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**AGENDA**  
**KERMAN CITY COUNCIL**  
**REGULAR MEETING**  
**Kerman City Hall**  
**850 S. Madera Avenue**  
**Wednesday, March 4, 2015**  
**6:30 PM**

AGENDA PACKET AVAILABLE FOR  
REVIEW 72 HOURS PRIOR TO  
THE CITY COUNCIL MEETING AT  
THE CITY CLERK'S OFFICE AND  
ON THE CITY WEBSITE  
ITEMS RECEIVED AT THE  
MEETING WILL BE AVAILABLE  
FOR REVIEW AT THE CITY  
CLERK'S OFFICE

Stephen B. Hill – Mayor  
Gary Yep – Mayor Pro Tem  
Rhonda Armstrong – Council Member  
Nathan Fox – Council Member  
Bill Nijjer – Council Member

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ALL MEETING ATTENDEES ARE ADVISED THAT ALL PAGERS, CELLULAR TELEPHONES AND ANY OTHER  
COMMUNICATION DEVICES SHOULD BE POWERED OFF UPON ENTERING THE COUNCIL CHAMBERS,  
AS THESE DEVICES INTERFERE WITH OUR AUDIO EQUIPMENT.

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#### OPENING CEREMONIES

- Welcome – Mayor
- Call to Order
- Roll Call
- Invocation

*At this time the Council wishes to provide anyone an opportunity to give a brief invocation or inspirational thought. In accordance with law, we would request this opportunity not be used to recruit converts, to advance anyone, or to disparage any other faith or belief. If no one steps forward, we will observe a moment of silence so that we may all focus our thoughts on how best to serve our community.*

- Pledge of Allegiance – City Clerk

#### AGENDA APPROVAL/ADDITIONS/DELETIONS

*To accommodate members of the public or convenience in the order of presentation, items on the agenda may not be presented or acted upon in the order listed.*

#### 1. PRESENTATIONS/CEREMONIAL MATTERS

- A. Ivette Rodriguez with Mid Valley Disposal will Present 3rd and 4th Quarter Recycling Updates (MR)

ATTACHMENTS: [Mid Valley Recycling Update](#)

- B. Fresno County Department of Public Health - Champions for Change Program (PG)

ATTACHMENTS: [Informational Brochure](#)

## REQUEST TO ADDRESS COUNCIL

*This portion of the meeting is reserved for members of the public to address the Council on items of interest that are not on the Agenda and are within the subject matter jurisdiction of the Council. Speakers shall be limited to three minutes. It is requested that no comments be made during this period on items on the Agenda. Members of the public wishing to address the Council on items on the Agenda should notify the Mayor when that Agenda item is called, and the Mayor will recognize your discussion at that time. It should be noted that the Council is prohibited by law from taking any action on matters discussed that are not on the Agenda. Speakers are asked to please use the microphone, and provide their name and address.*

## 2. CONSENT CALENDAR

*Matters listed under the Consent Calendar are considered routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, a member of the audience or a Council Member may request an item be removed from the Consent Calendar and it will be considered separately.*

### A. SUBJECT: Minutes

RECOMMENDATION: Council approve minutes as presented.

ATTACHMENTS: [February 18, 2015](#)

### B. SUBJECT: Payroll

Payroll Report: February 1, 2015 - February 14, 2015: \$124,955.07; Retro Pay & Other: \$1,313.74; Overtime: \$1,623.47; Standby: \$1,066.78; Comp Time Earned: 39.5

RECOMMENDATION: Council approve payroll as presented.

ATTACHMENTS: [Payroll/Overtime Report](#)

### C. SUBJECT: Warrants

1. Nos. 5946 - 6016: \$238,803.99
2. Excepting - Valley Food Center: #6008 - \$108.49

RECOMMENDATION: Council approve warrants and electronic bank transfers as presented. (Pursuant to Government Code 37208)

ATTACHMENTS: [Accounts Payable](#)

- D. SUBJECT: Amended Agreement with California Real Estate Solutions, LLC for the Construction of 45 Homes in Kerman Estates, Tract 5478 (LP)

RECOMMENDATION: Council by motion approve the Amended Agreement with Capital Real Estate Solutions, LLC for the Construction of 45 Homes in Kerman Estates, Tract 5478 and authorize the Mayor to execute the agreement.

ATTACHMENTS: [CRES Amended Agreement](#)

- E. SUBJECT: Resolution Authorizing the City Engineer to Execute Right-of-Way Certifications for Federal-Aid Projects (JJ)

RECOMMENDATION: Council by motion adopt resolution authorizing the City Engineer to Execute Right-of-Way Certifications for Federal-Aid Projects.

ATTACHMENTS: [Staff Report - ROW Certification](#)

3. PUBLIC HEARINGS

None

4. DEPARTMENT REPORTS

- A. SUBJECT: Sponsorship Request for Kerman Relay for Life (MR)

RECOMMENDATION: Council review request and direct staff accordingly.

ATTACHMENTS: [Sponsorship letter](#)

- B. SUBJECT: Donation Request for Kerman Historical Society (MR)

RECOMMENDATION: Council review request and direct staff according.

ATTACHMENTS: [Donation Letter](#)

- C. SUBJECT: Mid-Year Budget Report for Fiscal Year 2014-15 (TJ)

RECOMMENDATION: Council receive the Mid-Year Budget Report for Fiscal Year 2014-15.

ATTACHMENTS: [Staff Report - Mid-Year Budget](#)

- D. SUBJECT: Resolution Approving the Final Negative Declaration (SCH #2015011027) for the Union Pacific Railroad Pedestrian and Bicycle Trail Project (JJ)

RECOMMENDATION: Council by motion adopt resolution approving the Final Negative Declaration (SCH #2015011027) for the Union Pacific Railroad Pedestrian and Bicycle Trail Project and authorize Staff to file the Notice of Determination.

ATTACHMENTS: [Staff Report - UPRR Trail/Final Negative Declaration](#)

5. CITY MANAGER/STAFF COMMUNICATIONS

- A. Update on Multi-Jurisdictional Housing Element Stakeholder Workshop (LP)
- B. Senior Prom - Friday, March 27, 4-8 p.m., Community Teen Center (PG)

6. MAYOR/COUNCIL REPORTS

7. CLOSED SESSION

None

8. ADJOURNMENT

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In compliance with the American with Disabilities Act (ADA), if you need special assistance to participate at this meeting, please contact the City Clerk at (559) 846-9380. Notification of 48 hours prior to the meeting will enable the City Clerk to make reasonable arrangement to ensure accessibility to this meeting. Pursuant to the ADA, the meeting room is accessible to the physically handicapped.

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# GREEN LIVING

Quarter 3 & 4

WWW.MIDVALLEYDISPOSAL.COM

15300 W JENSEN AVE. KERMAN, CA 93630

559.237.9425

## HOLIDAY TOY & FOOD DRIVE

During the holiday season, Mid Valley Disposal volunteered putting food packages and baskets together for families who needed a little extra help during the holiday season. The event was held at the Community Center where over 100 families were in attendance. Mid Valley Disposal loves to see the impact made by helping families during Christmas time.

## KATIE'S PARK

In December, Mid Valley Disposal donated wood chips to Katie's Kids Park while volunteers spread the wood chips around the park.

## HARVEST FESTIVAL

In September, our Recycling Coordinators headed to the Annual Harvest Festival held at Kerckhoff Park. Along with our booth, there was also a carnival, vendors and food! It was great seeing residents and other familiar faces stop by our table to show their appreciation for all the efforts we put in to keep the city and the environment clean and green. We handed out educational materials as well as take home goodies that are made from recycled materials!

## KERMAN KANNAMI

During the 3rd quarter Mid Valley Disposal's Recycling Coordinators volunteered for the "Farewell Dinner Kerman-Kannami" event that was held in honor of a group of twelve visitors (Teachers and Students) from the City of Kannami, Japan. Mid Valley Disposal loves to show support and takes great pride in volunteering in the communities we serve.



Katie's Park



Christmas Parade



Harvest Festival

## 3RD & 4TH QUARTER COMMERCIAL SITE VISITS

For the 3rd and 4th quarter, Mid Valley Disposal conducted commercial site visits and are happy to report that Kerman is making good recycling progress! Businesses like Advance American Cash, Auto Zone and KFC are doing an excellent job keeping contaminating materials out of their recycling bins. For the businesses that did have some trouble with contamination, we provided educational materials. Multi-Family complexes like Helsem Terrace have been doing an outstanding job with their recycling. Mail-out flyers were distributed door to door in the smaller complexes, and given to managers to distribute in bigger Multi-Family complexes.

### 2014 TONNAGE REPORT

	Q3	Q4
Recycle Residential	197	213
Organics Residential	535	600
Garbage Residential	829	817
Recycle Commercial	95	109
Garbage Commercial	704	781
Diversions	Res. 47% Comm. 12%	Res. 50% Comm. 13%



For more information, please contact:

Place label here

# Champions for Change

## Nutrition Education and Obesity Prevention

"I teamed up with other moms to make healthy changes in our neighborhood."

-Adrienne G.  
Champion Mom

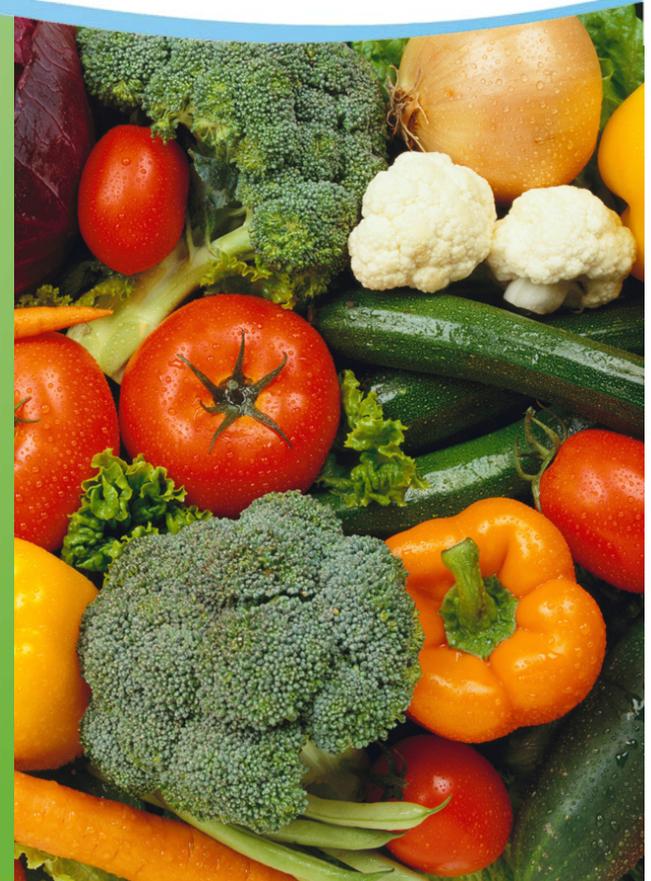
### Champions for Change Team:

- California Health Collaborative
- Central California Regional Obesity Prevention Program
- Community Food Bank
- Fresno County Department of Public Health
- Fresno County Office of Education
- The Sarah Samuels Center for Public Health Research & Evaluation

This material was produced by the California Department of Public Health's Nutrition Education and Obesity Prevention Branch with funding from USDA SNAP-Ed, known in California as CalFresh. These institutions are equal opportunity providers and employers. CalFresh provides assistance to low-income households and can help buy nutritious food for better health. For CalFresh information, call 1-877-847-3663. For important nutrition information, visit [www.CaChampionsForChange.net](http://www.CaChampionsForChange.net).



Fresno County Department of Public Health  
Office of Policy, Planning and Communication  
[www.fcdph.org](http://www.fcdph.org)



## Who we serve

We provide nutrition education services to Fresno County residents that are CalFresh eligible and are considered low-income.

Although we provide services throughout the County of Fresno, we are specifically targeting six communities in Fresno County: Reedley, Parlier, Sanger, West Fresno, Lowell, and Kerman.

### Why these communities?

The **Champions for Change** movement is targeting these six communities because they are considered food deserts and most of the residents of these communities meet or exceed the 185% federal poverty levels.



## Our goals

The mission of the **Champions for Change** movement is to create innovative partnerships that empower lower-income Californians to increase fruit and vegetable consumption, physical activity, and food security with the goal of preventing obesity and other diet related chronic diseases.

### Program Activities:

- Nutrition Education Lessons
  - Using MyPlate and Rethink Your Drink guidelines and curriculum
- School and Afterschool Nutrition Education
- Healthy Recipe Demonstrations and Taste Testing
- Physical Activity Demonstrations
- Worksite Wellness
- Healthy Retail
- Adult and Youth Engagement Leadership
- Community Engagement
- Evaluation

## Join the Movement

### Be a Champion!

**Champions for Change** are people just like you who are committed to helping their communities eat more fruits and vegetables while being more physically active.

**Champions for Change** use their power to help their communities prevent serious health problems. These health problems include obesity, type 2 diabetes, heart disease, high blood pressure, stroke and certain types of cancer.

You can join the movement and become a **Champions for Change!**

Together we can make healthy changes in our community.

### CONTACT INFORMATION **Champions for Change**

Fresno County Department of Public Health  
1221 Fulton Mall  
Fresno, California 93721

Phone: (559) 600-6449  
Fax: (559) 600-7689



# Champions for Change Contact List

## **Get Fit, Get Fresh Program**

**Brenda Flores, Fresno County Department of Public Health**

**Phone: (559) 600-3424**

**Email: [brflores@co.fresno.ca.us](mailto:brflores@co.fresno.ca.us)**

## **Youth Engagement**

**Jesse Tedrick, Central California Regional Obesity Prevention Program**

**Phone: (559) 498-0870 X104**

**Email: [jesse@ccropp.org](mailto:jesse@ccropp.org)**

## **Community Engagement and Forums**

**Reyna Villalobos-Central California Regional Obesity Prevention Program**

**Phone: (559) 498-0870 X103**

**Email: [reyna@ccropp.org](mailto:reyna@ccropp.org)**

## **Nutrition Education/ Cooking Demonstrations**

**Candice McLeavey**

**Phone: (559) 237-3663 ext. 120**

**Email: [cmcaleavey@communityfoodbank.net](mailto:cmcaleavey@communityfoodbank.net)**

## **School and Afterschool Nutrition Education**

**Jason Wara, Fresno County Office of Education**

**Phone: (559) 443-4809**

**Email: [jwara@fcoe.org](mailto:jwara@fcoe.org)**

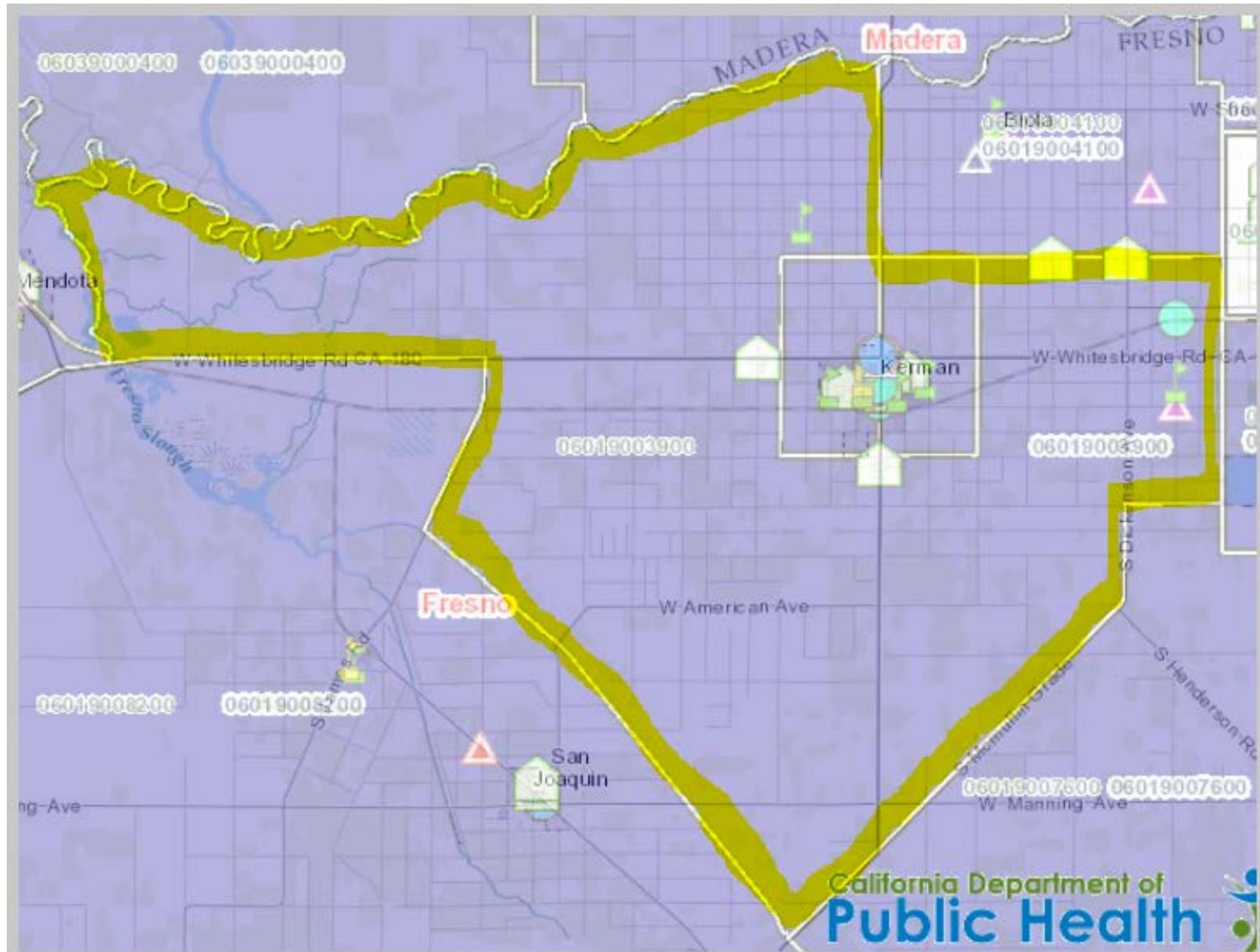
## **Retail and Worksite Wellness**

**Michelle Alcantara, California Health Collaborative**

**Phone: (559) 244-4544**

**Email: [malcantara@healthcollaborative.org](mailto:malcantara@healthcollaborative.org)**

# KERMAN NEIGHBORHOOD MAP

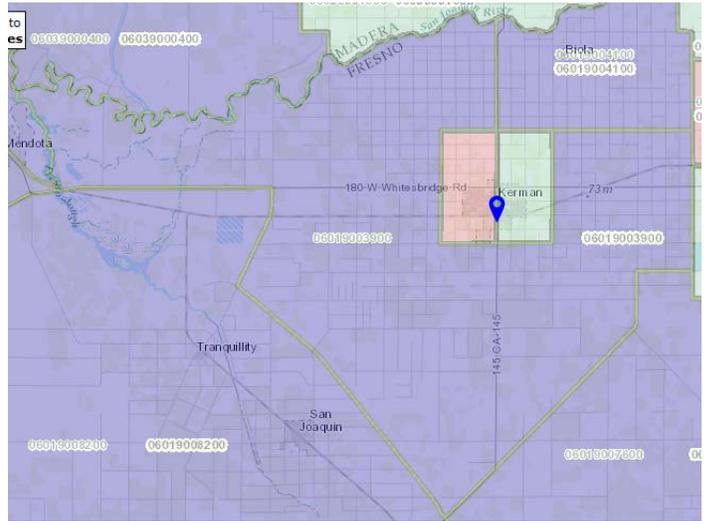


**3 eligible census tracts:**

4001: West half of Kerman with 30-39% of pop below 185% FPL

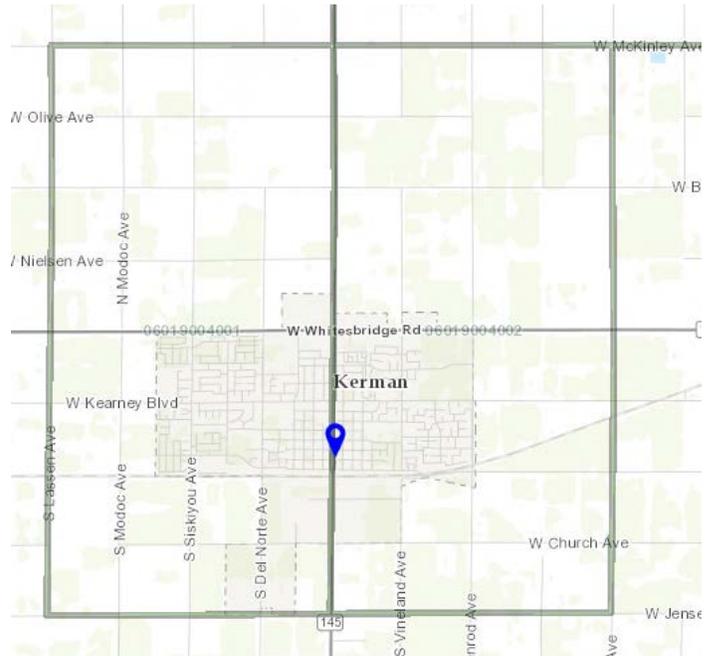
4002: East half of Kerman with 40-49% below 185% FPL

3900: Large census tract surrounding Kerman proper with 50-100% of population below 185% FPL

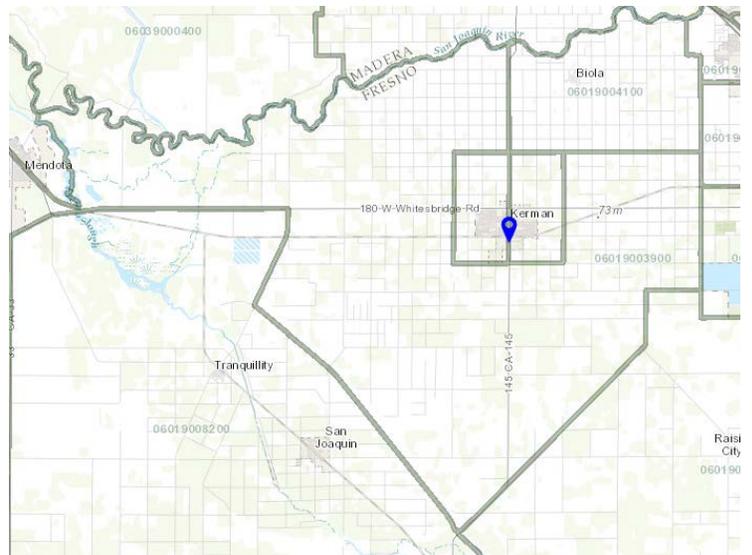


**Zoomed in**

Kerman: census tracts split in 2;  
West is 4001(30-39% below 185% FPL);  
East is 4002: 40-49% below 185% FPL



Third map of all three census tracts  
(no color)





**MINUTES**  
**KERMAN CITY COUNCIL**  
**REGULAR MEETING**  
**Kerman City Hall**  
**850 S. Madera Avenue**  
**Wednesday, February 18, 2015**  
**6:30 PM**

Stephen B. Hill – Mayor  
 Gary Yep – Mayor Pro Tem  
 Rhonda Armstrong – Council Member  
 Nathan Fox – Council Member  
 Bill Nijjer – Council Member

Present: Mayor Hill (SH) Rhonda Armstrong (RA) Gary Yep (GY), Fox (NF)

Absent: Nijjer (BN)

Also Present: City Manager/Planning & Development Director Patlan, City Attorney Blum, Chief of Police, Community Services Director, Finance Director, Public Works Director, City Engineer

**OPENING CEREMONIES**

- Welcome – Mayor
- Call to Order
- Roll Call
- Invocation
- Pledge of Allegiance – City Clerk

**AGENDA APPROVAL/ADDITIONS/DELETIONS**

**1. PRESENTATIONS/CEREMONIAL MATTERS**

- A. Presentation from the Kerman Historical Society (MR)

**REQUEST TO ADDRESS COUNCIL**

**2. CONSENT CALENDAR**

- A. SUBJECT: Minutes

RECOMMENDATION: Council approve minutes as presented.

- B. SUBJECT: Payroll Report: January 18 - January 31, 2015: \$129,537.49; Overtime: \$5,020.27; Standby: \$1,420.32; Comp Time Earned: 7.50

RECOMMENDATION: Council approve payroll as presented.

- C. SUBJECT: Warrants

1. Nos. 5845 - 5939: \$211,665.57

2. Excepting - Rhonda Armstrong: #5870 - \$235.47; Nijjer: #5937 - \$219.40  
 Sebastian: #5872 - \$2,516.29 & #5925 - \$516.75

RECOMMENDATION: Council approve warrants and electronic bank transfers as presented. (Pursuant to Government Code 37208)

Voting: Yes,  
 No, Absent  
 (Abstain if  
 needed)

6:37 p.m.

All present  
 accept BN

SH

Performed

Approved  
 GY/RA  
 (4-0-1) BN

Presented

Grace Arends  
 Relay for Life

Approved  
 RA/GY  
 (4-0-1) BN

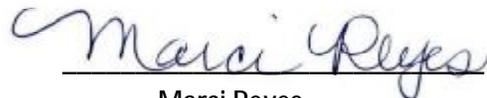
Approved  
 5870, 5937  
 5872, 5925  
 NF/GY  
 (3-0-1-1)  
 RA/BN

D. <u>SUBJECT</u> : Monthly Investment Report Ending January 31, 2015 (TJ)	
<u>RECOMMENDATION</u> : Council accept the Monthly Investment Report	
3. PUBLIC HEARINGS	None
4. DEPARTMENT REPORTS	
A. <u>SUBJECT</u> : Council Approval for Participation in the State and Federal Surplus Property Program (JKB)	Approved GY/NF (4-0-1) BN
<u>RECOMMENDATION</u> : Council by motion adopt the California Department of General Services Resolution authorizing Kerman Police Department to participate in the State and Federal Surplus Property Program.	
B. <u>SUBJECT</u> : Resolution Affirming Municipal Purchases Through Cooperative Purchasing Programs for the Purchase of Goods and Services (PG)	
<u>RECOMMENDATION</u> : Council by motion adopt resolution affirming that Cooperative Purchasing complies with federal procurement requirements for the purchase of goods and services using Community Development Block Grant (CDBG) funds.	Approved RA/NF (4-0-1) BN  Res 15-06
C. <u>SUBJECT</u> : Mayor and Council Discussion on Ideas and Future Vision (SH)	
<u>RECOMMENDATION</u> : Mayor Hill requested this item be placed on the agenda for the Council to discuss ideas and future vision. For the Council's information, attached is the City's motto along with the organizational mission, vision statement and core values that were developed by the executive team as part of a SWOT analysis conducted in 2013.	
5. CITY MANAGER/STAFF COMMUNICATIONS	
6. MAYOR/COUNCIL REPORTS	
7. CLOSED SESSION	8:30 p.m.
A. Government Code Section 45956.9(a) Conference with Legal Counsel - Pending Litigation: Pacific Mountain Partners	No reportable action
COUNCIL RECONVENE FROM CLOSED SESSION & REPORT ANY ACTION TAKEN	8:53 p.m.
8. ADJOURNMENT	8:54 p.m.

MINUTES CERTIFICATION

I, MARCI REYES, City Clerk for the City of Kerman, do hereby declare under penalty of perjury that the above Minutes are a true depiction of all actions taken at the City Council meeting held on the first date above written at Kerman City Hall, 850 S. Madera Ave, Kerman, CA.

Date: February 19, 2015



Marci Reyes  
City Clerk

# CITY OF KERMAN PAYROLL REPORT

PAY PERIOD: February 01, 2015 - February 14, 2015

EMPLOYEE	SALARY	RETRO PAY & Other	OVERTIME		STANDBY		GROSS SALARY	COMP TIME EARNED
			HOURS	AMOUNT	HOURS	AMOUNT		
<b>ADMINISTRATION</b>								
Patlan, Luis	\$ 4,664.77	\$ -	-	\$ -	-	\$ -	\$ 4,664.77	
Gonzalez, Diana	\$ 1,864.15	\$ -	-	\$ -	-	\$ -	\$ 1,864.15	3.00
Alvarez, Josefina	\$ 1,689.69	\$ -	-	\$ -	-	\$ -	\$ 1,689.69	
Jones, Toni	\$ 2,984.65	\$ -	-	\$ -	-	\$ -	\$ 2,984.65	
Reyes, Marcia	\$ 2,586.00	\$ -	-	\$ -	-	\$ -	\$ 2,586.00	
Nazaroff, Helen	\$ 1,846.62	\$ -	-	\$ -	-	\$ -	\$ 1,846.62	
Camacho, Josie	\$ 1,053.92	\$ -	-	\$ -	-	\$ -	\$ 1,053.92	
<b>TOTAL</b>	<b>\$ 16,689.81</b>	<b>\$ -</b>	<b>-</b>	<b>\$ -</b>	<b>-</b>	<b>\$ -</b>	<b>\$ 16,689.81</b>	<b>3.00</b>

**REC/SOCIAL**

Gallegos, Philip	\$ 3,734.77	\$ -	-	\$ -	-	\$ -	\$ 3,734.77	
Arredondo, Barbara	\$ 1,526.77	\$ -	-	\$ -	-	\$ -	\$ 1,526.77	
Gonzalez, Jose Felix	\$ 1,599.69	\$ -	-	\$ -	-	\$ -	\$ 1,599.69	
Salvador, Mark	\$ 1,883.08	\$ -	-	\$ -	-	\$ -	\$ 1,883.08	
Silva, Jessica	\$ 399.75	\$ -	-	\$ -	-	\$ -	\$ 399.75	
Sidhu, Nirmal	\$ 1,465.38	\$ -	-	\$ -	-	\$ -	\$ 1,465.38	
Lujan, Vanessa	\$ 528.00	\$ -	-	\$ -	-	\$ -	\$ 528.00	
Johnson, Theresa	\$ 1,666.62	\$ -	-	\$ -	-	\$ -	\$ 1,666.62	
Arredondo, Michelle	\$ 279.00	\$ -	-	\$ -	-	\$ -	\$ 279.00	
Arredondo, Raquel	\$ 230.00	\$ -	-	\$ -	-	\$ -	\$ 230.00	
Rangel, Jose A	\$ 279.00	\$ -	-	\$ -	-	\$ -	\$ 279.00	
Burdine-Slaven, Jeani	\$ 1,511.54	\$ -	-	\$ -	-	\$ -	\$ 1,511.54	
Figueroa, Rita	\$ 380.00	\$ -	-	\$ -	-	\$ -	\$ 380.00	
Villarreal, Arlene	\$ 270.00	\$ -	-	\$ -	-	\$ -	\$ 270.00	
<b>TOTAL</b>	<b>\$ 15,753.60</b>	<b>\$ -</b>	<b>-</b>	<b>\$ -</b>	<b>-</b>	<b>\$ -</b>	<b>\$ 15,753.60</b>	<b>0.00</b>

**POLICE**

Rodrigues, Mary	\$ 1,759.38	\$ -	-	\$ -	-	\$ -	\$ 1,759.38	
Madruza, Ron	\$ 3,114.46	\$ -	-	\$ -	-	\$ -	\$ 3,114.46	
Chapman, Tom	\$ 2,413.38	\$ -	-	\$ -	1.00	\$ 7.54	\$ 2,420.93	
Cubillos, Teresa	\$ 3,040.62	\$ -	-	\$ -	-	\$ -	\$ 3,040.62	
Barbosa, Isaias	\$ 2,368.32	\$ -	0.75	\$ 33.30	-	\$ -	\$ 2,401.62	
Ramirez, Donald	\$ 1,493.54	\$ -	-	\$ -	-	\$ -	\$ 1,493.54	
Mendoza, Sandra	\$ 2,311.85	\$ -	-	\$ -	-	\$ -	\$ 2,311.85	
Davis, Jeff	\$ 2,825.08	\$ -	-	\$ -	-	\$ -	\$ 2,825.08	6
Ness, Lee	\$ 2,046.00	\$ -	-	\$ -	-	\$ -	\$ 2,046.00	
Barcoma, Wilbert	\$ 2,758.04	\$ -	-	\$ -	-	\$ -	\$ 2,758.04	6
Ramer, Joseph	\$ 1,493.54	\$ -	-	\$ -	-	\$ -	\$ 1,493.54	
Nevis, James	\$ 2,300.77	\$ -	-	\$ -	-	\$ -	\$ 2,300.77	
Magallon, Peter	\$ 2,413.43	\$ -	-	\$ -	-	\$ -	\$ 2,413.43	
Belding, Jeff	\$ 2,357.08	\$ -	-	\$ -	-	\$ -	\$ 2,357.08	9
Antuna, Eric	\$ 2,209.69	\$ -	10.00	\$ 414.32	-	\$ -	\$ 2,624.01	
Nelson, Christopher J	\$ 3,114.46	\$ -	-	\$ -	-	\$ -	\$ 3,114.46	
Tiwana, Manpreet	\$ 2,048.24	\$ -	6.00	\$ 231.27	-	\$ -	\$ 2,279.51	
Blohm, Joseph	\$ 4,047.23	\$ -	-	\$ -	-	\$ -	\$ 4,047.23	
Rodriguez, Erika	\$ 1,961.63	\$ -	-	\$ -	-	\$ -	\$ 1,961.63	
Lehman, Dustin	\$ 1,767.23	\$ -	-	\$ -	-	\$ -	\$ 1,767.23	

# CITY OF KERMAN PAYROLL REPORT

PAY PERIOD: February 01, 2015 - February 14, 2015

EMPLOYEE	SALARY	RETRO PAY & Other	OVERTIME		STANDBY		GROSS SALARY	COMP TIME EARNED
			HOURS	AMOUNT	HOURS	AMOUNT		
Antuna, Miguel	\$ 1,170.00	\$ -	-	\$ -	-	\$ -	\$ 1,170.00	
Ledezma, Linda	\$ 1,199.54	\$ -	-	\$ -	-	\$ -	\$ 1,199.54	
Medina-Labetiaux, EJ	\$ 1,767.23	\$ -	-	\$ -	-	\$ -	\$ 1,767.23	7.5
Seroka, Dylan	\$ 960.00	\$ -	-	\$ -	-	\$ -	\$ 960.00	
Moon, Nathan	\$ 1,200.00	\$ -	-	\$ -	-	\$ -	\$ 1,200.00	
Kaser, David	\$ 960.00	\$ -	-	\$ -	-	\$ -	\$ 960.00	
Godfrey, Kyle	\$ 288.00	\$ -	-	\$ -	-	\$ -	\$ 288.00	
Dunn, Jacob	\$ 1,683.23	\$ -	-	\$ -	-	\$ -	\$ 1,683.23	6
<b>TOTAL:</b>	<b>\$ 57,071.96</b>	<b>\$ -</b>	<b>16.75</b>	<b>\$ 678.89</b>	<b>1.00</b>	<b>\$ 7.54</b>	<b>\$ 57,758.39</b>	<b>34.50</b>

## PUBLIC WORKS

Gonzales, Ruben	\$ 2,011.38	\$1,005.69	-	\$ -	-	\$ -	\$ 3,017.07	
Rodriguez, Joe	\$ 368.39	\$ -	-	\$ -	-	\$ -	\$ 368.39	
Prieto, Ruben	\$ 1,762.15	\$ -	-	\$ -	-	\$ -	\$ 1,762.15	
Gruce, Robert	\$ 2,478.00	\$ -	-	\$ -	-	\$ -	\$ 2,478.00	
Hearld, Douglas	\$ 524.84	\$ -	-	\$ -	-	\$ -	\$ 524.84	
Madruga, Lydia	\$ 208.76	\$ -	-	\$ -	-	\$ -	\$ 208.76	
Ramirez, Manuel	\$ 1,830.92	\$ -	4.00	\$ 137.32	22.75	\$ 520.67	\$ 2,488.91	
Chavez, Fernando M.	\$ 2,368.15	\$ -	-	\$ -	-	\$ -	\$ 2,368.15	
Gastelum, Humberto	\$ 1,924.15	\$ -	10.00	\$ 420.91	21.00	\$ 505.09	\$ 2,850.15	
Barajas, Michael	\$ 1,917.85	\$ 66.55	-	\$ -	-	\$ -	\$ 1,984.40	
Castro, Joseph	\$ 1,785.69	\$ -	2.00	\$ 66.96	1.50	\$ 33.48	\$ 1,886.14	
Arechiga, Pastor	\$ 1,639.38	\$ -	1.00	\$ 30.74	-	\$ -	\$ 1,670.12	
Sanchez, Daniel	\$ 1,465.38	\$ -	-	\$ -	-	\$ -	\$ 1,465.38	
Zapata, Domingo	\$ 1,848.55	\$ -	-	\$ -	-	\$ -	\$ 1,848.55	2.00
Moore, Ken	\$ 3,853.85	\$ -	-	\$ -	-	\$ -	\$ 3,853.85	
Vallejo, Edward	\$ 2,189.08	\$ 241.50	-	\$ -	-	\$ -	\$ 2,430.58	
Palacios, Jesus	\$ 580.00	\$ -	-	\$ -	-	\$ -	\$ 580.00	
Isaak, Denise	\$ 1,466.31	\$ -	-	\$ -	-	\$ -	\$ 1,466.31	
<b>TOTAL</b>	<b>\$ 30,222.86</b>	<b>\$1,313.74</b>	<b>17.00</b>	<b>\$ 655.93</b>	<b>\$ 45.25</b>	<b>\$1,059.24</b>	<b>\$ 33,251.78</b>	<b>2.00</b>

## PLANNING

Pimentel, Olivia	\$ 2,199.23	\$ -	7.00	\$ 288.65	-	\$ -	\$ 2,487.88	
Kufis, Chris	\$ 2,392.62	\$ -	-	\$ -	-	\$ -	\$ 2,392.62	
<b>TOTAL</b>	<b>\$ 4,591.85</b>	<b>\$ -</b>	<b>7.00</b>	<b>\$ 288.65</b>	<b>-</b>	<b>\$ -</b>	<b>\$ 4,880.50</b>	<b>0.00</b>

## PLANNING

Epperson, R	\$ -	Yep	\$ 125.00
Bandy, R	\$ -	Fox	\$ 125.00
Nehring, K	\$ -	Nijjer	\$ 125.00
Kehler, E	\$ -	Armstrong	\$ 125.00
Wettlaufer, K	\$ -	Hill	\$ 125.00
Jones, C	\$ -		
Nunez, M	\$ -		

**Total**                      \$ -                      **Total**                      \$ 625.00

<b>GRAND TOTAL:</b>	<b>\$124,955.07</b>	<b>\$1,313.74</b>	<b>40.75</b>	<b>\$1,623.47</b>	<b>46.25</b>	<b>\$1,066.78</b>	<b>\$128,959.06</b>	<b>39.50</b>
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**CITY OF KERMAN  
OVERTIME SUPPLEMENTAL PAYROLL REPORT**

**PAY PERIOD 2/1/15 to 2/14/15**

**POLICE DEPARTMENT**

Overtime Categories - Number of Hours							
Regular Overtime	Court	Shift Coverage	SID	Detail	Avoid the 21 Grant	Special Events	Total
0.75		16					16.75
(see notes below for overtime description)							
<b>DOUBLE TIME: (Sunday)</b>							0
						Sub Total	16.75

Overtime Categories - Number of Hours								
Water Service	Sewer Emergencies	Animal Control	Special Events	Other or Call Back	On Call Duties	Total		
3	4			1	4	12		
(see notes below for overtime description)								
						1	4	5
<b>DOUBLE TIME: (Sunday)</b>						4	5	
						Sub Total	17.0	

Overtime Categories - Number of Hours							
Regular Overtime	After Hour Event					Total	
						0	
						Sub Total	0

Overtime Categories - Number of Hours						
Planning Overtime	Utility Billing	Payroll	Dog Clinic	Year End Audit		
7						
(see notes below for overtime description)						
						7

Total Hours (All Departments) 40.75

**POLICE DEPARTMENT:**

- Regular Overtime** – .75 hrs for late report
- Court** – Officer attending court proceedings.
- Shift Coverage** – 16 hrs due to officers being out on vacation, sick or training
- Special Investigation Division (SID)** – Special police action is required such as a search warrant, surveillance, and other crime patterns, etc.
- Training** – Officers instructing or attending classes Overtime may occur when officers cover the shift of those in training.
- Grant** – Officers conducting Special Enforcement Control. Avoid the 21, Click It or Ticket, and Special Project. The City gets reimbursed for overtime through the Grant Programs
- Special Events** - Occurs when officers are needed for events such as Harvest Festival, 3rd of July, Parades, etc

**PUBLIC WORKS DEPARTMENT:**

- Water Service** - Includes 3 hrs overtime for shut-off and turn-on of service, all water related emergencies
- Sewer Emergencies** - 4 hrs OT SCADA problems/Sewer emergencies. (SCADA controls pumps, wells and sewer, lift stations, all sewer and storm drain related issues)
- Animal Control** - 1 hr DT Vicious or dead animals. (not normally used for stray animals)
- Special Events** - Harvest Festival, Pageantry of Lights, National Night Out Water Conservation booth, Portuguese Parade, 3rd of July, including set up and clean up
- Other** 1 hr OT - Pastor worked through lunch trimming trees on Main Street.
- Call Back** - Any emergencies where additional employees are called to assist
- On-Call Duties** - 4 hrs OT and 4 hrs DT for reading and recording flow meters on wells and sewer plant; feed and clean kennels, verify WWTP running effectively, etc. OT is for two weekends and/or any holidays.

