INITIAL STUDY / NEGATIVE DECLARATION
PREPARED FOR THE
EMPIRE TRACT ROAD VACATION

SAN JOAQUIN COUNTY, CALIFORNIA

Prepared by:

San Joaquin County Public Works Department
Transportation Engineering
1810 E. Hazelton Avenue
Stockton, CA 95205

May 2025

This page is intentionally blank.

TABLE OF CONTENTS

TABLE OF FIGURES

This page is intentionally blank.

INITIAL STUDY / NEGATIVE DECLARATION
PREPARED FOR THE VACATION OF A PORTION OF
EMPIRE TRACT ROAD

Pursuant to Public Resources Code Section 21080 *et seq.* (California Environmental Quality Act) and California Code of Regulations, Title 14,
(California Environmental Quality Act (CEQA) Guidelines) Article 6, Sections 15070-15073

INITIAL STUDY/ENVIRONMENTAL CHECKLIST

PROJECT INFORMATION

1. Project Title

Empire Tract Road Vacation

2. Lead Agency Name and Address

San Joaquin County Public Works Department (SJCPWD) (Lead Agency)
1810 E. Hazelton Avenue
Stockton, California 95205
https://www.sjgov.org/department/pwk/

3. Contact Person, Phone, Email

Jeffrey Levers, T.E.
Senior Transportation Engineer
(209) 953-7631
jlevers@sjgov.org

4. Project Location

An approximately one-mile long segment of Empire Tract Road (ETR) (APN 069-010-110-000) between a point approximately 850 feet south of Eight Mile Road (EMR) and the Delta Water Supply Intake Pump Station in unincorporated San Joaquin County. The Project is on the Terminous, CA, USGS 7.5' Quadrangle; the coordinates at the approximate center of the road segment are 38.05227413813252, -121.49726036384202 (38° 03' 01" N, 121° 29' 49" W) (*see Figure 1, Vicinity Map, below*).

5. Project Sponsor's Name and Address:

Name:	San Joaquin County Department of Public Works
Physical Address:	1810 East Hazleton Avenue; Stockton, CA 95205
Mailing Address:	1810 East Hazleton Avenue; Stockton, CA 95205
Email:	jlevers@sjgov.org
URL:	https://www.sjgov.org/department/pwk/default

6. General Plan and Zoning Designations

The subject ETR segment lies within the San Joaquin County General Plan (SJC General Plan) Agricultural/General (A/G) land use designation and is zoned General Agriculture-40 (AG-40). The California Road System (CRS) map

assigns ETR a functional classification of 7 (local road)[1] and the San Joaquin County General Plan Natural and Cultural Resources Element identifies it as a scenic route.[2]

7. Existing Setting

The subject segment of ETR (project area) is located in western San Joaquin County, approximately 850 feet south of Eight Mile Road. The approximately 18-foot to 20-foot-wide road lies on a levee paralleling the Little Potato Slough and the San Joaquin River. Agricultural fields occupy the area east of the roadway. The H and H Marina is located on ETR at Eight Mile Road, north of the subject roadway segment. The Delta Water Supply Intake Pump Station, owned and operated by the City of Stockton, lies at the southern terminus of the roadway segment. North of the pump station is a small private ramp used by Medford Island Reclamation District No. 2041 and Tinsley Island Reclamation District No. 2108, and a separate dock used by the Medford Island Reclamation District and L&L Farms. Across the slough and river are more agricultural uses. A public ferry connects Eight Mile Road with Medford Island north of the roadway segment. Several yacht and recreational clubs operate in the vicinity of the project area.

Figure 1 below shows the project vicinity, and Figure 2 shows an aerial view of the project area. Figures 3 and 4 show Google™ StreetView images of the project area.

8. Background

The San Joaquin County Board of Supervisors (Board) is being requested to consider the vacation of a one-mile portion of ETR from approximately 850 feet south of EMR to the southern end of the roadway. Delta Farms Reclamation District 2029 (RD 2029) has a fee ownership of the property underlying ETR and has petitioned for San Joaquin County (County) to vacate its easement to allow the road to be made private and a gate restricting access to be installed. The request is due to instances of vandalism, illegal dumping, discharge of firearms, and other malicious activity that occurs within the roadway and on nearby private property.

The County was dedicated a road easement in 1943 and has maintained a public roadway since that time with the primary intent to provide access to the Medford Island Ferry Ramp (MIFR) located at the southern end of ETR. The County previously maintained the MIFR, however its interest was abandoned by this Board pursuant to the Agreement (A-20-262) executed with the interested surrounding island owners, Medford Island Reclamation District 2041 and Tinsley Island Reclamation District 2108. As traffic on the road is intermittent and of low volume, and the County no longer has interests in the MIFR, Public Works recommends that the County vacate its easement on the portion of ETR south of EMR.

Letters of support for the vacation were received from adjacent property owners, the City of Stockton, and affected reclamation districts. Subsequently, the County was provided with signed access easements between adjacent impacted property owners, MIFR users, dock users, and RD 2029, ensuring that permanent access will be maintained after vacation, which would be recorded concurrently with a resolution vacating the roadway if approved by the Board.

9. Project Description

---

[1] See California Department of Transportation, *Functional Classification System,* available at *https://dot.ca.gov/programs/research-innovation-system-information/office-of-highway-system-information-performance/functional-classification* and the California Road System (CRS) Maps, available at *https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=026e830c914c495797c969a3e5668538* (accessed May 30, 2025).

[2] San Joaquin County, 2030 General Plan (December 2016), Figure NCR-1, Scenic Routes, p. 3.4-13.

Part 3 of the California Streets and Highways Code (SHC), Public Streets, Highways, and Service Easements Vacation Law, § 8309, defines "vacation" as "the complete or partial abandonment or termination of the public right to use a street, highway, or public service easement." Chapters 3 and 4 set forth provisions for general and summary vacations, respectively. When a public entity owns an easement over a privately-owned fee parcel, and vacates that easement, the property rights revert to the fee parcel owner. The property owner can then treat the former easement as private property, and erect gates to restrict access. The property would remain subject to any remaining easements, such as public utility easements.

Section 8351(a) states that where

> *. . . the public entity owns only an easement for the street, highway, or public service purpose, title to the property previously subject to the easement is thereafter free from the easement for use for street, highway, or public service purposes, but not from any easement for vehicular or nonvehicular trail use that the public entity has previously granted to any other state or local public agency. If the easement is abandoned by resolution of the state or local public agency that was granted an easement for vehicular or nonvehicular trail use, the title to the property previously subject to the vehicular or nonvehicular easement is thereafter clear of the easement.*

As stated in *Background*, above, San Joaquin County owns an easement over APN 069-010-110-000, a linear parcel that encompasses ETR, and the RD 2029 owns the fee parcel. Vacating this easement would eliminate public access rights to the parcel, but would in itself not cause any physical changes to the roadway or environs. The property owner would then have the right to erect a fence or gate to physically restrict access to the roadway. Fencing materials and height would be required to comply with the San Joaquin County Development Title, Section 9-400.040 *et seq*., *Fencing and Screening*. Generally, fence height in agricultural zones and outside of required yards cannot exceed the maximum height of an "accessory building,"[3] which is the building height for the base zone (40 feet).[4] Access to the gate must be made available to emergency responder agencies.

[3] San Joaquin County, Development Title, Table 9-4000.040.B

[4] Id., Section Table 9-203.030, *Development Standards & Agricultural Zones*.

.

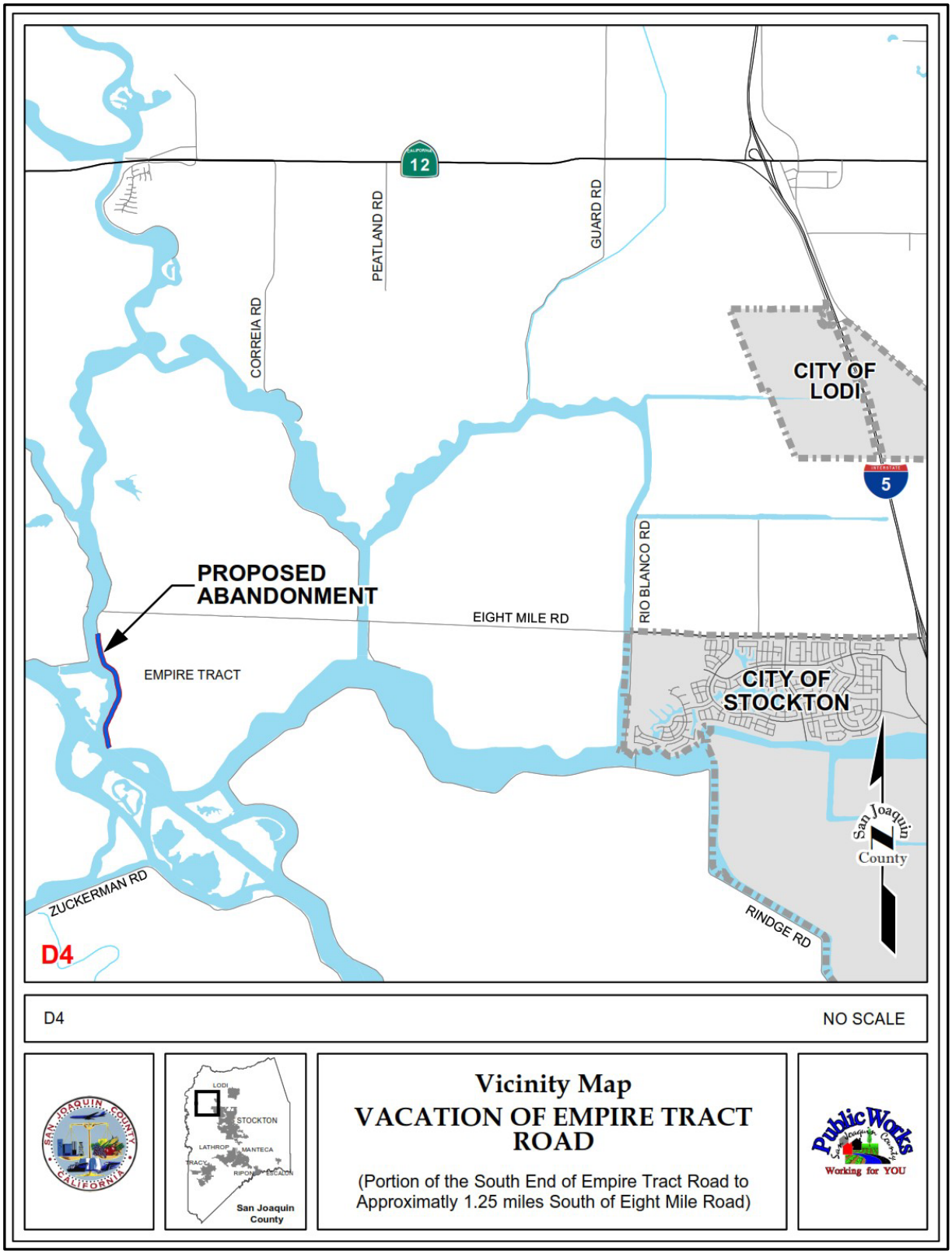


Figure 1 Vicinity Map

Figure 2 Aerial View

Figure 4 View of Project Area from North

Figure 3 View of Project Environs from Eight Mile Road

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐	Aesthetics	☐	Agriculture/Forestry Resources	☐	Air Quality
☐	Biological Resources	☐	Cultural Resources	☐	Energy
☐	Geology/Soils	☐	Greenhouse Gas Emissions	☐	Hazards and Hazardous Materials
☐	Hydrology/Water Quality	☐	Land Use/Planning	☐	Mineral Resources
☐	Noise	☐	Population/Housing	☐	Public Services
☐	Recreation	☐	Transportation	☐	Tribal Cultural Resources
☐	Utilities/Service Systems	☐	Wildfire	☐	Mandatory Findings of Significance

DETERMINATION:

On the basis of this initial evaluation:

☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

_____

Signature *Date*

This page is intentionally blank.

I. AESTHETICS

Except as provided in Public Resources Code Section 21099(d) (which prohibits a significance determination regarding aesthetics impacts for transit-oriented infill projects within transit priority areas),

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☐	☒
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

BACKGROUND AND REGULATORY SETTING

San Joaquin County is centrally located in the agricultural heartland of California, known as the San Joaquin Valley. The terrain is generally level with the foothills of the Diablo Range to the southwest and the foothills of the Sierra Nevada Range to the east. In addition to the vast acreage of agricultural land, a complex network of sloughs, canals, rivers, and creeks forms a distinctive landscape. The Delta wetlands, river corridors, valley oak tree groves, and sloping foothills and ridges of the Diablo and Sierra Nevada Ranges are the key scenic landscape features in San Joaquin County.

The County has designated Interstate 5, State Routes 4 and 99, and 26 local roadways as scenic routes; Interstates 5 and 580 are state-designated scenic highways (SJC 2030 General Plan, Natural and Cultural Resources Element, Figure NCR-1). These routes were selected based on several factors, including those roads which lead to recreation areas, exhibit scenery with agricultural/rural values or topographical interest, provide access to historical sites, or offer views of waterways. ETR is classified as a scenic route.

IMPACT DISCUSSION:

a) **No Impact.** As stated above in the Project Description, the San Joaquin County General Plan 2030 Cultural and Natural Resources Element designates ETR as a scenic route. The road offers views of portions of the San Joaquin River, Potato Slough, Medford Island, and surrounding agricultural areas. Vacating the ETR easement would close off a portion of the roadway from which these views can be observed. However, public access would remain along an 850-foot portion of the roadway between EMR and the new roadway terminus, from Correia Road north of the ETR and EMR intersection, as well as from many locations along the navigable portions of San Joaquin River and tributary sloughs and waterways, preserving access to scenic views. Moreover, the legislative act of vacating the roadway would have no physical effect on scenic vistas or local views. See Section X, *Land Use and Planning*, below, for a discussion regarding the roadway's scenic route designation and land use planning issues.

b) **No Impact.** Vacating the ETR easement would have no effect on scenic resources within a state scenic highway, because neither ETR nor EMR are state scenic highways. Moreover, the act of vacating the road would have no physical effects on ETR or the scenic resources in the surrounding area, because it simply changes the legal status and property rights associated with the roadway.

c) **No Impact.** Vacating the ETR easement would have no effect on the existing visual character of the roadway itself or the quality of the public views of the site and its surroundings, primarily because a vacation is limited to changing the legal status and property rights associated with the property, and does not involve physical changes to the property. Any subsequent construction on the private property would be subject to the San Joaquin County Development Title and development standards. Such construction would be limited to the property itself and would not extend to the river or islands.

d) **No Impact.** Vacating the ETR easement would not create a new source of substantial light or glare because a vacation is a legislative action that is limited to changing the legal status and property rights associated with the property, and does not involve physical changes to that property. As stated above, any subsequent construction would be subject to the San Joaquin County Development Title and development standards, particularly Chapter 9-403, *Lighting and Illumination*, which states that its provisions "control outdoor lighting in order to maintain adequate visibility and safety, conserve energy, and protect against direct glare, light trespass, and excessive lighting."

II. AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) 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?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒
d) Involve other changes in the existing environment which, due to their location or nature, could result in conversion	☐	☐	☐	☒

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
of farmland to non-agricultural use or conversion of forest land to non-forest use?				

BACKGROUND AND REGULATORY SETTING

The California Department of Conservation, Division of Land Resource Protection, administers the California Farmland Mapping and Monitoring Program (FMMP), to assess and plan for California's agricultural land resources. The FMMP produces *Important Farmland Maps*, which identify "Prime Farmland" and "Farmland of Statewide Importance." These classifications are based on criteria developed by the United States Department of Agriculture Natural Resources Conservation Service (NCRS), which classify soils by various physical and chemical properties. For farmland to be considered "Prime" or of "Statewide Importance" in California, land must have been used for irrigated agricultural production at some time during the four years prior to the Important Farmland Map date. See California Department of Conservation, *Prime Farmland and Farmland of Statewide Importance*, available at https://www.conservation.ca.gov/dlrp/fmmp/Pages/prime_farmland_fmmp.aspx (accessed April 23, 2025).

The California Land Conservation Act of 1965 (commonly known as the Williamson Act) established a voluntary tax incentive program for preserving agricultural and open space lands. A property owner enters into a 10-year contract with the County, which places restrictions on the land in exchange for tax savings. The property is taxed according to the income it is capable of generating from agriculture and other compatible uses, rather than its full market value. Williamson Act contracts are renewed automatically each year unless they are canceled, or a Notice of Non-renewal is filed with the County (Baseline 1992).

The California Department of Forestry and Fire Protection monitors and maps the state's forest resources and overall vegetation status, and produces a "land cover" map that classifies the State's lands into 11 large-scale categories that encompass both natural landscapes as well as agricultural and urban uses, and water bodies. The current Land Cover map identifies the project area, as well as the majority of the San Joaquin Valley, as agricultural land. There is no mapped forestland in San Joaquin County. See California Department of Forestry and Fire Protection, *FRAP Map: Land Cover,* available at https://frap.fire.ca.gov/media/10311/fveg_19_ada.pdf (accessed March 1, 2021).

IMPACT DISCUSSION:

a) **No Impact**. The ETR easement and surrounding area consist of rural and agricultural property, much of it considered "Prime Farmland" (see Figure 5 below). The proposed road easement vacation would not convert farmland of any classification because a vacation is a legislative action that is limited to changing the legal status and property rights associated with the property, and does not involve physical changes to that property. The roadway itself is not farmland, but provides access to farmland. As noted in the Project Description above, access agreements have been executed for entry to the farmland bordering ETR.

b) **No Impact.** Vacating the ETR easement would not conflict with agricultural use zoning or with any Williamson Act contract because a vacation is a legislative action that is limited to changing the legal status and property rights associated with a property, and does not change zoning or land use per se. The roadway itself is not farmland and is not subject to a Williamson Act agreement.

c) **No Impact.** There is no mapped forestland in the ETR vicinity or in San Joaquin County generally.

d) **No Impact.** Vacating the ETR easement would not lead to conversion of farmland to non-agricultural use. As explained in II(a) above, the vacation itself is a legislative action relinquishing a County-owned easement on the roadway, and the roadway owner has granted access easements for the adjacent farmland.

Figure 5 Important Farmland Map

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☐	☒
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☐	☒

BACKGROUND AND REGULATORY SETTING

San Joaquin County is located at the northern end of the San Joaquin Valley Air Basin (SJVAB), and is within the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). The pollution potential for this air basin is very high due to the topographic and meteorological conditions which often trap air pollutants in the valley (SJC General Plan). In compliance with the federal Clean Air Act (CAA) and United States Environmental Protection Agency (EPA) requirements, the SJVAPCD prepares plans for reducing pollutants, particularly ozone, fine and ultrafine particulate matter (PM10 and PM2.5), and carbon monoxide emissions to meet the EPA's National Ambient Air Quality Standards (NAAQS) as well as the more stringent California standards. An air basin is in "nonattainment" when pollutant concentrations exceed these levels. The SJVAB is classified as "nonattainment" for ozone and PM according to both federal and state standards, and is in "attainment" for carbon monoxide.

Ozone, a colorless, reactive gas, is formed near the earth's surface when sunlight reacts with volatile organic compounds (VOCs), carbon monoxide (CO) and nitrogen oxides (NOX) from vehicle exhaust, industrial processes, wildfire smoke, and other causes. Ozone levels tend to concentrate in the San Joaquin Valley because the surrounding mountain ranges limit air transport and pollutant dispersion. Ozone is hazardous to human health, and damages crops, ornamental vegetation, and manufactured materials.

Particulate matter is a mixture of solid particles and liquid droplets of soot, ash, dust, or manufactured compounds, such as diesel emissions, suspended in the air; it can also form in the atmosphere through photochemical reactions of sunlight on airborne materials. PM can include chemicals or chemical compounds such as organic carbon, elemental carbon, geologic material, trace metals, secondary organic aerosols, ammonium nitrate, and ammonium sulfate. As referenced above, the EPA classifies PM into two categories: particles that are 10 microns or less in diameter (PM10) and particles that are less than 2.5 microns in diameter (PM2.5). The latter particles are typical of diesel emissions. Particulate matter is hazardous to human and animal health when inhaled, and obscures visibility.

Carbon monoxide (CO) is an odorless, colorless gas that is directly emitted as a product of combustion. High CO concentrations are generally associated with cold, stagnant weather conditions in winter. CO emissions typically

are concentrated around emission sources, including stationary sources (internal combustion engines, generators, flares, gas-fired central furnaces, etc.) as well as vehicle emissions around heavily-congested intersections and roadways. CO is also hazardous to human and animal health, as it binds to hemoglobin in the blood and reduces the ability of blood to carry oxygen; it is particularly dangerous for individuals with heart or lung disease or anemia.

Table AQ-1 below summarizes the San Joaquin Valley Air Basin's attainment status:

SAN JOAQUIN VALLEY ATTAINMENT STATUS

Pollutant	Designation/Classification	
	Federal Standards[a]	**State Standards**[b]
Ozone - One hour	Revoked	Nonattainment/Severe
Ozone - Eight hour	Nonattainment/Extreme[e]	Nonattainment
PM-10	Attainment[c]	Nonattainment
PM-2.5	Nonattainment[d]	Nonattainment
Carbon Monoxide	Attainment/Unclassified	Attainment/Unclassified
Nitrogen Dioxide (NOX)	Attainment/Unclassified	Attainment
Sulfur Dioxide (SOX)	Attainment/Unclassified	Attainment
Lead	No Designation/Classification	Attainment
Hydrogen Sulfide	No Federal Standard	Unclassified
Sulfates	No Federal Standard	Attainment
Visibility- Reducing Particles	No Federal Standard	Unclassified
Vinyl Chloride	No Federal Standard	Attainment

[a] See 40 CFR Part 81

[b] See CCR Title 17 Sections 60200-60210

[c] On September 25, 2008, EPA re-designated the San Joaquin Valley to attainment for the PM10 National Ambient Air Quality Standard (NAAQS) and approved the PM10 Maintenance Plan.

[d] The Valley is designated nonattainment for the 1997 PM2.5 NAAQS. EPA designated the Valley as nonattainment for the 2006 PM2.5 NAAQS on November 13, 2009 (effective December 14, 2009).

[e] Though the Valley was initially classified as serious nonattainment for the 1997 8-hour ozone standard, EPA approved Valley reclassification to extreme nonattainment in the Federal Register on May 5, 2010 (effective June 4, 2010).

[f] Effective June 15, 2005, the U.S. Environmental Protection Agency (EPA) revoked the federal 1-hour ozone standard, including associated designations and classifications. EPA had previously classified the District as extreme nonattainment for this standard. EPA approved the 2004 Extreme Ozone Attainment Demonstration Plan on March 8, 2010 (effective April 7, 2010). The District Governing Board adopted the 2023 Maintenance Plan and Redesignation Request and submitted it to EPA in June of 2023. Although the standard is revoked, anti-backsliding provisions can be terminated upon final approval of the Maintenance Plan from EPA.

Source: San Joaquin Valley Air Pollution Control District, *Ambient Air Quality Standards & Valley Attainment Status*, available at *https://www.valleyair.org/air-quality-information/ambient-air-quality-standards-valley-attainmnet-status/* (accessed April 23, 2025).

Table AQ - 1

Table AQ-2 below identifies health effects of some common pollutants:

Air Pollutant	Concentration/Averaging Time: State Standard (California Ambient Air Quality Standards)	Concentration/Averaging Time: Federal Primary Standard (National Ambient Air Quality Standards)	Most Relevant Health Effects
Ozone	0.09 ppm (180 µg/m³), 1-hr. avg. 0.070 ppm (137 µg/m³), 8-hr avg.	0.075 ppm (147 µg/m³), 8-hr avg. (three-year average of annual 4th-highest daily maximum)	(a) Pulmonary function decrements and localized lung edema in humans and animals; (b) Risk to public health implied by alterations in pulmonary morphology and host defense in animals; (c) Increased mortality risk; (d) Risk to public health implied by altered connective tissue metabolism and altered pulmonary morphology in animals after long-term exposures and pulmonary function decrements in chronically exposed humans; (e) Vegetation damage; and (f) Property damage
Nitrogen Dioxide[1]	0.18 ppm (339 µg/m³), 1-hr avg. 0.030 ppm (57 µg/m³), annual arithmetic mean	0.100 ppm (188 µg/m³), 1-hr avg. (three-year avg. of the 98th percentile of the daily maximum 1-hour avg.) 0.053 ppm (100 µg/m³), annual arithmetic mean	(a) Potential to aggravate chronic respiratory disease and respiratory symptoms in sensitive groups; (b) Risk to public health implied by pulmonary and extrapulmonary biochemical and cellular changes and pulmonary structural changes; and (c) Contribution to atmospheric discoloration
Carbon Monoxide	20 ppm (23 µg/m³), 1-hr avg. 9.0 ppm (20 µg/m³), 8-hr avg.	35 ppm (40 µg/m³), 1-hr avg. (not to be exceeded more than once per year) 9 ppm (10 µg/m³), 8-hr avg. (not to be exceeded more than once per year)	(a) Aggravation of angina pectoris and other aspects of coronary heart disease; (b) Decreased exercise tolerance in persons with peripheral vascular disease and lung disease; (c) Impairment of central nervous system functions; and (d) Possible increased risk to fetuses
Sulfur Dioxide[2]	0.25 ppm (655 µg/m³), 1-hr. avg. 0.04 ppm (105 µg/m³), 24-hr avg.	0.075 ppm (196 µg/m³), 1-hr avg. (three-year avg. of the 99th percentile) No 24-hr avg.	Broncho-constriction accompanied by symptoms, which may include wheezing, shortness of breath and chest tightness, during exercise or physical activity in persons with asthma
Suspended Particulate Matter (PM10)	50 µg/m³, 24-hr avg. 20 µg/m³, annual arithmetic mean	150 µg/m³, 24-hr avg. (not to be exceeded more than once per year on average over three years)	(a) Excess deaths from short-term exposures and exacerbation of symptoms in sensitive patients with respiratory disease; and (b) Excess seasonal declines in pulmonary function, especially in children.
Suspended Particulate Matter (PM2.5)	12 µg/m³, annual arithmetic mean	35 µg/m³, 24-hr avg. (three-year average of 98th percentile) 15 µg/m³, annual arithmetic mean (three-year average)	(a) Increased hospital admissions and emergency room visits for heart and lung disease; (b) Increased respiratory symptoms and disease; and (c) Decreased lung functions and premature death.

Air Pollutant	Concentration/Averaging Time State Standard (California Ambient Air Quality Standards)	Federal Primary Standard (National Ambient Air Quality Standards)	Most Relevant Health Effects
Lead[3]	1.5 µg/m³, 30-day avg.	1.5 µg/m³, calendar quarter 0.15 µg/m³, three-month rolling average	(a) Increased body burden; and (b) Impairment of blood formation and nerve conduction
Visibility-Reducing Particles	Extinction coefficient of 0.23 per kilometer - visibility of 10 miles or more due to particles when relative humidity is less than 70 percent.	None	The statewide standard is intended to limit the frequency and severity of visibility impairment due to regional haze. This is a visibility based standard not a health based standard. Nephelometry and AISI Tape Sampler; instrumental measurement on days when relative humidity is less than 70 percent.
Sulfates	25 µg/m³, 24-hr avg.	None	(a) Decrease in ventilatory function; (b) Aggravation of asthmatic symptoms; (c) Aggravation of cardio-pulmonary disease; (d) Vegetation damage; (e) Degradation of visibility; and (f) Property damage
Hydrogen Sulfide	0.03 ppm (42 µg/m³), 1-hr avg.	None	Odor annoyance
Vinyl Chloride[3]	0.01 ppm (26 µg/m³), 24-hr avg.	None	Highly toxic and a known carcinogen that causes a rare cancer of the liver.

Source: South Coast Air Quality Management District, Final Program Environmental Impact Report for the 2012 Air Quality Management Plan, (2012) Table 3.2-8, p. 3.2-29
µg/m³ = microgram per cubic meter.
ppm = parts per million by volume.
[1] *On January 25, 2010, the USEPA promulgated a new 1-hour NO_2 standard. The new 1-hour standard is 0.100 parts per million (188 micrograms per cubic meter [µg/m³]) and became effective on April 12, 2010.*
[2] *On June 3, 2010, the USEPA issued a new 1-hour SO_2 standard. The new 1-hour standard is 0.075 parts per million (196 µg/m³). The USEPA also revoked the existing 24-hour and annual standards citing a lack of evidence of specific health impacts from long-term exposures. The new 1-hour standard became effective 60 days after publication in the Federal Register.*
[3] *CARB has identified lead and vinyl chloride as "toxic air contaminants" with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.*

Table AQ - 2

The SJVAPCD *2022 Ozone Plan's* principal goal is to attain the EPA 2008 8-hour ozone standard of 75 parts per billion (ppb) by the end of 2031 and the 2015 70 ppb standard by 2037 by reducing all ozone-generating pollutants from both stationary and mobile emission sources. The Plan contains rules for stationary sources and cites California Air Resources Board (ARB) regulations for mobile sources (on- and off-road vehicles, trucks, buses, boats, etc.) as part of an overall emissions-reduction strategy. The 2022 Ozone Plan shows that these strategies continue to be considerably effective, showing a drop in 8-hour ozone levels from approximately 115 ppb in 2004-2005 to approximately 85 ppb in 2021. See generally San Joaquin Valley Air Pollution Control District, 2022 Plan for the 2015 8-Hour Ozone Standard (December 15, 2022), available at *https://www.valleyair.org/rules-and-planning/air-quality-plans/ozone-plans/*, (accessed April 23, 2025).

The SJVAPCD *2018 Particulate Matter Plan* for the 1997, 2006, and 2012 PM2.5 Standards is the latest effort to combine successive plans to reduce overall PM, but particularly PM2.5, in order to achieve EPA attainment status (the San Joaquin Valley has attained the federal PM10 standard). The Plan includes regulatory measures – "Rules" – for stationary sources (industrial flares, internal combustion engines, boilers/steam generators, glass melting furnaces, agricultural operations, etc.) and construction equipment or practices (such as requiring catalyzed engines, watering of soil surfaces one or more times per day), measures for mobile sources (trucks, buses, agricultural equipment, passenger vehicles, trains, etc.), measures addressing concentrated PM sources that create "hot spots," such as residential wood burning and commercial charbroilers. Additionally, the Plan includes public outreach measures as well as research on and demonstration of new clean air technologies for reducing emissions.

