

**APPENDIX V**  
**ENVIRONMENTAL DOCUMENTATION**

The Final Supplemental Environmental Impact Report (SEIR) is hereby included as part of the Kings County Association of Governments 2018 Regional Transportation Plan (RTP) by reference.

The following pages are provided as a summary discussion of the mitigation measures proposed by the Final SEIR.

## Environmental Mitigation Strategy

As a regional planning document, the RTP, and its associated SEIR, allow for early consideration of broad mitigation strategies. The SEIR serves as the first tier of environmental review for identified transportation improvement projects. It programmatically evaluates the environmental impacts of the 2018 RTP. The SEIR for the 2018 Kings County RTP identified several potential environmental impacts that require implementation of mitigation measures to reduce impacts below threshold levels. The mitigation measures identified in the EIR programmatically apply to individual transportation projects based on a review of general project parameters and locations. Transportation project sponsors are responsible for more in-depth project-level environmental analysis and mitigation. However, where applicable, the RTP can provide a framework for mitigation at a regional level.

Appendix E of the SEIR for the 2018 Kings County RTP contains a Mitigation Monitoring and Reporting Program (MMRP) that is intended to ensure that the mitigation measures identified in the SEIR are effectively implemented by the applicable jurisdictions. For each required mitigation measure, the MMRP identifies the specific action or actions required, when monitoring of the measure is required, how often implementation of the measure should occur, and the entity responsible for monitoring implementation.

Table ES-1 of the SEIR includes a brief description of the identified environmental impacts, proposed mitigation measures, and the level of significance after mitigation. Specific 2018 RTP projects that may contribute to the impacts described below are listed in the tables at the end of individual impact sections (4.1 through 4.14 of the SEIR).

Impacts are categorized by classes. Class I impacts are defined as significant, unavoidable adverse impacts which require a statement of overriding considerations to be issued per Section 15093 of the *State CEQA Guidelines* if the project is approved. Class II impacts are significant adverse impacts that can be feasibly mitigated to less than significant levels and which require findings to be made under Section 15091 of the *State CEQA Guidelines*. Class III impacts are less than significant impacts.

Projects that involve relatively large amounts of ground disturbance, such as new roads, road widenings and extensions, may result in environmental impacts related to aesthetics, agricultural resources, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use conflicts, and noise. Accordingly, the local jurisdictions in which such projects are located would be required to implement and monitor several mitigation measures to reduce these impacts below threshold levels. The following summarizes impacts and mitigation measures for such projects. The mitigation measures are contained in full in the Mitigation Monitoring and Reporting Program (MMRP) which is contained in Appendix E of the Final SEIR.

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)-(c)
- 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)-(f)
- Impact CR-1 (for archeological resources); Mitigation Measures CR-1
- Impact CR-2; Mitigation Measures CR-2(a)-(g)
- Impact GHG-1; Mitigation Measure GHG-1
- Impact W-1; Mitigation Measures W-1(a)-(e)

- Impact W-2; Mitigation Measures W-2(a)-(b)
- Impact LU-1; Mitigation Measures LU-1 and Mitigation Measures for Impacts AES-2, AQ-1, AQ-3, N-1 and N-2
- Impact LU-2; Mitigation Measures LU-2(a)-(c)
- Impact N-1; Mitigation Measures N-1(a)-(e)
- Impact N-2; Mitigation Measures N-2(a)-(b)

For the following impacts, mitigation measures have been identified in the SEIR that will reduce the proposed project's incremental contribution to the following significant cumulative impacts, but not to a less than significant level. The significant impacts and the mitigation are as follows:

- Impact AES-2; Mitigation Measures AES-2(a)-(e)
- Impact AQ-4; Mitigation Measures AQ-1(a)-(c)
- Impact B-3; Mitigation Measures B-3(a)-(c)
- Impact CR-1 (for historic structures); Mitigation Measures CR-1
- Impact LU-5; Mitigation Measures LU-5(a)-(c)
- Impact TCR-1; Mitigation Measure TCR-1

**BEFORE THE KINGS COUNTY ASSOCIATION OF GOVERNMENTS  
TRANSPORTATION POLICY COMMITTEE**

\* \* \* \* \*

**IN THE MATTER OF CERTIFYING THE )  
FINAL SUPPLEMENTAL ENVIRONMENTAL )  
IMPACT REPORT FOR THE 2018 )  
REGIONAL TRANSPORTATION PLAN/ )  
SUSTAINABLE COMMUNITIES STRATEGY )**

**RESOLUTION NO. 18-11**

**RE: CERTIFY THE FINAL SEIR  
FOR THE 2018 RTP/SCS**

**WHEREAS**, the Kings County Association of Governments (KCAG) is a Regional Transportation Planning Agency (RTPA) and a Metropolitan Planning Organization (MPO), pursuant to State and Federal designation; and

**WHEREAS**, as the RTPA and MPO for Kings County, KCAG is required under the Moving Ahead for Progress in the 21st Century (MAP-21) and the Fixing America's Surface Transportation Act (FAST Act) to update the Regional Transportation Plan (RTP) every four years and certify the Final Environmental Impact Report (EIR) concurrently; and

**WHEREAS**, KCAG has prepared a Final Supplemental Programmatic Environmental Impact Report (SEIR) for the Kings County 2018 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) in compliance with the California Government Code (CGC) Section 65080, the California Environmental Quality Act (CEQA) and the State CEQA Guidelines in order to update the 2014 RTP/SCS adopted in July 2014; and

**WHEREAS**, on July 30th, 2014, KCAG certified a Final Environmental Impact Report for the 2014 RTP/SCS; and

**WHEREAS**, a Supplemental to the Environmental Impact Report (SEIR) certified in July 2014 is an appropriate level of CEQA documentation for several reasons, including:

- (1) The Regional Growth Forecast (RGF) has not changed in this RTP update cycle,
- (2) There have only been minor changes to the lists of transportation projects and only minor additions or changes are necessary to make the previous EIR adequately apply to the 2018 RTP/SCS SEIR,
- (3) The SEIR focuses on the physical effects of the incremental changes to RTP/SCS policies, projects, and growth scenarios, and addresses the potential for new or more severe impacts that would occur due to updated baseline physical and regulatory conditions since certification of the 2014 RTP/SCS; and

**WHEREAS**, KCAG selected and retained the firm of Rincon Consultants to prepare the SEIR for the 2018 RTP/SCS; and

**WHEREAS**, KCAG filed a Notice of Preparation (NOP) with the State Clearinghouse and the Kings County Clerk's Office on June 19, 2017 with a 30-day public comment period. The State Clearinghouse identified this SEIR as State Clearinghouse No. 2013101053; and

