RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, ADOPTING FINDINGS PUSUANT TO CEQA GUIDELINES SECTIONS 15091 AND 15093 AS REQUIRED BY CEQA GUIDELINES SECTION 15096 FOR THE VETERANS BOULEVARD NORTH EXTENSION PHASE 4B PROJECT

WHEREAS, on June 13, 2013, the California Department of Transportation-District 6, as lead agency, certified an Environmental Impact Report for the Veterans Boulevard/Route 99 Interchange Project/Veterans Boulevard Grade Separation Project identified by SCH No. 2010021054 (Veterans Boulevard Project EIR); and

WHEREAS, the project description for the Veterans Boulevard Project EIR includes the components of Phase 4b Veterans Boulevard North Extension Project including the following: Veterans Boulevard between Wathen Avenue and Polk Avenue and the realignment of eastbound Herndon Avenue; and

WHEREAS, California Environmental Quality Act (CEQA) Guidelines Section 15096 allows a Responsible Agency to consider an EIR prepared by a Lead Agency for a project when the approval relates to a portion of the project assessed by the Lead Agency's EIR; and

WHEREAS, pursuant to CEQA Guidelines Section 15096(f), prior to reaching a decision on a project, the Responsible Agency must consider the environmental effects of the project as shown in the Lead Agency's EIR, and shall also complete an analysis regarding the necessity of a subsequent EIR pursuant to CEQA Guidelines Section 15162; and

Date Adopted:
Date Approved:
Effective Date:
City Attorney Approval: _____

WHEREAS, a Responsible Agency that relies on an EIR prepared by a Lead Agency, shall also make the findings required by Section 15091 for each significant effect of the project and shall make findings pursuant to Section 15093 if necessary; and

WHEREAS, the City of Fresno is a Responsible Agency within the meaning of CEQA Guidelines Section 15381 for the Veterans Boulevard Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The Council finds in accordance with its own independent judgment that:

a. Approval of the Phase 4b Veterans Boulevard North Extension Project is a further discretionary approval of the Veterans Boulevard/Route 99 Interchange Project/Veterans Boulevard Grade Separation Project, and the components of the projects were assessed as part of the Veterans Boulevard EIR;

b. None of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent EIR or Mitigated Negative Declaration have occurred;

c. The Phase 4b Veterans Boulevard North Extension Project does not propose changes to the Veterans Boulevard/Route 99 Interchange Project/Veterans Boulevard Grade Separation Project, and is instead an approval that implements a portion of that project;

d. There is no substantial evidence in the record that the Phase 4b Veterans Boulevard North Extension Project may have additional significant effects on the environment that were not identified in the Veterans Boulevard EIR, and that all applicable mitigation measures of the prior EIR have been applied to the project;

e. In addition, pursuant to Public Resources Code, Section 21157.6(b)(1), Council finds that no substantial changes have occurred with respect to the circumstances

under which the prior EIR was adopted; and, that no new information, which was not known and could not have been known at the time that the prior EIR, has become available. Accordingly, a subsequent EIR is not required.

2. The Council adopts findings pursuant to CEQA Guidelines 15091 and 15093, as required by CEQA Guidelines 15096, attached hereto as Exhibit A.

3. This resolution shall be effective upon final approval.

* * * * * * * * * * * * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2022.

AYES :
NOES :
ABSENT :
ABSTAIN :

TODD STERMER, CMC
City Clerk

By: _____
Deputy Date

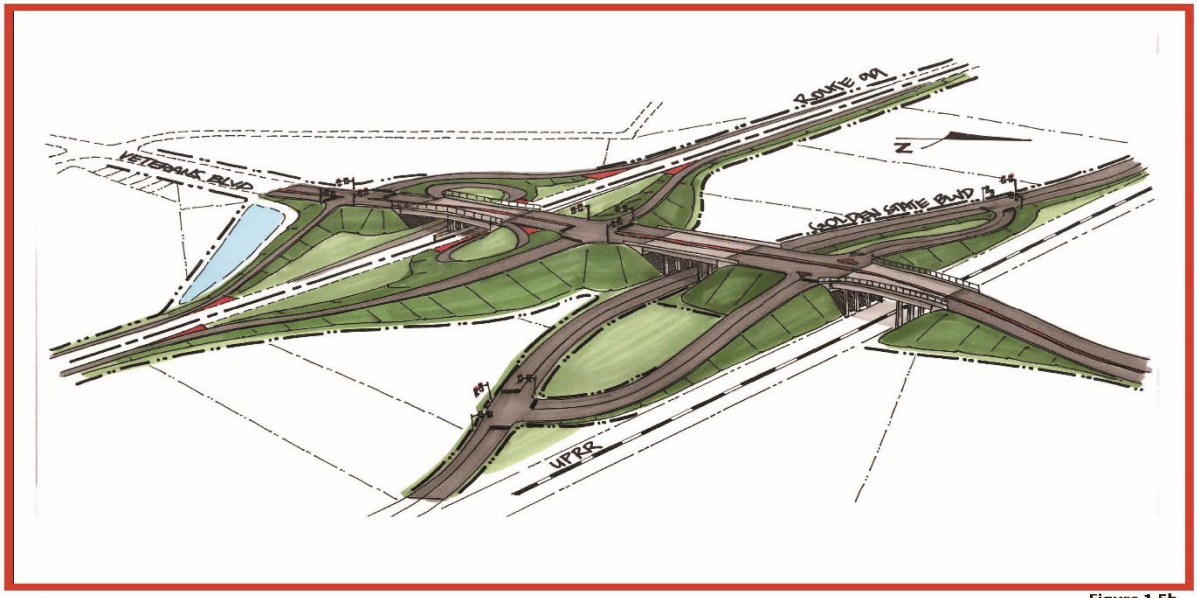
APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

By: _____
Talia Kolluri Date
Assistant City Attorney

Attachment: Exhibit A

Exhibit A

Findings of Fact and Statement of Overriding Considerations for the Veterans Boulevard/State Route 99 Interchange Project/Veterans Boulevard Grade Separation Project



*Note: **Preferred Alternative**

Figure 1.5b
Jug-Handle Alternative (Alternative 4) - 3D Overview

Planning and Development Department
January 29, 2020

City of
FRESNO

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1. Introduction

The purpose of these findings is to satisfy the requirements of Sections 15091, 15092, 15093 and 15096 of the California Environmental Quality Act (CEQA) Guidelines, associated with approval of the Fresno Veterans Boulevard/State Route 99 Interchange Project/Veterans Boulevard Grade Separation Project (project).

The CEQA Statutes (California Public Resources Code [PRC] Sections 21000, et seq.) and Guidelines (California Code of Regulations [CCR] Sections 15000, et seq.) state that if it has been determined that a project may or will have significant impacts on the environment, then an environmental impact report (EIR) must be prepared. Prior to approval of the project, the EIR must be certified pursuant to CEQA Guidelines Section 15090. When an EIR has been certified that identifies one or more significant environmental impacts, the approving agency must make one or more of the following findings, accompanied by a brief explanation of the rationale, pursuant to CEQA Guidelines Section 15091, for each identified significant impact:

A. Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

B. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency, or can and should be adopted by such other agency.

C. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

CEQA Guidelines Section 15092 states that after consideration of an EIR, and in conjunction with making the Section 15091 findings identified above, the lead agency may decide whether or how to approve or carry out the project. A project that would result in a significant environmental impact cannot be approved if feasible mitigation measures or feasible alternatives can avoid or substantially lessen the impact.

However, in the absence of feasible mitigation, an agency may approve a project with significant and unavoidable impacts, if there are specific economic, legal, social, technological, or other considerations that outweigh the unavoidable adverse environmental effects. CEQA Guidelines Section 15093 requires the lead agency to document and substantiate any such determination in a “statement of overriding considerations” as a part of the record.

When the approval in question is proposed to be carried out by a Responsible Agency within the meaning of CEQA Guidelines Section 15381, then that agency must follow the process set forth in CEQA Guidelines Section 15096. Section 15096 requires that the Responsible Agency consider the Lead Agency's EIR in light of CEQA Guidelines Section 15162 and determine if a subsequent or supplemental EIR is required. If a subsequent or supplemental EIR is not required, the Responsible Agency may rely on the analysis of the Lead Agency's EIR. In so doing, the Responsible Agency must also make the findings required by Section 15091 for each significant effect of the project and must make findings pursuant to Section 15093 if necessary. These requirements are set forth in Section 15096(h).

The requirements of CEQA Guidelines Sections 15091, 15092, and 15093 (as summarized above) are all addressed herein. This document summarizes the findings of fact and statement of overriding considerations authorized by those provisions of the CEQA Guidelines and by the PRC for the project as required by CEQA Guidelines Section 15096.

2. Project Description

The California Department of Transportation (Caltrans) is the lead agency under the National Environmental Policy Act and the California Environmental Quality Act. Federal Highway Administration responsibility for environmental review, consultation, and any other action required in accordance with applicable federal laws for this project is being, or has been, carried out by Caltrans under its assumption of responsibility pursuant to 23 United States Code 327. Caltrans, in cooperation with the City of Fresno, proposes to build a new interchange on State Route 99 and as well as a new city arterial roadway, that provides a connection to State Route 99 and enhances the local circulation network.

2.1 Project Location and Setting

The proposed interchange is planned on State Route 99 about 1 mile south of the existing Herndon Avenue interchange at post mile 29.5 (see Figure 1.1 and 1.2 in FEIR SCH No. 2010021054). The current limits for the project on State Route 99 extend 0.62 mile south of the proposed Veterans Boulevard interchange connection (post mile 28.88) to 0.61 mile north of the connection (post mile 30.11) for a total distance along the State Route 99 mainline of about 1 mile. The proposed Veterans Boulevard roadway would generally extend from West Shaw Avenue in the south to Herndon Avenue to the north.

2.2 Project Background

This project is included in the 2011 Federal Statewide Transportation Improvement Program and the Council of Fresno County of Governments 2011 Regional Transportation Plan. Funding is proposed from a variety of sources including the Fresno County Measure C Renewal sales tax program, development impact fees, and Federal Demonstration Funds.

In 1984, the Fresno General Plan first introduced the potential need for Veterans Boulevard to serve the local community along State Route 99. State Route 99 is a four-lane freeway (two mixed-flow lanes in each direction) throughout the project limits. State Route 99 is part of the California Freeway and Expressway System stretching almost the entire length of the Central Valley. Veterans Boulevard was to serve as a north-south “super” arterial to serve planned land uses in north Fresno.

The interchange would provide additional north-south access from State Route 99 between the Shaw Avenue and Herndon Avenue interchanges.
This idea was refined in 1986 with a feasibility study conducted to analyze potential interchange/grade separation configurations, with the intention of determining the alternative best suited to the site and the proposed Veterans Boulevard. In 1991, a Project Initiation Document was completed, and in 1996, the official plan line for Veterans Boulevard was adopted. Most recently, a project study report was completed to design the preliminary engineering as well as to determine how various alternatives might best serve the community.

Veterans Boulevard and the proposed interchange with State Route 99 are identified as part of the circulation system in both the City of Fresno and Fresno County general plans.

2.3 Project Objectives

The purpose of the project is as follows:

- Improve accessibility to State Route 99 and circulation to roads adjacent to the proposed interchange in northwestern Fresno
- Provide congestion relief and improved traffic flow in northwest Fresno
- Enhance the local circulation network that would accommodate local development and provide consistency with existing and planned local and regional development

2.4 Project Features

Caltrans, in cooperation with the City of Fresno, proposes to construct a new interchange and railroad grade separation at the proposed Veterans Boulevard alignment on State Route 99 between Herndon and Shaw Avenues with the following features:

• The new interchange would be a Type L-9 partial cloverleaf with six on- and off-ramps connecting State Route 99 and Veterans Boulevard.

• Veterans Boulevard would be built as a six-lane super arterial from West Shaw Avenue in the south to Herndon Avenue to the north.

• A new Veterans Boulevard overcrossing would span State Route 99 with three northbound and three southbound lanes, a Class I bicycle lane/pedestrian trail on the west side of the structure and Class II bicycle lanes on both sides of the structure and bicycle lanes.

• Veterans Boulevard would connect to Golden State Boulevard via a grade-separated crossing and would cross over the Union Pacific Railroad.

• Landscaping similar to adjacent interchanges would be provided.

• Drainage basins would be built to retain water runoff from the project.

3. Procedural Findings

Based on the nature and scope of the Veterans Boulevard/Route 99 Interchange Project/Veterans Boulevard Grade Separation Project, Caltrans, as Lead Agency determined that an EIR was appropriate for the project (the Veterans Boulevard Project EIR). The Veterans Boulevard Project EIR (State Clearinghouse No. 2010021054) was prepared, noticed, published, circulated, reviewed, and completed in full compliance with CEQA. It was certified by Caltrans on June 13, 2013.

As a Responsible Agency pursuant to CEQA Guidelines Section 15381, the City of Fresno has considered the Veterans Boulevard Project EIR prior to approving the Veterans Boulevard Trail Project which is a part of the overall Veterans Boulevard Project, as set forth by CEQA Guidelines Section 15096.

4. Record of Proceedings

In accordance with PRC Section 21167.6(e), the record of proceedings for the City's decision on this approval includes the following documents, which are incorporated by reference and made part of the record supporting these findings:

City of Fresno Documents:

- City of Fresno staff reports and all attachments

Caltrans Documents:

- The DEIR and all appendices to the DEIR;
- The FEIR and all appendices to the FEIR;

- All notices required by CEQA and presentation materials related to the project;
- All comments submitted by agencies or members of the public during the comment period on the NOP and the DEIR;
- All studies conducted for the project and contained or referenced in the DEIR and the FEIR;
- All documents cited or referenced in the DEIR and the FEIR;
- All public reports and documents related to the project prepared for the City and other agencies;
- All other documents related to the project; and
- Any additional items not included above if otherwise required by law.

The City of Fresno Staff reports and attachments are available for review by interested members of the public during normal business hours at the City offices at 2600 Fresno Street, Room 3065, Fresno, CA.

Caltrans documents may be reviewed by interested members of the public by contacting the California Department of Transportation-District 6 Public Information Office at (559) 444-2409

The DEIR and FEIR are incorporated into these findings in their entirety, unless and only to the extent these findings expressly do not incorporate by reference the DEIR and FEIR. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the project in spite of the potential for associated significant and unavoidable adverse physical environmental impacts.

5. Findings Required Under CEQA

PRC Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." Section 21002 of the PRC goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures,

individual projects may be approved in spite of one or more significant effects thereof."

The mandate and principles in PRC Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a project, the approving agency must issue a written finding reaching one or more of three permissible conclusions.

The first such finding is that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the FEIR (CEQA Guidelines Section 15091[a][1]). For purposes of these finding, the term "avoid" refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less-than-significant level. In contrast, the term "substantially lessen" refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less-than-significant level.

The second permissible finding is that such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and that such changes have been adopted by such other agency or can and should be adopted by such other agency (CEQA Guidelines Section 15091[a][2]).

The third potential conclusion is that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the DEIR and FEIR (EIR) (CEQA Guidelines Section 15091[a][(3]). "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors (CEQA Guidelines Section 15364).

The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. Moreover, "feasibility" under CEQA encompasses "desirability" to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors" (City of Del Mar v. City of San Diego [1982] 133 Cal.App.3d 410, 417).

In the process of adopting mitigation measures, the City has made a determination regarding whether the mitigation proposed in the EIR is “feasible.”

In some cases, modifications may have been made to the mitigation measures proposed in the EIR to update, clarify, streamline, or revise those measures.

With respect to a project for which significant impacts are not avoided or substantially lessened, a lead agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons in support of the finding that the project benefits outweigh its unavoidable adverse environmental effects. In the process of considering the EIR for certification, the City has recognized that impact avoidance is not possible in all instances. To the extent that significant adverse environmental impacts will not be reduced to a less-than-significant level with the adopted mitigation, the City has found that specific economic, social, and other considerations support approval of the project. Those findings are reflected herein in Section 5, “Findings Required Under CEQA,” and in Section 7, “Statement of Overriding Considerations,” below.

5.1 Summary of Findings

The DEIR identified a number of less-than-significant impacts associated with the project that do not require mitigation. The DEIR also identified a number of significant and potentially significant environmental effects (or impacts) that may be caused in whole or in part by the project. Some of these significant effects can be fully avoided or substantially lessened through the adoption of feasible mitigation measures. Other effects cannot be, and thus may be significant and unavoidable. For reasons set forth in Section 7, “Statement of Overriding Considerations,” however, the City has determined that overriding economic, social, and other considerations outweigh the significant, unavoidable effects of the project.

The findings of the City with respect to the project’s significant effects and mitigation measures are set forth in the EIR and these Findings of Fact. The Summary of Findings does not attempt to replicate or restate the full analysis of each environmental impact contained in the EIR. Please refer to the DEIR and FEIR for more detail.

The following provides a summary description of each potentially significant and significant impact, describes the applicable mitigation measures identified in the

FEIR and adopted by the City, and states the findings of the City regarding the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the DEIR and FEIR and associated record (described herein), both of which are incorporated by reference. The City hereby ratifies, adopts, and incorporates the analysis and explanation in the record into these findings, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

To the extent any of the mitigation measures are within the jurisdiction of other agencies, the City finds those agencies can and should implement those measures within their jurisdiction and control (CEQA Guidelines Section 15091[a][2]).

Findings Regarding Less Than Significant Impacts (No Mitigation Required)

The City agrees with the characterization in the DEIR and FEIR of all project-specific impacts identified as “less than significant” and finds that those impacts have been described accurately and are either less than significant or have no impact, as described in the EIR. Section 15091 of the CEQA Guidelines does not require specific findings to address environmental effects that an EIR identifies as having no impact or a less-than-significant impact.

The impacts for which the project would result in either no impact or a less-than-significant impact, and which require no mitigation, are identified in the bulleted list below. Please refer to the DEIR and FEIR for more detail.

- Aesthetics
- Agriculture and Forest Resources
- Cultural Resources
- Geology and Soil
- Land Use and Planning
- Mineral Resources
- Population and Housing
- Public Service
- Recreation
- Transportation
- Utilities and Service Systems

Findings Regarding Impacts Mitigated to a Level of Less than Significant

The City hereby finds that feasible mitigation measures have been identified in the EIR and these Findings of Fact that will avoid or substantially lessen the following potentially significant and significant environmental impacts to a less-than-significant level. The potentially significant and significant impacts and the mitigation measures that will reduce them to a less-than-significant level are summarized below. Please refer to the EIR for more detail.

Air Quality Impacts

Potential to result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under and applicable federal or state ambient air quality standard.

Potential to expose sensitive receptors to substantial pollutant concentrations.

Construction Impacts

During construction, short-term degradation of air quality may occur due to the release of particulate emissions generated by excavation, grading, hauling, and other activities related to construction. Emissions from construction equipment also are anticipated and would include carbon monoxide, nitrogen oxides, volatile organic compounds, directly-emitted particulate matter 2.5 and 10, and toxic air contaminants such as diesel exhaust particulate matter.

Site preparation and roadway construction would involve clearing, cut-and-fill activities, grading, removing or improving existing roadways, and paving roadway surfaces. Construction-related effects on air quality from most highway projects would be greatest during the site preparation phase because most engine emissions are associated with the excavation, handling, and transport of soils to and from the site. If not properly controlled, these activities would temporarily generate particulate matter 2.5, particulate matter 10, small amounts of carbon monoxide, sulfur dioxide, nitrogen oxides, and volatile organic compounds. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit mud on local streets that could be an additional source of airborne dust after the mud dries.

Particulate matter 10 emissions would vary from day to day, depending on the nature and magnitude of construction activity and local weather conditions. Particulate matter 10 emissions would depend on soil moisture, silt content of the soil, wind speed, and the amount of equipment operating at the time. Larger dust particles would settle near the source while fine particles would be dispersed over greater distances from the construction site. Additionally, the San Joaquin Valley Air Pollution Control District has

established Regulation VIII for reducing fugitive dust emissions (particulate matter 10). Using standard construction measures such as frequent watering (e.g., twice per day, minimum), fugitive dust emissions from construction activities would not result in adverse air quality impacts.

In addition to dust-related particulate matter 10 emissions, heavy trucks and construction equipment powered by gasoline and diesel engines would generate carbon monoxide, sulfur dioxide, nitrogen oxides, volatile organic compounds, and some particulate matter 2.5 and 10 in exhaust emissions. If construction activities increase traffic congestion, carbon monoxide and other emissions from traffic would increase slightly while those vehicles are delayed. These emissions would be temporary and limited to the immediate area surrounding the construction site.

