MITIGATED NEGATIVE DECLARATION

TO:

X Office of Planning & Research

P. O. Box 3044

Sacramento, California 95812-3044

X County Clerk, County of San Joaquin

FROM:

San Joaquin County Community Development Department

1810 East Hazelton Avenue Stockton, California 95205

PROJECT TITLE: An Agricultural Excavation application No. PA-1800301 (AE)

PROPONENT: Carol Ann Jaques

PROJECT LOCATION: The project site is located on the east side of South Willow Glen Road, 2,455 feet north of West Undine Road, south of Stockton. (APN/Address: 191-040-07, -08 / 13285 South Willow Glen Road, Stockton) (Supervisorial District: 3)

PROJECT DESCRIPTION: An Agricultural Excavation application to remove 97,000 cubic yards of material over two (2) years from a 74.06-acre parcel and a 74.66-acre parcel in the AG-180 (General Agriculture, 180-acre minimum) zone. These parcels are under Williamson Act contracts.

The Property is zoned AG-80 (General Agriculture, 80-acre minimum) and the General Plan designation is A/G (General Agriculture) and OS/RC (Resource Conservation).

Based on the attached Initial Study, it has been found that the project will not have a significant effect on the environment.

Date: One 4, 2019

Contact Person: Giuseppe Sanfilippo

Phone: (209) 468-0227

INITIAL STUDY/NEGATIVE DECLARATION

[Pursuant to Public Resources Code Section 21080(c) and California Code of Regulations, Title 14, Sections 15070-15071]

LEAD AGENCY: San Joaquin County Community Development Department

PROJECT APPLICANT: <u>Jaques/FTG Materials</u>

PROJECT TITLE/FILE NUMBER: PA-1800301 (AE)

PROJECT DESCRIPTION: Agricultural Excavation application to remove 97,000 cubic yards of

sand material over a two (2) year period. The parcels are under a Williamson Act Contract.

ASSESSOR PARCEL NO: <u>191-040-08,-07</u> ACRES: <u>152.08-acres</u>

GENERAL PLAN: OS/RC, A/G (Resource Conservation, General Agriculture)

ZONING: AG-80 (General Agriculture, 80-acre minimum)

POTENTIAL POPULATION, NUMBER OF DWELLING UNITS, OR SQUARE FOOTAGE OF USE(S):

One water truck, one excavator, and one land leveling scraper

SURROUNDING LAND USES:

NORTH: <u>Agricultural/Scattered residences</u> SOUTH: <u>Agricultural/Scattered residences</u> EAST: Agricultural/Scattered residences

WEST: Agricultural/Scattered residences/Middle River

REFERENCES AND SOURCES FOR DETERMINING ENVIRONMENTAL IMPACTS:

Original source materials and maps on file in the Community Development Department including: all County and City general plans and community plans; assessor parcel books; various local and FEMA flood zone maps; service district maps; maps of geologic instability; maps and reports on endangered species such as the Natural Diversity Data Base; noise contour maps; specific roadway plans; maps and/or records of archeological/historic resources; soil reports and maps; etc.

Many of these original source materials have been collected from other public agencies or from previously prepared EIR's and other technical studies. Additional standard sources which should be specifically cited below include on-site visits by staff (note date); staff knowledge or experience; and independent environmental studies submitted to the County as part of the project application (note report title, date, and consultant).

GENERAL CONSIDERATIONS:

