

STANISLAUS COUNCIL OF GOVERNMENTS  
RESOLUTION 10 – 04

RESOLUTION CERTIFYING FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING MITIGATION MEASURES AND A MITIGATION MONITORING AND REPORTING PROGRAM, AND ADOPTING CEQA FINDINGS FOR THE StanCOG 2011 REGIONAL TRANSPORTATION PLAN; and

ADOPTING THE FINAL 2011 REGIONAL TRANSPORTATION PLAN (RTP), FINAL 2011 FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM (FTIP) AND CORRESPONDING FINAL AIR QUALITY CONFORMITY (AQC) ANALYSIS

WHEREAS, as the Metropolitan Planning Organization (MPO) and Regional Transportation Plan Agency (RTPA) for Stanislaus County, StanCOG is required under the federal transportation reauthorization legislation, Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy of Users (SAFETEA-LU) to update the Regional Transportation Plan (RTP) every four years, the FEIR and the AQC concurrently, the FTIP every two years; and,

WHEREAS, the RTP is the region's blueprint for future transportation improvements and investments based on specific transportation goals, objectives, policies and strategies defined by the community and its elected officials. The RTP identifies all major transportation projects to be undertaken within the region during the life of the plan, typically 25 years. The RTP provides the vision for how the County's regional transportation system will look and operate in the future; and,

WHEREAS, StanCOG is the Lead Agency in preparing the StanCOG 2011 Regional Transportation Plan and is required to comply with the California Environmental Quality Act ("CEQA") [Cal. Pub. Res. Code § 21000 et seq.]; and,

WHEREAS, StanCOG has determined that a Program EIR is appropriate to assess the environmental impact of the StanCOG 2011 Regional Transportation Plan; and,

WHEREAS, the EIR analyzes environmental impacts of the StanCOG 2011 Regional Transportation Plan on a broad planning level, while presenting as much detailed information about the individual RTP projects that is available at this time; and,

WHEREAS, pursuant to CEQA Guidelines Section 15086, StanCOG consulted with and requested comments on the Draft EIR from responsible agencies, trustee agencies with resources affected by the project; and other state, federal, and local agencies which exercise authority over resources which may be affected by the StanCOG 2011 Regional Transportation Plan; and,

WHEREAS, StanCOG circulated a Notice of Preparation (NOP) of an EIR for the proposed project and an Initial Study on January 7, 2010 to trustee and responsible agencies, the State Clearinghouse (SCH# 20100121008), and the public; and,

WHEREAS, concerns raised in response to the NOP were considered during preparation of the Draft EIR; and,

WHEREAS, StanCOG published a public Notice of Availability (NOA) for the Draft EIR on April 20, 2010, inviting comments from the general public, agencies, organizations, and other interested parties; and,

WHEREAS, a public meeting was held on May 19, 2010 to solicit concerns and issues relative to the StanCOG 2011 Regional Transportation Plan and Draft EIR; and,

WHEREAS, the Draft EIR was available for public review from April 20, 2010 through June 14, 2010; and,

WHEREAS, pursuant to CEQA Guidelines Section 15088(a), StanCOG, as the Lead Agency, must evaluate comments on significant environmental issues received from persons who review the Draft EIR and must prepare a written response thereto; and,

WHEREAS, in accordance with CEQA Guidelines Section 15088, the Final EIR responds to the written comments received; and,

WHEREAS, the Final EIR document and the Draft EIR, as amended by the Final EIR, constitute the Final EIR; and,

WHEREAS, when making the findings pursuant to CEQA Guidelines Section 15091(a)(1), the agency must also adopt a program for reporting on or monitoring the changes which have been either required in the project or made a condition of approval to avoid or substantially lessen significant effects, and which are fully enforceable through permit conditions, agreements, or other measures, as required by CEQA Guidelines Section 15091(d); and,

WHEREAS, consistent with the requirements of the CEQA Guidelines, a Mitigation Monitoring and Reporting Program (MMRP) has been prepared to outline the procedures for implementing all mitigation measures identified in the EIR; and,

WHEREAS, according to CEQA Guidelines Section 15093(b), where the decision of the public agency allows the occurrence of significant effects which are identified in the Final EIR but are not avoided or substantially lessened, the agency must issue a Statement of Overriding Considerations setting forth the specific reasons to support its actions based on the Final EIR or other information in the record; and,

WHEREAS, StanCOG has prepared the required CEQA Findings (attached); and,

WHEREAS, CEQA Guidelines Section 15093(c) provides that if an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the Notice of Determination; and,

WHEREAS, the Program FEIR has been completed in compliance with CEQA. The Program FEIR was presented to the Stanislaus Council of Governments Policy Board, and the Board has independently reviewed and considered the information contained in the Program FEIR. The Program FEIR reflects the Board's independent judgment and analysis. StanCOG hereby adopts the required CEQA findings contained herein, and attached hereto, and are hereby incorporated herein. Exhibit "A" contains the CEQA Findings with respect to Project impacts, and Exhibit "B" contains the Findings of Fact and Statement of Overriding Consideration and is attached and incorporated herein; and,

