students based on available resources.

Section 3. The Board approves the Plan Regarding School Facilities for New Development, attached hereto as Exhibit A.

Section 4. The Superintendent or his designee shall take such actions as are necessary to implement the Plan Regarding School Facilities for New Development.

Section 5. The Board authorizes the Superintendent or his designee to re-enter into negotiations with developers, or their successors, who have previously entered into school facilities agreements with the District to the extent necessary to achieve agreements that are equitable among the various developers who have demonstrated their support for adequate school facilities by entering into such agreements. However, such renegotiation shall be conditioned upon agreement by such developers, or their successors, that the developers, or their successors, pay for the District's costs related to such renegotiations, including but not limited to the District's attorneys' fees.

PASSED AND ADOPTED by the Golden Valley Unified School District Board of Education on this 20 day of December, 2011, by the following vote:

AYES: 5
NOES: 0
ABSTAIN: 0
ABSENT: 0

President, Board of Education
Golden Valley Unified School District
Madera County, California

I, _____, ~~Secretary~~ of the Board of Education of the Golden Valley Unified School District, do hereby certify that the foregoing Resolution was regularly introduced, passed, and adopted by the Board of Education at its meeting held on 12/20, 2011.

Board of Trustees
Golden Valley Unified School District
Madera County, California

GOLDEN VALLEY UNIFIED SCHOOL DISTRICT
PLAN REGARDING SCHOOL FACILITIES FOR NEW DEVELOPMENT
December 2011

This plan addresses the planning and construction of school facilities required to house students generated by new development within Golden Valley Unified School District ("District"). The plan addresses how the District will fulfill its obligation to provide facilities for all students generated by new development given the limited resources available to it, while providing the opportunity to interested developers to support new, permanent facilities within or in reasonable proximity to their developments.

School Facilities Agreements with Developers

The District will plan and construct facilities in a manner that is commensurate with the commitment of each developer. All developers shall remain required to meet their statutory mitigation obligations, but each developer shall have the option to improve the school facilities available to their development as follows.

To facilitate this process, the District will develop a school facilities agreement ("Agreement") setting forth standard terms, including fixed mitigation rates, under which a developer will provide for:

- Dedication of land for new school sites within or in reasonable proximity to the proposed development or, alternatively, funding necessary for the District to acquire such property;

- Funding, in the form of a fee or comparable means, for construction of new school facilities within or in reasonable proximity to the proposed development; and

- Payment of all costs associated with negotiation and implementation of the Agreement.

Tier I: Developers opting not to enter into an Agreement

For any developer that chooses not to enter into an Agreement, the District will address school facilities as follows:

1) If no permanent facilities are available, the District will house students from the development in portable or other temporary facilities as necessary.

2) The District will house the students from the development where there is available space, after giving first priority to students from existing housing in the District that predates Resolution No. _____ (the "Existing Residents") and students in developments of Tier II and Tier III developments, as set forth below.

3) The District shall be under no obligation to provide transportation from the development to any schools.

4) The District may be unable to designate neighborhood schools for the developments in question.

Tier II: Developers entering into an Agreement after receiving development entitlements up through and including tentative subdivision approval

For any developer (or their successor) who enters into the Agreement after receiving development entitlements up through and including tentative map approval, the District will address school facilities as follows:

1) The District shall provide access for their developments to new school(s) within or in reasonable proximity to their developments, at a size and quality commensurate with other schools in the District. Due to planning constraints caused by the developer entering into the Agreement only after obtaining certain development entitlements, and not earlier, it may not be feasible to provide for such schools in proximity to the developments.

2) Such developments will have priority over Tier I developers for access of students generated by the development to permanent school facilities, but will be behind Tier III developers and Existing Residents in priority.

3) Schools serving new developments will, to the extent possible, be designated as neighborhood schools for the developments. Due to planning constraints caused by the developer entering into the Agreement only after obtaining certain development entitlements, and not earlier, it may not be feasible to designate neighborhood schools for such developments.

Tier III: Developers entering into an Agreement prior to receiving development entitlements up through and including tentative subdivision map approval

For any developer entering into and complying with the Agreement, the District will address school facilities as follows:

1) The District shall provide access for their developments to new school(s) within or in reasonable proximity to their proposed development, at a size and quality commensurate with other schools in the District.

2) Such developments will have priority for access of students generated by the development to permanent school facilities, to the same extent Existing Residents have priority.

3) Schools serving new developments will, to the extent possible, be designated as neighborhood schools for the developments.

Community Facilities District

To fund the new school facilities required for new development, the District will explore formation of a community facilities district ("CFD") over all uninhabited land in the District. The CFD may be formed over all or a portion of the District. It is the intent of the Board that if the CFD is formed, it will be done so as to not result in any increase in taxes for Existing Residents in the District. It is also the intent of the Board that Developers entering into an Agreement will not be required to pay for facilities or other costs that would otherwise be funded by CFD proceeds, that the Agreement shall address this issue, and that such developments shall remain entitled to the benefits described in this Plan. Formation of a CFD over property that is not subject to an Agreement will not entitle the development to the same facilities priorities as developments subject to an Agreement.

EXHIBIT L

DEPARTMENT OF TRANSPORTATION
DISTRICT 6
1352 WEST OLIVE AVENUE
P.O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 444-2493
FAX (559) 488-4088
TTY (559) 488-4066

Flex your power!
Be energy efficient!

January 7, 2014

2134-IGR/CEQA
6-MAD-41-5.31
PARCEL MAP 4178
HENDRIX SUBDIVISION

Ms. Jamie Bax
County of Madera
2037 W. Cleveland
Madera, CA 93637

Dear Ms. Bax:

We have completed our review of parcel map number 4178. The site is located on the west side of State Route (SR) 41, approximately 280 feet south of Avenue 14, just south of the Madera Irrigation Canal in Madera County. Caltrans has the following comments/recommendations:

Our previous comments dated July 26, 2011 still apply, however we do have some updates because of the Tesero Viejo project and the SR 41 alignment has not been solidified. There are a few alternatives Caltrans is considering.

Caltrans is currently developing a Project Initiation Document related to a freeway corridor study on SR 41 between 0.3 mile south of Avenue 11 and 0.6 north of Road 208 in Madera County. The study currently has identified four base alternatives with corresponding interchanges and local road networks for each of the freeway alignments. Each of the alternatives includes interchanges at Avenue 12, Avenue 15 and SR 145. In addition, the freeway alignments and local road networks include the opportunity for future interchanges at Avenue 13 and Avenue 14.

The four base alternatives included in the study are:

- The current Adopted Alignment;
- West Alignment;
- East Alignment ; and
- Existing Alignment.

A preferred alternative would be identified at the completion of the Project Approval and Environmental Document (PA&ED) Phase which is currently scheduled for April 2016.

The future centerline of SR 41 identified on the parcel map may change depending upon the alternative selected after studies have been completed. As indicated, each one of the base alternatives has a freeway alignment and associated local road network which could impact this parcel map to varying degrees. Depending upon the alternative, access to/from SR 41 would likely change significantly with access directed along a potential new local road network and proposed interchanges. Also, it should be noted that approval of the parcel map could limit the potential for a future interchange located at Avenue 14.

The existing SR 41 may become a frontage road or a new frontage road may be constructed west of SR 41, this would be determined when the freeway corridor study is completed. The proposed accesses would be reevaluated by then. Additional right of way along the Project frontage may be needed for the future freeway SR 41 or the new frontage road. Also, Madera County should consider delaying the approval of the Project prior to the freeway corridor study is completed for SR 41.

The proposed Project has the potential to significantly impact SR 41. However, it is difficult to analyze the project's effects on traffic without knowing the actual project size and use (square footage, times of use, operations, etc.) of the proposed parcel map. Once this information is provided, we will be able to complete our review and determine if a Traffic Impact Study (TIS) or other mitigation is required.

An encroachment permit must be obtained for all proposed activities for placement of encroachments within, under or over the State highway rights-of-way. Activity and work planned in the State right-of-way shall be performed to State standards and specifications, at no cost to the State. Engineering plans, calculations, specifications, and reports (documents) shall be stamped and signed by a licensed Engineer or Architect. Only the property owner of record or authorized agent can pursue obtaining an encroachment permit. Engineering documents for encroachment permit activity and work in the State right-of-way may be submitted using English Units. The Permit Department and the Environmental Planning Branch will review and approve the activity and work in the State right-of-way before an encroachment permit is issued. Encroachment permits will be issued in accordance with Streets and Highway Codes, Section 671.5, "Time Limitations."

All proposed landscaping plans shall meet current standards as determined by the District Landscape Architect. All features of landscaping shall be evaluated for type, location and site visibility conflicts during the encroachment review process. All permits for landscaping in conventional highway right-of-way must be accompanied by a "District" approved maintenance agreement obligating a local agency or the permittee to maintaining the landscaping. Said maintenance agreement must accompany and be approved prior to issuance of the landscape permit. Proposed landscape projects in access control rights-of-way require an exception process, and approval is subject to the Headquarters Departmental approval process.

If you have any questions, please contact me at (559) 444-2493.

Sincerely,

DAVID PADILLA
Office of Transportation Planning
District 06

EXHIBIT J

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

DEPARTMENT OF TRANSPORTATION
DISTRICT 6
1352 WEST OLIVE AVENUE
P.O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 488-7307
FAX (559) 488-4088
TTY (559) 488-4066

Flex your power!
Be energy efficient!

July 26, 2011

2134-IGR/CEQA
6-MAD-41-5.31
S#2009-001, GP#2009-002,
CZ#2009-005
HENDRIX SUBDIVISION

Mr. Scott Harmstead
County of Madera
2037 W. Cleveland
Madera, CA 93637

Dear Mr. Harmstead:

We have completed our review of the requested general plan amendment to subdivide a 12.05 acre site into eight commercial lots. The Project would rezone the site from agriculture to commercial/industrial use. The site is located on the west side of State Route (SR) 41, approximately 280 feet south of Avenue 14, just south of the Madera Irrigation Canal in Madera County. Caltrans has the following comments/recommendations:

The future 6-lane Freeway 41 would be realigned to the east between Avenue 12 and SR 145 on the new freeway alignment with new interchanges on Avenue 12, Avenue 15 and SR 145. The existing SR 41 is planned for a 4-lane conventional highway on the existing alignment. The existing right-of-way on SR 41 is 30 feet transitioned to 60 feet from the highway centerline/right-of-way centerline along the Project site. The existing right-of-way on SR 41 from Madera Canal to Avenue 15 is 100 feet from the highway centerline/right-of-way centerline. Additional right-of-way along the Project site on SR 41 would be necessary to match the existing right-of-way north of the Project site for the future 4-lane widening. However, the existing SR 41 between Avenues 13 ½ and 14 cannot be widened to the east due to the vernal pool. Therefore, the existing SR 41 would need to be realigned to the west when it is widened to a 4-lane roadway.

Please provide a standard size of the plan in scale showing the SR 41 right-of-way north of the Madera Canal. Please label the existing right-of-way and highway centerline/right-of-way centerline. The right-of-way dedication shown on the plan cannot be reviewed at this time before a standard size of the plan is submitted.

Please provide an operational statement regarding the proposed Project. The trip generation estimate should be included in the operational statement.

The proposed north driveway to SR 41 will be allowed as an emergency access only. It is our understanding that the north driveway will be gated.

A northbound left-turn lane and a southbound right-turn lane to the south driveway (extension of the original Avenue 14 alignment) will be required as opening day mitigation. A northbound and a southbound acceleration lane may also be required as opening day mitigation. This access may be allowed for all movements initially depending on the number of traffic entering and exiting the driveway, and it may be restricted to a right-turn in/out and left-turn in only driveway in the future. Avenue 14 should be planned for a future connection to the west crossover to the Madera Irrigation Canal; therefore no structures should be built on parcel #1 near the future extension of the original Avenue 14. The opposite site of the original Avenue 14 may be an access for the Tesoro Viejo residential development. The intersection of SR 41 and the original Avenue 14 may be signalized in the future when it meets a signal warrant.

If you have any questions, please contact me at (559) 488-7307.

Sincerely,

JENNIFER BRYAN-SANCHEZ
Office of Transportation Planning
District 06

EXHIBIT M

Hendrix Project
Biological Constraints Analysis
Report

Madera County, CA

Prepared for:

Mr. Frank Hendrix

328 West Vermont Avenue
Clovis, CA 93619
(559) 213-6500

Prepared by:

ESR, Inc
P.O. Box 4086
Oakhurst, CA 93644
(559) 683-5335
esri@sti.net

April 2011

TABLE OF CONTENTS

SECTION **PAGE**

Figures

Tables

APPENDIX

1.0 Introduction

This Biological Constraints Analysis Report evaluates the biological resource impacts associated with the proposed project (Hendrix property, site), and includes a discussion of the mitigation measures necessary to reduce these impacts to a less than significant level, where possible. This Biological Constraints Analysis Report document is intended to provide the supplemental material requested by the County of Madera in the preparation of the environmental documentation as required by the California Environmental Quality Act (CEQA). In particular, the analysis is in response to comments received from the U.S. Fish and Wildlife Service regarding potential impacts to sensitive species on some possible wet features located on the adjacent property to the south.

1.1 Setting

The following sections provide background information on the regional setting, the local setting, the current level of development, and intent of the proposed project.

1.1.1 Regional Setting

Madera County (County) is located in Central California along the western slope of the Sierra Nevada mountain range. The County is bounded by the San Joaquin River on the south and the Merced and Mariposa County boundaries to the north. The County is characterized by the relatively flat floodplain of the central San Joaquin Valley with rolling foothills from the west to the east that rise from near sea level to mountain peaks at 8,170 feet in elevation at the east. The area of the County where the project is located is generally in the San Joaquin Valley and supports some desert elements of the southern sub-region of the California Floristic Province. This floristic sub-region is characterized by annual grasslands with some riparian habitats located in narrow bands along perennial streams and oak savannahs at higher foothill elevations. This site is situated more to the central portion of the sub-region and therefore is dominated by

managed grasslands that are primarily in agricultural production or grazing lands. (Hickman 1993)

1.1.2 Local Setting

ESR, Inc. was commissioned by Mr. Ron Daggett to evaluate an approximately 9.56 acres parcel of land (project, site, subject property) located adjacent to the Madera Irrigation Canal to the north and west, the road alignment and future right of way of Highway 41 to the east and the southern line of the southwest ¼ of Section 21 Township 11 North, Range 20 East. The property is located at the southeast corner of the Bonnadelle residential development but according to Madera County Resource Management is not a part of the subdivision. Please refer to Figure 1 – Hendrix Project Vicinity Map and Figure 2 – Hendrix Project Site Map. The proposed project is located approximately 19 miles east of the City of Madera and eight miles north of the City of Fresno.

1.1.3 Current Development

The site is characterized by agricultural and silviculture development (row crop and eucalyptus) over the majority of the property, a residential unit with the associated amenities, such as outbuildings, wells, pumps, storage areas, etc., occupies the southwestern portion of the property. A limited band of ruderal grassland (~5 feet in width) is located adjacent to the southern edge of the property which separates the subject property from the parcel to the south. Additionally, a similar band of ruderal vegetation is along the northern and western boundary adjacent to the irrigation canal. The project location including the project site and the parcel to the south have been historically used for agricultural production and are plowed and disked by mechanical means on a yearly basis. The parcel to the south in the recent past has produced grain-type crop. The site and the parcel to the south have been significantly altered during the course of its use for agricultural. There is little native habitat and/or vegetation left on the site and the quality of this habitat is low. The micro-topography of the site has been contoured through years of disking and

agricultural usage to essentially separate the surface hydrology of the project site and the parcel to the south from each other.

1.1.4 Proposed Project Design

The project is referred to in this document as the Hendrix Property and as proposed includes the development of the approximately 9.56 acres into eight commercial/industrial lots ranging in size from 1.00 acre to 1.52 acres. The intent of the project is to provide commercial/industrial opportunities for the growing communities of Madera and Fresno.

The ingress road to the site is directly off Highway 41 along the southern boundary of the property and is currently a 30 foot wide roadway easement with an approximately 20 foot wide portion of the road paved with asphalt concrete in various states of repair. The road alignment and easement has previously been graded, contoured, and paved with no drainage structures in place. The site is essential flat, except where a residential unit is located in the southwest corner of the property, and run off appears to flow toward the shoulder of Highway 41. The project proposes to expand the 30-foot easement to a 60-foot easement. The roadway easement is currently managed as evidenced by the lack of a preponderance of native vegetation due to either mechanical scrapping or chemical application of herbaceous deterrents.

