

RESOLUTION NO. 2005-228

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL
ASSESSMENT ON THE SHELDON ROAD/SR 99 INTERCHANGE IMPROVEMENT
PROJECT, MAKING FINDINGS OF FACT RELATING TO THE FEASIBILITY OF
MITIGATION MEASURES AND PROJECT ALTERNATIVES, AND ADOPTING A
MITIGATION MONITORING AND REPORTING PROGRAM**

WHEREAS, the City of Elk Grove began preliminary planning of the improvement of the Sheldon Road/SR 99 Interchange upon incorporation in 2000; and

WHEREAS, the City of Elk Grove determined that the Sheldon Road/SR 99 Interchange Improvement Project (also referred to herein as "Project") was a project requiring review pursuant to the California Environmental Quality Act (CEQA), (Public Resources Code 21000 et seq.), and that an Environmental Impact Report (EIR) be prepared to evaluate the potential environmental effects of the project; and

WHEREAS, a Notice of Preparation was released for public and agency review and comment on January 17, 2001; and

WHEREAS, the City of Elk Grove distributed a Notice of Availability for the original Draft EIR on March 15, 2002; and

WHEREAS, the Draft EIR was also submitted to the State Clearinghouse for state agency review; and

WHEREAS, the City of Elk Grove Planning Commission held a public meeting on April 25, 2002 to receive public comments on the Draft EIR; and

WHEREAS, the City of Elk Grove determined that as a result of new information available on special-status species in the area, as well as modifications to the project design, the entire EIR would require recirculation pursuant to the requirements of CEQA; and

WHEREAS, the City of Elk Grove opted to pursue federal funding for portions of the project, triggering the need to prepare an Environmental Assessment pursuant to the requirements of NEPA; and

WHEREAS, the City of Elk Grove determined that a combined Re-circulated Draft Environmental Impact Report/Environmental Assessment (Revised Draft EIR/EA) was the appropriate environmental document to prepare to fulfill the requirements of CEQA and NEPA; and

WHEREAS, the City of Elk Grove distributed a Notice of Availability for the Re-circulated Draft EIR/EA on January 14, 2005; and

WHEREAS, the Re-circulated Draft EIR/EA was also submitted to the State Clearinghouse for state agency review; and

WHEREAS, the City of Elk Grove held a public meeting on January 20, 2005 to receive public comments on the Re-circulated Draft EIR/EA and those comments were received and considered in the Final EIR/EA; and

WHEREAS, the City of Elk Grove responded to all written comments received on the Re-circulated Draft EIR/EA in the Final EIR/EA; and

WHEREAS, the Federal Highway Administration (FHWA) is the project Lead Agency under NEPA and has authority to make certain findings in compliance with NEPA; and

WHEREAS, the City Council of the City of Elk Grove reviewed all evidence presented both orally and in writing and intends to make certain findings in compliance with CEQA, which are more fully set forth below in Exhibit A, attached hereto and incorporated in its entirety by this reference.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elk Grove as follows:

1. Certification of the Final EIR/EA

A. The City Council of the City of Elk Grove hereby certifies that the Final EIR/EA has been completed in compliance with the requirements of the California Environmental Quality Act.

B. The City Council of the City of Elk Grove hereby certifies that the Final EIR/EA was presented to the City Council and that the City Council reviewed and considered the information contained in the Final EIR/EA prior to taking action on the Project.

C. The City Council of the City of Elk Grove hereby certifies that the Final EIR/EA reflects the independent judgment and analysis of the City Council of the City of Elk Grove.

2. Findings on Impacts

The City Council finds:

A. The EIR/EA identifies fifty-one (51) potentially significant impacts that can be mitigated to less-than-significant levels. The City Council makes the findings with respect to significant impacts as set forth in Exhibit A, attached hereto and incorporated herein by reference.

B. The EIR identifies two (2) potentially significant impacts that cannot be mitigated to less-than-significant level and is thus considered significant and unavoidable. The City Council makes the findings with respect to these significant and unavoidable impacts as set forth in Exhibit A.

3. Findings on Alternatives

Sixteen (16) project alternatives (including the Alternative 2A, Alternative 3A, and the "No Build" Alternative that were evaluated at an equal level of detail) were evaluated by the City of Elk Grove during project development and in the EIR. As set forth in Exhibit A, these alternatives result in more severe environmental effects, do not meet the basic project objectives, or do not provide any substantial environmental benefits as compared to the Project. The City Council hereby finds that the Project, as mitigated by adoption of mitigation measures identified in the EIR, can be feasibly implemented and serves the best interests of the City of Elk Grove.

4. Statement of Overriding Considerations

Because the adoption of all feasible mitigation measures will not substantially lessen or avoid all significant adverse environmental effects caused by the project, the City Council adopts a Statement of Overriding Considerations concerning the project's unavoidable significant impact to explain why the Project's benefits override and outweigh its unavoidable impacts on the environment as set forth in Exhibit A.

5. Adoption of the Mitigation Monitoring and Reporting Program

A. The City Council hereby finds that the proposed mitigation measures described in the Final EIR/EA and Findings are feasible, and therefore will become binding upon the City. The Mitigation Monitoring and Reporting Program is included as Exhibit B.

B. The City Council hereby adopts the Mitigation Monitoring and Reporting Program, as set forth in Exhibit B, attached hereto and incorporated herein by reference.

6. Other Findings

A. The City Council finds that issues raised during the public comment period and written comment letters submitted do not involve any new significant impacts or "significant new information" that would require recirculation of the EIR pursuant to CEQA Guidelines Section 15088.5.

PASSED AND ADOPTED by the City Council of the City of Elk Grove on this 27th day of July 2005.



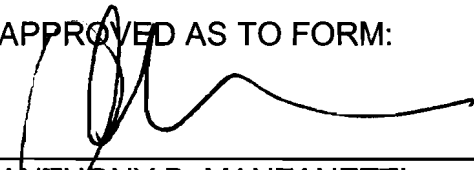
DANIEL BRIGGS, Mayor of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

EXHIBIT A

FINDINGS OF FACT
AND
STATEMENT OF OVERRIDING CONSIDERATIONS

FOR THE

SHELDON ROAD/SR 99 INTERCHANGE IMPROVEMENT PROJECT EIR/EA

SCH# 2001012046

PREPARED BY:

CITY OF ELK GROVE
DEVELOPMENT SERVICES, PLANNING
8400 LAGUNA PALMS WAY
ELK GROVE, CA 95758

EXHIBIT B

**MITIGATION MONITORING
AND
REPORTING PROGRAM**

FOR THE

SHELDON ROAD/SR 99 INTERCHANGE IMPROVEMENT PROJECT EIR/EA

SCH# 2001012046

PREPARED BY:

**CITY OF ELK GROVE
DEVELOPMENT SERVICES, PLANNING
8400 LAGUNA PALMS WAY
ELK GROVE, CA 95758**

EXHIBIT A

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

FOR THE

SHELDON ROAD/STATE ROUTE 99 INTERCHANGE IMPROVEMENT PROJECT EIR/EA

SCH# 2001012046

PREPARED BY:

CITY OF ELK GROVE
8400 LAGUNA PALMS WAY
ELK GROVE, CA 95758

July 2005

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Introduction

The Sheldon Road/State Route 99 Interchange Improvement Project Recirculated Draft Environmental Impact Report/Environmental Assessment (Recirculated DEIR/EA) identified significant impacts associated with the adoption of the Sheldon Road/State Route 99 Interchange Improvement Project (project). Approval of a project with significant impacts requires that findings be made by the Lead Agency pursuant to the California Environmental Quality Act (CEQA, California Public Resources Code Sections 21000 et seq.) and State CEQA Guidelines (California Administrative Code, Title 14, Chapter 3) Sections 15043, 15091, and 15093. Significant impacts of the project would either: 1) be mitigated to a less than significant level pursuant to the mitigation measures identified in the Recirculated Draft EIR/EA; or 2) mitigation measures notwithstanding, have a residual significant impact that requires a Statement of Overriding Consideration. Specifically, CEQA Guidelines Section 15091 requires lead agencies to make one or more of the following written findings:

1. 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.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the findings. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, social or other considerations make infeasible the mitigation measure or project alternative identified in the Final EIR.

These Findings accomplish the following: a) they address the significant environmental effects identified in the Recirculated DEIR/EA for the approved project; b) they incorporate all mitigation measures associated with these significant impacts identified in either the Recirculated Draft EIR/EA or the Final EIR/EA c) they indicate whether a significant effect is avoided or reduced by the adopted mitigation measures to a less-than-significant level, or remain significant and unavoidable, either because there are not feasible mitigation measures or because, even with implementation of mitigation measures, a significant impact will occur; and, d) they address the feasibility of all project alternatives identified in the Final EIR/EA. For any effects that will remain significant and unavoidable, a "Statement of Overriding Considerations" is presented. The conclusions presented in these Findings are based on the Final EIR/EA (consisting of the Recirculated Draft EIR/EA, Response to Comments, and Errata to the Recirculated Draft EIR/EA) and other evidence in the administrative record.

To the extent that these Findings conclude that various proposed mitigation measures outlined in the Recirculated DEIR/EA are feasible and have not been modified, superseded, or withdrawn, the City of Elk Grove hereby binds itself to implement these measures. These Findings are not merely informational, but constitute a binding set of obligations that will come into effect when the City of Elk Grove adopts the project (Public Resources Code, Section 21081.6[b]). The mitigation measures identified as feasible and within the City's authority to implement for the approved project become express conditions of approval which the City binds itself to upon project approval. The City of Elk Grove, upon review of the Final EIR/EA, which includes the Recirculated Draft EIR/EA, and based on all the information and evidence in the administrative record, hereby makes the Findings set forth herein.

CEQA Process Overview

Original Draft EIR (2002)

The Notice of Preparation (NOP) for the Draft EIR, which initiated the environmental review process for the project, was distributed by the City to Responsible Agencies, interested parties, and the public on January 17, 2001. The NOP comment period was from January 17 through February 16, 2001.

The Notice Of Availability (NOA) for the Draft EIR and the Draft EIR itself were released March 15, 2002. The Elk Grove Planning Commission held a public hearing on April 25, 2002 to receive comments on the adequacy of the Draft EIR. The Draft EIR was not finalized due to the changes in the project alternatives and acquisition of new information on special-status species in the project area.

Need to Recirculate the Draft EIR

After the Draft EIR was circulated in March 2002, new information on special-status species in the project area became available. As a result of this, as well as some modifications made to the project design, it was determined that the Draft EIR would require recirculation of the entire document pursuant to the requirements of CEQA.

Need to Prepare an EA

In 2002, the City of Elk Grove sought Federal funding for the Sheldon Road/SR 99 Interchange Improvement project. It was determined that preparation of an Environmental Assessment (EA) would be required to comply with the requirements of the National Environmental Policy Act (NEPA).

Recirculated Draft EIR/EA

Because of the need to recirculate the Draft EIR under CEQA and to prepare a new EA under NEPA, the City elected to prepare a combined Recirculated Draft EIR/EA.

The Recirculated Draft EIR/EA addressed potential impacts from revised project design alternatives and addressed newly discovered impacts to biological resources. The document also incorporated and addressed issues raised in comments received on the first circulation of the Draft EIR.

During the revision process, the City of Elk Grove held a community workshop on January 22, 2004 to present the revised alternatives that were proposed.

The Notice of Availability for the Recirculated Draft EIR/EA and the document itself were released for agency and public review on January 14, 2005. Because the entire Draft EIR/EA was recirculated, reviewers were required to submit new comments on it. Previously submitted comments were considered in the preparation of the revised analysis (Recirculated Draft EIR/EA), but specific responses to those comments were not prepared, consistent with State CEQA Guidelines Section 15088.5(f)(1). A public meeting to receive comments on the adequacy of the Revised Draft EIR/EA was held January 20, 2005.

Significant and unavoidable impacts identified in the Final EIR/EA consist of the following:

Impact 2.2.6-1 The predicted future plus project traffic noise levels are expected to exceed the Caltrans Noise Abatement Criteria at 30 locations within the project study area.

Impact 3.0-3 Traffic associated with the proposed project would contribute marginal noise level increases along all modeled road segments. Cumulatively, noise level increases associated with the project would be perceptible. The increased noise levels would be a potentially cumulative impact.

A total of 27 comment letters were received on the Recirculated Draft EIR/EA and are responded to in the Final EIR/EA. Additionally, public comments received during the January 20, 2005 public meeting are responded to in the Final EIR/EA. No significant issues were identified that would warrant another recirculation of the Recirculated Draft EIR/EA.

Administrative Record

The environmental analysis provided in the Draft and Final EIR/EA and the Findings provided herein are based on and are supported by the following documents, materials, and other evidence, which constitute the Administrative Record for the Sheldon Road/SR 99 Interchange Improvement Project:

1. The NOP (2001), comments received on the NOP, and all other public notices issued by the City in relation to the Sheldon Road/SR 99 Interchange Improvement Project EIR/EA (e.g., Notice of Availability).
2. The original Draft EIR (2002) and Recirculated Draft EIR/EA (2005), associated appendices to these documents, and technical materials cited.
3. The Final EIR/EA (2005), including comment letters, oral testimony, and technical materials cited in the document.
4. All non-draft and/or non-confidential reports and memoranda prepared by the City of Elk Grove and consultants.
5. Minutes and transcripts of the discussions regarding the project and/or project components at public hearings or scoping meetings held by the City of Elk Grove Planning Commission and City Council.
6. Staff reports associated with the project.
7. The 2003 City of Elk Grove General Plan (adopted November 19, 2003), the Elk Grove General Plan Final EIR (State Clearinghouse No. 2002062082), and associated resolution certifying the General Plan Final EIR and making findings of fact regarding the environmental analysis.
8. Draft Project Report for the Proposed Sheldon Road/SR 99 Interchange Improvement Project and associated design drawings for the project.

The City Clerk is the custodian of the administrative record. The documents and materials that constitute the administrative record are available for review at the City of Elk Grove at 8400 Laguna Palms Way, Elk Grove, California 95758.

Document Organization

The findings are organized into the following sections:

1. Findings Associated with Less Than Significant Impacts Identified in the Recirculated Draft EIR/EA;
2. Findings Associated with Significant, Potentially Significant, and Cumulatively Significant impacts that can be Mitigated to a Less Than Significant Level;

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3. Findings Associated with Significant and Cumulatively Significant Impacts that Cannot be Feasibly Mitigated to a Less Than Significant Level;
 4. Findings Associated with Project Alternatives;
 5. Other Findings;
 6. Findings Associated with the Mitigation Monitoring and Reporting Program; and,
 7. Statement of Overriding Considerations for Significant and Unavoidable Impacts.

1. Findings Associated With Less Than Significant Impacts Identified in the Recirculated Draft EIR/EA

2.1.1 Land Use

Impacts to San Joaquin Cemetery:

Both alternatives would encroach upon the San Joaquin Cemetery located in the northwest quadrant adjacent to State Route 99. The proposed realignment of West Stockton Boulevard would pass through the northwest corner of the cemetery. The roadway would encroach upon a previously disturbed area (i.e., the existing alignment of West Stockton Boulevard, a graveled parking area, the fence line for the cemetery, and an alignment of subsurface utilities), and no project related activities would occur in proximity to any burials within the cemetery.

Alternative 3A would provide access to the San Joaquin Cemetery from West Stockton Boulevard via a tunnel. There is a concern that the tunnel proposed as part of Alternative 3A may be perceived as an undesirable way to access a cemetery.

Alternative 2A would provide access from West Stockton Blvd via a driveway, which is similar to the existing access.

Finding: Based upon the analysis presented in Section 2.1.1 of the Recirculated Draft EIR/EA and considering information contained in the administrative record, the City hereby finds that impacts associated with modifying access to the San Joaquin Cemetery would be **less than significant**. Implementation of either Alternative 2A or 3A would be constructed as to maintain full access to the cemetery.

Reference: Recirculated Draft EIR pages 2.1-15 through 2.1-16.

Impacts to Planned Park:

The Elk Grove Community Service District (CSD) has acquired land and is planning a park in the northeast quadrant. The proposed realignment of East Stockton Boulevard would require right-of-way from the park parcel in order to accommodate the realignment. The City of Elk Grove has coordinated with the CSD in order to accommodate the needs of both the proposed project and the park, and they have reached a tentative agreement on how to compensate for the right-of-way take that would be required by the project. This agreement is outlined in a letter from the CSD to the City of Elk Grove, which is attached as **Appendix H** (of the Recirculated Draft EIR/EA).

Finding: Based upon the analysis presented in Section 2.1.1 of the Recirculated Draft EIR/EA and considering information contained in the administrative record, the City hereby finds that impacts associated with roadway realignments and access to the planned park would be **less than significant** as a result of implementation of either design alternative. The proposed project will provide access to the planned park and the CSD will be compensated for all right-of-way that would be required from the planned park site.

Reference: Recirculated Draft EIR/EA page 2.1-16.

2.1.2 Growth Inducement

Growth Effects Associated with Infrastructure Improvements

The proposed interchange improvement project would provide needed additional capacity to accommodate existing traffic, as well as traffic generated by approved and planned developments on both the east and west sides of SR 99. In this respect, the proposed project is consistent with regional planning policy and can be considered growth accommodating rather than growth inducing. However, since the proposed project would increase the capacity of the existing interchange, it could be argued that this action would remove an impediment to growth by improving access to vacant land near the interchange.

An interchange already exists at the project site. The proposed interchange modification is needed to improve existing deficient interchange operational conditions and to accommodate increased traffic demand generated by approved and planned development. This need is already acknowledged in regional transportation plans. In addition, implementation of the proposed project would not involve any changes to the General Plan of either city. No aspect of the project is precedent setting, and it would not be considered growth inducing from that standpoint.

Finding: Based upon the analysis presented in Section 2.1.2 of the Recirculated Draft EIR/EA and considering the information contained in the administrative record, the City hereby finds that impacts associated with growth inducement as a result of the interchange improvement project would be **less than significant** as a result of implementation of either design alternative. Growth planned and approved for the area is, in part, facilitated by the proposed project. Impacts associated with such residential and commercial growth, however, were addressed and analyzed at the time the City of Elk Grove and City of Sacramento adopted their respective General Plans and certified their respective General Plan EIRs. The proposed project would support planned growth allowed for by the Elk Grove General Plan. Implementation of the proposed project would not directly stimulate additional or new growth in the project area. The location of future growth would continue to be controlled by the City of Elk Grove and City of Sacramento land use planning agencies as guided by local land use plans.

Reference: Recirculated Draft EIR/EA pages 2.1-21 through 2.1-22, City of Elk Grove General Plan, Elk Grove General Plan EIR, City of Sacramento General Plan, and Sacramento General Plan EIR.

2.1.3 Community Impacts (Social, Economic) and Environmental Justice

Community Character and Cohesion

Implementation of either alternative may remove two RV's from within the Laguna Village RV Park, affect one resident who depends on her property for her livelihood, and affect visibility and access to local churches in the project area. Alternative 2A may also affected RVs outside of the park's property line and within the City of Sacramento's right-of-way.

Finding: Based upon the analysis presented in Section 2.1.3 of the Recirculated Draft EIR/EA and considering the information contained in the administrative record, the City hereby finds that impacts associated with neighborhood or community cohesiveness as a result of the interchange improvement project would be **less than significant** as a result of implementation of either design alternative. Caltrans describes *Community Cohesion* as "the degree to which residents have a 'sense of belonging' to their neighborhood, a level of commitment of the residents to the community, or a strong attachment to neighbors, groups, and institutions, usually as a result of continued association over time. Cohesion refers to the degree of interaction among the individuals, groups, and institution that make up a community." Interviews conducted revealed that approximately 23% of the Laguna Village RV Park residents were transient and resided in the park anywhere from a few weeks to a few months and most residents have their own vehicles and don't depend on one another for services. Additionally, residents attending the churches in the southeast quadrant were found to rely on personal vehicles rather than relying on the ability to walk or use local transportation to get from their residences to the churches; therefore, implementation of the proposed project would not compromise neighborhood or community cohesiveness.

Environmental Justice

Implementation of either alternative may cause disproportionately high and adverse effects on any minority or low-income population. Executive Order 12898 requires each federal agency to take the appropriate and necessary steps to identify and avoid "disproportionately high and adverse" effects of federal projects on the health or environment of minority and low-income populations. Public involvement for this project included information meetings, interviews and briefings with community leaders, agencies, and elected officials, media-relations, public information repositories and newsletters, an open house, and a public hearing.

Finding: Based upon the analysis presented in Section 2.1.3 of the Recirculated DEIR/EA and considering the information contained in the administrative record, the City hereby finds that impacts associated with minority or low-income populations would be **less than significant** as a result of implementation of either design alternative. Year 2000 Census data was reviewed to determine race and income characteristics of the immediate area of the proposed project, as well as the above-mentioned public outreach. While it is likely that some minority and or low-income residents will be impacted by the proposed project, a disproportionate number of minority or low-income groups have not been identified in the project area.

Reference: Recirculated Draft EIR/EA pages 2.1-31 through 2.1-43.

2.1.4 Utilities and Emergency Services

Implementation of either alternative may result in the need for the rerouting of utility infrastructure that currently utilizes the overcrossing. The realignment of East or West Stockton Boulevard could result in utility relocations, which could potentially result in the temporary disruption of service to customers within or surrounding the project area. Additionally, the East Stockton Boulevard realignment would require the relocation of water mains to match the new road alignment and water service to customers could potentially be disrupted during this time.

