State of California

SAN JOAQUIN RIVER CONSERVANCY

RESOLUTION 17-02(Alt. 5B)

December 13, 2017

Regarding River West Fresno, Eaton Trail Extension Project, Approval of Alternative 5B, North Palm Access, and Adoption of CEQA Findings of Fact and Mitigation Monitoring and Reporting Plan for Alternative 5B

WHEREAS, on November 15, 2017, the San Joaquin River Conservancy Board (Conservancy Board) certified the Final Environmental Impact Report (Final EIR) for the River West Fresno, Eaton Trail Extension Project in Resolution 17-01, and hereby incorporates by reference the defined terms and statements contained in that Resolution;

WHEREAS, the Final EIR includes an analysis of a proposed Project that would extend the existing Lewis S. Eaton Trail by constructing a multipurpose trail extension, approximately 2.4 miles, from the Perrin Avenue alignment near State Route 41 on the east to Spano Park on the west, provide a parking lot (Perrin Avenue parking lot) for 50 vehicles plus trailer parking, and pedestrian and bicycle access at four locations: Perrin Avenue, Spano Park, and the West Riverview Drive and Churchill Avenue entrances to the existing Bluff Trail;

WHEREAS, the Final EIR also includes a full analysis of six action alternatives (in addition to the No Project Alternative): Alternatives 2 and 3 analyzed different trail alignments, with no change to the vehicular access or parking lot; Alternatives 1, 5, and 5B each analyzed a design with an additional vehicle entrance and parking lot (in addition to the Perrin Avenue access and parking lot), with nominal changes to the proposed Project trail alignment; and Alternative 4 analyzed a design with no vehicular access or parking lot;

WHEREAS, the Final EIR includes an analysis of Alternative 5B, "North Palm Access," that would provide a public access entrance at the City of Fresno's existing Spano Park, an access roadway and path descending a river bluff to the floodplain, and a parking lot for 40 vehicles with access to the western end of the multi-use trail extension;

WHEREAS, the Final EIR also includes an analysis of Alternative 1, "Additional Parking," that would provide a public vehicle entrance, an additional parking area for 40 vehicles, and public access to the multi-use trail extension from West Riverview Drive;

WHEREAS, the Conservancy Board has considered the information in the Final EIR and input provided through public comments, and recognizes the benefits of proceeding with approving Alternative 5B, which includes the added features as well as the features of the proposed Project;

NOW, THEREFORE, BE IT RESOLVED that, in consideration of the Final EIR and the entirety of the record, the Conservancy Board adopts the Findings of Fact set forth in Attachment A(Alt. 5B) to this resolution.

BE IT FURTHER RESOLVED that the Conservancy Board adopts the Mitigation Monitoring and Reporting Program as set forth in Attachment B(Alt. 5B) to this resolution.

NOW, THEREFORE, BE IT ORDERED that in consideration of all of the foregoing, and the entirety of the record, the Conservancy Board approves the River West Fresno, Eaton Trail Extension project—Alternative 5B, as described in the Final EIR (in Chapter 5, Section 5.11), which includes the project design features and the mitigation measures described in the Findings of Fact attached as Attachment A(Alt. 5B) and reflected in the Mitigation Monitoring and Reporting Program attached as Attachment B(Alt. 5B).

BE IT FURTHER ORDERED that Conservancy staff file the Notice of Determination with the State Clearinghouse and post it on the Conservancy's webpage within five days.

BE IT FURTHER ORDERED that Conservancy staff shall take any other necessary steps to obtain all additional permits, approvals, and rights that would allow construction and operation.

BE IT FURTHER ORDERED, the Conservancy may implement the core elements of the project, defined as the features of the proposed Project in the Final EIR (Chapter 2), as soon as funding and other considerations permit.

BE IT FURTHER ORDERED that Conservancy staff shall continue to work with the City of Fresno, affected landowners, and regulatory agencies regarding issues that need to be resolved to develop the additional vehicular entrance and parking lot as analyzed as Alternative 5B, the North Palm Access, and provide status reports to the Conservancy Board at all 2018 public meetings. With the understanding that all parties shall be acting in good faith, if, in the Board's sole discretion, reasonable progress is not made toward implementing Alternative 5B within one year of this approval, the Board by majority vote may direct staff to evaluate and prepare Alternative 1 as analyzed in the Final EIR for Board approval, and to rescind approval of Alternative 5B. Reasonable progress is defined as specific benchmarks to be accomplished by the Conservancy and others within a 1-year period after this approval of Alternative 5B, generally as follows: approximately 11 acres of privately owned property, hereinafter the "Spano property," shall be acquired by the San Joaquin River Access Corporation; a post-closure land use plan for the Spano property must be approved; exceptions/variances to the Bluff Protection Overlay District and tree removal ordinance must be secured from the City of Fresno; the issues associated with the proposed Spano easement attached to the San Joaquin River Access Corporation's option agreement must be resolved to the Conservancy Board's satisfaction; and an access easement for public use shall be secured in favor of a willing public agency and recorded for the Spano property; alternatively, the Conservancy shall investigate acquiring fee title ownership of the Spano Property.

ATTACHMENTS

Attachment A (Alt. 5B) - Findings of Fact
Attachment B (Alt. 5B) - Mitigation Monitoring and Reporting Program

Motion made by Julie Vance and seconded by Brett Frazier, passed this day of December 13, 2017, by the following roll call vote of the San Joaquin River Conservancy governing board:

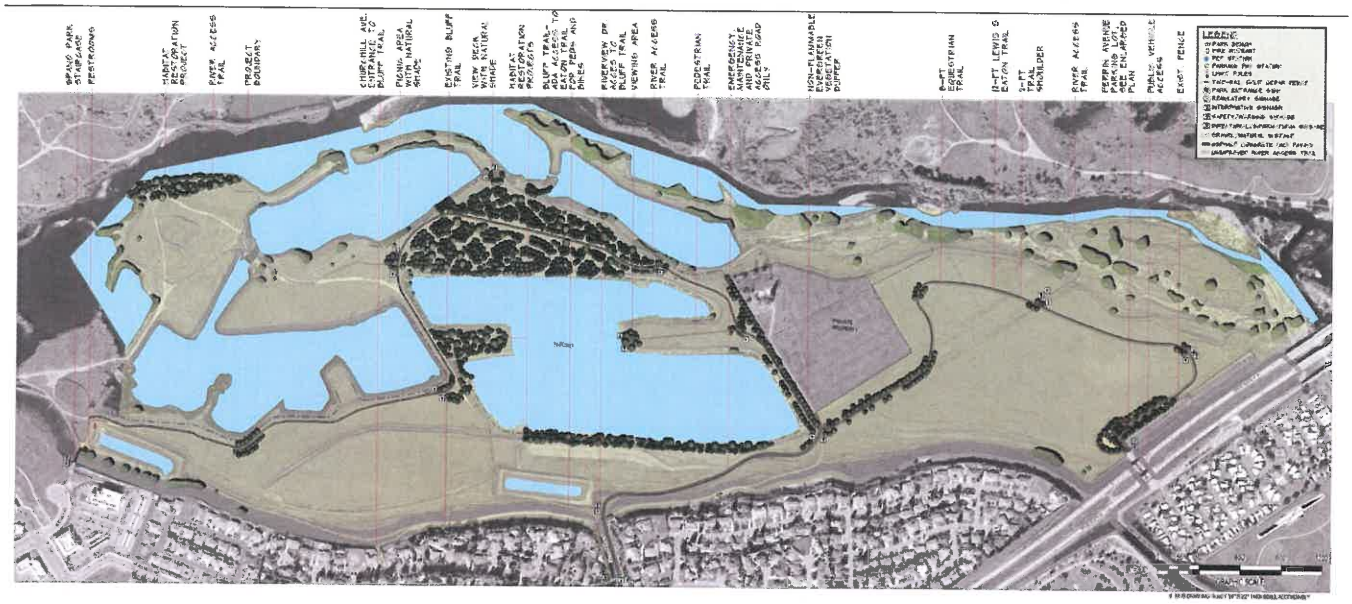
Name	Yes	No	Abstain
Mr. Borgeas	X		
Mr. Frazier	X		
Mr. Brandau	X		
Mr. Oliver	X		
Mr. Spina	X		
Mr. Janzen		X	
Ms. Vance	X		
Mr. Gresham		X	
Mr. Donnelly		X	
Ms. Alvis		X	
Ms. Lucchesi		X	
Ms. Finn		X	
Ms. Forhan	X		
Mr. Gibson	X		

SAN JOAQUIN RIVER CONSERVANCY
STATE OF CALIFORNIA

Attest:

Melinda S. Marks, Executive Officer

12-22-17
Date signed



San Joaquin River Conservancy

River West Fresno, Eaton Trail Extension Project

CEQA Findings of Fact

Alternative 5B

December 13, 2017

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ACRONYMS AND OTHER ABBREVIATIONS

ADA	Americans with Disabilities Act
BMP	best management practice
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
City	City of Fresno
Conservancy	San Joaquin River Conservancy
CRHR	California Register of Historical Resources
DEIR	draft environmental impact report
EIR	environmental impact report
ESA	Endangered Species Act
FEIR	final environmental impact report
FEMA	Federal Emergency Management Agency
LED	light-emitting diode
MMRP	mitigation monitoring and reporting program
mph	miles per hour
NOA	notice of availability
NOC	notice of completion
NOP	notice of preparation
NPDES	National Pollutant Discharge Elimination System
Parkway	San Joaquin River Parkway
Parkway Master Plan	*San Joaquin River Parkway Master Plan*
PRC	California Public Resources Code
project	River West Fresno, Eaton Trail Extension Project
River	San Joaquin River
SJKF	San Joaquin kit fox
SR	State Route
State CEQA Guidelines	California Environmental Quality Act Guidelines
SWPPP	storm water pollution prevention plan
USFWS	U.S. Fish and Wildlife Service

I INTRODUCTION

The San Joaquin River Conservancy (Conservancy) proposes to approve the River West Fresno, Eaton Trail Extension Project (project). The purpose of the proposed project is to expand the existing Lewis S. Eaton Trail by constructing a multipurpose trail along the San Joaquin River (River), extending approximately 2.4 miles from a public entrance and 50 space parking area at Perrin Avenue near State Route (SR) 41 on the east to Spano Park on the west, within the city limits of Fresno. The project would provide for low-impact recreational activities such as hiking, bicycling, equestrian use, fishing, and nature observation, consistent with the Conservancy's *San Joaquin River Parkway Master Plan* (Parkway Master Plan). Alternative 5B includes the proposed project plus an additional public vehicle entrance, and public access to the trail extension through Spano Park, at the terminus of Palm Avenue north of its intersection with Nees Avenue, and parking for 40 vehicles on the floodplain. Alternative 5B was developed to provide additional options to address limited public access to the River for residents of the Fresno metropolitan area, including disadvantaged communities.

An environmental impact report (EIR) was prepared for the project to provide relevant information regarding the environmental effects associated with project construction and operation as required by the California Environmental Quality Act (CEQA) (California Public Resources Code [PRC] Section 21000 et seq.). The EIR included a detailed analysis of impacts in 16 environmental disciplines, analyzing the proposed project, six action alternatives (including Alternative 5B), and a no project alternative. The EIR discloses the environmental impacts expected to result from the construction and operation of the proposed project or any of the six alternatives. The EIR identifies mitigation measures to avoid or minimize significant environmental effects. The Conservancy finds that including these mitigation measures as part of project approval will reduce all impacts associated with Alternative 5B (as described in Chapter 5, Section 5.11 in Volume I of the Final EIR [FEIR]) to less-than-significant levels.

The purpose of these findings is to specifically address the environmental effects of Alternative 5B that are identified in FEIR Volume I, Chapter 5, Section 5.11, as required by PRC Sections 21081 and 21081.6 and Sections 15091 and 15093 of the California Environmental Quality Act Guidelines (State CEQA Guidelines) (California Code of Regulations Title 14, Section 15000 et seq.). The CEQA statute and State CEQA Guidelines state that when an FEIR 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 State CEQA Guidelines Section 15091, for each identified significant impact:

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

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 FEIR.

Section 15092 of the State CEQA Guidelines states that after consideration of an FEIR, 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.

CEQA states that a public agency shall not approve or carry out a project that would result in a significant environmental impact unless it makes these findings regarding feasible mitigation measures or feasible alternatives that can avoid or substantially lessen the identified impacts. However, in accordance with PRC Section 21081 and State CEQA Guidelines Section 15093, whenever a significant impact cannot be mitigated to a less-than-significant level, the decision-making agency is required to balance, as applicable, the benefits of the project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of a project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered "acceptable." In this circumstance, Section 15093 requires the lead agency to document and substantiate its determination that there are specific economic, legal, social, technological, or other considerations that outweigh the unavoidable adverse environmental effects in a "statement of overriding considerations" as a part of the record. The requirements of Sections 15091, 15092, and 15093, as summarized above, are addressed in this document for Alternative 5B described in Volume I, Chapter 5, Section 5.11 of the FEIR.

As required by CEQA, the Conservancy, in adopting these findings, will also adopt a mitigation monitoring and reporting program (MMRP) for Alternative 5B. The Conservancy finds that the MMRP, which is incorporated by reference and made a part of these findings, meets the requirements of PRC Section 21081.6 by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the project.

II PROJECT DESCRIPTION

This section provides an overview of the Alternative 5B, which is fully described in Volume I, Chapter 5, Section 5.11 of the FEIR.

PROJECT LOCATION AND SETTING

The study area is located along the San Joaquin River between SR 41 and Spano Park within the city limits of Fresno. The boundary extends from the River south to the San Joaquin River Bluffs and westward from SR 41 to Spano Park, located near the intersection of Palm Avenue and Nees Avenue. The study area analyzed in the FEIR is approximately 358 acres and is located on the south side of the River. A majority of the land is owned by the State of California under the management jurisdiction of the Conservancy (this land is hereinafter referred to as "Conservancy land"). Two parcels, owned by the City of Fresno (City), are adjacent to Conservancy land. The project area also contains State sovereign lands riverward of the River's low-water mark, owned by the State of California and under the jurisdiction of the California State Lands Commission. Implementation of a portion of the proposed project may occur on Fresno city parcels.

Three other parcels in the study area are owned by others and would not be part of the project. One parcel, privately owned land located near the center of the project area, is occupied by two residences. Access to these residences is via a paved road within an access easement on Conservancy property from West Riverview Drive. The other two parcels, owned by Fresno Metropolitan Flood Control District, contain stormwater detention basins. The proposed project would not affect these basins.

A residential subdivision is located on the bluffs adjacent to the southern project boundary. The subdivision is within the city limits of Fresno.

Conservancy land within the study area is currently closed to the public in accordance with PRC Section 32511.

PROJECT SUMMARY

The Conservancy proposes to expand the Eaton Trail by constructing a multipurpose trail and providing ancillary recreation support features. The paved, multi-use trail would be extended approximately 2.4 miles, from Perrin Avenue near SR 41 on the east to Spano Park on the west. The project would provide for low-impact recreational activities such as hiking, bicycling, equestrian use, fishing, and nature observation, consistent with the Conservancy's Parkway Master Plan.

MULTIPURPOSE TRAIL

The trail extension would be about 22 feet wide, with a 12-foot-wide paved surface, a parallel 8-foot-wide hard natural surface for equestrian use, and a 2-foot shoulder (opposite the natural surface area). The trail extension generally would follow the alignment as shown in the conceptual drawing in Volume I, Figure 2-3 of the FEIR, from SR 41 to a staircase leading to Spano Park. The trail would provide accessibility in accordance with the Americans with Disabilities Act (ADA). Three fire hydrants would be added along the trail extension, if feasible: at the Perrin Avenue parking lot, near the private property parcel, and near the toe of Spano Park. In addition to the multi-use trail extension, secondary unpaved pedestrian trails would be provided to the riverbank.

PARKING LOT

A parking lot for 50 vehicles with a controlled vehicle entrance would be constructed adjacent to SR 41 (Volume I, Figure 2-4 of the FEIR). Vehicular access to the parking lot would be from the Perrin Avenue undercrossing of SR 41. A gate and an unmanned parking pay station would be included to manage vehicular access. The parking lot would accommodate up to three horse trailer stalls and would have a fire hydrant (if feasible), a drinking fountain, a public information bulletin board, a small pet station, and a two-vault restroom. The restroom and parking lot would be ADA accessible. Smart lighting with light-emitting diode (LED) light sets with rechargeable batteries and a solar panel would be mounted on light poles, providing sufficient illumination for security and maintenance. The area surrounding the parking lot would be landscaped with native vegetation. An emergency/service gate or removable bollards would provide access to the trail extension for emergency first responders and maintenance staff.