1.	or controversy?					
	☐ Yes ⊠ No Nature	e of concern(s):				
2.	Will the project require	approval or permits by agencies o	ther than the County?			
	⊠ Yes □ No Agend	cy name(s): <u>Department of Cons</u>	servation-Division of Mine Reclamation			
3.	Is the project within the	Sphere of Influence, or within two	miles, of any city?			
	⊠Yes ☐ No City: <u>L</u>	_athrop				
EN	VIRONMENTAL FACTOR	S POTENTIALLY AFFECTED:				
	e environmental factors che checklist on the following p	•	affected by this project, as indicated by			
\boxtimes	Aesthetics	Agriculture and Forestry Resources				
\boxtimes	Biological Resources	☐ Cultural Resources	☐ Geology/Soils			
	Greenhouse Gases Emissions	Hazards & HazardousMaterials				
\boxtimes	Land Use/Planning		⊠ Noise			
	Population/Housing	☐ Public Services	Recreation			
	Transportation/Traffic	□ Utilities/Service Systems	Mandatory Findings of Significance			
DE.	TERMINATION:					
On	the basis of this initial eval	luation:				
	I find that the proposed pro NEGATIVE DECLARATION		cant effect on the environment, and a			
	will not be a significant effe	ect in this case because revisions	ficant effect on the environment, there in the project have been made by or IVE DECLARATION will be prepared.			
	I find that the proposed pro ENVIRONMENTAL IMPA	oject MAY have a significant effe CT REPORT is required.	ct on the environment, and an			
	unless mitigated" impact of analyzed in an earlier doc by mitigation measures ba	on the environment, but at least o ument pursuant to applicable leg ased on the earlier analysis as de	nificant impact" or "potentially significant ne effect 1) has been adequately al standards, and 2) has been addressed escribed on attached sheets. An ust analyze only the effects that remain			

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.

PREPARÉD BY: Giuseppe Sanfilippo

TITLE: Associate Planner

DATE: <u>June 4, 2019</u>

	ISSUES:	Potentially Significant Impact	Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
I.	AESTHETICS				
Wo	ould the project:				
a)	Have a substantial adverse effect on a scen vista?	ic 🗌			
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?				

Impact Discussion:

a–d) The site is not located along a scenic vista route and the surrounding area is a mixture of medium and large sized ranches. Reclamation is to be done concurrently and to coincide with excavation of soil removal. Therefore, the proposed project will have a less than significant impact on the existing aesthetics.

Potentially Significant Impact

Significant With Mitigation Incorporated

Less Than

Less Than Significant Impact

No Impact

ISSUES:

II. AGRICULTURE AND FORESTRY 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 the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Wc	uld the project:			
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 agriculture use, or a Williamson Act contract?			
c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?			
d)	Result in the loss of forest land or conversion of forest land to non-forest use?		\boxtimes	
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?			

Impact Discussion:

a-e) The project site is designated as Prime Farmland according to Important Farmland Map; however, this will not be a conversion of Prime Farmland as the site will be reclaimed to agriculture and by removing 97,000 cubic yards of sand, it will increase agricultural viability. Therefore, the proposed project will not result in a conversion of Prime Farmland and will have a less than significant impact on existing agriculture uses.

Parcels 191-040-07 and -08 are under California Land Conservation Act contracts and subject to Williamson Act Contract No. WA-71-C1-186 and PA-0700101, respectively. The contract restricts development to uses that are compatible with the Williamson Act and Development Title Section 9-1805. "Compatible use" as defined in the Williamson Act includes uses determined by the County to be compatible with the agricultural, recreational, or open-space use of land within the preserve and subject to contract. (Government Code Section 51201[e]) In addition, Development Title Section 9-1810.3(b)(7) permits uses that adhere to the Williamson Act principles of compatibility.

Pursuant to Government Code Section 51238.1, uses approved on contracted lands shall be consistent with the following three principles of compatibility.

- 1. The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in agricultural preserves.
 - This Principle of Compatibility can be made because an agricultural excavation is an agricultural use. After reclamation is complete, the use on the subject property will remain in agriculture and will therefore not significantly compromise the long term productive capability of the subject contracted parcel or other contracted lands in agricultural preserves. The use is an approved use on contracted land pursuant to Development Title Section 9-1810.3.
- 2. The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted land in agricultural preserves. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands including activities such as harvesting, processing, or shipping.
 - This Principle of Compatibility can be made because the subject property will be reclaimed to agriculture. The Reclamation Plan states the land will be laser leveled and ripped to loosen the soil for planning, and that application of fertilizer and amendments will be performed as a part of the farmer's normal operations. Additionally, the removal of 97,000 cubic yards of sand will increase the land's agricultural viability. Therefore, this agricultural excavation is a compatible use for a Williamson Act contracted parcel.
- 3. The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use. In evaluating compatibility a board or council shall consider the impacts on non-contracted lands in the agricultural preserve or preserves.
 - This Principle of Compatibility can be made because the Agricultural Excavation use type is a permitted use on property under contract, is consistent with the A/G (General Agriculture) General Plan Designation, and is a conditionally permitted use on parcels with an AG-80 (General Agriculture, 80-acre minimum) zoning designation subject to an approved Agricultural Excavation application. Therefore, the agricultural excavation will not negatively impact agricultural uses on adjacent contracted lands and will not result in the significant removal of adjacent contracted land from agricultural or open-space.

