

## **RESOLUTION NO. 2007-286**

Adopted by the Sacramento City Council

May 15, 2007

### **CERTIFYING THE ENVIRONMENTAL IMPACT REPORT, APPROVING THE ALTERNATIVE A NORTH ALIGNMENT, AND ADOPTING THE MITIGATION MONITORING PLAN FOR THE INTERSTATE 5/COSUMNES RIVER BOULEVARD INTERCHANGE PROJECT (PN: TV76)**

#### **BACKGROUND**

- A. Based on the initial study conducted for the Interstate 5/Cosumnes River Boulevard Interchange Project ("Project"), the City of Sacramento's Environmental Planning Services determined, on substantial evidence, that the Project may have a significant effect on the environment and prepared an environmental impact report ("EIR") on the Project. The EIR was prepared, noticed, published, circulated, reviewed, and completed in full compliance with the California Environmental Quality Act (Public Resources Code §21000 et seq. ("CEQA"), the CEQA Guidelines (14 California Code of Regulations §15000 et seq.), and the City of Sacramento environmental guidelines, as follows:
1. A Notice of Preparation of the Draft EIR was filed with the Office of Planning and Research and each responsible and trustee agency and each federal agency involved in approving or funding the Project on February 20, 2002, and circulated for public comments for 30 days.
  2. Public meetings were held on March 14, 2002 and March 27, 2002 to solicit comments on the scope of the EIR.
  3. A Notice of Completion (NOC) and copies of the Draft EIR were distributed to the Office of Planning and Research on February 21, 2006, to those public agencies that have jurisdiction by law with respect to the Project, or that exercise authority over resources that may be affected by the Project, and to other interested parties and agencies as required by law. The comments of such persons and agencies were sought.
  4. An official sixty (60) day public comment period for the Draft EIR was established by the Office of Planning and Research. The public comment period began on February 24, 2006, and ended on April 28, 2006.
  5. A Notice of Availability (NOA) of the Draft EIR was mailed on February 24, 2006, to all interested groups, organizations, and individuals who had previously requested notice in writing. The NOA stated that the City of Sacramento had completed the Draft EIR and that copies were available

at the City of Sacramento, Development Services Department, New City Hall, 915 I Street, Third Floor, Sacramento, California 95814. The letter also indicated that the official sixty (60) day public review period for the Draft EIR would end on April 28, 2006.

6. A public notice was placed in the Sacramento Bee on February 24, 2006, which stated that the Draft EIR was available for public review and comment.
7. A public notice was posted in the office of the Sacramento City Clerk and the Sacramento County Clerk on February 24, 2006.
8. Public meetings were held on March 20, 2006 and March 23, 2006 to provide an opportunity for public comments on the Project and the EIR.
9. A revised Draft EIR was circulated for a 50-day public review and comment period from December 28, 2006 to February 15, 2007.
10. A Notice of Availability (NOA) of the Revised Draft EIR was mailed on December 28, 2006, to all interested groups, organizations, and individuals on the distribution list for the Draft EIR. The NOA stated that the City of Sacramento had completed a revised Draft EIR and that copies were available at the City of Sacramento, Development Services Department, New City Hall, 915 I Street, Third Floor, Sacramento, California 95814. The letter also indicated that the official fifty (50) day public review period for the revised Draft EIR would end on February 15, 2007.
11. Following closure of the public comment period, all comments received on the Draft EIR and the revised Draft EIR during the comment periods, the City's written responses to the significant environmental points raised in those comments, and additional information added by the City were added to the Draft EIR to produce the Final EIR.

B. The following information is incorporated by reference and made part of the record supporting these findings:

1. The Draft, Revised Draft, and Final EIR and all documents relied upon or incorporated by reference.
2. The City of Sacramento General Plan, City of Sacramento, January, 1988 and all updates.
3. Environmental Impact Report for the City of Sacramento General Plan Update, City of Sacramento, March 1987 and all updates.

4. Findings of Fact and Statement of Overriding Considerations for the Adoption of the Sacramento General Plan Update, City of Sacramento, 1988 and all updates.
5. Zoning Ordinance of the City of Sacramento.
6. Blueprint Preferred Scenario for 2050, Sacramento Area Council of Governments, December 2004.
7. Airport-Meadowview Community Plan.
8. Sacramento County General Plan.
9. Bufferlands Master Plan.
10. The Mitigation Monitoring Plan for the Project.
11. All records of decision, staff reports, memoranda, maps, exhibits, letters, synopses of meetings, and other documents approved, reviewed, relied upon, or prepared by the City Council or any City commissions, boards, officials, consultants, or staff relating to the Project.

C. Pursuant to Guidelines section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City Council has based its decision are located in and may be obtained from the Office of the City Clerk at 915 I Street, Sacramento, California. The City Clerk is the custodian of records for all matters before the City Council.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

Section 1. With respect to the Project over which the City Council has final approval authority and pursuant to CEQA Guidelines section 15090, the City Council certifies that:

- A. The Final EIR constitutes an adequate, accurate, objective and complete final environmental impact report in full compliance with the requirements of CEQA, the State CEQA Guidelines and the City of Sacramento environmental guidelines:
- B. The Final EIR has been presented to the City Council, and the Council has reviewed and considered the information contained in the Final EIR prior to taking action on the Project; and
- C. The Final EIR reflects the City Council's independent judgment and analysis.

Section 2. The EIR evaluated two build alternatives-Build Alternative A: Franklin to

Freeport North Alignment and Build Alternative B: Franklin to Freeport South Alignment-in an equal level of detail, in addition to a No-Build (No-Project) Alternative. Build Alternative A was identified as the preferred alternative. The City Council approves Build Alternative A as the approved Project. In Support of its approval of the Project, the City Council makes the following findings for each of the significant environmental effects and alternatives of Build Alternative A identified in the EIR pursuant to Section 21080 of CEQA Section 15091 of the CEQA Guidelines:

**A. Significant or Potentially Significant Impacts Mitigated to a Less than Significant Level**

The following significant and potentially significant environmental impacts of the Project, including cumulative impacts, are being mitigated to a less than significant level and are set out below. Pursuant to Section 21081(a)(1) of CEQA and Section 15091(a)(1) of the CEQA Guidelines, as to each such impact, the City Council, based on the evidence in the record before it, finds that changes or alterations incorporated into the Project by means of conditions or otherwise, mitigate, avoid, or substantially lessen to a level of insignificance these significant or potentially significant environmental impacts of the Project. The basis for the finding for each identified impact is set forth below.

**Impact HYD-1: Increases in the Volume of Surface Runoff during Operation.** Construction of impervious surfaces associated with the extension of the roadway would change adsorption rates, the rate and amount of surface runoff, and potentially expose people or property to flooding hazards as a result of displacement of flood storage capacity. Implementation of Mitigation Measure HYD-1 would reduce this impact to a less-than-significant level.

**Facts in Support of Finding:** As described in Mitigation Measure HYD-1: *Prepare and Implement a Drainage Plan for the Project*, prior to Project construction, the City or its contractor will prepare and implement a drainage plan for the Project that will allow the estimated 4,000-cfs increase in runoff volume to pass with minor constructions at culvert headways. The City will verify in construction plans that these designs have been included and will verify their proper installation concurrently with Project construction.

**Impact HYD-4: Changes in Groundwater Quantity during Construction.** Construction of the bridge crossing Morrison Creek and the UPRR line could have impacts on the quantity of groundwater through interception of an aquifer by excavations and direct withdrawals. Implementation of Mitigation Measure HYD-2 would reduce this impact to a less-than-significant level.

**Facts in Support of Finding:** As described in *Mitigation Measure HYD-2: Return Groundwater-Related Dewatering Effluent to Aquifer*, during dewatering, the City or its contractor will return all dewatering effluent to the aquifer. The method by which this will be achieved will be at the City's/ contractor's discretion, but may include construction of infiltration basins. As a performance standard, all groundwater shall be returned to the aquifer. The City will review and approve all plans for this mitigation and perform monitoring during dewatering activities to verify that all groundwater returns to the aquifer.

**Impact HYD-6: Cumulative Increases in Runoff and Potential Flooding Hazards.** The Project increase in impervious surface could contribute to a regional increase in cumulative runoff volumes and flooding. Mitigation Measure HYD-1 would reduce the impact to a less-than-significant level.

**Facts in Support of Finding:** As described in *Mitigation measure HYD-1: Prepare and Implement a Drainage Plan for the Project*, prior to Project construction, the City or its contractor will prepare and implement a drainage plan for the Project that will allow the estimated 4,000-cfs increase in runoff volume to pass with minor constrictions at culvert headways. The City will verify in construction plans that these designs have been included and will verify their proper installation concurrently with Project construction.

**Impact WQ-2: Releases of Hazardous Materials during Construction.** Accidental spills of hazardous vehicular and equipment fluids during construction could contaminate and significantly alter the quality of surface water or groundwaters. Mitigation Measure WQ-1 would reduce the impact to a less-than-significant level.

**Facts in Support of Finding:** As described in *Mitigation Measure WQ-1: Implement Measures to Maintain Groundwater Quality*, if an appreciable spill has occurred and results determine that Project activities have adversely affected groundwater quality, a detailed analysis will be performed by a Registered Environmental Assessor to identify the likely cause of contamination. This analysis will conform to American Society for Testing and Materials standards, and include recontaminations for reducing or eliminating the source or mechanisms of contamination. Based on this analysis, the City or its contractor will select and implement measures to control contamination, with a performance standard that groundwater quality must be returned to baseline conditions. These measures will be subject to City approval.

**Impact WQ-4: Degradation of Surface Water Quality during**

**Operation.** Roadway construction could increase both stormwater and non-stormwater runoff, transporting contaminants to adjacent receiving waters and reducing surface water quality. Mitigation Measure WQ-2 would reduce this impact to a less-than-significant-level.

**Facts in Support of Finding:** As described in *Mitigation Measure WQ-2: Incorporate Source Treatment Controls into Design* (project falls into greater or equal to 5 acres road surface category), to reduce or eliminate water quality effects from polluted runoff from Project facilities, the City or its contractor, and/or any other party designated under the relocation agreement(s) between the City and SMUD, will implement multiple Best Management Practices (BMPs) in areas with potential to drain to storm drainage systems or surface waters. As a performance standard, these BMPs will be selected to achieve pollutant removal to the maximum extent practicable. The BMPs may include a combination of source control, structural improvements, and treatment systems. They may include but are not limited to the following:

1. Grass strips, high infiltration substrates, and grassy swales will be used where feasible to reduce runoff and provide initial stormwater treatment.
2. Small setting, treatment, or infiltration devices may be installed beneath paved areas to provide initial filtration before discharge into subsequent treatment systems or storm drainage systems.
3. Drains will discharge to natural surfaces or swales where possible to avoid excessive concentration and channelization of stormwater.
4. Permanent energy dissipaters for drainage outlets will be installed.
5. If necessary, retention or detention basins designed to provide effective water quality control will be installed. Basin features will include the following:
  - a. Retention time for setting of fine particles will be maximized.
  - b. Maintenance schedules will be established for periodic removal of sedimentation, excessive vegetation, and debris that may clog basin inlets and outlets.
  - c. The retention basin elevation will be maximized to allow the highest amount of infiltration and settling before discharge.

These BMPs shall be incorporated into Project before finalization of design and issuance of a grading permit and shall comply with the City of

Stormwater Quality Design Standards. The City will notify its contractor immediately if there is a noncompliance issue and will require compliance.

**Impact AQ-1: Direct Temporary Increase in Construction-Related Emissions.** Land clearing, grading and site preparation activities, paving, and other construction activities would result in pollutant emissions that exceed the SMAQMD’s daily thresholds for NO<sub>x</sub> and PM<sub>10</sub>. Implementation of Mitigation Measure AIR-1 would reduce the impact to a less-than-significant level.

**Facts in Support of Finding:** As described in *Mitigation Measure AIR-1: Pay an Off-Site Fee to SMAQMD as Compensation for Construction-Related NO<sub>x</sub> Impacts*, the SMAQMD requires payment of a fee if construction-related impacts are over the SMAQMD’s NO<sub>x</sub> threshold of significance. Since the Project’s construction-related NO<sub>x</sub> emissions would exceed the SMAQMD’s 85 pounds per day threshold, the amount of the fee has been calculated and is shown in the following table. Prior to the approval of improvement plans or the issuance of grading permits, the City, SMUD, and/or any other party designated under the relocation agreement(s) between the City and SMUD, will submit proof that the off-site air quality mitigation fee of \$265,888 has been paid to the SMAQMD, and the construction air quality mitigation plan has been approved by the SMAQMD and the lead agency.

Construction Activity	NO <sub>x</sub> , lbs/day (unmitigated)	NO <sub>x</sub> , lbs/day (mitigated)	Exceeds Threshold by	Duration (days)	Total tons	Total Cost (\$13,600/ton)
Grubbing/Land Clearing	112	89.6	4.6	22	0.1	\$688
Grading/Excavation + Pipeline Relocation	428 grading 56 pipeline	398.4	313.4	132 grading 88 pipeline	19.5	\$265,200
Draining/Utilities/Sub-grade	81	64.8	0	132	0.0	\$0
Paving	67	53.6	0	44	0.0	\$0
						\$265,888

Note: NO<sub>x</sub> daily emission threshold equals 85 pounds per day.

**Impact TR-5: Increased Peak Hour Traffic Volumes on Critical Turn Movements at the Freeport Boulevard/Meadowview Road Intersection.** The Project would increase peak hour traffic volumes on critical turn movements at the Freeport Boulevard/Meadowview Road intersection (LOS E – in the a.m. peak hour), which would increase the average control delay by 5.0 seconds. Implementation of Mitigation Measure TR-2 would reduce this impact to a less-than-significant level.

**Facts in Support of Finding:** As described in *Mitigation Measure*

*Mitigation Measure TR-2: Widen the Eastbound Approach to the Freeport Boulevard/Meadowview Road Intersection to Provide One Additional Left-Turn Lane*, existing plus project conditions indicate that the City of Sacramento needs to widen the eastbound approach to the Freeport Boulevard/Meadowview Road intersection to provide one additional left-turn lane. With this improvement the eastbound approach to the intersection would have two left-turn lanes, one through lane, and a shared through/right-turn lane and would be substantially consistent with City General Plan policies regarding level of service on streets and roads. Implementation of this mitigation measure would provide LOS D operations during the a.m. peak hour. Based on preliminary review of this improvement, there appears to be sufficient pavement width in the eastbound direction to shift the through lanes and free up space for the eastbound left turn lane via restriping and minor signal modifications (moving the detector loops). The estimated cost for this measure is approximately \$40,000 to \$80,000.

**Impact WTL-1: Permanent Direct Loss of Seasonal Emergent Wetland.** Project construction would result in the loss of seasonal emergent wetland in the roadway footprint. Mitigation Measures WTL-1 and WTL-2 would reduce this impact to a less-than-significant level.

**Impact WTL-2: Permanent Direct Loss or Degradation of Freshwater Marsh.** Freshwater marsh would be filled during construction or degraded because of shading by the bridge structure. Mitigation Measures WTL-1 and WTL-2 would reduce this impact to a less-than-significant level.

**Impact WTL-3: Loss of Vegetated Drainageway.** Project construction would require placing a vegetated drainageway in a culvert to allow flow to move beneath the roadbed. Mitigation Measures WTL-1 and WTL-2 would reduce this impact to a less-than-significant level.

**Impact WTL-4: Cumulative Loss of Seasonal Emergent Wetland, Freshwater Marsh, Drainageways.** The Project would contribute to the cumulative loss of seasonal emergent wetland, freshwater marsh, and drainageways in the Project vicinity. Implementation of Mitigation Measures WTL-1 and WTL-2 will reduce this cumulative impact to a less-than-significant level.

**Facts in Support of Finding:** As described in *Mitigation Measure WTL-1: Avoid or Minimize Indirect Impacts on Wetlands*, orange construction barrier fencing will be installed to identify and help protect environmentally sensitive areas (ESAs). The construction specifications will require that a qualified biologist identify sensitive biological habitat onsite and identify areas to avoid during construction. The ESAs will be identified by a qualified biologist on the construction drawings before bid

documents are released. The following paragraph will be included in the construction specifications:

The Contractor's attention is directed to the areas designated as "Environmentally Sensitive Areas." These areas are protected, and no entry by the Contractor for any purpose will be allowed unless specifically authorized in writing by the City and Caltrans. The Contractor will take measures including giving written notice to employees and subcontractors to ensure that Contractor's forces do not enter or disturb these areas.

Temporary fences around the ESAs will be installed as the first order of work. Temporary fencing will be 1.2 m (4 ft) high, commercial-quality woven polypropylene, orange in color, and will be installed around the following sensitive biological resources to be avoided:

1. Delineated wetlands within 76.2 m (250 ft) of the construction area
2. Delineated wetlands in the construction area (to be placed at the edge of the 30.5 m-wide [100-ft-wide] construction zone)

This fencing will protect existing resources and prevent encroachment by construction vehicles and personnel. The exact location of the fencing will be determined by a qualified biologist with the goal of protecting sensitive biological resources. The fencing will be tightly strung on posts with a maximum 3-m (10-ft) spacing. The fencing will be installed in a manner that prevents any equipment from extending the work area unnecessarily beyond the area necessary to complete the work. Temporary fences will be furnished and constructed, inspected weekly, maintained, and later removed, as shown on the plans, as specified in the special provisions, and as directed by the project engineer. The contractor shall prohibit any storage, parking, or construction staging within 76.2 m (250 ft) of avoided delineated wetlands.

The biologist will inspect the Project site weekly during ground-disturbing activities and monthly after ground-disturbing activities until Project construction is complete. Biological inspection reports will be filed with the City, Caltrans and USFWS. The reports will include any notices of violations given to the contractor during construction.