ADDED FEATURES OF ALTERNATIVE 5B

Under Alternative 5B, an additional public access would be provided at Perrin Avenue and by constructing a road from the cul-de-sac at Palm Avenue north of Nees Avenue. (Volume I, Figure 5.11-2 of the FEIR) A retaining wall would be required to stabilize the slope face along the edge of the roadway. A physically separated pedestrian path would parallel the paved road; bicyclists would share the vehicle travel lane. The paved road and pedestrian path would lead to a turnaround near a 40-space parking lot. The turnaround would be designed to accommodate the turning radius of a Fresno Fire Department fire truck. Emergency vehicle access would also be provided via an existing gravel road. Recreational amenities such as a self-contained vault-toilet ADA-compliant restroom,

landscaping, security lighting, and picnic tables would be provided near the parking lot. Although the pedestrian path from the top of the bluff would not be ADA-accessible, the proposed parking area would provide for ADA parking and at-grade access to the proposed trail.

RECREATION ACCESS

Pedestrian and bicycle access would be provided at three locations: Perrin Avenue, Spano Park, and the West Riverview Drive and Churchill Avenue entrances to the Bluff Trail. The Bluff Trail is an existing neighborhood trail, located on land owned by the City. A 12-foot-wide paved trail would be constructed to provide access from the Bluff Trail to the trail extension near West Riverview Drive. Under Alternative 5B, pedestrians and bicyclists can utilize the 6-foot-wide sidewalk alongside the access road or make use of a proposed new stairway with bike ramp that will commence from the top of the bluff and at the northwest corner of Spano Park. A pet station would be provided at each trailhead.

PROJECT OBJECTIVES

The Parkway Master Plan presents goals, objectives, and policies and envisions future uses, improvements, features, facilities, and management measures for habitat conservation, enhancement, and restoration, and recreational and educational uses. The plan specifically envisions trails, bikeways, corridors, equestrian areas, and facilities for nonmotorized boating and fishing. In particular, a continuous, multipurpose trail of approximately 22 miles extending from Friant Dam to SR 99 would be established along both sides of the River, with an interconnected trail system and recreational and educational features. The Parkway Master Plan and its accompanying 1997 FEIR continue as the foundation for the phased implementation for future projects within the San Joaquin River Parkway (Parkway). Volume III, Appendix B of the FEIR for this project summarizes the goals and policies of the Parkway Master Plan.

The key recreation objective, RO3, adopted by the Conservancy and presented in the Parkway Master Plan follows:

> Link all recreational areas and natural reserves between Highway 99 and Friant Dam with a continuous, multipurpose trail on land with canoe put-in, take-out, and rest areas along the river to create a recreation system with a variety of recreational opportunities within the Parkway. Connect the multipurpose trail with other local and regional trails and bikeways, originating in surrounding areas.

Alternative 5B would accomplish the creation of an additional segment of the planned Parkway-wide multiuse trail, extending from the existing approximately six-mile segment of the Lewis S. Eaton Trail.

III PROCEDURAL FINDINGS

Based on the nature and scope of the proposed project, the Conservancy determined, based on substantial evidence in the record, that the project may have a significant effect on the environment and prepared an EIR for the project (State Clearinghouse Number 2014061017). The EIR was prepared, noticed, published, circulated, reviewed, and completed in full compliance with CEQA (PRC Sections 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations Title 14, Section 15000 et seq.), and additional noticing and opportunities were provided, as follows:

A A notice of preparation (NOP) of the draft EIR (DEIR) was filed with the Governor's Office of Planning and Research, State Clearinghouse, and the DEIR was circulated to each responsible and trustee agency and circulated for public review and comments from June 9, 2014, through July 8, 2014.

B The Conservancy cohosted three open house–style public and agency scoping meetings with the City and the San Joaquin River Parkway and Conservation Trust. The first public meeting was held November 17, 2008, at 7815 N. Palm Avenue, Suite 310, in Fresno (office of H. T. Harvey & Associates). The second public meeting was held March 29, 2011, at Nelson Elementary School, 1336 West Spruce Avenue in Fresno. A third public meeting was held June 17, 2014, at the Pinedale Community Center, 7170 N. San Pablo Avenue in Fresno.

C The Conservancy completed and published the River West Fresno Constraints and Opportunities Report, a review of regulatory, physical, and policy guidance toward development of conceptual design of the project, on September 22, 2011.

D The Conservancy Board considered action items posted on the agenda relating to the scope of the project, conceptual design, and alternative project designs at regularly scheduled Board meetings, and received public comments, on August 5, 2004; May 10, 2007; April 11, 2012; September 17, 2014; May 3, 2017; and August 9, 2017.

E The Conservancy consulted with 12 Native American organizations and individuals who might have knowledge of cultural resources on the project site. Letters, e-mail messages, and follow-up phone calls were sent to these groups and individuals between June and July 2014, requesting that they participate in the local land use planning process to ensure consideration of tribal cultural resources. The Conservancy reviewed letters from Native American representatives that asked for information regarding cultural resources and followed up to provide all requested information.

F A notice of availability (NOA) of the DEIR was mailed and emailed on February 15, 2017, to all interested groups, organizations, and individuals who had previously requested notice in writing, and to landowners within 0.5 miles of the project site. The NOA stated that the Conservancy had completed the DEIR and that copies were available at the Conservancy website, www.sjrc.ca.gov, or at the San Joaquin River Conservancy, 5469 E. Olive Avenue, Fresno, CA 93727. An official 45-day public comment period for the DEIR was established by filing a notice of completion (NOC) with the Governor's Office of Planning and Research, State Clearinghouse. The public comment period ran from February 15, 2017, through April 15, 2017.

G The Conservancy held two public information meetings related to the Draft EIR (notice of the meetings was included in the NOA): a public informational meeting posted on the agenda and held by the Conservancy Board on March 1, 2017, at 5469 E. Olive Ave., Fresno CA, at which public comments were recorded in the minutes; and a pubic informational open house at the Pinedale Community Center, 7170 N. San Pablo Ave., Fresno, CA.

H Based on comments received during the review period, the Conservancy determined that various sections of the DEIR should be revised and recirculated to analyze a new public access alternative, Alternative 5B, and to revise other portions of the EIR to address issues raised in written comments received during the

public review. Consistent with the procedures described in State CEQA Guidelines Section 15088.5, the following sections and chapters from the circulated DEIR were revised and circulated for a 45-day public review period in the Partially Revised DEIR: Section 3.11, "Land Use and Planning"; Section 3.17, "Transportation"; Section 4.2, "Environmental Justice—Disadvantaged Communities"; and Chapter 5, "Alternatives."

I An NOC for the Partially Revised DEIR was filed with the Office of Planning and Research and sent to each responsible and trustee agency and was circulated for public comments from August 17, 2017, through October 2, 2017. An NOA for the Partially Revised Draft EIR was mailed and emailed on August 17, 2017 to all interested groups, organizations, and individuals who had previously requested notice in writing and to those who had previously commented on the initial Draft EIR. The Conservancy's noticing clarified that individuals and organizations that provided comments on the original Draft EIR sections being recirculated should review the revised section/s and submit comments that were still relevant to the revised section/s (CEQA Guidelines Section 15088.5(f)(2)). The NOA stated that copies were available at the Conservancy website, www.sjrc.ca.gov or at the San Joaquin River Conservancy, 5469 E. Olive Avenue, Fresno, CA 93727.

J The Conservancy evaluated the comments and provided written responses to all written comments received during and after the comment periods referenced above for the DEIR and Partially Revised DEIR. Additional information was subsequently added to the DEIR and Partially Revised DEIR, if applicable, to produce the FEIR.

K The FEIR was released on November 10, 2017. The FEIR consists of the following volumes:

- *Volume I:* The DEIR dated February 15, 2017, combined with the Partially Revised DEIR dated August 17, 2017. This volume also includes other nonsubstantive changes to correct minor errors or to make minor clarifications from the draft versions. None of the changes made in Volume I of the FEIR constitute significant new information or otherwise trigger recirculation under CEQA.

- *Volume II:* Comments and Responses to Comments on the Draft EIR and Partially Revised DEIR.

- *Volume III:* A complete set of the appendices to the merged DEIR and Partially Revised DEIR; all attachments included with comment letters on the DEIR and Partially Revised DEIR; and any appendices relevant specifically to the responses to comments.

As required by Section 15088(b) of the State CEQA Guidelines, public agencies that commented on the DEIR and Partially Revised DEIR were provided the proposed responses to those comments at least 10 days before the date the FEIR was scheduled to be considered for certification. A hearing to consider certification of the FEIR was scheduled for November 15, 2017, and the FEIR was certified by the approval of Resolution 17-01.

IV RECORD OF PROCEEDINGS

In accordance with PRC Section 21167.6(e), the record of proceedings for the Conservancy decision on Alternative 5B includes the following documents, which are incorporated by reference and made part of the record supporting these findings:

- the DEIR and all appendices to the DEIR;
- the Partially Revised DEIR and all appendices to the Partially Revised 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, DEIR, and Partially Revised DEIR;
- all studies conducted for the project and contained or referenced in the DEIR, Partially Revised DEIR, or FEIR;
- all documents cited or referenced in the DEIR, Partially Revised DEIR, and FEIR;
- all public reports and documents related to the project prepared for the Conservancy and other agencies;
- all documentary and oral evidence received and reviewed at public hearings and all transcripts and minutes of those hearings related to the project, the DEIR, Partially Revised DEIR, and FEIR;
- all other documents related to the project;
- the MMRP for the project; and,
- any additional items not included above if otherwise required by law.

The documents constituting the record of proceedings are available for review by responsible agencies and interested members of the public during normal business hours at the San Joaquin River Conservancy, 5469 E. Olive Avenue, Fresno, CA 93727. The custodian of these documents is Melinda Marks, Executive Officer, San Joaquin River Conservancy.

The FEIR is incorporated into these findings in its entirety, unless and only to the extent these findings expressly do not incorporate by reference the 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.

V FINDINGS REQUIRED UNDER CEQA

Public Resources Code 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 section states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." It 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 adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR, the approving agency must issue a written finding reaching one or more of three permissible conclusions.

The first permissible 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 [State CEQA Guidelines, Section 15091(a)(1)]. For purposes of these findings, 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 [State CEQA Guidelines, Section 15091(a)(2)].

The third permissible finding 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 FEIR [State 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 [State 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 401, 416.]

In the process of adopting mitigation measures, the Conservancy 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 FEIR to update, clarify, streamline, or revise those measures.

SUMMARY OF FINDINGS

The FEIR identified a number of less-than-significant impacts associated with the Alternative 5B that do not require mitigation. The FEIR also identified a number of significant and potentially significant environmental impacts that may be caused in whole or in part by ~~the~~ Alternative 5B. These significant impacts can be fully avoided or substantially lessened to less-than-significant levels through the adoption of feasible mitigation measures and application of best management practices (BMPs).

The Conservancy's findings regarding Alternative 5B's significant impacts and mitigation measures are supported by the analysis set forth in the FEIR. The Conservancy's findings in this document do not attempt to regurgitate the

full analysis of each environmental impact contained in the FEIR. Please refer to the relevant sections in the FEIR for more detail. The FEIR is herein incorporated by reference.

The findings regarding Alternative 5B's significant impacts below provide a summary description of each potentially significant and significant impact; describe the applicable mitigation measures identified in the FEIR and adopted by the Conservancy; and provide a brief explanation of the rationale of the Conservancy for each finding. A full explanation and rationale for each of these environmental findings and conclusions can be found in the FEIR and associated record (described herein), both of which are incorporated by reference. The Conservancy hereby adopts and incorporates the analysis and explanation in the record into these findings, and adopts and incorporates in these findings the determinations and conclusions of the FEIR relating to environmental impacts and mitigation measures, except to the extent that any such determinations and conclusions are specifically and expressly modified by these findings.

Findings Regarding EIR Revisions and Recirculation

State CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR when "significant new information" is added to the EIR after the lead agency gives public notice of the availability of the DEIR but before certification. "Information" may include project changes, changes to the environmental setting, or additional data or other information. The State CEQA Guidelines do not consider new information to be significant unless the lead agency changes the EIR in a way that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect or a feasible way to mitigate the impact that the agency or project proponent has declined to implement.

Section 15088.5 states that "significant new information" may require recirculation if:

(1) a new significant environmental impact that had not previously been disclosed in the DEIR would result from the project or from a new mitigation measure;

(2) a substantial increase would occur in the severity of an environmental impact that had already been identified, unless mitigation measures would be adopted to reduce the impact to a level of insignificance;

(3) a feasible project alternative or mitigation measure would considerably lessen the significant environmental impacts of the project, but the proponents will not adopt it; or

(4) the DEIR was so inadequate and conclusory that meaningful public review and comment were precluded.

Recirculation is not required if new information added to the EIR just clarifies or makes minor modifications to an otherwise adequate EIR.

The Conservancy determined that various sections of the DEIR should be revised and recirculated to analyze a new public access alternative, Alternative 5B, and to revise other portions of the EIR to address issues raised in comments received during the public review of the original DEIR. The 45-day public review period for the Partially Revised DEIR provided a meaningful opportunity for the public to comment on any new or different environmental impacts associated with the new alternative and information provided after release of the original DEIR.

REVISION TO THE EIR

The revisions made in the Partially Revised DEIR are shown in revision mode in the FEIR, with deletions shown with ~~strikethrough)~~ and additions shown with underlining as requested by the Conservancy Board.

The additional minor changes to text made after circulation of the DEIR and Partially Revised DEIR are noted with deletions shown with ~~double strikethrough~~) and additions shown in double underlining to distinguish these recent changes from those changes included in the circulated Partially Revised DEIR. These more recent changes present only minor changes made either as a result of comments received, to clarify text, or to modify text for consistency after the substantive merging of the DEIR and Partially Revised DEIR. These changes are insignificant as the term is used in Section 15088.5(b) of the State CEQA Guidelines and do not require recirculation.

FINDINGS REGARDING LESS-THAN-SIGNIFICANT IMPACTS (NO MITIGATION REQUIRED)

The Conservancy finds the characterization in the FEIR of all project-specific impacts identified as "less than significant" to have been accurately described, and those impacts are either less than significant or have no impact, as described in the FEIR, or that changes have been required or incorporated into the project that mitigate or fully avoid any significant impacts. State CEQA Guidelines Section 15091 does not require specific findings to address environmental impacts that an EIR identifies as having "no impact" or a "less-than-significant" impact. However, the findings below are provided to account for all resource areas analyzed in the EIR in their entirety. The resource areas for which the Alternative 5B would result in either no impact or a less-than-significant impact, and would require no mitigation, are identified in the bulleted list below. The list should be read in concert with the full analysis in the FEIR to understand the full range of impacts, or lack thereof, within a resource/issue area. Please refer to the relevant section of the FEIR for more detail.

AESTHETIC RESOURCES

- Impact 3.2-2: The project could substantially damage scenic resources, including trees, rock outcroppings, and historic buildings within a State scenic highway.

AGRICULTURE AND FORESTRY RESOURCES

- Impact 3.3-1: The project could convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to nonagricultural use.
- Impact 3.3-2: The project could conflict with existing agricultural zoning or a Williamson Act contract.
- Impact 3.3-3: The project could conflict with existing zoning or cause rezoning of forestland.
- Impact 3.3-4: The project could cause the loss or conversion of forestland to nonforest use.
- Impact 3.3-5: The project could involve other changes that could result in conversion of farmland to nonagricultural use or timberland to nonforest use.

AIR QUALITY

- Impact 3.4-1: The project could conflict with or obstruct implementation of the applicable air quality plan.

- Impact 3.4-2: The project could violate an air quality standard or could contribute substantially to an existing or projected air quality violation.

- Impact 3.4-3: The project could result in a cumulatively considerable net increase of a criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors).

- Impact 3.4-4: The project could expose sensitive receptors to substantial pollutant concentrations.

- Impact 3.4-5: The project could create objectionable odors affecting a substantial number of people.

Biological Resources

- Impact 3.5-2: The project could have a substantial adverse effect on riparian habitat or other sensitive natural communities.

- Impact 3.5-3: The project could have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means.