Sulfur dioxide is generated by oxidation during the combustion of organic sulfur compounds contained in diesel fuel. Off-road diesel fuel meeting federal standards can contain up to 5,000 parts per million of sulfur; on-road diesel is restricted to less than 15 parts per million of sulfur. Under California law and Air Resources Board regulations, however, off-road diesel fuel used in California must meet the same sulfur and other standards as on-road diesel fuel. As a result, sulfur dioxide-related issues due to diesel exhaust will be minimal. Some phases of construction, particularly asphalt paving, would result in short-term odors in the immediate area of each paving site. Such odors would be quickly dispersed below detectable thresholds as distance from the site increases.

According to the Guide for Assessing and Mitigating Air Quality Impacts, the San Joaquin Valley Air Pollution Control District's approach to California Environmental Quality Act analyses of construction particulate matter 10 impacts is "to require implementation of effective and comprehensive control measures rather than to require detailed quantification of emissions". Emissions emitted during construction can vary greatly depending on the level of activity, the specific operations taking place, the equipment being operated, local soils, weather conditions, and other factors, making quantification difficult. However, personal communication with San Joaquin Valley Air Pollution Control District staff indicates that project-related construction emissions should be estimated. The recommended thresholds of significance for California Environmental Quality Act analysis of construction emissions should be 10 tons per year of reactive organic gas and nitrogen oxides and 15 tons per year of particulate matter 10.

The proposed construction schedule for all improvements is approximately 30 months and is anticipated to be completed by 2015. The San Joaquin Valley Air Pollution Control District does not provide a model for calculating construction emissions; however, construction emissions for the project could be estimated by using the Sacramento Metropolitan Air Quality Management District Road Construction Emissions Model, Version 6.3.2 (this model is approved for San Joaquin Valley projects). Construction-related emissions are presented in Table 2.21.

Table 2.21 Maximum Project Construction Emissions

Table 2.21 Maximum Project Construction Emissions Project Phases	ROG (lbs/day)	CO (lbs/day)	NO_x (lbs/day)	Total PM_{10} (lbs/day)	Exhaust PM_{10} (lbs/day)	Fugitive Dust PM_{10} (lbs/day)
Grubbing/Land Clearing	4.1	16.9	30.5	51.3	1.3	50.0
Grading/Excavation	9.1	66.2	65.5	52.9	2.9	50.0
Drainage/Utilities/Sub-Grade	3.7	15.9	25.7	51.4	1.4	50.0
Paving	2.8	12.2	15.2	1.3	1.3	-
Maximum (pounds/day)	9.1	66.2	65.5	52.9	2.9	50.0
Total (tons/construction project)	2.0	12.6	14.1	14.7	0.7	14.0

Source: Veterans Boulevard/Route 99 Interchange Project Air Quality Conformity Report, October 2010.

CO=carbon monoxide NOx=nitrogen oxide PM=particulate matter ROG=reactive organic gas lbs=pounds

The emissions presented above are based on the best information available at the time of calculations and assumes the schedule for all improvements would begin in 2013. Default equipment assumptions for the Sacramento Metropolitan Air Quality Management District Road Construction Emissions Model were used in developing the emissions estimates, estimates that can be refined once final engineering is completed for the project. As project construction is expected to be less than five years, construction-related emissions were not considered in the conformity analysis.

As noted in the table, construction emissions for reactive organic gas, nitrogen oxides and particulate matter 10 would not exceed the tons per year thresholds as recommended by San Joaquin Valley Air Pollution Control District staff.

Initial estimates indicate that the Rule 9510 threshold of 2 tons per year for nitrogen oxides may be exceeded; however, detailed construction schedules and equipment use are not available at this time. Therefore, precise calculations cannot be conducted, and it is uncertain if the project would exceed the thresholds established in Rule 9510. As more detailed information becomes available, the project sponsor would reevaluate the estimates of construction-related emissions, and if necessary, submit an application to the Air Pollution Control District to comply with Rule 9510. Should it be determined that the project must comply with Rule 9510, the project may be required to use special provisions during construction such as reduced-emissions construction vehicles as a condition of the permit.

Naturally Occurring Asbestos

The project is located in Fresno County, which is among the counties listed as potentially containing serpentine and ultramafic rock. However, the proposed project is not within the area of the county containing known deposits of serpentine or ultramafic rocks. Therefore, the impact from naturally occurring asbestos during project construction would be minimal to none.

Qualitative Project-Level Mobile Source Air Toxics Discussion

In addition to the criteria air pollutants for which there are federal ambient air quality standards, the Environmental Protection Act also regulates air toxics. Most air toxics originate from human-made sources, including on-road mobile sources, non-road mobile sources such as airplanes), area sources such as dry cleaners, and stationary sources such as factories or refineries.

A 2007 Environmental Protection Act rule requires controls that would dramatically decrease mobile source air toxics emissions through cleaner fuels and cleaner engines. According to an Federal Highway Administration analysis using the Environmental Protection Act MOBILE6.2 model, even if vehicle activity (vehicle-miles traveled) increases by 145 percent, as assumed, a combined reduction of 72 percent in the total annual emission rate for the priority mobile source air toxics is projected for 1999 to 2050 (see Figure 2.6). Using the EMFAC2007 emission model in place of the MOBILE6.2 model, the projected reduction in mobile source air toxics emissions would be slightly different in California.

In September 2009, the Federal Highway Administration issued guidance to advise its division offices as to when and how to analyze mobile source air toxics in the national Environmental Policy Act process for highways. This analysis follows the Federal Highway Administration guidance.

For each of the project alternatives, the amount of emitted mobile source air toxics would be proportional to the vehicle-miles traveled, assuming that other variables such as fleet mix are the same for each alternative. The proposed project is an interchange construction project that increases the capacity of Veterans Boulevard. This type of project improves roadway operations by reducing traffic congestion and improving traffic operations. The proposed build alternatives would reduce the delay at a majority of the intersections in the project area.

For all future alternatives (No-Build Alternative and build alternatives), emissions are projected to be lower than present levels in the design year as a result of the Environmental Protection Act's national control programs projected to reduce mobile source air toxics emissions by 72 percent between 1999 and 2050.

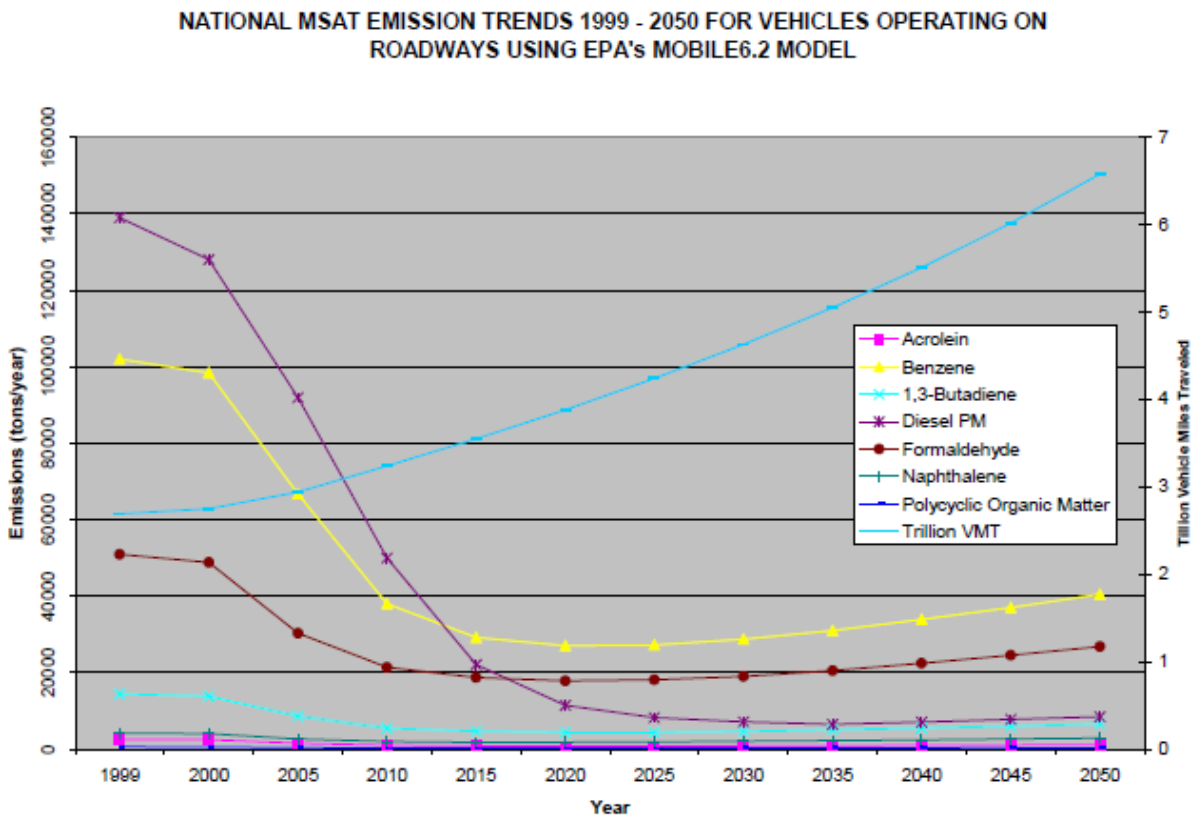


Figure 2.6: National Mobile Source Air Toxics Emission Trends

Local conditions may differ from these national projections in terms of fleet mix and turnover, vehicle-miles travelled growth rates, and local control measures. However, the magnitude of the Environmental Protection Act-projected reductions is so great (even after accounting for growth in vehicle-miles traveled) that mobile source air toxics emissions in the study area are likely to be lower in the future.

In summary, due to the level of service improvements, it is expected that there would be similar or lower mobile source air toxics emissions in the study area relative to the No-Build Alternative. The Environmental Protection Act's vehicle and fuel regulations, coupled with fleet turnover, would over time cause substantial reductions that, in almost all cases, would cause region-wide mobile source air toxics levels to be substantially lower than they are today.

Air Quality Mitigation Measures

The following measures will reduce or minimize air pollutant emissions associated with construction activities:

• To reduce fugitive dust emissions the construction contractor would adhere to the requirements of San Joaquin Valley Air Pollution Control District Regulation VIII.

• The construction contractor shall comply with Caltrans' Standard Specifications Section 7-1.01F and Section 10 of Caltrans' Standard Specifications.

• The construction contractor shall comply with San Joaquin Valley Air Pollution Control District Rule 9510 and submit and air impact assessment application, if it is determined that the construction-related emissions exceed the established thresholds.

• The construction contractor would comply with San Joaquin Valley Air Pollution Control District Rule 4102 – Nuisance.

• Any architectural coatings would comply with the volatile organic compounds limits listed in San Joaquin Valley Air Pollution Control District Rule 4601.

• Any source of hazardous pollutants would comply with the limits listed in San Joaquin Valley Air Pollution Control District Rule 4641.

• In the event an existing building would be renovated, partially demolished, or removed, the project could be subject to District Rule 4002.

Consistent with Regulation VIII, fugitive particulate matter 10 prohibitions of the San Joaquin Valley Air Pollution Control District, the following controls are required to at all construction sites and as specifications for the project:

• All disturbed areas, including storage piles not being actively used for construction purposes would be effectively stabilized for dust emissions with water, chemical stabilizer/suppressant, a tarpaulin or other suitable cover, or vegetative ground cover.

• All on-site unpaved roads and off-site unpaved access roads would be effectively stabilized for dust emissions using water or chemical stabilizer/suppressant.

• All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities would be effectively controlled for fugitive dust emissions by applying water or by presoaking.

• When materials are transported off-site, all material would be covered or effectively wetted to limit visible dust emissions and at least six inches of freeboard space from the top of the container would be maintained.

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

• Following the addition or removal of materials from the surface of outdoor storage piles, the piles would be stabilized for fugitive dust emission by using water or chemical stabilizer/suppressant.

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

• Any site with 150 or more vehicle trips per day would prevent carryout and track-out.

Construction of the project requires the implementation of control measures set forth under Regulation VIII. The following additional control measures would further reduce construction emissions and should be implemented with the project:

• Limit traffic speeds on unpaved roads to 15 miles per hour.

• Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than 1 percent.

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

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

• Suspend excavation and grading activity when winds exceed 20 miles per hour (regardless of wind speed, an owner/operator must comply with the Regulation VIII 20 percent opacity limitation).

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

The following construction equipment control measures would reduce construction exhaust emissions:

• Properly and routinely maintain all construction equipment, as recommended by the manufacturer manuals, to control exhaust emissions.

• Shut down equipment when not in use for extended periods of time to reduce emissions associated with idling emissions.

• Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use.

• Curtail construction during periods of high ambient pollutant concentrations; this may include stopping of construction activity traffic peak hours on adjacent roadways.

Significance after Mitigation

Implementation of the above mitigation measures would minimize air quality construction impacts to less than significant.

Finding on Proposed Mitigation

The City finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to construction-related air quality impacts identified in the EIR.

Biological Resource Impacts

1. **Potential substantial adverse effect on state of federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc) through direct removal, filling, hydrological interruption, or other means?**

The project will result in 0.159 acre of permanent and 0.070 acre of temporary impacts to waters of the U.S. at the Herndon Canal. Permanent impacts will be due to construction of the new road and placement of a box culvert in Herndon Canal. A 30-foot buffer around the new box culvert has been designated as a temporary impact area to allow for construction of the box culvert crossing.

The project will also result in permanent and temporary impacts to additional non-jurisdictional waters as a result of project construction, including 0.003 acre of permanent impacts to an upland irrigation ditch, 0.1 acre of temporary impacts to a retention basin, and 0.006 acre of temporary impacts to an upland irrigation ditch. No permanent impacts to the constructed basins will occur (see Table 2.27).

Permits from the U.S. Army Corps of Engineers and Regional Water Quality Control Board will likely be required for placement of the culvert in Herndon Canal.

Table 2.27 Impacts to Waters of the U.S. (acres) Type	Permanent	Temporary	Total
Total potential jurisdictional Waters of the U.S. at Herndon Canal	0.159	0.070	0.229
Retention Basin	0.000	0.100	0.100
Upland irrigation ditch	0.003	0.006	0.009
Total non-jurisdictional waters	0.003	0.106	0.109

Source: Natural Environment Study (April 2011)

Biological Resource Mitigation Measures (Impact 1)

• U.S. Army Corps of Engineers will determine any compensatory mitigation required during the Nationwide Permit process. Mitigation for impacts to jurisdictional waters of the United States may require payment into a mitigation bank and/or payment of an 'in-lieu fee'.

• Prior to issuance of grading permits, the agency in favor of the project will obtain any additional required permits such as a Regional Water Quality Control Board 401 Water Quality Certification.

• All clearing will be confined to the minimal area necessary to allow construction activities. Work areas will be clearly flagged or fenced prior to start of construction to avoid impacting adjacent areas.

• Measures consistent with the current Caltrans Construction Site Best Management Practices manual (including the Storm Water Pollution Prevention Plan and Water Pollution Control Program Manuals [http://www.dot.ca.gov/hq/construc/Construction_Site_BMPs.pdf]) will be used to minimize impacts to waters of the U.S. during construction.

• A Water Pollution Control Program will be prepared by the contractor with required Regional Water Quality Control Board provisions. The Water Pollution Control Program will contain a Spill Response Plan with instructions and procedures for reporting spills, the use and location of spill containment equipment, and the use and location of spill collection materials.

Significance after Mitigation

Implementation of the above mitigation measures would minimize wetlands-related impacts to less than significant.

Finding on Proposed Mitigation

The City finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to wetlands.

Biological Resource Impacts 2 and 3

2. **Potential substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of fish and Game or U.S.Fish and Wildlife Service.**

3. **Potential substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game of US Fish and Wildlife Service?**

Bats

Demolition and removal of bat roosts could cause roost abandonment or direct mortality of adult bats or their young. Construction during the day in spring and summer could adversely affect bat nursery colonies at a critical phase of breeding, resulting in significant impacts to bats.

The project will permanently remove 47.4 acres of orchards that provide potential roosting and foraging habitat for bats. Additionally, up to 63.6 acres of other agricultural fields, grassland, and ruderal/disturbed habitat will be permanently removed. These habitats provide potential foraging areas for bat species. Access and staging areas totaling 41.3 acres will be temporary impacts to potential bat foraging habitat.

Western Burrowing Owl

The project will permanently remove a maximum of 105 acres of non-native grasslands and agricultural land that provide potential burrows and foraging habitat for the western burrowing owl. Additionally, up to 66 acres of this habitat will be temporarily affected by access and staging areas. Construction activities such as nearby noise or disturbance that damage burrows or prevent adult bats and their young from normal foraging activities could adversely affect the owls. Displacement from burrows could directly affect burrowing owls.

White-tailed Kite

The project will result in 63.6 acres of permanent and 41.3 acres of temporary impacts to non-native grasslands, non-orchard agricultural fields, and ruderal/disturbed areas that provide suitable foraging habitat for white-tailed kite.

White-tailed kites could nest in trees along State Route 99 and Golden State Boulevard. Construction during the breeding season could disturb nesting activities, possibly resulting in nest abandonment, loss of young and reduced health and vigor of eggs and/or nestlings. Removal of any active nest or otherwise injuring, pursuing or killing a white-tailed kit or their young or eggs is prohibited under the California Endangered Species Act and the Migratory Bird Treaty Act and will constitute a substantial impact. Implementation of preconstruction surveys and avoidance and minimization measures will prevent direct impacts to white-tailed kits.

California Horned Lark

The project will remove a maximum of 57.6 acres of non-native grasslands and agricultural fields that provide potential nesting and foraging habitat for this species. Up to 37.1 additional acres of these habitats will be temporarily affected by access and staging areas. Construction during the breeding season could disturb nesting activities, possibly resulting in nest abandonment, loss of young and reduced health and vigor of eggs and/or nestlings.

Loggerhead Shrike

Loggerhead shrikes could nest in the biological study area. Construction during the breeding season could disturb nesting activities, possibly resulting in nest abandonment, loss of young, and reduced health and vigor of eggs and/or nestlings.

California Linderiella Fairy Shrimp

Direct impacts to California linderiella fairy shrimp and California linderiella fairy shrimp habitat include grading, disking, filling, excavating, or paving areas of ponding water within the biological study area. Three of the 11 seasonal depressions totaling 0.558 acre of potential California linderiella fairy shrimp habitat will be directly affected by road construction.

Indirect impacts to California linderiella fairy shrimp and California linderiella fairy shrimp habitat include altering the drainage patterns around the area of ponding water within a 250-foot buffer. Hydrology to pooling areas may be disrupted, increased, or decreased. Impacts to hydrology may negatively affect the pooling areas. In addition, construction related wash water or petrochemicals from equipment leaks could enter the pooling areas, adversely affecting water quality and directly killing any shrimp present.

Project activities that occur within 250 feet of California linderiella fairy shrimp habitat are considered indirect effects. Eight seasonal depressions consisting of 0.312 acre of potential California linderiella fairy shrimp habitat is within 250 feet of project construction and will be affected indirectly by road construction.

Swainson's Hawk

The project will result in 63.6 acres of permanent and 41.3 acres of temporary impacts to non-native grasslands, non-orchard agricultural fields, and ruderal/disturbed areas that provide suitable foraging habitat for Swainson's hawk.

If Swainson's hawks are nesting in or near the biological study area, construction during the breeding season could disturb nesting activities, possibly resulting in nest abandonment, loss of young birds, and reduced health and vigor of eggs and/or nestlings. Removal of any active nest or otherwise injuring, pursuing, or killing a Swainson's hawk or their young or eggs is prohibited under the California Endangered Species Act and the Migratory Bird Treaty Act and would constitute a substantial impact.

The proposed project will not result in 'take' of any species listed as threatened or endangered under California Endangered Species Act. Therefore, no California Department of Fish and Game incidental take permit is required. If Swainson's hawk or other nesting migratory birds or California burrowing owls are found during pre-construction surveys, the California Department of Fish and Game will be consulted to determine avoidance and minimization measures and any mitigation measures that may be required.

Valley Elderberry Longhorn Beetle

On May 18, 2012 the United States Fish and Wildlife Service issued a Biological Opinion (found in Appendix J) with concurrence for a "no effect" determination for impacts to the Valley elderberry longhorn beetle. This determination is conditional upon the avoidance and minimization measures beginning on page 201 of this document, that the proposed project would not impact Valley elderberry longhorn beetle or its host plant. Should any of the conditions change, as part of the for formal consultation process, coordination with the resource agency would occur.