PM-reduction efforts have been quite successful – the number of days that Valley air exceeded the federal 2006 24-hour PM2.5 Standard (35 micrograms/cubic meter) have dropped from approximately 130 days in 2002 to 50 days in 2017 (San Joaquin Valley Air Pollution Control District, *2018 PM 2.5 Plan for the San Joaquin Valley, Executive Summary*, Figure 6 (November 15, 2018), available at *https://www.valleyair.org/rules-and-planning/air-quality-plans/particulate-matter-plans/2018-pm25-plan-for-the-san-joaquin-valley/* (accessed April 23, 2025). With compliance, the Plan will reduce approximately 4.2 tons per day of directly-emitted PM2.5 emissions and 173.5 tons per day of NOx from the baseline year of 2013 to the final attainment year of 2025. *See also* San Joaquin Valley Air Pollution Control District, *2024 PM 2.5 Plan for the 2012 Annual PM2.5 Standard* (June 20, 2024), available at *https://www.valleyair.org/rules-and-planning/air-quality-plans/particulate-matter-plans/* (accessed April 23, 2025).

The SJVAPCD implements the California Air Resources Board (ARB) 2004 Revision to the California State Implementation Plan (SIP) for Carbon Monoxide (CO), which in turn implements the federal Clean Air Act's ongoing requirements. Although the SJVAPCD is in attainment for CO, ongoing efforts are necessary to maintain attainment. These efforts, including rules for stationary sources and vehicle-emissions reductions, have accomplished nearly a 60% reduction in CO levels since 1993. *See* California Air Resources Board, *2004 Revision to the California State Implementation Plan for Carbon Monoxide* (July 22, 2004), available at *https://ww2.arb.ca.gov/resources/documents/2004-revisions-carbon-monoxide-maintenance-plan* (accessed April 23, 2025).

The SJVAPCD sets thresholds of significance for "criteria" pollutants: CO, NOx, ROG (reactive organic gases), SOx (sulfur oxides), PM10 and PM2.5 as shown in the Table AQ-3 below (Source: San Joaquin Valley Air Pollution Control District, *Air Quality Thresholds of Significance-Criteria Pollutants* (March 19, 2015), available at *https://www.valleyair.org/media/m2ecyxiw/1-cms-format-ceqa-air-quality-thresholds-of-significance-criteria-pollutants.pdf* (accessed April 23, 2025):

AIR QUALITY THRESHOLDS OF SIGNIFICANCE – CRITERIA POLLUTANTS			
Pollutant/Precursor	**Construction Emissions**	**Operational Emissions**	
		Permitted Equipment and Activities	**Non-Permitted Equipment and Activities**
	tons/year	tons/year	tons/year
CO	100	100	100
NOx	10	10	10
ROG	10	10	10
SOx	27	27	27
PM10	15	15	15
PM2.5	15	15	15

Table AQ - 3

Sensitive Receptors. Sensitive receptors are places typically occupied for extended periods by individuals with greater susceptibility to air pollution's hazardous effects, such as residences, hospitals, schools, day care centers, retirement homes, and convalescent facilities where there is reasonable expectation of continuous human exposure to poor air quality standards (San Joaquin Valley Unified Air Pollution Control District, *Environmental Review Guidelines*, Appendix A, p. A-3, available at *https://ww2.valleyair.org/media/k2yhjmuk/erg-adopted-_august-2000_.pdf* (accessed April 23, 2025)).

IMPACT DISCUSSION:

a) **No Impact.** Vacating the ETR easement would not conflict with, or obstruct implementation of the applicable air quality plan, violate any air quality standard, or contribute substantially to an existing or projected air quality violation, because a vacation is a legislative action that is limited to changing the legal status and property rights associated with the property, and does not involve physical changes to the project area that would violate air quality standards or impede air quality plan implementation.

b) **No Impact.** Vacating the ETR easement would not increase criteria pollutant emissions because a vacation is a legislative action that is limited to changing the legal status and property rights associated with the property, and does not involve physical changes to the project area or introduction of new stationary pollutant sources that would result in considerable emissions increases.

c) **No Impact**. Vacating the ETR easement would not expose sensitive receptors to substantial pollutant concentrations because a vacation is a legislative action that is limited to changing the legal status and property rights associated with the property, and does not involve physical changes to the project area or introduction of new stationary pollutant sources that would generate emissions harmful to sensitive receptors. Moreover, there are no sensitive receptors in the ETR vicinity.

d) **No Impact.** Vacating the ETR easement would not result in other emissions affecting substantial numbers of people simply because a vacation is a legislative action that is limited to changing the legal status and property rights associated with the property. This action does not involve physical changes to the project area or introduction of new stationary pollutant sources that would emit pollutants.

IV. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) 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 of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

BACKGROUND AND REGULATORY SETTING

U.S. Endangered Species Act of 1973 (16 U.S.C. §§ 1531-1544), California Endangered Species Act (Fish & G. Code §§ 2050-2089.25). Congress passed the federal Endangered Species Act (ESA) to identify and protect special-status species and their habitats nationwide in order to protect them from extinction; it is administered by the U.S. Fish and Wildlife Service (USFWS). The California Endangered Species Act of 1970 (CESA) likewise identifies and protects such species within California, and is administered by the California Department of Fish and Wildlife (CDFW). Special-status species include:

- USFWS-designated listing of threatened or endangered species, as well as candidate species;
- CDFW-designated listing of rare, threatened, or endangered species, as well as candidate species;
- Species considered to be rare or endangered under the conditions of Section 15380 of the CEQA Guidelines, such as those identified in the Inventory of Rare and Endangered Vascular Plants of California by the California Native Plant Society; and

- Other species that are considered sensitive or of special concern due to limited distribution or lack of adequate information to permit listing, or rejection for state or federal status, such as Species of Special Concern designated by the CDFW.

The USFWS and CDFW both publish lists of special-status species, which satisfy criteria classifying them as endangered. Species that have been proposed for listing, but have not yet been accepted are classified as candidate species. Generally, the term endangered (federal, state) refers to a species that is in danger of becoming extinct throughout all or a significant portion of its range, while a threatened (federal, state) or rare (state) species is one that could become endangered in the foreseeable future.

U.S. Migratory Bird Treaty Act of 1918 (16 U.S.C. 703–712, MBTA). The Migratory Bird Treaty Act implements four international conservation treaties that the U.S. entered into with Canada in 1916, Mexico in 1936, Japan in 1972, and Russia in 1976. It is intended to ensure the sustainability of populations of all protected migratory bird species. The law has been amended with the signing of each treaty, as well as when any of the treaties were amended, such as with Mexico in 1976 and Canada in 1995. The Migratory Bird Treaty Act prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service. Most non-game wild birds are protected under the MBTA; a list of species protected under the Act is here: *https://www.federalregister.gov/documents/2023/07/31/2023-15551/general-provisions-revised-list-of-migratory-birds* (accessed April 23, 2025).

California Fish and Game Code (See, e.g., Fish & G. Code §§ 2080, 2081, 3503, 3511, 3513, 4700, 5050, 5515). The CDFW provides protection from take for state-listed and non-listed species. The CFGC defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." CFGC § 2080 prohibits take of a species listed as endangered or threatened under the CESA and CFGC § 2081 allows CDFW to issue an incidental take permit in accordance with Title 14 California Code of Regulations (CCR) § 783.4(a -b) and § 2081(b). Eggs and nests of all birds are protected from take under CFGC § 3503. Raptors and raptor nests or eggs are protected from take under CFGC § 3503.5. Migratory birds are expressly prohibited from take under CFGC § 3513, and species designated by CDFW as fully-protected species are protected from take under CFGC § 3511, 4700, 5050, and 5515.

California Native Plant Protection Act (Fish & G. Code § 1900 et seq). The Native Plant Protection Act (NPPA) of 1977 allows the Fish and Game Commission to designate plants as rare or endangered. There are 64 species, subspecies, and varieties of plants that are protected as rare under the NPPA. The NPPA prohibits take of endangered or rare native plants, but includes some exceptions for agricultural and nursery operations; emergencies; and after properly notifying CDFW for vegetation removal from canals, roads, and other sites, changes in land use, and in certain other situations.

Wetlands and Riparian Habitat Statutes and Regulations.

U.S. Rivers and Harbors Act of 1889 (33 U.S.C. § 403); Clean Water Act of 1972 (33 U.S.C. § 1251 et seq.). The U.S. Army Corps of Engineers (Corps) has primary federal responsibility for administering regulations that concern waters of the U.S., including wetlands and drainages. The Corps acts under two statutory authorities: the Rivers and Harbors Act (Sections 9 and 10), which governs specified activities in "navigable waters of the U.S.," and the Clean Water Act (CWA) Section 404, which governs specified activities in waters of the U.S. The Corps requires that a permit be obtained if a Project proposes placing structures within, over, or under navigable waters and/or discharging dredged or fill material into waters of the United States (WOUS), including adjacent wetlands. The Environmental Protection Agency (EPA), USFWS, and several other agencies provide comment on Corps permit applications.

Executive Order 11990 – Protection of Wetlands. Executive Order (E.O.) 11990 established a national policy to avoid adverse impacts on wetlands whenever there is a practicable alternative. The U.S. Department of

Transportation (DOT) promulgated DOT Order 5660.1A in 1978 to comply with this direction. On federally-funded Projects, impacts to wetlands must be identified and alternatives that avoid wetlands must be considered. If wetland impacts cannot be avoided, then all practicable measures to minimize impacts must be included. This must be documented in a specific Wetlands Only Practicable Alternative Finding. An additional requirement is to provide early public involvement in Projects affecting wetlands. The Federal Highway Administration (FHWA) provides technical assistance (Technical Advisory 6640.8A) and reviews environmental documents for compliance.

California Porter-Cologne Water Quality Control Act of 1970 (Wat. Code § 13000 et seq). The State's authority in regulating activities in WOUS and/or waters of the State of California, including wetlands, resides primarily with the State Water Resources Control Board (SWRCB). SWRCB, acting through Regional Water Quality Control Board (RWQCB), must certify that a Corps permit action meets state water quality objectives under §401 of the CWA. RWQCB jurisdiction over waters of the state is extended through the Porter-Cologne Act, which defines waters of the state as any surface water or groundwater, including saline waters, within the boundaries of the state (Wat. Code §13050[e]). In the absence of CWA § 404 jurisdiction over isolated waters or other waters of the state, California retains authority to regulate discharges of wastes into any waters of the state. The Porter-Cologne Act provides a comprehensive framework to protect water quality in California. It requires any entity that plans to discharge waste where it might adversely affect waters of the state to first notify the RWQCB, which may impose requirements to protect water quality.

California Fish and Game Code §§ 1600–1607 (Lake and Streambed Alteration Program). The CDFW has jurisdiction over streams that support fish and wildlife resources. Section 1602 of California Fish and Game Code requires any person, state or local governmental agency, or public utility to notify CDFW before beginning any activity that will do one or more of the following:

a. Substantially divert or obstruct the natural flow of any river, stream, or lake;

b. Substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake; or

c. Deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake, including seasonal drainages and intermittent streams.

When CDFW is notified, it will determine whether an activity might substantially adversely affect an existing fish and wildlife resource, and may require that a Lake or Streambed Alteration Agreement be obtained prior to proceeding with any work in areas subject to CDFW jurisdiction. The Lake or Streambed Alteration Agreement contains measures that are required to be implemented to protect fish and wildlife resources.

CDFW jurisdiction extends beyond the ordinary high water mark of streams – it encompasses all portions of the bed, bank, and channel of a stream, and often includes adjacent riparian vegetation and floodplains. As such, CDFW's jurisdictional area is generally larger than the U.S. Army Corps of Engineers jurisdictional area.

San Joaquin County General Plan (December 2016). The General Plan sets forth various goals and policies for natural resources, including biological resources. Goal NCR-1.1 states that "[t]he County shall protect, preserve and enhance important natural resource habitat, biological diversity, and the ecological integrity of natural systems in the County." Goal NCR-2.1 calls for protecting significant biological and ecological resources, Goal NCR-2.5 requires that no net loss of wetlands results from development, Goal NCR-2.6 lists requirements for development projects that could fill wetlands, and NCR-2.7 requires vegetated natural open space buffers along natural waterways to protect waterfowl and water quality. The General Plan Land Use Diagram (Figure LU-1) indicates that virtually all riparian corridors are designated "Open Space/Resource Conservation" (OS/RC).

San Joaquin County Riparian Habitat Ordinance. The San Joaquin County Development Title contains provisions to preserve County natural resources, including riparian habitat (San Joaquin County Code of Ordinances, Title 9, Chapter 9-707, available at *https://library.municode.com/ca/san_joaquin_county/codes/development_title?nodeId=SERIES_700SUDERE_CH9-707NARE* (accessed April 23, 2025)). These provisions apply to all development projects requiring discretionary approval (§ 9-707.020). Section 9-707.030 contains measures to avoid, protect, and mitigate impacts to riparian habitat.

IMPACT DISCUSSION:

a) **No Impact**. Vacating the ETR easement would not affect candidate, sensitive, or special-status species because a vacation is a legislative action that is limited to changing the legal status and property rights associated with the property, and does not involve physical changes to that property. Any future development or use of the property would be subject to the laws and regulations cited above.

b) **No Impact.** Vacating the ETR easement would not affect riparian habitat because a vacation is a legislative action that is limited to changing the legal status and property rights associated with the property, and does not involve physical changes to that property. Any future development or use of the property would be subject to the laws and regulations cited above.

c) **No Impact.** Vacating the ETR easement would not affect protected wetlands because a vacation is a legislative action that is limited to changing the legal status and property rights associated with the property, and does not involve physical changes to that property. Any future development or use of the property would be subject to the laws and regulations cited above.

d) **No Impact.** Vacating the ETR easement would not interfere substantially with wildlife movement or impede native wildlife nursery sites because a vacation is a legislative action that is limited to changing the legal status and property rights associated with the property, and does not involve physical changes to that property. Any future development or use of the property would be subject to the laws and regulations cited above.

e) **No Impact.** Vacating the ETR easement would not conflict with polices or ordinances protecting biological resources because a vacation is a legislative action that is limited to changing the legal status and property rights associated with the property, and does not involve physical changes to that property or changes to existing policies. Any future development or use of the property would be subject to the laws and regulations cited above.

f) **No Impact.** Vacating the ETR easement would not interfere with any Habitat Conservation Plans, Natural Community Conservation Plan, or any other habitat protection plan because a vacation is a legislative action that is limited to changing the legal status and property rights associated with the property, and does not involve physical changes to that property. The roadway is not within any designated plan. Any future development or use of the property would be subject to the laws and regulations cited above.

V. CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	☐	☐	☐	☒
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☐	☒

BACKGROUND AND REGULATORY SETTING

Cultural resources in California are protected by a number of federal, state, and local regulations and ordinances.