- Impact 3.5-5: The project could conflict with a local policy or ordinance protecting biological resources, such as a tree preservation policy or ordinance.

- Impact 3.5-6: The project could conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or State habitat conservation plan.

Cultural Resources

- Impact 3.6-1: The project could cause a substantial adverse change in the significance of a historical resource as defined in CEQA Section 15064.5.

- Impact 3.6-3: The project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Geology and Soils

- Impact 3.7-1: The project could expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides.

- Impact 3.7-3: The project could be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially could result in on or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

- Impact 3.7-4: The project could be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.

- Impact 3.7-5: The project site could have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

Greenhouse Gas Emissions

- Impact 3.8-1: The project could generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

- Impact 3.8-2: The project could conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Hazards and Hazardous Materials

- Impact 3.9-1: The project could create a significant hazard to the public or the environment through routine transportation, use, or disposal of hazardous materials or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

- Impact 3.9-2: The project could emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

- Impact 3.9-3: The project could be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, and therefore would create a significant hazard to the public or the environment.

- Impact 3.9-4: The project could be located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, and the project could result in a safety hazard for people residing or working in the study area.

- Impact 3.9-5: The project could be in the vicinity of a private airstrip, and thus, project implementation could result in a safety hazard for people residing or working in the study area.

- Impact 3.9-6: The project could impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Hydrology and Water Quality

- Impact 3.10-2: The project could substantially deplete groundwater supplies or could interfere substantially with groundwater recharge so that a net deficit in aquifer volume or a lowering of the local groundwater table could occur.

- Impact 3.10-7: The project could place housing within a 100-year floodplain hazard area as mapped on flood hazard delineation maps.

- Impact 3.10-9: The project could expose people or structures to a significant risk of loss, injury, or death involving flooding because of the failure of a levee or dam.

- Impact 3.10-10: The project could cause inundation by seiche, tsunami, or mudflow.

Land Use and Planning

- Impact 3.11-1: The project could physically divide an established community.
- Impact 3.11-2: The project could conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.
- Impact 3.11-3: The project could conflict with an applicable habitat conservation plan or natural community conservation plan.

Mineral Resources

- Impact 3.12-1: The project could result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.
- Impact 3.12-2: The project could result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

Noise

- Impact 3.13-2: The project could result in exposure of persons or generation of excessive groundborne vibration or groundborne noise levels.
- Impact 3.13-3: The project could result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.
- Impact 3.13-4: The project could result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.
- Impact 3.13-5: The project could expose people residing or working in the study area to excessive noise levels because of having a project location within an airport land use plan, or where such a plan has not been adopted, being within 2 miles of a public airport or public use airport.
- Impact 3.13-6: The project could expose people residing or working in the study area to excessive noise levels because it would be in the vicinity of a private airstrip.

Population and Housing

- Impact 3.14-1: The project could induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).
- Impact 3.14-2: The project could displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.
- Impact 3.14-3: The project could displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

Public Services

- Impact 3.15-1: The project could result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times, or other performance objectives for any of the public services.

Recreation

- Impact 3.16-1: The project could increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
- Impact 3.16-2: The project could include recreational facilities or could require construction or expansion of recreational facilities that may have an adverse physical effect on the environment.

Transportation

- Impact 3.17-1: The project could conflict with an applicable plan, ordinance, or policy.
- Impact 3.17-2: The project could conflict with an applicable congestion management program established by the county's congestion management agency for designated roads or highways.
- Impact 3.17-3: The project could result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that would result in substantial safety risks.
- Impact 3.17-4: The project could substantially increase hazards because of a design feature or incompatible uses.
- Impact 3.17-5: The project could result in inadequate emergency access.
- Impact 3.17-6: The project could conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities or otherwise could decrease the performance or safety of such facilities.

Utilities and Service Systems

- Impact 3.18-1: The project could exceed wastewater treatment requirements of the applicable regional water quality control board.
- Impact 3.18-2: The project could require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects.
- Impact 3.18-3: The project could require or result in construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- Impact 3.18-4: The project could have insufficient water supplies available to serve the project from existing entitlements and resources, and thus new or expanded entitlements could be needed.

- Impact 3.18-5: The project could fail to result in a determination by the wastewater treatment provider that serves or may serve the project, stating it has adequate capacity to serve the project's projected demands in addition to the provider's existing commitments.

- Impact 3.18-6: The project could be served by a landfill without sufficient permitted capacity to accommodate the project's solid waste disposal needs.

- Impact 3.18-7: The project could fail to comply with federal, State, or local statutes or regulations related to solid waste.

Findings Regarding Impacts Mitigated to a Level of Less than Significance

The Conservancy hereby finds that feasible mitigation measures have been identified in the FEIR and these Findings of Fact that are changes or alterations that have been incorporated into Alternative 5B, which 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. The facts listed herein in support of the findings are set forth in the relevant sections of the FEIR. Please refer to the FEIR for more detail.

Aesthetic Resources

Impact 3.2-1: The project would have a substantial adverse effect on a scenic vista.

The temporary impact would be less than significant. No mitigation is required. The long-term presence and use of the trail extension could affect sensitive viewer groups and could be considered a conflict with the unique and scenic resource that is the River. The long-term impact would be potentially significant. (Reference: FEIR, Section 3.2.)

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Aesthetics and Visual Resources–1) which avoid and substantially lessen significant effects on the environment from Impact 3.2-1 identified in the FEIR. Specifically, the following mitigation measure is feasible and is adopted to mitigate significant effects from Impact 3.2-1.

> **Mitigation Measure Aesthetics and Visual Resources–1**
>
> The Conservancy shall use native plants for landscaping portions of the trail extension to allow for naturalization of these features. Landscaping and recreation facilities shall be designed to create visual buffers and in a manner complementary and/or compatible with the scenic nature of the area. Newly landscaped vegetation shall be irrigated until permanently established. The Conservancy shall select materials and colors for all facilities (e.g., vault toilet restrooms) that shall be compatible with the surrounding natural environment.

Rationale for Finding

The use of native plants for landscaping portions of the trail extension and selection of naturalized materials and colors for recreation facilities would create visual buffers in a manner that is complementary and/or compatible

with the scenic nature of the area. Implementation of Mitigation Measure Aesthetics and Visual Resources–1 would reduce the potential long-term impact on scenic vistas to less than significant. No additional mitigation is required.

Impact 3.2-3: The project would substantially degrade the existing visual character or quality of the site and its surroundings.

The temporary impact would be less than significant. No mitigation is required. The project would alter the view of the San Joaquin River from the viewing areas. The long-term presence and use of the trail extension could affect sensitive viewer groups and could be considered a conflict with the existing visual character of the River. The long-term impact would be potentially significant. (Reference: FEIR, Section 3.2.)

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Aesthetics and Visual Resources–2) which will avoid and substantially lessen significant effects on the environment from Impact 3.2-3 identified in the FEIR. Specifically, the following mitigation measure is feasible and is adopted to mitigate significant effects from Impact 3.2-3.

Mitigation Measure Aesthetics and Visual Resources–2

The Conservancy shall implement Mitigation Measure Aesthetics and Visual Resources–1.

Rationale for Finding

The use of native plants for landscaping the trail extension and selection of naturalized materials and colors for recreation facilities, as described in Mitigation Measure Aesthetics and Visual Resources–2, would create visual buffers in a manner that is complementary and/or compatible with the scenic nature of the area. Implementation of Mitigation Measure Aesthetics and Visual Resources–2 would reduce the potential long-term impact on the visual character of the San Joaquin River to less than significant. No additional mitigation is required.

Impact 3.2-4: The project would create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Construction and maintenance activities would take place during the day between 6 a.m. and 6 p.m.; therefore, in the short term, no impact would occur. The project would include low-level outdoor security lighting in the parking area and restroom facilities that would be fully shielded and would point down toward the ground. This would represent a new source of lighting. Therefore, the long-term impact would be potentially significant. (Reference: FEIR, Section 3.2.)

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Aesthetics and Visual Resources–3) which will avoid and substantially lessen significant effects on the environment from Impact 3.2-4 identified in the FEIR. Specifically, the following mitigation measure is feasible and is adopted to mitigate significant effects from Impact 3.2-4.

Mitigation Measure Aesthetics and Visual Resources–3

The Conservancy shall implement the following measures regarding lighting design features:

- All outdoor lights shall be fully shielded with full cutoff luminaires.
- All up-lighting for any purpose shall be avoided.
- Tree-mounted lights shall be avoided unless they are fully shielded and pointing downward toward the ground or shining into dense foliage.

Rationale for Finding

Implementation of Mitigation Measure Aesthetics and Visual Resources–3 would reduce the potential long-term impact to less than significant by requiring lighting to be fully shielded, which would minimize lighting use and prevent glare and light trespass onto adjacent properties or into wildlife habitat. No additional mitigation is required.

Biological Resources

Impact 3.5-1: The project would have a substantial adverse effect on a species identified as a candidate, sensitive, or special-status species.

The presence of California satintail and Sanford's arrowhead in or near the gravel ponds in the study area has not been documented but cannot be ruled out. The impact of construction activities, such as grading and vegetation removal, on California satintail and Sanford's arrowhead would be potentially significant.

Because of habitat conditions, it is unlikely that San Joaquin kit fox (SJKF) individuals reside in the study area; however, construction activities could potentially affect SJKF if they enter the construction area. The impact would be potentially significant.

The American badger has been observed in nearby areas and dens were noted during the 2011 biological resources survey. Construction activities could directly harm badgers by burying or excavating dens. The impact would be potentially significant.

Avian species such as the bald eagle, Swainson's hawk, tricolored blackbird, red-tailed hawk, burrowing owl, and migratory birds would be affected by noise; the visual presence of construction equipment and workers; and people recreating. Waterfowl species such as great blue heron would also be affected by the project. Although these species are mobile, their presence during construction would be disturbed, and they would avoid using the area. The impact would be potentially significant.

Two important components of silvery legless lizard habitat are found along the riparian habitat along the River: moist sandy soils and a layer of plant (leaf) litter. Widening the unimproved hiking paths and or placing decomposed gravel overlay could affect the silvery legless lizard. The impact would be potentially significant.

No effects on Central Valley Chinook salmon would be associated with the construction of the trail extension, parking lot, and amenities. No impact would occur. (Reference: FEIR Section 3.5.)

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Biological Resources–1 through Mitigation Measure Biological Resources–8) which will avoid and substantially lessen significant effects on the environment from Impact 3.5-1 identified in the FEIR. Specifically, the following mitigation measures are feasible and are adopted to mitigate significant effects from Impact 3.5-1.

Mitigation Measure Biological Resources–1 (Special-Status Plant Species)

Before any ground-disturbing activities, a qualified botanist shall conduct a botanical survey for California satintail and Sanford's arrowhead during their respective floristic periods (September to May and November to May). If it is determined that suitable habitat for special-status plants is present, the botanist shall conduct a focused survey for special-status plants during the appropriate time of the year to adequately identify special-status plants that could occur in the study area. The surveys will be performed according to the *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities* (DFG 2009). Surveys shall be performed before the final alignment has been established to avoid special-status plants, and if the species are present before the start of construction as well.

One or more of the following measures shall be implemented to avoid and/or minimize impacts on sensitive natural communities and special-status plants as appropriate, per the botanist's recommendation:

- Flag or otherwise delineate in the field the special-status plant populations and/or sensitive natural communities to be protected. Clearly mark all such areas to be avoided on construction plans and designate these areas as "no construction" zones.
- Allow adequate buffers around plants or habitat; show the location of the buffer zone on the maintenance design drawings. Mark this exclusion zone in the field with stakes and/or flagging so that it is visible to maintenance personnel, without causing excessive disturbance of the sensitive habitat or population itself (e.g., from installation of fencing).
- Time construction or other activities during dormant and/or noncritical life cycle period.
- Limit the operation of construction equipment to established roads wherever possible.

Mitigation Measure Biological Resources–2 (San Joaquin Kit Fox)

The following measures are summarized from the USFWS [U.S. Fish and Wildlife Service] *Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* (USFWS 2011). These measures shall be implemented to reduce impacts on SJKF entering the area during construction:

- An employee education program shall be conducted. The program shall consist of a brief presentation by a qualified wildlife biologist. The program shall include a description of the SJKF and its habitat needs; a report of SJKF occurrence in the project area; an explanation of the status of the species and its protection under the ESA [Endangered Species Act]; and a list of measures being taken to reduce impacts on the species during project construction. A fact sheet conveying this information shall be prepared for distribution to construction personnel.
- A representative shall be appointed to be the contact for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured, or entrapped kit fox. The

representative shall be identified during the employee education program and his or her name and telephone number shall be provided to USFWS and CDFW [California Department of Fish and Wildlife].

- Project-related vehicles shall observe a daytime speed limit of 15 mph [miles per hour] throughout the project site, except on State and federal highways; after dark, the speed limit shall be reduced to 10 mph. Off-road traffic outside of designated areas shall be prohibited.
- Work at night shall not be allowed.
- To prevent inadvertent entrapment of kit foxes or other animals during construction, all excavated, steep-walled holes or trenches more than 2 feet deep shall be covered with plywood or similar materials at the end of each work day. If the trenches cannot be closed, one or more escape ramps constructed of earthen fill or wooden planks shall be installed. Before such holes or trenches are filled, they shall be inspected for trapped animals.
- All construction pipes, culverts, or similar structures with a diameter of 4 inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until USFWS or CDFW has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.
- Holes or trenches more than 8 feet deep shall be covered or fenced at the end of the day.
- All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and removed at least once a week from the project site.
- Firearms shall not be allowed on the project site.
- To prevent harassment, mortality of kit foxes, or destruction of dens, no pets shall be permitted on the project site.
- Rodenticides and herbicides shall not be used on the project site except to control invasive plant species.
- Upon completion of the project, all areas subject to temporary ground disturbance, including staging areas, temporary roads, and borrow sites, shall be recontoured if necessary and revegetated to promote restoration of the area to preproject conditions.
- Any death, injury, or entrapment of SJKF shall be reported to USFWS and CDFW staff immediately. Written reports shall be submitted within 3 working days of the event.

Mitigation Measure Biological Resources–3 (American Badger)

The Conservancy shall conduct a preconstruction survey no less than 14 days and no more than 30 days before the beginning of ground-disturbing activities. If active American badger den sites are present, the Conservancy shall consult with CDFW and implement the following measures:

- The entrances to dens shall be blocked for 3–5 days to discourage use.
- After the 3- to 5-day period, the dens shall be hand-excavated with a shovel to prevent reuse during construction.
- No disturbance of active dens shall take place when cubs may be present and dependent on parent care.

Mitigation Measure Biological Resources–4 (Avian Species)

If project-related construction must occur during the breeding season (February through mid-September), the Conservancy shall have surveys performed for active nests no more than 30 days before commencing project-related activities. The surveys shall be conducted by a qualified biologist. A minimum no-disturbance buffer of 250 feet shall be delineated around active nests until the breeding season has ended, a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival, or the biologist determines that the nest is no longer active. The results of the preconstruction survey and any subsequent monitoring shall be provided to CDFW.

Mitigation Measure Biological Resources–5 (Bald Eagle)

Before initiating ground-disturbing activities, the Conservancy shall have preconstruction surveys performed for bald eagle nesting habitat and roost sites and foraging areas along the River within 2 miles of the project. Surveys shall be conducted in accordance with the CDFW *Bald Eagle Breeding Survey Instructions* (DFG 2010) or current guidance. If an active eagle's nest is found within 0.5 mile of the project, construction shall not occur during the breeding season, typically January through July or August.

If project-related construction must occur during the breeding season, the Conservancy shall have surveys performed for active nests no more than 30 days before commencing project-related activities. The surveys shall be conducted by a qualified biologist. A minimum no-disturbance buffer of 250 feet shall be delineated around active nests until the breeding season has ended, a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival, or the biologist determines that the nest is no longer active. The results of the preconstruction survey and any subsequent monitoring shall be provided to CDFW.

Mitigation Measure Biological Resources–6 (Burrowing Owl)

The Conservancy shall implement the following measures before initiating ground-disturbing activities:

- Focused surveys shall be conducted following the survey methodology developed by the California Department of Fish and Game (now CDFW) *Staff Report on Burrowing Owl Mitigation* (DFG 2012).