WHEREAS, the FTIP is a near term listing of capital improvement and operational expenditures utilizing federal and state monies for transportation projects in Stanislaus County during the first four years of the RTP, and the AQC contains documentation to support a finding that the 2011 RTP and 2011 FTIP meet the air quality conformity requirements for carbon monoxide, ozone and particulate matter emissions; and,

NOW, THEREFORE BE IT RESOLVED that:

1. The Stanislaus Council of Governments finds as follows:

(a) that the Final Environmental Impact Report (EIR) prepared for the 2011 Regional Transportation Plan, was completed in compliance with the California Environmental Quality Act; and

(b) that the Final EIR was presented to StanCOG's decision making body, the StanCOG Board; and

(c) the StanCOG Board has independently reviewed and considered information contained in the Final EIR; and

(d) that the Final EIR reflects StanCOG's independent judgment and analysis; and

(e) that the Final EIR consists of the Draft EIR and the Final EIR, which includes a Mitigation Monitoring and Reporting Program; and

BE IT FURTHER RESOLVED, that the Stanislaus Council of Governments hereby adopts the CEQA Findings as attached and incorporated herein; and,

BE IT FURTHER RESOLVED, The Stanislaus Council of Governments, based on and incorporating all of the foregoing recitals and findings supported by substantial evidence in the record and set forth in the "Findings and Statement of Overriding Considerations," attached hereto and incorporated by reference, StanCOG hereby certifies the Final EIR for the StanCOG 2011 Regional Transportation Plan and adopts the Mitigation Monitoring and Reporting Program and directs StanCOG to file the Notice of Determination; and,

BE IT FURTHER RESOLVED, that Stanislaus Council of Governments has certified the FEIR and the Stanislaus Council of Governments Policy Board hereby adopts the 2011 Regional Transportation Plan, Federal Transportation Improvement Program and corresponding Air Quality Conformity Analysis.

The foregoing Resolution was introduced at a regular meeting of the Stanislaus Council of Governments, on the 21<sup>st</sup> day of July, 2010. A motion was made and seconded to adopt the foregoing Resolution. Motion carried and the Resolution was adopted.

MEETING DATE: July 21, 2010



JIM RIDENOUR, CHAIR

ATTEST:



VINCENT J. HARRIS, EXECUTIVE DIRECTOR

EXHIBIT "A"

STANCOG 2011 RTP EIR IMPACT FINDINGS TABLE 1

**TABLE 1  
STANCOG 2011 RTP EIR FINDINGS**

| Environmental Impact  | Mitigation Measures  | Finding   |
|---|--|---|
| <p><b>Energy and Climate Change</b><br/>Impact 4.1.5: The RTP will generate GHG emissions that would have a significant cumulative impact on the environment. (Potentially Significant)</p> | <p>Measure 4.1.5: StanCOG shall develop actions and policies to reduce regional GHG emissions from the transportation sector. These actions and policies will support the development of a Sustainable Communities Strategy (SCS) and are intended to meet the regional GHG reductions targets established consistent with SB 375. Specific actions and policies include the following:</p> <ul style="list-style-type: none"> <li>• Capitalize on the Regional Blueprint planning process to develop land use policies that encourage mixing of uses, higher densities, and more accessibility to transit.</li> <li>• Upgrade the available transportation modeling tools to ensure that they adequately capture the effects of smart growth policies and new land use patterns on travel behavior.</li> <li>• Consider providing regional planning grants to assist local agencies in developing and implementing smart growth land use and transportation plans.</li> <li>• Prepare a set of principles for site design and street design that would support sustainable development patterns and that could be transferable between local jurisdictions.</li> <li>• Engage local, regional and State stakeholders and decision-makers in the SCS development process.</li> </ul>   | <p>Mitigation measures have been adopted to reduce this impact. The lead agency cannot ensure that these measures will reduce the impact to a less than significant level, due to economic, legal, social, and technological constraints. No feasible mitigation measures or alternatives have been identified that would substantially reduce this impact.</p> |
| <p><b>Land Use</b><br/>Impact 4.2.1: Implementation of projects identified under the RTP could result in the physical division of an established community. (Potentially Significant)</p>   | <p>Measure 4.2.1: Implement Project Design and Avoidance Measures to Minimize Community Impacts.<br/>Project proponents shall conduct site-specific review of project design improvements to determine effects on established communities and design project improvements to avoid or minimize physical division of an existing community. For projects that could result in the potential division of a community, the project proponent shall avoid the physical division of communities by a project where feasible. Measures to avoid the division would include realignment of the roadway or interchange improvements to avoid the affected area of residential communities or cohesive neighborhoods. Where complete avoidance of an area is determined infeasible, measures to reduce the impact would include alignment shifts to minimize the area affected; reduction of the proposed right-of-way take to minimize the overall area of impact; provisions for bicycle, pedestrian, and vehicle access across improved roadways; and/or reduction of the visual impact of the improved roadway using landscaping, paving materials, or road design.<br/>Measure 4.2.2: Ensure Consistency with Local Planning Documents.<br/>Project proponents shall implement recommendations of city and County planning staff per Mitigation Measure 4.2.1. Such consultation shall include determination of consistency with the General Plan, per Government Code Section 65401. For projects found to be inconsistent with locally adopted land use plans, the project proponent shall incorporate necessary design features to ensure compatibility with local land use plans. These measures may include but are not limited to:</p> | <p>Changes or alterations have been required in, or incorporated into, the proposed project which would avoid or substantially lessen the significant environmental effects as identified in the Final EIR.</p>   |

