



# FINAL Environmental Impact Report

State Clearing House No.  
2006022142



MCTC 2006 1/2 Cent  
Transportation Sales  
Tax Measure  
Investment Plan



June 14, 2006

Final Program Environmental Impact Report  
for the  
**MCTC ½ Cent Transportation Sales Tax  
Measure Investment Plan**

June 14, 2006

Prepared For:



**Madera County Transportation Commission**

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## 1.0 INTRODUCTION

The California Environmental Quality Act (CEQA) requires that a Final Environmental Impact Report (FEIR) must be prepared, certified, and considered by decision-makers prior to taking action on a project. The Final EIR provides the local agency with an opportunity to respond to comments received on the Draft EIR and to incorporate any changes or additions necessary to clarify and/or supplement the information contained in that document. This Final EIR, therefore, represents the culmination of all environmentally related issues raised during the comment period on the Draft EIR for the MCTC 2006 ½ Cent Transportation Sales Tax Measure Investment Plan. In addition, this Final EIR contains a Mitigation Monitoring and Reporting Program that identifies the necessary processes that are required to ensure that the mitigation measures recommended in the Draft EIR are implemented. Finally, the FEIR contains the Findings of Fact and Statement of Overriding Considerations, which identifies the significant, adverse, and unavoidable impacts in the Draft EIR. The Madera County Transportation Commission (MCTC) Board of Directors is required to balance the benefits of the proposed Project (Investment Plan) against its unavoidable environmental risks in determining whether to approve the Project.

### 1.1 FORMAT AND SCOPE

This document has been prepared by VRPA Technologies, Inc. (VRPA) to address the required components described above. The thirty day Draft EIR review and comment period began on April 27, 2006 and ended on May 26, 2006. Comments received and staff responses to those comments are contained in Section 2 of this Final EIR. Section 3 provides a listing of changes, additions, and corrections to the Draft EIR recommended by VRPA. Such changes, additions, and corrections are necessary to address revisions resulting from written comments on the Draft EIR.

The Final EIR is composed of the following documents:

- ◆ MCTC 2006 ½ Cent Transportation Sales Tax Measure Investment Plan, Draft Environmental Impact Report, April 26, 2006
- ◆ MCTC 2006 ½ Cent Transportation Sales Tax Measure Investment Plan, April 25, 2006;
- ◆ MCTC 2006 ½ Cent Transportation Sales Tax Measure Investment Plan, Final Environmental Impact Report, April 26, 2006

### 1.2 PROJECT DESCRIPTION

The Project, as defined by CEQA Statutes, Section 21065, is the MCTC 2006 ½ Cent Transportation Sales Tax Measure Investment Plan, which if approved by voters in November 2006, would provide additional transportation funding and transportation improvement projects than those contained in the Madera County 2004 Regional Transportation Plan (RTP).

The project, as defined by CEQA Statutes, Section 21065, is the preparation of the Investment Plan, which if approved by voters in November 2006, would provide additional transportation funding and transportation improvement projects over those contained in the 2004 RTP. The Measure would establish a one-half of one percent local tax (1/2 cent sales tax) dedicated to transportation planning, design, construction, operation and maintenance within Madera County's boundaries. Specific implementing guidelines in the Investment Plan ensure that this funding will be used in accordance with specified voter-approved transportation project improvements and programs. By placing the Measure local initiative on the ballot, the Madera County Transportation Authority (Authority) will ask if voters authorize imposition of the Measure sales tax for a 20-year period. The collection of the tax would begin April

1, 2007 and expire March 30, 2027. The Authority may issue limited tax bonds secured by such taxes, administer the tax proceeds and prepare the County Transportation Investment Plan.

If the Measure passes in November, the Madera County Transportation Commission (MCTC) will revise the RTP incorporating by reference the Investment Plan program funding allocations and list of improvement projects.

The last RTP was adopted in 2004 as required by Section 65080 et seq., of Chapter 2.5 of the California Government Code as well as federal guidelines pursuant to the requirements of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). All projects contained in the RTP must also meet Transportation Conformity for the Air Quality Attainment Plan per 40 CFR Part 51 and 40 CFR Part 93; therefore, the additional projects to be addressed in the Investment Plan must also be analyzed to determine if conformity can be met. The California Transportation Commission (CTC) has prepared guidelines (most recently revised in October 2003) to assist in the preparation of RTPs pursuant to Section 14522 of the Government Code.

As the designated Regional Transportation Planning Agency (RTPA), MCTC is mandated by State and federal law to update the RTP every three years. The last comprehensive EIR for the RTP was completed in 2001, and recertified for the 2004 RTP. This EIR incorporates, by reference, the projects contained in the current RTP (2004) and the Air Quality Conformity Finding.

Some of the information compiled for the preceding RTP environmental documents is outdated and transportation planning is now subject to new state and federal requirements. Consequently, a new EIR for the Investment Plan is necessary to evaluate all possible environmental impacts resulting from the addition of funding and improvement projects described in the Investment Plan.

The future year for purposes of the analysis contained in this EIR is Year 2030. Even though the Measure would expire in 2027, that date only reflects the date when the ½ cent sales tax would no longer be collected. The Authority would continue to implement and construct projects contained in the Investment Plan beyond 2027 or at least until 2030.

Further detail regarding the Project is provided in Appendix C of the Draft EIR. This Final EIR incorporates the Final Investment Plan by reference.

2.0 WRITTEN COMMENTS AND RESPONSES TO COMMENTS (*Comments received are provided beginning on Page 2-2*)

**FROM:** Lincoln Clendenin, Interim Manager, Road Department, Resource Management Agency.

**DATED:** March 2, 2006

**RESPONSE:** #1 Comment noted. A response is not required. Informational comment only.

**FROM:** Sacramento Corps of Engineers, U.S. Army Engineer District, Department of the Army.

**DATED:** March 17, 2006

**RESPONSE:** #2 It is understood that there may be impacts to the Waters of the United States as individual improvement projects are designed and then constructed. An impact, mitigation measure, and significance after mitigation statement will be provided in the Final EIR.

SENT BY: VRPA TECHNOLOGIES;

559 271 1269 ;

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Apr-12-06 16:10 Madera Co. Tranp. Commion 675 9328

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## RESOURCE MANAGEMENT AGENCY Road Department

Floyd Davis, Interim Road Commissioner

2037 W. Cleveland Ave., MS#D  
Madera, CA 93637-8720  
(559) 675-7811  
FAX (559) 675-7631  
TDD (559) 675-8657



Date: March 2, 2006  
To: Patricia Taylor, Executive Director, Madera County Transportation Commission  
From: Lincoln Clendenin, Interim Road Department Manager *LC*  
Subject: Environmental Impact Report for the 2006 Measure Investment Plan

The Road Department has reviewed the Notice of Preparation of an Environmental Impact Report (EIR) for the planned 2006 half cent Sales Tax Investment Plan.

The transportation needs of the citizens of Madera County are not currently being met and that trend will continue in the future if a new funding source is not developed.

Federal and State fuel taxes currently are the major funding source addressing the transportation needs of our citizens. The funds generated from the Federal Tax do not favor California and are restricted to the types of projects favoring the Interstate Highway System and urbanized areas. The revenue from State Taxes also favors urbanized areas over rural areas. As a result rural areas such as Madera do not receive sufficient funding and the level of transportation services is less than provided in urban areas.

This measure will generate local funding under local control for locally needed projects. Therefore, the citizens of Madera will benefit by this measure and the Road Division of Madera County supports the Investment Plan.

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REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO  
CORPS OF ENGINEERS  
1325 J STREET  
SACRAMENTO, CALIFORNIA 95814-2922

March 17, 2006



Regulatory Branch (200600206)

Madera County Transportation Commission  
1816 Howard Road, Suite 8  
Madera California 93637-5157

Dear Sirs:

We are responding to your February 22, 2006 request for comments on the Madera County 2006 Measure Investment project. This project in Madera County, California.

The Corps of Engineers' jurisdiction within the study area is under the authority of Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States. Waters of the United States include, but are not limited to, rivers, perennial or intermittent streams, lakes, ponds, wetlands, vernal pools, marshes, wet meadows, and seeps. Project features that result in the discharge of dredged or fill material into waters of the United States will require Department of the Army authorization prior to starting work.

To ascertain the extent of waters on the project site, the applicant should prepare a wetland delineation, in accordance with the "Minimum Standards for Acceptance of Preliminary Wetland Delineations", under "Jurisdiction" on our website at the address below, and submit it to this office for verification. A list of consultants that prepare wetland delineations and permit application documents is also available on our website at the same location.

The range of alternatives considered for this project should include alternatives that avoid impacts to wetlands or other waters of the United States. Every effort should be made to avoid project features which require the discharge of dredged or fill material into waters of the United States. In the event it can be clearly demonstrated there are no practicable alternatives to filling waters of the United States, mitigation plans should be developed to compensate for the unavoidable losses resulting from project implementation.

SENT BY: VRPA TECHNOLOGIES;

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Approved

OMB No.: 0710-0012

Expires: 30 September 2001

The Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0710-X000), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR APPLICATION TO THE ABOVE ADDRESS. RETURN COMPLETED APPLICATION TO THE ADDRESS SHOWN ON THE APPLICATION INSTRUCTION SHEET.

**CUSTOMER SERVICE SURVEY - REGULATORY PROGRAM  
 U.S. ARMY CORPS OF ENGINEERS**

We at the U.S. Army Corps of Engineers Regulatory Branch are committed to improving service to our customers and would like to know how well we have been doing. Who are our customers? You are our customers if you submitted a permit application, requested a jurisdictional determination or wetland delineation, or scheduled a pre-application meeting with us. Other customers include those of you who receive our Public Notice and/or commented on a particular project or our work in general, because of your interest in the Regulatory Program. To identify how we can better serve you, we need your help. Please take the time to fill out this brief survey and mail it back to us. Your honest opinions will help us determine areas in which we need to improve. For each question, please indicate the level of service you received by marking the appropriate number on a scale from 1-5, with 1 being low (dissatisfied) and 5 being high (very satisfied). If the question does not apply to you, simply mark N/A. Thank you for your time and comments! Response to this survey is VOLUNTARY. If you choose not to respond, it will not affect any current or future dealings you may have with the USACE in any way.

I. FOR APPLICANTS & OTHERS REQUIRING AUTHORIZATIONS	LOW SATISFACTION			HIGH SATISFACTION		
	1	2	3	4	5	NA
1. Do you think you received your Corps permit decision in a reasonable amount of time?	1	2	3	4	5	NA
2. Do you think you received your Corps jurisdictional determination in a reasonable amount of time?	1	2	3	4	5	NA
3. If we recommended/required project changes/modifications to reduce impacts, did we clearly explain the reasons why?	1	2	3	4	5	NA
4. If we recommended/required project changes/modifications to reduce impacts, did the changes seem reasonable to you?	1	2	3	4	5	NA
5. If we denied your permit, did we clearly explain the reasons why?	1	2	3	4	5	NA
6. For enforcement cases, did our office clearly and professionally explain the basis for the enforcement action (e.g., what work we believe you performed without authorization)?	1	2	3	4	5	NA
7. For enforcement cases, did our office include options for resolution?	1	2	3	4	5	NA
<b>II. FOR "OTHER" CUSTOMERS</b>						
1. For permitted actions, was the permit effective in achieving appropriate protection/mitigation for impacts to aquatic resources?	1	2	3	4	5	NA
2. For enforcement actions, did the Corps require appropriate compensatory/restoration for impacts to aquatic resources?	1	2	3	4	5	NA
<b>III. FOR APPLICANTS &amp; "OTHER" CUSTOMERS</b>						
1. Did the Corps representative act professionally and treat you with courtesy?	1	2	3	4	5	NA
2. Did the Corps provide sufficient information to allow you to complete an application form, comment on a public notice, or otherwise evaluate our work?	1	2	3	4	5	NA
3. Did we respond to your letters and telephone calls in a reasonable amount of time?	1	2	3	4	5	NA
4. Did the Corps representative answer your questions clearly, giving you accurate information about our Regulatory Program?	1	2	3	4	5	NA
5. What is your OVERALL rating of the level of service provided by the Corps of Engineers Regulatory Program?	1	2	3	4	5	NA

NOTE: DATA FROM THIS QUESTIONNAIRE WILL BE USED BY THE DISTRICT TO IMPROVE SERVICE. ALSO, INFORMATION WILL BE TABULATED NATIONALLY BY SERVICE AREA. RESPONDENTS WILL NOT BE IDENTIFIED BY NAME OR ORGANIZATION FOR ANY REPORT DERIVED FROM THIS SURVEY.

ENG FORM 5065, Feb 97

(Proprietary)

MCTC 2006 1/2 Cent Transportation Sales Tax Measure Investment Plan  
FINAL ENVIRONMENTAL IMPACT REPORT

BY: VRPA TECHNOLOGIES; AT: 4384714  
GEORGIENA  
07-12-06 16:11 Madera Co. Transp. Comm'n 675 9328 P.05

ANY COMMENTS OR SUGGESTIONS FOR HOW WE CAN IMPROVE.

Please indicate the nature of your business (if applicable, check one or more):

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Property developer           | <input type="checkbox"/> Flood/Water Control District | <input type="checkbox"/> Sand & Gravel   |
| <input type="checkbox"/> Public Agency Applicant      | <input type="checkbox"/> Consultant                   | <input type="checkbox"/> Law Office      |
| <input type="checkbox"/> Civic or Trade Organization  | <input type="checkbox"/> Farming/Ranching             | <input type="checkbox"/> Silviculture    |
| <input type="checkbox"/> Member of Legislature        | <input type="checkbox"/> Public Agency                | <input type="checkbox"/> Mining          |
| <input type="checkbox"/> Federal/State/Local Official | <input type="checkbox"/> Personal/Private Project     | <input type="checkbox"/> Media           |
| <input type="checkbox"/> Conservation Organization    | <input type="checkbox"/> Adjacent Property Owner      | <input type="checkbox"/> Native American |
| <input type="checkbox"/> Other (describe): _____      |   |  |

What Service(s) Did You Seek From the Corps? (If applicable, check one or more):

- |  |  |
|--|--|
| <input type="checkbox"/> General information                     | <input type="checkbox"/> Jurisdictional/wetland determination          |
| <input type="checkbox"/> Pre-application Consultation            | <input type="checkbox"/> Resolution of violation/non-compliance        |
| <input type="checkbox"/> Nationwide general permit               | <input type="checkbox"/> Regulatory Program presentation               |
| <input type="checkbox"/> Regional or programmatic general permit | <input type="checkbox"/> Commented on Public Notice/permit application |
| <input type="checkbox"/> Standard individual permit              | <input type="checkbox"/> Other (describe): _____                       |
| <input type="checkbox"/> Letter of Permission                    | _____  |

Which Corps office (District, Division, Headquarters, other) did you deal with? \_\_\_\_\_

Name of person you contacted in our office (optional): \_\_\_\_\_

Do you have any comments or suggestions on the Regulatory Program?

Information about you (optional):

Name/Title: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone (include area code): \_\_\_\_\_

May we contact you? YES  NO

Authority: The government Performance and Results Act of 1993 and Executive Order (EO) 12862, "Setting Customer Service Standards", dated September 11, 1993. Purpose: To determine the quality of services our customers expect, as well as their satisfaction with USACE's existing services. Information provided on this form will be used in evaluating the performance of the Corps Regulatory Program. Routine Uses: This information may be shared with the Office of Management and Budget, members of Congress, and other federal, state, and local government agencies. Disclosure: Providing requested information is voluntary. Failure to provide this information will not result in an adverse action.

Reverse of Eng Form 5065)

### 3.0 CHANGES, ADDITIONS AND CORRECTIONS TO THE DRAFT EIR

#### 3.1 INTRODUCTION

The following changes, additions and corrections to the Draft Environmental Impact Report (DEIR) are recommended. Such changes, additions and corrections have been identified to address written comments received on the Draft EIR reflected in Section 2 of this Final EIR, as well as staff corrections and clarifications identified during the 45-day review period.

It is understood that there may be impacts to the Waters of the United States as individual improvement projects are designed and then constructed. The following Impact, Mitigation Measure, and Significance After Mitigation sections are added to the Draft EIR to address your comments:

#### **Impact 3.4.6 – Impacts to the Waters of the United States**

There may be impacts to the Waters of the United States as individual improvement projects are designed and then constructed.

#### **Mitigation Measures**

Responsible agencies shall prepare a Wetland Delineation in accordance with the “Minimum Standards for Acceptance of Preliminary Wetland Delineations” under “jurisdiction” on the Corps of Engineers website and submit it to the Corps office for verification. MCTC will be provided with documentation indicating compliance with mitigation measures.

#### **Significance After Mitigation**

With the incorporation of the mitigation measure listed above, this impact would be less than significant.

## EXHIBIT 1

### MITIGATION MONITORING PROGRAM

#### 1.1 STATUTORY REQUIREMENT

This Mitigation Monitoring Program for the MCTC 2006 ½ Cent Transportation Sales Tax Measure Investment Plan EIR has been developed in accordance with Section 21081.6 of the Public Resources Code, which requires a Lead Agency that approves or carries out a project, where an EIR has identified significant environmental effects, to adopt a reporting or monitoring program. The purpose of this program is to identify the changes to the project, which the Lead Agency has adopted or made a condition of a project approval in order to mitigate or avoid significant effects on the environment. The Madera County Transportation Commission (MCTC) is the Lead Agency that must adopt the mitigation monitoring program for the MCTC 2006 ½ Cent Transportation Sales Tax Measure Investment Plan if the project is approved.

Section 21069 of the CEQA statute defines Responsible Agency as a public agency, other than the Lead Agency, which has the responsibility for carrying out or approving a project. MCTC finds that the implementation of some mitigation measures listed on the following pages of the Final EIR are not within its jurisdiction, and can and should be implemented and monitored by agencies responsible for implementing the projects, including but not limited to the following: cities, Counties, Caltrans, transit districts, and other responsible agencies.

CEQA statutes and Guidelines provide direction for clarifying and managing the complex relationships between a Lead Agency (MCTC) and other agencies with respect to implementing and monitoring mitigation measures. In accordance with CEQA Guidelines Section 15097.d, "each agency has the discretion to choose its own approach to monitoring or reporting; and each agency has its own special expertise." This discretion will be exercised by implementing agencies at the time they undertake any of the individual improvement projects identified in the Draft and Final EIRs.

Regular review and update of the MCTC 2006 ½ Cent Transportation Sales Tax Measure Investment Plan will be conducted by MCTC, as appropriate. These updates involve a determination of regional transportation and air quality impacts and require air quality conformity pursuant to the federal Clean Air Act.

#### 1.2 ADMINISTRATION OF THE MITIGATION MONITORING PROGRAM

Mitigation Measures listed in this Mitigation Monitoring Program will be implemented by one or more responsible or implementing agencies when those agencies undertake individual transportation improvement projects identified in the Investment Plan or Regional Transportation Plan.

The Mitigation Monitoring Program consists of the following components:

- Mitigation measures contained in the Draft and Final EIR.
- Identification of Responsible Party.
- Description of mitigation measure timing.
- Identification of monitoring agency.

This Mitigation Monitoring Program shall be maintained in the Madera County Transportation Commission files for the MCTC 2006 ½ Cent Transportation Sales Tax Measure Investment Plan.

## 1.3 MITIGATION MEASURES

### Aesthetics

#### 3.1.1 Mitigation

All mitigation measures will be included in project-level analysis, as appropriate. The project implementation agency or local jurisdiction will be responsible for ensuring adherence to the mitigation measures prior to construction. MCTC will be provided with documentation indicating compliance with mitigation measures.

- ◆ Implement design guidelines, local policies, and programs aimed at protecting views of scenic corridors and avoiding visual intrusions.
- ◆ To the extent feasible, noise barriers that will not degrade or obstruct a scenic view will be constructed. Noise barriers will be well landscaped, complement the natural landscape and be graffiti-resistant.

#### 3.1.2 Mitigation

All mitigation measures will be included in project-level analysis, as appropriate. The project implementation agency or local jurisdiction will be responsible for ensuring adherence to the mitigation measures prior to construction. MCTC will be provided with documentation indicating compliance with mitigation measures.

- ◆ Avoid construction of transportation facilities in state and locally designated scenic highways and vista points.
- ◆ If transportation facilities are constructed in state and locally designated scenic highways and/or vista points, design, construction, and operation of the transportation facility will be consistent with applicable guidelines and regulations for the preservation of scenic resources along the designated scenic highway.

#### 3.1.3 Mitigation

All mitigation measures will be included in project-level analysis, as appropriate. The project implementation agency or local jurisdiction will be responsible for ensuring adherence to the mitigation measures prior to construction. MCTC will be provided with documentation indicating compliance with mitigation measures.

- ◆ Develop design guidelines for each type of transportation facility that make elements of proposed facilities visually compatible with surrounding areas. Visual guidelines will, at a minimum, include setback buffers, landscaping, color, texture, signage, and lighting criteria. The following methods will be employed whenever possible:
  - Transportation systems will be designed in a manner where the surrounding landscape dominates.
  - Transportation systems will be developed to be compatible with the surrounding environment (i.e., colors and materials of construction material).
  - If exotic vegetation is used, it will be used as screening and landscaping that blends in and complements the natural landscape.
  - Trees bordering highways will remain or be replaced so that clear cutting is not evident.
  - Grading will blend with the adjacent landforms and topography.

### **3.1.4 Mitigation**

All mitigation measures will be included in project-level analysis, as appropriate. The project implementation agency or local jurisdiction will be responsible for ensuring adherence to the mitigation measures prior to construction. MCTC will be provided with documentation indicating compliance with mitigation measures.

- ◆ Develop design guidelines for each type of transportation facility that make light elements of proposed facilities visually compatible with surrounding areas. The following methods will be employed whenever possible:
  - Transportation systems will be designed in a manner where the surrounding landscape dominates.
  - Transportation systems will be developed to be compatible with the surrounding environment.
  - Lighting devices will be employed such as downward facing light, light shields, and amber lumens.

#### **Responsibility for Implementation of Mitigation Measures:**

Implementing Agencies. (Caltrans and local agencies).

#### **When Mitigation Measure is to be Implemented:**

During project review by Caltrans and local agencies. Inspection during construction. At Sign-off by Caltrans and local agencies.

#### **Responsibility for Monitoring Implementation:**

Caltrans and local agencies.

## **Agricultural Resources**

### **3.2.1 Mitigation**

The impact on significant agricultural resources will be evaluated as part of the appropriate improvement project-specific environmental review. Mitigation measures will be identified to minimize impacts. Implementation agencies will be responsible for ensuring adherence to the mitigation measures prior to construction. MCTC will be provided with documentation indicating compliance with all mitigation measures.

- ◆ Individual projects will be consistent with local land use plans and policies that designate areas for urban land use and preserve agricultural lands that support the economic viability of agricultural activities.
- ◆ Prior to final approval of each individual improvement project, the implementing agency will conduct the appropriate project-specific environmental review, including consideration of potential land use impacts.

### **3.2.2 Mitigation**

The impact on significant agricultural resources will be evaluated as part of the appropriate improvement project-specific environmental review. Mitigation measures will be identified to minimize impacts. Implementation agencies will be responsible for ensuring adherence to the mitigation measures prior to construction. MCTC will be provided with documentation indicating compliance with all mitigation measures.

- ◆ Individual projects will be consistent with federal, state, and local policies that preserve agricultural lands and support the economic viability of agricultural activities, as well as policies that provide compensation for property owners if preservation is not feasible.
- ◆ For projects in agricultural areas, project implementation agencies will contact the California Department of Conservation and the County Agriculture Department's office to identify the location of prime farmlands and lands that support crops considered valuable to the local or regional economy.
- ◆ Prior to final approval of each individual improvement project, the implementing agency will establish conservation easement programs to mitigate impacts to prime farmland.
- ◆ Prior to final approval of each individual improvement project, the implementing agency will avoid impacts to prime farmlands or farmlands that support crops considered valuable to the local or regional economy.
- ◆ Prior to final approval of each individual improvement project, the implementing agency will encourage enrollments of agricultural lands for counties that have Williamson Act programs.