- If burrowing owls are found within the project footprint as a result of the required surveys, the recommendations of the *Staff Report on Burrowing Owl Mitigation* (DFG 2012) are mandatory; avoiding nesting sites must include implementation of no-disturbance buffer zones, unless a qualified biologist approved by CDFW verifies through noninvasive methods that either (1) the birds have not begun egg laying and incubation, or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival.

- If burrowing owls must be removed, passive relocation is required during the nonbreeding season. A burrowing owl relocation plan to be approved by CDFW shall be developed and implemented, including passive measures such as installing one-way doors in active burrows for up to 4 days, carefully excavating all active burrows after 4 days to ensure that no owls remain underground, and filling all burrows in the construction area to prevent owls from using them. Replacement of burrows with artificial burrows at a ratio of one burrow collapsed to one artificial burrow constructed (1:1) is required.

Mitigation Measure Biological Resources–7 (Swainson's Hawk)

The Conservancy shall implement the following measure before construction starts:

- To avoid impacts on Swainson's hawks, no construction project shall occur between March 1 and August 31 unless a qualified biologist has performed nesting surveys following the survey methodology developed by the Swainson's Hawk Technical Advisory Committee (DFG 2000) before the start of project activities. Additional preproject surveys for active nests within a 0.5-mile radius of the project site shall be conducted by a qualified biologist no more than 10 days before the start of project activities and during the appropriate time of day to maximize detectability. A minimum no-disturbance buffer of 0.5 mile shall be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

Mitigation Measure Biological Resources–8 (Raptors/Migratory Birds)

If construction begins between February 1 and August 31, the Conservancy shall conduct surveys for nesting raptors and migratory birds within 1,000 feet of the trail extension, parking lot, and other construction areas. If active nests are found, a buffer of 250 feet shall be established. A smaller buffer area may be sufficient if, in consultation with CDFW, it is determined sufficient to avoid impacts. Buffers shall be maintained until the young have fledged or the nests become inactive.

Mitigation Measure Biological Resources–9 (Silvery Legless Lizard)

The Conservancy shall perform a survey for legless lizard presence and shall evaluate and map specific habitat areas within the riparian habitat along the unimproved hiking paths before construction. The survey

shall use standard coverboard techniques for herpetofauna. If silvery legless lizard or specific habitat areas are found, the area shall be avoided. (Reference: FEIR Section 3.5.)

Rationale for Finding

Implementation of Mitigation Measure Biological Resources–1 (Special-Status Plant Species) would reduce the potential impact to less than significant because the presence and location(s) of special-status plants would be identified and avoided before surface-disturbing activities. No additional mitigation is required.

Implementation of Mitigation Measure Biological Resources–2 (San Joaquin Kit Fox) would reduce the potential impact to less than significant because the USFWS *Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* (USFWS 2011) would be implemented. No additional mitigation is required.

Implementation of Mitigation Measure Biological Resources–3 (American Badger) would reduce the potential impact to less than significant because the presence and location(s) of badger dens would be identified and avoided before surface-disturbing activities begin. No additional mitigation is required.

Implementation of Mitigation Measure Biological Resources–4 (Avian Species) would reduce the potential impact to less than significant because location(s) of active nests would be identified and avoided with a minimum no-disturbance buffer of 250 feet before surface-disturbing activities. No additional mitigation is required.

Implementation of Mitigation Measure Biological Resources–5 (Bald Eagle) would reduce the potential impact to less than significant because construction would be avoided within a 0.5-mile buffer area around active eagle's nests during breeding season (typically January through August) or, if project-related construction must occur during the breeding season, because a 250-foot buffer area would be provided around active nests. No additional mitigation is required.

Implementation of Mitigation Measure Biological Resources–6 (Burrowing Owl) would reduce the potential impact to less than significant because the recommendations in the CDFW *Staff Report on Burrowing Owl Mitigation* (DFG 2012) would be implemented. No additional mitigation is required.

Implementation of Mitigation Measure Biological Resources–7 (Swainson's Hawk) would reduce the potential impact to less than significant because CDFW survey protocols and avoidance measures would be implemented. No additional mitigation is required.

Implementation of Mitigation Measure Biological Resources–8 (Raptors/Migratory Birds) would reduce the potential impact to less than significant because nest sites of raptors and/or nesting birds would be located and those areas would be avoided before surface-disturbing activities begin. No additional mitigation is required.

Implementation of Mitigation Measure Biological Resources–9 (Silvery Legless Lizard) would reduce the potential impact to less than significant because surveys for legless lizard and habitat would be performed in the study area and the species' locations would be avoided. No additional mitigation is required.

Impact 3.5-4: The project would interfere substantially with the movement of native resident or migratory fish or wildlife, or with established corridors.

Construction activities and use of the trail extension and recreation amenities would not affect fish species in the River. However, they could temporarily interfere with movement of terrestrial wildlife species or affect nursery sites such as bird nesting, roosting, or natal dens. Recreation use may generate noise, disturb vegetation, and create visual distractions for wildlife. The impact would be potentially significant. (Reference: FEIR Section 3.5.)

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Biological Resources–10) which will avoid and substantially lessen significant effects on the environment from Impact 3.5-4 identified in the FEIR. Specifically, the following mitigation measure is feasible and is adopted to mitigate significant effects from Impact 3.5-4.

Mitigation Measure Biological Resources–10 (Wildlife Movement)

The Conservancy shall implement the following measures:

- The multiuse trail shall be located outside the riparian corridor in conformance to the buffers established in the Parkway Master Plan.
- All ground-disturbing work, including construction and routine maintenance, and routine recreational operating hours shall occur during daylight hours.
- At a minimum, dogs shall be required to be leashed at all times.

Rationale for Finding

Implementation of Mitigation Measure Biological Resources–10 (Wildlife Movement) would reduce the potential impact to less than significant because ground-disturbing work and visitor use would occur during daylight hours, and the multiuse trail would be located away from the riparian corridor to the extent possible. No additional mitigation is required.

Impact 5.11.7 Biological Resources (Alternative 5B)

Additional construction under Alternative 5B would require grading along the bluff face to achieve a 2:1 slope aspect ratio and develop the grade of the roadway and trail at maximum 10%. (See Section 3.2.9 Geotechnical and Soils.) Grading activity would remove approximately 5 mature western Sycamore trees which could support nesting birds. Although no special-status wildlife species are present along the Alternative 5B alignment, the potential exists for some of these species to be present at a future time. All native nongame birds are protected under the federal Migratory Bird Treaty Act (MBTA), which prohibits the take of birds and destruction of their nests and eggs. Nesting raptors are present in the vicinity of the site, and previous surveys have identified red-tailed hawks and an osprey nesting within a mile of the site. During the 2015 survey, an osprey and red-tailed hawk were observed flying over the site. Raptors are protected under the MBTA and could be affected by work at this site. (Reference: FEIR Section 5.11.7.)

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Alternative 5B-Biological Resources-1) which will avoid and substantially lessen significant effects on the environment from Impact 5.11.7 identified in the FEIR. Specifically, the following mitigation measure is feasible and is adopted to mitigate significant effects from Impact 5.11.7.

Mitigation Measure Alternative 5B-Biological Resources-1

All mature sycamore trees to be removed during construction of Alternative 5B shall be replaced at a ratio of 5 western Sycamore trees planted for every tree removed, or as otherwise required by the California Department of Fish and Wildlife (CDFW). The replacement trees shall be a minimum of 10 gallon in size and shall be planted within the project site. Irrigation shall be provided for to achieve the survival rate required by CDFW.

Rationale for Finding

Replanting the western Sycamore trees removed during construction of the roadway and trail along the bluff face would restore the tree canopy and provide nesting and roosting spots for avian species. Potential impacts would be reduced to less than significant.

CULTURAL RESOURCES

Impact 3.6-2: The project would cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Section 15064.5.

Construction activities such as vegetation removal, grading, and excavation could potentially uncover and disturb site CA-FRE-980 and other buried and unrecorded archaeological deposits. The project would cause a substantial adverse change to an archaeological resource. The impact would be potentially significant. (Reference: FEIR Section 3.6.)

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Cultural Resources–1 through Mitigation Measure Cultural Resources–3) which will avoid and substantially lessen significant effects on the environment from Impact 3.6-2 identified in the FEIR. Specifically, the following mitigation measures are feasible and are adopted to mitigate significant effects from Impact 3.6-2.

Mitigation Measure Cultural Resources–1

The Conservancy shall perform Extended Phase I subsurface testing along the alignment of the trail extension to determine the boundary of site CA-FRE-980 and identify the presence of additional archaeological deposits. The testing shall be performed before the start of any construction.

The Conservancy shall ensure that all cultural resources identified shall be evaluated for eligibility for inclusion in the CRHR [California Register of Historical Resources]. All additional testing shall be performed by individuals who meet the United States Secretary of the Interior's professional standards in archaeological history. If archaeological resources are determined to be eligible for the CRHR, and if the impacts of project construction and visitor use of the alignment render these resources as ineligible for the CRHR, the alignment shall be moved a minimum of 100 feet.

Mitigation Measure Cultural Resources-2

After completing the cultural resources investigations as described in Mitigation Measure Cultural Resources-1, and prior to commencing grading, earth work, or other disturbance of native soil, the Conservancy shall retain and enter into a service contract with a qualified professional for monitoring. The cultural resources monitor shall provide monitoring for all initial ground disturbing activities and earth disturbance on portions of the project site that have not been mined for gravel, including clearing, grubbing, tree removal, grading, trenching, stockpiling materials, rock crushing, etc. The monitor shall have the authority to temporarily divert, redirect or halt the ground disturbance activities to allow identification, evaluation, and potential recovery of cultural resources. The Conservancy shall provide an opportunity for an appropriate tribal monitor to also enter a service agreement to be on-site during these activities to supplement the project monitor's services for advisory purposes and to serve the tribe's interests.

Mitigation Measure Cultural Resources-3

If human remains or bones of unknown origin are found during any future project construction, all work shall stop in the vicinity of the find and the County Coroner shall be contacted immediately. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission. The Native American Heritage Commission shall notify the person considered to be the most likely descendant. The most likely descendant shall work with the Conservancy to develop a program for the reinternment of the human remains and any associated artifacts. No additional work shall take place within the immediate vicinity of the find until the identified appropriate actions have been completed.

Rationale for Finding

Implementation of Mitigation Measure Cultural Resources–1 through Mitigation Measure Cultural Resources–3 would reduce the potential impact on archaeological resources to less than significant because the Extended Phase I surface testing for site CA-FRE-980 and or other archaeological deposits would identify and avoid impacts before surface-disturbing activities begin and protect previously unknown resources if uncovered during construction.

Impact 3.6-4: The project has the potential to disturb human remains, including those interred outside formal cemeteries.

Human remains are not known to exist within the project site. However, buried human remains may be present. Construction of the trail extension could disturb human remains. The impact would be potentially significant. (Reference: FEIR Section 3.6.)

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Cultural Resources–2) which will avoid and substantially lessen significant effects on the environment from Impact 3.6-4 identified in the FEIR. Specifically, the following mitigation measure is feasible and is adopted to mitigate significant effects from Impact 3.6-4.

Mitigation Measure Cultural Resources–2

If human remains or bones of unknown origin are found during any future project construction, all work shall stop in the vicinity of the find and the County Coroner shall be contacted immediately. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission. The Native American Heritage Commission shall notify the person considered to be the most likely descendant. The most likely descendant shall work with the Conservancy to develop a program for the reinternment of the human remains and any associated artifacts. No additional work shall take place within the immediate vicinity of the find until the identified appropriate actions have been completed.

Rationale for Finding

Implementation of Mitigation Measure Cultural Resources–2 would reduce the potential impact on the disturbance of human remains to less than significant. The County Coroner is the proper government official who would oversee the investigation and certification of death of human remains within the jurisdiction of Fresno County.

GEOLOGY AND SOILS

Impact 3.7-2: The project would result in substantial soil erosion or loss of topsoil.

The trail extension, parking lot, and recreational amenities would be constructed on generally level terrain. On level terrain, the impact would be less than significant. No mitigation is required. However, some activities would occur on the steep slope of the River bluff, and the impact related to erosion and loss of topsoil would be potentially significant. (Reference: FEIR Section 3.7.)

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Geology and Soils–1) which will avoid and substantially lessen significant effects on the environment from Impact 3.7-2 identified in the FEIR. Specifically, the following mitigation measure is feasible and is adopted to mitigate significant effects from Impact 3.7-2.

Mitigation Measure Geology and Soils–1

The Conservancy shall implement the following measures:

- Grading plans and design shall be signed by a professional engineer and submitted for approval within a reasonable time frame before the start of construction.
- Construction slopes and grading shall be designed to limit the potential for slope instability and minimize the potential for erosion during and after construction.
- In developing grading and construction procedures, the stability of both temporary and permanent cut, fill, and otherwise affected slopes shall be analyzed and properly addressed.

- Development of the project site shall comply with the then-most-recent California Building Standards Code design standards and performance thresholds for construction on steep slopes to avoid or minimize potential damage from erosion.
- Where soft or loose soils are encountered during investigations, design, or project construction, appropriate measures shall be implemented to avoid, accommodate, replace, or improve such soils. Depending on site-specific conditions and permit requirements, these measures may include:
  - locating construction facilities and operations away from areas of soft and loose soil;
  - overexcavating soft or loose soils and replacing them with engineered backfill materials;
  - increasing the density and strength of soft or loose soils through mechanical vibration and/or compaction;
  - installing material over construction access roads such as aggregate rock, steel plates, or timber mats; and
  - treating soft or loose soils in place with binding or cementing agents.
- At the beginning of each construction day, the proposed staircase and trail along the bluff slope shall be evaluated for slope stability by qualified construction staff.
- Fiber rolls shall be placed along the perimeter of the site to prevent sediment and construction-related debris and sediment from leaving the site.
- Silt fences shall be placed down-gradient of disturbed areas to slow runoff and sediment.
- During construction, slopes affected by construction activities shall be monitored by qualified construction staff and maintained in a stable condition.
- Construction activities likely to result in slope instability shall be stabilized and suspended, as necessary, during and immediately after periods of heavy precipitation when unstable slopes are more susceptible to failure.

Rationale for Finding

Implementing Mitigation Measure Geology and Soils–1 would reduce the impact to less than significant because compliance with California Building Standards Code design standards and monitoring and maintenance of controls during construction would minimize potential effects related to erosion and topsoil loss. No additional mitigation is required.

Impact 5.11.9 Geology and Soils (Alternative 5B)

Implementation of Alternative 5B would require grading along the bluff face to create the access road down to the River bottom. This route would conflict with grading standards as described in Article 14 of the Bluff Protection

Overlay District (City of Fresno 2015). The proposed grading along the bluff face for the access road would be on City-owned land and would not be exempted from the City Bluff Protection Overlay District. The Conservancy would need to apply for approval from the City for a variance. The amount of earthwork required to construct Alternative 5B would be greater than that for the project and Alternative 5B creates the need to seek a variance from the City of Fresno to address the Bluff Protection Overlay District. Potential impacts of Alternative 5B on geology and soils would be potentially significant. (Reference: FEIR Section 5.11.9.)

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Alt 5B-Geology –1) which will avoid and substantially lessen significant effects on the environment from Impact 5.11.9 identified in the FEIR. Specifically, the following mitigation measure is feasible and is adopted to mitigate significant effects from Impact 5.11.9.

Mitigation Measure Alt 5B-Geology-1

The Conservancy shall work with the City of Fresno to obtain a variance from the requirements of the Bluff Overlay District to permit construction of the access road and staircase down the slope of the bluff. The variance must be approved by the City of Fresno prior to construction along the slope of the bluff.

Rationale for Finding

Implementation of Mitigation Measures Alternative 5B-Geology-1 would reduce the impact to less than significant because the Conservancy would not construct the access road or stairway on the bluff until that time a variance from the requirements is obtained. Conservancy will also prepare the required geology and soils report to document that construction of the facility would not destabilize the slope face.

Hazards and Hazardous Materials

Impact 3.9-7: The project would expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

Equipment used for trail construction and ongoing maintenance at the project site could emit sparks, which could increase the wildland fire hazard. The presence of recreational visitors could also increase risks. Therefore, the impact would be potentially significant. (Reference: FEIR Section 3.9)

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Hazards and Hazardous Materials–1 through Mitigation Measure Hazards and Hazardous Materials–6) which will avoid and substantially lessen significant effects on the environment from Impact 3.9-7 identified in the FEIR. Specifically, the following mitigation measures are feasible and are adopted to mitigate significant effects from Impact 3.9-7.