National Historic Preservation Act (NHPA) of 1966 (16 U.S.C. 470 et seq.). The NHPA was enacted to avoid unnecessary harm to historic properties, NHPA includes regulations that apply specifically to federal land-holding agencies, but also includes regulations (Section 106) which pertain to all "undertakings" funded, permitted, or approved by any federal agency that have the potential to affect cultural resources. Provisions of NHPA establish the National Register of Historic Places (NRHP), the Advisory Council on Historic Preservation, State Historic Preservation Offices, and the federal grants-in-aid programs.

American Indian Religious Freedom Act of 1978 (42 U.S.C. 1996 and 1996a, as amended), and Native American Graves and Repatriation Act of 1990 (25 U.S.C. 3001 et seq., as amended). These acts establish as National policy that Native American traditional religious practices and beliefs, sacred lands (including right of access), and the use of sacred objects shall be protected and preserved. Native American remains are further protected by the Native American Graves Protection and Repatriation Act of 1990.

U.S. Secretary of the Interior Standards. The Secretary of the Interior is responsible for establishing professional standards and providing guidance related to the preservation and protection of all cultural resources listed in, or eligible for listing in, the NRHP. The 1992 Secretary of the Interior's Standards for the Treatment of Historic Properties (36 CFR 68) apply to all grants-in-aid projects assisted through the National Historic Preservation Fund, and are intended to be applied to a wide variety of resources, including buildings, structures, sites, objects, and districts. The standards address four treatments:

> *Preservation* means the act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses on the ongoing maintenance and repair of historic materials and features, rather than extensive replacement and new construction.
>
> *Rehabilitation* means the act or process of making possible an efficient compatible use for a property through repair, alterations, and additions while preserving those portions or features that convey its historical, cultural, or architectural values.
>
> *Restoration* means the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period.

Reconstruction means the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

National Register of Historic Places (NRHP). Archaeological and historical sites can be given a measure of protection if they are eligible for the NRHP (36 CFR 60.4, 36 CFR 800). Significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects of state and local importance that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and that are associated with events that have made a significant contribution to the broad patterns of our history; or are associated with the lives of persons significant in our past; or embody the distinctive characteristics of a type, period, method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack distinction; or have yielded, or may be likely to yield, information important to prehistory or history (36CFR60.4 (a-d)).

Traditional Cultural Properties (TCP). TCPs are properties that are eligible for NRHP listing, exhibit one or more of these criteria:

1. A location associated with the traditional beliefs of a Native American group about its origins, its cultural history, or the nature of the world;
2. A rural community whose organization, buildings and structures, or patterns of land use reflect the cultural traditions valued by its long-term residents;
3. An urban neighborhood that is the traditional home of a particular cultural group, and that reflects its beliefs and practices;
4. A location where Native American religious practitioners have historically gone, and are known or thought to go today, to perform ceremonial activities in accordance with traditional cultural rules of practice; and
5. A location where a community has traditionally carried out economic, artistic, or other cultural practices important in maintaining its historic identity.

California Public Resources Code (PRC) § 21000 et. seq (California Environmental Quality Act (CEQA)). CEQA incorporates provisions that provide for the documentation and protection of significant prehistoric and historic resources. Prior to the approval of discretionary projects and/or beginning work on a public infrastructure project or other public facility, the potential impacts of the project on archaeological and historical resources must be considered (Public Resources Code §§ 21083.2 and 21084.1 and the CEQA Guidelines [California Code of Regulations Title 14, § 15064.5]).

The CEQA Guidelines define a significant historical resource as "a resource listed or considered eligible for listing on the California Register of Historical Resources" (CRHR) (Public Resources Code § 5024.1). A cultural resource may be eligible for listing on the CRHR if it:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
2. Is associated with the lives of persons important in our past;
3. Embodies the distinctive characteristics of a type, period, region, or method of construction or represents the work of an important creative individual, or possesses high artistic values; or
4. Has yielded, or may be likely to yield, information important in prehistory or history.

California Health and Safety Code (HSC) § 7050. Section 7050 sets forth procedures and penalties for dealing with human remains discovered outside of a designated cemetery. If human remains are discovered during site reconnaissance or excavation, § 7050(b) requires all work within the area stop and that the San Joaquin County

Coroner and a professional archaeologist be contacted to determine the nature of the remains. The coroner is required to examine all discoveries of human remains within 48 hours of receiving a notice of discovery on private or state lands (HSC § 7050.5(b)). If the coroner determines that the remains are those of a Native American, he or she must contact the NAHC by phone within 24 hours of making the determination (§ 7050(c)). See Cal. HSC § § 7050.5 – 7055, available at *https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=HSC&division=7.&title=&part=1.&chapter=2.&article=* (accessed April 24, 2025).

California Public Resources Code (PRC) § 5097.98. Section 5097.98 sets forth detailed procedures for follow-up action after Native American remains are discovered. The principal requirements include identification of and contacting the Most Likely Descendant, and site inspection by descendants (with a landowner's permission). Descendants are required to inspect the site and make recommendations for treatment of the remains within 48 hours of being granted access to the site. See Cal PRC § § 5097.9 – 5097.991, available at *https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=5097.98.&lawCode=PRC* (accessed April 24, 2025).

IMPACT DISCUSSION:

a) **No Impact**. Vacating the ETR easement would not change a historical resource because no historic resources are present in the project area; moreover, a vacation is a legislative action that is limited to changing the legal status and property rights associated with the property, and does not involve physical changes to that property.

b) **No Impact**. Vacating the ETR easement would not change a historical resource because no historic resources are present in the project area; moreover, a vacation is a legislative action that is limited to changing the legal status and property rights associated with the property, and does not involve physical changes to that property.

c) **No Impact**. Vacating the ETR easement would not disturb human remains because no construction or excavation is associated with vacating an easement, since a vacation is a legislative action that is limited to changing the legal status and property rights associated with the property, and does not involve physical changes to that property.

VI. GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii. Strong seismic ground shaking?	☐	☐	☐	☒
iii. Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv. Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c) 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?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☐	☒
e) 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?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒

Note: The analysis below incorporates and relies on the information and findings presented in the Initial Site Assessment (ISA) (May 2018) prepared by Leslie Haglan of Drake Haglan and Associates for the California Department of Transportation (Caltrans) in compliance with National Environmental Policy Act (NEPA) requirements (Haglan I). These documents are on file with the San Joaquin County Public Works Department, Transportation Planning Division.

BACKGROUND AND REGULATORY SETTING

Geology

San Joaquin County is located in the San Joaquin Valley, which comprises the southernmost portion of the Great Valley Geomorphic Province of California. The Great Valley is an elongated alluvial plain bounded by the uplifted blocks of the Sierra Nevada on the east and the Coast Ranges to the west. The Sacramento River drains the Valley's northern portion, and the San Joaquin River drains the southern portion (SJC 2035 GPDEIR, p. 4.1-1).

Geologic Hazards

Geologic hazards in San Joaquin County associated with soil and slope characteristics include expansive soils, erosion, subsidence, and, infrequently, soil instability (landslides and slope failure) (id., pp. 4.1-4-6). Expansive soils occur throughout the County, while subsidence and erosion potential are largely confined to the in the Delta region. (id., Fig. 4.1-1). Slope stability hazards occur in the foothills and mountain terrain that border the San Joaquin Valley, the steep banks of the major rivers which pass through the Valley floor, and the levees of the Delta (id., p. 4.1-6).

Seismic hazards (earthquake-induced ground rupture, ground shaking, liquefaction, seiche or tsunami). There are six historically-active faults in the vicinity of San Joaquin County, but none within the County itself (id. p. 4.1-7, Table 4.1-1); there are numerous "potentially active" faults within the County, but these have not been documented to rupture within the past 11,000 years (id., fn. 4). The nearest active fault zone to the project site is the Marsh Creek-Greenville Fault, approximately 30 miles west of the project site (id., Fig. 4.1-2).The six active faults are the most likely to cause seismic hazards, particularly ground-shaking, liquefaction, and earthquake-induced settlement (id., pp. 4.1-11 - 4.1-12).

Liquefaction occurs when a water-saturated, cohesionless soil loses its strength and liquefies during intense and prolonged ground shaking. Areas which have the greatest potential for liquefaction occur where the water table is less than 50 feet below the surface and soils are predominantly clean, comprised of relatively uniform sands, and are of loose to medium density (id., p. 4.1-11).

Settlement can occur during an earthquake when soils are rapidly shaken and then compact when the seismic shaking stops. Soils prone to settlement are typically loose, sandy sediments above the water table (id., p. 4.1-12).

IMPACT DISCUSSION:

a) As explained below, vacating the ETR easement would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving the listed geologic phenomena, since a vacation is a legislative action that is limited to changing the legal status and property rights associated with the property, and does not involve physical changes to that property.

   i. **No Impact**. Vacating the ETR easement would not expose people or structures to fault rupture, because as noted throughout this document, a vacation is a legislative action that changes the legal status and property rights associated with the property, and involves no physical changes to that property. Moreover, there are no active faults within San Joaquin County, and there are likewise no mapped Alquist-Priolo zones near the project site (California Dept. of Conservation, Earthquake Zones of Required Investigation, available at https://maps.conservation.ca.gov/cgs/EQZApp/ (accessed April 24, 2025).

   ii. **No Impact.** Vacating the ETR easement would not expose people or structures to strong seismic ground shaking, because as noted throughout this document, a vacation is a legislative action that changes the legal status and property rights associated with the property, and involves no physical changes to that property. The vacation would potentially reduce the general public's degree of exposure to seismic ground shaking on the roadway, since public access would be prohibited.

   iii. **No Impact.** Vacating the ETR easement would not expose people or structures to seismic-related ground failure, because as noted throughout this document, a vacation is a legislative action that changes the legal status and property rights associated with the property, and involves no physical changes to that property. The vacation would potentially reduce the general public's degree of exposure to seismic-related ground failure on the roadway since public access would be prohibited.

iv. **No Impact.** Vacating the ETR easement would not expose people or structures to landslides, because as noted throughout this document, a vacation is a legislative action that changes the legal status and property rights associated with the property, and involves no physical changes to that property. Moreover, the roadway area is relatively level and not susceptible to landslides.

b) **No Impact**. Vacating the ETR easement would not result in substantial soil erosion or topsoil loss, because as noted throughout this document, a vacation is a legislative action that changes the legal status and property rights associated with the property, and involves no physical changes to that property.

c) **No Impact.** Vacating the ETR easement would not result in development on an unstable geologic unit or unstable soil, because as noted throughout this document, a vacation is a legislative action that changes the legal status and property rights associated with the property, and involves no physical changes to that property.

d) **No Impact.** Vacating the ETR easement would not result in in development on expansive soil, because as noted throughout this document, a vacation is a legislative action that changes the legal status and property rights associated with the property, and involves no physical changes to that property.

e) **No Impact.** Vacating the ETR easement would not result in development requiring septic systems, because as noted throughout this document, a vacation is a legislative action that changes the legal status and property rights associated with the property, and involves no physical changes to that property.

f) **No Impact.** Vacating the ETR easement would not affect paleontological resources, because as noted throughout this document, a vacation is a legislative action that changes the legal status and property rights associated with the property, and involves no physical changes to that property. Moreover, the roadway is located on an engineered levee, and any future excavation or construction by the property owner would occur on previously-disturbed or imported soil material.

VII. GREENHOUSE GAS EMISSIONS

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☒
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

BACKGROUND AND REGULATORY SETTING

Greenhouse gases (GHGs) emitted by human activity are generally understood to contribute cumulatively to global climate change, resulting in projected increases in ocean temperatures, melting of polar ice and associated sea level rise, changes to weather and precipitation patterns, and overall planetary warming. GHGs accumulate in the atmosphere allowing incoming short-wavelength visible sunlight to penetrate, while restricting outgoing terrestrial long-wavelength heat radiation from exiting the atmosphere. This phenomenon creates a greenhouse effect where Earth's heat is essentially trapped. The principal greenhouse gases (GHGs) include carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O). Collectively, GHGs are measured as carbon dioxide equivalents (CO_2e) of metric tonnes (MT). [5]

Fossil-fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources, and aircraft) is the single largest source of GHG emissions, accounting for approximately half of global GHG emissions, and approximately 40% of California's GHG emissions (California Air Resources Board, *California's 2022 Scoping Plan for Achieving Carbon Neutrality*, (CARB Scoping Plan) Figure 1-8, p. 56, available at *https://ww2.arb.ca.gov/sites/default/files/2023-04/2022-sp.pdf* (accessed April 4, 2025). Figure 6 below illustrates 2019 GHG emissions in California by sector.

Industrial and electricity-generating sources are the second-largest contributors of GHG emissions, constituting about 35% of total emissions.

Regulatory History

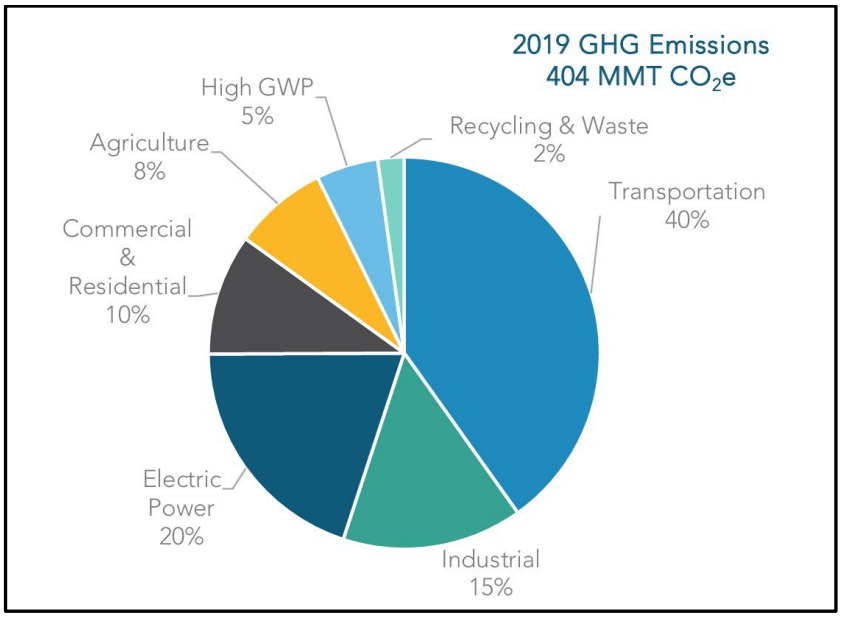
***AB 32 and Subsequent Executive Orders*.** The Global Warming Solutions Act of 2006 (Assembly Bill 32/AB 32), the principal legislation governing GHG emissions in California, mandated reducing California's GHG emissions to 1990 levels by 2020 and tasked the California Air Resources Board (CARB) with regulating GHG emissions as well as coordinating with other state agencies to implement AB 32's reduction goals. Subsequent legislation and executive orders target various GHG-emission sources and set forth strategies for local agencies, including

[5] Climate change is predicted to adversely affect human health and infrastructure, wildlife habitats, biological resources agriculture capacity, and other resources. Considerable information regarding global climate change and California's role in counteracting human-caused warming may be found in the California Air Resources Board publication, *California's 2022 Scoping Plan for Achieving Carbon Neutrality*, available at *https://ww2.arb.ca.gov/sites/default/files/2023-04/2022-sp.pdf* (accessed April 4, 2025). The *Los Angeles Region Report for California's Fourth Climate Change Assessment* provides region-specific climate science information and projections, available at *https://www.energy.ca.gov/sites/default/files/2019-11/Reg%20Report-%20SUM-CCCA4-2018-007%20LosAngeles_ADA.pdf* (accessed April 4, 2025). *See also* numerous reports available at United Nations' Intergovernmental Panel on Climate Change website, *https://www.ipcc.ch/* (accessed April 4, 2025).

