



SAN JOAQUIN RIVER CONSERVANCY

Agenda Item

Item G-1

November 15, 2017

TO: San Joaquin River Conservancy Governing Board

FROM: Melinda S. Marks, Executive Officer

SUBJECT: Consider and Take Action on: 1. Certification of the River West Fresno, Eaton Trail Extension Environmental Impact Report, and 2. Approval of the Project or an Alternative, Including Adoption of Findings and Mitigation Monitoring and Reporting Program

RECOMMENDATION:

After providing an opportunity for public comment, it is recommended the Board, the lead agency for the proposed River West Fresno, Eaton Trail Extension Project consider and take action to:

1. Certify the River West Fresno, Eaton Trail Extension Final Environmental Impact Report (FEIR), through adoption of Resolution 17-01, which, in accordance California Environmental Quality Act (CEQA) Guidelines Section 15090, certifies the FEIR was completed in compliance with the CEQA, was presented to the Board, which reviewed and considered the FEIR information, and reflects the Board's independent judgement; and
2. Approve the proposed Project or, approve Alternative 5B (inclusive of the proposed Project features) to provide greater access from the City of Fresno, through approval of a resolution specific to the Board's preferred project, including exhibits presenting the necessary Findings of Fact and Mitigation Monitoring and Reporting Program to satisfy the requirement of CEQA Guidelines Sections 15091, 15092, and 15097; the alternate resolutions (Resolution 17-02 or Resolution 17-02a) and exhibits necessary to approve either the proposed Project or Alternative 5B shall be provided to the Board before the Board meeting; or,

If, after deliberations, the majority of the Board prefers another of the alternatives or a combination of alternatives, the Board may direct staff to develop the necessary documents, including a resolution of approval, a EIR addendum if required, Findings of Fact (including a statement of overriding considerations if necessary), and a Mitigation Monitoring and Reporting Program specific to that preferred alternative, and to bring item to the Board for consideration at the next possible Board meeting, expected to be December 13, 2017.

PUBLIC HEARING AND BOARD DELIBERATIONS:

It is recommended the Board conduct the meeting as follows:

1. Staff Presentation
2. Initial Board Questions and Staff Responses
3. Board Chair Opens Public Comment—Speakers shall be limited to a maximum of 3 or fewer minutes each, as necessary to provide all interested parties the opportunity to comment
4. Board Chair Closes Public Comment
5. Board Deliberations
 - a. Take action to approve Resolution 17-01 certifying the FEIR, including a motion, second, deliberations, and vote.
 - b. Take action to approve the proposed Project or Alternative 5B, or state a preference for a different preferred alternative, including a motion, second, deliberations, and vote.

Subject to Certification of the FEIR, proceed to consider and take action to approve the proposed Project through approval of Resolution 17-02 or Alternative 5B through approval of Resolution 17-02a. Along with the approval of either of these resolutions, the Board may direct staff to continue to work on access alternatives examined in the FEIR but not approved, as opportunities arise and issues are resolved, and to report back to the Board at a future meeting for direction to develop a proposal for the Board to consider approving those possible elements; or

- c. Determine that a majority consensus prefers in concept another alternative or combination of alternatives studied in the FEIR, and direct staff to develop any required additional CEQA analyses, and to prepare the required documentation, and return to the Board at the next possible Board meeting for consideration of the preferred scenario. If the preferred scenario would result in significant adverse environmental impacts after incorporation of all feasible mitigation measures discussed in the FEIR, the Board members should discuss on the record the benefits of that scenario that outweigh the significant and unavoidable impacts and why other environmentally superior alternatives examined in the FEIR are rejected as infeasible. This discussion by the Board will assist staff with preparing the necessary findings.

If the Board does not take final action to approve a project at the November Board meeting, the Board may continue the agenda item and deliberations to the next possible Board meeting.