**WHEREAS**, the Draft SEIR was completed and filed with the State Clearinghouse and the Kings County Clerk's office on June 15, 2018, thereby initiating the 45-day public review period as required by CEQA, which was concluded on August 8, 2018; and

**WHEREAS**, on July 25, 2018, in accordance with CEQA Guidelines Section 15087(a), a duly-noticed public hearing on the Draft SEIR was held, during which all persons were provided with an opportunity for public comment on the analysis in the Draft SEIR; and

**WHEREAS**, the environmental impacts of the project have been analyzed through the Final SEIR, which is comprised of the Draft SEIR, changes and revisions to the Draft SEIR, the Response to Comments, technical appendices, and the Mitigation Monitoring and Reporting Program (MMRP), a full, true and current copy of which is on file with the County Clerk and KCAG; and

**WHEREAS**, KCAG has reviewed all comments received from the public in response to the proposed SEIR and included them in the Final SEIR; and

**WHEREAS**, KCAG has considered all factors relating to the potential environmental impacts addressed in the Final SEIR.

**WHEREAS**, no comments made or received, or additional information submitted to KCAG have produced significant new information requiring recirculation or additional environmental review under CEQA.

**NOW, THEREFORE, BE IT RESOLVED**, that the KCAG Transportation Policy Committee finds and declares as follows:

1. KCAG adopts the foregoing recitals as true and correct.
2. KCAG hereby finds that the Final SEIR reflects the independent judgment of KCAG as Lead Agency for the 2018 Kings County Regional Transportation Plan/Sustainable Communities Strategy.
3. KCAG hereby finds that the Final SEIR has been completed in compliance with CEQA, and that KCAG has independently reviewed and considered the Final SEIR, in combination with the July 30th, 2014 certified Final Environmental Impact Report for the 2014 RTP/SCS, together with all comments received during the public review process, prior to certifying the Final SEIR.
4. KCAG finds that the Final SEIR provides an adequate assessment of the potentially significant environmental impacts of the project.
5. KCAG adopts the Findings of Fact and Statement of Overriding Considerations attached hereto and incorporated by this reference, which documents and supports the conclusion that even with the implementation of all feasible mitigation measures recommended in the Final SEIR, it is infeasible to reduce the project's impact related to aesthetics (alteration of visual character), air quality (re-entrained dust), biological resources (wildlife movement), cultural resources (historic resources), and land use (conversion of agricultural lands), to a level of less than significant, and which further sets forth the overriding benefits of the project, which outweigh the unavoidable environmental impacts of the project. Therefore, KCAG finds that the project's benefits outweigh the adverse impacts.

6. KCAG adopts the MMRP (included as Section 4.0 of the Final SEIR and incorporated by reference) as the mitigation monitoring and reporting program for the project.

7. Based on the foregoing, KCAG certifies the Final SEIR.

8. KCAG staff is authorized and directed to cause a Notice of Determination concerning the certification of the Final SEIR for the project to be filed in the office of the Kings County Clerk and State Clearinghouse in accordance with CEQA and the State CEQA Guidelines. KCAG staff are further authorized and directed to take all steps necessary or convenient to proceed with the project in accordance with the Final SEIR, the MMRP, and the terms of this Resolution.

9. The Executive Director or her designee(s) are directed to take such further actions as may be necessary and appropriate to carry out the intent of this Resolution.

10. This Resolution shall take effect immediately upon its adoption.

The foregoing Resolution was adopted on a motion by Commissioner Verboon, seconded by Commissioner Woolley, at a regular meeting held on the 22nd day of August, 2018 by the following vote:

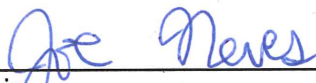
AYES: Verboon, Woolley, Neves, Ayers, Kimmel, Madrigal, Palmerin

NOES:

ABSTAIN:

ABSENT:

KINGS COUNTY ASSOCIATION OF GOVERNMENTS  
TRANSPORTATION POLICY COMMITTEE

  
\_\_\_\_\_  
Chair

WITNESS, my hand this 22<sup>nd</sup> day of August, 2018.

  
\_\_\_\_\_  
Terri King, Executive Director

## **CEQA Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program for the 2018 Regional Transportation Plan/Sustainable Communities Strategy Final Supplemental 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 the Kings County Association Governments (KCAG), as the lead agency for the 2018 Regional Transportation Plan and Sustainable Communities Strategy (“2018 RTP/SCS,” or the “Project”). These findings pertain to the Final Supplemental Environmental Impact Report (“SEIR”) SCH # 2013101053.

#### **A. PROJECT DESCRIPTION SUMMARY**

The 2018 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/SCS was adopted by KCAG in 2014 (2014 RTP/SCS). This 2018 update reflects changes in legislative requirements, local land use policies, and resource constraints. The 2018 RTP/SCS covers a 24-year period from 2018 to 2042 and is an update of the 2014 RTP/SCS. 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 2018 RTP/SCS programs the approximately \$724 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 2018 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 SEIR 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 2018 RTP/SCS SEIR is a Supplemental 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. Since this SEIR builds off the analysis in the 2014 PEIR, the 2018 RTP/SCS SEIR supplements the existing analysis, as well as incorporates new proposed transportation projects.

This SEIR has been prepared in accordance with relevant provisions of CEQA and State CEQA Guidelines, evaluates the additional projects listed in the 2018 RTP/SCS, and updates the comparison to baseline conditions. An SEIR is the appropriate level of CEQA documentation for several reasons; the Regional Growth Forecast (RGF) has not changed in this RTP update cycle, and there have only been minor changes to the lists of transportation projects. Accordingly, the SEIR focuses on the physical effects of the incremental changes to RTP/SCS policies, projects, or growth scenarios, and addresses the potential for new or more severe impacts that would occur due to updated baseline physical and regulatory conditions since certification of the 2014 RTP/SCS EIR in 2014.

