FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS, AND MITIGATION MONITORING AND REPORTING PROGRAM

PURSUANT TO SECTION 15091, 15093 AND 15097 OF THE STATE CEQA GUIDELINES AND SECTION 21081 OF THE PUBLIC RESOURCES CODE

GRANT LINE ROAD CORRIDOR PROJECT

SAN JOAQUIN COUNTY, CALIFORNIA

STATE CLEARINGHOUSE NO. 2017112022

LSA

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SAN JOAQUIN COUNTY, CALIFORNIA

STATE CLEARINGHOUSE NO. 2017112022

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December 2018

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1.0 CEQA FINDINGS OF FACT

1.1 INTRODUCTION

The purpose of these findings is to satisfy the requirements of Sections 15091 and 15092 of the California Environmental Quality Act (CEQA) Guidelines, associated with approval of the Grant Line Road Corridor Project. A Statement of Overriding Considerations consistent with Section 15093 and Mitigation Monitoring and Reporting Program consistent with Section 15097 have been included and will each be adopted separately. The CEQA statute (Public Resources Code Sections 21000 et seq.) and State CEQA Guidelines (Title 14, California Code of Regulations Sections 15000, et seq.) state that if it has been determined that a project may or will have significant impacts on the environment, then an Environmental Impact Report must be prepared. Prior to approval of the project, the EIR must be certified pursuant to Section 15090 of the State CEQA Guidelines. When a certified Final EIR identifies one or more significant environmental impacts, the approving agency must make one or more of the following findings, accompanied by a brief explanation of the rationale for each identified significant impact (Section 15091 of the CEQA Guidelines):

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

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

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

No findings are required for impacts that are less than significant and require no mitigation. Section 15092 of the State CEQA Guidelines states that after consideration of a Final EIR, and in conjunction with making the Section 15091 findings identified above, the lead agency may decide whether to approve the project. A project that would result in a significant environmental impact can be approved only if the agency has eliminated or substantially lessened all significant effects on the environment where feasible.

Only when specific economic, legal, social, technological, or other considerations outweigh the unavoidable adverse environmental effects, can a project with unmitigated significant impacts be approved. Section 15093 requires the lead agency to document and substantiate any such determination in a Statement of Overriding Considerations. A Statement of Overriding Considerations is included and is being adopted separately from these findings.

1.2 PROJECT LOCATION, DESCRIPTION, AND OBJECTIVES

The Grant Line Road Corridor Project (Project) is the Project under consideration. The Project is located in the community of Banta in the southwestern portion of San Joaquin County. The Project includes a 1.65-mile-long corridor south of Banta between the intersection of Grant Line Road and

Chabot Court and the intersection of 11th Street and Bird Road. The Project is 75.7 acres in size. The existing two-lane Grant Line Road corridor is experiencing high congestion from both vehicle and truck traffic caused by population growth in the City of Tracy and the industrial area in northeastern Tracy. The Project would create a four-lane bypass roadway south of Banta. The objectives of the Project are to, (1) alleviate congestion and (2) improve safety.

1.3 FINAL ENVIRONMENTAL IMPACT REPORT

1.3.1 EIR Process

Prior to preparing the Draft EIR, the County released a Notice of Preparation (NOP) to solicit the comments of public agencies and interested organizations and individuals regarding the scope and content of the EIR. The NOP was published on November 9, 2017. The comments to the NOP received from agencies and the public are included in **Appendix A** of the Final EIR.

The Draft EIR was made available for public review in hard copy and online commencing on April 30, 2018 and was distributed to local and State responsible and trustee agencies. The general public and local agencies were advised of the availability of the Draft EIR through public notices mailed to residents in proximity to the Project. The Draft EIR was also posted on the San Joaquin County Department of Public Works website (https://www.sjgov.org/department/pwk/projects/grant-line-road) beginning April 30, 2018. CEQA mandates a minimum 30- or 45-day public comment period on Draft EIRs. The County required a 45 day public comment period, which ended on June 13, 2018. The County held a public meeting on June 12, 2018 at the regularly scheduled meeting of the San Joaquin County Supervisors where members of the public had the opportunity to comment on the Project and adequacy of the Draft EIR. Based on a request by the Board of Supervisors, the County extended the public comment period for 16 additional days, to June 29, 2018, to allow for members of the public to comment. This extension was notified through the San Joaquin County Department of Public Works website for the proposed Project. The comments received have been responded to in **Appendix C** of the Final EIR.

1.3.2 Record of Proceedings

For the purposes of CEQA and the findings hereinafter set forth, the administrative record consists of those items listed in Section 21167.6(e) of the Public Resources Code. Pursuant to the requirements of State CEQA Guidelines Section 15091(e), the location and custodian of the documents and other materials that constitute the record of proceedings upon which these decisions are made, are presented below:

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1.4 TERMINOLOGY OF FINDINGS

For purposes of these findings, the term *avoid or substantially lessen* refers to the effectiveness of one or more of the mitigation measures to reduce a significant environmental effect. When an impact remains significant or potentially significant even with implementation of the mitigation, the findings will generally conclude that the impact is *significant and unavoidable*. In the process of adopting the mitigation measures identified in the Final EIR, the Board of Supervisors has also made a determination regarding whether the mitigation proposed in the Final EIR is *feasible*. Pursuant to the CEQA Guidelines, *feasible* means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. In the process of considering the Final EIR for certification, the Board of Supervisors has recognized that impact avoidance is not possible in some instances. A significant impact to aesthetics would remain with implementation of the Project, even after implementation of mitigation to lessen the impacts. The resultant statement of overriding considerations follows the findings of fact.

1.5 FINDINGS REQUIRED UNDER CEQA

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

The mandates and principles announced in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which an EIR is required. (See Pub. Resources Code, § 21081, subd. (a); CEQA Guidelines, § 15091, subd. (a).) For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding, supported by substantial evidence, reaching one or more of three permissible conclusions.

The first such finding is that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).)

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

The third potential conclusion is that "[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make

infeasible the mitigation measures or project alternatives identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(3).)

Public Resources Code section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." CEQA Guidelines section 15364 adds another factor: "legal" considerations. (See also *Citizens of Goleta Valley v. Board of Supervisors* ("Goleta II") (1990) 52 Cal.3d 553, 565.)

The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (City of Del Mar v. City of San Diego (1982) 133 Cal.App.3d 410, 417.) "'[F]easibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (Ibid.; see also Sequoyah Hills Homeowners Assn. v. City of Oakland (1993) 23 Cal.App.4th 704, 715; Sierra Club v. County of Napa (2004) 121 Cal.App.4th 1490, 1507-1508 (the failure to meet project objectives can be sufficient evidence demonstrating infeasibility of an alternative).)

The CEQA Guidelines do not define the difference between "avoiding" a significant environmental effect and merely "substantially lessening" such an effect. The County must therefore glean the meaning of these terms from the other contexts in which the terms are used. Public Resources Code section 21081, on which CEQA Guidelines section 15091 is based, uses the term "mitigate" rather than "substantially lessen." The CEQA Guidelines therefore equate "mitigating" with "substantially lessening." Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." (Pub. Resources Code, § 21002.)

For purposes of these findings, the term "avoid" refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less-than-significant level. In contrast, the term "substantially lessen" refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less-than-significant level. These interpretations are mandated by the holding in *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 519-521, where the court of appeal held that an agency had satisfied its obligation to substantially lessen or avoid significant effects by adopting numerous mitigation measures, not all of which rendered the significant impacts in question to a less-than-significant level.

CEQA Guidelines section 15091 requires only that approving agencies specify that a particular significant effect is "avoid[ed] or substantially lessen[ed]." The findings, for purposes of clarity, in each case will specify whether the effect in question has been reduced to a less-than-significant level, or has simply been substantially lessened but remains significant.

Moreover, although section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely "potentially significant," these findings will nevertheless fully account for all such effects identified in the EIR.

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency. (CEQA Guidelines, § 15091, subd. (a), (b).)

In seeking to effectuate the substantive policy of CEQA to substantially lessen or avoid significant environmental effects to the extent feasible, an agency, in adopting findings, need not necessarily address the feasibility of both mitigation measures and environmentally superior alternatives when contemplating approval of a proposed project with significant impacts. Where a significant impact can be mitigated to an "acceptable" level solely by the adoption of feasible mitigation measures, the agency, in drafting its findings, has no obligation to consider the feasibility of any environmentally superior alternative that could also substantially lessen or avoid that same impact – even if the alternative would render the impact less severe than would the proposed project as mitigated. (*Laurel Hills Homeowners Ass'n v. City Council* (1978) 83 Cal.App.3d 515, 521; see also *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 730-731; and *Laurel Heights Improvement Ass'n v. Regents of the University of California* ("Laurel Heights I") (1988) 47 Cal.3d 376, 400-403.)

In these Findings, the County addresses the extent to which each significant environmental effect can be substantially lessened or avoided through the adoption of feasible mitigation measures. Nonetheless, the County also addresses the extent to which alternatives described in the Final EIR are (i) environmentally superior with respect to that effect and (ii) "feasible" within the meaning of CEQA.

1.6 LEGAL EFFECT OF FINDINGS

These findings satisfy the requirements of Sections 15091, 15092, and 15093 of the State CEQA Guidelines and constitute the County's evidentiary and policy bases for its decision to approve the Project in a manner consistent with the requirements of CEQA. In doing so, they disclose the final disposition of the significant impacts identified in the Final EIR and the reasons for not adopting the Project alternatives. The County also incorporates by reference all of the mitigation measures identified in the Final EIR. Adoption of the statement of overriding considerations allows the Board of Supervisors to approve the Project, even though it would result in significant and unavoidable impacts.

1.7 FINDINGS ON ALTERNATIVES

In accordance with State CEQA Guidelines Section 15126.6, the Final EIR analyzed a range of reasonable alternatives to the Project, or to the location of the Project. A comparative impact assessment of the No Project Alternative and Alternative 4 were included in the Final EIR. Under the No Project Alternative, construction and operation of the Project would not occur. Alternative 4 would propose a 2.4 mile corridor that would bypass the community of Banta on the south side. Public Resources Code Section 15091(a) states that if the Board of Supervisors rejects any or all of the alternatives analyzed in the Final EIR, it must describe why the alternatives are infeasible. Infeasibility can be the result of "specific economic, legal, social, technological, or other

considerations, including provision of employment opportunities for highly trained workers." Based on the impacts identified in the Final EIR and the reasons described below, the Board of Supervisors rejects the No Project Alternative and Alternative 4 as infeasible.