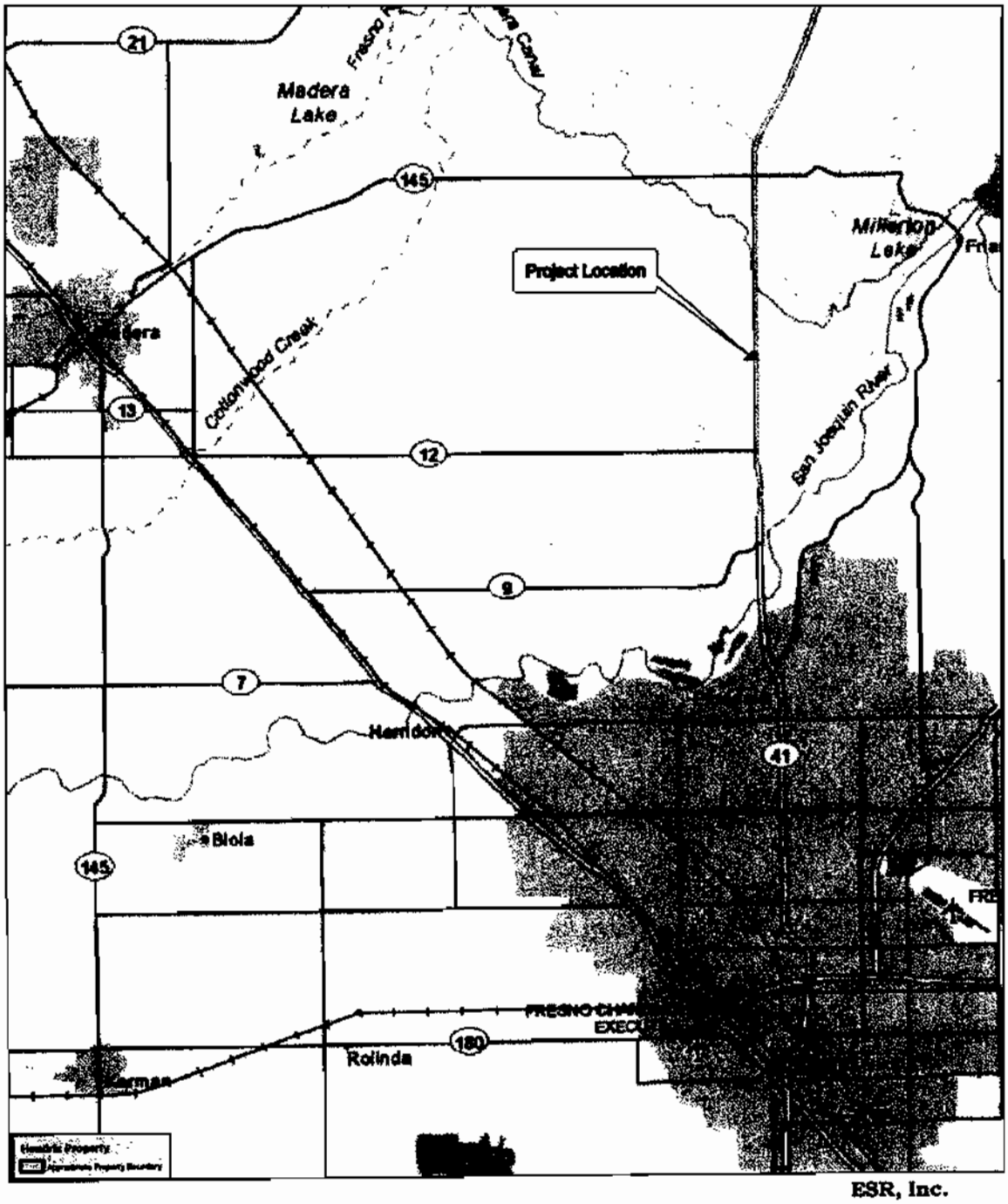


Figure 1 – Hendrix Project Vicinity Map

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Figure 2 – Hendrix Project Site Map

1.2 *Purpose of Assessment*

The Biological Constraints Analysis was conducted to assess if sensitive biological resources will be adversely affected by the construction of the project area and to propose appropriate mitigation measures where project impacts will be significant or otherwise regulated by state and federal resource agencies. Sensitive biotic resources generally include the following:

1.2.1 Special Status Species

"Special Status Species" is a general term that refers to all taxa tracked by the California Department of Fish and Game's (DFG) California Natural Diversity Database (CNDDB), regardless of their legal or protection status. These taxa generally fall into one or more of the following categories:

- Officially listed or proposed for listing under the State and/or Federal Endangered Species Acts.
- State or Federal candidate for possible listing.
- Taxa that meet the criteria for listing, even if not currently included on any list, as described in Section 15380 of the CEQA Guidelines.
- Taxa considered by the Department to be a "Species of Special Concern".
- Taxa that are biologically rare; very restricted in distribution; declining throughout their range; or have a critical, vulnerable stage in their life cycle that warrants monitoring.
- Populations in California that may be on the periphery of a taxon range but are threatened with extirpation in California.
- Taxa closely associated with a habitat that is declining in California at an alarming rate e.g., wetlands, riparian, old growth forests, desert aquatic systems, native grasslands, vernal pools, etc.).
- Taxa designated as a special status, sensitive, or declining species by other state or federal agencies, or a non-governmental organization

For most animal taxa, the CNDDB is interested in sightings that indicate the presence of a resident population; for many birds, however, the CNDDB tracks only nesting locations. It is not necessary to actually locate a nest to confirm breeding status. Any indication of breeding (territorial males, adults carrying nest material or food, the presence of newly fledged young, etc.) is acceptable evidence of nesting. For other taxa where only a certain part of a distribution range or life history is tracked, the area or life stage is indicated.

1.2.2 Sensitive Habitat

"Special Habitat" is a general term that refers to special areas generally tracked by the California Department of Fish and Game's (DFG) California Natural Diversity Database (CNDDB). Sensitive habitats may include the following:

- native habitats of limited distribution (i.e. wetlands of various types, riparian habitat, native grasslands, etc.); or,
- native habitats used by state or federally listed threatened or endangered species; or,
- habitats supporting particularly high concentrations of native plants and animals; or,
- habitat that is within the jurisdiction of one or more state and federal resource agencies (i.e. wetland, endangered species habitat, etc.).

1.2.3 Migratory Corridors of Native Fish and Wildlife

Such corridors could include riparian habitats, ridge tops, spur ridges, etc. Some amphibians may make regular localized movements between breeding habitat and aestivation habitat through grasslands that are indistinguishable from adjacent grasslands that are not so used. Although this report focuses on the sensitive biotic resources of the project area, the broader environmental setting has been described. Thus, the various biotic habitats observed in the project area have been described and their component plants and animals listed in Tables 1. This has been done in order to provide context for the discussion more specifically related to special status species and other sensitive habitats.

1.3 Studies Referenced

Studies in support of this biological assessment have included the following:

- **Literature Review and Database Search:** A database and literature review was conducted to include some, or all, of the following: USFWS Federal Endangered and Threatened Species list (April 2011), CNDDB (CDFG, April 2011), California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California (CNPS, April 2011), other technical studies recently completed for other projects in the area (i.e. Tesero Viejo and Caltrans Highway 41 Vernal Pool Enhancement), current listings for special status species (CDFG, 2011), U.S.G.S. topographic maps, Natural Resource Conservation Service (NRCS) soil maps, National Wetland Inventory Maps, etc.

- **Floristic Survey:** ESR, Inc. conducted driving and walking surveys of the project area, during which the biotic habitats were noted, and vascular plants recorded. Particular attention was given to habitats of the project site, which would be suitable, or potentially suitable, for special status plant species (state or federally listed species, candidate species, and species with CNPS listing status).

- **Wildlife Survey:** ESR, Inc. conducted driving and walking surveys of the project area, during which terrestrial vertebrates and their sign were recorded. Particular attention was given to the habitats of the project site, which would be suitable, or potentially suitable, for special status animal species (state and federally listed species, species proposed for such listing, or candidate species).

2.0 Regulatory Background

The following sections provide an overview of the federal, state, and local regulations that have been promulgated to address sensitive species and habitats.

2.1 Federal Endangered Species Act

The Federal Endangered Species Act (ESA) prohibits the "take" of federally-listed endangered or threatened wildlife species. "Take" is defined to include harassing, harming (including significantly modifying or degrading habitat), pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting wildlife species or any attempt to engage in such conduct (16 USC 1532, 50 CFR 17.3). Actions that result in take can result in civil or criminal penalties. The federal ESA and Section 404 guidelines prohibit the issuance of wetland permits for projects that would jeopardize the existence of threatened or endangered species. The US Army Corps of Engineers (ACOE or Corps) must consult with the U.S. Fish and Wildlife Service (USFWS), and possibly the National Marine Fisheries Service (NMFS) when threatened or endangered species may be affected by the proposed project to determine whether issuance of a Section 404 permit would jeopardize the continued existence species. In the context of the project site, the federal ESA would be triggered if development resulted in take of a threatened or endangered species or if issuance of a Section 404 permit or other federal agency action could adversely affect or jeopardize a threatened or endangered species.

2.2 California Endangered Species Act

The state ESA is similar to the federal ESA but pertains to state-listed endangered and threatened species. It required state agencies to consult with the California Department of Fish and Game when preparing California Environmental Quality Act (CEQA) documents to ensure that the state lead agency actions do not jeopardize the existence of listed species. It directs agencies to consult with DFG on projects or actions that could affect listed species, directs DFG to determine whether jeopardy would occur, and allows DFG to identify "reasonable and prudent alternatives" to the project consistent with conserving the species. Agencies can approve a project that affects a listed species if they determine that there are "overriding considerations"; however, the agencies are prohibited from approving projects that would result in the extinction

of a listed species. The state ESA prohibits the taking of state-listed endangered or threatened plant and wildlife species. DFG exercises authority over mitigation projects involving state-listed species, including those resulting from CEQA mitigation requirements. DFG may authorize "take" if an approved habitat management plan or management agreement that avoids or compensates for possible jeopardy is implemented.

2.3 California Environmental Quality Act

CEQA applies to public agencies in California with discretionary authority over project approvals and permits. CEQA requires that impacts of proposed projects be assessed before the project is approved. Projects with significant impacts on the environment cannot be approved without adequate mitigation or compensation, unless a finding of overriding consideration is made. Discretionary approval from public agencies may require avoidance measures or compensatory mitigation. CEQA also provides that less than significant impacts of an individual project can be treated as significant if they contribute to significant cumulative impacts on the environment.

2.4 Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA), first enacted in 1918, implements domestically a series of treaties (on behalf of Canada) between the United States and Great Britain, Mexico, Japan, and the former USSR. The MBTA provides for international migratory bird protection, and authorizes the Secretary of the Interior to regulate the "taking" of migratory birds. Specifically, the MBTA states that it shall be unlawful, except as permitted by regulations, to "at any time, by any means, or in any manner, to pursue, take, kill, posses, sale, purchase, ship, transport, carry, or export, at any time, or in any manner, any migratory bird, or any part, nest, or egg of any such bird" (16 USC 703). The current list of species protected by the MBTA can be located in Title 50, CFR Section 10.13. The Lanes Bridge U.S.G.S. 7.5 minute quadrangle was used in the search for special status species potentially occurring within the project area or in the project area vicinity.

2.5 *Birds of Prey*

Birds of prey are also protected in California under provisions of the State Fish and Game Code, (Section 3503.5, 1992) which states that it is "unlawful to take, possess, or destroy the nest or eggs of any such bird in the order Falconiformes or Strigiformes (bird of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto." Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "taking" by the DFG.

2.6 *Section 404 of the Clean Water Act*

The US Army Corps of Engineers and the Environmental Protection Agency (EPA) regulate the discharge of dredged and fill material into "Waters of the United States" under Section 404 of the Clean Water Act (CWA). ACOE jurisdiction over non-tidal "Waters of the United States" extends to the "ordinary high water mark," provided the jurisdiction is not extended by the presence of "wetlands" (33 CFR Part 328, Section 328.4). The discharge of dredged or fill material into Waters of the United States at the project site requires an individual Section 404 permit.

As discussed above, ACOE regulatory jurisdiction under Section 404 is founded on a connection between the water body in question and interstate commerce. This connection may be direct; through a tributary system linking a stream channel with traditional navigable waters used in interstate or foreign commerce, or may be indirect, through a nexus identified in the ACOE regulations. On January 9, 2001, the Supreme Court issued a decision in Solid Waste Agency of Northern Cook County [SWANCC] v. U.S. Army Corps of Engineers concerning Clean Water Act jurisdiction over isolated waters. This decision substantially affected the extent of Corps regulatory authority over "non-navigable, isolated, intrastate waters," and particularly, the use of indirect indicators of interstate commerce (e.g., use by migratory birds that cross state lines) as a basis for jurisdiction.

The preamble to Corps regulations in the Preamble Section 328.3 – Definitions, states that the Corps does not generally consider the following waters to be waters of the U.S. The Corps does, however, reserve the right to regulate these waters on a case by case basis.

- Non-tidal drainage and irrigation ditches excavated on dry land,
- Artificially irrigated areas that would revert to upland if the irrigation ceased,
- Artificial lakes or ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing,
- Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons,
- Water filled depressions created in dry land incidental to construction activity and pits excavated in dry land for purposes of obtaining fill, sand or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the U.S.

2.7 Section 401 of the Clean Water Act

In association with obtaining a Section 404 permit, a Water Quality Certification must be obtained from the Regional Water Quality Control Board. Section 401 of the Clean Water Act requires that the project proponent for any project that affects Waters of the United States must request a 401 Water Quality Certification, which must be issued before the start of project construction. To obtain approval of the application for Water Quality Certification, projects must follow the Corps' 404(b)(1) Guidelines which specify avoidance of wetland impacts and minimization and mitigation of impacts to any affected wetlands. However since a 404 permit is not anticipated to be required for the project the associated 401 certification will also not be required.

2.8 Madera County General Plan

The Madera County General Plan (General Plan) (Madera County Planning Department 1995) identifies specific policies regarding biological resources. While this assessment analyzes the project's consistency with the Madera County General Plan pursuant to CEQA Section 15125(d), the Madera County Board of Supervisors would ultimately make the determination of the project's consistency with this General Plan. The Madera County General Plan has adopted an Open Space Element that recognizes the value of maintaining biological resources. In general, the Madera County Open Space Element regarding biological resources is consistent with, and is superseded by federal and state ESA's, CEQA, and Section 1603 of the Fish and Game Code (described above). The project site is not located within a designated Natural Resource Area, and does not encompass any Key (Rare) Vegetative Habitat, Key Wildlife Habitat or Significant Wildlife Habitat. Additionally, the project site is not designated as, and is not located near, deer migratory routes, wintering areas, or fawning areas.

3.0 Vegetative Communities

A community is an assemblage of populations of plants, animals, bacteria, and fungi that live in an environment and interact with one another, forming a distinctive living system with its own composition, structure, environmental relationships, development, and functions (Whittaker 1975). Vegetated communities are illustrated in Figure 3 – Hendrix Project Habitat Map.

3.1 Agricultural Habitat

As previously stated the site has been developed as a monoculture row crop (i.e. strawberries) and a eucalyptus grove with the majority of the site having been graded to a relatively flat area. The silviculture area is covered with well established trees that appear to have been harvested at some previous time as evidenced by larger, more mature trees located around the periphery of the grove. A graded and improved access road traverses the property to access the

residential unit and it appears that several unimproved paths are used for equipment relocation.

Additionally the site has been improved to include typical support facilities such as barns, storage, wells, pumps and electrical supply. No native habitat exists within the developed agricultural area with only ruderal species being observed at the location.

It is the opinion of ESR, Inc. that there are no features on the site that could be considered jurisdictional waters of the US such as wetlands, vernal pools, swales, seeps, or ephemeral, seasonal, and/or perennial streams.

3.2 Grassland Assessment

The 14.04 acres located within the ESR, Inc. "Study Area", which includes the approximate 9.56 acres of the property boundary, along the western and northern edge of the property confined by the irrigation canal, the eastern boundary to Highway 41 and the southern boundary of the adjacent property exhibits ruderal grass and some weak forb habitat. A residential unit with ornamental landscaping, outbuildings, stables, kennels, corrals, etc., and other amenities occupy approximately 2.60 acres of the "Study Area" and approximately 2.10 acres of the proposed project boundary. The study area also includes approximately 4.77 acres that is utilized for eucalyptus silviculture operations. The proposed project covers approximately 3.11 acres of the silviculture operation.

The grass and forb habitat shows evidence of past manipulation by the agricultural operators to control or enhance growth by mechanical means such as disking, scraping, or recontouring for planting and harvesting of the crops. Although the habitat would not likely be considered a true grassland habitat due to the agricultural influence, the nearest classification definition that the habitat met when surveyed was as grassland due to the survey being conducted between plantings. The on-site grassland area was considered to be of low to moderate quality with numerous non-native and invasive species observed. The areas to the west and north of the property are developed as a residential

subdivision; the eastern boundary is Highway 41 with Tesero Viejo vineyards to the east of Highway 41, the Caltrans vernal pool project to the southeast of Highway 41, and the crop land and orchards to the south. The property to the south contains fragmented rudiment patches of grasses and forbs but appears to be used for growing grains such as wheat or oats. There are no riparian features located on the adjacent surrounding properties.

In the following discussion, the names of vegetation communities follow the standard nomenclature used by Sawyer and Keeler-Wolf (1995), as appropriate. The names of the plant species that comprise these communities are taken from Hickman (1993).

3.2.1 California Annual Grassland Series

California annual grassland series is the sub-ordinate vegetation community on the study area, occupying about 6.67 acres. Annual grassland communities actively grow during winter and spring and are mostly dormant during summer and fall.

The California annual grassland series is dominated by non-native annual grasses and forbs intermixed with native grasses and forbs. The dominant grasses typically include soft chess (*Bromus hordeaceus*), ripgut brome (*B. diandrus*), red brome (*B. madritensis rubens*), slender wild oats (*Avena barbata*), foxtail barley (*Hordeum jubatum*), rattail fescue (*Vulpia megalura*), and annual rye (*Lolium multiflorum*). The dominant forbs are filaree (*Erodium cicutarium*), fiddleneck (*Amsinckia menziesii* var. *intermedia*), blue dicks (*Dichelostemma capitatum*), pepperweed (*Lepidium nitidum*), blow wives (*Achyrachaena mollis*), bicolor lupine (*Lupinus bicolor*), popcorn flower (*Plagiobothrys nothofulvus*), lotus (*Lotus micranthus*), and gilia (*Gilia tricolor*). Several of these species were not found during the site visits. The following table presents the common and scientific names of the species observed on site as well as whether they are a native or non-native species. No sensitive floral species or sensitive plant habitat was located on the project location.

Table 1 – Hendrix Project Area Annual Grassland Plant List			
Scientific Name	**Common Name**	**Family**	**Native/Non-native**
Achillea millefolium	Yarrow	Asteraceae	Native
Amsinckia menziesii	Fiddleneck	Boraginaceae	Native
Avena barbata	Slender wild oat	Poaceae	Non-native
Brassica kaber	Wild mustard	Brassicaceae	Non-native
Brassica nigra	Black mustard	Brassicaceae	Non-native
Brassica rapa	Birdsrape mustard	Brassicaceae	Non-native
Bromus catharticus	Rescue Grass	Poaceae	Non-native
Bromus diandrus	Ripgut brome	Poaceae	Non-native
Bromus hordeaceus	Soft brome	Poaceae	Non-native
Bromus madritensis ssp. *madritensis*	Foxtail brome	Poaceae	Non-native
Bromus madritensis ssp. *rubens*	Red brome	Poaceae	Non-native
Bromus tectorum	Cheat grass	Poaceae	Non-native
Capsella bursa-pastoris	Shepherd's purse	Brassicaceae	Non-native
Centaurea solstitialis	Yellow star thistle	Asteraceae	Non-native
Cerastium glomeratum	Mouse-ear chickweed	Caryophyllaceae	Non-native
Chamomilla suaveolens	Pineapple weed	Asteraceae	Non-native
Chorispora tenella	Blue mustard	Brassicaceae	Non-native
Convolvulus arvensis	Bindweed	Convolvulaceae	Non-native
Cynodon dactylon	Bermudagrass	Poaceae	Non-native
Deschampsia danthonoides	Annual Hairgrass	Poaceae	Native
Descurainia sophia	Flix weed	Brassicaceae	Non-native
Erodium botyrs	Broad leaf filaree	Geranianceae	Non-native
Erodium cicutarium	Red-stemmed filaree	Geranianceae	Non-native
Hordeum hystrix	Mediterranean barley	Poaceae	Native
Hordeum jubatum	Foxtail barley	Poaceae	Native
Hordeum vulgare	Cultivated barley	Poaceae	Non-native
Lactuca serriola	Prickly lettuce	Asteraceae	Non-native
Lentodon autamnalis	Fall dandelion	Asteraceae	Non-native
Lolium multiflorum	Italian ryegrass	Poaceae	Native
Malva parviflora	Cheeseweed	Malvaceae	Non-native
Plagiobothrys acanthocarpus	Popcorn flower	Boraginaceae	Native
Sisymbrium irio	London rocket	Brassicaceae	Non-native
Trifolium barbigerum	Bearded clover	Fabaceae	Native
Vicia americana	American vetch	Fabaceae	Native
Vulpia myuros	Foxtail fescue	Poaceae	Non-native

No sensitive species or habitats were located during the project site grassland assessment. The use of the grasslands by sensitive species is considered to be of a low probability due to the previous and continued management of the location, the fragmentation of the habitat, and the lack of evidence of substantial use by fossorial mammal. No suitable habitat was identified that would be utilized by any of the sensitive species of concern.

