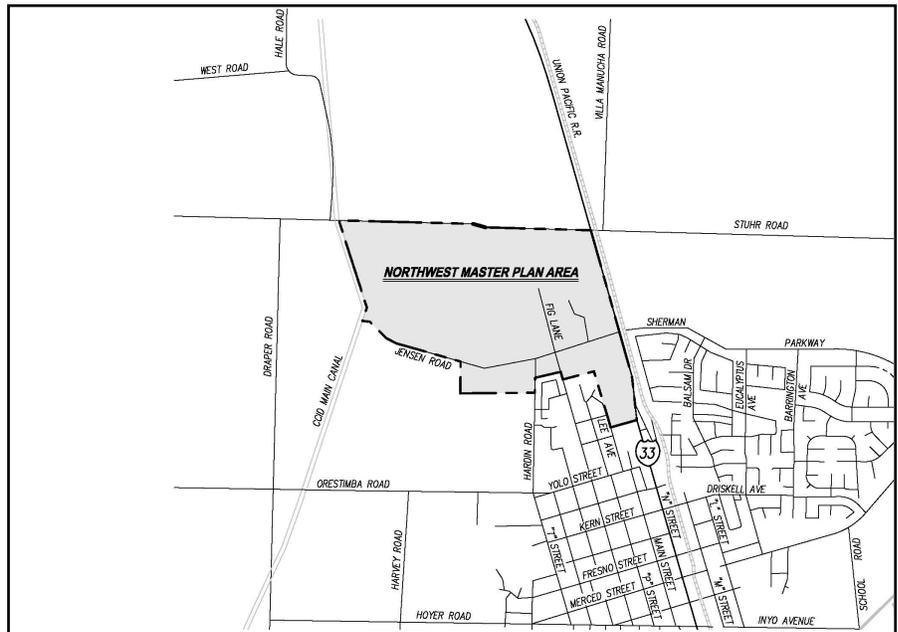


Final Environmental Impact Report

SCH No. 2013032010



City of Newman
Community Development Department
938 Fresno Street
Newman, CA 95360

October 2017



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(For hard copies of this Final EIR, all technical appendices are included on a CD inside the back cover.)

Appendix A through G can be found in the Draft EIR

Appendix H – Signal Warrant Analysis Worksheets

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INTRODUCTION TO THE FINAL EIR

PURPOSE OF THE FINAL EIR

The California Environmental Quality Act and the Guidelines promulgated thereunder (together “CEQA”) require an Environmental Impact Report (EIR) to be prepared for any project which may have a significant impact on the environment. An EIR is an informational document, the purposes of which, according to CEQA are “to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.” The information contained in this EIR is intended to be objective and impartial, and to enable the reader to arrive at an independent judgment regarding the significance of the impacts resulting from the proposed project.

This Final EIR document, together with the Draft EIR published in April 2017, shall constitute the complete EIR prepared pursuant to the California Environmental Quality Act (CEQA) as amended (commencing with Section 21000 of the California Public Resources Code) and the CEQA Guidelines for the proposed Northwest Newman Master Plan. The Applicant and Lead Agency is the City of Newman.

The proposed Northwest Newman Master Plan consists of a mix of residential, business park, community commercial, office, parks, and school uses in a 362-acre area. The project as proposed also includes approval of the Master Plan and annexation of the Master Plan area into the City of Newman. The Plan area is north of the current boundary of Newman, within the unincorporated portion of Stanislaus, but within the City’s primary Sphere of Influence. It is bounded by Stuhr Road to the north, State Route 33 to the east, the Central California Irrigation District canal to the west, and the existing City boundary/Jensen Road to the south.

EIR REVIEW PROCESS

Draft EIR

A Draft EIR was made available for public review in April 2017. During the public review period for the Draft EIR (beginning April 14 with comments accepted through May 30, 2017), the City received eight comment letters.

Final EIR

This Final EIR contains all comments received by the City on the Draft EIR and also includes responses to these comments, together with minor revisions to the text of the Draft EIR document. None of the revisions or responses to comments contained in this Final EIR would be considered “significant new information” under section 15088.5 of the CEQA Guidelines and therefore no recirculation of the Draft EIR would be required.

This EIR will be presented to the decision-makers at public hearings to consider recommendation for and certification of this document as a technically adequate, full disclosure document consistent with the requirements of CEQA. Assuming certification of this EIR as complete and adequate under CEQA, this document together with the Draft EIR will constitute the certified EIR for the Northwest Newman Master Plan.

An EIR does not control the agency's ultimate discretion on a project. As required under CEQA, the agency must respond to each significant effect identified in the EIR by making findings and if necessary and warranted, by adopting a statement of overriding considerations. The decision-making Agency must balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental impacts when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered "acceptable." In accordance with California law, the EIR must be certified before any action on a project can be taken. However, EIR certification does not constitute project approval.

REPORT ORGANIZATION

This Final EIR consists of the following chapters, commencing after Chapter 22 of the Draft EIR:

Chapter 23: Introduction to the Final EIR. This chapter outlines the purpose, organization and scope of the Final EIR document and important information regarding the public review and approval process.

Chapter 24: Revisions to the Draft EIR. This chapter includes corrections, clarifications or additions to text contained in the Draft EIR based on comments received during the public review period.

Chapter 25: Response to Comments. This chapter provides reproductions of letters received on the Draft EIR. The comments are numbered in the margin. The responses to comments are also provided in this chapter immediately following each comment letter and are keyed to the numbered comments.

REVISIONS TO THE DRAFT EIR

REVISIONS TO THE DRAFT EIR

The following are minor text changes, additions, or modifications made to the Draft EIR for the Northwest Newman Master Plan. An explanation of the changes made in response to comments can be found in Chapter 25.

Comments, including the original location in the Draft EIR of the text to be changed, are in *italics*. Deletions are noted by ~~striketrough~~. Additions are underlined.

The revisions indicated in this chapter are minor revisions and additional clarification and do not require recirculation of the Draft EIR under section 15088.5 of the CEQA Guidelines.

CHANGES TO CHAPTER 2: EXECUTIVE SUMMARY

- *Page 2-2*

Revisions are hereby made to the summary of significant air quality impacts to reflect the addition of Mitigation Measure Air-1b (see revisions on pages 6-18).

- **Air Quality:** Construction activity would temporarily affect local air quality (Impact Air-1), causing a temporary increase in particulate dust and other pollutants. Implementation of Regulation VIII and Rule 9510 and construction emission standards (MMs Air-1a and Air-1b) would result in the use of less-polluting construction equipment; however, Project emissions could cumulatively contribute to the ozone and particulate matter non-attainment designations of the San Joaquin Valley Air Basin if large and/or numerous projects occur together, and these impacts would remain significant and unavoidable.
- Operational emissions generated by Plan area development and related traffic would increase emissions in the region (Impact Air-2), affecting the attainment and maintenance of criteria air pollutant air quality standards. These increases would be above GAMAQI significance thresholds and even with implementation of Rule 9510 (MM Air-1), the impact would remain significant and unavoidable.
- Construction and operational impacts of Plan build-out would also contribute to cumulative air quality impacts (Impact Air-4). Even with implementation of Rule 9510 and construction emission standards (MMs Air-1a and Air-1b), this impact would remain significant and unavoidable.

- *Page 2-6*

Revisions are hereby made to Table 2.1: Summary of Project Impacts and Mitigation Measures to be consistent with revisions made to renumber Mitigation Measure Air-1 to Air-1a and add Air-1b, as detailed for changes to page 6-18.

CHANGES TO CHAPTER 3: PROJECT DESCRIPTION

- Page 3-5

The following revision is hereby made to the first paragraph under “Transportation” to clarify for which Plan intersections signalization is proposed as a part of Plan development.