Finding: Based upon the analysis presented in Section 2.1.4 of the Recirculated Draft EIR/EA and considering the information contained in the administrative record, the City hereby finds that impacts associated with utility relocation would be **less than significant** as a result of implementation of either alternative. Because the City of Elk Grove General Plan Policies PF-2 and PF-7, requiring the City to coordinate with utility providers during project planning and construction, are in place and would be followed, and those directly affected by disruptions in service would be notified in advance, any potential impact would be less than significant.

Reference: Recirculated Draft EIR/EA pages 2.1-44 through 2.1-45.

2.1.5 Transportation and Circulation

Design Year (2025) Conditions

Freeway mainlines, ramp junctions, and intersections in the project study area would operate at unacceptable levels of service (LOS) and would be inconsistent with the City of Elk Grove General Plan Policies related to streets and roads in urban and rural areas with implementation of either alternative.

Finding: Based upon the analysis presented in Section 2.1.5 of the Recirculated Draft EIR/EA and considering the information contained in the administrative record, the City hereby finds that impacts associated with LOS conditions at several freeway mainline locations, ramp junctions, and intersection in the project study area would be **less than significant**. Implementation of either alternative would improve existing traffic operations and conditions for the immediate and foreseeable future as compared to no project conditions.

Reference: Recirculated Draft EIR/EA page 2.1-76 through 2.1-85 and the Traffic Report for the State Route 99/Sheldon Road Interchange Project Study Report.

2.2.1 Hydrology and Floodplain

Surface Hydrology

Implementation of either alternative would replace the existing pump plant that sits adjacent to State Route 99 in the southwest quadrant. The underground storage tanks would also be enlarged to provide the additional capacity required to accommodate the increase in stormwater flows draining toward the sag.

Finding: Based upon the analysis presented in Section 2.2.1 of the Recirculated Draft EIR/EA and considering the information contained in the administrative record, the City hereby finds that impacts associated with surface hydrology would be **less than significant** as a result of the implementation of either alternative. Substantial impacts to surface hydrology would result if the project would: generate substantial stormwater runoff, substantially alter the course, direction, or volume of surface water flows, or substantially degrade or deplete groundwater resources. Implementation of the project would not substantially change the drainage pattern in the project area or increase the impervious surfaces. As a result, the

project would not generate substantial stormwater runoff, alter the course or volume of surface water flows, or degrade or deplete groundwater resources.

Reference: Recirculated Draft EIR/EA pages 2.2-3 through 2.2-8 and the Preliminary Drainage Report.

Flooding

Implementation of either alternative would encroach upon the current 100-year floodplain at the 'old' Whitehouse Creek channel upon the realignment of East Stockton Boulevard and would affect the southeast quadrant of the project area. Four configurations have been proposed to remove obstruction of Laguna Creek flows during 100-year flood conditions.

Finding: Based upon the analysis presented in Section 2.2.1 of the Recirculated Draft EIR/EA and considering the information contained in the administrative record, the City hereby finds that impacts related to flooding would be **less than significant** as a result of the implementation of either alternative.

Reference: Recirculated Draft EIR/EA pages 2.2-9 through 2.2-19.

2.2.3 Geological and Soil Resources

Faults and Seismicity

The project site is not located in a seismically active region. The project would be designed in conformance with applicable construction standards. Therefore, seismically related impacts are considered less than significant.

Finding: Based upon the analysis presented in Section 2.2.3 of the Recirculated Draft EIR/EA and considering the information contained in the administrative record, the City hereby finds that seismically related impacts would be **less than significant** with the implementation of either alternative. The project site is not located in a seismically active region. Furthermore, the project would be designed in conformance with applicable construction standards.

Reference: Recirculated Draft EIR/EA pages 2.2-25 through 2.2-32.

2.2.5 Air Quality

Implementation of either alternative may have the potential to violate ambient air quality standards, contribute substantially to existing or projected air quality violations, or expose sensitive receptors to substantial pollutant concentrations.

Carbon Monoxide

Finding: Based upon the analysis presented in section 2.2.5 of the Recirculated Draft EIR/EA and considering the information contained in the administrative record, the City hereby finds that impacts associated with increased levels of carbon monoxide would be **less than significant** with the implementation of either alternative. The project would

improve traffic congestion and reduce delays and would not generate carbon monoxide concentrations above the federal and state ambient air quality standards.

Reference: Recirculated Draft EIR/EA pages 2.2-53 through 2.2-65.

PM₁₀

Finding: Based upon the analysis presented in section 2.2.5 of the Recirculated Draft EIR/EA and considering the information contained in the administrative record, the City hereby finds that impacts associated PM₁₀ would be **less than significant** as a result of the implementation of either alternative. Implementation of the project would improve traffic congestion and reduce delays and would not contribute to a PM₁₀ hotspot that would cause or contribute to violations of the National Ambient Air Quality Standard.

Reference: Recirculated Draft EIR/EA pages 2.2-53 through 2.2-65.

2.2.6 Noise

Construction Impacts

Implementation of either alternative would increase the noise environment in the immediate area during the construction phase of the project. Activities involved in construction would generate noise levels ranging from 70 to 90 dB at a distance of 15 meters (50 feet). Construction impacts could be substantial if nighttime operations or use of unusually noisy equipment were to occur.

Finding: Based upon the analysis presented in Section 2.2.6 of the Recirculated Draft EIR/EA and considering the information contained in the administrative record, the City hereby finds that noise impacts related to construction activities would be **less than significant** as a result of the implementation of either alternative. Noise levels associated with operation of heavy equipment would be temporarily elevated during construction, however construction activities would be temporary in nature, typically occurring during normal working hours, and would not result in a permanent increase in noise.

Reference: Recirculated Draft EIR/EA pages 2.2-66 through 2.2-83.

2.3.4 Invasive Species

Implementation of either alternative would not introduce any invasive or exotic species on- or off-site of the project area. No invasive species were identified in the surveys completed by Foothill Associates for the last three years, only native and non-native grasslands were identified. The City of Elk Grove will use native seed mix for landscaping and erosion control within areas disturbed by the project.

Finding: Based upon the analysis presented in Section 2.3.6 of the Recirculated Draft EIR/EA and considering the information contained in the administrative record, the City hereby finds that impacts involving invasive species would be **less than significant** with the implementation of either alternative. Impacts involving invasive species may be considered significant if the project would introduce or result in the proliferation of

invasive species in the project area. No invasive species have been identified at the project site and none would be introduced by the project.

Reference: Recirculated Draft EIR/EA page 2.3-76.

2. Findings Associated with Significant, Potentially Significant, and Cumulatively Significant Impacts that can be Mitigated to a Less Than Significant Level

The City of Elk Grove (City) hereby adopts and makes the following findings relating to its approval of the Sheldon Road/State Route 99 Interchange Improvement Project (project). Having received, reviewed, and considered the entire record, both written and oral, relating to the project and associated Recirculated Draft and Final Environmental Impact Report/Environmental Assessment, the City makes the following findings associated with significant, potentially significant, and cumulative significant impacts which can be mitigated to a less than significant level through implementation of mitigation measures identified in the Final EIR/EA:

2.1.3 Community Impacts (Social, Economic) and Environmental Justice

Relocations

Impact 2.1.3-1 Implementation of Alternative 2A could remove two (2) RVs that may be outside of the RV park's boundary and within the City of Sacramento's right-of-way. Alternative 3A could remove two RVs that are located within the Laguna Village property boundary. The displacement of RV residents without compensation would be a **potentially significant impact**, however all relocations would be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and Title VI of the Civil Rights Act of 1964. Title VI prohibits discrimination based on race, color, religion, sex, disabilities, age, and national origin in providing services and benefits on federally assisted projects.

Mitigation Measures

MM 2.1.3-1 Standard relocation measures are required by law and would be adhered to throughout relocation efforts. Relocation assistance payments and counseling would be provided to persons and businesses in accordance with the Federal Uniform Relocation Assistance and Real Properties Acquisition Policies Act, as amended, to ensure adequate relocation and a decent, safe, and sanitary home for displaced residents. All eligible displacees would be entitled to moving expenses. All benefits and services would be provided equitably to all relocated residential and business without regard to race, color, religion, age, national origins, or disability as specified under Title VI of the Civil Rights Act of 1964.

Finding: Mitigation Measure Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that relocation assistance has been required in, or incorporated into, the project that would substantially lessen the significant environmental effects to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.1.3-1** is a feasible mitigation measure to offset the impact and is, therefore, adopted.

Facts that Support the Finding: Mitigation measure **MM 2.1.3-1** will ensure that those displaced receive adequate compensation for the displacement through the Relocation Assistance Program, reducing impacts to **less than significant**.

Reference: Recirculated Draft EIR/EA pages 2.1-25 through 2.1-31

2.1.4 Utilities and Emergency Services

Emergency Services

Impact 2.1.4-1 Construction activities associated with the implementation of the project have the potential to obstruct or delay emergency vehicle access through the project area. If emergency vehicles cannot pass through the construction area, or if the construction activities result in a substantial delay in emergency vehicles passing through the construction area, residents and property in the area could be substantially impacted.

Mitigation Measures

MM 2.1.4-1a During construction, one lane of the Sheldon Road/SR 99 overcrossing shall be kept open at all times to maintain emergency vehicle access through the area. At no time during the construction period will the entire width of the overcrossing be closed to emergency vehicle traffic.

MM 2.1.4-1b Prior to the start of construction, a Traffic Management Plan shall be developed that would reduce delays and obstructions caused by construction detours to the greatest extent possible. The Plan developers shall coordinate with emergency service providers (i.e., fire and police) during plan development to insure that traffic control measures proposed in the plan would meet the needs of the service providers. These detours shall be provided to all emergency service entities prior to their implementation to avoid impacts to emergency response times.

Finding: Mitigation Measures Feasible and Required. Pursuant to Public Resources Code 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.1.4-1a** and **MM 2.1.4-1b** are feasible mitigation measures to offset the impact and are, therefore, adopted.

Facts that Support the Finding: Mitigation measures **MM 2.1.4-1a** and **MM 2.1.4-1b** will ensure that emergency services to residents and property in the area are not obstructed or delayed, thus reducing impacts to **less than significant**.

Reference: Recirculated Draft EIR/EA pages 2.1-46 through 2.1-47

2.1.5 Traffic and Transportation/Pedestrian and Bicycle System

Construction Year (2006) Conditions

Impact 2.1.5-1 Implementation of Alternative 2A or 3A may induce vehicle travel to the project study area under 2006 conditions. The amount of induced travel resulting from implementation of the project alternatives is uncertain.

Mitigation Measure

MM 2.1.5-1 Traffic conditions at the off-site study intersections will be monitored for peak hour volume and levels of service, and improvements necessary to maintain levels of service consistent with Policy CI-10 of the City of Elk Grove General Plan will be funded and constructed.

Finding: Mitigation Measure Feasible and Required. Pursuant to Public Resources Code 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.1.5-1** is a feasible mitigation measure to offset the impact and is, therefore, adopted.

Facts that Support the Finding: Mitigation measure **MM 2.1.5-1** will reduce the impact from induced travel to the area to a **less than significant** level by ensuring that area roadways operate at an acceptable level of service, pursuant to City of Elk Grove General Plan policies.

Reference: Recirculated Draft EIR/EA pages 2.1-68 through 2.1-69

Construction Impacts

Impact 2.1.5-2 Construction activities associated with the implementation of the project have the potential to obstruct or delay Regional Transit bus service and public school bus service access through the project area. If public/school transportation vehicles cannot pass through the construction area, or if the construction activities result in a substantial delay in public/school transportation vehicles passing through the construction area, residents in the area could be impacted.

Mitigation Measure

MM 2.1.5-2 Prior to the start of construction, a Traffic Management Plan (TMP) shall be developed in coordination with the City of Sacramento Traffic Engineer that would reduce delays and obstructions caused by construction activities to the greatest extent possible. The Plan developers shall coordinate with public and school transportation providers during plan development to insure that traffic control measures proposed in the plan would meet the needs of the service providers. Construction detours shall be provided to all public and school transportation providers who utilize the project area prior to the TMP's implementation, to avoid impacts to public and school transportation services. The TMP shall be submitted to the City of Elk Grove and City of Sacramento for review and approval prior to the start of construction.

Finding: Mitigation Measure Feasible and Required. Pursuant to Public Resources Code 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.1.5-2** is a feasible mitigation measure to offset the impact and is, therefore, adopted.

Facts that Support the Finding: Mitigation measure **MM 2.1.5-2** will ensure that potential obstructions or delays to public/school transportation vehicles are reduced by requiring coordination with transportation providers, reducing impacts to **less than significant**.

Reference: Recirculated Draft EIR/EA pages 2.1-69 to 2.1-70

Impact 2.1.5-3 Construction activities for the project may temporarily disrupt traffic in the project area. Temporary lane closures or traffic detours required to accommodate construction activities may disrupt regular traffic flow in and surrounding the project area, causing traffic congestion and/or queuing. Additionally, construction activities may result in queuing from the project area onto the freeway mainline of SR 99, particularly during peak AM and PM hours.

Mitigation Measure

MM 2.1.5-3 The contractor shall complete a Traffic Control Plan that would reduce construction-related traffic congestion to the greatest extent feasible, and submit it to Caltrans for review and to the City of Elk Grove Public Works Department for approval, prior to beginning construction. The Caltrans Traffic Manual, Chapter 5, provides information on "Traffic Controls for Highway Construction and Maintenance Operations," and may be referenced during the development of the Traffic Control Plan. The Traffic Control Plan should consider the placement of electronic signs in advance of the Sheldon Road/SR 99 interchange off-ramps to provide advance notification of construction activities and showing the duration of the project's construction dates. Additionally, the sign may recommend that motorists use alternate interchanges, such as the Cosumnes River Boulevard-Calvine Road interchange and the Laguna Boulevard-Bond Road interchange during the Sheldon Road/SR 99 Interchange Improvement project construction period. To the extent possible, construction shall be limited during the AM and PM peak hours to avoid exacerbating congestion in the area.

Finding: Mitigation Measure Feasible and Required. Pursuant to Public Resources Code 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.1.5-3** is a feasible mitigation measure to offset the impact and is, therefore, adopted.

Facts that Support the Finding: Mitigation measure **MM 2.1.5-3** will ensure reduced construction related traffic congestion by requiring the development and submittal of a

Traffic Control Plan to Caltrans and the City of Elk Grove, reducing impacts to **less than significant**.

Reference: Recirculated Draft EIR/EA pages 2.1-70 to 2.1-71

Impact 2.1.5-4 Construction activities for the project would temporarily increase the amount of traffic on the project area roadways. The construction equipment and personnel to be used for the project are not known at this time, however, substantial construction traffic is expected during the construction period. Vehicular traffic associated with the project construction primarily consists of trucks used for the delivery and hauling of construction materials to and from the site, the hauling of dirt and demolition debris, the daily use of heavy earth-moving and other construction equipment, and the travel to and from the site by construction workers and inspectors. Additional traffic would be generated from construction workers commuting to the site and the transportation of construction vehicles and equipment. Some of the construction vehicles and equipment would be left on-site for the duration of their use, while other construction vehicles would make daily trips to the project site. The need for certain types and number of vehicles and equipment would depend on the phase of the project. Construction activities creating the most traffic would involve heavy haul trucks removing demolition material or importing fill.

Mitigation Measure

MM 2.1.5-4 Construction traffic involving heavy haulers moving demolition material from the project site or moving fill to the project site shall operate outside of AM and PM peak traffic hours. This requirement shall be included in the construction contract.

Finding: Mitigation Measure Feasible and Required. Pursuant to Public Resources Code 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.1.5-4** is a feasible mitigation measure to offset the impact and is, therefore, adopted.

Facts that Support the Finding: Mitigation measure **MM 2.1.5-4** will ensure that increased traffic due to large construction equipment be reduced to a level that is **less than significant** by requiring the construction contract to include limited hours of operation, avoiding AM and PM peak traffic hours.

Reference: Recirculated Draft EIR/EA pages 2.1-70 to 2.1-71

Impact 2.1.5-5 Construction activities associated with the intersection improvements could result in damage to project area roadways. Construction of the intersection improvements would involve extensive construction activities along Sheldon Road. These construction activities involve the use of heavy hauler trucks to export demolition material and import fill. The movement of these trucks could damage project area roadways.

Mitigation Measure

MM 2.1.5-5 Following the completion of construction activities, the construction contractor shall repair any project-related roadway damage in both the City of Elk Grove and the City of Sacramento, including new overlays on affected roadways. This requirement shall be included in the project construction contract.

Finding: Mitigation Measure Feasible and Required. Pursuant to Public Resources Code 21081 (a) and CEQA Guidelines Section 15091 (a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.1.5-5** is a feasible mitigation measure to offset the impact and is, therefore, adopted.

Facts that Support the Finding: Mitigation measure **MM 2.1.5-5** will ensure that project related roadway damage is repaired, reducing impacts to project area roadways to **less than significant**.

Reference: Recirculated Draft EIR/EA page 2.1-71

2.1.6 Cultural and Historic Resources

Impact 2.1.6-1 Earth moving during construction could potentially disturb previously undiscovered cultural resources. Mitigation Measure 2.1.6-1 below shall be implemented to address this potential impact.

Mitigation Measure

MM 2.1.6-1 While there are no historic properties or historical resources in the project APE, the following measures will be implemented to reduce any potential impacts to undiscovered cultural resources:

- If buried cultural materials are encountered during construction, work shall stop in that area until a qualified archaeologist can evaluate the nature and significance of the find(s). In addition, further investigations may be needed if the project changes to include areas not previously surveyed.
- If human remains are discovered, State Health and Safety Code Section 7050.5 states that disturbances and activities shall cease in vicinity of the find and the County Coroner must be notified of the find immediately so that he/she may ascertain the origin of the remains. The provisions of 36 CFR 800.13 shall be followed to avoid, minimize, or mitigate adverse effects to the discovered remains.

Finding: Mitigation Measure Feasible and Required. Pursuant to Public Resources Code 21081 (a) and CEQA Guidelines Section 15091 (a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level

with the implementation of either alternative. The City further finds that **MM 2.1.6-1** is a feasible mitigation measure to offset the impact and is, therefore, adopted.

Facts that Support the Finding: Mitigation measure **MM 2.1.6-1** will ensure that impacts to buried cultural materials and human remains are reduced to **less than significant** by placing protective measures on the findings of these cultural resources.

Reference: Recirculated Draft EIR/EA page 2.1-88

2.2.2 Water Quality and Stormwater Run-Off

Impact 2.2.2-1 Soil disturbance associated with construction activities for the proposed project could release pollutants to adjacent waterways. In addition, grading operations could impact surface runoff by increasing the amount of silt and debris carried by the storm water runoff. The release of pollutants could be increased during the rainy season, which generally begins in October and ends in April.

Mitigation Measure

MM 2.2.2-1 Prior to grading activities, the construction contractor shall prepare a Storm Water Pollution and Prevention Plan (SWPPP) for the project to be administered through all phases of grading and project construction. The SWPPP shall incorporate Best Management Practices (BMPs) to ensure that potential water quality impacts during construction phases are minimized. The SWPPP shall address spill prevention and include a countermeasure plan describing measures to ensure proper collection and disposal of all pollutants handled or produced on the site during construction, including sanitary wastes, cement, and petroleum products. These measures shall be consistent with the City of Elk Grove's Drainage Manual and Land Grading and Erosion Control Ordinance may include (1) restricting grading to the dry season; (2) protecting all finished graded slopes from erosion using such techniques as erosion control matting and hydro-seeding; (3) protecting downstream storm drainage inlets from sedimentation; (4) use of silt fencing and hay bales to retain sediment on the project site; and (5) any other suitable measures. The SWPPP shall be submitted to the Central Valley Regional Water Quality Control Board and to the City for review and approval.

Finding: Mitigation Measure Feasible and Required. Pursuant to Public Resources Code 21081 (a) and CEQA Guidelines Section 15091 (a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.2.2-1** is a feasible mitigation measure to offset the impacts and is, therefore, adopted.

Facts that Support the Finding: Mitigation measure **MM 2.2.2-1** will ensure that water quality impacts are minimized to a **less than significant** level by requiring the preparation and implementation of a SWPPP that meets the performance requirements of the City's Drainage and Erosions Control Ordinance.

Reference: Recirculated Draft EIR/EA pages 2.2-23 through 2.2-24

Impact 2.2.2-2 Refueling and the parking of construction equipment and other vehicles onsite during construction could result in spills of oil, grease, or related pollutants that may eventually discharge into water resources in the project vicinity. Improper handling, storage, disposal of fuels and materials, or improper cleaning of machinery could cause water quality degradation.

Mitigation Measure

Mitigation Measure **MM 2.2.2-1** would serve to reduce this impact to a less than significant level.

Finding: Mitigation Measure Feasible and Required. Pursuant to Public Resources Code 21081 (a) and CEQA Guidelines Section 15091 (a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.2.2-1** is a feasible mitigation measure to offset the impacts and is, therefore, adopted.

Facts that Support the Finding: Mitigation measure **MM 2.2.2-1** will ensure that water quality impacts are minimized to a **less than significant** level by requiring the preparation and implementation of a SWPPP that meets the performance requirements of the City's Drainage and Erosions Control Ordinance.

Reference: Recirculated Draft EIR/EA pages 2.2-23 through 2.2-24

2.2.3 Geological and Soil Resources

Soil Impacts

Impact 2.2.3-1 According to the USDA Soil Conservation Service, Soil Survey of Sacramento County, California, 1993, the project site is located in an area with a high shrink-swell potential. This could result in structure settlement and potential damage from differential settlement.