## **C. INCORPORATION OF FINAL SEIR BY REFERENCE**

The Final SEIR, consisting of: (1) the Final SEIR volume, which is a complete revision of the Draft SEIR; (2) all appendices to the Final SEIR; (3) comments and recommendations received on the Draft SEIR, a list of persons, organizations, and public agencies commenting on the Draft SEIR, KCAGs’ responses to significant environmental points raised in the review and consultation process and other information; and (4) the 2014 KCAG RTP/SCS Final EIR to which the Final SEIR is a supplement, are 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 2018 RTP/SCS SEIR. 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 SEIR "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 Terri King, Executive Director. 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 SEIRs, including appendices and technical studies included or referenced in the Draft and Final SEIRs.
- The 2014 Regional Transportation Plan and Sustainable Communities Strategy Final Program EIR.
- All comments submitted by agencies or members of the public during the public comment period on the Draft SEIR.
- 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 LESS THAN SIGNIFICANT (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 2018 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 SEIR. Under CEQA, no mitigation measures are required for impacts that are less than significant (CEQA Guidelines § 15126.4(a)(3)). Impacts with recommended mitigation measures, but not required, are included in this section as well, as the mitigation provided in the SEIR would not be required to reduce the impact to a less than significant level.

Section 4.14, *Less Than Significant Environmental Factors*, of the Draft SEIR explains why certain impacts were not found to be significant and dismissed in the Initial Study (appendix A of the Draft SEIR), and therefore were not discussed in detail in the SEIR, pursuant to CEQA Guidelines Section 15128.

*The findings below are for Class III impacts, which are defined as impacts that are adverse, but not significant.*

#### A. AESTHETICS (CLASS III)

1. **Impact AES-1.** Proposed transportation improvements under the 2018 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 4.1-7 through 4.1-8 of the Final SEIR.

#### B. AIR QUALITY (CLASS III)

1. **Impact AQ-2.** Implementation of the 2018 RTP/SCS would not result in an increase of on-road vehicle emissions of criteria pollutants when compared to the 2042 No Build scenario. This impact would remain Class III, *less than significant*.
  - a. **Mitigation** - No mitigation is required.
  - b. **Findings** - The operational impacts of the 2018 RTP/SCS on the attainment of state and federal air quality standards are less than significant.
  - c. **Supportive Evidence** - Please refer to pages 4.2-14 through 4.2-15 of the Final SEIR.

2. **Impact AQ-5.** The proposed 2018 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 2018 RTP/SCS with air quality plans would remain Class III, *less than significant*.

- a. **Mitigation** - No mitigation is required.
- b. **Findings** - The 2018 RTP/SCS is considered consistent with the SJVAPCD air quality plans. Impacts would be less than significant.
- c. **Supportive Evidence** - Please refer to pages 4.2-19 through 4.2-20 of the Final SEIR.

#### C. CULTURAL RESOURCES (CLASS III)

1. **Impact CR-3.** Through required adherence to existing regulations, implementation of proposed transportation improvements envisioned by the 2018 RTP/SCS would not disturb human remains. This would be a Class III, *less than significant*, impact.

- a. **Mitigation** - No mitigation is required.
- b. **Findings** - The impacts of the 2018 RTP/SCS on the disturbance of human remains are less than significant.
- c. **Supportive Evidence** - Please refer to pages 4.4-11 through 4.4-12 of the Final SEIR.

#### D. ENERGY (CLASS III)

1. **Impact E-1.** Future transportation improvement projects envisioned by the 2018 RTP/SCS would increase demand for energy beyond existing conditions. However, the 2018 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 2018 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 2018 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 can and 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) Energy Efficient Equipment.** 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) Lighting Efficiency.** 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) Water Efficiency.** 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 4.5-10 through 4.5-15 of the Final SEIR.

**2. Impact E-2.** Implementation of the transportation projects included in the 2018 RTP/SCS projects would not result in energy demands that would require the construction of new or expanded existing energy-generating facilities. 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 4.5-15 and 4.5-16 of the Final SEIR.

## **E. ENVIRONMENTAL JUSTICE (CLASS III)<sup>1</sup>**

**1. Impact EJ-1.** Implementation of the 2018 RTP/SCS may cause adverse effects on a minority or low-income population; however, these potential effects would not disproportionately impact an Environmental Justice Community. 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 4.6-13 through 4.6-15 of the Final SEIR.

---

<sup>1</sup> 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 2018 RTP/SCS SEIR and findings document for informational purposes only.

2. **Impact EJ-2.** The mobility benefits derived from the 2018 RTP/SCS in terms of bicycling or walking and access to transit would not be substantially less in Environmental Justice Communities in the KCAG region. This impact would be Class III, *less than significant*.
  - a. **Mitigation** – No mitigation is required.
  - b. **Findings** – Impacts would be less than significant without mitigation.
  - c. **Supportive Evidence** - Please refer to pages 4.6-15 through 4.6-16 of the Final SEIR.

#### **F. GREENHOUSE GAS EMISSIONS (CLASS III)**

1. **Impact GHG-2.** Implementation of the 2018 RTP/SCS would not result in a significant increase in per capita GHG emissions compared to the 2042 No Build scenario and 2015 baseline 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 4.8-12 through 4.8-13 of the Final SEIR.
2. **Impact GHG-3.** Implementation of the 2018 RTP/SCS would not interfere with the GHG emissions reduction goals of SB 375. Impacts would remain 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 4.8-13 through 4.8-14 of the Final SEIR.
3. **Impact GHG-4.** Implementation of the 2018 RTP/SCS would not interfere with the goals of applicable GHG reduction plans and policies, including AB 32 and SB 32. Impacts would remain 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 4.8-14 through 4.8-16 of the Final SEIR.

#### **G. HYDROLOGY AND WATER RESOURCES (CLASS III)**

1. **Impact W-3.** Implementation of proposed transportation improvements envisioned in the 2018 RTP/SCS would not subject persons or structures to flood hazards due to storm events and/or dam failure. With required adherence to existing regulations, this impact is 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 4.9-18 through 4.9-19 of the Final SEIR.

#### H. LAND USE (CLASS III)

1. **Impact LU-3.** The 2018 RTP/SCS would be consistent with applicable adopted state and local goals, policies and regulations. This impact is Class III, *less than significant*.
  - a. **Mitigation** – No mitigation is required.
  - b. **Findings** – Impacts are less than significant.
  - c. **Supportive Evidence** – Please refer to pages 4.10-9 through 4.10-11 of the Final SEIR.
2. **Impact LU-4.** Implementation of proposed transportation improvements envisioned by the 2018 RTP/SCS could redistribute residential and commercial development; however, 2018 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 impact is 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 pages 4.10-11 through 4.10-12 of the Final SEIR.

