

ASSESSOR RECORDER
COUNTY CLERK
KENNETH W. BLAKEMORE

NOTICE OF DETERMINATION 2011 APR 20 PM 1:27

TO: (K) Office of Planning and Research SAN JOAQUIN COUNTY FROM: San Joaquin County
1400 Tenth Street, Room 121 Sacramento, CA 95814 Community Development Department
1810 East Hazelton Avenue
Stockton, CA 95205
BY P Paulsen DEPUTY Phone: 209-468-3120
000425
50.1-

() State Department of Fish and Game
Fiscal and Administrative Services Branch
1416 Ninth Street
Sacramento, CA 95814

(X) County Clerk, San Joaquin County

SUBJECT: FILING OF NOTICE OF DETERMINATION IN COMPLIANCE WITH SECTIONS 21152 OF THE PUBLIC RESOURCES CODE

FILE NUMBER: PA-1100031

STATE CLEARINGHOUSE NUMBER: N/A

PROJECT TITLE, DESCRIPTION, & LOCATION:

SITE APPROVAL NO. PA-1100031 OF BURLINGTON NORTHERN & SANTA FE RAILROAD for grading to replace an existing Burlington Northern & Santa Fe railway bridge within (OS/RC) resource conservation area of the General Plan. All work is to be done within the existing railroad right-of-way crossing Lone Tree Creek. No property acquisition is required for this property. The new replacement structure will consist of a single track bridge on the existing alignment. This property is not under Williamson Act contract. The property is zoned AG-40, and the General Plan designation is A/G & OS/RC. The project site is located on the west side of Sexton Road, 2000 feet south of Lone Tree Road, northwest of Escalon (APN/Address: 205-240-24; 15405 S. Sexton Road, Escalon) (Supervisory District 4).

LEAD AGENCY: San Joaquin County Community Development Department. TELEPHONE NO.: (209) 468-3120

This is to advise that the San Joaquin County Community Development Department has approved the above-described project on April 11, 2011, and has made the following determinations regarding the above-described project:

1. The project will not have a significant effect on the environment.
2. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Findings were not adopted pursuant to the provisions of CEQA.
4. A Statement of Overriding Considerations was not adopted for this project.
5. Mitigation measures were not adopted as a condition of the approval of the project.

This is to certify that the complete record of project approval is available for review by the general public at the office of the San Joaquin County Community Development Department, 1810 East Hazelton Avenue, Stockton, CA 95205.

SIGNATURE: Byron McCrary DATE: 4/11/11

NAME: Byron McCrary

TITLE: Deputy County Clerk

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: PA-1100031

Lead Agency: SAN JOAQUIN COUNTY COMMUNITY DEVELOPMENT Contact Person: Rick Griffin
 Mailing Address: 1810 E. Hazelton Avenue Phone: (209) 468-3154
 City: Stockton Zip: 95205 County: San Joaquin

Project Location: County: San Joaquin City/Nearest Community: Escalon
 Cross Streets: Sexton/Lone Tree Zip Code: 95320
 Longitude/Latitude (degrees, minutes and seconds): _____° _____' _____" N / _____° _____' _____" W Total Acres: 0.1
 Assessor's Parcel No.: 205-240-24 Section: 25 Twp.: Mt Diablo Range: 1S Base: 8E
 Within 2 Miles: State Hwy #: HWY 120 Waterways: Lone Tree Creek
 Airports: _____ Railways: BNSF (project site) Schools: _____

Document Type:

CEQA: NOP Draft EIR NEPA: NOI Other: Joint Document
 Early Cons Supplement/Subsequent EIR EA Final Document
 Neg Dec (Prior SCH No.) _____ Draft EIS Other: Initial Study
 Mit Neg Dec Other: _____ FONSI _____

Local Action Type:

General Plan Update Specific Plan Rezone Annexation
 General Plan Amendment Master Plan Prezone Redevelopment
 General Plan Element Planned Unit Development Use Permit Coastal Permit
 Community Plan Site Plan Land Division (Subdivision, etc.) Other: _____

Development Type:

Residential: Units _____ Acres _____
 Office: Sq.ft. _____ Acres _____ Employees _____ Transportation: Type railroad bridge replacement
 Commercial: Sq.ft. _____ Acres _____ Employees _____ Mining: Mineral _____
 Industrial: Sq.ft. _____ Acres _____ Employees _____ Power: Type _____ MW
 Educational: _____ Waste Treatment: Type _____ MGD
 Recreational: _____ Hazardous Waste: Type _____
 Water Facilities: Type _____ MGD Other: _____