SUMMARY:

Proposed Project

The Conservancy proposes to extend the existing Lewis S. Eaton Trail located in Fresno and operated by the City of Fresno. The first six miles of the Eaton Trail were constructed from 1993-1998 and are operated by the City of Fresno. Another one-quarter mile leading to the Cole Hallowell River Center was constructed in 2004 and is maintained by the River Parkway Trust. In 2007 the Copper River Ranch Development added a half-mile spur connecting the residential area to the trail. (Other segments of the Parkway multi-use trail have been completed near Riverside Golf Course and between the Fish Hatchery and Lost Lake Park.) The City of Fresno recently completed a count of trail users, and found that during the peak a.m. hour alone there are an estimated 33,000 Eaton Trail users annually. In 2003, the Conservancy and River Parkway Trust purchased the River West Fresno property from the Spano family at a total purchase price of approximately \$10 million, and the Conservancy and its partners have been working on planning for the trail extension across the property since that time.

The proposed trail extension would connect at the western terminus of the existing trail, pass through an underpass of State Route (SR) 41 located at the Perrin Avenue alignment, and extend approximately 2.4 miles on State-owned land identified as the River West property (291 acres under the jurisdiction of the Conservancy and approximately 167 under the jurisdiction of the State Lands Commission). The trail would end at the western end of the State's property where a staircase would be provided on the bluff to connect River West with the City of Fresno's Spano Park. The proposed Project also includes a public vehicle entrance at the Perrin Avenue alignment, and a parking area for 50 vehicles and three horse trailers, with a restroom and landscaping. The parking area and shallow slope of the multi-use trail would meet Americans with Disabilities Act (ADA) design standards. Pedestrian and bicycle access would be provided at four locations – Perrin Ave., Spano Park, and the W. Riverview Dr. and Churchill Ave. entrances to the Bluff Trail. The trail extension would meet the design standards in the Conservancy's San Joaquin River Parkway Master Plan for the planned Parkway-wide multi-use trail. Secondary hiking trails to and along the riverbank are also proposed. See Figure 2-3 (each figure identified herein is enclosed with the Executive Summary).

The Final EIR found the proposed Project would result in **less than significant impacts** to all resources areas, with incorporation of the identified mitigation measures. The proposed Project is consistent with goals, policies, and objectives in the Parkway Master Plan, is located on state-owned land under the Conservancy's jurisdiction, and would provide the fundamental improvements initially planned for the River West Fresno site. The scope of the project was developed over several years, initiated by a conceptual plan presented in 2004 to the Board by the San Joaquin River Parkway and Conservation Trust, refined through a constraints analysis performed by the City of Fresno in 2011, and carried forward by the City of Fresno and the Conservancy in several public workshops.

Subject to certification of the FEIR, staff recommends approval of the proposed Project through approval of Resolution 17-02 (to be provided prior to the meeting), which will include the required CEQA Findings and the Mitigation Monitoring and Reporting Program.

Action Alternatives

The Final EIR prepared by the Conservancy also studied six action alternatives plus the No Project alternative. Each action alternative is inclusive of the features of the proposed Project. Other than the No Project Alternative, which does not meet the most basic project objectives,

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none of the alternatives would result in fewer environmental impacts than the proposed Project, therefore, none of them is environmentally superior. A chart comparing the environmental impacts of each alternative and the proposed project is included as Table 5.13-1 with the enclosed Executive Summary. In brief, the comparative impacts of each alternative are as follows:

Alternative 1, Added Parking, would add a public vehicle entrance from Riverview Drive and a parking area in the middle of the project site to provide more convenient access for residents of Fresno, including disadvantaged communities. The parking area on the floodplain would provide additional ADA-access to the multi-use trail. See Figure 5-1. Traffic volume under Alternative 1 is anticipated to increase at the Audubon Dr./Del Mar Ave. intersection and may add to traffic delays at Del Mar Ave. See Section 5.6 of the FEIR, which concluded that this is a potentially significant impact that could be reduced to less than significant by conditioning the W. Riverview Dr. vehicle entrance and parking area upon the City constructing and operating traffic improvements identified in Mitigation Measure Alt. 1-Traffic-1. However, because this mitigation measure requires approval and action by the City of Fresno, and the Conservancy cannot guarantee that these improvements will be implemented, the FEIR found the impact would be **significant and unavoidable**. Therefore, this alternative is not recommended by staff. Since the traffic signal shall not be implemented by the Conservancy in any case, it is recommended instead the Board direct staff to bring back this alternative access for consideration at such time as the City has installed the traffic improvements. It is noted the City of Fresno and County of Fresno oppose Alternative 1 because it conflicts with a policy in the Fresno City General Plan that allows only pedestrian and bicycle access to the Parkway from Riverview Dr.