#### I. TRANSPORTATION AND CIRCULATION (CLASS III)

1. **Impact T-1.** Total VMT in 2042 would increase when compared to baseline 2015 conditions. However, implementation of the 2018 RTP/SCS would reduce overall VMT compared to conditions in 2042 without its implementation. VMT on congested roadway links and average commute time per capita would increase compared to 2042 without the 2018 RTP/SCS, but the increase would be minimal. 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 4.12-14 through 4.12-15 of the Final SEIR

2. **Impact T-2.** The 2018 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 4.12-15 through 4.12-16 of the Final SEIR.



## IV. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT BUT MITIGABLE (Class II)

KCAG hereby finds that mitigation measures have been identified in the SEIR 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 SEIR, as well as relevant responses to comments in the Final SEIR. 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 of transportation improvement projects envisioned by the 2018 RTP/SCS would generate short-term air pollutant emissions. Due to the inclusion of a larger number of projects, implementation of the 2018 RTP/SCS would potentially result in higher quantities of short-term air pollutant emissions than implementation of the 2014 RTP/SCS. 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 from transportation projects. 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) SJVAPCD Control Measures.** The project sponsor shall ensure that SJVAPCD Regulation VIII control measures (listed on pages 77-78 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:

- Apply water to unpaved surfaces and areas.
- Use non-toxic chemical or organic dust suppressants on unpaved roads and traffic areas.
- Limit or reduce vehicle speed on unpaved roads and traffic areas .
- Maintain areas in a stabilized condition by restricting vehicle access.
- Install wind barriers.
- During high winds, cease outdoor activities that disturb the soil.
- Keep bulk materials sufficiently wet when handling.
- Store and handle materials in a three-sided structure.
- When storing bulk materials, apply water to the surface or cover the storage pile with a tarp.

- Don't overload haul trucks. Overloaded trucks are likely to spill bulk materials.
- Cover haul trucks with a tarp or other suitable cover. Or, wet the top of the load enough to limit visible dust emissions.
- Clean the interior of cargo compartments on emptied haul trucks prior to leaving a site.
- Prevent trackout by installing a trackout control device.
- Clean up trackout at least once a day. If along a busy road or highway, clean up trackout immediately.
- Monitor dust-generating activities and implement appropriate measures for maximum dust control.

**AQ-1(b) Additional Control Measures.** The project sponsor shall ensure that additional control measures 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:

- 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(c) Heavy Equipment Control Measures.** The project sponsor shall incorporate the following construction equipment mitigation measures 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 SEIR.

**2. Impact AQ-3.** Implementation of the 2018 RTP/SCS would not result in an increase in overall regional toxic air emissions when compared to the No Build scenario and would

decrease overall regional toxic air emissions when compared to the baseline scenario. However, the transportation improvement projects envisioned by the 2018 RTP/SCS may facilitate increased localized 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) Health Risk Assessment.** 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 pollutants 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 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 4.2-15 through 4.2-17 of the Final SEIR.

## B. BIOLOGICAL RESOURCES (CLASS II)

1. **Impact B-1.** Implementation of transportation improvements envisioned by the 2018 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 2018 RTP/SCS that would result in impacts to special status animal and plant species. Project specific environmental documents may adjust these mitigation measures to respond to site-specific conditions.

**B-1(a) Biological Resources Screening and Assessment.** On a project-by-project basis, 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. 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, to the extent 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 2018 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/project approvals. 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 project sponsors for each project shall be responsible for ensuring they understand the protocol requirements.

**B-1(f) Endangered/Threatened Species Avoidance and Minimization.** The following measures may be applied to aquatic and/or terrestrial species. Project sponsors shall select from these measures as appropriate.

- Preconstruction surveys for federal and/or state listed species with potential to occur shall be conducted by a qualified biologist not more than 48 hours prior to the start of construction activities where suitable habitat is present. The survey area shall include the proposed disturbance area and all proposed ingress/egress routes, plus a 100-foot

buffer. If any life stage of federal and/or state listed species is found within the survey area, the appropriate measures in the BO or Habitat Conservation Plan (HCP)/Incidental Take Permit (ITP) issued by the USFWS/NMFS (relevant to federal listed species) and/or the ITP issued by the CDFW (relevant to state listed species) shall be implemented; or if such guidance is not in place for the activity, the USFWS, NMFS and/or CDFW should be consulted to determine the appropriate course of action. The results of the pre-construction surveys shall be submitted to the implementing agency for review and approval prior to start of construction.

- 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 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 or as outlined in project permits, said biologist may conduct site inspections at a minimum of once per week to ensure all prescribed avoidance and minimization measures are being fully implemented.
- No Endangered/Threatened species shall be captured and relocated without authorization 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 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 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.
- If the implementing agency establishes conservation easement(s) (on- and/or off-site) to serve as compensatory mitigation for federal and/or state listed species habitat impacts, compensatory mitigation areas shall have a restrictive covenant prohibiting future development/disturbance and shall be managed in perpetuity to encourage persistence and enhancement of the preserved target species. Compensatory mitigation lands cannot be located on land that is currently held publicly for resource protection. The compensatory mitigation areas shall be managed by a conservation lands management entity or other qualified easement holder. In addition, the implementing agency shall retain a qualified biologist to prepare a Habitat Mitigation and Monitoring Plan (HMMP) to ensure the success of compensatory mitigation sites that are to be conserved for compensation of permanent impacts to federal and/or state listed species. The HMMP shall identify long term site management needs, routine monitoring techniques, techniques, and success criteria, and shall determine if the conservation site has restoration needs to function as a suitable mitigation site. If restoration is required on the conservation site, the HMMP shall contain the restoration components outlined under the Restoration Plan listed in measure BIO-1(d). The HMMP shall be submitted to the implementing agency for approval.

**B-1(g)**

**Non-Listed Special Status Animal Species Avoidance and Minimization.** 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, or other CDFW approved surveys, shall be completed within three months of the start of construction. For coverboard surveys, 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 CDFW 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, 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 30 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, 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 4.3-27 through 4.3-37 of the Final SEIR.

**2. Impact B-2.** Implementation of transportation improvements proposed by the 2018 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(d) and B-2(e) also address the potential for

impacts due to invasive plant species. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

- B-2(a)**      **Jurisdictional Delineation.** If projects implemented under the 2018 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)**      **Wetlands, Drainages, and Riparian Habitat Restoration.** 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/ local jurisdiction and/or the permitting authority (e.g., CDFW or USACE) has determined that restoration has been successful. Alternatively, mitigation shall be accomplished through purchase of credits from an approved wetlands mitigation bank.
- 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 regionally

appropriate native species that are known to occur in the adjacent native habitat types.