|   |   |
|---|---|
| <p>• Highway alignments;</p> <p>• Location and size of interchanges;</p> <p>• Incorporation of buffer features such as setbacks, landscaping, and soundwalls; and</p> <p>• Provision for local circulation, including bicycles and pedestrians.</p>     | <p>Changes or alterations have been required in, or incorporated into, the proposed project which would avoid or substantially lessen the significant environmental effects as identified in the Final EIR.</p>   |
| <p>Impact 4.2.2: Implementation of the RTP could result in the potential for conflicts between relevant land use plans and new and expanded facilities, including: new roadways, roadway widenings, and new interchanges. (Potentially Significant)</p> | <p>Measure 4.2.1: Implement Project Design and Avoidance Measures to Minimize Community Impacts - Please refer to Impact 4.2.2 for a complete description of this measure.</p> <p>Measure 4.2.2: Ensure Consistency with Local Planning Documents - Please refer to Impact 4.2.2 for a complete description of this measure.</p>  |
| <p>Impact 4.2.5: Implementation of the RTP could result in the potential for conflicts between relevant land use plans and aviation related projects. (Potentially Significant)</p>   | <p>Measure 4.2.5: Ensure Future Project Consistency with Applicable Airport Master Plan and Airport Land Use Compatibility Plan.</p> <p>For improvements and changes to the Modesto City-County Airport and the Turlock Municipal Airport, the project proponents will examine the relevant Airport Master Plan and Airport Land Use Compatibility Plan to determine if the proposed improvements are consistent. If the improvements are not consistent, the project proponents will analyze and amend the relevant plans as necessary, including safety zones and noise contours, to ensure future compatibility.</p>   |
| <p>Impact 4.2.6: The RTP could result in displacement of substantial numbers of existing housing and people. (Potentially Significant)</p>  | <p>Measure 4.2.1: Implement Project Design and Avoidance Measures to Minimize Community Impacts - please refer to Impact 4.2.1 for a complete description of this measure.</p> <p>Measure 4.2.6: Relocation Assistance Plan.</p> <p>Where Measure 4.2.1 would not result in the avoidance of residential dwellings, the project proponent shall prepare and implement a relocation assistance plan. The plan would provide benefits to relocated residences, reducing the level of impact to below a substantial level. A range of benefits is available; some include finding comparable replacement housing and paying for costs associated with moving. Details are identified at the time property is acquired. Projects which receive federal funding shall be consistent with the Federal Uniform Relocations Assistance and Real Property Acquisition Policies Act of 1970 (as amended), Title 49—Code of Federal Regulations—Part 24, and Title VI of the Civil Rights Act.</p> |
| <p>Agricultural Resources</p> <p>Impact 4.3.1: Implementation of projects under the RTP could result in the conversion of Important Farmland to non-agricultural uses. (Potentially Significant)</p>  | <p>Measure 4.3.1: Project Redesign to Avoid or Minimize Important Farmland Impacts.</p> <p>Minimize impacts to Prime Farmland and other Important Farmland through the selection of alternative alignments and project design. Project proponents shall implement the following measures to the extent feasible to reduce the impacts to Important Farlands.</p> <ul style="list-style-type: none"> <li>• Quantify potential for direct conversion of Important Farmland using the LESA model or a similar quantitative tool.</li> <li>• Design the proposed roadway projects to minimize the conversion of Important Farmland to nonagricultural uses.</li> <li>• Compensate for conversion impacts to Prime Farmland by purchasing agricultural</li> </ul>  |

