CEQA Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program for the 2014 Regional Transportation Plan-Sustainable Communities Strategy Final EIR; State Clearinghouse No. 2013101053

I. INTRODUCTION TO CEQA FINDINGS

These findings are made pursuant to the California Environmental Quality Act (Pub. Res. Code §21000 et seq., “CEQA”) and the CEQA Guidelines (Cal. Code Regs. title 14, §15000 et seq.) by the Kings County Association Governments (KCAG), as the lead agency for the 2014 Regional Transportation Plan - Sustainable Communities Strategy (“2014 RTP-SCS,” or the “Project”). These findings pertain to the Final Environmental Impact Report (“EIR”) SCH # 2013101053.

A. PROJECT DESCRIPTION SUMMARY

The 2014 RTP-SCS covers the entire Kings County region and includes the cities of Avenal, Corcoran, Hanford, and Lemoore as well as unincorporated areas within the County.

The latest RTP was adopted by KCAG in 2011 (2011 RTP). This 2014 update reflects changes in legislative requirements, local land use policies, and resource constraints. The RTP-SCS covers a 26-year period from 2014 to 2040 and is an update of the 2011 RTP. The RTP-SCS identifies the region’s transportation needs and issues and sets forth actions, programs, and projects to address those needs and issues. The RTP-SCS adopts policies, sets goals, and identifies financial resources to encourage and promote the safe and efficient management, operation, and development of a regional intermodal transportation system that would serve the mobility needs of goods and people. The 2014 RTP-SCS programs the approximately $541 million in revenues expected to be available to the region from all transportation funding sources over the course of the planning period. It identifies and prioritizes expenditures of this anticipated funding for transportation projects of all transportation modes: highways, streets and roads, transit, rail, bicycle and pedestrian; aviation, as well as transportation demand management (TDM) and transportation system management (TSM).

In addition, as the MPO for Kings County, KCAG is required to prepare a Sustainable Communities Strategy (SCS) that demonstrates how greenhouse gas (GHG) reduction targets will be met through integrated land use, housing, and transportation planning. Thus the RTP-SCS addresses both the transportation component of the RTP, as well as the land use component of the SCS. It should be noted that KCAG does not propose any land use changes, but rather the land use patterns envisioned by the RTP-SCS are based on the General Plan land use and zoning designations of the local agencies (the four incorporated cities and the county). The RTP-SCS would be consistent with the land use and zoning designations in the incorporated and unincorporated areas. Further, the land use and zoning designations of the local agencies have already undergone individual environmental review by each agency. Thus while this EIR considers the land use component of the SCS, no changes to land use are proposed by the RTP-SCS and thus no environmental impacts related to land use and land development, beyond those identified and disclosed previously by the local agencies in their General Plan EIRs, would occur.
B. TYPE OF EIR

The 2014 RTP-SCS EIR is a Program EIR. A Program EIR is prepared for a series of actions that can be characterized as one project. An advantage of a Program EIR is that it allows the lead agency to consider broad policy alternatives and “program wide mitigation measures” at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts. (CEQA Guidelines §15168(b)(4).) The Program EIR can serve as a first-tier document for later CEQA review of individual projects included in the program. These project-specific CEQA reviews will focus on project-specific impacts and mitigation measures, and need not repeat the broad analyses contained in the Program EIR. As discussed by the California Supreme Court, “it is proper for a lead agency to use its discretion to focus a first-tier EIR on only the…program, leaving project-specific details to subsequent EIRs when specific projects are considered.” (In re Bay Delta (2008) 43 Cal. 4th 1143, 1174).
C. INCORPORATION OF FINAL EIR BY REFERENCE

The Final EIR, consisting of: (1) the Final EIR volume, which is a complete revision of the Draft EIR; (2) all appendices to the Final EIR; and (3) comments and recommendations received on the Draft EIR, a list of persons, organizations, and public agencies commenting on the Draft EIR, KCAGs’ responses to significant environmental points raised in the review and consultation process, and other information is hereby incorporated by reference into these Findings.

D. REQUIREMENTS FOR CEQA FINDINGS

Pursuant to Public Resources Code §21081 and CEQA Guidelines §15091, no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless the public agency makes one or more of the following findings with respect to each significant impact:

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report. (The concept of infeasibility also encompasses whether a particular alternative or mitigation measure promotes the Project’s underlying goals and objectives, and whether an alternative or mitigation measure is impractical or undesirable from a policy standpoint. (See City of Del Mar v. City of San Diego (1982) 133 Cal.App.3d 410; California Native Plant Society v. City of Santa Cruz (2009) 177 Cal.App.4th 957.))

KCAG has made one or more of these specific written findings regarding each significant impact associated with the 2014 RTP-SCS. Those findings are presented below, along with a presentation of facts in support of the findings. KCAG certifies these findings are based on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental issues identified and discussed. These findings are based on evidence contained in the totality of the administrative record before KCAG, including but not limited to the Final EIR “supporting evidence” cited herein.
II. LOCATION OF AND CUSTODIAN FOR THE RECORD

The documents and other materials that constitute the record of proceedings on which KCAG’s Findings of Fact are based are located at 339 W. D Street, Suite B, Lemoore, CA 93245. The custodian of these documents is Bruce Abanathie. This information is provided in compliance with Public Resources Code § 21081.6(a)(2) and 14 Cal. Code Regs. § 15091(e).

For purposes of CEQA at these Findings, the Record of Proceedings for the Project consists of the following documents, at a minimum:

- The Notice of Preparation and all other public notices issued by KCAG and in conjunction with the Project.
- The Draft and Final EIRs, including appendices and technical studies included or referenced in the Draft and Final EIRs.
- All comments submitted by agencies or members of the public during the public comment period on the Draft EIR.
- All comments and correspondence submitted to KCAG with respect to the Project.
- The MMRP for the Project.
- All Findings and resolutions adopted by KCAG decision makers in connection with the Project, and all documents cited or referred to therein.
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by Rincon Consultants, Inc., consultants to KCAG.
- All reports, memoranda, documentation, data output files relating to the land use and transportation modeling for the Project.
- All documents and information submitted KCAG by responsible, trustee, or other public agencies, or by individuals or organizations, in connection with the Project, up through the date KCAG approved the Project.
- Minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by KCAG, in connection with the Project.
- Any documentary or other evidence submitted to KCAG at such information sessions, public meetings, and public hearings.
- Matters of common knowledge to KCAG, including, but not limited to federal, state, and local laws and regulations.
- Any documents expressly cited in these Findings, in addition to those cited above.
- Any other materials required to be in the Record of Proceedings by Public Resources Code § 21167.6(e).
III. FINDINGS FOR IMPACTS IDENTIFIED AS INSIGNIFICANT (Class III)

Public Resources Code § 21081 and CEQA Guidelines § 15091 do not require findings of fact for impacts that are less than significant. Nevertheless, for the sake of completeness, KCAG hereby finds that the following environmental impacts of the RTP-SCS either have no impact or are less than significant. These findings are based on the discussion of impacts in the detailed issue area analyses in Section 4.0 of the EIR. Under CEQA, no mitigation measures are required for impacts that are less than significant (CEQA Guidelines § 15126.4(a)(3)).

Section 4.13 of the Draft EIR explains why certain impacts were not found to be significant and therefore were not discussed in detail in the EIR, pursuant to CEQA Guidelines Section 15128. In addition the findings below are for Class III impacts. Class III impacts are impacts that are adverse, but not significant.

A. AESTHETICS (CLASS III)

1. Impact AES-1. Proposed transportation improvements under the 2014 RTP-SCS would not affect public views along eligible or designated scenic corridors, or other scenic routes considered to have high scenic qualities. This would be a Class III, less than significant impact.

   a. Mitigation – No mitigation is required.

   b. Findings – No public views along scenic corridors or other scenic routes would be affected. Impacts would be less than significant.

   c. Supportive Evidence - Please refer to pages 4.1-6 through 4.1-7 of the Final EIR.

B. AIR QUALITY (CLASS III)

1. Impact AQ-2. Implementation of the 2014 RTP-SCS would not result in an increase of on-road vehicle emissions when compared to the existing conditions established by applicable air quality plans and the future ‘no build scenario.’ Therefore, long-term operational impacts would be Class III, less than significant.

   a. Mitigation – No mitigation is required.

   b. Findings – The operational impacts of the 2014 RTP-SCS on the attainment of state and federal air quality standards are less than significant.

   c. Supportive Evidence - Please refer to pages 4.2-15 through 4.2-16 of the Final EIR.

2. Impact AQ-4 Re-entrained dust has the potential to increase airborne PM$_{10}$ and PM$_{2.5}$ levels in Kings County. The increase in growth envisioned by the General Plans of local agencies through the 2014 RTP-SCS planning horizon would result in additional vehicle miles traveled, which would add to the PM$_{10}$ and PM$_{2.5}$ levels in the area. However, re-entrained dust levels would be lower with the 2014 RTP-SCS than the 2013 EIR baseline and SIP conformity budgets established by the applicable air quality plans. In addition,
with implementation of SJVAPCD control measures to reduce such emissions, impacts would be Class III, less than significant.

a. **Mitigation** – No mitigation is required.

b. **Findings** – Dust impacts would be lower with the 2014 RTP-SCS. Impacts would be less than significant.

c. **Supportive Evidence** - Please refer to pages 4.2-19 through 4.2-20 of the Final EIR.

3. **Impact AQ-5.** The proposed 2014 RTP-SCS would reduce emissions of ozone precursors to levels below those identified in the applicable air quality plans. Therefore, impacts related to consistency of the 2014 RTP-SCS with air quality plans would be Class III, less than significant.

a. **Mitigation** – No mitigation is required.

b. **Findings** – The 2014 RTP-SCS is considered consistent with the SJVAPCD air quality plans. Impacts would be less than significant.

c. **Supportive Evidence** - Please refer to pages 4.2-20 through 4.2-21 of the Final EIR.

**C. ENERGY (CLASS III)**

1. **Impact E-1.** Future transportation improvement projects envisioned by the 2014 RTP-SCS would increase demand for energy beyond existing conditions. However, the 2014 RTP-SCS would result in lower VMT and consume less energy than the No Project scenario. The project would not increase energy use relative to future no project conditions, would not result in inefficient, wasteful, or unnecessary use of energy, and would be consistent with adopted plans and policies related to energy conservation. As such, this impact would be Class III, less than significant.

a. **Mitigation** – The 2014 RTP-SCS proposes many transportation projects that would provide greater opportunity for County residents and visitors to use alternatives to single occupancy vehicle trips for transportation and reduce the demand for energy used in transportation. The 2014 RTP-SCS also includes policies that encourage land use planning that encourages walking, biking, and transit use.