**Responsibility for Implementation of Mitigation Measures:**

Implementing Agencies. (Caltrans and local agencies).

**When Mitigation Measure is to be Implemented:**

During project review by Caltrans and local agencies. Inspection during construction. At Sign-off by Caltrans and local agencies.

**Responsibility for Monitoring Implementation:**

Caltrans and local agencies.

## Air Quality

### 3.3.1 Mitigation

All mitigation measures will be included in project-level analysis, as appropriate. The individual improvement project proponent or local jurisdiction will be responsible for ensuring adherence to the mitigation measures prior to construction. MCTC will be provided with documentation indicating compliance with mitigation measures.

- ◆ Project implementation agencies will ensure implementation of mitigation measures to reduce PM<sub>10</sub> and NO<sub>x</sub> emissions from construction sites, including:
  - Maintain on-site truck loading zones.
  - Configure on-site construction parking to minimize traffic interference and to ensure emergency vehicle access.
  - Provide temporary traffic control during all phases of construction activities to improve traffic flow.
  - Use best efforts to minimize truck idling to not more than two minutes during construction.
  - Apply non-toxic soil stabilizers (according to manufacturers' specifications) to all inactive construction areas.
  - During construction, replace ground cover in disturbed areas as quickly as possible.

- During construction, enclose, cover, water twice daily or apply non-toxic soil binders (according to manufacturers' specifications) to exposed piles with 5 percent or greater silt content and to all unpaved parking or staging areas or unpaved road surfaces.
  - During the period of construction, install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip.
  - During the period of construction, assure that traffic speeds on all unpaved roads be reduced to 15 mph or less.
  - Pave all construction access roads at least 100 feet on to the site from permanent roadways.
  - Cover all haul trucks.
- ◆ Project implementation agencies will avoid individual improvement project designs requiring significant amounts of material, such as excavated soil and construction debris, to be transported from the site to disposal facilities. Construction sites will employ a balanced cut/fill ratio to the extent possible, thus reducing haul-truck trip emissions.

### **3.3.2 Mitigation**

- ◆ At those facilities or intersections near sensitive receptors where carbon monoxide concentrations may exist, the implementing agency will reduce or alleviate these concentrations by improving traffic flows through improved signalization, restriping, addition of traffic lanes, and other improvements identified as part of the environmental review of an individual improvement project.

### **3.3.3 Mitigation**

- ◆ The various TCMs that have been incorporated into the Air District AQAP, ROP Plans, and the SJVAPCD TCM Program, or have been identified as necessary to provide for positive air quality conformity findings, as referenced in the latest Air Quality Conformity Finding for the 2004 RTP and Federal Transportation Improvement Program (FTIP).
- ◆ All applicable rules and regulations adopted by the Air District will be followed by responsible and implementing agencies as individual improvement projects are designed, constructed and maintained. MCTC will be provided with documentation indicating compliance with all mitigation measures.

#### **Responsibility for Implementation of Mitigation Measures:**

Implementing Agencies. (Caltrans and local agencies).

#### **When Mitigation Measure is to be Implemented:**

During project review by Caltrans and local agencies. Inspection during construction. At Sign-off by Caltrans and local agencies.

#### **Responsibility for Monitoring Implementation:**

Caltrans and local agencies.

## Biotic Resources

### 3.4.1 Mitigation

All mitigation measures will be included in subsequent project-level environmental analysis, as appropriate. The individual improvement project proponent or local jurisdiction will be responsible for compliance with the mitigation measures during all phases of construction, as appropriate. MCTC will be provided with documentation indicating compliance with mitigation measures.

- ◆ When applicable to federally funded projects, MCTC and responsible agencies should commit to improved interagency coordination and integration of the National Environmental Policy Act (NEPA) and the Clean Water Act Section 404 procedures during three stages: transportation planning, project programming, and project implementation. MCTC and affected state and local agencies should commit to ensuring the earliest possible consideration of environmental concerns pertaining to U.S. water bodies, including wetlands, at each of the three stages identified above. In addition, the agencies should place a high priority on the avoidance of adverse impacts to waters of the U.S. and associated sensitive species, including threatened and endangered species. Implementation of NEPA-404 requirements will expedite construction of necessary transportation projects, with benefits to mobility and the economy at large. The process will also enable more street and highway projects to proceed on budget and on schedule. Finally, the process will improve cooperation and efficiency of governmental operations at all levels, thereby better serving the public.
- ◆ Construction and operational Best Management Practices (BMPs) will be identified, installed and maintained in order to prevent silt and other pollutants from entering jurisdictional waters and wetlands thereby degrading or destroying wildlife and/or natural habitat. BMPs may include straw bales and/or mats, temporary sedimentation basins, silt fence, sand bag check dams, dry season construction, etc.
- ◆ Native soils in construction areas will be removed, stockpiled separately, and replaced in those areas where onsite revegetation of the native habitat is planned.
- ◆ Any disturbed natural areas will be replanted with appropriate native vegetation following the completion of construction activities.
- ◆ During the individual improvement project design phase, impacts to jurisdictional waters and wetlands will be minimized to the greatest extent feasible.
- ◆ Project proponents will obtain and comply with appropriate regulatory requirements prior to construction.

### 3.4.2 Mitigation

All mitigation measures will be included in subsequent project-level environmental analysis, as appropriate. The individual improvement project proponent or local jurisdiction will be responsible for compliance with the mitigation measures during all phases of construction as appropriate. MCTC will be provided with documentation indicating compliance with mitigation measures.

- ◆ Each proposed individual improvement project will consider the displacement of sensitive habitat and sensitive species during the individual improvement project design phase.
- ◆ Focused sensitive plant and wildlife species surveys will be conducted within suitable habitat to determine the distribution of sensitive species within the biological impact area of the proposed individual improvement project.

Sensitive plant surveys will be conducted during the appropriate flowering season for sensitive plant species with the potential to occur within the individual improvement project area.

- ◆ If sensitive plant or wildlife species are identified within the biological impact area, a Biological Resource Management Plan (BRMP) will be developed to address appropriate avoidance and minimization measures. These measures may include seed collection and salvage measures for sensitive plant species, silt fencing, exclusion fencing and/or appropriate compensation where impacts cannot be fully avoided.
- ◆ Locations of sensitive species and sensitive habitats will be mapped and shown on construction drawings and identified as Environmentally Sensitive Areas (ESAs). Prior to construction, these areas will be flagged and/or fenced to prevent unnecessary impacts from machinery and foot traffic.
- ◆ Temporary access roads and staging areas will not be located within areas containing sensitive plant or wildlife species wherever feasible, so as to avoid or minimize impacts to these species.
- ◆ Construction activities will be scheduled, as appropriate and feasible, to avoid sensitive times that have a greater likelihood to affect significant resources such as spawning periods for fish, nesting season for birds and/or the rainy season for riparian habitat and sediment/erosion control.
- ◆ All vegetation (including tall grasses) will be removed between August 16 and February 14, if possible, to avoid potential conflicts with nesting birds. If it is not possible to remove vegetation during that time frame, a nest clearance survey will be completed prior to vegetation clearing. Any detected nests will be mapped and provided with an appropriate buffer as recommended by a qualified biologist. Construction activities within the buffer area will not be allowed until after September 15 or until fledglings have abandoned the nest.

### **3.4.3 Mitigation**

All mitigation measures will be included in subsequent project-level environmental analysis as appropriate. The individual improvement project proponent or local jurisdiction will be responsible for compliance with the mitigation measures during all phases of construction as appropriate. MCTC will be provided with documentation indicating compliance with mitigation measures.

- ◆ The height, spacing, number and type of light fixtures will be selected and installed to minimize intrusive light escaping from the physical boundaries of the site.
- ◆ Road noise minimization methods such as native brush and tree planting adjacent to heavy noise producing transportation facilities or will be incorporated where feasible.

### **3.4.4 Mitigation**

All mitigation measures will be included in subsequent project-level environmental analysis as appropriate. The individual improvement project proponent or local jurisdiction will be responsible for compliance with the mitigation measures during all phases of construction as appropriate. MCTC will be provided with documentation indicating compliance with mitigation measures.

- ◆ During final design, implementing agencies will design, construct, and maintain terrestrial wildlife crossings in order to minimize barrier effects and habitat fragmentation created by the individual improvement project.

- ◆ During final design, implementing agencies will design, construct, and maintain any structure/culvert placed within a stream where endangered or threatened fish occur/may occur. The structure/culvert will not constitute a barrier to upstream or downstream movement of aquatic life, or cause an avoidance reaction by fish that impedes their upstream or downstream movement. This includes, but is not limited to, the supply of water at an appropriate depth for fish migration.

### **3.4.5 Mitigation**

All mitigation measures will be included in subsequent project-level environmental analysis as appropriate. The individual improvement project proponent or local jurisdiction will be responsible for compliance with the mitigation measures during all phases of construction as appropriate. MCTC will be provided with documentation indicating compliance with mitigation measures.

- ◆ Construction and operation of the proposed individual improvement project will comply with the requirements of all adopted HCPs and other preserved areas.

### **3.4.6 Mitigation**

- ◆ Responsible agencies shall prepare a Wetland Delineation in accordance with the "Minimum Standards for Acceptance of Preliminary Wetland Delineations" under "jurisdiction" on the Corps of Engineers website and submit it to the Corps office for verification. MCTC will be provided with documentation indicating compliance with mitigation measures.

#### **Responsibility for Implementation of Mitigation Measures:**

Implementing Agencies. (Caltrans and local agencies).

#### **When Mitigation Measure is to be Implemented:**

During project review by Caltrans and local agencies. Inspection during construction. At Sign-off by Caltrans and local agencies.

#### **Responsibility for Monitoring Implementation:**

Caltrans and local agencies.

## **Cultural Resources**

### **3.5.1 Mitigation**

All mitigation measures will be included in project-level analysis, as appropriate. The individual improvement project proponent or local jurisdiction will be responsible for ensuring adherence to the mitigation measures prior to construction. MCTC will be provided with documentation indicating compliance with mitigation measures.

- ◆ As part of the appropriate environmental review of individual projects, the project implementation agencies will identify potential impacts to historic resources. A record search at the appropriate Information Center will be conducted to determine whether the individual improvement project area has been previously surveyed and whether resources were identified.

- ◆ As necessary, prior to construction activities, the project implementation agencies will obtain a qualified architectural historian to conduct historic architectural surveys as recommended by the Archaeological Information Center. In the event the records indicate that no previous survey has been conducted, the Information Center will make a recommendation on whether a survey is warranted based on the sensitivity of the individual improvement project area for cultural resources.
- ◆ The project implementation agencies will comply with Section 106 of the National Historic Preservation Act if federal funding or approval is required. This law requires federal agencies to evaluate the impact of their actions on resources included in or eligible for listing in the National Register of Historic Places. Federal agencies must coordinate with the State Historic Preservation Officer in evaluating impacts and developing mitigation. These mitigation measure may include, but are not limited to the following:
  - The project implementation agencies will carry out the maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation, relocation, or reconstruction of any impacted historic resource, which will be conducted in a manner consistent with the Secretary of the Interior's Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings.
- ◆ In some instances, the following mitigation measure may be appropriate in lieu of the previous mitigation measure:
  - The project implementation agencies will secure a qualified environmental agency and/or architectural historian, or other such qualified person to document any significant historical resource(s), by way of historic narrative, photographs, or architectural drawings, as mitigation for the effects of demolition of a resource will not mitigate the effects to a point where clearly no significant effect on the environment would occur.

### **3.5.2 Mitigation**

All mitigation measures will be included in project-level analysis, as appropriate. The individual improvement project proponent or local jurisdiction will be responsible for ensuring adherence to the mitigation measures prior to construction. MCTC will be provided with documentation indicating compliance with mitigation measures.

Implementation of the following mitigation measures for archaeological resources is recommended to reduce impacts to a less than significant level. Project proponents will implement the following measures as part of the individual improvement project review process for proposed transportation projects:

- ◆ As part of the appropriate environmental review of individual projects, the project implementation agencies will consult with the Native American Heritage Commission to determine whether known sacred sites are in the project area, and identify the Native American(s) to contact to obtain information about the individual improvement project site.
- ◆ Prior to construction activities, the project implementation agencies will obtain a qualified archaeologist to conduct a record search at the appropriate Information Center of the California Archaeological Inventory to determine whether the individual improvement project area has been previously surveyed and whether resources were identified.
- ◆ As necessary prior to construction activities, the project implementation agencies will obtain a qualified archaeologist or architectural historian (depending on applicability) to conduct archaeological and/or historic architectural surveys as recommended by the Information Center. In the event the records indicate that no

previous survey has been conducted, the Information Center will make a recommendation on whether a survey is warranted based on the sensitivity of the individual improvement project area for cultural resources.

- ◆ If the record search indicates that the individual improvement project is located in an area rich with cultural materials, the individual improvement project proponent will retain a qualified archaeologist to monitor any subsurface operations, including but not limited to grading, excavation, trenching, or removal of existing features of the subject property.
- ◆ Construction activities and excavation will be conducted to avoid cultural resources (if found). If avoidance is not feasible, further work may need to be done to determine the importance of a resource. The project implementation agencies will obtain a qualified archaeologist familiar with the local archaeology, and/or an architectural historian should make recommendations regarding the work necessary to determine importance. If the cultural resource is determined to be important under state or federal guidelines, impacts on the cultural resource will be mitigated.
- ◆ The project implementation agencies will stop construction activities and excavation in the area where cultural resources are found until a qualified archaeologist can determine the importance of these resources.

### **3.5.3 Mitigation Measures**

All mitigation measures will be included in project-level analysis, as appropriate. The individual improvement project proponent or local jurisdiction will be responsible for ensuring adherence to the mitigation measures prior to construction. MCTC will be provided with documentation indicating compliance with mitigation measures. Project proponents in the Madera region will implement the following measures as part of the review process for proposed transportation projects:

- ◆ As part of the appropriate environmental review of individual projects, the project implementation agencies will obtain a qualified paleontologist to identify and evaluate paleontological resources where potential impacts are considered high; the paleontologist will also conduct a field survey in these areas.
- ◆ Construction activities will avoid known paleontological resources, especially if the resources in a particular lithic unit formation have been determined through detailed investigation to be unique. If avoidance is not feasible, paleontological resources will be excavated by the qualified paleontologist and given to a local agency, State University, or other applicable institution, where they can be displayed.

### **3.5.4 Mitigation**

All mitigation measures will be included in project-level analysis, as appropriate. The individual improvement project proponent or local jurisdiction will be responsible for ensuring adherence to the mitigation measures prior to construction. MCTC will be provided with documentation indicating compliance with mitigation measures.

As part of the appropriate environmental review of individual projects, the project implementation agencies, in the event of discovery or recognition of any human remains, during construction or excavation activities associated with the individual improvement project, in any location other than a dedicated cemetery, will cease further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of the county in which the remains are discovered has been informed and has determined that no investigation of the cause of death is required

- ◆ If the remains are of Native American origin, the coroner will contact the Native American Heritage Commission in order to ascertain the proper descendants from the deceased individual. The coroner will make a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods, which may include obtaining a qualified archaeologist or team of archaeologists to properly excavate the human remains.
- ◆ If the Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission, in which case:
  - The landowner or his authorized representative will obtain a Native American monitor, and an archaeologist, if recommended by the Native American monitor, and rebury the Native American human remains and any associated grave goods, with appropriate dignity, on the property and in a location that is not subject to further subsurface disturbance where the following conditions occur:
    - The Native American Heritage Commission is unable to identify a descendent.
    - The descendant identified fails to make a recommendation.
    - The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

**Responsibility for Implementation of Mitigation Measures:**

Implementing Agencies. (Caltrans and local agencies).

**When Mitigation Measure is to be Implemented:**

During project review by Caltrans and local agencies. Inspection during construction. At Sign-off by Caltrans and local agencies.

**Responsibility for Monitoring Implementation:**

Caltrans and local agencies.

### 3.6 Geology/Soils

#### **Mitigation 3.6.1 – Damaged transportation Infrastructure from Seismic Activity**

- ◆ Project structures will be built by responsible agencies to the seismic standards contained in the most recent edition of the Uniform Building Code (UBC).
- ◆ Implementing agencies will ensure that improvement projects located within or across active fault zones comply with design requirements, published by the CGS, as well as local, regional, state, and federal design criteria for construction of projects in seismic areas.
- ◆ The project implementing agencies will guarantee that geotechnical analysis is conducted within construction areas to establish soil types and local faulting prior to individual improvement project design preparation.

### **3.6.2 Mitigation**

- ◆ The project implementing agencies will ensure that individual improvement project designs provide adequate slope drainage and appropriate landscaping to minimize the occurrence of slope instability and erosion.
- ◆ Design features will include measures to reduce erosion from storm water.
- ◆ Road cuts will be designed to maximize the potential for revegetation.
- ◆ Implementing agencies will ensure that projects avoid landslide areas and potentially unstable slopes wherever feasible.
- ◆ Where practicable, routes and individual improvement project designs that would permanently alter unique geologic features will be avoided.

### **3.6.3 Mitigation**

- ◆ Implementing agencies will ensure that geotechnical investigations are conducted by a qualified geologist to identify the potential for subsidence and expansive soils.
- ◆ Recommended corrective measures, such as structural reinforcement and replacing soil with engineered fill, will be implemented in individual improvement project designs.
- ◆ Implementing agencies will ensure that, prior to preparing individual improvement project designs, new and abandoned wells are identified within construction areas to ensure the stability of nearby soils.

### **3.6.4 Mitigation**

- ◆ Project structures will be constructed by responsible agencies to the seismic standards contained in the most recent edition of the Uniform Building Code (UBC).

### **3.6.5 Mitigation**

- ◆ Improvement projects with significant cuts or fill should include a geotechnical investigation to identify adverse soil conditions and develop recommendations for design and construction that would limit the effects of adverse soil and bedrock conditions.
- ◆ Cut and fill plans will be prepared for all improvement projects where cut and fill will be reburied, so that all fill materials are properly designed, placed, and compacted.
- ◆ Preparation of a detailed erosion control plan will be prepared to limit the effects of soil erosion and water degradation during improvement project construction, in accordance with permit conditions and requirements of the State Water Resources Control Board's Best Management Practices (BMPs), or equally effective measures will be employed.

### **3.6.6 Mitigation**

- ◆ Where possible, improvement projects will be designed by responsible agencies to limit potential impacts on State-owned or State mineral-reserved lands.

#### **Responsibility for Implementation of Mitigation Measures:**

Implementing Agencies. (Caltrans and local agencies).

#### **When Mitigation Measure is to be Implemented:**

During project review by Caltrans and local agencies. Inspection during construction. At Sign-off by Caltrans and local agencies.

#### **Responsibility for Monitoring Implementation:**

Caltrans and local agencies.

## **3.8 Hydrology/Water Quality**

### **3.8.1 Mitigation**

- ◆ Improvement projects along existing facilities will include upgrades to storm water drainage facilities to accommodate increased runoff volumes. These upgrades may include the construction of detention basins or structures that will delay peak flows and reduce velocity.

### **3.8.2 Mitigation**

- ◆ Transportation network improvements will comply with local, state and federal floodplain regulations. Proposed transportation improvements will be engineered by responsible agencies to accommodate storm drainage flow.
- ◆ Responsible agencies should ensure that operational best management practices for street cleaning, litter control, and catch basin cleaning are provided to prevent water quality degradation. Responsible agencies implementing projects requiring continual water removal facilities should provide monitoring systems including long-term administrative procedures to ensure proper operations for the life of the Project.

### **3.8.3 Mitigation**

- ◆ Prior to construction, and when a potential drainage issue is known, a drainage study should be conducted by responsible agencies for new capacity-increasing projects. Drainage systems should be designed to maximize the use of detention basins, vegetated areas, and velocity dissipaters to reduce peak flows where possible. Transportation improvements will comply with federal, state and local regulations regarding storm water management. State-owned freeways must comply with Storm Water Discharge NPDES permit for Caltrans facilities.
- ◆ Responsible agencies should ensure that new facilities include water quality control features such as drainage channels, detention basins, and vegetated buffers to prevent pollution of adjacent water resources by runoff.

- ◆ Letters of Map Revision (LOMR) will be prepared and submitted to FEMA (when applicable) by responsible agencies where construction would occur within 100-year floodplains. The LOMR will include revised local base flood elevations for projects constructed within flood-prone areas.

### **3.8.4 Mitigation**

- ◆ Improvement projects along existing facilities will include upgrades to storm water drainage facilities to accommodate increased runoff volumes. These upgrades may include the construction of detention basins or structures that will delay peak flows and reduce velocity.

#### **Responsibility for Implementation of Mitigation Measures:**

Implementing Agencies. (Caltrans and local agencies).

#### **When Mitigation Measure is to be Implemented:**

During project review by Caltrans and local agencies. Inspection during construction. At Sign-off by Caltrans and local agencies.

#### **Responsibility for Monitoring Implementation:**

Caltrans and local agencies.

## **3.9 Land Use/Planning**

### **3.9.1 Mitigation**

The impact on significant agricultural resources will be evaluated as part of the appropriate improvement project-specific environmental review. Mitigation measures will be identified to minimize impacts. Implementation agencies will be responsible for ensuring adherence to the mitigation measures prior to construction. MCTC will be provided with documentation indicating compliance with all mitigation measures.

- ◆ Individual projects will be consistent with local land use plans and policies that designate areas for urban land use and preserve agricultural lands that support the economic viability of agricultural activities.
- ◆ Prior to final approval of each individual improvement project, the implementing agency will conduct the appropriate project-specific environmental review, including consideration of potential land use impacts.

### **3.9.2 Mitigation**

Impacts to sensitive receptors will be evaluated as part of the appropriate project-specific environmental review, and mitigation measures will be identified to minimize impacts. Implementation agencies will be responsible for ensuring adherence to the mitigation measures prior to construction. MCTC will be provided with documentation indicating compliance with all mitigation measures.

- ◆ Prior to commencing construction activities on individual projects, project implementation agencies will comply with applicable federal, state and applicable city and county land use plans, policies, and regulations.

- ◆ Prior to commencing construction activities with individual projects, project implementation agencies will obtain necessary local permits and meet conditions for approval from applicable cities and counties.
- ◆ Prior to final approval of each individual improvement project, the implementing agency will conduct the appropriate project-specific environmental review, including consideration of potential land use impacts.
- ◆ Potential significant impacts to land uses will be mitigated.

### **3.9.3 Mitigation**

The impact on open space and community recreation areas will be evaluated as part of the appropriate project-specific environmental review and mitigation measures will be identified to minimize impacts. Implementation agencies will be responsible for ensuring adherence to the mitigation measures prior to construction. MCTC will be provided with documentation indicating compliance with all mitigation measures.

- ◆ Project implementation agencies will ensure that projects are consistent with federal, state, and local plans that preserve open space and recreation.
- ◆ Project implementation agencies will identify open space and recreation areas that could be preserved and will include mitigation measures (such as dedication or payment of in-lieu fees) for the loss of open space.
- ◆ Prior to final approval of each individual improvement project, the implementing agency will conduct the appropriate project-specific environmental review, including consideration of loss of open space and recreation.
- ◆ Potential significant impacts to open space will be mitigated.
- ◆ For projects that require approval or funding by the U.S. Department of Transportation, project implementation agencies will comply with Section 4(f) of the U.S. Department of Transportation Act.

### **3.9.4 Mitigation**

The impact on significant agricultural resources will be evaluated as part of the appropriate project-specific environmental review, and mitigation measures will be identified to minimize impacts. Implementation agencies will be responsible for ensuring adherence to the mitigation measures prior to construction. MCTC will be provided with documentation indicating compliance with all mitigation measures.