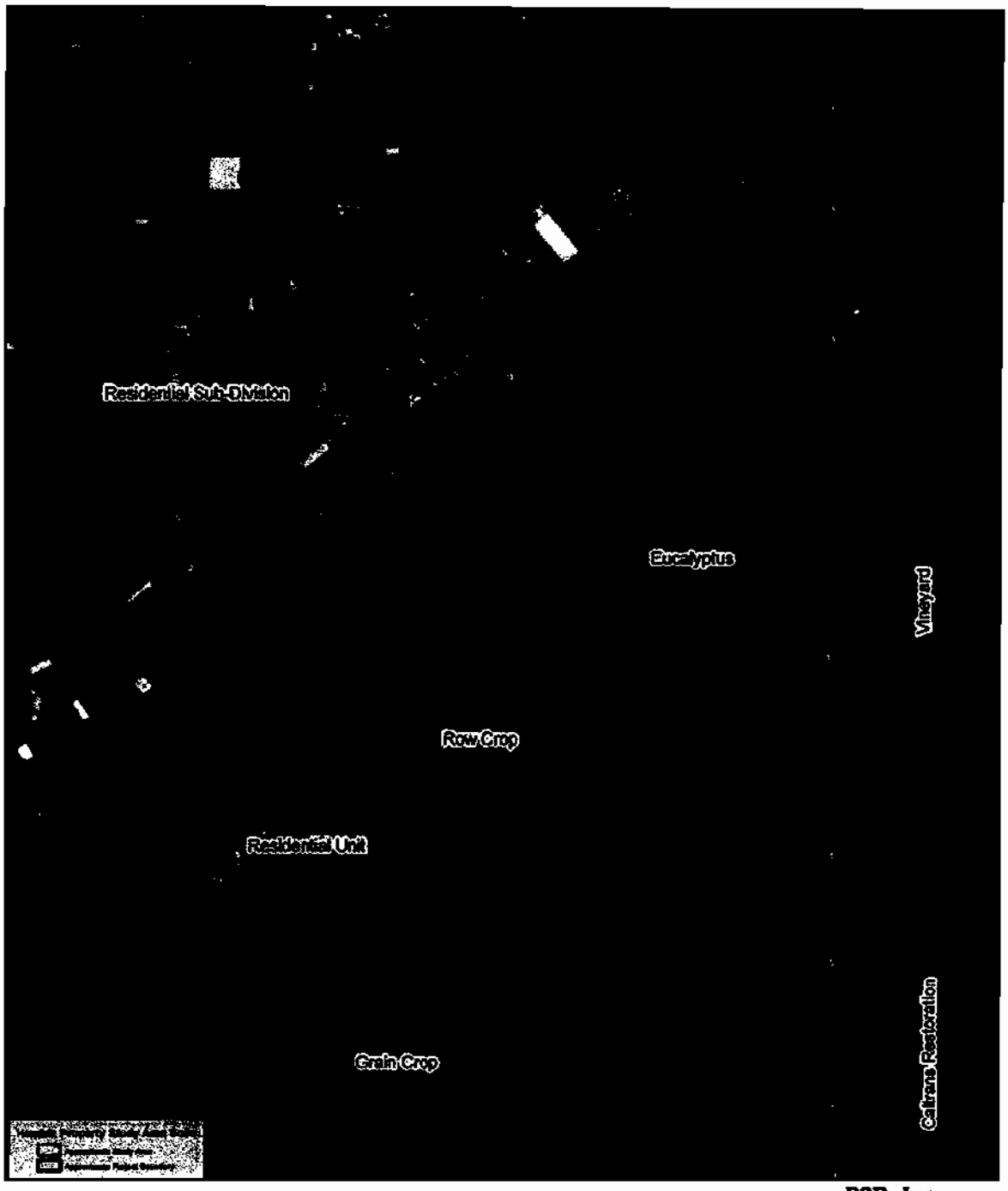

Figure 3 – Hendrix Project Habitat Map

4.0 Species Assessment

This Biological Constraints Analysis majorly follows species assessment techniques that are typically used for evaluating the likelihood of a particular species to use a certain location, whether or not potential suitable habitat appears to be in that location. First data is acquired from published databases prepared by governing bodies and then the potential species are further reviewed for likelihood of utilizing an area. Once this refined list is prepared a more focused assessment is conducted that evaluates the species, the species needs, historical and current habitat conditions, local knowledge, and supplemental information related to studies in the area to formulate an informed decision as to whether the species would be impacted by alterations to an area.

4.1 ESR Record Search and Survey Results

The records search for sensitive species conducted by ESR of the nine quadrangles surrounding the project location have been summarized in the following table and include Scientific Name, Common Name, Status, Habitat Requirements, Occurrence Potential, and Comments. As previously stated, no sensitive species or habitats were identified on the subject property during surveys conducted by ESR. Furthermore, more detailed surveys, assessments, and analysis conducted by others during the course of preparing requisite CEQA documentation for nearby sites indicate that there is a low likelihood that sensitive species or habitats would be impacted by the development of the project.

As noted in Section 1.2.1 and Section 1.2.2, special status plants and wildlife are those species that are listed or proposed for listing as rare, threatened, or endangered by CDFG or USFWS, on formal lists as candidates for listing as threatened or endangered, on formal lists as species of concern, or otherwise recognized at the federal, State, or local level as sensitive. Sensitive habitats are those that are of limited extent and have experienced extensive loss or degradation resulting from development and/or agricultural practices in recent years.

A list of special status species potentially occurring on the subject property was compiled, and is presented in Table 2 – April 2011 CNDDB Search Results. Species that have not been recorded in the area but could potentially occur based on habitat suitability are also included in the table. ESR reviewed the specific habitats required by each species listed in Table 2 – April 2011 CNDDB Search Results, and the specific habitats and habitat conditions present on the subject property. Our previous experience with these species was also taken into consideration. Based on this evaluation, ESR assessed the likelihood of each species listed in Table 2 – April 2011 CNDDB Search Results occurring on the subject property. No special status species were observed on the subject property nor were any determined to potentially occur on the site based on availability of suitable habitat or other factors (i.e., at least a "Low" potential for occurrence in Table 2 – April 2011 CNDDB Search Results). Some of the species of interest as requested by Madera County were assessed to not likely occur on the Property based on these same factors are documented accordingly in Table 2 – April 2011 CNDDB Search Results, and are discussed further in this report. The tabulated species were also deemed unlikely to utilize the property and are not discussed further.

Table 2 – April 2011 CNDDB Search Results

Scientific Name	Common Name	Status	Habitat Requirements	Occurrence Potential	Comments
Mammals					
Antrozous pallidus	Pallid bat	CA SC[1]	Occurs in variety of habitat types; most common in xeric ecosystems. Roosts in rocky outcrops, cliffs, and crevices, trees, buildings, and in rocks near the ground.	Low	No suitable habitat. Two CNDDB occurrences near project vicinity; opportunistic feeder in a variety of settings; may forage over grassland and seasonal wetland habitats.
Corynorhinus townsendii	Townsend's big-eared bat	CA SC	Found in all but subalpine and alpine habitats; most abundant in mesic habitats. Closely tied to cave and cave-like habitats.	Low (foraging)	No CNDDB occurrences from project vicinity; may forage over grassland and seasonal wetland habitats.
Euderma maculatum	Spotted Bat	CA SC	Found in a variety of habitat types from sea level to 9,000 feet. Prominent rock features appear necessary for roosting.	Low (foraging)	One CNDDB record near project vicinity; may forage over grasslands near subject property.
Eumops perotis californicus	Western mastiff bat	CA SC	Occurs in many open, semi-arid to arid habitats. Suitable habitat consists of extensive open areas with abundant roost locations provided by crevices in rock outcrops and buildings.	Low (foraging)	CNDDB includes records four records near the project vicinity; may forage over grassland habitats.
Dipodomys nitratoides exilis	Fresno kangaroo rat	FE[2]; SE[3]	Historically occupied grassland and alkali desert scrub communities of the San Joaquin Valley floor. This subspecies is restricted to a few remaining alkali sink areas of marginal habitat.	Absent	No recent CNDDB occurrences (records are from 1890s) and this species have a very limited distribution. There are no known remaining populations of this species in Merced, Madera, or Fresno Counties.

[1] CA SC = California Species of Concern
[2] FE = Federal Endangered
[3] SE = State Endangered

Scientific Name	Common Name	Status	Habitat Requirements	Occurrence Potential	Comments
Vulpes macrotis mutica	San Joaquin kit fox	FE, ST[4]	Inhabits annual grasslands or grassy open stages with scattered shrubby vegetation. Requires loose-textured sandy soils for burrowing	Low	No suitable habitat exists on the Site, no dens or signs of presence have been observed. The Site is east of the current range of this species. The closest CNDDB occurrence is about 13 miles southwest of the Site
Taxidea taxus	American badger	CA SC	Occurs throughout California and the United States. Primary habitat requirements seem to be sufficient food and friable soils in relatively open uncultivated ground in grasslands, woodlands, and desert.	Low	CNDDB records from project vicinity; no suitable habitat occurs on site; no badger dens or other sign were noted during surveys.
Birds					
Phalacrocorax auritus	Double-crested cormorant	CA SA[5] (rookery)	Colonial nester on coastal cliffs, offshore islands, and along lake margins; nests in trees along lakes	Absent	No suitable nesting habitat on the Site; no rookery sites present on or near the Site. CNDDB record is from Eastman Lake 20 mi north-northwest of the Site.
Ardea alba	Great egret	CA SA (rookery)	Inhabits freshwater marshes, coastal lagoons, estuaries, and margins of large rivers, lakes, and flooded fields. Requires large trees for colonial nesting.	Low (foraging)	Foraging in grasslands and seasonally wet areas likely; no rookery sites present on or near the Site.
Ardea herodias	Great blue heron	CA SA (rookery)	Inhabits marshes, flooded fields, and riparian stands along lakes or rivers.	Low (foraging)	Foraging in grasslands and seasonally wet areas likely; no rookery sites present on or near the Site.

[4] ST = State Threatened

[5] CA SA = California Special Area (i.e. rookeries)

Scientific Name	Common Name	Status	Habitat Requirements	Occurrence Potential	Comments
Elanus leucurus	White-tailed kite	State Protected MNBMC[6]	Open groves, river valleys, marshes, and grasslands.	Low (foraging)	No CNDDB occurrences or nesting sites; species could forage in nearby annual grassland.
Buteo swainsoni	Swainson's hawk	ST	Breeds in stands with few trees in juniper-sage flats, riparian areas and oak savannahs. Requires adjacent suitable foraging areas such as grasslands, or alfalfa or grain fields supporting rodent populations.	Low (foraging)	Few CNDDB records from project vicinity; the Site provides limited foraging habitat but is at eastern edge of species range in Central Valley.
Circus cyaneus	Northern harrier	CA SC	Associated with annual grasslands in or near emergent wetlands, or on sagebrush flats near water. Harriers forage over grasslands and marsh edges and nest on the ground.	Low (foraging)	No suitable ground nesting habitat or foraging habitat occurs on the Site.
Aquila chrysaetos	Golden eagle	CA SC	Occurs in rolling foothills, mountain areas, sage-juniper flats, and deserts. Nests in cliffs and in large trees in open areas. Rugged, open habitats with canyons and escarpments are most commonly used for nesting.	Low (foraging)	The Site provides no suitable foraging habitat due to current development. This species has been observed in general vicinity.
Haliaeetus leucocephalus	Bald eagle	FT[7], SE	Nests in large, old growth, or dominant live tree with open branches near ocean shore, lake margins, and rivers. Usually nests within 1 mi (1.6 km) of water.	Absent	No suitable nesting or foraging habitat is present on the Site.
Buteo regalis	Ferruginous hawk	CA SC	Uncommon winter resident and migrant in lower elevations. Found in open grasslands, sagebrush flats, desert scrub, and low foothills surrounding valleys.	Low (wintering)	No CNDDB occurrences; however, wintering individuals may forage near the Site

[6] MNBMC = Migratory Nongame Birds of Management Concern

[7] FT = Federal Threatened

Scientific Name	Common Name	Status	Habitat Requirements	Occurrence Potential	Comments
Agelaius tricolor	Tricolored blackbird	CA SC	Nests in freshwater marshes with tules or cattails, or in other dense vegetation such as thistle, blackberry thickets, etc. in close proximity to open water. Forages in a variety of habitats including pastures, agricultural fields, rice fields, and feedlots.	Low	No suitable nesting or foraging habitat present on the Site.
Athene cunicularias	Burrowing owl	CA SC	Occurs in open, valley grassland habitat, with short to moderate vegetation height, areas of bare ground and populations of burrowing mammals. Species depends on burrows dug by small mammals, most notably ground squirrels, for nest and roosting sites.	Low	No suitable habitat exists on the Site.
Reptiles					
Actinemys marmorata	Pacific pond turtle	CA SC	Occurs in permanent or nearly permanent water sources, ponds, marshes, rivers, streams and irrigation ditches with emergent vegetation and basking sites. Lays eggs in upland habitat consisting of sandy banks or grassy, open fields.	Low	No suitable habitat for this species occurs on or near the site. River and deeper ponds distant to the site could potentially support turtles.

Scientific Name	Common Name	Status	Habitat Requirements	Occurrence Potential	Comments
Gambelia sila	Blunt-nosed leopard lizard	FT, SE	Inhabits open, sparsely vegetated areas in the San Joaquin Valley including alkali playa and valley saltbush scrub.	Absent	No suitable habitat for this species occurs on the site. No CNDDB occurrences within 10 mile of the Site. This species has a very limited distribution on the Valley floor and in the foothills of the Coast Range. The Site is outside the current distribution of this species.
Amphibians					
Ambystoma californiense	California tiger salamander	FT; CA SC	Most commonly found in grasslands or open woodland habitats. Lives in vacant or mammal-occupied burrows (e.g., California ground squirrel, valley pocket gopher), and occasionally other underground retreats, throughout most of the year. Lays eggs on submerged stems and leaves, usually in shallow ephemeral or semi-permanent pools and ponds that fill during heavy winter rains, sometimes in permanent ponds.	Low (unlikely aestivation)	CNDDB records from project vicinity. No breeding locations on site; wet features near ingress road are considered a low probability of being utilized for breeding purposes. On site annual grasslands is low probability aestivation habitat due to lack of suitable refugia.
Rana aurora draytonii	California red-legged frog	FT	Lowlands and foothills in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation; also requires uplands for estivation.	Absent	No on site habitat for this species; no CNDDB records for Madera County; four records from western Fresno County in Coast Range foothills; species generally considered extirpated from San Joaquin Valley floor
Rana boylii	Foothill yellow-legged frog	FC, CA SC	Partially-shaded, shallow streams and riffles with a rocky substrate in a variety of habitats. Need at least some cobble-sized substrate for egg-laying, with at least 15 weeks of running water to attain metamorphosis.	Absent	No suitable habitat for this species occurs on the site. No CNDDB records within ten miles of site; stream habitat distant to the site may be limited suitable for this species.

Scientific Name	Common Name	Status	Habitat Requirements	Occurrence Potential	Comments
Spea hammondi	Western spadefoot toad	CA SC	Occurs primarily in grassland habitats but also found in valley-foothill hardwood woodlands. Vernal pools are essential for breeding and egg-laying.	Absent	Several CNDDB records from project vicinity; vernal pools and seasonal wetlands may provide suitable habitat for breeding. No suitable habitat on the Site.
Invertebrates					
Calicina mesaensis	Table Mountain harvestman	CA SA	Prefer mesic habitats but absent from saturated or periodically inundated areas; occur under medium to large rocks in contact with soil	Absent	Only known location is from under basalt rocks at Table Mountain about 8 miles north of the site. No suitable habitat for this species occurs on the site.
Efferia antiochi	Antioch efferian robberfly	CA SA	Known only from Antioch, Fresno, and Scout Island in the San Joaquin River; apparently associated with sand dunes and sandy soils	Absent	Only CNDDB records > 50 years old; no suitable habitat on site
Metapogon hurdi	Hurd's metapogon robberfly	CA SA	Known only from Antioch Dunes and Fresno area; apparently associated with sand dunes and sandy soils	Absent	Only CNDDB records > 80 years old; no suitable habitat on site
Andrena macswaini	Andrenid bee	CA SA	Specialized pollinator of morning-opening, yellow flowered species in Genus Camissonia; prefers deep sandy soils for burrows	Absent	Only records in vicinity are from more than 10 miles north of site; preferred deep sandy soils do not occur on the Site. No suitable habitat for this species occurs on the site.
Branchinecta conservatio	Conservancy fairy shrimp	FE	Large turbid pools in grasslands of the Central Valley.	Absent	There are no CNDDB records for this species from Fresno or Madera County; current known range consists of several distant populations, the closest of which is near Yosemite Lake, about 40 miles northwest of the Site; suitable habitat is not present on the Site.