**COMMUNITY SERVICES DEPARTMENT**

- Regular Overtime** - Only as needed.
- After Hour Event** – Occurs only if a full-time employee would have to stay for clean-up or as a facility attendant.

**FINANCE / PLANNING DEPARTMENTS**

- Planning Overtime** – 7 hrs OT - Transition to new permit system.
- Utility Billing** - Completed on the 1st of each month.
- Payroll** - Completed bi-weekly
- Dog Clinic** - Once a year clinic held after business hours.
- Year-End Audit** - Completed over a period of time at the end of each fiscal year.

# Accounts Payable

## Checks by Date - Detail by Check Date

User: dgonzalez  
 Printed: 2/25/2015 1:18 PM



Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
5946	10730 02122015	Z - ERIC ANTUNA PD-3 DAY SUBSISTENCE FTO UPDATE COL	02/12/2015	156.00
Total for Check Number 5946:				156.00
Total for 2/12/2015:				156.00
5947	10010 42351413 42351413 42351413 42351413 42351413	ACCUITEMPS FIN-TEMP AGENCY PERONNEL - 32 HRS FIN-TEMP AGENCY PERONNEL - 32 HRS	02/18/2015	27.47 192.30 164.84 137.36 27.47
Total for Check Number 5947:				549.44
5948	10026 089369-IN	ALL STATE POLICE EQUIP. CO INC PD-15 MK STREAM OC SPRAY	02/18/2015	210.27
Total for Check Number 5948:				210.27
5949	10061 A50258	BSK ASSOCIATES WTR-COPPER & LEAD TESTING PACKAGE	02/18/2015	840.00
Total for Check Number 5949:				840.00
5950	10104 815550021014646	COMCAST TECH-TECHNOLOGY SERVICES 2/14-15-3/1	02/18/2015	168.92
Total for Check Number 5950:				168.92
5951	10106 2493003	CONSOLIDATED EDISON SOLUTIONS SWR-SOLAR POWER	02/18/2015	3,911.38
Total for Check Number 5951:				3,911.38
5952	10128 081398 083920	DEPARTMENT OF JUSTICE PD-JAN LIVE SCAN PRINTS PD-5 BLOOD ALCOHOL ANALYSIS-JAN	02/18/2015	512.00 175.00
Total for Check Number 5952:				687.00
5953	10619 L0697239744 L0697239744 L0697239744 L0697239744 L0697239744	EDD VAR-4TH QTR EMPLOYMENT TAX VAR-4TH QTR EMPLOYMENT TAX VAR-4TH QTR EMPLOYMENT TAX VAR-4TH QTR EMPLOYMENT TAX VAR-4TH QTR EMPLOYMENT TAX	02/18/2015	125.05 875.35 750.30 625.25 125.05

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 5953:	2,501.00
5954	10731 02122015	EMMETT VALLEY CONTRUCTION, INC WTR-REFUND ON WATER METER RENTAL	02/18/2015	720.16
			Total for Check Number 5954:	720.16
5955	10154 CAFR250524 CAFR250524 CAFR250524 CAFR250524 CAFR250524 CAFR250524 CAFR250524	FASTENAL COMPANY WTR-SAW BLADES-5 WTR-MARKING PAINT LLD-FLASHLIGHT BATTERIES STRTC-FLASHLIGHT BATTERIES STRTC-SAFETY GLASSES BPO-GLOVES BPO-WINDOW CLEANER BPO-PIPE THREAD TAPE	02/18/2015	17.50 32.08 9.29 5.37 5.67 165.49 11.61 3.03
			Total for Check Number 5955:	250.04
5956	10198 22369 22370 22371 22372 22373 22374 22375	HENRY, LOGOLUSO, & BLUM CC-JANUARY LEGAL FEES-MONTHLY MEI CC-JANUARY LEGAL FEES-PACIFIC MOUN CC-JANUARY LEGAL FEES-CLAIMS ONG CC-JANUARY LEGAL FEES-GENERAL ONC CC-JANUARY LEGAL FEES-PERSONNEL O CC-JANUARY LEGAL FEES-POLICE ONG CC-JANUARY LEGAL FEES-ZONING ONG	02/18/2015	500.00 564.00 60.00 654.00 216.00 1,668.90 84.00
			Total for Check Number 5956:	3,746.90
5957	10204 35475	IDTS INC PD-ANNUAL ENROLLMENTS	02/18/2015	15.00
			Total for Check Number 5957:	15.00
5958	10261 01312015 01312015 01312015 01312015	MID VALLEY DISPOSAL, INC JANUARY SW CHARGES JANUARY SW CHARGES JANUARY SW CHARGES JANUARY SW CHARGES	02/18/2015	88,472.22 -17,655.96 -17,694.44 -560.40
			Total for Check Number 5958:	52,561.42
5959	10457 455923 455923 455923	OFFICEMAX INC. WTR-PRINTER INK SWR-PRINTER INK BPO-EXPO DRY ERASE MARKERS	02/18/2015	92.60 92.60 17.22
			Total for Check Number 5959:	202.42
5960	10301 02172015 02172015 02172015 02172015 02172015 02172015 02172015 02172015 02172015 02172015	PETTY CASH VAR-REPLENISH PETTY CASH	02/18/2015	7.67 13.00 5.00 35.00 79.36 74.01 14.27 10.22 22.05 10.21

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	02172015	VAR-REPLENISH PETTY CASH		15.68
	02172015	VAR-REPLENISH PETTY CASH		35.67
Total for Check Number 5960:				322.14
5961	10302	PG&E (FRESNO)	02/18/2015	
	5467738309-0	WTR/SWR/SD		11,730.94
	5467738309-0	WTR/SWR/SD		129.98
	5467738309-0	WTR/SWR/SD		21.68
	5467738309-0	WTR/SWR/SD		35.22
Total for Check Number 5961:				11,917.82
5962	10305	PITNEY BOWES PURCHASE POWER	02/18/2015	
	02172015	VAR-POSTAGE FOR METER		18.10
	02172015	VAR-POSTAGE FOR METER		5.13
	02172015	VAR-POSTAGE FOR METER		17.76
	02172015	VAR-POSTAGE FOR METER		25.16
	02172015	VAR-POSTAGE FOR METER		3.84
	02172015	VAR-POSTAGE FOR METER		116.64
	02172015	VAR-POSTAGE FOR METER		14.12
	02172015	VAR-POSTAGE FOR METER		341.71
	02172015	VAR-POSTAGE FOR METER		5.83
	02172015	VAR-POSTAGE FOR METER		1.92
	02172015	VAR-POSTAGE FOR METER		9.19
	02172015	VAR-POSTAGE FOR METER		435.66
	02172015	VAR-POSTAGE FOR METER		0.96
Total for Check Number 5962:				996.02
5963	10314	QUILL CORPORATION	02/18/2015	
	9816553	WTR-COPY PAPER		58.23
	9816553	SWR-COPY PAPER		58.22
Total for Check Number 5963:				116.45
5964	10728	REC1	02/18/2015	
	REC1-003901	CTC-SOFTWARE FEE JANUARY 2015		259.00
Total for Check Number 5964:				259.00
5965	10413	YAMABE & HORN ENGINEERING	02/18/2015	
	32822	WHITESBRIDGE & VINELAND TRAFFIC SI		2,170.00
	32823	TRACT NO.5478 WESTERN INSURANCE LA		472.50
	32824	KATEY'S KIDS NATURE PARK		107.50
	32825	GENERAL ENGINEERING		515.00
	32826	WALMART ON SITE PLAN REVIEW		110.00
	32827	WELL NO. 18 PRODUCTION WELL		300.00
	32828	MID-VALLEY DISPOSAL EXPANSION REVI		600.00
	32829	STANISLAUS AVE & 16TH SIDEWALKS		155.00
	32830	VINELAND AVENUE WIDENING		1,481.25
	32831	UPRR PEDE3STRIAN AND BICYCLE TRAIL		2,052.50
	32832	PROP. 84 WATER METER PROJECT		6,380.00
	32833	CALIFORNIA & MAY RECONSTRUCTION - I		1,345.00
	32834	PAVEMENT MANAGEMENT SYSTEM		2,371.25
	32835	CDBG KATIE'S KIDS PARK		813.75
	32836	CALIFORNIA AVENUE RECONSTRUCTION -		3,270.00
	32837	MADERA & JENSEN GATEWAY MONUMEN		131.25
	32838	VALDIVIA RESIDENCE REVIEW		1,100.00
	32839	KERMAN HS PARKING LOT REVIEW		401.25

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 5965:	23,776.25
5967	10729 00012054	Z - CHRISTINA OCHOA CTC-DEPOSIT REFUND 2/7/15	02/18/2015	100.00
			Total for Check Number 5967:	100.00
5968	10733 00011803	Z - DENISE MARTINEZ CTC-DEPOSIT REFUND SCOUT HUT	02/18/2015	100.00
			Total for Check Number 5968:	100.00
5969	10732 00012543	Z - YENCY LOPEZ CTC-DEPOSIT REFUND SCOUT HUT	02/18/2015	100.00
			Total for Check Number 5969:	100.00
5970	10417 9001455438	ZEP MANUFACTURING CO V/E-ZEP-O-SHINE CAR WASH	02/18/2015	162.26
			Total for Check Number 5970:	162.26
			Total for 2/18/2015:	104,213.89
ACH	10147 02202015 02202015	Employment Development Department C PR TAX DEPOSIT - 2/20/15 SIT PAYABLE - C PR TAX DEPOSIT - 2/20/15 SDI PAYABLE -	02/23/2015	3,620.28 1,082.59
			Total for this ACH Check for Vendor 10147:	4,702.87
ACH	10517 02202015 02202015 02202015	Federal Taxes-Payroll C PAYROLL TAX DEPOSIT-2/20/15 - FIT PAY C PAYROLL TAX DEPOSIT-2/20/15 - FICA PA C PAYROLL TAX DEPOSIT-2/20/15 - FICA M	02/23/2015	13,672.11 15,690.20 3,669.62
			Total for this ACH Check for Vendor 10517:	33,031.93
ACH	10518 02202015	Kerman Police Officers Assn. C MEMBERSHIP DUES - 2/20/15	02/23/2015	618.12
			Total for this ACH Check for Vendor 10518:	618.12
ACH	10519 02202015	Kerman Municipal Employees Assn. C MEMBERSHIP DUES - 2/20/15	02/23/2015	180.00
			Total for this ACH Check for Vendor 10519:	180.00
ACH	10520 02202015 02202015 02202015	ICMA-RC C DEFERRED COMP - 2/20/15 C LOAN PAYMENTS C LOAN FEES	02/23/2015	2,230.00 3,348.78 -28.92
			Total for this ACH Check for Vendor 10520:	5,549.86
ACH	10522 02202015 02202015 02202015 02202015	CalPERS C EMPLOYER CONTRIBUTION C EMPLOYEE CONTRIBUTION CONTRIBUTION ADJ CONTRIBUTION ADJ	02/23/2015	12,414.09 8,069.08 0.02 -0.02

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
Total for this ACH Check for Vendor 10522:				20,483.17
5971	10078 02132015	CALIFORNIA STATE DISBURSEMENT C WAGE ASGMT - 1070070330-01	02/23/2015	258.14
Total for Check Number 5971:				258.14
Total for 2/23/2015:				64,824.09
5972	10010 42384704 42384704 42384704 42384704 42384704	ACCONTEMP FIN-TEMP AGENCY PERSONNEL 40 HRS FIN-TEMP AGENCY PERSONNEL 40 HRS FIN-TEMP AGENCY PERSONNEL 40 HRS FIN-TEMP AGENCY PERSONNEL 40 HRS FIN-TEMP AGENCY PERSONNEL 40 HRS	02/25/2015	34.34 240.38 206.05 171.70 34.33
Total for Check Number 5972:				686.80
5973	10013 INV166528 INV167017	ADAMSON POLICE PRODUCTS PD-METH NIK KITS PD-SMALL INK PADS	02/25/2015	71.04 172.63
Total for Check Number 5973:				243.67
5974	10014 02242015 02242015 17889 28713 78617	ADMINISTRATIVE SOLUTIONS, INC HR-FEB-SEC 125 EMPLOYEE CONT HR-MARCH EMPLOYER FLEX PLAN HR-MARCH DENTAL CLAIMS FUNDING HR-MARCH BLUE SHIELD PLAN ADMIN HR-MARCH SEC 125 PLAN ADMIN	02/25/2015	1,844.20 10,000.00 4,199.30 750.00 95.00
Total for Check Number 5974:				16,888.50
5975	10019 806272	AFLAC HR-FEB EMPLOYEE VOLUNTARY INS	02/25/2015	200.68
Total for Check Number 5975:				200.68
5976	10021 048462-IN 048462-IN 048462-IN	ALERT O LITE WTR-MARKERS FOR WATER LINE STRTC-SUNSHIELDS FOR SAFETY HELME STRTC-HOSE GASKETS FOR STRT COMPRI	02/25/2015	350.00 43.27 4.23
Total for Check Number 5976:				397.50
5977	10039 23434345970408	AT&T PD-T-LINE 2/10/48 - 3/9/15	02/25/2015	267.38
Total for Check Number 5977:				267.38
5978	10504 5324265265	AUTOZONE SWR-BATTERY FOR DIGITAL CALIPER	02/25/2015	6.29
Total for Check Number 5978:				6.29
5979	10054 150480001930	BLUE SHIELD OF CALIFORNIA HR-MARCH MEDICAL COVERAGE	02/25/2015	25,641.88
Total for Check Number 5979:				25,641.88

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
5980	10056 9416	BOGIE'S PUMP SYSTEMS SWR-PARTS FOR WWTP PUM	02/25/2015	127.88
Total for Check Number 5980:				127.88
5981	10092 233195	CENTRAL VALLEY TOXICOLOGY PD-BLOOD TEST 14-2900	02/25/2015	38.00
Total for Check Number 5981:				38.00
5982	10734 2/18/2015	CITY OF CLOVIS ADM-LEAGUE OF CITIES GEN MEM MEET	02/25/2015	15.00
Total for Check Number 5982:				15.00
5983	10097 5129957-01	CLEANSOURCE CTC-JANITORIAL SUPPLIES	02/25/2015	124.72
Total for Check Number 5983:				124.72
5984	10103 3420205-031712	COLONIAL LIFE HR-MARCH EMPLOYEE CONTRIBUTION	02/25/2015	637.90
Total for Check Number 5984:				637.90
5985	10111 02182015	CPRS DISTRICT 7 CS-CPRS AWARDS & INSTALL BANQUET	02/25/2015	30.00
Total for Check Number 5985:				30.00
5986	10118 41568871	DAPPER TIRE V/E-4 TIRES FOR #1470	02/25/2015	473.54
Total for Check Number 5986:				473.54
5987	10154 CAFR250568 CAFR250578 CAFR250578 CAFR250580 CAFR250580	FASTENAL COMPANY V/E-WD40 V/E-WD40 BPO-SAFETY GLASSES WTR-DEADBLOW HAMMER SWR-DEADBLOW HAMMER	02/25/2015	23.30 22.85 3.78 55.01 55.00
Total for Check Number 5987:				159.94
5988	10162 SO12327	FRESNO COUNTY TREASURER PD-JAN PRISONER PROCESSING SERVICE	02/25/2015	24.00
Total for Check Number 5988:				24.00
5989	10168 AT18998	FRESNO NETWORKS TECH-MONTHLY CUSTOMER SUPPORT	02/25/2015	2,404.48
Total for Check Number 5989:				2,404.48
5990	10169 22229 22316	FRESNO PET CEMETERY ACC-5 ANIMAL CARCASSES DISPOSED OF ACC-13 ANIMAL CARCASSES DISPOSED O	02/25/2015	92.20 351.90
Total for Check Number 5990:				444.10
5991	10185 9665218344	GRAINGER CS-URINAL PARTITION MENS RESTROOM	02/25/2015	258.97

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 5991:	258.97
5992	10194 D501725	HD SUPPLY WATERWORKS, LTD WTR-HYDRANT REPAIR KIT	02/25/2015	529.98
			Total for Check Number 5992:	529.98
5993	10196 69480970	HELENA CHEMICAL COMPANY SWR-ROUNDUP PRO CONCENTRATE	02/25/2015	162.34
			Total for Check Number 5993:	162.34
5994	10205 IN-000500304	INDEPENDENT STATIONERS CS-GLUE STICKS	02/25/2015	10.49
			Total for Check Number 5994:	10.49
5995	10239 02192015 37512	KERWEST NEWSPAPERS PD-ANNUAL SUBSCRIPTION FOR KERMAI CTC-VALENTINES DAY AD	02/25/2015	30.00 100.00
			Total for Check Number 5995:	130.00
5996	10243 3937	KINGS RIVER CONSERVATION DIST WTR-RESOURCE ANALYST-ALLOCATED	02/25/2015	140.98
			Total for Check Number 5996:	140.98
5997	10258 BP15-0031	MERAZ ROOFING, INC BPO-REFUND CHARGED FEE IN ERROR	02/25/2015	94.71
			Total for Check Number 5997:	94.71
5998	10259 150403088101	MES VISION HR-MARCH VISION PREMIUM	02/25/2015	659.20
			Total for Check Number 5998:	659.20
5999	10272 000364208972 000364208972 000364208972 000364208972	MUTUAL OF OMAHA HR-MAR LTD INS EMPLOYEE HR-MAR LTD INS EMPLOYER HR-MAR LIFE INSURANCE HR-MAR VOLUNTARY LIFE	02/25/2015	411.87 411.86 373.02 961.11
			Total for Check Number 5999:	2,157.86
6000	10273 20760	NAFFA INTERNATIONAL INC BPO-PLAN CHECK FEES	02/25/2015	669.23
			Total for Check Number 6000:	669.23
6001	10282 754893585001 754893766001 754940141001 755805259001	OFFICE DEPOT BPO-OFFICE SUPPLIES BPO-OFFICE SUPPLIES BPO-OFFICE SUPPLIES PD-OFFICE SUPPLIES	02/25/2015	50.76 35.92 77.84 90.38
			Total for Check Number 6001:	254.90
6002	10289 6206788690-3 6206788690-3	P.G.& E. CS-MONTHLY ELECTRICITY & GAS CS-MONTHLY ELECTRICITY & GAS	02/25/2015	1,408.37 212.65

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	6206788690-3	CS-MONTHLY ELECTRICITY & GAS		2,211.30
	6206788690-3	CS-MONTHLY ELECTRICITY & GAS		798.68
	6206788690-3	CS-MONTHLY ELECTRICITY & GAS		100.00
			Total for Check Number 6002:	4,731.00
6003	10735 02192015	PUBLIC AGENCY TRAINING COUNCIL PD-ARMORER COURSE- E. ANTUNA	02/25/2015	475.00
			Total for Check Number 6003:	475.00
6004	10327 65879699	SAFETY KLEEN CORP V/E-AQUEOUS PARTS WASHER SOLUTION	02/25/2015	208.45
			Total for Check Number 6004:	208.45
6005	10561 IN-000237514	SOUTHERN COMPUTER WAREHOUSE FIN-PRINTER REPLACEMENT - COMM SER	02/25/2015	1,775.79
			Total for Check Number 6005:	1,775.79
6006	10354 2015133	T & T PAVEMENT MARKINGS STRFC-PERMA PATCH ASPHALT	02/25/2015	1,542.75
			Total for Check Number 6006:	1,542.75
6007	10389 29500 29501 29502 29503	VALLEY AIR CONDITIONING CS-PREVENTIVE MAINTENANCE-CITY HA CS-PREVENTIVE MAINTENANCE-POLICE CS-PREVENTIVE MAINTENANCE-COMM. ' CS-PREVENTIVE MAINTENANCE-SENIOR	02/25/2015	575.00 375.00 580.00 312.50
			Total for Check Number 6007:	1,842.50
6008	10392 02192015 02242015	VALLEY FOOD CENTER CS-KATEY'S WORK DAY SUPPLIES REC-HACIENDA HEIGHTS SNACK SUPPLII	02/25/2015	25.53 82.96
			Total for Check Number 6008:	108.49
6009	10399 210668	VETERINARY MEDICAL CENTER AAC-3 EUTHANASIA OF ANIMALS	02/25/2015	58.40
			Total for Check Number 6009:	58.40
6010	10406 46511	WEST HILLS OIL, INC V/E-FUEL FEB 1-15	02/25/2015	3,067.71
			Total for Check Number 6010:	3,067.71
6011	10413 20615	YAMABE & HORN ENGINEERING STRT-WHITESBRIDGE/VINELAND SIGNAL	02/25/2015	1,080.00
			Total for Check Number 6011:	1,080.00
6012	10730 02192015	Z - ERIC ANTUNA PD-3 DAY SUBSISTENCE	02/25/2015	39.00
			Total for Check Number 6012:	39.00
6013	10737 00007362	Z - NANCY MALDONADO CTC-DEPOSIT REFUND SCOUT HUT 1/10/15	02/25/2015	100.00

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 6013:	100.00
6014	10738 44060	Z - RAJINDER BRAR CTC-DEPOSIT REFUND 10/24/14	02/25/2015	200.00
			Total for Check Number 6014:	200.00
6015	10739 43668	Z - SOCORRO LEAL CTC-DEPOSIT REFUND 11/29/14	02/25/2015	400.00
			Total for Check Number 6015:	400.00
6016	10740 00000830	Z - YENILY VALDES CTC-DEPOSIT REFUND SCOUT HUT 11/14/1	02/25/2015	100.00
			Total for Check Number 6016:	100.00
			Total for 2/25/2015:	69,610.01
			Report Total (76 checks):	238,803.99

**PETTY CASH**

<b>Date</b>	<b>Vendor</b>	<b>Description</b>	<b>G/L Expense Number</b>	<b>Amount</b>	<b>Balance</b>
11/4/2014		Balance Brought Forward	<b>Fiscal Year 14-15</b>		<b>\$ 26.87</b>
		<b>Replenish Petty Cash</b>		<b>\$ 323.13</b>	<b>\$ 350.00</b>
11/5/2014	Helen	Council Supplies	100.6001.521.02.00	\$ 18.00	<b>\$ 332.00</b>
11/5/2014	Toni	3 USB Drives	410.5005.521.01.00	\$ 22.05	<b>\$ 309.95</b>
11/5/2014	Helen	Supplies for Board Room	100.1002.521.02.00	\$ 3.99	<b>\$ 305.96</b>
11/19/2014	Helen	Council Supplies	100.6001.521.02.00	\$ 10.00	<b>\$ 295.96</b>
12/3/2014	Lydia	Torch Kit & Butane	410.4041.521.02.00	\$ 10.22	<b>\$ 285.75</b>
12/3/2014	Lydia	Torch Kit & Butane	420.4042.521.02.00	\$ 10.21	<b>\$ 275.54</b>
12/2/2014	Helen	Board Room Supplies	100.1002.521.02.00	\$ 3.68	<b>\$ 271.86</b>
12/4/2014	Joe R	Christmas Lights	100.4010.521.05.00	\$ 35.00	<b>\$ 236.86</b>
12/8/2014	Joe C	Christmas Lights	880.4088.521.02.00	\$ 35.67	<b>\$ 201.19</b>
12/17/2014	Helen	Council Supplies	100.6001.521.02.00	\$ 12.00	<b>\$ 189.19</b>
12/19/2014	Marci	Supplies/Office	100.6004.521.02.00	\$ 14.27	<b>\$ 174.92</b>
12/19/2014	Marci	Kerman Floyd Caroling	100.6001.556.00.00	\$ 38.24	<b>\$ 136.68</b>
12/22/2014	Helen	Meeting W/City Engineer	100.6001.556.00.00	\$ 35.77	<b>\$ 100.91</b>
12/23/2014	Water Dept	Mail Package	420.5005.521.07.00	\$ 15.68	<b>\$ 85.23</b>
1/8/2015	Chris K	ICC Meeting Lunch	100.1042.554.01.00	\$ 13.00	<b>\$ 72.23</b>
1/14/2015	Joseph B	Reimburse for Gas Card didn't Work	100.3011.521.02.00	\$ 5.00	<b>\$ 67.23</b>
1/15/2015	Helen	Council Supplies	100.6001.521.02.00	\$ 7.36	<b>\$ 59.87</b>
1/7/2015	Marci	Council Supplies	100.6001.521.02.00	\$ 10.00	<b>\$ 49.87</b>
1/21/2015	Helen	Council Supplies	100.6001.521.02.00	\$ 10.00	<b>\$ 39.87</b>
2/3/2015	Marci	Council Supplies	100.6001.521.02.00	\$ 12.00	<b>\$ 27.87</b>
				\$ 322.14	



# City of Kerman

*A Place Where "Community Comes First"*

MAYOR  
Stephen B. Hill

MAYOR PRO-TEM  
Gary Yep

COUNCIL MEMBER  
Rhonda Armstrong

COUNCIL MEMBER  
Nathan Fox

COUNCIL MEMBER  
Bill Nijjer

DEPARTMENT: CITY MANAGER  
STAFF REPORT  
CITY COUNCIL MEETING  
MEETING DATE: MARCH 4, 2015

**To:** Mayor and City Council  
**From:** Luis Patlan, City Manager/Director of Planning  
**Subject:** Amended Agreement with California Real Estate Solutions, LLC for the Construction of 45 Homes in Kerman Estates, Tract 5478

## RECOMMENDATION

Council by motion approve the Amended Agreement with Capital Real Estate Solutions, LLC for the Construction of 45 Homes in Kerman Estates, Tract 5478 and authorize the Mayor to execute the agreement.

## EXECUTIVE SUMMARY

At Council's direction, the City Manager and the City Attorney have negotiated an amended agreement that would allow California Real Estate Solutions, LLC ("CRES") to include 45 lots that CRES has an option to purchase in Tract 5478 (Attachment 'A'). The amended agreement allows CRES to construct an additional 45 homes subject to the payment of the updated per lot fee of \$9,041 to be applied toward the cost to complete the in-tract repairs and off-site improvements as required by the Subdivision Agreement (Attachment 'B').

## OUTSTANDING ISSUES

None.

## DISCUSSION

On May 7, 2014, the City of Kerman entered into an agreement with CRES to allow for the construction of 10 homes on lots owned by CRES in Tract 5478 subject to the payment of a per lot fee of \$8,894 as a fair share contribution for future completion of the in-tract repairs and the widening of State Route 180 (Whitesbridge Road) required by the Subdivision Agreement. The intent is to allow CRES to test the housing market by deferring the completion of the improvements on the first ten lots only. No building permits and/or certificate of occupancies will be granted beyond the 10 lots identified in the agreement. To date, two homes are under construction and the homebuilder recently pulled an additional 2 permits.

On January 15, 2015, CRES submitted a letter requesting that the agreement be amended to include the remaining 45 lots that CRES has an option to purchase from the bank (Attachment 'C'). Before the request would be considered, staff obtained new estimates for the cost of the in-tract and off-site improvements to insure that the fair share cost per lot on the additional 45 lots is sufficient to cover the cost of completing the

improvements. The original estimate of \$285,722 for the in-tract repairs and \$737,131 for the off-site improvements totaling \$1,022,853 was obtained in September of 2011. As reflected in the table below, the revised estimate shows a slight decrease in the costs for the in-tract repairs and a slight increase in the cost for the off-site repairs. Overall, the total cost increased by \$13,939.

Table 1

Improvements	Original Estimate	Revised Estimate	Difference
In-Tract Repairs	\$285,722	\$275,022	(\$10,660)
Off-Site Improvements	\$737,131	\$761,730	\$24,559
Total	\$1,022,853	\$1,036,792	\$13,939

Based on the revised estimates, the fair share contribution per lot for the remaining 95 lots is \$9,041. As shown in Table 2, the new per lot fee has been adjusted in the new agreement to reflect the per lot fee collected on the initial 20 lots totaling \$177,880. This amount is deducted from the new estimate of \$1,036,792 with the revised costs divided by the remaining 95 lots for a per lot cost of \$9,401.

Table 2

Original Agreement	Interior Repairs	Whitesbridge	Total
Original Estimates	\$285,722.50	\$737,131.40	\$1,022,853.90
Per Lot Fee (Total÷115 Lots)	2,485.54	6,409.84	8,895.38
RJ Hill Per Lot Fee (10 Lots)	24,850.00	64,090.00	88,940.00
CRES Per Lot Fee (10 Lots)	24,850.00	64,090.00	88,940.00
Total Per Lot Fees (20 Lots)			177,880.00
Amended Agreement	Interior Repairs	Whitesbridge	Total
New Estimates	\$275,062.01	\$761,730.67	\$1,036,792.68
Less Per Lot Fee (Initial 20 Lots)	(49,700.00)	(128,180.00)	(177,880.00)
Revised Costs	225,362.00	633,550.67	858,912.67
New Per Lot Fee (95 Lots)	2,372.00	6,669.00	9,041.00

Furthermore, staff is recommending that the interior repairs be completed by CRES before the 26<sup>th</sup> permit is issued. The City would have collected sufficient funds to cover the costs of the interior repairs with the construction of the 25<sup>th</sup> home. The fair share per lot contribution of \$9,041 on the remaining 70 lots will be applied to the completion of widening of Whitesbridge Road (SR 180).

As to each house on a CRES Lot for which CRES has satisfied the conditions and made the fair share per lot payment, the City will issue a certificate of occupancy. The parties understand that the City will not be obligated to issue building permits or certificates of occupancy if there is an uncured default or breach under this agreement. This agreement applies only to the Lots identified in Exhibit 'B' to the Amended Agreement, and does not obligate City to issue additional building permits or certificates of occupancy as to other lots until the improvements required by the Subdivision Agreement have been completed.

CRES shall make written disclosure to purchasers of the CRES Lots that City has not accepted the streets, sidewalks, or other public infrastructure improvements within Tract 5478 as complete, and that further construction work will be required in the future before the improvements are complete. If CRES has paid the fair share contribution for a given lot, and has complied with the requirements of this Agreement, then as to any

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such lot, neither CRES, nor his successors in interest, will have any further obligation to make additional contributions for the construction of the improvements.

#### REASON FOR RECOMMENDATION

To allow the construction of ten new single family homes in Tract 5478 by requiring the builder/developer to pay a fair share contribution on a per lot basis to fund the completion of the infrastructure improvement in the tract.

#### PUBLIC HEARING

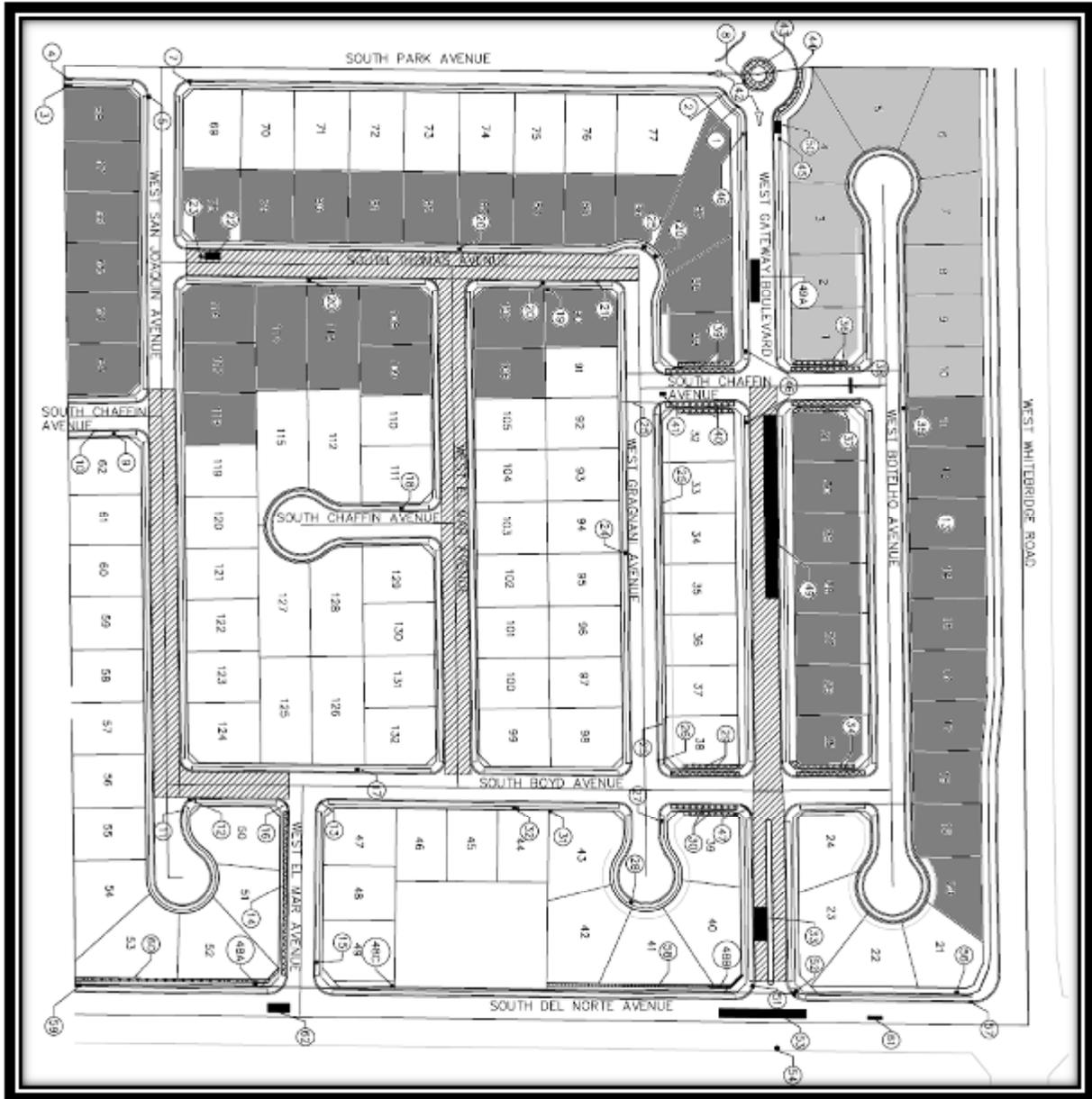
None required.

#### Attachments:

- A. Map of CRES Lots, Tract 5478
- B. Amended Agreement w/Exhibits
- C. Letter from CRES dated January 15, 2015

Attachment 'A'

CRES Lots – Tract 5478



-  CRES – 10 Lots
-  CRES – 45 Lots

Attachment 'B'

RECORDED AT THE REQUEST OF, AND  
WHEN RECORDED, RETURN TO:

CITY CLERK  
CITY OF KERMAN  
850 S. MADERA AVENUE  
KERMAN, CA 93630

NO RECORDING FEE GOV. CODE 27383

*SPACE ABOVE THIS LINE FOR RECORDER'S USE*

**AGREEMENT CONCERNING THE CONSTRUCTION OF 45 HOMES  
IN KERMAN ESTATES TRACT 5478**

The parties to this agreement ("Agreement"), made as of March \_\_, 2015, are the City of Kerman, a California general law city, hereinafter designated and called "City", and Capital Real Estate Solutions LLC, a California limited liability company ("CRES").

**RECITALS**

- A. The City of Kerman and Pacific Mountain Partners, L.L.C., a California Limited Liability Company ("Pacific"), entered into a Subdivision Agreement for Tract No. 5478 on or about August 24, 2006, in connection with the City's approval of a subdivision map for Tract No. 5478 in the City of Kerman. The Subdivision Agreement was recorded on November 9, 2006 as Document No. 2006-0238844 in the Official Records of the County of Fresno, State of California.
- B. The Subdivision Agreement required Pacific to construct infrastructure and public improvements in connection with Tract No. 5478.
- C. Pacific became insolvent before satisfactorily completing the infrastructure and public improvements required by the Subdivision Agreement. The incomplete infrastructure and public improvements are detailed in the plans on file with the City Clerk prepared by Yamabe & Horn Engineering, Inc. titled "City of Kerman, Kerman Estates Tract 5478, Reconstruct Interior Improvements," dated September 8, 2011 consisting of 2 sheets and listing 62 items of construction or repair, hereinafter referred to as "Interior Improvement Repairs", and in the Proposal to the City of Kerman, Whitesbridge Road Widening, Tract 5478, Kerman Estates, attached hereto as Exhibit 'A'.
- D. City has filed an action against Pacific's bonding company, Western Insurance Company, but that action has been stayed because Western Insurance has become insolvent, and is currently in liquidation proceedings conducted by the Insurance Commissioner for the State of Utah.
- E. City obtained estimates in or about February, 2015, for the construction of the incomplete infrastructure and public improvements. The estimate for construction of the Whitesbridge Road Widening required by the Subdivision Agreement was \$761,730.67, and the estimate for the Tract 5478 Interior Improvement Repairs was \$275,062.01, for a total of \$1,036,792.68.

- F. City has been notified that the Insurance Commissioner has approved City's claim for \$1,022,853.90 to complete the infrastructure and public improvements. However, the Insurance Commissioner reports that as of May 31, 2013, Western Insurance had total assets of \$15,092,751.68, and total liabilities of \$135,138,869.18. If total liabilities all become approved claims, City may receive only about \$114,235.67 as its Claim Payment. At this point it is unknown when or what amount Kerman may receive as its Claim Payment.
- G. United Security Bank foreclosed on several deeds of trust from Pacific, and by Trustee's Deeds recorded on January 12, 2009, in the Official Records of the County of Fresno as Documents 2009-0003586, -0003588 and -0003589, became the owner of 129 residential lots in Tract No. 5478. Homes have not yet been built on 115 of those lots.
- H. The Bank previously sold 10 of its residential lots to CRES and those lots are the subject of a previous agreement between the parties dated as of May 21, 2014. Those lots are subject to the previous agreement and this Agreement shall have no effect as to those 10 lots. CRES has purchased an additional 45 lots from the bank, identified as Lots 11-20, 25-31, 63-68, 78-90, 106-109, 113-14 through 116-118 of Tract 5478. The CRES Lots to which this Agreement applies are Lots 1 through 10, and Lots 11-20, 25-31, 63-68, 78-90, 106-109, 113-14 through 116-118 of Tract 5478. (the "CRES Lots"). The CRES Lots are more specifically described in Exhibit 'B'.
- I. CRES and City wish to enter into this Agreement to provide a mechanism for CRES to make its fair share contributions toward the construction and satisfactory completion of the Whitesbridge Road Widening and Tract 5478 Interior Improvement Repairs, so that CRES may begin construction of saleable homes on the CRES Lots, and the eventual purchasers of those lots will in the future have access to appropriate public infrastructure and improvements.

#### AGREEMENT

The parties hereto agree as follows:

1. Truth of Recitals. The recitals set forth above are true and correct.
2. Conditions for Issuance of Building Permits.
  - A. Upon execution of this Agreement and upon submission of a properly completed applications for building permits, payment of the permit fees, including, but not limited to normal and usual plan check fees as may be necessary to comply with current uniform building codes, and receipt of written instructions from Kerman Unified School District regarding the payment of school fees, City will issue building permits to CRES for the CRES Lots.
  - B. City agrees to defer the collection of City's development fees in connection with each of the CRES Lots until such time as a certificate of occupancy is requested for each Lot.
3. Conditions for Issuance of Certificates of Occupancy.
  - A. Upon completion of the construction of any home on the CRES Lots, including the construction of any improvements legally required for the safe and convenient occupancy of each home, and upon

receiving satisfactory final inspections, CRES may apply for a certificate of occupancy. With the application for a certificate of occupancy, CRES shall provide:

- 1) Written evidence in a form reasonably acceptable to City that Kerman Unified School District development impact fees have been paid for that lot;
  - 2) Payment of City of Kerman development impact fees in effect at the time of payment; and
  - 3) Payment of County of Fresno Facilities Impact Fees and the Regional Transportation Mitigation Fees in effect at the time of payment; and
  - 4) Payment of \$9,041.00 per lot as a fair share contribution for future completion of the infrastructure and public improvements required by the Subdivision Agreement.
  - 5) The fair share contribution is based upon bids that City obtained in or about February, 2015, for the construction of the Whitesbridge Road Widening required by the Subdivision Agreement in the amount of \$761,730.67, and the bid for the Tract 5478 Interior Improvement Repairs in the amount of \$275,062.01 for a total of \$1,036,792.68. There are 95 undeveloped lots in Tract 5478 which lots are not presently subject to an agreement regarding their fair share contribution, and the fair share that each of the remaining lots must contribute for the construction of the Whitesbridge Road Widening and the Tract 5478 Interior Improvement Repairs is \$9,041 ( $\$1,036,792 - \$177,880 = \$858,912 \div 95 \text{ lots} = \$9,041$ ).
- B. As to each house on a CRES Lot for which CRES has satisfied the conditions and made the payments set forth in the previous paragraph, City will issue a certificate of occupancy, subject however to the City's option to require that CRES complete the construction of Tract 5478 Interior Improvement Repairs after CRES has received certificates of occupancy for 25 completed homes within Tract 5478 (including any homes completed pursuant to prior agreements between City and CRES). The cost of constructing Tract 5478 Interior Improvement Repairs shall be reimbursed to CRES by City according to customary progress payment practices from the Tract 5478 Interior Improvement Repairs Fund and the Whitesbridge Road Widening Improvements Fund.
- C. Until Tract 5478 Interior Improvement Repairs have been completed and accepted by City, CRES shall disclose to purchasers of the CRES Lots that City has not accepted the streets, sidewalks, or other public infrastructure improvements within Tract 5478 as complete, and that further construction work will be required in the future before the improvements are complete.