Vernal Pool Fairy Shrimp

Direct impacts to vernal pool fairy shrimp and vernal pool fairy shrimp habitat include grading, disking, filling, excavating or paving areas of ponding water within the biological study area. Three of the 11 seasonal depressions cannot be avoided and will be directly affected due to road construction. Direct impacts to vernal pool fairy shrimp habitat total 0.558 acre.

Indirect impacts to vernal pool fairy shrimp and vernal pool fairy shrimp habitat include altering the drainage patterns around the area of ponding water within a 250-foot buffer.

Hydrology to pooling areas may be disrupted or increased or decreased, negatively affecting the pooling areas. Construction related wash water or petrochemicals from equipment leaks could enter the pooling areas, adversely affecting water quality and directly killing any shrimp present.

Project activities that occur within 250 feet of vernal pool fairy shrimp habitat are considered indirect effects. Eight seasonal depressions consisting of 0.312 acre of potential vernal pool fairy shrimp habitat are within 250 feet of project construction. The depressions, therefore, will be indirectly affected by road construction.

The proposed project is likely to adversely affect vernal pool fairy shrimp and/or its habitat. The species is listed as endangered under Federal Endangered Species Act.

Due to the implementation of the avoidance and minimization measures, however, the proposed project will have no effect on vernal pool fairy shrimp. Consultation with United States Fish and Wildlife Service for impacts to vernal pool fairy shrimp is required under Section 7 of Federal Endangered Species Act and a Biological Assessment was prepared and submitted to United States Fish and Wildlife Service on August 4, 2011 to address these impacts. On August 4 and September 21, 2011 Caltrans, acting as the federal lead for National Environmental Policy Act, initiated consultation with United States Fish and Wildlife Service. The United States Fish and Wildlife Service issued a Biological Opinion May 18, 2012. United States Fish and Wildlife Service concurred with Caltrans' determination that the project is likely to adversely affect vernal pool fairy shrimp.

The mitigation proposed for effects to the vernal pool fairy shrimp is consistent with the mitigation set forth in the United States Army Corps of Engineers Programmatic Biological Opinion on Listed Vernal Pool Crustaceans dated February 28, 1996 (Appendix F). It is anticipated that the United States Fish and Wildlife Service will conclude that the mitigation proposed for effects to the vernal pool fairy shrimp will adequately compensate for impacts to this species.

Biological Resource Mitigation Measures (Impacts 2 and 3)

Bats

The following avoidance and minimization measures will minimize any potential impacts to special status bats:

• The year prior to the start of construction, focused bat roosting surveys will determine whether the trees in the biological study area provide roosting habitat for bat colonies. Focused roosting surveys should be conducted between April 1 and September 15 when bats are most likely present in the biological study area. Focused day surveys will search for day roosting bats, suitable entry points, roost cavities or crevices, and bat carcasses, fecal matter and urine staining. If bats are found to occupy the biological study area, a qualified bat biologist must conduct focused day and night emergence surveys to determine population size and bat species present. The bat biologist will use this

information to prepare a Bat Exclusion and Mitigation Plan to be approved by the City of Fresno, California Department of Fish and Game, and Caltrans. Bats can only be evicted from their roosting colonies between March 1 to April 15 and August 15 to October 15.

If bats were not detected during focused surveys, or if bats were evicted, a preconstruction bat survey of all structures and trees to be affected by the project would be done no more than 14 days prior to construction start by a qualified biologist familiar with bats, their habitats, and identification of bat sign.

Western Burrowing Owl

• The year prior to construction start, protocol level surveys for burrowing owl in accordance with the California Department of Fish and Game Staff Report on Burrowing Owl (1995) must be conducted to determine use of the biological study area by burrowing owls and to allow time to develop a Burrowing Owl Mitigation Plan in consultation with the California Department of Fish and Game.

• A preconstruction survey for nesting burrowing owls will be conducted in the biological study area and vicinity by a qualified biologist no more than 30 days prior to initiation of earthmoving activities. Any active burrow found during preconstruction surveys will be mapped on the construction plans. If no active burrows are found, no further avoidance, minimization, or mitigation measures are required. Results of preconstruction surveys will be provided to the California Department of Fish and Game.

• If burrowing owls are observed within the biological study area during either the year prior to construction or the 30 day preconstruction surveys, a Burrowing Owl Mitigation Plan will be developed by a qualified biologist in cooperation with the California Department of Fish and Game. The mitigation plan will likely require no disturbance to occur within 60 feet of occupied burrows during the non-breeding season (September 1 through January 31) or within 250 feet (or otherwise determined by the biologist and the California Department of Fish and Game) during the breeding season (February 1-August 31). If owls must be moved away from the disturbance area, passive eviction and relocation is preferable to trapping. Relocation will only be used during the non-breeding season by a qualified biologist and will occur in coordination with the California Department of Fish and Game. Owls will be excluded from burrows in the immediate impact zone by installing one-way doors in burrow entrances. One-way doors will be left in place 48 hours prior to construction to ensure owls have left the burrow before excavation begins.

White-Tailed Kite

• Preconstruction surveys for white-tailed kite and their nests in the biological study area and a 0.5-mile buffer around the biological study area are required no more than 14 days prior to construction, if construction is to occur during the nesting season (February 15 to September 1).

• All trees scheduled for removal will be removed during the non-nesting season (between September 2 and February 14) to avoid take of a nest or bird. If trees have to be removed

during the nesting season, a qualified biologist must first survey these trees for nesting birds.

• If white-tailed kites are observed within 0.5 mile of the biological study area, a qualified biologist will evaluate the potential for the proposed project to disturb nesting activities.

• If white-tailed kites are observed within 0.5 mile of the biological study area, California Department of Fish and Game will be contacted to review the evaluation and determine if the project can proceed without adversely affecting nesting activities and whether a biological monitor is required. California Department of Fish and Game may require a construction buffer around the nesting birds or may require that construction within 0.5 mile of the nest stop until nesting is complete.

California Horned Lark

• A preconstruction survey for nesting horned larks will be conducted in the biological study area and a 250-foot buffer established by a qualified biologist no more than 14 days prior to initiation of earthmoving activities if the project is to be constructed during the nesting season (February 15 to September 1).

• If nesting horned larks are found within the biological study area, a setback of 500 feet (or as determined as appropriate by the biologist) from the nesting area will be established and maintained during the nesting season from nest building to fledglings leaving the nest. This setback applies whenever construction or other ground disturbing activities must begin when nests are occupied.

• Setbacks will be marked by brightly colored temporary fencing.

Loggerhead Shrike

• A preconstruction survey for nesting loggerhead shrikes will be conducted in the biological study area and a 250-foot buffer established by a qualified biologist no more than 14 days prior to the start of construction or vegetation removal during the nesting season.

• If nesting loggerhead shrikes are found within the biological study area, a setback of 500 feet (or as determined appropriate by the biologist) from the nesting area will be established and maintained from February 15 to September 1.

• Setbacks will be marked by brightly colored temporary fencing.

California Linderiella Fairy Shrimp

Minimization measures would include the following provisions:

• All on-site construction personnel shall receive pre-construction training by a qualified biologist regarding the assumed presence of California linderiella fairy shrimp and the importance of avoiding impacts to these species and their habitat.

• Potential California linderiella fairy shrimp habitat not directly impacted by project construction will be designated as environmental sensitivity areas in the field and clearly indicated as such on project construction plans.

• Environmental sensitivity areas will be fenced with brightly colored fencing prior to beginning construction. Environmental sensitivity area fencing will be placed at least 10 feet from the upper edge of the seasonal depressions. No building related activities will be allowed in the environmental sensitivity area.

• Best management practices such as straw swaddles will protect California linderiella fairy shrimp habitat from construction runoff.

• A qualified biologist will monitor the environmental sensitivity area fence installation and inspect environmental sensitivity area fencing once weekly to ensure compliance.

Swainson's Hawk

• All trees scheduled for removal will be removed during the non-nesting season (September 2 to February 14) to avoid take of a nest or bird. All trees to be removed during the nesting season must be cleared by a qualified biologist.

• Preconstruction surveys for nesting Swainson's hawks will be conducted in the biological study area and within a 0.5-mile radius of the biological study area if construction will occur during the nesting season (February 15 to September 1). Surveys will be conducted by a qualified biologist and will occur a maximum of 14 days prior to the start of vegetation clearing and groundbreaking activities.

• If nesting Swainson's hawks are found within 0.5 mile of the biological study area, a qualified biologist, in consultation with the California Department of Fish and Game, will evaluate the potential for project activities to disturb nesting.

• California Department of Fish and Game will be contacted to review the evaluation and determine if the project can proceed without adversely affecting nesting activities and whether or not a biological monitor is required. California Department of Fish and Game may require a construction buffer around the nesting birds, a biological monitor to be on-site, or that construction within 0.5 mile of the nest tree stop until nesting is complete.

Valley Elderberry Longhorn Beetle

• The location of the elderberry shrubs will be marked on the construction plans.

• Before groundbreaking activities, the elderberry shrubs will be protected with 4-foot-high orange mesh plastic fencing 100 feet from the edge of the shrub's drip line. The fencing will be strung tightly on posts set a maximum of 9 feet apart. The fencing will be checked and maintained weekly by a qualified biologist. The area inside the fencing will be designated an environmentally sensitive area and marked as such on the plans. Signs attached to the fencing will mark this area as an environmentally sensitive area and state that "This is habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. The species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." No personnel or equipment is allowed access to the environmentally sensitive area at any time.

• Dust control best management practices will be used in the environmentally sensitive areas. Dust control measures on un-vegetated areas may include the application of water to graded and disturbed land. To avoid attracting Argentine ants, at no time will water be sprayed within the environmentally sensitive area.

• Mandatory preconstruction training by a qualified biologist for the contractor and all personnel working on-site will address the Valley elderberry longhorn beetle, the environmentally sensitive area, and the measures listed above.

Vernal Pool Fairy Shrimp

Minimization measures will include the following provisions:

• All on-site construction personnel will receive preconstruction training by a qualified biologist regarding the assumed presence of vernal pool fairy shrimp and the importance of avoiding impacts to these species and their habitat and the potential penalties for not complying with the conditions and requirements of the biological opinion.

• Potential vernal pool fairy shrimp habitat not directly affected by project construction will be designated as environmentally sensitive areas clearly indicated as such on project construction plans.

• Prior to construction, environmentally sensitive area fencing would be installed around potential vernal pool fairy shrimp seasonal depression sites outside the project footprint; here, the direct impacts of construction will be avoided. Environmentally sensitive area fencing would be placed at least 10 feet from the edge of these seasonal depressions and no construction-related activities would be allowed within the environmentally sensitive areas.

• Best management practices such as straw swaddles would protect vernal pool fairy shrimp habitat from construction runoff.

• A qualified biologist would monitor the environmentally sensitive area fence installation and inspect the fencing once weekly to ensure compliance.

Chemicals, lubricants, and petroleum products would be monitored closely and precautions used. If a spill occurs, cleanup would take place immediately. All equipment would be maintained such that there would be no leaks of fluids such as gasoline, oils, or solvents.

• Habitat areas temporarily impacted by project activities would be restored to their original conditions once construction is completed. A re-vegetation plan would be developed in conjunction with Caltrans' design and landscaping teams to create an appropriate seed mix for the areas.

• Compensation is proposed for effects to the vernal pool fairy shrimp as a result of the permanent loss of aquatic habitat in the project area. Compensation is proposed for direct effects to 0.558 acre of aquatic habitat by applying a 1:1 compensation ratio (= 0.558 acre worth of credits). Compensation is also proposed for indirect effects to 0.312 acre of aquatic habitat by applying a 1:1 compensation ratio (= 0.312 acre worth of credits). The total is 0.870 acre worth of credits of vernal pool fairy shrimp aquatic habitat to be purchased at an appropriate U. S. Fish and Wildlife Service-approved conservation bank.

<u>Significance after Mitigation</u>

Implementation of the above mitigation measures would minimize biological resource impacts to less than significant.

Finding on Proposed Mitigation

The City finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to biological resource impacts identified in the EIR.

Hazards and Hazardous Materials Impacts

Potential to be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and , as a result, would create a significant hazard to the public or the environment.

Petroleum Hydrocarbons

During this investigation total petroleum hydrocarbons was detected in elevated concentrations. The following are locations where total petroleum hydrocarbons exceeded the applicable environmental safety limits:

- Dakovich property storm-water retention basin
- Seal-Rite property aboveground storage tanks
- Seal-Rite property canopy maintenance area

Concentrations of total petroleum hydrocarbons were found to attenuate at depths between 18 and 24 inches; therefore, these impacts are not considered a threat to groundwater or to human health, considering proposed uses of the site.

Heavy Metals

Barium, cadmium, total chromium, cobalt, copper, lead, nickel, vanadium, and zinc were detected at the site. These metals were well below regulatory thresholds but above background concentrations. It is possible that soils in the vicinity of the railroad tracks are affected by the presence of heavy metals.

The arsenic concentrations at the site were less than background concentrations established for California. These concentrations do not pose an incremental hazard above the hazard associated with naturally-occurring arsenic.

Volatile and semi-volatile organic compounds

For all properties, samples collected and analyzed for volatile organic compounds and semi-volatile organic compounds were reported not at or above the regulatory thresholds; thus, based on soil sample analytical data, there is no significant hazard.

Dioxin/Furan

Dioxin was present in one surface-soil sample collected at the site of an agricultural burn area. The concentration was well below the California Human Health Screening Levels. The concentration of dioxin does not pose an environmental threat at the concentrations reported.

Aerially Deposited Lead
Detected concentrations of total lead and soluble lead were reported in soil samples collected from the area adjacent to the shoulder of Golden State Boulevard. If soil from this area is excavated and removed from the site, it would be non-hazardous waste under California law.

Hazards and Hazardous Materials Mitigation Measures

Petroleum Hydrocarbons
Since the concentrations of total petroleum hydrocarbons exceeded environmental safety limits, mitigation of the affected soil is recommended at the following sites:
Veterans Boulevard/State Route 99 Interchange Project/Veterans Boulevard Grade Separation

• Dakovich property storm-water retention basin
• Seal-Rite property aboveground storage tanks
• Seal-Rite property canopy maintenance area
• Based on the Preliminary Site Investigation observations, it is estimated the volume of affected soil at these two properties was 5 cubic yards at the Dakovich property and 30 cubic yards at the Seal-Rite property. Excavation of the affected 35 cubic yards of soil from these two properties must occur and be transported to the nearest disposal site accepting Type II and III waste. The nearest waste disposal site that would accept such material is American Avenue Disposal Site at 18950 Western American Avenue in Tranquility, California, 17 miles southwest of the proposed project site. Prior to commencement of construction activities a hauler must be retained by the client. A cost for excavation, removal, transport, and disposal of the 35 cubic yards of affected soil must also be determined.

<u>Significance after Mitigation</u>
Implementation of the above mitigation measures would minimize hazards and hazardous materials impacts to less than significant.

<u>Finding on Proposed Mitigation</u>
The City finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen hazards and hazardous materials impacts identified in the EIR.

Paleontological Resources Impacts

Potential to cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 1064.5.

Potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

The surface geology of the project area appears to primarily be composed of the Riverbank Formation and, possibly, the Modesto Formation. A thin layer of soil covers these formations. The Turlock Lake Formation underlies the Riverbank Formation at depth. These three formations have a high potential for significant paleontological resources. Where project excavation extends below any artificial fill that may be present, sensitive fossiliferous Pleistocene sediments and soils derived from these formations would be encountered.

Based upon Caltrans guidelines, the Modesto and Riverbank Formations in the project area have high potential for bearing significant vertebrate fossils. These formations are known to contain “significant nonrenewable paleontological resources.” Due to the nature of the fossils within the sedimentary Modesto and Riverbank Formations, those formations cannot be considered to have low potential.

Based on geologic mapping and results of the field survey, the Turlock Lake Formation may occur at a depth of four feet within the project area. The Turlock Lake Formation is known to contain “significant nonrenewable paleontological resources”. Due to the nature of the fossils within the sedimentary Turlock Lake Formation, they cannot be considered to have low potential.

Any fossils encountered within the project area are expected to be significant for scientific reasons. Fossils that are significant for scientific reasons need to be taken into account under the California Environmental Quality Act. Fossils, or fossil-bearing strata, are only considered to be nationally significant if they consist of or contain “an outstanding example of fossil evidence of the development of life on earth”. Nationally significant fossils are not expected within the project area.

The entire project area has been mapped as Pleistocene non-marine. Near the surface, this includes the Middle Pleistocene Riverbank Formation and, possibly, the Upper Pleistocene Modesto Formation. Any excavation in original soils would affect these deposits, potentially disturbing paleontologically sensitive strata.

Excavation for roadway construction is not anticipated to go deeper than 3 feet, potentially encountering the fossiliferous Modesto or Riverbank formations. Any excavation that reaches a depth of 4 feet has the potential to encounter the Turlock Lake Formation, potentially disturbing paleontological resources. For project construction, excavation is expected to reach depths greater than 4 feet and perhaps greater than 10 feet for overcrossing and railroad bridge abutments, retaining walls, utility conduit easements,

and retention basins. Excavation for traffic signals (30 feet deep) and piles (70 feet deep) would contact the fossiliferous Riverbank and Turlock Lake formations.

Paleontological Resources Mitigation Measures

The Paleontological Identification Report/Paleontological Evaluation Report recommends as part of a Paleontological Mitigation Plan that excavation monitoring for the project include the following to avoid and minimize impacts to paleontological resources:

• Conduct a preconstruction field survey, followed by salvage of any observed surface paleontological resources prior to the beginning of grading.

• Attendance at the pre-grade meeting by a qualified paleontologist or a representative. At this meeting, the paleontologist will explain the likelihood of paleontological resources, what resources may be discovered, and the methods that will be employed if anything is discovered.

• During construction excavation, a qualified vertebrate paleontologic monitor will initially be present on a fulltime basis whenever excavation occurs within sediments that have a high sensitivity rating and on a spot-check basis in sediments that have a low sensitivity rating.

• Paleontological monitor, under the direction of the qualified principal paleontologist would be on-site to inspect cuts for fossils at all times during original grading involving sensitive geologic formations.

• In the event fossils are discovered, the paleontologist (or paleontological monitor) would recover them. Construction work in these areas would be halted or diverted to allow recovery of fossil remains in a timely manner.

• Fossil remains collected during the monitoring and salvage portion of the mitigation program would be cleaned, repaired, sorted, and cataloged.

• Prepared fossils, copies of all pertinent field notes, photographs, and maps would be deposited in a scientific institution with paleontological collections.

• A final report will outline the results of the mitigation program.

• Where feasible, selected road cuts or large finished slopes in areas of critically interesting geology may be left exposed as important educational and scientific features. This may be possible if no substantial adverse visual impact results.

<u>Significance after Mitigation</u>

Implementation of the above mitigation measures would minimize impacts to paleontological resources to less than significant.

<u>Finding on Proposed Mitigation</u>

The City finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to paleontological resources identified in the EIR.

Findings Regarding Environmental Impacts not Mitigated to Less-than-Significant Levels

The following significant environmental impact of the project is unavoidable and cannot be mitigated in a manner that would substantially lessen the environmental impact to less-than-significant level.

Noise

A significant impact will occur under California Environmental Quality Act if the project resulted in a significant noise increase over existing baseline conditions. Whether the significant increase will result in a significant adverse impact is determined based on the context and intensity of the significant noise increase by comparing the existing noise level to the predicted noise level with the project.

Modeling results indicate that of the 124 modeled receptor locations, 55 will experience a significant increase (defined as 12 dBA or more) in traffic noise levels for 2035 under with-project conditions compared to the noise levels experienced under existing conditions. These affected modeled receptor locations represent 142 single-family residential units with implementation of Alternative 1 (Base) and 145 single-family residential units with implementation of Alternative 4 (Jug Handle).

It should be noted that, as shown in Table 2.24 in the FEIR, no modeled receptor location will experience traffic noise levels that will exceed the City's maximum allowable noise exposure standard of 65 dBA Ldn1 for residential land uses from transportation noise sources.2

Based on the studies conducted to date as summarized in the noise impact analysis of this document, there are no abatement or mitigation in the form of sound barriers that will be considered reasonable for this project. Therefore, the affected residences will experience a significant and unavoidable increase in noise levels with implementation of the proposed project. If during final design, conditions have substantially changed, noise abatement may be determined necessary. The final decision on noise abatement will be made upon completion of the project design and the public involvement processes.

<u>Noise Mitigation Measures</u>

Construction Noise Abatement

To minimize the construction noise impact for sensitive land adjacent to the project site, construction noise is regulated by Caltrans Standard Specifications Section 7-1.0011, "Sound Control Requirements". Section 7-1.0011 states that noise levels generated during construction will comply with applicable local, state, and federal regulations and that all equipment will be fitted with adequate mufflers according to the manufacturer's specifications.