Scientific Name	Common Name	Status	Habitat Requirements	Occurrence Potential	Comments
Branchinecta lynchi	Vernal pool fairy shrimp	FT	Endemic to the grasslands of the Central Valley, Central Coast Mountains and South Coast Mountains, in astatic rain-filled pools. Inhabit small, clear-water sandstone-depression pools and grassed swales, earthen slumps, or basalt-flow depression pools.	Absent	Several records from project vicinity primarily to the east of Highway 41; suitable habitat is not present on the Site.
Branchinecta mesovallensisi	Midvalley fairy shrimp	CA SA	Occurs in shallow vernal pools, vernal swales and various artificial ephemeral wetland habitats in Sacramento, Solano, Contra Costa, San Joaquin, Madera, Merced and Fresno Counties	Absent	Several records from project vicinity; suitable habitat is not present on the Site.
Linderiella occidentalis	California linderiella	CA SA	Occurs in seasonal pools (e.g., vernal pools) in unplowed grasslands with old alluvial soils underlain by hardpan or heavy clay or in sandstone depressions	Absent	Numerous records from project vicinity; suitable habitat is not present on the Site.
Desmocerus californicus dimorphus	Valley elderberry longhorn beetle	FT	Occurs only in the Central Valley of California, in association with blue elderberry (Sambucus mexicana). Prefers branches greater than 1 in (2.5 cm) in diameter.	Absent	No elderberry plants occur on the Site.
Lyta moesta	Moestan blister beetle	CA SA	Occurs in central California; associated with grassland habitats and vernal pools; larvae parasitic on solitary bees.	Low	Only CNDDB record is historical and undated; The Site within historic range of species and suitable habitat does not occur on site.

Scientific Name	Common Name	Status	Habitat Requirements	Occurrence Potential	Comments
Plants					
Calycadenia hooveri	Hoover's calycadenia	CNPS 1B[8]	Occurs only in central Sierra foothills; found on barren rocky soils in valley woodland and foothill grassland.	Absent	Single record of this species in Madera County is from Madera Air Force Station, about 20 miles west of site; not observed during surveys.
Calyptridium pulchellum	Mariposa pussypaws	FT, CNPS 1B	Occurs in foothill woodlands; restricted to decomposed granitic sands above 1,500 feet.	Absent	No suitable habitat on the Site; only records in project vicinity are from about 16 miles north/northeast of site at ~ 2,300 feet elevation.
Castilleja campestris ssp. succulenta	Succulent owl's clover	FT, SE, CNPS 1B	Occurs in vernal pools in valley and foothill grasslands 25 – 750 m.	Absent	No suitable habitat located on the Site. May be located near vernal pools in vicinity.
Caulanthus californicus	California jewel-flower	FE, SE, CNPS 1B	Occurs in nonnative grassland, upper Sonoran subshrub scrub, and cismontane juniper woodland and scrub communities on subalkaline sandy soils.	Absent	No CNDDB records within 10 miles of the Site; species not observed during surveys; known populations limited to west side of San Joaquin Valley, approximately 70 miles southwest of site.
Clarkia rostrata	Beaked clarkia	CNPS 1B	Found in cismontain woodland, valley and foothill grassland on decomposed granite loam soils at ~1,500 feet elevation	Absent	One historic record from about 20 miles north of site; not observed during surveys. No suitable habitat on site.
Downingia pusilla	Dwarf downingia	CNPS 2[9]	Vernal lake and pool margins; valley and foothill grasslands.	Absent	One CNDDB record from project vicinity; no suitable habitat present on the Site; species not observed during surveys
Eryngium spinosepalum	Spiny-sepaled button-celery	CNPS 1B	Occurs on vernal pools in valley and foothill grassland	Absent	Several CNDDB records, especially east of the Site; no suitable habitat present on the Site; species not observed during surveys

[8] CNPS 1B = California Native Plant Society List 1B

[9] CNPS 2 = California Native Plant Society List 2

Scientific Name	Common Name	Status	Habitat Requirements	Occurrence Potential	Comments
Imperata brevifolia	California satintail	CNPS 2	Perennial rhizomatous grass; occurs in mesic areas (meadows, stream sides, alkali seeps) in coastal scrub, chaparral, and riparian scrub.	Absent	Once known from mesic sites in southwestern deserts, southern California, Nevada, and Utah to western Texas; currently known only from Grand Canyon National Park. Only CNDDB record for project vicinity is based on nonspecific 1893 collection; species not observed during surveys.
Leptosiphon serrulatus	Madera leptosiphon	CNPS 1B	Cismontane woodland, lower coniferous forest. Meadows and decomposed granite. 300-1300 m. Blooms April-May.	Absent	No suitable habitat on the Site; this plant grows at higher elevations; species not observed during surveys.
Lupinus citrinus var. citrinus	Orange lupine	CNPS 1B	Annual. Chaparral, cismontane woodland, lower montane coniferous forest. Granitic soils, 380-1700 m. Blooms April – July.	Absent	CNDDB records from higher elevations north of the Site; no suitable habitat on the Site; grows at higher elevations; species not observed during surveys.
Orcuttia inaequalis	San Joaquin Valley orcutt grass	FT, SE, CNPS 1B	Annual. Vernal pools. 10-755 m. Blooms April September	Absent	Several CNDDB records from the project vicinity, east of Highway 41; some vernal pools east of site may be suitable for this species; species not observed during focused surveys.
Orcuttia pilosa	Hairy orcutt grass	FE, SE, CNPS 1B	Annual. Vernal pools. 55-200 m. Blooms May – September.	Absent	Several records from the project vicinity, east of Highway41; some vernal pools on Caltrans site appear suitable for this species; no suitable habitat on site and species not observed during focused surveys.
Pseudobahia bahiifolia	Hartweg's golden sunburst	FE, SE, CNPS 1B	Cismontane woodland, valley and foothill grassland. Clay soils, 15 – 150 m. Blooms March – April.	Absent	Several records from project vicinity; the Site does not contain appropriate clay soils; species not observed during surveys.

Scientific Name	Common Name	Status	Habitat Requirements	Occurrence Potential	Comments
Pseudobahia peirsonii	San Joaquin adobe sunburst	FT, SE, CNPS 1B	Occurs in cismontane woodland, valley and foothill grassland; grows on grassy valley floors and rolling foothills; restricted to adobe clay soils.	Absent	Species known historically only from Fresno, Tulare and Kern Counties; closest records are from Round Mountain area, 16-20 miles southeast of site; the Site does not include adobe clay soils; species not observed during surveys.
Sagittaria sanfordii	Sanford's arrowhead	CNPS 1B	Marshes and swamps. In standing or slow-moving freshwater ponds, marshes, and ditches.	Absent	No suitable habitat is for this aquatic perennial species; not observed during surveys.
Tropidocarpum capparideum	Caper-fruited tropidocarpum	CNPS 1B	Found on alkaline hills in valley and foothill grasslands at low elevations;	Absent	No CNDDB records from project vicinity; not observed during surveys; only known from NW San Joaquin Valley. Believed extinct.
Tuctoria greenei	Greene's tuctoria	FE, SR, CNPS 1B	Dry bottoms of vernal pools in open grasslands. 30 – 70 m. Blooms May to September.	Absent	No CNDDB records from within 10 miles of the Site; species not observed during surveys; USFWS considers species extirpated from Fresno and Madera Counties.

4.2 Focused Species Assessment

The supplemental material requested by the County of Madera, following the submission of the project plan and receipt of a comment letter from the USFWS, was focused on the following specific species:

- California tiger salamander [CTS] (*Ambystoma californiense)*; and,
- Vernal pool fairy shrimp [VPFS] (*Branchinecta lynchii*).

ESR conducted site surveys for the species to evaluate the likelihood of the species of concern occupying or being impacted by the proposed project. The guidelines and protocols provided by the US Fish and Wildlife Service (USFWS), the CDFG, the California Native Plant Society (CNPS) for the species that were cited, referenced, and used to evaluate the site for occupation and the potential for the project to impact the specific species can be found on the individual agency website.

ESR conducted an assessment and analysis of the potential for impact to sensitive species from the improvements to the existing ingress road to the site. The analysis of the potential for a "Take" of any species of interest relies on the federal and state definition of "Take" of a species. "Take", as described in the regulatory section of this document, is defined to include harassing, harming (including **significantly**[10] modifying or degrading habitat), pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting wildlife species or any attempt to engage in such conduct (16 USC 1532, 50 CFR 17.3). The state regulations allow the DFG to identify "reasonable and prudent alternatives" to the project consistent with conserving the species. Agencies can approve a project that affects a listed species if they determine that there are "overriding considerations"; however, the agencies are prohibited from approving projects that would result in the extinction of a listed species.

As commented on by the USFWS, two types of special status animal species (CTS and Vernal pool fairy shrimp), if present, may be **indirectly** impacted due

[10] Emphasis added by biologist

to the species dependence on wet features for critical stages of their life cycle. According to the USFWS comment letter, indirect impacts to the species can possible occur, if the property is located less than 250 feet from a wet feature and the species is present. Several factors should be considered when assessing the probability of those species occurring in the features. Some of the factors to consider are:

- Distance and direction
- Micro-topography
- Agricultural Practices
- Current and historical impact
- Species habitat needs
- Results from previous studies in the area

The subsequent discussions describe the distance, direction, micro-topography, the state of the current/past agricultural practices and the current and historical impacts. Following those discussions the species requirements for CTS and VPFS and the results from previous studies in the area will be presented.

4.2.1 Wet Feature #1

The current property line is located approximately 262 feet north from the area of Feature #1 that may potentially meet the required determinants to be considered a vernal pool. This distance alone indicates that no indirect impacts from the proposed modifications on the Hendrix property would affect this wet feature. If the project proponent proceeds to acquire an additional 30 foot easement to the south of the property line the area of impact would be approximately 232 feet from the potential wet feature. Although the project appears to be 18 feet within the 250 foot buffer area of the feature the micro-topography of the area should also be considered. The site is relatively flat at the five foot contours provided by the USGS topographic maps. However, upon visiting the site it is apparent that Feature #1 is not impacted by activities from the Hendrix property due to a slight ridge that has likely developed over years of contouring, disking, and plowing both properties as per typical agricultural practices. The runoff from the project site appears to flow either to the east towards Highway 41 or to the north along

the irrigation canal and does not likely hydraulically influence Feature #1. The southern property does not appear to be influenced by the sheet flow of water from the site. During the course of the study, various informational sources were accessed to evaluate the use of the site and the property to the south and in the general area. It is fairly obvious from the review of the historical and current aerial photographs, the USGS topographical maps, and through the site visit that Wet Feature #1 has been historically plowed and disked for decades. This sustained, mostly annual but sometimes on a more frequent basis, activity would likely significantly reduced the probability of either of the sensitive species utilizing the feature.

4.2.2 Wet Feature #2

The Wet Feature #2 is located approximately 65 feet to the southwest of the proposed area of impact but is hydraulically independent of the proposed actions on project properties. Again, this is likely due to decades of agricultural contouring practices (i.e. disking and possibly ripping, etc.) conducted at the project site and the property to the south. As stated above, during the course of the study, various informational sources were accessed to evaluate the use of the site and the property to the south and in the general area. It is fairly obvious from the review of the historical and current aerial photographs, the USGS topographical maps, and through the site visit that Wet Feature #2 has been historically plowed and disked for decades. This sustained, mostly annual but sometimes on a more frequent basis, activity would likely significantly reduced the probability of either of the sensitive species utilizing the feature.

4.2.3 Wet Feature #3

Wet Feature #3 is closest to the southern boundary of the site by being adjacent to the fence line of the existing residential unit; however, it is approximately 300 feet southwest of the proposed area of impact. Surface hydrology suggests that the sheet flow from the area of the property to be impacted flows toward Highway 41 and Wet Feature #3 would not be hydraulically impacted by the proposed project. Hydrological influence from the existing residential unit and livestock

rearing activities appear to be an ongoing activity that has exacerbated the degraded condition of the feature as evidenced by landscaping irrigation water, wash down from outbuildings, stables, corrals, tarmac and other portions of the residential portion of the property flowing towards Wet Feature #3. Historical data indicate that a water tower was once in the vicinity and that occasional overflow from pumping activities may have been directed toward the feature and potentially utilized for agricultural and livestock purposes. As stated above, during the course of the study, various informational sources were accessed to evaluate the use of the site and the property to the south and in the general area. It is fairly obvious from the review of the historical and current aerial photographs, the USGS topographical maps, and through the site visit that Wet Feature #3 has been historically plowed and disked for decades. This sustained, mostly annual but sometimes on a more frequent basis, activity would likely significantly reduced the probability of either of the sensitive species utilizing the feature.

4.2.4 California Tiger Salamander

As stated in the sensitive species tables, CTS are most commonly found in grasslands or open woodland habitats. According to USFWS data, the species lives in vacant or mammal-occupied burrows (e.g., California ground squirrel, valley pocket gopher), and occasionally other underground retreats, throughout most of the year. In order for the species to reproduce it needs to locate ponds that hold water for at least 10 weeks to complete larval metamorphosis during the rainy season. The species lays eggs on submerged stems and leaves, usually in shallow ephemeral or semi-permanent pools and ponds that fill during heavy winter rains, sometimes in permanent ponds. It has been ESR's experience that minor disturbances to the surface soils, such as caused by cattle hoofs, does not excessively impede the species to complete the reproductive cycle; however, more intense manipulations such as the use of mechanical disking, plowing and ripping coupled with planting and harvesting activities tends to reduce the feasibility of a wet feature to be utilized by the species due to not only the deeper disturbance of the surface soils but also the vector controlling aspect of eliminating fossorial mammal burrows which are a key factor in whether a wet feature can sustain a population of CTS. The wet features located closest to the site appear to be routinely impacted by mechanical disturbances to the soils.

Furthermore, it appears that these types of activities have resulted in a dearth of fossorial mammals as evidenced by the lack of burrow complexes in the area. The wet features located on the property to the south of the project are more than a mile from the nearest CNDDB record listed for CTS and across Highway 41, which is a major CTS migration barrier.

According to the USFWS CTS protocols, a breeding pond must hold water to ten consecutive weeks to allow for larval development to occur. These protocol conditions will be used as the monitoring guidelines. According to data from the USFWS and the DFG[11], a site is precluded from being considered likely aestivation habitat due to a combination of factors including, but not limited to, the fragmentation of the natural habitat as a result of the development of many of the adjoining and nearby parcels, the isolation of the site by major roadways or canals, and the abundance of predatory species (Bullfrogs, Centrarchid, etc) located in the nearby water features.

According to the recent studies conducted by various biological firms working for the private developers and the State of California Department of Transportation, the likelihood of CTS to utilize the parcel to the south of the proposed project is considered low. The following excerpts and statements provided by the sensitive species assessments issued by the various projects in the area summarize the results of extensive surveys for CTS.

Tesero Viejo

The southern boundary of the Tesero Viejo Development is located across Highway 41 directly east of the Hendrix project. As supplied in the biological evaluation of the Tesero Viejo development, Dr. Mark R. Jennings, an authority on the CTS, noted that suitable aestivation habitat in the form of undisturbed grassland habitat is absent from the Tesoro Viejo site. Agricultural lands of the site, including the extensive vineyards, orchards, and areas of row crop have been probably deep-ripped, and are now regularly disked for planting and/or control of weedy vegetation. Regular soil disturbance associated with on-going agricultural operations render agricultural areas of the site unsuitable as

[11] See APPENDIX A for data provided by the DFG pertaining to the CTS

aestivation habitat. Furthermore, Dr. Jennings examined these areas and was of the opinion that the thin soils and the rocky substrate provided limited habitat for ground squirrels and pocket gophers. Therefore, underground refugia suitable for the CTS are probably not present in these areas.

Furthermore the report states that "...Breeding habitat located immediately east of Little Table Mountain and west of the Lands of Central Green is located more than 0.7 mile from known breeding habitat in other parts of the Rio Mesa Planning area (i.e. the Root Creek watershed located in the southern part of Rio Mesa). In fact, the agricultural lands of the Tesoro Viejo site and adjoining lands to the south are at least a mile in width. Even if CTS breeding habitat were located just outside the ranch's boundaries on the north and south (which is not the case), the distance between breeding habitats would exceed the designated dispersal distance established by the Service by nearly 0.5 mile. Furthermore, the Madera Canal, which passes through the northern portion of the ranch, provides a nearly continuous barrier to CTS dispersal movements from the northern to the southern part of the Planning Area. This canal, which is operated by the Bureau of Reclamation, is approximately 40 feet in width as measured from the upper banks and has steep concrete-lined sides. This canal by itself represents a significant barrier to CTS dispersal movements. In summary, no portion of the Tesoro Viejo site facilitates dispersal movements of the CTS between known CTS habitat in the northern the southern portion of the Planning Area. Because most of the Tesoro Viejo project site is a working farm providing little or no suitable breeding and aestivation habitat for the California tiger salamander, and because the ranch represents a substantial barrier to dispersal movements from one side of the ranch to the other, it is unlikely that the California tiger salamander occurs in habitats of the ranch. The USFWS considered including portions of the ranch within a critical habitat unit for the California tiger salamander in its critical habitat proposal of August 10, 2004. After examining agricultural land use patterns on the ranch and reviewing information related on-site biotic habitats, the USFWS excluded the agricultural lands of the ranch from proposed critical habitat in its final rule published in the Federal Register on August 23, 2005. None of the primary constituent elements of critical habitat are met on such lands within the Tesoro Viejo project site..."

Caltrans Vernal Pool Enhancement Project

The California Department of Transportation (Caltrans) was contacted for information related to species surveys for the vernal pool enhancement project located southeast across Highway 41 from the site. Ms. Virginia Strohl, Lead Biologist, was queried during multiple conversations as to whether their studies had found any CTS in the local area. According to Ms. Strohl, extensive protocol level surveys have been conducted for over nine years and no CTS have ever been located on the Caltrans property or any of the surrounding properties.

4.2.5 Vernal Pool Fairy Shrimp

Vernal pool fairy shrimp (*Branchinecta lynchii*) are endemic to the grasslands of the Central Valley, Central Coast Mountains and South Coast Mountains, in astatic rain-filled pools. They occupy a variety of different vernal pool habitats, from small, clear, sandstone rock pools to large, turbid, alkaline, grassland valley floor pools. Although these species have been collected from large vernal pools exceeding 25 acres, they tend to occur in smaller pools (usually measuring less than 0.05 acre). Such pools most commonly occur in grass or mud bottomed swales, or basalt flow depression pools in **unplowed** grasslands. (USFWS 2008).

Habitat loss and fragmentation is the largest threat to the survival and recovery of vernal pool species. Habitat loss generally is a result of urbanization, agricultural conversion, and mining. Habitat loss also occurs in the form of habitat alteration and degradation as a result of changes to natural hydrology, invasive species, incompatible grazing regimes, including insufficient grazing for prolonged periods; infrastructure projects (e.g., roads, water storage and conveyance, utilities), recreational activities (e.g., off-highway vehicles and hiking), erosion, climatic and environmental change, and contamination (USFWS 2008).