The Plan includes development of an internal circulation system of neighborhood and collector roads, as shown on the Land Use Plan (see **Figure 3.4**). Additional residential streets will be constructed within neighborhoods consistent with the Master Plan street cross-sections and guidelines.

Signalization of the following Plan-area and adjacent existing and future intersections are also proposed as a part of Plan development:

- SR 33 & Stuhr Road (existing).
- SR 33 & Jensen Road/Sherman Parkway (existing).
- Jensen Road & Fig Lane (existing).
- Stuhr Road & Harvey Lane (future).
- Stuhr Road & Fig Lane (future).
- SR 33 & the Business Park Industrial Access (future), and
- SR 33 & the Southern Community Commercial Access (future).

CHANGES TO CHAPTER 6: AIR QUALITY

- Page 6-18

The following mitigation measure is hereby added at the request of SJVAPCD to specify minimum standards for construction emission reductions.

Mitigation Measures

Air-1a: **Compliance with SJVAPCD Rule 9510.** New development projects in the Plan area that would generate substantial air pollutant emissions would be required by SJVAPCD Rule 9510 to mitigate construction- and operation-period emissions by applying the SJVAPCD-approved measures and paying fees to support programs that reduce emissions.

Air-1b: **Off-Road Construction Equipment Standards.** Construction contracts for development in the Plan area shall specify use of off-road construction equipment that achieves fleet average emissions equal to or less than the Tier III emissions standard of 4.8 NOx grams per horsepower-hour (g/hp-hr). The fleet average can be achieved through any combination of uncontrolled engines and engines complying with Tier III and above engine standards.

... As part of the development process for individual, site-specific projects under the Master Plan, each applicant would be required, to the extent specific development at issue is subject to Rule 9510, to prepare a detailed AIA. To the extent applicable under Rule 9510 for each such individual development, SJVAPCD would require calculation of the construction and operational emissions from the development at issue. The purpose of the AIA is to confirm a development’s construction exhaust emissions, and therefore be able to identify appropriate mitigation, either through implementation of specific mitigation measures or payment of applicable off-site fees. Under Rule

9510, each project that is subject to this Rule would be required to reduce construction exhaust emissions by 20 percent for NO_x and 45 percent for PM₁₀ or pay offset mitigation fees for emissions that do not achieve the mitigation requirements. Offset fees would be calculated in accordance with the procedures identified in the Rule 9510 and approved by the SJVAPCD. Measures to meet these requirements usually take the form of newer or retrofitted construction fleets, a reduction of construction traffic, use of electrical-powered stationary equipment, and possibly off site mitigation or fees payable to SJVAPCD to obtain off-site reductions. At the recommendation of SJVAPCD, in addition to complying with SJVAPCD requirements (Mitigation Measure Air-1a), specific minimum standards for reduction of construction emissions have been formalized as Mitigation Measure Air-1b.

CHANGES TO CHAPTER 16: TRANSPORTATION AND CIRCULATION

- *Page 18-20*

The following text is hereby added under “Planned Improvements” to clarify for which Plan intersections signalization is proposed as a part of Plan development.

Signalization of the following Plan-area and adjacent existing and future intersections are also proposed as a part of Plan development:

- SR 33 & Stuhr Road (existing).
- SR 33 & Jensen Road/Sherman Parkway (existing).
- Jensen Road & Fig Lane (existing).
- Stuhr Road & Harvey Lane (future).
- Stuhr Road & Fig Lane (future).
- SR 33 & the Business Park Industrial Access (future), and
- SR 33 & the Southern Community Commercial Access (future).

- *Page 18-26*

The following revision is hereby made to the paragraph following Mitigation Measure Traf-5 to discuss methods for preventing left turns.

Left turn movements at this intersection may be prohibited with physical barriers, signage, or a combination of both. The addition of northbound and southbound through lanes at this intersection would be consistent with the roadway segment mitigation measure described below.

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RESPONSE TO COMMENTS

INTRODUCTION

This chapter contains responses to the written comments on the Draft EIR. Where revisions to the Draft EIR are appropriate, such changes are noted below and the actual text changes are included in Chapter 24.

The City of Newman received 8 letters commenting on the Draft EIR for the Project. Specific comments are organized generally in chronological order, as follows:

Letter A, Mike Oliphant, Chevron Environmental Management Company, 5/9/2017

Letter B, Tom Dumas, California Department of Transportation, 5/18/2017

Letter C, Stephanie Tadlock, Central Valley Regional Water Quality Control Board, 5/24/2017

Letter D, Patrick Cavanah, Stanislaus County Environmental Review Committee, 5/24/2017

Letter E, Javier Camarena, Stanislaus Local Agency Formation Commission, 5/25/2017

Letter F, Scott Morgan, Governor's Office of Planning and Research, State Clearinghouse, 5/31/2017

Letter G, Arnaud Marjollet, San Joaquin Valley Air Pollution Control District, 6/2/2017

Letter H, Julie Vance, California Department of Fish and Wildlife, 6/2/2017

Additionally, the City held a public meeting to present the Draft EIR analysis and accept verbal comments on May 25, 2017. Speakers asked questions clarifying the Plan description and process. There were no comments on the environmental analysis.

RESPONSES TO COMMENTS

The following pages contain comments on the Draft EIR for the Project. Each comment is numbered in the margin and responses to these comments are provided following each comment letter.

In some instances, responding to a comment received on the Draft EIR resulted in a revision to the text of the Draft EIR. In other cases, the information provided in the responses is deemed adequate in itself, and modification of the Draft EIR text was not necessary.

Letters referenced in this chapter were not always intended to be focused on environmental matters only and comments sometimes reference matters related to the Project but that are outside the realm of environmental review. Such a response is not intended to dismiss or diminish the validity of the comment outside the CEQA realm. All of the comments are a part of the record and will be considered by City decision-makers if and when Project approvals are presented for their consideration.



Letter A

Mike N. Oliphant
Project Manager
Mining and Specialty
Portfolio

**Chevron Environmental
Management Company**
P.O. Box 6012
San Ramon, CA 94583
Tel (925) 842 9922
mike.oliphant@chevron.com

May 9, 2017

Stakeholder Communication – City of Newman

Ms. Stephanie Ocasio
City Planner
City of Newman
Community Development Department
938 Fresno Street / P.O. Box 787
Newman, California 95360

Subject: Comments on the Northwest Newman Master Plan Draft Environmental Impact Report
Chevron Environmental Management Company
Historical Pipeline Portfolio–Bakersfield to Richmond

Dear Ms. Ocasio:

On behalf of Chevron Environmental Management Company (CEMC), Leidos, Inc. (Leidos; CEMC contract consultant) recently reviewed the Northwest Newman Master Plan Draft Environmental Impact Report. The information contained in this letter may help you to understand something about Chevron's former pipeline operations in Stanislaus County, as residual weathered crude oil, abandoned pipeline, and asbestos-containing materials (ACM) could potentially be encountered during subsurface construction activities in the vicinity of these former pipeline locations within the existing former pipeline rights of way (ROWs).

Portions of the former Old Valley Pipeline (OVP) and Tidewater Associated Oil Company (TAOC) pipelines existed within the vicinity of the proposed project area. These formerly active pipelines were constructed in the early 1900s and carried crude oil from the southern San Joaquin Valley to the San Francisco Bay Area. Pipeline operations for the OVP ceased in the 1940s, and in the 1970s for the TAOC pipelines. When pipeline operations ceased, the pipelines were taken out of commission. The degree and method of decommissioning varied: in some instances the pipelines were removed, while in others they remained in place. Because these pipelines have been decommissioned, with the majority of pipelines having been removed, they are not readily identified as underground utilities through the Underground Service Alert North System or utility surveys. Figure 1 illustrates the location of the former OVP and TAOC ROWs with respect to the proposed project area. The locations of the pipelines shown on Figure 1 are based on historical as-built drawings and the approximated positional accuracy of the alignments is generally +/- 50 feet. The OVP and TAOC pipelines were installed at depths of up to 10 feet below ground surface. The steel pipelines were typically encased in a protective coating composed of coal tar and ACM.