Mitigation Measure

MM 2.2.3-1 Prior to approval of grading or improvement plans, whichever occurs first, the City of Elk Grove shall conduct a soil sample and laboratory test to determine the expansion potential and stability of the soil for development of the project site. If it is determined that the area contains expansive soils, one or more of the following mitigation measures shall be employed to remove the expansive soils:

- Expansive soils shall be excavated and replaced with non-expansive materials. The required depth of excavation shall be specified by a registered civil engineer based on actual soil conditions;
- Expansive soils shall be treated in place by mixing them with lime. Lime-treatment alters the chemical composition of the expansive clay minerals such that the soil becomes non-expansive; or

-
- Other engineering practices for mitigation of expansive soil conditions considered appropriate by Caltrans and the City of Elk Grove Public Works Department shall be implemented.

Finding: Mitigation Measure Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.2.3-1** is a feasible mitigation measure to offset the impact and is, therefore, adopted.

Facts that Support the Finding: Mitigation measure **MM 2.2.3-1** will ensure that impacts associated with expansive soils are reduced to **less than significant** by insuring identification of any soils with high shrink-swell potential and appropriate remediation of these soils to provide adequate structural integrity.

Reference: Recirculated Draft EIR/EA pages 2.2-31 through 2.2-32

Erosion Impacts

Impact 2.2.3-2 Construction of the project would involve grading, other earth movement, and the use of heavy machinery. There is the potential for erosion resulting from the construction of the project.

Mitigation Measure

MM 2.2.3-2 Under the requirements of the Clean Water Act amendments of 1972, the project construction contractor would be required to file a notice of intent (NOI) under the State's NPDES General Construction Permit (CAS0002). The City would be required to adhere to conditions under the City's NPDES permit set forth by the Regional Water Quality Control Board (RWQCB) and also prepare and submit a Storm Water Pollution Prevention Plan (SWPPP) to be administered throughout all phases of grading and project construction. The SWPPP would incorporate BMPs to ensure that potential water quality impacts during construction are minimized. BMPs that would be implemented during site grading and construction are included in the Water Quality Section of this EIR/EA. Implementation of this mitigation would reduce the potential for erosion and sedimentation impact to water resources.

Finding: Mitigation Measure Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.2.3-2** is a feasible mitigation measure to offset the impact and is, therefore, adopted.

Facts that Support the Finding: Mitigation measure **MM 2.2.3-2** will ensure that impacts associated with erosion are reduced to **less than significant** by requiring that a notice of intent and an adequate SWPPP are prepared and adhered to.

Reference: Recirculated Draft EIR/EA page 2.2-33

2.2.4 Hazardous Waste/Materials

Pesticides and Herbicides

Impact 2.2.4-1 Development within the Sheldon Road/SR 99 interchange area may expose residents or construction workers to residues from past herbicide or pesticide applications.

Mitigation Measure

MM 2.2.4-1 During the plans, specifications, and estimates (PS&E) phase of project development, Phase II soil sampling for herbicide/pesticide contamination shall be conducted within areas of potential herbicide/pesticide contamination (former agricultural lands primarily in the northeast quadrant). If substances are detected at concentrations that could pose a health hazard and/or violate local, state, or federal health standards, remediation of the affected areas shall be undertaken in accordance with the requirements of the City of Elk Grove and the Sacramento County Environmental Management Department. Development of the site shall not commence until the City, in consultation with the Sacramento County Environmental Management Department, deems the site remediated and clear for development.

Finding: Mitigation Measure Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.2.4-1** is a feasible mitigation measure to offset the impact and is, therefore, adopted.

Facts that Support the Finding: Mitigation measure **MM 2.2.4-1** will ensure that potential impacts associated with residues from past herbicide or pesticide applications are reduced to **less than significant** by identifying remnant hazardous materials within the project area and insuring appropriate remediation prior to development of the contaminated property.

Reference: Recirculated Draft EIR/EA page 2.2-38 through 2.2-40

Asbestos

Impact 2.2.4-2 The potential exists for possible asbestos containing materials (ACMs) from buildings, the existing overpass structure, and cementitious pipe currently located on the project site. Demolition of these structures could release asbestos into the atmosphere.

Mitigation Measures

MM 2.2.4-2a During the plans, specifications, and estimates (PS&E) phase of project development, a California Certified Asbestos Consultant shall conduct asbestos material sampling to identify ACMs. If substances are detected at concentrations that could pose a health hazard, physical barriers will be installed to prevent asbestos emissions upon removal of ACMs (i.e., tenting). An onsite asbestos removal professional trained in the Asbestos Hazard Emergency Response Act (AHERA) and meeting the U.S. Environmental Protection Agency Asbestos Abatement Consultant Certification requirements shall be retained to oversee proper asbestos waste maintenance and handling.

MM 2.2.4-2b Any identified asbestos containing building materials present in each of the structures to be dismantled shall be removed under acceptable engineering methods and work practices by a licensed asbestos abatement contractor prior to removal. These practices include, but are not limited to: containment of the area by plastic, negative air filtration, wet removal techniques and personal respiratory protection and decontamination. The process shall be designed and monitored by a California Certified Asbestos Consultant. The abatement and monitoring plan shall be developed and submitted for review and approval by the appropriate regulatory agency (the Sacramento Metropolitan Air Pollution Management District).

MM 2.2.4-2c Demolition activities for the existing overpass structure shall be performed in compliance with National Emission Standards for Hazardous Air Pollutants (NESHAP), which requires permits from Sacramento Metropolitan Air Quality District. This requirement shall be included in construction contracts.

Finding: Mitigation Measures Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.2.4-2a** through **MM2.2.4-2c** are feasible mitigation measures to offset the impact and are, therefore, adopted.

Facts that Support the Finding: Mitigation measures **MM 2.2.4-2a** through **MM 2.2.4-2c** will reduce impacts to a **less than significant** level by identifying asbestos materials within the project area and insuring appropriate remediation and disposal during project construction.

Reference: Recirculated Draft EIR/EA page 2.2-45 through 2.2-46

Lead Materials

Impact 2.2.4-3 During demolition, removal, construction, and grading activities, construction within the Sheldon Road/SR 99 interchange area could result in the disturbance of lead-based materials and expose persons to airborne lead material.

Mitigation Measures

- MM 2.2.4-3a** During the plans, specifications, and estimates (PS&E) phase of project development, Phase II sampling shall be conducted within areas where lead could be present (paint on buildings to be demolished and yellow thermoplastic striping). If hazardous levels of lead materials are found, the materials shall be removed and disposed of by a licensed and certified lead removal contractor. The contractor shall take appropriate precautions to protect workers, the surrounding community, and to dispose of construction waste containing lead in accordance with local, state, and federal regulations.
- MM 2.2.4-3b** During the plans, specifications, and estimates (PS&E) phase of project development, Phase II soil sampling shall be conducted within areas of potential aerially deposited lead contamination (along existing Caltrans right-of-way). If lead is detected in the soil at concentrations that could pose a health hazard and/or violate local, state, or federal health standards, remediation of the affected areas shall be undertaken in accordance with the requirements of the City of Elk Grove and the Sacramento County Environmental Management Department. Development of the site shall not commence until the City, in consultation with the Sacramento County Environmental Management Department, deems the site remediated and clear for development. If signs of potential contamination (odors, discolored soil, etc.) are observed during construction activity in areas where Phase II sampling was not conducted, sampling and analysis and appropriate remediation shall be conducted.
- MM 2.2.4-3c** Project construction activities shall be conducted in compliance with Caltrans Guidelines associated with aerially deposited lead. This requirement shall be included in construction contracts.
- MM 2.2.4-3d** The Contractor shall prepare a project specific Lead Compliance Plan to prevent or minimize worker exposure to lead while handling removed yellow thermoplastic and yellow paint residue in accordance with Title 8, California Code of Regulations, Section 1532.1, "Lead," for specific Cal-OSHA requirements when working with lead. Additionally, the Lead Compliance Plan shall contain the elements listed in Title 8, California Code of Regulations, Section 1532.1(e)(2)(B). Before submission to the engineer, an Industrial Hygienist certified in Comprehensive Practice by the American Board of Industrial Hygiene shall approve the Lead Compliance Plan. The Plan shall be submitted to the Engineer at least seven (7) days prior to beginning removal of yellow thermoplastic and yellow paint.¹ The yellow thermoplastic striping shall be removed and disposed of in accordance with the Caltrans Standard Specifications, Sections 15-2.02B and 15-2.03 and Standard Special Provisions for removal of yellow traffic stripe and pavement markings.

¹ Accessed: http://www.dot.ca.gov/hq/esc/oe/specifications/SSPs/99-SSPs/Sec_10/15/15-300_A08-17-01.doc on January 12, 2004.

Finding: Mitigation Measures Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.2.4-3a** through **MM 2.2.4-3d** are feasible mitigation measures to offset the impact and are, therefore, adopted.

Facts that Support the Finding: Mitigation measures **MM 2.2.4-3a** through **MM 2.2.4-3d** will reduce impacts to a **less than significant** level by identifying lead materials in the project area and insuring appropriate remediation during project construction.

Reference: Recirculated Draft EIR/EA pages 2.2-47 through 2.2-48

Leaking Underground Storage Tanks

Impact 2.2.4-4 Residual soil contamination associated with known and unknown releases from underground storage tanks (USTs) may remain on properties surrounding the interchange. During removal and construction activities, construction within the Sheldon Road/SR 99 interchange area could result in the disturbance of contaminated soils and expose persons to hazardous airborne material.

Mitigation Measures

MM 2.2.4-4a During the plans, specifications, and estimates (PS&E) phase of project development, Phase II soil sampling shall be conducted within areas where UST and waste oil releases have been known to occur. If contaminated soil is detected at concentrations that could pose a health hazard and/or violate local, state, or federal health standards, remediation of the affected areas shall be undertaken in accordance with the requirements of the City of Elk Grove and the Sacramento County Environmental Management Department. Development of the site shall not commence until the City, in consultation with the Sacramento County Environmental Management Department, deems the site remediated and clear for development.

MM 2.2.4-4b If any unknown UST is encountered during excavation, additional assessment shall be required depending on the conditions encountered (e.g. odor or sheen apparent). Work shall stop until the completion of a Phase II Hazardous Waste Investigation is completed to determine the extent of the contamination and remediation. In the event that contamination is not found, the construction may proceed, but if contamination is found, a hazardous waste remediation plan shall be developed and implemented throughout construction. If substances are detected at concentrations that could pose a health hazard and/or violate local, state, or federal health standards, remediation of the affected areas shall be undertaken in accordance with the requirements of the City of Elk Grove and the Sacramento County Environmental Management Department. Development of the site shall not commence until the City in consultation with the Sacramento County Environmental Management Department deems the site remediated and clear for development.

MM 2.2.4-4c The Environmental Management Department recommends that the Transportation Division develop a contingency plan to manage Underground Storage Tanks (USTs) if they are encountered during project implementation. The Hazardous Management District should be consulted if contaminated soils are encountered during construction. A contingency plan should be developed in the event that construction activities uncover unforeseen contamination that may hinder the progress of the project; and it is recommended that the Transportation Division consult with the County Counsel's Office regarding potential liabilities if contamination is encountered during construction activities.

Finding: Mitigation Measures Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.2.4-4a** through **MM 2.2.4-4c** are feasible mitigation measures to offset the impact and are, therefore, adopted.

Facts that Support the Finding: Mitigation measures **MM 2.2.4-4a** through **MM 2.2.4-4c** will ensure that human exposure to hazardous airborne material from underground storage tanks is reduced to **less than significant** by identifying hazardous materials in the project area and insuring appropriate remediation, as well as by placing protective measures on construction activities in case of discovery of unknown hazards during construction.

Reference: Recirculated Draft EIR/EA pages 2.2-48 through 2.2-49

Irrigation and Water Supply Wells

Impact 2.2.4-5 If right-of-way is taken from any parcels containing domestic or irrigation wells, wells may be abandoned. Incorrectly abandoned wells have the potential to pose a water supply contamination hazard or a falling hazard.

Mitigation Measure

MM 2.2.4-5 If right-of-way is obtained from any parcel containing water supply wells, the wells shall be properly abandoned under permit and observation by the Sacramento County Environmental Management Department, and all applicable state and local regulations. It is recommended that the City of Elk Grove closely inspect any farm property from which right-of-way may be acquired.

Finding: Mitigation Measure Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.2.4-5** is a feasible mitigation measure to offset the impact and is, therefore, adopted.

Facts that Support the Finding: Mitigation measure **MM 2.2.4-5** will ensure that impacts associated with the abandonment of wells are reduced to **less than significant** by requiring well abandonment to be conducted safely and according to applicable state and local regulations.

Reference: Recirculated Draft EIR/EA page 2.2-49

Soil Piles

Impact 2.2.4-6 Soil piles of unknown origin have the potential to contain hazardous materials. The potential for human exposure to hazardous materials exists if the soil piles are disturbed during construction.

Mitigation Measures

MM 2.2.4-6a The City of Elk Grove shall identify the source of the fill dirt to verify if fill material originated from a contaminated site. During the plans, specifications, and estimates (PS&E) phase of project development, Phase II soil sampling of the soil piles shall be conducted to determine if they contain hazardous materials. In the event that the soil is not contaminated, the construction may proceed, but if the soil is contaminated, a hazardous waste remediation plan shall be developed and implemented throughout construction. If substances are detected at concentrations that could pose a health hazard and/or violate local, state, or federal health standards, remediation of the affected areas shall be undertaken in accordance with the requirements of the City of Elk Grove and the Sacramento County Environmental Management Department. Development of the site shall not commence until the City in consultation with the Sacramento County Environmental Management Department deems the site remediated and clear for development.

MM 2.2.4-6b If contaminated soil is encountered elsewhere during excavation or grading, the construction contractors shall stop work and contact an environmental hazardous materials professional to conduct an onsite assessment. If the materials are determined to pose a risk to the public or construction workers, the construction contractor shall prepare and submit a remediation plan to the appropriate agency and comply with all federal, state, and local laws. Soil remediation methods could include excavation and onsite treatment, excavation and offsite treatment or disposal, and/or treatment without excavation. Construction plans shall be modified or postponed to ensure construction will not inhibit remediation activities and will not expose the public or construction workers to hazardous conditions.

Finding: Mitigation Measures Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.2.4-6a** and **MM 2.2.4-6b** are feasible mitigation measures to offset the impact and are, therefore, adopted.

Facts that Support the Finding: Mitigation measures **MM 2.2.4-6a** and **MM 2.2.4-6b** will ensure that impacts associated with the disturbance of unexamined soil piles are reduced to **less than significant** by identifying hazardous materials in the piles and insuring appropriate remediation prior to development of the contaminated piles.

Reference: Recirculated Draft EIR/EA page 2.2-50

2.2.5 Air Quality

Construction Impacts

Impact 2.2.5-1 The proposed project would generate air pollutants during construction. Trucks and construction equipment emit hydrocarbons, oxides of nitrogen, carbon monoxide, and particulates. Most pollution would consist of wind-blown dust generated by excavation, grading, hauling and various other activities. The impacts from the above activities would vary from day to day as construction progresses. The special provisions and standard specifications would include requirements to minimize or eliminate dust through the application of BMPs and water or dust palliatives.

Mitigation Measures

MM 2.2.5-1a The City of Elk Grove shall submit to the SMAQMD a construction emission/dust control plan and receive approval before groundbreaking. Construction of the proposed project is required to comply with all applicable SMAQMD rules and regulations, specifically Rule 403 regarding fugitive dust, Rule 442 regarding architectural coatings, and Rule 453 regarding asphalt paving. In accordance with the recommendations of the SMAQMD, the City of Elk Grove shall also implement the following measures to reduce temporary construction emissions:

MM 2.2.5-1b As recommended by the SMAQMD (2003), the City shall implement the following measures (where feasible) to reduce NOx and visible emissions from heavy-duty diesel equipment.

- (1) The City shall provide a plan for approval by the SMAQMD demonstrating that the heavy duty [> 50 horsepower (hp)], off-road vehicles to be used in the construction project, including owned, leased, and subcontractor vehicles, will achieve a project-wide fleet-average 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average at the time of construction. The project representative shall submit a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 hp that will be used an aggregate of 40 or more hours during any portion of the project. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction operations occur. At least 48 hours before subject heavy-duty off-road equipment is used, the City shall provide the SMAQMD with the anticipated construction timeline including

start date, and the name and phone number of the project manager and onsite foreman. Acceptable options for reducing emissions include the use of late-model engines, low-emission diesel products, alternative fuels, particulate matter traps, engine profit technology, after-treatment products, and/or such options as become available.²

- (2) The City shall ensure that emissions from off-road, diesel-powered equipment used on the project site do not exceed 40 percent opacity for more than three (3) minutes in any one (1) hour. Any equipment found to exceed 40 percent opacity (or Ringlemann 2.0) shall be repaired immediately, and the SMAQMD shall be notified of non-compliant equipment within 48 hours of identification. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of visual survey results shall be submitted throughout the duration of the construction project, except that the monthly summary shall not be required for any 30-day period in which no construction operations occur. The monthly survey shall include the quantity and type of vehicles surveyed, as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. The above recommendations shall not supersede other SMAQMD or state rules and regulations.
- (3) The city's primary contractor shall be responsible for ensuring that all heavy-duty equipment is properly tuned and maintained, in accordance with manufacturers' specifications.

MM 2.2.5-1c As recommended by the SMAQMD (1994b), the City shall reduce fugitive dust emissions, in compliance with Rule 403, by implementing the measures listed below.

- (1) All disturbed areas, including storage piles that are not being actively used for construction purposes, shall be effectively stabilized of dust emissions using water, a chemical stabilizer or suppressant, or vegetative ground cover.
- (2) All onsite unpaved roads and offsite unpaved access roads shall be effectively stabilized of dust emissions using water or a chemical stabilizer or suppressant.

² Both Caltrans (Department) and FHWA cannot concur with any mitigation measures that require the contractor to use a construction fleet emitting 20% lower emissions than the average fleet at the time of construction. In view of the Department's obligation under the California Public Contract Code, if this mitigation measures were included as a requirement of the contract, the Department would be unable to advertise, award, and administer the contract for this project. The Department recognizes that the project sponsor, as lead agency, has the right to make it's own determinations regarding the use of this protocol and the mitigation measures designed to reduce potentially significant impacts. On the other hand, as a responsible agency, the Department must make an independent judgment regarding the adequacy of the lead agency's EIR to support issuance of the Department's encroachment permit authorizing work on the state highway system.

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- (3) When materials are transported offsite, all material shall be covered, effectively wetted to limit visible dust emissions, or maintained with at least 15 cm (six [6] inches) of freeboard space from the top of the container.
 - (4) All operations shall limit or expeditiously remove the accumulation of project-generated mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring.
 - (5) After material is added to or removed from the surfaces of outdoor storage piles, the storage piles shall be effectively stabilized of fugitive dust emissions using sufficient water or a chemical stabilizer/suppressant.
 - (6) Onsite vehicle speeds on unpaved roads shall be limited to 15 mph.
 - (7) Wheel washers shall be installed for all trucks and equipment exiting unpaved areas or wheels shall be washed to remove accumulated dirt before such vehicles leave the site.
 - (8) Sandbags or other erosion control measure shall be installed to prevent silt runoff to public roadways from adjacent project areas with a slope greater than one (1) percent.
 - (9) The extent of the areas simultaneously subject to excavation and grading shall be limited, wherever possible, to the minimum area feasible.

MM 2.2.5-1d Prior to groundbreaking for the project, the City of Elk Grove shall pay, and obtain proof of payment of, the off-site air quality mitigation fee of \$8,168.00 to SMAQMD.

Finding: Mitigation Measures Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.2.5-1a** through **MM 2.2.5-1d** are feasible mitigation measures to offset the impact and are, therefore, adopted.

Facts that Support the Finding: Mitigation measures **MM 2.2.5-1a** through **MM 2.2.5-1d** will ensure that impacts caused by air pollutants are reduced to **less than significant** by requiring the reduction of dust an emission from construction activities throughtout the construction period to the greatest extent feasible, and by contributing mitigation funds to programs established by the Air Quality District to improve area-wide air quality.

Reference: Recirculated Draft EIR/EA page 2.2-62 through 2.2-64

2.3.1 Natural Communities

Vernal Pools

Impact 2.3.1-1 Under both Build Alternatives (2A and 3A), the project would result in impacts to vernal pools and/or their supporting watersheds within the project area. The impacts would result in the complete loss of the vernal pools within the project area. Both of the options identified for East Stockton Boulevard would result in impacts to vernal pools.

Mitigation Measures

MM 2.3.1-1 In order to mitigate for impacts to vernal pool habitat, the project proponent shall mitigate according to USFWS guidelines. Compensatory mitigation will be conducted according to the USFWS programmatic Section 7 consultation as outlined in *Programmatic Formal Endangered Species Act Consultation on Issuance of 404 Permits for Projects with Relatively Small Effects on Listed Vernal Pool Crustaceans Within the Jurisdiction of the Sacramento Field Office, California*, or as required by the Service in the Biological Opinion issued for the project, to result in a "no net loss" of vernal pool habitat. The mitigation identified in the *Programmatic Formal Endangered Species Act Consultation* is as follows:

1. Preservation component. For every 0.4 hectares (1.0 acre) of habitat directly or indirectly affected, at least two vernal pool credits will be dedicated within a Service-approved ecosystem preservation bank, or, based on Service evaluation of site-specific conservation values, 1.2 hectares (3.0 acres) of vernal pool habitat may be preserved on the project site or on another non-bank site as approved by the Service.
2. Creation component. For every 0.4 hectares (1.0 acre) of habitat directly affected, at least one vernal pool creation credit will be dedicated within a Service-approved habitat mitigation bank, or, based on Service evaluation of site-specific conservation values, 0.8 hectares (2.0 acres) of vernal pool habitat will be created and monitored on the project site or on another non-bank site as approved by the Service.