As further described in *Mitigation Measure WTL-2: Compensate for Loss of Wetlands*, the City of Sacramento will purchase mitigation credits to compensate for the direct loss of seasonal emergent wetland and freshwater marsh/ drainageway habitat within the road footprint and indirect loss of freshwater marsh habitat within the bridge footprint.

Compensation for the riparian component of these wetlands will include on-site tree planting. Mitigation costs at an approved mitigation bank are estimated at approximately \$20,000 per acre.

**Impact VEG-1: Introduction or Spread of Noxious Weeds.** Land clearing, grading, and other Project construction activities could result in the introduction or spread of noxious weed species affecting special-status species through habitat modification and sensitive natural communities in nearby open space. Mitigation Measure VEG-1 would reduce this impact to a less-than-significant level.

**Facts in Support of Finding:** As described in *Mitigation Measure VEG-1: Prevent the Introduction or Spread of Noxious Weeds*, the contractor, and/or any other party designated under the relocation agreement(s) between the City and SMUD, will be responsible for avoiding the introduction of new noxious weeds and the spread of weeds previously documented at the Project site. Accordingly, the following measures will be implemented during construction.

1. Educate construction supervisors and managers on weed identification and the importance of controlling and preventing the spread of noxious weed infestations.
2. Minimize surface disturbance to the greatest extent possible.
3. Seed all disturbed areas with certified weed-free native and nonnative mixes, as provided in the revegetation plan developed in cooperation with DFG. Mulch with certified weed-free mulch. Rice straw may be used to mulch upland areas.
4. Clean equipment before entering or exiting the Project area.
5. Use native, noninvasive species or nonpersistent hybrids in erosion control plantings to stabilize site conditions and prevent invasive species from colonizing.
6. Provide all seed mixes to be used on SRCSD property to SRCSD Bufferlands staff for review and approval prior to use.

**Impact VEG-2: Loss of Protected Trees.** Construction of the Project would result in the loss of mature trees protected under the City Heritage Tree Ordinance. Mitigation Measures VEG-2 and VEG-3 would reduce this impact to a less-than-significant level.

***Facts in Support of Finding:*** As described in *Mitigation Measure VEG-2: Protect Trees to be Avoided by Construction*, prior to construction, the City, and/or any other party designated under the relocation agreement(s) between the City and SMUD, will ensure that a certified arborist shall identify and map trees to be saved and this information shall be provided to the contractor to ensure that trees to be saved are not harmed. Before any ground-disturbing activity, the contractor will be required to install a minimum of 1.2-m-tall (4-ft-tall) commercial-quality woven orange polypropylene construction fence around the driplines of oak trees and riparian vegetation in the construction area. This fencing will protect existing resources and prevent encroachment by construction vehicles and personnel. The exact location of the fencing will be determined by a qualified biologist with the goal of protecting sensitive biological resources. The fencing will be strung tightly on posts with a maximum 3-m (10-ft) spacing. The fencing will be installed in a manner that prevents any equipment from extending the work area unnecessarily beyond the area necessary to complete the work. The fencing will be checked and maintained weekly until all construction is completed.

As further described in *Mitigation Measure VEG-3: Compensate for Loss of Protected Trees*, removal of mature native riparian trees, which include willows or cottonwoods that measure 15.2 cm (6 in) dbh or more, will be avoided near Morrison Creek to the maximum extent possible. The City, and/or any other party designated under the relocation agreement(s) between the City and SMUD, will compensate for the loss of mature native trees removed for construction or shaded as a result of the overpass construction at a 1:1 ratio of dbh (one inch of dbh planted for inch of dbh removed). A planting plan prepared by a licensed landscape architect who has experience with riparian plantings in the Sacramento area will be required. Replacement trees will be of the same species as those removed and will be planted as close to the original location of the removed trees as feasible. The City, and/or any other party designated under the relocation agreement(s) between the City and SMUD, will monitor the planted trees annually for 5 years, with a goal of 80% survival. If fewer than 80% of the replacement trees have survived at the end of the 5-year monitoring period, replanting and an additional 5 years of monitoring will be conducted.

Before Project construction begins, the City, and/or any other party designated under the relocation agreement(s) between the City and SMUD, will provide a qualified botanist or arborist to survey the affected oak trees in the Trail of Trees west of Franklin Boulevard to record an accurate location, species, size (dbh), and canopy diameter. This information will be submitted to the City Tree Services Department for review. Replacements are generally required on an inch-for-inch diameter basis (Pskowski 2002). The City will mitigate for removal of protected

trees by transplanting the trees or planting oak trees on an inch-for-inch replacement basis near the original location in the Trail of Trees. Grading within the driplines of protected trees will be avoided wherever feasible. If grading must occur within the driplines of protected trees, replanting mitigation for these indirectly affected trees will be the same as that for removed trees (i.e., replacement based on an equal number of inches of dbh will be planted near the original location). Monitoring requirements will be for 5 years as described above for native riparian trees.

**Impact VEG-3: Cumulative Loss of Protected Trees and the Spread of Noxious Weeds in the Project Vicinity.** Construction of the Project in combination with other local and regional projects would contribute to the cumulative loss of protected trees. Implementation of Mitigation Measures VEG-1, VEG-2, and VEG-3 will reduce this cumulative impact to a less-than-significant level.

**Facts in Support of Finding:** As described in *Mitigation Measure VEG-1: Prevent the Introduction or Spread of Noxious Weeds*, the contractor, and/or any other party designated under the relocation agreement(s) between the City and SMUD, will be responsible for avoiding the introduction of new noxious weeds and the spread of weeds previously documented at the Project site. Accordingly, the following measures will be implemented during construction.

1. Educate construction supervisors and managers on weed identification and the importance of controlling and preventing the spread of noxious weed infestations.
2. Minimize surface disturbance to the greatest extent possible.
3. Seed all disturbed areas with certified weed-free native and nonnative mixes, as provided in the revegetation plan developed in cooperation with DFG. Mulch with certified weed-free mulch. Rice straw may be used to mulch upland areas.
4. Clean equipment before entering or exiting the Project area.
5. Use native, noninvasive species or nonpersistent hybrids in erosion control plantings to stabilize site conditions and prevent invasive species from colonizing.
6. Provide all seed mixes to be used on SRCSD property to SRCSD Bufferlands staff for review and approval prior to use.

As further described in *Mitigation Measure VEG-2: Protect Trees to be Avoided by Construction*, prior to construction, the City, and/or any other

party designated under the relocation agreement(s) between the City and SMUD, will ensure that a certified arborist shall identify and map trees to be saved and this information shall be provided to the contractor to ensure that trees to be saved are not harmed. Before any ground-disturbing activity, the contractor will be required to install a minimum 1.2-m-tall (4-ft-tall) commercial-quality woven orange polypropylene construction fence around the driplines of oak trees and riparian vegetation in the construction area. This fencing will protect existing resources and prevent encroachment by construction vehicles and personnel. The exact location of the fencing will be determined by a qualified biologist with the goal of protecting sensitive biological resources. The fencing will be strung tightly on posts with a maximum 3-m (10-ft) spacing. The fencing will be installed in a manner that prevents any equipment from extending the work area unnecessarily beyond the area necessary to complete the work. The fencing will be checked and maintained weekly until all construction is completed.

As further described in *Mitigation Measure VEG-3: Compensate for Loss of Protected Trees*, removal of mature native riparian trees, which include willows or cottonwoods that measure 15.2 cm (6 in) dbh or more, will be avoided near Morrison Creek to the maximum extent possible. The City, and/or any other party designated under the relocation agreement(s) between the City and SMUD, will compensate for the loss of mature native trees removed for construction or shaded as a result of the overpass construction at a 1:1 ratio of dbh (one inch of dbh planted for inch of dbh removed). A planting plan prepared by a licensed landscape architect who has experience with riparian plantings in the Sacramento area will be required. Replacement trees will be of the same species as those removed and will be planted as close to the original location of the removed trees as feasible. The City, and/or any other party designated under the relocation agreement(s) between the City and SMUD, will monitor the planted trees annually for 5 years, with a goal of 80% survival. If fewer than 80% of the replacement trees have survived at the end of the 5-year monitoring period, replanting and an additional 5 years of monitoring will be conducted.

Before Project construction begins, the City, and/or any other party designated under the relocation agreement(s) between the City and SMUD, will provide a qualified botanist or arborist to survey the affected oak trees in the Trail of Trees west of Franklin Boulevard to record an accurate location, species, size (dbh), and canopy diameter. This information will be submitted to the City Tree Services Department for review. Replacements are generally required on an inch-for-inch diameter basis (Pskowski 2002). The City will mitigate for removal of protected trees by transplanting the trees or planting oak trees on an inch-for-inch replacement basis near the original location in the Trail of Trees. Grading

within the driplines of protected trees will be avoided wherever feasible. If grading must occur within the driplines of protected trees, replanting mitigation for these indirectly affected trees will be the same as that for removed trees (i.e., replacement based on an equal number of inches of dbh will be planted near the original location). Monitoring requirements will be for 5 years as described above for native riparian trees.

**Impact WLD-1: Disturbance of Nesting Migratory Birds, Including**

**Raptors.** Loss of nesting migratory birds, including raptors, could occur if occupied nests are removed during the breeding season (generally between February 1 and August 15) or nesting birds are disturbed in violation of California Fish and Game Code Sections 3503 and 3503.5 and the Migratory Bird Treaty Act (MBTA). Implementation of Mitigation Measure WLD-1 would reduce this impact to a less-than-significant level.

**Impact WLD-2: Cumulative Loss of Nesting Migratory Birds.** The proposed Project could contribute to the cumulative loss of nesting migratory birds in the Project vicinity. Implementation of Mitigation Measure WLD-1 would reduce this cumulative contribution to a less-than-significant level.

**Facts in Support of Finding:** As described in *Mitigation Measure WLD-1: Avoid Impacts on Nesting Migratory Birds, Including Raptors*, because construction activities would occur during the breeding season for migratory birds and raptors (generally, February 1 through August 15), a qualified biologist will conduct a survey before the start of construction activities to determine whether active nests are present within 0.4 km (0.25 mi) of the Project site. If an active nest is found in this area, the City, and/or any other party designated under the relocation agreement(s) between the City and SMUD, will contact DFG to determine the need for a no-disturbance buffer or the need to monitor the nest. Removal of any nest trees is expressly prohibited.

If tree and shrub removal is required, removal should be conducted only outside the breeding season for migratory birds and raptors (generally, February 1 through August 15) (generally, trees can be removed from August 16 through January 31). If tree or shrub removal is required during the breeding season, the City will hire a qualified biologist before removal to conduct surveys for active migratory birds and raptor nests in the trees. If active migratory bird or raptor nests are found in the trees proposed for removal, the City, and/or any other party designated under the relocation agreement(s) between the City and SMUD, will consult DFG before tree removal to develop an MOU to promote the conservation of migratory bird populations.

**Impact TES-1: Temporary, Indirect Increased Sedimentation in Suitable Habitat for Vernal Pool Invertebrates.** Potential indirect effects

on listed vernal pool invertebrates could occur because of increased sedimentation from soil erosion into seasonal emergent wetland or hazardous materials entering wetlands after the road is completed. The road design will direct all stormwater runoff into the storm drain system,

which will not drain north, and away from the wetland. Implementation of Mitigation Measures TES-1, TES-2 and TES-3 would reduce this impact to a less-than significant level.

**Facts in Support to Finding:** As described in *Mitigation Measure TES-1: Environmental Education Program*,

1. The applicants shall include a copy of the USFWS biological opinion within its solicitations for design and construction of the Project making the prime contractor responsible for implementing all requirements and obligations included within the biological opinion, and to educate and inform all other contractors involved in the Project construction as to the requirements of the biological opinion. A copy of the solicitations containing the biological opinion also will be provided to the Chief of Endangered Species (Central Valley) at USFWS.
2. At least 30 days prior to initiating construction activities, the City shall submit the names and curriculum vitae of the biological monitor(s) for the Project to the USFWS.
3. An environmental education program that focuses on the importance of onsite biological resources, including special status species, will be developed and implemented. All construction personnel, including contractors, will receive this Service-approved environmental awareness training, which will be conducted by a Service-approved biologist. The training will include information on the special status species, including the snake, the beetle, and the listed vernal pool crustaceans; the required avoidance and minimization measures to avoid take of these species and their habitats, and possible penalties for not complying with the requirements. The Service-approved biologist will inform all construction personnel about the life history of these special status species, the importance of onsite habitats for these species, and the terms and conditions of this biological opinion. Written documentation of the training must be submitted to the Sacramento Fish and Wildlife Office within 30 days of the completion of training. As needed, training shall be conducted in Spanish for Spanish language speakers.

*As further described in Mitigation Measure TES-2: Avoid and Minimize Indirect Impacts on Special-Status Wildlife Species,*

1. The City will ensure that the temporary loss of giant garter snake, valley elderberry longhorn beetle, and vernal pool crustacean habitat is confined to the Project site. Prior to the commencement of construction activities, high visibility fencing that is at least 5 feet tall will be erected around the habitats of these federally listed species to identify and protect these designated ESAs from encroachment of personnel and equipment. These areas will be avoided by all construction personnel. The fencing shall be inspected before the start of each work day and maintained by the construction contractor until completion of the Project. The fencing may be removed only when the construction of the Project is completed.
  - a. Fencing will be established at least 200 ft from the edge of aquatic snake habitat.
  - b. Fencing will be established at a minimum setback of 20 feet from the dripline of each elderberry shrub that is within 100 feet of the proposed project alignment.
  - c. Fencing will be established at a minimum distance of 250 feet from the edge of vernal pool habitat.
2. Signs will be posted every 50 feet along the edge of ESAs, with the following information: "This area is habitat of federally-threatened and/or endangered species, and must not be disturbed. These species are protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." The signs should be clearly readable from a distance of 20 feet, and must be maintained for the duration of construction.
3. After construction activities are complete, any temporary fill or construction debris shall be removed and disturbed areas restored to their pre-project conditions.
4. A Service-approved biologist will inspect construction-related activities at the project site where threatened and endangered species are located (i.e., Morrison Creek bridge and the Cosumnes River Boulevard/Franklin Road intersection) to ensure that no unauthorized take of federally listed species or destruction of their habitat occurs. The biologist will have the authority to stop construction activities that may result in such take of species or destruction of habitat until appropriate corrective measures have

been completed. The biologist will be required to immediately report any unauthorized impacts to the Service.

5. Any unauthorized deviation from these proposed conservation measures will be reported within one (1) working day of its discovery to the Division Chief of Endangered Species at the Sacramento Fish and Wildlife Service Office. Written notification to the Service must be made within three (3) calendar days and include the date, time, and precise location of the event on a 7.5-minute quadrangle, and any other pertinent information. In addition, color photographs shall document the incident and be included in the written notification.
6. Measures consistent with the current Caltrans' Construction Site Best Management Practices (BMPs) Manual, including the Storm Water Pollution Prevention Plan (SWPPP) and Water Pollution Control Program (WPCP) Manuals, will be implemented to minimize effects to the snake during construction. Best management practices will be implemented to prevent sedimentation from entering ESAs and to reduce erosion, dust, noise, and other deleterious aspects of construction related activities. These BMPs may include, but are not limited to, silt fencing, temporary berms, restrictions on cleaning equipment in or near ESAs, installation of vegetative strips, and temporary sediment disposal. Runoff from dust control and hazardous materials will be retained on the construction site and prevented from flowing into the ESAs.
7. During construction operations, the number of access routes, number and size of staging areas, and the total area of the proposed project activity will be limited to the minimum necessary. Routes and boundaries will be clearly demarcated. Movement of heavy equipment to and from the project site will be restricted to established roadways to minimize habitat disturbance. Project-related vehicles shall observe a 20-mile-per-hour speed limit within construction areas, except on City and County roads and on County, State, and Federal highways. This is particularly important during periods when the snake may be sunning or moving on roadways. All heavy equipment, vehicles, and supplies will be stored at the designated staging area at the end of each work period.
8. During construction operations, stockpiling of construction materials, portable equipment, vehicles, and supplies will be restricted to the designated construction staging areas and

exclusive of the ESAs. The construction contractor, under the supervision of the City, will ensure contamination of habitat does not occur during such operations. All workers will be informed of the importance of preventing spills and appropriate measures to take should a spill occur.

As further described in *Mitigation Measure TES-3: Avoid Indirect Impacts on Listed Vernal Pool Invertebrates*,

1. Prior to the initiation of construction activities, the City shall compensate for indirect effects to the habitat of listed vernal pool crustacean by purchasing the equivalent of 1.0 acre of vernal pool habitat preservation credits within a Service-approved preservation bank.
2. The City shall ensure that construction activities that are inconsistent with the maintenance of the suitability of vernal pool crustacean habitat and the associated on-site watershed are prohibited. These include, but are not limited to (1) the alteration of existing topography that may alter hydrology into habitat for Federally-listed vernal pool crustaceans; (2) the placement of any new structures within suitable habitat; (3) dumping, burning, and/or burying of rubbish, garbage, or any other wastes and fill materials; (4) the placement of stormwater drains; (5) fire protection activities not required to protect existing structures at the proposed project site; and (6) use of pesticides or other toxic chemicals.

**Impact TES-2: Mortality or Disturbance to Valley Elderberry**

**Longhorn Beetle.** Elderberry shrubs that provide habitat for the federal listed valley elderberry longhorn beetle (VELB) could be removed by construction of the roadway. Implementation of Mitigation Measures TES-1, TES-2, TES-4, and TES-5 would reduce this impact to a less-than significant level.

**Facts in Support of Finding:** As described in *Mitigation Measure TES-1: Environmental Education Program*,

1. The City shall include a copy of the USFWS biological opinion within its solicitations for design and construction of the Project making the prime contractor responsible for implementing all requirements and obligations included within the biological opinion, and to educate and inform all other contractors involved in the project as to the requirements of the biological opinion. A copy of the solicitations containing the biological opinion also will be provided to the Chief of Endangered Species (Central Valley) at USFWS.

