State of California

SAN JOAQUIN RIVER CONSERVANCY

RESOLUTION 18-01

April 11, 2018

Regarding Certification of the Environmental Impact Report for the San Joaquin River Parkway Master Plan Update and Approval of the Proposed Plan

WHEREAS, the San Joaquin River Conservancy (Conservancy) was established in the California Natural Resources Agency by the California State Legislature to acquire and manage public lands within the San Joaquin River Parkway (Parkway), which will consist of the San Joaquin River and approximately 5,900 acres on both sides of the river in Fresno and Madera counties between Friant Dam and the Highway 99 crossing; and

WHEREAS, the Conservancy is directed in the San Joaquin River Conservancy Act (Public Resources Code sections 32500 et seq.) to acquire and manage lands in the Parkway to provide a harmonious combination of low-impact recreational and educational uses and wildlife protection through the preservation of the San Joaquin River, existing publicly owned lands, the wildlife corridor, and natural reserves (PRC Section 32510); and

WHEREAS, the San Joaquin River Conservancy Act authorizes the San Joaquin River Conservancy (Conservancy) to implement the San Joaquin River Parkway Master Plan and to adopt and carry out management plans for the protection of the natural, cultural, and recreational resources of the Parkway; and

WHEREAS, in December 1997, the Conservancy approved the San Joaquin River Parkway Interim Master Plan, including certification of a programmatic Environmental Impact Report, together containing the goals, objectives, policies, design standards, and mitigation measures guiding future development of Parkway projects implemented by or sponsored by the Conservancy; and

WHEREAS, the Conservancy has prepared the San Joaquin River Parkway Master Plan Update, the "proposed Project" or "proposed Plan," which sets forth updated programmatic long-range goals, objectives, policies, and plans: to accomplish wildlife habitat conservation and enhancement, public access and recreation, environmental education, and natural and cultural resource conservation and management within the Parkway; to guide implementation of the Parkway, including but not limited to land acquisitions, developing a contiguous 22-mile multi-use trail, constructing ancillary facilities to support low-impact recreation, and creating visitor informational and educational opportunities; and to consider implementation strategies and financing mechanisms for developing and supporting the on-going operations, maintenance and management of the Parkway; and

WHEREAS, the Conservancy, as the Lead Agency, prepared and circulated a Draft Environmental Impact Report (Draft EIR) for the proposed Plan (State Clearinghouse No. 2013061035) to meet the

requirements of the California Environmental Quality Act (CEQA; Public Resources Code, section 21000 et seq.; California Code of Regulations, title 14, section 15000 et seq.) as detailed in the following declarations; and

WHEREAS, the Conservancy Board held at its regular publicly-noticed meeting a workshop to discuss the proposed Plan on May 15, 2013, and a follow-up meeting on June 19, 2013; and

WHEREAS, the Conservancy prepared a Notice of Preparation (NOP; California Code of Regulations, title 14, section 15082) to inform responsible and trustee agencies and interested parties that the Conservancy was preparing a Draft EIR for the proposed Plan and to solicit input on the scope and content of the descriptions of the significant environmental issues, mitigation measures, and reasonable range of alternatives to be examined in the Draft EIR; and

WHEREAS, the NOP was circulated from June 17, 2013, through July 17, 2013; and

WHEREAS, the Conservancy held a public scoping meeting on June 17, 2014, at the Pinedale Community Center, 7170 N. San Pablo, Fresno, California, to present information about the proposed Plan, describe the process and timelines, and solicit input, including written comments, on the scope and content of the Draft EIR; and

WHEREAS, 51 comment letters and comment cards were received on the NOP at the public scoping meeting and by mail and email (included in the Draft EIR as Appendix A), which were considered during the preparation of the Draft EIR; and

WHEREAS, the Conservancy contacted the Native American Heritage Commission (NAHC) to identify any areas of importance to Native peoples within the Parkway Planning Area that have been documented in the Commission's Sacred Lands files; individuals identified by the NAHC as having knowledge of and interest in the general Plan Area were contacted to brief them on the scope of the project; and meetings were held with those requesting them to discuss Native American interest in and use of the Parkway (Appendix F of the Draft EIR); and

WHEREAS, the Conservancy filed the Notice of Completion of the Draft EIR with the State Clearinghouse, California Office of Planning and Research on May 1, 2017, and sent notice to each responsible and trustee agency that an official 60-day public comment period for the Draft EIR was established. The public comment period ran from May 1, 2017, through June 29, 2017; and

WHEREAS, a Notice of Availability (NOA) of the Draft EIR was mailed and emailed on May 1, 2017, to all interested groups, organizations, individuals who had previously requested notice in writing, and to interested landowners within the Plan area; more than 730 notices were sent in total; and

WHEREAS, the NOA stated that the Conservancy had completed the Draft EIR and that copies, including appendices, were available for review at the Conservancy website, www.sjrc.ca.gov; at the San Joaquin River Conservancy, 5469 E. Olive Avenue, Fresno, CA 93727; and copies on CD format were available free upon request; and

WHEREAS, the Draft EIR includes an analysis of the environmental impacts of the proposed Plan, feasible mitigation measures, and two alternatives; and

WHEREAS, following the close of the 60-day public comment period, the Conservancy had received 18 comment letters, including emails; and

WHEREAS, the Conservancy compiled the Final EIR, which includes written responses to the written comment letters received (Chapter 5) and minor revisions to the Draft EIR and proposed Plan (Chapter 3), with the revisions indicated with underlines for revised inserted text and ~~strikeouts~~ for revised deleted text; and

WHEREAS, none of the changes made within the Final EIR constitute significant new information or otherwise trigger a recirculation under CEQA; and

WHEREAS, on March 28, 2018, the Conservancy sent notice to all public agency commenters that the Final EIR with responses to their comments was completed and available for review, consistent with CEQA Guidelines section 15088; and

WHEREAS, on March 28, 2018, the Conservancy posted the Final EIR on the Conservancy website, and made it available in hard copy at the Conservancy office, and available on CD free upon request, and issued a notification by email of this availability to all interested groups, organizations, and individuals who had previously requested notice in writing and to those who had previously commented on the Draft EIR, and included in the notices the date, time and place of the Board meeting in which the proposed Plan would be considered; and

WHEREAS, CEQA requires that in connection with the approval of a project for which an EIR has been prepared, the decision-makers of the lead agency must certify the Final EIR (California Code of Regulations, title 14, section 15090); and

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 the proposed Plan.

NOW, THEREFORE, BE IT RESOLVED, the Conservancy Board hereby certifies that:

(a) the Final EIR (released March 28, 2018; State Clearinghouse No. 2013061035) has been completed in compliance with the requirements of CEQA;

(b) the Final EIR was presented to the Conservancy Board and it has considered the information contained in the Final EIR before considering approving the proposed Plan; and

(c) the Final EIR reflects the Conservancy's independent judgment and analysis;

BE IT FURTHER RESOLVED that, in consideration of the FINAL EIR and the entirety of the record, the Conservancy Board adopts the Findings of Fact and Statement of Overriding Considerations set forth in Attachment A to this resolution.

BE IT FURTHER RESOLVED that the Conservancy Board adopts the Mitigation Monitoring and Reporting Program as set forth in Attachment B 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 San Joaquin River Parkway Master Plan Update included as Appendix C to the Draft EIR, with the revisions indicated in the Final EIR, Chapter 3.

BE IT FURTHER ORDERED, that in response to a request raised during the public hearing to certify the EIR and approve the proposed Plan on this day of April 11, 2018, an additional revision was made to the Parkway Master Plan Update, on Figure 5-6, to delete from the illustration a dotted line traversing a golf course that had represented a future opportunity for a hiking trail.

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 implement the Parkway Master Plan Update, including initiating Parkway acquisition and development projects consistent with the Master Plan Update.

ATTACHMENTS:
Exhibit A: Findings of Fact and Statement of Overriding Considerations
Exhibit B: Mitigation Monitoring and Reporting Program

Passed this day of April 11, 2018, by the following roll call vote of the San Joaquin River Conservancy Board:

Name	Yes	No	Abstain
Mr. Frazier	X		
Mr. Oliver	X		
Mr. Brandau	X		
Ms. Auston	X		
Mr. Janzen	X		
Mr. Hatler	X		
Mr. Gresham	X		
Mr. Donnelly	X		
Ms. Alvis	X		
Ms. Lucchesi	X		
Ms. Finn	X		
Ms. Forhan	X		
Mr. Gibson	X		

Attest:

Melinda S. Marks, Executive Officer

SAN JOAQUIN RIVER CONSERVANCY
STATE OF CALIFORNIA

San Joaquin River Conservancy

San Joaquin River Parkway

Master Plan Update EIR

CEQA Findings of Fact and Statement of Overriding Consideration

April 11, 2018

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INTRODUCTION

The Conservancy is proposing to update the existing San Joaquin River Parkway Interim Master Plan, which was adopted in December 1997 by the Conservancy. The proposed San Joaquin River Parkway Master Plan Update (proposed Plan or proposed Project) will serve as the document that will guide future improvements to the Parkway incrementally and in phases over many years. As such, the proposed Plan includes goals, policies, and conceptual improvement projects under which the development would be pursued and implemented. Future projects under the plan will be reviewed under California Environmental Quality Act (CEQA) requirements to determine potential impacts and mitigation measures on a site-specific basis.

An Environmental Impact Report (EIR) was prepared for the proposed Project to provide relevant information regarding the environmental effects associated with adoption of the Master Plan Update and development of future projects identified in the Plan under 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, one action alternative, and a No Project alternative. The EIR identifies mitigation measures to avoid or minimize significant environmental effects identified in the analysis. The Conservancy finds that including these mitigation measures as part of the project approval will reduce all impacts to less-than-significant levels, except the impacts remain significant and unavoidable for agricultural and forestry resources, air quality, greenhouse gas emissions, and hydrology and water quality impacts.

The purpose of these findings is to specifically address the environmental effects of the proposed Project that are identified in the Draft EIR, Chapter 4, 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 EIR 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 for each identified significant impact:

A Changes or alterations have been required in, or incorporated into, the proposed Project, which avoid or substantially lessen the significant environmental effect as identified in the Draft EIR.

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

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

Section 15092 of the State CEQA Guidelines states that after consideration of an EIR, and in conjunction with making the Section 15091 findings identified above, the lead agency may decide whether or how to approve or carry out the proposed 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 proposed Project against its unavoidable environmental risks when determining whether to approve the proposed 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 the proposed Project as described in the Draft EIR.

As required by CEQA, the Conservancy, in adopting these findings, will also adopt a mitigation monitoring and reporting program (MMRP) for the proposed Project. 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 proposed Project.

I PROJECT DESCRIPTION

This section provides an overview of the proposed Project, which is fully described in Chapter 3 of the Draft EIR, and was circulated for comment as Appendix C to the Draft EIR.

PROJECT LOCATION AND SETTING

The proposed Project is located in the San Joaquin Valley, a part of the greater area in California known as the Central Valley, on the border between Fresno and Madera Counties. The proposed Project extends through portions of Fresno and Madera counties and encompasses a portion of the city of Fresno. The planned Parkway as defined in statute "shall consist of the San Joaquin River and approximately 5,900 acres on both sides of the river from Friant Dam to Highway 99" (PRC Section 32510). The planned Parkway lies along the San Joaquin River for an approximately 22-mile reach from river mile 267.6 at the face of Friant Dam to Highway 99 at river mile 243.2. The river in this area serves as the boundary between the counties of Madera and Fresno. The proposed Plan study area (herein referred to as the Parkway Plan Area), lies generally within the floodplain of the river, and varies in width from narrow corridors where the bluffs are close to the river, to broader, less topographically constrained areas. Lands, access roads, parking and staging areas, overlooks, and connections to community trails (among other possible appurtenant facilities) outside the floodplain may also be eligible for acquisition, improvement, and incorporation into the Parkway. Future negotiations and land acquisitions with willing sellers, guided by the proposed Plan, will determine the ultimate configuration of the Parkway and the land and water areas included within the Parkway.

PROJECT SUMMARY

The Conservancy is proposing to update the existing San Joaquin River Parkway Interim Master Plan, which was adopted in December 1997 by the Conservancy. The proposed Plan will serve as the document that will guide future improvements to the Parkway incrementally and in phases over many years. As such, the proposed Plan includes goals, policies, and conceptual improvement projects under which the development would be pursued and implemented. Future projects under the plan will be reviewed under California Environmental Quality Act (CEQA) requirements to determine potential impacts and mitigation measures on a site-specific basis.

The principle implementation components of the proposed Plan include:

- Acquisition of a total of 5,900 acres of public open space and conservation lands.

- Revegetation, restoration, and enhancement of (ultimately) self-sustaining riparian, wetland, floodplain, and upland habitats on Conservancy and other public lands. Conservation and creation of contiguous habitat to provide wildlife movement corridors throughout the Parkway. Activities in support of this effort could include grading, invasive species management, and installation and operation of temporary irrigation systems.

- Development, operation, and maintenance of a 23-mile paved primary multiple-use Parkway trail, and a system of interconnected secondary, hiking, equestrian, bicycling, and special needs trails.

- Through coordination with jurisdictional agencies, rehabilitation of inadequate bridges and crossings and development, operation, and maintenance of permanent, temporary, and seasonal bridges and crossings (including weirs, fords, culverts, pedestrian decks on vehicle bridges, and other types of crossings) for pedestrian, bicycling, equestrian, maintenance, and management uses as necessary and feasible to connect the primary trail system and provide separation from roads, and improve safety.

- Development, operation, and maintenance of a river boating trail and support facilities consisting of interspersed hand-carried and trailer canoe/kayak launches and take-outs, canoe docks, and rest stops with picnic tables and restrooms. Additional improvements would allow for boating on internal ponds. The improvements will serve non-motorized watercraft and fishing boats with small motors.

- Development, operation, and maintenance of designated campgrounds, including tent camping and recreational vehicle hookups and services.

- Development, operation, and maintenance of ancillary facilities, features, and infrastructure to support public access and recreational uses, including, but not limited to: gates, fences, entrances, and access roads; trailheads, parking, and staging areas; restrooms; kiosks; landscaping; children's play equipment; way-finding and regulatory signs; water service and other utility connections; on-site stormwater drainage, swales, and erosion control; drinking fountains; picnic areas and shade structures; Americans with Disabilities Act (ADA)/universal access accommodations; golf courses, if such facilities are acquired for Parkway purposes; equestrian trail riding; non-motorized boating and paddling; and bicycling.

- Development, operation, and maintenance of ancillary facilities and features to support educational uses, including, but not limited to, outdoor classrooms and small group amphitheaters; bus parking and turnarounds; interpretive signs; turfed areas; displays, exhibits, and outdoor museum features.

- Development, operation, and maintenance of vista points, observation decks, and fishing piers and docks.

- Development, operation, and maintenance of offices for use by Parkway staff; small storage facilities; shops/interfaces for visitor amenities, information, and recreational rentals; plant nurseries; stewardship and park host residences; and equipment maintenance yards.

- Development, operation, and maintenance of visitor and interpretive centers, as feasible.

- Development, operation, and maintenance of community-supported small-scale farming and agriculture uses compatible with resources protection and multiple-use, multiple-benefit land management.

PROJECT OBJECTIVES

The updated Master Plan and associated analyses seek to accomplish the following objectives:

- Set forth long-range goals, policies, objectives, and plans to accomplish wildlife habitat conservation and enhancement, enhanced public access and recreation opportunities, environmental education, and natural and cultural resource conservation and management within the planned Parkway.

- Establish goals, policies, environmental commitments, and design standards to guide Parkway development and management.

- Identify and evaluate geographic, environmental, physical, and regulatory constraints and opportunities to implement the Parkway within the planning area.

- Consider implementation strategies and financing mechanisms for developing and supporting the on-going operations, maintenance, and management of the Parkway. (See Master Plan Technical Appendix B, O & M Funding Toolbox.)

- Develop Parkway-wide strategies for cohesively generating environmental benefits and mitigating the impacts of Parkway development, rather than relying on project-specific, incremental mitigation. (See Master Plan Technical Appendix C, ESA/CESA Compliance Strategy White Paper.)

II PROCEDURAL FINDINGS

Based on the nature and scope of the proposed Project, the Conservancy determined, based on substantial evidence in the record, that the proposed Project may have a significant effect on the environment and prepared an EIR for the Project (State Clearinghouse Number 2013061035). 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 The Conservancy Board held at its regular publicly-noticed meeting a workshop to discuss the proposed Plan on May 15, 2013, and a follow-up meeting on June 19, 2013.

B A Notice of Preparation (NOP) of the Draft EIR was filed with the Governor's Office of Planning and Research, State Clearinghouse, and the Draft EIR was circulated to each responsible and trustee agency and circulated for public review and comments from June 17, 2013 through July 17, 2013.

C The Conservancy held a public scoping meeting on June 17, 2014, at the Pinedale Community Center, 7170 N. San Pablo, Fresno, California, to present information about the proposed Plan, describe the process and timelines, and solicit input, including written comments, on the scope and content of the Draft EIR.