Working under the direction of State regulatory agencies, CEMC conducted risk assessments at numerous locations with known historical crude-oil release points along the former OVP and TAOC pipelines. Analytical results from these risk assessments indicated that the crude-contaminated soil was non-hazardous. Accordingly, it is likely that if soil affected by the historical release of crude oil from these former pipelines is encountered during construction

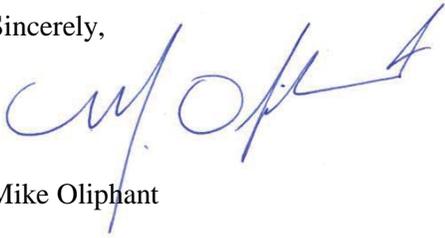
Ms. Stephanie Ocasio – City of Newman
May 9, 2017
Page 2 of 2

activities it may be reused as backfill on site. Properly abandoned crude-oil pipeline may be left in the ground. Parties conducting construction activities in the vicinity of these former pipeline ROWs may wish to use the information provided in this letter to help prepare for the possibility of encountering abandoned pipelines and pipeline-related ACM during the course of their work.

A-1
Cont'd

For more information regarding these historic pipelines, please visit <http://www.hppinfo.com/>. If you would like additional information, or would like to request more detailed maps, please contact Leidos consultants Mike Hurd (michael.t.hurd@leidos.com) at (510) 466-7161 or Daniel Anzelon (daniel.b.anzelon@leidos.com) at (858) 826-3316.

Sincerely,



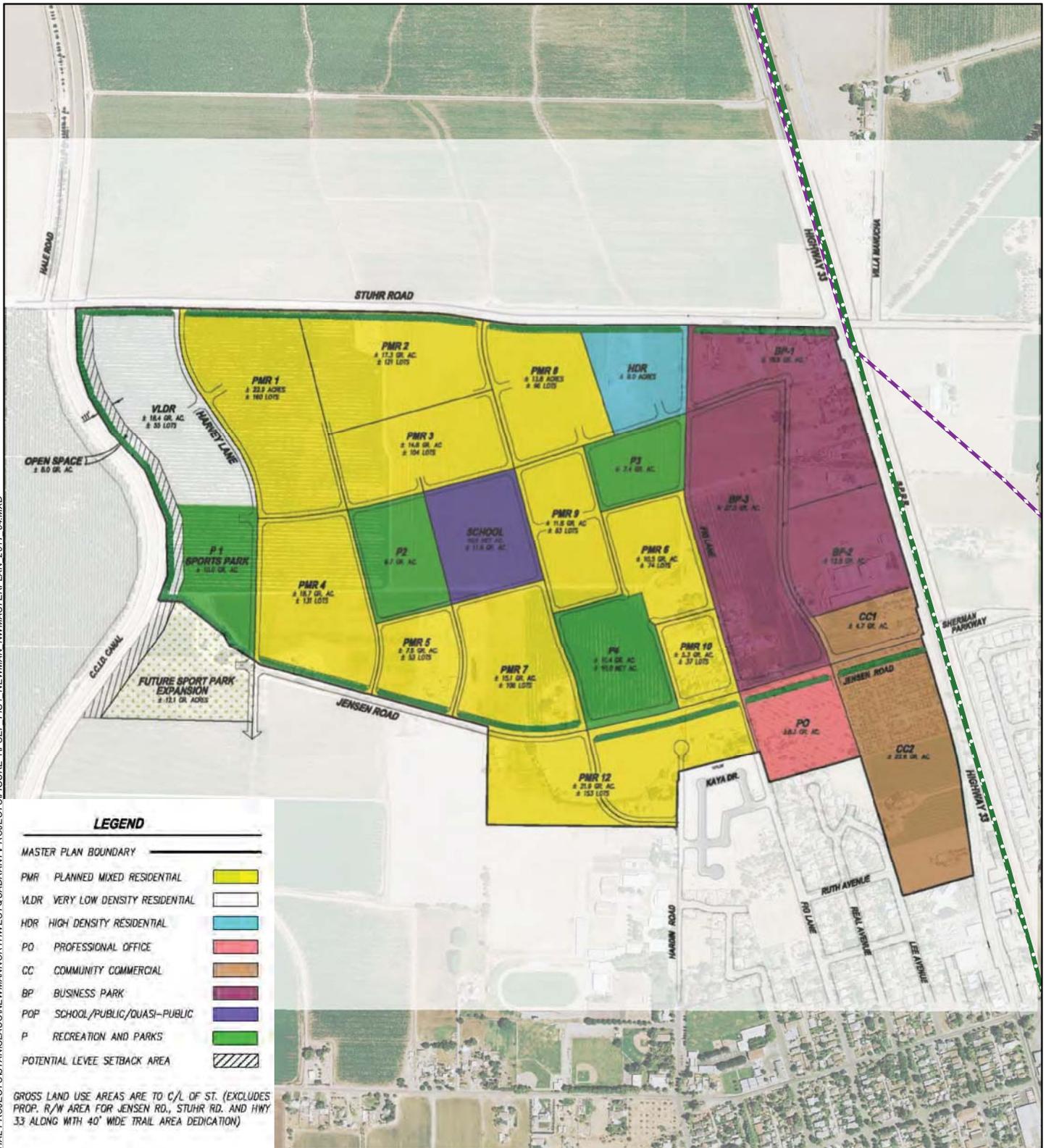
Mike Oliphant

MO/klg

Enclosure:

Figure 1. Historical Pipeline Rights of Way – Northwest Newman Master Plan – Land Use

cc: Mr. Mike Hurd – Leidos
475 14th Street, Suite 610, Oakland, California 94612

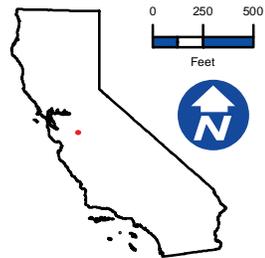


LEGEND

- MASTER PLAN BOUNDARY
- PMR PLANNED MIXED RESIDENTIAL
- VLDR VERY LOW DENSITY RESIDENTIAL
- HDR HIGH DENSITY RESIDENTIAL
- PO PROFESSIONAL OFFICE
- CC COMMUNITY COMMERCIAL
- BP BUSINESS PARK
- POP SCHOOL/PUBLIC/QUASI-PUBLIC
- P RECREATION AND PARKS
- POTENTIAL LEVEE SETBACK AREA

GROSS LAND USE AREAS ARE TO C/L OF ST. (EXCLUDES PROP. R/W AREA FOR JENSEN RD., STUHR RD. AND HWY 33 ALONG WITH 40' WIDE TRAIL AREA DEDICATION)

Map is compiled from data sources that vary in accuracy; features may not be displayed in exact relationship to one another. Source: "Figure 4.3. Land Use Map", Northwest Newman Master Plan Draft Environmental Impact Report. April, 2017.



CALIFORNIA LOCATION MAP

- Historical Old Valley Pipeline (OVP)
- Historical Tidewater Associated Oil Company (TAOC) Pipeline

HISTORICAL PIPELINE RIGHTS OF WAY

**NORTHWEST NEWMAN MASTER PLAN
LAND USE
Newman, California**

DATE: 4/27/2017

ANALYST: ANZELOND

FIGURE:



1

**LETTER A, MIKE OLIPHANT, CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY,
5/9/2017**

Response to Comment A-1

This letter provides information about former oil pipelines in the vicinity and the potential to encounter abandoned pipeline or related hazardous materials in those areas. The former pipeline historically ran along the current Highway 33 adjacent to the Plan area.