Mitigation Measure Hazards and Hazardous Materials–1

Safe access for emergency and wildland fire suppression equipment and civilian evacuation shall be provided at three entrance points and throughout the site on the paved trail system. Response agency–approved emergency responder access locks shall be maintained on all gates.

Mitigation Measure Hazards and Hazardous Materials–2

Signs shall be posted that clearly indicate entrances and egresses for the multiuse trail (e.g., Perrin Avenue entrance, West Riverview Drive entrance), to minimize delay in response times to any wildfires that may occur.

Mitigation Measure Hazards and Hazardous Materials–3

Any internal combustion engine that uses hydrocarbon fuels shall not be used on any grass- or brush-covered lands unless the engine is equipped with a spark arrester. All vehicles and construction equipment shall be equipped with an improved muffler.

Mitigation Measure Hazards and Hazardous Materials–4

Signage containing the following or equally effective language shall be placed at all trail access points:

> Wildland fires destroy habitat and can threaten lives and structures—be fire safe! The following prohibitions apply throughout the trail area:
>
> (a) No open fires, campfires, or fireworks.
>
> (b) No burning of any trash, vegetation, brush, stumps, logs, fallen timber, or any other flammable material.
>
> (c) Portable barbecues or grills may not be used.
>
> (d) No smoking.

Mitigation Measure Hazards and Hazardous Materials–5

The Conservancy shall maintain a fire-defensible firebreak or comply with the standards in the City of Fresno's weed abatement/fire prevention ordinance by annually disking or mowing at the site. The shoulders of developed trails shall also be mowed or disked no less often than annually. Ladder fuels and fuel loads shall be evaluated periodically and management measures such as trimming and fuel reduction activities shall be implemented in public use areas.

Mitigation Measure Hazards and Hazardous Materials–6

Before the start of construction, a fire prevention plan for construction activities shall be prepared and implemented in coordination with the appropriate emergency service and/or fire suppression agencies of the applicable local or State jurisdictions. The plan shall describe fire prevention and response methods, including fire precaution, requirements for spark arrestors on equipment, and suppression measures that are consistent with the policies and standards of the affected jurisdictions. If heavy equipment is used for construction during the dry season, a water truck shall be maintained on the construction site. Materials and equipment required to implement the fire prevention plan shall be available on-site. Before construction begins, all construction personnel shall be trained in fire safety and informed of the contents of the fire prevention plan.

Rationale for Finding

Implementation of Mitigation Measures Hazards and Hazardous Materials–1 through Hazards and Hazardous Materials–6 would reduce the potential impact to less than significant because the Conservancy would provide appropriate emergency access and signage; would prohibit open burning and the use of barbeque grills; would perform annual and periodic fire prevention activities; would require all construction and maintenance equipment to be properly equipped with spark arrestors; and would prepare and implement a fire prevention plan for construction activities. No additional mitigation is required.

Impact 5.11.11: Hazards and Hazardous Materials (Alternative 5B)

Alternative 5B involves construction on land that was an open dump and landfill on private land under the name Kepco in the 1950s. The presence of the known contaminants in the Kepco-Pinedale Landfill represents a Recognized Environmental Condition. Constructing a paved pedestrian/bicycle pathway and a new parking lot at the base of the road, under Alternative 5B could expose construction workers and members of the public to hazardous materials (gases such as methane and volatile organic compounds such as vinyl chloride and benzene). Furthermore, construction activities at former landfill areas could disturb drainage patterns or disturb cover, which could cause or allow the landfill materials to become wet. Over time, this condition would increase the potential for the presence of explosive and flammable gases and possible leachate movement and accumulation. Additionally, disturbed landfill soils could become mobilized, causing potential human health and pollution issues. Due to the proximity to the Kenpo-Pinedale Disposal Site construction at the location of the parking lot may potentially encounter landfill materials and present a potential hazard from unstable soils that may be unsuitable for use as a base material. Therefore, the impact of Alternative 5B from hazards related to project construction and operation would be potentially significant. (Reference FEIR Section 5.11.11.)

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Alt 5B-Hazards and Hazardous Materials–1 and Measure Alt 5B -Hazards and Hazardous Materials–2) which will avoid and substantially lessen significant effects on the environment from Impact 5.11.11 identified in the FEIR. Specifically, the following mitigation measures are feasible and are adopted to mitigate significant effects from Impact 5.11.11.

Mitigation Measure Alt. 5B–Hazards and Hazardous Materials-1

Consistent with State of California procedures and in conjunction with the Conservancy's real property acquisition process, the Conservancy will obtain:

1.0 A Phase II Environmental Site Assessment prepared by a licensed environmental professional and performed to ASTM standards (ASTM E1903-11) at the locations of the proposed paved pedestrian/bicycle path (adjacent to the existing access road) and new parking area and associated facilities (at the base of the existing access road). Testing shall include sampling of soil and groundwater for constituents of concern such as volatile organic compounds, along with vapor monitoring for ambient air emissions of constituents such as methane. Laboratory results shall be presented and summarized in a report, which shall be submitted to the County of Fresno Department of Public Health. The report shall recommend specific additional site investigation needs if appropriate, remedial activities to clean up the property, and any project design

features that are necessary to assure human and environmental health and safety with the implementation of Alternative 5B;

2.0 Any further site investigations recommended as part of the Phase II Environmental Site Assessment; and

3.0 A post closure land use plan prepared in compliance with 27 CCR Sections 20950–21420. As required bySection 21190, the post closure land use shall be designed and maintained to:

• protect public health and safety and prevent damage to structures, roads, utilities, and gas monitoring and control systems;

• prevent public contact with waste, landfill gas, and leachate; and

• prevent landfill gas explosions.

The land use plan would be submitted to the County of Fresno Department of Public Health and the Central Valley RWQCB for review and approval. Upon approval, the plan shall be implemented before the Conservancy acquires the land for the Parkway project.

After real property acquisition, and in conjunction with final design of Alternative 5B, the Conservancy will develop the design to avoid or minimize locating the planned pedestrian/bicycle path, proposed parking lot, and amenities on the landfill material and will ensure consistency with the approved post closure land use plan.

Mitigation Measure Alt. 5B–Hazards and Hazardous Materials-2

A worker health and safety plan shall be prepared before the start of construction activities within the Alternative 5B project site. The plan shall identify, at a minimum:

• the potential types of contaminants that could be encountered during construction activity;

• all appropriate equipment and procedures to be used during project activities to protect workers, public health, and the environment;

• emergency response procedures;

• the most direct route to the nearest hospitals; and

• an on-site safety officer.

The plan shall describe actions to be taken should hazardous materials be encountered during construction, including protocols for handling hazardous materials and preventing their spread, and procedures for notifying local and/or State regulatory agencies in case of an emergency. The plan shall specify that if evidence of hazardous materials contamination is observed or suspected during site preparation or construction through either obvious or implied measures (i.e., stained or odorous soil or groundwater), construction activities shall immediately cease in the area of the find. A qualified hazardous materials

specialist shall assess the site and collect and analyze soil and/or groundwater samples, if needed. If the samples identify contaminants, the Conservancy shall employ measures in accordance with federal and State regulations, or shall coordinate with the landowner or other responsible party to employ such measures, before construction activities can resume at the site.

Rationale for Finding

Implementation of Mitigation Measures Alt. 5B–Hazards and Hazardous Materials-1, and Alt. 5B–Hazards and Hazardous Materials-2 would reduce the potential impact related to human health and environmental hazards from construction at the former Kepco Pinedale Landfill to less than significant because any necessary remedial activities would occur before the property was acquired for public use; a worker health and safety plan would be implemented should contaminated soil or groundwater be encountered; and a post closure land use plan approved by regulatory agencies would be implemented.

HYDROLOGY AND WATER QUALITY

Impact 3.10-1: The project would violate water quality standards or waste discharge requirements.

Temporary stockpiles and hazardous materials, such as fuels, paints, and oils, may be stored in construction staging areas and could be subject to flooding should a 100-year flood event occur during construction. Discharges of these construction materials and contaminants to receiving waters during storms would degrade water quality and could lead to short-term impacts on fish and other aquatic life in the River. The impact would be potentially significant.

Implementing project design features and Parkway Master Plan policies would reduce long-term impacts on water quality, but impacts of urban contaminants from parking lot runoff and waste products from equestrian use and vault toilets would remain. The impact would be potentially significant. (Reference: FEIR Section 3.10.)

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Hydrology and Water Quality–1 through Mitigation Measure Hydrology and Water Quality–3) which will avoid and substantially lessen significant effects on the environment from Impact 3.10-1 identified in the FEIR. Specifically, the following mitigation measures are feasible and are adopted to mitigate significant effects from Impact 3.10-1.

Mitigation Measure Hydrology and Water Quality–1

Construction staging areas, including hazardous-material storage areas and temporary stockpiles, shall be located outside the 100-year floodplain and designated floodway and away from drainages. Appropriate BMPs shall be implemented to ensure that runoff from these areas does not directly flow to surface waters. Before construction begins, locations for storage of hazardous materials, temporary stockpiles, and demolition debris piles within staging areas shall be designated outside the 100-year floodplain and designated floodway and away from drainages. Major storage and stockpile areas shall be designated in the SWPPP [Storm Water Pollution Prevention Plan], as required for NPDES [National Pollutant Discharge Elimination System] General Permit coverage for construction. Stockpile areas shall be identified in the SWPPP and appropriate BMPs shall be installed accordingly. The mitigation shall be implemented before any ground disturbance and shall continue throughout construction, as conditions require.

Mitigation Measure Hydrology and Water Quality–2

The project design shall include structural BMPs for project operation to reduce and treat post construction stormwater runoff from the proposed parking lot and other impervious features. The runoff shall be treated through the use of detention basins or other means before it reaches on-site surface waters, wetlands, and the River. The selected BMPs shall minimize the velocity of stormwater flows and disperse the flows to the extent practicable. The selected BMPs also shall serve to infiltrate, filter, store, evaporate, and detain runoff close to its source, and shall enhance on-site recharge of groundwater. The structural BMPs shall be designed in accordance with applicable local and State regulations. BMPs such as bioswales, surface sand, other media filters, vegetated filter strips, and detention basins may be implemented to treat, detain, and percolate stormwater runoff. The mitigation shall be implemented before project designs are finalized.

Mitigation Measure Hydrology and Water Quality-3

The proposed equestrian trails shall be sited, graded, and constructed consistent with Policy RDP11 of the Parkway Master Plan. The equestrian trail and staging area shall drain to detention swales, with no direct discharges to on-site waters or the River. Signage shall be posted, animal waste containers shall be provided, animal waste removal procedures shall be implemented, and the site shall be inspected periodically to determine the effectiveness of the measures. Vault toilets shall be cleaned daily and waste periodically trucked off-site for treatment.

Rationale for Finding

Implementation of BMPs as described in BMPs GEO-1, GEO-2, and HYDRO-2 and required by the NPDES permit, together with implementation of applicable policies of the Parkway Master Plan, other regulatory requirements, and Mitigation Measures Hydrology and Water Quality–1 through Hydrology and Water Quality–3, would reduce the potential impact to less than significant. No additional mitigation is required.

Impact 3.10-3: The project would substantially alter existing drainage patterns, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.

Preconstruction, construction, and postconstruction BMPs would be implemented during all project phases to limit discharge of pollutants in stormwater runoff. The impact of construction would be less than significant. No mitigation is required. However, impervious/paved surfaces would be added and other project components would be placed adjacent to or within the designated floodway and 100-year floodplain. Therefore, the impact would be potentially significant. (Reference: FEIR Section 3.10.)

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Hydrology and Water Quality–4 and Mitigation Measure Hydrology and Water Quality–5) which will avoid and substantially lessen significant effects on the environment from Impact 3.10-3 identified in the FEIR. Specifically, the following mitigation measures are feasible and are adopted to mitigate significant effects from Impact 3.10-3.

Mitigation Measure Hydrology and Water Quality–4

For improvements that require an encroachment permit and approval from the CVFPB [Central Valley Flood Protection Board], drainage and hydromodification studies shall be performed to evaluate and avoid modifications that would increase flooding in upstream or downstream areas, or that would cause obstructions during flood events. A professional civil engineer shall:

- conduct a drainage and hydromodification study evaluating the location of all existing and proposed drainage features;
- perform stormwater calculations for surface drainage flows occurring before and after project construction;
- evaluate the potential for drainage and floodplain modifications to increase erosion on adjacent properties; and
- determine the base flood elevation before and after construction, so that no net displacement of floodwaters shall occur.

As necessary, the filling of floodplain or floodway areas below the base flood elevation shall be compensated for and balanced by excavation of a hydraulically equivalent area, taken from below the base flood elevation, to achieve no net increase in the base flood elevation greater than 0.10 foot, as measured at the property lines of the parcels being developed. The Conservancy shall perform hydraulic studies in accordance with applicable floodplain management regulations, prepare an encroachment permit application, and obtain an encroachment permit before construction begins.

Mitigation Measure Hydrology and Water Quality–5

Mitigation Measure Hydrology and Water Quality–2 shall be implemented as described above, to prevent and reduce potential alterations to drainage patterns that can result in erosion or siltation.

Rationale for Finding

Implementation of BMPs as described in BMP GEO-1 and required by the NPDES permit, together with implementation of applicable policies of the Parkway Master Plan, other regulatory requirements, and Mitigation Measure Hydrology and Water Quality–4 and Mitigation Measure Hydrology and Water Quality–5, would reduce the potential impact to less than significant. No additional mitigation is required.

Impact 3.10-4: The project would substantially alter the drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.

See Impact 3.10-3 for a discussion of temporary and long-term impacts associated with alteration of drainage patterns. The temporary impact related to increases in surface runoff would be less than significant. However,

because of alteration of the drainage pattern that could result in changes in flooding, the long-term impact of the project would be potentially significant. (Reference: FEIR Section 3.10.)

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Hydrology and Water Quality–6) which will avoid and substantially lessen significant effects on the environment from Impact 3.10-4 identified in the FEIR. Specifically, the following mitigation measure is feasible and is adopted to mitigate significant effects from Impact 3.10-4.

Mitigation Measure Hydrology and Water Quality–6

Mitigation Measures Hydrology and Water Quality–2, Hydrology and Water Quality–4, and Hydrology and Water Quality–5 shall be implemented as described above.

Rationale for Finding

Implementation of BMPs as described in BMP GEO-1 and required by the NPDES permit, together with implementation of applicable policies of the Parkway Master Plan, other regulatory requirements, and Mitigation Measure Hydrology and Water Quality–6, would reduce the potential impact to less than significant. No additional mitigation is required.

Impact 3.10-5: The project would create or contribute runoff that would exceed the capacity of existing or planned stormwater drainage systems or would provide substantial additional sources of polluted runoff.

See Impact 3.10-1 for a discussion of effects on water quality from polluted runoff generated during project construction. The temporary impact would be potentially significant. See Impact 3.10-1 for a discussion of water quality effects from polluted runoff during project operation. The runoff generated by the impervious surfaces could generate additional sources of polluted runoff, and thus, the impact would be potentially significant. (Reference: FEIR Section 3.10.)

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Hydrology and Water Quality–7) which will avoid and substantially lessen significant effects on the environment from Impact 3.10-5 identified in the FEIR. Specifically, the following mitigation measure is feasible and is adopted to mitigate significant effects from Impact 3.10-5.

Mitigation Measure Hydrology and Water Quality–7

Mitigation Measures Hydrology and Water Quality–1, Hydrology and Water Quality–2, and Hydrology and Water Quality–3 shall be implemented to reduce pollutants in runoff from project construction and postconstruction activities.

Rationale for Finding

Implementation of BMPs as described in BMP GEO-1 and required by the NPDES permit, together with implementation of applicable policies of the Parkway Master Plan, other regulatory requirements, and Mitigation Measure Hydrology and Water Quality–7, would reduce the potential impact to less than significant. No additional mitigation is required.

Impact 3.10-6: The project would otherwise substantially degrade water quality.

Temporary and long-term water quality effects would be the same as described in Impact 3.10-1. The project would not degrade water quality beyond what is described in Impact 3.10-1. However, the impact would be potentially significant. (Reference: FEIR Section 3.10.)

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Hydrology and Water Quality–8) which will avoid and substantially lessen significant effects on the environment from Impact 3.10-6 identified in the FEIR. Specifically, the following mitigation measure is feasible and is adopted to mitigate significant effects from Impact 3.10-6.