- The No Project Alternative would not attain the fundamental project objectives. Implementation of the No Project Alternative would degrade the LOS to surrounding roadway segments and intersections when compared to the proposed Project. The No Project Alternative would not improve safety on the local circulation system, nor would it alleviate congestion on local roadways or within the community of Banta.

- The Alternative 4 design would meet the Project objectives; however, in comparison to the proposed Project, implementation of the Alternative 4 design would impact more residents in the community of Banta. More residents would be subject to impacts from noise, traffic, and aesthetics that would be more severe than those occurring under the proposed Project.

Table A: Comparison of the Project, No Project Alternative and Alternative 4 Impacts shows the impact comparison of each CEQA resource topic for the proposed Project, No Project Alternative and Alternative 4.

Table A: Comparison of the Project, No Project Alternative and Alternative 4 Impacts

Resource Topic	Proposed Project	No Project Alternative	Alternative 4
Aesthetic Resources	SU	NI	SU
Agricultural and Forestry Resources	LTS	NI	LTS
Air Quality	LTS	LTS	LTS
Biological Resources	LTS	NI	LTS
Cultural Resources	LTS	NI	LTS
Geology and Soil	LTS	NI	LTS
Greenhouse Gas	LTS	NI	LTS
Hazards and Hazardous Materials	LTS	NI	LTS
Hydrology and Water Quality	LTS	NI	LTS
Land Use and Planning	LTS	NI	LTS
Mineral Resources	NI	NI	NI
Noise	LTS	NI	LTS
Population and Housing	NI	NI	NI
Public Services	NI	NI	NI
Recreation	NI	NI	NI
Transportation/Traffic	LTS	LTS	LTS
Tribal Resources	LTS	NI	LTS
Utilities and Service Systems	LTS	NI	LTS

Notes: SU = Significant and Unavoidable; LTS = Less Than Significant; NI = No Impact

Pursuant to the Public Resources Code section 21081(a)(3) and CEQA Guidelines section 15091(a)(3), the County Board of Supervisors finds the that the No Project Alternative is the

environmentally superior alternative because implementation of this alternative would result in fewer significant and unavoidable impacts, but rejects this alternative because it does not meet the Project objectives. As such, the County Board of Supervisors chooses the proposed Project as the superior alternative.

1.8 FINDINGS OF SIGNIFICANT AND UNAVOIDABLE IMPACTS OR POTENTIALLY SIGNIFICANT IMPACTS REDUCED TO LESS THAN SIGNIFICANT LEVELS

1.8.1 Aesthetics

1.8.1.1 Summary Description

Impact Threshold AES-A: *Would the Project have a substantial adverse effect on a scenic vista?*

Public outreach has indicated that "close in" scenic vistas at sensitive receptors north of the Project would be impacted. Close in scenic vistas of existing agricultural use would be permanently blocked at some locations of residents that have unobstructed views of such scenic vistas. The Project would result in **significant and unavoidable** impacts.

Impact Threshold AES-C: *Would the Project substantially degrade the existing visual character or quality of the site and its surroundings?*

Sensitive receptors would be exposed to a foreground visual change with implementation of a new road in an area occupied by agricultural productive land. The Project would result in **significant and unavoidable** impacts.

Impact Threshold AES-D: *Would the Project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

Implementation of the Project would generate light from vehicle headlights that would intrude onto parcels where no light intrusion is currently occurring. This could result in potentially significant impacts to residential units in the area. With the incorporation of **mitigation**, the Project would result in **less than significant** impacts.

1.8.1.2 Findings

- Specific economic, legal, social, technological, or other considerations, make infeasible implementation of mitigation measures or project alternatives identified in the environmental impact report related to aesthetic impacts under Impact Threshold AES-A and Impact Threshold AES-C.

- Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The mitigation measures that substantially lessen the environmental effect under Impact Threshold AES-D are identified below.

1.8.1.3 Basis for Findings

Avoidance of impacts under Thresholds AES-A and AES-C is infeasible because the proposed Project would need to be developed in this area to meet specific objectives relating (reduction in traffic congestion and improvement to traffic safety) to the Project. The No Project Alternative would not meet the Project objectives and Alternative 4 would meet Project objectives but would impact more residents related to aesthetics when compared to the proposed Project. Based on the location of the Project site and the design, no feasible mitigation would be available to reduce impacts of "close in" scenic vistas (agricultural lands) south of sensitive receptors. Specifically, implementation of barriers to reduce glare and noise impacts would result in further obstruction of such "close in" scenic vistas.

The following mitigation measure would reduce aesthetic impacts from light generation of the Project to less than significant levels (Impact Threshold AES-D).

Mitigation Measure AES-1 The County of San Joaquin shall provide barriers at the edges of the parcel lines at Assessor's Parcel Number (APN) 25007002, 25007003, and 25008015 that are facing the new roadway. The barriers shall be made of materials that would block the headlight spillage of vehicles traveling along the new roadway. APNs 25012003 and 25008016 may also experience headlight spillage onto their parcels, and implementation of sound walls (as described in Section 4.8, Noise, of this Environmental Impact Report) to reduce noise impacts would also be effective in reducing light intrusion onto these properties.

1.8.2 Agriculture and Forestry Resources

1.8.2.1 Summary Description

Impact Threshold AG-A: *Would the Project 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 a non-agricultural use?*

Implementation of the Project would result in the conversion of Important Farmland and land designated as General Agriculture per the San Joaquin County General Plan Land Use and Zoning Code to urbanized land. This could result in potentially significant impacts to agricultural resources in the area. With the incorporation of **mitigation**, the Project would result in **less than significant** impacts.

Impact Threshold AG-E: *Would the Project involve other changes in the existing environment which, due to their location or nature, which could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forested use?*

The Project would result in the conversion of farmland to non-farmland uses. This could result in potentially significant impacts to agricultural resources in the area. With the incorporation of **mitigation**, the Project would result in **less than significant** impacts.

1.8.2.2 Findings

- Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The mitigation measures that substantially lessen the environmental effect are identified below.

1.8.2.3 Basis for Findings

The following mitigation measure would reduce Project impacts to agricultural resources (Impact Thresholds AG-A and AG-E) to a less than significant level.

Mitigation Measure AG-1 The San Joaquin County Public Works Department shall satisfy the mitigation requirements as set forth in the Ordinance Code of San Joaquin County, Chapter 9-1080, Agricultural Mitigation, where the San Joaquin County Public Works Department shall purchase land in equivalent condition to the Important Farmland that would be lost due to Project implementation at a 1:1 ratio. As such, the San Joaquin County Public Works Department shall purchase 27.2 acres of Agricultural Land equivalent in condition to the Important Farmland and existing designated Agricultural Land that would be saved in perpetuity in the form of farmland conservation easement or other farmland conservation mechanism. The purchase shall be approved by the Agricultural Technical Advisory Committee and the County Board of Supervisors. The San Joaquin County Public Works Department also has the option to pay in-lieu fees in accordance with Ordinance Code of San Joaquin County, Chapter 9-1080, Agricultural Mitigation, and through approval of the Agricultural Technical Advisory Committee and the County Board of Supervisors. The in-lieu fees would equate to the value of the agricultural land that would be lost due to proposed Project implementation. The in-lieu fees would be administered to fulfill programmatic responsibilities, including coverage of acquiring interests in land and administering, monitoring, and enforcing the farmland conservation easement or other instrument designed to preserve the agricultural value of the land for farmland mitigation purposes. The San Joaquin County Public Works Department shall satisfy this mitigation measure prior to approval of the proposed Project.

1.8.3 Air Quality

1.8.3.1 Summary Description

Impact Threshold AQ-B: *Would the Project violate any air quality standard or contribute substantially to an existing or projected air quality violation?*

The proposed Project would potentially violate air quality standards or contribute substantially to an existing or projected air quality violation. With the incorporation of **mitigation**, the Project would result in **less than significant** impacts.

Impact Threshold AQ-C: *Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard?*

The Project could potentially result in a cumulatively considerable net increase of criteria air pollutants for which the region is nonattainment under an applicable federal or State ambient air quality standard. With the incorporation of **mitigation**, the Project would result in **less than significant** impacts.

Impact Threshold AQ-D: *Would the Project expose sensitive receptors to substantial pollutant concentrations?*

The Project could expose sensitive receptors to substantial pollutant concentrations. This could result in potentially significant impacts to sensitive receptors in the area. With the incorporation of **mitigation**, the Project would result in **less than significant** impacts.

1.8.3.2 Findings

- Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The mitigation measures that substantially lessen the environmental effect are identified below.

1.8.3.3 Basis for Findings

The following mitigation measures would reduce impacts related to air quality emissions from construction and operational activities of the proposed Project to a less-than-significant level.

Mitigation Measure AIR-1

The Project contractor, on behalf of the San Joaquin County Public Works Department, shall prepare a Dust Control Plan for excavation and construction activities at the Project site pursuant to the requirements and regulations of the San Joaquin Valley Air Pollution Control District (SJVAPCD), including Regulation VIII. The Dust Control Plan would be developed prior to initiation of construction activities in coordination with the SJVAPCD. The SJVAPCD would maintain a copy of the Dust Control Plan for its records.

The Project contractor shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of construction and maintenance activities at the Project site. The Dust Control Plan shall include, at a minimum, the following measures:

- Apply water to unpaved surfaces and areas
- Outfitting all personnel on site with appropriate respiratory equipment; the equipment must be properly fitted and personnel must be trained in its use;

- Providing worker hygiene stations and training;
- Prior to construction, provide information on causes, preventative measures, symptoms, and treatments for Valley Fever to individuals who could potentially be exposed through construction activities (i.e., construction workers);
- The County shall continue outreach and coordination with the California Department of Public Health to ensure that the information regarding Valley Fever is readily available to nearby residents, schools, and businesses;
- Use nontoxic chemical or organic dust suppressants on unpaved roads and traffic areas;
- Limit or reduce vehicle speed on unpaved roads and traffic areas;
- Maintain areas in a stabilized condition by restricting vehicle access;
- Install wind barriers;
- During high winds (the Dust Control Plan will specify a threshold for implementing “high wind” measures), cease outdoor activities that disturb the soil;
- Keep bulk materials sufficiently wet when handling
- Store and handle materials in a three-sided structure;
- When storing bulk materials, apply water to the surface or cover the storage pile with a tarp;
- Haul trucks shall not be overloaded;
- Cover haul trucks with a tarp or other suitable cover, or wet the top of the load enough to limit visible dust emission;
- Clean the interior of cargo compartments on emptied haul trucks prior to leaving a site;
- Prevent trackout by installing a trackout control device;
- Clean up trackout at least once per day; and,

- Monitor dust-generating activities and implement appropriate measures for maximum dust control.

