

SECTION 4: AMENDED ERRATA

The following are revisions to the Draft EIR for the Baldwin Master Plan/Zacharias Master Plan Project. These revisions are minor modifications and clarifications to the document, and do not change the significance of any of the environmental issue conclusions within the Draft EIR. The revisions are listed by page number. All additions to the text are underlined (underlined) and all deletions from the text are stricken (~~stricken~~).

4.1 - Changes to the Draft EIR

Section 2, Project Description

Page 2-11, After First Paragraph

A statement has been added noting that the flood control basin would be located in unincorporated Stanislaus County and what aspects of it may require County review and approval.

The flood control basin would be located in unincorporated Stanislaus County. The basin itself does not require County approval. However, in the event the basin would be used for dual use athletic facilities, County review and approval would be required. This may also include requirements for buffering or setbacks from adjoining agricultural uses. Note that the flood control basin is expected to be developed during the first phase of the Zacharias Master Plan; however, should athletic facilities be pursued, they would be developed in conjunction with the neighboring Patterson Unified School District high school site, which would be expected to develop after the first phase.

Page 2-16

The list of actions necessary to implement the project has been amended to note that both Patterson Irrigation District and West Stanislaus Irrigation District would issue encroachment permits and the County of Stanislaus would review the proposed athletic facilities in the dual use basin.

Actions that are necessary to implement the project that must be taken by other agencies are:

- Issuance of Clean Water Act Section 404 Individual and Nationwide Permits and Section 401 Water Quality Certification.
- Issuance of Lake and Streambed Alteration Agreements.
- Rule 9510 Indirect Source Review
- Adjustment of Sphere of Influence
- Annexation/Detachment
- Approval of Out-of-Boundary Service Agreement(s)
- School Site Development Approvals
- Issuance of Encroachment Permits for infrastructure improvements

- Approval of Dual Use Basin Athletic Facilities

Section 3.4, Biological Resources

Pages 3.4-15 and 3.4-16, Mitigation Measure BIO-1a

Mitigation Measure BIO-1a has been revised include California Department of Fish and Wildlife recommendations.

MM BIO-1a No more than 10 ~~14~~ days prior to the initiation of ground-disturbing activities within the nesting season (February 1 to August 31), a qualified Biologist shall perform a pre-construction survey for the tri-colored blackbird, burrowing owl, loggerhead shrike, or nesting migratory birds active within the Master Plan areas and within a 200-foot buffer of the project site to determine the presence or absence of these species. If these species are determined to be present, the applicant shall follow the guidelines outlined by the California Department of Fish and Wildlife (CDFW):

- If an active tri-colored blackbird nesting colony is found during preconstruction surveys, a minimum 300-foot no-disturbance buffer shall be established in accordance with CDFW’s “Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015” (CDFW 2015). The buffer shall remain in place until the breeding season has ended or until a biologist determines that nesting ceased, birds have fledged, and are no longer reliant upon the colony or parental care for survival.
- If burrowing owls are found on-site during the nesting season (February 1 to August 31), they shall be avoided by a work-free buffer unless it has been determined by a qualified biologist that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows have fledged and are independent of their parents. The buffers shall be established with CDFW according to the guidance in the Staff Report on Burrowing Owl Mitigation (CDFG 2012). The disturbance-free buffer shall be clearly defined (e.g., with orange construction fencing), and a biological monitor shall visit the site randomly throughout the breeding season to ensure the area remains work-free and the owls are not negatively affected by construction activities. ~~250-foot work-free buffer until it has been determined by a qualified Biologist that the young have fledged and are independent of their parents. The 250-foot work-free buffer will be clearly defined (e.g., with orange construction fencing), and a biological monitor will visit the site randomly throughout the breeding season to ensure the area remains work-free and the owls are not negatively affected by construction activities.~~
- If loggerhead shrike or any other migratory birds are found nesting on-site, a 50-foot work-free buffer area will be established and monitored by a qualified Biologist until young have fledged and are independent of their parents. Again, nests and work-free buffers would be monitored.