The parties understand that the City will not be obligated to issue building permits or certificates of occupancy if there is then existing an uncured default or breach under this agreement.

#### 4. Funding and Construction of Improvements.

A. City will deposit fair share contributions in two funds to be established and held by City:

- 1) The "Whitesbridge Road Widening Improvements Fund" shall be used to construct those improvements described in the Proposal to the City of Kerman, Whitesbridge Road Widening, Tract 5478, Kerman Estates attached hereto as Exhibit 'A'. The parties

acknowledge that completion of the Whitesbridge Road Widening Improvements is required pursuant to the Subdivision Agreement for Tract 5478.

\$6,669.00 of the fair share contribution shall be deposited in the Whitesbridge Road Widening Improvements Fund.

- 2) The "Tract 5478 Interior Improvement Repairs Fund" shall be used to satisfactorily reconstruct or repair those improvements described in the plans on file with the City Clerk prepared by Yamabe & Horn Engineering, Inc. titled "City of Kerman, Kerman Estates Tract 5478, Reconstruct Interior Improvements," dated September 8, 2011 consisting of 2 sheets and listing 62 items of construction or repair.

\$2,372.00 of the fair share contribution shall be deposited in the Tract 5478 Interior Improvement Repairs Fund

Whitesbridge Road is a State Highway, and any work on it will require payment of prevailing wages. Any work performed by the City or its contractors will also require the payment of prevailing wages. The parties understand the current estimate is only an estimate and the actual cost to complete the Whitesbridge Road Widening Improvements and the Interior Improvement Repairs is unknown.

- B. When the City, in the exercise of its absolute discretion, determines that it has sufficient funds in the Whitesbridge Road Widening Improvements Fund, or in the Tract 5478 Interior Improvement Repairs Fund, it shall obtain competitive bids and award a contract for the construction and completion of said improvements. Alternately, City may arrange with CRES to complete the Interior Improvements. The parties acknowledge that City has not accepted the streets and sidewalks offered for dedication in Tract 5478, and, except for the CRES Lots, improvements may not be constructed until such time as United Security Bank has given permission to construct the improvements.
- C. City shall deposit to the Whitesbridge Road Widening Improvements Fund any amounts it receives from its Claim Payment from the Utah Insurance Commissioner in connection with City's claim against Western Insurance, after City has first reimbursed itself for its costs, attorney's fees and other expenses incurred in connection with its efforts to enforce the Subdivision Agreement the security bonds, and the discussions and negotiations leading up to, and culminating in this Agreement,, together with any subsequent expense incurred to enforce or administer this Agreement or other agreements for the completion of Tract 5478.
- D. If the deposits and contributions detailed above exceed the total cost for completing the Whitesbridge Road Widening Improvements, City shall refund the excess funds to the persons who contributed them in proportion to their contribution. If construction of the Improvements is completed for a cost that is less than the estimated amount, for lots where contributions have not yet been paid, the contribution amount will be adjusted so that all lots will have contributed a proportionally fair share to the cost of constructing the Whitesbridge Road Widening Improvements. City shall only provide refunds when all entitled to the refunds have agreed in writing as to the correct proportional distribution. If the persons entitled to refunds have not agreed within 6 months of City's determination that refunds are appropriate, the City will deposit the funds with the Fresno County

Superior Court and file an interpleader action to allow the Court to determine the appropriate distribution.

The City may allocate other City funds to the completion of the Whitesbridge Road Widening Improvements, or may apply for grants for that purpose. In the event that the City expends funds for the completion of the Whitesbridge Road Widening Improvements or the Tract 5478 Interior Improvement Repairs Fund in an amount that exceeds the sum of the deposits and contributions received from owners or developers of lots in Tract 5478, together with any amount of the Claim Payment deposited to the Whitesbridge Road Widening Improvements Fund, any remaining portion of the Fund shall be retained by City for use as it may determine.

5. Authority to Execute Agreement. The parties represent that they have the sole right and exclusive authority to execute this Agreement. Each of the parties further warrant, represent and agree that such party has not heretofore assigned or transferred or purported to assign or transfer, to any person, firm, partnership, corporation or entity whatsoever, any action or actions, cause of causes of action, at law or in equity, or rights, claims, demands, costs, expenses (including, without limitation, attorney's fees) damages or losses in connection with their rights in connection with the Subdivision Agreement or the lots described in Exhibit 'B'.
6. Final Settlement. The parties understand and agree that upon compliance with their obligations under this Agreement, this Agreement shall act as a full and final release of all claims known or unknown, whether or not ascertained, arising from the matters detailed in the Recitals of this Agreement. Each party expressly waives any rights or benefits available under section 1542 of the Civil Code of the State of California, which provides as follows:

A general release does not extend to claims in which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.
7. No Inducement. Each party agrees that if the facts with respect to which this Agreement is executed are found hereafter to be different from the facts now believed by any party, each party expressly accepts and assumes the risk of such possible difference in facts, and agrees that this Agreement shall remain effective, notwithstanding such differences. Each party declares and represents that no promise or inducement of other agreement not expressly contained herein has been made to induce this Agreement.
8. Binding Successors. This Agreement shall inure to the benefit of each party hereto, its predecessors, successors, subsidiaries, affiliates, representatives, assigns, agents, officers, directors, employees and personal representatives, past, present, and future. Without limiting the generality of the foregoing sentence, it is agreed that the benefits and burdens of this Agreement shall be binding upon, and benefit the present and future owners of each and every lot or parcel described in Exhibit 'B' attached hereto.
9. Legal Representation. The parties represent and acknowledge that each of them has been represented by legal counsel, and/or had the opportunity to be represented, with respect to this Agreement and all matters covered by or related to this Agreement, and each party shall bear its own attorney fees for such.
10. Modification. This Agreement contains the entire agreement between the parties on the subject matter hereof and may not be altered, amended or modified in any respect, except in a writing duly executed by

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the party to be charged. The parties expressly acknowledge that the Subdivision Agreement for Tract No. 5478 remains in full force and effect, but that all other prior negotiations, agreements, understandings, oral agreements and writings on the subject matter hereof between the parties to this Agreement are expressly superseded hereby and are of no further force and effect.

11. Drafting of Agreement. Each party represents and warrants that it has cooperated and participated in the drafting and preparation of this Agreement. Each party to this Agreement acknowledges that this Agreement and its reduction to final written form is the result of arms-length, good faith negotiations. Accordingly, the parties hereby acknowledge and agree that this Agreement shall not be construed or interpreted in favor or against any of the parties by virtue of the identity of the actual preparer.
12. Effectuation. The parties agree to execute any and all documents, including but not limited to disclaimers, building permits, certificates of occupancy, and to do all other things as may be reasonably necessary to comply with and carry out the terms of this Agreement.
13. Governing Law. This Agreement shall be interpreted and governed by the laws of the State of California.
14. Construction. Headings are used herein for convenience only and shall have no force and effect in the interpretation or construction of this Agreement. As used in this Agreement, the singular shall include the plural, the masculine, the feminine and neuter genders.
15. Waiver. Should any term, clause or provision of this Agreement be found to be waived, unenforceable or invalid, the validity of the remaining terms, clauses and provisions shall not be affected.
16. Attorney's Fees. In the event suit is brought to enforce or interpret any party of this Agreement, the prevailing party shall be entitled to recover as an element of his costs of suit reasonable attorney's fees. The "prevailing party" shall be the party who is entitled to recover his costs of suit, whether or not the suit proceeds to final judgment.
17. Execution; Enforcement of Unpaid Amounts as Lien. The parties hereto agree that this Agreement may be executed in counterparts with the same force and effect as though all signatures were set forth on a single instrument. This Agreement shall be executed in recordable form, and may be recorded by the City of Kerman. At its discretion, City may record a Memorandum of this Agreement in substantially the form set forth as Exhibit 'C' attached hereto. As owner of all of the parcels or lots described in Exhibit 'B', CRES agrees that from and after December 1, 2020, the unpaid amounts of any deposits or contributions required in connection with each parcel or lot may be enforced as a lien to be collected and enforced as a special assessment for the amount unpaid as to each parcel in the same manner that unpaid taxes on the property are collected and enforced when the assessment has been levied and confirmed by a resolution of the city council. Notwithstanding the foregoing or any other provision of this Agreement, the City shall not have any lien rights in connection with this Agreement for any of the Tract 5478 Lots for which a certificate of occupancy has been issued.

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This Agreement shall be effective on the date last written below.

Dated: \_\_\_\_\_

Capital Real Estate Solutions LLC

By: \_\_\_\_\_  
Larry Murnane, Manager

Dated: \_\_\_\_\_

City of Kerman

By: \_\_\_\_\_  
Stephen B. Hill, Mayor

Approved as to Form Only:

\_\_\_\_\_  
Mark A. Blum City Attorney for City of Kerman

Exhibits:

- A. Revised Estimate, Tract 5478, Kerman Estates
- B. Legal Descriptions, CRES Lots
- C. Memorandum of Agreement

EXHIBIT 'A'

Revised Estimate – Tract 5478, Kerman Estates

City of Kerman  
 Tract 5478, Kerman Estates

February 10, 2015

WHITESBRIDGE WIDENING								
Item	Description	Amount	Engineers Estimate - 2011		Dave Christian - 2011		Valley Excavation - 2015	
			Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
1	Mobilization	1 L.S.	\$29,500.00	\$29,500.00	\$29,000.00	\$29,000.00	\$29,500.00	\$29,500.00
2	Traffic Control	1 L.S.	\$11,800.00	\$11,800.00	\$15,000.00	\$15,000.00	\$17,200.00	\$17,200.00
3	Dust Control	1 L.S.	\$11,800.00	\$11,800.00	\$2,000.00	\$2,000.00	\$4,800.00	\$4,800.00
4	Storm Water Pollution Prevention Plan	1 L.S.	\$2,500.00	\$2,500.00	\$3,000.00	\$3,000.00	\$3,300.00	\$3,300.00
5	Implementing Storm Water Pollution Plan	1 L.S.	\$6,000.00	\$6,000.00	\$5,000.00	\$5,000.00	\$5,800.00	\$5,800.00
6	Clearing and Grubbing	1 L.S.	\$17,000.00	\$17,000.00	\$18,000.00	\$18,000.00	\$19,120.00	\$19,120.00
7	Excavation	2,548 CY	\$25.00	\$63,700.00	\$27.00	\$68,796.00	\$25.35	\$64,591.80
8	7" Hot Mix Asphalt	1,832 TON	\$90.00	\$164,880.00	\$89.00	\$163,048.00	\$97.00	\$177,704.00
9	9" Aggregate Base, Class II	2,253 TON	\$35.00	\$78,855.00	\$23.60	\$53,170.80	\$32.13	\$72,388.89
10	Concrete Curb and Gutter	1,308 L.F.	\$15.00	\$19,620.00	\$21.10	\$27,598.80	\$18.04	\$23,598.32
11	Concrete Handicap Ramp	2 EA	\$2,500.00	\$5,000.00	\$2,800.00	\$5,600.00	\$2,950.00	\$5,900.00
12	18" Storm Drain Pipe	840 L.F.	\$60.00	\$50,400.00	\$67.00	\$56,280.00	\$68.10	\$57,204.00
13	Type G3 Drain Inlet	3 EA	\$3,500.00	\$10,500.00	\$6,300.00	\$18,900.00	\$8,133.00	\$18,399.00
14	Type G0 Drain Inlet	1 EA	\$4,000.00	\$4,000.00	\$6,700.00	\$6,700.00	\$6,810.00	\$6,810.00
15	Streetlight	9 EA	\$3,500.00	\$31,500.00	\$8,300.00	\$74,700.00	\$6,852.00	\$61,668.00
16	Signing and Striping	1 L.S.	\$12,000.00	\$12,000.00	\$14,500.00	\$14,500.00	\$15,900.00	\$15,900.00
17	Asphalt Grinding	8,378 SF.	\$1.20	\$10,053.60	\$1.10	\$9,215.80	\$1.17	\$9,802.26
18	Landscape Planting	1 L.S.	\$11,000.00	\$11,000.00	\$53,000.00	\$53,000.00	\$57,100.00	\$57,100.00
19	Landscape Irrigation	1 L.S.	\$31,000.00	\$31,000.00	\$52,000.00	\$52,000.00	\$50,200.00	\$50,200.00
20	Gas Main Relocation	1 L.S.	\$5,000.00	\$5,000.00	\$37,000.00	\$37,000.00	\$34,700.00	\$34,700.00
21	Sawcut	1,388 LF	\$1.50	\$2,079.00	\$2.00	\$2,772.00	\$2.40	\$3,328.40
22	Construction Staking	1 L.S.	\$12,000.00	\$12,000.00	\$9,200.00	\$9,200.00	\$10,320.00	\$10,320.00
23	Miscellaneous Facilities	1 L.S.	\$6,812.40	\$6,812.40	\$12,850.00	\$12,850.00	\$12,400.00	\$12,400.00
<b>Total Whitesbridge Widening Cost:</b>			<b>\$597,000.00</b>		<b>\$737,131.40</b>		<b>\$761,730.67</b>	

INTERIOR REPAIRS								
Item	Description	Amount	Engineers Estimate - 2011		Dave Christian - 2011		Valley Excavation - 2015	
			Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
1	Mobilization	1 LS	\$11,900.00	\$11,900.00	\$11,900.00	\$11,900.00	\$11,900.00	\$11,900.00
2	Traffic Control	1 LS	\$4,750.00	\$4,750.00	\$5,000.00	\$5,000.00	\$4,700.00	\$4,700.00
3	Dust Control	1 LS	\$4,750.00	\$4,750.00	\$2,000.00	\$2,000.00	\$2,500.00	\$2,500.00
4	Grind	30,300 SF	\$0.30	\$9,090.00	\$0.50	\$15,150.00	\$0.48	\$14,544.00
5	Clearing and Grubbing	1 LS	\$12,000.00	\$12,000.00	\$18,000.00	\$18,000.00	\$17,400.00	\$17,400.00
6	Excavation	211 CY	\$25.00	\$5,275.00	\$40.00	\$8,440.00	\$39.15	\$8,280.65
7	Hot Mix Asphalt	942 TON	\$90.00	\$84,780.00	\$100.00	\$94,200.00	\$105.72	\$99,588.24
8	Aggregate Base, Class II	309 TON	\$35.00	\$10,815.00	\$32.50	\$10,042.50	\$44.66	\$13,799.94
9	R&R Concrete Curb & Gutter	104 LF	\$20.00	\$2,080.00	\$45.00	\$4,680.00	\$44.42	\$4,619.68
10	R&R Concrete Sidewalk	154 SF	\$9.00	\$1,386.00	\$15.00	\$2,310.00	\$21.75	\$3,349.50
11	Install Mailbox	4 EA	\$1,500.00	\$6,000.00	\$2,000.00	\$8,000.00	\$2,240.00	\$8,960.00
12	Install Cage Over BF Service	4 EA	\$600.00	\$2,400.00	\$1,500.00	\$6,000.00	\$1,400.00	\$5,600.00
13	Install Water Service Box Lid	2 EA	\$150.00	\$300.00	\$500.00	\$1,000.00	\$285.00	\$570.00
14	R&R or Install Water Service Box	4 EA	\$1,500.00	\$6,000.00	\$600.00	\$3,200.00	\$792.50	\$3,170.00
15	Landscape Planting & Irrigation	1 LS	\$60,000.00	\$60,000.00	\$32,500.00	\$32,500.00	\$39,800.00	\$39,800.00
16	Install Meter Box	1 EA	\$800.00	\$800.00	\$800.00	\$800.00	\$850.00	\$850.00
17	Install SS Manhole	1 EA	\$4,500.00	\$4,500.00	\$4,500.00	\$4,500.00	\$5,600.00	\$5,600.00
18	Adjust MH	1 EA	\$1,000.00	\$1,000.00	\$1,200.00	\$1,200.00	\$1,150.00	\$1,150.00
19	Miscellaneous Facilities	1 LS	\$10,000.00	\$10,000.00	\$56,800.00	\$56,800.00	\$28,700.00	\$28,700.00
<b>Total Interior Repairs Cost: \$</b>			<b>237,630.00</b>		<b>\$285,722.50</b>		<b>\$275,062.01</b>	
<b>Total =</b>			<b>\$834,630.00</b>		<b>\$1,022,853.90</b>		<b>\$1,036,792.68</b>	

F:\2011\11-239\Excel\11-239\_Bid Results\_2015-02-10

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EXHIBIT 'B'

LEGAL DESCRIPTION

CRES Lots:

LOTS 1 THROUGH 10, INCLUSIVE OF TRACT NO. 5478, KERMAN ESTATES ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 78, PAGE(S) 9, 10, AND 11 OF PLATS, FRESNO COUNTY RECORDS.

EXCEPT ALL OIL, GAS, AND OTHER HYDROCARBON SUBSTANCES IN AND UNDER SAID PREMISES, TOGETHER WITH THE RIGHT AND PRIVILEGE TO DEVELOP AND REMOVE THE SAME, AS RESERVED IN THE DEED FROM WM. G. KERCKHOFF COMPANY, A CORPORATION RECORDED DECEMBER 15, 1945 IN BOOK 2323, PAGE 260, OFFICIAL RECORDS, AS DOCUMENT NO. 59070.

Option Lots:

LOTS 11-20, 25-31, 63-68, 78-90, 106-109, 113-14 through 116-118, INCLUSIVE OF TRACT NO. 5478, KERMAN ESTATES ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 78, PAGE(S) 9, 10, AND 11 OF PLATS, FRESNO COUNTY RECORDS.

EXCEPT ALL OIL, GAS, AND OTHER HYDROCARBON SUBSTANCES IN AND UNDER SAID PREMISES, TOGETHER WITH THE RIGHT AND PRIVILEGE TO DEVELOP AND REMOVE THE SAME, AS RESERVED IN THE DEED FROM WM. G. KERCKHOFF COMPANY, A CORPORATION RECORDED DECEMBER 15, 1945 IN BOOK 2323, PAGE 260, OFFICIAL RECORDS, AS DOCUMENT NO. 59070.

EXHIBIT 'C'

RECORDED AT THE REQUEST OF, AND  
WHEN RECORDED, RETURN TO:

CITY CLERK  
CITY OF KERMAN  
850 S. MADERA AVENUE  
KERMAN, CA 93630

NO RECORDING FEE GOV. CODE 27383

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Affects Assessor's Parcel Numbers:

MEMORANDUM OF AGREEMENT CONCERNING CERTAIN REAL PROPERTY  
IN KERMAN ESTATES TRACT 5478, CITY OF KERMAN

The parcels of real property identified in this Memorandum of Agreement are subject to an Agreement Concerning the Construction of homes in Kerman Estates Tract 5478 ("Agreement"), made as of \_\_\_\_\_, 2015, between the City of Kerman, a California general law city, hereinafter designated and called "City", and Capital Real Estate Solutions, L.L.C. a California limited liability company.

The Agreement also concerns a Subdivision Agreement for Tract No. 5478 entered into on or about August 24, 2006, in connection with the City's approval of a subdivision map for Tract No. 5478 in the City of Kerman. A Memorandum of Subdivision Agreement was recorded on November 9, 2006 as Document No. 2006-0238844 in the Official Records of the County of Fresno, State of California.

The Lots affected by the Agreement are the real property described in Exhibit 'A', attached hereto.

The Agreement and the Subdivision Agreement specify terms, conditions and requirements for the subdivision of lands, and the construction of homes on the lands within Tract 5478. The complete Agreement and Subdivision Agreement should be reviewed by any person contemplating any transaction in connection with any lands in Tract 5478. The Agreement and Subdivision Agreement are available for review in the Office of the City Clerk, 850 South Madera Avenue, Kerman, California.

Dated: \_\_\_\_\_

Capital Real Estate Solutions, L.L.C.

By: \_\_\_\_\_

Dated: \_\_\_\_\_

City of Kerman

By: \_\_\_\_\_

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Exhibit 'A'

LEGAL DESCRIPTION

LOT(S) LOTS 1 THROUGH 10, INCLUSIVE, OF TRACT NO. 5478, KERMEN ESTATES ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 78, PAGE(S) 9, 10, AND 11 OF PLATS, FRESNO COUNTY RECORDS.

EXCEPT ALL OIL, GAS, AND OTHER HYDROCARBON SUBSTANCES IN AND UNDER SAID PREMISES, TOGETHER WITH THE RIGHT AND PRIVILEGE TO DEVELOP AND REMOVE THE SAME, AS RESERVED IN THE DEED FROM WM. G. KERCKHOFF COMPANY, A CORPORATION RECORDED DECEMBER 15, 1945 IN BOOK 2323, PAGE 260, OFFICIAL RECORDS, AS DOCUMENT NO. 59070.

Option Lots:

LOTS Lots 11-20, 25-31, 63-68, 78-90, 106-109, 113-14 through 116-118, INCLUSIVE OF TRACT NO. 5478, KERMEN ESTATES ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 78, PAGE(S) 9, 10, AND 11 OF PLATS, FRESNO COUNTY RECORDS.

EXCEPT ALL OIL, GAS, AND OTHER HYDROCARBON SUBSTANCES IN AND UNDER SAID PREMISES, TOGETHER WITH THE RIGHT AND PRIVILEGE TO DEVELOP AND REMOVE THE SAME, AS RESERVED IN THE DEED FROM WM. G. KERCKHOFF COMPANY, A CORPORATION RECORDED DECEMBER 15, 1945 IN BOOK 2323, PAGE 260, OFFICIAL RECORDS, AS DOCUMENT NO. 59070.

A.P.N. 023-710-\_\_\_\_s through 023-710-\_\_\_\_s

Attachment 'C'

Letter from CRES

**Capital Real Estate Solutions LLC**

690 West B Street  
San Diego, CA 92101  
(619) 564-8600

January 15, 2015

Luis Patlan  
City Manager  
Director of Planning & Development  
City of Kerman  
850 S. Madera Avenue  
Kerman, CA 93630

Re: Extension of Agreement for Kerman Estates Tract 5478 for Remaining Lots

Hi Luis,

As you know, we are proceeding with G.J. Gardner to build homes on the first 10 lots we have acquired. Please accept this letter as a formal request for the City of Kerman to amend and extend the Agreement Concerning the Construction of 10 Homes in Kerman Estates Tract 5478, dated May 21, 2014. Specifically, we would request that the same agreement apply to the remaining 45 lots for which we have options to purchase in groups of 10. We believe this would serve our mutual best interests, and we would greatly appreciate a timely response this month so we can plan accordingly with respect to the exercise of future options, financing and construction.

We look forward to hearing from you. Thank you for your consideration.

Sincerely,  
Capital Real Estate Solutions LLC

*Larry Mumane*  
Larry Mumane, Manager



# City of Kerman

*"Where Community Comes First"*

MAYOR  
Stephen B. Hill  
COUNCIL MEMBER  
Rhonda Armstrong  
MAYOR PRO-TEM  
Gary Yep  
COUNCIL MEMBER  
Nathan Fox  
COUNCIL MEMBER  
Bill Nijjer

DEPARTMENT: PLANNING AND DEVELOPMENT  
STAFF REPORT  
CITY COUNCIL MEETING  
COUNCIL MEETING DATE: MARCH 4, 2015

To: Mayor and City Council  
From: Jerry Jones, City Engineer  
Subject: Resolution Authorizing the City Engineer to Execute Right-of-Way Certifications for Federal-Aid Projects

## RECOMMENDATION

Council by motion adopt resolution authorizing the City Engineer to Execute Right-of-Way Certifications for Federal-Aid Projects.

## EXECUTIVE SUMMARY

The City relies on Federal funding allocations to supplement Local Transportation funds for the maintenance and improvement of transportation facilities such as streets and sidewalks. In order to receive construction funds on Federal-Aid projects, the City must certify that all necessary right-of-way and/or easements have been acquired. The Right-of-Way Certification must be executed and submitted to Caltrans for approval.

## OUTSTANDING ISSUES

None.

## DISCUSSION

The City receives Federal funding for transportation related projects through programs such as the Regional Surface Transportation Program (RSTP) and Congestion Mitigation and Air Quality Improvement Program (CMAQ). The City receives a set allocation of "Lifeline" funds based on population and also applies for competitive "Regional Bid" funds. Both Lifeline and Regional Bid funds are allocated every two years. These Federal Transportation funds are a vital supplement to the City's Street CIP Budget for the maintenance and improvement of the City's transportation facilities. This includes streets, sidewalks, traffic signals, trails, and other transportation related facilities.

For each Federally funded, or Federal-Aid, project that the City is awarded, the City must certify that all of the necessary right-of-way and/or easements needed for the project have been acquired prior to construction. The Right-of-Way Certification must be submitted to Caltrans for review and approval prior to the City being authorized to use construction funds.

## FISCAL IMPACT

The right-of-way for each Federal-Aid project must be certified by the City prior to the City receiving any construction funding.

## PUBLIC HEARING

Not Required.

Attachments:

- A. Resolution

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Attachment 'A'

RESOLUTION NO. 15-\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN  
AUTHORIZING THE CITY ENGINEER TO EXECUTE RIGHT-OF-WAY CERTIFICATIONS  
FOR FEDERAL-AID PROJECTS**

WHEREAS, the City of Kerman secures Federal funds to fund various transportation improvement projects on a regular basis by submitting projects to the designated regional metropolitan planning organization (Fresno Council of Governments) for inclusion into the Federal Transportation Improvement Program (FTIP); and,

WHEREAS, one of the requirements of Federal-Aid projects is that the right-of-way be certified by the City prior to construction; and,

WHEREAS, the City is required to execute Right-of-Way Certifications and submit the certifications to the State of California Department of Transportation for approval prior to receiving any construction funding.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KERMAN RESOLVES that the City Engineer is authorized to execute Right-of-Way Certifications for all Federal-Aid projects on behalf of the City.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Kerman held on the 4<sup>th</sup> day of March, 2015, and passed at said meeting by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing resolution is hereby approved.

---

Stephen B. Hill  
Mayor

ATTEST:

---

Marci Reyes  
City Clerk



Dear Prospective Sponsor,

Mothers. Fathers. Brothers. Sisters. Grandparents. Uncles and aunts. Friends. Coworkers. Cancer affects the lives of so many people close to us. In fact, 1.6 million people in the US will be newly diagnosed with cancer this year alone.

It is a staggering statistic. But there is hope.

On May 2<sup>nd</sup> & 3<sup>rd</sup>, more than 700 people in Kerman will come together to fight back against cancer through the American Cancer Society Relay For Life movement, the world's largest and most impactful fundraising event to end cancer. Dollars raised help the American Cancer Society save lives by supporting education and prevention efforts, funding groundbreaking cancer research, and providing free information and services for people with cancer who need them.

As a vital part of our community, we are asking for you to join us in our fight by becoming a Relay For Life sponsor. Your sponsorship will help the American Cancer Society save lives faster and allow your business to connect with community members in new and meaningful ways. There are many benefits - from brand recognition to increased employee morale when you engage them in your local Relay For Life event.

Cancer touches so many people in our community. The Relay For Life movement presents a great opportunity to celebrate people who have battled cancer, remember loved ones lost, and take action to finish the fight once and for all.

Enclosed you will find information about sponsorship opportunities for the Relay For Life of Kerman, held May 2<sup>nd</sup> & 3<sup>rd</sup>, 2014 at Kerman High School. We hope you will join us as a sponsor in 2015.

Together, we will finish this fight!

Paulina Lusk  
Relay for Life Specialist  
(559)760-2232  
[Paulina.Lusk@Cancer.org](mailto:Paulina.Lusk@Cancer.org)  
2222 W Shaw Ave.  
Fresno, CA 93711





## RELAY FOR LIFE® SPONSORSHIP OPPORTUNITIES AT A GLANCE



THERE ARE MANY OPPORTUNITIES FOR YOU TO PARTNER WITH THE AMERICAN CANCER SOCIETY RELAY FOR LIFE MOVEMENT, WITH GREAT BENEFITS AT EACH LEVEL.

SPONSOR BENEFIT	\$5,000 PRESENTING <small>(Industry Exclusive)</small>	\$2,500 PLATINUM	\$1,500 GOLD	\$1,000 SILVER	\$500 BRONZE	\$250 SIGNATURE
Opportunity to have a Relay For Life kickoff at your company office to engage employees in the fight against cancer	★					
Speaking opportunity at your local Relay For Life event, during your choice of ceremony and/or local event kickoff meeting	★					
Sponsor logo featured on all participant thank-you emails (sent after event)	★					
Your personal American Cancer Society employee wellness coach	★	★				
Verbal recognition during your Relay For Life event opening ceremony	★	★				
Complimentary promotional space at your Relay For Life event with an opportunity to provide giveaways (must be Society-approved)	★	★				
Recognition on your local Relay For Life event Facebook page	★	★	★			
Sponsor logo featured on all event print promotional materials	★	★	★			
Recognition in Society event news releases	★	★	★			
Sponsor logo featured on a giant 4-foot ribbon sign displayed at your Relay For Life event	★	★	★			

SPONSOR BENEFIT	\$5,000 PRESENTING (Industry Exclusive)	\$2,500 PLATINUM	\$1,500 GOLD	\$1,000 SILVER	\$500 BRONZE	\$250 SIGNATURE
Rights to promote sponsorship in company materials (Society to approve and provide images)	★	★	★	★		
Sponsor logo featured on the home page of your local Relay For Life event website	★	★	★	★		
Society-approved promotional announcements during local Relay For Life event	4	3	2	1		
Free American Cancer Society Content Subscription Service for timely cancer-related information	★	★	★	★	★	
Opportunity to display banner(s) at your Relay For Life event (must be approved by the Society and be no larger than 4 x 6 feet)	2	2	1	1	1	
Sponsor name/logo featured on the event T-shirt for participants (names/logos to be sized and arranged according to level)	LOGO	LOGO	LOGO	LOGO	NAME	
Sponsor name/logo featured on the sponsor page of your local Relay For Life event website	LOGO	LOGO	LOGO	LOGO	NAME	NAME
A complimentary Relay For Life window cling to help advertise your sponsorship to customers and employees	★	★	★	★	★	★
Opportunity to connect with the community through participation at event kickoffs, meetings, and other gatherings, including participation on Event Leadership Team	SPEAKING OPPORTUNITY	SPEAKING OPPORTUNITY	SPEAKING OPPORTUNITY	★	★	★
Opportunity to participate in sponsor recognition lap during local Relay For Life event	★	★	★	★	★	★
A recognition gift awarded post-event	CRYSTAL AWARD	CRYSTAL AWARD	CRYSTAL AWARD	CERTIFICATE	CERTIFICATE	CERTIFICATE
Sponsor logo on two co-branded track signs to be displayed for duration of event						★



# AMERICAN CANCER SOCIETY RELAY FOR LIFE®

## SPONSORSHIP COMMITMENT FORM

Business name: \_\_\_\_\_  
Street address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Contact name: \_\_\_\_\_  
Telephone number (business): \_\_\_\_\_ Fax number: \_\_\_\_\_  
Email: \_\_\_\_\_ Web address: \_\_\_\_\_

### COMMITMENT LEVEL

- \$5,000 – Presenting     \$1,500 – Gold     \$500 – Bronze     \$100 – Business Card  
 \$2,500 – Platinum     \$1,000 – Silver     \$250 – Signature

### METHOD OF PAYMENT

- Enclosed is my sponsorship check in the amount of \$ \_\_\_\_\_  
 Charge my credit card (please print clearly)  
Card Type:     VISA     MasterCard     Discover     AMEX  
Cardholder's name: \_\_\_\_\_  
Billing address: \_\_\_\_\_  
Card number: \_\_\_\_\_ Exp. date: \_\_\_\_\_ Security code: \_\_\_\_\_  
 Please send invoice to: \_\_\_\_\_

We are unable to be a designated Relay For Life sponsor this year but enclosed is our donation of \$ \_\_\_\_\_

Sponsor Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
*(Please sign and retain a copy for your records.)*

Please return form to the address below:  
American Cancer Society  
Attn: Paulina Lusk  
2222 W Shaw Ave, Fresno, CA 93711  
Attention: Relay For Life of Kerman

*American Cancer Society, Inc.  
Federal Tax ID #13-1788491  
Organized under IRC 501(c)(3)*



# KERMAN HISTORICAL SOCIETY

February 20, 2015

Dear Kerman City Council:

Thank you for giving us the opportunity to update the Council on our progress with forming a Kerman Historical Society; with the future goal of establishing a local museum. At the most recent Kerman Historical Society meeting a Board of Directors was elected. The next order of business is to adopt By Laws; then begin the process to file for nonprofit status with the IRS.

We are writing to you today with the hope that the Kerman Historical Society can count on Council to make a donation to our historical society. This will help with starting this new venture.

Rest assured that whatever you can do to help will be greatly appreciated by all of us who are working to start a Kerman Historical Society with the objective to preserve the history of our community.

On behalf of the Board of Directors and Officers of the Society, I thank you so very much.

Sincerely yours,

**Evelyn Knowles**

Evelyn Knowles  
President, Kerman Historical Society



# City of Kerman

*"Where Community Comes First"*

MAYOR  
Stephen B. Hill  
COUNCIL MEMBER  
Rhonda Armstrong  
MAYOR PRO-TEM  
Gary Yep  
COUNCIL MEMBER  
Nathan Fox  
COUNCIL MEMBER  
Bill Nijjer

DEPARTMENT: FINANCE  
STAFF REPORT  
CITY COUNCIL MEETING  
COUNCIL MEETING DATE: MARCH 4, 2015

To: Mayor and City Council  
From: Toni Jones, Finance Director  
Subject: Mid-Year Budget Report for Fiscal Year 2014-15

## RECOMMENDATION

Council receive the Mid-Year Budget Report for Fiscal Year 2014-15.

## EXECUTIVE SUMMARY

Annually, the City of Kerman performs a mid-year budget analysis of revenue and expenditures at the halfway point of the fiscal year (July 1<sup>st</sup> through December 31<sup>st</sup>). As summarized in the Mid-Year Budget Report for FY 2014-15 (Attachment A), revenues are slightly greater than 50% as of December 31, 2014 and expenses are close to or slightly greater than 50%.

## OUTSTANDING ISSUES

None.

## DISCUSSION

The Mid-Year Budget Report for FY 2014-15 shows that revenues and expenditures for most departments appear to be slightly higher than budgeted projections at the halfway point of the fiscal year. Although some specific line items within each department may be slightly over budget, overall staff expects expenses in each department to be at or below budget at the end of the fiscal year. Staff is not recommending any major budget adjustments at this point. However, any minor budget adjustments will be made at year-end as part of the upcoming budget process. Departments will continue to monitor spending with a goal of being at or under budget projection at the end of the fiscal year on June 30, 2015.

Finance appreciates all of the hard work that each department does in managing their respective budgets.

Attachment:

A. Mid-Year Budget Report for FY 2014-15

# City of Kerman

## FY 2014-15 Mid-Year Budget Report



Toni Jones, Finance Director  
Luis Patlan, City Manager

March 4, 2015

# Table of Contents

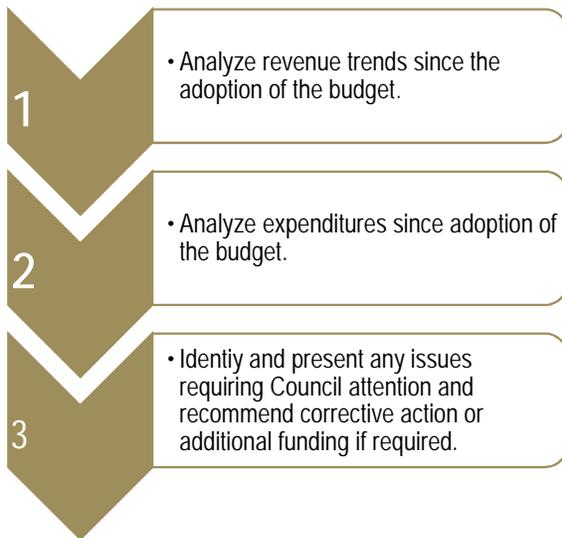
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GENERAL FUND REVENUE AND EXPENDITURE SUMMARY .....	3
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## Overview

The following mid-year budget report presents projections of revenues and expenditures. Projections are determined using actual (unaudited) data for the first six months of the fiscal year (July 1, 2014 to December 31, 2014) and departmental information regarding spending trends and operations.



The fiscal year 2014-15 budget was adopted by the City Council on June 18, 2014. The annual adopted budget is a financial plan predicated on the best information available at the time it is prepared. The Mid-Year Budget Review provides information to the City Council of the City's financial picture through December 31, 2014.



Staff closely monitors the City's budget to ensure that current year revenues and expenditures are meeting expectations, which is necessary to maintain stability in the budget and avoid disruptions in service during the year. This Mid-Year Budget Review focuses on revenues and expenditures of the General Fund as well as the City's Enterprise Funds. Staff reviews all line items and compares actual results against budgeted expectations on a monthly basis throughout the fiscal year. The expectation is that most budget categories will be at 50%, although this may fluctuate based on timing of certain receipts and expenditures.

Staff is pleased to report that through the first half of the year ending December 31, 2014, almost all City funds are performing within expected 2014-15 budgeted levels and revenues are slightly higher than budgeted. However, some budget adjustments are typically needed at year-end due to unforeseen operational expenses. Staff anticipates most funds will be at or under budget at the end of the fiscal year.

## General Fund

The General Fund accounts for tax and other general purpose revenues (e.g., sales taxes, property taxes, building fees, fines and forfeitures, investment income, etc.) that are used to provide core general governmental services (e.g., legislation, administration, city clerk, police, parks and recreation, public works, and planning).

This section of the report summarizes the results of revenues received and expenditures made through the first six months of the fiscal year ending on December 31, 2014, and organized as follows:



- General Fund Revenue and Expenditure Summary
- Status of General Fund Revenues
- Status of General Fund Expenditures
- Status of General Fund Reserves

## General Fund Revenue and Expenditure Summary

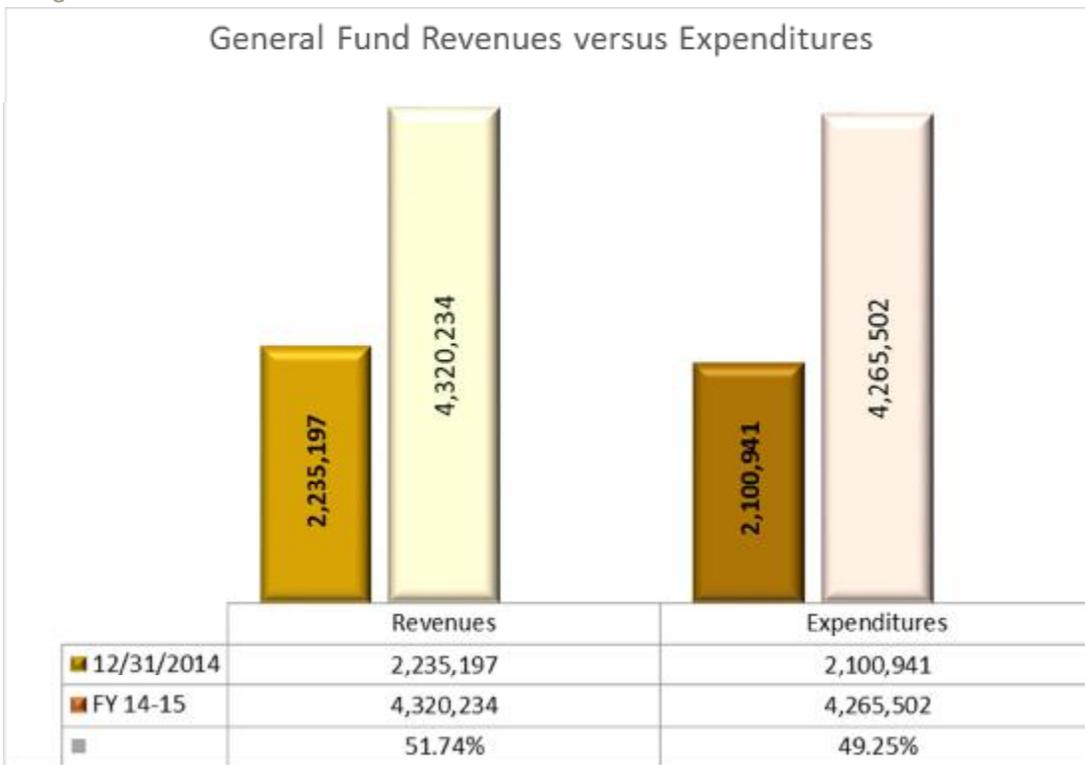


The revenues and expenditures chart (Figure 1) reflects General Fund revenues of \$2,235,197 or 51.7% of the annual budget at midpoint of the fiscal year. Thus, revenues received are in line with projections for the first half of the fiscal year.