Mitigation Measure Hydrology and Water Quality–8

Mitigation Measures Hydrology and Water Quality–1, Hydrology and Water Quality–2, and Hydrology and Water Quality–3 shall be implemented to reduce project-related degradation of water quality.

Rationale for Finding

Implementation of BMPs as described in BMP GEO-1 and required by the NPDES permit, together with implementation of applicable policies of the Parkway Master Plan, other regulatory requirements, and Mitigation Measure Hydrology and Water Quality–8, would reduce the potential impact to less than significant. No additional mitigation is required.

Impact 3.10-8: The project would place structures within a 100-year flood hazard area that would impede or redirect flood flows.

If construction equipment, stockpiles, and other building materials were staged on the floodplain in the vicinity of the residences and a 100-year flood event were to occur during construction, flood flows could be redirected onto these properties. Because of the potential for a 100-year flood event to occur during project construction, the impact would be potentially significant. As described previously, the placement of impervious surfaces for the multipurpose trail, parking lot, and recreation amenities could alter hydrologic and floodplain functions. In accordance with Parkway Master Plan policies and regulatory requirements, new structures and other project components would be designed to avoid net displacement of floodwaters, obstructions to flood flows, or placement within the floodplain of improvements that may come loose and become obstructions or pose a safety hazard. However, the impact would be potentially significant. (Reference: FEIR Section 3.10.)

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Hydrology and Water Quality–9) which will avoid and substantially lessen significant effects on the environment from Impact 3.10-8 identified in the FEIR. Specifically, the following mitigation measure is feasible and is adopted to mitigate significant effects from Impact 3.10-8.

Mitigation Measure Hydrology and Water Quality–9

Mitigation Measure Hydrology and Water Quality–4 shall be implemented to reduce potential impacts from flood hazards.

Rationale for Finding

Implementation of BMPs, applicable policies of the Parkway Master Plan, other regulatory requirements, and Mitigation Measure Hydrology and Water Quality–9 would reduce the potential impact to less than significant. No additional mitigation is required.

Impact 5.11.12: Hydrology and Water Quality (Alternative 5B)

The area of disturbance and paved surfaces for Alternative 5B would be greater than that of the proposed project and the access road under this alternative would be constructed on a steep, erodible slope. Alternative 5B includes project features located in an area that was formerly used for the Kepco Pinedale Landfill. A plume of groundwater contaminated with trichloroethylene, polychlorinated biphenyls, and chloroform is situated below the residential development on the bluffs, near the intersection of Nees and Palm avenues. The soils near the groundwater plume may also be contaminated. Disturbing the soil during construction could mobilize sediments laced with contaminants of concern, resulting in a health hazard and a potential source of polluted sediment that could enter receiving waters. Construction near the former landfill could disturb drainage patterns, or could disturb vegetative cover, which could cause or allow the landfill materials to become wet, thereby increasing the potential for possible leachate releases over time. The impact would be potentially significant.

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Alt 5B-Hydrology and Water Quality–1) which will avoid and substantially lessen significant effects on the environment from Impact 5.11.12 identified in the FEIR. Specifically, the following mitigation measure is feasible and is adopted to mitigate significant effects from Impact 5.11.12.

Mitigation Measure Alt. 5B–Hydrology and Water Quality-1

Before any surface-disturbing construction begins, the Conservancy shall implement Mitigation Measure Alt. 5–Hazards and Hazardous Materials-1, requiring completion of a subsurface assessment, avoidance, and post closure plan (if required) for land within and adjacent to the alignment of the access road, multiuse trail, and parking lot, to determine the presence of contaminants of concern. The assessment shall be completed along the face of the slope adjacent to the trail and access road alignment. If contaminants of concern are present, the area shall be remediated as recommended in the assessment and as required by regulatory agencies. In addition, the Conservancy shall implement Mitigation Measure Alt. 5–Hazards and Hazardous Materials-2, requiring preparation of a worker health and safety plan.

Rationale for Finding

Implementation of Mitigation Measure Alt. 5B- Hydrology and Water Quality-1 would reduce the potential temporary impact on water quality associated with the former and fills to less than significant because a post closure land use plan approved by regulatory agencies would be implemented to remediate any hazards before the start of earthmoving activities, and a worker health and safety plan would be implemented should any contaminated soil or groundwater be encountered. No additional mitigation is required.

LAND USE

Impact 5.11.13: Land Use and Planning (Alternative 5B)

Alternative 5B would alter the face of the bluff with an access road traveling 62 vertical feet and requiring the removal of over 17,000 cubic yards of soil. Alternative 5B may also be found inconsistent with the grading standards as described in Article 16 of the Bluff Protection Overlay District (City of Fresno 2015). Section 15-1603 of the overlay limits alteration of the bluff face. Measures would be required to provide for slope stabilization and erosion control including drainage swale, and the Conservancy must apply for a variance from the City's policy. This is considered to be a potentially significant impact.

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Alt 5B-Land Use–1) which will avoid and substantially lessen significant effects on the environment from Impact 5.11.13 identified in the FEIR. Specifically, the following mitigation measure is feasible and is adopted to mitigate significant effects from Impact 5.11.13.

Mitigation Measure Alternative 5B-Land Use-1

In accordance with Mitigation Measure Alternative 5B-Land Use 1, the Conservancy shall work with the City of Fresno to obtain a variance from the requirements of the Bluff Overlay District to permit construction of the access road and staircase down the slope of the bluff. The variance must be approved by the City of Fresno prior to construction along the slope of the bluff.

Rationale for Finding

Implementation of Mitigation Measure Alternative 5B-Land Use-1 would reduce the impact to less than significant because the Conservancy would not construct the access road or stairway on the bluff until such time that a variance from the requirements is obtained from the City. The Conservancy will also prepare the required geology and soils report to document that construction of the facility would not destabilize the slope face. In order to implement Alternative 5B, additional property and easement rights would need to be acquired by a public agency from willing landowners and at mutually agreeable terms.

NOISE

Impact 3.13-1: The project would result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

The temporary impact from construction noise, although exempt from the City's Noise Ordinance, would be potentially significant. Operation of the project for recreational use would not expose visitors or receptors to noise levels in excess of standards. The resulting noise levels would meet standards for the area and adjacent uses. The operational impact would be less than significant. No mitigation is required. (Reference: FEIR Section 3.13.)

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Noise-1) which will avoid and substantially lessen significant effects on the environment from Impact 3.13-1 identified in the FEIR. Specifically, the following mitigation measure is feasible and is adopted to mitigate significant effects from Impact 3.13-1.

Mitigation Measure Noise-1

The plans, specifications, and bid documents for each construction project shall include noise control measures to reduce noise impacts to the extent feasible. The measures shall include the following:

- The project shall be designed to meet the City of Fresno's standards for nonscheduled, intermittent, short-term operations of mobile construction equipment (e.g., backhoes, bulldozers, motor graders, and scrapers), and the noise standards for repetitively scheduled and relatively long-term construction operation of stationary equipment (e.g., compressors and generators).
- Muffled construction equipment shall be used whenever possible.
- Impact noise associated with construction shall be minimized by using noise control techniques, procedures, and acoustically treated equipment. For example, when practical, bins used to transport excavated material, including rocks and debris, could be constructed of nonmetallic liner to reduce impact noise; similarly, dump trucks could have resilient bed liners installed to minimize impact noise.
- Construction hours shall be restricted to meet City of Fresno standards, which restrict hours of construction to between 7 a.m. and 9 p.m., Monday through Saturday, and prohibit activity on Sundays and federal holidays.

Rationale for Finding

Implementation of Mitigation Measure Noise-1 would reduce the potential temporary impact to less than significant because the Conservancy and its contractor would use muffled construction equipment and construction would occur between 7 a.m. and 9 p.m., Monday through Saturday. No additional mitigation is required.

Finding on Proposed Mitigation

Pursuant to State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, Alternative 5B as summarized above, which avoid or substantially lessen the significant environmental effects as identified in the FEIR.

Findings Regarding Environmental Impacts Not Fully Mitigated to a Level of Less than Significant

As described in Volume I, Chapter 5, Section 5.11 and Chapter 3 of the Final EIR, Alternative 5B would involve multiple potentially significant impacts. However, with the implementation of BMPs that have been incorporated into the project design (refer to Section 2.5.2, "Best Management Practices," in Volume I of the FEIR) and with implementation of specific proposed mitigation measures where needed (e.g., for biological resources and aesthetic and visual resources summarized above), all potentially significant impacts associated with implementation of Alternative 5B would be avoided or reduced to less-than-significant levels. Therefore, there are no significant and

unavoidable impacts that require a "statement of overriding considerations" pursuant to State CEQA Guidelines Section 15093.

FINDINGS RELATED TO CUMULATIVE IMPACTS

Alternative 5B would not result in a cumulatively significant incremental contribution to a significant cumulative impact in any resource area that cannot be mitigated in a manner that would substantially lessen the environmental impact to less-than-significant levels. Please refer to Chapter 4, "Other CEQA Requirements" and Section 5.11.21 in Chapter 5 in Volume I of the FEIR for a comprehensive discussion of cumulative impacts.

MITIGATION MONITORING

An MMRP was prepared for Alternative 5B, and will be adopted in Resolution No. 17-02(Alt. 5B) [see PRC Section 21081.6(a)(1) and State CEQA Guidelines Section 15097] along with adoption of these Findings. The Conservancy will use the MMRP to track compliance with project mitigation measures. The MMRP will remain available for public review during the compliance period.

SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL EFFECTS

Section 4.7, "Other CEQA Considerations," in Volume I of the FEIR examines "significant irreversible environmental changes" pursuant to Section 15126.2(c) of the State CEQA Guidelines.

Implementation of the project would result in the short-term commitment during construction activities of natural resources including sand and gravel, asphalt, steel, copper, lead, other metals, and water. As the project site is developed, recreation use would require further commitment of energy resources in the form of an increase in motor vehicle travel. The resource commitments are irreversible environmental changes.

GROWTH INDUCEMENT

In an EIR, lead agencies are required to discuss ways in which a proposed project could foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment [State CEQA Guidelines Section 15126.2(d)]. A project could have growth-inducing effects in a number of ways. For example, the project may include an improvement that eliminates an obstacle to development on adjacent properties. A project could stimulate activities in the local economy that, in turn, leads to physical changes that could have environmental ramifications. Growth and development in and of itself is not necessarily detrimental, beneficial, or of significant consequence and is an environmental effect, but it can lead to environmental effects. These environmental effects may include increased demand on other services and infrastructure, increased traffic and noise, degradation of air or water quality, degradation or loss of plant or animal habitats, conversion of agricultural and open space land to urban uses, or other adverse impacts.

Section 4.3, "Growth-Inducing Impacts," in Volume I of the FEIR examined growth-inducing impacts, pursuant to CEQA Section 21100(b)(5) and Section 15126.2(d) of the State CEQA Guidelines. Alternative 5B would not influence the rate, location, and amount of growth; would not foster economic or population growth; would not remove obstacles to population growth; and would not allow or encourage growth that otherwise would not have occurred if the project were not built. Therefore, the project would not be growth inducing. No impact would occur.

ENVIRONMENTAL JUSTICE CONSIDERATIONS

Section 4.2, "Environmental Justice Considerations," and Section 5.11.22 in Volume I of the FEIR assessed the potential for disproportionate (environmental justice) effects for Alternative 5B consistent with the Conservancy's commitment to the fair-treatment principles and policies of the State. The potential environmental impacts of Alternative 5B for each specific resource area are described in detail in Volume I, Chapter 5, Section 5.11, which references and incorporates Chapter 3 of the FEIR and the potential cumulative impacts in Section 4.1. Those sections found no significant and unavoidable impacts in any resource area. Alternative 5B's additional parking lot accessed at Palm and Nees Avenues would result in slightly more potential environmental impacts than the proposed project without the additional parking lot and entrance. For air quality, construction-related and operational emissions are slightly higher than the proposed project, but these impacts remain less than significant with no mitigation required. Alternative 5B also results in additional short-term temporary increases ambient noise levels due the additional construction required for the added roadway, parking lot, and facilities, but this impact is reduced to less than significant levels with Mitigation Measure Noise-1. Overall, based on the environmental impacts analysis for Alternative 5B, the FEIR found Alternative 5B does not have the potential to result in a disproportionately high and adverse environmental effect on disadvantaged communities

Section 4.2 and Section 5.11.22 also assessed the extent to which Alternative 5B would provide a beneficial impact to socioeconomic conditions in the area. Alternative 5B has the potential to increase access to the project for all residents of Fresno, including from disadvantaged communities. The FEIR found that access to the project from disadvantaged communities would most likely occur by private vehicle because transit options are limited and most disadvantaged communities in Fresno are not within walking or bicycle distance of the project. The proposed entrance at Perrin Avenue is near a currently used informal vehicular access point at the gate of the existing Lewis S. Eaton Trail, which the project extends down-river to the west. While the proposed project does improve vehicular access to the River Parkway trail system with the addition of this proposed 50 space parking lot, that access point from the Fresno side requires travel north along SR 41 to Children's Boulevard, then travel south along Blackstone Avenue, the SR 41 East Frontage Road. By adding another vehicular access point at Palm and Nees Avenues, Alternative 5B could improve public access to the project for disadvantaged communities by providing a more convenient access point utilizing surface roadways near the project. Not requiring the additional travel up SR 41 may help reduce barriers to access for disadvantaged communities in Fresno, including those in central, southeast and west Fresno, and help ensure the benefits of the project, in terms of equitable access to parks and greenspaces, is shared equitably within the community.

ENERGY

Alternative 5B does not include development of new buildings. The project is required to comply with applicable portions of the 2010 California Green Building Code (California Code of Regulations Title 24, Part 11), which was developed to enhance the design and construction of buildings and sustainable construction practices through planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and environmental air quality. Alternative 5B would not generate an increase in demand for electricity and natural gas relative to existing or future electrical and natural gas consumption. The project proposes smart lighting with motion detector sensors and LED lights. This impact would be less than significant. No mitigation is required.

Project-generated vehicle trips would not be expected to cause queuing and related congestion; however, the use of the study area is not expected to significantly increase beyond capacity. Therefore, the effects associated with petroleum consumption would be less than significant. In addition, with implementation of the 2010 California Green Building Code, the proposed project would not cause the inefficient, wasteful, or unnecessary consumption of energy. This impact would be less than significant. No mitigation is required.

VI FINDINGS ON PROJECT ALTERNATIVES

An agency must make one or more findings listed in PRC Section 21081 and State CEQA Guidelines Section 15091 for each significant impact associated with a proposed project. If a project will result in significant environmental impacts that will not be avoided or substantially lessened after the adoption of all feasible mitigation measures, the agency must consider any project alternatives that are environmentally superior and find that they are "infeasible" within the meaning of CEQA [PRC Section 21080(a)(3); State CEQA Guidelines, Section 15091(a)(3)].

This findings requirement follows the policy of CEQA stated in PRC Section 21002, which states: "[It] is the policy of the state 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…" [emphasis added]. An agency is not required to make findings rejecting alternatives described in an EIR when it finds that all of the significant adverse environmental impacts will be avoided or substantially lessened to a less-than-significant level with the adoption of mitigation measures. [See *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 490, citing Rio Vista Farm Bureau Center v. County of Solano (1992) 5 Cal.App.4th 351, 379, citing *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 402 and *Laurel Hills Homeowners Assn. v. City Council* (1978) 83 Cal.App.3d 515, 521.]

ALTERNATIVES CONSIDERED IN THE EIR

Based on the entire record, the Conservancy finds that the FEIR identified and considered a reasonable range of feasible alternatives to the proposed project that are capable, to varying degrees, of reducing the identified significant adverse environmental impacts or could potentially increase the benefits of the project.

Six action alternatives and a no project alternative are evaluated in the FEIR. The basis for selecting each alternative to analyze each in the EIR is provided below. (Reference: FEIR, Chapter 5.)

- Alternative 1, "Added Parking," was developed to provide greater, more convenient vehicle access for residents of the Fresno metropolitan area, including increasing opportunities for equal access for disadvantaged communities, and to provide more parking capacity. Alternative 1 is an additional on-site alternative that includes the project as described in Section 2.4, "Project Alternatives," and would provide an additional public entrance at Riverview Drive and parking area near the midpoint of the trail.

- Alternative 2, "Bluff Trail Alignment," was developed to reduce the circuitous alignment of the proposed trail and to reduce potential impacts on riparian habitat and disturbance to nearby residences on the floodplain. Alternative 2 includes the same project improvements as the proposed project, but the trail alignment is closer to the base of the bluffs.