Mitigation Measure AIR-2 The San Joaquin County Public Works Department shall include a condition of approval requiring the submission of an Air Impact Assessment (AIA) application before receiving final discretionary approval for the Project. The AIA application shall be submitted to the SJVAPCD on a form provided by the SJVAPCD and shall contain the following:

- Applicant name and address;
- Detailed Project description, including the items specified in SJVAPCD Rule 9510;
- On-Site Emission Reduction Checklist;
- Monitoring and Reporting Schedule;
- Off-Site Fee Deferral Schedule; and
- AIA.

1.8.4 Biological Resources

1.8.4.1 Summary Description

Impact Threshold BIO-A: *Would the Project 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 United States Fish and Wildlife Service?*

Implementation of the Project could have a substantial adverse effect on special-status wildlife species. Special-status wildlife species that may occur in the Project area and be affected by the proposed Project include: western burrowing owl; Swainson's hawk; northern harrier; white-tailed kite; California horned lark; loggerhead shrike, song sparrow ("Modesto" population), and two bat species. This could result in potentially significant impacts to such biological resources. With the incorporation of **mitigation**, the Project would result in **less than significant** impacts.

Impact Threshold BIO-D: *Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

The proposed Project could potentially impact nesting birds. With the incorporation of **mitigation**, the Project would result in **less than significant** impacts.

Impact Threshold BIO-F: *Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?*

The Project site is located within the SJMSCP and would be required to comply with the plan's provisions. If the Project was not to comply with the SJMSCP plan potentially significant impacts could occur. With the incorporation of **mitigation**, the Project would result in **less than significant** impacts.

1.8.4.2 Findings

- Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The mitigation measures that substantially lessen the environmental effect are identified below.

1.8.4.3 Basis for Findings

The following mitigation measures would reduce biological resource impacts from the Project to less than significant levels.

Mitigation Measure BIO-1 In accordance with the San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP) compensation strategy, impacts to habitat for special-status plant and animal species covered under the SJMSCP shall be mitigated through implementation of one or more of the following options, subject to approval by the SJCOG:

- Payment of the appropriate mitigation fee;
- Dedication of mitigation lands;
- Purchase of approved mitigation bank credits; or
- Proposing an alternative mitigation plan.

Mitigation Measure BIO-2 Implementation of the following applicable SJMSCP Incidental Take Minimization Measures (ITMM) for Swainson's hawk, western burrowing owl, ground nesting or streamside/lakeside nesting birds (northern harrier, horned lark, western grebe, short-eared owl), birds nesting in isolated trees or outside of riparian areas (sharp-shinned Hawk, yellow warbler, loggerhead shrike), and all bats.

Swainson's Hawk. The Project Proponent has the option of retaining known or potential Swainson's hawk nest trees (i.e., trees that hawks are known to have nested in within the past 3 years or trees, such as large oaks, that the hawks prefer for nesting) or removing the nest trees.

If the Project Proponent elects to retain a nest tree the following ITMMs shall be implemented during construction activities to encourage tree retention:

- If a nest tree becomes occupied during construction activities, then all construction activities shall remain a distance of two times the dripline of the tree, measured from the nest.

- If the Project Proponent elects to remove a nest tree, then nest trees may be removed between September 1 and February 15, when the nests are unoccupied.

These ITMMs are consistent with the provisions of the Migratory Bird Treaty Act (MBTA), as described in Section 5.2.3.1(g) of the SJMSCP.

Western Burrowing Owl. The presence of ground squirrels and squirrel burrows is attractive to western burrowing owls. Western burrowing owls may therefore be discouraged from entering or occupying construction areas by discouraging the presence of ground squirrels. To accomplish this, the Project Proponent should prevent ground squirrels from occupying the Project site early in the planning process by employing one of the following practices:

a. The Project Proponent may plant new vegetation or retain existing vegetation entirely covering the site at a height of approximately 36 inches (36") above the ground. Vegetation should be retained until construction begins. Vegetation would discourage both ground squirrel and owl use of the site.

b. Alternatively, if western burrowing owls are not known or suspected on the Project site and the area is an unlikely occupation site for red-legged frogs, San Joaquin kit fox, or tiger salamanders, the Project Proponent may disc or plow the entire Project site to destroy any ground squirrel burrows. At the same time burrows are destroyed, ground squirrels should be removed through one of the following approved methods to prevent reoccupation of the Project site. Detailed descriptions of these methods are included in Appendix A, Protecting Endangered Species, Interim Measures for Use of Pesticides in San Joaquin County, dated March 2000:

    i. **Anticoagulants**. Establish bait stations using the approved rodenticide anticoagulants Chlorophacinone or Diphacinone. Rodenticides shall be used in compliance with Environmental Protection Agency (EPA) label

standards and as directed by the County Agricultural Commissioner.

ii. **Zinc Phosphide**. Establish bait stations with nontreated grain 5 to 7 calendar days in advance of rodenticide application, then apply zinc phosphide to bait stations. Rodenticides shall be used in compliance with EPA label standards and as directed by the County Agricultural Commissioner.

iii. **Fumigants**. Use below-ground gas cartridges or pellets and seal burrows. Approved fumigants include aluminum phosphide (Fumitoxin, Phostoxin) and gas cartridges sold by the local Agricultural Commissioner's office. Crumpled newspaper covered with soil is often an effective seal for burrows when fumigants are used. Fumigants shall be used in compliance with EPA label standards and as directed by the San Joaquin County Agricultural Commissioner.

iv. **Traps**. For areas with minimal rodent populations, traps may be effective for eliminating rodents. If trapping activities are required, the use of traps shall be consistent with all applicable laws and regulations. If the measures described above were not attempted or were attempted but failed, and western burrowing owls are known to occupy the Project site, the following measures shall be implemented:

a. During the nonbreeding season (September 1 through January 31) western burrowing owls occupying the Project site should be evicted from the Project site by passive relocation, as described in the California Department of Fish and Wildlife's (CDFW) (previously known as the California Department of Fish and Game) *Staff Report on Burrowing Owls* (1995).

b. During the breeding season (February 1–August 31), occupied burrows shall not be disturbed and shall be provided with a 75-meter protective buffer until and unless the Technical Advisory Committee, (with the concurrence of the Permitting Agencies' representatives on the Advisory Committee) or a qualified biologist approved by the Permitting Agencies verifies through non-invasive means that either: (1) the birds have not begun egg laying, or (2) juveniles from the occupied burrows are foraging independently and

are capable of independent survival. Once the fledglings are capable of independent survival, the burrow can be destroyed.

These ITMMs are consistent with the provisions of the MBTA, as described in Section 5.2.3.1 (G) of the SJMSCP.

Ground Nesting or Streamside/Lakeside Nesting Birds (Northern Harrier, Horned Lark, Western Grebe, Short-Eared Owl). A setback of 500 feet from nesting areas shall be established and maintained during the nesting season for the period encompassing nest building and continuing until fledglings leave nests. This setback applies whenever construction or other ground-disturbing activities must begin during the nesting season in the presence of nests that are known to be occupied. Setbacks shall be marked by brightly colored temporary fencing.

These ITMMs are consistent with the provisions of the MBTA, as described in Section 5.2.3.1(G) of the SJMSCP.

Birds Nesting in Isolated Trees or Shrubs Outside of Riparian Areas (Sharp-Shinned Hawk, Yellow Warbler, Loggerhead Shrike). A setback of 100 feet from nesting areas shall be established and maintained during the nesting season for the period encompassing nest building and continuing until fledglings leave nests. This setback applies whenever construction or other ground-disturbing activities must begin during the nesting season in the presence of nests known to be occupied. Setbacks shall be marked by brightly colored temporary fencing.

These ITTMs are consistent with the provisions of the MBTA, as described in Section 5.2.3.1(G) of the SJMSCP.

Bats (All).

a. Prior to the nursery season indicated in Table B, **Occupation Sites and Nursery Seasons for SJMSCP Covered Bats**, nursery sites shall be sealed for these species.

b. Seal hibernation sites, prior to the hibernation season (November through March) when hibernation sites are identified on the Project site. Alternatively, grating may be installed as described in Section 5.5.9 (E)(1) of the SJMSCP.

c. When colonial roosting sites in trees or structures must be removed, removal shall occur outside of the nursery and/or

hibernation seasons and shall occur during dusk and/or evening hours after bats have left the roosting site unless otherwise approved pursuant to Section 5.2.3.2 of the SJMSCP.

Table B: Occupation Sites and Nursery Seasons for SJMSCP Covered Bats

Bat Species	Preferred Occupation Site	Nursery Season
Western mastiff bat	Cliff or rock crevice (usual), tree or snag (occasionally)	April–September
Western small-footed bat	Cave, adit, cliff, rock crevice, building	May–August
Long-eared myotis	Cave, adit, tree, snag	May–August
Fringed myotis	Cave, adit, cliff, rock crevice, building	May–August
Long-legged myotis	Cave, adit, cliff, rock crevice, tree, snag, building	May–August
Western red bat	Tree, snag, cave (occasionally)	May–August
Yuma myotis	Cave, adit, cliff, rock crevice, structure, cistern, bridge, tree, snag	May–August
Townsend's big-eared bat	Cave, adit, cliff, rock crevice, structure, cistern, bridge	April–August

SJMSCP = San Joaquin County Multi-Species Habitat Conservation & Open Space Plan

1.8.5 Cultural Resources

1.8.5.1 Summary Description

Impact Threshold CULT-A: *Would the Project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?*

There is potential for encountering buried archaeological cultural resources during Project construction. With the incorporation of **mitigation**, the Project would result in **less than significant** impacts.