General Fund expenditures at mid-year total \$2,100,941, which represents 49.3% of the annual operational budget for the fiscal year.

Based on these figures, the City of Kerman General Fund appears to be performing well within budgeted expenditures and meeting revenue projections at mid-point of the fiscal year.

Figure 1



## General Fund Revenues

Table 1 reflects General Fund revenues of \$2,235,197 or 51.7% of the annual budgeted amount for the fiscal year. At mid-point of the fiscal year, General Fund revenues are slightly more than budget projections.



Year-to-date actual General Fund revenues include revenues received by December 31, 2014 plus certain revenues expected after December 31<sup>st</sup> but apply to the first half of the fiscal year.

Table 1

### General Fund Revenues Mid-Year Report FY 2014-15

Revenues	Year to Date Actual	Adopted Budget	% of Budget	% of Budget Collected
Property Tax	810,874	1,581,354	36.60%	51.28%
Sales Tax	948,818	1,813,000	41.97%	52.33%
Administration & Overhead Fees	156,398	312,796	7.24%	50.00%
Building Permit Fees	68,122	104,500	2.42%	65.19%
Franchise Taxes	75,000	150,000	3.47%	50.00%
License and Permits	44,198	75,250	1.74%	58.73%
Rents	67,301	125,172	2.90%	53.77%
Fines and Penalties	29,698	72,000	1.67%	41.25%
Interest and Miscellaneous Income	17,831	25,350	0.59%	70.34%
Youth and Recreation Program Fees	6,254	45,000	1.04%	13.90%
Reimbursements	4,925	5,112	0.12%	96.35%
Other Fees for Services	5,778	10,700	0.25%	54.00%
<b>Total General Fund Revenues</b>	<b>2,235,197</b>	<b>4,320,234</b>	<b>100.00%</b>	<b>51.74%</b>

*\*Some accruals included for seasonal revenues received or expected after mid-year.*

## General Fund Expenditures

The General Fund operating expenditures budgeted for fiscal year 2014-2015 total \$4.2 million and are spread over several departments, which provide core services to the community.

Staff reviews all expenditures on a departmental basis each month. Similar to revenues some expenses are on a constant basis month-to-month, while other expenditures may be sporadic throughout the year.



Table 2 shows year-to-date actual General Fund operating expenditures through December 31, 2014, compared to budget. Overall, operational expenditures in the General Fund are at 49% mid-year. Departments continue to be vigilant monitoring expenses to stay in-line with their budgets.

Table 2

### General Fund Operational Budgets Mid-Year Budget Review 2014-15

	<u>YTD Actual</u>	<u>Budget</u>	<u>% of Budget</u>
<b>LEGISLATIVE &amp; GENERAL GOVERNMENT</b>			
City Council	15,535	30,040	51.71%
City Attorney	25,968	55,000	47.21%
City Manager	119,533	220,138	54.30%
Financial Admin	63,178	112,378	56.22%
Legislation	13,391	31,993	41.86%
Sub-Total Legislative & General Government	237,605	449,549	52.85%
<b>PLANNING &amp; DEVELOPMENT SERVICES</b>			
Planning & Development Services	54,412	120,728	45.07%
Engineering	12,874	25,000	51.50%
Building Inspections	84,410	130,708	64.58% <sup>1</sup>
Sub-Total Planning & Development Services	151,696	276,436	54.88%
<b>COMMUNITY SERVICES</b>			
Recreation Admin	114,891	235,416	48.80%
Senior Center Services	49,184	111,991	43.92%
Aquatics	18,476	25,297	73.04% <sup>2</sup>
Planned Recreation	13,274	33,224	39.95%
Youth Services Bureau	25,008	54,230	46.12%
Community Teen Center	61,088	125,811	48.56%
Sub-Total Community Services	281,921	585,969	48.11%
<b>PUBLIC SAFETY</b>			
Police Operations	1,314,337	2,705,938	48.57%
Animal Control	31,570	60,792	51.93%
Sub-Total Public Safety	1,345,906	2,766,730	48.65%
<b>PUBLIC WORKS</b>			
Building & Parks Operations	83,812	186,818	44.86%
Sub-Total Public Works	83,812	186,818	44.86%
<b>Total General Fund Operations Expenditures</b>	<b>2,100,941</b>	<b>4,265,503</b>	<b>49.25%</b>

1. Plan Check Fees are over budget but are not a cost to the City. Plan Check fees are collected and recorded as revenue in the General Fund.

2. Seasonal, timing of expenses

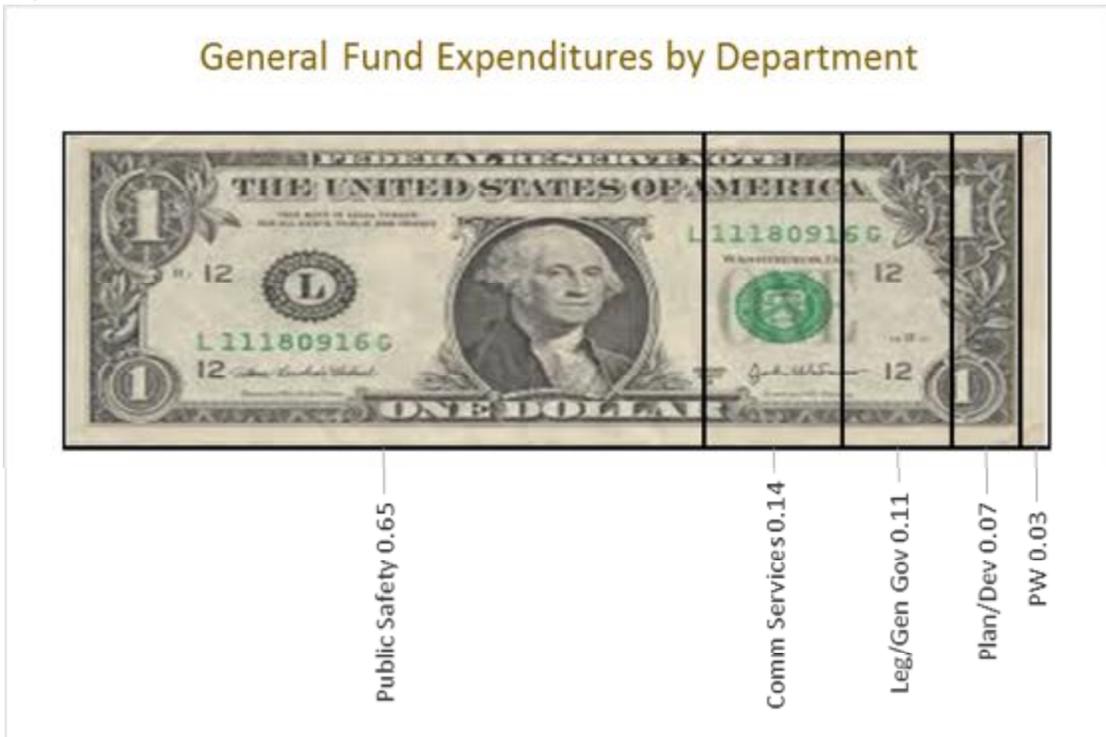
## General Fund Expenditures by Department

Figure 2 shows the percentage breakdown of expenditures by department for fiscal year 2014-15. As is the case in most jurisdictions, the City's greatest investment of General Fund resources goes to fund the Police Department. However, unlike many communities that have cut funding for parks and recreation during the Great Recession, Kerman continues to dedicate a high percentage of its budget to fund parks, youth, and recreation programs.



This commitment shows dividends as measured by the high participation rates of youth, adults, and seniors in a variety of sports, recreational, and other programs throughout the year. The investments in public safety and parks and recreation are keys to the City's high-quality of life.

Figure 2



## General Fund Reserves

Cash reserves are critical to a City's fiscal health. Reserves provide the City with the funds necessary to cover any unexpected operational shortfalls (deficits), buffer against negative economic conditions, fund major capital facilities, and other unknown risks.

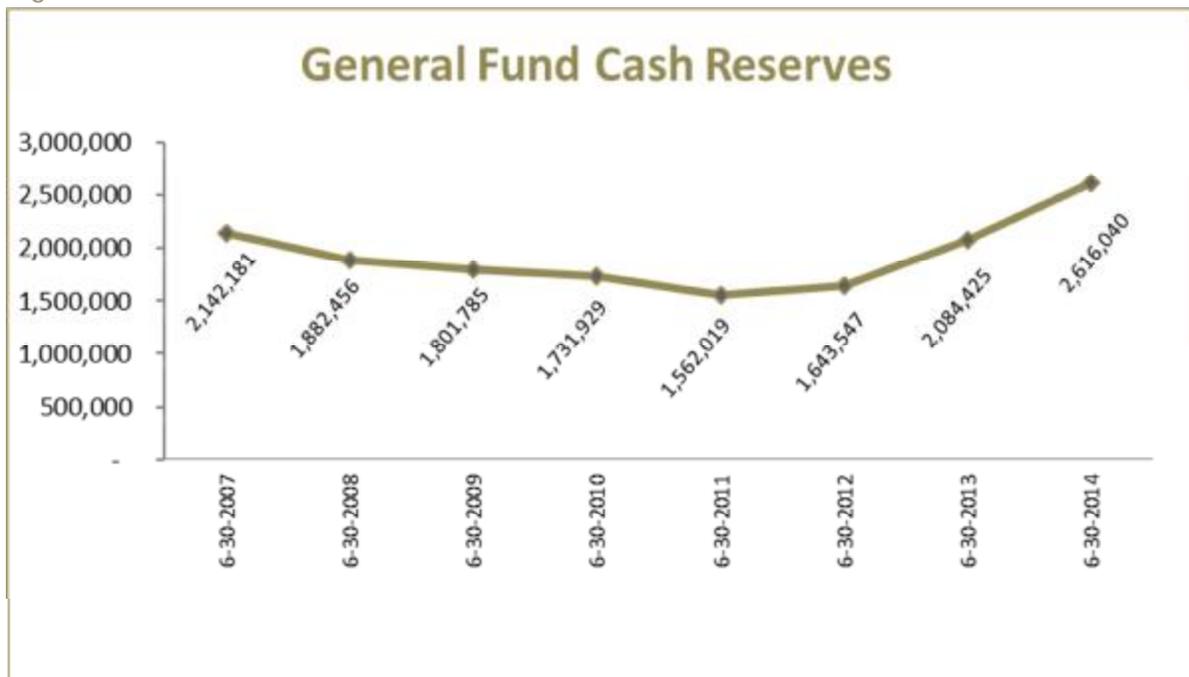


The City of Kerman's audited General Fund ended FY 2013-14 with nearly \$2.6 million cash reserve balance. The unrestricted general reserve represents 61.3% of budgeted operating expenditures of \$4.26 million. The City's healthy general fund reserve balance is one of the primary measures used by Standard & Poor's to determine the City's credit rating, which was upgraded last 2013 from A- to A.

Figure 3 shows the historical general fund reserve cash balances. As shown in the chart, general fund cash reserves peaked in FY 2006-07 at \$2.1 million, steadily declined over four fiscal years during the economic downturn, and more recently began to increase over the past three fiscal years. Although this trend was reversed in the past three fiscal years, a healthy reserve is an important part of sound financial management.

The City Council adopted a General Fund Reserve Policy last year in order to manage significant financial events more effectively, cover unexpected expenses, and adequately plan for repair and replacement of major capital assets in the future (e.g., animal shelter, police station, and senior center).

Figure 3

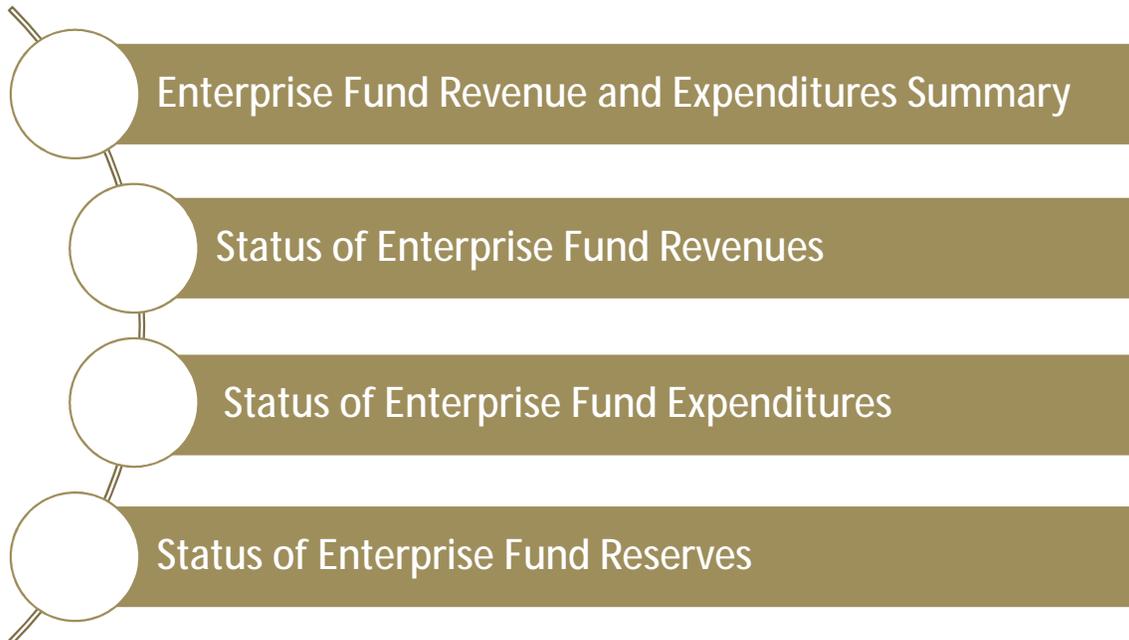


## Enterprise Funds

At mid-year, the Finance Department conducts a comprehensive review of expenditure and revenue performance in the Enterprise Fund through the first six months of the fiscal year. Enterprise Funds include Water, Sewer, Solid Waste (refuse), and Storm Drain. These funds are accounted for separately and services are provided to the public on a user fee basis. Each year the user fees are evaluated and rate adjustments are recommended as needed.



This section of the report is intended to summarize the results of that review. The section is organized as follows:



## Enterprise Fund Revenue and Expenditure Summary

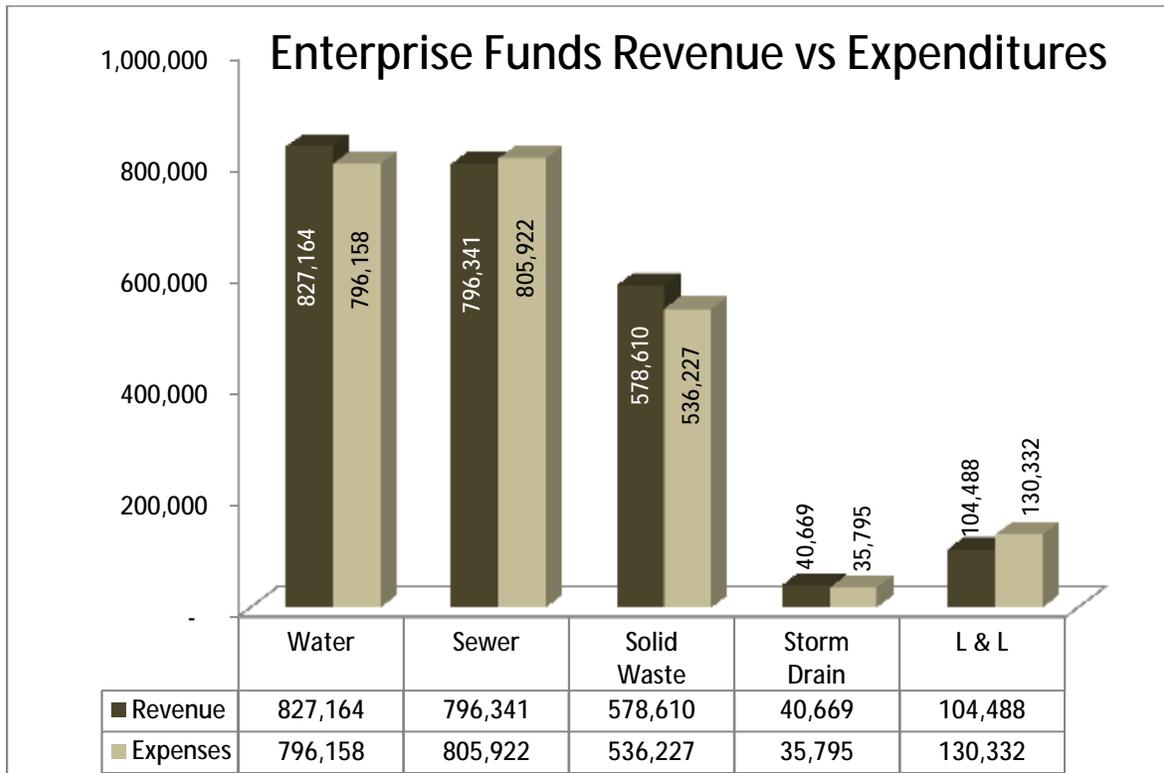
As can be seen in Figure 4 below, the revenues for major Enterprise Funds are exceeding expenditures at mid-year except for the Sewer Fund.

The Sewer Fund continues to experience higher operational costs due to the newly-expanded Waste Water Treatment Plant (WWTP). In particular, contract services (repairs), special supplies, utilities, state fees and permits are the major expenses.



The Public Works Department will continue to identify opportunities to keep sewer expenses in line with revenues. Staff is working to expand the solar PV array at the WWTP to reduce utility costs.

Figure 4



## Enterprise Funds Revenues

The Enterprise Funds revenues appear to be slightly exceeding projections as of mid-year. Revenues at the halfway point of the fiscal year for Water, Sewer and Solid Waste Funds were at 51.8%, 55.3% and 53.2%, respectively. The Storm Drain and Landscape and Lighting District Funds are also considered enterprise funds, but are minor funds. These two funds were also meeting or exceeding revenue projections at mid-year with Storm Drain at 58.6% of budget and Landscape and Lighting at 49.8% of budget. A comprehensive rate analysis will be presented in April of 2015 with rate adjustments recommended as needed.



Table 3

### Enterprise Fund Revenues Mid-Year Report FY 2014-15

	Year to Date Actual	Total Budget	% Collected
<b>WATER</b>			
Water User Charges	793,041	1,560,500	50.82%
Water Meter Sales & Install	3,250	4,000	81.25%
Interest Earnings	7,091	10,000	70.91%
Penalties	20,253	23,000	88.06%
Miscellaneous	3,529	-	
Total Water Revenue	827,164	1,597,500	51.78%
<b>SEWER</b>			
Sewer User Charges	731,108	1,367,000	53.48%
Septic Dumping Fees	12,464	25,000	49.85%
Interest Earnings	2,723	5,000	54.46%
Rent - Almonds/Nick Koretoff	31,336	25,000	125.34%
Del Norte Sewer Trunk	306	500	61.17%
Penalties	18,405	18,000	102.25%
Total Sewer Revenue	796,341	1,440,500	55.28%
<b>SOLID WASTE</b>			
Solid Waste Collections	536,916	1,025,880	52.34%
Waste Bin Charges - New	1,215	600	202.50%
Street Sweeping	25,125	42,100	59.68%
Interest Earnings	1,552	2,000	77.60%
Penalties	13,802	17,000	81.19%
Total Solid Waste Revenue	578,610	1,087,580	53.20%
<b>STORM DRAIN</b>			
Storm Drain User Charges	36,018	69,200	52.05%
Interest Earnings	110	200	
Sale of Dirt	4,540	-	-
Total Storm Drain Revenue	40,669	69,400	58.60%
<b>LANDSCAPE &amp; LIGHTING</b>			
Special Assessments	104,485	209,670	49.83%
Interest Earnings	3	15	21.67%
Total L & L District Revenue	104,488	209,685	49.83%
Total Enterprise Fund Revenue	2,347,272	4,404,665	53.29%

## Enterprise Fund Expenditures

The Enterprise Funds are performing slightly over budget at mid-year. This is usual as some major expenses are made in the first half of the year, while others are spread out over the full fiscal year. Staff will continue to monitor expenditures and make adjustment as necessary to keep expenditures in line with budgets at fiscal year-end.



Table 4

### Enterprise Fund Operational Budgets Mid-Year Budget Review 2014-15

	YTD Actual	Budget	% of Budget
<b>WATER OPERATIONS</b>			
Water Admin & Accounting	208,202	404,721	51.44%
Water Debt Service	82,500	165,000	50.00%
Water Operations	505,456	968,707	52.18%
Total Water Operational Expenses	796,158	1,538,428	51.75%
<b>SEWER OPERATIONS</b>			
Sewer Admin & Accounting	173,246	323,547	53.55%
Sewer Debt Service	173,953	347,907	50.00%
Sewer Collections & Operations	458,723	772,063	59.42%
Total Sewer Operational Expenses	805,922	1,443,516	55.83%
<b>SOLID WASTE OPERATIONS</b>			
Solid Waste Admin & Accounting	536,227	1,074,136	49.92%
<b>STORM DRAIN OPERATIONS</b>			
Maintenance and Operations	35,795	72,565	49.33%
<b>L &amp; L DISTRICT OPERATIONS</b>			
Maintenance and Operations	130,332	231,856	56.21%
Total Enterprise Fund Expenses	2,304,435	4,360,501	52.85%

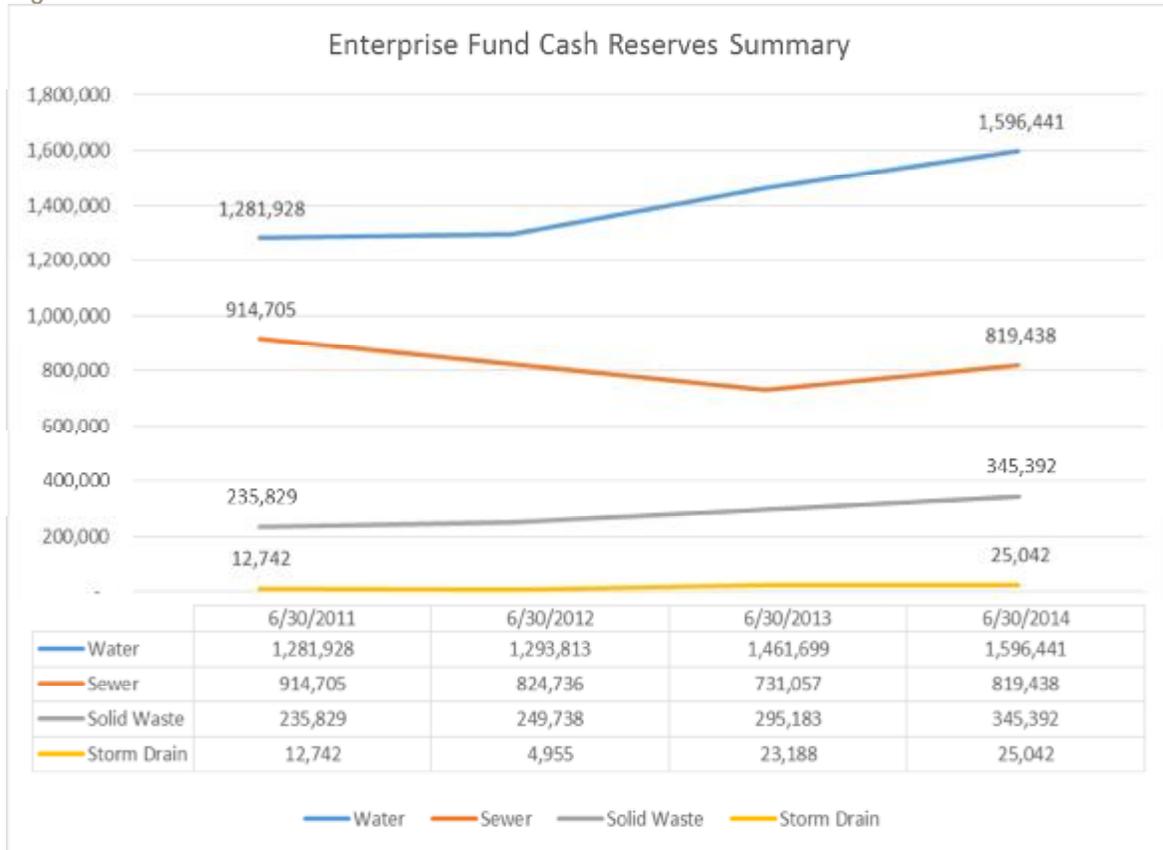
## Enterprise Fund Cash Reserves

The Enterprise Funds ended FY 2013-14 with cash reserves in the Water, Sewer, Solid Waste and Storm Drain Funds of approximately \$2.7 million. Figure 5 shows the Cash balances over the time period from fiscal years ending June 30, 2011 through June 30, 2014.



The Enterprise Funds' appear to have healthy reserve balances at this point. However, it will be important to monitor and adjust expenditures and user fee rates in the Sewer Fund to ensure that there are sufficient revenues to cover operational expenses and debt service obligations.

Figure 5



## Looking Ahead

As we head into next fiscal year, there are several moving parts that we will have to be cognizant of. These include:



### Economy

Overall conditions of the national and state economy continue to build strength. Following a dismal negative 2.1 GDP growth rate in the first quarter of 2014 (due to harsh weather), the national economy bounced back and grew by 4.6%, 5%, and 2.6% in the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> quarters, respectively. The national unemployment rate declined to 5.7% in January due to robust job growth. California recently surpassed Brazil as the 7<sup>th</sup> largest economy in the world with an equivalent gross domestic product of \$2.20 trillion in 2013. The state also ended up with a \$5 billion surplus as of June 30, 2014. California's unemployment rate stands at 6.7% compared to 12.4% in 2010. The Fresno County unemployment rates stands at 11%, down from a high of 16.9% in 2010. The unemployment rate for the City of Kerman is 14.7%, down from a high of 22.1% in 2010. The national and state economies continue on a path of sustained economic growth. Locally, the ongoing drought is of concern and could have significant negative impacts on the areas ag-based economy. For instances, two of the top sales tax generators for the City rely on a healthy agricultural economy.

### Housing

New construction of single-family homes in Kerman is showing some positive signs. Two builders are currently constructing homes in the Pacific Mountain Partners subdivision. In 2014, a total of 12 permits for new single family homes were issued compared to 5 in 2013, 1 in 2012 and zero in 2011. At the height of housing boom in 2006 and 2007, over 100 single family permits were issued per year. As of January 1, 2015, five permits have been issued. Although single family housing remains tepid, there is optimism that demand, low inventory, and historically low interest rates will lead to a more moderate and sustained housing starts. With nearly 200 finished lots available for immediate build-out, Kerman is well positioned to meet the demand.

### Retail Development

Retail activity in Kerman has been the one bright spot. Panda Express opened for business late last year, the owner of Taco Bell is proposing to build a 1,720 stand-alone building with drive-thru for a new tenant, Phase II of Kerman Neighborhood Crossings was acquired by a new owner and they plan on developing 29,000 sq. ft. of commercial uses, and the owners of a 30-acre regional commercial property adjacent to Walmart are planning to move forward with a master plan for the property this year.

### Industrial

Mid Valley Disposal is expended to begin Phase I of a three phased expansion this year. A tractor repair and sales company is proposing to build a new facility on a 3.5 acre site located on Commerce Avenue. These projects are expected to result in additional jobs, investment in land, building and equipment.



# City of Kerman

*"Where Community Comes First"*

MAYOR  
Stephen B. Hill  
COUNCIL MEMBER  
Rhonda Armstrong  
MAYOR PRO-TEM  
Gary Yep  
COUNCIL MEMBER  
Nathan Fox  
COUNCIL MEMBER  
Bill Nijjer

DEPARTMENT: PLANNING AND DEVELOPMENT  
STAFF REPORT  
CITY COUNCIL MEETING  
COUNCIL MEETING DATE: MARCH 4, 2015

To: Mayor and City Council  
From: Jerry Jones, City Engineer  
Subject: Resolution Approving the Final Negative Declaration (SCH #2015011027) for the Union Pacific Railroad Pedestrian and Bicycle Trail Project

## RECOMMENDATION

Council by motion adopt the resolution approving the Final Negative Declaration (SCH #2015011027) for the Union Pacific Railroad Pedestrian and Bicycle Trail Project and authorize Staff to file the Notice of Determination.

## EXECUTIVE SUMMARY

The City has received Federal Congestion Mitigation and Air Quality Improvement Program (CMAQ) funding in the amount of \$300,000 for the construction of a 10 foot wide pedestrian and bicycle trail. The trail will be located along the north side of the Union Pacific Railroad (UPRR) from Siskiyou Avenue to 1,300 feet east, then north to California Avenue. In accordance with California Environmental Quality Act (CEQA) Guidelines, a Negative Declaration was prepared for the project and made available for public review and comment. The final step in the State environmental review process is for Council to make a determination that the project will have no significant effect on the environment based on the information provided, approve the Final Negative Declaration, and authorize Staff to file a Notice of Determination.

## OUTSTANDING ISSUES

None.

## DISCUSSION

In a continuing effort to promote alternative modes of transportation within the City, the City applied for and was awarded Federal CMAQ funding in the amount of \$300,000 for the construction of a shared pedestrian and bicycle trail in the southwest portion of the City. The trail will be located along the north side of the UPRR from Siskiyou Avenue to approximately 1,300 feet east and then north roughly along the Park Avenue alignment to California Avenue. A Vicinity Map is included as Attachment B for location reference. The trail will be 10 feet wide and will consist of both meandering and straight segments, depending on the width of available right-of-way. The project will also include landscape planting and irrigation along the trail. The City will have to acquire easements from two property owners in order to construct the north-south segment of the trail.

In order to satisfy the State environmental review process, Staff prepared a Negative Declaration for the UPRR Pedestrian and Bicycle Trail Project. As part of the analysis of potential impacts of the project, the City had a Biological Resources Assessment, Native American Heritage Commission Sacred Lands Inventory records search,

and cultural resources records search from the Southern San Joaquin Valley Information Center performed. The results and recommendations of these assessments and searches are discussed in the Negative Declaration. The Negative Declaration concludes that the proposed project would have less than significant impacts on the environment. In accordance with CEQA Guidelines, the Negative Declaration was submitted to the State Clearinghouse for a thirty (30) day public review period from January 20, 2015 to February 18, 2015. In addition, a Notice of Intent (NOI) to adopt a Negative Declaration was filed with the Fresno County Clerk, published in the Kerman News on January 21, 2015, and posted on the City's website.

The City did not receive any comment letters during the specified public review period. However, one comment letter was received on February 24, 2015 (6 days after end of comment period) from the California Public Utilities Commission (CPUC). The CPUC has jurisdiction over highway-rail crossings. The CPUC recommended that the City: 1) improve the rail crossing at Siskiyou Avenue, due to proximity to the project, 2) construct a pedestrian crossing of Siskiyou Avenue at the west end of the trail, and 3) construct a fence between the trail and railroad tracks. The City intends to comply with recommendations #2 and #3, as they were already planned to be included in the scope of the project. In regards to recommendation #1, Staff does not feel that improvement of the crossing is warranted as part of this project. Staff's opinion is based on the following factors: 1) the area to the south of the tracks is outside of the City Limits, 2) the area does not contain any densely populated residential areas, and 3) there are no dedicated pedestrian facilities on Siskiyou Avenue south of the crossing. It is highly unlikely that the trail will encourage or increase pedestrian or bicyclist crossings of the tracks. The City will require the improvement of the crossing as the area to the south of the tracks is annexed into the City and developed. The CPUC comment letter is included in the Final Negative Declaration, along with the necessary response to their comments and recommendations.

A copy of the Final Negative Declaration is attached to the Resolution as Exhibit 'A'.

#### **FISCAL IMPACT**

The project will be funded with Federal CMAQ funds in the amount of \$300,000. There is no required local match.

#### **PUBLIC HEARING**

Not Required.

Attachments:

- A. Resolution
- B. Vicinity Map

Attachment 'A'

RESOLUTION NO. 15-\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN  
APPROVING THE NEGATIVE DECLARATION (SCH #2015011027)  
FOR THE UNION PACIFIC RAILROAD PEDESTRIAN AND BICYCLE TRAIL PROJECT

WHEREAS, City Staff has prepared an Initial Study to evaluate the potential environmental impacts of the Union Pacific Railroad Pedestrian and Bicycle Trail Project and determined that the proposed Project would have less than significant impacts on the environment; and,

WHEREAS, a Negative Declaration attached hereto as Exhibit 'A' was prepared in accordance with CEQA Guidelines Sections 15070 to 15075; and,

WHEREAS, pursuant to Public Resources Code Section 21092 and CEQA Guidelines Section 15072, a Notice of Intent to Adopt a Negative Declaration was filed with the Fresno County Clerk and published in the Kerman News on January 21, 2015; and,

WHEREAS, pursuant to CEQA Guidelines Section 15073 the Negative Declaration was submitted to the State of California Clearinghouse and Planning Unit (SCH #2015011027) for a 30-day public review period beginning on January 20, 2015 and ending on February 18, 2015; and,

WHEREAS, at the conclusion of the 30-day public review comment period, the City of Kerman, acting as the lead agency, may adopt the Negative Declaration and file a Notice of Determination with the State Clearinghouse and County Clerk after considering and addressing comments received from Federal, State, and Local agencies as well as other organizations and individuals pursuant to CEQA Guidelines Sections 15073, 15074 and 15075; and,

WHEREAS, the City Council is required to conduct its own independent review and approve the Negative Declaration and direct staff to file a Notice of Determination with the State Clearinghouse and County Clerk.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KERMAN HEREBY FINDS AS FOLLOWS:

1. The City Council has independently reviewed the Negative Declaration and any comments received during the public review process and exercised the Council's independent judgment in considering the Negative Declaration (SCH #2015011027); and,
2. The City Council finds, on the basis of the whole record before it that there is no substantial evidence that the project will have a significant effect on the environment and the Negative Declaration reflects the Council's independent judgment and analysis and the Council hereby approves the Negative Declaration (SCH #2015011027) and designates the Planning Department and the Planning Director as the location and custodian of the documents which constitute the record of proceedings upon which the Council's decision is based.

- 
3. The City Clerk and other City Staff are hereby authorized and directed to take all necessary actions required under CEQA and other applicable law to file a Notice of Determination with the State Clearinghouse and Fresno County Clerk's office.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Kerman held on the 4<sup>th</sup> day of March, 2015, and passed at said meeting by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing resolution is hereby approved.

---

Stephen B. Hill  
Mayor

ATTEST:

---

Marci Reyes  
City Clerk





# City of Kerman

---

*"Community Comes First"*

850 S. Madera Avenue  
Kerman, CA 93630-1741  
Telephone: 559-846-9380  
FAX: 559-846-6199

## **FINAL NEGATIVE DECLARATION**

**CITY OF Kerman  
UNION PACIFIC RAILROAD (UPRR) PEDESTRIAN AND BICYCLE TRAIL PROJECT**

**STATE CLEARINGHOUSE NO. 2015011027**

**PREPARED FOR:  
CITY OF Kerman  
PLANNING AND DEVELOPMENT DEPARTMENT**

**PREPARED BY:  
YAMABE & HORN ENGINEERING, INC.**

**MARCH 4, 2015**

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## **Appendix A: Maps and Plans**

- Exhibit 1: Location Map
- Exhibit 2: Project Vicinity Map
- Exhibit 3: Land Use Map
- Exhibit 4: Zoning Map
- Exhibit 5: Flood Zone Map
- Exhibit 6: Farmland Map

## **Appendix B: Site Photos**

## **Appendix C: Initial Study**

- CEQA Appendix H – Environmental Information Form
- CEQA Appendix G – Environmental Checklist Form

## **Appendix D: Biological Resource Assessment**

## **Appendix E: Native American Heritage Correspondence**

## **Appendix F: Southern San Joaquin Valley Information Center Record Search Results**

## **Appendix G: Comment Letters and Responses to Comments**

# **1. INTRODUCTION**

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## **1.1 Regulatory Guidance**

The Initial Study as prepared in accordance with CEQA, Public Resources Code 21000 et. Seq., and the State CEQA Guidelines, Title 14 California Code of Regulations (CCR) 15000 et. Seq. An Initial Study is prepared by a lead agency to determine if a project may have a significant effect on the environment. The Initial Study relies on expert opinion based on facts, technical studies, or other substantial evidence to document its findings.

In accordance with State CEQA Guidelines 15064(a)(1), a draft Environmental Impact Report (EIR) must be prepared if there is substantial evidence that a project may have a significant effect on the environment. When a final EIR is prepared and identifies one or more significant effects on the environment the lead agency and each responsible agency shall make a finding under section 15091 for each significant effect and may need to make a statement of overriding considerations under Section 15093 for the project per State CEQA Guidelines 15064(a)(2).

In accordance with State CEQA Guidelines 15070(a), A Negative Declaration must be prepared if the agency finds that a proposed project would not have a significant effect on the environment, and if the lead agency prepared a written statement supporting that finding. A Mitigated Negative Declaration shall be prepared with the Initial Study identifying potentially significant effects, but revisions made in the project plans or proposals and agreed to by the project applicant, before being released to the public, would avoid or mitigate the effects of the project per State CEQA Guidelines 15070(b)(1). A Mitigated Negative Declaration shall also be prepared with the Initial Study identifying potentially significant effects, but there is no substantial evidence that the project revised will have a significant effect on the environment per State CEQA Guidelines 15070(b)(2).

## **1.2 Lead Agency**

The lead agency is the public agency with primary responsibility over the proposed project. In accordance with State CEQA Guidelines 15051 (b)(1), “the lead agency will normally be the agency with general governmental powers, such as a city or county, rather than an agency with a single or limited purpose.” The lead agency for the proposed project is the City of Kerman.

## **1.3 Project Objective**

The proposed project consists of the construction of a 10 foot wide pedestrian and bicycle trail along the north side of the Union Pacific Railroad (UPRR) from Siskiyou Avenue to 1300 feet east and then north to California Avenue as shown on the provided maps (See Exhibits 1 & 2).

The project will consist of a 10 foot wide asphalt trail from Siskiyou Avenue to Park Avenue and a 10 foot wide concrete sidewalk along the west side of Park Avenue. The project will also include street improvements along the west side of Park Avenue and landscaping along the

length of the trail. The trail will be located within City-owned property, existing public street right-of-way, proposed pedestrian easements, and proposed public street right-of-way.

#### **1.4 Summary of Findings**

This Negative Declaration includes the Initial Study and Environmental Checklist that identifies potential environmental impacts and a discussion of each impact that would result from implementation of the proposed project. Based on the Initial Study, Environmental Checklist and the supporting environmental analysis provided in this document, development of the proposed project would result in the following impacts:

- **No Impact:** Aesthetics, Cultural Resources, Geology and Soils, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, Transportation/Traffic, Utilities and Service Systems, and Mandatory Findings of Significance
- **Less than Significant Impacts:** Agriculture and Forestry Resources, Air Quality, Biological Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, and Noise

In accordance with State CEQA Guidelines 15070, a Negative Declaration may be prepared if the proposed project will not have a significant effect on the environment. There is no substantial evidence that the proposed project would have a significant effect on the environment based on the available project information and the environmental analysis presented in this document. Therefore, a Negative Declaration is proposed to be adopted in accordance with CEQA Guidelines.

## **2. ENVIRONMENTAL SETTING**

---

### **2.1 Site-Specific Environmental Setting**

The project is located along the north side of the UPRR from Siskiyou Avenue to 1300 feet east and then north to California Avenue in the City of Kerman, within the County of Fresno, in the San Joaquin Valley (see Exhibits 1 & 2).

The topography of the project limits is characterized by relatively flat terrain, typical of the City and of the San Joaquin Valley. Existing plant life consists primarily of sparse grasses and a few residential trees.

The City procured the services of URS Corporation for the preparation of a Biological Assessment for the project area due to the potential for federally listed animal species or their critical habitat to occur within the project area. The full Biological Resources Assessment is attached for reference in Appendix D. The Biological Assessment did have one record of a special status species occurrence for Fresno Kangaroo Rat within one mile of the project Area. Small burrows were observed during the field survey. There was no sign of trail dragging, scat, or active animals and no evidence of newly formed burrows. Based on historical records, a lack of suitable grassland habitat, and presence of domestic predators, it is unlikely to Fresno Kangaroo Rat is present. The presence of burrows suggest an active population of small mammals, prey bas for the San Joaquin Kit Fox( SJKF), a federally listed endangered species. Burrows may also serve as dens for the SJKF. Although the habitat is marginal, the presence of SJKF cannot be ruled out. The burrows are also potential habitat for California Burrowing Owls. No California Burrowing Owls or signs of their presence was observed.

The area climate is Mediterranean, which is characterized by hot, dry summers and mild winters. It is not uncommon for maximum temperatures to exceed 100 degrees Fahrenheit during the summer months. The rainy season generally extends from November through April. Average annual precipitation is approximately 6 inches.

The area soils are generally composed of Hesperia Sandy Loam (11-15 inches of Sandy Loam followed by Silt), according to the Soil Survey of Eastern Fresno County, prepared by the Soil Conservation Service, Department of Agriculture. These soils are well drained, moderately textured and are formed from granitic alluvium.