Alternative 2, Bluff Trail Alignment, would create a less circuitous multi-use trail aligned nearer the bluffs. The parking area and shallow slope of the multi-use trail would meet ADA design standards. See Figure 5-2. Alternative 2 would have equivalent impacts, i.e., **less than significant**, and mitigation measures as for the proposed Project. Due to the preponderance of public support expressed for a trail alignment nearer the river and farther from bluff residences, this alternative is not recommended by staff.

Alternative 3, River's Edge Trail Alignment, would create a multi-use trail aligned closer to the river's edge in the more southerly (downstream) portion of the site, and would remain as proposed by the project in the northerly (upstream) portion of the site. The parking area and shallow slope of the multi-use trail would meet ADA design standards. See Figure 5-3. The EIR found this alternative requires additional mitigation measures beyond that required for the proposed Project. It also conflicts with policies of the Parkway Master Plan that require a minimum width of 200 feet on both sides of the River as wildlife movement corridors and require a buffer of 150 feet to be established between riparian habitat and the planned multipurpose trail. The impacts from this conflict was determined to be **significant and unavoidable** and, along with considerations of added permitting, construction and maintenance costs, is not recommended by staff.

Alternative 4, No Parking, would provide for the multi-use trail extension and the other low-impact recreation amenities; however, it would not provide on-site parking. See Figure 5-4. A mitigation measure would be required to provide ADA-compliant parking spaces at a small Perrin Avenue entrance; however, because adequate on-site parking

is a policy in the Parkway Master Plan, and general users traveling by vehicle to the trail extension would also need parking, this impact was found to be **significant and unavoidable** and is not recommended by staff.

Alternative 5, Palm Nees Access, is an off-site alternative that would develop an additional parking area located at the base of the Palm Nees private access road to provide more convenient access for residents of Fresno, including disadvantaged communities. A trail along a narrow bench on the river would connect the parking area to the proposed multi-use trail extension. Due to topography, the connection between the multi-use trail and the parking area would be relatively steep, therefore ADA access would be provided at a loading zone closer to the river. See Figure 5-5. The proposed access roadway, parking area, and trail are all located on private property. Although the roadway and trail are encumbered by existing public access easements, additional property and easement rights would need to be secured from willing sellers at mutually agreeable terms. The FEIR found that Alternative 5 would require mitigation measures beyond those for the proposed Project to address the potential for exposure to hazardous materials associated with operation of a former landfill. Although these mitigation measures would reduce impacts to a **less than significant** level, staff does not recommend Alternative 5 due to the challenges associated with securing cleanup of the property prior to acquiring the land, and otherwise successfully negotiating with willing sellers. Instead it is recommended that if the Board is interested in this access location, that it direct staff to continue to pursue opportunities to provide river access near the base of the private Palm/ Nees access road over time as an important linkage to the community and neighborhood trails envisioned in the Parkway Master Plan.

- Alternative 5B, North Palm Access, is an off-site alternative that would develop an additional public vehicle entrance located at the northern terminus of Palm Ave., with an access road through Spano Park and descending the bluff, to a parking area on the floodplain below. This alternative is also intended to provide more convenient access for residents of Fresno, including disadvantaged communities. The proposed multi-use trail would be connected to the parking area and to a pathway descending the bluff. The parking area on the floodplain would provide additional ADA-access to the multi-use trail. See Figure 5-13. Spano Park and the bluff face in this location are owned by the City of Fresno. The proposed parking area and trail connections are located on private property that has been offered for sale to the Conservancy at various times in the past and during this EIR effort. The private property would need to be secured from willing sellers at mutually agreeable terms. The EIR found that Alternative 5B would require mitigation measures beyond those for the proposed Project to address the potential for exposure to hazardous materials associated with operation of a former landfill, consisting primarily of construction-related wastes in the area below the bluff. These mitigation measures would reduce impacts to a **less than significant** level. Alternative 5 B is recommended as an acceptable alternative to the proposed Project, although there remain challenges associated with securing cleanup of the property prior to acquiring the land, and otherwise successfully negotiating with willing sellers. Instead of taking action on this alternative, the Board could direct staff to continue to pursue opportunities to develop this access point over time; however, this alternative may present a better opportunity to provide more convenient access from Fresno and resolve issues more readily than either Alternative 1 or Alternative 5, and is supported by the City of Fresno. The analysis of Alternative 5B was paid for by the City of Fresno, although it was developed independently by the Conservancy. If the Board prefers to approve a project with an