D The Conservancy contacted the Native American Heritage Commission (NAHC) to identify any areas of importance to Native peoples within the Parkway Planning Area that have been documented in the Commission's Sacred Lands files; individuals identified by the NAHC as having knowledge of and interest in the general Plan Area were contacted to brief them on the scope of the project; and meetings were held with those requesting them to discuss Native American interest in and use of the Parkway (Appendix F of the Draft EIR).

E A Notice of Availability (NOA) of the Draft EIR was mailed and emailed on May 1, 2017, to all interested groups, organizations, landowners, and individuals who had previously requested notice in writing. The NOA stated that the Conservancy had completed the Draft EIR and that copies were available at the Conservancy website, www.sjrc.ca.gov, at the San Joaquin River Conservancy, 5469 E. Olive Avenue, Fresno, CA 93727, and at the Woodward Park Regional Library, 944 E. Perrin Avenue, Fresno, CA 93720. An official 60-day public comment period for the Draft EIR 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 May 1 through June 29, 2017.

F The Conservancy evaluated the comments received during the comment periods referenced above and provided written responses in the Final EIR. The Final EIR, released on March 28, 2018, also incorporates the Draft EIR, as modified by the revisions noted in Chapter 3 of the Final EIR.

G The Final EIR was released on March 28, 2018. The Final EIR consists of the Draft EIR dated May 1, 2017, and the Final EIR, dated March 2018.

H As required by Section 15088(b) of the State CEQA Guidelines, at least 10 days before the date the Final EIR was scheduled to be considered for certification, on March 28, 2018, public agencies that commented on the Draft EIR were provided notice that the Final EIR, including the responses to their comments, was available for review.

I The Conservancy Board considered an action item posted on the agenda relating to certifying the Final EIR and approval of the proposed Plan at a regularly scheduled Board meeting, and received public comments, on April 11, 2018.

III RECORD OF PROCEEDINGS

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

- the Draft EIR and all appendices to the Draft EIR;
- the Final EIR and all appendices to the Final EIR;
- all notices required by CEQA and presentation materials related to the proposed Project;
- all comments submitted by agencies or members of the public during the comment period on the NOP and Draft EIR;
- all studies conducted for the proposed Project and contained or referenced in the Draft EIR or Final EIR;
- all documents cited or referenced in the Draft EIR and Final EIR;
- all public reports and documents related to the proposed 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 proposed Project, the Draft EIR, and Final EIR;
- all other documents related to the proposed Project;
- the MMRP for the proposed 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 Final EIR is incorporated into these findings in its entirety, unless and only to the extent these findings expressly do not incorporate by reference the EIR. 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 proposed Project.

IV 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 Draft EIR [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 potential conclusion is that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Draft EIR [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 Draft EIR to update, clarify, streamline, or revise those measures.

SUMMARY OF FINDINGS

The Draft EIR identified a number of less-than-significant impacts associated with the proposed Project that do not require mitigation. The Draft EIR also identified a number of significant and potentially significant environmental impacts that may be caused in whole or in part by the proposed Project. All of these significant impacts, except for significant and unavoidable agricultural and forestry resources, air quality, greenhouse gas emissions, and hydrology and water quality impacts, can be fully avoided or substantially lessened to less-than-

significant levels through the Conservancy's adoption of feasible mitigation measures and application of best management practices (BMPs).

The Conservancy's findings regarding the proposed Project's significant impacts and mitigation measures are supported by the analysis set forth in the Draft EIR. The Conservancy's findings in this document do not attempt to reiterate the full analysis of each environmental impact contained in the Draft EIR. Please refer to the relevant sections in the Draft EIR for more detail. The Draft EIR is herein incorporated by reference.

The findings regarding the proposed Project's significant impacts below provide a summary description of each potentially significant and significant impact; describe the applicable mitigation measures identified in the EIR 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 Draft EIR 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 Final EIR 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.

REVISION TO THE DRAFT EIR

Chapter 3 of the Final EIR presented additional minor changes to text of the Draft EIR and proposed Plan made after circulation of the Draft EIR, which are noted in the Final EIR with deletions shown with ~~strikethrough~~ and additions shown in <u>underlining.</u> These changes presented only minor changes made as a result of comments received, to clarify text. 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 Draft EIR of all project-specific impacts identified as "less than significant" to have been accurately described and are either less than significant or have no impact, as described in the Draft EIR, or that changes have been required or incorporated into the proposed 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 Draft EIR in their entirety. The resource areas for which the proposed Project 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 Draft EIR to understand the full range of impacts, or lack thereof, within a resource/issue area. Please refer to the relevant section of the Draft EIR for more detail.

AESTHETIC RESOURCES

- Impact AES-1: The proposed Project would not substantially degrade the existing visual character or quality of the site and its surroundings.

- Impact AES-2: The proposed Project would not have a substantial adverse effect on a scenic vista.

- Impact AES-3: The proposed Project would not substantially degrade the view from a scenic highway, including, but not limited to, trees, rock outcroppings, and historic buildings.
- Impact AES-4: The proposed Project would not expose people on- or off-site to substantial light or glare which would adversely affect day or nighttime views in the area.
- Impact AES-5: The proposed Project, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to aesthetics.

AIR QUALITY

- Impact AQ-5: Create objectionable odors affecting a substantial number of people.

BIOLOGICAL RESOURCES

- Impact BIO-4: Future development under the proposed Plan would not interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- Impact BIO-5: The proposed Plan, and future development under the proposed Plan, would not conflict with any HCPs / City or County specific plans, policies, or regulations.
- Impact BIO-6: Future development under the proposed Plan, in combination with past, present, and reasonably foreseeable growth, would result in less than significant cumulative impacts with respect biological resources.

CULTURAL RESOURCES

- Impact CULT-1: The proposed Project would not cause a significant substantial adverse change in the significance of a historical resource.
- Impact CULT-2: The proposed Project would not cause a significant substantial adverse change in the significance of an archaeological resource.
- Impact CULT-3: The proposed Project would not cause significant impacts that would directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature.
- Impact CULT-4: The proposed Project would not result in significant impacts that would disturb any human remains, including those interred outside of formal cemeteries.
- Impact CULT-5: The proposed Project, in combination with past, present, and reasonably foreseeable projects, would not result in significant impacts with respect to cultural resources.

GEOLOGY AND SOILS

- Impact GEO-1: The proposed Plan would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving surface rupture along a known active fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; and landslides.
- Impact GEO-2: Future development under the proposed Plan would not result in substantial soil erosion or the loss of topsoil.
- Impact GEO-3: Future development under the proposed Plan would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.
- Impact GEO-4: Future development under the proposed Plan would not 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 GEO-5: Future development under the proposed Plan would not 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.
- Impact GEO-6: The proposed Plan, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to geology, soil, and seismicity.

GREENHOUSE GAS EMISSIONS

- Impact GHG-2: Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the GHG emissions.

HAZARDS AND HAZARDOUS MATERIALS

- Impact HAZ-1: Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- Impact HAZ-2: Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- Impact HAZ-3: Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼-mile of an existing or proposed school.
- Impact HAZ-4: Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.
- Impact HAZ-5: Be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport.

- Impact HAZ-6: Be within the vicinity of a private airstrip and result in a safety hazard for people residing or working in The Parkway Area.

- Impact HAZ-7: Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

- Impact HAZ-8: 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.

- Impact HAZ-9: Future development under the proposed Plan, in combination with past, present, and reasonably foreseeable growth, would result in less than significant cumulative impacts with respect hazards and hazardous materials.

HYDROLOGY AND WATER QUALITY

- Impact HYDRO-1: The proposed Plan would not violate any water quality standards or waste discharge requirements.

- Impact HYDRO-2: The proposed Plan would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.

- Impact HYDRO-3: The proposed Plan would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion, siltation, or flooding on- or off-site.

- Impact HYDRO-4: The proposed Plan would not create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

- Impact HYDRO-5: The proposed Plan would not otherwise substantially degrade water quality.

- Impact HYDRO-6: The proposed Plan would result in a less-than-significant impact with respect to the placement of housing or structures, which would impede or redirect flood flows within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary Map, or Flood Insurance Rate Map, or other flood hazard delineation map.

- Impact HYDRO-8: The proposed Plan would result in less than significant adverse effects related to inundation by seiche, tsunami, or mudflow.

- Impact HYDRO-9: The proposed Plan, in combination with past, present, and reasonably foreseeable development, would result in less than significant cumulative impacts with respect to hydrology and water quality.

LAND USE AND PLANNING

- Impact LAND-1: The proposed Plan would not physically divide an established community.
- Impact LAND-2: The proposed Plan would not conflict with applicable land use plans, policies, or regulations.
- Impact LAND-3: The proposed Plan would not conflict with applicable Habitat Conservation Plan or Natural Community Conservation Plan.
- Impact LAND-4: The proposed Plan, in combination with past, present, and reasonably foreseeable projects, would not result in significant cumulative impacts with respect to land use and planning.

MINERAL RESOURCES

- Impact MR-1: The proposed Plan would not 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 MR-2: The proposed Plan would not result in the loss of availability of a locally important mineral resource site delineated on a local general plan, specific plan, or other land use plan.
- Impact MR-3: The Project, in combination with past, present, and reasonably foreseeable projects would not have a significant cumulative impact with respect to mineral resources.

NOISE

- Impact NOISE-1: The proposed Plan would not expose people to or generate noise levels in excess of standards established in the General Plan or the Municipal Code, and/or the applicable standards of other agencies.
- Impact NOISE-2: The proposed Plan would not expose people to or result in generation of excessive groundborne vibration or groundborne noise levels.
- Impact NOISE-3: The proposed Plan would not cause a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project.
- Impact NOISE-4: The proposed Plan would not cause a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project.
- Impact NOISE-5: The proposed Plan would not cause exposure of people residing or working in the vicinity of the plan area to excessive aircraft noise levels, for a project 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.
- Impact NOISE-6: The proposed Plan would not cause the exposure of people residing or working in the Project area to excessive noise levels, for a project within the vicinity of a private airstrip.

- Impact NOISE-7: Implementation of the proposed Master Plan, in combination with past, present, and reasonably foreseeable projects, would not result in additional cumulatively considerable noise, or ground-borne noise and vibration impacts.

POPULATION AND HOUSING

- Impact POP-1: The proposed Project would not induce substantial unexpected population growth, or growth for which inadequate planning has occurred, either directly or indirectly.
- Impact POP-2: The proposed Project would not displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere.
- Impact POP-3: The proposed Project would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.
- Impact POP-4: The proposed Project, in combination with past, present, and reasonably foreseeable projects, would result in less than significant impacts with respect to population and housing.

PUBLIC SERVICES AND RECREATION

- Impact PS-1: The proposed Project would not result in the provision of or need for new or physically altered fire protection facilities, the construction or operation of which could cause significant environmental impacts.
- Impact PS-2: The proposed Project, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to fire protection service.
- Impact PS-3: The proposed Project would not result in the provision of or need for new or physically altered police facilities, the construction or operation of which could cause significant environmental impacts.
- Impact PS-4: The proposed Project, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to police protection service.
- Impact PS-5: The proposed Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered parks and recreational facilities in order to maintain acceptable ratios of parkland per thousand residents.
- Impact PS-6: The proposed Project would not 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 PS-7: The proposed Project would not include or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment.
- Impact PS-8: The proposed Project, in combination with past, present, and reasonably foreseeable growth, would result in less than significant cumulative impacts with respect to parks and recreational facilities.

TRANSPORTATION AND TRAFFIC

- Impact TRAF-2: The proposed Project would not conflict with an applicable congestion management plan.
- Impact TRAF-3: The proposed Project would not result in a change in air traffic patterns that results in substantial safety risks.
- Impact TRAF-4: The proposed Project would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
- Impact TRAF-5: The proposed Project would not result in inadequate emergency access.
- Impact TRAF-6: The proposed Project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.
- Impact TRAF-7: The proposed Project, in combination with past, present, and reasonably foreseeable projects would result in less than significant cumulative impacts with respect to transportation and traffic.

UTILITIES AND SERVICE SYSTEMS

- Impact UTIL-1: The Project would result in a less than significant impact on water supplies available to serve the Plan Area from existing entitlements and resources. No new or expanded entitlements would be needed.
- Impact UTIL-2: The Project would not require or result in the construction of new water facilities or expansion of existing facilities, the construction of which would cause significant environmental effects.
- Impact UTIL-3: The Project, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to water service.
- Impact UTIL-4: The Project would not exceed wastewater treatment requirements of the Central Valley Regional Water Quality Control Board (RWQCB).
- Impact UTIL-5: The Project would not require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects.
- Impact UTIL-6: The Project would not result in the determination by the wastewater treatment provider(s) which serves or may serve the Parkway Plan Area that it does not have adequate capacity to serve the Plan's projected demand in addition to the provider's existing commitments.
- Impact UTIL-7: The Project, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to sewer service.
- Impact UTIL-8: The Project would be served by a landfill with sufficient permitted capacity to accommodate the Plan's solid waste disposal needs.

- Impact UTIL-9: The Project would not be out of compliance with federal, State, and local statutes and regulations related to solid waste.

- Impact UTIL-10: The Project, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to solid waste.

FINDINGS REGARDING IMPACTS MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

The Conservancy hereby finds that feasible mitigation measures have been identified in the Final EIR and these Findings of Fact that are changes or alterations that have been incorporated into the proposed Project, or are made a condition of proceeding with specific project features of the proposed Project, 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 Final EIR. Please refer to the Final EIR for more detail.

BIOLOGICAL RESOURCES

Impact BIO-1: Future development under the proposed Plan could result in significant direct and indirect adverse impacts on special-status plants and animals.

Development and operation of low-impact recreational and educational uses in the Parkway Plan Area could result in adverse effects on special-status species and their habitat. In addition, the implementation of restoration and conservation measures could result in short-term adverse effects on special-status species and their habitat. The impact would be potentially significant. (Reference Final EIR Section 4.4).

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measures BIO-1A through BIO-1H) which avoid and substantially lessen significant effects on the environment from Impact BIO-1 identified in the Final EIR. Specifically, the following mitigation measures are feasible and are adopted to mitigate significant effects from Impact BIO-1.

Impact BIO-1A: Future development under the proposed Project could result in the loss of individual special-status plants.

If special-status plants are present at a future project site in the Parkway Plan Area, grading, excavation, structure and infrastructure placement, and equipment staging could result in direct impacts on these species and their habitat as a result of trampling by personnel and equipment; soil compaction leading to damage of roots; and mechanical, physical, or chemical removal of vegetation. In addition, construction activities often include the refueling of equipment on location. Minor fuel and oil spills may occur during refueling, with a risk of larger releases. Without rapid containment and clean up, these materials may kill or impair the health of special-status plants. Indirect impacts could also occur on populations of special-status plants avoided by, but adjacent to, construction areas if increased erosion or sedimentation occurs, surface drainage patterns are altered, or dust is generated by construction activities.

Mitigation Measure BIO-1A Preserve populations of CRPR species:

Avoid and Minimize Impacts. For each future project to implement the proposed Plan, when the project is defined to a level that impacts can be evaluated, prior to taking action the Conservancy will assess the site to determine, avoid, and minimize potential adverse impacts to special status plants in accordance with BMP BIO-4. On a case-by-case basis, minimization measures may include transplanting perennial species, seed collection and dispersal for annual species, and other conservation strategies that will protect the viability of the local population. Monitoring plant populations will be conducted annually for five years; the performance standard will be no net reduction in the size or viability of the local population.

Compensate for Potentially Significant Impacts. Where special-status plants are present and adverse impacts cannot be avoided or minimized:

- To compensate for potentially significant adverse impacts, habitat occupied by the affected species outside the impact area will be preserved and managed in perpetuity at a minimum 1:1 mitigation ratio (at least one plant preserved for each plant affected, and also at least one occupied acre preserved for each occupied acre affected), up to the significance threshold (e.g., for a CRPR 1B species where 15 percent of the known population within 5 miles of the future impact area will be affected, mitigation must be provided at a 1:1 equivalent of 15 percent of that regional population), or in accordance with current guidance issued by or as required by regulatory agencies.