Project Issues Discussed in Document:

Aesthetic/Visual Fiscal Recreation/Parks Vegetation
 Agricultural Land Flood Plain/Flooding Schools/Universities Water Quality
 Air Quality Forest Land/Fire Hazard Septic Systems Water Supply/Groundwater
 Archeological/Historical Geologic/Seismic Sewer Capacity Wetland/Riparian
 Biological Resources Minerals Soil Erosion/Compaction/Grading Growth Inducement
 Coastal Zone Noise Solid Waste Land Use
 Drainage/Absorption Population/Housing Balance Toxic/Hazardous Cumulative Effects
 Economic/Jobs Public Services/Facilities Traffic/Circulation Other: _____

Present Land Use/Zoning/General Plan Designation:

Existing BNSF railroad track and bridge; zoned AG-40; General Plan designation is A/G

Project Description: (please use a separate page if necessary)

This project is a Site Approval application for grading to replace an existing Burlington Northern & Santa Fe railway bridge within the (OS/RC) Resource Conservation area of the general plan. All work will be done within the existing railroad right-of-way crossing Lone Tree Creek. The existing and proposed bridges are above the 100-year flood zone. No property acquisition is required for this property. The new replacement structure will consist of a single track bridge on existing alignment.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".
If you have already sent your document to the agency please denote that with an "S".

- | | |
|--|--|
| <input type="checkbox"/> Air Resources Board | <input type="checkbox"/> Office of Emergency Services |
| <input type="checkbox"/> Boating & Waterways, Department of | <input type="checkbox"/> Office of Historic Preservation |
| <input type="checkbox"/> California Highway Patrol | <input type="checkbox"/> Office of Public School Construction |
| <input checked="" type="checkbox"/> Caltrans District # <u>10</u> | <input type="checkbox"/> Parks & Recreation, Department of |
| <input type="checkbox"/> Caltrans Division of Aeronautics | <input type="checkbox"/> Pesticide Regulation, Department of |
| <input type="checkbox"/> Caltrans Planning | <input checked="" type="checkbox"/> Public Utilities Commission |
| <input type="checkbox"/> Central Valley Flood Protection Board | <input type="checkbox"/> Regional WQCB # _____ |
| <input type="checkbox"/> Coachella Valley Mtns. Conservancy | <input type="checkbox"/> Resources Agency |
| <input type="checkbox"/> Coastal Commission | <input type="checkbox"/> S.F. Bay Conservation & Development Comm. |
| <input type="checkbox"/> Colorado River Board | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy |
| <input type="checkbox"/> Conservation, Department of | <input type="checkbox"/> San Joaquin River Conservancy |
| <input type="checkbox"/> Corrections, Department of | <input type="checkbox"/> Santa Monica Mtns. Conservancy |
| <input type="checkbox"/> Delta Protection Commission | <input type="checkbox"/> State Lands Commission |
| <input type="checkbox"/> Education, Department of | <input type="checkbox"/> SWRCB: Clean Water Grants |
| <input type="checkbox"/> Energy Commission | <input type="checkbox"/> SWRCB: Water Quality |
| <input checked="" type="checkbox"/> Fish & Game Region # <u>3</u> | <input type="checkbox"/> SWRCB: Water Rights |
| <input type="checkbox"/> Food & Agriculture, Department of | <input type="checkbox"/> Tahoe Regional Planning Agency |
| <input type="checkbox"/> Forestry and Fire Protection, Department of | <input type="checkbox"/> Toxic Substances Control, Department of |
| <input type="checkbox"/> General Services, Department of | <input type="checkbox"/> Water Resources, Department of |
| <input type="checkbox"/> Health Services, Department of | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Housing & Community Development | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Integrated Waste Management Board | |
| <input type="checkbox"/> Native American Heritage Commission | |

Local Public Review Period (to be filled in by lead agency)

Starting Date March 18, 2011 Ending Date April 18, 2011

Lead Agency (Complete if applicable):

Consulting Firm: _____	Applicant: <u>Burlington Northern Santa Fe Railroad</u>
Address: _____	Address: <u>4515 Kansan Avenue</u>
City/State/Zip: _____	City/State/Zip: <u>Kansas City, KS 66106-1199</u>
Contact: _____	Phone: <u>(913) 551-4192</u>
Phone: _____	

Signature of Lead Agency Representative: *Reck Gruff* Date: March 15, 2011

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

NEGATIVE DECLARATION

TO: Office of Planning & Research
P. O. Box 3044
Sacramento, California 95812-3044