The wet features located south of the Hendrix parcel has been extensively plowed on a regular basis for years during agricultural operations primarily associated with sowing and harvesting activities. The property south of the Hendrix property and west of Highway 41 as depicted in Figure 5 – Hendrix

Project 1 Mile Buffer Map is a fragmented parcel of highly disturbed and degraded habitat, which would be characterized as being low quality habitat for potential VPFS. The parcel south of the Hendrix parcel is isolated from native habitat to the north by the Madera Irrigation canal, to the west and south by agricultural developments and to the east by Highway 41. The parcel to the east of Highway 41 (Caltrans Vernal Pool Creation Project), which VPFS have been found, provides higher quality habitat for VPFS since it is used for cattle grazing lands and is not regularly disturbed by plowing or grading now that the vernal pools have been enhanced and/or created. In addition the Caltrans property is contiguous with native grassland habitat.

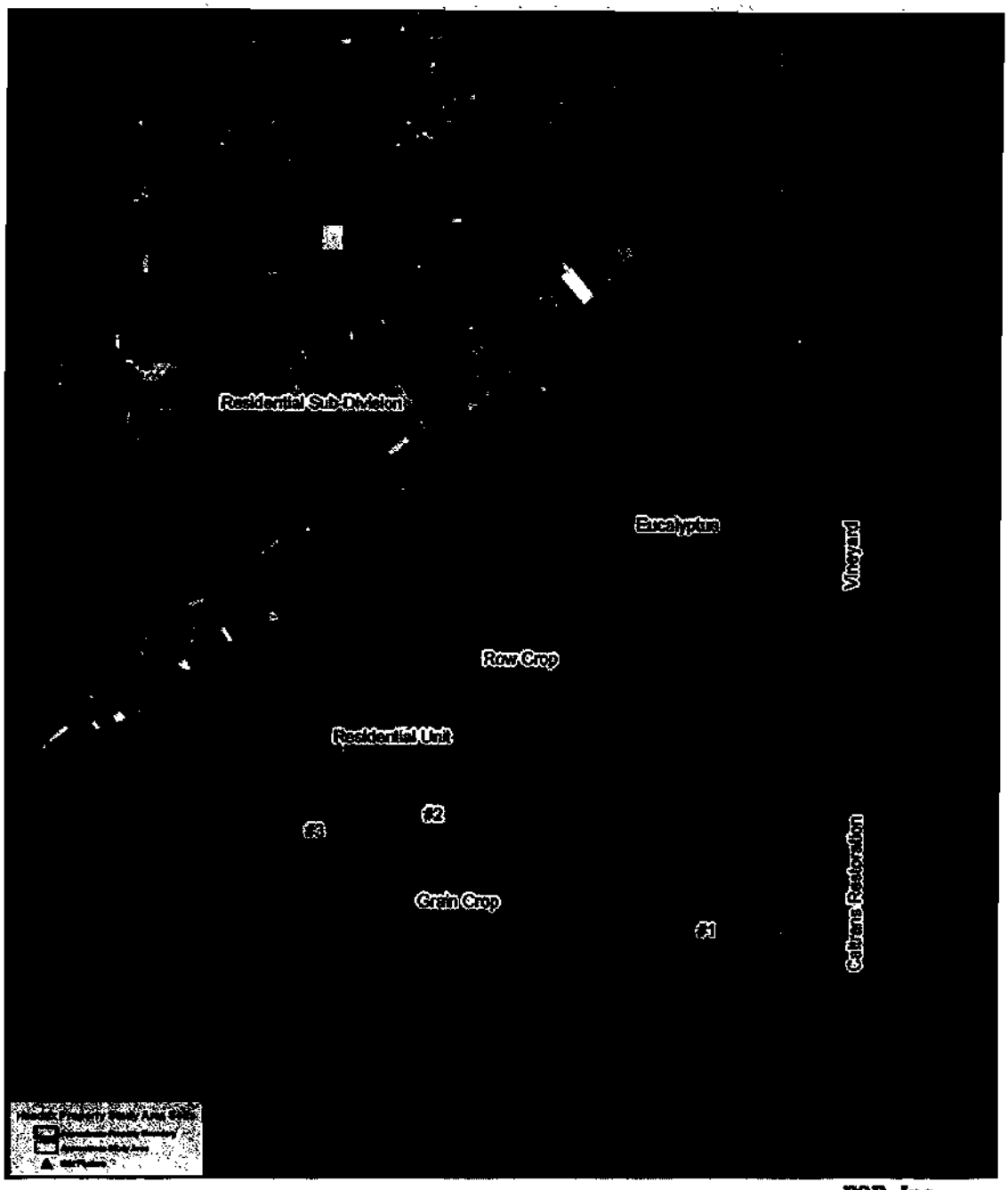

Figure 4 – Hendrix Project and Wet Features Located South of Property

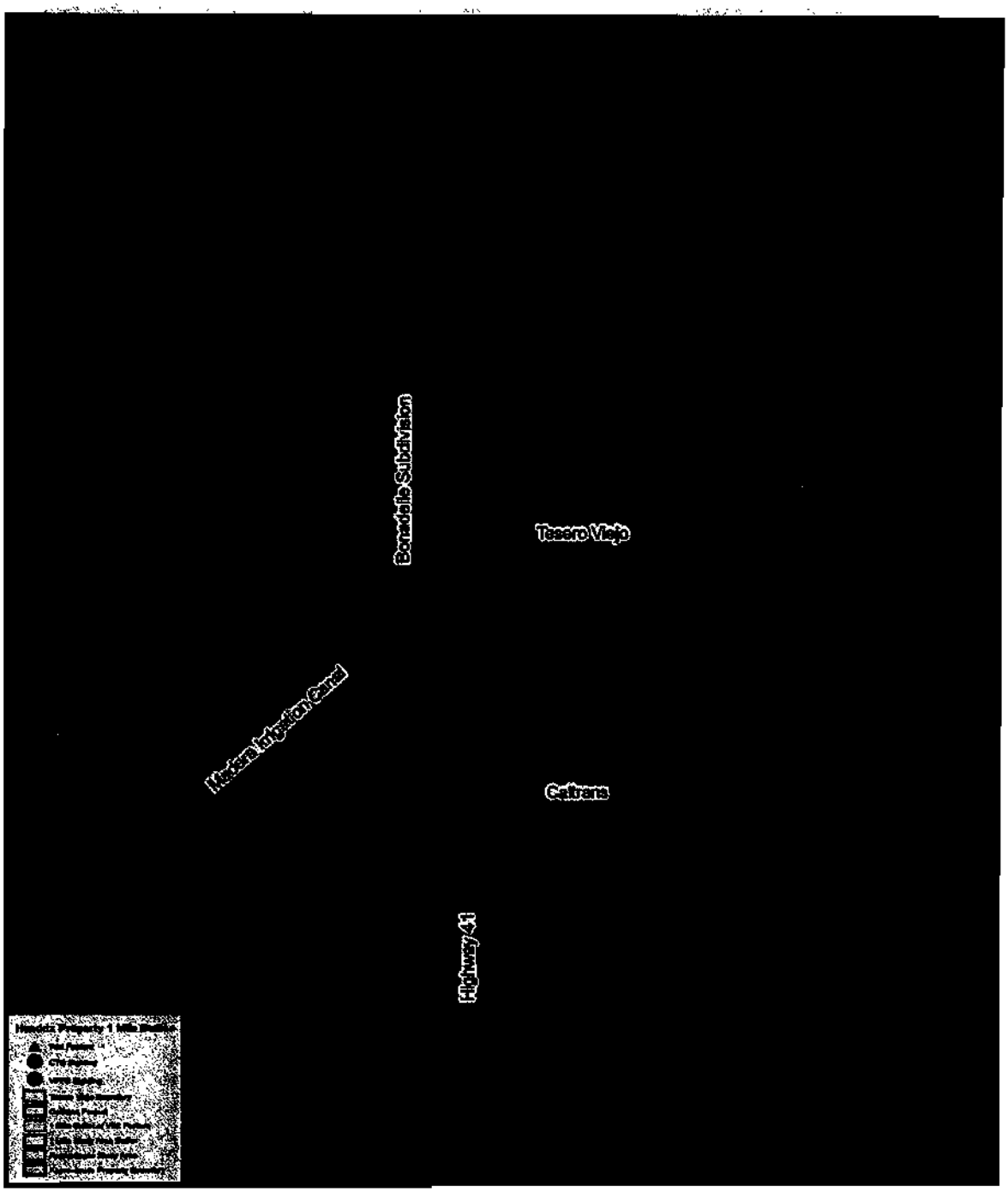

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Figure 5 – Hendrix Project 1 Mile Buffer Map

4.2.6 Ingress Road Introduction

The ingress road to the site is currently a 30 foot wide roadway easement with an approximately 20 foot wide portion of the road paved with asphalt concrete in various states of repair. The current alignment is greater than 250 feet for the closest wet feature and therefore would not meet the indirect impact criteria used by the USFWS. The road alignment and easement from a biological standpoint has previously been highly disturbed/degraded since it has been graded, contoured, paved and apparently managed by mechanical and possible other means. The easement has areas of topographical contour that do not hamper the hydraulic flow regimes of the area. The approximately 20 foot native soil shoulders from the paved portions of the easement slope from the center of the roadway to the edge of the easement. The roadway easement is currently managed as evidenced by the lack of a preponderance of native vegetation due to either mechanical scrapping or chemical application of herbaceous deterrents. However, during the assessment the fringes of the roadway were providing habitat for some grass species to grow on the shoulders. The cover, density, and biodiversity of these grasses were not as prevalent as the better managed grasslands located east of Highway 41.

Once the road has been improved, it is suggested that the fence positioned along the easement will be enhanced by the placement of a continuous flanking barrier to direct access by migratory terrestrial species to the drainages and away from the roadway.

4.2.7 Impact Assessment Conclusion

The level of development and alignment of the current ingress road and easement in addition to the current hydraulic flows toward Highway 41 and usage by light and heavy duty vehicles have not resulted in recorded, observed, or inferred take of any species of interest. These postulations are based on the analysis of the readily available data and the apparent lack of impact or take due to the continued use by the species of the water bearing features and/or the nearby grazing lands to the east of Highway 41.

The changes or improvements to the existing level of development of the ingress road, as discussed above, provides compelling evidence that there is a low probability of the project contributing to a "Take" of the species of interest or significantly modifying or degrading the habitat required for the species of interest.

This is due primarily to the continued use of the roadway within the existing easement, the poor quality of the biological community within the easement, the lack of suitable aestivation habitat within the easement or within the project site, the continued use of the contouring to direct hydraulic flow toward the existing drainages along Highway 41, the placement of a barrier that precludes species from accessing the property, the timing of the improvements, and the pollution prevention measures that are typically required for projects of this extent.

5.0 Mitigation Measures

The following sections provide recommended mitigation measures to maintain the level of impacts from biological issues to less than significant for the purposes of the CEQA documentation.

5.1 Impacts to Special Status Animal Species

There are no anticipated impacts to special status animal species potentially occurring within the bounds of the project area if the following measures are implemented:

- **Preconstruction surveys:** Prior to construction within this habitat, a qualified biologist should conduct a preconstruction survey for special-status species in areas slated for development. Only if special-status species are identified during the preconstruction survey will an addendum to this report be prepared addressing the species.

- **Avoidance:** If special-status species are found in areas slated for development, construction should be delayed until further consultations with the appropriate agencies are completed.

5.2 Impacts to Special Status Plant Species

There are no anticipated impacts to special status plant species potentially occurring within the bounds of the project area if the following measures are implemented:

- **Preconstruction surveys:** Preconstruction surveys for special status plant species should be conducted in all areas where development is slated to occur. These surveys should be conducted by a qualified botanist pursuant to "Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants" (USFWS, 1996a). Only if special-status species are identified during the survey will an addendum to this report be prepared addressing the species.

- **Development of a Mitigation Plan:** In the event that special status plant species are identified, a mitigation measures should be conducted in accordance with the California Native Plant Society's "Policy on Mitigation Regarding Impacts to Rare, Threatened, and Endangered Plants" (CNPS, 1991).

5.3 Disturbance to Nesting Raptors

Portions of the nearby project area provide suitable nesting habitat for various species of raptors. One raptor nest was located during focused surveys of the site and vicinity. Raptors typically breed and rear their young between the months of February through early August. Implementation of one or both of the following measures will likely reduce impacts to nesting raptors to a less than significant level if project construction were to occur during this period.

- **Preconstruction Surveys:** During the raptor nesting season the applicant should have a qualified biologist survey construction areas and their immediate vicinity for active raptor nests. The surveys should be conducted according to a protocol developed in consultation with the California Department of Fish and Game. Only if special-status species are identified during the survey will an addendum to this report be prepared addressing the species.

- **Avoidance:** Active raptor nests discovered during the preconstruction survey should be marked on a map. A construction-free setback or buffer should be established around each active nest by means of fencing or stakes with conspicuous flagging. No construction activities should be permitted within the buffer area until the young have fledged or the species are no longer attempting to nest. For example, construction activities initiated prior to completion of breeding (i.e. fledging of young) should be restricted appropriately to mitigate potential impacts to the identified breeding pair. This typically includes establishment of a 300 foot construction-free buffer zone around the tree by means of fencing or stakes with conspicuous flagging. The exact distance of the buffer zone should be determined in consultation with CDFG. Once the nest becomes inactive, as determined by a qualified biologist, construction would be allowed to commence within the buffer zone.

5.4 Ingress Road Impact Measures

During the assessment of the ingress road and analysis of the potential impacts to sensitive species it was concluded that the existing level of development and alignment of the roadway does not appear to hinder directly or indirectly potential sensitive species. The relatively minor improvements to the existing roadway within the current easement are not presumed to contribute to a "Take" situation if the following design parameter and construction methodologies are implemented during the development of the project:

- The continued use of the roadway within the existing easement;
- Maintain and manage the dirt shoulders of the easement to deter growth of volunteer vegetative species and invasive use by fossorial mammals thereby limiting suitable aestivation habitat within the easement;
- The placement of a barrier that precludes species from accessing the roadway;
- Timing the construction of the improvements to the dry periods when the potential species of interest are not utilizing the area for breeding or maturation;
- Provide pollution prevention measures such as wattle, hay bales, silt fencing, etc. that are typically required for projects of this extent.

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APPENDIX A - DFG CTS Species Data

California Department of Fish and Game

Habitat Conservation Planning Branch

CALIFORNIA TIGER SALAMANDER

Habitat: The California tiger salamander is a lowland species restricted to the grasslands and lowest foothill regions of Central and Northern California, which is where its breeding habitat (long-lasting rain pools) occurs (Shaffer and Stanley 1992). Permanent lowland aquatic sites are claimed to be used for breeding (Stebbins 1985; Zeiner et al. 1988; P. Moyle, pers. comm.), but use of such sites is unlikely unless they lack fish predators (Shaffer and Stanley 1992, Shaffer et al. 1993), so this species should be viewed as capable of breeding almost exclusively in temporary pools until data to the contrary show otherwise. Dry-season refuge sites within a reasonable distance of breeding sites (up to 1.6 km: Austin and Shaffer 1992) are likely a necessary habitat requirement since this species is absent from sites with seemingly suitable breeding habitat where surrounding hardpan soils are lacking in small mammal burrows; if the burrowing ability of California tiger salamanders is similar to that of its eastern congener (see Semlitsch 1983), they are probably poor burrowers. Although the range in types of burrows that California tiger salamanders regularly use needs study, those of the California ground squirrel (Spermophilus beecheyi) may be favored in some areas (Shaffer et al. 1993; J. Medeiros and S. Morey, pers. comm.), Botta's pocket gopher (Thomomys bottae) burrows are also known to be used (Shaffer et al.. 1993, Barry and Shaffer 1994) as are certain man-made structures (e.g., wet basements, underground pipes, and septic tank drains: Zeiner et al. 1988; Myers, ms; S. Sweet, pers. comm.; pers. observ.).

Status: Threatened; this unique California endemic is the most vulnerable of the group of amphibians that breed in rain pools because its long developmental interval appears to restrict its ability to reach metamorphosis in only those rain pools that are the longest lasting, and as a consequence, often the largest in size. Moreover, the apparently stereotyped migrations to breeding sites are probably linked to use of sites over many years (e.g., Twitty 1941) and considerable longevity, which is likely the result of highly variable annual rainfall that does not consistently provide suitable environmental conditions for breeding

or metamorphosis. Loss of rain (vernal) pools (Jain 1976, Stone 1990), and specifically, the degradation of complexes of long-lasting pools that are critical breeding [= core] habitat is a significant threat to the California tiger salamander, especially with the continued fragmentation of known breeding sites. Introduction of exotic and transplanted predatory fishes (including mosquitofish [Gambusia affinis]) to rain pools for mosquito (Culicidae) control, a practice still engaged in by mosquito abatement agencies in California, or other purposes can eliminate an entire cohort of developing embryos or larvae (Zeiner et al. 1988; J. Medeiros and S. Morey, pers. comm.; see also Collins et al. 1988 and Shaffer et al. 1993). Shaffer and Fisher (1991), Shaffer and Stanley (1992), and Shaffer et al. (1993) identified a strong inverse correlation between the occurrence of California tiger salamanders and fishes, emphasizing that California tiger salamanders were very rarely found in any pond with fish. These data strongly suggest that California tiger salamanders cannot survive in the presence of fish predators, perhaps because fishes are not recognized as predators, a condition in need of experimental investigation. Shaffer et al. (1993) also found the presence of California tiger salamanders inversely correlated with that of bullfrogs (Rana catesbeiana), a condition that Shaffer and Fisher (I 99 1) found only in unvegetated ponds, which suggests that California tiger salamanders perhaps gain a protective advantage when some vegetation structure is present Some California tiger salamander populations also may have been eliminated by the widespread introduction of the Louisiana red swamp crayfish (Procambarus clarkii). Historically, loss of populations in the Palo Alto area of San Mateo County was linked to groundwater pumping that lowered the water table and dried up springs, ponds, and wells (Myers, ms.). Loss of refuge habitat adjacent to breeding sites due to land use changes (e.g., grazing land to agriculture conversions, suburban housing development, or even converting grazing land to irrigated pasture) and poisoning of burrowing mammals are also significant threats (Barry and Shaffer 1994; J. Medeiros and H. Basey, pers. comm.). Further, artificial barriers that prevent or seriously impede migration (e.g., heavily travelled berms or roads, or solid road dividers) may have significantly affected California tiger salamander populations in certain areas (S. Morey, pers. comm.; see also Shaffer and Fisher 1991, Shaffer and Stanley 1992, Shaffer et al. 1993, Barry and Shaffer 1994). Decreased larval production or breeding during the years after 1986 suggests that the 1986-1990 drought may have negatively impacted California tiger salamander populations (Jones and Stokes 1988).