Referrals have review.	been sent to th	e San Joaquin F	Farm Bureau and	Department of C	Conservation fo

	ISSUES:	Potentially Significant Impact	Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
III.	AIR QUALITY				
Wo	ould the project:				
a)	Conflict with or obstruct implementation of the applicable air quality plan?			\boxtimes	
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 qualitiestandard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	у			
d)	Expose sensitive receptors to substantial pollutant concentrations?				
e)	Create objectionable odors affecting a substantial number of people?			\boxtimes	

Impact Discussion:

a-e) The excavation of 97,000 cubic yards of sand material will not generate significant amounts of dust. As a condition of approval private roads involved in the project will be maintained with frequent watering or other dust—control measures as to control the creation of dust. Also, fugitive dust emissions within the project area will be controlled by limiting the speed of vehicles to 15 mph and using water / dust palliative materials for dust suppression. Proper maintenance of equipment and trucks used in the excavation process of the sandy materials eliminates ozone precursor emissions. Any recommendations submitted by the San Joaquin Valley Unified Air Pollution Control District during the CEQA review process will be incorporated into the operation, and final Conditions of Approval. Therefore, any impacts to air quality will be reduced to less than significant.

Less Than Significant

	ISSUES:	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
IV.	BIOLOGICAL RESOURCES	impaot	moorporatea	mpaot	mpaot
	ould the project:				
	Have a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, special status species in local or regional pl policies, or regulations, or by the California Department of Fish and Game or U.S. Fish Wildlife Service?	or ans,			
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plat policies, regulations or by the California Department of Fish and Game or U.S. Fish Wildlife Service?				
c)	Have a substantial adverse effect on federal protected wetlands as defined by Section 40 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 site	es?			
e)	Conflict with any local policies or ordinance protecting biological resources, such as a tr preservation policy or ordinance?				
f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Commu Conservation Plan, or other approved local, regional, or state habitat conservation plan?	j			

a-f) Participation in the San Joaquin County Multi-Species Habitat Conservation and Open SpacePlan (SJMSCP) would address any potential impacts to rare, endangered or threatened species, or habitat located on or near the site. Pursuant to the Final EIR/EIS for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), dated November 15, 2000, and certified by the San Joaquin Council of Governments on December 7, 2000, implementation of the SJMSCP is expected to reduce impacts to biological resources resulting from the proposed project to a level of less than significant. The project applicant has indicated they will participate in the plan and by participating in the plan this would reduce potential impacts on special-status plant and animal species to a less-than-significant level.

1001170	Potentially Significant	Significant With Mitigation	Less Than Significant	
ISSUES:	Impact	Incorporated	Impact	Impact
/. CULTURAL RESOURCES				
Would the project:a) Cause a substantial adverse change in the significance of a historical resource as defin § 15064.5?				
 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 geological feature?				
d) Disturb any human remains, including those interred outside of formal cemeteries?	se 🗌			

Impact Discussion:

- a–d) While no prehistoric sites or cultural artifacts are known to exist at this time. If approved the following conditions will be placed on the proposed project:
 - (a) If, in the course of development, concentrations of prehistoric or historic-period materials are encountered, all work in the vicinity of the find shall halt until an archaeologist can evaluate the materials and make recommendations for further action. If human remains are encountered, all work shall halt in the vicinity and the County Coroner shall be notified immediately. At the same time, a qualified archaeologist shall be contacted to evaluate the finds. If Human burials are found to be of Native American origin, steps shall be taken pursuant to Section 15064.5(e) of Guidelines for California Environmental Quality Act.