The Draft EIR includes Mitigation Measure Haz-1, which requires site-specific Environmental Site Assessment by registered professionals prior to development within the Plan area to identify and address any hazardous materials in the area, which will include the potential for abandoned pipelines and/or related hazardous materials.

DEPARTMENT OF TRANSPORTATION
P.O. BOX 2048 STOCKTON, CA 95201
(1976 E. DR. MARTIN LUTHER KING JR. BLVD. 95205)
TTY: California Relay Service (800) 735-2929
PHONE (209) 941-1921
FAX (209) 948-7194
www.dot.ca.gov

Letter B



*Serious drought
Help save water!*

May 18, 2017

**10-STA-33 PM 0.38-1.60
Northwest Newman Master Plan
SCH #2013032010**

Stephanie Ocasio
City of Newman
Community Development Department
938 Fresno Street
Newman, CA 95360

Dear Ms. Ocasio:

The California Department of Transportation (Department) appreciates the opportunity to comment on the proposed Northwest Newman Master Plan of a mix residential, business park, community commercial, office, parks, and school uses in a 362-acre area. The Master Plan is located west of SR-33, north of Newman and south of Stuhr Road.

Upon review of the project, the Department has the following comments:

1. The traffic counts that were used for the TIS are from 2011. In the last 6 years traffic may have increased.

Comments for DEIR dated April 2017:

2. Page 2-2 section significant and unavoidable impacts that cannot be mitigated, it states that the improvements to this intersection are considered feasible therefore the impact would remain significant and avoidable. These impacts to the state highway as listed below from the 4-29-14 TIS from KD Anderson are significant and need to be addressed prior to the opening of these projects. It will highly deteriorate the highway facility. This is a direct and significant impact to the State Highway System (SHS).

Comments for Traffic Impact Study from KD Anderson dated April 29, 2014:

3. Page 38 of the TIS states that for existing intersection SR 33/Stuhr Rd is all way stop and the analysis for existing plus project on this intersection is now signalized. The report states that this intersection meets peak hour but the full warrant was not done. The peak hour warrant done was not submitted. With the signal, this intersection will be LOS "C" for both the am and the pm. With this mitigation, it appears the intersection will be acceptable.
4. Page 38 of the TIS states that for existing intersection SR 33/Jensen Rd is un-signalized and the analysis for existing plus project is now signalized. The report states that this intersection meets peak hour but the full warrant was not done. The peak hour warrant done was not submitted. Even with a signal, this intersection will be LOS "F" for the am and the pm peak hours. Now assuming the signal did meet, making the mitigation to:

B-1

B-2

B-3

B-4

- Add exclusive northbound through lane.
- Add exclusive southbound through lane.
- Split the eastbound to through/right to an exclusive eastbound through the lane and exclusive eastbound to southbound right turn.
- Prohibit northbound to southbound U-turns

B-4
Cont'd

With all of these mitigations, it appears the intersection will be acceptable.

5. Page 38 of the TIS states that for existing intersection SR 33/Yolo Street will remain unsignalized for both existing and existing plus project. Although page 49 states the project will make this signalized. The report states that this intersection meets peak hour but the full warrant was not done. The peak hour warrant done was not submitted. Assuming the signal did meet and making the mitigation to:

B-5

- Signalized intersection
- Add exclusive northbound through lane.
- Add exclusive southbound through lane.

With all of these mitigations it appears the intersection will be acceptable.

6. The addition of the new intersection SR 33/North Commercial Access will open at LOS "F". Therefore, this is a direct nonexistant significant impact. The proximity to SR 33/Jensen Road will not allow this intersection to be signalized. The mitigations call for the following:

B-6

- Prohibit eastbound to northbound left turn movements. How will the left turns be prevented without a physical barrier? How will the left turns be accommodated without a left turn lane into the project for this intersection, SR 33/Industrial Access, SR 33/South Commercial Access? Please provide the queues for these accesses along SR 33.
- Add exclusive northbound through lane.
- Add exclusive southbound through lane.

Any mitigations to the intersections at Sturh Road, Jensen Street and Yolo Street will need to be done prior opening day. These are direct impact to the mentioned intersections from this project.

B-7

If you have any questions, please contact Eduardo Fuentes at (209) 948-7783 (e-mail: Efuentes@dot.ca.gov) or myself at (209) 941-1921.

Sincerely,

 E. Fuentes

TOM DUMAS, CHIEF
OFFICE OF METROPOLITAN PLANNING

LETTER B, TOM DUMAS, CALIFORNIA DEPARTMENT OF TRANSPORTATION, 5/18/2017

Responses to this letter were coordinated with KD Anderson and Associates, preparers of the Traffic Impact Study for the Draft EIR.

Response to Comment B-1

This comment asserts that traffic counts may have increased since those in the traffic study.

The traffic analysis for the EIR began in 2011, which is when counts were performed. In response to this comment, KD Anderson and Associates compiled a historical comparison of traffic volumes along State Route (SR) 33 south of Stuhr Road, which is the segment along the eastern edge of the Project site. The comparison is presented below in Table 25.1. The table presents a comparison of 2011 traffic volumes to the most recent traffic volumes available from the California Department of Transportation (<http://www.dot.ca.gov/trafficops/census/>).

Table 25.1. Traffic Volumes on State Route 33 South of Stuhr Road

Time Period	2011 Traffic Volume	2015 Traffic Volume
Peak Hour	780	780
Peak Month Daily	8,200	8,200
Annual Average Daily	6,600	7,500

Source: Caltrans Traffic Census Program (<http://www.dot.ca.gov/trafficops/census/>)

As shown in Table 25.1, annual average daily traffic volumes increased from 2011 to 2015. However, neither peak hour volumes nor peak month traffic volumes increased from 2011 to 2015 and there would be no changes to traffic-related conclusions in the Draft EIR.

Response to Comment B-2

This comment references impacts to the intersection of SR 33 & Yolo Street and asserts that there would be significant impacts to the State Highway System that should be addressed.

While this comment references a summary statement, the full discussion of impacts at this intersection can be found on pages 18-27 (Plan-specific) and 18-34 to 18-35 (cumulative) of the Draft EIR (and pages 49 to 50 and 85 to 86 of the traffic study, respectively, which is Appendix E of the Draft EIR).

The significant and unavoidable impact was identified under cumulative conditions only, which includes other area growth. The intersection would operate at unacceptable service levels under cumulative conditions with or without development in the Plan area, which would also contribute additional congestion and delay. Feasible improvements (Mitigation Measures Traf-3 and Traf-7) were identified, and while these would improve intersection operations, the operations would remain unacceptable and a significant impact under cumulative conditions.

Conversely, while the direct impact of the Plan on this intersection under existing conditions would be significant, it would be fully mitigated to a less than significant level with implementation of the feasible improvements identified in Mitigation Measure Traf-3.

Response to Comment B-3

This comment discusses signal warrants and signalization of the intersection of SR 33 and Stuhr Road and resultant intersection operations.

The comment is correct that a peak hour (and not a full) signal warrant analysis was prepared for this intersection, as described on page 18-15 of the Draft EIR (and page 26 of the traffic study, which is Appendix E of the Draft EIR), consistent with CEQA assessment during the peak hours. As is standard practice, a more detailed signal warrant study is recommended before a signal is installed.

As detailed on page 6 of the traffic study included as Appendix E of the Draft EIR, signalization of this intersection is proposed as part of the circulation improvements of the Plan. Revisions have been added to the Draft EIR (pages 3-5 and 18-20) to make this clearer, as detailed in Chapter 24 of this document. The comment is correct that signalization of this intersection would result in LOS C conditions, as detailed in Table 18.2 on page 18-24 of the Draft EIR.