- ◆ Individual projects will be consistent with federal, state, and local policies that preserve agricultural lands and support the economic viability of agricultural activities, as well as policies that provide compensation for property owners if preservation is not feasible.
- ◆ For projects in agricultural areas, project implementation agencies will contact the California Department of Conservation and the County Agricultural Commissioner's office to identify the location of prime farmlands and lands that support crops considered valuable to the local or regional economy.
- ◆ Prior to final approval of each individual improvement project, the implementing agency will establish conservation easement programs to mitigate impacts to prime farmland.
- ◆ Prior to final approval of each individual improvement project, the implementing agency will avoid impacts to prime farmlands or farmlands that support crops considered valuable to the local or regional economy.

- ◆ Prior to final approval of each individual improvement project, the implementing agency will encourage enrollments of agricultural lands in the Williamson Act.

### 3.10 Noise

#### 3.10.1 Mitigation

As part of project-specific environmental review, a detailed evaluation of noise impacts will be undertaken. Project-specific mitigation measures will be identified, as necessary. All mitigation measures will be included in project-level analysis, as appropriate. The project implementing agency or local jurisdiction will be responsible for ensuring adherence to the mitigation measures prior to construction. MCTC will be provided with documentation indicating compliance with mitigation measures.

- ◆ Project implementing agencies will comply with all local sound control and noise level rules, regulations, and ordinances.
- ◆ Project implementing agencies will limit the hours of construction to between 6:00 a.m. and 8:00 p.m. on Monday through Friday and between 7:00 a.m. and 8:00 p.m. on weekends.
- ◆ Equipment and trucks used for construction will utilize the best available noise control techniques (including mufflers, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds) in order to minimize construction noise impacts.
- ◆ Impact equipment (e.g., jackhammers, pavement breakers, and rock drills) used for individual improvement project construction will be hydraulically or electrical powered wherever feasible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatically powered tools is unavoidable, an exhaust muffler on the compressed air exhaust be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves will be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures will be used such as drilling rather than impact equipment whenever feasible.
- ◆ Project implementing agencies will ensure that stationary noise sources will be located as far from sensitive receptors as possible. If they must be located near existing receptors, they will be adequately muffled.
- ◆ The Project implementing agencies will designate a complaint coordinator responsible for responding to noise complaints received during the construction phase. The name and phone number of the complaint coordinator will be conspicuously posted at construction areas and on all advanced notifications. This person will be responsible for taking steps required to resolve complaints, including periodic noise monitoring, if necessary.
- ◆ Noise generated from any rock-crushing or screening operations performed within 3,000 feet of any occupied residence will be mitigated by the individual improvement project proponent by strategic placement of material stockpiles between the operation and the affected dwelling or by other means approved by the local jurisdiction.
- ◆ Project implementing agencies will direct contractors to implement appropriate additional noise mitigation measures including, but not limited to, changing the location of stationary construction equipment, shutting off idling equipment, rescheduling construction activity, notifying adjacent residents in advance of construction work, and installing acoustic barriers around stationary construction noise sources to comply with local noise control requirements.

- ◆ Project implementing agencies will implement use of portable barriers during construction of subsurface barriers, debris basins, and storm water drainage facilities.
- ◆ No pile-driving or blasting operations will be performed within 3,000 feet of an occupied residence on Sundays, legal holidays, or between the hours of 8:00 p.m. and 8:00 a.m. on other days. Any variance from this condition will be obtained from the individual improvement project proponent and must be approved by the local jurisdiction.
- ◆ Wherever possible, sonic or vibratory pile drivers will be used instead of impact pile drivers, (sonic pile drivers are only effective in some soils). If sonic or vibratory pile drivers are not feasible, acoustical enclosures will be provided as necessary to ensure that pile-driving noise does not exceed speech interference criterion at the closest sensitive receptor.
- ◆ In residential areas, pile driving will be limited to daytime working hours.
- ◆ Engine and pneumatic exhaust controls on pile drivers will be required as necessary to ensure that exhaust noise from pile driver engines are minimized to the extent feasible.
- ◆ Where feasible, pile holes will be pre-drilled to reduce potential noise and vibration impacts.

**Responsibility for Implementation of Mitigation Measures:**

Implementing Agencies. (Caltrans and local agencies).

**When Mitigation Measure is to be Implemented:**

During project review by Caltrans and local agencies. Inspection during construction. At Sign-off by Caltrans and local agencies.

**Responsibility for Monitoring Implementation:**

Caltrans and local agencies.

### 3.11 Population/Housing

#### 3.11.1 Mitigation

As part of the appropriate project-specific environmental review, population and job displacement impacts will be evaluated. Mitigation measures will be identified to minimize impacts. Implementation agencies will be responsible for ensuring adherence to the mitigation measures prior to construction. MCTC will be provided with documentation indicating compliance with all mitigation measures.

- ◆ For projects with the potential to displace homes or businesses, project implementation agencies will evaluate alternate route alignments and transportation facilities that minimize the displacement of homes and businesses. An iterative design and impact analysis would help where impacts to persons or businesses are involved. Potential impacts will be minimized to the extent feasible. If possible, existing rights-of-way should be used.
- ◆ Project implementation agencies will identify businesses and residences to be displaced. As required by law, relocation and assistance will be provided to displaced residents and businesses, in accordance with the federal

Uniform Relocation and Real Property Acquisition Policies Act of 1970 and the State of California Relocation Assistance Act, as well as any applicable City and County policies.

- ◆ Project implementation agencies will develop a construction schedule that minimizes potential neighborhood deterioration from protracted waiting periods between right-of-way acquisition and construction.

### **3.11.2 Mitigation**

As part of the appropriate project-specific environmental review, community disruption or division will be evaluated. Mitigation measures will be identified to minimize impacts. Implementation agencies will be responsible for ensuring adherence to the mitigation measures prior to construction. MCTC will be provided with documentation indicating compliance with all mitigation measures.

- ◆ Project implementation agencies will design new transportation facilities that protect access to existing community facilities. During the design phase of the individual improvement project, community amenities and facilities should be identified and access to them considered in the design of the individual improvement project.
- ◆ Project implementation agencies will design roadway improvements, in a manner that minimizes barriers to pedestrians and bicyclists. During the design phase, pedestrian and bicycle routes will be determined that permit easy connections to community facilities nearby in order not to divide the communities.

#### **Responsibility for Implementation of Mitigation Measures:**

Implementing Agencies. (Caltrans and local agencies).

#### **When Mitigation Measure is to be Implemented:**

During project review by Caltrans and local agencies. Inspection during construction. At Sign-off by Caltrans and local agencies.

#### **Responsibility for Monitoring Implementation:**

Caltrans and local agencies.

## **3.12 Public Utilities, Other Utilities & Services Systems**

### **3.12.1 Mitigation**

As part of project-specific environmental review, project implementation agencies will evaluate the impacts on police, fire, and medical services in the County. Appropriate mitigation measures should be identified for all impacts. The implementation of projects by agencies or local jurisdiction will be responsible for ensuring adherence to the mitigation measures. MCTC will be provided with documentation indicating compliance with mitigation measures.

- ◆ Prior to construction, the project implementation agency will ensure that all necessary local and state road and railroad encroachment permits are obtained. The project implementation agency also will comply with all applicable conditions of approval. As deemed necessary by the governing jurisdiction, the road encroachment permits may require the contractor to prepare a traffic control plan in accordance with professional engineering standards prior to construction. Traffic control plans should include the following requirements:

- Identify all roadway locations where special construction techniques (e.g., directional drilling or night construction) would be used to minimize impacts to traffic flow.
  - Develop circulation and detour plans to minimize impacts to local street circulation. This may include the use of signing and flagging to guide vehicles through and/or around the construction zone.
  - Schedule truck trips outside of peak morning and evening commute hours.
  - Limit lane closures during peak hours to the extent possible.
  - Use haul routes, minimizing truck traffic on local roadways, to the extent possible.
  - Include detours for bicycles and pedestrians in all areas potentially affected by individual improvement project construction.
  - Install traffic control devices as specified in the California Department of Transportation Manual of Traffic Controls for Construction and Maintenance Work Zones.
  - Develop and implement access plans for highly sensitive land uses such as police and fire stations, transit stations, hospitals, and schools. Access plans will be developed with the facility owner or administrator. To minimize disruption of emergency vehicle access, affected jurisdictions will be asked to identify detours for emergency vehicles, which will then be posted by the contractor. The facility owner or operator will be notified in advance of the timing, location, and duration of construction activities and the locations of detours and lane closures.
  - Store construction materials only in designated areas.
  - Coordinate with local transit agencies for temporary relocation of routes or bus stops in work zones, as necessary.
- ◆ Projects requiring police protection, fire service, and emergency medical service will coordinate with the local fire department and police department to ensure that the existing public services and utilities would be able to handle the increase in demand for their services. If the current levels of service at the individual improvement project site are found to be inadequate, infrastructure improvements and personnel requirements for the appropriate public service will be identified in each individual improvement project's CEQA documentation.
  - ◆ The growth inducing potential of individual projects will be carefully evaluated so that the full implications of the Project are understood. Individual environmental documents will quantify indirect impacts (growth that could be facilitated or induced) on public services and utilities. Lead and responsible agencies should then make any necessary adjustments to the applicable General Plan.

### **3.12.2 Mitigation**

As part of project-specific environmental review, project implementation agencies will evaluate the impacts on demand for solid waste, wastewater, and potable water services in the County. Appropriate mitigation measures should be identified for all impacts. The project implementation agencies or local jurisdiction will be responsible for ensuring adherence to the mitigation measures. MCTC will be provided with documentation indicating compliance to mitigation measures.

- ◆ Projects requiring wastewater service, solid waste collection, or potable water service will coordinate with the local public works department to ensure that the existing public services and utilities would be able to handle the increase. If the current infrastructure servicing the individual improvement project site is found to be inadequate, infrastructure improvements for the appropriate public service utility will be identified in each individual improvement project's CEQA documentation.
- ◆ Reclaimed water will be used for landscaping purposes instead of potable water wherever feasible.
- ◆ Each of the proposed projects will comply with applicable regulations related to solid waste disposal.

- ◆ The construction contractor will work with the County Recycling Coordinator to ensure that source reduction techniques and recycling measures are incorporated into individual improvement project construction.
- ◆ The amount of solid waste generated during construction will be estimated prior to construction, and appropriate disposal sites will be identified and utilized.

### **3.12.3 Mitigation**

As part of project-specific environmental review, project implementation agencies will evaluate the impacts resulting from soil accumulation during construction of the projects. Appropriate mitigation measures will be identified for all impacts. The project implementation agencies or local jurisdiction will be responsible for ensuring adherence to the mitigation measures. MCTC will be provided with documentation indicating compliance with mitigation measures. Implement appropriate measures, such as the washing of construction vehicles undercarriages before leaving the construction site or increasing the use of street cleaning machines, to reduce the amount of soil on local roadways as a result of construction.

### **3.12.4 Mitigation**

As part of project-specific environmental review, project implementation agencies will evaluate the impacts resulting from the potential for severing underground utility lines during construction of the projects. Appropriate mitigation measures will be identified for all impacts. The project implementation agencies or local jurisdiction will be responsible for ensuring adherence to mitigation measures. MCTC will be provided with documentation indicating compliance with mitigation measures.

Prior to construction, the implementing agency or contractor will identify the locations of existing utility lines. All known utility lines will be avoided during construction.

#### **Responsibility for Implementation of Mitigation Measures:**

Implementing Agencies. (Caltrans and local agencies).

#### **When Mitigation Measure is to be Implemented:**

During project review by Caltrans and local agencies. Inspection during construction. At Sign-off by Caltrans and local agencies.

#### **Responsibility for Monitoring Implementation:**

Caltrans and local agencies.

## **3.13 Transportation/Traffic**

### **3.13.1 Mitigation**

1. Measures intended to reduce vehicle miles traveled and reduce congestion are part of the 2030 RTP. These include: increasing rideshare and work-at-home opportunities to reduce demand on the transportation system, investments in non-motorized transportation and maximizing the benefits of the land use/transportation connection, other Travel Demand Management measures described in the Destination 2030 RTP and in local

agency General Plans, and key transportation investments targeted to reduce congestion levels and improve LOS.

2. As part of individual improvement project environmental review, individual agencies will consider impacts and plan for grade separations along major thoroughfares, identify to the extent feasible, improvements to existing at-grade highway-rail crossings caused by increases in traffic volumes, and provide, to the extent possible, appropriate fencing to limit the access of trespassers onto the railroad right-of-way. The implementation agencies or local jurisdiction will be responsible for ensuring adherence to the mitigation measures. MCTC will be provided with documentation indicating compliance with mitigation measures.

### **3.13.2 Mitigation**

Measures intended to reduce vehicle miles traveled and reduce congestion are part of the 2004 RTP. These include: increasing rideshare and work-at-home opportunities to reduce demand on the transportation system, investments in non-motorized transportation and maximizing the benefits of the land use/transportation connection, other Travel Demand Management measures described in the RTP and in local agency General Plans, and key transportation investments targeted to reduce congestion levels and improve LOS.

### **3.13.3 Mitigation**

Measures intended to reduce vehicle miles traveled and reduce congestion are part of the 2004 RTP. These include: increasing rideshare and work-at-home opportunities to reduce demand on the transportation system, investments in non-motorized transportation and maximizing the benefits of the land use/transportation connection, other Travel Demand Management measures described in the RTP and in local agency General Plans, and key transportation investments targeted to reduce congestion levels and improve LOS.

#### **Responsibility for Implementation of Mitigation Measures:**

Implementing Agencies. (Caltrans and local agencies).

#### **When Mitigation Measure is to be Implemented:**

During project review by Caltrans and local agencies. Inspection during construction. At Sign-off by Caltrans and local agencies.

#### **Responsibility for Monitoring Implementation:**

Caltrans and local agencies.

## EXHIBIT 2

### FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS PURSUANT TO SECTION 21081 OF THE PUBLIC RESOURCES CODE AND SECTIONS 15091 AND 15093 OF THE STATE CEQA GUIDELINES

The purpose of this document is to summarize the significant, adverse impacts associated with the Proposed Project for the MCTC 2006 ½ Cent Transportation Sales Tax Measure Investment Plan and the 2004 Regional Transportation Plan (RTP), and the mitigation measures recommended to avoid or substantially reduce these impacts. In addition, this document contains findings on the feasibility of these mitigation measures and the alternatives that were evaluated as alternatives to the Proposed Project. Finally, this document contains the rationale for adopting the Proposed Project even with significant, adverse environmental impacts that are unavoidable.

#### I. INTRODUCTION AND PURPOSE

The Madera County Transportation Commission (MCTC) is proposing to approve the Investment Plan. The approval of this plan is a “project” within the meaning of the California Environmental Quality Act (CEQA) (Public Resources Code 21000 et seq.), requiring the preparation of an environmental impact report (EIR). MCTC has prepared and certified an EIR that satisfies the requirements of CEQA. In that EIR, MCTC identified certain significant adverse impacts that could occur with the approval and implementation of the Investment Plan and the 2004 RTP. These impacts are summarized later in this document.

Prior to approving the Investment Plan, MCTC is required to make written findings explaining how it has dealt with each significant environmental impact and each alternative identified in the EIR. MCTC must make one of the following findings for each impact:

- ◆ That changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR;
- ◆ That such changes or alternatives are within the purview and jurisdiction of another public agency, and such changes have been or should be adopted by that other agency; or
- ◆ That specific economic, legal, social, technological or other considerations make the mitigation measures or project alternatives identified in the EIR infeasible.

Each of these findings must be supported by substantial evidence in the record. The recommended mitigation measures outlined in these findings are actions that are under the purview and jurisdiction of other public agencies. It is recommended that public agencies with authority to implement recommended mitigation measures adopt them at the project-specific environmental review stage. Each of the findings in Section III of this document identifies, where appropriate, mitigation measures that should be adopted by agencies other than MCTC. To the extent feasible, MCTC will require public entities to adopt the mitigation measures recommended in this EIR at the project-specific environmental review stage. Although MCTC has no authority to implement these actions, MCTC may comment on the scope of issues addressed in the EIR when it receives the project-specific environmental documentation for projects and programs in the Investment Plan and RTP.

## II. FINDINGS ON PROJECT ALTERNATIVES CONSIDERED IN THE EIR

### Proposed Project

The project, as defined by CEQA Statutes, Section 21065, is the preparation of the Investment Plan, which if approved by voters in November 2006, would provide additional transportation funding and transportation improvement projects over those contained in the 2004 RTP. The Investment Plan would establish a one-half of one percent local tax (1/2 cent sales tax) dedicated to transportation planning, design, construction, operation and maintenance within Madera County's boundaries. Specific implementing guidelines in the Investment Plan ensure that this funding will be used in accordance with specified voter-approved transportation project improvements and programs. By placing the Measure "C" local initiative on the ballot, the Madera County Transportation Authority (Authority) will ask if voters authorize imposition of a ½ cent sales tax for transportation purposes for a 20-year period. The collection of the tax would begin April 1, 2007 and expire March 30, 2027. The Authority may issue limited tax bonds secured by such taxes, administer the tax proceeds and prepare the Investment Plan.

If the Measure passes in November, the MCTC will revise the RTP incorporating by reference the Investment Plan program funding allocations and list of improvement projects.

The last RTP was adopted in 2004 as required by Section 65080 et seq., of Chapter 2.5 of the California Government Code as well as federal guidelines pursuant to the requirements of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). All projects contained in the RTP must also meet Transportation Conformity for the Air Quality Attainment Plan per 40 CFR Part 51 and 40 CFR Part 93; therefore, the additional projects to be addressed in the Investment Plan must also be analyzed to determine if conformity can be met. The California Transportation Commission (CTC) has prepared guidelines (most recently revised in October 2003) to assist in the preparation of RTPs pursuant to Section 14522 of the Government Code.

As the designated Regional Transportation Planning Agency (RTPA), MCTC is mandated by state and federal law to update the RTP every three years. The last comprehensive EIR for the RTP was completed in 2001, and recertified for 2004 RTP. This EIR incorporates, by reference, the projects contained in the current RTP (2004) and the Air Quality Conformity Finding.

Some of the information compiled for the preceding RTP environmental documents is outdated and transportation planning is now subject to new state and federal requirements. Consequently, a new EIR for the Investment Plan is necessary to evaluate all possible environmental impacts resulting from the addition of funding and improvement projects described in the Investment Plan.

The future year for purposes of the analysis contained in this EIR is Year 2030. Even though the Measure would expire in 2027, that date only reflects the date when the ½ cent sales tax would no longer be collected. The Authority would continue to implement and construct projects contained in the Investment Plan beyond 2027 or at least until 2030.

### Alternatives to the Project

The EIR considered the following alternatives to the proposed Project. The reason for finding each alternative infeasible or undesirable follows the description of the alternative.

This Alternative has been analyzed to determine whether environmental impacts associated with the Project will be lessened if planned improvements to the future transportation system were not made; that is, if improvements are not implemented beyond existing projects and those projects that are currently programmed in the Transportation

Improvement Program (TIP). This Project Alternative would, however, consider projected (Year 2030) growth and development.

### **No Build Alternative**

The No Build Alternative reflects all existing transportation systems, projects contained in the Transportation Improvement Programs (TIPs), projects contained in local agency Capital Improvement Programs (CIPs), and all projects that are considered "exempt" under the Air Quality Conformity Regulations.

Finding: Infeasible - MCTC finds that the this Alternative is infeasible because it does not fulfill the region's multimodal plan for the next 20 years, nor does it provide the funding necessary to address growth and development through to the year 2030.

### **No Project Alternative**

The No Project Alternative (2004 RTP) consists of MCTC's existing RTP, developed in 2004. If the Investment Plan is not approved by the voters in November 2006, then the set of transportation projects contained in the current plan would likely be carried out through the subsequent reaffirmation of the current plan. The California Environmental Quality Act requires a "no project" alternative for comparison with other alternatives.

Finding: Infeasible - MCTC finds that the No Project Alternative is infeasible because it does not meet all of the goals that were developed by the Steering Committee and adopted by the MCTC Board of Directors. In response to these goals, the proposed Project alternative increases funding for air quality programs, increases funding for bicycle and pedestrian projects, adds to the region's public transit system, provides funding for major street and highway improvements (lane additions and interchange improvements, and enhances road maintenance and rehabilitation efforts.

### **VMT Reduction Alternative**

This Project Alternative would focus on reducing VMT and vehicle trips (VT) through enhanced improvements in transportation control measures (TCMs) including rail, transit, and others, beyond that considered by the Project. Specifically, this alternative involves significant additional "mode shift" activities that focus on lessening the use of the single-occupant vehicle (SOV) to "enhanced" alternative forms of transportation. Therefore, this alternative would require a shift in transportation funds from streets and highways to further enhance the implementation and development of alternative transportation modes and TCMs necessary to achieve VMT and VT targets/budgets.

Finding: Infeasible - MCTC finds that this alternative would result in significant congestion and delay affecting all transportation systems. The alternative does not fulfill the region's goal of a multimodal system that provides transportation options, relieves congestion and improves air quality.

### III. FINDINGS ON SIGNIFICANT IMPACTS IDENTIFIED IN THE EIR

MCTC hereby makes the following findings for each significant impact identified in the EIR:

#### Aesthetics

##### Impact 3.1.1 – Obstruction of Views

Construction and implementation of individual projects could potentially impede or block views of scenic resources as seen from the transportation facility or from the surrounding area. This could be a potentially significant impact.

Construction of new facilities or development of previously undisturbed sites could potentially block or impede views of scenic resources in a given area. For example, construction of highways could block or impede views of area mountains and other scenic resources. Grade separated facilities could block or impede views of surrounding scenic resources during and after construction. Moreover, the elevation and scale of the proposed grade separated facilities could be visually intrusive to surrounding areas (depending on the degree of visibility of the transportation facility).

Construction of transportation facilities that involve modifications like widening or upgrading existing roadways would involve lesser changes to the visual environment. These “modification projects” would most likely occur within existing roadway facilities and/or could require acquisition of right-of-way property. However, such changes may not block or impede views of scenic resources to a greater extent than at present.

##### Mitigation Measures

All mitigation measures will be included in project-level analysis, as appropriate. The project implementation agency or local jurisdiction will be responsible for ensuring adherence to the mitigation measures prior to construction. MCTC will be provided with documentation indicating compliance with mitigation measures.

- ◆ Implement design guidelines, local policies, and programs aimed at protecting views of scenic corridors and avoiding visual intrusions.
- ◆ To the extent feasible, noise barriers that will not degrade or obstruct a scenic view will be constructed. Noise barriers will be well landscaped, complement the natural landscape and be graffiti-resistant.

##### Significance After Mitigation

This impact is considered significant and unavoidable, because it is likely that there will be situations where visual impacts cannot be mitigated to a less than significant level.

##### Impact 3.1.2 – Altered Appearance of Scenic Resources

Construction and implementation of the projects could alter the appearance of scenic resources along or near designated scenic highways and vista points. This could be a potentially significant impact.

The State Legislature created California Department of Transportation's (Caltrans) State Scenic Highway Program in 1963 to preserve and protect scenic highway corridors from change that would diminish the aesthetic value of lands adjacent to highways. The state laws governing the Scenic Highway Program are stated in the California Streets and Highways Code, Section 260.

The State Scenic Highway System includes a list of highways that have been designated by Caltrans as scenic highways or are eligible for designation as scenic highways. These highways are designated in section 263 of the Streets and Highways Code. Scenic highway designation can offer the following benefits.

- ◆ Protection of the scenic values of an area.
- ◆ Enhancement of community identity and pride, encouraging citizen commitment to preserving community values.
- ◆ Preservation of scenic resources to enhance land values and make the area more attractive.
- ◆ Promotion of local tourism that is consistent with the community's scenic values.

According to Caltrans, a scenic corridor is the land generally adjacent to and visible from the highway. A scenic corridor is identified using a motorist's line of vision. A reasonable boundary is selected when the view extends to the distant horizon. Caltrans outlines the following minimum requirements for scenic corridor protection: regulation of land use and density of development; detailed land and site planning; control of outdoor advertising; careful attention to, and control of, earthmoving and landscaping; and careful attention to design and appearance of structures and equipment.