- Conservancy will develop a Habitat Mitigation and Monitoring Plan (HMMP) describing the measures that will be taken to enhance and manage the mitigation lands and to monitor the effects of management on the focal special-status plant species. That plan will include, at a minimum, the following:

- A summary of impacts on special-status plant populations, and the proposed mitigation;

- A description of the location and boundaries of the mitigation site and description of existing site conditions;

- A description of measures to be undertaken if necessary to enhance (e.g., through focused management) the mitigation site for special-status species;

- A description of measures to transplant individual plants or seeds from the impact area to the mitigation site, if determined by a qualified botanist to be appropriate and to have a high likelihood of success;

- Proposed management activities to maintain high-quality habitat conditions for the focal species;

- A description of species monitoring measures on the mitigation site, including specific, objective goals, objectives, policies, design guidelines, and BMPs (including enhancement of populations of focal special-status species on the mitigation site), performance indicators and success criteria (including increasing the abundance of the focal species by at least as many individuals as were impacted), monitoring methods (including sampling for the focal species), data analysis, reporting

requirements, and monitoring schedule. Determining specific performance/success criteria requires information regarding the specific mitigation site, its conditions, the biological resources present on the site, the specific plant species for which mitigation is being provided, and the specific enhancement and management measures tailored to the mitigation site and its conditions. As a result, those specific criteria will be defined in the HMMP rather than in this EIR. Nevertheless, the performance/success criteria described in the HMMP will guide the mitigation to manage and protect high-quality habitat for, and populations of, the impacted species. The HMMP will include monitoring for non-native plant species and remediation measures in the event that such species are detected on the site;

- A description of the management plan's adaptive component, including potential contingency measures for mitigation elements that do not meet performance criteria; and

- A description of the funding mechanism for the long-term maintenance and monitoring of the mitigation lands.

Impact BIO-1B: Complete avoidance of elderberry shrubs may not be feasible and the proposed Project could result in the loss of individual valley elderberry longhorn beetle and/or habitat.

Future development under the proposed Plan, including construction, operations, and maintenance activities, could result in the loss of individuals or habitat for the valley elderberry longhorn beetle, a potentially significant impact. (Reference Final EIR, Section 4.4.)

Mitigation Measure BIO-1B: Protect critical valley elderberry longhorn beetle habitat.

Avoid and Minimize Impacts. For each future project to implement the proposed Plan, when the project is defined to a level that impacts can be evaluated, prior to taking action the Conservancy will assess the site to determine, avoid, and minimize potential adverse impacts to valley elderberry longhorn beetle in accordance with BMP BIO-4.

- All elderberry shrubs with one or more stems measuring 1.0 inch or greater in diameter at ground level that occur on or adjacent to any proposed project site in the Parkway Plan Area will be tallied by diameter size class and thoroughly searched for beetle exit holes. The absence of exit holes will required compensatory mitigation, consistent with the *Conservation Guidelines for Valley Elderberry Longhorn Beetle* (see Table 4.4-6).

- Complete avoidance (i.e., no adverse impact) may be assumed when a 100-foot (or wider) buffer is established and maintained around elderberry plants containing stems measuring 1.0 inch or greater in diameter at ground level. Measures to protect buffer areas will be instituted prior to construction and will include fencing, signs, and worker education programs

- Any damage done to buffer areas during construction will be restored to pre-project conditions (e.g., revegetation of buffer area with appropriate native plants). The project sponsor will retain a qualified biologist to prepare a written description of how the buffer areas are to be restored, protected, and

maintained after construction is completed. Typical measures include fencing, signs, weeding, and trash removal.

Compensate for Potentially Significant Impacts. Where elderberry shrubs are present and potentially significant adverse impacts to valley elderberry longhorn beetle cannot be avoided, the Conservancy will implement standard USFWS mitigation protocol (or current standard protocol):

- Elderberry plants that cannot be avoided by project construction activities (i.e., disturbance will occur within 20 feet of the shrub) will be transplanted to a USFWS-approved conservation area prior to construction under the supervision of a qualified biologist. Each elderberry stem measuring 1.0 inch or greater in diameter at ground level that is adversely affected (i.e., transplanted or destroyed) will also be replaced, in the conservation area, with elderberry seedlings or cuttings. The Conservancy will consult with USFWS to determine appropriate compensation ratios. Compensatory mitigation will be consistent with the *Conservation Guidelines for Valley Elderberry Longhorn Beetle* (see Final EIR, Section 4.4, Table 4.4-6), or in accordance with current guidance. The conservation area will be protected in perpetuity as habitat for the valley elderberry longhorn beetle and the Conservancy will provide a written monitoring plan to the USFWS. At a minimum the monitoring plan will include the following information:

- Species monitoring measures on the conservation site, including specific goals, objectives, policies, design guidelines, and BMPs and objectives, performance indicators, success criteria, monitoring methods, data analysis, and a monitoring schedule. At a minimum, success criteria will meet current guidance and requirements, such as the following:

  - A minimum survival rate of at least 60 percent of the elderberry plants and 60 percent of the associated native plants must be maintained throughout the monitoring period;

  - The monitoring plan's adaptive component, including potential contingency measures for mitigation elements that do not meet performance criteria; and

  - The funding mechanism in place to ensure long-term maintenance and monitoring of the conservation lands.

Impact BIO-1C: Implementation of the proposed Project could result in the loss of suitable habitat for the California tiger salamander.

Future development under that Plan, including construction, operations, and maintenance activities, could result in the loss of individuals, breeding habitat, or upland dispersal and refugial habitat for the California tiger salamander.

Mitigation Measure BIO-1C: Protect California tiger salamander.

Avoid and Minimize Impacts. All projects to install or construct trails, kiosks, restrooms, restore habitat, and other improvements contemplated in the proposed Project will be subject to project- and site-specific environmental review pursuant to CEQA. For each future project to implement the proposed Plan, when

the project is defined to a level that impacts can be evaluated, prior to taking action the Conservancy will assess the site to determine, avoid, and minimize potentially significant impacts to California tiger salamanders in accordance with BMP BIO-5.

Where California tiger salamanders are found on-site through protocol surveys (or assumed in the absence of surveys), avoidance and minimization measures will also include:

- When feasible, a 50-foot no-disturbance buffer will be established around burrows that provide suitable upland habitat for California tiger salamander. Burrows considered suitable for California tiger salamander will be determined by a qualified biologist, approved by USFWS.

- All suitable burrows directly impacted by construction will be hand excavated under the supervision of a qualified wildlife biologist. If California tiger salamander are found, the biologist will relocate the organism to the nearest burrow that is outside of the construction impact area.

- All ground-disturbing work will occur during daylight hours in coordination with USFWS, and depending on the level of rainfall and site conditions. The National Weather Service (NWS) 72-hour forecast for the work area will be monitored. If a 70 percent or greater chance of rainfall is predicted within 72 hours of project activity, all activities in areas within 1.3 miles of potential or known California tiger salamander breeding sites will cease until no further rain is forecast. If work must continue when rain is forecast, a qualified biologist will survey the project site before construction begins each day rain is forecast. If rain exceeds 0.25-inch during a 24-hour period, work will cease until no further rain is forecast. This restriction is not applicable for areas located greater than 1.3 miles from potential or known California tiger salamander breeding sites once they have been encircled with California tiger salamander exclusion fencing. However, even after exclusion fencing is installed, this condition would still apply to construction related traffic moving though areas within 1.3 miles of potential or known California tiger salamander breeding sites but outside of the salamander exclusion fencing (e.g., on roads).

- For work conducted during the California tiger salamander migration season (November 1 to May 31), exclusionary fencing will be erected around the construction site during ground-disturbing activities after hand excavation of burrows has been completed. A qualified biologist will visit the site weekly to ensure that the fencing is in good working condition. Fencing material and design will be subject to the approval of the USFWS. If exclusionary fencing is not used, a qualified biological monitor will be on-site during all ground disturbance activities. Exclusion fencing will also be placed around all spoils and stockpiles.

- For work conducted during the California tiger salamander migration season (November 1 to May 31), a qualified biologist will survey the active work areas (including access roads) in mornings following measurable precipitation events. Construction may commence once the biologist has confirmed that no California tiger salamander are in the work area.

- Prior to beginning work each day, underneath equipment and stored pipes greater than 1.2 inches (3 centimeters) in diameter will be inspected for California tiger salamander. If any are found, they will be allowed to move out of the construction area under their own accord.

- Trenches and holes will be covered and inspected daily for stranded animals. Trenches and holes deeper than 1 foot will contain escape ramps (maximum slope of 2:1) to allow trapped animals to escape uncovered holes or trenches. Holes and trenches will be inspected prior to filling.

- All food and food-related trash will be enclosed in sealed trash containers at the end of each workday and removed completely from the construction site once every three days to avoid attracting wildlife.

- A speed limit of 15 miles per hour will be maintained on dirt roads.

Compensate for Potentially Significant Impacts. Where California tiger salamanders are present and potentially significant adverse impacts cannot be avoided and minimized through the above measures, the Conservancy will implement standard USFWS compensatory mitigation (or current standards). Compensation for unavoidable impacts will be provided via the protection, enhancement, and management of habitat that currently supports, or can support, this species at a 3:1 (mitigation: impact) ratio, on an acreage basis, or in accordance with current guidance issued by or as required by regulatory agencies. Compensatory mitigation may be carried out through one or more of the following methods, in order of preference:

- The preservation, management, and enhancement (e.g., through long-term management targeted toward this species) of high-quality habitat that is already occupied by California tiger salamanders.

- Purchase of mitigation credits at approved mitigation banks whose service area includes the Parkway Plan Area.

- The restoration or enhancement of degraded habitat or habitat that is unsuitable for use by California tiger salamanders, but that (a) is in close proximity to areas of known occurrence and (b) can be made more suitable for use via construction of one or more breeding ponds or management to improve the quality and availability of burrows in upland habitat.

Because most, if not all, impacts on California tiger salamander habitat resulting from implementing the proposed Project would consist of modification of upland refugial/dispersal habitat (rather than aquatic breeding habitat), mitigation lands will also consist of upland habitat for this species, as appropriate. All mitigation lands for this species will be located within Fresno or Madera counties.

For any compensatory mitigation described above, the Conservancy will develop an HMMP describing the measures that will be taken to manage the mitigation property and to monitor the effects of management on the California tiger salamander. That plan will include, at a minimum, the following:

- A summary of impacts on California tiger salamander habitat and populations, and the proposed mitigation;

- A description of the location and boundaries of the mitigation site and description of existing site conditions;

- A description of measures to be undertaken if necessary to enhance (e.g., through focused management) the mitigation site for California tiger salamanders;

- Proposed management activities, such as managed grazing, management of invasive plants, measures targeted at sustaining populations of burrowing mammals, or other measures to maintain high-quality habitat for California tiger salamanders;

- A description of species monitoring measures on the mitigation site, including specific, objective goals, objectives, policies, design guidelines, and BMPs (such as maintaining or increasing abundance of California tiger salamanders or maintaining or improving habitat suitability), performance indicators and success criteria (such as presence or abundance of upland refugia or hydroperiod of breeding habitat), monitoring methods (such as sampling of upland refugia or monitoring of the hydroperiod of breeding habitat), data analysis, reporting requirements, and monitoring schedule. Determining specific performance/success criteria requires information regarding the specific mitigation site, its conditions, and the specific enhancement and management measures tailored to the mitigation site and its conditions. For example, performance criteria for a mitigation site providing only upland habitat for California tiger salamanders would include the maintenance of grassland habitat of a suitable height and density for burrowing mammals, and maintenance of suitable burrowing mammal populations, whereas a mitigation site providing salamander breeding habitat would also include criteria related to adequate depth and hydroperiod of breeding habitat. As a result, those specific criteria will be defined in the HMMP rather than in this EIR. Nevertheless, the performance/success criteria described in the HMMP will guide the mitigation to manage and protect high-quality habitat for the California tiger salamander, adequate to compensate for impacts.

- A description of the management plan's adaptive component, including potential contingency measures for mitigation elements that do not meet performance criteria; and

- A description of the funding mechanism for the long-term maintenance and monitoring of the mitigation lands.

If Conservancy lands can be enhanced (e.g., via the construction of breeding ponds) in such a way as to substantially improve their value to California tiger salamanders, then the Conservancy may use those lands as mitigation for the California tiger salamander.

The proposed project-specific mitigation and HMMP will be provided to the USFWS and CDFW for review because this species is both state and federally listed. It is possible that this mitigation measure may be refined in coordination with USFWS during the Section 7 consultation process (e.g., in the Biological Opinion covering project effects on the California tiger salamander) or the Section 2081 consultation process with the CDFW (e.g., in an Incidental Take Permit), in which case the refinements required by these agencies would be implemented.

Impact BIO-1D: Indirect impacts on habitat may result due to a loss of riparian vegetation that support the Kern Brook lamprey and San Joaquin roach.

Mitigation Measure BIO-1D: Implement Mitigation Measure BIO-3.

Impact BIO-1E: Implementation of the proposed Project could result in the loss of suitable habitat for the western pond turtle.

Mitigation Measure BIO-1E: Protect western pond turtle.

Avoid and Minimize Impacts. For each future project to implement the proposed Plan, when the project is defined to a level that impacts can be evaluated, prior to taking action the Conservancy will assess the site to determine, avoid, and minimize potentially significant impacts to western pond turtles in accordance with BMP BIO-5. Where suitable habitat exists (e.g., along riparian areas and freshwater emergent wetlands) for western pond turtles on-site, avoidance and minimization measures will also include:

- Pre-construction surveys for western pond turtle will be conducted by a qualified biologist 14 days before and 24 hours before the start of ground-disturbing activities.

- If western pond turtles or their nests are observed during pre-construction surveys, a qualified biologist shall be on-site to monitor construction in suitable turtle habitat. Western pond turtle found within the construction area will be allowed to leave of its own volition or it will be captured by a qualified biologist and relocated out of harm's way to the nearest suitable habitat immediately upstream or downstream from the project site.

- If western pond turtle nests are identified in the work area during pre-construction surveys, a 300-foot no-disturbance buffer shall be established between the nest and any areas of potential disturbance. Buffers shall be clearly marked with temporary fencing. Construction will not be allowed to commence in the exclusion area until hatchlings have emerged from the nest, or the nest is deemed inactive by a qualified biologist.

Compensate for Potentially Significant Impacts. If occupied breeding (aquatic) habitat for western pond turtles is detected and would be permanently affected, compensatory mitigation will be provided at a 1:1 ratio (preserved habitat: affected aquatic habitat), or in accordance with current guidance issued by or as required by regulatory agencies. If a qualified biologist determines that the compensatory mitigation acreage provides suitable mitigation for other species, such as the California tiger salamander, western spadefoot, or other species, the acreage may be used to provide mitigation for multiple species.

- An HMMP will be developed describing the measures that will be taken to manage the property and to monitor the effects of management on western pond turtles. That plan will include, at a minimum, the information described in Mitigation Measure BIO-1C.

Impact BIO-1F: Future development could result in the loss of western spadefoot aquatic habitat.

Mitigation Measure BIO-1F: Protect western spadefoot toad.

Avoid and Minimize Impacts. For each future project to implement the proposed Plan, when the project is defined to a level that impacts can be evaluated, prior to taking action the Conservancy will assess the site

to determine, avoid, and minimize potentially significant impacts to western spadefoot in accordance with BMP BIO-5. Where suitable habitat exists for western spadefoot on-site, avoidance and minimization measures will also include:

- For work conducted during the western spadefoot toad migration and breeding season (November 1 to May 31), a qualified biologist will survey the active work areas (including access roads) in mornings following measurable precipitation events. Construction may commence once the biologist has confirmed that no spadefoot toads are in the work area.

- When feasible, there will be a 50-foot no-disturbance buffer around burrows that provide suitable upland habitat for western spadefoot toad. Burrows considered suitable for spadefoot will be identified by a qualified CDFW biologist. The biologist will delineate and mark the no-disturbance buffer.

- If western spadefoot toad is found within the construction footprint, it will be allowed to move out of harm's way of its own volition or a qualified biologist will relocate the organism to the nearest burrow that is outside of the construction impact area.

- Prior to beginning work each day, a qualified biologist will inspect underneath equipment and stored pipes greater than 1.2 inches (3 centimeters) in diameter for western spadefoot toad. If any are found, they will be allowed to move out of the construction area under their own accord.

- Trenches and holes will be covered and inspected daily for stranded animals. Trenches and holes deeper than 1 foot deep will contain escape ramps (maximum slope of 2:1) to allow trapped animals to escape uncovered holes or trenches. Holes and trenches will be inspected prior to filling.

Compensate for Potentially Significant Impacts. If occupied breeding (aquatic) habitat for the western spadefoot is detected and would be permanently affected, compensatory mitigation will be implemented as follows:

- Permanently affected occupied breeding habitat will be replaced at a 2:1 ratio (mitigation area: affected area), or in accordance with current guidance issued by or as required by regulatory agencies. To the extent that there is an overlap in habitat value and occupied habitat, preservation lands may be the same as those provided for other species, such as the California tiger salamander.

- Any occupied breeding pond that would be permanently affected and cannot be preserved for western spadefoots will not be disturbed or affected until compensatory breeding habitat has been created. Once the compensatory habitat is created, all western spadefoot adults, tadpoles, and egg masses detected in the impact area during surveys, will be moved to the created pool habitat. If construction impacts on occupied breeding ponds would occur during the dry season, the replacement habitat will be in place prior to the beginning of the next wet season. Surveys near the affected pond will take place during the wet season, and all western spadefoot toads detected will be moved to the replacement habitat.

- The Conservancy will develop an HMMP describing the measures that will be taken to manage the property and to monitor the effects of management on western spadefoot. That plan will include, at a minimum, the information described in Mitigation Measure BIO-1D.