The Peak Hour Warrant analysis worksheets were inadvertently omitted in the Draft EIR for some of the study intersections, include this one. The Peak Hour Warrant analysis worksheets for the intersections listed below are included in Appendix H of this Final EIR.

1. SR 33 & Stuhr Road (existing)
2. SR 33 & Jensen Road / Sherman Parkway (existing)
3. SR 33 & Yolo Street (existing)
10. SR 33 & Business Park Industrial Access (future)
11. SR 33 & North Commercial Access (future)
12. SR 33 & South Commercial Access (future)

Response to Comment B-4

This comment discusses signal warrants and signalization of the intersection of SR 33 and Jensen Road / Sherman Parkway and resultant intersection operations.

The comment is correct that a peak hour (and not a full) signal warrant analysis was prepared for this intersection, as described on page 18-15 of the Draft EIR (and page 26 of the traffic study, which is Attachment E of the Draft EIR), consistent with CEQA assessment during the peak hours. As is standard practice, a more detailed signal warrant study is recommended before a signal is installed.

As detailed on page 6 of the traffic study included as Appendix E of the Draft EIR, signalization of this intersection is proposed as part of the circulation improvements of the Plan. Revisions have been added to the Draft EIR (pages 3-5 and 18-20) to make this clearer, as detailed in Chapter 24 of this document. The comment is correct that signalization of this intersection in addition to the other improvements listed in the comment (and included in the Draft EIR as Mitigation Measure Traf-2) would result in acceptable intersection operations, as detailed on pages 18-23 through 18-25 of the Draft EIR (and pages 38 and 49 of the traffic study included as Appendix E of the Draft EIR).

The Peak Hour Warrant analysis worksheet for this intersection was accidentally omitted from the Draft EIR and is included in Appendix H of this Final EIR.

Response to Comment B-5

This comment discusses signal warrants and signalization of the intersection of SR 33 and Yolo Street and resultant intersection operations.

The comment is correct that a peak hour (and not a full) signal warrant analysis was prepared for this intersection, as described on page 18-15 of the Draft EIR (and page 26 of the traffic study, which is Attachment E of the Draft EIR), consistent with CEQA assessment during the peak hours. As is standard practice, a more detailed signal warrant study is recommended before a signal is installed.

The commenter's recitation of intersection control, LOS, and mitigation measures are correct. Signalization of the intersection was not proposed as a part of Plan improvements, so was not assumed under "existing plus project" conditions (referenced in the comment referring to page 38 of the traffic study). However, signalization was included as mitigation for the impact identified at this intersection, as detailed in Mitigation Measure Traf-3 on page 18-25 of the Draft EIR (and page 49-50 of the traffic study included as Appendix E of the Draft EIR). As the comment notes, this mitigated condition, including signalization, was reported on page 49 of the traffic study.

The Peak Hour Warrant analysis worksheet for this intersection was accidentally omitted from the Draft EIR and is included in Appendix H of this Final EIR.

Response to Comment B-6

This comment discusses the proposed new intersections with SR 33 at the North and South Commercial Access points and the Industrial Access point. Specific points are addressed below.

The commenter's recitation of intersection control, LOS, and mitigation measures, including the rationale for not proposing signalization, for the new intersection of SR 33 and the North Commercial Access are correct. This information is on pages 18-24 and 18-26 of the Draft EIR (and pages 38, 49 and 51 of the traffic study included as Appendix E of the Draft EIR).

The comment questions how left turns will be prevented at the SR 33 and the North Commercial Access intersection without a physical barrier. Prohibition of eastbound-to-northbound left-turn movements was identified in the Mitigation Measure (Traf-5) for this intersection. Revisions have been added to the Draft EIR (page 18-26) to clarify that left turn movements at this intersection may be prohibited with physical barriers, signage, or a combination of both, as detailed in Chapter 24 of this document.

The comment questions how left turns will be accommodated without a left turn lane into the Plan area for these intersections with SR 33. Details of proposed lane configurations are shown in Figure 12 of the traffic study included as Attachment E to the Draft EIR. As shown on this figure, left turn movements into the Plan area at these three intersections would be provided by exclusive northbound-to-westbound left-turn lanes.

The comment requests the queues for the above intersections along SR 33. The following Table 25.2 provides the requested queue length information for the following three intersections along SR 33:

10. SR 33 & Business Park Industrial Access (future),
11. SR 33 & North Commercial Access (future), and
12. SR 33 & South Commercial Access (future).

Table 25.2 provides information for both the a.m. peak hour and p.m. peak hour under the following three scenarios which include development of the Plan area:

- Existing Plus Project,
- EPAP Plus Project, and
- Cumulative Plus Project.

Table 25.2. Vehicle Queue Lengths Along State Route 33

Scenario and Time Period	Intersection #10 - SR 33 & Business Park Industrial Access			Intersection #11 - SR 33 & North Commercial Access			Intersection #12 - SR 33 & South Commercial Access		
	NB-to-WB LT	EB-to-NB LT	EB-to-SB RT	NB-to-WB LT	EB-to-NB LT	EB-to-SB RT	NB-to-WB LT	EB-to-NB LT	EB-to-SB RT
<u>Existing Plus Project</u>									
AM Peak Hour	106	6	9	3	10	3	54	32	25
PM Peak Hour	6	20	34	13	138	88	206	132	63
<u>EPAP Plus Project</u>									
AM Peak Hour	61	4	7	3	13	5	68	38	28
PM Peak Hour	7	25	40	13	170	100	238	164	73
<u>Cumulative Plus Project</u>									
AM Peak Hour	58	5	7	8	58	8	73	43	31
PM Peak Hour	8	21	36	58	248	173	252	143	111
<p>Notes: All values are 95th percentile queue lengths using Highway Capacity Manual methods. All values are expressed as number of feet. Each vehicle is assumed to be 25 feet in length. “SR” = State Route. “NB” = northbound. “WB” = westbound. “EB” = eastbound. “SB” = southbound. “LT” = left-turn. “RT” = right-turn.</p>									

Response to Comment B-6

This comment asserts that mitigation needs to be done “prior to opening day”. The Draft EIR assesses a programmatic Master Plan that would be expected to develop as multiple subsequent specific project proposals across properties under various private ownerships over time. When development projects are proposed in the Plan area, the need for implementation of circulation elements and mitigation measures prior to operation of that project will need to be determined, if such improvements have not already been implemented.



Letter C



Central Valley Regional Water Quality Control Board

24 May 2017

Stephanie Ocasio
City of Newman
Community Development Department
938 Fresno Street
Newman, CA 95360

CERTIFIED MAIL
91 7199 9991 7036 6990 6699

COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, NORTHWEST NEWMAN MASTER PLAN PROJECT, SCH# 2013032010, STANISLAUS COUNTY

Pursuant to the State Clearinghouse's 14 April 2017 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Environment Impact Report* for the Northwest Newman Master Plan Project, located in Stanislaus County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources

C-1

Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:
http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/.

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:
http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan

C-1
Cont'd

C-2

(SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

C-2
Cont'd

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

C-3

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

For more information on the Caltrans Phase I MS4 Permit, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/caltrans.shtml.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

C-4

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the

C-5

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

C-5
Cont'd

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance (i.e., discharge of dredge or fill material) of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

Waste Discharge Requirements

Discharges to Waters of the State

If USACOE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

C-6

Land Disposal of Dredge Material

If the project will involve dredging, Water Quality Certification for the dredging activity and Waste Discharge Requirements for the land disposal may be needed.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

C-7

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml; or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

Low or Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering

C-7
Cont'd

C-8

C-9

discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf

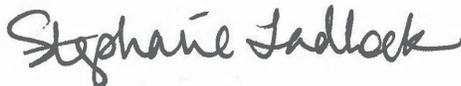
NPDES Permit

If the proposed project discharges waste that could affect the quality of the waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml

If you have questions regarding these comments, please contact me at (916) 464-4644 or Stephanie.Tadlock@waterboards.ca.gov.