|   |   |   |
|---|---|---|
| <p><b>Impact 4.3.2:</b> Implementation of projects under the RTP could conflict with existing Williamson Act contracts. (Potentially Significant)</p>   | <p>conservation easements (ACE) or funding the acquisition of agricultural mitigation lands through an appropriate land trust (including, but not limited to the Central Valley Farmland Trust).</p> <p><b>Measure 4.3.2:</b> Project Redesign to Avoid or Minimize Impacts to Williamson Act Contract Lands.</p> <p>Project proponents shall conduct an analysis of potential conflicts with Williamson Act contracts at the project level, consistent with the State CEQA Guidelines and Chapter 21.20 of the Stanislaus County Code. If the impacts of the proposed roadway projects on Williamson Act contract lands are determined to be significant, implement the following measures to reduce the impacts to a less-than-significant level:</p> <ul style="list-style-type: none"> <li>Design the proposed roadway projects to avoid or minimize the displacement of current and reasonably foreseeable agricultural operations from affected Williamson Act contract lands.</li> <li>Where it has been determined that cancellation of a Williamson Act contract for a parcel, or a portion of a parcel, may result in impacts to Prime or Important Farmland, Mitigation Measure 4.3.1 shall be implemented.</li> </ul> | <p>identified that would substantially reduce this impact.</p> <p>Changes or alterations have been required in, or incorporated into, the proposed project which would avoid or substantially lessen the significant environmental effects as identified in the Final EIR.</p>  |
| <p><b>Impact 4.3.3:</b> Implementation of projects under the RTP could create nuisance effects resulting in the impairment of farming operations. (Potentially Significant)</p>   | <p><b>Measure 4.3.3:</b> Restore Farmlands Temporarily Affected by Construction-Related Impacts.</p> <p>Project proponents shall restore farmlands temporarily impacted by project construction. Restoration includes clean-up and removal of debris and construction materials, reconstruction of any property fencing, restoration of irrigation and drainage facilities serving agricultural operations, and regrading (if necessary).</p> <p><b>Measure 4.6.1a:</b> Implement Dust Control Measures – please refer to Section 4.6. “Air Quality” for a complete description of this measure.</p> <p><b>Measure 4.7.1a:</b> Integrated Water Pollution Control Program – please refer to Section 4.7, “Hydrology and Water Quality” for a complete description of this measure.</p> <p><b>Measure 4.7.1b:</b> Stormwater Pollution Prevention Plan (SWPPP) – please refer to Section 4.7, “Hydrology and Water Quality” for a complete description of this measure.</p>  | <p>Changes or alterations have been required in, or incorporated into, the proposed project which would avoid or substantially lessen the significant environmental effects as identified in the Final EIR.</p>   |
| <p><b>Transportation and Circulation</b></p> <p><b>Impact 4.4.1:</b> Implementation of the projects under the RTP could result in transportation facilities that exceed the level of service standards established by the agencies within the County. (Potentially Significant)</p> | <p>None feasible</p>  | <p>Mitigation measures have been adopted to reduce this impact. The lead agency cannot ensure that these measures will reduce the impact to a less than significant level, due to economic, legal, social, and technological constraints. No feasible mitigation measures or alternatives have been identified that would substantially reduce this impact.</p> |
| <p><b>Impact 4.4.2:</b> Implementation of projects under the RTP could result in the alteration of present patterns of</p>  | <p><b>Measure 4.4.2:</b> Prepare and Implement Traffic Control Plans.</p> <p>Project proponents shall develop, in coordination with Stanislaus County and local</p>   | <p>Changes or alterations have been required in, or</p>   |

vehicular, bicycle, and pedestrian circulation, increased traffic delay, and increased traffic hazards during construction of future projects. (Potentially Significant)

**Impact 4.4-5:** Implementation of projects under the RTP could result in the alteration of emergency access during the construction of future projects. (Potentially Significant)

**Noise**

**Impact 4.5-1:** Implementation of projects identified under the RTP would temporarily and intermittently increase construction-related noise levels at nearby sensitive receptor locations. (Potentially Significant)

public works departments, a traffic control plan for construction projects to reduce the effects of construction on the roadway system in the project areas throughout the construction period. As part of the plan, project proponents shall coordinate with emergency service providers to ensure that emergency routes are identified and remain available during construction activities. Project proponents shall submit the plan for approval at least 30 working days before commencement of work and shall implement the plan.

**Measure 4.4-2:** Prepare and Implement Traffic Control Plans — Please refer to Impact 4.4-2 for a complete description of this measure.

**Measure 4.5-1:** Develop and Implement a Construction Noise Abatement Plan.

Project proponents shall develop and implement a construction noise abatement/mitigation plan to reduce adverse noise effects from construction activity. Key elements of the plan shall include, but not be limited to, the following requirements:

- Construction contractors shall comply with all relevant provisions of applicable local noise ordinances.
- Construction equipment noise shall be minimized during project construction by muffling and shielding intakes and exhaust on construction equipment (per the manufacturer's specifications) and by shrouding or shielding impact tools. No equipment shall have an unmuffled exhaust.
- Where necessary, and as determined by the lead agency, the contractor shall implement appropriate additional noise mitigation measures including, but not limited to:
  - Construction contractors shall locate fixed construction equipment (such as compressors and generators) and construction staging areas as far as possible from nearby residences;
  - Idling equipment shall be shut off;
  - Notifying adjacent residents in advance of construction work; and
  - Acoustic barriers shall be installed around stationary construction noise sources or construction sites.
  - Vibration levels shall be minimized during project construction according to local ordinances or plans.

**Impact 4.5-2:** Implementation of the projects under the RTP would increase operation-related noise levels at nearby sensitive receptor locations. (Potentially Significant)

**Measure 4.5-2:** Develop and Implement a Traffic Noise Abatement Plan.

Project proponents shall develop a traffic noise abatement/mitigation plan to reduce adverse noise effects resulting from capacity-increasing roadway improvement projects. Key elements of the plan shall include, but not be limited to; the following requirements:

- Proponents of roadway improvements shall conduct a detailed traffic noise impact and abatement/mitigation analysis of proposed roadway improvement projects in

incorporated into, the proposed project which would avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Changes or alterations have been required in, or incorporated into, the proposed project which would avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Changes or alterations have been required in, or incorporated into, the proposed project which would avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Mitigation measures have been adopted to reduce this impact. The lead agency cannot ensure that these measures will reduce the impact to a less than significant level, due to



|  |   |   |
|--|---|---|
| <p><b>Impact 4.5.3:</b> Implementation of bicycle and pedestrian projects identified under the RTP would temporarily and intermittently increase construction-related noise levels at nearby sensitive receptor locations. (Potentially Significant)</p> | <p>compliance with applicable local, state, and federal requirements.</p> <ul style="list-style-type: none"> <li>Sponsors of roadway improvement projects shall incorporate all reasonable and feasible noise abatement/mitigation measures into the design of the projects. Such measures include, but are not limited to, project location, barriers (soundwalls), setbacks, berms and landscaping, and quiet pavement technologies.</li> </ul>   | <p>economic, legal, social, and technological constraints. No feasible mitigation measures or alternatives have been identified that would substantially reduce this impact.</p>  |
| <p><b>Impact 4.5.4:</b> Implementation of transit projects identified under the RTP could increase construction noise levels at nearby sensitive receptor locations. (Potentially Significant)</p>   | <p><b>Measure 4.5.1:</b> Develop and Implement a Construction Noise Abatement Plan - Please refer to Impact 4.5.1 for a complete description of this measure.</p>   | <p>Changes or alterations have been required in, or incorporated into, the proposed project which would avoid or substantially lessen the significant environmental effects as identified in the Final EIR.</p>   |
| <p><b>Impact 4.5.4:</b> Implementation of transit projects identified under the RTP could increase construction noise levels at nearby sensitive receptor locations. (Potentially Significant)</p>   | <p><b>Measure 4.5.1:</b> Develop and Implement a Construction Noise Abatement Plan - Please refer to Impact 4.5.1 for a complete description of this measure.</p>   | <p>Changes or alterations have been required in, or incorporated into, the proposed project which would avoid or substantially lessen the significant environmental effects as identified in the Final EIR.</p>   |
| <p><b>Impact 4.5.5:</b> Implementation of transit projects identified under the RTP could increase operational noise levels at nearby sensitive receptor locations. (Potentially Significant)</p>  | <p><b>Measure 4.5.5:</b> Develop and Implement a Transit Operational Noise Abatement Plan. Project proponents shall develop and implement an Operational Noise Abatement/Mitigation Plan for fixed location transit facilities, including maintenance yards. The plan shall include but not be limited to the following requirements:</p> <ul style="list-style-type: none"> <li>A general assessment of noise source levels in accordance with the procedures defined by the FTA, and applicable local and state requirements.</li> <li>All reasonable and feasible noise abatement/mitigation measures shall be incorporated into the design of the projects including operation restrictions and other applicable measures.</li> </ul> | <p>Mitigation measures have been adopted to reduce this impact. The lead agency cannot ensure that these measures will reduce the impact to a less than significant level, due to economic, legal, social, and technological constraints. No feasible mitigation measures or alternatives have been identified that would substantially reduce this impact.</p> |
| <p><b>Impact 4.5.7:</b> Implementation of projects at aviation facilities identified under the RTP could increase noise levels at nearby sensitive receptor locations. (Potentially Significant)</p>   | <p><b>Measure 4.2.5:</b> Ensure Future Project Consistency with Applicable Airport Master Plan and Airport Land Use Compatibility Plan - Please refer to Section 4.2 "Land Use" for a complete description of this measure.</p>   | <p>Changes or alterations have been required in, or incorporated into, the proposed project which would avoid or substantially lessen the significant environmental effects as identified in the Final EIR.</p>   |

**Air Quality**

**Impact 4.6.1:** Projects to be developed under the RTP would generate short-term increases in emissions resulting from construction activities. (Potentially Significant)

**Measure 4.6.1a:** Implement Dust Control Measures.

Project proponents shall implement the following SJVAPCD District Regulation VIII Control Measures at all construction sites:

- The applicant shall submit a Dust Control Plan subject to review and approval of the SJVAPCD at least 30 days prior to the start of any construction activity on a site that includes 40 acres or more of disturbed surface area.

Specific control measures for construction, excavation, extraction, and other earthmoving activities required by the SJVAPCD include:

- All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover in order to comply with Regulation VIII's 20 percent opacity limitation.
- All onsite unpaved roads and offsite unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
- When materials are transported offsite, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
- All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. However, the use of blower devices is expressly forbidden, and the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.
- Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
- Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
- Any site with 150 or more vehicle trips per day shall prevent carryout and trackout. Enhanced and additional control measures for construction emissions of PM10 shall be implemented where feasible. These measures include:
  - Limit traffic speeds on unpaved roads to 15 mph.
  - Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.
  - Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.
  - Install wind breaks at windward side(s) of construction areas.
  - Suspend excavation and grading activity when winds exceed 20 mph.
  - Limit area subject to excavation, grading, and other construction activity at any one

Changes or alterations have been required in, or incorporated into, the proposed project which would avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

time.

**Measure 4.6.1b: Implement Best Management Air Quality Measures.**

Project proponents shall incorporate the following activities to the fullest extent possible to minimize construction-related impacts to air quality:

- Limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use.
- Replace fossil-fueled equipment with electrically-driven equivalents (provided they are not run by a portable generator set).
- Require that all diesel engines be shut off when not in use to reduce emissions from idling.
- Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways, and "Spare the Air Days" declared by the District.
- Implement activity management (e.g., rescheduling activities to reduce short-term impacts).
- During the smog season (May through October), lengthen the construction period to minimize the number of vehicles and equipment operations at the same time.
- Off-road trucks should be equipped with on-road engines when possible.
- Minimize obstruction of traffic on adjacent roadways.