Impact BIO-1G: Future development could result in the loss of occupied breeding habitat and may result in a substantial impact on regional burrowing owl populations.

Mitigation Measure BIO-1G: Protect burrowing owls.

Avoid and Minimize Impacts. For each future project to implement the proposed Plan, when the project is defined to a level that impacts can be evaluated, prior to taking action the Conservancy will assess the site to determine, avoid, and minimize potentially significant adverse impacts to burrowing owls in accordance with BMP BIO-7. During the non-breeding season, and after owls have been relocated or evicted in accordance with BMP BIO-7, the work area will be monitored daily for one week prior initial ground-disturbing activities to confirm owls have nor remained in or returned to burrows. Where possible, burrows will be excavated using hand tools and refilled to prevent reoccupation (flexible pipe will be inserted during excavation to maintain an escape route).

If the habitat surrounding the burrow from which the owl is evicted remains suitable for use by burrowing owls following completion of the project activity (based on an assessment by a qualified biologist), the Conservancy will have the option of either providing habitat mitigation off-site, as described below, or monitoring the work site to determine whether it is re-occupied by burrowing owls. If the Conservancy documents nesting by burrowing owls within two years of completion of project activity in the vicinity of the impact site indicating that the activity did not have a long-term impact on the owls' use of the site, no further mitigation would be required.

Compensate for Potentially Significant Impacts. For each future project to implement the proposed Plan, where burrowing owls are present and potentially significant adverse impacts cannot be avoided compensatory habitat mitigation will be provided as follows:

- If an occupied burrow cannot be avoided during the non-breeding season, burrows will be enhanced or created in adjacent habitat at a 1:1 ratio of burrow destroyed to created at least one week prior to implementation of passive relocation techniques. If burrowing owl habitat enhancement or creation takes place, a monitoring and management plan will be developed and implemented to assess the effectiveness of the mitigation. If monitoring indicates that the actions have not adequately mitigated for the Project's impacts, remedial actions (e.g., enhancing or creating additional burrows) will be implemented that compensate for these impacts.

- If the project activity will degrade habitat quality to the extent that maintaining owl use of the site is not feasible or ecologically preferable, in the opinion of a qualified biologist, then off-site mitigation will be provided to compensate for the loss of occupied burrowing owl nesting habitat. Mitigation acreage will be provided in accordance with the California burrowing owl mitigation guidelines (9.75 to 19.5 acres of habitat be preserved and managed per occupied burrowing owl nest burrow, whether by a pair or singly), or in accordance with current guidance or requirements of the regulatory agencies. The amount of mitigation habitat provided will depend on whether the mitigation habitat is

occupied by burrowing owls (9.75 acres), adjacent to occupied habitat (13.0 acres), or suitable but unoccupied (19.5 acres). The mitigation site will be located in Fresno or Madera counties so that the mitigation supports the maintenance of regional burrowing owl populations.

- This mitigation may be provided via the management of suitable habitat on Conservancy lands (either existing lands or lands that are acquired), purchase of credits in a mitigation bank (if one is available), or contribution of funds toward the management of the required amount of suitable habitat owned by another entity. If the Conservancy provides habitat mitigation on existing Conservancy lands or on lands that are acquired for mitigation purposes, an HMMP will be prepared detailing the areas to be preserved for owls; the methods for managing on-site habitat for owls and their prey (such as vegetation management to maintain low-statured herbaceous vegetation); methods for enhancing burrow availability within the mitigation site (potentially including the provision of artificial burrows, although long-term management for ground squirrels will be important as well); measures to minimize adverse effects of development on owls on-site; and a monitoring program and adaptive management program. Determining specific performance/success criteria requires information regarding the specific mitigation site, its conditions, and the specific enhancement and management measures tailored to the mitigation site and its conditions. For example, performance criteria for a site where burrowing owls are known to occur (which may include maintenance of a certain number of pairs of owls) may differ from those for an unoccupied site adjacent to occupied burrowing owl habitat (which may include attracting owls to breed on the mitigation site). As a result, those specific criteria will be defined in the HMMP rather than in this EIR. Nevertheless, the performance/success criteria described in the HMMP will guide the mitigation to manage and protect high-quality habitat for burrowing owls, adequate to compensate for impacts.

- The HMMP will be submitted to the CDFW for review.

- If a mitigation bank providing credits for burrowing owls is established within the aforementioned mitigation area (i.e., in Fresno or Madera County), then mitigation may take the form of the purchase of credits equivalent to the number of acres of mitigation required.

Impact BIO-1H: Future development of the proposed Plan could result in the disturbance of habitat for special-status species, including the Townsend's western big-eared bat and pallid bat, by permanently impacting roosting sites or causing long-term roost abandonment.

Mitigation Measure BIO-IH: Protect special-status bats.

Avoid and Minimize Impacts. For each future project to implement the proposed Plan, when the project is defined to a level that impacts can be evaluated, prior to taking action the Conservancy will assess the site to determine, avoid, and minimize potentially significant adverse impacts to Townsend's western big-eared bats and pallid bats in accordance with BMP BIO-8.

Compensate for Potentially Significant Impacts. For each future project to implement the proposed Plan, where special status bats are present and potentially significant adverse impacts cannot be avoided, compensatory habitat mitigation will be provided as follows:

- If roosts must be removed, the bats will be excluded from the roosting site before it is removed.

- If a tree or structure containing a Townsend's western big-eared bat or pallid bat maternity roost is to be removed, a qualified biologist will design, and determine an appropriate location for, an alternative roost structure. If a tree containing a maternity roost of either species is not removed, but project-related disturbance causes the abandonment of the roost site (even during the non-breeding season), then the Conservancy may either monitor the roost site to determine whether the affected species returns to the roost, or construct an alternative roost. If the Conservancy elects to monitor the roost and bats do not return within 1 year, then an alternative roost will be constructed.

- A qualified biologist will determine the appropriate location for the alternative roost structure, based on the location of the original roost and habitat conditions in the vicinity. The roost structure will be built to specifications as determined by a qualified biologist, or it may be purchased from an appropriate vendor. The structure will be placed as close to the impacted roost site as feasible. The Conservancy will monitor the roost for up to three years (or until occupancy is determined, whichever occurs first) to determine use by bats. If by Year 3, the bat species for which the structure was designed are not using the structure, a qualified bat biologist, in consultation with the CDFW, will identify alternative roost designs or locations for placement of the roost, and monitoring of the new roost will occur for an additional three years (or until occupancy has been verified).

Rationale for Finding

Implementation of Mitigation Measure BIO-1A will mitigate potential impacts to less-than-significant levels by enhancing, managing, and protecting populations of CRPR plant species, to ensure that the proposed Project does not substantially reduce their number or restrict their range. No additional mitigation is required.

The USFWS has adopted a standard mitigation protocol[1] for avoidance of impacts on the valley elderberry longhorn beetle. Elderberry plants with one or more stems measuring 1.0 inch or greater in diameter at ground level and occurring where they may be directly or indirectly effected by the proposed action require mitigation. Implementation of these standard mitigation measures (Mitigation Measure BIO-1B) will reduce impacts on the valley elderberry longhorn beetle to a less-than-significant level. However, formal consultation with the USFWS will be required if a potential impact will occur. No additional mitigation is required.

Mitigation Measure BIO-1C addresses potential scenarios where impacts to the California tiger salamander could occur, and outlines mitigation actions, including avoiding and minimizing impacts, and providing compensation strategies if impacts cannot be avoided. Mitigation Measure BIO-1C also describes the consultation process with the USFWS and CDFW, and notes that refinements to the mitigation actions could be required through the consultation process. Through this process, implementation of Mitigation Measure BIO-1C would reduce impacts to the California tiger salamander to less significant, and no additional mitigation is required.

Mitigation Measure BIO-1D requires the implementation of Mitigation Measure BIO-3, which outlines mitigation actions, including avoiding and minimizing impacts, and providing compensatory habitat mitigation. Mitigation

[1] U.S. Fish and Wildlife Service (USFWS), 1999b. Conservation Guidelines for the Valley Elderberry Longhorn Beetle. U.S. Fish and Wildlife Service. July 9.

Measure BIO-3 requires that permanent impacts be compensated by ensuring that there is no net loss acreage, functions, or values. Through implementation of Mitigation Measure BIO-3, impacts to riparian vegetation that support the Kern Brook lamprey and San Joaquin roach would be less significant, and no additional mitigation is required.

Mitigation Measure BIO-1E outlines mitigation actions, including avoiding and minimizing impacts, and providing compensatory mitigation. Mitigation Measure BIO-1E requires that compensatory mitigation be provided at a 1:1 ratio of preserved habitat to affected aquatic habitat (or in accordance with current guidance). Through implementation of Mitigation Measure BIO-1E, impacts to western pond turtle would be less significant, and no additional mitigation is required.

Mitigation Measure BIO-1F outlines mitigation actions, including avoiding and minimizing impacts, and providing compensatory mitigation. Mitigation Measure BIO-1F requires that compensatory mitigation for affected occupied breeding habitat be provided at a 2:1 ratio of mitigated area to affected area, along with relocation and management measures to protect the western spadefoot toad. Through implementation of Mitigation Measure BIO-1F, impacts to western spadefoot toad would be less significant, and no additional mitigation is required.

Mitigation Measure BIO-1G outlines mitigation actions, including avoiding and minimizing impacts during ground-disturbing activities, and providing compensatory mitigation. Mitigation Measure BIO-1G requires that adjacent habitat be provided if a burrow cannot be avoided, or that off-site mitigation be provided to compensate for loss of habitat. Mitigation Measure BIO-1G also requires management activities to ensure that suitable habitat be provided subject to success criteria. Through implementation of Mitigation Measure BIO-1G, impacts to burrowing owls would be less significant, and no additional mitigation is required.

Mitigation Measure BIO-1H outlines mitigation actions, including avoiding and minimizing impacts during ground-disturbing activities, and providing compensatory mitigation. Mitigation Measure BIO-1H requires that bats be excluded from roosts before they are removed, and that qualified biologists determine appropriate locations of alternative roosts. Mitigation Measure BIO-1H also requires monitoring of maternity roosts that are not removed but that are abandoned. Through implementation of Mitigation Measure BIO-1H, impacts to special-status bats would be less significant, and no additional mitigation is required.

Impact BIO-2: Future development under the proposed Plan could result in a significant direct and indirect adverse impacts on sensitive natural communities.

Development and operation of low-impact recreational and educational uses in the Parkway Plan Area could result in adverse effects on sensitive natural communities. Although the proposed Plan envisions preservation and restoration of riparian habitat, the amount and location of preservation and restoration sites are not known at this time. Future development under the proposed Plan could result in impacts on riparian habitat, as complete avoidance may not be feasible while still meeting Plan goals and objectives. Thus, the impact of future development on riparian habitat is considered significant because it could result in short-term degradation of riparian habitat and temporary and permanent loss of riparian vegetation. (Reference Final EIR Section 4.4).

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure BIO-2A and BIO-2B) which avoid and substantially lessen significant effects on the environment from

Impact BIO-2A identified in the Final EIR. Specifically, the following mitigation measures are feasible and are adopted to mitigate significant effects from Impact BIO-2A.

Impact BIO-2A: Implementation of the proposed Project could result in short-term degradation of riparian habitat and temporary and permanent loss of riparian vegetation.

Mitigation Measure BIO-2A: Protect riparian habitat.

Avoid and Minimize Impacts. For each future project to implement the proposed Plan, when the project is defined to a level that impacts can be evaluated, prior to taking action the Conservancy will assess the site to determine, avoid, and minimize potentially significant adverse impacts to riparian habitat, including implementation of the proposed Plan's setback and buffer policies and BMP BIO-4. Each future project shall be preceded by a pre-construction survey during which a qualified botanist will identify sensitive natural vegetation communities, including riparian areas, within the project footprint and clearly map them as needed to avoid and/or minimize disturbance.

Compensate for Potentially Significant Impacts. For each future project to implement the proposed Plan, where sensitive habitats are present and potentially significant adverse impacts cannot be avoided and would not be offset by habitat enhancement and creation benefits of the project, compensatory habitat mitigation will be provided in accordance with proposed Plan policies and BMP BIO-13, and as follows:

- Secure, implement, and comply with measures to protect habitat in a streambed alteration agreement with CDFW in accordance with California Fish and Game Code Section 1600.

- Develop a project-specific habitat restoration and revegetation plan for review and approval of CDFW. Replace on-site any native trees and shrubs, and any non-native plant species greater than four inches diameter breast height, removed to construct the project, on no less than a 3:1 ratio (replaced:removed), or in accordance with guidance or as required by regulatory agencies. Achieve successful establishment of 70 percent of the new plants within five years, or in accordance with guidance or as required by regulatory agencies.

- Follow invasive species removal protocols approved by CDFW. After invasive species removal, revegetate disturbed soils with appropriate fast-colonizing understory grasses and forbs within one growing season as described in BMP-13.

- For all projects other than invasive species removal projects that that do not include a habitat restoration component, if permanent impacts on more than one acre of contiguous riparian habitat are unavoidable, habitat will be restored or created to compensate for permanent impacts in a manner that achieves no net loss in acreage or function. Mitigation for riparian habitat dominated by native species and supporting tree canopy will be provided at a ratio of 3:1 (3 acres of mitigation for every 1 acre of disturbed) via creation or restoration of riparian habitat, or in accordance with guidance or as required by the regulatory agencies.

- Mitigation will be achieved through one or more options, potentially including (but not limited to):
    - Restoration or creation within the project site.
    - Restoration or creation of riparian habitat within the Parkway Plan Area.
    - Restoration/creation in close proximity to but outside of the Parkway Plan Area.
    - Purchase of mitigation credits at approved mitigation banks whose service area includes the project site.

Impact BIO-2B: Implementation of the proposed Plan could result in impacts on Essential Fish Habitat.

Mitigation Measure BIO-2B: Protect Essential Fish Habitat.

Each project to install or construct trails, kiosks, restrooms, and other improvements contemplated in the proposed Project shall be preceded by a pre-construction survey during which a qualified botanist will identify sensitive natural vegetation communities, including wetlands and other waters, within the project footprint and clearly map or delineate them as needed to avoid and/or minimize disturbance. For each future project to implement the proposed Plan, where EFH is present and potentially significant adverse permanent impacts cannot be avoided and would not be offset by habitat enhancement and creation benefits of the project, Mitigation Measure BIO-3 (see below) will be implemented to reduce impacts on EFH to a less-than-significant level.

Rationale for Finding

Mitigation Measure BIO-2A outlines mitigation actions, including avoiding and minimizing impacts to riparian habitats, and providing compensatory mitigation. Mitigation Measure BIO-2A requires that future projects where significant impacts to sensitive habitats cannot be avoided provide compensatory habitat. Mitigation Measure BIO-2A outlines procedures to be follows in providing compensatory habitat. Through implementation of Mitigation Measure BIO-2A, impacts to riparian habitat would be less significant, and no additional mitigation is required.

Mitigation Measure BIO-2B requires that improvement projects be preceded by pre-construction surveys to identify sensitive natural vegetation communities. Where Essential Fish Habitat is present, Mitigation Measure BIO-2B requires that Mitigation Measure BIO-3 be implemented to require that permanent impacts to riparian habitat be compensated by ensuring that there is no net loss acreage, functions, or values. Through implementation of Mitigation Measure BIO-2B, impacts to Essential Fish Habitat would be less significant, and no additional mitigation is required.

Impact BIO-3: Implementation of the proposed Plan could result in the temporal loss of ecologically valuable habitat, and the permanent loss of both vegetated wetlands and unvegetated aquatic habitats, including jurisdictional wetlands and other waters, is considered significant.

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure BIO-3) which avoid and substantially lessen significant effects on the environment from Impact BIO-3

identified in the Final EIR. Specifically, the following mitigation measures are feasible and are adopted to mitigate significant effects from Impact BIO-3.

Mitigation Measure BIO-3: Protect wetlands and other waters.

Avoid and Minimize Impacts. For each future project to implement the proposed Plan, when the project is defined to a level that impacts can be evaluated, prior to taking action the Conservancy will assess the site in accordance with BMP BIO-2, to determine, avoid, and minimize potentially significant adverse impacts to wetland habitat and waters, including implementation of the proposed Plan's setback and buffer policies and BMP BIO-4.

Compensate for Potentially Significant Impacts. For each future project to implement the proposed Plan, where sensitive habitats are present and potentially significant adverse impacts cannot be avoided and would not be offset by habitat enhancement and creation benefits of the project, compensatory habitat mitigation will be provided in accordance with proposed Plan policies and BMP BIO-13. Permanent impacts on, wetlands and other waters will be compensated by ensuring there is no net loss of acreage, functions, or values as follows:

- In coordination with USACE, the acreage of effects on waters of the U.S. and waters of the State that will result from implementation of the proposed Project will be determined.