The following mitigation measures recommended by KCAG are not required to reduce energy impacts to less than significant. They are provided as measures that could be implemented to reduce energy consumption. Sponsor agencies should implement the following measures for applicable transportation projects to minimize energy impacts. Project-specific environmental impacts may require these measures be revised or expanded in response to site-specific conditions.

**E-1(a)** New transportation facilities should be designed with energy-efficient equipment, provided that additional capital costs are offset by estimated energy savings during the first 5 years of
operation. Additional improvements with longer payback periods, such as photovoltaic solar electric systems, should be considered where applicable.

**E-1(b)** All lighting should be energy efficient and designed to use the least amount of energy to serve the purpose of the lighting. Lighting should utilize solar energy wherever feasible.

**E-1(c)** New landscaping design and irrigation systems for transportation projects should be water efficient.

b. **Findings** – Impacts would be less than significant without mitigation. Implementation of recommended measures would further reduce energy consumption in the region.

c. **Supportive Evidence** – Please refer to pages 4.5-8 through 4.5-13 of the Final EIR.

2. **Impact E-2.** 2014 RTP-SCS projects would not significantly impact the transportation of energy resources within the County. This impact would be Class III, *less than significant*.

a. **Mitigation** – No mitigation is required.

b. **Findings** – Impacts would be less than significant.

c. **Supportive Evidence** – Please refer to page 4.5-14 of the Final EIR.

D. **ENVIRONMENTAL JUSTICE (CLASS III)**

1. **Impact EJ-1.** Implementation of the 2014 RTP-SCS may cause adverse effects on a minority or low-income population; however, these potential impacts would not be disproportionately high as per Executive Order 12898 regarding environmental justice. This would be a Class III, *less than significant impact*.

a. **Mitigation** – No mitigation is required.

b. **Findings** – Impacts would be less than significant without mitigation.

c. **Supportive Evidence** - Please refer to page 4.6-11 through 4.6-13 of the Final EIR.

2. **Impact EJ-2.** The mobility benefits derived from the 2014 RTP-SCS related to travel times and accessibility by transit, single-occupancy vehicles, bicycling or walking will not be less for minority populations, low-income populations, and populations with low mobility in the KCAG region than for the population as a whole. This impact would be Class III, *less than significant*.

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1 Environmental justice impacts are socioeconomic impacts for which EIR analysis and CEQA findings are not required. (See CEQA Guidelines Sections 15064(e), 15131.) Environmental justice discussions are included in the 2014 RTP-SCS EIR and findings document for informational purposes only.
a. **Mitigation** – No mitigation is required.

b. **Findings** – Impacts would be less than significant without mitigation.

c. **Supportive Evidence** - Please refer to pages 4.6-13 through 4.6-14 of the EIR.

E. **GREENHOUSE GAS EMISSIONS (CLASS III)**

1. **Impact GHG-2.** Implementation of the 2014 RTP-SCS would result in a decrease in GHG emissions compared to both 2013 baseline and future ‘no project’ conditions. Impacts would be Class III, *less than significant*.

   a. **Mitigation** – No mitigation is required.

   b. **Findings** – Impacts are less than significant.

   c. **Supporting Evidence** – Please refer to pages 4.8-15 through 4.8-16 of the Final EIR.

2. **Impact GHG-3.** Implementation of the 2014 RTP-SCS would not interfere with the GHG emissions reduction goals of AB 32 or SB 375. Impacts would be Class III, *less than significant*.

   a. **Mitigation** – No mitigation is required.

   b. **Findings** – Impacts are less than significant.

   c. **Supporting Evidence** – Please refer to pages 4.8-16 through 4.8-17 of the Final EIR.

3. **Impact GHG-4.** Implementation of the 2014 RTP-SCS would not interfere with the goals of applicable GHG reduction plans and policies, including AB 32 and SB 375. Impacts would be Class III, *less than significant*.

   a. **Mitigation** – No mitigation is required.

   b. **Findings** – Impacts are less than significant.

   c. **Supporting Evidence** – Please refer to pages 4.8-17 of the Final EIR.

F. **LAND USE (CLASS III)**

1. **Impact LU-3.** The 2014 RTP-SCS would be consistent with applicable adopted state and local goals, policies and regulations. This is a Class III, *less than significant*, impact.

   a. **Mitigation** – No mitigation is required.

   b. **Findings** – Impacts are less than significant.
c. **Supportive Evidence** – Please refer to pages 4.10-10 through 4.10-12 of the Final EIR.

2. **Impact LU-4.** Implementation of proposed transportation improvements envisioned by the RTP-SCS could redistribute residential and commercial development; however, RTP-SCS projects that are included in local General Plans would not significantly induce growth beyond that already anticipated, as the primary purpose of proposed improvements is to accommodate projected growth. This is a Class III, *less than significant*, impact.

   a. **Mitigation** – No mitigation is required.

   b. **Findings** – Impacts would be less than significant.

   c. **Supportive Evidence** – Please refer to pages 4.10-10 through 4.10-12 of the Final EIR.

G. **TRANSPORTATION AND CIRCULATION (CLASS III)**

1. **Impact T-1.** Total vehicle miles traveled on freeways and roadways in 2040 would increase when compared to existing (2013) baseline conditions. However, implementation of the 2014 RTP-SCS would reduce overall VMT, CVMT and average trip time per person when compared to 2040 conditions without the 2014 RTP-SCS. Impacts would be Class III, *less than significant*.

   a. **Mitigation** – No mitigation is required.

   b. **Findings** – Impacts related to operational metrics would be less than significant without mitigation.

   c. **Supporting Evidence** – Please refer to pages 4.12-11 through 4.12-12 of the Final EIR

2. **Impact T-2.** The 2014 RTP-SCS would generally be consistent with applicable alternative transportation plans and policies. This is a Class III, *less than significant* impact.

   a. **Mitigation** – No mitigation is required.

   b. **Findings** – Impacts would be less than significant without mitigation.

   c. **Supporting Evidence** – Please refer to pages 4.12-12 through 4.12-13 of the Final EIR.
KCAG hereby finds that mitigation measures have been identified in the EIR that will avoid or substantially lessen the following environmental impacts to a less than significant level. These findings are based on the discussion of impacts in the detailed issue area analyses in Section 4.0 of the EIR, as well as relevant responses to comments in the Final EIR. The significant impacts and the mitigation measures that will reduce them to a less than significant level are as follows.

*Class II impacts are those which are significant but can be mitigated to less than significant by implementation of mitigation measures.*

**A. AIR QUALITY (CLASS II)**

1. **Impact AQ-1.** Construction activities associated with transportation projects under the 2014 RTP-SCS would have the potential to result in temporary adverse impacts on air quality in the region. Impacts would be Class II, *significant but mitigable.*

   a. **Mitigation** – The following mitigation measures are recommended by KCAG to reduce, minimize or avoid significant adverse environmental impacts. Sponsor agencies can and should implement the following mitigation measures for applicable transportation projects that result in air quality impacts. Project-specific environmental impacts may require these mitigation measures be revised or expanded in response to site-specific conditions.

   **AQ-1(a)** The project sponsor shall ensure that SJVAPCD Regulation VIII control measures (listed in Table 6-2 of the GAMAQI) are implemented. The measures shall be noted on all construction plans and the project sponsor shall perform periodic site inspections. SJVAPCD Regulation VIII control measures include the following:

   - All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
   - All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
   - All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
   - With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.
• When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.

• All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)

• Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

• Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.

• Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.

AQ-1(b) The project sponsor shall ensure that SJVAPCD enhanced control measures (listed in Table 6-3 of the GAMAQI) are implemented. The measures shall be noted on all construction plans and the project sponsor shall perform periodic site inspections. SJVAPCD enhanced control measures include the following:

• Limit traffic speeds on unpaved roads to 15 mph.

• Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.

AQ-1(c) The project sponsor shall ensure that SJVAPCD additional control measures (listed in Table 6-3 of the GAMAQI) are implemented. The measures shall be noted on all construction plans and the project sponsor shall perform periodic site inspections. SJVAPCD additional control measures include the following:

• Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.

• Install wind breaks at windward side(s) of construction areas.

• Suspend excavation and grading activity when winds exceed 20 mph.

• Limit area subject to excavation, grading, and other construction activity at any one time.

AQ-1(d) The project sponsor shall incorporate the following SJVAPCD heavy duty construction equipment mitigation measures (listed in Table 6-4 of the GAMAQI) to the maximum extent feasible:
- Use alternative fueled or catalyst equipped diesel construction equipment.
- Minimize idling time.
- Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use.
- Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set).
- Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways.
- Implement activity management (e.g. rescheduling activities to reduce short-term impacts).

b. **Findings** – With the implementation of the above mitigation, impacts related to short-term construction emissions would be less than significant.

c. **Supportive Evidence** – Please refer to pages 4.2-12 through 4.2-14 of the Final EIR.

2. **Impact AQ-3.** Implementation of the 2014 RTP-SCS would result in a regional decrease in toxic air emissions when compared to the 2013 EIR baseline and applicable air quality plan baselines, and would not result in an increase in toxic air emissions when compared to the future ‘no build’ scenario. However, the transportation improvement projects envisioned by the 2014 RTP-SCS may facilitate increased exposure of sensitive receptors to hazardous air pollutants that may cause health risks. Impacts would be Class II, significant but mitigable.

a. **Mitigation** – Consistent with the provisions contained in the *California Air Resources Board Air Quality and Land Use Handbook* (June 2005), transportation project sponsors can and should identify appropriate measures for transportation projects with sensitive uses located within 500 feet of freeways, heavily travelled arterials, railways and other sources of diesel particulate matter and other known carcinogens. The appropriate measures should include one or more of the following methods as applicable:

**AQ-3(a)**

The transportation project sponsor shall retain a qualified air quality consultant to prepare a health risk assessment in accordance with the California Air Resources Board and the Office of Environmental Health and Hazard Assessment requirements to determine the exposure of nearby residents/occupants/users to stationary air quality polluters to a transportation project. The health risk assessment shall be submitted to the Lead Agency for review and approval. The sponsor shall implement the approved health risk assessment recommendations to any nearby sensitive receptor structures/buildings, if any. Such measures may include:

- Install, operate and maintain in good working order a central heating and ventilation system or other air take system in the
building of a sensitive receptor that would be impacted by the project, or in each individual residential unit, that meets the efficiency standard of the minimum efficiency reporting value 13. The heating and ventilation system should include the following features: Installation of a high efficiency filter and/or carbon filter-to-filter particulates and other chemical matter from entering the building. Either high efficiency particulate absorption filters or American Society of Heating, Refrigeration, and Air-Conditioning Engineers 85% supply filters should be used.