Stephanie Tadlock
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

C-9
Cont'd

C-10

LETTER C, STEPHANIE TADLOCK, CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD, 5/24/2017

Response to Comment C-1

This comment discusses basin plans and antidegradation considerations, including an assertion that an antidegradation analysis should be performed.

The Draft EIR assesses a programmatic Master Plan that would be expected to develop as multiple subsequent specific project proposals across properties under various private ownerships over time. The specifics of water treatment for specific projects are not and cannot be known at this time. The assessment in the Draft EIR assumed compliance with applicable regulations and formalized Mitigation Measures (Hydro-1, Hydro-2, Hydro-3) requiring subsequent projects to prepare and implement a Stormwater Pollution Prevention Plan, and Best Management Practices for Water Quality, Groundwater Quality, and Groundwater Supply. While no additional analysis is warranted at this time for specific projects that are not yet proposed, the proposed specifics of subsequent development projects would be reviewed as part of the subsequent review, approval, and permitting processes, and would be required to comply with applicable regulations, mitigation, and processes.

Response to Comment C-2

This comment discusses the stormwater general permit as it relates to construction activities and the requirement for a Stormwater Pollution Prevention Plan.

The requirement for development projects under the Plan to implement a Stormwater Pollution Prevention Plan is also identified in Mitigation Measure Hydro-1.

Response to Comment C-3

This comment provides information relating to stormwater system permitting and low impact development.

Development projects under the Plan will comply with applicable regulations and processes. See also Response to Comment C-1 regarding subsequent development projects under the Plan.

Response to Comment C-4

This comment provides information relating to stormwater discharges with industrial sites.

Development projects under the Plan will comply with applicable regulations and processes. See also Response to Comment C-1 regarding subsequent development projects under the Plan.

Response to Comment C-5

This comment provides information relating to Section 404 permits.

Development projects under the Plan will comply with applicable regulations and processes. See also Response to Comment C-1 regarding subsequent development projects under the Plan. Details of potential Section 404 areas (wetlands) are also discussed on page 7-19 of the Draft EIR.

Response to Comment C-6

This comment provides information relating to waste discharge requirements.

Development projects under the Plan will comply with applicable regulations and processes. See also Response to Comments C-1 and C-5 regarding subsequent development projects under the Plan and Section 404 areas.

Response to Comment C-7

This comment provides information relating to dewatering permits.

Development projects under the Plan will comply with applicable regulations and processes. See also Response to Comment C-1 regarding subsequent development projects under the Plan.

Response to Comment C-8

This comment provides information relating to commercially irrigated agriculture.

Development projects under the Plan will comply with applicable regulations and processes. See also Response to Comment C-1 regarding subsequent development projects under the Plan. However, note that the Plan proposes conversion of existing agriculture use to non-agricultural uses. No new agricultural uses are proposed under the Plan.

Response to Comment C-9

This comment provides information relating to dewatering discharges.

Development projects under the Plan will comply with applicable regulations and processes. See also Response to Comment C-1 regarding subsequent development projects under the Plan.

Response to Comment C-10

This comment provides information relating to a National Pollutant Discharge Elimination System permit.

Development projects under the Plan will comply with applicable regulations and processes. See also Response to Comment C-1 regarding subsequent development projects under the Plan.



Letter D

CHIEF EXECUTIVE OFFICE

*Stan Risen
Chief Executive Officer*

*Patricia Hill Thomas
Chief Operations Officer/
Assistant Executive Officer*

*Keith D. Boggs
Assistant Executive Officer*

*Jody Hayes
Assistant Executive Officer*

1010 10th Street, Suite 6800, Modesto, CA 95354
Post Office Box 3404, Modesto, CA 95353-3404

Phone: 209.525.6333 Fax 209.544.6226

STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

May 26, 2017

Stephanie Ocasio, City Planner
City of Newman
PO Box 787
Newman, CA 95360

**SUBJECT: ENVIRONMENTAL REFERRAL – CITY OF NEWMAN – NORTHWEST
NEWMAN MASTER PLAN – NOTICE OF COMPLETION OF A DRAFT
ENVIRONMENTAL IMPACT REPORT**

Ms. Ocasio:

Thank you for the opportunity to review and comment on the above-referenced project.

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and provides the following comments:

Agricultural Resources

The proposed project will convert approximately 362 acres of land located northwest of the current Newman City Limits and currently designated as Agriculture in the Stanislaus County General Plan to non-agricultural uses.

Although the Environmental Impact Report (EIR) addresses the conversion of prime agricultural land to non-agricultural uses within the project site, the EIR analysis should evaluate whether the conversion of these agricultural lands will have a significant adverse effect on surrounding farming operations located adjacent to the project site.

The environmental assessment should also articulate the effectiveness of any proposed conservation easements and/or any in-lieu fees to preserving agricultural land uses.

D-1

**ENVIRONMENTAL REFERRAL – CITY OF NEWMAN – NORTHWEST NEWMAN
MASTER PLAN – NOTICE OF COMPLETION OF A DRAFT ENVIRONMENTAL
IMPACT REPORT**

May 26, 2017

Page 2

In accordance with the County agricultural conservation polices, the City is encouraged, to the greatest extent possible, to direct development away from the County's most productive agricultural area.

The ERC appreciates the opportunity to comment on this project.

Sincerely,



Patrick Cavanah
Management Consultant
Environmental Review Committee

PC:ss

cc: ERC Members

D-1
Cont'd

LETTER D, PATRICK CAVANAH, STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE, 5/24/2017

Response to Comment D-1

This comment discusses direct and indirect impacts on agricultural resources, effectiveness of conservation policies and measures, and encouragement of conservation. Note that as detailed in Chapter 5 of the Draft EIR, some of the land in the Plan area is already developed and the acreage of conversion of farmland is 305 acres plus 5 acres of grazing land, not the entire 362 acres identified in the comment.

As discussed in Chapter 5 of the Draft EIR, the Stanislaus Local Agency Formation Commission adopted a county-wide Agricultural Preservation Policy and the City of Newman has acted to comply with this policy by establishing a voter-approved Urban Growth Boundary to strictly restrict urbanization of land (and therefore conversion of agricultural land) to the boundaries established by the Local Agency Formation Commission. The Newman Municipal Code and General Plan policies also protect any agricultural uses within the Urban Growth Boundary that want to remain.

As further discussed in Chapter 5 of the Draft EIR, the conversion of agricultural land in the Plan area was fully assessed as an impact in the EIR for the General Plan, and compliance with the Agricultural Preservation Policy and Newman's Urban Growth Boundary and Municipal Code requirements would minimize the indirect impact of development of the Plan area on surrounding areas.

May 25, 2017

Letter E

Stephanie Ocasio, City Planner
City of Newman Community Development Dept.
938 Fresno Street / P.O. Box 787
Newman, CA 95360

**SUBJECT: NORTHWEST NEWMAN MASTER PLAN – DRAFT ENVIRONMENTAL
IMPACT REPORT**

Dear Ms. Ocasio:

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the Northwest Newman Master Plan. As Lead Agency, the City of Newman is responsible for considering the effects, both individual and collective, of all activities involved in the project (Public Resources Code §21000 et seq). LAFCO, as a Responsible Agency, will utilize the CEQA documents prepared by the City in reviewing the proposed annexation of the Master Plan area. The following comments are provided for the City's consideration:

E-1

➤ The proposed Master Plan area is currently within the boundaries of the Central California Irrigation (CCID). Commission policies recognize that city spheres generally take precedence over these districts. Pursuant to LAFCO policy, the Commission will deny proposals that would result in significant inmitigable adverse effects upon other service recipients or other agencies servicing the affected area unless the approval is conditioned to avoid such impacts. The environmental analysis should identify whether or not the City intends to detach the territory from the CCID and include a discussion of any impacts as a result.

