

**CEQA ADDENDUM NO. 1**  
**MINOR ROUTE CHANGE PROPOSAL**

**Mitigated Negative Declaration**  
**For**  
**Arena Canal/Howard Lateral and McConnell Lateral Water Conservation Project**

**June 29, 2012**

**Merced Irrigation District**  
**744 W. 20<sup>th</sup> Street**  
**Merced, CA 95340**  
**Contact: Mr. Ryan Lippincott**  
**(209) 722-5761, ext. 2857**

**SUMMARY OF THIS DOCUMENT**

This addendum assesses the environmental impact(s) of making a minor modification in the route of the project (Minor Route Change Proposal), as required by the California Environmental Quality Act (CEQA) (California Public Resources Code 21000 et seq.) and in compliance with the State Guidelines (Title 14 California Code of Regulations 15000 et seq.)

The Merced Irrigation District, as lead agency under CEQA, will consider the potential environmental impacts of the proposed route change within a portion of the overall project route. This Addendum is an informational document, intended to be used in the planning and decision making process as provided for under Section 15164 of the CEQA Guidelines.

The fundamental conclusion of this addendum is that the proposed change(s) to the Project will not result in new significant impacts nor substantially increase the severity of previously disclosed impacts beyond those already identified in the adopted Mitigated Negative Declaration for the project. Thus, a subsequent or supplemental Mitigated Negative Declaration need not be prepared.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Under CEQA Guidelines Section 15164, an addendum to an EIR or adopted negative declaration shall be prepared if only minor technical changes or additions are necessary

or none of the conditions described in Section 15162 calling for the preparation of a subsequent negative declaration or Environmental Impact Report (EIR) have occurred. Under Section 15162, the lead agency shall prepare an (EIR) if there are any new significant environmental effects associated with the refined project. With respect to the Project, the refinements are only minor technical changes and do not result in any new significant environmental effect(s); therefore, the refined Project does not require an EIR. Therefore, this addendum analyzes the Project refinements as required under the CEQA Guidelines, Sections 15162 and 15164.

## **BACKGROUND**

Mitigated Negative Declaration (MND) for the Project was drafted to analyze the potential environmental impacts of the improvements to the Arena Canal/Howard Lateral facility along the present route of the irrigation conveyance facility. The Mitigated Negative Declaration anticipated the construction of the new pipelines and re-lining of existing open channel within the designated route of existing easements or right-of-ways, located in the northern half of Section 10, T. 7 S., R. 11 E..

## **PROJECT DESCRIPTION**

The request is for a minor modification to the project route within the northwest corner of Section 10, T. 7 S., R. 11 E. This route change will be of equal or less distance compared to the current portion of the facility to be improved by the project. Attached Figure 1 shows the change to the route from the approved route that was reviewed and adopted in the MND for the project. The length of new pipeline is approximately 715 feet and the easement area will be approximately 0.60 acres. This route change will result in the replacement of existing irrigation facility to agricultural farmed area in the amount of approximately 0.70 acres. This represents a net gain in land available for farming due to the minor modification to the route of the project improvements.

## **PROJECT IMPACTS**

A summary of project specific, potentially significant impacts are as follows:

### **Biological Resources<sup>1</sup>:**

The MND for Arena Canal/Howard Lateral and McConnell Lateral Water Conservation Project identified the following project-specific impacts to Biological Resources. Please refer to page 51 of the MND for more detailed information.

- The re-alignment area will have the same requirements for the review and protection of biological resources and the mitigation measures from the adopted MND listed below shall apply to this re-alignment area.

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<sup>1</sup> "Baseline Biological Resource Assessment" by Moore Biological Consultants, dated May 5, 2010.

- IV-1** Pre-construction surveys for nesting Swainson's hawks in the project area should be conducted if construction commences between March 1 and September 15. The survey should include all large trees visible from the alignment. If active nests are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction.
- IV-2** Pre-construction surveys for burrowing owls in the project area should be conducted if construction commences between February 1 and August 31. The survey should include the ruderal areas along the alignment, and all areas of open grassland visible from the alignment. If occupied burrows are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction.
- IV-3** Disturbance to the blue elderberry shrub should be avoided by restricting ground disturbance activities near the elderberry shrubs to the minimum needed to accomplish the project. Additionally, work should be scheduled between July 1 and April 1 to avoid potentially adverse impacts to any adult VELB that may have emerged and be present on the leaves or stems of the elderberry shrubs.
- IV-4** Orange safety fencing should be installed along the edges of the shrub facing construction activities (i.e., south and east), at a distance of 20 feet outside the dripline of the shrub. The fencing will alert workers of the environmentally sensitive area and prevent physical disturbance to the shrub cluster. If the waste water treatment plant parcel is utilized for staging or parking, the fencing would also be needed along the west side of the shrub.
- IV-5** Trees and shrubs along the alignments could be used by nesting raptors and other protected birds. Any trees that need to be removed or trimmed to facilitate the project, (if any) should be felled or trimmed outside of the general bird nesting season (February 1 through August 31) or a nesting bird survey should be conducted immediately prior to tree removal. If active nests are found, tree felling should be delayed until the young have fledged.