- Alternative 3, "River's Edge Trail Alignment," was developed to provide multiuse trail access close to the river and to possibly reduce the potential effects of wildland fires on the residences located on the bluffs. Alternative 3 includes the same project improvements as the proposed project, but the trail alignment in the western portion of the site follows the riverbank. A bridge or crossing is required for a breach in the riverbank.

- Alternative 4, "No Parking," was developed to address the potential effects of parking at the project site including noise, vehicle traffic, and effects on safety. Alternative 4 would include the trail extension, but would not provide a parking area on-site.

- Alternative 5, "Palm and Nees Access," was developed to provide greater, more convenient vehicle access for residents of the Fresno metropolitan area, including increasing opportunities for equal access for disadvantaged communities; and to provide more parking capacity. In accordance with State CEQA Guidelines Section 15126.6(f)(2), Alternative 5 is an added off-site alternative and includes the project as described in Section 2.4, "Project Description."

- Alternative 5B, "North Palm Avenue Access," was developed to provide additional options for addressing more convenient vehicle access for residents of the Fresno metropolitan area, including increasing opportunities for equal access for disadvantaged communities, and to provide more parking capacity. Alternative 5B would provide an additional entrance proceeding from North Palm Avenue through Spano Park with a new access road descending the bluff, and an additional parking area located to the west of the project study area. In accordance with State CEQA Guidelines Section 15126.6(f)(2), Alternative 5B is an added off-site alternative and includes the project as described in Section 2.4, "Project Description."

- Alternative 6, the No Project Alternative, is included in accordance with Section 15126.6(e)(3)(B) of the State CEQA Guidelines. Analysis of this alternative considers the effects if the project were to not proceed, and if no trail extension, parking, or recreational amenities were constructed.

FINDINGS

The Conservancy finds that changes or alterations have been required in, or incorporated into Alternative 5B as summarized above, pursuant to State CEQA Guidelines Section 15091(a)(1), which avoid or substantially lessen the significant environmental impacts identified in the FEIR. Because there are no significant environmental impacts that will not be avoided or reduced to less-than-significant levels after the adoption of all the identified feasible mitigation measures, the Conservancy is not required to consider and reject the project alternatives described above pursuant to PRC Section 21080(a)(3) and State CEQA Guidelines Section 15091(a)(3).

SAN JOAQUIN RIVER CONSERVANCY

RIVER WEST FRESNO, EATON TRAIL EXTENSION PROJECT

CEQA MITIGATION MONITORING AND REPORTING PROGRAM

ALTERNATIVE 5B

DECEMBER 13, 2017

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MITIGATION MONITORING AND REPORTING PROGRAM RIVER WEST FRESNO EATON TRAIL EXTENSION EIR **5**

MITIGATION MONITORING AND REPORTING PROGRAM

CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENT

Where a California Environmental Quality Act (CEQA) document has identified significant environmental effects, Public Resources Code Section 21081.6 requires adoption of a "reporting or monitoring program for the changes to the project which it has adopted or made a condition of a project approval to mitigate or avoid significant effects on the environment."

This Environmental Mitigation Monitoring and Reporting Program (MMRP) has been prepared to provide for the monitoring of mitigation measures required of the River West Fresno, Eaton Trail Extension Project (Alternative 5B), as set forth in the Final Environmental Impact Report (FEIR).

The San Joaquin River Conservancy (Conservancy) is the Lead Agency that must adopt the MMRP for development and operation of the project. This report will be kept on file with San Joaquin River Conservancy, 5469 E. Olive Avenue, Fresno, CA 93727.

The CEQA Statutes and Guidelines provide direction for clarifying and managing the complex relationships between a Lead Agency and other agencies with implementing and monitoring mitigation measures. In accordance with CEQA Guidelines Section 15097(d), "each agency has the discretion to choose its own approach to monitoring or reporting; and each agency has its own special expertise." This discretion will be exercised by implementing agencies at the time they undertake any of portion of the project, as identified in the FEIR.

PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

The intent of the MMRP is to ensure the effective implementation and enforcement of adopted mitigation measures. The MMRP is intended to be used by Conservancy staff and others responsible for project implementation.

This document identifies the individual mitigation measures, the party responsible for monitoring implementation of the measure, the timing of implementation, and space to confirm implementation of the mitigation measures.

ROLES AND RESPONSIBILITIES

The Conservancy will oversee monitoring and documenting the implementation of mitigation measures. The project applicant or its construction contractor is responsible for fully understanding and effectively implementing all of the mitigation measures contained within this MMRP. Certain mitigation measures also will require that the Conservancy coordinate or consult with one or more other public agencies in implementing mitigation measures specified herein.

CHANGES TO MITIGATION MEASURES

Any substantive change in the MMRP is required to be reported in writing. Modifications to the mitigation measures may be made by the Conservancy, subject to one of the following findings, and documented by evidence included in the public record:

- The mitigation measure included in the FEIR and the MMRP is no longer required because the significant environmental impact identified in the FEIR has been found not to exist, or to occur at a level which makes the impact less than significant as a result of changes in the project, changes in environment conditions, or other factors.

OR,

- The modified or substitute mitigation measure provides a level of environmental protection equal to, or greater than that afforded by the mitigation measure included in the FEIR and the MMRP; and,

- The modified or substitute mitigation measure or measures do not have significant adverse effects on the environment in addition to, or greater than those which were considered by the responsible hearing bodies in their decisions on the FEIR and the proposed project; and,

- The modified or substitute mitigation measures are feasible, and the Conservancy, through measures included in the MMRP or other City procedures, can ensure implementation.

SUPPORT DOCUMENTATION

Findings and related documentation supporting the findings involving modifications to mitigation measures shall be maintained in the project file with this MMRP and shall be made available to the public upon request.

This MMRP will be kept on file at:

San Joaquin River Conservancy
5469 E. Olive Avenue
Fresno, CA 93727.

Mitigation Monitoring and Reporting Program for the River West Fresno, Eaton Trail Extension Project EIR (Alternative 5B)				
Mitigation Measure	Timing/Schedule	Implementation Responsibility	Completion of Implementation	
			Action	Date Completed
3.2. Aesthetics				
Mitigation Measure Aesthetics and Visual Resources-1 The Conservancy shall use native plants for landscaping portions of the trail extension to allow for naturalization of these features. Landscaping and recreation facilities shall be designed to create visual buffers and in a manner complementary and/or compatible with the scenic nature of the area. Newly landscaped vegetation shall be irrigated until permanently established. The Conservancy shall select materials and colors for all facilities (e.g., vault toilet restrooms) that shall be compatible with the surrounding natural environment.	Project design and construction	Conservancy		
Mitigation Measure Aesthetics and Visual Resources-2 The Conservancy shall implement Mitigation Measure Aesthetics and Visual Resources-1.	Project design and construction	Conservancy		
Mitigation Measure Aesthetics and Visual Resources-3 The Conservancy shall implement the following measures regarding lighting design features: • All outdoor lights shall be fully shielded with full cutoff luminaires. • All up-lighting for any purpose shall be avoided. • Tree-mounted lights shall be avoided unless they are fully shielded and pointing downward toward the ground or shining into dense foliage.	Project design and construction	Conservancy		
3.5 Biological Resources				
Mitigation Measure Biological Resources-1 (Special-Status Plant Species) Before any ground-disturbing activities, a qualified botanist shall conduct a botanical survey for California satintail and Sanford's arrowhead during their respective floristic periods (September to May and November to May). If it is determined that suitable habitat for special-status plants is present, the botanist shall conduct a focused survey for special-status plants during the appropriate time of the year to adequately identify special-status plants that could occur in the study area. The surveys will be performed according to the *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities* (DFG 2009). Surveys shall be performed before the final	Prior to construction	Conservancy		

Mitigation Monitoring and Reporting Program for the River West Fresno, Eaton Trail Extension Project EIR (Alternative 5B)				
Mitigation Measure	**Timing/Schedule**	**Implementation Responsibility**	**Completion of Implementation**	
			Action	**Date Completed**
alignment has been established to avoid special-status plants, and if the species are present before the start of construction as well. One or more of the following measures shall be implemented to avoid and/or minimize impacts on sensitive natural communities and special-status plants as appropriate, per the botanist's recommendation: • Flag or otherwise delineate in the field the special-status plant populations and/or sensitive natural communities to be protected. Clearly mark all such areas to be avoided on construction plans and designate these areas as "no construction" zones. • Allow adequate buffers around plants or habitat; show the location of the buffer zone on the maintenance design drawings. Mark this exclusion zone in the field with stakes and/or flagging so that it is visible to maintenance personnel, without causing excessive disturbance of the sensitive habitat or population itself (e.g., from installation of fencing). • Time construction or other activities during dormant and/or noncritical life cycle period. • Limit the operation of construction equipment to established roads wherever possible.				
Mitigation Measure Biological Resources-3 (American Badger) The Conservancy shall conduct a preconstruction survey no less than 14 days and no more than 30 days before the beginning of ground-disturbing activities. If active American badger den sites are present, the Conservancy shall consult with CDFW and implement the following measures: • The entrances to dens shall be blocked for 3–5 days to discourage use. • After the 3- to 5-day period, the dens shall be hand-excavated with a shovel to prevent reuse during construction. • No disturbance of active dens shall take place when cubs may be present and dependent on parent care.	Prior to Construction	Conservancy		

Mitigation Monitoring and Reporting Program for the River West Fresno, Eaton Trail Extension Project EIR (Alternative 5B)				
Mitigation Measure	**Timing/Schedule**	**Implementation Responsibility**	**Completion of Implementation**	
			Action	**Date Completed**
Mitigation Measure Biological Resources-4 (Avian Species) If project-related construction must occur during the breeding season (February through mid-September), the Conservancy shall have surveys performed for active nests no more than 30 days before commencing project-related activities. The surveys shall be conducted by a qualified biologist. A minimum no-disturbance buffer of 250 feet shall be delineated around active nests until the breeding season has ended, a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival, or the biologist determines that the nest is no longer active. The results of the preconstruction survey and any subsequent monitoring shall be provided to CDFW.	Prior to Construction	Conservancy		
Mitigation Measure Biological Resources-5 (Bald Eagle) Before initiating ground-disturbing activities, the Conservancy shall have preconstruction surveys performed for bald eagle nesting habitat and roost sites and foraging areas along the River within 2 miles of the project. Surveys shall be conducted in accordance with the CDFW *Bald Eagle Breeding Survey Instructions* (DFG 2010) or current guidance. If an active eagle's nest is found within 0.5 mile of the project, construction shall not occur during the breeding season, typically January through July or August. If project-related construction must occur during the breeding season, the Conservancy shall have surveys performed for active nests no more than 30 days before commencing project-related activities. The surveys shall be conducted by a qualified biologist. A minimum no-disturbance buffer of 250 feet shall be delineated around active nests until the breeding season has ended, a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival, or the biologist determines that the nest is no longer active. The results of the preconstruction survey and any subsequent monitoring shall be provided to CDFW.	Prior to Construction	Conservancy		
Mitigation Measure Biological Resources-6 (Burrowing Owl) The Conservancy shall implement the following measures before initiating ground-disturbing activities:	Prior to and ongoing during construction	Conservancy		

Mitigation Monitoring and Reporting Program for the River West Fresno, Eaton Trail Extension Project EIR (Alternative 5B)				
Mitigation Measure	**Timing/Schedule**	**Implementation Responsibility**	**Completion of Implementation**	
			Action	**Date Completed**
• Focused surveys shall be conducted following the survey methodology developed by the California Department of Fish and Game (now CDFW) *Staff Report on Burrowing Owl Mitigation* (DFG 2012). • If burrowing owls are found within the project footprint as a result of the required surveys, the recommendations of the *Staff Report on Burrowing Owl Mitigation* (DFG 2012) are mandatory; avoiding nesting sites must include implementation of no-disturbance buffer zones, unless a qualified biologist approved by CDFW verifies through noninvasive methods that either (1) the birds have not begun egg laying and incubation, or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. • If burrowing owls must be removed, passive relocation is required during the nonbreeding season. A burrowing owl relocation plan to be approved by CDFW shall be developed and implemented, including passive measures such as installing one-way doors in active burrows for up to 4 days, carefully excavating all active burrows after 4 days to ensure that no owls remain underground, and filling all burrows in the construction area to prevent owls from using them. Replacement of burrows with artificial burrows at a ratio of one burrow collapsed to one artificial burrow constructed (1:1) is required.				
Mitigation Measure Biological Resources-7 (Swainson's Hawk) The Conservancy shall implement the following measure before construction starts: • To avoid impacts on Swainson's hawks, no construction project shall occur between March 1 and August 31 unless a qualified biologist has performed nesting surveys following the survey methodology developed by the Swainson's Hawk Technical Advisory Committee (DFG 2000) before the start of project activities.	Prior to Construction	Conservancy		

Mitigation Monitoring and Reporting Program for the River West Fresno, Eaton Trail Extension Project EIR (Alternative 5B)				
Mitigation Measure	Timing/Schedule	Implementation Responsibility	Completion of Implementation	
			Action	Date Completed
Additional pre-project surveys for active nests within a 0.5-mile radius of the project site shall be conducted by a qualified biologist no more than 10 days before the start of project activities and during the appropriate time of day to maximize detectability. A minimum no-disturbance buffer of 0.5 mile shall be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.				
Mitigation Measure Biological Resources-8 (Raptors/Migratory Birds) If construction begins between February 1 and August 31, the Conservancy shall conduct surveys for nesting raptors and migratory birds within 1,000 feet of the trail extension, parking lot, and other construction areas. If active nests are found, a buffer of 250 feet shall be established. A smaller buffer area may be sufficient if, in consultation with CDFW, it is determined sufficient to avoid impacts. Buffers shall be maintained until the young have fledged or the nests become inactive.	Prior to Construction	Conservancy		
Mitigation Measure Biological Resources-9 (Silvery Legless Lizard) The Conservancy shall perform a survey for legless lizard presence and shall evaluate and map specific habitat areas within the riparian habitat along the unimproved hiking paths before construction. The survey shall use standard coverboard techniques for herpetofauna. If silvery legless lizard or specific habitat areas are found, the area shall be avoided.	Prior to Construction	Conservancy		
Mitigation Measure Biological Resources-10 (Wildlife Movement) The Conservancy shall implement the following measures: • The multiuse trail shall be located outside the riparian corridor in conformance to the buffers established in the Parkway Master Plan. • All ground-disturbing work, including construction and routine maintenance, and routine recreational operating hours shall occur during daylight hours. • At a minimum, dogs shall be required to be leashed at all times.	Project design and construction	Conservancy		

Mitigation Monitoring and Reporting Program for the River West Fresno, Eaton Trail Extension Project EIR (Alternative 5B)				
Mitigation Measure	Timing/Schedule	Implementation Responsibility	Completion of Implementation	
			Action	Date Completed
Mitigation Measure Alternative 5B-Biological Resources-1 All mature sycamore trees to be removed during construction of Alternative 5B shall be replaced at a ratio of 5 western Sycamore trees planted for every tree removed, or as otherwise required by the California Department of Fish and Wildlife (CDFW). The replacement trees shall be a minimum of 10 gallons in size and shall be planted within the project site. Irrigation shall be provided for to achieve the survival rate required by CDFW.	Project design and construction	Conservancy		
3.6 Cultural Resources				
Mitigation Measure Cultural Resources-1 The Conservancy shall perform Extended Phase I subsurface testing along the alignment of the trail extension to determine the boundary of site CA-FRE-980 and identify the presence of additional archaeological deposits. The testing shall be performed before the start of any construction. The Conservancy shall ensure that all cultural resources identified shall be evaluated for eligibility for inclusion in the CRHR. All additional testing shall be performed by individuals who meet the United States Secretary of the Interior's professional standards in archaeological history. If archaeological resources are determined to be eligible for the CRHR, and if the impacts of project construction and visitor use of the alignment render these resources as ineligible for the CRHR, the alignment shall be moved a minimum of 100 feet.	Prior to Construction	Conservancy		
Mitigation Measure Cultural Resources-2 After completing the cultural resources investigations as described in Mitigation Measure Cultural Resources-1, and prior to commencing grading, earth work, or other disturbance of native soil, the Conservancy shall retain and enter into a service contract with a qualified professional for monitoring. The cultural resources monitor shall provide monitoring for all initial ground disturbing activities and earth disturbance on portions of the project site that have not been mined for gravel, including clearing, grubbing, tree removal, grading, trenching, stockpiling materials, rock crushing, etc. The monitor shall have the authority to temporarily divert, redirect or halt the ground disturbance activities to allow identification, evaluation, and potential recovery of cultural resources. The Conservancy shall provide an opportunity for an appropriate tribal monitor to also enter a service agreement to be on-site during these activities to	Prior to and ongoing during construction	Conservancy and Contractor		