**Hydrology and Water Quality**

**Impact 4.7.1:** Implementation of projects identified under the RTP could potentially violate water quality standards, waste discharge requirements, or otherwise substantially degrade water quality. (Potentially Significant)

**Measure 4.7.1a: Integrated Water Pollution Control Program.**

During the construction phase of individual projects, project proponents shall prepare an Integrated Water Pollution Control Program (IWPCP). In addition to plans to manage any stormwater, each IWPCP shall be developed to describe monitoring during construction activities, dewatering operations, in-water construction activities, and how impacts to stream water quality will be avoided and minimized. The IWPCP shall identify best management practices (e.g., water diversion and sediment containment devices, protection of construction spoils), a practical sequence of site restoration, post-construction monitoring of the effectiveness of best management practices, contingency measures, responsible parties, and agency contacts. The final plan shall be reviewed and approved by individual project proponents prior to commencement of work and shall be made conditions of the contract with the contractor(s) selected for development of RTP projects. Each IWPCP shall incorporate control measures in the following categories:

- Soil stabilization practices
- Sediment and runoff control practices
- Sediment tracking control practices
- Non stormwater management, waste management, and disposal control practices
- Construction Dewatering

These elements shall be required by contract and subject to review and approval individual project proponents. Measures may include those contained in the Construction Contractor's Guide and Specification of the Caltrans Storm Water Quality

Changes or alterations have been required in, or incorporated into, the proposed project which would avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Handbook (Caltrans, 2003) and the SWRCE Water Quality Order 99-08-DWQ, NPDES, General Permit for Stormwater Discharge Associated with Construction Activity. Once approved by individual project proponents, the contractor(s) shall be responsible for installing, constructing, inspecting and maintaining the control measures included in the IWPCP.

**Measure 4.7.1b: Stormwater Pollution Prevention Plan (SWPPP).**

For projects that would disturb more than 1 acre during construction, project proponents shall obtain coverage under the NPDES general permit by preparing and implementing a SWPPP, and complying with other requirements of the NPDES general permit. The SWPPP shall identify pollutant sources that could affect the quality of stormwater discharges from the construction sites. Each project SWPPP shall include pollution prevention measures, demonstration of compliance with all applicable local and regional erosion and sediment control standards, identification of responsible parties, a detailed construction timeline, and a BMP monitoring and maintenance schedule. Pollution prevention measures shall include those that effectively target pollutants in stormwater discharges. To protect receiving water quality, each project SWPPP shall include as relevant, but is not limited to, the following elements:

- Temporary erosion control measures (such as fiber rolls, staked straw bales, detention basins, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover) shall be employed for disturbed areas.
- No disturbed surfaces will be left without erosion control measures in place during the winter and spring months.
- Sediment shall be retained onsite by a system of sediment basins, traps, or other appropriate measures.
- The construction contractor(s) shall prepare Standard Operating Procedures for the handling of hazardous materials on the construction site to eliminate or reduce discharge of materials to storm drains.
- A vegetation buffer shall be maintained, to the extent feasible, between the construction zone and any waterways or drainages.
- Native grasses or other appropriate vegetative cover shall be established on the construction site as soon as possible after disturbance. At minimum, vegetative application shall be done by September 15th to allow for plant establishment. No disturbed surfaces will be left without erosion control measures in place during the period of October 15th to April 15th.

**Measure 4.7.1c: Stormwater Quality Control Criteria Plan.**

In an effort to maintain water quality after construction, project proponents shall implement control measures for post-construction runoff from new developments and redeveloped areas, as appropriate, consistent with the Stanislaus County Draft Stormwater Quality Control Criteria Plan (SQCCP). The County's SQCCP standards are currently in the preliminary planning stages and a draft copy will be completed in the 2010 calendar year. The SQCCP standards will include general site control measures, site-specific source control measures and treatment control measures for streets and roads with one acre or more of impervious area. Selection and implementation of appropriate control measures would be based on a project-by-project basis depending on the project size and stormwater treatment needs.

**Impact 4.7.2:** Implementation of the projects under the RTP could substantially alter the existing drainage pattern of the individual project areas. (Potentially Significant)

**Measure 4.7.2a:** Implement Stormwater Management Program Guidelines.

Project proponents shall comply with all measures of individual jurisdiction's Stormwater Management Programs to effectively manage and minimize increases in storm water runoff resulting from the construction of the proposed transportation improvement projects. Measures to be implemented may include vegetated swales, buffer strips, and/or infiltration basins.

**Measure 4.7.2b:** Design and Implement Project Level Stormwater Management Measures.

Project proponents shall be required to design and implement project level stormwater management measures that result in the runoff peak flows and volumes being similar to those under existing conditions. Drainage plans shall be prepared and implemented for each specific RTP project and should include design measures to infiltrate, retain, or otherwise channel runoff away from areas of open soil and other features subject to erosion or flooding. Any proposed stormwater management system shall be designed to manage runoff volumes and peak flows from storm events up to and including the 25-year, 24-hour design storm.