- Ensure that positive pressure occurs within the building.
- Achieve a performance standard of at least one air exchange per hour of fresh outside filtered air.
- Achieve a performance standard of at least 4 air exchanges per hour of recirculation.
- Achieve a performance standard of 0.25 air exchanges per hour of in unfiltered infiltration if the building is not positively pressurized.

b. **Findings** – With the implementation of the above mitigation, impacts related to potential health risks would be less than significant.

c. **Supportive Evidence** – Please refer to pages 4.2-16 through 4.2-19 of the Final EIR.

**B. BIOLOGICAL RESOURCES (CLASS II)**

1. **Impact B-1.** Implementation of transportation improvements envisioned by the 2014 RTP-SCS may result in impacts to special status plant and animal species. Impacts would be Class II, *significant but mitigable.*

a. **Mitigation** – KCAG shall implement and sponsor agencies can and should implement the following mitigation measures for transportation projects identified in Table 4.3-4. These measures can and should also be implemented for future transportation development pursuant to the 2014 RTP-SCS that would result in impacts to special status animal and plant species.

B-1(a) **Biological Resources Screening and Assessment.** Because of the programmatic nature of the 2014 RTP-SCS and specific impacts for a given project are unknown at this time, on a project-by-project basis upon completion of final design, a preliminary biological resource screening shall be performed as part of the environmental review process to determine whether the project has any potential to impact biological resources. If it is determined that the project has no potential to impact biological resources, no further action is required. If the project would have the potential to impact biological resources, prior to construction, a qualified biologist shall conduct a biological resources assessment (BRA) or similar type of study to document the existing biological resources.
within the project footprint plus a buffer and to determine the potential impacts to those resources. The BRA shall evaluate the potential for impacts to all biological resources including, but not limited to special status species, nesting birds, wildlife movement, sensitive plant communities/critical habitat, and other resources judged to be sensitive by local, state, and/or federal agencies. Pending the results of the BRA, design alterations, further technical studies (i.e. protocol surveys) and/or consultations with the USFWS, CDFW and/or other local, state, and federal agencies may be required. The following mitigation measures [B-1(b) through B-1(k)] shall be incorporated, only as applicable, into the BRA for projects where specific resources are present or may be present and impacted by the project. Note that specific surveys described in the mitigation measures below may be completed as part of the BRA where suitable habitat is present.

**B-1(b)** Special Status Plant Species Surveys. If completion of the project-specific BRA determines that special status plant species may occur on-site, surveys for special status plants shall be completed prior to any vegetation removal, grubbing, or other construction activity of each segment (including staging and mobilization). The surveys shall be floristic in nature and shall be seasonally-timed to coincide with the target species identified in the project-specific BRA. All plant surveys shall be conducted by a qualified biologist approved by the implementing agency no more than two years before initial ground disturbance. All special status plant species identified on-site shall be mapped onto a site-specific aerial photograph and topographic map. Surveys shall be conducted in accordance with the most current protocols established by the CDFW, USFWS, and the local jurisdictions if said protocols exist. A report of the survey results shall be submitted to the implementing agency, and the CDFW and/or USFWS, as appropriate, for review and approval.

**B-1(c)** Special Status Plant Species Avoidance, Minimization, and Mitigation. If State listed or California Rare Plant List 1B species are found during special status plant surveys [pursuant to mitigation measure B-1(b)], then the project shall be re-designed to avoid impacting these plant species, if feasible. Rare plant occurrences that are not within the immediate disturbance footprint, but are located within 50 feet of disturbance limits shall have bright orange protective fencing installed at least 30 feet beyond their extent, or other distance as approved by a qualified biologist, to protect them from harm.

**B-1(d)** Restoration and Monitoring. If special status plants species cannot be avoided and will be impacted by a project implemented
under the 2014 RTP-SCS, all impacts shall be mitigated at a minimum ratio of 2:1 (number of acres/individuals restored to number of acres/individuals impacted) for each species as a component of habitat restoration. A restoration plan shall be prepared and submitted to the jurisdiction overseeing the project for approval. (Note: if a state listed plant species will be impacted, the restoration plan shall be submitted to the CDFW for approval). The restoration plan shall include, at a minimum, the following components:

- Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by habitat type);
- Goal(s) of the compensatory mitigation project [type(s) and area(s) of habitat to be established, restored, enhanced, and/or preserved; specific functions and values of habitat type(s) to be established, restored, enhanced, and/or preserved];
- Description of the proposed compensatory mitigation site (location and size, ownership status, existing functions and values);
- Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan);
- Maintenance activities during the monitoring period, including weed removal as appropriate (activities, responsible parties, schedule);
- Monitoring plan for the compensatory mitigation site, including no less than quarterly monitoring for the first year (performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports);
- Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, at least 80 percent survival of container plants and 30 percent relative cover by vegetation type;
- An adaptive management program and remedial measures to address any shortcomings in meeting success criteria;
- Notification of completion of compensatory mitigation and agency confirmation; and
- Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).

**B-1(e) Endangered/Threatened Species Habitat Assessment and Protocol Surveys.** Specific habitat assessment and survey protocol surveys are established for several federally and State Endangered or Threatened species. If the results of the BRA determine that suitable habitat may be present any such species, protocol habitat assessments/surveys shall be completed in accordance with CDFW
and/or USFWS protocols prior to issuance of any construction permits. If through consultation with the CDFW and/or USFWS it is determined that protocol habitat assessments/surveys are not required, said consultation shall be documented prior to issuance of any construction permits. Each protocol has different survey and timing requirements. The applicants for each project shall be responsible for ensuring they understand the protocol requirements.

B-1(f) **Endangered/Threatened Species Avoidance and Minimization.**

The habitat requirements of endangered and threatened species throughout Kings County are highly variable. The potential impacts from any given project implemented under the 2014 RTP-SCS are likewise highly variable. However, there are several avoidance and minimization measures which can be applied for a variety of species to reduce the potential for impact, with the final goal of no net loss of the species. The following measures may be applied to aquatic and/or terrestrial species. Project sponsors shall select from these measures as appropriate.

- Ground disturbance shall be limited to the minimum necessary to complete the project. The project limits of disturbance shall be flagged. Areas of special biological concern within or adjacent to the limits of disturbance shall have highly visible orange construction fencing installed between said area and the limits of disturbance.

- All projects occurring within/adjacent to aquatic habitats (including riparian habitats and wetlands) shall be completed between April 1 and October 31, if feasible, to avoid impacts to sensitive aquatic species.

- All projects occurring within or adjacent to sensitive habitats that may support federally and/or state Endangered/Threatened species shall have a CDFW and/or USFWS-approved biologist present during all initial ground disturbing/vegetation clearing activities. Once initial ground disturbing/vegetation clearing activities have been completed, said biologist shall conduct daily pre-activity clearance surveys for Endangered/Threatened species. Alternatively, and upon approval of the CDFW and/or USFWS, said biologist may conduct site inspections at a minimum of once per week to ensure all prescribed avoidance and minimization measures are begin fully implemented.

- No Endangered/Threatened species shall be captured and relocated without expressed permission from the CDFW and/or USFWS.

- If at any time during construction of the project an Endangered/Threatened species enters the construction site or otherwise may be impacted by the project, all project activities shall cease. A CDFW/USFWS-approved biologist shall
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document the occurrence and consult with the CDFW and/or USFWS as appropriate.

- For all projects occurring in areas where Endangered/Threatened species may be present and are at risk of entering the project site during construction, exclusion fencing shall be placed along the project boundaries prior to start of construction (including staging and mobilization). The placement of the fence shall be at the discretion of the CDFW/USFWS-approved biologist. This fence shall consist of solid silt fencing placed at a minimum of 3 feet above grade and 2 feet below grade and shall be attached to wooden stakes placed at intervals of not more than 5 feet. The fence shall be inspected weekly and following rain events and high wind events and shall be maintained in good working condition until all construction activities are complete.

- All vehicle maintenance/fueling/staging shall occur not less than 100 feet from any riparian habitat or water body. Suitable containment procedures shall be implemented to prevent spills. A minimum of one spill kit shall be available at each work location near riparian habitat or water bodies.

- No equipment shall be permitted to enter wetted portions of any affected drainage channel.

- All equipment operating within streams shall be in good conditions and free of leaks. Spill containment shall be installed under all equipment staged within stream areas and extra spill containment and clean up materials shall be located in close proximity for easy access.

- If project activities could degrade water quality, water quality sampling shall be implemented to identify the pre-project baseline, and to monitor during construction for comparison to the baseline.

- If water is to be diverted around work sites, a diversion plan shall be submitted (depending upon the species that may be present) to the CDFW, RWQCB, USFWS, and/or NMFS for their review and approval prior to the start of any construction activities (including staging and mobilization). If pumps are used, all intakes shall be completely screened with wire mesh not larger than five millimeters to prevent animals from entering the pump system.

- At the end of each work day, excavations shall be secured with cover or a ramp provided to prevent wildlife entrapment.

- All trenches, pipes, culverts or similar structures shall be inspected for animals prior to burying, capping, moving, or filling.

- The CDFW/USFWS-approved biologist shall remove invasive aquatic species such as bullfrogs and crayfish from suitable
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aquatic habitat whenever observed and shall dispatch them in a humane manner and dispose of properly.

- If any federally and/or state protected species are harmed, the CDFW/USFWS-approved biologist shall document the circumstances that led to harm and shall determine if project activities should cease or be altered in an effort to avoid additional harm to these species. Dead or injured special status species shall be disposed of at the discretion of the CDFW and USFWS. All incidences of harm shall be reported to the CDFW and USFWS within 48 hours.

- Considering the potential for projects to impact Federal and State listed species and their habitat, KCAG and sponsor agencies shall contact the CDFW and USFWS to identify mitigation banks within Kings County during development of the RTP. Upon implementation of projects included in the RTP, but on a project-by-project basis, if the results of the BRA determines that impacts to Federal and State threatened or endangered species habitat are expected, KCAG and sponsor agencies shall explore species appropriate mitigation bank(s) in the County for purchase of mitigation credits.