No adverse noise impacts from construction are anticipated because construction will occur in accordance with Caltrans Standard Specifications Section 7-1.011 and

applicable local noise standards. Construction noise will be short-term and intermittent. The following measures will minimize temporary construction noise impacts:

• All equipment will have sound-control devices that are no less effective than those provided on the original equipment. No equipment will have an unmuffled exhaust.

• As directed by Caltrans, the contractor will implement appropriate additional noise abatement measures including changing the location of stationary construction equipment, turning off idling equipment, rescheduling construction activity, notifying adjacent residents in advance of construction work, and installing acoustic barriers around stationary construction noise sources.

Significance after Mitigation

While the above mitigation measures will reduce construction noise, the DEIR and FEIR determined that there were no feasible noise mitigation measures available to mitigate the noise generated by project operations (traffic noise). Therefore, the impact would remain significant and unavoidable.

Finding on the Proposed Mitigation

The City finds that the impact would remain significant and unavoidable because no feasible mitigation measures are available to mitigate operational noise. Therefore, the City finds that specific economic, legal, social, technological or other considerations make this mitigation infeasible to fully reduce the impact to a less-than-significant level.

5.2 Mitigation Monitoring

Mitigation Measures were made a condition of approval for the project when the Veterans Boulevard Project EIR was certified by Caltrans. The City of Fresno will coordinate with the Lead Agency to ensure compliance with all applicable mitigation measures and project conditions in implementing this portion of the Veterans Boulevard Project.

5.3 Growth Inducement

6. Project Alternatives

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remains any project alternatives that are both environmentally superior and feasible within the meaning of CEQA. As noted under the heading “Findings Required under CEQA,” an alternative may be

"infeasible" if it fails to achieve the lead agency's underlying goals and objectives with respect to the project. Thus, "feasibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors" of a project (City of Del Mar v. City of San Diego [1982] 133 Cal.App.3d 401, 417).

6.1 Alternatives Considered but Ultimately Rejected

The Lead Agency and their Project Development Team explored a number of alternatives for the Veterans Boulevard interchange during the Project Study Report phase.

Alternative 2

Alternative 2 was included in the Project Study Report and maintains the same interchange configuration as the base alternative but would provide a new connector road from Golden State Boulevard north of Veterans Boulevard to Veterans Boulevard east on Golden State Boulevard and the Union Pacific Railroad tracks. This alternative would require bringing the connector road under the railroad, lowering Golden State Boulevard to match grade with the connector road, constructing of a new structure to bring the railroad over the connector road (underpass), building a temporary mainline railroad track for use during construction of the new railroad underpass structure, erecting retaining walls in various locations, and requiring a permanent storm-water pumping station for Golden State Boulevard and the connector road.

Alternative 2 is no longer being considered because of the close spacing between the Veterans Boulevard/Bullard Avenue and Veterans Boulevard/Golden State Boulevard Connector intersections. Although operations analysis indicates that these intersections would operate at level of service E, the close spacing of these intersections would cause a reduced quality of operations on Veterans Boulevard, there is a concern with the on-going maintenance cost of the railroad structure and the pump station and reduced access for future business along the depressed portion of Golden State Boulevard.

Alternative 3

Alternative 3 was included in the Project Study Report and maintains the same interchange configuration as the Alternative 1 but would provide a new connector road from Golden State Boulevard north of Veterans Boulevard to Bullard Avenue north of Veterans Boulevard east of Golden State Boulevard and the Union Pacific Railroad tracks. This alternative would require bringing the connector road under the railroad, lowering Golden State Boulevard to match grade with the connector road, building a new structure to bring the railroad over the connector road (underpass), building a temporary mainline railroad track for use during construction of the new railroad underpass structure, erecting retaining walls in various locations, and placing a permanent storm-water pumping station for Golden State Boulevard and the connector road.

Alternative 3 is no longer being considered because of the closely spaced intersections with Veterans Boulevard/Bullard Avenue and the connection road. The queuing for the intersections would spillback into the adjacent intersections creating an unacceptable level of service F in 2035. In addition to poor traffic operations, Alternative 3 has similar issues as Alternative 2: on-going maintenance cost of the railroad structure and the pump station and reduced access for future business along the depressed portion of Golden State Boulevard.

During the Project Development Team meetings with Caltrans and the stakeholders, it was decided to drop these alternatives from further analysis due to an inability to achieve operational performance, and justify right-of-way impacts and cost.

6.2 Alternatives Considered in the EIR

Two build alternatives and a No-Build Alternative have moved forward for evaluation in this document. This section describes the alternatives under consideration, compares similarities and differences between the alternatives, explains why other alternatives were dropped from further consideration, and provides a comparison of how the alternatives meet the purpose and need

Common Design Features of the Build Alternatives

All build alternatives (Alternative 1 and Alternative 4) include a Type L-9 partial cloverleaf interchange connection onto State Route 99 at the same location. In addition to the new interchange and local roadway, a new grade separation crossing over the Union Pacific Railroad tracks and Golden State Boulevard would be built. The alternatives propose various designs for the connection of Veterans Boulevard to Golden State Boulevard and the railroad grade separation as discussed in Section 1.3.

Veterans Boulevard Interchange

The proposed Veterans Boulevard interchange is a partial cloverleaf interchange with six ramps connecting State Route 99 to Veterans Boulevard. The L-9 interchange configuration allows for continuous right-turn vehicular movements onto State Route 99, minimizing congestion for high traffic-volume interchanges. Because left-turn movements from Veterans Boulevard to State Route 99 are eliminated, the signalized intersections function efficiently with a two-phase operation.

The freeway ramps are designed using Highway Design Manual standards, including auxiliary lanes where applicable. Typical lane widths are 12 feet with 8-foot-wide outside and 4-foot-wide inside shoulders.

The overcrossing would be a two-span structure with columns in the State Route 99 median. The two spans allow for State Route 99 expansion to the ultimate eight-lane facility and the loop on-ramps. The structure has a total span length of 284 feet with one span at 144 feet and the other at 140 feet. It would be a cast-in-place post-tensioned box girder structure and would provide the required minimum vertical clearance of 16 feet 6 inches.

Arterial Roadways

The proposed interchange would construct a new north-south six-lane divided arterial version of Veterans Boulevard that would extend north to Herndon Avenue and south to West Shaw Avenue.

Local Streets and Intersections
To handle the new Veterans Boulevard arterial, a controlled at-grade crossing would be built at Veterans Boulevard and Hayes Avenue. Contractor access and construction tasks would temporarily affect other local streets during construction.

Pedestrian and Bicycle Facilities
The corridor along Veterans Boulevard also contains a 12-foot-wide Class 1 trail. This trail was designed to increase pedestrian and bicycle safety throughout the corridor. The 12-foot-wide trail runs from Herndon Avenue to Shaw Avenue on the north side of Veterans Boulevard. In order to increase pedestrian and bike safety at the southbound loop on-ramp, which has the heaviest ramp traffic volume, the trail mirrors the alignment with the southbound loop on-ramp. It proceeds to the southbound loop on-ramp and diagonal off-ramp and connects to an existing section of the Class 1 trail about 550 feet west of the proposed undercrossing. The minimum vertical clearance for this trail under the southbound diagonal off-ramp is 8 feet.

Structures
The proposed interchange is a Type L-9 partial-cloverleaf interchange. Veterans Boulevard is a six-lane super arterial and would include a grade separation over the Union Pacific Railroad tracks. The structure would include a new two-span, cast-in-place, post-tensioned concrete box girder structure on Veterans Boulevard over State Route 99. The new structure would provide the required vertical clearances with State Route 99. The project also includes a single-span cast-in-place post-tensioned concrete box girder structure on Veterans Boulevard over both Golden State Boulevard and Union Pacific Railroad tracks.

Drainage
Additional drainage improvements are required along State Route 99 because of the increase in paved surfaces and subsequent water runoff. Drainage improvements would include surface and subsurface drains, retention/detention basins, and pump facilities. Each terminal drainage location would include improvements to remove roadway contaminants from the runoff before discharging into the watershed.

Alternative 1—Base

The base alternative (see Figure 1.4a Project Plans; Figure 1.4b 3D Overview) includes construction of a Type L-9 interchange connecting Veterans Boulevard to State Route 99; a Veterans Boulevard overcrossing that spans Golden State Boulevard (the span has left-turn connections to and from Golden State Boulevard); and a Veterans Boulevard overcrossing that spans the Union Pacific Railroad tracks before extending from Shaw

Avenue to Herndon Avenue. Veterans Boulevard would accommodate future planned roadway connections. The realignment of a portion of Herndon Avenue would connect with Veterans Boulevard. Golden State Boulevard's northbound and southbound lanes connect to Veterans Boulevard via single-lane ramps that diverge from the median of Golden State Boulevard to an at-grade intersection with Veterans Boulevard. Likewise, the connections from Veterans Boulevard to Golden State Boulevard contain single-lane ramps that converge to the median of Golden State Boulevard. The structure over State Route 99 would be a two-span structure with columns in the State Route 99 median. The two spans allow for the expansion of State Route 99 to the ultimate eight-lane facility and the loop on-ramps. The structure length has a total span of 284 feet with one span at 144 feet and the other at 140 feet.

With construction of the northbound and southbound ramps from Golden State Boulevard to Veterans Boulevard, the base alternative requires two structures. Both structures have a cross-sectional width of 142 feet 10 inches and are cast-in-place post-tensioned concrete box girders. The first is a 245-foot single-span structure that travels along Veterans Boulevard over the Union Pacific Railroad right of way and the proposed northbound Golden State Boulevard lanes. This structure has a vertical clearance of 23 feet 4 inches over the existing railroad tracks. The second structure spans a total of 105 feet and travels along Veterans Boulevard over the southbound Golden State Boulevard lanes. This structure has a vertical clearance of 15 feet.

Alternative 4—Jug-Handle

This alternative has been identified as the preferred alternative (see section 1.4.4). The jug-handle alternative (see Figure 1.5a Project Plans; Figure 1.5b 3D Overview) constructs a Type L-9 interchange connecting Veterans Boulevard to State Route 99; a Veterans Boulevard overcrossing that spans Golden State Boulevard (with connecting hook ramps); and a Veterans Boulevard overcrossing that spans the Union Pacific Railroad tracks before extending from Shaw Avenue to Herndon Avenue. Veterans Boulevard would accommodate future planned roadway connections and the realignment of a portion of Herndon Avenue to connect with Veterans Boulevard.

The jug-handle alternative connects to Veterans Boulevard via jug-handle shaped ramps to Golden State Boulevard. This alternative realigns Golden State Boulevard to the west and provides a Golden State Boulevard overcrossing for the Veterans Boulevard traffic. This proposed overcrossing would be a two-span structure with widths of 75 feet 9 inches and 77 feet 9 inches along the Veterans Boulevard alignment. The 153-foot 6-inch span length provides a minimum vertical clearance of 15 feet over the roadway section. It is a cast-in-place, post-tensioned concrete box girder with an overall section width of 136 feet 10 inches.

Two at-grade intersections were added at the locations where the jug-handle ramps connect with Golden State Boulevard. From there, the 925-foot-long ramp to the south of Veterans Boulevard, and the 1,115-foot-long ramp to the north of Veterans Boulevard

connect to the proposed Veterans Boulevard. Both the south and north ramps are two-way, two-lane ramps that provide right-in and right-out turn movements to and from Veterans Boulevard. The ramps also provide fully signalized intersections at the connections to Golden State Boulevard.

The notable difference between the south and north ramps is the north ramp has a standard 10-foot-wide sidewalk section whereas the south ramp does not provide pedestrian access. The structure over the Union Pacific Railroad would be a three-span structure with a total length of 350 feet. From east to west, the span lengths are 95 feet, 150 feet, and 105 feet. The columns are just outside the Union Pacific Railroad operational right-of-way. This structure also has a vertical clearance of 23 feet 4 inches above the existing railroad tracks. The current estimated cost for Alternative 4–Jug-Handle is $115,00,000. This includes the cost of extending Veterans Boulevard and the interchange.

Transportation System Management and Mass Transit Alternatives, Transportation Demand Management Alternative

Transportation System Management measures alone would not satisfy the purpose and need of the project. The Transportation System Management and Mass Transit Alternatives, Transportation Demand Management Alternative would provide commuters with an alternative to driving and some congestion relief. It would not provide congestion relief to the extent of the proposed project. The management alternative would not provide consistency with existing and planned local and regional development, nor could it accommodate local development. The following Transportation System Management measures would be incorporated into the build alternatives for this project:

• The project improvements on Veterans Boulevard and State Route 99 interchange would include changeable message signs and video cameras for congestion monitoring as well as integration of the ramp metering equipment included with the four interchange projects.

• Planned pedestrian facilities include a 12-foot-wide Class I bikeway/bike and pedestrian path on the north side, and a Class II bikeway/bike path on both sides of Veterans Boulevard.

No Build Alternative

The No-Build Alternative would not construct a new interchange on State Route 99. Vehicles would continue using the existing interchanges at Herndon Avenue and Shaw Avenue.

It is anticipated the existing Shaw Avenue interchange would operate at unacceptable levels of service by 2015, according to City of Fresno and Caltrans level of service standards, during the peak hours under No-Build Alternative conditions. Although construction of the Veterans Boulevard/State Route 99 Interchange Project does not increase the level of service at the existing Shaw Avenue intersections with the State Route 99 ramps, there would be a decrease in the delay times by 15 to 92 percent.

The Herndon Avenue intersections with the State Route 99 ramps would operate at level of service F by 2035 under the No-Build condition. With the Veterans Boulevard Project, the ramp intersections would operate at level of service B to E in the morning and operate at level of service F in the evening.

The No-Build Alternative would result in excessive delays and poor traffic operations for State Route 99. The No-Build Alternative would not accommodate the anticipated circulation needs of planned developments in the project area. Additionally, the No-Build Alternative is not consistent with local and regional system planning and does not meet the project purpose and need identified earlier in this document.

If the No-Build Alternative is selected, levels of service would degrade to unacceptable levels, resulting in severe congestion and gridlock. Along with the congested conditions, air quality would also degrade, potentially exceeding federal and state standards for various emissions.

Comparison of Alternatives

The two build alternatives are similar in their impacts to the project area, with the exception of acres of affected farmland (see Table 1.2). The No-Build Alternative would have no additional impacts to the project area. For the full discussion and comparison of project alternatives please see Section 1.4, Alternatives. For the full discussion of potential impacts, please see Chapter 2 of the FEIR.

Potential Impact		Alternative 1— Base	Alternative 4— Jug Handle (Preferred Alternative)	No-Build Alternative
Land Use	**Consistency with the City of Fresno General Plan**	**Yes**	**Yes**	**No**
Farmlands/Timberlands		31 acres	36 acres	No impact
Relocation	Business displacements	2 commercial businesses	2 commercial businesses	No impact
	Utility service relocation	Temporary interruption of services to utility customers during relocation of power lines for construction may occur.	Temporary interruption of services to utility customers during relocation of power lines for construction may occur.	No impact
Utilities/Emergency Services		Temporary interruption of services to utility customers during relocation of the power lines for construction. No interruption of emergency services anticipated.	Temporary interruption of services to utility customers during relocation of the power lines for construction. No interruption of emergency services anticipated.	No impact
Traffic and Transportation/ Pedestrian and Bicycle Facilities		The project would improve conditions for vehicles, pedestrians, and bicycles.	The project would improve conditions for vehicles, pedestrians, and bicycles.	Without the proposed project, the levels of service for the project area would decline to unacceptable levels due to planned future growth.
Noise and Vibration		NEPA: Increased noise levels require consideration of noise abatement (noise abatement was found not to be reasonable or feasible). CEQA: Mitigation is not available	NEPA: Increased noise levels require consideration of noise abatement (noise abatement was found not to be reasonable or feasible). CEQA: Mitigation is not available	No impact
Wetlands and other Waters		0.23 acres of waters of the U.S.	0.23 acres of Waters of the U.S.	No impact
Animal Species		Various bat species, western burrowing owl, white-tailed kite, California horned lark, loggerhead shrike, vernal pool fairy shrimp, California linderiella fairy shrimp	Various bat species, western burrowing owl, white-tailed kite, California horned lark, loggerhead shrike, vernal pool fairy shrimp, California linderiella fairy shrimp	No impact

Potential Impact	Alternative 1— Base	Alternative 4— Jug Handle (Preferred Alternative)	No-Build Alternative
Threatened and Endangered Species	Swainson's hawk San Joaquin kit fox, Valley elderberry longhorn beetle, vernal pool fairy shrimp	Swainson's hawk San Joaquin kit fox, Valley elderberry longhorn beetle, vernal pool fairy shrimp	No impact
Construction	Temporary impacts. Some nighttime work and detours will be needed; however, Golden State Blvd runs parallel to Route 99 and would be used for detours.	Temporary impacts Some nighttime work and detours will be needed; however, Golden State Blvd runs parallel to Route 99 and would be used for detours.	No impact

After the public circulation period, all comments were considered. Caltrans then selected a preferred alternative and made the final determination of the project's effect on the environment. In accordance with California Environmental Quality Act, Caltrans certified the project complies with California Environmental Quality Act
Caltrans filed a Notice of Determination with the State Clearinghouse on July 1, 2013 identifying the project did not have significant impacts, that mitigation measures were included as conditions of project approval, and that findings were made pursuant to the provisions of CEQA.

Identification of a Preferred Alternative

The Caltrans Project Development Team evaluated the alternatives for environmental impacts, considered the community input and public comments, and performed a cost analysis for each alternative.

The Jug-Handle alternative was selected as the preferred alternative for the project. Several factors, including cost, traffic operations, environmental impacts, and design, were taken into consideration during the selection of the preferred alternative.

The estimated cost for Alternative 4–Jug-Handle is $115 million, while the estimated cost of the base alternative is $111 million, where the jug-handle alternative would cost $4 million (estimated) more than Alternative 1–Base.

At the Veterans Boulevard and Golden State Boulevard intersection, Alternative 4–Jug-Handle operates at level of service A during both peak hours, while the base alternative operates at level of service C during the morning peak hour and level of service E during the evening peak hour. The right-in/right-out-only design of the jug-handle alternative allows the Veterans Boulevard and Golden State Boulevard intersection to operate better than the dual left-turn lanes of Alternative 1–Base.

Along Golden State Boulevard, the jug-handle alternative allows full access to parcels between State Route 99 and Golden State Boulevard. For the base alternative, northbound traffic would not have access to parcels between State Route 99 and Golden State Boulevard for roughly 1 mile due to the ramps connecting Golden State Boulevard and Veterans Boulevard. The jug-handle alternative provides better access to parcels along the corridor than the base alternative.

For pedestrians and bicycles, the jug-handle alternative connects Veterans Boulevard and Golden State Boulevard with conventional pedestrian-friendly crosswalks at a signalized intersection. The base alternative's ramps merge into Golden State Boulevard similarly to freeway entrance and exit ramps. The ramps are designed for high-speed travel and are not desirable crosswalk locations. The jug-handle alternative provides a safer facility for pedestrians and bicycles.

7. Statement of Overriding Considerations

Pursuant to Section 21081 of the California Public Resources Code and Section 15093 of the CEQA Guidelines, the City adopts and makes the following statement of overriding considerations regarding the remaining significant unavoidable impacts of the project, as discussed above, and the anticipated economic, social, and other benefits of the project.

Based on the record of proceedings, the City finds and determines that (1) the majority of the significant impacts of the project will be reduced to less-than-significant levels by implementation of the mitigation measures recommended in these findings; (2) the City's approval of the project as proposed will result in certain significant adverse environmental effects that cannot be avoided or reduced to a less-than-significant level even with the incorporation of all feasible mitigation measures into the project; and (3) there are no other feasible mitigation measures or feasible project alternatives that will further mitigate, avoid, or reduce to a less-than significant level the remaining significant environmental effects.

In light of the environmental, social, economic, and other considerations identified in the findings for the project, the objectives of the project, and the considerations set forth below related to this project, the City chooses to approve the project because, in its view, the economic, social, technological, and other benefits resulting from the project substantially outweigh the project's significant and unavoidable adverse environmental effects.

The following statements identify the reasons why, in the City's judgment and based on substantial evidence, the benefits of the project outweigh the significant and unavoidable

effects. The substantial evidence supporting the enumerated benefits of the project can be found in the preceding findings, which are herein incorporated by reference; in the project itself; and in the record of proceedings as defined above. Each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the project outweigh its significant adverse environmental effects and is an overriding consideration warranting approval.