The refined Project would not result in any effects to biological resources more severe than those described in the previously adopted MND. The new route is within the same agricultural field that had the approved route and the new improvements would be traversing through a similar setting as the current facility, surrounded by numerous farmed trees. The proposed route re-alignment would be located approximately 620 feet north of the Sunset Avenue. The mitigation measures contained in the Biological section of MND (listed above) would be adequate to mitigate potentially significant biological impacts associated with the proposed route modification to the project. See the response from the biological consultant in Exhibit A referencing that no significant impact or the need for additional or modifications to the current mitigation measures is required due to the minor modification in the project route.

### **Cultural Resources<sup>2</sup>:**

The MND for Arena Canal/Howard Lateral and McConnell Lateral Water Conservation Project

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<sup>2</sup> **Central California Information Center** (California Historical Resources Information System, Department of Anthropology-California State University, Stanislaus) CCIC File # 8091 I, dated November 15, 2011

identified the following project-specific impacts to Cultural Resources. Please refer to page 52 of the MND for more detailed information.

- Proposed route change will have the same requirements for the evaluation and protection of cultural resources, and the mitigation measures from the previously adopted MND listed below shall apply to this re-alignment area.
- V-1** A professional archaeologist shall be consulted prior to initial excavation. Consultation and monitoring may be required during excavation at archaeologist's discretion.
- V-2** In accordance with Federal and State law, if any historical resources (a building, structure, object, prehistoric or historic archaeological site, or district possessing physical evidence of human activities over 45 years old) are discovered during project-related activities, all work is to stop and the lead agency and a qualified professional are to be consulted to determine the importance and appropriate treatment of the find. If Native American remains are found the County Coroner and the Native American Heritage Commission, Sacramento (916-653-4082) are to be notified immediately for recommended procedures.
- V-3** If any archaeological or cultural resource is found, the firm or individual retained is responsible for submitting any report of findings to the Central California Information Center, including one copy of the narrative report and two copies of any records that document historical resources found as a result of field work.

The refined Project would not result in any effects to cultural resources more severe than those described in the adopted MND. The new route is within the same agricultural field that contains the previously approved route. The new improvements would be traversing through a similar setting as the current facility, surrounded by numerous farmed trees. The proposed route re-alignment would be located approximately 620 feet north of the Sunset Avenue. The mitigation measures contained in the Cultural section of MND (listed above) would be adequate to mitigate potentially significant cultural impacts associated with the proposed route modification to the project.

## **CONCLUSION**

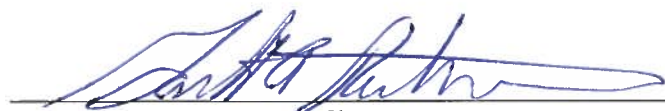
The proposed minor modification to the project route will not alter the impact findings and mitigation measures for biological and cultural resources presented in the Final MND. With implementation of the prescribed mitigation measures in the Final MND, where applicable, there will be no new significant impacts and no substantial increase in the severity of impacts previously identified in the Final MND. No new mitigation measures are required for the minor route modification proposal. Therefore, the impacts for the Minor Route Change are within the scope of impacts identified in the Final MND.

Based on the above, an Addendum is the appropriate CEQA document for the Minor Route Change proposal pursuant to State CEQA Guidelines Section 15164 because none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred. This Addendum has

appropriately disclosed the potential impacts from the Minor Route Change proposal and will be included as part of the CEQA record as an attachment to the adopted MND. Discretionary processing of the Addendum may now proceed with the understanding that any substantial changes in the proposal may be subject to further environmental review. Finally, because the project modification does not include any upsizing or extension of services beyond what was analyzed in the adopted MND, the project modifications would not alter the adopted MND's conclusions.

## CERTIFICATION

I hereby certify that the statements furnished above and in the exhibits, attached or incorporated by reference, present the data and information required for this evaluation to the best of my ability and that the facts, statement and information presented are true and correct to the best of my knowledge and belief.

  
Signature

7/2/12  
Date

Garth Pecchenino, Project Engineer

Printed Name

Merced Irrigation District

For

## EXHIBITS

- A. Mitigated Negative Declaration
- B. Email from Biological Consultant

## FIGURES

1. Arena Canal/Howard Lateral Alternative Route

Exhibit A

Adopted Mitigated Negative Declaration

Attached

Exhibit B

Email from Moore Biological Consultants

## Garth Pecchenino

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**From:** Diane Moore [moorebio@softcom.net]  
**Sent:** Tuesday, June 19, 2012 2:37 PM  
**To:** Garth Pecchenino  
**Subject:** Re: MID - Arena Canal Project  
**Attachments:** Arena-Howard.pdf; ATT00522.htm

Garth:

I looked at my field notes, aerial photographs, and report. We will not need to do another field survey. This alternate passes through a biologically unremarkable orchard that I viewed from both sides. The current mitigation measures cover tree removal and potential for nesting birds, so shifting the alignment up to go through the orchard is fine.