2. At least 30 days prior to initiating construction activities, the City shall submit the names and curriculum vitae of the biological monitor(s) for the Project to the USFWS.
3. An environmental education program that focuses on the importance of onsite biological resources, including special status species, will be developed and implemented. All construction personnel, including contractors, will receive this Service-approved environmental awareness training, which will be conducted by a Service-approved biologist. The training will include information on the special status species, including the snake, the beetle, and the listed vernal pool crustaceans; the required avoidance and minimization measures to avoid take of these species and their habitats, and possible penalties for not complying with the requirements. The Service-approved biologist will inform all construction personnel about the life history of these special status species, the importance of onsite habitats for these species, and the terms and conditions of this biological opinion. Written documentation of the training must be submitted to the Sacramento Fish and Wildlife Office within 30 days of the completion of training. As needed, training shall be conducted in Spanish for Spanish language speakers.

As further described in *Mitigation Measure TES-2: Avoid and Minimize Indirect Impacts on Special-Status Wildlife Species*,

1. The City will ensure that the temporary loss of giant garter snake, valley elderberry longhorn beetle, and vernal pool crustacean habitat is confined to the Project site. Prior to the commencement of construction activities, high visibility fencing that is at least 5 feet tall will be erected around the habitats of these federally listed species to identify and protect these designated ESAs from encroachment of personnel and equipment. These areas will be avoided by all construction personnel. The fencing shall be inspected before the start of each work day and maintained by the construction contractor until completion of the Project. The fencing may be removed only when the construction of the Project is completed.
  - a. Fencing will be established at least 200 ft from the edge of aquatic snake habitat.
  - b. Fencing will be established at a minimum setback of 20 feet from the dripline of each elderberry shrub that is within 100 feet of the Project alignment.

- c. Fencing will be established at a minimum distance of 250 feet from the edge of vernal pool habitat.
2. Signs will be posted every 50 feet along the edge of ESAs, with the following information: "This area is habitat of federally-threatened and/or endangered species, and must not be disturbed. These species are protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." The signs should be clearly readable from a distance of 20 feet, and must be maintained for the duration of construction.
3. After construction activities are complete, any temporary fill or construction debris shall be removed and disturbed areas restored to their pre-project conditions.
4. A Service-approved biologist will inspect construction-related activities at the project site where threatened and endangered species are located (i.e., Morrison Creek bridge and the Cosumnes River Boulevard/Franklin Road intersection) to ensure that no unauthorized take of federally listed species or destruction of their habitat occurs. The biologist will have the authority to stop construction activities that may result in such take of species or destruction of habitat until appropriate corrective measures have been completed. The biologist will be required to immediately report any unauthorized impacts to the Service.
5. Any unauthorized deviation from these proposed conservation measures will be reported within one (1) working day of its discovery to the Division Chief of Endangered Species at the Sacramento Fish and Wildlife Service Office. Written notification to the Service must be made within three (3) calendar days and include the date, time, and precise location of the event on a 7.5-minute quadrangle, and any other pertinent information. In addition, color photographs shall document the incident and be included in the written notification.
6. Measures consistent with the current Caltrans' Construction Site Best Management Practices (BMPs) Manual, including the Storm Water Pollution Prevention Plan (SWPPP) and Water Pollution Control Program (WPCP) Manuals, will be implemented to minimize effects to the snake during construction. Best management practices will be implemented to prevent sedimentation from entering ESAs and to reduce erosion, dust, noise, and other deleterious aspects of construction related activities. These BMPs may include, but are not limited to, silt

fencing, temporary berms, restrictions on cleaning equipment in or near ESAs, installation of vegetative strips, and temporary sediment disposal. Runoff from dust control and hazardous materials will be retained on the construction site and prevented from flowing into the ESAs.

7. During construction operations, the number of access routes, number and size of staging areas, and the total area of the Project activity will be limited to the minimum necessary. Routes and boundaries will be clearly demarcated. Movement of heavy equipment to and from the Project site will be restricted to established roadways to minimize habitat disturbance. Project-related vehicles shall observe a 20-mile-per-hour speed limit within construction areas, except on City and County roads and on County, State, and Federal highways. This is particularly important during periods when the snake may be sunning or moving on roadways. All heavy equipment, vehicles, and supplies will be stored at the designated staging area at the end of each work period.
8. During construction operations, stockpiling of construction materials, portable equipment, vehicles, and supplies will be restricted to the designated construction staging areas and exclusive of the ESAs. The construction contractor, under the supervision of the City, will ensure contamination of habitat does not occur during such operations. All workers will be informed of the importance of preventing spills and appropriate measures to take should a spill occur.

As further described in *Mitigation Measure TES-4: Avoid Impacts on Valley Elderberry Longhorn Beetle*,

1. The 26 elderberry shrubs, which are located within 20 feet of the centerline of the proposed alignment of the project and cannot be avoided, shall be transplanted to a Service-approved conservation area. Transplanting must occur while the elderberry plants are dormant, between November and the first two weeks of February, after they have lost their leaves. The Service will be consulted prior to transplantation and a Service-approved biologist will monitor the transplanting activities. These shrubs will be transplanted according to the Service's July 9, 1999 *Conservation Guidelines for the Valley Elderberry Longhorn Beetle* (Beetle Conservation Guidelines; Service 1999a).
  - a. The planting area shall be at least 1,800 square feet for each elderberry transplant. The elderberry shrubs shall be cut

back to six feet from the ground or to 50 percent of its height-whichever is taller. The remaining trunks will be removed using a tree spade, backhoe, front loader, or other suitable equipment. The trunks and all stems measuring one inch or greater in diameter will be replanted at the conservation site as soon as possible. Care will be taken to ensure that the soil is not dislodged from the roots of the plants. The shrubs will be planted in an excavated hole approximately three to four feet deep, and will be planted so that the top of the rootballs are level with the surrounding ground surface.

- b. After the shrubs are planted, the soil will be saturated with water. Fertilizers or other supplements will not be used in the conservation site and pruning treatments will not be used on the shrubs because the effects of these substances on the beetle are not known. The manager of the conservation site will be responsible for any further maintenance and monitoring of the transplanted elderberry shrubs and the planting, maintenance, and monitoring of elderberry seedlings and associated native plants.
2. Prior to groundbreaking activities at the Project site, the City will purchase the equivalent of 26.0 beetle habitat credits at a Service-approved conservation bank. At least 111 rooted elderberry seedlings and 111 associated native plant species will be planted. The minimum area required is 0.92 acre (39,960 square feet) to ensure that no more than five elderberry seedlings and five associated native plants are planted per 1,800 square feet.
3. The conservation area shall be managed and monitored in perpetuity as outlined in the Beetle Conservation Guidelines. This includes the management and monitoring of the conservation area for either ten (10) consecutive years or seven (7) years over a 15-year period, with monitoring reports submitted for each monitoring year. Additionally, a management plan must be prepared which describes the long-term protection of this conservation area in order to protect the area in perpetuity as habitat for the valley elderberry longhorn beetle.
4. Seven additional elderberry shrubs adjacent to the Project construction right-of-way will not be removed from the Project site. These shrubs are between 20 ft (6 m) and 100 ft (30.5 m) of the Project alignment. The Project will install protective fencing a minimum of 20 ft (6 m) outside the perimeter of the driplines of these elderberry plants prior to initiating any construction activities

on the site. Signs will be posted every 50 feet along the edge of the avoidance area, stating that the area is protected habitat. These buffer areas shall be protected from adverse effects resulting from the Project. There will be no physical alterations of any type within the area enclosed by the fencing. Protective fencing shall be removed following Project completion.

5. A post-construction walkthrough will be conducted to assess whether any damage occurred to vegetation within the buffer areas. Damage may include accidental cutting of vegetation or visible physical damage to roots, stems, and leaves. If damage is observed, vegetation within the buffer areas will be restored with appropriate native plant species. Erosion control measures and exotic weed abatement measures shall be implemented. If unanticipated damage is done to elderberry shrubs, the Service will be notified and appropriate compensation will be implemented.

**Impact TES-3: Loss of Habitat for Giant Garter Snake.** Giant garter snakes occurring within the construction corridor could be harmed or killed by the construction of the Morrison Creek overcrossing. Mitigation Measures TES-1, TES-2, TES-6, and TES-7 would reduce this impact to a less-than significant level.

**Facts in Support of Finding:** As described in *Mitigation Measure TES-1: Environmental Education Program*,

1. The City shall include a copy of the USFWS biological opinion within its solicitations for design and construction of the proposed project making the prime contractor responsible for implementing all requirements and obligations included within the biological opinion, and to educate and inform all other contractors involved in the project as to the requirements of the biological opinion. A copy of the solicitations containing the biological opinion also will be provided to the Chief of Endangered Species (Central Valley) at USFWS.
2. At least 30 days prior to initiating construction activities, the City shall submit the names and curriculum vitae of the biological monitor(s) for the Project to the USFWS.
3. An environmental education program that focuses on the importance of onsite biological resources, including special status species, will be developed and implemented. All construction personnel, including contractors, will receive this Service-approved environmental awareness training, which will be conducted by a Service-approved biologist. The training will include information on

the special status species, including the snake, the beetle, and the listed vernal pool crustaceans; the required avoidance and minimization measures to avoid take of these species and their habitats, and possible penalties for not complying with the requirements. The Service-approved biologist will inform all construction personnel about the life history of these special status species, the importance of onsite habitats for these species, and the terms and conditions of this biological opinion. Written documentation of the training must be submitted to the Sacramento Fish and Wildlife Office within 30 days of the completion of training. As needed, training shall be conducted in Spanish for Spanish language speakers.

As further described in *Mitigation Measure TES-2: Avoid and Minimize Indirect Impacts on Special-Status Wildlife Species*,

1. The City will ensure that the temporary loss of giant garter snake, valley elderberry longhorn beetle, and vernal pool crustacean habitat is confined to the Project site. Prior to the commencement of construction activities, high visibility fencing that is at least 5 feet tall will be erected around the habitats of these federally listed species to identify and protect these designated ESAs from encroachment of personnel and equipment. These areas will be avoided by all construction personnel. The fencing shall be inspected before the start of each work day and maintained by the construction contractor until completion of the Project. The fencing may be removed only when the construction of the Project is completed.
  - a. Fencing will be established at least 200 ft from the edge of aquatic snake habitat.
  - b. Fencing will be established at a minimum setback of 20 feet from the dripline of each elderberry shrub that is within 100 feet of the Project alignment.
  - c. Fencing will be established at a minimum distance of 250 feet from the edge of vernal pool habitat.
2. Signs will be posted every 50 feet along the edge of ESAs, with the following information: "This area is habitat of federally-threatened and/or endangered species, and must not be disturbed. These species are protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." The signs should be clearly readable from a distance of 20 feet, and must be maintained for the duration of construction.

3. After construction activities are complete, any temporary fill or construction debris shall be removed and disturbed areas restored to their pre-project conditions.
4. A Service-approved biologist will inspect construction-related activities at the project site where threatened and endangered species are located (i.e., Morrison Creek bridge and the Cosumnes River Boulevard/Franklin Road intersection) to ensure that no unauthorized take of federally listed species or destruction of their habitat occurs. The biologist will have the authority to stop construction activities that may result in such take of species or destruction of habitat until appropriate corrective measures have been completed. The biologist will be required to immediately report any unauthorized impacts to the Service.
5. Any unauthorized deviation from these proposed conservation measures will be reported within one (1) working day of its discovery to the Division Chief of Endangered Species at the Sacramento Fish and Wildlife Service Office. Written notification to the Service must be made within three (3) calendar days and include the date, time, and precise location of the event on a 7.5-minute quadrangle, and any other pertinent information. In addition, color photographs shall document the incident and be included in the written notification.
6. Measures consistent with the current Caltrans' Construction Site Best Management Practices (BMPs) Manual, including the Storm Water Pollution Prevention Plan (SWPPP) and Water Pollution Control Program (WPCP) Manuals, will be implemented to minimize effects to the snake during construction. Best management practices will be implemented to prevent sedimentation from entering ESAs and to reduce erosion, dust, noise, and other deleterious aspects of construction related activities. These BMPs may include, but are not limited to, silt fencing, temporary berms, restrictions on cleaning equipment in or near ESAs, installation of vegetative strips, and temporary sediment disposal. Runoff from dust control and hazardous materials will be retained on the construction site and prevented from flowing into the ESAs.
7. During construction operations, the number of access routes, number and size of staging areas, and the total area of the proposed project activity will be limited to the minimum necessary. Routes and boundaries will be clearly demarcated. Movement of heavy equipment to and from the project site will be restricted to established roadways to minimize habitat disturbance. Project-

related vehicles shall observe a 20-mile-per-hour speed limit within construction areas, except on City and County roads and on County, State, and Federal highways. This is particularly important during periods when the snake may be sunning or moving on roadways. All heavy equipment, vehicles, and supplies will be stored at the designated staging area at the end of each work period.

8. During construction operations, stockpiling of construction materials, portable equipment, vehicles, and supplies will be restricted to the designated construction staging areas and exclusive of the ESAs. The construction contractor, under the supervision of the City, will ensure contamination of habitat does not occur during such operations. All workers will be informed of the importance of preventing spills and appropriate measures to take should a spill occur.

As further described in *Mitigation Measure TES-6: Avoid Impacts on Giant Garter Snakes*,

1. The City will conduct construction activity within giant garter snake habitat (e.g. aquatic, upland, and rice habitat) between May 1 and October 1. This is the active period for the snake and direct mortality is lessened, because snakes are expected to actively move and avoid danger. If it appears that construction activity may go beyond October 1, the City will contact the Service as soon as possible and no later than September 15 to determine if additional measures are necessary to minimize take. Construction activities within 200 feet (61 m) from the banks of snake aquatic habitat will be avoided during the snake's inactive season.
2. Aquatic habitat will be dewatered 15 days prior to the initiation of construction activities. If complete dewatering is not possible, potential snake prey (i.e., fish and tadpoles) will be removed so that snakes and other wildlife are not attracted to the construction area.
3. At most 24-hours before the start of construction activities, the project site will be surveyed for giant garter snakes by a qualified biologist. Surveys of the Project area will be repeated if a lapse in construction activity of two weeks or greater occurs.
4. If excavation within the Morrison Creek channel is necessary, excavation for removal of accumulated sediments will be done by using equipment located on and operated from the top of the bank.

5. A qualified, Service-approved biologist will be available for monitoring throughout all phases of construction that may result in adverse affects to the giant garter snake. If giant garter snakes are observed in the construction area, the on-site monitoring biologist will have the authority to stop construction activities in the immediate area until appropriate corrective measures have been completed or it is determined that the snake will not be harmed. The biologist will redirect construction activities away from the snake, so that the snake will be allowed to move away from the work area on its own volition. The biologist will report any snakes encountered and any incidental take of the snakes to the Chief of the Endangered Species Division of the Sacramento Fish and Wildlife Service Office immediately, within three (3) working days.
6. The City will insure that the construction contractor will not place any plastic, monofilament, jute, or similar erosion control matting that could entangle giant garter snakes on the project site within 250 feet of giant garter snake habitat.
7. To eliminate an attraction to predators of the snake, all food-related trash items, such as wrappers, cans, bottles, and food scraps, must be disposed of in closed containers and removed at least every other day from the entire Project site.
8. After completion of construction activities, the construction contractor, under the supervision of the City, will remove any temporary fill and construction debris. The project proponents will restore all temporarily affected snake habitats, including aquatic habitat and upland habitat. The construction contractor will restore all snake habitat subject to temporary ground disturbances, including storage and staging areas and temporary roads. These areas shall be re-contoured, if appropriate, and re-vegetated with appropriate locally collected native plant species to promote restoration of the area to pre-project conditions. Appropriate methods and plant species used to re-vegetate such areas will be determined on a site-specific basis in consultation with the USFWS and DFG. Restoration work may include replanting emergent vegetation. Refer to the Service's *Guidelines for the Restoration and/or Replacement of Giant Garter Snake Habitat* (Service 1997). A written report shall be submitted to the Service within ten (10) working days of the completion of construction at the Project site.
9. The City will maintain and monitor the Project site for one year following the completion of construction and restoration activities. Monitoring reports documenting the restoration effort should be submitted to the Service upon the completion of the restoration

implementation and one year after the restoration implementation. Monitoring reports should include photo-documentation, when restoration was completed, what materials were used, specified plantings, and justifications of any substitutions to the Service-recommended guidelines.

As further described in *Mitigation Measure TES-7: Compensate for Direct Impacts on Giant Garter Snakes*, in order to offset losses resulting from temporarily and permanently affected giant garter snake habitat, the applicant shall purchase off-site giant garter snake habitat credits from a Service-approved snake habitat conservation area servicing the area where the Project effects occur. All temporary effects will be compensated at a 1:1 ratio, and all permanent effects will be compensated at a 3:1 ratio, as provided for in the March 11, 2005 Biological Opinion. Prior to the initiation of construction activities, the City will purchase snake habitat credits from a Service-approved snake conservation area to compensate for both temporarily affected and permanently affected snake habitat.

**Impact TES-4: Potential Harm or Mortality of Northwestern Pond Turtles.** Construction activities could result in the harm or death of western pond turtles (a state species of special concern and federal species of concern) occurring within the construction corridor. Implementation of the Mitigation Measure TES-1, TES-2, TES-6, and TES-8 would reduce this impact to a less-than significant level.