Impact Threshold CULT-B: *Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?*

The Project could potentially impact archaeological resources. With the incorporation of **mitigation**, the Project would result in **less than significant** impacts.

Impact Threshold CULT-C: *Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

No paleontological resources or unique geologic features are known to exist within or near the Project site. However, should undiscovered paleontological resources be found during Project construction, impacts to such resources could occur. With the incorporation of **mitigation**, the Project would result in **less than significant** impacts.

Impact Threshold CULT-D: *Would the Project disturb any human remains, including those interred outside of formal cemeteries?*

No human remains are known to exist within or near the proposed Project site. However, should undiscovered human remains be found during Project construction, impacts to such resources could

occur. With the incorporation of **mitigation**, the Project would result in **less than significant** impacts.

1.8.5.2 Findings

- Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The mitigation measures that substantially lessen the environmental effect are identified below.

1.8.5.3 Basis for Findings

The following mitigation measures would reduce cultural resource impacts from the Project to less than significant levels.

Mitigation Measure CULT-1 Preconstruction Training. The Project Proponent shall retain a professional archaeologist to provide a pre-construction briefing to supervisory personnel of any excavation contractor to alert them to the possibility of exposing significant pre contact and/or historic-period archaeological cultural resources within the Project area. The briefing shall discuss and describe the type and nature of archaeological artifacts or features that could be exposed during Project ground disturbance, as well as the procedures for temporarily halting activity in the vicinity and protecting the find until notification can occur and it can be assessed.

Mitigation Measure CULT-2 Should archaeological deposits be encountered during Project subsurface construction activities, all ground-disturbing activities within 25 feet shall be redirected and a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archaeology shall be contacted to assess the situation, consult with agencies as appropriate (as well as tribal descendants, if the find is pre-contact in nature) and make recommendations for the treatment of the discovery. If found to be significant (i.e., eligible for listing in the CRHR), the County shall be responsible for funding and implementing appropriate mitigation measures. Mitigation measures may include recording the archaeological deposit, data recovery and analysis of archaeological deposits, further tribal consultation (as warranted), and public outreach regarding the scientific and cultural importance of the discovery. Upon completion of the selected mitigation measures, a report documenting the methods, findings, and recommendations shall be prepared and submitted to the County for review. The final report shall be submitted to the CCIC at California State University, Stanislaus. Significant archaeological materials shall be submitted to an appropriate curation facility. The County shall inform its contractor(s) of the sensitivity of the study area for archaeological

deposits and shall verify that the following directive has been included in the appropriate contract documents/specifications:

> *"The subsurface of the construction site may be sensitive for archaeological deposits. If archaeological deposits are encountered during Project subsurface construction, all ground-disturbing activities within 25 feet shall be redirected and a qualified archaeologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any archaeological materials. Prehistoric archaeological deposits can include shellfish remains; bones; flakes of, and tools made from, obsidian, chert, and basalt; and mortars and pestles. Historic-period archaeological deposits can include concentrations of historic glass, cans, ceramics, or other "trash," as well as structural features including buried wells, foundations, or privies."*

Mitigation Measure CULT-5 If paleontological resources are encountered during Project excavation and no monitor is present, all ground-disturbing activities within 50 feet of the find shall be redirected to other areas until a qualified paleontologist can be retained to evaluate the find and make recommendations for additional paleontological mitigation, which may include paleontological monitoring; collection of observed resources; preservation, stabilization, and identification of collected resources; curation of resources into a museum repository; and preparation of a final report documenting the monitoring methods and results to be submitted to the museum repository and the County.

Mitigation Measure CULT-6 Treatment of Previously Unidentified Human Remains. If human remains are encountered, these remains shall be treated in accordance with California Health and Safety Code §7050.5 and the appropriate procedures described above for archaeological deposits. The County shall inform its contractor(s) of the appropriate procedures for treatment of human remains by including the following directive in contract documents/ specifications:

> *"If human remains are encountered during Project activities, work within 25 feet of the discovery shall be redirected and the County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation and consult with agencies as appropriate. Project personnel shall not collect or move*

any human remains and associated materials. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods."

Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report shall be submitted to the County for review, and the final report should be submitted to the CCIC.

1.8.6 Geology and Soils

1.8.6.1 Summary Description

Impact Threshold GEO-B: *Would the Project result in substantial soil erosion or the loss of topsoil?*

Construction of the proposed Project could result in soil erosion. With the incorporation of **mitigation**, the Project would result in **less than significant** impacts.

Impact Threshold GEO-D: Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

The proposed Project could be located on expansive soil, which could result in damage to the roadway infrastructure. With the incorporation of **mitigation**, the Project would result in **less than significant** impacts.

1.8.6.2 Findings

- Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The mitigation measures that substantially lessen the environmental effect are identified below.

1.8.6.3 Basis for Findings

The following mitigation measures would reduce impacts related to soil erosion and expansive soils from Project implementation to a less-than-significant level.

Mitigation Measure HYDRO-1 Construction site temporary BMPs and any subsequent permit requirements as they relate to construction activities for the project shall be prepared and implemented. This documentation shall include submission of a Notice of Construction to the Regional Water Quality Control Board at least 30 days before the commencement of construction and submission of a Notice of

Construction Completion to the Regional Water Quality Control Board upon completion of construction and stabilization of the project site. These temporary BMPs shall be installed prior to any construction operations and shall be in place for the duration of the contract. The removal of these BMPs along with site cleanup shall be the final construction operation procedures.

Mitigation Measure HYDRO-2 To control stormwater and sedimentation during the construction and operational periods of the project, BMPs outlined in any authorizations or permits issued under the authority of the CWA shall be implemented. Stormwater control measures shall be designed to accommodate stormwater generated by the project. If such BMPs are ineffective, the San Joaquin County (Public Works) shall remedy the situation immediately, in consultation with the regulatory and resource agencies.

Mitigation Measure GEO-1 Any foundations and structure support for the project shall be designed to prevent uplift of the supported structures.

Mitigation Measure GEO-2 Any foundation and structure support for the project shall be designed to resist forces exerted on the foundation due to soil volume changes, or shall be isolated from the expansive soil.

1.8.7 Hazards and Hazardous Materials

1.8.7.1 Summary Description

Impact Threshold HAZ-A: *Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

The Project includes use of hazardous materials (i.e., fuels, oils, fluids that are flammable) during construction activities. Use of such hazardous materials could be potentially significant to construction workers and nearby residents. With the incorporation of **mitigation**, the Project would result in **less than significant** impacts.

Impact Threshold HAZ-B: *Would the Project 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?*

Implementation of the Project would disrupt land that has been historically been in agricultural production. Therefore, construction has the potential of releasing and exposing hazardous materials to construction workers and nearby residents, leading to potentially significant impacts. With the incorporation of **mitigation**, the Project would result in **less than significant** impacts.

Impact Threshold HAZ-C: *Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

The Project has the potential to emit or release hazardous materials within 0.25 mile of an existing school. This could be potentially significant to students and faculty at Banta Elementary School. With the incorporation of **mitigation**, the Project would result in **less than significant** impacts.

1.8.7.2 Findings

- Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The mitigation measures that substantially lessen the environmental effect are identified below.

1.8.7.3 Basis for Findings

The following mitigation measure would reduce hazards and hazardous material impacts from the Project to less than significant levels.

Mitigation Measure HAZ-1 The Project would disturb more than 1 acre of soil and is subject to a Construction Permit from the State Water Board, which requires development of a Stormwater Pollution Prevention Plan and a Spill Prevention Countermeasure Plan (SPCP). Prior to commencement of construction activities, the construction contractor shall prepare an SPCP and submit the plan to San Joaquin County Environmental Health Department. The SPCP shall include information on the nature of all hazardous materials that would be used on-site during the construction period and information regarding proper handling of hazardous materials and clean-up procedures in the event of an accidental release. The SPCP shall be available on the Project site through the duration of the construction period. The phone number of the agency overseeing hazardous materials and toxic clean-up shall be provided in the SPCP.

Mitigation Measure HAZ-2 A construction management plan shall be prepared that prescribes activities for workers to follow in areas where the presence of undocumented soil or groundwater contamination is suspected based on visual observation or smell. The construction management plan shall include (but is not intended to be limited to) provisions for daily briefings of construction staff prior to work regarding what to look for, a list of contact persons in case of a possible encounter with undocumented contamination, provisions for immediate notification of construction management, notification of the applicable local enforcement agency find, consultation with that agency, and protocols for further action. In such instances, construction activities would cease until it is determined in coordination with regulatory agencies that work can proceed without the risk of injury to persons or the environment.

1.8.8 Hydrology and Water Quality

1.8.8.1 Summary Description

Impact Threshold HYDRO-A: *Would the Project violate any water quality standards or waste discharge requirements?*

Implementation of the Project could cause temporary water quality impacts due to grading activities and removal of existing vegetation, which can cause increased erosion. This could result in a potentially significant impact to water quality. With the incorporation of **mitigation**, the Project would result in **less than significant** impacts.

Impact Threshold HYDRO-C: *Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?*

New impervious surfaces would be generated due to Project implementation. As such, drainage in the area would be altered compared to existing conditions. This could result in a potentially significant impact existing drainage patterns in the Project area. With the incorporation of **mitigation**, the Project would result in **less than significant** impacts.

Impact Threshold HYDRO-D: *Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site*?

The Project has the potential to substantially alter the drainage pattern of the site resulting in potentially significant impacts. With the incorporation of **mitigation**, the Project would result in **less than significant** impacts.

Impact Threshold HYDRO-E: *Would the Project 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?*

The Project has the potential to create or contribute to runoff which could exceed the capacity of existing or planned stormwater drainage systems. This could result in a potentially significant impact related to water runoff. With the incorporation of **mitigation**, the Project would result in **less than significant** impacts.

Impact Threshold HYDRO-F: *Would the Project otherwise substantially degrade water quality?*

The Project has the potential to substantially degrade water quality, specifically resulting in potential impacts during Project construction. With the incorporation of **mitigation**, the Project would result in **less than significant** impacts.

Impact Threshold HYDRO-H: *Would the Project place within a 100-year flood hazard area structures which would impede or redirect flood flows?*

The majority of the new 4-lane arterial would be constructed in Flood Zone X, outside the 100-year flood hazard area. However, a portion of the new 4-lane arterial would be constructed in Flood Zone AE. This has the potential to result in potentially significant impacts related to placing a structure in a 100-year flood hazard. With the incorporation of **mitigation**, the Project would result in **less than significant** impacts.