County Clerk, County of San Joaquin

FROM: San Joaquin County Community Development Department
1810 East Hazelton Avenue
Stockton, California 95205

PROJECT TITLE: SITE APPROVAL NO. PA-1100031

PROPONENT: BURLINGTON NORTHERN & SANTA FE RAILROAD

PROJECT LOCATION:

On the west side of Sexton Road, 2000 feet south of Lone Tree Road, northwest of Escalon (APN/Address: 205-240-24; 15405 S. Sexton Road, Escalon) (Supervisory District 4)

PROJECT DESCRIPTION:

A Site Approval application for grading to replace an existing Burlington Northern & Santa Fe railway bridge within (OS/RC) resource conservation area of the General Plan. All work is to be done within the existing railroad right-of-way crossing Lone Tree Creek. No property acquisition is required for this property. The new replacement structure will consist of a single track bridge on the existing alignment. This property is not under Williamson Act contract. The property is zoned AG-40, and the General Plan designation is A/G & OS/RC.

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

Date: 3/15/11

Contact Person: RICK GRIFFIN

Phone: (209) 468-3154

SAN JOAQUIN COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT

INITIAL STUDY

FILE NO.: PA-1100031 PROJECT APPLICANT: BURLINGTON NORTHERN

PROJECT DESCRIPTION: SITE APPROVAL APPLICATION FOR GRADING TO REPLACE AN EXISTING BURLINGTON NORTHERN & SANTA FE RAILWAY BRIDGE WITHIN THE (OS/RC) RESOURCE CONSERVATION AREA OF THE GENERAL PLAN. ALL WORK WILL BE DONE WITHIN THE EXISTING RAILROAD RIGHT-OF-WAY CROSSING LONE TREE CREEK. NO PROPERTY ACQUISITION IS REQUIRED FOR THIS PROPERTY. THE NEW REPLACEMENT STRUCTURE WILL CONSIST OF A SINGLE TRACK BRIDGE ON EXISTING ALIGNMENT. THE PROJECT IS LOCATED ON THE WEST SIDE OF SEXTON ROAD, 2000 FEET SOUTH OF LONE TREE CREEK, NORTHWEST OF ESCALON. THE PROPERTY IS NOT UNDER WILLIAMSON ACT CONTRACT.

RECOMMENDED ENVIRONMENTAL DETERMINATION:

The proposed project could not have a significant effect on the environment, and a Negative Declaration will be prepared. X

Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A Negative Declaration will be prepared. _____

The proposed project may have a significant effect on the environment, an Environmental Impact Report is required. _____

ASSESSOR PARCEL NO.: 205-240-24 ACRES: 0.1

GENERAL PLAN: A/G and Resource Conservation ZONING: AG-40

CURRENT SITE CONDITIONS (topography; uses): flat, railroad right-of-way; existing bridge to be replaced with new at-grade bridge across Lone Tree Creek

POTENTIAL POPULATION, NUMBER OF DWELLING UNITS, OR SQUARE FOOTAGE OF USE(S): No changes

SURROUNDING LAND USES: _____

North: agriculture

South: agriculture

East: one residence

West: agriculture

GENERAL CONSIDERATIONS:

- 1. Does it appear that any environmental feature of the project will generate significant public concern or controversy?
 Yes No Nature of concern(s): _____
- 2. Will the project require approval or permits by agencies other than the County?
 Yes No Agency name(s): _____
- 3. Is the project within the Sphere of Influence, or within two miles, of any city?
 Yes No City: _____ Escalon _____

ENVIRONMENTAL IMPACTS:

"Yes" may only be checked in situations where there is substantial evidence to indicate that there may be a significant adverse impact on the environment if there is no change in the project description. (CEQA Guidelines, Sec. 15064)

See the "Discussion" section at the end of the Initial Study for explanation of any impacts checked "Yes", or any "No" answer marked with an asterisk (*).

Sources: The following sources of information have been used in 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).