Senate Bill (SB) 1368 (emissions performance standards for utilities), SB 375 (sustainable communities strategies), SB 535 (Greenhouse Gas Reduction Fund, identifying disadvantaged communities for investment), EO S-03-05 (GHG-reduction goal of 80% by 2050 from 1990 levels), EO S-20-06 (biofuels and biomass electricity generation targets), EO S-01-07 (low carbon fuel standard), EO S-13-08 (climate adaptation strategy/sea level rise), EO B-16-12 (zero-emission vehicle program), EO B-18-12 (state agencies directed to purchase zero-emission vehicles), and EO B-30-15 (sets GHG emissions target for 2030 at 40% below 1990 levels).

SB 375. SB 375 (Sustainable Communities and Climate Protection Act of 2008) was enacted to link land use and transportation in a manner that would reduce vehicle miles traveled (VMT), thereby reducing GHG emissions. Under SB 375, the California Air Resources Board (CARB) is responsible for establishing GHG emission-reduction targets, and regional Metropolitan Planning Organizations (MPOs) are responsible for preparing and adopting "Sustainable Communities Strategies" that achieve CARB's targets. In 2018, the CARB reported California was not "on track" to achieve the SB 375 GHG targets, and that more effort to reduce VMT throughout the state was required to correspondingly reduce GHGs from personal vehicles (CARB, *2018 Progress Report: California's Sustainable Communities and Climate Protection Act* (November 2018), pp. 21-28 available at *https://ww2.arb.ca.gov/sites/default/files/2018-11/Final2018Report_SB150_112618_02_Report.pdf* (accessed April 4, 2025).

Figure 6 California Greenhouse Gas Emissions by Sector



Source: California Air Resources Board, California's 2022 Climate Change Scoping Plan, Figure 1-8, p. 56

EO-B-30-15 (codified in 2016 by SB 32) accelerated the GHG-emissions target for 2030 to 40 percent below 1990 levels. EO-B-30-15 also provided the CARB with additional direction for refining the Climate Change Scoping Plan, setting forth five "pillars" for accomplishing GHG reduction, including:

- Reducing today's petroleum use in cars and trucks by up to 50 percent;
- Increasing from one-third to 50 percent of electricity derived from renewable sources;
- Doubling the energy efficiency savings achieved at existing buildings and making heating fuels cleaner;

- Reducing the release of methane, black carbon, and other short-lived climate pollutants;
- Managing farm and rangelands, forests, and wetlands so they can store carbon; and
- Periodically updating the state's climate adaptation strategy, *Safeguarding California*.

The CARB's 2022 Scoping Plan, cited above, sets forth a "reference scenario" as a baseline for measuring how much GHG emissions can be reduced in several economic sectors. This scenario illustrates the level of GHG emissions generated statewide through 2045 with existing policies and programs, but without any further action to reduce GHGs. This level is estimated to be approximately 250 million metric tonnes (MMTs) of CO_2e from all sources in 2045. The CARB's statewide 2045 target level of emissions is approximately 50 MMTs (CARB Scoping Plan, Figure 2-1, *2022 Scoping Plan Scenario*, p. 71). The Scoping Plan sets forth multiple actions for reducing GHG emissions in 25 economic sectors (id., Table 2-1, pp. 72-78).

Regional Policy and Planning Efforts. The San Joaquin Council of Governments (SJCOG) is the local MPO that includes the San Joaquin County. SJCOG is implementing programs that incorporate strategies set forth in the SJCOG's 2022 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS). Strategy No. 4 focuses on reducing transportation-related emissions, supported by other strategies that promote infill development thus reducing vehicle miles traveled (No. 6), and providing transportation improvements to facilitate nonmotorized travel (No. 7) (SJCOG, Regional Transportation Plan, Sustainable Communities Strategy, Executive Summary, Table ES.1, available at *https://www.sjcog.org/DocumentCenter/View/7337/Executive-Summary-Final* (accessed April 28, 2025); see also SJCOG, *Climate and Mobility*, available at *https://www.sjcog.org/305/Climate-and-Mobility* (accessed April 28, 2025).

The San Joaquin Valley Air Pollution Control District (SJVAPCD) published guidance in 2017 regarding assessing and reducing GHG impacts of land development projects. The guidance uses performance-based standards – Best Performance Standards (BPS) – to assess significance of project specific greenhouse gas emissions on global climate change during the environmental review process. Projects implementing BPS would be determined to have a less than cumulatively significant impact. Otherwise, demonstrating that a project would result in a 29 percent reduction in GHG emissions from business-as-usual is required to determine that a project would have a less than cumulatively significant impact. However, SJVACPD does not limit a lead agency's authority in establishing its own process for determining significance of project-related impacts on global climate change. SJVACPD'S guidance is further explained in the SJVAPCD Fact Sheet, *Addressing Greenhouse Gas Emissions Impact under the California Environmental Quality Act (CEQA)/Land Development Projects*, available at *https://www.valleyair.org/media/a0udmv1y/fact_sheet_development_sources.pdf* (accessed May 30, 2025).

The San Joaquin County General Plan, Public Health and Safety Element, sets forth nine policies for reducing countywide GHG emissions, addressing general reduction strategies, agricultural emissions, waste diversion, land use development, and public awareness. The General Plan does not establish a GHG emission threshold for land development projects. See San Joaquin County General Plan, *Public Health and Safety Element*, available at *https://www.sjgov.org/commdev/cgi-bin/cdyn.exe/file/Planning/General%20Plan%202035/Part%203.3a_Public%20Health%20and%20Safety_2016-11-21.pdf* (accessed May 30, 2025).

Compliance with GHG-reduction strategies may not reduce an individual project's impacts below significant levels unless an emissions target or threshold, based on substantial evidence, has been adopted by a local agency. In the absence of a target or threshold, quantified GHG emissions may be determined to be significant and unavoidable. However, if a project demonstrates consistency with either a local CAP or with the CARB Scoping Plan, a finding of "less than significant with mitigation incorporated" may be appropriate.

IMPACT DISCUSSION

a) **No Impact.** Vacating the ETR easement would not generate greenhouse gas emissions, because a vacation is a legislative act that is limited to changing the legal status and property rights associated with the property, and would not introduce GHG-emitting land uses or transportation corridors.

b) **No Impact.** Vacating the ETR easement would not conflict with plans, policies or regulations adopted for the purpose of reducing the emissions of greenhouse gases because a vacation is a legislative act that is limited to changing the legal status and property rights associated with the property, and that does not affect GHG policy or regulations or approve land uses that would generate GHG emissions.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b) 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?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project 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, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

BACKGROUND AND REGULATORY SETTING

Hazardous *materials* include all flammable, reactive, corrosive, or toxic substances, which, because of these properties, pose potential harm to the public or environment. Hazardous materials include, but are not limited to, agricultural chemicals, natural gas and petroleum, explosives, radioactive materials, and various commercial substances that are used, stored, or produced. Hazardous *waste* is waste, or a combination of waste, that either

causes or significantly contributes to an increase in mortality or an increase in serious irreversible illness, incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of. See generally California Department of Toxic Substances Control, *Defining Hazardous Waste*, available at *https://dtsc.ca.gov/defining-hazardous-waste/* (accessed April 29, 2025).

Numerous Federal and State laws regulate hazardous materials and wastes, and are enforced by agencies such as the federal Environmental Protection Agency (EPA), the California Department of Toxic Substances Control (DTSC), California Office of the State Fire Marshal (OSFM), and the State Water Resources Control Board (SWRCB). The California Department of Transportation (Caltrans) issues standards and specifications for managing hazardous wastes associated with federally-funded projects; these directives add various measures for contractors to perform, and where appropriate, reference and incorporate federal and state regulations that address hazardous waste (Caltrans, *Hazardous Waste*, available at *https://dot.ca.gov/programs/environmental-analysis/hazardous-waste* (accessed April 29, 2025).

Locally, the San Joaquin County Environmental Health Department (SJCEHD), San Joaquin County Office of Emergency Services (SJCOES), and the San Joaquin Valley Air Pollution Control District (SJVAPCD) have responsibility for enforcing some state standards. The SJCEHD regulates large- and small-quantity hazardous waste generators, administers the underground storage tank program, and oversees the investigation and cleanup of contaminated underground tank sites under a contract with the SWRCB (SJCEHD, *Programs*, available at *https://www.sjgov.org/department/envhealth/programs* (accessed April 29, 2025). Enforcement of San Joaquin County hazardous material regulations is under the jurisdiction of the SJCOES (SJCOES, *Mission and Vision*, available at *https://www.sjgov.org/department/oes* (accessed April 29, 2025). As discussed in Section III above, the SJVAPCD regulates air emissions from industrial operations and contaminated soils.

IMPACT DISCUSSION:

a) **No Impact.** Vacating the ETR easement would not create hazards associated with hazardous material transport or disposal, because a vacation is a legislative act that is limited to changing the legal status and property rights associated with the property, and does not directly result in or authorize transporting or disposing hazardous materials. The proposed vacation would end County rights in a road easement over property owned by the Delta Farms Reclamation District 2029 (DFRD), a District of the South Delta Water Agency, which is not engaged in transporting such materials. Rather, the South Delta Water Agency's general purpose includes facilitating water supply protection against ocean saltwater intrusion, providing dependable water supplies, and advising regarding reclamation and flood control matters (South Delta Water Agency, *General Purpose*, available at *https://southdeltawater.org/* (accessed April 29, 2025). These activities generally are not associated with hazardous material transport or disposal.

b) **No Impact.** Vacating the ETR easement would not create hazards associated with reasonably foreseeable hazardous material release, because a vacation is a legislative act that is limited to changing the legal status and property rights associated with the property. As stated in Part VIII(a), the proposed vacation would end County rights in a road easement over property owned by the DFRD. As described in in the Project Description above, public access over this roadway has enabled illegal dumping of waste material, and the DFRD intends to close the roadway to the public. Ending the County easement and restricting entry to the roadway would likely lead to less illegal dumping in this location and consequently, reduced risk of hazardous material release.

c) **No Impact.** Vacating the ETR easement would not result in hazardous emissions or involve handling hazardous materials within one-quarter mile of an existing or proposed school, primarily because a vacation is a legislative act that is limited to changing the legal status and property rights associated with

the property, and secondarily because the school located nearest to the project area (Manilo Silva Elementary School) is more than five miles to the west, at 6250 Scott Creek Drive, Stockton, CA.

d) **No Impact.** Vacating the ETR easement would not affect a listed hazardous materials site, primarily because a vacation is a legislative act that is limited to changing the legal status and property rights associated with the property, and secondarily because there are no listed sites within one mile of ETR. Figure 7 below documents the current information available from the California DTSC, showing no sites within a one-mile radius of the confluence of Little Potato Slough and the San Joaquin River, at ETR.

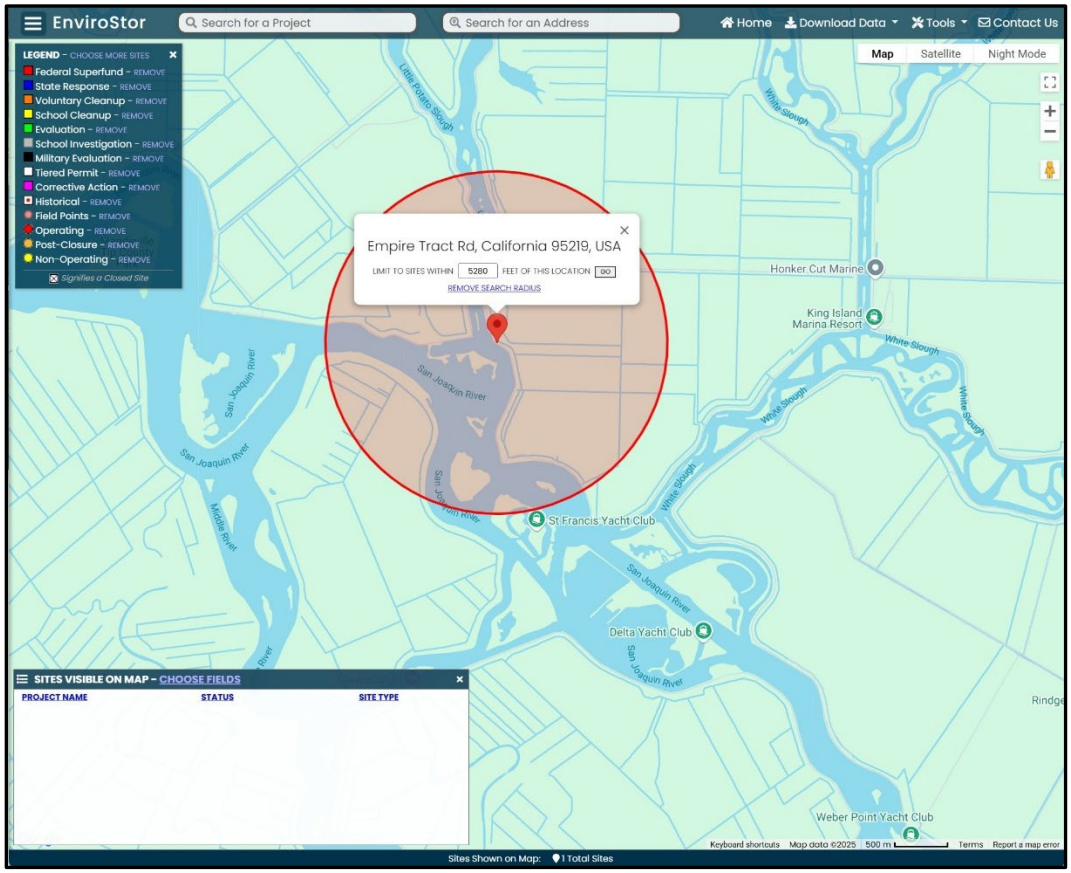


Figure 7 Hazardous Waste Sites in Project Vicinity (none)

Source: California DTSC, *Envirostor*, available at *https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=Empire+Tract+Road (accessed April 29, 2025)*

e) **No Impact.** Vacating the ETR easement would not result in safety hazards or excessive noise impacts in the project area, primarily because a vacation is a legislative act that is limited to changing the legal status and property rights associated with the property, and secondarily, because the nearest airport, the Kingdon Airpark, is more than eight miles northeast of the project area.

f) **No Impact.** Vacating the ETR easement would not impair an emergency response or evacuation plan in the project area, primarily because a vacation is a legislative act that is limited to changing the legal status and property rights associated with the property, and secondarily because the anticipated public road closure would not block an existing evacuation route, as the subject portion of ETR terminates at the Delta Water Supply Intake Pump Station and does not provide a through route between populated areas.

g) **No Impact.** Vacating the ETR easement would not expose people or structures to wildfire hazards, primarily because a vacation is a legislative act that is limited to changing the legal status and property rights associated with the property, and secondarily because the project area is not in a fire hazard severity zone. Figure 8 below excerpts the CalFire Fire Hazard Severity Zone Viewer for the project area.