1.8.8.2 Findings

- Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The mitigation measures that substantially lessen the environmental effect are identified below.

1.8.8.3 Basis for Findings

The following mitigation measures would reduce impacts related to hydrology and water quality from Project construction and operation to a less-than-significant level.

Mitigation Measure HYDRO-1 Construction site temporary BMPs and any subsequent permit requirements as they relate to construction activities for the project shall be prepared and implemented. This documentation shall include submission of a Notice of Construction to the Regional Water Quality Control Board at least 30 days before the commencement of construction and submission of a Notice of Construction Completion to the Regional Water Quality Control Board upon completion of construction and stabilization of the project site. These temporary BMPs shall be installed prior to any construction operations and shall be in place for the duration of the contract. The removal of these BMPs along with site cleanup shall be the final construction operation procedures.

Mitigation Measure HYDRO-2 To control stormwater and sedimentation during the construction and operational periods of the project, BMPs outlined in any authorizations or permits issued under the authority of the CWA shall be implemented. Stormwater control measures shall be designed to accommodate stormwater generated by the project. If such BMPs are ineffective, the San Joaquin County (Public Works) shall remedy the situation immediately, in consultation with the regulatory and resource agencies.

Mitigation Measure HYDRO-3 Detention basins shall be incorporated into Project design such that post-construction conditions replicate the natural drainage patterns of the site. Since the Project will create new impervious surfaces, the basins will mitigate for increased runoff.

Mitigation Measure HYDRO-4 Roadside ditches will be provided adjacent to the new roadway to convey drainage from the roadway to bioretention areas and detention basins and culvert pipes will be used to carry stormwater under roads where needed.

1.8.9 Land Use and Planning

1.8.9.1 Summary Description

Impact Threshold Land Use and Planning C: *Would the Project conflict with any applicable habitat conservation plan or natural community conservation plan?*

The proposed Project is located within the SJMSCP and has the potential to not be consistent with the plan's standards. If the Project is not consistent with SJMSCP standards a potentially significant impact would exist. With the incorporation of **mitigation**, the Project would result in **less than significant** impacts.

1.8.9.2 Findings

- Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The mitigation measures that substantially lessen the environmental effect are identified below.

1.8.9.3 Basis for Findings

Implementation of **Mitigation Measures BIO-1** and **BIO-2** would ensure the proposed Project is consistent with the SJMSCP. With implementation of these mitigation measures, impacts would be less than significant.

1.8.10 Noise

1.8.10.1 Summary Description

Impact Threshold NOI-A: *Would the Project result in the exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

Construction activities associated with the proposed Project would expose sensitive receptors to a temporary noise level increase. (The proposed Project would not exceed standards, as the County does not have construction noise exposure standards for sensitive receptors).

Once completed, vehicle traffic along the new road would generate noise levels at nearby sensitive receptors that would exceed County noise level standards for residential uses. As operation of the proposed Project would result in an increase in noise levels that exceed County standards, potentially significant impacts could occur. With the incorporation of **mitigation**, the Project would result in **less than significant** impacts.

Impact Threshold NOI-C: *Would the Project result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?*

The Project has the potential to result in a substantial permanent increase in the ambient noise level. As such potentially significant impacts related to noise level increases could occur at sensitive receptors. With the incorporation of **mitigation**, the Project would result in **less than significant** impacts.

Impact Threshold NOI-D: *Would the Project result in a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?*

The Project has the potential to result in a substantial temporary or periodic increase in ambient noise levels in the area. This would result in potentially significant impacts at nearby sensitive receptors. With the incorporation of **mitigation**, the Project would result in **less than significant** impacts.

1.8.10.2 Findings

- Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The mitigation measures that substantially lessen the environmental effect are identified below.

1.8.10.3 Basis for Findings

The following mitigation measure would reduce noise impacts generated by the Project to less than significant levels.

Mitigation Measure NOI-1 Construction activities during the four phases of Project development shall occur during any day of the week from 6:00 a.m. to 9:00 p.m. per the County Code. If construction activities need to occur outside of this time frame, the construction contractor shall notify the County, and approval of extended construction activity hours shall be approved by the County Board of Supervisors. The County Board of Supervisors, if approval is granted, may require additional conditions of approval to ensure that construction activity noise levels are as low as possible. The construction contractor would be required to abide by such conditions of approval if the request of construction activity times is approved by the County Board of Supervisors.

Mitigation Measure NOI-2 The following minimization measures shall be implemented during construction activities that occur within or closer than 50 feet of sensitive receptors:

The Project construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the closest sensitive receptors.

The construction contractor shall locate on-site equipment staging areas so as to maximize the distance between construction-related

noise sources and noise-sensitive receptors nearest the Project construction areas.

A temporary 10-foot-high perimeter wall shall be placed along the property lines such that the line of sight from ground-level construction equipment and sensitive receptors would be blocked. The construction barrier may be a 0.5-inch-thick plywood fence or another material that has a minimum Sound Transmission Class rating of 28.

Prior to commencement of Project construction, staff from the County shall continue public relations with residents and businesses near the Project site by providing construction information pamphlets to those residents and businesses within 500 feet of the Project site. The construction pamphlets shall describe the type of construction activities that would occur, the duration of Project construction, indication that a temporary increase in ambient noise levels could occur during Project construction, and a phone number where concerned residents and business owners can call County staff if noise levels from construction activities become a nuisance.

Mitigation Measure NOI-3 As part of the proposed Project, noise barriers shall be constructed by the County at the property lines of sensitive receptors SR-1, SR-4, and SR-5. The barriers that are installed shall be constructed such that noise levels from adjacent transportation sources would be reduced by a minimum of 5 dBA Ldn and shall be installed prior to opening the proposed Project to traffic.

1.8.11 Tribal Cultural Resources

1.8.11.1 Summary Description

Impact Threshold Tribal Cultural Resources A: *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:*

1. *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,*
2. *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 Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*

The Project has the potential to cause a change in the significance of tribal cultural resources. This could result in a potentially significant impact. With the incorporation of **mitigation**, the Project would result in a **less than significant** impact.

1.8.11.2 Findings

- Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The mitigation measures that substantially lessen the environmental effect are identified below.

1.8.11.3 Basis for Findings

Implementation of **Mitigation Measures CUL-1** and **CUL-2** would ensure the proposed Project reduces impacts to tribal cultural resources if found. With implementation of these mitigation measures, impacts would be less than significant.

1.9 RECIRCULATION NOT REQUIRED

The revisions made to the Final EIR are intended to reflect the streamlining provisions of CEQA for projects consistent with the General Plan, and do not raise substantive changes that would rise to the level of "significant new information" requiring recirculation. Under section 15088.5 of the CEQA Guidelines, recirculation of an EIR is required when "significant new information" is added to the EIR after public notice is given of the availability of the DEIR for public review but prior to certification of the Final EIR. The term "information" can include changes in the project or environmental setting, as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
4. The DEIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (CEQA Guidelines, § 15088.5.)

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. The above standard is "not intend[ed] to promote endless rounds of revision and recirculation of EIRs." (*Laurel Heights*

Improvement Assn. v. Regents of the University of California (1993) 6 Cal. 4th 1112, 1132.) "Recirculation was intended to be an exception, rather than the general rule." (Ibid.)

CEQA case law emphasizes that "'[t]he CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial project; indeed, new and unforeseen insights may emerge during investigation, evoking revision of the original proposal.'" (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 736-737; see also *River Valley Preservation Project v. Metropolitan Transit Development Bd.* (1995) 37 Cal.App.4th 154, 168, fn. 11.) "'CEQA compels an interactive process of assessment of environmental impacts and responsive project modification which must be genuine. It must be open to the public, premised upon a full and meaningful disclosure of the scope, purposes, and effect of a consistently described project, with flexibility to respond to unforeseen insights that emerge from the process.' [Citation.] In short, a project must be open for public discussion and subject to agency modification during the CEQA process." (*Concerned Citizens of Costa Mesa, Inc. v. 33rd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 936.) Here, the changes to the Draft EIR are exactly the kind of revisions that the case law recognizes as legitimate and proper because they offer clarifying information to the reader and do not result in an exacerbation of existing impacts or create new impacts.

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2.0 STATEMENT OF OVERRIDING CONSIDERATIONS

This statement of overriding considerations describes the project benefits that outweigh its environmental impacts. It is adopted in accordance with Public Resources Code section 21081(b) and CEQA Guidelines Section 15093:

a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

The Final EIR for the Grant Line Road Corridor Project examines the changes to the existing environment that would occur through Project implementation. The significant, unavoidable impacts to aesthetics are described above, and are detailed in the Aesthetics section of the Final EIR.

These impacts are outweighed individually and collectively by the following benefits of the Grant Line Road Corridor Project.

2.1 BENEFITS AND SUPPORTING FACTS

The Project provides several benefits that outweigh the significant and unavoidable adverse environmental effects. Specifically, the Project will provide the community of Banta with improved traffic safety and a reduction in existing and future traffic congestion. The Project is in alignment with transportation and mobility goals described in the County of San Joaquin General Plan 2035. The following goals related to improvement of traffic mobility with delay reductions are met by the Project:

- **TM-1:** To maintain a comprehensive and coordinated multimodal transportation system that enhances the mobility of people, improves the environment, and is safe, efficient, and cost effective.

- **TM-2:** To improve County roadways to include pedestrian, bicycle, and transit facilities to better serve people who use these active transportation modes.

- **TM-7:** To maintain an efficient transportation network to facilitate the movement of goods within and through the County.

The Project will result in an improved level of service with roadway safety improvements that will improve safety and traffic circulation in the community of Banta. This will occur due to the removal of high levels of traffic traveling through the main downtown area of Banta and reducing vehicle accidents currently experienced in the community of Banta. In addition, the Project includes a wide shoulder on each side of the road that can be signed as a Class III bicycle route to increase multi-modal transportation within the area.

2.2 OTHER BENEFITS

In addition to the safety and traffic reduction benefits, the Project also provides economic benefits. Improvements made to the Grant Line Road corridor will improve traffic flow between the City of Tracy and around the community of Banta, allowing for improved travel times for the transportation of vehicles and delivery of goods.