Under both alternatives (2A and 3A) effective on-site creation of vernal pools is unlikely. Therefore, the project would purchase vernal pool credits from a Service-approved ecosystem preservation bank, such as Bryte Ranch Conservation Bank, to mitigate for impacts to vernal pools.

Finding: Mitigation Measure Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.3.1-1** is a feasible mitigation measure to offset the impact and is, therefore, adopted.

Facts that Support the Finding: Mitigation measures **MM 2.3.1-1**, along with the purchase of vernal pool credits, will ensure that impacts to vernal pools are reduced to **less than significant** by ensuring "no net loss" of vernal pools in the Sacramento Valley area.

Reference: Recirculated Draft EIR/EA page 2.3-17

Intermittent Stream/Seasonal Wetlands

Impact 2.3.1-2 The realignment of East Stockton Boulevard under both build alternatives (Alternative 2A and 3A) would result in the need to construct a new roadway crossing over Whitehouse Creek. The construction of this crossing would require some fill of Whitehouse Creek. **Table 2.3-2** lists the impacts (i.e., hectares of Whitehouse Creek filled to accommodate crossing) for each alternative and associated options.

**TABLE 2.3-2
SUMMARY OF IMPACTS TO WHITEHOUSE CREEK**

Alternative	Option(s)	Impact Hectares Direct (Acres)
2A	E. Stockton Blvd. Option 1	0.012 (0.03)
	E. Stockton Blvd. Option 2	0.012 (0.03)
3A	E. Stockton Blvd. Option 1	0.012
	W. Stockton Blvd. Option 1	(0.03)
	E. Stockton Blvd. Option 1	0.012
	W. Stockton Blvd. Option 2	(0.03)
	E. Stockton Blvd. Option 2	0.012
	W. Stockton Blvd. Option 1	(0.03)
	E. Stockton Blvd. Option 2	0.012
	W. Stockton Blvd. Option 2	(0.03)

Mitigation Measures

Avoidance and Minimization Efforts

MM 2.3.1-2a The East Stockton Boulevard crossing of Whitehouse Creek shall be constructed so as to minimize fill of Whitehouse Creek. Fill placed in the creek to construct the crossing shall be limited to the minimal amount of area necessary to construct the crossing. The crossing shall be designed to maintain the hydrologic and biologic integrity of Whitehouse Creek.

Compensatory Mitigation

MM 2.3.1-2b In order to mitigate for permanent impacts (i.e., fill) to Whitehouse Creek, the project proponent will purchase in-kind mitigation credits at a 1:1 ratio at a U.S. Army Corps of Engineers-approved mitigation bank within the region.

Finding: Mitigation Measures Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.3.1-2a** and **MM 2.3.1-2b** are feasible mitigation measures to offset the impact and are, therefore, adopted.

Facts that Support the Finding: Mitigation measures **MM 2.3.1-2a** and **2.3.1-2b** will ensure that permanent impacts to Whitehouse Creek are reduced to **less than significant** by limiting area of fill and disturbance to the smallest required to meet the needs of the project, and by providing compensatory mitigation funds to insure "no net loss" of seasonal wetlands where fill cannot be feasibly avoided.

Reference: Recirculated Draft EIR/EA page 2.3-19 through 2.3-20

Construction Impacts

Impact 2.3.1-3 Construction activities associated with the construction of the East Stockton Boulevard crossing of Whitehouse Creek would impact the creek. Potential construction-related impacts include damage to the creek bed and banks from the use of construction equipment to install the crossing. Construction within or near Whitehouse Creek would also result in impacts to the water quality in Whitehouse Creek, such as increased sedimentation due to construction activities, or pollution of the water in the creek from the use of construction equipment (i.e., petroleum spills, oil leaks, etc.).

Mitigation Measures

Avoidance and Minimization Efforts

MM 2.3.1-3a Construction activities in or near the bed of the creek shall be minimized to the greatest extent possible, in order to minimize the area of damage caused by construction activity associated with the construction of the creek crossing. The following techniques shall be used to help avoid and minimize impacts to Whitehouse Creek during construction:

1. The construction area for creek work shall be established prior to the start of construction work in the creek. Only the minimum area required to complete construction shall be utilized and areas outside of the construction zone shall be protected. The creek construction area shall be marked with orange construction fencing to clearly demarcate the limits of the construction area, and to prevent construction equipment and workers from entering sensitive areas outside the construction area.

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2. Work within the creek bed shall be limited to the dry season (approximately May 1 to October 1) to minimize impacts to bank erosion and water quality. Impacts to adjoining portions of Whitehouse Creek shall be minimized by implementing best management practices (BMPs), such as utilizing construction mats within the creek channel and implementing an erosion and sediment control plan that minimizes impacts to water quality within Whitehouse Creek. A biological monitor shall be present during construction activities in and near Whitehouse Creek.

Compensatory Mitigation

MM 2.3.1-3b Whitehouse Creek shall be restored to its original topography to mitigate for temporary impacts (i.e. damage resulting from construction activities) and these areas shall be planted with wetland vegetation and subject to a CDFG, USFWS, and ACOE-approved re-vegetation and monitoring plan.

Finding: Mitigation Measures Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.3.1-3a** and **MM 2.3.1-3b** are feasible mitigation measures to offset the impact and are, therefore, adopted.

Facts that Support the Finding: Mitigation measures **MM 2.3.1-3a** and **MM 2.3.1-3b** will ensure that construction impacts associated with Whitehouse Creek are reduced to **less than significant** by limiting area of fill and disturbance to the smallest required to meet the needs of the project, and by requiring restoration of disturbed area after construction is complete.

Reference: Recirculated Draft EIR/EA pages 2.3-20 through 2.3-21

Trees

Impact 2.3.1-4 It is anticipated that most of the trees identified within the project area would be avoided, as they currently are associated with the residences within the project area. However, some protected trees occurring along the roadways would be affected, including six protected Valley oaks. Both Build Alternatives (Alternative 2A and 3A) would have similar impacts to protected trees within the project area.

Mitigation Measures

Avoidance and Minimization Efforts

MM 2.3.1-4a The City shall retain, where feasible, all native trees larger than 15 cm (6") diameter at breast height (dbh) and all non-native trees larger than 48 cm (19") dbh. Where possible, the following measures shall be followed to protect trees identified for preservation:

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- For trees within the project area that are designated for preservation, a circle with a radius measurement from the trunk of the tree to the tip of its longest limb shall constitute the dripline protection area of each tree;
 - Temporary protective fencing shall be installed at least 0.3 meters (1.0 foot) outside the driplines of the protected trees prior to initiating construction in order to avoid damage to the tree canopies and root systems;
 - Final grading plans shall show all protected trees, tree tag numbers, and trees' protected dripline areas, and shall show the location of the required protective temporary fencing;
 - Any protected trees on the site that require pruning shall be pruned by a certified arborist prior to the start of construction work in the area. All pruning shall be in accordance with American National Standards Institute (ANSI) A300 pruning standards and the International Society of Arboriculture (ISA) "Tree Pruning Guidelines";
 - No signs, ropes, cables (except those which may be installed by a certified arborist to provide limb support) or any other items shall be attached to the trees. Small metallic numbering tags for the purpose of preparing tree reports and inventories shall be allowed;
 - No vehicles, construction equipment, mobile home/office, supplies, materials or facilities shall be driven, parked, stockpiled or located within the driplines of oak trees;
 - No grading (grade cuts or fills) shall be allowed within the driplines of protected oak trees;
 - Drainage patterns on the site shall not be modified so that water collects or stands within, or is diverted across, the dripline of any oak tree;
 - No trenching shall be allowed within the dripline of oak trees. If it is absolutely necessary to install underground utilities within the dripline of an oak tree, the utility line shall be bored or jacked under the supervision of a certified arborist;
 - The construction of impervious surfaces within the driplines of oak trees shall be stringently minimized. When it is absolutely necessary, a piped aeration system per City standard detail shall be installed under the supervision of a certified arborist;
 - No sprinkler or irrigation system shall be installed in such a manner that it sprays water or requires trenching within the driplines of oak trees. An above ground drip irrigation system is recommended;
 - During construction try to maintain the same watering frequency around trees that they are used to receiving;

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- Landscaping beneath oak trees may include non-plant materials such as bark mulch, wood chips, boulders, etc. The only plant species that shall be planted within the driplines of oak trees are those that are tolerant of the natural semi-arid environs of the trees. Limited drip irrigation approximately twice per summer is recommended for the understory plants;
 - Make sure any weed control chemicals utilized prior to laying of new asphalt are not applied where they can leach into the dripline area of any tree; and
 - Clearing of weeds and debris from the protected dripline area shall be done by hand. The use of weed eaters and leaf blowers shall be permitted.

Compensatory Mitigation

MM 2.3.1-4b For all protected trees that require removal due to project implementation, a tree mitigation and monitoring plan shall be submitted to Caltrans and the City of Elk Grove for approval prior to the start of construction. The number of trees to be replanted will be based on the number of inches of protected trees to be removed. A mitigation planting plan or landscape plan shall be submitted to Caltrans and the City of Elk Grove and include the following mitigation measures:

- A tree survey shall be conducted by an arborist certified by the International Society of Arboriculture (ISA) to enumerate and evaluate all trees on the site that meet the standards in the City Tree Ordinance and General Plan.
- All tree locations shall be mapped onto the final approved plans and wherever possible, direct loss of protected trees shall be avoided.
- For all protected trees that require removal due to project implementation, a tree mitigation and monitoring plan shall be submitted to the City of Elk Grove. The number of trees to be replanted will be based on the number of inches of protected trees to be removed. The mitigation planting plan shall include the number, location and species of the replacement trees; irrigation methods to help tree establishment and ensure survival; planting and maintenance schedules for a three-year establishment period or replanting as needed.
- Trees that are not to be removed that are within 61 meters (200 feet) of grading activities shall be protectively fenced 1.5 meters (5.0 feet) beyond the dripline and root zone of each oak tree (as determined by an arborist). This fence, which is meant to prevent activities that result in soil compaction beneath the canopies or over the root zone, shall be maintained until all construction activities are completed. Grade changes shall be minimized to the extent feasible within or adjacent to the dripline of existing trees.

Finding: Mitigation Measures Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level

with the implementation of either alternative. The City further finds that **MM 2.3.1-4a** and **MM 2.2.1-4b** are feasible mitigation measures to offset the impact and are, therefore, adopted.

Facts that Support the Finding: Mitigation measures **MM 2.3.1-4a** and **MM 2.3.1-4b** will ensure that impacts to protected trees are reduced to **less than significant** by protecting trees from removal and damage during construction, and by requiring replacement of tree removed by the project on a 1 inch-to-1 inch basis.

Reference: Recirculated Draft EIR/EA pages 2.3-25 through 2.3-28

2.3.2 Wetlands and Other Waters of the United States

Perennial Creek

Impact 2.3.2-1 Project implementation would result in impacts to jurisdictional waters of the U.S. Potential impacts to jurisdictional waters would be the same for both Alternative 2A and 3A. Foothill Associates conducted an initial survey of the project area in May of 2002 and September and October of 2003. A draft wetland delineation completed on June 22, 2004 determined that the project would impact vernal pools seasonal wetlands. Laguna Creek would not be impacted by the project.

Mitigation Measures

MM 2.3.2-1 Any waters of the U.S. that would be lost or disturbed shall be replaced or rehabilitated on a "no net loss" basis in accordance with the USACOE mitigation guidelines. Onsite creation of wetland habitat is preferred to offsite mitigation. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods agreeable to the Corps. The City of Elk Grove Planning Department shall verify successful mitigation of any wetlands impacts.

Due to the nature of the project and the project area, effective on-site creation of wetlands is unlikely. Therefore, the project would purchase wetland credits from a Corps-approved preservation bank to mitigate for impacts to wetlands.

Finding: Mitigation Measure Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.3.2-1** is a feasible mitigation measure to offset the impact and is, therefore, adopted.

Facts that Support the Finding: Mitigation measure **MM 2.3.2-1** will ensure that impacts to jurisdictional waters of the U.S. are reduced to **less than significant** by requiring restoration or replacement of jurisdictional waters on a "no net loss" basis.

Reference: Recirculated Draft EIR/EA pages 2.3-32 through 2.3-33

2.3.3 Special Status Plant Species

Dwarf Downingia

Impact 2.3.3-1 Because dwarf downingia was not identified in the project area during focused botanical surveys, no impacts to this species are anticipated at this time. Though the species was not observed within the study area, the vernal pools within the study area constitute potential, though marginal, habitat for this species. This species is dependent on the hydrology and soils associated with the vernal pools, therefore any effects to the vernal pools could affect this species.

Mitigation Measures

Compensatory mitigation recommended for impacts to wetlands and vernal pools, **MM 2.3.1-1** and **MM 2.3.2-1**, would preserve and create potential habitat for this species within the region.

Finding: Mitigation Measures Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.3.1-1** and **MM 2.3.2-1** are feasible mitigation measures to offset the impact and are, therefore, adopted.

Facts that Support the Finding: Mitigation measures **MM 2.3.1-1** and **MM 2.3.2-1** will ensure that impacts to dwarf downingia habitat are reduced to **less than significant** by requiring restoration or replacement of vernal pools on a "no net loss" basis.

Reference: Recirculated Draft EIR/EA pages 2.3-34 through 2.3-35

Legenere

Impact 2.3.3-2 Because legenere was not identified in the project area during focused botanical surveys, no impacts to this species are anticipated at this time. Though the species was not observed within the study area, the vernal pools within the study area constitute potential, though marginal, habitat for this species. This species is dependent on the hydrology and soils associated with the vernal pools; therefore any effects to the vernal pools could affect this species.

Mitigation Measures

Compensatory mitigation recommended for impacts to wetlands and vernal pools, **MM 2.3.1-1** and **MM 2.3.2-1**, would preserve and create potential habitat for this species within the region.

Finding: Mitigation Measures Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.3.1-1** and **MM 2.3.2-1** are feasible mitigation measures to offset the impact and are, therefore, adopted.

Facts that Support the Finding: Mitigation measures **MM 2.3.1-1** and **MM 2.3.2-1** will ensure that impacts to legeneere habitat are reduced to **less than significant** by requiring restoration or replacement of vernal pools on a "no net loss" basis.

Reference: Recirculated Draft EIR/EA page 2.3-35

Northern California Black Walnut

Impact 2.3.3-3 Although Northern California black walnut trees are located near rural residences that would not be affected by the road improvements, the species is vulnerable to impacts resulting from the project construction, including activities that result in soil compaction or grading activities within the canopies and/or root zone. These construction activities could affect the trees.

Mitigation Measures

Mitigation measures **MM 2.3.1-4a** and **MM 2.3.1-4b**, which outlined avoidance and minimization mitigation for native oaks in Section 2.3.1 Natural Communities, shall be applied to Northern California black walnut trees that may be impacted by construction of the proposed project.

Finding: Mitigation Measures Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.3.1-4a** and **MM 2.3.1-4b** are feasible mitigation measures to offset the impact and are, therefore, adopted.

Facts that Support the Finding: Mitigation measures **MM 2.3.1-4a** and **MM 2.3.1-4b** will ensure that impacts to California black walnuts are reduced to **less than significant**.

Reference: Recirculated Draft EIR/EA page 2.3-36

2.3.4 Special Status Animal Species Occurrences

California Linderiella

Impact 2.3.4-1 The project would result in impacts to California linderiella habitat identified within the project area. Impacts to vernal pool habitat would be the same for all of the alternatives and options identified. Impacts to the vernal pools would likely result in the pools no longer being viable habitat for listed invertebrate species.

Mitigation Measures

Compensatory mitigation recommended for impacts to wetlands and vernal pools, **MM 2.3.1-1** and **MM 2.3.2-1**, would preserve and create potential habitat for this species within the region.

Finding: Mitigation Measures Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that

changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.3.1-1** and **MM 2.3.2-1** are feasible mitigation measures to offset the impact and are, therefore, adopted.

Facts that Support the Finding: Mitigation measures **MM 2.3.1-1** and **MM 2.3.2-1** will ensure that impacts to listed invertebrate species are reduced to **less than significant** by requiring restoration or replacement of vernal pools on a “no net loss” basis.

Reference: Recirculated Draft EIR/EA pages 2.3-38 through 2.3-39

Midvalley Fairy Shrimp

Impact 2.3.4-2 The project would result in impacts to the midvalley fairy shrimp habitat identified within the project area. (Because both midvalley fairy shrimp and California linderiella rely on vernal pools for their habitats, the impacts to the midvalley fairy shrimp and California linderiella would be the same.) Impacts to vernal pool habitat would be the same for all of the alternatives and options identified. Both of the options identified for East Stockton Boulevard would result in impacts to the larger vernal pool and to the smaller and long, linear vernal pool. Impacts to the vernal pools would likely result in the pools no longer being viable habitat for listed invertebrate species.

Mitigation Measures

Compensatory mitigation recommended for impacts to wetlands and vernal pools, **MM 2.3.1-1** and **MM 2.3.2-1**, would preserve and create potential habitat for this species within the region.

Finding: Mitigation Measures Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.3.1-1** and **MM 2.3.2-1** are feasible mitigation measures to offset the impact and are, therefore, adopted.

Facts that Support the Finding: Mitigation measures **MM 2.3.1-1** and **MM 2.3.2-1** will ensure that impacts to listed invertebrate species are reduced to **less than significant** by requiring restoration or replacement of vernal pools on a “no net loss” basis.

Reference: Recirculated Draft EIR/EA pages 2.3-39 through 2.3-40

Ferruginous Hawk

Impact 2.3.4-3 Though not ideal wintering habitat for Ferruginous hawks, the agricultural/non-native grassland areas do provide some marginal foraging habitat, due to the presence of jackrabbits and field mice. A summary of the potential impacts (i.e.

removal of potential foraging habitat) to Ferruginous hawk foraging habitat for each alternative is summarized in the table below.

**TABLE 2.3.4-7
SUMMARY OF IMPACTS TO POTENTIAL FORAGING HABITAT FOR FERRUGINOUS HAWKS**

Alternative	Options	Impact Hectares (Acres)
2A	E. Stockton Blvd. Option 1	4.43 (10.94)
	E. Stockton Blvd. Option 2	5.04 (12.45)
3A	E. Stockton Blvd. Option 1	5.67
	W. Stockton Blvd. Option 1	(14.01)
	E. Stockton Blvd. Option 1	5.34
	W. Stockton Blvd. Option 2	(13.19)
	E. Stockton Blvd. Option 2	6.28
	W. Stockton Blvd. Option 1	(15.52)
	E. Stockton Blvd. Option 2	5.95
	W. Stockton Blvd. Option 2	(14.70)

Mitigation Measures

Compensatory Mitigation

Because this species utilizes similar habitat as the Swainson's hawk for foraging, the mitigation measures **MM 2.3.5-7a** and **MM 2.3.5-7b** recommended for Swainson's hawk in Section 2.3.5 Threatened and Endangered Species would preserve potential winter foraging habitat for this species, as well.

Finding: Mitigation Measures Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.3.5-7a** and **MM 2.3.5-7b** are feasible mitigation measures to offset the impact and are, therefore, adopted.

Facts that Support the Finding: Mitigation measures **MM 2.3.5-7a** and **MM 2.3.5-7b** will ensure that impacts to Ferruginous hawk habitat are reduced to **less than significant** by protecting nesting birds and by providing for appropriate compensation for loss of foraging habitat from development of the project.

Reference: Recirculated Draft EIR/EA page 2.3-41 through 2.3-42

Loggerhead Shrike

Impact 2.3.4-4 Though no breeding habitat was identified within the project area for loggerhead shrike, the agricultural/non-native grassland areas do provide some foraging habitat. A summary of the potential impacts to loggerhead shrike foraging habitat for each alternative, which are the same as for the ferruginous hawk, are summarized in **Table 2.3.4-7** above.

Mitigation Measures

Compensatory Mitigation

Because this species utilizes similar habitat as the Swainson's hawk, the mitigation measures **MM 2.3.5-7a** and **MM 2.3.5-7b** recommended for Swainson's hawk in Section 2.3.5, Threatened and Endangered Species, would preserve potential winter foraging habitat for this species, as well.

Finding: Mitigation Measures Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.3.5-7a** and **MM 2.3.5-7b** are feasible mitigation measures to offset the impact and are, therefore, adopted.

Facts that Support the Finding: Mitigation measures **MM 2.3.5-7a** and **MM 2.3.5-7b** will ensure that impacts to loggerhead shrike habitat are reduced to **less than significant** by protecting nesting birds and by providing for appropriate compensation for loss of foraging habitat from development of the project.

Reference: Recirculated Draft EIR/EA page 2.3-42 through 2.3-43

Western Burrowing Owl

Impact 2.3.4-5 While no impacts to this species are anticipated due to the lack of existing suitable habitat within the project area, burrowing owls are known to occur in the vicinity of the project area, and the potential exists for them to move into the project area and nest prior to construction.