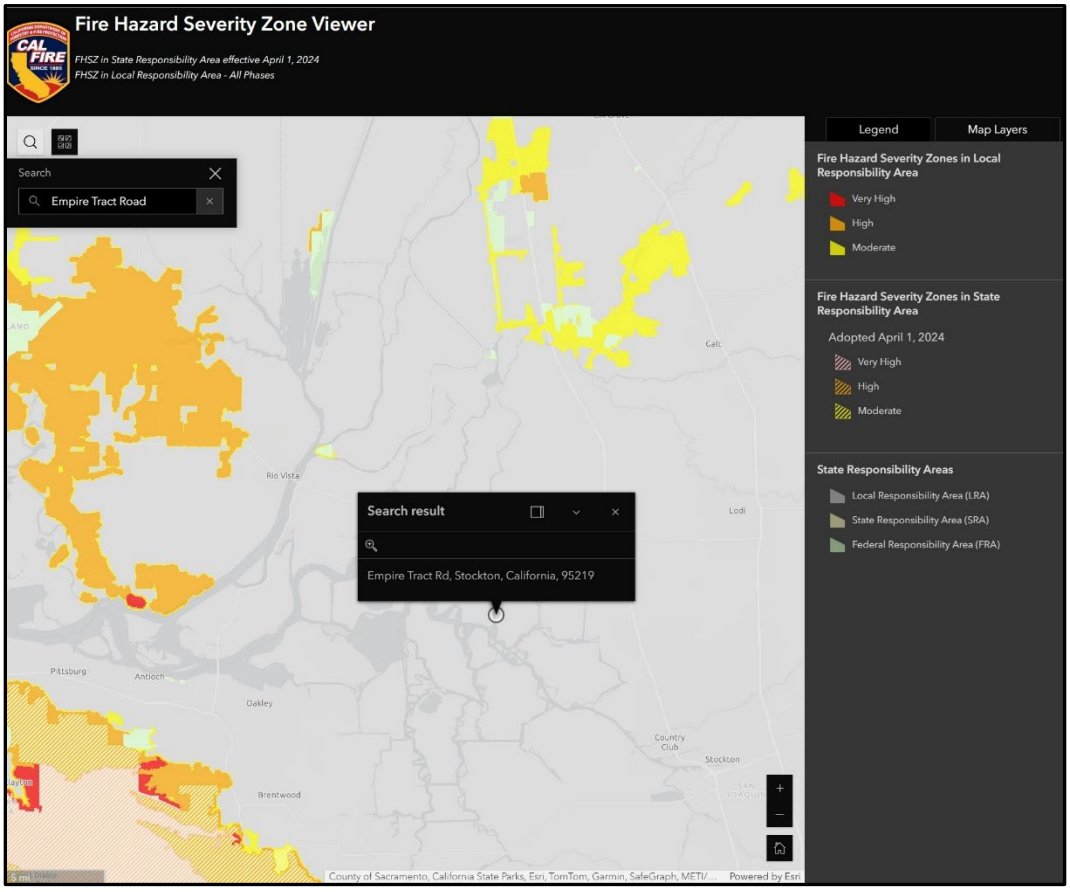


Figure 8 Fire Hazard Severity Zones in Project Area

Source: CalFire, Fire Hazard Severity Zone Viewer, available at https://experience.arcgis.com/experience/6a9cb66bb1824cd987568l2af41292a0 (accessed April 29, 2025)

VIX. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☐	☒
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i. Result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☐	☒
iii. 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; or	☐	☐	☐	☒
iv. Impede or redirect flood flows?	☐	☐	☐	☒
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒

BACKGROUND AND REGULATORY SETTING

Four major rivers flow through or along the boundaries of San Joaquin County: San Joaquin, Stanislaus, Mokelumne, and Calaveras. The flows in these rivers are controlled by dams, which impound six major reservoirs to provide water supplies and flood control. Numerous tributaries and irrigation canals drain into the major rivers, which drain into the Delta (SJC 2035 GPDEIR, Hydrology and Water Quality, pp. 4.J-1-4).

The San Joaquin Valley is comprised of several groundwater sub-basins, confined by geologic and hydrologic barriers. The project area lies along the boundary of the Eastern San Joaquin sub-basin and the Tracy sub-basin (Id., p. 4.J-7, Figure 4.J-3, Regional Groundwater Basins).

For a comprehensive summary of environmental regulations for water quality, storm water pollution prevention plans, floodplain regulation, etc., see the San Joaquin County 2035 General Plan, Draft Environmental Impact Report, Chapter 4.J, Hydrology and Water Quality (2014), available at *https://www.sjgov.org/commdev/cgi-bin/cdyn.exe/file/Planning/Environmental%20Impact%20Reports/GENERAL%20PLAN%202035%20-%20DRAFT%20EIR.pdf* (accessed April 29, 2025).

Flood Hazard Areas

San Joaquin County receives runoff from over 40 percent of the land area in California (Id., p. 4.j-13, citing the United States Geological Survey). Flooding is the most likely natural hazard to occur in the County, although many physical and management systems are in place to limit risks of flooding or damage when it periodically occurs. Flood events from rainstorms generally occur between November and April and are characterized by high peak flows of moderate duration. Snowmelt floods, which normally occur between April and June, have larger water volumes and last longer than rain flooding. Intensive rainstorm or snowmelt generally cause flooding because of levee overtopping, levee failure, or localized drainage problems (Id., 4.J-14).

100-year Floods

The boundary of the 100-year floodplain is the basic planning criterion used to demarcate unacceptable public safety hazards. The 100-year floodplain boundary defines the geographic area that would be inundated by a flood having a one percent (1%) chance of being equaled or exceeded in a given year, which is based on hydrology, topography, and the modeling of flow during predicted rainstorms. Outside the boundary, the degree of flooding risk is not considered sufficient to justify the imposition of floodplain management regulations, while inside the 100-year floodplain a tighter level of regulation is required to protect public health, safety, and welfare (Id., 4.J-15).

San Joaquin County has been participating in the National Flood Insurance Program (NFIP) since 1973. The Federal Emergency Management Act (FEMA) administers this federal program. The primary benefit of participating in this program is that it provides an opportunity for property owners to purchase flood insurance if their community has made a commitment to implement floodplain management regulations that are specified by FEMA (SJC General Plan, Public Health and Safety Element, p. 3.3-9, *Policy 2.22, National Flood Insurance Program*).

Levees

All of the major rivers and some streams in San Joaquin County contain levees. The potential of levee failure is highest in the Delta because these levees often contain unstable material and have been constructed on an unstable base, such as a mixture of peat and silt. A breach in a levee under non-flood conditions would be localized to the specific Delta tract, while 100-year conditions could lead to levee failure on a series of Delta islands (SJC 2035 GPDEIR, *Hydrology and Water Quality*, pp. 4.J-14, 15).

Dams

There are 15 major dams that have been identified as having the potential to inundate portions of San Joaquin County in the event of a dam failure. A dam failure can occur as the result of an earthquake, an isolated incident due to structural instability, natural or human causes, or lack of maintenance (Id., p. 4.J-17).

Seiches, Tsunamis, Mudflows

A seiche is a wave that oscillates in lakes, bays, or gulfs from a few minutes to a few hours as a result of seismic or atmospheric disturbances (wind and atmospheric pressure variations), including tsunamis. A tsunami is a system of gravity waves formed in the sea by a large-scale disturbance of the sea level over a short duration of time. Tsunamis can be generated by submarine volcanic eruptions, coastal landslides into a bay or harbor, meteor impact, or by vertical displacement of the earth's crust along a subduction zone/fault. A mudslide, also called mudflow, is a flow of dirt and debris that occurs after intense rainfall or snow melt, volcanic eruptions, earthquakes, and severe wildfires. The speed of the slide depends on the amount of precipitation, steepness of slope, vibration of the ground, and alternate freezing and thawing of the ground (Merriam Webster Online (2025), available at *https://www.merriam-webster.com/* (accessed April 29, 2025)) The San Joaquin County 2035 General Plan Environmental Impact Report states that the County generally is not susceptible to these

hydrologic events because of its inland location and historical absence of seiche phenomena (SJC 2035 GPDEIR, *Hydrology and Water Quality*, p. 4.J-42).

IMPACT DISCUSSION:

a) **No Impact.** Vacating the ETR easement would not violate water quality standards/waste discharge requirements, or degrade water quality, because a vacation is a legislative act that is limited to changing the legal status and property rights associated with the property, and the subject vacation would not directly lead to a land use that would result in violating water quality standards or regulations. Existing and future land uses on the property would be expected to comply with such regulations and requirements as cited above.

b) **No Impact.** Vacating the ETR easement would not impact groundwater supplies because a vacation is a legislative act that is limited to changing the legal status and property rights associated with the property, and the subject vacation would not create a water-consuming land use.

c) **No Impact.** Vacating the ETR easement would not permanently alter the drainage pattern of the site or area, increase surface runoff so as to cause flooding, create excessive or polluted runoff, or impede or redirect flood flows, because a vacation is a legislative act that is limited to changing the legal status and property rights associated with the property; the subject vacation would not be expected to result in changes to the site's topography and drainage characteristics. The existing ETR roadway is on a levee that is intended to direct flood flows downstream.

d) **No Impact.** Vacating the ETR easement would not risk release of pollutants due to inundation of the project area, because a vacation is a legislative act that is limited to changing the legal status and property rights associated with the property, and would not be expected to lead to future pollutant release. Additionally, as discussed in Section VIII above, closing ETR to public access as a result of the vacation would reduce the likelihood of illegal dumping and consequent release of pollutants during rainfall or flood events. No impacts with respect to tsunami or seiche would be expected, because as discussed above, the County is generally not susceptible to these hydrologic events.

e) **No Impact**. Vacating the ETR easement would not obstruct water quality control plans or sustainable groundwater management plan primarily because a vacation is a legislative act that is limited to changing the legal status and property rights associated with the property, and secondarily, because the vacation would not enable a land use that would impede such plans or extract groundwater.

X. LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☐	☒
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

BACKGROUND AND REGULATORY SETTING

The SJC General Plan establishes general land use categories (designations) for the unincorporated portions of San Joaquin County. The San Joaquin County zoning ordinance implements the SJC General Plan's goals and policies.

The SJC General Plan and zoning designations for the project area are General Agriculture (A/G) and General Agriculture (AG-40), respectively. The A/G designation is established to preserve agricultural lands for the continuation of large-scale commercial agriculture production. Minimum parcel sizes within the AG Zone are 20, 40, 80, and 160 acres, as specified by the precise zoning. Typical uses include crop production, feed and grain storage and sales, crop spraying, and animal raising and sales. A/G residential density is limited to a maximum of 0.05 dwelling units per acre (SJC General Plan, Land Use Element, p. 3.1-58).

The General Plan does not assign ETR a functional classification (Id., Transportation and Mobility Element, Figure TM-1, Circulation Diagram).[6] but identifies it as a scenic route (Id., Natural and Cultural Resources Element, Figure NCR-1, Scenic Routes, p. 3.4-13).

IMPACT DISCUSSION:

a) **No Impact.** Vacating the ETR easement would not divide an established community, primarily because a vacation is a legislative act that is limited to changing the legal status and property rights associated with the property, and secondarily because ETR "dead-ends" at the southern terminus of the easement, and no residential development exists in that location, or generally in the project vicinity.

b) **Less Than Significant Impact.** Vacating the ETR easement would remove a one-mile portion of a designated scenic route from public access. However, as shown on Figure 9 below, the SJC General Plan designates numerous miles of scenic routes, and as discussed in Section I(a), most of the Delta views from the subject portion of ETR would still be available from the intersection of ETR and Eight Mile Road and along Correia Road north of Eight Mile Road. Views of this portion of the Delta are also available from boats within the navigable waterways.

[6] See also Table TM-1, Functional Classification Descriptions.

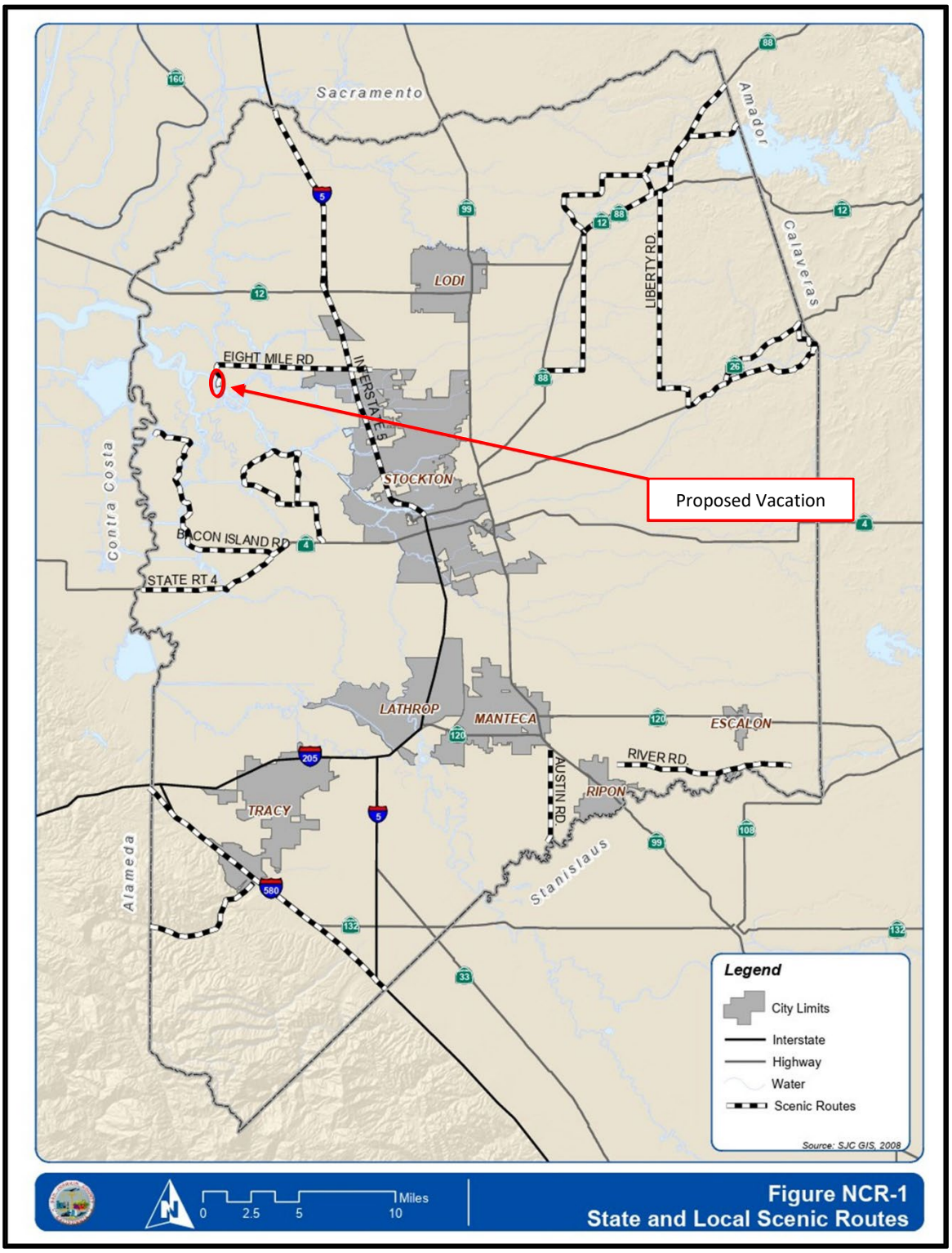


Figure 9 Scenic Routes Within San Joaquin County

Source: SJC General Plan, Natural and Cultural Resources Element, Figure NCR-1

XI. MINERAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒

BACKGROUND AND REGULATORY SETTING

The primary extractive resources in San Joaquin County are sand and gravel aggregate. Peat soil, placer gold and silver are extracted to a much lesser extent. These are all nonrenewable resources. The County seeks to protect these resources and manage their production in an environmentally sound manner. Reclamation plays a significant role in determining the impact of extractive activities on the environment by controlling waste and erosion and rehabilitating streambeds. Sand and gravel are important resources used primarily for construction materials such as asphalt and concrete. (SJC General Plan, Natural and Cultural Resources Element, p. 3.4-8)).