The City finds that the project, as conditionally approved by Caltrans, will have the following economic, social, technological and environmental benefits, which constitute overriding considerations:

- The Project provides needed transportation access across State Route 99 to an area planned to accommodate future growth - the area called the West Area (or Development Area 1-North in the Fresno General Plan)
- The Project supports the West Shaw Activity Center, a mixed use transit village that is a key component of the Urban Form element of the Fresno General Plan;
- If the Project is not constructed, growth may occur outside of the West Area, inconsistent with the City's General Plan.
- If the Project is not constructed, the two adjacent interchanges along SR 99- Herndon and Shaw Avenues- will decline to unacceptable levels.
- If the Project is not constructed, air quality will decline in the vicinity of the two adjacent interchanges due to vehicle congestion and idling.
- The Project provides vehicular, bicycle and pedestrian access across SR 99, consistent with the City's complete streets and mobility goals, as the Project includes a Class I bicycle and pedestrian trail
- The Project provides economic and social benefits associated with better connecting two Fresno communities: the West Area and Northwest Fresno. Connecting these two areas provides better access to jobs, education, and medical services for the residents living in the West Area.

City of Fresno approval of the Phase 3 Veterans Interchange Project is a valuable tool in implementing the following objectives and policies from the Fresno General Plan:

Objectives: MT-1

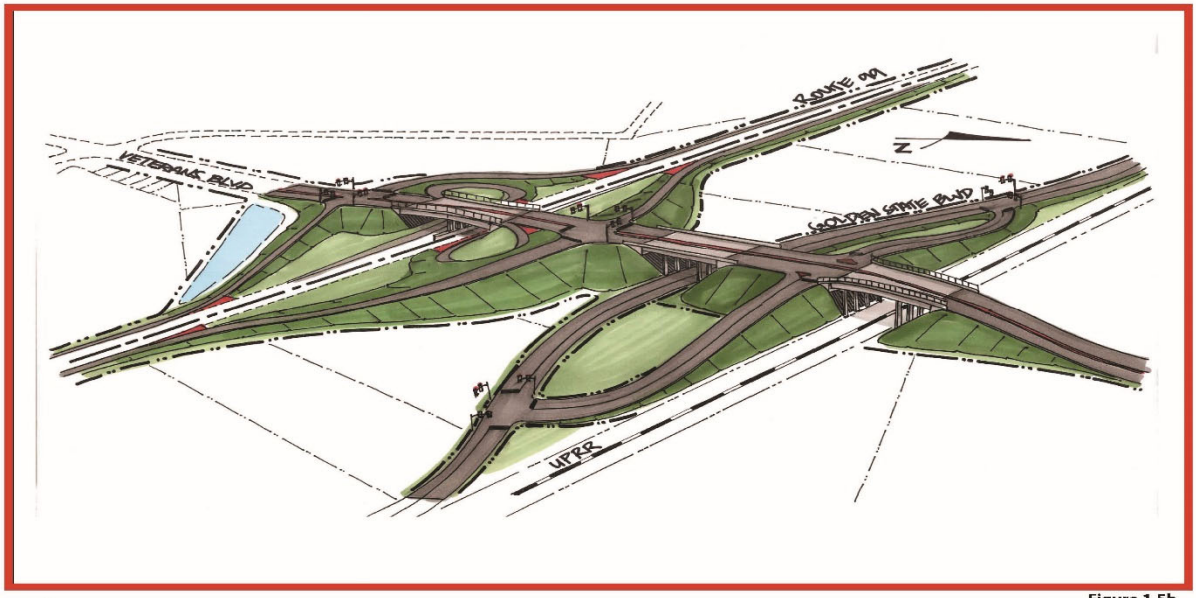
Policies: MT-1-a, MT-1-b, MT-1-g

The above objectives and policies call for transportation planning consistent with the General Plan, including incorporation of state highway and rail projects, construction of planned streets and highways shown in the circulation plan, and provision of transportation facilities that facilitate the balanced use of all viable travel modes. Completion of the Phase 3 Veterans Interchange Project is an essential step in the

completion of the overall project, and in connecting the overall project to the existing streets network, which is in furtherance of the above goals and objectives.

Exhibit A

Findings of Fact and Statement of Overriding Considerations for the Veterans Boulevard/State Route 99 Interchange Project/Veterans Boulevard Grade Separation Project



*Note: **Preferred Alternative**

Figure 1.5b
Jug-Handle Alternative (Alternative 4) - 3D Overview

Planning and Development Department
January 29, 2020

City of
FRESNO

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7. Statement of Overriding Considerations

1. Introduction

The purpose of these findings is to satisfy the requirements of Sections 15091, 15092, 15093 and 15096 of the California Environmental Quality Act (CEQA) Guidelines, associated with approval of the Fresno Veterans Boulevard/State Route 99 Interchange Project/Veterans Boulevard Grade Separation Project (project).

The CEQA Statutes (California Public Resources Code [PRC] Sections 21000, et seq.) and Guidelines (California Code of Regulations [CCR] Sections 15000, et seq.) state that if it has been determined that a project may or will have significant impacts on the environment, then an environmental impact report (EIR) must be prepared. Prior to approval of the project, the EIR must be certified pursuant to CEQA Guidelines Section 15090. When an EIR has been certified that identifies one or more significant environmental impacts, the approving agency must make one or more of the following findings, accompanied by a brief explanation of the rationale, pursuant to CEQA Guidelines Section 15091, for each identified significant impact:

A. Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

B. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency, or can and should be adopted by such other agency.

C. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

CEQA Guidelines Section 15092 states that after consideration of an EIR, and in conjunction with making the Section 15091 findings identified above, the lead agency may decide whether or how to approve or carry out the project. A project that would result in a significant environmental impact cannot be approved if feasible mitigation measures or feasible alternatives can avoid or substantially lessen the impact.

However, in the absence of feasible mitigation, an agency may approve a project with significant and unavoidable impacts, if there are specific economic, legal, social, technological, or other considerations that outweigh the unavoidable adverse environmental effects. CEQA Guidelines Section 15093 requires the lead agency to document and substantiate any such determination in a “statement of overriding considerations” as a part of the record.

When the approval in question is proposed to be carried out by a Responsible Agency within the meaning of CEQA Guidelines Section 15381, then that agency must follow the process set forth in CEQA Guidelines Section 15096. Section 15096 requires that the Responsible Agency consider the Lead Agency's EIR in light of CEQA Guidelines Section 15162 and determine if a subsequent or supplemental EIR is required. If a subsequent or supplemental EIR is not required, the Responsible Agency may rely on the analysis of the Lead Agency's EIR. In so doing, the Responsible Agency must also make the findings required by Section 15091 for each significant effect of the project and must make findings pursuant to Section 15093 if necessary. These requirements are set forth in Section 15096(h).

The requirements of CEQA Guidelines Sections 15091, 15092, and 15093 (as summarized above) are all addressed herein. This document summarizes the findings of fact and statement of overriding considerations authorized by those provisions of the CEQA Guidelines and by the PRC for the project as required by CEQA Guidelines Section 15096.

2. Project Description

The California Department of Transportation (Caltrans) is the lead agency under the National Environmental Policy Act and the California Environmental Quality Act. Federal Highway Administration responsibility for environmental review, consultation, and any other action required in accordance with applicable federal laws for this project is being, or has been, carried out by Caltrans under its assumption of responsibility pursuant to 23 United States Code 327. Caltrans, in cooperation with the City of Fresno, proposes to build a new interchange on State Route 99 and as well as a new city arterial roadway, that provides a connection to State Route 99 and enhances the local circulation network.

2.1 Project Location and Setting

The proposed interchange is planned on State Route 99 about 1 mile south of the existing Herndon Avenue interchange at post mile 29.5 (see Figure 1.1 and 1.2 in FEIR SCH No. 2010021054). The current limits for the project on State Route 99 extend 0.62 mile south of the proposed Veterans Boulevard interchange connection (post mile 28.88) to 0.61 mile north of the connection (post mile 30.11) for a total distance along the State Route 99 mainline of about 1 mile. The proposed Veterans Boulevard roadway would generally extend from West Shaw Avenue in the south to Herndon Avenue to the north.

2.2 Project Background

This project is included in the 2011 Federal Statewide Transportation Improvement Program and the Council of Fresno County of Governments 2011 Regional Transportation Plan. Funding is proposed from a variety of sources including the Fresno County Measure C Renewal sales tax program, development impact fees, and Federal Demonstration Funds.

In 1984, the Fresno General Plan first introduced the potential need for Veterans Boulevard to serve the local community along State Route 99. State Route 99 is a four-lane freeway (two mixed-flow lanes in each direction) throughout the project limits. State Route 99 is part of the California Freeway and Expressway System stretching almost the entire length of the Central Valley. Veterans Boulevard was to serve as a north-south “super” arterial to serve planned land uses in north Fresno.

The interchange would provide additional north-south access from State Route 99 between the Shaw Avenue and Herndon Avenue interchanges.
This idea was refined in 1986 with a feasibility study conducted to analyze potential interchange/grade separation configurations, with the intention of determining the alternative best suited to the site and the proposed Veterans Boulevard. In 1991, a Project Initiation Document was completed, and in 1996, the official plan line for Veterans Boulevard was adopted. Most recently, a project study report was completed to design the preliminary engineering as well as to determine how various alternatives might best serve the community.

Veterans Boulevard and the proposed interchange with State Route 99 are identified as part of the circulation system in both the City of Fresno and Fresno County general plans.

2.3 Project Objectives

The purpose of the project is as follows:

- Improve accessibility to State Route 99 and circulation to roads adjacent to the proposed interchange in northwestern Fresno
- Provide congestion relief and improved traffic flow in northwest Fresno
- Enhance the local circulation network that would accommodate local development and provide consistency with existing and planned local and regional development

2.4 Project Features

Caltrans, in cooperation with the City of Fresno, proposes to construct a new interchange and railroad grade separation at the proposed Veterans Boulevard alignment on State Route 99 between Herndon and Shaw Avenues with the following features:

• The new interchange would be a Type L-9 partial cloverleaf with six on- and off-ramps connecting State Route 99 and Veterans Boulevard.

• Veterans Boulevard would be built as a six-lane super arterial from West Shaw Avenue in the south to Herndon Avenue to the north.

• A new Veterans Boulevard overcrossing would span State Route 99 with three northbound and three southbound lanes, a Class I bicycle lane/pedestrian trail on the west side of the structure and Class II bicycle lanes on both sides of the structure and bicycle lanes.

• Veterans Boulevard would connect to Golden State Boulevard via a grade-separated crossing and would cross over the Union Pacific Railroad.

• Landscaping similar to adjacent interchanges would be provided.

• Drainage basins would be built to retain water runoff from the project.

3. Procedural Findings

Based on the nature and scope of the Veterans Boulevard/Route 99 Interchange Project/Veterans Boulevard Grade Separation Project, Caltrans, as Lead Agency determined that an EIR was appropriate for the project (the Veterans Boulevard Project EIR). The Veterans Boulevard Project EIR (State Clearinghouse No. 2010021054) was prepared, noticed, published, circulated, reviewed, and completed in full compliance with CEQA. It was certified by Caltrans on June 13, 2013.

As a Responsible Agency pursuant to CEQA Guidelines Section 15381, the City of Fresno has considered the Veterans Boulevard Project EIR prior to approving the Veterans Boulevard Trail Project which is a part of the overall Veterans Boulevard Project, as set forth by CEQA Guidelines Section 15096.

4. Record of Proceedings

In accordance with PRC Section 21167.6(e), the record of proceedings for the City's decision on this approval includes the following documents, which are incorporated by reference and made part of the record supporting these findings:

City of Fresno Documents:

- City of Fresno staff reports and all attachments

Caltrans Documents:

- The DEIR and all appendices to the DEIR;
- The FEIR and all appendices to the FEIR;

- All notices required by CEQA and presentation materials related to the project;
- All comments submitted by agencies or members of the public during the comment period on the NOP and the DEIR;
- All studies conducted for the project and contained or referenced in the DEIR and the FEIR;
- All documents cited or referenced in the DEIR and the FEIR;
- All public reports and documents related to the project prepared for the City and other agencies;
- All other documents related to the project; and
- Any additional items not included above if otherwise required by law.

The City of Fresno Staff reports and attachments are available for review by interested members of the public during normal business hours at the City offices at 2600 Fresno Street, Room 3065, Fresno, CA.

Caltrans documents may be reviewed by interested members of the public by contacting the California Department of Transportation-District 6 Public Information Office at (559) 444-2409

The DEIR and FEIR are incorporated into these findings in their entirety, unless and only to the extent these findings expressly do not incorporate by reference the DEIR and FEIR. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the project in spite of the potential for associated significant and unavoidable adverse physical environmental impacts.

5. Findings Required Under CEQA

PRC Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." Section 21002 of the PRC goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures,

individual projects may be approved in spite of one or more significant effects thereof."

The mandate and principles in PRC Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a project, the approving agency must issue a written finding reaching one or more of three permissible conclusions.

The first such finding is that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the FEIR (CEQA Guidelines Section 15091[a][1]). For purposes of these finding, the term "avoid" refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less-than-significant level. In contrast, the term "substantially lessen" refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less-than-significant level.

The second permissible finding is that such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and that such changes have been adopted by such other agency or can and should be adopted by such other agency (CEQA Guidelines Section 15091[a][2]).

The third potential conclusion is that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the DEIR and FEIR (EIR) (CEQA Guidelines Section 15091[a][(3]). "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors (CEQA Guidelines Section 15364).

The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. Moreover, "feasibility" under CEQA encompasses "desirability" to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors" (City of Del Mar v. City of San Diego [1982] 133 Cal.App.3d 410, 417).

In the process of adopting mitigation measures, the City has made a determination regarding whether the mitigation proposed in the EIR is “feasible.”

In some cases, modifications may have been made to the mitigation measures proposed in the EIR to update, clarify, streamline, or revise those measures.

With respect to a project for which significant impacts are not avoided or substantially lessened, a lead agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons in support of the finding that the project benefits outweigh its unavoidable adverse environmental effects. In the process of considering the EIR for certification, the City has recognized that impact avoidance is not possible in all instances. To the extent that significant adverse environmental impacts will not be reduced to a less-than-significant level with the adopted mitigation, the City has found that specific economic, social, and other considerations support approval of the project. Those findings are reflected herein in Section 5, “Findings Required Under CEQA,” and in Section 7, “Statement of Overriding Considerations,” below.

5.1 Summary of Findings

The DEIR identified a number of less-than-significant impacts associated with the project that do not require mitigation. The DEIR also identified a number of significant and potentially significant environmental effects (or impacts) that may be caused in whole or in part by the project. Some of these significant effects can be fully avoided or substantially lessened through the adoption of feasible mitigation measures. Other effects cannot be, and thus may be significant and unavoidable. For reasons set forth in Section 7, “Statement of Overriding Considerations,” however, the City has determined that overriding economic, social, and other considerations outweigh the significant, unavoidable effects of the project.

The findings of the City with respect to the project’s significant effects and mitigation measures are set forth in the EIR and these Findings of Fact. The Summary of Findings does not attempt to replicate or restate the full analysis of each environmental impact contained in the EIR. Please refer to the DEIR and FEIR for more detail.

The following provides a summary description of each potentially significant and significant impact, describes the applicable mitigation measures identified in the

FEIR and adopted by the City, and states the findings of the City regarding the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the DEIR and FEIR and associated record (described herein), both of which are incorporated by reference. The City hereby ratifies, adopts, and incorporates the analysis and explanation in the record into these findings, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

To the extent any of the mitigation measures are within the jurisdiction of other agencies, the City finds those agencies can and should implement those measures within their jurisdiction and control (CEQA Guidelines Section 15091[a][2]).

Findings Regarding Less Than Significant Impacts (No Mitigation Required)

The City agrees with the characterization in the DEIR and FEIR of all project-specific impacts identified as “less than significant” and finds that those impacts have been described accurately and are either less than significant or have no impact, as described in the EIR. Section 15091 of the CEQA Guidelines does not require specific findings to address environmental effects that an EIR identifies as having no impact or a less-than-significant impact.

The impacts for which the project would result in either no impact or a less-than-significant impact, and which require no mitigation, are identified in the bulleted list below. Please refer to the DEIR and FEIR for more detail.

- Aesthetics
- Agriculture and Forest Resources
- Cultural Resources
- Geology and Soil
- Land Use and Planning
- Mineral Resources
- Population and Housing
- Public Service
- Recreation
- Transportation
- Utilities and Service Systems

Findings Regarding Impacts Mitigated to a Level of Less than Significant

The City hereby finds that feasible mitigation measures have been identified in the EIR and these Findings of Fact that will avoid or substantially lessen the following potentially significant and significant environmental impacts to a less-than-significant level. The potentially significant and significant impacts and the mitigation measures that will reduce them to a less-than-significant level are summarized below. Please refer to the EIR for more detail.

Air Quality Impacts

Potential to result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under and applicable federal or state ambient air quality standard.

Potential to expose sensitive receptors to substantial pollutant concentrations.

Construction Impacts

During construction, short-term degradation of air quality may occur due to the release of particulate emissions generated by excavation, grading, hauling, and other activities related to construction. Emissions from construction equipment also are anticipated and would include carbon monoxide, nitrogen oxides, volatile organic compounds, directly-emitted particulate matter 2.5 and 10, and toxic air contaminants such as diesel exhaust particulate matter.

Site preparation and roadway construction would involve clearing, cut-and-fill activities, grading, removing or improving existing roadways, and paving roadway surfaces. Construction-related effects on air quality from most highway projects would be greatest during the site preparation phase because most engine emissions are associated with the excavation, handling, and transport of soils to and from the site. If not properly controlled, these activities would temporarily generate particulate matter 2.5, particulate matter 10, small amounts of carbon monoxide, sulfur dioxide, nitrogen oxides, and volatile organic compounds. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit mud on local streets that could be an additional source of airborne dust after the mud dries.

Particulate matter 10 emissions would vary from day to day, depending on the nature and magnitude of construction activity and local weather conditions. Particulate matter 10 emissions would depend on soil moisture, silt content of the soil, wind speed, and the amount of equipment operating at the time. Larger dust particles would settle near the source while fine particles would be dispersed over greater distances from the construction site. Additionally, the San Joaquin Valley Air Pollution Control District has

established Regulation VIII for reducing fugitive dust emissions (particulate matter 10). Using standard construction measures such as frequent watering (e.g., twice per day, minimum), fugitive dust emissions from construction activities would not result in adverse air quality impacts.

In addition to dust-related particulate matter 10 emissions, heavy trucks and construction equipment powered by gasoline and diesel engines would generate carbon monoxide, sulfur dioxide, nitrogen oxides, volatile organic compounds, and some particulate matter 2.5 and 10 in exhaust emissions. If construction activities increase traffic congestion, carbon monoxide and other emissions from traffic would increase slightly while those vehicles are delayed. These emissions would be temporary and limited to the immediate area surrounding the construction site.

Sulfur dioxide is generated by oxidation during the combustion of organic sulfur compounds contained in diesel fuel. Off-road diesel fuel meeting federal standards can contain up to 5,000 parts per million of sulfur; on-road diesel is restricted to less than 15 parts per million of sulfur. Under California law and Air Resources Board regulations, however, off-road diesel fuel used in California must meet the same sulfur and other standards as on-road diesel fuel. As a result, sulfur dioxide-related issues due to diesel exhaust will be minimal. Some phases of construction, particularly asphalt paving, would result in short-term odors in the immediate area of each paving site. Such odors would be quickly dispersed below detectable thresholds as distance from the site increases.

According to the Guide for Assessing and Mitigating Air Quality Impacts, the San Joaquin Valley Air Pollution Control District's approach to California Environmental Quality Act analyses of construction particulate matter 10 impacts is "to require implementation of effective and comprehensive control measures rather than to require detailed quantification of emissions". Emissions emitted during construction can vary greatly depending on the level of activity, the specific operations taking place, the equipment being operated, local soils, weather conditions, and other factors, making quantification difficult. However, personal communication with San Joaquin Valley Air Pollution Control District staff indicates that project-related construction emissions should be estimated. The recommended thresholds of significance for California Environmental Quality Act analysis of construction emissions should be 10 tons per year of reactive organic gas and nitrogen oxides and 15 tons per year of particulate matter 10.

The proposed construction schedule for all improvements is approximately 30 months and is anticipated to be completed by 2015. The San Joaquin Valley Air Pollution Control District does not provide a model for calculating construction emissions; however, construction emissions for the project could be estimated by using the Sacramento Metropolitan Air Quality Management District Road Construction Emissions Model, Version 6.3.2 (this model is approved for San Joaquin Valley projects). Construction-related emissions are presented in Table 2.21.