Mitigation Measures

Avoidance and Minimization Efforts

Complete avoidance of impacts to burrowing owls would require no disturbance within 49 meters (160 feet) of occupied burrows, no destruction of natural and artificial burrows, and no destruction and/or degradation of foraging habitat within 100 meters (330 feet) of occupied burrows.

MM 2.3.4-5 Though the site is currently not occupied by burrowing owls, preconstruction surveys for this species shall be conducted by a qualified biologist within the 30 days prior to construction to ensure that no burrowing owls have occupied the project area. If ground-disturbing activities are delayed or suspended for more than 30 days after the preconstruction survey, the site shall be resurveyed.

If owls are subsequently identified within the project area, though are not likely to be directly or indirectly impacted by project construction, then the project proponent shall implement the following measures to minimize disturbance to this species:

- A buffer area approximately 100 meters (328 feet) in radius will be established around occupied burrows. This radius will be identified by the placement of orange construction fencing.
- If temporary ground disturbing activities are to occur within 50 to 100 meters (164 to 328 feet) of occupied burrows, then these areas will be restored to their original condition so as to maintain burrowing owl foraging habitat.
- No disturbance activities should occur within 50 meters (164 feet) of occupied burrows.

Finding: Mitigation Measure Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.3.4-5** is a feasible mitigation measure to offset the impact and is, therefore, adopted.

Facts that Support the Finding: Mitigation measure **MM 2.3.4-5** will ensure that impacts to western burrowing owls are reduced to **less than significant** by protecting nesting birds from project construction.

Reference: Recirculated Draft EIR/EA page 2.3-44 through 2.3-45

Other Raptors/Migratory Birds

Impact 2.3.4-6 While no impacts to raptors or other migratory bird species are anticipated due to the lack of existing suitable nesting habitat within the project area, raptors and migratory birds are known to occur in the vicinity of the project area, and the potential exists for raptors and nesting birds to enter the project site and nest before construction begins.

Mitigation Measures

Avoidance and Minimization Efforts

MM 2.3.4-6 If construction is proposed during the bird breeding season (February–August), a focused survey for raptors and other nesting birds shall be conducted within 30 days prior to the beginning of construction activities by a qualified biologist in order to identify active nests or roosts onsite. If active nests or roosts are found, no construction activities shall take place within 152 meters (500 feet) of the nest until the young have fledged. Trees containing nests, or burrows that must be removed as a result of project implementation shall be removed during the non-breeding season (late September to March). If no active nests are found during the focused survey, no further mitigation will be required.

Finding: Mitigation Measure Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.3.4-6** is a feasible mitigation measure to offset the impact and is, therefore, adopted.

Facts that Support the Finding: Mitigation measure **MM 2.3.4-6** will ensure that impacts to raptors and migratory birds are reduced to **less than significant** by protecting nesting birds.

Reference: Recirculated Draft EIR/EA pages 2.3-45 through 2.3-46

Bat Species

Impact 2.3.4-7 While no impacts to bats are anticipated, the project area has a low potential for bats to occur in the abandoned outbuildings throughout the project area. Implementation of the project has the potential to disturb undiscovered maternity roost sites of special status bats located within abandoned outbuildings within the project area. Bat maternity season is usually from the beginning of April through the end of August.

Mitigation Measures

Avoidance and Minimization Efforts

MM 2.3.4-7 A qualified biologist shall conduct a preconstruction survey for roosting bats within the abandoned outbuildings within the project area. If the survey shows evidence of the presence of bats in the structures, appropriate exclusionary measures shall be implemented to prevent the bats from establishing maternity roosts. If the survey shows evidence of active roosts, then development activities shall not occur within 152 meters (500 feet) of the nests until the young have fledged (usually after the end of August).

Finding: Mitigation Measure Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level

with the implementation of either alternative. The City further finds that **MM 2.3.4-7** is a feasible mitigation measure to offset the impact and is, therefore, adopted.

Facts that Support the Finding: Mitigation measure **MM 2.3.4-7** will ensure that impacts to undiscovered maternity roost sites of bats are reduced to **less than significant** by identifying and protecting nesting bats.

Reference: Recirculated Draft EIR/EA pages 2.3-46 through 2.3-47

2.3.5 Threatened and Endangered Species

Special Status Plants

Boggs Lake Hedge-Hyssop

Impact 2.3.5-1 Because Boggs Lake hedge-hyssop was not identified in the project area during focused botanical surveys, no impacts to this species are anticipated at this time. Though the species was not observed within the study area, the vernal pools within the study area constitute potential, though marginal, habitat for this species. This species is dependent on the hydrology and soils associated with the vernal pools; therefore any impacts to the vernal pools would affect this species.

Mitigation Measures

Compensatory mitigation recommended for impacts to wetlands and vernal pools, **MM 2.3.1-1** and **MM 2.3.2-1**, would preserve and create potential habitat for this species within the region.

Finding: Mitigation Measures Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.3.1-1** and **MM 2.3.2-1** are feasible mitigation measures to offset the impact and are, therefore, adopted.

Facts that Support the Finding: Mitigation measures **MM 2.3.1-1** and **MM 2.3.2-1** will ensure that impacts to Boggs Lake hedge-hyssop are reduced to **less than significant** by requiring restoration or replacement of vernal pools on a "no net loss" basis.

Reference: Recirculated Draft EIR/EA page 2.3-63

Sacramento Orcutt Grass

Impact 2.3.5-2 Because Sacramento Orcutt grass was not identified in the project area during focused botanical surveys, no impacts to this species are anticipated at this time. Though the species was not observed within the study area, the vernal pools within the study area constitute potential, though marginal, habitat for this

species. This species is dependent on the hydrology and soils associated with the vernal pools; therefore any impacts to the vernal pools would affect this species.

Mitigation Measures

Compensatory mitigation recommended for impacts to wetlands and vernal pools, **MM 2.3.1-1** and **MM 2.3.2-1**, would preserve and create potential habitat for this species within the region.

Finding: Mitigation Measures Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.3.1-1** and **MM 2.3.2-1** are feasible mitigation measures to offset the impact and are, therefore, adopted.

Facts that Support the Finding: Mitigation measures **MM 2.3.1-1** and **MM 2.3.2-1** will ensure that impacts to Sacramento Orcutt grass are reduced to **less than significant** by requiring restoration or replacement of vernal pools on a "no net loss" basis.

Reference: Recirculated Draft EIR/EA page 2.3-64

Slender Orcutt Grass

Impact 2.3.5-3 Because Slender Orcutt grass was not identified in the project area during focused botanical surveys, no impacts to this species are anticipated at this time. Though the species was not observed within the study area, the vernal pools within the study area constitute potential, though marginal, habitat for this species. This species is dependent on the hydrology and soils associated with the vernal pools; therefore any impacts to the vernal pools would affect this species.

Mitigation Measures

Compensatory mitigation recommended for impacts to wetlands and vernal pools, **MM 2.3.1-1** and **MM 2.3.2-1**, would preserve and create potential habitat for this species within the region.

Finding: Mitigation Measures Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.3.1-1** and **MM 2.3.2-1** are feasible mitigation measures to offset the impact and are, therefore, adopted.

Facts that Support the Finding: Mitigation measures **MM 2.3.1-1** and **MM 2.3.2-1** will ensure that impacts to Slender Orcutt grass are reduced to **less than significant** by requiring restoration or replacement of vernal pools on a "no net loss" basis.

Reference: Recirculated Draft EIR/EA page 2.3-64 through 2.3-65

Vernal Pool Fairy Shrimp

Impact 2.3.5-4 The project would result in impacts to the vernal pool fairy shrimp habitat identified within the project area. Impacts to vernal pool habitat would be the same for all the alternatives and options identified. Both of the options identified for East Stockton Boulevard would result in impacts to the larger vernal pool and to the smaller and long, linear vernal pool. Impacts to the vernal pools would likely result in the pools no longer being viable habitat for listed invertebrate species.

Mitigation Measures

Compensatory mitigation recommended for impacts to wetlands and vernal pools, **MM 2.3.1-1** and **MM 2.3.2-1**, would preserve and create potential habitat for this species within the region.

Finding: Mitigation Measures Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.3.1-1** and **MM 2.3.2-1** are feasible mitigation measures to offset the impact and are, therefore, adopted.

Facts that Support the Finding: Mitigation measures **MM 2.3.1-1** and **MM 2.3.2-1** will ensure that impacts to vernal pool fairy shrimp are reduced to **less than significant** by requiring restoration or replacement of vernal pools on a "no net loss" basis.

Reference: Recirculated Draft EIR/EA page 2.3-65 through 2.3-66

Vernal Pool Tadpole Shrimp

Permanent Impacts

Impact 2.3.5-5 The project would result in impacts to the vernal pool tadpole shrimp habitat identified within the project area. Impacts to vernal pool habitat would be the same for all the alternatives and options identified. Both of the options identified for East Stockton Boulevard would result in impacts to the larger vernal pool and to the smaller and long, linear vernal pool. Impacts to the vernal pools would likely result in the pools no longer being viable habitat for listed invertebrate species.

Mitigation Measures

Compensatory mitigation recommended for impacts to wetlands and vernal pools, **MM 2.3.1-1** and **MM 2.3.2-1**, would preserve and create potential habitat for this species within the region.

Finding: Mitigation Measures Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.3.1-1** and **MM 2.3.2-1** are feasible mitigation measures to offset the impact and are, therefore, adopted.

Facts that Support the Finding: Mitigation measures **MM 2.3.1-1** and **MM 2.3.2-1** will ensure that impacts to western burrowing owls are reduced to **less than significant** by requiring restoration or replacement of vernal pools on a "no net loss" basis.

Reference: Recirculated Draft EIR/EA page 2.3-66 through 2.3-67

Valley Elderberry Longhorn Beetle

Impact 2.3.5-6 The proposed realignment of East Stockton Boulevard, under both build alternatives (Alternative 2A and 3A), would remove one (1) elderberry shrub located in the northeast quadrant of the project area. While surveys have not identified the presence of the VELB in this elderberry shrub, the removal of the shrub represents the removal of potential, although marginal quality, habitat for the VELB.

Mitigation Measures

Compensatory mitigation measures will conform to the measures established in the FHWA Policy on Mitigation for Valley Elderberry Longhorn Beetle (FHWA 2003). The following is a summary of those measures.

MM 2.3.5-6a If the elderberry shrub cannot be avoided by the proposed project, then it will be transplanted to a conservation area approved by the USFWS. A qualified monitor will be on-site for the duration of the transplanting of the elderberry shrub to insure that no unauthorized take of VELB occurs. Transplantation should be conducted between November and mid-February. The conservation area receiving the transplant must be at least 548 square meters (1,800 square feet) in size. As many as five (5) additional elderberry plantings and up to five (5) associated native species plantings may also be planted within this area. The transplanted shrub shall receive supplemental watering through the first summer.

MM 2.3.5-6b In addition to the transplanting requirements, each elderberry stem measuring 2.5 cm (1.0 inch) or greater in diameter at ground level must be replaced in the conservation area with elderberry seedlings or cuttings at the ratios presented in the table below. In addition, native species will be planted in the conservation area at the ratios presented in **Table 2.3.5-6**.

Finding: Mitigation Measures Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level

with the implementation of either alternative. The City further finds that **MM 2.3.5-6a** and **MM 2.3.5-6b** are feasible mitigation measures to offset the impact and are, therefore, adopted.

Facts that Support the Finding: Mitigation measures **MM 2.3.5-6a** and **MM 2.3.5-6b** will ensure that impacts to VELB are reduced to **less than significant** by protecting VELB habitat and providing additional compensatory VELB habitat.

Reference: Recirculated Draft EIR/EA page 2.3-68 through 2.3-69

Swainson's Hawk

Impact 2.3.5-7 Though no nesting habitat was identified within the project area, the agricultural/non-native grassland areas do provide potential foraging habitat for Swainson's hawks. The implementation of the project could result in the loss of potential foraging habitat for Swainson's hawks. A summary of the potential impacts (i.e. removal of potential foraging habitat) to Swainson's hawk foraging habitat for each alternative is summarized in **Table 2.3.5-9**.

Additionally, while there are no identified Swainson's hawk nests located within the project area, large trees are present in and near the project area that could be used as nesting sites. Though it is unlikely, it is possible that a Swainson's hawk could enter the project area and nest prior to the start of construction.

**TABLE 2.3.5-9
SUMMARY OF IMPACTS TO POTENTIAL FORAGING HABITAT FOR SWAINSON'S HAWK**

Alternative	Option(s)	Impact Hectares (Acres)
2A	E. Stockton Blvd. Option 1	4.43 (10.94)
	E. Stockton Blvd. Option 2	5.04 (12.45)
3A	E. Stockton Blvd. Option 1	5.67
	W. Stockton Blvd. Option 1	(14.01)
	E. Stockton Blvd. Option 1	5.34
	W. Stockton Blvd. Option 2	(13.19)
	E. Stockton Blvd. Option 2	6.28
	W. Stockton Blvd. Option 1	(15.52)
	E. Stockton Blvd. Option 2	5.95
	W. Stockton Blvd. Option 2	(14.70)

Mitigation Measures

Avoidance and Minimization Efforts

MM 2.3.5-7a If project construction is scheduled to occur between March 1 and September 15 (the Swainson's hawk nesting period), a qualified biologist will conduct two surveys for actively nesting Swainson's hawks within the project area, as well as within a 1.6 km (1.0 mile) radius of the project area, prior to the start of construction. The surveys shall take place at least one week apart, with the second taking place two days prior to the start of construction. If active Swainson's hawk nests are found within 1.6 km (1.0 mile) radius of the construction site, the City of Elk Grove shall consult with the DF&G and the City shall retain a qualified biologist. Clearing and construction shall be postponed or halted within 76 meters (250 feet) of the nests (or another buffer acceptable by DF&G) until additional nesting attempts no longer occur. If a nest tree is found on the project site prior to construction and is proposed for removal, then appropriate permits from DF&G shall be obtained and mitigation implemented pursuant to DF&G guidelines. Complete avoidance of nesting Swainson's hawks will be assumed if project work occurs outside of the nesting time period (March 1 to September 15), or if no active nests are identified within 1.6 km (1.0 mile) of the project area. If project construction is to occur within 1.6 km (1.0 mile) of an active nest, a qualified biologist will monitor the nest for the possibility of abandonment. If an identified active nest becomes abandoned as a result of the implementation of the project, and if nestling(s) are still alive, the project proponent will fund the recovery and hacking of the nestling(s). If construction will occur over the course of more than a single breeding season, this mitigation shall be applied prior to the start of each breeding season for every year during which construction takes place.

Compensatory Mitigation

MM 2.3.5-7b While the avoidance mitigation described above would reduce the potential impacts to Swainson's hawk nesting sites, implementation of the project would contribute to the loss of potential foraging habitat in the area, and compensatory mitigation is required to mitigate this loss. Mitigation for impacts to Swainson's hawk foraging habitat shall follow CDFG's 1994 *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California* (CDFG 1994). The City of Elk Grove will mitigate for the loss of Swainson's hawk foraging habitat by purchasing credits at a CDFG-approved mitigation bank at a replacement ratio of 1:1 for suitable foraging habitats. The City will further mitigate for impacts to Swainson's hawk habitat by purchasing credits at a CDFG-approved mitigation bank at a ratio of 0.5:1 specifically for the management of habitat for prey production. These mitigation lands will be managed and monitored in perpetuity by the trustees of the mitigation bank. The City will also comply with any additional measures required by CDFG.

Finding: Mitigation Measures Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that

changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.3.5-7a** and **MM 2.3.5-7b** are feasible mitigation measures to offset the impact and are, therefore, adopted.

Facts that Support the Finding: Mitigation measures **MM 2.3.5-7a** and **MM 2.3.5-7b** will ensure that permanent impacts to Swainson's hawk are reduced to **less than significant** by protecting nesting birds and by providing for appropriate compensation for loss of foraging habitat from development of the project.

Reference: Recirculated Draft EIR/EA page 2.3-70 through 2.3-73

White-Tailed Kite

Impact 2.3.5-8 While the project area does not offer suitable nesting habitat for the white-tailed kite, the agricultural/non-native grassland areas within the project area provide potential foraging habitat for white-tailed kites. This potential foraging habitat could be impacted by implementation of the project. A summary of the potential impacts (i.e. removal of potential foraging habitat) to white-tailed kite foraging habitat for each alternative is summarized in **Table 2.3.5-9** above.

Mitigation Measures

Compensatory Mitigation

Because the white-tailed kite utilizes the same foraging habitat as the Swainson's hawk, mitigation measure **MM 2.3.5-7a** and **MM 2.3.5-7b**, which requires compensatory mitigation for the loss of Swainson's hawk foraging habitat due to the project, would serve as mitigation for the loss of foraging habitat for the white-tailed kite, as well.

Finding: Mitigation Measures Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.3.5-7a** and **MM 2.3.5-7b** are feasible mitigation measures to offset the impact and are, therefore, adopted.

Facts that Support the Finding: Mitigation measures **MM 2.3.5-7a** and **MM 2.3.5-7b** will ensure that impacts to white-tailed kite are reduced to **less than significant** by protecting nesting birds and by providing for appropriate compensation for loss of foraging habitat from development of the project.

Reference: Recirculated Draft EIR/EA page 2.3-73 through 2.3-74

Cumulative Cultural Resources

Impact 3.0-1 Build-out of approved and planned projects (i.e., the East Franklin Specific Plan, Lent Ranch, South Pointe,) and associated infrastructure projects (e.g., improvement of the Grant Line Road Interchange) have the potential to inadvertently uncover previously unknown cultural resources. The inadvertent discovery of previously unknown cultural resources could result in a cumulative impact to cultural resources.

Mitigation Measures

Implementation of mitigation measure **MM 2.1.6-1** would reduce the potential for disturbance of undiscovered cultural resources resulting from the implementation of the project.

Finding: Mitigation Measures Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.1.6-1a** is a feasible mitigation measure to offset the impact and is, therefore, adopted.

Facts that Support the Finding: Mitigation measure **MM 2.1.6-1** will ensure that cumulative impacts to cultural resources are reduced to **less than significant** by placing protective measures on the findings of these cultural resources.

Reference: Recirculated Draft EIR/EA page 3.0-2 through 3.0-3

Cumulative Geological and Soil Resources

Impact 3.0-2 Build-out of approved and planned uses within the City have the potential to impact water quality as a result of site grading and construction phases of projects that involve earth movement and the use of heavy machinery. The effects of erosion and sediment deposition can be cumulative in nature within a watershed. Since the project would involve grading, other earth movement, and the use of heavy machinery, there is the potential for erosion and sedimentation impacts resulting from the construction of the project.

Mitigation Measures

Implementation of mitigation measure **MM 2.2.3-2** would reduce the potential for erosion and sedimentation impacts resulting from the implementation of the project

Finding: Mitigation Measures Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.2.3-1** is a feasible mitigation measure to offset the impact and is, therefore, adopted.

Facts that Support the Finding: Mitigation measure **MM 2.2.3-1** will ensure that cumulative impacts to Geological and Soil Resources are reduced to **less than significant** by requiring that a notice of intent and an adequate SWPPP are prepared and adhered to.

Reference: Recirculated Draft EIR/EA page 3.0-3

Cumulative Vernal Pools

Impact 3.0-4 The vernal pool habitat that would be lost due to project development would not substantially contribute to the cumulative loss of vernal pool habitat in the region. The vernal pools are isolated from similar habitat by several kilometers, and if preserved in their current condition, would not contribute to region wide vernal pool conservation efforts. Typically, conservation efforts target larger intact and contiguous landscapes where existing resources can be preserved, restored, and/or created. Nevertheless the project would cause a loss of vernal pool habitat.

Mitigation Measures

Implementation of mitigation measure **MM 2.3.1-1** would reduce the project's cumulative impacts to vernal pools by offering compensatory mitigation.

Finding: Mitigation Measures Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.2.3-1** is a feasible mitigation measure to offset the impact and is, therefore, adopted.

Facts that Support the Finding: Mitigation measure **MM 2.2.3-1** will ensure that cumulative impacts to Vernal Pool Resources are reduced to **less than significant** by ensuring "no net loss" of vernal pools.

Reference: Recirculated Draft EIR/EA page 3.0-4

Cumulative Special Status Species

Cumulative Boggs Lake Hedge-Hyssop

Impact 3.0-5 Because the species was not identified in the project area during focused biological surveys, no cumulative effects to regional populations of Boggs Lake hedge-hyssop are anticipated as a result of the implementation of any of the proposed project alternatives. Though the species was not observed within the study area, the vernal pools within the study area constitute potential, though marginal, habitat for this species. This species is dependent on the hydrology and soils associated with the vernal pools; therefore any impacts to the vernal pools would affect this species.

Mitigation Measures

Compensatory mitigation recommended for impacts to wetlands and vernal pools, **MM 2.3.1-1** and **MM 2.3.2-1**, would preserve and create potential habitat for this species within the region.

Finding: Mitigation Measures Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.3.1-1** and **2.3.2-1** are feasible mitigation measures to offset the impact and is, therefore, adopted.

Facts that Support the Finding: Mitigation measures **MM 2.3.1-1** and **2.3.2-1** will ensure that cumulative impacts to Boggs Lake Hedge-Hyssop habitat are reduced to **less than significant** by ensuring "no net loss" of vernal pools.

Reference: Recirculated Draft EIR/EA page 3.0-5

Cumulative Sacramento Orcutt Grass

Impact 3.0-6 Because the species was not identified in the project area during focused botanical surveys, no cumulative effects to regional populations are anticipated as a result of the implementation of any of the proposed project alternatives. However, though the species was not observed within the study area, the vernal pools within the study area constitute potential, though marginal, habitat for this species. This species is dependent on the hydrology and soils associated with the vernal pools; therefore any impacts to the vernal pools would affect this species.