1. Water:

- a. Is any portion of the project subject to flood hazard?
Flood zone: _____ **AE** Yes No*
- b. Will the project result in reduction of surface or ground water quality or quantity? Yes No
- c. Will the project result in increases to surface, channel or stream volumes, or alterations to drainage patterns and streams? Yes No
- d. Will the project result in erosion of or sedimentation to a channel, river, or body of water? Yes No*

Other sources used: _____

2. Earth:

- a. Will the project result in or be subject to potentially hazardous geologic or soils conditions on or immediately adjoining the site (slides, springs, erosion, liquefaction, earthquake faults; steep slopes, septic tank limitations)? Yes No

- b. Will the project involve substantial grading which could result in secondary impacts (consider amount, steepness, and visibility of proposed slopes; consider effect of grading on trees and creek channels)? Yes No

- c. Will there be conversion of prime farmland (over 40 acres and not shown for development in the General Plan)? Yes No

Other sources used: _____

3. Plant/Animal Life:

- a. Will there be a reduction or disturbance to any habitat for plants and animals (including removal or disturbance of trees, riparian areas, or migration routes)? Yes No*

- b. Will the project impact any rare, endangered, threatened, or recreational species located on or near the site? (Check the Natural Diversity Data Base) Yes No*

Other sources used: _____

4. Air/Climate:

- a. Will the project make a significant contribution to the deterioration of existing air quality, including creation of objectionable odors; will future project residents be subjected to significant pollution levels? Yes No

- b. Will the project result in any impact to current climatic conditions? (Consider the introduction of water features, loss of wetland, etc.) Yes No

Other sources used: _____

5. Noise:

- a. Will the project expose people to high noise or vibration levels (over 65db/Ldn for residential uses or 75db/Ldn for industrial uses at the property line)? (Check 2010 projected noise contours.) Yes No

- b. Will the project result in increased noise or vibration levels? Yes No

Other sources used: _____

6. Energy/Natural Resources:

- a. Will the project use substantial amounts of fuel or energy, require a substantial increase in demand upon existing sources, or require the development of new sources of energy? Yes No
- b. Will the project affect the potential use, extraction, conservation, or depletion of a natural resource (other than agricultural land)? Yes No

Other sources used: _____

7. Hazards:

- a. Will the project create a risk of explosion; release, generate or store Any hazardous substances; or cause other dangers to public health and safety? Yes No
- b. Are there any known hazardous substances located within 500 feet of the boundaries of this project, if in an existing or proposed residential area (this could include possible groundwater contamination)? Yes No
- c. Will the project result in interference with, or need for, emergency plans? Yes No

Other sources used: _____

8. Utilities and Public Service:

- a. **Will the project require alteration of, addition to, or the need for new utility systems (water, sewer, drainage, solid waste), including a Sphere of Influence or district boundary change? Yes No
- b. **Will the project result in the need for or the expansion of the following services: fire and police protection, schools, parks and recreation, libraries, roads, flood control, solid waste or other public works facilities, public transit, or governmental services? Yes No
- c. Will the project adversely impact existing recreational/park opportunities or require new park/recreation opportunities? Yes No

Note: ** "Yes" answers to these two questions and 9 (b) below will require additional discussion, but do not necessarily indicate a potentially significant impact.

Other sources used: _____

9. Transportation/Circulation:

- a. Will the project generate significant traffic volumes and/or make a significant contribution to an existing circulation problem (consider existing LOS on nearby arterials and highways, road design, access, parking, accident potential)? Yes No*

- b. ****Will the project cause special transportation considerations (consider waterborne, rail, air, pedestrian, and bicycle traffic, and public transportation systems and parking facilities)?** Yes No
- c. Will the project result in a significant increase in commuting to and from the local community? Yes No
- d. Will the project be impacted by or interfere with an airport flight path? Yes No
- e. Will the project restrict access to the surrounding area? Yes No

Other sources used (note traffic studies): _____

10. Cultural Resources:

- a. Will the proposal result in an alteration of a significant archeological or historical site, structure, or building? Yes No

Other sources used: _____

11. Housing:

- a. Will the proposal adversely affect the existing housing stock or create a demand for additional housing (more than 50 units)? Yes No

Other sources used: _____

12. Aesthetics:

- a. Will the project obstruct any public scenic vista or view, create an aesthetically offensive site open to public view, or produce new light or glare? Yes No

Other sources used: _____

13. Land Use:

- a. Is this project a growth-inducing action: Will it encourage additional requests for related uses, or will it set a significant land use precedent in the area? Yes No*
- b. Will the project conflict with existing or planned land uses; is the project in conflict with any adopted plans? Yes No*
- c. Will the project disrupt a natural or recreation area, impact access to waterways, or allow trespass onto surrounding land? Yes No

14. Cumulative:

- a. Will the project create any impacts which may not be significant for the project alone, but may be significant when combined with other anticipated development of similar type and or location? Yes No

Other sources used: _____

15. **Other Impacts:** Identify any other impact(s) not noted above which may be significant, and cite source(s). _____

16. Mandatory Findings of Significance:

(A "Yes" answer to any of the following questions requires preparation of an EIR.)