Table 2.21 Maximum Project Construction Emissions

Table 2.21 Maximum Project Construction Emissions Project Phases	ROG (lbs/day)	CO (lbs/day)	NO_x (lbs/day)	Total PM_{10} (lbs/day)	Exhaust PM_{10} (lbs/day)	Fugitive Dust PM_{10} (lbs/day)
Grubbing/Land Clearing	4.1	16.9	30.5	51.3	1.3	50.0
Grading/Excavation	9.1	66.2	65.5	52.9	2.9	50.0
Drainage/Utilities/Sub-Grade	3.7	15.9	25.7	51.4	1.4	50.0
Paving	2.8	12.2	15.2	1.3	1.3	-
Maximum (pounds/day)	9.1	66.2	65.5	52.9	2.9	50.0
Total (tons/construction project)	2.0	12.6	14.1	14.7	0.7	14.0

Source: Veterans Boulevard/Route 99 Interchange Project Air Quality Conformity Report, October 2010.

CO=carbon monoxide NOx=nitrogen oxide PM=particulate matter ROG=reactive organic gas lbs=pounds

The emissions presented above are based on the best information available at the time of calculations and assumes the schedule for all improvements would begin in 2013. Default equipment assumptions for the Sacramento Metropolitan Air Quality Management District Road Construction Emissions Model were used in developing the emissions estimates, estimates that can be refined once final engineering is completed for the project. As project construction is expected to be less than five years, construction-related emissions were not considered in the conformity analysis.

As noted in the table, construction emissions for reactive organic gas, nitrogen oxides and particulate matter 10 would not exceed the tons per year thresholds as recommended by San Joaquin Valley Air Pollution Control District staff.

Initial estimates indicate that the Rule 9510 threshold of 2 tons per year for nitrogen oxides may be exceeded; however, detailed construction schedules and equipment use are not available at this time. Therefore, precise calculations cannot be conducted, and it is uncertain if the project would exceed the thresholds established in Rule 9510. As more detailed information becomes available, the project sponsor would reevaluate the estimates of construction-related emissions, and if necessary, submit an application to the Air Pollution Control District to comply with Rule 9510. Should it be determined that the project must comply with Rule 9510, the project may be required to use special provisions during construction such as reduced-emissions construction vehicles as a condition of the permit.

Naturally Occurring Asbestos

The project is located in Fresno County, which is among the counties listed as potentially containing serpentine and ultramafic rock. However, the proposed project is not within the area of the county containing known deposits of serpentine or ultramafic rocks. Therefore, the impact from naturally occurring asbestos during project construction would be minimal to none.

Qualitative Project-Level Mobile Source Air Toxics Discussion

In addition to the criteria air pollutants for which there are federal ambient air quality standards, the Environmental Protection Act also regulates air toxics. Most air toxics originate from human-made sources, including on-road mobile sources, non-road mobile sources such as airplanes), area sources such as dry cleaners, and stationary sources such as factories or refineries.

A 2007 Environmental Protection Act rule requires controls that would dramatically decrease mobile source air toxics emissions through cleaner fuels and cleaner engines. According to an Federal Highway Administration analysis using the Environmental Protection Act MOBILE6.2 model, even if vehicle activity (vehicle-miles traveled) increases by 145 percent, as assumed, a combined reduction of 72 percent in the total annual emission rate for the priority mobile source air toxics is projected for 1999 to 2050 (see Figure 2.6). Using the EMFAC2007 emission model in place of the MOBILE6.2 model, the projected reduction in mobile source air toxics emissions would be slightly different in California.

In September 2009, the Federal Highway Administration issued guidance to advise its division offices as to when and how to analyze mobile source air toxics in the national Environmental Policy Act process for highways. This analysis follows the Federal Highway Administration guidance.

For each of the project alternatives, the amount of emitted mobile source air toxics would be proportional to the vehicle-miles traveled, assuming that other variables such as fleet mix are the same for each alternative. The proposed project is an interchange construction project that increases the capacity of Veterans Boulevard. This type of project improves roadway operations by reducing traffic congestion and improving traffic operations. The proposed build alternatives would reduce the delay at a majority of the intersections in the project area.

For all future alternatives (No-Build Alternative and build alternatives), emissions are projected to be lower than present levels in the design year as a result of the Environmental Protection Act's national control programs projected to reduce mobile source air toxics emissions by 72 percent between 1999 and 2050.

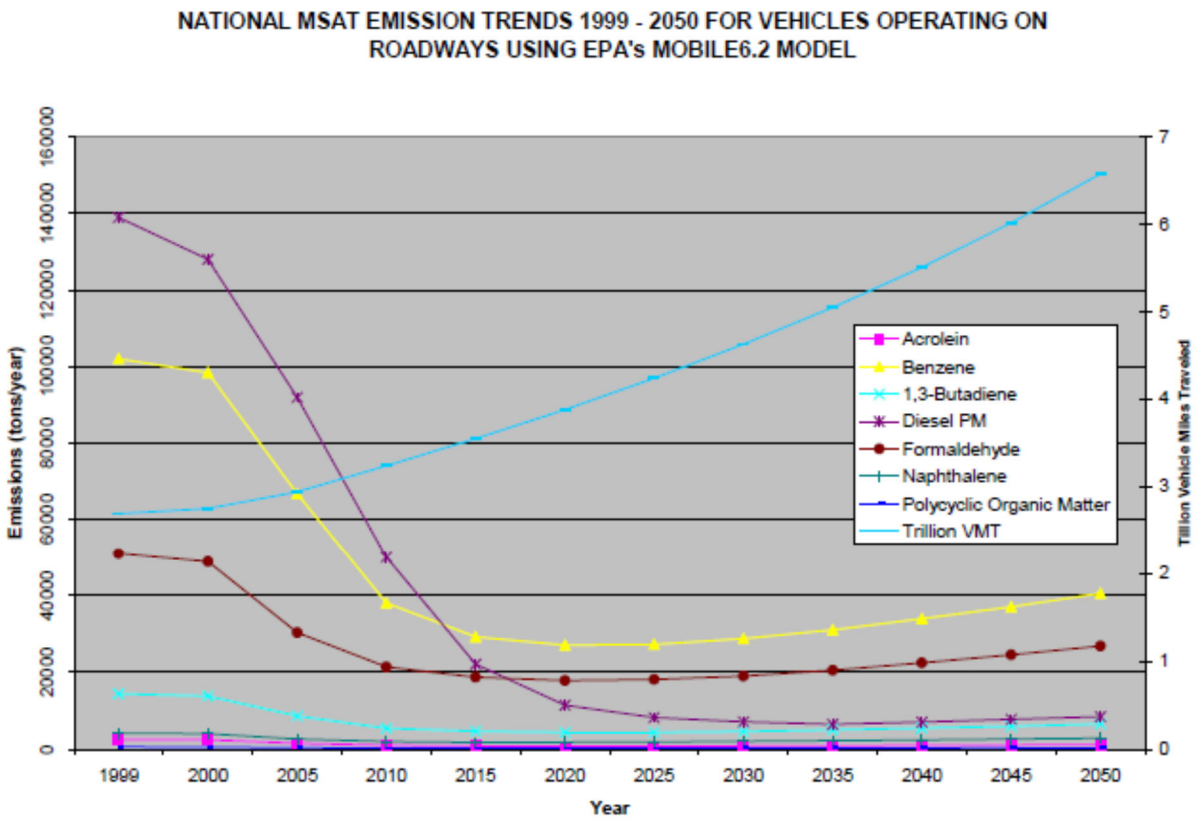

Figure 2.6: National Mobile Source Air Toxics Emission Trends

Local conditions may differ from these national projections in terms of fleet mix and turnover, vehicle-miles travelled growth rates, and local control measures. However, the magnitude of the Environmental Protection Act-projected reductions is so great (even after accounting for growth in vehicle-miles traveled) that mobile source air toxics emissions in the study area are likely to be lower in the future.

In summary, due to the level of service improvements, it is expected that there would be similar or lower mobile source air toxics emissions in the study area relative to the No-Build Alternative. The Environmental Protection Act's vehicle and fuel regulations, coupled with fleet turnover, would over time cause substantial reductions that, in almost all cases, would cause region-wide mobile source air toxics levels to be substantially lower than they are today.

Air Quality Mitigation Measures

The following measures will reduce or minimize air pollutant emissions associated with construction activities:

• To reduce fugitive dust emissions the construction contractor would adhere to the requirements of San Joaquin Valley Air Pollution Control District Regulation VIII.

• The construction contractor shall comply with Caltrans' Standard Specifications Section 7-1.01F and Section 10 of Caltrans' Standard Specifications.

• The construction contractor shall comply with San Joaquin Valley Air Pollution Control District Rule 9510 and submit and air impact assessment application, if it is determined that the construction-related emissions exceed the established thresholds.

• The construction contractor would comply with San Joaquin Valley Air Pollution Control District Rule 4102 – Nuisance.

• Any architectural coatings would comply with the volatile organic compounds limits listed in San Joaquin Valley Air Pollution Control District Rule 4601.

• Any source of hazardous pollutants would comply with the limits listed in San Joaquin Valley Air Pollution Control District Rule 4641.

• In the event an existing building would be renovated, partially demolished, or removed, the project could be subject to District Rule 4002.

Consistent with Regulation VIII, fugitive particulate matter 10 prohibitions of the San Joaquin Valley Air Pollution Control District, the following controls are required to at all construction sites and as specifications for the project:

• All disturbed areas, including storage piles not being actively used for construction purposes would be effectively stabilized for dust emissions with water, chemical stabilizer/suppressant, a tarpaulin or other suitable cover, or vegetative ground cover.

• All on-site unpaved roads and off-site unpaved access roads would be effectively stabilized for dust emissions using water or chemical stabilizer/suppressant.

• All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities would be effectively controlled for fugitive dust emissions by applying water or by presoaking.

• When materials are transported off-site, all material would be covered or effectively wetted to limit visible dust emissions and at least six inches of freeboard space from the top of the container would be maintained.

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

• Following the addition or removal of materials from the surface of outdoor storage piles, the piles would be stabilized for fugitive dust emission by using water or chemical stabilizer/suppressant.

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

• Any site with 150 or more vehicle trips per day would prevent carryout and track-out.

Construction of the project requires the implementation of control measures set forth under Regulation VIII. The following additional control measures would further reduce construction emissions and should be implemented with the project:

• Limit traffic speeds on unpaved roads to 15 miles per hour.

• Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than 1 percent.

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

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

• Suspend excavation and grading activity when winds exceed 20 miles per hour (regardless of wind speed, an owner/operator must comply with the Regulation VIII 20 percent opacity limitation).

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

The following construction equipment control measures would reduce construction exhaust emissions:

• Properly and routinely maintain all construction equipment, as recommended by the manufacturer manuals, to control exhaust emissions.

• Shut down equipment when not in use for extended periods of time to reduce emissions associated with idling emissions.

• Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use.

• Curtail construction during periods of high ambient pollutant concentrations; this may include stopping of construction activity traffic peak hours on adjacent roadways.

Significance after Mitigation

Implementation of the above mitigation measures would minimize air quality construction impacts to less than significant.

Finding on Proposed Mitigation

The City finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to construction-related air quality impacts identified in the EIR.

Biological Resource Impacts

1. **Potential substantial adverse effect on state of federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc) through direct removal, filling, hydrological interruption, or other means?**

The project will result in 0.159 acre of permanent and 0.070 acre of temporary impacts to waters of the U.S. at the Herndon Canal. Permanent impacts will be due to construction of the new road and placement of a box culvert in Herndon Canal. A 30-foot buffer around the new box culvert has been designated as a temporary impact area to allow for construction of the box culvert crossing.

The project will also result in permanent and temporary impacts to additional non-jurisdictional waters as a result of project construction, including 0.003 acre of permanent impacts to an upland irrigation ditch, 0.1 acre of temporary impacts to a retention basin, and 0.006 acre of temporary impacts to an upland irrigation ditch. No permanent impacts to the constructed basins will occur (see Table 2.27).

Permits from the U.S. Army Corps of Engineers and Regional Water Quality Control Board will likely be required for placement of the culvert in Herndon Canal.

Table 2.27 Impacts to Waters of the U.S. (acres) Type	Permanent	Temporary	Total
Total potential jurisdictional Waters of the U.S. at Herndon Canal	0.159	0.070	0.229
Retention Basin	0.000	0.100	0.100
Upland irrigation ditch	0.003	0.006	0.009
Total non-jurisdictional waters	0.003	0.106	0.109

Source: Natural Environment Study (April 2011)

Biological Resource Mitigation Measures (Impact 1)

• U.S. Army Corps of Engineers will determine any compensatory mitigation required during the Nationwide Permit process. Mitigation for impacts to jurisdictional waters of the United States may require payment into a mitigation bank and/or payment of an 'in-lieu fee'.

• Prior to issuance of grading permits, the agency in favor of the project will obtain any additional required permits such as a Regional Water Quality Control Board 401 Water Quality Certification.

• All clearing will be confined to the minimal area necessary to allow construction activities. Work areas will be clearly flagged or fenced prior to start of construction to avoid impacting adjacent areas.

• Measures consistent with the current Caltrans Construction Site Best Management Practices manual (including the Storm Water Pollution Prevention Plan and Water Pollution Control Program Manuals [http://www.dot.ca.gov/hq/construc/Construction_Site_BMPs.pdf]) will be used to minimize impacts to waters of the U.S. during construction.

• A Water Pollution Control Program will be prepared by the contractor with required Regional Water Quality Control Board provisions. The Water Pollution Control Program will contain a Spill Response Plan with instructions and procedures for reporting spills, the use and location of spill containment equipment, and the use and location of spill collection materials.

Significance after Mitigation

Implementation of the above mitigation measures would minimize wetlands-related impacts to less than significant.

Finding on Proposed Mitigation

The City finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to wetlands.

Biological Resource Impacts 2 and 3

2. **Potential substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of fish and Game or U.S.Fish and Wildlife Service.**

3. **Potential substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game of US Fish and Wildlife Service?**

Bats

Demolition and removal of bat roosts could cause roost abandonment or direct mortality of adult bats or their young. Construction during the day in spring and summer could adversely affect bat nursery colonies at a critical phase of breeding, resulting in significant impacts to bats.

The project will permanently remove 47.4 acres of orchards that provide potential roosting and foraging habitat for bats. Additionally, up to 63.6 acres of other agricultural fields, grassland, and ruderal/disturbed habitat will be permanently removed. These habitats provide potential foraging areas for bat species. Access and staging areas totaling 41.3 acres will be temporary impacts to potential bat foraging habitat.

Western Burrowing Owl

The project will permanently remove a maximum of 105 acres of non-native grasslands and agricultural land that provide potential burrows and foraging habitat for the western burrowing owl. Additionally, up to 66 acres of this habitat will be temporarily affected by access and staging areas. Construction activities such as nearby noise or disturbance that damage burrows or prevent adult bats and their young from normal foraging activities could adversely affect the owls. Displacement from burrows could directly affect burrowing owls.

White-tailed Kite

The project will result in 63.6 acres of permanent and 41.3 acres of temporary impacts to non-native grasslands, non-orchard agricultural fields, and ruderal/disturbed areas that provide suitable foraging habitat for white-tailed kite.

White-tailed kites could nest in trees along State Route 99 and Golden State Boulevard. Construction during the breeding season could disturb nesting activities, possibly resulting in nest abandonment, loss of young and reduced health and vigor of eggs and/or nestlings. Removal of any active nest or otherwise injuring, pursuing or killing a white-tailed kit or their young or eggs is prohibited under the California Endangered Species Act and the Migratory Bird Treaty Act and will constitute a substantial impact. Implementation of preconstruction surveys and avoidance and minimization measures will prevent direct impacts to white-tailed kits.

California Horned Lark

The project will remove a maximum of 57.6 acres of non-native grasslands and agricultural fields that provide potential nesting and foraging habitat for this species. Up to 37.1 additional acres of these habitats will be temporarily affected by access and staging areas. Construction during the breeding season could disturb nesting activities, possibly resulting in nest abandonment, loss of young and reduced health and vigor of eggs and/or nestlings.

Loggerhead Shrike

Loggerhead shrikes could nest in the biological study area. Construction during the breeding season could disturb nesting activities, possibly resulting in nest abandonment, loss of young, and reduced health and vigor of eggs and/or nestlings.

California Linderiella Fairy Shrimp

Direct impacts to California linderiella fairy shrimp and California linderiella fairy shrimp habitat include grading, disking, filling, excavating, or paving areas of ponding water within the biological study area. Three of the 11 seasonal depressions totaling 0.558 acre of potential California linderiella fairy shrimp habitat will be directly affected by road construction.

Indirect impacts to California linderiella fairy shrimp and California linderiella fairy shrimp habitat include altering the drainage patterns around the area of ponding water within a 250-foot buffer. Hydrology to pooling areas may be disrupted, increased, or decreased. Impacts to hydrology may negatively affect the pooling areas. In addition, construction related wash water or petrochemicals from equipment leaks could enter the pooling areas, adversely affecting water quality and directly killing any shrimp present.

Project activities that occur within 250 feet of California linderiella fairy shrimp habitat are considered indirect effects. Eight seasonal depressions consisting of 0.312 acre of potential California linderiella fairy shrimp habitat is within 250 feet of project construction and will be affected indirectly by road construction.

Swainson's Hawk

The project will result in 63.6 acres of permanent and 41.3 acres of temporary impacts to non-native grasslands, non-orchard agricultural fields, and ruderal/disturbed areas that provide suitable foraging habitat for Swainson's hawk.

If Swainson's hawks are nesting in or near the biological study area, construction during the breeding season could disturb nesting activities, possibly resulting in nest abandonment, loss of young birds, and reduced health and vigor of eggs and/or nestlings. Removal of any active nest or otherwise injuring, pursuing, or killing a Swainson's hawk or their young or eggs is prohibited under the California Endangered Species Act and the Migratory Bird Treaty Act and would constitute a substantial impact.

The proposed project will not result in 'take' of any species listed as threatened or endangered under California Endangered Species Act. Therefore, no California Department of Fish and Game incidental take permit is required. If Swainson's hawk or other nesting migratory birds or California burrowing owls are found during pre-construction surveys, the California Department of Fish and Game will be consulted to determine avoidance and minimization measures and any mitigation measures that may be required.

Valley Elderberry Longhorn Beetle

On May 18, 2012 the United States Fish and Wildlife Service issued a Biological Opinion (found in Appendix J) with concurrence for a "no effect" determination for impacts to the Valley elderberry longhorn beetle. This determination is conditional upon the avoidance and minimization measures beginning on page 201 of this document, that the proposed project would not impact Valley elderberry longhorn beetle or its host plant. Should any of the conditions change, as part of the for formal consultation process, coordination with the resource agency would occur.

Vernal Pool Fairy Shrimp

Direct impacts to vernal pool fairy shrimp and vernal pool fairy shrimp habitat include grading, disking, filling, excavating or paving areas of ponding water within the biological study area. Three of the 11 seasonal depressions cannot be avoided and will be directly affected due to road construction. Direct impacts to vernal pool fairy shrimp habitat total 0.558 acre.

Indirect impacts to vernal pool fairy shrimp and vernal pool fairy shrimp habitat include altering the drainage patterns around the area of ponding water within a 250-foot buffer.

Hydrology to pooling areas may be disrupted or increased or decreased, negatively affecting the pooling areas. Construction related wash water or petrochemicals from equipment leaks could enter the pooling areas, adversely affecting water quality and directly killing any shrimp present.

Project activities that occur within 250 feet of vernal pool fairy shrimp habitat are considered indirect effects. Eight seasonal depressions consisting of 0.312 acre of potential vernal pool fairy shrimp habitat are within 250 feet of project construction. The depressions, therefore, will be indirectly affected by road construction.

The proposed project is likely to adversely affect vernal pool fairy shrimp and/or its habitat. The species is listed as endangered under Federal Endangered Species Act.

Due to the implementation of the avoidance and minimization measures, however, the proposed project will have no effect on vernal pool fairy shrimp. Consultation with United States Fish and Wildlife Service for impacts to vernal pool fairy shrimp is required under Section 7 of Federal Endangered Species Act and a Biological Assessment was prepared and submitted to United States Fish and Wildlife Service on August 4, 2011 to address these impacts. On August 4 and September 21, 2011 Caltrans, acting as the federal lead for National Environmental Policy Act, initiated consultation with United States Fish and Wildlife Service. The United States Fish and Wildlife Service issued a Biological Opinion May 18, 2012. United States Fish and Wildlife Service concurred with Caltrans' determination that the project is likely to adversely affect vernal pool fairy shrimp.