Mitigation Measures

Compensatory mitigation recommended for impacts to wetlands and vernal pools, **MM 2.3.1-1** and **MM 2.3.2-1**, would preserve and create potential habitat for this species within the region.

Finding: Mitigation Measures Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.3.1-1** and **2.3.2-1** are feasible mitigation measures to offset the impact and is, therefore, adopted.

Facts that Support the Finding: Mitigation measures **MM 2.3.1-1** and **2.3.2-1** will ensure that cumulative impacts to Sacramento Orcutt Grass habitat are reduced to **less than significant** by ensuring "no net loss" of vernal pools.

Reference: Recirculated Draft EIR/EA page 3.0-5

Cumulative Slender Orcutt Grass

Impact 3.0-7 Because the species was not identified in the project area during focused botanical surveys, no cumulative effects to regional populations are anticipated as a result of the implementation of any of the proposed project alternatives.

However, though the species was not observed within the study area, the vernal pools within the study area constitute potential, though marginal, habitat for this species. This species is dependent on the hydrology and soils associated with the vernal pools; therefore any impacts to the vernal pools would affect this species.

Mitigation Measures

Compensatory mitigation recommended for impacts to wetlands and vernal pools, **MM 2.3.1-1** and **MM 2.3.2-1**, would preserve and create potential habitat for this species within the region

Finding: Mitigation Measures Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.3.1-1** and **2.3.2-1** are feasible mitigation measures to offset the impact and is, therefore, adopted.

Facts that Support the Finding: Mitigation measures **MM 2.3.1-1** and **2.3.2-1** will ensure that cumulative impacts to Slender Orcutt Grass habitat are reduced to **less than significant** by ensuring "no net loss" of vernal pools.

Reference: Recirculated Draft EIR/EA page 3.0-5 through 3.0-6

Cumulative Vernal Pool Fairy Shrimp

Impact 3.0-8 The vernal pool habitat that would be lost due to project development would not adversely contribute to the cumulative loss of vernal pool habitat in the region. The vernal pools are isolated from similar habitat by several kilometers and if preserved in their current condition would not contribute to region wide vernal pool conservation efforts. Typically, conservation efforts target larger intact and contiguous landscapes where existing resources can be preserved, restored, and/or created.

Mitigation Measures

Compensatory mitigation recommended for impacts to wetlands and vernal pools, **MM 2.3.1-1** and **MM 2.3.2-1**, would preserve and create potential habitat for this species within the region

Finding: Mitigation Measures Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.3.1-1** and **2.3.2-1** are feasible mitigation measures to offset the impact and is, therefore, adopted.

Facts that Support the Finding: Mitigation measures **MM 2.3.1-1** and **2.3.2-1** will ensure that cumulative impacts to Vernal Pool Fairy Shrimp habitat are reduced to **less than significant** by ensuring "no net loss" of vernal pools.

Reference: Recirculated Draft EIR/EA page 3.0-6

Cumulative Vernal Pool Tadpole Shrimp

Impact 3.0-9 The vernal pool habitat that would be lost due to project development would not adversely contribute to the cumulative loss of vernal pool habitat in the region. The vernal pools are isolated from similar habitat by several kilometers and if preserved in their current condition would not contribute to region wide vernal pool conservation efforts. Typically, conservation efforts target larger intact and contiguous landscapes where existing resources can be preserved, restored, and/or created.

Mitigation Measures

Compensatory mitigation recommended for impacts to wetlands and vernal pools, **MM 2.3.1-1** and **MM 2.3.2-1**, would preserve and create potential habitat for this species within the region

Finding: Mitigation Measures Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with the implementation of either alternative. The City further finds that **MM 2.3.1-1** and **2.3.2-1** are feasible mitigation measures to offset the impact and is, therefore, adopted.

Facts that Support the Finding: Mitigation measures **MM 2.3.1-1** and **2.3.2-1** will ensure that cumulative impacts to Vernal Pool Tadpole Shrimp habitat are reduced to **less than significant** by ensuring "no net loss" of vernal pools.

Reference: Recirculated Draft EIR/EA page 3.0-6

Cumulative Swainson's Hawk

Impact 3.0-10 The area of southern Sacramento County has grown significantly within the recent past, often resulting in the loss of agricultural lands that have been historically utilized as foraging habitat by Swainson's hawks. This development has also resulted in encroachment upon sites that have historically been used as nesting habitat. Though the project area is fragmented and is partially surrounded by urban development, it is in close enough proximity to an active nest and has likely been historically utilized for foraging that the loss of this habitat could contribute to the cumulative effects to this species in Sacramento County.

Mitigation Measures

The mitigation measures outlined in **MM 2.3.5-7a** and **MM 2.3.5-7b** would serve to adequately reduce the project's cumulative impacts to the Swainson's hawk.

Finding: Mitigation Measures Feasible and Required. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the City hereby finds that

changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect to a **less than significant** level with implementation of either alternative. The City further finds that **MM 2.3.5-7a** and **2.3.5-7b** are feasible mitigation measures to offset the impact and is, therefore, adopted.

Facts that Support the Finding: Mitigation measures **MM 2.3.5-7a** and **2.3.5-7b** will ensure that impacts to Swainson's hawk nesting and foraging habitats are reduced to **less than significant** by appropriately compensating for loss of foraging habitat due to development of the project.

Reference: Recirculated Draft EIR/EA page 3.0-6 through 3.0-7

3. Findings Associated with Significant and Cumulatively Significant Impacts that Cannot be Feasibly Mitigated to a Less Than Significant Level

Based upon the criteria set forth in the Recirculated Draft EIR/EA and the Final EIR/EA, the City finds that the following environmental effects of the project are significant and unavoidable. However, as explained in the Statement of Overriding Considerations contained in Section 6 below, these effects are considered to be acceptable when balanced against the economic, legal, social, technological, and other benefits of the project.

2.2.6 Noise

Impact 2.2.6-1 The predicted future plus project traffic noise levels are expected to exceed the Caltrans NAC at 30 locations within the project study area.

Mitigation Measure

MM 2.2.6-1 Noise reducing pavement shall be applied to Sheldon Road, from Lewis Stein Road to the edge of the overcrossing bridge in the west, and from Power Inn Road to the edge of the overcrossing bridge in the east.

Finding: No Feasible Mitigation Measure Available to Fully Mitigate the Impact. Based upon the information contained in the Final EIR/EA and the Administrative Record, the City hereby finds that there are feasible changes or alterations required in, or incorporated into the project, which will lessen these significant adverse effects on the environment (MM 2.2.6-1). However, due to the preponderance of noise in the area from State Route 99, this measure will not reduce the noise in the area below the thresholds of significance established for the project. The City further finds that there are no additional feasible mitigation measures that might avoid or reduce noise impacts to a less than significant level; therefore, this noise impact is **significant and unavoidable** with the implementation of either alternative. However, this impact is considered to be acceptable when balanced against the economic, social, and other benefits of the project as specified in Section 6 of this document.

Facts that Support the Finding: Implementation of mitigation measure MM 2.2.6-1 would result in a 4 dBA reduction in noise at the locations of sensitive receptors along Sheldon Road after the project is implemented, and in many cases would reduce area noise levels after project implementation to below levels under no project conditions. Although MM 2.2.6-1 would reduce noise levels under construction year and future year conditions along Sheldon Road, use of noise reducing pavement along East and West Stockton Boulevards would not result in an appreciable reduction in noise levels at sensitive receptors along these roadways, since the preponderance of noise along these roadways comes from State Route 99. The predominance of noise from traffic on State Route 99 results in noise levels in the area remaining high after mitigation and several sensitive receptor locations in the project area would remain above acceptable thresholds after mitigation.

Reference: Recirculated Draft EIR/EA pages 2.2-73 through 2.2-83, Final EIR/EA pages 4.0-21 through 4.0-24

Cumulative Noise

Impact 3.0-3 Traffic associated with the proposed project would contribute marginal noise level increases along all modeled road segments. Cumulatively, noise level increases associated with the project would be perceptible. The increased noise levels would be a potentially cumulative impact.

Mitigation Measure

The mitigation measure outlined in **MM 2.2.6-1** would serve to reduce the project's cumulative impacts from noise at receptors along Sheldon Road.

Finding: No Feasible Mitigation Measure Available to Fully Mitigate the Cumulative Impact. Based upon the information contained in the Final EIR/EA and the Administrative Record, the City hereby finds that there are feasible changes or alterations required in, or incorporated into the project, which will lessen these significant adverse cumulative effects on the environment (MM 2.2.6-1). However, due to the preponderance of noise in the area from State Route 99, this measure will not reduce the cumulative noise in the area below the thresholds of significance established for the project. The City further finds that there are no additional feasible mitigation measures that might avoid or reduce cumulative noise impacts to a less than significant level; therefore, this cumulative noise impact is **significant and unavoidable** with the implementation of either alternative. However, this impact is considered to be acceptable when balanced against the economic, social, and other benefits of the project as specified in Section 6 of this document.

Facts that Support the Finding: Implementation of mitigation measure MM 2.2.6-1 would result in a 4 dBA reduction in noise at sensitive receptor locations along Sheldon Road after the project is implemented, and in many cases would reduce area noise levels after project implementation to below levels under no project conditions. Although MM 2.2.6-1 would reduce noise levels along Sheldon Road under future year conditions, use of noise reducing pavement along East and West Stockton Boulevards would not result in an appreciable reduction in noise levels at sensitive receptors along these roadways, since the preponderance of noise along these roadways comes from State Route 99. The predominance of noise from traffic on State Route 99 results in noise levels in the area remaining high after mitigation and several sensitive receptor locations in the project area would remain above acceptable thresholds after mitigation.

Reference: Recirculated Draft EIR/EA page 3.0-4, Final EIR/EA pages 4.0-39 through 4.0-40

4. Findings Associated with Project Alternatives

CEQA Guidelines require that an EIR "describe a range of reasonable alternatives to the Project, or to the location of the Project, which could feasibly obtain the basic objectives of the Project..." (CEQA Guidelines 15126.6[a]).

The City recognizes that while several of the alternatives described below would yield environmental benefits, the procurement of these benefits may also have corresponding negative environmental impacts and may conflict with the goals and objectives of the City associated with the project.

The alternatives analyzed are as follows:

- No Build Alternative;
- Alternative 2A; and
- Alternative 3A.

4.1 No Build Alternative

Description: CEQA Guidelines Section 15126.6(e)(1) states that a "no project" alternative shall be evaluated. The purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. The no project alternative analysis is not the baseline for determining whether the proposed project's environmental impacts may be significant, unless it is identical to the existing environmental setting analysis, which does establish that baseline.

Under this alternative, the proposed Sheldon Road/SR 99 Interchange Improvement Project would not be adopted and the existing interchange configuration would remain in effect. This analysis of the No Build Alternative is consistent with the requirements of CEQA Guidelines 15126.6(e)(3)(A), which specifically states that when the project under evaluation is the revision of an existing land use or regulatory plan, policy or ongoing operation, the "no project" alternative will be the continuation of the existing plan, policy or ongoing operation into the future.

Finding: The City finds that the No Build Alternative is less desirable than the project and is infeasible for the following reasons:

- This alternative would not meet any of the project objectives listed below since no improvements would occur:
 1. Improve existing traffic operational deficiencies at the interchange;
 2. Accommodate increased traffic demands generated by planned growth;
 3. Implement the City of Elk Grove General Plan;
 4. Upgrade the interchange to meet the current safety and design standards;

-
5. Provide more efficient access between SR 99 and Sheldon Road, which serves the cities of Elk Grove and Sacramento.
- This alternative would result in greater project-specific effects in the areas of transportation and circulation and public services impacts than the proposed project.

Facts that Support the Finding: The Recirculated Draft EIR/EA provides an analysis of the No Build Alternative as compared to the proposed project. Environmental benefits of this alternative over the proposed project include the areas of community impacts; cultural resources; hydrology, flooding; geology, soils; hazardous wastes; and biological resources. The No Build Alternative would not be considered the environmentally superior alternative, as the No Build Alternative would not meet any of the proposed project's objectives.

4.2 Alternatives 2A and 3A

Alternatives 2A and 3A were chosen for inclusion into the analysis of the project, as they would meet the objectives of the project. The following configurations are common features that would be shared by both Alternative 2A and 3A:

- The existing Sheldon Road overcrossing would be replaced with a 9-lane overcrossing, consisting of three through lanes and two left turn lanes in the westbound direction, and three through lanes and one right turn lane in the eastbound direction.
- Sheldon Road would be widened from Lewis Stein Road to Power Inn Road, to provide for three through lanes in each direction.
- Raised sidewalks and Class 2 bike lanes would be installed on both sides of Sheldon Road from Lewis Stein Road to Power Inn Road.
- Existing underground storage tanks adjacent to SR 99 in the southwest quadrant would be replaced with larger tanks to provide additional capacity required to accommodate the increased storm-water flows from the additional pavement area.
- Ramp metering of the two northbound on-ramps, a loop on-ramp for eastbound traffic on Sheldon Road and a diagonal on-ramp for westbound traffic on Sheldon Road, would be provided, along with CHP enforcement areas. The diagonal southbound on-ramp would provide grading for a future CHP enforcement area, but no pavement or metering equipment would be provided. The design would provide for the future addition of an HOV bypass lane for the southbound on-ramp.
- An auxiliary lane along SR 99 connecting the diagonal southbound on-ramp to the existing auxiliary lane for the southbound off-ramp at the Laguna/Bond Road interchange would be provided.
- East Stockton Boulevard would be relocated to approximately 280 meters east of its existing intersection with Sheldon Road. Two options for the realignment within the northeast quadrant are available:

-
- Option 1 would construct a two-lane roundabout in the vicinity of the proposed park and a single lane roundabout at East Stockton Boulevard's intersection with Auberry Drive.
 - Option 2 would construct a reversing curve alignment.

Option 1 is the preferred design option for the alignment of East Stockton Boulevard, based on public input received on the options.

Alternative 3A

Description: Alternative 3A was chosen for inclusion into the analysis of the project, as it would meet the objectives of the project. The proposed configuration of this alternative is described above. Design features specific to this design alternative are as follows:

- A two-lane diagonal southbound off-ramp would be constructed in the northwest quadrant;
- A diagonal southbound on-ramp would be constructed in the southwest quadrant;
- A two-lane northbound loop on-ramp would be constructed in the southeast quadrant with one mixed flow lane and one HOV bypass lane;
- A diagonal northbound off-ramp would be constructed in the southeast quadrant; and
- A diagonal northbound on-ramp would be constructed in the northeast quadrant with two mixed flow lanes and one HOV bypass lane.

Additionally, the following two options would be available to provide local access to properties in the northwest quadrant:

- Option 1 – would realign West Stockton Boulevard to approximately 300 meters north of Lewis Stein Road's intersection with Sheldon Road; an access road would provide local access to Sheldon Road for the cemetery and businesses in the northwest quadrant. A driveway and tunnel would be required for access to the San Joaquin cemetery.
- Option 2 – would realign West Stockton Boulevard west of its current location so that it intersects Lewis Stein Road approximately 300 meters north of Lewis Stein Road's intersection with Sheldon Road. A driveway and tunnel under the proposed diagonal southbound off ramp would provide access to the cemetery.

Additionally, as stated above, East Stockton Boulevard alignment Option 1 is the preferred design option for the alignment of East Stockton Boulevard, based on public input received on the options. East Stockton Boulevard Option 1 alignment would be incorporated into Alternative 2A during final project design and implementation.

Finding: The City finds that Alternative 3A is less desirable than Alternative 2A for the following reasons:

-
- This alternative would result in a greater costs associated with roadway construction (\$1.7 million in additional costs as compared to Alternative 2A) and right-of-way acquisition (\$2.1 million in additional costs as compared to Alternative 2A) based on the Draft Project Report approved by Caltrans in February 2005 for the proposed Sheldon Road/SR 99 Interchange Improvement Project; and
 - This alternative would result in undesirable access to businesses, commercial properties, and the cemetery along West Stockton Boulevard and longer delays in the southbound approach to the Sheldon Road intersection with the realignment of West Stockton Boulevard in the project area, which could result in greater impacts.

Facts that Support the Finding: Recirculated Draft EIR/EA pages 1.0-13 through 1.0-16 provide a description of Alternative 3A. In addition, page 2.1-68 describes circulation and traffic delays in the northwest quadrant of the project area resulting from this alternative. The body of the Recirculated Draft EIR/EA and the Final EIR/EA support that Alternative 3A would provide improved access throughout the project area, under construction year and future year conditions, as compared to the No Build alternative.

Alternative 2A

Description: Alternative 2A was chosen for inclusion into the analysis of the project, as it would meet the objectives of the project. The proposed configuration of this alternative is described above. Design features specific to this design alternative are as follows:

- A two-lane southbound loop off-ramp would be constructed in the southwest quadrant;
- A 400-meter auxiliary lane would be constructed in advance of the southbound loop off-ramp;
- A diagonal southbound on-ramp would be constructed in the southwest quadrant;
- A two-lane northbound loop on-ramp would be constructed in the southeast quadrant with one mixed flow lane and one HOV bypass lane;
- A diagonal northbound off-ramp would be constructed in the southeast quadrant; and
- A diagonal northbound on-ramp would be constructed in the northeast quadrant with two mixed flow lanes and one HOV bypass lane.

Additionally, as stated above, East Stockton Boulevard alignment Option 1 is the preferred design option for the alignment of East Stockton Boulevard, based on public input received on the options. East Stockton Boulevard Option 1 alignment would be incorporated into Alternative 2A during final project design and implementation.

Finding: The City finds that Alternative 2A is more desirable than Alternative 3A and the No Build alternative for the following reasons:

-
- This alternative would result in reduced costs associated with roadway construction (\$1.7 million in reduced costs as compared to Alternative 3A) and right-of-way acquisition (\$2.1 million in reduced costs as compared to Alternative 3A) based on the Draft Project Report approved by Caltrans in February 2005 for the proposed Sheldon Road/SR 99 Interchange Improvement Project; and,
 - This alternative would maintain the current West Stockton Boulevard road alignment and business, commercial property, and cemetery access would remain in their current locations. In addition, Alternative 2A would not result in delays at the southbound approach of Sheldon Road on Lewis Stein Road.

Facts that Support the Finding: Recirculated Draft EIR/EA pages 1.0-13 through 1.0-15 provide a description of Alternative 2A. In addition, the body of the Recirculated Draft EIR/EA and the Final EIR/EA support that Alternative 2A would provide superior access to businesses along West Stockton Boulevard compared to Alternative 3A, and that Alternative 2A would provide improved access throughout the project area, under construction year and future year conditions, as compared to the No Build alternative.

5. Other Findings

Since completion of the Recirculated Draft EIR/EA, the City has proposed to install noise-reducing pavement on Sheldon Road to lessen noise impacts to sensitive receptors along this roadway, and that the preponderance of noise from State Route 99 makes installation of noise-reducing pavement along East and West Stockton Boulevards an ineffective mitigation for these areas. This modification to the project would not result in any new significant environmental effects or an increased severity of identified environmental effects disclosed in the Recirculated Draft EIR/EA. However, this mitigation, which is not considered "feasible" by FHWA or Caltrans (because it would not provide at least a 5 dB noise reduction, which is the FHWA threshold for a mitigation measure to be considered "feasible"), would not be funded through Federal funds, and shall be funded through local City funds.

6. Findings Associated with Mitigation Monitoring and Reporting Program

Section 21081.6 of the California Public Resources Code requires the City Council to adopt a monitoring and reporting program regarding changes in the Project or mitigation measures imposed to lessen or avoid significant effects on the environment.

The Mitigation and Monitoring Program, in the form presented to the City Council, is adopted because it effectively fulfills the CEQA mitigation monitoring requirement:

- A. The mitigation measures are specific and, as appropriate, define performance standards to measure compliance under the Program and subsequent implementation as part of the project.
- B. Compliance with the Program is itself a requirement of the project through implementation of the project.

7. Statement of Overriding Considerations for Significant and Unavoidable Impacts

In approving the Sheldon Road/SR 99 Interchange Improvement Project and selection of Alternative 2A (including East Stockton Boulevard design Option 1), which is evaluated in the Final Environmental Impact Report/Environmental Assessment (FEIR/EA), the City makes the following Statement of Overriding Considerations in support of its findings on the FEIR/EA. The City has considered the information contained in the FEIR/EA (Recirculated Draft EIR/EA, Response to Comments on the Recirculated Draft EIR/EA, and Errata) and has fully reviewed and considered the public testimony and record in this proceeding.

The City has carefully balanced the benefits of the project and Alternative 2A against any adverse impacts identified in the EIR/EA that could not be feasibly mitigated to below a level of significance. Notwithstanding the identification and analysis of the impacts that are identified in the EIR/EA as being significant, which have not been eliminated, lessened or mitigated to a level of insignificance, the City, acting pursuant to Section 15093 of the CEQA Guidelines, hereby determines that the benefits of the project outweigh the unmitigated adverse impacts and the project should be approved. The EIR/EA describes certain environmental impacts that cannot be avoided if the project is implemented. This Statement of Overriding Considerations applies specifically to those impacts found to be significant and unavoidable as set forth in the EIR/EA and the public hearing records.