IMPACT DISCUSSION:

a) **No Impact.** Vacating the ETR easement would not result in loss of a known mineral resource, primarily because a vacation is a legislative action that changes the legal status and property rights associated with the property, and involves no physical changes to that property. Secondarily, the vacation would not result in losing a known, regionally-important, mineral resource, because the project area is not located within an area designated or otherwise identified as having known mineral resources (California Dept. of Conservation, California Geological Survey, *California Mineral Resources Data Portal*, available at *https://maps.conservation.ca.gov/cgs/minerals/?page=All-Data* (accessed April 30, 2025)).

b) **No Impact.** Vacating the ETR easement would not result in loss of a known mineral resource, primarily because a vacation is a legislative action that changes the legal status and property rights associated with the property, and involves no physical changes to that property. Secondarily, the vacation would not result in losing a known, locally-important, mineral resource, because the project area is not located within an area designated or otherwise identified as having known mineral resources and is not itself a delineated mineral resource recovery site (SJC 2035 General Plan Final EIR, Figure 4.0-1, Aggregate Resources).

XII. NOISE

Would the project result in:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒
b) Generation of excessive ground-borne vibration or ground-borne noise levels?	☐	☐	☐	☒
c) For a project located within the vicinity of a private airstrip or 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, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

BACKGROUND AND REGULATORY SETTING

Section 9-1025.9 (Noise) of the San Joaquin County Development Title sets forth noise exposure standards for transportation and stationary noise sources. Table 9-1025.9 sets a transportation source noise threshold of 65 decibels (dB) as acceptable for outdoor activity areas around various land uses, and 45 dB for interior spaces; stationary noise sources have lower thresholds, 50-70 dB for outdoor activity areas during the day and 45-65 dB at night. Development must be planned and designed to minimize noise interference from outside noise sources (§ 9-1025.9(a-b)). Exemptions include noise sources associated with construction, provided that such activities do not take place before 6:00 a.m. or after 9 p.m. on any day (§ 9-1025.9(c)(3)). The same applies to noise sources associated with work performed by private or public utilities for facility maintenance or modification (§ 9-1025.9(c)(7)).

The sound levels associated with common noise sources and their effects are presented in Figure 10 below.

The San Joaquin County Development Title further stipulates that proposed projects that will create new stationary noise sources or expand existing stationary noise sources shall be required to mitigate the noise levels from these stationary noise sources so as not to exceed the noise level standards specified in Table I below.

Two policies in the San Joaquin County 2035 General Plan Public Health and Safety Element address vibration from construction activities; the General Plan considered these policies to reduce vibration impacts to less-than-significant levels. Policy PHS-9.3 requires compliance with FTA screening distances to major roadways and railways; Policy PHS-9.4 requires adherence to the FTA acceptable vibration levels at vibration-sensitive land uses. Compliance with these policies would ensure vibration levels at new and existing vibration-sensitive land uses would prevent exposure of people to excessive ground borne vibration or ground borne noise levels (SJCGPPEIR, p. 4.H-45). Additionally, individual projects that would be subject to CEQA would be addressed on a case-by-case basis and their impacts mitigated accordingly (Id.).

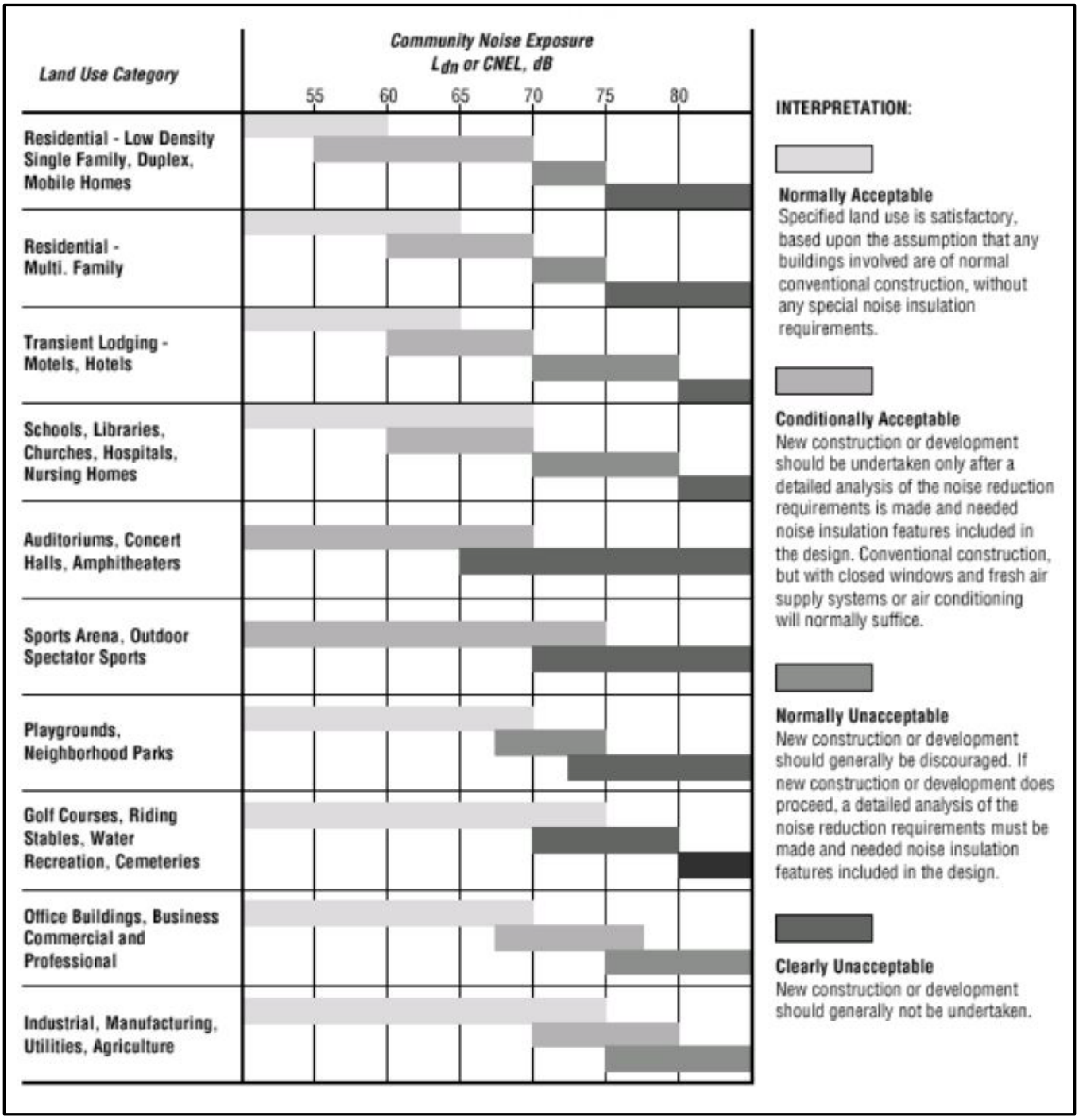


Figure 10 Typical Sound Levels for Common Noise Sources

Source: SJC General Plan Final EIR, Figure 4.H-19

Table 1 – Maximum Allowable Noise Exposure

Transportation Noise Source		
Noise Sensitive Land Use (Use Types)	**Outdoor Activity Areas[1] dB Ldn**	**Interior Spaces dB Ldn**
Residential	65	45
Administrative Office	--	45
Child Care Services – Child Care Centers	--	45
Community Assembly	65	45
Cultural & Library Services	--	45
Educational Services: General	--	45
Funeral & Interment Services – Undertaking	65	45
Lodging Services	65	45
Medical Services	65	45
Professional Services	--	45
Public Services (excluding Hospitals)	--	45
Recreation – Indoor Spectator	--	45
Religious Assembly	65	45
STATIONARY NOISE SOURCES	**Outdoor Activity Areas**	**Outdoor Activity Areas**
	Daytime[2] (7 a.m. to 10 p.m.)	**Nighttime[2] (10 p.m. 7 a.m.)**
Hourly Equivalent Sound Level (Leq), dB	50	45
Maximum Sound Level (Lmax), dB	70	65

Source: San Joaquin County 2035 General Plan, Public Health and Safety Element, Tables PHS-1 and 2, pp. 3.3-19, 20.

[1] Where the location of outdoor activity areas is unknown or is not applicable, the noise standard shall be applied at the property line of the receiving land use. When determining the effectiveness of noise mitigation measures, the standards shall be applied on the receiving side of noise barriers or other property line noise mitigation measures.

[2] Each of the noise level standards shall be reduced by 5 dB for impulsive noise, single tone noise, or noise consisting primarily of speech or music.

Table 2 – Typical Road Construction Equipment Noise

Typical Road Construction Equipment Noise	
Equipment	**Maximum Noise Level (dBA at 50 feet)**
Scrapers	89
Bulldozers	85
Heavy Trucks	88
Backhoe	80
Pneumatic Tools	85
Concrete Pump	82

Source: Federal Transit Administration, 2006. See also: Caltrans, *Noise Study Report Annotated Outline*, available for download at *https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/ser/noise-study-report-annotated-outline.docx* (accessed April 30, 2025).

IMPACT DISCUSSION:

a) **No Impact** Vacating the ETR easement would not generate noise in the project area, primarily because a vacation is a legislative act that is limited to changing the legal status and property rights associated with the property. Secondarily, the subject vacation would not directly lead to a land use that would generate noise in excess of County regulations, because existing and future land uses on the property would be expected to comply with noise regulations and requirements as cited above.

b) **No Impact.** Vacating the ETR easement would not generate ground-borne vibration in the project area, primarily because a vacation is a legislative act that is limited to changing the legal status and property rights associated with the property. Secondarily, the subject vacation would not be expected to lead to a land use that would generate excessive vibration, because existing and future land uses on the property would be expected to be consistent with the General Plan policies cited above.

c) **No Impact.** Vacating the ETR easement would not expose people to excessive airport noise, primarily because a vacation is a legislative act that is limited to changing the legal status and property rights associated with the property. Secondarily, the subject vacation would not be expected to expose people to excessive airport noise because the project site is not near a private airstrip, and is not within two miles of a public or public-use airport. The nearest airport to the project site is the Kingdon Airpark, approximately eight miles to the west-northwest.

XIII. POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

BACKGROUND AND REGULATORY SETTING

As discussed in Section X, Land Use and Planning, the surrounding area is planned and zoned for agricultural uses; residential density is set at 0.05 dwelling units per acre.

IMPACT DISCUSSION:

a) **No Impact.** Vacating the ETR easement would not induce population growth in the project area, primarily because a vacation is a legislative act that is limited to changing the legal status and property rights associated with the property. Secondarily, the subject vacation will not induce population growth, because the project would not extend a new roadway into undeveloped areas, and would not change the project area's General Plan designation or zoning from its present agricultural designation.

b) **No Impact.** Vacating the ETR easement would not induce population growth in the project area, primarily because a vacation is a legislative act that is limited to changing the legal status and property rights associated with the property. Secondarily, the subject vacation will not induce population growth or displace people or housing, because there is no housing within the easement to be vacated.

XIV. PUBLIC SERVICES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
i. Fire protection?	☐	☐	☐	☒
ii. Police protection?	☐	☐	☐	☒
iii. Schools?	☐	☐	☐	☒
iv. Parks?	☐	☐	☐	☒
v. Other public facilities?	☐	☐	☐	☒

BACKGROUND AND REGULATORY SETTING

Fire Protection

The Woodbridge Fire District provide fire protection services for the project area vicinity (SJC 2035 General Plan Final EIR, Figure 4.M-1, Fire Stations and Districts).

Police Protection

Police services in unincorporated areas of San Joaquin County are provided by the San Joaquin County Sheriff Department (SJC 2035 General Plan Final EIR, p. 4.M-5). The California Highway Patrol assists in maintaining routine patrols and investigating traffic accidents on public roads in unincorporated areas (Id., p. 4.M-7).

Schools

The nearest school site to the project area is the Manilo Silva Elementary School, approximately five miles to the west, at 6250 Scott Creek Drive, Stockton, CA.

Parks

No parks exist in the project area vicinity.

Other Facilities

Other public facilities include water, wastewater, and storm drainage, which are discussed further in section XVII, Utilities and Service Systems within this document.

IMPACT DISCUSSION:

a. (i.-v.) **No Impact.** Vacating the ETR easement would not result in substantial adverse physical impacts associated with providing new or physically altered government facilities, primarily because a vacation is a legislative act that is limited to changing the legal status and property rights associated with the property and does not change public service requirements. Secondarily, vacating a one-mile road easement on a levee is not likely to lead directly to land uses that would foreseeably change public service requirements that would in turn require new governmental facilities.

XV. RECREATION

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Would the project 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?	☐	☐	☒	☐
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

BACKGROUND AND REGULATORY SETTING

The surrounding area provides fishing, boating, and wildlife viewing opportunities on the Sacramento-San Joaquin Delta. There are private boat docks along the levee west of ETR. ETR has provided limited roadside fishing opportunities; however, the Vehicle Code prohibits parking along the side of the road that results in blocking any portion of a travel lane.

IMPACT DISCUSSION:

a. **Less Than Significant Impact.** . Vacating the ETR easement would eliminate public access for roadside fishing. However, the vacation would not be expected to lead to overuse and consequent physical deterioration of recreational facilities, particularly those associated with recreation in the Sacramento-San Joaquin Delta area, because as further explained below, the informal recreational access points along the easement are a very small proportion of the available public and private facilities.