- Section 404 and Section 401 permits will be secured and the permittee will implement and comply with all permit terms. The acreage, location, and methods for compensation will be determined during the Section 401 and Section 404 permitting processes.

- The performance standard will be "no net loss" on the basis of the acreage of wetlands and other waters of the U.S. and waters of the State that will be removed and/or degraded. Wetland habitat will be restored, enhanced, and/or replaced at an acreage and location and by methods agreeable to USACE, and/or the Central Valley RWQCB, as appropriate, depending on agency jurisdiction. The replacement of waters or wetlands will be equivalent to the nature of the habitat lost, and will be provided at a suitable ratio to ensure that, at a minimum, there is no net loss of habitat acreage or value. The replacement habitat will be set aside in perpetuity for habitat use.

- Mitigation will be achieved through one or more options, potentially including (but not limited to):
  - Restoration or creation within the project site.
  - Restoration or creation of wetlands/other waters within the Parkway Plan Area.
  - Restoration/creation in close proximity to but outside of the Parkway Plan Area.
  - Purchase of mitigation credits at approved mitigation banks whose service area includes the project site.

Rationale for Finding

Mitigation Measure BIO-3 outlines mitigation actions, including avoiding and minimizing impacts, and providing compensatory habitat mitigation. Mitigation Measure BIO-3 requires that permanent impacts be compensated by ensuring that there is no net loss acreage, functions, or values. Through implementation of Mitigation Measure BIO-3, impacts to wetlands and other waters would be less significant, and no additional mitigation is required.

TRANSPORTATION AND TRAFFIC

Impact TRAF-1: Development of additional trailheads and activity centers within the San Joaquin River Parkway could create unsafe and unacceptable LOS conditions.

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

Mitigation Measure TRAF-1

If a future project implemented under the proposed Plan is estimated to generate daily or peak hour volumes of traffic that trigger requirements of a state or local agency to prepare a site access, circulation, and traffic study, the Conservancy shall consult with the respective agency. The Conservancy shall assist in the evaluation and address as necessary any unsafe traffic conditions potentially created by the proposed project. Project engineering plans shall incorporate designs and features necessary to ensure safe and acceptable traffic operations associated with the project, in accordance with applicable LOS policies of the respective agencies.

Rationale for Finding

Mitigation Measure TRAF-1 would lessen impacts associated with Project-related traffic to less than significant levels. Additionally, because the proposed Project itself does not identify specific projects, future projects proposed under the Plan would be subject to separate project-level CEQA review in which potential conflicts with local congestion management plans would be identified**.** Through implementation of TRAF-1, the impacts of the proposed Project would be less than significant, and no additional mitigation is required.

FINDINGS REGARDING ENVIRONMENTAL IMPACTS NOT FULLY MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

As described in Chapter 4 of the Final EIR ("Environmental Analysis") future development under the proposed Plan would potentially involve multiple significant and unavoidable impacts. As authorized by Public Resources Code Section 21081and CEQA Guidelines Section 15091, the Final EIR is required to identify the significant impacts that cannot be reduced to a less-than-significant level through mitigation measures. Based upon the Final EIR, public comments, and the entire record before the Conservancy, the Conservancy finds that the Master Plan Update could potentially cause the following significant and unavoidable impacts after the implementation of mitigation measures with respect to the impacts identified below. As explained in Section VI, Statement of

Overriding Considerations, these effects are considered to be acceptable when balanced against the economic, legal, social, technological, and/or other benefits of the Master Plan Update. The facts listed herein in support of the findings are set forth in the relevant sections of the Final EIR. Please refer to the Final EIR for more detail.

AGRICULTURE AND FORESTRY RESOURCES

Impact AG-1: The proposed Project would convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.

Finding. Changes or alterations have been required in, or incorporated into, the proposed project, which avoid or substantially lessen the significant environmental effect identified in the EIR, but not to a level of less than significant. There are no additional feasible mitigation measures and no feasible alternatives that avoid this significant effect, as further addressed in Section V, Findings on Project Alternatives.

Mitigation Measure AG-1

No mitigation measures are feasible to reduce the potential impact to less than significant levels. The intent of the Plan is to enhance recreational opportunities and create habitat conservation areas within the Parkway Plan Area. The farmland in the Parkway Plan Area may remain in agriculture, or may be offered for sale to the Conservancy, evaluated for acquisition, and may be acquired. Avoiding the acquisition of offered agricultural lands could interfere with achievement of Parkway goals and objectives.

As part of the process for each individual site-specific development project under the Parkway Master Plan Update, an appropriate or applicable agricultural in-lieu mitigation fee for each acre of prime farmland to be developed shall be paid by the Conservancy at the time that agricultural land is to be developed or converted to non-agricultural uses, to an entity or agency holding or facilitating agricultural conservation easements within the region.

Notwithstanding the above commitment, in order to implement the Plan, conversion of farmland to non-agricultural uses would not be reduced to a less-than-significant level, and the Project's impacts in this regard would be significant and unavoidable.

Rationale for Finding

Payment of agricultural in-lieu mitigation fees for each acre of prime farmland to be developed would help to offset impacts associated with the conversion of important farmland to non-agricultural use. However, Mitigation Measure AG-1 would not reduce the impact to a less than significant level. The impact is significant and unavoidable and a Statement of Overriding Considerations is required in conjunction with approval of the project.

Impact AG-2: The proposed Project would conflict with existing zoning for agricultural use, or a Williamson Act contract.

Finding. Changes or alterations have been required in, or incorporated into, the proposed project, which avoid or substantially lessen the significant environmental effect identified in the EIR, but not to a level of less than

significant. There are no additional feasible mitigation measures and no feasible alternatives that avoid this significant effect, as further addressed in Section V, Findings on Project Alternatives.

Mitigation Measure AG-2

No mitigation measures are feasible to reduce the potential impact. The intent of the Plan is to enhance recreational opportunities and create habitat conservation areas within the Parkway Plan Area. The farmland in the Parkway Plan Area may remain in agriculture, or may be offered for sale to the Conservancy, evaluated for acquisition, and may be acquired. Avoiding the acquisition of offered agricultural lands could interfere with achievement of Parkway goals and objectives. Implementation of the Plan would conflict with existing zoning for agricultural use or Williamson Act contract and cannot be reduced to a less-than-significant level, and the Project's impacts in this regard would be *significant and unavoidable*.

Rationale for Finding

Farmland acquired by the Conservancy would be used for recreational opportunities and habitat conservation areas as called for in the Master Plan Update. Acquisition of Parkway land could result in conversion of land zoned for agriculture uses or under Williamson Act contract. Mitigation Measure AG-2 would not reduce the impact to a less than significant level. The impact is significant and unavoidable and a Statement of Overriding Considerations is required in conjunction with approval of the project.

Impact AG-3: The proposed Project would involve other changes in the existing environment which, due to their location or nature, would result in conversion of Farmland to non-agricultural use.

Finding. Changes or alterations have been required in, or incorporated into, the proposed project, which avoid or substantially lessen the significant environmental effect identified in the EIR, but not to a level of less than significant. There are no additional feasible mitigation measures and no feasible alternatives that avoid this significant effect, as further addressed in Section V, Findings on Project Alternatives.

Mitigation Measure AG-3

No mitigation measures are feasible to reduce the potential impact to less than significant levels. The intent of the Plan is to enhance recreational opportunities and create habitat conservation areas within the Parkway Plan Area. The farmland in the Parkway Plan Area may remain in agriculture, or may be offered for sale to the Conservancy, evaluated for acquisition, and may be acquired. Avoiding the acquisition of offered agricultural lands could interfere with achievement of Parkway goals and objectives. Even with the incorporation of Mitigation Measure AG-1, in order to implement the Plan, conversion of farmland to non-agricultural uses cannot be reduced to a less-than-significant level, and the Project's impacts in this regard would be *significant and unavoidable*.

Rationale for Finding

Implementation of the Plan would result in the conversion of farmland to non-agricultural uses and introduce construction of new facilities to support recreational activities in the Parkway Plan Area, which would result in

changes in the existing environment. Payment of agricultural in-lieu mitigation fees under Mitigation Measure AG-1 for each acre of prime farmland to be developed would help to offset impacts associated with the conversion of important farmland to non-agricultural use. However, implementation of Mitigation Measure AG-1 would not reduce the impact to a less than significant level. The impact is significant and unavoidable and a Statement of Overriding Considerations is required in conjunction with approval of the project.

AIR QUALITY

Impact AQ-1: Subsequent environmental review of future projects within the San Joaquin River Parkway may identify that individual projects could exceed the applicable SJVAPCD thresholds and therefore is inconsistent with SJVAPCD's air quality management plans.

Finding. Changes or alterations have been required in, or incorporated into, the proposed project, which avoid or substantially lessen the significant environmental effect identified in the EIR, but not to a level of less than significant. There are no additional feasible mitigation measures and no feasible alternatives that avoid this significant effect, as further addressed in Section V, Findings on Project Alternatives.

Mitigation Measure AQ-1

Mitigation measures identified for Impact AQ-3 would lessen impacts associated with inconsistency with SJVAPCD's air quality management plans.

Rationale for Finding

Adherence to SJVAPCD Rule 9510 and mitigation measures incorporated into future projects within the San Joaquin River Parkway for operation and construction phases described in Mitigation Measure AQ-3 would reduce criteria air pollutant emissions to the extent feasible. These regulations and mitigation measures would facilitate continued cooperation with SJVAPCD to achieve regional air quality improvement goals. However, due to the programmatic nature of the Master Plan Update, the effects on air quality of any future project under the proposed Plan cannot at this time be quantified, therefore, the Final EIR conservatively finds that potential significant impacts may occur associated with inconsistency with SJVAPCD's air quality management plans and no additional mitigation measures are available to reduce impacts to less than significant levels. The impact is significant and unavoidable and a Statement of Overriding Considerations is required in conjunction with approval of the project.

Impact AQ-2: Subsequent environmental review of future projects within the San Joaquin River Parkway may identify that individual projects could exceed the applicable SJVAPCD thresholds and therefore the Project could violate air quality standards or contribute substantially to an existing or projected air quality violation.

Finding. Changes or alterations have been required in, or incorporated into, the proposed project, which avoid or substantially lessen the significant environmental effect identified in the EIR, but not to a level of less than significant. There are no additional feasible mitigation measures and no feasible alternatives that avoid this significant effect, as further addressed in Section V, Findings on Project Alternatives.

Mitigation Measure AQ-2

Mitigation measures identified for Impact AQ-3 would lessen impacts associated with inconsistency with SJVAPCD's air quality management plans.

Rationale for Finding

The effects on air quality of any future project under the proposed Plan cannot at this time be quantified, therefore, the Final EIR conservatively finds that subsequent environmental review of future projects within the Parkway Plan Area may identify that construction and operational phase emissions would exceed SJVAPCD's project-level significance thresholds. Although feasible mitigation measures would be imposed under Mitigation Measure AQ-3, due to the nature and scope of the Project and its anticipated buildout horizon, regional construction and operational phase emissions could exceed the SJVAPCD significance thresholds. The impact is significant and unavoidable and a Statement of Overriding Considerations is required in conjunction with approval of the project.

Impact AQ-3: Subsequent environmental review of future projects under the proposed Project may identify that construction and operational phase emissions would exceed SJVAPCD's project-level regional significance thresholds and the Project would cumulatively contribute to the nonattainment designations in the SJVAB.

Finding. Changes or alterations have been required in, or incorporated into, the proposed project, which avoid or substantially lessen the significant environmental effect identified in the EIR, but not to a level of less than significant. There are no additional feasible mitigation measures and no feasible alternatives that avoid this significant effect, as further addressed in Section V, Findings on Project Alternatives.

Mitigation Measure AQ-3a

Prior to initiation of construction activities, construction contractors shall prepare and submit to the Conservancy a technical assessment evaluating potential project construction-related air quality impacts. The evaluation shall be prepared in conformance with San Joaquin Valley Air Pollution Control District (SJVAPCD) methodology in assessing air quality impacts. The following identified measures shall be incorporated into all appropriate construction documents (e.g., construction management plans) and submitted to the Conservancy. Mitigation measures to reduce construction-related emissions include, but are not limited to:

- Using construction equipment rated by the United States Environmental Protection Agency as having Tier 3 (model year 2006 or newer) or Tier 4 (model year 2008 or newer) emission limits, applicable for engines between 50 and 750 horsepower. A list of construction equipment by type and model year shall be maintained by the construction contractor on-site, which shall be available for Conservancy review upon request.

- Ensuring construction equipment is properly serviced and maintained to the manufacturer's standards.

- Use of alternative-fueled or catalyst-equipped diesel construction equipment, if available and feasible.

- Clearly posted signs that require operators of trucks and construction equipment to minimize idling time (e.g., 5-minute maximum).

- Preparation and implementation of a fugitive dust control plan that may include the following measures:

    - Disturbed areas (including storage piles) that are not being actively utilized for construction purposes shall be effectively stabilized using water, chemical stabilizer/suppressant, or covered with a tarp or other suitable cover (e.g., revegetated).
    - On-site unpaved roads and off-site unpaved access roads shall be effectively stabilized using water or chemical stabilizer/suppressant.
    - Land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled utilizing application of water or by presoaking.
    - Material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained when materials are transported off-site.
    - Operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)
    - Following the addition of materials to or the removal of materials from the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
    - Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
    - Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.
    - Limit traffic speeds on unpaved roads to 15 mph.
    - Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than 1 percent.
    - Install wheel washers for all exiting trucks or wash off all trucks and equipment leaving the project area.
    - Adhere to Regulation VIII's 20 percent opacity limitation, as applicable.

Mitigation Measure AQ-3b

Prior to initiation of construction activities, construction contractors shall prepare and submit to the Conservancy a technical assessment evaluating potential project operation phase-related air quality impacts. The evaluation shall be prepared in conformance with San Joaquin Valley Air Pollution Control District (SJVAPCD) methodology in assessing air quality impacts. If operational-related criteria air pollutants are determined to have the potential to exceed the SJVAPCD adopted thresholds of

significance, as identified in the Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI), the Conservancy shall require the construction contractor to incorporate mitigation measures to reduce air pollutant emissions during operational activities. The identified measures shall be included as part of the Standard Conditions of Approval. Mitigation measures to reduce long-term emissions can include, but are not limited to:

- Site-specific development shall demonstrate an adequate number of electrical vehicle Level 2 charging stations are provided on-site. The location of the electrical outlets shall be specified on building plans, included in subsequent environmental review, and proper installation shall be verified by the Conservancy prior to operation.

- Appliances shall be Energy Star appliances (dishwashers, refrigerators, clothes washers, and dryers). Installation of Energy Star appliances shall be verified by the Conservancy prior to operation.

Mitigation Measure AQ-3c

The use of outdoor fire pits shall be prohibited.

Rationale for Finding

The effects on air quality of any future project under the proposed Plan cannot at this time be quantified, therefore, the Final EIR conservatively finds that subsequent environmental review of future projects within the San Joaquin River Parkway may identify that construction and operational phase emissions would exceed SJVAPCD's project-level significance thresholds. Though feasible mitigation measures would be imposed, due to the nature and scope of the Project and its anticipated buildout horizon, regional construction and operational phase emissions could exceed the SJVAPCD significance thresholds. The impact is significant and unavoidable and a Statement of Overriding Considerations is required in conjunction with approval of the project.

Impact AQ-4: Emissions generated by the project could exceed the California or National AAQS.

Finding. Changes or alterations have been required in, or incorporated into, the proposed project, which avoid or substantially lessen the significant environmental effect identified in the EIR, but not to a level of less than significant. There are no additional feasible mitigation measures and no feasible alternatives that avoid this significant effect, as further addressed in Section V, Findings on Project Alternatives.

Mitigation Measure AQ-4

Mitigation Measures identified for Impact AQ-3 would lessen impacts associated with Project-related emissions contributing to SJVAB ambient air quality standards.

Rationale for Finding

The effects on air quality of any future project under the proposed Plan cannot at this time be quantified, therefore, the Final EIR conservatively finds that subsequent environmental review of future projects associated with the San Joaquin River Parkway Master Plan may identify that construction and operational phase emissions would exceed SJVAPCD's project-level significance thresholds. Compliance with Rule 9510 frequently reduces

project-specific operational emissions to less than significant levels. However, some construction activities have the potential to result in substantial on-site emissions, and additional mitigation may be required. Because dispersion modeling is not applicable for a program EIR, projects with emissions that exceed these values are considered to have the potential to exceed the California and National AAQS, resulting in a potentially significant impact. SJVAPCD Rule 9510 and Mitigation Measure AQ-3 would reduce emissions to the extent feasible. However, due to the programmatic nature of the proposed Project, no additional mitigation measures are available to reduce emissions to less than significant levels. The impact is significant and unavoidable and a Statement of Overriding Considerations is required in conjunction with approval of the project.

GREENHOUSE GAS EMISSIONS

Impact GHG-1: The Project would result in a substantial increase in GHG emissions.