The following significant and unavoidable impacts have been identified in the EIR/EA for Alternative 2A:

First, implementation of the project would result in the predicted future plus project traffic noise levels exceeding the Caltrans Noise Abatement Criteria at 30 locations within the project study area. Although noise abatement measures were determined to be infeasible and unreasonable under the FHWA and Caltrans criteria for the Traffic Noise Analysis Protocol, noise-reducing pavement will be along Sheldon Road. This pavement will reduce traffic-related noise by approximately 4 dBA, thereby reducing noise levels at sensitive receptors along Sheldon Road after project implementation to below levels that would exist under No Build conditions, however due to the preponderance of noise from SR 99, use of noise-reducing pavement along East and West Stockton Boulevards would not be effective noise mitigation, and noise levels will remain above adopted threshold levels at sensitive receptors along these roadways. For this reason, this impact is considered **significant and unavoidable**.

Second, implementation of the project would contribute marginal noise level increases along all modeled road segments. Cumulatively, noise level increases associated with the project would be perceptible. The increased cumulative noise levels along Sheldon Road would be mitigated for by the use of noise-reducing pavement, which would reduce noise levels in along Sheldon Road by approximately 4 dBA and reduce noise levels along Sheldon Road after project implementation to levels below what would exist under No Build conditions, however due to the preponderance of noise from SR 99, use of noise-reducing pavement along East and West Stockton would not be effective noise mitigation, noise levels would remain above adopted threshold levels at sensitive receptors along these roadways. For this reason, this impact is considered **significant and unavoidable**.

Specific Findings

Project Benefits Outweigh Unavoidable Impacts. The City hereby finds that the remaining significant and unavoidable impacts of the project are acceptable in light of the long-term social, environmental, land-use, and other considerations set forth herein. Specifically, these detrimental changes are outweighed by the following project benefits:

1. ***The project would improve existing traffic operational deficiencies at the Sheldon Road interchange;***
2. ***The project would accommodate increased traffic demands generated by planned growth;***
3. ***The project would be consistent with planned growth and transportation improvements in accordance with the City of Elk Grove General Plan;***
4. ***The project would upgrade the interchange to meet current safety and design standards;***
5. ***The project would provide more efficient access between SR 99 and Sheldon Road, which serves the cities of Elk Grove and Sacramento.***

Balance of Competing Goals. The City hereby finds that it is imperative to balance competing goals in approving the project and the environmental documentation of the project. Not every environmental concern has been fully satisfied because of the need to satisfy competing concerns to a certain extent. The City has chosen to accept certain environmental impacts because complete eradication of impacts would be infeasible or would unduly compromise some other important community goals.

The City hereby finds and determines that the project proposal and the supporting environmental documentation provide for a positive balance of the competing goals and that the social, transportation, traffic safety, and other benefits to be obtained by the project outweigh any remaining environmental and related potential detriment of the project.

Overriding Considerations

Based upon the objectives identified for the project and through extensive public participation, the City has determined that the project and Alternative 2A, including East Stockton Boulevard design Option 1, should be approved and that any remaining unmitigated environmental impacts attributable to the project are outweighed by the specific social, transportation, traffic safety, and other overriding considerations. These include the project providing improved circulation benefits under existing and future year conditions.

The City has determined that any environmental detriment caused by the project has been minimized to the extent feasible through mitigation measures identified herein, and, where not feasible, has been outweighed and counterbalanced by the significant social, transportation, traffic safety, and other benefits to be provided by the project.

5.0 MITIGATION MONITORING AND REPORTING PROGRAM

5.1 INTRODUCTION

This document is the Mitigation Monitoring and Reporting Program (MMRP) for the Sheldon Road/SR 99 Interchange Improvement Project. This MMRP has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to “adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” A MMRP is required for the proposed project because the EIR has identified significant adverse impacts, and measures have been identified to mitigate those impacts.

The numbering of the individual mitigation measures follows the numbering sequence as found in the EIR/EA. All revisions to mitigation measures that were necessary as a result of responding to public comments and incorporating staff-initiated revisions have been incorporated into this MMRP.

5.2 MITIGATION MONITORING AND REPORTING PROGRAM

The MMRP, as outlined in the following table, describes mitigation timing, monitoring responsibilities, and compliance verification responsibility for all mitigation measures identified in this Final EIR/EA.

City of Elk Grove will be the primary agency, but not the only agency responsible for implementing the mitigation measures. In some cases, the County or other public agencies will implement measures. In other cases, the project construction contractor will be responsible for implementation of measures and the City’s role is exclusively to monitor the implementation of the measures. In those cases, the project construction contractor is required to implement specific mitigation measures prior to and/or during construction. The City will continue to monitor mitigation measures that are required to be implemented during the operation of the project.

The MMRP is presented in tabular form on the following pages. The components of the MMRP are described briefly below:

Mitigation Measures: The mitigation measures are taken from the Recirculated Draft EIR/EA, in the same order that they appear in the Recirculated Draft EIR/EA. The MMRP contains revisions to mitigation measures, as well as new mitigation measures.

Mitigation Timing: Identifies at which stage of the project mitigation must be completed.

Monitoring Responsibility: Identifies the department within the City, public agency, or consultant responsible for mitigation monitoring.

Compliance Verification Responsibility: Identifies the department within the City or other public agency responsible for verifying compliance with the mitigation. In some cases, verification will include contact with responsible local, state, and federal agencies.

TABLE 5-1
MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
2.1.3 COMMUNITY IMPACTS (SOCIAL, ECONOMIC) AND ENVIRONMENTAL JUSTICE				
MM 2.1.3-1	Standard relocation measures are required by law and would be adhered to throughout relocation efforts. Relocation assistance payments and counseling would be provided to persons and businesses in accordance with the Federal Uniform Relocation Assistance and Real Properties Acquisition Policies Act, as amended, to ensure adequate relocation and a decent, safe, and sanitary home for displaced residents. All eligible displacees would be entitled to moving expenses. All benefits and services would be provided equitably to all relocated residential and business without regard to race, color, religion, age, national origins, or disability as specified under Title VI of the Civil Rights Act of 1964.	City of Elk Grove Real Property Management	During Right-of-way acquisition	
2.1.4 UTILITIES AND EMERGENCY SERVICES				
MM 2.1.4-1a	During construction, one lane of the Sheldon Road/SR 99 overcrossing shall be kept open at all times to maintain emergency vehicle access through the area. At no time during the construction period will the entire width of the overcrossing be closed to emergency vehicle traffic.	City of Elk Grove Development Services	Throughout construction period	
MM 2.1.4.1b	Prior to the start of construction, a Traffic Management Plan shall be developed that would reduce delays and obstructions caused by construction detours to the greatest extent possible. The Plan developers shall coordinate with emergency service providers (i.e., fire and police) during plan development to insure that traffic control measures proposed in the plan would meet the needs of the service providers. These detours shall be provided to all emergency service entities prior to their implementation, to avoid impacts to emergency response times.	City of Elk Grove Development Services	Prior to start of construction	
2.1.5 TRAFFIC AND TRANSPORTATION/PEDESTRIAN AND BICYCLE SYSTEM				
MM 2.1.5-1	Traffic conditions at the off-site study intersections will be monitored for peak hour volume and levels of service, and improvements necessary to maintain levels of service consistent with Policy CI-10 of the City of Elk Grove General Plan will be funded and constructed. It is important to note that the implementation of the mitigation measure is uncertain because the engineering and environmental feasibility studies for the improvements	City of Elk Grove Development Services	Prior to start of construction	

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Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
	cannot be completed at this time. Further, the City's ability to fund and construct the improvements is uncertain.			
MM 2.1.5-2	Prior to the start of construction, a Traffic Management Plan (TMP) shall be developed in coordination with the City of Sacramento Traffic Engineer that would reduce delays and obstructions caused by construction activities to the greatest extent possible. The Plan developers shall coordinate with public and school transportation providers during plan development to insure that traffic control measures proposed in the plan would meet the needs of the service providers. Construction detours shall be provided to all public and school transportation providers who utilize the project area prior to the TMP's implementation, to avoid impacts to public and school transportation services. The TMP shall be submitted to the City of Elk Grove and City of Sacramento for review and approval prior to the start of construction.	<i>City of Elk Grove Development Services</i>	<i>Prior to start of construction</i>	
MM 2.1.5-3	The contractor shall complete a Traffic Control Plan that would reduce construction-related traffic congestion to the greatest extent feasible, and submit it to Caltrans for review and to the City of Elk Grove Public Works Department for approval, prior to beginning construction. The Caltrans Traffic Manual, Chapter 5, provides information on "Traffic Controls for Highway Construction and Maintenance Operations," and may be referenced during the development of the Traffic Control Plan. The Traffic Control Plan should consider the placement of electronic signs in advance of the Sheldon Road/SR 99 interchange off-ramps to provide advance notification of construction activities and showing the duration of the project's construction dates. Additionally, the sign may recommend that motorists use alternate interchanges, such as the Cosumnes River Boulevard-Calvine Road interchange and the Laguna Boulevard-Bond Road interchange during the Sheldon Road/SR 99 Interchange Improvement project construction period. To the extent possible, construction shall be limited during the AM and PM peak hours to avoid exacerbating congestion in the area.	<i>City of Elk Grove Development Service and Caltrans</i>	<i>Prior to start of construction</i>	
MM 2.1.5-4	Construction traffic involving heavy haulers moving demolition material from the project site or moving fill to the project site shall operate outside of AM and PM peak traffic hours. This requirement shall be included in the construction contract.	<i>City of Elk Grove Development Services</i>	<i>Throughout construction</i>	
MM 2.1.5-5	Following the completion of construction activities, the construction contractor shall repair any project-related roadway damage in both the City of Elk Grove and the City of Sacramento, including new overlays on affected roadways. This requirement shall be included in the project construction contract.	<i>City of Elk Grove Development Services</i>	<i>After completion of construction</i>	

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Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
2.1.6 CULTURAL RESOURCES				
MM 2.1.6-1	<p>While there are no historic properties or historical resources in the project APE, the following measures will be implemented to reduce any potential impacts to undiscovered cultural resources:</p> <p>If buried cultural materials are encountered during construction, work shall stop in that area until a qualified archaeologist can evaluate the nature and significance of the find(s). In addition, further investigations may be needed if the project changes to include areas not previously surveyed.</p> <p>If human remains are discovered, State Health and Safety Code Section 7050.5 states that disturbances and activities shall cease in vicinity of the find and the County Coroner must be notified of the find immediately so that he/she may ascertain the origin of the remains. The provisions of 36 CFR 800.13 shall be followed to avoid, minimize, or mitigate adverse effects to the discovered remains.</p>	City of Elk Grove Development Services	Throughout construction	
2.2.2 WATER QUALITY AND STORMWATER RUN-OFF				
MM 2.2.2-1	<p>Prior to grading activities, the construction contractor shall prepare a Storm Water Pollution and Prevention Plan (SWPPP) for the project to be administered through all phases of grading and project construction. The SWPPP shall incorporate Best Management Practices (BMPs) to ensure that potential water quality impacts during construction phases are minimized. The SWPPP shall address spill prevention and include a countermeasure plan describing measures to ensure proper collection and disposal of all pollutants handled or produced on the site during construction, including sanitary wastes, cement, and petroleum products. These measures shall be consistent with the City of Elk Grove's Drainage Manual and Land Grading and Erosion Control Ordinance may include (1) restricting grading to the dry season; (2) protecting all finished graded slopes from erosion using such techniques as erosion control matting and hydroseeding; (3) protecting downstream storm drainage inlets from sedimentation; (4) use of silt fencing and hay bales to retain sediment on the project site; and (5) any other suitable measures. The SWPPP shall be submitted to the Central Valley Regional Water Quality Control Board and to the City for review and approval.</p>	City of Elk Grove Development Services	Prior to start of construction	
MM 2.2.3-1	<p>Prior to approval of grading or improvement plans, whichever occurs first, the City of Elk Grove shall conduct a soil sample and laboratory test to determine the expansion potential and stability of the soil for development of the project site. If it is determined that the area contains expansive soils, one or more of the following mitigation</p>	City of Elk Grove Development Services	Prior to start of construction	

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Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
	<p>measures shall be employed to remove the expansive soils:</p> <p>Expansive soils shall be excavated and replaced with non-expansive materials. The required depth of excavation shall be specified by a registered civil engineer based on actual soil conditions;</p> <p>Expansive soils shall be treated in place by mixing them with lime. Lime-treatment alters the chemical composition of the expansive clay minerals such that the soil becomes non-expansive; or</p> <p>Other engineering practices for mitigation of expansive soil conditions considered appropriate by Caltrans and the City of Elk Grove Public Works Department shall be implemented.</p>			
MM 2.2.3-2	<p>Under the requirements of the Clean Water Act amendments of 1972, the project construction contractor would be required to file a notice of intent (NOI) under the State's NPDES General Construction Permit (CAS0002). The City would be required to adhere to conditions under the City's NPDES permit set forth by the Regional Water Quality Control Board (RWQCB) and also prepare and submit a Storm Water Pollution Prevention Plan (SWPPP) to be administered throughout all phases of grading and project construction. The SWPPP would incorporate BMPs to ensure that potential water quality impacts during construction are minimized. BMPs that would be implemented during site grading and construction are included in the Water Quality Section of this EIR/EA. Implementation of this mitigation would reduce the potential for erosion and sedimentation impact to water resources.</p>	<i>City of Elk Grove Development Services</i>	<i>Prior to start of and throughout construction</i>	
2.2.4 HAZARDOUS WASTE/MATERIALS				
MM 2.2.4-1	<p>During the plans, specifications, and estimates (PS&E) phase of project development, Phase II soil sampling for herbicide/pesticide contamination shall be conducted within areas of potential herbicide/pesticide contamination (former agricultural lands primarily in the northeast quadrant). If substances are detected at concentrations that could pose a health hazard and/or violate local, state, or federal health standards, remediation of the affected areas shall be undertaken in accordance with the requirements of the City of Elk Grove and the Sacramento County Environmental Management Department. Development of the site shall not commence until the City, in consultation with the Sacramento County Environmental Management Department, deems the site remediated and clear for development.</p>	<i>City of Elk Grove Development Services</i>	<i>During PS&E and prior to the start of construction</i>	

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Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
MM 2.2.4-2a	During the plans, specifications, and estimates (PS&E) phase of project development, a California Certified Asbestos Consultant shall conduct asbestos material sampling to identify ACMs. If substances are detected at concentrations that could pose a health hazard, physical barriers will be installed to prevent asbestos emissions upon removal of ACMs (i.e., tenting). An onsite asbestos removal professional trained in the Asbestos Hazard Emergency Response Act (AHERA) and meeting the U.S. Environmental Protection Agency Asbestos Abatement Consultant Certification requirements shall be retained to oversee proper asbestos waste maintenance and handling.	City of Elk Grove Development Services	During PS&E, prior to the start of construction, and during removal of ACMs	
MM 2.2.4-2b	Any identified asbestos containing building materials present in each of the structures to be dismantled shall be removed under acceptable engineering methods and work practices by a licensed asbestos abatement contractor prior to removal. These practices include, but are not limited to: containment of the area by plastic, negative air filtration, wet removal techniques and personal respiratory protection and decontamination. The process shall be designed and monitored by a California Certified Asbestos Consultant. The abatement and monitoring plan shall be developed and submitted for review and approval by the appropriate regulatory agency (the Sacramento Metropolitan Air Pollution Management District).	City of Elk Grove Development Services and SMAQMD	During removal of ACMs	
MM 2.2.4-2c	Demolition activities for the existing overpass structure shall be performed in compliance with National Emission Standards for Hazardous Air Pollutants (NESHAP), which requires permits from Sacramento Metropolitan Air Quality District. This requirement shall be included in construction contracts.	City of Elk Grove Development Services and SMAQMD	Throughout demolition of overpass	
MM 2.2.4-3a	During the plans, specifications, and estimates (PS&E) phase of project development, Phase II sampling shall be conducted within areas where lead could be present (paint on buildings to be demolished and yellow thermoplastic striping). If hazardous levels of lead materials are found, the materials shall be removed and disposed of by a licensed and certified lead removal contractor. The contractor shall take appropriate precautions to protect workers, the surrounding community, and to dispose of construction waste containing lead in accordance with local, state, and federal regulations.	City of Elk Grove Development Services	During PS&E, prior to the start of construction, and throughout removal of hazardous materials	

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Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
MM 2.2.4-3b	During the plans, specifications, and estimates (PS&E) phase of project development, Phase II soil sampling shall be conducted within areas of potential aerially deposited lead contamination (along existing Caltrans right-of-way). If lead is detected in the soil at concentrations that could pose a health hazard and/or violate local, state, or federal health standards, remediation of the affected areas shall be undertaken in accordance with the requirements of the City of Elk Grove and the Sacramento County Environmental Management Department. Development of the site shall not commence until the City, in consultation with the Sacramento County Environmental Management Department, deems the site remediated and clear for development. If signs of potential contamination (odors, discolored soil, etc.) are observed during construction activity in areas where Phase II sampling was not conducted, sampling and analysis and appropriate remediation shall be conducted.	<i>City of Elk Grove Development Services and Sacramento County Environmental Management Department</i>	<i>During PS&E, prior to the start of construction, throughout removal of hazardous materials, and throughout construction</i>	
MM 2.2.4-3c	Project construction activities shall be conducted in compliance with Caltrans Guidelines associated with aerially deposited lead. This requirement shall be included in construction contracts.	<i>City of Elk Grove Development Services</i>	<i>Throughout removal of ADL, and throughout construction</i>	
MM 2.2.4-3d	The Contractor shall prepare a project specific Lead Compliance Plan to prevent or minimize worker exposure to lead while handling removed yellow thermoplastic and yellow paint residue in accordance with Title 8, California Code of Regulations, Section 1532.1, "Lead," for specific Cal OSHA requirements when working with lead. Additionally, the Lead Compliance Plan shall contain the elements listed in Title 8, California Code of Regulations, Section 1532.1(e)(2)(B). Before submission to the engineer, an Industrial Hygienist certified in Comprehensive Practice by the American Board of Industrial Hygiene shall approve the Lead Compliance Plan. The Plan shall be submitted to the Engineer at least seven (7) days prior to beginning removal of yellow thermoplastic and yellow paint. The yellow thermoplastic striping shall be removed and disposed of in accordance with the Caltrans Standard Specifications, Sections 15-2.02B and 15-2.03 and Standard Special Provisions for removal of yellow traffic stripe and pavement markings.	<i>City of Elk Grove Development Services</i>	<i>Prior to the start of construction, throughout removal of yellow thermoplastic striping and yellow paint residue containing lead, and throughout construction</i>	

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Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
MM 2.2.4-4a	During the plans, specifications, and estimates (PS&E) phase of project development, Phase II soil sampling shall be conducted within areas where UST and waste oil releases have been known to occur. If contaminated soil is detected at concentrations that could pose a health hazard and/or violate local, state, or federal health standards, remediation of the affected areas shall be undertaken in accordance with the requirements of the City of Elk Grove and the Sacramento County Environmental Management Department. Development of the site shall not commence until the City, in consultation with the Sacramento County Environmental Management Department, deems the site remediated and clear for development.	City of Elk Grove Development Services and Sacramento County Environmental Management Department	During PS&E, prior to the start of construction, and throughout removal of hazardous materials	
MM 2.2.4-4b	If any unknown UST is encountered during excavation, additional assessment shall be required depending on the conditions encountered (e.g. odor or sheen apparent). Work shall stop until the completion of a Phase II Hazardous Waste Investigation is completed to determine the extent of the contamination and remediation. In the event that contamination is not found, the construction may proceed, but if contamination is found, a hazardous waste remediation plan shall be developed and implemented throughout construction. If substances are detected at concentrations that could pose a health hazard and/or violate local, state, or federal health standards, remediation of the affected areas shall be undertaken in accordance with the requirements of the City of Elk Grove and the Sacramento County Environmental Management Department. Development of the site shall not commence until the City in consultation with the Sacramento County Environmental Management Department deems the site remediated and clear for development.	City of Elk Grove Development Services and Sacramento County Environmental Management Department	Throughout construction	
MM 2.2.4-4c	The Environmental Management Department recommends that the Transportation Division develop a contingency plan to manage Underground Storage Tanks (USTs) if they are encountered during project implementation. The Hazardous Management District should be consulted if contaminated soils are encountered during construction. A contingency plan should be developed in the event that construction activities uncover unforeseen contamination that may hinder the progress of the project; and it is recommended that the Transportation Division consult with the County Counsel's Office regarding potential liabilities if contamination is encountered during construction activities.	City of Elk Grove Development Services and Sacramento County Environmental Management Department	Prior to the start of construction, and throughout construction	
MM 2.2.4-5	If right-of-way is obtained from any parcel containing water supply wells, the wells shall be properly abandoned under permit and observation by the Sacramento County Environmental Management Department, and all applicable state and local regulations.			