Diane

### Moore Biological Consultants

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Galt, CA 95632

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cell: (209) 986-5862

e-mail: [moorebio@softcom.net](mailto:moorebio@softcom.net)

On Jun 13, 2012, at 2:25 PM, Garth Pecchenino wrote:

Diane:

Attached is a photo of the proposed alignment change to the project, the green line is the change. The District will pipe across the top of the V and then the existing canal in the V area will go away and be farmed, they worked this out recently with the property owner.

We plan to do an Addendum to the approved CEQA for the project for this minor change, can you look at this and let me know if you need to review the area in the field or if your current mitigation measures for the project would apply.

Thank you

Garth A. Pecchenino, RCE, RAE, PLS  
**Fremming, Parson & Pecchenino Consulting Civil Engineers**  
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Figure 1

Arena Canal/Howard Lateral Alternative Route  
“Minor Route Change Proposal”

# Arena Canal/Howard Lateral Alternative Route

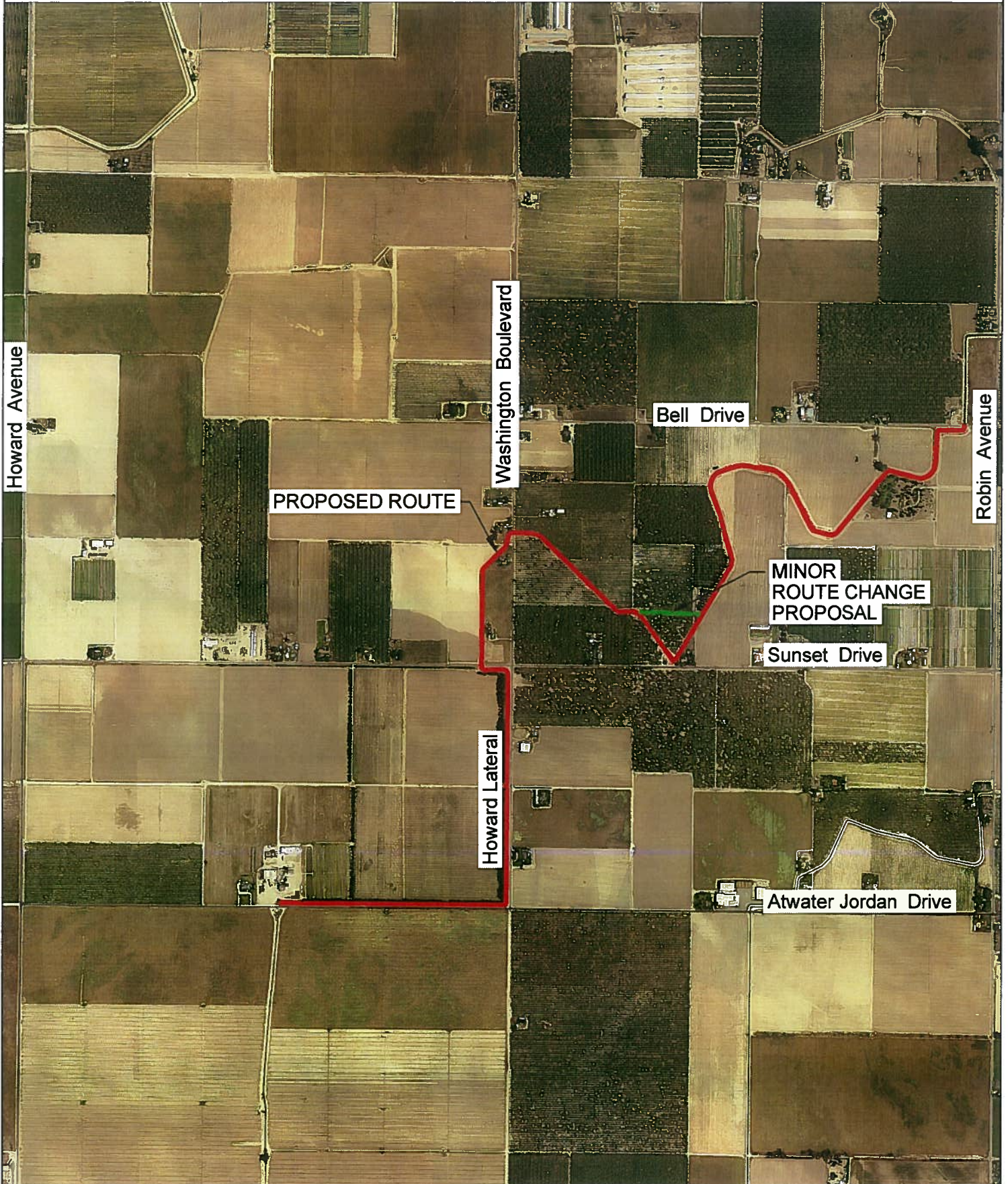


Figure 1