		D. A. a. Calle	Less Than Significant	Lass These	
	ISSUES:	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
VI.	GEOLOGY AND SOILS				
	ould the project: 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?				\boxtimes
	iv) Landslides?				\boxtimes
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 result of the project, and potentially result in 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 support the use of septic tanks or alternative waste water disposal systems where sewers are r available for the disposal of waste water?				
lm	pact Discussion:				
a-6	e) The Soil Survey of San Joaquin County soil classifications. Merritt silty clay loar Valdez silty loam.				

Merritt silty clay loam is very deep, poorly drained, nearly level soil, formed in alluvium derived from mixed rock sources. The surface layer is grayish brown and dark gray silt loam and silty clay loam about 17 inches thick. Permeability is moderately slow in the upper part of Merritt silty clay loam and available water capacity is high. This unit is suited to irrigated crops. The capability units are IIw irrigated and IVw non irrigated

Columbia fine sandy loam is very deep, somewhat poorly drained, nearly level soil, formed in alluvium derived from mixed rock sources. The surface layer is pale brown sandy loam about 14 inches thick. Permeability is moderately rapid in Columbia fine sandy loam and available water capacity is moderate. This unit is well suited to irrigated row, field, orchard, and vineyard crops. The capability units are IIs irrigated and IVs non irrigated.

Egbert silty clay loam is a very deep, poorly drained, nearly level soil, formed in alluvium derived from mixed rock sources. The surface layer is gray silty clay loam about 14 inches thick. Permeability is slow in the Egbert silty clay loam and available water capacity is high. This unit is well suited to irrigated row, and field crops. The capability units are IIw irrigated and IVw non irrigated

Valdez silty loam is a deep, moderately well drained, nearly level soil, formed in alluvium derived from mixed rock sources. The surface layer is grayish brown loamy sand about 15 inches thick. Permeability is moderately rapid in the Valdez silty loam and available water capacity is moderate. This unit is well suited to irrigated row and field crops. The capability units are IIIw irrigated and IVw non irrigated

An Agricultural Excavation permit improves the agricultural viability of the project site and soil by removing the sandy materials and improving the drainage. Therefore, this project will have a less than significant impact on existing geology and soils.

	ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VII	. GREENHOUSE GASES EMISSIONS				
Wc	ould the project:				
a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant on the environment?				
b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				

a-b) Impacts from the proposed project to generate Greenhouse Gas Emissions is less than significant.

	ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VII	I. HAZARDS AND HAZARDOUS MATER	RIALS			
Wo	ould the project:				
a)	Create a significant hazard to the public or environment through the routine transport, 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 material into the environment?	s			
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mi of an existing or proposed school?	le			
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 659 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 of plan or, where such a plan has not been adopted, within two miles of a public airport public use airport, would the project result is safety hazard for people residing or working the project area?	or n a			
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?	<u> </u>			
g)	Impair implementation of or physically interwith an adopted emergency response plan emergency evacuation plan?				
h)	Expose people or structures to a significant of loss, injury or death involving wildland first including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				

a-h) The Reclamation Plan dated March 6, 2019 states that the proposed agricultural excavation is in an agricultural area, and is away from any nearby residential subdivisions or heavily populated residential areas. The Reclamation Plan states there will be no waste discharge associated with the operation, and the diesel fuel used in the on-site equipment will be stored in a self-contained storage tank. Additionally, the Reclamation Plan states that no wastewater will be associated with the project, and no wet processing will be performed. As a result, the effects of hazards and hazardous materials from the proposed project are expected to be less than significant.

	ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
IX.	HYDROLOGY AND WATER QUALITY				-
Wo	ould the project:				
a)	Violate any water quality standards or waste discharge requirements?	е 🗌		\boxtimes	
b)	Substantially deplete groundwater supplies interfere substantially with groundwater recharge such that there would be a net defin aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop a level which would not support existing lan uses or planned uses for which permits hav been granted)?	ficit n o to d			
c)	Substantially alter the existing drainage pattern of the site or area, including through alteration of the course of a stream or river, 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 wou exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	ıld 🗌			
f)	Otherwise substantially degrade water quality?			\boxtimes	
g)	Place housing within a 100-year floodplain hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate or other flood hazard delineation map?	☐ M ap		· 🗆	
h)	Place within a 100-year flood hazard area structures which would impede or redirect flows?	lood			

	ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
i)	Expose people or structures to a significant risk of loss, injury or death involving flooding including flooding as a result of the failure or levee or dam?	g,			
j)	Inundation by seiche, tsunami, or mudflow?				\boxtimes

a-j) The proposed request will have a less than significant on existing hydrology and water quality within the project area. Grading and excavation associated with this project is relatively minimal and excavation will not reach groundwater depth. Therefore, the project will have a less than significant impact on existing ground water quality.