The City of Kerman is located within the San Joaquin Valley Air Basin, which currently does not meet Ozone and Particulate Matter National and State Ambient Air Quality Standards. The City is under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD).

## 2.2 **Land Use**

The City supports a variety of land uses including residential, commercial, industrial, and agricultural uses.

The project site is located in an area zoned for residential use (see Exhibits 3 & 4). The properties surrounding the project site to the north, east, and west are medium and high density residential and the property to the south is agricultural, planned for future commercial and industrial. There is a park located directly northeast of the proposed trail site and undesignated/County land to the southwest, also used for agriculture. All medium density residential is one to two story, single family structures while the high density residential is single story, multi-family residential structures.

### **3. PROJECT INFORMATION**

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#### **3.1 Background**

The City of Kerman promotes the use of alternative modes of transportation and understands that its residents have many reasons for utilizing modes of transportation other than personal automobiles. Low income residents who cannot afford an automobile often rely on walking or bicycling as their primary mode of transportation. Young and elderly residents of Kerman who cannot drive may also rely on alternative modes of transportation in their daily lives. Some residents may choose alternative modes of transportation as a means of improving their environment or health. The following is from the City's 2007 General Plan Update:

*Policy: The City shall promote all modes of transportation, including mass transit (buses, etc.) bicycle and walking.*

(City of Kerman 2007 General Plan Update, Part I, Chapter 3: Circulation Element, Section F. Alternative Transportation Modes)

The proposed project will construct a pedestrian and bicycle trail, which promotes bicycling and walking as alternative modes of transportation, thus conforming to the General Plan Policies.

#### **3.2 Location**

The proposed project is located in the City of Kerman, County of Fresno, California. The proposed project site is located along the north side of the UPRR from Siskiyou Avenue to 1300 feet east and then north to California Avenue (see Exhibit 2). The southern, east-west running portion of the project will be located within City-owned property and public street right-of-way and the eastern, north-south running portion of the project will be located within pedestrian easements and public street right-of-way. The City will acquire the required easements.

#### **3.3 Project Description**

The proposed project consists of the construction of a 10 foot wide pedestrian and bicycle trail along the north side of the Union Pacific Railroad (UPRR) from Siskiyou Avenue to 1300 feet east and then north to California Avenue as shown on the provided maps (See Exhibits 1 & 2).

The project will consist of a 10 foot wide asphalt trail from Siskiyou Avenue to Park Avenue and a 10 foot wide concrete sidewalk along the west side of Park Avenue. The project will also include street improvements along the west side of Park Avenue and landscaping along the length of the trail. The trail will be located within City-owned property, existing public street right-of-way, proposed pedestrian easements, and proposed public street right-of-way.

Pedestrian easements will be acquired from APN 023-040-21S and APN 023-040-90S. APN 023-040-21S is currently used for a rural single-family residence and APN 023-040-90S is currently vacant. The easement acquired from APN 023-040-21S will not require relocation of the residence or negatively impact the residence. Both properties are zoned for single-family residential. In addition to the pedestrian easements, public street right-of-way will be acquired from APN 023-040-90S along the Park Boulevard frontage.

### **3.4 Proposed Project Schedule**

- Construction on the proposed project is scheduled to begin Summer of 2015.

#### **4. FINDINGS AND CONCLUSIONS**

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Based on the initial findings and conclusion of the environmental checklist, provided in the attachments, it is concluded that implementation of the proposed project will not have a significant effect on the environment. The City will be preparing a Negative Declaration for the Union Pacific Railroad (UPRR) Pedestrian and Bicycle Trail Project.

## **5. ENVIRONMENTAL DETERMINATION**

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### **5.1 Public Review**

In accordance with CEQA Guidelines, the Proposed Negative Declaration for the Union Pacific Railroad Pedestrian and Bicycle Trail Project was submitted to the California State Clearinghouse (SCH) for a thirty (30) day public review commencing on January 20, 2015 and ending on February 18, 2015. The SCH No. assigned to the Negative Declaration is 2015011027. A Notice of Intent (NOI) to Adopt a Negative Declaration was filed with the Fresno County Clerk's Office on January 15, 2015 and published in the Kerman News on January 21, 2015.

The public review period for the Proposed Negative Declaration was conducted in accordance with CEQA Guidelines 15072 and 15073.

### **5.2 Comments and Responses to Comments**

The following is a list of comment letters received, and any required response. Copies of the full comment letters and responses, if required, are included in Appendix G.

1. California Public Utilities Commission (CPUC), dated February 24, 2015

The CPUC has jurisdiction over the design, alteration, and closure of highway-rail crossings in California. The Siskiyou Avenue crossing of the UPRR is located adjacent to the west end of the project. In addition, the CPUC also enforces requirements applicable to the construction of walkways adjacent to railroad tracks. The east-west portion of the trail runs parallel and north of the UPRR tracks.

Comment(s): The CPUC made the following recommendations:

- 1) The City should work with both railroad companies (UPRR and SJVR) to install active warning devices at the Siskiyou Avenue crossing.
- 2) The City should consider installing sidewalks across the track since they indicate in their Negative Declaration that they do expect at some future date to have commercial and industrial development south of the track.
- 3) The city should work with both railroad companies (UPRR and SJVR) to replace the asphalt crossing surface with concrete panels.
- 4) The City should consider installing a crosswalk from the west side of Siskiyou Avenue, where a housing subdivision is located, to the east side of Siskiyou Avenue where one end of the trail is proposed.
- 5) The City should install fencing where the trail runs parallel to the track.

Response(s): The following are responses to the CPUC's recommendations:

- 1) The City has determined that improvement of the crossing is not warranted as part of this project. The determination that the improvement of the crossing is not warranted at this time is based on the following: 1) the area to the south of the tracks is outside of the City Limits, 2) the area does not contain any densely populated residential areas, only sporadic rural residences, and 3) there are no dedicated pedestrian facilities on Siskiyou Avenue south of the crossing. Based on these factors, it is highly unlikely that the trail will encourage or increase pedestrian or bicyclist crossing of the tracks. The City will require the improvement of the crossing as the area to the south of the tracks is annexed into the City and developed.
- 2) See response to Recommendation #1.
- 3) See response to Recommendation #1.
- 4) The installation of a crosswalk and crossing improvements at the west end of the trail, at Siskiyou Avenue, is included in the project scope.
- 5) Installation of a fence between the trail and the tracks is included in the project scope.

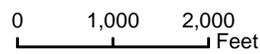
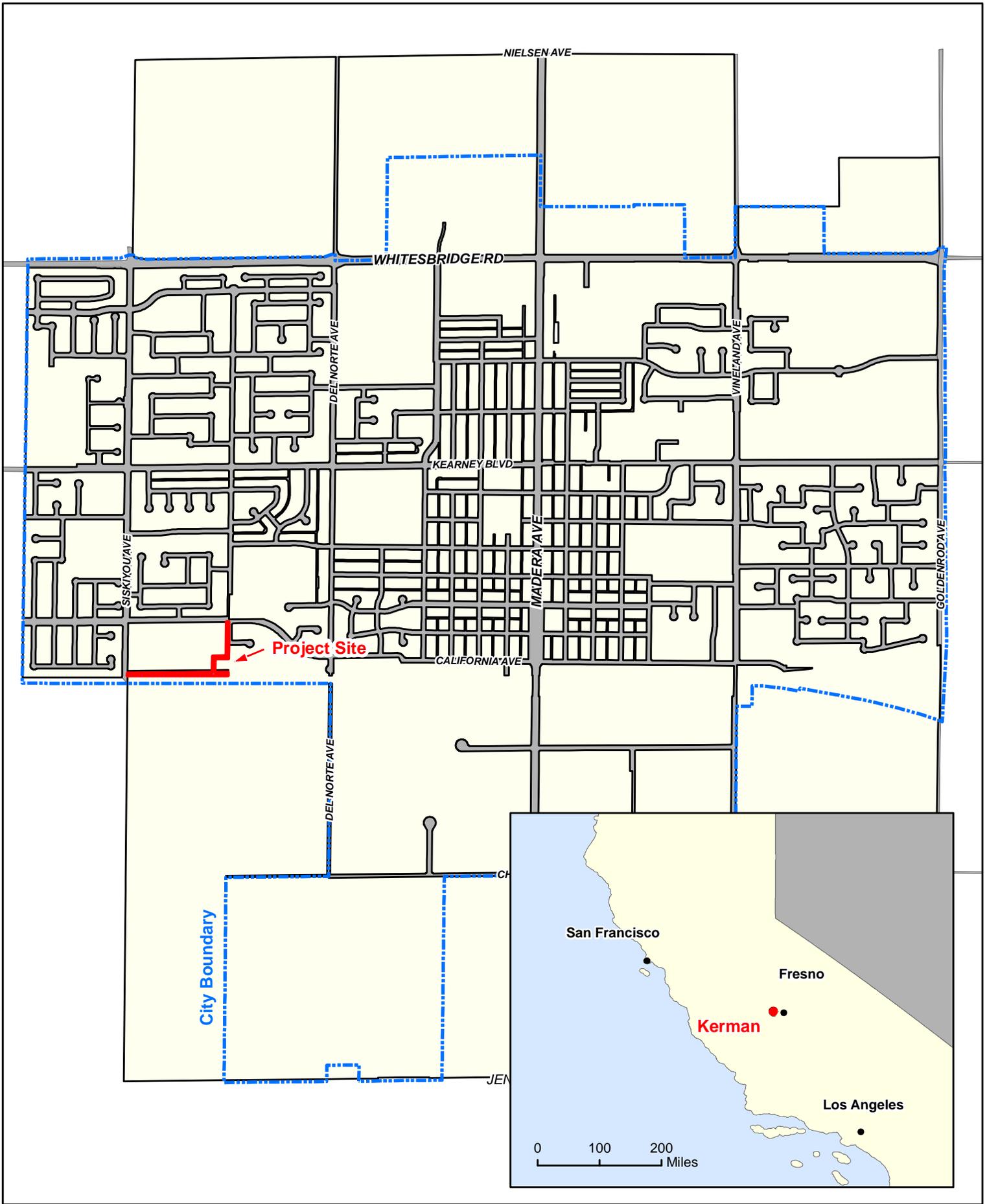
### **5.3 Environmental Determination**

The Final Negative Declaration, comments, and responses to comments were presented to the Kerman City Council on March 4, 2015. Based on the Final Negative Declaration and other information presented, the City Council found the following:

1. The City Council finds that it has independently reviewed the Final Negative Declaration (SCH No. 2015011027) and any comments received during the public review process and exercised the Council's independent judgment in considering the Final Negative Declaration, and
2. The City Council finds, on the basis of the whole record before it that there is no substantial evidence that the project will have a significant effect on the environment and the Final Negative Declaration reflects the Council's independent judgment and analysis and the Council hereby approves the Final Negative Declaration (SCH No. 2015011027) with all recommendations presented by Staff and designates the Planning Department and the Planning Director as the location and custodian of the documents which constitute the record of proceedings upon which the Council's decision is based.
3. The City Clerk and other City Staff are hereby authorized and directed to take all necessary actions required under CEQA and other applicable law to file a Notice of Determination with the State Clearinghouse and Fresno County Clerk's office.

## **APPENDIX A – Maps and Plans**

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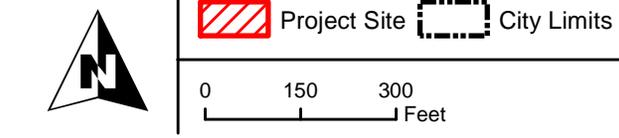


**Location Map**  
Exhibit 1



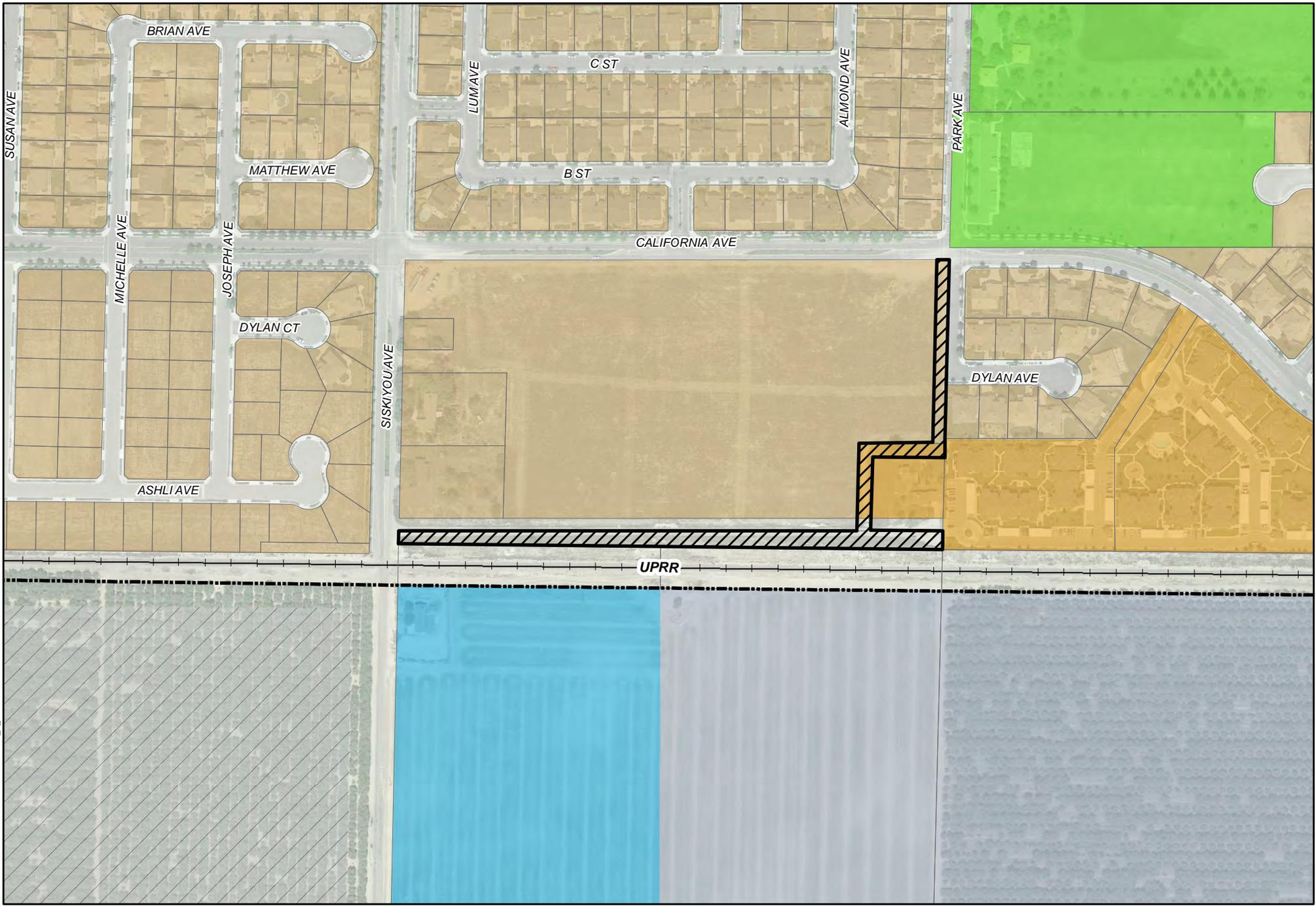


Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



Vicinity Map  
Exhibit 2





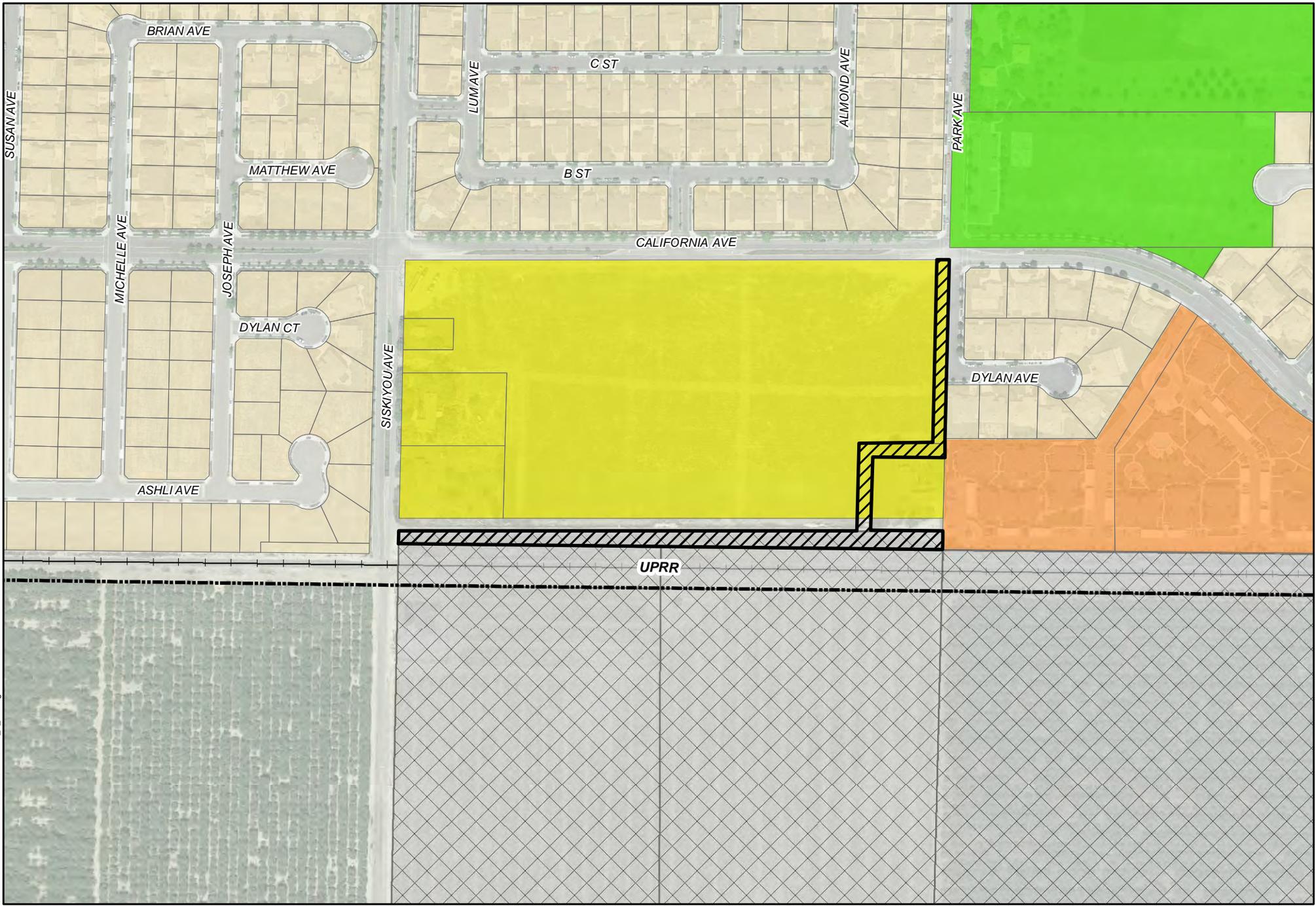
 Project Site  
  Medium Density Residential  
  High Density Residential  
  Service Commercial  
  Industrial  
  Parks  
  Undesignated

0 150 300 Feet

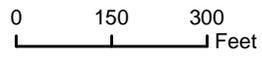
Land Use Map  
Exhibit 3



Document Path: F:\2013\13-236\GIS\13-236\_4\_Zoning.mxd



- Project Site
- R-2, Two-Family Residential (One Unit/3500 SF)
- O, Open Space, Recreation, & Public Facilities District
- R-1, Single-Family Residential
- SD-R-3.5, SD Residential (3500 SF Min. Lot)
- CNTY, County Of Fresno



**Zoning Map**  
Exhibit 4

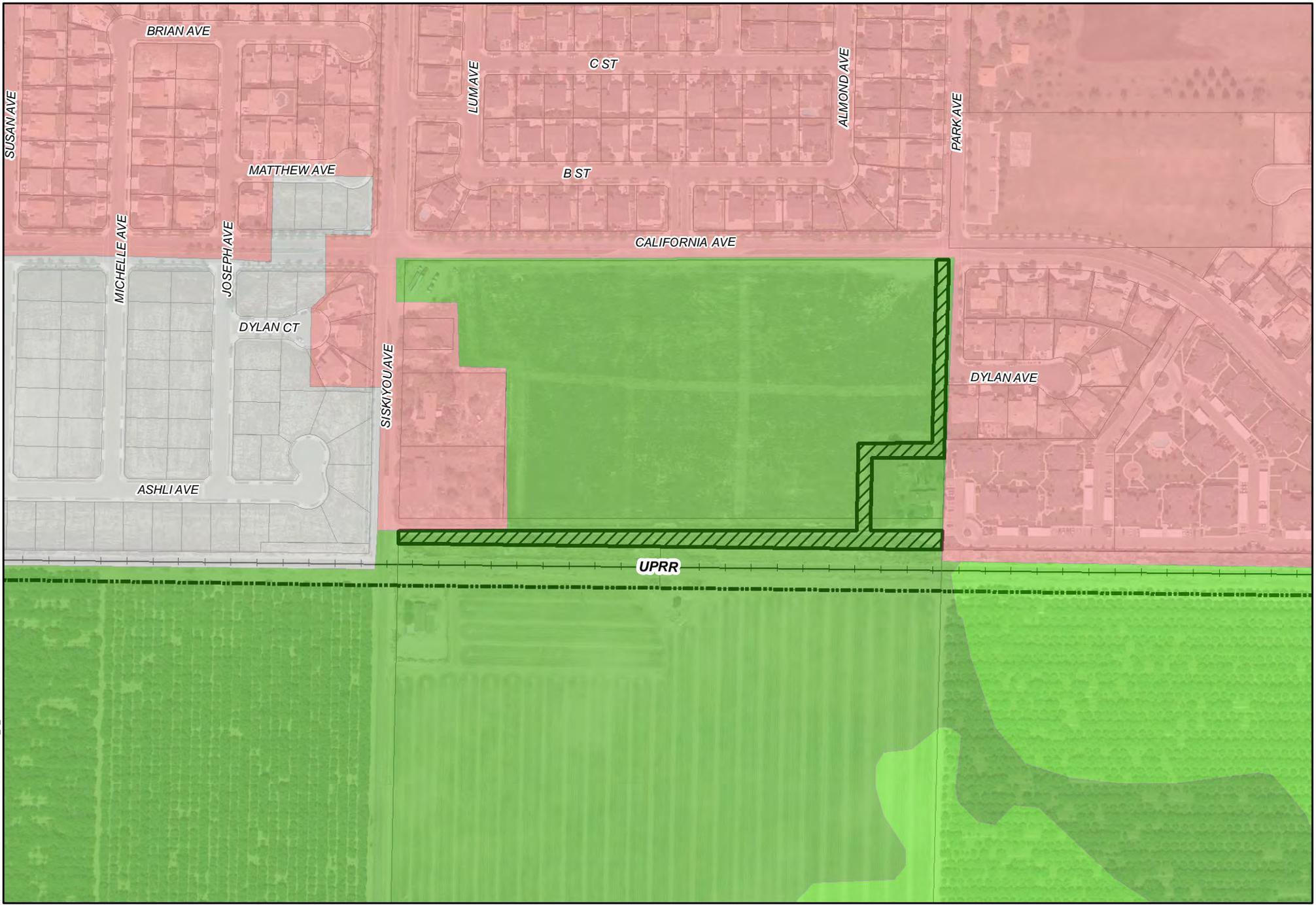




 Project Site
  Flood Hazard Areas

0 150 300 Feet

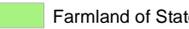
Data Source: FEMA.gov



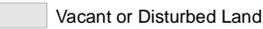
Project Site



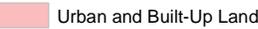
Prime Farmland



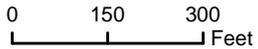
Farmland of Statewide Importance



Vacant or Disturbed Land



Urban and Built-Up Land



Data Source: California Department of Conservation Farmland Mapping and Monitoring Program

Farmland Map  
Exhibit 6



## **APPENDIX B – Site Photos**

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Figure 1: UPRR Alignment, Looking East.



Figure 2: UPRR Alignment, looking west.



Figure 3: East side of trail, looking south.



Figure 4: East side of trail, looking north.

## **APPENDIX C – Initial Study**

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**CEQA Appendix H  
Environmental Information Form**

---

Date 1/12/2015

**General Information**

1. *Name and Address of developer or project sponsor:*

City of Kerman, 850 S. Madera Avenue, Kerman, CA 93630

2. *Address of project:*

N/A

*Assessor's Block and Lot Number:*

023-060-81T, 023-040-90S, 023-040-21S

3. *Name, address, and telephone number of person to be contacted concerning this project*

Jerry Jones, City Engineer  
2985 N Burl Ave #101  
Fresno, CA 93727  
(559) 244-3123

4. *Indicate number of the permit application for the project to which this pertains*

N/A

5. *List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state, and federal agencies*

N/A

6. *Existing Zoning District*

SD-R-3.5 (Smart Development Residential District, 3500 SF Min. Lot)

7. *Proposed use of site*

Pedestrian and Bicycle Trail

**Project Description**

- 8. *Site size*  
1.23 acres
- 9. *Square footage*  
53,774 sqft
- 10. *Number of floors construction*  
N/A
- 11. *Amount of off-street parking provided*  
N/A
- 12. *Attach Plans*  
No
- 13. *Proposed Scheduling*  
See Section 3.4
- 14. *Associated Projects*  
None
- 15. *Anticipated incremental development*  
No
- 16. *If residential, include the number of units, schedule of unit sizes, range of sale prices or rents, and type of household size expected.*  
N/A
- 17. *If commercial, indicate the type, whether neighborhood, city, or regionally oriented, square footage of sales area, and loading facilities.*  
N/A
- 18. *If industrial, indicate type, estimated employment per shift, and loading facilities.*

N/A

19. *If institutional, indicate the major function, estimated employment per shift, estimated occupancy, loading facilities, and community benefit to be derived from the project.*

N/A

20. *If the project involves a variance, conditional use or rezoning application, state this and indicate clearly why the application is required.*

N/A

21. *Change in existing features of any bays, tidelands, beaches, or hills, or substantial alteration of ground contours.*

No

22. *Change in scenic view of vistas from existing residential areas or public lands or roads.*

No

23. *Change in pattern, scale or character of general area of project*

No

24. *Significant amounts of solid waste or litter*

No

25. *Change in dust, ash, smoke, fumes or odors in vicinity*

Yes, the project will create fugitive dust during construction activities. The project will conform to the requirements of San Joaquin Valley Air Pollution Control District (SJVAPCD) Regulation VIII.

26. *Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration of existing drainage patterns*

No

27. *Substantial change in existing noise or vibration levels in the vicinity*

Yes

During construction of the proposed project, there will be an increase in daytime noise levels in the project vicinity due to construction operations and equipment. Upon completion, the project will not cause an increase in noise levels.

28. *Site on filled land or on slope of 10 percent or more.*

No

29. *Hazardous Materials*

Yes

Construction of the proposed project will require the use of diesel fuel, gasoline, oil, and lubricants for construction equipment.

30. *Substantial change in demand for municipal services (police, fire, water, sewage, etc.).*

No

31. *Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.).*

No

32. *Relationship to a larger project of series of projects.*

No

### **Environmental Setting**

33. *Project Site Description*

The topography of the project site is flat terrain, typical of the San Joaquin Valley. The site is currently vacant with sparse ground cover and few trees. The existing plant life is sparse, with no native habitat. There are no structures located within the project site. The project will be located within pedestrian easements and public street right-of-way.

34. *Project Surroundings*

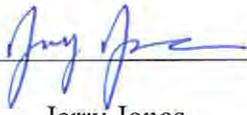
The surrounding properties to the north, east, and west are medium and high density residential and the properties to the south, while zoned service commercial and industrial, are used for agriculture. There is a park (Lions Park) located directly northeast of the

proposed trail site and undesignated/county land to the southwest, also used for agriculture.

**Certification**

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

Date 1/14/2015

Signature   
For Jerry Jones

## **CEQA Appendix G Environmental Checklist Form**

---

**Project Title**

Union Pacific Railroad (UPRR) Pedestrian and Bicycle Trail Project

**Lead Agency Name and Address**

City of Kerman  
850 S. Madera Avenue  
Kerman, CA 93630

**Contact Person**

Jerry Jones, City Engineer

**Contact Phone**

(559) 244-3123

**Project Location**

The proposed project is located in the City of Kerman, County of Fresno, California. The proposed project site is located along the north side of the UPRR from Siskiyou Avenue to 1300 feet east and then north to California Avenue (see Exhibit 2). The southern, east-west running portion of the project will be located within City-owned property and public street right-of-way and the eastern, north-south running portion of the project will be located within pedestrian easements and public street right-of-way (see Exhibit 5). The City will acquire the required easements.

**Project Sponsor**

City of Kerman

**Sponsor Address**

850 S. Madera Avenue  
Kerman, CA 93630

**General plan designation**

Medium and High Density Residential (see Exhibit 3).

**Zoning**

SD-R-3.5 (Smart Development Residential District, 3500 SF Min. Lot) (see Exhibit 4).

**Project Description**

The proposed project consists of the construction of a 10 foot wide pedestrian and bicycle trail along the north side of the Union Pacific Railroad (UPRR) from Siskiyou Avenue to 1300 feet east and then north to California Avenue as shown on the provided maps (See Exhibits 1 & 2).

The project will consist of a 10 foot wide asphalt trail from Siskiyou Avenue to Park Avenue and a 10 foot wide concrete sidewalk along the west side of Park Avenue. The project will also include street improvements along the west side of Park Avenue and landscaping along the length of the trail. The trail will be located within City-owned property, existing public street right-of-way, proposed pedestrian easements, and proposed public street right-of-way.

Pedestrian easements will be acquired from APN 023-040-21S and APN 023-040-90S. APN 023-040-21S is currently used for a rural single-family residence and APN 023-040-90S is currently vacant. The easement acquired from APN 023-040-21S will not require relocation of the residence or negatively impact the residence. Both properties are zoned for single-family residential. In addition to the pedestrian easements, public street right-of-way will be acquired from APN 023-040-90S along the Park Boulevard frontage.

### **Surrounding Land Uses and Setting**

The surrounding properties to the north, east and west are medium and high density residential and the properties to the south, while zoned service commercial and industrial, are currently used for agriculture. There is a park (Lions Park) located directly northeast of the proposed trail site and undesignated/county land to the southwest, also used for agriculture.

### **Other public agencies whose approval is required**

N/A

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Aesthetics               | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources     | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology /Soils                     |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials      | <input type="checkbox"/> Hydrology / Water Quality          |
| <input type="checkbox"/> Land Use / Planning      | <input type="checkbox"/> Mineral Resources                  | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population / Housing     | <input type="checkbox"/> Public Services                    | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation/Traffic   | <input type="checkbox"/> Utilities / Service Systems        | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

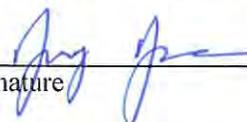
I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

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.

Signature  City Engineer

Date 1/14/2015

Signature \_\_\_\_\_

Date \_\_\_\_\_

## EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

- 9) The explanation of each issue should identify:
- a) the significance criteria or threshold, if any, used to evaluate each question; and
  - b) the mitigation measure identified, if any, to reduce the impact to less than significance

**SAMPLE QUESTION**

Issues:

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
--	---	---	---	----------------------

I. AESTHETICS. Would the project:

- |  |                          |                          |                          |                          |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Have a substantial adverse effect on a scenic vista?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?                                    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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 forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>III. AIR QUALITY.</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**IV. BIOLOGICAL RESOURCES:**

Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b><u>V. CULTURAL RESOURCES.</u></b> Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b><u>VI. GEOLOGY AND SOILS.</u></b> Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**VII. GREENHOUSE GAS EMISSIONS.**

Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**VIII. HAZARDS AND HAZARDOUS MATERIALS.** Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b><u>IX. HYDROLOGY AND WATER QUALITY.</u></b>				
Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>X. LAND USE AND PLANNING.</u> Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

XI. MINERAL RESOURCES. Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

XII. NOISE -- Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<b>Less Than Significant</b>			
	<b>Potentially Significant Impact</b>	<b>with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>

XIII. POPULATION AND HOUSING. Would the project:

- |   |                          |                          |                          |                          |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

XIV. PUBLIC SERVICES.

- |   |                          |                          |                          |                          |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| 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: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Fire protection?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Police protection?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Schools?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Parks?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Other public facilities?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

XV. RECREATION.

- |  |                          |                          |                          |                          |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|--------------------------|

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>XVI. TRANSPORTATION/TRAFFIC.</u> Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking 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, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<b>Less Than Significant</b>			
	<b>Potentially Significant Impact</b>	<b>with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>

**XVII. UTILITIES AND SERVICE SYSTEMS.**

Would the project:

- |   |                          |                          |                          |                          |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 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 environmental effects?                            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.**

- |  |                          |                          |                          |                          |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|--------------------------|

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; *Sundstrom v. County of Mendocino*, (1988) 202 Cal.App.3d 296; *Leonoff v. Monterey Board of Supervisors*, (1990) 222 Cal.App.3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

Revised 2009

**CEQA Appendix G**  
**Attachment 1:**  
**Discussion of Environmental Checklist Issues**

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**I. AESTHETICS**

- a.) *Discussion:* There are no scenic vistas within the project vicinity.  
*Mitigation:* None.
- b.) *Discussion:* The project is not located along a state scenic highway.  
*Mitigation:* None.
- c.) *Discussion:* The project will not substantially degrade the existing visual quality of the project site or its surroundings. The primary aspect of the visual character of the project site is a vacant lot with sparse groundcover and few trees. The addition of a pedestrian and bicycle trail will not alter the existing visual quality of the project site or its surroundings.  
*Mitigation:* None.
- d.) *Discussion:* The project introduces a new light source which will not adversely affect day or nighttime views in the area. The project includes the installation of street lights which will be consistent with site and street lighting in urbanized areas.  
*Mitigation:* None.

**II. AGRICULTURAL RESOURCES**

- a.) *Discussion:* The project will convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. According to the Important Farmland Map published in May 2010 by the Farmland Mapping and Monitoring Program, the entirety of the site sits on Prime Farmland. The project site is currently used as vacant land and is zoned for residential use. The conversion of agricultural land to non-agricultural uses is discussed in the Environmental Impact Report for the City of Kerman 2007 General Plan Update. Therefore the impact is less than significant. The 2007 Update of the Kerman General Plan is available at <http://www.codepublishing.com/CA/Kerman/generalplan/> or is available for viewing upon request at the Kerman City Hall at 850 S. Madera Avenue, Kerman, CA 93630.  
*Mitigation:* None.

- b.)** *Discussion:* The project will not conflict with existing zoning for agricultural use or Williamson Act contract. Neither the project site nor the surrounding properties within the project limits are zoned for agricultural land use and are not a part of a Williamson Act contract.  
*Mitigation:* None.
- c.)** *Discussion:* There is no forest land or timberland located within the project vicinity.  
*Mitigation:* None.
- d.)** *Discussion:* There is no forest land within the project vicinity.  
*Mitigation:* None.
- e.)** *Discussion:* The proposed project does not 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.  
*Mitigation:* None.

### **III. AIR QUALITY**

The project is located within the San Joaquin Valley Air Basin (SJVAB). The SJVAB is a non-attainment area for ozone based on National Ambient Air Quality Standards (NAAQS) and State Ambient Air Quality Standards (SAAQS). The SJVAB is a non-attainment area for PM<sub>2.5</sub> based on National Ambient Air Quality Standards (NAAQS) and State Ambient Air Quality Standards (SAAQS). The SJVAB is an unclassified/attainment area for Carbon Monoxide based on National Ambient Air Quality Standards (NAAQS) and State Ambient Air Quality Standards (SAAQS). The SJVAB is designated as non-attainment for PM<sub>10</sub> based on SAAQS and attainment based on NAAQS.

- a.)** *Discussion:* The project will not conflict with or obstruct implementation of the applicable air quality plan.  
*Mitigation:* None.
- b.)** *Discussion:* The project will create fugitive dust during construction activities. Fugitive dust is a contributor to PM<sub>10</sub> levels, for which the SJVAB is a non-attainment area. The project will conform to the requirements of San Joaquin Valley Air Pollution Control District (SJVAPCD) Regulation VIII. Regulation VIII is a series of rules designed to reduce fugitive dust from construction sites and other areas. Conformance with Regulation VIII reduces the impact of fugitive dust contributions to PM<sub>10</sub> levels during construction to less than significant. After construction is completed the project will not

violate any air quality standard or contribute substantially to an existing or projected air quality violation.

*Mitigation:* None.

- c.) *Discussion:* The project will create fugitive dust during construction activities. However, fugitive dust creation will be mitigated through conformance with SJVAPCD Regulation VIII and SJVAPCD Rule 2201. After construction is completed the project will not result in a cumulatively considerable net increase of any criteria pollutant for which the SJVAPCD is non-attainment under an applicable federal or state ambient air quality standard.

*Mitigation:* None.

- d.) *Discussion:* During construction, the project will expose sensitive receptors to fugitive dust and PM10. The sensitive receptors in the area are primarily residences. However, through conformance with SJVAPCD Regulation VIII and SJVAPCD Rule 2201, the level of fugitive dust created by the project is considered to have a less than significant impact on the sensitive receptors in the area.

*Mitigation:* None.

- e.) *Discussion:* The project will not create objectionable odors affecting a substantial number of people.

*Mitigation:* None.

#### IV. **BIOLOGICAL RESOURCES**

The project will require the clearing of non-native sparse ground cover consisting of Johnson grass and Russian thistle and potentially two (2) residential trees for the construction of the trail. The plants to be removed as part of this project provide only marginal habitat for native species.

- a.) *Discussion:* The project will not have a substantial adverse effect on any species identified as candidate, sensitive, or special status species. Two species of concern, the Burrowing Owl and the Kit Fox may exist in the vicinity of the project site. The San Joaquin Kit Fox is a federally endangered species and the Burrowing Owl is a federally endangered species and is designated as “threatened” by the State of California. Prior to initiation of any construction activities including mobilization to the project area the City will implement the mandatory pre-construction surveys and construction and operational requirements as specified in the U.S. Fish and Wildlife Standardization Recommendations for the Protection of the San Joaquin Kit Fox Prior to Ground Disturbance (UFWS 1993) and the California Department of Fish and Game Staff Report on Burrowing

Owl Mitigation (CDFG 2012). If either species is discovered in the course of construction activities, construction will be stopped until a biologist can evaluate. The impact of the project on either species will be less than significant. See attached Biological Assessment in Appendix D.

*Mitigation:* None.

- b.)** *Discussion:* The project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community. There is no riparian habitat or sensitive natural community within the project limits.

*Mitigation:* None.

- c.)** *Discussion:* The project will not have a substantial adverse effect on federally protected wetlands. There are no wetlands within the project limits.

*Mitigation:* None.

- d.)** *Discussion:* The project will not interfere with the movement of any native resident migratory fish or wildlife species. There are no water courses within the project limits. There are no wildlife corridors or nursery sites within the project limits.

*Mitigation:* None.

- e.)** *Discussion:* The City does not have any policies or ordinances protecting biological resources.

*Mitigation:* None.

- f.)** *Discussion:* There are no Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans in place in the project vicinity.

*Mitigation:* None.

## **V. CULTURAL RESOURCES**

The City requested a records search of the NAHC Sacred Lands Inventory. The records search failed to indicate the presence of Native American traditional cultural places in the project area. In addition, the City sent letters to the tribal governments and Native American individuals who may have knowledge of cultural resources or sacred sites within the project area. To date, no cultural resources or sacred sites were indicated as being present in the project area by the Native American contacts. Correspondence with the NAHC and Native American contacts provided by the NAHC is included in Appendix E. If any culturally significant artifacts are found, the contractor is to notify the County Coroner's office and stop all construction within a 100 foot radius of the find until the Coroner's office can make a determination of its origins and the proper authorities can be contacted whether that be a law enforcement or the Native American Heritage Commission.

The City also requested a cultural resources records search from the Southern San Joaquin Valley Information Center (SSJVIC). The search revealed no recorded cultural resources within the project area. The results of the project area does not rule out any cultural resources in the area. This project area has not been previously developed and has never been previously investigated for cultural resources. The SSJVIC recommends a qualified professional archaeologist to conduct a field survey prior to ground disturbance activities to determine if cultural resources are present. The results of the records search are provided in Appendix F.

- a.) *Discussion:* There are no known historical resources located within the project limits.  
*Mitigation:* None.
- b.) *Discussion:* There are no known archaeological resources located within the project limits.  
*Mitigation:* None.
- c.) *Discussion:* There are no known paleontological resources or unique geologic features within the project limits.  
*Mitigation:* None.
- d.) *Discussion:* There are no known human remains within the project limits.  
*Mitigation:* None.

## VI. GEOLOGY AND SOILS

- a.)
  - i) *Discussion:* There are no known earthquake faults within the project vicinity based on the most recent Alquist-Priolo Earthquake Fault Zoning Map.  
*Mitigation:* None.
  - ii) *Discussion:* The project will not expose people or structures to substantial adverse effects from strong seismic ground shaking.  
*Mitigation:* None.
  - iii) *Discussion:* The project will not expose people or structures to substantial adverse effects from seismic-related ground failure. The soils within the project vicinity are not conducive to liquefaction.  
*Mitigation:* None.
  - iv) *Discussion:* The topography of the City of Kerman is relatively flat, with no potential for landslides.  
*Mitigation:* None.