Some of the proposed projects in the Investment Plan include countywide improvements to highways, arterials and transit systems. These improvements could potentially fall within a designated scenic corridor.

### **Mitigation Measures**

All mitigation measures will be included in project-level analysis, as appropriate. The project implementation agency or local jurisdiction will be responsible for ensuring adherence to the mitigation measures prior to construction. MCTC will be provided with documentation indicating compliance with mitigation measures.

- ◆ Avoid construction of transportation facilities in state and locally designated scenic highways and vista points.
- ◆ If transportation facilities are constructed in state and locally designated scenic highways and/or vista points, design, construction, and operation of the transportation facility will be consistent with applicable guidelines and regulations for the preservation of scenic resources along the designated scenic highway.

### **Significance After Mitigation**

This impact is considered significant and unavoidable because it is likely that there will be situations where visual impacts cannot be mitigated to a less than significant level.

### **Impact 3.1.3 – Development of Previously Undeveloped Sites with Visual Qualities**

Construction and implementation of the projects could create significant contrasts with the overall visual character of the existing landscape setting. This could be a potentially significant impact.

There is an extraordinary range of urban characteristics and urban-natural environmental contrasts throughout the proposed Investment Plan Project area. Given the size and diversity of the region, there are no standards that apply to all areas. Therefore, local planning guidelines regarding visual quality of urban areas must be researched and adhered to. A component of the urban environment is the transportation infrastructure. Many roads have been built throughout the region, which connect urban concentrations with

natural areas found in the rural area. Transportation systems have a major effect on the visual environment. As most vehicular movement occurs along transportation corridors, their placement largely determines what parts of the region will be seen. Arterials and freeways comprise a major component of the existing visual environment in the region.

Development of previously undeveloped sites could result in impacts to visual resources. Construction of a new transportation system through a developed area could result in land use changes that could also result in impacts to visual resources. For example, the extension of a highway through an urban area could require some acquisition of residential, commercial or industrial property, thereby changing the land use, and consequently, visual quality of the given area. "Modification projects" that involve the widening or upgrading of existing roadways can be designed to complement the existing system, and therefore, would involve lesser changes to the visual character of the existing landscape setting. Therefore, impacts from "modification projects" would be less than significant.

### **Mitigation Measures**

All mitigation measures will be included in project-level analysis, as appropriate. The project implementation agency or local jurisdiction will be responsible for ensuring adherence to the mitigation measures prior to construction. MCTC will be provided with documentation indicating compliance with mitigation measures.

- ◆ Develop design guidelines for each type of transportation facility that make elements of proposed facilities visually compatible with surrounding areas. Visual guidelines will, at a minimum, include setback buffers, landscaping, color, texture, signage, and lighting criteria. The following methods will be employed whenever possible:
  - Transportation systems will be designed in a manner where the surrounding landscape dominates.
  - Transportation systems will be developed to be compatible with the surrounding environment (i.e., colors and materials of construction material).
  - If exotic vegetation is used, it will be used as screening and landscaping that blends in and complements the natural landscape.
  - Trees bordering highways will remain or be replaced so that clear cutting is not evident.
  - Grading will blend with the adjacent landforms and topography.

### **Significance After Mitigation**

This impact is considered significant and unavoidable, because it is likely that there will be situations where visual impacts cannot be mitigated to a less than significant level.

### **Impact 3.1.4 – New Sources of Light and Glare**

Construction and implementation of individual projects could potentially create a new source of substantial light or glare that would affect day or nighttime views of scenic resources as seen from the transportation facility or from the surrounding area. This could be a potentially significant impact.

There is an extraordinary range of urban characteristics and urban-natural environmental contrasts throughout the proposed Project area. Given the size and diversity of the region, there are no standards that apply to all areas. Therefore, local planning guidelines regarding visual quality of urban areas must be researched and adhered to. Urban areas, due to numerous buildings in a concentrated space, experience significant light from all light source categories. Madera County includes two cities, and vast rural areas that are either located in the Valley region or are mountainous. The rural areas are primarily used for agricultural

purposes. In smaller communities and in rural areas of the County, where urban development is less dense, light and glare impacts are not as frequent.

### Mitigation Measures

All mitigation measures will be included in project-level analysis, as appropriate. The project implementation agency or local jurisdiction will be responsible for ensuring adherence to the mitigation measures prior to construction. MCTC will be provided with documentation indicating compliance with mitigation measures.

- ◆ Develop design guidelines for each type of transportation facility that make light elements of proposed facilities visually compatible with surrounding areas. The following methods will be employed whenever possible:
  - Transportation systems will be designed in a manner where the surrounding landscape dominates.
  - Transportation systems will be developed to be compatible with the surrounding environment.
  - Lighting devices will be employed such as downward facing light, light shields, and amber lumens.

### Significance After Mitigation

This impact is considered significant and unavoidable because it is likely that there will be situations where visual impacts cannot be mitigated to a less than significant level.

### Finding

MCTC finds that these measures are within the responsibility and jurisdiction of public agencies responsible for implementing transportation projects and programs in the Proposed Plan Alternative, and not MCTC; these measures will be or should be adopted by such other agencies.

### Facts in Support of Findings

- a) Although these mitigation measures will reduce the significance of the identified impact, the implementation of the mitigation measures relies upon the efforts of other agencies, namely project sponsors (lead agency) who will be responsible for complying with CEQA and NEPA, if applicable, for the individual projects contained in the Investment Plan and RTP. To the extent feasible, MCTC will require that the lead agency for each specific project adopts the relevant mitigation measures set forth in this EIR; however, because reduction of the identified impact relies on the actions of the implementing agencies, MCTC finds that the impact might not be mitigated to below a level of significance.
- b) Project-level environmental review will determine whether impacts can be mitigated to a less-than-significant level. The use of the Final Program Environmental Impact Report on the Final Investment Plan and RTP by project sponsors in preparing environmental documents on specific projects will help ensure that mitigation measures will be implemented.

## Agricultural Resources

### Impact 3.2.1 - Changes in Land Use Patterns

Strategies aimed at addressing the transportation needs of future growth patterns were considered during development of the proposed Investment Plan. The document promotes alternatives to the automobile through enhanced funding (beyond that identified in the 2004 RTP) for transit and other alternative modes of transportation such as bicycle facilities, trails, airport improvements, and others. Implementation of strategies proposed in the Investment Plan could result in positive changes to land uses. This would be considered a beneficial impact.

Implementation of transit improvements included in the Plan could influence land use patterns throughout the region. Land use and transportation policies are emphasized in the 2004 RTP in order to address automobile traffic and air quality concerns. Growth patterns that promote alternatives to the automobile by creating mixed-use developments, which would include residences, shops, parks, and civic institutions, linked to pedestrian-and-bicycle friendly public transportation centers, are also discussed in the 2004 RTP. Implementation of enhanced alternative modes as provided by the Investment Plan could result in more balanced land use conditions throughout the region, as the mixed-use developments would result in a concentration of jobs and residences in close proximity to one another.

While the Investment Plan is likely to result in a positive outcome related to supportive land use conditions for alternative forms of transportation such as transit, other projects in the Plan could have significant impacts on land use patterns, potentially causing land use growth and development to occur in areas not previously envisioned for growth and development. This impact could be especially significant on agricultural land uses within the County.

### Mitigation Measures

The impact on significant agricultural resources will be evaluated as part of the appropriate improvement project-specific environmental review. Mitigation measures will be identified to minimize impacts. Implementation agencies will be responsible for ensuring adherence to the mitigation measures prior to construction. MCTC will be provided with documentation indicating compliance with all mitigation measures.

- ◆ Individual projects will be consistent with local land use plans and policies that designate areas for urban land use and preserve agricultural lands that support the economic viability of agricultural activities.
- ◆ Prior to final approval of each individual improvement project, the implementing agency will conduct the appropriate project-specific environmental review, including consideration of potential land use impacts.

### Significance After Mitigation

While implementation and monitoring of the above mitigation measures will provide the framework and direction for subsequent project-specific mitigation designed to avoid or reduce the identified significant Project impacts, it is probable that such impacts will remain significant and unavoidable.

### **Impact 3.2.2 – Loss of Agricultural Land**

Implementation of the proposed Project could potentially result in the disturbance or loss of significant agricultural resources throughout the Madera region. This would be considered a potentially significant impact.

The Madera region contains areas designated by the State as Prime Farmland, Unique Farmland, and Farmland of Statewide Importance. These areas are interspersed throughout urban areas or are located in undeveloped portions of the region. Development of proposed projects could potentially result in the disturbance or loss of some of these designated areas. Specifically, new projects involving construction would be most likely to result in impacts to these areas.

### **Mitigation Measures**

The impact on significant agricultural resources will be evaluated as part of the appropriate improvement project-specific environmental review. Mitigation measures will be identified to minimize impacts. Implementation agencies will be responsible for ensuring adherence to the mitigation measures prior to construction. MCTC will be provided with documentation indicating compliance with all mitigation measures.

- ◆ Individual projects will be consistent with federal, state, and local policies that preserve agricultural lands and support the economic viability of agricultural activities, as well as policies that provide compensation for property owners if preservation is not feasible.
- ◆ For projects in agricultural areas, project implementation agencies will contact the California Department of Conservation and the County Agriculture Department's office to identify the location of prime farmlands and lands that support crops considered valuable to the local or regional economy.
- ◆ Prior to final approval of each individual improvement project, the implementing agency will establish conservation easement programs to mitigate impacts to prime farmland.
- ◆ Prior to final approval of each individual improvement project, the implementing agency will avoid impacts to prime farmlands or farmlands that support crops considered valuable to the local or regional economy.
- ◆ Prior to final approval of each individual improvement project, the implementing agency will encourage enrollments of agricultural lands for counties that have Williamson Act programs.

### **Significance After Mitigation**

While implementation and monitoring of the above mitigation measures will provide the framework and direction for subsequent project-specific mitigation designed to avoid or reduce the identified significant Project impacts, it is probable that such impacts will remain significant and unavoidable.

### **Finding**

MCTC finds that these measures are within the responsibility and jurisdiction of public agencies responsible for implementing transportation projects and programs in the Proposed Plan Alternative, and not MCTC; these measures will be or should be adopted by such other agencies.

### Facts in Support of Findings

a) Although these mitigation measures will reduce the significance of the identified impact, the implementation of the mitigation measures relies upon the efforts of other agencies, namely project sponsors (lead agency) who will be responsible for complying with CEQA and NEPA, if applicable, for the individual projects contained in the Investment Plan and RTP. To the extent feasible, MCTC will require that the lead agency for each specific project adopts the relevant mitigation measures set forth in this EIR; however, because reduction of the identified impact relies on the actions of the implementing agencies, MCTC finds that the impact might not be mitigated to below a level of significance.

b) Project-level environmental review will determine whether impacts can be mitigated to a less-than-significant level. The use of the Final Program Environmental Impact Report on the Final Investment Plan and RTP by project sponsors in preparing environmental documents on specific projects will help ensure that mitigation measures will be implemented.

## Air Quality

### Short-Term Construction Impacts

#### Impact 3.3.1 – Project Construction

Construction activities would increase short-term air emissions. This would be considered a less than significant impact.

Short-term impacts result from the following construction-related sources:

- ◆ Construction equipment emissions.
- ◆ Dust from grading and earthmoving operations.
- ◆ Emissions from workers' vehicles traveling to and from construction sites.

As individual transportation improvements are constructed, the activity at individual construction sites will involve grading and other earth-moving operations and the use of diesel and gasoline-powered construction equipment. These generate exhaust emissions of carbon monoxide and nitrogen dioxide at the individual construction sites. Where asphalt is used, volatile organic compounds (VOC) will be released from asphalt when it is applied to the roadways' surfaces. If an individual construction site is located near existing homes or other sensitive receptors, such emissions could have the potential to result in significant short-term impacts at that particular location.

The Air District has developed thresholds of significance for individual construction projects. Project-level analysis conducted for CEQA purposes would estimate construction emissions for each individual improvement project based on the equipment used, vehicle miles traveled, and time allowed to complete the individual improvement project. Mitigation measures to reduce air quality impacts would be established in project-specific environmental documents. However, some of the larger projects could have the potential to exceed the significance thresholds established by the District, creating significant short-term impacts. These impacts would occur in localized areas depending on the construction site locations.

Since the Project proposes more highway and arterial projects than the No Project Alternative, short-term construction emissions would be greater. However, construction-related impacts are expected to be temporary in nature and can generally be reduced to a less than significant level through the use of mitigation measures and through compliance with applicable existing city, county, state, and District regulations for reducing construction-related emissions. Therefore, the increase in construction activities proposed by the Project is expected to constitute a less than significant impact on a programmatic level. Nonetheless, individual projects may exceed the emissions thresholds, which would constitute a project-level significant impact. Individual projects would be required to implement mitigation measures to reduce construction emissions.

### Mitigation Measures

All mitigation measures will be included in project-level analysis, as appropriate. The individual improvement project proponent or local jurisdiction will be responsible for ensuring adherence to the mitigation measures prior to construction. MCTC will be provided with documentation indicating compliance with mitigation measures.

- ◆ Project implementation agencies will ensure implementation of mitigation measures to reduce PM<sub>10</sub> and NO<sub>x</sub> emissions from construction sites, including:
  - Maintain on-site truck loading zones.
  - Configure on-site construction parking to minimize traffic interference and to ensure emergency vehicle access.
  - Provide temporary traffic control during all phases of construction activities to improve traffic flow.
  - Use best efforts to minimize truck idling to not more than two minutes during construction.
  - Apply non-toxic soil stabilizers (according to manufacturers' specifications) to all inactive construction areas.
  - During construction, replace ground cover in disturbed areas as quickly as possible.
  - During construction, enclose, cover, water twice daily or apply non-toxic soil binders (according to manufacturers' specifications) to exposed piles with 5 percent or greater silt content and to all unpaved parking or staging areas or unpaved road surfaces.
  - During the period of construction, install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip.
  - During the period of construction, assure that traffic speeds on all unpaved roads be reduced to 15 mph or less.
  - Pave all construction access roads at least 100 feet on to the site from permanent roadways.
  - Cover all haul trucks.
  
- ◆ Project implementation agencies will avoid individual improvement project designs requiring significant amounts of material, such as excavated soil and construction debris, to be transported from the site to disposal facilities. Construction sites will employ a balanced cut/fill ratio to the extent possible, thus reducing haul-truck trip emissions.

### **Significance After Mitigation**

Less than significant.

### **Impact 3.3.2 – Point Source Impacts**

Traffic conditions at some individual locations may lead to occasional localized carbon monoxide concentrations.

The proposed Project will improve traffic flows and reduce congestion system-wide, reducing the potential for carbon monoxide "hot spots" that can occur from exhaust of idling cars waiting to clear a heavily congested intersection or crossing. The Project is intended to reduce congested conditions throughout the system that is faced with a challenge to accommodate additional traffic generated by the more than 100 percent increase in population projected by the Year 2030. While the proposed improvements will respond to this challenge by accommodating additional traffic and reducing congestion (brought by that additional traffic) system-wide, exhaust emissions from cars at localized areas may, at certain times, create a potential for carbon monoxide concentrations, or hot spots, to develop under adverse atmospheric conditions that prevent a rapid dispersion of carbon monoxide. Currently, the Air Basin is in attainment of federal and State standards for carbon monoxide, and the carbon monoxide emissions are not a serious problem in the Basin. Nonetheless, because there is a potential for exhaust emissions from cars at localized areas to create an occasional hot spot, the following mitigation measure is proposed.

### Mitigation Measure

- ◆ At those facilities or intersections near sensitive receptors where carbon monoxide concentrations may exist, the implementing agency will reduce or alleviate these concentrations by improving traffic flows through improved signalization, restriping, addition of traffic lanes, and other improvements identified as part of the environmental review of an individual improvement project.

### Significance After Mitigation

The Project will result in beneficial effects of system-wide improvement in traffic flows and reduced congestion, which would reduce the potential for forming carbon monoxide hot spots. At some locations where instances of congested conditions may occur near sensitive receptors, implementation of identified mitigation is anticipated to ensure improved traffic flows such that the potential for creating a hot spot will be reduced to a less than significant level.

### Long-Term Impacts

#### Impact 3.3.3 – Long-Term Regional Impacts

Emissions impacts related to the Project are not considered to be significant. Tables included in the RTP and in Conformity documents approved by MCTC since 2004 identify results of the air quality conformity results including the projected emissions of hydrocarbons, nitrogen oxides, carbon monoxide, volatile organic gases, and particulate emissions for the Project compared with the base or the emissions budgets. Projects contained in the Investment Plan are already included in the 2004 RTP. The analysis shows that Project emissions do not exceed the base and budget thresholds established by EPA. While the Project meets Conformity requirements, the Conformity Finding requires the implementation of TCMs to eventually result in improved air quality within the Valley.

### Mitigation Measures

- ◆ The various TCMs that have been incorporated into the Air District AQAP, ROP Plans, and the SJVAPCD TCM Program, or have been identified as necessary to provide for positive air quality conformity findings, as referenced in the latest Air Quality Conformity Finding for the 2004 RTP and Federal Transportation Improvement Program (FTIP).
- ◆ All applicable rules and regulations adopted by the Air District will be followed by responsible and implementing agencies as individual improvement projects are designed, constructed and maintained. MCTC will be provided with documentation indicating compliance with all mitigation measures.

### Significance After Mitigation

The Project will result in beneficial effects of system-wide improvement in traffic flows and reduced congestion and vehicle trips and vehicle miles traveled, which would reduce the potential for increased air emissions when compared to emissions budgets established by EPA. While TCMs have been identified in the Air Quality Conformity Finding, the TCMs will not result in attainment of all pollutants over time or by the year 2030. As a result, long-term emission impacts cannot be reduced to a less than significant level even with the addition of projects and programs outlined in the Investment Plan.

### **Impact 3.3.4 – Construction Activity Impacts**

Implementation of the individual improvement projects in the DEIR will contribute to the overall decline in air quality due to construction activities in preparation of the sites, and ongoing traffic and other operational emissions.

#### **Mitigation Measure**

New individual improvement projects will be subject to the San Joaquin Valley Air Pollution Control District's (District's) Indirect Source Review Rule (Rule 9510).

#### **Significance After Mitigation**

While implementation and monitoring of the above mitigation measure will provide the framework and direction for subsequent project-specific mitigation design to avoid or reduce the identified significant Project impacts, it is probable that such impacts will remain significant and unavoidable.

### **Impact 3.3.5 – Individual Improvement Project Impacts**

The implementation of individual projects in the DEIR may contribute to overall decline in air quality due to construction, and ongoing traffic and other operational emissions even though projects in the Investment Plan and the 2004 Regional Transportation Plan (RTP) as a group meet conformity requirements.

#### **Mitigation Measure**

New individual improvement projects will be subject to the District's following District rules and regulations:

- ◆ Regulation VIII
- ◆ Rule 4102
- ◆ Rule 4103
- ◆ Rule 4601
- ◆ Rule 4641

#### **Significance After Mitigation**

While implementation and monitoring of the above mitigation measure will provide the framework and direction for subsequent project-specific mitigation design to avoid or reduce the identified significant Project impacts, it is probable that such impacts will remain significant and unavoidable.

#### **Finding**

MCTC finds that these measures are within the responsibility and jurisdiction of public agencies responsible for implementing transportation projects and programs in the Proposed Plan Alternative, and not MCTC; these measures will be or should be adopted by such other agencies.

#### **Facts in Support of Findings:**

a) Although these mitigation measures will reduce the significance of the identified impact, the implementation of the mitigation measures relies upon the efforts of other agencies, namely project

sponsors (lead agency) who will be responsible for complying with CEQA and NEPA, if applicable, for the individual projects contained in the Investment Plan and RTP. To the extent feasible, MCTC will require that the lead agency for each specific project adopts the relevant mitigation measures set forth in this EIR; however, because reduction of the identified impact relies on the actions of the implementing agencies, MCTC finds that the impact might not be mitigated to below a level of significance.

b) Project-level environmental review will determine whether impacts can be mitigated to a less-than-significant level. The use of the Final Program Environmental Impact Report on the Final Investment Plan and RTP by project sponsors in preparing environmental documents on specific projects will help ensure that mitigation measures will be implemented.

## Biotic Resources

### Impact 3.4.1 – Removal or Degradation of Sensitive Natural Communities

The Investment Plan includes projects that may result in direct removal or degradation of riparian habitat or other sensitive natural communities during construction activities such as grading and grubbing.

#### Mitigation Measures

All mitigation measures will be included in subsequent project-level environmental analysis, as appropriate. The individual improvement project proponent or local jurisdiction will be responsible for compliance with the mitigation measures during all phases of construction, as appropriate. MCTC will be provided with documentation indicating compliance with mitigation measures.

- ◆ When applicable to federally funded projects, MCTC and responsible agencies should commit to improved interagency coordination and integration of the National Environmental Policy Act (NEPA) and the Clean Water Act Section 404 procedures during three stages: transportation planning, project programming, and project implementation. MCTC and affected state and local agencies should commit to ensuring the earliest possible consideration of environmental concerns pertaining to U.S. water bodies, including wetlands, at each of the three stages identified above. In addition, the agencies should place a high priority on the avoidance of adverse impacts to waters of the U.S. and associated sensitive species, including threatened and endangered species. Implementation of NEPA-404 requirements will expedite construction of necessary transportation projects, with benefits to mobility and the economy at large. The process will also enable more street and highway projects to proceed on budget and on schedule. Finally, the process will improve cooperation and efficiency of governmental operations at all levels, thereby better serving the public.
- ◆ Construction and operational Best Management Practices (BMPs) will be identified, installed and maintained in order to prevent silt and other pollutants from entering jurisdictional waters and wetlands thereby degrading or destroying wildlife and/or natural habitat. BMPs may include straw bales and/or mats, temporary sedimentation basins, silt fence, sand bag check dams, dry season construction, etc.
- ◆ Native soils in construction areas will be removed, stockpiled separately, and replaced in those areas where onsite revegetation of the native habitat is planned.
- ◆ Any disturbed natural areas will be replanted with appropriate native vegetation following the completion of construction activities.
- ◆ During the individual improvement project design phase, impacts to jurisdictional waters and wetlands will be minimized to the greatest extent feasible.
- ◆ Project proponents will obtain and comply with appropriate regulatory requirements prior to construction.

#### Significance After Mitigation

These mitigation measures would require individual improvement project proponents to avoid or mitigate impacts to sensitive habitats, including jurisdictional waters and wetlands. However, due to the size and

potentially large number of resources that could be disturbed as a result of the Project, impacts to these resources would remain a potentially significant impact at a regional level.

### **Impact 3.4.2 – Direct Impacts on Rare, Threatened, or Endangered Plant & Wildlife Species**

The Investment Plan includes projects that may result in direct impacts to plant and wildlife species including rare, threatened and/or endangered species during construction and operation of the proposed transportation facilities through the removal of native habitat.

#### **Mitigation Measures**

All mitigation measures will be included in subsequent project-level environmental analysis, as appropriate. The individual improvement project proponent or local jurisdiction will be responsible for compliance with the mitigation measures during all phases of construction as appropriate. MCTC will be provided with documentation indicating compliance with mitigation measures.