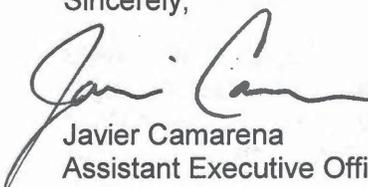
E-2

➤ Pursuant to LAFCO policies and Government Code §56653, the proposal must show that the City has the necessary services available to serve the proposed annexation area. This analysis must include detailed evidence of current and future service levels, sufficient sewer capacity, sufficient quantities and quality of water, police and fire services, and financing mechanisms for these services. Evidence must also be provided indicating that the annexing agency can at least maintain the current level of public services already provided within its boundaries.

E-3

If you have any questions regarding these comments, please contact me at camarenaj@stancounty.com or (209) 525-7660.

Sincerely,



Javier Camarena
Assistant Executive Officer

**LETTER E, JAVIER CAMARENA, STANISLAUS LOCAL AGENCY FORMATION COMMISSION,
5/25/2017**

Response to Comment E-1

This comment notes that Stanislaus Local Agency Formation Commission is a responsible agency. This is also noted on page 3-8 of the Draft EIR.

Response to Comment E-2

This comment notes that the Plan area is within the Central California Irrigation District (CCID) service area and questions plans for future services and potential impacts.

As noted on page 3-6, 19-3, and 19-7 of the Draft EIR, the intent is that the Plan area would transition to City of Newman water service for urban water use as agricultural land is converted to developed land within the Plan area. The Plan does not propose any change in or work to the existing CCID Main Canal to the west of the Plan area. The Plan proposes no changes to the irrigation lateral along the Plan area's northern boundary; however, it is noted (page 7-19 of the Draft EIR) that construction activity and/or converting to underground conveyance that may be proposed as part of subsequent development projects in the Plan area would require appropriate coordination, permits, and/or approvals. The Plan area is continuous with City of Newman jurisdiction and transition of properties in the Plan area out of CCID would not impact the ability of properties outside the Plan area to continue to obtain CCID water or otherwise continue their agricultural operations (page 5-15 of the Draft EIR).

Response to Comment E-3

This comment notes that consideration of annexation requires evidence of adequate future service levels. The Master Plan and associated documentation details plans for improvements and future service levels, as summarized in the Draft EIR analyses.

Letter F



EDMUND G. BROWN JR.
GOVERNOR

May 31, 2017

STATE OF CALIFORNIA

GOVERNOR'S OFFICE of PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

Stephanie Ocasio
City of Newman
938 Fresno St
Newman, CA 95360

Subject: Northwest Newman Master Plan
SCH#: 2013032010

Dear Stephanie Ocasio:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on May 30, 2017, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

A handwritten signature in black ink that reads "Scott Morgan".

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

F-1

**Document Details Report
State Clearinghouse Data Base**

SCH# 2013032010
Project Title Northwest Newman Master Plan
Lead Agency Newman, City of

Type EIR Draft EIR
Description The proposed Northwest Newman Master Plan consists of a mix of residential, business park, community commercial, office, parks, and school uses in a 362-acre area identified in the Newman General Plan as master plan area 3. Job generating and commercial uses would be clustered along SR 33, with residential neighborhoods of varying density to the west. Annexation of the master plan area into the city of Newman would be required.

Lead Agency Contact

Name Stephanie Ocasio
Agency City of Newman
Phone 209-862-3725 **Fax**
email
Address 938 Fresno St
City Newman **State** CA **Zip** 95360

Project Location

County Stanislaus
City Newman
Region
Lat / Long 37° 19' 48" N / 121° 1' 48" W
Cross Streets Jensen Road and SR 33
Parcel No. Multiple
Township **Range** **Section** **Base**

Proximity to:

Highways SR 33
Airports No
Railways UPRR
Waterways CCID Main Canal
Schools Various
Land Use Identified as Master Plan Area 3 in the City's General Plan

Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Flood Plain/Flooding; Geologic/Seismic; Noise; Public Services; Schools/Universities; Toxic/Hazardous; Traffic/Circulation; Water Quality; Water Supply; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Wildlife, Region 4; Department of Parks and Recreation; Central Valley Flood Protection Board; Department of Water Resources; Office of Emergency Services, California; California Highway Patrol; Caltrans, District 10; Department of Housing and Community Development; Regional Water Quality Control Bd., Region 5 (Sacramento); Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission

Date Received 04/14/2017 **Start of Review** 04/14/2017 **End of Review** 05/30/2017

LETTER F, SCOTT MORGAN, GOVERNOR'S OFFICE OF PLANNING AND RESEARCH–STATE CLEARINGHOUSE, 5/31/2017

Response to Comment F-1

This is a letter from the State Clearinghouse stating that they circulated the Draft EIR to selected state agencies. No response is required. Letters B and C were attached, but were omitted here because they are already included separately.



June 2, 2017

Stephanie Ocasio
City of Newman
P.O. Box 787
Newman, CA 95360

Project: Northwest Newman Master Plan

District CEQA Reference No: 20170469

Dear Ms. Ocasio:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the subject project and offers the following comments:

1. The District's review of the Northwest Newman Master Plan (Project) concludes that emissions resulting from construction and/or operation of the Project will exceed one or more of the following thresholds of significance: 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), or 15 tons per year of particulate matter of 10 microns or less in size (PM10). Thus, as per the EIR, the emissions have been determined to be significant and unavoidable. For future developments within the Master Plan when further environmental review and mitigation are required, the District makes the following recommendations:

- A. Accurate Project related health impacts should be evaluated to determine if emissions of toxic air contaminants (TAC) will pose a significant health risk to nearby sensitive receptors. TACs are defined as air pollutants that which may cause or contribute to an increase in mortality or serious illness, or which may pose a hazard to human health. The most common source of TACs can be attributed to diesel exhaust fumes that are emitted from both stationary and mobile sources. Health impacts may require a detailed health risk assessment (HRA).

Prior to conducting an HRA, an applicant may perform a prioritization on all sources of emissions to determine if it is necessary to conduct an HRA. A prioritization is a screening tool used to identify projects that may have significant health impacts.

Seyed Sadredin
Executive Director/Air Pollution Control Officer

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If the project has a prioritization score of 1.0 or more, the project has the potential to exceed the District's significance threshold for health impacts of 20 in a million and an HRA should be performed.

If an HRA is to be performed, it is recommended that the Project proponent contact the District to review the proposed modeling approach. The Project would be considered to have a significant health risk if the HRA demonstrates that Project related health impacts would exceed the District's significance threshold of 20 in a million.

More information on TACs, prioritizations and HRAs can be obtained by:

- E-mailing inquiries to: hramodeler@valleyair.org; or
- Visiting the District's website at:

http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm

G-1
Cont'd

2. Construction Emissions – The EIR concludes that construction emissions will have a significant and unavoidable impact on air quality and requires mitigation measures for addressing PM10 fugitive dust. In addition to those, the District recommends that feasible mitigation measure to address exhaust emissions from construction be also considered. Feasible mitigation of construction exhaust emissions includes use of construction equipment powered by engines meeting, at a minimum, Tier III emission standards, as set forth in §2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 Code of Federal Regulations. The District recommends incorporating, as a condition of Project approval, a requirement that off-road construction equipment used on site achieve fleet average emissions equal to or less than the Tier III emissions standard of 4.8 NOx g/hp-hr. This can be achieved through any combination of uncontrolled engines and engines complying with Tier III and above engine standards.

G-2

3. As stated in the EIR, applicants for individual development projects that are subject to District Rule 9510 (Indirect Source Review) are required to submit an Air Impact Assessment (AIA) application to the District. The AIA application is to be submitted no later than applying for final discretionary approval, and the applicant is to pay any applicable off-site mitigation fees before issuance of the first building permit.