**Facts in Support of Finding:** As described in *Mitigation Measure TES-1: Environmental Education Program*,

1. The City shall include a copy of the USFWS biological opinion within its solicitations for design and construction of the Project making the prime contractor responsible for implementing all requirements and obligations included within the biological opinion, and to educate and inform all other contractors involved in the project as to the requirements of the biological opinion. A copy of the solicitations containing the biological opinion also will be provided to the Chief of Endangered Species (Central Valley) at USFWS.
2. At least 30 days prior to initiating construction activities, the City shall submit the names and curriculum vitae of the biological monitor(s) for the Project to the USFWS.
3. An environmental education program that focuses on the importance of onsite biological resources, including special status species, will be developed and implemented. All construction

personnel, including contractors, will receive this Service-approved environmental awareness training, which will be conducted by a Service-approved biologist. The training will include information on the special status species, including the snake, the beetle, and the listed vernal pool crustaceans; the required avoidance and minimization measures to avoid take of these species and their habitats, and possible penalties for not complying with the requirements. The Service-approved biologist will inform all construction personnel about the life history of these special status species, the importance of onsite habitats for these species, and the terms and conditions of this biological opinion. Written documentation of the training must be submitted to the Sacramento Fish and Wildlife Office within 30 days of the completion of training. As needed, training shall be conducted in Spanish for Spanish language speakers.

As further described in *Mitigation Measure TES-2: Avoid and Minimize Indirect Impacts on Special-Status Wildlife Species*,

1. The City will ensure that the temporary loss of giant garter snake, valley elderberry longhorn beetle, and vernal pool crustacean habitat is confined to the Project site. Prior to the commencement of construction activities, high visibility fencing that is at least 5 feet tall will be erected around the habitats of these federally listed species to identify and protect these designated ESAs from encroachment of personnel and equipment. These areas will be avoided by all construction personnel. The fencing shall be inspected before the start of each work day and maintained by the construction contractor until completion of the Project. The fencing may be removed only when the construction of the Project is completed.
  - a. Fencing will be established at least 200 ft from the edge of aquatic snake habitat.
  - b. Fencing will be established at a minimum setback of 20 feet from the dripline of each elderberry shrub that is within 100 feet of the proposed project alignment.
  - c. Fencing will be established at a minimum distance of 250 feet from the edge of vernal pool habitat.
2. Signs will be posted every 50 feet along the edge of ESAs, with the following information: "This area is habitat of federally-threatened and/or endangered species, and must not be disturbed. These species are protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." The signs should be clearly readable from a

distance of 20 feet, and must be maintained for the duration of construction.

3. After construction activities are complete, any temporary fill or construction debris shall be removed and disturbed areas restored to their pre-project conditions.
4. A Service-approved biologist will inspect construction-related activities at the project site where threatened and endangered species are located (i.e., Morrison Creek bridge and the Cosumnes River Boulevard/Franklin Road intersection) to ensure that no unauthorized take of federally listed species or destruction of their habitat occurs. The biologist will have the authority to stop construction activities that may result in such take of species or destruction of habitat until appropriate corrective measures have been completed. The biologist will be required to immediately report any unauthorized impacts to the Service.
5. Any unauthorized deviation from these proposed conservation measures will be reported within one (1) working day of its discovery to the Division Chief of Endangered Species at the Sacramento Fish and Wildlife Service Office. Written notification to the Service must be made within three (3) calendar days and include the date, time, and precise location of the event on a 7.5-minute quadrangle, and any other pertinent information. In addition, color photographs shall document the incident and be included in the written notification.
6. Measures consistent with the current Caltrans' Construction Site Best Management Practices (BMPs) Manual, including the Storm Water Pollution Prevention Plan (SWPPP) and Water Pollution Control Program (WPCP) Manuals, will be implemented to minimize effects to the snake during construction. Best management practices will be implemented to prevent sedimentation from entering ESAs and to reduce erosion, dust, noise, and other deleterious aspects of construction related activities. These BMPs may include, but are not limited to, silt fencing, temporary berms, restrictions on cleaning equipment in or near ESAs, installation of vegetative strips, and temporary sediment disposal. Runoff from dust control and hazardous materials will be retained on the construction site and prevented from flowing into the ESAs.
7. During construction operations, the number of access routes, number and size of staging areas, and the total area of the proposed project activity will be limited to the minimum necessary.

Routes and boundaries will be clearly demarcated. Movement of heavy equipment to and from the project site will be restricted to established roadways to minimize habitat disturbance. Project-related vehicles shall observe a 20-mile-per-hour speed limit within construction areas, except on City and County roads and on County, State, and Federal highways. This is particularly important during periods when the snake may be sunning or moving on roadways. All heavy equipment, vehicles, and supplies will be stored at the designated staging area at the end of each work period.

8. During construction operations, stockpiling of construction materials, portable equipment, vehicles, and supplies will be restricted to the designated construction staging areas and exclusive of the ESAs. The construction contractor, under the supervision of the City, will ensure contamination of habitat does not occur during such operations. All workers will be informed of the importance of preventing spills and appropriate measures to take should a spill occur.

As further described in *Mitigation Measure TES-6: Avoid Impacts on Giant Garter Snakes*,

1. The City will conduct construction activity within giant garter snake habitat (e.g. aquatic, upland, and rice habitat) between May 1 and October 1. This is the active period for the snake and direct mortality is lessened, because snakes are expected to actively move and avoid danger. If it appears that construction activity may go beyond October 1, the City will contact the Service as soon as possible and no later than September 15 to determine if additional measures are necessary to minimize take. Construction activities within 200 feet (61 m) from the banks of snake aquatic habitat will be avoided during the snake's inactive season.
2. Aquatic habitat will be dewatered 15 days prior to the initiation of construction activities. If complete dewatering is not possible, potential snake prey (i.e., fish and tadpoles) will be removed so that snakes and other wildlife are not attracted to the construction area.
3. At most 24-hours before the start of construction activities, the project site will be surveyed for giant garter snakes by a qualified biologist. Surveys of the Project area will be repeated if a lapse in construction activity of two weeks or greater occurs.

4. If excavation within the Morrison Creek channel is necessary, excavation for removal of accumulated sediments will be done by using equipment located on and operated from the top of the bank.
5. A qualified, Service-approved biologist will be available for monitoring throughout all phases of construction that may result in adverse affects to the giant garter snake. If giant garter snakes are observed in the construction area, the on-site monitoring biologist will have the authority to stop construction activities in the immediate area until appropriate corrective measures have been completed or it is determined that the snake will not be harmed. The biologist will redirect construction activities away from the snake, so that the snake will be allowed to move away from the work area on its own volition. The biologist will report any snakes encountered and any incidental take of the snakes to the Chief of the Endangered Species Division of the Sacramento Fish and Wildlife Service Office immediately, within three (3) working days.
6. The City will insure that the construction contractor will not place any plastic, monofilament, jute, or similar erosion control matting that could entangle giant garter snakes on the project site within 250 feet of giant garter snake habitat.
7. To eliminate an attraction to predators of the snake, all food-related trash items, such as wrappers, cans, bottles, and food scraps, must be disposed of in closed containers and removed at least every other day from the entire project site.
8. After completion of construction activities, the construction contractor under the supervision of the City, will remove any temporary fill and construction debris. The construction contractor will restore all temporarily affected snake habitats, including aquatic habitat and upland habitat. The project proponents will restore all snake habitat subject to temporary ground disturbances, including storage and staging areas and temporary roads. These areas shall be re-contoured, if appropriate, and re-vegetated with appropriate locally collected native plant species to promote restoration of the area to pre-project conditions. Appropriate methods and plant species used to re-vegetate such areas will be determined on a site-specific basis in consultation with the USFWS and DFG. Restoration work may include replanting emergent vegetation. Refer to the Service's *Guidelines for the Restoration and/or Replacement of Giant Garter Snake Habitat* (Service 1997). A written report shall be submitted to the Service within ten (10) working days of the completion of construction at the Project site.

9. The City will maintain and monitor the Project site for one year following the completion of construction and restoration activities. Monitoring reports documenting the restoration effort should be submitted to the Service upon the completion of the restoration implementation and one year after the restoration implementation. Monitoring reports should include photo-documentation, when restoration was completed, what materials were used, specified plantings, and justifications of any substitutions to the Service-recommended guidelines.

As further described in *Mitigation Measure TES-8: Avoid Impacts on Northwestern Pond Turtles*, to reduce potential impacts to northwestern pond turtles, the City shall retain a biologist to conduct a survey for northwestern pond turtles within 24 hours of the start of construction activities in suitable habitat located in the construction easement. If a turtle is found in the construction easement, the biologist shall try to passively move the turtle out of the area. If a turtle becomes trapped during construction activities in the waterway, a biologist shall remove the turtle from the work area and place it downstream of the construction easement. Seasonal construction restriction applicable to giant garter snakes will serve to protect hibernating northwestern pond turtles.

**Impact TES-5: Disturbance of Nesting Swainson's Hawks and Loss of Swainson's Hawk Foraging Habitat.** Removal of annual grassland and mature vegetation, noise, and other construction-related disturbances may affect Swainson's hawks in the vicinity of the construction corridor. Implementation of the following Mitigation Measures VEG-2, VEG-3, TES-1, TES-2, TES-9, and TES-10 would reduce this impact to a less-than-significant level.

**Facts In Support of Finding:** As described in *Mitigation Measure VEG-2: Protect Trees to be Avoided by Construction*, prior to construction, the City, and/or any other party designated under the relocation agreement(s) between the City and SMUD, will ensure that a certified arborist shall identify and map trees to be saved and this information shall be provided to the contractor to ensure that trees to be saved are not harmed. Before any ground-disturbing activity, the contractor will be required to install a minimum 1.2-m-tall (4-ft-tall) commercial-quality woven orange polypropylene construction fence around the driplines of oak trees and riparian vegetation in the construction area. This fencing will protect existing resources and prevent encroachment by construction vehicles and personnel. The exact location of the fencing will be determined by a qualified biologist with the goal of protecting sensitive biological resources. The fencing will be strung tightly on posts with a maximum 3-m (10-ft) spacing. The fencing will be installed in a manner that prevents any equipment from extending the work area unnecessarily

beyond the area necessary to complete the work. The fencing will be checked and maintained weekly until all construction is completed.

As further described in *Mitigation Measure VEG-3: Compensate for Loss of Protected Trees*, removal of mature native riparian trees, which include willows or cottonwoods that measure 15.2 cm (6 in) dbh or more, will be avoided near Morrison Creek to the maximum extent possible. The City, and/or any other party designated under the relocation agreement(s) between the City and SMUD, will compensate for the loss of mature native trees removed for construction or shaded as a result of the overpass construction at a 1:1 ratio of dbh (one inch of dbh planted for inch of dbh removed). A planting plan prepared by a licensed landscape architect who has experience with riparian plantings in the Sacramento area will be required. Replacement trees will be of the same species as those removed and will be planted as close to the original location of the removed trees as feasible. The City, and/or any other party designated under the relocation agreement(s) between the City and SMUD, will monitor the planted trees annually for 5 years, with a goal of 80% survival. If fewer than 80% of the replacement trees have survived at the end of the 5-year monitoring period, replanting and an additional 5 years of monitoring will be conducted.

Before Project construction begins, the City, and/or any other party designated under the relocation agreement(s) between the City and SMUD, will provide a qualified botanist or arborist to survey the affected oak trees in the Trail of Trees west of Franklin Boulevard to record an accurate location, species, size (dbh), and canopy diameter. This information will be submitted to the City Tree Services Department for review. Replacements are generally required on an inch-for-inch diameter basis (Pskowski 2002). The City will mitigate for removal of protected trees by transplanting the trees or planting oak trees on an inch-for-inch replacement basis near the original location in the Trail of Trees. Grading within the driplines of protected trees will be avoided wherever feasible. If grading must occur within the driplines of protected trees, replanting mitigation for these indirectly affected trees will be the same as that for removed trees (i.e., replacement based on an equal number of inches of dbh will be planted near the original location). Monitoring requirements will be for 5 years as described above for native riparian trees.

As further described in *Mitigation Measure TES-1: Environmental Education Program*, the City shall implement the following requirements:

1. The City shall include a copy of the USFWS biological opinion within its solicitations for design and construction of the Project making the prime contractor responsible for implementing all requirements and obligations included within the biological opinion,

and to educate and inform all other contractors involved in the project as to the requirements of the biological opinion. A copy of the solicitations containing the biological opinion also will be provided to the Chief of Endangered Species (Central Valley) at USFWS.

2. At least 30 days prior to initiating construction activities, the City shall submit the names and curriculum vitae of the biological monitor(s) for the Project to the USFWS.
3. An environmental education program that focuses on the importance of onsite biological resources, including special status species, will be developed and implemented. All construction personnel, including contractors, will receive this Service-approved environmental awareness training, which will be conducted by a Service-approved biologist. The training will include information on the special status species, including the snake, the beetle, and the listed vernal pool crustaceans, the required avoidance and minimization measures to avoid take of these species and their habitats, and possible penalties for not complying with the requirements. The Service-approved biologist will inform all construction personnel about the life history of these special status species, the importance of onsite habitats for these species, and the terms and conditions of this biological opinion. Written documentation of the training must be submitted to the Sacramento Fish and Wildlife Office within 30 days of the completion of training. As needed, training shall be conducted in Spanish for Spanish language speakers.

As further described in *Mitigation Measure TES-2: Avoid and Minimize Indirect Impacts on Special-Status Wildlife Specifies*, the City shall implement the following requirements:

1. The City will ensure that the temporary loss of giant garter snake, valley elderberry longhorn beetle, and vernal pool crustacean habitat is confined to the Project site. Prior to the commencement of construction activities, high visibility fencing that is at least 5 feet tall will be erected around the habitats of these federally listed species to identify and protect these designated ESAs from encroachment of personnel and equipment. These areas will be avoided by all construction personnel. The fencing shall be inspected before the start of each work day and maintained by the construction contractor until completion of the Project. The fencing may be removed only when the construction of the Project is completed.

- a. Fencing will be established at least 200 ft from the edge of aquatic snake habitat.
  - b. Fencing will be established at a minimum setback of 20 feet from the dripline of each elderberry shrub that is within 100 feet of the proposed project alignment.
  - c. Fencing will be established at a minimum distance of 250 feet from the edge of vernal pool habitat.
2. Signs will be posted every 50 feet along the edge of ESAs, with the following information: "This area is habitat of federally-threatened and/or endangered species, and must not be disturbed. These species are protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." The signs should be clearly readable from a distance of 20 feet, and must be maintained for the duration of construction.
3. After construction activities are complete, any temporary fill or construction debris shall be removed and disturbed areas restored to their pre-project conditions.
4. A Service-approved biologist will inspect construction-related activities at the project site where threatened and endangered species are located (i.e., Morrison Creek bridge and the Cosumnes River Boulevard/Franklin Road intersection) to ensure that no unauthorized take of federally listed species or destruction of their habitat occurs. The biologist will have the authority to stop construction activities that may result in such take of species or destruction of habitat until appropriate corrective measures have been completed. The biologist will be required to immediately report any unauthorized impacts to the Service.
5. Any unauthorized deviation from these proposed conservation measures will be reported within one (1) working day of its discovery to the Division Chief of Endangered Species at the Sacramento Fish and Wildlife Service Office. Written notification to the Service must be made within three (3) calendar days and include the date, time, and precise location of the event on a 7.5-minute quadrangle, and any other pertinent information. In addition, color photographs shall document the incident and be included in the written notification.
6. Measures consistent with the current Caltrans' Construction Site Best Management Practices (BMPs) Manual, including the Storm Water Pollution Prevention Plan (SWPPP) and Water Pollution

Control Program (WPCP) Manuals, will be implemented to minimize effects to the snake during construction. Best management practices will be implemented to prevent sedimentation from entering ESAs and to reduce erosion, dust, noise, and other deleterious aspects of construction related activities. These BMPs may include, but are not limited to, silt fencing, temporary berms, restrictions on cleaning equipment in or near ESAs, installation of vegetative strips, and temporary sediment disposal. Runoff from dust control and hazardous materials will be retained on the construction site and prevented from flowing into the ESAs.

7. During construction operations, the number of access routes, number and size of staging areas, and the total area of the proposed project activity will be limited to the minimum necessary. Routes and boundaries will be clearly demarcated. Movement of heavy equipment to and from the project site will be restricted to established roadways to minimize habitat disturbance. Project-related vehicles shall observe a 20-mile-per-hour speed limit within construction areas, except on City and County roads and on County, State, and Federal highways. This is particularly important during periods when the snake may be sunning or moving on roadways. All heavy equipment, vehicles, and supplies will be stored at the designated staging area at the end of each work period.
8. During construction operations, stockpiling of construction materials, portable equipment, vehicles, and supplies will be restricted to the designated construction staging areas and exclusive of the ESAs. The construction contractor under the supervision to the City, will ensure contamination of habitat does not occur during such operations. All workers will be informed of the importance of preventing spills and appropriate measures to take should a spill occur.

As further described in *Mitigation Measure TES-9: Avoid Impacts on Nesting Swainson's Hawks*, Swainson's hawks could establish nests in numerous locations that were not found to be active during initial surveys. Also, construction is expected to span multiple years. Therefore, a qualified biologist shall conduct preconstruction surveys each construction year to locate all active nest sites within 0.8 km (0.5 mi) of construction activities. A 0.4-km (0.25-mi) buffer zone around all known and suspected Swainson's hawk nests will be established. The 0.4-km (0.25-mi) buffer and a 91.4-m (100-yard [yd]) buffer shall be marked with specific identifiable flags. Construction shall be restricted to areas more than 91.4-m (100 yd) from active nests until after chicks have hatched in June. Vehicles shall be allowed to drive past the nest within that 91.4-m (100-yd)

buffer zone, but shall not be allowed to stop. If, through consultation with the DFG, construction is allowed to occur within 0.4 km (0.25 mi) of an active nest, a biological monitor shall observe the nesting hawks for stressed/detrimental behavior that threatens nest success. If there appears to be a threat to nesting success resulting from construction activity within the 0.4-km (0.25-mi) buffer, work shall be halted until the hawk's behavior normalizes and the threat has dissipated. The most obvious and dangerous "detrimental behavior" occurs when the hawk is scared off the nest. If that occurs (even momentarily), construction shall stop immediately within 0.4 km (0.25 mi) of the nest for at least 1 hour after the hawk returns to the nest and her behavior appears to normalize. When construction resumes, if the hawk is scared off the nest a second time, the City's Contractor, and/or any other party designated under the relocation agreement(s) between the City and SMUD, shall not resume construction within that 0.4-km (0.25-mi) zone until having consulted with DFG to discuss further options. Other stressors/detrimental behaviors that the monitor shall look for include the hawk being off the eggs while still on the nest (e.g., circling/walking around the nest and calling). The biological monitor shall also watch for signs that the hawks are paying attention to construction instead of behaving normally (e.g., sitting calmly on the nest, watching out for or scaring away potential predators). When construction crews are within 0.4 km (0.25 mi) of an active nest, measures shall be taken to reduce the visibility of the humans to the greatest extent possible (e.g., work behind their vehicles, stay in their vehicles) because the appearance of people tends to disturb birds much more than vehicles and other machinery.