Finding. Changes or alterations have been required in, or incorporated into, the proposed project, which avoid or substantially lessen the significant environmental effect identified in the EIR, but not to a level of less than significant. There are no additional feasible mitigation measures and no feasible alternatives that avoid this significant effect, as further addressed in Section V, Findings on Project Alternatives.

Mitigation Measure GHG-1

New structures shall be constructed with photovoltaic solar panels to offset building energy use, unless it can be demonstrated that such systems are not technologically feasible based on the location of structures, shading, or other site constraints.

Rationale for Finding

Mitigation measures incorporated into future projects within the San Joaquin River Parkway for operation and construction phases would reduce GHG emissions to the extent feasible. However, due to the programmatic nature of the proposed Project, the effects on GHG of any future project under the proposed Plan cannot at this time be quantified, therefore, the Final EIR conservatively finds that potential significant impacts may occur and no additional mitigation measures are available that would reduce impacts associated with GHG emissions to less than significant levels. While feasible mitigation measures would be imposed, due to the nature and scope of the Project along with its anticipated buildout horizon, regional construction and operational phase GHG emissions may not achieve the significance threshold. The impact is significant and unavoidable and a Statement of Overriding Considerations is required in conjunction with approval of the project.

HYDROLOGY AND WATER QUALITY

Impact HYDRO-7: The proposed Plan would expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam.

Finding. Changes or alterations have been required in, or incorporated into, the proposed project, which avoid or substantially lessen the significant environmental effect identified in the EIR, but not to a level of less than significant. There are no additional feasible mitigation measures and no feasible alternatives that avoid this significant effect, as further addressed in Section V, Findings on Project Alternatives.

Mitigation Measure HYDRO-7

The proposed Project would result in significant and unavoidable risk of exposing structures to significant risk of loss involving flooding as a result of the failure of Friant Dam.

Rationale for Finding

The proposed Project includes a number of small structures, such as vault toilet restrooms and entrance stations, and a number of larger structures, such as visitor centers and bridges assumed to be located within the dam failure inundation area. Development of structures within the river's floodplain could adversely increase structure loss or damage due to dam failure. The impact is significant and unavoidable and a Statement of Overriding Considerations is required in conjunction with approval of the project.

MITIGATION MONITORING

An MMRP was prepared for the proposed project, and will be adopted as Exhibit B to Resolution No. 18-01 [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 7, "CEQA Mandated Sections," in the Draft EIR examines impacts found not to be significant, significant irreversible changes due to the proposed Project, and growth inducement pursuant to Section 15126.2(c) of the State CEQA Guidelines. Section 7.2.3 "Significant Irreversible Changes" discusses the extent to which the Project would commit nonrenewable resources to uses that future generations would probably be unable to reverse.

The lands to be acquired for the proposed Project, ultimately 5,900 acres, are intended to be conserved in perpetuity for habitat, low-intensity recreation, public river access and other purposes within the statutory mission of the Conservancy. The proposed Project would introduce new structures, facilities (including parking lots), and increase the network of hiking and biking trails. Any land use changes resulting from implementation of the proposed Plan are considered permanent and could not be returned to their existing (pre-project) condition.

Implementation of the proposed Project would result in habitat restoration activities and the construction of additional facilities, such as restrooms, parking lots, concession stands, hiking and biking trails, and campsites. The construction activities could involve some risk of environmental accidents. However, construction activity would comply with all applicable local, State, and federal laws which would minimize or eliminate such risks, to the extent feasible. Additionally, the proposed Project includes policies which would require construction to follow best management practices to further reduce the risk of environmental accidents. Although additional restrooms and campsites would be constructed, such facilities would operate per local, State, and federal laws, thereby, minimizing the risk of irreversible damage from environmental accidents. As a result, the proposed Project would not pose a substantial risk of environmental accidents.

Construction, operation, and ongoing maintenance of facilities or structures constructed under the proposed Project would result in a commitment of nonrenewable resources. Although construction of the proposed Project

would utilize nonrenewable resources, operations would require a lesser commitment of nonrenewable resources, primarily fuels for service and management vehicles. Overall, implementation of the proposed Project would not require a large commitment of nonrenewable resources.

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 7.2, "Growth Inducement," in the Draft EIR examines growth-inducing impacts, pursuant to CEQA Section 21100(b)(5) and Section 15126.2(d) of the State CEQA Guidelines. Although the construction of Project facilities are expected to increase visitors to the planned Parkway, most of the increased population within the Parkway Plan Area would be limited to day use/visitation of the Parkway and/or temporary use of tent and RV campsites, not resulting in permanent population growth. Additionally, there is no housing proposed by the proposed Project.

Some Parkway development under the proposed Plan could result in job growth as a result of the staffing of concession stands and/or other facilities that would require staffing, such as a visitor center, campsite location, and entrance stations; however, the limited number of jobs is not expected to generate population at a level which would result in adverse environmental effects. Restoration projects as a result of the proposed Project would result in employment for three to five years per project, on an extremely small scale.

Although the increase and improvements to trails and access points would increase the overall transportation infrastructure, the improvements are not expected to induce population growth other than an increase to daily visitors as a result of providing more opportunities for recreation. Such growth would be temporary and is not expected to result in an adverse environmental effect.

Therefore, the project would not be growth inducing. No impact would occur.

V 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].

ALTERNATIVES CONSIDERED IN THE EIR

Based on the entire record, the Conservancy finds that the EIR 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.

One action alternative and a no project alternative are evaluated in the Draft EIR. The basis for selecting each alternative to analyze each in the EIR is provided below. (Reference: Draft EIR, Chapter 6.)

- **Alternative 1, "Increased Natural Reserves."** Under the Increased Natural Reserves alternative, the proposed Plan would be adopted; however, the focus would be on increasing natural reserves through land acquisitions, and habitat enhancement and restoration, and not further developing the multi-use network of trails and low-impact recreational facilities.

- **Alternative 2, "No Project Alternative."** Under the No Project Alternative, the Parkway would continue to be developed and implemented under the existing 1997 San Joaquin River Parkway Interim Master Plan.

FINDINGS REGARDING ALTERNATIVES

INCREASED NATURAL RESERVES ALTERNATIVE

Under the Increased Natural Reserves Alternative, the proposed Project would continue to be implemented; however, the focus would shift to increasing natural reserves through land acquisitions and habitat enhancement and restoration, and not develop new or enhance the existing network of multi-use trails and facilities for low-impact recreation. Under this alternative, the overall amount of natural reserves would be increased and recreational amenities would remain similar to existing conditions; therefore, new trail connections and additions, parking areas, boat launches, and other visitor amenities would be minimal, and the overall visitation to the Parkway would likely be less under this alternative in that fewer facilities and trails would exist. Further opportunities for low-impact recreation would be greatly reduced compared to the proposed Project. Under this alternative the same goals and policies as included in the proposed Project would be applicable.

The Increased Natural Reserves Alternative would result in impacts similar to those of the proposed Project, although the decreased focus on public access facilities and the multi-use trail would lessen the potential for several types of impacts. Although the Natural Reserves Alternative would lessen the potential for several impacts, it is not environmentally superior to the proposed Project in that it does not eliminate the identified significant and unavoidable impacts to less than significant levels. Also, the Conservancy Board finds that this alternative is infeasible for specific economic, legal, social, technological, or other reasons, including the inability

to meet the Board's policy objectives. Specifically, this alternative would not meet the project objectives, the statutory mission of the San Joaquin River Conservancy, the mandate of the San Joaquin River Conservancy Act, nor achieve the purposes of the San Joaquin River Parkway, as it would not provide for low impact public recreation.

NO PROJECT ALTERNATIVE

Consistent with Section 15126.6(e)(2) of the CEQA Guidelines, under the No Project Alternative, the existing 1997 San Joaquin River Parkway Interim Master Plan (existing Plan) would continue to be implemented. Continued implementation of the existing Plan would result in additional trails and increased connectivity throughout the Parkway, however, without the updated guidance and conceptual planning provided within the proposed Project. Under this alternative, the additional goals, policies, design guidelines, and BMPs included under the proposed Project, many of which would result in increased protection of habitat and proper development and management of recreational opportunities, would not be implemented. However, the overall extent of future Parkway development and uses such as, hiking, biking, kayaking and boating, nature observation, fishing, picnicking, and camping would remain the same.

The No Project Alternative would result in impacts similar to those of the proposed Project; however, because fewer protective design standards, proposed policies, BMPs, and mitigation measures would be comprehensively required, the alternative would increase the potential for several types of impacts. The No Project Alternative would generally meet the project objectives, with the exception of the objective of cohesively generating environmental benefits and mitigating the impacts of Parkway development, rather than relying to a much greater extent on project-specific, incremental mitigation. This alternative would not comprehensively implement the updated policies of the Master Plan Update, nor would it implement the mitigation requirements identified in this EIR. Therefore, the Conservancy Board rejects the No Project Alternative because it is not environmentally superior to the proposed Project and also as infeasible because it does not meet the project objectives identified in the Final EIR.

VI STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological or other benefits of the project against its unavoidable environmental risks when determining whether to approve a project. If the specific economic, legal, social, technological or other benefits of the project outweigh the unavoidable adverse environmental effects, those effects may be considered "acceptable" (CEQA Guidelines section 15093, subdivision (a)). CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (CEQA Guidelines section 15093, Subdivision (b)).

Due to the programmatic nature of the proposed Plan, the Final EIR analysis was also conducted at a programmatic level, and therefore, it could not determine with certainty that any future project implemented under the plan would not have significant impacts on air quality, greenhouse gases, or agriculture resources. The potential effects on air quality and greenhouse gases must be calculated on a project-specific basis to determine if thresholds are exceeded and to determine the best project level mitigation measures to address that impact. Also,

whether the possible acquisition and conversion of the remaining agricultural lands in the proposed Plan area could result significant impacts due to conversion of farmland to non-agricultural uses must be determined on a project-specific basis. Therefore, the EIR conservatively found implementation of the proposed Plan could result in potentially significant impacts to these resource areas, which may be found to be mitigated to less than significant levels during future project level review. Also, the EIR found that development of structures within the river's floodplain could adversely increase structure loss or damage due to dam failure, which would be a significant and unavoidable impact.

Therefore, in accordance with the requirements of CEQA and the CEQA Guidelines, the Conservancy Board finds that the proposed Project will result in project and cumulative significant adverse environmental impacts related to agricultural and forestry resources, air quality, greenhouse gas emissions, and hydrology and water quality that cannot be avoided following adoption, incorporation into the proposed Project, and implementation of mitigation measures described in the EIR. While these impacts may be mitigated to less than significant levels during future project level review, there are no feasible project alternatives that can be identified at this programmatic level of review that would mitigate or avoid these impacts. Having balanced the economic, legal, social, technological or other benefits of the proposed Project, including region-wide or statewide environmental benefits, against its significant and unavoidable environmental impacts, the Conservancy Board finds that the proposed Project's benefits outweigh these identified adverse environmental effects, and that the adverse environmental effects are therefore acceptable. The Conservancy Board finds that each of the Project benefits discussed below is a separate and independent basis for these findings. The reasons set forth below are based on the Final EIR and other information in the administrative record.

<u>Environmental Benefits</u>

1. The proposed Project would result in the conservation of unique and important environmental, cultural, scientific, agricultural, educational, recreational, scenic, flood water conveyance, and wildlife resources of Statewide significance for the enjoyment of, and appreciation by, present and future generations as intended by the State Legislature when it established the San Joaquin River Conservancy.

2. The proposed Project would acquire public conservation lands, with the goal of achieving 5,900 acres for San Joaquin River Parkway purposes, including increasing connectivity with existing Parkway lands to enhance habitat function, provide for wildlife movement, create a Parkway-wide trail system, and provide for low-impact recreation.

3. The proposed Project includes goals and policies to guide the implementation of improvements to restore and enhance natural resources, to provide a contiguous and continuous native riparian and upland habitat corridor for wildlife movement and refuge, and to establish native woodlands to increase carbon sequestration.

4. The proposed Project includes goals and policies to guide the restoration and enhancement of self-sustaining riparian, wetlands, floodplain and upland habitat on Conservancy and other public lands, including such activities as: grading to enhance the ecological function of the floodplain, ponds, and swales; irrigation systems to provide for plant establishment; planting native plants; and non-native species eradication.

5. The proposed Project would protect historic and cultural resources.

6. The proposed Project would support small-scale, limited agriculture uses compatible with resources protection and multi-use, multiple-benefit land management, e.g., provide for managed or prescribed grazing to reduce fuel loads and control invasive plant species, and incorporate community-supported agriculture and education regarding historic agricultural uses where appropriate.

7. The proposed Project would link to the regional trail system to provide for multi-modal commuting and transportation to reduce dependence on motor vehicles.

Social Benefits

1. The proposed Project would enhance recreational opportunities by acquiring contiguous lands and rights-of-way for a connected recreational trail system consisting of a 22+/- mile primary multi-use trail, and for connected public open spaces, nature trails, river access, and secondary trails.

2. The proposed Project would provide a wide variety of recreational amenities for people of all ages and abilities, including staging and picnic areas, nature observation areas, canoe rest stops and launches, fishing piers and improvements, equestrian trails, and Americans with Disability Act-compliant and universally accessible features.

3. The proposed Project would provide enhanced environmental and outdoor educational opportunities regarding the Parkway's natural and cultural resources, wildlife, and habitat, and provide for the development of ancillary facilities and features to support educational uses, including but not limited to: outdoor classrooms and small group amphitheaters; bus parking and turnarounds; interpretive signs; turfed areas; displays, exhibits, and outdoor museum features; vista points and observation decks; and visitor and interpretive centers as feasible.

4. The proposed Project would protect and utilize historic and cultural resources for educational purposes, such as, developing Native American cultural gardens and restoration areas, accommodating field research activities, and allowing for harvesting native plant materials for culturally appropriate uses.

Economic Benefits

1. The proposed Project would help meet the recreational needs of the Fresno-Madera community and cost-effectively increase the per capita acreage of parks and greenspace, in a region which has been traditionally underserved and lacks adequate open space, parks, and river access.

2. The proposed Project would provide outdoor recreation that would contribute health benefits to the Fresno-Madera community, including exercise benefits that help address the incidence of adult diabetes, obesity and heart disease.

3. The proposed Project would result in economic activities consistent with low-impact recreation, such as features and facilities to support equestrian trail riding, non-motorized boating and paddling, bicycling, and refreshments, and would support area-wide links among other public and private recreation and

visitor facilities and services, such as golf courses, refreshment centers, and retail services and equipment rentals.

4. The proposed Project would provide improvements that enhance the quality of life, which helps attract new business activities to the region.

5. The proposed Project serves Fresno and Madera counties, which encompass large populations of residents living in Disadvantaged Communities, as defined in State regulation.

RESOLUTION 18-01, EXHIBIT B: MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation Responsibility	Implementation Timing	Completion of Implementation	
			Action	Date Completed
AGRICULTURE AND FORESTRY RESOURCES				
AG-1: As part of the process for each individual site-specific development project under the Parkway Master Plan Update, an appropriate or applicable agricultural in-lieu mitigation fee for each acre of prime farmland to be developed shall be paid by the Conservancy at the time that agricultural land is to be developed or converted to non-agricultural uses, to an entity or agency holding or facilitating agricultural conservation easements within the region.	Conservancy	Project planning and design		
AIR QUALITY				
AQ-1: Mitigation measures identified for Impact AQ-3 would lessen impacts associated with inconsistency with SJVAPCD's air quality management plans.	N/A			
AQ-2: Mitigation measures identified for Impact AQ-3 would lessen impacts associated with inconsistency with SJVAPCD's air quality management plans.	N/A			
AQ-3a: Prior to initiation of construction activities, construction contractors shall prepare and submit to the Conservancy a technical assessment evaluating potential project construction-related air quality impacts. The evaluation shall be prepared in conformance with San Joaquin Valley Air Pollution Control District (SJVAPCD) methodology in assessing air quality impacts. The following identified measures shall be incorporated into all appropriate construction documents (e.g., construction management plans) and submitted to the Conservancy. Mitigation measures to reduce construction-related emissions include, but are not limited to: ▪ Using construction equipment rated by the United States Environmental Protection Agency as having Tier 3 (model year 2006 or newer) or Tier 4 (model year 2008 or newer) emission limits, applicable for engines between 50 and 750 horsepower. A list of construction equipment by type and model year shall be maintained by the construction contractor on-site, which shall be available for Conservancy review upon request. ▪ Ensuring construction equipment is properly serviced and maintained to the manufacturer's standards. ▪ Use of alternative-fueled or catalyst-equipped diesel construction equipment, if available and feasible. ▪ Clearly posted signs that require operators of trucks and construction equipment to minimize idling time (e.g., 5-minute maximum).	Conservancy	Project design and construction		

RESOLUTION 18-01, EXHIBIT B: MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation Responsibility	Implementation Timing	Completion of Implementation	
			Action	Date Completed
▪ Preparation and implementation of a fugitive dust control plan that may include the following measures: ▪ Disturbed areas (including storage piles) that are not being actively utilized for construction purposes shall be effectively stabilized using water, chemical stabilizer/suppressant, or covered with a tarp or other suitable cover (e.g., revegetated). ▪ On-site unpaved roads and off-site unpaved access roads shall be effectively stabilized using water or chemical stabilizer/suppressant. ▪ Land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled utilizing application of water or by presoaking. ▪ Material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained when materials are transported off-site. ▪ Operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.) ▪ Following the addition of materials to or the removal of materials from the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant. ▪ Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday. ▪ Any site with 150 or more vehicle trips per day shall prevent carryout and trackout. ▪ Limit traffic speeds on unpaved roads to 15 mph. ▪ Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than 1 percent. ▪ Install wheel washers for all exiting trucks or wash off all trucks and equipment leaving the project area. ▪ Adhere to Regulation VIII's 20 percent opacity limitation, as applicable.				