**B-1(g) Non-Listed Special Status Animal Species Avoidance and Minimization.** Several State Species of Special Concern may be impacted by transportation projects implemented under the 2014 RTP-SCS. The ecological requirements and potential for impacts is highly variable among these species. Depending on the species identified in the BRA, several of the measures identified under B-1(f) shall be applicable to the project. In addition, measures shall be selected from among the following to reduce the potential for impacts to non-listed special status animal species:

- For non-listed special-status terrestrial amphibians and reptiles, coverboard surveys shall be completed within three months of the start of construction. The coverboards shall be at least four feet by four feet and constructed of untreated plywood placed flat on the ground. The coverboards shall be checked by a qualified biologist once per week for each week after placement up until the start of vegetation removal. All non-listed special status and common animals found under the coverboards shall be captured and placed in five-gallon buckets for transportation to relocation sites. All relocation sites shall be reviewed by the project sponsor and shall consist of suitable habitat. Relocation sites shall be as close to the capture site as possible but far enough away to ensure the animal(s) is not harmed by construction of the project. Relocation shall occur on the same day as capture. CNDDDB Field Survey Forms shall be submitted to the CFDW for all special status animal species observed.
• Pre-construction clearance surveys shall be conducted within 14 days of the start of construction (including staging and mobilization). The surveys shall cover the entire disturbance footprint plus a minimum 200 foot buffer, if feasible, and shall identify all special status animal species that may occur on-site. All non-listed special status species shall be relocated from the site either through direct capture or through passive exclusion (e.g., American badger). A report of the pre-construction survey shall be submitted to KCAG, RTPA, and or the local jurisdiction for their review and approval prior to the start of construction.

• A qualified biologist shall be present during all initial ground disturbing activities, including vegetation removal to recover special status animal species unearthed by construction activities.

• Upon completion of the project, a qualified biologist shall prepare a Final Compliance report documenting all compliance activities implemented for the project, including the pre-construction survey results. The report shall be submitted within 30 days of completion of the project.

• If special status bat species may be present and impacted by the project, a qualified biologist shall conduct within 30 days of the start of construction presence/absence surveys for special status bats in consultation with the CDFW where suitable roosting habitat is present. Surveys shall be conducted using acoustic detectors and by searching tree cavities, crevices, and other areas where bats may roost. If active roosts are located, exclusion devices such as netting shall be installed to discourage bats from occupying the site. If a roost is determined by a qualified biologist to be used by a large number of bats (large hibernaculum), bat boxes shall be installed near the project site. The number of bat boxes installed will depend on the size of the hibernaculum and shall be determined through consultations with the CDFW. If a maternity colony has become established, all construction activities shall be postponed within a 500-foot buffer around the maternity colony until it is determined by a qualified biologist that the young have dispersed. Once it has been determined that the roost is clear of bats, the roost shall be removed immediately.

   **B-1(h)**  

   **Preconstruction Surveys for Nesting Birds.** For construction activities occurring during the nesting season (generally February 1 to September 15), surveys for nesting birds covered by the California Fish and Game Code and the Migratory Bird Treaty Act shall be conducted by a qualified biologist no more than 14 days prior to vegetation removal. The surveys shall include the entire segment disturbance area plus a 200 foot buffer around the site. If
active nests are located, all construction work shall be conducted outside a buffer zone from the nest to be determined by the qualified biologist. The buffer shall be a minimum of 50 feet for non-raptor bird species and at least 150 feet for raptor species. Larger buffers may be required depending upon the status of the nest and the construction activities occurring in the vicinity of the nest. The buffer area(s) shall be closed to all construction personnel and equipment until the adults and young are no longer reliant on the nest site. A qualified biologist shall confirm that breeding/nesting is completed and young have fledged the nest prior to removal of the buffer. A report of these preconstruction nesting bird surveys shall be submitted to KCAG, RTPA, and/or the local jurisdiction.

B-1(i) **Worker Environmental Awareness Program (WEAP).** Prior to initiation of construction activities (including staging and mobilization), all personnel associated with project construction shall attend WEAP training, conducted by a qualified biologist, to aid workers in recognizing special status resources that may occur in the project area. The specifics of this program shall include identification of the sensitive species and habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. All employees shall sign a form documenting provided by the trainer indicating they have attended the WEAP and understand the information presented to them. The form shall be submitted to KCAG and/or the local jurisdiction to document compliance.

B-1(j) **Tree Protection.** If it is determined that construction may impact trees protected by local agencies, the project sponsor shall procure all necessary tree removal permits. A tree protection and replacement plan shall be developed by a certified arborist as appropriate. The plan shall include, but would not be limited to, an inventory of trees to within the construction site, setbacks from trees and protective fencing, restrictions regarding grading and paving near trees, direction regarding pruning and digging within root zone of trees, and requirements for replacement and maintenance of trees. If protected trees will be removed, replacement tree plantings of like species in accordance with local agency standards, but at a minimum ratio of 2:1 (trees planted to trees impacted), shall be installed on-site or at an approved off-site location and a restoration and monitoring program shall be developed in accordance with B-1(d) and shall be implemented for
a minimum of seven years or until stasis has been determined by certified arborist. If a protected tree shall be encroached upon but not removed, a certified arborist shall be present to oversee all trimming of roots and branches.

b. Findings – Compliance with the above mitigation measures and all existing state, local and/or federal regulations would reduce impacts to a less than significant level.

c. Supportive Evidence – Please refer to pages 4.3-24 through 4.3-33 of the Final EIR.

2. Impact B-2. Implementation of transportation improvements proposed by the 2014 RTP-SCS may result in impacts to sensitive habitats, including federally protected wetlands. This impact would be Class II, significant but mitigable.

a. Mitigation – KCAG shall implement and sponsor agencies can and should implement the following mitigation measures for transportation projects identified in Table 4.3-4. Mitigation measures B-2(c) and B-2(d) also address the potential for impacts due to invasive plant species.

**B-2(a) Jurisdictional Delineation.** If projects implemented under the 2014 RTP-SCS occur within or adjacent to wetland, drainages, riparian habitats, or other areas that may fall under the jurisdiction of the CDFW, USACE, and/or RWQCB, a qualified biologist shall complete a jurisdictional delineation. The jurisdictional delineation shall determine the extent of the jurisdiction for each of these agencies and shall be conducted in accordance with the requirement set forth by each agency. The result shall be a preliminary jurisdictional delineation report that shall be submitted to the implementing agency, USACE, RWQCB, and CDFW, as appropriate, for review and approval. If jurisdictional areas are expected to be impacted, then the RWQCB would require a Waste Discharge Requirements (WDR) permit and/or Section 401 Water Quality Certification (depending upon whether or not the feature falls under federal jurisdiction). If CDFW asserts its jurisdictional authority, then a Streambed Alteration Agreement pursuant to Section 1600 et seq. of the California Fish and Game Code would also be required prior to construction within the areas of CDFW jurisdiction. If the USACE asserts its authority, then a permit pursuant to Section 404 of the Clean Water Act would likely be required.

**B-2(b) Wetland and Riparian Habitat Restored.** Impacts to jurisdictional wetland and riparian habitat shall be mitigated at a minimum ratio of 2:1 (acres of habitat restored to acres impacted), and shall occur on-site or as close to the impacted habitat as possible. A mitigation and monitoring plan shall be developed by a qualified biologist in accordance with mitigation measure B-1(d) above and shall be implemented for no less than five years after
construction of the segment, or until the KCAG/RTPA/local jurisdiction and/or the permitting authority (e.g., CDFW or USACE) has determined that restoration has been successful.

**B-2(c) Landscaping Plan.** If landscaping is proposed for a specific project, a qualified biologist/landscape architect shall prepare a landscape plan for that project. This plan shall indicate the locations and species of plants to be installed. Drought tolerant, locally native plant species shall be used. Noxious, invasive, and/or non-native plant species that are recognized on the Federal Noxious Weed List, California Noxious Weeds List, and/or California Invasive Plant Council Lists 1, 2, and 4 shall not be permitted. Species selected for planting shall be similar to those species found in adjacent native habitats.

**B-2(d) Invasive Weed Prevention and Management Program.** Prior to start of construction for each project, an Invasive Weed Prevention and Management Program shall be developed by a qualified biologist to prevent invasion of native habitat by non-native plant species. A list of target species shall be included, along with measures for early detection and eradication. All disturbed areas shall be hydroseeded with a mix of locally native species upon completion of work in those areas. In areas where construction is ongoing, hydroseeding shall occur where no construction activities have occurred within six (6) weeks since ground disturbing activities ceased. If exotic species invade these areas prior to hydroseeding, weed removal shall occur in consultation with a qualified biologist and in accordance with the restoration plan.

b. **Findings** – Compliance with the above mitigation measures and existing State, local and/or federal regulations would reduce impacts to a less than significant level.

c. **Supportive Evidence** – Please refer to pages 4.3-33 through 4.3-35 of the Final EIR.

**C. CULTURAL RESOURCES (CLASS II)**

1. **Impact CR-1** – Implementation of proposed transportation improvements envisioned by the 2014 RTP-SCS could disturb known and unknown cultural resources. Impacts to archaeological and paleontological resources would be Class II, *significant but mitigable*.

a. **Mitigation** – In general, prior to commencement of any transportation project on lands subject to federal jurisdiction or involving federal funding, a cultural resource survey and an environmental analysis must be prepared. Historic resources are also protected under the regulations of the National Historic Preservation Act and the Department of Transportation Act of 1966. County and city sponsored projects would be subject to local ordinance requirements, including General Plan provisions that protect cultural resources.
In order to provide protection of cultural resources, the following mitigation measures are recommended by KCAG. Sponsor agencies can and should implement the following mitigation measures for applicable transportation projects identified in Table 4.4-2:

CR-1(a) The project sponsor of a 2014 RTP-SCS project involving earth disturbance, the installation of pole signage or lighting, or construction of permanent above ground structures or roadways shall ensure that the following elements are included in the project’s individual environmental review:

1. Prior to construction, a map defining the Area of Potential Effects (APE) shall be prepared on a project by project basis for 2014 RTP-SCS improvements which involve earth disturbance, the installation of pole signage or lighting, or construction of permanent above ground structures. This map will indicate the areas of primary and secondary disturbance associated with construction and operation of the facility and will help in determining whether known archaeological, paleontological or historical resources are located within the impact zone.

2. A preliminary study of each project area, as defined in the APE, shall be completed to determine whether or not the project area has been studied under an earlier investigation, and to determine the impacts of the previous project.

3. If the results of the preliminary studies indicate additional studies are necessary; development of field studies and/or other documentary research shall be developed and completed (Phase I studies). Negative results would result in no additional studies for the project area.

4. Based on positive results of the Phase I studies, an evaluation of identified resources shall be completed to determine the potential eligibility/significance of the resources (Phase II studies).

5. Phase III mitigation studies shall be coordinated with the Office of Historic Preservation, as the research design will require review and approval from the OHP. In the case of prehistoric or Native American related resources, the Native American Heritage Commission and/or local representatives of the Native American population shall be contacted and permitted to respond to the testing/mitigation programs.

CR-1(b) If development of the proposed improvement requires the presence of an archaeological, Native American, or paleontological monitor, the project sponsor shall ensure that a Native American monitor, certified archaeologist, and/or certified paleontologist, as applicable, monitors the grading and/or other initial ground
altering activities. The schedule and extent of the monitoring will depend on the grading schedule and/or extent of the ground alterations. This requirement can be accomplished through placement of conditions on the project by the local jurisdiction during individual environmental review.