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Mitigation Measure	**Timing/Schedule**	**Implementation Responsibility**	**Completion of Implementation**	
			Action	**Date Completed**
supplement the project monitor's services for advisory purposes and to serve the tribe's interests.				
Mitigation Measure Cultural Resources-3 If human remains or bones of unknown origin are found during any future project construction, all work shall stop in the vicinity of the find and the County Coroner shall be contacted immediately. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission. The Native American Heritage Commission shall notify the person considered to be the most likely descendant. The most likely descendant shall work with the Conservancy to develop a program for the reinternment of the human remains and any associated artifacts. No additional work shall take place within the immediate vicinity of the find until the identified appropriate actions have been completed.	Ongoing during construction	Conservancy and Contractor		
3.7 Geology and Soils				
Mitigation Measure Geology and Soils-1 The Conservancy shall implement the following measures: • Grading plans and design shall be signed by a professional engineer and submitted for approval within a reasonable time frame before the start of construction. • Construction slopes and grading shall be designed to limit the potential for slope instability and minimize the potential for erosion during and after construction. • In developing grading and construction procedures, the stability of both temporary and permanent cut, fill, and otherwise affected slopes shall be analyzed and properly addressed. • Development of the project site shall comply with the then-most-recent California Building Standards Code design standards and performance thresholds for construction on steep slopes to avoid or minimize potential damage from erosion. • Where soft or loose soils are encountered during investigations, design, or project construction, appropriate measures shall be implemented to avoid, accommodate, replace, or improve such soils. Depending	Project design and construction	Conservancy and Contractor		

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Mitigation Measure	**Timing/Schedule**	**Implementation Responsibility**	**Completion of Implementation**	
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on site-specific conditions and permit requirements, these measures may include: • locating construction facilities and operations away from areas of soft and loose soil; • over excavating soft or loose soils and replacing them with engineered backfill materials; • increasing the density and strength of soft or loose soils through mechanical vibration and/or compaction; • installing material over construction access roads such as aggregate rock, steel plates, or timber mats; and • treating soft or loose soils in place with binding or cementing agents. • At the beginning of each construction day, the proposed staircase and trail along the bluff slope shall be evaluated for slope stability by qualified construction staff. • Fiber rolls shall be placed along the perimeter of the site to prevent sediment and construction-related debris and sediment from leaving the site. • Silt fences shall be placed downgradient of disturbed areas to slow runoff and sediment. • During construction, slopes affected by construction activities shall be monitored by qualified construction staff and maintained in a stable condition. • Construction activities likely to result in slope instability shall be stabilized and suspended, as necessary, during and immediately after periods of heavy precipitation when unstable slopes are more susceptible to failure.				
Mitigation Measure Alt 5B-Geology-1 The Conservancy shall work with the City of Fresno to obtain a variance from the requirements of the Bluff Overlay District to permit construction of the access road and staircase down the slope of the bluff. The variance must be approved by the City of Fresno prior to construction along the slope of the bluff.	Prior to Construction	Conservancy		

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Mitigation Measure	Timing/Schedule	Implementation Responsibility	Completion of Implementation	
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3.9 Hazards and Hazardous Materials				
Mitigation Measure Hazards and Hazardous Materials-1 Safe access for emergency and wildland fire suppression equipment and civilian evacuation shall be provided at three entrance points and throughout the site on the paved trail system. Response agency–approved emergency responder access locks shall be maintained on all gates.	Project design and ongoing through life of project	Conservancy		
Mitigation Measure Hazards and Hazardous Materials-2 Signs shall be posted that clearly indicate entrances and egresses for the multiuse trail (e.g., Perrin Avenue entrance, West Riverview Drive entrance), to minimize delay in response times to any wildfires that may occur.	Project design and ongoing through life of project	Conservancy		
Mitigation Measure Hazards and Hazardous Materials-3 Any internal combustion engine that uses hydrocarbon fuels shall not be used on any grass- or brush-covered lands unless the engine is equipped with a spark arrester. All vehicles and construction equipment shall be equipped with an improved muffler.	During construction and ongoing through life of project	Conservancy		
Mitigation Measure Hazards and Hazardous Materials-4 Signage containing the following or equally effective language shall be placed at all trail access points: Wildland fires destroy habitat and can threaten lives and structures—be fire safe! The following prohibitions apply throughout the trail area: (a) No open fires, campfires, or fireworks. (b) No burning of any trash, vegetation, brush, stumps, logs, fallen timber, or any other flammable material. (c) Portable barbecues or grills may not be used. (d) No smoking.	Project design and ongoing through life of project	Conservancy		
Mitigation Measure Hazards and Hazardous Materials-5 The Conservancy shall maintain a fire-defensible firebreak or comply with the standards in the City of Fresno's weed abatement/fire prevention ordinance by annually disking or mowing at the site. The shoulders of developed trails shall also be mowed or disked no less often than annually. Ladder fuels and fuel loads shall be evaluated periodically and management measures such as	Ongoing through life of project	Conservancy		

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Mitigation Measure	**Timing/Schedule**	**Implementation Responsibility**	**Completion of Implementation**	
			Action	**Date Completed**
trimming and fuel reduction activities shall be implemented in public use areas.				
Mitigation Measure Hazards and Hazardous Materials-6 Before the start of construction, a fire prevention plan for construction activities shall be prepared and implemented in coordination with the appropriate emergency service and/or fire suppression agencies of the applicable local or State jurisdictions. The plan shall describe fire prevention and response methods, including fire precaution, requirements for spark arrestors on equipment, and suppression measures that are consistent with the policies and standards of the affected jurisdictions. If heavy equipment is used for construction during the dry season, a water truck shall be maintained on the construction site. Materials and equipment required to implement the fire prevention plan shall be available on-site. Before construction begins, all construction personnel shall be trained in fire safety and informed of the contents of the fire prevention plan.	During construction	Conservancy and Contractor		
Mitigation Measure Alt. 5B–Hazards and Hazardous Materials-1 Consistent with State of California procedures and in conjunction with the Conservancy's real property acquisition process, the Conservancy will obtain: 1.0 A Phase II Environmental Site Assessment prepared by a licensed environmental professional and performed to ASTM standards (ASTM E1903-11) at the locations of the proposed paved pedestrian/bicycle path (adjacent to the existing access road) and new parking area and associated facilities (at the base of the existing access road). Testing shall include sampling of soil and groundwater for constituents of concern such as volatile organic compounds, along with vapor monitoring for ambient air emissions of constituents such as methane. Laboratory results shall be presented and summarized in a report, which shall be submitted to the County of Fresno Department of Public Health. The report shall recommend specific additional site investigation needs if appropriate, remedial activities to clean up the property, and any project design features that are necessary to assure human and environmental health and safety with the implementation of Alternative 5B; 2.0 Any further site investigations recommended as part of the Phase II Environmental Site Assessment; and 3.0 A post closure land use plan prepared in compliance with 27 CCR Sections 20950–21420. As required by	Before acquisition of land by Conservancy, during project design, during construction.	Conservancy and relevant land owners		

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Mitigation Measure	Timing/Schedule	Implementation Responsibility	Completion of Implementation	
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Section 21190, the post closure land use shall be designed and maintained to: • protect public health and safety and prevent damage to structures, roads, utilities, and gas monitoring and control systems; • prevent public contact with waste, landfill gas, and leachate; and • prevent landfill gas explosions The land use plan would be submitted to the County of Fresno Department of Public Health and the Central Valley RWQCB for review and approval. Upon approval, the plan shall be implemented before the Conservancy acquires the land for the Parkway project. After real property acquisition, and in conjunction with final design of Alternative 5, the Conservancy will develop the design to avoid or minimize locating the planned pedestrian/bicycle path, proposed parking lot, and amenities on the landfill material and will ensure consistency with the approved post closure land use plan.				
Mitigation Measure Alt. 5B–Hazards and Hazardous Materials-2 A worker health and safety plan shall be prepared before the start of construction activities within the Alternative 5B project site. The plan shall identify, at a minimum: • the potential types of contaminants that could be encountered during construction activity; • all appropriate equipment and procedures to be used during project activities to protect workers, public health, and the environment; • emergency response procedures; • the most direct route to the nearest hospitals; and • an on-site safety officer. The plan shall describe actions to be taken should hazardous materials be encountered during construction, including protocols for handling hazardous materials and preventing their spread, and procedures for notifying local and/or State regulatory agencies in case of an emergency. The plan shall specify that if evidence of hazardous materials contamination is observed or suspected during site preparation or construction through either obvious or implied measures (i.e., stained or odorous soil or groundwater), construction activities shall immediately cease in the area of the find. A qualified hazardous materials specialist shall assess the site and collect and analyze soil and/or groundwater samples, if needed. If the samples identify contaminants, the Conservancy shall employ measures in accordance with federal and State regulations, or shall coordinate with the landowner or other responsible party to employ such	During construction	Conservancy and contractor		

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Mitigation Measure	Timing/Schedule	Implementation Responsibility	Completion of Implementation	
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measures, before construction activities can resume at the site.				
3.10 Hydrology and Water Quality				
Mitigation Measure Hydrology and Water Quality-1 Construction staging areas, including hazardous-material storage areas and temporary stockpiles, shall be located outside the 100-year floodplain and designated floodway and away from drainages. Appropriate BMPs shall be implemented to ensure that runoff from these areas does not directly flow to surface waters. Before construction begins, locations for storage of hazardous materials, temporary stockpiles, and demolition debris piles within staging areas shall be designated outside the 100-year floodplain and designated floodway and away from drainages. Major storage and stockpile areas shall be designated in the SWPPP, as required for NPDES General Permit coverage for construction. Stockpile areas shall be identified in the SWPPP and appropriate BMPs shall be installed accordingly. The mitigation shall be implemented before any ground disturbance and shall continue throughout construction, as conditions require.	During construction	Conservancy and Contractor		
Mitigation Measure Hydrology and Water Quality-2 The project design shall include structural BMPs for project operation to reduce and treat post-construction stormwater runoff from the proposed parking lot and other impervious features. The runoff shall be treated through the use of detention basins or other means before it reaches on-site surface waters, wetlands, and the River. The selected BMPs shall minimize the velocity of stormwater flows and disperse the flows to the extent practicable. The selected BMPs also shall serve to infiltrate, filter, store, evaporate, and detain runoff close to its source, and shall enhance on-site recharge of groundwater. The structural BMPs shall be designed in accordance with applicable local and State regulations. BMPs such as bioswales, surface sand, other media filters, vegetated filter strips, and detention basins may be implemented to treat, detain, and percolate stormwater runoff. The mitigation shall be implemented before project designs are finalized.	Project design and construction	Conservancy and Contractor		
Mitigation Measure Hydrology and Water Quality-3 The proposed equestrian trails shall be sited, graded, and constructed consistent with Policy RDP11 of the Parkway Master Plan. The equestrian trail and staging area shall drain to detention swales, with no direct discharges to on-site waters or the River. Signage shall be posted, animal waste containers shall be provided, animal waste removal	Project Design and ongoing during life of the project	Conservancy		

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Mitigation Measure	**Timing/Schedule**	**Implementation Responsibility**	**Completion of Implementation**	
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procedures shall be implemented, and the site shall be inspected periodically to determine the effectiveness of the measures. Vault toilets shall be cleaned daily and waste periodically trucked off-site for treatment.				
Mitigation Measure Hydrology and Water Quality-4 For improvements that require an encroachment permit and approval from the CVFPB, drainage and hydromodification studies shall be performed to evaluate and avoid modifications that would increase flooding in upstream or downstream areas, or that would cause obstructions during flood events. A professional civil engineer shall: • conduct a drainage and hydromodification study evaluating the location of all existing and proposed drainage features; • perform stormwater calculations for surface drainage flows occurring before and after project construction; • evaluate the potential for drainage and floodplain modifications to increase erosion on adjacent properties; and • determine the base flood elevation before and after construction, so that no net displacement of floodwaters shall occur. As necessary, the filling of floodplain or floodway areas below the base flood elevation shall be compensated for and balanced by excavation of a hydraulically equivalent area, taken from below the base flood elevation, to achieve no net increase in the base flood elevation greater than 0.10 foot, as measured at the property lines of the parcels being developed. The Conservancy shall perform hydraulic studies in accordance with applicable floodplain management regulations, prepare an encroachment permit application, and obtain an encroachment permit before construction begins.	Project design and construction	Conservancy		
Mitigation Measure Hydrology and Water Quality-5 Mitigation Measure Hydrology and Water Quality-2 shall be implemented as described above, to prevent and reduce potential alterations to drainage patterns that can result in erosion or siltation.	Project design and construction	Conservancy		
Mitigation Measure Hydrology and Water Quality-6 Mitigation Measures Hydrology and Water Quality-2, Hydrology and Water Quality-4, and Hydrology and Water Quality-5 shall be implemented as described above.	Project design and construction	Conservancy		

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Mitigation Measure Hydrology and Water Quality-7 Mitigation Measures Hydrology and Water Quality-1, Hydrology and Water Quality-2, and Hydrology and Water Quality-3 shall be implemented to reduce pollutants in runoff from project construction and post-construction activities.	Project design and construction	Conservancy and Contractor		
Mitigation Measure Hydrology and Water Quality-8 Mitigation Measures Hydrology and Water Quality-1, Hydrology and Water Quality-2, and Hydrology and Water Quality-3 shall be implemented to reduce project-related degradation of water quality.	Project design and construction	Conservancy and Contractor		
Mitigation Measure Hydrology and Water Quality-9 Mitigation Measure Hydrology and Water Quality-4 shall be implemented to reduce potential impacts from flood hazards.	Project design and construction	Conservancy		
Mitigation Measure Alt. 5B–Hydrology and Water Quality-1 Before any surface-disturbing construction begins, the Conservancy shall implement Mitigation Measure Alt. 5–Hazards and Hazardous Materials-1, requiring completion of a subsurface assessment, avoidance, and post closure plan (if required) for land within and adjacent to the alignment of the access road, multiuse trail, and parking lot, to determine the presence of contaminants of concern. The assessment shall be completed along the face of the slope adjacent to the trail and access road alignment. If contaminants of concern are present, the area shall be remediated as recommended in the assessment and as required by regulatory agencies. In addition, the Conservancy shall implement Mitigation Measure Alt. 5–Hazards and Hazardous Materials-2, requiring preparation of a worker health and safety plan.	Project design and construction	Conservancy and Contractor		
Mitigation Measure Alternative 5B-Land Use-1 In accordance with Mitigation Measure Alternative 5B-Land Use 1, the Conservancy shall work with the City of Fresno to obtain a variance from the requirements of the Bluff Overlay District to permit construction of the access road and staircase down the slope of the bluff. The variance must be approved by the City of Fresno prior to construction along the slope of the bluff.	Project design	Conservancy		
3.13 Noise				
Mitigation Measure Noise-1 The plans, specifications, and bid documents for each construction project shall include noise control measures	During Construction	Conservancy and Contractor		

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Mitigation Measure	**Timing/Schedule**	**Implementation Responsibility**	**Completion of Implementation**	
			Action	**Date Completed**
to reduce noise impacts to the extent feasible. The measures shall include the following: • The project shall be designed to meet the City of Fresno's standards for nonscheduled, intermittent, short-term operations of mobile construction equipment (e.g., backhoes, bulldozers, motor graders, and scrapers), and the noise standards for repetitively scheduled and relatively long-term construction operation of stationary equipment (e.g., compressors and generators). • Muffled construction equipment shall be used whenever possible. • Impact noise associated with construction shall be minimized by using noise control techniques, procedures, and acoustically treated equipment. For example, when practical, bins used to transport excavated material, including rocks and debris, could be constructed of nonmetallic liner to reduce impact noise; similarly, dump trucks could have resilient bed liners installed to minimize impact noise. • Construction hours shall be restricted to meet City of Fresno standards, which restrict hours of construction to between 7 a.m. and 9 p.m., Monday through Saturday, and prohibit activity on Sundays and federal holidays.				