- a. Does the project have the potential to degrade the quality of the environment or curtail the diversity in the environment? Yes No
- b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? Yes No
- c. Does the project have impacts which are individually limited but cumulatively considerable? Yes No
- d. Does the project have environmental impacts which will cause substantial, adverse effects on human beings, either directly or indirectly? Yes No

17. DISCUSSION OF ANY ENVIRONMENTAL IMPACTS NOTED ABOVE.

(Discuss any questions answered "Yes" above, as well as any "No" answers marked with an asterisk (*). Discuss any changes to the project which could mitigate the identified impacts. Discuss any proposed mitigation monitoring program submitted by the project applicant. Use additional attached pages if necessary.)

(see attached)

PREPARED BY: Reed Gruffin DATE: 3/15/11
Title: SENIOR PLANNER

INITIAL STUDY, CONTINUED

Project Description

This project is a Site Approval application for grading to replace an existing Burlington Northern & Santa Fe railway bridge within the (OS/RC) Resource Conservation area of the general plan. All work will be done within the existing railroad right-of-way crossing Lone Tree Creek. No property acquisition is required for this property. The new replacement structure will consist of a single track bridge on existing alignment. The project is located on the west side of Sexton Road, 2000 feet south of Lone Tree Creek, northwest of Escalon. The property is not under Williamson Act contract.

Environmental Issues

1.a and d. Water

The project area at Lone Tree Creek is in flood zone AE. The existing and proposed structures are located within the limits of a detailed FEMA Flood Insurance Study (FIS), dated October 16, 2009 for San Joaquin County; as such, a no-rise certification is required. Base flood elevations are shown on Flood Insurance Rate Map (FIRM) Community-Panel Numbers 060299 0550 F, dated October 16, 2009. TransSystems has performed the hydraulic analyses for both the existing and the proposed conditions at this site. TransSystem has outlined the steps required for a no-rise water surface elevation for the proposed project. These steps will be taken to ensure that the impacts from flooding will be less than significant.

TranSystems also did a wetlands delineation report dated November 23, 2010. A field assessment was conducted on September 14 and 15, 2010. The report identified one perennial water (Lone Tree Creek) and one wetland system within the project area.

The wetland extends north and south of the gridge along both vanks of the stream. The wetland area is located with the mapped soil type Madera, a non-hydritic soil with hydritic inclusions. The hydrologic regime of this wetland is considered regularly inundated/saturated. The wetland is considered a palustrine persistent emergent (PEM) wetland based on the Cowardin (1979) classification system. This PEM wetland area was essentially comprised of four small fringe areas along Lone Tree Creek that were connected by the surface waters of the stream. The total acreage of these four wetland fringes within the project area boundaries were determined to be 0.0067 acre in size. The wetland was dominated by rice cut grass (*Leersia oryzoides*-OBL), lakeshore sedge (*Carex lenticularis*-FACW), curly-top knotweed (*Polygonum lapathifolium*-OBL) and Oregon ash (*Fraxinus latifolia*). This wetland is considered a non-isolated or adjacent wetland, thus falling under the jurisdiction of the U.S. Army Corps of Engineers (ACE). Therefore, a 404-B permit from the ACE will be required to ensure that the impact on wetlands is less than significant.

3.b. Plant/Animal

The Natural Diversity Database does not list any rare, endangered, or threatened species or habitat on or near the site. Referrals have been sent to the San Joaquin Council of Governments (SJCOG) for review. If SJCOG determines that the applicant may participate in the San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), and if the applicant chooses to participate, then the proposed project is consistent with the SJMSCP, as amended, as reflected in the conditions of project approval for this proposal. Pursuant to the Final EIR/EIS for the 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. If the applicant chooses not to participate, then the applicant will be required to participate in a similar mechanism that provides the same level of mitigation.

9.a. Traffic

The proposed bridge will cross Lone Tree Creek. There will be no construction at either Sexton Road or Lone Tree Road. The Public Works Department was sent a referral on February 25, 2011. No traffic study will be required. The impact from traffic is expected to be less than significant.

13.a and b. Land Use

This project is the replacement of an existing railway bridge. There are no changes in land uses proposed with this permit. The project is not growth-inducing and it will not set a land use precedent. The surrounding land uses are agricultural with scattered residences. A bridge may be conditionally permitted in the AG-40 zone with an approved Site Approval application.