- ◆ Each proposed individual improvement project will consider the displacement of sensitive habitat and sensitive species during the individual improvement project design phase.
- ◆ Focused sensitive plant and wildlife species surveys will be conducted within suitable habitat to determine the distribution of sensitive species within the biological impact area of the proposed individual improvement project. Sensitive plant surveys will be conducted during the appropriate flowering season for sensitive plant species with the potential to occur within the individual improvement project area.
- ◆ If sensitive plant or wildlife species are identified within the biological impact area, a Biological Resource Management Plan (BRMP) will be developed to address appropriate avoidance and minimization measures. These measures may include seed collection and salvage measures for sensitive plant species, silt fencing, exclusion fencing and/or appropriate compensation where impacts cannot be fully avoided.
- ◆ Locations of sensitive species and sensitive habitats will be mapped and shown on construction drawings and identified as Environmentally Sensitive Areas (ESAs). Prior to construction, these areas will be flagged and/or fenced to prevent unnecessary impacts from machinery and foot traffic.
- ◆ Temporary access roads and staging areas will not be located within areas containing sensitive plant or wildlife species wherever feasible, so as to avoid or minimize impacts to these species.
- ◆ Construction activities will be scheduled, as appropriate and feasible, to avoid sensitive times that have a greater likelihood to affect significant resources such as spawning periods for fish, nesting season for birds and/or the rainy season for riparian habitat and sediment/erosion control.
- ◆ All vegetation (including tall grasses) will be removed between August 16 and February 14, if possible, to avoid potential conflicts with nesting birds. If it is not possible to remove vegetation during that time frame, a nest clearance survey will be completed prior to vegetation clearing. Any detected nests will be mapped and provided with an appropriate buffer as recommended by a qualified biologist. Construction activities within the buffer area will not be allowed until after September 15 or until fledglings have abandon the nest.

### Significance After Mitigation

This impact would likely be significant if the proposed individual improvement project occurs within or near known populations of sensitive plant and wildlife species, or within designated critical habitat for federal or state listed species. These mitigation measures would require individual improvement project proponents to avoid or mitigate impacts to sensitive plant and wildlife species. However, due to the size and potentially large number of resources that could be disturbed as a result of the Project, impacts to these resources would remain a potentially significant impact at a regional level.

#### Impact 3.4.3 – Impacts on Rare, Threatened, or Endangered Species from Project Noise, Lighting and Deterrents

The Project may result in indirect impacts to plant and wildlife species including rare, threatened and/or endangered species during the construction and operation through edge effects such as noise, lighting and visual deterrents.

#### Mitigation Measures

All mitigation measures will be included in subsequent project-level environmental analysis as appropriate. The individual improvement project proponent or local jurisdiction will be responsible for compliance with the mitigation measures during all phases of construction as appropriate. MCTC will be provided with documentation indicating compliance with mitigation measures.

- ◆ The height, spacing, number and type of light fixtures will be selected and installed to minimize intrusive light escaping from the physical boundaries of the site.
- ◆ Road noise minimization methods such as native brush and tree planting adjacent to heavy noise producing transportation facilities or will be incorporated where feasible.

### Significance After Mitigation

This impact would likely be significant if the proposed individual improvement project occurs within or near known populations of sensitive plant and wildlife species, or within designated critical habitat for federal or state listed species. These mitigation measures would require individual improvement project proponents to avoid or mitigate impacts to sensitive plant and wildlife species. However, due to the size and potentially large number of resources that could be disturbed as a result of the Project, impacts to these resources would remain potentially significant at a regional level.

#### Impact 3.4.4 - Temporary and Permanent Impacts to Terrestrial and Aquatic Wildlife Movement

The Project would result in temporary and permanent impacts to terrestrial and aquatic wildlife movement. The linear nature of transportation projects increases the potential extent and significance of impacts to wildlife movement. Transportation facilities pose barriers to wildlife crossings that may result in injury or death of wildlife attempting to traverse the facility. These barriers also result in fragmentation of natural habitat and increased impacts associated with edge effects from lighting, noise, human disturbance, exotic plant infestations, urban runoff, etc. Smaller fragments of habitat result in greater intensity of the edge effects. It is also important to maintain connections between populations of wildlife so that interbreeding, and/or that young have no ability to disperse to suitable habitats, does not occur. Impacts to wildlife movement would be greater along entirely new transportation facilities than with improvements to existing facilities, because the existing facility has already formed a barrier, and the addition of new lanes for example, may only slightly increase the barrier effect.

### Mitigation Measures

All mitigation measures will be included in subsequent project-level environmental analysis as appropriate. The individual improvement project proponent or local jurisdiction will be responsible for compliance with the mitigation measures during all phases of construction as appropriate. MCTC will be provided with documentation indicating compliance with mitigation measures.

- ◆ During final design, implementing agencies will design, construct, and maintain terrestrial wildlife crossings in order to minimize barrier effects and habitat fragmentation created by the individual improvement project.
- ◆ During final design, implementing agencies will design, construct, and maintain any structure/culvert placed within a stream where endangered or threatened fish occur/may occur. The structure/culvert will not constitute a barrier to upstream or downstream movement of aquatic life, or cause an avoidance reaction by fish that impedes their upstream or downstream movement. This includes, but is not limited to, the supply of water at an appropriate depth for fish migration.

### Significance After Mitigation

These mitigation measures would require individual improvement project proponents to avoid or mitigate impacts to wildlife movement. However, due to the size and potentially large number of movement corridors that could be disturbed as a result of the Project, impacts to these resources would remain potentially significant at a regional level.

### Impact 3.4.5 – Conflicts with an Adopted Habitat Conservation Plan

The Project could potentially conflict with an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Planning (NCCP) program or other approved local, regional or state HCP.

### Mitigation Measure

All mitigation measures will be included in subsequent project-level environmental analysis as appropriate. The individual improvement project proponent or local jurisdiction will be responsible for compliance with the mitigation measures during all phases of construction as appropriate. MCTC will be provided with documentation indicating compliance with mitigation measures.

- ◆ Construction and operation of the proposed individual improvement project will comply with the requirements of all adopted HCPs and other preserved areas.

### Significance After Mitigation

With the incorporation of the mitigation measure listed above, this impact would be less than significant.

### Finding

MCTC finds that these measures are within the responsibility and jurisdiction of public agencies responsible for implementing transportation projects and programs in the Proposed Plan Alternative, and not MCTC; these measures will be or should be adopted by such other agencies.

**Facts in Support of Findings:**

a) Although these mitigation measures will reduce the significance of the identified impact, the implementation of the mitigation measures relies upon the efforts of other agencies, namely project sponsors (lead agency) who will be responsible for complying with CEQA and NEPA, if applicable, for the individual projects contained in the Investment Plan and RTP. To the extent feasible, MCTC will require that the lead agency for each specific project adopts the relevant mitigation measures set forth in this EIR; however, because reduction of the identified impact relies on the actions of the implementing agencies, MCTC finds that the impact might not be mitigated to below a level of significance.

b) Project-level environmental review will determine whether impacts can be mitigated to a less-than-significant level. The use of the Final Program Environmental Impact Report on the Final Investment Plan and RTP by project sponsors in preparing environmental documents on specific projects will help ensure that mitigation measures will be implemented.

## Cultural Resources

### Impact 3.5.1 – Impacts on Historic Resources

Development of highway, arterial, bridge crossing and transit projects may impact historic resources. This would be considered a significant impact. Types of projects that have the potential to impact historic resources include highway projects and bridge crossings that entail the development of new lanes and in some instances acquisition of new right-of-ways, and arterials and interchange projects, which entail the development of new lanes, and right-of-way acquisition.

### Mitigation Measures

All mitigation measures will be included in project-level analysis, as appropriate. The individual improvement project proponent or local jurisdiction will be responsible for ensuring adherence to the mitigation measures prior to construction. MCTC will be provided with documentation indicating compliance with mitigation measures.

- ◆ As part of the appropriate environmental review of individual projects, the project implementation agencies will identify potential impacts to historic resources. A record search at the appropriate Information Center will be conducted to determine whether the individual improvement project area has been previously surveyed and whether resources were identified.
- ◆ As necessary, prior to construction activities, the project implementation agencies will obtain a qualified architectural historian to conduct historic architectural surveys as recommended by the Archaeological Information Center. In the event the records indicate that no previous survey has been conducted, the Information Center will make a recommendation on whether a survey is warranted based on the sensitivity of the individual improvement project area for cultural resources.
- ◆ The project implementation agencies will comply with Section 106 of the National Historic Preservation Act if federal funding or approval is required. This law requires federal agencies to evaluate the impact of their actions on resources included in or eligible for listing in the National Register of Historic Places. Federal agencies must coordinate with the State Historic Preservation Officer in evaluating impacts and developing mitigation. These mitigation measure may include, but are not limited to the following:
  - The project implementation agencies will carry out the maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation, relocation, or reconstruction of any impacted historic resource, which will be conducted in a manner consistent with the Secretary of the Interior's Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings.
- ◆ In some instances, the following mitigation measure may be appropriate in lieu of the previous mitigation measure:
  - The project implementation agencies will secure a qualified environmental agency and/or architectural historian, or other such qualified person to document any significant historical resource(s), by way of historic narrative, photographs, or architectural drawings, as mitigation for the effects of demolition of a resource will not mitigate the effects to a point where clearly no significant effect on the environment would occur.

### Significance After Mitigation

This impact is considered less than significant after mitigation, because the recommended mitigation would require the local jurisdiction to follow a comprehensive procedure to assess the magnitude of the impact, and to avoid or mitigate the impacts, if necessary.

### Impact 3.5.2 – Construction Impacts on Archaeological Resources

Construction activities involving excavation and earthmoving may encounter archaeological resources. This would be considered a significant impact. The OHP defines an archaeological “site” as consisting of three or more related resources discovered in one locality. In the event of archaeological and paleontological discovery, the resources are collected, documented and curated at an educational institution, such as a school or a museum. The curation facility is usually appropriated by the landowner or lead agency. A unique archaeological resource includes artifacts or sites in which it can be demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any one or all of the following criteria:

- ◆ It has made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States.
- ◆ It is associated with the lives of persons important to California’s past.
- ◆ It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- ◆ It has yielded, or may be likely to yield, information important to the prehistory or history of California.

The Project includes new streets, roads and highways, street, road and highway widening (for wider lanes, shoulders or new lanes), new transit facilities, grade crossings, consolidated rail corridors, bridge projects and a number of interchanges. These types of projects have the potential to impact archaeological materials, because they could take place in previously undisturbed areas. Excavation and soil removal of any kind, irrespective of depth, has the potential to yield resources of archaeological significance. Improvements and modifications to existing rights-of-way and right-of-way maintenance (such as pothole repair), would have less of an impact to archaeological resources because these individual improvement project locations have previously been disturbed. However, construction of additional lanes, would potentially impact archaeological materials, if it would entail brush clearing, grading, trenching, excavation, and/or soil removal of any kind, in an area not previously used as a paved transportation facility.

### Mitigation Measures

All mitigation measures will be included in project-level analysis, as appropriate. The individual improvement project proponent or local jurisdiction will be responsible for ensuring adherence to the mitigation measures prior to construction. MCTC will be provided with documentation indicating compliance with mitigation measures.

Implementation of the following mitigation measures for archaeological resources is recommended to reduce impacts to a less than significant level. Project proponents will implement the following measures as part of the individual improvement project review process for proposed transportation projects:

- ◆ As part of the appropriate environmental review of individual projects, the project implementation agencies will consult with the Native American Heritage Commission to determine whether known sacred sites are in the project area, and identify the Native American(s) to contact to obtain information about the individual improvement project site.
- ◆ Prior to construction activities, the project implementation agencies will obtain a qualified archaeologist to conduct a record search at the appropriate Information Center of the California Archaeological Inventory to determine whether the individual improvement project area has been previously surveyed and whether resources were identified.
- ◆ As necessary prior to construction activities, the project implementation agencies will obtain a qualified archaeologist or architectural historian (depending on applicability) to conduct archaeological and/or historic architectural surveys as recommended by the Information Center. In the event the records indicate that no previous survey has been conducted, the Information Center will make a recommendation on whether a survey is warranted based on the sensitivity of the individual improvement project area for cultural resources.
- ◆ If the record search indicates that the individual improvement project is located in an area rich with cultural materials, the individual improvement project proponent will retain a qualified archaeologist to monitor any subsurface operations, including but not limited to grading, excavation, trenching, or removal of existing features of the subject property.
- ◆ Construction activities and excavation will be conducted to avoid cultural resources (if found). If avoidance is not feasible, further work may need to be done to determine the importance of a resource. The project implementation agencies will obtain a qualified archaeologist familiar with the local archaeology, and/or an architectural historian should make recommendations regarding the work necessary to determine importance. If the cultural resource is determined to be important under state or federal guidelines, impacts on the cultural resource will be mitigated.
- ◆ The project implementation agencies will stop construction activities and excavation in the area where cultural resources are found until a qualified archaeologist can determine the importance of these resources.

### **Significance After Mitigation**

The recommended mitigation would require individual improvement project proponents to follow a comprehensive procedure to assess the magnitude of the impact, and to avoid or mitigate the impacts, if necessary. However, due to the size and potentially large number of archaeological sites that could be disturbed as a result of the combined projects, this impact would remain a potentially significant impact to archaeological resources at a regional level.

### **Impact 3.5.3 – Construction Impacts on Paleontological Resources**

Construction activities involving excavation and earthmoving may encounter paleontological materials. This is a significant impact. Construction of projects may cause unearthing of buried paleontological resources, such as true fossils, fossil casts, and breas. Construction occurring in previously undisturbed areas and deep excavation activities would have the greatest likelihood to affect paleontological resources. Improvements proposed in existing rights-of-way would have less potential to affect paleontological resources, since these areas have been previously disturbed. However, excavation and soil removal of any

kind, irrespective of depth, has the potential to yield resources of paleontological significance. Fossils can be found at the surface in an outcrop, whereby chances are that same formation may extend many feet straight down into the ground, and may well extend for miles just below the surface. This makes the task of predicting which areas are paleontologically sensitive difficult. Construction and excavating activities relating to this Project pose a significant impact to paleontological materials.

### Mitigation Measures

All mitigation measures will be included in project-level analysis, as appropriate. The individual improvement project proponent or local jurisdiction will be responsible for ensuring adherence to the mitigation measures prior to construction. MCTC will be provided with documentation indicating compliance with mitigation measures. Project proponents in the Madera region will implement the following measures as part of the review process for proposed transportation projects:

- ◆ As part of the appropriate environmental review of individual projects, the project implementation agencies will obtain a qualified paleontologist to identify and evaluate paleontological resources where potential impacts are considered high; the paleontologist will also conduct a field survey in these areas.
- ◆ Construction activities will avoid known paleontological resources, especially if the resources in a particular lithic unit formation have been determined through detailed investigation to be unique. If avoidance is not feasible, paleontological resources will be excavated by the qualified paleontologist and given to a local agency, State University, or other applicable institution, where they can be displayed.

### Significance After Mitigation

The measures recommended above require the individual improvement project proponents to assess the magnitude of the impact to resources, and to avoid or mitigate impacts. However, due to the size and potentially large number of paleontological localities that could be disturbed as a result of the combined projects, this impact would remain a potentially significant impact at a regional level.

### Impact 3.5.4 – Impacts on Human Remains

Construction activities involving excavation and earthmoving may encounter human remains. This is a significant impact.

Humans have occupied Madera County for at least 10,000 years, and it is not always possible to predict where human remains may occur outside of formal burials. Therefore, it is likely that excavation and construction activities, regardless of depth, may yield human remains that may not be interred in marked, formal burials. Construction and excavation activities associated with this Project are considered to potentially yield a significant impact relative to the discovery of human remains. Under CEQA, human remains are protected under the definition of archaeological materials as being “any evidence of human activity”. Human remains are also protected under the Native American Graves and Repatriation Act (NAGPRA) of 1990, which was enacted to provide for the protection of Native American graves, as well as culturally affiliated items, associated funerary objects, unassociated funerary objects, sacred objects, and objects of cultural patrimony. NAGPRA states the following:

- ◆ A burial site means any natural or prepared physical location, whether originally below, on, or above the surface of the earth, into which as part of the death rite or ceremony of a culture, individual remains are deposited.

As previously stated, the Project includes new highways, highway widening, new transit facilities, grade crossings, rail corridors, bridge crossings and interchanges. These activities all have a potential to yield previously undiscovered human remains, because they could take place in previously undisturbed or under-disturbed areas. Excavation and soil removal of any kind, irrespective of depth, has the potential to yield human remains. Improvements and modifications to existing rights-of-way would have less of an impact because these individual improvement project locations have previously been disturbed. However, construction of additional lanes, could potentially impact human remains, if it would entail brush clearing, grading, trenching, excavation, and soil removal of any kind, in an area not previously used as a paved transportation facility.

### Mitigation Measures

All mitigation measures will be included in project-level analysis, as appropriate. The individual improvement project proponent or local jurisdiction will be responsible for ensuring adherence to the mitigation measures prior to construction. MCTC will be provided with documentation indicating compliance with mitigation measures.

As part of the appropriate environmental review of individual projects, the project implementation agencies, in the event of discovery or recognition of any human remains, during construction or excavation activities associated with the individual improvement project, in any location other than a dedicated cemetery, will cease further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of the county in which the remains are discovered has been informed and has determined that no investigation of the cause of death is required

- ◆ If the remains are of Native American origin, the coroner will contact the Native American Heritage Commission in order to ascertain the proper descendants from the deceased individual. The coroner will make a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods, which may include obtaining a qualified archaeologist or team of archaeologists to properly excavate the human remains.
- ◆ If the Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission, in which case:
  - The landowner or his authorized representative will obtain a Native American monitor, and an archaeologist, if recommended by the Native American monitor, and rebury the Native American human remains and any associated grave goods, with appropriate dignity, on the property and in a location that is not subject to further subsurface disturbance where the following conditions occur:
    - The Native American Heritage Commission is unable to identify a descendent.
    - The descendant identified fails to make a recommendation.
    - The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

### Significance After Mitigation

This impact is considered less than significant after mitigation, because the recommended mitigation would require the individual improvement project proponent to follow a comprehensive procedure to assess the magnitude of the impact, and to avoid or mitigate the impacts, if necessary.

### Finding

MCTC finds that these measures are within the responsibility and jurisdiction of public agencies responsible for implementing transportation projects and programs in the Proposed Plan Alternative, and not MCTC; these measures will be or should be adopted by such other agencies.

### **Facts in Support of Findings:**

a) Although these mitigation measures will reduce the significance of the identified impact, the implementation of the mitigation measures relies upon the efforts of other agencies, namely project sponsors (lead agency) who will be responsible for complying with CEQA and NEPA, if applicable, for the individual projects contained in the Investment Plan and RTP. To the extent feasible, MCTC will require that the lead agency for each specific project adopts the relevant mitigation measures set forth in this EIR; however, because reduction of the identified impact relies on the actions of the implementing agencies, MCTC finds that the impact might not be mitigated to below a level of significance.

b) Project-level environmental review will determine whether impacts can be mitigated to a less-than-significant level. The use of the Final Program Environmental Impact Report on the Final Investment Plan and RTP by project sponsors in preparing environmental documents on specific projects will help ensure that mitigation measures will be implemented.

## Geology/Soils

### Impact 3.6.1 – Damaged transportation Infrastructure from Seismic Activity

Seismic events can damage transportation infrastructure through ground shaking, liquefaction, surface rupture and land sliding.

Property and public safety from seismic activity would be considered a significant impact in some cases.

#### Mitigation Measures

- ◆ Project structures will be built by responsible agencies to the seismic standards contained in the most recent edition of the Uniform Building Code (UBC).
- ◆ Implementing agencies will ensure that improvement projects located within or across active fault zones comply with design requirements, published by the CGS, as well as local, regional, state, and federal design criteria for construction of projects in seismic areas.
- ◆ The project implementing agencies will guarantee that geotechnical analysis is conducted within construction areas to establish soil types and local faulting prior to individual improvement project design preparation.

### Significance After Mitigation

Implementation and monitoring of the above mitigation measures will provide the framework and direction for subsequent project-specific mitigation designed to avoid or reduce the identified significant Project impacts to a less than significant level.

### Impact 3.6.2 – Slope Failure and Erosion Due to Project Construction

Some improvement projects require significant earthwork, increasing potential slope failure and long-term erosion. Earthwork can also alter unique geologic features. Individual improvement project impacts would be considered significant in some cases.

Several improvement projects would involve substantial construction of new highway segments within previously undisturbed areas. Some of these projects could require significant earthwork or cuts into hillsides, which can become unstable over time. Road cuts can expose soils to erosion over the life of the Project, creating potential landslide and falling rock hazards. Engineered roadways can be undercut over time by storm water drainage and wind erosion. Some areas would be more susceptible to erosion than others due to the naturally occurring soils with high erosion potential. Other improvement projects on steep grades or winding mountain passes would pose the greatest potential impacts. Notwithstanding natural soil types, engineered soils can also erode due to poor construction methods and design features or lack of maintenance. Appropriate construction methods, earthwork design, and road cut design can reduce this potential impact to less than significant levels.

New roadways can also permanently alter unique geologic features, particularly in canyons, coastlines, and mountain passes. However, most of the improvement projects would occur in urbanized portions of the region or in existing transportation corridors. Nonetheless, new lanes may require earthwork that would affect existing natural geologic features.

### Mitigation Measures

- ◆ The project implementing agencies will ensure that individual improvement project designs provide adequate slope drainage and appropriate landscaping to minimize the occurrence of slope instability and erosion.
- ◆ Design features will include measures to reduce erosion from storm water.
- ◆ Road cuts will be designed to maximize the potential for revegetation.
- ◆ Implementing agencies will ensure that projects avoid landslide areas and potentially unstable slopes wherever feasible.
- ◆ Where practicable, routes and individual improvement project designs that would permanently alter unique geologic features will be avoided.

### Significance After Mitigation

Given the topography, ecology and meteorology of Madera County, long-term erosion and the potential for slope-failure will remain significant.

### Impact 3.6.3 - Subsidence and the Presence of Expansive Soils

Local geology can affect transportation infrastructure. Potentially significant impacts to property and public safety could occur due to subsidence and the presence of expansive soils. Mitigation measures would reduce these impacts to less than significant levels.

Subsidence has historically occurred within Madera County due to groundwater overdraft and petroleum extraction. Unconsolidated soils containing petroleum or groundwater often compress when the liquids are removed, causing the surface elevation to decrease. Improperly abandoned oil wells or underground hard rock mining can also cause localized subsidence.

Subsidence can also occur in areas with unconsolidated soils that have not historically shown elevation changes. Transportation infrastructure designs must include appropriate reinforcement to minimize potential impacts from subsidence in areas where such activity has not been witnessed. In addition, soils with high percentages of clay can expand when wet, causing structural damage to surface improvements. These clay soils can occur in localized areas throughout Madera County, making it necessary to survey individual improvement project areas extensively prior to construction. Each new improvement project location would have the potential to contain expansive soils, although they are more likely to be encountered in lower drainage basin areas. Expansive soils are generally removed during foundation work to avoid structural damage. Many of the improvement projects would occur within existing transportation corridors, where expansive soils may be expected to have already been removed.

### Mitigation Measures

- ◆ Implementing agencies will ensure that geotechnical investigations are conducted by a qualified geologist to identify the potential for subsidence and expansive soils.

- ◆ Recommended corrective measures, such as structural reinforcement and replacing soil with engineered fill, will be implemented in individual improvement project designs.
- ◆ Implementing agencies will ensure that, prior to preparing individual improvement project designs, new and abandoned wells are identified within construction areas to ensure the stability of nearby soils.

#### **Impact 3.6.4 – Susceptibility to Seismic Action**

Because of Madera County's moderately high level of seismic activity (reference Figure 3-6), construction projects may be susceptible to fault rupture and severe ground shaking. Project susceptibility and potential damage to structures resulting from seismic action is considered a significant impact.

#### **Mitigation Measure**

- ◆ Project structures will be constructed by responsible agencies to the seismic standards contained in the most recent edition of the Uniform Building Code (UBC).

#### **Significance After Mitigation**

Implementation and monitoring of the above mitigation measure will provide the framework and direction for subsequent project-specific mitigation designed to avoid or reduce the identified significant Project impacts to a less than significant level.