2.3 REGION-WIDE ENVIRONMENTAL BENEFIT

The existing Grant Line Road corridor is used on a regular basis as a connection between the City of Tracy and Interstate 5. Traffic along the existing corridor routinely creates delays and safety hazards in the community of Banta due to the volume of vehicles that use this corridor on a daily basis. Implementation of the proposed Project would bypass the community of Banta and would accommodate the existing and future increase of vehicle volumes that use the corridor. This would result in a region-wide benefit in traffic circulation and safety and would be consistent with Goal TM-3 of the San Joaquin General Plan that focuses on maintaining a safe, efficient, and cost-effective roadway system for the movement of people and goods.

2.4 STATEMENT OF OVERRIDING CONSIDERATIONS

San Joaquin County has independently reviewed the information in the Final EIR and the record of proceedings and made a reasonable and good faith effort to eliminate or substantially lessen the impacts resulting from the proposed Project to the extent feasible, by including actions that mitigate potential environmental impacts to the greatest extent feasible, while balancing the Project's benefits against significant and unavoidable impacts.

Implementation of the proposed Project would provide the following economic, social, legal, and other considerable benefits:

1. The Project would implement an improvement to the existing circulation system in the community of Banta that would improve vehicle congestion and improve safety related to a reduction in vehicle accidents. Residents living along the existing Grant Line Road corridor would be able to safely leave their parcels in their vehicles and access the local roadway system; whereas, compared to existing conditions, such access is currently unsafe.

2. The Project would improve the mobility of vehicles and goods between the I-5 corridor and the City of Tracy by implementing a section of road that better accommodates existing and future

traffic volumes. Such implementation would reduce traffic congestion and improve circulation travel time for vehicles traveling along the Grant Line Road corridor.

3. The Project implements goals and policies related to improvements to transportation and vehicle safety as set forth in the San Joaquin County General Plan.

2.5 CONCLUSION

After balancing the specific economic, legal, social, technological, and other benefits of the proposed Project, the San Joaquin County Board of Supervisors, find that the significant unavoidable impacts may be considered "acceptable" due to the specific considerations listed herein, which outweigh the impacts.

The Board of Supervisors has considered the information presented in the Final EIR, as well as public testimony, and the record of proceedings in which the proposed Project was considered. Recognizing that significant unavoidable impacts exist to aesthetics, the Board of Supervisors nevertheless finds that the benefits of the proposed Project outweigh the impacts of the proposed Project. Having included all feasible mitigation measures and recognized all unavoidable significant impacts, the Board of Supervisors hereby finds that each of the separate benefits of the Project, as stated herein, are determined to be unto themselves separated overriding considerations, independent of other benefits, and warrant adoption of the proposed Project.

Based on the foregoing findings, the Board of Supervisors hereby determines that:

1. All significant environmental impacts due to Project implementation have been eliminated or substantially lessened where feasible.

2. There are no feasible alternatives to the Project which would mitigate or substantially lessen the impacts while attaining most or all of the Project objectives.

3. Any remaining unavoidable significant environmental impacts are acceptable due to the factors stated herein.

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3.0 MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) is formulated based upon the findings of the Final EIR prepared for the County of San Joaquin's Grant Line Road Corridor Project (interchangeably referred to herein as the "Project"). This MMRP is in compliance with Section 15097 of the CEQA Guidelines, which requires that the Lead Agency "adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects." The MMRP has been prepared in tabular form (see **Table C**). The MMRP lists mitigation measures recommended in the Final EIR and identifies mitigation monitoring requirements.

Table C presents the mitigation measures identified for the proposed Project. Each mitigation measure is numbered with a symbol indicating the resource section to which it pertains, a hyphen, and the impact number. For example, Mitigation Measure AES-1 is the first mitigation measure identified in the Final EIR under the Aesthetics Section.

The first column of **Table C** identifies the mitigation measure. The second column, entitled "Party Responsible for Implementing Mitigation," names the party responsible for carrying out the required action. The third column, "Implementation Timing," identifies the time the mitigation measure should be initiated. The fourth column, "Party Responsible for Monitoring," names the party ultimately responsible for ensuring that the mitigation measure is implemented. "Action by Monitor" outlines the steps for monitoring the action identified in the mitigation measure. The last column, entitled "Monitoring Timing," states the time the monitor must ensure that the mitigation measure has been implemented.

Table C: Mitigation Monitoring and Reporting Program

Mitigation Measure	Party Responsible for Implementing Mitigation	Implementation Timing	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing
Aesthetics					
Mitigation Measure AES-1: The County of San Joaquin shall provide barriers at the edges of the parcel lines at Assessor's Parcel Number (APN) 25007002, 25007003, and 25008015 that are facing the new roadway. The barriers shall be made of materials that would block the headlight spillage of vehicles traveling along the new roadway. APNs 25012003 and 25008016 may also experience headlight spillage onto their parcels, and implementation of sound walls (as described in Section 4.8, Noise, of this Environmental Impact Report) to reduce noise impacts would also be effective in reducing light intrusion onto these properties.	County of San Joaquin	During construction	County of San Joaquin	Ensure barriers are provided at the edges of parcels 25007002, 25007003, and 25008015 that are facing the new roadway.	During construction
Agriculture and Forestry Resources					
Mitigation Measure AG-1: The San Joaquin County Public Works Department shall satisfy the mitigation requirements as set forth in the Ordinance Code of San Joaquin County, Chapter 9-1080, Agricultural Mitigation, where the San Joaquin County Public Works Department shall purchase land in equivalent condition to the Important Farmland that would be lost due to Project implementation at a 1:1 ratio. As such, the San Joaquin County Public Works Department shall purchase 27.2 acres of Agricultural Land equivalent in condition to the Important Farmland and existing designated Agricultural Land that would be saved in perpetuity in the form of farmland conservation easement or other farmland conservation mechanism. The purchase shall be approved by the Agricultural Technical Advisory Committee and the County Board of Supervisors. The San Joaquin County Public Works Department also has the option to pay in-lieu fees in accordance with Ordinance Code of San Joaquin County, Chapter 9-1080, Agricultural Mitigation, and through approval of the Agricultural Technical Advisory Committee and the County Board of Supervisors. The in-lieu fees would equate to the value of the	San Joaquin County Public Works Department	Prior to approval of the Project	County of San Joaquin	Ensure the purchase of land in equivalent condition to the Important Farmland that would be lost or payment of in-lieu fees.	Prior to approval of the Project

Table C: Mitigation Monitoring and Reporting Program

Mitigation Measure	Party Responsible for Implementing Mitigation	Implementation Timing	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing
agricultural land that would be lost due to proposed Project implementation. The in-lieu fees would be administered to fulfill programmatic responsibilities, including coverage of acquiring interests in land and administering, monitoring, and enforcing the farmland conservation easement or other instrument designed to preserve the agricultural value of the land for farmland mitigation purposes. The San Joaquin County Public Works Department shall satisfy this mitigation measure prior to approval of the proposed Project.					
Air Quality					
Mitigation Measure AIR-1: The Project contractor, on behalf of the San Joaquin County Public Works Department, shall prepare a Dust Control Plan for excavation and construction activities at the Project site pursuant to the requirements and regulations of the San Joaquin Valley Air Pollution Control District (SJVAPCD), including Regulation VIII. The Dust Control Plan would be developed prior to initiation of construction activities in coordination with the SJVAPCD. The SJVAPCD would maintain a copy of the Dust Control Plan for its records. The Project contractor shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of construction and maintenance activities at the Project site. The Dust Control Plan shall include, at a minimum, the following measures: • Apply water to unpaved surfaces and areas • Outfitting all personnel on site with appropriate respiratory equipment; the equipment must be properly fitted and personnel must be trained in its use; • Providing worker hygiene stations and training; • Prior to construction, provide information on causes, preventative measures, symptoms, and treatments for Valley Fever to individuals who could potentially be	Project contractor	Prior to initiation of construction activities	SJVAPCD	Ensure preparation of Dust Control Plan	Prior to initiation of construction activities

Table C: Mitigation Monitoring and Reporting Program

Mitigation Measure	Party Responsible for Implementing Mitigation	Implementation Timing	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing
exposed through construction activities (i.e., construction workers); • The County shall continue outreach and coordination with the California Department of Public Health to ensure that the information regarding Valley Fever is readily available to nearby residents, schools, and businesses; • Use nontoxic chemical or organic dust suppressants on unpaved roads and traffic areas; • Limit or reduce vehicle speed on unpaved roads and traffic areas; • Maintain areas in a stabilized condition by restricting vehicle access; • Install wind barriers; • During high winds (the Dust Control Plan will specify a threshold for implementing "high wind" measures), cease outdoor activities that disturb the soil; • Keep bulk materials sufficiently wet when handling • Store and handle materials in a three-sided structure; • When storing bulk materials, apply water to the surface or cover the storage pile with a tarp; • Haul trucks shall not be overloaded; • Cover haul trucks with a tarp or other suitable cover, or wet the top of the load enough to limit visible dust emission; • Clean the interior of cargo compartments on emptied haul trucks prior to leaving a site; • Prevent trackout by installing a trackout control device; • Clean up trackout at least once per day; and, • Monitor dust-generating activities and implement appropriate measures for maximum dust control.					