Based on the data of Shaffer et al. (1993), California tiger salamanders were not found at 58% of the historical locations (see Shaffer et al. (1993) for a definition) and 55% of the ponds they sampled, leading to the conclusion that California tiger salamanders have disappeared from about 55% of their historic range in California.

Environmental Checklist Form

Title of Proposal: Parcel Map #4178, Daggett & Associates

Date Checklist Submitted: 1/10/2014

Agency Requiring Checklist: Madera County Planning Department

Agency Contact: Jamie Bax, Planner III **Phone:** (559) 675-7821

Description of Initial Study/Requirement

The Initial Study is a public document used by the decision-making lead agency to determine whether a project may have significant effects on the environment. In the case of the proposed project, the Madera County Planning Department, acting as lead agency, will use the initial study to determine whether the project has a significant effect on the environment. In accordance with CEQA, Guidelines (Section 15063[a]), an environmental impact report (EIR) must be prepared if there is substantial evidence (such as results of the Initial Study) that a project may have significant effect on the environment. This is true regardless of whether the overall effect of the project would be adverse or beneficial. A negative declaration (ND) or mitigated negative declaration (MND) may be prepared if the lead agency determines that the project would have no potentially significant impacts or that revisions to the project, or measures agreed to by the applicant, mitigate the potentially significant impacts to a less-than-significant level.

The initial study considers and evaluates all aspects of the project which are necessary to support the proposal. The complete project description includes the site plan, operational statement, and other supporting materials which are available in the project file at the office of the Madera County Planning Department.

Description of Project:
A division of 9.56 acres into eight parcels (1.51 acres, 1.03 acres, 1.12 acres, 1.00 acres, 1.00 acres, 1.01 acres, 1.00 acres, and 1.00 acres).

Project Location:
The project site is located on the west side of Highway 41, approximately 280 feet south of its intersection with Avenue 14, in Madera.

Applicant Name and Address:
Daggett & Associates
111 South A Street
Madera, CA 93638

General Plan Designation:
AE- (Agricultural Exclusive) Designation

Zoning Designation:
ARV-20 (Agricultural Rural Valley-20 Acre) District

Surrounding Land Uses and Setting:
Agricultural, Residential, Irrigation canal, state highway

Other Public Agencies whose approval is required:
None

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

☐ Aesthetics	☐ Agriculture and Forestry Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology /Soils
☐ Greenhouse Gas Emissions	☐ Hazards & Hazardous Materials	☐ Hydrology / Water Quality
☐ Land Use/Planning	☐ Mineral Resources	☐ Noise
☐ Population / Housing	☐ Public Services	☐ Recreation
☐ Transportation/Traffic	☐ Utilities / Service Systems	☐ Mandatory Findings of Significance

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.

☐ Prior EIR or ND/MND Number

Signature _____ Date 1/10/14

I. AESTHETICS -- Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Discussion:

(a) Less than Significant Impact
The project site is situated alongside Highway 41 to the west. The development of commercial lots as proposed would create a minor change to the existing vista of the San Joaquin Valley looking west from the Highway. The proposal would potentially open additional view points from the highway, should the eucalyptus grove onsite be removed. No large buildings would be allowed via the proposed zoning, but buildings similar to those immediately to the north along the western side of Highway 41.

(b) No Impact

The site is not adjacent to a state scenic highway; therefore, no impact will result.

(c) Less than Significant Impact
The proposal will change the existing character of the site by transforming the eucalyptus grove and small farming area to commercial development. However, the subject parcel is already small in size when compared with the large parcels to the south and would therefore have a less than significant impact on the site and surrounding parcels.

(d) Less than Significant Impact
Commercial development as proposed may involve the use of outdoor lighting. The installation of lighting onsite may constitute a significant impact, since no lighting exists on the site currently. However, the impact of the lighting will be mitigated upon adherence to existing County regulations that minimize glare and overall light pollution. To reduce glare into abutting right of way and properties and to minimize general light pollution, County Code 18.102.120.J requires that all lighting be hooded and shielded from adjacent rights of way and properties.

General Information:

A nighttime sky in which stars are readily visible is often considered a valuable scenic/visual resource. In urban areas, views of the nighttime sky are being diminished by "light pollution." Light pollution, as defined by the International dark-Sky Association, is any adverse effect of artificial light, including sky glow, glare, light trespass, light clutter, decreased visibility at night, and energy waste. Two elements of light pollution may affect city residents: sky glow and light trespass. Sky glow is a result of light fixtures that emit a portion of their light directly upward into the sky where light scatters, creating an orange-yellow glow above a city or town. This light can interfere with views of the nighttime sky and can diminish the number of stars that are visible. Light trespass occurs when poorly shielded or poorly aimed fixtures cast light into unwanted areas, such as neighboring property and homes.

Light pollution is a problem most typically associated with urban areas. Lighting is necessary for nighttime viewing and for security purposes. However, excessive lighting or inappropriately designed lighting fixtures can disturb nearby sensitive land uses through indirect illumination. Land uses which are considered "sensitive" to this unwanted light include residences, hospitals, and care homes.

Daytime sources of glare include reflections off of light-colored surfaces, windows, and metal details on cars traveling on nearby roadways. The amount of glare depends on the intensity and direction of sunlight, which is more acute at sunrise and sunset because the angle of the sun is lower during these times.

III. 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 Dept. 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 Incorporation	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?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☒	☐
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resource Code section 12220(g)) or timberland (as defined by Public Resources Code section 4526) or timberland zoned Timberland Protection (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest land?	☐	☐	☐	☒
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?	☐	☐	☒	☐

Discussion:

(a) No Impact
The project will not impact the use of prime, unique, farmland of statewide importance, or farmland of local importance. The project site is designated as "other land" by the Department of Conservation and is not deemed valuable for agricultural purposes.

(b) Less than Significant Impact
The parcel is currently zoned Agricultural Rural Valley – 20 Acre Minimum (ARV-20). The potential for significant agricultural production onsite is limited due its small size, irregular shape, and limited open area due to the existing dwelling and eucalyptus grove onsite. The subject parcel is not within the Williamson Act program. The surrounding parcels are also not enrolled within the Williamson Act program.

(c) No Impact
The subject parcels are zoned ARV-20, which does not include forest land or allow for timber harvesting. The existing site does not currently harbor forested land as defined by California Government Code or Public Resources Code. .

(d) No Impact
The project site does not contain forested land.

(e) Less than Significant Impact
The proposal can be seen as a continuation of development adjoining the site to the north and along with the small size, will not lead to the conversion of adjacent grazing land.

General Information

The California Land Conservation Act of 1965--commonly referred to as the Williamson Act--enables local gov-

ernments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive property tax assessments which are much lower than normal because they are based upon farming and open space uses as opposed to full market value.

The Department of Conservation oversee the Farmland Mapping and Monitoring Program. The Farmland Mapping and Monitoring Program (FMMP) produces maps and statistical data used for analyzing impacts on California's agricultural resources. Agricultural land is rated according to soil quality and irrigation status; the best quality land is called Prime Farmland. The maps are updated every two years with the use of a computer mapping system, aerial imagery, public review, and field reconnaissance. The program's definition of land is below:

PRIME FARMLAND (P): Farmland with the best combination of physical and chemical features able to sustain long term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

FARMLAND OF STATEWIDE IMPORTANCE (S): Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

UNIQUE FARMLAND (U): Farmland of lesser quality soils used for the production of thestate's leading agricultural crops. This land is usually irrigated, but may include nonirrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date.

FARMLAND OF LOCAL IMPORTANCE (L): Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.

GRAZING LAND (G): Land on which the existing vegetation is suited to the grazing of livestock. This category was developed in cooperation with the California Cattlemen's Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities. The minimum mapping unit for Grazing Land is 40 acres.

URBAN AND BUILT-UP LAND (D): Land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, institutional, public administrative purposes, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.

OTHER LAND (X): Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines, borrow pits; and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management 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 Incorporation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐
c) 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐

d)	Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
e)	Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

Discussion:

(a) Less than Significant Impact
The proposed project would allow for the development of eight commercial lots. The project operational statement does not specify as to the specific commercial use proposed on each lot. Therefore, in order to account for the potential use that may cause the greatest potential impact, the most intensive use permitted in the proposed CRM zone district would be drive thru establishments. The Institute of Traffic Engineers (ITE) Trip Generation Manual estimates potential trips at 153.85 per establishment. A maximum of eight establishments could be development on the seven commercial lots. Therefore, potential trips are estimated at 1,230.8 for the proposed development.

The SJVAPCD did provide comment on the proposed project. The SJVAPCD did not note that any significant impact would occur, but did note that any future development may contribute to the decline in air quality within the San Joaquin Valley. The potential trips generated by the proposal do not constitute a significant impact of emissions upon the air basin.

(b) Less than Significant Impact
See a.

(c) Less than Significant Impact
See a.

(d) Less than Significant Impact
As discussed in responses a-c), construction, operation, and maintenance of the proposed project would not result in any substantial localized or regional air pollution impacts and, therefore, would not expose any nearby sensitive receptors to substantial pollutant concentrations.

(e) Less than Significant Impact
The proposed project does not include any uses identified by the SJVAPCD as being associated with odors and, therefore, would not produce objectionable odors. A potential source that may emit odors during construction activities is asphalt paving. Through mandatory compliance with SJVAPCD rules, no construction activities or materials are proposed that would create a significant level of objectionable odor.

General Information

Global Climate Change

Climate change is a shift in the "average weather" that a given region experiences. This is measured by changes in temperature, wind patterns, precipitation, and storms. Global climate is the change in the climate of the earth as a whole. It can occur naturally, as in the case of an ice age, or occur as a result of anthropogenic activities. The extent to which anthropogenic activities influence climate change has been the subject of extensive scientific inquiry in the past several decades. The Intergovernmental Panel on Climate Change (IPCC), recognized as the leading research body on the subject, issued its Fourth Assessment Report in February 2007, which asserted that there is "very high confidence" (by IPCC definition a 9 in 10 chance of being correct) that human activities have resulted in a net warming of the planet since 1750.

CEQA requires an agency to engage in forecasting "to the extent that an activity could reasonably be expected under the circumstances. An agency cannot be expected to predict the future course of governmental regulation or exactly what information scientific advances may ultimately reveal" (CEQA Guidelines Section 15144, Office of Planning and Research commentary, citing the California Supreme Court decision in Laurel Heights Improvement Association v. Regents of the University of California [1988] 47 Cal. 3d 376).

Recent concerns over global warming have created a greater interest in greenhouse gases (GHG) and their contribution to global climate change (GCC). However at this time there are no generally accepted thresholds of significance for determining the impact of GHG emissions from an individual project on GCC. Thus, permitting agencies are in the position of developing policy and guidance to ascertain and mitigate to the extent feasible the effects of GHG, for CEQA purposes, without the normal degree of accepted guidance by case law.

IV. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☒	☐	☐
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☒	☐	☐
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?	☐	☒	☐	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Discussion:

(a) Less than Significant Impact with Mitigation Incorporated
The project site is currently vacant, with a eucalyptus grove, an open field, and a single family dwelling to rear of the property. The site is occasionally utilized for a small farming operation and wood cutting. No unique natural features are present on the property that would indicate the presence of any particular habitat.

A biological constraints analysis was conducted by ESR, Inc. for the subject parcel and surrounding area. The assessment concluded that the site does not have the potential to contain jurisdictional waters of the U.S. Analysis of grassland onsite and to the south found no sensitive floral species or plant habitat. A species assessment conducted for the site and the property to the south revealed that the potential for sensitive animal species was either low or absent. The biological analysis includes mitigation measures in order to maintain the level of impacts to less than significant.

(b) Less than Significant Impact with Mitigation Incorporated
See a.
(c) Less than Significant Impact with Mitigation Incorporated
See a.
(d) Less than Significant Impact with Mitigation Incorporated
See a.
(e) No Impact
No local policies or ordinances exist that require the protection of biological resources as identified in the project area.
(f) No Impact
No local, regional, or state conservation plan exists that governs the protection of biological resources in the project area.

General Information

Special Status Species include:

- Plants and animals that are legally protected or proposed for protection under the California Endangered Species Act (CESA) or Federal Endangered Species Act (FESA);
- Plants and animals defined as endangered or rare under the California Environmental Quality Act (CEQA) §15380;
- Animals designated as species of special concern by the U.S. Fish and Wildlife Service (USFWS) or California Department of Fish and Game (CDFG);
- Animals listed as "fully protected" in the Fish and Game Code of California (§3511, §4700, §5050 and §5515); and
- Plants listed in the California Native Plant Society's (CNPS) Inventory of Rare and Endangered Vascular Plants of California.

A review of both the County's and Department of Fish and Game's databases for special status species have identified the following species:

Species	Federal Listing	State Listing	Dept. of Fish and Game Listing	CNPS Listing
California tiger salamander	Threatened	Threatened	SSC	
Western spadefoot	None	None	SSC	
Burrowing owl	None	None	SSC	
California horned lark	Threatened	Endangered	WL	
hardhead	None	None	SSC	
San Joaquin pocket mouse	None	None		
Northern hardpan vernal pool	None	None		
Northern claypan vernal pool	None	None		
Great valley mixed riparian forest	None	None		
Vernal pool fairy shrimp	Threatened	None		
California linderiella	None	None		
Valley elderberry longhorn beetle	Threatened	None		
Molestan blister beetle	None	None		
Spiny-sepaled button celery	None	None		1B.2
Succulent owl's-clover	Threatened	Endangered		1B.2
Hairy orcutt grass	Endangered	Endangered		1B.1
San Joaquin Valley Orcutt grass	Threatened	Endangered		1B.1

List 1A: Plants presumed extinct
List 1B: Plants Rare, Threatened, or Endangered in California and elsewhere.
List 2: Plants Rare, Threatened, or Endangered in California, but more numerous elsewhere
List 3 Plants which more information is needed – a review list
List 4: Plants of Limited Distributed - a watch list

Ranking

0.1 – Seriously threatened in California (high degree/immediacy of threat)

0.2 – Fairly threatened in California (moderate degree/immediacy of threat)

0.3 – Not very threatened in California (low degree/immediacy of threats or no current threats known)

Effective January 1, 2007, Senate Bill 1535 took effect that has changed de minimis findings procedures. The Senate Bill takes the de minimis findings capabilities out of the Lead Agency hands and puts the process into the hands of the California Department of Fish and Wildlife (formally the California Department of Fish and Game). A Notice of Determination filing fee is due each time a NOD is filed at the jurisdictions Clerk's Office. The authority comes under Senate Bill 1535 (SB 1535) and Department of Fish and Wildlife Code 711.4. Each year the fee is evaluated and has the potential of increasing. For the most up-to-date fees, please refer to http://www.dfg.ca.gov/habcon/ceqa/ceqa_changes.html.

The Valley elderberry longhorn beetle was listed as a threatened species in 1980. Use of the elderberry bush by the beetle, a wood borer, is rarely apparent. Frequently, the only exterior evidence of the elderberry's use by the beetle is an exit hole created by the larva just prior to the pupal stage. According to the USFWWS, the Valley Elderberry Longhorn Beetle habitat is primarily in communities of clustered Elderberry plants located within riparian habitat. The USFWS stated that VELB habitat does not include every Elderberry plant in the Central Valley, such as isolated, individual plants, plants with stems that are less than one inch in basal diameter or plants located in upland habitat.

V. CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐

Discussion:

(a) No Impact

The proposed project would not require the removal or modification of any existing structures. The site is flat and includes no potential historical resources.

(b) Less than Significant Impact with Mitigation Incorporated

Given the extent of farming conducted onsite, the potential to encounter archeological resources is minimal. However, if cultural materials, whether historic or prehistoric, are encountered during construction, a qualified archaeologist would examine the materials and determine appropriate treatment, if any.

(c) Less than Significant Impact

While no paleontological resources have been identified in the project area, the possibility remains that digging or trenching may expose a resource. In the case a resource is discovered, existing County policy requires the notification of the Planning Department within 24 hours, after a resource has been discovered. Thereafter the appropriate studies or observance will be required.

(d) Less than Significant Impact

As noted in part b), as with the potential for cultural resources, the potential for discovery of human remains during the grading and construction of the proposed project is low. If human remains are discovered during construction, the coroner and designated Native American representatives would be notified in accordance with Public Resources Code Section 5097.98, Health and Safety Code Section 7050.5, and State CEQA Guidelines.

General Information

Public Resource Code 5021.1(b) defines a historic resource as "any object building, structure, site, area or place which is historically significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California." These resources are of such import, that it is codified in CEQA (PRC Section 21000) which prohibits actions that "disrupt, or adversely affect a prehistoric or historic archaeological site or a property of historical or cultural significance to a community or ethnic or social groups; or a paleontological site except as part of a scientific study."

Archaeological importance is generally, although not exclusively, a measure of the archaeological research value of a site which meets one or more of the following criteria:

- Is associated with an event or person of recognized significance in California or American history or of recognized scientific importance in prehistory.
- Can provide information which is both of demonstrable public interest and useful in addressing scientifically consequential and reasonable archaeological research questions.
- Has a special or particular quality such as oldest, best example, largest, or last surviving example of its kind.
- Is at least 100 years old and possesses substantial stratigraphic integrity (i.e. it is essentially undisturbed and intact).
- Involves important research questions that historic research has shown can be answered only with archaeological methods.

Reference CEQA Guidelines §15064.5 for definitions.

Most of the archaeological survey work in the County has taken place in the foothills and mountains. This does not mean, however, that no sites exist in the western part of the County, but rather that this area has not been as thoroughly studied. There are slightly more than 2,000 recorded archaeological sites in the County, most of which are located in the foothills and mountains. Recorded prehistoric artifacts include village sites, camp sites, bedrock milling stations, pictographs, petroglyphs, rock rings, sacred sites, and resource gathering areas. Madera County also contains a significant number of potentially historic sites, including homesteads and ranches, mining and logging sites and associated features (such as small camps, railroad beds, logging chutes, and trash dumps.