added access point and added parking, staff recommends selecting this alternative. Subject to certification of the FEIR, the Board may approve Alternative 5B (inclusive of the proposed Project) through approval of Resolution 17-02a (to be provided prior to the meeting), which will include all required Findings and the Mitigation Monitoring and Reporting Program specific to this alternative.

If the Board develops a consensus supporting in concept an alternative other than the proposed Project or Alternative 5B, it may direct staff to prepare the required documentation, including new Findings of Fact and Mitigation Monitoring and Reporting Program to bring to the Board for consideration at the next possible Board meeting. Staff does not recommend the Board consider approving combinations of multiple alternatives because the FEIR specifically focused its analysis on individual alternatives. For the Board to consider approving a combination of alternatives, currently analyzed separately in the FEIR, an additional analysis in the form of an addendum to the FEIR must be prepared to document that the impacts of that combination do not result in any additional or more severe environmental impacts than found in the FEIR—that is, that the FEIR adequately discusses and discloses the impacts of that combination. If the combination of alternatives does result in new or more severe environmental impacts than identified in the FEIR, then the Conservancy will need to prepare a supplemental or subsequent EIR, instead of an addendum, and circulate it for a new round of public review and comment. This additional work could not be completed under the Conservancy's current consulting contract and grant for environmental review that are out of funds and due to expire December 31, 2017.

If a Board consensus develops around a preferred alternative analyzed in the FEIR, but the FEIR found that alternative would result in significant and unavoidable impacts (after consideration of all feasible mitigation measures), the Board members should state on the record the benefits of that alternative that outweigh the remaining significant environmental impacts. It should also state the specific considerations that make the other environmentally superior alternatives infeasible. These statements can assist staff in preparing the required written findings for that alternative. CEQA does allow the Board the discretion to approve a project that would result in significant unavoidable impacts, provided it makes these explicit findings required by CEQA Guidelines Sections 15091(a)(3) and 15093.

The Executive Summary, Chapter 1 of the EIR, and figures of the proposed Project and alternatives are enclosed with this staff report. The entire Final Environmental Impact Report, including Volume I Final Environmental Impact Report, Volume II Comments and Responses to Comments, and Volume III Appendices, are published at www.sjrc.ca.gov, are available on a CD, and a hard copy is available for review in the Conservancy office. Please refer to these documents for more detailed descriptions and comparisons of the proposed Project, alternatives, impacts, and mitigation measures.

DISCUSSION:

Project Description and Detailed Information in the EIR

The proposed Project is described in detail in Chapter 2 of the FEIR. The evaluation of the potential environmental impacts of the proposed Project are evaluated in Chapter 3. A summary of the mitigation measures recommended to reduce the environmental impacts of the proposed Project to less than significant levels is provided in Chapter 1, the Executive Summary. A description of the six action alternatives and an evaluation of their potential environmental impacts are presented in Chapter 5. At the end of Chapter 5 there is a chart and

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narrative comparing the impacts of the proposed Project and all alternatives; the comparison chart is also provided with the Executive Summary.

Public Participation and Process

The Conservancy has complied with requirements of the CEQA statute and CEQA Guidelines, including but not limited to, releasing a Notice of Preparation and holding a public scoping meeting in June 2014, releasing a Draft EIR for a 45-day public comment period in February 2017, releasing a Partially Revised Draft EIR in August 2017 for a second 45-day comment period, and releasing the Final EIR on Thursday, November 9, 2017. The Conservancy has more than met CEQA requirements to evaluate a reasonable range of alternatives, and found no alternative is environmentally superior to the proposed Project. The Conservancy has held numerous public meetings allowing for public participation in developing the design preferences, including: the conceptual plan presented in 2004; approving and overseeing a planning grant to the City of Fresno in 2008 under which public workshops were held and the constraints report (2011) was completed; public informational meetings at the Pinedale Community Center and before the Board in March 2017; and scoping meetings for the Draft EIR, including those held in 2014 to add the off-site Alternative 5 and those held in 2017 to add the off-site Alternative 5B. Key public workshops and meetings will be listed in the Findings document presented as an attachment to the resolution. Over 600 mailing addresses and over 500 email addresses have been used to provide interested parties and landowners within the project area notice of the Conservancy's plans, workshops, the drafts of the EIR, and Board meetings.