- b.) *Discussion:* The subject site is level and the underlying soil does not have erosive qualities. Soil erosion during construction will be minimized through the use of appropriate construction techniques and best management practices.  
*Mitigation:* None.
- c.) *Discussion:* The project will not be located on a geologic unit or soil that is unstable.  
*Mitigation:* None.
- d.) *Discussion:* The project will not be located on an expansive soil.  
*Mitigation:* None.
- e.) *Discussion:* The project does not include, nor will it require, the construction of septic tanks or alternative waste disposal systems.  
*Mitigation:* None.

## **VII. GREENHOUSE GAS EMISSIONS**

- a.) *Discussion:* During construction greenhouse gas emissions will be generated from the use of vehicles to transport workers and materials to and from the site and from the use of construction equipment on site. The greenhouse gas emissions generated by the construction process are considered less than significant. After construction no greenhouse gas emissions will be generated by the project. This project will create a reduction of greenhouse gas emissions because this project is intended to promote more bicycle and pedestrian transportation and less automobile transportation, thus creating a reduction of greenhouse gas emissions.  
*Mitigation:* None.
- b.) *Discussion:* The project will not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.  
*Mitigation:* None.

## **VIII. HAZARDS AND HAZARDOUS MATERIALS**

- a.) *Discussion:* During construction, there will be routine use of diesel fuel, gasoline, oil, and lubricants for construction equipment. The City will require that all construction machinery is in good working condition and free of fluid leaks. Due to the relatively small amounts of these materials to be used and safeguards in place on construction

equipment to prevent release of these materials, the hazard to the public and the environment is considered to be less than significant.

*Mitigation:* None.

**b.)** *Discussion:* See Part a.) above.

*Mitigation:* None.

**c.)** *Discussion:* The project will be constructed within one-quarter mile of an existing or proposed school. Liberty Elementary school is located approximately 0.25 miles from the project. There will be emissions released from construction equipment, but the impact is considered less than significant as the construction equipment will be required to comply with all requirements regarding emissions controls set forth by the regulating agencies. The impact of the handling of hazardous materials is considered to be less than significant, see Part a.).

*Mitigation:* None.

**d.)** *Discussion:* The project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

*Mitigation:* None.

**e.)** *Discussion:* The project is not located within an airport land use plan or within two miles of a public airport or public use airport.

*Mitigation:* None.

**f.)** *Discussion:* The project is not located within the vicinity of a private airstrip.

*Mitigation:* None.

**g.)** *Discussion:* The project will not impair the implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The project will not interfere with any transportation facilities.

*Mitigation:* None.

**h.)** *Discussion:* There are no wildlands in the project vicinity.

*Mitigation:* None.

## **IX. HYDROLOGY AND WATER QUALITY**

**a.)** *Discussion:* The project will not violate any water quality standards or waste discharge requirements.

*Mitigation:* None.

- b.)** *Discussion:* The proposed project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or lowering of the local groundwater table level.  
*Mitigation:* None.
- c.)** *Discussion:* The project will not alter the existing drainage pattern of the area in a manner that would result in substantial erosion or siltation on- or off-site. There are no streams or rivers within the project vicinity. Erosion and siltation during construction will be controlled through appropriate construction techniques and best management practices.  
*Mitigation:* None.
- d.)** *Discussion:* The project will not alter the existing drainage pattern of the area. There are no streams or rivers within the project vicinity. There will be an increase in the amount of impervious surfaces on the site due to the paved trail. Runoff will be directed to the pervious surfaces on either side of the trail.  
*Mitigation:* None.
- e.)** *Discussion:* An irrigation system will be installed with the landscaping, however all water used for irrigation will be used on pervious surfaces and will not create additional runoff. During construction water will be used as a dust mitigation measure and will be used at levels too low to cause runoff from the site.  
*Mitigation:* None.
- f.)** *Discussion:* The project will not substantially degrade water quality.  
*Mitigation:* None.
- g.)** *Discussion:* There is no housing included as part of the project. The project is not in a 100-year flood hazard area (see Exhibit 5).  
*Mitigation:* None.
- h.)** *Discussion:* The project is not in a 100-year flood hazard area (see Exhibit 5).  
*Mitigation:* None.
- i.)** *Discussion:* The project will not expose people or structures to a significant risk of loss, injury, or death involving flooding. There are no levees or dams in the project vicinity.  
*Mitigation:* None.
- j.)** *Discussion:* There is no potential for inundation by seiche, tsunami, or mudflow within the project vicinity.  
*Mitigation:* None.

## **X. LAND USE AND PLANNING**

- a.)**     *Discussion:* The project will not physically divide an established community.  
*Mitigation:* None.
- b.)**     *Discussion:* The land is currently zoned as county and SD-R-3.5, Smart Development Residential District. The installation of pedestrian and bicycle trail in this zone is not in conflict with the City of Kerman's Land Use Plan, nor is it in conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project.  
*Mitigation:* None.
- c.)**     *Discussion:* There are no applicable habitat conservation plans or natural community conservation plans within the project vicinity.  
*Mitigation:* None.

## **XI. MINERAL RESOURCES**

- a.)**     *Discussion:* There are no known mineral resources within the project limits.  
*Mitigation:* None.
- b.)**     *Discussion:* The project will not result in the loss of availability of a locally imported mineral resource recovery site. There are no delineated mineral resource recovery sites within the project vicinity.  
*Mitigation:* None.

## **XII. NOISE**

- a.)**     *Discussion:* During construction, noise levels generated by construction equipment and operations will exceed noise level standards established in the City's General Plan. However, construction operations will be restricted to daytime hours, per City policy. Therefore, the impact of the elevated noise levels during construction is considered less than significant.  
*Mitigation:* None.
- b.)**     *Discussion:* The project will not expose people to or generate excessive groundborne vibration or groundborne noise levels.  
*Mitigation:* None.
- c.)**     *Discussion:* The project will not create a permanent increase in ambient noise levels in the project vicinity above levels existing without the

project. The noise generated by the project is below ambient noise levels in the area.

*Mitigation:* None.

- d.) *Discussion:* There will be a temporary increase in ambient noise levels in the project vicinity during construction. However, construction operations will be restricted to daytime hours, per City policy. Therefore, the impact of the elevated noise levels during construction is considered less than significant.

*Mitigation:* None.

- e.) *Discussion:* The project is not located within an airport land use plan or within two miles of a public airport or public use airport.

*Mitigation:* None

- f.) *Discussion:* The project is not located within the vicinity of a private airstrip.

*Mitigation:* None.

### **XIII. POPULATION AND HOUSING**

- a.) *Discussion:* The project will not induce population growth.

*Mitigation:* None.

- b.) *Discussion:* The project will not displace substantial numbers of existing housing. No residences are required to be removed or relocated.

*Mitigation:* None.

- c.) *Discussion:* The project will not displace substantial numbers of people. No people will be displaced as a result of this project.

*Mitigation:* None.

### **XIV. PUBLIC SERVICES**

- a.) *Discussion:* No additional public service facilities will be required as a result of this project. Service ratios will not be affected by the project.

*Mitigation:* None.

### **XV. RECREATION**

- a.) *Discussion:* The proposed project may result in an increased use of Lion's Park due to its proximity to the project site (see Exhibit 2). However, use of Lion's Park would not increase to such a degree that substantial physical deterioration of the facility would occur or be accelerated.

*Mitigation:* None.

- b.) *Discussion:* The project does not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

*Mitigation:* None.

## **XVI. TRANSPORTATION/TRAFFIC**

- a.) *Discussion:* The project will not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system. There may be a minor increase in traffic during construction due to the arrival and departure of construction workers and the operation of construction equipment.

*Mitigation:* None.

- b.) *Discussion:* The project will not conflict with an applicable congestion management program.

*Mitigation:* None.

- c.) *Discussion:* The project will not result in a change in air traffic patterns.

*Mitigation:* None.

- d.) *Discussion:* The project will not substantially increase hazards due to a design feature or incompatible uses.

*Mitigation:* None.

- e.) *Discussion:* Adequate emergency access will be maintained during construction operations. The completed project will not affect emergency access.

*Mitigation:* None.

- f.) *Discussion:* The project will not conflict with adopted policies, plans, or programs supporting alternative transportation.

*Mitigation:* None.

## **XVII. UTILITIES AND SERVICE SYSTEMS**

- a.) *Discussion:* The project will not contribute any wastewater and thus will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.

*Mitigation:* None.

- b.) *Discussion:* The project will not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities.  
*Mitigation:* None.
- c.) *Discussion:* The project will not require or result in the construction of new stormwater drainage facilities or expansion of existing facilities.  
*Mitigation:* None.
- d.) *Discussion:* The City has sufficient water supplies available to service the water needed for landscaping irrigation as well as the water demands during construction. No new or expanded entitlements will be needed.  
*Mitigation:* None.
- e.) *Discussion:* The project will not require wastewater treatment service.  
*Mitigation:* None.
- f.) *Discussion:* Construction debris and waste will be required to be disposed of at a suitable and legal disposal site with sufficient capacity. The completed project will not generate any solid waste.  
*Mitigation:* None.
- g.) *Discussion:* See Part f.) above.  
*Mitigation:* None.

## **XVIII. MANDATORY FINDINGS OF SIGNIFICANCE**

- a.) *Discussion:* The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.  
*Mitigation:* None.
- b.) *Discussion:* The project does not have impacts that are individually limited, but cumulatively considerable.  
*Mitigation:* None.
- c.) *Discussion:* The project does not have environmental effects which will cause substantial adverse effects on human beings. By providing increased pedestrian and bicycle accessibility the project has the potential to decrease vehicle use and greenhouse gas emissions as well as to

increase the physical well-being of the residents and thus could have a positive effect on the residents of Kerman.

*Mitigation:* None.

## **APPENDIX D – Biological Resource Assessment**

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**FINAL TECHNICAL REPORT**

**BIOLOGICAL RESOURCE ASSESSMENT  
FOR UNION PACIFIC RAILROAD  
PEDESTRIAN AND BICYCLE TRAIL**

CITY OF KERMAN, CALIFORNIA

Prepared by:

URS Corporation

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Prepared for:

Yamabe & Horn Engineering, Inc.

2985 North Burl Avenue, Suite 101

Fresno, CA 93727

December 22, 2014



## Introduction

The City of Kerman (City) is proposing to construct a pedestrian and bicycle trail along the north side of the Union Pacific Railroad (UPRR). The proposed project consists of a 10-foot wide trail beginning at Siskiyou Avenue and running east for about 1,300 feet, then north to the intersection of California Avenue and Park Avenue, for approximately 750 feet where it would terminate (Exhibit 1).

## Environmental Setting

The proposed project is located in the southwest part of the city and is an urbanized area wholly within the city limits of Kerman (Exhibit 2). Residences are located on the west, north and east side of the proposed project. A small vacant parcel north of the proposed trail is zoned for medium density and provides a buffer to the adjacent residential community. An agriculture field located on the south side of the proposed trail (and railroad track) is zoned commercial and industrial in the City's 2007 General Plan. The Southern Pacific Railroad, now the Union Pacific Railroad predates the founding of City. The line was constructed to connect Fresno and Tracy. A paved road (an abandoned segment of California Avenue ) running east – west borders the northern boundary and the UPRR borders the southern boundary of the trail alignment respectively.

The project area is located within the San Joaquin Valley, part of the Great Central Valley. This encompasses an area that is approximately 430 miles long north/south and 40 miles wide. The valley floor is composed of sediments deposited from runoff from the surrounding mountains. The rainfall in this area averages between 10-12 inches per year. The project area is part of the Lower Sonoran Life zone within the California Valley Grassland Community. However the area has been extensively farmed since the early 1900s. The soil is Hesperia sandy loam, moderately deep and is suitable for irrigated orchards, row crops, field crops, grain, hay, pasture and grapes.

## Survey

A record search of the California Natural Diversity Database (CNDDB) was performed prior to the site visit to determine the potential of special status species occurrence near the project area. On Monday December 15, 2014, David Young, an approved URS biologist, conducted a reconnaissance level biological survey of the proposed project area. The survey consisted of walking the trail alignment between the Union Pacific Railroad and the abandoned street, observing the site characteristics and searching for any sign of occupancy by special-status plant and animal species. The field survey conducted for this biological assessment was sufficient to assess the overall habitat characteristics of the project site and surrounding areas, the potential that special-status species may be occupying the site, and the significance of possible impacts associated with the project.

Photographs were taken of the site (Exhibit 3). The weather was cool, (approximately 50° F), cloudy with light wind. There had been several rain events prior to the visit. The ground was muddy, with several standing puddles of water.

## Findings

A search of the CNDDDB was performed on December 15, 2014. There is one (1) record of a special status species occurrence for Fresno kangaroo rat (*Dipodomys nitratooides exilis*) within one (1) mile of the project area (Figure 1). The record indicates that on March 20, 1934, 5 individuals were collected from 0.5 to 1.5 miles west of Kerman. The Fresno kangaroo rat is a state and federally listed endangered species. However, there are no known populations within the circumscribed historical geographic range in Merced, Madera, and Fresno Counties

<http://esrp.csustan.edu/publications/pubhtml.php?doc=sjvrp&file=chapter02100.html#distribution> accessed December 22, 2014). A single male Fresno kangaroo rat was captured twice in autumn 1992 on the Alkali Sink Ecological Reserve, about 14 miles west of Kerman.

The area is comprised of ruderal species with mature and seedling Russian thistle (*Salsola sp.*) the dominant plant species with Johnson grass (*Sorghum halapense*) the dominant grass species. Numerous small mammal burrows were observed. The burrows ranged in size from 2 inches in diameter to 6 inches. Burrows were disturbed by recent rain events. Most burrows had collapsed or were filled in with sediment. There were no signs of trail dragging, scat or active animals and no evidence of newly formed burrows. Two domestic cats (*Felis catus*) were observed walking in the area. One (1) common blackbird (*Turdus merula*) was observed.

Railroad cross ties have been stacked within the proposed trail alignment providing potential albeit artificial habitat for fossorial mammals.

The presence of burrows suggested an active population of small mammals (California ground squirrel, Heerman's kangaroo rat (*Dipodomys heermanni*); prey base for San Joaquin kit fox (*Vulpes macrotis mutica*) (SJKF). The SJKF is federally listed endangered species. Burrows also may serve as natal dens for the SJKF. The area and the agriculture fields south of the proposed project may provide foraging habitat for SJKF. Although the habitat is marginally the presence of SJKF cannot be ruled out.

Burrows are also the essential component of California burrowing owl habitat. Both natural and artificial burrows provide protection, shelter, and nests. Typically burrowing owls use burrows made by fossorial mammals, such as ground squirrels but also may use man-made structures such as cement culverts: cement, asphalt, or wood debris piles; or openings beneath cement or asphalt payment. No California burrowing owls or sign of presence was observed. However the potential for their presence cannot be ruled out conclusively.

## Recommendations

Based on the historical record, the lack of suitable grassland habitat for the Fresno kangaroo rat, domestic predators, it is unlikely that Fresno kangaroo rat is present.

### San Joaquin Valley Kit Fox

Prior to initiation of any construction activities including mobilization to the project area the City should implement the mandatory pre-construction surveys and construction and operational requirements as

specified in the U.S. Fish and Wildlife Standardized Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance (USFWS 1993). These mitigation measures are provided in Appendix A.

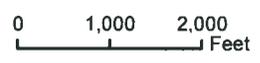
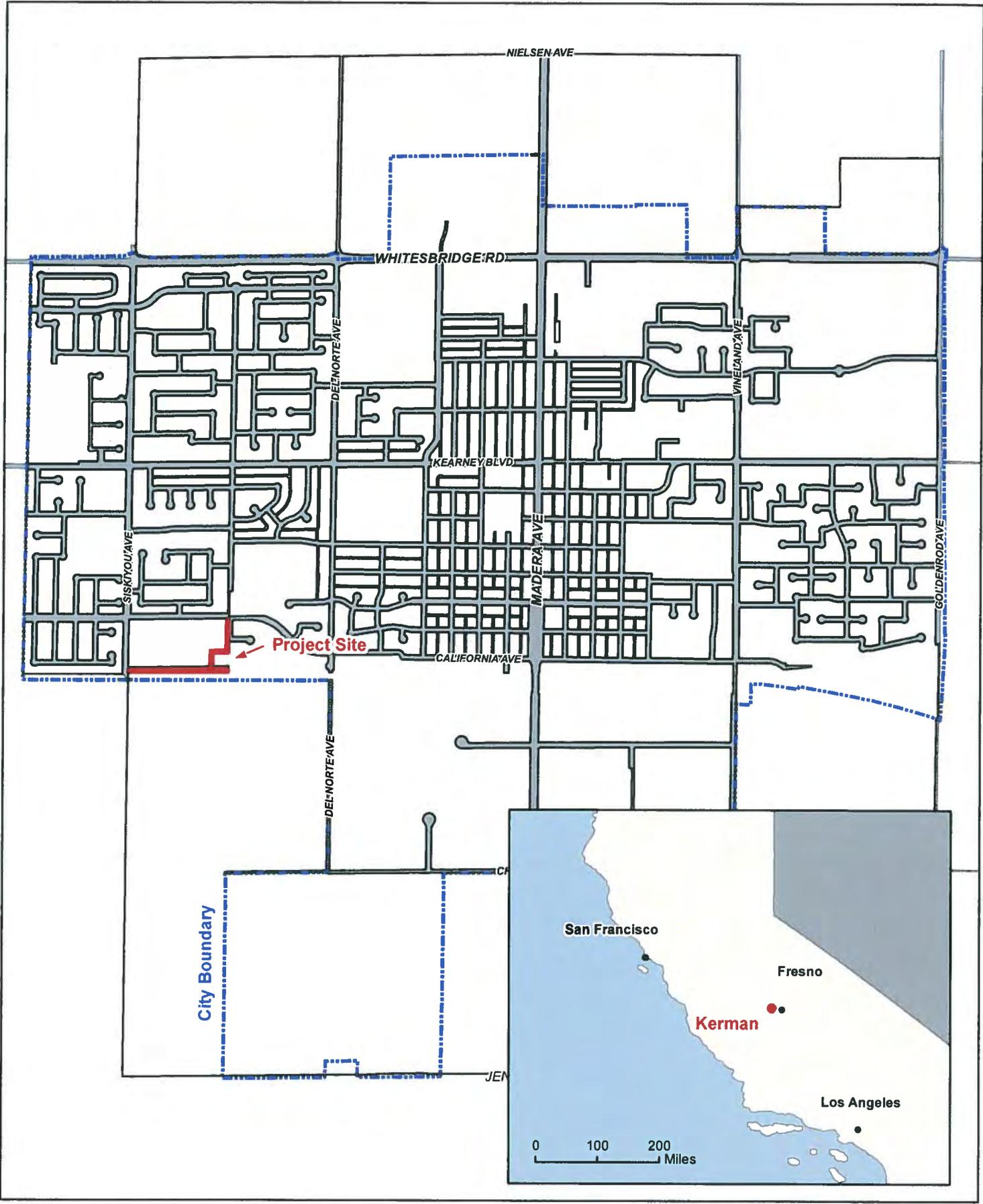
### **California Burrowing Owl**

Prior to initiation of any construction activities including mobilization to the project area the City should implement the mandatory pre-construction surveys and construction and operational requirements as specified in the California Department of Fish and Game Staff Report on Burrowing Owl Mitigation (CDFG 2012). These mitigation measures are provided in Appendix B.

### **References**

CDFG 2012. California Department of Fish and Game Staff Report on Burrowing Owl Mitigation. March 7, 2012.

USFWS 1993. U.S. Fish and Wildlife Standardized Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance.



Location Map  
Exhibit 1





Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, Swisstopo, and the GIS User Community

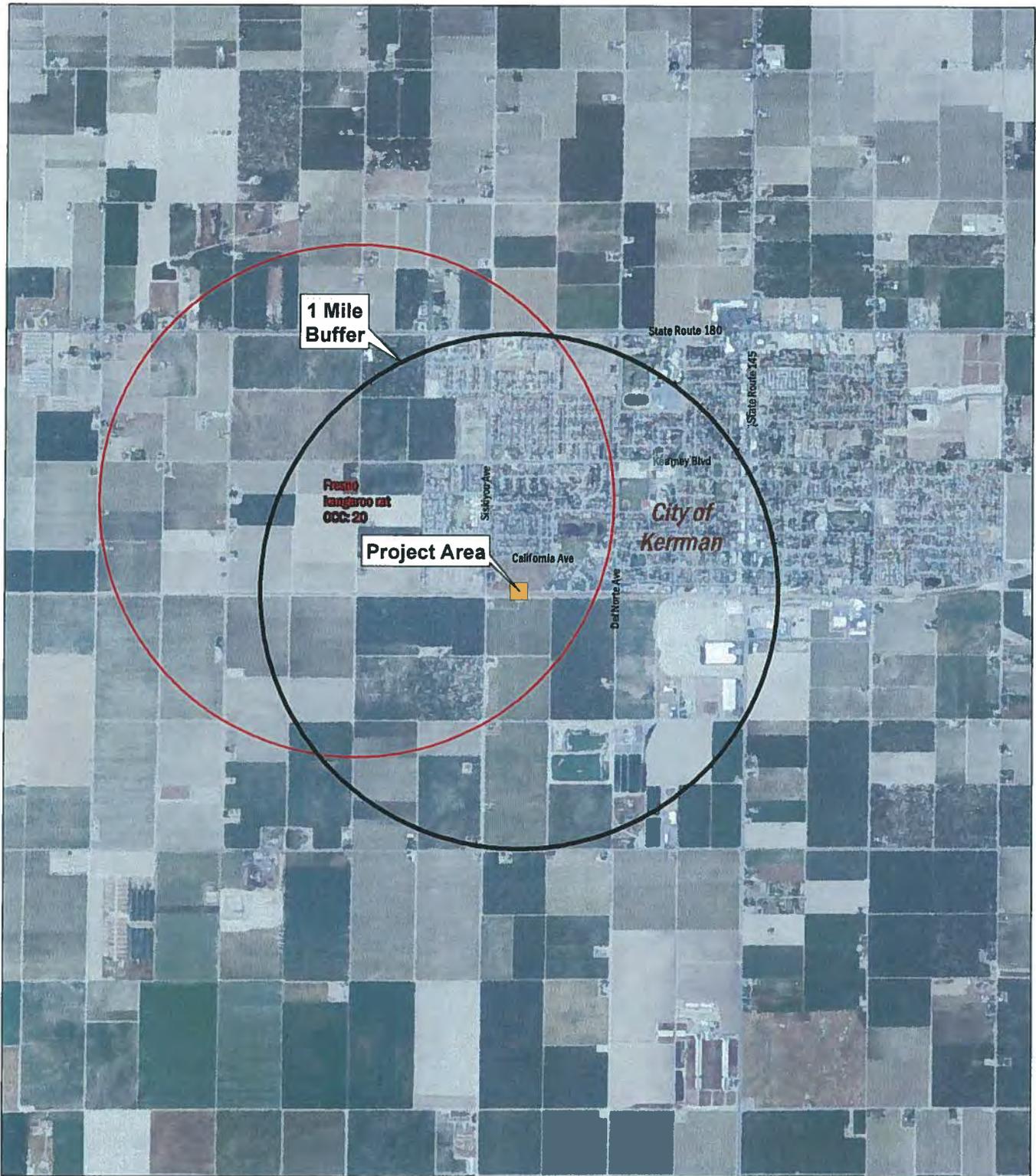


Project Site City Limits



Vicinity Map  
Exhibit 2





**CNDDB Occurrence**

 Animal

 Project Area

 1 Mile Buffer Around Project Area



DATA SOURCE  
California Department of  
Fish and Wildlife, California  
Natural Diversity Database  
(CNDDDB), Esri Imagery,  
2010

PROJECTION  
NAD 1983 California Teale  
Albers

Exhibit 3 Photographs of the UPRR Pedestrian & Bicycle Trail project taken December 15, 2015.



Photograph 1. Looking west along UPRR right-of-way.



Photograph 2. Looking east along UPRR right-of-way.



Photograph 3. Abandoned burrows within proposed trail.



Photograph 4. East side of trail looking north.



Photograph 5. East side of trail looking south.

## Appendix A

# U.S. Fish and Wildlife Standardized Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance

**U.S. FISH AND WILDLIFE SERVICE  
STANDARDIZED RECOMMENDATIONS  
FOR PROTECTION OF THE SAN JOAQUIN KIT FOX  
PRIOR TO OR DURING GROUND DISTURBANCE**

Prepared by the Sacramento Fish and Wildlife Office  
June 1999

**INTRODUCTION**

The following document includes many of the San Joaquin kit fox (*Vulpes macrotis mutica*) protection measures typically recommended by the U. S. Fish and Wildlife Service (Service), prior to and during ground disturbance activities. However, incorporating relevant sections of these guidelines into the proposed project is not the only action required under the Endangered Species Act of 1973, as amended (Act). Project applicants should contact the Service in Sacramento to determine the full range of requirements that apply to your project; the address and telephone number are given at the end of this document. Formal authorization for the project may be required under either section 7 or section 10 of the Act. Implementation of the measures presented in this document may be necessary to avoid violating the provisions of the Act, including the prohibition against "take" (defined as killing, harming, or harassing a listed species, including actions that damage or destroy its habitat). Such protection measures may also be required under the terms of a biological opinion pursuant to section 7 of the Act resulting in incidental take authorization (authorization), or an incidental take permit (permit) pursuant to section 10 of the Act. The specific measures implemented to protect kit fox for any given project shall be determined by the Service based upon the applicant's consultation with the Service.

The purpose of this document is to make information on kit fox protection strategies readily available and to help standardize the methods and definitions currently employed to achieve kit fox protection. The measures outlined in this document are subject to modification or revision at the discretion of the Service.

All surveys, den destructions, and monitoring described in this document must be conducted by a qualified biologist. A qualified biologist (biologist) means any person who has completed at least four years of university training in wildlife biology or a related science and/or has demonstrated field experience in the identification and life history of the San Joaquin kit fox. In addition, biologist(s) must be able to identify coyote, red fox, gray fox, and kit fox tracks, and to have seen a kit fox in the wild, at a zoo, or as a museum mount.

**SMALL PROJECTS**

Small projects are considered to be those projects with small foot prints such as an individual in-fill oil well, communication tower, or bridge repair. These projects must stand alone and not be part of, or in any way connected to larger projects (i.e., bridge repair or improvement to serve a

future urban development). The Service recommends that on these small projects, the biologist survey the proposed project boundary and a 200-foot area outside of the project footprint to identify habitat features, and make recommendations on situating the project to minimize or avoid impacts. If habitat features cannot be completely avoided, then preconstruction surveys should be conducted.

Preconstruction/preactivity surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities or any project activity likely to impact the San Joaquin kit fox. Surveys should identify kit fox habitat features on the project site and evaluate use by kit fox and, if possible, and assess the potential impacts to the kit fox by the proposed activity. The status of all dens should be determined and mapped (see Survey Protocol).

Written results of preconstruction/preactivity surveys must be received by the Service within five days after survey completion and prior to the start of ground disturbance and/or construction activities. If a natal/pupping den is discovered within the project area or within 200-feet of the project boundary, the Service shall be immediately notified. If the preconstruction/preactivity survey reveals an active natal pupping or new information, the project applicant should contact the Service immediately to obtain the necessary take authorization/permit.

If take authorization/permit has already been issued, then the biologist may proceed with den destruction within the project boundary, except natal/pupping dens (active or inactive). Protective exclusion zones can be placed around all known and potential dens which occur outside the project footprint (conversely, the project boundary can be demarcated, see den destruction section).

## **OTHER PROJECTS**

It is likely that all other projects occurring within kit fox habitat will require a take authorization/permit from the Service. This determination would be made by the Service during the early evaluation process (see Survey Protocol). These other projects would include, but are not limited to: linear projects; projects with large footprints such as urban development; and projects which in themselves may be small but have far reaching impacts (i.e., water storage or conveyance facilities that promote urban growth or agriculture, etc.).

The take authorization/permit issued by the Service may incorporate some or all of the protection measures presented in this document. The take authorization/permit may include measures specific to the needs of the project, and those requirements supersede any requirements found in this document.

## EXCLUSION ZONES

The configuration of exclusion zones around the kit fox dens should have a radius measured outward from the entrance or cluster of entrances. The following radii are minimums, and if they cannot be followed the Service must be contacted:

Potential den	50 feet
Known den	100 feet
Natal/pupping den (occupied <u>and</u> unoccupied)	Service must be contacted
Atypical den	50 feet

**Known den:** To ensure protection, the exclusion zone should be demarcated by fencing that encircles each den at the appropriate distance and does not prevent access to the den by kit foxes. Exclusion zone fencing should be maintained until all construction related or operational disturbances have been terminated. At that time, all fencing shall be removed to avoid attracting subsequent attention to the dens.

**Potential and Atypical dens:** Placement of 4-5 flagged stakes 50 feet from the den entrance(s) will suffice to identify the den location; fencing will not be required, but the exclusion zone must be observed.

Construction and other project activities should be prohibited or greatly restricted within these exclusion zones. Only essential vehicle operation on existing roads and foot traffic should be permitted. Otherwise, all construction, vehicle operation, material storage, or any other type of surface-disturbing activity should be prohibited within the exclusion zones.

## DESTRUCTION OF DENS

Disturbance to all San Joaquin kit fox dens should be avoided to the maximum extent possible. Protection provided by kit fox dens for use as shelter, escape, cover, and reproduction is vital to the survival of the species. Limited destruction of kit fox dens may be allowed, if avoidance is not a reasonable alternative, provided the following procedures are observed. The value to kit foxes of potential, known, and natal/pupping dens differ and therefore, each den type needs a different level of protection. **Destruction of any known or natal/pupping kit fox den requires take authorization/permit from the Service.**

Natal/pupping dens: Natal or pupping dens which are occupied will not be destroyed until the pups and adults have vacated and then only after consultation with the Service. Therefore, project activities at some den sites may have to be postponed.

Known Dens: Known dens occurring within the footprint of the activity must be monitored for three days with tracking medium or an infra-red beam camera to determine the current use. If no kit fox activity is observed during this period, the den should be destroyed immediately to preclude subsequent use. If kit fox activity is observed at the den during this period, the den should be monitored for at least five consecutive days from the time of the observation to allow any resident animal to move to another den during its normal activity. Use of the den can be discouraged during this period by partially plugging its entrances(s) with soil in such a manner that any resident animal can escape easily. Only when the den is determined to be unoccupied may the den be excavated under the direction of the biologist. If the animal is still present after five or more consecutive days of plugging and monitoring, the den may have to be excavated when, in the judgment of a biologist, it is temporarily vacant, for example during the animal's normal foraging activities. The Service encourages hand excavation, but realizes that soil conditions may necessitate the use of excavating equipment. However, extreme caution must be exercised.

Destruction of the den should be accomplished by careful excavation until it is certain that no kit foxes are inside. The den should be fully excavated, filled with dirt and compacted to ensure that kit foxes cannot reenter or use the den during the construction period. If at any point during excavation a kit fox is discovered inside the den, the excavation activity shall cease immediately and monitoring of the den as described above should be resumed. Destruction of the den may be completed when in the judgement of the biologist, the animal has escaped from the partially destroyed den.

Potential Dens: If a take authorization/permit has been obtained from the Service, den destruction may proceed without monitoring, unless other restrictions were issued with the take authorization/permit. If no take authorization/permit has been issued, then potential dens should be monitored as if they were known dens. If any den was considered to be a potential den, but is later determined during monitoring or destruction to be currently, or previously used by kit fox (e.g., if kit fox sign is found inside), then destruction shall cease and the Service shall be notified immediately.

## **CONSTRUCTION AND OPERATIONAL REQUIREMENTS**

Habitat subject to permanent and temporary construction disturbances and other types of project-related disturbance should be minimized. Project designs should limit or cluster permanent project features to the smallest area possible while still permitting project goals to be achieved. To minimize temporary disturbances, all project-related vehicle traffic should be restricted to established roads, construction areas, and other designated areas. These areas should also be

included in preconstruction surveys and, to the extent possible, should be established in locations disturbed by previous activities to prevent further impacts.

1. Project-related vehicles should observe a 20-mph speed limit in all project areas, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active. To the extent possible, night-time construction should be minimized. Off-road traffic outside of designated project areas should be prohibited.
2. To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a project, all excavated, steep-walled holes or trenches more than 2 feet deep should be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the procedures under number 13 of this section must be followed.
3. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipe becoming trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the Service has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity, until the fox has escaped.
4. All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in closed containers and removed at least once a week from a construction or project site.
5. No firearms shall be allowed on the project site.
6. To prevent harassment, mortality of kit foxes or destruction of dens by dogs or cats, no pets should be permitted on project sites.
7. Use of rodenticides and herbicides in project areas should be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional project-related restrictions deemed necessary by the Service. If rodent control

must be conducted, zinc phosphide should be used because of proven lower risk to kit fox.

8. A representative shall be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped individual. The representative will be identified during the employee education program. The representative's name and telephone number shall be provided to the Service.
9. An employee education program should be conducted for any project that has expected impacts to kit fox or other endangered species. The program should consist of a brief presentation by persons knowledgeable in kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and agency personnel involved in the project. The program should include the following: a description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of kit fox in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during project construction and implementation. A fact sheet conveying this information should be prepared for distribution to the above-mentioned people and anyone else who may enter the project site.
10. Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc. should be re-contoured if necessary, and revegetated to promote restoration of the area to pre-project conditions. An area subject to "temporary" disturbance means any area that is disturbed during the project, but that after project completion will not be subject to further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas should be determined on a site-specific basis in consultation with the Service, California Department of Fish and Game (CDFG), and revegetation experts.
11. In the case of trapped animals, escape ramps or structures should be installed immediately to allow the animal(s) to escape, or the Service should be contacted for advice.
12. Any contractor, employee, or military or agency personnel who inadvertently kills or injures a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFG immediately in the case of a dead, injured or entrapped kit fox. The CDFG contact for immediate assistance is State Dispatch at (916) 445-0045. They will contact the local warden or biologist.
13. The Sacramento Fish and Wildlife Office and CDFG will be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during

## STANDARD RECOMMENDATIONS

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project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The Service contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers given below. The CDFG contact is Mr. Ron Schlorff at 1416 9<sup>th</sup> Street, Sacramento, California 95814, (916) 654-4262.

Any project-related information required by the Service or questions concerning the above conditions or their implementation may be directed in writing to the U.S. Fish and Wildlife Service at:

Endangered Species Division  
2800 Cottage Way, Suite W2605  
Sacramento, California 95825-1846  
(916) 414-6620

"Take" - Section 9 of the Endangered Species Act of 1973, as amended (Act) prohibits the "take" of any federally listed endangered species by any person (an individual, corporation, partnership, trust, association, etc.) subject to the jurisdiction of the United States. As defined in the Act, take means ". . . to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct." Thus, not only is a listed animal protected from activities such as hunting, but also from actions that damage or destroy its habitat.

"Dens" - San Joaquin kit fox dens may be located in areas of low, moderate, or steep topography. Den characteristics are listed below, however, the specific characteristics of individual dens may vary and occupied dens may lack some or all of these features. Therefore, caution must be exercised in determining the status of any den. Typical dens may include the following: (1) one or more entrances that are approximately 5 to 8 inches in diameter; (2) dirt berms adjacent to the entrances; (3) kit fox tracks, scat, or prey remains in the vicinity of the den; (4) matted vegetation adjacent to the den entrances; and (5) manmade features such as culverts, pipes, and canal banks.

"Known den" - Any existing natural den or manmade structure that is used or has been used at any time in the past by a San Joaquin kit fox. Evidence of use may include historical records, past or current radiotelemetry or spotlighting data, kit fox sign such as tracks, scat, and/or prey remains, or other reasonable proof that a given den is being or has been used by a kit fox. The Service discourages use of the terms "active" and "inactive" when referring to any kit fox den because a great percentage of occupied dens show no evidence of use, and because kit foxes change dens often, with the result that the status of a given den may change frequently and abruptly.

"Potential Den" - Any subterranean hole within the species' range that has entrances of appropriate dimensions for which available evidence is insufficient to conclude that it is being used or has been used by a kit fox. Potential dens shall include the following: (1) any suitable subterranean hole; or (2) any den or burrow of another species (e.g., coyote, badger, red fox, or ground squirrel) that otherwise has appropriate characteristics for kit fox use.

"Natal or Pupping Den" - Any den used by kit foxes to whelp and/or rear their pups. Natal/pupping dens may be larger with more numerous entrances than dens occupied exclusively by adults. These dens typically have more kit fox tracks, scat, and prey remains in the vicinity of the den, and may have a broader apron of matted dirt and/or vegetation at one or more entrances. A natal den, defined as a den in which kit fox pups are actually whelped but not necessarily reared, is a more restrictive version of the pupping den. In practice, however, it is difficult to distinguish between the two, therefore, for purposes of this definition either term applies.

"Atypical Den" - Any manmade structure which has been or is being occupied by a San Joaquin kit fox. Atypical dens may include pipes, culverts, and diggings beneath concrete slabs and buildings.

## Appendix B

# California Department of Fish and Game Staff Report on Burrowing Owl Mitigation

# **Staff Report on Burrowing Owl Mitigation**

State of California

Natural Resources Agency

**Department of Fish and Game**

March 7, 2012<sup>1</sup>

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<sup>1</sup> This document replaces the Department of Fish and Game 1995 Staff Report On Burrowing Owl Mitigation.

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## INTRODUCTION AND PURPOSE

Maintaining California's rich biological diversity is dependent on the conservation of species and their habitats. The California Department of Fish and Game (Department) has designated certain species as "species of special concern" when their population viability and survival is adversely affected by risk factors such as precipitous declines or other vulnerability factors (Shuford and Gardali 2008). Preliminary analyses of regional patterns for breeding populations of burrowing owls (*Athene cunicularia*) have detected declines both locally in their central and southern coastal breeding areas, and statewide where the species has experienced modest breeding range retraction (Gervais et al. 2008). In California, threat factors affecting burrowing owl populations include habitat loss, degradation and modification, and eradication of ground squirrels resulting in a loss of suitable burrows required by burrowing owls for nesting, protection from predators, and shelter (See Appendix A).

The Department recognized the need for a comprehensive conservation and mitigation strategy for burrowing owls, and in 1995 directed staff to prepare a report describing mitigation and survey recommendations. This report, "1995 Staff Report on Burrowing Owl Mitigation," (Staff Report) (CDFG 1995), contained Department-recommended burrowing owl and burrow survey techniques and mitigation measures intended to offset the loss of habitat and slow or reverse further decline of this species. Notwithstanding these measures, over the past 15+ years, burrowing owls have continued to decline in portions of their range (DeSante et al. 2007, Wilkerson and Siegel, 2010). The Department has determined that reversing declining population and range trends for burrowing owls will require implementation of more effective conservation actions, and evaluating the efficacy of the Department's existing recommended avoidance, minimization and mitigation approaches for burrowing owls.

The Department has identified three main actions that together will facilitate a more viable, coordinated, and concerted approach to conservation and mitigation for burrowing owls in California. These include:

1. Incorporating burrowing owl comprehensive conservation strategies into landscape-based planning efforts such as Natural Community Conservation Plans (NCCPs) and multi-species Habitat Conservation Plans (HCPs) that specifically address burrowing owls.
2. Developing and implementing a statewide conservation strategy (Burkett and Johnson, 2007) and local or regional conservation strategies for burrowing owls, including the development and implementation of a statewide burrowing owl survey and monitoring plan.
3. Developing more rigorous burrowing owl survey methods, working to improve the adequacy of impacts assessments; developing clear and effective avoidance and minimization measures; and developing mitigation measures to ensure impacts to the species are effectively addressed at the project, local, and/or regional level (the focus of this document).

This Report sets forth the Department's recommendations for implementing the third approach identified above by revising the 1995 Staff Report, drawing from the most relevant and current knowledge and expertise, and incorporating the best scientific information

available pertaining to the species. It is designed to provide a compilation of the best available science for Department staff, biologists, planners, land managers, California Environmental Quality Act (CEQA) lead agencies, and the public to consider when assessing impacts of projects or other activities on burrowing owls.

This revised Staff Report takes into account the California Burrowing Owl Consortium's Survey Protocol and Mitigation Guidelines (CBOC 1993, 1997) and supersedes the survey, avoidance, minimization and mitigation recommendations in the 1995 Staff Report. Based on experiences gained from implementing the 1995 Staff Report, the Department believes revising that report is warranted. This document also includes general conservation goals and principles for developing mitigation measures for burrowing owls.

## **DEPARTMENT ROLE AND LEGAL AUTHORITIES**

The mission of the Department is to manage California's diverse fish, wildlife and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public. The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitats necessary to maintain biologically sustainable populations of those species (Fish and Game Code (FGC) §1802). The Department, as trustee agency pursuant to CEQA (See CEQA Guidelines, §15386), has jurisdiction by law over natural resources, including fish and wildlife, affected by a project, as that term is defined in Section 21065 of the Public Resources Code. The Department exercises this authority by reviewing and commenting on environmental documents and making recommendations to avoid, minimize, and mitigate potential negative impacts to those resources held in trust for the people of California.