VI. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Expose people or structures to 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.	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐

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

Discussion:

(a-i) No Impact
No earthquake faults are known to exist in the project area or vicinity. The Alquist-Priolo Earthquake Fault Zoning Map does not identify any faults nearby that may pose a threat to the project area.
(a-ii) No Impact
No active faults are located in Madera County. However, active faults in the greater region (Sierra Nevada and Coast Ranges) have the potential to create ground shaking in the project area. All development proposed will be required to meet State building code, which will ensure protection from strong seismic ground shaking.
(a-iii) No Impact
The conditions in the project area are not conducive to liquefaction. The water table in the area exceeds a depth of 100 feet (Madera County Integrated Regional Water Management Plan).
(a-iv) No Impact
The project site is flat, is not located adjacent to any hillsides, and is not located on top of a hill.
(b) Less than Significant Impact
All grading to be performed for preparation and construction of the proposal is to comply with Grading Permit requirements as administered by the County Department of Engineering (County Code). All plans are required to be completed and approved by a registered civil engineer or landscape architect.
(c) Less than Significant Impact
See a) I-IV) above. Construction activities for the proposal may require grading for site preparation. However, compliance with existing grading and building permit requirements will ensure a less than significant impact.
(d) Less than Significant Impact
70% of the project area is located on Alamo clay and San Joaquin sandy loam, which exhibit a severe shrink-swell capacity. Existing CBC (California Building Code) code regulations as adopted by the State and enforced throughout the County account for impacts to the site's ability to support structures in regards to present soil conditions.
(e) Less than Significant Impact with Mitigation Incorporated
The project is proposed to utilize individual septic systems. The soils onsite are all noted as having limitations to absorption of effluent. The use of a community wastewater system will mitigate any potential impacts resulting from the use of individual septic systems.

General Information

Madera County is divided into two major physiographic and geologic provinces: the Sierra Nevada Range and the Central Valley. The Sierra Nevada physiographic province in the northeastern portion of the county is underlain by metamorphic and igneous rock. It consists mainly of homogenous types of granitic rocks, with several islands of older metamorphic rock. The central and western parts of the county are part of the Central Valley province, underlain by marine and non-marine sedimentary rocks.

The foothill area of the county is essentially a transition zone, containing old alluvial soils that have been dissected by the west-flowing rivers and streams which carry runoff from the Sierra Nevada's.

Seismicity varies greatly between the two major geologic provinces represented in Madera County. The Central valley is an area of relatively low tectonic activity bordered by mountain ranges on either side. The Sierra Nevada's, partly within Madera County, are the result of movement of tectonic plates which resulted in the creation of the mountain range. The Coast Ranges on the west side of the Central Valley are also a result of these forces, and continued movement of the Pacific and North American tectonic plates continues to elevate the ranges. Most of the seismic hazards in Madera County result from movement along faults associated with the creation of these ranges.

There are no active or potentially active faults of major historic significance within Madera County. The County does not lie within any Alquist Priolo Special Studies Zone for surface faulting or fault creep.

However, there are two significant faults within the larger region that have been and will continue to be, the principle sources of potential seismic activity within Madera County.

San Andreas Fault: The San Andreas Fault lies approximately 45 miles west of the county line. The fault has a long history of activity and is thus a concern in determining activity in the area.

Owens Valley Fault Group: The Owens Valley Fault Group is a complex system containing both active and potentially active faults on the eastern base of the Sierra Nevada Range. This group is located approximately 80 miles east of the County line in Inyo County. This system has historically been the source of seismic activity within the County.

The *Draft Environmental Impact Report* for the state prison project near Fairmead identified faults within a 100 mile radius of the project site. Since Fairmead is centrally located along Highway 99 within the county, this information provides a good indicator of the potential seismic activity which might be felt within the County. Fifteen active faults (including the San Andreas and Owens Valley Fault Group) were identified in the *Preliminary Geotechnical Investigation*. Four of the faults lie along the eastern portion of the Sierra Nevada Range, approximately 75 miles to the northeast of Fairmead. These are the Parker Lake, Hartley Springs, Hilton Creek and Mono Valley Faults. The remaining faults are in the western portion of the San Joaquin Valley, as well as within the Coast Range, approximately 47 miles west of Fairmead. Most of the remaining 11 faults are associated with the San Andreas, Calaveras, Hayward and Rinconada Fault Systems which collectively form the tectonic plate boundary of the Central Valley.

In addition, the Clovis Fault, although not having any historic evidence of activity, is considered to be active within quaternary time (within the past two million years), is considered potentially active. This fault line lies approximately six miles south of the Madera County line in Fresno County. Activity along this fault could potentially generate more seismic activity in Madera County than the San Andreas or Owens Valley fault systems. However, because of the lack of historic activity along the Clovis Fault, there is inadequate evidence for assessing maximum earthquake impacts.

Seismic ground shaking, however, is the primary seismic hazard in Madera County because of the County's seismic setting and its record of historical activity (General Plan Background Element and Program EIR). The project represents no specific threat or hazard from seismic ground shaking, and all new construction will comply with current local and state building codes. Other geologic hazards, such as landslides, lateral spreading, subsidence, and liquefaction have not been known to occur within Madera County.

According to the Madera County General Plan Background Report, groundshaking is the primary seismic hazard in Madera County. The valley portion of Madera County is located on alluvium deposits, which tend to experience greater groundshaking intensities than areas located on hard rock. Therefore, structures located in the valley will tend to suffer greater damage from groundshaking than those located in the foothill and mountain areas.

Liquefaction is a process whereby soil is temporarily transformed to a fluid form during intense and prolonged ground shaking. According to the Madera County General Plan Background Report, although there are areas of Madera County where the water table is at 30 feet or less below the surface, soil types in the area are not conducive to liquefaction because they are either too coarse in texture or too high in clay content; the soil types mitigate against the potential for liquefaction.

VII. GREENHOUSE GAS EMISSIONS - Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐

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

Discussion:

(a) Less than Significant Impact
Greenhouse gas emissions resulting from the proposal will result from construction activities involving the use of equipment for grading activities. However, impacts will be minor due to the short duration of grading activities. Each lot is estimated to produce 153.85 trips (ITE Trip Generation Manual, 8th edition). The number of trips estimated by the project is expected to have a less than significant impact in terms of greenhouse gas emissions.

(b) No Impact
At this time, no applicable plans, policies, or regulations are known to exist in force to reduce emissions of greenhouse gases.

General Information

Greenhouse Gas (GHG) Emissions: The potential effect of greenhouse gas emission on global climate change is an emerging issue that warrants discussion under CEQA. Unlike the pollutants discussed previously that may have regional and local effects, greenhouse gases have the potential to cause global changes in the environment. In addition, greenhouse gas emissions do not directly produce a localized impact, but may cause an indirect impact if the local climate is adversely changed by its cumulative contribution to a change in global climate. Individual development projects contribute relatively small amounts of greenhouse gases that when added to other greenhouse gas producing activities around the world would result in an increase in these emissions that have led many to conclude is changing the global climate. However, no threshold has been established for what would constitute a cumulatively considerable increase in greenhouse gases for individual development projects. The State of California has taken several actions that help to address potential global climate change impacts.

Assembly Bill 32 (AB 32), the California Global Warming Solutions Act of 2006, outlines goals for local agencies to follow in order to bring Greenhouse Gas (GHG) emissions to 1990 levels (a 25% overall reduction) by the year 2020. The California Air Resources Board (CARB) holds the responsibility of monitoring and reducing GHG emissions through regulations, market mechanisms and other actions. A Draft Scoping Plan was adopted by CARB in order to provide guidelines and policy for the State to follow in its steps to reduce GHG. According to CARB, the scoping plan's GHG reduction actions include: direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, and market-based mechanisms such as a cap-and-trade system.

Following the adoption of AB 32, the California State Legislature adopted Senate Bill 375, which became the first major bill in the United States that would aim to limit climate change by linking directly to "smart growth" land use principles and transportation. It adds incentives for projects which intend to be in-fill, mixed use, affordable and self-contained developments. SB 375 includes the creation of a Sustainable Communities Strategy (SCS) through the local Metropolitan Planning Organizations (MPO) in order to create land use patterns which reduce overall emissions and vehicle miles traveled. Incentives include California Environmental Quality Act streamlining and possible exemptions for projects which fulfill specific criteria.

VIII. HAZARDS AND HAZARDOUS MATERIALS – Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
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?	☐	☐	☒	☐

c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
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?	☐	☐	☐	☒
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
h)	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

Discussion:

(a) Less than Significant Impact
Operation of the commercial subdivision would result in an increase in the transportation of gasoline onsite and along adjacent roadways. Some hazardous materials typically used during construction activities, such as gasoline for construction equipment, would only be used during construction of the proposed project. The proposal will be in compliance with existing state and federal rules regarding proper gasoline storage.

(b) Less than Significant Impact
See response for part a). The use of gasoline by vehicles accessing the site and offsite will be in compliance with existing state and federal rules regarding proper gasoline storage.

(c) Less than Significant Impact
The closest school is Liberty High School, which is located approximately 8 miles southwest of the project site. No schools are located in closer proximity to the project site.

(d) No Impact
Madera County's hazardous material site database does not indicate the presence of hazardous material sites on or near the project site.

(e) No Impact
The project is not located near any private or public airports. According to the Airport Land Use Plan, the project area is not impacted by an airport flight path. Therefore, the project will have no impact upon the County Airport Land Use Plan.

(f) No Impact
The project site is not located within the vicinity of a private airstrip.

(g) Less than Significant Impact
Construction and operation of the proposed subdivision would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. Highway 41 is planned to be improved by Caltrans adjoining the project site. Project specific improvements will ensure safe turning movements onto the site and allow for the unimpaired flow of traffic along Highway 41.

(h) No Impact
The proposed area is not mapped within CalFire's wildfire hazard area. The development of the proposal would involve the removal of the eucalyptus orchard onsite, which would reduce a potential fire hazard onsite.

General Information

Any hazardous material because of its quantity, concentration, physical or chemical properties, pose a significant present or potential hazard to human health and safety, or the environment the California legislature adopted Article I, Chapter 6.95 of the Health and Safety Code, Sections 25500 to 25520 that requires any business handling or storing a hazardous material or hazardous waste to establish a Business Plan. The informa-

tion obtained from the completed Business Plans will be provided to emergency response personnel for a better-prepared emergency response due to a release or threatened release of a hazardous material and/or hazardous waste.

Business owners that handle or store a hazardous material or mixtures containing a hazardous material, which has a quantity at any one time during the year, equal to or greater than:

1) A total of 55 gallons,
2) A total of 500 pounds,
3) 200 cubic feet at standard temperature and pressure of compressed gas,
4) any quantity of Acutely Hazardous Material (AHM).

Assembly Bill AB 2286 requires all business and agencies to report their Hazardous Materials Business Plans to the Certified Unified Program Agency (CUPA) information electronically at http://cers.calepa.ca.gov

IX. HYDROLOGY AND WATER QUALITY – Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☒	☐
e) 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?	☐	☐	☒	☐
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

Discussion:

(a) Less than Significant Impact
Wastewater produced by the proposal is proposed to be collected via a community sewer system. The applicant shall comply with all codes and standards required by the Regional Water Quality Control Board and the Environmental Health Department. Activities associated with site grading and development of the commercial lots has the potential to result in runoff that could carry erosion materials off-site.

Compliance through the County Department of Engineering Grading Permit process will ensure potential runoff, sedimentation, and erosion problems are controlled on-site. County Code requires the submission of a detailed grading, drainage, and erosion control plan.

(b) Less than Significant Impact
While the aquifer is in a state of overdraft, the proposal does not constitute a significant impact upon overall groundwater supplies. It is important to note that the County subdivision code requires community water systems to be developed for all subdivisions in the subject area.

(c) Less than Significant Impact
No drainages exist on the project site. However, improvements for the proposal may involve significant grading, which may increase the potential for increased runoff onsite. Any erosion or siltation on or off-site would be controlled through compliance with the County Department of Engineering requirements as identified in part a) above.

(d) Less than Significant Impact
See c.

(e) Less than Significant Impact
See c.

(f) Less than Significant Impact
See c.

(g) No Impact
The project site is not located within a 100-year flood hazard area.

(h) No Impact
See g.

(i) No Impact
The project site is not located in an area which would expose people to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam. The project will not be affected by seiche, tsunami, or mudflow.

(j) No Impact
See i.

General Information

Groundwater quality contaminants of concern in the Valley Floor include high salinity (total dissolved solids), nitrate, uranium, arsenic, methane gas, iron, manganese, slime production, and dibromochloropropane with the maximum contaminant level exceeded in some areas. Despite the water quality issues noted above, most of the groundwater in the Valley Floor is of suitable quality for irrigation. Groundwater of suitable quality for public consumption has been demonstrated to be present in most of the area at specific depths.

Groundwater quality contaminants of concern in the Foothills and Mountains include manganese, iron, high salinity, hydrogen sulfide gas, uranium, nitrate, arsenic, and methylbutylethylene (MTBE) with the maximum concentration level being exceeded in some areas. Despite these problems, there are substantial amounts of good-quality groundwater in each of the areas evaluated in the Foothills and Mountains. Iron and manganese are commonly removed by treatment. Uranium treatment is being conducted on a well by the Bass Lake Water Company.

A seiche is an occasional and sudden oscillation of the water of a lake, bay or estuary producing fluctuations in the water level and caused by wind, earthquakes or changes in barometric pressure. A tsunami is an unusually large sea wave produced by seaquake or undersea volcanic eruption (from the Japanese language, roughly translated as "harbor wave"). According to the California Division of Mines and Geology, there are no active or potentially active faults of major historic significance within Madera County. As this property is not located near any bodies of water, no impacts are identified.

The flood hazard areas of the County of Madera are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect

the public health, safety and general welfare. These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstruction in areas of special flood hazards which increase flood heigh and velocities also contribute to flood loss.

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X. LAND USE AND PLANNING – Would the project result in:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☒	☐
b) Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

Discussion:

(a) Less than Significant Impact

The proposed project site is located adjacent to commercial and residential development, which is located north of the project site across from a Madera Irrigation District canal. The proposed commercial land use does not conflict with adjacent residential uses, as it is buffered by the canal.

(b) Less than Significant Impact

The proposal is located within the O'Neals Area Plan. The project would not conflict with any policies of the plan that may help to avoid or mitigate an environmental effect.

(c) No Impact

No habitat or natural community conservation plans exist for the project area. Therefore, *no impact* will result.

XI. MINERAL RESOURCES – Would the project result in:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Discussion:

(a) No Impact

No mineral resources of value to the local area or state are known to exist in the project area. Therefore, no impact will occur as a result of the project.

(b) No Impact

No locally-important mineral resource recovery sites have been identified by any land use plans that include the project area.

XII. NOISE – Would the project result in:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact

a)	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?	☐	☐	☒	☐
b)	Exposure of persons to or generation of excessive ground-borne vibration or groundborne noise levels?	☐	☐	☒	☐
c)	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d)	A substantial temporary or periodic increase in ambient levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
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 expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f)	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Discussion:

(a) Less than Significant Impact
The proposed subdivision will not be subject to any noise levels in excess of General Plan standards. The project area and vicinity is rural in nature, with no significant noise generators located in the vicinity. The closest noise generator is Highway 41. The General Plan restricts night time noise (10 pm to 7 am) to 65 dB (maximum level). The development will be required to restrict noise levels to below 65 dB during night time hours so as not to disturb adjacent residential uses.

(b) Less than Significant Impact
Excessive groundbourne vibration and groundbourne noise levels will only result from site grading and construction of the project. The proposed project will not allow for excessive groundbourne noise levels in addition to construction noise. The General Plan Noise Element was amended in 2009 to establish the vibration threshold (including construction projects) at 0.10 motion velocity (Policy 7.A.9).

(c) Less than Significant Impact
Ambient noise levels at the project site will be increased at the project site above existing levels after development of the proposal. However, project noise levels will be required to comply with General Plan thresholds for ambient noise.

(d) Less than Significant Impact
As discussed in part a) above, the proposed project could potentially generate high noise levels during short term construction activities as a result of heavy machinery and equipment use. However, construction noise impacts associated with the proposed project would be temporary and intermittent in nature.

(e) No Impact
The project area is not located within an Airport Land Use Plan. Therefore, no impact will result from airport noise impacts.

(f) No Impact
No private airstrips are located within the project vicinity. Therefore, no impact will result.

General Discussion
The Noise Element of the Madera County General Plan (Policy 7.A.5) provides that noise which will be created by new non-transportation noise sources shall be mitigated so as not to exceed the Noise Element noise level standards on lands designated for noise-sensitive uses. However, this policy does not apply to noise levels associated with agricultural operations. All the surrounding properties, while include some residential units, are designated and zoned for agricultural uses. This impact is therefore considered less than significant.

Construction noise typically occurs intermittently and varies depending upon the nature or phase of construction (e.g. demolition/land clearing, grading and excavation, erection). The United States Environmental Protection Agency has found that the average noise levels associated with construction activities typically range from approximately 76 dBA to 84 dBA Leq, with intermittent individual equipment noise levels ranging from approximately 75 dBA to more than 88 dBA for brief periods.

Short Term Noise

Noise from localized point sources (such as construction sites) typically decreases by approximately 6 dBA with each doubling of distance from source to receptor. Given the noise attenuation rate and assuming no noise shielding from either natural or human-made features (e.g. trees, buildings, fences), outdoor receptors within approximately 400 feet of construction site could experience maximum noise levels of greater than 70 dBA when onsite construction-related noise levels exceed approximately 89 dBA at the project site boundary. Construction activities that occur during the more noise-sensitive eighteen hours could result in increased levels of annoyance and sleep disruption for occupants of nearby existing residential dwellings. As a result, noise-generating construction activities would be considered to have a potentially significant short-term impact. However with implementation of mitigation measures, this impact would be considered less than significant.

Long Term Noise

Mechanical building equipment (e.g. heating, ventilation and air conditioning systems, and boilers), associated with the proposed structures, could generate noise levels of approximately 90 dBA at 3 feet from the source. However, such mechanical equipment systems are typically shielded from direct public exposure and usually housed on rooftops, within equipment rooms, or within exterior enclosures.

Landscape maintenance equipment, such as leaf blowers and gasoline powered mowers, associated with the proposed operations could result in intermittent noise levels that range from approximately 80 to 100 dBA at 3 feet, respectively. Based on an equipment noise level of 100 dBA, landscape maintenance equipment (assuming a noise attenuation rate of 6 dBA per doubling of distance from the source) may result in exterior noise levels of approximately 75 dBA at 50 feet.

MAXIMUM ALLOWABLE NOISE EXPOSURE FOR
NON-TRANSPORTATION NOISE SOURCES*

		Residential	Commercial	Industrial (L)	Industrial (H)	Agricultural
Residential	AM	50	60	55	60	60
	PM	45	55	50	55	55
Commercial	AM	60	60	60	65	60
	PM	55	55	55	60	55
Industrial (L)	AM	55	60	60	65	60
	PM	50	55	55	60	55
Industrial (H)	AM	60	65	65	70	65
	PM	55	60	60	65	60
Agricultural	AM	60	60	60	65	60
	PM	55	55	55	60	55

*As determined at the property line of the receiving land use. When determining the effectiveness of noise mitigation measures, the standards may be applied on the receptor side of noise barriers at the property line.