#### **Impact 3.6.5 – Geotechnical Impacts**

As discussed in the Environmental Setting Section, soil types and bedrock formations within Madera County range widely in terms of their potential for geologic hazards. Although the scope of study performed for this EIR evaluation did not include a determination for project-specific liquefaction or seismic settlement potential, it is possible that liquefiable soils or soils susceptible to seismic compaction during ground shaking exist within areas of planned transportation improvement projects. This is a potentially significant impact, which will require analysis as part of subsequent project-specific environmental review.

In addition, individual transportation project construction will require removal of vegetative cover and exposure of site soils to wind and surface water runoff. High erosion rates are typical of disturbed sites. Because of the high erosion potential of some categories of soils, risk of erosion is considered a significant impact.

Implementation of proposed Project could potentially have short-term and long-term effects on water quality downstream from specific project sites. The short-term impacts relate to the grading and construction phases of project implementation that may cause erosion, while the long-term impacts may result from increased runoff flows from larger areas of asphalt.

#### **Mitigation Measures**

- ◆ Improvement projects with significant cuts or fill should include a geotechnical investigation to identify adverse soil conditions and develop recommendations for design and construction that would limit the effects of adverse soil and bedrock conditions.

- ◆ Cut and fill plans will be prepared for all improvement projects where cut and fill will be reburied, so that all fill materials are properly designed, placed, and compacted.
- ◆ Preparation of a detailed erosion control plan will be prepared to limit the effects of soil erosion and water degradation during improvement project construction, in accordance with permit conditions and requirements of the State Water Resources Control Board's Best Management Practices (BMPs), or equally effective measures will be employed.

### Significance After Mitigation

Given the topography, ecology and meteorology of Madera County, long-term erosion and the potential for slope-failure will remain significant.

### Impact 3.6.6 – Impacts on State-Owned and State Minerals Reserved Lands

Some street and highway projects may be proposed along alignments that will affect State-owned and State minerals reserved lands.

### Mitigation Measure

- ◆ Where possible, improvement projects will be designed by responsible agencies to limit potential impacts on State-owned or State mineral-reserved lands.

### Significance After Mitigation

Given the extent of State-owned and State mineral-reserved lands within Madera County, the Project has the potential of causing significant impacts even with specific-project design. As a result, the impact will remain significant.

### Finding

MCTC finds that these measures are within the responsibility and jurisdiction of public agencies responsible for implementing transportation projects and programs in the Proposed Plan Alternative, and not MCTC; these measures will be or should be adopted by such other agencies.

### **Facts in Support of Findings:**

a) Although these mitigation measures will reduce the significance of the identified impact, the implementation of the mitigation measures relies upon the efforts of other agencies, namely project sponsors (lead agency) who will be responsible for complying with CEQA and NEPA, if applicable, for the individual projects contained in the Investment Plan and RTP. To the extent feasible, MCTC will require that the lead agency for each specific project adopts the relevant mitigation measures set forth in this EIR; however, because reduction of the identified impact relies on the actions of the implementing agencies, MCTC finds that the impact might not be mitigated to below a level of significance.

b) Project-level environmental review will determine whether impacts can be mitigated to a less-than-significant level. The use of the Final Program Environmental Impact Report on the Final Investment Plan and RTP by project sponsors in preparing environmental documents on specific projects will help ensure that mitigation measures will be implemented.

## Hazards/Hazardous Materials

### Impact 3.7.1- Hazardous Solvent and Architectural Coatings

Construction and maintenance activities associated with the implementation of the Expenditure Plan could potentially result in solvent and architectural coating activities that may be considered hazardous if not used, stored, or disposed of properly. Any excesses in these materials, which exist upon completion of transportation projects in the Investment Plan could be considered hazardous materials or wastes that may need to be disposed of properly. This is a potential impact. However, these left over materials can likely be stored properly and used for other transportation projects or purposes. Such use or reuse would reduce the amount of excess materials that would require disposal. In addition, steps can be taken to minimize the risk associated with handling hazardous materials in the process of transportation facility construction. Therefore, the potential impact is considered less than significant and no mitigation is required.

#### Mitigation Measures

Not applicable.

#### Significance After Mitigation

Less than significant.

### Impact 3.7.2 – Decreased Safety Risks

Implementation of the Investment Plan could potentially result in decreased safety risks as a result of enhanced hazardous materials transport options.

The Project could result in one of two outcomes where the transport of hazardous material is concerned:

- ◆ It is likely that potential routes for the transport of hazardous materials will become safer due to proposed improvements in the Investment Plan. Hazardous materials are generally transported along the regional roadway network. Exceptions include gasoline and other fuels, which are often transported to their destinations along on local streets and roads. The Investment Plan includes congestion reduction measures to improve transportation facilities in a number of corridors throughout the County. This is considered a potential beneficial effect, because these facilities could become safer due to reduced congestion levels resulting in fewer accidents.
- ◆ Congestion is projected to decrease in 20 years as a result of the proposed Project improvements. The Plan indicates that congestion under the Investment Plan is expected to decrease compared to the No Project and No Build Alternatives. This is considered a potential beneficial effect, because the decrease in congestion could contribute to reductions in accident rates, including those corridors where no transportation improvement projects are proposed.

#### Mitigation Measures

Beneficial impact. No mitigation needed.

#### Significance After Mitigation

Less than significant.

**Finding**

MCTC finds that these measures are within the responsibility and jurisdiction of public agencies responsible for implementing transportation projects and programs in the Proposed Plan Alternative, and not MCTC; these measures will be or should be adopted by such other agencies.

Project-level environmental review can be mitigated to a less-than-significant level. The use of the Final Program Environmental Impact Report on the Final Investment Plan and RTP by project sponsors in preparing environmental documents on specific projects will help ensure that mitigation measures will be implemented

## Hydrology/Water Quality

### Impact 3.8.1 – Impacts on Water Quality

Local surface water quality would be affected by increased urban runoff and construction runoff. Increasing impervious surface area would increase urban runoff, which transports greater quantities of contaminants to receiving waters. Construction activities can increase pollutant loads in storm water. In addition, road cut erosion can increase long-term siltation in local receiving waters.

#### Mitigation Measure

- ◆ Improvement projects along existing facilities will include upgrades to storm water drainage facilities to accommodate increased runoff volumes. These upgrades may include the construction of detention basins or structures that will delay peak flows and reduce velocity.

#### Significance After Mitigation

Implementation and monitoring of the above mitigation measures will provide the framework and direction for subsequent project-specific mitigation designed to avoid or reduce the identified significant Project impacts to a less than a significant level.

### Impact 3.8.2 – Impacts on Groundwater

The installation of transportation infrastructure and expansion of Project facilities could encounter groundwater. Individual projects may require dewatering during construction and for the life of the Project.

#### Mitigation Measures

- ◆ Transportation network improvements will comply with local, state and federal floodplain regulations. Proposed transportation improvements will be engineered by responsible agencies to accommodate storm drainage flow.
- ◆ Responsible agencies should ensure that operational best management practices for street cleaning, litter control, and catch basin cleaning are provided to prevent water quality degradation. Responsible agencies implementing projects requiring continual water removal facilities should provide monitoring systems including long-term administrative procedures to ensure proper operations for the life of the Project.

#### Significance After Mitigation

Implementation and monitoring of the above mitigation measures will provide the framework and direction for subsequent project-specific mitigation designed to avoid or reduce the identified significant Project impacts to a less than a significant level.

### Impact: 3.8.3 – Increased Flood Hazards

The Project could increase flooding hazards. Installation of impervious surfaces increases storm water runoff volumes and peak flow rates. This can create flooding hazards in local receiving waters and drainage

systems. In addition, placing new structures within an existing floodplain can impede floodwaters, altering the flood elevations upstream and downstream.

### Mitigation Measures

- ◆ Prior to construction, and when a potential drainage issue is known, a drainage study should be conducted by responsible agencies for new capacity-increasing projects. Drainage systems should be designed to maximize the use of detention basins, vegetated areas, and velocity dissipaters to reduce peak flows where possible. Transportation improvements will comply with federal, state and local regulations regarding storm water management. State-owned freeways must comply with Storm Water Discharge NPDES permit for Caltrans facilities.
- ◆ Responsible agencies should ensure that new facilities include water quality control features such as drainage channels, detention basins, and vegetated buffers to prevent pollution of adjacent water resources by runoff.
- ◆ Letters of Map Revision (LOMR) will be prepared and submitted to FEMA (when applicable) by responsible agencies where construction would occur within 100-year floodplains. The LOMR will include revised local base flood elevations for projects constructed within flood-prone areas.

### Significance After Mitigation

Implementation and monitoring of the above mitigation measures will provide the framework and direction for subsequent project-specific mitigation designed to avoid or reduce the identified significant Project impacts to a less than a significant level.

### Impact: 3.8.4 - Impacts from Construction Runoff

Local surface water quality would be affected by increased urban runoff and construction runoff. Increasing impervious surface area would increase urban runoff, which transports greater quantities of contaminants to receiving waters. Construction activities can increase pollutant loads in storm water. In addition, road cut erosion can increase long-term siltation in local receiving waters.

### Mitigation Measure

- ◆ Improvement projects along existing facilities will include upgrades to storm water drainage facilities to accommodate increased runoff volumes. These upgrades may include the construction of detention basins or structures that will delay peak flows and reduce velocity.

### Significance After Mitigation

Implementation and monitoring of the above mitigation measures will provide the framework and direction for subsequent project-specific mitigation designed to avoid or reduce the identified significant Project impacts to a less than a significant level.

### Finding

MCTC finds that these measures are within the responsibility and jurisdiction of public agencies responsible for implementing transportation projects and programs in the Proposed Plan Alternative, and not MCTC; these measures will be or should be adopted by such other agencies.

### **Facts in Support of Findings:**

a) Although these mitigation measures will reduce the significance of the identified impact, the implementation of the mitigation measures relies upon the efforts of other agencies, namely project sponsors (lead agency) who will be responsible for complying with CEQA and NEPA, if applicable, for the individual projects contained in the Investment Plan and RTP. To the extent feasible, MCTC will require that the lead agency for each specific project adopts the relevant mitigation measures set forth in this EIR; however, because reduction of the identified impact relies on the actions of the implementing agencies, MCTC finds that the impact might not be mitigated to below a level of significance.

b) Project-level environmental review will determine whether impacts can be mitigated to a less-than-significant level. The use of the Final Program Environmental Impact Report on the Final Investment Plan and RTP by project sponsors in preparing environmental documents on specific projects will help ensure that mitigation measures will be implemented.

## Land Use/Planning

### Impact 3.9.1 - Land Use Impacts

Strategies aimed at addressing the transportation needs of future growth patterns were considered during development of the proposed Investment Plan. The document promotes alternatives to the automobile through enhanced funding (beyond that identified in the 2004 RTP) for transit and other alternative modes of transportation such as bicycle facilities, trails, airport improvements, and others. Implementation of strategies proposed in the Investment Plan could result in positive changes to land uses. This would be considered a beneficial impact.

Implementation of transit improvements included in the Plan could influence land use patterns throughout the region. Land use and transportation policies are emphasized in the 2004 RTP in order to address automobile traffic and air quality concerns. Design features, such as improved street connectivity, public amenities, and a concentration of residences and jobs in proximity to transit routes could be incorporated into mixed-use developments; therefore, addressing automobile traffic and air quality concerns. Implementation of enhanced alternative modes as provided by the Investment Plan could result in more balanced land use conditions throughout the region, as the mixed-use developments would result in a concentration of jobs and residences in close proximity to one another.

While the Investment Plan is likely to result in a positive outcome related to supportive land use conditions for alternative forms of transportation such as transit, other projects in the Investment Plan could have significant impacts on land use patterns, potentially causing land use growth and development to occur in areas not previously envisioned for growth and development. This impact could be especially significant on agricultural land uses within the County.

### Mitigation Measures

The impact on significant agricultural resources will be evaluated as part of the appropriate improvement project-specific environmental review. Mitigation measures will be identified to minimize impacts. Implementation agencies will be responsible for ensuring adherence to the mitigation measures prior to construction. MCTC will be provided with documentation indicating compliance with all mitigation measures.

- ◆ Individual projects will be consistent with local land use plans and policies that designate areas for urban land use and preserve agricultural lands that support the economic viability of agricultural activities.
- ◆ Prior to final approval of each individual improvement project, the implementing agency will conduct the appropriate project-specific environmental review, including consideration of potential land use impacts.

### Significance After Mitigation

While implementation and monitoring of the above mitigation measures will provide the framework and direction for subsequent project-specific mitigation designed to avoid or reduce the identified significant Project impacts, it is probable that such impacts will remain significant and unavoidable.

### Impact 3.9.2 – Impacts on Sensitive Receptors

There are many sensitive receptors (residences, educational facilities, medical facilities, and places of worship) located in the urban and rural areas of the County. These receptors may be sensitive to noise, vibration, air pollutants, and other conditions that impact our environment. Sensitive receptors located in the vicinities of proposed improvement projects could be impacted by construction and implementation of the proposed highway, arterial and transit projects due to noise, dust, vibration, etc. This would be considered a potentially significant impact.

Construction of new parkways and connectors, widening of existing highways and the construction of new interchanges are some of the highway and arterial projects. However, many other types of transportation projects would not involve construction activities. Many proposed public transit projects involve service alterations along existing streets, highways, and rail lines. These possible impacts would depend on several factors such as the type of Proposed for the area, projected land use designation of the area, and duration of proposed construction activities.

Generally, proposed projects are of the following two types:

- ◆ *New Systems* (new highway and transit facilities).
- ◆ *Modifications to Existing Systems* (widening roads, addition of carpool lanes, grade crossings, intelligent transportation systems, maintenance, and service alterations).

### Mitigation Measures

Impacts to sensitive receptors will be evaluated as part of the appropriate project-specific environmental review, and mitigation measures will be identified to minimize impacts. Implementation agencies will be responsible for ensuring adherence to the mitigation measures prior to construction. MCTC will be provided with documentation indicating compliance with all mitigation measures.

- ◆ Prior to commencing construction activities on individual projects, project implementation agencies will comply with applicable federal, state and applicable city and county land use plans, policies, and regulations.
- ◆ Prior to commencing construction activities with individual projects, project implementation agencies will obtain necessary local permits and meet conditions for approval from applicable cities and counties.
- ◆ Prior to final approval of each individual improvement project, the implementing agency will conduct the appropriate project-specific environmental review, including consideration of potential land use impacts.
- ◆ Potential significant impacts to land uses will be mitigated.

### Significance After Mitigation

This impact would remain significant and unavoidable because of the large number of individual projects that may potentially affect sensitive receptors.

### **Impact 3.9.3 – Loss of Open Space and Community Recreation Areas**

Construction and implementation of projects would result in the loss of open space and community recreation areas. This would be considered a potentially significant impact. Pockets of open space vary in size and location throughout the County and within the cities. Open space land uses include agricultural areas, public parks, recreational facilities, and areas planned for such uses.

The Project includes highway, arterial and transit projects proposed to be located in or adjacent to areas designated for open space. The potential for significant impacts to natural habitats and community recreation exists, since these projects may be constructed in areas that have habitat and recreational value. Development of Measure projects, combined with RTP projects and programs, could result in the disturbance or loss of open space and recreational resources. Specifically, new projects involving construction would be most likely to result in impacts to open space areas.

#### **Mitigation Measures**

The impact on open space and community recreation areas will be evaluated as part of the appropriate project-specific environmental review and mitigation measures will be identified to minimize impacts. Implementation agencies will be responsible for ensuring adherence to the mitigation measures prior to construction. MCTC will be provided with documentation indicating compliance with all mitigation measures.

- ◆ Project implementation agencies will ensure that projects are consistent with federal, state, and local plans that preserve open space and recreation.
- ◆ Project implementation agencies will identify open space and recreation areas that could be preserved and will include mitigation measures (such as dedication or payment of in-lieu fees) for the loss of open space.
- ◆ Prior to final approval of each individual improvement project, the implementing agency will conduct the appropriate project-specific environmental review, including consideration of loss of open space and recreation.
- ◆ Potential significant impacts to open space will be mitigated.
- ◆ For projects that require approval or funding by the U.S. Department of Transportation, project implementation agencies will comply with Section 4(f) of the U.S. Department of Transportation Act.

#### **Significance After Mitigation**

It is anticipated that implementation of the Project could potentially result in the loss or disturbance of open space; therefore, this impact would remain significant and unavoidable.

### **Impact 3.9.4 – Loss of Agricultural Resources**

Implementation of the proposed Investment Plan, combined with projects and programs included in the 2004 RTP, could potentially result in the disturbance or loss of significant agricultural resources throughout the Madera region. This would be considered a potentially significant impact. The County contains areas designated by the State as Prime Farmland, Unique Farmland, and Farmland of Statewide Importance. These areas are interspersed throughout urban areas or are located in undeveloped portions of the region.

Development of highway, arterial and transit projects proposed under the Investment Plan could potentially result in the disturbance or loss of some of these designated areas. Specifically, new projects involving construction would be most likely to result in impacts to these areas.

### Mitigation Measures

The impact on significant agricultural resources will be evaluated as part of the appropriate project-specific environmental review, and mitigation measures will be identified to minimize impacts. Implementation agencies will be responsible for ensuring adherence to the mitigation measures prior to construction. MCTC will be provided with documentation indicating compliance with all mitigation measures.

- ◆ Individual projects will be consistent with federal, state, and local policies that preserve agricultural lands and support the economic viability of agricultural activities, as well as policies that provide compensation for property owners if preservation is not feasible.
- ◆ For projects in agricultural areas, project implementation agencies will contact the California Department of Conservation and the County Agricultural Commissioner's office to identify the location of prime farmlands and lands that support crops considered valuable to the local or regional economy.
- ◆ Prior to final approval of each individual improvement project, the implementing agency will establish conservation easement programs to mitigate impacts to prime farmland.
- ◆ Prior to final approval of each individual improvement project, the implementing agency will avoid impacts to prime farmlands or farmlands that support crops considered valuable to the local or regional economy.
- ◆ Prior to final approval of each individual improvement project, the implementing agency will encourage enrollments of agricultural lands in the Williamson Act.

### Significance After Mitigation

It is anticipated that implementation of the Project could potentially result in the loss or disturbance of significant agricultural resources; therefore, this impact would be considered significant and unavoidable.

### Impact 3.9.5 – Inconsistency with Local Land Use Plans

The Project has the potential to conflict with applicable adopted local land use plans and policies.

Most of the projects submitted for inclusion in the Investment Plan, combined with projects and programs included in the 2004 RTP are developed through a local review process that involves local jurisdictions working with MCTC. For this reason, it is unlikely that any individual improvement project submitted would be inconsistent with a local jurisdiction's plan.

### Mitigation Measures

- ◆ No mitigation measures are necessary.

### Significance After Mitigation

Not applicable.

### Finding

MCTC finds that these measures are within the responsibility and jurisdiction of public agencies responsible for implementing transportation projects and programs in the Proposed Plan Alternative, and not MCTC; these measures will be or should be adopted by such other agencies.

### **Facts in Support of Findings:**

a) Although these mitigation measures will reduce the significance of the identified impact, the implementation of the mitigation measures relies upon the efforts of other agencies, namely project sponsors (lead agency) who will be responsible for complying with CEQA and NEPA, if applicable, for the individual projects contained in the Investment Plan and RTP. To the extent feasible, MCTC will require that the lead agency for each specific project adopts the relevant mitigation measures set forth in this EIR; however, because reduction of the identified impact relies on the actions of the implementing agencies, MCTC finds that the impact might not be mitigated to below a level of significance.

b) Project-level environmental review will determine whether impacts can be mitigated to a less-than-significant level. The use of the Final Program Environmental Impact Report on the Final Investment Plan and RTP by project sponsors in preparing environmental documents on specific projects will help ensure that mitigation measures will be implemented.

## Noise

### Impact 3.10.1 – Transportation Noise Impacts

Grading and construction activities associated with the proposed highway, arterial, and transit projects would intermittently and temporarily generate noise levels above ambient background levels. Noise levels in the immediate vicinity of the construction sites would increase substantially sometimes for extended durations. This would be considered a potentially significant impact.

Generally, proposed projects are of the following two types:

- ◆ *New Systems* (new highway, arterials, interchanges, bridge projects and transit facilities).
- ◆ *Modifications to Existing Systems* (widening roads, addition of carpool lanes, grade crossings, intelligent transportation systems, maintenance, and service alterations).

Construction activities associated with the Project would result in temporary noise increases at nearby sensitive receptors. Impacts to sensitive receptors resulting from these proposed projects would depend on several factors such as the type of individual improvement project proposed for the given area, land use of the given area, and duration of proposed construction activities. Additionally, construction noise levels would fluctuate depending on construction phase, equipment type, and duration of use; distance between noise source and receptor; and presence or absence of barriers between noise source and receptor. In general, sensitive receptors would be significantly impacted by projects involving new systems (new facilities, truck lanes, rail corridors, interchanges, underground rail lines). Specifically, sensitive receptors located in the vicinity of these projects would be significantly impacted by construction of the proposed improvement projects. Additionally, modification projects would result in short-term construction impacts to sensitive receptors.

### Mitigation Measures

As part of project-specific environmental review, a detailed evaluation of noise impacts will be undertaken. Project-specific mitigation measures will be identified, as necessary. All mitigation measures will be included in project-level analysis, as appropriate. The project implementing agency or local jurisdiction will be responsible for ensuring adherence to the mitigation measures prior to construction. MCTC will be provided with documentation indicating compliance with mitigation measures.

- ◆ Project implementing agencies will comply with all local sound control and noise level rules, regulations, and ordinances.
- ◆ Project implementing agencies will limit the hours of construction to between 6:00 a.m. and 8:00 p.m. on Monday through Friday and between 7:00 a.m. and 8:00 p.m. on weekends.
- ◆ Equipment and trucks used for construction will utilize the best available noise control techniques (including mufflers, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds) in order to minimize construction noise impacts.
- ◆ Impact equipment (e.g., jackhammers, pavement breakers, and rock drills) used for individual improvement project construction will be hydraulically or electrical powered wherever feasible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatically powered tools is unavoidable, an exhaust muffler on the compressed air exhaust be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on

the tools themselves will be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures will be used such as drilling rather than impact equipment whenever feasible.

- ◆ Project implementing agencies will ensure that stationary noise sources will be located as far from sensitive receptors as possible. If they must be located near existing receptors, they will be adequately muffled.
- ◆ The Project implementing agencies will designate a complaint coordinator responsible for responding to noise complaints received during the construction phase. The name and phone number of the complaint coordinator will be conspicuously posted at construction areas and on all advanced notifications. This person will be responsible for taking steps required to resolve complaints, including periodic noise monitoring, if necessary.
- ◆ Noise generated from any rock-crushing or screening operations performed within 3,000 feet of any occupied residence will be mitigated by the individual improvement project proponent by strategic placement of material stockpiles between the operation and the affected dwelling or by other means approved by the local jurisdiction.
- ◆ Project implementing agencies will direct contractors to implement appropriate additional noise mitigation measures including, but not limited to, changing the location of stationary construction equipment, shutting off idling equipment, rescheduling construction activity, notifying adjacent residents in advance of construction work, and installing acoustic barriers around stationary construction noise sources to comply with local noise control requirements.
- ◆ Project implementing agencies will implement use of portable barriers during construction of subsurface barriers, debris basins, and storm water drainage facilities.
- ◆ No pile-driving or blasting operations will be performed within 3,000 feet of an occupied residence on Sundays, legal holidays, or between the hours of 8:00 p.m. and 8:00 a.m. on other days. Any variance from this condition will be obtained from the individual improvement project proponent and must be approved by the local jurisdiction.
- ◆ Wherever possible, sonic or vibratory pile drivers will be used instead of impact pile drivers, (sonic pile drivers are only effective in some soils). If sonic or vibratory pile drivers are not feasible, acoustical enclosures will be provided as necessary to ensure that pile-driving noise does not exceed speech interference criterion at the closest sensitive receptor.
- ◆ In residential areas, pile driving will be limited to daytime working hours.
- ◆ Engine and pneumatic exhaust controls on pile drivers will be required as necessary to ensure that exhaust noise from pile driver engines are minimized to the extent feasible.
- ◆ Where feasible, pile holes will be pre-drilled to reduce potential noise and vibration impacts.