The mitigation proposed for effects to the vernal pool fairy shrimp is consistent with the mitigation set forth in the United States Army Corps of Engineers Programmatic Biological Opinion on Listed Vernal Pool Crustaceans dated February 28, 1996 (Appendix F). It is anticipated that the United States Fish and Wildlife Service will conclude that the mitigation proposed for effects to the vernal pool fairy shrimp will adequately compensate for impacts to this species.

Biological Resource Mitigation Measures (Impacts 2 and 3)

Bats

The following avoidance and minimization measures will minimize any potential impacts to special status bats:

• The year prior to the start of construction, focused bat roosting surveys will determine whether the trees in the biological study area provide roosting habitat for bat colonies. Focused roosting surveys should be conducted between April 1 and September 15 when bats are most likely present in the biological study area. Focused day surveys will search for day roosting bats, suitable entry points, roost cavities or crevices, and bat carcasses, fecal matter and urine staining. If bats are found to occupy the biological study area, a qualified bat biologist must conduct focused day and night emergence surveys to determine population size and bat species present. The bat biologist will use this

information to prepare a Bat Exclusion and Mitigation Plan to be approved by the City of Fresno, California Department of Fish and Game, and Caltrans. Bats can only be evicted from their roosting colonies between March 1 to April 15 and August 15 to October 15.

If bats were not detected during focused surveys, or if bats were evicted, a preconstruction bat survey of all structures and trees to be affected by the project would be done no more than 14 days prior to construction start by a qualified biologist familiar with bats, their habitats, and identification of bat sign.

Western Burrowing Owl

• The year prior to construction start, protocol level surveys for burrowing owl in accordance with the California Department of Fish and Game Staff Report on Burrowing Owl (1995) must be conducted to determine use of the biological study area by burrowing owls and to allow time to develop a Burrowing Owl Mitigation Plan in consultation with the California Department of Fish and Game.

• A preconstruction survey for nesting burrowing owls will be conducted in the biological study area and vicinity by a qualified biologist no more than 30 days prior to initiation of earthmoving activities. Any active burrow found during preconstruction surveys will be mapped on the construction plans. If no active burrows are found, no further avoidance, minimization, or mitigation measures are required. Results of preconstruction surveys will be provided to the California Department of Fish and Game.

• If burrowing owls are observed within the biological study area during either the year prior to construction or the 30 day preconstruction surveys, a Burrowing Owl Mitigation Plan will be developed by a qualified biologist in cooperation with the California Department of Fish and Game. The mitigation plan will likely require no disturbance to occur within 60 feet of occupied burrows during the non-breeding season (September 1 through January 31) or within 250 feet (or otherwise determined by the biologist and the California Department of Fish and Game) during the breeding season (February 1-August 31). If owls must be moved away from the disturbance area, passive eviction and relocation is preferable to trapping. Relocation will only be used during the non-breeding season by a qualified biologist and will occur in coordination with the California Department of Fish and Game. Owls will be excluded from burrows in the immediate impact zone by installing one-way doors in burrow entrances. One-way doors will be left in place 48 hours prior to construction to ensure owls have left the burrow before excavation begins.

White-Tailed Kite

• Preconstruction surveys for white-tailed kite and their nests in the biological study area and a 0.5-mile buffer around the biological study area are required no more than 14 days prior to construction, if construction is to occur during the nesting season (February 15 to September 1).

• All trees scheduled for removal will be removed during the non-nesting season (between September 2 and February 14) to avoid take of a nest or bird. If trees have to be removed

during the nesting season, a qualified biologist must first survey these trees for nesting birds.

• If white-tailed kites are observed within 0.5 mile of the biological study area, a qualified biologist will evaluate the potential for the proposed project to disturb nesting activities.

• If white-tailed kites are observed within 0.5 mile of the biological study area, California Department of Fish and Game will be contacted to review the evaluation and determine if the project can proceed without adversely affecting nesting activities and whether a biological monitor is required. California Department of Fish and Game may require a construction buffer around the nesting birds or may require that construction within 0.5 mile of the nest stop until nesting is complete.

California Horned Lark

• A preconstruction survey for nesting horned larks will be conducted in the biological study area and a 250-foot buffer established by a qualified biologist no more than 14 days prior to initiation of earthmoving activities if the project is to be constructed during the nesting season (February 15 to September 1).

• If nesting horned larks are found within the biological study area, a setback of 500 feet (or as determined as appropriate by the biologist) from the nesting area will be established and maintained during the nesting season from nest building to fledglings leaving the nest. This setback applies whenever construction or other ground disturbing activities must begin when nests are occupied.

• Setbacks will be marked by brightly colored temporary fencing.

Loggerhead Shrike

• A preconstruction survey for nesting loggerhead shrikes will be conducted in the biological study area and a 250-foot buffer established by a qualified biologist no more than 14 days prior to the start of construction or vegetation removal during the nesting season.

• If nesting loggerhead shrikes are found within the biological study area, a setback of 500 feet (or as determined appropriate by the biologist) from the nesting area will be established and maintained from February 15 to September 1.

• Setbacks will be marked by brightly colored temporary fencing.

California Linderiella Fairy Shrimp

Minimization measures would include the following provisions:

• All on-site construction personnel shall receive pre-construction training by a qualified biologist regarding the assumed presence of California linderiella fairy shrimp and the importance of avoiding impacts to these species and their habitat.

• Potential California linderiella fairy shrimp habitat not directly impacted by project construction will be designated as environmental sensitivity areas in the field and clearly indicated as such on project construction plans.

• Environmental sensitivity areas will be fenced with brightly colored fencing prior to beginning construction. Environmental sensitivity area fencing will be placed at least 10 feet from the upper edge of the seasonal depressions. No building related activities will be allowed in the environmental sensitivity area.

• Best management practices such as straw swaddles will protect California linderiella fairy shrimp habitat from construction runoff.

• A qualified biologist will monitor the environmental sensitivity area fence installation and inspect environmental sensitivity area fencing once weekly to ensure compliance.

Swainson's Hawk

• All trees scheduled for removal will be removed during the non-nesting season (September 2 to February 14) to avoid take of a nest or bird. All trees to be removed during the nesting season must be cleared by a qualified biologist.

• Preconstruction surveys for nesting Swainson's hawks will be conducted in the biological study area and within a 0.5-mile radius of the biological study area if construction will occur during the nesting season (February 15 to September 1). Surveys will be conducted by a qualified biologist and will occur a maximum of 14 days prior to the start of vegetation clearing and groundbreaking activities.

• If nesting Swainson's hawks are found within 0.5 mile of the biological study area, a qualified biologist, in consultation with the California Department of Fish and Game, will evaluate the potential for project activities to disturb nesting.

• California Department of Fish and Game will be contacted to review the evaluation and determine if the project can proceed without adversely affecting nesting activities and whether or not a biological monitor is required. California Department of Fish and Game may require a construction buffer around the nesting birds, a biological monitor to be on-site, or that construction within 0.5 mile of the nest tree stop until nesting is complete.

Valley Elderberry Longhorn Beetle

• The location of the elderberry shrubs will be marked on the construction plans.

• Before groundbreaking activities, the elderberry shrubs will be protected with 4-foot-high orange mesh plastic fencing 100 feet from the edge of the shrub's drip line. The fencing will be strung tightly on posts set a maximum of 9 feet apart. The fencing will be checked and maintained weekly by a qualified biologist. The area inside the fencing will be designated an environmentally sensitive area and marked as such on the plans. Signs attached to the fencing will mark this area as an environmentally sensitive area and state that "This is habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. The species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." No personnel or equipment is allowed access to the environmentally sensitive area at any time.

• Dust control best management practices will be used in the environmentally sensitive areas. Dust control measures on un-vegetated areas may include the application of water to graded and disturbed land. To avoid attracting Argentine ants, at no time will water be sprayed within the environmentally sensitive area.

• Mandatory preconstruction training by a qualified biologist for the contractor and all personnel working on-site will address the Valley elderberry longhorn beetle, the environmentally sensitive area, and the measures listed above.

Vernal Pool Fairy Shrimp

Minimization measures will include the following provisions:

• All on-site construction personnel will receive preconstruction training by a qualified biologist regarding the assumed presence of vernal pool fairy shrimp and the importance of avoiding impacts to these species and their habitat and the potential penalties for not complying with the conditions and requirements of the biological opinion.

• Potential vernal pool fairy shrimp habitat not directly affected by project construction will be designated as environmentally sensitive areas clearly indicated as such on project construction plans.

• Prior to construction, environmentally sensitive area fencing would be installed around potential vernal pool fairy shrimp seasonal depression sites outside the project footprint; here, the direct impacts of construction will be avoided. Environmentally sensitive area fencing would be placed at least 10 feet from the edge of these seasonal depressions and no construction-related activities would be allowed within the environmentally sensitive areas.

• Best management practices such as straw swaddles would protect vernal pool fairy shrimp habitat from construction runoff.

• A qualified biologist would monitor the environmentally sensitive area fence installation and inspect the fencing once weekly to ensure compliance.

Chemicals, lubricants, and petroleum products would be monitored closely and precautions used. If a spill occurs, cleanup would take place immediately. All equipment would be maintained such that there would be no leaks of fluids such as gasoline, oils, or solvents.

• Habitat areas temporarily impacted by project activities would be restored to their original conditions once construction is completed. A re-vegetation plan would be developed in conjunction with Caltrans' design and landscaping teams to create an appropriate seed mix for the areas.

• Compensation is proposed for effects to the vernal pool fairy shrimp as a result of the permanent loss of aquatic habitat in the project area. Compensation is proposed for direct effects to 0.558 acre of aquatic habitat by applying a 1:1 compensation ratio (= 0.558 acre worth of credits). Compensation is also proposed for indirect effects to 0.312 acre of aquatic habitat by applying a 1:1 compensation ratio (= 0.312 acre worth of credits). The total is 0.870 acre worth of credits of vernal pool fairy shrimp aquatic habitat to be purchased at an appropriate U. S. Fish and Wildlife Service-approved conservation bank.

<u>Significance after Mitigation</u>

Implementation of the above mitigation measures would minimize biological resource impacts to less than significant.

Finding on Proposed Mitigation

The City finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to biological resource impacts identified in the EIR.

Hazards and Hazardous Materials Impacts

Potential to be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and , as a result, would create a significant hazard to the public or the environment.

Petroleum Hydrocarbons

During this investigation total petroleum hydrocarbons was detected in elevated concentrations. The following are locations where total petroleum hydrocarbons exceeded the applicable environmental safety limits:

- Dakovich property storm-water retention basin
- Seal-Rite property aboveground storage tanks
- Seal-Rite property canopy maintenance area

Concentrations of total petroleum hydrocarbons were found to attenuate at depths between 18 and 24 inches; therefore, these impacts are not considered a threat to groundwater or to human health, considering proposed uses of the site.

Heavy Metals

Barium, cadmium, total chromium, cobalt, copper, lead, nickel, vanadium, and zinc were detected at the site. These metals were well below regulatory thresholds but above background concentrations. It is possible that soils in the vicinity of the railroad tracks are affected by the presence of heavy metals.

The arsenic concentrations at the site were less than background concentrations established for California. These concentrations do not pose an incremental hazard above the hazard associated with naturally-occurring arsenic.

Volatile and semi-volatile organic compounds

For all properties, samples collected and analyzed for volatile organic compounds and semi-volatile organic compounds were reported not at or above the regulatory thresholds; thus, based on soil sample analytical data, there is no significant hazard.

Dioxin/Furan

Dioxin was present in one surface-soil sample collected at the site of an agricultural burn area. The concentration was well below the California Human Health Screening Levels. The concentration of dioxin does not pose an environmental threat at the concentrations reported.

Aerially Deposited Lead
Detected concentrations of total lead and soluble lead were reported in soil samples collected from the area adjacent to the shoulder of Golden State Boulevard. If soil from this area is excavated and removed from the site, it would be non-hazardous waste under California law.

Hazards and Hazardous Materials Mitigation Measures

Petroleum Hydrocarbons
Since the concentrations of total petroleum hydrocarbons exceeded environmental safety limits, mitigation of the affected soil is recommended at the following sites:
Veterans Boulevard/State Route 99 Interchange Project/Veterans Boulevard Grade Separation

• Dakovich property storm-water retention basin
• Seal-Rite property aboveground storage tanks
• Seal-Rite property canopy maintenance area
• Based on the Preliminary Site Investigation observations, it is estimated the volume of affected soil at these two properties was 5 cubic yards at the Dakovich property and 30 cubic yards at the Seal-Rite property. Excavation of the affected 35 cubic yards of soil from these two properties must occur and be transported to the nearest disposal site accepting Type II and III waste. The nearest waste disposal site that would accept such material is American Avenue Disposal Site at 18950 Western American Avenue in Tranquility, California, 17 miles southwest of the proposed project site. Prior to commencement of construction activities a hauler must be retained by the client. A cost for excavation, removal, transport, and disposal of the 35 cubic yards of affected soil must also be determined.

<u>Significance after Mitigation</u>
Implementation of the above mitigation measures would minimize hazards and hazardous materials impacts to less than significant.

<u>Finding on Proposed Mitigation</u>
The City finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen hazards and hazardous materials impacts identified in the EIR.

Paleontological Resources Impacts

Potential to cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 1064.5.

Potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

The surface geology of the project area appears to primarily be composed of the Riverbank Formation and, possibly, the Modesto Formation. A thin layer of soil covers these formations. The Turlock Lake Formation underlies the Riverbank Formation at depth. These three formations have a high potential for significant paleontological resources. Where project excavation extends below any artificial fill that may be present, sensitive fossiliferous Pleistocene sediments and soils derived from these formations would be encountered.

Based upon Caltrans guidelines, the Modesto and Riverbank Formations in the project area have high potential for bearing significant vertebrate fossils. These formations are known to contain “significant nonrenewable paleontological resources.” Due to the nature of the fossils within the sedimentary Modesto and Riverbank Formations, those formations cannot be considered to have low potential.

Based on geologic mapping and results of the field survey, the Turlock Lake Formation may occur at a depth of four feet within the project area. The Turlock Lake Formation is known to contain “significant nonrenewable paleontological resources”. Due to the nature of the fossils within the sedimentary Turlock Lake Formation, they cannot be considered to have low potential.

Any fossils encountered within the project area are expected to be significant for scientific reasons. Fossils that are significant for scientific reasons need to be taken into account under the California Environmental Quality Act. Fossils, or fossil-bearing strata, are only considered to be nationally significant if they consist of or contain “an outstanding example of fossil evidence of the development of life on earth”. Nationally significant fossils are not expected within the project area.

The entire project area has been mapped as Pleistocene non-marine. Near the surface, this includes the Middle Pleistocene Riverbank Formation and, possibly, the Upper Pleistocene Modesto Formation. Any excavation in original soils would affect these deposits, potentially disturbing paleontologically sensitive strata.

Excavation for roadway construction is not anticipated to go deeper than 3 feet, potentially encountering the fossiliferous Modesto or Riverbank formations. Any excavation that reaches a depth of 4 feet has the potential to encounter the Turlock Lake Formation, potentially disturbing paleontological resources. For project construction, excavation is expected to reach depths greater than 4 feet and perhaps greater than 10 feet for overcrossing and railroad bridge abutments, retaining walls, utility conduit easements,

and retention basins. Excavation for traffic signals (30 feet deep) and piles (70 feet deep) would contact the fossiliferous Riverbank and Turlock Lake formations.

Paleontological Resources Mitigation Measures

The Paleontological Identification Report/Paleontological Evaluation Report recommends as part of a Paleontological Mitigation Plan that excavation monitoring for the project include the following to avoid and minimize impacts to paleontological resources:

• Conduct a preconstruction field survey, followed by salvage of any observed surface paleontological resources prior to the beginning of grading.

• Attendance at the pre-grade meeting by a qualified paleontologist or a representative. At this meeting, the paleontologist will explain the likelihood of paleontological resources, what resources may be discovered, and the methods that will be employed if anything is discovered.

• During construction excavation, a qualified vertebrate paleontologic monitor will initially be present on a fulltime basis whenever excavation occurs within sediments that have a high sensitivity rating and on a spot-check basis in sediments that have a low sensitivity rating.

• Paleontological monitor, under the direction of the qualified principal paleontologist would be on-site to inspect cuts for fossils at all times during original grading involving sensitive geologic formations.

• In the event fossils are discovered, the paleontologist (or paleontological monitor) would recover them. Construction work in these areas would be halted or diverted to allow recovery of fossil remains in a timely manner.

• Fossil remains collected during the monitoring and salvage portion of the mitigation program would be cleaned, repaired, sorted, and cataloged.

• Prepared fossils, copies of all pertinent field notes, photographs, and maps would be deposited in a scientific institution with paleontological collections.

• A final report will outline the results of the mitigation program.

• Where feasible, selected road cuts or large finished slopes in areas of critically interesting geology may be left exposed as important educational and scientific features. This may be possible if no substantial adverse visual impact results.

<u>Significance after Mitigation</u>

Implementation of the above mitigation measures would minimize impacts to paleontological resources to less than significant.

<u>Finding on Proposed Mitigation</u>

The City finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to paleontological resources identified in the EIR.

Findings Regarding Environmental Impacts not Mitigated to Less-than-Significant Levels

The following significant environmental impact of the project is unavoidable and cannot be mitigated in a manner that would substantially lessen the environmental impact to less-than-significant level.

Noise

A significant impact will occur under California Environmental Quality Act if the project resulted in a significant noise increase over existing baseline conditions. Whether the significant increase will result in a significant adverse impact is determined based on the context and intensity of the significant noise increase by comparing the existing noise level to the predicted noise level with the project.

Modeling results indicate that of the 124 modeled receptor locations, 55 will experience a significant increase (defined as 12 dBA or more) in traffic noise levels for 2035 under with-project conditions compared to the noise levels experienced under existing conditions. These affected modeled receptor locations represent 142 single-family residential units with implementation of Alternative 1 (Base) and 145 single-family residential units with implementation of Alternative 4 (Jug Handle).

It should be noted that, as shown in Table 2.24 in the FEIR, no modeled receptor location will experience traffic noise levels that will exceed the City's maximum allowable noise exposure standard of 65 dBA Ldn1 for residential land uses from transportation noise sources.2

Based on the studies conducted to date as summarized in the noise impact analysis of this document, there are no abatement or mitigation in the form of sound barriers that will be considered reasonable for this project. Therefore, the affected residences will experience a significant and unavoidable increase in noise levels with implementation of the proposed project. If during final design, conditions have substantially changed, noise abatement may be determined necessary. The final decision on noise abatement will be made upon completion of the project design and the public involvement processes.

<u>Noise Mitigation Measures</u>

Construction Noise Abatement

To minimize the construction noise impact for sensitive land adjacent to the project site, construction noise is regulated by Caltrans Standard Specifications Section 7-1.0011, "Sound Control Requirements". Section 7-1.0011 states that noise levels generated during construction will comply with applicable local, state, and federal regulations and that all equipment will be fitted with adequate mufflers according to the manufacturer's specifications.

No adverse noise impacts from construction are anticipated because construction will occur in accordance with Caltrans Standard Specifications Section 7-1.011 and

applicable local noise standards. Construction noise will be short-term and intermittent. The following measures will minimize temporary construction noise impacts:

• All equipment will have sound-control devices that are no less effective than those provided on the original equipment. No equipment will have an unmuffled exhaust.

• As directed by Caltrans, the contractor will implement appropriate additional noise abatement measures including changing the location of stationary construction equipment, turning off idling equipment, rescheduling construction activity, notifying adjacent residents in advance of construction work, and installing acoustic barriers around stationary construction noise sources.

Significance after Mitigation

While the above mitigation measures will reduce construction noise, the DEIR and FEIR determined that there were no feasible noise mitigation measures available to mitigate the noise generated by project operations (traffic noise). Therefore, the impact would remain significant and unavoidable.

Finding on the Proposed Mitigation

The City finds that the impact would remain significant and unavoidable because no feasible mitigation measures are available to mitigate operational noise. Therefore, the City finds that specific economic, legal, social, technological or other considerations make this mitigation infeasible to fully reduce the impact to a less-than-significant level.

5.2 Mitigation Monitoring

Mitigation Measures were made a condition of approval for the project when the Veterans Boulevard Project EIR was certified by Caltrans. The City of Fresno will coordinate with the Lead Agency to ensure compliance with all applicable mitigation measures and project conditions in implementing this portion of the Veterans Boulevard Project.