- If burrowing owls occur on the project area during the wintering season (September 1 to January 31), and construction is slated to begin during this time and active burrows cannot be avoided, an eviction of owls can be conducted to ensure owls move off the site prior to commencement of construction. The eviction process includes the installation of one-way doors that remain in all burrows of suitable size for at least 3 days, monitored by a qualified Biologist, and then hand-excavating burrows to ensure no owl remains in the burrow. Once the site is clear of owls, the burrows can be backfilled, after which ground-disturbing construction activity can commence.
- In the unlikely event burrowing owls are found on-site, mitigation lands must be purchased to offset the loss of their habitat. The standard mitigation lands required to loss of habitat is 6.5 acres for every pair of owls found on-site.
- If nesting birds are identified during preconstruction surveys, a qualified biologist shall conduct a survey to establish the behavioral baseline for all active nests. Active nests will be monitored daily to detect behavioral changes. If negative behavioral changes occur, additional avoidance and minimization measures shall be implemented in consultation with CDFW.
- If daily monitoring is not feasible, active non-listed bird species' nests shall be protected by a no-disturbance buffer of 250 feet, and a no-disturbance buffer of 500 feet around active non-listed raptor nests. These buffers shall remain in place until a qualified biologist determines that the birds have fledged. Variance from these no-disturbance buffers may be permitted when there are biological or ecological reasons to do so, such as physical barriers.

Page 3.14-16, Mitigation Measure BIO-1b

Mitigation Measure BIO-1b has been revised include California Department of Fish and Wildlife recommendations.

- MM BIO-1b** No more than 10 ~~14~~ days prior to ground-disturbing activities during the breeding season (February 1 to August 31), a qualified Biologist shall perform pre-construction surveys for the Swainson's hawk in accordance with the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. In accordance with the guidelines, surveys shall occur within a 0.5-mile radius of the site, and shall involve a minimum of two survey periods. In the event that one or more Swainson's hawks are observed to be nesting, a work-free buffer area shall be established and monitored by a qualified Biologist. The Biologist shall have the discretion to determine the appropriate buffer, which may involve consultation with the CDFW, as appropriate. The Biologist shall determine when the nest has been vacated, at which point, the work-free buffer area can be removed.

If an occupied nest is found, an in-depth assessment by a qualified raptor biologist to determine appropriate buffers will be conducted. Accordingly, a nesting buffer shall be established in consultation with the CDFW that accurately reflects current research and site conditions that could exacerbate or diminish a likelihood of impact to the nesting Swainson’s hawks. In accordance with the survey protocol, all activities that are 200 yards or greater from a nest site, assuming that the Swainson’s hawks are moderately acclimated to human disturbance (which would be the case in the area of the project site), would represent a Low Level of Risk to the nesting Swainson’s hawks. Such considerations will be addressed by the qualified raptor biologist who conducts the nesting survey and who will present an analysis of the effects of the project on the nesting Swainson’s hawks to the CDFW. The qualified biologist’s analysis will also recommend a buffer size that will protect the Swainson’s hawks from the deleterious effects of disturbance. Any protective nesting buffer would be maintained until the Swainson’s hawks complete their nesting cycle. A completed nesting cycle would occur when the young are fully fledged and independent of the nest site or the nesting attempt has failed and the adult Swainson’s hawks are no longer defending the nest site. If a qualified biologist does not monitor the nesting attempt to ascertain the completion of the nesting attempt, the protective buffer shall remain in place until September 15.

Removal of known recent raptor nest trees, even outside the nesting season, will be replaced with an appropriate native tree species planting at a ratio of 3:1 at or near the Master Plan area or in another area that will be protected in perpetuity to reduce the impacts resulting from the loss of nesting habitat.

Section 3.9, Hydrology and Water Quality

Page 3.9-23, Third Paragraph

The paragraph has been revised to strike a statement about the City of Patterson developing new wellheads within the Zacharias Master Plan boundaries.

The City of Patterson will supply potable and non-potable water to the project. The City obtains all their water supply from groundwater and does not currently purchase or import water or have any current plans to do so in the future. ~~The City anticipates developing new well heads within the Zacharias planning area to extract potable water from the lower aquifer in support of increased water demand due to the project.~~ Property owners would be required to use non-potable groundwater for irrigation purposes.