**Impact 4.7.3:** Implementation of projects under the RTP could increase surface runoff peak flows and volumes and could create or contribute runoff that would exceed the capacity of an existing or proposed stormwater management system or result in flooding on- or off-site. (Potentially Significant)

**Measure 4.7.2a:** Implement Stormwater Management Program Guidelines – Please refer to Impact 4.7-2 for a complete description of this measure.

**Measure 4.7.2b:** Design and Implement Project Level Stormwater Management Measures – Please refer to Impact 4.7-2 for a complete description of this measure.

**Geology, Soils, and Seismicity**

**Impact 4.8.4:** Construction of the projects in the RTP could result in surface soil erosion during grading and excavation activities. (Potentially significant)

**Measure 4.7.1a:** Integrated Water Pollution Control Program – please refer to Section 4.7, "Hydrology and Water Quality" for a complete description of this measure.

**Measure 4.7.1b:** Stormwater Pollution Prevention Plan (SWPPP) – please refer to Section 4.7, "Hydrology and Water Quality" for a complete description of this measure.

**Biological Resources**

**Impact 4.9.1:** Implementation of projects identified under the RTP could result in potential disturbance or loss of special-status wildlife species and their habitat. (Potentially Significant)

**Measure 4.9.1a:** Assess and Document Habitat for Special-Status Wildlife Species. As part of project-level environmental review, project proponents shall retain a qualified wildlife biologist to document the presence or absence of suitable habitat for special-status wildlife in the project area. The following steps shall be implemented to document special-status wildlife and their habitats prior to individual project implementation:

- a. **Review Existing Information.** The wildlife biologist shall review existing information to develop a list of special-status wildlife species that could occur in the project area. The following information shall be reviewed as part of this process: the USFWS special-status species list for the project region, CDFG's CNDDB, previously prepared environmental documents, city and county general plans, HCPs and NCCPs (as applicable), and Corps-verified wetland delineations and USFWS issued

Changes or alterations have been required in, or incorporated into, the proposed project which would avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Changes or alterations have been required in, or incorporated into, the proposed project which would avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Changes or alterations have been required in, or incorporated into, the proposed project which would avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Changes or alterations have been required in, or incorporated into, the proposed project which would avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

- biological opinions for previous projects.
- b. Coordinate with State and Federal Agencies. The wildlife biologist shall coordinate with the appropriate agencies (CDFG, USFWS, Corps and Caltrans) to discuss wildlife resource issues in the project region and determine the appropriate level of surveys necessary to document special-status wildlife and their habitats.
  - c. Conduct Field Studies. The wildlife biologist shall evaluate existing habitat conditions and determine what level of biological surveys may be required. The type of survey required shall depend on species richness, habitat type and quality, and the probability of special-status species occurring in a particular habitat type. Depending on the existing conditions in the project area and the proposed construction activity, one or a combination of the following levels of survey may be required:
    - i. Habitat Assessment. A habitat assessment determines whether suitable habitat is present. This type of assessment can be conducted at any time of year and is used to assess and characterize habitat conditions and to determine whether return surveys are necessary. If no suitable habitat is present, no additional surveys shall be required.
    - ii. Species-Focused Surveys. Species-focused surveys (or target species surveys) shall be conducted if suitable habitat is present for special-status wildlife and if it is necessary to determine the presence or absence of the species in the project area. The surveys shall focus on special-status wildlife species that have the potential to occur in the region. The surveys shall be conducted during a period when the target species are present and/or active.
    - iii. Protocol-Level Wildlife Surveys. The project proponent shall comply with protocols and guidelines issued by responsible agencies for certain special-status species. USFWS and CDFG have issued survey protocols and guidelines for several special-status wildlife species that could occur in the project region, including the valley elderberry longhorn beetle, vernal pool branchiopods, California red-legged frog, California tiger salamander, western burrowing owl, and San Joaquin kit fox, as examples. The protocols and guidelines may require that surveys be conducted during a particular time of year and/or time of day when the species is present and active. Many survey protocols require that only a USFWS- or CDFG-approved biologist perform the surveys. The project proponent shall coordinate with the appropriate state or federal agency biologist before the initiation of protocol-level surveys to ensure that the survey methodology is approved. Because some species can be difficult to detect or observe, multiple field techniques may be used during a survey period and additional surveys may be required in subsequent seasons or years as outlined in the protocol or guidelines for each species. Special-status wildlife or suitable habitat identified during the field surveys shall be mapped and documented as part of CEQA, NEPA, and Caltrans NES reports (as required).

**Measure 4.9.1b: Project Redesign to Avoid or Minimize Special-Status Wildlife Species Impacts.**

Project proponents shall avoid and/or minimize impacts on special-status wildlife species by redesigning the project, protecting special-status wildlife habitat, and developing a mitigation monitoring plan (as necessary). Project proponents shall implement the following measures to avoid and minimize impacts special-status wildlife and their habitats:

- a. Redesign or modify the project to avoid direct and indirect impacts on special-status wildlife or their habitats, if feasible.