Field surveys designed to detect the presence of a particular species, habitat element, or natural community are one of the tools that can assist biologists in determining whether a species or habitat may be significantly impacted by land use changes or disturbance. The Department reviews field survey data as well as site-specific and regional information to evaluate whether a project's impacts may be significant. This document compiles the best available science for conducting habitat assessments and surveys, and includes considerations for developing measures to avoid impacts or mitigate unavoidable impacts.

### **CEQA**

CEQA requires public agencies in California to analyze and disclose potential environmental impacts associated with a project that the agency will carry out, fund, or approve. Any potentially significant impact must be mitigated to the extent feasible. Project-specific CEQA mitigation is important for burrowing owls because most populations exist on privately owned parcels that, when proposed for development or other types of modification, may be subject to the environmental review requirements of CEQA.

### **Take**

Take of individual burrowing owls and their nests is defined by FGC section 86, and prohibited by sections 3503, 3503.5 and 3513. Take is defined in FGC Section 86 as "hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill."

## **Migratory Bird Treaty Act**

The Migratory Bird Treaty Act (MBTA) implements various treaties and conventions between the United States and Canada, Japan, Mexico, and Russia for the protection of migratory birds, including the burrowing owl (50 C.F.R. § 10). The MBTA protects migratory bird nests from possession, sale, purchase, barter, transport, import and export, and collection. The other prohibitions of the MBTA - capture, pursue, hunt, and kill - are inapplicable to nests. The regulatory definition of take, as defined in Title 50 C.F.R. part 10.12, means to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to hunt, shoot, wound, kill, trap, capture, or collect. Only the verb "collect" applies to nests. It is illegal to collect, possess, and by any means transfer possession of any migratory bird nest. The MBTA prohibits the destruction of a nest when it contains birds or eggs, and no possession shall occur during the destruction (see Fish and Wildlife Service, Migratory Bird Permit Memorandum, April 15, 2003). Certain exceptions to this prohibition are included in 50 C.F.R. section 21. Pursuant to Fish & Game Code section 3513, the Department enforces the Migratory Bird Treaty Act consistent with rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Treaty Act.

## **Regional Conservation Plans**

Regional multiple species conservation plans offer long-term assurances for conservation of covered species at a landscape scale, in exchange for biologically appropriate levels of incidental take and/or habitat loss as defined in the approved plan. California's NCCP Act (FGC §2800 et seq.) governs such plans at the state level, and was designed to conserve species, natural communities, ecosystems, and ecological processes across a jurisdiction or a collection of jurisdictions. Complementary federal HCPs are governed by the Endangered Species Act (7 U.S.C. § 136, 16 U.S.C. § 1531 et seq.) (ESA). Regional conservation plans (and certain other landscape-level conservation and management plans), may provide conservation for unlisted as well as listed species. Because the geographic scope of NCCPs and HCPs may span many hundreds of thousands of acres, these planning tools have the potential to play a significant role in conservation of burrowing owls, and grasslands and other habitats.

## **Fish and Game Commission Policies**

There are a number of Fish and Game Commission policies (see FGC §2008) that can be applied to burrowing owl conservation. These include policies on: Raptors, Cooperation, Endangered and Threatened Species, Land Use Planning, Management and Utilization of Fish and Wildlife on Federal Lands, Management and Utilization of Fish and Wildlife on Private Lands, and Research.

## **GUIDING PRINCIPLES FOR CONSERVATION**

Unless otherwise provided in a statewide, local, or regional conservation strategy, surveying and evaluating impacts to burrowing owls, as well as developing and implementing avoidance, minimization, and mitigation and conservation measures incorporate the following principles. These principles are a summary of Department staff expert opinion and were used to guide the preparation of this document.

1. Use the Precautionary Principle (Noss et al.1997), by which the alternative of increased conservation is deliberately chosen in order to buffer against incomplete knowledge of burrowing owl ecology and uncertainty about the consequences to burrowing owls of potential impacts, including those that are cumulative.
2. Employ basic conservation biology tenets and population-level approaches when determining what constitutes appropriate avoidance, minimization, and mitigation for impacts. Include mitigation effectiveness monitoring and reporting, and use an adaptive management loop to modify measures based on results.
3. Protect and conserve owls in wild, semi-natural, and agricultural habitats (conserve is defined at FGC §1802).
4. Protect and conserve natural nest burrows (or burrow surrogates) previously used by burrowing owls and sufficient foraging habitat and protect auxiliary "satellite" burrows that contribute to burrowing owl survivorship and natural behavior of owls.

### **CONSERVATION GOALS FOR THE BURROWING OWL IN CALIFORNIA**

It is Department staff expert opinion that the following goals guide and contribute to the short and long-term conservation of burrowing owls in California:

1. Maintain size and distribution of extant burrowing owl populations (allowing for natural population fluctuations).
2. Increase geographic distribution of burrowing owls into formerly occupied historical range where burrowing owl habitat still exists, or where it can be created or enhanced, and where the reason for its local disappearance is no longer of concern.
3. Increase size of existing populations where possible and appropriate (for example, considering basic ecological principles such as carrying capacity, predator-prey relationships, and inter-specific relationships with other species at risk).
4. Protect and restore self-sustaining ecosystems or natural communities which can support burrowing owls at a landscape scale, and which will require minimal long-term management.
5. Minimize or prevent unnatural causes of burrowing owl population declines (e.g., nest burrow destruction, chemical control of rodent hosts and prey).
6. Augment/restore natural dynamics of burrowing owl populations including movement and genetic exchange among populations, such that the species does not require future listing and protection under the California Endangered Species Act (CESA) and/or the federal Endangered Species Act (ESA).
7. Engage stakeholders, including ranchers; farmers; military; tribes; local, state, and federal agencies; non-governmental organizations; and scientific research and education communities involved in burrowing owl protection and habitat management.

### **ACTIVITIES WITH THE POTENTIAL TO TAKE OR IMPACT BURROWING OWLS**

The following activities are examples of activities that have the potential to take burrowing owls, their nests or eggs, or destroy or degrade burrowing owl habitat: grading, disking, cultivation, earthmoving, burrow blockage, heavy equipment compacting and crushing burrow tunnels, levee maintenance, flooding, burning and mowing (if burrows are impacted), and operating wind turbine collisions (collectively hereafter referred to as "projects" or "activities")

whether carried out pursuant to CEQA or not). In addition, the following activities may have impacts to burrowing owl populations: eradication of host burrowers; changes in vegetation management (i.e. grazing); use of pesticides and rodenticides; destruction, conversion or degradation of nesting, foraging, over-wintering or other habitats; destruction of natural burrows and burrow surrogates; and disturbance which may result in harassment of owls at occupied burrows.

## **PROJECT IMPACT EVALUATIONS**

The following three progressive steps are effective in evaluating whether projects will result in impacts to burrowing owls. The information gained from these steps will inform any subsequent avoidance, minimization and mitigation measures. The steps for project impact evaluations are: 1) habitat assessment, 2) surveys, and 3) impact assessment. Habitat assessments are conducted to evaluate the likelihood that a site supports burrowing owl. Burrowing owl surveys provide information needed to determine the potential effects of proposed projects and activities on burrowing owls, and to avoid take in accordance with FGC sections 86, 3503, and 3503.5. Impact assessments evaluate the extent to which burrowing owls and their habitat may be impacted, directly or indirectly, on and within a reasonable distance of a proposed CEQA project activity or non-CEQA project. These three site evaluation steps are discussed in detail below.

### **Biologist Qualifications**

The current scientific literature indicates that only individuals meeting the following minimum qualifications should perform burrowing owl habitat assessments, surveys, and impact assessments:

1. Familiarity with the species and its local ecology;
2. Experience conducting habitat assessments and non-breeding and breeding season surveys, or experience with these surveys conducted under the direction of an experienced surveyor;
3. Familiarity with the appropriate state and federal statutes related to burrowing owls, scientific research, and conservation;
4. Experience with analyzing impacts of development on burrowing owls and their habitat.

### **Habitat Assessment Data Collection and Reporting**

A habitat assessment is the first step in the evaluation process and will assist investigators in determining whether or not occupancy surveys are needed. Refer to Appendix B for a definition of burrowing owl habitat. Compile the detailed information described in Appendix C when conducting project scoping, conducting a habitat assessment site visit and preparing a habitat assessment report.

### **Surveys**

Burrowing owl surveys are the second step of the evaluation process and the best available scientific literature recommends that they be conducted whenever burrowing owl habitat or sign (see Appendix B) is encountered on or adjacent to (within 150 meters) a project site

(Thomsen 1971, Martin 1973). Occupancy of burrowing owl habitat is confirmed at a site when at least one burrowing owl, or its sign at or near a burrow entrance, is observed within the last three years (Rich 1984). Burrowing owls are more detectable during the breeding season with detection probabilities being highest during the nestling stage (Conway et al. 2008). In California, the burrowing owl breeding season extends from 1 February to 31 August (Haug et al. 1993, Thompsen 1971) with some variances by geographic location and climatic conditions. Several researchers suggest three or more survey visits during daylight hours (Haug and Diduik 1993, CBOC 1997, Conway and Simon 2003) and recommend each visit occur at least three weeks apart during the peak of the breeding season, commonly accepted in California as between 15 April and 15 July (CBOC 1997). Conway and Simon (2003) and Conway et al. (2008) recommended conducting surveys during the day when most burrowing owls in a local area are in the laying and incubation period (so as not to miss early breeding attempts), during the nesting period, and in the late nestling period when most owls are spending time above ground.

Non-breeding season (1 September to 31 January) surveys may provide information on burrowing owl occupancy, but do not substitute for breeding season surveys because results are typically inconclusive. Burrowing owls are more difficult to detect during the non-breeding season and their seasonal residency status is difficult to ascertain. Burrowing owls detected during non-breeding season surveys may be year-round residents, young from the previous breeding season, pre-breeding territorial adults, winter residents, dispersing juveniles, migrants, transients or new colonizers. In addition, the numbers of owls and their pattern of distribution may differ during winter and breeding seasons. However, on rare occasions, non-breeding season surveys may be warranted (i.e., if the site is believed to be a wintering site only based on negative breeding season results). Refer to Appendix D for information on breeding season and non-breeding season survey methodologies.

### **Survey Reports**

Adequate information about burrowing owls present in and adjacent to an area that will be disturbed by a project or activity will enable the Department, reviewing agencies and the public to effectively assess potential impacts and will guide the development of avoidance, minimization, and mitigation measures. The survey report includes but is not limited to a description of the proposed project or proposed activity, including the proposed project start and end dates, as well as a description of disturbances or other activities occurring on-site or nearby. Refer to Appendix D for details included in a survey report.

### **Impact Assessment**

The third step in the evaluation process is the impact assessment. When surveys confirm occupied burrowing owl habitat in or adjoining the project area, there are a number of ways to assess a project's potential significant impacts to burrowing owls and their habitat. Richardson and Miller (1997) recommended monitoring raptor behavior prior to developing management recommendations and buffers to determine the extent to which individuals have been sensitized to human disturbance. Monitoring results will also provide detail necessary for developing site-specific measures. Postovit and Postovit (1987) recommended an analytical approach to mitigation planning: define the problem (impact), set goals (to guide mitigation development), evaluate and select mitigation methods, and monitor the results.

*Define the problem.* The impact assessment evaluates all factors that could affect burrowing owls. Postovit and Postovit (1987) recommend evaluating the following in assessing impacts to raptors and planning mitigation: type and extent of disturbance, duration and timing of disturbance, visibility of disturbance, sensitivity and ability to habituate, and influence of environmental factors. They suggest identifying and addressing all potential direct and indirect impacts to burrowing owls, regardless of whether or not the impacts will occur during the breeding season. Several examples are given for each impact category below; however, examples are not intended to be used exclusively.

*Type and extent of the disturbance.* The impact assessment describes the nature (source) and extent (scale) of potential project impacts on occupied, satellite and unoccupied burrows including acreage to be lost (temporary or permanent), fragmentation/edge being created, increased distance to other nesting and foraging habitat, and habitat degradation. Discuss any project activities that impact either breeding and/or non-breeding habitat which could affect owl home range size and spatial configuration, negatively affect onsite and offsite burrowing owl presence, increase energetic costs, lower reproductive success, increase vulnerability to predation, and/or decrease the chance of procuring a mate.

*Duration and timing of the impact.* The impact assessment describes the amount of time the burrowing owl habitat will be unavailable to burrowing owls (temporary or permanent) on the site and the effect of that loss on essential behaviors or life history requirements of burrowing owls, the overlap of project activities with breeding and/or non-breeding seasons (timing of nesting and/or non-breeding activities may vary with latitude and climatic conditions, which should be considered with the timeline of the project or activity), and any variance of the project activities in intensity, scale and proximity relative to burrowing owl occurrences.

*Visibility and sensitivity.* Some individual burrowing owls or pairs are more sensitive than others to specific stimuli and may habituate to ongoing visual or audible disturbance. Site-specific monitoring may provide clues to the burrowing owl's sensitivities. This type of assessment addresses the sensitivity of burrowing owls within their nesting area to humans on foot, and vehicular traffic. Other variables are whether the site is primarily in a rural versus urban setting, and whether any prior disturbance (e.g., human development or recreation) is known at the site.

*Environmental factors.* The impact assessment discusses any environmental factors that could be influenced or changed by the proposed activities including nest site availability, predators, prey availability, burrowing mammal presence and abundance, and threats from other extrinsic factors such as human disturbance, urban interface, feral animals, invasive species, disease or pesticides.

*Significance of impacts.* The impact assessment evaluates the potential loss of nesting burrows, satellite burrows, foraging habitat, dispersal and migration habitat, wintering habitat, and habitat linkages, including habitat supporting prey and host burrowers and other essential habitat attributes. This assessment determines if impacts to the species will result in significant impacts to the species locally, regionally and range-wide per CEQA Guidelines §15382 and Appendix G. The significance of the impact to habitat depends on the extent of habitat disturbed and length of time the habitat is unavailable (for example: minor – several days, medium – several weeks to months, high - breeding season affecting juvenile survival,

or over winter affecting adult survival).

**Cumulative effects.** The cumulative effects assessment evaluates two consequences: 1) the project's proportional share of reasonably foreseeable impacts on burrowing owls and habitat caused by the project or in combination with other projects and local influences having impacts on burrowing owls and habitat, and 2) the effects on the regional owl population resulting from the project's impacts to burrowing owls and habitat.

**Mitigation goals.** Establishing goals will assist in planning mitigation and selecting measures that function at a desired level. Goals also provide a standard by which to measure mitigation success. Unless specifically provided for through other FGC Sections or through specific regulations, take, possession or destruction of individual burrowing owls, their nests and eggs is prohibited under FGC sections 3503, 3503.5 and 3513. Therefore, a required goal for all project activities is to avoid take of burrowing owls. Under CEQA, goals would consist of measures that would avoid, minimize and mitigate impacts to a less than significant level. For individual projects, mitigation must be roughly proportional to the level of impacts, including cumulative impacts, in accordance with the provisions of CEQA (CEQA Guidelines, §§ 15126.4(a)(4)(B), 15064, 15065, and 16355). In order for mitigation measures to be effective, they must be specific, enforceable, and feasible actions that will improve environmental conditions. As set forth in more detail in Appendix A, the current scientific literature supports the conclusion that mitigation for permanent habitat loss necessitates replacement with an equivalent or greater habitat area for breeding, foraging, wintering, dispersal, presence of burrows, burrow surrogates, presence of fossorial mammal dens, well drained soils, and abundant and available prey within close proximity to the burrow.

## MITIGATION METHODS

The current scientific literature indicates that any site-specific avoidance or mitigation measures developed should incorporate the best practices presented below or other practices confirmed by experts and the Department. The Department is available to assist in the development of site-specific avoidance and mitigation measures.

**Avoiding.** A primary goal is to design and implement projects to seasonally and spatially avoid negative impacts and disturbances that could result in take of burrowing owls, nests, or eggs. Other avoidance measures may include but not be limited to:

- Avoid disturbing occupied burrows during the nesting period, from 1 February through 31 August.
- Avoid impacting burrows occupied during the non-breeding season by migratory or non-migratory resident burrowing owls.
- Avoid direct destruction of burrows through chaining (dragging a heavy chain over an area to remove shrubs), disking, cultivation, and urban, industrial, or agricultural development.
- Develop and implement a worker awareness program to increase the on-site worker's recognition of and commitment to burrowing owl protection.
- Place visible markers near burrows to ensure that farm equipment and other machinery does not collapse burrows.
- Do not fumigate, use treated bait or other means of poisoning nuisance animals in areas where burrowing owls are known or suspected to occur (e.g., sites observed with nesting

owls, designated use areas).

- Restrict the use of treated grain to poison mammals to the months of January and February.

*Take avoidance (pre-construction) surveys.* Take avoidance surveys are intended to detect the presence of burrowing owls on a project site at a fixed period in time and inform necessary take avoidance actions. Take avoidance surveys may detect changes in owl presence such as colonizing owls that have recently moved onto the site, migrating owls, resident burrowing owls changing burrow use, or young of the year that are still present and have not dispersed. Refer to Appendix D for take avoidance survey methodology.

*Site surveillance.* Burrowing owls may attempt to colonize or re-colonize an area that will be impacted; thus, the current scientific literature indicates a need for ongoing surveillance at the project site during project activities is recommended. The surveillance frequency/effort should be sufficient to detect burrowing owls if they return. Subsequent to their new occupancy or return to the site, take avoidance measures should assure with a high degree of certainty that take of owls will not occur.

*Minimizing.* If burrowing owls and their habitat can be protected in place on or adjacent to a project site, the use of buffer zones, visual screens or other measures while project activities are occurring can minimize disturbance impacts. Conduct site-specific monitoring to inform development of buffers (see Visibility and sensitivity above). The following general guidelines for implementing buffers should be adjusted to address site-specific conditions using the impact assessment approach described above. The CEQA lead agency and/or project proponent is encouraged to consult with the Department and other burrowing owl experts for assistance in developing site-specific buffer zones and visual screens.

*Buffers.* Holroyd et al. (2001) identified a need to standardize management and disturbance mitigation guidelines. For instance, guidelines for mitigating impacts by petroleum industries on burrowing owls and other prairie species (Scobie and Faminow, 2000) may be used as a template for future mitigation guidelines (Holroyd et al. 2001). Scobie and Faminow (2000) developed guidelines for activities around occupied burrowing owl nests recommending buffers around low, medium, and high disturbance activities, respectively (see below).

Recommended restricted activity dates and setback distances by level of disturbance for burrowing owls (Scobie and Faminow 2000).

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	200 m*	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

\* meters (m)

Based on existing vegetation, human development, and land uses in an area, resource managers may decide to allow human development or resource extraction closer to these area/sites than recommended above. However, if it is decided to allow activities closer than

the setback distances recommended, a broad-scale, long-term, scientifically-rigorous monitoring program ensures that burrowing owls are not detrimentally affected by alternative approaches.

Other minimization measures include eliminating actions that reduce burrowing owl forage and burrowing surrogates (e.g. ground squirrel), or introduce/facilitate burrowing owl predators. Actions that could influence these factors include reducing livestock grazing rates and/or changing the timing or duration of grazing or vegetation management that could result in less suitable habitat.

*Burrow exclusion and closure.* Burrow exclusion is a technique of installing one-way doors in burrow openings during the non-breeding season to temporarily exclude burrowing owls, or permanently exclude burrowing owls and close burrows after verifying burrows are empty by site monitoring and scoping. Exclusion in and of itself is not a take avoidance, minimization or mitigation method. Eviction of burrowing owls is a potentially significant impact under CEQA.

The long-term demographic consequences of these techniques have not been thoroughly evaluated, and the fate of evicted or excluded burrowing owls has not been systematically studied. Because burrowing owls are dependent on burrows at all times of the year for survival and/or reproduction, evicting them from nesting, roosting, and satellite burrows may lead to indirect impacts or take. Temporary or permanent closure of burrows may result in significant loss of burrows and habitat for reproduction and other life history requirements. Depending on the proximity and availability of alternate habitat, loss of access to burrows will likely result in varying levels of increased stress on burrowing owls and could depress reproduction, increase predation, increase energetic costs, and introduce risks posed by having to find and compete for available burrows. Therefore, exclusion and burrow closure are not recommended where they can be avoided. The current scientific literature indicates consideration of all possible avoidance and minimization measures before temporary or permanent exclusion and closure of burrows is implemented, in order to avoid take.

The results of a study by Trulio (1995) in California showed that burrowing owls passively displaced from their burrows were quickly attracted to adjacent artificial burrows at five of six passive relocation sites. The successful sites were all within 75 meters (m) of the destroyed burrow, a distance generally within a pair's territory. This researcher discouraged using passive relocation to artificial burrows as a mitigation measure for lost burrows without protection of adjacent foraging habitat. The study results indicated artificial burrows were used by evicted burrowing owls when they were approximately 50-100 m from the natural burrow (Thomsen 1971, Haug and Oliphant 1990). Locating artificial or natural burrows more than 100 m from the eviction burrow may greatly reduce the chances that new burrows will be used. Ideally, exclusion and burrow closure is employed only where there are adjacent natural burrows and non-impacted, sufficient habitat for burrowing owls to occupy with permanent protection mechanisms in place. Any new burrowing owl colonizing the project site after the CEQA document has been adopted may constitute changed circumstances that should be addressed in a re-circulated CEQA document.

The current scientific literature indicates that burrow exclusion should only be conducted by qualified biologists (meeting the Biologist's Qualifications above) during the non-breeding

season, before breeding behavior is exhibited and after the burrow is confirmed empty by site surveillance and/or scoping. The literature also indicates that when temporary or permanent burrow exclusion and/or burrow closure is implemented, burrowing owls should not be excluded from burrows unless or until:

- A Burrowing Owl Exclusion Plan (see Appendix E) is developed and approved by the applicable local DFG office;
- Permanent loss of occupied burrow(s) and habitat is mitigated in accordance with the Mitigating Impacts sections below. Temporary exclusion is mitigated in accordance with the item #1 under Mitigating Impacts below.
- Site monitoring is conducted prior to, during, and after exclusion of burrowing owls from their burrows sufficient to ensure take is avoided. Conduct daily monitoring for one week to confirm young of the year have fledged if the exclusion will occur immediately after the end of the breeding season.
- Excluded burrowing owls are documented using artificial or natural burrows on an adjoining mitigation site (if able to confirm by band re-sight).

*Translocation (Active relocation offsite >100 meters).* At this time, there is little published information regarding the efficacy of translocating burrowing owls, and additional research is needed to determine subsequent survival and breeding success (Klute et al. 2003, Holroyd et al. 2001). Study results for translocation in Florida implied that hatching success may be decreased for populations of burrowing owls that undergo translocation (Nixon 2006). At this time, the Department is unable to authorize the capture and relocation of burrowing owls except within the context of scientific research (FGC §1002) or a NCCP conservation strategy.

*Mitigating impacts.* Habitat loss and degradation from rapid urbanization of farmland in the core areas of the Central and Imperial valleys is the greatest of many threats to burrowing owls in California (Shuford and Gardali, 2008). At a minimum, if burrowing owls have been documented to occupy burrows (see Definitions, Appendix B) at the project site in recent years, the current scientific literature supports the conclusion that the site should be considered occupied and mitigation should be required by the CEQA lead agency to address project-specific significant and cumulative impacts. Other site-specific and regionally significant and cumulative impacts may warrant mitigation. The current scientific literature indicates the following to be best practices. If these best practices cannot be implemented, the lead agency or lead investigator may consult with the Department to develop effective mitigation alternatives. The Department is also available to assist in the identification of suitable mitigation lands.

1. Where habitat will be temporarily disturbed, restore the disturbed area to pre-project condition including decompacting soil and revegetating. Permanent habitat protection may be warranted if there is the potential that the temporary impacts may render a nesting site (nesting burrow and satellite burrows) unsustainable or unavailable depending on the time frame, resulting in reduced survival or abandonment. For the latter potential impact, see the permanent impact measures below.
2. Mitigate for permanent impacts to nesting, occupied and satellite burrows and/or burrowing owl habitat such that the habitat acreage, number of burrows and burrowing owls impacted are replaced based on the information provided in Appendix A. Note: A

minimum habitat replacement recommendation is not provided here as it has been shown to serve as a default, replacing any site-specific analysis and discounting the wide variation in natal area, home range, foraging area, and other factors influencing burrowing owls and burrowing owl population persistence in a particular area.

3. Mitigate for permanent impacts to nesting, occupied and satellite burrows and burrowing owl habitat with (a) permanent conservation of similar vegetation communities (grassland, scrublands, desert, urban, and agriculture) to provide for burrowing owl nesting, foraging, wintering, and dispersal (i.e., during breeding and non-breeding seasons) comparable to or better than that of the impact area, and (b) sufficiently large acreage, and presence of fossorial mammals. The mitigation lands may require habitat enhancements including enhancement or expansion of burrows for breeding, shelter and dispersal opportunity, and removal or control of population stressors. If the mitigation lands are located adjacent to the impacted burrow site, ensure the nearest neighbor artificial or natural burrow clusters are at least within 210 meters (Fisher et al. 2007).
4. Permanently protect mitigation land through a conservation easement deeded to a non-profit conservation organization or public agency with a conservation mission, for the purpose of conserving burrowing owl habitat and prohibiting activities incompatible with burrowing owl use. If the project is located within the service area of a Department-approved burrowing owl conservation bank, the project proponent may purchase available burrowing owl conservation bank credits.
5. Develop and implement a mitigation land management plan to address long-term ecological sustainability and maintenance of the site for burrowing owls (see Management Plan and Artificial Burrow sections below, if applicable).
6. Fund the maintenance and management of mitigation land through the establishment of a long-term funding mechanism such as an endowment.
7. Habitat should not be altered or destroyed, and burrowing owls should not be excluded from burrows, until mitigation lands have been legally secured, are managed for the benefit of burrowing owls according to Department-approved management, monitoring and reporting plans, and the endowment or other long-term funding mechanism is in place or security is provided until these measures are completed.
8. Mitigation lands should be on, adjacent or proximate to the impact site where possible and where habitat is sufficient to support burrowing owls present.
9. Where there is insufficient habitat on, adjacent to, or near project sites where burrowing owls will be excluded, acquire mitigation lands with burrowing owl habitat away from the project site. The selection of mitigation lands should then focus on consolidating and enlarging conservation areas located outside of urban and planned growth areas, within foraging distance of other conserved lands. If mitigation lands are not available adjacent to other conserved lands, increase the mitigation land acreage requirement to ensure a selected site is of sufficient size. Offsite mitigation may not adequately offset the biological and habitat values impacted on a one to one basis. Consult with the Department when determining offsite mitigation acreages.
10. Evaluate and select suitable mitigation lands based on a comparison of the habitat attributes of the impacted and conserved lands, including but not limited to: type and structure of habitat being impacted or conserved; density of burrowing owls in impacted and conserved habitat; and significance of impacted or conserved habitat to the species range-wide. Mitigate for the highest quality burrowing owl habitat impacted first and foremost when identifying mitigation lands, even if a mitigation site is located outside of

a lead agency's jurisdictional boundary, particularly if the lead agency is a city or special district.

11. Select mitigation lands taking into account the potential human and wildlife conflicts or incompatibility, including but not limited to, human foot and vehicle traffic, and predation by cats, loose dogs and urban-adapted wildlife, and incompatible species management (i.e., snowy plover).
12. Where a burrowing owl population appears to be highly adapted to heavily altered habitats such as golf courses, airports, athletic fields, and business complexes, permanently protecting the land, augmenting the site with artificial burrows, and enhancing and maintaining those areas may enhance sustainability of the burrowing owl population onsite. Maintenance includes keeping lands grazed or mowed with weed-eaters or push mowers, free from trees and shrubs, and preventing excessive human and human-related disturbance (e.g., walking, jogging, off-road activity, dog-walking) and loose and feral pets (chasing and, presumably, preying upon owls) that make the environment uninhabitable for burrowing owls (Wesemann and Rowe 1985, Millsap and Bear 2000, Lincer and Bloom 2007). Items 4, 5 and 6 also still apply to this mitigation approach.
13. If there are no other feasible mitigation options available and a lead agency is willing to establish and oversee a Burrowing Owl Mitigation and Conservation Fund that funds on a competitive basis acquisition and permanent habitat conservation, the project proponent may participate in the lead agency's program.

*Artificial burrows.* Artificial burrows have been used to replace natural burrows either temporarily or long-term and their long-term success is unclear. Artificial burrows may be an effective addition to in-perpetuity habitat mitigation if they are augmenting natural burrows, the burrows are regularly maintained (i.e., no less than annual, with biennial maintenance recommended), and surrounding habitat patches are carefully maintained. There may be some circumstances, for example at airports, where squirrels will not be allowed to persist and create a dynamic burrow system, where artificial burrows may provide some support to an owl population.

Many variables may contribute to the successful use of artificial burrows by burrowing owls, including pre-existence of burrowing owls in the area, availability of food, predators, surrounding vegetation and proximity, number of natural burrows in proximity, type of materials used to build the burrow, size of the burrow and entrance, direction in which the burrow entrance is facing, slope of the entrance, number of burrow entrances per burrow, depth of the burrow, type and height of perches, and annual maintenance needs (Belthoff and King 2002, Smith et al. 2005, Barclay et al. 2011). Refer to Barclay (2008) and (2011) and to Johnson et al. 2010 (unpublished report) for guidance on installing artificial burrows including recommendations for placement, installation and maintenance.

Any long-term reliance on artificial burrows as natural burrow replacements must include semi-annual to annual cleaning and maintenance and/or replacement (Barclay et al. 2011, Smith and Conway 2005, Alexander et al. 2005) as an ongoing management practice. Alexander et al. (2005), in a study of the use of artificial burrows found that all of 20 artificial burrows needed some annual cleaning and maintenance. Burrows were either excavated by predators, blocked by soil or vegetation, or experienced substrate erosion forming a space beneath the tubing that prevented nestlings from re-entering the burrow.

*Mitigation lands management plan.* Develop a Mitigation Lands Management Plan for projects that require off-site or on-site mitigation habitat protection to ensure compliance with and effectiveness of identified management actions for the mitigation lands. A suggested outline and related vegetation management goals and monitoring success criteria can be found in Appendix E.

### **Mitigation Monitoring and Reporting**

Verify the compliance with required mitigation measures, the accuracy of predictions, and ensure the effectiveness of all mitigation measures for burrowing owls by conducting follow-up monitoring, and implementing midcourse corrections, if necessary, to protect burrowing owls. Refer to CEQA Guidelines Section 15097 and the CEQA Guidelines for additional guidance on mitigation, monitoring and reporting. Monitoring is qualitatively different from site surveillance; monitoring normally has a specific purpose and its outputs and outcomes will usually allow a comparison with some baseline condition of the site before the mitigation (including avoidance and minimization) was undertaken. Ideally, monitoring should be based on the Before-After Control-Impact (BACI) principle (McDonald et al. 2000) that requires knowledge of the pre-mitigation state to provide a reference point for the state and change in state after the project and mitigation have been implemented.

## ACKNOWLEDGEMENTS

We thank Jack Barclay, Jeff Lincer, David Plumpton, Jeff Kidd, Carol Roberts and other reviewers for their valuable comments on this report. We also want to acknowledge all the hard work of the Department team, especially T. Bartlett, K. Riesz, S. Wilson, D. Gifford, D. Mayer, J. Gan, L. Connolly, D. Mayer, A. Donlan, L. Bauer, L. Comrack, D. Lancaster, E. Burkett, B. Johnson, D. Johnston, A. Gonzales, S. Morey and K. Hunting.

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## **Appendix A. Burrowing Owl Natural History and Threats**

### **Diet**

Burrowing owl diet includes arthropods, small rodents, birds, amphibians, reptiles, and carrion (Haug et al. 1993).

### **Breeding**

In California, the breeding season for the burrowing owl typically occurs between 1 February and 31 August although breeding in December has been documented (Thompson 1971, Gervais et al. 2008); breeding behavior includes nest site selection by the male, pair formation, copulation, egg laying, hatching, fledging, and post-fledging care of young by the parents. The peak of the breeding season occurs between 15 April and 15 July and is the period when most burrowing owls have active nests (eggs or young). The incubation period lasts 29 days (Coulombe 1971) and young fledge after 44 days (Haug et al. 1993). Note that the timing of nesting activities may vary with latitude and climatic conditions. Burrowing owls may change burrows several times during the breeding season, starting when nestlings are about three weeks old (Haug et al. 1993).

### **Dispersal**

The following discussion is an excerpt from Gervais et al (2008):

“The burrowing owl is often considered a sedentary species (e.g., Thomsen 1971). A large proportion of adults show strong fidelity to their nest site from year to year, especially where resident, as in Florida (74% for females, 83% for males; Millsap and Bear 1997). In California, nest-site fidelity rates were 32%–50% in a large grassland and 57% in an agricultural environment (Ronan 2002, Catlin 2004, Catlin et al. 2005). Differences in these rates among sites may reflect differences in nest predation rates (Catlin 2004, Catlin et al. 2005). Despite the high nest fidelity rates, dispersal distances may be considerable for both juveniles (natal dispersal) and adults (postbreeding dispersal), but this also varied with location (Catlin 2004, Rosier et al. 2006). Distances of 53 km to roughly 150 km have been observed in California for adult and natal dispersal, respectively (D. K. Rosenberg and J. A. Gervais, unpublished data), despite the difficulty in detecting movements beyond the immediate study area (Koenig et al. 1996).”

### **Habitat**

The burrowing owl is a small, long-legged, ground-dwelling bird species, well-adapted to open, relatively flat expanses. In California, preferred habitat is generally typified by short, sparse vegetation with few shrubs, level to gentle topography and well-drained soils (Haug et al. 1993). Grassland, shrub steppe, and desert are naturally occurring habitat types used by the species. In addition, burrowing owls may occur in some agricultural areas, ruderal grassy fields, vacant lots and pastures if the vegetation structure is suitable and there are useable burrows and foraging habitat in proximity (Gervais et al 2008). Unique amongst North

American raptors, the burrowing owl requires underground burrows or other cavities for nesting during the breeding season and for roosting and cover, year round. Burrows used by the owls are usually dug by other species termed host burrowers. In California, California ground squirrel (*Spermophilus beecheyi*) and round-tailed ground squirrel (*Citellus tereticaudus*) burrows are frequently used by burrowing owls but they may use dens or holes dug by other fossorial species including badger (*Taxidea taxus*), coyote (*Canis latrans*), and fox (e.g., San Joaquin kit fox, *Vulpes macrotis mutica*; Ronan 2002). In some instances, owls have been known to excavate their own burrows (Thompson 1971, Barclay 2007). Natural rock cavities, debris piles, culverts, and pipes also are used for nesting and roosting (Rosenberg et al. 1998). Burrowing owls have been documented using artificial burrows for nesting and cover (Smith and Belthoff, 2003).

*Foraging habitat.* Foraging habitat is essential to burrowing owls. The following discussion is an excerpt from Gervais et al. (2008):

“Useful as a rough guide to evaluating project impacts and appropriate mitigation for burrowing owls, adult male burrowing owls home ranges have been documented (calculated by minimum convex polygon) to comprise anywhere from 280 acres in intensively irrigated agroecosystems in Imperial Valley (Rosenberg and Haley 2004) to 450 acres in mixed agricultural lands at Lemoore Naval Air Station, CA (Gervais et al. 2003), to 600 acres in pasture in Saskatchewan, Canada (Haug and Oliphant 1990). But owl home ranges may be much larger, perhaps by an order of magnitude, in non-irrigated grasslands such as at Carrizo Plain, California (Gervais et al. 2008), based on telemetry studies and distribution of nests. Foraging occurs primarily within 600 m of their nests (within approximately 300 acres, based on a circle with a 600 m radius) during the breeding season.”

*Importance of burrows and adjacent habitat.* Burrows and the associated surrounding habitat are essential ecological requisites for burrowing owls throughout the year and especially during the breeding season. During the non-breeding season, burrowing owls remain closely associated with burrows, as they continue to use them as refuge from predators, shelter from weather and roost sites. Resident populations will remain near the previous season’s nest burrow at least some of the time (Coulombe 1971, Thomsen 1971, Botelho 1996, LaFever et al. 2008).

In a study by Lutz and Plumpton (1999) adult males and females nested in formerly used sites at similar rates (75% and 63%, respectively) (Lutz and Plumpton 1999). Burrow fidelity has been reported in some areas; however, more frequently, burrowing owls reuse traditional nesting areas without necessarily using the same burrow (Haug et al. 1993, Dechant et al. 1999). Burrow and nest sites are re-used at a higher rate if the burrowing owl has reproduced successfully during the previous year (Haug et al. 1993) and if the number of burrows isn’t limiting nesting opportunity.

Burrowing owls may use “satellite” or non-nesting burrows, moving young at 10-14 days, presumably to reduce risk of predation (Desmond and Savidge 1998) and possibly to avoid nest parasites (Dechant et al. 1999). Successful nests in Nebraska had more active satellite burrows within 75 m of the nest burrow than unsuccessful nests (Desmond and Savidge

1999). Several studies have documented the number of satellite burrows used by young and adult burrowing owls during the breeding season as between one and 11 burrows with an average use of approximately five burrows (Thompson 1984, Haug 1985, Haug and Oliphant 1990). Supporting the notion of selecting for nest sites near potential satellite burrows, Ronan (2002) found burrowing owl families would move away from a nest site if their satellite burrows were experimentally removed through blocking their entrance.

Habitat adjacent to burrows has been documented to be important to burrowing owls. Gervais et al. (2003) found that home range sizes of male burrowing owls during the nesting season were highly variable within but not between years. Their results also suggested that owls concentrate foraging efforts within 600 meters of the nest burrow, as was observed in Canada (Haug and Oliphant 1990) and southern California (Rosenberg and Haley 2004). James et al. (1997), reported habitat modification factors causing local burrowing owl declines included habitat fragmentation and loss of connectivity.

In conclusion, the best available science indicates that essential habitat for the burrowing owl in California must include suitable year-round habitat, primarily for breeding, foraging, wintering and dispersal habitat consisting of short or sparse vegetation (at least at some time of year), presence of burrows, burrow surrogates or presence of fossorial mammal dens, well-drained soils, and abundant and available prey within close proximity to the burrow.

### **Threats to Burrowing Owls in California**

*Habitat loss.* Habitat loss, degradation, and fragmentation are the greatest threats to burrowing owls in California. According to DeSante et al. (2007), “the vast majority of burrowing owls [now] occur in the wide, flat lowland valleys and basins of the Imperial Valley and Great Central Valley [where] for the most part,...the highest rates of residential and commercial development in California are occurring.” Habitat loss from the State’s long history of urbanization in coastal counties has already resulted in either extirpation or drastic reduction of burrowing owl populations there (Gervais et al. 2008). Further, loss of agricultural and other open lands (such as grazed landscapes) also negatively affect owl populations. Because of their need for open habitat with low vegetation, burrowing owls are unlikely to persist in agricultural lands dominated by vineyards and orchards (Gervais et al. 2008).

*Control of burrowing rodents.* According to Klute et al. (2003), the elimination of burrowing rodents through control programs is a primary factor in the recent and historical decline of burrowing owl populations nationwide. In California, ground squirrel burrows are most often used by burrowing owls for nesting and cover; thus, ground squirrel control programs may affect owl numbers in local areas by eliminating a necessary resource.

*Direct mortality.* Burrowing owls suffer direct losses from a number of sources. Vehicle collisions are a significant source of mortality especially in the urban interface and where owls nest alongside roads (Haug et al. 1993, Gervais et al. 2008). Road and ditch maintenance, modification of water conveyance structures (Imperial Valley) and discing to control weeds in fallow fields may destroy burrows (Rosenberg and Haley 2004, Catlin and Rosenberg 2006) which may trap or crush owls. Wind turbines at Altamont Pass Wind Resource Area are known to cause direct burrowing owl mortality (Thelander et al. 2003). Exposure to

pesticides may pose a threat to the species but is poorly understood (Klute et al. 2003, Gervais et al. 2008).

## Appendix B. Definitions

Some key terms that appear in this document are defined below.

**Adjacent habitat** means burrowing owl habitat that abuts the area where habitat and burrows will be impacted and rendered non-suitable for occupancy.

**Breeding (nesting) season** begins as early as 1 February and continues through 31 August (Thomsen 1971, Zarn 1974). The timing of breeding activities may vary with latitude and climatic conditions. The breeding season includes pairing, egg-laying and incubation, and nestling and fledging stages.

**Burrow exclusion** is a technique of installing one-way doors in burrow openings during the non-breeding season to temporarily exclude burrowing owls or permanently exclude burrowing owls and excavate and close burrows after confirming burrows are empty.

**Burrowing owl habitat** generally includes, but is not limited to, short or sparse vegetation (at least at some time of year), presence of burrows, burrow surrogates or presence of fossorial mammal dens, well-drained soils, and abundant and available prey.