RESOLUTION 18-01, EXHIBIT B: MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation Responsibility	Implementation Timing	Completion of Implementation	
			Action	Date Completed
AQ-3b: Prior to initiation of construction activities, construction contractors shall prepare and submit to the Conservancy a technical assessment evaluating potential project operation phase-related air quality impacts. The evaluation shall be prepared in conformance with San Joaquin Valley Air Pollution Control District (SJVAPCD) methodology in assessing air quality impacts. If operational-related criteria air pollutants are determined to have the potential to exceed the SJVAPCD adopted thresholds of significance, as identified in the Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI), the Conservancy shall require the construction contractor to incorporate mitigation measures to reduce air pollutant emissions during operational activities. The identified measures shall be included as part of the Standard Conditions of Approval. Mitigation measures to reduce long-term emissions can include, but are not limited to: ▪ Site-specific development shall demonstrate an adequate number of electrical vehicle Level 2 charging stations are provided on-site. The location of the electrical outlets shall be specified on building plans, included in subsequent environmental review, and proper installation shall be verified by the Conservancy prior to operation. ▪ Appliances shall be Energy Star appliances (dishwashers, refrigerators, clothes washers, and dryers). Installation of Energy Star appliances shall be verified by the Conservancy prior to operation.	Conservancy	Project design and construction		
AQ-3c: The use of outdoor fire pits shall be prohibited.	Conservancy	Project design and operations		
AQ-4: Mitigation Measures identified for Impact AQ-3 would lessen impacts associated with Project-related emissions contributing to SJVAB ambient air quality standards.	N/A			
AQ-6: Implement Mitigation Measure AQ-3.	N/A			
BIOLOGICAL RESOURCES				
BIO-1A: Preserve populations of CRPR species: *Avoid and Minimize Impacts*. For each future project to implement the proposed Plan, when the project is defined to a level that impacts can be evaluated, prior to taking action the Conservancy will assess the site to determine, avoid, and minimize potential adverse impacts to special status plants in accordance with BMP BIO-4. On a case-by-case basis, minimization measures may include transplanting perennial species, seed collection and dispersal for annual species,	Conservancy	Project, planning, design, and construction		

RESOLUTION 18-01, EXHIBIT B: MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation Responsibility	Implementation Timing	Completion of Implementation	
			Action	Date Completed
and other conservation strategies that will protect the viability of the local population. Monitoring plant populations will be conducted annually for five years; the performance standard will be no net reduction in the size or viability of the local population. *Compensate for Potentially Significant Impacts*. Where special-status plants are present and adverse impacts cannot be avoided or minimized: ▪ To compensate for potentially significant adverse impacts, habitat occupied by the affected species outside the impact area will be preserved and managed in perpetuity at a minimum 1:1 mitigation ratio (at least one plant preserved for each plant affected, and also at least one occupied acre preserved for each occupied acre affected), up to the significance threshold (e.g., for a CRPR 1B species where 15 percent of the known population within 5 miles of the future impact area will be affected, mitigation must be provided at a 1:1 equivalent of 15 percent of that regional population), or in accordance with current guidance issued by or as required by regulatory agencies. ▪ Conservancy will develop a Habitat Mitigation and Monitoring Plan (HMMP) describing the measures that will be taken to enhance and manage the mitigation lands and to monitor the effects of management on the focal special-status plant species. That plan will include, at a minimum, the following: ▪ A summary of impacts on special-status plant populations, and the proposed mitigation; ▪ A description of the location and boundaries of the mitigation site and description of existing site conditions; ▪ A description of measures to be undertaken if necessary to enhance (e.g., through focused management) the mitigation site for special-status species; ▪ A description of measures to transplant individual plants or seeds from the impact area to the mitigation site, if determined by a qualified botanist to be appropriate and to have a high likelihood of success; ▪ Proposed management activities to maintain high-quality habitat conditions for the focal species; ▪ A description of species monitoring measures on the mitigation site, including specific, objective goals, objectives, policies, design guidelines, and BMPs (including enhancement of populations of focal special-status species on the mitigation site), performance indicators and success criteria				

RESOLUTION 18-01, EXHIBIT B: MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation Responsibility	Implementation Timing	Completion of Implementation	
			Action	Date Completed
(including increasing the abundance of the focal species by at least as many individuals as were impacted), monitoring methods (including sampling for the focal species), data analysis, reporting requirements, and monitoring schedule. Determining specific performance/success criteria requires information regarding the specific mitigation site, its conditions, the biological resources present on the site, the specific plant species for which mitigation is being provided, and the specific enhancement and management measures tailored to the mitigation site and its conditions. As a result, those specific criteria will be defined in the HMMP rather than in this EIR. Nevertheless, the performance/success criteria described in the HMMP will guide the mitigation to manage and protect high-quality habitat for, and populations of, the impacted species. The HMMP will include monitoring for non-native plant species and remediation measures in the event that such species are detected on the site; ▪ A description of the management plan's adaptive component, including potential contingency measures for mitigation elements that do not meet performance criteria; and ▪ A description of the funding mechanism for the long-term maintenance and monitoring of the mitigation lands.				
BIO-1B: Protect critical valley elderberry longhorn beetle habitat. *Avoid and Minimize Impacts.* For each future project to implement the proposed Plan, when the project is defined to a level that impacts can be evaluated, prior to taking action the Conservancy will assess the site to determine, avoid, and minimize potential adverse impacts to valley elderberry longhorn beetle in accordance with BMP BIO-4. ▪ All elderberry shrubs with one or more stems measuring 1.0 inch or greater in diameter at ground level that occur on or adjacent to any proposed project site in the Parkway Plan Area will be tallied by diameter size class and thoroughly searched for beetle exit holes. The absence of exit holes will required compensatory mitigation, consistent with the *Conservation Guidelines for Valley Elderberry Longhorn Beetle* (see Table 4.4-6). ▪ Complete avoidance (i.e., no adverse impact) may be assumed when a 100-foot (or wider) buffer is established and maintained around elderberry plants containing stems measuring 1.0 inch or greater in diameter at ground level. Measures to protect buffer areas will be instituted prior to construction and	Conservancy	Project planning, design, and construction		

RESOLUTION 18-01, EXHIBIT B: MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation Responsibility	Implementation Timing	Completion of Implementation	
			Action	Date Completed
will include fencing, signs, and worker education programs ▪ Any damage done to buffer areas during construction will be restored to pre-project conditions (e.g., revegetation of buffer area with appropriate native plants). The project sponsor will retain a qualified biologist to prepare a written description of how the buffer areas are to be restored, protected, and maintained after construction is completed. Typical measures include fencing, signs, weeding, and trash removal. *Compensate for Potentially Significant Impacts*. Where elderberry shrubs are present and potentially significant adverse impacts to valley elderberry longhorn beetle cannot be avoided, the Conservancy will implement standard USFWS mitigation protocol (or current standard protocol): ▪ Elderberry plants that cannot be avoided by project construction activities (i.e., disturbance will occur within 20 feet of the shrub) will be transplanted to a USFWS-approved conservation area prior to construction under the supervision of a qualified biologist. Each elderberry stem measuring 1.0 inch or greater in diameter at ground level that is adversely affected (i.e., transplanted or destroyed) will also be replaced, in the conservation area, with elderberry seedlings or cuttings. The Conservancy will consult with USFWS to determine appropriate compensation ratios. Compensatory mitigation will be consistent with the *Conservation Guidelines for Valley Elderberry Longhorn Beetle* (see Table 4.4-6), or in accordance with current guidance. The conservation area will be protected in perpetuity as habitat for the valley elderberry longhorn beetle, and the Conservancy will provide a written monitoring plan to the USFWS. At a minimum the monitoring plan will include the following information: ▪ Species monitoring measures on the conservation site, including specific goals, objectives, policies, design guidelines, and BMPs and objectives, performance indicators, success criteria, monitoring methods, data analysis, and a monitoring schedule. At a minimum, success criteria will meet current guidance and requirements, such as the following: – A minimum survival rate of at least 60 percent of the elderberry plants and 60 percent of the associated native plants must be maintained throughout the monitoring period; – The monitoring plan's adaptive component, including potential contingency measures for mitigation elements that do not meet				

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Mitigation Measures	Implementation Responsibility	Implementation Timing	Completion of Implementation	
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performance criteria; and – The funding mechanism in place to ensure long-term maintenance and monitoring of the conservation lands.				
BIO-1C: Protect California tiger salamander. *Avoid and Minimize Impacts.* All projects to install or construct trails, kiosks, restrooms, restore habitat, and other improvements contemplated in the proposed Project will be subject to project- and site-specific environmental review pursuant to CEQA. For each future project to implement the proposed Plan, when the project is defined to a level that impacts can be evaluated, prior to taking action the Conservancy will assess the site to determine, avoid, and minimize potentially significant impacts to California tiger salamanders in accordance with BMP BIO-5. Where California tiger salamanders are found on-site through protocol surveys (or assumed in the absence of surveys), avoidance and minimization measures will also include: ▪ When feasible, a 50-foot no-disturbance buffer will be established around burrows that provide suitable upland habitat for California tiger salamander. Burrows considered suitable for California tiger salamander will be determined by a qualified biologist, approved by USFWS. ▪ All suitable burrows directly impacted by construction will be hand excavated under the supervision of a qualified wildlife biologist. If California tiger salamander are found, the biologist will relocate the organism to the nearest burrow that is outside of the construction impact area. ▪ All ground-disturbing work will occur during daylight hours in coordination with USFWS, and depending on the level of rainfall and site conditions. The National Weather Service (NWS) 72-hour forecast for the work area will be monitored. If a 70 percent or greater chance of rainfall is predicted within 72 hours of project activity, all activities in areas within 1.3 miles of potential or known California tiger salamander breeding sites will cease until no further rain is forecast. If work must continue when rain is forecast, a qualified biologist will survey the project site before construction begins each day rain is forecast. If rain exceeds 0.25-inch during a 24-hour period, work will cease until no further rain is forecast. This restriction is not applicable for areas located greater than 1.3 miles from potential or known California tiger salamander breeding sites	Conservancy	Project planning, design, and construction		

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once they have been encircled with California tiger salamander exclusion fencing. However, even after exclusion fencing is installed, this condition would still apply to construction related traffic moving though areas within 1.3 miles of potential or known California tiger salamander breeding sites but outside of the salamander exclusion fencing (e.g., on roads). ▪ For work conducted during the California tiger salamander migration season (November 1 to May 31), exclusionary fencing will be erected around the construction site during ground-disturbing activities after hand excavation of burrows has been completed. A qualified biologist will visit the site weekly to ensure that the fencing is in good working condition. Fencing material and design will be subject to the approval of the USFWS. If exclusionary fencing is not used, a qualified biological monitor will be on-site during all ground disturbance activities. Exclusion fencing will also be placed around all spoils and stockpiles. ▪ For work conducted during the California tiger salamander migration season (November 1 to May 31), a qualified biologist will survey the active work areas (including access roads) in mornings following measurable precipitation events. Construction may commence once the biologist has confirmed that no California tiger salamander are in the work area. ▪ Prior to beginning work each day, underneath equipment and stored pipes greater than 1.2 inches (3 centimeters) in diameter will be inspected for California tiger salamander. If any are found they will be allowed to move out of the construction area under their own accord. ▪ Trenches and holes will be covered and inspected daily for stranded animals. Trenches and holes deeper than 1 foot will contain escape ramps (maximum slope of 2:1) to allow trapped animals to escape uncovered holes or trenches. Holes and trenches will be inspected prior to filling. ▪ All food and food-related trash will be enclosed in sealed trash containers at the end of each workday and removed completely from the construction site once every three days to avoid attracting wildlife. ▪ A speed limit of 15 miles per hour will be maintained on dirt roads. *Compensate for Potentially Significant Impacts.* Where California tiger salamanders are present and potentially significant adverse impacts cannot be avoided and minimized through the above measures, the Conservancy will				

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Mitigation Measures	Implementation Responsibility	Implementation Timing	Completion of Implementation	
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implement standard USFWS compensatory mitigation (or current standards).Compensation for unavoidable impacts will be provided via the protection, enhancement, and management of habitat that currently supports, or can support, this species at a 3:1 (mitigation: impact) ratio, on an acreage basis, or in accordance with current guidance issued by or as required by regulatory agencies. Compensatory mitigation may be carried out through one or more of the following methods, in order of preference: ▪ The preservation, management, and enhancement (e.g., through long-term management targeted toward this species) of high-quality habitat that is already occupied by California tiger salamanders. ▪ Purchase of mitigation credits at approved mitigation banks whose service area includes the Parkway Plan Area. ▪ The restoration or enhancement of degraded habitat or habitat that is unsuitable for use by California tiger salamanders, but that (a) is in close proximity to areas of known occurrence and (b) can be made more suitable for use via construction of one or more breeding ponds or management to improve the quality and availability of burrows in upland habitat. Because most, if not all, impacts on California tiger salamander habitat resulting from implementing the proposed Project would consist of modification of upland refugial/dispersal habitat (rather than aquatic breeding habitat), mitigation lands will also consist of upland habitat for this species, as appropriate. All mitigation lands for this species will be located within Fresno or Madera counties. For any compensatory mitigation described above, the Conservancy will develop an HMMP describing the measures that will be taken to manage the mitigation property and to monitor the effects of management on the California tiger salamander. That plan will include, at a minimum, the following: ▪ A summary of impacts on California tiger salamander habitat and populations, and the proposed mitigation; ▪ A description of the location and boundaries of the mitigation site and description of existing site conditions; ▪ A description of measures to be undertaken if necessary to enhance (e.g., through focused management) the mitigation site for California tiger salamanders;				

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▪ Proposed management activities, such as managed grazing, management of invasive plants, measures targeted at sustaining populations of burrowing mammals, or other measures to maintain high-quality habitat for California tiger salamanders; ▪ A description of species monitoring measures on the mitigation site, including specific, objective goals, objectives, policies, design guidelines, and BMPs (such as maintaining or increasing abundance of California tiger salamanders or maintaining or improving habitat suitability), performance indicators and success criteria (such as presence or abundance of upland refugia or hydroperiod of breeding habitat), monitoring methods (such as sampling of upland refugia or monitoring of the hydroperiod of breeding habitat), data analysis, reporting requirements, and monitoring schedule. Determining specific performance/success criteria requires information regarding the specific mitigation site, its conditions, and the specific enhancement and management measures tailored to the mitigation site and its conditions. For example, performance criteria for a mitigation site providing only upland habitat for California tiger salamanders would include the maintenance of grassland habitat of a suitable height and density for burrowing mammals, and maintenance of suitable burrowing mammal populations, whereas a mitigation site providing salamander breeding habitat would also include criteria related to adequate depth and hydroperiod of breeding habitat. As a result, those specific criteria will be defined in the HMMP rather than in this EIR. Nevertheless, the performance/success criteria described in the HMMP will guide the mitigation to manage and protect high-quality habitat for the California tiger salamander, adequate to compensate for impacts. ▪ A description of the management plan's adaptive component, including potential contingency measures for mitigation elements that do not meet performance criteria; and ▪ A description of the funding mechanism for the long-term maintenance and monitoring of the mitigation lands. If Conservancy lands can be enhanced (e.g., via the construction of breeding ponds) in such a way as to substantially improve their value to California tiger salamanders, then the Conservancy may use those lands as mitigation for the California tiger salamander.				