In total, the Conservancy received approximately 14 comment letters, comment cards, and emails from state and local agencies, 11 from organizations, one from a tribe, and 216 from individuals regarding the Draft EIR and Partially Revised Draft EIR. All written comments were responded to in writing in the FEIR Volume II. The bulk of the comments expressed support for or opposition to particular alternatives. Comments most often repeated include, but are not limited to: the Conservancy's ability to acquire private land or access rights (Alternatives 5 and 5B); conformity to the City of Fresno General Plan (Alternative 1); rights of the public to utilize public roads and easements to access the site (Alternatives 1 and 5); traffic impacts (Alternative 1); equal opportunities for access the project for Fresno residents, including disadvantaged communities (proposed Project and access alternatives); locating the multi-use trail near the river (Alternative 3); and the need to ensure adequate operations and maintenance.

CEQA Requirements and Process

Certifying the EIR: The first discretionary decision by the Board involves certifying the FEIR. In approving Resolution 17-01, the Board certifies that (a) the Final EIR (released November 9, 2017; State Clearinghouse No. 2014061017) has been completed in compliance with the requirements of CEQA; (b) the Final EIR was presented to the Board and its members have considered the information contained in the Final EIR before considering approving the proposed Project or alternatives analyzed in the Final EIR; and (c) the Final EIR reflects the Conservancy's independent judgment and analysis.

Approval of the Project: The second discretionary decision by the Board involves approving the proposed Project or an alternative, including incorporating the mitigation measures identified in the FEIR through adopting a Mitigation Monitoring and Reporting Program (CEQA Guidelines § 15091(d)). When an FEIR identifies one or more potentially significant environmental impacts, the approving agency must also make specific findings regarding each of those impact, accompanied by a brief rationale (CEQA Guidelines § 15091(a)). One of the permissible findings is that changes or alterations have been incorporated into the project (e.g. mitigation

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measures) which avoid or substantially lessen the impact. For the proposed Project and Alternative 5B, mitigation measures are recommended in the FEIR, and staff will prepare a two alternate documents entitled CEQA Findings of Fact, as an attachment to each resolution, for the Board to find these mitigation measures are required and incorporated into the project to avoid or substantially lessen the impacts to less than significant levels.

If the Board considered an alternative (or combination of alternatives) that the FEIR found would result in a significant environmental impact, after consideration of all recommended mitigation measures, the Board would need to find that any other mitigation measures or alternatives are infeasible (CEQA Guidelines § 15091(a)(3)). This finding is required because one of the main policies of CEQA is that agencies should not approve projects with adverse environmental impacts if feasible mitigation measures or feasible alternatives can avoid or substantially lessen the impacts (Public Resources Code § 21002). For example, for Alternative 3, the FEIR identified significant impacts that remain after consideration of all feasible mitigation measures. To approve Alternative 3, the Board would need to find additional feasible mitigation measures not yet identified in the FEIR that can be incorporated into the project to reduce that impact to less than significant levels, or through written findings reject as "infeasible" all other alternatives that avoid or lessen those impacts, such as the proposed Project, Alternative 5, or Alternative 5B. After considering (and rejecting) all potentially feasible environmentally superior alternatives, the agency may proceed with approving a project with significant unavoidable impacts, if it can document in writing the specific economic, legal, social, technological, or other considerations of that proposal that outweigh the remaining significant adverse impacts. This written statement is referred to as a Statement of Overriding Considerations and is typically included in the Findings of Fact document adopted as part of the resolution and included in the record of the approval. Because the impacts identified for the proposed Project and Alternative 5B can be reduced to less than significant levels with the adoption and incorporation of the recommended mitigation measures, the Findings of Fact prepared by staff (as attachments to Resolution 17-02 for the proposed project and Resolution 17-02a for Alternative 5B) does not formally reject all other alternatives as infeasible and does not include a Statement of Overriding Considerations.