As further described in *Mitigation Measure TES-10: Compensate for Loss of Swainson's Hawk Foraging Habitat*, the City, and/or any other party designated under the relocation agreement(s) between the City and SMUD, will mitigate for permanent impacts on 16 ac of foraging habitat by paying into a mitigation bank program approved by DFG. Costs for this mitigation are currently estimated as \$176,000 to \$320,000 for 16 ac based on a range of \$11,000 to \$20,000 per acre, depending on the mitigation bank selected.

**Impact TES-6: Disturbance of Nesting Special-Status Birds and Loss of Foraging Habitat.** Disturbances of nest sites by noise and other construction-related disturbances and losses of foraging habitat may cause nest failure or a reduction of available habitat, potentially contributing to local and regional declines of special-status birds. Implementation of Mitigation Measures TES-1, TES-2, TES-9, TES-10, and TES-11 would reduce this impact to a less-than-significant level.

**Facts in Support of Finding:** As described in *Mitigation Measure TES-1: Environmental Education Program*,

1. The City shall include a copy of the USFWS biological opinion within its solicitations for design and construction of the Project making the prime contractor responsible for implementing all requirements and obligations included within the biological opinion, and to educate and inform all other contractors involved in the Project as to the requirements of the biological opinion. A copy of the solicitations containing the biological opinion also will be provided to the Chief of Endangered Species (Central Valley) at USFWS.
2. At least 30 days prior to initiating construction activities, the City shall submit the names and curriculum vitae of the biological monitor(s) for the Project to the USFWS.
3. An environmental education program that focuses on the importance of onsite biological resources, including special status species, will be developed and implemented. All construction personnel, including contractors, will receive this Service-approved environmental awareness training, which will be conducted by a Service-approved biologist. The training will include information on the special status species, including the snake, the beetle, and the listed vernal pool crustaceans, the required avoidance and minimization measures to avoid take of these species and their habitats, and possible penalties for not complying with the requirements. The Service-approved biologist will inform all construction personnel about the life history of these special status species, the importance of onsite habitats for these species, and the terms and conditions of this biological opinion. Written documentation of the training must be submitted to the Sacramento Fish and Wildlife Office within 30 days of the completion of training. As needed, training shall be conducted in Spanish for Spanish language speakers.

As further described in *Mitigation Measure TES-2: Avoid and Minimize Indirect Impacts on Special-Status Wildlife Species*,

1. The City will ensure that the temporary loss of giant garter snake, valley elderberry longhorn beetle, and vernal pool crustacean habitat is confined to the proposed project site. Prior to the commencement of construction activities, high visibility fencing that is at least 5 feet tall will be erected around the habitats of these federally listed species to identify and protect these designated ESAs from encroachment of personnel and equipment. These areas will be avoided by all construction personnel. The fencing shall be inspected before the start of each work day and maintained by the construction contractor until completion of the Project. The

fencing may be removed only when the construction of the Project is completed.

- a. Fencing will be established at least 200 ft from the edge of aquatic snake habitat.
  - b. Fencing will be established at a minimum setback of 20 feet from the dripline of each elderberry shrub that is within 100 feet of the proposed project alignment.
  - c. Fencing will be established at a minimum distance of 250 feet from the edge of vernal pool habitat.
2. Signs will be posted every 50 feet along the edge of ESAs, with the following information: "This area is habitat of federally-threatened and/or endangered species, and must not be disturbed. These species are protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." The signs should be clearly readable from a distance of 20 feet, and must be maintained for the duration of construction.
  3. After construction activities are complete, any temporary fill or construction debris shall be removed and disturbed areas restored to their pre-project conditions.
  4. A Service-approved biologist will inspect construction-related activities at the project site where threatened and endangered species are located (i.e., Morrison Creek bridge and the Cosumnes River Boulevard/Franklin Road intersection) to ensure that no unauthorized take of federally listed species or destruction of their habitat occurs. The biologist will have the authority to stop construction activities that may result in such take of species or destruction of habitat until appropriate corrective measures have been completed. The biologist will be required to immediately report any unauthorized impacts to the Service.
  5. Any unauthorized deviation from these proposed conservation measures will be reported within one (1) working day of its discovery to the Division Chief of Endangered Species at the Sacramento Fish and Wildlife Service Office. Written notification to the Service must be made within three (3) calendar days and include the date, time, and precise location of the event on a 7.5-minute quadrangle, and any other pertinent information. In addition, color photographs shall document the incident and be included in the written notification.

6. Measures consistent with the current Caltrans' Construction Site Best Management Practices (BMPs) Manual, including the Storm Water Pollution Prevention Plan (SWPPP) and Water Pollution Control Program (WPCP) Manuals, will be implemented to minimize effects to the snake during construction. Best management practices will be implemented to prevent sedimentation from entering ESAs and to reduce erosion, dust, noise, and other deleterious aspects of construction related activities. These BMPs may include, but are not limited to, silt fencing, temporary berms, restrictions on cleaning equipment in or near ESAs, installation of vegetative strips, and temporary sediment disposal. Runoff from dust control and hazardous materials will be retained on the construction site and prevented from flowing into the ESAs.
7. During construction operations, the number of access routes, number and size of staging areas, and the total area of the proposed project activity will be limited to the minimum necessary. Routes and boundaries will be clearly demarcated. Movement of heavy equipment to and from the project site will be restricted to established roadways to minimize habitat disturbance. Project-related vehicles shall observe a 20-mile-per-hour speed limit within construction areas, except on City and County roads and on County, State, and Federal highways. This is particularly important during periods when the snake may be sunning or moving on roadways. All heavy equipment, vehicles, and supplies will be stored at the designated staging area at the end of each work period.
8. During construction operations, stockpiling of construction materials, portable equipment, vehicles, and supplies will be restricted to the designated construction staging areas and exclusive of the ESAs. The construction contractor, under the supervision of the City, will ensure contamination of habitat does not occur during such operations. All workers will be informed of the importance of preventing spills and appropriate measures to take should a spill occur.

As further described in *Mitigation Measure TES-9: Avoid Impacts on Nesting Swainson's Hawks*, Swainson's hawks could establish nests in numerous locations that were not found to be active during initial surveys. Also, construction is expected to span multiple years. Therefore, a qualified biologist shall conduct preconstruction surveys each construction year to locate all active nest sites within 0.8 km (0.5 mi) of construction activities. A 0.4-km (0.25-mi) buffer zone around all known and suspected Swainson's hawk nests will be established. The 0.4-km (0.25-mi) buffer

and a 91.4-m (100-yard [yd]) buffer shall be marked with specific identifiable flags. Construction shall be restricted to areas more than 91.4-m (100 yd) from active nests until after chicks have hatched in June. Vehicles shall be allowed to drive past the nest within that 91.4-m (100-yd) buffer zone, but shall not be allowed to stop. If, through consultation with the DFG, construction is allowed to occur within 0.4 km (0.25 mi) of an active nest, a biological monitor shall observe the nesting hawks for stressed/detrimental behavior that threatens nest success. If there appears to be a threat to nesting success resulting from construction activity within the 0.4-km (0.25-mi) buffer, work shall be halted until the hawk's behavior normalizes and the threat has dissipated. The most obvious and dangerous "detrimental behavior" occurs when the hawk is scared off the nest. If that occurs (even momentarily), construction shall stop immediately within 0.4 km (0.25 mi) of the nest for at least 1 hour after the hawk returns to the nest and her behavior appears to normalize. When construction resumes, if the hawk is scared off the nest a second time, the City's Contractor, and/or any other party designated under the relocation agreement(s) between the City and SMUD, shall not resume construction within that 0.4-km (0.25-mi) zone until having consulted with DFG to discuss further options. Other stressors/detrimental behaviors that the monitor shall look for include the hawk being off the eggs while still on the nest (e.g., circling/walking around the nest and calling). The biological monitor shall also watch for signs that the hawks are paying attention to construction instead of behaving normally (e.g., sitting calmly on the nest, watching out for or scaring away potential predators). When construction crews are within 0.4 km (0.25 mi) of an active nest, measures shall be taken to reduce the visibility of the humans to the greatest extent possible (e.g., work behind their vehicles, stay in their vehicles) because the appearance of people tends to disturb birds much more than vehicles and other machinery.

As further described in *Mitigation Measure TES-10: Compensate for Loss of Swainson's Hawk Foraging Habitat*, the City, and/or any other party designated under the relocation agreement(s) between the City and SMUD, will mitigate for permanent impacts on 16 ac of foraging habitat by paying into a mitigation bank program approved by DFG. Costs for this mitigation are currently estimated as \$176,000 to \$320,000 for 16 ac based on a range of \$11,000 to \$20,000 per acre, depending on the mitigation bank selected.

As further described in *Mitigation Measure TES-11: Avoid Impacts on Nesting Special-Status Birds*, special-status birds could establish nests in numerous locations that were not found to be active during initial surveys. Also, construction is expected to span multiple years. Therefore, a qualified biologist shall conduct preconstruction surveys each construction year to locate all active nest sites within 0.4 km (0.25 mi) of the

construction easement. Direct disturbance, including removal of nest trees and activities in the immediate vicinity of active nests, shall be avoided during the breeding season (March through August) where feasible. No-disturbance buffers shall be established around each active nest to avoid disturbing nesting birds where feasible. The size and configuration of buffers shall be based on the proximity of active nests to construction, existing disturbance levels, topography, the sensitivity of the species, and other factors, and shall be established through coordination with DFG representatives on a case-by-case basis. Where it is determined to be infeasible to schedule construction to avoid constructing within 0.4 km (0.25 mi) of an active nest, the City or its Contractor, and/or any other party designated under the relocation agreement(s) between the City and SMUD, shall monitor nest status to determine whether construction is disturbing nesting activities. If it is determined by a qualified biologist that the construction is adversely affecting nesting activities, construction activities within 0.4 km (0.25 mi) shall cease pending completion of nesting activities.

Western burrowing owls are known to nest in the eastern portion of the study area along the Union House Creek levee. Potential habitat for Western burrowing owl in the west portion of the study area is located along Morrison Creek levee and along dirt roads in the SRCSD Bufferlands (Jones 2001). Western burrowing owls forage in grassland habitat in the project area. To avoid impacts on Western burrowing owl, a biologist will conduct a preconstruction survey for the owls along the project alignment plus a 75-m (250-ft) buffer on each side of the construction area. If Western burrowing owls are detected in the project area, the following measures will be implemented.

1. Occupied burrows will not be disturbed during the nesting season (February 1 through August 31).
2. When destruction of occupied burrows (outside the nesting season) is unavoidable, existing unsuitable burrows will be enhanced (enlarged or cleared of debris) or new burrows created (by installing artificial burrows) at a ratio of 2:1 on the protected lands site. Newly created burrows will follow guidelines established by DFG.
3. If owls must be moved away from the project area, passive relocation techniques (e.g., installing one-way doors at burrow entrances) will be used rather than trapping. At least 1 week will be necessary to accomplish passive relocation and allow owls to acclimate to alternate burrows.
4. The City, and/or any other party designated under the relocation agreement(s) between the City and SMUD, will prepare a

monitoring plan and provide long-term management and monitoring of the protected lands. The monitoring plan will specify success criteria, identify remedial measures, and require an annual report to DFG.

5. If avoidance is the preferred method of dealing with potential impacts, no disturbance should occur within 50 m (160 ft.) of occupied burrows during the nonbreeding season (September 1 through January 31) and within 75 m (250 ft.) during the breeding season. Avoidance also requires that at least 2.6 hectares (6.5 acres) of foraging habitat, contiguous with occupied burrow sites, be permanently preserved for each pair of breeding Western burrowing owls or single unpaired resident bird. The configuration of the protected site will be submitted to DFG for approval.
6. Compensation measures will follow the guidelines provided in the DFG staff report regarding mitigation of impacts on Western burrowing owls (DFG 1995). The City, and/or any other party designated under the relocation agreement(s) between the City and SMUD, will compensate for the loss of Western burrowing owl foraging habitat and for any occupied burrows that will be destroyed as a result of the proposed action. Before approval of the construction of the Project and before construction begins, the City, and/or any other party designated under the relocation agreement(s) between the City and SMUD, will compensate for the removal of 6.50 hectares (16 acres) of Western burrowing owl foraging habitat. The estimated cost of compensation would be covered under the Swainson's hawk mitigation costs as the two species have similar habitat requirements.

**Impact HAZ-1: Potential for Exposure of Previously Unknown Hazardous Wastes to Construction Workers and/or Nearby Land Uses.** Previously unreported hazardous materials could be discovered during project construction. Mitigation measures HAZ-1, HAZ-2, HAZ-3, and HAZ-4 would reduce the impact to a less-than-significant level.

**Facts in Support of Finding:** As described in *Mitigation Measure HAZ-1: Sampling, Testing, Removal, Storage, Transportation, and Disposal of Yellow Striping along Existing Roadway*, yellow striping along Stonecrest will require removal for the Project. If burial of pre-existing pavement by new paving were conducted; however, impacts would be considered beneficial: the burial process would nearly eliminate leaching of the lead incurred from precipitation. However, if striping paint is to be removed or impacted in any manner, sampling and testing of the yellow striping scheduled for removal should be performed to determine the presence of lead and chromium. All aspects of the pProject associated

with removal, storage, transportation, and disposal shall be in strict accordance with appropriate regulations from the Code of Regulations (CCR). Disposal of the stripes will be at a Class 1 disposal facility.

As further described in *Mitigation Measure HAZ-2: Develop a Health and Safety Plan (HASP) to Address Worker Health and Safety*, the amounts and levels of possible contamination relating to ADL and PCBs or exposure to hazardous materials from gas pipeline removal will be determined during the design phase. An ADL site investigation is required. As necessary, an HASP will be prepared to address worker safety when working with potentially hazardous materials, including, but not limited to potentially lead-bearing paint, transformer fluids, soils potentially containing ADL, and other construction related materials within Caltrans right-of-way for any soil disturbance.

As further described in *Mitigation Measure HAZ-3: Sampling and Analysis of Transformer Fluid from Electrical Transformers*, if leaks from electrical transformers that will either remain within the project construction zone or will require removal and/or relocation are encountered before or during construction, the transformer fluid should be sampled and analyzed by qualified personnel for detectable levels of PCBs. A PCB site investigation is required within Caltrans right-of-way for any soil disturbance. The owner of the transformers shall verify the contents of the transformer prior to relocation and take proper mitigation actions if required. If PCBs are detected, the transformer shall be removed and disposed of in accordance with regulatory agency requirements. Any stained soil encountered below electrical transformers with detectable PCB levels shall also be handled and disposed of in accordance with regulatory agency requirements.

As further described in *Mitigation Measure HAZ-4: Testing for Aerially Deposited Lead (ADL) in Surface/Near-Surface Soils*, a preliminary investigation and screening for ADL for portions of the project location immediately adjacent to I-5 to determine the levels of lead in the surface and near-surface soils will be performed during the design phase. Should ADL be encountered above the regulatory thresholds, these soils would be handled and/or disposed of in accordance with regulatory agency requirements.

As further described in *Mitigation Measure HAZ-5: Comply with Caltrans Requirements to Demolish Bridge Structures*, the contract specifications will include Caltrans bridge demolition specifications that deal with disposal, handling, and health and safety issues related to structure demolition and hazardous waste. The specifications will require the Contractor to prepare a bridge demolition notification form and attachments to be submitted to the California Air Resources Board and

Sacramento Metropolitan Air Quality Management District a minimum of 30 days prior to demolition. A special provision that deals with disposal, handling, and health and safety would be required.

**Impact HAZ-2: Potential for Exposure of Known Hazardous Materials to Humans or the Environment.** Construction may require the movement and/or disposal of materials containing aerially deposited lead (ADL), polychlorinated biphenyls (PCBs) in transformers, and heavy metals such as chromium and lead in yellow street striping. Implementation of Mitigation Measures HAZ-1, HAZ-2, HAZ-3, and HAZ-4 would reduce the impact to a less-than-significant level.

**Facts in Support of Finding:** As described in *Mitigation Measure HAZ-1: Sampling, Testing, Removal, Storage, Transportation, and Disposal of Yellow Striping along Existing Roadway*, yellow striping along Stonecrest will require removal for the Project. If burial of pre-existing pavement by new paving were conducted, however, impacts would be considered beneficial: the burial process would nearly eliminate leaching of the lead incurred from precipitation. However, if striping paint is to be removed or impacted in any manner, sampling and testing of the yellow striping scheduled for removal should be performed to determine the presence of lead and chromium. All aspects of the project associated with removal, storage, transportation, and disposal shall be in strict accordance with appropriate regulations from the Code of Regulations (CCR). Disposal of the stripes will be at a Class 1 disposal facility.

As further described in *Mitigation Measure HAZ-2: Develop a Health and Safety Plan (HASP) to Address Worker Health and Safety*, the amounts and levels of possible contamination relating to ADL and PCBs or exposure to hazardous materials from gas pipeline removal will be determined during the design phase. An ADL site investigation is required. As necessary, an HASP will be prepared to address worker safety when working with potentially hazardous materials, including, but not limited to potentially lead-bearing paint, transformer fluids, soils potentially containing ADL, and other construction related materials within Caltrans right-of-way for any soil disturbance.