AM = 7:00 AM to 10:00 PM
PM = 10:00 PM to 7:00 AM
L = Light
H = Heavy

Note: Each of the noise levels specified above shall be lowered by 5 dB for pure tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises. These noise level standards do not apply to residential units established in conjunction with industrial or commercial uses (e.g. caretaker dwellings).

Vibration perception threshold: The minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects. The perception threshold shall be presumed to be a motion velocity of one-tenth (0.1) inches per second over the range of one to one hundred Hz.

Reaction of People and Damage to Buildings from Continuous Vibration Levels

Velocity Level, PPV (in/sec)	Human Reaction	Effect on Buildings
0.006 to 0.019	Threshold of perception; possibility of intrustion	Damage of any type unlikely
0.08	Vibration readily perceptible	Recommended upper level of vibration to which ruins and ancient monuments should be subjected
0.10	Continuous vibration begins to annoy people	Virtually no risk of architectural damage to normal buildings
0.20	Vibration annoying to people in buildings	Risk of architectural damage to normal dwellings such as plastered walls or ceilings
0.4 to 0.6	Vibration considered unpleasant by people subjected to continuous vibrations vibration	Architectural damage and possibly minor structural damage
Source: Whiffen and Leonard 1971		

XIII. POPULATION AND HOUSING -- Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Induce substantial 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)?	☐	☐	☒	☐
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Discussion:

(a) Less than Significant Impact
The commercial development will attract new employment. Since the County is already deficient in jobs when compared to existing housing, the proposal is not foreseen to indirectly attract residential growth.
(b) No Impact
The proposed site has one existing single family home. No housing is proposed by this project, nor would any be displaced as a result of the project.
(c) No Impact
See b.

General Information

According to the California Department of Finance, in January of 2012, the County wide population was 152,074 with a total of 49,334 housing units. This works out to an average of 3.33 persons per housing unit. The vacancy rate was 11.84%.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
XIV. PUBLIC SERVICES				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	☐	☐	☒	☐
ii) Police protection?	☐	☐	☒	☐
iii) Schools?	☐	☐	☐	☒
iv) Parks?	☐	☐	☐	☒
v) Other public facilities?	☐	☐	☐	☒

Discussion:

(a-i) Less than Significant Impact
In the event of fire or hazardous material release, the fire station closest to the proposal is fire station #19 (35141 Bonadelle Avenue) located approximately seven miles to the west in the Bonadelle Ranchos. The construction and operation of the proposed project would not include any characteristics or create fire hazards that would increase the need for fire protection.

(a-ii) Less than Significant Impact
The construction and operation of the proposed project may increase the need for police services. The project area is adjacent to an existing community already patrolled regularly by law enforcement agencies. Therefore, impacts are expected to be less than significant.

(a-iii) No Impact
The proposed subdivision will not allow for new permanent residents and therefore will not impact the Golden Valley Unified School District.

(a-iv) No Impact
The proposal is commercial in nature and is not expected to create any new demand for park space.

(a-v) No Impact
No other public services are expected to be impacted by the proposal.

General Information

The proposed project site is within the jurisdiction of the Madera County Fire Department. Crime and emergency response is provided by the Madera County Sherriff's Department. The proposed project will have no impact on local parks and will not create demand for additional parks.

The Madera County Fire Department exists through a contract between Madera County and the CALFIRE (California Department of Forestry and Fire Prevention) and operates six stations for County responses in addition to the state-funded CALFIRE stations for state responsibility areas. Under an "Amador Plan" contract, the County also funds the wintertime staffing of four fire seasonal CALFIRE stations. In addition, there are ten paid-call (volunteer) fire companies that operate from their own stations. The administrative, training, purchasing, warehouse, and other functions of the Department operate through a single management team with County Fire Administration.

A Federal Bureau of Investigations 2009 study suggests that there is on average of 2.7 law enforcement officials per 1,000 population for all reporting counties. The number for cities had an average of 1.7 law enforcement officials per 1,000 population.

Single Family Residences have the potential for adding to school populations. The average per Single Family Residence is:

Grade	Student Generation per Single Family Residence
K – 6	0.425
7 – 8	0.139
9 – 12	0.214

The Madera County General Plan allocates three acres of park available land per 1,000 residents' population.

XV. RECREATION	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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) 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?	☐	☐	☐	☒

Discussion:

(a) No Impact
The proposed project does not include permanent housing that would require the use of existing recreational facilities within the community.
(b) No Impact
The proposal does not include recreational facilities.
General Information

The Madera County General Plan allocates three acres of park available land per 1,000 residents' population.

XVI. TRANSPORTATION/TRAFFIC -- Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐
b) Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures or other standards, established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incom-	☐	☐	☒	☐

patible uses (e.g., farm equipment)?

e)	Result in inadequate emergency access?	☐	☐	☐	☒
f)	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒

Discussion:

(a) Less than Significant Impact
During the construction phase, the proposed project would add truck trips to local roads; however, this would be a temporary traffic impact and would not substantially affect traffic load or capacity of the road system in the proposed project vicinity.

The proposed project would allow for the development of eight commercial lots. The project operational statement does not specify as to the specific commercial use proposed on each lot. Therefore, in order to account for the potential use that may cause the greatest potential impact, the most intensive use permitted in the proposed CRM zone district would be drive thru establishments. The Institute of Traffic Engineers (ITE) Trip Generation Manual estimates potential trips at 153.85 per establishment. A maximum of eight establishments could be developed on the eight commercial lots. Therefore, potential trips are estimated at 1,230.8 for the proposed development.

The proposal is expected to have a less than significant impact upon established performance levels for the adjacent roads. The proposal is not expected to impact any plans for pedestrian, bicycle, or mass transit.

(b) Less than Significant Impact
See a.

(c) No Impact
No excessive heights are proposed through the project that may affect air traffic patterns.

(d) Less than Significant Impact
The proposal will include two points of access along Highway 41. Caltrans provided comment on the proposed project and did not indicate that the proposal would result in increased hazards due to design features.

(e) No Impact
The proposal includes a secondary access as required by County code. The Fire Department has noted that secondary access as proposed will be sufficient for fire access.

(f) No Impact
The proposal is not of significant size to conflict with any adopted plans, policies, or programs alternative transportation.

General Information

According to the Institute of Traffic Engineers (7th Edition, pg. 268-9) the trips per day for one single-family residence are 9.57.

Madera County currently uses Level Of Service "D" as the threshold of significance level for roadway and intersection operations. The following charts show the significance of those levels.

Level of Service	Description	Average Control Delay (sec./car)
A	Little or no delay	0 – 10
B	Short traffic delay	>10 – 15
C	Medium traffic delay	> 15 – 25
D	Long traffic delay	> 25 – 35
E	Very long traffic delay	> 35 – 50
F	Excessive traffic delay	> 50

Unsignalized intersections.

Level of Service	Description	Average Control Delay (sec./car)
A	Uncongested operations, all queues clear in single cycle	< 10

B	Very light congestion, an occasional phase is fully utilized	>10 – 20
C	Light congestion; occasional queues on approach	> 20 – 35
D	Significant congestion on critical approaches, but intersection is functional. Vehicles required to wait through more than one cycle during short peaks. No long-standing queues formed.	> 35 – 55
E	Severe congestion with some long-standing queues on critical approaches. Traffic queues may block nearby intersection(s) upstream of critical approach(es)	> 55-80
F	Total breakdown, significant queuing	> 80

Signalized intersections.

Level of service	Freeways	Two-lane rural highway	Multi-lane rural highway	Expressway	Arterial	Collector
A	700	120	470	720	450	300
B	1,100	240	945	840	525	350
C	1,550	395	1,285	960	600	400
D	1,850	675	1,585	1,080	675	450
E	2,000	1,145	1,800	1,200	750	500

Capacity per hour per lane for various highway facilities

Madera County is predicted to experience significant population growth in the coming years (62.27 percent between 2008 and 2030). Accommodating this amount of growth presents a challenge for attaining and maintain air quality standards and for reducing greenhouse gas emissions. The increase in population is expected to be accompanied by a similar increase in vehicle miles traveled (VMT) (61.36 percent between 2008 and 2030).

Horizon Year	Total Population (thousands)	Employment (thousands)	Average Weekday VMT (millions)	Total Lane Miles
2010	175	49	5.4	2,157
2011	180	53	5.5	NA
2017	210	63	6.7	NA
2020	225	68	7.3	2,264
2030	281	85	8.8	2,277

Source: MCTC 2007 RTP

The above table displays the predicted increase in population and travel. The increase in the lane miles of roads that will serve the increase in VMT is estimated at 120 miles or 0.94 percent by 2030. This indicates that roadways in Madera County can be expected to become much more crowded than is currently experienced.

Emissions of CO (Carbon Monoxide) are the primarily mobile-source criteria pollutant of local concern. Local mobile-source CO emissions near roadway intersections are a direct function of traffic volume, speed and delay. Carbon monoxide transport is extremely limited; it disperses rapidly with distance from the source under normal meteorological conditions. Under certain meteorological conditions, however, CO concentrations close to congested roadway or intersection may reach unhealthy levels, affecting local sensitive receptors (residents, school children, hospital patients, the elderly, etc.). As a result, the SJVAPCP recommends analysis of CO emissions of at a local rather than regional level. Local CO concentrations at intersections projected to operate at level of service (LOS) D or better do not typically exceed national or state ambient air quality standards. In addition, non-signalized intersections located within areas having relatively low background concentrations do not typically have sufficient traffic volumes to warrant analysis of local CO concentrations.

XVII. UTILITIES AND SERVICE SYSTEMS – Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐
e) 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?	☐	☐	☒	☐
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☒	☐

Discussion:

(a) Less than Significant Impact
The project is required to utilize a community wastewater treatment system which shall comply with all requirements of the Regional Water Quality Control Board. The number of lots to be served by this system is minimal and impacts will be less than significant.
(b) Less than Significant Impact
See a.
(c) Less than Significant Impact
The project area will require the construction of a system to contain runoff generated onsite. The project will be required to account for its own drainage impacts. See Section X, Hydrology, regarding runoff comments.
(d) Less than Significant Impact
Water is supplied by a community water system. The applicant shall comply with all requirements of the Environmental Health Department and California Department of Public Health.
(e) Less than Significant Impact
See a.
(f) Less than Significant Impact
Madera County is served by the landfill in Fairmead which complies with federal, state, and local statutes.
(g) Less than Significant Impact
See f.

General Discussion

Madera County has 34 County Service Areas and Maintenance Districts that together operate 30 small water systems and 16 sewer systems. Fourteen of these special districts are located in the Valley Floor, and the remaining 20 special districts are in the Foothills and Mountains. MD-1 Hidden Lakes, Bass Lake (SA-2B and SA-2C) and SA-16 Sumner Hill have surface water treatment plants, with the remaining special districts relying solely on groundwater.

The major wastewater treatment plants in the County are operated in the incorporated cities of Madera and

Chowchilla and the community of Oakhurst. These wastewater systems have been recently or are planned to be upgraded, increasing opportunities for use of recycled water. The cities of Madera and Chowchilla have adopted or are in the process of developing Urban Water Management Plans. Most of the irrigation and water districts have individual groundwater management plans. All of these agencies engage in some form of groundwater recharge and management.

Groundwater provides almost the entire urban and rural water use and about 75 percent of the agricultural water use in the Valley Floor. The remaining water demand is met with surface water. Almost all of the water use in the Foothills and Mountains is from groundwater with only three small water treatment plants relying on surface water from the San Joaquin River and its tributaries.

In areas of higher precipitation (Oakhurst, North Fork, and the topographically higher part of the Coarsegold Area), groundwater recharge is adequate for existing uses. However, some problems have been encountered in parts of these areas due to well interference and groundwater quality issues. In areas of lower precipitation (Raymond-Hensley Lake and the lower part of the Coarsegold area), groundwater recharge is more limited, possibly requiring additional water supply from other sources to support future development.

Madera County is served by a solid waste facility (landfill) in Fairmead. There is a transfer station in North Fork. The Fairmead facility also provides for Household Hazardous Materials collections on Saturdays. The unincorporated portion of the County is served by Red Rock Environmental Group. Above the 1000 foot elevation, residents are served by EMADCO services for solid waste pick-up.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐
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)?	☐	☐	☒	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

Discussion:

(a) Less than Significant Impact

The project does not have the potential to degrade fish and wildlife, or their habitat, or to eliminate major periods of California history or prehistory. All potentially significant impacts have been identified and shown to have a less than significant impact.

(b) Less than Significant Impact

The project will not generate significant environmental impacts. The incremental effect of the current project, when viewed in light of both existing development and reasonably foreseeable future projects does not yield impacts which are cumulatively considerable. Cumulatively, the impacts of the proposed General Plan, Rezone, and Subdivision are shown to be less than significant.

(c) No Impact

The initial study has reviewed all impacts that have the potential to have adverse effects on human beings. No potentially significant impacts have been identified.

General Information

CEQA defines three types of impacts or effects:

- Direct impacts are caused by a project and occur at the same time and place (CEQA §15358(a)(1).

- Indirect or secondary impacts are reasonably foreseeable and are caused by a project but occur at a different time or place. They may include growth inducing effects and other effects related to changes in the pattern of land use, population density or growth rate and related effects on air, water and other natural systems, including ecosystems (CEQA §15358(a)(2).

- Cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts (CEQA §15355(b)). Impacts from individual projects may be considered minor, but considered retroactively with other projects over a period of time, those impacts could be significant, especially where listed or sensitive species are involved.

Documents/Organizations/Individuals Consulted
In Preparation of this
Initial Study

Madera County General Plan

California Department of Finance

California Integrated Waste Management Board

California Environmental Quality Act Guidelines

United States Environmental Protection Agency

Caltrans website http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm accessed October 31, 2008

California Department of Fish and Game "California Natural Diversity Database" http://www.dfg.ca.gov/biogeodata/cnddb/

Madera County Integrated Regional Water Management Plan.

State of California, Department of Finance, *E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011 and 2012, with 2010 Benchmark.* Sacramento, California, May 2012

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MITIGATED NEGATIVE DECLARATION MND 2013-33

RE: Parcel Map 4178, Daggett & Associates

LOCATION AND DESCRIPTION OF PROJECT:

Daggett & Associates is proposing to divide a 9.56 acre lot into 8 parcels for commercial use. The existing Resource Conservation Area and Public Lands (RCA & PL) O'Neals Area Plan designation is proposed to be changed to CC (Community Commercial) Designation. The existing Agricultural Rural Valley – 20 Acre Minimum zoning is proposed to change to CRM (Commercial Rural Median).

The project site is located on the west side of Highway 41, approximately 280 feet south of its intersection with Avenue 14, in Madera.

ENVIRONMENTAL IMPACT:

No adverse environmental impact is anticipated from this project. The following mitigation measures are included to avoid any potential impacts.

BASIS FOR NEGATIVE DECLARATION:

See attached mitigation measures

Madera County Environmental Committee

A copy of the negative declaration and all supporting documentation is available for review at the Madera County Planning Department, 2037 West Cleveland Avenue, Madera, California.

DATED: January 10, 2013

FILED:

PROJECT APPROVED:

MITIGATION MONITORING REPORT

MND # 2013-31

No.	Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
						Initials	Date	Remarks
Aesthetics								
Agricultural Resources								
Air Quality								
Biological Resources								
1	Preconstruction surveys: prior to construction within the project area, a qualified biologist must conduct a preconstruction survey for special status animal species in areas slated for development. Surveys must also be conducted for special-status plant species in all areas where development is to occur. These surveys should be conducted by a qualified botanist pursuant to "Guidelines or Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants" (USFWS 1996a). Only special-status species are identified during the preconstruction surveys, then an addendum to the ESR, Inc. report will be prepared addressing the species identified.							
2	Avoidance: If special-status animal species are found in areas slated for development, construction should be delayed until further consultations with appropriate agencies are completed.							
3	Mitigation Plan: In the event that special status plant species are identified, mitigation measures must be conducted in accordance with the California Native Plant Society's "Policy on Mitigation Regarding Impacts to Rare, Threatened, and Endangered Plants" (CNPS, 1991)							

No.	Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
						Initials	Date	Remarks
4	Preconstruction surveys for nesting raptors: During the raptor nesting season the applicant must have a qualified biologist survey construction areas and their immediate vicinity for active raptor nests. The surveys must be conducted according to a protocol developed in consultation with the California Department of Fish and Game. Only if special status species are identified during the survey will an addendum to the ESR, Inc. report of April 2011 be prepared addressing the species.							
5	Avoidance of nesting raptors: Active raptor nests discovered during the preconstruction survey should be marked on a map. A construction-free setback or buffer should be established around each active nest by means of fencing or stakes with conspicuous flagging. No construction activities should be permitted within the buffer area until the young have fledged or the species are no longer attempting to nest. For example, construction activities initiated prior to completion of breeding (i.e. fledging of young) should be restricted appropriately to mitigate potential impacts to the identified breeding pair. This typically includes establishment of a 300 foot construction-free buffer zone around the tree by means of fencing or stakes with conspicuous flagging. The exact distance of the buffer zone should be determined in consultation with CDFG. Once the nest becomes inactive, as determined by a qualified biologist, construction would be allowed to commence within the buffer zone.							

No.	Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
						Initials	Date	Remarks
	The further improvement of the existing road on the southern edge of the project site is subject to the following design parameters and construction methodologies in order to avoid a "take" situation: a) Continue the use of the roadway within the existing easement; b) Maintain and manage the dirt shoulders of the easement to deter growth of volunteer vegetative species and invasive use by fossorial mammals thereby limiting suitable aestivation habitat within the easement; c) The placement of a barrier that precludes species from accessing the roadway; d) Timing the construction of the improvements to the dry periods when the potential species of interest are not utilizing the area for breeding or maturation; e) Provide pollution prevention measures such as wattle, hay bales, silt fencing, etc. that are typically required for projects of this extent.							
Cultural Resources								
1	The applicant/permittee shall agree to suspend construction in the vicinity of a cultural resource encountered during development of a site, and leave the resource in place until a qualified archaeologist can examine and determine appropriate mitigation actions.							
Geology and Soils								
Hazards and Hazardous Materials								
Hydrology and Water Quality								
Land Use and Planning								
Mineral Resources								

No.	Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
						Initials	Date	Remarks
Noise								
Population and Housing								
Public Services								
Recreation								
Transportation and Traffic								
Utilities and Service Systems								