The project site is located in the AE flood designation. Additionally, there may be potential wetlands occurring on or near the project site. A referral has been sent to the Department of Public Works, Flood Control Division for comments. If approved any new development will have to comply with Development Title Section 9-1605 regarding flood hazards. A referral has also been sent to the Central Valley Regional Water Quality Control Board (CVRWQCB) for review. Any recommendations submitted by the CVRWQCB during the CEQA review process will be incorporated into the final Conditions of Approval. Additionally, a referral has been sent to the U.S. Army Corps of Engineers for review and comment.

	ISSUES:	Potentially Significant Impact	Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
X.	LAND USE AND PLANNING				
	ould the project: Physically divide an established community	? 🗌			\boxtimes
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?				
d)	Result in land use/operational conflicts between existing and proposed on-site or off-site land uses?				

Impact Discussion:

a-d) This project will improve the agricultural viability of the parcel by removing the sand. The project conforms with the current zoning of AG-80 (General Agricultural, 80-acre minimum) and the General Plan designation of A/G (General Agriculture) and OS/RC (Resource Conservation). This activity is conditionally permitted in this zone with an approved Agricultural Excavation application. This project will be completed in two (2) years and the applicant will participate in the San Joaquin Multi-Species Habitat Conservation Plan to reduce any potential impacts to any sensitive species or habitat to less than significant.

The project site is located in the 100-year AE flood designation. A referral has been sent to the Department of Public Works, Flood Control Division for comments. If approved any new development will have to comply with Development Title Section 9-1605 regarding flood hazards. A referral has also been sent to the Central Valley Regional Water Quality Control Board for review.

The project site is located within the Primary Zone of the San Joaquin Delta. In addition to General Plan requirements in order to approve a project located within the Primary Zone, the project must meet the requirements of both the Delta Protection Commission Land Use and Resource Management Plan and the Delta Stewardship Council Delta Plan.

The following are findings for the Delta Protection Commission Land Use and Resource Management Plan, which can be made in the affirmative.

- 1. The Development will not result in wetland or riparian loss.
 - This Finding can be made because the project will not result in a loss of riparian habitat on or near the project site. The applicant will participate in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) or provide alternative mitigation in an amount and kind equal to that provided in the SJMSCP.
- 2. The Development will not result in the degradation of water quality.
 - This Finding can be made because the project will meet the requirements of the Environmental Health Department and the Regional Water Quality Control Board.
- 3. The Development will not result in increased non-point source pollution or soil erosion, including subsidence or sedimentation
 - This Finding can be made because the expansion of the existing pond will be not result in an increased non-point source pollution. There will be no runoff into streams or waterways. The site is level and not subject to erosion. All runoff must remain on site.
- 4. The Development will not result in degradation or reduction of Pacific Flyway habitat.
 - This Finding can be made because the project will not significantly reduce Pacific Flyway habitat. The applicant will participate in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) or provide alternative mitigation in an amount and kind equal to that provided in the SJMSCP.
- 5. The Development will not result in reduced public access, provided that access does not infringe upon private property rights.
 - This Finding can be made because all ground disturbance will be on private land and will not result in reduced public access.
- 6. The Development will not expose the public to increased flood hazards.
 - This Finding can be made because all grading will meet the requirements of the Flood Control Division of the Public Works Department.
- 7. The Development will not adversely impact agricultural lands or increase the potential for vandalism, trespass, or creation of public or private nuisances on public or private land.
 - This Finding can be made because this project is an agricultural use to increase
 the agricultural viability of the parcel in an agricultural zone. There are very few
 houses in the vicinity and no pubic access will be permitted to the site. The
 equipment area will be locked when employees are not present or on-site
 therefore decreasing the potential for vandalism, trespassing, or the creation of
 public or private nuisances.