As further described in *Mitigation Measure HAZ-3: Sampling and Analysis of Transformer Fluid from Electrical Transformers*, if leaks from electrical transformers that will either remain within the project construction zone or will require removal and/or relocation are encountered before or during construction, the transformer fluid should be sampled and analyzed by qualified personnel for detectable levels of PCBs. A PCB site investigation is required within Caltrans right-of-way for any soil disturbance. The owner of the transformers shall verify the contents of the transformer prior to relocation and take proper mitigation actions if

required. If PCBs are detected, the transformer shall be removed and disposed of in accordance with regulatory agency requirements. Any stained soil encountered below electrical transformers with detectable PCB levels shall also be handled and disposed of in accordance with regulatory agency requirements.

As further described in *Mitigation Measure HAZ-4: Testing for Aerially Deposited Lead (ADL) in Surface/Near-Surface Soils*, a preliminary investigation and screening for ADL for portions of the Project location immediately adjacent to I-5 to determine the levels of lead in the surface and near-surface soils will be performed during the design phase. Should ADL be encountered above the regulatory thresholds, these soils would be handled and/or disposed of in accordance with regulatory agency requirements.

As further described in *Mitigation Measure HAZ-5: Comply with Caltrans Requirements to Demolish Bridge Structures*, the contract specifications will include Caltrans bridge demolition specifications that deal with disposal, handling, and health and safety issues related to structure demolition and hazardous waste. The specifications will require the Contractor to prepare a bridge demolition notification form and attachments to be submitted to the California Air Resources Board and Sacramento Metropolitan Air Quality Management District a minimum of 30 days prior to demolition. A special provision that deals with disposal, handling, and health and safety would be required.

**Impact HAZ-5: Potential Use of Contaminated Import/Borrow Material to Construct the Overcrossing.** Soil borrow material imported to construct the embankments could be contaminated with hazardous wastes, depending on the source of the material. Mitigation Measure HAZ-6 would be implemented to reduce this impact to a less-than-significant level.

**Facts In Support of Finding:** As described in *Mitigation Measure HAZ-6: Sampling and Analysis of Any Import/Borrow Material*, any material that may be imported for construction of the embankments for the interchange on I-5 or the Morrison Creek overcrossing will require approval for use and certification to be clear of actionable levels of hazardous waste. Testing may be required depending on the source location of the material.

**Impact NZ-1: Permanent Exposure to Operational Traffic Noise.** The predicted noise level under Project conditions would exceed City's exterior noise threshold in one location (Receiver 7 in the Meadowview neighborhood across from Union House Creek). Mitigation Measure NZ-1 would reduce this impact to a less-than-significant level.

**Facts in Support of Finding:** As described in *Mitigation Measure NZ-1: Construct a Noise Barrier Along the North Side of the Alignment West of Franklin Boulevard*, implementation of a minimum 3.1-m-high (10-ft-high) wall, extending from Station 36+00 to 47+20 (west to east) would eliminate the significant noise impact identified at Receiver 7. The preliminary noise abatement design may be changed or eliminated from the final Project design after coordination with other projects.

**Impact UT-1: Interference with Existing Utility Infrastructure.**

Construction of this alternative could interfere with existing utility infrastructure, such as water lines and irrigation ditches, gas lines, electrical power and telephone lines, sewer mains, and drainage mains. Mitigation Measures UT-1 and UT-2 would reduce the impact to a less-than-significant level.

**Facts in Support of Finding:** As described in *Mitigation Measure UT-1: Notify Residents, Businesses, Emergency Services Personnel, and Service Providers of Public Service and Utilities Disruption*, affected businesses and residents will be notified when construction will start and once construction is underway. The City or its Contractor, or any other party designated under the relocation agreement(s) between the City and SMUD, will ensure that affected businesses and residents are notified at least 1 week in advance of any lane or road closures, or disruptions of access. In addition, emergency response personnel, such as fire protection and law enforcement personnel, would be notified at least 1 week in advance of any lane or road closures so that alternate routes can be established. If any utility services, including water, wastewater, gas, and electric services, must be stopped during construction, service providers will provide advance notice to users. Construction activities will be designed and scheduled to minimize disruption of these services. Residents and businesses, including farms, will be notified 1 to 2 weeks before any planned disruptions to utility services.

As further described in *Mitigation Measure UT-2: Adopt Utility Avoidance Measures Recommended by Underground Service Alert Evaluation*, during the design phase of the proposed action, before breaking ground, the project proponent will solicit an evaluation of the alignment by Underground Service Alert (USA), which provides a free "Call Before You Dig" service to all excavators (contractors, homeowners, and others), in central/northern California. A call to USA will automatically notify all USA members who may have underground facilities at the work site. In response, the members will mark or stake the horizontal path of the underground facilities, provide information about them, or give clearance

to dig. This service protects the construction team, public, and environment from injury and hazards and protects underground facilities from being damaged.

**Impact UT-2: Interference with Law Enforcement, Fire Protection, and Emergency Medical Services during Construction.** During construction, emergency vehicles that use Franklin Boulevard, Stonecrest Avenue, Beach Lake Road, and Freeport Boulevard could be hindered by traffic, and lane or road closures. Mitigation Measure UT-3 would reduce the impact to a less-than-significant level.

**Facts in Support of Finding:** As described in *Mitigation Measure UT-3: Comply with Emergency Service Travel Needs and Evacuation Routes and Plans*, emergency service providers (law enforcement, fire protection, and ambulance services) will be notified of all construction activities, including any street closures, at least 1 week in advance. If any lane or street closures would hinder emergency services to a level deemed unacceptable by emergency service authorities, alternatives will be considered to comply with emergency service needs.

**Impact UT-4: Interfere with Planned Infrastructure.** Construction of the Project could interfere with construction of the Freeport Intake, Lower Northwest Interceptor, or RT light rail and add to cumulative utility and emergency service impacts, including interruption of or damage to utility services (e.g., water lines and irrigation ditches, gas lines, electrical power and telephone lines, and wastewater conveyance systems) and hindrance of emergency service vehicles and personnel. Mitigation Measure UT-4 would reduce this impact to a less-than-significant level.

**Facts in Support of Finding:** As described in *Mitigation Measure UT-4: Coordinate Construction Activities to Reduce Interference with Planned Infrastructure*, if construction on the Project, Lower Northwest Interceptor, and Freeport Intake (which are along the same alignment) would be concurrent, the City will coordinate with the other projects to allow access for construction of all three projects.

**Impact VIS-1: Temporary Visual Changes from Construction:** Construction activities would introduce considerable heavy equipment and associated vehicles into the viewshed and possible nighttime construction at the interchange location could present a temporary source of new light and glare to area residents. Mitigation Measure VIS-1 would reduce the impact to a less-than-significant level.

**Facts in Support of Finding:** As described in *Mitigation Measure VIS-1: Prepare and Implement a Lighting Plan*, the City will require the contractor to prepare a lighting plan that demonstrates that project lighting

and vehicle lights from vehicles traveling on the roadway will not increase ambient nighttime lighting conditions for surrounding residential properties by more than 0.5-foot candles, the recommended level of illumination for a walkway along a residential roadside. Designs for shields and directional lighting will be included in this plan. Shields and directional lighting will be used to minimize the distance at which light emanating from the proposed action is visible and to mitigate the effects of glare. In particular, the residential areas will be shielded from lighting effects to the extent feasible. The following points provide additional detail on luminaires to be incorporated into the lighting plan.

1. Luminaires should be cut-off-type fixtures that cast low-angle illumination to minimize incidental spillover of light onto adjacent properties and open space. Fixtures that project upward and horizontally should not be used.
2. Luminaires should be shaded and directed away from the residential and open space areas adjacent to the Project site.
3. Luminaire lamps should provide good color rendering, natural light qualities, and used only where necessary for safety and security purposes.
4. Luminaire mountings should be downcast and the height of placement minimized to reduce potential for backscatter into the nighttime sky and incidental spillover into adjacent properties and open space. Luminaire mountings should have nonglare finishes.

**Impact CR-2: Inadvertent Direct Damage to or Destruction of Buried Archaeological Resources and Human Remains during Construction of the Roadway.** Construction and staging activities associated with the Project and underground utility relocation have some potential to disturb buried, undiscovered archaeological sites and human remains. Mitigation Measures CR-1 and CR-2 would reduce this impact to a less-than-significant level.

**Facts in Support of Finding:** As described in *Mitigation Measure CR-1: Stop Work If Archaeological or Unique Paleontological Materials Are Discovered during Construction*, if archaeological materials (e.g., chipped or ground stone, historic debris, building foundations, or nonhuman bone) or unique paleontological materials are inadvertently discovered during ground-disturbing activities, the construction contractor will stop work in that area and within 30.5 m (100 ft) of the find until a qualified professional can assess the significance of the find and develop appropriate treatment measures. Treatment measures shall be made in consultation with the City, or any other party designated under the

relocation agreement(s) between the City and SMUD, Caltrans, FHWA, SHPO, and other consulting parties to the Section 106 review process. Treatment measures typically include development of avoidance strategies or mitigation of impacts through data recovery programs such as excavation or detailed documentation. If cultural resources are discovered during construction activities, the construction contractor and lead contractor compliance inspector will verify that work is halted until appropriate treatment measures are implemented.

As further described in *Mitigation Measure CR-2: Stop Work If Human Remains Are Discovered during Construction*, if human remains of Native American origin are discovered during ground-disturbing activities, it is necessary for the City, or any other party designated under the relocation agreement(s) between the City and SMUD, and FHWA to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (PRC 5097). If human remains are discovered or recognized in any location other than a dedicated cemetery, the City and FHWA will not allow further excavation or disturbance within 100 m (328.1 ft) of the find or any nearby area reasonably suspected to overlie adjacent human remains until both of the following occur.

1. The County Coroner has been informed and has determined that no investigation of the cause of death is required.
2. If the remains are of Native American origin:
  - a. The descendants from the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC 5097.98, or
  - b. NAHC was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the NAHC.

**B. Significant or Potentially Significant Impacts for which Mitigation Measures Found to be Infeasible**

Mitigation measures to mitigate, avoid, or substantially lessen the following significant and potentially significant environmental impacts of the Project, including cumulative impacts, have been identified. However, pursuant to section 21081(a)(3) of CEQA and section 15091(a)(3) of the Guidelines, as to each such impact and mitigation measure, the City Council, based on the evidence in the record before it, specifically finds

that the mitigation measures are infeasible. Each impact and mitigation measure and the facts supporting the finding of infeasibility of each mitigation measure, are set forth below. Notwithstanding the disclosure of these impacts and the finding of infeasibility, the City Council elects to approve the Project due to the overriding considerations set forth below in Section F, Statement of Overriding Considerations.

**Impact AG-4: Cumulative Conversion of Vacant/Agricultural Land to Urban Uses.** The City of Sacramento General Plan Update EIR identifies potentially adverse cumulative impacts related to agricultural land conversion related to build-out of vacant/agricultural land, conversion of vacant/agricultural land to urban uses, and encroachment on surrounding agricultural operations.

**Facts in Support of Finding:** The following mitigation measures were identified in the Sacramento General Plan Update EIR to reduce the cumulative impact (level of reduction not stated).

Establish a development phasing program.

Work with adjacent counties to develop an agricultural preservation plan.

Buffer residential uses from adjacent regional commercial, office, heavy commercial, and warehouse and industrial uses.

Conduct further study of identified land use issues.

Adopt airport overlay zones.

The General Plan Update EIR further states that the cumulative impact of converting agricultural land to urban uses is “unavoidably adverse” and that no mitigation is available to reduce the cumulative impact to a less-than-significant level. Phasing of development is suggested to provide partial mitigation. Conversion of farmlands that would occur with implementation of the proposed project would add to the cumulative impact stated above. No mitigation is available to reduce the impact; therefore, the impact would be considered significant and unavoidable.

**Impact AQ-4: Cumulative Increase in Construction-Related Emissions.** Construction activities will generate cumulatively significant levels of NO<sub>x</sub> and PM<sub>10</sub> under CEQA.

**Facts in Support of Finding:** The City has committed to implement measures to reduce the severity of effect (see Mitigation Measure AIR-1 As described in *Mitigation Measure AIR-1: Pay an Off-Site*

Fee to SMAQMD as Compensation for Construction-Related NOx Impacts described above); however, the impact would still be significant. No mitigation is available to reduce the impact to a less-than-significant level; therefore, the cumulative impact under CEQA is considered significant and unavoidable.

**Impact TR-4: Increased Daily Traffic Volumes on Cosumnes River Boulevard between Center Parkway and Bruceville Road.** The Project would increase daily traffic volumes on Cosumnes River Boulevard between Center Parkway and Bruceville Road. The traffic volume

increase would increase the volume-to-capacity ratio by 0.5, which would exceed the 0.2 threshold established by the City of Sacramento.

**Facts in Support of Finding:** Implementation of *Mitigation Measure TR-1: Widen Cosumnes River Boulevard between Center Parkway and Bruceville Road* would provide LOS A operations. This mitigation measure is listed in the regional Metropolitan Transportation Plan (MTP) for 2025 as a future improvement. The mitigation measure is not currently listed in the City's Capital Improvement Program (CIP), as it is a five-year expenditure plan that provides a financial strategy for the City's infrastructure improvements. Given that funding is currently not allocated to this mitigation measure in the City's CIP, this mitigation measure is not certain. Therefore, Impact TR-4 would be considered significant and unavoidable.

**Impact TR-9: Increased Peak Hour Traffic Volumes on Critical Turn Movements at the Center Parkway/Cosumnes River Boulevard Intersection.** The project would increase peak hour traffic volumes on critical turn movements at the Center Parkway/Cosumnes River Boulevard intersection, which would increase the average control delay by more than 5.0 seconds.

**Facts in Support of Finding:** Implementation of *Mitigation Measure TR-3: Improve the Center Parkway/Cosumnes River Boulevard Intersection* by providing one left-turn lane, two through lanes, and one right-turn lane on the eastbound and westbound approaches to the intersection would provide LOS D operations during the a.m. and p.m. peak hours. This Project would be constructed as part of the widening of Cosumnes River Boulevard between Center Parkway and Bruceville Road and between Center Parkway and Franklin Boulevard, which is listed in the MTP for 2025 as a future improvement. The mitigation measure is not currently listed in the City's Capital Improvement Program (CIP), as it is a five-year expenditure plan that provides a financial strategy for the City's infrastructure improvements. Given that funding is currently not allocated to this

mitigation measure in the City's CIP, this mitigation measure is not certain. Therefore, Impact TR-9 would be considered significant and unavoidable.

**Impact TR-20: Increased Cumulative Daily Traffic Volumes on Cosumnes River Boulevard between Franklin Boulevard and Center Parkway.** Under cumulative plus project conditions, the Project would cause a redistribution of study-area traffic that would increase daily traffic volumes on Cosumnes River Boulevard between Franklin Boulevard and Center Parkway. The traffic volume increase would change the level of service from acceptable (LOS B) operations to unacceptable (LOS D) operations.

**Facts in Support of Finding.** Widening Cosumnes River Boulevard to six lanes would improve operations in this segment and reduce the significance of this impact; however, there is not adequate right-of-way to widen to six lanes. There is no feasible mitigation available to reduce this impact; therefore, this direct and permanent impact would be considered significant and unavoidable.

**Impact TR-21: Increased Cumulative Daily Traffic Volumes on Cosumnes River Boulevard between Center Parkway and Bruceville Road.** Under cumulative plus project conditions, the Project would cause a redistribution of study-area traffic that would increase daily traffic volumes on Cosumnes River Boulevard between Center Parkway and Bruceville Road. The traffic volume increase would increase the volume-to-capacity ratio by 0.15, which exceeds the 0.02 threshold established by the City, and result in unacceptable (LOS E) operations.

**Facts in Support of Finding:** Widening Cosumnes River Boulevard to six lanes in this segment would improve operations but there is not adequate right-of-way to widen to six lanes. There is adequate right of way to widen Cosumnes River Boulevard between Bruceville Road and Franklin Boulevard from one to two lanes in each direction. The segment from Bruceville Road to Center Parkway, including widening the intersection of Center Parkway/Cosumnes River Boulevard was identified in Mitigation Measure TR-1 and TR-3 and the impact of the project on this segment was considered significant and unavoidable. Widening the segment from Center Parkway to Franklin Boulevard to two lanes in each direction is listed in the MTP for 2025 as a future improvement. The mitigation measure is not currently listed in the City's Capital Improvement Program (CIP), as it is a five-year expenditure plan that provides a financial strategy for the City's infrastructure improvements. Given that funding is currently not allocated to this mitigation measure in the City's CIP, this mitigation measure is not certain. Therefore, Impact TR-21 would be considered significant and unavoidable.

**Impact TR-22: Increased Cumulative Daily Traffic Volumes on Cosumnes River Boulevard between Bruceville Road and SR 99.**

Under cumulative plus project conditions, the Project would cause a redistribution of study-area traffic that would increase daily traffic volumes on Cosumnes River Boulevard between Bruceville Road and SR 99. The traffic volume increase would increase the volume-to-capacity ratio by 0.07, which exceeds the 0.02 threshold established by the City, and result in unacceptable (LOS E) operations.

**Facts in Support of Finding:** Widening Cosumnes River Boulevard to eight lanes in this segment would improve operations; however, this improvement would require additional right-of-way. The need for additional right-of-way, plus encroachment into the Unionhouse/Strawberry Creek detention basin, makes this improvement infeasible. No mitigation is available; therefore, this impact is considered significant and unavoidable.