The California State Parks Division of Boating and Waterways lists 38 boating facilities in San Joaquin County (California State Parks/Boating and Waterways, Boating Facilities in San Joaquin County, available at *https://ohp.parks.ca.gov/BoatingFacilities/County/San%20Joaquin* (accessed May 1, 2025)). Most of these allow public access. There are no County-owned boating facilities or other County-owned recreational facilities on the ETR easement. Wide road shoulders and an unnamed small private boat dock approximately 5000 feet south of the ETR/EMR intersection (Figure 11 below) provide informal vehicle parking along the roadway as well as limited water access. The H&H Marina, a public-access, privately-owned marina with multiple berths that provide access to the Little Potato Slough and the San Joaquin River lies at the intersection of ETR and EMR, and extends along ETR north of the intersection (Figure 12 below). Vacating the ETR easement would not restrict access to this marina. The owners of the private dock have reached an agreement with RD 2029 to preserve continued access and use of the dock.

Given the minimal available land area for the public to recreate along the ETR easement, it is reasonable to assume that only a few people at a time would use the area. It is thus also reasonable to assume that this small population, when re-directed to other recreational facilities by the ETR closure, would not be great enough to cause substantial deterioration of those facilities. Accordingly, the vacation's impacts to recreational facilities in the County would be less than significant.

b. **No Impact.** Vacating the ETR easement will not include construction or expansion of recreational facilities. No impacts associated with such facilities' construction are anticipated.

Figure 11 Private Boat Dock, Empire Tract Road

Figure 12 H and H Marina

XVI. TRANSPORTATION/TRAFFIC

Note: Except as provided in CEQA Guidelines § 15064.3(b)(2) (regarding roadway capacity projects), a project's effect on automobile delay shall not constitute a significant environmental impact. Level of Service (LOS) analysis is no longer required under CEQA, although agencies may set LOS standards outside of the CEQA process. See 14 CCR § 15064.3.

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	☐	☐	☐	☒
b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b) (Criteria for Analyzing Transportation Impacts)?	☐	☐	☐	☒
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
d) Result in inadequate emergency access?	☐	☐	☒	☐

BACKGROUND AND REGULATORY SETTING

Part 3.2 of the San Joaquin County General Plan addresses the County's roadway system, and assigns categories to roadways throughout the County (SJC 2035 General Plan, Transportation and Mobility Element, Table TM-1). Roadways are classified as freeway, expressway, principal arterial, minor arterial, collector, local residential, local commercial and residential, rural residential, and rural. ETR may be classified as a rural or local roadway; the General Plan does not assign it a specific classification, and it does not appear on the General Plan Circulation Diagram (Id., Figure TM-1).

IMPACT DISCUSSION:

a) **No Impact.** Vacating the ETR easement and closing a one-mile, dead-end, segment of levee roadway would not conflict with a program, plan, ordinance, or policy addressing the circulation system, because ETR is not identified on the SJC 2035 General Plan Circulation Diagram, does not provide critical access to public facilities, and does not provide a critical connection between established communities. Following the vacation, the subject segment of ETR will revert to a private roadway serving the Delta Water Supply Intake Pump Station, the private dock, and several agricultural properties via the access agreements described above in Part 8, Background.

b) **No Impact.** Vacating the ETR easement would not conflict or be inconsistent with CEQA criteria for analyzing transportation impacts, because closing a one-mile dead-end segment of roadway would not be likely to affect vehicle miles traveled within the County.

c) **No Impact.** Vacating the ETR easement would not affect the roadway geometry since a vacation is a legislative action that that is limited to changing the legal status and property rights associated with the property, and will not directly involve physical changes to the road.

d) **Less Than Significant Impact.** Vacating the ETR easement would minimally affect emergency access to the Delta Water Supply Intake Pump Station and the private dock described above, because access would be controlled by a gate south of EMR. However, the roadway would still exist, maintained by the

Delta Farms Reclamation District 2029, and emergency personnel would have access to the gate. Accordingly, impacts to emergency access are anticipated to be less than significant.

XVII. TRIBAL CULTURAL RESOURCES

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	☐	☒
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☐	☒

IMPACT DISCUSSION

a) **No Impact**. Vacating the ETR easement would not affect tribal cultural resources that are listed or eligible for listing in either the California Register of Historical Resources, or in any local registry of historical resources, because the vacation affects only the legal status of the property, and would not itself cause physical changes. Following the vacation action, the Delta Farms Reclamation District 2029 will install a gate across the roadway, involving minimal excavation for gate and fencepost footings. Generally, closing the roadway to public access can reasonably be assumed to protect any resources that might exist or might be classified as historic in the future from trespass and vandalism.

b) **No Impact**. Vacating the ETR easement would not affect a tribal cultural resource identified by San Joaquin County even if previously-undiscovered resources were to exist on or underneath the roadway, because the vacation affects only the legal status of the roadway, and would not itself directly cause physical changes to the property. As noted in (a) above, the post-vacation gate installation would involve minimal excavation for fencepost footings, and closing the roadway to public use would reasonably be assumed to be protective against trespass and vandalism.

XVIII. UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	☒
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	☐	☐	☐	☒
c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☐	☒
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒

BACKGROUND AND REGULATORY SETTING

Sanitary sewer service within San Joaquin County is provided by several special districts that serve individual communities, and include community service districts, public utility districts, sanitary districts, and sewer maintenance districts. Some special districts are connected to cities but operated independently, while other districts were created to serve planned developments that were never built. Some agencies provide sewer collection services only, and contract with major sewer districts who have sewer treatment facilities for wastewater treatment and disposal. The cities of Escalon, Ripon, and Tracy primarily provide service to residents in incorporated areas, and rely on private septic systems to serve unincorporated areas. Several of the unincorporated communities lack sanitary sewer infrastructure and use individual or community septic systems (SJC GPPEIR, Utilities and Service Systems, pp. 4.N-13, 14; also see GPPEIR Figure 4.N-3).

Storm Drainage

Storm water runoff is that portion of rainfall not that is not absorbed on a site and drains – or "runs off" by surface flow offsite. A storm drainage system designed to prevent flooding can consist of both natural and manufactured structures used to collect, convey, and store rainwater during storms. Captured storm water is eventually discharged to a natural body of water via the terminal drainage. See GPPEIR, pp. 4.N-18-25, for a summary of the County's network of storm drainage systems.

Water Supply

The Eastern San Joaquin County Groundwater Basin is the primary source of potable domestic water in San Joaquin County. The boundaries of the groundwater basin extend from the San Joaquin-Sacramento County line and Dry Creek in the north to the Stanislaus River in the south, and from the San Joaquin River and eastern edge of the Delta to the west to approximately the San Joaquin County line to the east (DWR 2006).

Groundwater has been the preferred water source for domestic consumption because the cost of good quality, fresh groundwater is substantially less than the cost of importing treated surface water. Groundwater generally requires little treatment, whereas surface water must be filtered and treated for domestic use. In addition, it is much less costly to locate wells near the end users with short transmission lines to transport water a longer distance through larger, more capital intensive systems. However, overdrafting in the past few decades has caused a steady decline in groundwater levels in San Joaquin County, creating a zone of depression in western San Joaquin County areas and allowing the intrusion of highly saline Delta water into the groundwater basin. A number of proposed projects to provide areas with supplemental water will decrease groundwater pumping to safe yield levels (GPPEIR, pp. 4.N-1 – 4.N-12).

The second major source of water is supplied by major rivers such as the Mokelumne, Calaveras, Stanislaus, and San Joaquin Rivers, and reservoirs such as the Camanche, Pardee, Farmington, Woodward, New Hogan, and New Melones. Surface water is subject to a complex federal and state legal system establishing the rights of individuals and agencies to water flows through permits, licenses, court decrees, contracts, and federally prescribed flood control regulations (id.).

The third major source of water is the Delta, particularly in southwest San Joaquin County. Exporting fresh water from the Delta, however, has caused many problems. Reverse flows, declining fisheries, water quality problems, and levee erosion are among the many problems associated with water transfers from the Delta (id.).

Solid Waste

The San Joaquin County Solid Waste Division is the lead for the administration of solid wastes and the operation of related facilities. The San Joaquin County Environmental Health Department is involved in administering local and state regulations regarding waste management and has been appointed as the Local Enforcement Agency (LEA) in the unincorporated areas (SJC GPPEIR, pp. 4.N-25 – 4.N-26). San Joaquin County 2035 General Plan Policy PHS-6.5 requires the County to achieve a 75 percent diversion of landfilled waste by 2020, and a 90 percent diversion rate by 2035 (SJC General Plan, p. 3.3-14).

IMPACT DISCUSSION:

a) **No Impact.** Vacating the ETR easement would not result in relocating existing or installing new utility systems, because a vacation is a legislative act that is limited to changing the legal status and property rights associated with the property and does not change public or private utility requirements. The gate installation that would follow the vacation action would not require substantial – if any – utility expansion.

b) **No Impact.** Vacating the ETR easement would not require water supply, because a vacation is a legislative act that is limited to changing the legal status and property rights associated with the property and does not result in land uses that require a water supply. The gate installation that would follow the vacation action would not require a water supply.

c) **No Impact.** Vacating the ETR easement would not result in a wastewater treatment provider's determination that it has inadequate capacity to serve the project, because a vacation is a legislative act that is limited to changing the legal status and property rights associated with the property and does not entitle a land use that would generate wastewater. The gate installation that would follow the vacation action would not generate wastewater.

d) **No Impact.** Vacating the ETR easement would not generate excessive solid waste, because a vacation is a legislative act that is limited to changing the legal status and property rights associated with the property and does not entitle a land use that would generate waste or require new waste infrastructure capacity. The gate installation that would follow the vacation action would not generate waste other than minor amounts of packaging material.

e) **No Impact.** . Vacating the ETR easement would not conflict with solid waste reduction statutes and regulations, simply because a vacation is a legislative act that is limited to changing the legal status and property rights associated with the property and does not entitle a waste-generating land use that foreseeably would not comply with solid waste reduction laws. The gate installation that would follow the vacation action would not be anticipated to generate excessive waste in conflict with waste-disposal requirements.

XIX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

BACKGROUND AND REGULATORY SETTING

Revisions to the CEQA Guidelines in January 2018 created a new, focused section on wildfire hazards. Generally, CEQA does not require that lead agencies analyze the environment's impacts on a project, but rather that they address a project's impact on the environment (*California Building Industry Ass'n v. Bay Area Air Quality Management District,* 62 Cal.4th 369 (2015)). However, CEQA does require evaluating whether a project would place future occupants or users of a project at substantial risks of environmental effects, such as wildfires or earthquakes (CEQA Guidelines Appendix G).

San Joaquin County General Plan, Public Health and Safety Element.

The General Plan Public Health and Safety Element sets forth goals and policies for fire hazards in the County (SJC 2035 General Plan, p. 3.3-10), and identifies four communities within the County that are at particular risk for wildfire: Bellota, Clements, Linden and Lockeford). Policies 4.1 – 4.6 address measures for fire resilience in Fire Hazard Severity Zones.

San Joaquin County Local Hazard Mitigation Plan

The County Office of Emergency Services prepares a Hazard Mitigation Plan (HMP) every five years for the Federal Emergency Management Agency (FEMA) (see *San Joaquin County Multi-Jurisdictional Hazard Mitigation Plan,* rev. 2022, available at *https://www.sjgov.org/department/oes/mjhmp* (accessed May 2, 2025)). The HMP meets the State and Federal requirement of the Disaster Mitigation Act of 2000 to develop an on-going process

for mitigating disaster damage both prior to and following a disaster by providing strategies for the County and other local jurisdictions to identify and implement mitigation actions for reducing damage from various potential natural and technological disasters.

Figure 8 above shows fire severity zones in the project area, and identifies whether those zones are within state or local management responsibility. There are no areas of "high" fire severity in the project area.

IMPACT DISCUSSION:

a-d) **No Impact.** As shown in Figure 8 above, ETR is not in or near state responsibility areas or lands classified as very high fire severity zones.

This Page Is Intentionally Blank.

XX. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number, or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☒	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

IMPACT DISCUSSION:

a) **Less Than Significant Impact.** As explained throughout this document, vacating the one-mile road easement on ETR is a legislative action that changes the legal status and property rights associated with the property, and involves no physical changes to that property. The subsequent post-vacation gate construction would require minimal excavation for footings and would not be anticipated to cause substantial impacts to the environment, particularly to fish or wildlife habitat, or to rare or endangered plants and/or animals.

b) **Less Than Significant Impact.** As explained throughout this document, vacating the one-mile road easement on ETR is a legislative action that changes the legal status and property rights associated with the property, and involves no physical changes to that property. As explained in Section I, Aesthetics, removal of a one-mile segment of a designated scenic roadway does not constitute a substantial cumulative impact to the County's scenic resources and to the public's access to them because Delta views remain available from multiple publicly-accessible locations.

c) **Less Than Significant Impact.** As explained throughout this document, vacating the one-mile road easement on ETR is a legislative action that changes the legal status and property rights associated with the property, and involves no physical changes to that property. As discussed in Section XVI, impacts to the public with respect to emergency access would be less than significant because first responders would be authorized to open the gate and to access the area.

REFERENCES CITED AND INCORPORATED BY REFERENCE

Documents, Publications:

1. California Department of Water Resources (DWR). California's Groundwater Update 2020 (Bulletin 118) (November 2021), available at *https://data.cnra.ca.gov/dataset/calgw_update2020/resource/d2b45d3c-52c0-45ba-b92a-fb3c90c1d4be* (accessed May 2, 2025).
2. San Joaquin County Community Development Department, *San Joaquin County 2035 General Plan Final EIR*, SCH No. 2013102017, September 2016, available at *https://www.sjgov.org/commdev/cgi-bin/cdyn.exe?grp=planning&htm=eir* (accessed May 2, 2025, also on file with San Joaquin County).
3. San Joaquin County, *Multijurisdictional Hazard Mitigation Plan,* rev. 2022, available at *https://www.sjgov.org/department/oes/mjhmp* (accessed May 2, 2025).
4. San Joaquin County, *San Joaquin County Development Title* as amended, available at *https://library.municode.com/ca/san_joaquin_county/codes/development_title* (accessed May 2, 2025).
5. San Joaquin County. October 2014. *San Joaquin County SJC General Plan 2035*, available at *https://www.sjgov.org/commdev/cgi-bin/cdyn.exe?grp=planning&htm=gp2035* (accessed May 2, 2025, also on file with San Joaquin County).

Websites

1. California Air Resources Board (CARB). *https://ww2.arb.ca.gov/* (accessed April 29, 2025). Sensitive receptors information.
2. California Department of Forestry and Fire Protection. 2007-2008; *https://experience.arcgis.com/experience/6a9cb66bb1824cd98756812af41292a0* (accessed April 29, 2025). Interactive fire hazard maps.
3. California Department of Transportation (Caltrans). June 2006, *Officially Designated State Scenic Highways https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways* . (accessed May 4, 2025).
4. San Joaquin County. Parcel Viewer Database. *https://sjmap.org/DistrictViewer/* (accessed May 4, 2025). San Joaquin County Community Development Department. Parcel, floodplain, SJC General Plan/zoning designations, farmland, soils information.
5. San Joaquin Valley Air Pollution Control District (SJVAPCD). *https://www.valleyair.org/Home/* (accessed May 4, 2025). Public Information. Ambient Air Quality Standards and Valley Attainment Status.
6. United States Code, Title 33, Section 1251 et seq. (Clean Water Act). *https://uscode.house.gov/browse/prelim@title33/chapter26&edition=prelim* (accessed May 4, 2025).