Other Policy and Feasibility Considerations

The FEIR analyzes environmental impacts, identifies mitigation measures, and evaluates and compares a reasonable range of potentially feasible alternatives. Beyond the requirements of CEQA, there are other considerations for the Board as it exercises its judgement to select the proposed Project or an alternative. For example, some elements of the alternatives cannot be implemented solely through the Board's authority, some require willing sellers and successful negotiations, and some require cleanup prior to the State's possible acquisition of lands needed for that alternative.

After approving the project—however it is configured—actions to authorize funds for implementation (acquisition if necessary, engineering, eventual construction) would be made in the future, and would be dependent on development of a long-term operations, management, and maintenance funding source. Many possible funding sources and partnerships are in play to secure operations and maintenance funding.

The proposed Project includes the fundamental improvements necessary to extend the multi-use Eaton Trail across the State-owned site, provide hiking trails to the river to accommodate low-impact recreational uses, provide for sanitation, provide a public vehicle entrance and parking, provide for ADA access, etc. An engineer's estimate of current capital costs based on

the recent completion of the FINS visitor improvements and trail, is approximately \$4 million, including engineering, permitting and construction. Alternatives 1, 3, 5 and 5B would each include additional costs for additional improvements. Some of them present other added costs: Alternative 3, to permit, construct, and maintain a crossing and a trail directly on a narrow unreinforced berm; Alternative 5, to acquire land and easement rights if a seller is willing and after any cleanup required by regulatory agencies is performed, and to stabilize the site in those conditions; and Alternative 5B to renovate the disruption at Spano Park, stabilize an access road descending the bluff, secure encroachment agreements with the Fresno Metropolitan Flood Control District, and acquire land, if a seller is willing and after any cleanup required by regulatory agencies is performed.

The City of Fresno has been actively involved in the scope and design of the project, first as a grantee that scoped and designed the project and the first four alternatives, subsequently by encouraging the evaluation of off-site alternatives at the base of the Palm Ness private access road, and later as the funding source for the Partially Revised Draft EIR and evaluation of Alternative 5B. The City currently operates and maintains the Lewis S. Eaton Trail—an invaluable asset to the community and one of the primary attractions of the Parkway.

As discussed many times before the Board, the consulting contract and grant for this environmental review of the project both expire December 31, 2017.

Future Implementation of an Approved Project

Upon Board approval of a project, staff will initiate work with potential partners to develop secure and adequate operations and maintenance funding. For alternatives that are off-site, negotiations can begin if sellers indicate they are willing. For off-site options, any remediation for the proposed use required by regulatory agencies must be completed prior to the Conservancy acquiring the property. If Alternative 1 is approved, implementation of the added entrance at Riverview Drive would not proceed until the City of Fresno constructed a traffic signal at Audubon and Del Mar.

Capital Outlay Funding Resources

Provided long-term operations and maintenance funding is secured, the current balance of Conservancy funding from State bond acts is approximately \$29 million, which is at least enough to construct the proposed Project, plus some of the other unrelated acquisitions and projects planned by the Conservancy. The Conservancy Board and the Wildlife Conservation Board together have the discretion to allocate bond funds to specific Conservancy acquisitions and projects. With regard to the alternatives, and depending on the Board's priorities, the current funding would be adequate to complete engineering, permitting, and constructing the proposed Project elements as an initial phase, and complete the more expensive added improvements in future phases.

ENCLOSURE:

Executive Summary and Selected Table and Figures from the EIR

AVAILABILITY OF THE RIVER WEST FRESNO, EATON TRAIL EXTENSION ENVIRONMENTAL IMPACT REPORT

Vol 1. Final EIR, Vol 2. Comments and Responses to Comments, and Vol 3. Appendices

See www.sjrc.ca.gov

CDs available on request

Hard copy available for review at Conservancy office

PENDING FOR DISTRIBUTION BEFORE THE BOARD MEETING:

Resolution 17-01 Certifying the FEIR

Resolution 17-02 Approving the Proposed Project, including Exhibit A Findings of Fact, Exhibit B Mitigation Monitoring and Reporting Program

Resolution 17-02a Approving Alternative 5B, inclusive of the proposed Project, and Exhibit Aa and Exhibit Ba