**Impact TR-26: Reduced Cumulative Peak Hour Traffic Volumes Entering the 24<sup>th</sup> Street/Meadowview Road Intersection.** Under cumulative plus project conditions, the Project would cause a redistribution of study-area traffic that would reduce peak hour traffic volumes entering the 24th Street/Meadowview Road intersection by approximately 200 and 700 vehicles during the a.m. and p.m. peak hours, respectively. The volume reduction will reduce p.m. peak hour delay at the intersection; however, delay during the a.m. peak hour will increase by 6.0 seconds compared to the No Build Alternative. Although total peak hour traffic volumes decrease during the a.m. peak hour, traffic volumes redistribute and increase on critical turning movements, which causes delay to increase.

**Facts in Support of Finding:** Additional right-of-way is needed to reduce the significance of this impact. The need for additional right-of-way makes this improvement infeasible. This permanent and direct impact would be considered significant. No mitigation is available; therefore, this impact is considered significant and unavoidable.

**Impact TR-29: Increased Cumulative Peak Hour Traffic Volumes Entering the Center Parkway/Cosumnes River Boulevard Intersection.** Under cumulative plus project conditions, the Project would cause a redistribution of study-area traffic that would increase peak hour traffic volumes on critical turn movements at the Center Parkway/Cosumnes River Boulevard intersection, which would increase the average control delay by more than 5.0 seconds.

**Facts in Support of Finding:** Widening the segment from Center Parkway to Franklin Boulevard to two lanes in each direction is listed in

the MTP for 2025 as a future improvement. The mitigation measure (TR-4) is not currently listed in the City's Capital Improvement Program (CIP), as it is a five-year expenditure plan that provides a financial strategy for the City's infrastructure improvements. Given that funding is currently not allocated to this mitigation measure in the City's CIP, this mitigation measure is not certain; therefore, this direct and permanent impact would be considered significant and unavoidable.

**Impact TES 7: Cumulative Loss of Special-Status Vernal Pool Invertebrates, VELB, Giant Garter Snake Habitat, Northwestern Pond Turtle, Swainson's Hawk, and Special-Status Bird Nesting Habitat.**

Implementation of the Project, in combination with other local and regional projects, would contribute to the cumulative loss of special-status vernal pool invertebrates, valley elderberry longhorn beetle, giant garter snake habitat, northwestern pond turtle, Swainson's hawk, and special-status bird nesting habitat in the project vicinity. Additionally, the Project would permanently increase the amount of noise and visual interference as well as increase the human presence in the Project area.

**Facts in Support of Finding:** Mitigation Measures TES-1 through TES-11, described previously, would reduce these cumulative impacts, but not to a less-than-significant level. Therefore, these cumulative impacts are significant and unavoidable.

**Impact NZ-2: Temporary Exposure to Construction Noise and Cumulative Noise Exceeding 60 Ldn at Residential Uses in Areas 1 and 2.** During construction of the Project, noise from construction activities and the related relocation of SMUD facilities may intermittently exceed City noise ordinance standards. In addition, at Area 2 (near 8013 Freeport Boulevard) where noise barriers are not feasible, the contribution of the Project to cumulative noise conditions would be considerable.

**Facts in Support of Finding:** Mitigation Measure NZ-2, described previously, would reduce this impact, but not to a less-than-significant level. The impact would therefore be considered significant and unavoidable, primarily because it may not be feasible to limit construction noise at some locations to below noise ordinance standards during nighttime hours.

**Impact VIS-2: Permanent Changes in Light and Glare.** New sources of light and glare would be introduced with construction and operation of the Project and would be visible from all landscape units.

**Facts in Support of Finding:** Mitigation Measures VIS-1 and VIS-2, described previously, would reduce the magnitude of this impact, but not to a less-than-significant level; therefore, the impact would be considered significant and unavoidable.

**Impact VIS-6: Permanent Changes to Views in Landscape Unit 4 (Meadowview Community).** Permanent changes to views in landscape unit 4 (Meadowview Community) would include the extension of Cosumnes River Boulevard from Franklin Boulevard west through the open space lands that exist south of the residences in Landscape Unit 4. Depending on their distance from the alignment, some residences would have a view of the project components to the south of the open space lands that would continue to exist between the residences and the roadway. For viewers in residences close to the eastern part of the alignment, the view would be changed considerably.

**Facts in Support of Finding:** Although the light rail aerial structure being proposed by the Sacramento Regional Transit District may be constructed prior to the Project, changing the current viewshed, the Project will still add, incrementally, to the significant visual impact. Mitigation Measures VIS-3, VIS-4, and VIS-5, described previously, would reduce the magnitude of this impact, but not to a less-than-significant level. The impact would be considered significant and unavoidable.

**Impact VIS-9: Cumulative Change in Viewshed.** Within the Project region, several projects are in the process of application to the City or are in the environmental review process. The Project would contribute to the cumulative impact on viewsheds that is identified in the City of Sacramento General Plan Update EIR. The aesthetics impact identified by the EIR is stated below.

Urbanization of 22,000 acres of currently vacant and agricultural land resulting in a change of many viewsheds. Intensification of the character of Sacramento as a major urban area.

**Facts in Support of Finding:** The Sacramento General Plan Update EIR identifies this cumulative impact as significant and unavoidable with no mitigation available.

### **C. Mitigation Outside the City's Responsibility and/or Jurisdiction**

Mitigation measures to mitigate, avoid, or substantially lessen the following significant and potentially significant environmental impacts of the Project, including cumulative impacts, are within the responsibility and jurisdiction of other public agencies and not the City. Pursuant to section 21081(a)(2) of CEQA and section 15091(a)(2) of the Guidelines, the City

Council, based on the evidence in the record before it, specifically finds that implementation of these mitigation measures can and should be undertaken by the other public agencies. The City Council will request, but cannot compel, each of those public agencies to implement the identified mitigation measures described. Each impact and mitigation measure and the facts supporting the determination that mitigation is within the responsibility and jurisdiction of other public agencies and not the City, are set forth below. Notwithstanding the disclosure of these impacts, the City Council elects to approve the Project due to the overriding considerations set forth below in Section F, Statement of Overriding Considerations.

**Impact TR-25: Increased Cumulative Peak Hour Traffic Volumes on Critical Turn Movements at the SR 160/Freeport Bridge Intersection.**

Under cumulative plus project conditions, the Project would cause a redistribution of study-area traffic that would increase peak hour traffic volumes on critical turn movements at the SR 160/Freeport Bridge intersection, which would increase the average control delay by more than 5.0 seconds.

**Facts in Support of Finding:** As described in *Mitigation Measure TR-5: Installation of a Future Traffic Signal at the SR 160/Freeport Bridge Intersection*, cumulative traffic conditions with or without the project indicate a need to improve operations at this intersection. To improve operations at this intersection, a traffic signal would need to be installed and the northbound approach to the SR 160/Freeport Bridge intersection would need to be widened to provide a left-turn pocket. In addition, the southbound approach to the intersection would need to be widened to provide a right-turn pocket. Implementation of this mitigation measure would provide LOS C operations during the a.m. and p.m. peak hours; however, the SR 160/Freeport Bridge intersection is located outside the City of Sacramento city limits and improvements to this intersection must be reviewed and approved by the County of Sacramento and Caltrans. The City of Sacramento does not have jurisdiction to implement this mitigation measure. Therefore, Impact TR-25 would be considered significant and unavoidable.

**D. Significant and Unavoidable Impacts**

The following significant and potentially significant environmental impacts of the Project, including cumulative impacts, are unavoidable and cannot be mitigated in a manner that would substantially lessen the significant impact. Notwithstanding disclosure of these impacts, the City Council elects to approve the Project due to overriding considerations as set forth below in Section F, Statement of Overriding Considerations.

- Impact AG-4: Cumulative Conversion of Vacant/Agricultural Land to Urban Uses
- Impact AQ-4: Cumulative Increase in Construction-Related Emissions
- Impact TR-4: Increased Daily Traffic Volumes on Cosumnes River Boulevard between Center Parkway and Bruceville Road.
- Impact TR-9 Increased Peak Hour Traffic Volumes on Critical Turn Movements at the Center Parkway /Cosumnes River Boulevard Intersection
- Impact TR-20: Increased Cumulative Daily Traffic Volumes on Cosumnes River Boulevard between Franklin Boulevard and Center Parkway
- Impact TR-21: Increased Cumulative Daily Traffic Volumes on Cosumnes River Boulevard between Center Parkway and Bruceville Road
- Impact TR-22: Increased Cumulative Daily Traffic Volumes on Cosumnes River Boulevard between Bruceville Road and SR 99
- Impact TR-25: Increased Cumulative Peak Hour Traffic Volumes On Critical Turn Movements at the SR 160/Freeport Bridge Intersection
- Impact TR-26: Reduced Cumulative Peak Hour Traffic Volumes Entering the 24th Street/Meadowview Road Intersection
- Impact TR-29: Increased Cumulative Peak Hour Traffic Volumes Entering the Center Parkway/Cosumnes River Boulevard Intersection
- Impact TES-7: Cumulative Loss of Special-Status Vernal Pool Invertebrates, VELB, Giant Garter Snake Habitat, Northwestern Pond Turtle, Swainson's Hawk, and Special-Status Bird Nesting Habitat
- Impact NZ-2: Temporary Exposure to Construction Noise and Cumulative Noise Exceeding 60 Ldn at Residential Uses in Areas 1 and 2
- Impact VIS-2: Permanent Changes in Light and Glare
- Impact VIS-6: Permanent Changes to Views in Landscape Unit 4 (Meadowview Community)
- Impact VIS-9: Cumulative Change in Viewshed

## **E. Project Alternatives**

The City Council has considered the Project alternatives presented and analyzed in the final EIR and presented during the comment period and public hearing process. Some of these alternatives have the potential to avoid or reduce certain significant or potentially significant environmental impacts, as set forth below. The City Council finds, based on specific economic, legal, social, technological, or other considerations, that these

alternatives are infeasible. Each alternative and the facts supporting the finding of infeasibility of each alternative are set forth below.

**Facts in Support of Finding of Infeasibility for Build Alternative B: Franklin to Freeport South Alignment:** Compared to Build Alternative A, Build Alternative B would result in more impacts related to fill of streams and wetlands, more conversion of prime and unique farmland, and slightly less conversion of farmland of statewide or local importance. Build Alternative A (North Alignment) has been identified by the City, Caltrans, and FHWA as the preferred alignment for the following reasons:

- The north alignment has the support of the SRCSD Bufferlands staff, who prefer the north alignment over the south alignment because the south alignment bisects agricultural land under Bufferlands management. The south alignment would make it more difficult to continue agricultural operations on this area of the Bufferlands.
- The north alignment has been identified as the logical alignment for the installation of various utilities, including the Lower Northwest Interceptor and the Freeport Regional Water Project pipeline. Constructing the road along the northern alignment would be more land efficient than constructing the utilities along the northern alignment and constructing the road along the southern alignment.
- The north alignment has the support of the local landowners who prefer the north alignment to the south alignment because it provides better access to private property.

Alternative B is therefore rejected from consideration as infeasible.

**Facts in Support of Finding of Infeasibility for the No Build Alternative:** The No Build Alternative would not construct the extension of Cosumnes River Boulevard between Franklin Boulevard and Freeport Boulevard or provide an interchange at I-5. Consequently, the No-Build Alternative would not result in the removal of any farmland from production resulting from construction of the proposed roadway; therefore, it is consistent with County agriculture goals and policies. There would be no displacement or creation of local jobs nor effects on community cohesion or alterations in the community character in the vicinity of the project area. Planned growth likely would occur eventually if this alternative is selected, but without the impetus of freeway access. This alternative would not result in any construction-related emissions and no violations of federal CO standards would occur or noise levels. There would be no effects on biological resources from construction or operation of the proposed

project. The No-Build Alternative would not involve the use or potential unearthing of any hazardous materials or have the potential to expose humans or the environment to hazardous materials, in excess of whatever potential already exists.

Although the No-Build Alternative would avoid many significant impacts of the Project, it is infeasible because it would not meet the Project purpose to provide route continuity and improve circulation in south Sacramento, reduce existing congestion and future congestion along existing roads and interchanges along I-5, improve traffic conditions, improve safety, provide improved medical and emergency vehicle response times in the project area, improve air quality by reducing overall vehicle miles of travel and vehicle hours of travel in the Project area, and accommodate anticipated travel demand through the year 2025.

The No-Build Alternative would also have the following significant impacts related to traffic, compared to the Project:

- **Impact TR-13: Unacceptable (LOS D) Operations on Area Roadways.** Along the following roadway segments, the No Build Alternative would result in unacceptable (LOS D) operations
  - Pocket Road between I-5 and Freeport Boulevard
  - Meadowview Road between 24<sup>th</sup> Street and Brookfield Drive
  - Franklin Boulevard between Mack Road and Cosumnes River Boulevard
  - Cosumnes River Boulevard between Center Parkway and Bruceville Road

In addition, the No Build Alternative would result in unacceptable operations at the following intersections:

- Freeport Boulevard/Meadowview Road intersection: unacceptable (LOS E) operations during the a.m. and p.m. peak hours
- 24<sup>th</sup> Street/Meadowview Road intersection: unacceptable (LOS D) operations and higher delay during the p.m. peak hour
- Franklin Boulevard/Mack Road intersection: unacceptable (LOS D and E) operations and higher delay during the a.m. and p.m. break hours, respectively
- Franklin Boulevard/Cosumnes River Boulevard intersection: unacceptable (LOS F) operations and higher delay during the a.m. peak hour

The No Build Alternative would not be consistent with the City's General Plan and would not create a new regional connection between Franklin Boulevard and Freeport Boulevard. Consequently, the No Project

Alternative would not provide a new connection for bicyclists and pedestrians or for new transit routes.

- Impact TR-14: Improved Cumulative Operations on Pocket Road between I-5 and Freeport Boulevard. The No Build Alternative would result in unacceptable (LOS F) operations on Pocket Road between I-5 and Freeport Boulevard
- Impact TR-15: Improved Cumulative Operations on Meadowview Road between Freeport Boulevard and 24<sup>th</sup> Street. The No Build Alternative would result in unacceptable (LOS F) operations on Meadowview Road between Freeport Boulevard and 24<sup>th</sup> Street.
- Impact TR-16: Improved Cumulative Operations on Meadowview Road between 24<sup>th</sup> Street and Brookfield Drive. The No Build Alternative would result in unacceptable (LOS F) operations on Meadowview Road between 24<sup>th</sup> Street and Brookfield Drive.
- Impact TR-17: Improved Cumulative Operations on Mack Road between Brookfield Drive and Franklin Boulevard. The No Build Alternative would result in unacceptable (LOS E) operations on Mack Road between Brookfield Drive and Franklin Boulevard.
- Impact TR-18: Improved Cumulative Operations on Mack Road between Franklin Boulevard and Center Parkway. The No Build Alternative would result in unacceptable (LOS D) operations on Mack Road between Franklin Boulevard and Center Parkway.
- Impact TR-19: Improved Cumulative Operations on Franklin Boulevard between Mack Road and Cosumnes River Boulevard. The No Build Alternative would result in unacceptable (LOS F) operations on Franklin Boulevard between Mack Road and Cosumnes River Boulevard.
- Impact TR-21: Increased Cumulative Daily Traffic Volumes on Cosumnes River Boulevard between Center Parkway and Bruceville Road. The No Build Alternative would result in unacceptable (LOS E) operations on Cosumnes River Boulevard between Center Parkway and Bruceville Road.
- Impact TR-22: Increased Cumulative Daily Traffic Volumes on Cosumnes River Boulevard between Bruceville Road and SR 99. The No Build Alternative would result in unacceptable (LOS E) operations on Cosumnes River Boulevard between Bruceville Road and SR 99.

- **Impact TR-23: Improved Cumulative Operations on Freeport Boulevard between Meadowview Road and Cosumnes River Boulevard. The No Build Alternative would result in unacceptable (LOS E) operations on Freeport Boulevard between Meadowview Road and Cosumnes River Boulevard.**
- **Impact TR-24: Improved Cumulative Operations at the Freeport Boulevard/ Meadowview Road Intersection. The No Build Alternative would result in unacceptable (LOS F) operations at the Freeport Boulevard/Meadowview Road intersection during the a.m. and p.m. peak hours.**
- **Impact TR-25: Increased Cumulative Peak Hour Traffic Volumes On Critical Turn Movements at the SR 160/Freeport Bridge Intersection. The No Build Alternative would result in unacceptable (LOS F and E) operations at the SR 160/Freeport Bridge intersection during the a.m. and p.m. peak hours, respectively.**
- **Impact TR-26: Reduced Cumulative Peak Hour Traffic Volumes Entering the 24th Street/Meadowview Road Intersection. The No Build Alternative would result in unacceptable (LOS E and F) operations at the 24th Street/Meadowview Road intersection during the a.m. and p.m. peak hours, respectively.**
- **Impact TR-27: Improved Cumulative Operations at the Franklin Boulevard/Mack Road Intersection. The No Build Alternative would result in unacceptable (LOS F) operations at the Franklin Boulevard/Mack Road intersection during the a.m. and p.m. peak hours.**
- **Impact TR-28: Increased Cumulative Peak Hour Traffic Volumes Entering the Franklin Boulevard/Cosumnes River Boulevard Intersection. The No Build Alternative would result in unacceptable (LOS F) operations at the Franklin Boulevard/Cosumnes River Boulevard intersection during the a.m. and p.m. peak hours.**
- **Impact TR-29: Increased Cumulative Peak Hour Traffic Volumes Entering the Center Parkway/Cosumnes River Boulevard Intersection. The No Build Alternative would result in unacceptable (LOS F) operations at the Center Parkway/Cosumnes River Boulevard intersection during the a.m. and p.m. peak hours.**

## **F. Statement of Overriding Considerations**

Pursuant to Guidelines section 15092, the City Council finds that in approving the Project it has eliminated or substantially lessened all significant and potentially significant effects of the Project on the environment where feasible, as shown in Section 2. The City Council further finds that it has balanced the economic, legal, social, technological, and other benefits of the Project against the remaining unavoidable environmental risks in determining whether to approve the Project and has determined that those benefits outweigh the unavoidable environmental risks and that those risks are acceptable. The City Council makes this statement of overriding considerations in accordance with section 15093 of the Guidelines in support of approval of the Project. The City finds that the significant, unavoidable adverse impacts identified in the EIR for the Project are outweighed by the following benefits of the Project:

The Project would provide the social benefits of improving route continuity, reducing existing and projected traffic congestion improving traffic safety, and redistributing traffic along I-5 at the interchanges, thereby reducing travel time and delay. Improved traffic operations would result in improved medical and emergency vehicle response times to several schools, medical facilities, and hospitals in the project area. The Project includes a grade-separated crossing of railroad tracks, which improves traffic safety. The Project provides economic benefits by improved mobility and traffic operations that make travel to and within the City for commerce more convenient and attractive.