- B-2(d) Sensitive Vegetation Community Avoidance and Mitigation.** If the results of measure B-1(a) indicates projects implemented under the 2018 RTP/SCS would impact sensitive vegetation communities, impacts to sensitive communities shall be avoided through final project design modifications. Bright orange construction fencing shall be placed a minimum of 30 feet outside the edge of areas of sensitive communities that will be retained prior to any initiation of ground disturbance activities and shall remain in place until construction is complete. No vehicles, person, materials, or equipment shall be allowed in protected areas.

If the implementing agency determines that sensitive communities cannot be avoided, impacts shall be mitigated on-site or offsite at a ratio of 1:1 for permanently impacted sensitive communities (habitat restored for habitat lost). Temporarily impacted areas shall be restored to pre-project conditions. A Restoration Plan shall be developed by a qualified biologist. The restoration plan shall be implemented for a period of not less than five years. Off-site habitat acquisition and off-site restoration and/or enhancement may be considered if onsite restoration is determined as unachievable, as long as the off-site proposals result in equal compensatory value. Replacement ratios for off-site mitigation may be different than those required for onsite mitigation. The plan shall include, at a minimum, the same components in accordance with the restoration plan component requirements in mitigation measure B-1(d) above.

- B-2(e) 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-2(f) Wetlands, Drainages, and Riparian Habitat Best Management Practices During Construction.** The following best management

practices shall be required for development within or adjacent to wetlands, drainages, or riparian habitat:

- Access routes, staging, and construction areas shall be limited to the minimum area necessary to achieve the project goal and minimize impacts to other waters including locating access routes and ancillary construction areas outside of jurisdictional areas.
- To control sedimentation during and after project implementation, appropriate erosion control materials shall be deployed to minimize adverse effects on jurisdictional areas in the vicinity of the project.
- Project activities within the jurisdictional areas should occur during the dry season (typically between June 1 and November 1) in any given year, or as otherwise directed by the regulatory agencies.
- During construction, no litter or construction debris shall be placed within jurisdictional areas. All such debris and waste shall be picked up daily and properly disposed of at an appropriate site.
- All project-generated debris, building materials, and rubbish shall be removed from jurisdictional areas and from areas where such materials could be washed into them.
- Raw cement, concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic species resulting from project-related activities, shall be prevented from contaminating the soil and/or entering wetlands, drainages or riparian habitat.
- All refueling, maintenance, and staging of equipment and vehicles shall occur at least 100 feet from bodies of water and in a location where a potential spill would not drain directly toward aquatic habitat (e.g., on a slope that drains away from the water source). Prior to the onset of work activities, a plan must be in place for prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should an accidental spill occur.

**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 4.3-37 through 4.3-41 of the Final SEIR.

## C. CULTURAL RESOURCES (CLASS II)

1. **Impact CR-2** – Implementation of proposed transportation improvements envisioned by the 2018 RTP/SCS could disturb known and unknown paleontological resources. Impacts would be Class II, *significant but mitigable*.

a. **Mitigation** – In order to provide protection of paleontological resources, the following mitigation measures are required by KCAG for projects under their jurisdiction. Sponsor agencies can and should implement the following mitigation measures for applicable transportation projects contained in the 2018 RTP/SCS. No new or revised mitigation measures beyond those identified in the 2014 PEIR are required. The mitigation measures are listed below:

**CR-2(a) Paleontological Resources Assessment.** Prior to any construction activity, a Qualified Professional Paleontologist (SVP 2010) should prepare a Paleontological Resources Assessment to identify the geologic units that may be impacted by project development, determine the paleontological sensitivity of geologic units within the project site using the Society of Vertebrate Paleontology standards (SVP 2010), assess potential for impacts to paleontological resources from development of the proposed project, and recommend mitigation measures to avoid or mitigate impacts to scientifically significant paleontological resources. The Paleontological Resources Assessment may also require a field survey, but this will need to be determined on a project-by-project basis. If the project paleontologist determines that sediments within a project site are sensitive for potentially significant paleontological resources, the following steps (CR-2[b] to [g]) shall be taken prior to, during, and after construction activities.

**CR-2(b) Paleontological Mitigation and Monitoring Program.** Prior to construction activity a qualified paleontologist should prepare a Paleontological Mitigation and Monitoring Program to be implemented during ground disturbance activity for the proposed project. This program should outline the procedures for construction staff Worker Environmental Awareness Program (WEAP) training, paleontological monitoring extent and duration, salvage and preparation of fossils, the final mitigation and monitoring report, and paleontological staff qualifications.

**CR-2(c) Paleontological Worker Environmental Awareness Program (WEAP).** Prior to the start of construction, the project paleontologist or his or her designee, shall conduct training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff. The WEAP shall be fulfilled at the time of a preconstruction meeting at which a qualified paleontologist shall attend. In the event of a fossil discovery by construction personnel, all work in the immediate vicinity of the



find shall cease and a qualified paleontologist shall be contacted to evaluate the find before restarting work in the area. If it is determined that the fossil(s) is (are) scientifically significant, the qualified paleontologist shall complete the following conditions to mitigate impacts to significant fossil resources.

- CR-2(d) Paleontological Resource Construction Monitoring.** Ground disturbing construction activities (including grading, trenching, foundation work and other excavations) exceeding 5 feet in depth in areas mapped as high paleontological sensitivity should be monitored on a full-time basis by a qualified paleontological monitor during initial ground disturbance. The Paleontological Mitigation and Monitoring Program shall be supervised by the project paleontologist. Monitoring should be conducted by a qualified paleontological monitor, who is defined as an individual who has experience with collection and salvage of paleontological resources. The duration and timing of the monitoring will be determined by the project paleontologist. If the project paleontologist determines that full-time monitoring is no longer warranted, he or she may recommend that monitoring be reduced to periodic spot-checking or cease entirely. Monitoring would be reinstated if any new or unforeseen deeper ground disturbances are required and reduction or suspension would need to be reconsidered by the Supervising Paleontologist. Ground disturbing activity that does not exceed 5 feet in depth would not require paleontological monitoring.
- CR-2(e) Fossil Salvage.** If fossils are discovered, the project paleontologist or paleontological monitor should recover them. Typically fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist should have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner.
- CR-2(f) Identification and Curation.** Once salvaged, significant fossils should be identified to the lowest possible taxonomic level, prepared to a curation-ready condition and curated in a scientific institution with a permanent paleontological collection (such as the University of California Museum of Paleontology), along with all pertinent field notes, photos, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the project paleontologist.
- CR-2(g) Final Paleontological Mitigation Report.** Upon completion of ground disturbing activity (and curation of fossils if necessary) the

qualified paleontologist should prepare a final mitigation and monitoring report outlining the results of the mitigation and monitoring program. The report should include discussion of the location, duration and methods of the monitoring, stratigraphic sections, any recovered fossils, and the scientific significance of those fossils, and where fossils were curated.