For example, a development project is subject to District Rule 9510 if upon full build-out the project would include or exceed any one of the following:

- 50 dwelling units
- 2,000 square feet of commercial space;
- 25,000 square feet of light industrial space;
- 100,000 square feet of heavy industrial space;
- 20,000 square feet of medical office space;
- 39,000 square feet of general office space; or
- 9,000 square feet of educational space; or

G-3

- 10,000 square feet of government space; or
- 20,000 square feet of recreational space; or
- 9,000 square feet of space not identified above

G-3
Cont'd

District Rule 9510 requires applicants subject to the rule to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit.

For projects that are subject to Rule 9510, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

4. Individual development projects may also be subject to the following District rules: Regulation VIII, (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

G-4

In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

5. The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.

G-5

6. Tables 6.4 and 6.5 of the EIR identify the average yearly emissions resulting from the Project and concluded the emissions to be significant. For future air quality analysis, the District recommends that Project emissions be evaluated on a 12-month period and not be averaged when comparing to the thresholds of significance. An updated version of the District's Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI) is available and should be used as guidance for the review of proposed projects under the California Environmental Quality Act (CEQA) within the boundaries of the District. The updated GAMAQI was adopted on March 19, 2015. The GAMAQI provides uniform procedures for assessing potential air quality impacts of proposed projects and for preparing the air quality section of environmental documents. The updated version of the GAMAQI is available on the District's website at http://www.valleyair.org/transportation/GAMAQI_3-19-15.pdf.

G-6

7. Referral documents for future development projects for District review should include a project summary detailing, at a minimum, the land use designation, project size, and proximity to sensitive receptors and existing emission sources.

G-7

If you have any questions or require further information, please call Stephanie Pellegrini at (559) 230-5820.

Sincerely,

Arnaud Marjollet
Director of Permit Services



for Brian Clements
Program Manager

AM: sp

LETTER G, ARNAUD MARJOLLET, SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT, 6//2017

Response to Comment G-1

This comment discusses the identified significant and unavoidable Plan emissions impacts and details the process for assessment of the potential for health risk of subsequent development projects in the Plan area. This comment is acknowledged and no further response is necessary at this time.

Response to Comment G-2

This comment discusses the identified significant and unavoidable Plan construction emissions impacts and recommends additional construction emissions measures. Revisions have been added to the Draft EIR (page 6-18) to add the recommended emissions standards.

Response to Comment G-3

This comment discusses District Rule 9510 and the process for subsequent development projects in the Plan area. This comment is acknowledged and no further response is necessary at this time.

Response to Comment G-4

This comment discusses District rules that may be applicable to subsequent development projects in the Plan area. This comment is acknowledged and no further response is necessary at this time.

Response to Comment G-5

This comment notes that District rules may apply to subsequent development projects in the Plan area and how to find current rules. This comment is acknowledged and no further response is necessary at this time.

Response to Comment G-6

This comment discusses the identified significant and unavoidable Plan emissions impacts and details the process for assessment of the emissions of subsequent development projects in the Plan area. This comment is acknowledged and no further response is necessary at this time.

Response to Comment G-7

This comment lists requested information to be submitted with subsequent development projects in the Plan area. This comment is acknowledged and no further response is necessary at this time.



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



Letter H

June 2, 2017

Stephanie Ocasio
City of Newman Community Development Department
938 Fresno Street
Newman, California 95360

Subject: Northwest Newman Master Plan (Project); SCH#: 2013032010

Dear Ms. Ocasio:

The California Department of Fish and Wildlife (CDFW) received a Draft Environmental Impact Report (DEIR) from the City of Newman Community Development Department for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

We acknowledge our comments are being submitted past the comment deadline for review of the Project, but we respectfully request your consideration of our comments. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 *et seq.*) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law

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

of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), related authorization as provided by the Fish and Game Code will be required.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Newman

Objective: The proposed Project consists of a mix of residential, business park, community commercial, office, parks and school uses in a 362-acre area identified in the Newman General Plan as Master Plan 3. Job-generating and commercial uses would be clustered along State Route 33, with residential neighborhoods of varying density to the west. Annexation of the Master Plan area into the City of Newman would be required.

Location: The property is located at Jensen Road and State Route 33.

COMMENTS AND RECOMMENDATIONS

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

Swainson's Hawk:

Specific impacts: Swainson's hawk (*Buteo swainsoni*; SWHA), a species listed as threatened pursuant to CESA, has the potential to nest adjacent to the Project site. Potentially significant impacts that may result from Project-related activities include nest abandonment, loss of nest trees, loss of foraging habitat that would reduce nesting success (loss or reduced health or vigor of eggs or young) and direct mortality. Any take of SWHA without appropriate take authorization would be a violation of Fish and Game Code.

SWHA Mitigation Measure 1: To evaluate potential Project-related impacts, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting SWHA following the survey methodology developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000) prior to Project implementation. The survey protocol includes early season surveys to assist the Project proponent, whom will therefore be informed in order to implement necessary avoidance and minimization measures, in identifying active nest sites prior to initiating ground disturbing activities.

SWHA Mitigation Measure 2: If Project activities will take place during the SWHA nesting season (March 1 through August 31) and SWHA nests are present, CDFW recommends establishing a minimum no-disturbance buffer of 0.5 miles around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival, to avoid nest abandonment and other take of SWHA. If a 0.5-mile buffer is not feasible, consultation with CDFW is warranted to determine if a smaller buffer from Project activities will avoid take. If take cannot be avoided, take authorization would occur through the issuance of an ITP, pursuant to Fish and Game Code § 2081(b) is necessary to comply with CESA.

SWHA Mitigation Measure 3: If Swainson's hawk nests occur in the Project vicinity, CDFW recommends compensation for the loss of Swainson's hawk foraging habitat as described in the Department's Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (DFG, 1994) to reduce impacts to foraging habitat to less than significant. The Staff Report recommends that mitigation for habitat loss occur within a minimum distance of 10 miles from known nest sites. CDFW has the following recommendations based on the Staff Report:

- For projects within 1 mile of an active nest tree, a minimum of one acre of habitat management (HM) land for each acre of development is advised.
- For projects within 5 miles of an active nest but greater than 1 mile, a minimum of 0.75 acres of HM land for each acre of urban development is advised.
- For projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree, a minimum of 0.5 acres of HM land for each acre of urban development is advised.

ENVIRONMENTAL DATA

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

H-1
Cont'd

H-2

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

H-3

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the City of Newman Community Development Department in identifying and mitigating Project impacts on biological resources. Questions regarding this letter or further coordination should be directed to Jim Vang, Environmental Scientist, at (559)243-4014 extension 254 or Jim.Vang@wildlife.ca.gov.

Sincerely,



Julie A. Vance
Regional Manager

REFERENCES

CDFG, 1994. Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo Swainsoni*) in the Central Valley of California. California Department of Fish and Game.

SWHA TAC, 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. Swainson's Hawk Technical Advisory Committee, May 31, 2000.

LETTER H, JULIE VANCE, CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE, 6/2/2017

Response to Comment H-1

This comment presents recommended mitigation related to Swainson's hawk.

The Draft EIR (page 7-19 and the biological study included as Appendix C) determined that, due to the location of the site along the west edge of the valley along the edge of the species' range, it is unlikely Swainson's hawks intensively use on-site habitats and the conversion of agricultural land in the Plan area would therefore not be a significant loss of habitat for this species. The Draft EIR includes mitigation requiring pre-construction surveys consistent with CDFW criteria, as recommended (Mitigation Measure Bio-1).

Response to Comment H-2

This comment notes protocol for reporting biological survey results. This information has been forwarded to the biological consultant.

Response to Comment H-3

This is a comment discusses filing fees and is not a comment on the environmental analysis.