**CR-1(c)** The project sponsor shall ensure that materials recovered over the course of any given improvement are adequately cleaned, labeled, and curated at a recognized repository. This requirement can be accomplished through placement of conditions on the project by the local jurisdiction during individual environmental review.

**CR-1(d)** The project sponsor shall ensure that mitigation for potential impacts to significant cultural resources includes one or more of the following:

- Realignment of the project right-of-way (avoidance; the most preferable method);
- Capping of the site and leaving it undisturbed;
- Addressing structural remains with respect to NRHP guidelines (Phase III studies);
- Relocating structures per NRHP guidelines;
- Creation of interpretative facilities; and/or
- Development of measures to prevent vandalism.

This can be accomplished through placement of conditions on the project by the local jurisdiction during individual environmental review.

**b. Findings** – Implementation of the above measures would reduce potential impacts to archaeological and paleontological resources to a less than significant level.

**c. Supportive Evidence** – Please refer to page 4.4-4 to 4.4-7 of the Final EIR.

**D. GEOLOGY AND SOILS (CLASS II)**

1. **Impact G-1.** Some proposed 2014 RTP-SCS projects could be at risk from seismic activity. Although fault rupture does not pose a substantial threat in the region, ground-shaking may affect 2014 RTP-SCS projects. This is considered a Class II, *significant but mitigable* impact.

   **a. Mitigation** – KCAG shall implement and sponsor agencies can and should implement the following mitigation measure for all transportation projects developed pursuant to the 2014 RTP-SCS that would result in seismic impacts.
G-1 The project sponsor shall ensure that the structure is designed and constructed to the latest geotechnical standards. This may necessitate site-specific geologic and soils engineering investigations to exceed the code for high groundshaking zones.

b. Findings – Implementation of the above measure would reduce potential impacts to a less than significant level.

c. Supportive Evidence – Please refer to page 4.7-10 of the Final EIR.

2. Impact G-2. Some projects proposed in the 2014 RTP-SCS may be located in areas with low to moderate liquefaction potential, expansive soils, and landsliding hazards. This is considered a Class II, significant but mitigable impact.

a. Mitigation – KCAG shall implement and sponsor agencies can and should implement the following mitigation measure for all transportation projects developed pursuant to the 2014 RTP-SCS that would reduce potential impacts associated with liquefaction, expansive soils and landsliding.

   G-2(a) If a 2014 RTP-SCS project is located in an area of moderate to high liquefaction potential, the project sponsor shall ensure that the project is designed based upon appropriate geology, soils and earthquake engineering studies. Possible design measures include deep foundations, removal of liquefiable materials and dewatering.

   G-2(b) If a 2014 RTP-SCS project involves cut slopes over 15 feet in height, the project sponsor shall ensure that specific slope stabilization studies are conducted. Possible stabilization methods include buttresses, retaining walls and soldier piles.

   G-2(c) If a 2014 RTP-SCS project is located in an area of expansive soils, the project sponsor shall ensure that a site-specific investigation and appropriate design factors are implemented. Such design factors could include concrete slabs on grade with increased steel reinforcement, removal of highly expansive material and replacement with non-expansive import fill material, or chemical treatment with hydrated lime to reduce the expansion characteristics of the soils.

b. Findings – Implementation of Mitigation Measures G-2(a) through G-2(c) would reduce potential impacts to a less than significant level.

c. Supportive Evidence – Please refer to pages 4.7-11 through 4.7-12 of the Final EIR.

E. GREENHOUSE GAS EMISSIONS (CLASS II)
1. **Impact GHG-1.** Construction of the transportation improvement projects envisioned by the 2014 RTP-SCS would generate temporary short-term GHG emissions. Impacts would be Class II, *significant but mitigable*.

   a. **Mitigation** – The following mitigation measures are recommended by KCAG to reduce, minimize or avoid significant adverse environmental impacts. Sponsor agencies can and should implement the following mitigation measures for applicable transportation projects to minimize GHG emissions. Project-specific environmental impacts may require these mitigation measures be revised or expanded in response to site-specific conditions.

   GHG-1  
   The project sponsor shall ensure that applicable GHG-reducing diesel particulate and NO\textsubscript{X} emissions measures for off-road construction vehicles are implemented during construction. The measures shall be noted on all construction plans and the project sponsor shall perform periodic site inspections. Applicable GHG-reducing measures include the following.
   - Use of diesel construction equipment meeting ARB’s Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;
   - Use of on-road heavy-duty trucks that meet the ARB’s 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
   - All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;
   - Use of electric equipment in place of diesel-powered equipment, where feasible;
   - Substitute gasoline-powered in place of diesel-powered equipment, where feasible;
   - Use of alternatively fueled construction equipment, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel, in place of diesel powered equipment for 15 percent of the fleet;
   - Use of materials sources from local suppliers; and
   - Recycling and reuse of at least 50 percent of construction waste materials.

   b. **Findings** – With the implementation of the above mitigation, impacts related to short-term GHG emissions would be less than significant.

   c. **Supportive Evidence** – Please refer to pages 4.8-13 through 4.8-14 of the Final EIR

**F. HYDROLOGY AND WATER RESOURCES (CLASS II)**
1. **Impact W-1.** Implementation of proposed transportation improvements envisioned in the 2014 RTP-SCS would incrementally increase countywide water demand. Such impacts would be Class II, *significant but mitigable*.

   **a. Mitigation** – The following mitigation measures are recommended by KCAG to reduce, minimize or avoid significant adverse environmental impacts related to water supplies. Sponsor agencies can and should implement the following mitigation measures for applicable transportation projects that result in potential impacts to water supplies:

   - **W-1(a)** The project sponsor shall ensure that, where economically feasible, reclaimed water is used for dust suppression during construction activities.
   - **W-1(b)** The project sponsor shall ensure that low water use landscaping (i.e., drought tolerant plants and drip irrigation) is installed.
   - **W-1(c)** The project sponsor shall ensure that, if feasible, landscaping associated with proposed improvements is maintained using reclaimed water.
   - **W-1(d)** The project sponsor shall ensure that porous pavement materials are utilized, where feasible, to allow for groundwater percolation.
   - **W-1(e)** The sponsor of a 2014 RTP-SCS project that requires potable water service should coordinate with water supply system operators to ensure that the existing water supply systems have the capacity to handle the increase. If the current infrastructure servicing the project site is found to be inadequate, infrastructure improvements for the appropriate public service or utility should be provided by the project sponsor. In addition, wherever feasible, reclaimed water should be used for landscaping purposes instead of potable water.

   **b. Findings** – Implementation of the above measures would reduce potential impacts to a less than significant level.

   **c. Supportive Evidence** – Please refer to pages 4.9-7 through 4.9-9 of the Final EIR.

2. **Impact W-2.** Implementation of proposed transportation improvements in the 2014 RTP-SCS could result in soil erosion and contaminants in runoff, which could degrade surface and ground water quality. This impact is considered Class II, *significant but mitigable*.

   **a. Mitigation** – The following mitigation measures are recommended by KCAG to reduce, minimize or avoid significant adverse environmental impacts related to water quality. Sponsor agencies can and should implement the following mitigation
measures for applicable transportation projects that result in potential impacts to water quality:

**W-2(a)** The project sponsor shall ensure that fertilizer/pesticide application plans for any new right-of-way landscaping are prepared to minimize deep percolation of contaminants. This shall be accomplished through the placement of conditions on the project by the local jurisdiction during individual environmental review.

**W-2(b)** The project sponsor shall ensure that the road widening or roadway extension improvement projects directs runoff into subsurface percolation basins and traps which would allow for the removal of urban pollutants, fertilizers, pesticides, and other chemicals. This shall be accomplished through the placement of conditions on the project by the local jurisdiction during individual environmental review.

**W-2(c)** For roadway projects that would disturb at least one acre, a SWPPP shall be developed prior to the initiation of grading and implemented for all construction activity on the project site. The SWPPP shall include specific BMPs to control the discharge of material from the site and into the creeks and local storm drains. BMP methods may include, but would not be limited to, the use of temporary retention basins, straw bales, sand bagging, mulching, erosion control blankets and soil stabilizers.

b. **Findings** – Implementation of the above measures would reduce potential impacts to a less than significant level.

c. **Supportive Evidence** – Please refer to pages 4.9-9 through 4.9-10 of the Final EIR.

3. **Impact W-3.** Implementation of proposed transportation improvements in the 2014 RTP-SCS could be subject to flood hazards due to storm events and/or dam failure. Impacts are considered Class II, *significant but mitigable*.

a. **Mitigation** – KCAG shall implement and sponsor agencies can and should implement the following mitigation measure for all transportation projects developed pursuant to the 2014 RTP-SCS that would result in impacts from flooding.

**W-3** If a 2014 RTP-SCS project is located in an area with high flooding potential due a storm event or dam inundation, the project sponsor shall ensure that the structure is elevated at least one foot above the 100-year flood zone elevation and that bank stabilization and erosion control measures are implemented along creek crossings.

b. **Findings** – Implementation of the above measure would reduce potential impacts to a less than significant level.
c. **Supportive Evidence** – Please refer to pages 4.9-10 through 4.9-11 of the Final EIR.

G. **LAND USE (CLASS II)**

1. **Impact LU-1.** Implementation of proposed transportation improvements envisioned by the 2014 RTP-SCS could result in land use conflicts with existing sensitive land uses. This is considered a Class II, *significant but mitigable* impact.

   a. **Mitigation** – The following mitigation measure is recommended by KCAG to reduce potential impacts related to conflicts between transportation improvements and nearby sensitive land uses. Sponsor agencies can and should implement the following mitigation measure for applicable transportation projects that result in such conflicts:

   **LU-1**
   
   Setbacks, fences, or other appropriate means shall be used to separate transportation facilities with the potential to generate land use conflicts with adjacent sensitive land uses. Roadways shall be designed to minimize potential impacts to pedestrians and bicyclists, particularly those living in adjacent residential areas, or attending nearby schools. Adequate striping, signs, and signalization shall be installed to slow traffic where appropriate and to reduce safety and noise impacts. The jurisdiction through which the proposed impacting roadway traverses would be responsible for implementing this measure, which may in part be based on project-specific noise and safety studies required by the local agency.

   In addition, mitigation measures listed under Impact AES-2, in particular Mitigation Measure AES-2(b), would reduce impacts related to street lighting adjacent to sensitive land uses. Mitigation measures listed under Impact AQ-1 and AQ-3 in Section 4.2, *Air Quality*, would reduce localized air quality impacts. And, mitigation measures listed under Impacts N-1, N-2, and N-3, in Section 4.11, *Noise*, would reduce potential noise impacts.

   b. **Findings** – Land use compatibility impacts and related air quality and noise impacts would be less than significant with implementation of mitigation measures referenced above.

   c. **Supportive Evidence** – Please refer to pages 4.10-7 through 4.10-8 of the Final EIR.