- b. **Findings** – Implementation of the above measures would reduce potential impacts to paleontological resources to a less than significant level.
- c. **Supportive Evidence** – Please refer to pages 4.4-9 through 4.4-11 of the Final SEIR.

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

1. **Impact G-1.** Some proposed 2018 RTP/SCS transportation improvement projects could be at risk from seismic activity. Although fault rupture does not pose a substantial threat in the region, ground-shaking may affect 2018 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 2018 RTP/SCS that would result in seismic impacts.

**G-1**                    **Geotechnical Investigations.** 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 pages 4.7-10 to 4.7-11 of the Final SEIR.

2. **Impact G-2.** Some transportation improvement projects envisioned in the 2018 RTP/SCS may be located in areas with 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 measures for all transportation projects developed pursuant to the 2018 RTP/SCS that would reduce potential impacts associated with liquefaction, expansive soils and landsliding.

**G-2(a)**                    **Liquefaction Minimization.** If a 2018 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) Slope Stability.** If a 2018 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) Expansive Soil Minimization.** If a 2018 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 SEIR.

## E. GREENHOUSE GAS EMISSIONS (CLASS II)

**1. Impact GHG-1.** Construction of the transportation improvement projects envisioned by the 2018 RTP/SCS would generate temporary short-term GHG emissions. Due to the inclusion of a larger number of projects, implementation of the 2018 RTP/SCS would potentially result in higher quantities of short-term GHG emissions than implementation of the 2014 RTP/SCS. However, impacts would remain Class II, *significant but mitigable*.

**a. Mitigation –** The following mitigation measure is 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 this mitigation measure be revised or expanded in response to site-specific conditions.

**GHG-1 Diesel Particulate and NO<sub>x</sub> Measures.** The project sponsor shall ensure that applicable GHG-reducing diesel particulate and NO<sub>x</sub> 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 4.8-11 through 4.8-12 of the Final SEIR

## F. HYDROLOGY AND WATER RESOURCES (CLASS II)

1. **Impact W-1.** Implementation of proposed transportation improvements envisioned in the 2018 RTP/SCS would incrementally increase countywide water demand. This impact would be Class II, *significant but mitigable*.

a. **Mitigation** – The following mitigation measures identified in the 2014 PEIR 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) Reclaimed Water for Dust Suppression.** The project sponsor shall ensure that, where economically feasible, reclaimed water is used for dust suppression during construction activities.

**W-1(b) Drought Tolerant Landscaping.** The project sponsor shall ensure that low water use landscaping (i.e., drought tolerant plants and drip irrigation) is installed.

**W-1(c) Reclaimed Water for Landscaping.** The project sponsor shall ensure that, if feasible, landscaping associated with proposed improvements is maintained using reclaimed water.

**W-1(d) Pervious Surfaces.** The project sponsor shall ensure that porous/pervious pavement materials are utilized, where feasible, to allow for groundwater percolation.

**W-1(e) Potable Water Supply.** The sponsor of a 2018 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 impacts to a less than significant level.

**c. Supportive Evidence** – Please refer to pages 4.9-15 through 4.9-17 of the Final SEIR.

**2. Impact W-2.** Implementation of proposed transportation improvements in the 2018 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) Fertilizer and Pesticide Application Plans.** 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) Polluted Runoff Collection.** 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.

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

- c. **Supportive Evidence** – Please refer to pages 4.9-17 through 4.9-18 of the Final SEIR.

## G. LAND USE (CLASS II)

- 1. **Impact LU-1.** Implementation of proposed transportation improvements envisioned by the 2018 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 measures would minimize long-term impacts generated by proposed transportation improvements. Sponsor agencies can and should implement the following mitigation measure for applicable transportation projects that result in such conflicts:

**LU-1                      Sensitive Land Use Conflict Minimization.** 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 4.10-6 through 4.10-7 of the Final SEIR.
- 2. **Impact LU-2.** Implementation of proposed transportation improvements envisioned by the 2018 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 mitigation measure would minimize long-term impacts generated by proposed transportation improvements. Sponsor agencies can and should implement the following mitigation measure for applicable transportation projects that result in temporary disturbance and displacement.

**LU-2(a)**      **Displacement Minimization.** The project sponsor of 2018 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)**      **Relocation Procedures.** 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)**      **Temporary Access Plan.** For all 2018 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 4.10-7 through 4.10-9 of the Final SEIR.

## H. NOISE (CLASS II)

**1. Impact N-1.** Construction activity associated with transportation improvement projects envisioned by the 2018 RTP/SCS would create temporary noise level increases in discrete locations throughout the County that could exceed normally acceptable levels. 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 2018 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)**      **Noise Sensitive Uses.** Project sponsors of 2018 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) Pile Driving Limitations.** 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) Best Available Noise Control Techniques.** 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) Impact Equipment.** 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) Stationary Noise Sources.** 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 4.11-16 through 4.11-20 of the Final SEIR.

- 2. Impact N-2.** Implementation of the 2018 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) Noise Survey.** If a 2018 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) Sound Reduction Techniques.** 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 impacts to a less than significant level.
- c. **Supportive Evidence** – Please refer to pages 4.11-20 through 4.11-22 of the Final SEIR.

**V. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT AND UNAVOIDABLE (Class I)**

KCAG hereby finds that mitigation measures that have been identified in the SEIR that will lessen the following significant environmental impacts to the maximum extent feasible 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 SEIR as well as relevant responses to comments in the Final SEIR.

*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 2018 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 2018 RTP/SCS that would alter the County’s rural character.

**AES-2(a) Tree Removal Avoidance.** 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 2018 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.** 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) Landscaping Specifications.** 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) Sound Walls.** 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) Landform Minimization.** Where a particular 2018 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 4.1-8 through 4.1-10 of the Final SEIR.