- b. Protect special-status wildlife and their habitat near the project site by installing environmentally sensitive area fencing and/or establishing no-work buffers around habitat features, such as seasonal wetlands, active burrows, and nest trees. The environmentally sensitive area fencing, staking or establishment of no-work buffers shall be installed and/or maintained at a minimum distance from the edge of the resource as determined through coordination with state and federal agency biologists (USFWS and CDFG). The location of the fencing and/or delineated buffer shall be marked in the field with stakes, flagging or as deemed appropriate by the responsible agencies and shown on the construction plans, drawings, and specs. The construction specifications shall contain clear language that prohibits construction-related activities, vehicle operation, material and equipment storage, and other surface-disturbing activities within these environmentally sensitive areas.
- c. Restrict construction-related activities to the non-breeding season for special-status wildlife species that could occur in the project area. Timing restrictions may vary depending on the species and could occur during any time of the year.
- d. Coordinate with the appropriate resource agencies to determine whether a monitoring plan for special-status wildlife is necessary as part of all local and regional projects. If a monitoring plan is required, it shall be developed and implemented in coordination with appropriate agencies and shall include:
  - i. A description of each of the wildlife species and of suitable habitat for species that could occur at the project site;
  - ii. The locations of known occurrences of special-status wildlife species within 1.0 mile of the project site;
  - iii. The location and size of no-disturbance zones in and adjacent to environmentally sensitive areas for wildlife;
  - iv. Directions on the handling and relocating of special-status wildlife species found on the project site that are in immediate danger of being destroyed; and
  - v. Notification and reporting requirements for special-status species that are identified on the project site.

**Measure 4.9.1c: Develop and Implement Special-Status Species Compensation Plan.**  
 In the event that Mitigation Measure 4.9-1b is not feasible and construction activities would result in significant impacts on state- or federally listed wildlife species, project proponents shall develop and implement a compensation plan in coordination with the appropriate resource agency, or agency-approved compensation guidelines. Compensation guidelines have been identified for several special-status wildlife species, including valley elderberry longhorn beetle, vernal pool branchpods, giant garter snake, Swainson's hawk, and burrowing owl. The amount of compensation shall vary depending on the amount of habitat loss or degree of habitat disturbance anticipated. The compensation plan shall be developed and implemented in coordination with the appropriate state or federal agency and would involve identifying an agency-approved mitigation bank or mitigation site (onsite or off-site); transplanting (elderberry shrubs), re-creating (burrows and vernal pools), and/or preserving additional habitat for special-status wildlife species; monitoring the mitigation site; and funding the management of the mitigation site.

**Impact 4.9.3: Implementation of the projects under the RTP could result in potential direct and indirect impacts on special-status fish species. (Potentially Significant)**

Changes or alterations have been required in, or incorporated into, the proposed project which would

Mitigation Measure 4.9-3b concurrently to avoid, minimize, and compensate for potential impacts on special-status fish.

**Measure 4.9.3b: Implement Best Management Practices to Avoid and Minimize Impacts on Special-Status Fish and Their Habitat.**

The project proponent shall implement the following measures to avoid and minimize impacts on special-status fish and their habitats:

a. Implement Stormwater Pollution Prevention Plan. As appropriate, for each project, develop and implement a stormwater pollution prevention plan (SWPPP) that describes Best Management Practices (BMPs) to minimize the potential for impacts on fish and their habitat. The SWPPP shall include measures to control the transport of sediment to streams, promote the restoration of construction areas to preconstruction conditions, and avoid the potential for spills of hazardous substances. The SWPPP shall include pollution prevention measures (erosion and sediment control measures and measures to control non-stormwater discharges and hazardous spills), demonstration of compliance with all applicable local and regional erosion and sediment control standards, identification of responsible parties, a detailed construction timeline, and a BMP monitoring and maintenance schedule. A staging and storage area shall be provided away from the waterway for equipment, construction materials, fuels, lubricants, solvents, and other possible contaminants. The contractor shall conduct periodic maintenance of erosion and sediment control measures. Soil exposure shall be minimized through the use of BMPs, ground cover, and stabilization practices. Exposed dust-producing surfaces shall be sprinkled daily until wet while avoiding the production of runoff. Paved streets shall be swept daily after construction activities.

b. Implement Construction Work Windows. Construct the project during time periods that avoid the sensitive life stages of special-status fish species. Construction activities shall be scheduled so they do not interfere with the reproductive cycles of fish species. Work in most of the systems shall take place between June 1 and October 15, however appropriate work windows would be approved by NMFS/National Oceanic Atmospheric Administration (NOAA), CDFG and USFWS. Construction in the approved time frame would avoid causing impacts on the majority of the adult and juvenile migration stages of anadromous species.

**Measure 4.9.3c: Consultation with Appropriate Resource Agencies.**

Any project affecting the San Joaquin, Stanislaus, or Tuolumne Rivers in Stanislaus County could affect delta smelt, Central Valley steelhead, green sturgeon, or their essential fish habitats. These fish, and their essential fish habitats, are protected under ESA. Therefore, project proponents shall initiate consultation with NMFS and/or USFWS to get a determination from the agency and approval to proceed with the project and associated mitigation measures.

avoid or substantially lessen the significant environmental effects as identified in the Final EIR.