### Significance After Mitigation

It is anticipated that implementation of the Project could potentially result in significant noise impacts; therefore, this impact would be considered significant and unavoidable.

### Finding

MCTC finds that these measures are within the responsibility and jurisdiction of public agencies responsible for implementing transportation projects and programs in the Proposed Plan Alternative, and not MCTC; these measures will be or should be adopted by such other agencies.

### **Facts in Support of Findings:**

a) Although these mitigation measures will reduce the significance of the identified impact, the implementation of the mitigation measures relies upon the efforts of other agencies, namely project sponsors (lead agency) who will be responsible for complying with CEQA and NEPA, if applicable, for the individual projects contained in the Investment Plan and RTP. To the extent feasible, MCTC will require that the lead agency for each specific project adopts the relevant mitigation measures set forth in this EIR; however, because reduction of the identified impact relies on the actions of the implementing agencies, MCTC finds that the impact might not be mitigated to below a level of significance.

b) Project-level environmental review will determine whether impacts can be mitigated to a less-than-significant level. The use of the Final Program Environmental Impact Report on the Final Investment Plan and RTP by project sponsors in preparing environmental documents on specific projects will help ensure that mitigation measures will be implemented.

## Population/Housing

### Impact 3.11.1 – Impacts on Regional Growth and Dispersion

The Project could affect overall population, housing and employment growth and dispersion in the region from the predicted regional assumptions. Implementation of the proposed mitigation measures is expected to reduce this to a less than significant impact. The Project is a specific set of transportation improvements together with the long-range transportation plan developed to meet, among other goals, the long-term socioeconomic conditions of the region. One of the strategic issues is growth. Between the years, 2005 and 2030, residential population is expected to increase by less than 100 percent. The recent growth trends in housing, population, and jobs within the region are expected to continue.

Given the location of the region, its mild climate and existing population trends, growth in the region is inevitable. The Project provides for the anticipated transportation needs of projected growth. The Project is based on a projected population in the Madera region in 2030 of 281,300 people and associated employment. The MCTC projected population growth does not exceed the Department of Finance (DOF) regional forecast and is acceptable under State law.

It is not anticipated that the majority of changes to the transportation network included in the Project will significantly change population, employment and household rates of growth or distribution of growth. Transportation is just one factor that can affect growth. Other factors include the cost of housing, the location of jobs, the economy, and the climate. Factors that account for population growth include natural increase and net migration. The average annual birth rate for California is expected to be 20 births per 1,000 population, compared to 10 births per 1,000 population in West Virginia, the state with the lowest projected birth rate. Additionally, California is expected to attract more than one third of the country's immigrants.

There is some debate as to whether the Project is a response to growth, whether it facilitates growth or in fact induces growth. Infrastructure of any type can be argued to do any one of these. In the case of the Project, the Plans themselves are considered to be, overall, a response to growth; however, individual projects may facilitate or even induce growth. If existing transportation deficiencies are not addressed and future projected travel needs are not accommodated, then some localized areas of the region expected to receive new jobs and/or housing may become undesirable, causing the regional growth total to change or growth to be redistributed.

New or improved transportation facilities provide access to areas of new development, thereby allowing more people and jobs to locate in growth areas. Without these facilities, the lack of access could force development into areas with existing transportation infrastructure, thereby shifting population and employment growth from one area of the region to another. From this standpoint, the inclusion of new or upgraded transportation facilities in the Project could be considered growth inducing in some localities. The lack of new or improved facilities in some areas could also result in increased growth in areas with existing transportation infrastructure, growth that may not have been anticipated in the local general planning process. From this standpoint, the lack of new transportation facilities in the Project could also be considered growth inducing in some other localities.

Major regional capacity-enhancing projects, do have the potential to attract major new growth, and thus could be seen as potentially growth inducing at the regional level. If these projects open up new areas for urban development, particularly through the development of interchanges and new road connections that

are in addition to those proposed by the Project, then the dispersion of population, housing and employment growth in the region could differ from that predicted in the regional growth assumptions.

The Project could potentially displace or relocate residences and businesses through acquisition of land and buildings necessary for highway, arterial, and transit improvement. This would be considered a potentially significant impact.

The proposed transportation improvements in the Project could result in significant impacts related to the displacement or relocation of homes and businesses. In some cases, buildings on residential, commercial, and industrial land may have to be removed in order to make way for new or expanded transportation facilities. In other cases, certain transportation improvements could permanently alter the characteristics and qualities of a neighborhood. In any case, the potential for displacement and disruption are major considerations in the final design of individual transportation improvements and are addressed in the design and development of mitigation programs. From the regional perspective, it is assumed that some residential and commercial displacement and disruption will occur.

Many of the improvement projects proposed by the Project that focus on maintaining and operating the existing regional system will occur on existing roadways and will not require the acquisition of land. This is true of most of the proposed carpool lanes, bus lines, transportation demand management projects, intelligent transportation systems, and road maintenance projects and programs. These transportation projects will generally not require the displacement of residences or businesses as the right-of-way has already been acquired.

Other proposed projects, new or expanded highway interchanges, and arterial improvements have the potential to impact residential units and businesses. Depending on the alignments selected, they have the potential to traverse through residential or commercial areas and construction of these projects may require acquisition of new rights-of-way. Depending on the location and scope of these projects, potential impacts could be as major as removal of several homes or businesses or as minor as extending into existing right-of-way.

### **Mitigation Measures**

As part of the appropriate project-specific environmental review, population and job displacement impacts will be evaluated. Mitigation measures will be identified to minimize impacts. Implementation agencies will be responsible for ensuring adherence to the mitigation measures prior to construction. MCTC will be provided with documentation indicating compliance with all mitigation measures.

- ◆ For projects with the potential to displace homes or businesses, project implementation agencies will evaluate alternate route alignments and transportation facilities that minimize the displacement of homes and businesses. An iterative design and impact analysis would help where impacts to persons or businesses are involved. Potential impacts will be minimized to the extent feasible. If possible, existing rights-of-way should be used.
- ◆ Project implementation agencies will identify businesses and residences to be displaced. As required by law, relocation and assistance will be provided to displaced residents and businesses, in accordance with the federal Uniform Relocation and Real Property Acquisition Policies Act of 1970 and the State of California Relocation Assistance Act, as well as any applicable City and County policies.

- ◆ Project implementation agencies will develop a construction schedule that minimizes potential neighborhood deterioration from protracted waiting periods between right-of-way acquisition and construction.

### Significance After Mitigation

The impact would remain significant and unavoidable after mitigation due to the potentially large number of displacements that could occur with construction of all the proposed improvement projects.

### Impact 3.11.2 – Disrupt or Divide Communities

The Project has the potential to disrupt or divide a community by separating community facilities, restricting community access and eliminating community amenities. This is a potentially significant impact. New transportation facilities or expansion of existing facilities could contribute to changes to community character in some areas of the region. The widening of a roadway could be perceived as too great a distance to cross by a pedestrian and thus divide a community. An elevated grade crossing may create a physical barrier in some locations. New transportation corridors may traverse community open space thus eliminating a community amenity. Each of the jurisdictions includes improvements to arterial roadways. Arterial roadways generally serve the local network of streets and provide access to community amenities and public facilities. Changes to these arterial roadways, such as roadway widening that impede pedestrian crossing could create a real or perceived barrier to community amenities such as parks, schools, and other public facilities located across the arterial.

### Mitigation Measures

As part of the appropriate project-specific environmental review, community disruption or division will be evaluated. Mitigation measures will be identified to minimize impacts. Implementation agencies will be responsible for ensuring adherence to the mitigation measures prior to construction. MCTC will be provided with documentation indicating compliance with all mitigation measures.

- ◆ Project implementation agencies will design new transportation facilities that protect access to existing community facilities. During the design phase of the individual improvement project, community amenities and facilities should be identified and access to them considered in the design of the individual improvement project.
- ◆ Project implementation agencies will design roadway improvements, in a manner that minimizes barriers to pedestrians and bicyclists. During the design phase, pedestrian and bicycle routes will be determined that permit easy connections to community facilities nearby in order not to divide the communities.

### Significance After Mitigation

The Project proposes programs and improvement projects in the majority of urbanized areas within the region, and as such, the potential to disrupt or divide communities remains a significant unavoidable impact even with mitigation measures.

### Finding

MCTC finds that these measures are within the responsibility and jurisdiction of public agencies responsible for implementing transportation projects and programs in the Proposed Plan Alternative, and not MCTC; these measures will be or should be adopted by such other agencies.

### **Facts in Support of Findings:**

a) Although these mitigation measures will reduce the significance of the identified impact, the implementation of the mitigation measures relies upon the efforts of other agencies, namely project sponsors (lead agency) who will be responsible for complying with CEQA and NEPA, if applicable, for the individual projects contained in the Investment Plan and RTP. To the extent feasible, MCTC will require that the lead agency for each specific project adopts the relevant mitigation measures set forth in this EIR; however, because reduction of the identified impact relies on the actions of the implementing agencies, MCTC finds that the impact might not be mitigated to below a level of significance.

b) Project-level environmental review will determine whether impacts can be mitigated to a less-than-significant level. The use of the Final Program Environmental Impact Report on the Final Investment Plan and RTP by project sponsors in preparing environmental documents on specific projects will help ensure that mitigation measures will be implemented.

## Public Utilities, Other Utilities & Services Systems

### Impact 3.12.1

Construction and implementation of improvement projects could affect the level of police, fire and medical services in the County. With mitigation, this would be a less than significant impact.

Numerous agencies within multiple jurisdictions in the County provide fire protection, emergency medical services, and police services. Depending upon the timing, location, and duration of construction activities, several of the proposed improvement projects, including arterials, interchanges, and auxiliary lanes could delay emergency response times or otherwise disrupt delivery of emergency services. Emergency routes would be impaired if one or more lanes of a roadway in Madera County were closed off for construction. Traffic delays and prevention of access to calls for service could potentially be caused by the closure of these lanes.

While these impacts would be short-term in nature, they could be potentially significant. Each individual improvement project will be analyzed to determine the degree of impact to emergency services, as part of project-specific environmental review. Adherence to road encroachment permits by the implementing agency could reduce individual improvement project construction-related impacts to emergency vehicle access and response times. As part of the construction mitigation strategy, a traffic control plan should be prepared to further reduce impacts on traffic and emergency response vehicles. Additionally, there is the potential need for increased police, fire, and medical services at the construction sites of projects for safety purposes. The impact of the construction sites themselves on police, fire, and emergency medical services is anticipated to be short-term in nature and less than significant.

The Project includes several types of improvement projects that, upon completion, would require different levels of police, fire, and medical services. Projects involving new roadways are anticipated to require police, fire, and emergency medical services for safety purposes. In many cases, transit-related projects would involve the construction of transit stations. Upon completion, these transit stations would require police, fire, and emergency medical services. In some cases, the governing transit authority provides security. Additionally, the increased use of transit modes of transportation, such as buses and trains, would involve an increased need for police, fire, and emergency medical services for protection and rescue services.

Rail projects, other than transit stations, are anticipated to require minimal amounts of additional fire, police, and emergency medical services for safety purposes. The improvement of and the use of non-motorized transportation methods, such as bike routes, are anticipated to require minimal amounts of additional police, fire, and emergency medical services. If restrooms or drinking fountains are incorporated into non-motorized transportation projects, these uses would require a minimal amount of police, fire, and emergency medical for security and safety.

Public service and utility providers have historically accommodated increases in demand throughout the County. For the most part, improvement projects would not generate a substantial need for additional police, fire, and emergency medical services, except in the case where new facilities are constructed. Local jurisdictions are expected to be equipped to handle any increased demands for fire and medical services generated by facilities, like transit stations. If any new transit police staff or facility is deemed necessary (by the individual improvement project level CEQA documentation), it will need to be funded by the appropriate transit authority. The total projected demand for each of these types of projects is not anticipated to be

significant, based on the demand for public service and utility for similar projects and on the current capacities of existing fire, police, and medical services.

As discussed in the Population and Housing section of this EIR, population in the County will increase significantly over the next 23 years, with or without the Project. In general, MCTC does not anticipate that the Project will substantially affect population distribution on a regional basis. However, several of the transportation projects in the less developed areas of the region could experience a corresponding increase in demand because of the Project. Depending on the amount of increase in population, the increase in the demand for these services has the potential to be a significant impact in those specific areas. However, any construction resulting from the Project within the County will be subject to further environmental review. With the following mitigation measures, this impact would be reduced to a level of insignificance.

### Mitigation Measures

As part of project-specific environmental review, project implementation agencies will evaluate the impacts on police, fire, and medical services in the County. Appropriate mitigation measures should be identified for all impacts. The implementation of projects by agencies or local jurisdiction will be responsible for ensuring adherence to the mitigation measures. MCTC will be provided with documentation indicating compliance with mitigation measures.

- ◆ Prior to construction, the project implementation agency will ensure that all necessary local and state road and railroad encroachment permits are obtained. The project implementation agency also will comply with all applicable conditions of approval. As deemed necessary by the governing jurisdiction, the road encroachment permits may require the contractor to prepare a traffic control plan in accordance with professional engineering standards prior to construction. Traffic control plans should include the following requirements:
  - Identify all roadway locations where special construction techniques (e.g., directional drilling or night construction) would be used to minimize impacts to traffic flow.
  - Develop circulation and detour plans to minimize impacts to local street circulation. This may include the use of signing and flagging to guide vehicles through and/or around the construction zone.
  - Schedule truck trips outside of peak morning and evening commute hours.
  - Limit lane closures during peak hours to the extent possible.
  - Use haul routes, minimizing truck traffic on local roadways, to the extent possible.
  - Include detours for bicycles and pedestrians in all areas potentially affected by individual improvement project construction.
  - Install traffic control devices as specified in the California Department of Transportation Manual of Traffic Controls for Construction and Maintenance Work Zones.
  - Develop and implement access plans for highly sensitive land uses such as police and fire stations, transit stations, hospitals, and schools. Access plans will be developed with the facility owner or administrator. To minimize disruption of emergency vehicle access, affected jurisdictions will be asked to identify detours for emergency vehicles, which will then be posted by the contractor. The facility owner or operator will be notified in advance of the timing, location, and duration of construction activities and the locations of detours and lane closures.
  - Store construction materials only in designated areas.
  - Coordinate with local transit agencies for temporary relocation of routes or bus stops in work zones, as necessary.

- ◆ Projects requiring police protection, fire service, and emergency medical service will coordinate with the local fire department and police department to ensure that the existing public services and utilities would be able to handle the increase in demand for their services. If the current levels of service at the individual improvement project site are found to be inadequate, infrastructure improvements and personnel requirements for the appropriate public service will be identified in each individual improvement project's CEQA documentation.
- ◆ The growth inducing potential of individual projects will be carefully evaluated so that the full implications of the Project are understood. Individual environmental documents will quantify indirect impacts (growth that could be facilitated or induced) on public services and utilities. Lead and responsible agencies should then make any necessary adjustments to the applicable General Plan.

### **Significance After Mitigation**

Implementation and monitoring of the above mitigation measures will provide the framework and direction for subsequent project-specific mitigation designed to avoid or reduce the identified significant Project impacts to a less than significant level.

### **Impact 3.12.2 – Increased Demand for Solid Waste, Wastewater, and Potable Water**

Demand for solid waste, wastewater, and potable water services in the County could be affected by construction and implementation of the projects. This would be a less than significant impact with mitigation.

Several of the projects have the potential to generate a significant amount of solid waste during construction through grading and excavation activities. Any increases in demand for wastewater and potable water services resulting from the Project are expected to be minimal during construction. Construction debris would be recycled or transported to the nearest landfill site and disposed of appropriately. Currently, several landfills in the region function at or below their permitted capacity. Therefore, the projects proposed are not anticipated to generate a significant impact on solid waste facilities during construction. Nevertheless, the amount of debris generated during individual improvement project construction would need to be evaluated prior to construction on a project-by-project basis.

It is assumed that, upon completion, projects will require additional public services and utilities to handle increased demand for wastewater and solid waste services, increased demand for potable water, and, in some cases, increased demand for reclaimed water for landscaping purposes. These increases would need to be evaluated on a project-by-project basis. Projects involving roadway construction are anticipated to require potable or reclaimed water for landscaping purposes. These increases would need to be evaluated on a project-by-project basis.

Transit-related projects would involve the construction of transit stations in many cases. Incremental amounts of potable water would be generated at these transit stations for restrooms, public drinking water, and landscaping. Additionally, a minimal increase in the demand for potable water, wastewater service, and solid waste collection would be created by increased use of transit methods, such as buses and trains.

With the exception of transit-related rail, unless rail projects involve the construction of additional railways or facilities, they are not anticipated to require additional wastewater, solid waste, or potable water service. The improvement of and increased usage of non-motorized transportation methods, like bike routes, are not anticipated to require additional levels of solid waste, waste water, and potable water service, other than

drinking fountains. If restrooms are incorporated into non-motorized transportation projects, these uses would also require minimal amounts of solid waste (for trash receptacles), wastewater (for toilets, water fountains, and faucets), and potable water (for faucets, drinking fountains, and landscaping) services.

Public service and utility providers have accounted for increases in the public needs throughout the County. In most cases, wastewater and potable water infrastructures function well below their capacities. In addition, solid waste facilities, including transfer stations and landfills, commonly accept levels of solid waste well below their maximum capacities. Based on the demand for public services and utilities for similar projects, and on the current capacities of existing public services and utilities, the local projected demand for each of these types of projects is not anticipated to be significant but will need to be analyzed on a project-by-project basis.

### **Mitigation Measures**

As part of project-specific environmental review, project implementation agencies will evaluate the impacts on demand for solid waste, wastewater, and potable water services in the County. Appropriate mitigation measures should be identified for all impacts. The project implementation agencies or local jurisdiction will be responsible for ensuring adherence to the mitigation measures. MCTC will be provided with documentation indicating compliance to mitigation measures.

- ◆ Projects requiring wastewater service, solid waste collection, or potable water service will coordinate with the local public works department to ensure that the existing public services and utilities would be able to handle the increase. If the current infrastructure servicing the individual improvement project site is found to be inadequate, infrastructure improvements for the appropriate public service utility will be identified in each individual improvement project's CEQA documentation.
- ◆ Reclaimed water will be used for landscaping purposes instead of potable water wherever feasible.
- ◆ Each of the proposed projects will comply with applicable regulations related to solid waste disposal.
- ◆ The construction contractor will work with the County Recycling Coordinator to ensure that source reduction techniques and recycling measures are incorporated into individual improvement project construction.
- ◆ The amount of solid waste generated during construction will be estimated prior to construction, and appropriate disposal sites will be identified and utilized.

### **Significance After Mitigation**

Implementation and monitoring of the above mitigation measures will provide the framework and direction for subsequent project-specific mitigation designed to avoid or reduce the identified significant Project impacts to a less than significant level.

### **Impact 3.12.3 – Construction Impacts**

The transportation of construction materials to and from the sites during individual improvement project construction could cause accumulation of soil on roadways surrounding the construction sites. This would be a less than significant impact with mitigation.

Hauling trucks could track soil from the construction site onto adjacent streets during construction of projects, particularly those involving excavation. Since street cleaning activities typically occur only once a month in a particular area, increased soil on local streets would increase the demand for street cleaning. The incorporation of the following mitigation measure would reduce this impact to a level less than significant.

#### **Mitigation Measures**

- ◆ As part of project-specific environmental review, project implementation agencies will evaluate the impacts resulting from soil accumulation during construction of the projects. Appropriate mitigation measures will be identified for all impacts. The project implementation agencies or local jurisdiction will be responsible for ensuring adherence to the mitigation measures. MCTC will be provided with documentation indicating compliance with mitigation measures.
- ◆ Implement appropriate measures, such as the washing of construction vehicles undercarriages before leaving the construction site or increasing the use of street cleaning machines, to reduce the amount of soil on local roadways as a result of construction.

#### **Significance After Mitigation**

Implementation and monitoring of the above mitigation measures will provide the framework and direction for subsequent project-specific mitigation designed to avoid or reduce the identified significant Project impacts to a less than significant level.

#### **Impact 3.12.4 – Impacts on Underground Utilities**

It is possible that underground utility lines (sewer, gas, electricity, telephone and water) could be uncovered and potentially severed because of construction of projects. This would be considered a less than significant impact with mitigation.

The potential to encounter underground utility lines, and potentially sever those lines, is a possibility with any groundbreaking in the Madera region. However, prior to construction, the project implementation agency would be required to incorporate the locations of existing utility lines into the construction schedule. Prior knowledge and avoidance of existing utility lines during construction would reduce this impact to a level less than significant.

#### **Mitigation Measures**

- ◆ As part of project-specific environmental review, project implementation agencies will evaluate the impacts resulting from the potential for severing underground utility lines during construction of the projects. Appropriate mitigation measures will be identified for all impacts. The project implementation agencies or local jurisdiction will be responsible for ensuring adherence to mitigation measures. MCTC will be provided with documentation indicating compliance with mitigation measures.
- ◆ Prior to construction, the implementing agency or contractor will identify the locations of existing utility lines. All known utility lines will be avoided during construction.

### Significance After Mitigation

Implementation and monitoring of the above mitigation measures will provide the framework and direction for subsequent project-specific mitigation designed to avoid or reduce the identified significant Project impacts to a less than significant level.

### Finding

MCTC finds that these measures are within the responsibility and jurisdiction of public agencies responsible for implementing transportation projects and programs in the Proposed Plan Alternative, and not MCTC; these measures will be or should be adopted by such other agencies.

### **Facts in Support of Findings:**

a) Although these mitigation measures will reduce the significance of the identified impact, the implementation of the mitigation measures relies upon the efforts of other agencies, namely project sponsors (lead agency) who will be responsible for complying with CEQA and NEPA, if applicable, for the individual projects contained in the Investment Plan and RTP. To the extent feasible, MCTC will require that the lead agency for each specific project adopts the relevant mitigation measures set forth in this EIR; however, because reduction of the identified impact relies on the actions of the implementing agencies, MCTC finds that the impact might not be mitigated to below a level of significance.

b) Project-level environmental review will determine whether impacts can be mitigated to a less-than-significant level. The use of the Final Program Environmental Impact Report on the Final Investment Plan and RTP by project sponsors in preparing environmental documents on specific projects will help ensure that mitigation measures will be implemented.

## Transportation/Traffic

### Impact 3.13.1 – Level of Service Deficiencies

To determine the Year 2030 LOS for each segment along the Regionally Significant Roads System, segment LOS was estimated using the capacities identified in Table 3-11. The Tables consider capacity of individual segments based on numerous roadway variables (freeway design speed, signalized intersections per mile, number of lanes, saturation flow, etc.). These variables were identified and applied in the Tables to reflect existing traffic LOS conditions in Madera County.

Results of the 2030 LOS segment analysis with the Project along the RTP Regionally Significant Roads System are reflected in Figures 3-9 (City of Madera Urban Area) and Figure 3-10 (Madera County). Traffic model runs were provided by MCTC. Referencing Table 3-12, results of the LOS analysis with the Project indicate that even with the improvement projects identified in the Investment Plan, combined with projects in the 2004 RTP, LOS deficiencies will still occur by 2030. Considering a No Build condition (the same growth through to the Year 2030 but no additional improvement projects beyond the existing system of streets and highways other than those projects that are currently programmed in the TIP, the LOS deficiencies will be considerable by the Year 2030.

The resultant list of deficient facilities along the Regionally Significant Roads System with and without the Project indicates that when the Project improvements are made to the regionally significant street and highway system, LOS conditions within the Madera Metropolitan Area and within the County will significantly improve.

Congestion decreases and transit use increases significantly with the Project compared to the No Build Alternative. In addition, employment choices are increased for both automobile and transit users. Because one of the stated objectives of the Project is to reduce congestion and improve mobility, this is considered a significant beneficial impact.