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The proposed project-specific mitigation and HMMP will be provided to the USFWS and CDFW for review because this species is both state and federally listed. It is possible that this mitigation measure may be refined in coordination with USFWS during the Section 7 consultation process (e.g., in the Biological Opinion covering project effects on the California tiger salamander) or the Section 2081 consultation process with the CDFW (e.g., in an Incidental Take Permit), in which case the refinements required by these agencies would be implemented.				
BIO-1D: Implement Mitigation Measure BIO-3.	N/A			
BIO-1E: Protect western pond turtle. *Avoid and Minimize Impacts.* For each future project to implement the proposed Plan, when the project is defined to a level that impacts can be evaluated, prior to taking action the Conservancy will assess the site to determine, avoid, and minimize potentially significant impacts to western pond turtles in accordance with BMP BIO-5. Where suitable habitat exists (e.g., along riparian areas and freshwater emergent wetlands) for western pond turtles on-site, avoidance and minimization measures will also include: ▪ Pre-construction surveys for western pond turtle will be conducted by a qualified biologist 14 days before and 24 hours before the start of ground-disturbing activities. ▪ If western pond turtles or their nests are observed during pre-construction surveys, a qualified biologist shall be on-site to monitor construction in suitable turtle habitat. Western pond turtle found within the construction area will be allowed to leave of its own volition or it will be captured by a qualified biologist and relocated out of harm's way to the nearest suitable habitat immediately upstream or downstream from the project site. ▪ If western pond turtle nests are identified in the work area during pre-construction surveys, a 300-foot no-disturbance buffer shall be established between the nest and any areas of potential disturbance. Buffers shall be clearly marked with temporary fencing. Construction will not be allowed to commence in the exclusion area until hatchlings have emerged from the nest, or the nest is deemed inactive by a qualified biologist. *Compensate for Potentially Significant Impacts.* If occupied breeding (aquatic) habitat for western pond turtles is detected and would be permanently affected,	Conservancy	Project planning, design, and construction		

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compensatory mitigation will be provided at a 1:1 ratio (preserved habitat: affected aquatic habitat), or in accordance with current guidance issued by or as required by regulatory agencies. If a qualified biologist determines that the compensatory mitigation acreage provides suitable mitigation for other species, such as the California tiger salamander, western spadefoot, or other species, the acreage may be used to provide mitigation for multiple species. ▪ An HMMP will be developed describing the measures that will be taken to manage the property and to monitor the effects of management on western pond turtles. That plan will include, at a minimum, the information described in Mitigation Measure BIO-1C.				
BIO-1F: Protect western spadefoot toad. *Avoid and Minimize Impacts.* For each future project to implement the proposed Plan, when the project is defined to a level that impacts can be evaluated, prior to taking action the Conservancy will assess the site to determine, avoid, and minimize potentially significant impacts to western spadefoot in accordance with BMP BIO-5. Where suitable habitat exists for western spadefoot on-site, avoidance and minimization measures will also include: ▪ For work conducted during the western spadefoot toad migration and breeding season (November 1 to May 31), a qualified biologist will survey the active work areas (including access roads) in mornings following measurable precipitation events. Construction may commence once the biologist has confirmed that no spadefoot toads are in the work area. ▪ When feasible, there will be a 50-foot no-disturbance buffer around burrows that provide suitable upland habitat for western spadefoot toad. Burrows considered suitable for spadefoot will be identified by a qualified CDFW biologist. The biologist will delineate and mark the no-disturbance buffer. ▪ If western spadefoot toad is found within the construction footprint, it will be allowed to move out of harm's way of its own volition or a qualified biologist will relocate the organism to the nearest burrow that is outside of the construction impact area. ▪ Prior to beginning work each day, a qualified biologist will inspect underneath equipment and stored pipes greater than 1.2 inches (3 centimeters) in diameter for western spadefoot toad. If any are found they will be allowed to move out of the construction area under their own accord.				

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▪ Trenches and holes will be covered and inspected daily for stranded animals. Trenches and holes deeper than 1 foot deep will contain escape ramps (maximum slope of 2:1) to allow trapped animals to escape uncovered holes or trenches. Holes and trenches will be inspected prior to filling. *Compensate for Potentially Significant Impacts.* If occupied breeding (aquatic) habitat for the western spadefoot is detected and would be permanently affected, compensatory mitigation will be implemented as follows: ▪ Permanently affected occupied breeding habitat will be replaced at a 2:1 ratio (mitigation area: affected area), or in accordance with current guidance issued by or as required by regulatory agencies. To the extent that there is an overlap in habitat value and occupied habitat, preservation lands may be the same as those provided for other species, such as the California tiger salamander. ▪ Any occupied breeding pond that would be permanently affected and cannot be preserved for western spadefoots will not be disturbed or affected until compensatory breeding habitat has been created. Once the compensatory habitat is created, all western spadefoot adults, tadpoles, and egg masses detected in the impact area during surveys, will be moved to the created pool habitat. If construction impacts on occupied breeding ponds would occur during the dry season, the replacement habitat will be in place prior to the beginning of the next wet season. Surveys near the affected pond will take place during the wet season, and all western spadefoot toads detected will be moved to the replacement habitat. ▪ The Conservancy will develop an HMMP describing the measures that will be taken to manage the property and to monitor the effects of management on western spadefoot. That plan will include, at a minimum, the information described in Mitigation Measure BIO-1D.				
BIO-1G: Protect burrowing owls. *Avoid and Minimize Impacts.* For each future project to implement the proposed Plan, when the project is defined to a level that impacts can be evaluated, prior to taking action the Conservancy will assess the site to determine, avoid, and minimize potentially significant adverse impacts to burrowing owls in accordance with BMP BIO-7. During the non-breeding season, and after owls have been relocated or evicted in accordance with BMP BIO-7, the work area will be monitoried daily for one week prior initial ground-disturbing activities to confirm	Conservancy	Project planning, design, and construction		

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owls have nor remained in or returned to burrows. Where possible, burrows will be excavated using hand tools and refilled to prevent reoccupation (flexible pipe will be inserted during excavation to maintain an escape route). If the habitat surrounding the burrow from which the owl is evicted remains suitable for use by burrowing owls following completion of the project activity (based on an assessment by a qualified biologist), the Conservancy will have the option of either providing habitat mitigation off-site, as described below, or monitoring the work site to determine whether it is re-occupied by burrowing owls. If the Conservancy documents nesting by burrowing owls within two years of completion of project activity in the vicinity of the impact site indicating that the activity did not have a long-term impact on the owls' use of the site, no further mitigation would be required. *Compensate for Potentially Significant Impacts.* For each future project to implement the proposed Plan, where burrowing owls are present and potentially significant adverse impacts cannot be avoided compensatory habitat mitigation will be provided as follows: ▪ If an occupied burrow cannot be avoided during the non-breeding season, burrows will be enhanced or created in adjacent habitat at a 1:1 ratio of burrow destroyed to be created at least one week prior to implementation of passive relocation techniques. If burrowing owl habitat enhancement or creation takes place, a monitoring and management plan will be developed and implemented to assess the effectiveness of the mitigation. If monitoring indicates that the actions have not adequately mitigated for the Project's impacts, remedial actions (e.g., enhancing or creating additional burrows) will be implemented that compensate for these impacts. ▪ If the project activity will degrade habitat quality to the extent that maintaining owl use of the site is not feasible or ecologically preferable, in the opinion of a qualified biologist, then off-site mitigation will be provided to compensate for the loss of occupied burrowing owl nesting habitat. Mitigation acreage will be provided in accordance with the California burrowing owl mitigation guidelines (9.75 to 19.5 acres of habitat be preserved and managed per occupied burrowing owl nest burrow, whether by a pair or singly), or in accordance with current guidance or requirements of the regulatory agencies. The amount of mitigation habitat provided will depend on whether the mitigation habitat is				

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occupied by burrowing owls (9.75 acres), adjacent to occupied habitat (13.0 acres), or suitable but unoccupied (19.5 acres). The mitigation site will be located in Fresno or Madera counties so that the mitigation supports the maintenance of regional burrowing owl populations. ▪ This mitigation may be provided via the management of suitable habitat on Conservancy lands (either existing lands or lands that are acquired), purchase of credits in a mitigation bank (if one is available), or contribution of funds toward the management of the required amount of suitable habitat owned by another entity. If the Conservancy provides habitat mitigation on existing Conservancy lands or on lands that are acquired for mitigation purposes, an HMMP will be prepared detailing the areas to be preserved for owls; the methods for managing on-site habitat for owls and their prey (such as vegetation management to maintain low-statured herbaceous vegetation); methods for enhancing burrow availability within the mitigation site (potentially including the provision of artificial burrows, although long-term management for ground squirrels will be important as well); measures to minimize adverse effects of development on owls on-site; and a monitoring program and adaptive management program. Determining specific performance/success criteria requires information regarding the specific mitigation site, its conditions, and the specific enhancement and management measures tailored to the mitigation site and its conditions. For example, performance criteria for a site where burrowing owls are known to occur (which may include maintenance of a certain number of pairs of owls) may differ from those for an unoccupied site adjacent to occupied burrowing owl habitat (which may include attracting owls to breed on the mitigation site). As a result, those specific criteria will be defined in the HMMP rather than in this EIR. Nevertheless, the performance/success criteria described in the HMMP will guide the mitigation to manage and protect high-quality habitat for burrowing owls, adequate to compensate for impacts. ▪ The HMMP will be submitted to the CDFW for review. ▪ If a mitigation bank providing credits for burrowing owls is established within the aforementioned mitigation area (i.e., in Fresno or Madera County), then mitigation may take the form of the purchase of credits equivalent to the number of acres of mitigation required.				

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BIO-1H: Protect special-status bats. *Avoid and Minimize Impacts.* For each future project to implement the proposed Plan, when the project is defined to a level that impacts can be evaluated, prior to taking action the Conservancy will assess the site to determine, avoid, and minimize potentially significant adverse impacts to Townsend's western big-eared bats and pallid bats in accordance with BMP BIO-8. *Compensate for Potentially Significant Impacts.* For each future project to implement the proposed Plan, where special status bats are present and potentially significant adverse impacts cannot be avoided, compensatory habitat mitigation will be provided as follows: ▪ If roosts must be removed, the bats will be excluded from the roosting site before it is removed. ▪ If a tree or structure containing a Townsend's western big-eared bat or pallid bat maternity roost is to be removed, a qualified biologist will design, and determine an appropriate location for, an alternative roost structure. If a tree containing a maternity roost of either species is not removed, but project-related disturbance causes the abandonment of the roost site (even during the non-breeding season), then the Conservancy may either monitor the roost site to determine whether the affected species returns to the roost, or construct an alternative roost. If the Conservancy elects to monitor the roost and bats do not return within 1 year, then an alternative roost will be constructed. ▪ A qualified biologist will determine the appropriate location for the alternative roost structure, based on the location of the original roost and habitat conditions in the vicinity. The roost structure will be built to specifications as determined by a qualified biologist, or it may be purchased from an appropriate vendor. The structure will be placed as close to the impacted roost site as feasible. The Conservancy will monitor the roost for up to three years (or until occupancy is determined, whichever occurs first) to determine use by bats. If by Year 3, the bat species for which the structure was designed are not using the structure, a qualified bat biologist, in consultation with the CDFW, will identify alternative roost designs or locations for placement of the roost, and monitoring of the new roost will occur for an additional three years (or until occupancy has been verified).	Conservancy	Project planning, design, and construction		
BIO-2A: Protect riparian habitat.	Conservancy	Project planning,		

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Avoid and Minimize Impacts. For each future project to implement the proposed Plan, when the project is defined to a level that impacts can be evaluated, prior to taking action the Conservancy will assess the site to determine, avoid, and minimize potentially significant adverse impacts to riparian habitat, including implementation of the proposed Plan's setback and buffer policies and BMP BIO-4. Each future project shall be preceded by a pre-construction survey during which a qualified botanist will identify sensitive natural vegetation communities, including riparian areas, within the project footprint and clearly map them as needed to avoid and/or minimize disturbance.		design, and construction		
Compensate for Potentially Significant Impacts. For each future project to implement the proposed Plan, where sensitive habitats are present and potentially significant adverse impacts cannot be avoided and would not be offset by habitat enhancement and creation benefits of the project, compensatory habitat mitigation will be provided in accordance with proposed Plan policies and BMP BIO-13, and as follows: ▪ Secure, implement, and comply with measures to protect habitat in a streambed alteration agreement with CDFW in accordance with California Fish and Game Code Section 1600. ▪ Develop a project-specific habitat restoration and revegetation plan for review and approval of CDFW. Replace on-site any native trees and shrubs, and any non-native plant species greater than four inches diameter breast height, removed to construct the project, on no less than a 3:1 ratio (replaced:removed), or in accordance with guidance or as required by regulatory agencies. Achieve successful establishment of 70 percent of the new plants within five years, or in accordance with guidance or as required by regulatory agencies. ▪ Follow invasive species removal protocols approved by CDFW. After invasive species removal, revegetate disturbed soils with appropriate fast-colonizing understory grasses and forbs within one growing season as described in BMP-13. ▪ For all projects other than invasive species removal projects that that do not include a habitat restoration component, if permanent impacts on more than one acre of contiguous riparian habitat are unavoidable, habitat will be restored or created to compensate for permanent impacts in a manner that				

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achieves no net loss in acreage or function. Mitigation for riparian habitat dominated by native species and supporting tree canopy will be provided at a ratio of 3:1 (3 acres of mitigation for every 1 acre of disturbed) via creation or restoration of riparian habitat, or in accordance with guidance or as required by the regulatory agencies. ▪ Mitigation will be achieved through one or more options, potentially including (but not limited to): ▪ Restoration or creation within the project site. ▪ Restoration or creation of riparian habitat within the Parkway Plan Area. ▪ Restoration/creation in close proximity to but outside of the Parkway Plan Area. ▪ Purchase of mitigation credits at approved mitigation banks whose service area includes the project site.				
BIO-2B: *Protect Essential Fish Habitat.* Each project to install or construct trails, kiosks, restrooms, and other improvements contemplated in the proposed Project shall be preceded by a pre-construction survey during which a qualified botanist will identify sensitive natural vegetation communities, including wetlands and other waters, within the project footprint and clearly map or delineate them as needed to avoid and/or minimize disturbance. For each future project to implement the proposed Plan, where EFH is present and potentially significant adverse permanent impacts cannot be avoided and would not be offset by habitat enhancement and creation benefits of the project, Mitigation Measure BIO-3 (see below) will be implemented to reduce impacts on EFH to a less-than-significant level.	Conservancy	Project planning, design, and construction		
BIO-3: Protect wetlands and other waters. *Avoid and Minimize Impacts.* For each future project to implement the proposed Plan, when the project is defined to a level that impacts can be evaluated, prior to taking action the Conservancy will assess the site in accordance with BMP BIO-2, to determine, avoid, and minimize potentially significant adverse impacts to wetland habitat and waters, including implementation of the proposed Plan's setback and buffer policies and BMP BIO-4. *Compensate for Potentially Significant Impacts.* For each future project to implement the proposed Plan, where sensitive habitats are present and potentially significant adverse impacts cannot be avoided and would not be offset	Conservancy	Project planning, design, and construction		

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by habitat enhancement and creation benefits of the project, compensatory habitat mitigation will be provided in accordance with proposed Plan policies and BMP BIO-13. Permanent impacts on, wetlands and other waters will be compensated by ensuring there is no net loss of acreage, functions, or values as follows:
▪ In coordination with USACE, the acreage of effects on waters of the U.S. and waters of the State that will result from implementation of the proposed Project will be determined.
▪ Section 404 and Section 401 permits will be secured and the permittee will implement and comply with all permit terms. The acreage, location, and methods for compensation will be determined during the Section 401 and Section 404 permitting processes.
▪ The performance standard will be "no net loss" on the basis of the acreage of wetlands and other waters of the U.S. and waters of the State that will be removed and/or degraded. Wetland habitat will be restored, enhanced, and/or replaced at an acreage and location and by methods agreeable to USACE, and/or the Central Valley RWQCB, as appropriate, depending on agency jurisdiction. The replacement of waters or wetlands will be equivalent to the nature of the habitat lost, and will be provided at a suitable ratio to ensure that, at a minimum, there is no net loss of habitat acreage or value. The replacement habitat will be set aside in perpetuity for habitat use.
▪ Mitigation will be achieved through one or more options, potentially including (but not limited to):
  ▪ Restoration or creation within the project site.
  ▪ Restoration or creation of wetlands/other waters within the Parkway Plan Area.
  ▪ Restoration/creation in close proximity to but outside of the Parkway Plan Area.
  ▪ Purchase of mitigation credits at approved mitigation banks whose service area includes the project site.				

GREENHOUSE GAS EMISSIONS				
GHG-1: New structures shall be constructed with photovoltaic solar panels to offset building energy use, unless it can be demonstrated that such systems are	Conservancy	Project planning, and design		

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not technologically feasible based on the location of structures, shading, or other site constraints.				
GHG-3: Implement Mitigation Measure GHG-1.	N/A			
TRANSPORTATION AND TRAFFIC				
TRAF-1: If a future project implemented under the proposed Plan is estimated to generate daily or peak hour volumes of traffic that trigger requirements of a state or local agency to prepare a site access, circulation, and traffic study, the Conservancy shall consult with the respective agency. The Conservancy shall assist in the evaluation and address as necessary any unsafe traffic conditions potentially created by the proposed project. Project engineering plans shall incorporate designs and features necessary to ensure safe and acceptable traffic operations associated with the project, in accordance with applicable LOS policies of the respective agencies.	Conservancy	Project planning, design, and construction		