2. **Impact LU-2.** Implementation of proposed transportation improvements envisioned by the 2014 RTP-SCS could temporarily and permanently displace or disrupt existing residences and businesses. This is considered a Class II, *significant but mitigable* impact.

   a. **Mitigation** – The following measures are recommended by KCAG to reduce potential impacts related to temporary disturbance to and permanent displacement of residences and businesses. Sponsor agencies can and should implement the following mitigation measure for applicable transportation projects that result in temporary disturbance and displacement.
LU-2(a) The project sponsor of 2014 RTP-SCS projects with the potential to displace residences or businesses should assure that project-specific environmental reviews consider alternative alignments and developments that avoid or minimize impacts to nearby residences and businesses.

LU-2(b) Where project-specific reviews identify displacement or relocation impacts that are unavoidable, the project sponsor should ensure that all applicable local, state, and federal relocation programs are used to assist eligible persons to relocate. In addition, the local jurisdiction shall review the proposed construction schedules to ensure that adequate time is provided to allow affected businesses to find and relocate to other sites.

LU-2(c) For all 2014 RTP-SCS projects that could result in temporary lane closures or access blockage during construction, a temporary access plan should be implemented to ensure continued access to affected cyclists, businesses, and homes. Appropriate signs and safe access shall be guaranteed during project construction to ensure that businesses remain open.

b. Findings — Implementation of recommended measures would mitigate impacts relating to temporary disturbance and long-term displacement to a less than significant level.

c. Supportive Evidence - – Please refer to pages 4.10-8 through 4.10-10 of the Final EIR.

H. NOISE (CLASS II)

1. Impact N-1. Construction activity associated with transportation improvement projects envisioned by the 2014 RTP-SCS would create temporary noise level increases in discrete locations throughout the County. Impacts would be Class II, significant but mitigable.

a. Mitigation – Local noise and vibration general plan policies and ordinance requirements would apply to construction activity associated with transportation projects included within the RTP-SCS. In addition, the following mitigation measures N-1(a) - N-1(e) are recommended by KCAG. Sponsor agencies can and should implement the following mitigation measures for applicable transportation projects that result in noise impacts. Project-specific environmental impacts may require these mitigation measures be revised or expanded in response to site-specific conditions:

N-1(a) Project sponsors of 2014 RTP-SCS projects shall ensure that, where residences or other noise sensitive uses are located within 800 feet of construction sites, appropriate measures shall be implemented to ensure consistency with local noise ordinance
requirements relating to construction. Specific techniques may include, but are not limited to, restrictions on construction timing, use of sound blankets on construction equipment, and the use of temporary walls and noise barriers to block and deflect noise.

**N-1(b)** If a particular project within 800 feet of sensitive receptors requires pile driving, the local jurisdiction in which this project is located shall require the use of pile drilling techniques instead, where feasible. This shall be accomplished through the placement of mitigation measures or conditions on the project during its individual environmental review.

**N-1(c)** Project sponsors shall ensure that equipment and trucks used for project construction utilize the best available noise control techniques (including mufflers, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds).

**N-1(d)** Project sponsors shall ensure that impact equipment (e.g., jack hammers, pavement breakers, and rock drills) used for project construction be hydraulically or electrical powered wherever feasible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatically powered tools is unavoidable, use of an exhaust muffler on the compressed air exhaust can lower noise levels from the exhaust by up to about 10 dBA. When feasible, external jackets on the impact equipment can achieve a reduction of 5 dBA. Whenever feasible, use quieter procedures, such as drilling rather than impact equipment operation.

**N-1(e)** Project sponsors shall locate stationary noise sources such as generators as far from sensitive receptors as possible. Stationary noise sources that must be located near existing receptors will be adequately muffled.

b. **Findings** – With implementation of local noise control requirements and proposed mitigation, impacts would be reduced to a less than significant level.

c. **Supportive Evidence** – Please refer to pages 4.11-15 through 4.11-18 of the Final EIR.

2. **Impact N-2.** Implementation of the 2014 RTP-SCS would increase traffic-generated noise levels in the region on roadways which could expose sensitive receptors to noise in excess of normally acceptable levels. This is a Class II, *significant but mitigable* impact.

a. **Mitigation** – The following mitigation measures are recommended by KCAG to reduce, minimize or avoid significant adverse environmental impacts. Sponsor agencies can and should implement the following mitigation measures for applicable transportation projects that result in noise impacts. Project-specific environmental
impacts may require these mitigation measures be revised or expanded in response to site-specific conditions.

N-2(a) If a 2014 RTP-SCS project is located near sensitive uses, the project sponsor shall ensure that a noise survey is conducted to determine potential alternate alignments which allow greater distance from, or greater buffering of, noise-sensitive areas. The noise survey shall be sufficient to indicate existing and projected noise levels, to determine the amount of attenuation needed to reduce potential noise impacts to such uses to an exterior noise level of 65 dBA or less. This shall be accomplished during the project’s individual environmental review.

N-2(b) Where new or expanded roadways are found to expose receptors to noise exceeding normally acceptable levels, the project sponsor shall consider various sound attenuation techniques. The preferred methods for mitigating noise impacts will be the use of appropriate setbacks and sound attenuating building design, including retrofit of existing structures with sound attenuating building materials where feasible. In instances where use of these techniques is not feasible, the use of sound barriers (earthen berms, sound walls, or some combination of the two) will be considered. Long expanses of walls or fences should be interrupted with offsets and provided with accents to prevent monotony. Landscape pockets and pedestrian access through walls should be provided. Whenever possible, a combination of elements should be used, including solid fences, walls, and, landscaped berms. Determination of appropriate noise attenuation measures will be assessed on a case-by-case basis during a project’s individual environmental review pursuant to the regulations of the applicable agency.

b. Findings – Implementation of the recommended programmatic measures would reduce potential impacts to a less than significant level.

c. Supportive Evidence – Please refer to pages 4.11-18 through 4.11-19 of the Final EIR.
V. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT AND UNAVOIDABLE (Class I)

KCAG hereby finds that mitigation measures that have been identified in the EIR that will lessen the following significant environmental impacts but not to a less than significant level. These findings are based on the discussion of impacts in the detailed issue area analyses in Section 4.0 of the EIR as well as relevant responses to comments in the Final EIR.

The findings below are for Class I impacts, where implementation of the project may result in the following significant, unavoidable environmental impacts:

A. AESTHETICS (CLASS I)

1. Impact AES-2. Development of proposed transportation improvement projects under the 2014 RTP-SCS would contribute to the alteration of Kings County’s character from primarily rural (or semi-rural) to a somewhat more suburban condition. This would be a Class I, significant and unavoidable impact.

   a. Mitigation – KCAG shall implement and sponsor agencies can and should implement the following mitigation measures for transportation projects identified in Table 4.1-1. These measures can and should also be implemented for all transportation projects developed pursuant to the 2014 RTP-SCS that would alter the County’s rural character.

   AES-2(a) Roadway extensions and widenings shall avoid the removal of existing mature trees to the extent possible. The loss of trees that are protected by local agencies shall be replaced at a minimum 2:1 basis and incorporated into the landscaping design for the roadway. The project sponsor of a particular 2014 RTP-SCS transportation project shall ensure the continued vitality of replaced trees through periodic maintenance (see mitigation measures prescribed in Section 4.3 Biological Resources, Impact B-1).

   AES-2(b) Roadway lighting shall be minimized to the extent possible, and shall not exceed the minimum height requirements of the local jurisdiction in which the project is proposed. This may be accomplished through the use of hoods, low intensity lighting, and using as few lights as necessary to achieve the goals of the project.

   AES-2(c) The project sponsor shall ensure that landscaping is installed to restore natural features along corridors after widening, interchange modifications, realignment, or construction of ancillary facilities. Associated landscape materials and design shall enhance landform variation, provide erosion control, and blend with the natural setting. To ensure compliance with approved landscape plans, the implementing agency shall provide a performance security equal to the value of the landscaping/irrigation installation.
AES-2(d) Where use of sound walls is found to be necessary to reduce potential noise impacts arising from increased traffic volumes, walls shall incorporate offsets, accents, and landscaping to prevent monotony. In addition, sound walls should be complementary in color and texture to surrounding natural features.

AES-2(e) Where a particular 2014 RTP-SCS transportation improvement project affects adjacent landforms, the project sponsor shall ensure that recontouring provides a smooth and gradual transition between modified landforms and existing grade.

b. Findings – Implementation of the above mitigation measures would reduce project-specific impacts to the extent feasible. Nevertheless, the incremental alteration of the area’s current rural or semi-rural character to a more suburban environment is considered a significant and unavoidable (Class I) impact.

c. Supportive Evidence – Please refer to pages 4.1-7 through 4.1-9 of the Final EIR.

B. BIOLOGICAL RESOURCES (CLASS I)

1. Impact B-3. Implementation of transportation improvements proposed by the 2014 RTP-SCS may impact wildlife movement, including fish migration, and/or impede the use of a native wildlife nursery. This impact would be Class I, significant and unavoidable.

a. Mitigation – KCAG shall implement and sponsor agencies can and should implement the following mitigation measures for transportation projects identified in Table 4.3-4.

B-3(a) Fence and Lighting Design. All projects including long segments of fencing and lighting shall be designed to minimize impacts to wildlife. Fencing shall not block wildlife movement through riparian or other natural habitat. Where fencing is required for public safety concerns, the fence shall be designed to permit wildlife movement by incorporating design features such as:

- A minimum 16 inches between the ground and the bottom of the fence to provide clearance for small animals;
- A minimum 12 inches between the top two wires, or top the fence with a wooden rail, mesh, or chain link instead of wire to prevent animals from becoming entangled; and
- If privacy fencing is required near open space areas, openings at the bottom of the fence measure at least 16 inches in diameter shall be installed at reasonable intervals to allow wildlife movement.

If fencing must designed in such a manner that wildlife passage would not be permitted, wildlife crossing structures shall be incorporated into the project design as appropriate.
Similarly, lighting installed as part of any project shall be designed to be minimally disruptive to wildlife. This may be accomplished through the use of hoods to direct light away from natural habitat, using low intensity lighting, and using a few lights as necessary to achieve the goals of the project.