Table C: Mitigation Monitoring and Reporting Program

Mitigation Measure	Party Responsible for Implementing Mitigation	Implementation Timing	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing
Mitigation Measure AIR-2: The San Joaquin County Public Works Department shall include a condition of approval requiring the submission of an Air Impact Assessment (AIA) application before receiving final discretionary approval for the Project. The AIA application shall be submitted to the SJVAPCD on a form provided by the SJVAPCD and shall contain the following: • Applicant name and address; • Detailed Project description, including the items specified in SJVAPCD Rule 9510; • On-Site Emission Reduction Checklist; • Monitoring and Reporting Schedule; • Off-Site Fee Deferral Schedule; and • AIA.	San Joaquin County Public Works Department	Prior to approval of the Project	SJVAPCD	Ensure submission of AIA	Prior to approval of the Project
Biological Resources					
Mitigation Measure BIO-1: In accordance with the San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP) compensation strategy, impacts to habitat for special-status plant and animal species covered under the SJMSCP shall be mitigated through implementation of one or more of the following options, subject to approval by the SJCOG: • Payment of the appropriate mitigation fee; • Dedication of mitigation lands; • Purchase of approved mitigation bank credits; or • Proposing an alternative mitigation plan.	County of San Joaquin	Prior to approval of the Project	SJCOG	Ensure mitigation of impacts to habitat for special status plan and animal species in accordance with SJMSCP	Prior to approval of the Project
Mitigation Measure BIO-2: Implementation of the following applicable SJMSCP Incidental Take Minimization Measures (ITMM) for Swainson's hawk, western burrowing owl, ground nesting or streamside/lakeside nesting birds (northern harrier, horned lark, western grebe, short-eared owl), birds nesting in isolated trees or outside of riparian areas (sharp-shinned Hawk, yellow warbler, loggerhead shrike), and all bats.	County of San Joaquin	Prior to and during construction	County of San Joaquin	Ensure implementation of applicable SJMSCP ITMM	Prior to and during construction

Table C: Mitigation Monitoring and Reporting Program

Mitigation Measure	Party Responsible for Implementing Mitigation	Implementation Timing	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing
Swainson's Hawk. The Project Proponent has the option of retaining known or potential Swainson's hawk nest trees (i.e., trees that hawks are known to have nested in within the past 3 years or trees, such as large oaks, that the hawks prefer for nesting) or removing the nest trees. If the Project Proponent elects to retain a nest tree the following ITMMs shall be implemented during construction activities to encourage tree retention: • If a nest tree becomes occupied during construction activities, then all construction activities shall remain a distance of two times the dripline of the tree, measured from the nest. • If the Project Proponent elects to remove a nest tree, then nest trees may be removed between September 1 and February 15, when the nests are unoccupied. These ITMMs are consistent with the provisions of the Migratory Bird Treaty Act (MBTA), as described in Section 5.2.3.1(g) of the SJMSCP. **Western Burrowing Owl.** The presence of ground squirrels and squirrel burrows is attractive to western burrowing owls. Western burrowing owls may therefore be discouraged from entering or occupying construction areas by discouraging the presence of ground squirrels. To accomplish this, the Project Proponent should prevent ground squirrels from occupying the Project site early in the planning process by employing one of the following practices: a. The Project Proponent may plant new vegetation or retain existing vegetation entirely covering the site at a height of approximately 36 inches (36") above the ground. Vegetation should be retained until					

Table C: Mitigation Monitoring and Reporting Program

Mitigation Measure	Party Responsible for Implementing Mitigation	Implementation Timing	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing
construction begins. Vegetation would discourage both ground squirrel and owl use of the site. b. Alternatively, if western burrowing owls are not known or suspected on the Project site and the area is an unlikely occupation site for red-legged frogs, San Joaquin kit fox, or tiger salamanders, the Project Proponent may disc or plow the entire Project site to destroy any ground squirrel burrows. At the same time burrows are destroyed, ground squirrels should be removed through one of the following approved methods to prevent reoccupation of the Project site. Detailed descriptions of these methods are included in Appendix A, Protecting Endangered Species, Interim Measures for Use of Pesticides in San Joaquin County, dated March 2000: i. **Anticoagulants**. Establish bait stations using the approved rodenticide anticoagulants Chlorophacinone or Diphacinone. Rodenticides shall be used in compliance with Environmental Protection Agency (EPA) label standards and as directed by the County Agricultural Commissioner. ii. **Zinc Phosphide**. Establish bait stations with nontreated grain 5 to 7 calendar days in advance of rodenticide application, then apply zinc phosphide to bait stations. Rodenticides shall be used in compliance with EPA label standards and as directed by the County Agricultural Commissioner. iii. **Fumigants**. Use below-ground gas cartridges or pellets and seal burrows. Approved fumigants					

Table C: Mitigation Monitoring and Reporting Program

Mitigation Measure	Party Responsible for Implementing Mitigation	Implementation Timing	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing
include aluminum phosphide (Fumitoxin, Phostoxin) and gas cartridges sold by the local Agricultural Commissioner's office. Crumpled newspaper covered with soil is often an effective seal for burrows when fumigants are used. Fumigants shall be used in compliance with EPA label standards and as directed by the San Joaquin County Agricultural Commissioner. iv. **Traps**. For areas with minimal rodent populations, traps may be effective for eliminating rodents. If trapping activities are required, the use of traps shall be consistent with all applicable laws and regulations. If the measures described above were not attempted or were attempted but failed, and western burrowing owls are known to occupy the Project site, the following measures shall be implemented: c. During the nonbreeding season (September 1 through January 31) western burrowing owls occupying the Project site should be evicted from the Project site by passive relocation, as described in the California Department of Fish and Wildlife's (CDFW) (previously known as the California Department of Fish and Game) *Staff Report on Burrowing Owls* (1995). d. During the breeding season (February 1–August 31), occupied burrows shall not be disturbed and shall be provided with a 75-meter protective buffer until and unless the Technical Advisory Committee, (with the concurrence of the Permitting Agencies' representatives on the Advisory Committee) or a qualified biologist					

Table C: Mitigation Monitoring and Reporting Program

Mitigation Measure	Party Responsible for Implementing Mitigation	Implementation Timing	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing
approved by the Permitting Agencies verifies through non-invasive means that either: (1) the birds have not begun egg laying, or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. Once the fledglings are capable of independent survival, the burrow can be destroyed. These ITMMs are consistent with the provisions of the MBTA, as described in Section 5.2.3.1 (G) of the SJMSCP. **Ground Nesting or Streamside/Lakeside Nesting Birds (Northern Harrier, Horned Lark, Western Grebe, Short-Eared Owl).** A setback of 500 feet from nesting areas shall be established and maintained during the nesting season for the period encompassing nest building and continuing until fledglings leave nests. This setback applies whenever construction or other ground-disturbing activities must begin during the nesting season in the presence of nests that are known to be occupied. Setbacks shall be marked by brightly colored temporary fencing. These ITMMs are consistent with the provisions of the MBTA, as described in Section 5.2.3.1(G) of the SJMSCP. **Birds Nesting in Isolated Trees or Shrubs Outside of Riparian Areas (Sharp-Shinned Hawk, Yellow Warbler, Loggerhead Shrike).** A setback of 100 feet from nesting areas shall be established and maintained during the nesting season for the period encompassing nest building and continuing until fledglings leave nests. This setback applies whenever construction or other ground-disturbing activities must begin during the nesting season in the presence of nests known to be occupied. Setbacks shall be marked by brightly colored temporary fencing.					

Table C: Mitigation Monitoring and Reporting Program

<table>
<tr><th>Mitigation Measure</th><th>Party Responsible for Implementing Mitigation</th><th>Implementation Timing</th><th>Party Responsible for Monitoring</th><th>Action by Monitor</th><th>Monitoring Timing</th></tr>
<tr><td>
These ITTMs are consistent with the provisions of the MBTA, as described in Section 5.2.3.1(G) of the SJMSCP.

<u>Bats (All).</u>

a. Prior to the nursery season indicated in Table B, Occupation Sites and Nursery Seasons for SJMSCP Covered Bats, nursery sites shall be sealed for these species.
b. Seal hibernation sites, prior to the hibernation season (November through March) when hibernation sites are identified on the Project site. Alternatively, grating may be installed as described in Section 5.5.9 (E)(1) of the SJMSCP.
c. When colonial roosting sites in trees or structures must be removed, removal shall occur outside of the nursery and/or hibernation seasons and shall occur during dusk and/or evening hours after bats have left the roosting site unless otherwise approved pursuant to Section 5.2.3.2 of the SJMSCP.

Table B: Occupation Sites and Nursery Seasons for SJMSCP Covered Bats
<table>
<tr><th>Bat Species</th><th>Preferred Occupation Site</th><th>Nursery Season</th></tr>
<tr><td>Western mastiff bat</td><td>Cliff or rock crevice (usual), tree or snag (occasionally)</td><td>April–September</td></tr>
<tr><td>Western small-footed bat</td><td>Cave, adit, cliff, rock crevice, building</td><td>May–August</td></tr>
<tr><td>Long-eared myotis</td><td>Cave, adit, tree, snag</td><td>May–August</td></tr>
<tr><td>Fringed myotis</td><td>Cave, adit, cliff, rock crevice, building</td><td>May–August</td></tr>
<tr><td>Long-legged myotis</td><td>Cave, adit, cliff, rock crevice, tree, snag, building</td><td>May–August</td></tr>
<tr><td>Western red bat</td><td>Tree, snag, cave (occasionally)</td><td>May–August</td></tr>
<tr><td>Yuma myotis</td><td>Cave, adit, cliff, rock crevice, structure, cistern, bridge, tree, snag</td><td>May–August</td></tr>
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</td><td></td><td></td><td></td><td></td><td></td></tr>
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Table C: Mitigation Monitoring and Reporting Program

Mitigation Measure	Party Responsible for Implementing Mitigation	Implementation Timing	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing
Townsend's big-eared bat | Cave, adit, cliff, rock crevice, structure, cistern, bridge | April–August SJMSCP = San Joaquin County Multi-Species Habitat Conservation & Open Space Plan					
Cultural Resources					
Mitigation Measure CULT-1: Preconstruction Training. The Project Proponent shall retain a professional archaeologist to provide a pre-construction briefing to supervisory personnel of any excavation contractor to alert them to the possibility of exposing significant pre contact and/or historic-period archaeological cultural resources within the Project area. The briefing shall discuss and describe the type and nature of archaeological artifacts or features that could be exposed during Project ground disturbance, as well as the procedures for temporarily halting activity in the vicinity and protecting the find until notification can occur and it can be assessed.	County of San Joaquin – appointed archaeologist and excavation contractor	Prior to construction	County of San Joaquin	Ensure a pre-construction briefing is provided	Prior to construction
Mitigation Measure CULT-2: Should archaeological deposits be encountered during Project subsurface construction activities, all ground-disturbing activities within 25 feet shall be redirected and a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archaeology shall be contacted to assess the situation, consult with agencies as appropriate (as well as tribal descendants, if the find is pre-contact in nature) and make recommendations for the treatment of the discovery. If found to be significant (i.e., eligible for listing in the CRHR), the County shall be responsible for funding and implementing appropriate mitigation measures. Mitigation measures may include recording the archaeological deposit, data recovery and analysis of archaeological deposits, further tribal consultation (as warranted), and public outreach regarding the scientific and cultural importance of the discovery. Upon completion of the selected mitigation measures, a report documenting the methods, findings, and recommendations shall	County of San Joaquin, appointed archaeologist and construction contractor	During construction	County of San Joaquin	Ensure ground-disturbing activities within 25 feet are redirected and archaeology assessment is completed if archaeological deposits are encountered.	During construction