- 8. The Development will not result in the degradation or impairment of levee integrity.
 - This Finding can be made because the project is not near an existing or proposed levee and no portion of the construction activities will require any changes to levees.
- 9. The Development will not adversely impact navigation.
 - This Finding can be made because the project will not impact water navigation because no bridges or waterways will need to be crossed. All site work will be performed on the project applicant's property and not within navigable waters.
- 10. The development will not result in any increased requirements or restrictions upon agricultural practices in the primary zone.
 - This Finding can be made because the proposed agricultural excavation project is an agricultural use an will increase the agricultural viability of the parcel by removing the sand. The surrounding uses are also agricultural and the project will not affect adjacent agricultural uses.

The project, although not statutory exempt from regulation does not meet the definition of a Covered Action under the Delta Stewardship Council Delta Plan because all four of the following Screening Criteria do not apply, specifically Screening Criteria Number 4:

The plan, program, or project:

1. Is "...a plan, program, or project as defined pursuant to Public Resources Code Section 21065."

This Screening Criteria can be met. The proposed project is an activity defined under Public Resources Code Section 21065. The application will require approval from the San Joaquin County Community Development Department and a component of the project is grading and excavation, which will result in a direct or indirect physical change in the environment.

2. Will occur, in whole or in part, within the boundaries of the Delta or Suisun Marsh.

This Screening Criteria can be met. The location of the project site is within the boundaries of the Delta Primary Zone as defined in the Delta Plan.

3. Will be carried out, approved, or funded by the State or a local public agency.

This Screening Criteria can be met. The proposed project will require approval from the San Joaquin County Community Development Department and is subject to yearly inspections and reports as required by the Office of Mine Reclamation.

4. Will have a significant impact on the achievement of one or both of the coequal goals or the implementation of a government-sponsored flood control program to reduce risks to people, property, and State interests in the Delta;

This Screening Criteria can not be met. The project will have no effect on the implementation on a government-sponsored flood control program. Moreover, it will not have a significant negative impact on the Delta ecosystem or the reliability of the water supply. The project will not have a significant impact on the achievement of the coequal goals because it is merely removing sandy soil to increase the agricultural viability of the parcel.

Because all four Screening Criteria can not be met, the project, for the purposes of the Delta Plan, it does not meet the definition of a Covered Action. Referrals have been sent to the Delta Protection Commission and Delta Stewardship Council for review.

The proposed project does not conflict with any existing or planned uses, Master Plan, Specific Plan, or Special Purpose Plan, and any other applicable plan adopted by the County. Referrals have been sent to the San Joaquin Farm Bureau and Department of Conservation for review.

	ISSUES:	Potentially Significant Impact	Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XI.	MINERAL RESOURCES				
	ould the project: Result in the loss of availability of a known mineral resource that would be of value to t region and the residents of the state?	□ he			
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?				

Impact Discussion:

a,b) The general area surrounding the subject area to be excavated is being used as agricultural. These agricultural lands surrounding this property tend to be flat or low rolling in shape. Upon approval of the permit the removal of the sand will be on a year round basis except for poor or bad winter conditions with the majority of the sand being removed in the spring to fall periods. Therefore, the proposed project will have a less than significant impact on the availability of a known mineral resource that would be of local, regional and statewide value.

ISS	SUES:	Potentially Significant Impact	Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
XII	. NOISE					
W	ould the project result in:					
a)	Exposure of persons to or generation of not levels in excess of standards established in local general plan or noise ordinance, or applicable standards of other agencies?					
b)	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?					
c)	A substantial permanent increase in ambier noise levels in the project vicinity above levexisting without the project?					
d)	A substantial temporary or periodic increase ambient noise levels in the project vicinity above levels existing without the project?	e in 🗌				
e)	For a project located within an airport land of plan or, where such a plan has not been adopted, within two miles of a public airport public use airport, would the project expose people residing or working in the project are excessive noise levels?	or e				
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?					