**B-3 (b) Construction Best Management Practices.** The following construction Best Management Practices (BMPs) shall be incorporated into all grading and construction plans:

- Designation of a 20 mile per hour speed limit in all construction areas.
- All vehicles and equipment shall be parked on pavement, existing roads, and previously disturbed areas, and clearing of vegetation for vehicle access shall be avoided to the greatest extent feasible.
- The number of access routes, number and size of staging areas, and the total area of the activity shall be limited to the minimum necessary to achieve the goal of the project.
- Designation of equipment washout and fueling areas to be located within the limits of grading at a minimum of 100 feet from waters, wetlands, or other sensitive resources as identified by a qualified biologist. Washout areas shall be designed to fully contain polluted water and materials for subsequent removal from the site.
- Daily construction work schedules should be limited to daylight hours only, to the extent feasible.
- Mufflers shall be used on all construction equipment and vehicles shall be in good operating condition.
- Drip pans shall be placed under all stationary vehicles and mechanical equipment.
- All trash shall be placed in sealed containers and shall be removed from the project site a minimum of once per week.
- No pets are permitted on project site during construction.

**b. Findings** – With implementation of the above mitigation measures, potential impacts to wildlife movement and nursery sites would be reduced, but disruption to wildlife movement is still anticipated. Thus, this impact would remain Class I, *significant and unavoidable*.

**c. Supportive Evidence** – Please refer to pages 4.3-35 through 4.3-37 of the Final EIR.

**C. CULTURAL RESOURCES (CLASS I)**

1. **Impact CR-1** – Implementation of proposed transportation improvements envisioned by the 2014 RTP-SCS could disturb known and unknown cultural resources. Impacts to historical resources would be Class I, *significant and unavoidable*.
a. **Mitigation** – In general, prior to commencement of any transportation project on lands subject to federal jurisdiction or involving federal funding, a cultural resource survey and an environmental analysis must be prepared. Historic resources are also protected under the regulations of the National Historic Preservation Act and the Department of Transportation Act of 1966. County and city sponsored projects would be subject to local ordinance requirements, including General Plan provisions that protect cultural resources.

In order to provide protection of cultural resources, the following mitigation measures are recommended by KCAG. Sponsor agencies can and should implement the following mitigation measures for applicable transportation projects identified in Table 4.4-2:

**CR-1(a)** The project sponsor of a 2014 RTP-SCS project involving earth disturbance, the installation of pole signage or lighting, or construction of permanent above ground structures or roadways shall ensure that the following elements are included in the project’s individual environmental review:

1. Prior to construction, a map defining the Area of Potential Effects (APE) shall be prepared on a project by project basis for 2014 RTP-SCS improvements which involve earth disturbance, the installation of pole signage or lighting, or construction of permanent above ground structures. This map will indicate the areas of primary and secondary disturbance associated with construction and operation of the facility and will help in determining whether known archaeological, paleontological or historical resources are located within the impact zone.
2. A preliminary study of each project area, as defined in the APE, shall be completed to determine whether or not the project area has been studied under an earlier investigation, and to determine the impacts of the previous project.
3. If the results of the preliminary studies indicate additional studies are necessary; development of field studies and/or other documentary research shall be developed and completed (Phase I studies). Negative results would result in no additional studies for the project area.
4. Based on positive results of the Phase I studies, an evaluation of identified resources shall be completed to determine the potential eligibility/significance of the resources (Phase II studies).
6. Phase III mitigation studies shall be coordinated with the Office of Historic Preservation, as the research design will require review and approval from the OHP. In the case of prehistoric or Native American related resources, the Native American Heritage Commission and/or local representatives of
the Native American population shall be contacted and permitted to respond to the testing/mitigation programs.

CR-1(b) If development of the proposed improvement requires the presence of an archaeological, Native American, or paleontological monitor, the project sponsor shall ensure that a Native American monitor, certified archaeologist, and/or certified paleontologist, as applicable, monitors the grading and/or other initial ground altering activities. The schedule and extent of the monitoring will depend on the grading schedule and/or extent of the ground alterations. This requirement can be accomplished through placement of conditions on the project by the local jurisdiction during individual environmental review.

CR-1(c) The project sponsor shall ensure that materials recovered over the course of any given improvement are adequately cleaned, labeled, and curated at a recognized repository. This requirement can be accomplished through placement of conditions on the project by the local jurisdiction during individual environmental review.

CR-1(d) The project sponsor shall ensure that mitigation for potential impacts to significant cultural resources includes one or more of the following:

- Realignment of the project right-of-way (avoidance; the most preferable method);
- Capping of the site and leaving it undisturbed;
- Addressing structural remains with respect to NRHP guidelines (Phase III studies);
- Relocating structures per NRHP guidelines;
- Creation of interpretative facilities; and/or
- Development of measures to prevent vandalism.

This can be accomplished through placement of conditions on the project by the local jurisdiction during individual environmental review.

b. Findings – Implementation of the above measures would reduce potential impacts to historic structures. However, because redevelopment or demolition that may be required to implement transportation improvements may result in the permanent loss of historic structures, this impact would remain Class I, significant and unavoidable.

c. Supportive Evidence – Please refer to page 4.4-4 to 4.4-7 of the Final EIR.

D. LAND USE (CLASS I)

1. Impact LU-5. Implementation of proposed transportation improvements envisioned by the 2014 RTP-SCS could result in the conversion of agricultural lands including Prime
Farmland and lands under Williamson Act contract to non-agricultural uses. This is a Class I, *significant and unavoidable* impact.

**a. Mitigation** – No measures are available to mitigate the loss of agricultural lands, short of eliminating proposed roadways that would traverse or be adjacent to Prime Farmland or Williamson Act lands. The following mitigation measures are recommended by KCAG to reduce, minimize or avoid significant adverse environmental impacts. Sponsor agencies can and should implement the following mitigation measures for applicable transportation projects that result in impacts to agricultural. Project-specific environmental impacts may require these mitigation measures be revised or expanded in response to site-specific conditions:

**LU-5(a)** When new roadway extensions or widenings are planned, the project sponsor should assure that project-specific environmental reviews consider alternative alignments that reduce or avoid impacts to Prime Farmlands.

**LU-5(b)** Rural roadway alignments shall follow property lines to the extent feasible, to minimize impacts to the agricultural production value of any specific property. Farmers should be compensated for the loss of agricultural production at the margins of lost property, based on the amount of land deeded as road right-of-way, as a function of the total amount of production on the property.

**LU-5(c)** When new roadway extensions are planned in areas that contain sensitive farmland, the local jurisdiction in which the RTP project is located shall assure that project-specific environmental reviews consider the use of agricultural conservation easements on land of at least equal quality and size as compensation for the loss of agricultural land. Agricultural conservation easements could be implemented by directly purchasing easements or donating mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements.

**b. Findings** – Although the above measures would reduce impacts to Prime Farmland and lands under Williamson contract to the degree feasible, such impacts cannot be fully mitigated due to the potential conversion to non-agricultural use. Impacts from individual projects will need to be addressed on a case-by-case basis; however, because impacts to individual Prime Farmland and lands under Williamson contract cannot be assumed to be less than significant, agricultural impacts are considered *significant and unavoidable*.

**c. Supportive Evidence** - Please refer to pages 4.10-13 through 4.10-15 of the Final EIR.
VI. FINDINGS REGARDING ALTERNATIVES

A. LEGAL REQUIREMENTS FOR ALTERNATIVES

Public Resources Code § 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives…which would substantially lessen the significant environmental effects of such projects.” “Feasible” means “capable of being accomplished in a reasonable period of time taking into account economic, environmental, legal, social, and technological factors” (CEQA Guidelines § 15364). The concept of feasibility also encompasses whether a particular alternative promotes the Project’s underlying goals and objectives, and whether an alternative is impractical or undesirable from a policy standpoint. (See City of Del Mar v. City of San Diego (1982) 133 Cal.App.3d 410; California Native Plant Society v. City of Santa Cruz (2009) 177 Cal.App.4th 957.)

The issue of alternatives feasibility arises twice in the CEQA process, once when the EIR is prepared, and again when CEQA findings are adopted. When assessing feasibility in an EIR, the EIR preparer evaluates whether an alternative is “potentially” feasible. Potentially feasible alternatives are suggestions by the EIR preparers which may or may not be adopted by lead agency decisionmakers. When CEQA findings are made after EIR certification, the lead agency decisionmaking body independently evaluates whether the alternatives are actually feasible, including whether an alternative is impractical or undesirable from a policy standpoint. (See California Native Plant Society v. City of Santa Cruz (2009) 177 Cal.App.4th 957.)

If a significant impact can be substantially lessened (i.e., mitigated to a less than significant level) by adoption of mitigation measures, lead agency findings need not consider the feasibility of alternatives to reduce that impact. (See Laurel Hills Homeowners Association v. City Council (1978) 83 Cal.App.3d 515.) Nevertheless, Chapter 6 of the EIR and these Findings of Fact do consider the ability of potentially feasible alternatives to substantially reduce all of the Project’s significant impacts, even those impacts reduced to less-than-significant levels through adoption of mitigation measures.

An EIR must only evaluate reasonable alternatives to a project that could feasibly attain most of the project objectives and evaluate the comparative merits of the alternatives (CEQA Guidelines § 15126.6(a)). In all cases, the consideration of alternatives is to be judged against a rule of reason. The lead agency is not required to choose the environmentally superior alternative identified in the EIR if the alternative does not provide substantial advantages over the proposed Project; and (1) through the imposition of mitigation measures the environmental effects of a project can be reduced to an acceptable level, or (2) there are social, economic, technological, or other considerations that make the alternative infeasible. (Pub. Res. Code §§21002, 21002.1; CEQA Guidelines §15092.)

The proposed RTP-SCS alternatives were selected for review in the EIR because of their potential to avoid or substantially lessen project impacts, or because they were required under CEQA Guidelines (e.g., the No Project alternative). The project and alternatives are described in more detail in the 2014 RTP-SCS Final EIR and Appendices thereto.

Three alternatives are considered for the proposed 2014 RTP-SCS: Alternative 1: 2040 No-Build Scenario (No Project), Alternative 2: Intensified Transit with 30% Investment, and Alternative 3: Business As Usual.
B. FINDINGS ON ALTERNATIVES

The following project alternatives identified in the Environmental Impact Report are rejected for the following reasons. Evidence supporting the below analysis is presented in Final EIR Chapter 6.