- Section 3. Pursuant to CEQA section 21081.6 and CEQA Guidelines section 15091, and in support of its approval of the Project, the City Council adopts a Mitigation Monitoring Program to require all reasonably feasible mitigation measures be implemented by means of Project conditions, agreements, or other measures, as set forth in the Mitigation Monitoring Program.
- Section 4. Upon approval of the Project, the City's Environmental Planning Services shall file a notice of determination with the County Clerk of Sacramento County and, if the Project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to the provisions of CEQA section 21152.
- Section 5. Staff is directed to proceed with the final design phase for the roadway and interchange contained in Build Alternative A, subject to approval of the interchange and issuance of a Record of Decision by the FHWA.
- Section 6. Staff is directed to submit a copy of this resolution to the U.S. Department of Transportation Federal Highways Administration requesting issuance of

the Record of Decision for the Environmental Impact Statement for Build Alternative A.

**Table of Contents:**

- Exhibit A: Location Map: of I-5 Cosumnes River Boulevard Extension and Interchange Project (PN: TV76)
- Exhibit B: Mitigation Monitoring Program
- Exhibit C: Attachment A, Final Environmental Impact Report

Adopted by the City of Sacramento City Council on May 15, 2007 by the following vote:

Ayes: Councilmembers, Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters and Mayor Fargo.

Noes: None.

Abstain: None.

Absent: None.

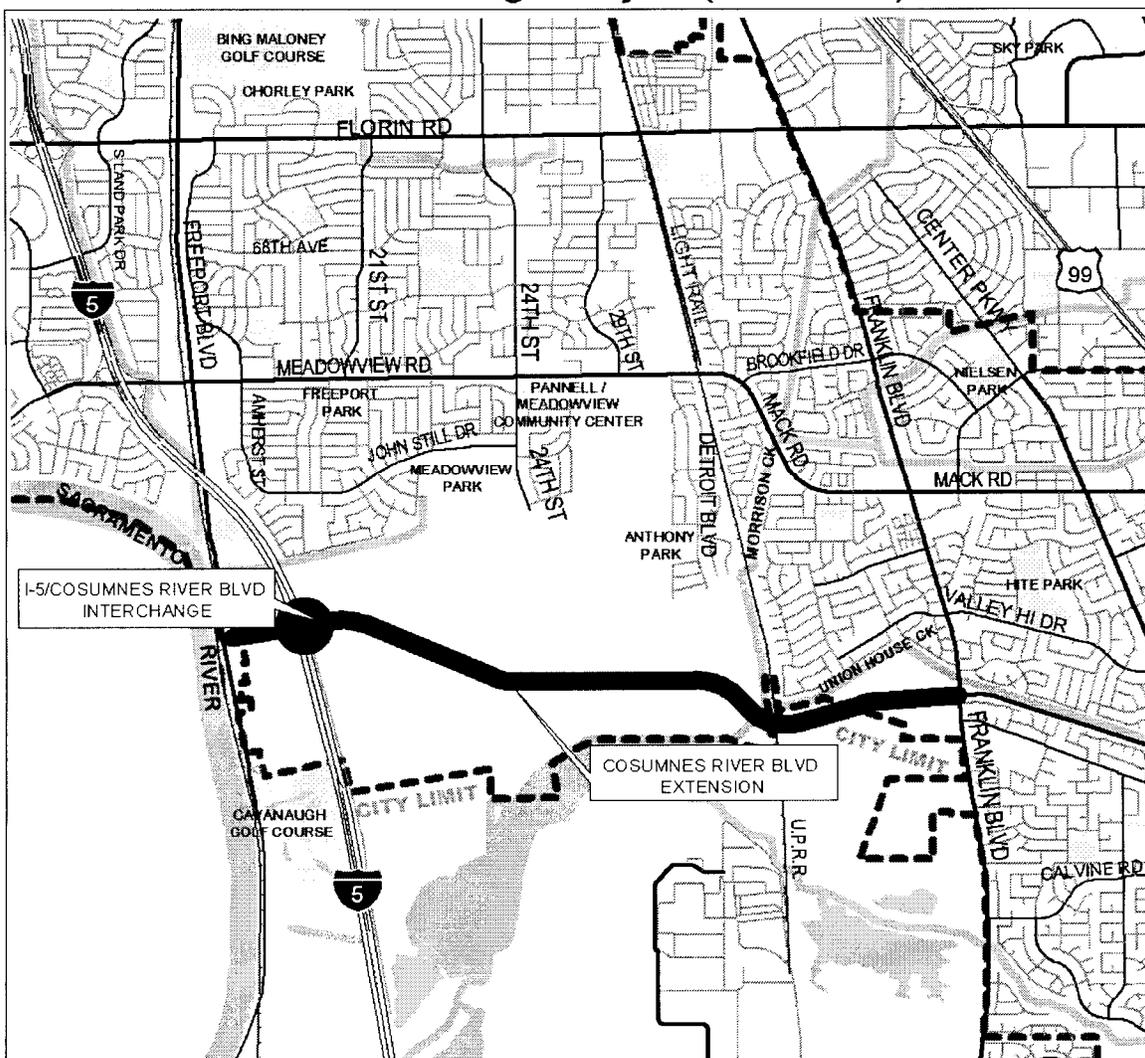
  
\_\_\_\_\_  
Mayor Heather Fargo

Attest:

  
\_\_\_\_\_  
Shirley Concolino, City Clerk

EXHIBIT A

Location Map for  
I-5/Cosumnes River Boulevard Extension  
and Interchange Project (PN: TV76)



Department of  
**TRANSPORTATION**  
City of Sacramento

Map Contact S Tobin  
Map Date: Apr, 2007

1000 0 1000 2000 Feet



**MITIGATION MONITORING PLAN**  
**Environmental Impact Report**

**Interstate 5/Cosumnes River Boulevard Interchange Project**

**Prepared by:**

Jennifer Hageman, Senior Planner  
Development Services Department  
Environmental Planning Services  
2101 Arena Boulevard  
Suite 200  
Sacramento, CA 95834  
(916) 808-5538

**Date:**

**April 16, 2007**

**Adopted By:**

City of Sacramento

**Attest:**

---

# MITIGATION MONITORING PLAN

## Environmental Impact Report

This Mitigation Monitoring Plan (MMP) has been required by and prepared by the City of Sacramento Development Services Department, Environmental Planning Services, 2101 Arena Blvd., Ste. 200, Sacramento, CA 95834, pursuant to CEQA Guidelines Section 21081.6.

### SECTION 1: PROJECT IDENTIFICATION

**Project Name:** Interstate 5/Cosumnes River Boulevard Interchange Project  
(Alternative A North Alignment)

**Applicant/Developer:** City of Sacramento

**City of Sacramento Contact:** Saed Hasan  
Department of Transportation  
915 I Street  
Sacramento, CA 95814  
(916) 808-7923

**Project Location:** Cosumnes Boulevard from Franklin Boulevard to Freeport Boulevard

**Project Components:** Extension of Cosumnes River Boulevard to a new interchange at I-5, then to an at-grade intersection with Freeport Boulevard

### SECTION 2: GENERAL INFORMATION

The Mitigation Monitoring Plan (MMP) includes mitigation for Water Quality, Transportation and Circulation, Biological Resources, Hazards, Noise, Public Services and Utilities, Aesthetics, and Cultural Resources. The intent of the MMP is to prescribe and enforce a means for properly and successfully implementing the mitigation measures as identified within the FEIR/EIS for this project. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this MMP shall be funded by the City. This Mitigation Monitoring Plan is designed to aid the City of Sacramento in its implementation and monitoring of mitigation measures adopted for the project.

The mitigation measures were taken verbatim from the FEIR/EIS and are assigned the same number they have in the document. The MMP describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for implementing and monitoring the actions. The City of Sacramento, along with other applicable local, State or federal agencies, will be responsible for fully understanding and effectively implementing the mitigation measures contained in this MMP to ensure compliance.

**MITIGATION MONITORING PLAN**  
**Interstate 5/Cosumnes River Boulevard Interchange Project**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing	Done (Initials /Date)
<p><b>Mitigation Measure HYD-1: Prepare and Implement a Drainage Plan for the Project</b></p> <p>Prior to project construction, the City or its contractor will prepare and implement a drainage plan for the project that will allow the estimated 4,000-cfs increase in runoff volume to pass with minor constrictions at culvert headways. The City will verify in construction plans that these designs have been included and will verify their proper installation concurrently with project construction.</p>	City of Sacramento	City of Sacramento	Prior to construction; During construction	
<p><b>Mitigation Measure HYD-2: Return Groundwater-Related Dewatering Effluent to Aquifer</b></p> <p>During dewatering, the City's contractor will return all dewatering effluent to the aquifer. The method by which this will be achieved will be at the contractor's discretion subject to City approval, but may include construction of infiltration basins. As a performance standard, all groundwater shall be returned to the aquifer. The City will review and approve all plans for this mitigation and perform monitoring during dewatering activities to verify that all groundwater returns to the aquifer.</p>	City of Sacramento	City of Sacramento	Prior to construction; During construction	
<p><b>Mitigation Measure WQ-1: Implement Measures to Maintain Groundwater Quality</b></p> <p>If an appreciable spill has occurred and results determine that project activities have adversely affected groundwater quality, a detailed analysis will be performed by a Registered Environmental Assessor to identify the likely cause of contamination. This analysis will conform to American Society for Testing and Materials standards, and include recommendations for reducing or eliminating the source or mechanisms of contamination. Based on this analysis, the City's contractor will select and implement measures to control contamination, with a performance standard that groundwater quality must be returned to baseline conditions. These measures will be subject to City approval.</p>	City of Sacramento	City of Sacramento	During construction; After construction	
<p><b>Mitigation Measure WQ-2: Incorporate Source and Treatment Controls in Design (project falls into greater or equal to 5 acres road surface category)</b></p> <p>To reduce or eliminate water quality effects from polluted runoff from project facilities, the City or its contractor, and/or any other party designated under the relocation agreement(s) between the City and SMUD, will implement multiple BMPs in areas with potential to drain to storm drainage systems or surface waters. As a performance</p>	City of Sacramento, and/or any other party designated under the relocation agreement(s) between the	City of Sacramento, and/or any other party designated under the relocation agreement(s) between the	Prior to construction; During construction	

**MITIGATION MONITORING PLAN**  
**Interstate 5/Cosumnes River Boulevard Interchange Project**

standard, these BMPs will be selected to achieve pollutant removal to the maximum extent practicable. The BMPs may include a combination of source control, structural improvements, and treatment systems. They may include but are not limited to the following.

City and  
SMUD

City and  
SMUD

1. Grass strips, high infiltration substrates, and grassy swales will be used where feasible to reduce runoff and provide initial stormwater treatment.
2. Small settling, treatment, or infiltration devices may be installed beneath paved areas to provide initial filtration before discharge into subsequent treatment systems or storm drainage systems.
3. Drains will discharge to natural surfaces or swales where possible to avoid excessive concentration and channelization of stormwater.
4. Permanent energy dissipaters for drainage outlets will be installed.
5. If necessary, retention or detention basins designed to provide effective water quality control will be installed. Basin features will include the following.
  - a. Retention time for settling of fine particles will be maximized.
  - b. Maintenance schedules will be established for periodic removal of sedimentation, excessive vegetation, and debris that may clog basin inlets and outlets.
  - c. The retention basin elevation will be maximized to allow the highest amount of infiltration and settling before discharge.

These BMPs shall be incorporated into project before finalization of design and issuance of a grading permit and shall comply with the City Stormwater Quality Design Standards. The City will notify its contractor or the other party designated under the relocation agreement(s) immediately if there is a noncompliance issue and will require compliance.

**Mitigation Measure AIR-1: Pay an Off-Site Fee to SMAQMD as Compensation for Construction-Related NOx Impacts**

City of  
Sacramento

City of  
Sacramento

The SMAQMD requires payment of a fee if construction-related impacts are over the SMAQMD's NOx threshold of significance. Since the project's construction-related NOx emissions would exceed the SMAQMD's 85 pounds per day threshold, the amount of the fee has been calculated as shown in the table in the FEIR. Prior to the approval of improvement plans or the issuance of grading permits, the City will pay the off-site air quality mitigation fee of \$265,888 to the SMAQMD, and insure that the construction air quality mitigation

**MITIGATION MONITORING PLAN**  
**Interstate 5/Cosumnes River Boulevard Interchange Project**

plan has been approved by the SMAQMD.

**Mitigation Measure TR-2: Widen the Eastbound Approach to the Freeport Boulevard/Meadowview Road Intersection To Provide One Additional Left-Turn Lane**

City of Sacramento  
 City of Sacramento  
 TBD

Existing plus project conditions indicate that the City of Sacramento needs to widen the eastbound approach to the Freeport Boulevard/Meadowview Road intersection to provide one additional left-turn lane. With this improvement the eastbound approach to the intersection would have two left-turn lanes, one through lane, and a shared through/right-turn lane and would be substantially consistent with City General Plan policies regarding level of service on streets and roads. Implementation of this mitigation measure would provide LOS D operations during the a.m. peak hour. Based on preliminary review of this improvement, there appears to be sufficient pavement width in the eastbound direction to shift the through lanes and free up space for the eastbound left turn lane via restriping and minor signal modifications (moving the detector loops). The estimated cost for this measure is approximately \$40,000 to \$80,000.

**Mitigation Measure WTL-1: Avoid or Minimize Indirect Impacts on Wetlands**

City of Sacramento  
 City of Sacramento  
 Prior to construction;  
 During construction

Orange construction barrier fencing will be installed to identify and help protect ESAs. The construction specifications will require that a qualified biologist identify sensitive biological habitat onsite and identify areas to avoid during construction. Sensitive biological habitat is identified as habitat and potential habitat for listed species (e.g., vernal pool fairy shrimp, vernal pool tadpole shrimp, mid-valley fairy shrimp, VELB, giant garter snake), as well as habitat for non-listed species (e.g., drainages, riparian vegetation, trees) as identified by the biologist. The ESAs will be identified by a qualified biologist on the construction drawings before bid documents are released. The following paragraph will be included in the construction specifications:

The Contractor's attention is directed to the areas designated as "Environmentally Sensitive Areas." These areas are protected, and no entry by the Contractor for any purpose will be allowed unless specifically authorized in writing by the City and Caltrans. The Contractor will take measures including giving written notice to employees and subcontractors to ensure that Contractor's forces do not enter or disturb these areas.

**MITIGATION MONITORING PLAN**  
**Interstate 5/Cosumnes River Boulevard Interchange Project**

Temporary fences around the ESAs will be installed as the first order of work. Temporary fencing will be 1.2 m (4 ft) high, commercial-quality woven polypropylene, orange in color, and will be installed around the following sensitive biological resources to be avoided:

1. Delineated wetlands within 76.2 m (250 ft) of the construction area
2. Delineated wetlands in the construction area (to be placed at the edge of the 30.5-m-wide [100-ft-wide] construction zone)

This fencing will protect existing resources and prevent encroachment by construction vehicles and personnel. The exact location of the fencing will be determined by a qualified biologist with the goal of protecting sensitive biological resources. The fencing will be tightly strung on posts with a maximum 3-m (10-ft) spacing. The fencing will be installed in a manner that prevents any equipment from extending the work area unnecessarily beyond the area necessary to complete the work. Temporary fences will be furnished and constructed, inspected weekly, maintained, and later removed, as shown on the plans, as specified in the special provisions, and as directed by the project engineer. The contractor shall prohibit any storage, parking, or construction staging within 76.2 m (250 ft) of avoided delineated wetlands.

**Mitigation Measure WTL-2: Compensate for Loss of Wetlands**

The City of Sacramento will purchase mitigation credits to compensate for the direct loss of seasonal emergent wetland and freshwater marsh/drainage habitat within the road footprint and indirect loss of freshwater marsh habitat within the bridge footprint. Compensation for the riparian component of these wetlands will include on-site tree planting (refer to section 3.18, "Vegetation").

Seasonal emergent wetland feature 2, freshwater marsh wetland features 3, 4, 6, and 8, and drainage feature 9 are minimally disturbed, relatively high functioning wetlands and will be mitigated at a 2:1 ratio. Seasonal emergent wetland feature 11 is located within actively cultivated agricultural land, supports minimal vegetation, and is subject to plowing on a regular basis. Due to the lower habitat value of wetland feature 11, it will be mitigated at a 1:1 ratio. Mitigation costs are estimated at approximately \$20,000 per acre at an approved mitigation bank. Based on the ratios described above and the impacts identified in Table 3.17-1, the cost of mitigation would range from approximately \$30,000 to \$35,000.

City of Sacramento	City of Sacramento	Prior to construction
-----------------------	-----------------------	--------------------------

## EXHIBIT C

**Interstate 5/Cosumnes River Boulevard Interchange Project Final Environmental Impact Report, 892 pages:** This document is available for review on the Development Services Department website at <http://www.cityofsacramento.org/dsd/about/planning/CurrentEnvironmentallImpactReportsProjects.cfm> and the City Clerk's Office.