Table C: Mitigation Monitoring and Reporting Program

Mitigation Measure	Party Responsible for Implementing Mitigation	Implementation Timing	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing
be prepared and submitted to the County for review. The final report shall be submitted to the CCIC at California State University, Stanislaus. Significant archaeological materials shall be submitted to an appropriate curation facility. The County shall inform its contractor(s) of the sensitivity of the study area for archaeological deposits and shall verify that the following directive has been included in the appropriate contract documents/specifications: *"The subsurface of the construction site may be sensitive for archaeological deposits. If archaeological deposits are encountered during Project subsurface construction, all ground-disturbing activities within 25 feet shall be redirected and a qualified archaeologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any archaeological materials. Prehistoric archaeological deposits can include shellfish remains; bones; flakes of, and tools made from, obsidian, chert, and basalt; and mortars and pestles. Historic-period archaeological deposits can include concentrations of historic glass, cans, ceramics, or other "trash," as well as structural features including buried wells, foundations, or privies."*					
Mitigation Measure CULT-5: If paleontological resources are encountered during Project excavation and no monitor is present, all ground-disturbing activities within 50 feet of the find shall be redirected to other areas until a qualified paleontologist can be retained to evaluate the find and make recommendations for additional paleontological mitigation, which may include paleontological monitoring; collection of observed resources; preservation, stabilization, and identification of collected resources; curation of resources into a museum repository; and preparation of a final report documenting the monitoring	County of San Joaquin, appointed paleontologist and construction contractor	During construction	County of San Joaquin	Ensure ground-disturbing activities within 50 feet and paleontologist evaluation is completed if paleontological resources are encountered	During construction

Table C: Mitigation Monitoring and Reporting Program

Mitigation Measure	Party Responsible for Implementing Mitigation	Implementation Timing	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing
methods and results to be submitted to the museum repository and the County.					
Mitigation Measure CULT-6: Treatment of Previously Unidentified Human Remains. If human remains are encountered, these remains shall be treated in accordance with California Health and Safety Code §7050.5 and the appropriate procedures described above for archaeological deposits. The County shall inform its contractor(s) of the appropriate procedures for treatment of human remains by including the following directive in contract documents/specifications: *"If human remains are encountered during Project activities, work within 25 feet of the discovery shall be redirected and the County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation and consult with agencies as appropriate. Project personnel shall not collect or move any human remains and associated materials. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods."*	County of San Joaquin and construction contractor	Prior to and during construction	County of San Joaquin	Ensure that, if encountered, human remains are treated in accordance with California Health and Safety Code §7050.5 and appropriate procedures for archaeological deposits	Prior to and during construction
Geology and Soils					
Mitigation Measure GEO-1: Any foundations and structure support for the project shall be designed to prevent uplift of the supported structures.	County of San Joaquin	During construction	County of San Joaquin	Ensure foundations and structure support is designed to prevent uplift	During construction
Mitigation Measure GEO-2: Any foundation and structure support for the project shall be designed to resist forces exerted on the foundation due to soil volume changes, or shall be isolated from the expansive soil.	County of San Joaquin	During construction	County of San Joaquin	Ensure foundations and structure support is designed to resist forces from soil volume changes	During construction

Table C: Mitigation Monitoring and Reporting Program

Mitigation Measure	Party Responsible for Implementing Mitigation	Implementation Timing	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing
				or isolated from the expansive soil	
Hazards and Hazardous Materials					
Mitigation Measure HAZ-1: The Project would disturb more than 1 acre of soil and is subject to a Construction Permit from the State Water Board, which requires development of a Stormwater Pollution Prevention Plan and a Spill Prevention Countermeasure Plan (SPCP). Prior to commencement of construction activities, the construction contractor shall prepare an SPCP and submit the plan to San Joaquin County Environmental Health Department. The SPCP shall include information on the nature of all hazardous materials that would be used on-site during the construction period and information regarding proper handling of hazardous materials and clean-up procedures in the event of an accidental release. The SPCP shall be available on the Project site through the duration of the construction period. The phone number of the agency overseeing hazardous materials and toxic clean-up shall be provided in the SPCP.	County of San Joaquin	Prior to and during construction	San Joaquin Environmental Health Department	Ensure preparation, submission and availability of SPCP	Prior to and during construction
Mitigation Measure HAZ-2: A construction management plan shall be prepared that prescribes activities for workers to follow in areas where the presence of undocumented soil or groundwater contamination is suspected based on visual observation or smell. The construction management plan shall include (but is not intended to be limited to) provisions for daily briefings of construction staff prior to work regarding what to look for, a list of contact persons in case of a possible encounter with undocumented contamination, provisions for immediate notification of construction management, notification of the applicable local enforcement agency find, consultation with that agency, and protocols for further action. In such instances, construction activities would cease until it is determined in	County of San Joaquin and construction contractor	Prior to and during construction	County of San Joaquin	Ensure preparation of construction management plan for areas where the presence of undocumented soil or groundwater contamination is suspected	Prior to and during construction

Table C: Mitigation Monitoring and Reporting Program

Mitigation Measure	Party Responsible for Implementing Mitigation	Implementation Timing	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing
coordination with regulatory agencies that work can proceed without the risk of injury to persons or the environment.					
Hydrology and Water Quality					
Mitigation Measure HYDRO-1: Construction site temporary BMPs and any subsequent permit requirements as they relate to construction activities for the project shall be prepared and implemented. This documentation shall include submission of a Notice of Construction to the Regional Water Quality Control Board at least 30 days before the commencement of construction and submission of a Notice of Construction Completion to the Regional Water Quality Control Board upon completion of construction and stabilization of the project site. These temporary BMPs shall be installed prior to any construction operations and shall be in place for the duration of the contract. The removal of these BMPs along with site cleanup shall be the final construction operation procedures.	County of San Joaquin	Prior to and during construction	Regional Water Quality Control Board	Ensure temporary BMPs and permit requirements are prepared and implemented	Prior to and during construction
Mitigation Measure HYDRO-2: To control stormwater and sedimentation during the construction and operational periods of the project, BMPs outlined in any authorizations or permits issued under the authority of the CWA shall be implemented. Stormwater control measures shall be designed to accommodate stormwater generated by the project. If such BMPs are ineffective, the San Joaquin County (Public Works) shall remedy the situation immediately, in consultation with the regulatory and resource agencies.	County of San Joaquin	During construction and operation	County of San Joaquin	Ensure implementation of BMPs and permits and design of appropriate stormwater control measures	During construction and operation
Mitigation Measure HYDRO-3: Detention basins shall be incorporated into Project design such that post-construction conditions replicate the natural drainage patterns of the site. Since the Project will create new impervious surfaces, the basins will mitigate for increased runoff.	County of San Joaquin	During construction and operation	County of San Joaquin	Ensure incorporation of detention basins	During construction and operation
Mitigation Measure HYDRO-4: Roadside ditches will be provided adjacent to the new roadway to convey drainage from the roadway to bioretention areas and detention basins and culvert	County of San Joaquin	During construction and operation	County of San Joaquin	Ensure roadside ditches are provided along roadway	During construction and operation

Table C: Mitigation Monitoring and Reporting Program

Mitigation Measure	Party Responsible for Implementing Mitigation	Implementation Timing	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing
pipes will be used to carry stormwater under roads where needed.					
Noise					
Mitigation Measure NOI-1: Construction activities during the four phases of Project development shall occur during any day of the week from 6:00 a.m. to 9:00 p.m. per the San Joaquin County Code. If construction activities need to occur outside of this time frame, the construction contractor shall notify the County, and approval of extended construction activity hours shall be approved by the San Joaquin County Board of Supervisors. The County Board of Supervisors, if approval is granted, may require additional conditions of approval to ensure that construction activity noise levels are as low as possible. The construction contractor would be required to abide by such conditions of approval if the request of construction activity times is approved by the County Board of Supervisors.	County of San Joaquin	During construction	County of San Joaquin	Ensure construction activities occur any day of the week from 6:00 a.m. to 9:00 p.m. unless approval of extended construction activity hours is granted.	During construction
Mitigation Measure NOI-2: The following minimization measures shall be implemented, to the extent feasible, during construction activities: • The Project construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the closest sensitive receptors. • The construction contractor shall locate on-site equipment staging areas so as to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest the Project construction areas. • A temporary 10-foot-high perimeter wall shall be placed along the property lines such that the line of sight from ground-level construction equipment and sensitive receptors would be blocked. The construction barrier may be a 0.5-inch-thick plywood fence or another material that has a minimum Sound Transmission Class rating of 28.	County of San Joaquin and Construction Contractor	Prior to and during construction	County of San Joaquin	Ensure construction equipment is located away from noise-sensitive receptors, placement of 10-foot-high perimeter wall, and continuation of County public relations with residents and businesses near the Project site.	Prior to and during construction

Table C: Mitigation Monitoring and Reporting Program

Mitigation Measure	Party Responsible for Implementing Mitigation	Implementation Timing	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing
• Prior to commencement of Project construction, staff from San Joaquin County shall continue public relations with residents and businesses near the Project site by providing construction information pamphlets to those residents and businesses within 500 feet of the Project site. The construction pamphlets shall describe the type of construction activities that would occur and the duration of Project construction, indicate that a temporary increase in ambient noise levels could occur during Project construction, and provide a phone number where concerned residents and business owners can call County staff if noise levels from construction activities become a nuisance.					
Mitigation Measure NOI-3: As part of the proposed Project, noise barriers shall be constructed by the County at the property lines of sensitive receptors SR-1, SR-4, and SR-5. The barriers that are installed shall be constructed such that noise levels from adjacent transportation sources would be reduced by a minimum of 5 dBA L_{dn} and shall be installed prior to opening the proposed Project to traffic.	County of San Joaquin	Prior to opening the Project to traffic	County of San Joaquin	Ensure construction of noise barriers such that noise levels from adjacent transportation sources be reduced by a minimum of 5 dBA L_{dn}	Prior to opening the Project to traffic

Source: LSA 2018