The No Project Alternative (Alternative 1) would not be considered environmentally superior overall. Although it would entail the fewest projects and therefore result in the fewest construction-related impacts and impacts associated with ground disturbance, many of the transportation improvements and greater density development envisioned in the 2014 RTP-SCS would not occur. The No Project Alternative is rejected because total VMT, energy usage, emissions of air pollutants, and GHG emissions impacts would be greater with this alternative as compared to the 2014 RTP-SCS. Under Alternative 2, the Intensified Transit Alternative, additional transit projects would be included in the RTP-SCS. The Alternative performs similar or better than the proposed project and is considered to be environmentally superior to the proposed project. While CVMT may be slightly greater under this alternative, overall VMT would be less. Additionally, this alternative results in a decrease in the amount of habitat impacted, a greater use of active transportation modes (biking and pedestrian), greater use of public transit, and a higher level of benefits for environmental justice communities. Additionally, based exclusively on VMT, the Intensified Transit Alternative would result in less GHG and transportation impacts than the 2014 RTP-SCS. Further, this alternative would result in similar impacts to aesthetics, cultural resources, hydrology, and noise. Although it is the environmentally superior alternative, this alternative is rejected because it would be financially infeasible for KCAG to ensure that additional funds (up to 30%) would be available for transit related projects.

Alternative 3, the Business as Usual Alternative would not be considered environmentally superior overall. It would entail a similar number of projects; however, this alternative is rejected primarily because these projects would be auto-oriented and encourage a more dispersed development pattern. Therefore, construction impacts relating to air quality and GHG emissions would be similar to the proposed RTP-SCS, but operational air quality and GHG emissions would be greater than the RTP-SCS as a result of increased VMT.
VII. FINDINGS ON CUMULATIVE IMPACTS

A. INTRODUCTION

Chapter 4 of the EIR includes an analysis of both project-specific and cumulative impacts of the proposed project, as required by CEQA. This EIR is a Program EIR that analyzes the effects of cumulative buildout of the 2014 RTP-SCS. The proposed 2014 RTP-SCS considers probable future projects included in the range of transportation projects designed to meet the plan goals and current and projected future needs, and the Final EIR analyzes the cumulative impacts of these projects. The cumulative effects of all probable future circulation system improvements are included in the analysis of the proposed project’s impacts.

In Chapter 4.0, thresholds of significance for cumulative impacts are the same as those for direct, project-specific impacts, as authorized by CEQA case law. (See Save Cuyama Valley v. County of Santa Barbara (2013) 213 Cal.App.4th 1059.) When project-specific impacts are judged to be significant, they also by definition are considered “cumulatively considerable” incremental contributions to significant cumulative impacts. (See CEQA Guidelines Section 15130(a).) Mitigation measures adopted for project-specific impacts in Sections IV and V of these findings also are feasible options for mitigating the proposed project’s incremental contribution to significant cumulative effects. (See CEQA Guidelines Section 15130(b)(5).)

B. FINDINGS FOR SIGNIFICANT CUMULATIVE IMPACTS FOR WHICH PROJECT’S INCREMENTAL CONTRIBUTION HAS BEEN MITIGATED TO LESS THAN SIGNIFICANT LEVELS (CLASS II IMPACTS)

For the following impacts, KCAG hereby finds that in Section IV of these findings, mitigation measures have been identified in the EIR that will avoid or substantially lessen the proposed project’s incremental contribution to the following significant cumulative impacts to a less than significant (i.e., less than cumulatively considerable) level. The significant impacts and the mitigation measures that will reduce them to a less than significant level are as follows:

- Impact AQ-1; Mitigation Measures AQ-1(a)-(d)
- Impact AQ-3; Mitigation Measure AQ-3(a)
- Impact B-1; Mitigation Measures B-1(a)-(j)
- Impact B-2; Mitigation Measures B-2(a)-(d)
- Impact CR-1 (for archeological and paleontological resources); Mitigation Measures CR-1(a)-(d)
- Impact G-1; Mitigation Measure G-1
- Impact G-2; Mitigation Measures G-2(a)-(c)
- Impact GHG-1; Mitigation Measure GHG-1
- Impact W-1; Mitigation Measures W-1(a)-(e)
- Impact W-2; Mitigation Measures W-2(a)-(c)
- Impact W-3; Mitigation Measure W-3
C. FINDINGS FOR SIGNIFICANT CUMULATIVE IMPACTS FOR WHICH PROJECT'S INCREMENTAL CONTRIBUTION HAS NOT BEEN MITIGATED TO LESS THAN SIGNIFICANT LEVELS (CLASS I IMPACTS)

For the following impacts, KCAG hereby finds that in Section V of these findings, mitigation measures have been identified in the EIR that will reduce the proposed project’s incremental contribution to the following significant cumulative impacts, but not to a less than significant (i.e., less than cumulatively considerable) level. The significant impacts and the mitigation are as follows:

- Impact AES-2; Mitigation Measures AES-2(a)-(e)
- Impact B-3; Mitigation Measures B-3(a)-(b)
- Impact CR-1 (for historic structures); Mitigation Measures CR-1(a)-(d)
- Impact LU-5; Mitigation Measures LU-5(a)-(c)
VIII. STATEMENT OF OVERRIDING CONSIDERATIONS

KCAG adopts and makes this statement of overriding considerations concerning the Project’s unavoidable significant impacts to explain why the project’s benefits override and outweigh its unavoidable impacts.

The Environmental Impact Report (EIR) has identified and discussed significant effects that may occur as a result of the Project. As set forth in these CEQA Findings, KCAG has made a reasonable and good faith effort to eliminate or substantially mitigate the impacts resulting from the Project and has made specific findings on each of the project’s significant impacts and on mitigation measures and alternatives. With implementation of the mitigation measures discussed in the EIR, most of the project’s effects can be mitigated to a level of less than significant. However, even with implementation of all feasible mitigation, the project will result in significant and unavoidable impacts as follows:

1. Implementation of the 2014 RTP-SCS would contribute to the alteration of the KCAG region’s aesthetic character. (Impact AES-2)
2. Implementation of the 2014 RTP-SCS would impede wildlife movement, including fish migration, and/or impede the use of a native wildlife nursery. (Impact B-3)
3. Implementation of the 2014 RTP-SCS would disturb known and unknown cultural resources such as historic structures. (Impact CR-1)
4. Implementation of the 2014 RTP-SCS could convert agricultural lands including Prime Farmland and lands under Williamson Act contract to non-agricultural uses. (Impact LU-5)

In accordance with Section 15093 of the CEQA Guidelines, and having reduced the adverse significant environmental effects of the project to the extent feasible, having considered the entire administrative record on the project, and having weighed the benefits of the Project against its unavoidable adverse impacts after mitigation, KCAG hereby finds that the following legal, economic, social, and environmental benefits of the project outweigh its unavoidable adverse impacts and render them acceptable based upon the following considerations. Each benefit set forth below constitutes an overriding consideration warranting approval of the project, independent of the other benefits, despite each and every unavoidable impact.

a. The implementation of 2014 RTP-SCS transportation projects will provide for a comprehensive transportation system of facilities and services that meets the public's need for the movement of people and goods, and that is consistent with the social, economic, and environmental goals and policies of the region.

b. The project will improve transportation mobility and accessibility in the county.

c. The project will improve air quality by reducing emissions of ozone precursors compared to future No Project conditions.

d. The SCS will contribute to a reduction in greenhouse gas (GHG) emissions from passenger vehicles and light trucks, helping the Kings County area to achieve the regional GHG reduction targets set by the California Air Resources Board (ARB).

e. The project will promote consistency between the California Transportation Plan 2025, the regional transportation plan and other plans developed by cities, counties, districts, Native American Tribal Governments, and State and Federal agencies in responding to Statewide and interregional transportation issues and needs.
The construction of transportation projects will result in both short-term and long-term economic benefits to the Kings County area and its residents. Transportation projects will indirectly provide for a number of jobs relating to construction and maintenance. The RTP-SCS program includes $541 million of transportation investments in the KCAG region (Draft RTP-SCS Figure 11.1, page 11-6). Other California MPO studies have shown that investments in regional transportation projects and programs provide numerous jobs locally (see, for example, SANDAG 2050 RTP-SCS, Technical Appendix 3, Table TA 3.1, average annual increase of 18,500 jobs).
IX. MITIGATION MONITORING AND REPORTING PROGRAM

KCAG finds that a Mitigation Monitoring and Reporting Program (MMRP) for the 2014 RTP-SCS has been prepared for the project and has been adopted concurrently with these Findings (Public Resources Code, § 21081.6(a)(1)). The MMRP is described in the following sections.

A. PURPOSE AND INTENDED USE OF THE MMRP

The California Environmental Quality Act (CEQA) requires that an agency adopt a Mitigation Monitoring or Reporting Program (MMRP) prior to approving a project that includes mitigation measures. This MMRP has been prepared in compliance with the requirements of Section 21081.6 of the California Public Resources Code and Sections 15091(d) and 15097 of the CEQA Guidelines. The purpose of this MMRP is to ensure the adopted mitigation measures adopted in the findings of fact for the RTP-SCS are implemented, in accordance with CEQA requirements. The findings adopt feasible mitigation measures to reduce the significant environmental impacts of the RTP-SCS. This MMRP clarifies the process for KCAG and sponsor agencies to ensure these mitigation measures are implemented, and designates responsibility for implementing, monitoring, and reporting mitigation.

B. MITIGATION MEASURES ADOPTED WITH THE 2014 RTP-SCS

The mitigation measures adopted in the 2014 RTP-SCS EIR findings are listed in Sections III, IV, and V of these findings. Each mitigation measure identifies the parties responsible for implementation.

C. ENFORCEMENT

CEQA requires mitigation measures to be “fully enforceable” through the use of permit conditions, agreements, or other measures within each Lead Agency’s authority (Public Resources Code 21081.6(b)). The adopted mitigation measures are programmatic first-tier mitigation that can and should be implemented by other sponsor agencies during future project-specific design and environmental review. The Lead Agency for each future project is responsible for assuring the project-specific mitigation measures it adopts are enforceable.

D. IMPLEMENTATION AND REPORTING

KCAG shall designate a staff person (Deputy Executive Officer of KCAG) to serve as Coordinator for overall implementation and administration of this MMRP, and its application to future projects. The Coordinator will prepare an annual progress report on mitigation measure implementation. Mitigation measures will typically occur at, or prior to, the following milestones:

- During individual environmental review. These are measures that need undertaking during individual project-level environmental review of RTP transportation projects. These measures include items such as assessment of identification of specific project level noise reduction measures, and measures to reduce impacts on biological resources.

- Prior to issuance of a grading permit. These are measures that need to be undertaken before earth moving activities begin. These measures include items such as staking the limits of environmentally sensitive areas or vegetation to remain, confirming biological mitigation plans with resource agencies, and including pertinent design details in the project plans.
• During project construction. These measures are those that need to occur as the project is being constructed. They include monitoring the construction site for the proper implementation of dust and emission controls, erosion controls, biological protection, and examining grading areas for the presence of cultural materials.

• Following construction. These measures apply to project components that would go into effect at completion of the project construction phase, including items such as management or monitoring plans (e.g., revegetation, etc.).