**Burrow surrogates** include culverts, piles of concrete rubble, piles of soil, burrows created along soft banks of ditches and canals, pipes, and similar structures.

**Civil twilight** - Morning civil twilight begins when the geometric center of the sun is 6 degrees below the horizon (civil dawn) and ends at sunrise. Evening civil twilight begins at sunset and ends when the geometric center of the sun reaches 6 degrees below the horizon (civil dusk). During this period there is enough light from the sun that artificial sources of light may not be needed to carry on outdoor activities. This concept is sometimes enshrined in laws, for example, when drivers of automobiles must turn on their headlights (called lighting-up time in the UK); when pilots may exercise the rights to fly aircraft. Civil twilight can also be described as the limit at which twilight illumination is sufficient, under clear weather conditions, for terrestrial objects to be clearly distinguished; at the beginning of morning civil twilight, or end of evening civil twilight, the horizon is clearly defined and the brightest stars are visible under clear atmospheric conditions.

**Conservation** for burrowing owls may include but may not be limited to protecting remaining breeding pairs or providing for population expansion, protecting and enhancing breeding and essential habitat, and amending or augmenting land use plans to stabilize populations and other specific actions to avoid the need to list the species pursuant to California or federal Endangered Species Acts.

**Contiguous** means connected together so as to form an uninterrupted expanse in space.

**Essential habitat** includes nesting, foraging, wintering, and dispersal habitat.

**Foraging habitat** is habitat within the estimated home range of an occupied burrow, supports suitable prey base, and allows for effective hunting.

**Host burrowers** include ground squirrels, badgers, foxes, coyotes, gophers etc.

**Locally significant species** is a species that is not rare from a statewide perspective but is rare or uncommon in a local context such as within a county or region (CEQA §15125 (c)) or is so designated in local or regional plans, policies, or ordinances (CEQA Guidelines, Appendix G). Examples include a species at the outer limits of its known range or occurring in a unique habitat type.

**Non-breeding season** is the period of time when nesting activity is not occurring, generally September 1 through January 31, but may vary with latitude and climatic conditions.

**Occupied site or occupancy** means a site that is assumed occupied if at least one burrowing owl has been observed occupying a burrow within the last three years (Rich 1984). Occupancy of suitable burrowing owl habitat may also be indicated by owl sign including its molted feathers, cast pellets, prey remains, eggshell fragments, or excrement at or near a burrow entrance or perch site.

**Other impacting activities** may include but may not be limited to agricultural practices, vegetation management and fire control, pest management, conversion of habitat from rangeland or natural lands to more intensive agricultural uses that could result in "take". These impacting activities may not meet the definition of a project under CEQA.

**Passive relocation** is a technique of installing one-way doors in burrow openings to temporarily or permanently evict burrowing owls and prevent burrow re-occupation.

**Peak of the breeding season** is between 15 April and 15 July.

**Sign** includes its tracks, molted feathers, cast pellets (defined as 1-2" long brown to black regurgitated pellets consisting of non-digestible portions of the owls' diet, such as fur, bones, claws, beetle elytra, or feathers), prey remains, egg shell fragments, owl white wash, nest burrow decoration materials (e.g., paper, foil, plastic items, livestock or other animal manure, etc.), possible owl perches, or other items.

## **Appendix C. Habitat Assessment and Reporting Details**

### **Habitat Assessment Data Collection and Reporting**

Current scientific literature indicates that it would be most effective to gather the data in the manner described below when conducting project scoping, conducting a habitat assessment site visit and preparing a habitat assessment report:

1. Conduct at least one visit covering the entire potential project/activity area including areas that will be directly or indirectly impacted by the project. Survey adjoining areas within 150 m (Thomsen 1971, Martin 1973), or more where direct or indirect effects could potentially extend offsite. If lawful access cannot be achieved to adjacent areas, surveys can be performed with a spotting scope or other methods.
2. Prior to the site visit, compile relevant biological information for the site and surrounding area to provide a local and regional context.
3. Check all available sources for burrowing owl occurrence information regionally prior to a field inspection. The CNDDDB and BIOS (see References cited) may be consulted for known occurrences of burrowing owls. Other sources of information include, but are not limited to, the Proceedings of the California Burrowing Owl Symposium (Barclay et al. 2007), county bird atlas projects, Breeding Bird Survey records, eBIRD (<http://ebird.org>), Gervais et al. (2008), local reports or experts, museum records, and other site-specific relevant information.
4. Identify vegetation and habitat types potentially supporting burrowing owls in the project area and vicinity.
5. Record and report on the following information:
  - a. A full description of the proposed project, including but not limited to, expected work periods, daily work schedules, equipment used, activities performed (such as drilling, construction, excavation, etc.) and whether the expected activities will vary in location or intensity over the project's timeline;
  - b. A regional setting map, showing the general project location relative to major roads and other recognizable features;
  - c. A detailed map (preferably a USGS topo 7.5' quad base map) of the site and proposed project, including the footprint of proposed land and/or vegetation-altering activities, base map source, identifying topography, landscape features, a north arrow, bar scale, and legend;
  - d. A written description of the biological setting, including location (Section, Township, Range, baseline and meridian), acreage, topography, soils, geographic and hydrologic characteristics, land use and management history on and adjoining the site (i.e., whether it is urban, semi-urban or rural; whether there is any evidence of past or current livestock grazing, mowing, disking, or other vegetation management activities);
  - e. An analysis of any relevant, historical information concerning burrowing owl use or occupancy (breeding, foraging, over-wintering) on site or in the assessment area;
  - f. Vegetation type and structure (using Sawyer et al. 2009), vegetation height, habitat types and features in the surrounding area plus a reasonably sized (as supported with logical justification) assessment area; (Note: use caution in discounting habitat based on grass height as it can be a temporary condition variable by season and conditions (such as current grazing regime) or may be distributed as a mosaic).

- g. The presence of burrowing owl individuals or pairs or sign (see Appendix B);
- h. The presence of suitable burrows and/or burrow surrogates (>11 cm in diameter (height and width) and >150 cm in depth) (Johnson et al. 2010), regardless of a lack of any burrowing owl sign and/or burrow surrogates; and burrowing owls and/or their sign that have recently or historically (within the last 3 years) been identified on or adjacent to the site.

## Appendix D. Breeding and Non-breeding Season Surveys and Reports

Current scientific literature indicates that it is most effective to conduct breeding and non-breeding season surveys and report in the manner that follows:

### Breeding Season Surveys

*Number of visits and timing.* Conduct 4 survey visits: 1) at least one site visit between 15 February and 15 April, and 2) a minimum of three survey visits, at least three weeks apart, between 15 April and 15 July, with at least one visit after 15 June. Note: many burrowing owl migrants are still present in southwestern California during mid-March, therefore, exercise caution in assuming breeding occupancy early in the breeding season.

*Survey method.* Rosenberg et al. (2007) confirmed walking line transects were most effective in smaller habitat patches. Conduct surveys in all portions of the project site that were identified in the Habitat Assessment and fit the description of habitat in Appendix A. Conduct surveys by walking straight-line transects spaced 7 m to 20 m apart, adjusting for vegetation height and density (Rosenberg et al. 2007). At the start of each transect and, at least, every 100 m, scan the entire visible project area for burrowing owls using binoculars. During walking surveys, record all potential burrows used by burrowing owls as determined by the presence of one or more burrowing owls, pellets, prey remains, whitewash, or decoration. Some burrowing owls may be detected by their calls, so observers should also listen for burrowing owls while conducting the survey.

Care should be taken to minimize disturbance near occupied burrows during all seasons and not to “flush” burrowing owls especially if predators are present to reduce any potential for needless energy expenditure or burrowing owl mortality. Burrowing owls may flush if approached by pedestrians within 50 m (Conway et al. 2003). If raptors or other predators are present that may suppress burrowing owl activity, return at another time or later date for a follow-up survey.

Check all burrowing owls detected for bands and/or color bands and report band combinations to the Bird Banding Laboratory (BBL). Some site-specific variations to survey methods discussed below may be developed in coordination with species experts and Department staff.

*Weather conditions.* Poor weather may affect the surveyor's ability to detect burrowing owls, therefore, avoid conducting surveys when wind speed is >20 km/hr, and there is precipitation or dense fog. Surveys have greater detection probability if conducted when ambient temperatures are >20° C, <12 km/hr winds, and cloud cover is <75% (Conway et al. 2008).

*Time of day.* Daily timing of surveys varies according to the literature, latitude, and survey method. However, surveys between morning civil twilight and 10:00 AM and two hours before sunset until evening civil twilight provide the highest detection probabilities (Barclay pers. comm. 2012, Conway et al. 2008).

*Alternate methods.* If the project site is large enough to warrant an alternate method, consult current literature for generally accepted survey methods and consult with the Department on the proposed survey approach.

*Additional breeding season site visits.* Additional breeding season site visits may be necessary, especially if non-breeding season exclusion methods are contemplated. Detailed information, such as approximate home ranges of each individual or of family units, as well as foraging areas as related to the proposed project, will be important to document for evaluating impacts, planning avoidance measure implementation and for mitigation measure performance monitoring.

Adverse conditions may prevent investigators from determining presence or occupancy. Disease, predation, drought, high rainfall or site disturbance may preclude presence of burrowing owls in any given year. Any such conditions should be identified and discussed in the survey report. Visits to the site in more than one year may increase the likelihood of detection. Also, visits to adjacent known occupied habitat may help determine appropriate survey timing.

Given the high site fidelity shown by burrowing owls (see Appendix A, Importance of burrows), conducting surveys over several years may be necessary when project activities are ongoing, occur annually, or start and stop seasonally. (See Negative surveys).

### **Non-breeding Season Surveys**

If conducting non-breeding season surveys, follow the methods described above for breeding season surveys, but conduct at least four (4) visits, spread evenly, throughout the non-breeding season. Burrowing owl experts and local Department staff are available to assist with interpreting results.

### **Negative Surveys**

Adverse conditions may prevent investigators from documenting presence or occupancy. Disease, predation, drought, high rainfall or site disturbance may preclude presence of burrowing owl in any given year. Discuss such conditions in the Survey Report. Visits to the site in more than one year increase the likelihood of detection and failure to locate burrowing owls during one field season does not constitute evidence that the site is no longer occupied, particularly if adverse conditions influenced the survey results. Visits to other nearby known occupied sites can affirm whether the survey timing is appropriate.

### **Take Avoidance Surveys**

Field experience from 1995 to present supports the conclusion that it would be effective to complete an initial take avoidance survey no less than 14 days prior to initiating ground disturbance activities using the recommended methods described in the Detection Surveys section above. Implementation of avoidance and minimization measures would be triggered by positive owl presence on the site where project activities will occur. The development of avoidance and minimization approaches would be informed by monitoring the burrowing owls.

Burrowing owls may re-colonize a site after only a few days. Time lapses between project activities trigger subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance.

## **Survey Reports**

Report on the survey methods used and results including the information described in the Summary Report and include the reports within the CEQA documentation:

1. Date, start and end time of surveys including weather conditions (ambient temperature, wind speed, percent cloud cover, precipitation and visibility);
2. Name(s) of surveyor(s) and qualifications;
3. A discussion of how the timing of the survey affected the comprehensiveness and detection probability;
4. A description of survey methods used including transect spacing, point count dispersal and duration, and any calls used;
5. A description and justification of the area surveyed relative to the project area;
6. A description that includes: number of owls or nesting pairs at each location (by nestlings, juveniles, adults, and those of an unknown age), number of burrows being used by owls, and burrowing owl sign at burrows. Include a description of individual markers, such as bands (numbers and colors), transmitters, or unique natural identifying features. If any owls are banded, request documentation from the BBL and bander to report on the details regarding the known history of the banded burrowing owl(s) (age, sex, origins, whether it was previously relocated) and provide with the report if available;
7. A description of the behavior of burrowing owls during the surveys, including feeding, resting, courtship, alarm, territorial defense, and those indicative of parents or juveniles;
8. A list of possible burrowing owl predators present and documentation of any evidence of predation of owls;
9. A detailed map (1:24,000 or closer to show details) showing locations of all burrowing owls, potential burrows, occupied burrows, areas of concentrated burrows, and burrowing owl sign. Locations documented by use of global positioning system (GPS) coordinates must include the datum in which they were collected. The map should include a title, north arrow, bar scale and legend;
10. Signed field forms, photos, etc., as appendices to the field survey report;
11. Recent color photographs of the proposed project or activity site; and
12. Original CNDDDB Field Survey Forms should be sent directly to the Department's CNDDDB office, and copies should be included in the environmental document as an appendix. (<http://www.dfg.ca.gov/bdb/html/cnddb.html> ).

## **Appendix E. Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans**

Whereas the Department does not recommend exclusion and burrow closure, current scientific literature and experience from 1995 to present, indicate that the following example components for burrowing owl artificial burrow and exclusion plans, combined with consultation with the Department to further develop these plans, would be effective.

### **Artificial Burrow Location**

If a burrow is confirmed occupied on-site, artificial burrow locations should be appropriately located and their use should be documented taking into consideration:

1. A brief description of the project and project site pre-construction;
2. The mitigation measures that will be implemented;
3. Potential conflicting site uses or encumbrances;
4. A comparison of the occupied burrow site(s) and the artificial burrow site(s) (e.g., vegetation, habitat types, fossorial species use in the area, and other features);
5. Artificial burrow(s) proximity to the project activities, roads and drainages;
6. Artificial burrow(s) proximity to other burrows and entrance exposure;
7. Photographs of the site of the occupied burrow(s) and the artificial burrows;
8. Map of the project area that identifies the burrow(s) to be excluded as well as the proposed sites for the artificial burrows;
9. A brief description of the artificial burrow design;
10. Description of the monitoring that will take place during and after project implementation including information that will be provided in a monitoring report.
11. A description of the frequency and type of burrow maintenance.

### **Exclusion Plan**

An Exclusion Plan addresses the following including but not limited to:

1. Confirm by site surveillance that the burrow(s) is empty of burrowing owls and other species preceding burrow scoping;
2. Type of scope and appropriate timing of scoping to avoid impacts;
3. Occupancy factors to look for and what will guide determination of vacancy and excavation timing (one-way doors should be left in place 48 hours to ensure burrowing owls have left the burrow before excavation, visited twice daily and monitored for evidence that owls are inside and can't escape i.e., look for sign immediately inside the door).
4. How the burrow(s) will be excavated. Excavation using hand tools with refilling to prevent reoccupation is preferable whenever possible (may include using piping to stabilize the burrow to prevent collapsing until the entire burrow has been excavated and it can be determined that no owls reside inside the burrow);
5. Removal of other potential owl burrow surrogates or refugia on site;
6. Photographing the excavation and closure of the burrow to demonstrate success and sufficiency;

7. Monitoring of the site to evaluate success and, if needed, to implement remedial measures to prevent subsequent owl use to avoid take;
8. How the impacted site will continually be made inhospitable to burrowing owls and fossorial mammals (e.g., by allowing vegetation to grow tall, heavy disking, or immediate and continuous grading) until development is complete.

# Appendix F. Mitigation Management Plan and Vegetation Management Goals

## Mitigation Management Plan

A mitigation site management plan will help ensure the appropriate implementation and maintenance for the mitigation site and persistence of the burrowing owls on the site. For an example to review, refer to Rosenberg et al. (2009). The current scientific literature and field experience from 1995 to present indicate that an effective management plan includes the following:

1. Mitigation objectives;
2. Site selection factors (including a comparison of the attributes of the impacted and conserved lands) and baseline assessment;
3. Enhancement of the conserved lands (enhancement of reproductive capacity, enhancement of breeding areas and dispersal opportunities, and removal or control of population stressors);
4. Site protection method and prohibited uses;
5. Site manager roles and responsibilities;
6. Habitat management goals and objectives:
  - a. Vegetation management goals,
    - i. Vegetation management tools:
      1. Grazing
      2. Mowing
      3. Burning
      4. Other
    - b. Management of ground squirrels and other fossorial mammals,
    - c. Semi-annual and annual artificial burrow cleaning and maintenance,
    - d. Non-natives control – weeds and wildlife,
    - e. Trash removal;
  - a. Property analysis record or other financial analysis to determine long-term management funding,
  - b. Funding schedule;
7. Financial assurances:
  - a. Property analysis record or other financial analysis to determine long-term management funding,
  - b. Funding schedule;
8. Performance standards and success criteria;
9. Monitoring, surveys and adaptive management;
10. Maps;
11. Annual reports.

## Vegetation Management Goals

- Manage vegetation height and density (especially in immediate proximity to burrows). Suitable vegetation structure varies across sites and vegetation types, but should generally be at the average effective vegetation height of 4.7 cm (Green and Anthony 1989) and <13 cm average effective vegetation height (MacCracken et al. 1985a).
- Employ experimental prescribed fires (controlled, at a small scale) to manage vegetation structure;

- Vegetation reduction or ground disturbance timing, extent, and configuration should avoid take. While local ordinances may require fire prevention through vegetation management, activities like disking, mowing, and grading during the breeding season can result in take of burrowing owls and collapse of burrows, causing nest destruction. Consult the take avoidance surveys section above for pre-management avoidance survey recommendations;
- Promote natural prey distribution and abundance, especially in proximity to occupied burrows; and
- Promote self-sustaining populations of host burrowers by limiting or prohibiting lethal rodent control measures and by ensuring food availability for host burrowers through vegetation management.

Refer to Rosenberg et al. (2009) for a good discussion of managing grasslands for burrowing owls.

### **Mitigation Site Success Criteria**

In order to evaluate the success of mitigation and management strategies for burrowing owls, monitoring is required that is specific to the burrowing owl management plan. Given limited resources, Barclay et al. (2011) suggests managers focus on accurately estimating annual adult owl populations rather than devoting time to estimating reproduction, which shows high annual variation and is difficult to accurately estimate. Therefore, the key objective will be to determine accurately the number of adult burrowing owls and pairs, and if the numbers are maintained. A frequency of 5-10 years for surveys to estimate population size may suffice if there are no changes in the management of the nesting and foraging habitat of the owls.

Effective monitoring and evaluation of off-site and on-site mitigation management success for burrowing owls includes (Barclay, pers. comm.):

- Site tenacity;
- Number of adult owls present and reproducing;
- Colonization by burrowing owls from elsewhere (by band re-sight);
- Evidence and causes of mortality;
- Changes in distribution; and
- Trends in stressors.

**APPENDIX E – Native American Heritage Correspondence**

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**Yamabe & Horn  
Engineering, Inc.**

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December 11, 2014

Native American Heritage Commission  
1560 Harbor Boulevard, Suite 100  
West Sacramento, CA 95691

RE: Sacred Lands File Search and Native American Contacts List for the  
"UPRR Pedestrian and Bicycle Trail," located in the City of Kerman;  
Fresno County, California

Dear Mr. Singleton,

The City of Kerman is requesting a record search of the NAHC Sacred Lands file and a Native American Contacts list for the subject project. The City is currently in the process of preparing plans for the Union Pacific Railroad (UPRR) Pedestrian and Bicycle Trail Project. The Project consists of the construction of a 10 foot wide Pedestrian and Bicycle Trail along the north side of UPRR from Siskiyou Avenue to 1300 feet east and then north to California Avenue as shown on the provided maps.

If you have any questions, please call me at (559) 244-3123. Your cooperation is appreciated.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jerry Jones".

Jerry Jones  
Project Engineer

**STATE OF CALIFORNIA****Edmund G. Brown, Jr., Governor****NATIVE AMERICAN HERITAGE COMMISSION**

1650 Harbor Blvd., ROOM 100  
West SACRAMENTO, CA 95691  
(916) 373-3710  
Fax (916) 373-5471



December 30, 2014

Jerry Jones  
YAMABE & HORN ENGINEERING INC.  
2985 North Burl Ave., Ste 101  
Fresno, CA 93727

RE: UPRR Pedestrian and Bicycle Trail, Fresno County  
Sent by FAX: 559-244-3120  
2 Pages

Mr. Jones;

A record search of the sacred land file has failed to indicate the presence of Native American cultural resources in the immediate project area. The absence of specific site information in the sacred lands file does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Enclosed is a list of Native Americans individuals/organizations who may have knowledge of cultural resources in the project area. The Commission makes no recommendation or preference of a single individual, or group over another. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated, if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe or group. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from any of these individuals or groups, please notify me. With your assistance we are able to assure that our lists contain current information. If you have any questions or need additional information, please contact me at (916) 373-3712.

Sincerely,

Handwritten signature of Katy Sanchez in cursive script.

Katy Sanchez  
Associated Government Program Analyst

**Native American Contacts  
Fresno County  
December 30, 2014**

Santa Rosa Rancheria Tachi Yokut Tribe  
Rueben Barrios Sr., Chairperson  
P.O. Box 8 Tache  
Lemoore , CA 93245 Tachi  
(559) 924-1278 Yokut  
(559) 924-3583 Fax

Kings River Choinumni Farm Tribe  
Stan Alec  
3515 East Fidora Avenue Foothill Yokuts  
Fresno , CA 93726 Choinumni  
(559) 647-3227 Cell

Sierra Nevada Native American Coalition  
Lawrence Bill, Interim Chairperson  
P.O. Box 125 Mono  
Dunlap , CA 93621 Foothill Yokuts  
(559) 338-2354 Choinumni

The Choinumni Tribe of Yokuts  
Rosemary Smith, Chairperson  
1099 Pistachio Avenue Choinumni  
Clovis , CA 96311 Foothill YoKut  
monoclovis@yahoo.com

Choinumni Tribe; Choinumni/Mono  
Lorrie Planas  
2736 Palo Alto Choinumni  
Clovis , CA 93611 Mono

Traditional Choinumni Tribe  
David Alvarez, Chairperson  
2415 E. Houston Avenue Choinumni  
Fresno , CA 93720  
davealvarez@sbcglobal.net  
(559) 292-5057 Fax  
(559) 323-6231  
(559) 217-0396 Cell

Chowchilla Tribe of Yokuts  
Jerry Brown  
10553 N. Rice Road North Valley Yokuts  
Fresno , CA 93730  
(559) 434-3160

Santa Rosa Rancheria Tachi Yokut Tribe  
Lalo Franco, Cultural Coordinator  
P.O. Box 8 Tachi  
Lemoore , CA 93245 Tache  
(559) 924-1278 Ext. 5 Yokut  
(559) 924-3583 Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting locative Americans with regard to cultural resources for the proposed "UPRR Pedestrian and Bicycle Trail", City of Kerman, Fresno County.



**Yamabe & Horn  
Engineering, Inc.**

2985 North Burl Avenue, Suite 101  
Fresno, CA 93727  
(559) 244-3123  
(559) 244-3120 fax  
[www.yandhengr.com](http://www.yandhengr.com)

December 11, 2014

Bob Pennell, Cultural Resource Director  
Table Mountain Rancheria  
P.O. Box 410  
Friant, CA 93626

RE: Union Pacific Railroad (UPRR) Pedestrian and Bicycle Trail  
City of Kerman, CA

Dear Mr. Pennell,

The City of Kerman is currently in the process of preparing plans for the UPRR Pedestrian and Bicycle Trail. The Project consists of the construction of a 10 foot wide Pedestrian and Bicycle Trail along the north side of the UPRR from Siskiyou Avenue to 1300 feet east and then north to California Avenue as shown on the attached Kerman 7.5' USGS topographic quadrangle map, Township 14 South, Range 17 East, Section 12, Mount Diablo Meridian.

The project will require ground disturbance. The construction of the 10 foot wide Pedestrian and Bicycle Trail will require earthwork to accommodate the proposed trail and surface drainage to a depth of no more than 5 feet.

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If you have any comments or concerns, please respond within 30 days of receipt of this letter. If you have any questions, please call me at (559) 244-3123. Your cooperation is appreciated.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jerry Jones".

Jerry Jones  
Project Engineer



# TABLE MOUNTAIN RANCHERIA

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## TRIBAL GOVERNMENT OFFICE

RECEIVED

DEC 29 2014

YAMABE & HORN

December 19, 2014

Yamabe & Horn  
Jerry Jones, Project Engineer  
2985 North Burl Avenue, Suite 101  
Fresno, Ca. 93727

Leanne Walker-Grant  
Tribal Chairperson

RE: Union Pacific Railroad (UPRR) Pedestrian and Bicycle Trail City of Kerman,  
CA

Beverly J. Hunter  
Tribal Vice-Chairperson

Dear Jerry Jones:

Craig Martinez  
Tribal Secretary/Treasurer

This is in response to your letter dated December 11, 2015, regarding, Union Pacific Railroad (UPRR) Pedestrian and Bicycle Trail City of Kerman, CA., project.

Ray Barnes  
Tribal Council Member

We appreciate receiving notice; however, this project site is beyond our area of interest.

Matthew W. Jones  
Tribal Council Member

Sincerely,

Bob Pennell  
Cultural Resources Director

23736  
Sky Harbour Road  
Post Office  
Box 410  
Friant  
California  
93626  
(559) 822-2587  
Fax  
(559) 822-2693



2985 North Burl Avenue, Suite 101  
Fresno, CA 93727  
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[www.yandhengr.com](http://www.yandhengr.com)

December 11, 2014

Robert Marquez, Chairperson  
Cold Springs Rancheria of Mono Indians  
P.O. Box 209  
Tollhouse, CA 93667

RE: Union Pacific Railroad (UPRR) Pedestrian and Bicycle Trail  
City of Kerman, CA

Dear Mr. Marquez,

The City of Kerman is currently in the process of preparing plans for the UPRR Pedestrian and Bicycle Trail. The Project consists of the construction of a 10 foot wide Pedestrian and Bicycle Trail along the north side of the UPRR from Siskiyou Avenue to 1300 feet east and then north to California Avenue as shown on the attached Kerman 7.5' USGS topographic quadrangle map, Township 14 South, Range 17 East, Section 12, Mount Diablo Meridian.

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Project Engineer



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December 11, 2014

Mandy Marine, Board Chairperson  
Dunlap Band of Mono Historical Preservation Society  
P.O. Box 18  
Dunlap, CA 93621

RE: Union Pacific Railroad (UPRR) Pedestrian and Bicycle Trail  
City of Kerman, CA

Dear Ms. Marine,

The City of Kerman is currently in the process of preparing plans for the UPRR Pedestrian and Bicycle Trail. The Project consists of the construction of a 10 foot wide Pedestrian and Bicycle Trail along the north side of the UPRR from Siskiyou Avenue to 1300 feet east and then north to California Avenue as shown on the attached Kerman 7.5' USGS topographic quadrangle map, Township 14 South, Range 17 East, Section 12, Mount Diablo Meridian.

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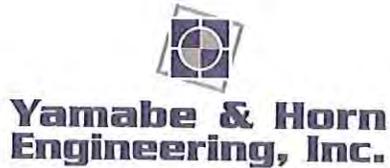
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Jerry Jones  
Project Engineer



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(559) 244-3120 fax  
[www.yandhng.com](http://www.yandhng.com)

December 11, 2014

Robert Ledger Sr., Chairperson  
Dumna Wo-Wah Tribal Government  
2216 East Hammond Street  
Fresno, CA 93702

RE: Union Pacific Railroad (UPRR) Pedestrian and Bicycle Trail  
City of Kerman, CA

Dear Mr. Ledger,

The City of Kerman is currently in the process of preparing plans for the UPRR Pedestrian and Bicycle Trail. The Project consists of the construction of a 10 foot wide Pedestrian and Bicycle Trail along the north side of the UPRR from Siskiyou Avenue to 1300 feet east and then north to California Avenue as shown on the attached Kerman 7.5' USGS topographic quadrangle map, Township 14 South, Range 17 East, Section 12, Mount Diablo Meridian.

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Jerry Jones  
Project Engineer



**Yamabe & Horn  
Engineering, Inc.**

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Fresno, CA 93727  
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[www.yandhengr.com](http://www.yandhengr.com)

December 11, 2014

Liz Hutchins Kipp, Chairperson  
Big Sandy Rancheria of Mono Indians  
P.O. Box 337/37302  
Auberry, CA 93602

RE: Union Pacific Railroad (UPRR) Pedestrian and Bicycle Trail  
City of Kerman, CA

Dear Ms. Hutchins Kipp,

The City of Kerman is currently in the process of preparing plans for the UPRR Pedestrian and Bicycle Trail. The Project consists of the construction of a 10 foot wide Pedestrian and Bicycle Trail along the north side of the UPRR from Siskiyou Avenue to 1300 feet east and then north to California Avenue as shown on the attached Kerman 7.5' USGS topographic quadrangle map, Township 14 South, Range 17 East, Section 12, Mount Diablo Meridian.

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Project Engineer



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December 11, 2014

Ron Goode, Chairperson  
North Fork Mono Tribe  
13396 Tollhouse Road  
Clovis, CA 93619

RE: Union Pacific Railroad (UPRR) Pedestrian and Bicycle Trail  
City of Kerman, CA

Dear Mr. Goode,

The City of Kerman is currently in the process of preparing plans for the UPRR Pedestrian and Bicycle Trail. The Project consists of the construction of a 10 foot wide Pedestrian and Bicycle Trail along the north side of the UPRR from Siskiyou Avenue to 1300 feet east and then north to California Avenue as shown on the attached Kerman 7.5' USGS topographic quadrangle map, Township 14 South, Range 17 East, Section 12, Mount Diablo Meridian.

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December 11, 2014

Lalo Franco, Cultural Coordinator  
Santa Rosa Tachi Rancheria  
P.O. Box 8  
Lemoore, CA 93245

RE: Union Pacific Railroad (UPRR) Pedestrian and Bicycle Trail  
City of Kerman, CA

Dear Mr. Franco,

The City of Kerman is currently in the process of preparing plans for the UPRR Pedestrian and Bicycle Trail. The Project consists of the construction of a 10 foot wide Pedestrian and Bicycle Trail along the north side of the UPRR from Siskiyou Avenue to 1300 feet east and then north to California Avenue as shown on the attached Kerman 7.5' USGS topographic quadrangle map, Township 14 South, Range 17 East, Section 12, Mount Diablo Meridian.

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Project Engineer



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December 11, 2014

Jerry Brown  
Chowchilla Tribe of Yokuts  
10553 N. Rice Road  
Fresno, CA 93720

RE: Union Pacific Railroad (UPRR) Pedestrian and Bicycle Trail  
City of Kerman, CA

Dear Mr. Brown,

The City of Kerman is currently in the process of preparing plans for the UPRR Pedestrian and Bicycle Trail. The Project consists of the construction of a 10 foot wide Pedestrian and Bicycle Trail along the north side of the UPRR from Siskiyou Avenue to 1300 feet east and then north to California Avenue as shown on the attached Kerman 7.5' USGS topographic quadrangle map, Township 14 South, Range 17 East, Section 12, Mount Diablo Meridian.

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[www.yandhngr.com](http://www.yandhngr.com)

January 6, 2015

Rueben Barrios Sr., Chairperson  
Santa Rosa Rancheria Tachi Yokut Tribe  
P.O. Box 8  
Lemoore, CA 93245

RE: Union Pacific Railroad (UPRR) Pedestrian and Bicycle Trail  
City of Kerman, CA

Dear Mr. Barrios,

The City of Kerman is currently in the process of preparing plans for the UPRR Pedestrian and Bicycle Trail. The Project consists of the construction of a 10 foot wide Pedestrian and Bicycle Trail along the north side of the UPRR from Siskiyou Avenue to 1300 feet east and then north to California Avenue as shown on the attached Kerman 7.5' USGS topographic quadrangle map, Township 14 South, Range 17 East, Section 12, Mount Diablo Meridian.

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Project Engineer



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[www.yandhenqr.com](http://www.yandhenqr.com)

January 6, 2015

Rosemary Smith, Chairperson  
The Choinumni Tribe of Yokuts  
1099 Pistachio Avenue  
Clovis, CA 93611

RE: Union Pacific Railroad (UPRR) Pedestrian and Bicycle Trail  
City of Kerman, CA

Dear Mrs. Smith,

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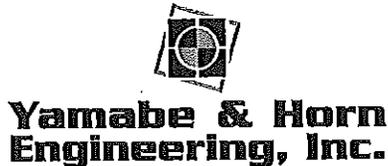
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Project Engineer



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January 6, 2015

Lawrence Bill, Interim Chairperson  
Sierra Nevada Native American Coalition  
P.O. Box 125  
Dunlap, CA 93621

RE: Union Pacific Railroad (UPRR) Pedestrian and Bicycle Trail  
City of Kerman, CA

Dear Mr. Bill,

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Jerry Jones  
Project Engineer



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January 6, 2015

David Alvarez, Chairperson  
Traditional Choinumni Tribe  
2415 E. Houston Avenue  
Fresno, CA 93720

RE: Union Pacific Railroad (UPRR) Pedestrian and Bicycle Trail  
City of Kerman, CA

Dear Mr. Alvarez,

The City of Kerman is currently in the process of preparing plans for the UPRR Pedestrian and Bicycle Trail. The Project consists of the construction of a 10 foot wide Pedestrian and Bicycle Trail along the north side of the UPRR from Siskiyou Avenue to 1300 feet east and then north to California Avenue as shown on the attached Kerman 7.5' USGS topographic quadrangle map, Township 14 South, Range 17 East, Section 12, Mount Diablo Meridian.

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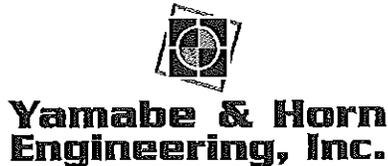
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January 6, 2015

Stan Alec  
Kings River Choinumni Farm Tribe  
3515 East Fidora Avenue  
Fresno, CA 93726

RE: Union Pacific Railroad (UPRR) Pedestrian and Bicycle Trail  
City of Kerman, CA

Dear Mr. Alec,

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Project Engineer



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January 6, 2015

Lorrie Planas  
Choinumni Tribe; Choinumni/Mono  
2736 Palo Alto  
Clovis, CA 93611

RE: Union Pacific Railroad (UPRR) Pedestrian and Bicycle Trail  
City of Kerman, CA

Dear Mrs. Planas,

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The project will require ground disturbance. The construction of the 10 foot wide Pedestrian and Bicycle Trail will require earthwork to accommodate the proposed trail and surface drainage to a depth of no more than 5 feet.

The Native American Heritage Commission has identified you as an individual who might have concerns about, or additional knowledge of, ancestral cultural resources in the project area. Please notify me if you are aware of any areas of concern within or in close proximity to the project area. Early identification of Native American cultural resources will ensure their consideration during the Project planning phase.

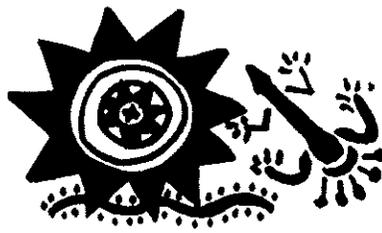
If you have any comments or concerns, please respond within 30 days of receipt of this letter. If you have any questions, please call me at (559) 244-3123. Your cooperation is appreciated.

Sincerely,

  
Jerry Jones  
Project Engineer

**APPENDIX F – Southern San Joaquin Valley Information Center Record  
Search Results**

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**To:** Jerry Jones  
Yamabe & Horn Engineering, Inc.  
2985 North Burl Ave., Suite 101  
Fresno, CA 93727

**Date:** January 5, 2015

**Re:** Union Pacific Railroad (UPRR) Pedestrian and Bicycle Trail

**County:** Fresno

**Map(s):** Kerman 7.5'

**Record Search 14-476**

**RECEIVED**

JAN - 8 2015

YAMABE & HORN

### **CULTURAL RESOURCES RECORDS SEARCH**

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law. The following are the results of a search of the cultural resource files at the Southern San Joaquin Valley Information Center. These files include known and recorded cultural resources sites, inventory and excavation reports filed with this office, and resources listed on the National Register of Historic Places, Historic Property Directory (3/18/13), California State Historical Landmarks, California Register of Historical Resources, California Inventory of Historic Resources, and California Points of Historical Interest. Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area.

### **PRIOR CULTURAL RESOURCE STUDIES CONDUCTED WITHIN THE PROJECT AREA AND THE ONE-HALF MILE RADIUS**

According to the information in our files, there have been no previous cultural resource studies conducted within the project area. There have been three studies conducted within the one-half mile radius, FR-01799, FR-02188, and FR-02281.

**KNOWN/RECORDED CULTURAL RESOURCES WITHIN THE PROJECT AREA AND THE ONE-HALF MILE RADIUS**

There are no recorded cultural resources within project area or within the one-half mile radius and it is not known if any exist there. Please note that no data does not mean negative data.

There are no recorded cultural resources within the project area or radius that are listed in the National Register of Historic Places, the California Register of Historical Resources, the California Points of Historical Interest, California Inventory of Historic Resources, or the California State Historic Landmarks.

**COMMENTS AND RECOMMENDATIONS**

We understand this project consists of the construction of a ten foot wide pedestrian and bicycle trail. Further, we understand the project area has been previously used for agricultural purposes. It should be noted that farming does not constitute development because it does not destroy cultural resources, but merely moves them around within the plow zone. As this project area has not been previously developed and has never been previously investigated for cultural resources, we recommend a qualified, professional archaeologist conduct a field survey prior to ground disturbance activities to determine if cultural resources are present. A list of professionals is available at [www.chrisinfo.org](http://www.chrisinfo.org).

We also recommend that you contact the Native American Heritage Commission in Sacramento. They will provide you with a current list of Native American individuals/organizations that can assist you with information regarding cultural resources that may not be included in the CHRIS Inventory and that may be of concern to the Native groups in the area. The Commission will consult their "Sacred Lands Inventory" file in order to determine what sacred resources, if any, exist within this project area and the way in which these resources might be managed. Finally, please consult with the lead agency on this project to determine if any other cultural resource investigation is required. If you need any additional information or have any questions or concerns, please contact our office at (661) 654-2289.

By:



Celeste M. Thomson, Coordinator

Date: January 5, 2015

Please note that invoices for Information Center services will be sent under separate cover from the California State University, Bakersfield Accounting Office.

## **APPENDIX G – Comment Letters and Responses to Comments**

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## PUBLIC UTILITIES COMMISSION

180 Promenade Circle, Suite 115  
Sacramento, CA 95834  
(916) 928-3809



February 24, 2015

Jerry Jones  
Contract City Engineer for  
City of Kerman  
2985 N. Burl Avenue, #101  
Fresno, California 93727-0833

Dear Mr. Jones:

**SUBJECT: SCH 2015011027 City of Kerman, UPRR Pedestrian and Bicycle Trail Project – Neg Dec**

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration, and closure of crossings in California. The Commission's Rail Crossings and Engineering Branch (RCEB) has received the Negative Declaration (*Neg Dec*), submitted by the City of Kerman (City), for the proposed Union Pacific Railroad (UPRR) Pedestrian and Bicycle Trail Project from the State Clearinghouse.

The proposed project consists of a 10 foot wide asphalt pedestrian and bicycle trail along the north side of the UPRR track (leased to the San Joaquin Valley Railroad (SJVR)) from Siskiyou Avenue and the adjacent Siskiyou Avenue crossing (DOT #752964D) to 1300 feet east to Park Avenue and then north, via a 10 foot wide concrete sidewalk along the west side of Park Avenue, to California Avenue. The Siskiyou Avenue crossing is equipped with crossbucks only and has no active warning (automatic gate arm with flashing signals assembly) devices. There are also no sidewalks across the track.

After a review of the proposed project, RCEB makes the following recommendations:

1. The City should work with both railroad companies (UPRR and SJVR) to install active warning devices at the Siskiyou Avenue crossing.
2. The City should consider installing sidewalks across the track since they indicate in their Negative Declaration that they do expect at some future date to have commercial and industrial development south of the track.
3. The City should work with both railroad companies (UPRR and SJVR) to replace the asphalt crossing surface with concrete panels.
4. The City should consider installing a crosswalk from the west side of Siskiyou Avenue, where a housing subdivision is located, to the east side of Siskiyou Avenue where one end of the trail is proposed.
5. The City should install fencing where the trail runs parallel to the track.

Please be advised that any construction near a rail track within a project area shall comply with the Commission's General Orders (GOs), including GO 26-D (Clearances on railroads and street railroads as to side and overhead structures, parallel tracks and crossings), GO 72-B (Construction &

Jerry Jones  
Page 2 of 2  
February 24, 2015

Maintenance - Standard types of pavement construction at railroad grade crossings), GO 75-D (Warning Devices for at-grade railroad crossings); GO 88-B (Alterations of railroad crossings), and GO 118 (Construction, reconstruction and maintenance of walkways adjacent to railroad trackage, and the control of vegetation adjacent to railroad tracks). Details on the Commission's General Orders are located here <http://www.cpuc.ca.gov/crossings>.

Modification of an existing public crossing requires authorization from the Commission through the use of the GO 88-B request process. Prior to submission of a GO 88-B request, the City shall arrange a diagnostic meeting with RCEB and the railroad companies to discuss relevant safety issues and requirements for the Commission's authorization.

If you have any questions in this matter, please contact me at (916) 928-3809 or send an email to me at [marvin.kennix@cpuc.ca.gov](mailto:marvin.kennix@cpuc.ca.gov).

Sincerely,



Marvin Kennix  
Utilities Engineer  
Rail Crossings Engineering Branch  
Safety and Enforcement Division

C: State Clearinghouse