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Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
	It is recommended that the City of Elk Grove closely inspect any farm property from which right-of-way may be acquired.			
MM 2.2.4-6a	The City of Elk Grove shall identify the source of the fill dirt to verify if fill material originated from a contaminated site. During the plans, specifications, and estimates (PS&E) phase of project development, Phase II soil sampling of the soil piles shall be conducted to determine if they contain hazardous materials. In the event that the soil is not contaminated, the construction may proceed, but if the soil is contaminated, a hazardous waste remediation plan shall be developed and implemented throughout construction. If substances are detected at concentrations that could pose a health hazard and/or violate local, state, or federal health standards, remediation of the affected areas shall be undertaken in accordance with the requirements of the City of Elk Grove and the Sacramento County Environmental Management Department. Development of the site shall not commence until the City in consultation with the Sacramento County Environmental Management Department deems the site remediated and clear for development.	<i>City of Elk Grove Development Services and Sacramento County Environmental Management Department</i>	<i>During PS&E, prior to the start of construction, and throughout removal of hazardous materials</i>	
MM 2.2.4-6b	If contaminated soil is encountered elsewhere during excavation or grading, the construction contractors shall stop work and contact an environmental hazardous materials professional to conduct an onsite assessment. If the materials are determined to pose a risk to the public or construction workers, the construction contractor shall prepare and submit a remediation plan to the appropriate agency and comply with all federal, state, and local laws. Soil remediation methods could include excavation and onsite treatment, excavation and offsite treatment or disposal, and/or treatment without excavation. Construction plans shall be modified or postponed to ensure construction will not inhibit remediation activities and will not expose the public or construction workers to hazardous conditions.	<i>City of Elk Grove Development Services</i>	<i>Throughout construction</i>	
2.2.5 AIR QUALITY				
MM 2.2.5-1a	The City of Elk Grove shall submit to the SMAQMD a construction emission/dust control plan and receive approval before groundbreaking. Construction of the proposed project is required to comply with all applicable SMAQMD rules and regulations, specifically Rule 403 regarding fugitive dust, Rule 442 regarding architectural coatings, and Rule 453 regarding asphalt paving. In accordance with the recommendations of the SMAQMD, the City of Elk Grove shall also implement the following measures to reduce temporary construction emissions:	<i>City of Elk Grove Development Services and SMAQMD</i>	<i>Prior to the start of construction and throughout construction</i>	

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Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
MM 2.2.5-1b	<p>As recommended by the SMAQMD (2003), the City shall implement the following measures (where feasible) to reduce NOx and visible emissions from heavy-duty diesel equipment.</p> <p>The City shall provide a plan for approval by the SMAQMD demonstrating that the heavy duty [> 50 horsepower (hp)], off-road vehicles to be used in the construction project, including owned, leased, and subcontractor vehicles, will achieve a project-wide fleet-average 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average at the time of construction. The project representative shall submit a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 hp that will be used an aggregate of 40 or more hours during any portion of the project. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction operations occur. At least 48 hours before subject heavy-duty off-road equipment is used, the City shall provide the SMAQMD with the anticipated construction timeline including start date, and the name and phone number of the project manager and onsite foreman. Acceptable options for reducing emissions include the use of late-model engines, low-emission diesel products, alternative fuels, particulate matter traps, engine profit technology, after-treatment products, and/or such options as become available.</p> <p>The City shall ensure that emissions from off-road, diesel-powered equipment used on the project site do not exceed 40 percent opacity for more than three (3) minutes in any one (1) hour. Any equipment found to exceed 40 percent opacity (or Ringlemann 2.0) shall be repaired immediately, and the SMAQMD shall be notified of noncompliant equipment within 48 hours of identification. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of visual survey results shall be submitted throughout the duration of the construction project, except that the monthly summary shall not be required for any 30-day period in which no construction operations occur. The monthly survey shall include the quantity and type of vehicles surveyed, as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. The above recommendations shall not supersede other SMAQMD or state rules and regulations.</p> <p>The city's primary contractor shall be responsible for ensuring that all heavy-duty equipment is properly tuned and maintained, in accordance with manufacturers' specifications.</p>	City of Elk Grove Development Services and SMAQMD	Prior to the start of construction and throughout construction	

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Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
MM 2.2.5-1c	<p>As recommended by the SMAQMD (1994b), the City shall reduce fugitive dust emissions, in compliance with Rule 403, by implementing the measures listed below.</p> <p>All disturbed areas, including storage piles that are not being actively used for construction purposes, shall be effectively stabilized of dust emissions using water, a chemical stabilizer or suppressant, or vegetative ground cover.</p> <p>All onsite unpaved roads and offsite unpaved access roads shall be effectively stabilized of dust emissions using water or a chemical stabilizer or suppressant.</p> <p>When materials are transported offsite, all material shall be covered, effectively wetted down to limit visible dust emissions, or maintained with at least 15 cm (six [6] inches) of freeboard space from the top of the container.</p> <p>All operations shall limit or expeditiously remove the accumulation of project-generated mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring.</p> <p>After material is added to or removed from the surfaces of outdoor storage piles, the storage piles shall be effectively stabilized of fugitive dust emissions using sufficient water or a chemical stabilizer/suppressant.</p> <p>Onsite vehicle speeds on unpaved roads shall be limited to 15 mph.</p> <p>Wheel washers shall be installed for all trucks and equipment exiting unpaved areas or wheels shall be washed to remove accumulated dirt before such vehicles leave the site.</p> <p>Sandbags or other erosion control measure shall be installed to prevent silt runoff to public roadways from adjacent project areas with a slope greater than one (1) percent.</p> <p>The extent of the areas simultaneously subject to excavation and grading shall be limited, wherever possible, to the minimum area feasible.</p>	<i>City of Elk Grove Development Services and SMAQMD</i>	<i>Throughout construction</i>	
MM 2.2.5-1d	<p>Prior to groundbreaking for the project, the City of Elk Grove shall pay, and obtain proof of payment of, the off-site air quality mitigation fee of \$8,168.00 to SMAQMD.</p>	<i>City of Elk Grove Development Services</i>	<i>Prior to the start of construction</i>	
2.2.6 NOISE				
MM 2.2.6-1	<p>Noise reducing pavement shall be applied to Sheldon Road, from Lewis Stein Road to the edge of the overcrossing bridge in the west, and from Power Inn Road to the edge of the overcrossing bridge in the east.</p>	<i>City of Elk Grove Development Services</i>	<i>During PS&E and throughout construction</i>	

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Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
2.3.1 NATURAL COMMUNITIES				
MM 2.3.1-1	<p>In order to mitigate for impacts to vernal pool habitat, the project proponent shall mitigate according to USFWS guidelines. Compensatory mitigation will be conducted according to the USFWS programmatic Section 7 consultation as outlined in <i>Programmatic Formal Endangered Species Act Consultation on Issuance of 404 Permits for Projects with Relatively Small Effects on Listed Vernal Pool Crustaceans Within the Jurisdiction of the Sacramento Field Office, California</i>, or as required by the Service in the Biological Opinion issued for the project, to result in a “no net loss” of vernal pool habitat. The mitigation identified in the <i>Programmatic Formal Endangered Species Act Consultation</i> is as follows:</p> <ul style="list-style-type: none"> • Preservation component. For every 0.4 hectares (1.0 acre) of habitat directly or indirectly affected, at least two vernal pool credits will be dedicated within a Service-approved ecosystem preservation bank, or, based on Service evaluation of site-specific conservation values, 1.2 hectares (3.0 acres) of vernal pool habitat may be preserved on the project site or on another non-bank site as approved by the Service. • Creation component. For every 0.4 hectares (1.0 acre) of habitat directly affected, at least one vernal pool creation credit will be dedicated within a Service-approved habitat mitigation bank, or, based on Service evaluation of site-specific conservation values, 0.8 hectares (2.0 acres) of vernal pool habitat will be created and monitored on the project site or on another non-bank site as approved by the Service. <p>Under both alternatives (2A and 3A) effective on-site creation of vernal pools is unlikely. Therefore, the project would purchase vernal pool credits from a Service-approved ecosystem preservation bank, such as Bryte Ranch Conservation Bank, to mitigate for impacts to vernal pools.</p>	City of Elk Grove Development Services	Prior to the start of construction and throughout construction	
MM 2.3.1-2a	<p>The East Stockton Boulevard crossing of Whitehouse Creek shall be constructed so as to minimize fill of Whitehouse Creek. Fill placed in the creek to construct the crossing shall be limited to the minimal amount of area necessary to construct the crossing. The crossing shall be designed to maintain the hydrologic and biologic integrity of Whitehouse Creek.</p>	City of Elk Grove Development Services	Throughout construction	

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Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
MM 2.3.1-2b	In order to mitigate for permanent impacts (i.e., fill) to Whitehouse Creek, the project proponent will purchase in-kind mitigation credits at a 1:1 ratio at a U.S. Army Corps of Engineers-approved mitigation bank within the region.	<i>City of Elk Grove Development Services</i>	<i>Prior to the start of construction</i>	
MM 2.3.1-3a	<p>Construction activities in or near the bed of the creek shall be minimized to the greatest extent possible, in order to minimize the area of damage caused by construction activity associated with the construction of the creek crossing. The following techniques could be used to help avoid and minimize impacts to Whitehouse Creek during construction:</p> <ul style="list-style-type: none"> • The construction area for creek work shall be established prior to the start of construction work in the creek. Only the minimum area required to complete construction shall be utilized and areas outside of the construction zone shall be protected. The creek construction area shall be marked with orange construction fencing to clearly demarcate the limits of the construction area, and to prevent construction equipment and workers from entering sensitive areas outside the construction area. • Work within the creek bed shall be limited to the dry season (approximately May 1 to October 1) to minimize impacts to bank erosion and water quality. Impacts to adjoining portions of Whitehouse Creek shall be minimized by implementing best management practices (BMPs), such as utilizing construction mats within the creek channel and implementing an erosion and sediment control plan that minimizes impacts to water quality within Whitehouse Creek. A biological monitor shall be present during construction activities in and near Whitehouse Creek. 	<i>City of Elk Grove Development Services</i>	<i>Prior to the start of construction and throughout construction</i>	
MM 2.3.1-3b	Whitehouse Creek shall be restored to its original topography to mitigate for temporary impacts (i.e. damage resulting from construction activities) and these areas shall be planted with wetland vegetation and subject to a CDFG, USFWS, and ACOE-approved re-vegetation and monitoring plan.	<i>City of Elk Grove Development Services</i>	<i>After completion of construction in the Whitehouse Creek area</i>	

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Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
MM 2.3.1-4a	<p>The City shall retain, where feasible, all native trees larger than 15 cm (6") diameter at breast height (dbh) and all non-native trees larger than 48 cm (19") dbh. Where possible, the following measures shall be followed to protect trees identified for preservation:</p> <p>For trees within the project area that are designated for preservation, a circle with a radius measurement from the trunk of the tree to the tip of its longest limb shall constitute the dripline protection area of each tree;</p> <p>Temporary protective fencing shall be installed at least 0.3 meters (1.0 foot) outside the driplines of the protected trees prior to initiating construction in order to avoid damage to the tree canopies and root systems;</p> <p>Final grading plans shall show all protected trees, tree tag numbers, and trees' protected dripline areas, and shall show the location of the required protective temporary fencing;</p> <p>Any protected trees on the site that require pruning shall be pruned by a certified arborist prior to the start of construction work in the area. All pruning shall be in accordance with American National Standards Institute (ANSI) A300 pruning standards and the International Society of Arboriculture (ISA) "Tree Pruning Guidelines";</p> <p>No signs, ropes, cables (except those which may be installed by a certified arborist to provide limb support) or any other items shall be attached to the trees. Small metallic numbering tags for the purpose of preparing tree reports and inventories shall be allowed;</p> <p>No vehicles, construction equipment, mobile home/office, supplies, materials or facilities shall be driven, parked, stockpiled or located within the driplines of preserved oak trees;</p> <p>No grading (grade cuts or fills) shall be allowed within the driplines of protected oak</p>	City of Elk Grove Development Services	Prior to the start of construction and throughout construction	

5.0 MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
	<p>trees;</p> <p>Drainage patterns on the site shall not be modified so that water collects or stands within, or is diverted across, the dripline of any oak tree;</p> <p>No trenching shall be allowed within the dripline of oak trees. If it is absolutely necessary to install underground utilities within the dripline of an oak tree, the utility line shall be bored or jacked under the supervision of a certified arborist;</p> <p>The construction of impervious surfaces within the driplines of oak trees shall be stringently minimized. When it is absolutely necessary, a piped aeration system per City standard detail shall be installed under the supervision of a certified arborist;</p> <p>No sprinkler or irrigation system shall be installed in such a manner that it sprays water or requires trenching within the driplines of oak trees. An above ground drip irrigation system is recommended;</p> <p>During construction try to maintain the same watering frequency around trees that they are used to receiving;</p> <p>Landscaping beneath oak trees may include non-plant materials such as bark mulch, wood chips, boulders, etc. The only plant species that shall be planted within the driplines of oak trees are those that are tolerant of the natural semi-arid environs of the trees. Limited drip irrigation approximately twice per summer is recommended for the understory plants;</p> <p>Make sure any weed control chemicals utilized prior to laying of new asphalt are not applied where they can leach into the dripline area of any tree; and</p> <p>Clearing of weeds and debris from the protected dripline area shall be done by hand. The use of weed eaters and leaf blowers shall be permitted.</p>			

105.0 MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
MM 2.3.1-4b	<p>For all protected trees that require removal due to project implementation, a tree mitigation and monitoring plan shall be submitted to Caltrans and the City of Elk Grove for approval prior to the start of construction. The number of trees to be replanted will be based on the number of inches of protected trees to be removed. A mitigation planting plan or landscape plan shall be submitted to Caltrans and the City of Elk Grove and include the following mitigation measures:</p> <p>A tree survey shall be conducted by an arborist certified by the International Society of Arboriculture (ISA) to enumerate and evaluate all trees on the site that meet the standards in the City Tree Ordinance and General Plan.</p> <p>All tree locations shall be mapped onto the final approved plans and wherever possible, direct loss of protected trees shall be avoided.</p> <p>For all protected trees that require removal due to project implementation, a tree mitigation and monitoring plan shall be submitted to the City of Elk Grove. The number of trees to be replanted will be based on the number of inches of protected trees to be removed. The mitigation planting plan shall include the number, location and species of the replacement trees; irrigation methods to help tree establishment and ensure survival; planting and maintenance schedules for a three-year establishment period or replanting as needed.</p> <p>Trees that are not to be removed that are within 61 meters (200 feet) of grading activities shall be protectively fenced 1.5 meters (5.0 feet) beyond the dripline and root zone of each oak tree (as determined by an arborist). This fence, which is meant to prevent activities that result in soil compaction beneath the canopies or over the root zone, shall be maintained until all construction activities are completed. Grade changes shall be minimized to the extent feasible within or adjacent to the dripline of existing trees.</p>	City of Elk Grove Development Services and Caltrans	Prior to the start of construction and throughout construction	
	<p><i>Sheldon Road/SR 99 Interchange Improvement Project</i> <i>Final Environmental Impact Report/Environmental Assessment</i></p> <p style="text-align: center;">5.0-16</p>			City of Elk Grove July 2005

5.0 MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
2.3.2 WETLANDS AND OTHER WATERS OF THE UNITED STATES				
MM 2.3.2-1	<p>Any waters of the U.S. that would be lost or disturbed shall be replaced or rehabilitated on a “no net loss” basis in accordance with the USACOE mitigation guidelines. Onsite creation of wetland habitat is preferred to offsite mitigation. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods agreeable to the Corps. The City of Elk Grove Planning Department shall verify successful mitigation of any wetlands impacts.</p> <p>Due to the nature of the project and the project area, effective on-site creation of wetlands is unlikely. Therefore, the project would purchase wetland credits from a Corps-approved preservation bank to mitigate for impacts to wetlands.</p>	<i>City of Elk Grove Development Services</i>	<i>Prior to the start of construction, throughout construction, and after completion of construction activities</i>	
2.3.4 SPECIAL STATUS ANIMAL SPECIES OCCURRENCES				
MM 2.3.4-5	<p>Though the site is currently not occupied by burrowing owls, preconstruction surveys for this species shall be conducted by a qualified biologist within the 30 days prior to construction to ensure that no burrowing owls have occupied the project area. If ground-disturbing activities are delayed or suspended for more than 30 days after the preconstruction survey, the site shall be resurveyed.</p> <p>If owls are subsequently identified within the project area, though are not likely to be directly or indirectly impacted by project construction, then the project proponent shall implement the following measures to minimize disturbance to this species:</p> <p>A buffer area approximately 100 meters (328 feet) in radius will be established around occupied burrows. This radius will be identified by the placement of orange construction fencing.</p> <p>If temporary ground disturbing activities are to occur within 50 to 100 meters (164 to 328 feet) of occupied burrows, then these areas will be restored to their original condition so as to maintain burrowing owl foraging habitat.</p> <p>No disturbance activities should occur within 50 meters (164 feet) of occupied burrows.</p>	<i>City of Elk Grove Development Services</i>	<i>Prior to the start of construction and throughout construction</i>	
MM 2.3.4-6	<p>If construction is proposed during the bird breeding season (February–August), a focused survey for raptors and other nesting birds shall be conducted within 30 days prior to the beginning of construction activities by a qualified biologist in order to identify active nests or roosts onsite. If active nests or roosts are found, no construction activities shall take place within 152 meters (500 feet) of the nest until the young have fledged. Trees containing nests, or burrows that must be removed as a</p>	<i>City of Elk Grove Development Services</i>	<i>Prior to the start of construction and throughout construction</i>	

5.0 MITIGATION MONITORING AND REPORTING PROGRAM

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Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
	result of project implementation shall be removed during the non-breeding season (late September to March). If no active nests are found during the focused survey, no further mitigation will be required.			
MM 2.3.4-7	A qualified biologist shall conduct a preconstruction survey for roosting bats within the abandoned outbuildings within the project area. If the survey shows evidence of the presence of bats in the structures, appropriate exclusionary measures shall be implemented to prevent the bats from establishing maternity roosts. If the survey shows evidence of active roosts, then development activities shall not occur within 152 meters (500 feet) of the nests until the young have fledged (usually after the end of August).	City of Elk Grove Development Services	Prior to the start of construction and throughout construction	
2.3.5 THREATENED AND ENDANGERED SPECIES				
MM 2.3.5-6a	If the elderberry shrub cannot be avoided by the proposed project, then it will be transplanted to a conservation area approved by the USFWS. A qualified monitor will be on-site for the duration of the transplanting of the elderberry shrub to insure that no unauthorized take of VELB occurs. Transplantation should be conducted between November and mid-February. The conservation area receiving the transplant must be at least 548 square meters (1,800 square feet) in size. As many as five (5) additional elderberry plantings and up to five (5) associated native species plantings may also be planted within this area. The transplanted shrub shall receive supplemental watering through the first summer.	City of Elk Grove Development Services	Prior to the start of construction and throughout construction	
MM 2.3.5-6b	In addition to the transplanting requirements, each elderberry stem measuring 2.5 cm (1.0 inch) or greater in diameter at ground level must be replaced in the conservation area with elderberry seedlings or cuttings at the ratios presented in Table 2.3.5-6. In addition, native species will be planted in the conservation area at the ratios presented in Table 2.3.5-6.	City of Elk Grove Development Services	Prior to the start of construction and throughout construction	

5.0 MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
MM 2.3.5-7a	<p>If project construction is to occur between March 1 and September 15 (the Swainson's hawk nesting period), a qualified biologist will conduct two surveys for actively nesting Swainson's hawks within the project area, as well as within a 1.6 km (1.0 mile) radius of the project area, prior to the start of construction. The surveys shall take place at least one week apart, with the second taking place two days prior to the start of construction. If active Swainson's hawk nests are found within 1.6 km (1.0 mile) radius of the construction site, the City of Elk Grove shall consult with the DF&G and the City shall retain a qualified biologist. Clearing and construction shall be postponed or halted within 76 meters (250 feet) of the nests (or another buffer acceptable by DF&G) until additional nesting attempts no longer occur. If a nest tree is found on the project site prior to construction and is proposed for removal, then appropriate permits from DF&G shall be obtained and mitigation implemented pursuant to DF&G guidelines. Complete avoidance of nesting Swainson's hawks will be assumed if project work occurs outside of the nesting time period (March 1 to September 15), or if no active nests are identified within 1.6 km (1.0 mile) of the project area. If project construction is to occur within 1.6 km (1.0 mile) of an active nest, a qualified biologist will monitor the nest for the possibility of abandonment. If an identified active nest becomes abandoned as a result of the implementation of the project, and if nestling(s) are still alive, the project proponent will fund the recovery and hacking of the nestling(s). If construction will occur over the course of more than a single breeding season, this mitigation shall be applied prior to the start of each breeding season for every year during which construction takes place.</p>	City of Elk Grove Development Services	Prior to the start of construction and throughout construction	

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Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
MM 2.3.5-7b	<p>While the avoidance mitigation described above would reduce the potential impacts to Swainson's hawk nesting sites, implementation of the project would contribute to the loss of potential foraging habitat in the area, and compensatory mitigation is required to mitigate this loss. Mitigation for impacts to Swainson's hawk foraging habitat shall follow CDFG's 1994 <i>Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California</i> (CDFG 1994). The City of Elk Grove will mitigate for the loss of Swainson's hawk foraging habitat by purchasing credits at a CDFG-approved mitigation bank at a replacement ratio of 1:1 for suitable foraging habitats. The City will further mitigate for impacts to Swainson's hawk habitat by purchasing credits at a CDFG-approved mitigation bank at a ratio of 0.5:1 specifically for the management of habitat for prey production. These mitigation lands will be managed and monitored in perpetuity by the trustees of the mitigation bank. The City will comply with any additional measures required by CDFG.</p>	City of Elk Grove Development Services	Prior to the start of construction and throughout construction	

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2005-228

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)


I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on the 27th day of July, 2005 by the following vote:

AYES 4: COUNCILMEMBERS: Scherman, Soares, Briggs, Cooper
NOES 0: COUNCILMEMBERS:

ABSTAIN 0: COUNCILMEMBERS:

ABSENT 1: COUNCILMEMBERS: Leary





Peggy E. Jackson, City Clerk
City of Elk Grove, California