While the Project will improve deficient levels of service compared to the No Build or No Project (2004 RTP and Conformity Finding without the Measure projects) Alternatives, the Project will not address all deficient levels of service anticipated in the future (reference Table 3-12).

### Mitigation Measures

Implementation of street and highway improvement projects and programs generally will serve to improve traffic flows and reduce congestion and delay within Madera County. However, street and highway needs are constrained by limited funding sources that are necessary to implement additional projects along the regional transportation system. As indicated above, LOS deficiencies are projected to occur, even considering the wide range of financially constrained street and highway improvements identified in the Investment Plan and 2004 RTP.

To address these and other transportation/circulation related impacts, the following mitigation measures are recommended:

- ◆ A number of local street and road and State Route segments along the regional street and highway will experience deficient LOS conditions by 2030. Mitigation measures for these segments have not been identified or programmed in the Investment Plan or in the 2004 RTP. Intersection improvements and lane additions would improve deficient levels of service to acceptable levels consistent with minimum

LOS policies identified in the 2004 RTP; however, funding to address the improvements is not available or the costs to mitigate the deficiencies are prohibitive. MCTC should coordinate efforts to identify appropriate strategies that would improve deficient levels of service along the affected streets and highways. MCTC should work continue to with local agencies and Caltrans, District 06 to identify alternative improvements, associated cost estimates, and an implementation plan and schedule as part of the Freeway Deficiency Study and during update of local general plans and other planning efforts. Various funding sources should be analyzed as part of implementation plans and findings should be incorporated into future RTPs.

- ◆ Local agencies should be encouraged to update general, area, community and specific plans to reflect the current status of future street and highway improvements. The timing of improvements should also be regularly updated. These measures will help MCTC identify appropriate and available funding for planned street and highway improvements along the regional street and road system during development of future RTPs.

### Significance After Mitigation

While improved mobility will result from implementation of the projects contained in the Investment Plan and the 2004 RTP, some significant unavoidable impacts, considering the regional minimum LOS policy of "D" will occur. LOS deficiencies will result along a number of regional street and highway segments and associated intersections because of the inability to widen such facilities due to funding and other constraints even with Investment Plan and RTP projects. It is anticipated that even with implementation of the Project significant LOS deficiencies will continue therefore; this impact would be considered significant and unavoidable.

The "No Project" condition represents the current RTP projects without the additional projects to be financed using Measure funding. Results of the LOS deficiencies along the regionally significant system under the No Project Alternative are provided in the 2004 RTP. The resultant list of deficient facilities along the Regionally Significant Roads System with and without the Project indicates that when the Individual improvement project improvements are made to the regionally significant street and highway system, LOS conditions within the Madera region will significantly improve. Capacity increasing projects that would improve these deficient levels of service are not included in the Project. Congestion decreases and transit use increases significantly with the Project compared to the No Build Alternative. In addition, employment choices are increased for both automobile and transit users. Because one of the stated objectives of the Project is to reduce congestion and improve mobility, this is considered a significant beneficial impact.

### Mitigation Measures

Measures intended to reduce vehicle miles traveled and reduce congestion are part of the 2004 RTP. These include: increasing rideshare and work-at-home opportunities to reduce demand on the transportation system, investments in non-motorized transportation and maximizing the benefits of the land use/transportation connection, other Travel Demand Management measures described in the RTP and in local agency General Plans, and key transportation investments targeted to reduce congestion levels and improve LOS.

### Significance After Mitigation

Implementation of measures beyond those institutionally and economically feasible measures identified in the Investment Plan and in the 2004 RTP would be expected to reduce congestion levels and improve LOS, however even with this mitigation, the 2030 levels of service would still include a number of segments that

will operate at deficient levels or at LOS E and F. Therefore, the congestion levels would remain a significant impact.

### **Impact 3.13.2**

The proposed Project includes a series of individual improvement projects and programs (street and highway, transit, bicycle and trail, pedestrian and other projects) to help improve the multi-modal transportation system. Implementation of these projects and programs will improve transportation system performance. In addition, the Project includes numerous individual transportation projects and programs all aimed at implementing the RTP goals. The overall impact of the Project on regional transportation therefore is considered a beneficial impact.

The overarching goal for the Project is to develop a fully integrated, multi-modal transportation system to serve as a catalyst to enhance the quality of life enjoyed by the current and future residents of Madera County. From a transportation and circulation perspective, the implementation of the Project is not anticipated to result in any perceived negative effect on transportation system performance, but will have the effect of improving transportation system performance regionally.

### **Mitigation Measures**

This impact is considered beneficial; mitigation measures are not required.

### **Significance After Mitigation**

Less than significant.

### **Finding**

MCTC finds that these measures are within the responsibility and jurisdiction of public agencies responsible for implementing transportation projects and programs in the Proposed Plan Alternative, and not MCTC; these measures will be or should be adopted by such other agencies.

### **Facts in Support of Findings:**

a) Although these mitigation measures will reduce the significance of the identified impact, the implementation of the mitigation measures relies upon the efforts of other agencies, namely project sponsors (lead agency) who will be responsible for complying with CEQA and NEPA, if applicable, for the individual projects contained in the Investment Plan and RTP. To the extent feasible, MCTC will require that the lead agency for each specific project adopts the relevant mitigation measures set forth in this EIR; however, because reduction of the identified impact relies on the actions of the implementing agencies, MCTC finds that the impact might not be mitigated to below a level of significance.

b) Project-level environmental review will determine whether impacts can be mitigated to a less-than-significant level. The use of the Final Program Environmental Impact Report on the Final Investment Plan and RTP by project sponsors in preparing environmental documents on specific projects will help ensure that mitigation measures will be implemented.

#### IV. STATEMENT OF OVERRIDING CONSIDERATIONS

MCTC is required to prepare this Statement of Overriding Considerations to explain the reasons for approving the Investment Plan, despite the unavoidable impacts identified in the EIR and Findings of Fact (as per Section 15093 of the State CEQA Guidelines). In preparing this Statement, MCTC has balanced the benefits of the Proposed Plan Option against its unavoidable environmental risks. MCTC finds that the unavoidable significant adverse effects of the individual improvement projects are overridden by the benefits of the Project and the considerations described below. MCTC, therefore, makes and adopts the following Overriding Considerations:

- **Impact 3.1.1:** Construction and implementation of individual projects could potentially impede or block views of scenic resources as seen from the transportation facility or from the surrounding area.
- **Impact 3.1.2:** Construction and implementation of the projects could alter the appearance of scenic resources along or near designated scenic highways and vista points. Some of the proposed projects in the Investment Plan include countywide improvements to highways, arterials and transit systems. These improvements could potentially fall within a designated scenic corridor.
- **Impact 3.1.3:** Construction and implementation of the projects could create significant contrasts with the overall visual character of the existing landscape setting.
- **Impact 3.1.4:** Construction and implementation of individual projects could potentially create a new source of substantial light or glare that would affect day or nighttime views of scenic resources as seen from the transportation facility or from the surrounding area. Urban areas, due to numerous buildings in a concentrated space, experience significant light from all light source categories. Madera County includes two cities, and vast rural areas that are either located in the Valley region or are mountainous. The rural areas are primarily used for agricultural purposes. In smaller communities and in rural areas of the County, where urban development is less dense, light and glare impacts are not as frequent.
- **Impact 3.2.1:** Strategies aimed at addressing the transportation needs of future growth patterns were considered during development of the proposed Investment Plan. The document promotes alternatives to the automobile through enhanced funding (beyond that identified in the 2004 RTP) for transit and other alternative modes of transportation such as bicycle facilities, trails, airport improvements, and others. Implementation of strategies proposed in the Investment Plan could result in positive changes to land uses. This would be considered a beneficial impact.

While the Investment Plan is likely to result in a positive outcome related to supportive land use conditions for alternative forms of transportation such as transit, other projects in the Plan could have significant impacts on land use patterns, potentially causing land use growth and development to occur in areas not previously envisioned for growth and development. This impact could be especially significant on agricultural land uses within the County.

- **Impact 3.2.2:** Implementation of the proposed Project could potentially result in the disturbance or loss of significant agricultural resources throughout the Madera region.
- **Impact 3.3.3:** Emissions impacts related to the Project are not considered to be significant. Tables included in the RTP and in Conformity documents approved by MCTC since 2004 identify results of the air quality conformity results including the projected emissions of hydrocarbons, nitrogen oxides, carbon monoxide, volatile organic gases, and particulate emissions for the Project compared with the base or

the emissions budgets. Projects contained in the Investment Plan are already included in the 2004 RTP. The analysis shows that Project emissions do not exceed the base and budget thresholds established by EPA. While the Project meets Conformity requirements, the Conformity Finding requires the implementation of TCMs to eventually result in improved air quality within the Valley.

- **Impact 3.3.4** – Construction Activity Impacts

Implementation of the individual improvement projects in the DEIR will contribute to the overall decline in air quality due to construction activities in preparation of the sites, and ongoing traffic and other operational emissions.

- **Impact 3.3.5** – Individual Improvement Project Impacts

The implementation of individual projects in the DEIR may contribute to overall decline in air quality due to construction, and ongoing traffic and other operational emissions even though projects in the Investment Plan and the 2004 Regional Transportation Plan (RTP) as a group meet conformity requirements.

- **Impact 3.4.1:** The Investment Plan includes projects that may result in direct removal or degradation of riparian habitat or other sensitive natural communities during construction activities such as grading and grubbing.
- **Impact 3.4.2:** The Investment Plan includes projects that may result in direct impacts to plant and wildlife species including rare, threatened and/or endangered species during construction and operation of the proposed transportation facilities through the removal of native habitat.
- **Impact 3.4.3:** The Project may result in indirect impacts to plant and wildlife species including rare, threatened and/or endangered species during the construction and operation through edge effects such as noise, lighting and visual deterrents.
- **Impact 3.4.4:** The Project would result in temporary and permanent impacts to terrestrial and aquatic wildlife movement. The linear nature of transportation projects increases the potential extent and significance of impacts to wildlife movement. Transportation facilities pose barriers to wildlife crossings that may result in injury or death of wildlife attempting to traverse the facility. These barriers also result in fragmentation of natural habitat and increased impacts associated with edge effects from lighting, noise, human disturbance, exotic plant infestations, urban runoff, etc.
- **Impact 3.5.2:** Construction activities involving excavation and earthmoving may encounter archaeological resources. The Project includes new streets, roads and highways, street, road and highway widening (for wider lanes, shoulders or new lanes), new transit facilities, grade crossings, consolidated rail corridors, bridge projects and a number of interchanges. These types of projects have the potential to impact archaeological materials, because they could take place in previously undisturbed areas. Excavation and soil removal of any kind, irrespective of depth, has the potential to yield resources of archaeological significance. Improvements and modifications to existing rights-of-way and right-of-way maintenance (such as pothole repair), would have less of an impact to archaeological resources because these individual improvement project locations have previously been disturbed. However, construction of additional lanes, would potentially impact archaeological materials, if it would entail brush clearing, grading, trenching, excavation, and/or soil removal of any kind, in an area not previously used as a paved transportation facility.

- **Impact 3.5.3:** Construction activities involving excavation and earthmoving may encounter paleontological materials. This is a significant impact. Construction of projects may cause unearthing of buried paleontological resources, such as true fossils, fossil casts, and breas. Construction occurring in previously undisturbed areas and deep excavation activities would have the greatest likelihood to affect paleontological resources. Improvements proposed in existing rights-of-way would have less potential to affect paleontological resources, since these areas have been previously disturbed. However, excavation and soil removal of any kind, irrespective of depth, has the potential to yield resources of paleontological significance.
- **Impact 3.6.2:** Some improvement projects require significant earthwork, increasing potential slope failure and long-term erosion. Earthwork can also alter unique geologic features. Individual improvement project impacts would be considered significant in some cases.

New roadways can also permanently alter unique geologic features, particularly in canyons, coastlines, and mountain passes. However, most of the improvement projects would occur in urbanized portions of the region or in existing transportation corridors. Nonetheless, new lanes may require earthwork that would affect existing natural geologic features.

- **Impact 3.6.5:** As discussed in the Environmental Setting Section, soil types and bedrock formations within Madera County range widely in terms of their potential for geologic hazards. Although the scope of study performed for this EIR evaluation did not include a determination for project-specific liquefaction or seismic settlement potential, it is possible that liquefiable soils or soils susceptible to seismic compaction during ground shaking exist within areas of planned transportation improvement projects. This is a potentially significant impact, which will require analysis as part of subsequent project-specific environmental review.
- **Impact 3.6.6:** Some street and highway projects may be proposed along alignments that will affect State-owned and State minerals reserved lands.
- **Impact 3.9.1:** Strategies aimed at addressing the transportation needs of future growth patterns were considered during development of the proposed Investment Plan. The document promotes alternatives to the automobile through enhanced funding (beyond that identified in the 2004 RTP) for transit and other alternative modes of transportation such as bicycle facilities, trails, airport improvements, and others. Implementation of strategies proposed in the Investment Plan could result in positive changes to land uses. This would be considered a beneficial impact. However, while the Investment Plan is likely to result in a positive outcome related to supportive land use conditions for alternative forms of transportation such as transit, other projects in the Investment Plan could have significant impacts on land use patterns, potentially causing land use growth and development to occur in areas not previously envisioned for growth and development. This impact could be especially significant on agricultural land uses within the County.
- **Impact 3.9.2:** There are many sensitive receptors (residences, educational facilities, medical facilities, and places of worship) located in the urban and rural areas of the County. These receptors may be sensitive to noise, vibration, air pollutants, and other conditions that impact our environment. Sensitive receptors located in the vicinities of proposed improvement projects could be impacted by construction and implementation of the proposed highway, arterial and transit projects due to noise, dust, vibration, etc.

- **Impact 3.9.3:** Construction and implementation of projects would result in the loss of open space and community recreation areas. This would be considered a potentially significant impact. Pockets of open space vary in size and location throughout the County and within the cities. Open space land uses include agricultural areas, public parks, recreational facilities, and areas planned for such uses.
- **Impact 3.9.4:** Implementation of the proposed Investment Plan, combined with projects and programs included in the 2004 RTP, could potentially result in the disturbance or loss of significant agricultural resources throughout the Madera region. This would be considered a potentially significant impact. The County contains areas designated by the State as Prime Farmland, Unique Farmland, and Farmland of Statewide Importance. These areas are interspersed throughout urban areas or are located in undeveloped portions of the region. Development of highway, arterial and transit projects proposed under the Investment Plan could potentially result in the disturbance or loss of some of these designated areas. Specifically, new projects involving construction would be most likely to result in impacts to these areas.
- **Impact 3.10.1:** Grading and construction activities associated with the proposed highway, arterial, and transit projects would intermittently and temporarily generate noise levels above ambient background levels. Noise levels in the immediate vicinity of the construction sites would increase substantially sometimes for extended durations. This would be considered a potentially significant impact.
- **Impact 3.11.1:** The Project could affect overall population, housing and employment growth and dispersion in the region from the predicted regional assumptions. Implementation of the proposed mitigation measures is expected to reduce this to a less than significant impact. However, major regional capacity-enhancing projects, do have the potential to attract major new growth, and thus could be seen as potentially growth inducing at the regional level. If these projects open up new areas for urban development, particularly through the development of interchanges and new road connections that are in addition to those proposed by the Project, then the dispersion of population, housing and employment growth in the region could differ from that predicted in the regional growth assumptions.

The Project could potentially displace or relocate residences and businesses through acquisition of land and buildings necessary for highway, arterial, and transit improvement.

- **Impact 3.11.2:** The Project has the potential to disrupt or divide a community by separating community facilities, restricting community access and eliminating community amenities.
- **Impact 3.13.1:** Results of the 2030 LOS segment analysis with the Project along the RTP Regionally Significant Roads System are reflected in Figures 3-9 (City of Madera Urban Area) and Figure 3-10 (Madera County). Traffic model runs were provided by MCTC. Referencing Table 3-12, results of the LOS analysis with the Project indicate that even with the improvement projects identified in the Investment Plan, combined with projects in the 2004 RTP, LOS deficiencies will still occur by 2030. Considering a No Build condition (the same growth through to the Year 2030 but no additional improvement projects beyond the existing system of streets and highways other than those projects that are currently programmed in the TIP, the LOS deficiencies will be considerable by the Year 2030.

The resultant list of deficient facilities along the Regionally Significant Roads System with and without the Project indicates that when the Project improvements are made to the regionally significant street and highway system, LOS conditions within the Madera Metropolitan Area and within the County will significantly improve.

While the Project will improve deficient levels of service compared to the No Build or No Project (2004 RTP and Conformity Finding without the Measure projects) Alternatives, the Project will not address all deficient levels of service anticipated in the future (reference Table 3-12).

Therefore, in accordance with Section 15093 of the State CEQA Guidelines, MCTC is required to prepare this Statement of Overriding Considerations to explain the reasons for approving the Investment Plan, despite the unavoidable impacts identified in the EIR and Findings of Fact. In preparing this Statement, MCTC has balanced the benefits of the Project Alternative against its unavoidable environmental risks. For the reasons specified below, MCTC finds that the benefits of the Project Alternative outweigh the unavoidable environmental risks. In addition, the Findings of Fact identifies a number of recommended mitigation measures that are found to be within the jurisdiction of other public agencies and not MCTC, and that these measures have been or should be adopted by such other agencies. MCTC finds that, for the reasons specified below, the Project Alternative should be adopted as the Investment Plan notwithstanding the fact that responsibility for mitigating the potential adverse impacts rests with agencies other than MCTC.

The following reasons are consistent with the intent and purpose of the Investment Plan and RTP:

#### Quality of Life

- ◆ The Project is intended to contribute to the quality of life that is experienced and will be experienced by the residents of Madera County.
- ◆ The Project is designed to meet the needs of everyday travel for all types of purposes as well as for large regional movements over the long-term. Transportation is closely connected with many other issues, such as air quality, the environment, and land use, health, safety, and economic vitality and the Project contains goals and actions to address these issues.

#### Access And Mobility

- ◆ The Project includes many strategies to address both access and mobility and acknowledges that certain major corridors will need major investments in all modes of transportation to maintain and improve both access and mobility for the growth in travel that is occurring.

**Access:** Funding is planned for the street and highway, transit, and bicycle, trails, and pedestrian systems in the County. The projects must undergo extensive planning and analysis processes with community involvement.

**Mobility:** The Project includes a slate of projects aimed at reducing the most critical areas of congestion from a regionwide viewpoint. In addition to enhanced transit service, which may reduce congestion in particular corridors, mobility projects such as additional lanes along streets and highways, interchange improvements, maintenance and rehabilitation of the existing system of streets and highways, and other capacity enhancements throughout the region will serve to enhance mobility.

- ◆ The Project also includes funding local road improvements, including lane additions, intersection improvements, and rehabilitation and maintenance of the existing street and highways system.

### Air Quality

- ◆ The Project includes funding for significant increases in alternative modes of transportation -- public transit, bicycle and pedestrian projects -- that will make alternative modes of transportation more attractive.
- ◆ While the individual improvement projects will not result in emissions beyond those allowed through the conformity process, and construction and hot spot emission impacts can be mitigated or are not found to be significant, the fact that the Valley continues to be nonattainment for volatile organic compounds, nitrogen oxides, and PM<sub>10</sub> and PM<sub>2.5</sub> emissions is an overriding concern.

### Travel Choices

- ◆ The Project invests significant funding into offering choices of travel mode to future residents. Increased funding for bus, bicycle, and pedestrian modes are envisioned.
- ◆ Regional and localized benefits associated with implementation of the Investment Plan (reduced vehicular emissions, reduced congestion, reduced travel time, reduced vehicle miles traveled and improved mobility), that will result from the implementation of planned improvement projects, outweigh the potentially unavoidable impacts associated with individual or localized improvement projects and other projects identified in the Project alternatives. These other alternatives will result in a greater number of Level of Service (LOS) deficiencies and infeasible transportation projects that will not result in further benefits beyond implementation of the Investment Plan Update.

### Economic Vitality

- ◆ The Project includes provision for improved corridors that connect areas around the County. It also includes enhanced bus transit systems to help manage demand.
- ◆ Investment in road maintenance and rehabilitation is provided, particularly a problem in rural areas where farm-to-market truck travel is important.

### Equity

- ◆ The Project incorporates the priorities of local communities and many of these local projects are paid for from local funds. Major projects of regional concern are located throughout the region as well.
- ◆ The Project will provide alternatives -- public transit, bicycle, and pedestrian facilities -- for those who can't or don't drive. Finally, funding for paratransit service (door-to-door wheelchair-equipped van service) is included for the expected increase in the elderly population over the RTP period.
- ◆ The need to provide choice in the availability of transportation modes for County residents as a means to avoid significant delay and congestion, which may indirectly harm businesses and residents that depend upon a viable transportation system, is an overriding concern.

### Transportation and Land Use

- ◆ Investment in the transportation system will offer opportunities to grow logically and address the interaction between land use and transportation more effectively.
- ◆ The requirement for amendments to the Extension Investment Plan every three (2) years, which provides for the identification of transportation modes to address population and employment growth, is required by State Law and sound local planning practice, and is an overriding concern.

- ◆ The specific need to provide necessary, feasible and sustainable transportation system improvements within the region is an overriding concern.
- ◆ Because there is no alternative other than the “No Build”, “No Project” (2004 Regional Transportation Plan), and VMT Reduction Alternatives to converting some prime farmland for expansion of the circulation system, the need for such conversion is an overriding concern.
- ◆ Implementation of the Investment Plan would result in positive impacts on public services; however, long-term maintenance of various transportation modes including street and highway is an overriding concern.

### Funding and Revenue

- ◆ The Project shows revenues available from all sources -- federal, State, and local. The Investment Plan would provide additional funding than that included in the RTP. The region will continue to receive federal and state funding to program projects through to the Year 2030.
- ◆ Overall, the Project provides funding transit operations and improvements, highway, street and road improvements, highway, street and road maintenance and rehabilitation, and for other kinds of improvements (bicycle, pedestrian, , etc.).

### Health And Safety

- ◆ Pedestrian and bicycle plans and projects are specifically allocated funding in the Investment Plan and funds have also been identified for such improvements in the RTP. Local road and state highway safety-related improvements are also included.
- ◆ Regional benefits associated with implementation of the Investment Plan (reduced vehicular emissions, reduced congestion, reduced travel time, reduced vehicle miles traveled and improved mobility), will result from the implementation of planned improvement projects, which outweigh the potentially unavoidable localized impacts to land use development that may result from the projects.

### Environmental Sustainability

- ◆ The Project includes a number of projects and programs that mitigate environmental issues.
- ◆ Because there is no alternative other than “No Build”, “No Project”, and VMT Reduction Alternatives to the loss of some biological, cultural and agricultural resources for expansion of the circulation system, the loss of such resources is an overriding concern.
- ◆ The Investment Plan balances the need to preserve valuable agricultural and biological resources with the region’s need to provide a viable transportation system to accommodate anticipated population and employment growth and the related increased need for employment opportunities and municipal revenue. This planning balance is an overriding concern.
- ◆ Implementation of the Investment Plan will result in increased unavoidable noise levels as a result of expansion of the planned transportation system, but the specific need to provide necessary, feasible and sustainable transportation system improvements within the region that supports planned growth and development, is an overriding concern.

Based on substantial evidence in the public record, MCTC finds that, for the reasons set forth above, the economic, social and other consideration of the project outweigh the unavoidable agricultural, biological, land use/planning, noise, and transportation/circulation impacts identified in the EIR. First, the individual improvement projects identified in the Investment Plan are required to meet travel demand of residents and businesses through to the Year 2030. Second, the planned transportation improvements will enhance continued economic growth in the region. Third, the planned improvements will reduce levels of vehicular

emissions and LOS deficiencies compared to the other project alternatives. Fourth, appropriate and achievable mitigation measures have been proposed, which are within MCTC's and its member agencies' jurisdiction to mitigate or avoid the significant environmental effects identified in the EIRs.