## **B. AIR QUALITY (CLASS I)**

**1. Impact AQ-4.** Re-entrained dust from transportation sources has the potential to increase airborne particulate matter levels in Kings County. Roadway projects included in the 2018 RTP/SCS would facilitate an increase in VMT in Kings County relative to the 2042 No Build scenario, which would contribute to greater levels of re-entrained dust from roadway activity. This impact would be Class I, *significant and unavoidable*.

**a. Mitigation** – The 2018 RTP/SCS includes policies, alternative transportation projects, and transportation demand management projects that would encourage the use of transportation modes other than passenger vehicles. The 2018 RTP/SCS would also incorporate Mitigation Measures AQ-1a, b, and c, which would reduce re-entrained dust generated by off-road construction activities. Nonetheless, implementation of the 2018 RTP/SCS would result in greater total VMT when compared to baseline or 2042 conditions without the 2018 RTP/SCS. There are no feasible mitigation measures to substantially reduce re-entrained dust from on-road vehicle activity, and, as discussed in Section 4.4, *Transportation and Circulation*, there are no feasible mitigation measures to reduce VMT, which will increase due to regional population growth.

**b. Findings** – Implementation of the above mitigation measures would reduce project-specific impacts to the extent feasible. Nevertheless, the overall increase in VMT and the projects contribution of generated re-entrained dust would result in a significant and unavoidable impact (Class 1).

c. **Supportive Evidence** – Please refer to pages 4.2-18 through 4.2-19 of the Final SEIR.

## C. BIOLOGICAL RESOURCES (CLASS I)

1. **Impact B-3.** Implementation of transportation improvements proposed by the 2018 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. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

**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 be 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-3(c)**

**Maintain Connectivity in Drainages.** No permanent structures shall be placed within any drainage or river that would impede wildlife movement (i.e., no hardened caps or other structures in the stream channel perpendicular to stream flow be left exposed or at depth with moderate to high risk for exposure as a result of natural bed scour during high flow events and thereby potentially create impediments to passage).

In addition, upon completion of construction within any drainage, areas of stream channel and banks that are temporarily impacted shall be returned to pre-construction contours and in a condition that allows for unimpeded passage through the area once the work has been complete.

If water is to be diverted around work sites, a diversion plan shall be submitted to the project sponsor agency for review and approval prior to issuance of project construction permits/approvals. The diversion shall be designed in a way as to not impede movement while the diversion is in place.

- 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 4.3-41 through 4.3-43 of the Final SEIR.

## D. CULTURAL RESOURCES (CLASS I)

1. **Impact CR-1** – Implementation of proposed transportation improvements envisioned by the 2018 RTP/SCS could disturb known and unknown cultural resources. Impacts to archaeological resources would be Class II, *significant but mitigable*, 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, where specifically, the NHPA requires agencies to undergo a review process for federally funded and permitted projects that will impact sites that may contain historic properties. County and city sponsored projects would also be subject to local ordinance requirements, including General Plan provisions that protect cultural resources.

To minimize impacts to cultural resources, for transportation projects under their jurisdiction, KCAG shall implement the following mitigation developed for the 2018 RTP/SCS program where applicable for transportation projects that result in impacts to historic resources. Sponsor agencies can and should implement the following mitigation measure as included in the 2014 PEIR, for applicable transportation projects in the 2018 RTP/SCS.

**CR-1(a) Historic/Cultural Resource Impact Minimization Procedures.**  
The project sponsor of a 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 individual project permit issuance, the project sponsor of a 2018 RTP/SCS project involving earth disturbance or construction of permanent above ground structures or roadways shall prepare a map defining the Area of Potential Effects (APE). This map shall indicate the areas of primary and secondary disturbance associated with construction and operation of the facility and will help in determining whether known historical resources are located within the impact zone. If a structure greater than 45 years in age is within the identified APE, a survey and evaluation of the structure(s) to determine their eligibility for recognition under State, federal, or local historic preservation criteria shall be conducted. The evaluation shall be prepared by an architectural historian, or historical architect meeting the Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation, Professional Qualification Standards. The evaluation shall comply with CEQA Guidelines section

15064.5(b). Study recommendations shall be implemented, which may include, but would not be limited to, the following:

- Realign or redesign projects to avoid impacts on known historic resources where possible.
  - If avoidance of a significant architectural/built environment resource is not feasible, additional mitigation options include, but are not limited to, specific design plans for historic districts, or plans for alteration or adaptive re-use of a historical resource that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring, and Reconstructing Historic Buildings.
  - Comply with existing local regulations and policies that exceed or reasonably replace any of the above measures that protect historic resources.
2. Before construction activities, project sponsors shall retain a qualified archaeologist to conduct a record search at the Southern San Joaquin Valley Information Center to determine whether the project area has been previously surveyed and whether resources were identified. When recommended by the Information Center, project sponsors shall retain a qualified archaeologist to conduct archaeological surveys before construction activities. Project sponsors shall follow recommendations identified in the survey, which may include, but would not be limited to: subsurface testing, designing and implementing a Worker Environmental Awareness Program (WEAP), construction monitoring by a qualified archaeologist, or avoidance of sites and preservation in place.

In the event that evidence of any prehistoric or historic-era subsurface archaeological features or deposits are discovered during construction-related earthmoving activities (e.g., ceramic shard, trash scatters, lithic scatters), all ground-disturbing activity in the area of the discovery shall be halted until a qualified archaeologist can assess the significance of the find. If the find is a prehistoric archaeological site, the appropriate Native American group shall be notified. If the archaeologist determines that the find does not meet the CRHR standards of significance for cultural resources, construction may proceed. If the archaeologist determines that further information is needed to evaluate significance, a testing plan shall be prepared and implemented. If the find is determined to be significant by the qualified archaeologist (i.e., because the find is determined to constitute either an historical resource or a unique archaeological resource), the

archaeologist shall work with the project sponsor to avoid disturbance to the resources, and if complete avoidance is not feasible in light of project design, economics, logistics, and other factors, shall recommend additional measures such as the preparation and implementation of a data recovery plan. All cultural resources work shall follow accepted professional standards in recording any find including submittal of standard DPR Primary Record forms (Form DPR 523) and location information to the appropriate California Historical Resources Information System office for the project area.

Project sponsors shall comply with existing local regulations and policies that exceed or reasonably replace any of the above measures that protect archaeological resources.

- b. **Findings** - Implementation of the above measure would reduce potential impacts to archaeological resources to a less than significant level. Although measures are included to reduce impacts related to historic structures to the extent feasible, the redevelopment or demolition that may be required to implement transportation improvements may result in the permanent, irreversible loss of historic structures.
- c. **Supportive Evidence** - Please refer to page 4.4-5 to 4.4-9 of the Final SEIR.