Impact Discussion:

a-f) Development Title Section 9-1025.9(b)(2) states that proposed projects that will create new stationary noise sources or expand existing stationary noise sources shall be required to mitigate the noise levels from these stationary noise sources so as not to exceed the noise level standards specified in Development Title Table 9-1025.9. Table 9-1025.9 Part II: Stationary Noise Sources shows that for outdoor activity areas, during the daytime (7.a.m-10 p.m.), the hourly equivalent sound level (Leq) is 50 dB, and the maximum sound level (Lmax) is 70 dB. During the night-time(10 p.m. to 7 a.m.), the hourly equivalent sound level (Leq) is 45 dB and the maximum sound level (Lmax) is 65 dB. The project operations are not expected to exceed the stationary noise thresholds as specified in Development Title Table 9-1025.9 and any impact from noise from this site on adjacent land uses would be less than significant.

	ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
XII	I. POPULATION AND HOUSING					
Wo	ould the project:					
a)	Induce substantial population growth in an area, either directly (for example, by propos new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	or				
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?	ent				
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a-c) The proposed request will not alter the location, distribution, density or growth rate of the human population in the area. The proposed project will not affect housing or create a demand for additional housing. The proposed project will not result in displacement of housing or people. Therefore, there will be no impact on existing housing and population.

Less Than
Significant
Potentially With Less Than
Significant Mitigation Significant No
Impact Incorporated Impact Impact

XIV. PUBLIC SERVICES

ISSUES:

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:

Fire protection? Police protection?		\boxtimes
Schools?		\boxtimes
Parks?		\boxtimes
Other public facilities?		\boxtimes

Impact Discussion:

a) The proposed project will not result in substantial adverse physical impacts to existing service ratios, response times or other performance objectives for fire protection, police protection, schools, parks or other public facilities, as it will not result in a development requiring additional responsibilities for these public services. Therefore, the proposed project will have no impact on these services.

	ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
ΧV	. RECREATION				
a)	Would the project increase the use of existineighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would 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				

a-b) There are no existing neighborhoods, regional parks and recreational facilities in the project area vicinity. The proposed underlying project will not require the need for new parks or include construction or expansion of recreational facilities. Therefore, the proposed project will have no impact on existing recreation services.

	ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact			
XV	I. TRANSPORTATION/TRAFFIC							
	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness the performance of the circulation system, tak 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, stree highways and freeways, pedestrian and bicycipaths, and mass transit?	ing ling ı, ets,						
b)	Conflict with an applicable congestion management program, including, but not limite to level of service standards and travel demar measures, or other standards established by to county congestion management agency for designated roads or highways?	nd						
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 incompatible uses (e.g., farm equipment)?							
e)	Result in inadequate emergency access?				\boxtimes			
f)	Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	е						
lm	Impact Discussion:							

a-f) The Department of Public Works has been notified of this project and there is no substantial evidence that there will be a significant impact on the existing levels of service for Crocker Road. Therefore, a traffic study was not required. The Conditions of Approval from the Department of Public Works will ensure that the traffic impacts from the project on existing roadways will be less than significant.

	Jeeure.	Potentially Significant	Significant With Mitigation	Less Than Significant	No
	ISSUES:	Impact	Incorporated	Impact	Impact
XV	II. UTILITIES AND SERVICE SYSTEMS				
Wo a)	ould the project: Exceed wastewater treatment requirements the applicable Regional Water Quality Cont 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 environment effects?	tion			
c)	Require or result in the construction of new construction of new storm water drainage facilities or expansion of existing facilities, to construction of which could cause significant environmental effects?	he			
d)	Have sufficient water supplies available to serve the project from existing entitlements resources, or are new or expanded entitlements needed?	and			
e)	Result in a determination by the wastewate treatment provider which serves or may ser 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 permit capacity to accommodate the project's solid waste disposal needs?				
g)	Comply with federal, state, and local statute and regulations related to solid waste?	es 🗌			
lm	pact Discussion:				
a-g		e systems. T			

	ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
ΧV	III. MANDATORY FINDINGS OF SIGNIFIC	ANCE			
a)	Does the project have the potential to degrathe quality of the environment, substantially reduce the habitat of a fish or wildlife species cause a fish or wildlife population to drop be self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered or animal or eliminate important examples of major periods of California history or prehist	es, elow a ber I plant If the			
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				

a-c) The proposed application does not have the potential to degrade the environment or eliminate a plant or animal community. The project would not result in significant cumulative impacts or cause substantial adverse effects on human beings, either directly or indirectly.

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