5.3 Growth Inducement

6. Project Alternatives

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remains any project alternatives that are both environmentally superior and feasible within the meaning of CEQA. As noted under the heading “Findings Required under CEQA,” an alternative may be

"infeasible" if it fails to achieve the lead agency's underlying goals and objectives with respect to the project. Thus, "feasibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors" of a project (City of Del Mar v. City of San Diego [1982] 133 Cal.App.3d 401, 417).

6.1 Alternatives Considered but Ultimately Rejected

The Lead Agency and their Project Development Team explored a number of alternatives for the Veterans Boulevard interchange during the Project Study Report phase.

Alternative 2

Alternative 2 was included in the Project Study Report and maintains the same interchange configuration as the base alternative but would provide a new connector road from Golden State Boulevard north of Veterans Boulevard to Veterans Boulevard east on Golden State Boulevard and the Union Pacific Railroad tracks. This alternative would require bringing the connector road under the railroad, lowering Golden State Boulevard to match grade with the connector road, constructing of a new structure to bring the railroad over the connector road (underpass), building a temporary mainline railroad track for use during construction of the new railroad underpass structure, erecting retaining walls in various locations, and requiring a permanent storm-water pumping station for Golden State Boulevard and the connector road.

Alternative 2 is no longer being considered because of the close spacing between the Veterans Boulevard/Bullard Avenue and Veterans Boulevard/Golden State Boulevard Connector intersections. Although operations analysis indicates that these intersections would operate at level of service E, the close spacing of these intersections would cause a reduced quality of operations on Veterans Boulevard, there is a concern with the on-going maintenance cost of the railroad structure and the pump station and reduced access for future business along the depressed portion of Golden State Boulevard.

Alternative 3

Alternative 3 was included in the Project Study Report and maintains the same interchange configuration as the Alternative 1 but would provide a new connector road from Golden State Boulevard north of Veterans Boulevard to Bullard Avenue north of Veterans Boulevard east of Golden State Boulevard and the Union Pacific Railroad tracks. This alternative would require bringing the connector road under the railroad, lowering Golden State Boulevard to match grade with the connector road, building a new structure to bring the railroad over the connector road (underpass), building a temporary mainline railroad track for use during construction of the new railroad underpass structure, erecting retaining walls in various locations, and placing a permanent storm-water pumping station for Golden State Boulevard and the connector road.

Alternative 3 is no longer being considered because of the closely spaced intersections with Veterans Boulevard/Bullard Avenue and the connection road. The queuing for the intersections would spillback into the adjacent intersections creating an unacceptable level of service F in 2035. In addition to poor traffic operations, Alternative 3 has similar issues as Alternative 2: on-going maintenance cost of the railroad structure and the pump station and reduced access for future business along the depressed portion of Golden State Boulevard.

During the Project Development Team meetings with Caltrans and the stakeholders, it was decided to drop these alternatives from further analysis due to an inability to achieve operational performance, and justify right-of-way impacts and cost.

6.2 Alternatives Considered in the EIR

Two build alternatives and a No-Build Alternative have moved forward for evaluation in this document. This section describes the alternatives under consideration, compares similarities and differences between the alternatives, explains why other alternatives were dropped from further consideration, and provides a comparison of how the alternatives meet the purpose and need

Common Design Features of the Build Alternatives

All build alternatives (Alternative 1 and Alternative 4) include a Type L-9 partial cloverleaf interchange connection onto State Route 99 at the same location. In addition to the new interchange and local roadway, a new grade separation crossing over the Union Pacific Railroad tracks and Golden State Boulevard would be built. The alternatives propose various designs for the connection of Veterans Boulevard to Golden State Boulevard and the railroad grade separation as discussed in Section 1.3.

Veterans Boulevard Interchange

The proposed Veterans Boulevard interchange is a partial cloverleaf interchange with six ramps connecting State Route 99 to Veterans Boulevard. The L-9 interchange configuration allows for continuous right-turn vehicular movements onto State Route 99, minimizing congestion for high traffic-volume interchanges. Because left-turn movements from Veterans Boulevard to State Route 99 are eliminated, the signalized intersections function efficiently with a two-phase operation.

The freeway ramps are designed using Highway Design Manual standards, including auxiliary lanes where applicable. Typical lane widths are 12 feet with 8-foot-wide outside and 4-foot-wide inside shoulders.

The overcrossing would be a two-span structure with columns in the State Route 99 median. The two spans allow for State Route 99 expansion to the ultimate eight-lane facility and the loop on-ramps. The structure has a total span length of 284 feet with one span at 144 feet and the other at 140 feet. It would be a cast-in-place post-tensioned box girder structure and would provide the required minimum vertical clearance of 16 feet 6 inches.

Arterial Roadways

The proposed interchange would construct a new north-south six-lane divided arterial version of Veterans Boulevard that would extend north to Herndon Avenue and south to West Shaw Avenue.

Local Streets and Intersections
To handle the new Veterans Boulevard arterial, a controlled at-grade crossing would be built at Veterans Boulevard and Hayes Avenue. Contractor access and construction tasks would temporarily affect other local streets during construction.

Pedestrian and Bicycle Facilities
The corridor along Veterans Boulevard also contains a 12-foot-wide Class 1 trail. This trail was designed to increase pedestrian and bicycle safety throughout the corridor. The 12-foot-wide trail runs from Herndon Avenue to Shaw Avenue on the north side of Veterans Boulevard. In order to increase pedestrian and bike safety at the southbound loop on-ramp, which has the heaviest ramp traffic volume, the trail mirrors the alignment with the southbound loop on-ramp. It proceeds to the southbound loop on-ramp and diagonal off-ramp and connects to an existing section of the Class 1 trail about 550 feet west of the proposed undercrossing. The minimum vertical clearance for this trail under the southbound diagonal off-ramp is 8 feet.

Structures
The proposed interchange is a Type L-9 partial-cloverleaf interchange. Veterans Boulevard is a six-lane super arterial and would include a grade separation over the Union Pacific Railroad tracks. The structure would include a new two-span, cast-in-place, post-tensioned concrete box girder structure on Veterans Boulevard over State Route 99. The new structure would provide the required vertical clearances with State Route 99. The project also includes a single-span cast-in-place post-tensioned concrete box girder structure on Veterans Boulevard over both Golden State Boulevard and Union Pacific Railroad tracks.

Drainage
Additional drainage improvements are required along State Route 99 because of the increase in paved surfaces and subsequent water runoff. Drainage improvements would include surface and subsurface drains, retention/detention basins, and pump facilities. Each terminal drainage location would include improvements to remove roadway contaminants from the runoff before discharging into the watershed.

Alternative 1—Base

The base alternative (see Figure 1.4a Project Plans; Figure 1.4b 3D Overview) includes construction of a Type L-9 interchange connecting Veterans Boulevard to State Route 99; a Veterans Boulevard overcrossing that spans Golden State Boulevard (the span has left-turn connections to and from Golden State Boulevard); and a Veterans Boulevard overcrossing that spans the Union Pacific Railroad tracks before extending from Shaw

Avenue to Herndon Avenue. Veterans Boulevard would accommodate future planned roadway connections. The realignment of a portion of Herndon Avenue would connect with Veterans Boulevard. Golden State Boulevard's northbound and southbound lanes connect to Veterans Boulevard via single-lane ramps that diverge from the median of Golden State Boulevard to an at-grade intersection with Veterans Boulevard. Likewise, the connections from Veterans Boulevard to Golden State Boulevard contain single-lane ramps that converge to the median of Golden State Boulevard. The structure over State Route 99 would be a two-span structure with columns in the State Route 99 median. The two spans allow for the expansion of State Route 99 to the ultimate eight-lane facility and the loop on-ramps. The structure length has a total span of 284 feet with one span at 144 feet and the other at 140 feet.

With construction of the northbound and southbound ramps from Golden State Boulevard to Veterans Boulevard, the base alternative requires two structures. Both structures have a cross-sectional width of 142 feet 10 inches and are cast-in-place post-tensioned concrete box girders. The first is a 245-foot single-span structure that travels along Veterans Boulevard over the Union Pacific Railroad right of way and the proposed northbound Golden State Boulevard lanes. This structure has a vertical clearance of 23 feet 4 inches over the existing railroad tracks. The second structure spans a total of 105 feet and travels along Veterans Boulevard over the southbound Golden State Boulevard lanes. This structure has a vertical clearance of 15 feet.

Alternative 4—Jug-Handle

This alternative has been identified as the preferred alternative (see section 1.4.4). The jug-handle alternative (see Figure 1.5a Project Plans; Figure 1.5b 3D Overview) constructs a Type L-9 interchange connecting Veterans Boulevard to State Route 99; a Veterans Boulevard overcrossing that spans Golden State Boulevard (with connecting hook ramps); and a Veterans Boulevard overcrossing that spans the Union Pacific Railroad tracks before extending from Shaw Avenue to Herndon Avenue. Veterans Boulevard would accommodate future planned roadway connections and the realignment of a portion of Herndon Avenue to connect with Veterans Boulevard.

The jug-handle alternative connects to Veterans Boulevard via jug-handle shaped ramps to Golden State Boulevard. This alternative realigns Golden State Boulevard to the west and provides a Golden State Boulevard overcrossing for the Veterans Boulevard traffic. This proposed overcrossing would be a two-span structure with widths of 75 feet 9 inches and 77 feet 9 inches along the Veterans Boulevard alignment. The 153-foot 6-inch span length provides a minimum vertical clearance of 15 feet over the roadway section. It is a cast-in-place, post-tensioned concrete box girder with an overall section width of 136 feet 10 inches.

Two at-grade intersections were added at the locations where the jug-handle ramps connect with Golden State Boulevard. From there, the 925-foot-long ramp to the south of Veterans Boulevard, and the 1,115-foot-long ramp to the north of Veterans Boulevard

connect to the proposed Veterans Boulevard. Both the south and north ramps are two-way, two-lane ramps that provide right-in and right-out turn movements to and from Veterans Boulevard. The ramps also provide fully signalized intersections at the connections to Golden State Boulevard.

The notable difference between the south and north ramps is the north ramp has a standard 10-foot-wide sidewalk section whereas the south ramp does not provide pedestrian access. The structure over the Union Pacific Railroad would be a three-span structure with a total length of 350 feet. From east to west, the span lengths are 95 feet, 150 feet, and 105 feet. The columns are just outside the Union Pacific Railroad operational right-of-way. This structure also has a vertical clearance of 23 feet 4 inches above the existing railroad tracks. The current estimated cost for Alternative 4–Jug-Handle is $115,00,000. This includes the cost of extending Veterans Boulevard and the interchange.

Transportation System Management and Mass Transit Alternatives, Transportation Demand Management Alternative

Transportation System Management measures alone would not satisfy the purpose and need of the project. The Transportation System Management and Mass Transit Alternatives, Transportation Demand Management Alternative would provide commuters with an alternative to driving and some congestion relief. It would not provide congestion relief to the extent of the proposed project. The management alternative would not provide consistency with existing and planned local and regional development, nor could it accommodate local development. The following Transportation System Management measures would be incorporated into the build alternatives for this project:

• The project improvements on Veterans Boulevard and State Route 99 interchange would include changeable message signs and video cameras for congestion monitoring as well as integration of the ramp metering equipment included with the four interchange projects.

• Planned pedestrian facilities include a 12-foot-wide Class I bikeway/bike and pedestrian path on the north side, and a Class II bikeway/bike path on both sides of Veterans Boulevard.

No Build Alternative

The No-Build Alternative would not construct a new interchange on State Route 99. Vehicles would continue using the existing interchanges at Herndon Avenue and Shaw Avenue.

It is anticipated the existing Shaw Avenue interchange would operate at unacceptable levels of service by 2015, according to City of Fresno and Caltrans level of service standards, during the peak hours under No-Build Alternative conditions. Although construction of the Veterans Boulevard/State Route 99 Interchange Project does not increase the level of service at the existing Shaw Avenue intersections with the State Route 99 ramps, there would be a decrease in the delay times by 15 to 92 percent.

The Herndon Avenue intersections with the State Route 99 ramps would operate at level of service F by 2035 under the No-Build condition. With the Veterans Boulevard Project, the ramp intersections would operate at level of service B to E in the morning and operate at level of service F in the evening.

The No-Build Alternative would result in excessive delays and poor traffic operations for State Route 99. The No-Build Alternative would not accommodate the anticipated circulation needs of planned developments in the project area. Additionally, the No-Build Alternative is not consistent with local and regional system planning and does not meet the project purpose and need identified earlier in this document.

If the No-Build Alternative is selected, levels of service would degrade to unacceptable levels, resulting in severe congestion and gridlock. Along with the congested conditions, air quality would also degrade, potentially exceeding federal and state standards for various emissions.

Comparison of Alternatives

The two build alternatives are similar in their impacts to the project area, with the exception of acres of affected farmland (see Table 1.2). The No-Build Alternative would have no additional impacts to the project area. For the full discussion and comparison of project alternatives please see Section 1.4, Alternatives. For the full discussion of potential impacts, please see Chapter 2 of the FEIR.

Potential Impact		Alternative 1— Base	Alternative 4— Jug Handle (Preferred Alternative)	No-Build Alternative
Land Use	**Consistency with the City of Fresno General Plan**	**Yes**	**Yes**	**No**
Farmlands/Timberlands		31 acres	36 acres	No impact
Relocation	Business displacements	2 commercial businesses	2 commercial businesses	No impact
	Utility service relocation	Temporary interruption of services to utility customers during relocation of power lines for construction may occur.	Temporary interruption of services to utility customers during relocation of power lines for construction may occur.	No impact
Utilities/Emergency Services		Temporary interruption of services to utility customers during relocation of the power lines for construction. No interruption of emergency services anticipated.	Temporary interruption of services to utility customers during relocation of the power lines for construction. No interruption of emergency services anticipated.	No impact
Traffic and Transportation/ Pedestrian and Bicycle Facilities		The project would improve conditions for vehicles, pedestrians, and bicycles.	The project would improve conditions for vehicles, pedestrians, and bicycles.	Without the proposed project, the levels of service for the project area would decline to unacceptable levels due to planned future growth.
Noise and Vibration		NEPA: Increased noise levels require consideration of noise abatement (noise abatement was found not to be reasonable or feasible). CEQA: Mitigation is not available	NEPA: Increased noise levels require consideration of noise abatement (noise abatement was found not to be reasonable or feasible). CEQA: Mitigation is not available	No impact
Wetlands and other Waters		0.23 acres of waters of the U.S.	0.23 acres of Waters of the U.S.	No impact
Animal Species		Various bat species, western burrowing owl, white-tailed kite, California horned lark, loggerhead shrike, vernal pool fairy shrimp, California linderiella fairy shrimp	Various bat species, western burrowing owl, white-tailed kite, California horned lark, loggerhead shrike, vernal pool fairy shrimp, California linderiella fairy shrimp	No impact

Potential Impact	Alternative 1— Base	Alternative 4— Jug Handle (Preferred Alternative)	No-Build Alternative
Threatened and Endangered Species	Swainson's hawk San Joaquin kit fox, Valley elderberry longhorn beetle, vernal pool fairy shrimp	Swainson's hawk San Joaquin kit fox, Valley elderberry longhorn beetle, vernal pool fairy shrimp	No impact
Construction	Temporary impacts. Some nighttime work and detours will be needed; however, Golden State Blvd runs parallel to Route 99 and would be used for detours.	Temporary impacts Some nighttime work and detours will be needed; however, Golden State Blvd runs parallel to Route 99 and would be used for detours.	No impact

After the public circulation period, all comments were considered. Caltrans then selected a preferred alternative and made the final determination of the project's effect on the environment. In accordance with California Environmental Quality Act, Caltrans certified the project complies with California Environmental Quality Act
Caltrans filed a Notice of Determination with the State Clearinghouse on July 1, 2013 identifying the project did not have significant impacts, that mitigation measures were included as conditions of project approval, and that findings were made pursuant to the provisions of CEQA.

Identification of a Preferred Alternative

The Caltrans Project Development Team evaluated the alternatives for environmental impacts, considered the community input and public comments, and performed a cost analysis for each alternative.

The Jug-Handle alternative was selected as the preferred alternative for the project. Several factors, including cost, traffic operations, environmental impacts, and design, were taken into consideration during the selection of the preferred alternative.

The estimated cost for Alternative 4–Jug-Handle is $115 million, while the estimated cost of the base alternative is $111 million, where the jug-handle alternative would cost $4 million (estimated) more than Alternative 1–Base.

At the Veterans Boulevard and Golden State Boulevard intersection, Alternative 4–Jug-Handle operates at level of service A during both peak hours, while the base alternative operates at level of service C during the morning peak hour and level of service E during the evening peak hour. The right-in/right-out-only design of the jug-handle alternative allows the Veterans Boulevard and Golden State Boulevard intersection to operate better than the dual left-turn lanes of Alternative 1–Base.

Along Golden State Boulevard, the jug-handle alternative allows full access to parcels between State Route 99 and Golden State Boulevard. For the base alternative, northbound traffic would not have access to parcels between State Route 99 and Golden State Boulevard for roughly 1 mile due to the ramps connecting Golden State Boulevard and Veterans Boulevard. The jug-handle alternative provides better access to parcels along the corridor than the base alternative.

For pedestrians and bicycles, the jug-handle alternative connects Veterans Boulevard and Golden State Boulevard with conventional pedestrian-friendly crosswalks at a signalized intersection. The base alternative's ramps merge into Golden State Boulevard similarly to freeway entrance and exit ramps. The ramps are designed for high-speed travel and are not desirable crosswalk locations. The jug-handle alternative provides a safer facility for pedestrians and bicycles.

7. Statement of Overriding Considerations

Pursuant to Section 21081 of the California Public Resources Code and Section 15093 of the CEQA Guidelines, the City adopts and makes the following statement of overriding considerations regarding the remaining significant unavoidable impacts of the project, as discussed above, and the anticipated economic, social, and other benefits of the project.

Based on the record of proceedings, the City finds and determines that (1) the majority of the significant impacts of the project will be reduced to less-than-significant levels by implementation of the mitigation measures recommended in these findings; (2) the City's approval of the project as proposed will result in certain significant adverse environmental effects that cannot be avoided or reduced to a less-than-significant level even with the incorporation of all feasible mitigation measures into the project; and (3) there are no other feasible mitigation measures or feasible project alternatives that will further mitigate, avoid, or reduce to a less-than significant level the remaining significant environmental effects.

In light of the environmental, social, economic, and other considerations identified in the findings for the project, the objectives of the project, and the considerations set forth below related to this project, the City chooses to approve the project because, in its view, the economic, social, technological, and other benefits resulting from the project substantially outweigh the project's significant and unavoidable adverse environmental effects.

The following statements identify the reasons why, in the City's judgment and based on substantial evidence, the benefits of the project outweigh the significant and unavoidable

effects. The substantial evidence supporting the enumerated benefits of the project can be found in the preceding findings, which are herein incorporated by reference; in the project itself; and in the record of proceedings as defined above. Each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the project outweigh its significant adverse environmental effects and is an overriding consideration warranting approval.

The City finds that the project, as conditionally approved by Caltrans, will have the following economic, social, technological and environmental benefits, which constitute overriding considerations:

- The Project provides needed transportation access across State Route 99 to an area planned to accommodate future growth - the area called the West Area (or Development Area 1-North in the Fresno General Plan)
- The Project supports the West Shaw Activity Center, a mixed use transit village that is a key component of the Urban Form element of the Fresno General Plan;
- If the Project is not constructed, growth may occur outside of the West Area, inconsistent with the City's General Plan.
- If the Project is not constructed, the two adjacent interchanges along SR 99- Herndon and Shaw Avenues- will decline to unacceptable levels.
- If the Project is not constructed, air quality will decline in the vicinity of the two adjacent interchanges due to vehicle congestion and idling.
- The Project provides vehicular, bicycle and pedestrian access across SR 99, consistent with the City's complete streets and mobility goals, as the Project includes a Class I bicycle and pedestrian trail
- The Project provides economic and social benefits associated with better connecting two Fresno communities: the West Area and Northwest Fresno. Connecting these two areas provides better access to jobs, education, and medical services for the residents living in the West Area.

City of Fresno approval of the Phase 3 Veterans Interchange Project is a valuable tool in implementing the following objectives and policies from the Fresno General Plan:

Objectives: MT-1

Policies: MT-1-a, MT-1-b, MT-1-g

The above objectives and policies call for transportation planning consistent with the General Plan, including incorporation of state highway and rail projects, construction of planned streets and highways shown in the circulation plan, and provision of transportation facilities that facilitate the balanced use of all viable travel modes. Completion of the Phase 3 Veterans Interchange Project is an essential step in the

completion of the overall project, and in connecting the overall project to the existing streets network, which is in furtherance of the above goals and objectives.