## E. LAND USE (CLASS I)

1. **Impact LU-5.** Implementation of proposed transportation improvements envisioned by the 2018 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. Sponsor agencies can and should implement the following mitigation measures for applicable transportation projects that result in impacts to agricultural land. Project-specific environmental impacts may require these mitigation measures be revised or expanded in response to site-specific conditions:

**LU-5(a)      Alternative Alignments.** 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 Farmland.

**LU-5(b)      Farmer Compensation.** 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) Conservation Easements.** 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 4.10-12 through 4.10-14 of the Final SEIR.

## 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.

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.

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. Nevertheless, Chapter 6 of the SEIR 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 2018 RTP/SCS alternatives were selected for review in the SEIR 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 2018 RTP/SCS Final SEIR and Appendices thereto.

Three alternatives are considered for the proposed 2018 RTP/SCS: Alternative 1: 2042 No-Build Scenario (No Project), Alternative 2: Active Transportation Focused, and Alternative 3: Aggressive Green.

## 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 SEIR 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 envisioned in the 2018 RTP/SCS would not occur. In addition, the majority of the goals of the RTP/SCS would not be accomplished. Transportation and Environmental Justice impacts would be greater with this alternative as compared to the 2018 RTP/SCS.

Under Alternative 2, the Active Transportation Focused Alternative, additional active transportation projects would be included in the RTP-SCS. The Alternative performs similarly compared to the proposed project and is considered to be environmentally superior to the proposed project. This alternative results in reduced air quality impacts and a decrease in GHG and the amount of habitat impacted, a greater use of active transportation modes (biking and pedestrian), and less severe impacts to noise, transportation, and tribal cultural resources.

Based on the information presented herein, the Active Transportation Focused Alternative (Alternative 2) is determined to be the environmentally superior alternative when considering overall environmental impact relative to the performance metrics and attainment of SB 375 requirements. However, superior performance of this alternative with respect to a more balanced solution to the region's transportation needs including mobility improvements through transit and ride sharing, are not achieved under this alternative. Therefore this alternative is rejected as not satisfying the basic objectives of the project.

Alternative 3, the Aggressive Green Alternative would not be considered environmentally superior overall. It would entail a similar number of projects and accomplish some of the project's objectives. However, this alternative is rejected primarily because these projects would result in increased impacts compared to the proposed project in the areas of air quality, environmental justice, greenhouse gas emissions, noise, transportation, and tribal cultural resources. In particular, this alternative would result in increased VMT compared to the proposed project, which accordingly would result in increased air pollutant and greenhouse gas emissions, and slightly increase roadway noise throughout the region. Overall, this alternative is inferior to the proposed project, as well as inferior to Alternative 1 and 2.

## **VII. FINDINGS ON CUMULATIVE IMPACTS**

### **A. INTRODUCTION**

Sections 4.1 through 4.13 of the SEIR includes an analysis of both project-specific and cumulative impacts of the proposed project, as required by CEQA. This SEIR is a Program Supplemental EIR that analyzes the effects of cumulative buildout of the 2018 RTP/SCS. The proposed 2018 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 SEIR 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. 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)-(c)
- 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)-(f)
- Impact CR-1 (for archeological resources); Mitigation Measures CR-1
- Impact CR-2; Mitigation Measures CR-2(a)-(g)
- Impact GHG-1; Mitigation Measure GHG-1
- Impact W-1; Mitigation Measures W-1(a)-(e)
- Impact W-2; Mitigation Measures W-2(a)-(b)
- Impact LU-1; Mitigation Measures LU-1 and Mitigation Measures for Impacts AES-2, AQ-1, AQ-3, N-1 and N-2
- Impact LU-2; Mitigation Measures LU-2(a)-(c)

- Impact N-1; Mitigation Measures N-1(a)-(e)
- Impact N-2; Mitigation Measures N-2(a)-(b)

**C. FINDINGS FOR SIGNIFICANT CUMULATIVE IMPACTS FOR WHICH THE 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 SEIR 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 AQ-4; Mitigation Measures AQ-1(a)-(c),
- Impact B-3; Mitigation Measures B-3(a)-(c)
- Impact CR-1 (for historic structures); Mitigation Measure CR-1
- Impact LU-5; Mitigation Measures LU-5(a)-(c)
- Impact TCR-1; Mitigation Measure TCR-1

## 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 the unavoidable impacts.

The Supplemental Environmental Impact Report (SEIR) 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, mitigation measures and alternatives. With implementation of the mitigation measures discussed in the SEIR, most of the project's effects can be mitigated and reduced to a less than significant level. However, even with implementation of all feasible mitigation, the project will result in the following significant and unavoidable impacts:

1. Implementation of the 2018 RTP/SCS would contribute to the alteration of Kings County's primarily rural aesthetic character. (Impact AES-2)
2. Implementation of the 2018 RTP/SCS would contribute to greater levels of re-entrained dust from increased roadway activity. (Impact AQ-4)
3. Implementation of the 2018 RTP/SCS would impede wildlife movement, including fish migration, and/or impede the use of a native wildlife nursery. (Impact B-3)
4. Implementation of the 2018 RTP/SCS would disturb known and unknown cultural resources such as historic structures. (Impact CR-1)
5. Implementation of the 2018 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 2018 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 region 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 2040, 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.
- f. The construction of transportation projects will result in both short-term and long-term economic benefits to the Kings County region and its residents. Transportation projects will indirectly provide for a number of jobs relating to construction and maintenance. The RTP/SCS program includes \$724 million of transportation investments in the KCAG region (Draft RTP/SCS Figure 11.1 and 11.2, pages 11-6 through 11-7). 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 3.7, which projects an average of 35,600 jobs per year over the lifetime of the 40 year plan).

## **IX. MITIGATION MONITORING AND REPORTING PROGRAM**

KCAG finds that a Mitigation Monitoring and Reporting Program (MMRP) for the 2018 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 2018 RTP/SCS are implemented, in accordance with CEQA requirements. The findings adopt feasible mitigation measures to reduce the significant environmental impacts of the 2018 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 2018 RTP/SCS**

The mitigation measures adopted in the 2018 RTP/SCS SEIR 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 (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, but limited to, 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 ground disturbing activities begin. These measures include items such as, but not limited to,



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, but are not limited to, 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 but not limited to, items such as management or monitoring plans (e.g., revegetation, etc.).